

C O N T E N T S.

1. Departmental Committee on Prisons. (Chairman: Rt. Hon. Herbert John Gladstone.) Report. 1895. (C.7702.) pp.1-27

Y:45:62-3.M94L

C5

2. do. Minutes of Evidence with Appendices and Index. 1895. (C.7702-I.) pp.28-363.

3. Statement by Prison Commissioners re: Action taken up to January 1898 to carry out the Recommendations in the Report of the Departmental Committee on Prisons, 1895. (C.8790.) pp.364-374.

Y:45:62-3.M98

4. Report: Departmental Committee on the Education and Moral Instruction of Prisoners in Local and Convict Prisons. (Chairman: Robert Sidney Mitford.) (C.8154.) 1896. pp.375-383.

Y:45:6206T.3.M96L

5. do. Minutes of Evidence, Analysis, Index, and Appendix (C.8155.) 1896. pp.384-462.

C6

6. Report: Departmental Committee on Prison Dietaries. (Chairman: John Lloyd Wharton.) (C.9166.) 1899. pp.463-494.

Y:45:6206L:573.3.M98L

PRISONS COMMITTEE.

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REPORT

FROM THE

DEPARTMENTAL COMMITTEE

ON

PRISONS.

*[The Minutes of Evidence, Appendices, and Index are published separately.]*

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Presented to both Houses of Parliament by Command of Her Majesty.

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1895.

[C.—7702.] Price 5½d.

## WARRANT APPOINTING THE COMMITTEE

I hereby nominate and appoint—

The Right Honourable Herbert John Gladstone, M.P. (Chairman)  
The Right Honourable Sir Algernon Edward West, K.C.B. ;  
Sir John Edward Dorington, Baronet, M.P. ;  
John Henry Bridges, Esquire, M.B., F.R.O.P. ;  
Richard Burdon Haldane, Esquire, Q.C., M.P. ;  
Arthur O'Connor, Esquire, M.P. ;  
Albert de Rutzen, Esquire, one of the Magistrates of the Police Courts of the  
Metropolis ; and  
Miss Eliza Orme ;

to be a Committee to inquire concerning—

- (a) the accommodation provided for prisoners with special reference in the case of local prisons to the working of section 17, sub-section (1), and Schedule I, Regulation 26, of the Prison Act, 1865 :
- (b) juvenile and first offenders ; and to what extent they should be treated as classes apart :
- (c) prison labour and occupation ; with special reference to the moral and physical condition of the prisoners :
- (d) the regulations governing visits to and communications with prisoners :
- (e) the regulations governing prison offences :
- (f) the arrangements by which the appointment of a deputy governor is limited to prisons with more than 700 prisoners ; and a warder in charge acts as governor in prisons with not more than 100 prisoners.

I further appoint the said Right Honourable Herbert John Gladstone to be Chairman ; and James Granville Legge, Esquire, of the Home Office, to be Secretary of the said Committee.

Given at Whitehall, this 5th day of June 1894.

(Signed) H. H. ASQUITH.

To the above heads were subsequently added by the Secretary of State, on 16th January, 1895, the following :—

- (g) the prison treatment of habitual criminals.
- (h) the classification of prisoners generally.



# COMMITTEE ON PRISONS.

## REPORT.

TO THE RIGHT HONOURABLE H. H. ASQUITH, Q.C., M.P., SECRETARY OF STATE.

1. The terms of reference direct us to inquire into certain specified matters connected with prisons. They include:—

A.—Administration:

1. Appointment of deputy governors.
2. Appointment of warders in charge.

B.—Prisoners:

1. Classification:

- (1.) Juveniles.
- (2.) First offenders.
- (3.) Habitual offenders.

2. Treatment:

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| (1.) Accommodation.             | (4.) Prison offences,             |
| (2.) Association in cells.      | (5.) Prison labour.               |
| (3.) Visits and communications. | (6.) Prison occupation generally. |

2. These points relate to all prisoners confined in local and convict prisons, and under treatment; (5) and (6) are submitted to us with special reference to the moral and physical condition of the prisoners.

3. While we are directed to inquire into the general condition of prisoners, the terms of reference do not include a general inquiry into the working of the Prison Acts; nor do they specifically mention the administrative authority.

4. At the outset, therefore, we had to consider whether we should limit the inquiry to the consideration of the treatment of prisoners under the existing Acts; or whether we should take into review the Acts themselves and the authority by which they are administered. The limitation we found it impossible to make. The important questions submitted, under "treatment" clearly suggested that we should not only examine into present conditions of prison administration, but should endeavour by inquiry to discover whether any and what better system and methods of treatment could be adopted.

5. Moreover, we could not but be cognisant of the circumstances under which the inquiry was instituted. In magazines and in the newspapers, a sweeping indictment had been laid against the whole of the prison administration. In brief, not only were the principles of prison treatment as prescribed by the Prison Acts criticised, but the prison authority itself, and the constitution of that authority, were held to be responsible for many grave evils which were alleged to exist.

6. These criticisms we could not ignore. When we came to take evidence, we found that the opinions of nearly all the witnesses bore directly on the questions which had been publicly raised; and while on the one hand many of the charges made in the public prints against the present system were reiterated before us, on the other, as was to be expected, the responsible representatives of the Prisons Department were anxious to give their replies individually and to make a complete exposition of their case and opinions from their respective standpoints. We have therefore felt it our duty to enter upon a comprehensive examination of the conditions under which prisoners are confined, and have taken into view all the circumstances which presented themselves to our minds as bearing directly or indirectly upon the terms of the reference.

Acting upon this principle, we have considered the position of the prison staff, a subject not specifically referred to us. It is obvious that to maintain a high standard of prison treatment it is essential that the general conditions governing the employment of warders should be satisfactory. We have therefore endeavoured to ascertain whether the existing conditions are consistent with a humane and efficient discharge by the warders of their duties in connexion with the treatment of prisoners. It should, however, be observed that in 1891 a Departmental Committee inquired into the hours of duty, leave, pay and allowances, and terms of retirement of subordinate officers in both convict and local prisons. As the result of the report of this Committee, the Treasury sanctioned new rates of pay and emoluments, which have added about 14,300*l.* to the cost of the prison service.

17th Report  
of the Com-  
missioners  
of Prisons,  
para. 67.

*Previous Inquiries.*

7. The year 1865 may be regarded as an epoch in prison legislation in virtue of the Act then passed, but we think it well to set out the principal inquiries which have been held into matters connected with local and convict prisons since the year 1860. The Act of 1865 consolidated and amended the law relating to prisons. It set up separate prison jurisdictions in the counties and towns and other territorial divisions which maintained or were liable to maintain a separate prison, if accommodation for its prisoners was not provided elsewhere. By the Act, the prison staff was constituted, the duties of the different classes of officials were laid down, and by several clauses supplemented by 104 regulations in a schedule, the general government of prisons, and the treatment and discipline of the prisoners, were elaborately provided for. Responsibility was vested in the justices in sessions assembled, and the supervision and inspection of prisons were entrusted to two or more visiting justices, appointed annually by the justices in session.

*Local Prisons.*

8. 1863, Select Committee (Lords) on Discipline in Gaols, and Houses of Correction in England and Wales.

1864, Committee on Dietaries of County and Borough Gaols.

1873, Select Committee on Imprisonment for Debt.

1878, Committee on Dietaries in Local Prisons in England and Wales.

*Convict Prisons.*

9. 1863, Royal Commission on Transportation and Penal Servitude.

1863, Reports as to attack on warder by convicts at Portsmouth Convict Prison.

1864, Committee on Dietaries of Convict Prisons.

1867 and 1871, Departmental Committees on Treatment of Treason Felony Convicts in English Convict Prisons.

1878, Inquiry into alleged ill-treatment of convicts at Chatham.

1878-9, Royal Commission on the working of the Penal Servitude Acts.

1883, Departmental Committee on Position and Prospects of Convict Warders and Broadmoor Asylum Attendants.

1890, Report of the Visitors of H.M. Convict Prison at Chatham as to the Treatment of certain Treason Felony Convicts.

*General.*

10. 1866, Royal Commission on Capital Punishment.

1870, Select Committee on operation of Prisons Act and Prison Ministers' Act as regards Religious Instruction provided for Prisoners other than those belonging to the Established Church.

1877, Committee on Broadmoor Criminal Lunatic Asylum (Report as to the existing State of the Establishment).

1881, Reports to the Secretary of State by Chairmen of Quarter Sessions, Recorders, Stipendiary Magistrates, and others as to Treatment and Punishment of Juvenile Offenders.

1885, Royal Commission on Prisons in Ireland.

1889, Departmental Committee of Inquiry as to Rules concerning wearing of Prison Dress, &c.

1891, Departmental Committee on Hours of Duty, Leave, Pay and Allowances, and Terms of Retirement of the Subordinate Officers in the Convict and Local Prisons and of the Officials of Broadmoor Criminal Lunatic Asylum.

1894, Departmental Committee on Identification of Habitual Criminals.

*Local Prisons.*

11. The groundwork of the treatment of convicted prisoners in local prisons is laid down by the Act of 1865. Further provisions, including certain modifications, were introduced by the Act of 1877.

Since 1865 the main principles of prison treatment have not been altered, except in detail and in so far as they may have been affected by the radical change in the administration effected by the Act of 1877. Indeed, it may be said generally that neither those principles, nor the administrative system laid down by the Acts of 1865 and 1877, have been brought into question until the present inquiry was instituted.

*Convict Prisons.*

12. Convict prisons, have been dealt with separately by the Penal Servitude Acts, 1853, 1857, 1864, the Prevention of Crimes Act, 1871, and certain other subsidiary Acts which came under the purview of the Penal Servitude Acts Commission of 1879.

During the last 40 years important alterations have been made in the treatment of prisoners, but continuity in the administration by the directors has been maintained throughout.

*General Review.*

13. We have to acknowledge the great assistance rendered to us by previous inquiries. Some branches of prison treatment were so exhaustively considered that it has not been necessary for us to traverse the same ground at any length. In particular, the reports of the Royal Commission on the Penal Servitude Acts of 1879, and the Royal Commission of Inquiry into Irish Prisons in 1885, are full of interesting and valuable suggestions. We must, however, observe that these inquiries almost entirely overlooked the very important subjects of prison industries and the treatment of the younger classes of criminals.

14. Upon a general review of the management of English and Welsh prisons upon the existing methods laid down by the Legislature and regarding the treatment and condition of the prison population objectively, we consider that the long and able administration of Sir E. Du Cane has achieved a large measure of success.

Sir Godfrey Lushington thus describes the work which the Commissioners have accomplished:—"The work of taking over nearly 120 prisons all on a single day and consolidating them into about 60; organising the staff, every member of which had statutory rights reserved to him; re-arranging the building and establishing uniformity, has really been a work of prodigious magnitude, on which an immense amount of thought, contrivance, and skill has been expended; and it would be a disappointment to me if the Committee have not found this vast machinery in good working order, and everywhere showing marks of vigorous administration. By that I mean that nothing has been left to chance or is the outcome of neglect, and that the arrangements, whatever they are (whether you find them completely satisfactory or no), have been advisedly adopted, and that the Commissioners have their reasons to offer why the arrangements should be as they are and not otherwise."

11,394.

It has, however, been frequently urged that the satisfactory condition of the prison system is proved by the decrease which during recent years has taken place in the prison population. We do not think that the contention is necessarily well founded, but these figures show that the prison population has fallen to a remarkable extent, an actual as well as a relative decrease having taken place.

RETURN showing the DAILY AVERAGE NUMBER OF CONVICTS and LOCAL PRISONERS in each Year since 1876-7 inclusive.

Year.	Convicts.	Local Prisoners.	Population of England and Wales.	Remarks.
1876-7	9,936	*20,361	24,367,247	* Year ended 29th September, that being the old Judicial Statistics year.
1877-8	10,139	†20,833	24,695,894	† Half year ended 31st March.
1878-9	10,208	19,818	25,028,973	The remainder of the years are all ended 31st March, both Convict and Local.
1879-80	10,299	19,835	25,366,544	
1880-1	10,297	18,027	25,708,666	
1881-2	10,245	17,798	25,974,439	
1882-3	10,192	17,876	26,334,776	
1883-4	9,946	17,194	26,626,639	
1884-5	9,247	16,619	26,921,737	
1885-6	8,339	15,375	27,220,105	
1886-7	7,717	14,822	27,521,780	
1887-8	7,263	14,536	27,826,798	
1888-9	6,492	14,758	28,135,197	
1889-90	5,871	13,877	28,447,014	
1890-1	5,289	13,076	28,762,287	
1891-2	4,762	12,663	29,002,525	
1892-3	4,475	13,178	29,403,346	
1893-4	4,388	13,850	29,731,100	

15. The decrease of the prison population cannot be taken as a correct indication of a corresponding decrease in crime. The causes which contribute to the fluctuations of crime are frequently subtle, complex, and undefinable. Changes in criminal statistics are often the direct result of changes in the law or its procedure, which have nothing to do with prison treatment. The Reformatory and Industrial Schools Acts, the Summary Jurisdiction Act, and the shortening of sentences have relieved the prisons to a large extent. On the other hand, under the Education Act and numerous local Acts, many persons have been imprisoned for offences which are in their nature non-criminal. The imperfect and needlessly complicated form in which criminal statistics have hitherto been compiled has increased the difficulty of arriving at accurate conclusions. A Departmental Committee has recently presented a report on the subject of judicial statistics, and the improved methods recommended will be embodied in the forthcoming volume for 1893-4. We have had the advantage of examining Mr. Troup, who was a member of that Committee, and his evidence is extremely interesting and important.

Mr. Troup shows that taking the decrease of 33 per cent. in the prison population as between 1883 and 1893, the number of committals to prison on conviction or on failure to find sureties only accounts for 3.5 per cent. of the decrease; and that the fair inference is that the diminution in the average length of sentences during the last 10 years approximately accounts for no less than 29.5 per cent.

Mr. Troup adopts as the safest test of the amount of serious crime in the country the number not of crimes tried on indictment, but of indictable crimes. The following figures show that during the last 20 years there has been a small but steady decrease, and this has occurred while the general population has increased by 25 per cent.

NUMBER of PERSONS tried for INDICTABLE OFFENCES at ASSIZES and QUARTER SESSIONS or summarily, during the period 1874-93.

	Annual Average for each Period of Five Years.	Proportion to 100,000 Inhabitants.
1874-8	53,044	217
1879-83	60,080	230
1884-88	57,385	208
1889-93	56,472	194

The general conclusions at which Mr. Troup arrived are that crimes of violence against the person show a decided decrease; offences against morality appear to have increased, probably following new and stringent legislation; all classes of crimes against property show an actual diminution, which, considered relatively to population, is specially noteworthy. Larceny, embezzlement, and receiving stolen goods constitute five-sixths of the total of crime, and the diminution in this class of offences is decided, though it is complicated by the changes which have taken place in procedure. Miscellaneous offences, with the exception of attempts to commit suicide, have also diminished. Mr. Troup therefore considers that the decrease in crime, though not at all proportionate to the decrease in the prison population, is real and substantial.

Judicial Statistics, 1893-4, Introduction, p. 75.

16. The fact that the great increase of the general population does not carry with it a proportionate addition to crime suggests at once that the spread of education, improved dwellings, sanitation, and more favourable condition of living in the building extensions to accommodate increasing numbers are unfavourable to the common forms of criminality, and that the more these improvements are effected in the lowest quarters of the large towns, the more satisfactory will be the general effect on criminality.



17. If the condition and treatment of prisoners at the present time are compared with what they were 60, 40, or even 20 years ago, the responsible authorities can justly claim credit for great and progressive improvement. The bad prisons have disappeared. In the full consciousness of these improvements, it was not unreasonable that there should have been a somewhat rigid adherence to the lines of the Prison Acts, and great faith induced in the principles which they laid down. Moreover, the various inquiries which have taken place have all resulted in the general affirmation of the principles which were prescribed by the Acts. This was conspicuously so in the case of the lengthy inquiry into Irish prisons in 1885, when one of the chief efforts of the Commission appears to have been to raise the administration of the Irish prisons to the English level.

We do not consider, therefore, that there is reason for general condemnation of a system which resulted originally from careful inquiry and much deliberation; and which was specially and successfully designed to put an end to many glaring and patent evils. Similarly we do not consider that it is right to lay the burden of all the short-comings of the prison system on the central prison authorities who have carried into effect under successive Secretaries of State the Acts approved by Parliament; who have loyally and substantially carried out the various recommendations made from time to time by Commissions and Committees; and who, as administrators, have achieved in point of organization, discipline, order, and economy, a striking administrative success. Nevertheless, we feel that the time has come when the main principles and methods adopted by the Prison Acts should be seriously tested by the light of acquired experience and recent scientific research.

18. In proportion to the spread of education, the increase of wealth, and the extension of social advantages, the retention of a compact mass of habitual criminals in our midst is a growing stain on our civilisation. In any thorough inquiry into prison treatment, the closest regard must be paid to its physical and moral effect on prisoners generally. But the number of habitual criminals in and out of prison must form one of the standards by which the system must be tested and judged. Recidivism is the most important of all prison questions, and it is the most complicated and difficult.

19. Sir E. Du Cane has very truly said that nothing is more common than to find "that persons whose attention has been attracted only to some disadvantage in the system finally decided on, discuss it without being aware that any alternative would introduce still greater evils." It is easy to find fault, to form ideal views, and to enunciate lofty speculations as if they were principles arrived at by experience. It is extremely difficult to organise and carry out a perfect system with a reasonable regard to economy, which should provide equal advantages and similar methods of treatment, not in one great centre, which would be comparatively easy, but in greater or less degree in all the considerable centres of a great population distributed throughout the country, and which should apply uniformly to all the ever varying classes of offenders undergoing sentences from a day's imprisonment to penal servitude for life.

Punishment and prevention of crime, p. 8.

20. The difficulty of laying down principles of treatment is greatly enhanced by the fact that while sentences may roughly speaking be the measure of particular offences, they are not the measure of the characters of the offenders; and it is this fact which makes a system of prison classification, which shall be at once just, convenient, and workable, so difficult to arrive at.

21. For the purposes of this inquiry we have held 35 sittings. We have examined Sir E. Du Cane, and his three colleagues on the Prisons Board, as well as Colonel Garsia, the Secretary. Sir E. Du Cane during the past year has unfortunately suffered much from ill health. His evidence had to be postponed to a late period, and then had to be taken, owing to his ill health, under conditions which precluded the examination from being as full as we could have wished. Sir G. Lushington gave us the benefit of his long experience in the Home Office, and Mr. Troup and Mr. Duncan, also of the Home Office, gave us valuable information on criminal statistics and prison industries respectively. We examined altogether 56 witnesses, representing and including governors, deputy-governors, warders-in-charge, medical experts, chaplains, matrons, and representatives of four Government Departments, Prisoners' Aid Societies, the Howard Society, Visiting Committees, Reformatory Schools, Trades

Unions, and ex-prisoners. The following prisons, refuges, and homes have been specially visited by members of the Committee:—

Convict Prisons	Local Prisons	Discharged Prisoners' Homes, and other Institutions.
Dartmoor.	Wormwood Scrubs.	Elizabeth Fry Refuge.
Portland.	Pentonville.	East Finchley Home.
Borstal.	Holloway.	Salvation Army "Bridge."
Dover.	Newgate.	Homes for Women
Woking.	Wandsworth.	Red Hill Reformatory.
Aylesbury.	Strangeways (Manchester)	
Broadmoor (Lunatic Asylum).	Leeds.	
	Knutsford.	
	Winchester.	
	Newcastle.	
	Reading.	
	York.	
	Gloucester.	
	Carnarvon.	
	Cardiff.	
	Cambridge.	
	Carmarthen.	

On these visits we have had the advantage of learning the views of many prison officials, including warders of all grades, whom the limits of time have not enabled us to call formally as witnesses. Sir Algernon West, a member of the Committee, was good enough to undertake a personal inspection of the Dutch and Belgian prisons, which has been of much use to the Committee. Other members of the Committee visited Glasgow and Perth prisons in Scotland.

22. The greater part of the evidence we have taken relates to local prisons of which the predominating importance is due to these considerations: (a.) The average number of local prisoners relatively to convicts is as 4 to 1; (b) the management of them, owing to the fluctuation and variety of the population is specially complicated and difficult; (c) it is in the local prison that the question of recidivism in the main has to be studied. The key of this question lies in the treatment of the young prisoners, and of a total population in the local prisons on March 31, 1894, of 14,339, 2,466, or about one-sixth were under 21. Of a total convict prison population at the same date of 3,588, only 86, or about one-fortieth were under 21.

It must also be borne in mind that the inquiries of the Royal Commissions of 1863 and 1879, and the Departmental Committee of Inquiry into the Treatment of Felony Convicts in 1869-70, were directed specially to the case of convict prisons, and have supplied us with much evidence which but for those inquiries it would have been necessary to take.

#### Prison Act, 1877.

23. It will be convenient here to state briefly the general effect of the passing of the Prison Act, 1877. By that Act all local prisons were transferred from the local authorities in counties and boroughs to the Government, and placed under the authority of a newly constituted Board of Commissioners acting subject to the authority of the Secretary of State. It is needless to examine into the causes of the transfer. The evidence, much of which was given by witnesses well acquainted with prisons before and after 1878, is mainly favourable to the change. The best prisons under the former regime, while comparing satisfactorily in point of order and discipline with the prisons of to-day were managed on lines in all probability more likely to produce a healthy moral effect of a permanent kind on the prisoners. But in other cases the management was unsatisfactory. Taking the prisons generally there was no settled and uniform principle of treatment; the Act of 1865, which constituted the Prison Code, and which it was intended should be adopted and administered in all prisons alike, in many prisons was imperfectly carried out; and the resulting inequalities as between one prison and another led to a very considerable amount of mischief and inconvenience.

The effect of the transfer was far-reaching. The intention of the Act was to produce an improved and uniform system through the strong and centralised administration of the Government, but at the same time to preserve local influences and the co-operation of the visiting justices by the institution of visiting committees to whom were assigned very extensive responsibilities and powers. The intention of the Act in this respect for the most part has been a failure, and for three main reasons. First the local authorities lost all financial control and were left with no direct interest in prison economy. They were left with no power *proprio motu* to take any action which involved expenditure. Secondly the abolition of the visiting justices by the Act appeared as a primary fact; and although in a sense they were set up again and under the rules issued by the Secretary of State given secondary powers, yet the general impression seems to have been that those powers were superfluous and put in rather for the sake of appearances to veil the abolition of the visiting justices. In the third place the strong and masterful action of the new Prison Department directed towards an absolute system of uniformity, carrying with it rigid discipline and perfect orderliness, was naturally calculated to overbear and repress what remained of the old authority in the different localities. Under these combined influences, while here and there owing to individual energy and capacity the visiting committees have exercised a considerable and beneficial influence, for the most part they have acquiesced in the supremacy of the central administration, have discharged their duties perfunctorily, and have not exercised the very considerable functions laid upon them by the Act.

As we have already stated the centralisation of authority has been a complete success in the direction of uniformity, discipline, and economy. On the other hand it carried with it some inevitable disadvantages. The great and, as we consider, the proved danger of this highly centralised system has been, and is that while much attention has been given to organization, finance, order, health of the prisoners, and prison statistics, the prisoners have been treated too much as a hopeless or worthless element of the community, and the moral as well as the legal responsibility of the prison authorities has been held to cease when they pass outside the prison gates. The satisfactory sanitary conditions, the unbroken orderliness of prison life, economy and high organisation, are held, and justly held, to prove good administration. But the moral condition, in which a large number of prisoners leave the prison, and the serious number of re-committals have led us to think that there is ample cause for a searching inquiry into the main features of prison life. From the evidence submitted to us it appears that as a criminal passes into the habitual class, prison life, subject to the sentences now given, loses its terrors as familiarity with it increases.

24. Before passing to the particular points of our inquiry it is essential to enter upon some other general considerations—

*Is the present Prison System sufficiently deterrent?*

This question has to be satisfactorily answered before we can proceed to recommend any changes or modifications in it. The Royal Commission of 1863, expressed an opinion that the penal servitude system, then in force "appeared not to be sufficiently dreaded either by those who have undergone it, or by the criminal classes generally." The Royal Commission of 1879, however, declared, after full investigation, that "the system (*i.e.*, in the case of convicts) is effective as a punishment." A similar opinion in relation to local as well as convict prisons has been expressed by the most competent witnesses whom we have examined. But here a question of the utmost importance arises which we deal with later, that of the length of sentences. Among the numerous witnesses examined there appeared to be a consensus of opinion on two points in this connexion. First, they agreed that as a general principle short sentences were most desirable in the case of first offenders, and where extenuating circumstances could be shown to exist. Secondly, they agreed that short non-cumulative sentences on old criminals, and on persons habitually drunk and disorderly, were almost altogether ineffectual. We are aware that the question of judicial sentences is not within our reference, and that it would be improper for us to make recommendations on a matter not submitted to us, and upon which we have not taken evidence from high judicial authorities. But as you have directed us to consider the treatment of the habitual criminal, and as this leads us directly to the question of recidivism we trust we shall not be in error in presenting to you the opinions we have been, perforce, led to form from the evidence necessary and incidental to our inquiry.

We are of the opinion that, so far as first offences are concerned, the present prison treatment in convict and local prisons is amply sufficient for the purposes of deterrence.

*Character of Necessary Changes.*

25. The next consideration is the general direction of any changes which the course of our examination into the facts make us think necessary or advisable. Sir Godfrey Lushington thus impressively summed up the influences under the present system unfavourable to reformation: "I regard as unfavourable to reformation the status of a prisoner throughout his whole career; the crushing of self-respect, the starving of all moral instinct he may possess, the absence of all opportunity to do or receive a kindness, the continual association with none but criminals, and that only as a separate item amongst other items also separate; the forced labour, and the denial of all liberty. I believe the true mode of reforming a man or restoring him to society is exactly in the opposite direction of all these; but, of course, this is a mere idea. It is quite impracticable in a prison. In fact the unfavourable features I have mentioned are inseparable from prison life." As a broad description of prison life we think this description is accurate; we do not agree that all of these unfavourable features are irremovable. Already in many respects and in individual cases they have been modified, and we believe that this modification can be carried much further in the direction of the treatment adopted and practised by the best of the existing reformatories. We think that the system should be made more elastic, more capable of being adopted to the special cases of individual prisoners; that prison discipline and treatment should be more effectually designed to maintain, stimulate, or awaken the higher susceptibilities of prisoners, to develop their moral instincts, to train them in orderly and industrial habits, and whenever possible to turn them out of prison better men and women, both physically and morally, than when they came in. Crime, its causes and treatment, has been the subject of much profound and scientific inquiry. Many of the problems it presents are practically at the present time insoluble. It may be true that some criminals are irreclaimable, just as some diseases are incurable, and in such cases it is not unreasonable to acquiesce in the theory that criminality is a disease, and the result of physical imperfection. But criminal anthropology as a science is in an embryo stage, and while scientific and more particularly medical observation and experience are of the most essential value in guiding opinion on the whole subject, it would be a loss of time to search for a perfect system in learned but conflicting theories, when so much can be done by the recognition of the plain fact that the great majority of prisoners are ordinary men and women amenable, more or less, to all those influences which affect persons outside.

26. From this point of view it is interesting to notice that the Royal Commission of 1879 acquiesced in the objection to the penal servitude system made on the ground that "it not only fails to reform offenders, but in the case of the less hardened criminals, and especially of first offenders, produces a deteriorating effect from the indiscriminate association of all classes of convicts in the public works." It is true that this referred to convict prisons only, and that in 1882 the star class of first offenders was instituted to meet the views of the Royal Commission. But we think for reasons which we shall subsequently proceed to state that the general prison system is still open to this reproach. Our inquiry has led us to think that the evils attributed to contamination have been exaggerated so far as male criminals are concerned. But grave evils are liable to occur from surreptitious communications among the women prisoners, and every care should be taken to keep them from being crowded together in chapel. Leaving this point aside for the present, we call attention to the finding of the Royal Commission in 1879, that the convict system not only failed to reform offenders, but on the less hardened, and especially the first offenders, it produced a deteriorating effect. The failure is yet to be found in local as well as convict prisons, but we are not inclined to attribute it to direct contamination by association as a primary cause of mischief.

27. Upon what does the reformatory influence which we desire to bring to bear more fully on the prison population depend? We answer (i.) the administrative authority, (ii.) individual effort, (iii.) a proper classification of prisoners.

(i.) The population of every prison is a community in itself, changing with greater or less rapidity, but composed of individuals of varying character, aptitude, and history. For purposes of prison discipline it is comparatively easy to mass them together, to call each of them by a number, and by a cast-iron system to make them all go through the same tasks, observe the same hours, and lead the same lives. But under this orderly equality there exist the most

11,482.

116, 868  
9438.

Report,  
par. 72.

striking inequalities. The hardened criminal bears the discipline without much trouble. Others are brutalised by it. Others suffer acutely and perhaps are permanently weakened by it in mind and body. What is a temporary inconvenience to the grown criminal, may be to lads and younger men a bitter disgrace from which they never recover to their dying day. It is impossible to administer to each man a relatively exact amount of punishment. But yet it is these very inequalities which often must produce that bitterness and recklessness which lead on to habitual crime. These inequalities must exist under the best available system. But the responsible authorities of the prison should have sufficient time at their command to observe prisoners individually, and sufficient discretionary power to give or obtain for an individual prisoner that guidance, advice, or help, which at such a crisis in his life may make a priceless change in his intentions or disposition. And it should be the duty of the central executive to co-operate with the local officials in carrying out satisfactorily this most important part of their functions.

3174, 3186.  
Royal Commission, Irish Prisons, 1885, Report, par. 79.

- (ii.) Without an excessive and impossible increase in the number of higher prison officials adequate individual attention to prisoners could not be given. But the warders could be trained to do some of this work, and under proper rules and regulations outside helpers could be brought in to supplement the work of the prison staff. Ordinary amateurs, as a rule, would be worse than useless. There are, however, many men and women in every centre of population who by training and temperament are amply competent to render valuable assistance.
- (iii.) The probabilities of success would be largely increased by a careful classification of prisoners. At present a large prison contains almost every type of offender. They are mixed up in hopeless confusion. In hospitals patients are classified and kept separate according to their ailments and requirements. The work of the doctor is simplified, time and effort are saved. The work of a prison chaplain in a large prison is inconceivably difficult, and his diagnosis has to be made under serious disadvantages. The smooth-tongued old offender occupies his time with meaningless professions of penitence; the prisoner who is reticent, because he feels his position, may have to be passed by for lack of time to penetrate his reserve. Old and young, good and bad, men convicted of atrocious crimes, and those convicted of non-criminal civil offences, are all to be found in the same prison. The chaplain and the governor have to attune their minds as best they can to each individual case as they pass from cell to cell. Under these circumstances their best efforts can only reach a portion of the prisoners. A sound and wise system of classification would make it more possible to deal with prisoners collectively by reason of their circumstances being at any rate to some extent of a like nature. Efforts could then be concentrated on the individuals who were contumacious, and with better chances of ultimate success.

#### *Is Recidivism increasing?*

28. It has not been part of our inquiry to make a full examination into criminal statistics, nor should we be justified in coming to any conclusions of our own upon them. We quote the figures given us by Mr. Troup as throwing interesting light upon our inquiry, and confirming, so far as they go, the opinions we have formed upon the general body of the evidence presented to us. From the point of view of the statistician the figures have yet to be tested by public criticism and examination, and we need only say here that at the present stage of statistical inquiry they are not put forward as either exhaustive or conclusive. Table IX. of the Judicial Statistics for 1893 for the first time gives in detail the number of previous convictions recorded against the total number of persons convicted.

Total Number convicted at Assizes and Quarter Sessions.	No previous Conviction.	Per-centage.	One or more previous Convictions.	Per-centage.
9,694	4,359	45	5,335	55

Of the 5,335, 2,988 had been previously convicted on indictment, as against 2,347 on summary process. It is, however, not unreasonable to suppose that this return of

Parliamentary Paper [C.—7263], 1894, pp. 15-18.

previous conviction is not exhaustive. The practice adopted until quite recently for the purpose of identification was necessarily imperfect. Upon the recommendation of the Departmental Committee, which was appointed in 1893, a new system has been organised, based on the methods invented by M. Bertillon and Sir F. Galton, and when sufficient time has elapsed for its full practical application more accurate results will be obtained.

We quote these results from a table prepared for the use of that Committee:—

	Approximate Per-centage of previous Committals.
Liverpool, Birmingham, Bradford	79
West Riding Yorkshire, Lancashire, Staffordshire	70
Norfolk and Suffolk	61
London	47

2366 sq.

These figures show that the smallest per-centage of recommittals is, as one would expect, in London, where there are ampler opportunities than anywhere else for escaping identification.

The proportion of recommittals varies remarkably in the different classes of offences:—

Class	Offences	Proportion of Recommittals.
I.	Against the person	30 per cent.
II.	Against property with violence	66
III.	Against property without violence	64
IV.	Malicious injury to property	42
V.	Forgery and coining	37
VI.	Other offences	25

The per-centage is highest where the offence offers to the habitual criminal the best means of obtaining a livelihood. This is further illustrated by the fact that for the offence of larceny from the person there were 79 per cent. of recommittals and for simple larceny 78 per cent.

It appears, therefore, to be probable that rather more than half the number of prisoners convicted at Assizes or Quarter Sessions have undergone a previous conviction either on indictment or on summary process, and that the majority of recommittals are in respect to larceny. We have obtained a return from the Prison Commissioners in order to ascertain whether the proportion of reconvictions is increasing:—

COMMITMENTS TO LOCAL PRISONS IN ENGLAND AND WALES.

RETURN\* showing the NUMBER OF COMMITMENTS TO PRISON for the FIRST TIME (excluding those in cases of persons remanded and discharged, and committed for trial at Assizes and Sessions but not convicted, also of Debtors and Civil Process, and of Naval and Military offenders) and of all PRISONERS COMMITTED for the SECOND, THIRD, &c. TIMES, and the PER-CENTAGE of RE-COMMITMENTS in each case, for each of the YEARS ended 29th September 1872, 31st March 1883, and 31st March 1893.

Year ended	Number without any previous Commitment.	Number committed for the second time.	Per-centage of the Number committed for the second time to the Number without previous Commitment.	Number committed for the second time.	Number committed for the third time.	Per-centage of the Number committed for the third time to the Number committed for the second time.	Number committed for the third time.	Number committed for the fourth time.	Per-centage of the Number committed for the fourth time to the Number committed for the third time.	Number committed for the fourth time.	Number committed for the fifth time.	Per-centage of the Number committed for the fifth time to the Number committed for the fourth time.	Number committed for the fifth time.	Number committed for the sixth time.	Per-centage of the Number committed for the sixth time to the Number committed for the fifth time.	Number committed for the sixth time.	Number committed for more than the third time to the third time.	Per-centage of the Number committed for more than the third time to the Number committed for the third time.
29 Sep. 1872	74,774	20,925	27.9	20,925	9,676	46.2	9,676	5,903	59.9	5,903	4,390	73.9	4,390	3,056	71.3	3,076	26,893	277.6
31 Mar. 1883	84,676	27,306	31.8	27,306	12,709	46.5	12,709	7,676	60.2	7,676	5,258	68.4	5,258	3,697	70.1	12,709	26,894	311.5
31 Mar. 1893	72,327	21,442	29.6	21,442	10,384	48.4	10,384	6,723	64.7	6,723	4,319	71.5	4,319	3,319	76.8	10,384	43,290	417.1

\* This return was prepared by the Commissioners at the request of Sir John Dorington.

The total number of commitments in each of the years specified was 132,238, 166,284, and 147,473 respectively.

As the returns in the Judicial Statistics, from which this is compiled, show only commitments, and are not confined to convictions, the figures cannot be considered as correctly representing the latter. The convictions have, however, been given as far as possible by eliminating from the number without any previous commitment those classes of persons described in the heading of this return.

As the returns of persons committed a second or third time, &c. are not composed except in part of the individuals shown as previously committed a first or second time, &c., these figures can only be taken as a rough

approximation of the proportions reconvicted. They cannot be taken as referring to the same individuals.

The returns show the number of previous commitments on each occasion of a prisoner's committal; the same individual if committed more than once in the same year would be included in more than one column, i.e., as a second, third, or fourth committal.

It will be observed that the per-centage is as much affected by a rise or fall in the number of first committals as in a fall or rise in the number of second committals, and so on. Further that the number of re-committals is affected by the success in identification, and so far has nothing to do with the effects of the prison system.

Notes by the  
Prison  
Commissioners.

Taking the figures for 1892-3, and with the reserves indicated above due to the difficulties of detecting first offenders, this table goes to show that of every 100 who go to prison a first time, 70 do not return again; of those convicted a second time 48 per cent. return again; of those convicted a third time, 64 per cent.; of those convicted a fourth time, 71 per cent.; of those convicted a fifth time, 79 per cent.; and it clearly follows from the last column that the old offender is constantly returning again.

Whether or no the per-centages for a given year are approximately accurate, it is difficult from the comparative statement to avoid the belief that the proportion of reconvictions during the last 20 years has increased. On the per-centages in the return it has increased in respect to the re-committals for the third time or more. But against this may be set the fact that since 1873 the methods of identification, though far from complete, have continued to improve.

It is not possible to make an estimate of any value of the number of habitual criminals in the country. Table XXVI. of the Criminal Statistics, on which we examined Mr. G. E. Smith, a Superintendent of the Metropolitan Police, is based upon police reports and estimates, and affords no basis for an accurate computation. Assuming, however, that the number of re-committed prisoners averages 7,000, and this is a moderate estimate, the figure 21,918 which represents "suspected persons" at large is not, we should suppose, by any means too great proportionately to the number of habitual criminals in prison.

2249-2378.

#### *Headspings of Recidivism.*

29. Where are the headspings of Recidivism? Doubtless in a large measure they are to be found in the social conditions of the general population. Lads grow up predisposed to crime, and eventually fall into it. Mr. Davitt told us that he was speaking to an educated habitual criminal in Dartmoor, and was pointing out how foolish it was, apart from the immorality of the thing, to risk getting seven years penal servitude for 10% or 20% of stolen goods. The man replied "Well, yes, that is all right coming from you, but put yourself in my position. I never knew my father or my mother. My first recollection is being turned out of a workhouse. I fell among thieves. I got educated in crime. I learned to read and write in prison. Unlike you I have had no moral training. Now I hold that man is naturally a thief. Take for instance a child in its mother's arms; anything that excites its fancy it wants to get, and if that natural feeling is not corrected by parental training and moral influence and education it gets stronger as the child grows older. Now I am such a product of your civilisation. You allowed me to grow up with these animal instincts uncorrected, and then you send me to prison when I exercise them."

11,293.

This is an illustration of a state of things prevalent among the most wretched and criminal classes of society. Numbers of lads and girls have been permanently rescued by the industrial and reformatory schools. But a large number find their way to prison. It is certain that the ages when the majority of habitual criminals are made lies between 16 and 21. And from the interesting figures supplied by Mr. Merrick, the Chaplain of Holloway Prison, the most fatal years are 17, 18, and 19. The proportion of juvenile criminals relatively to the population of the same age is shown by the return on p. 29, of which the significance is apparent. This is corroborated by other experienced witnesses. It appears to us that the most determined effort should be made to lay hold of these incipient criminals and to prevent them by strong restraint and rational treatment from recruiting the habitual class. It is remarkable that previous inquiries have almost altogether overlooked this all important matter. The habitual criminals can only be effectually put down in one way, and that is by cutting off the supply. The improvement of general social conditions is the work of the community. But that some of its worst and most dangerous products, and that many of those who would lead honest lives under different surroundings, can be

1559.  
App. III.  
3106 sq.

reclaimed by special and skilful prison treatment is emphatically maintained by many of the most capable and experienced witnesses.

30. We have obtained through the Foreign Office a number of interesting reports on the working of prison systems in foreign countries. Information was specially asked for on the subjects referred to us, and a summary of it is placed in the Appendix. Valuable as it is, we feel that our own experience at home must in the main guide this opinion. Systems must vary according to national temperaments and requirements, nor is it possible to determine satisfactorily their comparative merits by prison statistics, even when accurate and complete.

But criminal statistics are very imperfect in those countries where interesting experiments are being made, or where systems are in force dissimilar from our own, which we could wish to test accurately. The information necessary for forming an opinion upon their merits being deficient, it is not possible to recommend large alterations upon the foreign experience. There are, however, many portions of the reports which are worthy of careful consideration, and some of our recommendations, to a considerable extent, will be based upon methods successfully adopted by other countries.

#### TREATMENT OF PRISONERS.

##### Accommodation.

31. Serious charges of overcrowding in the London prisons have been made. We have carefully examined the facts of the case. The Prisons Act of 1865 provides (section 17 (1)) that "in every prison separate cells shall be provided equal in number "to the average of the greatest number of prisoners, not being convicts under sentence "of penal servitude, who have been confined in such prisons at the same time during "each preceding five years." Further, the same Act, Schedule I., Regulation 26, provides that:—"Every male prisoner shall sleep in a cell by himself, or under special "circumstances in a separate bed placed in a cell containing not fewer than two other "male prisoners, and sufficient bed clothes shall be provided for every prisoner. A "convicted criminal prisoner may be required to sleep on a plank bed without a "mattress during such time as may be determined by the rules of the prison. Epileptic "prisoners, or prisoners labouring under diseases requiring assistance or supervision "in the night may at any time notwithstanding this regulation be placed by order "of the surgeon with not fewer than two other male prisoners." We find that the law as laid down in section 17 (1) has been observed, and the required number of separate cells has been provided. But this provision is not sufficient to ensure the full observance of Regulation 26. Since 1865, the practice of sending convicts to different local prisons has grown up, and this has added materially to the demand on accommodation, though, under the section, in providing accommodation the convicts are not to be taken into account.

701-4, 2927,  
2542, 2949,  
4049,  
5072-8,  
5262, 5328,  
5431, 7297,  
7306, 10,074,  
10,097,  
11,021-6.

10,280.

Partly from this and partly from other causes it has occasionally happened that unusually large drafts of prisoners have had to be received, and in consequence the Regulation 26 of Schedule I. has not been adhered to. Ordinary prisoners have been placed in association, and although this may have been for only a single night, we are clearly of the opinion that the margin of accommodation ought to be sufficiently ample to make these occurrences impossible. Prison officials without exception agreed that such association is most objectionable morally and physically, and we think that it ought not to occur either on reception or for the purpose of confinement during the night. The difficulty in providing accommodation appears to have been confined mainly to London and Manchester, Birmingham and Cardiff, and it is one which can be readily met by a better system of transfer. Under the present system governors have to obtain the consent of the Commissioners before they can transfer prisoners, and the Commissioners have to obtain the authority of the Secretary of State. We think that the Commissioners might be authorised to sanction or refuse transfers on their own responsibility. The new classification which we shall proceed to recommend will make changes calculated to give large and immediate relief to the prisons where the overcrowding has occurred.

Section 17 (1) of the Prison Act, 1865, requires amendment. All classes of prisoners should be included in calculating the average of the greatest number of prisoners in each of the preceding five years.

728, 1420,  
1708, 2937-  
42.

With regard to association under Regulation 26 there is some difference of opinion; but all witnesses agreed that where association is ordered on medical grounds it is essential that adequate supervision should be secured. Here again any difficulty



likely to arise would probably be met by an improved system of classification. The class of prisoners usually placed in association ought, as far as possible to be kept separate under special treatment and medical observation. We deal with this more fully later on. The phrase in Regulation 26, "special circumstances," appears open to some misconstruction. We think that association in sleeping cells should not be allowed under any circumstances, except for medical reasons and upon the express recommendation of the medical officer. This rule should be rigidly adhered to.

#### *Visits and Communications.*

32. Some experienced officials state that the present rules are quite adequate and need no alteration. The practice is laid down by Standing Order 213 in Appendix V. Mr. Manning, a governor of the widest experience, thinks that it would not be wise to give to governors a discretionary power to relax the regulations in favour of the prisoner, on the ground that it would lead to favouritism. But he thought more indulgence might be granted to prisoners, in respect to visits after three months. We think that while there should be uniformity in practice and the greatest care taken against any weakening of the penal machinery, it is not advisable in this matter to lay down rigid rules from which there can be no departure. Many witnesses were in favour of extending existing privileges. Those who were most strongly in favour of the existing practice all admitted that, subject to the proper maintenance of regulations for the purpose of order and deterrence, they would approve of any regulation clearly calculated to produce a good moral effect on the prisoners. In other words, if without endangering discipline and impairing necessary severity in prison regulations, it appeared that extra visits to prisoners, or privileges to send or receive communications from friends and relations, would be beneficial to a prisoner and likely to assist in making him a better man, such relaxations would be desirable. We consider that it would not be wise to place so much extra responsibility upon the governors with regard to all prisoners. But the Visiting Committee should have power to consider each individual case on its merits either at the direct request of the prisoner or upon the representations of the governor or chaplain, and within certain limits (*infra*) to relax or maintain the regulations at their discretion. It should, however, be distinctly understood that any relaxation should not be in the nature of mitigation of punishment, but should only be made when, after careful consideration, it appeared clear that the ends of justice would be served by bringing good and healthy influence to bear on the particular prisoners. Sir E. Du Cane, who thought it might be advisable to allow more frequent letters and visits after three months, put in the condition that the increase of privileges should be in accordance with the mark or stage system. With this we concur. To allow indiscriminate visits either by undesirable persons or even by persons not likely to influence a prisoner in the right direction would be most harmful. But no hard and fast rules at any period should be allowed to keep from a prisoner any good influence which might help to reclaim him or save him from becoming a permanent member of the criminal classes. These recommendations apply equally to female prisoners.

33. There are but few prisoners other than those who are in a hopeless state through physical or mental deficiencies who are irreclaimable. Even in the case of habitual criminals there appears to come a time when repeated imprisonments or the gradual awakening of better feelings wean them from habitual crime. Governors, chaplains, matrons, male and female warders, by personal influence have reclaimed individual prisoners. Given more time and opportunity for the work of reclamation, it is certain that in proportion there would be an increased measure of success. Beyond question some prison officials with higher aptitudes for the work succeed when others fail. It should be the object of the prison authorities through the prison staff and any suitable auxiliary effort that can be employed to humanize the prisoners, to prevent them from feeling that the State merely chains them for a certain period and cares nothing about them beyond keeping them in safe custody and under iron discipline. The evidence in connexion with reformatories bears directly on this matter. It is no doubt true that lads and girls are more amenable to influence than grown men and women. But it is only a question of degree. Mr. Trevarthen's evidence in connexion with the Redhill Reformatory is to the effect that 91.7 per cent. of the inmates live satisfactory lives after leaving the reformatory. Observation of the individual cases is maintained for four years; and even allowing a considerable per-centage for erroneous reports and for subsequent failure, the result is most satisfactory. The Salvation Army has organized Discharged Prisoners' Homes for men and women, and although it is too soon to express a decided opinion upon their working, yet it is quite certain

Appendix V,  
5056, 5454.

that through these agencies a considerable number of apparently hopeless cases have been satisfactorily dealt with. The same can be said with regard to the homes known as the Elizabeth Fry, the East Finchley Roman Catholic, and other institutions for discharged women prisoners. All those most praiseworthy efforts are attended by a certain measure of success. Experience at any rate shows, whether we look at the work done after prisoners have served their time, or at the individual efforts of prison officials while the prisoners are serving their time, that the present system, while admirable for coercion and repression, is excessively deficient on the reformatory side.

4902-8.

4964.

5523.

Dr. Brayn, the governor of the Female Convict Prison, was of the decided opinion that lady visitors to female prisoners did good. The general opinion, however, appeared adverse to them unless specially qualified and selected with great care.

In female prisons there ought to be a female scripture reader in addition to the chaplain.

#### Prisoners' Aid Societies.

8027.

7229.

10,038 sq.

2576, 8251.

1844, 7519,

10,041.

10,038.

34. It is not easy to give a clear description of the working of the present arrangement. To each prison are attached one or more societies. Some do admirable work, but it is impossible to form a definite opinion upon either the extent or the permanent effect of the aid given. No doubt many prisoners are rescued by them, and much philanthropic effort is devoted to their welfare. Very interesting accounts of prisoners' aid work were given by Colonel Buchanan, Mr. Wheatley, Colonel Barker, of the Salvation Army, Miss Elizabeth Fry, and others. It is most desirable that fuller scope should be given to their able efforts, and philanthropic enterprise, and that other societies should be encouraged to work in the same spirit. At present a Government grant of 1,500*l.* per annum is distributed under the regulations described in Appendix V. But it does not appear that there is either uniformity of action under definite principles, or that the various societies are so far organised as a whole that the effect of aid can be satisfactorily ascertained. There seems to be a great and unnecessary variation in the methods of working. In some cases the visiting committees appear to act as the Prisoners' Aid Societies; in others there is no connection or communication between the two bodies. In some prisons the governors or the chaplains appear to be the motive force; in others these officers seem to have little or no knowledge of the societies. Mr. Ruggles-Brise, one of the Prison Commissioners, gave it as his opinion that a great deal of useful reform might be here started. "There is," he said, "a great want of uniformity in the work of the societies and in their methods. In almost every prison a different method prevails, and I should like to see a uniform system established." It is quite possible for a criminal committed to different prisons to receive aid from each society concerned with them, and it does not appear that individual societies in general are able to follow up and watch the cases in which aid has been given. It would be a grave mistake to check this voluntary work which does much good. But better and more practical results would be shown if there was closer and more skilled supervision over this branch of work as a whole. Either the responsibility of direction should be placed with the visiting committee, who would act under definite and uniform instructions from head-quarters; or the supervision should be given to the Inspector of Prisons or other officials appointed for the purpose. Facilities should be given to Prisoners' Aid Societies to follow up cases with the help of prison or police authorities both for the purpose of guarding against useless help being given to those who are re-committed, and of watching and assisting men and women really anxious to lead an honest life, and many of whom from one cause or another require something more than temporary assistance, and that in more than one locality, on discharge.

2287.

35. We are aware that official supervision and interference are likely to check voluntary effort if imposed without consultation and consent. We attach so much importance to the voluntary side of prisoners aid work, and its local character, that we do not feel in a position to formulate proposals which we have not had the opportunity of laying before the representatives of the societies collectively. The subject is of very wide scope, and requires a special study by itself. We think that some competent person should be deputed to visit every prison for the purpose of ascertaining the character and working methods of the society or societies existing in the neighbourhood whether or not attached to the prison, which take up prisoners aid work. His report having been received, a scheme for the better organisation and supervision of the societies might be drawn up, and in any case it would be desirable to hold

a representative conference in London for the purpose of securing common and uniform action, providing for the most effectual distribution of the Government grant; and for stimulating the considerable number of societies which do little work or exist but in name. cf. par. 124.

While we refrain from formulating a plan for the management of the societies, there are certain matters in connexion with the subject upon which we desire to express a definite opinion.

36. We think it most desirable that further facilities should be given to accredited representatives of bona fide societies to see the prisoners before discharge. It is not advisable that prisoners should think that various agencies are competing for their patronage. But under the present system and with certain exceptions, prisoners are not seen before discharge. They leave the prison, and at the gate may find the agents of various societies waiting for them. Prisoners who are just released, with some money earned in prison in their pockets, and who perhaps see their old associates waiting for them, are too often not in a mood to receive friendly advice and assistance. It would be far better, that if they can be persuaded before leaving prison to see the society's officers, they should be brought under this influence before release. The scramble at the prison gates would be avoided, and a better chance secured of persuading them to give up criminal practices. We recommend that prisoners should be shown a list of societies and their agents who are ready to help them, a week or more before discharge, and that they should be allowed to see the agent of the society which they prefer. We also think that if any bona fide society applies for permission to see a prisoner before discharge, leave should be given, provided that the prisoner consents. As Prisoners' Aid Societies are charged to a considerable extent with the responsibility of seeing to a prisoner's position after discharge, it is advisable that they should be consulted upon the kind of work likely to be most useful to the class of prisoners to be found in the particular prison. 47,762, 7103 sq., 7225, 7263, 10,500, 8791, 8977, 9617, 3072, 7102, 10,064, 8280, 10,296. cf. par. 111.

We think that the Government grant might, with advantage, be increased, and in any case it should be made applicable in the case of societies which conduct establishments for the reception and training of discharged prisoners on principles approved by the Government, and which can show that their efforts are practically successful. 10,298-10,308. cf. par. 71.

*Prison Offences.*

37. Speaking generally, we are of the opinion that the present regulations governing punishments for prison offences have worked as well as could have been expected. As Sir G. Lushington said, every form of punishment is objectionable. Whatever may be said or proved against the nature or amount of punishment, the broad fact remains that the great majority of prisoners serve their time without any punishment at all. These are the figures for the year ending March 31st, 1894 :— 776-93, 1863, 10,330.

	Numbers Punished.	Not Punished.	Total Number.
Convict prisons	2,098	3,389	5,487
Local prisons	23,071	184,631	207,702

And the following return well illustrates the fact that a considerable proportion of convicts earn their whole remission.

*Paper handed in by Captain Stopford.*

RETURN of the NUMBER of CONVICTS discharged from PORTLAND PRISON during the year 1894 (exclusive of any specially licensed on medical grounds, &c.), showing how many of them earned full REMISSION, and the length of TIME the REMAINDER were detained beyond the MINIMUM PERIOD.

Number of Convicts Licensed during 12 Months ended 31st December 1894.	Earned full Remission.	Detained beyond the minimum Period.						
		Less than one Week.	One Week and less than one Month.	One Month and less than three Months.	Three Months and less than six Months.	Six Months and less than nine Months.	Nine Months and less than 12 Months.	Twelve Months and over.
806	185	—	9	116	28	10	4	4

38. During recent years there has been a distinct move forward in the direction of mitigating the severity of prison punishments. The use of the entirely dark cell has been discontinued since the publication of the Report of the Royal Commission on Irish Prisons in 1884; and the following figures show that corporal punishment has decreased in a striking degree in local prisons. In convict prisons the total number of instances also shows a marked decrease, but the percentage remains about stationary. It must, however, be noted that the convict population has been much reduced, but that there remain much the same number of hardened criminals of a low type.

*Corporal Punishment in Prisons.*

	Local Prisons.			Convict Prisons.		
	Daily average Number of Prisoners.	Corporal Punishments.	Per-centage of Corporal Punishments to Daily average Number of Prisoners.	Daily average Number of Prisoners.	Corporal Punishments.	Per-centage of Corporal Punishments to Daily average Number of Prisoners.
*1872-3	18,586	173	1.27	8,440	86	1.02
†1883-4	18,706	136	.99	9,059	89	.98
‡1893-4	12,170	98	.81	3,462	39	1.13

\* Year ended 30th September. † Year ended 31st March 1874. ‡ Year ended 31st March.

This return relates to male prisoners alone.  
 Note.—Since January 1887, convicts have been detained in local prisons to undergo the first nine months of their sentences.  
 The figures for 1872-3 and 1883-4 are obtained from the Judicial Statistics, and for 1893-4 from the Reports of the Commissioners of Prisons and the Directors of Convict Prisons.

180, 189, 3096. 39. From time to time changes were made towards leniency by Standing Orders, which, according to Standing Order No. 94, produced no disadvantage. The same Order stated that as the result of experience "discipline is not better maintained by resorting commonly to severe punishment, which should be reserved for use when milder means have been tried unsuccessfully, and when it is necessary to apply them on particular occasions."

1521, 1871. This opinion of the Commissioners carries much weight, and it strengthens our belief that the main fault of our prison system is that it treats prisoners too much as irreclaimable criminals, instead of as reclaimable men and women.

3073, 9638-42. 10,331, 8997. 40. Some competent witnesses attribute a number of offences to the nature of prison life, and this view was supported by the evidence of Mr. E. It is impossible to conceive any system of prison discipline adequately coercive which should reduce or lead to absolute submissiveness a class of men whose previous lives have conclusively shown that when not under restraint they are unable to observe the laws and regulations of social life. Bearing this in mind and given the fact that prison life necessarily means continuous and severe discipline, it is evident that the number of prisoners who receive no punishment during their service is a remarkable tribute both to the character of the discipline maintained, and to the tact and forbearance of the prison staff. The evidence of governors, chaplains, and medical officers generally was favourable to the present practice. Recommendations have been made to us in favour of the increase of workshop labour, the abolition of the crank and treadwheel, the abolition of the rules of dark cells in convict prisons, the prevention of crowding in chapel, the improvement of prison food, and the instruction of prison officers. We shall deal hereafter with penal labour; and other suggestions are dealt with more or less in our general recommendations. We think that the No. 1 diet punishment should be inflicted with great care, especially in the case of women. Undoubtedly, it tends to lower the system, and this in itself is most undesirable. Mr. Walker, the Governor of the Liverpool Prison, objected to dietary punishment altogether for women. We should be glad to recommend at any rate its partial abolition if we could see our way clearly to any definite substitute for it. We are disposed to think, and more particularly if our recommendations are accepted, that the best solution would be a more frequent infliction of loss of privileges such as those mentioned under prison occupation.

5091. 10,419, 10,426. Under the present rules while a governor cannot inflict more than three days bread and water diet in succession, after which must come an interval of 24 hours, the

visiting committee can for a single offence sentence a prisoner to 14 days in a punishment cell with No. 1 bread and water diet, alternating every three days with No. 2 or 3 diets. We think that according to the intention of the Act of 1877, a prisoner should only be committed to a punishment cell on penal diet for 14 days; and an interval of at least three days should elapse before any additional period is imposed in respect of a fresh offence, or an offence distinct from that for which the punishment was inflicted, and this second period should only be inflicted with the sanction of the medical officer. We further think that in the case of a prisoner committed by the Visiting Committee to a punishment cell who expresses contrition, and whose contumacy the governor considers to be ended, means should be adopted in concert with the Visiting Committee to cancel or suspend the remainder of the sentence without unnecessary delay.

41. We have made special inquiries as to whether offences are committed in consequence of the petty tyranny or harshness of warders. It is only in human nature that there should be instances of unfair and unwise treatment of prisoners by warders in their constant daily personal relations with them. Every governor testifies as to the varying qualities of his warders. We deal later on with the general question of their fitness, but it is only a matter of justice to them to say that, so far as we have been able to find out, as a body they discharge their most difficult and responsible duties with forbearance and kindness. On special inquiry, for example, at Dartmoor and Portland, we find that the following number of complaints were made by prisoners against warders —

NUMBER of COMPLAINTS made against OFFICERS by CONVICTS now at DARTMOOR and PORTLAND CONVICT PRISONS respectively during the year 1894.

Nature of Complaint.	Dartmoor.	Portland.
For violence -	5	2
For abusive language	5	2
For unjust reports { for talking		7
{ other offences	3	19
Total number of complaints	13	30
Total number of convicts in custody -	1,028	1,066

No doubt, as Mr. Davitt pointed out there may be many individual cases of hardship in which the prisoners, for obviously possible reasons, are afraid or unwilling to complain. But we consider this return under the circumstances to be very satisfactory, bearing in mind that several times in every day of the year the warders were brought into personal relation with a total number of 2,094 convicts.

It is the rule in convict prisons, and in local prisons in respect to convicts, for every convict who comes under report to have his name placed in a report sheet, on which is entered a statement of the investigations made and the punishment awarded. At the end of the week these sheets, containing the records of every report and how it has been dealt with, are sent up to the Home Office for the review of the Directors. According to the evidence this is a better system than that which is adopted in the case of local prisoners, and is well calculated to ensure that the punishments inflicted by the governors are legal and proper. We think that it should be adopted generally in the local prisons.

11,747.

*The Case of the Prisoner J. E.*

42. In the course of his evidence Mr. Morrison stated that certain prisoners had been sent from Wormwood Scrubs to Wandsworth, whose record of punishment was "something awful." In particular he instanced the case of J. E., who had, in his opinion, received inhuman punishment, though doubtless inflicted with the best motives. We thought it our duty to inquire into J. E.'s case, as the punishment which he had received appeared unusual, severe, and excessive. It is impossible for us to express an opinion as to the nature and amount of punishment which the case required. The actual punishment was most severe, but Mr. Morrison's impression about the condition of this man when he arrived at Wandsworth was not confirmed by

6388.

Appendix VI.

medical officers at Wormwood Scrubs and Wandsworth. Dr. Patmore said that he left Wormwood Scrubs in good health, sound in body and mind. Of this he had no doubt. The medical officer at Wandsworth reported that he found him on reception in good health and fit for first class hard labour.

*Hard Labour as a Punishment.*

The question of hard labour as a punishment we deal with under the general head of prison labour.

*Mark System.*

1884, passim. Royal Commission, Irish Prisons, 1885, Report, par. 130. 2591.

43. We think that the mark system works well. We were given to understand that it is the practice to restore marks forfeited by inadvertence or some trivial offence subsequently compensated for by diligence and good conduct. We think that great care should be taken, to observe this practice. We also are of the opinion that prisoners should not forfeit marks by reason of physical or mental weakness or illness. The Royal Commission of 1885 on Irish prisons laid great emphasis on this, and quoted at length a passage from the report of the Penal Servitude Acts Commission of 1879, which strongly adopts a similar view.

212 sq., 235, 9811, 10,385.

44. We considered whether the power to earn remission of sentence should be extended from convict to local prisons. It is difficult to see the logic or the advantage of allowing a three year convict to earn a remission of one-fourth of his sentence, and of forbidding a local prisoner sentenced for 18 months or two years to earn any remission. We suggest that the remission system might be extended to local prisoners sentenced to the longer periods, but this recommendation should be considered in connection with the general question of the amalgamation of the local and convict prison systems which we deal with later.

*Prison Labour.*

45. It has been necessary to go at length into this branch of the subject, both because of its great intrinsic importance and because in previous inquiries it has been passed over with but little notice. It resolves itself into two main parts—

I. Unproductive labour, cellular or associated

II. Productive labour;

(a.) Cellular.

(b.) Associated.

*Convict Prisons.*

46. In the first instance it will be convenient to deal with the case of convict prisons so far as labour therein presents any special features. For the first nine months of their sentence, convicts, whether confined in local or convict prisons, are kept in isolated confinement. For the first month they are kept at first class hard labour, and are subsequently engaged at oakum picking, matmaking, tailoring, or any suitable work which it is found possible to give them. After nine months all prisoners, unless physically disabled, or found specially qualified for other work, are put to associated labour in public works, quarrying, farming, land reclaiming, and so forth. The special difficulties, encountered in local prisons, do not as a rule arise, owing to the prisons being situated in open country or in close proximity to large public works, and to the fact that the longer sentences enable prisoners to be trained in productive industries. Scarcity of labour does occasionally occur, but difficulty of this kind is only to be met by activity in forethought and organization in the conduct of the prison industries. It should be noticed that female convicts are not employed upon the public works, and the work found for them is much the same as that which is given them in local prisons. We have no recommendations to make affecting convicts only, and pass on therefore to local prisons.

*Local Prisons.*

47. *Unproductive Labour.*—In the consideration of this question we start from the principle that prison treatment should have as its primary and concurrent objects, deterrence, and reformation. It follows, therefore, that it is desirable to provide labour

which in conjunction with the general prison discipline does not impair the one, and which does include the other. Applying this general conclusion it necessarily follows that unproductive labour, and under this term we include all purely mechanical work on cranks or treadwheels, and, in the case of women, oakum-picking, except as a punishment, should be entirely abolished wherever possible. We are compelled however to admit that no satisfactory alternative has yet been suggested. The Prison Act, 1865, provided that every prisoner of 16 years of age and upwards who is sentenced to hard labour, shall during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence when it exceeds three months, be kept at hard labour of the first class for such number of hours, not more than ten or less than six (exclusive of meals) as may be prescribed by the Visiting Committee, and during the remainder of his sentence shall be kept in like manner at hard labour of the 1st class, except where the Commissioners substitute hard labour of the 2nd class. This was subject to the medical report in each case. The Act of 1877 relaxed this law by enabling the Secretary of State to substitute for the last two months in either case hard labour of the 2nd class. First class hard labour is defined by the Prison Act, 1865, section 19, as the treadwheel, shot drill, crank, capstan, stonebreaking, or such other hard bodily labour as might be determined by the justices with the approval of the Secretary of State. As a rule, therefore, prisoners sentenced to hard labour are put to labour of the 1st class for one month. If, however, they subsequently refuse to earn remission by industry at hard labour of the 2nd class, they may for the whole term of their imprisonment be kept to 1st class hard labour.

Prisons Act, 1865, Sch. I. Reg. 84.

Rule of Secretary of State, Feb. 19, 1878.

These figures show the number of prisoners sentenced to hard labour during 1893:—

	Total.		
	Males and Females.	Males.	Females.
Hard labour	109,044	85,034	24,010
Without hard labour	41,454	24,785	16,669

48. First class hard labour as at present carried on involves a mechanical and unvarying exertion for six hours a day for a month. While there was some difference of opinion, the tendency of the evidence was to the effect that the fact of the labour being unproductive or apparently so, causes the prisoners to look upon it with dislike and resentment. All classes of witnesses agreed that as an occupation it is most undesirable. Colonel Garcia concisely summed up its disadvantages: "I object to the treadwheel and I will tell you why. First, I do not think it is a deterrent punishment, and it carries with it the association of short sentence prisoners during their first month. I do not think it is a deterrent punishment at all, and I am supported in that by replies to many inquiries I have made. It is in the Act, but I do not believe in the treadwheel at all. I do not think it elevates the prisoners morally. It does no good physically. I think it brings into association the first offender with the older offenders. It leads to association and talking, and I object to it." And Sir E. Du Cane thus writes of it: "... the punishment of hard, dull, useless, uninteresting, monotonous labour. It is necessary to resort to this for its penal effect. There is, nevertheless, a limit to the time during which a prisoner can be advantageously subjected to it, for it is decidedly brutalising in its effect. 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 the state of mind out of which it is most desirable that they should be raised." We have no doubt that as a general rule this is the case. But the strongest argument against this kind of labour is the fact that it keeps the prisoners in a state of mental vacuity, and this we regard as a most undesirable and mischievous result. The question is what can be substituted for it?

827, 828, 1421, 1775, 1911, 2650, 2992 sq., 3133-4, 4123, 4426, 6296, 7392, 7920, 8326, 8519, 9424, 9814, 10,825, 6502.

Punishment and prevention of crime, p. 175.

49. The large local prisons are for the most part situated in the heart of large towns, and labour has to be found within the prison walls. If the crank and treadwheel are abandoned, hard labour of the 1st class will be difficult and usually impossible to provide, unless arrangements are made for sending the hard labour men to prisons specially chosen in the

country where they can be set to work on the land or at reclamation. This would involve considerable expense. Later on we make suggestions with regard to classification, which if adopted would remove from the large towns a considerable number of the younger prisoners while *pari passu* habitual offenders would be collected together and detained for long periods in prisons specially adapted for them. If this were effected, a considerable proportion of the hard labour prisoners would be concentrated, and the difficulty would to that extent be got rid of. For the present we recommend that every effort should be made to find work for prisoners which would be a fitting equivalent to hard labour of the 1st class as now defined, and that the mechanical labour should be discontinued wherever practicable. At Wormwood Scrubs the experiment has been successfully tried of giving women rough cloth to cut into squares for hearth-rugs. The work is much preferred by the matrons to oakum-picking.

*Productive Labour.*

289-334.

50. This falls under two heads—cellular and associated. There is much difference of opinion upon their respective merits. On the one side it is maintained that better discipline and a better moral tone are secured by keeping prisoners in isolation; on the other that associated work is a more natural state; that it is more interesting, and helps to keep the prisoners from morbid depression. Before pursuing the question of industrial labour it is necessary here to examine the arguments for and against association.

51. The fear of contamination has largely influenced the direction of prison management in foreign countries, as well as in England, for the last 50 years. When prisoners of all kinds were collected together, undoubtedly it was very great and led to much evil. We observe that in previous inquiries it has been generally assumed that the chief risk lay in the corruption of young by old offenders. We are of the opinion that there is at least as much danger of contamination among the younger prisoners. They are of the age when curiosity stimulates the inherited or acquired depravity which is so often found in young criminals. On this point the witnesses were in absolute agreement. However this may be we agree that great care is necessary with respect to all classes of prisoners, in order to prevent mischief arising from anything like free intercourse. On the other hand, the policy of isolation has its own special danger over and above those which relate to the moral and mental condition of the prisoners. It is not possible to prevent all communication between prisoners, and the effect of strict regulations is to lead to constant effort to escape the vigilance of warders. The worst minded men can to some extent succeed in communicating with other prisoners, and the evil is aggravated by the mischief arising from successful accomplishment of breaches of discipline.

311, 478,  
2715, 3147,  
3625, 6862,  
9746,  
10,838.

52. We do not agree with the view that separate confinement is desirable on the ground that it enables the prisoner to meditate on his misdeeds. We are, however, disposed to agree that the separate system as a general principle is the right policy. The separate system rests on two considerations only. It is a deterrent; and it is a necessary safeguard against contamination. But we are not of the opinion that association for industrial labour under proper conditions, is productive of harm. On the contrary we believe that the advantages largely outweigh the disadvantages. We agree, however, that careful supervision is essential to all forms of prison association. Subject to this condition and to a proper system of classification, Colonel Garsia, a prison official of great experience, stated in his evidence that there was no danger whatever in associated work. Dangerous, disorderly, and depraved prisoners should be kept at all times, so far as is possible, apart from others. The fears expressed by some witnesses that freer association might lead to combinations and risings, would under such precautions be groundless.

6423.

53. The association we suggest is all in the direction of making it the prisoners interest to maintain order, and we have before us the fact that association for work on a large scale has always been the practice at the convict prisons, without being productive of dangerous outbreaks by prisoners, as a class, more desperate than those in local prisons, we do not consider the suggested danger to be of practical importance. We think that this limited form of association is desirable for several reasons. (1.) It is a welcome relief to most prisoners from the dull and wearying monotony of the constant isolation which forces men back on themselves, and in many cases leads to moral and physical deterioration. (2.) It can be made in the nature of a privilege liable to suspension, and would be therefore a satisfactory addition to the best kind of available punishment. (3.) It materially lessens the difficulty of

303, 1904-  
10, 2157,  
2617,  
2966 *sq.*,  
3147-50,  
4424-5,  
4590-3,



providing and organising industrial labour in prisons. Prisoners can be taught trades in classes, and they can then work in association under proper and economical supervision in regular workshops or halls provided for the purpose. (4.) It is more healthy. It is desirable that cells should be untenanted for some hours in the day, and in any case it is better that work which produces dust should not be carried on in the cells.

6423,  
7185, 7260,  
7421, 7952,  
8507, 8518,  
9252, 9815.

54. As against the expense of providing necessary rooms there would be probably increased profits from labour. We inspected the admirable workshops at Wandsworth, of which a plan is given in Appendix IV. We recommend that they should be provided in other prisons, and whenever possible on an extended scale. According to the evidence of Captain Helby and Captain Schuyler, and the Rev. W. D. Morrison, these workshops are of great assistance in the management of the prison, and no difficulty has arisen from association.

4594,  
8507-12.

55. In recommending a wider adoption of associated work, we must admit that several competent witnesses expressed disapproval of the principle. Sir E. Du Cane laid great stress on the argument that the experience of every country has led up to the cellular treatment as the best form of punishment and imprisonment. But upon cross-examination it did not appear that they could sustain their objection to associated labour properly supervised, and they seemed to us to have formed their opinions rather because separation has been the accepted rule of the prison system than on any experience of failure of the association system. For these reasons we have no hesitation in recommending that the practice of association for industrial work should with due caution be extended gradually throughout the prisons. Satisfactory results must largely depend on the discretion of the prison authorities in making selections of prisoners for associated work; and in any case they would be materially assisted by a careful classification, such as hereafter we shall proceed to recommend.

823-45,  
1428, 1757,  
4197, 6865,  
7076-82,  
7261, 7415,  
10,840.

#### *Nature and Extent of Prison Industries.*

56. According to the evidence, difficulty of a greater or less extent is experienced almost in every prison in getting a sufficiency of suitable work for the male prisoners. A chief reason for this is the shortness of the great majority of sentences. It is impossible to train short-sentence men in any skilled trade; and in many of the localities where the prisons are situated there may be little or no demand for the rougher products such as mats, sacks, &c., which can be turned out by the unskilled men.

This difficulty has been largely added to by outside agitation against competition of prisoners with free labour. In consequence of the agitation, and of proceedings in the House of Commons, some suitable industries and in particular mat-making have been to a large extent given up. From the prison point of view every witness without exception who was questioned on the subject agreed that this is a great misfortune.

57. We communicated with Mr. S. Woods, the general secretary of the Parliamentary Committee of Trades Union Congress, and by his suggestion we examined Mr. J. J. Rudge and Mr. J. H. Walker as representing the views of the majority of trades unions. These gentlemen gave very fair and impartial evidence. They admitted that industrial labour was morally and physically beneficial to the prisoners, and agreed that it ought to be found. They urged that direct competition with outside labour should not be allowed at "cutting" prices. Taking their evidence as a whole we gather that they approve of industrial training of prisoners; and bearing in mind that the products of prison labour go to reduce the costs of prisons, they have no objection to the sale of prison goods provided that (a) they are not sold below the market price for the district or the standard price elsewhere; (b) every consideration is shown to the special circumstances of particular industries outside to avoid all undue interference with the wages and employment of free labour. With these general views we agree. The witnesses admitted that the value of prison labour, which is estimated at from 111,000*l.* to 120,000*l.* per annum, including the domestic services of the prisons, is an infinitesimal proportion of the money earned by free labour throughout the country. Mr. Duncan, the store accountant in the Prison Department at the Home Office, to whom we are indebted for much clear and valuable evidence, stated that, taking the industries now practised in prison, and regarding a prisoner as equally

11,030-  
11,102.  
11,053-56.

11,063.

11,071.

4336,  
11,048,  
11,049.

4484. efficient with a free workman, which, of course, he is not, the abolition of unproductive labour and the employment of all now so engaged upon productive labour would only increase the interference of prison with outside labour in the proportion of 1 to 2,500. Broadly speaking, and taking into view the great importance of industrial training, this is a per-centage which the industrial workers of the country, we are persuaded, would be glad to ignore. We recognise, however, that appreciable competition may arise with respect to certain industries, as, for instance, mat-making, which appears usually to have produced the agitation against prison labour. The extent of competition in a particular trade depends obviously upon its relative proportion within the prisons and outside. Mat-making cannot be called one of the large industries of the country; but at the same time up to 1890 it was one of the chief employments in the prisons. In 1877-78 the number of prison mat-makers actually exceeded those outside by 23·87 per cent. In a case like this we think that the industry on account of its special value as a prison occupation ought not to be given up, but at the same time great care should be taken to avoid as far as possible any direct or material interference with the local markets of the home manufacture.

Passim: 58. Every witness bore emphatic testimony to the advantages of mat-making labour in prisons, and expressed the strongest regret at its withdrawal. It can be learnt in a few days even by unskilled men; it is specially adapted for cellular work and for the weak-minded and epileptic class of prisoners. Sir E. Du Cane in an interesting memorandum (Appendix IV.) traces the history of the industry, and shows that prison labour did not interfere with its general establishment in the country. Foreign competition arose, and it was under the stress of this that the attack, which in our opinion was made without reasonable consideration of the circumstances of the case, was made, and we regret that this most useful prison industry was reduced to its present condition.

59. In Appendix IV. are given full particulars of the nature and extent of the labour now performed in prisons, and the amount which is apportioned to prisoners according to their sentence, class, or stage. The most casual observer must see at a glance what exceedingly complicated difficulties are involved. Free untrammelled production to meet given demands is impossible. The capacities of prisoners range from a high standard to the very lowest to be found anywhere in an almost endless variety. These capacities or incapacities are again radically affected by the length and nature of each particular sentence. Further, the prisons are not located or constructed, neither is the staff trained or paid, for industrial purposes. Excepting the convict prisons, no single prison population presents any homogeneity or permanence. It is of a low order of physical and mental development; it is constantly changing, and in short it presents no favourable feature whatever for the development of industrial work. While we believe that a great deal can be done to extend prison industries and to improve their organisation, we should do a great injustice to prison officials if we did not emphatically recognise the zeal and energy with which under the most adverse conditions they have striven to make the best of the situation. After searching inquiry and personal investigation during the past year we are impressed with the extreme complexity of this particular subject upon which no one can be qualified to speak with any weight who has not given systematic and prolonged attention to it.

60. Prison industrial labour may be divided under three heads comprising that which is done (a) for the prisons and their population; (b) for other Government Departments; (c) for the outside public. We are not able to give the exact ratio but it might be approximately stated as three, two, and one.

#### *Female Prisoners' Work.*

5137. 61. The staple occupation of the female prisoners is laundry and other domestic work in the prisons for which they are well qualified. The prison washing is generally done by them, and sometimes outside work as well, the profit at Strangeways amounting to 1,000*l.* per annum. Knitting and needlework of all kinds give employment of the most convenient kind for isolated confinement, and it does not appear that there is much difficulty in providing the necessary amount of industrial labour. The laundry work is necessarily done in association, although the opportunities for communication are rightly much restricted both by close supervision and frequently by structural arrangements; and, so far as we have been able to ascertain, no inconvenience or evil has arisen therefrom. The evidence goes to show that this kind

of work is often of the most beneficial kind, and we consider that this experience is a practical proof of the advantages of associated labour.

When the work is of the high class description taught in the Strangeways laundry or in the tailoring room at Woking it enables the prisoners to earn a living on discharge. But mere unskilled washing, cooking, or needle-work for prison use gives the prisoner no chance of suitable employment. Rough laundry work leads them into undesirable surroundings, and knitting and hand needlework cannot command a living wage. It is to be regretted that skilled instruction in the use of knitting machines is not supplied in all the local prisons containing many female prisoners.

It appears that female prisoners are frequently employed in cooking the food of the female staff. We think that this puts before them an undue temptation and that the practice should be discouraged. There are also obvious objections to employing prisoners on household work in warders' quarters.

534, 5341,  
5868,  
10,084.

*Male Prisoners' Work.*

62. It is noteworthy that prisoners, after discharge do not, as a rule follow a trade which they have learnt in prison. The main reasons for this, over and above ordinary falling back into bad habits, are no doubt the fact that prison taught labour is of a lower standard than outside labour, and the feeling that the employment is associated with prison life and that if they pursued it their fellow workmen would probably ascertain where they had learnt it. But we think that the training in orderly and industrial habits is of higher value than the teaching of a special trade. Mr. Duncan, who speaks with great knowledge of the industrial side of prisons, said: "I have a great belief in the reformatory influence of productive labour. I hold with the late Frederick Hill that it is the very life of a good prison, and I will advocate its extension wherever possible." This view was held by the witnesses generally. Because we attach so much value to training we think that oakum-picking should be discontinued as much as possible except for penal purposes. It is disliked by most prisoners and is of the mechanical nature which involves no thought or mental activity, and it cannot be said to discipline prisoners into orderly and systematic habits of labour. An old offender will get through his oakum task rapidly and then do nothing. A new hand finds it difficult and probably looks upon it as degrading and irritating as well.

6548-65,  
8320, 8332.

7945.

4423.

7134, 7256,  
7805, 7930,  
8514, 9670.  
4428, 5367,  
5811, 6298,  
6965, 7425,  
8519, 9673.

*Quality of Prison Work.*

63. The quality of prison work varies considerably, and success in turning out good articles depends upon the number of workmen in prison who possess, or through serving an adequately long sentence, can acquire the necessary degree of skill. It may be said generally that such articles as baskets, mats, sacks, pouches, belts, &c., are well and strongly made. The degree of efficiency attainable by long-sentence men can be seen in the account given by Colonel Garsia of the building of Wormwood Scrubs Prison, which is the greatest achievement of convict labour. A striking proof is here given of what can be done through efficient concentration and organisation combined with skilled instruction.

6419 sq.

*Extension of Prison Industries.*

64. We regret very much that there is not more opportunity for work in gardens or on the land. It is agreed by all medical experts and prison officials that no kind of employment is more useful. It is healthy, productive, varied, and of a more or less interesting character. Plain hard digging may under suitable conditions be found a valuable and wholesome substitute for hard labour, while the lighter forms of field and garden work would be adapted for other cases.

959, 1055,  
2108, 2507,  
2844, 4633,  
6339,  
8374, 8894,  
3990,  
10,250.

65. We recommend that the 160 acres\* within the prison walls, as shown by Appendix IV., should be used as far as possible for gardening purposes as is already done at Wandsworth and other prisons, and we see no reason why prison yards, especially the portions set aside for women, should not be made less ugly by the cultivation of flowers and shrubs as is now done at Woking. Light gardening, moreover, would be a very advantageous form of employment and exercise for female prisoners. We notice that in prisons situated in agricultural districts there is a special difficulty in securing orders for industrial work. It would be desirable whenever possible to acquire

3981.

\* This figure is exclusive of Dartmoor where there is a large area under reclamation.

land adjoining such prisons for the purpose of labour. Under "classification" we make recommendations which bear on this point.

11,103-84.  
11,420-75.

66. We are clearly of the opinion that very considerable additions may be made to the orders now given to prisons by Government Departments. We call attention to the evidence given by Mr. Collett, Colonel Barrington, Mr. Algernon Turner, Mr. Primrose, and Mr. Bailey, on behalf of the Admiralty, War Office, Post Office, and Office of Works. Colonel Barrington gives a long list of articles which, judging by the work now actually done, he considers to be well within the capacities of the prisoners. Mr. Primrose points out that a large amount of washing now done for Government in London might be made over to female prisoners or the inmates of rescue homes to the extent of from 3,000l. to 4,000l. per annum. Printing was an industry which was successfully carried on before 1877 at Gloucester; and in France the prisoners do a good deal of this work for the Government. It might be considered whether this work, which is now carried on at Parkhurst alone, and other occupations requiring training and skill, could not be developed in the convict prisons, so that other work suitable for men under shorter sentences might be set free.

11,145.

To rescue homes carried on with the approval and under the inspection of the Department, Government work might with advantage be given more than it is at present.

67. The following figures, based on the numbers in local prisons on 6th March 1894, show per-centages which illustrate the difficulty arising from constant change:—

Remand or awaiting Trial.	Under One Month.	Under Six Months.	Under 12 Months.	Over 12 Months.	Total.
Males 10	22	41	17	10	100
Females 9	43	35	8	5	100
Both male and female 10	25	40	15	10	100

This difficulty would be considerably decreased if the classification we recommend is adopted.

#### *Organisation of Prison Industries.*

10,326,  
10,549,  
10,554.

68. The Prison Department and governors generally have striven hard to get orders and develop suitable prison industries. We cannot, however, but think that in this respect the organisation of the Department is defective. The responsibility rests generally with the Board; the supervision of the routine work, the issue and receipt of stores, the checking of accounts, and the formation of estimates, rests with the Store Accountant in the Prison Department of the Home Office. Mr. Duncan, who fills that office, gave us much interesting and valuable information. The duties of his office have been discharged with exceptional ability, and the system of accounts which Mr. Duncan has drawn up is adopted throughout the prison services of Scotland and Ireland as well as of England and Wales. We think that the official entrusted with the duty of supervising the industrial work both of convict and local prisons should have a higher degree of authority and responsibility. After consultation with governors he would have to distribute work according to local requirements and the capacities of prisoners, and would make contracts with the Government Departments, and be responsible for punctual delivery and an adequate standard of work.

4126,  
4440-47,  
4597, 6762,  
4825, 7483.

69. If prison labour is to be developed it will be necessary to make better provision for the supply of skilled warders as teachers, and for the direct superintendence of industries in each prison. There are but a handful of artizan warders now in the service who draw pay as such, and warders who supervise or teach a trade have to pick it up themselves as best they can, and no extra pay is allowed them. To secure skilled teachers we think that a higher inducement should be offered than the ordinary pay of a warder, and we also think that warders who acquire sufficient knowledge to supervise anything in the nature of skilled work should receive an extra allowance. We think that the better training of prisoners in industrial work would go far to recoup the increased charge.

4325.

70. We do not think that a governor of an important prison can satisfactorily discharge his duties and, at the same time, be responsible for the organisation and supply of prison work. Some official should hold a position similar to that of "manufacturer" previous to 1878, with a more recognised position as director of the

industries than is held now by the chief instructors. It might be considered whether the storekeepers might not be made use of for this purpose, if not in the larger prisons at any rate in the smaller ones. And in this connexion it might be considered whether it is not advisable to make a distinction between industrial instructors and warders. Mr. Hall, the acting storekeeper at Lewes, spoke strongly of the friction which now arises because of the clashing between the combination of disciplinary and industrial functions now imposed on warders. We think there is much force in his contention, and it might be well for the Prison Commissioners to consider whether an alteration of duties as between warders, instructors, and storekeepers might not be advisable and economical. We wish to draw attention to this, as it is a question of administration which could be best considered and treated in the usual way by the Prisons Department of the Home Office.

71. It is a question whether the gratuities which prisoners can now earn should be increased. We are not disposed to recommend that any material increase should at once be made; but we suggest that if the industrial work of prisons is extended and improved that the question should be carefully considered by the Prisons Department. For the present we think that the limitation in local prisons to 10s. is too restricted. A man can earn the money in six months, after which he has no special incentive to industry. We think he should be enabled to earn something continuously during his sentence, provided that the money is not all given to him on discharge, but subsequently through a prisoners' aid society, or in such way as the prisoners' aid society or the visiting justices may determine. These recommendations apply equally to female prisoners.

#### *Prison Occupation generally.*

72. We think that there should be a larger supply of books, and that reading should not be restricted to one book a week if the prisoner cares to read more. All the witnesses agreed that it is desirable so far as is practicable to allow the prisoners to improve their minds by reading, and the only difficulty raised was one of distribution. This, however, is comparatively a trifling one, and can be readily overcome. The principle which we laid down as governing visits and communications also applies to the general occupation of prisoners other than that devoted to labour, meals, chapel, and other necessary prison duties. Everything should be encouraged which tends to elevate the mind so far as it is consistent with regulations necessary for the general order and discipline. So much depends upon the kind of population in a prison, and the individuals who compose the prison staff, that it is not possible to go into the matter in detail. These are really questions which should always be before the responsible authority in every prison, and no rules or regulations should be of that hard, unbending character which prevents the changes being made according to special circumstances which careful consideration shows to be beneficial for the prisoners. The monotony of chaplains' work in prisons is apt to produce a mechanical performance of duty, and we think that it would be advisable more often to bring in selected preachers from the outside, to remedy what not unfrequently must be a drawback both to chaplains and their congregations. It has frequently been brought to our notice that the chapels are overcrowded at the services. This is obviously undesirable, and we suggest that where it is possible the number of services which the prisoners have to attend should be reduced. This would enable the prisoners to be divided, each half going to chapel on alternate week days. Where there is a large male and female population we think that the services for women should be distinct from those held for men.

#### *Talking.*

73. We inquired carefully into the rules which regulate talking in convict prisons. Except for the purposes of labour, male prisoners are not allowed to speak to each other throughout the whole of the time they have to serve. Female convicts are allowed to talk for at least an hour a day under proper supervision, and so far as we can learn no harm has resulted from it. We think that the privilege of talking might be given after a certain period as a reward for good conduct on certain days for a limited time, and under reasonable supervision, to all long-sentence prisoners, local as well as convict, who have conducted themselves well, and who are not deemed unsuitable for the privilege. The present practice of imposing silence except for the purposes of labour and during the visits of officials and authorised persons, for a period it may be of

land adjoining such prisons for the purpose of labour. Under "classification" we make recommendations which bear on this point.

11,103-84.  
11,420-75.

66. We are clearly of the opinion that very considerable additions may be made to the orders now given to prisons by Government Departments. We call attention to the evidence given by Mr. Collett, Colonel Barrington, Mr. Algernon Turner, Mr. Primrose, and Mr. Bailey, on behalf of the Admiralty, War Office, Post Office, and Office of Works. Colonel Barrington gives a long list of articles which, judging by the work now actually done, he considers to be well within the capacities of the prisoners. Mr. Primrose points out that a large amount of washing now done for Government in London might be made over to female prisoners or the inmates of rescue homes to the extent of from 3,000l. to 4,000l. per annum. Printing was an industry which was successfully carried on before 1877 at Gloucester; and in France the prisoners do a good deal of this work for the Government. It might be considered whether this work, which is now carried on at Parkhurst alone, and other occupations requiring training and skill, could not be developed in the convict prisons, so that other work suitable for men under shorter sentences might be set free.

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Both male and female 10	25	40	15	10	100

This difficulty would be considerably decreased if the classification we recommend is adopted.

#### *Organisation of Prison Industries.*

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4126,  
4440-47,  
4597, 6762,  
4825, 7433.

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industries than is held now by the chief instructors. It might be considered whether the storekeepers might not be made use of for this purpose, if not in the larger prisons, at any rate in the smaller ones. And in this connexion it might be considered whether it is not advisable to make a distinction between industrial instructors and warders. Mr. Hall, the acting storekeeper at Lewes, spoke strongly of the friction which now arises because of the clashing between the combination of disciplinary and industrial functions now imposed on warders. We think there is much force in his contention, and it might be well for the Prison Commissioners to consider whether an alteration of duties as between warders, instructors, and storekeepers might not be advisable and economical. We wish to draw attention to this, as it is a question of administration which could be best considered and treated in the usual way by the Prisons Department of the Home Office. 4784-88.

71. It is a question whether the gratuities which prisoners can now earn should be increased. We are not disposed to recommend that any material increase should at once be made; but we suggest that if the industrial work of prisons is extended and improved that the question should be carefully considered by the Prisons Department. For the present we think that the limitation in local prisons to 10s. is too restricted. A man can earn the money in six months, after which he has no special incentive to industry. We think he should be enabled to earn something continuously during his sentence, provided that the money is not all given to him on discharge, but subsequently through a prisoners' aid society, or in such way as the prisoners' aid society or the visiting justices may determine. These recommendations apply equally to female prisoners. 4658, 6760, 7410, 10,042.

#### *Prison Occupation generally.*

72. We think that there should be a larger supply of books, and that reading should not be restricted to one book a week if the prisoner cares to read more. All the witnesses agreed that it is desirable so far as is practicable to allow the prisoners to improve their minds by reading, and the only difficulty raised was one of distribution. This, however, is comparatively a trifling one, and can be readily overcome. The principle which we laid down as governing visits and communications also applies to the general occupation of prisoners other than that devoted to labour, meals, chapel, and other necessary prison duties. Everything should be encouraged which tends to elevate the mind so far as it is consistent with regulations necessary for the general order and discipline. So much depends upon the kind of population in a prison, and the individuals who compose the prison staff, that it is not possible to go into the matter in detail. These are really questions which should always be before the responsible authority in every prison, and no rules or regulations should be of that hard, unbending character which prevents the changes being made according to special circumstances which careful consideration shows to be beneficial for the prisoners. The monotony of chaplains' work in prisons is apt to produce a mechanical performance of duty, and we think that it would be advisable more often to bring in selected preachers from the outside, to remedy what not unfrequently must be a drawback both to chaplains and their congregations. It has frequently been brought to our notice that the chapels are overcrowded at the services. This is obviously undesirable, and we suggest that where it is possible the number of services which the prisoners have to attend should be reduced. This would enable the prisoners to be divided, each half going to chapel on alternate week days. Where there is a large male and female population we think that the services for women should be distinct from those held for men. 343, 1546, 1928, 2962, 3297, 3327, and *passim*. 10,028, 5770, 6508, 6897, 8524, 9536, 9864, 11,009, 11,267, 1081-84, 2977-83, 6534, 9534, 9864.

#### *Talking.*

73. We inquired carefully into the rules which regulate talking in convict prisons. Except for the purposes of labour, male prisoners are not allowed to speak to each other throughout the whole of the time they have to serve. Female convicts are allowed to talk for at least an hour a day under proper supervision, and so far as we can learn no harm has resulted from it. We think that the privilege of talking might be given after a certain period as a reward for good conduct on certain days for a limited time, and under reasonable supervision, to all long-sentence prisoners, local as well as convict, who have conducted themselves well, and who are not deemed unsuitable for the privilege. The present practice of imposing silence except for the purposes of labour and during the visits of officials and authorised persons, for a period it may be of 2972, 4884-87, 5022-28, 9656-58, 9752, 9773.

15 or 20 years, seems to us unnatural. We recognise that careful supervision would be necessary if this privilege is allowed, but we do not think that the disadvantages which might, perhaps, from time to time occur would be at all equal to the good likely to result from a partial and judicious removal of this very unnatural restriction.

#### Education.

2703,  
3042-61,  
7688,  
9451-55,  
11,015,  
11,016.  
10,313.

74. With regard to education, we think that better results would be obtained by establishing a practice of teaching in classes, and by extending tuition to the prisoners generally, who, it might be considered, would be the better for it. The present rule, by which only prisoners with a sentence of over four months are taught, excludes the vast majority of prisoners from the benefits of the system. In the Report of the Royal Commission on Irish Prisons the Commissioners express themselves very strongly on this point. They considered the pellular system "utterly useless and very defective." They recommended the adoption of some system for the instruction in classes of such prisoners as from their age, length of sentence, and conduct are likely to receive benefit thereby. With this opinion we entirely concur. We think that prison schoolmasters and schoolmistresses should not wear a uniform. Indeed we are inclined to think that they should not be discipline officers at all, and that sufficient attention has not been paid to their position and to the excellent influence which they might exercise over the prisoners were their authority and position extended. The teachers can sometimes succeed where the chaplain fails; at least they should be enabled to act in conjunction with and as auxiliaries to the chaplain.

10,319.  
8184-40.

3042.

#### Prisoners' Exercise.

689 sq. 5124,  
10,904.

75. The present practice does not admit of prisoners having exercise on Sundays. According to the evidence this is to allow a Sunday "off" to the warders. In other words the staff is not sufficiently strong to carry out Sunday exercise without an undue strain on the warders. We think that provision should certainly be made to overcome this difficulty. We suggest also that the simpler forms of gymnastic exercises on approved modern methods should be introduced into the prisons. Physically, prisoners are below the average in weight, stature, and strength. These exercises could take the place to a considerable extent of the monotonous walking, and would be a relief rather than otherwise to the warders. The beneficial effect of these exercises on all classes of prisoners, except the old and infirm, would be very great.

#### Nine Months' separate Confinement of Convicts.

76. In the consideration of several matters contained in the reference we had to touch upon the practice of confining convicts for nine months' solitary imprisonment either in local or convict prisons. Objection was taken by some witnesses to the presence of these men in local prisons, though others testified that no special difficulty was thereby caused. As, however, the practice establishes in certain local prisons, which are the collecting centres for convicts, a class of men who have to be kept distinct from other prisoners, and who require special individual treatment, we felt it necessary to investigate the reasons for the practice. The history of it is interesting and suggestive. It was originated in 1842 by Sir James Graham, then Home Secretary, and we have printed in Appendix IX. a letter written to the Commissioners of Pentonville Prison, in which he fully explains the purpose of the experiment he was initiating. We shall show how complete a change in the apparent object of the practice has since occurred.

Pentonville  
Prison Act,  
1842.

77. Pentonville Prison was designed on new and approved ideas for the reception of convicts sentenced to transportation, and was to be restricted generally to those who were convicted of their first offence and whose age was between 18 and 35. What Parkhurst was for juvenile offenders Pentonville was to be for adults, a prison of instruction and probation rather than a gaol of oppressive punishment. It was the portal to the penal colony. The convict was to undergo 18 months' solitary imprisonment, but he was to be freely visited by chaplain and prison officials; he was to be trained in a productive industry; he was to be subjected to a progressive system of education on the class system; lectures were to be given to him in the prison chapel; he was to be kept in a state of cheerfulness; hope, energy, resolution, and virtue were to be imparted to him, and he was to be trained to be fully competent to earn his own way and become a respectable member in the penal settlements. If during the 18



months he behaved well he would at once receive a ticket of leave on arriving in Van Dieman's Land.

The whole letter is well worth reading, and it shows that whatever may be said of the faults of the prison system from time to time the then Home Secretary was as keenly anxious to devise the best methods of treatment in the interest of prisoners themselves as the most ardent prison reformer of the present day. Sir James Graham's plan was worked apparently with great success, so far as home treatment was concerned. We cannot follow out its permanent effect on the convicts in the penal settlements. In the Report of the Commissioners for Pentonville in 1844 the arrangements are thus described:—

"The size, arrangements, and ventilation of the cell in which the prisoner is placed, are favourable to the introduction of useful branches of labour, and such as greatly contribute to the maintenance of the prisoner's health and cheerfulness. He is, at all times, supplied with the means of employment; and when not required to be at work he has sources of improvement in the books, slate, and materials for writing, with which the cell is furnished. He is allowed daily exercise in the open air; he attends chapel daily, and the school classes in chapel on alternate days; and he can, at any hour of the day or night, by means of a bell, obtain in a few minutes the attendance of an officer.

"The effects produced on the minds and conduct of the prisoners by this system of separate confinement have been highly satisfactory. The prisoner, on entering his cell, has been strongly impressed with a due sense of his penal condition, especially during the first few months of his imprisonment; but the deterring effects are controlled and alleviated by the other parts of the system which we have already described; and more especially by constant labour, the frequent visits of the prison officers and trade instructors; the consciousness that he can, at any time, insure the attendance of an officer; daily exercise in the open air; attendance at chapel and school, and the means of instruction and relaxation placed within his reach."

Three classes were organised according to good, indifferent, or bad behaviour.

"A strong desire is evinced by the prisoners to be placed in the first class, and it has been deemed desirable that the best conducted of them should, at stated periods, receive some assurance that they are likely to attain this class. For this purpose at the end of six months of good conduct a red stripe is placed on the sleeve of the prisoner's jacket, and a second stripe is added at the end of a twelvemonth, if his conduct has continued to be satisfactory.

"It is a gratifying proof of their improvement, that of 425 prisoners who have been six months or upwards in confinement, there are but seven who have not received this creditable distinction."

The general results were thus described:—

"Most satisfactory proofs of these beneficial impressions have been manifested in the great improvement which has taken place in the moral condition and conduct of the prisoners within a short period of their reception. In the course of our visits to the cells we have had the gratification of witnessing, to a great extent, their just appreciation of, and the deep interest which they take in, the moral and religious instruction which is imparted to them; the removal of the debasing effects produced on their minds by their former criminal pursuits; their progress in self-improvement; their cheerful obedience to the prison rules; their acquirements in the trades which have been allotted to them; and their gratitude for the treatment they have received under a discipline which combines instruction and reform."

78. In 1848 it was determined that, 18 months being too long a period for isolated confinement, a system should be introduced based on a period of separate confinement, followed by a term of associated labour, with a maximum of 12 months. This was reduced by Lord Palmerston in 1853 to nine months. The original intention of Sir J. Graham, which was that this period should be primarily of a reformatory character, appears 15 years later to have been lost sight of. The isolated imprisonment was approved of by the Select Committee of the House of Commons in 1856, but without reference to its reformatory character, and they recommended that it should be applied to every sentence of penal servitude. Transportation was abandoned, and the convict prison at Gibraltar given up, and every convict since 1875 has had to serve his time at home. Under the Penal Servitude Acts from 1857 all convicts have to undergo the preliminary isolated imprisonment of nine months.

Sir J. Jebb,  
ev. Penal  
Servitude  
Acts Com-  
mission,  
1863, 2541.

originally was the only prison for their reception; but subsequently Milbank, Wakefield, and Leicester were used for the same purpose, and at the present time the following prisons are used: Wormwood Scrubs, Chelmsford, Dorchester, Durham, Exeter, Wakefield, Leicester, Lewes, Reading, Winchester, Knutsford, and Leeds.

Penal  
Servitude  
Acts Com-  
mission,  
1863, 259.

Report of  
Royal  
Commission,  
1863,  
pp. 40, 41.

79. It would appear from Sir J. Jebb's evidence in 1863 that the main object of the separate confinement had come to be deterrence. "An educated prisoner," he said, "would much prefer separate confinement instead of being driven to associate with people of bad character and difference in social position. With burglars and reckless bad characters I think that separate confinement is dreaded more than any other kind of discipline." It was given in evidence that owing to the demand for labour on public works, the nine months had fallen to an average of little more than seven. The Commissioners insisted on the necessity for enforcing the full nine months, and they proceed to say:—"We think, too, that though separate confinement, even under the present system, is as has been said extremely distasteful to convicts, this wholesome effect on their minds might be increased. It has been already mentioned that in Ireland the diet is lower during the first four months, and that no work is given to the prisoners for the first three months, except such as is of a simple and monotonous character, in which they require little or no instruction. This practice has been adopted because it has been found that by far the greater number of convicts have no knowledge of any trade, and when first taught one must necessarily be constantly visited by their instructor, whose visits tend to mitigate the irksomeness of separate confinement. There appears to us to be much force in the reasons which induced the directors of the Irish convict prisons to adopt these means for rendering separate imprisonment more formidable, and we therefore recommend that attempts should be made, with due caution, to give a more deterrent character to separate imprisonment in the English prisons." This passage from their Report shows that Sir J. Graham's intention and scheme had perished, and that the period of imprisonment originally designed to train and improve prisoners for a good and useful life was now looked upon and intended to be the most formidable and coercive part of the punishment of penal servitude.

4169, 5021,  
6270, 6454,  
8545, 8696-  
8705, 8891,  
3964, 9444,  
9748, 10,811,  
10,960.

9301.

11,197-  
11,201.

80. In effect this is the purpose which it must be regarded as now designed to serve. It must, however, be admitted that the evidence seems to show that the Commissioners and the officials of the prisons have not either a complete knowledge of the history of the matter or a very clear idea of its working and effect. It is certainly a practical convenience in the sense that the expense of sending convicts immediately after sentence to convict prisons, either singly or in small detachments, is curtailed by the system of gathering prisons. This consideration alone is not sufficient to justify the practice. The argument that it is a necessary discipline for penal servitude, if true, is no argument for sending the convicts to local prisons. We do not regard the system with favour. We see no objection to short periods of detention in local prisons for the purpose of collecting parties for transfer to the convict prisons; but if the system is a good one at all, we think it ought so far as possible to be worked out in the convict prisons from first to last. We think that it cannot be denied that cases occur in which a nervous condition, agitated by remorse and by a long continuance of the separate system, may be injuriously affected by it. From the evidence before us we have no reason to believe that such cases are of other than of exceptional occurrence. We think it is worth considering whether the severity of the system might not be mitigated by a substantial reduction in the period of separation and by the wise and carefully guarded introduction of such reformatory influences as were brought to bear on convicts at Pentonville when first established, and of such philanthropic agencies as appear to be engaged in behalf of separated convicts in the Belgian prisons.

#### Classification.

403.

81. Section 25 of the Prisons Act, 1877, provides that the Secretary of State may from time to time by any general or special rule appropriate, either wholly or partially, particular prisons within his jurisdiction to particular classes of convicted criminal prisoners. This power has been very sparingly used. First offenders are usually kept, as far as possible apart from habituals; and juveniles under 16 are similarly treated, and, further, are not allowed to associate either in chapel or at work with the other prisoners. We lay the greatest stress on the fact that no adequate attempt has yet been made to secure a sound system of classification in local prisons.

426, 867,  
1053, 8124,  
6276.

82. *Juveniles.*—In the prison service a juvenile is a boy under 16 for whom special treatment is provided by the Prison Act, 1865. Several witnesses

were in favour of the total discontinuance of committing this class of offenders to prison. We do not think this is practicable or desirable. For inquiry or on arrest children have to be detained. We strongly hold that it is most undesirable to commit them either to police cells or to workhouses. In many cases prisons are the only available places of detention. Further, we think that in the case of grave offences for which reformatories are not available, that imprisonment is necessary. At the same time children should be subjected to special treatment, and in every way be kept absolutely apart from other prisoners. But for the fact that the number of them is so small, the total number on March 31, 1894, being exactly 100, it would be desirable to keep them in parts of prisons specially reserved. It might be possible to do this in one of the London prisons. We think that the ordinary prison discipline and regulations should not be applied to juveniles, but that governors and the visiting committees should be made responsible for their treatment subject to general instructions which should be issued by the Secretary of State. The principle of these instructions should be that each child should be treated according to its own peculiarities of temperament; that the fact of imprisonment should be the main deterrent; and that treatment should be altogether of a reformatory character. We think that the age of 16, above-referred to, should be raised to 17.

Prison Act,  
1865, Sched.,  
ss. 34, 35.

Summary  
Jurisdiction  
(Youthful  
Offenders)  
Bill, 1891.

Sir G. Lushington brought to our notice a Bill brought in by the Government in 1891, in which were provisions placing liability for juvenile offences in certain cases upon the parents. A Court of Summary Jurisdiction was enabled (a) to fine a parent up to 1*l.*; (b) order the parent to pay compensation up to 5*l.*; (c) give security for the child's good behaviour. We think it most desirable that the Court should have those powers.

83. *First Offenders.*—This term is open to much misconception. Presumably it is intended to mean those persons whose offence is the first known to be proved against them. While it is desirable to devote special treatment to them as a class, it should be recognised that many "first offenders" have probably been convicted more than once, and that several of those who are convicted for the first time have been to a greater or less extent engaged in criminal practices. We do not therefore think it desirable to lay down a hard and fast rule under which all "first offenders," as we believe the term is understood, should have the privilege of any special treatment. A certain discretion should be allowed to the prison authorities when the evidence is sufficient to distinguish between the *bond fide* first offender and the more dangerous criminals who technically rank in the same class. The "star class" of first offenders was instituted in the convict prisons in 1880, and has worked very well. We prefer, however, to deal with the larger and more important section of the class under the next head.

84. *Young Prisoners.*—Taking prisoners generally in local prisons, on March 31, 1894, there were 2,226 prisoners all told between the ages of 16 and 20; and there were 4,880 between 21 and 29 inclusive. We have expressed the opinion that, with few exceptions, no prisoners are absolutely irreclaimable. After 30 a very distinct decrease in the number of prisoners proportionately to the population of the same age sets in. Doubtless this decrease is due to various causes, but the fact that it occurs suggests that this tendency towards the abandonment of criminal practices may be strengthened by developing the reformatory side of prison life.

	Total Number of Persons convicted for Indictable Offences.	Proportion per 100,000 of the Population of the same Age.		Total Number of Persons convicted for Indictable Offences.	Proportion per 100,000 of the Population of the same Age.
Under 12	2,009	24	Under 30-40	7,824	204
12-16	6,599	261	40-50	4,190	143
16-21	9,298	321	50-60	1,879	92
21-30	10,862	245	Above 60	1,178	56

Judicial  
Statistics for  
1893.  
Introduction.

In considering the comparative numbers of criminals at different ages it must be remembered that there is a strong tendency towards short sentences in the case of young offenders. The proportion of criminals convicted under 21 years of age is no less than 41 per cent. According to the Report of the Prison Commissioners the number of prisoners under 21 amounted only to 17 per cent.

Mr. Merrick and others hold that the younger prisoners are quite as difficult to deal with as the older; but assuming that this is so, the importance of saving them from a life of crime is not diminished, and it is all the more necessary to make the most strenuous efforts to reclaim them. As we have already said, the years 17, 18, and 19 appear to be the most fatal in the formation of lasting criminal habits. This fact itself denotes a degree of plasticity which might be made use of in the right direction. Even a moderate per-centage of success would justify much effort and expense devoted to an improvement of the system. The evidence of Mr. Trevarthen with regard to the Redhill Reformatory strongly supports the belief that a reformatory system, properly applied, would meet with success in the case of many young prisoners who are not deterred from crime by the present system.

We therefore recommend that the following steps should be taken:—

1114, 2403,  
2432, 2448,  
2776-78,  
2787, 2805,  
3320, 6111,  
6151, 6191,  
6482, 7126,  
7360,  
10,938,  
11,259.

(a.) The age of admission to reformatories should be raised from 16 to 18, and of detention to 21. We make this recommendation on an assumption. We are not in a position to say whether or no reformatory schools are in a satisfactory state, and we respectfully venture to suggest that their condition should be looked into. But they have undoubtedly done good work. We assume that before the age was raised the satisfactory condition of the schools would be ascertained. And with regard to the raising of the age limit, the proposal would have to be looked at from the point of view of reformatory managers, as we only profess to recommend it on general evidence and from the prison point of view. It would in any case be absolutely essential that a careful and definite system of classification should be made, not only according to age but also according to individual character and physical development. Such a classification could be readily provided for, as is now the case at Redhill, where there are five separate houses. Or it could be arranged that certain reformatories should be set aside for lads and girls according to age and character, and supervised accordingly.

7155.

Under the present system reformatory managers are not obliged to take in lads or girls whom they think objectionable. And we believe that there have been instances of the lapse of sentences to reformatory schools for that reason. This is a weak point which requires to be dealt with.

587, 893,  
913 *sq.*,  
1011, 1108,  
1570, 1771,  
1943, 2522,  
2677, 2763,  
2882 *sq.*,  
3113, 7385,  
7915, 6240,  
10,938-42.

(b.) We are of opinion that the experiment of establishing a penal reformatory under Government management should be tried. It should be begun on a moderate scale, but on a design which would allow of large expansion if the results were proved to be satisfactory. The Court should have power to commit to these establishments offenders under the age of 23, for periods of not less than one year and up to three years, with a system of licenses graduated according to sentence, which should be freely exercised. In the event of any inmate of a reformatory being contumacious and beyond the power of the managers to control, power should be given to a court of summary jurisdiction, on cause being shown by the managers, to transfer him or her to a penal reformatory for a period not exceeding the unexpired portion of the term which was to be served in the reformatory. And power should also be vested with the Secretary of State similarly to transfer prisoners under 23 from prisons to the penal reformatory, if satisfied that the treatment there would be more suitable to the particular case.

The penal reformatory should be a half-way house between the prison and the reformatory. It should be situated in the country with ample space for agricultural and land reclamation work. It would have penal and coercive sides which could be applied according to the merits of particular cases. But it should be amply provided with a staff capable of giving sound education, training the inmates in various kinds of industrial work, and qualified generally to exercise the best and healthiest kind of moral influence. We were unable to elicit from any witnesses a serious objection to the scheme. It is almost impossible to ascertain to what extent the Parkhurst Government Reformatory was a success. It died a natural death after the passing of the Reformatory Acts. It has been objected that Government was not qualified to take up work of such a philanthropic tendency. We do not agree with this in view of the higher degree of efficiency which reformatory schools have obtained under Government inspection and, to a considerable extent, control. Sir E. Du Cane thought the proposal to establish a reformatory of this kind for the older and the bad lads "a good idea." The initial cost of this experiment would not be great; it might lead to the closing of one or two prisons occupying valuable sites in large towns, an effect desirable in itself; and we do not hesitate to believe that it would draw upon the main source of habitual criminality to a very considerable extent. Special arrangements

10,938.

ought to be made for receiving and helping the inmates on discharge. It would be necessary to adopt a careful system of classification, which should limit the number of inmates in each building, as at the Redhill Reformatory, in order to insure proper individual treatment.

We look upon this plan, in conjunction with the raising of the age for admission to reformatories, as the best proposal that is open to us for the rescue of young offenders. Under the present system numbers of them come out of prison in a condition as bad or worse than that in which they came. They go out with the prison taint on them. The available prison staff and the rigid system of prison discipline, without any fault on the part of the officials, preclude the possibility of bringing to bear on the prison population the moral suasion and the healthy practical advice which we think could be exercised by a trained and selected staff in the penal reformatory. The inmates upon discharge would be provided for and looked after much as in the case of the lads and girls who leave reformatories, and if they relapsed into crime it would be of their own deliberate choice, in spite of every effort to save them, and they would subsequently be exposed to the far sterner penalties of prison life.

85. *Habitual Criminals.*—We recommend that this class of prisoners should be kept as a class apart from others. We think that they are a most undesirable element in a mixed prison population, and that they require and deserve special treatment. It is clear from the evidence that while the habitual prisoner is orderly and easily managed, the prison regime has little or no deterrent effect upon him unless he is subjected to long periods of imprisonment and penal servitude, which, however, frequently make him desperate and determined when again at large not to be taken alive. But there is evidently a large class of habitual criminals not of the desperate order, who live by robbery and thieving and petty larceny, who run the risk of comparatively short sentences with comparative indifference. They make money rapidly by crime, they enjoy life after their fashion, and then on detection and conviction they serve their time quietly with the full determination to revert to crime when they come out. We are inclined to believe that the bulk of the habitual criminals at large are composed of men of this class. The return given in paragraph 28 shows that when an offender has been convicted a fourth time or more, he or she is pretty sure to have taken to crime as a profession, and sooner or later to return to prison for the fifth time or more. The figures show that of all local prisoners in 1892-3, 50·9 per cent. were committed for the second time or more. The evidence of Mr. Troup shows that but for the failure in identification this per-centage would probably be considerably higher, and it also tends to show, as is to be expected, that the proportion of re-committals is much higher among prisoners sentenced for indictable offences. Upon the evidence given to us we are strongly of the opinion that further corrective measures are desirable for these persons. When under sentence they complicate prison management, when at large they are responsible for the commission of the greater part of undetected crime; they are a nuisance to the community.

To punish them for the particular offence in which they are detected is almost useless; witnesses were almost unanimous in approving of some kind of cumulative sentence; the real offence is the wilful persistence in the deliberately acquired habit of crime. We venture to offer the opinion formed during this inquiry that a new form of sentence should be placed at the disposal of the judges by which these offenders might be segregated for long periods of detention during which they would not be treated with the severity of first-class hard labour or penal servitude, but would be forced to work under less onerous conditions. As loss of liberty would to them prove eventually the chief deterrent, so by their being removed from the opportunity of doing wrong the community would gain. With regard to the locality of such institutions, we suggest that sites on estuaries or other places where there is ample scope for land reclamation, would be most suitable for consideration.

We have not attempted a definition of "habitual criminal." This is a question which necessarily must be taken in conjunction with our suggestion that a new form of sentence should be set up. To lay it down that a prisoner should be regarded as an habitual criminal does not meet the case. Coiners, receivers, and other criminals by profession, frequently escape detection for long periods, and it would be necessary to bring this class into the category of habitual criminals. For this purpose it probably would be necessary to give a certain amount of discretion to the Court.

86. *Habitual Drunkards.*—Under this head should be included most prisoners sentenced primarily for drunkenness. They are not criminals in the ordinary sense and should stand by themselves in a special category. Our inquiry entirely confirms the

6821, 7333,  
7890, 8676,  
9250, 9808,  
10,929.

recommendation of the Departmental Committee on Inebriates, that magistrates should have power to commit for lengthened periods habitual drunkards coming before them. The physical craving for drink is a disease which requires medical treatment not provided by the present prison system. Apart from any places of detention which may be constituted by legislation consequent on the Report, we think that persons committed to prison for this offence should be collected in separate prisons, if possible, or otherwise in parts of prisons reserved for them. Special medical treatment should be applied to them, and they should be dealt with as patients rather than criminals.

87. *Female Prisoners with Infants.*—Special consideration is needed in the treatment of female prisoners who are admitted into prison with infants, or who are confined after entering prison. At present they are excluded from associated work. The infants should be in a crèche in charge of a warder, the mothers being admitted at fixed times, and otherwise employed like other prisoners. If ill-health makes it necessary for the mother to stay with the baby, they should be in a hospital cell. Their presence in the ordinary prison destroys discipline, as they will talk; they cannot be punished, and in every way they are exceptional cases. The present system of locking up the woman in a cell is unnatural, and has bad effects—physical and moral. Wide discretion should be allowed to the matron and doctor as to the removal of the child at nine months of age. In cases where the mother is not satisfied that the child will be cared for, it should either be retained in the prison, or the mother should be released with it.

6781,  
7498 sq.,  
8018.  
8606, 7,  
10,402 sq.,  
10,515,  
10,856.

88. *Unconvicted Prisoners.*—At present these persons are given rather better diet than convicted prisoners, and their friends are permitted to send them food in the prisons. We see no objection to this, provided that reasonable control is used to prevent any excesses, and that the general order of the prison is undisturbed.

The following figures show that a per-centage of 6·9 of persons received in local prisons are subsequently acquitted:—

RETURN showing the PROPORTION (approximately) of the PRISONERS received in LOCAL PRISONS in ENGLAND and WALES during the YEAR ended 31st March 1894 who were subsequently acquitted, either summarily or on trial.

	Males.	Females.	Total.	Males.	Females.	Total.
Total number of prisoners received during the year 1893-4.	—	—	—	138,820	45,259	184,079
Number included in the above who were subsequently acquitted:—						
After trial and sessions	1,181	229	1,410			
Summarily*	8,836	2,412	11,248			
Estimated number awaiting trial at the end of the year who were subsequently acquitted after trial at assizes and sessions.	146	26	172			
				10,163	2,667	12,830
Per-centage				7·3	5·8	6·9

\* These figures represent those prisoners who were remanded to prison and subsequently discharged from prison; but they cannot all be described as having been "acquitted" as many of them no doubt were fined and paid their fines in court.

The Royal Commission of 1884 on Irish Prisons went into this subject and made the following recommendations:—

"84. It has been stated to us that there seems to be no reason why untried prisoners, particularly prisoners who have been in prison for a long time, should be prevented from communicating with one another, provided they do so in the presence and hearing of the warders. We think that the existing powers of the visiting justices to sanction the exercise of untried prisoners together with other properly selected untried prisoners—if the arrangements and construction of the prison permit it—are sufficient to meet the complaint.

"85. We think that the Board might make some modification of their order under which the cell lights are put out at 8 o'clock, so that an untried prisoner, if he gave any satisfactory reason for wishing to do so, might continue to read or write until the final locking up of the prison.

"86. It has been alleged that untried prisoners are often not aware that they are entitled to have books from the prison library, and that books are not offered to them; and we think that care should always be taken to inform an untried prisoner, on his admission, that a library book will be supplied to him should he desire it."

We concur generally with these views. The 39th section of the Prison Act, 1877, is very distinct on this point. It declares that these prisoners "are confined for safe custody only"; special rules are to be made "regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody." We cannot think that this provision has been adequately carried out, and in addition to the suggestions quoted above from the Report of the Royal Commission on Irish Prisons we think that the diet of unconvicted prisoners should be improved.

We are strongly of the opinion that suitable occupation should be provided for juvenile unconvicted prisoners.

89. *Debtors*.—This class is a very unsatisfactory one according to the evidence. 6831, 9845, 10,397. They are kept separate from other prisoners, they are wholly idle, and there seems to be no sufficient reason why they should be more favourably treated than other prisoners. In any case they should be made to work to a reasonable if not penal extent. These points should also be considered in reference to surety prisoners.

90. It will be observed that if our recommendations are carried out a comprehensive re-arrangement of the general prison population will have to be made. But we think very great improvement will accrue from the classification and consequent redistribution of prisoners. The special classes will be kept together, and it will be easier to apply to them the necessary special treatment. There will be less confusion, because, in the case of the young offenders in the penal reformatories, the habitual criminals and drunkards, those who undergo considerable periods of detention will be grouped together, and greater facility afforded of teaching them a skilled trade. Most prisons are, unfortunately, situated in large towns and populous places, and not unfrequently in the low-lying and less healthy localities. Such prisons are, no doubt, frequently placed as, in the case of Strangeways, in convenient proximity to the assize courts. It would, however, be an advantage if some of these as opportunity offered could be closed and the population transferred to prisons in country districts.

#### *Intermediate Prisons.*

91. The considerable success which is achieved through the practice of receiving female convicts in homes before their sentence has expired suggests the desirability of establishing somewhat similar institutions for the male prisoners who have served long sentences and for female prisoners leaving local prisons. These men frequently find it difficult to get work, and, before they find an opening, through meeting old associates they are apt to drift back into crime. The Royal Commission of Inquiry into Irish Prisons in 1885, although the evidence on the subject was conflicting, could not recommend the continuation of the Irish intermediate prison in its then condition. But they reported that the female refuge at Golden Bridge "had been carried on with so great success that they saw no reason why the same principle should not be applied in dealing with male convicts such as hitherto had been sent to Lusk." Of our witnesses Sir E. Du Cane and Mr. Ruggles-Brise were opposed to the plan; on the other hand, Colonel Plummer, the Governor of Borstal Prison, and Captain Wilson, one of Her Majesty's Inspectors of Prisons, were favourable to it. We think that this is one of those questions which should be carefully considered departmentally. The intention of it is excellent, but on the evidence before us we do not feel justified in making a positive recommendation on the subject. We think, however, that if a small local prison with land attached was available for the purpose, it would be quite worth while to make an experimental trial of the system, which in the event of failure could readily be abandoned. It is in experiments of this nature that we think the present system has been deficient. The good results which might be achieved are well worth the trouble and the slight expense which would be involved in making them.

Irish Prisons  
Commission  
Report,  
par. 119.  
9033, 9618,  
9869, 10,037,  
11,027.

#### *Health.*

92. It has frequently been alleged that not only is the ratio of insanity far higher in prisons than among the general population, but that prison life itself is a potent cause in its development. It is indisputable that the ratio is higher. It is inevitable that it should be so. The average prisoner in height, weight, strength, and mental condition is markedly below the average of the outside population. It has also been pointed out that the per-centage of insanity has increased of late in the prisons more rapidly than

in the case of the general population. In connexion with this fact, the Medical Inspector of the Prison Board states in his annual reports that the practice of sending insane persons to prison has largely increased. Upon these points, Dr. Bridges has been good enough to write a memorandum, which we append to this Report. As a Committee we do not feel that we are competent to form a judgment either on the comparative extent of insanity in prisons, or on the best specific methods of treating those whose mental condition is doubtful or who are obviously weak-minded. We have, however, arrived at certain general conclusions.

We think that an early opportunity should be taken of appointing an additional member of the Prisons Board, who should be a medical man, which new office should take the place of the present medical inspectorship. Detection of disease in its earliest stages taxes the skill of the practitioner to its fullest extent. In mental diseases this is especially the case. Here medical men of great skill and experience, but without any special training in this department of their art, are undoubtedly at a disadvantage. It appears to us that it might with advantage be made a condition of medical appointments in prisons that the candidate should produce evidence of having given special attention to the subject of lunacy. We are informed that in Belgium the services of physicians specially conversant with mental disorders are retained for the purpose of detecting cases of incipient insanity which might have escaped a less practised eye. Some step of this kind might perhaps be taken, especially with a view of inspecting convicts during their period of isolation.

In some of the larger prisons it appears to us that the work incumbent on the medical staff is such as to render it very difficult for them to give the detailed and prolonged attention to individual cases, which alone can secure the sifting out of such as require special treatment. This is most obviously the case at Holloway, where the number of cases requiring special attention is unusually large. Indeed, in a prison so circumstanced, it appears to us that the medical staff should be assimilated to that of a lunatic asylum.

Walker,  
3698 *et seq.*

Lewis, 9109.  
Shaw,  
6027-28.  
Nicolson,  
9305.

On the curative and preventive effects of out-door exercise and labour all our medical witnesses were practically unanimous. There are undoubted obstacles to this in the limited space which surrounds most prisons, and in the fact that the supervision of prisoners in the open air necessitates some increase in the staff of warders. Nevertheless, we regard the object in view as so important as to justify great efforts and some expense, with the view of effecting it so far as may be practicable.

Penal Servi-  
tude Acts  
Commission,  
1879, Re-  
port, paras.  
117, 118.

Nicolson,  
9303 *et seq.*

93. There remains the case of weak-minded prisoners, a class whose treatment has always been found to present peculiar difficulties, and which supplies about 2 per cent. of the prison population. Sentenced for the most part for very short terms of imprisonment, they are discharged only to return a few days afterwards; or in other cases they spend their lives in circulating between the prison, the asylum, and the workhouse. We agree with Dr. Nicolson and other witnesses that it is desirable that a special institution should be established for this class. To carry this out is a matter of considerable difficulty. The prisoners under consideration are to be found in small numbers in almost every prison, and a large proportion of them are under very short sentences. But it is most desirable that provision should be made for the concentration of these persons in a separate prison if possible, otherwise in portions of prisons where they could be under special observation and treatment. It is indeed a question whether the epileptic and obviously weak-minded class should be sent to prison at all. They cannot be said to be fully responsible for their actions, and when they take to crime it would be better for them and for the community that they should be sent to some special institution in the nature of an asylum, where they might do light work under detention, the period of which might vary according to their physical and mental condition.

94. In paragraph 94 of their 17th Report, the Prison Commissioners record a previous recommendation that "with the calendars of prisoners for trial furnished at assizes and quarter sessions a report should be furnished in each case in which it is desirable that anything particular in the health of the prisoner should be known to the judge or magistrates, and if due effect is given to the above circular,\* magistrates exercising summary jurisdiction as well as the higher criminal courts

\* This was the Home Secretary's circular letter of the 23rd March 1885, directed against the committal to prison of persons in a moribund condition, &c.



" will have before them information necessary to them in exercising their judgment as to the disposal of a prisoner brought before them."

We think that effect should be given to this recommendation.

*Dietary.*

95. With regard to the various classes of prison dietary as fixed in 1877-8, the only one which appears to us to call for remark is No. 1, which consists of one pound of bread and a pint and a half of stirabout daily; the stirabout containing 3 ozs. of Indian meal and 3 ozs. of oatmeal. This diet is given to prisoners sentenced for seven days and under, and also for the first week in the case of sentences of more than a week and not exceeding one month.

The stirabout appears to be so distasteful to a large proportion of prisoners that very much of it is rejected. We found on our visit to Pentonville Prison that this was the case, and many other witnesses from other prisons confirmed this experience. A short period of low diet followed after a few days by a long continuance of one that was more substantial would not be likely to be prejudicial. But as a considerable number of prisoners are sentenced for a week or less, and after discharge are re-admitted repeatedly at short intervals, this very low and distasteful dietary becomes in their case practically continuous. And as it is among such prisoners that cases of mental instability and unsoundness are most commonly found, we feel inclined to endorse the view expressed by the medical officer of Holloway Prison that this part of the dietary should be reconsidered.

*Small Cells in certain Convict Prisons.*

96. We understand that the small cells in Portland and Dartmoor Prisons have already been condemned. We consider them unsuitable in every way, and trust that they will soon be replaced by cells which are larger, better ventilated, and more solidly constructed.

1251-62,  
8769, 9645.

*Administration.*

97. *Deputy Governors.*—At present the rule is that a deputy governor should be appointed in prisons where the male population exceeds 700. In considering the principle on which deputy governors should be appointed, the main question is as to what is expected of a governor. Efficient governors can easily manage the largest prisons if they are not expected to have personal knowledge of the majority of prisoners under their care. As, however, we consider that a governor or his deputy should be brought into close personal relations with prisoners, and as this is the aim of all governors who take an interest in their work, we think that a deputy governor should be appointed in all prisons with a population of 600, whether male or female.

83, 715, 750,  
1185, 1308,  
2654, 2955,  
4177, 5102,  
7478,  
9883 sq.,  
10,341 sq.

98. *Chief Warders in Charge.*—We found some difference of opinion on the present practice of appointing chief warders in charge in prisons with a population of less than 100. We see no objection to the promotion of competent chief warders or prison clerks to these posts, provided they show exceptional qualifications, but we think that they should rank as governors or assistant governors. There are already four classes of governors, and a fifth might be added. We do not think, however, that this class should be necessarily selected from the warder and clerical ranks.

770, 771,  
1826-31,  
2043, 7993,  
9217, 9387,  
9852-55,  
10,474,  
10,804.

*General Prison Staff.*

99. As we have already said we are not specifically directed to consider the question of prison staff, but the proper treatment of prisoners is so closely bound up with it that we think it necessary to state our views generally on its strength and quality.

Penal Servi-  
tude Acts  
Commission,  
1879, Re-  
port, 146-S.  
178.

If our recommendations are adopted considerable changes will have to be made in the prison system. We are not prepared to say what, under new conditions, would be the adequacy of a staff. That would have to be ascertained upon the practical working of the new system subject to the main principles upon which these changes would be based.

100. It has been frequently alleged that the military or naval service, antecedent to prison appointment of many of the higher officials and of warders, while conducive to the maintenance of rigid order and discipline, does not give the qualities of tact and forbearance which are necessary to secure a moral influence over prisoners.

793, 1889,  
2601, 4646,  
6955-58,  
7465, 8130,  
8230,

10,760,  
10,803,  
11,207

We have inquired into this, and we do not consider that under the present system in regard to warders there is any appreciable difference in the merits of those who before entering the prison service were in the army or navy and of those who were civilians. As a matter of fact, excepting the convict prisons, the military element does not predominate. Of 143 governors and deputy governors, 52 have served in the army, navy, or marines. Of 1,269 subordinate officers, 556 have had military or naval service and 713 were civilians. On the other hand, in the convict prisons the civilian officers number 259 as against 431 ex-naval or military men.

While the civilians predominate among the whole body of governors and deputy-governors, we notice that since 1877 the number of military and naval officers appointed largely exceeds the number of civilians. Military and naval training undoubtedly develops capacities for organisation and the maintenance of discipline, but we do not consider it to be by any means essential to the qualifications of a prison governor.

101. We have inquired into the allegations of brutal or harsh treatment by warders. Whatever care may be taken in the selection of any considerable body of men, mistakes must be occasionally made. We are satisfied that the cases of gross ill-treatment by warders which have occurred are very few in number, and that the harshness which is frequently imputed to the warders ought to be attributed rather to the compulsory enforcement of minute regulations than to any want of humanity on the part of the men themselves. Mr. Tallack, who presented to us the views of the Howard Society, made what appeared to be a serious charge against some of these officers. He was, however, unable to show that there was any ground for the charge other than the general *a priori* argument that in a large body of men there must be some black sheep. In App. IX. will be found the Report of the Commissioners on specific allegations made by Mr. E., whose evidence was characterised by clearness and intelligence. Our finding on this point is supported by the views expressed by ex-prisoner Mr. D. and Mr. Michael Davitt.

8541, 8542,  
11,207-11.  
4148, 7546,  
8541-43,  
8782, 9467.  
1129, 5111,  
6461, 6900,  
7444, 7445,  
7621, 7750,  
10,132,  
10,351.

102. We think that the members of the general prison staff have discharged their duties consistently and well, and that since 1877 a more uniform standard of efficiency has been maintained. Having regard, however, to the delicacy and difficulty of prison work, it is most essential that that efficiency should be raised as high as is practicable. We do not think that the period of three months' probation is a sufficient test of a warder's qualifications; nor do we think it desirable that deputy governors should be appointed to very responsible posts without any training in the prison service. The practice in other countries of training prison officials should be followed. For example, in France nominations for the superior staff are given after examination. For the inferior staff there are a school in Paris and elementary schools in various establishments. In Germany warders have to pass through a probationary service of six months. In Austria the higher officials, after three months' service, have to appear before the Procurator-General for an oral examination, presenting at the same time a full report of their probationary work from the governor or manager of the prison in which they served. Warders have to undergo at least one year's probation, at the end of which they have to undergo an oral examination. In Belgium prison governors, as a general rule, are selected from the administrative staff after a minimum service of 10 years. They are examined in the theory of prison treatment, and in all subjects the knowledge of which is necessary to prison management. They have then to undergo at least a year's probation either as assistant director in a central prison or as director in a prison of less importance before their nomination is finally confirmed. The discipline officers serve six months as probationers. If they show the necessary qualifications they are subsequently appointed as third-class warders, but the appointment is not confirmed until after a further period of six months. In Sweden the warders are selected with great care, and preference is given to those who have learned a trade or show skill likely to be of use in directing the prison industries. The maximum age is 30 years. It has not been deemed necessary or even advisable to establish any special training school for warders. Experience has proved that efficiency in the management of prisoners is best acquired in the prisons themselves. But in order to raise the moral and intellectual standard of the men who are already in the service, lectures and classes have been instituted in the central prisons. These are held by the chaplain and the schoolmasters, and the subjects, taught or treated in lectures, are such as may be of an educational or practical value to the warders in the discharge of their important duties. The central penal establishments have special libraries for the warders, and every year a great number

of suitable and valuable books on religious subjects, temperance, history, biography, &c. are sent out to those libraries, as well as to those intended for the use of prisoners.

103. We think that two or more prisons should be selected to serve as training schools for all ranks of the prison staff. These prisons should be under the control of the most experienced officers in the service, and those in training under them should go through a course of systematic and scientific instruction. Lectures should be given by experts in criminal anthropology, and every man who enters the service should have a clear knowledge of what can and ought to be done in his personal dealings with prisoners over and above the formal discharge of his routine duties. Deputy governors, including all prison officials nominated for promotion to the rank of governor, should also pass through a probationary period in these training prisons, and should have to prove competent knowledge of prison management both in theory and practice. The giving effect to this scheme would necessitate the engagement of men younger than most of those who are now appointed; and they would, as a rule, be unmarried when they enter the service. As Sir E. Du Cane pointed out, married men with families would not be expected to move to and from their training schools. Female warders being unmarried, this difficulty would not arise in their case. We recommend that these establishments should at once be organised; that all candidates for the prison service should be passed through them; and that so far as is possible present members of the staff should undergo a certain amount of training in them. A more convenient way of extending the benefits of these training prisons to the existing staff would be by organising a regular series of addresses to the staff on prison treatment in all the larger prisons, and in the offering of prizes for the best papers by the officers on various branches of prison management. These centres could also be used for training members of the discipline staff in various branches of industry to the extent necessary to enable them to direct and supervise particular industries in the prisons. If these centres were established in large towns there would be no difficulty in securing experienced artizans as practical teachers. There is no doubt that under such a system a class of prison warders would be produced of considerably higher qualifications than are now possessed by the prison staff, and an increased scale of pay would be necessary. Candidates for the prison service while serving their time as probationers ought not to be reckoned as belonging to the prison staff.

8371, 6461-67, 6899, 7467, 9463. 11,417. Report, Royal Commission on Irish Prisons, 1885, par. 73.

10,797-10,882.

#### *Strength of present Staff.*

104. Limiting our view to prison work as now carried on, we think the whole staff is somewhat under-manned. This remark only applies to certain prisons. In many local prisons there is not enough work for the officials to do, owing to the small number of prisoners. On the other hand, in many large prisons the conveying of prisoners and attendance at police courts and assizes often impose a severe strain on the staff. And when for one reason or another at the same time there comes an unusual influx of prisoners, the undesirable practice of getting in outside temporary assistance has to be resorted to. In recent years the number of officers temporarily employed has been much diminished (*see* App. VIII). The general testimony of such witnesses as came before us was to the effect that the hours of duty were not too long. But as the specific question of hours of work was excluded from our reference we were unable to take the evidence of warders themselves on this point. Our inquiry here was limited to the consideration whether the temperament and conduct of the staff were unfavourably affected by undue strain and reasonable dissatisfaction with their conditions of work. No evidence of a conclusive kind was given showing that this was so, with, perhaps, the exception of Holloway. But we feel bound to express the opinion that the hours of duty of warders generally amount to the maximum which could reasonably be imposed, and further that if a warder is expected to make a constant mental effort to deal kindly and wisely by all the prisoners under his charge it is too much to expect him to maintain this effort throughout the time which he has now to work. This matter, however, would have to be fully considered in the event of our recommendations being adopted. We think under the present system a larger reserve margin should be maintained to meet exceptional pressure, and also that sleeping in prison, with the liability at any time to be summoned to the cells, should reckon for pay.

804, 1469, 1768, 1895, 2602, 2463, 3057, 3927, 4259, 5399, 5827, 6953, 5872, 6328, 6476, 6842, 7447, 7964, 8126, 8199, 8906, 9008, 10,085, 10,129, 10,765.

105. These considerations apply with equal or greater force to the women warders. Women prisoners require more careful attention than men, and we think that the

5113, 5393-5407,

5870-79,  
7481 *sq.*,  
8089,  
10,765,  
10,779.

proportion of the warder staff should be raised from 5 per cent. to 7 per cent. in the prisons with a large female population, and where there is a rapid change of prisoners, as at Holloway, Manchester, and Liverpool. In the male prisons night watchmen are appointed whose duty it is to answer the prisoners' bells. This practice is also in force in the female side of Wormwood Scrubs prison, and it should be made general. In many small prisons two or three female warders are often retained when the average number of female prisoners is hardly higher. Colonel Garcia showed the difficulty of avoiding this condition of things, but we think a freer system of drafting female prisoners to certain centres would be more economical and would scarcely be objected to. We considered carefully the positions of the prison matrons. It would seem only right that they should rank as governor in their own prison side. But it is represented to us by them that the governor or acting governor, who may be the chief warder, must hold the ultimate responsibility for the discipline of the entire prison, and that on emergencies the matron has to look to him and to the male staff for support. Under these circumstances it is thought best to leave the relations between the heads of the male and female sides of prisons as they are. No friction has arisen; the matron is indisputably the managing and responsible chief of the female side; this all governors and acting governors are expected to recognise and do recognise; and we have every reason to believe that they treat the matrons with the courtesy and consideration due to them. In all prisons where there are a large number of women provision should be made for a deputy matron to take charge in the matron's absence. We think it is quite unnecessary that prison matrons should wear a uniform dress. They should also be named in the printed returns relating to prisons.

7481 *sq.*

106. Care should always be taken to provide the members of the prison staff with reading rooms and means of recreation not inconsistent with discipline. We attach the greatest importance to the consideration of the physical and mental condition of the warders. To overwork them by long hours and undue strain; to tempt them thereby to a machine-like and perfunctory discharge of their duties; to impair their cheerfulness and depress their spirits must produce much unfavourable and far-reaching results on the prisoners under their control and on the general prison system.

107. We now enter upon one of the most important and difficult matters which we have had to deal with, namely, the higher administration of the prison system by the Commissioners, the Visiting Committee, and the inspectors of prisons.

#### *Visiting Committees.*

108. The framers of the Prisons Act of 1877 did not limit the right of entry into prisons to the Visiting Committee. Before taking into consideration the duties of Visiting Committees we think it advisable to quote section 15 of the Act—

"Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors book to be kept by the gaoler; and it shall be the duty of the gaoler to draw the attention of the Visiting Committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment."

228, 468,  
2609, 2619,  
2665-69,  
3032, 6317,  
6406, 6412,  
6936, 7862,  
8032,  
9201, 9202,  
9208 *sq.*,  
9217, 9377,  
9838, 9941,  
10,023 *sq.*,  
10,871.

109. Passing on to the constitution of Visiting Committees, we desire to carry into full effect the intention of the Act of 1877, and in some particulars to go beyond it. We think it most important that local interest should be revived in prisons, and that through this fuller interest the central authority should obtain the co-operation of a large number of persons not only qualified to take a practical part in the supervision of prisons but who might be willing, as they certainly would be able, to give valuable advice and assistance to discharged prisoners, acting through or with the various aid societies. How satisfactorily to achieve this is a very difficult problem. In 1879 the Home Secretary wrote a letter to the Visiting Committee of Strangeways Prison, which

was intended to stimulate the committees all over the country, of which this is a summary:—

“It was there pointed out that it was absolutely necessary that there should be the most entire feeling of co-operation between the Visiting Committee and the Prison Commissioners, and the most frank and cordial relations between the Visiting Committee and the Secretary of State. That it was quite impossible in carrying out the efficient working of any institution that there could be anything like duality of government, and that the actual government of all prisons had, by the Act of 1877, passed into the hands of the Prison Commissioners, subject to the control of the Secretary of State, but that the duties of the Visiting Committee were nevertheless most important, and of essential service. In the first place might be mentioned the special function assigned by the statute to the Visiting Committee, of adjudicating on all serious prison offences and awarding the necessary punishment. It was needless to point out how the firm and judicious exercise of this function, from the very fact that it proceeded from independent persons, would constitute at once a powerful support of prison officers in the maintenance of discipline, and would be equally a check on any officer liable to err in provoking or magnifying offences. One other great object to be attained in carrying out the law was of course to see that the administration of prison discipline by the prison officials should not work with undue severity in the case of any individual prisoner, either through temper or caprice of any officer, or through any physical infirmity in the prisoner himself. That although every care might be taken in the selection of officers and the instructions given to them, and although they were subject to the superintendence of the several Inspectors, still it was evident that the more frequent visits of members of the Visiting Committee would give more ample opportunity to the prisoner to make any complaint of undue severity of treatment, and would necessarily tend to make the several officials more careful and watchful in their conduct. In such cases the Visiting Committee would either enter their views in their own Minute Book (which the Inspectors had the most stringent orders to examine carefully), or, if they thought it advisable, they would report to the Prison Commissioners, who would immediately investigate the case, and, should there be any difference of opinion, the Secretary of State would of course be at once appealed to and give his directions. In some special cases of emergency the Visiting Committee had already the power to act, reporting their action at once to the Commissioners. Another object to be attained was to see that the discipline and general rules themselves were not in any respect more severe than was absolutely necessary for duly carrying out the punishment awarded. In this respect the observations of the several Visiting Committees, as advisers, would of course be of the greatest value to the Commissioners themselves. In such cases the matter would be at once taken into consideration, other Visiting Committees consulted, and the question would be thoroughly investigated, and brought especially to the notice of the Secretary of State himself at once. The Visiting Committees should by rota appoint one or more of their own body to go to the prison from time to time, and personally visit some of the cells, and any prisoner who might specially wish to see them, and a notice should be placed in each cell that any prisoner wishing to see a member of the Visiting Committee at his next visit should be allowed to do so. It was most desirable, on the one hand, that any *bonâ fide* cause of complaint should be at once removed, and that every reasonable facility should be given to prisoners for making their complaints known. On the other hand, it was of almost equal importance that complaints, such as were often made by a prisoner against prison officers, should, after a prompt but careful inquiry on the spot, if frivolous, be pronounced frivolous by independent persons accustomed to the administration of justice. Every book in the prison should be entirely open to their inspection, and the prison officials should have instructions to show every respect and attention to the members of the Visiting Committee, and to give them every information which they may require. The Visiting Committee should, as a matter of courtesy, have official intimation of the appointment of any of the superior officers of the gaol, and any rule or order affecting the general discipline of prisons, should also be officially communicated to the several Committees. It was of course essential that the Prison Commissioners and the Inspector should often visit the prison without notice of any kind, but should any of the Visiting Committee happen to be in the prison at the time of such visit, they should be informed, and any request of the Visiting Committee for an

Royal Commission,  
Irish Prisons,  
par. 89.

interview with the Inspector, at any time, should be specially attended to, and an interview arranged."

That letter produced little or no result. In 1884 the Royal Commission on Irish Prisons expressed this opinion:—

"Knowing that public confidence in the administration of prisons may be greatly strengthened by a regular and thorough inspection of them by independent persons, we were anxious to ascertain whether this advantage had been secured by the action of the visiting committees of justices. It caused us therefore much regret to be made aware of a widespread impression in Ireland that the visiting committees are indifferent to their duties, and that as a security for the proper treatment of prisoners they are of little value. In some cases no doubt the functions of the visiting committees are discharged with conscientious fidelity and with manifest gain to the public service; but we fear that there are too many instances in which the apparent indifference of visiting committees to their trust has unhappily tended to create the popular belief that as a body they contribute little or nothing to the satisfactory working of the prison administration. It was stated to us as an explanation of the want of interest in their work, exhibited by so many justices, that they regard themselves as divested of all important functions by the General Prisons Act; but this is a pure misconception, and as its consequences are serious every effort should be made to remove it."

110. We adopt this view as accurately representing the state of the case now in England and Wales. We are not sanguine, therefore, of effecting a change for the better without some strong action on the part of the central authority.

The power which abrogated the authority of the justices can alone set it up again, but it must be remembered that the majority of the visiting justices who held office prior to 1877, and who might have given valuable guidance, have either retired from active work or are no longer living. We think that while much may be done by improving the machinery by which Visiting Committees are to work, even more might be done by pointing out that the position of a justice of the peace, and, *a fortiori*, a justice of the peace delegated to perform executive functions, entails as a matter of duty to the State the discharge of official duties.

In the first instance it would be necessary to determine to what extent new functions should be added to those already possessed by Visiting Committees, and we offer these suggestions for consideration.

It is desirable and necessary that the Visiting Committees should (as is now frequently done) meet once a month at least. The governor or his representative should always be present at the Board meetings, and this Board should have power to make any representations to the Commissioners as to prison needs and requirements which they think fit. The Commissioners and the inspectors should be directed to invite the co-operation of the Visiting Committee, or any member of that body who might be specially appointed, to meet them in giving effect to this inspection. As a general rule the Visiting Committee should always have sufficient notice of intended visits, but at times it might be necessary or desirable to make special visits without such notice.

111. Some official on the prison clerical staff should be designated by the governor to act as clerk of the meetings of the Visiting Committee, and should keep the minutes of proceedings. Communications to the Commissioners should be made through the governor as a general rule, but the Visiting Committee should continue to have the right to communicate direct if and when they thought fit.

Their powers and functions should be added to over and above those contained by the Rules of the Secretary of State issued on February 19th, 1878, as follows:—

After each monthly meeting they should report to the Commissioners through the governor on the following matters:—

- (1.) Any repairs or additions required in the prison. This is now done by the governor alone.
- (2.) Any modifications of prison arrangements which they desire to make or have made provisionally.
- (3.) The condition and requirements of prison labour.
- (4.) The fitness of new officers. This would not apply to the training prisons.
- (5.) Any deficiency in the prison staff.
- (6.) Prisoners in their opinion wrongly classified, whose cases deserve special consideration or treatment.
- (7.) The general discipline of the prison.

- (8.) The operation of the prisoners' aid society or societies attached to the prison.
- (9.) Any applications for the post of warden.
- (10.) Variation of diet for special cases or classes.

The committee should have power (1) to require the attendance of any prison official whose presence they may think necessary; (2), to nominate the prison chaplain subject to the approval of the Secretary of State; (3) to put prisoners, to such hard labour of the first class as they may think suitable; provided that the Commissioners approve of the kind of labour as suitable; (4) to determine the kind of labour to which prisoners generally shall be put, subject to the authority of the Commissioners; (5) to relax the regulations as to visits and communications within certain limits to be determined by the Commissioners; (6) to arrange for the organisation of prison industries under such conditions as may be laid down by the Commissioners; (7) to exercise a general discretion with regard to organising lectures and addresses in the prison and authorising occupation for prisoners; provided that this shall not interfere with the necessary deterrence of prison discipline, and shall be directed to the physical and mental improvement of the prisoners; (8) to arrange for the prison treatment of juveniles subject to the general regulations which may be made by the Secretary of State; (9) to sanction special treatment of unconvicted prisoners (*supra*, para. 88).

112. As soon as the Secretary of State has decided the general form which the new scheme should take, a circular might be sent by him to all governors and visiting committees, quoting the substance of the Home Secretary's letter of 1879, and announcing that it is his desire to associate more closely the visiting committees with the control, management, and discipline of the prisons than has hitherto been the case.

113. A summary should be given of existing powers, and of the extended functions which the Secretary of State desired to place upon the committees. This should be followed by a request that all visiting committees should send a representative to a conference to be held in London for the purpose of considering the best methods for carrying out with efficiency and uniformity their extended duties. It might be desirable that the Secretary of State or his representative should preside over this conference.

114. The visiting committee as now constituted by law might be strengthened and rendered more permanent by power being given to the Secretary of State to add, if he should so think fit, other justices than those nominated by the Quarter Sessions, and for the purposes of dealing with the female part alone of the prison, one or more ladies to sit with the visiting committee.

#### Prison Inspectors.

115. Assuming that the interest and efficiency of visiting committees are sufficiently increased, we think the present system of inspection might with advantage be modified. While the inspection has been carried out with a zeal and success testified to by many witnesses, it has necessarily assumed a somewhat formal and routine character. We think that the work of seeing that the requirements of the Prison Acts and the Regulations of the Secretary of State and Commissioners are satisfactorily carried out could be performed by one inspector appointed by the Secretary of State, but further supervision for other purposes would be necessary. If our recommendations are adopted it will be necessary that the Commissioners should send officials to the prisons for the purpose of seeing whether the prisoners were properly classified, whether prison labour and the work of the prisoners' aid societies are being properly attended to, and generally whether the spirit of the treatment which we recommend is being properly observed. This work should be performed by officials permanently attached to the Prisons Department of the Home Office, and they should be sent where and when required for any inquiries and reports which may be thought necessary.

49-55.  
10,272,  
10,356,  
10,613.

116. We put forward for consideration the question whether the inspector or inspectors, as the case may be, should report direct to the Secretary of State. At present the Inspectors report to the Commissioners. The intention of the Act of 1877 appears to have been that these officials appointed by the Secretary of State should be independent altogether of the Commissioners, and act directly on behalf of the Secretary of State. This, however, seems to have fallen into desuetude, and the inspectors by practice have come to be looked upon as representing the Commissioners. We also suggest for consideration that the Inspector's Annual Report might be laid before Parliament.

117. We think it desirable that a special arrangement should be made for the inspection of prisons, or those parts of prisons assigned to women. A lady inspector appointed for this purpose alone would not be sufficiently employed; but we think that a lady superintendent might be appointed who could not only do the ordinary work of inspection but who could also be responsible for the general supervision of female prison industry, and for such other duties as the Secretary of State might consider it desirable to assign to her.

*Prisons Board.*

118. We have already expressed our general opinion upon the character of the prisons administration. Theoretically, the arrangement is an excellent one. Locally, the prisons are managed by the governor, the chaplain, the medical officer, and the general staff. There are the visiting committees of practical men, independent of the Commissioners and the Secretary of State alike, to see that the prisoners are properly treated, and to award any punishment that may be necessary after a judicial examination. There are the prisoners' aid societies to look after discharged prisoners. The inspectors, who are appointed by the Secretary of State, pay frequent visits and report regularly to the Prison Commissioners. Above all is the Secretary of State, the supreme authority over the Commissioners, who is directly responsible to Parliament. The system is elaborately designed to ensure the proper treatment of prisoners, the maintenance of discipline, the order and cleanliness of all prisons.

We have found, however, that in practice some of the different branches of the organisation only fulfil their duties imperfectly. The visiting committees not unfrequently do little, for reasons already noticed. The prisoners' aid societies are isolated bodies, some excellent, some satisfactory, some almost useless, some practically non-existent. The Secretary of State has great powers; but it is obviously impossible for him to follow the details of prison management without neglecting other duties of equal or greater responsibility. Necessarily he can only deal with those matters which are specially referred to him by the Commissioners or which are brought to his notice in some other way. The government of prisons has therefore been practically in the hands of the Commissioners. It has been frequently said, and we have found that the conduct of prison affairs has in many respects been too unbending, and has run in grooves too narrow for the application of higher forms of discipline and treatment which we think are required. But it is difficult to see how this could have been altogether avoided. The Prison Act of 1865 and the Penal Servitude Acts lay down hard and fast regulations which only Parliament can unloose. These Acts the Commissioners have had to administer, and by them they have been bound. Experience shows that in almost every society or organisation the most effective changes come from outside influences. Those who have to administer a system year after year are inclined to stereotype practices which they know have produced good results, and to assume for that reason that they must permanently form the basis of management. Nevertheless it must be remembered that the Commissioners have initiated and carried out many excellent reforms of which the public has no practical knowledge.

11,388.

119. In considering the position of the Board in relation to prison management we recognise that Sir E. Du Cane has held throughout his career an exceptional, and it may be said, a commanding position. With great experience as Director of Convict and Inspector General of Military Prisons he was appointed Chairman of the Prisons Commission in 1878, and since that date his weight and influence as the chief executive prison authority have steadily increased. We do not think it necessary or within our duties to enter upon the question of the distribution of work and influence among the members of the Board further than to remark that Board meetings seem to have been held chiefly for the purpose of considering prison appointments. But having regard to future management we proceed to state the principles on which we think that it should be conducted.

20-3, 542,  
6396, 6433,  
6577,  
8859, 9018,  
10,554-  
10,582,  
10,960.

*Amalgamation of Convict and Local Prisons.*

10,816.

120. We see no reason for preserving the statutory distinction between Directors and Commissioners, Convict and Local Prisons. Sir E. Du Cane stated that the amalgamation has been for long the great object of the Commissioners, and that the welding process is gradually going on. The distinction should be, as in France, between long



and short sentences. Convict prisons were established in place of or in connexion with transportation. There is no argument for their maintenance as separate organisations; on the other hand, general administration would be much simplified by the fusion of the two systems.

At present the prison authorities issue one set of reports as Directors, and another as Commissioners. Statistics and information relating to convict prisons are carefully separated from that which relates to local prisons. This is an anachronism. It is probably true that an average convict is a more formidable criminal than a local prisoner. But from the point of view of prison administration there is no distinction between the two other than that created by variation in the length of sentences. It would be unquestionably a great advantage if general information and statistics relating to all prisons could be published in one volume as a single report. Again, much inconvenience is caused by the character and number of operative Prison Acts. A consolidated Act containing a complete prison code is much needed, and the amalgamation of the convict and local prison systems would afford a good opportunity for carrying this into effect. The Secretary to the Prisons Board expressed himself strongly in favour of the fusion, and saw no difficulty in giving effect to it. We recommend that this work should be taken in hand as soon as possible.

#### *Duties of Commissioners.*

121. Assuming this amalgamation to be effected, the Directors would be finally merged in the Commissioners, and by the change might be relieved of a considerable part of their routine work. Under the present arrangement each Director has two convict prisons allotted to him, which he visits once a month. He hears the charges against prisoners and awards punishment. From him there is no appeal except to the Secretary of State, and should there be a complaint or an appeal from his judgment he is an intermediary authority in his own case. There are considerable objections to this procedure, and the routine work in connexion with convict prisons alone absorbs a large portion of the Commissioners' time. We think it desirable to set up a different tribunal, and we suggest that an arrangement might be made for regular visits by a judicial functionary for the purpose of investigating ordinary complaints and imposing punishment. If some such plan were adopted, the Commissioners would be able to give more attention to the study of the general prison system, industrial developments, statistics, the working of new methods, and to the organisation of the prisoners' aid societies and other auxiliary bodies. We think they should meet frequently as a board for the consideration of all important prison questions, and that while it might be found necessary to divide the country into districts for the purpose of visits and inspections, special responsibilities should be placed upon individual members of the board in respect to general questions affecting all prisons, such as labour, recidivism, prisoners' aid work, and classification. The Medical Commissioner, whose appointment we have already recommended, would, of course, have the superintendence of all questions affecting the health and the mental condition of prisoners. We think that standing orders issued by the Prisons' Board, and circular letters embodying general regulations, should be printed in the annual report of the Prisons' Board and laid before Parliament.

#### *Annual Conferences.*

122. In France a superior council consisting of members of Parliament and capable officials of high standing is entrusted by the law with the duties of following in two annual sessions the application of the law relating to solitary confinement and of giving advice on questions referred to it by the Minister of the Interior. No doubt such an arrangement has much to recommend it, but taking into view the fact that the Secretary of State can at any time appoint departmental Committees to consider specific matters and to advise him thereon, we think that its functions might be supplied by a different and better method. Appendix.

123. Sir Godfrey Lushington dwelt on the great importance which attaches to frequent visits to prisons by the Commissioners. One visit from a Commissioner he considers to be worth three or four from an inspector. The Commissioners for the most part sit at Whitehall, "their control is a paper control, sufficient, however (quite sufficient, I admit) to keep the machinery rolling regularly round, and to prevent

11,397.

“ the improper and wasteful expenditure of money, but not calculated to give them very full personal influence over the governors.” We agree with this opinion, and we think that through this centralisation the Commissioners themselves cannot be sufficiently in touch with the prison staff individually. We again quote from Sir G. Lushington's evidence. Referring to the administration of the Mines Acts, he says: “ The inspectors, and for that matter the Secretary of State, are not left to find out for themselves improvements that are necessary with regard to the mines. A thousand and one suggestions are constantly streaming in from mining owners, mining agents, mining institutes, trades unionists, &c.; in fact, from all persons interested in mines, giving the Home Office the benefit of their experience in mines, pointing out how the Acts work, and where they fail, and how they think they can be amended. The Prisons Commissioners have none of those advantages. From prisoners, of course, they learn nothing; prisoners cannot view the prison as a whole, or even its larger features, and any remarks which they may please to make are not likely to carry much weight. From the warders, who are mere subordinates who have strictly to obey all orders, they can learn little more. The warders, in fact, as a class, are incompetent to advise on this subject. Superior officers, of course, have greater knowledge and might make useful recommendations; but I am sure they would think twice and three times before they ventured to volunteer to a strong-minded and strong-willed executive suggestions of a large character which would involve an important alteration of machinery or serious addition to the expense. Again, whereas in the administration of mines the reforms come chiefly from special experience of mines, in the case of prisons it is otherwise.” Sir Godfrey goes on to point out that suggestions must usually come from philanthropists, who have excellent motives, but no knowledge of the full working of the prison machinery which they propose to amend.

124. It does not appear to us that the relations between the Commissioners and the prison officials are sufficiently close, or that the visiting committees and the representatives of the prisoners' aid societies have adequate opportunities for stating and pressing forward any opinions which they may have formed on practical prison experience. Moreover, it is difficult to see how the Secretary of State himself can be conversant with current prison affairs. Special questions are referred to him for decision; but the Commissioners, speaking generally, are the sole medium for his communication with the prison service. In the administration of the Mines or Factories and Workshops Acts the case is quite different. The Secretary of State does not rely solely on the permanent staff for information and guidance. He is accessible through Parliament and the constituencies to employers and employed alike. There is the freest exchange of ideas, and general experience is brought to bear on all the different phases of mining and industrial concerns. But that is not all. The mines inspectors meet annually for the discussion of all important questions which may have arisen within the field of their duties. The factory inspectors meet in the same way. The Secretary of State is kept fully informed of what is taking place in the industrial world. A similar practice is followed in the Education Department. We think that it is most essential that similar conferences should be held in London on matters connected with prisons. Prison officials, managers of reformatories, officers of prisoners' aid societies, and representatives of visiting committees should assemble annually, either collectively or in such sections as might be found most convenient in order to compare experiences and to discuss the working of methods of treatment which to some extent might be experimental. In this way the Commissioners would be brought into beneficial contact with all classes of officials directly concerned in prison affairs; the Secretary of State would be kept informed of the general currents of thought on prison treatment as well as of the practical working of the prison administration; and thus the high responsible authorities would be in a far better position than at present to arrive at decisions, and to take any action which they might think desirable. No prison system can be satisfactory which cannot be adjusted without difficulty to meet any alterations which experience may show are desirable.

125. We put forward these recommendations in no over sanguine spirit. We have suggested many changes, but it is not to be expected that marked improvement in the criminal records of the country will at once be shown. But we believe that the adoption of an improved system of general administration and the careful and progressive application to prison government of the reformatory methods which already in varying degree have been tested by experience, will be rewarded by an increasing measure of success.

126. In conclusion we give a summary of our principal recommendations. They are as follows:—

I. That there should be a larger margin of separate cell accommodation in the London and certain of the provincial prisons, and a speedier method of transfer adopted, and that prisoners should never be associated on reception or during confinement except for medical reasons, and on the express order of the medical officer. (Para. 31.) Accommodation and association.

II. That in applying the regulations dealing with visits to and communications with prisoners a larger discretion should be entrusted to Visiting Committees. (Para. 32.) Visits and communications.

III. That a detailed report should be obtained on the nature and working of the prisoners' aid societies, upon which a scheme might be drawn up for better organisation and supervision. This scheme should give greater facilities to the representatives of the societies for seeing prisoners before discharge. The Government grant should be increased and extended to establishments conducted on approved methods for the treating of discharged prisoners. (Paras. 34 to 36.) Prisoners' aid societies.

IV. That No. 1 dietary punishment should only be inflicted when no other sufficient substitute is to be found. After confinement in a punishment cell for 14 days, an interval of at least three days to elapse before further punishment of the same kind is inflicted. The further term only to be given with the sanction of the medical officer. (Para. 40.) Punishments and offences.

V. That prisoners should not forfeit marks by reason of physical or mental weakness or illness. Power to earn remission of sentences should be extended to local prisons. (Paras. 43, 44.) Mark system.

VI. That unproductive labour should be abolished wherever possible. (Para. 47.) Prison labour.

Association for productive work and technical instruction to be extended gradually and with due caution throughout the prisons. (Para. 55.)

Productive prison industries to be increased as much as possible, especially as regards gardening, farming, and land reclamation. (Paras. 56 to 65.)

Every effort to be made to secure additional orders from Government Departments. (Para. 66.)

Prisoners to be enabled to earn something continuously during their sentence, provided that the money so earned is given to them through the Prisoners' Aid Society. (Para. 71.) Supervision of prison industries.

VII. That the official in the Prisons Department who supervises the prison industries should have a higher degree of responsibility and authority. (Para. 68.)

The number of skilled teachers of industries in the prison service to be increased, and extra allowances to be granted to warders who qualify themselves for the supervision of work requiring a certain amount of skill. (Para. 69.)

In each prison an official to hold a position somewhat similar to that of "manufacturer" prior to 1878, for the purpose of directing the prison industries. (Para. 70.)

VIII. That the prisoners should have a larger supply of books. Any occupation which tends to elevate the mind and which is consistent with order and discipline to be encouraged. Selected preachers should be brought in from the outside, and means should be taken to lessen the crowding in chapel. Separate services to be held for male and female prisoners respectively where the latter are numerous. (Para. 72.) Prison occupation. Books. Chapel.

The privilege of talking to be given, under necessary supervision, to all prisoners under long sentence who have conducted themselves well. (Para. 73.) Talking.

Sunday exercise to be re-established. Gymnastic exercises to be organised for the prisoners. (Para. 75.) Exercise.

Teaching in classes to be adopted where possible. Teachers not to wear a uniform, and more attention to be paid to their position. (Para. 74.) Education.

IX. That the nine months separate confinement of convicts should be served so far as possible at convict prisons, and that the duration of the period should be reconsidered. (Para. 80.) Nine months separate confinement of convicts.

X.—(1.) That the age of a "juvenile" under the Prisons Act, 1865, should be raised from 16 to 17. Juveniles to be specially treated in prisons, and not to be subjected to ordinary prison discipline and regulations. The Court to have fuller powers for securing parental responsibility and liability. (Para. 82.) Classification of juveniles.

(2.) Discretion to be reserved to prison authorities to distinguish between first offenders and habitual criminals who are caught for the first time. (Para. 83.) First offenders.

(3.) The age of admission to reformatories to be raised from 16 to 18, and of detention to 21. By way of experiment a Penal Reformatory to be established under Young prisoners.

- Government management. The Court to have power to commit to this reformatory offenders above 16 and under 23 for periods of not less than one year and up to three years with a system of licenses graduated according to sentence. The Secretary of State to have power to transfer prisoners under 23 from prisons to the penal reformatory if satisfied that the treatment there would be more suitable, and provided that the unexpired portion of the imprisonment was not thereby lengthened. (Para. 84.)
- Habitual criminals.** (4.) Habitual criminals to be kept as a class apart from the other prisoners. It should be considered whether a new form of sentence might not with advantage be placed at the disposal of the judges by which these prisoners could be segregated under special conditions for long periods of detention. (Para. 85.)
- Habitual drunkards.** (5.) Prisoners sentenced primarily for drunkenness should be specially treated in prisons or parts of prisons set apart for them. (Para. 86.)
- Infants.** (6.) Further special consideration as regards the treatment of female prisoners with infants. (Para. 87.)
- Unconvicted prisoners.** (7.) The suggestions of the Royal Commission of 1884 on Irish prisons in regard to unconvicted prisoners to be carried out, and the diet generally to be improved. (Para. 88.)
- Debtors.** (8.) Debtors might be treated as ordinary prisoners; in any case, they should be made to work to a reasonable if not penal extent. (Para. 89.)
- Intermediate prisons.** XI. That a small local prison might be selected for an experiment as an intermediate prison between discharge and release. (Para. 91.)
- Lunacy and health.** XII. That candidates for medical appointments in prisons should be required to show that they have given special attention to lunacy, and that the medical staff in Holloway and other prisons similarly circumstanced should be strengthened. (Para. 92.)
- Weak-minded prisoners.** XIII. That weak-minded prisoners should be concentrated so far as is possible in special prisons, and should be under special medical supervision; and that it should be considered whether it is right to treat such persons as ordinary criminals. (Para. 93.)
- Diet.** XIV. That the advisability of giving the No. 1 stirabout diet should be re-considered. (Para. 95.)
- Small cells at Portland and Dartmoor.** XV. That the small cells in Portland and Dartmoor Prisons should be abolished as soon as is practicable. (Para. 96.)
- Dartmoor Deputy governors.** XVI. That a deputy governor should be appointed in prisons with a population, all told, of over 600. (Para. 97.)
- Chief warders-in-charge.** XVII. That chief warders-in-charge should rank as governors of the fifth class, but that this class should not be necessarily drawn from the warder and clerical ranks. (Para. 98.)
- Training prisons.** XVIII. That two or more prisons should be selected as training schools for all ranks of the prison staff, and be placed under the charge of the most experienced officers in the service, and that probationers should not be returned as belonging to the prison staff. (Para. 103.)
- Staff.** XIX. That a certain increase should be made in the warder staff of the larger prisons, more especially in the case of the female warders. (Paras. 104, 105.)
- Prison matrons.** XX. That a prison matron should not wear a uniform, and that provision should be made during her absence on leave or through illness for a deputy matron to take charge in prisons when there are a large number of female prisoners. (Para. 105.)
- Visiting Committees.** XXI. That the duties and responsibilities of Visiting Committees should be confirmed and extended. (Paras. 110 to 114.)
- Inspection.** XXII. That certain changes should be made in the system of prison inspection, and in connexion with these that a lady superintendent should be appointed. (Paras. 115 to 117.)
- Amalgamation of convict and local prisons.** XXIII. That convict and local prisons should be amalgamated as soon as is practicable, and that a judicial functionary should take up the duty of hearing charges against prisoners and awarding punishment, which is now performed by the Directors of Convict Prisons. (Paras. 120, 121.)
- Prisons Board.** XXIV. That the Prison Commissioners should meet frequently as a Board, and that the responsibility for special branches of work should be placed on individual Commissioners. That an additional member of the Prisons Board should be appointed, who should be a medical man. (Paras. 92, 118, 119.)

. XXV. That annual conferences should be held of representatives from the higher ranks of prison officials, managers of reformatories, Visiting Committees, and Prisoners' Aid Societies for the purpose of exchanging experiences and ideas, and of establishing closer relations between all officials and public bodies responsible for the management of prisons and the treatment of prisoners. (Paras. 122 to 124). Annual Conference

127. Throughout our inquiry, which has involved a great deal of difficult and laborious work, Mr. Legge has given us the most valuable assistance, and we beg to record our high appreciation of the services which he has rendered to us.

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JAMES G. LEGGE, Secretary.

10th April 1895.

### Memorandum on Insanity in Prisons.

Strong statements have been made that the existing prison system promotes insanity, and that the number of cases of insanity occurring among prisoners is greater now than it was 20 years ago, when prison administration was less centralized.

One of those statements will be found in the "Fortnightly Review" for April 1894. It is as follows:

"Annual ratio of insanity arising in the general population for the three years 1890-2 . . . . .	-	-	-	-	8 per 10,000
"Annual ratio in local prisons, 1875-7 . . . . .	-	-	-	-	113 per 10,000
"Annual ratio in local prisons, 1890-2 . . . . .	-	-	-	-	226 per 10,000

"Thus," says the writer of the article, "we have the fact that the ratio of insanity in local prisons has exactly doubled since the introduction of a central system of administration. . . . Our present principles of prison discipline are debilitating a much larger number of the prison population than used to be the case."

When carefully examined, the inferences drawn by this writer seem to me not to be justified.

It has been repeatedly pointed out by the Medical Inspector of the Prisons Board in his annual reports to the Commissioners that the practice of sending insane persons to prison has largely increased during recent years. The Commissioners of Lunacy, in their 43rd Report, remark that there "can be little doubt that during the last few years many medical men have, owing to fear of litigation, refused to certify to the insanity of persons requiring care and treatment; and that this circumstance has tended to prevent many insane persons being legally dealt with and treated." Many of these persons, Dr. Gover surmises with much probability, "are not dealt with as lunatics till they have committed some offence, and have found their way into prison." This view is supported by Dr. Shaw's evidence.

6086-9.

In the year 1889, 93 sentenced prisoners were found to be insane on reception into prison. "In London," says Dr. Gover, "the sending of insane persons to prison under sentence is in a great measure prevented by making use of Holloway Prison as a place in which accused persons of doubtful sanity can be observed and tested. During the year ending March 31, 1889, as many as 401 prisoners were remanded to Holloway Prison for observation and report to magistrates as to their state of mind; of these 215 were reported to be sane, 107 were reported to be of weak or impaired intellect, and 85 were reported to be insane."

It has been the practice of the Commissioners for several years to supply in the Appendix to their Annual Reports particulars of each case of insanity in local prisons. This table, among other details, gives the state of each prisoner on reception into prison, and the date at which symptoms of insanity first appeared.

Of the 354 cases of insanity recorded in local prisons for the year ending 31st March 1894 there appeared to be only 60 cases in which insanity showed itself for the first time a month or more than a month after admission into prison. Special reports were obtained by the Committee in these cases, and an abstract of these reports will be found in Appendix VII. But on examination it will be found that at least 18 must be deducted from this number, as being judged to be insane on their trial, or as presenting obvious signs of mental unsoundness at the time when their imprisonment began.

There remain 42 who being sane at the time of their admission became insane more than a month afterwards. Assuming the prison population to be about 14,000, this would give an insanity rate of 30 per 10,000, a ratio less than one-seventh the amount stated by the writer of the article as prevailing in 1890-2.

It is nevertheless true that an annual ratio of 30 cases of insanity per 10,000 of population is considerably in excess of that which the Reports of the Lunacy Commission show to prevail among the general population. The 48th Report published in 1894, shows the annual average ratio for 1888-92 among the population as a whole

to be 5.5 per 10,000. If we exclude the juvenile part of the population the ratio is higher, being for the ages—

Between 25-34	-	-	-	-	8.5 per 10,000
35-44	-	-	-	-	10.8 "
45-54	-	-	-	-	11.3 "
55-64	-	-	-	-	10.6 "

We have thus to accept the fact that among the prison population the ratio of insanity arising among persons apparently sane on admission is not less than three times as great as that amongst the general population of corresponding ages.

It will be observed that the three medical witnesses called as experts on the ground of their special experience of the connection between lunacy and crime, while taking different views as to the speculative question of responsibility, agree as to the fact that such connection is undoubted. "The habitual criminal," says Dr. Lewis, "I regard simply as a degenerate offspring of a very degenerate stock. Insanity and crime are simply morbid branches of the same stock." Dr. Nicolson, who emphatically repudiates the notion that the majority of crimes are connected with insanity, admits at the same time that there are cases on the border-line between them.

Shaw, 5992,  
5997.

Lewis, 9083.

Nicolson,  
9280, 9281.

On the existence of a class of prisoners who are neither sufficiently insane to be sent to asylums, nor sufficiently sane to be subjected to the ordinary prison discipline, there is practical unanimity among the medical authorities examined by the Committee. Dr. Nicolson estimates this class as being from two to three per cent. of the prison population.

Nicolson,  
9316.

Taking into account the varied and serious difficulties that surround the medical aspects of prison administration, I can hardly think that a mere increase in the number of medical officers, or even the rule that a certain amount of experience in lunacy should be a condition of their appointment, would of themselves suffice to meet the requirements of the case. In addition to such measures, I would suggest that one member of the Prison Board should be a physician of qualifications and standing in his profession not inferior to those of the medical members of the Lunacy Commission.

J. H. BRIDGES.