

TRANSACTIONS
OF THE
INTERNATIONAL PENITENTIARY CONGRESS

HELD IN LONDON, JULY 3-13, 1872

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AT HOME AND ABROAD

BEING;

THE TRANSACTIONS

OF THE

INTERNATIONAL PENITENTIARY CONGRESS

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EDWIN PEARS, LL.B.

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P R E F A C E.



THE 'International Congress on the Prevention and Repression of Crime, including Penal and Reformatory Treatment,' was opened in the Hall of the Middle Temple by an address from the Right Hon. the Earl of Carnarvon on July 3rd last, and continued its sittings daily till the 13th of the same month.

The object of the Congress was declared to be 'to collect reliable prison statistics, to gather information, and to compare experience as to the working of different prison systems, and the effect of various systems of penal legislation; to compare the deterrent effects of various forms of punishment and treatment, and the methods adopted both for the repression and prevention of crime.' How far this object has been attained will be best seen by reference to the following pages.

The proposal to hold such a Congress came from the Government of the United States. That Government, having concluded that a conference on prison questions might usefully be held, made careful inquiries in order to learn whether Paris, Geneva, Berlin, or London would be the most suitable place for holding it, and finally selected London. A joint resolution was passed by the two Houses of Congress approving the proposal, and authorising the President to appoint a Commissioner. General Grant, in the exercise of this authority, placed the commission in the hands of Dr. Wines. Mr. Secretary Fish addressed a circular letter to each of the diplomatic representatives of the United States in Europe, requesting them to render such facilities and aid as they could in the prosecution of the object in view. Dr. Wines, in the execution of his commission, visited Europe in 1871, and his mission to its several Governments was everywhere favoured. To his indefatigable energy and continuous

industry the success of the Congress is in great part due. During his visit to England in November 1871, an English Committee was formed to aid in the preparations for the Congress. It included in its list persons belonging to all political parties. Lord Carnarvon was at its head. Its duties were confined to preparations in England for the Congress. Similar committees were formed in almost every other country. When the Congress met, most of these committees sent representatives, in addition to those who were officially commissioned by their Governments. The foreign members of the Congress thus consisted of official delegates and of private persons representing national committees.

The meeting differed in some important particulars from any which has preceded it. It was a gathering of experts from nearly every civilized nation on one special set of questions. Twenty-two States were officially represented, including every European nation except Portugal, together with the United States, Mexico, Brazil, and Chili; Victoria and other British colonies were either represented or supplied information. The official delegates were in almost every case prison officials of high and usually of the highest standing, and of the greatest authority on criminal questions in their respective countries. Thus there were present the director-generals of prisons of most European countries. Sixty representatives attended the Congress from the United States, including two judges of the Supreme Court, and a number of gentlemen who had had special experience in prison management, the prevention of crime, or the working of criminal jurisprudence. In addition to those actually concerned in prison or reformatory management, there were professors of criminal law, and members of the legislative assemblies of England, the United States, Germany, France, and Holland, who are devoting attention to the set of questions which came before the Congress.

Those invited to take part in the Congress by the English Committee were the representatives of benches of magistrates, of prisons, reformatories, prisoners' aid societies, or other public bodies. It was thus a gathering of persons, most of

whom were experts in the questions under discussion. Hence it was that the discussions in many instances brought into prominence a great variety of details rather than mere generalities of prison and reformatory management, about which most of those present were too well informed to be willing to spend time in discussion.

The arrangement of the programme for the Congress was made by an International Committee consisting of one representative from each nation represented. Of this Committee Mr. G. W. Hastings was unanimously appointed chairman. It was thought well by the International Committee not to occupy the time of the Congress by the reading of papers, but to leave such accounts as each country had prepared, together with the papers which had been contributed, and a full report of the discussions, for publication in the volume of Transactions. At the request of the International Committee, I undertook to edit this volume.

The International Committee gladly acknowledged the great obligations they were under to the English Committee for the work of preparation for the Congress. This Committee was presided over by the Right Hon. Sir Walter Crofton, C.B.

During the course of the Congress an interesting lecture was delivered on the life and labours of Howard by the Rev. Dr. Bellows, of New York.

The Congress was fortunate in having the hall of the Honourable Society of the Middle Temple as its place of meeting. No more suitable building could have been found. For permission to use it the English Committee was indebted to the kindness of the Treasurer, Sir Thomas Chambers, Q.C., M.P., and the benchers of the society.

The International Committee received during the Congress congratulatory addresses from the General Synod of the Reformed Church of France; from the Yearly Meeting of the 'Society of Friends' in America; and from the Reform League of New York. The latter two contained suggestions which were considered by the Committee.

At a *soirée* given by the English Committee to their foreign

visitors, H.R.H. the Prince of Wales expressed his interest in the work of the Congress by attending. The Right Hon. Austin H. Bruce, M.P., H.M. Secretary of State for the Home Department, took the opportunity of attending the Congress, and of giving an official welcome to the foreign visitors. His remarks are given on p. 530-2. The foreign members of the Congress are also indebted to Mr. Bruce for the fullest possible opportunities of visiting the various prisons in these kingdoms, and of making themselves acquainted with their working, opportunities of which most of the prominent foreign members gladly and systematically availed themselves during two or three weeks, and in some cases longer, after the Congress. The Congress terminated with a dinner given in the hall of the Middle Temple, at which all the foreign visitors were invited guests. At this the Right Hon. Sir John S. Pakington presided, and thereby added one more to many labours he had undergone to make the Congress a success.

It will, of course, be readily understood that neither the English nor the International Committee is responsible for any of the opinions expressed in these pages.

Of the present volume I have little to say, except to express my opinion that there has never been brought together such a mass of perfectly unique matter on all questions relating to prison discipline and treatment. It may fairly claim to be the most important contribution to this department of comparative criminal jurisprudence that has yet been made.

EDWIN PEARS.

1, ADAM STREET, ADELPHI, W.C.
November 25, 1872.

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TRANSACTIONS
OF THE
INTERNATIONAL CONGRESS
ON THE
PREVENTION AND REPRESSION OF CRIME,
INCLUDING
PENAL AND REFORMATORY TREATMENT,

LONDON, JULY 3 TO 13, 1872.

PART I.

THE READER is requested to note:—

1. That this part contains answers furnished officially by the governments of the respective countries whose names are appended to them, to a uniform set of questions submitted by the United States Commissioner.
2. That in the case of Denmark, Italy, the United States, and Saxony, a different arrangement has been adopted in consequence of a modification of the original form suggested in a circular letter from the United States National Committee.
3. That the order of arrangement of the countries is alphabetical, except that the smaller States of Germany are placed under the head of Germany.
4. That to save space the questions are printed separately, immediately following these memoranda, and instead of being repeated in the case of each country, the answers only will be given with numbers referring to the questions.

QUESTIONS

TO WHICH ANSWERS WERE REQUESTED BY EACH OF THE GOVERNMENTS
REPRESENTED AT THE CONGRESS.

1. Are all the prisons in your country placed under the control of a central authority? If so, does this authority absorb all the powers of administration, or does it share them with local authorities, and in what proportions?

2. What is the classification of your prisons ?
3. In what proportions are the cellular and associated systems of imprisonment applied in your country ?
4. What results have been obtained, severally, from these two systems ? Which of them do you prefer, and what are the grounds of your preference ?
5. From whence are the funds for the support of the prisons obtained ? What proportion of these funds are yielded by the labour of the prisoners ?
6. Who appoints the directors and other officers of the prisons, and what is their tenure of office ?
7. What special abilities and qualifications do you consider necessary in prison officers ? Are the qualifications judged requisite actually possessed by the greater part of these officers in your country ?
8. Have special schools been established in your country for the education of prison officers ? If such institutions do not exist, would you favour their establishment, and why ?
9. What pension is accorded to prison officers who have become incapacitated by age or otherwise to fulfil the duties of their office ?
10. What is the exact difference between sentences to imprisonment, to reclusion, and to hard labour ?
11. Does there exist in your prisons a system of classification of the prisoners ? If so, how is it applied, and what are its results ?
12. Can prisoners, by good conduct and industry, shorten their terms of imprisonment, and how is this reduction effected ?
13. Do your prisoners share in the earnings of their labour ? If so, in what proportion ?
14. What other rewards, if any, are employed to stimulate the zeal of the prisoners ?
15. What prison regulations are most frequently violated ?
16. What disciplinary punishments are employed in your prisons ?
17. Is an exact record kept of these punishments ?
18. Are chaplains provided in all your prisons, and for prisoners of all the different religions ?
19. What, in general, are the duties of the chaplains ?
20. What importance do you attach to religious instruction as a means of reforming prisoners ?

21. Are persons of both sexes, apart from the administration of the prisons, permitted to labour for the moral amelioration of the prisoners ?
22. Do Sunday-schools exist in your prisons ?
23. How often are your prisoners permitted to write and to receive letters ?
24. Is the correspondence of the prisoners with their friends found to produce, upon the former, a good or evil influence ?
25. Are the prisoners allowed to receive visits from their friends ?
26. How are these visits regulated ? Is there between the prisoner and the visitor an officer charged with listening to their conversations, or is such officer only employed to observe their persons without interfering with the privacy of the interview ?
27. Is the moral influence of these visits good or bad ?
28. What is the proportion of prisoners who are able to read at their commitment ?
29. Do schools for secular instruction exist in your prisons ?
30. On what conditions and in what proportions are prisoners permitted to attend these schools ?
31. What branches of learning are taught in the prison schools, and what progress is made therein ?
32. Are libraries found in your prisons ? What is the general character of the books composing them ?
33. Do prisoners read much ? What books do they prefer ? What influence does their reading exert upon them ?
34. Are your prisons provided with a good system of sewerage ?
35. How is the water-supply, as respects both quantity and quality ?
36. Are your prisons well ventilated ?
37. What means are provided to insure the cleanliness of the prisons ?
38. How is the cleanliness of the prisoners assured ?
39. How are the water-closets arranged ?
40. What system is adopted for lighting the dormitories and cells ?
41. How are your prisons heated ?
42. Of what material are the prisoners' beds made ?
43. What bedding is provided for them ?

44. What are the hours of labour, of recreation, and of sleep?
45. Where and how are the diseases of prisoners treated?
46. What diseases are most frequent?
47. What is the average proportion of the sick?
48. What is the average death-rate?
49. Is there a distinction made in your prisons between penal and industrial labour? What kinds of labour are adopted in the different prisons?
50. Is the deterrent effect of penal labour conspicuous, as shown by the diminished number of relapses?
51. What is found to be the moral effect of penal labour upon the prisoners?
52. What is the effect of penal labour upon the health of the prisoners?
53. Is industrial labour in your prisons conducted by contractors or directed by the administration itself?
54. Which of these two systems do you prefer?
55. If there are different systems of contracting for the labour of the prisoners, which do you prefer?
56. What proportion of your prisoners are ignorant of a trade at the time of their committal?
57. Do the prisoners learn a trade while in prison?
58. Is it regarded as important that the prisoner, during his incarceration, be taught the art of self-help, and how is this result sought to be attained?
59. Is the frequent repetition of short imprisonments for minor offences found to produce a good effect?
60. What is the proportion of recidivists (reconvicted offenders)?
61. Are recidivists sentenced to severer punishments than first offenders?
62. Does imprisonment for debt still exist in your country? If so, do imprisoned debtors receive the same treatment as imprisoned criminals?
63. What, in your opinion, are the principal causes of crime in your country?
64. In what proportion are the two sexes represented in your prisons?
65. Is the reformation of the prisoners made the primary aim in the prisons of your country?

66. As a matter of fact, do your prisoners in general leave the prison better or worse than they entered it?
67. Are efforts made to aid liberated prisoners in finding work, and thus saving them from a relapse? How is this done, and what results have been obtained?
68. Do prisoners' aid societies exist in your country? Are they numerous and active? What results have been accomplished by their labours?
69. Are you satisfied with the penitentiary system of your country? What defects, if any, do you find in it? What changes or modifications would you wish to see introduced?

*THE ACTUAL CONDITION OF THE PRISONS OF
VARIOUS COUNTRIES.*

AUSTRIA.

These answers relate to the Prisons of all the States represented in the Austrian Reichsrath.

1. All the prisons of Austria are under the jurisdiction of the Ministry of Justice, which, however, shares its power of administration with local and intermediate (mittal) authorities in such a manner that all matters of minor importance, which are also the most numerous, are attended to by the local, and the more important by the intermediate authorities, whilst only the most important are submitted to the Ministry of Justice for decision. The *local* authorities of each prison consist of the directors, and of the official district-attorneys (*Staatsanwälte*), and district judges who aid them in their local inspections. The intermediate (*Mittelbehörden*) authorities consist of the higher district-attorneys (*Oberstaatsanwälte*), of the higher district courts in whose district the prisons are situated. For the prisons of the supreme courts, the directors of the courts act as local, and the presidents of the respective upper district courts as intermediate authorities. In prisons where the cellular system is used, the inspection is made by commissions created in accordance with an Act passed on April 1st, 1872, consisting of the president of the nearest supreme court district-attorney (*Staatsanwälte*), a judicial councillor, and two persons not in the service of the State. This commission has to visit

the cellular prison at least once a month, and its orders can only be interfered with by the Ministry of Justice.

The Ministry of Justice, as the central authority over all prisons, is by law empowered to appoint an official from its office as the representative of the Minister of Justice, and to entrust him with the supervision and guidance of all prisons. Since July 1867, however, an Inspector General of Prisons has been appointed.

2. The prisons are divided thus: (a) Prisons for persons sentenced to more than one year of imprisonment. (b) Prisons for persons sentenced to less than one year, which are also used for persons convicted of lighter offences. (c) Prisons of the district courts for minor offences. Separate prisons are used for men and for women.

On the 31st of December 1871, there were in the twelve prisons for men, of class (a) 8,881 prisoners, and in the six prisons for women, 1,539 prisoners. In the sixty-two prisons of class (b) there were 6,405 men, 698 women. The number of prisoners in the prisons of class (c) of the criminal courts is not published.

3. Till quite lately only the associated system of imprisonment existed. The existing law of May 27, 1852, still allows the use of the cell as an additional punishment. But a proposal laid before the Reichsrath by the government in the year 1867 for a new criminal law contained the proposal that all punishments of every kind, so far as the existing buildings would permit, should be carried out on the cellular system. This was adopted by the House of Deputies of the Reichsrath on July 19, 1867. All new buildings since that time have been arranged in such a manner that associated imprisonment might be combined with cellular; so that, leaving out short imprisonments, which might be undergone entirely in cells, every prisoner should as a rule spend the first part of his imprisonment, a period of at least eight months, in a cell; the rest of his imprisonment being carried out on the collective system, regard being had to a strict classification, and to gradually bettering his treatment and preparing him for liberty.

There are at present at Gratz, in a prison with room for 400 prisoners on the collective system, 250 cells.

A second cellular prison is being built at Stein. This will have room for 800 men on the collective system, and 348 cells.

will be built; a third cellular prison is being made for 63 prisoners at the penal establishment of Karthaus. Lastly, there will shortly be commenced the building of a new prison for males at Pilsen, which is to hold 378 cells, and have room for 456 prisoners on the collective system.

Of the prisoners belonging to class (b) only that of the court of Cilli has been furnished with 50 cells.

From this it will be seen that the cellular system has been employed only on a small scale. In prisons mentioned above, however, one-third of the prisoners will pass the whole of their term in the cells, whilst the other two-thirds will pass at least the first eight months of their sentences there.

In accordance with the spirit of this arrangement cellular imprisonment was regulated by the law of April 1st, which amongst other matters limits the duration of it to three years, excludes imprisonment for life from the cellular system, and fixes the reckoning of cellular and collective imprisonments in such manner, that as soon as a prisoner has passed three months uninterruptedly in isolation any two days passed after that entirely in a cell are to be counted as three in the term of his sentence.

4. Our experience is that collective imprisonment prevents individual treatment, and therefore also the improvement of prisoners, nay, that it makes a great number of convicts worse instead of better. This is especially the case in country prisons, where almost all the prisons are very old, and constructed with large bed and workrooms. It is more difficult to keep up a strict discipline, and to carry out sanitary arrangements under the collective system than under the cellular. Although as yet the experience gathered regarding cellular imprisonment in Austria is small, yet it cannot be denied that it is free from the above-named objections.

On the other hand, the isolated system has this disadvantage, that it breaks the prisoner's will and makes him weak-willed, especially during a long term of confinement. It thus unfits him for withstanding successfully the temptations surrounding him on his return to society. Difference of culture also gives a wide difference of result with the cellular system, and many men are utterly unfitted for isolation. Considering these facts, and the difficulty of erecting within a short time so many new cell-

prisons, the Government thought it wise to choose a middle course, and to combine the two systems.

5. The funds for the support of the prisoners come from the State. Here and there, however, there exist small endowments in land or money, revenues of which are applied for that purpose. In Vienna there exists an old arrangement, by which all theatres and exhibitions must contribute an annual fixed sum, of which half is paid for poor relief, and the other half to the prison funds of the province of Lower Austria. The prisoners are by law obliged to pay the actual cost of their keep out of their own property. That part which goes to the State is set off against the amount received for prison labour. In the year 1869, the sum paid to the State as the product of prison labour only amounted to the fifteenth part of the sum spent on prisons by the Government.

6. The Ministry of Justice appoints the direction of the prisons for men, the inspectors of the prisons for women, the superintendent of the financial department of the prison, the book-keeper, chaplain and doctors.

The appointment of officers, teachers, and inspectors of subordinate officers and warders depends upon whether the prison belongs to class (b) or to class (a). In the former case it is the district attorney, in the latter the president of court who appoints. Wardens are appointed by the local authorities.

The tenure of office is, as with all servants of the State, without limit.

7. Prison officers, besides a technical knowledge of their special administration, should possess a good general education, have experience of life, knowledge of human character, firmness, and a serious and humane spirit. The greater number of the officers employed at the present time in Austria are men of this character.

8. Special training-schools for prison officers do not exist in Austria. They might be so far dispensed with as the above-mentioned capabilities and characteristics can scarcely be acquired in any special school, but are rather the result of a general education and experience in the school of life. So far as regards the necessary experience for a prison officer, it may be acquired by a practical temporary service in a prison. As in every larger prison there are one or more officers who before

their promotion to posts where independent action is required, have had opportunities to make themselves acquainted with the prison service, there will always be opportunities of filling the higher offices with practically trained men.

9. The directors and officers of State prisons receive when incapacitated the same pensions as the other servants of the State. These pensions are: After more than ten years of service one-third, twenty years, one-half, thirty years, two-thirds, forty years, the whole of their last salary.

If an officer before serving ten years becomes incapacitated, he receives once for all a sum of money equal to his last year's salary. If he has become incapacitated by the service, as if he become insane or blind, he receives a pension of one quarter or more, according to circumstances, of his last year's salary.

10. Sentences of imprisonment are divided into (a) simple or strict imprisonment for serious offences, (b) simple or strict detention for less serious offences.

The punishment of imprisonment consists of the prisoner being obliged to conform, in respect to clothing and food, to the rules and regulations of the prison, and doing work allotted him. Only political criminals are absolved from compulsory labour and from wearing prison clothes, which last favour is also granted to persons who suffer simple imprisonment.

By the punishment of strict detention, which corresponds probably to ordinary imprisonment of other countries, the prisoner is indeed treated, in respect of food and labour, according to the regulations of the prison, but he is not only excused from wearing the prison dress, but the work given him is of a light description.

Simple detention arrest, lastly, means merely the locking up of the prisoner, who has the right to pay for his own food and choose his own occupation.

11. In all prisons where the collective system is followed, there exists in the dormitories a classification of prisoners. For this division, which should be extended to the time and place where the prisoners take their exercise, the guide to be followed is age, education, state of mind, former life, and the kind of crime committed. Youthful criminals, in particular, should not be made worse by contact with older and hardened convicts. Educated prisoners should not be thrown together

with low and rough fellows. The success of this arrangement has hitherto been almost a negative one because it has rather shown the evil consequences of the collective system than positive results of improvement.

12. Prisoners can by good behaviour and industry only so far contribute to a shortening of their terms of imprisonment as they would thereby furnish reasons for being leniently dealt with.

According to Austrian custom, a number of prisoners who have undergone the greater part of their terms of imprisonment and have given solid proofs of their improvement, are recommended periodically for pardon to the emperor.

13. The prisoners receive a share of what is earned by their work. In cases of private contracts all costs and expenses are deducted from the sum received, and of the rest the prisoners receive one half as their share.

In work for the account of the prison, the prisoners receive a share according to a fixed tariff, which share amounts to about the same as that for private contract. An increase in their share can only be procured when the quantity of the work increases greatly, or when contractors, on account of the special quality of some of the prisoners' work, deposit a premium with the prison direction. All this refers only to prisons on the collective system. In the prison of Gratz, in which the cellular confinement is partly used, and where each prisoner has his daily fixed work prescribed, the progressive system has been introduced, the prisoner, according to the measure of his industry, and regard being had to the class to which he belongs, having a sum of from two to six Kreuzer written to his credit for every satisfactory day's work, and at the end of the month so much more as is the value of work done over and above what is prescribed.

14. Besides the above-mentioned rewards or earnings, the prisoners are permitted, in order to stimulate their industry, to spend one-half of what stands written to their credit (though never more than from sixty Kreuzer to one florin twenty Kreuzer per week) in buying such articles of consumption as milk, coffee, wheaten bread, cold meat, ham, wine, beer, or tobacco, or they may spend it in support of their family, or lay it out in buying such clothes as they will want when leaving the prison. These arrangements have hitherto worked well.

15. The most frequent violations of prison rules are disobedience or rude behaviour towards the prison officers, infractions of their duties towards their fellow-prisoners, and refusal of or negligence in work.

16. The disciplinary punishments employed are: (a) A rebuke, either in private or before the other prisoners; (b) The giving of work either disagreeable, heavy, or such for which the pay is small; (c) Temporary privation of favours, such as the buying of extra food, withdrawing permission to correspond, etc., etc.; (d) A diet of bread and water. This, however, is not given oftener than on three alternate days in the week; (e) irons; this, however, is only done in the case of a particularly obstinate and violent prisoner, or one who incites others, or who has made an attempt or preparations for flight. This punishment is only employed when cases of great necessity require it; (f) Hard bed, that is, sacking instead of a straw mattress, or bare boards; not oftener, however, than on three alternate days of the week; (g) Imprisonment in a cell with proper employment, and at least two visits every day from a prison officer. This punishment does not extend over a month, and a month also must elapse before the same prisoner may receive this punishment again; (h) Confinement in a dark cell for a period not exceeding three days. A week must elapse before the same prisoner can be put again into the dark cell. A prisoner may only undergo this punishment fourteen days in the year; (i) Removal into another part of the prison.

Besides these punishments the director of the prison may order the isolated confinement of any prisoner where it may seem to him absolutely necessary, either on account of a prisoner exhibiting great cunning, great moral degradation, or jeopardising physically or morally the other prisoners. For a crime committed in prison the offender is sent before the country or district court of justice. The disciplinary power over prisoners from the criminal courts (*gerichtliche*), is exercised by the president of the court. He is by law empowered to punish prisoners violating the rules of the house by putting them in chains, stopping their food, ordering the hard bed, isolated confinement, or dark cell. These punishments can, however, only be inflicted under similar restrictions to those just mentioned.

17. Not only are exact records kept of these punishments, but they are also entered in the memorandum reserved for each prisoner.

18. In the prisons of all kinds, chaplains and teachers of religion are provided for every denomination, of which there are a great number, among the prisoners. As by far the greater number of these belong to the Roman Catholic faith, one, or according to circumstances, more Roman Catholic chaplains are attached to each prison. If there are a great number of Greek Catholics, or Protestants, chaplains of these faiths are appointed. If the number of prisoners of any particular denomination does not amount to more than fifty, they are under the care of ministers who are not appointed as chaplains, but who periodically visit the prisons.

19. The duties of the chaplains are : to hold divine service, to administer the Sacrament, to give religious instruction, and through the awakening of the moral sense to aim at reformation. For this purpose they are bound not only to see the prisoners at church or school, but to have intercourse with them at other times, to influence them, to guide their reading, and to strengthen them by advice and spiritual counsel when they leave the prison.

20. Religious instruction is with the greatest number of prisoners the most effective, if not the only means, to make them acquainted with the principles of morality, and to rescue them from a state of moral degradation.

Many prisoners have, through crime and its consequences, lost heart, and have fallen into despondency and even despair, which renders them incapable of raising themselves by their own exertion. This depressed state of mind renders the prisoner callous to everything. With these unfortunates religion alone is capable of reconciling them to God and the world. It alone is capable of banishing that loss of all hope which has driven so many a criminal to continue his course of crime. Religious instruction is therefore indispensable for the improvement of prisoners.

21. Persons unconnected with the prisons (volunteers), were formerly not admitted. But the law of April 1st, 1872, permits members of such societies as occupy themselves with the care and improvement of prisoners to visit the cell-prisons.

22. Sunday-schools may be said to exist only so far as in most prisons on all Sundays and Church festivals, popular lectures are delivered on various subjects of general interest, at which the prisoners in turn are present.

23. With the permission of the prison director, the prisoners may at certain times write to their friends and receive letters from them. Every such letter is examined by the director, and must be countersigned by him.

24. The effect of correspondence upon the prisoner has almost always been good. It maintains the relations still existing between himself and his family and friends, and counteracts the evil influences arising from the society of his fellow-prisoners. For many prisoners, especially for those suffering isolated confinement, correspondence with their friends is almost their only comfort.

25. Prisoners may, with the consent of the governor, receive from time to time visits from their families or friends, if these stand in good repute, and if there be otherwise no objection to their seeing each other.

26. These visits take place in the conversation room, and always in the presence of an official. Sick prisoners may exceptionally be visited in the infirmary or in their cells. In every case the conversation must be carried on in a language understood by the official present, and only on such subjects as the latter thinks fit. Visits must never last longer than half an hour.

27. The moral effect of these visits is generally good. The same conditions exist as in the case of correspondence.

28. Taking the prisons generally, the number of prisoners able to read on their entrance into prison were :—

	per cent.	per cent.
In 1868	men, 58·5	women, 49·0
In 1869	65·5	„ 51·5
In 1870	62·0	„ 50·0
Average	62·06	50·16

Taking the prisons of each country during the same period, the numbers are as follows :—

	per cent.	per cent.
Austria	men, 85·4	women, 77·6
Bohemia	79·4	49·6

	per cent. men,	per cent. women,
Moravia and Silesia	80.1	63.7
Styria	57.9	37.8
Carinthia	57.5	
Seacoast country, South Tyrol, and Dalmatia	36.5	
Galiccia	9.6	4.8

29. All prisons are, as a rule, provided with schools.

30. All prisoners of an age in which instruction may be received, and who have no or only a defective knowledge of the subjects taught in the National Schools, are bound to attend school. As the limit of the time up to which instruction can be imparted, the thirty-fifth year is named.

31. The subjects taught are :—

Religion, reading, writing, and arithmetic, composition, the elements of natural history and physics, of geography and history, drawing and geometry. The last two subjects, however, are only taught in prisons in which advanced pupils are found, who are particularly fitted for receiving such instruction. Besides this, in all the prisons for men, regular instruction in vocal and instrumental music is given, but only to such prisoners as possess musical gifts, and who, on account of their good behaviour, have received permission to attend these classes. The progress made in the schools is, on the whole, satisfactory, as 50 per cent. go through the course with perfect success, 25 per cent. with partial, and only 25 per cent. leave school and prison without having attained any proficiency.

32. Libraries have existed in the prisons only during the last few years. The works selected are, besides those of a religious character, popular works on history, geography, natural history and physics, husbandry, technical subjects and political economy; books of an entertaining and instructive character, as biographies of celebrated men, accounts of travels, description of customs and manners, and moral tales.

33. The use of the library is constantly increasing. Those who are able to read receive books for themselves; for those in collective confinement who are unable to read, readers are appointed. Preference is generally given to tales, travels, and biographical sketches. Only prisoners of some education ask for books of a higher standard. The influence of this reading is exceedingly good, not only because the keeping of order and

quietness is thereby greatly assisted, but because the mind of the reader is withdrawn from his everyday life, directed to new objects, stirred to higher and better thoughts, and thereby unconsciously ennobled.

34. The system of drainage gives only in very few prisons occasion for complaint. If there are certain failings in this matter, these occur only in old buildings not originally designed for prisons.

35. The quantity of water supplied differs according to the individuality of the prisoner and the season. In the cellular prison each prison has every day three supplies of fresh water for drinking, each supply being one Austrian measure (=1.4151 litre). The quality of the water is nearly everywhere good. In the southern countries the water during the hot season is not quite so good as might be wished, as many prisons there draw their whole supply from cisterns. In these the prisoners receive for the improvement of the water a certain quantity of vinegar.

36. Most of the prisons are well ventilated.

37. In order to keep the rooms clean, they are thoroughly cleansed and painted every year. The rooms and corridors where the prisoners assemble are daily cleaned, and the floors scrubbed with sand and water at least once a month. The cleansing and disinfecting of water-closets takes place every day.

38. The prisoners on rising have to wash their faces and hands, comb their hair, and brush their clothes. Prisoners who have to do dirty work must wash their hands and face as often as is necessary. The body-linen is changed every Saturday night or Sunday morning, at which time too the prisoners have to clean their boots thoroughly and grease them. The cleaning of clothes and bedding takes place while the prisoners are taking their exercise. The bed-linen is changed once a month. The prisoners also take baths from time to time—they must have at least four during the year.

39. Prisons under the collective system are furnished with portable closets, which are placed behind a boarding in the prison-room, or between the double doors of the entrance, and when they are to be cleaned must be taken through the

prison-room. Only where the work-rooms are very large there are closets placed in the immediate neighbourhood of these rooms. Under the cellular arrangement each cell has a closet, which stands under a ventilator reaching over the roof. This closet can be drawn into the cell and pushed out again for cleansing purposes through a door.

40. The dormitories and cells are lighted either by gas or oil; most of them by the latter.

41. The heating of the prison-room is done partly by iron stoves, partly by hot air. All cell prisons are heated by air, with an arrangement which prevents the air from being deprived of the necessary quantity of moisture.

42 and 43. The bed of a prisoner in health consists of a straw sack or straw mattress, a pillow stuffed with straw or African forest-hair (*grain d'Afrique*), of a single, or when season or climate requires it, double blanket and two sheets. The sick prisoners have the same beds as the others, but the linen is finer, and besides the blanket the patient receives a cotton coverlet sewn in linen. The bedsteads are mostly of wood, though in some prisons they are of iron.

44. The prisoners rise on Sundays and holidays at six o'clock, on other days at five during the warmer, but at 5.30 during the colder season, and retire every evening at eight. The fourteen and a half or fifteen hours for work, etc., are spent thus: one hour and a half for religious service, and walking in the open air, two hours and a half for meals and rest in the prison-rooms or corridors, ten and a half or eleven hours for work. Prisoners who visit the school spend in it two hours of the time given to work on the days when there is school.

45. Sick prisoners are taken to the infirmary of the prison, and there cared for according to the instructions of the doctor. The latter is guided in his orders by the rules and regulations of the prison which concern sick prisoners, but in cases where it becomes necessary he has the right to order such medicines and articles of consumption as he deems fit to prescribe. The nursing of the sick is confided to prisoners who show themselves worthy and fit for such confidence. These nurses are placed under the control of the officer of the infirmary. Prisoners who only suffer from temporary ailments may, if the doctor thinks it right, be treated in the place they generally

live in. Prisoners suffering from insanity are taken to the public lunatic asylum.

46. The diseases most prevalent among prisoners are those of the respiratory and digestive organs, and diseases of the skin and of the cellular textures. During the years 1868, 69 and 70, the sick suffered at an average from the following diseases:—

	per cent.	per cent.
Respiratory organs	men, 22·7	women, 35·5
Digestive organs	„ 21·2	17·9
Skin diseases, and diseases of Cellular Texture	17·3	11·6

Included among the diseases of the skin and of the cellular textures is scurvy, which, however, only makes its appearance in the prisons for men, and was at the rate of 9·2 per cent. of all diseases.

47. The average number of sick during the year 1870 and 1871, was as follows: In prisons of class (a) 5·8 per cent. of men, 6·2 per cent. of women; of class (b) 5·8 per cent. of men, 9·8 per cent. of women.

48. During the last two years the cases of death were as follows: (a) In the ordinary prisons, class (a) 3·3 per cent. of men, or 33 per thousand; 3·8 per cent. of women, or 38 per thousand. (b) In the prisons of the supreme courts, class (b) 0·71 per cent. of men, or 71 per thousand; 0·35 per cent. of women, or 35 per thousand. The great difference here can only be explained by the fact that in the prisons of class (b) the duration of imprisonment is only a short one, being never more than one year.

49. Included among disciplinary punishments is the giving of disagreeable and difficult work, or work for which the pay is very small. Penal labour, *per se*, does not exist. The kind of labour most generally followed in the prison varies greatly, and includes shoemaking, tailoring, weaving, carpentering, bookbinding, smith's work, coopering, the making of buttons, gold frames, memorandum and account books, braid-making, wood-carving, sewing of gloves, oakum-picking, stone-breaking, sewing, knitting, embroidery, spinning, quill (pen) making, etc., etc. The four last kinds of labour are mostly pursued by the women. Beside the work performed within the prison walls, prisoners who desire it, and are sufficiently trusted, are also

employed in open-air work, in the field and garden as masons and bricklayers, as workmen at the making of railways and of streets, as stonebreakers, etc. Latterly, the prisoners of the supreme courts are very much employed in work out of doors, and with beneficial effects in two ways. First, because these prisoners, of whom the greater part are serving their first sentence, are thereby saved from the evil effects of the collective system of imprisonment, and secondly their health suffers less, and therefore also their power of production when at work is greater. As has been mentioned already, all the housework is done by prisoners.

50, 51, and 52. These cannot be answered for reasons given under answer to question 49.

53. Where suitable contractors for prison labour are found the work is managed by them; in all other cases the prison direction conducts it on behalf of the State.

54. According to the experience had in Austria contractors' work is to be preferred, for it preserves the State from great loss and damage, which are unavoidable when the work is carried on by officials, and it enables these officials to devote themselves entirely to their proper duty, that is, the taking cognisance of the individual while carrying out the punishment, which they cannot do properly when they have to pay attention to the success of the prison labour. With this system in operation, prisoners after leaving the prison find it much easier to procure employment than they would had they worked on account of the State. Their technical advancement is furthered more by contractors than by State officials. One disadvantage of contractors' work is, that the prisoners thereby are brought more into contact with persons from without than is desirable. But this disadvantage may be reduced to a minimum by a careful selection both of contractors, foremen and workmen.

55. The contracts are made either by private arrangement or by tender. In the latter case contractors are invited by advertisement to send in their offers. Although it is true that by such competition a better price is obtained for prison work than by making private contracts, yet even leaving out the fact that invitations for tenders remain sometimes without any result, the direction of any prison is by these public contracts ex-

tremely limited in the choice of persons, and thus obliged to disregard important points in prison discipline. For this reason private contracts are to be preferred.

56. The number of prisoners who at the time of their committal were ignorant of any trade were in class (a) during the last three years—men, 8.1 per cent; women, 23.8 per cent. As regards the other prisons, we have no statistics.

57. Every prisoner ignorant of a trade learns one in prison, if the length of his term makes this possible; in the prisons of the supreme courts, class (b), where the terms are short, the results are small. The average number of prisoners that have acquired the knowledge of a trade of which they were ignorant when they entered the prison, has been—men, 13.3 per cent.; women, 35.0 per cent.

58. In the Austrian prisons attention is paid to instructing the prisoner to judge of his own capability, that he may learn to value it, and thereby to earn an honest living. For this purpose he is not only taught the worth of an honest life, but he is practically taught how to work, and rewarded for industry by wages.

59. Frequent repetition of short imprisonments are not desirable. They blind the feelings of the person both as regards the punishment itself, and the degradation connected with it, accustom him to the society of the lazy vagabonds who, for the most part, fill the prisons for small offences, separate him more and more from honest people, and only conduce to make him a confirmed criminal.

60. The average number of re-convicted persons during the years 1868-70 in persons of class (a) were—men, 58.7 per cent.; women, 54 per cent. From the other prisons we have no statistics.

61. Former conviction being an aggravating circumstance according to Austrian law, the judge is obliged to give a severer sentence to the offender than to a person never punished before. This is so even though the crime or offence be of a different class. A thief who has already been punished twice is to be treated as a felon, when the value of the object stolen or attempted to be stolen, is more than five florins. In the prisons re-convicted persons have not, as a rule, to undergo a more severe disciplinary treatment than those condemned for

the first time. In the prison of Grätz, however, where the gradual system exists, those re-convicted persons who have suffered imprisonment for offences against property in an Austrian prison and are within a period of ten years therefrom sent again to prison for a similar offence, are placed in the lowest class (where the hardest treatment is used) for half their term of sentence, in the second for one quarter, and the last also for one quarter, whilst every other prisoner is placed in each class for one-third of his term.

62. Imprisonment for debt was abolished by law on May 4th, 1868, and only a precautionary arrest can take place when the debtor, whilst the action is pending, is accused of an attempt to escape. Such an arrest is merely a deprivation of liberty, and the prisoner is allowed such advantages as are consistent with simple arrest.

63. As principal causes of crime in Austria may be named beside dislike to work and the desire for luxuries and license, in the country want of education as well as the poverty so closely allied to ignorance.

64. Male prisoners of class (*a*) are to female prisoners as 5·1 are to 1; in the prisons of class (*b*) they are as 5·9 to 1.

65. The intention of imprisonment is to make the prisoners suffer that punishment to which they by law have been condemned as an expiation of their crime, and also to lead them back into the path of a law-obeying and honest life. The reformation of the prisoner is therefore not the only, although an important object.

66. Having regard to the fact, that till quite lately all prisons in Austria were conducted on the system of collective imprisonment, and that even great difficulty was experienced in properly classifying the prisoners on account of the want of proper accommodation, it is a sad fact that the efforts for the improvement of prisoners have not been attended with good effect. If it cannot be exactly said that the prisoners on their liberation are worse than when they entered, yet there are no proofs to confirm the contrary, especially as the number of re-convictions has continued to be about the same.

67. The hitherto existing arrangements to procure work for liberated prisoners are limited to this: that those who have learnt a trade in the prison receive a letter stating that they

have done so, and those who have shown themselves particularly attentive, a testimonial to that effect. In particular cases steps are taken on the part of the officials to procure work for those prisoners whose conduct has been exemplary, and who have given proofs of firmness. The results, however, have been too isolated for us to be able to give statistics.

68. There is only one Liberated Prisoners' Aid Society, and this exists in Vienna. All efforts on the part of the prison directors to call into existence similar societies elsewhere have been unsuccessful. The want of success which showed itself formerly in the working of these societies has caused others already existing to fail. The Society in Vienna limits its operation to supporting liberated prisoners till they have found occupation, by means of money, clothes, tools, etc.

69. The food of the prisoners is as a rule sufficient in quantity and good in quality. It is true that the weekly quantity of meat (8 ounces or 140 grammes of boiled beef) is not large. As, however, the prisoner is permitted to buy extras with the half of his wages to the value of from 1 florin to 1 florin 20 Kreuzer, therefore also meat, so the prisoners have the opportunity, if industrious, of increasing the quantity of meat allowed to them by the regulations. However, it is desirable—(1) that the morning's soup should be introduced into all prisons, and not only for the sake of uniformity but for sanitary reasons. (2). That the extent of extras should be lower, the meat rations, however, to be at least doubled, so that it should not be left to the will of the prisoner whether he will improve the prison rations. The system of imprisonment as it exists in Austria suffers from the fact that there is too great a uniformity in the punishment, and that there is not a prison for each kind of punishment. This interferes with the effect of the various kinds of punishment, especially with those of a strict character. To remedy this it would be desirable (*a*) To lessen the various kinds of punishment and, if possible, to reduce them to three: 1. Penal servitude or forced labour, or isolated prison. 2. Imprisonment. 3. Simple detention. (*b*) That every one of these punishments be characterised by striking differences both in the keep and treatment of the prisoner. (*c*) That every kind of punishment be undergone in a different prison.

BELGIUM.

1. All the prisons of Belgium are under the jurisdiction of the minister of justice. The penitentiary of Louvain has a commission charged with the inspection and supervision of that establishment. There are also commissions charged with the general supervision of the other prisons, and constituting administrative boards, invested with the right of investigating and redressing abuses, of proposing and introducing reforms to the advantage of the service, of granting to the *employés* leave of absence for five days, and of imposing upon them certain disciplinary punishments.

2. Near the tribunals of primary jurisdiction are houses of arrest for prisoners awaiting examination; near the courts of justice, for prisoners awaiting trial; near every court-martial there is a provostal prison for military prisoners awaiting examination or trial. In all the houses of arrest are found apartments for the punishment of convicts not sentenced to the central prisons. Juveniles of both sexes acquitted as having acted without knowledge, and placed under the care of the Government for a definite period, are sent to houses of refuge.

3. Of the twenty-six prisons in the kingdom, eighteen are conducted upon the cellular system, not including two cellular wards in the city of Brussels and in the central prison of Ghent. Of the six congregate prisons, four are undergoing alterations to adapt them to the system of separate imprisonment.

4. For answer to the fourth question, which calls for the results obtained by these two systems, the reply of the Government refers to a report made to the minister of justice by the administrator of prisons on December 31st, 1869 (see in a later page an abstract of this report). The writer of the official reply having made this reference, goes on to say: The Belgian Legislature has given its preference to the cellular system, because it renders repression more efficacious, and because the reformation of the convict is thereby better assured.

5. The funds needed for the support of the prisons are derived from the same source as the funds required for the other departments of the public service. The cost of each

day's support is counted in gross, without taking account of the product of the prison labour, which is turned over to the treasury.

6. The appointment of the directors and assistant directors is by royal decree. The other functionaries and *employés* of the prison are named by the minister of justice. There is no limit to the tenure of office: it belongs to the Government to judge whether the functionary ought to be retained or dismissed.

7. The chief of a penitentiary establishment ought to be thoroughly acquainted with all the machinery of the service, whether relating to the moral, disciplinary, economic, or industrial administration. He should be able to conduct the government and discipline of the prison without extraneous aid, and to understand that the care which he is obliged to give to the material part of his establishment ought not to be to the prejudice of the zeal due from him to the moral part; and he should possess in a high degree the attribute of probity. The director of a cellular prison, and especially of a penal cellular prison, has, so to speak, the charge of souls. He must be, at the same time, good, just, firm, intelligent, conciliatory; he must comprehend the whole extent of his duties; he must know men, and particularly criminals; he must be able to command respect and to secure submission to his authority from all without opposition. Above all, he must be animated by sentiments profoundly religious, for Christian devotion alone can sustain him in the path of his duty and give him the force and the perseverance necessary to overcome the obstacles which cannot fail to obstruct his progress. The keepers are moral agents; they must, like all the other members of the staff, offer guarantees of morality, intelligence, zeal, and humanity. Their special service requires that they be in the vigour of their age (they should not be admitted before the age of twenty-seven years), that they have good health and a robust temperament; that they possess an energetic character; that they have a good primary education, and, if possible, the knowledge of one of the trades followed in the prison, so that they may be able to teach it to the prisoners. Finally, they should have a complete and accurate knowledge of the regulations, whose practical application is confided to them.

8. Special training schools are indispensable only for keepers, who generally enter on their functions without being prepared for the mission which they have to fulfil. A school for keepers has existed for some years in the penitentiary of Louvain. The directors are recruited from the *personnel* of the administration, where in passing through the different grades, they have necessarily acquired the requisite knowledge. Special examinations are a condition precedent to their appointment.

9. The pension granted to directors and *employés* who have become incapacitated for a further discharge of their duties is regulated upon the footing of the average salary of their last five years of service, a salary determined by the whole number of their years of service. In regard to the pension allowed them on retirement, they are placed on the same footing as all the other functionaries belonging to the public administration.

10. The difference between prisoners sentenced to simple imprisonment, to reclusion, and to hard labour, is, that the first are confined in houses of correction; the second, in houses of reclusion; the third, in convict prisons. The duration of correctional imprisonment is from eight days to five years; that of reclusion, from five to ten years; that of hard labour, when the sentence is not for life, from ten to fifteen years, or from fifteen to twenty years. Of the product of their labour, there is allowed to correctionals, five-tenths; to reclusionaries, four-tenths; and to prisoners sentenced to hard labour, three-tenths. The privilege of receiving visits, and of writing letters, is accorded to correctionals every fifteen days; to reclusionaries, once a month; and to those sentenced to hard labour, every two months.

11. As regards the classification of prisoners: In the congregate penal prisons, the prisoners are divided into three classes. The first class comprises prisoners whose antecedents are the most unfavourable, and whose conduct is bad. This class bears the name of punishment division (*division de punition*). The second comprises prisoners whose antecedents, without being decidedly unfavourable and their conduct absolutely bad, have, nevertheless, need to be subjected to a probation, longer or shorter, before being definitively classed. This class has the name of probation division (*division d'épreuve*). The third is composed of prisoners who, by their antecedents or their good conduct in the penitentiary, have claim to a special distinction.

This class bears the name of recompense division (*division de récompense*). These three classes, although subjected to the same *régime* and the same exercises, are nevertheless the objects of special distinctions. In order to be able to recognise the prisoners who belong to each, a distinctive mark in the clothing is adopted for each division. The prisoners of the punishment division are subjected to the most painful labours, are deprived of the *cantine*, and suffer various privations, especially that of visits from and correspondence with the outside, except in urgent cases, which are left to the judgment of the director. The passage from one division into another is determined by the administrative commission, on the proposal of the director. To this end the records of conduct and of punishment are consulted. The examination for classification takes place during the first third of each year, unless made necessary oftener by exceptional circumstances resulting from overcrowding in one or other of the sections. The numbers of the prisoners assigned to each division are inscribed on a roster suspended on the wall. The first classification is made by the director according to the known antecedents of the convict on his entrance, the circumstances revealed on the occasion of his conviction, and the notes which are forwarded by the courts. This classification is, so to speak, the only possible one in the great congregate penitentiaries; but to obtain the most satisfactory results, in a disciplinary and moral point of view, it would be necessary to appropriate special wards to different classes.

12. The regulations relating to the penitentiaries authorise the administrative boards and those of the inspection of prisons to address to the minister of justice propositions of clemency, or of reductions of punishment, in favour of prisoners who distinguish themselves by their good conduct, or who, as the result of special circumstances, seem worthy to be recommended to the royal clemency.

13. As regards the participation by prisoners in their earnings: Prisoners receive a part of the earnings resulting from their labour. This part is three-tenths for those sentenced to hard labour, four-tenths for those sentenced to reclusion, and five-tenths for those sentenced correctionally. This proportion cannot be increased.

14. Other awards decreed to good conduct, to diligence, to

zeal and progress in labour and school, to meritorious actions of whatever kind, are the following: 1. Admission to places of trust, to domestic service, and to certain exceptional labours. 2. An increase of the privilege of visits and of correspondence. 3. Permission to make use of tobacco, in the form of snuff, or by smoking it, save that the use in this latter form is limited to the time of promenade in the exercise yards. 4. The grant of certain diversions and alleviations, such as the gift of books, of engravings, of tools, of useful objects, etc. 5. Propositions of clemency and of reduction of punishment. No. 3 applies only to cellular penal prisons; the use of tobacco is absolutely forbidden in the penitentiary of Ghent.

15. The most frequent violation of prison rules are, in the cellular prisons, communications or attempted communications, verbal or by writing. In the congregate prisons they are infractions of the rule of silence and traffic.

16. The following are the disciplinary punishments in use: 1. Privation of work, of reading, of gratuities, of the *cantine*, of visits, of correspondence, and of other indulgences granted in pursuance of the regulations. 2. A diet of bread and water. 3. Confinement in a special cell, or in a dark cell, with or without the bread and water diet. 4. The withdrawal of rewards which might otherwise have been granted.

17. All disciplinary punishments are recorded in a special register, together with the causes for which they were inflicted. The offences committed and the punishments administered are also placed in the moral account opened with each prisoner.

18 and 19. Chaplains are provided in all the prisons and for all religions. They preside at all the different services and exercises of worship, and over all religious instruction; they visit the prisoners in their cells and give them counsel and consolations; they urge them to a conscientious performance of their religious duties; they direct their reading; they hear their confessions, preach to them, give special instruction to those who are ignorant of the essential truths of religion, and fulfill toward them all the duties of their ministry.

20. The Government has always attached the greatest importance to religious instruction as a means of reformation, and has given to it the most complete organization possible, and

every facility is given to the prisoners for the performance of their religious duties.

21. The administration has declared in the regulations relating to penitentiaries that it would encourage and facilitate the formation of associations of persons of both sexes, with a view to offer counsel and consolation to the prisoners, to watch over their interests and those of their families, and to facilitate their re-entrance into society. But no such association has yet been organised, nor has even any private person ever offered himself for the performance of such services.

22. Sunday-schools have never been established in Belgium. The administration has no need of such schools, because schools are held daily during the week.

23. In regard to correspondence: Except by special authorisation of the director in urgent cases, or when the privilege is granted as a reward for good conduct, prisoners can write or receive only one letter each every fortnight, when they are sentenced to correctional imprisonment; every month, when they are sentenced to reclusion; and every two months, when they are sentenced to hard labour.

24. To the question, whether the correspondence of prisoners with their friends exerts a good or evil influence upon them, we reply: The effect is evidently good. It maintains or renews the ties of family, and exercises a favourable influence upon the prisoners. It also aids the officers in the study of their character.

25, 26, and 27. The prisoners are permitted to receive the visits of their relatives: father, mother, husband, wife, children, brothers, sisters, uncles, aunts, and guardians, on the production of a certificate granted by the local authority of the places where they reside, authenticating their identity. No other visits are permitted except upon a written order of the superior administration, of the governor of the province, or of the president or one of the members of the commission specially delegated to this effect. In the penal prisons more particularly, these visits take place in the conversation-rooms, in presence of a keeper. This officer observes the persons of the prisoner and the visitor, without interfering with the privacy of the interview. The moral effect of these visits is generally good. There are

rare cases, it is true, where such visits have produced an effect morally unfavourable.

28. More than one-half of the prisoners, that is to say, about 51 per cent., are able to read on their admission to the prisons.

29. Every prison, with a population of fifty inmates or more, is provided with a school, properly so called, or with a teaching lecturer.

30. At the penitentiary of Louvain attendance upon the school is obligatory for all the prisoners, except on a dispensation for cause, granted by the director of the establishment. At the penitentiary of Ghent, appropriated to a class of reclusionaries and of prisoners sentenced to hard labour, attendance at school is obligatory for all prisoners under thirty years of age; it is permitted to prisoners who have passed that age; but these latter, once admitted, can withdraw themselves from the school only with the assent of the administrative commission. In other prisons provided with a school, attendance thereupon is obligatory, 1st. For prisoners sentenced to six months and over, and those who have not attained their fortieth year; 2nd. For juvenile delinquents, whatever may have been the cause of their imprisonment. Attendance on the school is permitted to the other prisoners.

31. The instruction given in the penitentiary schools includes: 1. Religion, which is taught by the chaplains, or under their immediate direction; 2. Morals; 3. Reading; 4. Writing; 5. Arithmetic; 6. Elementary notions of grammar, history, and geography, particularly the history and geography of Belgium; 7. The elements of geometry and linear drawing in their relations with trades, as well as other branches of a practical utility. Great progress is made by the prisoners in these studies.

32. Libraries are found in all the prisons of Belgium. They contain three classes of works, which meet three several wants—that of reforming the prisoners, that of instructing them, and that of diverting their minds by reading at once entertaining, moral, and instructive.

33. The prisoners are very fond of reading, and spend much time in that employment. Their choice of books depends on their degree of instruction and education. The preference is generally given by them to works containing tales and ad-

ventures of travellers, pictorial magazines, and some of the romances of Conscience, of Snieders, and of Dickens, the first two being Flemish authors. The influence of these readings is excellent, and the formation of prison libraries cannot be made with too much care and discrimination. The prison library ought to embrace three classes of works: those of a pious and religious character, those of an instructive character, and those of an entertaining character, but having at the same time a moral and educational tendency.

34. The sanitary state of the Belgian prisons is good. The drains for waste water and night-soil are cleansed every week by a strong current rushing through them, so that no emanation dangerous to health can ever issue therefrom.

35. As regards the water supply, each prisoner in the cellular prisons has daily at his disposal from 12 to 15 litres of potable water. The water supplied to the prisoners is of good quality.

36. The ventilation and heating of the cells being intimately connected, it will be proper to speak of both under the same head. The apparatus for heating is placed in the cellar. The fire is made in the centre of a double cylinder filled with water, which forms the boilers for its propulsion. From the upper part of each of these boilers two perpendicular pipes ascend into the principal ventilating conduits, and conduct the hot water directly into a special reservoir placed in the chimney (*cheminée d'appel*) appropriated to each apparatus. This reservoir is fed by six pipes, which traverse horizontally each range of cells, returning afterward, by the same passage, to the principal apparatus. Two pipes, filled with hot water, thus pass into all the cells. They are placed in a horizontal conduit running along the floor, close to the exterior wall. These conduits, covered with a plate of perforated iron, form for each cell a little reservoir of heat. Thus the caloric is utilised just where its action is required, since it is precisely in the cells that it disengages itself, supplying each with an equal quantity. Its centre of radiation is in the cell itself. Here is found the first divergence from the English system of heating, and the caloric cannot, as in that system, concentrate itself against the opening of a great conduit situated in the basement. Let us examine now the mode of introducing fresh air. This introduction is two-fold. In the first place, there is inserted in the

window a ventilator of 30 centimetres (about 12 inches) in height and 44 centimetres (equal to $17\frac{1}{2}$ inches) in breadth, through which the fresh air is introduced directly into the cell, without having come in contact with the heat-pipes. Secondly, at one of the extremities of the iron plate which covers the conduits from the hot-air furnace is left an opening, which allows the heat to circulate in the cells. The opposite side of the plate corresponds to an opening made in the thickness of the exterior wall, by which the pure air from outside penetrates into the reservoir, and so into the cells. A valve is fitted to this last opening, by which the prisoner can regulate the introduction of air, and by the same means can increase or diminish the heat of the cell. Let it be carefully noted that the reservoir of which we have just spoken, as well as the introduction of fresh air, is on a level with the floor. The vitiated air is drawn off by a conduit placed in the thickness of the wall on the opposite side from that on which air and heat enter. This conduit, at its upper extremity, leads into a great pipe, which runs horizontally under the roof, discharging its contents into a vertical chimney, at the bottom of which is situated the reservoir which receives the hot water of the furnace, whose smoke-pipe also traverses the chimney. This system of ventilation works naturally and without mechanism of any kind.

37. The cleanliness of the prisons is insured by the following measures :

An active ventilation incessantly purifies the different parts of the penitentiary establishment, throughout which there is always diffused a fresh and agreeable atmosphere. A cleanliness the most minute is continually maintained. The daily cleaning of the premises, the varnishing of the pavement of the cells by means of a special process, and the waxing of the floors and the pavements of the galleries, have made it possible to give up washing with water, which is attended with great inconvenience. The walls of the cells, galleries, &c., are washed of a stone-colour at the beginning of every year, and partially whenever it becomes necessary to remove spots or stains. No deposit of dirt or dung is allowed within the inclosure of the establishment, and all necessary measures are taken to have the rain-water speedily carried off from the premises. In summer, fumigations are made every morning. They are less

necessary in winter, and are, consequently, less frequent during that season of the year.

38. To insure personal cleanliness on the part of the prisoners the hair is required to be kept short; whiskers, moustache, &c., are forbidden. The men are shaved twice each week. The prisoners are required to wash their feet once a week. Every two months in winter, and once a month in summer, they are required to take a full bath. The body-linen is changed every week.

39. As regards the arrangement of the water-closets, two good systems are in use—movable vessels and fixed seats, with a pressure of water. This last deserves the preference, particularly in penal prisons.

40. The cells are lighted with gas; two stop-cocks are fitted to the lighting apparatus—one in the cell, under the control of the prisoner; the other on the outside, under the control of the keeper. The consumption of gas is 39 litres per burner each hour.

41. The system of heating has already been described.

42 and 43. The use of the hammock has been given up, having been replaced in the cellular prisons by an iron table bedstead. This bedstead is folded up during the day, contains the bedding, and serves as a table.

The bedding consists of a mattress, a bolster, two cases for the mattress, two bolster-cases, two woollen blankets, and two pairs of sheets. The mattress and the bolster are made of ten kilogrammes of sea-weed.

44. [This question is answered by referring to the special regulations of the central prison of Louvain, an account of which appears farther on in the volume.]

45. With regard to the treatment of sick prisoners: The infirmary occupies a part of the building at some distance from the cells, and the sick are distributed into spacious cells, well aired and comfortably warmed. These cells have a capacity of 40 cubic metres, and are provided with the necessary furniture and with clothing suited to the condition of the sick. The dietary is regulated according to a special tariff. The hygienic service leaves nothing to be desired. A cleanliness the most minute, a ventilation active and continual, frequent fumigations, the change of linen and of bedding—in a word, all desira-

ble attentions are accorded to the sick. Independently of the assiduous attentions of which the sick are made the object, they are regularly visited, at least once an hour, and can, at any time, call upon the nurses by means of a signal, whose movement reaches to each bed. Prisoners seriously sick have watchers, and all the necessary measures are taken that they receive the attentions required by their situation. Experience proves that prisoners are better treated in an infirmary cell than in a common infirmary. When the service permits it, the doors of the cells are left open. In this arrangement there is a moral and physical advantage. The rule of separation, which is the foundation of the penitentiary system, is not violated; and the prisoners have not under their eyes, during their sickness, the spectacle of other suffering.

46. The most common disease in cellular as in associated imprisonment is phthisis; deficiency of blood is equally frequent. Caries of the ribs and the sternum, diseases rare in free life, are frequent in that one of our penitentiaries which is not cellular.

47. Regarding the percentage of the sick, we give the figures taken from the statistics of 1870: Average population of penitentiary of Ghent, 754; number of days spent in the infirmary, 14,503; average population of penitentiary of Louvain, 515; number of days spent in the infirmary, 1,157. All the prisons together, during the same year, furnished the following results: Days of imprisonment, 1,916,949; days of sickness, 52,554; giving a percentage of 2.74.

48. Death-rate. We give the figures taken from the statistics of 1870: Average population of penitentiary of Ghent, 750; number of deaths, 37; average population of penitentiary of Louvain, 515; number of deaths, 6. It is worthy of remark that prisoners sentenced to hard labour for life undergo their punishment in the penitentiary of Ghent. The average aggregate population of all the prisons was: Prisoners, 5,251; deaths, 93; being a percentage of 1.77.

49. Penal, as distinguished from industrial labour, does not exist in the prisons of Belgium. The industrial occupations, expressed by the designations of the persons engaged in them, are: Copyists, lithographers of autographs, office boys, dyers, winders, warpers, weavers' boys, weavers, foil-makers,

cutters and tailors, menders, folders, hosiers, packers, shoemakers, bookbinders, joiners, turners, clog-makers, blacksmiths, tinmen, founders, masons and stone-cutters, masons' labourers, painters and glaziers, whitewashers, pit-sawyers, slate-quarriers.

50. We have no penal labour, properly so called. The law exacts work of persons sentenced to correctional imprisonment, to reclusion, and to hard labour. The employments introduced into the prisons are chosen, in preference, from among those which seem likely to afford to the prisoners after their liberation the means of procuring a livelihood. It is our opinion that labour ought not to be imposed as a punishment, for the first necessity of man in society, and, above all, of man in the lower classes, is labour, and the first sentiment to be developed in him is the love of work. To prevent crime in the honest population, or a relapse into crime of those who had been discharged from prison—in this consists the first guarantee of individual reformation and of social security. What would become of prisoners if they were restored to society with an aversion to labour? Is the hour of their liberation the time to say to them, 'Do you love work,' when they have been taught to hate it? The liberated prisoner ought not to carry with him on his discharge from prison the idea that work is a punishment in this world, and that he has suffered it long enough during his imprisonment to hasten at the hour of his deliverance to free himself from its chains. Labour should be exhibited to him in the prison (as it is and ought to be in society) as the source of the physical and moral elevation of man. He ought, in all things, so to identify the life of man with the necessity and the attraction of labour that even in captivity he should still attach, if not the image of happiness, at least a solace to its exercise and an idea of punishment to its privation. In a word, if labour ought to enter as a penal element into penitentiary imprisonment, it is not in the use but the privation of it. Labour in penitentiary imprisonment ought to be obligatory; but it is an obligation which ought not to be imposed on the prisoner under the empire of constraint, but as an obligation to which his reason, his interest, his position, everything, ought to urge him.

51 and 52. For our opinion concerning the moral and sani-

tary effect upon the prisoner of penal labour, see the preceding answer.

53. The industrial labour of the prisoners is in part directed by the administration itself, and in part awarded to special contractors. These latter are placed under the immediate surveillance of the directors of the prisons into which they are admitted.

54. The contract system, such as it exists in our prisons, is that to which our preference would be given, as well because of the certain and great benefits procured by it to the treasury, as because of the facility which it offers of diversifying the labours of the prisoners and of affording them employments suited to their particular aptitudes. Nevertheless, the system of working the prisoners by the administration itself offers also, in our organization, certain advantages, especially when it is a question of labour of easy execution, or of the creation of products for the use of the administration itself.

55. Different systems of contracting for the labour of the prisoners do not exist in this country. That which is in actual use consists in awarding the labour to a contractor who offers at the same time remunerative prices and adequate guarantees of solvency and morality.

56. From 60 to 70 per cent. of the inmates of our prisons had not, at the time of their commitment, any regular business or assured means of support.

57. The apprenticeship of the prisoners, in the different trades taught, is confided to the keepers of sections, under the special supervision and direction of the foremen. It follows that the keeper is not only charged with the supervision of the twenty-five prisoners of his section, and with the enforcement of the rules, but that he employs the greater part of the day in instructing the prisoner in some one of the branches of industry introduced into the establishment. The mean duration of the apprenticeship is: twelve months for the shoemakers; six months for the weavers; and three months for the tailors. This time may be shortened by the aptitude or intelligence of the apprentices. As a general rule, the apprenticeship is terminated before the expiration of the date fixed upon, especially when, by dint of repetition, the prisoner has been made to comprehend the necessity of mastering a business, in order

that, at the time of his liberation, he may be able to work for his food, his clothing, his bed—in a word, to assure the satisfaction of his essential wants. Certainly it is important to effect the reformation of the prisoners, but it is important also to place them, on their liberation, in a condition in which they may gain an honest living by work, since it is an undoubted truth that ignorance of a business is the principal cause which urges the greater part of men to crimes against property. The theory of reformation includes, therefore, the industrial education which gives to the prisoner the means of being, some day, sufficient to himself, and the religious and moral education which instructs him in his duties to God and man.

58. We regard it, as will already have appeared from the preceding answer, as a point of the greatest importance, that the prisoner, during his imprisonment, should master the art of self-help. To this end moral and religious conferences are held with him, and it is sought, by means of the knowledge of various kinds imparted to him, to put him into a condition of independence after his liberation.

59. The question relating to the effect of repeated short imprisonments, seeming to belong to a peculiarity in the legislation of the United States, the committee has judged it expedient to abstain from formulating a reply to it.

60. As to the number of recidivists: Among the 795 prisoners committed, in 1872, to the central prisons, other than the establishment specially devoted to juvenile delinquents, figure 626 recidivists; that is to say, more than 78 per cent. This result evidently cannot be placed to the charge of the cellular system, since nearly half of the penitentiary establishments are still conducted upon the congregate system. The report addressed to the Government in 1869, which is hereto annexed, shows that the cellular system has considerably diminished the number of recidivists.

61. Recidivists are more severely punished than persons committed for a first offence, in proof of which are here cited articles 54 to 57 of the Penal Code:—

ARTICLE 54.—Whoever, having been sentenced to a criminal punishment, shall have committed a crime which subjects him to the punishment of reclusion, may be sentenced to hard labour from ten to fifteen years.

If the crime involves a sentence to hard labour from ten to fifteen years, the convict may be sentenced to hard labour from fifteen to twenty years.

He must be sentenced to seventeen years at least of this punishment, if the crime imports a sentence to hard labour from fifteen to twenty years.

ARTICLE 55.—Whoever, after a sentence to a criminal punishment, shall have committed a crime punishable by an imprisonment of from five to ten years, may be sentenced to an imprisonment of from ten to fifteen years.

If the crime is punishable by an imprisonment of ten to fifteen years, the convict may be sentenced to an increased imprisonment.

He must be sentenced to seventeen years at least of imprisonment, if the crime is one that necessitates an increased imprisonment.

ARTICLE 56.—Whoever, after a sentence to a criminal punishment, shall have committed a misdemeanour, may be sentenced to a punishment double the maximum permitted by the law forbidding such misdemeanour.

The same punishment may be awarded in case of a prior sentence to an imprisonment of a year at least if the convict shall have committed the new misdemeanour before the expiration of five years after having undergone his prescribed punishment.

In these two cases the convict may be placed, by the judgment or the arrest, under the special supervision of the police during five years at least, and ten years at most.

ARTICLE 57.—The rules established in case of a relapse shall be applied conformably to the preceding articles, in case of a prior sentence, pronounced by a military tribunal, for an act defined as a crime or misdemeanour by the ordinary penal laws, and to a punishment authorised by those laws.

If, for said act, a punishment authorised by the military laws has been pronounced, the courts and tribunals, in judging of the relapse, shall have regard only to the minimum of the punishment, which the act, punishable by the first judgment, might have warranted, according to the ordinary penal laws.

62. Debtors' prisons still exist in Belgium, but they are empty; cases of incarceration for debt have become very rare since the publication of the law of July 27, 1871. The treatment to which imprisoned debtors are subjected is not the same as that applied to criminals. They occupy a special series of cells, have the exclusive enjoyment of an exercise yard, and may communicate with each other, receive four visits a week from their relatives and from persons with whom they have business relations, and may correspond freely with the outside world.

63. The principal causes of crime are, in the army, want of occupation, and the system of substitution. In civil life, they are the oblivion of religious and moral principles, ignorance of duty, want of a business, the creation of factitious wants, drunkenness, libertinism, thoughtlessness, distaste of work, and idleness.

64. The two sexes are represented in the Belgian prisons in the following proportions—men, 88 per cent.; women, 12 per cent.

65. As regards the object of penal treatment: The administration seeks, above all, to reform those whose punishment is exacted by society; but it punishes without subjecting them to any physical suffering. The execution of the punishment has in view the double aim of expiation and reformation.

66. Regarding the moral condition of prisoners on their liberation: It is in proof that in the cellular prisons the moral state of the prisoners is, in general, better at the time of their discharge than at that of their entrance. Those who manifest evil inclinations are few in number; nearly all have sensibly modified the sentiments with which they were animated at the time of their commitment.

67 and 68. No prisoners' aid or patronage societies are found in Belgium; but the Government has not lost sight of this important point. Efforts were made in 1848 to organise such associations; but, unhappily, the measures taken were not crowned with full success. While waiting, the administration seeks the best means for assuring to liberated prisoners an effectual protection, so as to prevent their falling back into crime. A special credit figures even in the budget of the department of justice, permitting the administrative commissions of reformatory institutions to extend aid to their liberated inmates.

69. To the question whether we are satisfied with our existing penitentiary system, our reply is affirmative in so far as it is not applicable to establishments on the congregate plan; but the transformation of these into cellular prisons is actively progressing.

N.B.—The following table, appended to the report, contains in condensed form much interesting information regarding the model prison of Belgium:

Penitentiary of Louvain.

	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	Total or average.
Convicts admitted to the penitentiary	326	264	321	316	271	344	420	242	337	252	310	3,027
Number of days of maintenance	22,195	156,108	186,612	201,130	195,370	185,455	189,662	177,213	183,154	208,442	188,220	1,875,488
Average population	241	428	517	551	584	508	519	485	605	571	515	513
Average daily cost of maintenance, in francs	2.46	1.06	0.97	0.8982	0.8804	0.9259	0.9589	1.1719	1.1097	0.9951	1.0169	0.9987
Number of convicts admitted to the infirmary	7	36	42	33	52	36	41	37	40	41	28	386
Number of days of sickness	84	1,297	2,043	2,005	1,853	1,306	1,327	1,437	1,064	2,067	1,159	16,178
Number of punishments inflicted	20	175	149	167	76	35	129	89	86	1,02	88	1,152
Number of days of punishment	109	1,370	1,116	1,300	685	930	1,276	923	921	1,355	1,038	10,928
Average number of sick per day	1	4	5	5.49	5.15	3.57	3.63	3.91	4.59	5.66	3.17	4.41
Deaths	1	11	8	11	7	3	6	4	6	9	1	66
Suicides . . . . .	..	..	2	4	1	1	1	3	..	..	..	15
Cases of mental derangement . . . . .	..	..	2	4	1	1	1	3	..	..	..	14
Attempts at escape . . . . .	..	..	5	3	2	2	1	..	..	1	..	14
Escapes . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Crimes or misdemeanours committed by the convicts . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Acts of rebellion or assault against the person . . . . .	..	1	..	..	..	..	..	..	..	..	..	1
Accidents, fires, and unusual occurrences . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Amount of Gratiaities earned by prisoners, in francs . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Average per prisoner, in francs	1,028.77	16,341.71	20,381.13	20,867.60	21,390.48	19,090.24	21,197.74	18,116.02	20,869.59	23,937.53	21,647.99	208,730.03
	4.27	38.18	39.23	37.87	40.06	37.58	40.84	37.35	41.31	41.92	42.03	39.64

* The prison was opened on October 1, 1860. The first column (1860) is given only from memory, and should not be included in the totals. The totals comprehend only the years 1861-70.

DENMARK.

1. *The Prison System.*—The cellular system is applied in the case of short sentences, lasting from six months to three years and a half, to persons who are young and who are convicted for their first offence; the associated or aggregate system in the case of long sentences lasting from two years up to sentences for life, and to older persons who have been already convicted. About 75 per cent. are sentenced to undergo their punishment in cells. For male prisoners there are two prisons on the corrective system, and one cellular prison; for female prisoners, one prison with cells and wards for working. In 1871 the average number of prisoners were—

Males.	
Vridsloesville Cellular Prison	370
Horsens Associated Prison .	320
Viborg	260
Female Prisoners.	
Christianshavn .	248
	1,198

2. *General Administration.*—A director of prisons has the control of all the prisons.

3. *Discipline.*—The discipline is intended to be reformatory. For the cellular prison is established a sort of progressive system. For the associated prisons the inmates occupy separate sleeping cells. The convicts work in divisions separate from each other. No progressive system has as yet been adopted, but such a system is in contemplation. The punishments for breach of discipline are legally settled. Corporal punishments are among them. The most efficacious means of awakening and preserving hope are, in the cellular prisons, the promotion to a higher class; in the associated prisons, wages paid for labour. Conditional release does not take place.

4. *Religious and Moral Agencies.*—A clergyman is appointed to each prison. He alone is entrusted with the religious teaching of the prisoners. Each prison has a chapel consecrated to divine service. Volunteer visitors are not admitted into the prisons to labour for the moral improvement of the inmates.

5. *Secular Instruction.*—One or two masters are appointed to each prison. Prisoners under eighteen, who are only isolated in the night, receive a special treatment, with two to three hours' instruction a day. In cellular prisons, convicts under forty receive two to three hours' instruction a week. In the associated prisons, instruction is only given on Sundays. Every prison has schoolrooms and a library.

6. *Prison Labour.*—No distinction is made between penal and industrial labour. About 80 per cent. of the prisoners are employed by contractors in many different ways. The contract system has in our country proved to be the best, both economically as well as with regard to its reformatory effects. It must be observed, however, that the contractors are cut off from any direct or indirect meddling with the treatment of the prisoners. The labour is considered a necessary condition for the proper execution of the sentence, not merely a source of revenue; nor is the profit of the labour sufficient to meet the expenses of the food and keep of the prisoners, and of the administration, as these expenses for each prisoner amount to about 14*l.* a year, while the labour profit of each convict is about 8*l.* a year.

7. *Prison Officers.*—These are appointed partly by the Government, partly by the prison inspector. Their appointment or discharge is totally independent of political and other influence irrelevant to their efficiency. There are no special training schools for prison officers. These would be very expensive in so small a country as Denmark. Nor can such schools be considered necessary if healthy, respectable, and sober persons are appointed prison officers, if they have received an education that corresponds to the importance of their office, and if they take an interest in their profession.

8. *Sanitary State of the Prisons.*—The food is healthy, clean, and sufficient, but plain. Dinner is the principal meal. The prisons are dry and airy, and in no private house is found greater cleanliness. During the last three years, 2·11 per cent. of the male prisoners, and 2·13 per cent. of the female prisoners were daily ill. During the same period, 1·75 per cent. of the average number of male prisoners, and 1·79 per cent. of female prisoners, died yearly.

9. *Reformatory Results.*—The reformation of the criminals is made a primary object of their treatment, but though the

convict generally leaves the prison with good intentions, yet his power of resistance is often too weak to conquer temptation.

10. *Sentences.*—The present penal code was promulgated in 1866, and is founded on the principles that are at the basis of modern penal codes. Accordingly, the criminal courts in our country give short sentences for minor offences. Our penal code has been in operation for so short a time that it is impossible to have any well-founded opinion as to its influence on the increase or decrease of crime. It appears, however, that the number of *crimes* has increased, not the number of *criminals*, the effect of the short sentences being that the so-called habitual criminals now more frequently than formerly enter and quit the prisons.

11. *Kinds and Causes of Criminality.*—The most frequent crime is the violation of the right of property. More than seventy per cent. of our convicts are sentenced for theft. The cause of these crimes is rarely undeserved distress, but most frequently idleness, desire for unlawful or lawful pleasures, and habits of drinking. These vices generally result from, or are associated with, a neglected education.

12. *Juvenile Reformatories.*—In our country there are three educational establishments for neglected and misguided boys, with about 160 occupants. Besides these, there is a society that undertakes to have such children placed in families. The latter has worked with great success.

13. For each prison a society has been formed with the view of being of assistance to the released convicts. The societies are maintained by contributions from the State as well as from private persons.

N.B. A fuller account of the Prison System of Denmark is contained in the volume of 'Transactions of the Cincinnati Congress,' p. 117, copies of which may be seen at the library of the Social Science Association, 1 Adam Street, Adelphi.

ENGLAND.

For an account of the English prison system, see the paper of Major Du Cane on a later page.

FRANCE.

1. The prisons of France, with exceptions to be indicated hereafter, depend upon a central power, which is represented by the minister of the interior, and, under his authority, by the director of the administration of prisons.

a. Control.—The central power exercises its control by means of general inspections, made by special functionaries—namely, inspectors general of prisons. Besides this direct and most important control, there is a local control of the prefects for all the prisons and penitentiary establishments; of the mayors and commissions of supervision for the houses of arrest, of justice, and of correction; and, finally, of the council of supervision for the colonies of correctional education of juvenile delinquents. It is necessary further to mention the intervention, though to a very limited degree, of magistrates of the judicial order.

The Inspectors General have two classes of functions, the one accomplished during their tours of inspection, and the other, as will be hereafter seen, in the interval of these tours. They are charged with visiting all the prisons and penitentiary establishments, and they give account to the minister of the observations made on these visits, in a special report relating to each establishment.

The Prefect represents the central power in the department as regards the supervision and administration of prisons; and it is his duty to visit, at least once a year, the prisons of his department. (Article 611 *du Code d'Instruction criminelle*).

It is the duty of the Mayor of each commune, where there is a house of arrest, a house of justice, or a house of correction, to make, at least once a month, a visitation of these houses. (Article 612 *du Code d'Instruction criminelle*). By virtue of Article 613 of the same code, there is besides the police of these prisons. As a prison is an establishment of general and not merely municipal interest, the authority which the mayor is called to exercise therein partakes essentially of the central administration. It is as its representative that he acts on such occasions.

The Commission of Supervision, which is established, in principle, near each departmental prison, exercises, as its name imports, a supervisory action over whatever relates to health, to supplies, to religious instruction, and to moral reform.

The function of this commission is limited to the control of the various services. Its members, having no responsibility, cannot perform any act of authority in the prisons, in which it is important, moreover, to maintain unity of command.

As regards the penitentiary colonies of juvenile delinquents, the Act establishes (Article 8 *de la loi du 5 août, 1850*) a council of supervision, charged with the same mission of control in these establishments as the commission of supervision in the houses of arrest, of justice, and of correction.

The penitentiary and correctional colonies are, besides, subjected to the special supervision of the attorney-general of the jurisdiction, whose duty it is to visit them every year. But this is not the only case in which penitentiary establishments are subjected to the control of the judicial authority. By the terms of the 611th Article of the code of criminal procedure, the committing magistrate (*juge d'instruction*) is bound to visit, once a month at least, the persons confined in the house of arrest of his *arrondissement*, and the president of the court of assizes, at least once in the course of each session, must visit the persons confined in the house of justice.

b. Administration.—Criminal legislation being the same for all throughout the entire territory of France, the same rules ought to control its application, without exception either of places or of persons. As regards prisoners under sentence, inequality of discipline is inequality of punishment. As regards prisoners awaiting trial, this inequality constitutes a grave abuse because it subjects a man, innocent perhaps, to rigours and privations which could not be elsewhere imposed by the administration upon another man in the same condition. To establish and maintain in the same prisons the application of the same principles and of a uniform system, two elements are indispensable, unity of direction and centralization of the financial means of execution.

The director of the administration of prisons is charged with administering, under the authority of the minister of the

interior, the prisons and penitentiary establishments of every class in France. Under him, and as a deliberative consultative board, is found the council of inspectors general of prisons, which are called upon, in the interval of their tours of inspection, to give advice on the more important questions of the service. The instructions and regulations emanating from the central administration are addressed, through the intervention of the prefects, who represent the executive power in the departments, to the directors of the different establishments. At the head of each central prison is found a director. His action extends to all parts of the service. He is specially charged with conducting the correspondence with the minister of the interior, to whom he addresses his reports on the financial, industrial, and disciplinary condition of the establishment, through the agency of the prefects, except in urgent and extraordinary cases. Directors of the houses of arrest, of justice, and of correction are charged with the administration of those establishments in one or more departments. In the prisons situated at the place of their residence their action makes itself felt directly, like that of the director of a central prison, on all parts of the service, and in the other prisons indirectly through the agency of the principal keepers, who receive their instructions and are required to address to them frequent reports. An important part of their functions has reference to the economical administration of the prisons, to purchases, to the verification of expenses, to the control of the accounts, cash, and material; in short, to the preparation of the various financial documents which they send to the central administration. The principal keepers are the agents charged with the care and supervision of the houses of arrest, of justice, and of correction.

The organization which has just been described is the same in all the departments of France, except in one only, that of the Seine, an exception which deranges the harmony of the system. The directors of the public colonies of juvenile delinquents are assimilated by their functions to the directors of the central prisons. It is therefore the central power which conducts the administration by their hands. It cannot be the same in the other colonies, which are private establishments. The director is only approved by the administration, and this latter exercises such control as it has only through the inter-

mediate agency of the prefects and the inspectors general. The administration of these private establishments has been determined by a general regulation of recent date, which explains why they have not yet been able to attain that administrative uniformity which is remarked in the public establishments of the same kind. The colonies are appropriated to children who have for the most part been acquitted, but have been sent by the tribunals into a house of correction, to be there trained under a severe discipline. There are establishments in which education is made more prominent than repression, and the duty of the central power is to see that the children are properly treated, and that they receive, conformably to law, a moral, religious, and industrial education.

A law of May 5, 1855, which transferred to the budget of the State the ordinary expenses of the houses of arrest, of justice, and of correction, which had previously belonged to the departmental budgets, has accomplished, for all the degrees of imprisonment, the centralization of the financial means of execution; a centralization which till then existed only with regard to the central prisons. Nevertheless this is still a point where the central power is not completely independent of the local authorities, and where the vote of the general council of the department must lend its concurrence. The department has preserved since 1855 its property in the buildings used as houses of arrest, of justice, and of correction, and has been at the expense of all needed repairs.

Certain establishments for punishment do not depend on the direction of prisons in the ministry of the interior, to wit:—

1. The establishments in which men are undergoing the punishment of hard labour.
2. The prisons appropriated to prisoners of the army and navy.

The administration of the bagnios, of the penal colonies, and of the prisons of ports and arsenals, is centralised in the ministry of the navy; that of the military penitentiaries in the ministry of war. However the case stands with the central prisons, the houses of arrest, of justice, and of correction, and the establishments of correctional education for juvenile delinquents, the administration of prisons in the ministry of the interior has an importance which is computed by a budget of

about 15,000,000 francs, by a *personnel* of 4,700 *employés*, and by an average population exceeding 50,000 prisoners.

2. The establishments which receive prisoners are :

Navy :—

1. The penal colonies of Guiana and New Caledonia, and the bagnio of Toulon, for prisoners sentenced to hard labour.

Interior :—

2. The central prisons of hard labour and correction.

3. The houses of arrest, of justice, and of correction.

4. The penitentiary establishments devoted to the education of juvenile delinquents.

5. The chambers and dépôts of safe-keeping.

War and Navy :—

6. The prisons devoted to prisoners of the army and navy.

1. *Penal Colonies: Bagnio at Toulon.*—These establishments are placed under the jurisdiction of the ministry of the navy and of the colonies. The punishment of hard labour has been for a long time undergone in France, as formerly that of the galleys, in certain ports and arsenals. The execution of this punishment, with the open-air labour of the convicts, in sight of the free population, and in contact with it, was characterised by defects of every species, and by innumerable perils. The law of May 31, 1854, relative to the execution of the punishment of hard labour, brought a remedy to this state of things by substituting for the former punishment transportation with hard labour. Establishments devoted to transportation, on the territory of one or more of the French possessions, other than Algiers, can be created only in virtue of a legislative act. Nevertheless, in case of obstacles in the way of the transfer of convicts, and until such obstacles shall have ceased, this punishment is undergone provisionally in France. As a consequence of the enactment of the law of 1854, the bagnios of Rochefort and Brest were suppressed. There remains, therefore, only that of Toulon as a dépôt for convicts sentenced to transportation. The most important establishment for prisoners sentenced to hard labour is the penal colony of Guiana. A second was created in 1864, in an island of Oceanica—New Caledonia—which offers, by the salubrity of its climate and the fertility of its soil, conditions propitious to transportation. The transportation of women is authorised by the law, in view

of marriages to be contracted with the convicts after their provisional or definitive liberation. The administration selected, from among the female prisoners of every class, those who expressed a desire to profit by these arrangements. These women are placed, to undergo their punishment until their provisional or definitive liberation, in a special establishment at Maroni, under the supervision of the religious ladies of Cherry. There are, already, a certain number of women at Cayenne; but the majority of females sentenced to hard labour still undergo their punishment in the central prisons of the Continent, agreeably to the sixteenth article of the penal code.

2. *Central Prisons.*—The central prisons of hard labour and correction receive—1. Certain persons sentenced to hard labour, namely, women and old men of the age of sixty and upward; 2. Persons sentenced to reclusion; 3. Persons sentenced as correctionals to an imprisonment of more than one year. The central prisons, whose origin dates back to the law of the Constituent Assembly of October 6, 1791, were constituted a general system, to extend over the whole country, by an imperial decree of June 16, 1808. Their existing organization dates from the royal ordinance of April 2, 1817, which gave them the name they still bear, of houses of hard labour and correction, a designation in harmony with the penal code promulgated in 1810.

3. *Houses of Arrest, of Justice, and of Correction.*—These prisons are also called departmental prisons, not only because they are devoted to the exclusive service of the department in which they are placed, but, above all, from considerations of property and of the budget. On one side, the property in them, though they belong to the State, was assigned to the departments by a decree of April 9, 1811, together with the charges thereupon, whether for repairs, enlargement, or the construction of new buildings; on the other side, the current expenses of these prisons were for a long time a charge of the departmental budgets. These prisons receive—the arrested; the accused; the *correctionnels* sentenced to one year and less; persons sentenced to severer punishments, who are awaiting their transfer; police prisoners; persons imprisoned for debts in matters criminal, correctional, of simple police, and of *fisc*;

juvenile prisoners, whether arrested, accused, or in the way of paternal correction; and civil and military prisoners *en route*. Houses of arrest and of justice are indispensable to each jurisdiction; consequently they are found in each place of *arrondissement*. To answer to the intention of the law (Article 604, *Code d'Instruction criminelle*), they ought to be entirely distinct from the prisons established for punishment. But the complications which would ensue upon this separation in the services, the increase of the *personnel* which it would render necessary in the greater number of localities, in which a single chief keeper is sufficient for the three houses, and, finally, the difficulty of obtaining from the departments special places, have led to this result: that the three houses are, in general, but three distinct wards of the same prison.

4. *Establishments devoted to the Correctional Education of Juvenile Delinquents*.—These establishments receive minors, of sixteen years and under, of both sexes. They are divided, for young male prisoners, into penitentiary colonies and correctional colonies. In the first are placed—1. Young children acquitted in virtue of the 66th article of the penal code as having acted without knowledge, but who are not sent back to their parents; 2. Young prisoners sentenced to an imprisonment of more than six months, and not exceeding two years. These establishments are public or private. Those are called public establishments which have been founded by the State, and of which the State names and pays the directors and *employés*; and those are called private establishments which are founded and directed by private persons, with the authorisation of the State. The correctional colonies receive—1. Young prisoners sentenced to an imprisonment of more than two years; 2. Young prisoners from the penitentiary colonies who have been declared insubordinate. The correctional colonies are all public establishments. A similar classification has been established for young female prisoners. They are received either into a correctional ward directed by the State, or into penitentiary houses connected with religious establishments. These various establishments were called into being by the law of August 5, 1850. There are actually counted of them thirty-two, namely: three public colonies, four correctional wards, and twenty-five private colonies. Twenty establishments are

devoted to young female prisoners. One of them is directed by the State.

5. *Chambers and Dépôts for Safe-keeping*.—The name of chambers for safe-keeping is given to places in which are received prisoners who are being conveyed from point to point in localities where there is no house of arrest, of justice, or of correction. These chambers and dépôts have the same destination as such houses, and are but places for the temporary confinement of prisoners *en route*. The chambers are under the care of the *gendarmes* of the locality; the dépôts under that of the agents of the administration of prisons. No punishment, however trivial, can be undergone in them. The number of this class of prisoners is about 2,400.

6. *Prisons devoted to Prisoners of the Army and Navy*.—These establishments are placed under the care of the ministries of war and of the navy. Houses of arrest and prisons of ports and arsenals receive—1. The sailors, soldiers, or labourers of the navy under disciplinary punishment; 2. Persons arrested for crimes or misdemeanours within the jurisdiction of the several tribunals of the navy; 3. Persons sentenced by these tribunals to correctional imprisonment of one year and under. Every military prison, situated in a place which is the seat of a council of war, should be divided into three sections: 1. A military house of arrest, receiving soldiers of every grade sentenced to disciplinary punishment; 2. A house of justice, receiving soldiers who are being conveyed before a council of war, and convicts awaiting either the execution of their sentence or a commutation of punishment; 3. A house of correction, receiving officers sentenced to the punishment of imprisonment, and soldiers sentenced to less than a year of imprisonment. Military penitentiaries contain persons sentenced to an imprisonment of at least one year. These are persons undergoing a punishment of a correctional nature—the only punishment that does not exclude from the ranks of the army. Painful and afflictive punishments, such as irons, hard labour, reclusion, involve military degradation and the remission of the convict to the civil authority for the execution of those punishments.

3. The question relating to the measure in which the cellular and associated systems are applied in France will be answered with reference to the several classes of prisons. The cellular

system is not applied in any central prison. The discipline of these prisons is that of detention in common with the obligation of silence. Some of them, however, have cellular wards, in which may be confined certain classes of prisoners. A certain number of houses of arrest, of justice, and of correction, are constructed on the cellular system. Out of four hundred in all, there are about fifty of this kind. The other departmental prisons have been constructed or arranged upon plans, the latest of which bears date January 7, 1863, and which have had for their aim the moral advantages of cellular imprisonment with economy in the means of execution. In these mixed prisons, then, the discipline is neither that of the cell nor that of imprisonment in common. It includes three kinds of imprisonment, that of wards designed for prisoners, whose isolation is required by no special circumstance, and who constitute the greatest number (with common yards, dormitories, and heaters;) that of common apartments which are capable of receiving certain classes of prisoners not very numerous; finally, that of individual apartments, designed to secure, in certain cases, private instruction, to protect against injurious or dangerous contact young prisoners under arrest, who are shielded by a presumption of innocence, and also to separate individuals for whom, before or after their condemnation, exceptional precautions of discipline or safe-keeping are necessary.

Among the establishments designed for youthful prisoners, the prison of La Roquette, situated in Paris, is the only one in which cellular imprisonment is applied day and night, but this prison receives only minors under sixteen years, arrested or accused, and persons sentenced to an imprisonment not exceeding six months.

4. As regards the results of the two systems of separation and association, there can be no question in France, except as to houses of arrest, of justice, and of correction; the only ones, as we have just seen, which have been constructed partly on the cellular system and partly on a system of a different kind. Nevertheless, it is impossible to establish, even for these prisons, a comparison of the results yielded by the two systems. On one side, in effect, the statistics do not make a distinction between prisoners in the cellular prisons and those confined in prisons of the other class; and, on the other, in a great number

of the former, it is only the edifice which is cellular. The system followed is that of association by day, in workshops for labour, and in yards for the hours of rest. Cellular separation takes place only at night. The cellular prison at Mazas, and a part of that called La Santé, both situated in Paris, form an exception to this state of things. The successive tendencies of the administration as regards the system to be followed in the houses of arrest, of justice, and of correction, may be epitomised thus: 1. Exclusive adoption of the cellular system down to 1853; 2. Subsequently to 1853, abandonment of that system from motives of economy, and adoption of a mixed system; 3. Resumption of studies, commenced in 1840, on the application of individual imprisonment. In the first period, the administration began by repelling every project of reconstruction and of repair of the houses of arrest, of justice, and of correction, not conformed to the rules of the cellular system. The expenses involved in this system, and the impossibility of any great number of departments providing the necessary funds from their own resources, arrested the favourable dispositions of the councils general; the administration then renounced, for the future, the cellular system, and entered upon a new path, by substituting the separation of classes for that of individuals. It is in this spirit that plans were prepared from 1853 and 1860 for the construction and arrangement of departmental prisons, which comprised, as we have already seen, wards, common apartments, and individual cells. These plans are still in vigour, only care has been taken, in building prisons during these later years, to multiply the number of individual cells.

But this system is not the last word of the administration in regard to the prisons of the departments. The results obtained by the system are far from being satisfactory. We shall see in effect in the matter of relapses, that out of one hundred prisoners in the central prisons fifty-two men and thirty-one women had been previously confined as convicts in the departmental prisons. The administration has, therefore, just resumed the studies commenced in 1840 on the application of individual imprisonment. This system, in effect, appears to be the only one capable of averting the dangers of promiscuous association, so formidable in prisons which receive prisoners of

origin the most diverse—arrested, accused, persons sentenced for at least a year, convicts awaiting transfer, young prisoners, civil and military prisoners *en route*, etc., etc. Separation by classes presents no difficulties, but there is a selection to be made of persons for each class, which requires great discrimination and a special study of the cases and character of every prisoner to prevent a corrupting contact with others. The chief keepers of the prisons of *arrondissement*, who have to maintain the order and police of the prison and to watch over the general services of the house, cannot be required to engage in this minute study of prisoners. That is impossible, and it is what renders promiscuous association so dangerous. Individual imprisonment, moreover, it would seem, ought to give to punishments of short duration a character of intimidation, which they now lack, the existing system too often producing only the sad effect of familiarising the prisoner with the *régime* of the prison. The consideration of economy, which heretofore has been of controlling force, and whose reality has been placed in doubt by recent examples, no longer seems sufficient to balance the opposite considerations of public morality, which recommend the abandonment of the *régime* in common as far as the arrested, the accused, and persons sentenced to short imprisonments are concerned.

5. Provision for the cost of maintenance of the prisoners in most penitentiary establishments is made—1. By the payment by Government of a sum for each day of imprisonment, fixed by contract, for a period, on agreement of the parties, generally of three, six, or nine years; 2. By the right conceded to the contractor, who has made the highest bid, to the product of the prison labour, on condition that he pay to the prisoners a portion of their earnings, the amount of which varies according to the penal class to which each prisoner belongs. The price of the labour is fixed by special tariffs, approved for each industry by the superior administration. In consideration of these conditions the contractor is obliged to provide for the board and maintenance of the prisoners, in health and sickness, as well as meet numerous obligations specified in a list of charges, which comprises not less than one hundred and sixteen articles.

Several important penitentiary establishments are adminis-

tered, as regards their industries, directly by the State. This mode of administration admits of a practical comparison of the two systems, and affords also the possibility of utilising the labour of the convicts under certain conditions which are quite incompatible with the management of the industries by way of contract; such, for example, as agricultural labour.

According to the latest statistics, the product of the labour in the central prisons, agricultural penitentiaries,¹ and kindred establishments, brought an average gain of 74·33 centimes for each day of *labour*, which was reduced to 53·90 centimes for each day of *detention*, or of presence in the establishment. The average *peculium*,² assigned to each prisoner on the above-mentioned gain, was 33·48 centimes for each day of *labour*, and 24·68 centimes for each day of *detention*. The contractor received, from the tenths conceded to him, 25·73 centimes for each day of detention. This sum represents the part which the prisoners contribute toward their support by labour. The proportion is the same for the two central prisons and the three agricultural colonies, whose industries are managed by the State. In general, and with the exception of the establishments in Corsica, the cost of support (not including the expenses of supervision and of administration) may be set down at 50 centimes per head for each day of imprisonment. Consequently, it may be claimed that the convict meets about one-half the cost of his maintenance.

It is important to remark that in one of the female central prisons it has been possible entirely to withdraw the subsidy granted to the contractor, the earnings of the prisoners being sufficient for the support of the establishment. In another prison the contractor, instead of receiving anything from the State, pays to it a centime per day for each convict. It is permitted to hope from this example that the administration will at length attain the end which it has always sought in this regard, that of exempting the treasury from the personal expenses of the prisoners who are confined in its great prisons for punishment. In the houses of arrest, of justice, and of correction, as in nearly all the central prisons, the contract system of labour is adopted. The system is worked upon the

¹ This name is given to the three central prisons established in the island of Corsica.

² The part of his earnings belonging to the prisoner.

same principles in the departmental as in the central prisons. The short stay of the prisoners in the greater part of these prisons, the difficulty of organizing workshops for groups of individuals, subdivided almost to infinitude, not only because of the small importance of the establishment, but also as a consequence of the necessity of classing them in distinct categories; and, in short, the difference in the number of tenths¹ assigned to the contractor make the departmental prisons proportionally more costly to the State than the central prisons.

Since 1855, when the service of the houses of arrest, of justice, and of correction became centralised in the ministry of the interior, the product of the labour, which, outside of the prisons of the Seine, did not exceed 16,000 francs, rose in 1868 to 1,811,672 francs (the earnings of about 14,000 labourers, out of a total number of prisoners amounting to 22,998). The average product of the labour, then, has been, in the departmental prisons, a little more than six centimes for each day of imprisonment (8,267,764 days). In 1868 the average expenditure for maintenance of these establishments was 50·30 centimes (not including the expense of supervision and administration). To sum up, it results, from the preceding explanations, that the part contributed by the prisoner toward the cost of maintenance may be placed at 50 per cent. in the central prisons, and at about 17 per cent. only in the departmental prisons.

The State, in the public colonies for juvenile delinquents, and the director, in the private colonies, gets, in principle, the total product of the labour of the inmates. There is no exception to this rule, save a deduction to provide for certain rewards, under the title of encouragements to labour and good conduct, and in what relates to children placed temporarily with persons outside. The directors of the private colonies receive a daily compensation for the labour of the *colons*, varying from 60 to 70 centimes, by means of which they ought to meet the expenses of the administration, the cost of maintenance, the expenses occasioned by their primary and religious instruction, as well as the redemption of the original cost of the establishment. It is difficult to estimate with precision the product of the daily

¹ Persons under arrest and awaiting trial, who ask for work, are allowed seven tenths of their earnings.

labour in the penal colonies. The juvenile prisoners are most commonly engaged in agricultural labours, or in improving the estate—labours whose value can be counted only in the increased value given to the domain which has been thereby improved. The cost of maintaining the convicts in the bagnio of Toulon—abatement being made of some diminutions of expense—was estimated, for the year 1868, at 65·68 centimes per day for each prisoner. At Guiana the cost per day amounted to not less than 1 franc and 71 centimes, including the proportional expense of transportation and return. There must, however, be deducted from this cost the value of the work done by the convicts, in regard to which it is impossible for the ministry of the interior to give sufficient indications.

6. In regard to the appointment of officers and their tenure of office: The rules which govern the naming of the various agents who compose the *personnel* of the penitentiary establishments are different according as the question relates to—1. The central prisons, the agricultural penitentiaries, and the public colonies of juvenile delinquents; 2. The houses of arrest, of justice, and of correction; 3. The private colonies of juvenile delinquents. In the central prisons and other similar establishments the functionaries, *employés*, and agents, to whichever service they may be attached, that is, whether they are proposed for the administration, properly so called, or for special services, or for supervision, are named by the minister of the interior. An exception is made in the case of keepers called residentiary (*stagiaires*), who are admitted by the prefects on presentation by the directors.—(Decree of December 24th, 1869, articles 8 and 9.) As regards the houses of arrest, of justice, and of correction, the functionaries and *employés* proposed for the administration are named by the minister, and the *employés* of the other services are named by the prefects, as also the agents of supervision, other than the chief keepers. Still, these appointments do not become definitive till they have received the ministerial approval. As regards the principal keepers, a recent decree of the chief of the executive power, under date of May 31st, 1871, reserves their appointment to the minister of the interior. By the terms of the law of August 5th, 1850, relative to the education of juvenile delinquents, every private penitentiary colony is governed by a responsible director, approved by

the minister of the interior. The *employés* placed under the orders of the director must be, in like manner, approved by the prefect. (*Loi du 5 août 1850; Règlement général du 10 avril 1869.*)

In the department of the Seine, where the prisons are managed, in many of their relations, under authority of special provisions, the directors are named by the minister of the interior, on presentation by the prefect of police; the other *employés* are named by the prefect. In effect, it is the prefect of police who, in Paris, administers the penitentiary establishments. The inspectors general of prisons and penitentiary establishments are named by the minister of the interior. The duration of the functions of the different *employés* composing the *personnel* of the penitentiary service is not limited by any determinate time. The agents who have not been gravely derelict in the exercise of their functions continue in office till they have reached the age at least of sixty and have been in service thirty years.

7. The management of penitentiary establishments requires technical and administrative knowledge of great breadth, and offers, besides, special difficulties, arising out of the complicated organization of the service. It demands, in truth, a profound knowledge of business, of ministerial regulations and details, and an unremitting application, a quality essentially requisite in all directors. The administrator who finds himself face to face with a contractor whose interests are directly antagonistic to those of the State, ought to unite an unceasing watchfulness with an intelligent control. The principal duties of the administrator of penitentiary establishments—such as the organization of the prison labour, the examination of tariffs of labour, the maintenance of discipline in the midst of a perverted population, the choice and employment of means to awaken in the prisoners thoughts of repentance and ideas of moral renovation—all these duties, and others analogous, demand a special aptitude, fortified by an experience more or less extended. Penetrated with the idea that the direction of the penitentiary establishments cannot be confided, without the gravest risks, to agents who do not offer the most trustworthy guarantees, the superior administration has established rigid rules, to guard against the bestowal of the elevated functions

of the service upon agents whose aptitude and experience would leave the least room for doubt. In the same order of ideas, it exacts, in the case of all its agents, of whatever degree, the knowledge demanded by the positions which they are to fill, and makes their promotion dependent on conditions of time and experience, varying according to the importance of the trusts to which they aspire.—(*Décret du 24 décembre 1869, titre III.*) In short, to keep out of the service of the prisons agents unable to offer the guarantees desired, a ministerial decree, under date of March 25th, 1867, instituted, in the ministry of the interior, a commission charged with the examination of candidates for employment in the active service of the central prisons and the houses of arrest, of justice, and of correction. The programme of the required examination comprises the following points: writing, grammar, arithmetic, the principles of book-keeping, history and geography (principally of France), general notions of the penal system and of criminal procedure, general ideas of civil law, the civil and judicial administration, and the most important provisions of the laws, decrees, and ordinances relating to the penitentiary *régime*. The examination includes, in addition, a written composition.

Thanks to these various measures, the *personnel* of the prison service is composed, for the most part, of agents, enlightened, capable, and up to the height of the duties with which they are charged. Many of the higher officers unite to all the aptitudes required in the director of a penitentiary establishment a rare administrative ability and an extensive knowledge of criminality. In the lower ranks of the *personnel*, a majority of the agents are upright, zealous, and earnestly devoted to their duties.

8. There do not exist in France schools specially devoted to the education of the directors and *employés* of prisons, and the necessity for establishing them has not been made apparent. The best school, in matters of this kind, appears to be that of practice and experience, and the prescriptions of the decree of December 26, 1869, constitute, certainly, sufficient guarantees that positions in the prison service will not be confided to incapable and inexperienced agents.

9. As has been said in the answer to a previous question, prison officers whose commissions have not been revoked, con-

tinue the exercise of their functions until the day of their retirement from the service. The different agents of the penitentiary administration are subject, as regards their retirement and the pension that may be granted them, to the rules embodied in the law of June 9, 1853, relating to civil pensions. The principle laid down by this law is, that every public functionary, paid directly from the funds of the State, has a legal claim to a retiring pension, when he fulfils the required conditions of age and of continuance in the service, that is to say, when he has attained the age of sixty, and has accomplished a service of twenty years. It is important to remark that account is made of military services, when there are superadded to them twelve years, at least, of civil services. Moreover, a pension can be granted at fifty years of age, and after twenty years of service, to those who have become incapacitated from a longer discharge of official duty by grave infirmities resulting from the exercise of their functions. In short, this same law relieves from every condition of age and continued service—1. Those who may have been disabled from continuing their service, whether as the result of an act of devotion in some public interest, or in exposing their own life to save the life of one of their fellow-citizens, or as the result of a struggle or combat encountered in the discharge of their duties; 2. Those to whom a grave accident, resulting, notoriously, from the exercise of their functions, shall have made it impossible to continue in the service.

10. Simple imprisonment is a correctional punishment; its duration is for six days at least, and for five years at farthest. The individual sentenced to simple imprisonment may be deprived, wholly or in part, of his civil and his family rights. In case of relapse the duration of the punishment may be doubled. The punishment of simple imprisonment is undergone in the departmental houses of correction, in case it is not for more than a year. Sentences to simple imprisonment for more than a year are undergone in the central prisons of hard labour and correction. The convict is employed at some one of the labours carried on in the establishment. (Articles 40 and 41 *du Code pénal*).

Reclusion is a punishment afflictive and infamous. Every person sentenced to reclusion is confined in a central prison,

and employed in labours which are carried on in the prison. The duration of this punishment is for five years at least, and for ten years at the utmost. A sentence to the punishment of reclusion implies, moreover, the loss of civic rights. Hard labour is an afflictive and infamous punishment. The actual mode of application of this punishment is regulated by the law of May 30 and June 1, of which mention has already been made. The sentence to hard labour for life implies civic degradation and civil death. A sentence to hard labour for a limited term draws after it civic degradation. The person so sentenced is, during the continuance of his punishment, in a state of civil death. A guardian and subrogate guardian are appointed for him, to manage and administer his goods. The sentence which imposes the punishment of hard labour is printed and posted in the central city of the department, in the city where the sentence was pronounced, in the *commune* where the crime was committed, and in that of the domicile of the convict. Criminals sentenced to hard labour for a limited term are, at the expiration of their sentence and during their whole life, legally under the supervision of the police.

11. In the departmental prisons the prisoners are, as much as possible, divided into classes. Adults and juveniles under arrest, and civil and military prisoners *en route*, occupy separate places in a ward which takes the name of house of arrest. The accused, and persons sentenced by the court of assizes, awaiting their transfer, occupy distinct places in a ward which takes the name of house of justice. Persons sentenced to simple police punishments, and those sentenced correctionally to punishments whose duration does not exceed a year, are confined in a special ward, which takes the name of house of correction. In the female wards, the arrested, the accused, the sentenced, young girls, and prisoners *en route*, form distinct classes, and occupy separate apartments, as far as the prison buildings permit. In what concerns the classes of sentenced prisoners forming the populations of the central prisons, the second article of the royal ordinance of April 2, 1817, directs that persons sentenced by courts of assizes and by correctional tribunals shall be confined in distinct and separate places. Hitherto it has not been possible to apply this rule, but the central administration has for some time

had under consideration a project which will enable it soon to give effect to the terms of the above-mentioned ordinance. Conformably to this project, certain central prisons will be exclusively devoted, some to reclusionaries, others to correctionals. The male and female prisoners undergo their punishments in distinct central prisons. Special wards in the central prisons of Clairvaux and of Nîmes are reserved for persons sentenced to simple imprisonment. Juveniles from sixteen to twenty-one years of age, who from their age are exposed to certain dangers from which it is necessary to withdraw them, are placed in the agricultural penitentiary of Castelluccio, Corsica, or in special wards. For a long time the French administration has felt the necessity of creating in the prisons classes based, above all, upon the degree of perversity of the convicts confined in them. Thus, on the one side, the dangerous prisoners, those who, before their conviction, had a character which would be likely to expose them to the outrages of their fellow-prisoners, or who might be a cause of disorder and insubordination, are placed in special cellular wards, called wards of isolation. Wards to which has been given the name of wards of preservation and amendment, have, on the other side, been established in various central prisons and appropriated to persons sentenced for a first offence committed under the influence of a sudden impulse, or of some violent and momentary passion.

This experiment is still so recent that it would be rash to pronounce upon its results; but the conditions under which it has been thus far conducted are of a nature to encourage the administration to persevere in the path on which it has entered. It can be affirmed that the prisoners placed in these wards have shown themselves sensible to the distinction of which they have been made the object, and have exerted themselves to justify it by their good conduct. They have been remarkable for their industrious application to work, and the local administration has rarely been under the necessity of putting them back into the common ward.

12. Prisoners may be restored, by pardon, to free life; they can also obtain commutations or reductions of punishment. An ordinance of February 6, 1818, fixes the rules to be followed in applications for clemency, which is generally exercised in

concert with the administrative and judicial authorities. The admission of prisoners on the registers of preservation is not exclusively the result of their good conduct in prison. Regard is also had to their antecedents and the causes of their conviction. Greater severity and circumspection are shown in regard to recidivists and to convicts whose crimes point them out as specially dangerous, as well as in regard to those who, from their criminal connections, would seem almost sure to fall back into crime after their liberation. As a general thing, prisoners placed on the lists of preservation must have previously undergone one-half of their punishment; still, this condition is not indispensable. Finally, what is to be said relating to military prisoners will be introduced under a special head.

13. The products of the labour of persons sentenced correctionally, who undergo their punishment in a departmental house of correction, are shared in moieties between the administration and the prisoners, the administration surrendering its share to the contractors, who, by the terms of their contract, are charged with the entire expense of the economic services. The State pays to the contractors, in addition, a fixed sum for each day of imprisonment. Labour is obligatory only for those who have been sentenced. The arrested and the accused can work when they desire it, and when it is possible to place tools in their hands without having to fear suicides or escapes. The labour of the arrested and the accused, who have a right to the whole of the product, is the object of special agreements. To indemnify the contractor, who has to furnish material and tools, there is made, in his favour, from the sum total of their earnings, a deduction of three-tenths. In the central prisons the product of the labour is divided into tenths. A portion of these tenths is assigned to the convicts, and takes the name of *peculium*. The quota of tenths granted to the convicts is determined by the nature of the punishments and the number of convictions incurred. The assignment is adjusted between the three classes thus: correctionals, five-tenths; reclusionaries, four-tenths; those sentenced to hard labour, three-tenths. The part assigned to prisoners sentenced on relapse is reduced from one to two-tenths for each previous conviction, down to the limit of the last tenth, which is, under all circumstances, paid to the convict. The *peculium* is divided by moieties into *pecu-*

lium disposable and *peculium* reserved. The first is at the disposition of the convicts during their imprisonment for certain authorised uses, and especially for the purchase of supplementary provisions and supplies, for the relief of their families, and for voluntary restitutions. It also furnishes reserves, to the profit of the treasury, for fines, punishments, breaking prison, or damages to the prejudice of the State or the contractor. The *peculium* reserved was established in view of securing to liberated prisoners some resources for their first necessities on their discharge from the penitentiary. The number of tenths allowed to convicts by the ordinance of 1843, may be increased on account of their good conduct and their diligence. There may be granted to them, in consideration of these qualities, even six-tenths, conformably to a decree of 1854. The disposable *peculium* may be increased by gratuities granted by the treasury, the manufacturers, or the contractors, under the title of recompense and encouragement; and it may also be augmented by the transfer, under the same title, of portions of the *peculium* reserved to the *peculium* disposable.

Finally, as regards juvenile prisoners, the general regulation of April 10, 1869, directs that the chiefs of colonies shall submit to the minister the dispositions having in view the rewarding, by a pecuniary payment drawn from the product of their labour, those youths who shall have distinguished themselves by their industry, their religious sentiments, or their obedience. The same regulation authorises the directors of the colonies to hire or confide, temporarily, the juvenile prisoners to private persons for agricultural labours, with the sanction of the minister of the interior, and under certain conditions. Juveniles thus farmed out have a right to a moiety of the wages paid for their labour. These sums are given to them at the time of their liberation.

14. Other rewards accorded to convicts are: Designation for employment as foreman of a workshop, monitor in the school, overseer of a dormitory, and other positions of trust, such as hospital attendants, storekeepers, secretaries, etc. In the colonies of juvenile prisoners the rewards are: the gift of playthings, public commendation, prizes at the time of the general distribution, positions of trust, grades, badges (ribbons for the young girls), good marks, additional food, the table of

honour, inscriptions on the roll of honour, provisional liberation, or placing at apprenticeship outside of the colony, military enlistments, and the gift of little books, with credits in the savings-bank.

15. The moral offences most frequently exhibited are theft, assaults, indecencies. As regards the infractions of disciplinary rules, more than half the cases in the central prisons consist of violations of the law of silence. In most of the penitentiary establishments, next to that just named, the most frequent infractions are: refusal to work, the secret use of tobacco, gambling, trafficking, and the unlawful possession of money. The men sentenced to simple imprisonment are those who commit the greatest number of moral offences, as well as infractions of the rules of discipline. In the female prisons a comparison of the whole number of offences and infractions yields, in like manner, a result unfavourable to those who are sentenced to simple imprisonment.

16. Order and discipline are, in general, well maintained in all establishments dependent upon the penitentiary administration, without the necessity of a recourse to coercive measures of an excessive severity. Acts of rebellion and violence take place to only a limited extent; thanks to the vigorous enforcement of the rules intended to insure a strict but equitable distribution of disciplinary justice. The punishments authorised by the regulation of May 10, 1839, so far as the central prisons are concerned, and those sanctioned by the regulation of October 30, 1841, applicable to the houses of arrest, of justice, and of correction, are: confinement in a cell, with or without irons, the hall of discipline, dry bread for three days or more, deprivation of the *cantine*, or of other food, the reduction of the tenths, fines, privation of correspondence and of visits, and sometimes the loss of an honourable position, such as that of foreman, overseer of a dormitory, monitor in school, etc. The convict who has incurred disciplinary punishments cannot be placed on the roll of honour. Corporal punishments are expressly forbidden. The punishments authorised in the colonies of juvenile prisoners are: privation of recreation, of correspondence, and of visits, the picket, kneeling, cleaning prison, the wearing of a disciplinary dress, the loss of grades, badges, and positions of trust, bad marks, reproof administered in private

or in public, isolation at meals, erasure from the roll of honour, and confinement in the punishment cell. Escape from prison involves the loss of the *peculium* of the juvenile prisoner, and prevents his being proposed as a candidate for provisional liberty. Confinement in a punishment cell can be inflicted only for offences of the gravest character.

17. Every day (Sundays and fête-days excepted) the director of a central prison, assisted by his assessors, holds a tribunal of disciplinary justice, at which are required to appear prisoners reported on the previous evening as having committed some infraction. The chief keeper inscribes, at the same moment, upon his register the decisions of the director. Minutes are kept of the proceedings of each session. The punishments adjudged are inscribed by the schoolmaster on the bulletin of the moral statistics of the convict. In the houses of arrest, of justice, and of correction, the punishments are inflicted by the director or the chief keeper, and are inscribed on a special register, which is subject to the inspection of the prefect and the mayor. In the colonies of juvenile delinquents the director alone has the right of inflicting punishments; these must be inscribed on a special register, and on the bulletin of moral statistics, which is attached to the papers (*dossier*) of each inmate.

18. In the houses of arrest, of justice, and of correction, a chaplain, chosen ordinarily from among the priests attached to a parish of the city, is charged with the moral and religious service. In each of the central prisons, and of the more important houses of arrest, of justice, and of correction, a special chaplain is exclusively devoted to the religious service, and is considered a regular *employé* of the establishment. Liberty of conscience is guaranteed to convicts of all religions. Every prisoner, on his entrance into the prison, is required to declare to what religion he adheres, a declaration whose truth is verified by an administrative information, and in case he does not belong to the Catholic religion he is transferred, whenever it is possible, to an establishment designed to receive prisoners of the same religion with himself. In the houses of arrest, of justice, and of correction, every non-Catholic prisoner under arrest or accusation, whether Protestant or Israelite, is interrogated as soon as he enters the prison, to ascertain whether he wished

to be visited by a minister of his religion, and, upon his affirmative response, the minister least distant from the establishment is written to and informed of his wish. As regards the convicts, the regulations are formal; they are required to be present at all the exercises of their religion in the prison where they are undergoing their punishment.

19. In the houses of arrest, of justice, and of correction, which in general—save in the chief places of the departments—have but a moderate population, the duties of the chaplain are limited to celebrating divine service on Sundays and fête-days, to giving to the prisoners, at least once a week, a religious discourse, to visiting the dungeons, cells, and infirmaries, to being present with those condemned to death at their last moments, to visiting the sick when they desire it, and to teaching the catechism to the young prisoners who have not made their first communion. His visits in the prison must be made at least twice a week. These obligations are common to the ministers of dissenting religions in everything which is applicable to them. In the large penitentiary establishments, the chaplains consult with the directors in determining upon the various religious offices and services. They visit the infirmaries, the sick, the places of punishment, and the solitary cells. In the sessions of the tribunals at the *pretorium* of disciplinary justice, they are entitled to a place among the assessors of the director. To prisoners who are prevented, by their age or infirmities, from taking part in the labours of the evening, they give moral, religious, or instructive readings. They are called upon to give their advice on propositions for the exercise of executive clemency.

20. Religious instruction cannot have a great importance in the houses of arrest, of justice, and of correction, as their population is renewed almost daily, more particularly in the houses of arrest of *arrondissement*. The chaplains of these establishments, being at the same time parish priests, have not generally the time necessary to discharge their ministry with success. In establishments situated in the chief place of the department, where the sojourn of the prisoners is more prolonged, the chaplain is often exclusively attached to the prison. He can then devote more time to the reformation of the prisoners. In the central prisons for women, where, over and above the aid of the

chaplain, there is that of religious communities, to whose care is confided the service of supervision, it is no uncommon thing to see prisoners come to themselves, and renounce a past which they strive to forget. Prison reform has found an active co-operation in the devotion and piety of the sisters.¹ Religious instruction does not yield, in the central prisons for men, as good results as in those for women, whatever may be the efforts of the chaplains. Recent statistical studies have informed us that, generally, convicts coming from the country are more accessible to religious sentiments, and the precepts of morality, than those from great cities, that is to say, from important manufacturing cities, where corruption is more advanced and where the principles of religion are often ignored or denied.

21. No person is admitted into prisons to labour for the reformation of the prisoners, without a special authorisation from the minister of the interior. In the houses of arrest, of justice, and of correction, commissions of supervision, composed of men held in the highest esteem in each department, have been formed, whose mission is to watch over all the services of the prison, and, in particular, over everything that relates to the moral reformation of the prisoners. These commissions are called, above all, to give their services in the prisons of *arrondissement*, where the action of the director, whose residence is at the chief place of the department, is not immediately felt. Commissions of supervision have not, as yet, performed any services in the central prisons.

22. There are not in our prisons any Sunday-schools, properly so called. The administration aims to have the repose of the Sabbath strictly observed, and the day consecrated to religious offices, and to the reading of moral and instructive works. Yet a number of the chiefs of penitentiary establishments, with a view to avert the dangers of a protracted idleness, have thought it their duty to organise an hour of school on Sunday. The superior administration has generalised this innovation. In the penitentiary colonies, where, at a certain period of the year, the exigencies of agricultural labour put an end to the work of the class-room, the juvenile prisoners find compensa-

¹ A special religious order—the order Mario-Joseph—was founded thirty years ago, for the service of supervision of female prisons.

tion in the instruction given them, for two hours, on the Sabbath.

23. A special regulation of the administration determines, in each house of arrest, of justice, or of correction, the days and hours on which attention must be given to correspondence. In the central prisons, ordinarily the prisoner can, once a month, on a Sunday, or a feast-day, write to his family. He can correspond only with his nearer relatives, and with the guardian appointed for him, in execution of the nineteenth article of the penal code, save in exceptional cases, of which it belongs to the director to judge. All relation with convicts confined in other prisons, and even with persons arrested or accused, is forbidden him, unless, at least, there exist ties of consanguinity between them and the prisoner. The same prohibition exists in regard to liberated prisoners—no communication being permitted with them. In a word, the administration permits to the convict correspondence only with his family, and such as is absolutely required by attention to positive interests. The letters which prisoners may have occasion to address to the administrative authorities, and letters relating to disclosures to be made to the judicial authority, go sealed to their destination, without having undergone the inspection of the chief of the establishment. In this regard any facility is accorded to the prisoners. The directors of prisons are charged with examining the correspondence of the prisoners on their arrival and at their departure. This duty is confided to the chief keepers in the houses of arrest, of justice, and of correction. The letters retained by these last must be sent to the mayor or the sub-prefect, who considers whether there is any occasion to deprive the prisoner of his correspondence. With regard to permission to receive letters from outside, the prison regulation determines still the conditions of the correspondence. In the central prisons it is the duty of the directors to arrest all letters which contain communications in violation of the rules of the service. In such cases extracts are made which are imparted to the convict.

24. Correspondence with friends other than relations is not allowed. The prisoner can write only to the members of his family most nearly related to him. If appearances may be trusted, if account is taken of the sacrifices which the prisoner

imposes on himself in sending to his family pecuniary aid, we are compelled to recognise the fact that the ties of relationship are still very strong.

25. The reasons which have led to the prohibition of all correspondence with their friends, equally forbid that they should receive the visits of these latter. Beyond the cases of special authorisation by the prefects and sub-prefects, convicts can receive no visits. There are, nevertheless, excepted from this rule the father, mother, wife, husband, brother, sister, uncle, aunt, and guardian, for whom, in the departmental prisons, the written authorisation of the sub-prefect suffices, and in the central prisons that of the director of the establishment or the prefect. As regards the visits made necessary by higher considerations, such as those of advocates, notaries, magistrates, or ministerial officers, a special authorisation is necessary, and is generally accorded. Prisoners arrested or accused can receive the visits of their relatives, or carry on correspondence with them, only so far as the committing magistrate or the attorney-general of the republic shall not have forbidden it.

26. The special rule of each establishment determines the days and hours at which it is permitted to relatives to visit the prisons. Permits of communication are given—on work-days, only for the hours of recreation; on feast-days and Sundays, only at times not consecrated to religious offices. During the visit, the duration of which is fixed by rule, and does not ordinarily exceed twenty or twenty-five minutes, an agent of the service of supervision is present for the purpose of preventing all communication other than that by word of mouth, and to overlook the parties and prevent whatever might give occasion to abuses or to infractions of the discipline. Yet the directors accord to the prisoner, under certain circumstances, greater facility and more liberty to communicate with the members of his family than is indicated above.

27. The moral effect of these visits is, in general, rather good than bad.

28. The number of prisoners who are able to read at the time of their commitment may be determined thus: During the three years 1867 to 1869, when the average number of prisoners under arrest and accusation rose to 44,133, 1,939 persons (men and women) were able to read—that is, 43·7 per

cent. During the years 1866 to 1868 the average number of convicts rose to 18,463; of this number 2,348 were able to read, which gives an average of 12·72 per cent. per annum. Finally, during the same three years, out of a mean population of juvenile prisoners to the number of 8,139, 1,532 were able to read, which is an average of 18·86 per cent.

29. The organization of primary instruction in the penitentiary establishments of France dates really from 1819. In virtue of a decree of December 26 of that year, primary instruction, embracing reading and the first elements of calculation, was required to be given to prisoners, following, as far as their number permitted, the method of mutual instruction. Since that time the administration has established schools in all the important prisons. In 1866, the minister of the interior ordered that a greater extension be given to primary instruction, and required that almost the entire prison population should be made to share in it, with the exception of old men, invalids, and those whose perversity requires their exclusion. The greater part of the departmental prisons are necessarily without schools, on account of the very brief sojourn of the prisoners in them, and the obligation which exists of separating the different classes; but the administration has succeeded in organizing schools in the prisons of the chief places of departments, in which the greater number of prisoners permits the employment of a clerk, who is charged at the same time with the keeping of the school. In the establishments of correctional education primary instruction is required to be given to all the juvenile prisoners. It comprises reading, writing, the first four rules of arithmetic, and the legal system of weights and measures. To this list of branches may be added mental calculation, surveying, linear drawing, and general notions on the geography and history of France. It is in like manner recommended that, in the establishments appropriated to young girls, elementary instruction be carefully imparted.

30. The penitentiary administration has not been able, thus far, to allow all the prisoners to participate in the benefits of primary instruction. Whilst striving to give a stronger impulse to instruction, it has been obliged to discriminate in admitting prisoners to the school, by receiving first the youngest, afterward adults, and among the latter those whose conduct is the

most satisfactory. In most of the male prisons the number of prisoners admitted to the school varies from 12 to 15 per cent. of the total population. In the female prisons, it is from 5 to 8 per cent. Attendance at school is obligatory on all the juvenile prisoners. Several hours of each day must be spent in school, except when the exigencies of agricultural labour at the time of harvest compels a restriction of the schooling to Sundays.

31. The instruction given in the prison schools consists of reading, writing, calculation, a little orthography and geography, and the metric system. As regards the methods followed, the systems are different; they vary according to the judgment and taste of the teachers. In the more important houses of arrest, of justice, and of correction, and in the male central prisons, the school is presided over by a lay teacher, to whom the chaplain lends, from time to time, his co-operation, in order to give to the instruction the moral and religious character which the administration seeks always to impress upon it. Monitors are selected from among the more intelligent and better educated prisoners. In the female central prisons the school is confided to the care of religious sisters. They are aided by monitresses chosen from among the prison population. The progress made by the prisoners of both sexes is generally rather slow, owing to the little aptitude of the greater part of the scholars. Many of the prisoners who entered wholly illiterate leave the prison knowing how to read, to write passably well, and to perform the simpler operations of arithmetic; but a complete elementary education is rare. The administration has not been, thus far, as well satisfied as it could have wished with the results of the instruction given in the prisons. It is at this moment engaged in seeking new methods of instruction, and the council of general inspection is charged with the study of measures to be adopted for a better organization of the schools in the penitentiary establishments. The teachers are required to make each year the reports necessary to inform the superior administration as to the progress of instruction. They must state the degree of education possessed by the young prisoners at the time of their entrance into the establishment. Mention of this, and of the date of admission to the school, are written on the tablets of each scholar, under his

name, to which is added a statement of his age. The tablets are shown to the inspectors-general at the time of their visits, so that they may personally assure themselves of the progress of each juvenile prisoner, and particularly of those who are soon to be liberated.

32. At the end of successive studies on the subject of libraries, the minister of the interior addressed, in 1864, to all the heads of penitentiary establishments, a catalogue comprising the books which were thereafter required to be distributed for the reading of the prisoners. This catalogue includes works for Catholics, Protestants, and Israelites, which are intended to serve for their moral and religious instruction; also books of history, accounts of voyages, literary works, treatises on ordinary and technical science, novels, and miscellaneous works. These books are examined with care by the council of general inspection of the prisons. The works of piety admitted by each religion are designated only on the recommendation of the ministers of the different religions. The catalogue contains special indication of the books more particularly adapted to men, to women, and to children. At this moment the superior administration is engaged in organizing libraries in all the penitentiary establishments. This measure, which is on the point of realization, will involve in the purchase of books an expenditure of about 30,000 francs.

33. The prisoners are generally fond of reading. Those who have a knowledge of this art nearly always profit from the practice of it. They have their Sundays for reading, and on week-days they read during the hours of rest and at meals. In some establishments there are readings in common to convicts who are unoccupied, and to others during the intervals of labour. Sometimes such readings are given during meal-time in the refectory. The prisoners listen to them with interest, but those who know how prefer to read to themselves. The distribution of books takes place under the superintendence of an agent of the administration—namely, either the instructor or the chaplain, who, in his selection of books, has regard to the antecedents, the aptitudes, and the conduct of each prisoner, and the officers charged with this duty perform it in such manner as to cultivate a taste for reading, by all the means which are consistent with the exigencies of the service. The

obligation of silence imposed on the prisoners by the regulation of May 10, 1839, has greatly contributed to a love for reading on their part. Books specially written for prisoners are not those which they prefer. They read with greater pleasure books of history, voyages, novels, and narratives which have touches of the marvellous, of elevated sentiment, and of renowned actions. Reading exerts a happy moral influence upon the prisoners. Those who contract a taste for it during their imprisonment are generally well behaved. Properly directed, reading effects a salutary revolution in the soul and imagination of the prisoner. Hence, the choice of books is a matter of great importance. Works which amuse by the interest of the drama and the charm of the style, and those which have in them an element of instruction, contribute to enlighten and to inform the prisoner, at the same time that they afford to him diversion and consolation. They serve to awaken in him the love of home, and sometimes predispose him to the duties of religion.

34. The central administration attaches great importance to the hygiene of the prisons, and it takes special pains to free them from every source of humidity. Even where the buildings which serve for imprisonment are not its own property, it reserves to itself an absolute right of control, as well as of preliminary approval, of all constructions and repairs appertaining to them. It has the power to insure, and it does insure effectively, that sanitary precautions are never neglected. The projects, plans, and estimates prepared either by the architects of the central prisons, or by the architects of the departments, or by other professional men, are, agreeably to the 12th and 14th articles of a decree of the chief of the executive power, under date of November 25, 1848, submitted to the examination of the inspectors-general of prisons, assembled in council, to whom are added, whenever the question relates to sanitary science, the medical inspectors-general attached to the sanitary service of the prisons. To understand thoroughly the spirit in which this examination is made, especially as regards drainage, it is sufficient to glance over a circular of January 7, 1863, to which is subjoined a plan for the construction or alteration of houses of arrest, of justice, and of correction. There are found in this plan the following rules :

The foundations and lower portions of the ground-floor should be made in such manner as to completely exclude the humidity of the soil.

The soil of the ground-floor should, as a general thing, be raised a half metre at least above the exterior soil, by means of materials adapted to exclude humidity, and in cases where it is absolutely necessary to construct dormitories on this floor, this elevation should be carried to not less than one metre.

At the foundation of the buildings there should be placed reverses or foot-pavements, to carry off the humidity.

For carrying off the water, there should be gutters or sewers, but no draining wells.

If these regulations cannot be applied, in all their details, to old constructions, they serve, at least, as a base or term of comparison, and act as a motive leading to alterations, by means of which the administration has succeeded in securing, almost everywhere, a satisfactory sanitary condition of the prisons.

35. No prescribed rule determines the quantity of water to be provided for the necessities of the prisons. The plan above mentioned limits itself to recommending in all prison constructions, as an indispensable prerequisite, a good supply of water, and, with rare exceptions, it is with abundance rather than parsimony that water is brought into all our prisons.

As regards the quality, prisoners are generally treated like the free population of the localities in which they are incarcerated. Among the establishments destined to their use, a great number are supplied with the same water which the neighbouring cities or villages procure for their public fountains. The administration knows too well the influence which the water habitually drunk exercises upon the health of the prisoners not to take care that it be pure and healthful.

36. The ventilation of the prisons is made the object of a very special attention. The plan indicated below contains formal rules to this effect, among which are found the following :

The windows should have at least 1.2 metres in height to 1 metre in width on the ground-floor, and 1 metre in height to 0.8 of a metre in width on the first floor.

The dormitories, workshops, and common apartments should be conveniently arranged and well lighted, and aired on two sides if possible, and should give at least 15 to 20 cubic metres of space to each prisoner, in addition to the special means of ventilation.

As regards these special means, those which are most effective consist of draught-chimneys (*cheminées d'appel*), placed at the top of the rooms to be ventilated, and working by means of small openings of some centimetres square made in the wall, so as to cause the foul air to escape and facilitate the renewal of the air. For all the old constructions, in which the rules laid down in the above plan would be too difficult or too expensive to reduce to practice, the inspectors-general carefully indicate, at the conclusion of their visitations, the improvements which they regard as necessary to a good ventilation. Almost all the observations hitherto made tend to show that in order most surely to attain this end, it is indispensable that openings be placed in the two parallel walls of each apartment destined to receive a large number of individuals. Thus it is sought as much as possible to make little openings, called barbicans, in the top of the wall facing the windows, which give light to each apartment. The results obtained by this simple arrangement, already almost everywhere adopted, are highly satisfactory.

37. The plan for the construction of departmental prisons, decreed in 1863, recommends corridors and stairs well lighted and airy, and the suppression of dark subterranean passages. It prescribes that the floors of the several stories, especially for apartments in common, except the infirmary, be, as far as possible, covered with cement or stucco, in preference to flagging, tiles, or planks. The walls and ceilings are required to be carefully plastered and painted with oil, or at least washed with lime. These precautions, whose aim is to facilitate the maintenance of cleanliness, are completed by official measures, whose daily or periodical execution is placed in charge of the contractor of each establishment where the industries are managed by contract. These measures are specified in the contract. They consist principally in frequent and repeated sweepings, washings, and cleanings, as well as in fumigations, and in the annual whitewashing of all the buildings.

38. The means of securing the personal cleanliness of the prisoners are of two kinds. The one, as the daily toilet, the bath, the washing of the feet, and the removal of the beard and long hair of the men, is applied directly to the individual. The

other has for its object the linen and the clothing provided for the prisoners' use. They are both as extensive as possible, and are made the subject of numerous and detailed rules in the conditions of the contract and the regulations of the prisons. The same rules are applied in general to the female prisons and educational colonies for young girls, with the exception of the obligation to wear the hair short. Entire liberty of action is left with them in this respect. The arrested and accused are subjected to no other obligations than those which are indispensable to the maintenance of good discipline, of general cleanliness, and of the health of their fellow-prisoners. They are permitted to keep their beard and their hair.

39. The central administration has long been impressed with the grave inconveniences occasioned by water-closets placed adjacent to the dormitories or other apartments occupied by the prisoners. As early as 1819 a decree of the minister of the interior, under date of December 25, bears traces of his attention to this matter. The fifteenth article decides, in effect, that measures shall be taken to protect the dormitories, and especially the infirmaries, from the infection of the gases emanating from the privies. He adds that the *latrines* placed within the interior of the dormitories and cells shall be removed, and their places supplied by buckets, which are emptied and washed twice a day. The several essays made since that period have shown that whatever may be the precautions taken, whatever the system adopted, the privies are always an unhealthy neighbourhood, and that the best plan is to have none at all, or at least to place them outside of the buildings; for example, in the space between the two encircling walls of the prison. These rules, which have been closely followed in the prisons recently constructed, have not yet been fully applied to the old prison buildings. The displacement of the privies involves considerable expense, from which, hitherto, many of the old establishments have recoiled. They have also, in considerable numbers, been retained in the exercise yards. But, as regards the introduction of buckets into the dormitories and workshops, the measure is now general, and is applied with satisfactory results in all the penitentiary establishments. The removal of the privies, which still existed in the exercise yards in a certain number of establishments, is constantly

going on, and a ministerial circular of March 20, 1868, recalls the considerations of salubrity and security, as well as of decency, which recommend the suppression of the latrines in those courts.

40. In the interest of good morals, as well as for the purpose of rendering supervision more easy, sundry regulations have prescribed the lighting, during the night, if not of the cells, at least of the common dormitories. This rule is applied to all of the penitentiary establishments. No particular mode of lighting is fixed upon absolutely. The administration reserves to itself the power of regulating it in each individual case, and it permits, indifferently, the use of candles or lamps, either of oil or petroleum, or mineral essences. Gas is also sometimes used. However, according to the terms of the contract made for the central prisons, the contractor can use the mineral oils only on condition of conforming to such measures of precaution as may be prescribed to him. The necessary material must be furnished by him, and the supply renewed when necessary; and he is required to place in the dormitories small sheet-iron chimneys to carry outside the smoke of the lamps.

41. The heating of the prisons of every class is generally effected by means of stoves placed in the rooms which are to be heated. Some establishments, and those among the most important, are well furnished with heating apparatus placed in the cellars or basements, which is designed to diffuse the heat throughout the several parts of the building; but serious inconvenience, as well in regard to the expense as to the distribution of the heat, have caused an abandonment of the system. A note which accompanies the plan already referred to resolves this question thus: 'The hot-air furnaces have not hitherto yielded satisfactory results. The workshops and other places where the prisoners are in association can be more readily heated by simple stoves. It is the same with individual cells.' The administration aims only to prevent the effects of excessive cold, in other words, to spare the prisoners the physical suffering which might react injuriously upon their health. The contract for the service of the central prisons recalls, in articles 54, 55, and 56, the obligations which, in this regard, rest upon the contractor. The contract for the services of the departmental prisons contains the same enumeration in article 46.

Finally, as regards the colonies of juvenile delinquents, the regulation of April 10, 1869, contains the following provisions:

ARTICLE 21.—The schools and workshops shall be heated during six months of the year, viz., from October 15 to April 15.

ARTICLE 22.—The infirmaries and bath-rooms shall be heated for a longer period if the physician think it necessary.

42. Experience has shown that iron bedsteads are preferable to all others, and for many years they have been the only ones whose purchase has been authorised by the administration for the departmental prisoners, as well as for the central prisons, and the colonies of juvenile delinquents belonging to the State. The bedstead, thus uniformly adopted for the whole of France, and which is to-day the only one recognised in the official regulations, is decreed in a note accompanying the ministerial circular of September 26, 1867, with this reservation, that the bottom in wire-cloth designed to receive the mattress must be replaced by an iron or sheet-iron lattice in prisons where palliasses were formerly in use. At the same time, in adopting definitively the model of a uniform bed for all the prisons, the administration did not intend that the then existing beds, of whatever style they might be, should be immediately displaced. On the contrary, it took pains to state, in a circular of May 20, 1868, that this expensive change should be made gradually, and only as cases of absolute necessity for some change arose. It follows from this that there are still found in some prisons traces of different kinds of beds, authorised prior to 1867, particularly by the general regulation of 1841, which had permitted, indifferently, the hammock, the bunk, and the iron bedstead. The work of transformation, pursued by the administration with prudence and economy, is already far advanced. In the infirmaries the iron bedstead has long since been everywhere introduced. Larger dimensions are given to the hospital than to the ordinary bedstead.

43. After having, formerly, consisted of loose straw, spread either on the floor or on camp bedsteads, the bedding of the prisoners has undergone, since the commencement of the century, successive ameliorations, which have brought it to the satisfactory state in which it is found to-day. The complete

bed of each able-bodied prisoner is composed of an iron bedstead, a mattress, or palliasse, a bolster, two sheets, and one coverlet in summer, and two in winter. While the above-enumerated articles are of somewhat larger dimensions and a better quality for the sick than for those in health, there are added for the former a pillow and curtains. Moreover, they ought to have, and they have, both a mattress and a palliasse. These various articles, which are specified, with all the necessary details, in the contract, are supplied to the prisons of every class, with this single difference: that, in the central prisons, the mattress constitutes the bed required by administrative regulation, and is found everywhere; whereas in the other establishments the mattress or the palliasse is indifferently supplied; and, as a consequence, the palliasse is generally used in the houses of arrest, of justice, and of correction. This lack of uniformity is owing, in great part, to the fact that the service in the central prisons has been, for a long time, in the charge of the State, while it has been only a few years since the charge of the houses of arrest, of justice, and of correction, has passed from the hands of the department into those of the State. Other reforms were pressing, and all that were needed could not be undertaken at the same time. Moreover, aside from the fact that sleeping upon the palliasse is sufficiently comfortable, if the straw is frequently renewed, it is perhaps the mode best suited to the constant changes occurring in the population of these establishments. It is readily seen how much easier it is to increase, at short notice, the number of palliasses, and how the care and preservation of the mattresses would add to the embarrassment at times when the greater part of the beds remain unoccupied.

44. The hours of labour, of recreation, and of sleep are determined, for each establishment, by a special regulation, made by the prefect. But if the duty of regulating, in detail, the division of time in the different prisons, situated in each department, belongs to the departmental authority, the central administration does not any the less take care that differences of too material a character be not permitted to exist. Above all, it insists that the hours of labour imposed upon prisoners shall not exceed those of free labourers, viz., twelve to thirteen. In the case of juveniles, it is prescribed that the hours of work are never to exceed ten. As a general thing, from twelve to

thirteen hours are given to labour, from two to two and a half hours to meals and repose, and nine hours to sleep.¹

[N. B.—A question relating to prison dietaries was accidentally omitted from the list of interrogatories. The answer to such a question has been considerably introduced at this point, under the enumeration 44 *bis*, and is as follows:] The dietary of prisons for punishment is regulated on the following principle:—1. The food, gratuitously furnished to able-bodied prisoners, is limited to what is strictly necessary for the support of the vital forces. The renewal of the forces expended in labour is effected by means of supplementary food, furnished to the convicts out of the funds deposited to their credit, and principally out of the part which, according to the penal class to which they are severally assigned by their sentences, comes to them as the product of their labour. 2. The dietary ought, as far as possible, to have a certain repressive character, effected by the absolute exclusion of luxurious dishes and drinks, such as wines, spirits, &c. Nevertheless, the food forming the usual dietary having given rise to some strictures, modifications were in 1868 introduced into this part of the service. The number of rations of soup furnished each day has been increased from one to two, with a view to facilitate the consumption of the bread ration. A greater variety of provisions has been supplied, and the number of meat rations has been advanced from one to two per week. The savings realised in the making of soup bread have been such that the expenses resulting from the above-specified ameliorations have been increased only to a very moderate degree; that is to say, about one and a half centimes for each day of imprisonment. The sanitary state of the central prisons has been essentially improved under the influence of the new dietary. This *régime* has proved highly satisfactory. The distribution of bread is regulated as follows: For each day when meat is furnished (Sunday and Thursday), 775 grammes for the men; 725 grammes for the women. For the five days when meat is not furnished, 840 grammes for the men; 790 grammes for the women. In addition to this, supplementary bread is furnished to those convicts who have no resources from their disposable *peculium*. The bread for able-bodied prisoners is, in general, composed of two-thirds of bolted wheat-flour containing one-eighth of bran, and one-third of bolted rye or barley-flour

containing one-fifth of bran. On Sunday and Thursday there is a meat ration consisting, in the morning, of a bowl of soup containing five deciliters (nearly a pint) of broth, and, in the evening, 75 grammes on Sunday, and 60 grammes on Thursday, of cooked meat without bone, together with a small quantity of (at least) three deciliters of rice or potatoes. On each of the other days of the week, the ration consists of two bowls of soup, without meat, containing four deciliters, with the addition, at the evening meal, of at least three deciliters of potatoes, peas, lentils, or beans. The expenditure for supplementary provisions purchased by the prisoners amounted, in 1867, to 692,181 francs, being an average of about ten centimes a day. The supplementary provisions delivered gratuitously by the administration or the contractors, represent, in addition, another expenditure of 57,980 francs, equal to 1,094 centimes for each day of imprisonment. During the summer, there is distributed to the prisoners a hygienic drink, made after a formula laid down in the contract. The dietary of the houses of arrest, of justice, and of correction is regulated agreeably to the principles above set forth in relation to the central prisons; but some modifications are made in the details on account of the small number of the prisoners. In the colonies of juvenile delinquents, bread is given *ad libitum*. The number of meals in these establishments is three a day, and even four in time of harvest, during which rations of wine, beer, and cider are given. The principal exceptions to the dietary arrangements just described relate—1. To the prisons of the Seine, where, in respect as well of the quality of the bread as the quantity of the meat and other commodities, the rations differ not a little from those of the central and departmental prisons. 2. To the agricultural colonies of Corsica, where we have had to contend with climatic influences by toning up the dietary with supplementary additions of meat, and with rations of coffee, and even of alcoholic drinks. It belongs to the ministry of the navy and the colonies to give exact instructions on the subject of the dietary of the prisoners sentenced to the bagnios.

45. In the great prisons for punishment, the sick prisoners are always treated in the establishment, whatever may be the nature or gravity of their disease. Exception, however, is made of the epileptics and the insane, who are sent to special estab-

lishments. In the houses of arrest, of justice, and of correction, sick prisoners are, as far as possible, treated in the prison. There is a special apartment designed to serve as an infirmary. A physician belonging to the town is employed for the prison, and is required to make one visit daily for the purpose of giving attention to the sick. To these a better dietary is allowed. The prescriptions of the doctors, limited, it is true, in a certain degree, are always carried into effect. In prisons of less importance, only the lighter ailments are treated. As soon as a prisoner becomes seriously ill and has need of special care, he is conveyed to the hospital of the town. The expenses of his treatment there are reimbursed to the establishment by the State or the contractor.

The sanitary system of the central prisons is organised in a manner the most complete. A physician, often resident in the establishment, is attached to each. The infirmaries are arranged in the best possible manner. A special dietary is accorded to the sick, agreeably to the prescriptions of the physician and the conditions of the contract. A dispensary, provided with all necessary medicines, is organised in each central prison, and an apothecary is charged with preparing the prescriptions. In the public colonies of juvenile delinquents, the sanitary service is organized, in the main, as it is in the central prisons. There are also infirmaries in the private colonies, and a physician attached to the establishment must make at least three visits a week.

46. In the houses of arrest, of justice, and of correction, the stay is too short for the imprisonment to produce any appreciable influence on the sanitary state of the prisoners. The pathological condition of the prisoners before their incarceration is the principal cause of the diseases which are developed after their imprisonment. It may, therefore, be said, as regards these prisons, that the diseases most common are the same as those which affect the free population of the locality from which the prison population is recruited. A certain number of diseases developed in the central prisons are in like manner due to the sanitary state of the prisoners, who, at the time of their commitment, have already felt the effects of debauchery and misery. It is, nevertheless, possible to perceive, in a certain measure, the inevitable influence of the privations undergone during

incarceration. It is affections of the digestive and respiratory organs and fevers which furnish half, and often two-thirds, of the inmates of the infirmaries in the penitentiary establishments for both sexes. It is certain that imprisonment very generally produces a lack of blood, and this favours the development or the gravity of certain affections, such as phthisis and scrofula. As regards ailments which, without being of a grave character, still render necessary the intervention of the physician, it may be said that gastric complaints most frequently require treatment in the infirmary. In establishments designed for juvenile delinquents the most frequent affection, brought generally from without, is scrofula. That which produces the greatest ravages is pulmonary consumption. Fevers come next.

47. The average number of prisoners in the infirmaries compared with the total prison population was, in 1868, in the central prisons, 4.05 per cent. of men, and 5.16 per cent. of women; and in the establishments of correctional education, 1.61 per cent. of boys and 2.23 per cent. of girls.

48. In comparing in the various penitentiary establishments the average annual population with the number of deaths for the same time, the following percentages are obtained: Houses of arrest, of justice, and of correction.—Men and boys, 3.79 per cent.; women and girls, 4.91 per cent. Central prisons.—Men, 3.65 per cent.; women, 3.80 per cent. Establishments of Correctional education.—Boys, 1.67 per cent.; girls, 2.20 per cent.

49. Penal labour, properly so called, does not exist in the prisons of France. The penal system is no longer founded, as formerly, on suffering and terror. Corporal punishments have disappeared from the penal system. What is desired at present is to punish the criminal; what is sought as the end of that punishment is his reformation. Therefore, industrial labour alone is found in the prisons, obligatory in the case of those under sentence, permitted in the case of the arrested and the accused. This character of *obligation* may well be considered as a punishment to the convict, and a means of lessening the expenses caused by him to society; but it is thereby sought, above all, to prevent the dangers of idleness and to form the taste and the habit of labour. In the smaller houses of arrest,

of justice, and of correction, there is difficulty in organizing the labour. The prisoners are engaged only in temporary occupations. A few, when that is possible, follow the trade by which they obtained a living outside. It is only in the larger departmental prisons that it has been possible to establish workshops of any importance. In the central prisons the labour is thoroughly organized; if any are without occupation, it is the exception and not the rule. Large industrial workshops in these establishments continually present a scene of busy toil. Different industries, to the number of fifty or sixty, have been introduced into the male central prisons. The principal are shoe-making, the manufacture of hosiery, weaving, button-making, cabinet-work, lock-smithing, the manufacture of hardware, tanning, etc., etc. There are, besides, three establishments in Corsica, and one in Belle Isle, in which the prisoners are engaged in agricultural labours. Sewing, which can be applied to very different kinds of work, is almost the only industry pursued in the female central prisons. Remuneration by the day is the exception, and is applied only to the interior services of the prisons. Piece-work is the general rule. With a view to avoid the competition of prison labour with free labour, the rates of payment for the work done have to be studied and regulated by the administration, which carefully considers beforehand the different interests involved. The rates must be the same as those paid to free industry for the same kinds of labour; only there is made to the contractor a remission of 20 per cent., or one-fifth, to indemnify him for special expenses, which manufacturers outside do not have to incur. As regards minors of both sexes, subjected to the system of correctional education, they are required to be principally employed in agricultural labours.

50, 51, and 52. Penal labour does not exist in France.

53. In all the houses of arrest, of justice, and of correction, in France, except those of Paris, the supplies of food and of other current necessities are confided, by way of contract, for three, six, or nine years, to a distinct contractor for each department, and on conditions mutually agreed upon. This contractor has the sole right to make the prisoners work; his interest compels him to that, since he shares about one-half of the product of their labour. This product comes in to lighten

his expenses; but as the labour of these prisons cannot be so well organised as that in establishments for long punishments, and is, consequently, in them less productive, the cost of each day's imprisonment is greater than in the central prisons. In the central prisons of the Continent, with the exception of that of Belle Isle, which is administered by the State, the right of employing the labours of the prisoners is, in like manner, conceded to the general contractor of the services. The administration reserves the right of utilising the labour of the prisoners if the contractor leaves them unoccupied. The directors of the private colonies employ, in industrial labours, without the intervention of contractors, those juveniles whom they have not been able to employ in agriculture. The product of the labour of the young girls applied to field labour or sewing, is received by the religious communities charged with their penitentiary education.

54. The system which consists in awarding to contractors the profits of the industrial labour of the prisons appears to be the preferable one. If the State can produce more, it produces, in general at greater cost. Personal interest and the desire of making money are powerful motives with the contractor; besides which, an officer of the Government has not the same freedom of action nor so much practical knowledge of commercial affairs as a business man. Moreover, by giving to the same person the charge of the maintenance of the prisoners and a part in the product of their labour, the administration has realised a progress promotive of the interests of all. In proportion as the contractors have become familiar with the working of their contracts, they have learned that the surest benefits to be realised from them consisted rather in the impulse to and extension of industrial labour, than in the culpable profits to be obtained by the imperfect execution of the obligations which they had assumed. The labour being constant and becoming more and more productive, the profits of the contractor and those of the prisoners increase *pari passu*. The part of the product of the labour belonging to the contractor represents a profit more considerable in proportion as such product increases. The sum, then, to be paid by the State toward the maintenance of the prisoners becomes so much less when a new contract is to be made. The contractors have been made to comprehend

that the sum total of the product of the labour is augmented, as the result of the general good care extended to the prisoners. This last result, conducive alike to the well-being of the prisoners and the interest of the treasury, is remarkable and immediate when the contractor directly utilises the forces of prisoners.

55. Under reserve of the exception previously pointed out in what concerns the prisons of Paris, there is but one system of contracting the labour of the prisoners. The contractor, charged with the service of maintaining and feeding the prisoners, possesses the exclusive right to the labour of the convicts. The contractors in the departmental and central prisons themselves utilise directly the labour of the prisoners; those in the prisons of Paris do it through sub-contractors, for whom they become responsible to the administration. The procedure which consists in the direct utilising of the labour by the contractors has its advantages, which have been pointed out in the preceding paragraphs; but if it is, in certain respects, advantageous to the prisoners that the contractor be directly interested in the greater or less production of the labour, this state of things may be attended with some disadvantages. In effect, if the contractor is at the same time a manufacturer, it is probable that the greater part, if not all of the prisoners, will be placed upon a single industry, viz., that which he carries on outside. When, in these conditions, a suspension of work happens, almost the entire prison population may have to suffer from this interruption of labour. If, on the contrary, the contractor has sub-letters for the various industries, any partial suspension will affect only a small number of prisoners; and, on the other side, the prisoners belonging to a shop which has suspended labour may pass, temporarily, into another shop, where they will be occupied.

56. Of the inmates of the central prisons, the men who had no regular calling or business prior to commitment were 4·78 per cent.; the women, 11·76 per cent. In the establishments of correctional education, where the children are often placed, before having exercised any regular calling, either because of their youth or the indifference of their family, the proportion not having any regular business is about 65·61 per cent.

57. All the convicts are under obligation to labour. Each

one is put, as far as possible, to the business which he followed before his imprisonment; and, when he is placed in a workshop, account is always taken of his aptitudes and tastes. The prisoners of rural origin are, in general, sent into the agricultural establishments of Corsica, when the state of their health and the length of their sentence justify so expensive a transfer. In the establishments of juvenile delinquents it is sought, above all, from considerations of health, and in the hope of teaching them a business which may keep them away from the cities, to employ them in agricultural labours. Yet those who will be able to return to their family, and who are of city origin, are employed in industrial occupations, which they may exercise after their liberation.

58. As has just been said, the administration exerts itself, as far as possible, to cause to be taught to the prisoners, previously without regular business, some calling which will enable them, after their liberation, to gain an honest living. But, during their incarceration, they may already aid themselves by work. Not to repeat what was said in No. 13, on the share accorded to prisoners of the product of their labour, it is sufficient to recall the fact that they can, during their imprisonment, avail themselves of their disposable *peculium* to ameliorate their condition, in respect of food or clothing, and to procure for themselves certain objects, the use of which is authorised by the regulations. As regards the second part of their possession, the reserved *peculium*, which they can diminish during their imprisonment only on certain conditions, and to a limited degree, it is a kind of savings, designed to meet the first necessities of the liberated prisoner, if he does not find work immediately on his discharge from the establishment. This resource is thus a means, prepared by his own efforts, during his incarceration, to aid himself. The administration, not limiting itself to this forecast, has still further taken means to prevent this reserved fund from being expended as soon as it comes into the possession of the prisoner. It has conceived that, on emerging from a prolonged state of affliction and restraint, the prisoner, finding himself in the possession of a sum relatively considerable, would be disposed to waste it immediately in debauchery. It therefore places at the disposal of the liberated prisoner only such sum as may be necessary

for the expenses of his journey, and he can touch the rest of his possessions only after arriving at the residence which he has chosen, or which has been assigned him. As regards juvenile delinquents, whose labour is not remunerated so long as they have not been restored to freedom, except in case of being placed with farmers,¹ they receive, on their discharge, a complete outfit, and money enough for their journey.

59. The English and Anglo-American legislation is so unlike ours that it would be difficult to say, precisely, to what infractions in penal matters the words 'minor offences,' employed in the question, are to be understood. Besides, certain infractions which are made the objects of prohibitions by foreign laws, have no penal sanction in France, such, for example, as the observance of the Sabbath, public drunkenness, &c. Nevertheless, in order to enter as much as possible into the sense of the question proposed, it would seem that it must refer to criminal acts of but a moderate gravity, which, according to the provisions of the fourth book of the French penal code, may be punished either by a fine of fifteen francs or less, or by an imprisonment of fifteen days. These Acts are those which, in the exposition of 'incentives' in the code of 1810, the reporter designated 'violations of police regulations,' and which the first article of the penal code has denominated 'contraventions.' The contraventions are numerous, and it is certain that the penalties attached to them do not, from their very triviality, prevent a return to the offences against which they are directed, whenever their authors find in them any profit, the gratification of some grudge, or even a passing diversion. These transgressions, often committed by the same persons, are no doubt vexatious, and it must certainly be admitted that respect for law is less profound in France than in England, for example; but if the trivial faults, denoting in those who commit them a certain levity of character, are often repeated, in spite of the punishment with which they are visited, it cannot, on the other side, be alleged with truth that graver offences, constituting a misdemeanor or a crime, are more numerous in France than in other countries. It is presumed that, in the thought of the author of the questions, the words 'minor offences' ought to

¹ They have a right in that case to the moiety of their earnings.

correspond, in France, to those of 'contraventions,' which are punished with a light imprisonment. If, on the contrary, they answer to misdemeanors of no considerable gravity, and are visited, consequently, with a trifling penalty, it might be said that, in this matter as in that of contraventions, though in a much less proportion, the first strokes of the penal law do not prevent a return to the criminal acts. Thus, in the year 1870, out of 160,129 previously convicted offenders, arraigned before the correctional tribunals, 46,441, that is, 25.23 per cent., had been previously punished, to wit: 7,858 by fines, and 38,783 by an imprisonment of one year and under. The relative smallness of the first punishments had not, therefore, in this case, had the salutary effect of preventing new offences.

60. In respect to the percentage of recidivists: In order to reply more fully to the spirit of the question upon this point, it will be necessary to take into view both the prosecution and the conviction. According to the last official report on criminal justice, out of 4,189 individuals prosecuted for crimes, the recidivists are in the proportion (including men and women) of 1,780, that is to say, 42.49 per cent. Of this number of recidivists prosecuted, 272 were acquitted, being 11.91 per cent. only. On the other hand, of 160,079 individuals of both sexes prosecuted for misdemeanors, the recidivists are to the number of 60,129, or 37.56 per cent. Of this number of 60,129 recidivists prosecuted in matters of misdemeanor, 1,725 only were acquitted, being 2.26 per cent.

61. A relapse, in the legal sense of the word, is the commission, after a penal sentence, of a new criminal act. It receives little favour from the French law. The circumstance of a prior conviction, and the greater perversity shown by a repetition of the offence, seems, in effect, to demand from the legislator an increase of punishment. Doubtless, neither theft nor homicide changes its nature because committed a second time; but a crime has two elements, the substance of the act and the criminality of its author. The legislator has thought it a duty to take both these circumstances into consideration in measuring the punishment. Article 56 of the Penal Code lays down rules in regard to relapses in matters of crime. The punishment awarded is *generally* that which is placed above the first sen-

tence in the scale of penalties. Article 58 relates to relapses in matters of misdemeanor. It ordains that misdemeanants, who had been punished correctionally by an imprisonment of more than a year, be sentenced, in case of a second offence, to the maximum of the punishment permitted by the law, and declares that this punishment *may* be doubled, besides subjecting the offender to the supervision of the police during a period of five years at least, to ten years at most. The effect of a second or third conviction in diminishing the share accorded to the prisoners of the product of their labour has already been stated.

62. The law of July 22, 1867, put an end to imprisonment for debt in commercial and civil matters, and in those in which foreigners are concerned. The restraint of the body exists no longer, except in matters criminal, correctional, and of simple police. The usage has just been re-established as regards the payment of moneys due to the State. The ordinary creditor who, under the empire of the old legislation, caused his debtor to be imprisoned (in the exceptional case of which mention will be made further on), was bound to deposit in advance, for each period of thirty days, the sum of 45 francs in Paris, and of 40 francs in other cities, in the hands of the prison-keeper, to provide subsistence for the imprisoned debtor. This consignment of the means of support was not, and is not now, necessary, when the debtor is arrested and detained on account of debts due to the State for the public administrations. This expense is, in such cases, included in the number of expenses necessitated by the service of the prisons, agreeably to the terms of the decree of March 4, 1808, article 2, which was not abrogated by the subsequent laws of 1832 and 1867 touching the restraint of the body. In this case, the public minister is bound to take care that persons imprisoned for debts to the State or the administrations receive the same rations as the other prisoners who are in the charge of the State. It is a special case, that in which the unfulfilled engagements of a citizen toward others may also draw after it his incarceration, agreeably to the terms of article 460 of the Code of Commerce. The decree of bankruptcy may order the placing of the person of the bankrupt in a debtor's prison, and, if there is no such prison, in a part of the house of arrest reserved for that purpose. This is a measure which prudence almost always dictates. If the debtor is simply

unfortunate, a safe-conduct soon restores him to his family and to liberty; if the examination of his conduct justifies rigorous measures, it will be impossible for him to liberate himself by flight. The arrest and imprisonment of the bankrupt should be preceded by the consignment on the part of the commissioners of bankruptcy of the means of living, and, in case of insufficient means for this purpose, the advance of the moneys to be consigned is made from the public treasure, on the order of the commissioner, given at the request of the public ministry. (*Code de Commerce, article 461.*)

The French law, as is thus seen, places the incarcerated bankrupt in a situation altogether different from that of ordinary prisoners.

63. The absolute terms of this question render a categorical reply impossible, but there is reason to believe that in France, as in many other countries, the insufficiency of moral education, the general defect of intellectual culture, and the want of an industrial calling, not opposing to the appetites and instincts a barrier sufficiently strong, leave an open road to crimes and misdemeanors. These offences are afterwards modified and perpetrated under influences springing from the circumstances by which their authors are habitually surrounded. It is thus that, on the frontiers, the populations seeing in the code of fiscal laws only an enemy of natural right, have little hesitation, for the purpose of avoiding the payment of taxes, in sacrificing the lives of the agents charged with collecting them. In the cities the labourer, seduced by ideas of a luxury which his labour does not and ought not to give him, suffers himself to be drawn on to attempts against property, and, too often, against social order. The inhabitant of the country, who has under his eyes only the spectacle of a productive soil parcelled out to infinity by the law of inheritance, demands violently, sometimes even at the cost of his neighbour's life, the enlargement of the patch that belongs to himself. To these evils, of which France has no monopoly, does there exist a remedy which will prove absolute and complete? It may be doubted, but it is certain that, in elevating morality, in fortifying the heart, in enlarging the boundaries of knowledge, the practical ability of men would be increased, and the effects of these evils would be diminished by lessening their causes. Certain humanitarian or economic writers have, in these latter times, seen in poverty the

supreme cause of criminality. They have rested their theory upon this statistical consideration, that the years most prolific in violations of law were precisely those in which the harvests were less abundant. We might say as much of the periods which correspond to the interruption of the great industries of the country, and, in a sense more restricted, of the effects of legal supervision over the persons who are subjected to it. But these are only accidents or influences which at most are but intermediate causes, subordinating themselves in a manner little short of absolute, to the generic causes set forth above.

64. As regards the proportion in which the sexes are represented in our prisons: On September 31, 1868, a point at which were arrested the indications of the statistical documents, recently published, on the subject of the movement of the population in the central prisons and the houses of arrest, of justice, and of correction, there were counted in all the different establishments: 33,978 men, being about 81 per cent. of the total population; and 7,993 women, being about 19 per cent., subdivided in the following manner:—

In the central prisons: Men sentenced to reclusion and to an imprisonment of more than one year, 15,467, or about 82 per cent. of the population of the central prisons.¹ Women sentenced to hard labour, to reclusion, and to an imprisonment of more than one year, 3,506, or about 18 per cent. of the population of the central prisons.

Houses of arrest, of justice, and of correction: The arrested, the accused, and those sentenced, for the most part, to an imprisonment of one year and less: Men, 18,511, or about 80 per cent. of the population of the departmental prisons; Women, 4,487, or about 20 per cent. of the population of the same prisons. In recapitulating the statements relative to persons imprisoned under whatever title in the prisons, in the penitentiaries, in the public and private colonies, as well as at the bagnio and in the countries devoted to transportation, the following is the grand total for the year 1848: 69,469 men (adults and juveniles), or 87 per cent. of the total of population; 9,612 women (adults and juveniles), or 15 per cent. of the total population. It is proper to remark, in regard to the classification in respect to the sexes, that the women commit in prison,

¹ Certain men sentenced to hard labour are exceptionally retained in these establishments.

as in free life, fewer moral offences and breaches of discipline. They observe better and more readily the requirements laid down in the regulations. The proportional number of recidivists is also very sensibly less for the women.

65. The studies prosecuted in France with a view to organise a penitentiary system, as well as the modifications more recently introduced into the great prisons for punishment, have generally for their object, besides the reformation of the prisoners, the intimidation of criminals and the gradual repression of crime. It could not, indeed, be otherwise. The doctrines of penal law are based upon the necessity of protecting society and of inflicting on criminals a punishment proportioned to the gravity of their offence, at the same time having regard, as far as possible, to certain principles of humanity. The moral regeneration of the convicts is, therefore, considered in France as one of the means of action which the State can and ought to employ to diminish the dangers of relapse, but not as the principal aim of the penitentiary system.

66. It is asked whether, as a matter of fact, the prisoners leave the prison-house better or worse than they came in. It is very difficult to obtain favourable results in the case of prisoners sentenced to a short term in prisons where the associated system prevails. Whoever has been imprisoned in these circumstances becomes sensibly deteriorated: on the one side, by contact with criminality: on the other, by the very influence of a punishment of which he no longer fears in the future the physical and moral consequences. In regard to the greater part of the prisoners of this class, the danger to society and to the individual is greater after than before his imprisonment. It would be desirable to modify, on this point, the sanction given to the awards of justice. It should be remarked, in support of this view, that the number of relapses is in inverse ratio to the duration of punishments. After the lapse of a certain period the prolonged action of a sojourn in the prisons makes itself advantageously felt.

67. There are not yet, in France, institutions specially created to aid liberated prisoners in finding work, and, in this manner, to save them from falling back into crime. We can only cite, as exceptions to this, certain establishments whose creation is due to the private initiative of members of the clergy

and of the Sisters of the Order of Mary-Joseph. The Abbé Coural founded in 1842, near Montpellier, under the title of the Solitude of Nazareth, is a refuge designed for the liberated females of the south. The sisters of Mary-Joseph, in imitation of this example, have founded seven other refuges, near the central prisons, for women. To the present time there is only one establishment of this kind for men—the Asylum of Saint Leonard, at Couzon (Rhône).¹ The administration is earnestly engaged in seeking the means to increase the number of institutions similar to those of which we have just spoken. A commission, of which we shall speak further on, relating to the patronage of liberated prisoners, was organised by a decree of October 6, 1869. The labours of this commission were interrupted by the political events of last year. The inquiry conducted under its direction has, however, gathered very important information, which will soon be published. This commission is about to be re-organised. A reform of considerable importance has already been effected in one of the points indicated by the commission, as creating an obstacle to the return of liberated prisoners to normal conditions of existence. A circular of the minister of justice has just re-established, in the case of persons subjected to legal supervision, the system in vogue prior to the year 1851. Henceforth liberated prisoners of this class will be known only to the administration, and, with the exception of certain great cities in which they are forbidden to reside, they are at liberty to choose the place of their abode. They are now able to escape the difficulties resulting especially from prejudices, salutary perhaps as far as public morality is concerned, but very prejudicial to them—prejudices which oppose their admission into workshops, or their employment on farms, and, consequently, their return to well-doing by the path of labour.

68. Besides the houses of refuge mentioned above, and the two patronage societies for liberated Protestants of the two sexes, there are not, in France, special patronage societies for liberated adults. The liberated juveniles of the department of the Seine are placed under the patronage of a society which facilitates their admission to provisional liberty, and aids them

¹ The results of the refuges devoted to women are good. Those obtained at the asylum at Saint Leonard are relatively less satisfactory.

in acquiring a trade. A commission instituted, in virtue of a decree of October 6, 1869, was charged with studying all the questions relating to patronage, and with determining the measures adopted to facilitate the return of discharged prisoners to free life. It seemed necessary to inquire especially:— (1) Whether there are differences to be made between classes of prisoners (correctionals, reclusionaries, and those sentenced to hard labour). (2) Whether the commissions of supervisions of the prisons ought to be placed over the work of patronage, and, if so, whether it would be proper to leave to them the free use of the *peculium* accumulated as a reserve for the prisoner during his imprisonment. (3) Whether the action of patronage can be fortified by the adoption and vigorous use of arrangements analogous to the system of preparatory liberations. It is placed out of all doubt that the organisations of patronage will present in certain cases great difficulties; but they cannot be insurmountable. The various objections raised, hitherto, to this eminently social creation ought not to arrest the efforts of the administration. The inquiries made by the commission on this subject have shown that, with the co-operation pledged from various quarters toward the accomplishment of this work, a patronage, widely extended, ought to offer more advantages than disadvantages.

69. The punishment of imprisonment in association, in different degrees, is applied in France under different conditions, on which account it has been found necessary to give attention to the nature and condition of the buildings which have been successively placed at the disposal of the administration of prisons. The system of cellular imprisonment has not been practised to any very great extent, except in certain establishments devoted to the treatment of prisoners awaiting trial. France was on the point of adopting a penitentiary system homogeneous in all its parts, and based, in principle, on the processes employed in America to secure personal separation, but, at the same time, softening the rigours inherent in this mode of imprisonment, and under the reserve of a proportional reduction of the duration of the punishments. The legislation which had been directed to this end, and was upon the point of realising it, was interrupted by the revolution of 1848. Since that time the cellular system has been made the occasion

of very severe strictures, at least as regards punishments of a certain duration; and it is consequently probable that there would have been, on this point, important modifications in the details, whenever the system should have been definitively adopted. To sum up, France has not yet adopted a well-defined penitentiary system. The administration, shut up within its own resources, has been able to devote itself to reforms, certainly of great importance, relating to the economic *régime* and the organisation of labour, order, and discipline. In these respects, the central prisons, and the greater part of the houses of arrest, of justice, and of correction, may be placed in the first rank. It seems difficult to secure greater regularity in the mode of administering these various services; but it is certain that the results obtained are not such as they ought to be, if the question is received in relation to moral reformation. It is impossible, then, to declare ourselves satisfied with institutions which, upon the whole, fail to secure the gradual repression of crimes and misdemeanors, and whose results are unsatisfactory in regard to the number of relapses, which is, to say the least, always far from inconsiderable. To state with precision the defects of the penitentiary system in France would require explanations far beyond the plan of the present report. For the rest, these defects are similar to those which exist in all countries where imprisonment has been substituted for the various penalties previously in vogue. A complete examination of the question would, moreover, necessitate a scheme for the revision of the penal laws.

Under the reserve implied in these observations, we will confine ourselves to pointing out the reforms and the ameliorations to be introduced in France, into the penitentiary system, that is to say:—(1) The abolition of the punishment of imprisonment for offences of little gravity, in place of which should be substituted, as far as possible, pecuniary penalties, the temporary privation of certain civil rights, etc. (2) The definitive choice of a system of imprisonment for prisoners awaiting examination or trial, and for those sentenced to punishments of a duration of at least two years. The system of personal isolation, mitigated by labour, reading, visits, etc., and above all a proportionate diminution, more or less considerable, of the duration of the punishments, ought of them-

selves, it would seem, to be efficacious and salutary for the prisoners belonging to these classes. (3) The adoption of a penitentiary system, applicable under different degrees of severity, to—(a) Correctional convicts sentenced to a punishment of two years and over; (b) Reclusionaries; (c) Persons sentenced to hard labour. A large number of publicists and specialists recommend, for punishments of a long duration, and above all in the case of recidivists, the adoption, on a large scale, of the system of transportation, and in all cases, the progressive substitution of agricultural for industrial labours. It is important to remark, nevertheless, that hitherto transportation has always occasioned excessive expenses, and that most frequently the punishment of hard labour, thus applied, has a less intimidating effect upon criminals than an imprisonment of long duration in the central prisons. The agricultural colonies, established in Corsica, present similar inconveniencies. (4) The organization of patronage societies, to which liberated prisoners may have recourse on their discharge from the penitentiaries.

GERMANY.

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|----------------|-------------|
| 1. BADEN. | 3. PRUSSIA. |
| 2. BAVARIA. | 4. SAXONY. |
| 5. WÜRTEMBERG. | |

THE GRAND DUCHY OF BADEN.

1. All the prisons of the Grand Duchy of Baden are under the control of the Minister of Justice and Foreign Affairs, who exercises over them complete administrative power. There is, however, a Council of Inspection for all the largest penitentiary establishments. This council is composed of an officer of the magistracy, named by the minister, who discharges as inspector the duties of the President of the Council, of the superior officers of the prison, and of three private individuals named by the minister.

The Council of Inspection has the following powers:—(a) It decides on the complaints of prisoners. (b) On the admissi-

bility of administrative proceedings against the inferior prison officers when such proceedings are beyond the cognizance of the director. (c) It confirms the contracts entered into by the administration for the supply of the prison. (d) It gives the necessary order if it is desirable in any case to substitute collective for solitary imprisonment.

2. The prisons are: (a) Houses of correction. (b) Central prisons. (c) District prisons. (d) Fortresses.

Those sentenced to hard labour are placed in houses of correction; those sentenced to more than six weeks' imprisonment are placed in central prisons; those sentenced to less than six weeks' imprisonment and to detention, are placed in district prisons (conformably to sections 14 to 18 of the Penal Code of the German Empire). The district prisons are also used for the temporary imprisonment of accused persons during magisterial proceedings. There is one prison of this kind for each of the 53 district courts of justice. Number of prisoners, January 1, 1871: In the houses of correction—men, 247, women, 56; in the central prisons—men, 374, women, 67; in district prisons, sentenced, 198, 'accused' imprisoned temporarily, 227. The remarks following do not in general refer to prisoners in fortresses whose number, moreover, is comparatively small, nor to those in district prisons. The punishment of these two classes of prisoners is simple privation of liberty; they are free as to the choice of their food and occupation.

3. The punishments of hard labour and of imprisonment are undergone on the cellular system, as is also that of arrest. Yet solitary imprisonment is not extended, contrary to the wish of the prisoner, beyond three years. For prisoners from twelve to eighteen years of age, the maximum is six months. Prisoners unfit for cellular imprisonment, and those who object to it beyond the period of three years, are imprisoned on the collective system. Regard is paid to the personal qualifications of the prisoners when they are distributed in the work-rooms. They are associated only during work.

4. The results of the cellular system have been favourable, but the associated system has likewise been attended with good results when it has been carried out on right principles. The cellular system is preferable when the prisoner is fit for it, since he is preserved from the corrupting influence of the other

prisoners. He forms no new evil companionships, and is more open to reform by the prison discipline. Thus the cellular system permits such prisoner to be treated in accordance with his particular character. It, therefore, in this and many other ways, permits a more efficacious operation of the benevolent and humane principles of the corrective system.

5. The prisons are supported: (a) By the payments of the prisoners who have property. (These payments, however, amount to very little). (b) By the product of the prisoners' labour, or rather of the trades carried on in the prison. (c) By subsidies from the State. That part of the expense of supporting the prisoners which is gained by their labour differs much with the kind of prison, the duration of punishment, and the number of prisoners in each prison. However, the sum gained by the trades carried on in the cellular prison of Bruchsal, has sometimes sufficed to pay the whole expense of supporting the prison, with the exception of the salaries of the officers. The average value of the work executed in this prison, drawn from the results of twenty years, has been 50.79 kreuzers per head per day, or 309 florins 48 kreuzers per head per annum. It is, moreover, the only prison in the country in which men are placed who have to undergo long sentences. The grant to it from the State has varied from 75 to 172 florins per head per annum. The average grant for twenty years has been 132 florins.

6. The superior officers are appointed by the Grand Duke, the inferior officers by the Minister of Justice. Their appointment is for life.

7. Integrity, devotion, energy, calmness, firmness, kindness, physical and moral courage, a calm and brave spirit. We believe these qualities are possessed by the superior, and by most of the inferior officers.

8. Special schools for the education of prison officers have not been established; their establishment cannot be recommended, because the work of prison officers can only be learned by practice.

9. The superior officers are allowed a pension of four-fifths, the inferior officers of one-half, of their salaries.

10. See Sections 14 to 18, 22 to 26, 31 to 36, of the Penal Code of the German Empire.

11. No.

12. See paragraphs 23 and 24 of the Penal Code of the German Empire.

13. For the performance of the daily task, which is equal to the average work of a healthy workman, the sum of 3 kreuzers is placed to the credit of each prisoner. For additional work, this sum can be increased to 6 kreuzers per day. Towards this sum diligence and the result of efficient work alone count, good conduct is not considered.

14. Prisoners can obtain encouragements and rewards for special diligence and good conduct, viz.: (a) Gratuities in money up to five florins per year, taken from the interest of their share of the produce of their labour. (b) Special enjoyments granted by the director and paid for out of the sum produced by work (bread, milk, fruit, salad, potatoes, &c.) (c) Better nourishment, and such occupation as they like. School prizes are also distributed.

15. Forbidden communications with other prisoners.

16. The punishments are: Reprimands, privation of the advantages allowed by the regulations, solitary confinement, privation of bed, diminution of nourishment (bread, soup, water), solitary confinement in darkness, and coercive chair (the prisoner is bound to a solid chair).

17. Yes.

18. Yes.

19. The chaplains have the following duties: They hold religious service, give religious lessons, enter into religious conversation with the prisoners, inspect the prison schools, keep an eye on the prisoners' occupations during their relaxation, and correspond with the ministers of their abode; this correspondence gives moral protection to the prisoners after their liberation. The chaplains are bound to give particular attention to sick prisoners, to those depressed in spirit, or showing any tendency to insanity. They visit the sick weekly, and the other prisoners at least every fortnight. It is their duty at these visits to awaken, as far as possible, moral and religious feeling, and to further their reformation.

20. The highest importance always.

21. No; besides the prison officers, only the individual members of the council of inspection have access to the prisoners.

22. No.

23. Once a month; with the permission of the director more frequently. The letters are read by the director and the chaplain; they are only sent to their address when their contents are unobjectionable. Correspondence with the inspectors, the minister of justice, and the superior courts, is unrestricted.

24. The effect of the correspondence of the prisoners with their friends depends on circumstances. Its absolute suppression could not be justified, and would have bad results; while, on the contrary, such correspondence alone being allowed as in no way interferes with the punishment, has generally a beneficial influence on the prisoners.

25. Once a month; with the permission of the director more frequently.

26. These visits take place in presence of a prison officer, and under his observation. Visitor and prisoner remain separated, and the subject of their mutual conversation is controlled.

27. See the answer to question 24.

28. Ninety-six per cent.

29. Yes.

30. Men are obliged to attend school till 35 years old; women till 30. Prisoners of a greater age are allowed to go to school, when they wish to do so, if there is room for them, and if they are likely to benefit by the instruction.

31. The subjects of instruction are the same as those in good primary schools. With few exceptions, they make satisfactory progress, if their mental power is not deficient or the duration of their imprisonment, and consequently of their instruction, is not too short.

32. Yes. Every prison possesses a good library for the prisoners. The books in it are religious, edifying, instructive, and amusing; for example, books on natural science, technical and historical works.

33. Prisoners, particularly those under the cellular system, are very fond of reading when their ability and education enable them to do it. Prisoners with religious feelings unsatisfied, desire religious and edifying books. All books written expressly for prisoners are in little request. Educated prisoners prefer descriptions of voyages, biographies, and technical books; those less educated prefer tales. Good and suitable reading

always exercises a beneficial influence; it instructs and relaxes the prisoners' minds, and thus aids their reformation; it favours discipline by removing the feeling of *ennui* and the tendency to disorder.

34. The prisons are very healthy; they are built on a dry soil, but there is no special system of sewerage.

35. The quantity of water used is very variable, according as the washing is done in or out of the prison, and as much or little of it is wanted in the industrial labour. The water is, however, good in quality and sufficient in quantity. In the cellular prison of Bruchsal, which is supplied with fresh spring water, but in which the washing is not done, about a hectolitre (22 gallons) is required for each person per day.

36. Yes.

37. The cells and the corridors are cleaned at least once daily. Everywhere scrupulous attention is paid to cleanliness; trades which are not compatible with it are not practised.

38. The prisoners have always water in their cells. They are compelled to wash all vessels immediately after using them. The floor of the cells is washed at least once every week. The prisoners are forced to wash their faces and hands daily; they have twelve foot-baths and four complete baths a year; they have clean linen every week; their bed clothes and their own garments are changed and cleaned when necessary. The men are shaved once a week. Their hair is cut as often as needful. At the time of admission into the prison, the prisoner is washed and has his hair cut.

39. They have sinks or sewers, as in the old system. It is proposed to give them a new and better construction. In the cells the portable system is continued.

40. Gas.

41. The prisons are heated by hot air, vapour, or by ordinary iron or earthenware stoves.

42. Sedge, straw, or varec.

43. Each prisoner has a wooden or iron bed, a mattress, and a bolster of varec, one or two counterpanes, two bed sheets. The sick have in addition, cushions, &c.

44. Work lasts in summer (day workmen)—In the morning, from 5.30 A.M. to 6.30 A.M., and from 7 A.M. to 12 o'clock. In the afternoon, from 1 o'clock till 7.30 P.M. In winter it lasts

from 6 A.M. to 7 A.M., and from 7.45 A.M. till noon. In the afternoon from 1 o'clock till 7.30 P.M. But interruptions occur for attendance at church, at school, and for walking exercise in the court. These interruptions reduce the working day to 10 hours. The time for sleep is from 8 to 5 in summer, and to 6 in winter.

The remaining time is for meals and for recreation.

45. Sick prisoners are attended to in special cells or in sick-rooms, when the sickness is not of short duration, and renders them unfit for work. There is also an infirmary for those who suffer either physically or mentally.

46. Gastric diseases, scrofula, and their consequences.

47. About five per cent. of the average number of prisoners.

48. About one or two per cent. of the whole number of prisoners.

49. There is no labour merely penal.

50, 51, 52. Nil.

53. The industrial work is directed by the administration itself.

54. The industrial system is preferred, because it enables us to observe the state of each individual prisoner, and to exclude all extraneous elements prejudicial to discipline. This system demands an intelligent director. There must be variety in the trades exercised, that too many prisoners may not be occupied in one trade, and so be injurious to private industry. An effort should be made to get an extensive market, and the highest possible prices.

55. Nil.

56. Forty per cent. are ignorant of a trade on entry.

57. Yes; if they have ability, and are in prison long enough.

58. Yes. This is deemed the principal work. This result is arrived at by improving the prisoner's morals, by scholastic and industrial instruction, and by the whole prison treatment.

59. No.

60. 20 per cent. of those liberated.

61. No. The penal law threatens recidivists with long imprisonment.

62. No.

63. Thirst for pleasure.—1 St. John ii. 16.

64. About 85 per cent. of men; about 15 per cent. of women.

65. Punishment is the primary aim, but it is so inflicted as to contribute to the reformation of the prisoners. Also see paragraphs 23 to 26 of the Penal Code of the German Empire.

66. Those who leave the prison are generally better than when they entered it; this is especially the case with those who have undergone cellular imprisonment.

67. The directors of the penitentiary establishments are compelled to enter, for this purpose, into correspondence with the authorities of the political administration some time before the liberation of each prisoner; it is the duty of these authorities to unite with the prisoners' aid societies and with the local authorities in providing for the liberated prisoners. This measure is only of recent date, and few of its results have been observed.

68. Prisoners' aid societies exist in twenty-one out of fifty-nine districts. Their aid is seldom solicited. The results are, however, satisfactory.

69 (a) The quantity and quality of the food are very good. Yet in certain cases an addition can well be made to the regular quantity.

(b) We are satisfied with the penitentiary system of our country, particularly as the cellular system is as a rule adopted. Strictly to carry out and complete this system, an additional establishment is necessary. The construction of it now engages our attention.

BAVARIA.

1. All the prisons of the country are under the jurisdiction of the ministry of justice. The direction and the inspection of those prisons where imprisonment of more than three months is undergone, are carried on exclusively by this ministry, and without any intermediate authorities; the inspection of the other prisons is made in the first instance by the court of justice, and the district attorney (Staatsanwalt), in whose district the prison is situated, and in the second instance by the ministry of justice. For the cellular prison at Nürnberg there exists a special council of inspection, consisting of state officials, judges, district attorneys, and prison officials, together with private persons belong to Nürnberg. Other local authorities have nothing to do with the jurisdiction. The monetary

affairs and the auditing of accounts belong to the financial departments of the respective province.

2. The classification of prisons is as follows: (1) Houses of correction (*Zuchthäuser*).

(2) Prisons for: (a) Grown-up criminals sentenced to a term exceeding three months; (b) Youthful prisoners whose terms exceed one month.

(3) District prisons of courts of justice for: (a) Grown-up criminals for a term of less than three months; (b) Youthful prisoners for a term of less than one month.

(4) Police prisons for arrest.

The district prisons of courts of justice are also the places where those persons are detained who await their trial. The houses of correction and prisons are divided into those for male and those for female prisoners. In the other prisons the two sexes are placed in different parts of the prison.

For persons convicted of theft, fraud (*Betrug*) obtaining money under false pretences, robbery, extortion or receiving stolen property, and sentenced to a term exceeding three months, there are special prisons, to which no other prisoners are sent.

3. Bavaria has four cellular prisons; one prison for 400 men at Nürnberg, and three district prisons of courts of justice, principally for persons under trial. All other prisons are on the collective system. However, in most prisons special cell departments exist for purposes of isolation.

4. As cellular imprisonment has only been in existence for a few years, accurate data respecting its effect cannot yet be given. But the defenders of the system of entire isolation gain more and more supporters, in consequence of the evil results experienced from the system of collective imprisonment, and also, though to a less extent, from the system combined, collective and isolated imprisonment.

5. The funds for the support of the prisons are obtained: (1) From the sale of prison labour; (2) from the fines to which persons capable of paying them are condemned; (3) should the income from these sources not suffice, the State pays the balance. About 16 to 18 per cent. of the cost is covered by the first, and 28 to 32 per cent. by the second source.

6. The governors and administrators are appointed by the

King, the chaplains, doctors, teachers, steward and technical instructors, by the ministry of justice, the warders and clerks by the governor of each prison. The governors and administrators only are appointed for life, but the other officers also look upon the service as one in which to spend their lives. As a rule, officials quit this service either in the beginning, when their inclinations are against this work, or when it is shown that they have not the necessary capability, or on their being appointed to higher posts.

7. The governors, as well as some of the administrators, must have studied the prescribed subjects in philosophy and jurisprudence, and have passed the examinations admitting them to act as judges. Doctors, chaplains and teachers, also, must have finished the studies belonging to their respective professions, and have undergone examinations.

8. Special schools for governors and officials do not exist in Bavaria. For the former these are not needed, as they have served many years in prison service before they receive their appointments, and are fully acquainted with all matters connected with the service. For warders and officials of the same class, however, such schools would be desirable, because harm is done by ignorance in the treatment of prisoners, and the beneficial influence of the other officials, especially of the chaplains and teachers, is weakened.

9. Pensions are regulated in accordance with length of service. In the first ten years it is seven-tenths, in the second eight-tenths, in the third nine-tenths, and after forty years of service, or after the age of seventy is reached, the whole of the salary last received is given as pension.

10. Arrest is simple deprivation of liberty; sentences not exceeding six weeks may be passed. Persons condemned to imprisonment may be employed in work suitable to their capability and circumstances; they may *demand* to be thus employed. To employ them in work without the prison walls may only be done with their own consent. This punishment may extend to a term of five years. Those condemned to houses of correction must do the kind of work provided there. They may also be employed without the prison, in public works, or such occupations as are under the supervision of the State, but they must be kept apart from free labourers. This punishment

may extend to a term of fifteen years or to imprisonment for life.

11. The system of classification of prisoners exists in Bavaria. According to the prison rules, however, the governors are obliged to keep the ordinary prisoners apart from those who have shown by their past conduct that they give little hope of improvement, or who by example and communication exert a hurtful influence on others.

12. Through good and industrious conduct, a shortening of the original term of imprisonment may take place in the following manner: (1) According to the Penal Code of the German Empire, by an order from the ministry of justice, when the prisoners have passed three-fourths of their sentence (which must be at least one year of the punishment to which they have been sentenced). (2) According to prison rules by official petitions on the part of the governors; such a petition for the release of a prisoner can only be granted by the King.

13. The prisoners may receive as a share from the result of their work, from one to four kreuzers daily; in giving this share, regard is to be had not only to industry and capability, but also to good behaviour.

14. Other rewards for the purpose of stimulating the prisoners are: (1) Permission to buy or receive extra articles of consumption. (2) Permission to receive more frequent visits and conduct a more extensive correspondence. (3) Formal praise or recognition (*feierliche Belobung*). (4) Receiving better and more lucrative work. (5) School prizes (presents of books). (6) Rewards for work (presents of money up to four florins).

Extra articles of consumption permitted to be bought are: bread, butter, salt, milk, salad, and snuff. Beer is only permitted during harvest time, and to such prisoners as are occupied with the bringing in of hay and corn.

15. The prison regulations most often offended against are those which arise out of the intercourse with other prisoners, namely: exchange of articles of food and snuff, disobedience and brutality, such as opposition to officials, attacking fellow-prisoners, refusal to work, swearing, noisiness, and quarrelling.

16. The disciplinary punishments are—reproof, non-payment for labour up to four weeks, reduction of rations for a term of from eight to fourteen days; arrest, with or without work, to a

term not exceeding four weeks. In cases of strict arrest, the prisoner sleeps on bare boards. Imprisonment in a dark cell for a term not exceeding ten days; wearing of irons, but in such a manner as not to prevent the prisoner from walking. Isolation may form a part of the disciplinary punishments. Corporal punishment is strictly forbidden by law.

17. Every punishment is entered into a book kept for this purpose; an extract from it is added to the documents furnished to each prisoner.

18. In the houses of correction and prisons there are chaplains for prisoners belonging to the Christian religion; Jews are placed under the care of a rabbi of the neighbourhood. In the district and police prisons the prisoners are attended to by the clergyman of the place.

19. The duties of the chaplain are:

(1) To hold divine service in the forenoon of every Sunday and holiday and on the King's birthday, and in the afternoon to give one hour's reading or exhortation, and to hold another divine service on one week-day. (2) To administer the sacrament to sick prisoners when they demand it; to those in health, once every three months. (3) To give religious instruction twice a week for one hour. (4) To visit the prisoners confined in cells at least every fortnight. (5) To correspond with the clergyman of the places to which the prisoners belong. (6) To act as librarian.

20. Religious instruction forms, for those prisoners who show themselves willing to receive it, a thorough and indispensable means for improvement.

21. Volunteer religious teachers are not admitted.

22. On Sundays, instruction in drawing is given.

23. Letters sent to prisoners are submitted to the governor for perusal, and are only given to the prisoners when the contents are unobjectionable; otherwise they are placed with the documents belonging to the prisoners. Prisoners require permission to write letters. These are read by the governor and forwarded, or, if objected to by him, placed with the documents belonging to the prisoners.

24. The correspondence of the prisoners with their friends has a beneficial effect, because the ties binding them to their family, if broken, are thereby often re-knit, or, if existing, are made firmer.

25. Prisoners are allowed to receive visits from their friends.

26. An interview of a prisoner with any one visiting him can only take place in the presence of the governor or an official appointed by him. As a rule it does not last longer than a quarter of an hour, and the conversation should be carried on audibly and in a language understood by the official. The visitor may neither give nor receive anything from the prisoner.

27. See answer to question 24.

28. The average number of prisoners who are able to read on entering the prison forms 88 per cent. of all admitted.

29. Schools for prisoners exist only in the houses of correction and in the general prisons.

30. The school is divided into six classes. Every prisoner up to the age of thirty-six must attend school, and is sent into a class according to the extent of his knowledge. Prisoners above thirty-six years of age may, if they desire to do so, go to school. The governor may dispense with the visits of a prisoner to school, if the latter be sufficiently well-educated, or when the prisoner's state of mind is such that after repeated trials he shows himself altogether incapable of learning.

31. School instruction comprises reading, writing, arithmetic, geography, German history, and generally useful subjects; choral singing and drawing are also taught—the two latter subjects being optional. Prisoners who visit the school for less than four months make no particular progress, whilst those who have a longer term make very considerable advance.

32. The library consists principally of a religious and moral character, of books which are generally useful, of popularly written works on natural and general history, etc., and of popular editions of German classics.

33. Almost all prisoners in cells read a great deal and enjoy it, whilst those undergoing collective imprisonment prefer conversation. Reading exercises a good influence, because it does away in a great measure with the evil consequences arising from idleness, and assists the prisoner's improvement by the cultivation of his mind. Simple tales and entertaining books are preferred; religious books least of all.

34. A good system of sewerage does not exist in all prisons of this country, but in the newly-built prisons great attention has been paid to the subject.

35. The prisoners receive three times a day fresh water for drinking and washing. As a rule the water is of good quality.

36. The prison-rooms are generally well ventilated by windows. Different systems of ventilation have been tried, but without special success.

37. Work- and bed-rooms, as well as corridors, are daily swept, washed once a week, and painted once a year.

38. The prisoners must wash their faces and hands, clean their mouths, and comb their hair every morning on rising; they are shaved once a week, and their hair is cut when necessary. Every prisoner, according to his occupation, must take a foot-bath every week or fourteen days, and several times in the year a full bath, either in running water or in a house-bath.

39. There are many different kinds of water-closets used. In the cellular prison at Nürnberg there are fixed closets made of cast-iron, which by means of water-pipes are cleaned three times every day; the bend or neck which connects the closet with the refuse pipe remains always full of water, and thereby shuts off all sewer gas. By means of the water all the matter is carried off, and falls into a reservoir at some distance, whence again the liquid part is drained off into a stream. This arrangement works well. In some other prisons, however, the arrangements are far from perfect, especially where during the night movable closets are put into the bed-rooms.

40. The prisoners in cells must, upon a given sign, and after the work is done, put out their lights. There is no light in the cells at night. The bed-rooms in the prisons on the collective system, are lighted at night, so that they may be watched from the warder's room close by.

41. Some prisons are heated by stoves of iron or clay, others by hot air or water.

42 and 43. The prisoners' beds consist of:

(1) A bedstead of wood or of iron; (2) a straw mattress of unbleached coarse linen; (3) a pillow of the same material; (4) two sheets; (5) a blanket of good sheep's wool. In winter the prisoners receive two of these.

44. The hours of labour commence in the months of November, December, January, and February, at 6 o'clock; in the other months, at 5 o'clock in the morning, and last till 7

o'clock in the evening. The prisoner must rise half an hour before, and wash and dress. They breakfast from 7 to 7.30 o'clock; at 9 o'clock there is a quarter of an hour's rest; dinner-hour from 11 to 12; at 4 o'clock P.M. there is again a quarter of an hour's rest; at 7 o'clock is supper (soup); rest till 8 o'clock; bed 8.15 P.M. Every prisoner in good health must take daily one hour's exercise in the open air.

45. In the houses of correction and in the general prisons there are infirmaries, where the sick prisoners are taken care of according to the doctor's orders, and at the expense of the State. The care of the sick is entrusted, under the guidance of officials, to prisoners who have been selected by the governor with the approval of the doctor. If there are no prisoners fit for this duty, the sick are tended by nurses.

46. The most frequent diseases of prisoners are those belonging to the respiratory and digestive organs; to the first belong catarrhs of the bronchial pituitous tunic, which often precede disease of the lungs; to the latter catarrhs of the pituitous tunic of the stomach and the intestines.

47. The number of the sick is about 4 per cent.

48. The number of deaths is about 2 per cent.

49 to 52. Penal labour, properly so called, does not exist. The question relating thereto cannot therefore be answered.

53. The industrial labour in the prisons is conducted by the administrations.

54. When prison labour is given to contractors, another authority is placed between the administration and the prisoner, which cares only for making the greatest profit out of the prisoner's work. Not only is discipline thereby interfered with, but the character of the punishment and its purpose is placed in jeopardy. From the disciplinary and penitentiary point of view, the giving of prison labour to contractors is to be condemned, even though the profit derived therefrom be greater than if the administration carries it on.

55. See previous answer.

56. The number of prisoners who on entering prison are ignorant of any trade, averages 2.9 per cent.

57. Persons ignorant of any trade are only capable of learning one in prison when they are condemned to a lengthened term of imprisonment, at least to six months.

58. The administration try to educate prisoners, who have the necessary capabilities, by having them taught a trade by technical instructors, in such a manner that they shall be able to earn their living at it on leaving the prison. But on account of the small number of such masters at the disposition of the administration, only a small portion of prisoners can thus be educated.

59. Too frequent punishments for minor offences have no good influence; either the prisoners become embittered, or the punishments, on account of their frequency, lose their effect. More can be done in these cases by reproof and teaching than by way of punishment.

60. The proportion of re-convictions amounts to about 30 per cent. It must, however, be observed that every kind of punishment, even for small offences, counts as a re-conviction.

61. Both prisoners who have relapsed into crime and those who have not are treated alike; only the first, on account of their bad influence, should be separated from the last. According to the Penal Code re-conviction for theft, robbery, and concealing stolen goods is very heavily punished.

62. In the rare instances of imprisonment for debt the prisoners are sent to the district prisons of the Court of Justice, and the treatment of such prisoners is milder than that of other prisoners. It is a mere arrest; they have almost unrestricted liberty as regards correspondence and the receiving of visitors; their food also is better, and they are separated from other prisoners.

63. As causes of crime in Bavaria we may mention specially: (1) Want of religious teaching. (2) Defective education. According to a law that existed up to the year 1868, marriage between persons who possessed no landed property was exceedingly difficult, and, in consequence, illegitimate births were very numerous. As a result of the want of the beneficial influence which a family life exercises, illegitimate born form a considerable proportion of all prisoners. (3) Neglected education, especially in those parts where children are employed in the guarding of cattle or in working in manufactories. (4) Rough manners and customs. In some parts of Bavaria it is still a custom of the peasants to carry long stiletto-like knives when visiting public-houses and dancing-places, and thus

on Sundays and holidays the smallest cause often leads them to inflict on each other severe injuries.

64. Eighty per cent. of all prisoners are male and twenty per cent. are females.

65. Although reformation forms a part of the prison system, yet the favourable results desired are on the whole not obtained.

66. As a rule prisoners do not leave the prison much improved, although it cannot be asserted that they are worse than at the time of their entrance.

67. To procure work for those liberated prisoners who are considered as improved, the administration puts itself into communication, while the prisoner is still under their care, with honest employers, with benevolent societies, with the parish vestries, or other authorities. The prisoner receives on his dismissal, if necessary, clothes and travelling expenses from the funds of the prison. By these means prisoners are often preserved from relapse.

68. In every province of the country there exist liberated prisoners' aid societies; these are, however, much hampered in their activity by ignorance, and the little interest which exists in the mind of the public in many places respecting their objects. But it may be mentioned that the Munich Society, which has existed for eleven years, has found employment for 1,182 discharged prisoners, of whom 377 have relapsed again, whilst 805 conduct themselves well, and may be considered as reformed. The objects of these societies are, to receive into a refuge those who are homeless, to try to procure them work, to give help, more especially in the shape of tools, and to watch carefully the conduct of each discharged prisoner.

69. Prisoners in health receive three times a day warm food (soup with rice or barley, potatoes, pulse or flour), and 560 grammes of rye bread. Besides this, every two or three days, 140 grammes of beef free from bone. The rations for the sick depend upon the orders of the doctor. The food is good in quality and sufficient in quantity.

70. The system of collective imprisonment which exists in most of our prisons cannot be considered as satisfactory, the more so as most of our prisons are old castles or convents, which are not well adapted for the purposes they are used for. Old

offenders take the lead, and the bad spirit which, under the existing defective arrangements, may indeed be fought against but not eradicated, often brings to nought the best efforts of the prison officials, and is opposed to a lasting improvement of the prisoners. One ought to be satisfied when prisoners do not leave their prisons worse than when they entered them. These defects can only be remedied by building new prisons on the cellular system.

PETERSEN,
(*K. STAATSANWALT*).

PRUSSIA.

1. All the Prussian prisons are under a central authority. The local prisons, used exclusively for preventive imprisonment and for short punishments, are under the minister of justice; the large penitentiary establishments or central prisons are under the minister of the interior. In Rhenish Prussia, conformably to the decrees of the criminal code still in operation for that part of the State, the local prisons are under the minister of the interior. The replies which follow have exclusive reference to the department of this last minister.

The powers exercised directly by him are: The regulation of the financial condition and of the general principles governing the economic administration of every prison, the treatment of the prisoners as regards discipline, religious worship, instruction, work, dress, and food. He nominates all the superior officers, and authorises new buildings and all alterations for which the sums voted to each prison by the usual budget are insufficient. Finally he exercises a general control over all prisons, by charging a special officer with their periodical inspection, and by deciding in the last instance on all complaints made by prisoners or officers.

All other authority for the management of prisons belongs to the administrative authorities of the provinces; they have particularly to direct the application of the money granted to each prison, to control the economic and industrial arrangements, decide on the mode of treating the prisoners, and on the conduct of the officers. For these purposes every prison is inspected by members delegated from the provincial authorities, at intervals not exceeding a few months.

2. The tribunals, in accordance with the penal code of the German Empire, can inflict—hard labour; imprisonment; imprisonment in a fortress; simple detention. The last applies only to trifling infractions of the law, and does not last above six weeks. There is no special prison for those sentenced to undergo imprisonment in a fortress; when the case occurs the punishment is undergone in a place appointed for this purpose in an ancient fortress. However, prisoners sentenced to hard labour, to imprisonment, or simple detention, are on principle placed in special prisons. Where from exceptional circumstances, only one prison can be used for those undergoing the different kinds of punishment, the separation of the various classes of prisoners is less complete.

At the present time there exist: (1) Prisons exclusively for hard labour, 29. (2) Prisons for imprisonment and simple detention, 15. (3) Prisons of a mixed character, 11. By order of the administrative authorities, persons sentenced to simple detention for slight offences (begging, vagrancy, professional prostitution) may, after they have undergone their punishment, be deprived of further liberty by detaining them in a house of correction (*Arbeitshaus*, workhouse). The number of establishments of this kind is sixteen. They are maintained by the provinces and not by the State.

3. The Prussian prisons will hold 26,500 prisoners. Forty-seven prisons are provided with cells for solitary imprisonment by day and night. The number of these cells is 3,247.

There is only one prison which is exclusively reserved for the complete carrying out of the system of isolation; in the other forty-six prisons the cellular and associated systems both exist. The cells for isolation during the night only number 2,000; this number is doubtless insufficient, but it is being daily augmented.

4. We cannot feel absolutely certain that the application of the two systems to criminals who have been long addicted to vice, has sensibly differed in result as to their reformation. After remarkable experiments in Prussia, everything being taken into account, there is no reason to conclude that the number of recidivists has been lessened by the cellular treatment. Yet these experiments show some examples of the lasting reformation, even of hardened criminals, by cellular imprison-

ment; and it may be doubted whether this reformation would have been effected by imprisonment in common. The reforming influence of the cellular system and its superiority over the associated system, can only be demonstrated with certainty in regard to criminals who, excited by opportunity, or carried away by passion, have fallen into crime. It is indisputable, that a large proportion of criminals of this class, after undergoing cellular imprisonment, are restored to society completely changed and reformed.

We can reply with much more certainty to the proposed questions, if we limit ourselves to the influence exercised by the two systems on the state of the prisoners during imprisonment. In this respect we can establish the fact, that the system of isolation as practised in Prussia, that is, by completely separating the prisoners, and at the same time submitting them continuously to work adapted to their capacity, to instruction, religious worship, selected readings, and regular visits from the officers, chaplains, surgeons, and professors, has produced more favourable results than the associated system, both as regards the mental and physical condition of the prisoners, their obedience to disciplinary rules, and the produce of their labour.

We should add, that in Prussia we have had no evidence of the inconveniences and evils which the opponents of the cellular system say are inseparable from it. Very rarely, and now more and more seldom, do we find among isolated prisoners any of those sad phenomena called distress of mind, aberration of intellect, suicide, physical decay, unnatural crimes, idleness, and rebellion. Their sanitary state is relatively good, and we seldom observe that brutal expression which so often marks the criminal countenance. They generally like work, give more attention to instruction and sermons, and enter more freely into conversation with visitors than the other prisoners. Breaches of discipline, with the consequent punishment, are comparatively rare among isolated prisoners. We have had no serious offence to register for some years.

It is obvious that this favourable judgment is only based on experiments carried on in prisons in which the cellular system is exclusively applied, or in which it is applied to a considerable number of prisoners, and where there are exact arrangements for penitentiary education. In prisons where there are too few

cells, and scarcely enough for persons who for disciplinary or police reasons cannot be placed in the common prison, we naturally expect very different results, which ought not to be attributed to the penitentiary system itself. As to collective imprisonment conjoined with a prohibition of conversation on the part of the prisoners without their separation at night, and where about as much attention is given to instruction and religious consolation as in the cellular system, we would not assert that this mode of imprisonment has had a bad influence on the general condition of the prisoners. Even in prisons where the associated system prevails, we do not find an unsatisfactory proportion of cases of sickness and death; and, moreover, in many instances the discipline is excellent, and the industry remarkable. Yet to secure such discipline and industry numerous disciplinary punishments are, as a general rule, indispensable. Their effect too often is to embitter the minds of the prisoners and to close them to renovating and reforming influences. Moreover, it is a well-known fact that the most vigilant direction on the associated system rarely uproots confederacies among the prisoners, or prevents those immoral relations which are a sad stain on these establishments. After our experiments, we can state positively that no classification of prisoners can provide a remedy for such evils. Besides, the great number of prisoners in a collective prison hinders the directors from gaining that accurate knowledge of individuals which an efficient classification demands.

Which system we prefer, and on what grounds, has been shown by the preceding remarks. Nor need we make use of the favourable testimony which has been given to the cellular system, to induce us to introduce it as the only system of imprisonment. We can truly say, that a large number of those imprisoned—such as epileptics, the infirm, the insane on admission or after reclusion, cannot, for obvious reasons, be subjected to cellular treatment. It is also very doubtful whether it can be applied in unusually long sentences without injury to the prisoner.

Finally, without considering various other difficulties, the exclusive adoption of the cellular system is opposed by the favourable results which have attended in several European states the application of what is called the 'progressive system,'

an ingenious combination of the cellular and associated systems, and which allows an intermediate state between imprisonment and liberty and leave in case of good conduct. If it is asked how the results of these experiments can be profitably used in Prussia, we must state that at present we are seriously engaged in the solution of the question.

5. The money of the State covers any deficit between the actual expense, and the income of the prison from industrial or agricultural labour, and the sums paid by prisoners possessing property. The mean annual cost per prisoner is 83 thalers; the mean annual receipts of all kinds of prisons is 28 thalers; net product of labour, 25 thalers; of pensions, 3 thalers. Deficit paid by the State per head per year, 55 thalers.

6. The minister appoints the directors and superior officers; the subaltern officers are appointed by the provincial authorities. The superior officers, after a certain period on trial, are appointed for life. The subalterns are liable to dismissal: yet, after some years of blameless conduct, they also are appointed for life.

7. Besides personal integrity, sufficient general and special knowledge, directors and superior officers should be gifted with true and keen observation, a delicate discernment of individual character, and ability to read the secret thoughts of prisoners. They should also be energetic and strict, and yet kind and entirely impartial. Finally, they should possess some administrative capacity, and be, to a certain extent, familiar with the technical part of the trades, and have some knowledge of farming.

As regards the subalterns, good directors will make them useful officers if they possess thorough honesty, imperturbable coolness, unshakable firmness mixed with gentleness, and a sufficient amount of intelligence and of moral and religious instruction. In selecting officers we give preference to retired soldiers.

8. No special training schools exist. The establishment of such schools for superior officers seems unnecessary if they possess, when they enter on their duties, sufficient education. They are able by diligent study of law and books on prison management, easily to acquire, while discharging their duties, the requisite special knowledge. However, it is very desirable that such schools should be established for the inferior officers, whose

instruction gained at a primary school is seldom wide enough to enable them to perfect their knowledge afterwards sufficiently to do anything beyond routine work.

9. Officers rendered incapable of further service receive a pension, whose amount is regulated by the laws regarding the retiring allowances of all other State officers. To gain a right to a pension, ten years must be served: the pension increases with each additional year of service. It can, however, never exceed three-fourths of the salary.

10. Punishments inflicted by virtue of the penal code are distinguished as follows:

(a) The most severe punishment is hard labour, which is inflicted for life or for a time. The minimum of this punishment is a year; the maximum, fifteen years. It inflicts on the sentenced prisoner compulsory labour without restriction, both inside and outside the prison. It also renders him incapable of serving in the army or the navy of the empire, or in any public office.

(b) Imprisonment. The maximum is five years. A prisoner in this category is not compelled to work except in accordance with his capacity and the position he occupied in social life; and he is not obliged to work outside the prison against his will.

(c) Imprisonment in a fortress for life, or for a fixed period, whose maximum is fifteen years. This punishment comprises simple privation of liberty and surveillance over the occupation and mode of life of the prisoner (*custodia honesta*).

The execution of this sentence only takes place in fortresses or in other isolated localities.

(d) Detention for trifling offences. This punishment, which never exceeds six weeks, is attended with simple privation of liberty; it can, however, be increased in severity by compulsory labour when it is inflicted for vagrancy, begging, or professional prostitution. Those sentenced in this category, unlike those in (b), can be forced to work outside the prison.

The minimum of imprisonment, of imprisonment in a fortress, or of simple detention, is one day. To every sentence to hard labour the judge can add civil degradation; but to a sentence of imprisonment, he can add it only in case the imprisonment is for three months, and the law expressly allows the privation of civil rights, or in cases where mitigating circumstances have induced the tribunal to inflict imprisonment instead of hard

labour. Those sentenced to imprisonment in fortresses, or to simple arrest, cannot have their punishment aggravated by the loss of civil rights. The punishment of hard labour, and of imprisonment, can be shortened in all cases where the duration is at least sixteen months; but in cases of imprisonment in a fortress, or of simple arrest, royal clemency alone can abridge the punishment.

11. The regulations order that prisoners undergoing their first sentence, and recidivists, should form two separate classes, wherever the prisons admit this division. Chiefly, however, in large prisons on the collective system, this separation is attended by many difficulties. In such cases little attention is paid to classification. Further, the chief classification adopted is the separation of the young from the older prisoners. This separation is effected by placing the young, as far as possible, in unoccupied cells.

12. Prisoners sentenced to hard labour and to imprisonment, by the penal code of the German Empire, can be liberated with liability to re-imprisonment, if three-fourths (a year being a minimum) of their sentence has been undergone, and if their conduct during that period has been irreproachable. The minister of justice, having heard the report of the administration of the prison, orders this provisional liberation. The favour is revoked if the released prisoner is guilty of bad conduct, or breaks the rules imposed on him to enable the police to exercise surveillance over his conduct. The punishment is regarded as entirely undergone when the time of provisional liberation passes away without revocation. But in case the provisional release is revoked, the time the prisoner has been at large is not reckoned in his favour. Other reductions of punishment can only be obtained by recourse to royal clemency.

13. Prisoners can receive a certain part of the product of their labour. This part can never exceed one-sixth, and it is liable to various alterations, according to their good or bad conduct, and the zeal they have shown at work. That part of the earnings granted to them is placed in a box in the prison. They are allowed to dispose of half this part up to a certain amount, when they have obtained permission from the administration. The other half is given to them only on their release, after having undergone their entire sentence.

14. Beyond the half of their earnings, no other special reward is granted to prisoners for work well and honestly performed.

15. These are, first, slight offences against order, as neglecting to keep silence, disorder, uncleanliness, and readiness to quarrel with their fellow-prisoners. These infractions in 1869 were 57 per cent. Afterwards, the violations of regulations are—improper, insolent, and rebellious conduct towards the officers; these were in 1869, 24 per cent. Lastly, we have those infractions of rules which consist in avoiding and escaping from work; these infractions in 1869 were 19 per cent.

16. The regulations appoint the following punishments:—

(a). Degradation to the second class of prisoners (No. 11).

(b). Privation of the right of disposing of the half of their earnings (No. 13), as well as of better treatment on holidays.

(c). Solitary imprisonment in cells appointed for violators of regulations: this imprisonment, according to the gravity of the violation, may be accompanied by withdrawal of hot food, of work, of light, and of their bed. These punishments, if circumstances require it, may be inflicted in a cell with a lathed floor.

(d). Castigation. This is only inflicted on men; the maximum is 30 lashes.

These two last punishments, namely, imprisonment in a lathed cell—a punishment which cannot be extended beyond fourteen days, and which is undergone in such a way that the culprit gets one out of every four days for relaxation—and castigation, can only be authorised by the director of the prison, at the request of the superior officers, including the surgeon and chaplain. If the majority of the officers mentioned refuse to consent to it, the decision with respect to it belongs to a competent provincial authority.

17. An exact register of all punishments is kept. This is regularly examined by a competent provincial authority.

18. Chaplains are found in all prisons, and for all forms of worship.

19. The chaplains hold divine service every Sunday, and once in the course of the week. They have also to administer the sacrament to the prisoners at stated periods, and discharge all other pastoral duties. They give religious instruction, and superintend the primary instruction given by the masters engaged. Lastly, they are bound to labour seriously for the

salvation of the souls of the prisoners, and with this aim they have to visit them regularly in their cells or in the infirmary. When the prisoners desire to see them, it is their duty to give them an interview, and also when, from any other cause, their spiritual aid is requisite.

20. In all instruction given to adult prisoners our aim is not so much to give new knowledge, either useful or necessary, as to teach them to reflect, and to liberate them from that sad brutishness which is so often the only cause of their crimes.

The less instruction is an exercise of mere memory, or demands a mere mechanical activity; the more it engages the attention of the entire man, the more it acts at once on heart and intellect; to that extent it will more efficaciously fulfil its highest purpose.

It is almost unnecessary to remark that the unchanging truths of religion and morality, when taught in a worthy and striking manner, best fulfil the highest aims of instruction, and are richest in satisfactory results. Such instruction in prisons may therefore be regarded as one of the most important means for the moral reformation of the prisoners.

21. Persons who are known to have great interest in all that concerns prisons, and private persons of high moral character, may, at their request, have admission into the prison. On the other hand, frequent communication between persons having no part in the administration of the prison, and the prisoners, is deemed inconsistent with their due punishment and the maintenance of order.

22. There are many Sunday-schools.

23. The prisoners must have special permission from the director of the prison before they can write or receive letters. He can, however, only refuse them this permission in exceptional cases. The administration read the prisoners' letters before sending them to their address. Letters are only delivered to the prisoners when their contents are unobjectionable.

The chaplain generally delivers the letters addressed to the prisoners; he takes this occasion for acquiring a knowledge of their relations, and their affairs, and seizes any opportunity he may thus have of inducing them to seek eternal life.

24. Such correspondence with their friends and relatives

as is permitted, has in general a beneficial effect on the prisoners.

25. These visits are only exceptionally allowed and when the visitor's character is above suspicion.

26. These visits are made in a room of the prison appointed for the purpose, and in presence of an officer charged with listening to the conversation.

27. The general moral effect of these visits is good: and we may regard them and the correspondence (Nos. 23 and 24) as an efficacious remedy for the feelings of despair and wretchedness which so readily take possession of prisoners.

28. Out of a hundred sentenced to hard labour, eighty-three could read; as regards other prisoners, the proportion is more favourable.

29. Schools exist in all prisons except four small houses of arrest.

30. All prisoners undergoing cellular imprisonment receive instruction.

Among the associated prisoners, we give a preference to the young, and to those whose education has been greatly neglected, and whose intellectual faculties give promise of subsequent progress.

So far as space and the number of masters at our disposal allow, we have the same interest in the other classes of prisoners, and take care they share to a certain extent in the course of instruction.

In 1869 the total number of prisoners under instruction was, on an average throughout the year, 4,309, or 15 per cent. on an average of all the prisoners; that gives on an average four to six lessons per week per head. To the aforesaid number of prisoners receiving instruction, we must add 9,722 prisoners whose instruction is limited to sacred history and religion, and 2,047 who had in particular lessons in singing.

31. The prescribed subjects of instruction are—sacred history, reading, writing, arithmetic, singing, and sometimes drawing. The lessons in reading at the same time give instruction in the history and geography of Prussia. The arithmetic is such as is useful in daily life. Lastly, the prisoners are diligent in learning, and make satisfactory progress.

32. The prisons have libraries containing religious, instructive, and entertaining books. In 1869, the total number of books in these libraries was 144,418 volumes—42,210 entertaining and instructive, 23,745 educational books; the remainder were religious books.

33. Most of the prisoners are willing and diligent readers. They all show a marked preference for histories and works on natural science written in a popular style. Such reading has evidently a very good influence on them.

34. As regards sewerage, the greatest possible care has been taken.

35. One hundred to one hundred and twenty litres of water per day are considered essential for each prisoner. In the majority of prisons the water is of good quality.

36. All the new prisons built within the last forty years have been furnished with a system of artificial ventilation generally connected with heating apparatus. In prisons of an anterior date, the means of ventilation are more simple, and sometimes in reality inadequate. To change the air sufficiently, the doors and windows are frequently opened.

37. All the places in the prison are swept once or several times every day, and they are washed as often as necessary. All the rooms are whitewashed at least once a year. Night utensils are washed and carefully disinfected. The beds are very often examined, to keep them as clean as possible, and especially to preserve them free from vermin. Everywhere the prisons are scrupulously clean.

38. Every new prisoner, as soon as he is registered, is completely washed, his hair is cut, he is shaved, and dressed in clean linen and clothes. Every day he is bound to wash his hands and face thoroughly, and to comb his hair carefully. Every Saturday he has to wash the upper part of his body and his feet. Once a month at least he is obliged to take a complete bath. Prisoners are shaved twice a week. Their hair is cut as often as necessary. Their body-linen is changed weekly, their bed-linen monthly. Every four months their mattresses are changed. Their woollen counterpanes are washed as often as it is deemed requisite.

As regards the cleanliness of the prisoners there is nothing more to be desired.

39. In the cellular prisons there are water-closets, or portable vessels which are regularly emptied and cleansed. In the collective prisons there are water-closets placed in buildings specially appointed for this purpose or in detached buildings. One part of these water-closets is furnished with an apparatus for separating the liquid from the solid matter. Most of them, however, at the present time, are still in a primitive state, and can only be preserved sweet by frequent floodings and repeated applications of disinfectants. In some prisons there are closed wooden vessels with water-taps, and provided with pipes by which the faecal matter is carried off. This system has given satisfaction wherever the vessels are emptied and disinfected frequently. The excrementitious matter is removed by the night-soil men, or by sewers which can be flooded.

40 and 41. The prisons are lighted with gas, petroleum, or oil. The dormitories in common are lighted during the night. They are heated in the new prisons by hot-water apparatus.

42. The bedsteads are made of iron and wood; iron beds are used in all modern prisons. In cellular prisons here and there hammocks are used instead of beds, but they are now being replaced by folding iron beds.

43. The beds are furnished with a paillasse and a pillow; where there are hammocks there is a small hair mattress, a sheet of linen or calico, and a woollen counterpane; these are enclosed in a white or coloured case of linen or calico. In winter two or three counterpanes are allowed. In the infirmaries hair mattresses are substituted for the paillasse in cases of serious illness.

44. In winter prisoners work from 6 A.M. till 8 P.M.; in the other seasons they commence at 5 A.M. and finish at 8 P.M. They are allowed to suspend work for a quarter of an hour at 7 A.M., and at 5 or 6 P.M., in order to take their soup. The principal meal is made from 12 to 1 o'clock. For recreation in the open air each prisoner, in a fixed order, is allowed from half an hour to an hour. Lastly, work is interrupted by school and catechising. The hours of sleep are from 8 P.M. to 4.45 or 5.45 A.M. On Sundays and holidays there is no work at all.

45. Special infirmaries exist in all the prisons. They are fitted up with everything needful for the treatment of the sick. Attached to them, besides the surgeon, are special infirmary

attendants. The prisoners admitted into the infirmary are excused from all work, have the particular diet prescribed by the surgeon, and receive all needful medicine and whatever else can facilitate and secure their recovery. If, in the opinion of the surgeon, the sick prisoner need not be admitted into the infirmary, he receives medical treatment in the ordinary rooms with or without exemption from work.

46. Pulmonary, intestinal, and other forms of consumption, renal affections, dropsy, cerebral and spinal diseases, and chronic affections of the abdominal organs, which have not been previously cited.

47. Eight per cent. of the prisoners are usually under medical treatment; about 4 per cent. of the whole number of prisoners are in the infirmaries.

48. The death-rate is from 2 to 2½ per cent. on the average number of prisoners.

49. Penal labour merely does not exist. In addition to the economic work for the prisons themselves, the following trades are practised: (a) For men, weaving, cigar-manufacture, joiners' and carpenters' work, shoemaking, bookbinding, curtain-rod and picture-frame manufacture, net-making, tailoring, saddlery, trunk and box-making, basket-making, brush-making, locksmithery, brass-casting, metal-turnery, manufacture of clasps and coins, wood-carving, manufacture of wooden fancy-work, manufacture of machines and edge-tools, manufacture of lace, ribbons, sashes, &c., manufacture of toys and hardware, clock and watch-making, scraping feathers, nail and chain-making, wadding and felt manufacture, lithography, engraving and illuminating, manufacture of corks, leather dressing and tanning, button manufacture, the art of turning in horn and ivory, manufacture of walking-sticks, umbrellas, and combs, the cutting of crystals and glasses for spectacles, straw-mat making, glove manufacture, marble-cutting, cooperage. (b) For women, embroidery and knitting, sewing, glove-making, cigar-making, tapestry, spinning, weaving, feather paring and scraping. In addition to the trades mentioned above, part of the men are occupied in farming operations. The prisoners, when opportunity offers, also perform other industrial work not above-mentioned, but fewer of them are engaged in it.

50. See the first answer to No. 49.

51. *Idem.*

52. *Idem.*

53. Only in urgent cases, and to a very limited extent, is industrial labour done for the administration. Usually this labour is conducted by contractors who agree to pay to the administration of the prison a sum stated in the contract for each day or each piece work. What work shall be given to contractors is settled by the administration. It likewise has absolute control in the selection of prisoners for the performance of the given work, and also over the execution of the work. It is thought very important to have such a number and such a variety of trades, that, in allotting prisoners their work, due regard may be had to their trades before admission and to their capacity. Each particular branch of industrial labour is, by the regulations, given to one contractor.

We may remark here that the Prussian system has nothing in common with the system of 'general contracts' adopted in some other countries.

54. After stating (No. 53) that the industrial labour of the prisoners is regulated under contractors in the manner just indicated, and especially that all direct relation between the prisoner and the contractor is excluded, it may be readily seen that, while the State is released from directing the industry, there must be considerable loss to the national finances; it must, however, be granted that the present system simplifies the administration.

55. There are no important differences in the mode of contracting for the labour of the prisoners.

56. About 5 per cent. are ignorant of a trade on entry.

57. They learn one in prison.

58. It is considered highly important for a prisoner during his imprisonment to learn how to help himself on his liberation. In addition to school instruction and apprenticeship to a trade, he is bound, in order to learn the art of self-help, to keep himself strictly clean, take due care of his clothes, see to the cleanliness of his cell and all utensils, and to the proper order of his bed.

59. A negative reply must be given to this question. This is explained by the fact that prisons in which short sentences

have to be undergone are very defective both in arrangement and organization.

60. We can only reply at present with certainty in respect of those sentenced to hard labour. 60 to 70 per cent. of such prisoners in the whole kingdom are recidivists.

61. The penal code decrees a more severe sentence against recidivists who have been *repeatedly* sentenced for robbery, concealment (of thieves or stolen property), and cheating, and also for a single relapse, if the charge is for robbery with violence.

Except in the cases just mentioned, the penal code menaces the recidivist with no increased punishment; but the judge may take into account anterior convictions, and then pass a sentence more severe than the minimum provided by the law.

In the execution of the sentences no distinction is made whether the prisoners are recidivists or not.

62. In commercial and civil matters there is no longer imprisonment for debt, inasmuch as we have seen it used to enforce the payment of debts of a questionable character. Imprisonment for debt is, however, allowed when it is necessary to secure the prisoner's commitment or judicial prosecution, or to execute a distress warrant. The treatment of prisoners for debt is totally different from that of criminals.

63. In proportion to the whole number of crimes, there are few cases in which crime arises from poverty or misery. Generally it springs from a completely neglected education, dislike of work, drunkenness, or rather a lust after immoderate and ruinous luxury and debauchery.

64. Five-sixths are men, one-sixth women.

65. The principal aim in Prussian prisons is to satisfy justice, and to make the prisoners feel their punishment is an expiation of their crime. At the same time all suitable means are employed to effect their moral reformation. Efforts are made to give them habits of order and work, and their minds are influenced by scholastic instruction, spiritual consolation, and moral precepts.

66. When we consider the number of recidivists, we should be inclined to think the prisoners left prison worse than they entered. This, however, all things being considered, would not be a just conclusion. We might more truly say that, in general, privation of liberty has no great influence on the ma-

majority of prisoners, and that their relapse is due to the same causes as lead to their first crime, for after the restraint of imprisonment is removed, old influences naturally regain dominion over them. There is no doubt that associated imprisonment tends to make prisoners worse.

67. The administrative authorities of prisons use their best efforts to obtain protection and work for liberated prisoners. For this purpose they communicate with the minister and authorities of the native place or residence of the prisoner, and, wherever they exist, with prisoners' aid societies.

Owing to the reluctance of masters and workmen to have relations with liberated prisoners, the efforts made to aid them have not been satisfactory in their results.

68. They exist in many towns. In Rhenish Prussia and Westphalia, there is a society more important and better organized than the others, which aims not only at reforming the prisons themselves, but also at aiding the prisoners on their release. Prisoners' aid societies in Prussia have neither a common organization nor a common centre which unites them; and many more are wanted to make them bear any just proportion to the extent of country. Their number is too small and their action too feeble, sufficiently to realise the objects they have in view. The duty of these societies is to give temporary shelter and work to liberated prisoners, either in asylums provided by the society or in the houses of private persons of honourable character. Sometimes they furnish them means of emigrating to foreign lands where they will find it more easy to lead a new and honest life. Lastly, the societies in every possible way maintain relations with them in order to aid them with counsel or pecuniary gifts. If the results obtained by the societies have not been in proportion to their benevolent efforts, it must be attributed to defective organization, and to the very nature of their mission.

69. (a) The food of the prisoners is satisfactory both in quantity and quality. They have three meals a day.

For breakfast and supper they have $\frac{3}{4}$ of a litre of soup. Twice a week, instead of soup, they get coffee and milk.

They have $1\frac{1}{4}$ litres of soup made with meat or fat and vegetables for dinner. To prepare this soup, 210 grammes of meat and 80 grammes of fat per head are allowed. Each

male prisoner receives 625 grammes of bread per day; each female, 450 grammes. Prisoners engaged on laborious work have an extra quantity of bread and beer allowed.

69. (b) In many respects the organization of Prussian prisons may be considered perfect. Order, especially, characterises the administration. The assiduous care taken in regard to the prisoners in all respects, and the efforts made to give them work suited to their capacities, are beyond reproach. The discipline, severe yet just, is excellent. The instruction and religious exhortations are efficiently and carefully given. On the other hand, our system has some grave defects which urgently demand the remedy we are earnestly striving to find. Some of the prisons require complete re-building; others need internal re-construction; a general rule enforcing the separation of prisoners at night is urgently required, and their isolation both by day and night ought to be more complete. We need the application of cellular imprisonment in all cases of preventive detention and of short sentences. We think this system also indispensable for the objects aimed at in all penitentiary reclusion, and we consequently propose a proportional increase in the number of cells.

We ought also to devise means for permitting the prisoners to work in the open air more than they do at present, and to effect this change in such a manner, that the new measure may serve as a preparatory step for the prisoner's return to liberty. It is moreover very requisite to care more for the preliminary training of the inferior officers, to increase their number, and to give them facilities for passing, after a certain length of service in prisons, into other branches of the State service. Lastly, to solve the difficulties which till now have obstructed effective prison reform in our country, we must first create a central organization which would regulate prisons of every kind, and have due regard to the interests of every nature connected with prison administration.

SAXONY.

For more than twenty years there has been a conviction in Saxony that sentences of imprisonment should be undergone only for the expiation of crime, the protection of society, and to

deter the prisoner from the commission of subsequent offences. The Saxon Government has, therefore, two principal objects in its penal system—the satisfaction of justice, and the reformation of the prisoner.

Since 1850 the penitentiary of Zwickau has been specially distinguished by successfully applying the principle of reformation by means of individual treatment. The Saxon Government was in consequence induced to extend the same system to all the prisons of the kingdom. It more readily placed confidence in the new method, because it works by no complicated apparatus, complies with existing circumstances, is based on the true psychological principle of individual treatment, and so combines different modes of imprisonment as to gain the best results. Thus, the common modes of imprisonment and treatment are excluded; and, just as a physician prescribes suitable medicine and diet for his patients, so the administration provides fit education, work, and food for its prisoners. The penitentiary of Zwickau gave proofs that this idea was not only theoretically right, but also practicable. The Government, therefore, in 1854 resolved that all the Saxon prisons should adopt the new regulations for internal management and the treatment of prisoners.

1. *The Prison System.*—Accordingly there is in Saxony no penitentiary where either solitary or collective imprisonment is exclusively employed; both modes are used according to the prisoners' individual wants. Saxony has eleven houses of correction where, especially during the last ten years, the previously mentioned reforms have been carried out. The prisons are divided into the following classes:—(1) prisons for severe punishment; (2) prisons for less severe punishment; (3) prisons in a fortress; (4) reformatories; (5) prisons belonging to courts of justice; (6) prisons belonging to police courts. There are at present 2 prisons for severe punishment; 3 prisons for less severe punishment; 2 for older prisoners; and 1 for youthful prisoners; 1 prison in a fortress; 5 houses of correction or reformatories, 2 being for children, 1 for youthful, and 2 for older prisoners. Prisons belonging to courts of justice and police are necessarily attached to those courts. There were in 1871, on the average: 1,153 prisoners in prisons of severe punishment; 1,001 in those for less severe punishment; 1

prisoner in a fortress; 684 in houses of correction; and 1,800 in prisons attached to courts of justice and police.

2. *General Administration.*—A central authority for the administration of prisons does not exist.

The administrative authority rests, except in prisons belonging to courts of justice and police, in the hands of the ministry of the interior. The ministry of justice takes full cognisance, by commissioners, of the way in which the sentence is carried out, and also controls the domestic arrangements. The prisons belonging to courts of justice, in which, since December 19, 1870, imprisonment not exceeding four months can be undergone, are superintended by the ministry of justice, which has issued remarkable orders, dated December 27 and June 21, 1862, relating to the spiritual care and to the industrial occupation of the prisoners.

The ministry of justice in its prison administration has obtained favourable results.

3. *Discipline.*—The discipline aims at the satisfaction of justice, the improvement of the prisoner's condition, and his moral reformation. A certain amount of deterrent punishment had to be inflicted by the administration of prisons in accordance with the penal law, and severer punishment in case of relapse; but this severity was abolished by the revised penal law of 1868. Above all things efforts are made to revive and maintain the following hopes in the heart of the criminal—the hope of moral amendment, of re-establishment in society, of improving his condition in prison, and even of abridging the duration of his imprisonment. The administration thinks that the church, the school, and Sunday's instruction, are the best means, in the hands of a sensible officer, for effecting moral reformation. In short, it aims at making the prisoner understand that he can make progress neither in prison nor in civil life without radical and true amendment. The question whether a discipline founded on rewards or punishment, is the more successful, is almost superfluous, for it entirely depends on the individual character of the prisoner. By an order dated March 10, 1864, in consequence of the favourable results of experiments made during the last ten years, disciplinary punishments were greatly reduced, and now consist in diminution of food, more or less severe imprison-

ment, and in withdrawing the recompense of work done. Corporal punishment with a rod or thin stick, up to thirty strokes, or punishment on laths (the former only used against criminals of the lowest class of discipline) is under certain restrictions, and can only be applied after mature consideration and deliberation on the part of the officers. It is seldom used, and has, for example, not been applied in the penitentiary of Zwickau for the last ten years. Strictly speaking, there can be no question of recompense; but diligence is rewarded by a higher allowance, and good conduct places the prisoner in a higher class of discipline, or obtains for him a place of trust. Leave of absence or previous leave, that is, a remission of part of the imprisonment, is regarded by the prisoners as the highest reward. The administration makes it the termination of the three stages of discipline. This leave of absence arose first in royal clemency. By order of the King it was first granted in 1862. The Saxon mode of remitting part of the sentence has proved excellent in its results: for down to January 1, 1872, of 415 prisoners dismissed, only 11, or 2.65 per cent., relapsed. The same mode was adopted throughout Germany by the confederate penal law (law of the German Empire) May 31, 1870, with this difference only,—that the probationary period, or previous leave, can only be set aside by royal pardon or the highest judicial authority.

4. *Influence of Religious and Moral Agencies.*—The prisoners are equally cared for whatever their religious creed. Exactly as in every truly religious household, all members must mutually help to attain what is desired, so in Saxon prisons everything is arranged for the purpose of promoting, before all things, moral education by common worship of God and individual care of the soul. The use of extraordinary moral agencies is not admissible; they have been found unpractical, for prisoners place no confidence in strangers. Casual visitors, whose purpose is the moral improvement of the prisoners, are therefore not admitted. It is not to be expected that everybody will possess the ability of discerning the individual wants of prisoners.

5. *Secular Instruction.*—In regard to the condition of the criminals in the kingdom of Saxony, the observation in general has been made, that the prisoners are pretty well instructed in

the elementary branches, but that further education is in most cases neglected. The penitentiary takes especial care to supply the defect of the elementary education by obligatory weekly instruction. At the same time the general and special preparation for their vocation or calling is supplied by free instruction on Sundays. Such instruction is not obligatory but voluntary, and the prisoner has a claim to it owing to his good behaviour; it is voluntarily given by the officers, and not by the clergymen and teachers alone. The library in the penitentiary of Zwickau contains 5,000 volumes of religious, instructive, and entertaining books, thus providing for all the mental wants of the prisoners, who, under the careful assistance of the teachers, are diligent readers.

6. *Prison Labour.*—Properly speaking, work in place of punishment does not exist in any one of the penitentiaries of Saxony. Saxony, one of the most industrial countries, produces almost every one of the different articles of industry and trade. The work is partly given to contractors, who are entirely dependent on the administration of the penitentiary, and is partly managed by the latter itself on its own account. The system of giving the work to contractors, who are in entire dependence on the administration, deserves preference, because the officers cannot be at the same time good tradesmen and good officers, and because the interest of the two would be opposed and conflicting. The profits of the prisoners' work covers from about one-third to one-half of all the prison expenses.

7. *Prison Officers.*—The officers of the penitentiary are appointed by the ministry of the interior, according to the law of the civil service. Part of the officers are employed on trial, and are liable to dismissal. Political influence does not enter into consideration. The qualification of the officers is on the average good. The duties of the officers are regulated by special instructions. Separate schools for training officers do not exist. Most of the superior officers undergo, before their definite appointment, a practical training in one of the penitentiaries. The inspectors are, with few exceptions, military men, and are carefully chosen by the director of the penitentiary from the class of well-tried corporals. The higher the duties to be fulfilled become, and the more carefully the system

of individual treatment is carried out, the more the knowledge of the duties approaches to science, and the more necessary are the studies of pedagogy and psychology, and the more it becomes absolutely necessary to make special studies, in order to assist in attaining the highest efficiency in the administration. Just as no teacher can now be chosen, as was the case in times past, from men of another calling, but must be a man who has received a thorough education in his special branch, so the officers of penal prisons will be required to have special training, and therefore in future special schools will be a necessity.

8. *Sanitary State of the Prisons.*—Owing to scientific and practical experience, prisoners have received, since 1851, conformably to a regulation regarding meals, sufficient and nourishing food. This regulation provides, daily, variety suited to the seasons and the promotion of health (*hygiène*). For dinners there are ninety, for breakfasts and suppers there are twenty-eight varieties of dishes. On principle such food is given to the prisoner as is required for the preservation of his life, health, and strength for work. The regulations for meals were revised and changed by the ministry of the interior March 31, 1866, and order food in conformity with the season, and increase the quantities of savoury ingredients. Requisite medical attention in every respect is given to the prisoners. The ventilation is arranged in a most perfect way, and in a simple manner. Drainage (in the special sense of the word) does not exist, but a system of sluices removes all the underground water. To cleanliness the most strict attention is paid, and rigorously insisted on in places of work, dormitories, water-closets, clothes and linen, and there is also a regular use of baths. The daily average of cases of illness is from 1 to 2 per cent.; the average of cases of death is in the year from 1 to 3 per cent.

9. *Reformatory Results.*—That reformation is one of the chief objects has already been stated. The prisoners are in general better when leaving the prison than they were when they entered it. The promises of the prisoners that they will live honestly are, in most cases, not mere empty phrases; and when some have failed in their purpose of amendment, the fault is mostly to be traced to existing general social evils. For successful warfare against them liberated prisoners are wanting in energy.

10. *Sentences.*—The practice of courts of justice of passing sentences of short duration of imprisonment for slight offences, and of repeating them in case of relapse, does not exist, because the penal law of the German Empire, even for theft a third time, orders imprisonment in a penitentiary, provided there are no extenuating circumstances. What effect this practice will have in regard to increase or decrease of crimes is yet problematical, and requires further satisfactory experience.

11. *Causes of Criminality.*—Crimes and offences against the rights of property are by far the majority. The motives leading to the commission of them are to be looked for in sensuality, unwillingness to work, and social evils caused by the density of the population. Saxony is at present the most densely populated country, having within 272 German square miles above two and a half millions of inhabitants, or more strictly 398 inhabitants upon 1 square mile.

12. *Juvenile Reformatories.*—Saxony has had, for above a generation, two reformatories for the education and reformation of children of both sexes, besides one house of correction for young persons aged from sixteen to twenty years.

The industrial occupation in all these houses is agriculture, but mechanical occupation for the wants of the reformatory itself is not excluded. The admission of children takes place mostly at the request of their relations, of societies, or police authorities, who are asked to contribute a small sum of money. Children up to twelve years, and young persons up to eighteen years of age, in case of their having acted without discernment, are placed under this reformatory treatment. According to age, school-instruction, and occupation in the field, garden, and domestic work, are the means of education. At a proper time, those promoted for good conduct are first sent into agricultural or domestic service, or to tradesmen, under proper supervision by the authorities of the reformatory. Conditional liberation must, as a rule, precede complete freedom. Well-disposed inmates of the reformatory of the age of less than twelve years are sent to board in carefully-chosen families, the reformatory paying for the board. Even these have to undergo a period of conditional liberation before attaining full freedom. The term of probation for children is at

least two years, that of young people one year. The results obtained in these reformatories since 1856, have shown that such as were liberated after a probationary period, and who on account of relapse were sent again into the penitentiary, amounted to only 7 per cent. Reformatories and houses of safety (asylums), established and supported by societies or by associations, endeavour to reform neglected children by giving them domestic discipline, and separate or public schooling. They mostly keep the children till they are fourteen years of age. Unmanageable children are sent for further education to the above-mentioned State reformatories. The average number admitted in the State reformatory amounted, in the year 1871, to 345 children, and to 31 young persons. Both these numbers are included in the sum stated above under 1. The number of inmates in asylums, etc., during the year 1871, has not yet been stated; but it may be estimated to be about 200.

WURTEMBERG.

1. The economic and correctional administration of all prisons is controlled by a central authority, which also exercises supervision over district prisons for preliminary detention, for those sentenced to minor punishments and to arrest. The central authority is subordinate to the minister of justice. It is composed of members of the departments of justice, of the interior, and of finance; it has likewise attached to it some skilled ecclesiastical members, a doctor, an architect, and a merchant.

2. Since January 1, 1872, the penal code of the German Empire has been in operation in Wurtemberg. The punishments inflicted by this new code, and by anterior laws, are undergone in (1) Prisons of reclusion: one at Stuttgart, exclusively for men; one at Gotteszell, for the two sexes; one at Ludwigsburg, exclusively for men; and one at Heilbronn, for women. Those sentenced to reclusion by the new law, and to reclusion with hard labour by the old law, are placed in these prisons. (2) Country prisons (*les prisons du pays*) at Halle and Rottenburg for men, and at Heilbronn for women. In these prisons sentences not exceeding four weeks are undergone. (3) Fortresses. Imprisonment in a fortress is suffered at the fortress of Hohenasperg. (4) Prisons for minors. Youths who

are sentenced are imprisoned at Halle. (5) District prisons (*prisons d'arrondissement*) for the punishment of those whose sentences do not exceed four weeks, or who are under arrest.

3 and 4. A scheme of prison reform on the cellular principle has been prepared for ten or twenty years, but various obstacles have prevented its adoption. In 1865 a law was passed for the introduction of the cellular system, at first, into prisons for women. The cellular prison of Heilbronn was, therefore, erected. It will probably be occupied this year. The law of 1865 having been replaced by the penal code of the German Empire, the prison at Heilbronn will be used exclusively for men. At present our prisons are still conducted on the collective system. Places for isolated detention are found in all the prisons: they are used partly for the separation of the prisoners at night, and partly for their isolation for disciplinary and correctional reasons.

5. The expense of maintaining the prisons, so far as it is not defrayed by the industrial labour and payments of the prisoners, is borne by the State, which, on the average, contributes about 35 per cent. of the total expense of prisons: the remaining 65 per cent. is derived from the income of the prisons themselves, but the prisoners' payments form only a small part of the amount.

6 to 9. The directors and the chief officers of the administration are appointed by the King, on the nomination of the minister of justice, who first consults the commissioners for prisons. These appointments are generally for life. The subordinate officers are appointed by the commissioners for prisons. The directors and superior officers have all the rights which legally belong to the officials of the State, particularly such rights as refer to pensions. When the inferior prison officers become, from no fault of their own, incapable of discharging their duties, they are discharged with a gratuity, or they receive a pension. There are no special schools for the education of prison officers. The directors are usually men who have acted as magistrates, and have been formerly engaged in judicial duties, although ability to act as a judge is not indispensable for gaining the office of a director. The warders are mostly non-commissioned officers who have left the army.

10. See reply to question 2.

11. The prisoners are classified according to their conduct. Their class is shown by distinctive marks on their dress. The class of a prisoner is taken into consideration before he is appointed to any office of trust. The distribution of the prisoners in the rooms (*localités*) depends on their class. In reality, however, little value is set on this division into classes.

12. Since the introduction of the code of the German Empire, probationary liberation has been extended to those who were sentenced in accordance with the old law. Moreover, when there is a question of a prisoner's pardon, his conduct is especially taken into consideration.

13. Industrious prisoners receive for their application and good conduct a part of their earnings: this part is fixed by the administration at one-fourth: but if they earn above eight kreuzers per day, they only get two kreuzers.

14. Prisoners who are distinguished for good conduct, are encouraged by being placed in a higher class; by receiving more agreeable and more profitable employment; by being allowed more frequent communication with their friends, and more liberty to make purchases out of their earnings, and by being recommended for pardon.

15 to 17. The chief disciplinary punishments are: restricted communication with their relatives and friends; withdrawal or diminution of the part of their earnings usually granted to them; diminution of food; isolated imprisonment; imprisonment in a dark cell. In prisons for reclusion irons are also applied; corporal punishment is excluded. An exact register of punishments is kept.

18 to 20. In all the prisons there are Protestant and Catholic chaplains. Their duties are to hold divine service on Sunday and on festival days, to give once a week religious instruction to the prisoners of their respective creeds, and general pastoral counsel on all suitable occasions. For prisoners of the Jewish denomination there is similar provision for religious instruction. The labours of the chaplains are undoubtedly most valuable and beneficial in their results.

21. There is no arrangement for such labours in the kingdom of Wurtemberg.

22 to 27. Prisoners are allowed, under certain regulations, to

receive visits from their relatives and friends, and to correspond with them.

The number of such visits, and the extent of the correspondence, are fixed by the administration of the prison, which can, on suitable occasions, and as a reward for good conduct, allow more frequent and more prolonged visits, and the interchange of a greater number of letters. The letters are all examined by an officer, and those containing anything immoral or prohibited by the regulations, are retained. The director or some officer is present at all visits and has the right of listening to the conversation.

28 to 31. Prisoners unable to write on their admission form a rare exception. Out of 1,317 prisoners present June 30, 1871, 9 could neither read nor write; 8 could read and not write. All the prisons have schools for the prisoners' instruction. They must attend school till 30 years of age; prisoners above that age who desire school instruction, are allowed to attend. The prison schools are as efficient as good primary schools. The branches of instruction are: reading, writing, and arithmetic, moral and sacred history, geography, history of the kingdom, and in some prisons drawing. Those sentenced to short imprisonments have their former knowledge recalled and fixed more firmly in their minds; those suffering long imprisonment have it extended, and thus get a higher education. Attentive and diligent prisoners are very pleased to take part in the instruction.

32. In all the prisons there are libraries: the books are religious, instructive, or entertaining.

33. (Omitted).

34. The prisons are provided with a good system of sewerage.

35. Water for drinking and for domestic purposes is found in all the prisons, in sufficient quantity and of good quality.

36 to 38. Prisoners are compelled always to keep their bodies, garments, beds, work-rooms, dormitories, and other places, clean. They have every morning to wash their faces, hands, and teeth, to comb their hair, make their beds, sweep the rooms, and empty and clean all vessels. The men are shaved, and have their hair and nails cut as often as necessary. They frequently take baths. Care is also taken to ventilate and sweep every place in the prison.

39. The arrangements for the water-closets vary with the construction of the different prisons. Even the ordinary water-closets are supplied with a ventilating apparatus for removing the bad air, and they are carefully disinfected.

40. Most of the prisons are lighted with gas; in some, petroleum is used. The corridors and dormitories are lighted during the night.

41. There are only two prisons which are furnished with a central heating apparatus: the others are warmed by cast-iron stoves.

42 and 43. Every prisoner has a separate bedstead made of iron or wood. The bed consists of a mattress and bolster filled with straw, two sheets, one blanket for summer and two in winter. In prisons of reclusion, the prisoners whose health requires the indulgence, may have their own beds; in country prisons there is no restriction on their having them.

44. In prisons of reclusion the working hours are eleven; in country prisons, eight. In prisons of reclusion the prisoners rise at 4.45 A.M. in summer, at 5.30 in winter; they go to bed at 7.30 in summer, and at 8 in winter. To give them opportunity of recreation in the open air, an interval of three-quarters of an hour is allowed in summer, and of half an hour in winter.

45 to 48. There are infirmaries furnished with everything necessary for the sick in all the prisons. The surgeon decides on the admission of prisoners to the infirmary. He has full care and management of it, and is assisted by male and female infirmary attendants. The food, clothing, and bedding of those ill, are regulated according to his direction. Prisoners who are only slightly indisposed are not removed to the infirmary. Those affected in mind are sent to a lunatic asylum. The proportional number of sick in the infirmary during the last ten years, in all the prisons, was 35 to 46 in 1,000 prisoners. The death-rate was between 16 and 27 per 1,000. In some prisons the death-rate was only 12 per 1,000. The diseases are the same as those prevailing among the free population. Last year 12 (that is, 94 per 1,000 of the total number of prisoners) died from tubercular consumption; in 34 cases of death that year there were also 4 from dropsy, 4 from typhus fever, 2 from inflammation of the brain, 2 from disorders of organs in the cavity of the chest, and 2 from

apoplexy. Scurvy is of rare occurrence; last year there were only 3 cases under treatment. There were 5 cases of mental disease last year.

49 to 52. There is no distinction between penal and industrial labour. Besides the necessary work for the prisoners themselves, as cooking (in some prisons also baking), building, gardening, washing, the principal industrial occupations are, for men, manufacture of linen and cotton fabrics, tailoring, shoemaking, manufacture of gilt curtain-rods, joinery, wood-carving, manufacture of boxes and other wooden articles, binding, manufacture of card-board boxes, of travelling-bags and cases, smith-work, labouring, and painting; for women, sewing, knitting, making woven shoes, cigars, gold-polishing, making paper-bags, and washing and laundry work. The industrial work is partly done for the establishment, or the prisoners are employed by manufacturers, who pay a certain sum per day or per piece of work, which is stated in the contract. Whether preference should be given to the system of working for the establishment or for contractors depends on the nature of the work. The system of letting out the entire work of the prisoners to contractors does not exist in Wurtemberg.

53 to 58. More than half the prisoners admitted into the prisons have a knowledge of some trade that is practised in the towns. In giving an occupation to a prisoner, regard is paid as far as possible to his previous trade; he gets similar work, or at his own request he is taught some trade which is practised in the prison.

59 to 61. In the statistical tables those are reckoned recidivists who have already undergone previous imprisonment, detention in a fortress, or a more severe sentence for a similar or different offence. Out of the total number of those sentenced in the last four years, 37, 34, 36, and 35 per cent. were recidivists in the sense just explained.

62. There is no imprisonment for debt in Wurtemberg.

63. (Omitted.)

64. The number of women in prison on an average is 20 per cent. of the total number of prisoners.

65 and 66. The primary object of our prisons is punishment; but although their principal aim cannot be designated the

moral reformation of the prisoners, yet the punishment is so administered, and the prisons are so organized, as to lead to the prisoners' moral improvement.

67 and 68. Since the year 1831 there has been a patronage society for liberated prisoners: it promotes their civil and moral improvement, and is managed by a central committee. Various allied societies exist in the different districts of the kingdom. The Patronage Society has 3,000 members. It endeavours to secure its objects by obtaining domestic service or professional work for liberated prisoners, and by supplying them with money for the purchase of tools, raw materials for manufacture, clothes, and bedding, or to pay their passage as emigrants.

With regard to youthful prisoners special care is taken to apprentice them, or to place them in asylums which exist in the kingdom for the reception of youths who have fallen into crime or have been neglected. An asylum has been more recently founded for girls of a more advanced age. It also receives liberated young women. In accordance with established regulations, it is the duty of commercial and State authorities to counsel and aid liberated prisoners.

69. The food of the prisoners provided by the administration in the different prisons, is good in quality and sufficient in quantity.

Stuttgart, April 10, 1872.

ITALY.¹

1. *The Prison System.*—GENTLEMEN,—Not one amongst you is ignorant of the momentous events which have combined, during the last few years, to complete the Unity of Italy. The various provinces of our peninsula, for long centuries divided into so many states, and now united under the dominion of the glorious banner of the House of Savoy, necessarily brought with them to the common cause each its own laws, institutions, and traditions; it is, therefore, not to be wondered at if there be found amongst us a wide diversity in penal legislation, and, consequently, great variety in the punishments adopted and in the mode of carrying them out. Thus: the law of the Tuscan provinces had abolished capital punishment since 1859; the Neapolitan and Sicilian legislation inflicted this sentence in twenty-two cases; in other provinces of the kingdom capital punishment was decreed in twenty-seven cases. Again, the Tuscan provinces had adopted the system of continual isolation; others preferred and were adopting the Auburn system. In some provinces fetters were in use both for males and females sentenced to a long imprisonment; in others they were entirely abolished. In some provinces, only those convicts sentenced to the heavier punishments were admitted into the Bagnio, whereas in others these establishments served as prisons also to those sentenced only for a few years; in others, again, they were entirely proscribed. Nor could these diversities in the penal code, and the great varieties in the method of incarceration be at once done away with, having their origin in the peculiar character of each code of penal laws; but our Government is directing its efforts to the reformation and complete uniformity of its penal legislation.

To serve the purposes of detention before trial, we have the central or chief prison of the province (*carceri centrali*) and the district prisons (*circondariali*), as also the communal jails

¹ The response of Italy is given in the form of an address to the Congress, by the Director-General of the Italian prisons, Signor Cardon. The editor has thought it convenient not to vary this form, although as a fact the subject is treated under the same heads (suggested by the American committee) as the United States, Saxony, and other countries.

(*mandamentali*)—all so classified as to be within the jurisdiction of a Corte di Appello or a 'prefecture,' in the chief town of a province, or in a Mandamento. For penal detention we have six establishments for those sentenced to confinement, detention, or custody; three for those sentenced to relegation; eleven for those to reclusion or public work; twenty-one for those sentenced to hard labour for a time or for life, to the Ergastolo or Galera.

The gaols and prisons as varying in their system of imprisonment may thus be classified:—Two on the system of continued isolation, two on the system partly of continued isolation and the Auburn system, five on the Auburn system, two partly on the Auburn system, partly on the system of community, forty-five on the community system. We have, moreover, two agricultural colonies and a penal establishment for invalids.

Those above are for the adults. For minors we have four houses of correction set apart for juvenile convicts, and thirty-one establishments for compulsory detention (reformatories) for idlers, vagabonds, and youths admitted by paternal request for correction. In the latter establishments are also received juvenile offenders before trial, to withdraw them from the injurious influences which would be brought to bear upon them if detained in a jail, for however short a time.

The Central Administration, convinced of the great need and utility of the subject, is now considering the best means for establishing a hospital for lunatic convicts, and instituting a species of nautical reformatory for the detention of juvenile delinquents from the maritime provinces. In 1871 the average of the inmates of the gaols was 45,082; that of the penitentiaries, 10,738; that of the bagnios, 15,148; that of the juvenile institutions in all, 573. It should, however, be observed that the number in the gaols includes those awaiting trial, as also a number of those who, already sentenced, remain in them until such time as it be found opportune to transfer them to their ultimate destination; also those sentenced to one year or less, and who work out their time in the same prisons.

According to our more recent judicial statistics, the total number of condemned prisoners amounted in 1869 to 72,247, of whom 488 were for life; 5,561 to relegation, reclusion, etc.; 36,663 to a term of imprisonment under five years; 29,535 to

a term under three months. Judging, however, from the number of legal requests for consignment to penitentiaries, the number of culprits sentenced to a term of imprisonment exceeding twelve months in 1871 was 5,324, of which number 228 were sentenced to hard labour for life, 1,018 to hard labour for a term, 2,202 to reclusion, and 1,571 to confinement. With us the same regulations are in force in the male and female prisons. The female convicts are subjected to the same discipline as the males. To this rule there is but one exception—that of the female penitentiary of Turin, where, by the advice of the sanitary staff, on account of the rather large number of deaths which occurred, the food provided is of a somewhat better order. Here too the inmates are allowed to speak during the hours of exercise. These two ameliorations have apparently improved the sanitary condition of the prisoners. The medium duration of preventive detention for those awaiting their trial is about three months.

The expenses for constructing preventive or penitentiary jails are drawn from the sums set aside for the purpose in the yearly balance of the Home Office. The Mandamenti alone are required to provide their own gaols, but only so far as regards the buildings, the Government providing for the maintenance of the delinquents. By the law passed on January 28, 1864, it was decreed that we should put into force in our houses of detention the system of continued isolation. On this basis the gaols of Turin, Sassari, and Perugia have been built. The Milan gaol is being erected, and we are studying plans for Naples, Genoa, Piacenza, Rome, Varese, etc., etc.

We cannot say as much about the regulations to be introduced into our penitentiaries, but this question will be decided when the new penal code now preparing shall have received sanction.

2. *General Administration.*—The whole of the detention and penitentiary administration of the prisons, whether as regards the buildings, regulations, officers, discipline, or supervision of the whole, is superintended by one central authority, which forms the General Prison Board ('Direzione Generale delle Carceri'), and depends on the Home Office. This board is composed of the director-general, four inspectors, and three departments: one entrusted with the supervision of the admin-

istrative, sanitary and religious officers and gaolers; another attending to the financial department, and the third regulating whatever refers to the construction of the buildings and the wants of the prisoners. Besides this, there is an office of statistics, a technical officer of engineers, and a copying-office, each of these having special *employés* and special work.

All these branches of prison administration are concentrated in the general-director, who in his turn regulates the service, seconded by the vote of a council of consultation on administration and discipline, composed of at least two central inspectors, and the director of that department to which is entrusted the special subject under discussion. Nor does it seem possible otherwise to direct an administration so vast, and one requiring as an indispensable rule the most perfect unison in thought and regulation, to carry into effect the principle that 'every citizen is equal in the eyes of the law.'

3. *Discipline*.—The end at which our prison administration aims is, so to direct punishment that, without allowing it to lose its necessary characteristic of deterrence, it shall also possess the other equally essential requisite of reforming the delinquent. Nothing therefore is omitted to obtain this desirable end, and while on the one hand it is instilled into the mind of the prisoner that he will be enabled, by good conduct, to ameliorate his condition; on the other, the end aimed at is to raise his sense of manly dignity, that he may not become a hypocrite. In the penitentiaries those who distinguish themselves by their good conduct enjoy special advantages, such as being entrusted with domestic work, being recommended to mercy, &c., &c.

In the Bagnios there is a system of a graduation of classes to which the prisoners ascend by merit or descend by bad conduct. Each class has its distinctive badge and special privileges. Those prisoners who have distinguished themselves by good conduct in the penitentiaries, and have worked out at least one half their term, are removed to the agricultural colonies of Pianosa and Gorgona.

The administration is at present occupied in the study of a plan for sending to the Island of Capraja (Tuscan Archipelago) those prisoners who have continued in their good conduct during their sojourn in the Islands of Pianosa and Gorgona.

The prisoners on reaching Capraja would enjoy a semi-liberty within the island without being quite free from certain disciplinary restraints.

The disciplinary system in the two classes of prisons now to be noticed, varying according to the nature of the sentences to be worked out in them, differs somewhat. In the penitentiaries the punishments in use are: admonitions, privations of food, solitary cells, fetters at the longest for twenty-four hours, solitary confinement for from one to six months; while in the Bagnios, besides admonitions, separate cells, and privation of food, there is also arrest with or without fetters, and the short chain 'Banco di rigore,' &c.

The rewards, already noticed, are, in the penitentiaries: The appropriation for the benefit of the prisoner of a quota of the profits arising from his labour; a more generous diet; the privilege of a less interrupted family correspondence; the right of disposing of a portion of the funds accruing from his work; admission into the schools; domestic employment; and recommendation to mercy.

The rewards usual in the Bagnios are: Passing from a lower to a higher class; being made an overseer; exemption for a time from fetters; and for those alone who have reached the highest class, recommendation to mercy.

It is difficult to decide which class of convict punishment is most efficacious, the effect depending altogether on many individual circumstances. Solitary confinement generally reduces to order and quietness even the most obstinate, and this because the individual so punished is withdrawn from the over-excitement produced by the recurrence of the spectacle in which he is both actor and audience.

Corporal punishment is forbidden by the rules of our penitentiaries. By the regulations of 1826, flogging was the punishment assigned only to a few grave misdemeanors; but this regulation was modified in 1863, and since 1860 it has never been inflicted.

The local director has authority to inflict the minor punishments; for heavier ones it is necessary to have the approval of a special council; the offending prisoner must be heard, and an official report must be drawn up. The more serious cannot be inflicted without notice being previously given to the General

Central Direction. If a convict become guilty of an act judiciable by the ordinary law, the magistrates proceed against him and award the fitting sentence, as though he were free.

On the other hand, for the protection of the prisoners, we have a visiting commission (especially for the houses of detention), an authorised direct correspondence between the prisoner, the minister, the director-general, the central inspector, and the magisterial authorities, as well as the inspection of the prisons by the local authorities, and by the central inspectors.

No special discipline can be applied to the incorrigible convicts; but, as they may be kept in solitary confinement for the space of six months, they become impotent to disturb the discipline of the establishment. The central administration, however, fully recognising the many benefits which would accrue from the plan, proposes to set apart a penitentiary where so stringent a discipline could be exercised as to render superfluous any extraordinary coercive measures, and therein to gather together those convicts who by craftiness, oftener than by open rebellion, encourage and prompt discontent in their fellow-prisoners, and foment that perpetual irritation which is so hurtful to the quiet, confidence, and subordination that are the primary elements towards the moral rehabilitation of prisoners.

4. *Religious and Moral Agencies.*—No one will deny that religion has an immense influence over man; but to exercise that influence it is necessary that religion should be sincere, and implanted in the heart, and it is in nowise to be confounded with superstition or prejudice. There is no doubt, therefore, that with those prisoners who have that innate religious sentiment, practical acts of piety, and the exhortations of the chaplains have weight; but with the remainder, though it be well that the ministers of religion should do all in their power to implant religious feeling, and though the administration neglects nothing which seems conducive to the same end, yet it does not consider moral agencies of minor importance, and the greatest of these the good example to be set before the delinquents by the behaviour of the directing officers and gaolers.

In some provinces there were voluntary or semi-official visitors, and Government still allows such; but the administration does not deem it expedient to pass an opinion as to their practical

usefulness so long as the commission for penitentiary reform is still deliberating on this important question.

5. *Secular Instruction.*—Our administration deems a secular and industrial education a principal agent for the reformation of offenders. Both are established on a broad scale, and to judge of the former (secular), it will suffice to compare the instruction possessed by those who enter and those who leave our penitentiaries. The illiterate amongst the former amount to 92 per cent. in the Bagnios, to 64 per cent. in the penitentiaries, and to 60 per cent. in the juvenile reformatories; whilst among the latter the illiterate are reduced to 73 per cent. in the first, to 46 per cent. in the second, and as to the last, to 12 per cent. in the houses of custody, and to 3 per cent. in the reformatories.

In each penitentiary there exists a school, to which is admitted the largest possible number of prisoners, the youngest and best conducted having the preference. In the houses of detention and the reformatories the school takes a wider range, as it admits all the inmates indiscriminately, and in these are specially taught drawing, vocal and instrumental music, agriculture, some foreign language, etc., and this with admirable results.

Every prison, whether for juveniles or adults, has a small library belonging to it, the formation of which specially occupies the attention of the Central Direction.

6. *Prison Labour.*—We seek to give the industrial education of our prisoners the turn which appears fitted for them, and which is most easily mastered.

In our penitentiary system there is no labour exclusively bearing a penal character; with us labour has no other aim than to overcome the natural propensity to idleness in the criminal, to accustom him to a life of activity and hardship, and to give him the means of obtaining an honourable livelihood when the absence of such means had caused him to become guilty.

The industrial arts mostly practised in our penitentiaries are those of the shoemaker, carpenter, blacksmith, and weaver, and in our Bagnios we make them agriculturists, labourers in the salt deposits, and workers of cotton, hemp, etc.

As a rule the produce of the work of our penal establishments until 1868 was appropriated by Government. The General Direction, however, desired to make the experiment of the system

of contracts, and now, out of 35, 11 are in the hands of private contractors. But the question which of these two systems is most suitable, is so complicated that the administration, as yet, does not feel itself competent to declare its preference, not having enough ground to go upon; but it is following up the subject, and has published and will continue to publish all the statistics it can impartially gather.

The criminals in the Bagnios also work, as a rule, for the Government either in some military dock or in improving the land annexed to the penal establishments. In some localities the prisoners are hired out by contract for public or private labour, the contractors paying a certain fixed sum per diem to the local administration.

In the houses of detention for youth, Government allows certain tradesmen the gratuitous labour of the juveniles, on condition, however, that they are set to work upon some art or trade which at a future time may serve them for a livelihood.

According to the last statistics every male inmate of a penitentiary where the profits of labour are appropriated by Government, costs the Treasury 0,77,41 francs, every female 0,68,81 francs each day, deducting however the profits of their labour and other sources of income, not including the direct outlays of the central administration, such as the expense of building, the salary of the officials, etc. In a penitentiary let out by contract, each criminal costs the State 0,61,97 francs per day; a criminal in the Bagnios, 0,60,00 francs. A youth in the house of custody, 0,68,47 francs, a girl, 0,79,26 francs. In the reformatories, a boy, 0,81,24 francs, a girl, 0,79,04 francs, but for the latter this includes all expenses.

The average duration of apprenticeship (*apprentissage*), in our penitentiaries is three months. The remuneration for convict labour as compared with free labour is one-fifth less. These wages are divided into two equal parts, one of which is appropriated by the State, the other belongs to the prisoner. In the penitentiaries worked by Government he is allowed to spend a quarter of his gain, and the remainder is set aside to form a reserved fund, against the time of his discharge. The later statistics show that the medium reserved fund of each discharged criminal amounts to 40 francs.

A short time ago several administration reforms were introduced into our Bagnios. By the old regulations, convict labour was paid at a somewhat lower rate than the bulk of free labour, but the contractors were allowed to give the prisoners a separate remuneration and more than the regulation diet. Having done away with this abuse as hurtful to discipline, to the interests of the convicts, and to those of the State Treasury, making the contractors pay a more equitable sum for the work, allowing the prisoners to spend four-tenths of their gains, and laying aside one-tenth for their reserved fund, there has been a sensible increase in the profits. Whilst the payment of labour during the first three months amounted to 175,979 francs, with a profit to the administration of 32,669 francs; by the new plan, during the first quarter of the year 1872, the payments amounted to 207,724 francs, with a profit to Government of 93,162 francs. As all our criminals must, according to law, be employed in occupations more or less laborious, but always useful and remunerative, the administration cannot exempt from labour any able-bodied person under any pretext whatever. The sentence of relegation above allows the prisoner the option of work. It is regulated in the same manner as the other establishments.

7. *Prison Officers*.—Our staff of gaolers is proposed by the local authorities, confirmed by a ministerial decree, and paid from the public treasury at a fixed rate. The staff of gaolers of the Mandamentali gaols alone, forms an exception to this rule, for it is proposed by the Giunta Communal, and paid by the Commune from the sum set apart for this purpose in the balance of its accounts. The obligatory term of service for gaolers is six years; in making choice of them no weight is given to their political opinions, but only to their probity and zeal. Up to last year these officials were sub-divided into three classes, namely, gaolers of the detention gaols, gaolers of the penitentiaries, and gaolers of the Bagnios. These two latter classes are now merged into one. The salaries of the simple gaolers of the detention prisons are from 660 francs to 750 francs. Those of the under (*sotto capi*) and head (*capi*) gaolers are from 800 francs to 1,200 francs. In the penitentiaries the salaries of the first-named are from 560 francs to 650 francs, and those of the second and third from 700 francs to 1,000 francs.

The reason of this difference is that in the former gaols the gaolers are only allowed one ration of bread, whereas in the latter they are provided with the whole of their food. According to the new rules of 1871, the promotions of class amongst the lower gaolers are regulated thus: one-half the number by merit, and one-half by seniority; amongst the head and under gaolers, two-thirds of their number by merit, and one-third by seniority. The promotions in rank are always made by merit.

The proportion of gaolers to the inmates of the gaols is:— In the preventive gaols 5 per cent., in the penitentiaries 7 per cent., and in the Bagnios 8 per cent. The punishments which may be inflicted on the 'head' and 'under' gaolers, are: admonition, simple arrest, rigorous arrest, loss of rank, and loss of situation. For the gaolers, simple and rigorous arrest, lowering of class, and loss of situation.

In virtue of the rules in operation for regulating the choice of gaolers, preference must be given to those who have served in the army, but candidates for the office not being numerous enough to fill all the vacancies, only one portion of our gaolers is taken from the regular army. Considering of what great utility a staff of gaolers, not nominated indiscriminately, but chosen from a good stock and appointed with such conditions as to make the situation worth acceptance, is, to the prison administration, special negotiations have been entered into with the War Office to choose them from among the soldiers in reserve and not under arms, and from the second category, and to subject them during the years of service to such military discipline as is compatible with the penitentiary service. We have good hope that these negotiations will be satisfactorily concluded ere long, and this reform will solve one of the most important questions of prison administration.

But as a gaoler requires special gifts and knowledge added to uprightness and intelligence faithfully to fulfil his trust, the Administration has for some time been contemplating the idea of establishing preparatory schools, and is studying the best plan for their regulation.

8. *Sanitary State of the Prisons.*—The allowance of food in our gaols varies according to the different classes of prisons; in the houses of detention, where the inmate is allowed to procure his own diet, the ration allowed is one bowl of soup and

750 grammes of bread. In the penitentiaries the ration is 750 grammes of bread and two bowls of soup; in the Bagnios 750 grammes of bread and one bowl of soup, with the addition of a portion of meat once a fortnight.

But it should be noticed that the inmates of the penal establishments worked by contract and of the Bagnios, are allowed a fund from which to increase their diet as best they choose, whilst in the penitentiaries worked by Government the convict who within a month accomplishes a certain amount of work enjoys during the following month what is called the labourer's diet, and if he accomplish an extra quantity, he enjoys what is called the reward diet.

The labourer's diet is composed of the usual rations and an allowance of an extra dish of food; the reward diet adds to this an allowance of wine (*vin ordinaire*) three times a week.

In what concerns the system of ventilation, warming, &c., we provide as best we can in the older buildings which are unsuited to their present purpose; but in the new edifices we use the most recent appliances of science. The privies are made moveable or fixed according to the quantity of water necessary to prevent unhealthy effluvia; but when the first system is adopted the receptacles are made so as easily to be removed and to close hermetically, and the cesspools where they are emptied are built in the shape of towers, so that they may be isolated from the main building, and be exposed to the air on all sides.

Taking as a basis the year 1870, and as a starting-point of comparison the average population of our houses of detention, the mortality rises to 2.97 per cent. amongst the male, and 1.77 per cent. amongst the female inmates; in the penitentiaries to 5.09 per cent. amongst the male, and to 3.41 per cent. amongst the female prisoners; and in the Bagnios to 2.78 per cent. But, if we note the proportion as compared with the *entire* population of our prisons, that is, including those who are and those who have been inmates during the year, we find that the proportion of mortality reaches to 0.34 per cent. in the houses of detention, 3.44 per cent. in the penitentiaries, and 2.28 per cent. in the Bagnios.

The subject of mortality being the most difficult and perplexing question of our prison statistics, has induced the Italian

administration to consecrate to its study no small space in the works which it publishes, and it will therefore not be superfluous to observe that there is a notable difference on this point in our various gaols. In some we have little or no mortality, and amongst these we name, Gavi, Pianosa, Montesarchio, Porto-Empedocle, Ponza, Bergamo, Ambrogiana, and Trani.

On the influence of various diseases the administration has always seen fit to note the frequency of special cases, the relapses and the number of deaths they produce, not considering only one of these points sufficient data from which to draw useful inferences, and to make a stand against them if needful. Keeping in view precisely these distinctions, we are able to state that in the last three months the diseases most common, or returning most frequently were: in the Bagnios, fevers, and complaints of the lungs and of the nervous system; in the penitentiaries, complaints of the lungs, and of the organs of sense. The most fatal diseases, or those oftenest resulting in death, in the Bagnios as well as in the penitentiaries, were complaints of the lungs, of the lymphatic glandular system, and of the vessels of the heart. The most tenacious, or those needing the longest treatment, in the Bagnios as well as in the penitentiaries, were complaints of the lymphatic glandular system, and complaints of the bones and articulations.

9. *Reformatory Results.*—Though it be an easy task to the administration of the Italian prisons to expose the rules by which this service is regulated, and though it finds no difficulty in furnishing the data and statistics which relate to the carrying out of penal sentences, yet it finds it an arduous task to decide the question whether its penitentiary system answers the end of reforming the criminal, and whether on discharge a prisoner is morally better or worse.

If we take into consideration the privations and sufferings to which the criminals are subjected, the teaching they receive, the money which they carry away with them at the expiration of their sentence, and, above all, the expressed opinion of the directors of our penal establishments, we may suppose that our prison discipline is really efficacious to recall to the right path many who had deviated from it; the more so, that the number of relapses into crime, as gathered from the judiciary statistics of 1869, scarcely reaches 18 per cent. on the whole body of

criminals; and in 1871, 28 per cent. on the criminals sentenced to a term beyond twelve months, as is shown by the registers existing in the office of the General Prison Direction. However, when it comes to speak on the effects of a penitentiary system, the administration believes itself justified in abstaining from a categorical answer, because it cannot be said that there exists in Italy a real penitentiary system, and to compare the effects of all the systems which are now in use, as I have had occasion to observe, would necessitate a long and difficult study. Moreover, it would be necessary to make many researches relative to discharged criminals—researches which would lead us off the line to which we at present limit the action of the General Prison Direction. The only means we have of noting re-convictions, is the ‘casellario giudiziario;’ but it is but a few years that it has been instituted in Italy, and it cannot, therefore, as yet, give all the results which may be expected from it. For information relating to preceding years, we have the registers of the provincial tribunals, and the prison administration receives from them information about every criminal sentenced to a term exceeding twelve months, and for whom a consignment to some penitentiary is requested. On these criminals the proportion of re-convictions, as has been said, is 28 per cent.; that is, on those sentenced to the Bagnios 23 per cent., on those sentenced to the penitentiaries 30 per cent. for the male, and 18 per cent. for the female delinquents.

Concerning the number of convictions, a most important fact may be gathered from the registered statistics of the administration relative to the time elapsing between the discharge and the committal of fresh crime. From these we find that of those sentenced to the Bagnios 27 per cent. relapse within the first year; 16 per cent. within the first two years, and 57 per cent. beyond that space of time. The re-convictions of those sentenced to the penitentiaries are 37 per cent. within the first year, 19 per cent. within two years, and 44 per cent. beyond that lapse of time; and amongst the females, 46 per cent. within the first year, 16 per cent. within two years, and 38 per cent. beyond that time.

10. *Sentences.*—According to the laws of our country, the ‘pretori,’ (or mandamentali magistrates) may award a sentence not exceeding three months. The tribunals which judge crimes

of a graver nature can award a sentence of imprisonment from six days to five years; but the judicial statistics keep no account if the same person be repeatedly condemned for infraction of laws—'contravvenzioni'—as the penal code in operation does not recognise as crime a simple transgression, and therefore does not consider a second infraction of the law a relapse.

The cases of escape in 1870, which is the last year of which account has been given in our official publication, were 238 from the houses of detention, two from the penitentiaries, and eleven from the Bagnios. But as to the first of these, it should be observed that their number amounts to about 2,000, and that the 'mandamentali' prisons, often situated in insecure localities, and often entrusted to a single gaoler, do not present all the safeguards which would be desirable. In order to form to itself an exact conception of this most serious fact, the administration, ever since the commencement of 1870, has established special statistical registers, and it refers all those who desire to have fuller information on this point, to its later publications.

In regard to regulations, we have in vigour two different systems of legislation: that of the Sardinian States—which has been extended to the other provinces of the kingdom since their annexation—and the legislation of Tuscany.

By the former, the prisoner who escapes by breaking through bars or walls or by using violence, is sentenced to imprisonment for a term of from six to twelve months, or to separate confinement if he has used weapons. As to the gaolers, a distinction is made between connivance and negligence. In the first case, they are punished according to the gravity of the accusation brought against them, or of the sentence which hung over the escaped prisoner; while in the latter, they are punished with imprisonment, according to the gravity of this same act of neglect.

By the Tuscan legislation the prisoner who escapes by breaking through bars or walls is punished with from two to eighteen months' imprisonment; and if accompanied by violence, with imprisonment or separate confinement, according to the gravity of the evil which he has caused. The gaolers are always punished with imprisonment for from two months to two years. Bearing in view the importance of this question, the Italian

Prison Reform Commission has thought fit to make it the subject of an especial study.

11. *Kinds and Causes of Criminality.*—Following up the results shown by the statistical registers of the General Direction, and treating of those criminals sentenced to a term exceeding twelve months, we find that the crimes in the greatest majority in 1871 were those committed against persons and against property. The first bear the proportion of 46 per cent. of those sentenced to the Bagnios, of 35 per cent. of those sentenced to the penitentiaries, and of 28 per cent. of female criminals. The second instead are in proportion of 30 per cent. of the inmates of the Bagnios, 47 per cent. of those of the penitentiaries, and 53 per cent. of the number of female convicts in general.

As to the proposal for the classification of crimes, the administration calls the attention of those interested in disciplinary statistics to the classification which it has compiled in its last publication, and which possibly is not without interest. The most common incentives to crime were:—Cupidity (48 per cent. of the inmates of the Bagnios, 51 per cent. of those of the penitentiaries, and 59 per cent. of the female convicts in general). Revenge (15 per cent. in the Bagnios). Anger (15 per cent. of the criminals of the penitentiaries). Unlawful passion (7 per cent. of the number of female prisoners in general).

12. *Juvenile Reformatories.*—As was previously stated, the number of reformatories in Italy is 33, of which 23 are for boys and 9 for girls. They are rather of an educative than a penal nature, and their character is an entirely private one, as they have been instituted either by individual benevolence or by charitable associations. Government makes use of them for those juveniles who fall under the censure of police law ('pubblica sicurezza') for idleness or vagrancy; also for the detention of those who are placed in them for correction by paternal authority. Of these establishments, twenty-five are industrial, and six agricultural. Their discipline not being as severe as that in the houses of custody, Government makes use of them also as a reward, gathering into them those juvenile offenders who, having been overtaken by penal law, have behaved particularly well.

Detention in the reformatories for correction by paternal

desire having been mentioned, it is well to add that by the 222nd article of our civil code, a father has the power of placing his son in a house of correction and of keeping him there until he reach his majority. For this purpose he need only present himself before the president of the civil tribunal, whose duty it is to provide him with the order requested, and by virtue of this order the minor can be conducted to the institution to which he is destined, and from which his father can, without any formalities, withdraw him whenever he so pleases.

The questions arising from this state of things being many and serious, the Central Administration thought itself called upon to draw the attention of the Italian Penitentiary Reform Commission to the subject, and it is persuaded that the difficulties will be completely solved.

The number of juveniles sheltered in the reformatories in 1870, was 2,268, of whom 1,895 were boys and 373 girls. The total number of their inmates on December 31 of the same year, was 2,465, of whom 2,066 were boys and 399 girls, thus classified :—For idleness and vagrancy: boys, 1,931; girls, 399. As paternal discipline: boys, 135; girls, 0. Parents are under no obligation to provide for the maintenance of a child who is confined in a reformatory for idleness or vagrancy; but when a father places him in one of these establishments for correction, the State charges him 1*f.* (10*d.*) per day. He is, however, exonerated in part or entirely from this charge if he can prove himself indigent, so that the expenses in these establishments exceed the income.

Concluding this rapid sketch, the administration presumes to hope that it has followed the line traced out by the programme, and kept within the narrow limits conceded to it. It presents its salutations to the world-wide gathering which meets to study the difficult problem of the repression of crime, and expresses its hearty desire that a continued and cordial correspondence should be established between, at least, those prison administrations which have responded to the call, as between members of one and the same family.

The Director-General of Prisons,

F. CARDON.

Rome, June 1872.

MEXICO.

1. The prisons are in each municipality under the care of a commission, under the inspection of the Governors of the States, and in Mexico, in particular, under that of the Governor of the District and of the Home Secretary (*Ministro de Gobernacion*).

2. In the capital there are two prisons, one for those simply detained, and the other for adult prisoners who are to be tried, or have already been sentenced. As to young children who are condemned to a term of imprisonment, they are placed in the establishment called 'Hospicio de Pobres.'

For the punishment of children above nine but under eighteen, who have wilfully transgressed, there is a special establishment where, at the same time, they receive an elementary religious education, and learn a trade. As to political offences, it has been taken into consideration that, if they in some cases proceed from unruly passions, they may in some others be the result of errors of opinion and yet of good intentions. For this reason the offenders of this class are not placed on the same level as the real criminals, but are simply confined in a prison used only for this object.

3. The system hitherto adopted in the Federal District and in those States which have come under the notice of the Commission, is that of associated prisons.

4. The results of the system to which the previous answer refers have been very sad, and though the Commission has been unable to obtain on this point any statistical and official data, it can from its own experience state with certainty that in general the offenders have left the prisons worse than they were when they entered them. This evil being well known, penitentiaries on the cellular system are in course of erection in the capital of Jalisco, in that of Durango, in that of Puebla, and in Mexico. Only one of these is at present finished. The Commission is in favour of the system of individual imprisonment, that is to say, for the constant separation of the prisoners; but it recommends that they should be allowed to communicate with other persons capable of instructing them in religion and morality. This is the system adopted in the new code.

5. Of the two parts comprised in this question, the first refers to a question of fact of which the Commission cannot yet speak with certainty. As to the second, it appears, that as far as the Federal District and Lower California are concerned, the prisoners contribute from 40 to 50 per cent. out of the proceeds of their work, towards the expenses and improvement of the prisons.

6 and 7. This question referring also to a matter of fact, the Commission cannot answer it for want of necessary data.

8. Schools for the education of prison officers do not exist in this Republic.

9. We lack the necessary data to answer this question.

10. Hard labour has been abolished by the new code, and between imprisonment and reclusion there is the following difference: Simple imprisonment is awarded to those above eighteen years of age who are guilty of misdemeanor. Reclusion is awarded to those criminals who have been mentioned in the answer to question 2. When the offender is insane, decrepit, or of tender age, he is placed in a hospital suited to his special circumstances.

11. See answer to question 2.

12. It is provided in the new code that offenders sentenced to ordinary imprisonment or to reclusion in an establishment of penal repression for two years or more, and who have uniformly behaved well during a period equal to half the time their confinement is to last, have the remaining period of imprisonment remitted conditionally. This is called preparatory liberty. Offenders can, by means of preparatory liberty, not only obtain a diminution of their punishment, but they can also receive a free pardon, if they have by their good conduct shown themselves worthy of it. Any punishment, of ordinary imprisonment, or of reclusion, in an establishment of penal repression, for two years or more, is to be converted into close confinement, in case the offender should have misbehaved himself during the second or third portion of his time.

13. All proceeds of the work of the prisoners is given to them if they have been condemned for political offences, or if they are detained for minor offences against the law; but in the case of those condemned for misdemeanor or felony to imprisonment or reclusion, they have 25 per cent. if the punish-

ment lasts more than five years, or 28 per cent. if the time is less. (Article 85 of the Code.) To these 25 and 28 per cent. 5 per cent. more is added when a criminal has obtained by his good conduct his preparatory liberty. Moreover, if he supports himself by his work out of the establishment, another 5 per cent. is added; and this may be increased until the allowance reaches 75 per cent. of the total amount. The advantage of this system is that prisoners are thus encouraged to support themselves out of their work, and that they maintain with free persons an intercourse which may be useful to them when they recover their liberty, to enable them to earn their livelihood without returning to a career of crime.

14. Besides the favours which have been enumerated in the answer to the twelfth question, prisoners can by their good conduct obtain others. They may enjoy, during the days and hours of rest, any amusement which the rules of the establishment permit. They may apply one-tenth of their reserve-fund to the purchase of any articles of furniture or comfort which the rules do not prohibit. The kind of work their sentence condemns them to perform may be commuted into one better suited to their education and habits.

15 to 17. These are unanswered.

18 and 19. There are not chaplains in all the prisons, nor ministers of all denominations; and when chaplains are appointed, these have no well-defined official duties to perform, except as far as their ecclesiastical functions are concerned, and their duty of course is always to advise and comfort the prisoner, and direct him towards reformation.

20. The Commission believe religion to be the most valuable means of reforming the prisoner.

21. On the days and during the hours allowed by the rules, the doors of the prison are open not only to the members of the protective boards, but also to all persons who, according to the judgment of the Council of Vigilance (*junta de vigilancia*), are capable of contributing to the moral improvement of the prisoners.

22. Sunday-schools exist in some prisons, in others not.

23. The favour of writing and receiving letters is generally limited. The Councils of Vigilance of the prisons, to which it

belongs to propose the reforms which it deems advisable, have the power to determine what rules are to be followed.

24. The results of this correspondence are not very satisfactory; and it would be desirable that prisoners could only correspond with those who can exert a beneficial influence upon them.

25 to 27. Formerly prisoners could be visited by all their friends; now only those persons are admitted who have leave of the Council of Vigilance, when they are believed by the members of that body capable of improving the moral condition of the prisoners by their advice and their example. In that case there is no necessity to employ anyone to listen to the conversations.

28. Nil.

29 to 31. Schools do not exist in all the prisons. When there are any, they are generally frequented by all prisoners who are sufficiently ignorant. The education imparted consists of the various branches of primary instruction, and of religious and moral teaching. The progress made is always satisfactory.

32. There are no libraries in our prisons.

33. Generally prisoners do not read much, as they belong for the greater part to the lower classes of society where education is seldom imparted. Many are not able to read.

34 to 48. We have grouped all these questions, although they comprise points very different from each other, as they refer to facts for which we have no sufficient data. It is unnecessary to warm the prisons artificially, on account of the mildness of our climate.

49. In Mexico there is no penal labour, neither does the Commission think it desirable that there should be any; because this does not contribute to the moral improvement of the prisoners, and because to render this kind of punishment effectual, it would often be necessary to use actual violence, which humiliates and degrades those who suffer it. On this is based article 80 of the Code, which prohibits the use of physical violence to compel prisoners to work; and ordains that in case of refusal on their part, they should be placed in absolute solitude for a space of time double that during which their refusal lasts. The Commission believes that in lieu of penal labour, the means mentioned by article 95 of the Code, can be applied by way

of punishment with the best results; viz., a fine; privation of reading and writing; diminution of the quantity of food; increase of the hours of work, and of the work itself; absolute reclusion with privation of tobacco.

50 to 56. Nil.

57. Contracts for prison labour are forbidden.

58. It is considered very important that during their confinement prisoners should learn some trade that may enable them to earn their livelihood, as the chief reason why they relapse into crime is that, after they have served their time, they do not find any work; and the want of this reduces them to poverty, and leads them to commit fresh offences.

The means which the Penal Code has adopted to avoid this, are: First, to increase the percentage which is granted to prisoners out of the proceeds of their work when they support themselves out of the prison; this has for its result that they acquire the habit of self-support, and also that they remain in constant intercourse with free people, which is of great use to them when they recover their liberty. Secondly, it has also been decided that the prisoners to whom preparatory liberty has been granted, are to be transferred six months before to another establishment designed for the purpose; that during this period they are not to be separated from their fellow-prisoners; and that if their conduct is good, they are to be allowed to go out to run errands or to seek work, until they are restored to liberty. And lastly it has been ordained that the members of the Protective Boards are to be visited by the offenders, after these have recovered their liberty, and are to procure them any honest work suited to their circumstances. This is provided for by articles 85, 86, and 136 of the Penal Code, and in the ordinance which Government has enacted in addition to article 24 of the transitory law; all this without prejudice to the protection given to released prisoners by the various benevolent societies, which visit the gaols for the purpose of contributing to the moral regeneration of the criminals who are confined in them.

59. The Commission thinks that evil consequences result from the fact that imprisonment is inflicted for slight offences, even when the same person is not repeatedly committed,

especially when the offender is sent to an establishment where prisoners are kept together.

60. Nil.

61. Re-conviction receives the punishment which, the attenuating or aggravating circumstance of the case being considered, ought to be awarded to the offence itself, with an increase of one-sixth, if this is less than the former, of one-fourth if it is of the same gravity, and of one-third if it is greater. If the offender has been pardoned for a previous offence, and if it is not for the first time that he relapses into crime, the increase of punishment may be doubled.

62. Imprisonment for debt was abolished in our country as early as 1812 by the Spanish constitution. This abolition has been maintained by our various constitutions.

63. Among the most general causes of crime in our country, are want of education in the lower classes, abuse of intoxicating drinks, and poverty.

Among the temporary and transitory causes which occasion the crimes and offences committed in our country, the Commission thinks that the most active are the following: the prolongation of civil war; the pressing to obtain soldiers; the bad state of our prisons; the commotion created in the religious faith of society by the innovations made in ecclesiastical matters; the want of preventive police; and the bad administration of justice.

Though all our statesmen and philanthropists have of late become aware of the importance and convenience to the public of the establishment of a penitentiary system, the financial difficulties, the little stability of our governments, and the constant necessity in which we have been placed to defend our existence against the attempts of revolutionary bands, an object which has almost exclusively absorbed our attention, have until now prevented the realisation of this great social reform. Consequently, great criminals and petty offenders being indiscriminately mixed in our prisons, the contact, the bad conduct, and the example of the former, have exercised a baneful influence on the latter; and generally those who, having offended against the law, are sent to our prisons, and those who have remained some time in them, far from being reformed, leave the gaol considerably worse than when they

first pass under its gates. The improvement of our political state will also contribute to do away with, or at least to lessen, the bad effects of this cause; and the reform of our prisons, directed first of all to the total separation of prisoners, must be, according to public opinion, one of the first objects to which Government ought to devote its attention, so soon as we have put into practice the principle that administration cannot be reformed by any other means than the pacific action of the laws, and that in consequence people are no longer exclusively preoccupied with the care of their own preservation.

One of the distinctive characteristics of all the sects which are derived from Christianity is the close connection which this doctrine has with the principles of morality.

In paganism there were two orders of ideas independent in every point, so that the relations of the visible with the invisible world had nothing in common with innocence, crime, or the obligatory necessity of determined action. This intimate and close relation which all the Christian sects establish between their doctrines and human conscience, has had for its constant result that there have always been changes of opinion which have caused certain modifications in those moral precepts which were formerly recognised and respected by all. Although the ecclesiastical reforms made among us did not tend directly to introduce innovations in our faith, as this would have been in opposition to the tendencies of our age, yet the ecclesiastical institutions which have been modified have in the eyes of the ignorant public such a close connection with religious belief that many persons of this class could not see such innovations made without experiencing a kind of perturbation in the belief they had in the religious dogmas which they had previously professed, and in the moral precepts to which they formerly thought themselves compelled to subject their actions. This feeling has relaxed in many among the imperfectly educated classes of this country the principles of morality to which they thought before they were bound to submit themselves, and the result has been that these principles have been violated in many cases, and that at the same time an increase of crimes and offences has been noticed among these classes.

64. Women always much less in number than men.

65. Though the moral reform of criminals has been provided for, deterrence has been considered as the primary object.

66. They have so far left the prisons in a worse state, owing to the reasons given in the preceding answers; but the changes introduced by the Penal Code will necessarily contribute to the improvement of prisoners.

67 and 68. Referring to the Federal District—the only part of the republic on which we possess positive information—we have to say that committees of vigilance are being established, and to them, among others, belongs the duty of aiding discharged prisoners in finding work.

69. We have had already occasion to say that the penitentiary system is not yet established in our country. The efforts which have been made to establish it have so far been fruitless. But as there is among us an earnest desire to reform our prisoners, we have reason to hope for success.

THE NETHERLANDS.

1. All the prisons in the Netherlands are under the superior direction and control of the minister of justice, and the general inspection of the prisons has hitherto been made by an inspector, who has his deputy in the bureau of the department of justice. For the inspection of the buildings, an engineer-architect is attached to the same department. Further, according to the provisions of our code of criminal procedure (article 421), the courts and tribunals are required to cause the prisons to be inspected, from time to time, by members assigned to that duty, and the same obligation rests upon the attorneys-general, and upon the officers of justice (*procureurs du roi*). These latter are bound to make this inspection at least twice a year. The reports of all these inspections are addressed to the minister.

The administration of the several prisons is confided to administrative commissions, named in each locality where a prison exists. The members of these commissions are named by the king, from among the notables of the locality, who receive no salary. Whatever appertains to the local administration, to the internal service, to the discipline, and to the execution of the general and special regulations, is confided to these commissions,

or is done through their agency. They are in official relation with the minister, either directly or by the deputy of the royal commissioner (governor) of the province, their immediate superior and their honorary president.

2. There are four classes of prisons: The central prisons, for persons sentenced to more than eighteen months of imprisonment; the detention prisons, in the chief cities of the several provinces, for persons sentenced to eighteen months or less; houses of arrest, in the chief towns of the several *arrondissements*, for persons sentenced to three months or less; and police or cantonal prisons, in the chief places of the cantons, for persons sentenced to one month and under.

In some cantons these prisons are united together. Among the prisons there are several on the cellular plan. In the three last-named classes of prisons are also prisoners under arrest, and awaiting their trial.

3. The law has left it to the discretion of the judge to award either associated imprisonment or, when the circumstances of the offence or the character of the convict appear to him to require it, or he himself judges it useful, imprisonment on the cellular plan. This power, at first, in 1851, restricted to the case of a sentence to one year's imprisonment or less, was extended in 1864 to sentences of two years, and afterwards, in 1871, to sentences of four years. In no case, however, can the sentence to cellular imprisonment exceed the moiety of the duration of imprisonment in association, which may have been pronounced by the judge. The maximum of cellular imprisonment is therefore actually two years. To persons sentenced for a violation of police regulations cellular detention is not applicable.

4. To obtain decisive results—results of which a judgment may be formed with some degree of certainty on the relative merit of the two systems—it would be necessary that the application of the systems be made in a uniform and not an arbitrary manner, which would permit a fair comparison of the results obtained. Now this application is still made (see the description given under No. 3) in a manner very irregular and little harmonious. Consequently there yet exists a great difference of opinion on the question of preference, and above all, on the results obtained, and which might be obtained, by a judicious

application of the two systems. Still it may be said that the cellular system (in itself, and apart from the manner of applying it, and the limits which should be imposed upon it) scarcely encounters any adversaries; and for imprisonments of short duration the opinion which desires a universal application of this system is gaining ground. As regards imprisonments of long duration, public opinion is still too unsettled and too undecided to even permit a judgment of the direction which it will finally take.

5. The funds necessary for the maintenance of the prisons and the prisoners are placed, annually, on the budget of the kingdom. The product of the prisoners' labour contributes to them only in a proportion very inconsiderable, because only a part of it is retained for the State. This part is 60 per cent. for those sentenced to reclusion and military prisoners, 50 per cent. for other inmates of the central prisons, and 30 per cent. for those confined in other prisons.

6. As to the appointment of officers: The directors of the central prisons are named by the king; the other *employés* by the minister of justice. They hold their offices until they are displaced, dismissed, or retire from the service.

7. We hold it to be necessary that the directors and *employés* of the prisons be men of tried morality, intelligent, and gifted with tact, and with the knowledge necessary to inspire the respect of the prisoners, even without the use of a severe discipline. This respect depends principally upon the spirit of justice, equity, and humanity which they exhibit in their relations with the prisoners. In the directors, especially, there is needed a high degree of mental culture and an enlightened understanding of their duties—we might say, indeed, of their mission. A knowledge of the more important foreign languages is necessary, that they may be able to read and study the best writings on prison discipline, and to communicate with the foreign prisoners. Unhappily, we cannot affirm that the majority of the directors and *employés* of our prisons possess these talents and qualities, a fact which is due chiefly to the circumstance that the salaries are too low, and that the service of the prison officers is, in general, too onerous, and held in too little esteem. As a consequence, young men of good family and education refuse to enter upon this career.

8. There are no schools specially designed for the education of prison officers, and we do not regret it. The best school is a well-organised and well-governed prison, where are offered to the young *employés* the means of acquiring knowledge and developing their talents, by the reading and the study of the best writings on the subject of prisons.

9. The pensions accorded to the directors and *employés*, who have become incapacitated for the performance of their official duties, depend on their state of service and on the number of their years of service, according to the general rules established by law in regard to the pensions of all civil officers.

10. This question calls for a statement of the difference between sentences to simple imprisonment, to reclusion, and to hard labour.

Our penal laws recognise only reclusion and imprisonment (without reckoning imprisonment for a breach of public regulations), besides the punishment, for military offences, of the wheel-barrow and simple detention. Apart from the difference in the retention on the product of labour (*vide* No. 5) the treatment offers little variation, and the labour is the same. We endeavour to find for all some kind of useful and remunerative labour, and to teach a trade to all, at least, who are sentenced to an imprisonment of considerable duration.

11. As regards separating the prisoners into categories: In the central prisons, there is a classification which permits the separation of the more hardened and the more dangerous, as well as of the recidivists, from the other prisoners. The results of this separation may be regarded as favourable.

12. Agreeably to a royal decree of 1856, the administrative commissions of the central prisons submit every year a proposition for pardons or remissions, to be granted to prisoners who have distinguished themselves by their good conduct. These propositions, however, include only persons who have been sentenced to more than three years, and who have undergone at least one-half of their punishment, and the remission does not exceed six months. Besides this, all prisoners have the ordinary resource of applying to the king for pardon or remission; and since, in general, a decision is made only after a report from the commission on the conduct of the prisoners, this conduct has, generally, a strong influence upon the decision.

13. The part of the product of labour not retained by the State (see No. 5) is given to the prisoner. Such part is not increased by reason of his good conduct.

14. No other rewards are given to prisoners besides this participation in their earnings. The distribution of premiums has been abolished for some time, and the industry of the prisoners finds its recompense in the increase of profits, which naturally result from zeal and capacity. Still, the re-establishment of premiums is under consideration.

15. The kinds and frequency of the violations of prison rules differ sensibly in different prisons, and often depend on the more or less intelligent administration of the chiefs and the *employés*. Insubordination and quarrels may be regarded as the most frequent infractions. Isolation by night, which is not yet generally introduced, has, in this respect, produced good fruits.

16 and 17. The disciplinary punishments in use are: Restriction to bread and water, withdrawal of the privilege of writing and receiving letters, privation of books, the dungeon, fetters; and, in the central prisons, isolation in a cell. All these punishments are recorded in a register, which is consulted in the cases mentioned in No. 12.

18 and 19. There are no special chaplains attached exclusively to any prison; but in all the central prisons, in all the houses of detention, and in the greater part of the houses of arrest, the office of chaplain and the religious services are confided to one of the ministers of each religion, who is named by the minister of justice. The duties of the chaplain consist in performing religious service on Sundays and feast-days, in making pastoral visits, and in imparting religious instruction.

20. Religious instruction, given with intelligence, is considered by us of great importance as an agency in the reformation of prisoners. In some prisons there has also been introduced the system of proverbs. This consists in hanging on the walls of the halls and cells pithy moral sentences, and in changing them from time to time. In the opinion of experienced persons, this plan deserves to be recommended for general use.

21. Persons of both sexes, outside the administration, are

admitted into the prisons to labour among the prisoners, with a view to their moral regeneration. In some cities there are private associations to visit the prisoners, organised by the general society for the moral amelioration of prisoners.

22. Sunday-schools have not been established in the prisons of the Netherlands.

23 and 24. The administration of each prison regulates the correspondence of the prisoners as it judges most expedient. There is no general rule upon the subject.

All the letters received for or written by the prisoners are subjected to the inspection of the directors, and are withheld when their contents are improper. There is, therefore, no ground to apprehend injurious effects, and, in general, the correspondence of the prisoners is attended with a beneficial influence.

25 to 27. The prisoners are permitted to receive the visits of their friends as often, generally, as once a month.

A grating separates the prisoner from his visitor, and an *employé* is always present to supervise the interview, which, as a general thing, may not exceed a quarter of an hour. They cannot converse privately. As in the case of the correspondence, it may be said that the general effect of these visits is good.

28. The percentage of prisoners able to read and write on their commitment varies from 62 to 65. The number of prisoners able to read, but unable to write, is not indicated in the official statistics.

29 to 31. Schools exist in all penal establishments, except in the police and cantonal prisons. In the cellular prisons the instruction is given in the cells. All prisoners up to the age of forty years, who do not know how to read and write, are obliged to receive that instruction.

The branches generally taught in these schools are reading, writing, and arithmetic. Yet the system of instruction still leaves much to be desired. In some of the central prisons important reforms have been already introduced; in others, they will speedily follow. In the two central prisons for juvenile prisoners, the system of instruction leaves nothing to be added.

32 and 33. There are libraries in all the prisons, which

include books on morals and religion, also histories, travels, &c. The books are specially classified according to the different religions. These libraries are designed exclusively for the prisoners, and not yet for the *employés*.

Most of the prisoners are very fond of reading, and they generally prefer books of history and, above all, of travels. Their reading has a happy effect upon them.

34. In some prisons the system of sewerage is still imperfect, but efforts are made to introduce reforms.

35. The quantity of water, designed for the use of the prisoners, is nowhere limited. Generally the quality is good, but in some localities it is difficult and expensive to procure it.

36. The prisons are mostly well ventilated, particularly the central prisons. Where improvements are still needed, means are employed to accomplish them.

37. Regarding the means employed to insure the cleanliness of the prisons: The interior domestic service is performed by the prisoners. Earnest endeavours are everywhere made to insure cleanliness, which is, for the most part, satisfactory, and is energetically supervised.

38. The personal cleanliness of the prisoners is assured by a vigilant attention to their dress and their persons, and by requiring them to bathe at stated periods.

39. The arrangement with regard to water-closets differs in different prisons. In a number of them the system of inodorous portable vessels has been introduced, with a reservoir outside the building. Preference is generally given to this system.

40. The prisons are commonly lighted by gas or petroleum. Lights are kept burning in the dormitories during the night.

41. The system of heating varies in different prisons. In some the heating is effected by hot water or steam, in others by stoves.

42 and 43. The prisoner's bed is made of straw; for the sick of sea-grass or sea-weed. Hammocks were formerly in very general use, but by degrees they have been replaced by open bedsteads.

The bed complete consists of a mattress and bolster, two sheets, and one coverlet of a coarse material, and one or two blankets, according to the temperature of the season.

44. There is no general rule regarding the distribution of time. The hours of labour (including those of school) are ten in summer and nine in winter; and of sleep, eight and a half in summer and nine in winter. The remainder of the time is at the disposal of the prisoner, for meals, rest, study, and reading; that is to say, five and a half hours in summer and six in winter.

45. A distinct part of the prison building serves as an infirmary. In the cellular prisons, cells of double dimensions are appropriated to the sick. The medical service is confided to a military surgeon wherever there is a garrison; to a civil physician in localities where there is no garrison. The entire service is under the inspector-general of the medical service of the army, and is performed in a highly satisfactory manner.

46. The most common diseases in the prisons, as outside, are diseases of the chest, especially phthisis.

47 and 48. The average of the sick and of deaths it is not easy to give. It differs much in different prisons, depending on local circumstances and the class or species of prison. The difference in the duration of punishments, which is by no means inconsiderable, exercises great influence on the proportionate number of the sick and of deaths. A comparison of the number of days of sickness and the number of deaths with the days of detention gives, during the period of 1861 to 1868, an aggregate annual average for 100 days of detention:—

In the central prisons, 8·14 days of sickness (varying from 6·35 to 12·57).

In the houses of detention, 6·07 days of sickness (varying from 4·47 to 7·74).

In the houses of arrest, 6·39 days of sickness (varying from 4·39 to 8·24).

During the same period the deaths were at a rate of an annual average:—

In the central prisons, one death to 8,225 days of detention (varying from 4,973 to 21,177).

In the houses of detention, one death to 17,896 days of detention (varying from 10,737 to 35,204).

In the houses of arrest, one death to 10,080 days of detention (varying from 11,899 to 380,052).

In the central prisons for juvenile prisoners, where the labour

is performed in the open air, the sanitary state is highly satisfactory.

49. The distinction between penal and industrial labour does not exist in this country. Penal labour is unknown. All the labour in the prisons of our country is industrial, with the exception of that of prisoners employed in the domestic or administrative service of the prisons. Agricultural labours are as yet pursued only in the two central prisons for juvenile delinquents.

50 to 52. Penal labour, as has just been stated, does not exist in the Netherlands.

53. Industrial labour is everywhere directed by the administration. It is performed in part on account of the Government, in part on account of contractors or individuals, and in some prisons the contractors are allowed to participate in the control of the supervision of the labour.

54. It is our belief that the system followed in our prisons deserves preference. Generally, we give the preference to labour performed on account of contractors or individuals, who offer a greater variety of handicrafts. But the labour done on account of the State has not the inconvenience of being sometimes interrupted by want of demand. We therefore judge that it is better to retain both systems.

55. Different systems of contracting for the labour do not exist here. The contractors furnish the raw material and pay the wages. Frequently they also furnish the necessary tools.

56. The percentage of prisoners not having a calling at the time of their commitment differs materially in the different prisons. One in four is perhaps the general average.

57, 58. We endeavour, as far as possible, to teach prisoners a trade, but in short imprisonments the thing is impossible.

We regard it as of the highest importance to impart to prisoners during their incarceration the power of self-help, and this result is diligently sought by teaching the prisoners, to the utmost extent possible, some useful calling.

59. We do not think that repeated sentences to short imprisonments produce any good effect upon the prisoner; but an equitable application of the penal law forbids the remedying of this evil by a long imprisonment for minor offences. Yet considerable progress would be made in the right direction by

applying the cellular system to all imprisonments of a short duration.

60. In the absence of criminal registers (*casiers judiciaires*), a system devised by Bonneville de Marsangy, the statistics of recidivists are defective. The proportion given by our imperfect statistics for the general mass of prisons is 25 per cent.; and in the central prisons, 36 per cent.

61. According to our penal laws, a relapse may give occasion to an increase of the punishment in the ratio of one-third, when the first sentence was for more than a year's imprisonment; and in all cases it is a circumstance which may determine the judge to award the maximum of punishment allowed by the law.

62. Persons imprisoned for debt are placed in the houses of detention and of arrest, sometimes in the cantonal prisons. They are entered on a special register, and are not confounded with other prisoners. In the greater part of the prisons the best apartments are assigned to them, and a little better furniture. They do not wear the prison dress, unless, indeed, they have no other; and their food is of a better quality.

63. The causes of crime vary a good deal, according to the nature of the crime itself. The want of education, drunkenness, and the desire to make a figure beyond one's means and position, may generally be considered as the principal causes of crimes and misdemeanors. In the case of young prisoners, there may be mentioned, in addition, the influence, often pernicious, of a second marriage of their parents, which not unfrequently, by embittering the position of the children of the first marriage, deprives them of the salutary influence of family life.

64. The general proportion in which the sexes are represented in the prisons of the Netherlands is about twenty women to one hundred men; but this proportion varies, especially in different provinces.

65. The aim is to make the punishment, as far as possible, contribute to the reformation of the prisoners. But the application of this principle, in most of the prisons, leaves much to be desired.

66. Although it is very difficult to pronounce, with any degree of certainty, as regards the influence of imprisonment on

the great mass of prisoners, it cannot be said, in general, that they leave the prison worse than when they entered it, and numerous cases can be pointed out in which the instruction received in the prisons, the habit of labour formed, and the knowledge of a calling acquired there, have exerted a very happy influence upon the liberated prisoner.

67. In answer to the question whether efforts are made to aid liberated prisoners in finding work, and thus to prevent a relapse, we answer that, officially, such efforts are not made. But many directors of prisons take great pains to find work for the liberated, and generally they have cause to congratulate themselves on the result of their efforts. The greater part of the directors, however, are too indifferent to concern themselves about the matter.

Zeal in this direction is an indication of a good director.

68. The Netherlands Society for the Moral Amelioration of Prisoners has for its object not only the visiting of prisoners, but also the manifestation of an interest in their welfare after their discharge from prison. This society counts forty branches, scattered throughout the whole kingdom, and corresponding members in thirty-seven places where there are no branches. To some of the branch societies are attached committees of ladies. As regards the prisoners, a variety of methods is employed to encourage and help them. They procure places for them at service, place them in the merchant marine, supply them with tools, obtain for them some little industry or business, and provide them with the means of emigrating, etc. The results differ, as a matter of course; but it may be said, without exaggeration, that the society accomplishes much, and often sees its efforts crowned with success. Still, it can extend its activity only to a part of the liberated prisoners, and it is desirable that its benevolent operations should be conducted upon a larger scale. Some time ago certain philanthropists sought to secure the organization of a special patronage society for juvenile delinquents, but without success.

69. To the question, 'Are you satisfied with your prison system as at present organised and administered?' we cannot return an affirmative answer. The greatest defect in our prison system is, in our opinion, that there is no system, or, rather, that the two systems of associated and cellular imprisonment

are applied without any uniform rule, and without placing them in an harmonious relation to each other. Hence there is a pretty general agreement among us that a reform is necessary, and that it should have mainly two objects in view: a revision of our penal laws, which would introduce a more uniform and more harmonious system of imprisonment; and a serious effort to give greater dignity to the position of the directors and *employés*, and to open these offices to men of a higher education. Whatever differences of opinion may exist as regards the system to be followed (and they are great, since all the systems which divide *savans* find their partisans among us), on these two points there is a very general agreement.

NORWAY.

1. The supreme power of managing the 'Strafarbeidarsanstalts' (penal institutions, where the prisoners are compelled to labour), is vested in the royal department of justice; the general supervision of the 'district-prisons' is confided to the prefects (*amtmand*), subject, however, to the supervision and control of the above department as the highest administrative authority of justice. There is no director-general of prisons. Every prison has its local administration, which, in conformity with the rules prescribed by the chief administration, or with the special approbation of the same, makes the necessary arrangements with regard to prison treatment, economy, &c.

2. The prison system consists of:—*A.* 'Strafarbeidarsanstalts' with the following subdivisions: *a.* Prisons established in fortresses—three in number, one in Christiania, one in Bergen, one in Thronhjelm. *b.* Houses of Correction, of which there are four, one in each of the following towns—Christiania, Bergen, and Thronhjelm. *c.* A penitentiary in Christiania. *B.* District prisons established with the view of carrying out a reform in prisons and prison-treatment, prescribed by a law of October 13, 1857. These jails, 56 in number, are prisons for punishment as well as for mere detention.

To the prisons of the fortresses are committed only those males above eighteen years of age, who are condemned to imprisonment with labour, either for a term exceeding six years, or for a term exceeding three years, provided they have before suffered imprisonment with labour, or for any term, provided they have before suffered imprisonment with labour in the fortresses.

A law prescribing exclusively for these prisons, that the inmates generally should be put in irons, has this year been amended so that henceforth irons are not to be employed unless in cases of urgent necessity.

In the houses of correction are confined persons condemned to imprisonment with labour if *a*, females; *b*, males under eighteen years of age; *c*, males more than eighteen years of age, who neither have to suffer their punishment in the fortresses, nor are committed to the penitentiary as below. The shortest term of imprisonment in the houses of correction is generally six months.

To the penitentiary are committed, males tried within the two nearest sees (those of Christiania and Hamar), and condemned to imprisonment with labour for a term not less than six months nor more than six years, provided that at the time when the arrest is to take place, they have attained the full age of eighteen, and not passed that of thirty. Other males, above eighteen years, who are condemned to imprisonment with labour for the same length of time, may obtain permission to suffer their punishment in the penitentiary. The duration of the punishment inflicted by the sentence is shortened by a third, so that the minimum will be four months and the maximum four years.

In the district prisons imprisonment is in one of the following modes:—*a*. With bread and water for a term not less than four nor exceeding thirty days, with certain intervals prescribed by law—between every five days bread and water. *b*. With common gaol allowance for a term not less than 16 nor exceeding 120 days. *c*. As ‘arrest’ for a term not less than 32 nor exceeding 240 days.

The district prisons are used besides (1), for the custody of persons apprehended as being suspected of having committed a criminal offence; (2), as prisons for debtors.

The prisoners confined in the district prisons are not obliged

to labour, but if desirous of work, they may obtain proper employment.

3. The houses of correction and the prisons established in the fortresses are based on the system of association. The penitentiary is a cell prison organized on the model of the Philadelphia system, with room for about 250 prisoners. The district prisons are cell prisons, where complete isolation is prescribed in cases of those who must suffer imprisonment with bread and water, or with common gaol allowance. They are usually applied also in cases of those who are committed before trial, yet always subject to such modifications as may be deemed expedient, when considering the age, health, and mental dispositions of the prisoners.

4. The superiority of the cellular system to that of association may essentially be ascribed to the fact that by the former, the prisoners are guarded from pernicious contact with other offenders, and that isolation, when applied for not too long a term, has a more awakening effect upon the better feelings of the inmate.

5. The expenses of the ‘Strafarbeidarsanstalts’ are defrayed from the Exchequer—that is, to the extent of supplying the deficiency so far as the proceeds of prison labour fall short. In the budget of the year 1872–3, the expenses of the eight ‘Strafarbeidsanstalts,’ the cost of working materials included, are estimated at 203,410 spd. Of this sum 109,970 spd. is the amount at which the prison labour is valued.

The expenses of the district prisons are paid by the prison districts, yet, so that the Exchequer, which originally contributed to the building of these prisons about half the amount, has to pay for medicines, medical and spiritual assistance, and necessary clothing for the prisoners. The prison district receives from the Exchequer an allowance of 2 sk. (about 10*d*.) a day for every prisoner.

6. The local management of the prisons established in the fortresses is the business, *ex officio*, of the commanders of the fortresses, or of the nearest military authority subordinate to them. The local administration of the penitentiary is conferred by law upon a superintending board, and a director, subordinate to that board, appointed by the King. The local administration of the houses of correction consists of the Stiftsdirection

(the highest civil ecclesiastical authority of the district), a superintending board subordinate to the same, and a director. The director is appointed either by the King or the Stifts-direction. The chaplains of the Strafarbeidarsanstalts are appointed by the King; the medical attendants and the cashiers either by the department of justice or the Stifts-direction; the teachers are appointed by the chaplains. The other functionaries of the 'Strafarbeidarsanstalts' are appointed by the director. The managers of the district prisons, who generally are not paid for their services, are appointed by the King from among the judicial or administrative officers of the district. The subordinate functionaries of the district prisons are appointed by the prefect. Generally the functionaries of the 'Strafarbeidarsanstalts,' or prisons, are not appointed for any certain length of time.

7. Of course the higher functionaries ought to be men of probity and education, besides possessing, as essential qualifications, firmness of character and aptitude for their special work. Sobriety, exactitude, firmness, knowledge of writing, and acquaintance with some trade, are the qualifications which are most valued.

It is supposed that the actual functionaries are satisfying the above claims in all essential points.

8. There are no special training schools for prison officers in Norway, nor is the establishment of such schools, considering the circumstances of the kingdom, likely to be entertained; at all events, not at present.

9. The pension allowed to officers of the 'Strafarbeidarsanstalts' is not regulated by law, but is a matter of parliamentary grant in each individual case. The lower functionaries generally receive no pension.

10. See answer 2.

11. No classification of the prisoners is carried out in the prisons based on the system of association, except that, in distributing the prisoners in the work-rooms and dormitories, care is taken to keep the less corrupt prisoners separate, as far as possible, from the older and more dangerous criminals. In the penitentiary a system of progressive classification has been introduced, based on the zeal and merit of the prisoners, through which some mitigation of their punishment is gradually

afforded, by means of allowing the prisoners greater liberty than before—to read, write, receive visits from their relations, work in the open air, etc.

12. Only by royal pardon may the duration of a fixed sentence be abridged, but in deciding on the question of pardon, the behaviour of the prisoners during their imprisonment will of course be taken into consideration.

13. The prisoners do not get any part of the proceeds of their labour; formerly they did, but the system was given up as not expedient. However, the question of applying the same system in a greater or less extent, and in another manner, has again been raised.

14. As a means of stimulating the zeal of the prisoners in the houses of correction and the prisons of the fortresses, an extra allowance of food and other small rewards are employed. As regards the penitentiary, refer to answer 11.

15. The most frequent infractions of prison discipline are—in the cell-prisons, communication with fellow prisoners; in the other prisons, quarrels, wrong kind of labour, attempts to escape, and laziness.

16. Offences against discipline are punished with bread and water, confinement in a dark cell, or privation of the extra allowance of food, in the prisons exclusive of the penitentiary. Corporal punishment is also applied.

17. The punishment is always inserted on the record.

18. Every 'Strafarbeidarsanstalt' has its chaplain of the Evangelic-Lutheran confession, to which almost all the inhabitants of Norway belong. To the inmates of the district prisons spiritual assistance is generally afforded by the clergyman of the district.

19. The chaplains must conduct divine service, and by means of conversation, admonition, and instruction, labour for the reformation of the prisoners.

20. Of course religious instruction is a very effective agent in the reformation of imprisoned criminals.

21. Persons not belonging to the administration are not admitted into the prisons to labour for the moral improvement of the inmates.

22. There are Sunday-schools in most of the 'Strafarbeidarsanstalts.'

23. The inmates of the prisons based on the system of association, as well as those of the penitentiary, may from time to time write and receive letters; the prisoners of the penitentiary once a month. As regards the district prisons, the correspondence of the prisoners depends on the consent of the manager.

24. When duly controlled, the admittance of correspondence seems to have a beneficial influence.

25. With the consent of the director, and at fixed times, the inmates of the 'Strafarbeidarsanstalts' may receive the visits of their relations or others. Those inmates of the district prisons who are suffering imprisonment with bread and water, or with common gaol allowance, are only exceptionally allowed to receive visitors.

26. The visits always take place under the observation of one of the functionaries, who generally also must listen to the conversation.

27. It is thought that the admittance of visitors, when duly controlled, has a beneficial effect.

28. Most of the prisoners can read at the time of their commitment. The proportionate number of those who cannot read is, as regards the penitentiary, estimated at 1 per cent., which is supposed to be the proportionate number also in the other prisons.

29. In all the 'Strafarbeidarsanstalts' are schools. In the district prisons there are none; but in these prisons some information is given to ignorant young prisoners, provided their imprisonment is of some duration.

30. In the penitentiary instruction is first given in the cells, later in the common school-room, where, however, the prisoners have no opportunity of seeing one another.

31. Instruction is given in religion, reading, and arithmetic, partly also in writing and singing. Generally the prisoners make good progress.

32. In the district prisons devotional works are at hand, and also other works of beneficial tendency. In the 'Strafarbeidarsanstalts' are libraries, consisting of religious, historical, geographical, and physiographical books.

33. The prisoners, especially those of the cell prisons, eagerly employ themselves with reading. The works to which prefer-

ence is given are, perhaps, those of history and geography, and books of travels.

34. In all the prisons provision is made for good drainage.

35. Of water may be had as large a quantity as desired, and of good quality.

36. The ventilation is good.

37. By way of employing the time of the prisoners, cleanliness is maintained in all the prisons to the largest possible extent.

38. Care is taken that the prisoners wash and comb themselves every day. From time to time a warm bath is given to them.

39. In the cells of the district prisons are moveable closets, of such construction as to spread no stench when they are shut. In the prisons of the fortresses and the houses of correction, closets for the use of a greater number of prisoners are arranged on the side of the working-rooms and dormitories. Stench is prevented by the frequent use of disinfectants. In the penitentiary, where the cells, like those of the district prisons, have each a moveable closet, a union of the dry earth and drainage system is employed.

40. In the 'Strafarbeidarsanstalts' and the district prisons situated in the larger towns, the rooms are lighted with gas; elsewhere oil-lamps are used.

41. In the penitentiary and most of the district prisons, the rooms are heated by warm water, in the other district prisons by stoves, in the houses of correction and the prisons of the fortresses, by steam pipes or by stoves.

42. In the penitentiary hammocks are used; in the other 'Strafarbeidarsanstalts' wooden bedsteads; in the district prisons either sort.

43. The bedding consists of mattress, pillow, sheets and blankets.

44. According to the law in force, the daily working time of the prisoners is not to exceed fourteen hours in the summer, nor ten hours in the winter, in the 'Strafarbeidarsanstalts.' The actual time, however, is somewhat shorter, and of different length in the different prisons, partly on account of the sort of labour. It varies between twelve-and-a-half hours as the longest, and ten hours as the shortest time. The rest of the day is employed at meals, recreation, and exercise.

45. The sick are treated in cells, or in the sick-rooms of the prisons. Every 'Strafarbeidarsanstalt' has its medical man. In the district prisons, medical assistance, generally, is rendered by the official surgeon of the district.

46. Phthisis, tuberculosa, cardialgia, and bronchitis chronica, are the most frequent complaints in the penitentiary.

47. According to the last statistical statements, the proportionate number of sick persons in the three 'Strafarbeidarsanstalts,' situated in Christiania, has been about two per cent.

48. Comparing the number of all the prisoners, who in the course of a single year (1871) have been confined in the 'Strafarbeidarsanstalts,' with the number of those deceased the same year, there results the following percentage of mortality:—

1. In the prisons established in the fortresses, 1·18 per cent.
2. In the houses of correction, 0·61 per cent.
3. In the penitentiary, 0·93 per cent.

As to the district prisons, exact statistical statements are wanting.

49. In the 'Strafarbeidarsanstalts,' no other labour is performed than that which is given to the prisoners as part of their punishment. This labour is chiefly of an industrial character, but not quite the same in all the prisons. While in the house of correction in Christiania, cloth-manufacturing is one of the chief branches, and in the 'Strafarbeidarsanstalt' of Akershuis (the fortress of Christiania), stone-cutting is carried on to a not inconsiderable extent, the labour in the other prisons chiefly consists of such as belongs to some trade.

50. Refer to answer 60.

51 and 52. See former answer.

53. The labour of the prisoners is managed exclusively by the administration.

54 and 55. Need no reply.

56 and 57. Most of the imprisoned criminals are labourers. Many of the prisoners learn some trade, that may be of use to them after their discharge. Whether they are to learn a trade depends partly on the duration of their imprisonment, partly on their aptitude and disposition for the special trade.

58. Provision is made to inure the prisoners to habits of

industry; it is constantly represented to them, that among the causes of crime, laziness is the most frequent.

59. With regard to this question, experience has not given any certain result.

60. In the penitentiary, the exactest account possible is kept of the percentage of relapse. For the years 1858–1865, the average percentage was 34·73; for 1866, 38·88; for 1867, 38·92; and for 1868, 38·86. In making up the account, relapse is considered to have taken place in the case of anyone who, after his discharge, has been sentenced to punishment for even the slightest offence.

61. A prior conviction of a criminal will, according to law, have the effect of aggravating in greater or less degree, the punishment to be inflicted by a second sentence, but as regards the treatment of the convict during his imprisonment, it makes no difference whether he has suffered punishment before or not. All prisoners are treated on the same principle.

62. Confinement for debt still exists, but is seldom carried out; the abolition of this is proposed, and may soon be expected. In the district prisons, rooms are arranged for receiving prisoners for debt, but these rooms are furnished almost in the same manner as common dwelling rooms, and the constraint to which prisoners for debt are subject, is only intended to insure their presence and prevent infraction of prison discipline; while in other respects, as regards their meals and occupation, they are not ranged in the class with other prisoners.

63. As the principal causes of the most frequent crimes (violation of the rights of property and assault) may be named, laziness, drunkenness, and bad company, into which these vices will lead—a vital part, however, must be ascribed to a neglect of home education.

64. Complete statements on this point are wanting as regards the district prisons. As to the 'Strafarbeidarsanstalts' it may be stated that the aggregate average number of inmates in a single year (1871) was 1,381, of which 1,053 were males, 328 females. Consequently, the proportionate number was 76·2 per cent. males, 23·8 per cent. females.

65. Though protecting society and deterring from crime must be the primary end of prisons and punishment, the reformation of the prisoners is also considered a chief point.

66. As complete statements on convictions are wanting, this question can scarcely be answered in a satisfactory manner.

67 and 68. With the view of preventing the released prisoners from relapse, care is taken to procure work for them, to get them employed as sailors, to assist them with money, books, etc. Too much assistance and support is supposed to weaken their moral strength. There exist some discharged prisoners' aid societies, but they do not possess sufficient means to work to so great an extent as is desirable.

69. Referring to the special replies above, the condition of that part of the prison system which consists of the prisons established in the fortresses and the houses of correction, cannot, generally speaking, be declared satisfactory in all essential points, though our prisons have all been gradually obtaining better results. It is thought that important reforms will soon be carried out, but as this is not the place for entering upon details, it may be enough to suggest as prominent points the questions of altering the forms of management, of abolishing the distinction between imprisonment in the fortresses and confinement in the houses of correction, and of procuring separate prisons for females, in which connection may also be named the general demand for the improvement of the prison premises.

RUSSIA.¹

1. All the prisons in Russia are placed under the control (1), of military authority (2), of civil authority. The military prisons are under the Ministers of War and of the Navy. The

¹ 'The questions drawn up by Dr. Wines are intended to elicit replies which will give an exact idea of the different systems of prison administration in various countries. A detailed account of the system now in operation in Russia is scarcely possible, and could not give a precise idea of things, since the penitentiary question, at the present time, in Russia is passing through a phase of transition, a radical reform is proposed, and certain experiments have already been commenced which formed the subject of the short pamphlet I recently published. Since that time a special commission has been appointed to prepare a penal code, the first principles of which have only just been submitted to the consideration of the imperial government. Russia is consequently between two systems, one acknowledged unsatisfactory, and another only just dawning, with its general outline yet undeveloped. From the scientific and practical point of

prisons under civil authority are under the minister of the interior. The military prisons have already undergone important reforms, and are, as to progress, in advance of those under civil authority. The latter, while under the minister of the interior in his department of executive police, are further specially placed under the Imperial Society for the guardianship of prisons. This society, established like the Royal Society in France in 1819, had for its object the introduction of philanthropy into prison administration. The French Society has not existed for many years. The Russian Society not only exists, but in 1830 was invested with new prerogatives for the surveillance and maintenance of prisons. A committee formed by a central committee sitting at St. Petersburg under the presidency of the minister of the interior, is compulsorily established in the capital of each province, with branches in each chief town of the various districts. These committees are composed *ex officio* of the officers of the state and of optional and benevolent members who have a small salary and certain honourable prerogatives. These committees select the governors of the prisons and direct the economic management of the prisoners. A considerable sum is granted for this purpose to the committees, who have the right of referring in a prescribed manner to the minister of the interior under his double office of minister and president. This system not only saves the expenses of administration, but has led to considerable gifts and the formation of a special capital. It must, however, be acknowledged that such a system of administration produces a certain amount of carelessness and irresponsibility in the exercise of power, and that the principle of philanthropic committees and their participation in the management of prisoners requires important modification in Russia.

Besides the control of the committees, there was recently

view such a transitional phase may be interesting, but it cannot give precise statements as to what exists now and what is to exist hereafter. Such is the cause of the natural hesitation which has hitherto prevented me from giving distinct replies to the questions of Dr. Wines; yet as I am unwilling to decline complying with his reiterated request, which has been supported by the commission over which I have the honour to preside, I have replied to all the questions, desiring, however, that it should be distinctly understood that my replies are not the exposition of a system, but a brief sketch of the penal traditions of my country.'—*Note by Count Sollogub, President of the Committee for Penitentiary Reform in Russia.*

established, when municipal laws were created in Russia, a new mode of detention, named arrest, and which must not be confounded with preliminary arrest. The punishment of arrest inflicted by the justices of the peace for slight violations of the law, does not exceed three months. The establishment, maintenance, and administration of these new local prisons are under the control of the municipal institutions of each province.

2. The existing laws of Russia relating to those arrested and sentenced are contained in the fourteenth volume of the code. They are divided into two distinct parts; the first part refers to those imprisoned, the second to those transported. The following has hitherto been the classification of prisons. (1) Prisons properly so called (or *ostrogs*) established in all the towns of the empire. They are of ancient date, and their object at first was only preliminary detention. The punishment was corporal, or deportation to the confines of the empire under a more or less severe treatment. In recent times imprisonment in this class of prisons has not exceeded one year and four months. (2) Prisons for arrest not exceeding three months. They have already been referred to. (3) Houses of amendment and labour established by the Empress Catharine, very probably under the influence of Howard, who, as is well known, died in Russia, and was buried at Kherson. His tomb is preserved there, and a monument to his memory stands in an open spot before the prison of the town. Russia owes to Howard its first notions of the humane treatment of prisoners, and that principle of punishment of moderate duration (*durées moyennes*), in the penal system on which I desire to fix the attention of my readers. The idea that the Empress Catharine adopted was to unite under one philanthropic guardianship hospitals, almshouses, lunatic asylums, and a certain class of prisons whose special purpose should not be confounded with that of prisons for punishments of long duration and severity, for it was to effect by favourable arrangements the prisoners' reformation and prepare them for re-entrance into society. The principle of a general guardianship for four kinds of establishments united under a single surveillance has been tried in other places besides Russia, but the special category of prisons designed for a precise purpose, and destined exclusively for prisoners undergoing punishment for a crime intermediate

between misdemeanours and crimes, appears to be of Russian origin. This principle is not of a transitory nature. It is distinct from the two degrees of punishment usually inflicted in Europe. It exists separately, and to give an account of it we must seek its origin in serfdom. Not long ago each landed proprietor had the right of executing justice among his serfs. He could not only arbitrarily subject them to disciplinary punishments, but had power to imprison and even deport them at his pleasure. It was for this kind of imprisonment that the penal code of which I have spoken was instituted. It is imposed independently of any judicial proceedings. It had as it were a paternal character without regard to people's rights. Rural and town communes had the same right. Communal principles, which have so large a share in Russian life, give to the corporations the privilege of expelling for a time, or for life, those members whom they wish to correct or exclude. This right is not yet entirely abolished; thus, the criminal sentenced to reclusion may, on his liberation, be accepted or rejected by the commune. In the last case six months will be allowed him to connect himself with another commune; after that period, if his efforts are unsuccessful, he will be deported by the administration without any new decision of the tribunal. Parents wishing to be severe can still arbitrarily imprison their children.

Since the reforms introduced during the present reign, since the abolition of serfdom and the organization of justice, numerous abuses have rapidly passed into the domain of legends. Others daily disappear and give rise to new combinations. But I think I am not deceived when I affirm that sometimes erroneous and lamentable principles, as that of serfdom, may when modified give rise to just ideas. Thus in classifying all violations of law (misdemeanours, remissible and irremissible crimes), in assigning strictly to each crime a separate and individual punishment, we shall perhaps find in the Russian penal traditions what appears to me wanting in European legislation, namely, that paternal solicitude which is never found in conjunction with any system of uniform discipline for all kinds of crime. Such has been the principle of the houses of correction already established in Russia, and of which I gave an account in a former pamphlet published in English by the kindness of Dr.

Wines. Such is also the reform in penitentiary science which the commission over which I have the honour to preside has unanimously accepted, the final decision of the Government only being wanted.

(4.) The prisons for industrial sections or companies. This institution, which dates from 1843, belongs also to the class of punishments of moderate duration, not exceeding four years. At first the duration was fixed at twelve years, but it has been reduced by two-thirds. These companies, appointed to public works, were in the province of the minister of ways and communications, but they have lately passed under the jurisdiction of the minister of the interior. It is probable they will be fused in the institutions which will be mentioned subsequently. Such is the actual state of the classification of prisons, properly so called, in Russia. They have for their object only prevention, amendment, and correction. As punishment imprisonment in Russia no longer exists. It is replaced by deportation of two kinds, exile and hard labour. These two kinds are divided and subdivided, and demand legislative regulations, which are undergoing reform and improvement by many special commissions. It will be sufficient to state that at present there is some confusion between the principle of the galley (*bagne*) and of criminal colonies, that serious abuses are the consequence of this mildness of administration, and that these abuses will certainly shortly disappear.

3. The system of associated imprisonment by rooms still exists in Russia with some exceptions. In the *ostrogs* of the first class of prisons there are cells, or rather separate rooms.

4. The result of imprisonment in common by day and night, and also of deportation, has been very lamentable. It has created in Russia a class of vagabonds and low characters which harmonises neither with the fertility of the soil, nor with the communal constitution of the country. The system which I individually prefer is, (1) That of civil imprisonment for the accused awaiting trial (*les preventifs*). (2) Cellular imprisonment for those undergoing short sentences with a reduction of two-thirds of the punishment, as compared with the duration of collective imprisonment. (3) For houses of correction and

convict establishments separation by night in boxes or small rooms open at the top, and in a common dormitory, lighted, and under constant surveillance; the system of triple surveillance by day and work in common in workshops. The reasons for my preference are: (1) That for the accused the certainty of a judicial trial is secured. (2) Those undergoing sentences of short duration can only be influenced by intimidation and separation from corrupting companionship, while a prolonged imprisonment will only ruin the prisoner and his family, and thus tend to produce recidivists. (3) That as regards those undergoing moderate or long sentences, our aim should be their moral and social reformation, which can only be attained by well-directed emulation. Cellular imprisonment for prolonged periods tends to brutalise the prisoner or make him constantly refractory towards his superiors; this necessarily diminishes the strength and development of his individual will, by which alone his moral reformation can be effected. Man undoubtedly can injure man, but where there is equality and no subjection, he can just as certainly benefit him. The problem appears to me to be this: how best to develop the good instincts of comradeship, and at the same time crush those that are pernicious. In Russia, however, from time immemorial, the communal system has created collective probity; it is a point of honour and an immutable rule with free workmen never to break a contract or promise which has been made, not individually but by the body collectively. Of such a breach of faith I believe there is no example. I think it would be very unwise not to take advantage of this distinctive trait in the national character, particularly as we cannot place confidence in the individual character of the inferior *employés*. I am also convinced that preliminary cellular imprisonment, though a principle adopted in Europe, if introduced into our central prisons which are projected, would be perfectly useless, although this may not be the opinion of the majority of my honourable coadjutors on the commission. I ought also to remark further that, in my opinion, any system to be just ought to be general. We cannot apply throughout Russia what is possible in Belgium. The cellular system for central prisons in Russia, if generally adopted, would lead to enormous expenditure.

This alone would render its adoption impossible, especially when taken in conjunction with the fact that, owing to the traditions of the country, I cannot acknowledge its local utility. I have the highest respect for the system so nobly introduced by Sir W. Crofton; but I believe it is inapplicable to Russia, both from the generic character of the prisoners, and their surroundings within and without the prison. I can say the same of the system of Sherry Hall, of Auburn, and of all the rest. I regard, on principle, all servile imitations as faults and errors. All men have a general resemblance; but all races, all nations even, have their own peculiar physiognomy while keeping the primordial type of humanity. This physiognomy is a consequence of the soil, of the climate, of the general topography, and partly of indigenous character and the historic facts it accomplishes. In the same way in penitentiary art physiognomy ought to play its part. It may have a typical object, but the processes by which it is attained may be differently formulated. Thus, in one country where everything collective is successful, and everything individual formidable (*redoutable*), the collective principle will predominate in the system adopted. In another country, in which the conditions are exactly the reverse, a reverse course will be pursued. Dr. Wines, in a remarkable speech, clearly established the difference between principle and system. One is the end, the other the means. Let all men agree on the end, and let each man adopt means best suited to his circumstances. I cannot, therefore, declare myself a supporter of any other system than the one which, if God aid me, will be hereafter known as the Russian system.

5. The necessary funds come in a great measure from the treasury of the State. The minister of finance annually allows to the committees of prisons, through the minister of the interior, a tolerably large sum. Another sum, considerably larger, is placed under the control of the governors of provinces and the transport of prisons and those subject to deportation. The committees of prisons can also dispose of the sums collected by their care. Finally, the urban and rural municipalities also contribute either collectively or locally to the specific expenses of executive justice. The industrial earnings of prisoners in Russia have hitherto been inconsiderable; but progress is being made, and great results may be anticipated,

especially when we consider the number of the population and the immense productive powers of the empire.

6. The appointment of directors or members of committees is confirmed by imperial sanction. The other *employés* are appointed by the minister of the interior. Their tenure of office is not limited.

7. Honesty, humanity, accuracy, and intelligence. The majority of the officers actually employed are far from possessing these qualities. This must be attributed principally to the reproach attached to their mode of earning a living.

8. There are no special schools for the training of officers. I do not see the need of them, for the essential conditions of this kind of employment are rather moral than pedagogic. The mechanical part of the duties may be acquired in a few days, the necessary intelligence can be obtained in all the other schools. But it seems to me desirable to establish in the administration of prisons a system of graduated promotion and a special service having a connection with all the other branches of state service.

9. The system of pensions is uniform for all officials, and is subdivided into different classes.

10. I have given a reply to this question in section 2.

11. Russian law strictly orders a system of classification for prisoners, but the bad condition of many buildings, and especially the want of room, compel us to limit ourselves to the separation of the sexes and of those awaiting trial from those sentenced, who are however classed together in principal categories.

12. This principle is only admitted in imprisonment with hard labour, and yet requires regular organization.

13. Russian law prescribes work for the prisoners, and grants them a part of their earnings, according to the particular class of prison. This law has rarely been executed. The organization of industrial labour is in reality the practical base of our projects of reform. An advance of salary is the subject of one of its clauses.

14. There is not yet any system of rewards.

15. Drunkenness, which has been frequently encouraged by the avarice and dishonesty of the officers.

16. Imprisonment in a dungeon, bastinado, and fetters.

17. A record of them is kept in the better regulated prisons.

18. In all the large prisons there are churches and chaplains. Priests of all creeds are admitted to the prisoners of their respective faiths. Turks and Jews are imprisoned apart and are allowed the free exercise of their worship.

19 and 20. In the present condition of things, the duties of the chaplains are rather to perform religious ceremonies than to give catechetical instruction. I find no disadvantages in this arrangement. Ceremonies speak to the eyes and the heart. Religious instruction necessitates in the priests who undertake it the largest charity and a high civilization. The militant principle of the gospel, when disconnected from terrestrial interests, is certainly the crown of the servant of God, but this work would require a special clergy trained for the purpose of this particular mission. In addition to the education of those who speak, those who hear must likewise be educated, that they may hear and understand. It is impossible to deny the importance of religious worship and instruction, but I think in all things excess is pernicious. A man in more favourable conditions than a prisoner would immediately lose patience, if he had to listen only to exhortations to virtue and repentance. The prisoner, having no means of resistance, buries in his heart a hatred which makes repentance impossible, or assumes an hypocritical garb of piety in the hope of getting something by it. I think I am not mistaken in affirming that the praiseworthy desire to reform has often been wanting in an intelligent comprehension of human nature. Virtue is not manufactured by determined methods; such methods can only produce the absence of vice, not the presence of individual morality which can escape all rocks. I have found out by experience that we have many more chances of success when we appeal to men through their interests than through their good sentiments, that by removing from them the opportunity of doing evil, we naturally lead them to do well, while we fail to turn them from vice by wearying sermons. At the same time I should rigorously insist on attendance at divine service on Sunday, on daily prayers, and religious instruction in all central prisons. But I think religious reformation should not be the declared object, but left to develop itself in proportion as

hope and confidence re-enter the heart of the criminal, and as he sees that his own welfare depends on his reconciliation with society.

21. There are few persons in Russia who devote themselves to the moral reformation of prisoners. We may mention some remarkable exceptions, among others Dr. Hase, who has left behind him a tender celebrity. Charity towards prisoners and even to those who have escaped is exercised on an immense scale in Russia. We cannot calculate the number of millions that every year are spent in gifts of money and provisions to persons quite unworthy of them, for almsgiving to prisoners encourages drunkenness and vagrancy, and produces disorder. People never reason about it; they do not recognise the right of judging their fellow-men, but they acknowledge the duty of succouring the destitute and prisoners in accordance with the words of the Gospel (St. Luke). The pillory has never called forth an insult; but the scaffold which bears the pillory is often covered with coin.

22. Schools are being gradually introduced into all the prisons of any size. Even before the organization of schools an attempt was made to commence discussions on scientific subjects on Sunday. The prisoners are interested in them, and prefer them to school.

23. The law is the same on this subject as almost everywhere else.

24. The majority of the prisoners can neither read nor write. It is not possible to reply to these questions.

25. See section 23.

26. Idem.

27. The effect of these visits depends on the morality of the visitors. I do not suppose parents coming to visit their children could injure them. Moreover, I regard that degree of disciplinary punishment which suspends the right of receiving all visits whatever as unjust and unwise, particularly as it frequently punishes the visitors very much more than the prisoners.

28. The majority of prisoners have no elementary knowledge.

29. See section 22.

30. The only condition is their own good-will.

31. Instruction in prison is only just commencing in Russia;

it is not possible, therefore, to give any details on the subject. It is proposed not to limit the instruction, and to divide the course into two classes, in addition to the conferences on Sunday. Mr. Savenko, a distinguished criminalist (*specialiste*) has already made some remarkable efforts in this direction.

32. Libraries, although still poorly supplied, are found in many prisons.

33. When there is no compulsion exercised, the prisoners are fond of reading and of listening to reading. Aged believers read only pious books; the young generation, not being allowed novels, ask for poems.

34. In the new buildings, in spite of the difficulties offered by the climate, the greatest care is given to drainage. In the old prisons everything connected with this subject is in a more or less barbarous state, as indeed is the case in many prisons elsewhere in civilised Europe, where vessels are placed in the middle of the rooms.

35. The average has not been calculated.

36. See section 34.

37. The cleanliness of the prisons still depends more or less on the care of the directors and principal officers. Some are very clean, others are horribly dirty.

38. The use of hot baths on the Russian system maintains bodily cleanliness.

39. The water-closets are generally primitive. Those used during the day are simply perforated planks above a pit more or less deep; for use by night there are portable vessels of wood. We are now engaged in finding a method which will unite economy, cleanliness, and pure air in a severe climate; but the problem is not easy.

40. Almost everywhere by tallow candles.

41. Almost everywhere by a system of stoves used in Russia for keeping up the temperature. Each stove is heated separately. In exceptional prisons the system of Amosoff is employed. In this system tubes for conducting heat unite at a common subterranean furnace or fire-grate. Other systems have been also tried, but none has yet given a satisfactory solution of the difficulty as respects cheapness, climate, security, and other desirable advantages.

42. In most prisons the prisoners have no bed. They sleep

on planks ranged side by side, and fixed on ovens (*escabeaux*) about a metre from the plank.

43. The bedding is the same as that used everywhere else—a mattress and a bolster fitted with straw, a linen sheet, and a coarse cloth blanket.

44. Discipline has been introduced only into some of the prisons.

45. In the large prisons there are certain portions in which the sick are treated. These portions are usually very well arranged and attended to.

46. Scurvy and pulmonary diseases.

47. There is not a large proportion of sick prisoners. The same cannot be said of the number of deaths. This fact is explained by the kind of life that the prisoners led before their imprisonment; they had been too much addicted to alcoholic stimulants.

48. See section 47.

49. We are beginning to make a marked difference between the different kinds of work, in accordance with a theory of which I have given an account. Industrial work, which scarcely existed in times past, is now making great progress, owing to the advantages it offers the prisoner, for he sees that he can escape relapse, from which a too slender wage and barren catechising could not save him.

50. Penal labour alone cannot have a beneficial influence. This is nowhere more clearly proved than in Siberia, where the number of escapes may be counted by thousands.

51. Most intense hatred of authority and the desire of vengeance where penal is not conjoined with industrial labour, which is the only means of reformation.

52. Penal labour in the open air improves the health of the prisoners.

53. Industrial labour let to contractors has alone produced good results. It is now proposed to conduct part of the penal labour by contract.

54. Undoubtedly the first under certain conditions. The Administration ought not, in my opinion, to interfere with its direct duties by the care of commercial undertakings.

55. My reply is contained in the second part of this report.

56. A well-organized office for statistics has only just been

opened by the minister of justice. We cannot therefore yet give exact figures, but the majority are ignorant of a trade.

57. This is precisely what the proposed reform intends to teach them.

58. We regard self-help as of the highest importance, penitentiary science being nothing else than a warfare against all causes producing recidivists.

59. They not only fail to produce good results, but they create professional criminals.

60. See section 56.

61. Relapse, as everywhere, is taken into consideration by the judge.

62. Prisons for debt still exist in all their severity; but a special commission has just drawn up a scheme in virtue of which imprisonment for debt will no longer be allowed, except in a limited number of cases. The treatment of prisoners for debt is however infinitely less severe than for prisoners of the other categories.

63. The cause of crimes in Russia arises from a certain oriental fatalism which is in the foundation of the character of the people. This fatalism, which is associated with a profound religious faith, frequently inspires a singular indifference to life or death, to the enjoyments or privations of life, and sometimes even to good or evil. It results in a kind of slothfulness, which is frequently overcome by the temptations of drunkenness and its consequences. It must be acknowledged that the want of a general system of elementary education, abuses tolerated by a still defective administration, and a legislation which is not yet definitely settled, contribute in propagating lamentable disorders. It must also be granted that in the Russian penitentiary system, the cause of criminality must be kept in view, just as the cause of disease should not be forgotten when the physician proceeds to treat his patient.

64. The proportion of women is about ten per cent. The exact proportion cannot yet be stated.

65. It is the declared object of all penal legislation, but in the past we have been far from having attained it.

66. Undoubtedly worse, for the liberated who have undergone their sentence, or who have taken advantage of facilities for escape, are the plague of their country.

67. Nothing in the way of a general scheme has yet been tried for this purpose.

68. The first patronage society has just been officially established at St. Petersburg.

SWEDEN.

1. All the prisons of Sweden are placed under the control and administration of a central authority—the General Administration of Prisons.

2. Under this General Administration, the provincial government has the direct inspection of the cellular prisons established in each province. The General Administration derives its authority from the Government, to which all reports are made by the minister of justice.

3. There are in Sweden: (a) cellular penitentiary prisons in each province, in the cells of which the prisoners are kept both day and night. (b) Central prisons on the associated system: some are specially appropriated to women, others to men. (c) Houses of arrest in certain towns or small districts in which the accused are kept during judicial proceedings.

4. The cellular prisons are used: (a) for the accused during trial, (b) for those sentenced to hard labour for two years and under, (c) for those who have been sentenced only to reclusion, (d) for those who, for want of means to pay the penalty to which they have been sentenced, have to submit to imprisonment on bread and water. Certain prisons on the associated system are used for those sentenced to hard labour for life, and other prisons for those sentenced to hard labour for more than two years.

The viciousness of the prisoner cannot be augmented by the cellular treatment. On the contrary, religious instruction, severe discipline, and complete isolation must necessarily have a reformatory influence on his character. After such imprisonment, experience has shown that he can more readily find new industrial occupation. Collective prisons, such as still generally exist in Sweden, having dormitories in common, for from 40 to 130 prisoners, must be regarded, in spite of the strictest

possible surveillance, as nurseries of vice and crime. They render the prisoner's restoration to society very difficult, if not impossible. In my opinion, of the two systems, preference is to be given to the cellular, unless when the imprisonment is of short duration, and during the first months of a long imprisonment. Next in order of merit I should place the collective prisons in which the prisoners are kept in separate cells during the night, and when they are not at work under special supervision. If prisons are not to deprave prisoners by association, the work should be executed by small groups of from ten to fifteen in each workshop, under strict surveillance, and under a direction which gives moral instruction. Of all known penitentiary systems, it appears to me that the most excellent for securing moral reformation is the Crofton, or progressive, system adopted in Ireland, with its special stages through which the prisoner must pass.

5. Prisons and prisoners are supported by the funds of the State, annually granted by the Parliament. Small houses of arrest in some towns or small country districts are supported by the towns or districts themselves. In collective prisons, the prisoners are engaged on compulsory labour for the State. The sum gained by their work is about equal to the cost of their food. The sum gained by the work of the women is equal to the expense both of their food and clothing. The State is not directly benefited by the work of the prisoners in the cellular prisons. (See the answer to question 13 which follows.)

6. The directors and officers of all the State prisons are nominated by the General Administration of Prisons. All those employed are appointed for an unlimited time: but generally they retain their offices so long as they are fit for their work. The inferior officers retain their posts so long as they give satisfaction to their superiors.

7. In appointing officers, preference is given to those who have a calm and equable temper, a humane and grave disposition, and a mind with a stern regard for justice, order, and punctuality in the performance of duty. Most of the officers actually possess these qualities.

8. There are no special schools for the education of prison officers. The need of establishing such schools for giving them special knowledge and moral training, becomes more and more

felt. Till they are established, those who seek situations in prison, pass a certain time in a well-conducted prison: but as they learn here only the routine of their work, and do not gain the intelligence necessary for the discharge of their duties, a normal school for the education of young men intending to become prison officials is recommended.

9. On attaining the age of fifty-five, the officers have the right of quitting the service with a pension of two-thirds of their salary. Those who serve till sixty-five years of age, generally receive from the parliament a pension equal to their whole salary.

10. The prisoner who is kept in prison during trial, or is undergoing a sentence of reclusion, has not to submit to compulsory labour: he spends his time at any work he likes, or in reading. With the consent of the director of the prison, he can procure for himself better food and more comforts than the prison supplies to him, but this must be so done as not to interfere with the order and security of the prisoners. Those, however, who are sentenced to hard labour are compelled to do the work set them, and they can obtain nothing whatever beyond what is sanctioned by the Administration and the regulations. (See No. 13.)

There are in Sweden no prisons for severer treatment, nor any system corresponding to the bagnio in France. The work is always industrial, the prisoners engaged in it are never chained. Irons can only be exceptionally employed, as during the removal of prisoners, or when any of them are so violent that they can be subdued in no other way.

11. There is no system of classification of the prisoners except that the two sexes are kept separate. The men and women in cellular prisons are guarded in separate divisions. In the collective prisons, as far as space permits, the youthful prisoners and those sentenced to a punishment not infamous sleep apart from the other prisoners.

12. Good conduct produces no abridgment of the time of imprisonment. The King, however, has still the right of pardoning a prisoner. Since the application in 1865 of the new and more elastic penal code, this right has been almost exclusively exercised in favour of those sentenced to hard

labour for life, and whose conduct for ten years has been perfectly satisfactory.

13. In the collective prisons prisoners have a salary of from 3 öre to 25 öre (from 4 to 34 centimes) per day, varying with the nature of their work and their diligence. The prisoners who act as foremen, as well as those who are distinguished for skill, sometimes receive, with the permission of the authorities and of the contractors, an increase of salary, rising to 60 centimes, in proportion to their work.

In the cellular prisons in the provinces, in which the director procures both work and materials, the salaries of the prisoners sentenced to hard labour are paid on the following scale: The prisoner receives two-sixths; the director for inspection and furniture two-sixths; the officers who exercise surveillance one-sixth; and in order to provide help for the prisoner when liberated the remaining sixth is put in a savings' box. Any prisoner who commits in prison any offence liable to punishment loses his share of the money placed in the savings' box. Of the two-sixths which the prisoner receives he may spend two-thirds of the sum in buying additional food, as bread, beer, cheese, lard, &c. But this expenditure must not exceed two francs per week. Those who work in the open air especially require this extra food.

14. There are no other rewards to stimulate the prisoners' zeal. The money given them from the savings' box on their liberation for the purchase of clothing and temporary support is considered a suitable and sufficient encouragement. Idleness and neglect to work in proportion to ability, faults of rare occurrence, are regarded as offences, and duly punished.

15. In cellular prisons the most usual offences are attempts to communicate with other prisoners, drawing and writing on the walls, &c., and neglect of cleanliness.

In the collective prisons the most frequent violations of regulations are insults in words and actions of officers and prisoners, attempts to procure spirits (brandy, &c.) cheating and thefts.

16. In cellular prisons the punishments consist of withdrawal of bed-clothes, diminution of nourishment, or imprisonment in a dark cell for eight hours at most. This punishment is in-

flicted, at the request of the director, by the provincial government.

In the collective prisons, besides the punishments just cited, we can inflict imprisonment in a cell with or without labour, and for very grave offences, in rare cases, *la bastonnade* on men. Imprisonment in a cell for a period exceeding a month can only be inflicted by the central authority.

17. An exact record of the punishment is kept.

18. Only Lutheran pastors are placed in each prison. Very few prisoners of any other religious belief are found.¹

19. The duties of the chaplain are to hold divine service, administer the Sacraments, examine on the Christian religion, and give religious instruction. He finds out by conversation the state of the prisoner's minds, and seeks their moral reformation. He has also charge of the library and the church registers, in which he enters observations on the previous mode of life and conduct of the prisoners. He gains this information at the time of their examination or admission into prison.

20. If the religious instructor is equal to his high mission, and zealously devotes himself to it so as to inspire the prisoners with submission and confidence, their spiritual faculties are considerably developed, they gain a clear perception of justice, and many of them are led to form a firm resolution to live honestly.

21. Strangers cannot have access to the prisoners without special permission; but persons of high character and capable of labouring for their moral reformation are generally permitted to visit them.

22. Sunday-schools are only exceptionally found in very few prisons. Instruction in the collective prisons has had a beneficial influence. In the prisons for women well-known ladies have obtained permission to visit the prisoners on Sunday, in order to instruct them and practise them in chanting.

23. Prisoners awaiting trial and those sentenced to imprisonment can, with the permission of the director, both write and receive letters. The director, or an officer appointed by him, has to take care that the letters contain nothing contrary to the regulations, or which tends to conceal evidence against the accused.

¹ At the end of 1870 there were 1,735 Jews, 512 Roman Catholics, 28 Greek Catholics, 147 Anglicans, and 27 Reformed French Protestants.

On his request a prisoner sentenced to hard labour is allowed to write many times in a year to his nearest relatives.

24. The correspondence of the prisoners with their friends and relatives has had a good effect on the former.

25. Prisoners undergoing trial, and sentenced prisoners, are allowed to receive visits from their friends, unless the director for some reason makes an objection.

Prisoners sentenced to hard labour, without the special permission of the director, cannot see even their nearest relatives.

26. These visits are always made in presence of the director, or an officer sent by him, who hears the conversation, and stops it if it is in any way inconsistent with the regulations, security, or the course of justice.

27. These visits, being duly regulated, have not any bad effects.

28. On their admission into prison the prisoners can generally read and write.

29. In some of the large collective prisons classes are formed for those who cannot read, and who are ignorant of Christianity. In the other prisons such instruction is given in the cells.

30. All unable to read, and ignorant of Christianity, who are not too old, are allowed to attend school.

31. Instruction is limited to reading, Christianity, the elements of history and geography, orthography, the four rules of arithmetic, and natural history. The progress is about equal to that made in the national schools, and is satisfactory.

32. There are small libraries in the prisons. The books are chiefly on religious subjects, collections of sermons, books of piety, moral tales, elements of natural history, &c. The New Testament, a hymn-book, and the book of Psalms are in the possession of every prisoner.

33. The prisoners voluntarily spend their leisure time and their holidays in reading either individually or in classes. In the latter case one of themselves or an officer reads aloud. Some of the prisoners have read all the books in the library.

They prefer religious and moral books, or accounts of voyages. On Sundays they practise sacred music. In some prisons the prisoners chant the Psalms in four parts, or other more simple chants.

The reading and chanting have a good influence both on the manners and minds of the prisoners.

34. The prisons are generally healthy both in situation and in mode of draining. Many are situated near the water's edge.

35. The water is generally of good quality and sufficient in quantity, which is not calculated.

36. The collective prisons have not the apparatus necessary for ventilation. In the cellular prisons there are special tubes for introducing pure air, and for carrying off that which is vitiated.

37. The directors and the officers are ordered by the regulations to enforce the strictest cleanliness. Experience has proved that this order is duly executed.

38. The prisoner on his admission has a bath and receives clean clothes. They change their linen every week, their sheets every fortnight. Cleanliness is maintained by good order and by baths, especially during summer, in an open basin.

39. The water-closets are constructed in various ways, but they are not completely satisfactory.

40. For lighting the cells and dormitories portable oil and petroleum lamps are commonly employed; gas is used exceptionally in some prisons.

41. The collective, and some of the cellular, prisons are heated by open grates, or by hot-air stoves, in which wood or oil is burnt. The largest cellular prisons are heated by pipes containing hot water, which is impelled through them by a steam-engine placed in the cellar.

42. The bedsteads are generally made of iron in the collective prisons; in cellular prisons hammocks are used; these are suspended on hooks in the direction of the length of the cell.

43. The bed is composed of a mattress and a bolster filled with straw, a sheet, and a blanket. The hammocks are supplied with a mattress, a small pillow, a sheet, and a blanket.

44. During winter the hours for sleep are from 8 P.M. to 6 A.M.; during summer from 9 P.M. to 5 A.M. Morning and evening, half-an-hour is occupied in washing, in prayer, and in inspection by the officers. Half-an-hour is allowed for breakfast, the same for supper, and an hour for dinner. On Saturday work finishes at 4 o'clock.

In winter those who work in the open air work as long as it is light.

The prisoners in cells walk for half-an-hour each day in the court of the prison. They work at most ten hours per day; the remainder of their time is spent in reading and instruction.

45. In cellular prisons the sick are commonly attended to in their cells; but during sickness they have a bed instead of the usual hammock. In serious cases, or in epidemics, the sick are transferred to a special room which exists in every cellular prison.

In prisons on the associated system there are special infirmaries with spacious and well-ventilated rooms, to which are immediately removed all prisoners who from any sickness or wound are incapable of working. No prisoner on the sick list is allowed to remain in the workrooms or in the common dormitories.

46. The most common diseases are pulmonary consumption, affections of the stomach and intestines, especially among prisoners who work in the open air. During summer scurvy not unfrequently prevails.

47. During five years the average of sick has been, in collective prisons, 4.4 per cent; in cellular prisons 4 per cent; 7.3 per cent for the liberated and vagrants sentenced to public labour (*travaux publics*).

48. In the same period the deaths were, in the collective prisons, 3 per cent.; in cellular prisons 2 per cent.; and 3 per cent. for those sentenced to public labour.

49. No distinction is made between penal and industrial labour. In the collective prisons for men most of the prisoners are occupied in cutting granite for buildings, pavements, &c. A large part of these products are exported abroad. In one prison they cut up pine-wood to make matches. Fine joiners' work is also executed. All the articles produced are for exportation. In other prisons they largely manufacture linen and woollen cloth. In another prison they manufacture coarse cloth and blankets for the prisons of the kingdom. The garments, the shoes and stockings, and the bed-sheets for prisoners, as well as a part of the clothing of the army, are made in collective prisons. The women are engaged in making textile fabrics, in all sorts of sewing and binding, in glove-making, &c. In the cellular

prisons, when it is the duty of the director to find work for the prisoners, they execute all kinds of manual labour, as tailoring, shoe-making, and some kinds of joiners' work. The women sew, knit stockings, and sometimes weave. Recently making match-boxes has been their principal work.

50. Penal labour has not had a sufficiently deterrent effect to reduce the number of recidivists.

51. Compulsory labour gradually gives the prisoners habits of order and diligence, and renders the violent more tractable.

52. In the collective prisons work in the open air, as cutting granite, and that which is done in large workshops, has greatly contributed to the prisoners' health; so also has their recreation in the spacious courts of the prisons.

53. All the industrial labour in the collective prisons is let to contractors, with the exception of that which is done to supply the needs of the Administration, such as the manufacture of fabrics for the prisoners' clothing.

54. To secure the moral reformation of the prisoners the industrial labour should be under the direction of the Prison Administration.

55. When there is competition between the contractors for the allotment of the prisoners' industrial labour, the Central Administration selects such contractors as, from the nature of the work and their personal qualifications, offer most advantages to the Administration itself.

56. In Sweden the inhabitants of the towns form only about 12 per cent. of the total population of the country. In the country men are chiefly farm labourers or miners. It consequently follows that the number of prisoners who on their commitment have learned a trade, is relatively small. More than 90 per cent. are ignorant of any trade.

57. During their imprisonment, prisoners learn the various kinds of work on which they are employed (see 49).

58. To attain the important result, that the prisoner on his liberation shall know a trade by which he can earn his living, special trade-masters, during recent years, have been engaged to give the necessary instruction to prisoners in the cellular prisons. Further measures in this direction will be adopted at an early date. One effectual plan will be to grant the greater part of

his earnings to every prisoner who in prison has learned and works at a trade capable of supporting him.

59. Short imprisonments often repeated for slight offences have, in my opinion, a pernicious influence on the prisoner; he cannot gain that settled and tranquil mind which is required for moral reformation.

60. During the last five years the number of recidivists has risen on the average to 28 per cent. But since Sweden suffered from scarcity of food in 1866, 1867, and 1868, and that consequently it was difficult for men to find work, an extraordinary addition was made in the number of crimes against property. Hence the percentage of recidivists, before mentioned, is considerably above the average.

61. The punishment of recidivists for robbery is gradually increased in severity; a fourth sentence may inflict ten years of penal labour, and in very grave cases accompanied by aggravating circumstances the sentence may be even for life. It is not considered robbery on the two first occasions if the small thefts are below twenty-one francs. This year the national Parliament has determined to lower the scale of punishment for recidivists convicted of robbery.

62. Since 1868 imprisonment for debt exists only in the case where the debtor refuses to declare on oath that he is without resources. Such prisoners are treated as prisoners awaiting trial. They therefore do no work, and are allowed to obtain better nourishment and comfort than ordinary prisoners.

63. The chief causes of crime are carelessness in youth, vicious society and examples, poverty, generally existing among the labouring population, and springing from improvidence, and a hand-to-mouth kind of life, and lastly, an ever-constant desire for spirits. An additional cause is that he who has once fallen into crime and suffered for it is generally repelled and left without help in his efforts to gain an honest living.

The re-admission of liberated prisoners into society is the more difficult, as by the law itself still in force every person who has been sentenced for crimes against property, forgery, murder, &c., is further sentenced to loss of civil rights for a time (at least five years) or for life. This covers him with infamy, and consequently excludes him from all the rights and advantages

pertaining to honourable men. His civil degradation is entered on his certificate of conduct.

With regard to crimes of violence without premeditation against persons, and which often occur in certain districts, their chief cause must be attributed in part to an ancient or inborn disposition coming from the old Vikings or pirates who made maritime expeditions to lay foreign lands under tribute, and in part to that political hostility which formerly existed between the populations on the two sides of the Danish frontier. Yet, out of the whole number of crimes, those against property amount to seventy-five per cent. Infanticide, with various degrees of guilt, is the most common crime among women.

64. Of the total number of prisoners sentenced to penal labour during the last ten years the mean average number of women has been eighteen per cent.

65 and 66. The legislation, as well as the reform of prisons, which was initiated by King Oscar I., commenced in 1840. In consequence of it, thirty-eight new cellular prisons were built in all the provinces of the kingdom. They have all aimed at the moral reformation of the prisoners. But as all those who are sentenced to penal labour for more than two years are imprisoned in the large collective prisons with common dormitories for a large number of prisoners, and as they work altogether during the day for private contractors, their amendment has not been fully attained. On the other hand, the cellular prisons are regarded as not having corrupted the prisoners. Those who have been imprisoned only in cellular prisons have not been greatly hindered by their imprisonment from finding employment in the neighbourhood of their home.

67 and 68. For about twenty-five years there have been formed in different parts of Sweden, patronage societies whose objects were the aid and reformation of prisoners; but they have had too little practical direction, and have been too dependent on the kindness of individuals, and consequently have only existed for a short time.

69. At present there are liberated prisoners' aid societies only in two provinces. They aim at obtaining work for the prisoners in the houses of steady masters; they also supply clothing, and sometimes make advances in money on the prisoner's work.

Occasionally those expressing a desire have received aid to enable them to emigrate.

Of late years it has been proposed to make greater efforts to give a more practical direction to the labours of these societies.

They will be based on the principle that if habits of order and cleanliness are obtained by discipline in prison, and the time of imprisonment is properly employed in the moral education of the prisoners and in giving them skill in industrial and agricultural labour or in such trades as will enable them to support themselves, the societies can generally find them work immediately on their liberation. For the other prisoners we wish to establish agricultural colonies where they may learn order in work, and skill in certain branches of farming; they will thus afterwards be more readily able to earn an honest living.

G. F. ALMQUIST,

Director-General of Prisons in Sweden.

STOCKHOLM: May 15, 1872.

SWITZERLAND.

1 and 2. The Swiss Confederation, composed of twenty-two cantons and embracing twenty-five states, does not, by its own power, exercise any control over the administration of penal justice and of prisons, or over the penitentiary *régime*. Military and political penal justice, so far as it is called upon to punish offences against the constitution and the federal laws, alone comes within its jurisdiction. Each canton is sovereign. It has its own special penal system and places of imprisonment. Its prisons are thus placed under the control of the cantonal executive authority, or of the council of state.

The supervision of the prisons belongs more especially to one of the departments of the executive power. In certain cantons the prisons are placed, wholly or partially, under the supervision of the department of police; in others under that of the department of justice or of the interior, according to the standpoint from which the importance of this public service is viewed. In the cantons in which recently-constructed penitentiaries are

found, the whole or part of the supervision is confided to the director of justice, or to a special department, which gives its attention not only to prisons, but also to hospitals, insane asylums, &c., &c. This department associates with itself a commission of supervision composed of three to seven members, selected from among persons experienced in questions of penitentiary reform, of industry, and of commerce. In the cantons where this machinery exists, an official regulation defines the functions of the commission of supervision. The detention prisons in the districts and the places of detention for civil penalties are supervised by the agents of the council of state—prefects, counsellors of prefecture, &c. All the cantons of Switzerland, with the exception of Jug, Glaris, and Appenzell, have reclusion prisons, of which the number of inmates rises to thirty-four, without counting a considerable number of houses of arrest, and of district or correctional prisons for persons sentenced to short police punishments. Of these twenty-four prisons, eleven are reserved exclusively for criminals, thirteen contain criminal and correctional prisoners, and some receive, in addition, prisoners awaiting trial. Four establishments receive as boarders the convicts of cantons which, without penitentiaries of their own, have only imperfect and insufficient places of reclusion. Ten workhouses and houses of correction are exclusively devoted to the treatment of correctionals. There are, besides, in Switzerland several agricultural establishments founded by the State, by communal corporations, or by societies of public utility, and designed for the education and moral reform of juvenile delinquents, or to vagrants and disorderly persons.

According to Professor d'Orelli, the prisons of Switzerland may be divided into four groups:

(1) Those of the cantons of Uri, Schwytz, Obwalden, Nidwalden, and Valais, which are administered in an altogether patriarchal manner by Sisters of Charity. (2) Those of the cantons of Fribourg, Bâle-campagne, and Lucerne, which, in every point of view, leave much to be desired. Bâle-campagne, under the pressure of necessity, contemplates replacing its too contracted prison by a new structure. (3) The cantons of Saint-Gall and of Vaud possess, especially the first, good penitentiaries on the Auburn system. The Thurgovian establish-

ment of Tobel, and that of Geneva, may be also considered as satisfactory. The same is true of Zurich, in which are found, at the same time, the systems of cellular and associated imprisonment. Here, above all, on account of buildings in progress of erection, things will be better still. Solure, Grisons, Berne, and Schaffhause are making laudable efforts to reform their prisons, which will soon belong to this fourth class. (4) Finally, and as rising to a higher point of perfection, we cite the penitentiaries of Lenzbourg (Argovie), Bâle-ville, Neuchâtel, and Tessin, into which has been introduced, in different degrees, the progressive Irish penitentiary system.

3. The cellular system complete is applied only in the penitentiaries of Argovie (Lenzbourg), Zurich, Bâle-ville and Neuchâtel. In the Auburnian penitentiaries, and the old convict or hard-labour prisons (*maisons de force*), cellular seclusion is an exception. M. d'Orelli, in his work on the Swiss prisons, indicates the following numbers, which we group according to the systems introduced into the different establishments: First group, patriarchal system, cellular reclusion, 1.02 per cent. Second group, old convict prisons, cellular reclusion, 3.9 per cent. Third group, system of Auburn, cellular reclusion, 0.3 per cent. Fourth group, progressive system, cellular reclusion, 37.5 per cent. The penitentiary of Neuchâtel alone shows a greater number of days of cellular reclusion than of labour in association. In this establishment, erected in 1870, separation by day and night is admitted in principle, without, however, excluding labour in common workshops. As will have been seen, the system of collective imprisonment predominates. Still an effort is made to introduce individual separation, at least by night, in establishments in which common dormitories yet exist.

4. There is a general agreement that the system of collective imprisonment by day is favourable to industrial labour, and not unfavourable to the discipline, but incompatible with the moral education of the prisoners. Association in common dormitories by night is considered especially pernicious, and all that has been said by Obermaier and others on the harmlessness, and even the salutary influence, of this practice, is looked upon as illusory. Imprisonment in common by day and night, condemned in Switzerland, would already have entirely disappeared

if, in a number of cantons, financial questions had not caused the postponement of this reform. Rigid cellular imprisonment is preferable to the Auburn system, without classification of the prisoners. M. Kühne, director of the penitentiary of Saint-Gall (Auburn plan), admits individualisation as a principle, and the mixed system, if system it can be called, compounded of different elements of the progressive Irish prison system. Penitentiary education imperatively requires cellular separation, at least in the initial stage; and it is on this sole condition that the prisoners can effectively enter into communion with themselves, a process which would be impeded by the contact and influence of some, at least, of their fellow-prisoners. After the cellular stage, it is considered expedient to allow those prisoners to work together who furnish ground of hope that a moral reformation has been accomplished in them. It is under these conditions that we find associated labour in the recently-constructed penitentiaries of Lenzbourg (Argovie), Bâle, Zurich, and Neuchâtel. But in comparison with the three first named, which have large workshops, Neuchâtel has but small ones, in which only three or four prisoners can work, under the supervision of a foreman. The public opinion of our country shows itself more and more favourable to the progressive Irish penitentiary system, with revocable liberation. The exclusive cellular system should be reserved for houses of preliminary detention. In some of the cantons reforms are needed in this class of prisons.

5. In regard to the method of providing the funds necessary for the support of the prisons, the treasury of the State (cantonal) covers the deficit which exists between the entire expenditure and the special receipts of the prisons. (Industrial labour, moneys paid by cantons which place their convicts in the penitentiaries of other confederated States, &c.) The average annual cost of each prisoner is 250 francs in the smaller establishments, and 350 to 400 in the large penitentiaries. The average net gain in the majority of the cantons is from 89 to 90 centimes for each day of labour. In the penitentiary of Zurich the net gain of the prisoners, after deducting the cost of tools and other accessories, has reached an average for the last five years of 1 franc 7 centimes.

	Francs
The expenditures for clothing, food, lodgings, &c., were .	0.773
Expense of the administration .	0.41
	—
Sum total per prisoner for each day .	1.18

The State of Zurich gives for the support of each prisoner per day, forty-four centimes. The canton of Argovie gives, as a subsidy, fifty-five centimes per man and per day. The average daily earnings of the prisoners in the Lenzbourg penitentiary amount to from 88 to 94 centimes each prisoner. The canton of Neuchâtel gave for the first year (1870) an annual subsidy of 1 franc 90 centimes per day for each prisoner. The cellular system, and the small number of prisoners (70 on the average) involve considerable expenses of a general character. The net gain per prisoner in this penitentiary rose, in 1871, to 1 franc 37 centimes for each day of labour, a larger gain than had ever been reached in any of the Swiss prisons.

In the penitentiary of Saint-Jacques (Saint-Gall) the earnings of the prisoners suffice for their maintenance, for their schooling and religious instruction, for medical attendance, and for the administration of the industrial service. The State, in this canton, includes in its subsidy, besides the loss of the interest on the capital invested in the establishment, the expense of repairs to the buildings, the salaries of the officers and *employés*, the maintenance of these latter, and, lastly, the sum which is annually granted to the prisoners as *peculium*.

6. The officers and *employés* of the prisons are named by the council of state. In the cantons where penitentiaries of recent construction exist, the officers (directors, stewards, instructors, chaplains, and physicians) are proposed by the department of justice or of police, which takes the advice of the commission of supervision. The *employés* (the foremen and overseers) are appointed by the commission of supervision, on the nomination of the director of the penitentiary.

In some cantons the officers are subjected to a re-election every three years (Zurich), or every four years (Argovie), the *employés* every year (Zurich), and in other penitentiaries the tenure of office is without limitation. It may be affirmed that, as a general thing, the officers of the Swiss penitentiaries are not exposed to the influence of political changes, and that those whose position may have been endangered by the victory

of a party have been effectually shielded by a public opinion which appreciated their merits and their devotion. In some cantons the position of the directors is made difficult by the demands of doctrinaires, who do not give themselves the trouble to examine and weigh the facts which enter into the question.

7. In cantons where efforts have been made to introduce a rational prison system, it has yet been well understood that, under a bad administration, the prisons, instead of being hospitals for moral diseases, would become seminaries of criminals. For this reason, the greatest importance is attached to the choice of officers charged with the treatment of the prisoners. As regards the moral and intellectual qualities which ought to meet in prison officers, there are found on this subject, in the literature of penology, details sufficiently numerous. Whether in Switzerland the administrators possess the necessary talents and qualifications is a question which the writer of the present report cannot and does not wish to touch upon. The governments would be better able to answer the question, although the greater part of them do not take the trouble to examine thoroughly the organization and management of the penitentiary establishments. The director of the penitentiary does not feel inclined to pass judgment upon the merits of his colleagues, and of the other officers, and still less upon his own special qualifications.

Each penitentiary establishment (Zurich, Bâle, Lenzbourg, and Neuchâtel) has a band of intelligent *employés*, who contribute effectively to the mission which penitentiary education proposes to itself. On all sides, notwithstanding, complaint is made of the difficulty which is experienced in finding for the corps of subordinate *employés* men possessing the requisite qualities and aptitudes.

8. Schools designed for the special education of prison officers do not exist in Switzerland. It is generally felt that special schools would render an excellent service, especially if a just and sound idea were given in them of the nature and aim of penitentiary treatment. Without wishing to exalt one system over another, that is, to dogmatise, a school of this kind would have the immense advantage of preparing the officers who, at present, acquire their experience at the expense of the institu-

tion. But this school would not be in a condition to form good officers and good *employés* if under persons who had not the requisite qualifications, even though possessing the desired degree of intelligence. The education of our penitentiary *employés* is usually acquired after their entrance upon their official duties, which, for a long time afterward, will not be regarded as a profession. Directors, when appointed, usually visit the model penitentiaries of other countries and study their organization. The *employés* receive, in their turn, from the directors, theoretical and practical instructions touching their official duties. Perhaps an education for the penitentiary service might be obtained by establishing in some university a chair of penitentiary reform, and by making a course of instruction in that branch of knowledge obligatory for all those who intended to devote themselves to the moral reformation of criminals. A normal school for the *employés* might be organized in establishments selected for that purpose, in which candidates might pursue a theoretical course, and might also be practically initiated into all the branches of the service. In a well-organized and ably managed penitentiary we see novices who possess the necessary aptitudes becoming in a short time entirely competent for the discharge of their functions.

9. In Switzerland, pensions are granted only in exceptional cases to public functionaries. The directors and *employés* of our prisons, when they become incapacitated for their duties, form no exception. There is sometimes granted to a functionary dismissed, because of age or sickness, three months' salary, and in case of death his family receives, in some cantons, the same gratuity. The salary of the director of a modern penitentiary ranges from 3,000 to 3,500 francs, besides a residence; that of stewards, from 2,000 to 2,500 francs, with or without residence; of the chaplains, from 400 to 600 francs; of the teacher, from 1,000 to 1,800 francs; of the physicians, from 400 to 600 francs; of the chief keeper, from 900 to 1,200 francs; of the foreman, from 700 to 1,000 francs; and of the overseers, from 400 to 750 francs per annum.

10. The difference existing between sentences to simple imprisonment, to reclusion, and to hard labour, is greater or less in the different Swiss cantons. These, as has already been said, have all penal codes of their own, which differ materially

from one another. For this reason it is not easy to give, in few words, an exact idea of the difference between the classes of imprisonment named above. Simple imprisonment, whether police or correctional, in some cantons varies from a duration of twenty-four hours at least to five years at most. This punishment, when it is of short duration, is in some cantons undergone in the district prisons. The prisoner is permitted, at his own charge, to provide nourishment and occupation for himself, after having paid the damages caused by him, and the expense of his prosecution, without which he receives the ordinary treatment, and is subjected to the customary labours of the prison. In other cantons, prisoners of this class undergo their punishments in the same prisons as criminals, from whom they are more or less separated; still all are under the same regulations. In other cantons again there exist special penitentiaries for persons sentenced correctionally. This punishment is not considered infamous; it may even, in some cantons, be replaced by a fine fixed at 5 francs per day. Reclusion occupies a middle place between simple imprisonment and a sentence to hard labour; and the reclusionary undergoes his punishment in the workhouse, where there is one, or in the penitentiary. A fine cannot be substituted for reclusion. At Zurich reclusion has a duration of from six to ten years, and the convict is compelled to labour, and is subjected to the ordinary regulations of the prison. But he does not wear the prison dress, and does not lose his civic rights. In some cantons, in Argovie, for example, the law leaves it to the judge to fix, in many cases, the duration of the privation of civic rights. Elsewhere, the dress alone differs; and the distinction between simple reclusion and hard labour is found in this, that the latter punishment is considered afflictive and infamous, whereas the former is simply afflictive. Reclusion, with hard labour, varies in its duration from one year to fifteen, twenty, twenty-five, or thirty years, according to the cantons, or even to an imprisonment for life. The death penalty is abolished in the cantons of Neuchâtel, Zurich, Thurgovia, Geneva, and Tessin. In the majority of the other cantons this punishment is abolished *de facto* if it is not by law. In some cantons reclusion, with hard labour, is aggravated by wearing chains, by an infamous dress, and by

physical privations. But these additional punishments are gradually disappearing.

11. A methodical classification of prisoners, according to their degree of morality, exists only in the establishments of Zurich, Bâle, Lenzbourg, and Neuchâtel, and will also be introduced into that of Tessin. In the other penitentiaries endeavours are also made to classify the prisoners according to their degree of morality; but frequently the architectural arrangement of the establishments does not afford opportunity to apply this classification methodically and with a chance of success. At Lenzbourg, where the progressive system has been for a number of years in use, there is found a first class, which is subjected to the cellular *régime*, and a second and third class, into which the prisoners, on leaving the first stage, are admitted to associated labour in the workshops during the day. The prisoners who belong to the higher class obtain an enlargement of privilege, and are earliest proposed for admission to the benefit of conditional liberation. Into the penitentiary of Neuchâtel has been introduced the following system of classification: A lower cellular class, in which are placed all the convicts on their entrance into the establishment; a middle class, comprising the prisoners who have been conspicuous for their good conduct and industry, and their zealous application to learning in the first stage. The greater part remain in separation, but if their character, their state of health, their kind of occupation, and the material conditions permit it, and if they themselves are not opposed to it (a decree of the great council leaves them liberty of choice on this subject), they are admitted into one of the small shops of the establishment. Finally, there is a higher class (cellular, but with labour in common during the day), which precedes liberation. Each of these classes corresponds to a relative degree of liberty, of which the prisoner may make use to satisfy, in a larger measure, his moral, intellectual, and physical wants. The principle of conditional liberation, which will sooner or later be admitted into the system, will afford the means of conducting the prisoner gradually toward freedom, and of re-introducing him into society without a too abrupt transition. At Zurich, where conditional liberation already exists, the same system of classification is applied, but, as at Neuchâtel, only for a time too limited to enable us to

announce serious results. In the penitentiary of Zurich the number of prisoners admitted to associated labour is proportionally larger than at Neuchâtel, where the cellular system is more highly esteemed. At Saint-Gall the prisoners are divided into four classes. The classification is revised and readjusted every three months. As appears from the above statement, the progressive Irish system, where it is applied, is confined in its execution to one and the same establishment. We have no intermediate prisons. The financial resources of a single canton would not permit the realisation of such a system, at least, unless several cantons should agree to unite in the common execution of a rational plan of penitentiary reform. On the other hand, public opinion, still more or less imbued with the old theory of vengeance and intimidation, would not be favourable to such a change.

12. In all the cantons prisoners may, by good conduct, obtain an abbreviation of their punishment by applying for pardon to the legislative authority (great council), which reserves to itself this right. Such reduction is rarely made conformably to fixed rules. In many of the cantons complaint is made that chance and caprice play too conspicuous a part, and that commissions of pardon do not always take account of grave and important facts. In some cantons clemency is exercised readily enough, while in others this is done only in exceptional cases. In certain cantons a decree of the legislative authority confides to the council of state, or to the department of justice, or police, the right of remitting the latter portion of their punishment (one-twelfth for example), to convicts whose conduct has been good. There is here, as in the whole penal system, a great want of congruity, yet there is observed in the confederated States, where penitentiary reform has made some progress, a tendency to bring down the use of the right of pardon to its minimum, and to substitute in its place the principle of conditional liberation; in short, to confide this function to the direction of the department of prisons, which, having the supervision of the penitentiary administration, is alone capable of judging whether or not the re-entrance of a prisoner into society offers any danger, and whether a probationary liberation may be safely granted him.

13. In most of the cantons the prisoners have a share in the

benefits of their labour. As a general thing this part has rather the character of a gratuity than that of lawful wages.

In the penitentiary of Argovie the prisoners receive their share in the following proportions: Prisoners whose earnings do not reach 30 centimes a day receive nothing; those whose earnings amount to 70 centimes a day receive 5 per cent.; 1 franc 10 centimes, 10 per cent.; 1 franc 60 centimes, 15 per cent.; exceeding 1 franc 60 centimes, 20 per cent.; and that whether their conduct is more or less satisfactory. Neuchâtel has adopted, provisionally, the same scale. At Zurich the participation in the benefits of the labour is fixed, according to the three penitentiary classes, as follows: In the first class (cellular) it is from 5 to 8 per cent., conditional upon the fact that the earnings of the prisoner are not less than 6 per cent. of the daily average earnings obtained in the branch of industry in which he works. In the second class the portion of the prisoner is from 8 to 12 per cent. In the third class, which precedes liberation, it is from 12 to 16 per cent. on the same condition. Elsewhere a percentage of the daily earnings has been introduced.

The question of *peculium* is still in Switzerland a subject of discussion, and has not been resolved. It is to form the subject of deliberation at the approaching meeting of the Swiss society for penitentiary reform.

Whatever may be the scale adopted in the different establishments, this gratuity is granted to all the prisoners who, conformably to the regulations, have rendered themselves worthy of it. It is adjusted every month, or at the end of every three months, and placed to their credit in their memorandum of savings.

14. The other rewards employed to stimulate the good conduct and zeal of the prisoners vary in kind and amount, according to the cantons and the degree, more or less advanced, of penitentiary reform. In well-administered establishments we see granted to good conduct, to application, to zeal, and progress in labour and school, the following rewards: In the second penitentiary class: extension of the favour of visits and correspondence; liberty to choose books from the library and to attend the lessons given in class; the use of snuff; liberty to have served to them a supplementary or extraordinary ration of

food, which is granted only exceptionally in the more recently erected penitentiaries, the dietary in these being sufficiently nutritive and varied. In the third or higher class there are added to the above-mentioned rewards the privilege of promenade and free conversation with their fellow-prisoners of the same class, liberty to wear their beard, to work in their free hours for themselves and their families, to adorn their cells and to have plants in them; the use of a patch of land for a garden; and admission to places of trust, such as foreman, to superintend their fellow-prisoners in learning trades, or to execute certain exceptional labours in the administrative, industrial, and domestic services.

15. In the cantons where the patriarchal system prevails, and where the old convict prisons still exist, the most frequent offences against discipline are disobedience and insubordination; next come escapes or attempts to escape; then lies; and finally immorality in acts and words. In the penitentiaries in which the Auburn system has been introduced we find that the infractions most frequent are disorder, want of cleanliness, and violation of the law of silence. In the penitentiaries of recent construction the want of propriety and dignity, lying, idleness, and disobedience.

16. The disciplinary punishments in use may be divided into three classes. In the prisons whose organization is imperfect, and where the reformation of the prisoners is not the aim of the imprisonment, we find existing the dungeon and corporal punishments. In penitentiaries on the Auburn system, more or less completely organized, corporal punishments are gradually disappearing, and are being replaced by a diet of bread and water and by confinement in the dark or ordinary cell. In the modern establishments we see coming into vogue a new series of punishments, of a moral order, among which figure, by the side of the dungeon and the diet of bread and water, admonition, privation of work, of reading, of visits, of correspondence, and, in general, of all or a part of the diversions, alleviations, and other indulgences above mentioned. Corporal punishments are passing away, and in their place are substituted the strait-jacket and the cold douche-bath. Those who, through mischief or negligence, destroy or injure the effects,

objects, instruments, and raw material placed at their disposal, are obliged to pay the value of the damage done.

17. In most of the prisons are found registers in which the punishments inflicted are fully recorded. These registers, in the modern penitentiaries especially, give complete information as to the occasion, the kind, and the nature of the punishments inflicted.

18. Ministers of the Reformed and of the Catholic religion act as chaplains in all the prisons. In well-organized penitentiaries, where the number of prisoners belonging to each creed is sufficiently large, two ecclesiastics are charged with the duties of their respective chaplaincies. The rabbi of the nearest locality is invited to visit such co-religionists as are occasionally found in the prisons.

19. In the establishments which are imperfectly organized, the chaplains for the most part confine themselves to the celebration of public worship. In proportion as they approach the category of penitentiaries that aim at the reformation of the prisoners, we see these officers paying regular visits to them, consoling and counselling them, superintending the religious instruction of the juvenile delinquents, and fulfilling toward them all the duties of their ministry. In some of the penitentiaries it is the chaplain who has charge of the distribution of books from the prison library.

20. Religious instruction, as a means of reforming prisoners, is looked upon in Switzerland as of the highest importance and as exercising the happiest influence, particularly if the person charged with it possesses the special aptitudes suited to the high mission which he is called to fulfil, and throws aside, as far as he may, mere dogmatic questions. He should preach repentance with power and skill, set forth the divine mercy, and aid the prisoners in that self-communion which is the first step toward moral regeneration. Prisoners in whose heart the religious sentiment is not extinguished at the time of their entrance are easily impressed by the exhortations of the chaplains; on the other hand, such as do not possess it offer to the instructions of religion a soil arid and ungrateful. Among prisoners we often encounter self-deception and a tendency to hypocrisy; nevertheless, it often happens that individuals who

repudiate or are ignorant of the Bible end by finding in its pages the consolations of which they are in pursuit.

21. Persons of both sexes, not connected with the administration, are admitted into the prisons to labour for the moral improvement of the prisoners. In the cantons which have new penitentiaries, such persons are authorised to visit the prisoners in virtue of decrees of the legislative authority. This is especially the case with members of aid societies, who have free access to the prisoners whom they seek to succour. The number of these benevolent visits is relatively few even in cantons where penitentiary reform counts many adherents. Such visits, however, ought not to be allowed without many precautions. In some of the more modern establishments it is only the officers themselves who take part in the moral education of the prisoners. In the female penitentiaries lady patronesses are more frequently met with, especially in the cities which were visited in 1839 by Elizabeth Fry, and where, at the instance of that good and charitable woman, ladies' aid societies were organized to console, to place out, to watch over, and to sustain criminal women. At Zurich, where a society of this kind exists, the lady patronesses give to the female prisoners in the penitentiaries regular lessons, and take charge of their religious instruction.

22. Sunday-schools, properly so-called, do not exist. Public worship is, on that day, celebrated in the prisons, or at least the chaplain makes a visit to the prisoners. At Zurich the pastor holds a catechetical exercise in the afternoon, and afterward an instructor gives a lesson in sacred music.

23. In most of the penitentiaries the week-days are so filled up with labour, school, exercise, and study, and Sunday morning by worship, that it is thought expedient to leave to the prisoners the free employment of Sunday afternoon. It is in these hours that they are able to write letters to their relatives and acquaintances. The frequency with which they are permitted to write letters differs in different cantons.

24. In the establishments where the progressive Irish system has been introduced, prisoners of the middle class can write letters every two months, those of the higher class every month. But an extension of this favour is often granted, especially in cases where the correspondence is of such a character as to

draw closer the ties of family, to exert a good influence, and contribute to the moral cure of the prisoner. This powerful means of moral reformation is more or less neglected in establishments where the organization is imperfect. As the letters pass under the inspection of the director, his eye sometimes detects sentiments which have their taint of hypocrisy; but in spite of that the correspondence of the prisoners manifests a strong family affection, and awakens tender household memories.

25. The visits of relations and intimate acquaintances are permitted the same as correspondence, and are most carefully regulated in the prisons where penitentiary education receives the greatest attention. The internal regulations of different penitentiaries grant the indulgence of visits more or less frequently, but the average is about once a month. As in the case of correspondence, an extension of this is often accorded when the visits are found to have a salutary effect.

26. The visits are received in the presence of the director, or, in his absence, in that of the chief keeper. The design is to supervise the interview. The director or his deputy place the visitors and the prisoners as much as possible at their ease, so that these latter may look upon them as friends in whose presence they may converse freely.

27. As a general thing, the extension of the privilege of correspondence is more readily granted than that of visits, since the latter do not always have the good effect which might naturally be expected from them. Still, it sometimes happens that they have an excellent influence, especially on prisoners who believe themselves forgotten, ignored, and abandoned by the members of their family, and who see them approach in a spirit of forgiveness.

Besides, the visits enable the director to understand better the character of the prisoner and the circumstances of his family, and sometimes enable him to lay his plans with greater certainty and efficacy in the interest of the prisoners themselves.

28. The number of prisoners able to read at the time of their commitment may be estimated at 71 per cent. of the annual average number of the criminal population. In a number of cantons the convicts are not examined upon this point on their

entrance into the establishment, so that the exact proportion cannot be stated.

The following figures, furnished by the reports of the penitentiaries of Lenzbourg, Saint-Gall, and Neuchâtel will furnish the best answers :

Places	Total number of prisoners	Illiterate	Per cent.	Inferior education	Per cent.	Passable education	Per cent.	Good education	Per cent.
Lenzbourg . . .	533	63	11·8	187	35·1	245	46·0	38	7·1
Saint Gall . . .	1,286	668	51·9	194	15·08	347	26·9	77	5·9
Neuchâtel . . .	146	18	12·3	101	60·9	27	18·4	—	—
Average . . .	—	—	25·3	—	36·9	—	30·4	—	4·3

These figures do not show the general state of public instruction in these three cantons, for a considerable part of the prisoners, especially in the canton of Neuchâtel, are foreigners. But it is to be observed that although primary instruction is obligatory in Switzerland (with the exception of Uri and Geneva), and in fourteen cantons is also gratuitous;¹ it nevertheless happens that a certain number of children escape the supervision and control of the school authorities, and reach the age of sixteen years without having regularly attended the lessons of the schools. Many, after leaving school, neglect reading and intellectual recreations to such a degree as to almost entirely forget what they had previously learned. Thus one is astonished to see among the prisoners, who figure in the preceding table the 'inferior' class, individuals who read with difficulty and in such a manner that reading cannot be resorted to as a recreation, and who can only write their own names.

The knowledge of arithmetic is also very limited in this class of 'inferior,' and the knowledge of geography and history is almost nothing, even among those who are placed in the table under the heading of 'passable.'

29. Prison-schools are organized in the penitentiaries of Saint-Jacques (Saint-Gall), Lenzbourg (Argovie), Neuchâtel, &c. In many other establishments lessons are given by the chaplain. It even happens that these duties are confided to a

¹ Switzerland expends each year, as well for its primary as for its secondary and higher schools, the sum of twelve and a half millions of francs. The expenditures for education form one-seventh of the total budget of the Confederation and the cantons.

prisoner if he is a teacher by profession, or if he possesses the necessary knowledge and aptitude. In the penitentiary of Zurich the school, which has been closed for some time, will be immediately re-opened. Instruction is a good deal neglected in the prisons of some of the cantons where the system is patriarchal, and in many houses where associated imprisonment by day and by night is still in use.

30. In penitentiary establishments in which schools are opened, all the prisoners, except those who are excused by age—above forty-five to fifty years—and those subjected to the cellular *régime*, attend lessons in classes. The prisoners receive, on an average, from four to five hours' schooling per week. Those who are in the cellular stage are visited by the instructor in their cells, and there commence their course of instruction.

31. In the well-organized penitentiaries, the degree of education of the prisoners is verified at their entrance into the establishment. The result of this examination shows the necessity of maintaining three classes, whose programme corresponds to that of the three degrees of primary instruction. In the lower class the elementary branches are taught, and in the middle class progress is gradually made toward those branches of technical instruction which are taught in the higher class.

In the programme of the best-organized penitentiaries we see introduced even mathematics, physics, and technology, so far as these sciences are applied to arts and trades; even the modern languages are taught, French in the German penitentiaries, and German in the penitentiaries where French is the vernacular (Neuchâtel). Sometimes prisoners are permitted to take lessons in English, and often in linear drawing. The progress made differs much in the case of different prisoners. Many are remarkable for their zeal and power of acquisition, while others advance but slowly. The organ of thought, little accustomed to being used, has lost its force. The power of memory is often wanting, and the result in these cases is a stupefaction which leads to indifference. Still, the average progress made is highly satisfactory, especially in the case of juvenile delinquents, for whom, after all, this supplementary and tardy instruction can alone have any very great importance after their liberation.

32. Circulating libraries are found in all the prisons. In those of the cantons where prison discipline is little advanced the number of books is limited, and works exclusively religious predominate. In the penitentiaries which are better organized the libraries are composed of moral and religious books, of works of general history and the history of Switzerland, of biographies, of travels, ethnography, natural history, of works on mechanics, agriculture, belles-lettres, &c., &c. Romances of a moral character (above all those of the Swiss authors, Bützins, Gottfried Keller, Urbain Oliver, Fritz Berthoud, Louis Favre) are not excluded. The library of the penitentiary of Zurich, for example, possesses 800 works, consisting of 1,500 volumes; that of the penitentiary of Neuchâtel, though of recent creation, counts 500 volumes; that of the penitentiary of Saint-Jacques has also a rich and varied collection of moral and instructive works. This establishment, like that of Zurich, Argovie, &c., has, in addition, a collection of special works, designed for the *employés* of the penitentiary.

33. The prisoners read, relatively, a great deal in the penitentiaries, where they pass Sunday in their cells, and where they have at their disposal a variety of works. They generally prefer moral tales, such as those of the authors just named, and those of Erckmann-Chatrain, and of Henri Tschokke; next come narratives of voyages, biographies, Swiss and general history, and works of popular science (discoveries, inventions, technology, &c.). Reading is found to have a very beneficial effect upon the prisoners. It enlarges the circle of their general knowledge, and by fuller explanations of what they had learned in the way of routine, it develops also their practical knowledge. It is by keeping their minds continually occupied by labour, or by moral and intellectual recreations, that that self-respect is oftenest awakened in prisoners which constitutes the best guarantee against self-abuse. These elevating and noble agencies calm an ardent imagination, and often put to flight ideas inspired by base passions and by vicious and criminal sentiments.

34. The greater part of the modern prisons, and of the old ones which have undergone recent changes in their construction, have a system of sewers which, in a hygienic point of view, are open to no serious objection. The system of pits prevails still,

and it is only in the recent penitentiaries (at Lenzbourg and Neuchâtel, for example) that we find a system of drainage that leaves little to be desired. At Zurich, by the side of pits and *latrines*, arranged on the plan of Duspetian (*Architecture de Prisons*) is seen the system of movable vessels and of pipes for carrying off liquid substances.

35. The water supplied for the use of the prison is, for the most part, sufficient in quantity. The old prisons have each at least one fountain in the court. The penitentiaries of recent construction are abundantly supplied with water, which is distributed into all parts and to all storeys of the building. At Zurich, for example, the penitentiary, which occupies the buildings of an old convent, has a spring of water which is reputed the best in the city. This establishment is also furnished with pipes by the company which supplies the city with water. The penitentiary of Lenzbourg has, like that of Zurich, a spring which enables it to distribute water *ad libitum*. That of Neuchâtel receives its water from the city company, and has at its disposal, for an average of seventy prisoners, ten to twenty thousand litres for each twenty-four hours. The quality of the water is for the most part good.

36. A system of ventilation other than the doors and windows is found only in the modern penitentiaries, such as those of Lenzbourg and Neuchâtel. In them the ventilation is combined with a system of heating. Each cell is furnished with a ventilation pipe, whose opening is in a recess at the side of the door of entrance at the bottom of the wall; a recess closed on the side of the corridor by a little iron door, and in which is placed a water-closet, having a hydraulic fastening. Each pipe is in communication with larger condensing conduits, which communicate directly with the great chimney of the steam-boilers; this draught-chimney, about six feet in diameter and ninety or a hundred feet in height, incloses an inner one of iron, eighteen inches in diameter, which produces a powerful draught. A special furnace is so placed as in summer to heat the inner iron chimney, with the object of keeping up the ascending current, and increasing, as may be needed, the ventilation. The vitiated air thus drawn out from the cells carries off, in passing the recesses mentioned above, the emanations that have been generated there.

37. The best ventilation would be of no avail, especially in prisons where the aggregation of prisoners is relatively large, and where the cells and dormitories are not spacious, if means were not taken to ensure their cleanliness. In all the prisons one or more prisoners are detailed to sweep and clean the corridors, the stairs, the courts, the water-closets, the workshops, the doors, and the windows. The special supervision of this important service is confided to the chief keeper. In the cellular penitentiaries, each prisoner is charged with keeping his cell and its furniture in a condition of perfect cleanliness. The flagging of the cells of the penitentiaries of Lenzbourg, Bâle, and Neuchâtel is of asphaltum, which makes it easy to keep them clean. The yards of the cells are whitewashed every year or every two years. If their condition requires such a reparation before the regular time, it is done at the expense of the prisoners. A clean cell and well-kept premises produce on prisoners accustomed to live in filthy apartments a hygienic and moral influence.

38. Personal cleanliness is not neglected in the well-organized penitentiaries. On his entrance into the establishment the convict receives a bath, and after having been examined by the physician, changes his clothing, often foul and filled with vermin, for the prison garb. The dress of the prisoners, in the modern penitentiaries, has nothing of a degrading character; the greater part of the cantons have continued, for prisoners, the striped costume. The prisoner finds in his cell a wash-basin and towel; soap is furnished gratuitously, or at a very slight cost to the prisoner. A punishment is inflicted on those who neglect to wash their face and hands, to comb their hair, to brush their clothes, &c. The prisoners are shaved every eight days; their hair is cut once in six months. The wearing of the beard is permitted as a reward to those who distinguish themselves by their good conduct, and who, having reached the higher stage of penitentiary education, show themselves worthy to wear the token of manhood. The body-linen, the pocket-handkerchiefs, the working-aprons, and the cotton stockings, are changed every week; cravats and woollen stockings every fifteen days; the sheets every month in summer, and once in six weeks in winter. The prisoners take a bath regularly every month

(Neuchâtel), and every two or three months in other modern penitentiaries. The prisons which have no heaters to prepare the baths offer, as regards the cleanliness of the prisoners, conditions least favourable.

39. The privies are still very primitive in the old prisons, where association by day and by night still exists. They are adjacent to the hall, and are separated from it only by a door. In others are found large glazed earthen vessels, with covers more or less tight, which are regularly emptied into the adjoining *latrines*. In the cells of the modern penitentiaries we find, in the recess indicated above, enamelled iron vessels, whose covers close hermetically. These vases are emptied regularly by a prisoner charged with this service. They are voided into the adjoining *latrines*, or into a moveable pit, which is afterward emptied into another, that is immovable, at some distance from the buildings. Workshops have privies situated in an angle, and isolated by one or two doors, which are sometimes glazed. The water-closets in modern penitentiary establishments are placed on the north side, separated from the cells; they have basins provided with a deodorising apparatus, and are abundantly supplied with water for purposes of cleansing. In the other prisons the privies fulfil only to a limited degree the conditions required by sanitary science.

40. The method of lighting by gas has been introduced into the penitentiaries of Zurich, Bâle, Neuchâtel, and Saint-Gall. Every cell is provided with one burner, which may be closed by a stop-cock placed outside the cell. Thus all danger of suffocation or attempts at suffocation is prevented. At Lenzbourg petroleum is used for lighting the cells and the workshops. In winter, during the evening of Sunday, the prisoners are also permitted to have light. In other establishments only the workshops are lighted with gas (Geneva and Lausanne). Finally, in the prisons of an inferior order we find the petroleum lamp or the simple candle, as a means of lighting the workshops and the common dormitories.

41. The heating, as the lighting, of the prisons differs very much, as they are of old or recent construction, and as the system of prison discipline is more or less advanced. At Saint-Gall, Lenzbourg, Bâle, Neuchâtel, and Zurich are found furnaces which warm by steam all the cells and other parts of

the establishment. The detention prison of Neuchâtel is warmed by means of a hot-air furnace. Heating by steam is, as we have said, combined with the system of ventilation. The tube which is designed to warm the cell is a simple enlargement of the pipe. It is placed vertically in a recess, and is separated from the cell by an iron plate, perforated with holes to allow the heat to pass through. On the side of the corridor there is an opening, opposite the tube, by which the amount of cold air to be admitted may be regulated. In the greater part of the prisons we find ordinary stoves, made with varying degrees of excellence, and the heating is effected by means of wood or peat. The penitentiary of Tessin, which is situated in a warm climate, has no system of artificial heating.

42 and 43. Iron bedsteads are used in many of the penitentiaries. At Lenzbourg, Bâle, Neuchâtel, and Geneva they are fastened to the wall on one side, and are moveable, so that they can be turned up and padlocked. Elsewhere, most commonly, the bedstead is of wood. Everywhere the beds are composed of a paille, or of a sack filled with cow's hair or moss, of one or two linen sheets, of one or two woollen blankets in summer, of two to four in winter, and of a bolster or pillow filled with grass or straw.

42 *bis*. The dietary of the prisoners varies much in the different cantons, and according to the importance which is attached to penitentiary training. Where the moral reformation of the prisoners is not made the principal aim of the imprisonment, the dietary is but little varied, and is not sufficient to restore the losses caused to the bodily organs by hard labour. Meat seldom figures in the bill of fare (in some prisons the prisoners have it only twice a year). Prisoners long subjected to such a diet suffer more or less from a deficiency of blood. In proportion as penitentiaries become better organized and administered the dietary is improved, and substances containing nitrogen form a larger proportion of it. The number of daily meals is three. Breakfast consists, in most of the prisons, of gruel or oatmeal porridge; and the quantity is, on an average, from a pint-and-a-half to a quart. In French Switzerland (at Neuchâtel, Lausanne, and Geneva) the prisoners receive from one-half to three-quarters of a litre of coffee (*café au lait*). At Lenzbourg the breakfast consists on each alternate

day of soup and coffee. Dinner consists, once a week or oftener, of a soup (three-fourths to one litre) prepared with bread and vegetables varying with the season and the meat. For the preparation of this meat soup there is allowed 250 to 500 grammes of meat, without bone, per man and per week. In certain penitentiaries (Lenzbourg, Zurich, &c.) the quantity of meat authorised is spread over several dinners during the week. The meat is cut into little morsels and is distributed with and in the soup. In other penitentiaries it is given as a ration and by itself. At Lausanne there is added to the half-pound of meat four ounces of raw bacon. At Geneva there are given on Sundays 250 grammes of boiled beef, and on Thursday the same quantity of hashed pork, prepared with potatoes. The distribution of this meat soup takes place, in certain establishments, on Tuesday and Sunday (Saint-Gall); elsewhere on Monday and Thursday (Neuchâtel) of each week, so that these more substantial and nutritious meals may fall in the midst of the working days. The herb soup is made with bread, grain, or vegetables in season, among which potatoes too often preponderate. The evening meal consists of a soup prepared with rice, with barley or oats, with wheat-flour, or with sea-moss, with or without the addition of potatoes or maccaroni. The quantity of bread allowed to each prisoner varies from 750 to 800 grammes a day. Fresh water is the ordinary drink. As a general rule prisoners in health are not supplied with wine. In some establishments there is accorded to those who have reached the higher penitentiary stage an authorisation to furnish them at their own expense extra milk or a ration of supplementary or extraordinary solid food. Those who are engaged in toilsome labour receive a supplementary supply of milk (Zurich, Neuchâtel), and, in very exceptional cases, of wine (Lenzbourg). The choice and combination of aliments which should form the bill of fare of the three daily meals are but rarely regulated in such manner that the diet of the prisoners is varied as much as it might be, and that the food consumed in twenty-four hours contains the nutritive, nitrogenous and non-nitrogenous substances in just proportions. A man insufficiently fed is little disposed to submit himself to the reformatory influence of the best penitentiary education.

44. The hours of labour vary according to the kinds of

occupation introduced into the different establishments. Where a large number of prisoners are engaged in agricultural labours or on public works there is less regularity than in penitentiaries where industrial labour predominates. Still it may be said that the number of hours of daily labour is, on an average, from ten to twelve. In summer (from April 1 to September 30) work begins at 5 o'clock in the morning, and in some establishments a half-hour sooner. In winter (October 1 to March 31) at 5½ or 6 o'clock. On Sundays and feast-days the signal for rising is given a half-hour or an hour later than on working-days. Work is regularly suspended at 7 or half-past 7 A.M., half-an-hour for breakfast; at noon, an hour for dinner; and in the evening, a half-hour for supper. At 10 A.M. and at 4 P.M. there is very generally granted a recess of a quarter to half-an-hour. After the cessation of work, which occurs at half-past 7 or 8 o'clock P.M., the prisoners have still a half to three-quarters of an hour at their disposal for intellectual occupations, but only in penitentiaries where they pass the night in separate cells. An hour of exercise and an hour of school complete the day's programme. This last hour should be curtailed in those penitentiaries where there is no schooling, and where only an hour or two on Sunday are given to this object. The hour of exercise is accorded only to those who work in the cells or in the shops. In the modern or reorganized penitentiaries, the average number of hours of labour is twelve; that of recreation (exercise, school-lessons in cell, reading, &c.) is four, to which must be added the hours of Sundays and feast-days. These last are more or less numerous according to the religious creed.

45. In regard to the treatment of sick prisoners: The above programme is applied only to prisoners in health. Those who are indisposed or sick are, on the order of the medical officer of the prison, excused from work. Slight indispositions are treated in the cells or in the common dormitories; those more seriously sick receive medical attention in the infirmary, which is found in the penitentiaries of the two higher classes indicated at the commencement of this report. The infirmary, presided over by the physician of the establishment, who has under his orders an officer detailed to duty therein, leaves little to be desired, especially in the modern penitentiaries. There is generally

found there a small dispensary, and everything that is necessary for medical treatment. Prisoners seriously ill cannot receive attention in the old prisons. The sick in this case are transferred to a hospital. Prisoners who present symptoms of mental alienation are conveyed to a lunatic asylum.

46 to 48. The diseases most common are inflammation of the bowels, bronchitis, inflammation of the pleura and lungs, rheumatic affections of the joints and muscles, pulmonary consumption, enlargement of the lymphatic glands, and diseases of the nervous system. Contagious diseases—typhoid fever, syphilis, the itch, &c.—are always imported; and their number—especially of venereal affections, chronic complaints, and the itch—is relatively high in some of the cantons. At Lenzbourg the number of the sick varies between 2 per cent. (light cases) and $1\frac{1}{2}$ per cent. (cases more serious) of the days of imprisonment. During the last six years this penitentiary has registered nineteen deaths, which is about 3 per annum on an average of 370 prisoners. Of the five who died during the year 1870, three owed their death to pulmonary phthisis. In the penitentiary of Bâle we find, in 1867, 2.85 per cent. of days of sickness. Of 330 prisoners there were 126 cases of sickness, and two deaths (apoplexy of the lungs and consumption of the liver).

Zurich, with an annual average of 407 prisoners, has had, during the last ten years, sixty-four cases of sickness, which is 15 per cent. of the whole number; or, in other words, 26 per cent. per annum of the average daily number of prisoners, which was 241. In this penitentiary the number of prisoners who died was 6.3 per annum, being 1.54 per cent. of the prisoners present during the year, or 2.61 per cent. of the average daily number. The penitentiary of Geneva indicates 5 per cent. as the proportional number of its sick. That of Lausanne gives 3 per cent. as the average annual number of deaths. Of 307 prisoners who underwent their punishment in this establishment, there were 3,497 days of sickness, out of 63,217 of imprisonment; twelve persons alone counting about 2,000 days. The cases of chronic maladies cited are, phthisis, pleurisy, and scurvy. Four deaths occurred, two having been caused by pulmonary phthisis, and the other two by an affection of the heart and pulmonary œdema. There was one case of insanity. The annual report of the penitentiary of Berne, for 1867, shows, out of an average daily number of

428 prisoners, 176 sick, who were treated in the infirmary, and 14 deaths, three of which were from pulmonary phthisis and two from pneumonia. The number of deaths in the penitentiary of St.-Gall, from 1858 to 1863, during which years 1,286 prisoners were received into the establishment, amounted to 70. At Lucerne, the average number of days of sickness was, in 1867, 25 to each prisoner for the year. At Schaffhausen, there were 545 days of sickness out of 9,943 days of imprisonment. The frequent catarrhal affections of the organs of digestion (dyspepsia, diarrhœa, colic, &c.) are, in a great measure, due to the too great uniformity of the living, and the want of sufficient exercise in the open air, under the vivifying light of the sun. These injurious influences, added to sadness and remorse, give rise, secondarily, to that prison scrofula which is observed, in proportions more or less marked, in the different penitentiaries, and which often terminates in pulmonary phthisis. During the three years from 1868 to 1870, two suicides are noted at Lenzbourg, and fourteen cases of insanity, more or less grave, which were ascribed less to the imprisonment than to a hereditary or individual predisposition and the influence of remorse and misery. At Neuchâtel there were observed during the year 1870, out of 146 prisoners, two cases of insanity, one of which had already been treated in a hospital, and the other was occasioned by drink. At St.-Gall, from 1858 to 1863, there were nine cases of insanity (six men and three women) out of a prison population of 1,286. If there are observed in the prisons pulmonary phthisis and other diseases in proportions which demand serious examination, these establishments, and particularly those of recent construction, seem, on the other hand, to present a remarkable freedom from epidemic diseases. When the cholera prevailed at Zurich, not a single case developed itself among the prisoners. It was the same at Lenzbourg during an epidemic of measles which prevailed in the neighbourhood, and by which adults were attacked. At the time of the entrance into Switzerland of the army of Bourbaki, there was established, close to the penitentiary of Neuchâtel, a lazaretto for persons affected with varioloid; and though the penitentiary establishment was required to furnish meals to the sick and to their nurses, and to apply disinfectants to the bedding, no case of small-pox occurred in the prison. It is true that a

general re-vaccination had taken place. Similar observations were made in the penitentiary at Bâle.

49 to 52. The distinction between penal and industrial labour is made, in the Swiss prisons, by law only in the cantons where there still exists the system of the old hard labour prisons, in which a certain class of prisoners are subjected to public labour, viz., in sweeping the streets, making roads, dyking rivers, agricultural labours, &c., &c. This distinction is not made in the penitentiaries in which the reformation of the prisoner is proposed as the end. Doubtless many kinds of labour are disagreeable and little attractive, and the persons engaged in such labours would not voluntarily submit to them if they were free; these labours thus acquire a penal character. In some of the penitentiaries prisoners are sometimes subjected to labours of this kind on their entrance and during the continuance of the first part of their cellular stage, or those are thus employed who, from the intermediate stage, have been returned to their cells; or, again, the indolent, the intractable, &c. This penal labour is a sort of disciplinary punishment. The labours belonging to this class are: The sawing and cutting of fire-wood, the plaiting of straw, the culling coffee, the manufacture of envelopes and cornucopias, of wooden boxes, &c., &c. Nowhere is there found in Switzerland a penal labour of the character of the tread-mill. Hard ignominious public labour, such as still exists in some cantons, is not unfavourable to physical health, but has a bad moral effect. The penal labour introduced into our modern penitentiaries as a light disciplinary labour is applied only temporarily; it is not injurious to the health of prisoners, and, as it often produces *ennui*, they seek to regain the confidence they had lost, so as to be admitted to more interesting and more profitable labour. We find in the greater part of the penitentiaries various branches of industry carried on, among which the more general and the more important are: Weaving, shoe-making, tailoring, carpentry, varnishing, upholstery, cooperage, working in wood, brush-making, locksmithing, blacksmithing, working in tin, book-binding, paper-ruling, lithographing, watch-making, turning, basket-making, laundry-work, embroidery, and knitting. For persons sentenced to a short imprisonment: The stuffing of chairs, the making of slippers, the

manufacture of mats, of sieves, of bee-hives, of envelopes, of paper monkeys, and of wire trellis-work. Then come domestic labours of various kinds, and office occupations.

53 to 55. Industrial labour in the prisons of Switzerland is managed by the Administration itself. The attempts which have been made in some prisons to let the labour to contractors for a fixed daily sum were very speedily abandoned. Orders are received in the penitentiaries. The raw material is furnished by the Administration or by those who order the work; the tools belong to the establishment. The keepers, who act at the same time as foremen, superintend the work, and calculate the value of the workmanship and of the raw material employed. Account is taken in this calculation of the prices current. Everywhere they endeavour to deliver merchandise carefully manufactured; and thus, as a general rule, the industrial products of our prisons are in good repute. Preference is given in the modern penitentiaries to the management of the Administration over that of contractors as being better fitted for penitentiary training. The Administration, being supreme, can introduce a greater variety of industries, and suit to these latter the different aptitudes presented by the prisoners. The consequence of the distribution of the prisoners on a larger number of industries is, that each branch is restricted to a relatively small number of workmen, and hence free labour has no occasion to fear an injurious competition. We endeavour to create a demand for the products of prison labour, rather by the excellence and solidity of the manufacture than by low prices. Were it otherwise, the penitentiaries, which ought to be at the same time industrial schools, would be turned aside from their proper end. In Switzerland it is found that penitentiary training is incompatible with the system of letting the labour of the prisoners to contractors. It is the Administration alone that can feel an interest in teaching a trade to every prisoner during his stay in prison, so that at the time of his liberation he may be independent, and able to gain an honest living.

56. The number of prisoners not having a regular business at the time of their commitment is relatively considerable. Nevertheless, the tendency is shown to be towards a diminution, if comparison is made between the results of statistics for

the last twenty years in the penitentiary of St.-Gall. This belongs, evidently, to the progress of civilization. By including in this category, domestic servants, day-labourers, and people without any occupation, without homes, we obtain the following figures: Domestic servants form 33 per cent. of the total number of prisoners; day-labourers, 9 per cent.; vagrants, 4 per cent.; making an aggregate average of 48 per cent. This average varies somewhat in various cantons, according as any particular industry is there more or less developed, and the population more or less fluctuating. It must be remarked that among those who, when they enter the prison, are artisans or industrial workmen, many have served but an insufficient apprenticeship; so that, of 50 per cent. who claim to have learned a trade, there is scarcely a fourth part who can produce a respectable piece of workmanship.

57 and 58. The preceding figures show clearly that the want of a trade is not without its influence in the law which controls the causes of crime. Hence it is sought in all the penitentiaries, particularly in those more recently built and organized upon a rational plan, to give a trade to the prisoners, and above all to juvenile delinquents, to those who have to undergo an imprisonment of one or several years. In all the penitentiaries, it has been remarked that numbers of the prisoners acquire, in a short time, the ability to do that which free workmen would be able to execute only after a long apprenticeship. Apprenticeship to a trade, which requires a certain degree of intelligence, and is, at the same time, to the taste of the prisoner, is one of the principal agencies in reforming him. Without industrial labour of this kind, no satisfactory result can be expected from a penitentiary system, and relapses will be inevitable. A trade learned in the establishment is worth more to the prisoner than the support and succour of a patronage society. It is well understood in the cantons somewhat advanced in penitentiary science that it is important, in order to prevent relapses, not only to make the prisoner an able workman, but also to teach him during his incarceration to help himself. In this view, there have been introduced in most of the prison regulations arrangements by which zeal and diligence in labour and the habit of saving are stimulated. The scale of the *peculium* rises, as has been said above, in many of the establishments

with the augmentation of labour. In the better organized penitentiaries further effort is made to attain this result by a careful apprenticeship to the trade chosen by the prisoner, by making him acquainted with the nature of raw materials, the places from which they are obtained, and their market value; also with the tools and machines employed; the price current of the articles manufactured; and by teaching the manner of calculating the value of the workmanship. The prisoners are more or less associated with the Administration through their industrial labours. If, by their good conduct and their aptitudes, they come at length to deserve the necessary degree of confidence, they are called to fulfil the functions of foremen. There is thus afforded to every prisoner the opportunity of developing and manifesting his power of initiative. Technical works and journals on different branches of industry are placed in the hands of the workmen. Writings of the character of Franklin's 'Poor Richard' afford material assistance in this system of penitentiary education.

59. But all these salutary influences are lost in the case of prisoners sentenced to a short imprisonment. The directors of the Swiss penitentiaries are unanimous in regarding repeated short sentences for minor offences as a pernicious judicial practice, which is followed without reflection. The sentiment of justice, as well as the moral reformation of the prisoner, requires that the repression be more serious and more adequately protracted in the case of individuals who form the habit of crime, and who appear to make it the basis of their character. The effect of these short imprisonments becomes worse on each successive conviction. The recidivists fall deeper and deeper, and the prison cannot lift them up. During the short stay they make in the penitentiary establishment, it is impossible to teach them a trade, or even to make them apt at work. The recidivists sentenced correctionally have more or less lost the moral sense and self-respect. The influence of the penitentiary education cannot affect the individual of this class, who, on entering the establishment, counts the exact number of days which separate him from freedom. These subjects undergo, more or less patiently, the restraint imposed upon them; they are indifferent, and little heed the present or the future which awaits them. On the other hand, too protracted

imprisonments (twenty to twenty-five years) plunge the prisoner at last into apathy and despair.

60. The proportional number of recidivists can be given only approximately. The statistics in the different cantons are not made out in a uniform manner. In some establishments, account is made of all prior sentences—police, correctional, and criminal; in others, they embrace only those which have been pronounced within the canton, or even notice only the punishments undergone in the same establishment. The greater part of the cantons expel from their territory liberated prisoners of foreign birth, and give themselves no further trouble about them; so that it may happen that the cantons whose penitentiaries contain numerous non-residents of the canton may have fewer recidivists to be registered. In spite of the defective state of the statistics we may estimate an average of 30 to 45 per cent. as the proportion of recidivists in cantons where the penitentiary system has made least progress, and from 19 to 25 per cent. as that of the cantons whose penitentiaries are well organized. The efficacy of a penitentiary system may be indicated, up to a certain point, by the number of its recidivists. But this rule has numerous exceptions in Switzerland. The diversity in the modes of punishment does not allow us to draw from the numbers indicated an indisputable conclusion. It would be necessary to take account of the preventive measures, which are more or less effectively applied in the different cantons. In the canton of Argovie (Lenzbourg), where penitentiary education is conducted with care, there were counted, from 1865 to 1867, forty-five recidivists out of eighty-seven prisoners; and from 1868 to 1870 only forty-four to one hundred and fifty, among whom fourteen were not natives of the canton. Thus the recidivists form 25 per cent. of the criminals of Argovian origin, and 37 per cent. of those not born in that canton, making an average of 28 per cent. So that in the space of six years there was a cheering diminution in the number of recidivists, and it must be attributed, in great part, to the penitentiary system applied in that establishment, and also to the efforts made to aid and protect liberated prisoners. The correctional recidivists form, in that same canton, 50 per cent. In the canton of Bâle-ville (one-third of the prisoners in cellular reclusion) the number of recidivists is from 18 to

19 per cent., and that figure is caused, in great part, by women abandoned to prostitution and vagrancy. In the canton of Saint-Gall, of 1,286 persons sentenced criminally and committed to the penitentiary of Saint-Jacques (Auburn), during the first twenty-five years of its existence (1839 to 1863), the recidivists were 248, being an average of 19.5 per cent. This penitentiary has been, for many years, under the direction of a man as humane as he is enlightened. In the canton of Lucerne, which possesses an old hard-labour prison, the number of recidivists rises, *per contra*, to 40.4 per cent. The number of female recidivists is 50 per cent. in the canton of Argovie. Woman, more than man, resists the seductions which lead to crime; but when she has once succumbed, her moral degradation is greater and more rapid than is the case with man, and her falls more frequent.

61. The existing codes denounce a severer punishment against prisoners convicted more than once. Some sentence them to the maximum of the punishment incurred; others add to this punishment its moiety, and even more, in the excess of the maximum. Every sentence, for an offence exceeding six months, becomes an aggravating circumstance in the case of the person who, having suffered it, is prosecuted criminally. In the cantons of Argovie and Zurich, it is only at the third relapse that the aggravation of the punishment commences for criminals, which punishment is then carried to ten years of reclusion, in the first-named of these cantons. The recidivists of this class are besides subjected in the penitentiary to a cellular separation of longer duration, and even throughout the whole term of their punishment, if they show themselves depraved to a high degree. This last system exists also in the cantons of Zurich, Bâle, and Neuchâtel.

62. Prisons for debt exist only in a few cantons, and it may even be said that, where such prisons are still found, the constraint of the body has fallen into disuse. In a number of cantons the State authorises the restraint of the body, in default of payment of the expenses of justice; but this imprisonment is of short duration, and often is not inflicted at all. This punishment is regarded as correctional, and has no character of infamy.

63. In examining the table of crimes and misdemeanours, we

observe that the number of those committed against property (petty larcenies, thefts, abuses of trust, &c.) constitute 65 to 70 per cent. of the total number; that the number of attempts against life (murders, homicides, infanticides) is 10 per cent.; acts of incendiarism, 5 per cent.; and the remainder comprises cases of counterfeiting, false accusations, &c., &c. These figures sufficiently indicate the direction followed by the will of the persons forming the criminal class. Mr. Mühler, director of the penitentiary of Lenzbourg, makes the following reflections on the causes of crime in the canton of Argovie: The most frequent cause of crime is a bad education, which early gives to the will a fatal direction toward evil, or which, at least, stifles in the character the moral power to resist evil suggestions. Among the correctionals the influence of an evil education is more marked than among the criminals. This is explained by the circumstance that the former are mainly recruited in the pauper class, which is deprived of everything that might give to the child a good education. Many of these correctionals have never enjoyed the family life; they are orphans or illegitimate children, who have been placed by the commune (we have in Switzerland obligatory communal assistance) or by philanthropic societies, with one, or, successively, with several keepers of boarding-houses. In both cases, these children are rarely in conditions favourable to their education. We find, on the other hand, among the criminals, a certain number belonging to the higher classes of society, whose education has been less neglected, who have themselves lived in favourable conditions, and who sometimes had gained an honourable position in society. Sensualism, which has been developed in them by an irrational system of education, is, in the greater number of cases, the predominant cause of their crimes. Next, we encounter other persons who have learned a business and who have not yet arrived at that state of utter indolence which is so often marked in the correctionals. In a higher degree than these last the criminal prisoners have ties of family; either they are able to count on the support and succour of their relatives during their imprisonment and after their liberation, or they have a wife and children. The correctionals, on the contrary, are, for the most part, without family, without relatives, without friends, and possess neither sufficient

energy nor sufficient perseverance to create for themselves a domestic hearth. The predominant characteristic of such a manner of living is levity and heedlessness, which, if other aggravating circumstances come in aid of them (drunkenness, debauchery, &c.), as often happens, degenerate into a depravity whose character is that of a stupid indifference, rather than the necessity of doing wrong. Another source of crimes and misdemeanours, nearly as prolific as the preceding, is drunkenness, often accompanied by other excesses. The number of criminals, small and great, abandoned to drunkenness, or who at the moment of the criminal act were under the dominion of drink, is by no means inconsiderable, forming at least 50 per cent. of the total number of crimes committed by men, and this proportion is even higher among the correctionals. Governments and societies of public utility have been occupied, and are constantly occupied, in seeking out the best means to combat this vice, but they are very far from having attained the object of their pursuit. The number of misdemeanours occasioned by wine is considerable in some of the cantons, and the liberty of the wine traffic, pushed to its utmost limits, causes, in a number of these cantons (Neuchâtel, for example), the commission of one crime as the effect of wine to every one hundred and four persons of the population. In others, an impost upon wine drives the pauper class to the consumption of brandy. That which is worst in the vice of drunkenness is not the criminal act which it has directly or indirectly caused, but much more the moral waste which the drunkard gradually suffers, and which causes him to lose all perception of the most elementary laws of morality. Happily, in Switzerland, there are generally few criminals by profession; that is to say, who are impelled toward evil as the result of a hereditary moral anomaly, or of a deplorable education. Nor is the number large of those who have become criminal by a deliberate purpose, through hatred of society and its laws, who find a fascination in crime, and who conceive that they have a right to the exercise of their vengeance. In the greater number of cases this criminal tendency is increased by drink and debauchery. It may be admitted that all those criminal natures whose earliest movements are in the correctional domain, reach at length that of crime. Anger, the absence of reflection, in a word, any sudden

over-excitement, combined commonly with the influence of drink, is a frequent occasion of crime. In the majority of these cases it is observable that the moral character of the criminal had been previously, to a certain extent, vitiated. Reverses of fortune, domestic troubles, the death of a good mother, may be an occasion of discouragement, followed by prolonged inactivity, drunkenness, and debauchery, vices which prepare the soil in which criminal thoughts speedily germinate. But such cases are less frequent among us than vulgar rapacity, sordid avarice, and the mania for litigation, which is also frequently a cause of crime of a kindred character. Poverty and misery do not often, in Switzerland, become direct causes of crimes and misdemeanours. They act only indirectly, since, for the most part, they are the result of bad education, which is the easy road conducting to depravity of a greater or less intensity. It often happens, again, that clothing, watches, money are stolen, and that misery is indicated as the cause of these larcenies. But if these cases are carefully examined, it is found that want is rarely the impelling cause, and that more frequently the authors of these offences were leading a dissolute life, and that their notions of morality were becoming weaker, if, indeed, they were not already totally effaced. Many of these petty thieves themselves excuse their crimes by alleging the destitution and misery in which they found themselves. The following statements, extracted from the triennial report (1868 to 1870) of Lenzbourg, and which may be applied to many of the Swiss cantons, gives an interesting view of the causes of crime. We transcribe it, however, under reserve, since it is impossible to classify with precision the immediate causes of crime.

Of one hundred and ninety criminals, among whom were one hundred and seventy men, we find ninety-two, equal to 42 per cent. of the men, who were addicted to drunkenness, or who committed their crimes in a state of intoxication. The proportion is 60 per cent. among the correctionals. Of one hundred and ninety-two criminals thirty-nine, or 15·6 per cent., were criminals in the true sense of the word; forty-one, or 21·3 per cent., were in a state of moral decay; eighty-five, or 44·3 per cent., became criminals through levity of character; thirteen, or 6·7 per cent., became so as the result of the

wretched condition in which they lived; twenty-three, or 12 per cent. committed their crimes in a moment of sudden excitement. Of two hundred and forty-four correctionals, nineteen, or 7·8 per cent., were criminals in the proper acceptation of the word; one hundred and five, or 43 per cent., were in a state of complete moral prostration; one hundred and six, or 43·4 per cent., had committed the fault through levity of character; twelve, or 5 per cent., in a moment of passion; and two as the result of unfortunate circumstances. If the proportion of those addicted to crime, as a profession, is higher among the criminals than among the correctionals, that is compensated by the inverse proportion of correctionals who have lost all sentiment of duty and of honour. Out of 296 orphans admitted into the penitentiary of Neuchâtel 72 per cent., or almost three-fourths of imprisoned criminals and correctionals were deprived in their infancy or their youth of paternal or maternal aid; 23 of them had neither father nor mother. Orphans are especially numerous among recidivists and correctionals. The number of crimes would be reduced among us to its minimum if the education of orphans and of illegitimate and unfortunate children were the object of a solicitude more concentrated, more steady, and more methodical. Modes of relief are not wanting in Switzerland; we have communal assistance; we have numerous and well-inclosed alms-houses; and above all, we have voluntary aid, which is designed to supplement that of the communal corporations. These last are not sufficiently careful in choosing the families to which they confide the education of orphans and deserted children. Honest families which, from charity and a true Christian devotion, receive under their care such unfortunates are still too rare. Old men who need assistance are sometimes placed by the communes at board in poor families, where they run the hazard of becoming mendicants, vagrants, and thieves. Primary instruction is obligatory in all the cantons except two, and gratuitous in several; yet, in spite of this, it happens in these cantons that children escape from control and do not avail themselves of the benefits of instruction. It is the same with mendicity, which is interdicted by law, but which continues still in spite of the bureaus of relief and assistance, because many persons cannot refuse alms to paupers who knock at their gates, and make an appeal

to their hearts. Gambling-houses may be said no longer to have an existence among us. That which is opened in the canton of Valais is the object of general censure, and its licence will probably not be renewed. The love of gaming exists notwithstanding, and the too numerous idlers who frequent the wine-shops seek habitually diversion and excitement in gambling. Public houses of prostitution are tolerated only in a few great centres of population. Secret prostitution is by no means wanting. Finally, there ought to be named as one of the sources of crime the defects of most of our systems of penal legislation and the absence of a suitable penitentiary system in several of the cantons. Efforts are made to dry up all these sources of crime, but this labour of moral hygiene does not proceed with sufficient concert of action. In the several cantons progress is made with different degrees of slowness. The result is that the success of those cantons which have introduced reforms into their penal and penitentiary systems is compromised by numerous cases of relapse, coming from neighbouring cantons less advanced. In order to hasten the realisation of progress throughout all Switzerland many voices have been raised, on occasion of the revision of the federal constitution, to demand, if not the centralisation, at least the unification of the penal code, the promulgation of federal laws to insure the greater diffusion of education, to regulate the assistance to be given to paupers, to abolish gambling-houses, &c., &c. These reforms will be realised some day. But such a work requires time, which indeed is demanded by the general law of human progress.

64. In the prisons of Switzerland, the two sexes are represented in the following proportions: The men form an average of 80 and the women of 20 per cent. This average varies slightly in different cantons. In some the women are but 15 per cent. of the total prison population.

65. The study of social questions, undertaken by numerous societies of public utility, and the reports presented in the meetings of the Swiss society for the reform of the penal system and of prison discipline, have enlightened public opinion to such a degree that the legislative assemblies of most of the cantons are favourable to the propositions made with a view to the introduction of penitentiary reform into all

our prisons. On the other hand, public opinion declares itself in favour of expenditure designed to improve the condition of criminals only after the State has supplied the country with hospitals, insane asylums, orphan houses, schools, &c., &c., that is to say, with all needful establishments designed for the honest poor. In all the cantons where these institutions are found, the old theory of penal repression, based on vengeance, has given place to more humane ideas, the responsibility resting on society as regards the causes of crimes is better understood, and the system introduced into most of the prisons has for its aim the reformation of the prisoners. It is true that the penal codes of many of the cantons are based on punishment, intimidation, and expiation. But, despite the text of the codes, which was often written prior to the reform of the prisons, it is sought in the penitentiaries, particularly in those which we have grouped in the two superior classes, to employ agencies which may combine at once repression and reformation. While in some cantons (those of the two inferior groups) the principle of repression is alone admitted, we see the canton of Zurich setting a good example by declaring, in its penal code, 'October 1870, that the application of punishment ought positively to have for its object the reformation of the criminal. This principle, which some day will be applied in its whole length and breadth, dates only from yesterday. Hence we need not be surprised that the country is found in that transitional period when the principle of intimidation still struggles against the moral reform of criminals. The spirit of vengeance is not entirely extinguished; it still shows itself whenever any atrocious crime has just been committed. But the moment of indignation is transient, which shows that an immense progress has already been realised, and that its development proceeds without cessation, in spite of occasional reactionary movements.

66. The favourable results obtained in the moral reformation of prisoners, subjected to the penitentiary *régime* of the modern establishments, incite the others to a revision of their penal codes. No doubt there are many criminals and correctionals in whose case the influence of the improved penitentiary system does not make itself felt. As among the insane, there are incurable moral maladies; persons in whom the moral sense has been completely perverted suffer themselves to be impressed

in a penitentiary only by the evil which they find there, and show themselves insensible to the good which is sought to be accomplished. On the other hand, the greater number are far from being depraved, and the moral force of those who form this class increases in the prisons. At the moment of their liberation they feel themselves reconciled to society, and they have the firm intention of regaining, by their good conduct and by honest toil, the esteem of their fellow-citizens. It is not easy for a prisoner to carry into effect his good resolutions. He has to confront many prejudices, to conquer many obstacles, and to resist many temptations, to which he would sometimes succumb if some charitable hand were not extended for his succour.

67 and 68. It is with a design of preventing relapses among liberated prisoners, with or without a trade, that there are formed in most of the cantons patronage societies. The canton of Saint-Gall was one of the first to give its attention to this subject. Thirty years ago the resolution was formed in that canton to establish a penitentiary house, organized on the principle of the reformation of prisoners; but its execution was essentially subordinated to the formation of a society which should have for its mission the supervision of liberated convicts. In the autumn of 1838 the penitentiary of Saint-Jacques was finished, and on November 24 of that same year there was passed on criminal punishments a new law, which declared in article 6:—

After his liberation, it will be the duty of every prisoner who is a citizen of the canton, or has his domicile there, to place himself, for three months at least to three years at most, under the protection of a patronage society.

On the 15th of the same month the grand council of Saint-Gall adopted, in regard to the administration of its penitentiary, the following resolution:—

ARTICLE VI.—The commission of direction will take care that all the liberated prisoners find an honest support and be placed under patronage. In this view it will endeavour to found a special society, to which the minor council will be able to confide the care of the liberated prisoners, in conformity to a rule approved by the council.

These arrangements greatly facilitated the organization of

the patronage society of Saint-Gall. Thus, on June 10, 1839, the society was organized, and on the 21st of the same month its statutes were ratified by the minor council, which, in its letter missive, expressed the hope that it would accomplish by incessant devotion what the law could not exact. The system on which this society was founded has undergone no modifications down to the present time, and it has even been confirmed anew by a decree of August 16, 1860. It is to be remarked that the committee is authorised to hand over to the police of the canton every individual whom it is unable to keep under its supervision, or who has rendered himself unworthy of its protection—an authority which has hitherto proved almost useless. In the canton of Zurich a patronage society was founded in 1865. It differs from that of Saint-Gall, inasmuch as it is based on liberty of action, and is subject to no governmental restriction. Its protection is granted, in preference, to juvenile delinquents, and it extends its aid not only to prisoners discharged from the penitentiary, but also to those who have undergone their punishment in a district prison. At Saint-Gall the patronage committee receives from the director, six weeks before the liberation of the prisoner, information relating to his age, his conduct, his trade, and the causes of his sentence, and decides at that time whether the prisoner is deserving of patronage, and what measures ought to be taken in regard to him; whereas at Zurich the director and the chaplain of the penitentiary, being themselves members of the central committee, are officially called upon to give, orally, the information required, and to submit to it the propositions which they judge suitable as regards the patronage of the discharged prisoner. When that is done, the president selects from among the members of the committee, for each prisoner, a reporter charged with drawing up a paper in relation to the cases, and after discussion the committee takes a definitive resolution. In order that the patron may become acquainted with the prisoner and question him concerning his plans for the future, permission is granted to visit him before his liberation. It is admitted in principle that the society is not to bestow its care upon those who, morally and materially, have no need of it, or refuse it, or give no hope of improvement from it. This fact, like many others, shows that there are reforms necessary in

our penal legislation in regard to the duration of punishments. The annual reports of the central committee of Zurich show that the work of patronage is there in full activity. The patronage society of Berne, organized in 1864, owes its existence to the Society of Public Utility. Its organization does not differ in any essential point from that of the societies of which we have just spoken, and, like that of Zurich, it is based on the principle of free action. In the report of the labours of the first year the committee makes the following observations:—

At first we had in view only the patronage of prisoners whose previous and present conduct offered sufficient guarantees. It was necessary that the first essays should not be an occasion of discouragement to the society. Our earliest efforts disappointed us. We had no success, and it was only when we had the courage to afford aid to recidivists and great malefactors that our success became complete. Although Mr. Dick, chaplain of the establishment, did not cease to speak to the prisoners of the many benefits of patronage, both in the pulpit and in his personal visits, we had only now and then an application for assistance. There is occasion to propose this question, which is worthy of a serious examination, to wit, Whether it would not be expedient that the patronage society have, by law, an official position.

In the canton of Bâle-ville it is now some years since the Philanthropical Society and the Society of Public Utility have added to their vast and laudable field of activity the patronage of prisoners sentenced criminally and correctionally. They give their attention specially to juvenile prisoners, whose moral regeneration offers a better chance of success, and they take great pains to find places for them as apprentices. Hitherto the results obtained have been highly satisfactory. In 1835 a patronage society was formed at Neuchâtel, and for some years was actively engaged in its appropriate work. Its labours were resumed in 1844 by a new committee, which had at first the material and moral support of the Government, but subsequently had no other resources than those obtained through voluntary contributions. It obtained no moral results, became disheartened, and ceased to exist during the political events of 1848. The principal cause of these disappointments was, as we think, the absence of a rational penitentiary system. Hence,

at the opening of the present penitentiary, by a spontaneous movement, many persons residing in the six districts of the canton started the project of the formation of a patronage society for liberated prisoners. This society was organized and its regulations adopted April 6, 1871. Like all the voluntary societies, it manifests, at the commencement of its career, much zeal and enthusiasm for the object to which its efforts are directed. The cantons of Lucerne, Thurgovia, Appenzell, Vaud, and Glaris have also societies organized similar to those of which we have just spoken. In the canton of Argovie much zeal is shown in the patronage of liberated prisoners, and as in this canton conditional liberty is authorised by law, it has been proposed to charge the consistories, that is, the elders of the churches, with the supervision and care of liberated prisoners. But as in this canton the principle of the separation of Church and State has just been decided upon, patronage will now be confided to the officers of the civil state. Wherever they exist patronage societies aid discharged prisoners by their counsels, watch over their conduct, shield them from evil enticements, and purchase the clothing, tools, &c., which may be needed by them. They endeavour to aid their beneficiaries by procuring work rather than by giving them assistance in money. In spite of all these efforts, the results do not correspond to our desires, and, as may be seen from what has been said, there is not sufficient unity in the organization of patronage. This is a great inconvenience, which the Swiss society for penitentiary reform is seeking to remove, by bringing into mutual relation all those persons who, in the different cantons, occupy themselves with the patronage of liberated prisoners.

69. The restricted limits of the present report do not permit us to discuss the imperfections of our penal system, and of the discipline of our prisons. What has already been said gives indications of the reforms to be desired. We therefore limit ourselves to a *résumé*, under the following heads, of the reforms which still remain to be accomplished:—

- (1) The unification of the penal code, based on the principle of the moral reformation of prisoners.
- (2) The reform of our detention prisons for persons awaiting trial.
- (3) The increase of the number of reformatories for juvenile

delinquents and vicious boys, and also the reform of work-houses and houses of correction for vagrants and idlers.

(4) The erection of penitentiaries in cantons which have only the old-fashioned prisons, which are incapable of rational transformations. Two or more cantons might come to an agreement to establish a penitentiary in common, or they might make arrangements with a canton which already has one, or found other establishments to be used as intermediate prisons, agreeably to the progressive Irish prison system.

(5) The special education of prison officers and *employés*.

(6) The reform of the disciplinary and educational *régime* of the penitentiaries, with a view to the moral regeneration of the prisoners.

(7) The direction and supervision not only of the administration of all the prisons, but also of preventive institutions (such as public assistance, orphan houses, agricultural colonies, refuges, patronage societies, &c.,) in the hands of special officers of the Government.

(8) The united action of the State and voluntary philanthropic societies and societies of public utility.

(9) Finally, the perfecting of all institutions whose aim is the prevention of crime, whether in the domain of education, instruction, social conditions, &c., or of that of police and of justice.

Dr. GUILLAUME.

Neuchâtel.

UNITED STATES.

1. *Prison System.*—It should be remembered that the great North American Republic is composed of nearly forty separate States, with local self-government, and a dozen dependencies not yet elevated to the rank of States; that these fifty jurisdictions are, in matters of crime and punishment, independent of each other, and very little controlled by the national Government; that they vary in antiquity, from Virginia, New York, and Massachusetts—which have been inhabited by the Indo-European races for more than two centuries and a half—to the new territories of Dakota and Montana, which ten years ago were occupied only by roving savage tribes; and that, consequently, almost every variety of social condition prevails in this vast area, larger than half of Europe, and more populous at this moment than any European nation except Russia.

As a nation, the United States have existed for nearly a century, their separation from the British Empire being coeval with the first improvement of prisons, resulting from the labours of John Howard. Consequently, the prison system of America, like all the modern systems, dates no farther back than 1784, when the old Walnut Street Prison of Philadelphia was built, and the first organized effort to improve prison discipline in the United States was made by the Pennsylvania ‘Society for Alleviating the Miseries of Public Prisons,’ of which Dr. Franklin was one of the founders, in 1787. The national Government, as now established by the Federal Constitution of 1787, dates from the same period; but it has never much concerned itself, as a Government, with the prison system of the country, its first step in that direction being the appointment of Dr. Wines, in 1871, as a commissioner to organize the present International Prison Congress. Whatever has been done, therefore, has been the work of the separate States of the Union, and almost wholly within the present century. The oldest penitentiary now in use is probably that of Massachusetts, at Charlestown, near Boston, which was begun in 1800, and began to receive convicts in 1805. Among

the county gaols there are probably a few older than this; but the greater number, both of state and county prisons, have been built since the beginning of the world-wide controversy between the advocates of the cellular or Pennsylvania system, and the silent or Auburn system, now generally known as the *separate* and the *congregate* systems of prison management. This controversy, opened in America about half a century ago, took a concrete and practical form with the opening of the Auburn and Sing-Sing Penitentiaries in the State of New York, built on the congregate plan, with separation at night in single cells; and the two penitentiaries of Pennsylvania, at Philadelphia and at Pittsburg, built on the separate plan, with cellular imprisonment day and night for each convict.

These four prisons, and the remodelled Charlestown prison, constructed on the Auburn plan, had all been opened in 1830, and were visited a few years later by the illustrious French Commissioners, MM. Beaumont and de Tocqueville. At that period—say forty years ago—and for fifteen or twenty years afterwards, it was an open question in the United States whether the Pennsylvania or the Auburn plan of construction and management should be followed; but such is no longer the case. The States like Rhode Island, New Jersey, &c., which had partially adopted the Pennsylvania system, have now all gone over to the Auburn plan; the new States, of which a dozen have been created since 1835, have all adopted the Auburn plan; and even in Pennsylvania the cellular system has been abandoned in one of the two state penitentiaries and many of the county prisons. At the present time there is but one state prison managed on the cellular system—the Eastern Penitentiary at Philadelphia—which contained on May 1, 1872, but 595 convicts, out of an estimated total of 16,500 convicts of the same grade in the whole United States. That is to say, less than 4 per cent. of the long-sentenced convicts of the whole country are now confined in cellular prisons; the other 96 per cent. being confined in congregate prisons, managed more or less strictly on the Auburn plan. Of the county, district, and city prisons, containing persons waiting trial, and convicts sentenced for minor offences, the proportion managed on the cellular system is still smaller. The State of Pennsyl-

vania alone has any cellular prison of this grade, and the number of their inmates on May 1, 1872, did not probably exceed 750; while in the rest of Pennsylvania, and in the other States and Territories, the number of prisoners of the minor grades, exclusive of juvenile delinquents in reformatories, was probably between 20,000 and 25,000 on May 1, 1872. This would give less than $3\frac{1}{2}$ per cent. of the whole number confined in cellular prisons, and this percentage, say one-thirtieth of all, probably would hold good for the number of prisoners of all grades in the United States confined in cellular prisons; the estimated whole number in confinement on May 1 being not less than 38,500, or a little less than one prisoner to every 1,000 inhabitants of the whole United States.

It is evident, therefore, that the system of association, as opposed to the Pennsylvania cellular system, prevails in the United States; the relative proportion of prisoners under the two systems being as 96.5 to 3.5 in every hundred. In regard to the classification of prisoners in other respects, the broad distinctions are those named above—*state* prisons and *county* prisons. States or commonwealths are the federal units of the American republic, and of these there are 37; but the units of each State are the *counties*, numbering, in the whole country, about 2,100. In each of these counties there is, or may be, a county prison, and in some of them there are two, three, or four. In the 37 States there are now 39 state prisons and two state workhouses; the latter in Massachusetts and Rhode Island. In two States, Florida and Delaware, there are as yet no state prisons; in Pennsylvania and Indiana there are two each, and in New York there are three state prisons. Reckoning about 40 state prisons in all, the average number of their inmates, for the last year or two, has probably been about 16,000; but for the last year the number has been increasing. Of this average number, the State of New York has furnished about 2,700 in its three great prisons; Illinois 1,300 in its one prison; Ohio a little more than 1,000; Pennsylvania a little less than 1,000; Massachusetts (including the workhouse convicts) nearly 900; California almost 800; and Missouri nearly 900; so that these seven States supply about half of the convicts of the higher grades of crime. The same is true of the inmates of the city, county, and district prisons of all grades,

who, in these seven States, average now probably nearly 10,000, out of a total in the whole country of perhaps 22,000. These numbers are nothing more than careful estimates, while the average in the state prisons is quite exactly computed; the fact being that nobody knows exactly the number of the county prisons in the United States, much less the average of their inmates; nor is the number of the town and city prisons known, nor the average of their inmates. The district prisons—intermediate between the state and the county prisons—are few in number, and are very well known. These four classes, municipal (town and city), county, district, and state prisons, include all places of confinement in the United States, except for juvenile offenders.

In all these prisons, of all classes, when the last census was taken (June 1, 1870), the number reported in confinement was 32,208, but this is known to have been too small. The true number, even at that season of the year—the summer—when the fewest persons are in prison, was not less than 35,000, and in the winter of the same year it no doubt rose to more than 40,000, with an average number through the year of at least 38,000. If we suppose the same to be the average number in confinement during 1871, and 16,000 to be the average number of state prison convicts (neither being far from the true number), it is probable that 8,000 of the remaining 22,000, and perhaps even half that number (which would be 11,000), are held in gaol awaiting trial or sentence; while from 11,000 to 14,000 are under sentence in the minor prisons of counties and districts, for offences of less criminality than are punished in the state prisons.

As for the sex, nationality, age, &c., of these prisoners, if we confine ourselves to general statements, we shall be within bounds in saying that not more than one in six of the 38,000 persons mentioned as the average prison population of the whole United States are women. In Massachusetts, where the proportion of women to men is largest among prisoners, it varies from one in three to one in four; but in some of the States it does not exceed one in ten, and the proportion is much less even than this in the prisons of the highest grade—the state prisons. In that of Missouri, on May 1, 1872, there were 861 men and only 23 women, or one in 38; in the Illinois

state prison, at the same date, there were 1,299 men and only 14 women, scarcely more than one in 100. In the gaols and minor prisons, the proportion of women is much greater. In a period of ten years—from 1862 to 1872—the Detroit House of Correction, in Michigan, received 2,405 commitments of women, in a total of 8,744, a little less than a fourth part; while in the Boston House of Correction more than a third part are women. In the Boston gaol, however, there were less than 500 women committed out of a total of more than 4,400.

The nationality of the prisoners is more difficult to determine; but in the Northern and Western States, a majority of them are of recent foreign origin, chiefly Irish and German immigrants, or their children; while in the Southern States a great majority of the prisoners are of the African race. Thus, in Massachusetts, where the statistics concerning prisoners of all classes are more carefully tabulated than in any other portion of the country, less than a third part of the ten or eleven thousand persons annually committed to prison are the children of American-born parents, and more than three-fifths of all are returned as foreign-born. It is probable that this proportion is exaggerated in the returns, including some that are of foreign *parentage* rather than of foreign *birth*; but there is no reason to doubt that in Massachusetts and in New England generally, at least two-thirds of all the prisoners are of foreign parentage, and more than half of Irish extraction. In the great State of New York the same thing is true; in Pennsylvania the proportion of prisoners of foreign parentage is less, but still very large; and although Ireland furnishes more of them than any other European country, Germany comes next in order. Thus, of the *foreign-born* convicts in the two state prisons of Pennsylvania, who make about one-fourth of the whole number, Ireland furnished nearly one-half, and Germany almost a third part. In these two prisons there were received in the forty-four years, from 1827 to the end of 1870, 10,778 convicts, of whom 2,716, or 25.2 per cent. were *foreign-born*; and no doubt as many more were of foreign *parentage*. Among 8,744 convicts, sentenced to Mr. Brockway's House of Correction, in Detroit, Michigan, in the ten years ending December 31, 1871, no less than 4,456 are set down as *foreign-born*, more than 50 per cent. of the whole number. Of these, 2,717

were born in Ireland, 916 in the Canadian Provinces, 458 in England and Wales, 453 in Germany, 270 in Scotland, 57 in France, and 141 in other foreign countries. If those of foreign *parentage*, born in the United States, were added to the foreign-born, they would make three-fourths of the whole number, probably; and at least half of the 8,744 must have been of British and Irish parentage. The proportion of foreigners in the higher prisons is less, however, than in the city, county, and district prisons; although certain high crimes, such as burglary, are generally the work of criminals of foreign birth or parentage.

In the sixteen States which formerly held slaves, and in which the coloured race is found in great numbers, the proportion of coloured prisoners far exceeds that of the foreigners or of the white prisoners in general. Thus in the Maryland state prison, on May 1, 1872, there were 676 convicts, of whom 474 were coloured, and only 202 white, although the white inhabitants of the State exceed the coloured in the proportion of more than three to one. In the Kentucky state prison, at the same date, 308 convicts out of 608 were coloured; the numbers of white and coloured inhabitants of the State, by the census of 1870, being respectively 1,098,692 and 222,210, or nearly five to one.

In Maryland, out of 669 convicts, whose nationality is given, only 63 are reported as foreign-born; this, however, is nearly a third part of all the whites in the list. In Alabama, among 360 convicts, 282 were coloured, and only 15 were of foreign birth. In the Mississippi state prison, out of 360 convicts in 1870, 273 were coloured, and only 87 white, the population of the State being more equally divided between the two races. In the North Carolina state prison, among 389 convicts, only 87 are white, while 302 are coloured. Probably, two-thirds of all the prisoners in the former slaveholding States are, at this moment, coloured men and women, although the white population is to the coloured in those sixteen States (Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia) nearly as two to one. And on the whole it may be said that the 5,000,000 coloured inhabitants of the United States, and the

11,000,000 of recent immigrants and their descendants within the last forty years, who together make up but two-fifths of our whole population, supply not less than two-thirds, and probably three-fourths, of the prison population of the United States.

The age of this prison population, which at any one time has been taken as 38,000, but which includes, perhaps, 250,000 persons that have been in prison for longer or shorter periods, does not vary very much in the different States. They are generally young men and women, their average age rarely exceeding 30 years in any part of the country, and generally being not much over 25 years. The 8,744 convicts at Detroit in ten years averaged nearly 35 years old; but excluding the 2,247 recommitments, the age at first imprisonment would not have exceeded 25 years probably. Out of 7,092 convicts received at the Eastern Penitentiary of Pennsylvania, in 43 years, 4,685, or 66 per cent., were less than 30 years old; and if we exclude the 558 reconvictions, and consider only the 6,416 convicts actually received at the Eastern Penitentiary, it is probable that their average age would not exceed 28 years, while 70 per cent. of them would be found to have entered under 30 years old. Indeed, the average age of the reconvicted prisoners admitted there in 1871 was less than 29 years. Of 669 convicts in the Maryland state prison, the average age was about 27 years, and 350 of them, or more than half, were under 25 years. Of 303 convicts in the Kansas state prison, 196, or nearly two-thirds, were less than 25 years old, and the average age of all did not exceed that. Of 203 convicts received in the Michigan state prison in 1871, 97 were 25 years or under, and the average age was 28½ years. In the Alabama state prison in 1870, out of 360 convicts, 259, or nearly three-fourths, were under 30 years old, and the average age did not much exceed 25 years. These examples will be sufficient to show the condition of our prison population in respect to age.

The statistics of illiteracy will be given in another place. But, for convenience, it may here be said that not more than 6,000 of our 38,000 prisoners now in confinement are women; that 6,000 or more are of the coloured race, and that probably 20,000 are of foreign parentage; that nearly 20,000 are wholly

illiterate; and that more than 25,000 are less than 30 years old.

2. *General Administration.*—It has already been remarked that the national Government takes no share in directing the prison-system of the United States. Each of the 37 States manages its own prisons; and although there are a few prisons under national control in the Territories, the majority of convicts there are placed in some of the prisons of the States. For example, the Albany Penitentiary in New York, and the Detroit House of Correction, in Michigan, which are both district prisons, receive convicts from the United States courts in the Territories. Convicts sentenced in the national courts of any State generally serve out their sentence in the state prisons of that State, under the direction of local officials controlled by state laws.

In the individual States also there is, generally speaking, no central authority governing all the prisons of a State, although the last ten years have developed a tendency to establish such a central bureau in several of the States. Generally, the bureau is charged with the inspection of prisons only, and has no power to regulate their management or appoint their officers. Such bureaux exist, under the name of boards of charities, in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, and Missouri; and similar boards in Massachusetts, Rhode Island, and North Carolina take some part in prison inspection, or management, or both. In New York the state board of charities is expressly excluded from any direction or even inspection of the prisons, and the three great prisons of that State are placed under the control of another board, known as the Inspectors of State Prisons; while a private society with public duties, the New York Prison Association, of which Dr. Wines was for many years the secretary, is allowed, and indeed required, to inspect all the prisons of the State and the counties. Nothing that can properly be called 'central *authority*' over all the prisons of a State is known to exist anywhere in the Union; but wherever there is the nearest approach to this, the results are the most satisfactory. Without it, there is, at best, a great lack of method and of the highest prison discipline; and oftentimes gross abuses prevail in many of the local prisons. These have been revealed, to some extent, in official reports within the past

five years; notably in New York, Pennsylvania, Ohio, Michigan, Illinois, and Wisconsin; and were a searching investigation to be made in Massachusetts, no doubt such would be revealed there. As a rule, each city and county manages its own prison, and where a city or county has several prisons, these are very likely to be under distinct officers or boards of management, which have little acquaintance with each other, and little knowledge of the general system of prisons in the State.

Hence, if we find in any State a prison exceptionally well managed, like the Albany Penitentiary, under the management of General Pilsbury and the Detroit House of Correction, under that of Mr. Brockway, in Michigan, it by no means follows that the other prisons will be good; and it may happen that a spirit of envy or jealousy will prevent the managers of one prison from adopting the improved system which has been introduced at another prison. The chief defects of this disorganized condition of prison management spring, however, from a mutual ignorance of the condition and working of prisons that should co-operate with each other; and one great advantage derived from the meeting of the Cincinnati Prison Congress was a better acquaintance of prison managers with one another, and a wider knowledge gained by them of the prisons in their own and in other States. There is no better illustration, probably, of the whimsical lack of all proper centralisation of prison authority in the United States, than the present condition of the laws and their administration, as regards prison inspection and management, in Massachusetts—the State which is often considered, and certainly considers itself, as foremost in prison discipline, not only in America, but in the whole world. In some respects, no doubt, Massachusetts holds an advanced position, but whether this is true of her system of prison management may be judged from the facts now to be stated. Within her borders are three distinct classes of prisons—those of the State, of the fourteen counties, and of the cities and towns. There are two state prisons, viz., at Charlestown, near Boston, and at Bridgewater, not far from Plymouth, wholly distinct in their management, except that the Board of State Charities, which has the power of discharge at Bridgewater, has the general inspection of both, but with no authority to appoint officers or to establish rules in either. The Governor

and Council of the State have also general powers of inspection, and can pardon convicts in the Charlestown prison, as well as appoint the chief officers of both state prisons. But, besides these two boards of inspection, there is also a board of inspectors for Charlestown, and another for Bridgewater, quite independent of each other; and these two boards, in concert with the warden or master of either prison, manage all the details of its affairs, and report both to the Governor of the State and to the Board of State Charities. There is a prison commission also, which has no duties concerning the Charlestown prison, but which may visit and inspect the other; there is an 'advisory board' of ladies, to assist the prison commission; and, finally, there is every year a prison committee of the State Legislature, which visits and reports upon both state prisons, but has no power to do anything further. Thus there are *seven* distinct commissions to look after these two prisons, including in all no less than *thirty-seven* official persons, all more or less charged with the duty of inspection, but without any practical co-operation with, or subordination to, each other. Then there are fourteen counties in the State, each containing one gaol, and several containing two or three each, which are under the control of the county sheriffs, chosen by the people, for terms of three years, and of a board of commissioners in each county chosen in the same way. But in the largest county (Suffolk), and the smallest (Nantucket), there are no county commissioners; the municipal governments of Boston and of Nantucket Town taking their place. These gaols are also inspected by the Board of Charities (when it chooses) and by the Prison Commission, the Advisory Board, and the Prison Committee of the Legislature; and may be inspected by the Governor, who has power to remove the county sheriffs. There are nineteen of these gaols, each controlled and inspected by *six* different boards, including in all about *seventy-five* official persons. Then there are fifteen other county prisons for convicts, called houses of correction, thirteen of which are managed by the county commissioners above-mentioned; one by the 'selectmen' of Nantucket Town; and one, the largest of all, by a Boston board, called the Directors of Public Institutions of the City of Boston, which also has under its control another great Boston prison, known as the House of Industry. In each county the

commissioners appoint another board, called Overseers of the House of Correction, who are to inspect those prisons and have some control of their management; these number in all about forty, and the Boston board has twelve members, thus adding some *fifty* non-official persons to the long list. All the houses of correction may be visited and inspected by the Board of Charities, the Prison Commission, the Advisory Board, and the Prison Committee, as well as each by its own overseers and commissioners, or directors, and by the Governor and Council, who have the pardoning power jointly with the overseers; so that there are *eight* distinct boards, comprising about *one hundred and twenty* persons for these fifteen prisons. The Boston House of Industry, however, is exempt from all inspection save by its own directors and the Prison Committee of the Legislature. Next come the city and town guard-houses, or police-stations, of which, perhaps, there are 120 in the whole State, under the charge of the municipal governments, and rarely inspected by anybody else. The managers of these small prisons probably number about 300, and are annually elected by the people. Finally, there are the city and town workhouses, large and small, numbering, perhaps, a dozen in all, and managed by a few of the same 300 municipal officers. In all, we may count up for the Massachusetts prisons not less than 350 different official persons concerned in their management and inspection; the number of prisoners in them all never exceeding 3,500 at any one time.

From this we might infer that the Massachusetts prisons were thoroughly inspected, however perplexing might be the system under which it was done. But, in fact, there is no municipal inspector who has been in all the municipal prisons; no county inspector who has been in all the county prisons; few state inspectors who have been in all the county prisons or any of the municipal ones; and no one person in the State who has ever visited half of the prisons it contains. Consequently, there is no proper knowledge anywhere of the relation of one part of the prison system to the rest, and no proper *system* at all, but only a confusion of laws, rules, boards, and details. There are wheels in plenty, and wheels within wheels, more than the sacred prophet saw in his vision; but there is no 'spirit within the wheels' by which they are regulated and made to move

harmoniously. Probably, no other State enjoys so complicated and various a prison system as Massachusetts, in which are as many devices and contrivances as in the cabinet where the Abbé Siéyes, in Burke's famous satire, manufactured constitutions for France. Unfortunately these devices, however ingenious, result in neutralising responsibility, deadening the public vigilance, and opening the door to culpable neglect and to petty corruption. The instruction, the reformation, the discipline, and even the life of poor prisoners may be sacrificed in the medley and delay of so much legal machinery; for each of these important things, like Johnson's hero, is

Condemned, a needy suppliant, to wait
While ladies interpose and *boards* debate.

In connection with the Massachusetts prisons, three isolated facts offer themselves to the recollection of the present writer, not connected by any necessary chain of cause and effect with the system just described, but perhaps illustrative of it. During a debate concerning one phase of the prison question in the Massachusetts Legislature, on the 6th of May last, a Boston member, who had probably never seen the inside of ten among the 150 prisons of his State, remarked complacently, and evidently with the approval of the House, that 'Massachusetts had the best prison system in the world.' A few weeks previous—in consequence of the acceptance of a gift by the highest prison superintendent in the State, at the hands of a contractor, who gave it for the manifest purpose of securing a favourable bargain for himself from the prison government—the last touch had been given to this perfect system, in the same Legislature, by the passage of a law forbidding any prison officer to take bribes. And just a week after the speech above cited, that is, on May 18, the grandson of one of the most illustrious statesmen of Massachusetts in former years—a youth of amiable character, but unfortunate habits, was fatally burned in a Boston guard-house, through the neglect of the policeman who had locked him up there, alone and helpless, and in the midst of combustible materials. Thus, on one side of the official eulogist, is corruption in the chief officer of the highest prison, long undetected and still unpunished; while on the other side is a horrible casualty in the lowest prison, of which official negli-

gence was the direct cause. It may not be unjust to consider these events as a commentary on the intricate prison system of Massachusetts, itself the successive growth of many years spent in trying to avoid what can alone govern prisons well—a central, simple, and vigilant method of control and inspection. But of such a method there is no example in a single State of the Union as yet known to the present writer. Perhaps the prison administration of the small and populous State of Rhode Island comes nearest to this ideal. In general, the results of prison discipline depend wholly on the management of each individual prison, and have no reference at all, or a very slight one, to any comprehensive system; for none such exists in America.

3. *Discipline*.—Considering, therefore, each prison by itself, it becomes impossible to give a single definite answer to the questions asked under this head. There are, perhaps, 1,000 prisons in the United States large enough to have the word 'discipline' applied to their management; and in these every variety of discipline, lack of discipline, and abuse of discipline is found. In a great many, nothing is sought but the security of the prisoner and the convenience of the prison-keeper; in many others, the discipline is 'intended mainly to be deterrent,' but, through laxity or severity, becomes a stimulus to crime: in some it is really deterrent without being reformatory in aim or result; in a great many the nominal aim is reformation, but the reasonable means thereto are neglected; in a few the wise combination of deterrent and reformatory means is attempted, and succeeds in either direction, or in both, according to the skill, opportunity, and perseverance of the prison government. But the great majority of prisons in the United States are, in fact, neither deterrent nor reformatory to any great extent; sometimes because no effort is made to comply with the laws—which almost everywhere require in terms this twofold discipline, though they do not often furnish suitable means—and sometimes because the best agencies are not employed or are not continued persistently. The deterrent agencies are solitude, silence, hard fare, and constant labour; sometimes also severe punishments are employed. The reformatory agencies are instruction, secular and religious, industrial training, the encouragement of shortened sentences for good conduct, etc. By some of these means, 'it is sought to plant hope in the breast

of the prisoner and keep it there,' and to these are added gratuities for work, the visits of philanthropic persons, and of the prisoner's own family, and the promise of help in leading an honest life upon his discharge. Conditional pardon, which enters so largely into the Irish convict system, has little place in ours, the 'commutation laws,' by which sentences are shortened for good behaviour, being almost the only feature of the Irish system much in use here, and that not very systematically.

Probably punishments are more relied on than rewards in governing the prisons; but there is not much variety of either in most of them. Flogging is forbidden by law or usage in most of the States, but it is practised in some prisons where it is forbidden. The same is true of the yoke, the shower-bath, the iron crown, and other methods of torture. Deprivation of privileges, solitary imprisonment, often in a dark cell, and wearing a ball and chain, are the most common punishments; the rewards are petty privileges, such as better food, the use of tobacco, a light in the cell, etc.; gratuities for work and a shortening of the sentence for good conduct. There is no exact mark system, so far as is known, in any American prison, but there may be examples not yet made public.

4. *Religious and Moral Agencies.*—Nearly all prisons that average fifty inmates employ a chaplain and hold weekly religious services; the Bible and a few religious books are almost always supplied; and in many of the prisons there are Sunday schools, prayer-meetings, and the labour of volunteer visitors. Many prisons, however, exclude volunteers, unless belonging to some recognised church or other organization; and in some the labours of a chaplain are regarded as useless. Nothing is more difficult to estimate than the results of work of this kind; but it is to be feared that neither the gifts nor the perseverance of the chaplains and visitors are often equal to the arduous work of imparting religious and moral instruction to prisoners. Yet there are striking exceptions to this remark.

5. *Secular Instruction.*—The general condition of American prisoners, in point of education, is low, yet they are not so extremely illiterate as criminals are in many countries, if we except the coloured criminals of the South. In Massachusetts, for a period of eight years past, the statistics show very nearly

one-third of all prisoners to be wholly illiterate; yet in the highest prison, at Charlestown, the proportion of illiterate convicts since the beginning of 1864 has been scarcely more than one in ten. In the Philadelphia prison (Eastern Penitentiary), out of 7,092 prisoners received between 1829 and 1872, just about one-fifth (1,418) were wholly illiterate, and almost a sixth more (1,124) could only read. In the Western Penitentiary of Pennsylvania, at Pittsburg, the proportion of illiterate convicts is less (42 in 375, or one-ninth), while those who can read only is also less (47 in 375, or one-eighth). In the county prisons of Pennsylvania no doubt more than a third of the prisoners are illiterate; and the same is true of New York; but in the large Western States of Ohio, Illinois, Michigan, and Wisconsin, the proportion of the illiterate is smaller, and probably does not exceed one-fourth. Out of 8,744 convicts received by Mr. Brockway in Michigan, 2,100 were wholly illiterate; but in the Michigan state prison, only 42 out of 356, or less than one-eighth, were wholly illiterate, though only 286, or three-fourths, could both read and write. In the Iowa state prisons 34 out of 216 could neither read nor write; in the Kansas state prison 61 out of 303, while 42 more could read indifferently but not write. In California 226 convicts in the state prison out of 732 (nearly one-third) were illiterate. But when we look at the late slaveholding States, the proportion of illiteracy greatly increases. Of 669 convicts in Maryland, 394, or nearly three-fifths, could neither read nor write; of 389 in North Carolina, 264, or more than two-thirds, can neither read nor write; in the other fourteen Southern States the proportion is probably about the same. Practically, then, two-thirds of the prisoners in these sixteen States are illiterate, while in the rest of the Union something more than one-third are so, probably; so that about half the 38,000 prisoners now in confinement are practically without education. The women in prison are not so well educated as the men, and the short-sentenced convicts, as a rule, not so intelligent as those sent to higher prisons.

The provision made for the mental improvement of prisoners is undoubtedly better now in most of the States than it was a few years ago. Public attention has been drawn to the subject, and in a few prisons not only libraries and schools, but lectures

have been established, with a view to the general education of the convicts, and to aid in their reformation. The best instance of this prison instruction in the United States is probably found in the Detroit House of Correction, where a school system was established in 1869, when the number of convicts was about 360; on May 1, 1872, it was 402, of whom 296 were men and 106 women. During the year 1871 the average number of convicts in the prison was 385, in school 219, or nearly two-thirds of the whole number. Of this average (219), 141 were men and 78 women, the schools being separate. In his last report, Mr. Brockway says:—

This system was introduced among the prisoners to aid their reformation, and is now conducted for this purpose; not so much to relieve the monotony of imprisonment and to impart the ability to read, write, and cipher, for the convenience of these accomplishments, as to discipline the mind and fit it to receive and to evolve in the life the thoughts and principles that constitute their possessors good citizens. Attendance upon the school is made obligatory, and the intellectual tasks are required, as are the industrial. The sessions of the general school are two and one-half hours each, on two evenings every week, and are for recitations chiefly. The writing school is also held on two evenings each week for both men and women, and the men's writing class is followed each evening with a normal or teacher's class, in preparation for the general school. The women associate a singing exercise with their writing class on each evening. All prisoners who attend school are supplied with a light in their cell, for study, and all draw books from the library. Every Saturday, at five o'clock, all the prisoners in the institution (numbering now 440) assemble in the chapel to listen to a lecture. This is the crowning feature of our educational effort. During 1871 we had forty-six lectures—carefully prepared, well-delivered lectures—many of which have been delivered to first-class audiences of citizens, and which were worthy of a place in any lyceum course.

The teachers give these details:—

The twenty-one classes into which the school has been divided have been taught by twenty-eight teachers, selected, with a single exception, from the prisoners themselves. The changes in teachers have been much less numerous than was the case in previous years. It has been noticed that men sentenced for considerable periods make the best teachers, not simply from the fact that they take a greater interest in what must occupy them for some time, but because they have more force of character, more decisiveness. Some of the worst men, morally, have made the best teachers.

From the monthly record of progress which has been kept, it appears that the work done by the several classes in arithmetic, which has been the subject in reference to which chiefly the school has been graded, has averaged as much as that which is usually done by three classes of corresponding rank in our public schools. In other words, a year and a half's school work in arithmetic has been done during the last forty-five evening sessions.

The song of opening, the brief talk upon some scientific theme, the lessons of the evening, have been listened to with attention and entered upon with avidity.

There is evidence on every hand that the school has furnished the themes on which much thought has been bestowed in the workshop and in the cell.

The pleasure in the work of the school-room, the evident delight of the men in the work assigned them, the progress they have made in manners and in studies, have been much greater than I at all anticipated.

I think no one before the trial would have said that men long unused to study, or who had never known it, working all day in the shops, with two evenings' instruction per week by their fellow-prisoners a little in advance of themselves, would in main studies make two or three times the progress which the pupils in our public schools make under the most favourable circumstances; and yet such has been our constant experience.

Three years ago the women's school had but one teacher. There were none among the prisoners competent to assist in the work of teaching.

There are at this date seven regular assistants teaching quite successfully. They have been educated for it in the school; and while they are teaching others they receive also practical instruction, not only in the lessons which they are studying, but in methods of teaching.

The school is now very well graded and classified. Nightly records are made of each individual in school, and a system of monthly examinations and reports is in operation, which not only tests the progress of the pupils, but measures the success of the teachers also. Hence the new school year of 1872 opens very auspiciously.

Mr. Brockway testifies to the good results of this method of education, and what he says is confirmed by many experienced observers who have visited his prison. He says, among other things—

In view of the benefits of the school it seems incredible that I could have spent more than twenty years in the management of prisoners, and never, until 1868, have introduced this measure. Let me urge all

who can do it thoroughly to put this feature into their management, as indispensable to satisfactory reformatory results; working and waiting for such changes in the law as shall enable us to carry the education of every prisoner we receive to a point promotive of his pecuniary prosperity, his conscious self-respect, and probity of deportment.

It will be long before anything so comprehensive as Mr. Brockway has established becomes common in the American prisons, but something is done in many of the state prisons. In the county and city prisons, little or nothing is attempted in the way of secular instruction. Not a dollar is appropriated or expended in Massachusetts for the instruction of the 2,228 prisoners now confined in the city and county prisons, nor of the 299 convicts in the state workhouse at Bridgewater. In the state prison at Charlestown, a small school has existed for a few years, but it accomplishes little in the way of instruction. There is an ample appropriation, however, and it is hoped that the new prison government will put the school on a better basis, and connect the office of prison schoolmaster with that of agent for discharged convicts, as was done with such excellent results in the case of the late Mr. Organ, of Dublin, the Irish prison schoolmaster. In most of the state prisons of the country, the library and the schools are under the charge of the prison chaplain, who sometimes holds a night-school, and sometimes merely a Sunday-school, at which reading and writing are taught. Day or night-schools exist in the three state prisons of New York, in those of Pennsylvania, Ohio, Rhode Island, and a few other States. Sunday-schools, at which secular instruction is given, exist in Michigan, Iowa, Indiana, Kansas, and many other States; and, probably, of the 16,000 convicts in state prisons at the present time, from 4,000 to 6,000 may be receiving scanty instruction in schools of some sort. Of the estimated 22,000 prisoners in gaols, district prisons, houses of correction, workhouses, etc., it is safe to say that not more than 3,000 are receiving any secular instruction whatever. We have already seen that about 20,000 of the 38,000 prisoners in the whole country are practically illiterate, and certainly less than 8,000 of these are receiving instruction in the prisons. Such a condition of things calls loudly for reformation, and, as has been remarked, the number and character of prison schools is hopefully improving.

6. *Prison Labour.*—The distinction so common in English prisons between *penal* or 'hard' labour and *industrial* labour is almost obliterated in the American prisons. The term 'hard labour' is still found in our laws, but almost all the work done under these sentences is industrial, and, in many of our prisons, pecuniarily profitable labour. The tread-mill, the crank, the shot drill, and other forms of penal labour have no place in the prisons of the United States, but there is scarcely any kind of industrial labour which does not find a place there. In Alabama and Texas, the convicts build railroads, in Mississippi they raise cotton, in Tennessee and New York they work mines, in many of the States they cultivate gardens or do farm work. But the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts, that 'hammering stone' became a cant term for imprisonment. Quarrying stone for sale or for making quicklime is much practised in the great prisons of Joliet (Illinois), and Sing-Sing (New York), the largest in the country. At the Auburn prison, agricultural tools are extensively manufactured; in the Ohio state prison many convicts are employed as saddlers, wheelwrights, and blacksmiths; in the cellular prison at Philadelphia (the Eastern Penitentiary), the employments, being pursued in the cells, are mainly sedentary, such as shoemaking, weaving, and the lighter kinds of wood-work; in Massachusetts, ornamental iron-work, brush-making, shoemaking, and sewing by means of the sewing-machine, are common prison employments. In the Maine state prison, the warden, being a carriage-maker, has introduced that branch of industry; in the prison of Northern New York, at Dannemora, a great iron mine furnishes ore, which is smelted, forged, and wrought into nails by the convicts; in the Michigan state prison, at one time, tanning leather was largely practised; in the Detroit House of Correction chair-making has been the chief industry. In fact, there is scarcely any mechanical occupation that has not been carried on in some of our prisons.

In general, the labour of the convicts is hired by contractors at a fixed sum per day, and this varies from a few cents to

something above a dollar a day; the highest contract wages being paid at the Charlestown prison. In a few of the prisons, perhaps a tenth part of the whole number, the whole prison labour is managed by the prison administration, and in nearly all some part of the labour is so managed, especially where the building or enlarging of the prison is going on. There are many objections to the contract system of labour, but it is found in general to be less expensive to the Government than the management of prison labour by the officers. In large prisons probably it is indispensable, but in prisons of less than 200 convicts the contract system can safely be dispensed with; and Mr. Brockway can dispense with it in his prison of 400 convicts. It requires unusual skill and business capacity in the head of a prison to manage its industries, and for this reason such management seldom succeeds for any long time. On the other hand, the contract system often introduces moral and financial corruption, injures discipline, and demoralises the convicts. For these reasons it should be given up where it is possible; but in prisons of 500 convicts and upwards, it probably is not possible to give up the contract system.

A few years ago the expenses of nearly all our state prisons exceeded their earnings; but a change has been going on in this respect, and, as the table annexed to this paper will show, there is now a fourth part of them that earn more than they expend. Every one of the six New England States reports a profit from its state prisons, ranging from 20,000 dols. a year in Massachusetts to 1,200 dols. in Connecticut; and the excess of earnings over expenses in the six prisons (containing an average of some 1,100 convicts) was last year above 39,000 dols. With a smaller number of convicts than this, Ohio shows an excess of earnings amounting to more than 40,000 dols. Under skilful and honest management, all our state prison convicts might perhaps earn their own support, and 30 dols. a year beside; but two-thirds of them, and perhaps three-fourths, fall far short of this. In the Eastern Penitentiary of Philadelphia, with about 600 convicts, the annual deficit, including officers' salaries, is nearly 60,000 dols., or 100 dols. for each convict; in the three great prisons of New York it averages more than 50 dols. for each convict; in Maryland it is about 30 dols. for each convict, and so on. In the county and dis-

trict prisons very few of the convicts support themselves by their labour; but the Boston House of Correction, the Rochester Penitentiary, the Albany Penitentiary, and the Detroit House of Correction, are self-sustaining, and the two last-named prisons earn each a considerable surplus every year. The net cost of supporting all the prisons above their earnings must be nearly 3,000,000 dols. a year for the whole country, since there are 38,000 prisoners, and the average cost of each one above his earning cannot well be less than 80 dols. It may be proper here to emphasise what has just been said in regard to the superior economy of prisons of moderate size, by alluding to the experience of the Charlestown prison in Massachusetts, from which we have financial returns for a longer period than from any other prison in the country. During the fifty-six years that these returns cover, this prison has exhibited a profit above its expenses in eighteen years; a deficit in thirty-five years; and in the three remaining years a balance so small, either way, as to leave it in doubt whether its expenses were fully met by its earnings. But in the first thirty years, when its number of convicts averaged less than 300, the Charlestown prison had an aggregate deficit, during the whole period, of less than 60,000 dols.; while in the twenty-six years since, the average number having been nearly 500 the greater part of the time, the aggregate deficit has been more than 120,000 dols., or twice as much as when the prison was small. Although we should regard the revenue derived from the labour of convicts as of less importance than their judicious treatment and their moral improvement, it is still a noteworthy fact that prisons of moderate size can readily be made self-sustaining, while the larger ones cannot, or, at least, are not. At the same time, all the influences of a prison of less than 500 convicts are more favourable to the reformation of its inmates than the circumstances of great establishments like those at Sing-Sing, Auburn, Joliet, and Columbus, and it generally would be better policy for a State to build a new prison when its convicts rise above an average of 500 in number, than to enlarge the old establishment; unless, indeed, it chooses to adopt some method of conditional pardon by which the increase in numbers may be kept down.

7. *Prison Officers.*—In the best prisons the officers are ap-

pointed during good behaviour, and often keep their offices five and ten, sometimes twenty, years. They are appointed in the state prisons generally by the Governor of the State; at least, the head of the prison, the chaplain, physician, &c., are so appointed, and the subordinates are named by the prison government. In the city and county prisons the mode of appointment is various, but generally the head of the prison is either chosen directly by the people, as the sheriffs commonly are, or they are appointed by persons chosen by the people. In such cases, and in many of the state prison appointments, political influence is a great element, and its effect is almost always bad. The average qualifications and competency of the prison officers, except as lowered by political influences, is as good as in other countries, but the lack of a good system of control and inspection often makes our prisons less creditable to their officers than the real merit of the latter deserves. There are no special training schools for prison officers, but an experienced and veteran superintendent, such as General Pilsbury, of Albany, will, in course of time, train a considerable number of good officers. Such a special education is important, but not absolutely essential to the highest efficiency of penal administration; for prison management is quite as much a natural gift as an acquirement.

8. *Sanitary Condition.*—There is no ‘general scale of prison dietaries’ in the United States, and from the diversities of climate and production there could scarcely be one; for what would be salutary at Boston might be pernicious at New Orleans or Charleston. In the Western States fresh meat is much more freely used than on the sea-board; but in all our prisons meat is much more common than in those of Europe. Another frequent article of food is Indian meal, made from maize, and served up in the form of ‘mush’ (which is a kind of pudding), or of ‘brown bread.’ This is little used in Europe, and is not to be highly recommended as a common article of food. At the Boston gaol, which is one of the best prisons of detention in the United States, the dietary includes wheat bread and rye coffee for breakfast and supper, boiled fresh beef and potatoes and beef soup for dinner. The daily allowance of bread is $1\frac{1}{2}$ pound for each prisoner. There is no change from this diet through the year. In the South Boston House of

Correction, the oldest prison of its class in the United States, the week’s dietary is as follows:—

	Morning.	Noon.	Night.
Sunday .	Mush, white bread and rye coffee	Baked beans	Mush and rye coffee
Monday	Mush, brown bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee
Tuesday .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee
Wednesday .	Mush, brown bread and rye coffee	Stewed beans or peas	Mush, white bread and rye coffee
Thursday . .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and vegetables
Friday . . .	Mush, brown bread and rye coffee	Fish hash	Mush, white bread and rye coffee
Saturday .	Mush, white bread and rye coffee	Fresh beef soup and vegetables	Mush, white bread and rye coffee

At the main prison of Middlesex (the largest county in Massachusetts), at Cambridge, this is the dietary:—

	Morning.	Noon.	Night.
Sunday .	Bread and rye coffee	Baked beans and brown bread	Bread and rye coffee, mush and molasses four nights in the week
Monday		Corned beef and vegetables	
Tuesday		Fresh meat soup	
Wednesday		Stewed peas	
Thursday . .		Corned beef and vegetables	
Friday . . .		Fish	
Saturday .	„	Fresh meat soup	

The ventilation and drainage of half our prisons is reasonably good; of the other half indifferent or bad; in many instances very bad. Probably one-fourth of them are kept scrupulously clean; a great many are foul and filthy. Yet most of them are free from sickness, and the death-rate is not large. It cannot be given with any accuracy, however, for lack of careful statistics. In the cellular prison of Philadelphia, during a period of forty-two years, there were 353 deaths in a total number of 6,416 persons. As each person probably spent about three years in prison on an average, this would give a death-rate of 353 in 20,000, or 17.65 in a thousand, which is not very great. Among

an average number of 2,471 prisoners in Massachusetts in 1868, 44 died; in 1869 the average number was 3,043, and the deaths were 55: in 1870 these numbers were 2,971 and 58; in 1871, 3,145 and 68. In an aggregate average population of 11,630, this gives 19.35 for the annual death-rate in four years, which, all things considered, is less than in Pennsylvania.

9. *Reformatory Results.*—In very few of our prisons, taking those of all classes into account, is the reformation of criminals now made the primary object, and, as a matter of fact, numbers of prisoners leave the prison no better than they entered it. Many are made worse rather than better; and this is particularly the case in the county gaols and with short-sentenced prisoners in the district prisons. In our best prisons this is otherwise; but there are very few officers who can truly say that their prison discipline has reformed the convicts. There are a few 'probationary homes' for discharged prisoners, mainly for women; a few agents look after the employment of discharged convicts, but there is very little participation in earnings or payment of gratuities for overwork. Much more could be done in these directions.

In regard to the sanitary and moral condition of the county prisons, the testimony of Judge Walker, of Michigan, may be cited. He says of the gaols in his own State:—

Their condition is wretched beyond all powers of description, and beyond all conception of those who have not had the experience of their own senses in the matter. The defects in them are not owing so much to the manner in which they are kept as to inherent defects in their construction, their dilapidated condition, and a fatal vice in the common gaol system. The gaols are crowded to excess; two, and sometimes three persons are put into a single cell, and a corridor, not large enough to accommodate half-a-dozen, is the living and eating room of a score of prisoners. As a rule, continued good health is impossible under such circumstances. The moral condition of our gaols is infinitely worse than their sanitary condition; and after a full examination and careful consideration we have come to the clear and painful conviction that they are the very hotbeds and nurseries of crime and vice, and that the State is directly responsible for a large share of the crime which it seeks to punish. If the wisdom of the State had been exercised to devise a school of crime it would have been difficult to devise a more efficient one. Here are the competent teachers, the tractable pupils, the largest opportunities for instruction, with nothing to distract attention from the lessons.

These statements are fully sustained, in the case of Illinois, by the remarks of Mr. F. H. Wines, secretary to the Board of Charities in that State, who says in his first report, made soon after the adjournment of the Cincinnati Prison Congress:—

The greatest of all faults in the construction of our county prisons is the absence of any means of classifying prisoners. The sane are not separated from the insane; the guilty are not separated from the innocent; the suspected are not separated from the convicted. Hardened criminals and children are thrown together; the sexes are not always separated from each other. The effect of this promiscuous herding together is to make the county prison a school of vice. In such an atmosphere purity itself could not escape contamination. The prisoners in nearly every instance are absolutely without employment for mind or body. There are no libraries in the gaols; even a Bible is ordinarily wanting. Idleness is a fruitful source of vice, and enforced idleness has developed the most debasing habits and passions. No attempt at secular instruction and education is made in any gaol in Illinois. The efforts made at reformation of criminals is unsystematic, unintelligent, fitful, and in most of the counties wholly wanting.

The Ohio Board of Charities take the same view of the county gaols in that great State. In their fourth annual report, made early in 1871, they say:—

Our gaols are, and always must be, as now conducted, nurseries of crime; but with separate confinement for prisoners awaiting trial, and hard work elsewhere for those convicted and sentenced, it is believed that the gaols may be much improved, while their expenses would not be materially increased, and might perhaps be diminished. It is not right that those who are simply accused of crime, both the innocent and the guilty, the young as well as those steeped in crime, should be doomed to an imprisonment more demoralising and brutal than confinement in the penitentiary; but such is the fact in reference to most of the gaols in Ohio.

10. *Sentences.*—It is the practice of our courts 'to give short sentences for minor offences, and to repeat them often in the case of the same person.' The effect of this in the United States, as everywhere else, must be to increase crime, as our prisons are now managed.

11. *Character of Crime.*—The prevailing character of crime in America is hard to define. In the South and West crimes of violence, in the North and East crimes of fraud are common,

and theft prevails very generally, though not so much as in Europe. Many of our most accomplished thieves and burglars come to us from Europe. Intemperance is a proximate cause of much crime here; orphanage, idleness, and the wretched home-life, or lack of home-life, in great cities, are leading causes of crime. A desire to live without work leads to much crime here, as well as in other countries.

12. *Juvenile Reformatories.*—The topic will be briefly considered in a paper annexed to this memorandum.

13. *Liberated Prisoners.*—There are no sufficiently accurate returns of liberated prisoners, showing how they have conducted themselves since their discharge. A small number of philanthropic societies, scattered through the country, look after these prisoners upon their discharge, but they have neither published nor collected any valuable statistics on this subject. A few years hence it will be possible to do so.

General Observations.—In regard to the number of prisoners in confinement at any one time, and the whole number committed during a year, it is to be remarked that both have greatly increased in the United States since the close of the civil war, six years ago. During the progress of that conflict, and especially in the years 1863–4, the prison inmates were often reduced to less than two-thirds their number in 1860, and scarcely more than half their present number; but at that time the number of women in prison was greater than before or since. The census of 1860 gave as the whole number of prison inmates, June 1, 1860, about 19,000 in the whole country; but this was much less than the true number, which probably exceeded 26,000, the population of the country being then something more than 31,000,000. During the civil war it is probable that the prisoners in confinement in the summer season, when they are always fewest, were reduced to 20,000. Immediately on the close of the war the increase of commitments was startling, and among the new commitments were thousands of soldiers and sailors, many of whom had fought well in the campaigns. At one time more than half the inmates of the Northern state prisons must have been persons who had been enrolled in the army or navy, and many of whom had been good soldiers. This state of things culminated in 1867, since when the prisoners of this class have been diminish-

ing, but in the meantime the change in the social and industrial condition of the Southern States has begun to bring into the prisons of that section a great increase of coloured convicts. In slavery the offences of these persons were either condoned or punished by the slave master; but since emancipation they are brought before magistrates and sentenced to prison. How soon this apparent increase of crime will reach a maximum it is impossible to say, but probably within two or three years. It is much to be regretted that more successful efforts were not made to improve our prisons, and introduce a better prison system, before they began to be crowded, as most of them now are.

The tendency of such improvements as have been made or are now making is towards the so-called Irish convict system, which has every year more friends, and is better understood in the United States. No State has yet introduced it bodily, or even its main features, but it cannot be many years before this will be done. The cellular system, to which, in my opinion, some injustice is done in America, is fast disappearing from practical use; but the introduction of the Irish plan may permit us to use the more desirable features of the cellular system. The system, in its strictness, scarcely exists in the United States, and is not likely to return into favour. The great evil in our minor prisons and in many of those of the higher grade is, that there is no system at all, but a mixture of routine and caprice in the prison administration, from which good results can come only by hazard or by miracle. Particularly is this true in regard to female prisoners, and in the whole United States there is scarcely a single good woman's prison. Considering the number and excellence of our reformatories for girls, this is the more astonishing. An effort has been making in Massachusetts for some years past to establish a special prison for women, but as yet with no result.

The most hopeful examples of prison discipline are found in a small class of prisons, hard to define in terms, but easy to illustrate by examples, since these are few and conspicuous. Such are the district prisons at Albany, Detroit, Rochester, Pittsburg, and perhaps a few other cities, where the pernicious influence of partisan politics has not been too much felt, and where the management of prison affairs rests in the hands of

intelligent men for a long period. A few of these prisons are set down in the accompanying table, but it has not been convenient to obtain their statistics with exactness.

The management of prisons of this class is, as a rule, more permanent than that of either state prisons or gaols; and, as a natural consequence, the best officers are attracted towards them. In some, as the Albany Penitentiary, the congregate system is maintained with much rigour; in others it is greatly relaxed, and there is an approach to the best features of the Irish system, as taught and practised by Maconochie and Crofton. Were our criminal laws generally and judiciously amended, so as to allow longer sentences for the petty criminals who make up the great majority in these establishments, they would soon display results more gratifying, both as respects reformatory, industrial, and pecuniary success. With all the disadvantages of short sentences, the best of our prisons of this grade are now self-supporting, and, to a considerable degree, preventive of crime. New prisons of this class are constantly appearing, especially in the older and more populous States, and always in or near large cities, receiving convicts from a wide area or a great population, and classifying their inmates more and more thoroughly.

Another hopeful class of our prisons (though these are not as yet very well organized) includes state workhouses, like those of Massachusetts and Rhode Island, where sentences of a year or two are given for such offences as vagrancy, habitual drunkenness, and prostitution, and where it will be easy and advantageous to introduce the main points of the Irish convict system.

With these remarks, which might be indefinitely extended (so wide is the range of topics afforded by our many and various prisons), this imperfect paper is submitted to the International Prison Congress.

F. B. SANBORN.

Boston, June 1872.

A TABLE,

Showing the Population, Prison Inmates, and State Prison Inmates in the thirty-seven United States, 1870-72.

State.	Location.	By the United States Census of 1870.		State Prisons only.				
		Population of the State.	Number of all classes in confinement June 1, 1870.	Number in confinement October 1, 1868.	Average Number in confinement for 1870.	Number in confinement May 1, 1872.	Excess of Earnings over Expenses.	Excess of Expenses over Earnings.
Alabama	Wetumpka .	996,992	593	250	224	200	Dols.	Dols.
Arkansas	Little Rock .	484,471	384	117	230	300	..	..
California	San Quentin .	560,247	1,574	678	789	800	..	..
Connecticut	Wethersfield	537,454	528	174	215	190	1,202.10	..
Delaware (No State Prison)		125,015	66	33	30	..	..	..
Florida	Chattahoochee .	187,748	179	..	79	..	..	..
Georgia	Milledgeville .	1,184,109	827	320	400	400	..	..
Illinois	Joliet .	2,539,891	1,816	1,077	1,246	1,313	..	..
Indiana (North)	Michigan City .	1,680,637	944	276	..	..	..	..
(South)	Jeffersonville .			382	380	385	..	6,173.00
Iowa	Fort Madison	1,191,792	397	20	..	..	..	..
Kansas	Leavenworth .	364,399	337	170	195	320	..	19,000.00
Kentucky	Frankfort .	1,321,011	1,067	500	725	608	..	..
Louisiana	Baton Rouge .	726,915	845	320	..	..	..	..
Maine	Thomaston .	626,913	371	138	170	168	6,591.64	..
Maryland	Baltimore .	780,894	1,061	679	685	676	..	20,887.02
Massachusetts	Charlestown .	1,457,351	2,733	578	593	533	20,000.00	..
Michigan	Jackson .	1,184,059	1,095	613	646	633	5,000.00	..
Minnesota	Stillwater .	439,706	329	35	67	80	..	13,833.25
Mississippi	Jackson .	827,922	449	600	764	..	..	..
Missouri	Jefferson City .	1,721,295	1,623	600	764	884	..	..
Nebraska	Lincoln .	122,993	72	..	30	..	..	..
Nevada	Carson City .	42,491	99	..	..	..	..	..
North Carolina	Raleigh .	1,071,361	468	121	200	400	..	28,297.00
New Hampshire	Concord .	318,300	267	128	100	91	5,501.03	..
New Jersey	Trenton .	906,096	1,079	590	614	520	..	31,681.40
New York	Arbarn .			910	986	1,106	..	36,846.98
" "	Clinton .			512	490	..	..	..
" "	Sing-Sing .			1,420	1,180	..	..	..
Ohio	Columbus .	2,665,260	1,659	1,047	1,013	964	45,000.00	..
Oregon	Salem .	90,923	104	65	70	..	..	..
Pennsylvania (Eastern Penitentiary)	Philadelphia .			607	622	595	..	60,000.00
" (Western Penitentiary)	Allegheny .	3,521,791	2,466	486	376	..	..	..
Rhode Island	Providence .	217,353	231	59	68	69	4,794.37	..
South Carolina	Columbia .	705,606	732	232	200	..	..	..
Tennessee	Nashville .	1,258,520	1,082	375	450	..	..	..
Texas	Huntsville .	818,579	732	400	472	500	..	..
Vermont	Windsor .	330,551	193	76	83	95	1,300.00	..
Virginia	Richmond .	1,225,163	1,296	425	687	730	..	..
Western Virginia	Mound City .	442,014	194	..	..	100	..	..
Wisconsin	Waupun .	1,034,670	418	206	195	202	..	6,090.00
Totals		38,113,253	31,413	15,202	15,491	12,862	89,589.14	252,758.65
Michigan (House of Correction)	Detroit .				365	402	34,855.29	..
New York (County Penitentiary)	Albany .				422	532	20,258.34	..

The number in prison in the ten Territories, June 1, 1870, is reported as 795, making a total in the whole country of 32,208, which has now increased to at least 38,000. The round numbers in the table are generally estimates: the others exact statements.

JUVENILE REFORMATORIES IN THE UNITED STATES OF AMERICA.

IN writing upon the prisons of the United States, it seemed best to confine the discussion to that subject, and to make a distinct paper, much less extended, on the juvenile reformatories of our country, which have always differed so widely from the prisons in their aim, their management, and their result that it would be injustice to both classes of establishments to rank them together. Our prisons, as a class, have always been places of punishment rather than of reformation, and have done little to check crime; our reformatories, on the contrary, have checked crime, and, in a majority of instances, have wrought a practical reformation of their inmates. Of course, the material is much better in the reformatory than in the prison; the inmates are more tender in years, less hardened in crime, and far less under the slavery of degrading habits. But this is not all. The spirit of our reformatories is that of hope and effort, while listless indifference or despair too often reigns in our prisons; the sentences of young offenders are wisely regulated for their amendment, not absurdly shortened as if they signified only so much endurance of vindictive sufferings; the whole machinery of the establishment is set in the reformatories for the good training of the child, while in the prisons it is too often allowed to chafe and wear upon the very moral nature and the best inspirations of the adult convict. America has little reason to be proud of her prisons, at least, as they have existed for the past ten years (since the present writer began to visit them); but she can justly take pride in her juvenile reformatories, from the very beginning of their work, fifty years ago, until now.

The first American reformatory, and still the largest one, was the New York House of Refuge, opened in 1825, and now established upon Randall's Island, within the city limits of New York. It grew out of the efforts made by Edward Livingston, and other enlightened philanthropists, to train the young in cities to a life of honest industry; and its general plan was adopted by Livingston in his scheme for the administration of justice (and mercy) in Louisiana, which never

went into practical effect there. In 1826, a similar reformatory was opened in Boston; and in 1828 another in Philadelphia. All these establishments received boys under sentence, and were supported, in whole or in part, by grants from the public revenue. They were not managed by the State directly, however, nor did they become an intimate component part of the penal system of the State where they existed. The first step in this direction was taken by Massachusetts in 1847, when the State Reform School at Westborough was established by law. Since 1847, that is, in the last twenty-five years, the policy thus initiated has been carried far forward, and is now adopted in more than half the United States. Reformatories, either wholly dependent on the States, or materially aided by them, exist now in Maine, New Hampshire, Vermont, Massachusetts (2), Rhode Island, Connecticut (2), New York (4), New Jersey, Pennsylvania (2), Maryland, Ohio, Illinois, Indiana, Michigan, Wisconsin, and California; while other semi-public reformatories, under municipal or private management, are found in these States and in Missouri, Kentucky, Louisiana, etc., that is, in States containing an aggregate of at least 25,000,000 people. The number of large reformatories in these States must exceed forty, while the smaller establishments are still more numerous. The average number of reformatory pupils, in 1871, cannot have been less than 12,000, of whom more than 1,000 were girls; nor does this include the strictly educational or preventive establishments, like the State Primary School for poor children, at Monson, Massachusetts, the Boston Farm School, and many other such schools, in which it is probable there are as many more children (say 12,000) in all parts of the country.

The general results of these reformatory and preventive schools are good, as has been intimated. Of the estimated 12,000 in reformatories, strictly so termed, at least 60 per cent. will probably be trained into good citizens. Some would claim more than this, say 75 or 80 per cent. but there are no statistics that quite bear out this claim. Perhaps the percentage of worthy citizens trained up among the whole 24,000 in preventive and reformatory schools would be as high as 75. The average cost of maintaining each child above his earnings cannot be less than 125 dollars a year for the whole number,

say 3,000,000 dollars in all. In Massachusetts, a yearly average of more than 1,500 such children, in large and small establishments, of whom 1,000 at least were in reformatories, last year cost more than 200,000 dollars above their earnings; of which at least 175,000 dollars was raised by taxation.

In many of the States, parents *may* be held responsible for the support of their children in reformatories, at least in part, but this provision of law is seldom enforced. A large majority of the children are either orphans, abandoned children, or of such poor parents that little or nothing can be collected from them. In some of the private Catholic reformatories, it is understood that the payment of board by parents and kindred is strictly enforced, so far as practicable. There is, however, far less desire to throw children on the public for support, in this manner, in America, than in England or France.

As Massachusetts has been mentioned by the present writer as having the most complicated and impractical system of prison management in the United States (though by no means the worst or the most expensive), it is but fair to say that this commonwealth has also the best system of training and caring for its poor children and juvenile offenders. It has the most numerous and varied establishments for their education, and the most thorough method of detaining and providing for such children as need it. The bureau of the State Government known as the 'Visiting Agency' has this work specially in charge, and is performing it in a manner quite unique in America, and perhaps in the world, and with admirable results. But as the head of this bureau, Mr. Gardiner Tufts, has promised to submit some account of its work to the National Committee, the undersigned will leave the subject at this point.

For the Committee,
F. B. SANBORN,
of the Massachusetts Board of State Charities.

Boston, June 17, 1872.

THE UNITED KINGDOM.

ENGLAND.

An Account of the manner in which Sentences of Penal Servitude are carried out in England. By Major E. F. DU CANE, Royal Engineers; Surveyor-General of Prisons; Chairman of Directors of Convict Prisons; Inspector-General of Military Prisons, &c., &c.

THE subject of prison management, and the question of the best manner of carrying out the sentences of the law, have been topics of earnest discussion in England for upwards of one hundred years. During that period numerous different views and systems have been brought forward and experimented on, and, in fact, it is difficult to propose any system now on which *some* light may not be thrown by our experience in England or in the colonies. In the history of the latter especially is to be found a great source of knowledge and experience, and so much is our present system the result of, and founded on, the transportation system (which ceased entirely only four years ago) that those who wish to acquire a full and connected acquaintance with our views and practice should not fail to study the history and phases of that system. We have tried, at various times, as portions of our penal system in the colonies, simple deportation or banishment; we have tried assigning convicts to live as servants in families of free people; we have tried retaining them under charge of the Government, but hiring out their labour to free people for the benefit of Government; we have tried planting them out in bodies in a condition of semi-freedom, to work with pay for Government until employers hired them; and we have tried, in England, the exact reverse of this—viz., keeping them in isolation for lengthened periods in cells.

Finally, we now carry out a system involving a moderate period of isolation, followed by a period during which prisoners live in absolute separation, but work in association. The considerable success which our efforts have met with, figures will easily show.

The more recent history of our Penal System is as follows:—

dictions, or emigrations, &c., or by imperfect police arrangements. Moreover, the re-convicted man may have been discharged several years ago, and if the prison system grows and improves as it ought to do, or receives important modifications as sometimes happens, the result of the treatment a prisoner underwent years back can be no test of the efficiency of the system carried out now; and, besides, the effect on his mind of his treatment in prison must get weaker as time goes on. But it seems to me on principle to be fallacious. Punishment is inflicted much more for the purpose of deterring from crime the enormous number of *possible* criminals, rather than for any effect on the criminal himself; and if a certain number of crimes must be committed every year, I think it much more to be desired that those crimes should be committed by one set of people than that fresh recruits should be brought into the criminal ranks. If, therefore, we once succeed in getting the number of convictions down to a minimum, I shall consider that statistics which show that the number of re-convictions bears a *large* proportion to the first convictions, is both a proof of the efficiency of the police and of the deterrent effect of the penal system.

To make our tables of re-convictions complete, also, we ought to bring the discharges and re-conviction of convicts still in Australia into the account, and this would largely affect the proportion.

I do not think that either an increase or a decrease in crime is affected by prison systems, nearly to such an extent as it has been asserted that they are, unless, indeed, the prisons are very bad indeed, such as our convict prisons have not been for many years. The prosperity of the country—the facilities for getting a living honestly—the condition of education, moral and literary—the efficiency of the police—all contribute to affect the statistics of crime. But certainly an effective penal system bears its part, and that an important part, in attaining the object.

I will now endeavour to give briefly a view of the system to which, in part, at all events, it is fair to attribute the remarkable results shown by the above figures.

I will begin by a short statement of the course adopted in bringing an offender to punishment; and this is the more desirable because success in the repression of crime depends at

least as much in the way in which these preliminary stages are carried out, as on the subsequent treatment of the criminal under punishment; and the statistics of crime are obviously dependent as much on the police organization by which crime is detected, and the efficiency of the law and of the legal practice by which it is brought to justice, as on the rules or system by which punishment is carried out; and also because there are points in connection with the treatment of persons accused, but not yet convicted of crime, to which attention may be usefully directed.

The first step taken by a person who has suffered from a crime committed against him or his property, is, of course, to apply to the police, and give them all information which may enable them to trace out the offender.

As it is obvious that no system for the treatment or punishment of offenders after they are caught can be of much avail in repressing crime, unless the means of detecting and apprehending the offenders are effective, it follows that the first and most important object to be attained in endeavouring to repress crime by punishment is to approach as nearly as possible to *certainty of detection*. The police must therefore be effectively organized; they must be intelligent, and, above all, honest; and they must have a good knowledge of the ways and practices of criminals, and, as far as can be attained, some personal knowledge of them. Supposing that the person who has committed the offence can now be identified, or that suspicion is strongly directed on somebody, the next step taken is to swear an information to that effect before a magistrate, and procure a warrant for the apprehension of the supposed offender. The effective execution of this step again depends on the vigilance, intelligence, and knowledge of the police. If the offender is apprehended, he is lodged in cells under charge of the police, until he can be brought before the magistrates in Petty Sessions, who will hear and determine, on sworn evidence, the charge against the prisoner, and any defence he may set up; and if they consider that the case is *prima facie* made out against him, they may either remand the case for further evidence, or may, if they are satisfied with what they have heard, either inflict such punishment as is in their power, or, if the

law requires or allows it, can send him to prison for trial at Quarter Sessions or Assizes.

This is the proper place in which I should point out what seems to me to be an important defect in our law and criminal arrangement. For a century or more we have been endeavouring to improve our prison buildings—we have by law enforced that every *convicted* prisoner should be lodged in a separate cell where he can eat and sleep alone, unable to contaminate others or be contaminated himself; we have enacted that his cell shall be properly warmed and ventilated, that he shall be provided with means for communicating with the warder in case of sickness or for any other reason. We provide him with books, with medical attendance, with means of cleanliness, and, in fact, with every requirement of health and decency, but the unconvicted prisoner we have entirely neglected to provide for by law, and consequently we find that though a sense of right has in many cases led to proper provision being made, there are places where all these things are absolutely wanting, and where a decent man who has got into trouble may find himself crowded in with the vilest set of criminals, or passing the night with a noisy crew of drunkards in a room or cell without means of light, warmth, or ventilation. This state of things ought, it seems to me, to be remedied by proper legal enactments, for no unconvicted prisoner should suffer more inconvenience than is necessary in order to ensure the security of his person.

The next step taken in arriving at the conviction of an offender is his trial. Without entering into the various kinds of courts for the trial of offenders, it is enough to say that if his crime is serious, his trial takes place at the Assizes, which are held twice a year (or three times in some places). It is clear that the first necessity for promoting the ends of justice is that the evidence in the case should be fully and fairly laid before the court. The prisoner and his friends have, of course, every interest to represent their defence, and means of doing so are not usually wanting; but the law by which the person who has already suffered the wrong has further to take on himself the burthen and expense of carrying on a prosecution in which he has no more interest than any other member of society, is both a grievous wrong to him and may give an undue advantage to the criminal. Probably many cases occur in which a

man prefers to suffer in silence the first loss caused by the crime, rather than add to it the trouble and loss he will suffer if he has to prosecute.

I have referred to 'certainty of detection' as the first point to be aimed at in endeavouring to promote the repression of crime; 'certainty of conviction' is an equally important point in connexion with the subject, and for which proper means should be provided.

The charge against the prisoner, framed on the depositions taken before the Committing Magistrate, is now taken before the Grand Jury, who consider whether there is a case on which to indict the prisoner; and if they find a true bill, he is put on his trial. The counsel for the prosecution states to the Jury the case against the prisoner, and brings evidence; the counsel for the prisoner states the prisoner's defence, and brings his evidence; either counsel cross-examine the witnesses of the other; the counsel for the prosecution replies to the defence, the Judge sums up the evidence impartially for the assistance of the Jury, directing them on points of law and impressing on them that if they have any reasonable doubt they are to give the prisoner the benefit of it.

If the prisoner is found guilty, he is then sentenced by the Judge. If the sentence is to a short term of imprisonment, he is sent to a County or Borough Gaol—establishments which are managed entirely by the local Magistracy, subject, of course, to the Acts of Parliament, the due execution of which is only provided for by a very imperfect control on the part of the Government; but if his sentence is to penal servitude, he finds his way, in due course of time, either to the Government convict Prison of Pentonville, or to that at Millbank; in one of which prisons the first part of his sentence is in all cases carried out.

I may here mention that in England a sentence of penal servitude is in its main features, and so far as concerns the punishment, carried out on exactly the same system to every person subjected to it. The previous career and character of the prisoner makes no difference in the punishment he is subjected to, because it is considered, and rightly, I think, that it is for the Courts of Law, who have, or should have, a full knowledge on these points, to consider them in awarding the

sentence, and if any prisoner was subjected to harsher or milder treatment in consequence of any knowledge the prison authorities might have of his previous character, it might be that he would practically be punished twice over on the same account, and on information much less complete and less impartial than the Court of Law would have at its command. The Government would also be always liable to charges of favouring or spiting certain particular prisoners; and any feeling of this kind would be fraught with danger and inconvenience.

It is also considered, and justly, that the Judge, or Court, who passes the sentence should know, or should be able to know, precisely the exact effect of the sentence, and this would be impossible if any discretion rested with the executive officers as to the mode of carrying out the punishments. At the same time, it is open to consideration whether more than one mode of carrying out the punishment might not be *laid down by authority*, as applicable to certain defined cases, or a discretion might be given to the Judges as to the system which each prisoner should be subjected to.

Whether or not this alteration should be made depends on the importance attached to the effect of punishment as an example to deter others from the commission of crime; or the effect in deterring or reforming the individual himself.

Our convict system is devised with a view to combine the principles of deterring from the commission of crime and reforming the offender. The latter is an object which for every reason we are bound to follow strenuously, but it must not be effected in such a manner as to interfere with the former, because punishment is primarily to prevent crime by the warning held up to those who might, but for such influences, fall into it.

A sentence of penal servitude in England is divided into three principal stages: the first stage is passed at Pentonville or Millbank; it endures for nine months in all cases, and for that period the prisoner passes his whole time—excepting the periods allotted to prayers and exercise—alone in his cell, working at some employment of an industrial or remunerative character. The second is passed in a prison in which he sleeps and has his meals in a separate cell, but works in association under a close and strict supervision at employment suited to

him. The third period is that during which he is conditionally released from prison, but kept under the supervision of the police, and liable for any infraction of the conditions of his release to be returned to prison, there to fulfil the whole of the remitted portion of his sentence. A stage intermediate between the Public Works and the Conditional Release is applied to women, who may be sent to 'Refuges' for six months before their release on licence—establishments managed by private people who interest themselves in preparing the women for discharge, and in procuring suitable situations for them.

It is not necessary for me to state in detail here the rules laid down for the treatment of prisoners in the three stages, but I will give an outline of the objects which are aimed at. Further information will be found in the Appendices. The first rule is that every convict should be subjected to a period of strictly separate confinement, which not only is a severe penal discipline, but during which his mind is thrown in upon itself, and he cannot fail to feel, that however agreeable may have been his previous life, probably one of idleness and excitement, he pays dearly for it by the dull monotony and hard work, scanty fare, and, above all, the absence of freedom and constant supervision which is his present condition, and which form his prospect for some years to come.

During this time he becomes open to lessons of admonition and warning, religious influences have full opportunity of obtaining access to him; he is put in that condition when he is likely to feel sorrow for the past and to welcome the words of those who show him how to avoid evil for the future.

I have said that this stage of a prisoner's sentence endures for nine months, and it may naturally occur to anybody to ask, if its effects are both penal and reformatory, such as I have described and believe them to be, why the same treatment should not be followed throughout the whole of the sentence. The reason is, that it has always been held that we must bear in mind that the prisoner should not only be punished and *taught* what is right, but should be returned to society fitted both morally and physically to fulfil his proper duties in the battle of life. Perpetual seclusion in a cell for years, with no communication with his fellows, is an artificial state of existence

so absolutely opposed to that which nature points out as the condition of mental, moral, and physical health, and so absolutely unlike that which he is to be prepared to follow on his discharge from prison, that it cannot be expected to fulfil the required object.

When the system of separate confinement was first established in the model prison at Pentonville years ago, the duration of the period of separate confinement was fixed at eighteen months. Results, however, showed themselves which could not be neglected. It was shown incontestably, as the reports of the commissioners demonstrated, that the minds of the prisoners became enfeebled by long-continued isolation, and after the various trials the present term of nine months has been fixed on as the longest to which prisoners can with advantage be subjected to this stage of the discipline.

Keeping in view the principle that during his imprisonment the convict is to be prepared and enabled to lead a reformed life when he is discharged, attention is paid during this period both to his moral, mental, and literary education.

Every prison has its staff of Ministers of Religion, who, in nearly all cases, are not permitted to have any other duties, and who therefore can devote their whole time to the improvement and advantage of the prisoners placed under their spiritual care. The advantage of thus inculcating religious feelings will not be contested by anybody, and notwithstanding the doubts which have been called out by injudicious exaggerations of the results of these influences, and by misconception of the true position of and functions fulfilled by the chaplains of prisons, it is certain that these advantages are much appreciated by prisoners, and that the exertion of the ministers of religion bear perhaps as much fruit as in the world outside. The Prison Library and Educational Department are in charge of the Chaplain's Department. Books are supplied to the prisoners, both of a purely religious and instructive character; and those who are uneducated are taught by a staff of schoolmasters, at least the elements of reading and writing; those who have already some knowledge have opportunities and encouragement in improving themselves. As a knowledge of reading and writing affords so much opportunity for mental and moral improvement, and may have so important an effect on a

prisoner's well-being in after-life, great inducements are offered to prisoners to exert themselves to attain it, by rendering some of the subsequent privileges a prisoner may gain conditional on his being able to read and write. For example, no convict can be promoted to the first class unless he can read and write, and after he has been under instruction a sufficient time, he is obliged, if he wishes to enjoy the privilege of communicating by letter with his friends, to do it himself and without assistance. Of course exceptions to this rule are made in the cases of men who, from age or mental incapacity, cannot be expected to acquire even the elements of knowledge.

Half-yearly examinations are held to show the progress each prisoner makes, the result of which may be seen in the yearly report of the Directors of Convict Prisons.—[See *Appendix IV.*]

Taking the prisons at Chatham, Portland, and Portsmouth, it is found that of 775 prisoners discharged during 1871, 158 who could neither read nor write when convicted, had learnt to do both while in prison; and most of the remainder had made advances in the knowledge which they previously possessed.

After passing the allotted time in close confinement, the convict is removed to a prison where he is employed at labour in restricted association, in the majority of cases labour on public works, or farming, clearing or reclaiming land, and so on; but as some men are not adapted for this kind of employment, there are some prisons in which bootmaking, tailoring, and indoor employments are carried on.

In whatever stage of his sentence a convict may be, he is always provided with a separate cell, which he occupies at all times when not at work, at prayers, or at exercise. The sick or invalids are necessarily more associated, but the infirmaries recently constructed place the great majority in separation. The chances of contamination are, therefore, reduced to a minimum (a few prisoners at Dartmoor live in association, but this defect will not exist more than a few months longer).

Every convict during his sentence may pass through four classes, called the probation, the first, second, and third class, and certain selected prisoners are also placed during the last year of their sentences in a special class.—[*Appendix VI.*]

The probation class lasts for one year; nine months of it is passed in a close prison, as already stated, the other three months on public works.

The second and third classes must each last for one year at least, and the remainder of the sentence may be passed in the first class, unless a prisoner is promoted during his last year into the special class.

Promotion into each of these classes is followed by certain privileges, and each class wears its own distinctive badge. These privileges are necessarily very limited, but still they offer inducements which are much sought after. All privileges of increased diet have been abolished since 1864, as it was justly thought that to hold out prospects of food as an inducement to good behaviour was to appeal to the baser feelings, such as a good moral education should endeavour to suppress; and, secondly, because it was found that unfavourable impressions were produced outside by comparing the diet of the prisoner who enjoyed these slight improvements in the quantity or quality of the food with that of the honest, hardworking free man, whose scanty means were hardly sufficient to keep himself and family in health.

The diet, in fact, is fixed at the minimum necessary to enable a man to execute the work required of him; but if he should be idle and not execute the work, then the amount of his food is reduced.—[See *Appendix V.*]

The advantages offered, therefore, by the higher classes consist in the more frequent communications by visit or letter with their friends, in more freedom for exercise on Sundays, and in the earning of a higher gratuity of money to be paid on the prisoner's discharge.—[See *Appendix VI.*] The period which a prisoner passes in each class is measured not simply by time, but by days of hard work, on a plan which I will explain when I come to the system of marks.

In addition to the present privileges which a prisoner can gain by promotion to a higher class, he is offered the still greater, though more distant, advantage of slightly diminishing the duration of his sentence or obtaining 'Conditional Release.'

The amount of remission which any prisoner may gain is one-fourth of the whole period he passes on public works, and

this remission is gained by industry alone, and not by 'good conduct,' which in a prison can be little more than being passive, or abstaining from acts of indiscipline or irregularity—certainly he is not allowed to profit by any lip professions of piety or reformation.

On the other hand, acts of ill conduct are followed by forfeiture of remission, degradation to a lower class, and the loss of privileges gained by industry, as well as by solitary confinement, reduction in diet, corporal punishment, and so on; and if by repeated misbehaviour a prisoner shows that his treatment in the close prison has not had its due effect upon him, and that he is not fit for associated employment on public works, he may be ordered to undergo the discipline of the penal class in second probation for such period as may be thought necessary; or if during the course of his whole sentence he conducts himself badly, he may be ordered to pass the last six months in separate confinement, so that the deterrent effect of that discipline may be impressed on his mind when he is set free.—[See *Appendix VIII.*]

The power of punishing a prisoner resides only in the Governor and in the Director. The limits of punishment in both cases are laid down by the Secretary of State, and no punishment can be awarded without full investigation of the charge, conducted in the presence of the prisoners. The Governor has powers sufficient to deal with minor offences, and every punishment he orders is reported to the Director, with a statement of the prisoner's offence. The Director, whose functions correspond with those of a magistrate, awards punishments for offences of a grave character. Only the Director has power to award corporal punishment, and he only for certain offences defined by the Secretary of State, and after full inquiry on oath conducted in the most formal manner. No unusual punishments may be inflicted. Chains, handcuffs, or means of special restraint may not be made use of except under certain defined circumstances, and under strict regulations, and the use of them is always reported and recorded in a formal manner.

It can hardly be necessary to add that no officer is allowed to strike or abuse a prisoner; should he find it necessary, on account of the violence of any prisoner, to make use of his

weapons, he is always called upon to show that he confined himself strictly to the necessities of the occasion, or failing to do so he must bear the consequences.

To maintain a strict and stern discipline without exciting constant resistance, it is above all things necessary that the prisoners should feel that the rules are carried out justly and fairly—that the officers are simply administering the law, and that in case of any abuse of power on the part of an officer he will be held answerable for it.

To this end every prisoner has unrestricted right of appeal against the act of those above him; he may lay his complaint in the first instance before the Governor, who is bound to investigate it, and to place the appeal on record; or he may appeal to the higher authority of the Director, who can, if he sees fit, reverse the decision of the Governor.

The Director not coming in daily contact with the officers and prisoners, but only visiting the prison magisterially at uncertain intervals, it is of course felt that he can give a fresh and impartial consideration to any question or complaint.

Besides this the prisoners have the power of petitioning the Secretary of State—they exercise freely these rights of appeal and petition; and the effect of these provisions is not only that prisoners feel that they cannot be unfairly dealt with, but the officers are constantly reminded that they are liable to have to answer for any act which they may perform.

The effect of the system of rewards and punishments, by which we are enabled to maintain order and discipline in the prisons, is shown by the following statement of the number of prisoners punished during the past year (1871). Of 13,582 males who passed through the prisons, 6,796 did not break the rules in any way, and 6,347 were actually punished. Of 2,184 females who passed through the prisons, 1,414 did not break the rules, and 689 were actually punished.

The return of prison offences during the past year also establishes another fact that in an average population of 9,980, or an aggregate population of 15,766, there occurred 24,071 offences; and these offences certainly were not committed equally among all the prisoners, for there were only 7,036 prisoners punished; and even among these the great bulk of the offences are committed by a limited number, the habitual offenders

against the rules. Only 128 of the prisoners discharged in 1871 failed to earn some remission from their sentences, while 1,503 gained some remission. Many had never misconducted themselves at all, and a large proportion had gone through their imprisonment of many years with only some trifling breach of regulations recorded against them.

It seems to me that these facts are very important. The result is not due to an easy and slack system, under which offences are passed over without report and without punishment; on the contrary, it will be apparent even to a casual visitor, and is well known to those who are more intimately acquainted with the interior of the prisons, that order is strictly maintained, and that the discipline is stern.

The result shows, in fact, that in this respect, at all events, our system produces the result it is intended to do, but more especially it shows that the organization of the department is effective, and that the staff of officers perform their duties with resolution and with judgment.

The plan by which we endeavour to bring before the prisoner, in a form easily intelligible to him, that, as in ordinary life, the advantages held out to him as an encouragement to industry are directly proportioned to his industry; that he cannot be idle for a day without a corresponding loss; that good conduct is necessary as well as industry, because ill conduct will deprive him of the advantages he would gain by his industry—is by a system of recording the industry by marks. I will not here enter into the details of the system—[see *Appendix IX.*]—but I will state the principle on which it is framed, viz. :—

To every man is assigned the duty of earning a number of marks proportioned to the length of his sentence. These marks may be earned either at the lowest rate, in which case he will serve out the whole of his sentence; or at the highest rate, when he will get off about one-fourth; or at any intermediate rate, when he will earn proportionate remission.

The record by marks applies not only to the amount of remission the prisoner can gain from his sentence, but also to every step in the class he passes through during his imprisonment: for instance, he is required to pass at least a year in each of the classes; but during that time he must earn a definite number of marks, or else his promotion is delayed;

and, further, the gratuity which he earns in each class is calculated according to the number of marks he earns.

To ensure a fair value in marks being assigned to each man's industry, not only is a rigid supervision and check maintained on the working parties by principal officers, the chief warder, deputy governor, and governor, who pay particular and especial attention to this point—[see *Appendix IX.*]—but the prisoners' work is measured by a staff of professional officers, employed for the purpose, who act quite independently of the regular discipline staff, and whose measurements are priced out in money, and afford a check and test of the correctness of the assignment of marks of industry.

Every prisoner is furnished with a card, on which, periodically, his earnings in marks are recorded; and if he feels himself unfairly dealt with, he has free right to complain, and his grievances are investigated.

In this manner, day by day, week by week, and year by year, he can count, and record the progress he is making, towards an advance in class, in accumulation of money, and towards final remission of his punishment; and he is made perfectly to see and feel that his own fate is in his own hands, and that he has a something to work and to hope for, more than the mere avoidance of punishment.

The course followed with regard to the female convicts is in the main the same as I have described with more particular reference to the men. They may earn, however, a larger proportion of remission, viz. one-third; and to those whose good conduct and character justifies the hope of complete amendment, a further advantage is held out by their being allowed to pass the six months immediately preceding the term of their release in 'Refuges' established and managed by private effort, assisted by contributions from the Government. Here they enjoy the inestimable advantages of a treatment approaching in its characteristics to that of home influence; for those establishments are not prisons either in appearance or in discipline—they are *homes*. There are now three Refuges for female convicts authorised by the Secretary of State—the Carlisle Memorial Refuge at Winchester; the Eagle House Refuge at Hammersmith, for Roman Catholics; and the Westminster Memorial Refuge, lately established at Streatham. 117 women

passed through these Refuges last year, out of a total of 275 who were discharged from sentences of penal servitude. The number availing themselves of the advantages they offer was last year limited by want of more accommodation, but the establishment, by the Discharged Prisoners' Aid Society, of the last-mentioned Refuge at Streatham has prevented the possibility of their suffering this disadvantage again.

It is at the conclusion of all this course of discipline, punishment, and reformation, when the prisoner is again to be thrown on his own resources, and left to his own guidance to face the trials and meet the temptations to which he has before, once or oftener, succumbed, that occurs the greatest difficulty to those who hope either by fear or reformation to have at least caused a prisoner to wish to do well on his release.

In Great Britain there are two influences brought to bear on a discharged prisoner. First, he is placed for a limited time under the supervision of the police to such an extent as to satisfy them that he is not falling again into a career of crime, or, in case he should do so, to ensure his being speedily remitted to undergo further discipline in prison.—[See *Appendix XII.*] Secondly, he is offered the assistance of private societies established expressly for the purpose of aiding discharged prisoners in their efforts to maintain themselves by honest labour. The Government, feeling that a work of this nature is one which ought to be carried out by private efforts, still look with great favour on these societies, and in fact in every reasonable way, so far as they judiciously can, encourage prisoners to take advantage of their aid.

In the reports of the Directors of Convict Prisons will be found for some years past the number of prisoners whom these societies have aided. During the year 1871 nearly half the male prisoners who were discharged, and more than two-thirds of the females, were assisted in this manner.

Return of the Number of Male Convicts discharged from Convict Prisons during the Year 1871, showing those who went to Prisoners' Aid Societies.

Prisons.	Discharged Prisoners' Aid Societies.									
	Lon- don.	Bir- ming- ham	Leeds.	Man- che- ster and Salford.	West Derby Hun- dred.	Staf- ford.	Liver- pool.	Total.	Not to any Society.	Total.
Millbank .	8	—	—	—	—	—	—	8	41	49
Pentonville .	25	1	—	—	—	—	—	26	21	47
Portland .	126	8	15	17	—	22	—	188	153	341
Portsmouth .	73	8	7	17	1	3	—	109	77	186
Chatham .	135	2	—	12	—	1	—	150	140	290
Parkhurst .	35	7	5	5	5	1	—	58	84	142
Dartmoor .	24	6	2	8	—	3	—	43	114	157
Woking .	31	3	2	2	—	1	2	41	67	108
Brixton .	16	—	2	3	—	—	—	21	45	66
Total	473	35	33	64		31	2	644	748	1,396

It is a work of charity which for every reason it is desirable to encourage and develop, for nothing can be imagined more hopeless than the condition of a man cast out on the world with a ruined character and without friends to help him, surrounded by temptations from which he has been long removed, or open to the influence of former evil associates.

For centuries Great Britain has taken advantage of the various waste lands of the globe, to deport to them her criminal population, effecting thus the double object of developing countries which but for such aid might never have been the seats of such thriving communities as now exist there; at the same time achieving the object of preventing the formation of a criminal class in this country; whilst as regards the criminal himself, who, so long as he remained in England, would have found it difficult to be anything but a criminal, he found himself placed in such a position that by industry and honesty he would surely gain an ample reward, and where crime offered less inducements than a steady respectable life. This resource is now lost to us, and we should well consider the consequences it must have, and take timely steps to avert the consequences such as are referred to in the evidence given before the Committee on Prisons and Punishments in 1847.

A report from Mr. W. Bayne Ranken, Honorary Secretary

of the Discharged Prisoners' Aid Society, in London (which may be taken to represent these institutions, as the number of cases it undertakes exceeds by far that of any other such Society), will serve to elucidate the principles and results of the work undertaken by these Societies:—“The total number we have assisted since our establishment in 1857 is 7,111 up to the present time, and of this number 6,528 are male convicts, and 583 females. Of the men we continue to receive, not only until the expiration of their licence, but in many instances long afterwards, most satisfactory reports.

‘It cannot be denied that among the large number of discharged prisoners aided by us certain cases have proved unsatisfactory; but, as far as we know, the vast majority of persons we have assisted have entered on and been established in a respectable course of living.

‘With regard to women we were particularly fortunate, and not only have many women obtained respectable situations through the instrumentality of our Society, but have evinced their thankfulness by writing most grateful letters, and calling from time to time at our office to express their obligation to the Society, bringing in more than one instance contributions from their scanty wages to “help some other poor thing.”

‘With regard to the men we help, on their arriving at our office, they are questioned as to their prospects and wishes for the future; are furnished (from the gratuities they have earned in prison, which are paid at their own request into the hands of the Society) with pocket-money, and provided with suitable clothing; they are placed, if remaining in London, in respectable lodging-houses known to the Society's agents, and then every effort is used to get them respectable and suitable employment; many are sent to join their relatives and friends, when they have any who are respectable, and who are ready and willing to assist them. Some obtain berths on board ship, and many get work of various kinds in the Metropolitan district.

‘It is, in my opinion, most undesirable to dwell too much or enter too fully into the description of work such men obtain, or give publicity to the names of the large employers of labour who are kind enough to aid these unfortunate persons. Any such knowledge can always be obtained by an inspection of the

Society's books, which are always to be seen at the office, 39 Charing Cross.

'The men employed in the Metropolitan district are visited periodically by agents of the Society, and a daily report is made by these agents of the cases they have visited the previous day; these reports are verified by the secretary. A correspondence is also kept up with the chief constable of any place to which a man is sent beyond the Metropolitan district, and communications respecting him opened with any magistrate or clergyman likely to interest himself on his behalf.

'The diminution of crime, in my opinion, is owing in a considerable degree to the efforts of this Society, and still more to the strict discipline now maintained in convict prisons, which renders men who have once been convicted to penal servitude most unwilling again to run the same risk.

'At our office our clerk and agents are constantly told by discharged prisoners that they will do *anything* to avoid going back to prison; nine-tenths of them say so now, whereas a few years ago they made comparatively light of the prospect of future imprisonment. The two deterrent causes work admirably together—the dread of re-conviction, the assistance to avoid it and to enable the men to become honest if they really wish to do so. They have now every reason to avoid crime, every inducement to try and earn a respectable livelihood.'

Return of the Number of Female Convicts discharged from Convict Prisons during the Year 1871, showing those who went to Prisoners' Aid Societies and Refuges.

Prisons.	Mission to Woman D. P. A. Society.	Refuge, Battery House, Winchester.	Refuge, Eagle House, Hammer-smith.	Total.	Not to any Society.	Total.
Millbank .	2	—	1	3	12	15
Woking .	19	40	47	106	48	154
Fulham .	7	66	23	96	11	107
Total .	28	106	71	205	71	276

Having thus given a general view of the course a prisoner goes through in fulfilling a sentence of penal servitude, I will enter more fully into the manner in which some parts of it are carried out.

It has for many years been an established principle in English prisons to endeavour to instil into the convicts habits of industry, to develop their intelligence by employing them on industrial labour, and to facilitate their entering the ranks of honest industry on their discharge, by giving them facilities for acquiring a knowledge of trades. These objects are fortunately conducive to another very desirable result, viz., that of making the prisons self-supporting in various degrees—some of them doing an amount of labour the value of which more than covers the cost of their maintenance.

The gross cost for maintaining the convict establishments in England during the financial year 1871 was 313,633*l.*, and in the same period the earnings of the convicts amounted to 228,244*l.*, or 22*l.* 19*s.* 4½*d.* per head on the average number. The net cost of the prisons, after deducting the value of the prisoners' labour, amounts only to 85,389*l.*, or 8*l.* 10*s.* per head.

The following extract from a paper prepared in 1871 shows sufficiently the practice in this respect in the English prisons, and the results attained, both those for short sentences and the Government prisons where sentences of penal servitude are carried out:—

'There are three objects to be attained by the employment of prisoners at labour: First, to create a deterrent effect on the prisoner himself, and on the criminal class; secondly, to produce a reformatory effect on the prisoner himself; and, thirdly, to recoup, as far as possible, the cost of maintaining the prison.'

There are certain matters I should advert to here, because they materially affect the difficult problems we have to solve.

1st. A large number of prisoners are persons who are absolutely unable, or find it extremely difficult, through mental or physical incapacity, to earn their livelihood, even under favourable circumstances. Of the 8,362 men now serving out sentences of penal servitude in England, no less than 252 are absolutely lunatic or weak-minded, 308 are subject to bodily infirmities which render them unable to earn a living, and 1,140 are fit only for the lighter kinds of labour, making in all 1,700, or 20 per cent. of the whole. Of the women, out of a total of about 1,300, 36 are lunatic or weak-minded, 79 permanently

incapacitated from earning a living, and 110 fit only for light labour, making in all 225, or 17 per cent. These people, even if they were out of prison, would still be, in a greater or less degree, a charge on the public; it is hopeless, therefore, to expect them to repay by their labour the cost of their custody and maintenance in prison.

2nd. Prison labour must always be carried on under the disadvantage of being without that stimulus to industry which is afforded by the prospect of immediate benefit as a result of it. In some foreign countries, where great weight is given to the object of making the prisons pay, the prisoners are allowed to draw and to expend a certain portion of their earnings on various small luxuries, such as additional and better food, tobacco, &c.; a certain other portion is set aside for them on their discharge, and the Government takes the remainder.

In convict prisons in England the system did at one time allow a prisoner to profit more or less directly by his industry, by obtaining more or better food in prison, and a larger sum of money on discharge. This gave rise to a great deal of hostile criticism. It was said that prisoners might be better off in regard of food than many an honest poor man, and that this, with the fact of his possessing a sum of money on discharge, which an honest hard-working labourer would be unable to accumulate, produced a comparison too much in favour of a dishonest instead of an honest career. Public opinion therefore demanded that the condition of prisoners throughout their sentence should be that of having only the barest necessaries in the way of food, and just sufficient money on discharge to enable them to maintain themselves while seeking employment; and this principle, which I believe to be a correct one, was adopted by a Royal Commission which inquired into the subject of prison management in 1863, and carried out by the direction of the Government.

The only stimulus we can afford to a prisoner, therefore, is that of gaining by his industry a remission of some portion of his sentence, of improving his prison class, or that of punishing him if he is idle. Even with only these means we are able, by steady supervision, to obtain very good results, as I shall be able to show. But there are prisoners, chiefly the habitual class, who actually prefer any punishment which involves a

partial relief from labour to the steady industry required on the public works.

3rd. A great deal of opposition is made to the Government, either local or central, entering the market as manufacturers, and competing with free labour. Of course this is utterly unreasonable, but that does not prevent its having a certain effect. The particular trade which happens to suffer from the competition of prison labour is naturally loud in its outcries, and can always find active advocates; and, on the principle that everybody's business is nobody's business, this agitation is not counterbalanced by a corresponding agitation on behalf of the public, and in aid of those who act in the public interest. The customs of trade-societies are also adverse to the action of Government in this way; and I have lately seen that a certain trade-society has passed resolutions against being subjected to the competition of prison labour.

It is so obvious as hardly to require stating, that as persons who are earning a livelihood while free are competing with somebody or other, so it is perfectly reasonable that they should work, and therefore compete equally, after being put in prison. There is, however, some limit to the degree in which prisons should be converted into manufacturing establishments. I doubt whether such employment should be carried on as requires the purchase from public funds of a large and expensive plant and machinery, the value of work done by which would bear a great proportion to the value of the prisoners' labour, because in such a case it is not merely competition against prison labour, but against Government capital. The circumstances of a prison render the profit a secondary transaction, and moreover it cannot be ensured that in a Government establishment the profit will always be so narrowly looked after as if it were private property, so that the profit which should be earned by the public money so expended is liable to be neglected or forgotten, and this would enable the goods made to be sold at a cheaper rate, and so to cause undue disadvantage to the free workman. Many of the disadvantages which attend the system of making prisons into manufactories are avoided by performing in them work required by the Government, either central or local, and certainly work of this kind should be preferred to any other.

I can now continue the main question. The most practical way of carrying out the ideas I have stated, as to the three aims of prison employment—viz., deterrent, reformatory, pecuniary—is to divide the period of punishment into different stages, during one of which the penal or deterrent object should be considered almost exclusively: during the other, the reformatory and pecuniary may prevail in various degrees.

The most effective system of continuous punishment we can carry out consists of strict isolation, diet reduced down to the barest necessaries, deprivation of all the comforts which men of the prisoner class usually allow themselves, and among these I may mention the comfort to them of being dirty, for many of those who visit our prisons remark on the cells being so 'clean and comfortable,' whereas many prisoners if they expressed their ideas on the subject, would call them 'clean and uncomfortable.' In addition to these is the punishment of hard, dull, useless, uninteresting, monotonous labour.

There is a limit to the time during which a prisoner can be advantageously subjected to these punishments. Labour of the kind I have last mentioned is decidedly brutalising in its effects. If it is desirable to resort to it for its penal effect, it must not be continued for too long a period. To men of any intelligence it is irritating, depressing, and debasing to the mental faculties; to those already of a low type of intelligence, it is too conformable to their state of mind, out of which it is most desirable that they should be raised. The period during which isolation can be strictly carried out is also limited.

When a prisoner's sentence is very short, there is obviously no time to do much in the way of reforming by labour, and the exclusively penal stage will occupy the whole of his time in prison.

In some rules lately drawn up by the Directors of Convict Prisons, for military prisoners who are under their management undergoing short sentences, it is provided that during the first month the strictest penal labour shall be enforced, such as crank in solitude, or pumping. After this, more interesting labour is allowed them, always in isolation. It is in this stage that the difficult problem arises of providing suitable employment, which shall fulfil the necessary conditions and yet be remunerative. It is obvious that it must be such as can readily

be acquired by unskilled persons, capable of being carried on in isolation, and not too easy, as prisoners should (when capable) be employed on hard labour. Work which can be performed well by machinery is not likely to pay.

The employments which have been introduced into county and borough prisons are: grinding corn by treadwheel or crank; weaving cocoa-nut mats or carpets, or woollen and linen stuffs; matmaking, sawing firewood; tin work. Flax scutching has lately been recommended by Dr. Briscoe. Ship fender making is profitably followed in the neighbourhood of seaports.

In those government prisons in which the period of isolation is carried out for nine months, the following are some employments carried on by prisoners in this stage:—

	Average earnings per day.
Tailoring	7 $\frac{3}{4}$ d. to 9 $\frac{3}{4}$ d.
Shoemaking	7 $\frac{1}{2}$ d. ,, 1s. 1d.
Matmaking	5 $\frac{1}{2}$ d. ,, 6 $\frac{1}{2}$ d.
Weaving	8d. ,, 11 $\frac{1}{2}$ d.
Knitting	2d. ,, 2 $\frac{1}{2}$ d.
Oakum-picking, which is carried on mainly for the penal character of the work	3 $\frac{3}{4}$ d. ,, $\frac{1}{2}$ d.
Shoe closing (for women)	6d.
Needlework	3d. ,, 5d.
Basket-making	1s. ,, 1s. 6d.

Matmaking is an industry carried on in a very large number of prisons in England, and, in fact, it is so general that I believe the prisons actually compete with one another for custom in this trade.

The cost of a prisoner may fairly be taken at 26*l.* per annum, at least the actual cost at the county and borough prisons varies from 16*l.* per annum up to 139*l.* in one case. There are many prisons in which no earnings are made at all, and the most profitable do not earn more than one-fourth or one-fifth of their cost; very few, indeed, come up to this result, so it is clear that the problem of finding remunerative labour for prisoners in this stage has not been solved.

In our government prisons, after the usual nine months' labour in isolation has been passed, prisoners are transferred to other establishments, where they work in association. As

the conditions under which they work in this stage more resemble those which prevail outside, it is obvious there is more chance of the work being such as may be useful to them on the conclusion of their sentences, of their being taught useful trades, and of the work being made to pay. Outdoor employment is best in every way, it is healthiest both for body and mind, and generally requires less skill.

Some years' ago, these convicts were employed in jobbing work about the dockyards, they worked in chains, scattered in gangs over the yard, and a great deal of the work was mere brute labour, such as dragging heavy loads, which would have been done far better and cheaper by horses. Such work is neither reformatory nor remunerative. The first improvement on this system was when the convict prison at Portland was opened in 1847, the prisoners being employed in quarrying stone for the construction of the breakwater,¹ and in 1850, when Dartmoor Prison was opened, the work for the prisoners being that of reclaiming the moorland and converting it into a farm. It was a bold experiment to depart so far from previous practice as to employ 1,500 prisoners in the open country without any wall to keep them in, or any chains to hamper their movements, but it was completely justified by the result, and there has never, during the whole twenty-two years, been any difficulty in controlling the prisoners or ensuring their safe custody. Work of this kind answers many of the conditions, but it cannot be said to pay. The land is of the poorest description, the climate very unfavourable, and much preliminary labour is necessary in draining, and clearing away the rocks. If Government should utilise the prisoners' labour by farming, it would be better to take good land and make the best of it, instead of bad land, on which much of the labour is thrown away.

The best system ever devised for the employment of convicts is that of executing large public works by means of their labour. It furnishes them a means for their acquiring a variety of trades which will be useful to them on their discharge. This is an advantage which is largely made use of, and it is highly appreciated by the prisoners. It is more interesting, and therefore more likely to make the prisoners fall into habits of useful

¹ The formal declaration, by the Prince of Wales, of the completion of the Breakwater, took place on August 10, 1872.

industry than if they were always employed at work which must present labour in the most repulsive form to their minds. The prisons in which works of this nature are carried on do absolutely perform work to an amount equal to, and sometimes beyond, their expenses. Lastly, important works may sometimes be executed by this means, which the public might not be always willing to pay for in money, because, while only a comparatively few may quite understand their importance, everybody appreciates and inclines to oppose a proposal to increase debt or taxation.

The earnings of the convicts at Portland, Portsmouth, and Chatham, during the year 1871, amounted to 149,745*l.*, exclusive of the value of any work which they performed for the mere carrying on of the prison, such as baking, cooking, washing, repairing clothes, and so on, all of which are of course done by prisoners. The cost of maintaining these prisons in 1871-2 was 131,986*l.*, in which sum is included the cost of maintaining those who, from sickness or from being under special punishment, or for other reasons, added nothing to the earnings; and it includes also the cost of conveying the convicts under escort to the prisons, and removing them on expiration of their sentences, and the amount of gratuities paid to them to maintain themselves while seeking employment on discharge. There is a clear balance, therefore, in favour of these prisons of 17,759*l.*

The greatest care is taken that the earnings should be correctly calculated and truly stated. A staff of men is employed, whose business it is to measure the prisoners' work. A schedule of prices for the labour has been formed (not by the convict department alone, but in conjunction with the Admiralty and War Departments), which correctly represents the amount which would be paid by those departments to a contractor for work of a nature similar to that done by the convicts. The work measured is then priced out at the rates given in the schedule, and an abstract, given as fully as possible, is furnished every year in the Report of the Directors of Convict Prisons.

To give some idea of the public works done by convicts since the system was introduced, I may state that, at Portland convict prison labour has been employed in quarrying the stone

for the construction of the breakwater, a stone dam in the sea, nearly two miles in length, and running into water fifty or sixty feet deep; they have also done the principal part of the works of defence intended to prevent an enemy obtaining possession of the island; and I may say, *en passant*, that these works are, in my opinion, impregnable to any attack except blockade and starvation of the garrison—a contingency which is out of the question.¹

In executing these works, every variety of mechanics' work necessary in building or engineering has been executed by convicts—quarrying, and dressing, and placing the stone, all sorts of carpentry, casting and forging ironwork, and so on. The large and extensive plant have also been made by the convicts and kept in repair, including the construction of the large cranes and derricks in the quarries, and the laying of the rails for the quarry waggons to run upon on their way to the place for delivery of the stone.

The extensive works which have been undertaken of late years at Chatham and Portsmouth for the enlargement of these dockyards, have been largely done by convict labour. The prisoners have been employed in excavating basins, and building the sea-wall and the dock-walls, besides a vast quantity of preliminary work, such as demolishing the old fortifications at Portsmouth, and draining St. Mary's Island at Chatham. The bricks used in these works have been made by convicts, to the number of 77,181,545, and the Portland stone for them has been raised and worked by the convicts at Portland Prison.

Work of a still higher pecuniary value has been done for the convict department, in the building of new prison accommodation, which has been rendered necessary by the abolition of transportation, prisoners who would have been transported having now to be retained in prisons in England. Within the last few years, prison accommodation in cells for 1,889 prisoners has been erected entirely by convict labour, and a number of accessory buildings, quarters for officers, and so on. The actual cost to the Government of these buildings, erected for the convict department during the last few years has been about 93,000*l.*; the same work done by contract would have

¹ In Appendix XIII. is given a valuable paper by Captain Percy Smith, R.E., on the relative value of free, convict, and soldier labour.

cost 165,000*l.*, showing a clear gain by convict labour of 75,000*l.* in this comparatively small department of their labour. In these works, the bricks have been made by prisoners, stone quarried and dressed, timbers sawn and wrought, and iron cast and forged from the raw state; one thing only, almost the only one, we have bought ready-made, and that is the locks.

Among these works the largest are—a new prison for 700 women, built entirely by convicts, new wings to the prisons at Chatham and Portsmouth (of which a model is exhibited, showing a new mode of ventilation adopted). At Pentonville, an addition of 327 cells has been made under rather peculiar circumstances. The ground space is so restricted that the only way to add to the prison was by raising the roof and adding a storey, and as we were much pressed for room, this had to be done while the prisoners continued to inhabit the prison.

I have said that all the mechanics' work of these buildings is done by convicts. It must not be supposed that we found these mechanics ready to our hands among the prisoners. Out of 2,245 prisoners now employed at trades, 1,650, or three-fourths, acquired their skill in the prison; and these men will, it is thought, on their discharge be less likely to relapse into crime, as they will have full opportunities of pursuing an honest calling. The governors of prisons call attention to the great desire exhibited by the prisoners to acquire knowledge of trades, so many being anxious to learn that it is made a privilege to be obtained only by good conduct. Moreover, it is reported that the cases of misconduct are much fewer among those prisoners employed in trades than among others who are employed jobbing about, although the latter is much the easier work.

The following return shows the extent to which employment in trades is carried out in the Government prisons, and the variety of mechanics' work followed and taught:—

Number of Convicts in Prison November 21, 1870, 8,114.

Trade.	Followed before Reception.	Learnt in Prison.	Total employed as Mechanics.
Bakers	17	19	36
Basketmakers	1	2	3
Blacksmiths	27	25	52
Bookbinders	4	11	15
Bricklayers	43	222	265
Carpenters	70	161	231
Chimneysweeps	1	1	2
Cooks	1	15	16
Coopers	8	3	11
Engineers, mechanical	2	—	2
Fitters, Engine	15	6	21
Fitters, Gas	9	3	12
Gardeners	1	2	3
Grinders	1	—	1
Knitters	—	33	33
Locksmiths	1	—	1
Masons	17	162	179
Matmakers	—	36	36
Moulders	8	—	8
Painters	32	23	55
Plasterers	3	8	11
Platelayers	—	14	14
Plumbers	2	1	3
Printers	2	4	6
Riggers	19	—	19
Sailmakers	3	3	6
Sawyers, Stone	5	30	35
Sawyers, Wood	16	46	62
Shoemakers	149	348	497
Slaters	13	1	14
Smiths	16	35	51
Stonecutters	5	137	142
Strikers	20	4	24
Tailors	72	275	347
Tinsmiths	8	3	11
Turners	—	1	1
Weavers	2	16	18
Wheelwrights	2	—	2
Total	595	1,650	2,245

The greatest desire has been felt, and the greatest pains taken, to make the returns of the value of the convicts' labour at all events true, and the results as shown by the earnings are, I think, not unsatisfactory, considering that the men have to be taken as they come, many quite unaccustomed to work, that they have no pay, that the necessities of safe custody tend to a certain loss of time actually at labour, and that as, for the same reason, the men must work in gangs, it occasionally happens that labour must be wasted.

Some comparisons made by Captain Harvey, in 1867, between a gang of 20 free labourers working in Portsmouth Dockyard and a gang of 20 convicts working near them at the same labour, shows very clearly the difference in the material we have to deal with, and the difference in the results. The 20 navvies were brought up to that work, and, excepting three hodmen, had never done any other. Only two of the gang of convicts had been navvies before, the rest were stokers, sailors, hawkers, spinners, drivers, coal-whippers, &c. The navvies averaged 35 years of age, were 5 feet 7½ inches in height, 36½ in. round chest, and weighed 155 lbs. The convicts averaged 28½ years of age, 5 feet 5½ inches in height, 34½ in. round chest, and weighed 132 lbs. The gang of navvies drank 413 pints of fluid in a week (a good deal of this was beer, no doubt). The gang of convicts drank 285 pints, nothing stronger than tea or cocoa. The navvies ate 10,808 lbs. solid food. The convicts ate 6,377 lbs. In physique, skill, and diet, the navvies, therefore, are immeasurably superior to the convicts, and, further, from the requirements of regularity and security, the convicts were a shorter time actually at labour. The earning of the navvies at daywork was 3s. 3d., the convicts 1s. 11d., or nearly two-thirds of what the navvies earned, and this, I believe, is as much as could be expected. This comparison bears upon another point which has sometimes been raised in connection with proposals for the useful employment of prisoners—viz., whether or not prisoners should be employed at the trades which they have followed before conviction. My own impression is, and our actual practice is, to do so as far as practicable, and excluding the period during which penal labour is enforced. But, practically, it is not possible to carry out the rule at all generally, because many of the occupations followed by prisoners outside are not such as are possible in a prison, such as shopkeepers or servants, hawkers, drivers, miners, &c., and many others would require the provision of tools, special workshops, and so on, which it would not pay to establish without the certainty of providing a continual current of men through the prisons to carry on the trades in question.

Some account ought to be given of the organization of the Department for managing the prisons in England. The Secretary of State for the Home Department is the supreme head of

all prisons in Great Britain. All regulations are issued under his authority and with his approval, and must, of course, be consistent with the Acts of Parliament. But with regard to the county and borough prisons, the means of enforcing the authority of the Secretary of State are very imperfect. The immediate control of these establishments is with the local magistrates, and the only manner in which practically the Secretary of State can enforce his authority is by withholding a certain contribution allowed by the Treasury if any prisons do not fulfil his directions.

As means of satisfying the Secretary of State as to the condition of these prisons, there are appointed, under Acts of Parliament, the Surveyor-General of Prisons, who is his adviser on all questions of prison construction, and the Inspectors of Prisons, whose duty it is to visit and report on the manner in which the Acts and orders relating to prisons are carried out, but who have no authority whatever in the prisons.

The Government prisons are managed, under the Secretary of State, by the Directors of Convict Prisons (who have recently been made also Inspectors of Military Prisons). They act under the Chairman of the Directors.

The office of Surveyor-General of Prisons (referred to above), Chairman of the Directors of Convict Prisons, and Inspector-General of Military Prisons, created by different Acts of Parliament, are united in the same person.

The military prisons have recently been placed under the immediate control of the Inspector-General of Military Prisons, so that all Government prisons, both civil and military, are now managed in one department; and as the buildings of the Government prisons are executed under the Surveyor-General, it follows that on the very important question of construction—but on that only—one system prevails throughout all the prisons in England.

The whole of the financial affairs of the Government prisons, the making of contracts, the duties of inspection, and those duties of conduct and discipline which require the intervention of higher authority than the governors in immediate charge of the prisons, are executed by the Directors.

It is the duty of the Director to visit every convict prison periodically, to see that the orders given are carried out, that

there are no abuses or irregularities, to hear appeals or requests from prisoners, and to act magisterially in trying charges against prisoners.

The necessary funds are voted every year by Parliament, the Directors being responsible for their administration according to instructions received.

In the county and borough prisons, duties of the nature referred to in the preceding paragraph are performed by local magistrates, and the funds are provided by local rates levied under the same authority.

Each prison has a governor and one or two deputy-governors; a chaplain, and, when necessary, an assistant-chaplain; a Roman Catholic priest, when the number of Roman Catholic prisoners is sufficient to require it; a medical officer, and, in the majority of prisons, an assistant medical officer. [See Appendix II.] The governor is the head of the establishment, under him are more immediately the discipline staff of warders, &c. The schoolmasters are under the chaplain; and the infirmary staff under the medical officer. There is also a clerk of works and a staff of permanent officers to instruct the prisoners in their various trades, and to measure the value of the work they execute. More minute details on the staff at any prison are to be found in the annual report of the Directors and in the parliamentary estimates laid before the House of Commons, and their detailed instructions will be found in the rules for prisons. It must suffice here to say that the spirit of these instructions is that, while it is always to be remembered that the prisoners are sentenced to undergo punishment, the dictates of humanity are to be carefully kept in view; that all the officers are to bear in mind that their duty is to reform as well as to punish, and that the conditions to ensure good health of body are to be attended to carefully.

Inspection of the prisons will show that these instructions are practically enforced, and statistics prove the efficiency of the organization for this purpose.

The sanitary condition of the English convict prisons is fully reported on in detail every year, and the statistics, with observations by the medical officers, will be found in each report of the Directors.

A perusal of these reports will show that due means are

taken to ensure conditions favourable to health, and that they obtain the desired result.

The following tables show the death-rate in the prisons for the last seventeen years, and when it is considered that convicts are, as a class, men of low physical type, born and brought up under conditions unfavourable to health, early given up to vicious courses, and with constitutions in many cases ruined or impaired by excess, it may fairly be said that the statistics of mortality show that prisoners are duly cared for in all that pertains to health, and that in that respect the conditions of their life, their habitation, clothing, and diet, are more favourable than they probably are in a state of freedom.

The history of the prisons for many years past has shown an entire absence of epidemics within them, although virulent diseases (as has recently been the case with small-pox) may have prevailed among the free population around them. During the progress of this epidemic through the country, though a few prisoners in some prisons took the disease, its course therein was speedily arrested through the precautions taken by, or on the recommendation of, the medical officers, a fact which must be taken to prove that conditions favourable to the development or propagation of disease do not exist in the prisons.

Year.	Average Number of Male Convicts in each Year.	Number of Deaths among Male Convicts in each Year.	Death-rate per Thousand of Male Convicts.	Mean of each Triennial Period.
1855	6,513	100	15.4	13.5
1856	6,036	93	15.4	
1857	6,450	64	9.9	
1858	6,343	104	16.4	13.2
1859	6,466	71	11.0	
1860	6,396	79	12.3	
1861	6,022	68	11.3	11.9
1862	5,862	54	9.2	
1863	5,903	90	15.2	
1864	6,055	88	14.5	16.9
1865	5,861	109	18.6	
1866	5,853	103	17.6	
1867	6,095	90	14.7	13.4
1868	6,593	79	11.9	
1869	7,185	99	13.7	
1870	7,942	100	12.6	
1871	8,218	110	13.4	

Year.	Average Number of Female Convicts in each Year.	Number of Deaths among the Female Convicts.	Death per Thousand Female Convicts.	Mean Triennial.		
				Daily Average Number of Female Convicts.	Number of Deaths.	Deaths per Thousand.
1855	776.9	8	10.2	836.66	12.33	14.6
1856	810.8	15	18.5			
1857	922.3	14	15.1			
1858	1,013.4	18	17.2	1,167.1	16	13.76
1859	1,188.6	11	9.2			
1860	1,269.3	19	14.9			
1861	1,204.6	11	9.1	1,239.63	13.33	10.6
1862	1,211.2	8	6.6			
1863	1,303.1	21	16.1			
1864	1,274.3	27	21.1	1,179.83	20.	16.9
1865	1,248.2	15	12.0			
1866	1,017.	18	17.6			
1867	1,007.7	12	11.9	1,098.8	13	11.76
1868	1,104.	12	10.8			
1869	1,184.7	15	12.6			
1870	1,190.	23	19.3			
1871	1,217.	23	18.9			

In the construction of the prisons the most careful attention is paid to the important questions of drainage and ventilation, questions which it will be more appropriate to enter into when dealing with the subject of prison construction, which I hope to do in a subsequent paper.

Every prison is provided with an hospital, into which a prisoner is taken as soon as he is unable to carry on the ordinary work of the prison.

But the population of the prison is largely composed of chronic invalids, requiring constant medical care, and incapable of exposure, or employment on public works. For such as these, special prisons are appointed, the principal one being at Woking, which is constructed in a manner suitable to prisoners of this class. The labour exacted of these prisoners is such only as the medical officer considers most suitable in each case.

The medical officers of all prisons are called upon monthly and quarterly to make reports, in detail, according to the directions in the forms given in Appendix IX.

The cost of maintaining the Government prisons is detailed every year in the report of the Directors. The following is a statement of the gross cost, and the cost per head for the last

eight years, not taking into account the value of labour done:—

Year.	Average Number of Convicts.	Gross Expenditure.	Gross Annual Cost per Prisoner.		
			£	s.	d.
1864	7,418	247,227	33	6	8
1865	7,184	235,773	32	16	4
1866	6,905	237,333	34	7	4
1867	7,255	244,067	33	12	10
1868	7,800	257,307	32	19	9
1869	8,578	276,324	32	4	3
1870	9,557	299,796	31	7	5
1871	9,931	313,633	31	9	4

The net cost in 1871, after deducting the value of the prisoners' labour, was 8*l.* 10*s.* per head.

(It may be well here to explain that the increase in the average number for the last two years is due to two causes—the accumulation resulting from the abolition of transportation; and the transfer to the care of the Directors of Convict Prisons of between 500 and 600 military prisoners formerly maintained in other establishments.)

A discussion intended to improve our means of repressing crime would be very imperfect if it was limited to mere questions of management of prisons, whether they be considered as places of punishment or reformation.

The object is to *prevent* crime, and our view should first be directed to ascertain the sources from which crime springs—those crimes (that is to say) which society has enacted laws to repress and determined to punish by the means under review.

An investigation of this branch of the subject would, I believe, show that all criminals might be classed under one of the following heads:—

1. Those who have been brought up without care or education, many from their early years with criminal associates, and under care of parents of the criminal class.

2. Those who are in the way of earning an honest living, but who yield casually to temptation.

3. Those of the same class who deliberately adopt a course of crime, either from a liking for the excitement, or from impatience of the slower gain of an honest life.

4. Those who, from mental or bodily incapacity, find the difficulties of making a livelihood so great that they resort to crime.

5. Those whose passions or evil habits have led to their committing crimes of violence.

One law cannot be applicable to all these classes.

To stop the supply of the first class, the law should, and does to some extent, provide that children who are likely to fall into it should be withdrawn from the custody of their negligent or immoral guardians, and brought up at the public expense. Moreover, the magistrates should not be able to impede the operation of the law.

For those of classes 2, 4, and 5, a system of stern, deterrent discipline, with inculcation of higher moral principles, is the thing needful.

Class 3 might, I venture to think, after a fair chance was once or twice given them, be locked up invariably for very long periods, as the only way of protecting society against them, and preventing them developing a class of criminals as bad as themselves.

The account which I have given of the English convict system is necessarily brief, but I hope it has been sufficient to indicate the principles on which it is framed.

I shall be satisfied if I should succeed in directing attention to the great mass of experience afforded by the various systems we have tried in the Colonies and at home, and shall have shown that our lessons have not been lost upon ourselves, but that we may fairly claim to have established a system, not of course incapable of improvements, but which, carried out as it is by a staff of earnest and faithful officers, animated by the single desire of doing their duty, has undeniably produced desirable results.

E. F. DU CANE, Major R.E.,
Surveyor-General of Prisons.

44 Parliament Street, Westminster.

APPENDIX.

APPENDIX I.

Accommodation in Convict Prisons in Great Britain.							
Prison.	Associa- tion.	Separate.	Total.	Punish- ment.	Infirmary.	Grand Total.	
Close Prisons	Millbank	140	792	932	—	71	1,003
	Pentonville	—	1,000	1,000	4	22	1,026
	Perth and Paisley	—	130	130	—	—	130
	Total	140	1,922	2,062	—	93	2,159
Public Works and Invalid Prisons	Portland	—	1,466	1,466	76	86	1,628
	Portsmouth	—	1,255	1,255	60	33	1,348
	Chatham	—	1,637	1,637	74	85	1,796
	Total	—	4,358	4,358	210	204	4,772
Public Works and Invalid Prisons	Dartmoor	296*	588	884	29	84	997
	Woking (invalids)	274	300	574	12	150	736
	Brixton (light labour)	—	626	626	15	30	671
	Parkhurst (invalids)	54	443	497	15	44	556
Total	624	1,957	2,581	71	308	2,960	
Total—Males	764	8,237	9,001	285	605	9,891	
Female	Millbank	186	69	255	30	35	320
	Fulham	—	276	276	15	—	291
	Woking	—	708	708	27	45	780
	Total—Females	186	1,053	1,239	72	80	1,391

* Separate Cell Prison to replace this will be ready before the end of the year.

APPENDIX II.
Returns of the Establishments of the different Prisons in the Year ended March 31, 1872, made by the Chairman of the Directors of Convict Prisons.

Establishments.	Total.		Woking.	Dartmoor.	Chatham.	Portsmouth.	Portland.	Millbank.	Pentonville.	Parkhurst.	Brixton.	Fulham.	Refuge.	Woking.
	M.	F.												
Governor, deputy governor, and lady superintendents	21	3	2	2	3	3	3	2	2	2	2	2	—	2
Chaplain and assistant chaplain, Roman catholic priest, and Presbyterian clergyman	24	—	—	—	4	2	3	—	—	1	—	2	—	—
Schoolmasters and scripture readers, and schoolmistresses	51	14	6	7	7	7	7	7	6	4	4	—	3	6
Medical officers, assistant surgeons, and coroner	19	—	2	2	2	2	2	2	2	1	1	1	—	—
Clerks	72	—	7	10	9	11	11	10	7	5	4	3	—	—
Stewards and manufacturers	12	—	2	2	1	1	1	2	1	1	1	—	—	—
Chief warders and chief matrons	9	—	1	1	1	1	1	1	1	—	—	—	—	—
Foreman of works and farm and clerks of works	10	—	1	—	2	2	2	—	1	—	1	—	—	—
Principal warders and principal matrons	74	22	6	4	10	10	10	4	1	7	1	1	—	—
Warders, matrons, compounders	275	56	21	36	44	37	47	14	16	20	17	1	6	12
Assistant warders and assistant matrons	573	78	28	60	108	87	113	23	66	37	25	—	11	31
Cooks, bakers, gatekeepers, porters, watchmen, nurses, and messengers	116	—	11	—	15	11	15	—	17	11	12	5	—	40
Engineers, enginemen, gasmen, stokers, artists, cutters	89	—	3	—	5	1	2	6	4	4	—	—	—	—
Labourers, charwomen, dairymen, brick-makers, carters	21	—	—	1	2	2	2	—	6	3	—	1	—	—
ivil guards	149	—	—	—	42	30	38	—	29	10	—	—	—	—
Total Establishments	1,465	177	92	141	257	202	256	48	190	107	77	15	37	92

APPENDIX III.

No. 251.

August 14, 1865.

The Secretary of State has approved of the selection of a limited number of female convicts, whose conduct and industry has been good in prison, to be sent to a refuge in London, which has been established with his sanction.

The managers of this refuge are a committee of magistrates, who, if the conduct of the women in the refuge is good, will interest themselves as far as they can in obtaining situations and employment for them on their discharge.

Female convicts who qualify themselves by their conduct and industry for the refuge, will be eligible to be sent there six months before the period at which they would ordinarily be discharged from prison; so that they will remain in the refuge instead of a prison for the last six months of their time.

They will have an opportunity of earning some addition to the gratuity which they would earn in prison—

They will not wear ordinary prison dress.

They will be eligible for discharge on special licences.

The directors trust that these privileges will be appreciated by the whole body of female convicts, and stimulate them to qualify themselves for the refuge class by their industry and good conduct.

So soon as the mark system is in operation, the admission of women to the refuge class will depend on the number of marks they earn; for the present, the selection must be made according to the recorded industry and conduct of the women.

E. Y. W. HENDERSON.

APPENDIX IV.

EXAMINATION OF CONVICTS IN PRISON SCHOOLS.

No. 309.

May 15, 1868.

In order to test and record at periodical examinations, the efficiency of the instruction in convict prisons, and the progress made by the learners, every prisoner under instruction will be examined twice a year and his progress recorded in a book of the pattern herewith, according to the directions given. The chaplain or assistant-chaplain will do the duty of examiner or inspector of the school. The chaplain in his annual report will, from the records thus furnished, state the number of prisoners who have made progress in the various degrees.

E. Y. W. HENDERSON.

EXAMINATION BOOK.

No and Name _____

TABLE I.—To show Class and Standard of Attainment.												
Date of Examination.												
Class and Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.	Class.	Standard.
Reading .												
Writing .												
Arithmetic												

N.B.—The class shown is to be that in which the prisoner was prior to examination. The standard is to be that for which the examination shows him to be qualified. If a new standard is not attained between two examinations, it will not be necessary to make an extra entry of the standard, but merely insert the date of the last examination in the column for the dates.

TABLE II.—To show the qualification for the six Standards.

	Standard I.	Standard II.	Standard III.	Standard IV.	Standard V.	Standard VI.
Reading	Narrative in monosyllables.	One of the narratives next in order after monosyllables in an elementary reading book used in the School.	A short paragraph from an elementary reading book used in the School.	A short paragraph from a more advanced reading book used in the School.	A few lines of poetry from a reading book used in the First Class of the School.	A short ordinary paragraph in some ordinary modern narrative.
Writing	Form on black board or slate, from dictation, letters capital and small, and manuscript.	Copy in manuscript character a line of print.	A sentence from the same paragraph slowly read once and then dictated in single words.	A sentence slowly dictated once by a few words at a time from the same book, but not from the paragraph read.	A sentence slowly dictated once by a few words at a time from a reading book used in the First Class of the School.	Another short ordinary paragraph in some ordinary modern narrative slowly dictated by a few words at a time.
Arithmetic	Form on black board or slate, from dictation, figures as up to 20, name at sight, figures up to 20, add and subtract figures up to 10; orally, from examples on black board.	A sum in Simple Addition or Subtraction and the Multiplication Table.	A sum in any simple rule as far as Short Division (inclusive).	A sum in compound rules. (Money.)	A sum in compound rules. (Common Wgts. and Measures.)	A sum in Practice or Bills of Parcels.

TABLE III.—To show Progress in each Subject.

Date of Examination.							
Progress .	Progress.	Progress.	Progress.	Progress.	Progress.	Progress.	Progress.
Reading							
Writing							
Arithmetic							

Write G. P. for great progress.—P. for progress.—S. for stationary.—
B. for gone back.

DIRECTIONS FOR THE USE OF THIS BOOK.

1. An examination book will be given to every prisoner under instruction. It is to be kept by the schoolmaster, and to be issued to the prisoner at all examinations.

Immediately on the prisoner joining the school he is to be examined, and his work is to be entered in this book. If at this, or at any succeeding examinations, the prisoner is unable to use the book, the schoolmaster will write a statement to that effect on each occasion, specifying the date and affixing his signature. In case of the transfer of a prisoner, his examination book will be sent with him.

2. The following work is to be done in this book at each examination:—

- a. Exercises in writing in large, round, or small hand; not less than two lines.
- b. An exercise in dictation, about fifty words.
- c. Exercises in arithmetic in the standard to which the prisoner has attained, two or three examples in each rule belonging to that standard, and if thought fit, some examples in the rules belonging to the previous standards.

3. At the commencement of every examination the prisoner will write on the page on which he is about to enter his work, his name and number, the name of the station, and the date.

4. The chaplain or assistant-chaplain will write one of the numbers I., II., III., IV., V., or VI. on each exercise in reading, writing, or set of exercises in reading, writing, or set of exercises in arithmetic, that fairly comes under the standard of attainment denoted thereby.

5. In completing the tables on the cover of this book, the pupil is to be classed as having made progress, if he was not able to use a book at the last examination, but can do so now.

6. The 'standards' will be those in use by the Committee of Council on Education.

APPENDIX V.

No. 120.

February 17, 1864.

I beg to transmit copies of a table of the new dietaries for male and female convicts approved by Secretary Sir George Grey, which are to come into use on and after April 15 next.

For Male Convicts at Industrial Employment.

	BREAKFAST.	
$\frac{3}{4}$ pint cocoa, containing	{ $\frac{1}{2}$ oz. of cocoa. 2 ozs. milk. $\frac{1}{2}$ oz. molasses. Bread.	
	DINNER.	
Sunday	{ 4 ozs. cheese. Bread.	
Monday, 4 oz. mutton	{ With its own liquor flavoured with $\frac{1}{2}$ oz. onions, and thickened with bread left on previous day. 1 lb. potatoes; ¹ bread.	
Tuesday, 1 pt. soup, containing	{ 8 ozs. shin of beef. 1 oz. pearl barley. 3 ozs. fresh vegetables, including onions. 1 lb. potatoes; ¹ bread.	
Wednesday, 4 oz. mutton	{ With its own liquor flavoured and thickened as above. 1 lb. potatoes; bread.	
Thursday, 1 lb. suet pudding, containing	{ $1\frac{1}{2}$ oz. suet. 8 ozs. flour. $6\frac{1}{2}$ oz. water. 1 lb. potatoes; bread.	
Friday, 4 oz. beef	{ With its own liquor flavoured and thickened as above. 1 lb. potatoes; ¹ bread.	
Saturday, 4 oz. beef	{ With its own liquor, flavoured and thickened as above. 1 lb. potatoes; ¹ bread.	
	SUPPER.	
1 pint gruel, containing	{ 2 ozs. oatmeal. $\frac{1}{2}$ oz. molasses. 2 ozs. milk. Bread.	
Bread per week		. 148 oz.
„ each week-day		20 oz.
„ each Sunday		28 oz.

¹ $\frac{1}{8}$ oz. of flour each, and $\frac{3}{4}$ oz. of pepper per cent. to be added to Millbank and Pentonville Diet.

Penal Class Diet.—Males.

	BREAKFAST.	
1 pint porridge, containing	{ 4 ozs. oatmeal. $\frac{1}{2}$ pint milk. Bread.	
	DINNER.	
	1 lb. potatoes; bread.	
	SUPPER.	
	1 pint porridge, as at breakfast; bread.	
Bread per week		. 140 ozs.
day		20 ozs.

Punishment Diet.—Males.

1 lb. bread per diem, with water.
Penal Class Diet every fourth day, when the diet is continued beyond three days.
DIETARIES FOR CONVICTS AT PUBLIC WORKS. ALSO DARIMMOOR AND WORKING.

For Convicts at Hard Labour.

	BREAKFAST.	
$\frac{3}{4}$ pint cocoa, containing	{ $\frac{1}{2}$ oz. cocoa. 2 ozs. milk. $\frac{1}{2}$ oz. molasses. Bread (see below.)	
	DINNER.	
Sunday	{ 4 ozs. cheese. Bread.	
Monday and Saturday, 5 ozs. beef	{ With its own liquor, flavoured with $\frac{1}{2}$ oz. onions, and thickened with $\frac{1}{2}$ oz. flour, and bread and potatoes left on previous days, and $\frac{1}{4}$ oz. pepper per cent. 1 lb. potatoes; bread.	
Tuesday and Friday, 1 pint soup, containing	{ 8 ozs. shin of beef. 1 oz. pearl barley. 2 ozs. fresh vegetables. 1 oz. onions. $\frac{1}{8}$ oz. flour. 1 lb. potatoes; bread.	
Wednesday, 5 ozs. mutton	{ With its own liquor, flavoured and thickened as above. 1 lb. potatoes; bread.	
Thursday, 1 lb. suet pudding, containing	{ $1\frac{1}{2}$ oz. suet. 8 ozs. flour. $6\frac{1}{2}$ ozs. water. 1 lb. potatoes; bread.	

SUPPER.	
1 pint gruel, ¹ containing .	{ 2 ozs. oatmeal. ½ oz. molasses, or salt, varied with ground ginger or pimento.
Bread per week	Bread (see below). 168 ozs.
„ each week-day	23 „
„ each Sunday	30 „

For Convicts at Light Labour.

BREAKFAST.	
¾ pint cocoa containing	{ ½ oz. cocoa. 2 ozs. milk. ½ oz. molasses. Bread (see below).
DINNER.	
Sunday	{ 4 ozs. cheese. Bread.
Monday and Saturday, 4 oz. beef	{ With its own liquor, flavoured with ½ oz. onions, and thickened with ½ oz. flour, and any bread and potatoes left on the previous days, and ¾ oz. pepper per cent. 1 lb. potatoes; bread.
Tuesday and Friday, 1 pint soup, containing	{ 6 ozs. shin of beef. 1 oz. pearl barley. 2 ozs. fresh vegetables. 1 oz. onions. ½ oz. flour. 1 lb. potatoes; bread.
Wednesday, 4 oz. mutton	{ With its own liquor, flavoured and thickened as above. 1 lb. potatoes; bread.
Thursday, ½ lb. suet pudding, containing	{ ¾ oz. suet. ¼ oz. flour. 3¼ ozs. water. 1 lb. potatoes; bread.
SUPPER.	
1 pint gruel, containing	{ 2 ozs. oatmeal. ½ oz. molasses. Bread (see below).
Bread per week	145 ozs.
„ each week-day	20 „
„ each Sunday	25 „

MILLBANK, BRIXTON, AND PARKHURST.

Ordinary Diet.—Females.

BREAKFAST.	
¾ pint cocoa, containing	{ ½ oz. cocoa. 2 ozs. milk. ½ oz. molasses. Bread.

¹ Prisoners in 1st and 2nd classes may have tea and 2 ozs. of additional bread in lieu of gruel.—December 16, 1864.

DINNER.	
Sunday	{ 3 ozs. cheese. Bread.
Monday, 3 ozs. mutton	{ With its own liquor, flavoured with ¼ oz. onions, and thickened with bread left on previous day, and ⅛ oz. flour, and ¾ oz. pepper per 100 rations. ¾ lb. potatoes; bread.
Tuesday, 1 pint soup, containing	{ 8 ozs. shin of beef. 1 oz. pearl barley. 3 ozs. fresh vegetables, including onions. ¾ lb. potatoes; bread.
Wednesday, 3 ozs. mutton	{ With its own liquor, flavoured and thickened as above. ¾ lb. potatoes; bread.
Thursday, ¾ lb. suet pudding, containing	{ 1 oz. 2 drs. suet. 6 ozs. flour. 4 ozs. 14 drs. water. ¾ lb. potatoes; bread.
Friday, 3 ozs. beef	{ With its own liquor, flavoured and thickened as above. ¾ lb. potatoes; bread.
Saturday, 3 ozs. beef	{ With its own liquor, flavoured with ½ oz. onions, and thickened as above. ¾ lb. potatoes; bread.
SUPPER.	
1 pint gruel, containing	{ 2 ozs. oatmeal. ½ oz. molasses. 2 ozs. milk. Bread.

Women employed in washing, or other exceptionally hard work, to receive daily an extra allowance of 3 ozs. bread and 1 oz. cheese, as an intermediate meal between breakfast and dinner, and 4 ozs. of meat four times a week instead of 3 ozs.

Tea, with ½ oz. molasses, 2 ozs. of milk, and 2 ozs. of bread, may be issued to women in the 1st class every night, and to women in the second class on alternate nights, instead of gruel. January 9, 1865. Brixton and Parkhurst.

Bread per week	118 ozs.
„ each week-day	16 „
„ each Sunday	22 „

Penal Class Diet.—Females.

Breakfast: 1 pint porridge, containing 4 ozs. oatmeal, ½ pint milk; bread.	
Dinner: 1 lb. potatoes; bread.	
Supper: 1 pint porridge, as at breakfast; bread.	
Bread per week	112 ozs.
per day	16 „

Punishment Diet.—Females.

1 lb. bread per diem, with water.
Penal Class Diet every fourth day, when the diet is continued beyond three days.

FULHAM.—BREAKFAST.

Cocoa, 1 pint, made with $\frac{1}{2}$ oz. cocoa-nibs, $\frac{1}{2}$ oz. sugar, 2 ozs. milk ; 6 ozs. bread.

ORDINARY DINNERS.

Sunday Cold baked mutton, 5 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. potatoes.

Monday : Baked mutton, 5 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{4}$ lb. potatoes.

Tuesday : Boiled beef as in ordinary diet, 5 ozs. of cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. potatoes.

Wednesday : Beef pudding, to contain 4 ozs. meat when cooked, the paste to be made of 4 ozs. flour, with 1 oz. of suet ; or the same quantity in Irish stew, with 1 oz. and $\frac{1}{2}$ lb. potatoes.

Thursday : Boiled mutton, 4 ozs. cooked meat, 4 ozs. bread, and $\frac{1}{2}$ lb. hot potatoes.

Friday : Beef pie. the pie to contain 4 ozs. cooked meat, and the paste to be made of 4 ozs. flour, and 1 oz. dripping, suet, or lard.

Saturday : Soup, 1 pint, made with 3 ozs. cooked beef, 3 ozs. potatoes, 1 oz. barley, 1 oz. onions ; $\frac{1}{2}$ lb. potatoes, and 6 ozs. bread.

Women employed in the wash-house, and at other hard labour, to have 1 oz. of meat in addition, and 1 pint of broth on each day, excepting Sunday and Wednesday, $\frac{1}{2}$ lb. potatoes.

Women so employed to have $1\frac{1}{2}$ oz. cheese at such time as may be convenient every day except Sunday, and then 1 oz. cheese.

Tea 1 pint of tea (made with $\frac{1}{8}$ oz. tea, $\frac{3}{4}$ oz. sugar, $2\frac{1}{2}$ ozs. milk) and 8 ozs. bread.

APPENDIX VI.

SYSTEM OF CLASSIFICATION TO BE ADOPTED FOR ALL CONVICTS RECEIVED INTO THE PUBLIC WORKS' PRISONS ON AND AFTER JULY 12, 1864.

No. 115.

July 22, 1864.

1.—All stages and classes as now existing to be prospectively abolished for all convicts hereafter received into public works prisons.

2.—A convict during the term of his imprisonment will be required to pass through the following classes, viz. :—

Probation class, one year, during which they must earn on public works 720 marks.	} Minimum period with good conduct and industry.
Third class, one year, during which they must earn on public works 2,920 marks.	
Second class, one year, during which they must earn 2,920 marks.	

After which they will be eligible for promotion to the 1st class.

3.—Every convict is thus required to remain in the probation class for a minimum period of one year, reckoned from the date of conviction, of which nine months will be passed in separate confinement.

4.—If his conduct and industry are good, he will then be promoted to the 3rd class, and so on to the 2nd, remaining in each a minimum period of one year.

5.—Prisoners detained in separate confinement for misconduct cannot be promoted to the 3rd class until three months after they have become eligible for removal to public works.

6.—The remainder of the term of his imprisonment will be spent in the 1st class, unless he is promoted to the special class, or degraded to any lower class.

7.—These classes will be kept quite separate from each other in the prisons.

8.—Convicts in the probation class will be subjected while undergoing separate confinement to the special rules and regulations approved of for the separate prisons. On removal to public works they will continue in the probation class until they have completed twelve months, reckoning from the date of conviction with good conduct.

Prisoners in the probation class will wear the ordinary grey convict dress without facings.

9.—Prisoners in this class on the public works will be allowed no gratuity, nor to receive visits, nor to receive or write letters, except one letter on reception from separate confinement ; they will be allowed one period of exercise on Sunday.

10.—If their conduct and industry are either bad or indifferent, either in separate confinement, or after their removal to public works, they will be detained in the probation class until they have earned an additional number of marks to that allotted to the period to be passed in probation.

11. Prisoners in the 3rd class will wear the ordinary grey convict dress with black facings.

They will be allowed,—

1st.—To receive a gratuity of 12s., being at the rate of 1s. per month for twelve months, to be earned by marks during the time spent in this class, and if their conduct shows that they deserve it.

2nd.—To receive a visit of twenty minutes' duration once in six months, at such time as the governor approves, care being taken that the stipulated number is not exceeded, and both to receive and write a letter once in six months, provided their conduct *in that class* has been good for at least two previous consecutive months.

3rd.—They will be allowed one period of exercise during Sundays.

12.—Prisoners in the 2nd class will wear the ordinary grey convict dress with yellow facings.

They will be allowed,—

1st.—To receive a visit of twenty minutes' duration, and both to receive and write a letter once in four months.

2nd.—To receive a gratuity of 18s., calculated at 1s. 6d. per month for twelve months to be earned by marks during the time spent in this class, if their conduct shows that they deserve it.

3rd.—To be allowed choice of tea and 2 ounces of additional bread instead of gruel.

4th.—To have two periods of exercise during Sundays.

13.—Prisoners in the 1st class will wear the ordinary grey convict dress with blue facings.

They will be allowed,—

1st.—To receive a visit of half-an-hour, and both to receive and write a letter once in three months.

2nd.—Prisoners in this class will be allowed a gratuity of 30s., being at the rate of 2s. 6d. per month for twelve months, to be earned by marks until they have earned 3l. altogether.

3rd.—To be eligible, if their conduct and industry are good, and if special circumstances should render it desirable, to be recommended on discharge for a further gratuity not exceeding 3l.

4th.—To be allowed the choice of tea and 2 ounces of additional bread instead of gruel, and baked instead of boiled meat.

5th.—To be allowed three periods of exercise on Sundays.

No convict is to be promoted to the 1st class until he can read and write, except in special cases, which must be reported to the director.

14.—Prisoners in the special class will wear a blue dress. They will be eligible to be recommended for an extra remission not exceeding one week.

15. All prisoners on public works will wear a badge on the sleeve, which will show the register number and sentence of the prisoner; they will be of the same colour as the facings, except those of the probation class, which will be of the same colour as the clothing.

For practical purposes in calculating the gratuities, the following scale may be adopted:—

In the 3rd class	20 marks are equal to	1d.
2nd	„	1½d.
1st	„	2½d.

Convicts sentenced to cross-irons or to wear the particoloured dress, while under such punishment, to be placed in the probation class; after which they will return to their original class, unless the sentence specifies to the contrary.

Convicts returned to public works from second probation in separate confinement will go through the classes in the same way as convicts first received from separate confinement.

APPENDIX VII.

PENAL CLASS RULES.

1.—Penal class prisoners will be confined in special cells, where strict silence is observed.

2.—They will take exercise for about an hour a day separately, in the presence of an officer.

3.—They will be employed at such hard labour as may be ordered, or in picking a regulated weight of oakum or coir without instruments, or in some such occupation.

4.—They will be restricted to a special diet for three months at least.

5.—They will not be allowed to receive visits, or letters, or to write letters.

6.—They will be subject to the ordinary prison punishment for ordinary offences.

7.—If specially recommended by the governor on account of good conduct at the end of three months, they will receive the ordinary prison diet.

8.—If again specially recommended by the governor at the end of three additional months, they will return to the ordinary cells.

9.—They will be credited with marks at the rate of six per diem.

10.—They should be examined by the medical officer before placing them on punishment diet.

11.—A special list of library books will be kept for the use of prisoners in the penal class, which will be approved by the directors.

APPENDIX VIII.

No. 222.

March 24, 1865.

It is in contemplation to transfer from the public works prisons to the close prisons, for the last three or six months of their sentences, such prisoners as by their continuous bad conduct on public works have shown themselves to have failed to profit by the discipline to which they have been subjected, and to send in their places prisoners who have been in the close prisons more than nine months.

You are therefore requested to send to this office, now and from time to time, the particulars of men due for discharge in about three or six months, whom you would recommend to be so transferred, including particularly men whose licences have been revoked, men repeatedly re-convicted, and men who have forfeited all, or nearly all, of their remissions, and have persevered in a continuous course of misconduct.

APPENDIX IX.

REGULATIONS.—MARK SYSTEM.

No. 146.

1. The time which every convict, under sentence of penal servitude, must henceforth pass in prison will be represented by a certain number of marks, which he must earn by actual labour performed before he can be discharged.

2. No remission will be granted for conduct. It is only on condition of good conduct and strict obedience that convicts are allowed to earn by their industry a remission of a portion of their sentences.

3. If, therefore, their conduct is indifferent or bad, they will be liable to be fined a certain number of marks, according to the nature and degree of the offence, and will thus forfeit by misconduct the remission they may have gained by their industry.

4. The scale of marks is—

8 marks per diem for steady hard labour, and the full performance of their allotted task.

7 „ a less degree of industry.

6 „ a fair but moderate day's work.

5. No remission is granted for the period passed in separate confinement, which is fixed at nine months; a convict's marks are therefore to be calculated at the rate of six per diem, as commencing nine months from the date of conviction; and any forfeiture of time incurred in separate confinement is to be added to his marks at the rate of six for every day forfeited; but if he is detained through no fault of his own in a separate prison above nine months from date of sentence, he will be credited with eight marks per diem for the days he is so detained.

6. If by his industry on public works the convict gains eight marks per diem, and does not forfeit any for misconduct, he earns the full remission of one-fourth allowed by the Secretary of State.

7. When a convict is sentenced to forfeiture of time, a number of marks equal to the number of days forfeited multiplied by six is to be added to the whole number of marks he has to earn: as he can by industry earn eight, he may thereby gain a remission of one-fourth of such forfeiture.

8. When a convict is sentenced to be degraded for a certain time to a lower class he must remain therein until he has earned the full number of marks for that time, viz., the whole number of days multiplied by eight; such number of marks is not, however, to be added to the original number he has to earn by remission, but it represents the number of marks he must earn before he can return to his original class, unless the sentence specifies to the contrary.

Convicts in the light labour class to be credited only with six or seven marks according to their character and industry, unless specially otherwise ordered by the Director.

Convicts sentenced to separate confinement, or penal class, or while undergoing second probation, to be credited only with six marks per diem during that period.

Convicts in hospital to be credited only with six marks per diem, which may be increased by special recommendation of the Governor to the Director.

The record of marks to be kept by the infirmary principal warder, and submitted to the medical officer, who will make such recommendation as he sees fit to the Governor.

9. On Sunday marks must be allotted for conduct alone on that day.

10. Any prisoner reported for idleness or misconduct at school will be liable, in addition to any other punishment, to be fined a number of marks proportionate to his offence.

11. Convicts who, by their inattention, do not profit by the instruction given them, and are found unable to read and write on emerging from the third class, will forfeit their gratuity, which cannot be restored to them until they can do so.

The power of the Governor to fine convicts for remission is limited to the equivalent in marks of their present power of forfeiture of time, viz., from one to fourteen days, the equivalent being from six to eighty-four marks; and his power as to degradation of class is limited to three months, represented by 720 marks, which must be earned before the convict can regain his class, but which are not to be added to the total amount he has to earn for remission.

Re-convicted men will be placed in the same scale of remissions as other convicts; and if their conduct is meritorious their cases will be submitted for favourable consideration at the same period as other convicts; but they will be more severely dealt with than other convicts if they misconduct themselves. [A subsequent order deprives convicts re-convicted a third time under certain conditions of the privilege of gaining a licence.]

Convicts who by their misconduct forfeit the whole of their remission will be liable to be kept in separate confinement during the last six months of their sentence.

APPENDIX X.

AWARDING AND RECORDING THE MARKS GAINED BY CONVICTS.

No. 335.

January 10, 1871.

1. The attention of Governors and Lady Superintendents is directed to the importance of paying constant attention to the details of the working of the system of paying marks, in order to ensure care in awarding and recording the marks gained by convicts, and a proper check on the correctness of the entries of marks gained or forfeited.

2. No officer should be appointed to take charge of a party until the Governor is satisfied that he understands thoroughly the principle on which marks should be awarded, and shows he would be likely to carry out the system fairly and efficiently. The Governor should frequently satisfy himself that the officers continue to know and to perform their duty in this respect.

3. The Deputy Governors shall take every means of seeing that the warders in charge of parties award the marks fairly, and should, during their daily rounds on the works, examine and initial the books of a certain number of parties every day, so that the fairness of the award of marks by every officer in charge of a party may be checked by them at least once in the course of the week. The principal warders should also daily examine and initial the books of the officers in their districts for the same purpose.

4. If it shall appear to them that an officer in charge of a party does not execute this duty efficiently, they shall report accordingly to the Governor, who shall take such steps as may be necessary.

5. No less care is necessary to ensure the correct entry in the penal record, and on the prisoners' cards of the awards and forfeitures. The Governor should himself, and by the Deputy Governor, frequently examine the entries, to see that they are posted without delay, and that the clerks carry out their part of these duties with care and correctness.

E. F. DU CANE.

APPENDIX XI.

ORDER OF LICENCE TO A CONVICT MADE UNDER THE STATUTES 16 & 17 VICT., c. 99, s. 9, AND 27 & 28 VICT., c. 47, s. 4.

Whitehall, day of , 187 .

Her Majesty is graciously pleased to grant to who was convicted of , at the , for the , on the day of , 18 , and was then and there sentenced to be kept in penal servitude for the term of , and is now

confined in the Prison, Her Royal Licence to be at large from the day of his liberation under this order, during the remaining portion of his said term of penal servitude, unless the said shall, before the expiration of the said term, be convicted of some indictable offence within the United Kingdom, in which case such licence will be immediately forfeited by law, or unless it shall please Her Majesty sooner to revoke or alter such licence.

This licence is given subject to the conditions endorsed upon the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by a conviction or not.

And Her Majesty hereby orders that the said be set at liberty within thirty days from the date of this order.

Given under my hand and seal,

Signed,

TRUE COPY.
Licence to be at large. }

Chairman of the Directors }
of Convict Prisons. }

THIS LICENCE WILL BE FORFEITED IF THE HOLDER DOES NOT OBSERVE THE FOLLOWING CONDITIONS.

The holder shall preserve his licence, and produce it when called upon to do so by a magistrate or police officer.

He shall abstain from any violation of the law.

He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

He shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If his licence is forfeited or revoked in consequence of a conviction for any offence, he will be liable to undergo a term of penal servitude equal to the portion of his term of years which remained unexpired when his licence was granted, viz., the term of

If it appears from the facts proved before a court of summary jurisdiction that there are reasonable grounds for believing that the convict so brought before it is getting his livelihood by dishonest means, such convict shall be deemed to be guilty of an offence against the Prevention of Crimes Act, and his licence shall be forfeited.

Every holder of a licence granted under the Penal Servitude Acts who is at large in Great Britain or Ireland shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district; and whenever he changes his residence from one police district to another shall notify such change of residence to the chief officer of police of the police district which he is leaving, and to the chief officer of police of the police district into which he goes to reside; moreover, every male holder of such a licence as aforesaid

shall, once in each month, report himself at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself or to such other person as that officer may direct; and such report may, according as such chief officer directs, be required to be made personally or by letter.

If any holder of a licence who is at large in Great Britain or Ireland remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change of residence, or with the requisitions of this section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against the Prevention of Crimes Act, and upon conviction thereof his licence may in the discretion of the court be forfeited; or if the term of penal servitude in respect of which his licence was granted has expired, at the date of his conviction it shall be lawful for the court to sentence him to imprisonment, with or without hard labour, for a term not exceeding one year; or if the said term of penal servitude has not expired, but the remainder unexpired thereof is a lesser period than one year, then to sentence him to imprisonment, with or without hard labour, to commence at the expiration of the said term of penal servitude, for such a term as, together with the remainder unexpired of his said term of penal servitude, will not exceed one year.

Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes, be guilty of an offence against the Prevention of Crimes Act, and be liable to imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances or any of them:—

First.—If, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction, it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means; or,

Secondly.—If, on his being charged with any offence punishable on indictment or summary conviction, and on being required by a court of summary jurisdiction to give his name and address, he refuses to do so, or gives a false name or a false address; or,

Thirdly.—If he is found in any place, whether public or private, under such circumstances as to satisfy the court before whom he is brought that he was about to commit or to aid in the com-

mission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction; or,

Fourthly.—If he is found in or upon any dwelling-house or any building, yard, or premises, being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure-ground, or nursery-ground, or in any building or erection in any garden, orchard, pleasure-ground, or nursery-ground, without being able to account to the satisfaction of the court before whom he is brought for his being found on such premises.

APPENDIX XII.

SANITARY REPORTS ON CONVICT PRISONS, AND OTHER MEDICAL RETURNS.

No. 339.

May 20, 1871.

With reference to the rules for medical officers, in which certain periodical inspections are ordered, with a view to ensuring the health of the prisoners, and good sanitary condition of the prison, the Secretary of State has directed that in future a full and detailed report of the sickness and mortality in each prison and of the sanitary condition of the prisons shall be made quarterly according to the accompanying form. The monthly report is also to be rendered, according to the enclosed form, No. 458M. in lieu of 262 (Millbank and Brixton), and 458M. (other prisons).

The enclosed amended forms of 'Medical History Sheet, No. 443M.,' 'Medical Statistics, No. 453M.,' and 'Statement of Cases of Invalid Convicts, No. 451M.,' are in future to be used in lieu of those heretofore furnished, the object being to improve the statistics and records of the health of the convicts, and of their medical treatment while in prison.

The medical officers of the county and borough prisons have been requested to furnish a statement on the accompanying form, on the occasion of their sending an invalid convict to a Government prison.

E. F. DU CANE

SANITARY REPORTS OF MEDICAL OFFICERS.

No. 458M.

_____ Prison,
 _____, 187 .

SIR,

I have the honour to report that according to the Established Rule, I, on inspected every part of the Prison, to ascertain whether anything exists therein likely to be injurious to the health of the prisoners, and especially whether the ventilation is sufficiently provided for and attended to, and have to report _____

Having seen every prisoner, as directed, I beg to report as regards their present state of health, that _____.

The Visiting Director.

The following is the return of the number of infirm sick, and of cases treated as casual sick in the wards of the prison during the month of _____ 187 .

Per Centage.

Daily average number of prisoners
 Daily average number of infirm sick
 Number of sick in the infirmary on the last day of last }
 month }
 Number admitted to the infirmary during the month
 Number in the infirmary on the last day of the present }
 month }
 Number of deaths during the month
 Number of cases of casual sick, including new cases and }
 renewed applications }

I have the honour to be, Sir, your obedient Servant,
 _____ Medical Officer.

SANITARY REPORT OF _____ PRISON, FOR THE QUARTER ENDING THE
 LAST DAY OF _____ 187 .

Date _____ Medical Officers.

1. State whether the temperature of the air in the cells, and other parts of the prison, has been such as to promote the health of the prisoners; whether the apparatus for warming and ventilating is in good working order, and whether the officers appointed to regulate the ventilation and warming understand the action of the system in use, and have discharged those duties with care and efficiency.

(NOTE.—The channels through which fresh air is supplied should be examined periodically, to see that they are cleanly. Thermometers should be fixed in every hall or place occupied by prisoners, for the information of the responsible officers.)

2. State whether the water has been sufficient in quantity, and of good quality.

3. State whether the food has been of good quality, and what changes, if any, have been made in the ordinary supply.

4. State whether the modes of preparation and serving up of the food have been according to order, and whether the cooking and baking are efficiently performed.

5. State whether the means employed to preserve cleanliness in the persons, the bedding, and the clothing of the prisoners have been sufficient.

6. State whether any nuisance has arisen during the quarter, from any defect of drainage or sewerage, or any want of cleanliness in the water-closets, sinks, urinals, or any other parts of the prison.

7. State whether any, and, if so, what, other influences in the prison, or its immediate neighbourhood, have appeared to you to exercise an injurious effect upon the health of the prisoners, and what remedy you would propose.

8. State the condition of the subordinate officers' quarters with reference to—

1st. Cleanliness.	4th. Overcrowding.
2nd. Drainage and sewerage.	5th. Local cause of diseases.
3rd. Water supply.	

APPENDIX XIII.

Extracts from a Paper by Captain Percy Smith, R.E., in the 'Professional Papers of the Royal Engineers,' Vol. xvi.¹

It is hoped that a consideration of the Appendices will show that the following results have been attained:

(I.) An average soldier in a working party, such as that shewn at page 95, does, in his working day of nine hours, about $\frac{2}{3}$, and a convict, in his working day of seven hours, about $\frac{1}{3}$, of what a civilian does in his working day of 9½ hours. (Appendix to page 93.)

(II.) In carrying out works a party of soldiers working only five days a week would take about 1½ times as long, and a party of convicts (working six days a week) about three times as long as a similar party of civilians working six days a week. (Appendix to page 93.)

There is no cost whatever really chargeable to the works for a convict; that is, the department employing him has nothing to pay for him; but there is a certain extra expense which falls upon the country when he is employed upon works, in consequence of the extra supervision required when he is out and away from the prison.

The cost of this extra supervision is assumed, upon the data given in Appendix 2, to be 6d. per diem. (Appendix 2 to page 96.) Combining this information with that before arrived at, we find (see Appendix 3) that, taking working pay only into consideration, the cost per unit of work done by the soldier is on an average $\frac{1}{2}$, and of that done by the convict is (for extra supervision only) $\frac{1}{8}$ of that done by the civilian. (Appendix, page 96.)

¹ I believe the advantages of prison labour are somewhat under-estimated in this paper, because some of Captain Smith's data were taken 'on the safe side.' Also we now *undoubtedly* obtain better results than at the time these observations were made.—E. F. D. C.

Many officers who may take the trouble to read these notes have doubtless had more opportunities of seeing military and convict work than has the writer, whose experience is derived chiefly from the fortifications in the Portland district, from measurements and notes upon which the data furnished in this paper have been taken. On these works he is perhaps not in a position to give an unbiassed opinion, but still it may be stated with regard to Nothe Fort (built by soldiers) that the opinion of many impartial judges—inspecting officers, etc.—has been that the work is quite equal to that done by civilians, and it was reported on by the late contractor's foreman as 'rather superior' to contract work. At Portland there are many buildings erected by convicts which stand side by side with, and cannot be distinguished from, similar works built by civilians.

The advantages of employing convicts on works are obvious. The hard work necessary for their punishment is made reproductive, it improves them physically, and is not of such a nature as to make them dogged and prevent mental improvement; they acquire habits of industry, and in many instances, pick up a trade or such a knowledge of work that they qualify themselves to earn an honest living when their sentences expire. On the other hand, they work for very short hours; they must be withdrawn from the work on foggy days for fear of escape; they cannot be kept extra hours on an emergency; they cannot be employed singly without great extra expense for superintendence, nor can they be put into many positions of trust in which they may be required.

Again, if the same work had been done by convicts, we find, by applying the information we have obtained, that the cost would have been as follows:—

	Per Cent.
Materials (the same)	46
Labour, $\frac{1}{3}$ the cost	10
Superintendence	5
Plant (the same quantity, but deteriorating 3 times as long, $3 \times 3 = 9$ per cent.)	9
Idle money (the same capital, idle 3 times as long and paying only 3 per cent., $2 \times 3 \times \frac{2}{3}$)	$3\frac{2}{3}$
Profit (the remainder)	$26\frac{2}{5}$
	100

In this case, again, the idle money is no loss to the department employing the convicts, which moreover does not pay the 10 per cent. for extra superintendence. The real profit accruing to the department is therefore $(26\frac{2}{5} + 3\frac{2}{3} + 10) = 40$ per cent.

We see, therefore, in this particular instance of a casemated fort, that whereas by contract the department would have to pay the full value of the work by employing military labour, a profit would result amounting to 28 per cent., and by convict labour a profit of 40 per cent.

It is evident that as the labour is the only item on which a saving can be effected, the more of it that can be introduced the greater the saving will be. The proportions given above are for a fort, the bricks and stone for which are purchased; but if the bricks are made, and the stone quarried by the cheaper labour, the profits of the brick-maker and the quarryman are added to those of the builder, and the resulting profit is, for military labour $38\frac{1}{2}$ per cent., and for convict labour 54 per cent.

To find the average amount of Work done by the Soldier or Convict, as compared with the Civilian.

From Appendices 1B, 1C, 1A we see that the values at civilian rates of the work done in days of the lengths mentioned were:—

	Hours.	Amount.
Soldier	9	3s. 2d.
Convict	7	1s. 7d.
Civilian	$9\frac{1}{2}$	4s. 8d.

Therefore compared with a civilian a soldier earns as 3s. 2d. to 4s. 8d., or $\frac{38}{50}$, say $\frac{2}{3}$.
convict 1s. 7d. to 4s. 8d., or $\frac{12}{50}$, say $\frac{1}{4}$.

But the soldier, besides working shorter hours, is at drill on Saturdays, and therefore only works $\frac{5}{6}$ the number of days worked by the civilian; the whole amount earned or done by him in a week compared to that done by the civilian is, therefore—

$$\frac{2}{3} \times \frac{5}{6} = \frac{10}{18}$$

Therefore a military working party would take $1\frac{1}{3}$ as long to do the work as a similar party of civilians on day work; and as convicts work the same number of days as civilians, a convict working party would take three times as long as a civilian working party of the same strength.

From the above we may easily ascertain that in a day of $9\frac{1}{2}$ hours the following would be the values of work done at civilian rates:—

Civilian		4s. 8d.
Soldier	$\frac{12}{18} \times 3s. 2d.$	3s. 2d.
Convict	$\frac{10}{18} \times 1s. 7d.$	2s. 2d.

The relative amounts of work done by civilian, soldier, and convict, in a day of the same length, are therefore as follows:—

Civilian	4s. 8d., or 56d., or 11, or 1.0.
Soldier	3s. 4d., or 40d., or 8, or .71.
Convict	2s. 2d., or 26d., or 5, or .46.

To find the amount repaid by a Convict each day he is employed on the Works.

A convict costs on an average, without the extra guarding required for the works, about 1s. 8d. per diem (Appendix 9). The work he

does each day is worth, at civilian rates, about 1s. 7d. (Appendix 1 to page 96), and he costs for extra supervision 6d. per diem. Supposing him to be employed on a casemated fort, we know that the value of the labour, civilian rates, is 31 per cent., and the contractor's profit is 13 per cent. of the whole value of the work. The convict keeps the plant three times longer in use, and it costs, therefore, 9 instead of 3 per cent.; he loses, therefore, on it 6 per cent. The value of the work done is, at civilian rates, 1s. per diem; therefore the contractor's profit would be $\frac{1}{31} \times 1s. 7d. = 8$.

The convict would clear per diem, therefore, as follows:—

	s.	d.
He does 1s. 6d. worth of work for 6d., saving	1	1
He clears the contractor's profit, 13 per cent.	0	8
	1	9
He loses on the plant, 6 per cent.	0	3½
	1	5½

That is, he clears 1s. 5½d. per diem out of 1s. 8d., his daily cost to the country. But as the department employing him pays nothing at all for him, he clears for the department as follows:—

	s.	d.
He does 1s. 7d. worth of work for nothing	1	7
He saves the contractor's profit, 13 per cent.	0	8
	2	3
He loses on plant, 6 per cent.	0	3½
He clears for the department	1	11½

Statement showing the Value of the Work done in a Day of seven hours by a Working Party of Convicts.

Trade.	No.	Value of work done per man in 7 hours.			Total value of work done, estimated at civilian rates.			Remarks.
		£	s.	d.	£	s.	d.	
Carpenters	18	0	2	1	1	17	6	No piece-work.
Masons	20	0	1	9	1	15	0	
Bricklayers	14	0	1	9	1	4	6	
Smiths	10	0	2	1	1	0	10	
Painters	3	0	1	9½	0	5	4½	
Labourers	60	0	1	3½	3	17	6	
	125	0	10	9	10	0	8½	

This estimate of the value of work done per diem by convicts differs from others that have been made, and must be taken simply as an opinion founded upon observation and measurements on work done by convicts, and upon information received from men of great experience in convict labour.

The amount of work done will no doubt vary materially with the state of discipline of a particular prison, the nature of work, climate, &c.

Table showing the Probable Proportions of Expenditure on different works carried out by Convict Labour.

	Materials.	Labour, cost of extra superintendence, 1/3 cost of civil labour.	Superintendence.	Plant 3 times cost to Contractor.	Idle money 1/4 cost to Contractor.	Profit to Country.	Total.	Profit to War Department column, 2 + 3 + 6.	Remarks.
Casemated work, bricks and stone purchased	46	10	5	9	3½	26½	100	40	
Casemated work, bricks made and stone quarried on the spot	26½	14	6	13½	4½	35½	100	54	
Brickwork in thick walls. Bricks purchased	64	6	5	3	1	21	100	28	
Quarrying	11	16	2	21	5½	44½	100	66	
Making bricks	35	13	1	20	¼	30¼	100	44	
Stone wall 8 feet thick, heavy stones requiring gantry	43½	9½	3	21¼	5½	16¾	100	31¾	
Carpenters' work	36	15	4	—	—	45	100	60	
Casemated fort—labour costing twice what it does in England—bricks and stone purchased	35	8	4	7½	2¼	42¾	100	53½	
Casemated fort—labour costing three times what it does in England—bricks and stone purchased	28	6	3	5½	2¼	55¼	100	63½	
Earthwork, digging and wheeling 150 yards	0	22	4	6	1¼	66¼	100	90	

IRELAND.

The Convict Prisons of Ireland.—The number of Government convict prisons in Ireland is four—three for males and one for females.

The aggregate capacity of the convict prisons is for males: Mountjoy, 496; Spike Island, 712; Lusk, 100—1,308; for females: Mountjoy, 547.

The Mountjoy male and female prisons are on the separate system, but after the first stages of imprisonment, the prisoners are worked in association by day. None of the convict prisoners are placed (under contract with the local authorities) in prisons not belonging to the Government.

The aggregate number of cells is: Mountjoy, male, 496. Spike Island, ward cells, 688; light punishment cells, 22; dark cells, 6—716. Lusk, no cellular accommodation. Total, 1,212. Mountjoy, female, 505.

The ordinary dimensions of these cells is: Mountjoy, male, 13 feet long, 7 feet wide, 9 feet high. Spike Island, 372 cells are each 6 feet long, 3 feet 7 inches wide, 7 feet high; 316 cells are each 7 feet long, 4 feet wide, 7 feet high; 11 cells are each 11 feet long, 7 feet wide, 8 feet 6 inches high; 11 cells are 11 feet long, 7 feet wide, 10 feet 9 inches high; and 6 cells are 8 feet long, 6 feet wide, 8 feet 10 inches high. Mountjoy, female, 7 feet long, 4 feet wide, 7 feet 6 inches high; and 12 feet long, 7 feet wide, 9 feet 6 inches high.

They generally contain the following articles of furniture: Mountjoy, male: table, stool, hammock, etc., washing-basin, quart tin, and plate. Spike Island: hammock, mattress, pillow and bedding, form, table, water-can, washing-basin, urinal, drinking-cup, salt-cup, spoon, candlestick, comb, towel, coir cell brush. Mountjoy, female: table, stool, bed, bedding, and towel, dusting, shoe, and hair brushes, combs (2), quart tin, tin dish, basin, spoon, and chambers (2).

The officers are appointed by the Irish Government, at whose pleasure they hold office. They are previously examined by the Civil Service Commissioners.

Pensions and compensations are awarded by the Lords Com-

missioners of Her Majesty's Treasury, under the scales laid down by the Superannuation Acts for superannuated and disabled officers.

The results of the system of progressive classification are satisfactory.

The punishments used for breaches of prison rules or other misconduct are: privation of diet and reduction in classification. Corporal punishment is rarely employed. A full record of punishments is kept. The offences most common are: insolence, unnecessary talk, and inattention to orders.

The prisoners are always allowed to make complaints of real or fancied grievances to directors, or governors, or superintendents of the prison. Attention is paid to their complaints. The statements are taken down in writing, and decision made accordingly.

The male prisoners wear frieze, with a distinctive stripe. The female prisoners are, as at all large institutions, dressed alike. Our opinion is in favour of such a prison dress, as a precaution against escape, and to secure uniformity.

The mask is not worn in the Irish convict prisons.

Chaplains of the Episcopal, Presbyterian, and Roman Catholic denominations are regularly appointed officers of the prison, who devote their time to the religious instruction of the prisoners. Approved religious books are supplied to the prisoners. Volunteer working visitors are not admitted at the male prisons. Ladies of a religious community visit the Roman Catholic convicts, and ladies of their own persuasion the Episcopalians and Presbyterians, to prepare them for the refuges. The prisoners receive efforts for their moral and religious improvement in a generally satisfactory spirit.

The letters and visits of friends are found usually to be beneficial to the prisoners.

The proportion of prisoners on their admission either wholly illiterate, or so imperfect in their knowledge of reading as to derive neither instruction nor entertainment from it, is found to be: males, 21·74 per cent.; females, 63·22 per cent. Schoolmasters and schoolmistresses are attached to each prison. A library is formed in each convict prison, including secular as well as religious books. The number of volumes in Mountjoy, male, is 592. Mountjoy, female, 290. Spike Island, secular

books, 380; religious books, 4,180; total, 4,560. Lusk, library books, 50.¹ Many of the prisoners show a fondness for reading.

They have about an hour each evening, and on Sundays and holidays, for reading.

The sanitary arrangements of the prisons are excellent, and the condition of the prisons satisfactory. The prevailing diseases are colds, mild febrile and pulmonary affections. (See Appendix, Directors' Annual Report for 1870.)

The rate of mortality was smallest last year in Mountjoy, male, where there was no death in the year 1870.

This small rate is attributable to the satisfactory sanitary state of the prison, as well as the limited periods of detention therein.

The only penal labour in use is oakum-picking in Mountjoy Male Convict Prison for the first three months of a prisoner's confinement in separation. The industrial labour in use consists chiefly in making mats, matting, mattresses, and shoes in Mountjoy Male Convict Prison. Tailoring, shirt-making, and washing in Mountjoy Female Convict Prison. Agricultural work at Lusk Prison, and outdoor employment on public works, as stone-cutting, masonry, quarrying, and labouring at Spike Island Prison.

Each prisoner, for the first three months of his confinement in Mountjoy Male Convict Prison, is required to pick daily four pounds of oakum, value about $2\frac{1}{4}d$.

The only allowance given to a convict is a gratuity, which is dependent on his classification. A prisoner has no claim to any portion of his earnings.

The prisoners work chiefly by the hour; piece-work is in use as far as practicable in the female prison.

About 35 per cent. of the prisoners had not learned a trade or calling prior to their committal.

The average length of sentences for the last five years has been: males, $7\frac{1}{3}$ years and life; females, 6 years and 85 days.

The proportion of life sentences for the last five years has been: males, $3\frac{1}{4}$ per cent.; females, 1.35 per cent.

Prisoners for life receive the same treatment as other prisoners, excepting that they are not sent to intermediate prisons or refuges.

¹ The religious books are chiefly Bibles, prayer-books, and catechisms of the Episcopal and Roman Catholic churches.

The proportion of the prisoners committed in each of the last five years who had been in a convict prison before is as follows: Males in 1867, $\frac{9}{31}$; 1868, $\frac{3}{2}$; 1869, $\frac{5}{10}$; 1870, $\frac{8}{29}$; 1871, $\frac{3}{16}$; Females, 1867, $\frac{2}{11}$; 1868, $\frac{6}{25}$; 1869, $\frac{1}{3}$; 1870, $\frac{1}{11}$; 1871, $\frac{2}{13}$. Of these the following proportions had been previously committed to prison: Males, 1867, $\frac{5}{12}$; 1868, $\frac{2}{3}$; 1869, $\frac{6}{10}$; 1870, $\frac{3}{11}$; 1871, $\frac{1}{2}$. Females, 1867; $\frac{7}{11}$; 1868, $\frac{7}{13}$; 1869, $\frac{2}{3}$; 1870, $\frac{1}{4}$; 1871, $\frac{2}{3}$. These re-committals have been ascertained from personal identification, records received with prisoners from county and city jails, and by photography.

The proportion of prisoners who were minors when committed is as follows: Males in 1867, 8.43; 1868, 12.97; 1869, 13.66; 1870, 9.31; 1871, 15.62. Females in 1867, 1.81; 1868, .75; 1869, 2.53; 1870, 4.68; 1871, 1.73.

In reply to the question what is thought of the policy of substituting unlimited for limited periods of imprisonment, to which criminals are sentenced, so as to make the time of liberation depend on the prisoner's moral condition, and the reasonable expectation of his not relapsing into crime, Mr. Murray is of opinion that, subject to the modifications suggested to the Transportation Committee of the House of Commons, First Report, 1856, by Mr. M. D. Hill, unlimited imprisonment would be a wise and most valuable addition to the criminal code of the nation. See also Mr. Hill's charge for October 1855, and the sequel to it in his 'Suggestions for the Repression of Crime.' Captain Barlow does not approve of such a policy. Mr. Murray believes that prisoners are often set free before their liberation can be considered safe to society, or really beneficial to themselves, either because their moral cure cannot be deemed complete, or because they have not the means of getting an honest livelihood, from want of a sufficient knowledge of some handicraft, or from physical or mental weakness.

Occasionally cases occur of prisoners who are detained beyond the time when it is fully believed that they could safely be liberated.

The 'intermediate system,' for gradually preparing prisoners for liberation, is in use, and with satisfactory results.

Female prisoners needing such instructions, are taught to cook and sew; and, generally, efforts are made as far as possible, to enable a man or woman, on liberation, to avoid a

wasteful expenditure, and to turn their wages to the best account.

We should consider any such arrangement as teaching music unsuitable in a prison.

The only case in which convicts can assist their families is where they had, on conviction, private property; this, under certain regulations, they can send to their friends. There is no other way in which they can practically give that evidence of moral improvement which is afforded by a willingness to forego selfish advantages for the benefit of others.

Efforts are made to keep up the domestic ties of prisoners, such as allowing them to see members of their family, from time to time, except when, under the circumstances, these ties must be hurtful.

An agent in the case of males is appointed, with satisfactory results, to enable discharged prisoners to obtain work. Other efforts are made, through the 'Golden Bridge Refuge' and the 'Shelter' for females, to prevent the relapse of female prisoners desirous of doing well.

No means are taken to trace prisoners after their discharge, beyond the expiration of their sentences, in order to ascertain what is their subsequent career. While on licence the convicts are under police supervision, provided by the fifth section of Prevention of Crimes Act, 1871.

MOUNTJOY MALE PRISON.

Daily routine of prisoners in separation and association.

In summer—hours.	Disposal of time—prisoners in separation.	In winter—hours.
5.30 A.M.	First bell, prisoners rise, wash, make their beds, and sweep their cells	6.30 A.M.
6 to 7 A.M.		
7 to 9 A.M.	Exercise	8 to 9 A.M.
9 to 9.30 A.M.	Work in cells	9 to 9.30 A.M.
9.30 to 2 P.M.	Breakfast hour	9.30 to 2 P.M.
	Work in cells, except one hour's schooling, daily, for first and second school classes, and one hour's schooling three days in the week for third school class	
2 to 3 P.M.	Dinner-hour and school-teaching in cells	2 to 3 P.M.
3 to 7 P.M.	Work in cells	3 to 7 P.M.
7 to 7.15 P.M.	Supper, and double-lock prisoners retire to bed at 8 $\frac{1}{4}$ o'clock, and gas extinguished in cells at 8 $\frac{3}{4}$ o'clock, P.M.	7 to 7.15 P.M.

¹ The above information is taken from the answers furnished by Patrick Joseph Murray, Esq. and J. Barlow, Esq., the directors of Irish prisons.

Ten and a half hours' work daily in summer and nine and a half hours' in the winter months.

Roman Catholic prisoners, in separation, attend chapel from 7 to 8 o'clock A.M. on Tuesdays, Thursdays, and Fridays. Protestant prisoners, in separation, attend church from 10 to 11 o'clock A.M. on Mondays, Fridays, and Saturdays. Sundays and holidays Roman Catholic prisoners attend mass from 7 to 8 A.M. Religious instructions from 12 to 1 P.M. The Protestant prisoners at Divine service from 10 to 11 A.M.; Presbyterian prisoners from 8 to 9 A.M. The remainder of the day is devoted to reading in cells, except two hours for exercise.

In summer—hours.	Disposal of time—prisoners in association.	In winter—hours.
5.30 A.M.	First bell, prisoners rise, wash, make their beds, and sweep their cells	6.30 A.M.
6 to 8 A.M.		
8 to 9 A.M.	Exercise	8 to 9 A.M.
9 to 10 A.M.	Breakfast hour	9 to 10 A.M.
10 to 2 P.M.	Work	10 to 2 P.M.
2 to 3 P.M.	Dinner hour	2 to 3 P.M.
3 to 6 P.M.	Work, except one hour's exercise daily to the advanced class	3 to 6 P.M.
6 to 7 P.M.	School	6 to 7 P.M.
7 to 7.15 P.M.	Supper, and double-lock prisoners retire to bed at 8 $\frac{1}{4}$ o'clock, and gas extinguished in cells at 8 $\frac{3}{4}$ o'clock P.M.	7 to 7.15 P.M.

Nine hours' work daily in summer and eight hours' in the winter months.

Prisoners in association attend chapel from 7 to 8 o'clock A.M. on Tuesdays and Fridays; with these exceptions, the routine is the same as on the other days. On Sundays and holidays the Roman Catholic prisoners attend mass from 7 to 8 A.M., and for religious instruction between 12 and 1 o'clock P.M.; the Protestant prisoners attend Divine service from 10 to 11 A.M.; and the Presbyterian prisoners from 8 to 9 A.M. The remainder of the day is devoted to reading in their cells and exercise.

The Protestant prisoners attend at religious instructions on Mondays from 10 to 11 A.M., and on Fridays at Divine service from 10 to 11 o'clock A.M., and on Saturdays, for issue and exchange of books, from 10 to 11 A.M.

P. N. HACKETT, *Governor.*

February 9, 1872.

PART II.

PROCEEDINGS IN THE CONGRESS (JULY 3-13).

*OPENING ADDRESS BY THE PRESIDENT.*

THE RIGHT HON. THE EARL OF CARNARVON.

I NEED make to-day but little preface as to the object and history of this Conference. Its object is to gather information, to compare the different prison systems of different countries, to discuss the principles and details on which those systems are based, and to arrive, if possible, at some general conclusions. Its history is the history of a remarkable agreement by the peoples and Governments of many civilised countries on a question which they have justly considered important. The difficulties of such an agreement are proverbial; in all ordinary cases the rooted differences of race, of institutions, of climate and traditional habits, interpose; and yet here I do not despair of attaining, within certain limits, a common purpose.

I am encouraged at least in this hope by the heartiness with which nations, so different in institutions and characteristics, have thrown themselves into this question. Almost every European State has given its support. France, though embarrassed by a hundred domestic difficulties, has found time to further our objects; Italy, not unmindful of her great jurists and writers on criminal reform, takes part; Belgium has accredited one of her most distinguished statesmen to the Congress; Holland, with that sound sense which we delight to believe is a common quality of her people and of us, is interested in our objects; Switzerland, Denmark, all-enquiring all-embracing Germany, lastly the United States, who by numberless experiments have already contributed so much to the common stock of our knowledge, drawing with them from the other side of the Atlantic the South American States; have all appointed envoys, and have accepted England as the place of meeting and discussion. As is well known to all here present, we applied to

her Majesty's Government for some co-operation. The Government, however, have refused assistance and recognition, and even, as I have been given to understand on good authority, official information. I do not desire now to revive the discussion; but I am bound to express my regret at this refusal, and still more at the grounds on which I believe that refusal is based. I deny that this Conference is to be classed in the list of ordinary voluntary associations, and I must affirm that the cost to the State would be almost nominal; that there is ample precedent for the aid which we sought in the small sum voted by Parliament in 1860 for the Statistical Congress; and that, apart from the question of all money help, the official recognition of the Conference would have been an easy and a graceful act of courtesy to those Governments which have contributed in no sparing measure both money and trouble towards this undertaking. But we must accept the decision; and whilst I regret it, mainly for the sake of the Government as the representative of the State, I shall not regret it if it be understood as one more illustration of our traditional and wholesome independence of official control in these matters. We in England still, as heretofore, act for ourselves; and as our prison system is administered by unpaid magistrates, as our Industrial Schools are carried on by private managers, as our Discharged Prisoners' Aid Societies are maintained by purely voluntary agencies, so we can hold this great International Congress by private energy and liberality. Though the Government will ultimately reap the harvest of our labours, we, in imitation of those old Greeks and Venetians who were wont voluntarily to undertake great duties in the public service, need not grudge what we can give to the State.

In approaching the subject of our future discussions, I shall not, I hope, be out of place if I offer from this chair, to the many and distinguished guests whom we are happy to see amongst us, our heartiest welcome. When these discussions are closed, we hope they may return to their several homes satisfied with the results of this Conference, with the information gathered in, with the opinions interchanged, and the conclusions adopted; but we also hope that they will carry with them a not displeasing recollection of their stay here, and the certain knowledge how greatly we appreciate their presence amongst us. We trust

that an International Conference on prison discipline may have results beyond the sphere of the dry business with which it is primarily concerned, and may indirectly contribute to strengthen those ties of comity and goodwill which ought to bind together the whole commonwealth of nations. And whilst I express my cordial welcome to them, I will not pass over in silence the deep regret with which we miss from to-day's meeting one at least whose long experience and interest in these questions, and whose goodness of heart and soundness of judgment gave to his name a more than English reputation. Many will be present whom we shall rejoice to see, some will be absent who can be ill spared; but in the death of the late Recorder of Birmingham we lose one who would have received at least from all Englishmen present—whether coming from this or the other side of the Atlantic—an honoured reception.

The programme of proceedings on which the committee have decided is a logical and an exhaustive one. It includes, under a threefold division, first, the criminal law procedure and preventive police; secondly, the punishment of the criminal; thirdly, his treatment when discharged. In other words, the course to be pursued towards the criminal before and during and after his committal to prison—a wide enquiry, and one from which diverge in no illogical connection many tempting by-paths and curious speculations.

In such discussions as these on which we are now entering it is an invidious task to suggest a limitation rather than an extension of the field of investigation; but the more diffused such an investigation is, the less likely it is to bear fruit in practical conclusions; and so I trust that I shall not exceed my duty if I express my own belief—first, that this Conference will do wisely in restricting rather than enlarging the scope of their enquiries; secondly, if I confine myself to-night to the sphere of penal discipline rather than of criminal jurisprudence or judicial administration. No one, however insatiable of work, need object to such a limitation; for the subject is wide enough, so wide that it is impossible for me to do justice to it in the few remarks which by your favour it is my duty to offer. In the presence of so many distinguished representatives of other countries, I will not venture to describe the course of their legislation or recent practice, and if I seem to them to insist

too strongly upon our English view of questions in which I freely confess there may and will be differences of opinion, it is in no dogmatic spirit that I speak, but rather from the greater familiarity which I have with the subject. I hope, however, that as regards ourselves I shall not overstate my case if I say that here in England we have, in spite of many interruptions, errors and failures of purpose, entered upon a period of general though gradual improvement. In Ireland there is a system which I know will be challenged, but which I also hope will be vindicated in discussion; whilst in many of the British Colonies no unworthy efforts have of late years been made to secure a better and more uniform system of prison management.

Three measures indeed of considerable magnitude for the repression of crime have been enacted during the last eight years—the Penal Servitude Act of 1864, which was the result of the Penal Servitude Commission; the Prisons Act of 1865, which was the result of the House of Lords Committee on prison discipline, of which I had the honour to be chairman; and the Habitual Criminals Acts of 1869 and 1871, which were the result of the cessation of transportation, and the gradual conviction that somehow means must be found or made for dealing with a large body of professional criminals growing every year into more formidable proportions amidst all the difficulties of an old and wealthy and artificial society.

Certainly our prisons are not now what they were when Howard first began his task, nor do they deserve the name of palaces, as they were I think once called by Voltaire. They have passed through the extremes of undue harshness and undue leniency; and they are approaching, though they have only in individual instances reached, that middle and wholesome condition where health and life are cared for, where all facilities for moral and religious improvement are given, but where labour is exacted from all, and where a disagreeable sense of personal restraint and real punishment is brought home to each offender.

It was, in my opinion, one of the great merits of the Prisons Act of 1865 that it recalled us from the feeble and nerveless condition into which our gaols, through a not unnatural reaction from a period of undue severity, were gradually sinking; and that it re-affirmed, though in moderate terms, the principle that hard labour in the true sense of the word is an essential part of

prison discipline. It may be that the actually prescribed amount and kind of work may need reconsideration. On this I express no present opinion; but I trust that Parliament and the good sense of the country will refuse to make any sacrifice of substantial principle in this direction, either to mere commercial money profit or to the alleged claims of moral reformation. I wish that I could think that the intentions of the Act were fully carried out; but without entering upon debateable ground, I fear that the uniformity which it was one principal object to obtain has not been secured; that there is still considerable variety and therefore inequality of treatment; that there is a serious deficiency of official inspection and as much practical shortcoming of the Prisons Act of 1865 as the Act itself came short of the recommendations of the House of Lords Committee. It would be well if the Legislature and Executive would remember that it is not enough to make good laws. It is quite as necessary to see that they are carried into effect, and to provide for their enforcement by an adequate machinery. We, however, attempt, or rather we pretend, to control nearly 200 gaols scattered over England, Scotland and Wales, through the agency of only two inspectors, and therefore, for the want of the necessary machinery, there still exist great discrepancies and inequalities in our County and Borough Prisons which too often render nugatory the general intention of the statute. Finally, under the Prevention of Crime Act of 1871, which embodied and amended the Habitual Criminals Act of 1869, some important measures have been adopted to weaken, if they have failed to break up, that large class which follows crime as a trade, and which—at all times a cause of trouble and grievous expense to the community—becomes a source of grave danger in seasons of popular disturbance. Reconvictions for felony receive a heavier punishment; receivers of stolen goods are brought or are intended to be brought under the severer action of the law; a registration of habitual criminals and the use of photography have been attempted, though I doubt whether in the most effectual manner. The police are enabled to deal with previously convicted offenders against whom there is reasonable cause of suspicion; supervision, formerly nominal, has been made more real by enforcing a monthly report of the licence-holder to the police; and lastly, though

this provision seems capable of improvement, it is now possible to affect in some measure the spring-head and supply of crime itself by sending to Industrial Schools the children of women who have been twice convicted, provided that they are left without visible means of subsistence, or are without proper guardianship. These doubtless are improvements, and it is possible that they may be carried yet further. I am convinced, and I have frequently expressed my opinion, of the utter uselessness and even mischief of repeated reconvictions. The Liverpool magistrates, in a recent report connected with their large and remarkable prison, state that during six months only of last year 390 prisoners were admitted who had each of them been committed at least fifteen times to that gaol alone. It is obvious that these persons—no matter what the particular offences—belong to the hopelessly incorrigible class. For them the prison loses its terrors, and becomes even their home; to them crime is the atmosphere of their daily life and thoughts; they feed upon society like animals of prey; and the court and judge, with all the solemn machinery of law, becomes, so far as they are concerned, a comedy. I believe that in mercy to them, as well as in the interest of the honest community, the one and only remedy is imprisonment for life. On the other hand, for those who are not yet absolutely pledged to the profession of crime, and who, having tasted its bitterness, desire to retrace their steps towards an honest life, Reformatories, Penitentiaries, and Discharged Prisoners' Aid Societies, offer some escape. Nor do I think that we shall travel beyond the lines of enquiry which I have indicated, if we devote some time to consider whether their administration and the principles on which they are founded are capable of extension or improvement.

Disagreeing as we must on many subordinate points, we are probably agreed in England, as ultimately also I hope in this Congress, upon at least two broad and fundamental principles, which apply both to the Government Establishments where convicts under long sentences of penal servitude are confined, and to County and Borough Prisons where offenders under less than two years' sentence are entrusted to the management of the magistracy. The Convict Prisons present of course far fewer difficulties of management from their greater size, from the greater length of the sentences, from the larger number of prisoners, and

consequently from the facilities which they offer for classification, and the greater simplicity in the distribution of work and time. But apart from such minor differences, Government and local prisons alike, and indeed all systems of penal discipline, ought to provide for (1) real and unquestionable severity of punishment both in amount and kind; (2) reasonable opportunities of moral amendment to the prisoner during the period of his confinement. To come short of the first is to come short of justice to society in its first and simplest conditions; to fail in the latter is to withhold from the prisoner that which is due to him, however guilty he may be. The adequacy of punishment is primarily secured, in the terms of the judge's sentence, by hard labour; but it must not be forgotten that hard labour is largely supplemented by the separation of prisoner from prisoner, by the restraint, the regularity of hours and occupations, the compulsory cleanliness, the enforced abstinence from drink and excess and the usual animal tastes, and perhaps most of all by that separation and seclusion which are utterly foreign to the life of the ordinary criminal. These are some of the conditions that impress upon the life of an ordinary prisoner that irksome and painful character with which it is desirable that imprisonment should be stamped. It is well and natural that disagreeable consequences should follow in the retinue and family of crime; and I believe that it is in a great measure the bitterness and discomfort of imprisonment that in point of fact deter so many, and help to draw so broad a line of division between the number of first and second convictions.

One word more on prison punishments. Where there is an intractable disposition which breaks out in acts of insubordination and violence, the employment of corporal punishment becomes sometimes necessary. It is a resource to be used sparingly and cautiously, never without medical sanction, and always with discrimination both as to the cases and the individuals. But, under such conditions I hold it to be an invaluable resource. Within my own experience, I can scarcely recall the instance where it has failed in the desired effect, or where there was room for the slightest doubt as to the expediency of the order.

There is the further and very important question connected with one of these points to which I trust that some consideration

during these discussions may be devoted—Whether or no separation, as understood in England, can be prudently carried further, and be extended to some form of solitary confinement? Solitary confinement, in the strict sense of the word—which, except in the case of prison offences, scarcely forms a part of the ordinary treatment of English criminals—is probably one of the most painful punishments that a civilised State is at liberty to inflict, and if protracted beyond a limited period is simply beyond the endurance of ordinary human nature. When so tried in America it failed. On the other hand, I have always understood that the isolation, under which a prisoner is secluded from all communication either by word or sight except with the prison officer, is carried out to a greater extent in Belgium, and with advantage. This is a question which I trust will be fully debated and explained, for it is especially one where discussion and the experience of other countries may be of exceeding value.

I spoke just now of diet and separation, but perhaps it is hard to say with precision whether they belong to the strictly penal or to the reformatory side of prison discipline. They lie on the border land, and as it seems to me exercise a powerful influence in both directions. Perhaps we have not yet arrived at any golden rule in respect of food, which combines all the requirements arising out of differences of age and strength and length of sentence. It can probably only be broad and general, and it must obviously be one to vary with the climates and habits of different races. Each country must decide this for itself, but I apprehend that we should all agree that whilst sufficient provision is made for the work that is to be exacted of the prisoner, no indulgence should be allowed and no advantage that is not necessary in a sanitary point of view should be given to the criminal over the honest but often ill-fed labourer.

Separation, on the other hand, is a principle which I hope we shall in this Conference accept. It is at all events, in the case of shorter-sentenced prisoners, essential to a good system of discipline, and may even be ranked amongst the deterrent agencies. The House of Lords Committee distinguished indeed between the separation which results from the mechanical construction of the prison, and that which flows out of the system

and discipline. On this I need perhaps only say, that if the first is very important, the second is absolutely necessary, and that if from negligence or maladministration the cellular separation of the individuals be not maintained in its rigid strictness, it is useless and sometimes worse than useless. I believe that the Act of 1865 has been productive of considerable advantage in this respect.

I have ventured to lay down as fundamental another principle of prison treatment, in the obligation resting on every Christian Government to give prisoners all reasonable opportunities of moral and religious amendment. I say reasonable, because the adequacy and strictness of punishment stand first in order, whilst the moral reformation of the individual, though it is in part supplementary to, in part inseparably connected with them, comes second. I say also religious, because there will be no moral improvement effected except through the agency of religious instruction, as is well illustrated by a resolution passed by the Prison Congress at Cincinnati in 1870, where it is laid down that of all reformatory agencies religion is first in importance, because most powerful in its action on the human heart and life.

Such inducements to amendment may be promoted, and their results will be best tested by a well-considered system of classification, under which the quantity and quality of labour are regulated, and the upward progress of the prisoner (who himself becomes in a great measure the arbiter of his own fate) through each class in succession may be accelerated by industry and good conduct. I believe that there are few natures upon which the gradual substitution of lighter for heavier work, the concession of small privileges for good conduct, and above all the sense that the duration or character of their punishment depends in a considerable measure upon themselves and their own exertions, will not exercise a wholesome effect. But let it always be remembered that good conduct means neither promises nor professions of feeling, nor even a merely passive compliance with prison rules; it means actual industry, of which some evidence can be given, and if possible, voluntary industry over and above the prescribed task. Such a result, though hard to be secured in cases of short sentence, is not impossible. In the larger Convict Establishments, larger privileges, even to the

remission of part of the sentence, are practicable, and indeed are provided for by our present law; in smaller gaols, with short-sentenced prisoners, smaller privileges of an almost nominal value may be made to have an almost equal effect; for men are influenced by the wants and circumstances of the moment, and things which in a state of personal freedom are of small account become in prison of the highest moment. But in each case the principle is the same—that each step in the ascending order of classification should depend upon the prisoner's exertions; that some privilege, no matter how slight, should follow upon each such step gained; and that as these inducements to industry and good conduct should exist continuously from the first to the last day of prison life, so they should be liable to forfeiture or diminution on any change or relaxation of moral purpose by the individual. It may be said of prisons as of free citizens, '*præmio atque pœnâ continetur republica.*' I need hardly add to those who have studied these questions, that the best and most proved machinery for giving effect to these ideas is a scale of marks, which may be made as simple for small as it can be brought to a high degree of elaboration for large prisons. The opposition to this system, which many of us may remember when it was first introduced in Ireland, and afterwards was applied in England, has now passed away; its value is fully recognised, and it is at last understood that under no method can the prisoner's work be more effectually measured, or the diligence and fairness of the prison officers more accurately tested. I have never had the opportunity of examining for myself on the spot the Irish Convict Prisons, and it may perhaps be that, like all other human institutions, it may be susceptible of further improvement; but, subject to this, I am sure that that remarkable creation which owes so large a debt of gratitude to Sir Walter Crofton—and which so largely combines the leading principles of a great penal system in its scale of marks, its classes, its industrial work, its successive stages of penal labour, of intermediate freedom, and, finally, of a discharge upon a ticket of leave that is guarded by subsequent police supervision—presents a picture well worthy of the study of those foreign guests who have honoured us with their presence at this Conference.

And here I cannot be wholly silent on a question which

—much disputed, much misunderstood, but of no small importance—arises as to the nature of prison labour, and its remunerative or non-remunerative character. I cannot now discuss it as it deserves. I can indeed say little more than that the extent and the quality of that work ought not to depend upon the trade profits which particular gaols may make, or even upon the possible advantages which may accrue to individual prisoners from a special occupation. Justice to the community requires that the punishment of all should precede the reformation of the few, and sound sense requires that general rules should not be disturbed by too minute exceptions. It is also idle to disguise from ourselves that there are certain industrial and very profitable occupations, which are in their nature so interesting to the person employed, that they cannot with any regard for truth be recognised as penal labour. They may be suitable for deserving prisoners in the later stages of imprisonment, but they ought not to be applied universally or without great discrimination. This may, perhaps, seem the harsh view. It is, I am convinced, the one most for the ultimate benefit of the criminal. I entertain no doubt that, if only for the sake of reformatory purposes, a stage of distinctly penal labour should take precedence of all other employment; and I will go further and say that it is well that that penal condition, although diminishing with the efflux of the sentence and the good conduct of the prisoner, should never wholly disappear from the system. But let me not be misunderstood. Penal labour is not necessarily unproductive labour. Generally there is work of a sufficiently heavy and irksome kind to satisfy the requirements of justice and discipline, and yet to leave the prison authorities a reasonable margin of trade returns. Of these there are probably few by whom a deliberate preference is given to unproductive over productive work. There may be some enthusiasts who are opposed to most if not to all forms of productive employment, on the ground that such work may be brought into injurious competition with free labour; but I should only waste time by entering on the discussion of such a theory. The question which generally is in issue is really only whether the work is more or less remunerative, and whether the local difficulties and the expense of making it pay are such as to outweigh the profits. This of course can only

be decided on a consideration of each case and its merits; but there is a school which holds—and I believe the opinion to be as dangerous as it is attractive—that all prison labour ought to be remunerative, and that the great, if not the primary object, of a prison is to make it self-supporting. But, as was stated by the House of Lords Committee in 1863, whatever may be the actual incomings from prison work, ‘a profitable return from industrial employment ought not to be made the test of prison efficiency.’ If, indeed, it were so considered, it must lead to a relaxed discipline, and an injurious influence on the mind of the prisoner. Where, indeed, the sentence is of sufficient length, it may have the happiest effects upon the offender; but it ought to follow upon the harder and more penal labour, and ought not to be made the equivalent for it. Whilst on this subject I will only add that the actual profits of industrial work must necessarily vary with the circumstances of different prisons. The use of machinery, the state of the neighbouring markets, the class of prisoners, the particular employments, the number of men available, and the consequent power of subdividing them for the purposes of work, are all-important conditions, and in proportion as they are wanting the less productive and profitable will the returns be.

This consideration may perhaps lead on to a question whether any change in our present system, under which each County and Borough are supposed to provide for the prisoners within their own jurisdiction, is possible; and if so, how far, by mutual understanding or otherwise, particular prisons might be set aside for particular classes of offenders, or for prisoners confined for certain terms of imprisonment, with a view to classification and greater economy of management. My impression is, that in England the difficulties which would beset such a change would be greater than the advantages resulting from it.

The House of Lords Committee recommended the amalgamation of some of the smaller gaols; and it is possible that this consolidation, already partially effected, might be carried even yet further. On this I now express no opinion; I only, in passing, note the question. It was laid down by the Cincinnati Congress that the organization and management of prisons should be by the State, and that there ought to be a

central authority at the helm to guide and give unity to the whole. Some direction and superintendence doubtless there must be in order to secure that uniformity of treatment without which there can be neither justice nor good administration. It was the intention of the Prisons Act to do this; but I question much whether in England we should be prepared to go beyond this limit, and to place the management of our County and Borough prisons in the hands of the Executive Government; nor am I prepared to admit that the authority now exercised by county magistrates and visiting justices could with any advantage be transferred to the overcrowded office of the Home Secretary. Each country has its own distinctive and traditional practice, and our practice has been and is to maintain as far as possible unimpaired the authority of local jurisdictions. It may sometimes interfere with the theoretical symmetry of our institutions, but as a whole it is a principle which is sound and wholesome. I note this instance as an illustration of the differences which will make themselves felt in discussing the practice and principles of other countries, but which after all need not prevent a substantial agreement on many great and important questions. Many of the points which are described as the essence of the matter are often little more than the accidents, and the separable accidents, of it.

In connection with prison discipline, many papers will, I doubt not, be read on criminal administration and procedure and legislation. I hope, however, that the humbler and less attractive, but the not less important, considerations that ought to govern the architecture, the internal arrangements, the furniture and fittings, the diet, the sanitary and medical provisions, will be kept in view. Their value cannot be overrated, though they have sometimes been sacrificed to theories of greater pretension. I hope also that time may be found to weigh and formulate that statistical information which will be one of the most valuable results of this Conference.

On this the first day of our meeting it would probably be premature to speculate upon the extent of our ultimate agreement; but as outside these walls there is sure to be a certain difference of opinion, there may be some who will challenge the main

principles, and there must be many who will impugn the details of our modern prison system.

To the first of these we reply that we must have prisons. The time has gone by when, in reliance upon a Draconic code, the state of the law and the condition of society permitted men to dispense with numerous gaols and Houses of Correction—

*Sæcula quæ quondam sub regibus atque tribunis
Viderunt uno contentam carcere Romam—*

the time even has gone by when to this country at least transportation opened a door of escape from the difficulties and expense of keeping our convicts at home, whilst it gave the offender a chance of redeeming under a new and kindlier sky the errors of his past life. The Directors of Convict Prisons warn us, in their last report, that we must henceforward be prepared to find large additional accommodation and employment for the criminals with whom we shall have to deal. And if there must be many, so we are precluded by every article of Christian charity from allowing those prisons to be the homes of corruption and physical suffering—‘cemeteries of pain’ as they have been called—such as the Roman poet described in seeming anticipation of the gloomy buildings of a later date, though he thought them worthy of a place in Hades rather than on the upper earth.

On such a point we shall all doubtless be agreed; but when we are challenged as to the details of our modern system, we enter of course upon a different and a more debateable question. We must admit that it is artificial, and complex, and costly; and that, like all such systems, it is liable to occasional derangement. We must also admit that much of its success depends upon those who administer it in its highest departments, that there is need of a highly-trained class of prison officers, that the whole machinery is of a somewhat delicate nature, and that the wants and relations of a large prison are far more extensive than was formerly the case. But these after all are only the difficulties which, on a larger scale, beset all government in these latter days. Modern society, with its endless intersection of interests, and classes, and requirements, must be accepted as it is, and the simplicity of former times is not to be had, however we may regret it. But perhaps we may be asked to give some practical proof of the success of modern

prison discipline in the actual diminution of crime. This of course is mainly a question of figures, and it is not now the time or place to enter upon such a discussion; but it would not be difficult to satisfy all reasonable enquirers that crime, as a matter of fact, is considerably affected, though the tests that are frequently applied to success or failure are not so conclusive as they are supposed to be. Outside the prison walls the mere inference so often drawn from a certain number of reconvictions, unless all the local and other conditions are carefully analysed, is inadequate; within them the absence or decrease of disciplinary punishments may sometimes show a relaxation of authority quite as much as the proper exercise of it. Yet in spite of all such doubts we may indulge a reasonable hope that we are moving in the right direction; we must neither build our expectations too high nor be disheartened by the accidents and imperfections inherent in all human workmanship; we must have faith in the principles which, after much trial and many years of discussion, have not been lightly adopted, which we are satisfied are sound, and which, so far as they have been honestly tested, have justified the expectations of their advocates.

The enquiry, at all events, is one of no common interest to society. It concerns the statesman whose legislation may modify if it cannot arrest the course of crime; it concerns the whole body of the community, rich and poor—but especially the poor, who annually pay a far heavier tax to the criminal class than they do to the State for the administration of justice; and, lastly, it concerns all who believe that man, however fallen and degraded, still retains some trace of the Divine Image; and that, though it is the duty of the State to punish sternly, there yet remains a certain proportion of the criminal class with whom some moral improvement is not utterly hopeless, and upon whom Christian charity may exercise her most beneficent influence. We meet to-day in this stately hall, which, by favour of the learned body to whom it belongs, has been placed at our disposal. We are assembled in a place crowded with great historical memories: ability and learning, justice and mercy, the skill of the advocate and the comprehensive and balanced mind of the judge, have all been represented here in the eminent men who have illustrated their profession and

have contributed to build up that vast system of English law which affects us in every relation of life, social and political, civil and criminal. And it seems to me that I can express no better wish for this meeting than that in the enquiries on which we are entering the traditions of the past may be on us, and that we may discuss the subject which has called us together in a manner and spirit worthy of the place and of its own importance.