

ing him, we introduce a new source of criminality the means we employ are opposed to the end we seek, we ought then never to subject a prisoner to treatment or influences, which we know beforehand will certainly debase and corrupt him.

I do not see how this principle if accepted, can be faithfully or successfully carried out, except on what is called "the Separate System." I mean the system under which the prisoner is separated, (not from all his fellows creatures as under the "Solitary System") but only from his fellow prisoners, receiving regular visits from the officers of the prison, from a minister of religion, magistrates, and from discreet and trustworthy visitors of other classes under proper limitations. I believe that this entire isolation from fellowship with others of their class, this crossing of old habits, combined with silence, denial of indulgences, strict discipline and constant labour, is found to be a punishment greatly dreaded by criminals. It has also the vast advantage that the prisoner does not become acquainted with or known to others of the criminal class. Whilst the association of criminals, especially in public, (as in road-gangs) tend to form a special class of confirmed criminals known familiarly to each other, distrusted and feared by every one else, a class of men almost forced by circumstances to continue criminal, under such circumstances little or no benefit can be expected to flow from good instruction or moral influence of any kind, I am speaking of the tendency of the system. In a country like this, many years might elapse before the results would be manifest, but hitherto in countries which have had no means of banishing their criminals, a "dangerous class" of this kind has been formed, colonial legislation at this early stage must contemplate tendencies rather than results. If it be a real tendency in the nature of things, it should not be overlooked especially in forming a plan intended to be permanent.

It seems, therefore, that this should be regarded from the very beginning as that form of punishment which we desire to establish, and to which therefore we should endeavour practically to approximate as soon and as far as possible, whatever may be the difficulties lying in the way. Now I do not anticipate much difficulty in finding some kind of useful labour which may be combined with separate confinement.

RECOMMENDATION 2.

To try this principle, suppose like crimes committed by two men, a strong man and a weak one. Would not the two men receive different punishments the offences being equal.

4. I have mentioned above my reasons for thinking that under a permanent system no association of prisoners should be retained.

5. & 6. In these I entirely concur, the assignment system interferes especially with the equality of punishment. It may result in a cruel slavery, or a most easy service according to circumstances.

7. As to juvenile offenders, I am inclined to believe whipping to be a good punishment especially for a first offence, but to be effective it must be private and inglorious and severe. I remember to have heard statements strongly in favour of this opinion made by the Governor of the House of Correction in Coldbath Fields, persons of experience as humane as any of us, have come to the conviction that the first punishment of such offender should be severe, if we intend to keep the lad out of gaol for the rest of his life.

8. As far as I have learned no satisfactory result has followed attempts to classify criminals whether the class be composed of persons about the same age, or of persons convicted of like offences still persons of very different degrees of de-