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Report of the Committee on
Prison Discipline 1838

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REPORT

OF THE

COMMITTEE ON PRISON-DISCIPLINE

TO THE

Governor General of India in Council,

DATED THE EIGHTH OF JANUARY, 1838.

TO WHICH IS PREFIXED A RESOLUTION RECORDED BY THE
GOVERNMENT OF INDIA ON THE 8TH OF OCTOBER 1838, AFTER
TAKING THE REPORT INTO CONSIDERATION.

ORDERED BY THE COUNCIL OF INDIA TO BE PRINTED.

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1838.

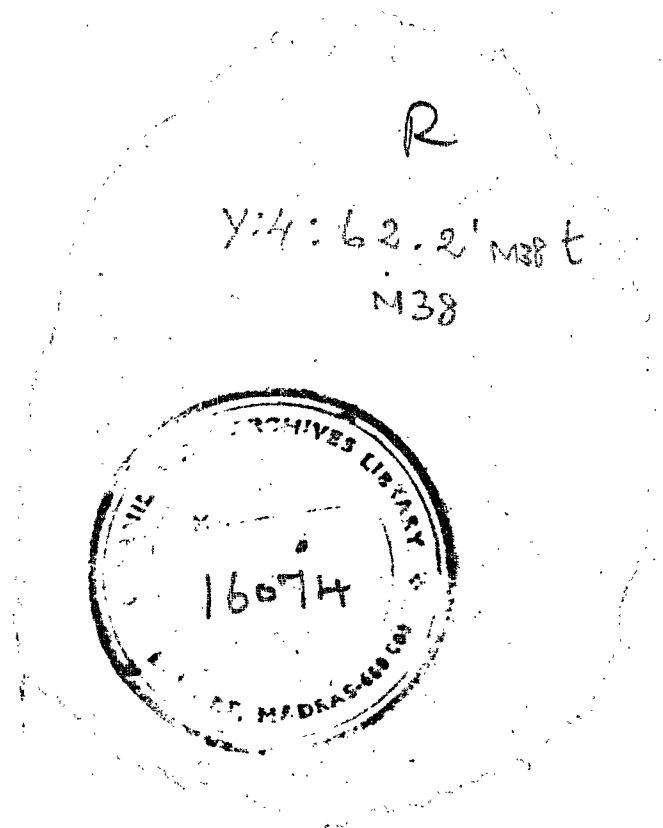
RESOLUTION.

Legislative Department, the 8th October, 1838.

The Honorable the President in Council having examined with much care the Report of the Committee on Prison-Discipline, and having consulted the Right Honorable the Governor General, proceeds in concurrence with His Lordship to record the following statement of his opinion.

1. His Honor in Council is of opinion that, in the present state of his information, more than a conditional assent cannot be given to the views of the Committee. Every reform of prison-discipline is almost of necessity attended at the outset with extraordinary expense. To exchange the common herding of prisoners of all descriptions for careful classification, to substitute a strict and useful industry for idleness or for a light and ill-directed labour, to provide that the life which is irksome shall not also be unhealthy, and that the congregation of the vicious shall not be a school of vice, are all objects, for the first approach to which buildings must be erected, machinery formed, and establishments, and checks upon establishments contrived, and in the perfect attainment and maintenance of which great disappointment has, after every effort and expense, in many countries ensued. In no country is it likely that greater difficulty will be experienced than in this. For the mere locality of the prison, that which is healthy in one season, may become a pest-house by a blast of fever or of cholera in another. For its form—the close yard which is adapted for classification and is not unwholesome in England, would be a sink of malaria in India. For food, for labor, and for consort there are habits and an inveteracy of prejudice and of feeling bearing upon health, and almost upon life, opposing difficulties to the just management of prisons, such as are not elsewhere to be encountered, and, superadded to all this, is the absence of fitting instruments for control and management, while it is principally upon a perfect tact and judgment, and an unwearying zeal, that the success of every scheme of discipline has been found to depend.

2. These circumstances are by no means advanced as reasons for not acting on the recommendations of the Committee, but they are



reasons for proceeding with much caution in the adoption or execution of them. His Honor in Council is not, at the same time discouraged by the magnitude of the plan which has been proposed in the Report; for in every great undertaking, the objects of which are not at once to be obtained, it is useful to have a point to work to, and towards which all the progress made must be of advantage. Whilst also he has little hope that in this country, where manual labor is so cheap and machinery so expensive, the produce of prison industry will ever be profitable, yet the practical admission of the just principle, that imprisonment for terms of years should be severe and comparatively short, will doubtless tend to economy, in as much as it will naturally promote an essential and beneficial change, such as has been often recommended by the Honorable Court, in the periods of the sentences awarded by our Indian criminal tribunals, and it is, he is satisfied, by the introduction of a well regulated system of solitary imprisonment and by requiring the wearisome application for at least some certain and considerable portion of the term of every sentence of labor to machinery, that the enforcement of this principle can best be accomplished. His Honor in Council would be glad therefore to have before him a plan and estimate for the erection of one General Penitentiary with all its suitable appurtenances, as well as estimates for the improvement of the circle of district Gaols connected with this central building, and he would wish that, for this purpose, Mr. Grant, the intelligent Secretary of the Committee, may be put in communication with the Military Board, and that all the information requisite may be collected in a definite shape for submission to the Government, and, eventually, in continuation of the first reference on the general principles of the Committee's scheme, to the home authorities.

3. The President in Council deems it most convenient to dispose in the first place, of the general scheme of reform discussed by the Committee at pages 102—138 of their Report.

4. His Honor in Council is of opinion that as soon as a plan and estimate can be prepared, the sanction of the Honorable Court of Directors should be solicited for the immediate erection at this Presidency of a Central Penitentiary of the size recommended by the Committee in Para. 303, of their Report. The first steps in such an important change in the system of prison-discipline as that which is recommended must necessarily, to be safe, be experimental; but it appears to His Honor in Council that, unless the experiment be tried on a scale like that proposed, the general scheme of reform recommended by the Committee cannot receive the fair trial which is due to the very careful consideration which they have given to the subject, and to the arguments which they urge in support of their plan.

Pages 121 and 129.

5. The President in Council does not think that any material saving would result from the conversion of the Allipore Gaol into a central penitentiary, whilst the attempt to adapt to that purpose a building, erected with a view to confinement of a very different character, would not be giving to the plan of the Committee that fair trial which it deserves. It may be added that there would be difficulty in disposing of the prisoners confined in the Allipore Gaol, whilst it was undergoing the required alteration.

6. His Honor in Council apprehends that it will be extremely difficult to find individuals combining all the qualities which the Committee enumerate as desirable for keepers of penitentiaries in the annexed paragraphs of their Report, either among the European or the native community in India. He thinks, however, that keepers may be found of sufficient competency, so as not to render the adoption of the plan recommended by the Committee inexpedient upon this ground.

Paras. 281-2-3.

7. As soon as the central penitentiary is ready for the reception of the prisoners of the surrounding districts sentenced to labor for more than a year, the Gaols of those districts should be altered in the manner proposed by the Committee, in order to admit of an improved classification of the prisoners,—and especially of the complete separation of untried prisoners, and of females,—of providing the means of solitary confinement, and of establishing tread-mills or other machines of a like nature, to be worked by the convicts. The Military Board will be consulted whether the Honorable Court should be requested to furnish the Government with models of those machines of which the construction is most approved at home, or to send out the machines themselves, suitable to a given number of men, according to indent.

See Para. 288 and following Paras.: also Para. 301.

8. Regarding the effect on prison-discipline of rewards for good conduct, of relaxation of labor at the discretion of the jailer, of employing the more deserving and tractable of the prisoners on trades and relieving them thereby from the tread-mill or other "dull, wearisome, and disgusting" labor, the President in Council is not at present prepared to give a decided opinion. These points, he thinks, may well be held open for reconsideration when the detailed rules for the management of the new central Gaols may hereafter be submitted to the Government.

See Paras. 250.1-4 and 6, and Para. 268.

9. His Honor in Council disapproves of the system of forcing convicts to work upon the roads at a distance from their district Gaols, but he is not yet prepared to record an opinion exclusively in favor of indoor labor, and he rather leans to the belief that in many cases, and under proper regulations out-door labor within a reasonable distance

See Para. 233.

from the prison, may at present with advantage be admitted. But this opinion has reference most especially to the inadequate means for enforcing in-door labor in our present Gaols, and it will be better put to the test when the experiment of a well-conducted general penitentiary shall have been fairly tried.

Para. 236.

10. With reference to the passage of the Committee's Report noted on the margin, His Honor in Council is inclined to think that they have somewhat understated the case in favor of employing convicts in working machinery. It would appear that it is the cheapness of time,—and that very listlessly and brokenly employed, rather than of labor,—which principally makes the contrast between India and Europe. If it be found practicable to obtain good machines, constant employment for them of the nature referred to by the Committee, and efficient and honest superintendence of the labor of the convicts, the President in Council is inclined to expect that labor may be made to pay a larger proportion of the expenses of the system than the Committee assume. His Honor in Council however rather looks to good political results than to pecuniary considerations in connection with the better regulation of Prison-discipline.

See Paras. 252-3.

Para. 257.

11. The President in Council concurs with the Committee that females should not be put upon the tread-wheel: and that even "with males the system should be introduced under the advice of the Civil Surgeon, and with those precautions which ought always to accompany the introduction of a system." Rules to regulate the amount of labor on the tread-wheel, with reference both to the physical strength of the people, and to the climate, and to ensure that it shall be every where the same, must of course be laid down.

Paras. 258 to 267.

12. The next important question to be considered is that of solitary confinement, and upon that the opinions of His Honor in Council correspond generally with those stated by the Committee in the paragraphs of their report referred to on the margin. The infliction of that severest secondary punishment should certainly be tried, as soon as the central penitentiary is erected, in the manner recommended by the Committee in paragraphs 266 and 267. The details of the system to be adopted in regard to solitary confinement may, however, be much governed by the experience which, under the plan of the Committee, will be acquired on the subject.

Paras. 271 & 273.

13. The President in Council also concurs with the sentiments expressed by the Committee in the annexed paragraphs of their Report. The rules laid down in paragraph 82 of the draft will, of course, be applied to the admission of ministers of religion.

14. His Honor in Council is of opinion that measures should be taken to ensure the better religious instruction of the Christian prisoners, both Roman Catholics and Protestants, confined in the Gaols at the Presidencies. Why the Roman Catholic Priest has discontinued his visits to the great Gaol of Calcutta should be ascertained; and the Lord Bishop will be consulted as to the means of improving the state of things in respect to the religious instruction of the Protestants in the same place of confinement.

15. Very important questions have been raised in the progress of the inquiry as to whether it is proper in any case to imprison for life; and, supposing that the punishment of imprisonment for life is continued, whether persons imprisoned for life should be subject to a different prison-discipline from other prisoners. A final determination upon the first of these questions had, in the opinion of the President in Council, better be postponed until Government shall have received all the assistance it may expect upon the subject of the chapter of punishment in the proposed Criminal Code. The latter question depends, to a certain extent, upon the former, and His Honor in Council is unwilling, by a discussion of it at the present moment, to postpone the framing of such resolutions as may sanction and conduce to providing the means of stricter discipline within Gaols. What description of offenders shall be subjected to such discipline, or to milder treatment, and whether some offenders, in regard to the length of their imprisonment, should for a certain time only be subjected to the severer discipline, if they be not questions more properly belonging to the Criminal Code, would, if they were maturely discussed at present, tend to delay the determination of matters about which it is more important to come to an early conclusion.

Para. 278, treatment of prisoners for life, &c.

16. The President in Council thinks that the punishments recommended by the Committee for a breach of Prison Rules should be tried, and their expediency or otherwise tested by experience.

Para. 286.

17. The suggestions of the Committee in regard to the uses and adaptation of the several District Gaols, on being relieved from the whole of their inmates convicted of the more serious offences by the central penitentiary, appear to be judicious.

Paras. 289 & 290.

18. The subject noticed in these paragraphs of allowing indulgences to a certain class of prisoners will be reserved for future consideration. His Honor in Council is not at present prepared to pronounce an opinion on its expediency or otherwise.

Para. 291.
See also Para. 77.

19. His Honor in Council concurs generally in the views of the Committee, in respect to untried prisoners, especially in the recommen-

Paras. 292-5.

dation conveyed by paragraph 295; with regard to the opinion of the Committee as to the grant of compensation to innocent persons apprehended, or brought to trial, by mistake, His Honor in Council thinks it a question which more properly belongs to the subject of general jurisprudence, and as such will no doubt receive due consideration by the Law Commissioners.

Para. 296.

20. The suggestions of the Committee in the paragraph entered on the margin ought to be carried into effect.

Para. 298.

21. As it is proposed to confine the experimental trial of the plan recommended by the Committee to a single Central Penitentiary at the Presidency, and as it appears by paragraph 307 of the Report that the members of the Committee can devote a portion of their time to the management of the experimental scheme, without prejudice to their other public duties, it will not be necessary to make any provision, in the first instance, for the appointment of an Inspector of Prisons. It is manifest however, that the extension of the system will render it indispensable to employ such officers, but whether it will be practicable to combine their functions with those of the Superintendent of Police, or with those of any other officer, may well be left for future consideration.

Paras. 40-52.

22. Before leaving the general scheme of the Committee, it will be convenient, His Honor in Council thinks, to dispose, as far as it is at present practicable, of the subject of classification, discussed by the Committee in the paragraphs cited in the margin.

23. It is essentially necessary that in all cases untried prisoners and females should be separately confined:—beyond this, though the Committee have considered the subject with great attention, (differing in opinion as to classes,) experience will, probably be the best guide. Every classification, up to individual confinement, is a benefit, the limiting principle being expense only; and the practical problem is clearly how to make the best use, to the desired end, of the available means, not to attempt to devise *a priori* a theoretically perfect plan, which it may never be found possible to carry into execution*. The President in Council is also apprehensive that considerations of health will oppose in India peculiar difficulties to an extended classification, for the minute subdivision of a prison can hardly take place without greatly impairing its ventilation.

24. His Honor in Council does not, therefore, think it necessary to canvass, at present, either the views of the Committee, or the general subject of classification, in detail. When the consent of the Honorable

* See paragraph 43 of Report.

Court of Directors may be obtained, the new Central Penitentiary will be constructed, and the District Gaols, within the circle to which the Penitentiary shall belong, will be altered, in such a manner as to admit of the utmost extent of classification consistent with other considerations, such as the general expense of the building and its sufficient security and ventilation; and as it is proposed that the Committee should superintend the practical working of the experiment which they have recommended, and as, when the general means are provided, the primary adoption of this or that principle of classification will by no means hinder, nor even render difficult, the substitution of any other principle which experience may shew to be preferable, it appears to the President in Council that the precise classification of offenders may well be left for future consideration. In the meanwhile, measures may gradually be taken to carry out into practice the views of the Committee as stated in the last sentence of paragraph 48 and in paragraph 51, strict attention being paid to economy in all alterations; and, as an indispensable preliminary, the several subordinate Governments should be requested to furnish the Supreme Government with plans exhibiting the capabilities of all the Gaols in the country.

25. Upon the recommendations of the Committee with regard to immediate means of classification in the existing Gaols, His Honor in Council remarks as follows.

Para. 40.

26. Steps should at once be taken to provide a suitable Gaol for the Magistrate's Court at Madras. The gradual improvement of the Royal Gaols and Houses of Correction at that and the other settlements should also be kept in view.

Para. 41.

27. Classification by castes in the Company's Gaols under the Bombay Presidency should be abolished.

Para. 52.

28. His Honor in Council concurs with the Committee, that as long as out-door labor is continued, "the rule of maintaining prisoners kept as a separate class when in Gaol, perfectly separate from those of all other classes, when at work on the roads, ought to be continued."

29. Having thus expressed his opinions, as definitively as the information at present before Government permits, of the Committee's general scheme of reform, His Honor in Council proceeds to notice, seriatim, their recommendations upon points connected with the existing state of things in the prisons or convict settlements of India, though some of these, having been incidentally introduced into the pages of the Report devoted to the exposition of the general scheme, have been already disposed of.

Paras. 11-14.

30. The subject of these paragraphs has been already generally disposed of in the remarks of His Honor in Council upon classification. Reports as to the means and expense of supplying the defects pointed out should be required from Singapore*, Malacca, Penang, and Madras, as also from the Chief Magistrate of Calcutta.

Para. 16.

31. The matter discussed in this paragraph,—in regard to which His Honor in Council concurs with the Committee,—will come under consideration in connection with Chapter II. of the proposed Penal Code.

Para. 23.

32. The president in Council is of opinion that the rule with respect to the weight of fetters, recommended in this paragraph and the note attached to it, should be immediately circulated by the Supreme Government for general observance.

Para. 25.

33. In the recommendation of the Committee, contained in this paragraph regarding the employment of female prisoners, His Honor in Council concurs. Orders should be issued, through the local Government, to assimilate the custom at Arrah to that in force elsewhere.

Para. 26.

34. His Honor in Council approves the views of the Committee, as stated in this paragraph. But means are at present wanting for enforcing labor at machines. It should be enforced, however, according to the best means available.

Para. 32.
See also Para. 37.

35. The principle laid down by the Committee in this paragraph, is, in the judgment of the President in Council, quite sound, and should be strictly acted upon as soon as the "well considered general rules," adverted to by the Committee can be laid down.

Paras. 53-55.
Solitary confinement.

36. Upon the subject of these paragraphs, the sentiments of the President in Council have been already expressed†. He thinks, with the Committee, that a small range of solitary cells should be immediately built in every Gaol, in such a manner, if possible, as to fall in with the general alteration which would be rendered necessary by the eventual adoption of the whole plan of the Committee.

37. The Sudder Courts at Calcutta and Allahabad should be consulted in regard to the modification of the Bengal Code necessary for the introduction of solitary confinement as an ordinary penalty.

* At Singapore there is a very spacious Jail, part of which might, perhaps be conveniently appropriated as a house of correction.

† See paragraph 12 of this Resolution.

Food.
Paras. 56-72.

38. Upon the matter discussed in these paragraphs His Honor in Council remarks that the Committee state that "the system of rations is universal in the Madras and Bombay Gaols, and in them it is reported to work very well." It has recently been introduced throughout the Lower Provinces, and, it is understood, with the best effects. It has also very recently been adopted in the North Western Provinces. For the reasons stated by the Committee the President in Council is of opinion that the plan which they recommend in paragraphs 68 and 69 should be immediately and strictly acted upon throughout all the presidencies; and that, for the first year or two, half-yearly Reports of the results, both as regards the health of the prisoners, and expense, should be rendered, through the local Governments, in a condensed tabular form, to the Supreme Council.

39. His Honor in Council also concurs with the recommendations conveyed by the paragraphs of the Report noted on the margin. He has some doubt whether it will be possible altogether to forbid the use of tobacco, without injury to the health of the prisoners, but it, as well as spirits for prisoners of European habits, should never be allowed except by order of the medical officer attendant on the Jail, with reference to each individual.

Privation of luxu-
ries,
Paras. 74 and 5.

40. Explanation should be required on the subject of this paragraph.

Para. 76.

41. His Honor in Council approves the recommendation conveyed by this paragraph, and would extend it to all persons under sentence as criminals.

Para. 82.

42. The President in Council approves the recommendations made in these paragraphs, and thinks that they should be carried into immediate effect.

Paras. 86, 89, and
90.
See also Para.
168.

43. Upon the subject of this paragraph the several local authorities should be consulted, and may conveniently express their opinions in forwarding, as it has been proposed to require, plans of their respective Gaols.

Para. 92.

44. In the opinion of His Honor in Council definite rules, on the subject of hand-cuffing prisoners by Mofussil police officers, ought to be laid down and enforced.

Para. 95.

45. The plan mentioned by the Judge of Malabar appears worthy of adoption when it may be necessary to secure prisoners at all on the occasions stated.

Para. 96.

Paras. 97 and 100.

46. The practice of making prisoners not sentenced to labor, if they be of the lower orders, labor at light work, ought certainly to be suppressed, both in Bengal and Madras.

Para. 98.

47. His Honor in Council concurs in the suggestion stated at the end of this paragraph.

Paras. 101 and 102.

48. The President in Council is of opinion that no prisoner ought to be subjected to any punishment not specially mentioned in his sentence; and that the practices alluded to in the paragraphs on the margin should be corrected.

Road-gangs.
Paras. 104-139.

49. For the reasons stated by the Committee, as well as with reference to the Reports of the Committee of convict labor, His Honor in Council is decidedly of opinion that the entire system of employing the convicts in road-gangs or otherwise, under Engineer or Executive officers at a distance from the Gaols of their respective districts, should immediately be put an end to throughout the presidencies.

Para. 149.

50. The inquiry suggested at the close of this paragraph should immediately be instituted.

Transportation.
Paras. 162 to 262.

51. Upon the general subject so ably discussed in the paragraphs of the Report noted on the margin, His Honor in Council does not think that the Government is at present in possession of the information necessary for a satisfactory conclusion. Rules for the better management of the convicts at all the penal settlements, accordant with the general principles laid down by the Committee, should be immediately prescribed, and measures should be taken to provide such superintendence as shall ensure both the strict and uniform observance of the rules, and that the labor of the convicts is turned to the best account. But, until the working of those rules be ascertained, and until that working can be contrasted with the effects of an efficient system of prison-discipline in continental India, it would be premature, in the judgment of His Honor in Council, to attempt to decide upon the general question whether transportation for life should be substituted, as a general system, for imprisonment for life. Neither plan has yet had a fair trial. There have been great abuses in the administration of both; and His Honor in Council does not think that it can be predicated at present, with even an approach to certainty, that the punishment of transportation for life can be safely substituted for that of imprisonment for life.

52. Upon the minor points touched on in these paragraphs of the Committee's Report, the President in Council observes as follows.

Para. 164.

53. His Honor in Council is inclined to doubt the view taken in this paragraph: no person, certainly, should be transported from the Straits to Bombay for a short term, after an effective system of prison-discipline has been established in the Straits; but, as respects convicts liable to a sentence of imprisonment for life, the President in Council can perceive no reason (with the exception that the natives of the Straits are often sea-faring people, and may therefore, be supposed to have a less dread of transmarine punishment than the inhabitants of continental India), why all the arguments urged by the Committee in favor of transportation for life should not be as applicable to persons committing crime in the Straits, as to persons committing crime at Bombay,—nor why “at Bombay the foreign convicts must be subjected to the ordinary prison-discipline for native convicts.”

Para. 167.

54. The President in Council thinks it desirable that means should be taken to ascertain what is the rule in the penal settlements of England in regard to bringing home time-expired convicts.

Para. 218.

55. The suggestion contained in this paragraph of the Committee's Report appears to be very judicious, and should be carefully borne in mind, and acted upon.

56. The President in Council having deemed it desirable to erect a separate experimental central penitentiary and not to attempt the conversion of the existing Gaol for prisoners for life at Allipore for the purposes of such a building, considers it on every account advisable to proceed to the consideration of the suggestions for the improvement of the Allipore Gaol, viewed with reference to its present object which are contained in paragraph 146 of the Committee's Report, or have on several previous occasions being brought under the notice of the Government. The partition of this Gaol into a sufficient number of distinct wards and the breaking up of the immense concourse of desperate and turbulent criminals who are now, when assembled in it in one body, an object of terror to their keepers, is a measure of apparent urgency, and will doubtless engage the early attention of Government. He believes that precise estimates of the cost of such alterations will be found upon the Records of the Government of Bengal.

57. The President in Council cannot close these observations without expressing the strong sense which the Government of India entertains of the earnest desire for good, of the moderation of views, and of the ability and industry with which the Report of the Committee is drawn. The cordial acknowledgments of the Government will be conveyed to that body, for their efficient and well directed labors. It is a

melancholy proof of the difficulties with which the Indian Government has to contend in its endeavours consistently to carry out any great measure, that of the ten members who in January last signed this report, we have already by death, by sickness, or by departure from India been deprived of the services of five.

Order.

Ordered that this resolution when printed in connexion with the Report be circulated for the information and guidance of the local Governments and their subordinate authorities, and that separate instructions be issued on detached subjects embraced in the Report according to the tenor of this resolution.

COMMITTEE.

PRESIDENT.

The Honorable HENRY SHAKESPEAR, *Member of the Council of India.*

MEMBERS.

The Honorable Sir EDWARD RYAN, *Chief Justice of H. M. S. Court of Calcutta.*

The Honorable THOMAS BABINGTON MACAULAY, *Member of the Council of India.*

The Honorable Sir JOHN PETER GRANT, *Justice of H. M. S. Court at Calcutta.*

The Honorable Sir BENJAMIN HEATH MALKIN, *Justice of H. M. S. Court at Calcutta,*
(*died on the 21st of Oct. 1837.*)

CHARLES HAY CAMERON, Esq., *Indian Law Commissioner, (Absent.)*

JOHN MACPHERSON MACLEOD, Esq., *Ditto.*

GEORGE WILLIAM ANDERSON, Esq., *Ditto.*

FREDERICK MILLETT, Esq., *Offg. Ditto.*

CHARLES BARWELL, Esq., *Bengal Civil Service, (died on the 12th of Dec. 1836.)*

WILLIAM HAY MACNAGHTEN, Esq., *Bengal Civil Service.*

DAVID MACFARLAN, Esq., *Ditto.*

CHARLES EDWARD TREVELYAN, Esq., *Ditto.*

JOHN PETER GRANT, Esq., *Ditto.*

SECRETARY.

JOHN PETER GRANT, Esq.

REPORT

OF THE

Committee of Prison-discipline.

TO THE RIGHT HON'BLE

LORD AUCKLAND, G. C. D.

Governor General of India in Council.

MY LORD,

1. WE have the honor to submit, for the consideration of your Lordship in Council, our Report on Indian Prison-discipline, being the result of our inquiries and discussions held in pursuance of the object of our association formed under the order of the Honorable the late Governor General of India in Council, bearing date the 2nd of January, 1836. *INTRODUCTION.*

2. The first object of importance to which we turned our attention after our association, was the obtaining information on the present state of Indian Gaols; the physical and moral condition of their inmates accused and convicted of crimes, (which includes all circumstances of diet, discipline, and internal economy, under the present system;) the effects which the punishment of imprisonment, as now inflicted, produces on those who suffer it; and the feelings with which it is regarded by the body of the people. *Objects of Inquiry.*

The next object of importance to which we turned our attention was the obtaining the opinions of officers in charge of prisoners, respecting such alterations of the present system as struck us, with the general information we then possessed, to be amongst the most obvious methods of improvement.

We thought it proper to extend our inquiries to prisoners not confined in Gaols, but employed under engineers in working parties, and to transported convicts in the Straits of Malacca and the Tenasserim Provinces.

Inquiries how made.

3. With these objects, on the 10th of February 1836, we circulated a set of questions* to all officers in charge of Gaols in the territories subject to the Government of your Lordship in Council. On the same date we also circulated an additional set of questions† to all officers in charge of stations within those territories to which convicts are transported from India. On the 12th of April 1836, we circulated another set of questions‡ to all Executive Engineers in charge of convicts under the Government of Bengal, or in the North Western Provinces. Copies of these sets of questions will be found in the Appendix. For the convenience of reference we have caused the replies received to the above sets of questions to be copied into a book§, digested in such a manner that all the replies to one question appear together. At the end of the same book will be found copies of a few other communications received by us not in answer to any questions. We have besides been favored with the perusal of some returns made to Government, and to the Indian Law Commissioners, copies of which are appended to this Report||.

We have also, since the receipt of the replies to our Circulars, Nos. 1, 2, and 3, circulated some further questions requiring information on statistical facts relating more especially to the buildings used as Gaols, the average number of prisoners in confinement, and the expence of maintaining them, at present, as compared with ten and twenty years ago, copies of which questions will also be found in the Appendix, with the original replies that they have elicited, and certain statements abstracted by us from the information before us¶.

* Appendix, No. 1. † Appendix, No. 2. ‡ Appendix, No. 3.

§ Appendix, No. 4. || Appendix, Nos. 5 to 12.

¶ Appendix, No. 13. To Registers of the Court of Nizamut Adawlut, dated 13th January 1837, Circular to four courts, and replies thereto.

Appendix, No. 14. To Civil Auditors, same date, Circular to the four auditors, and replies thereto with subsequent correspondence connected therewith.

Appendix, No. 15. To Magistrates of Burdwan, Hooghly, 24-Pergunnahs, Jessore, Baraset, Moorshedabad, Circular, same date, and to Magistrate of Midnapore, post, with replies thereto.

Appendix, No. 16. Abstract of the above returns.

Appendix, No. 17. To Superintendent of Allipore Gaol, dated 2nd of November 1836, with reply thereto, and subsequent correspondence.

Appendix, No. 18. Abstract of the above returns.

4. Having thus endeavoured to acquire, in the shape of facts, all the information available on the important subject of our deliberations, and to obtain, in a practical shape, the benefit of the opinions of all officers who have prisoners under their immediate charge, we proceeded to deliberate on the best means of removing every thing that appeared to us to be an evil, and of supplying every thing that appeared to us to be a defect in our Indian Prison-discipline. This Report will embody the information which we have received, together with the result of our deliberations on the subject submitted to us.

Deliberations of Committee.

5. The present system appears to us to be essentially such as the Government is imperatively required, by every consideration of justice and policy, thoroughly to reform. We shall accordingly suggest the outlines of an entirely new plan of Prison-discipline, from which, in our judgment, there seems reasonable ground for expecting, not only the remedy of all the evils of the present system which can be remedied by partial improvement, but also the remedy of many excessive evils which we think are inseparable from the present system, however modified; and this, we believe, without the introduction of any counterbalancing evils of its own.

Contents of Report.

6. As a matter of arrangement it will be convenient, in the first place, to lay before your Lordship in Council, as concisely as we can, a description of the present system, drawn up from the facts in our possession. This description will include, besides an explanation of the method of treating prisoners, and its effects, an account of the number, size, and cost of the Gaols in India; the number of prisoners at present confined in them compared with an estimate of the population of each Presidency; and the average yearly cost of a prisoner under each of the different subordinate Governments. The subject of Transportation will be next treated of. We have found it convenient to keep that subject distinct from all others. The part of our Report which is devoted to transportation will contain a description of the system under which that punishment is now inflicted, with a few recommendations of improvements in small points of detail, as well as our general opinions upon the question of transportation, and our plan of a new system under which we recommend the future infliction of that punishment. Lastly, our general plan for the reform of the discipline of the Gaols on the Continent of India will be brought forward, after an explanation of our opinions upon the general question of Prison-discipline, in accordance with which that plan has been formed.

Arrangement of Report.

7. We have thought that our general plan will more conveniently be judged of if thus kept distinct from all partial modifications of existing

Reasons for this arrangement.

systems that may be suggested. And this arrangement, besides contributing to clearness, will, we think, have another advantage, in keeping distinct from improvements that it must be the work of time to introduce universally, other improvements that can be immediately adopted in every district of India. Indeed the fundamental change which we recommend may not be approved of by your Lordship in Council, in principle; or though approved in principle, it may be thought likely to involve an expense greater than the object warrants. And even if we could be so sanguine as to put out of consideration both of these contingencies, still we are not ourselves anxious for the immediate introduction of so extensive a change universally, for we think that it would be imprudent, in the first instance, to try the effects of our plan otherwise than experimentally in a few neighbouring Gaols.

PRESENT STATE OF GAOLS

AND

TREATMENT OF PRISONERS.

8. The following Tabular statements will shew the number of Gaols in British India, and, as correctly as we have been able to ascertain, the original cost and the annual cost of each Gaol,—the prisoners confined in each Gaol,—the number of prisoners in each district or province,—the extent of each district or province, and the population thereof,—the proportion which the prisoners bear to the population, and the average cost of a prisoner in different parts in India.

TABULAR STATEMENT*.

Provinces directly under the Governor of Bengal.

District.	Gaols.				Average yearly cost of repairs, or of rent.	Prisoners.				Entire number of criminal prisoners belonging to district, whether in Gaol or on the roads.	Population of the District.	† Square miles in the District.
	2	3	4	5		Civil.		Criminal.				
						7	8	9	10			
Burdwan,	1	1 0	1,05,680	221	200	75	...	1,600	795	795	1,187,580	2,000
Bancoorah formerly	1	1 0	60,009	286	40	17	...	...	...	...	...	...
Jungle Mehals,	0	0 1	355	...	36	28	205	189	219	976 †	3,557,725 †	29,420 †
Hazareebaugh,	0	0 1	N. R.	N. R.	...	9	250	283	...			
Maunboom,	0	0 1	N. R.	N. R.	15	4	350	285	...			
Lohardangah,	0	0 1	1,12,167	463	70	42	...	...	...	786	1,914,060	8,260
Midnapore,	1	1 0	42,129	135	125	34	...	1,582	786	...	...	...
Cuttack,	1	1 0	1,774	94	...	5	400	363	...	...	...	...
Pooree,	0	0 1	20,700	101	20	1	150	271	363	777	1,934,620	9,040
Balasore,	0	0 1	30,000	161	75	30	1,000	765	...			
Jessore,	0	0 1	57,700	371	60	55	1,300	362	...			
Nuddea,	0	0 1	78,047	163	90	61	...	...	...	362	1,187,160	3,105
Hooghly,	1	1 0	...	...	...	...	630	436	...	436	1,239,150	2,260
24-Pergunnahs and Sub. of Calcutta, ..	0	0 1	1,36,715	268	150	100	600	349	...	...	...	...
Barrasett,	0	0 1	...	...	40	4	500	125	...	474	** 959,955	** 4,715
Dracca,	0	0 1	78,439	226	30	33	800	526	...	526	512,385	1,870
Furreedpore,	1	1 0	49,815	494	90	14	...	...	...	441	588,375	2,585
Tipperah,	0	0 1	33,481	200	70	18	1,000	349	...	...	...	...
Noacolly,	0	0 1	3,700	220	40	8	400	215	...	564	1,372,360	6,830
Chittagong,	1	1 0	60,000	239	60	32	...	...	...	...	...	...
Backergunge,	0	0 1	56,460	259	...	24	500	404	...	404	700,800	2,980
Sylhet, exclusive of Jeyntia, recently added, ...	0	0 1	69,600	130	50	20	825	351	...	555	686,640	2,780
Mymensing,	1	1 0	39,906	417	60	29	...	...	...	351	1,083,720	3,532
Sandoway,	0	0 1	N. R.	N. R.	...	...	520	439	...	439	1,454,670	6,998
Aung,	0	0 0	N. R.	N. R.	20	...	200	24	...	...	...	...
Akyab,	0	0 1	N. R.	N. R.	25	1	250	197	...	...	...	...
Ramree,	0	0 1	N. R.	N. R.	17	1	80	27	...	249	168,792	N. R.
Carried over,	8	8 17	10,35,697	4,450	1,383	645	15,307	8,900	8,900	19,801,582	91,555	

REMARKS.

* This Statement is chiefly taken from returns from the Registers of the four Sudder Courts. See Appendix, No. 13. By the letters N. R. the words No Return are signified.

† Except where otherwise noted, throughout this Statement the population and extent of the Districts and Provinces of the Bengal Presidency herein mentioned are taken from the House of Commons' Report of 1831, p. 762.

‡ This shews only the population and extent of the old Districts of Bancoorah and Ramghur, now mostly absorbed in the Agency of the South Western Frontier, viz. Hazareebaugh, Maunboom, and Lohardangah.

§ The Civil ward in the Gaols marked thus (§) is entirely cut off from the rest of the Gaol, having a separate entrance.

|| Rented.—Rent not returned.

** This is the population and extent of the 24-Pergunnahs and the Suburbs of Calcutta, but the new District of Barrasett, though formed partly out of the old District of the 24-Pergunnahs, contains also parts of the old Districts of Nuddea and Jessore.

1	Gaols.				6	Prisoners.				11	12	13
District.	2	3	4	5	of	Civil.		Criminal.		Entire number of criminal prisoners belonging to district, whether in Gaol or on the roads.	Population of the District.	Square miles in the District.
						7	8	9	10			
Brought forward,...	8	17		10,36,697	4,450	1,383	645	15,307	8,900	8,900	19,801,582	91,555
Tavoy,.....	0	0	1	N. R.	N. R.	N. R.	3	300	37	174	86,637	23,095
Mergui,.....	0	0	1	N. R.	N. R.	N. R.	3	220	23			
Amherst,.....	0	0	1	N. R.	N. R.	N. R.	...	210	66			
Moulmein,.....	0	0	1	4,523	N. R.	N. R.	15	750	48			
Durrung,.....	0	0	1	N. R.	N. R.	N. R.	...	500	253	381	422,836	9,610
Kamroop*,.....				...	...	...	...	...	...			
Gowhattie*,.....				...	...	...	...	...	...			
Nowgong,.....	0	0	1	N. R.	N. R.	20	2	200	128			
Bhaugulpore,.....	0	0	1	75,778	28	50	19	800	402	645	797,790	7,270
Monghyr,.....	1			66,970	8	120	12	...	...			
		1	0					850	243			
Purneah,.....	0	0	1	70,000	34	100	48	700	347			
Dinagopore,.....	0	0	1	52,707	101	50	24	1,200	291	347	1,362,165	7,460
Maldah,.....	0	0	1	2,568	...	12	3	250	188	479	2,341,420	5,920
Rungpore, ..	0	0	1	70,000	222	25	20	1,200	546	938	1,340,350	7,856
Buggoorah,.....	1			453	...	30	2	...	...			
		1	0		...	...	...	283	151			
Goalparah,.....	0	0	1	N. R.	N. R.	30	7	400	241			
Rajshahye,.....	1			1,00,291	532	100	32	...	...	...	...	...
Pubna,.....	0	0	1	N. R.	N. R.	...	...	1,000	356	657	4,087,155	3,950
Behar,.....	0	0	1	24,250	140	70	23	1,250	462	462	1,340,610	5,235
Patna,.....	0	0	1	13,412	21	27	5	550	434	434	255,705	667
Tirhoot,.....	0	0	1	25,000	37	125	59	1,000	519	519	1,697,700	7,732
Sarun,.....	1			16,392	912	100	17	...	...	618	1,464,075	5,760
	0	1	0			...	...	900	618	476	908,850	4,650
Shahabad,.....	0	0	1	20,600	100	75	30	700	476			
Moorsheadabad,.....	0	0	1	51,600	200	37	50	500	424			
Beerbhoom,.....	1			60,100	172	80	23	...	...			
		1	0			...	...	500	228	228	1,267,065	3,870
Allipore Gaol,.....	0	1	0	1,00,397	N. R.	...	...	N. R.	1,155	1,155	...	...
Road Gangs under executive officers, Calcutta, City of, ..				...	...	...	...	...	...	** 6,458		
				3,26,754	3,484	N. R.	79	N. R.	70	264	265,000	7
	0	1		32,403	516	N. R.	...	N. R.	194			
Singapore,	0	0	1	59,350	784	N. R.	10	N. R.	31	†† 31	15,834	337
Penang,.....	0	0	1	87,726	286	N. R.	21	N. R.	27	27	57,414	180
Malacca,.....	0	0	1	7,000	40	N. R.	6	N. R.	5	5	33,806	800
Totals,...	13	15	39	23,34,971	12,087	2,434	1,171	29,880	17,164	23,622	38,308,704	187,824

REMARKS.

* No return.
† This only shews the population and extent of the old Bhaugulpore District. Monghyr, though partly formed from it, contains a part of the old Districts of Tirhoot and Behar.
‡ The Civil ward in the Gaols marked thus (‡) is entirely cut off from the rest of the Gaol, having a separate entrance.
§ For the old Dinagopore District only. Maldah is formed partly from it, and partly from the old Districts of Purneah and Rajshahye.
|| For Rungpore only. Buggoorah is formed partly from it, and partly from the old Districts of Dinagopore and Rajshahye. Goalparah has jurisdiction over the Garrow mountaineers whose number is unknown.
¶ For the old Rajshahye District only. Pubna is formed partly from it, and partly from the old District of Jessore.
** This is the number of prisoners on the Road Gangs in the Lower Provinces at the time the returns were made, namely, the middle of 1836. See Appendix, No. 26. These prisoners belong to various Districts.
†† This is exclusive of prisoners sentenced, all of whom, with the exception of one who is insane, are apparently lodged not in Gaol but somewhere near the transported convicts. The entire number of local prisoners here, therefore, is not returned.
‡‡ The number here entered shews the number of prisoners actually confined in Gaol on a certain day. Except for the last six entries, the day selected was the 30th of June, 1836; and except in those entries the numbers are entered from the return of the Register of the Calcutta Sudder Court.

Provinces directly under the Lieutenant-Governor of the North Western Provinces.

District.	Gaols.				Average yearly cost of repairs or of rent.	Prisoners.				Entire number of criminal prisoners belonging to district, whether in Gaol or on the roads.	Population of the District.	Square miles in the District.	
	2	3	4	5		Civil.		Criminal.					
						7	8	9	10				
Allahabad,	1			22,565	180	200	33	...	...	...	32,206,506	2,650	
Futtehpore,	1	1	0	37,879	159	...	70	...	600	436		946	1,780
Banda,.....	1	1	0	68,531	214	...	...	...	730	230		484	4,680
Humeerpore,	0	0	1	15,965	126	200	20	...	500	310		708	350
Beaures,.....	0	0	1	59,800	...	...	...	...	420	119		342	2,850
Ghazeeopore,	1	1	0	54,249	59	80	3	...	...	...		939	9,520
Goruckpore,	1	1	0	45,266	100	300	103	...	800	457		769	1,820
Jaunpore,	0	0	1	20,000	N. R.	230	66	...	...	...		916	2,240
Azimghur,	0	0	1	41,400	N. R.	...	...	...	650	485		600	3,650
Mirzapore,	1	1	0	N. R.	N. R.	150	30	...	...	...		508	3,500
Agra*,.....	1	1	0	N. R.	N. R.	...	...	...	1,400	696		187	3,400
Muttra,.....	0	0	1	15,215	100	50	29	...	600	256		730	1,850
Mynpooree,	0	0	1	48,680	52	125	14	...	775	600		324	3,400
Allyghur,	1	1	0	N. R.	N. R.	80	19	...	...	...		1,448	6,900
Furruckabad,	0	0	1	N. R.	N. R.	...	...	...	600	337		1,043	1,420
Belah,.....	0	0	1	...	...	...	...	...	...	* 506	324	3,400	
Bareilly,	1	3	0	217	...	...	...	...	250	98	...	2,250	
Shajehanpore,	0	0	1	N. R.	N. R.	60	10	...	600	294	...	2,650	
Saharanpore,	1	1	0	N. R.	N. R.	300	41	...	...	98	...	3,450	
Meerut,	1	1	0	N. R.	N. R.	...	...	...	430	257	...	5,800	
Moozuffernugur,	0	0	1	N. R.	N. R.	...	...	...	...	...	...	1,950	
Cawnpore,	0	0	1	27,028	289	120	36	...	736	645	...	29,800	
Ettawah,	0	0	1	N. R.	N. R.	...	...	...	100	8	...		
Moradabad,	1	3	0	N. R.	N. R.	80	26	...	...	...	...		
Bijnour,	0	0	1	N. R.	N. R.	...	...	...	600	523	...		
Suheswan,	0	0	1	15,979	88	20	...	...	300	201	...		
Boolundshuhur,	1	1	0	34,120	131	250	22	...	...	...	306		
Baitool,	1	1	0	12,429	472	100	32	...	500	206	...		
Jubulpore,	0	0	1	37,582	...	...	...	...	...	...	...		
Dumnow,	0	0	1	26,635	N. R.	...	...	...	650	204	404		
Saugur,	0	0	1	47,070	218	N. R.	78	...	460	92	265		
Seonee,	0	0	1	1,494	131	...	...	...	800	422	1,352		
Dehradhoon,	0	0	1	N. R.	N. R.	80	24	...	300	106	110		
Kumaon,	0	0	1	N. R.	N. R.	...	...	...	930	542	542		
Dehli,	1	1	0	N. R.	N. R.	...	...	...	400	56	56		
Goorgaon, ..	0	0	1	N. R.	15	...	...	...	150	66	66		
Hissar,	0	0	1	N. R.	N. R.	N. R.	N. R.	...	600	183	678		
Paneeput,	0	0	1	N. R.	N. R.	N. R.	N. R.	...	150	68	68		
Rohituck,	0	0	1	1,459	100	N. R.	3	...	150	68	68		
Total,.....	14	29	15	15,111	100	N. R.	14	...	475	138	138		
	0	0	1	9,132	40	33	0	...	167	53	96		
	0	0	1	13,637	213	20	3	...	250	255	290		
	1			600	10	50	4	...	...	...	...		
	1	1	0	18,733	100	...	...	...	125	94	172		
	0	0	1	6,436	286	10	0	...	114	59	59		
	0	2	0	N. R.	N. R.	...	6	...	205	143	143		
	1			34,459	60	80	29	...	...	...	...		
	1	1	0	...	89	...	...	...	1,000	252	590		
	0	1	0	N. R.	50	...	...	...	250	332	332		
	0	0	1	N. R.	132	30	5	...	370	157	157		
	0	1	0	194	N. R.	...	...	...	1,000	152	322		
	0	1	0	183	35	...	...	...	300	99	99		
Total,.....	14	29	15	7,32,078	3,519	2,738	675	19,287	† 10,235	† 15,355	33,499,217	|| 99,410	

REMARKS.

* No return. Prisoners taken from a statement of the Civil Auditor. Number of Gaols believed to be correct.
† The population and extent of the Province of Delhi are omitted in the parliamentary return. This information was obtained from the Secretary to Government in the Political Department.
‡ This is the number of prisoners confined in Gaol on the 30th of June, 1836.
§ This is the number of prisoners belonging to each district, on the 30th of June, 1836, whether in Gaol or in the great Road Gangs, or on the district roads at a distance from their Gaols, as by returns from the Register of the Allahabad Sudder Court.
|| This extent is exclusive of the Province of Delhi, of Kumaon, and of the Dehradhoon.

Provinces under the Government of Madras.

District.		Gaols.				Average yearly cost of repairs, or of rent.	Prisoners.				Entire number of criminal prisoners belonging to district, whether in Gaol or on the road*.	Population of the District.	Square miles in the District.
		2	3	4	5		Civil.		Criminal.				
							7	8	9	10			
		Number of Civil.	Number of Criminal.	Number of which are both Civil and Criminal in one.	Cost of.		Calculated to hold.	Confined in Gaol.	Calculated to hold.	Confined in Gaol.			
Chicacole,	Ganjam Zillah Court...	0	0	1	N. R.	9	40	9	420	301	400	1,104,585	21,700
	Vizigapatam Axy. Court	0	0	1	N. R.	N. R.	...	...	200	99			
Rajamundry,	Rajamundry Zillah Court	1	0	0	40	N. R.	...	...	348	286			
	Masulipatam Axy. Court	1	3	0	N. R.	20	40	2	610	477	763	1,268,157	11,050
Nellore,	Nellore Zillah Court.....	0	1	0	N. R.	60	...	...	700	*341	784	894,221	12,890
	Guntoor Axy. Court	0	3	0	N. R.	144	...	...	450	349			
	Guntoor Magtes. Court	0	0	0	N. R.	...	...	...	...	94			
Bellary,	Bellary Zillah Court.....	0	0	2	N. R.	N. R.	42	16	801	1,613	1,613	927,857	12,980
Cuddapah,	Cuddapah Zillah Court	1	0	0	N. R.	60	...	...	1,000	618	655	1,094,460	12,970
	Cumbum Nat. Court.....	0	0	0	...	...	...	...	...	37			
Chingleput,	Chingleput Zillah Court	1	0	0	1,876	N. R.	...	...	350	373			
	Cuddalore Axy. Court	1	0	0	N. R.	38	...	...	720	*380	1,330	818,149	6,514
	Cuddalore Magtes. Court	0	0	0	...	...	...	...	...	*14	1,330	818,149	6,514
	Guindeet	0	0	0	...	...	...	...	...	563			
Salem,	Salem Zillah Court	1	0	0	N. R.	5	...	...	360	*137			
	Salem Magtes. Court ...	0	0	0	...	...	90	11	...	...	748	1,714,184	16,480
	Coimbatore Axy. Court	0	0	1	N. R.	N. R.	40	5	325	*196			
	Coimbatore Magtes. Ct.	0	0	0	...	...	...	...	...	*78			
Chittoor,	Chittoor Zillah Court ...	0	1	0	13,070	17	...	7	1,000	589	589	892,292	7,106
Combaconum,	Combaconum Zillah Court	1	0	0	N. R.	N. R.	...	...	490	351	1,043	1,863,937	7,000
	Trichinopoly Magtes. Ct.	0	1	0	N. R.	1,400	...	...	450	371			
	Tanjore Magtes. Court...	0	0	0	...	...	...	...	...	321			
Madura,	Madura Zillah Court ...	1	0	0	N. R.	N. R.	...	...	325	*411	517	1,918,110	22,100
	Tinnevely Axy. Court	1	0	0	N. R.	28	50	3	...	...			
	Canara Zillah Court.....	0	0	1	N. R.	39	...	...	500	*201			
Canara.	Honore Nat. Court	0	0	0	...	...	...	...	...	58	365	657,594	7,720
	Sirsee Nat. Court.	0	0	0	...	...	...	...	...	*16			
Malabar,	Calicut Zillah Court ...	0	1	1	N. R.	N. R.	...	...	600	479			
	Malabar Magtes. Court	0	0	0	N. R.	...	...	...	...	*16	613	907,575	6,053
	Tillicherry Axy. Court	1	0	0	N. R.	46	...	...	250	118			
Madras,	Town and District,	0	1	1	2,30,246	690	25	13	...	33			
		1	1	1	N. R.	N. R.	...	23	...	307	33	462,057	30
Total,.....		10	21	8	2,45,232	2,561	735	128	10,369	9,760	9,760	14,523,178	144,600

REMARKS.

** The return from the Foujdarry Adawlut, differs materially from that made by the Civil Auditor, both in the number of prisoners and the yearly expence of their maintenance. It is imagined that the return from the Nizamut Adawlut shews only the prisoners in the several District Gaols, and that the return of the Civil Auditor includes all prisoners, both those in the District Gaols, and those confined elsewhere. The entire expence for the prisoners entered in the return from the Nizamut Adawlut for 1835-36, is rupees 2,55,848, while that shewn by the Civil Auditor for the same year is rupees 3,69,076. The number of places at which the expences entered in the statement from the Nizamut Adawlut were incurred is 22; the number of places in the statement from the Civil Auditor is 30. The average number of the prisoners in the statement of the Nizamut Adawlut is 5,915; the result of the most careful examination of the Civil Auditor's statement, made according to the only hypothesis by which any credible result is obtainable therefrom, induces the Committee to believe that the statement of the Civil Auditor ought to have shewn a number of prisoners approximating to that shewn in this column, viz. 9,420 being exclusive of those in the town of Madras. The Committee greatly regret that they have been unable to give a more exact account of the number of prisoners confined at one time under the Madras Presidency. A reference to the Appendix, No. 14, will shew that the return of the Madras Civil Auditor is quite unintelligible as it stands, and that they have in vain endeavoured to obtain from that Officer an explanation which would render it intelligible. The Court of Nizamut Adawlut at Madras are, as well as the Committee, wholly unable to comprehend the principle upon which the Civil Auditor's returns have been prepared.

The following is the method by which the numbers entered in this column have been collected from the Civil Auditor's return. (Appendix, No. 14.) All the entries not marked with an asterisk are exactly as given in that return, there being no reason on the face of the return itself for concluding them to be inaccurate. The average expence of the prisoners in these entries, whose numbers are presumed to have been correctly reported, is found to be about rupees 39½ a year. This sum, taken as a divisor, has been used to divide the sums stated in the Civil Auditor's return as the expence of the prisoners at those places where the number of prisoners stated in the same return is manifestly incorrectly entered; and the quotients have been assumed as approximating to the true numbers of prisoners at those places. The numbers thus obtained are marked with an asterisk. Thus at Nellore the Civil Auditor returns 1,70,382 prisoners, who are maintained at a less cost than that of the prisoners at Guntoor, the number of whom is returned at 349.

† The population and extent of the districts under the Madras Presidency herein mentioned are taken from the House of Commons' Report of 1832, Part 2nd of Appendix, No. 4, Judicial, p. 600.

‡ With the exception of the last two entries, this column does not shew the number of prisoners on any given day, but the average number in the year 1835-36, as well as could be ascertained.

Provinces under the Government of Bombay.

1	District.	Gaols.				6	Prisoners.				11	12	13	
		2	3	4	5		Civil.		Criminal.					
							7	8	9	10				
		Number of Civil.	Number of Criminal.	Number of, which are both Civil and Criminal in one.	Cost of.	Average yearly cost of repairs, or of rent.	Calculated to hold.	Confined in Gaol.	Calculated to hold.	Confined in Gaol.	Entire number of criminal prisoners belonging to district, whether in Gaol or on the road.	Population of the District*.	Square miles in the District*.	
Surat, comprehending City and Suburbs, and Town of Randier, and 12 Pergunnahs, -----	}	1	0	0	24,338	...	50	15	100	67	}	270	454,431	1,350
		1	0	0	1,06,568	1,465	...	...	300	203				
Broach Collectorate, -----	}	0	0	1	40,553	315	60	16	300	138	}	138	229,527	1,600
Ahmedabad, City and Collectorate, -----		1	0	0	4,56,793	520	50	34	...	...					823	823	528,073	4,600
Kaira, -----	}	0	2	0	24,217	200	...	...	400	154	}	154	484,735	1,850
Southern Concan, -----		0	0	1	1,00,077	1,221	15	6	500	259					259	640,857	6,770
Rutnagarree, -----	}	1	0	0	1,06,771	1,015	50	30	475	380	}	565	484,717	20,870
Poona, -----		2	0	0	...	...	...	...	250	48				
holapore, -----	}	1	0	0	20,133	...	50	5	...	...	}	280	650,000	12,430
hmednuggur, -----		1	0	0	7,030	53	...	...	132	44				
ndeish, (Dholia,) -----	}	0	0	1	1,37,293	287	50	26	750	696	}	696	417,976	3,096
ar, -----		1	1	1	35,426	34	130	4	975	640					640	684,193	5,500
rn Concan, -----	}	0	0	1	71,373	438	100	100	375	434	}	434	387,264	18½
h, -----		0	0	1	...	...	...	...	...	...				
Island, including -----	}	...	...	1	1,95,866	2,133	N.R.	67	N.R.	23	}	...	...	...
h and old Wo- -----		0	1	1	1,33,069	442	...	...	N.R.	72					72
Island, -----	}	...	...	...	...	...	...	...	...	...	}	...	...	...
Island, -----		0	1	1	...	...	...	...	...	...				
Total, ...		6	10	6	15,21,146	8,351	555	303	6,051	4,354	4,895	5,124,343	58,084½	

REMARKS.

* As for the Bengal Presidency, p. 764.

† Extent estimated on the supposition that the extent of Dharwar bears the same proportion to the extent of attara, the Southern Jagheers and Dharwar, together, that the population of Dharwar bears to the aggregate population of these three places; but the result is believed to show an extent of territory by much too small.

‡ From the House of Commons' Report for 1832, p. 621.

§ No Gaol here. It is supposed that the prisoners here mentioned are employed on some work.

|| With the exception of the last entry this column shows the number in confinement on the 1st of February,

37.

ABSTRACT.

1	District.	Gaols.				6	Prisoners.				11	12	13	14
		2	3	4	5		Civil.		Criminal.					
							7	8	9	10				
Number of Civil.	Number of Criminal.	Number of which are both Civil and Criminal in one.	Cost of.	Average yearly cost of repairs, or of rent.	Calculated to hold.	Confined in Gaol.	Calculated to hold.	Confined in Gaol.	Entire number of criminal prisoners belonging to district, whether in Gaol or on the road.	Population of the District.	Square miles in the District.	Proportion per 10,000 of Prisoners to the Population.		
Bengal, &c.	13	15	39	23,34,971	12,087	2,434	1,171	29,880	17,164	23,622	38,308,704	187,824	6.93	
N. W. Provinces, ...	14	29	15	7,32,078	3,549	2,738	675	19,237	10,235	18,355	33,499,217	99,410	5.48	
Madras,	10	21	8	2,45,232	2,561	735	128	10,399	9,760	9,760	14,523,178	144,600	6.72	
Bombay,	6	10	6	15,21,146	8,351	555	303	6,051	4,354	4,895	5,124,343	58,084½	9.55	
Grand Total,...	43	75	68	48,33,427	26,548	6,462	2,277	65,617	41,513	56,632	91,455,442	489,918½	6.19	

Expenditure of Prisoners, in the year 1835-36.*

Food, &c. &c.	Bengal.		N. W. Provinces.		Madras.		Bombay.		On Total Average.	
	Average No. of prisoners per diem. 21,443†		16,658†		19,420†		4,679†		52,200†	
	Yearly for each Prisoner.	Total.	Yearly for each Prisoner.	Total.	Yearly for each Prisoner.	Total.	Yearly for each Prisoner.	Total.	Yearly for each Prisoner.	Total.
Food,	R. A. P. 14 14 11	Rs. 3,20,218	R. A. P. 22 13 ...	Rs. 3,80,017	R. A. P. 18 12 ...	Rs. 1,76,659	R. A. P. 28 2 ...	Rs. 1,31,657	R. A. P. 19 5 2	Rs. 10,08,55
Medicines, ...	... 9 1	12,173	... 13 9	14,378	... ..	...	... ..	...	... 8 2	26,55
Clothing,	2 4 ...	48,328	2 10 7	44,417	... ..	...	... ..	...	1 12 5	92,74
Removals,	... 6 1	8,236	... ..	...	... 1 6	513	... 9 4	2,742	... 3 7	11,7
Transportation, ..	1 4 6	27,575	... 4 ...	4,201	... 8	404	1 1 11	5,238	... 11 6	...
Guards,	14 7 8	3,10,515	23 10 ...	3,93,607	17 10 1	1,66,094	§ 3 9 9	16,888	16 15 10	...
Miscellaneous, ...	2 1 3	44,630	1 1 9	21,596	2 10 7	25,106	4 4 ...	19,842	2 2 0	...
Total, ...	35 15 6	7,71,675	51 5 1	8,58,216	39 2 10	3,69,076	37 11 0	1,76,368	41 10 8	...

REMARKS.

* This statement is taken from returns from the four Civil Auditors. See Appendix, No. 14. It does not include the number or expenses of transported convicts, nor of prisoners within the Jurisdiction of the Supreme Courts.

† This is the average number of prisoners, exclusive of the Jurisdictions of the Supreme Courts. The preceding table shewed the number confined on a certain day, under all Courts. It is not therefore to be expected that the numbers should tally exactly. But there is a greater difference between the numbers shown in this table as returned by the Civil Auditors, and the numbers shewn in the preceding table, as returned by the Sudd. Courts, than can satisfactorily be accounted for by the probable variation of the number on a given day from the average number. The preceding table shews, for Bengal, 1832, and for the N. W. Provinces, 1697 prisoners, an excess of the number shewn in this table for the same districts. But as this table is transcribed from the returns of a single officer, in respect of each Government, it is more to be relied on than the preceding table which has been made up from the returns of a great variety of officers.

‡ See the note in the preceding statement to the 11th column, under the head of Provinces under the Madras Government.

§ In Bombay, the prisoners are mostly guarded by Sepoys.

9. Excepting at the towns of Calcutta and Bombay, there are no Houses of Correction, distinct from the criminal Gaols*; by a House of Correction being understood a place in which young offenders, and other prisoners under sentence of imprisonment with hard labor, for short terms, are confined apart from greater malefactors. Nor throughout India, generally, is provision made by law for the confinement of such offenders in a separate apartment. The only approach to such an arrangement is where the officer in charge of a Gaol has the means, and the will, to place those whom he imagines to be the least hardened prisoners in a ward by themselves. But few Gaols afford the means of this separation, and the obvious imperfection of such a plan, even when enforced in the most effectual manner, is that the punishment of imprisonment is qualified not by the authority which tries for the offence, and not as an essential part of the sentence, but by a mere ministerial functionary. However, as the officer in charge of Gaols happens, in India, usually to be the authority who tries for minor offences, the practical force of this objection is not so great as it might at first be imagined to be.

10. But, under the Bengal Presidency, this arrangement, in the few places where it is attempted, is in every instance rendered nugatory by the system of employing on the roads all prisoners condemned to hard labor. Under the Madras Presidency, where the practice of out-door labor is not quite so universal, it is not impossible that something of the effect of a House of Correction may, in a very slight degree, be produced in a few Gaols. Under the Bombay Presidency, as far as our returns show, very little of the sort is attempted. The regulations of that Presidency, indeed, direct that where the Gaol will admit of it, prisoners under sentence for a term not exceeding one year shall be confined apart from others; but this seems to be seldom practicable, and to be actually enforced only in two Gaols. The Bengal and Madras regulations require that prisoners sentenced by a Magistrate shall be kept apart from others, where it may be possible, but this rule seems to be little attended to.

11. The most startling effect of this want appears in the settlements of Singapore, Penang, and Malacca, which are under English law, and where, therefore, the sentence for many offences may be confinement in a House of Correction. All these places are penal settlements, and for want of buildings, the lines of the transported convicts are adopted as

* In the town of Madras there is, distinct from the great Gaol, a Gaol in which prisoners sentenced for petty offences by the Magistrates are confined at night, but this has none of the features of a House of Correction though it sometimes may be so called. The prisoners labor not within the building, but upon the public roads, exactly in the same manner as the prisoners without the jurisdiction of the Supreme Court labor.

HOUSES OF COR-
RECTION.

Recommendations.

Houses of Correction. To confine a few boys, disobedient servants, street-brawlers, breakers of the excise laws, and the like, amongst many hundreds of persons transported for the highest offences known to the laws, is such an abuse of justice, that we feel it our duty earnestly to recommend the immediate remedy of this evil by the erection or appropriation of a sufficient building to serve as a House of Correction, in each of the three stations above mentioned*. The expence required for this purpose cannot be so great as to be a just ground for mingling such offenders with transported convicts.

12. The gaol at Malacca, which is used only for the local prisoners, is reported not even to afford means for separating the women from the men. This is another defect which we think ought to be remedied.

13. For the same reasons as those which apply to the settlements in the Straits we recommend, that a building be erected or appropriated, at Madras, for a House of Correction, or, that a part of the Gaol there be separated so as to be adapted for this purpose. Males sentenced by the Magistrates of Madras for petty offences, instead of being put to hard work in a Gaol, or a House of Correction, are publicly employed on the roads, in irons.

14. We also recommend some additions and alterations in the House of Correction at Calcutta; and it seems probable that similar alterations may be equally requisite in that of Bombay. The chief Magistrate of Calcutta states that female prisoners are not properly secluded in the House of Correction under his charge. This is a defect that ought to be immediately remedied. But a further classification is also required for the men in that building, which several members of our body have visited. There are about one hundred persons of very different characters confined there. Servants who abscond, without any accusation of dishonesty, or who refuse to work according to agreement, are mixed with the confirmed thieves of a large city. The least alteration that, we think, ought to be made in the Calcutta House of Correction, is the dividing, by high partitions, the entire space now enclosed within the outer wall into five or six distinct wards, which will afford the means of separating thieves from offenders of less dishonest character. What more extensive improvements we propose in this establishment, under our general scheme, will appear hereafter†.

* At Penang all local prisoners sentenced to labor lodge with the transported convicts. At Malacca it appears that they lodge in Gaol but work with the transported convicts. At Singapore they lodge near the transported convicts, in a separate place, but they work with them daily.

† See paragraph 290. It will be proposed that a part of every district Gaol shall be made a House of Correction, on a certain plan. If the proposal be approved, on principle, the Houses of Correction now existing will naturally be governed according to that plan.

15. We are moreover of opinion, that wherever the new system which we intend to propose may not be extended, a distinct ward of the district Gaol ought immediately to be set apart as a House of Correction.

16. We believe that it will be in every respect better that confinement in this place should be a part of the sentence, rather than a matter for the discretion of the Gaoler or higher officer in charge of a Gaol. The discipline of the House of Correction ought, we think, to be reserved for persons convicted of petty thefts, and other minor offences, and particularly for boys. This sentence should, of course, be within the competency of all officers who are now competent to sentence to imprisonment with hard labor.

17. The reasons which induce us to make this recommendation will appear more fully from other parts of this report: at present we will only allude to the injustice as well as to the impolicy of the ignominious and public exposure, generally in fetters, of persons who are in no case known to have formed vicious habits of a very bad order, and who in many cases are known not to have formed such habits, besides subjecting them to contamination from association with the most hardened criminals*.

18. Under the Bengal Presidency the manner in which prisoners are guarded when at work out of Gaol is by placing over them Burkundauzes, or armed men, who vary in number proportionally to the number of prisoners to be guarded, one being allowed to be retained for five prisoners. One Duffadar, or petty officer, is allowed for 25 Burkundauzes or 125 prisoners, and one Jemadar or chief officer is allowed for 50 Burkundauzes or 250 prisoners. The pay of these guards is stated in the note†, but as the number employed varies with the actual number of the prisoners the employment is not constant. The business of these temporary guards is confined to

Customs.
In Bengal.

* By a circular order of the Bengal Court of Nizamut Adawlut, dated the 27th of August 1820, Magistrates were prohibited from sentencing prisoners for misdemeanor to be fettered, and the practice was allowed only in case of misconduct during imprisonment. By another order, dated the 18th of August 1820, it was prohibited to employ on the roads convicts sentenced for offences not heinous; and it was ordered that such convicts should work privately within doors. But subsequently it was found necessary to issue a third order, dated the 17th of May 1822, which, by allowing a discretion to Magistrates in this matter, practically annulled the preceding order. In fact it is apprehended that almost all prisoners are employed on the roads, and that very few indeed of those so employed are without fetters.

In the Lower Provinces.		In the North Western Provinces.	
Burkundauz,	4 Rupees per month,	.....	5
Duffadar,	6 ditto ditto,	.....	6
Jemadar,	10 ditto ditto,	.....	10

watching the prisoners when out of Gaol, and as prisoners under the care of magistrates are rarely sent to work at such a distance from the Gaol as to be obliged to sleep out of it, these guards are, generally speaking, on duty only in the daytime. There is besides another guard of Burkundauzes on the fixed establishment, called generally the Gaol guard, as distinguished from the fluctuating guard abovementioned which is called the Burkundauz guard. The business of the Gaol guard is to guard the prisoners when in Gaol whether by day or night. The pay of these guards is the same as that of the Burkundauz guards when employed, but it is constant. The Gaol guard was entertained on the abolition of the Provincial Battalions, by whom the Gaols used to be guarded, and the men employed were mostly sepoy in those battalions. It thus appears that the Gaol guards are properly chargeable on account of all the prisoners in the aggregate, whether in Gaol by day and night, or in Gaol by night and on the roads by day, or on the roads both by day and night, as in the case of the gangs under executive officers. The Burkundauz guards on the other hand are chargeable exclusively on account of the prisoners who work on the roads under the magistrates.

19. This method of guarding prisoners is certainly very expensive and it cannot be said to be very secure. There have been numerous instances of the escape of prisoners on the roads after murdering their guards, and many prisoners have been killed in attempting to escape. In October 1835, thirty-five prisoners working on the roads in the Dacca district overpowered their guard and escaped, though they were again apprehended 25 days afterwards. In the same month sixteen prisoners working on the roads under the magistrate of Purnea disarmed their guard, and ran away. They were pursued, and retaken alive or dead; one of them was cut down, two were killed, six were wounded in the fray, and three more were drowned in an attempt to cross a river with their irons on. In the next month, of seven prisoners who were on their way from Furreedpore to Allipore Gaol, under a guard of a Duffadar and no less than sixteen Burkundauzes, five escaped after murdering one of their guards and throwing his body into a river, as it is believed. These are cases in which we have been furnished with the official reports made to Government at the events occurred lately and in the Lower Provinces. But there are similar cases of late occurrence in the Western Provinces of which we have not the particulars. The number of escapes from the road gangs, in which the prisoners are guarded in a similar way, will be found stated in Paragraph 108. On the whole we think that the chance of escape or of bloodshed in quelling attempts to escape, when prisoners are at work out of Gaol, is sufficiently great to be taken into account in balancing the advantages and disadvantages of out-door and in-door labor.

20. Prisoners are guarded under the Madras Government in the same way as they are guarded under the Bengal Government. There too we know that there have been several instances of the escape of prisoners, and of forcible attempts to escape, attended with loss of life. One terrible instance is well known to have occurred at Chittoor, when a vast number of prisoners were killed and wounded.

In Madras.

21. Under the Bombay Government, every Gaol is guarded by a party of regular Troops; besides this a certain number of Peons is attached to every Gaol, and to some Gaols pikes or sepoy of local corps are allowed. The last two descriptions of guards are generally employed over prisoners at work on the roads. Escapes have been as frequent from the custody of regular Troops as from that of the other descriptions of guards, and many lives have been lost in attempts to escape.

In Bombay.

22. We believe that the weight of the fetters used in different districts varies very considerably. In Bengal they ought not, generally, to exceed one seer and a half, or about three pounds troy weight, according to a circular order of the Court of Nizamut Adawlut, dated the 20th of August 1818, but we do not believe that much attention is paid to this order.

FETTERS.

23. We are of opinion that one certain rule of weight ought to be adopted all over India, and we are not aware that any better rule can be adopted than that suggested by the Bengal Committee of convict labor*. It is probable that the use of fetters cannot safely be dispensed with when prisoners are employed at out-door work; but when they are at work within the Gaol, fetters seem unnecessary in any well constructed prison, except for refractory prisoners.

Recommendation.

24. The manner in which the labor of all criminal prisoners is now generally employed is by making them work upon the public roads, in

LABOR.

* We recommend the following description and weights of fetters, viz.

1. For small, infirm, or quiet prisoners, the chain or linked fetters:

Minimum weight,	¾ seer.
Medium ditto,	1 ditto.
Maximum ditto,	1½ ditto.
2. For large, strong, and turbulent prisoners, the chain or linked fetter:

Minimum weight,	1½ seer.
Medium ditto,	1¾ ditto.
Maximum ditto,	2½ ditto.
3. For refractory, insubordinate, and violent prisoners:

The bar fetter,	2½ seer.
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See Paragraph 9, 2nd Report, dated 28th of January 1837.

fetters, but the system varies in some degree in the provinces subject to the different subordinate Governments.

Of Females.

25. All over India, wherever female prisoners are employed at all, they labor within the Gaol. The only exception to this rule appears to be at Arrah, where female and infirm prisoners go daily to some distant place to pound bricks. We are of opinion that females should universally be employed within the Gaol, in a separate ward.

*In Presidency Gaols.
Recommendation.*

26. In the Great Gaols of the towns of Calcutta, Madras, and Bombay, all the prisoners are entirely idle. We think that it would be a great improvement to introduce the means of forcing certain convicted prisoners confined in these Gaols to labor, and of allowing the voluntary labor of the others. At Madras, as there is at present neither a House of Correction, to which the Supreme Court can send offenders, nor labor within the Great Gaol, this observation applies much more forcibly than at the other two Presidencies. We do not see why a prisoner under sentence of transportation should not be forced to labor, whilst detained till he can be transported to the place of his destination.

In Bengal Districts.

27. In the provinces subject to the Bengal Government there is, properly speaking, no system of in-door labor for male convicts, excepting for those sentenced to imprisonment for life. Prisoners of that description, for the sake of safe custody, are not sent upon the roads, whilst they remain in their own districts, and during that time they usually do no work at all. They are eventually removed to the Great Gaol at Allipore: their treatment there will be described hereafter*. Of the prisoners confined for definite periods, who fill the district Gaols, a certain number are employed in keeping their Gaols clean, and in other necessary work of that sort; but these are selected on consideration of the caste of the prisoners so employed. In a few Gaols the Magistrates are in the habit of employing on easy work, within the Gaol, prisoners sentenced for light offences, in order to alleviate their punishment, and to keep them apart from the hardened criminals employed on the roads; but, in general, only those who are physically unfit for out-door labor, and the small number of low caste men necessary for keeping the Gaols clean, are ever employed within doors.

28. A few Gaols may be excepted where the Magistrate has made, on a small scale, an experiment of employment within the Gaol. At Beerbhoom a few prisoners are employed in weaving cloth, but it does not appear how far their work pays for their maintenance. At Allahabad

* See Paragraphs 140 to 144.

sixty prisoners are so employed, but it is said not to pay. At Benares the experiment of making the prisoners make shatrangees, or cotton carpets, was once tried, but abandoned as is said because the work did not pay. But our returns, in saying that this in-door work does not pay, can only mean that it does not pay for the whole expense of the prisoners employed at it. No comparison between the value of this work, and that of work upon the roads has been made, and therefore it cannot have been intended to assert that this in-door work pays less than the common out-door work of prisoners. At Goruckpore forty prisoners are employed in this way; and it is said that they produce better carpets than those made for sale by free labor at Mirzapore, which are celebrated for their quality. The same experiment has lately been tried at Humeerpore, and at Meerut. A few prisoners in the Gaol at Mynpooree have been put to in-door labor, but the profit pays only half the cost of their food. At Jaunpore the wheat consumed by prisoners is ground by themselves. At Mooradabad the Magistrate reports that 114 prisoners are sentenced to labor within the Gaol; but, unless these prisoners have been so sentenced by the Magistrate himself, this probably is incorrectly stated, as neither the regulations, nor, we believe, the usual practice of the courts of circuit or sessions recognize any distinction between out-door and in-door labor. Practically, however, some Magistrates make a distinction, as in the instances noticed above. There was no tread-mill, nor other similar machine, in any of the Gaols under this government, when the returns were made: we are informed, however, that a tread-mill has just been erected at Futtyghur, but the result of the experiment has not yet appeared.

29. Under the Bengal Government, at least, and it is probably the same under the other Governments, the prisoners do not labor on Sundays, that day being allowed them for the sake of rest, and cleanliness. A circular order of the Court of Nizamut Adawlut, dated the 30th of April 1817, directs that some part of that day shall be *always* allowed for these purposes. An intermission of labor is by the same order allowed on Hindoo and Mahomedan festivals, but only as far as may be indispensably necessary to enable convicts to perform their religious ceremonies.

30. At the time our returns were made, of the prisoners on this side of India, about 13,000 were employed on the roads, under Engineer officers, at a distance from their Gaols*. The general character of this part of the system will be described hereafter†. It has been, we observe, elaborately reported upon by a committee of convict labor, appointed

* This was in 1836. The Gangs on the lower trunk road have lately been returned to Gaol, to the number of upwards of 3000 men.

† See Paras. 104 to 130.

under the Bengal Government. It thus appears that no more than about 29,000 criminals then remained actually in the Gaols of this Presidency, of whom it may be estimated that the great majority were sentenced to hard labor.

31. The mode of employing the labor of prisoners sentenced to labor, and actually residing in the Gaols of this side of India, under the charge of Magistrates, depends altogether upon the discretion of the Magistrate of each district. Sometimes prisoners are employed within the Gaol as a favor; and in some peculiar cases it would seem that they have been sent on the roads as a favor*. The sentence of hard labor is sometimes set aside, by allowing the labor to be merely nominal, such as that of picking the weeds in the enclosure within the Gaol walls, and at all times an uncontrolled power of alleviating the sentence of the law is possessed by subordinate functionaries, whose only proper duty it is to carry that sentence into execution. This power is recognized in the Magistrate alone; but there is no doubt that it is exercised, more or less according to the vigilance of that officer, but still everywhere exercised by the Gaol Darogahs. When exercised by the Magistrate it is, we believe, always with an honest, though it must be often with an erroneous regard to the crime, the general character of the prisoner, or the peculiar effect which a particular kind of work would have upon him. When exercised by the Gaol Darogah it is, we believe, never with any regard to the crime, or the character of the prisoner, but either from a popular respect to his caste, or rank, or from a knowledge of his having the means of paying for favor.

Recommendation.

32. We are of opinion that no such power of alleviating the sentence of a competent tribunal is necessary, and that it ought no longer to exist in practice. We have no doubt that, in the absence of a better system, this discretionary power has often been exercised very beneficially, and so as to avoid mischievous results which might, without it, have occurred. Thus, supposing it to be the custom of a Gaol to employ as many prisoners as possible at the work of some trade, it would be an extreme aggravation of the legal penalty if a Hindustanee zemindar of a high caste, convicted of an affray, and sentenced to hard labor, were obliged to work at that trade. On the other hand, the in-door employ-

* "Yet some of these (the better classes) petition to be allowed to work on the roads in preference to leading an irksome life in Gaol." See Mr. Okeden's (Agra) answer to Query 18. "In fact many convicts even of the better classes, from the facility of clandestine intercourse and relaxation of labor, prefer labor on the roads to imprisonment in the Gaols where the superintendence is generally more strict." See Mr. H. Fraser's (Agra) answer to same Query, Appendix No. 4.

ment of some prisoners, which is contrary to the usual custom, appears, in some instances, to have been enforced with good effects. But we think this large discretion very liable to abuse, and we cannot doubt that it is in fact often abused, whilst we are convinced that all its advantages can be obtained, free from any of its disadvantages, by laying down well-considered general rules, which should never be departed from, excepting under special circumstances, to be specially reported to some superintending authority.

33. Under the Madras Government, the same general remarks apply as to the mode of working the prisoners, but the exceptions to the general system of labor on the roads are much more numerous and important. In many of the Gaols all the cloth worn by the prisoners is weaved by themselves. At Chingleput twenty prisoners are employed in weaving with English looms, under a European superintendent; and the produce of their labor is said to pay for their maintenance, and all the expences of the manufacture. At Combaconum, Rajamundry, and Salem, also, some prisoners are employed in weaving, either within the Gaol, or near it. Paper of a coarse sort is made in considerable quantities in the Gaols of Chicacole, Chingleput, Combaconum, Salem, Tinnevely, and some other places, and the pecuniary result is not discouraging. In the Madras territories the prisoners who under Clause 1, Section 5, Regulation XIII. of 1832, are sentenced by the native heads of district police to imprisonment with hard labor, are employed about the talook Cutcherries in keeping them clean, or in repairing or cleaning the roads in their vicinity; but their labor seems to be turned to no good account, and is said to be so light as to be an alleviation rather than an aggravation of their punishment. It appears from papers which have been furnished by the Indian Law Commissioners, that the district officers have no legal power of forcing the prisoners to work, or of punishing them for any breach of discipline*. The only legal method of enforcing the sentence is to send contumacious prisoners to be punished by the Magistrate at the station. This is never done, and it would indeed be useless, as the limit of the term for which such prisoners can be confined is ten days. Neither are there any complaints on the part of the local police-officers of inability to make these prisoners work, nor, on the part of the prisoners, of oppression by the local police-officers. The inference seems to be certain, that no really hard labor is exacted from this class of prisoners. Accordingly we find that there are very general complaints of the inefficiency of this punishment.

In Madras Districts.

* Appendix No. 11.

34. There is a tread-mill in the Gaol at Madras, but it is now out of order, and it has never once been used. There is one of a rude construction at Chingleput, which is constantly worked, and is extremely dreaded as a punishment. From the great fear and aversion which it inspires in prisoners, the object of its erection seems to have been attained with eminent success.

In Bombay Districts.

35. Under the Bombay Government, in some Gaols, in-door labor is effectually enforced; in others it is enforced to a slight degree, whilst in others there is none. The result of in-door labor seems to have been most satisfactory at Ahmedabad and Dhurwar, where the work of the prisoners employed within doors does more than pay for their food, and where, as we are informed, the articles manufactured in the Gaols are of good quality. At Ahmedabad we regret to observe that, owing to the want of room, only about one-half of the prisoners can be employed within doors. Where the prisoners sentenced to hard labor are not worked within the Gaol, we presume that they are employed on the roads. Our colleague, Mr. Anderson, speaks from the result of his own experience in bearing testimony to the good effects of in-door labor, as it has been enforced in some Bombay Gaols, when zealously superintended by the officer in charge.

36. There is a tread-mill in constant use at the House of Correction in Bombay, and its good effects are highly spoken of. There is one also at the Poona Gaol, but it has been affected by the hot winds, and it is now out of order.

Recommendation.

37. In respect of the great diversity of the systems adopted in different Gaols, and under different Officers, and the wide discretion left to those in charge of Gaols as to the nature and quantity of work to be exacted not only from the prisoners generally, but from every individual prisoner, apparent from the returns from Madras and Bombay, the same remarks and objections apply as those which we have above made in reporting on the system pursued under the Bengal Government.

38. The principles on which the General Rules that we have recommended to be passed, and to be universally enforced, ought, in our opinion, to be founded, will be explained in another place, when we come to submit our general scheme of reform*. It will not, we fear, be possible to carry out those principles to their full extent, excepting in such Gaols as may be entirely remodelled. In this place, where we have confined our-

* See Paras. 228 et seq.

elves to the suggestion of improvements that we think it indispensable to introduce universally, and immediately, we think it sufficient to refer to the subsequent part of this report above alluded to, and to recommend that the principles therein explained be followed in every Gaol as far as its present construction will permit.

GAOLERS.

39. In the towns of Calcutta, Madras, and Bombay, the Gaolers are Europeans on good salaries, and in the settlements of Singapore, Penang, and Malacca, also, the Gaolers are Europeans, on salaries lower of course than the salaries of the Gaolers at the Presidencies. Under the Bombay Government the Gaolers in the interior receive 50 Rupees a month, but under the Bengal and Madras Governments the salaries of this class of officers are much smaller. In Bengal the usual pay, in a large district, is 25 Rupees a month, and in the North Western Provinces 30 Rupees a month; but in some small districts it is as low as 15 Rupees a month. In the Bombay territories persons of some respectability are obtainable as Gaolers, but in the interior of the other Presidencies the pay is insufficient to obtain Natives of good character and adequate qualifications for this office. Under the persons now employed in Bengal and Madras no extensive improvements of prison-discipline are practicable; but looking at the low rate at which many other important officers are still paid, such, for example, as Thannadars, and considering what little improvement is practicable, even with good Gaolers, without a radical change of system, we are not prepared to recommend any general increase in the salary of this office so long as the present system may remain unaltered. In some districts, however, where the allowance is smaller than usual, it may perhaps with advantage be raised to the usual amount; but it should be borne in mind, that wherever our proposed plan may be introduced, the class of persons now filling the office of Gaoler will be entirely superseded by a superior class of functionaries.

CLASSIFICATION.
In Royal Gaols.

40. In the Gaols of the towns of Singapore, Penang, and Malacca, there is no classification whatever, or none that is effectual. In the Calcutta Gaol, debtors, Natives as well as Europeans, are kept separate from criminal and accused persons, they are well lodged, and treated with every proper consideration. But the case, as regards classification, is very different with criminals. Europeans sentenced to transportation are kept separate from other prisoners; convicted Christians are kept separate from unconvicted Christians; females are not mixed with males; but otherwise Natives of India are not classified in any way. In the Madras Gaol there appear to be five classes, viz. European criminals, Native criminals, with which two classes untried persons appear to be mixed, European debtors, Native debtors, and females. In the Great Gaol of Bombay the classification is much better

than in any other Queen's Gaol in India. Debtors are there kept entirely separate from criminals and accused persons, and female debtors are kept apart from male debtors. Persons detained till they furnish security and prisoners for misdemeanours are in one ward, accused persons in another, European Soldiers in another, and convicts for transportation in another. Prisoners under sentence of death are confined apart, male and female prisoners are not confined in the same ward. All prisoners sentenced to labor are sent to the House of Correction. In the Bombay House of Correction women, thieves, young offenders, and old offenders are kept in separate places by night, but not by day. In the Calcutta House of Correction the classification is still more defective than in that of Bombay. Old and young offenders are here mixed indiscriminately by day and by night. In the other Gaols of those abovementioned, as far as appears from the Returns before us, there is no classification or separation whatever, either of males or females, by day or by night. The Magistrate's Gaol at Madras is so small and so ill contrived for the purposes of a Gaol, that it does not admit of any classification whatever of the prisoners confined within it; until lately not even were the male prisoners properly separated from the female prisoners; and now, in order to effect this separation, it has been necessary to confine all convicted females in the lock-up house attached to the Magistrate's office, which is used for the retention of unconvicted prisoners for short periods. This Gaol is in fact one of the bastions of the walls of the town of Madras, the bomb-proofs of which form the wards for the prisoners. It is reported to be in every respect so ill adapted to its object, that it is difficult to state what number of prisoners it is calculated to hold. The Chief Magistrate of Madras is of opinion that more than 200 prisoners should never be confined in it, but he has known as many as 430 prisoners in it. On the date fixed for our returns, there were no less than 307 prisoners in it. We are informed that the lamentable state of this Gaol has frequently been represented to the proper authority, but without effect. We strongly recommend the condition of this Gaol to the immediate consideration of the Government*.

Recommendation.

In Company's Gaols.

41. The following is the extent to which classification is at present carried in the district Gaols of the Company's Courts.

Of Females.

Female prisoners are always kept completely separate from male prisoners.

Of Debtors.

Debtors are always kept completely separate both from convicted prisoners, and from persons accused of crimes.

In forty-eight Districts in the Lower Provinces of the Bengal Presidency in which there are Gaols†, there are 13 distinct civil Gaols, and 35

* See Appendix, No. 36.

† It must be remembered that this is exclusive of the jurisdiction of the Courts established by Royal Charter.

which criminals and debtors are confined. There are 14 Gaols in which only criminals and accused persons are confined.

In thirty-nine districts of the Western Provinces in which there are Gaols, there are 14 distinct civil Gaols, and 15 Gaols in which both criminals and debtors are confined. There are 29 Gaols in which only criminals and accused persons are confined.

In two Zillahs of the Madras Presidency in which there are Gaols, there are 10 distinct civil Gaols, and 7 Gaols in which both debtors and criminals are confined. There are 20 Gaols in which only criminals and accused persons are confined.

In eleven districts of the Bombay Presidency in which there are Gaols, there are 6 distinct civil Gaols, and 5 Gaols in which both debtors and criminals are confined. There are 9 Gaols in which only criminals and accused persons are confined.

The aggregate numbers of the Gaols of each description, under the government of your Lordship in Council, exclusive of Her Majesty's Gaols, are 43 distinct civil Gaols; 62 Gaols used for purposes both civil and criminal, and 72 distinct criminal Gaols.

In the Gaol of every district in which there is no distinct civil Gaol, if the debtors be not sent to the civil Gaol of a neighbouring district, there is a separate ward for that class of prisoners.

For the most part prisoners not sentenced to labor are kept separate from those who are so sentenced.

Of prisoners not at hard labor.

Accused persons are, generally, but not always, kept separate from convicted prisoners*.

Of accused persons.

What further classification is attempted under the Bengal and Madrasencies, where, from the arrangement of the Gaol, any further classification is possible, seems generally to be made to depend on the extent of jurisdiction of the Court by which sentence has been passed, and, therefore, for the most part, on the length of the imprisonment†. But none of the

Of other prisoners.

* This is ordered by the Gaol Rules sent with a Circular Order of the Court of Sudder Nizamut Adawlut, dated the 14th of March 1811.

† The Bengal Regulation IX. of 1793, Section 21, requires classification on this principle, to the extent of five classes, viz. 1, prisoners sentenced to death; 2, prisoners sentenced by the Court of Circuit or Nizamut Adawlut; 3, prisoners committed to the Court of Circuit; 4, prisoners sentenced by the Magistrates; 5, females. Classes 2 and 3, where possible, are to be subdivided by separating heinous offenders from the others. The Madras Regulation X. of 1816, Section 29, has followed the words of the Bengal Regulation on this point. There are several Circular Orders of the Bengal Court of Sudder Nizamut Adawlut on this subject. By one (4th April 1807), it is directed that prisoners sentenced by the Court of Circuit shall, when at work, be kept separate from prisoners sentenced by a Magistrate. The Gaol Rules cited in the last note require untried prisoners to be kept separate from convicted prisoners. There are other Orders (22nd August 1811; 21st August 1812; and 6th July 1814), on the subject, but their enforcement has never been found practicable.

district Gaols admit of classification to any useful extent, even principle.

In the Bombay Gaols what further classification is attended to beyond the separation of women, and debtors, seems to be made to depend in a great measure upon the caste of the prisoner. The classification which the Bombay Regulations* direct to be made, where the Gaol will admit of it, is very much the same as that directed by the Regulations of Bengal and Madras, but a very proper provision has been added to the effect that the arrangements of the Gaols shall be made "with as possible regard to religious prejudices," and this principle, as appears by our Returns, has been carried much further in practice than is warranted by the law. On this point we must observe that we cannot recognize a distribution of prisoners into castes as any classification such as to be an object of prison-discipline. We are very decidedly of opinion, for reasons which will be elsewhere developed†, that caste ought to be respected as much in prisoners as in free men, but no feelings of caste are outraged in the Gaols of this side of India, and yet there is in them no classification by castes. This practice, therefore, appears to us to be unnecessary, and if so, where the means for useful classification are much more limited than they ought to be, it must be pernicious.

Recommendation.

Of what sort useful.

42. We think that classification to be of any material use must be carried at least so far as to separate absolutely, by day and by night, and whether in Gaol or in working parties out of Gaol, the following descriptions of prisoners‡.

1st. Accused persons suspected of being Thugs.

2nd. Males accused of the more heinous crimes against property; such as murder, rape, robbery, and house-breaking, or of attempts to commit such crimes.

3rd. Males accused of simple theft, receiving stolen goods, perjury, forgery, fraud, and similar offences, or of conspiracy to commit offences of this nature.

4th. Males accused of affray, assault, and offences which are commonly described as ordinary misdemeanors.

* Section 44, Clause 1, Regulation XIII. of 1827, of the Bombay Presidency, requires the separation of males from females, of the sick from the healthy, of the tried from the untried, and of criminals under sentence of death, and accomplices admitted as witnesses, from all others. Besides the above, wherever practicable, the following classes are to be separated: 1st, prisoners sentenced to a degree of punishment to which Magistrates can sentence; 2nd, prisoners sentenced by higher Courts; 3rd, prisoners committed for trial by a Court of Circuit.

† See Paras. 238 to 240.

‡ This classification, it will be observed, applies to the district Gaols under their present circumstances. If the Central Gaols to be recommended in the sequel be established, prisoners convicted of heinous offences will be removed to those Central Gaols.

5th to 8th. Males convicted of the abovementioned offences, respectively.

9th and 10th. Accused and convicted females.

Besides having a sufficient number of wards to confine separately each of the classes above specified, we think that every Gaol ought to have a sufficient number of small apartments in which persons accused or convicted of murder, and certain other atrocious offences, can be confined alone. We have not mentioned debtors as a distinct class, because we find that they are very generally confined in a distinct Gaol, but where this is not the case, they must of course continue, as at present, in an apartment exclusively appropriated to them. Our colleagues Sir John Grant and Mr. J. P. Grant objecting to this paragraph of our Report have expressed an intention of entering separate minutes on the subject of it, which will be appended*. But in the observations made in every other paragraph of our Report in regard to classification, our Committee is unanimous.

43. Our suggestion of having as complete a classification of accused prisoners as of those condemned, as it greatly enhances the expense and difficulty of fitting a building for the purposes of good discipline, may be thought to require defence.

Reasons for complete classification of accused persons.

Of any number of persons committed for trial, it may safely be assumed that the majority are guilty of the offence whereof they are accused. This being so, it appears to us that, whatever be the arguments for the classification of convicted prisoners, the same must equally apply to committed prisoners; and so also of persons remanded by a Magistrate for further examination, for this course is usually found to end in committal. It is true that all such prisoners are confined to ensure their trial, and we think that, as far as is consistent with safe custody, they ought to be treated, in all that regards themselves, as if they were believed to be innocent. But it does not follow that they ought to be treated, in what regards only others, as if they were believed to be innocent. As it is unjust to them to force another set of accused persons into their society, most of which set are worse than any of them, so it is unjust to a third set of unconvicted persons, no one of whom is so bad as most of them, to be forced into their society.

We do not conceal that our argument drives us to the acknowledgment that by no classification of accused persons can the object in view be perfectly obtained, and that, for the sake of the innocent, all ought to be confined separately from other accused persons and convicts. This separation, so regulated as to differ essentially from solitary confinement, is

* See Papers at the end of this Report, marked A and B.

what we intend to recommend, as a part of our general plan of reform, and we hope that it may be found practicable to carry our proposal into effect; but then this is not classification, and it requires means which not available under the present system.

Proposed classification how different from existing Rules.

44. The classification which we have suggested differs from that directed by existing rules and regulations, in being made to depend upon the crime of which the prisoner is accused or convicted, and not upon the Court by which he will be tried or has been sentenced. The sentence of a higher Court is not always more severe than the sentence of a lower Court, yet the object of the existing rules being to classify according to the degree of the guilt of the prisoner, it seems evident that these rules are faulty in detail.

But the same as to Thugs.

45. We have followed the existing rules, as laid down by late orders, which direct that Thugs shall always be kept apart from other prisoners.

Distinct classification of boys why not proposed.

46. We have not recommended the forming of boys into classes distinct from men, because to do so would require at least four more classes, and under the present system, however partially improved, we do not think that the advantage from so doing would be material, whilst the expense would be great. We have the authority of Mr. Crawford for thinking that boys will be more readily corrupted by other boys than by men*. If possible, bad boys should be kept apart from all other persons, but if they must be kept with any others, we think less evil will arise from distributing them according to their characters amongst classes of men of similar character, than from herding boys of all characters together. We may here remark that it is only in a very few large cities and their vicinity, that juvenile delinquency is at all prevalent in India.

Further explanation of proposed plan.

47. We have endeavoured to reduce the number of classes as much as possible, and we hope that the provision which has been suggested for a few cases which may be peculiar either from the atrocity of the offence, or from any other circumstance, by the appropriation of small apartments for prisoners in such cases, may obviate many of the evils which would otherwise be experienced with no more than four great classes for convict-

* "It is the practice in the best regulated Gaols in which prisoners are allowed to associate, "to confine boys apart from the men. The fallacy of classification was never more strikingly exhibited than by this arrangement; for much as lads are exposed to corruption when confined with adults, that contamination is generally still more rapid and certain when boys are placed together." Report, p. 49.

and the same number for unconvicted prisoners. We wish it further to be understood that what we have suggested is intended only for the general rule of classification and as a minimum, and that we presume the superintending officers of whatever designation under whom the Gaols are placed, will have authority, in peculiar cases, to use a certain discretion in taking any prisoner out of his appointed class, and placing him either in a higher class, or in one of the small apartments, reporting the same to his immediate superior.

Recommendation.

48. We find it impossible to offer any very definite and practical recommendation on the subject of classification. If our new system be introduced, it will supply the place of the most effectual classification. It will relieve the district Gaols of all convicts of the worst descriptions, and in that case the arrangements best suited for the classification of all prisoners in one Gaol, under the present system, may not be best suited for a district Gaol under the proposed new system. If it be determined not to build Central Gaols, then we recommend that the capabilities of all present Gaols be improved to the utmost, by making as many wards as can be made consistently with a due regard to ventilation, after which the plan of classification which we have sketched can be put into execution in every Gaol, as far as its internal arrangements will permit. But if our scheme is to be ultimately adopted, then we recommend that the improvements to be made in the internal arrangements of the present Gaols be executed with a view to their ultimate use when the Central Gaols shall have been adopted under the proposed system.

Why more than classification is required.

49. We confess that we are not sanguine on the subject of classification. Justice and policy, in our opinion, require that more should be done for the preventing of contamination than can possibly be effected by the mere classification of prisoners, how far so ever carried. The extent of the depravity of a prisoner's character can seldom be estimated with any approximation to precision either from the nature of his offence, or from any other known circumstances. By whatever rule we proceed it is certain that our rule will often mislead us, yet, whilst to avoid frequent error is impossible, the commission of a very few errors must absolutely prevent the attaining of our object. Nor is it only positive contamination that is to be guarded against. The great majority of all prisoners are persons of depraved habits. With such, one of the best effects to be hoped for from imprisonment is, that the prisoner shall feel that his previous conduct has been of a nature to call forth the reprobation of the great mass of his countrymen. Before this effect can be expected, he must be taken out of the little world in which he has been living, and in which his conduct has probably been applauded, or at least passed over without remark.

Now if a system of classification, theoretically correct, could be carried out into practice without the commission of a single error, so that the prisoner should be placed amongst a set of companions no one of whom should be better nor worse than himself, he would still live in a section of that little world in which he lived before, and in a section which would be the more essentially depraved by being more exclusively composed of vicious individuals.

Why extensive classification is inexpedient.

50. The classification which now exists is so imperfect as hardly to deserve the name. We have pointed out what we think necessary, for the purpose of obtaining in any material degree such benefits as classification is capable of affording. But we believe that the expense which it would be necessary to incur in order to obviate the most serious evils of the present system, in the manner we have suggested, would go very far towards defraying the expense of a much more perfect system which we hope to see introduced, and which we feel confident would, if introduced, obviate evils inseparable from the present system, under any modification, and would afford advantages impossible to be combined with it.

A large outlay would be unprofitable.

51. It appears, from our Return that any further classification beyond that nightly separation into two or three large bodies now made in most Gaols, would be generally impracticable in the present state of Gaol buildings. The expense of adapting each Gaol, that is capable of improvement in this respect, for such a degree of classification as is thought by the officer in charge of it to be eminently requisite, is variously estimated at from rupees 300 to rupees 16,000. Where the small sum of two or three thousand rupees would provide the means of effecting that separation of the different classes of prisoners which we have above specified, and where this could be done in such a manner that the alterations would still be beneficial in event of the creation of a new Central Gaol, and the conversion of the present Gaol into a District Gaol under the proposed system, we do not think that money could be more advantageously expended than in making such an improvement. But we cannot recommend a large outlay on Gaol buildings if the main features of the present plan are not to be changed.

Classification out of Gaol recommended.

52. Whatever classification be adopted, the rule of maintaining prisoners kept as a separate class when in Gaol, perfectly separate from those of all other classes, when at work on the roads ought to be strictly enforced; for otherwise the separation in Gaol is useless. At the same time we are quite aware that this may interfere with the advantageous employment of the prisoners at out-door work.

There are about twenty Gaols which afford the means of confining two or more prisoners in solitude; but excepting at Muttra, where there are twenty cells, and in Malabar, where there are seventeen, the number of solitary cells is very small. In most Gaols, without using the condemned cell it is impossible to confine a single prisoner in strict solitude. Solitary imprisonment does not form a part of the penalties under the Bengal Code, except as a punishment for breach of prison-discipline. As such it has been tried now and then by particular Magistrates.

*SOLITUDE.
Means of enforcing.*

*Law respecting.
In Bengal.*

54. Solitary imprisonment does form one of the ordinary penalties of the Bombay Code, but notwithstanding this, it is extraordinary that no Gaol in the Bombay provinces has more than six solitary cells; and of 13 Gaols in the interior of the Bombay Presidency, the particulars of which have been reported to us, 9 have no such cells at all. In Candeish there are 16 separate cells, but these are so placed as not to be solitary. Solitary confinement in the provinces under the Madras Presidency was introduced as a punishment about five years ago*, but it does not seem to have yet been practically enforced there, to any material extent.

In Bombay.

In Madras.

55. We hope that solitary confinement will be adopted as a punishment on a large scale; but for this some such extensive improvements of our Gaol buildings as those to be recommended as a part of our great plan of Gaol reform will be absolutely necessary†. Where the present plan is to continue, we recommend that a small range of solitary cells be built in every Gaol, so constructed as absolutely to seclude their inmates from all sight or hearing of one another. The number ought, we think, to be at least sufficient for confining all prisoners whom it may be desirable to punish for breaches of Gaol discipline, and all boys, or offenders of fair character confined for very short terms, as these appear to us to be the prisoners in regard to whom our present system operates the most injuriously. No prisoner ought to be confined in solitude, from the commencement of his imprisonment, or at any time as a necessary part of his punishment, unless the Court passing sentence should so order, and it may be that in the provinces subject to the Bengal Regulations a legislative enactment may be necessary on this subject. We are further of opinion that the infliction of this aggravation of imprisonment should not be permitted for breach of prison-discipline, excepting under such restrictions as to the term, such rules of formality, and such control, as will be a security from every misuse of the power with which officers in charge of Gaols must necessarily be entrusted.

Recommendation.

* Section 4, Regulation XIII. of 1832, of the Madras Presidency.

† See paras. 279 to 295.

Food.
In Bengal.

56. In the Gaols under this Presidency it is the almost universal custom to supply prisoners with a daily money allowance, with which they are permitted to purchase their own food from one or more shopkeepers, who are allowed access to the prison. In the Lower Provinces the allowance varies from five pie to one anna a day, averaging a little less than eight and a half pie. In the North Western Provinces the allowance is higher, varying from nine pie, or three quarters of an anna, to one anna and a quarter a day. The variation between one Gaol and another at one time, in this respect, ought to depend upon the general price of grain in each district, and the variations in one Gaol at different times, ought to depend upon the market price of grain of the day. But it does not seem that more than a very general regard is paid to these circumstances. In some districts, where the allowance has been properly raised on the occasion of scarcity, by the express permission of some competent authority, we imagine that it has never been again lowered, or at least not sufficiently lowered, after the price of grain has fallen to its usual rate. We recommend, if the present system continue, that this matter be put under the effectual superintendence of some one authority in Bengal, and of some other single authority in the North Western Provinces, who shall keep the rate of allowance in every Gaol constantly regulated according to some certain principle. We believe that at present the only officer who examines into the matter at all, is the Civil Auditor, and he, of course, is satisfied if the rate adopted agree with the last recorded orders.

57. It appears quite certain that all over this Presidency the prisoners fare better, and more fully, than the agricultural laborers. This is sufficiently apparent from the comparative returns made to us of the daily food of a laborer in full work; and it is certain that the Magistrates have considered the food of a laborer in the best circumstances. This view is still further corroborated by the fact of its being usual for a prisoner to save a large portion of his allowances, in order to remit it to his friends, to bribe his guards, or to form a hoard which he takes away with him on being set free. In the North Western Provinces, the prisoners, in almost every case, live upon the best wheaten flour; whilst it is well known that the laboring population there lives upon food of a very inferior quality. To say nothing of quantity, but speaking only of quality, a prisoner there, instead of living like the mass of his class out of Gaol, enjoys the food of a Sepoy, or a well-fed domestic servant. The difference between potatoes and a diet of butcher's meat is scarcely greater. In a country where the honest laborers generally live upon what is but just sufficient to sustain strength and health, and where they often live upon what is insufficient to do so, it is undoubtedly a very difficult thing, or

rather an impossible thing, to keep a prisoner in health, without making his situation in regard to food better than that of his honest neighbours. This is a disadvantage inseparable from the punishment of imprisonment. But it cannot be difficult to keep a prisoner in health, without giving him a more dainty and generous diet than nine out of ten of the population of the country can ever indulge in. Abundance of his usual sort of food, day after day, will of itself be a luxury. We think that attention cannot be too much devoted to keeping convicts sufficiently fed to work in health, and just sufficiently supplied with grateful condiments to digest their food, and no more. To make honest laborers on hard fare pay for supplying a dishonest laborer with luxurious fare, appears to us a direct injustice, attended with indirect evils still more injurious than its direct injustice.

58. For these reasons, in making that general revision of the allowances to convicted prisoners which is the least of the reforms we recommend on the subject of diet, we are of opinion that no greater provision ought to be made in each district than may be sufficient for purchasing, as the staple article of the prisoner's food, the coarsest grain on which the mass of the people of that district lives.

Recommendation.

59. But we are very strongly impressed with the inexpediency of giving convicted prisoners any money allowance at all. The inquiries which we have made have convinced us not only of the advantages of a system of rations, but of the perfect feasibility of carrying such a system strictly into execution, so as to withhold the smallest piece of money from a prisoner from the date of his sentence to that of his liberation.

Rations. Opinion on.

60. The following are the disadvantages of money allowances, as compared with rations. A money allowance enables a prisoner to hoard money which, whether the Gaol or guards be bribed with it, or the money be retained by the prisoner till his liberation, or be sent home to his friends whilst he remains in prison, is a great evil. Supplying a prisoner with more than is requisite for his maintenance, and putting it in his power to hoard the surplus, is in fact rewarding him with one hand for having committed an offence, whilst he is punished for it with the other.

Their disadvantages.

A money allowance has this second disadvantage, of affording prisoners the daily enjoyment of marketing, which would be a great alleviation of the punishment of confinement to any class of men, but which we believe to be peculiarly agreeable to the Indian character. As this enjoyment has no good moral effect upon the prisoner, and tends to make the penalty of his crime less efficacious than it ought to be, the indulgence appears to us to be, in this view, an unmixed evil.

A third disadvantage is, that with a money allowance it is impossible so to regulate the amount as with a certainty to prevent some prisoners from supplying themselves with savory food, and other indulgences, which we regard as an evil for the same reasons that make us regard hoarding money as an evil. An allowance, even if perfectly well regulated, must be sufficient for those prisoners whose appetites are the largest. The appetites of prisoners differ as much one from another as the appetites of other men, and so it must happen that those who can do with less rice than others, will be able to lay out more money on luxuries.

A fourth disadvantage, which we do not think ought to be altogether disregarded, is that a money allowance assimilates in its character too nearly to the payment of wages to honest work people, to be a suitable way of maintaining convicts.

A fifth disadvantage of money allowances is, that so long as they exist they make it impossible to prevent convicts in good circumstances from obtaining money from their friends, and spending it in bribery and luxuries. Rations alone can effectually make the punishment of rich and poor equal; as it is easy to prevent prisoners from possessing or spending any money, but impossible to restrict them to a certain allowance.

Their advantage.

61. The only true counterbalancing advantage, of which we are aware, belonging to the system of money allowances, is, that it enables prisoners to vary the condiments and green food with which they season their rice, to eat fish occasionally, and so forth; which variety, being itself healthful, and being adapted to the season, and to his own constitution by each individual, may naturally be expected to preserve the health of the prisoners better than a system of one unvarying daily ration. We are not disposed to undervalue this advantage. Instances have been reported from Madras in which the health of prisoners supported entirely by rations has been found to suffer materially, and in which the health of all recovered when they were allowed a daily sum wherewith to buy their own condiments. But we think that the whole of this evil may be avoided by a proper attention to its real causes, namely, a want of variety of food, and an insufficiency of the stimulants commonly taken in this climate for the sake of digestion.

Experience in favor of them.

62. We have called for the opinions of all officers in charge of prisoners as to whether there would be any objections to the universal adoption of rations. From Madras and Bombay, where the system of rations is in force, we have not heard a single objection. The majority also of the officers under this Presidency see no objection to the introduction of a system of rations universally.

63. The objections which have been advanced, other than the sameness of food, are such as manifestly require little comment. They are, 1st. That the prisoners greatly prefer money, and would dislike the change; 2ndly. That the preventing the supplying of unwholesome food by purveyors would give additional trouble to the Magistrates; 3rdly. That the plan would be more expensive to Government; 4thly. That some prisoners would have too much, and some too little food allotted to them; 5thly. That a traffic between the prisoners and the purveyors would result; and 6thly. That it would be necessary to build public granaries. The first objection is no doubt a correct assertion, but it appears to us a strong argument in favor of the change; and of the others it is enough to say, that they have been experimentally demonstrated either to be inapplicable, or to be easily removed, not only by the experience of every Gaol under the Madras and Bombay Governments, but by the successful result of some trials of rations which have been made under this Presidency.

Objections to them.

64. In the year 1830, our colleague Mr. Millett then in charge of the Gaol at Beerbhoom, in consequence of the bad quality of the grain supplied by the retail dealers to the prisoners, purchased the several articles required for consumption by wholesale, and distributed them at somewhat less expense to Government, in daily rations; by which the prisoners were supplied with food of better quality than that which they had been able to obtain under the system of money allowances. This plan has been continued to the present time, and as we are assured by the officiating Magistrate, no evils or inconveniences have been found to result from it.

Contradicted by experience at Beerbhoom.

65. A very successful trial of rations has also been made lately by Mr. Samuels, Acting Magistrate of Hooghly. That gentleman, after replying to our Circular of last year, introduced the experiment in his Gaol, and in a letter which we have lately received from him, to which we request the attention of your Lordship in Council*, he has reported its complete success. Under his judicious arrangements, no great part of his own time is taken up in consequence of the change; there are no complaints of bad food or of an insufficiency of food; the cost to Government is not increased; no traffic between the purveyors and the prisoners has been discovered; no granaries have been built; and the health of the prisoners has not suffered.

At Hooghly.

66. At Rohtuk also, and Paneeput, a mixed system of rations of grain and a money allowance for fire-wood and condiments is actually in force.

At Rohtuk and Paneeput.

* Appendix No. 4, last answer amongst the Bengal Returns to 13th Question.

On the Trunk Road.

*In the Balasore
Gaols.
And in the Burd-
wan Gaols.*

Recommendation.

67. We may add that 4,000 prisoners lately under Capt. Thompson, on the Trunk Road, were fed either entirely, or mostly, by rations; so also are 100 prisoners under the executive officer in Balasore; and 807 prisoners under the executive officer in Burdwan are fed, as it appears, entirely by rations, whilst no difficulties have been experienced by those officers on this account.

68. For these reasons we strongly recommend that the money allowance of every convicted prisoner be entirely stopped, and that rations be universally given out instead, under such regulations as shall ensure a proper variety of food, and a sufficient quantity of stimulating condiments to assist digestion. We are particularly anxious that it may be understood that we lay great stress upon this proviso with which our recommendation is accompanied, and that to the care and judgment, or the want of them, which may be shewn in this respect by the officers in charge of convicts, we look for the success or failure of the change.

*Cooking. Recom-
mendations regard-
ing.*

69. For similar reasons we recommend that no convicted prisoner be hereafter allowed to cook his own victuals, but that a Brahmin and Mussulman cook be provided for each Gaol. We have no doubt that the expense of hired cooks will be more than repaid by the saving in the expense of feeding the prisoners which the proposed change would effect, and the time of so many men which would be thereby saved. We feel objections to the common practice of employing one or two convicts in such work as this, because it is, or ought to be, much lighter than the hard labor of the others, and in so far it is a contravention of the principle of punishment. If each convict could take his turn to cook for one day, this objection would vanish; but this is impossible in regard to Hindoos, and it would not, we think, be expedient to put Hindoo and Mahomedan convicts under different regulations.

*Reasons for Re-
commendations.*

70. The cooking of his dinner is, we believe, one of the greatest enjoyments of every individual amongst the lower orders in India, even when at liberty, and consequently this long operation must be the chief alleviation of the tedium of a prisoner's life. The privation of this enjoyment appears to us one of the most legitimate means of enhancing the effect of imprisonment, as it conduces neither to a prisoner's health, nor to the improvement of his character. We have little doubt that the absence of the two pleasures of marketing and cooking would add materially to the severity of the punishment of imprisonment, and so make it possible to reduce proportionally the term of imprisonment, without taking away from the efficacy of the punishment.

*In Madras and
Bombay.*

Recommendations.

71. The system of rations is universal in the Madras and Bombay Gaols, and in them it is reported to work very well. In some of those Gaols, however, a small money allowance is given to the prisoners, where-with they purchase their spices, and condiments. Under proper rules for varying and selecting the small articles wherewith the food is rendered digestible, we do not consider this exception to be necessary; and as it is to a certain degree liable to all the objections to which the Bengal system is open, we recommend that money be altogether stopped, universally.

72. Our recommendation as to having hired cooks is equally applicable to the Madras and Bombay provinces, as to those under this Presidency.

*PRIVATION OF
LUXURIES.*

73. On this side of India privation of food is not used, to any considerable extent, as an additional punishment for a breach of prison-discipline, and the privation of savoury food forms no part of the usual punishment of imprisonment. Convicts are here allowed to purchase as many stimulants, not of an intoxicating nature, and as much tobacco, as they can afford. Spirits and intoxicating drugs are not allowed by prison regulations, excepting opium, here and there, to confirmed opium-eaters. The same is to be said of the Madras Gaols, excepting that in them tobacco is forbidden, together with some other similar luxuries and stimulants, such as pan-leaf, and betel-nut. The same also may be said of the Bombay Gaols, excepting that in some of them tobacco is forbidden, but in others allowed. Such are the Gaol regulations, but it is universally admitted that the custom of working prisoners on the roads affords them facilities of obtaining any irregular indulgence they can pay for, by bribing their guards, and that advantage is universally taken of these facilities.

In the Calcutta Gaol it was customary to give a daily allowance of spirits to European prisoners, but since the 1st of May last the Gaoler of his own authority has discontinued this very improper indulgence.

Recommendations.

74. We are of opinion that all convicted prisoners sentenced to hard labor ought to be completely deprived of every indulgence not absolutely necessary to their health. The general diet ought, we think, to be regulated with this view, and nothing additional ought to be allowed to any one convict, excepting on the special report of a medical officer respecting that individual's case, when, for so long as the peculiar state of the health of that individual may continue to require it, and no longer, the article recommended ought to be afforded as medicine. This provision will include tobacco, if it shall ever happen that the peculiar circumstances of any Gaol, or of any working party, at particular seasons, may render that narcotic necessary to the health, either of individuals, or of the

prisoners generally. This necessity has been anticipated by some officers, but it is not necessary to discuss the probability of that anticipation. Though we see great objections to making tobacco an exception to the general rule, merely because of its being universally prized as a luxury, we can see none to leaving it to be given under medical advice, when necessary, in the same manner as spirits, or generous diet may occasionally be given. This provision will also suffice for the extreme case of confirmed opium-eaters.

75. We are strongly of opinion that European convicts ought not to form any exception to this rule. If therefore the practice of allowing spirits to European convicts, which formerly existed in the Calcutta Gaol, prevails elsewhere, we recommend that it be immediately discontinued universally.

76. The great difference between the diet allowed to Europeans and that allowed to Natives calls, we think, for scrutiny. In the Calcutta Gaol an European is allowed four annas a day, a Native Christian three annas, and a Native Mahomedan or Hindoo one anna. In the same manner, at Bombay, Chinese prisoners are allowed meat occasionally. It is obvious that where a money allowance is given, and where the value of the allowance to some classes of prisoners is so much greater than that to others, there must be great liability to abuse. It is probable that in order to keep an European in health, he must be fed more generously than a Native requires to be fed, but we are not convinced that the whole of the great difference above shewn is in consequence of that legitimate consideration. But if rations be introduced there will not be so great a liability to abuse, and the diet of Europeans and Native Christians, (by which last name we understand Native Portuguese to be meant) can then be regulated according to experience under the general principle suggested in Paragraph 74.

Explanation.

77. We wish it to be understood that the above recommendations are not intended to apply to all persons sentenced to imprisonment. In cases where mere confinement is regarded by the law as a sufficient penalty, that penalty ought not to be enhanced by privations. Of course our observations and recommendations under this head are altogether inapplicable to prisoners not under sentence.

Opinions of officers on privation of luxuries.

78. We have consulted all officers in charge of Indian Gaols, on this subject, and the great majority strongly recommend the strict adoption of the rule of privation above suggested. Those who have expressed a contrary opinion are very few, and of the reasons with which they have

supported their opinions some appear to us to be manifestly invalid, and the others do not apply to the rule, when considered with the above reservation.

79. Doubts have been expressed of the propriety of withholding all indulgences, with the view of making a Gaol terrible, because such a principle, if followed as far as it would legitimately lead, would require us to break the sleep of a prisoner, to flog him daily, to overwork him, to deny him proper food, and by such means to give him as much pain as could be given him without destroying his health. But in regard to food and work, we are fully prepared to maintain the propriety of giving to a prisoner as little of the one, and as much of the other, as that limitation will allow: and as to the other punishments, which are in fact the positive inflictions of torture, we object to them, but for reasons applicable to the positive infliction of torture and not applicable to the privation of indulgences. They are objectionable, in our opinion, supposing that they could be inflicted without loss of health, or other permanent injury, only because they are in practice liable to great abuse, and because they excite feelings of resentment opposed to amendment, and injurious to the moral character in other respects. The negative pain caused by a regulated diet is open to neither of the above objections.

Objections to so doing that it is like torture.

Denied.

80. The observations of Mr. Bonham, who objects to making the whole future existence of a convict transported for life hopelessly miserable, whatever be his conduct in transportation; and those of Mr. Bruce, who objects to such a rule in the Gaol at Bombay, as not being required for the Prisoners confined in it, none of whom, as we understand, are sentenced to labor, do not apply to our recommendation under the reservations with which we have made it.

Other objections,—inapplicable.

81. By the Gaol rules no visitors are allowed access to prisoners in an Indian Gaol, excepting under the special orders of the covenanted officer in charge of the Gaol, and females are generally altogether excluded. But it appears that a small bribe to the Gaol Darogahs is sufficient to enable any person to have access to a prisoner, even when confined in Gaol; and the all but universal practice of working prisoners on the roads makes this rule no better than a dead letter, for it is found quite impossible to prevent communication between the friends of the prisoners and the prisoners, whilst the gangs are proceeding to and from their work. In this way we understand that successful conspiracies to murder the guards, and so to escape, have been formed by convicts, assisted by their friends out of prison, and there can be no doubt that mischief under a variety of other forms has often been promoted by the

INTERCOURSE WITH FRIENDS.

opportunities thus afforded for the interchange of intelligence between persons of the most desperate character. The above statement applies to the system of each of the three Presidencies.

Recommendation.

82. We strongly recommended that every possible precaution be taken to prevent the access of any person to the prisoners sentenced to confinement with hard labor, without the written order of the Magistrate, or other officer in charge of the Gaol; and we think that no such order ought ever to be granted excepting by a formal and recorded proceeding, and only upon proof of an urgent necessity for this indulgence, for the sake of some authorized object. We are not aware of any objects other than those of the following descriptions, which we consider ought to authorise the access of others to a prisoner under sentence of hard labor: 1st, the promotion of public justice; 2ndly, the avoiding of injury, or the obtaining of advantage to parties not criminal; 3rdly, the avoiding of injury, or the obtaining of advantage to the criminal himself, other than present gratification. We think that communication by letter ought to be subjected to similar restrictions.

83. In our opinion strictness in this respect is an essential part of any tolerable system of prison-discipline, not only because of the danger of escape, and the obstruction of justice which a contrary course involves, but because the privation of intercourse with the world is a great aggravation of the pain of confinement, and one of the most legitimate aggravations, for its effects are mostly limited to the actual term of the sentence, and without it all attempts to reform the character are futile.

*DESCRIPTIONS OF
CHARACTER.
Of native prisoners.*

84. No descriptions of character accompany prisoners in India sentenced to imprisonment in banishment from the district, or sentenced to transportation beyond sea, or sent from under the charge of one officer to the charge of another. Now and then, when a peculiarly dangerous man, or one very likely to escape, is transferred from one place to another, this fact is noticed in the list of names and sentences sent with a gang of convicts.

*Of Europeans
transported.*

85. When Europeans are transported to New South Wales, the Gaoler of the Presidency from which they sail sends characters on board with them. But this manner of preparing descriptions of character to be sent with transported convicts, besides being objectionable on general grounds, is here peculiarly improper; for the greater part of such convicts are sentenced by courts martial in the Provinces, and transmitted thence without any characters whatsoever. They are merely deposited in the Presidency Gaol until transport can be procured for them, and in these

cases, even supposing the Gaoler to be otherwise fit for his duty, the character given by that officer must be either useless or untrustworthy, excepting in so far as it may be confined to an account of the prisoner's conduct whilst in the Gaol at the Presidency.

Recommendation.

86. It appears to us desirable that, with every transported convict, a description of his previous rank and habits should be sent. In cases of transportation we attach great importance to the sending a trustworthy and particular character with each convict. Our late lamented colleague Sir B. Malkin, has informed us of an instance that occurred during his official residence in the Straits, wherein the ignorance in which the authorities there are kept as to those points produced fatal results. We are further of opinion that a statement of punishments inflicted on any prisoner for breach of prison rules ought to accompany all convicts on their removal from one Gaol, or place, to another.

RECOMMENDATIONS.

87. No effectual method is adopted to ascertain how often the same individual is re-committed to Gaol as a convict, who has before been convicted of any offence. The estimates which have been made from inquiring amongst the Gaolers, Peons, and guards as to the proportion of re-committals to committals for the first time, vary from as high as 23 re-committals, to as low as one, out of a hundred committals. As was to be expected, the proportion is greatest in large towns, and least in districts where the urban population bears the smallest proportion to the agricultural population. The method which was adopted to ascertain the actual proportion was to take the number of prisoners in confinement at a given time, and to endeavour to discover how many of them had ever been in Gaol before. The average of the per centages returned is, as follows: in the lower provinces of this Presidency out of one hundred prisoners in Gaol, about nine and a half have been in Gaol before; in the North Western Provinces the per centage averages at about ten and a third; in the Madras Territories it is a little more than six; and in the Bombay Territories it is a little less than six; on the whole of India the average per centage is eight and three quarters. We believe that the above may be relied upon as not very far from the true proportion of prisoners in Gaol who have before been sentenced to the same Gaol. We have taken into consideration the returns of such officers only as appear to have taken pains to ascertain the actual proportion, and most of these seem to be aware that the proportion is probably higher, for what is returned may be regarded as a minimum which more accurate information might have augmented but could not have diminished. The officers who have made mere guesses suppose the proportions to be very much greater, even so high as two re-committals to one first committal. Perhaps ten per cent.

may be taken as the average proportion of returns to the same Gaol. There exist no means of estimating the number of prisoners who have before been sentenced to any other Gaol than that in which they happen to be.

88. No difficulty is anticipated by the officers in charge of Gaols in accurately ascertaining every individual who is more than once committed to the same Gaol, and for this purpose the keeping in each Gaol of a well arranged register of convicts has been recommended.

Recommendation.

89. This information is very necessary in order to ascertain the effect of punishments; and though it is impossible any where to obtain it completely, enough can be obtained in India to be of great service, as in this country the more common classes of habitual offenders do not often migrate to great distances. We recommend, therefore, that every officer in charge of a Gaol be directed to keep an alphabetical register of all convicts sentenced to be confined in his Gaol, with a minute personal description*, and a statement of the parentage, caste, residence, occupation, age, crime, and sentence of each. The date of the sentence, and the Court by which it was passed ought also to be specified. Where a prisoner has been previously sentenced for any offence, that circumstance ought also to be noticed.

90. We also recommend that copies of these Registers be interchanged amongst neighbouring districts, as has been suggested to us by some Magistrates; and we are of opinion that great attention ought to be required on the part of Gaolers, and other officers employed in the preparation of these documents, in order to their correctness, particularly in the cases of prisoners who cannot be ascertained to have been old inhabitants of the district in which they committed their offences. Besides the value of the statistical information that will thus be obtained, such a system cannot fail to be useful for the apprehension of offenders who may abscond from their homes.

*UNTRIED PRISONERS.
In Gaol.*

91. Untried prisoners are not forced to labor, but they are put into fetters if accused of heinous offences, when that measure is necessary in order to prevent escape. This is the rule, but from the nature of all Provincial Gaols in India it may be understood to be a usual practice to put all persons accused of heinous offences into fetters. We beg to refer to the note† for an account of the treatment of untried prisoners in the

* In some American Gaols, the length of every prisoner's foot is measured and recorded. This appears a very useful addition to the ordinary descriptive roll.

† "At Singapore the transported convicts are not fettered. The prisoners in the common Gaol which is a substantial building, surrounded by an outer wall, and which either is,

Gaol at Singapore, given by our colleague Sir John Grant, who has lately visited it.

Recommendation.

92. We think it very desirable that fetters should, if possible, be never used except for prisoners convicted of crimes of a peculiarly disgraceful character. At the same time we are sensible that the climate of India makes it more difficult than it is in England to construct a ward that shall be perfectly secure, for an unfettered man, without being so close as to be uninhabitable. As far as personal comfort is concerned, probably every prisoner would prefer being in irons in an airy place, to being unfettered in a confined place. But we nevertheless believe that sufficient security might be obtained in every Gaol, at no immoderate cost, and without making the place too hot, to do away with the necessity of putting irons on men not convicted. At Singapore, where there is a good Gaol, we have no doubt that the fettering at least of untried prisoners may be at once discontinued.

Before committal.

93. At the Thannahs, where men apprehended on suspicion are kept a few hours, the usual practice is to confine prisoners by putting one of their legs through a hole in a plank, which resembles the stocks used in England, but which, from being close to the earth, is not so inconvenient as the English stocks are, as it enables the person confined to lie at full length, and to turn about, his legs being changed occasionally. It is to be wished that the necessity for this mode of confinement could be avoided by having an airy lock-up house at each Thannah, but the expense of this would be great; for in this climate, though it might sound less irregular, it would really be more cruel to confine people for 48 hours* in a small, ill-contrived room, than to secure them for so long a time in the manner above described.

94. No provision is, we believe, made for the support of prisoners apprehended at the Thannahs on their way to the Magistrate: but as we understand this evil to be already under the consideration of the Government of India, we abstain from offering any remarks on this point.

"or might with very little outlay and judgment be rendered quite secure, and within the yard of which, armed centinels are placed day and night, every prisoner without distinction, of accused and convicted, or of offence, or of character, is kept in fetters from the time of his entrance till his exit. This struck me as a very strange and unwarrantable cruelty; it appears from what is stated in the report as the result of the evidence to exceed in its unnecessary severity and injustice, the usual practice in the Provincial Gaols in India."

* This is the limit beyond which Thannadars are not authorised to detain. See Regulation XX of 1817, Section 19, Clause 16, of the Bengal code.

Recommendations.

95. The Regulations allow the Thannadars a discretion whether or not to put handcuffs on prisoners sent in by them to the Magistrate, and their doing so ought to depend on considerations of security. We think some more definite rules might be enforced on this point, by determining the offences of which an accusation shall warrant the imposition of hand-cuffs in all cases; leaving other cases to depend upon proof of necessity.

Plan in Malabar.

96. A plan is mentioned by the Judge of Malabar, as adopted in his district, for securing prisoners on their way between the Gaol and the Court, which, as it obviates the necessity for using fetters on those occasions, we consider worthy of universal adoption. It is to secure one of the prisoners wrists in a ring sliding on an iron rod about eight feet long.

PRISONERS
SENTENCED TO SIMPLE
CONFINEMENT.
In Bengal.

97. In some Gaols on this side of India it appears to be the custom to make prisoners not sentenced to labor, if they be of the lower orders, to labor at light work. By the replies of a great number of Magistrates to the question put to them on this subject, it is quite evident that an unqualified sentence of imprisonment is not generally understood to imply authority to enforce labor; and, this being the general understanding, we recommend that means be taken for the absolute and universal suppression of the practice, which appears to prevail only in a very few places.

98. Before the passing of Regulation II of 1803, the infliction of hard labor in imprisonment had not been specifically authorized as a general punishment for all grave offences. That infliction had only been specifically provided for in commutation of a sentence of amputation of one or of two limbs, under the Mahomedan Law*. The Court of Nizamut Adawlut had some years before issued the circular order copied in the note†, which enforced hard labor on all convicts that had been previously sentenced to unqualified confinement. This was followed by another

* Section 51, Regulation IX. of 1793, (extended to Benares by Section 22, Regulation XVI. of 1795, and to the ceded provinces by Section 21, Regulation VII. of 1803.)

† April 6th 1796.

"The Court of Nizamut Adawlut having ascertained from their Law officers that the employment of all convicts, sentenced to imprisonment, in the repair of the public roads, or in other similar public works, is consistent with the Mahomedan Law, and being of opinion that such employment must be salutary to the prisoners, they have thought proper to resolve, that all prisoners of the description abovementioned shall be so employed, with an exception to any person who may be incapable of bodily labor from age, sickness, or other infirmity; and accordingly desire you will issue the necessary orders to the several Magistrates within your division.

circular order also copied in the note* by which, leaving hard labor as the general attendant of imprisonment, the *Magistrates* in charge of Gaols (not the Courts passing sentence) were directed to report for a remission of labor such cases as, without coming under the exception specified in the former order by reason of age or ill health, might appear to the Magistrates deserving of exception by reason of rank "or otherwise." Regulation LIII. of 1803, besides other provisions on this subject, contains a general enactment† which empowers a Court that can sentence to imprisonment to add hard labor and banishment also. Since 1803, the numerous Regulations that have been passed allotting particular penalties for particular offences, or otherwise modifying the penalties of the Mahomedan Law, have generally specifically authorised the addition of hard labor to imprisonment for those crimes which are usually punished with hard labor. We recommend, therefore, that it be suggested to the Court to recal both the circular orders above alluded to, for when labor is legal and proper, the authority sentencing can always award it, and, where that authority has not awarded it, we consider it a pernicious abuse to allow a subordinate ministerial officer the discretion of enhancing the sentence of an authorised tribunal.

Recommendation.

99. We do not, of course, object to allowing prisoners not sentenced to labor to work, if they ask for work. We even think that such prisoners, unless prohibited from work as part of the punishment in the case of solitary confinement for a short term, ought to be allowed to work on their own account, after paying for their maintenance.

Explanation.

100. In the Madras Gaols it seems to be more common than in those of Bengal to oblige prisoners to work who have not been sentenced to labor. Under the Regulations of that Presidency, though it has been determined that the authority to imprison includes authority to enforce hard labor, yet the circular order which puts that interpretation on the Regulations, does not suppose any other authority than the one which

In Madras.

* August 10th 1796.

"The Nizamut Adawlut being of opinion that cases may occur, though but seldom, in which it would not be proper to enforce their circular order of the 6th of April last, for employing all convicts sentenced to imprisonment, in the repairs of the public roads, or other similar public works, with an exception to such as are incapable of bodily labor from age, sickness, or other infirmity, have directed me to desire, that you will instruct the several Magistrates within your division, in case any convict, now, or hereafter sentenced to imprisonment, should from his rank and situation in life, or otherwise, appear to them an improper object to be employed on the public roads, or other similar works agreeably to the said order, to report the same, with the circumstances of the case, for the special order of this Court, and in the mean time to suspend the execution of the former order."

† Clause 3, Section 8.

Recommendation. passes sentence to have that power*. Our recommendation that this practice be strictly prohibited applies, therefore, more forcibly to Madras than to this Presidency.

In Bombay.

101. The penal Regulations† in the Bombay Code provide only two descriptions of imprisonment: viz. Solitary and Ordinary imprisonment. If the sentence so direct, but not otherwise, ordinary imprisonment may be attended with hard labor which may be enforced on the roads. If the sentence expressly forbid it, a prisoner sentenced to ordinary imprisonment can not be obliged to work even in Gaol. But where the sentence neither specifies hard labor, nor forbids all labor, it is left by the Regulations for prison-discipline‡ entirely to the discretion of the Superintending officer of the Gaol, (who in Zillah Gaols is always the Sessions Judge) whether to employ a prisoner sentenced to imprisonment not solitary at any manufacture that can be carried on under shelter, and without severe exertion, for six hours a day, or to let him remain quite idle. Such is the Law. The practice, as might be expected where there is so large a discretion, is very different in different Gaols. At Ahmednuggur and Ahmedabad it appears to be the general practice to make prisoners sentenced to ordinary imprisonment without hard labor, to work for six hours a day in Gaol. At Tannah and Rutnaghurree such prisoners are "sometimes" obliged so to labor. At Khaira and Sholapore, such prisoners are never forced to labor at all, though at the last mentioned place they sometimes work of their own accord in preference to being idle. At Candeish the acting assistant Session Judge says, "those sentenced to simple imprisonment are always obliged to labor, in and out of Gaol."

Recommendation.

102. This last variety of system seems to us to be quite contrary to the Bombay Regulations, and to be an abuse which ought to be immediately stopped. But, except in Candeish, the practice does not seem to be at variance with the law. We cannot however approve of the principle of a law which leaves the nature of the punishment, in so many cases, to depend upon the officer under whose control the execution of the sentence is left. In this respect we think that the law ought to be changed; but so long as it may remain, we recommend that some rules may be adopted for enforcing an uniformity of practice. If it were ordered that all prisoners sentenced to ordinary imprisonment without specification, should be forced to labor in-doors for six hours a day, the authorities passing sentence would see the propriety of specifically adding an exemp-

* Circular Order of Madras Foujdarree Adawlut, 7th February 1820.

† Section 7, Regulation XIV of 1827.

‡ Section 45, Regulation III of 1827.

tion from all labor to the sentences of all prisoners whom they might think undeserving of that aggravation of imprisonment.

103. Convicts who have been in confinement for six months or upwards, are under each of the three Presidencies, on their liberation, presented with an allowance sufficient to maintain them for one month, if their circumstances are such as to require that assistance. In the Bengal and Madras Presidencies this allowance must in no case exceed five rupees, and under the Bombay Presidency it must not exceed seven rupees and a half. If convicts have been sent from one district to another, and are liberated before being returned to their own district, besides the allowance abovementioned, they are presented, on liberation, with a sum sufficient to support them on their journey home.

ALLOWANCE ON LIBERATION.

104. Having now described the treatment of prisoners sentenced for specific terms of imprisonment, confined in Gaol, we proceed to describe the treatment of those in charge of Engineer officers under this Presidency. At the date of our returns, there were, in round numbers, 13,000 prisoners, on an average, under the charge of Engineer officers, and employed at a distance from their Gaols on the great trunk-road, and other roads. Four or five months ago, the convicts under Captain Thomson on the lower trunk-road were withdrawn. These were stated in our returns at about 4000, so that the present number of convicts on road-gangs may be taken at about 9000. But as our returns were all made before these convicts were withdrawn, our calculations proceed upon the original number. These prisoners are all convicted of heinous offences: none of them are sentenced for life, and none of them, we believe, for a term of less than one year: but beyond this there is nothing in common to them all. They are not selected on account of any mitigating or aggravating circumstances of their crimes, or general characters, but merely by reason of the district in which they have been convicted being within a certain distance of a particular tract of country. This system was commenced in the Lower Provinces on the first of March 1833, when every prisoner sentenced to labor, for whatever crime, whose unexpired period of imprisonment exceeded one year, was sent to Captain Thomson from the Gaols of Benares, Mirzapore, Ghazeepore, Sarun, Shahabad, Patna, Behar, Ramghur, Beerbhoom, and the Jungle Mahals. Since that date, prisoners from a great many other Gaols in the Lower Provinces have been sent to the trunk-road, but we believe that, except on the first occasion, none but those sentenced for murder, dacoity, highway-robbery, burglary, theft, receiving stolen goods, forgery, perjury, arson, rape, and other offences for which the term of imprisonment has been five years or more, have been sent from the Gaols. In the same way, in many districts

ROAD-GANGS.
In Bengal Presidency.
Prisoners how selected.

When first sent.

at a distance from the trunk-road, all the prisoners of the above descriptions have been made over to the district executive officer. The system was, we believe, commenced in the Upper Provinces about the same time as in the Lower Provinces.

How worked and lodged.

105. By day the prisoners in these road-gangs work in iron fetters, and at night they sleep sometimes in huts, and sometimes in tents, secured in gangs by means of a long iron chain passed through a ring in each man's fetters, or between the legs above the fetters, and fastened at each end. Some executive officers state, that this method of chaining the prisoners does not prevent them from lying in any position that they choose.

How classed.

106. Being worked in gangs, the gangs are sometimes arranged according to the strength of the men, sometimes according to the district from which they are sent, but generally there is no systematic method of distribution. There is no classification under any executive officer. Captain Thomson says, that in his gangs some sort of attention is paid to keeping, as much as possible, men sentenced for the same term of imprisonment together. This is the nearest approach to a moral classification. One officer, Captain Warlow, says that he takes great pains to avoid all classification, lest, by the same set of men being always together, conspiracies to escape might be hatched.

How coerced.

107. No difficulty is found in making these prisoners do what work they are required to do. The executive officer has power to handcuff refractory prisoners, or to put extra irons on them, to stop one third of their allowances, or, if necessary, to flog them on the spot with a ratan. But it seems to have been very seldom necessary to resort to any of these means, the prisoners being generally very tractable.

How Guarded.

108. One Burkundauz at four rupees a month is allowed as a day guard for every five convicts, and one as a night guard for every twenty convicts. In the aggregate this gives one Burkundauz for every four convicts. Two Duffadars at six rupees are allowed for every twenty-five Burkundauzes, and one Jemadar at fifteen rupees for every two Duffadars. Notwithstanding this expensive guard, costing more than a rupee a month for each convict, escapes are frequent. In the year 1836-37 there were no less than eighty escapes from the road-gangs*.

System how regarded by convicts.

109. There is no doubt that the prisoners dislike working under executive officers, away from their districts; a great deal more than they

* See Appendix, Nos. 32 and 33.

dislike working under the control of a Magistrate, in the neighbourhood of their Gaols. In general the work is less severe under a Magistrate, who has little or no time to superintend the making of roads. The removal from the neighbourhood of their friends is greatly disliked, for when on the roads in their own district, they are visited by them, and receive money from them. The loss of this intercourse is particularly felt by prisoners in good circumstances.

110. The mortality of the convicts, occurring whilst actually under the charge of the executive officers, has been, on the whole number on this side of India, during the two years ending with April 1836, about 7 $\frac{1}{2}$ per cent. yearly*. If we were to take this as the true mortality of convicts sent to the road-gangs, as compared with other convicts, it would

Mortality of these Prisoners.

* This is calculated from the tabular statement in the Appendix marked No. 26, which is taken from the replies (see Appendix No. 4) made to the third question in the set of questions Appendix, No. 3. The time embraced in the returns in no case exceeds 25 months, and in many cases it is much less. The returns include the gangs both in the Upper and in the Lower Provinces.

The method by which the average annual mortality per cent. has been deduced from the percentage of mortality of the different gangs, of very different numbers, and for very different periods of time, is explained in the statement itself. The annual percentage of deaths actually occurring amongst convicts whilst belonging to gangs on the roads in the Lower Provinces alone, as stated in Paragraph 21 of the second report of the convict labor committee, is 8.803. By our returns the mortality of the gangs in the same provinces is 11.16 per cent. But the method by which the average has been calculated by the convict labor committee is fallacious. That method was by summing the average number of each gang of convicts, and the total deaths within each period embraced in each return, and shewing what proportion per cent. the whole number of deaths bore to the whole number of convicts. But the time within which that proportion of deaths occurred formed no element of the calculation, or rather none affecting the result; for though the periods of time were summed, the sum thereof was used only to divide both the first and third proportional terms. It is evident that a result so obtained would only have been right had each period been equal, and each of one year's duration, which was not the case. As the periods embraced in the different returns, as well as the numbers of the different gangs, are very different one from another, this method is evidently erroneous, and the result must therefore be incorrect.

The convict labor committee, by comparing their percentage of mortality on the roads, so obtained, with that in Allipore Gaol, calculated the excess of deaths caused by labor on the roads at 3 per cent., exclusive of those who die after being returned from the gangs of diseases contracted in them. But this comparison is formed on grounds evidently too favorable to the road-gangs in the Lower Provinces, even supposing the rate of mortality amongst those gangs to have been correctly calculated. Nine tenths of the prisoners in Allipore Gaol are confined for life: every one of these must sooner or later die in confinement. None of the convicts on the roads are confined for life: the vast majority of those, therefore, ought to be released many years before their deaths. Thus the average age of life prisoners must ever be much greater than the average age of temporary prisoners, and consequently the ratio of deaths amongst the former must ever, *ceteris paribus*, greatly exceed the ratio of deaths amongst the latter. Where the contrary is the case, the difference of healthfulness must be excessive.

seem more, but not greatly more than the usual mortality of the whole body of convicts under this Presidency, which was in 1833*, 6.59 per cent.; in 1834† 6.63 per cent.; in 1835‡, 5.64 per cent.; and in 1836§, 7.3 per cent. But the true excess of deaths caused by the employment of convicts on the road-gangs has been much greater, as has been shown in the second report of the Bengal convict labor committee||. In fact, we imagine, only those convicts who die under the actual charge of the executive officers, that is to say, those who die of the first effects of acute diseases, appear as part of the 7½ per cent. above extracted. All those who die of chronic diseases acquired on the roads, and of the sequelæ of ill cured fevers caught on the roads, do not, we believe, appear in the mortality list of the road-gangs as they ought to do, because many of them are sent in from the roads in a dying state. It has been estimated, as a general rule, that one third of the whole number of deaths occurring amongst a body of unhealthy natives are from the sequelæ of acute diseases not immediately fatal. Were a proper proportion of these taken into account against the road-gangs and in favor of the prisoners in Gaol, the difference would be much greater.

But if, leaving out the North Western Provinces, in which labor on the roads seems not to be more unhealthy than a Gaol life, we take into account only the mortality of prisoners on the road-gangs in the Lower Provinces, as compared with that of prisoners in the Gaols of the Lower Provinces, the difference is much more startling.

The average mortality of the convicts whilst actually under the charge of the executive officers in the North Western Provinces, only, has been during the same period 3.38 per cent. yearly, but that of prisoners similarly situated during the same period in the Lower Provinces, only, has been 11.75 per cent. Thus it is merely owing to the excessive mortality of the prisoners on the road-gangs in the Lower Provinces, that the rate of deaths amongst the aggregate number of convicts on the road-gangs of this Presidency is so high as 7.3 per cent. There are no returns procurable of the rate of mortality of prisoners *not* on the road-gangs, wherewith the above rates can be directly compared; but as we know the number in the road-gangs, and the number of all prisoners in and out of the road-gangs, as well as the rate of mortality of those in the road-gangs, and the rate of mortality of all prisoners in the aggregate, the rate of mortality of the prisoners not in the road-gangs can be calculated. In the Upper Provinces we find that the rate of mortality actually occurring amongst prisoners in the road-gangs is less than the rate amongst all prisoners in

* See Dr. Hutchinson's Book on Indian Gaols.

† See Appendix, No. 20.

|| See Appendix, No. 22, Paras. 24 to 27.

‡ See Appendix, No. 19.

§ See Appendix, No. 21.

the same Provinces in the aggregate, which has been for the four last years 4.64 per cent., and consequently that it is still less than the mortality of the other prisoners in the same Provinces. This is no sign of occupation in a road-gang being particularly healthful for prisoners in the North Western Provinces, because it cannot be supposed that old, infirm and sickly prisoners are ever sent to the road-gangs, and prisoners who become so whilst in the road-gangs are returned to the Magistrates as above explained. Under such circumstances if the proportions were nearly equal, such a result would be very greatly against the road-gangs of the North Western Provinces. It is dreadful, therefore, to find that in the Lower Provinces the proportions are reversed.

111. In round numbers, and exclusive of places under the jurisdiction of Her Majesty's Courts, there are 24,000 criminal prisoners in the Lower Provinces. At the average ratio of deaths shewn in the same Provinces for the last four years, viz. 8.3 per cent., there will be 1,992 deaths in a year from out of the whole number. Of the above number of prisoners there were 6,328 on the roads in the Lower Provinces, out of whom, according to the ratio shewn in our returns, viz. 11.16 per cent., the deaths in one year will be 706. This leaves 1,286 deaths from amongst the remaining 17,672 prisoners actually in the Gaols of the Lower Provinces, which gives for those prisoners a ratio of 7.28 per cent.; thus showing a difference against the road-gangs of 3.88 per cent., or very nearly as three to two.

112. If fair allowance be made for deaths occurring after a return to Gaol, in consequence of diseases caught on the roads, it will be evident that the chance of death is so much increased by sending a batch of Bengal convicts to a road-gang that, when the term of imprisonment is long, what was intended for a secondary punishment by the Judge, is, in respect to many of the prisoners so sent, converted into a capital punishment.

113. But a fair judgment cannot be formed on this point from the mere average result. Inequality and uncertainty, (which are worse elements in any punishment even than unnecessary severity,) being apparent in an extreme degree upon the face of our returns, it is necessary to examine the extreme cases. In one gang employed under Captain Thomson in the Ramghur Division of the Trunk Road, the number of convicts who died whilst actually belonging to the gang, averaged for ten months at the rate of 34½ of deaths per cent. per annum. In one month the deaths in that gang were 10 per cent.

114. Since this part of our report was framed we have learned* with very great pleasure that the prisoners in the gangs on the Benares road, under Captain Thomson, in which the highest rate of mortality is to be found, were returned to their respective Gaols about the commencement of the present hot season, in consequence of the great mortality amongst them, which it was found impossible to check by any other means. The resolution of the Right Honorable the Governor of Bengal recorded on this occasion† shows that for the last six months of 1836, the mortality of the particular gangs in question has been at the rate of 14.2 per cent. per annum, or higher than the average mortality of the road-gangs in the Lower Provinces by nearly 3 per cent. per annum. But the other gangs under the executive officers in the Lower Provinces have not been taken off the roads, and of these it must be noted that the average annual mortality apparent in our returns from the executive officers of Dacca, Burdwan, and Cuttack, is respectively 14.2, 13.4, and 11 per cent. The average annual mortality under the executive officer at Jubulpore, in the Saugor and Nerbudda Territories, is 10.3 per cent.

How fed.

115. In general these prisoners are allowed a sum of money daily, exactly in the same manner as prisoners in Gaol are allowed money, but three instances have already been mentioned in which rations have been successfully introduced instead of money allowances‡. The returns of the executive officers to the sixth question put to them have confirmed us in the opinion before expressed, that the food of convicts is better in quality, and more in quantity, than that of common laborers. Captain Thomson who speaks with much confidence, as having examined this subject with great care, gives a very decided opinion to this effect.

How clothed.

116. The prisoners are supplied with clothing twice a year, in the same manner as prisoners in Gaols are supplied, with the addition of a second blanket to such of them as are upon the Upper and Lower Trunk roads. The quantity of clothes given varies slightly in different places; it appears generally sufficient, at least for those to whom the extra blanket has been given, and may be reckoned to cost between two rupees and a half and three rupees a year. Common laborers are not able to afford themselves so much clothing as that allowed to these prisoners. It appears to be the custom in these gangs to allow prisoners on their liberation to take away their Gaol clothes, including their blankets; and as no articles are served out excepting twice a year, new comers are not supplied

* From Mr. Secretary Mangles' letter of the 21st August 1837.

† Dated 14th of March 1837, Para. 4. See Appendix No. 23.

‡ See Para. 67.

with blankets till the time arrives for serving out clothing to all. This hardship, which must be prejudicial to health, will be obviated if, as we recommend, it be adopted as a rule, that no prisoner on his liberation shall be allowed to take away any part of his prison clothes, more especially his blanket, and that every prisoner on his imprisonment be supplied at once with his proper share from the half-used clothing in store.

Recommendation.

117. The gangs under most executive officers are in the same condition as to savoury food, and other luxuries, as those in Gaols; that is to say, they are not prohibited from purchasing these things if they have the money. Captain Drummond says of the five thousand convicts under him, that "there is no positive restriction on these points." It appears that even opium and intoxicating drugs, though prohibited, are procurable through the venality of the guards. Captain Thomson says of the four thousand men under him, that "when the prisoners work well they receive rewards in pice to purchase what they please, besides the rations are more than they can eat, and they barter part with the villagers who come to the camp with milk, fish, tobacco, vegetables, &c.; and to this no objection is made."

Luxuries how far allowed.

118. Visitors, male and female, are allowed to visit the convicts in the gangs, but they are not allowed to approach them in the night-time.

Visitors how far allowed access.

119. It has already been said that no descriptions of character accompany the prisoners sent to an executive officer.

Descriptions of character not sent.

120. We have endeavoured to ascertain correctly the difference between the actual cost of convicts employed in the road-gangs under engineers, and the actual cost of the convicts who remain under charge of the Magistrates, by whom those sentenced to labor, forming the vast majority of all prisoners, are usually employed upon the roads of their own districts. We have also endeavoured to ascertain, as correctly as practicable, the difference between the actual cost of a convict on a road-gang under an engineer, and what the cost of such a convict would be if he were in Gaol, quite idle. The charges incurred on account of the road-gangs are mostly audited by the Civil Auditors, and that part of the expense which is so audited is charged as one of the ordinary judicial charges incurred on account of prisoners. But a moiety of the cost of certain small items, such as tentage or hutting, transport of sick, extra guards, and the like, is audited by the Military Board, and charged to the Ferry Funds as an expense especially incurred on account of the roads, over and above the ordinary expenses of convicts. If the adjustment were quite fairly made, the entire fixed charge for Gaols, Gaolers, Gaol

Financial result.

guards and Gaol establishments, and all charges for transportation beyond sea, would be set against the convicts in the aggregate, and a sum equal to all the other charges incurred on account of each laboring prisoner left under the charge of the magistrates would fall to be allowed for each convict on the road-gangs, as part of the ordinary judicial charges. Every expense on account of the road-gangs beyond that sum ought then to be charged to the Ferry Funds, and each man's share of this sum would be exactly the extra expense of employing a convict under an engineer in a road-gang. But this is not done. A very great part of the true extra charge of convicts on the road-gangs is borne as an ordinary judicial charge. To shew what the true cost of a convict in the road-gangs is, compared with that of a prisoner under charge of the Magistrates, we have prepared the Tables given in the note* from the returns of the Civil Auditors†. In these Tables the whole expenses under each division of this Presidency for the fixed Gaol Establishments consisting of Gaolers, Deputy Gaolers, Gaol guards, and permanent Gaol Servants (such as Native doctors and their Assistants, mohurrirs, podars for distributing cowries, executioners, blacksmiths, bheesties, and sweepers), are charged respectively against the prisoners of each division, in the aggregate; for the sending a large portion of the

* Statement shewing the true cost of Prisoners under the Magistrates, compared with the true cost of Prisoners in the road-gangs under executive officers.

BENGAL.				NORTH WESTERN PROVINCES.			
Under charge of Magistrates.	Total Yearly cost.	Yearly cost of each Prisoner.		Under charge of Magistrates.	Total Yearly cost.	Yearly cost of each Prisoner.	
Number of Prisoners,	16,174			Number of Prisoners,	11,215		
Food,	2,39,732	14	13	Food,	2,56,526	22	13
Medicines,	11,411	11	3	Clothing,	31,444	2	12
Clothing,	30,802	1	14	Medicines,	13,842	1	3
Removals,	7,278	7	2	Removals,	4,201	5	11
Share of Gaolers, Gaol servants, fixed Gaol Guards, &c.	1,20,792	7	7	Share of Gaolers, Gaol servants, fixed Gaol Guards, &c.	1,46,372	13	0
Temporary Guards varying according to the number of prisoners at work out of Gaol,	75,564	4	10	Temporary Guards varying according to the number of prisoners at work out of Gaol,	90,757	8	1
Share of charges for Transportation beyond sea,	11,766	11	7	Share of charges for Transportation beyond sea,	8,138	11	7
Miscellaneous,	33,542	2	1	Miscellaneous,	9,829	13	11
Total,	5,30,927	32	13	Total,	5,61,108	49	14
Under charge of Executive officers.				Under charge of Executive officers.			
Number of Prisoners,	5,269			Number of Prisoners,	5,413		
Food,	80,486	15	4	Food,	1,23,491	22	13
Medicines,	762	2	4	Clothing,	12,974	2	6
Clothing,	17,526	3	5	Medicines,	536	1	7
Removals,	958	2	11	Share of Gaolers, Gaol servants, fixed Gaol Guards, &c.	70,459	13	0
Share of Gaolers, Gaol servants, fixed Gaol Guards, &c.	30,350	7	7	Guards,	86,018	15	14
Guards,	74,709	14	2	Share of Transportation beyond sea,	3,918	11	7
Share of Transportation beyond sea,	3,813	11	7	Contingencies passed by Civil Auditor,	11,766	2	2
Miscellaneous passed by Civ. Aud.,	11,098	2	1	Ditto Military Board exclusive of European Overseers,	8,563	1	9
Ditto Military Board, exclusive of European Overseers,	15,224	2	14	Total,	3,17,727	153	11
Total,	2,43,916	46	4	Total,	3,17,727	153	11

† See Appendix No. 14.

prisoners out of Gaol, to a road-gang, does not diminish the charge on account of these Establishments, and the returning them would not augment it. The charge for transporting convicts beyond sea, though it appears chiefly in the return of the Civil Auditor of Bengal, in consequence we suppose of the transport being paid for in Calcutta, has been distributed amongst the convicts in both divisions of the Bengal Presidency, in the aggregate. The fluctuating establishments of Burkundauz guards, employed to guard the prisoners by day when at work out of Gaol, whose number varies with the number of prisoners in confinement at a time, as shewn by the returns from each Civil Auditor, have been charged *exclusively* to the prisoners under the Magistrates, for this last class of guards is engaged exclusively for those prisoners. In the first return of the Bengal Civil Auditor this item of expense was omitted altogether, but that officer subsequently afforded us a separate statement shewing the amount of the charge on account of these temporary guards, which was in 1835-36 Sa. Rs. 75,664. This sum therefore is *exclusively* chargeable under the head of guards, against prisoners under the Magistrates. The sum set down in the first return of the Civil Auditor as the cost of guarding prisoners under the Magistrates, which is rupees 1,60,142, is in fact the cost only of the fixed establishment, and this has to be distributed proportionally over the prisoners of both classes, by which the true charge of guarding this one class of prisoners is found to be much less than is apparent on the face of the Civil Auditor's return. On the other hand the whole of the expense set down by the Civil Auditor for guarding the convicts on the road-gangs has in these tables been charged against those convicts, exclusively. To the charges incurred on account of the convicts on the road-gangs which are audited by the Civil Auditor, as thus corrected, the charges incurred on account of the same convicts which are audited by the Military Board have been added, and the result shews the true expense of a convict sent on a road-gang from the moment of his leaving his Gaol, to the moment of his release, or of his re-entering his Gaol. This expense, in Bengal, comes to Sa. Rs. 46. 4. 6 a year for each man. The expense of a prisoner left under the Magistrates care, and employed in the usual manner is Sa. Rs. 32. 13. 2. The difference against the road-gangs is thus shewn to be Sa. Rs. 13. 7. 4.

121. By treating upon the same principle the returns of the Civil Auditor of the North Western Provinces, the expense of a convict sent on a road-gang from the moment he leaves the Gaol to the moment of his return to it, or to that of his release, is found to be Sonaut Rupees 58. 11. 1 a year for each man. The expense of a prisoner left under the Magistrate's care, and employed in the usual manner, is Sonaut Rupees 49. 14. 1. The difference against the road-gangs is thus shewn to be Sa. Rs. 8. 13. 0 a year.

122. The cost of a prisoner confined in Gaol, quite idle, has been ascertained in Bengal to be about Sicca Rupees 24. 2. 0 a year, or about two rupees a month*. The extra expense incurred by sending a prisoner to work under an Engineer in a road-gang is thus shewn to be in Bengal Sa. Rs. 22. 2. 6 a year. In the North Western Provinces, making allowance for the difference in the cost of food, the expense of a prisoner confined in Gaol, quite idle, may be taken at St. Rs. 31. 11. 8 a year, or about St. Rs. 2. 12. 9 a month. The extra expense incurred by sending a prisoner to work under an engineer in a road-gang is thus shewn to be in the North Western Provinces St. Rs. 26. 15. 5.

123. To form a proper comparison between the *extra* cost of a convict on the road-gangs, and the value of the work of such a convict, it must be remembered that the *extra* cost commences from his leaving his Gaol, and if he be not released from the gang, that it does not cease till his return to Gaol, or if he be released from the gang, that it does not cease till he be returned to his own district. During the time spent in travelling, he does no work at all in return for his extra cost. Therefore the *extra* cost of the number of prisoners annually required to keep up any gang to its full complement by replacing the yearly losses by death, escape, permanent loss of health, and liberation, during the time occupied in transferring that number from their Gaols to the gang, must be allowed for, as a part of the constant charge of a gang of any number of convicts, over and above the cost of an equal number of men in a Gaol. So also the *extra* cost of sick prisoners sent back from a gang, during the

* The following is the actual cost for one year of one hundred prisoners now confined in the Burdwan and Beerbhoom Gaols, and employed at in-door work, exclusive of the charge for materials for work, superintendence of work, &c. as carefully ascertained by the Bengal Convict Labor Committee. See Para. 36 of their second Report, dated the 28th of January 1837.

	Burdwan.			Beerbhoom.			Mean.		
Food,	1,710	15	0	1,330	11	8	1,520	13	4
Clothing,	293	12	0	350	0	0	321	14	0
Guarding,	480	0	0	480	0	0	480	0	0
Medicine,	90	0	0	90	0	0	90	0	0
	2,574	11	0	2,250	11	8	2,412	11	4
The share of 100 convicts in the interest on the prime cost, and in the repairs of the Gaol is estimated at,	462	0	0	462	0	0	462	0	0
Making the Total, ...	3,036	11	0	2,712	11	8	2,874	11	4

But it must be observed that the Gaol is already built, and would cost no more when full of prisoners than if every single prisoner were sent out upon the road-gangs. In a comparative view of the expense of different methods of treating prisoners, the cost of the existing Gaols may be left out of the question, for it is chargeable to all prisoners in the aggregate.

journey, must be added as a part of the *extra* cost of that gang. These charges cannot be exactly estimated, but they are certainly not inconsiderable. We may assume then, on an average of all the gangs, the extra cost of a convict sent to one of them, beyond what he would cost if confined in Gaol, quite idle, at rupees 24 a year, with perfect confidence that we are below rather than above the truth. Unless, therefore, it can be proved, that a sum of money equal to two rupees a month for every convict on the roads in Bengal and the Upper Provinces, making about rupees 26,000 a month, or rupees 3,12,000 a year, would not command as much job-work from free laborers as is now done by the prisoners on the road-gangs, the employment of convicts on the roads must be a dead loss to the state; and in a mere financial view, it would be better to let the prisoners remain absolutely idle in prison, and to lay out the consequent saving on the roads.

124. Our reasons for making the comparison between prisoners at work on the roads, and prisoners in Gaol, quite idle, are these. Solitary confinement, without *forced* labor, forms a main feature in our plan of prison-discipline. We hope to see this punishment substituted for hard labor, not in a few peculiar cases, but in the cases of a large proportion of all the convicts sentenced. On this supposition it would manifestly lead to error if we were to reckon the cost of prisoners in a Gaol, by adding the charge of superintending their labor, and deducting the profit of their labor. In the case of prisoners in solitary confinement there will be no charge for superintendence, and there may be some profit from the voluntary labor of those allowed to work; and in the case of prisoners forced to labor hard within the Gaol, it is to be hoped that the profit on their work will at least repay the mere cost of superintending it. In both cases, the difference between the cost estimated on the above supposition, and the actual cost, will probably be in our favor, but we wish to put the argument as strictly against ourselves as possible.

125. We have no doubt, notwithstanding the apparent anomaly, that the working of prisoners on the roads, as under the present system, which prisoners would require to be fed, clothed, and lodged, even if they were kept idle, does actually entail a dead loss on the state. For it must be considered, first, that the so employing them doubles the expence of maintenance. Secondly, that a convict cannot be made to exert as much of his strength as a free laborer exerts if he be paid by the job, (which mode of payment is peculiarly suitable to the Indian plan of road-making, and is universally adopted for such purposes by private individuals;) and thirdly, that a great part of the strength actually exerted by a convict is thrown away in supporting his heavy fetters.

126. But we will discard general reasoning, and descend to the facts shewn in our Returns.

Allowing for the sick, a gang of 200 convicts will not, on an average, afford more than 186 men at work. In some places, and at some seasons, such a gang has not afforded more than 124 men at work*. Thus at least 7 per cent. must be deducted, on account of the sick, from the number of days' work of 200 men in the month. Less than one per cent. cannot be allowed for convicts attending the sick, and doing other necessary work for the gangs: $14\frac{1}{4}$ per cent. must also be deducted on account of Sundays. A further deduction of $7\frac{1}{4}$ per cent. must be made for native holidays and other idle days, and for days spent in marching about†. On all these accounts, then, 30 per cent. must be allowed as the deduction to be made from the work of 200 men for 30 days, in order to show the work of 200 convicts in a month. Thus a month's work of a convict is equal to 21 days' work of a day laborer. For the month of 21 working days, therefore, the extra charge of the convict being in the Lower Provinces two rupees, the *extra* charge for each of his working days is more than an anna and a half, that is, more than the daily wages of a free laborer‡. Unless, therefore, it be maintained that one convict in irons does as much work in one day as one free laborer will do, it must be admitted that it is a waste of money to employ convicts in road-gangs.

127. Only one officer, Lieutenant Guthrie, expresses a positive opinion that convicts do as much work as free laborers: the contrary opinion is expressed by many, and the latter opinion is amply borne out by the facts in our possession. The work which the Government expects to be performed by each convict actually at work is the raising of 50 cubic feet of earth in every working day, and the work actually done by the best gangs may be taken at 60 feet. This last quantity, Captain Thomson says, is about one quarter of what an English laborer would do. Assuming the rate of 60 cubic feet a day, as the measure of the daily work of a convict, being one fifth more than that which is considered a fair average rate by Government, the calculation made in the last paragraph will shew that it will take him 16.66 working days to raise 1000 cubic feet, during which, at an anna and a half for each working day, his *extra* cost will amount to one rupee, nine annas.

* See Appendix No. 26.

† This is according to the actual experience of the Burdwan gangs, which for the last two years have worked only 285 days in each year. See answers of executive officers to Query 12, Appendix No. 4.

‡ See the same answers.

Now Captain Murray tells us* that the contract price of removing 1000 cubic feet of earth in his division (Noacolly) is 13 annas. The extra cost of employing convicts to do this work comes therefore in Noacolly to very nearly double the entire cost of doing it by contract. Captain Nicolson says that the contract price for 1000 cubic feet, in his division (Jubbulpore) is one rupee four annas, but even here, where the contract rate is high, the employment of convicts must entail a loss of five annas. In fact here the true loss is ten annas, or one-half, for Captain Nicolson says that the 50 cubic feet for which a laborer charges one anna, is fully as much as a convict can be made to do in one day. The new Bancoorah road is mentioned as having been made by hired labor at a cost of 23 annas by the 1000 cubic feet†. To have done the same work by convicts would have entailed an *extra* cost of 25 annas by the 1000 cubic feet if the convicts worked at the high rate of 60 feet a day, and an extra cost of 30 annas if they worked at the expected rate of 50 feet a day. Thus even in respect of the gangs which do the most work, it costs always more, and sometimes very greatly more to employ prisoners at road work, than it would do to feed the same prisoners in Gaol, and to employ hired laborers for the roads. The extra cost of a convict when he is put to work in the roads is two rupees a month, whilst the work which he does could be contracted for every where at considerably less, in some places at two-thirds, and in some places at one-half of that price. Any profit that could be made from the in-door labor of these convicts will fall to be added to the loss here shewn.

128. Our calculation has been made upon facts which we have been obliged to gather, here and there, from the different reports of the several executive officers. As regards the value of the road work done by convicts, we have taken these officers as our authorities, but it must be remembered that we are in possession of the true extra cost of a convict on a road-gang, which these officers had not the means of knowing, for they knew only the nominal cost of the prisoners under them, and they had no clue to ascertain what share of the fixed charges ought to be borne by them. The opinions of some of these officers coincide with the opinion which a careful examination of all the facts reported to us has led us to adopt. The opinions of other officers of great experience are different. But for the reasons just stated, the opinions of none of these officers have been formed with so complete a knowledge of the entire cost of a prisoner under themselves, and of the entire cost of a prisoner day and night confined in Gaol, as to be deserving of immediate acquiescence, without a full examination of data. And in weighing the opinions of those who are favorable to the employment of convicts in this manner,

* See his Answer to Query 12 in Appendix 4.

† See Lieut. Smyth's answer to the same Query.

allowance ought to be made for the very natural leaning that a zealous engineer must have in favor of the system which first placed a great physical power in his hands, and which he knows he is applying with his best energies to a very beneficial end. The general feeling which prevails, that the practical result of removing convicts from the roads would be, not the application of a cheaper power to the roads, but the discontinuance of all road making, must also be allowed for. Your Lordship in Council cannot fail to remark that in some Returns the superintendence of the labor has been treated as if it would be a new charge in case free labor were employed, it being forgotten that the convict labor requires at the least four times as much superintendence as free labor. For example Captain Drummond has spoken of the careful watching of hired laborers which is necessary to secure their working as well as convicts, forgetting that convicts will not work at all if they are not carefully watched.

129. In alluding to contract labor, on the other hand, the same officer speaks as if we had intended to point to contracts where the whole operation is undertaken by a professional engineer, who executes his own plan; and, on this understanding, he rightly observes that great lines of road cannot, in India, be contracted for. We need hardly explain to your Lordship in Council, that in speaking of contracts, we meant only contracts for labor, such as for the removing of so much earth, or cunkur, to such a distance, for the making of so many bricks, and so forth; without imagining that the necessity for having an Engineer officer and his subordinate European superintendents would thereby be entirely obviated. Several of the Returns show the possibility of such contracts: indeed, excepting where villagers work for themselves, or for their Zemindars without stipulated pay, (in one or other of which ways roads are generally made), we believe that there is not a well sunken, a tank excavated, a water course dug, an embankment made, or any other similar work undertaken by private individuals in India on any other plan of payment.

130. We have thought it right to say so much in explanation of our reasons for having arrived at a conclusion so widely different from the opinions of several executive officers of the highest character. The correctness of the result to which we have arrived, can, we imagine, only be disproved by showing which of our assumptions of facts are wrong. As to the importance of that result, though, in a financial view, the saving will be very great if the present system be changed, and though we by no means undervalue so great a saving, we do not conceal that we feel a still higher interest in the question than any derived from financial considerations.

131. We regard the employment of convicts on the roads as, without exception, the worst method of treatment that has ever been provided under the British Government for this class of persons. It seems to us to unite in itself every evil of imprisonment under the worst system of discipline, or under no system of discipline, and to possess in a very slight degree any of the advantages of this punishment; whilst it renders any improvement of discipline absolutely impossible.

132. We can scarcely conceive a person less fit for the duties of a governor of convicts than an active engineer. His object is, and must always be, to get the most work possible out of the prisoners. To do this he must keep them as contented as he can contrive to make them. Hence the allowing them as much of the best food as they can contrive to procure, the monthly feasts, the rewards of pice, the permission to friends of visiting them on Sundays. It is true that the removal from his own district makes it more difficult for a convict to be supplied with luxuries by his friends, if he be on a road-gang, than if he sleep in Gaol, and be at work daily on the roads near his Gaol, under our present lax system. But if a prisoner be in Gaol, by introducing better rules, we can prevent intercourse with friends altogether: if he be in a road-gang, he is, on this point, beyond the control of any rules. In the same way, classification, which is in our Gaols excessively defective, is and must be in the road-gangs utterly disregarded. It is one engineer's object to put the strong with the strong, the weak with the weak; it is another's to put the unskilful to be led by the skilful; it is another's to humour the men by letting them work and mess with their own friends; it is another's to guard against plots by a periodical shuffling of the several packs of men. But it cannot be expected to be any engineer's object to keep one set of offenders from another set, or to pay the slightest attention to the moral condition of the convicts placed under his charge. In every point of view the better an executive officer discharges the duties of his own profession, the less fit he must be for those of a Gaoler. Accordingly we find that no single consideration of prison-discipline has been regarded in the system of any one engineer officer.

133. Another evil, but one of a different character, has been experienced from the road-gangs, which is alluded to in only one Return, but of the existence of which to a greater extent there is little reason to doubt. The Burkundauzes who guard convicts are more than a fourth of the number of the convicts, and these two classes, all over India, are upon a very good understanding with one another. It is said, with every degree of probability, that instances of robbery and plunder in which the Burkundauzes have connived have not been uncommon; and considering

the thinness of the population in many of the tracts of country where the gangs are at work; their distance from any judicial authority; the ignorance and the timid disposition of the people; the distance of the engineer officer in charge, who may often be many miles away, whilst there is no one at hand to appeal to but perhaps a European serjeant; we are very doubtful of the practicability of entirely stopping so deplorable an evil, so long as large gangs of the most depraved men are moved about the country, not under immediate European command, and far away from all European courts.

134. These objections apply especially to the modification of outdoor labor introduced within the last four or five years, and they are independent of any considerations of a more general character, such as the questionable propriety of exposing on the public roads, and working in irons, offenders of every grade, each of whom sooner or later is to be returned upon society; and of the still more questionable propriety of enhancing a specific sentence by subjecting the prisoners to hardships and risks which do not necessarily form part of the punishment contemplated by the law. We have a strong opinion on this subject, but we reserve the expression of it for another place*.

135. The observations above made apply to the system universally. The frightful mortality which has before been shewn to be caused by sending prisoners to road-gangs in certain tracts of country cannot fairly be used as an argument against the system universally; but wherever this argument does apply in any material degree, it appears to us that, even if our general objections were found to be invalid, and even if the employment of convicts on the public roads were shewn to be more generally advantageous than it has ever been pretended that it is, still the enforcement of the system in such cases would be absolutely unjustifiable. Our Returns shew an instance in which, out of a certain number of criminals selected at hazard, and sentenced by law to suffer temporary punishments of various degrees of severity, over and above those who, in all human probability, would have died under ordinary circumstances, one-fourth of the whole number perished in the course of ten months, in consequence of their having been sent to a road-gang in an unhealthy spot.

136. We are well aware that, since we commenced our inquiries, on these facts being brought to notice, the humanity of the Government has removed those gangs in which the mortality has been the greatest. But we fear that others still remain to which these observations apply

* See Para. 191.

though not in an equal degree. Nor should we have thought it quite useless to place upon record the results of our inquiries upon this point even if the system to which we object had been, for the present, entirely abandoned, in order that those who may at any future time be led by considerations of economy to question the propriety of paying free laborers to work for the state whilst many thousand criminals are, as they may think, but ill employed in Gaols, may readily ascertain what has been the result of the experiment that has now been made.

137. In what we have said on the subject of the road-gangs, it will not, we hope, be understood that we impute the very least blame to the engineers in charge of them. Those officers themselves almost unanimously state, that they believe prisoners leave their gangs far worse men than they were on entering them. Blame cannot be laid upon public servants who are but the involuntary agents of a system.

138. Such being our opinion of this plan, thinking it, as we do, to be incompatible with any improvement of prison-discipline, it is our earnest recommendation that the entire system be put an end to with as little delay as possible. Such would be our recommendation if we thought that a financial loss would be the consequence; for we cannot think that the duty which a state owes to those whom it is obliged to deprive of liberty can properly be abandoned because of a small charge which the misuse of those unfortunate people might save. We cannot, therefore, but rejoice that it is in the power of Government to do so great a moral good, with direct pecuniary advantage.

Recommendation.

139. There appear to be a few hundred prisoners, both under the Madras Presidency and under that of Bombay, employed away from their Gaols on roads or other public works. We have no information as to the mode of treatment in respect to these gangs, but, as the opinion above expressed is founded on general arguments, our recommendation applies equally to Madras and Bombay as to this Presidency.

In Madras and Bombay.

140. Almost all the convicts on this side of India sentenced to imprisonment for life are sentenced to the Great Gaol at Allipore, and, once admitted, they are never allowed to leave it unless they volunteer for transportation. There is, we believe, no distinct place of confinement for similar convicts either at Madras or Bombay. There were in February last 1,155 prisoners in the Great Gaol at Allipore*, of whom 1,052 were confined for life. Of these last 70 have since been transported, leaving 982 in the Gaol. Of this last number 751 are guilty of murder,

*LIFE PRISONERS.
In Bengal confined
at Allipore.*

* See Appendix No. 18. There is an error in the list, which shews only 1,153 prisoners.

or of aiding in the commission of murder; 34 are guilty of attempting to commit murder; 10 are guilty of homicide, 172 appear to have been sentenced for gang robberies of various sorts; but no doubt the robberies of which these criminals have been convicted were attended, if not with murder or wounding, with torture or some other aggravating circumstance; 3 are guilty of grievously injuring the person; 10 are guilty of rebellion; 1 is stated to be guilty of contempt, but we do not understand what sort of offence is thereby intended; and 1 is unaccounted for.

How employed.

141. The work which the criminals in this Gaol are forced to perform is very light, being merely spinning twine from flax, which is afterwards worked up into sackcloth for what are called gunny bags. It does not generally occupy the most indolent till midday, and it does not occupy the others nearly so long. The profit on this work averages rupees 2,500 a year, which is greatly less than a tithe of the cost of the prisoners. When the establishment of this Gaol was first proposed, in the year 1809, the profit to be derived from 2,000 prisoners to be confined within it was estimated at rupees 4,774. 14. 5 a month, which would be even if reduced in proportion to the actual number now in Gaol, more for one month than the actual profit is in a year.

Cost of Allipore Gaol.

142. This Gaol was completed in December, 1810, at the cost of rupees 1,00,397. 13. 2, exclusive of the labor of the prisoners employed upon the work. An hospital was added in 1811, at the cost of rupees 27,599. 7. 0. Notwithstanding this large cost the construction of the Gaol is so defective as to render it impracticable to improve the discipline of the prisoners until great alterations shall be made in it.

Defects of Allipore Gaol.

143. The buildings within which the prisoners sleep consist of twelve wards, but the large area between them and the outer enclosure is not divided by any partition walls, so that all the prisoners are together from midday till sleeping time. During this time they purchase their food in a sort of bazar within the area, cook, eat, and amuse themselves as they like. This want of internal divisions, as it enables the whole mass of convicts to congregate at any point in a moment, makes the merely entering the Gaol, for the purpose of inspection, a matter of danger. This defective construction sufficiently accounts for the entire absence of discipline in this Gaol, and for the very small quantity of work done by the prisoners. Thus, though nothing can be worse than the management of this prison, the building itself, rather than the gentlemen who have successively had the superintendence of the prisoners, is the cause of this great evil. The murder committed in 1834 by the prisoners

on Mr. Richardson, the magistrate and superintendent, with the narrow escape of the European Goaler at the same time, is no doubt fresh in the recollection of the Government. But this was not the first instance of an outrage of the same sort. Some years before the convicts in this Gaol deliberately cut off the nose of one of the native officers attached to it, against whom they had taken offence.

Defects of treatment.

144. It seems a very erroneous and even an unsafe policy to shut up in one undivided yard a body of depraved men equal in number to two regiments of the line, every one of whom, from the terms of his sentence, must be nearly indifferent to life. It is obviously impossible, without a disproportionate body of Guards and attendants, to force the individuals of such a mass to work harder than they like themselves to work; and the breaking out of such a gang of desperate ruffians, which cannot be considered as impossible, would be a great calamity. We understand that the sepoys of the Calcutta Militia who guard the inmates of this Gaol, have not even their muskets loaded when on duty, although it is only by being able at any moment to destroy the first who commence any outrage, or revolt, that a few guards can ever be able securely to restrain such a large body of criminals.

Opinion on subjects of confinement for life.

145. The objects which we think ought to be chiefly attended to in the treatment of prisoners confined for life are, first, the confining them with perfect security; secondly, the making the punishment as severe as is necessary for the sake of example, without being more so; and thirdly, the employing them in such a manner as will best pay the state. As reformation is no longer an object, politically speaking, in the case of this class of prisoners, classification, beyond what is requisite for preserving good order, does not seem necessary. Indeed, moral classification, where it must be assumed that all are unfit to return to society, would be almost impossible to any great extent, even if it were useful.

Method of gaining these objects by treatment of life prisoners in Allipore Gaol suggested.

146. Neither security nor economy can be provided for, until the prisoners are broken up into such small distinct bodies as to be no longer objects of constant dread on the part of those who have the management of them. To do this it will be necessary, by building high partition walls, to divide the great area of the Gaol into a number of compartments. We do not think that more than fifty men can, with any propriety, be allowed to inhabit one yard, and we are inclined to think that the number of each party should be still fewer. It seems to us that the fewer the number of prisoners may be in one ward, the fewer guards will be required for the prison generally. If so economy must be best consulted by having many sub-divisions. The guards should have loaded muskets, and should be ready to suppress any act

of open mutiny at a moment's notice. The knowledge of this precaution will, we hope, always prevent the necessity of actually firing on a convict. The parties of prisoners may be classed solely with regard to the nature of the work which each man is most capable of doing profitably. Even considerations of caste become of less importance in the case of a prisoner for life, who will never be allowed any further communication with his friends, than in the case of any other description of prisoner.

147. We are unable to make any definite proposal with respect to Allipore Gaol, until we may be favored with the determination of Government on the last suggestion to be made in this Report*.

INSANE PRISONERS.

148. Insane prisoners are never confined in Gaol, there being Lunatic Asylums supported entirely by the Government at each of the principal stations, to which all such prisoners are transferred, when it has become certain that they are really insane. Under this Presidency, at the time of preparing the Half-yearly Gaol Returns, if there be any insane prisoners in Gaol, Magistrates are ordered distinctly to state the reason for detaining them there, and to mention whether any objection has been made by the civil surgeon to their removal to the Division Insane Hospital†.

MEDICAL TREATMENT.

149. As each Gaol is fitted up with an hospital, and besides having a native doctor exclusively attached to it, is under the charge of the civil surgeon of the station who attends the sick prisoners regularly, it is probable that the general medical treatment of prisoners in Gaol, in this country, is as careful, and as good as it is any where. In this respect the Committee have nothing to recommend in regard to the prisoners who sleep in Gaols, excepting that as many as possible of those sentenced for long terms should be made over from Gaols which have been demonstrated to be peculiarly unhealthy, to the most healthy Gaols in the neighbourhood. This, however, ought always to be done with caution because, in some instances, Gaols have been found healthy for the inhabitants of the neighbourhood, but the reverse for people from a distance. In some few Gaols the mortality has ranged above 12 per cent. per annum for three or four consecutive years‡. If, on inquiry, it be found that this great mortality is owing to physical causes, we think that no prison-

* See Paragraph 300. † C. O. of Nizamut Adawlut, No. 165, 3rd April 1835.

	1833.	1834.	1835.	1836.
‡ Midnapore,	21.50	15.40	14.	13.30
Gowahattee,	13.	32.66	24.60	22.49
Sheerghottee,	26.20	25.95	25.	234.90
Purneah,	14.26	12.25	15.12	7.55

The mortality at Sheerghottee in 1836, is almost incredible; but it is so stated in the return from the Medical Board that it can hardly be a clerical error. This station has been abolished, and the Gaol is to be abandoned. See resolution of Governor of Bengal 14th March 1837. Appendix No. 23.

ers ought to be detained in these districts who cannot, without the utmost inconvenience, be removed elsewhere.

150. Excepting in the Western Districts of Bengal, the mortality of prisoners under the Bengal and Bombay Governments is not greater than we should have anticipated, considering that they belong either to the poorest and worst fed, or to the most dissipated classes of the people. Possibly some part of the excessive mortality in the west of Bengal may be owing to the neighbourhood of the Trunk Road, for the deaths on the roads are returned as if they occurred in the Gaols from which the deceased prisoners were sent, and the gangs on the lower part of that road are chiefly supplied from the west of Bengal*. The comparison which Dr. Hutchinson in his publication on Indian Gaols† has made between the mortality of sepoys, and that of prisoners, can afford no useful information, because prisoners belong to the most short lived of all classes, being either ill fed, or dissipated men; they are of all ages; many are in bad health when first confined; and every one of them is detained until his term expires, whether he get ill, or not. Sepoys, on the other hand, are taken from the most long lived class of the people, being mostly, in this Presidency at least, of the upper or middle ranks; they are selected partly on account of their apparent good constitution; they are never in bad health when they are enlisted; they become sepoys at the healthiest period of human life; and they are invalided when they get old, and sickly. There exist no known data from which to infer the mortality of the laboring classes in this country, and it is only with them that an useful comparison could be made. The average mortality amongst the prisoners for the last four years has been in the Lower Provinces 8.33 per cent.; in the North Western Provinces 4.74 per cent.; and in both together 6.56 per cent. yearly‡. In the year 1835, the mortality amongst the

MORTALITY.

* This observation applies to the returns before 1836; but those for 1836 do show the mortality of three sets of prisoners on the roads. In one of these the proportion of deaths, on the average strength, in the last year is shown to have been 87.9 per cent.

† A report on the Medical management of Indian Gaols, Calcutta, 1835. The mortality amongst the Bengal native troops, in 1833, was 1.06 per cent. 955 deaths having occurred out of an average strength of 90,075 men.

‡ Year.	Lower Provinces.			Upper Provinces.			Total.		
	Strength.	Deaths.	Ratio.	Strength.	Deaths.	Ratio.	Strength.	Deaths.	Ratio.
1833	19,420	1864	9. 6	20,238	749	3.70	39,658	2613	6.59
1834	20,008	1684	8.42	20,906	1024	4.91	40,914	2708	6.63
1835	18,720	1367	7.30	18,807	759	4. 3	37,527	2126	5.64
1836	22,368	1796	8.03	13,600	1193	6.41	40,968	2989	7.30
Total,	80,516	6711	...	78,551	3725	...	159,067	10,436	...
Avrg.	20,129	1678	8.33	19,638	931	4.74	39,767	2609	6.56

See Appendix Nos. 19, 20, and 21.

prisoners in the provinces under the Government of Bombay was 4.09 per cent*. We have no mortality returns from Madras†.

REVIEW OF PRESENT
SYSTEM.

151. On the whole, in reviewing the treatment of prisoners in Indian Gaols, although on some points, which we have not failed to throw into a strong light, the humanity of it is doubtful, yet, generally the care that is taken of the physical condition of these unfortunate men in the great essentials of cleanliness, attention to the sick, and the provision of food and clothing, appears to us to be highly honorable to the Government of British India. In this point of view, when fair allowance shall be made for the climate of the country, and the habits of the people, we doubt whether India will not bear a comparison even with England, where, we imagine, for some years past, money and attention have been less grudged to secure the health, and the bodily comforts of prisoners, than has ever been the case in any other country of Europe, or in the United States of America. Doubtless within the last ten years many European countries have possessed a few Gaols to which much more individual attention is turned than to any one Gaol now in India; but we would only be understood to compare, in respect of the attention paid to the physical condition of the prisoners, the general system of Gaols in India, with the general system of other countries.

152. As it appears to us, that which has elsewhere been deemed the first step of prison reform has not now to be taken, in India. What, after many years, was the first good effect of the labors of Howard and Neild, in England, has already been achieved here. There is no systematic carelessness to the circumstances of the prisoner, no niggardly disregard of his natural wants; he is not left to starve of cold, or hunger, or to live on the charity of individuals: he is not left in filth, and stench, to sink under disease, without an attempt to cure him: he is not compelled to bribe his Gaoler, in order to obtain the necessaries which the law

* See Statements Nos. 2 and 3, appended to the Report of the Bombay Medical Board, dated 9th February 1837. Appendix No. 24.

Year.	Strength.	Deaths.	Ratio.
1835	4987	204	4.09

In the same year the mortality in the Bombay Native Army was 1.21 per cent.

† In 1830 out of 16,824 prisoners confined in the French central prisons 1,111 died, being at the rate of 6.6 per cent. On an average of three years from 1828 to 1830 the ratio of deaths was 7.14 per cent. The average ratio of mortality in the new American prisons has been 2.04 per cent. ranging from 6 per cent. in Walnut-street prison to 1.7 per cent. in Charles-town prison. In the old New York state prison the average ratio of mortality for 19 years from 1805 to 1823 was 6 per cent. In one year it was as high as 13 per cent. See the Boston Prison-discipline Society Reports, and the work of De Beaumont and De Toqueville on the American Penitentiary system.

allows him*. What was in England the second stage of prison reform seems to be nearly the present state of prison-discipline in India. The

* "The prisoners" (in Carlisle Gaol) "are allowed no firing, clothing only in cases of emergency, and for their maintenance not quite threepence-halfpenny per day. This allowance is cruelly small; for except when bread is very cheap it is absolutely insufficient for the due support of life. Small as it is, it is not the smallest allowance made in the Gaol. The debtors have from ninepence to one shilling and threepence per week; those committed for neglect of orders of bastardy, nothing."—*Notes of Gurnie's first visit to prisons in England and Scotland, in 1818, p. 1.*

"The denial or supply of prison conveniences, even to the article of water, so essentially connected with the support of life, has been frequently, and is still, (1812) in some instances, made a source of corrupt income to Gaolers."—*Neild's State of the Prisons in England, Scotland, and Wales.*

"In Philadelphia the (night) rooms are eighteen feet by twenty, and it is a common rule to allow to each convict a space on the floor six feet by two, as large as a coffin. In Massachusetts the rooms are so narrow that the only mode of lodging all the men, in some of them, is by swinging hammocks one above another; and in Connecticut during the hot weather, in July 1825, thirty-two men were lodged in a basement story room, twenty-one feet long, ten feet wide and less than seven feet high. All the ventilation of this room was one small window and a narrow space over the door. It would have been said before the experiment was tried that thirty-two human beings could not live in this room a single night."—*First Report Boston P. D. S. p. 25 for 1826.*

"In several Gaols which have been visited, there are apartments without windows, without chimneys or pipes, and with no other places for the admission of air, except a small orifice in the door, and a few apartments have been found, in which there was no orifice in the door, and the only place where the convicts within could get breath was through the cracks round the door. In one of these dungeons three men were placed, and the keeper after a few hours, found them apparently lifeless. They were brought into the fresh air, and, in a few minutes, revived."

"All the prisons constructed in this manner, which have been examined, are excessively offensive. In some, a person from the wholesome air without is scarcely able to breathe; in others, vomiting is produced; in all, the filthiness is such as to lead to the conclusion that there should be a permanent vault in a room where human beings are expected to live and breathe, to sleep and eat."

"In some large prisons there is no bath and the prisoners' clothing is seldom washed, and consequently they are covered with vermin. In others, prisoners have not been allowed water enough to wash their hands and face, and scarcely enough to quench their thirst; and this their suffering condition has been permitted, because water was not convenient."

"In three of the most important towns in this country, the Gaols have no sick room, and the sick prisoners were found lying, in their filth, on the floor, surrounded by convicts, whose noise and filthy communication were not restrained by the sickness and suffering of their fellow-prisoners. In one instance a man was lying on the floor apparently dead, without a bed, and without covering. About twenty of his fellow-prisoners were standing around the room, apparently indifferent whether he was dead or alive. No physician had visited the sick man for several days. As a general fact, in those prisons where no hospital is provided for the sick, there is a corresponding inattention to them in regard to medicine, and an attendant physician, and their situation is deplorable."

"The London P. D. S. in their Seventh Report say that the Report of the Commissioners appointed to inquire into the state of civil and criminal justice in the West Indies shews that the prisons there are mostly dungeons of the worst description, in which, debtors, accused per-

physical condition of the prisoner has been looked to but nothing more, and the consequences here, as in England, have been that a prison, without being the less demoralizing, is not a very unpleasant place of residence. This is a state which, as one of transition, may be borne for awhile, but which would, if it continued for three or four generations, infallibly do great injury to society. The political necessity for turning attention to a moral reform in prison-discipline is only made the stronger by there being little necessity for much physical reform.

153. Even in other respects, the Indian prisons have points in which there is no reason to shun a comparison with more civilized countries. The mixture of debtors with criminals, which in some places still exists in England, and which appears universal, or nearly universal in North America, is unknown in any Gaol in India. The proportion of distinct civil Gaols to all other Gaols in India, is very honorable to the Government. The mixture of the two sexes in Indian prisons is unknown, and, in general, the separation of tried and untried prisoners is at least as complete in India as in other countries*. We allude to these things, not to give more credit to the Indian Government in this matter than it deserves, but to shew that, although we have found much fault, and recommend many reforms, it is not from a vain contempt of all that has been done before. In shewing how much has already been done, we feel that we do but strengthen the argument for completing all that there is to do.

EFFECTS OF IMPRISONMENT.

154. We have made inquiries in order to ascertain the feeling with which the being committed on a charge of an offence, the being convicted of an offence, and the being sentenced to imprisonment for an offence, are regarded by the people at large.

155. The opinions which we have obtained differ very greatly one from another, and comparatively few of them seem to have been founded on a careful investigation of any well ascertained facts. To derive from personal experience and observation an opinion on this subject entitled to much weight requires an intimate acquaintance with the feelings and habits of all classes of the native community; and such an intimate acquaintance can only be obtained by close and frequent intercourse with individuals of all classes. Europeans filling judicial situations in India

"sons, slaves not accused of any thing but distrained and for sale, convicts, prisoners of war, lunatics, and delinquents against the Militia Act are promiscuously confined."—See *Boston P. D. S. Third Report*, p. 60.

* NOTE.—These remarks are strictly correct as applied to the Gaols on the continent of India. They could not all be applied with equal truth to the Gaols in the settlements in the straits of Malacca.

have rarely opportunities of holding such intercourse. Hence we are not surprised at the speculative character of the replies to our question upon this point. Further, it is to be recollected that, in all countries, judicial officers are conversant with the worst classes of the people, and with the worst parts of the characters of individuals; the habit, therefore, of such officers every where is rather to underrate than to overrate the general character of the community. In India this applies with peculiar force, for the worst point of the Indian character, though it is the one the most easily to be accounted for, is the disregard of a class of offences which includes forgery, perjury, and official corruption. Now these are the very offences which are peculiarly hateful to judicial officers, and at the same time they are offences which, from their very nature, are either commonly committed in the actual presence of such officers, or fall especially within their knowledge. For this reason we see without despondency the dark colors in which many of our answers are painted.

156. We have said enough to shew that we have nothing in our returns on which we feel ourselves authorised to found a judgment concerning the feelings with which judicial punishment is regarded in this country. Neither can we pretend to give, from our own knowledge, what we should wish to be considered evidence upon this subject. We have, indeed, formed an opinion, and we will state it, but so much we have thought it right to say by way of preface, lest that opinion should be treated with more respect than it deserves.

157. It is certain that the connexion of disgrace with crime and punishment springs from universal principles of human nature. It is equally certain that the results of those principles are, in all countries, liable to be modified by circumstances. We believe that the feelings of the people of India, with regard to the condition of a person committed on a charge of an offence, or convicted and punished for an offence, are similar, in their general character, to the feelings of the people of England. But it cannot be doubted that there are circumstances which cause the feelings of the people of India to afford in a very considerable degree less support than the feelings of the people of England afford to the administration of criminal justice. Honor and shame have in all countries more power over the higher and more instructed portions of the community than over the lower and less instructed portions. The practical influence of those feelings, on the whole, must in every country depend in some degree on the relative portions of the two classes of society, on the depth to which a certain degree of independence and information penetrates the mass. In this point England has an immense superiority over India. We may expect, therefore, to find that the degree of ignomi-

ny attached by general estimation to the known commission of crimes will, one crime with another, be less in India than in England.

158. The feelings with which particular offenders are regarded by the people differ greatly in different countries, and the difference in one case is often so well compensated by an opposite difference in another, that it is impossible to account for this fact by any reference to the general state of moral feeling in the countries under examination. The comparative degree of disgrace attached to the known commission of any one description of offence, is probably exactly the same in no two countries. It so happens that in India a whole class of offences most injurious to the people, under their present circumstances, is looked upon with a degree of leniency which appears astonishing to people who, under circumstances very different from those which have formed the Indian character, have been led to regard the same class of offences with extreme, and increasing aversion. This is the class to which we have above alluded as embracing the heavy crimes of perjury, forgery, and official corruption, in short all the offences against public justice. Accordingly we find the feelings of the people of India, in respect of these offences, alluded to as a proof of an entire absence of moral feeling. But, really this is unreasonable. The reprobation with which these offences are regarded must every where be in proportion to the respect entered for the rules and habits which stand opposed to them; and no high degree of respect ever comes to be generally felt for any rules or habits except where such have been practically found by the people to be beneficial. Now the rules and habits which are opposed to the class of offences under consideration are certainly found to be extremely beneficial where there is a good Government, and where justice is impartially and effectually administered to all orders of the people, and we may therefore, reasonably expect to find them held in high respect under such circumstances. But we cannot reasonably entertain the same expectation where, for ages, the circumstances have been directly the reverse. In looking back on the time that is past we think that we see enough to account for the low tone of feeling on this subject which prevails amongst the inhabitants of India, without resorting to the extreme supposition of a general and hopeless depravity in moral sentiments amongst so considerable a portion of the human race. It is true, as we have already admitted, that, under the existing circumstances of British India, the weakness of the feelings of disapprobation with which these offences are regarded, (for they are regarded even here with a certain degree of disapprobation,) is the cause of great evils to the people; but these circumstances are of recent origin, and the morals and habits of nations are not formed in a day. For these reasons we differ entirely from those who have argued from the manner in which this class of crimes is regarded.

in India, that the people are devoid of all moral feelings in respect of crimes generally.

159. There are other causes which are apt to give to this part of the national character, at first sight, a worse appearance in European eyes than we think it will be found to bear after due consideration. There are many entire castes who are criminals by hereditary calling, and there are associations of persons bound together by no hereditary tie whose profession is the commission of the most appalling crimes. Each of these classes has a kind of morality of its own, according to which the crimes for which they suffer are regarded with favor. In respect of the hereditary criminals, the prevalence of caste makes their existence more striking, but apart from external habits which are neither good nor bad in themselves, there are at this day in our own country classes who, in all moral respects, differ in no great measure from these hereditary offenders. If the London thieves were to be called by some common name, as of one clan, to eat and drink and marry exclusively with each other, and to live in villages exclusively their own, they would require no moral change to resemble pretty closely the Indian castes to which we allude. They stand out less apparently from the mass of their countrymen, but their moral feelings are no less utterly perverted. The professional associations, of which the Thugs are the most remarkable instance, are happily without a parallel in our country, at the present day. But in the fairest parts of Europe bands of miscreants have not always been unknown whose atrocities have never been exceeded in India, whose moral perceptions were as different from those of the body of the people as those of the Thugs; who were less careful to conceal their profession from the knowledge of the public, and who seem even to have distorted their minds into reconciling the practice of a sort of religious ceremonies with their lives.

160. The feeling with which conviction and punishment for an offence are regarded must always depend partly on the feelings with which the offence is regarded, and partly on the opinion of the general justice of convictions. It is not surprising that, in this last respect, the feeling of Indians should be less strong than that of Englishmen; for it cannot be denied that, as regards the security for just convictions, the constitution of India is inferior to that of England. But that inferiority is not extreme; under the British Government there is no such great insecurity as can very considerably affect the feeling we are now considering. Under some of the preceding Governments, doubtless, the insecurity was sufficient to affect that feeling to a great degree; and it is reasonable to suppose that the habits of thinking which took their rise

under those Governments are not yet worn out in many parts of our own territories. In the Tenasserim Provinces we are told that conviction and punishment bring with them no disgrace whatever to any person. Mr. Blundell, the Commissioner there, speaks of this as a well known and undoubted fact, and he accounts for it by the novelty of our rule there, and the injustice of the Burmese Government, which preceded us, in whose time confinement in Gaol and torture were used more as engines of exaction, than as the means of punishment for crime. It is, however, difficult to believe that this representation is literally correct, though it has undoubtedly much foundation. No such indifference, certainly none to nearly such an extent, prevails in the Provinces which have been for some years under our rule; and wherever it exists it must be daily diminishing under a better administration of justice than that under which it originated.

161. These are the opinions to which we are led by general reasoning. They coincide with what such of our members as have most Indian experience state to be the result of their own reflexions upon their official lives, and we are not aware of any facts which are inconsistent with the correctness of these opinions. Our conclusion is that there is no reason to doubt that the administration of criminal law derives in India great support from the feelings of the people, and that, as the law, and the administration of the law improve, that support will increase indefinitely. We see, therefore, every reason for improving the law and its administration, here, that the wisest and the best men have seen for doing so in other countries; and looking upon prison-discipline as a part of the administration of the law, and a most important part of it, we believe that every argument which applies in more fortunate countries in favor of the improvement of prison-discipline, applies, with equal force in this country in favor of such a measure. A difference of circumstances may render different means necessary: a particular plan which may, in some other countries, be beneficial, in this country may possibly be useless, or injurious; and means elsewhere available may here be beyond our reach; but the measure of benefit to be derived by the people from any given degree of general improvement in this department is, we are convinced, fully as great in India as it is in those wealthy and enlightened nations in which the most attention is paid to it.

TRANSPORTATION.

162. The replies to the questions* which we circulated, especially intended for the convict settlements, will be found in the Appendix, arranged in the same manner as the replies to the questions put to officers in charge of Gaols†.

PRESENT SYSTEM.

163. From every part of the continent of India, native convicts sentenced to transportation, whether by the Queen's or the Company's Courts, are sent either to Singapore, Penang, or Malacca, in the Straits of Malacca. From Bengal such convicts are also sent to one or other of the stations in our Tenasserim Provinces. From Bombay such convicts are also sent to the Mauritius, where also such convicts may be sent from Bengal and Madras, but in practice none are sent to the Mauritius except from the Presidency of Bombay. From the three settlements in the Straits of Malacca, Asiatic convicts sentenced to transportation are sent to Bombay. Europeans when transported from any part of British India are sent either to Van Dieman's Land or to New South Wales.

Places of transportation.

164. The transportation of convicts from the settlements in the Straits to Bombay appears unreasonable. No provision can be made at Bombay for the treatment of the convicts from those settlements, which could not, with equal facility, be made within the settlements themselves. At Bombay the foreign convicts must be subjected to the ordinary prison-discipline for native convicts, and this circumstance, together with the migratory character of the majority of the population in our settlements in the Straits, a great part of whom are natives of foreign countries, makes the arguments in favor of transportation entirely inapplicable to those settlements. We are aware of no objection to such a modification of the criminal law now in force in the Straits as would admit of the discontinuance of this practice, if indeed any modification be necessary.

Suggestion.

165. All convicts transported by sentence of the Company's Courts are transported for life; but some of those transported by the Queen's Courts at the several Presidencies are transported for terms of seven or fourteen years. It appears that at Singapore eight-ninths of all the transported convicts are sentenced for life, and it is probable that nearly the same proportions exist amongst the convicts at Penang and Malacca. In the Tenasserim Provinces out of 1,172 convicts, 172 are transported by the Supreme Court of Calcutta for terms varying from

Terms of transportation.

* Appendix No. 2.

† Appendix No. 4.

seven to fourteen years, and 1000 are transported by the Company's Courts for life.

Returns.

166. Thus the number of convicts who can return at all is inconsiderable, and for these return passage is not now provided. Formerly Government paid for the return passage of convicts the period of whose sentences had expired. Indeed it would seem that the local authorities at Malacca used to be in the habit of forcing, by some method, the greater part of such persons to return to India, whether they would or not; for we find Mr. Lewis complaining of this practice having been of late years prohibited. From Singapore very few return, and from Malacca it is said that few are able to return. The reply to this point from Penang is very different, for it states that, when return passage was paid for, 90 per cent. returned, and that now, when it is not paid for, 60 per cent. return. The sentence of no prisoner in the Tenasserim Provinces has yet expired; but it is stated to be the intention, on such occurrences, to return the convict to his native country at the expense of Government, or, at his option, to discharge him on the spot, giving him a donation of five rupees.

Recommendation.

167. We consider it but fair that time-expired convicts should be brought home if they desire it, and we recommend that this be done under the same rules at every penal settlement. This will have very little prospective effect if our other recommendations be adopted.

Descriptions of Character.

168. As has been before observed, no descriptions accompany the convicts transported; the only information that is sent with convicts to the authorities in the penal settlement to which they are consigned is contained in a list of names, in which list the crime and the sentence of each are noticed. The want of uniformity in these lists is complained of, and we recommend the universal adoption of some one convenient form.

Rules of treatment.

169. The treatment of convicts on their arrival at the place of their destination differs very considerably in the different penal settlements. At the three settlements in the Straits the treatment ought properly to be uniform, and in conformity with one set of local rules, whereof a copy accompanies Mr. Bonham's answer*, but these rules appear to be very little attended to in practice.

At Singapore.

170. At Singapore, if a convict behaves well for the first six months, his irons are removed, and, besides his rations, which are abundant, he gets an allowance of one rupee a month. There are 901 transported convicts on the island. Of these 46 are under no restraint, receive no

* See Appendix No. 4 Answer to Question B of Appendix No. 2.

support, and are allowed to provide for themselves; in fact, this class differs in no respect from the free population of the place, excepting that they find security for their presence whenever required. There are 51 who are in the private service of gentlemen of the place. These men receive a fixed allowance of four rupees a month from their masters, besides whatever else their masters choose to give them: they receive nothing from Government, and whilst in service they differ in no respect from free servants, excepting in their liability to be degraded to a lower class if they misconduct themselves. We understand that since the labor of convicts has been turned to good account in the interior of this island, under the direction of the present Superintendent of convicts, the hiring of convicts as private servants has been to a great extent discontinued; and that it is now a matter of great difficulty to obtain a servant of that description. We conclude, therefore, that the 51 men in this class are all either old servants of private persons, or in the service of public officers. There are 49 in the service of Government, who are employed as peons, sweepers, and the like. These, whilst in such service, differ in no respect from free office servants. There are 28 employed as peons to superintend the work of the other convicts. These men are selected by the Superintendent, and they are paid in the same way, though perhaps not quite so much as free peons would be paid*. When not at work these peons are shut up with the other convicts. There are 55 invalids, and women. The remainder, consisting of 672 able men actually labor on the roads.

171. The treatment of such of these 672 men as are not particularly ill conducted is any thing but severe. They are not ironed, except on their first arrival, or in consequence of breach of discipline. They are marched from their lines to their work so as to be able to commence at day-break, and their daily task is such that if they work well, as they almost always do, they finish it by about mid-day, or a little after. They are then marched back, and they have the rest of the day to themselves†.

* They receive, besides convict's rations, three dollars each, a month.

† The following remarks on the treatment of transported convicts at Singapore have been furnished us by our colleague Sir John Grant, who has lately visited that settlement.

"I apprehend this statement of the present actual treatment of convicts at Singapore is erroneous. Although it seems justified by the report transmitted to the Secretary from that settlement.

1. "When there very lately, I saw no irons on any convict, nor any occasion for them.

2. "The convicts allowed to provide for themselves are men who I was informed had been long since transported for life—some of them to a different settlement, whence they were removed to Singapore, and all of them had been for many years on the island, and had behaved well. No convict transported of late years is employed, as I understood, in the service of private individuals, or of Government, as peons, sweepers, &c. but only under the

At Penang and
Malacca.

172. A similar mode of treatment is nominally adopted at Penang and Malacca, but the treatment at these two places is, we understand, very different in practice, at least in as much as the produce of the convict labor is concerned. At Singapore the convicts who do labor

"Superintendent on the roads, nor are any liberated on finding security, a practice which has very properly been discontinued.

3. "The treatment of the convicts employed by the Superintendent to superintend the work of the others differs from that of other peons, as I understood, in this material respect, that they remain prisoners and are shut up with the rest when not at work on the roads, having charge to keep order within the Gaol.

4. "The convicts are, as I understood, and I observe a note to this effect on my copy of the (draft) report in Mr. Bonham's hand to whom I sent it for his perusal, always kept within their prison when not at work on the roads, except I believe when they may occasionally have leave to purchase such articles to mix with their rations of food as their money allowance affords. They have hitherto been confined in the building intended for a House of Correction, very incommodiously, and not very securely. But a high wall has now been erected which incloses a large space having a small stream running through it, the inclosure being in my judgment well contrived for the express purpose of the convicts being strictly confined within it whenever they are off work.

"It appeared to me that the convicts at Singapore were exactly in the condition which answers what I take to be the legal, as well as the rational, description of transported convicts, men reduced to a state of slavery, and treated as slaves ought to be treated, sufficiently fed, clothed, and housed, sufficient labor exacted from them, and no hardship or suffering imposed upon them that is not necessary to the exaction of that labor, and preventing the possibility of their escape, or of their disturbing the peace of the settlement they are sent to.

"I cannot consider the relief from fetters as an *indulgence* to a transported man, as it appears to be thought in the Tenasserim Provinces. I should consider the imposing fetters on him, unless necessary from his violence or as a punishment for his misconduct, in attempting to escape, or otherwise, or as being a part of his sentence, an act of unauthorised severity, and if part of his sentence I should doubt much of its justice.

"At Singapore, as I have said, no fetters are ever used, either in the place of confinement, or when the prisoners are employed on the roads, and there are few or it may be said hardly any escapes. A gang of 20 or more confederates in the same offence transported from Madras together, escaped together for a time a few years ago, but were all retaken very shortly after, with the exception of one man who I understood was killed in the pursuit, and I understood that neither any of these nor of the other convicts have attempted to escape since.

"The insular position of the settlement, and the desolate state of the interior no doubt contribute very essentially to prevent such attempts, but I think more is owing to the admirable discipline and management of a very intelligent, considerate and firm-minded superintendent.

"The convicts are marched out from their place of confinement before day-break, in a body amounting to about 400 to a distance at present of about 7 miles, where they are employed in a body forming a road and drains through a jungle. They are left the free and entire use of their limbs wholly unbound and unfettered, and no way to be distinguished from other laborers except that they work with greater silence, and have a greater cast of gravity over their countenances and manner. They appeared to me to do more work and with a greater constancy of labor than ordinary Bengal free laborers, no scourge and no threats nor indeed any audible fault-finding appeared to be used or necessary. One unarmed (at least apparently unarmed) European, such as would be employed in England to overlook and direct laborers at any public

are employed under an active European Superintendent, and their power is very effectively applied in piercing the jungles with new roads, a work of great difficulty in some parts; whilst at Penang, with a strength which must be about equal, there is not, we believe, a single new work in progress. There are 566 Bengal convicts at Penang, the number of Madras and Bombay convicts there has not been reported to us. At Malacca we do not know how the small force employed is applied, but out of 284, the number of convicts at that place, no more than 80 are actually at work on the public roads. Yet both at Penang and Malacca, the labor of the convicts might be employed with the greatest advantage to the settlement. At Penang we are told that a wealthy Bengalee, transported a few years ago by the Calcutta Supreme Court for a heinous offence, is carrying on trade, and is allowed to conduct himself exactly as any free merchant would conduct himself.

173. In the Tenasserim Provinces the convicts are set to work immediately on their arrival, and the great body of them labor daily at road-making, or other similar work, from day-break till 4 clock in the

In Tenasserim
Provinces.

"work, governed the whole body which was divided into gangs of a moderate number, each gang being under the charge of a promoted convict also unarmed.

"The head Superintendent, who is the civil engineer, visits the work-men where they are employed as often and remains with them as long as he considers necessary and his other occupations will permit, and walks among them unarmed without fear or any appearance of distrust. A blow was once, as I learnt from another person, aimed at him with a hatchet by a convict but missed him. Of this he made no mention to me. It was a solitary instance and certainly inspired no fear in him of a similar occurrence. It is a considerable time ago, and he declared to me he had no more apprehension and believed there was no more cause for it than if he were among as many laborers of any other description. The principal fear was of some violent and reckless men among them doing mischief to some other of themselves, of which some but not many instances have occurred. They are of course severely punished in some cases, after trial, with death.

"Every serious breach of discipline is punished by flogging. This is very seldom inflicted, but when inflicted it is severe.

"The Superintendent's object appears to be to obtain as much useful labor as possible from the convicts,—to maintain a strict but by no means painful discipline,—to subject them to a strict but not solitary confinement when their hours of labor are over, returning them to their place of confinement I think one or two or perhaps more hours after noon, in short when, considering their march of 14 miles, they have done as much work as can be performed daily in that climate,—to keep them in good health, which they were,—and otherwise to reconcile them as far as possible to their destiny, holding out the hope of eventual promotion, though without liberation, upon continued good conduct, and the certainty of severe punishment for misconduct.

"He seems to have proved that a large body of convicts can be kept in due subordination and, there at least, without material fear of any escape by these means; without fetters or any other contrivance to render their labor or their rest attended with more pain than is inseparable from imprisonment, and a sense of slavery."

afternoon, with one hour of rest for breakfast. Here, also, it seems, that convicts are hired out to private individuals, and servants, and even in gangs of workmen under peons, in which latter case we imagine that they are treated exactly as if they were employed on public works. It is said that indulgences, amongst which are classed relief from one fetter, relief from both fetters, and permission to sleep at their masters' houses, are given to some convicts as rewards for good conduct, but that this system has only been partially adopted: hence we infer that, generally, these convicts are fettered, and that the fetters are imposed not merely as an indispensable precaution to prevent escape, but as an aggravation of the punishment. In one respect the system of the Tenasserim Provinces is even more lax than that of Penang and Malacca, for it does not appear that any body of rules was ever even drawn out for the management of convicts in those Provinces.

*Financial result.
At Singapore.*

174. The cost of a transported convict at Singapore is Spanish Dollars 20.36 cents a year, equal to about Company's Rupees 45.3.2 a year, or Company's Rupees 3.12.4 a month; and the value of his labor is estimated at Spanish Dollars 2.50 a month or Company's Rupees 5.8.9. The convicts at Singapore who are worked at all, are worked effectually, and free labor there is very dear, wages varying from Spanish Dollars 3.50 to Spanish Dollars 4 a month. Still it may be doubtful whether the worth of a convict's labor in that settlement, as above stated, be not somewhat over estimated. At Penang the monthly cost of each convict is from Sicca Rupees 2.12.8 to Sicca Rupees 4, and the value of his work is estimated at from Sicca Rupees 2.8 to Sicca Rupees 3. We are, nevertheless, inclined to think that whatever useful public work is at present done at Penang could be done for a tithe of the cost of the convicts there. The monthly cost of a convict at Malacca is Sicca Rupees 4, but there the value of his work is estimated at Sicca Rupees 6 a month. The grounds for this estimate not being given, we can only say that we greatly doubt its correctness, as it exceeds even the Singapore estimate, where we know that the labor of the convicts is well superintended. The monthly cost of a convict in the Tenasserim Provinces is about Rupees 4.8, and the value of his labor is there estimated at Rupees 5 a month, that being the price of the hire of a convict there.

Expense of transport.

175. The expense of transporting native convicts is not great. During the last five years 245 native convicts have been transported from Calcutta by the sentence of the Supreme Court, at an average charge of about Company's Rupees 27 a head, and 930 convicts have been transported from Calcutta within the same time by the sentence of the Courts of Nizamut Adawlut at an average charge of about Company's Rupees 29 a

head*. If the value of a convict's labor at Singapore be correctly stated, after defraying the charge of his maintenance, a convict will pay for his transport in not much more than a year.

176. The expense of transporting European convicts to New South Wales or Van Dieman's Land is very great. During the last five years 87 individuals have been transported from Calcutta to those places, at an average charge of about Company's Rupees 691 a head†.

177. The health of the transported convicts is generally good: the usual daily percentage of Sick at Singapore is under four and a half, and the yearly percentage of deaths is about 5. The percentage of deaths at Malacca is considerably less than at Singapore, being under two and a half. The percentage of deaths at Penang may be taken at five, the same as at Singapore. The percentage of deaths in the Tenasserim Provinces for the last three years has been about 5.7. The mortality at Singapore and Penang is a little higher than the mortality of prisoners in the Western Provinces, but very much lower than that of prisoners in Bengal, and it is considerably lower than the average mortality of prisoners over the whole of this Presidency‡. It must be remembered that the vast majority of transported convicts are detained till their death, and that the vast majority of convicts imprisoned in India are liberated many years before their deaths. The annual percentage of deaths in Allipore Gaol is nearly 5.8. From the above data it may be considered to be demonstrated that the lives of prisoners sentenced to perpetual imprisonment are prolonged by their transportation to the Straits of Malacca.

Health and Mortality.

178. As to the moral character of convicts, Mr. Bonham states, of those in the Straits, that he thinks their moral character as good as that of their free countrymen there; and Mr. Condamine states of those in the Tenasserim Provinces, that their morals, generally, are not worse than those of an equal number of free men of the same classes. And certainly the fact seems to be that several of them are sought after as servants in preference to all other servants, that many others gain their own livelihoods peaceably, honestly, and even creditably, and that many are converted into useful members of society.

Morals.

179. The treatment of transported convicts, more especially where the great majority of those convicts are transported for life, is a matter

*GENERAL REMARKS
ON TRANSPORTATION.*

* See Appendix No. 25.

† See Appendix No. 25.

‡ Average for 4 years.

In Western Provinces,..... 4.64.

Lower ditto, 8.33.

Both,..... 6.56.

which cannot too deeply be considered: for whilst an over laxity in this, as in any other punishment, is highly pernicious, an unnecessary severity, being more entirely useless, is beyond measure more cruel in the case of this class of convicts than in the case of any other class. Moreover, the whole question of transportation, as a branch of prison-discipline, is of such vital importance, that it demands from us that we should lay before your Lordship in Council the fullest exposition of the principles by which we think those who carry it into execution ought to be guided.

Views of Committee on this subject.

180. Before proceeding to explain the reasons for the rules which we propose for the discipline of transported convicts, we think it incumbent on us to put your Lordship in Council in complete possession of our views on the general subject of transportation, in conformity with which the plan of treatment recommended is framed. The worth of our rules will thus be more easily ascertained, which we think would of itself be a sufficient reason for a brief exposition of our general views: but there is still another reason which induces us to treat the question of the propriety of transportation, as a punishment, more elaborately than we should otherwise have done.

181. Many persons of very high authority, who have devoted much thought to the subject of punishment, and who have made themselves masters of the science of criminal-discipline in its details, have very strongly objected to transportation as a substitute, in any cases, for imprisonment in the country where the crime has been committed. Had we quite coincided in the views of those high authorities, generally, and had we thought their objections applicable to India, it would have been our duty to have recommended to your Lordship in Council the abolition of this punishment, and the substitution of some other modification of confinement in its place. But we do not coincide in those opinions, in the unqualified manner in which we have seen them expressed. We think that some of the objections usually urged to this punishment are invalid; we think that many more apply, not essentially to the punishment, but to certain modes of it in which it is not necessarily inflicted any where, and in which it has never, or rarely, been inflicted in India; and we do not think that any of the objections of an essential character, which, we admit, may have a certain force in England, and in other countries in a similar state of civilization with England, apply in the slightest degree to India. Such being our opinions, which lead us to approve a punishment, in India, that has been generally censured, by very high authority, upon reasoning intended for universal application, we think it due to the importance of the subject to state at length the arguments which induce us to abstain from recommending the abo-

lition of this punishment in India, and, on the contrary, to suggest a modification of the rules under which it is now inflicted, whereof one effect would be an extension of the use of it.

182. We are of opinion, partly for reasons of a general character, and partly for reasons peculiarly applicable to this country, that transportation ought never to be inflicted except for life. Whenever the speedy reformation of a criminal is an object, the temporary discipline of a penitentiary has great advantages over the temporary discipline of a penal settlement: and the constant return of a great many Natives of India from transportation would soon destroy that peculiar feeling of dread which this punishment now so happily inspires in India. It follows that we are also of opinion that transportation should never be inflicted in any case where it may be expected that a criminal, after suffering sufficient punishment for his crime, may safely be restored to society in his own country. These two points fall exclusively for the consideration of those to whose wisdom the business of legislation has been entrusted. We therefore abstain from discussing the merits of these propositions, and we content ourselves with explaining that our recommendation of retaining transportation as a part of criminal discipline is made only under the expectation of these two points being settled in this manner. At present transportation inflicted by sentence of the Company's Courts, is, under all three Presidencies, invariably for life: the contrary system obtains only in regard to persons transported by the King's Courts at the three Presidencies and in the Straits, and the convicts sentenced by those Courts for fixed terms do not form more than about one-eighth or one-ninth of the whole number of transported convicts. It must be remarked that the Supreme Courts, in sentencing persons convicted of certain offences to transportation for a term of years, exercise no discretion. At present, they cannot, by law, do otherwise. The existing practice must not, therefore, be considered as any evidence that the Judges of those Courts consider transportation for a term of years as a good punishment in this country.

183. One of the objections urged to transportation in all shapes, which we regard as invalid, is this; that whatever precautions be taken, whatever rules be enforced, there never can be any *precision* in this punishment, because unexpected aggravations of the penalty can never certainly be avoided. Even, it is said, if famine and contagious diseases be provided against, the dangers of the sea must be met, and thus capital punishment, in its most terrific form, may be undesignedly inflicted. It seems scarcely worth while to answer this objection, after this

Objections to transportation considered, and 1st. Want of precision.

divesting it of accidental matter, and reducing it to an essential objection. Restraint cannot be inflicted in any way without incurring the *possibility* of accelerating death in some instances. No punishment can be inflicted without incurring that *possibility*. In respect to Natives of India it must be admitted that the chance of drowning in the passage from India to the Straits is small. Against this minute chance is to be put the ascertained fact that the mortality of convicts in the Straits is less than that of convicts in India, although nineteen-tenths of the convicts sent to the Straits remain there till they die, whilst not more than a thirtieth part of the convicts in India are life convicts. In truth, then, a Native prisoner's health is improved, and his life prolonged, by transportation. In respect to Europeans, it must also be admitted that the life of an European setting out from India for New South Wales is worth more than the life of another European of the same age at liberty in India; and to compare the life of an European about to undergo a long imprisonment in this climate, with that of the same man, would be absurd.

2nd. Class of objections avoided by the assumption.

184. The following objections, some of which would otherwise carry great weight with them, are altogether avoided by the supposition of the term being always for life, under which supposition our whole argument proceeds.

The bringing back.

1st. That it is unjust not to bring back a convict whose term has expired, whilst, if he be brought back, a heavy expense is incurred only to enable a bad man to renew his criminal conduct. This is obviously inapplicable to our scheme of transportation.

Inequality.

2nd. That the part of this punishment which consists of banishment is of very unequal effect upon different men; because banishment to a man with property and friends is painful, but it is nothing to a poor friendless man. This does not apply to our scheme, because, by our supposition, confinement for life would be one necessary part of any punishment substituted for transportation, and the same objection of inequality would apply as strongly to confinement for life as to banishment for life.

Agreeableness in anticipation.

3rd. That light-hearted criminals are accustomed to regard that part of the punishment which consists of banishment rather as a tour of pleasure than a penalty. This objection is inapplicable to our scheme, both generally, and specifically; because, first, no man has ever regarded removal from home *for ever* as a tour of pleasure; and, secondly, not one Native of India out of one hundred thousand associates ideas of pleasure with any tour, however short.

Want of reforming tendency.

4th. That this punishment, as a means of preventing the same criminal from offending again after the term of his banishment expires, by the reformation of his character, and by thus taking from him his disposition

to offend, is necessarily inefficient in comparison with the discipline of a good penitentiary. But this and all similar objections are avoided by our scheme, because, under our supposition, the term of the punishment ends only with the life of the criminal. Such convicts as will, under our scheme, be allowed a certain degree of liberty abroad, will be such only as evince signs of no longer having the disposition to offend. No matter whether the alteration be the effect of moral reformation, or of a change of external circumstances, where this happy result is obtained the object of the best penitentiary discipline is gained, and where it is not obtained the criminal will continue, even to the end of his life, subject to such restraint that he will not have the power of offending again. Where this objection applies, as it does wherever convicts are transported for terms short of life, it is, in our opinion, unanswerable.

185. There is another class of objections which are evidently applicable to the particular rules and methods of treatment, in respect of transported convicts, that have been adopted, in different places, and at different times. These are valuable in teaching us what to avoid in practice, and for that reason we will mention them; but as they are all easily avoided, and as many of them have already been avoided in India, they are of no force as against the punishment generally, and still less as against the punishment in India. These objections are,

3rd. Class of objections to certain modifications of transportation, inapplicable here.

1st. That when convicts have been made over in bondage to a contractor, those who were rich escaped all bondage and hard labor, which others suffered in addition to their banishment, not for their crimes, but for their poverty. This was the case when convicts were sent formerly from Great Britain to the American Plantations. We do not know that a plan exactly similar has ever been suggested here, but the practice of letting out convicts immediately on their arrival and without reference to a course of previous good conduct, to work for any master within the penal settlement who would pay for them, is not very dissimilar, and it seems open to a similar objection.

Avoidableness by the rich.

2nd. That the idea of the actual punishment of transportation has always been vague; that its actual severities having been unknown both to the judges and to the public, have been inflicted uselessly. This objection will, as regards the judges, be obviated by framing positive rules for the treatment of transported convicts, which rules the local officers in charge of those convicts will be forced to obey. It is very true that it may be somewhat more difficult to enforce the due execution of rules of discipline in a distant settlement, than under the eye of the Government; but if attention be paid to the matter this difficulty

Vagueness.

will not materially affect the efficacy of the punishment, and if attention be not given to this department, the rules for the management even of the Gaols of the Presidencies will fail to be duly enforced. The ignorance of the public in India enhances the apparent punishment, and consequently the dread of it; and the pain inflicted, if properly regulated, will not be wasted, because it will tend to maintain the existing dread of the punishment. On the contrary, all the pain avoidable in transportation, but not avoidable in India, will be saved.

Escapes.

3rd. That convicts allowed to labor apart from supervision are likely to escape, and to return home. This was the case with the first English convicts sent out to New South Wales, but it has never been the case with Indian convicts to any such considerable degree as to cause criminals in this country ever to take the chance of escape from transportation into their calculations*.

Lax control.

4th. That convicts employed in husbandry, and dispersed in small parties over a great space, cannot be restrained from vicious habits and crimes.

Want of incapacitation for crime.

5th. That under such circumstances, one end of punishment, namely incapacitation from crime, is unattained.

Demoralization of others.

6th. That criminals sent to a colony of other settlers, in large quantities, demoralize the other settlers.

The three last objections are avoided by enforcing, as a general rule, the confinement of transported convicts at night, and their working by day either in confinement, or in bodies under sufficient control. The great and systematic exceptions to this rule, which it is a main feature of our plan to allow, will not be liable to these objections, because we propose that no exception shall be made in respect of any individual, whenever it may not be highly improbable that any of these objections will apply in that particular instance. So long as the criminal may be inclined towards vice, he will be kept under such restraint that the vices imputed to convicts elsewhere, such as "sloth, gaming, drunkenness, incontinence, profaneness, quarrelling, improvidence†," will be prevented. Most of these, it will be observed, are not the vices of Indian criminals.

* Since the year 1830, inclusive, out of an average strength of about 2000 convicts who had been transported from Bengal 36 convicts escaped up to the end of 1836, that is in seven years. (See Appendix No. 34.) Of these five were re-apprehended, leaving 31 in seven years, being an average of 4.43 a year from all the penal settlements together, or say 2.22 per mille. In the year 1836-37 out of about 13,000 convicts in the road-gangs on the continent, 80 escaped, being 6.15 per mille. (See Appendix Nos. 32 and 33.) Of the 36 transported prisoners who escaped during the seven years above mentioned, two only escaped from Singapore, of whom one was recaptured.

† Bentham's Rationale of Punishment, Chap. on Transportation.

7th. That criminals are the worst of all possible materials for the foundation of a new colony. That "it is a shameful and unblessed thing to take the scum of people, and wicked condemned men, to be the people with whom you plant, and not only so, but it spoileth the plantation, for they will ever live like rogues, and not fall to work, but be lazy and do mischief, and spend victuals, and be quickly weary, and certify over to their own country to the discredit of the plantation*." But the answer to such objections, if urged against our scheme, is that the foundation of a colony is neither one of the objects, nor one of the results of transportation from India.

Badness of materials for a colony.

The proportion of convicts to the whole population being as some two or three to a hundred, the proportion of the children of convicts to the whole number of children is very much smaller. And as to the vices imputed long since to the English convicts in the American Plantations, and more lately to those in New South Wales, and in both cases imputed doubtless with perfect truth, it is enough to state the fact that in our penal settlements such vices are not general amongst the convicts, and further, that if they should show a tendency to spring up, they can most easily, by rules of discipline, be prevented from doing harm.

186. One very specious objection to transportation is, that its effect, by way of example, is weak, because it is inflicted at a distance from the place where the crime has been committed. A thousand miles, it has been said, makes as great a difference in the feeling with which most men regard punishment, or any other pain, as a thousand years. We are very doubtful whether this objection be not, in respect of any country, more ideal than real: we have not the least doubt that, in respect of India, it has no reality whatever. As this will be the great argument of those who may object to the course which we recommend, it demands a full discussion.

4th. General inefficiency as an example.

187. The effect of distance must not be confounded with the effect of absence. That the absence of a sufferer causes his example to be less felt by another than if he were present, may be admitted; but, apart from absence, we doubt the effect of distance. We are ourselves living at an immense distance from our home, and our friends. As witnesses, therefore, our evidence on this point, which turns upon a simple matter of fact, ought to be allowed a weight to which the mere belief of no writer can, as evidence, be entitled. Many of those dearest to us are ten times further away than the distance of the penal settlements from India, but when we have reason to believe them to be in suffering, we do not feel that we are less alive to their pain than we were when they

* Bacon. Essay on Plantations.

were absent, but only removed from us by a day's journey. We are inclined to think, rather, that we feel their sufferings the more keenly, as our knowledge of the distance which separates us strengthens our conviction of our inability to afford alleviation.

188. But whether or not the mere removal to a foreign land may operate on the people of other countries to weaken the exemplary force of punishment, we speak with the utmost confidence when we say that, on the people of this country, the simple operation of removal to a distance is to increase the exemplary force of punishment to a very great degree. Generally over India a sentence of transportation beyond the black water is regarded with indescribable horror. The effect of such a sentence on the convict is little short of the effect of a sentence of death, whilst the effect of such a sentence on the bystanders is greater than the effect of a sentence of death. We have in our Committee Members who have themselves witnessed the effects of such a sentence, and, as a general assertion, we have never heard what we have here stated doubted by persons of experience. This horror is so strong, that even under the present very lax treatment of transported convicts, out of those who are actually experiencing the tedium of perpetual confinement in Allipore Gaol, to whom if to any native the idea of novelty and release from the walls of a prison would be agreeable, few comparatively have petitioned to have their sentences commuted to transportation. The Gaol at Allipore contained in February last 1155 prisoners, and the number of life-prisoners in it at one time may have varied from 800, or 1000, to that number. Of these within the last ten years, on an average no more than 48 a year have petitioned for transportation, a number less than the yearly number of deaths, and considerably short of one quarter of the yearly number of admissions*.

189. We have said that in respect to a native of India there is a peculiar way in which removal to a distance increases the force of the example, or it ought rather to be said adds a new influence to the example by aggravating the apparent punishment. Whatever effect it can have to weaken the example, if what we have before said of the simple effect of distance be correct, must arise solely from such removal of necessity involving absence. A prisoner at home may be absent from general view, but a prisoner abroad must be so absent. The question, then, as an Indian question at least, is narrowed to the expediency or inexpediency of the public exposure of the long continued sufferings of a criminal prisoner condemned for life.

* See Appendix No. 27.

190. There are many countries where this practice is usual, and in the case of criminals who are never to return to society it must be admitted that there are no good objections in respect to the criminals themselves. But the objections to such a plan in respect to others appear to us to be unanswerable. If the suffering be not apparent, no good is done; and if it be, however dreadful may have been the crime, however strongly the necessity of inflicting a dreadful punishment may have been felt, at one time, whenever it is known that the suffering will continue as long as the sufferer can be kept alive for the sake of making him endure it, the time will surely come when the fear of the criminal will wear out; when one and all will forget the offence that has passed away in pity for the offender who remains before them; when the law will become odious, and the crime will be disregarded.

191. When the practice of public exposure has existed for a long time, its actual effects cannot with certainty be shewn. Pennsylvania, however, affords an instance of a country where it has been introduced, and, after a fair trial, discarded by universal consent. It was introduced in 1786, at the time when the immoderate severity of the English Penal Law, as it existed in the middle of the last century, was relaxed. It has never been proved in a single instance, that a simple relaxation of the former rigor of the English Penal Law has been followed by an increase of crime. It has, indeed, often been followed immediately by an increase of convictions, but this is one of the good effects that has ever been anticipated from the change. But in this case the bad effects of the introduction of public exposure more than counterbalanced what we are now justified in positively asserting were the good effects of the abolition of capital punishment for offences against property. Besides a train of disorders directly caused by the bad administration of the law of public exposure, crimes increased to a fearful extent, which being, necessarily, for the most part committed by persons who had never been exposed, must be attributable rather to the effect of exposure on others than on the persons exposed*. In the year 1790, four years after its commencement, this shocking practice was abolished, and the effect was astonishing; for at the end of another period of four years, that is to say in 1794, the population having in the meanwhile increased* at the rate of four and a half per cent. per annum, and the penal law in other respects having remained unaltered, crimes had decreased by two thirds†. The increase of recorded crimes, after the introduction of

* See Mr. W. Crawford's Report, pp. 8 and 9.

† See Mr. Livingston's Introductory Report to his proposed Code of Prison-discipline for Columbia, printed by order of the Senate in 1831-32, page 575 of Vol. II. of Senate Documents of 22d Sessions, 22nd Congress.

exposure, was too great and too continuous to be accounted for, to any great extent, by an increase of prosecutions otherwise than by reason of an increase of crimes. And no part of the subsequent decrease of recorded crimes can be so accounted for. We have remarked in this instance one fact which seems to speak of itself enough to settle this question. The decrease of crime in the town of Philadelphia, where doubtless most of the exposures were made, was much greater than the decrease of crime in the country, great though that was.

192. Whatever objections are good against constant exposure, must be equally good against the periodical parading of prisoners in humiliating or painful situations, as we believe is still done in some European countries. To whatever degree the end of example is thus gained, to the same degree the general objectionable effects of public exposure must be produced.

193. In India, at present, the public exposure of criminals condemned for life is not general. The public exposure of other criminals, on the roads, has not produced results such as would induce anybody to recommend an extension of the system.

194. It has been recommended to confine prisoners for life at home, in Gaols, but to invite the public to inspect them constantly. On this scheme we may remark, generally, that in a populous country such as this, if a constant stream of new visitors were to be passing through the prison no considerable part of one generation could have time to perform the visit: and, further, that the class of people whom it is wished to deter would every where be the last to come forward to inspect a prison. But assuming that it is not of course intended to allow of communication by word or sign with the prisoners, we may confidently affirm that, in India, hardly a single individual, high or low, European or native, not forced by his office to do so, would ever enter a Gaol. The inspection of prisoners by the public would thus, in this country, certainly be a delusion. But if it should be otherwise, we cannot see how the two plans, the one being the turning of prisoners out to be gazed at by the public, and the other the inviting of the public in to gaze at them, differ essentially from each other. In any country the effect of the latter method would be incalculably less general than that of the former; and in this country the effect of the latter method would probably be reduced to nothing. But whatever the extent of its effect would be, the good or bad character of that effect would be the same.

195. We conclude, therefore, that, under any circumstances, the long continued sufferings of persons condemned for life would not be

exposed to the senses of the public. That, such being the determination, the perpetual example of a man immured in an unseen cell at home is no greater than that of a man in a convict settlement abroad. That, consequently, as the act of transportation produces an extraordinary effect on the people of this country, it would be the abandonment of an unmixed advantage not to make use of that punishment, whenever it can be substituted for one of no less real severity.

196. We have argued this point, and arrived at the above conclusion, treating example as it is usually considered, that is, as something positively good in itself, without examining into the manner in which example operates to deter from crime, and without discriminating what is properly example from what is mere exhibition. But, in so treating this important subject, we think we have greatly undervalued our argument. As it seems to us, there are but two ways in which example operates; first, to remind people, or possibly to inform them, what the law is; and secondly, to assure them that the law is in earnest. Punishment under no law, or under a secret law, howsoever horrible it may be made to appear, is admitted by all to afford no example whatever. If criminals were not punished according to the law, the law would not be believed; it would therefore be useless, and hence the necessity of examples. But what deters from crime, is the knowledge of the law, with the belief that the law will be executed. Examples can only deter from crime by giving that knowledge, and inducing that belief. In this view, whatever shows the public that such a man has violated such a law, and convinces them that the law has been executed in his case, does all that example can do. Now these objects are certainly as well obtained by the public act of sentencing the offender, and by the first great and striking step taken towards the execution of the sentence, as by obtruding the punishment upon the people for any length of time. The continuing the punishment in the view of the public *before* the particular violation of law has been forgotten, is manifestly useless. The doing so *after* the particular violation of law has been forgotten, is, in other words, the exhibition of punishment after it has ceased to be an example. All that the continued exposure of the punishment to view can by possibility be conceived to do, is to keep alive the recollection of some particular violation of the law; but we know, in fact, that it has no such effect. A string of convicts in chains brings to mind no particular crime, nor does it even strengthen the general impression of the existence and operation of penal laws, for the effect would be the same were the convicts all innocent men, unjustly confined by an arbitrary act of power, or by an erroneous decision. In fact, the spectator can never know which supposition is correct.

197. It is on such grounds that we hold that the simple hanging of a criminal is as good an example as the letting his body hang in chains for fifty years: on such grounds we hold that the imprisoning a criminal in a penitentiary, where nobody sees him, is as good an example as the making him work in irons on the roads: and it is on the same grounds that we hold that, (putting all notions of the comparative degree of severity of each of the two penalties out of view, which have nothing to do with the mere exemplary force of either,) the act of sending a criminal away to be transported has as much of an example in it as the act of sending a criminal to prison.

198. There seems to us to be but one other conceivable good effect of continuing a punishment under the view of the public. It may be said that the seeing a man suffer punishment increases the dread of that punishment, that, so, people who see death inflicted by hanging will dread hanging the more; that people who see a prisoner, or even a prison, will dread imprisonment the more, and so forth. Consequently, that the mere pain of a punishment which is continually before people's eyes will appear more terrible than that of an equal punishment inflicted in private, or at a distance. But this is a matter of fact, and all experience is against such an assertion. If it were true, a veteran soldier would be less bold than a ploughman. Or to take an example from punishment itself: we know that a certain part of the population of London make it a rule to attend at every execution, but it has never been surmised that this is the most inoffensive part of that population.

Transportation compared with other punishments.

199. We have now examined all the objections to transportation, but our argument will not be complete without comparing, in respect to the points of objection, transportation with the other punishments that can replace it. As, by the supposition, perpetual incapacitation from crime must be part of any such punishment, it only remains to consider of death, and of imprisonment for life.

With death.

200. To discuss the expediency of a more frequent resort to the punishment of death, is beyond the province of this Committee.

With solitary confinement.

201. We have already expressed a strong opinion against the public exposure of criminals, especially in the case of criminals condemned for life, which we believe to be a punishment absolutely bad. In comparing the advantages of transportation with those of confinement for life at home, it will therefore only be necessary for us to consider of secluded imprisonment. We will commence with the most grievous form of this punishment. Confinement in solitude for life, in the manner

in which this punishment, as a substitute for death, has been proposed by Mr. Livingston to be inflicted in some of the North American States*, has this immense disadvantage, that it is the most awful suffering which it has been permitted to man to inflict upon man. Neither death, nor mutilation, nor public exposure for life, nor any active torture that the human frame can bear, inflicts such extreme suffering. In point of economy of punishment, therefore, or in plainer words, in point of humanity, it is inferior to every other punishment.

202. We believe that the deterring effect of this punishment is quite incommensurate with the extreme pain which it causes, and that its deterring effect is least with those uninstructed, unthinking men whom chiefly it is the object of punishment to deter. It has sometimes been maintained that this most grievous kind of imprisonment for life is really less painful to the sufferer than it is believed to be by others, owing to

* Mr. Livingston proposes no less than six distinct classes of convicts to be confined for life, and he has invented the means of distinguishing each class by the adding or withholding of some circumstances that aggravate the pain of a prisoner. The following are the classes. First, prisoners repeatedly convicted of crimes not of the worst order. These, excepting that they are to have a more fanciful uniform, are to be treated in all respects like prisoners confined in a penitentiary for a certain time. Secondly, convicts for rape, or for unaggravated murder. These are to be confined in solitude for ever within a cell and adjoining court, with permission to work for ten months in every year; and for the other two months, consecutively, they are not to be allowed to work, and to be debarred access to their courts, excepting for the few moments occupied in cleaning their cells. On every anniversary of their crime they are to fast for 24 hours. They are to be allowed no books, except selections from the Bible and certain religious and moral tracts. Thirdly, infanticides. These are to be treated like the second class, excepting that they are to be shut up in their cells, and prohibited from work for three months, consecutively, in every year. Fourthly, assassins. These are also to be similarly treated, except that they are to be shut up in their cells, without work, for six consecutive months in every year. Fifthly, parricides. These are to be confined for ever in solitude, without work, and without books other than those excepted above, in a cell to which no court is attached. Sixthly, convicts for aggravated murder. These are to be treated like the fifth class, except that they are to fast for 24 hours once a month.

"These circumstances," says Mr. Livingston, "are calculated to strike the imagination with horror for the crime, without awakening any dangerous sympathy for the sufferer." The feelings with which we read this proposition assuredly do not bear out the opinion thus hazarded. These distinctive circumstances are nice refinements; and they are certainly refinements in the art of inflicting pain. It rests with the persons who recommend these and similar provisions to show that each shade of aggravation produces its own compensating good effect upon society: till this can be done, we can only regard them as refinements in the art of cruelty. For example, can it be conceived of a man who has resolved to murder his father, that he will be induced to prefer the use of a dagger to the use of poison, by the recollection that if he be found out, and caught, and convicted, and sentenced to perpetual imprisonment in a solitary cell without books or employment, all which risks he has already resolved to brave, he will, in case of his using poison, be obliged once a month to go without Gaol allowance?—See proposed Code of Prison-discipline for Columbia, Chapter II. Section 3, Senate Documents of 1831-32, 2nd Session, 22nd Congress.

the presence of alleviations inconceivable by all who have not been so immured. But this strange assertion is amply refuted, and the contrary is clearly proved to be the fact, by the instances on record in which men who, to avoid death, have borne, without confessing, repeated inflictions of the most dreadful tortures, and who, having so escaped death, but having been instead confined for life in solitude, have then confessed, and entreated that they might be executed*.

203. This punishment does not, in our opinion, afford in the least degree a better example, in any sense of that word, than transportation for life. A person so confined is not more dead in the eye of the law,

* The following is from the Report of the Boston Prison-discipline Society for the year 1828, p. 76.

"A Report of the London Prison-discipline Society, mentions that at Fribourg an accused person after having been three times tortured, because he still refused to confess, was lately sentenced to perpetual imprisonment in a dark dungeon." The Report proceeds to say, "The Committee learn that the unfortunate person afterwards confessed, in the hope of a mitigation of his punishment—that is of being executed; but that the sentence cannot now be reversed, and he is consequently doomed to perpetual imprisonment, and subjected to privations well calculated to produce despair." In some American Prisons several prisoners confined in solitude, without work, committed or attempted to commit suicide after undergoing the punishment for a very few days.—See Mr. Crawford's Report, page 15.

The following is from the pen of Dr. Moseley, a physician who visited the common prison at Venice in 1787, cited in page 37 of a pamphlet on Prison-discipline by Mr. Lawrie, London 1837.

"I saw one man who had been in a cell thirty years, two who had been twelve years, and several who had been eight and nine years in their respective cells. By my taper's light I could discover the prisoners' horrid countenances. They were all naked. The man who had been thirty years, his face and body were covered with hair. He had lost the arrangement of words and order of language. When I spoke to him he made an unintelligible noise, and expressed fear and surprise; and, like some wild animals in deserts, which have suffered by the treachery of the human race, or have an instinctive abhorrence of it, he would have fled like lightning from me if he could. One whose faculties were not so obliterated, who still recollected the difference between day and night, whose eyes and ears though long closed with a silent blank, still languished to perform their natural functions, implored in the most piercing manner, that I would prevail on the Gaoler to murder him, or to give him some instrument to destroy himself. I told him I had no power to serve him in this request. He then entreated I would use my endeavour with the Inquisitors to get him hanged or drowned in the Canal Orfano. But even in this I could not serve him; death was a favor I had not interest enough to procure for him.

"This kindness of death, however, was during my stay in Venice, granted to one man, who had been from the cheerful ways of man cut off, thirteen years.

"Before he left his dungeon I had some conversation with him; this was six days previous to his execution. His transport at the prospect of death was surprising. He longed for the happy moment. No saint ever exhibited more fervor in anticipating the joys of a future state, than this man did at the thoughts of being released from life, during the four days' mockery of his trial."

than he is dead in the minds of the people. In law, and in fact, every thing goes on as if he were dead, and nobody ever knows when he does die. With one exception, no circumstance can possibly arise that would recal the idea of a criminal so situated to the mind of any free man, not a Gaol attendant, that would not recal to the mind of the same free man the idea of that criminal if he had died, or been transported for life. This one excepted circumstance, on which the whole of the opposite argument has been founded, is the free man's happening to pass by the walls of the prison wherein the criminal is confined. The same reasoners have objected to capital punishment, that its example, though forcible, is not permanent. Can it, with consistency, be maintained by those who think the sight of the gallows an insufficient memorial of the awful death of a malefactor, that the sight of prison walls will be an all-sufficient memorial of the less striking fact of there having been once a great criminal, who has very likely died in his bed long ago, but who, if he be alive, is alive within those walls.

204. But granting that the sight of a prison wall would call up ideas of the perpetual confinement of its inmates, how few of the inhabitants of India would see it even once in their lives? What proportion of the millions under your Lordship's Government have ever seen the Allipore Gaol, in which nearly all prisoners for life on this side of India are confined! How few ever heard of the existence of such a place! Nay, to say nothing of the people in the Doab, in Cuttack, or in Assam, how few of the inhabitants of this town, who live within two miles of that prison, have ever seen it!

205. If again such criminals were confined here and there over the country, in the district Gaols, the example would be no better, for no one would know or care whether in fact any given Gaol, at any given time, should contain a man imprisoned for life, or not. The common associations which a district Gaol inspires would prevent the faintest thought about the rare instances of solitary and perpetual imprisonment. At present the sight of a Gaol does not call up the thought of a few unfortunate criminals who may be within it under sentence of death. Indeed the defects of such a plan are so evident that we are not aware that any thing of the sort has ever been suggested by way of an improvement. The objects of perpetual confinement are quite different from those of a penitentiary, and the treatment of prisoners for life ought to be equally different from that of temporary prisoners. To mix the two modes of treatment together would surely injure the efficiency of both.

206. As the only thing that can justify the infliction of any punishment is its deterring effects on society, as we look upon it as certain that solitary confinement without occupation for life is greatly the most painful of all punishments, and as we look upon it as certain that such confinement is not of all punishments the most dreaded by the mass of mankind, it follows, that we consider such confinement to be a punishment which it is absolutely unjustifiable to inflict. It has happily never been attempted in India. We cannot therefore directly compare the dread of it in India with the dread of another punishment. But we may do so indirectly, and with sufficient precision for practical purposes, by taking into the comparison some punishment common to this country and to countries where the punishment in question is practised. The common punishment which is the most suitable for the comparison is death, and though in some degree death may be less dreaded by Indians than by the natives of those countries in which, solitary confinement is practised, yet we do not think the difference so great as materially to vitiate the comparison. In countries where both death and this species of confinement for life are practised, those who have never experienced solitary confinement dread death so much the more, that sometimes torture cannot even for a moment turn the scale. In India it has sometimes been questioned whether death or transportation were the most awful to the people. From this consideration we see reason to conclude that transportation for life would generally, in India, have a greater deterring effect than this more grievous infliction. If so the choice as between these two punishments, for India, must be made in favor of transportation, even by those who do not consider imprisonment for life, in solitude and without occupation, a punishment absolutely unjustifiable.

With milder imprisonment for life.

207. A fortiori transportation for life must have a greater effect in India as an example than that mitigated sort of confinement, much less severe than the mildest penitentiary discipline, which is the harshest method of treatment that Mr. Bentham and other very severe jurists have recommended for persons confined for life. And it certainly has a greater effect, as an example, than secluded imprisonment for life with labor, such as that punishment is now in India, for at present imprisonment for life is universally considered as the milder, and transportation for life as the severer punishment. In fact the permanence of the effect in both punishments is equal, and the intensity of the effect of the latter, in India, is incalculably greater than that of the former.

208. The real suffering from transportation is, we believe, nevertheless even in India less than that from the mildest imprisonment. The sea being once passed, the native of India finds that his terrors were in

many respects unfounded, he considers himself as in a new world, and he adapts himself to the change.

209. It may be said that the apparent suffering in a prison may be artificially made, in an equal degree, greater than the real suffering. It has been supposed that by imposing a prison dress, blackening the prison walls, and similar theatrical contrivances that have been gravely suggested, the visitors may be deceived into imagining the suffering to be greatly more than it truly is. Setting aside, for a moment, our objections to the exposure of prisoners, we may observe, in passing, that it is at best only an attempt to do by art, for the sake of imprisonment, what nature proffers to us if we will accept of transportation. But assuredly we do not believe in the possibility of succeeding in the deception. The pain of simple imprisonment depends entirely on its duration, and the feeling of duration cannot be conveyed to the senses of a transient spectator. A man in confinement is by no means a striking object. His pains are all negative, such as want of variety, want of good food or drink, want of society, want of exercise; and these, though felt more deeply than positive pain by the sufferer, can only be fancied by others very faintly. The very duration, whilst it augments the real severity of the punishment, by making the suffering habitual, prevents those gestures and cries which in common life accompany pain. Then again, if work be allowed, as a mercy, the act of working will give a cheerful appearance that will still more mislead the casual spectator. We doubt whether any man of an imaginative and contemplative disposition, who has thought much upon the subject, has a just conception of the pain that imprisonment causes; and if this be a fair matter of doubt in such a case, can there be any matter of doubt at all in the case of an ignorant and unreflecting laborer, who has never had a thought beyond his daily wants? Yet it is to such as he that the penal law must speak, or else it might as well be dumb; and to be understood by him, it must speak shortly and plainly.

210. For these reasons we arrive at a conclusion exactly the contrary of that from which those whose opinions we are now considering deduce their arguments in favor of perpetual confinement*. We think

* "The appearance of the building, the singularity of its shape, the walls and ditches by which it is surrounded, the guards stationed at its gates, would all excite ideas of restraint and punishment; whilst the facility that would be given to admission would scarcely fail to attract a multitude of visitors, and what would they see, a set of persons deprived of liberty which they have misused, compelled to engage in labor which was formerly their aversion, and restrained from riot and intemperance in which they formerly delighted, the whole of them clothed in a particular dress indicating the infamy of their crimes. What scene could be more instructive to the great proportion of the spectators! What a source of conversation, of allusion, of

that the real punishment of perpetual imprisonment must ever be incalculably greater than the apparent punishment. We think exactly the contrary of transportation as an Indian punishment.

5th Objection. Expense considered.

211. We have heard but of one more objection, and that of a collateral sort, urged against transportation; namely the expense of it. Now when this punishment is restricted to those who must otherwise, for the general good, be made to be in confinement for life, it seems impossible that the advantages of the two punishments can be so nicely balanced that the consideration of expense ought to be allowed weight in either scale. But in India, it seems probable, that whatever weight ought to be given to this argument at all is in favor of transportation. The labor of a convict at Singapore is valued as worth Company's Rupees 1. 12 a month more than the expense of his keep; a sum which would soon pay for his transportation. Indeed if it can pay private persons to carry free Indian laborers under a temporary apprenticeship to the Mauritius, it does not appear why it should not be made to pay Government to carry prisoners for life to the Straits, which are nearer at hand than the Mauritius, where labor is as dear as at the Mauritius, and where the Government has great need of laborers. The convict must equally be fed, whether at home, or in the Straits of Malacca, and as the staple of his food in the Straits can be sent from India, it is evident that his extra cost there ought not greatly to exceed the small expense of freight on his food; whilst it seems equally evident, as the price of labor is there at least three or four times what it is here, that, whatever the value of a convict's labor may be here, it ought to be three or four times more valuable there.

Conclusion against validity of the objections, in India.

Peculiar advantages of transportation, in India, explained.

212. We have now examined all the objections that have been made to transportation, and have come to the conclusion that none of them are tenable as against that species of the punishment which we propose, and as applied to this country. We will only further mention one very peculiar advantage which this punishment seems here to possess. Under the present very lax system, we have now before our eyes numerous instances

"domestic instruction! How naturally would the aspect of this prison lead to a comparison
"between the labor of the free man and the prisoner, between the enjoyments of the innocent
"and the privations of the criminal. And at the same time the real punishment would be less
"than the apparent. The spectators who would have only a momentary view of this doleful
"spectacle would not perceive all the circumstances which would effectively soften the rigor
"of this prison. The punishment would be visible, and the imagination would exaggerate its
"amount. Its relaxations would be out of sight, no portion of the suffering inflicted would be
"lost. The greater number even of the prisoners being taken from the class of unfortunate and
"suffering individuals would be in a state of comfort, whilst ennui, the scourge of ordinary
"prisoners, would be banished."—*Bentham's Rationale of Punishment*, pp. 353, 354.

of complete reformation. Men who have been savage robbers are now sought for as domestic servants, or make a peaceful livelihood by other honest means. It cannot, therefore, be doubted that reformation, one of the ends of punishment that has seldom been attained any where, under any system, and that has never been attained by imprisonment in India, has often been attained by the transportation of natives of India. We think, that by a judicious use of great severity at first, of relaxation in reward for good conduct afterwards, this chance of reformation can be retained, and even strengthened, without abandoning the main end of punishment which is determent.

213. The fact seems to be that there are peculiar advantages in the application of this punishment to a native of this country. The general morals of the people may possibly be bad enough, but an Indian criminal is probably a better man than any other criminal of the same sort. His general character certainly differs less from that of the mass of his countrymen than would be the case in more civilized and moral countries. A large proportion of the crimes in this country are committed by persons whose tribe have done the same time out of mind, and they are almost as naturally the result of birth, as another man's honest trade. Many more are committed as it were professionally by the members of immense confederations, who are not much worse than other people in matters unconnected with their profession. Owing to feelings and principles which we can never comprehend, there is little or no consciousness of moral guilt amongst these classes on account of the exercise of what they regard as their proper business.

214. In all these cases it is evident that when the ties of caste or society are broken as completely as by death, and when the man is torn away for ever from his family and friends, and thrown into what it is scarcely a metaphor to call a new world to him, the obstacles to the commencement of an honest life are much fewer than in the case of a man whose crime is but the fruit of a general depravity of character, such as is usually the crime of an English malefactor.

215. We have ready made to our hands a weapon of tremendous power. The horror with which the people regard transportation is a feeling born with them, and the questions whether it be a wise or a foolish feeling, whether it be a just deduction from true premises or the result of ignorance and superstition, are nothing to the purpose. We have the extraordinary opportunity of punishing with extreme effect towards deterring others, with sufficient effect in incapacitating the criminal for future crime, with the chance (obtainable in no other way)

of rendering him a useful member of society, and all this with the infliction of less real pain than that which is inflicted by other punishments not half so much dreaded.

Retention of transportation recommended.

216. The above comparison has induced us to recommend the retention of the punishment of transportation. But our arguments carry us much further than this. In this country, and at the present time, transportation for life, whilst it causes less pain, excites amongst the great mass of the people greater terror than imprisonment for life. At the capitals of the Presidencies, where transportation for terms of years is a common punishment, the feeling is not the same; yet in them too the dread of this punishment is doubtless susceptible of being very much increased by a change of system. Probably also in the neighbourhood of all seaports the feeling generally is less strong than it is with the mass of the people. Sea-faring people have undoubtedly none of this peculiar feeling. But those who fall within these exceptions form but a small portion of the population of British India. Nevertheless they are sufficiently numerous to prevent our arguments from applying with their full effect, universally. Yet our arguments apply to their full extent so generally, that if the Government should coincide in our views, in order to make the most use, by way of example, of the same actual infliction, the penalty of transportation for life ought to be generally preferred to that of imprisonment for life for the most heinous offences not punished with death. This is the course which, with one dissenting voice, the committee recommend. Our colleague Mr. Macfarlan dissents from our opinion on the subject of transportation, and he, therefore, does not concur in this recommendation. He has entered a minute on this point which is appended to this report*. On the other hand our colleagues Sir Edward Ryan, Sir John Grant, and Mr. J. P. Grant would go much further in their recommendation. They feel insurmountable objections to the punishment of imprisonment for life, which they think ought to be entirely discontinued, transportation for life being substituted for it where necessary. They have entered a minute on this subject under paragraph 278†.

Mismanagement of transported convicts in the Straits.

217. Communications have been received by the Indian Law Commissioners from Madras, complaining of the laxity of discipline amongst the prisoners in the Straits‡, and stating that, in consequence of the agreeable life which the convicts there lead, the terror of transportation

* See paper marked C.

† See the paper marked D also appended to this Report.

‡ See Appendix Nos. 9 and 10.

has greatly diminished in some maritime parts of the country. This is a great evil, but it arises solely from the mismanagement of the convicts in the Straits, and the remedy is very simple. We observe that it has been proposed, in consequence of these representations, to send no more convicts to the Straits of Malacca, but to send all in future to the Tenasserim Provinces, where it has been supposed that the treatment is at present more severe. But this measure seems to require further consideration. Our returns shew that the climate in the Straits is more healthy for convicts than that on the Tenasserim coast, and the advantages derivable from convict labor are certainly at least as great, whilst the usual price of out-door labor is, we believe, greater in the Straits than on that coast. That the convicts are now mismanaged at Penang and Malacca seems a good reason for improving the discipline at those two places, but not for sending all convicts elsewhere. At Singapore, as far as we can judge from our returns, the labor of the convicts is at the least as well managed as on the Tenasserim Coast.

218. We look upon it as advantageous to have several convict settlements, because we think that no two prisoners of the same gang or family ought to be sent to the same settlement, if it can be avoided. Were it possible, no two prisoners from the same locality ought to be sent, about the same time, to the same settlement. With this reservation the greatest number may properly be sent to the place where they are the most wanted, and the best superintended.

GENERAL SYSTEM OF TRANSPORTATION PROPOSED. Distribution.

219. The convicts ought, we think, invariably to pass the first seven years of their transportation, at hard labor by day, and in prison by night; when not at work on the roads, in prison, and, if possible, in solitude. Their daily task during this term ought to be as much as their strength will bear, and it ought to be performed if possible in silence. During this term they ought to be supplied only with hard fare, without any money allowance whatever; and to be deprived of every indulgence not necessary to health. After this term the superintendent may be authorised to recommend to Government, in extraordinary cases of good conduct, the relaxation of some severities by the admission of the convict into a second class, but generally, and on his own authority, he may be allowed to raise a convict to the second class, if his conduct has been so good as to deserve it, after twelve years.

Gradations of severity. 1st Class.

220. The object of this rule is to inflict the utmost severity at first, while the criminal remains in the recollection of the neighbourhood where his crimes were committed. The communication between Indian convicts and their friends is very rare, but what does occur is probably

Object of this Rule.

within the first few years. It is of great importance, in order to keep up the existing dread of the punishment at its present height, to condense the severity as much as possible into that part of the time in which the remembrance of the criminal lives in his native district. After several years, a relaxation of severity taking place in a distant place can have little effect in diminishing the force of the example, whilst the knowledge of the rule may tend to reform the prisoner, and must be a great mercy to him from the very commencement, by allowing him to hope for less misery in time.

2nd Class.

221. The second class may be allowed a share of their earnings in money, or if they work for Government, a small payment when they work well. They may be allowed with this money to improve their diet. They may be allowed to associate together, in confinement, and to cook their own victuals. They may be employed as superintendents of the other convicts when at work. The least time that must be passed in this class may be five years. The superintendent may, after that time, have the power to reward good behaviour by promotion to the third class.

3rd Class.

222. The third class may be paid a higher rate of money allowance, if their work is worth it. They may be allowed to marry, if they can procure wives, and to be apprenticed to private persons, or employed as servants in Government offices. Convicts, after being three years in this class, may be promoted for good behaviour, by the Superintendent, into a fourth class, who may be allowed to get their own livelihood, if they please, subject to whatever restrictions may be proper to secure their remaining in the convict settlement for life, and their being constantly under the eye of the Superintendent.

Under what Rule of Discipline.

223. The Superintendent, besides being authorised to inflict solitary confinement, lower diet, or temporary loss of money allowance, at his discretion, should have the power of reducing any convict to the class immediately below the one he may be in, for any offence against the rules, but we think that all punishments of this nature ought to be reported by him. The local courts, on conviction of any ordinary crime, or of an attempt to escape, ought, we think, to have the power, besides the ordinary penalties, of sentencing a convict to corporal punishment, or to degradation for any term. The utmost severity of military discipline must be absolutely necessary for convicts for life, few of whom will be transported who would not, in England, have been hanged. The arguments against severe punishments, though in general unanswerable, do not appear to apply to convicts who commit new crimes whilst undergoing the punishment of their old crimes.

224. We think every superintendent of convicts ought to be obliged to report, monthly, the work that has been done by the convicts for the past month, and to submit, yearly, a statement of the cost of the convicts for the past year; the value, or profit of their work; the number in each class, and the manner in which each class is employed, specifying particularly the manner in which each individual of classes 2, 3, and 4, is employed; the age of each convict; the time he has passed in transportation; the number of deaths, and additions, within the year; the average number of daily-sick in each month; and such other particulars as may be interesting. Escapes will of course be reported immediately.

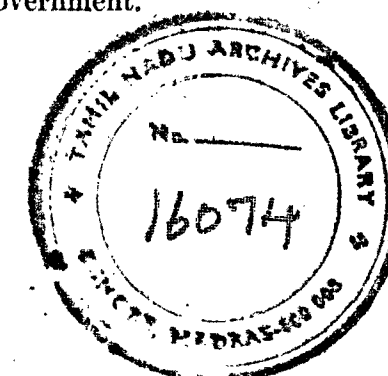
Reports.

225. As to the practice of working transported convicts on the roads in gangs, we must explain that the objections which we have stated to a similar practice in the case of convicts who remain at home, and whose sentences are temporary, in respect of the convicts themselves do not apply to men transported to a distance, who are never to return to the society to which they originally belonged; nor, in respect to the public, do they apply with equal force to foreign settlements whose few inhabitants have no feelings in common with the sufferers.

Explanation.

226. We are not aware of any objection to the immediate introduction of rules founded on such of these suggestions as may meet the approval of your Lordship in Council. Some of them would require a legislative act to be passed. If it should not be easy to obtain the means of good superintendence at all three of the settlements in the Straits, we recommend the removal to Singapore of all convicts now at Penang and Malacca, and not in private or public service. But we by no means wish it to be understood that, under good management, the labor of convicts would not produce as great public benefit at the two last mentioned places as it is capable of producing at Singapore. We think that every where, both in the Straits and in the Tenasserim settlements, the management of the convicts ought to be entrusted to a responsible officer, whose principal duty this should be. There is such an officer now at Singapore, under whom much useful work is done, and who seems to be exceedingly well qualified for this duty. The system, as we have said, every where requires improvement. Here as elsewhere indulgence, whether by promotion to be an overseer or otherwise, should be prohibited till after a certain period of residence. Here as elsewhere money allowances, which, in the Straits are, we are sure, excessive in amount, should be restricted, and prohibited to all but promoted convicts. But these are the faults of the system, not of the executive management, and we are led to believe that nothing is wanting at this settlement but a reform of system, which must originate with the Government.

Immediate introduction of these Rules recommended.



GENERAL SCHEME OF REFORM.

227. We have now described the present state of Indian Prison-discipline, and suggested such partial improvements as it appears to us advisable to introduce immediately, wherever applicable. We have also fully treated the subject of transportation, in connexion with the object of our association. We now proceed to lay before your Lordship in Council an exposition of our general views of the principles on which the treatment of prisoners should be made to depend, by way of introduction to the general scheme which we propose, the intention of which scheme will best be understood by a consideration of the principles on which we have proceeded in preparing it.

GENERAL OBJECTS
OF PUNISHMENT EX-
AMINED.

1. Determent.
2. Incapacitation.
3. Reformation.

228. The great end of punishment is, according to our view, to deter all men from crime who are capable of committing it, and susceptible of the fear of punishment. We include the sufferer himself amongst those for whom this end is sought, whenever it is desirable to deter him from a repetition of his crime; and, on this understanding, it appears to us that this single object of punishment is of such paramount importance, that no secondary object ought to be aimed at in any such way as that thereby this main object will be attained in any material degree less perfectly than would otherwise be the case.

229. When four objects of punishment have been assumed, namely, the deterring of society, the deterring of the offender, his incapacitation, and his reformation, it may be held to have been all but universally admitted that the deterring of society is the first end of punishment. Now the deterring of the criminal from a repetition of his crime, wherever it is an object at all, must be allowed to be equally important with either of the remaining two objects. In thus speaking, therefore, of the two ends of determent as combined in one great end, we are not fearful that we shall be thought to have exaggerated their united importance. A thousand men of ill regulated dispositions are deterred from crime by penal laws certified and brought home to them by example, for one who is restrained from crime by his own prison walls; and, of released convicts who abstain from a repetition of crime, the proportion of those who abstain because of a remembrance of past suffering, to those who abstain because of a moral reformation wrought whilst in prison, is, we fear, in a ratio too nearly the same. And not only is determent the most important end of punishment, but it is the only one which remains both constant, and attainable in every case. For others may be deterred

from offending by the mildest as by the gravest inflictions of penalty on an individual. And though it is true that the object of deterring the criminal is not so constant, inasmuch as it becomes of less importance as the increasing severity of the penalty involves his incapacitation from crime for a greater time, and vanishes altogether when the penalty approaches its maximum; yet it is also true that the objects of incapacitation and reformation are equally or more variable. The object of incapacitation from crime ceases to be attainable in the mildest inflictions of punishment, and is attainable to a useful extent in comparatively few cases; and the object of reformation is still more variable, for when the penalty is so great as to preclude the return of the offender to society, reformation is no longer, politically speaking, an object at all, and its importance as an object ever diminishes as the penalty increases, whilst, on the other hand, its attainableness as an object ever diminishes as the penalty decreases, till in the mass of petty cases it becomes an object which it would be vain even to bear in mind.

230. As, wherever it is at all an object to pay regard to the deterring of the criminal himself, that is to say, in all temporary punishments, exactly the same means deter both the individual and society at large, this union of the general and particular objects into one main end of determent will be convenient; and it can never mislead, because the cases in which the same means cease to be fitting for both objects are marked off by the clear line which separates perpetual from temporary punishment. We are all agreed in thinking that it ought to be the endeavour of prison-discipline to attain this great end of determent as completely as possible, before turning attention to other ends, which, though often of great, are never of principal importance.

231. In what we have said above of the moral reformation of prisoners for life being no longer an object of punishment, we wish distinctly to be understood to speak only of those social objects which justify the infliction of punishment. For the sake of the offender, it must ever be an object of sacred and infinite importance to reform his moral disposition, even though it may never be safe to allow him again to be a free agent. And we are very far from saying that the Government, when it assumes the absolute control over an offender during his whole life, does not become bound to undertake the duty of being his moral preceptor. The treatment which we recommend for life convicts keeps this duty steadily in view; we would only be understood to assert that this is not, properly, an object of the punishment of such offenders. In the same manner when we speak of the comparative inferiority of the object of reformation of morals, in respect to prisoners for certain terms, we speak only of the

political ends of punishment. It is an object, in another view, to reform the hearts of all bad men,—nay, it may well be a national object; but this view embraces vices of all sorts, those which the penal law disregards entirely, as without its province, equally with those which, for political reasons, it punishes. In this view it is as much an object to correct ingratitude and avarice, as mischievousness and thievishness. It is clear, therefore, that this is not the view in which any object of punishment can be regarded. But we are far from denying the importance of this view, and in our treatment of temporary prisoners it is constantly borne in mind. We do nothing inconsistent with this moral reformation, and as far as we can we assist it, but it is not the first end at which we directly aim.

THESE OBJECTS
HOW FAR OBTAINED
AT PRESENT.

232. The first part of this Report will have shewn that the great end of determent is very imperfectly obtained in our Indian Gaols. The convict is both really and apparently in a better situation as to lodging, clothing, and food, than the greater part of the people. With the single exception of the liberty of motion, he is subjected to no privations to counterbalance these advantages. His labor is lighter than the labor which an honest man of his class is obliged to undergo for his daily bread. The disgrace of his situation soon ceases to be felt at all. The contamination to which he is subject, disastrous as it often is to himself and to the public, is never, after a short time, felt as painful. Even the risk of sickness or death to which he is often put by being sent to particular road-gangs, though it increases the severity of his real punishment a hundred-fold, is not looked upon by him as a consequence of his own conduct, but rather as a casual misfortune, because it depends upon accidents of time and place very remotely connected with his offence, or the legal and usual punishment of that offence. We do not support the paradox that imprisonment is generally sought after by the people of this country, though we have heard of instances in which it has been so sought after; but we are convinced that the deterring effect of imprisonment in our present Gaols is far from adequate to the demoralizing effect of that punishment upon the individuals who suffer it, to the real pain inflicted by it, and to the expense to which the public is put by it.

PROPOSED IM-
PROVEMENTS.
Out-door labor pro-
posed to be disconti-
nued.

233. We are strongly of opinion that the demoralizing effects of imprisonment cannot be avoided until the system of putting convicts to out-door labor be abolished. That system renders the mixture of prisoners in large gangs necessary, whilst it makes it impossible to prevent communication between one prisoner and another. It affords facilities to convicts with money for procuring means of rendering their punishment,

for all good purposes, little more than nominal, and thus it makes a poor prisoner think that whatever renders his punishment severe is the consequence not of his offence, but of his poverty. When inflicted on those whose offences are not considered disgraceful, as is the case too often for affrays, it has a doubly bad effect; it punishes a man severely, not because he has done wrong, but because his general character is respectable; and at the same time the publicity of the severe punishment of that man, inflicted as it is without distinction in the society of robbers and thieves, tends to make the mass of the people imagine that legal punishment has little connexion with justice. Labor within doors is subject to none of these disadvantages. It may be conducted free from the gaze of strangers, in silence, without indiscriminate association, and if necessary in solitude. Moreover those engaged in it can be superintended by one trust-worthy officer, whereby rich and poor will be subject to the same discipline.

234. There is, however, a great question as to the manner of employing convicted prisoners sentenced to labor within the walls of a Gaol; and it is also a great question whether to employ such prisoners at all, or to confine them in strict solitude.

*In-door labor how
to be enforced.*

235. If it be agreed to enforce labor in Gaol, there are two plans of doing so. First, to employ prisoners at such trades as will most readily pay for their maintenance, allowing those who know a trade suitable to a prison to practise it, and teaching some trade to those who know none; and, secondly, to employ them in some dull, monotonous, wearisome, and uninteresting task, such as stepping upon a tread-wheel, turning a capstan or handcrank, pumping water, pounding bricks, grinding flour, or the like, in which there shall be wanting even the enjoyment of knowing that a quicker release can be got by working the harder for a time.

*1st Method trades.
2nd Method tread-
wheel, &c.*

236. The first of these systems will probably be found to have an advantage over the other, in point of economy. Yet the difference between the produce of the labor of prisoners employed on work requiring more or less of skill, and the produce of the labor of prisoners employed in the mere exercise of their physical power, will probably be found to be less in India than in Europe, and very greatly less in India than in the united states of America. Engines of mechanical power are, in this country, comparatively expensive. Man, in this country, is comparatively a cheap machine. In a country where labor is so cheap as it is in India, where the common laborers are so poorly fed, clothed and housed, as they are here, and where the competition of free laborers is so great, we cannot expect to make the produce of the labor of prisoners keep them-

*Both methods con-
sidered.*

selves in health, and besides that pay the charge of superintending them, of guarding them, and of housing them in expensive brick buildings. But we may expect, under careful management, to make the produce repay a considerable proportion of these charges. Our returns have convinced us of the possibility of this, in respect of prisoners sentenced for long terms.

237. The plan of trades is strongly recommended by some officers, and it has even been proposed to provide prisoners with the best European machines, to procure competent Europeans to teach their use, and so to introduce improvements in handicrafts amongst them. It is thought by some that this course would be profitable to the State, and beneficial not only to the prisoners but also to the people generally, amongst whom the improvements taught in Gaol might be disseminated by the convicts on their liberation. At one Gaol in the Madras territories we observe that English looms are employed, under the directions of an European, and that some twenty prisoners are employed at them, with a profitable result*.

All Convicts cannot be put to trades.

238. There is a peculiarity in India which makes the universal introduction of trades unfit for the Gaols of this country. The work of agriculture, and labor resembling the work of agriculture, is absolutely prohibited to no caste, and thus labor on the roads is obnoxious to no feeling of caste, however degrading it may be in other respects. But the case is very different with trades. To force a man of a higher caste to work at any trade would disgrace him for ever, and be in fact inflicting a dreadful punishment not only on himself but on every member of his family. It would be looked upon as a barbarous cruelty, and excite nothing but indignation against the laws, in the strength of which the most dreadful crime would be forgotten.

239. This would be the effect of such a practice, viewed as a penalty. We need hardly allude to the impolicy of the attempt on other grounds. It would not assist towards weakening the rooted prejudices of the people, that it should be observed that the only time when men of certain families had ever been known to put their hands to a useful trade, was when they were in Gaol, as convicts.

240. Some years ago the court of Nizamut Adawlut at Calcutta, with the most praise-worthy object, directed the employment within the Gaol of prisoners convicted only of misdemeanors. Our colleague Mr. W. H. Macnaghten, who was then Magistrate of Shahabad, in a letter which will be found recorded in the Government consultation of the 27th of

* See Mr. Horsley's answer to query 2, Chingleput, Appendix, No. 4.

June 1822, brought the danger of those orders to notice, and, after some inquiry, it was found necessary to modify them*.

241. This peculiarity prevents the possibility of employing all convicts on trades. On the question of the *limited* employment of convicts on trades, after full consideration, we have come to the opinion that such a course is in any case inadvisable, for the following reasons.

Opinion against trades absolutely.

242. A common handicraft cannot be profitably conducted, still less can a new handicraft be advantageously introduced, without interesting the mind of the handicraftsman, and making him feel, from one cause or another, pleasure in success. It would seem, therefore, that either the work must be unsuccessful, or a certain part of the pain which it is the object of imprisonment to inflict, and which it does inflict, must be neutralised. In the former case no advantage is gained by a very complicated system; in the latter the law undoes with one hand what it does with the other. If trades be successfully conducted, as the working at them will be much less irksome than heavy monotonous exertion, it seems to follow that the imprisonment must be made the longer, in order to produce the same deterring effect. And the time must be increased more than proportionally to the decrease of irksomeness, because it is certain that pain condensed as much as possible seems greater, both in anticipation and in recollection, than the same amount of pain diffused over a long term. Thus an offender is made to suffer more actual pain than is necessary to deter, which is a mere useless cruelty. Even in point of economy the less expensive confinement for a longer term may cost a larger sum than the more expensive confinement for a shorter term. It is held by those of the contrary opinion that the plan of trades possesses a peculiar advantage, inasmuch as the habit acquired in prison by working at trades may lead to habits of industry out of prison. But we do not admit the soundness of this argument. If the labor be not compulsory, but of a sort to which the prisoners are stimulated by the ordinary incitements of honest industry, it certainly is not what is meant by a sentence to hard labor, and a prison becomes a workshop; if it be, it is very doubtful how far compulsory labor ever inspired a man with habits of industry. In one case the main end of imprisonment is given up; in the other, the permanent moral effect of this manner of employing prisoners differs in no respect from that of the less complex system of the tread-mill.

For what reasons.

243. With regard to the plausible schemes which have been suggested for teaching European manufactures to our Indian prisoners, or

* See Appendix, No. 31.

scientific improvements in native manufactures, we do not think such a course a likely or a proper means of introducing improvements, or of overcoming old habits, amongst the people at large. A scheme of this sort may be examined on two suppositions; first, as being unsuccessful in its immediate object, of making expert and willing tradesmen; and, next, as being successful in that object.

244. If the plan be unsuccessful, that is, if either the prisoners cannot be taught, or cannot be made so thoroughly to understand the advantage of the improvements taught, or be put so completely out of conceit with their old customs, as to be induced to continue, after their liberation, the improved methods of manufacture shewn them when in prison, it is obvious that the scheme will have no permanent effect whatever. The cost of instruction will mostly be wasted, as the increased profit of the labor can never pay for the heavy cost of maintaining in every Gaol in India a body of European instructors, or of scientific natives.

245. If the plan be completely successful, then, by this supposition, the result will be that by far the best workmen in the country will be those who have been punished as robbers, thieves, and rogues of every sort. The greatest criminals, as they will have gone through the longest course of tuition, will be the most skilful workmen. The honest and industrious workmen, who have never committed any offence, will be completely surpassed by the liberated convicts. They will not be more unable to contend at once with their more skilful rivals, than to learn of them their knowledge and skill, for not one will have the means of supporting himself for the long period necessary to acquire so much knowledge and skill, if even the means of teaching them should be provided free of charge. The only chance for the honest workmen would then be to become rogues, in which case alone they would be rewarded by instruction at the national cost.

246. We are, however, far from agreeing with those who think, on grounds that at first sight may appear similar, that it is unfair and impolitic to employ for the profit of the public the physical power or the previously acquired skill of a convict. The doing so lessens the charge to the public; and it takes the bread from no man, because the convict would, if at large, either have employed his physical power or his skill for his own advantage, in rivalry with honest men, or else he would have done absolute injury to the honest men by robbing them. But there is a great difference between such a course, and a system which would charge the honest men for supporting rogues, for years together, and for teaching the rogues during that time skill which they would

otherwise have no more been able to acquire than the honest men are able to acquire it. Such a system must tend to make crime less odious, and at the same time to make skill in honest trades a dishonorable distinction. If the Government will assume the paternal care of instructing its subjects in useful arts, criminals would seem to be the least proper of all subjects to be commenced with.

247. If such would be the indirect effect of the success of this plan on the public, its direct effect on criminals would be equally bad. It would be in fact a reward which would tend to neutralize the pain of punishment; it might even convert what would otherwise deter men from offending into what would induce men to offend. That it would not be felt as a reward until after the pain of imprisonment had been endured, does not affect the reality of the reward; and as to the reward being less in appearance and the punishment more in appearance than in reality, the deceit could not last long. It would very soon be discovered that going to Gaol would be the first step to fortune.

248. It would not be a good objection to this reasoning to say, that a middle result may be obtained; that is, that the system will be unsuccessful with some, and successful only with others. No doubt this is what would probably happen, but the objections would still hold. In whatever cases the scheme might fail, it would be a useless expense; and in whatever cases it might succeed, it would have an injurious effect exactly commensurate with the degree of success.

249. In regard to the question of economy, we have already stated that we do not believe that the difference between the value of the prisoners' labor under the two systems will be great. And we are certain that any difference which can reasonably be anticipated will be unworthy of consideration, in comparison with the difference of the efficacy of the two systems, and the difference between the length of imprisonment which will be necessary under one plan, and that which will be necessary under the other.

250. The second method of enforcing labor, namely, by machines which render the working at them a dull, wearisome, and disgustful exertion, and which at the same time force every individual to exert himself equally and constantly, is open to none of the objections felt against the method of trades. Whichever plan may be adopted, provision should be made in every Gaol for this species of labor, for the use of all prisoners sentenced to labor when caste may make it objectionable to employ them at any trade, and of all prisoners so sentenced who are not trades-

Opinion for machine-labor.

Machines to be provided.

men, and who are confined for terms too short to allow them to be taught any trade. If the Government should agree with our arguments against the introduction of trades, for any class of prisoners, it will be proper to make provision of this sort for the employment of all prisoners who may be sentenced to labor.

Tread-wheel.

251. The tread-wheel appears to some of us better adapted than any other machine for this purpose, because it prevents all risk of partiality on the part of overseers; as has been observed, it will shew no more favor to the foot of a rich Rajpoot than to the foot of a poor Chumar. Neither the Capstan, nor any other machine with which we are acquainted, possesses this advantage in an equal degree. The tread-wheel wherever it has been used in India has produced the best effects, and demonstrated that there is nothing in the Indian constitution or climate which makes its use in this country objectionable. It is extremely dreaded, and it produces no permanent ill consequence, moral or physical.

252. A tread-wheel may be applied to machinery of any description, and its power may be let out to a manufacturer, as the power of a water-wheel or of a steam-engine is often let out. The manufacturer, his mill, and all his work-people can be completely separated and hidden from the prisoners on the wheel. Thus the necessity is avoided of carrying on a Government manufacture by public officers unfitted for such business, which must ever be on an average a losing and vexatious operation; without, on the other hand, incurring the necessity of placing convicts under the management of a manufacturer, who must generally be as unfitted for being a Governor of a Gaol, as the Governor of a Gaol must generally be unfitted for being a manufacturer.

253. We see no reason to doubt that the power of our prison tread-wheels will be hired. The large prisons are always in the neighbourhood of large towns. At Delhi, and other places in the Western Provinces where the canals give a water-power, the Government gets a large daily rent for numerous flour mills driven by water. There seems no reason to doubt that the same rent would be given, for the same purpose, in return for an equal power of tread-wheel, in other towns in the Western Provinces where water-power is not to be had. In Bengal the wheel might be used to drive an oil-mill, and many other mills.

254. By adopting contrivances in use in several English Gaols, the prisoners at work on the same wheel may be prevented from seeing each other: the wheel may be made to record the time it has been working, the number of its revolutions, and even the power exerted on it. It thus

seems to afford in some degree the advantages of labor in solitude, whilst it gives to the labor engaged on it some valuable qualities which even labor in solitude does not possess, the one being felt as a pleasure, the other as a pain.

255. There are tread-wheels in 67 Gaols in England, a sufficient proof that they are found beneficial there: for they were introduced within the recollection of the youngest member of our committee, and there was in many respectable quarters a very strong prejudice against them for several years. There was a great deal of discussion about them, and their effects were keenly watched by those who disliked them. The consequence has been that now there are very few English Gaols in which convicted prisoners are constantly confined, without a tread-wheel.

256. Some members of our body are inclined to prefer the hand-crank to the tread-wheel. What we propose is that both these machines, as well as any others of a similar nature that may appear worthy of a trial, be erected in some one large Gaol, and that whichever be proved by experience to combine the most advantages with the fewest disadvantages be universally adopted in every Gaol in India in which prisoners may be sentenced to hard labor.

Recommendation.

257. We do not recommend that females be put on the wheel, or employed on any machine of a similar nature; and with males the system must be introduced under the advice of the civil Surgeon, and with those precautions which ought always to accompany the introduction of a system. The London Prison-discipline Society have given four rules according to which they recommend that the tread-wheels of all prisons should be regulated. Some general rules will be indispensable, in order to make the punishment actually inflicted uniformly the same under the same sentence. In England the difference between the labor on the tread-wheel exacted in different prisons is or was lately very great. The evil of such a variety of practice is, in fact, as great as the evil of an equal variety of penal laws. We give in a note the rules which we have referred to*. The third rule ought only to be adopted so far as to fix the quantity of labor to be usually exacted at that amount which experience may shew to be suitable to the Indian constitution.

* "Rule 1st. Every tread-wheel should be provided with a regulator by which its rate of revolution may at all times be restrained within safe limits."

"2nd. To the tread-wheel should also be affixed a dial register, on reference to which the rate of labor may at any time be accurately ascertained."

"3rd. The daily rate of labor should in no case exceed 12,000 feet in ascent."

"4th. Care should be taken to apportion the diet to the rate of labor enforced."

Solitude.

258. The question of the propriety of enforcing labor at all, comes next to be considered. There can be no doubt that solitary confinement is generally the most dreaded of all descriptions of confinement; and that, therefore, the great end of punishment is generally most effectually attained by solitude. From the answers to the inquiries we have made on this subject there is no reason to doubt that this punishment would be severely felt by natives of India, for that has been the case in the few instances in which it has actually been tried.

Objections to it considered.

259. The general objections to this punishment are the danger which it is supposed to cause to the mental faculties, and even the life of the sufferer. But the instances which are adduced to show this are evidently instances in which the evils were caused solely by reason of most deplorable want of precaution. Of this sort are the cases mentioned by Mr. Crawford as having occurred in several North American States*. In one prison (in the state of Maine) the prisoners were put into damp, cold cells, which are likened to wells, with only one aperture two feet wide at the top, and one small hole at the bottom an inch and a half in diameter. In another prison a prisoner's feet were frozen off, whilst in his solitary cell†. When the experiment was tried at Auburn the prisoners were not allowed change of air, nor exercise, nor even to leave their cells for the purposes of nature for ten months, their cells being only seven feet long by three and a half feet wide, and seven feet high. That the results should have been madness, incurable diseases, and suicides, will surprise no one. Yet it was the hearing of these and similar cases which sometime ago led to a common belief in England, as well as in the United States, that solitude had been tried, and found to be an impracticable punishment.

260. European soldiers, in India, are sentenced to solitary confinement, as a military punishment, but from the faulty construction of most of the cells the confinement is, in truth, generally not solitary‡. It is little more than simple confinement, without labor, for short terms. Yet it is the circumstance that such a punishment is lightly thought of, that has led many officers of high character to doubt the efficiency of solitude. To us it seems evident that no deduction ought properly to be made unfavorable to the humanity of the punishment from one class of these examples, nor unfavorable to its efficiency from the other. The system of

* Report, p. 15.

† This seems to have occurred in the state prison of Virginia. See Second Report of Boston P. D. S. p. 80.

‡ See Appendix, Nos. 5, 7, and 8.

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confining prisoners in solitude has, under better management, been tried in England, Scotland, and America, with admirable success. So long ago as 1790 it was introduced into the Gaol at Gloucester, and continued till 1802, when it was given up only from necessity, on account of a great increase in the number of prisoners. About the year 1824 solitary confinement, with leave to labor by day, in solitude, was introduced into the Gaol at Glasgow, and the system was attended with the most satisfactory results, both in its effects on the prisoners, and in diminishing the expense of the establishment. More lately, about the year 1829, the Glasgow system was introduced in the Eastern Penitentiary in Pennsylvania, a prison which was erected to suit the system, and its success there also has been complete.

Has been tried elsewhere with success.

261. The plan adopted in these two last-mentioned prisons is to confine the prisoner at first in solitude, and to give him work on his applying for it as a favor. The punishments are, deprivation of work, diminution of food, and darkness. At the Philadelphia Penitentiary each cell is 11 feet and a half long by 7 feet and a half wide, and from 16 to 10 feet high. Some cells have small airing yards attached to them, but most of the cells have none, and no ill consequence has been experienced from the prisoners in such cells never being allowed to leave them during the whole term of their imprisonment.

On what plan.

262. The three following facts are now sufficiently proved: First, that confinement in a small but airy and well contrived cell, strictly cut off from all communication excepting with prison attendants, if work be allowed, can be inflicted both in the climate of Scotland and in that of Pennsylvania for a great length of time together, without risk to life, or sanity. Second, that it is a punishment which, having been once experienced, is more dreaded than any other by Europeans and North Americans. Third, that it subdues the fiercest spirit, and has a reforming tendency.

What is proved by this experience.

263. It may, however, be a matter of great nicety to apply this system to the Indian climate, and the Indian character, physical and moral; but there is no reason to despair of success from a modified plan of this sort. There may be some difficulty in finding occupations with which prisoners of certain castes will consent to alleviate their confinement; it being essential to the perfect system that the occupation should be voluntary. A wide distinction must be made between hard labor which is enforced as an aggravation of imprisonment in society, and work which is allowed, on application, to a prisoner in solitary confinement. In both cases it is the intention to make the whole punish-

This plan may require modification here.

ment taken together as severe as can be inflicted without bad consequences. In the former case the labor may be of the most irksome description, without producing any bad effect. In the latter case work is allowed with the knowledge that it will greatly alleviate the punishment, but it is nevertheless absolutely necessary to allow it in order to make the confinement supportable without destruction to the health or mind of the sufferer. However interesting the work may be, the punishment on the whole will still be as severe as can justifiably be inflicted for other than short terms. For short terms we know from Mr. Macfarlan's experiments, that absolute solitude can be maintained without any work at all*. This punishment forms a specific penalty in the Bombay Code, but it has not been inflicted in the Bombay Gaols generally so as to prove to our complete satisfaction what the effects of it, when properly conducted, are on the Natives of India. None of the Gaols of that Presidency are capable of confining in strict solitude more than a very few prisoners at a time. The experiment has therefore not been tried excepting in individual cases now and then. In these cases work does not seem to have ever been allowed, and consequently bad effects on the health of the prisoner have been occasionally produced. But whatever is shewn from the experience of Bombay is favorable to the expediency of a more general adoption of this punishment, under proper restrictions†.

264. There seems, at least, to be no reason to doubt that a considerable portion of the term of every imprisonment, when solitude or hard labor forms a part of the sentence, may be passed in strict solitude with work allowed, and that the rest of every long term of imprisonment may be passed in solitude by night, and by day in silence, and for a part of each day on the tread-wheel. We have no doubt that one half of the term of imprisonment now inflicted for any offence would, if spent under such discipline as this, be found more effectual than the full term spent as it now is in our Gaols.

265. It will probably be found that long terms cannot be endured in solitude, without work, and we do not wish even to try the experiment of this severest form of solitude for any but very short terms. Probably a month at a time will be the maximum. But the first and the last part of every imprisonment intended to be of a rigorous description may possibly be advantageously passed in this strictest form of solitude, even though the general character of the imprisonment may not be solitary, or, if solitary, alleviated with work. We are inclined to think that it will

* See Appendix, No. 29.

† See Appendix, No. 4, answers to Queries 8th and 9th.

be found that solitary confinement in an airy cell, with work allowed after a short time as an indulgence, can be inflicted for at least two or three years together with safety to health and reason, and with moral benefit. Prisoners are sentenced to this discipline in the eastern Penitentiary of Pennsylvania for terms as long as twelve years. Two years is a very common term. No bad effects have yet resulted from this sort of confinement, although five and six years have in several instances already been so passed. On the other hand, in the Gaol of Gloucester, when the experiment of solitude for the first part of the term, with ordinary labor in society afterwards, was tried, it was found that the solitude had very good effects, but that those were all obliterated by the subsequent association. Yet the management of that Gaol was at that time admirable, so that this result must be attributed to the fault of the system of association, and not to neglect.

266. Again, it is a great object to make the imprisonment as severe as can properly be borne, and as short as possible, consistently with its main object. This is cheaper to the state, more efficacious in respect of the main end of punishment as far as the prisoner is concerned, and less wasteful to the public than a long, lenient confinement. As solitude is the severest secondary punishment we have, the more it is enforced the shorter need be the term. Thus the proper course to be adopted seems this, to ascertain practically how much solitude can be borne without ill consequence, then to inflict so much and no more, and to diminish the term of the entire sentence as the term of solitude is increased.

*Recommendation
as to the course to be
pursued in practice.*

267. For all these reasons we think that it will be better to authorize the Judges to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description, and not *a priori* to restrict the use of solitude by any definite law, till experiment shall have shown with what qualifications solitary confinement can most beneficially be inflicted, and how much of it, so qualified, can be borne wholesomely. Then, but not before, the law of prison-discipline on this point can be framed with confidence; but till experience can be our guide, we think it will be the safer course to declare that a sentence of imprisonment in solitude for any term shall mean no more than that as much of that term shall be passed in solitude as may be found to consist with the health and reason of the sufferer; otherwise the experiment will scarcely be allowed fair play. The discretion which will thus for a time be left to the executive authority in charge of the Gaol will be an evil, but something of evil is inseparable from an experimental measure. This evil will be only temporary, but the benefit that may be fairly expected from a good, practical system of solitary confinement, when once established, will be

*Recommendation
as to the Law of so-
litary confinement.*

perpetual. In what we have said we do not of course recommend any interference with the discretion of the Judges as to the sort of imprisonment to which they may sentence offenders, and the manner in which they are to apportion a mixed imprisonment of various sorts if they sentence to such a description of punishment. We only mean that it should be well understood that, at present, a sentence to solitary confinement for any given term will, in its execution, be liable to a certain restriction.

*System of rewards
for good conduct in
prison.*

*Opinion against it.
For what reasons.*

268. Some officers have recommended the introduction of a system of rewarding convicted prisoners who may be conspicuous for good conduct, by giving them money and better fare, or by shortening their term of imprisonment. We do not think that any such system is expedient in respect to prisoners sentenced to temporary confinement. If the object were to make the prisoners work hard, we should certainly recommend a system of rewards for good workmen. But no one recognizes such an object as one of the main ends of punishment in the case of prisoners of this description. We think that the judge should fix the sentence not only as to the time of confinement, but as to the degree of the severity of that confinement. A system of rewards leaves the Gaoler to fix the severity, even if he be not allowed to alter the time of imprisonment. This opinion is not inconsistent with our recommendations in respect to criminals transported for life. The principles which ought to regulate the treatment of these two classes are altogether different, as we have elsewhere attempted to show*.

269. It seems to us that every thing that renders the severity of any specific description of punishment, to any apparent extent, uncertain, is open to the same objections in respect to prison-discipline as those which, in respect to penal laws, are allowed to be of great weight against every thing that renders the description of punishment to be incurred by any offence uncertain. If the treatment of only a small number of prisoners be more lenient than the general treatment of prisoners sentenced to the same description of punishment, every criminal will think that he will be one of the fortunate few if he should happen to be convicted and sentenced. Thus a great quantity of pain inflicted on the majority of prisoners will be thrown away, inasmuch as the main end of punishment is concerned. It is not, of course, intended to take away the power of reward, or even of pardon, in special cases, such as when a criminal may give valuable information touching past or contemplated crimes. Instances of this sort are so rare as not to be calculated upon by any criminal. It is only to a system of rewards that we object.

* See Paras. 145, 213 to 223, and 278.

270. Another objection to the scheme of a less important character is, that under a good system of discipline there can hardly be room for much difference of conduct amongst convicts. If solitude be enforced on some, strict silence and constant steady work on the others, excepting in the cases of rebellion against rules, which will be punished, there seems little opportunity for distinction.

Education.

271. Several officers have recommended the education of prisoners, that is to say, the instructing them in reading, writing and cyphering. Such a system would involve a very heavy expense, and we must say that there are no other 56,000 men in India whom we do not think more deserving of education, at the public charge, than the 56,000 criminals in Gaol. That any part of that very small sum which the state has hitherto been able to expend upon the instruction of the people should be consumed in teaching the worst class of people in the community, the class who would be least likely to turn their instruction to good account, and the class who least deserve public favor, is a proposition which we cannot approve. There is no man whom it would cost more to instruct than a criminal prisoner; there is none who would sooner forget instruction. And it would be surely an unjust thing to let the children of an honest man, too poor himself to send them to school, want instruction, and to spend the money that might educate them in trying to teach a man whose only peculiarity is his dishonesty. Besides, any instruction continuous enough to be effectual is quite inconsistent with any plan founded, as our plan is founded, on the principle of making a Gaol a place to which its inmates will have every possible inducement not to return. And any instruction effectual enough to benefit the criminal on his release is inconsistent with another principle on which our plan is founded, namely, the making a Gaol a place to which those who have never been in it should have every possible inducement not to go.

272. If, in any country, a small minority only are uneducated, and if by far the greater number of offenders belong to that minority, money spent in educating offenders may, in such a country, not be thrown away; although it may be questionable, even there, whether it would not have been more advantageously spent in educating the same people before they had offended. But, under the circumstances of India, money so spent would at best be thrown away. Wherever it would tell at all it would act as a direct premium on vice.

273. The character of some of the answers which we have received to our question as to the probability of effecting a moral reformation in the characters of convicts renders it necessary for us to add, what other-

Religious instruction.

wise we should have thought needless, that we are strongly of opinion that no encouragement ought to be given by any officer in charge of a prison to any attempt to make proselytes among the prisoners. We think also, that, without distinction as to creed, every prisoner who wishes to receive religious instruction may be allowed occasionally to see a Minister of religion for that purpose, subject always to the rules necessary for maintaining the discipline of the prison.

Better religious instruction of christian prisoners recommended.

274. At the presidencies there are always several christian prisoners, both Roman Catholics and Protestants*. We fear that sufficient provision is not made for the religious instruction of these prisoners. At Calcutta, we know, that no Roman Catholic Priest is engaged to attend the prisoners of that creed, and that in fact those prisoners at present never communicate with a minister of their religion. A Catholic priest formerly used to attend the great Gaol, but his visits have lately been discontinued. We believe that the reading of prayers once a week by one of the chaplains on the establishment is all the religious instruction afforded to the Protestants in the same Gaol. We recommend this matter strongly to the favorable consideration of your Lordship in council.

REFORMATION OF MORALS. Positive improvement not anticipated.

275. We are not sanguine in the hope that we shall be able to effect any material reform in the moral characters of convicts. But we have a confident expectation that, under the system which we recommend, a prisoner will leave the Gaol no worse a member of society than he was when he entered it; and we are quite sure that, if we do succeed in doing thus much, no slight improvement will have been effected.

But ill effect of present system on morals may be avoided.

276. The fact is apparent that the present system of prison-discipline has a demoralizing effect on those who are subjected to it. But we trust that the severe privation, the really hard work, the solitude, or, where we may not enforce solitude, the silence and separation which we recommend, by rendering the Gaol a place of dread, and divesting it of all pleasurable recollections, without rendering any of those who are

* Christian prisoners on 21st Dec. 1836.

	Protestants.	Catholics.	Undistinguished.
Calcutta Great Gaol,	21	15	0
——— House of Correction,	0	0	0
Madras Great Gaol,	0	2	6
Bombay Great Gaol,	3	5	0
——— House of Correction,	2	0	0
Penang Gaol,	0	2	0
Malacca Ditto,	0	2	0
Singapore Ditto,		No return.	

See Appendix, No. 28.

sent there worse than they were before, would do much good, by preventing much harm.

277. The difficulties which stand in the way of the moral instruction of Indian prisoners are very great, and of a nature peculiar to this country. The morality of an Englishman is based so differently from that of an Indian, that there is little in common between the two that can be taken as a topic whereon to enlarge. But if, by the better attainment of the main end of punishment, we succeed in making an offender feel keenly that it is for his interest to offend no more, something will have been done towards the improvement of his character. We should be deceiving ourselves if we allowed ourselves to expect from any system of prison-discipline that can be carried into effect in India, any better result than this. When we consider the small success of the most zealous endeavours to reform the hearts of prisoners that has attended associations in other countries, which, with objects the same as those of our committee, are free from the peculiar obstacles against which we have to struggle, we feel that it would be unjustifiable to hold out any expectation of obtaining a higher degree of success than that to which we have now pointed.

Difficulty of moral instruction here.

278. So far our observations have been applied exclusively to the case of prisoners sentenced for definite periods of time, who may therefore be expected to return to society. The principle on which the treatment which we propose for such prisoners rests is, in short, to condense the punishment as much as possible by every severity which does not produce some bad effect on the mind or body of the sufferer, or on the feelings of society, and to shorten the term of punishment in a corresponding degree. It is very evident that this principle is inapplicable to the case of prisoners for life, for the term of the punishment in this case cannot be shortened. We beg to be distinctly understood as not recommending that prisoners for life should be treated, during the whole of their lives, with the same severity as we have recommended to be adopted in respect of temporary prisoners during the whole term of their imprisonment. How far the treatment may be made less vigorous, without taking away too much from the deterring effect of what is intended to be the most aggravated form of imprisonment, is a question of great nicety. It seems to us to be possible to make imprisonment for life so mild, as to render it an object of less dread to many persons than the longest definite term of imprisonment of the rigorous description which we recommend. This would be a great evil. But it seems to us to be equally possible, after the treatment in imprisonment for life has attained a certain degree of severity, to add further infliction of severity which, in

TREATMENT OF PRISONERS FOR LIFE.

temporary imprisonment would be unobjectionable, but which in imprisonment for life would add not at all to the general dread of the punishment, or at any rate would add to it so little as to be quite incommensurate with the additional pain to the sufferer. This also would be a great evil; and of the two this is the error into which we think governments the more likely to fall, particularly governments which enforce a good system of discipline in the case of temporary prisoners. For the former evil would be felt by those who can make themselves heard; and the latter would be felt by individuals whose existence is all but unknown. It is clear, therefore, either that the whole imprisonment of a person confined for life should be less severe than the usual rigorous imprisonment, or that the imprisonment of such a person should become less severe after a certain time. In the latter case we are of opinion that the term of rigor need not, at the utmost, extend longer than the longest term of temporary imprisonment provided by law. The manner in which the severity of the punishment is to be mitigated, whether it is mitigated from the commencement, or not till after some endurance of the most rigorous treatment, ought, we think, to be made to depend on the following considerations. The actual severity of the punishment of imprisonment for life cannot, like the actual severity of temporary punishment, become generally known to the classes amongst whom crime is most common, by means of the conversation of those who have felt it. Unless, therefore, it be determined to treat convicts for life, up to their dying day, in the exact manner that other convicts are treated, which we think would be in the highest degree improper, it must be left to the imagination of society to conceive, without any positive information on the subject, what the actual severity of this punishment is. Hence it seems to follow that every aggravation of imprisonment which is in itself slight, and not of a striking description, and of which the effect is felt by the sufferer chiefly from its being one of many similar aggravations, is out of place in the case of a life-prisoner. We believe that a few years of the same discipline as that of temporary prisoners, and for the rest of life the enforcement of hard work at any profitable occupation, without other circumstances of aggravation, will make imprisonment for life adequately dreaded. We have already mentioned that classification, and still more individual separation, are not necessary for life prisoners*. We may further remark that if our recommendation made in treating of transportation be adopted†, imprisonment for life will be a punishment rarely inflicted in India.

* Para. 145.

† Para. 226.

‡ Sir Edward Ryan, John Grant, and Mr. J. P. Grant have entered a minute upon this paragraph, which is appended to this Report. They quite agree in all that is here said on the treatment of Prisoners for life, but they have therein recorded their opinion against the punishment of imprisonment for life. See the paper marked D.

279. Having now explained the principles on which we think prison-discipline ought to rest, and discussed the various suggestions for its improvement that have been offered us, we proceed to describe in detail the general scheme of prison reform which we propose.

GENERAL SCHEME
OF PRISON REFORM
DETAILED.

280. First, we propose to have erected great central Gaols, or Penitentiaries, one to be placed in the middle of every six or eight districts, and, if possible, to be in the immediate vicinity of the largest town in the set of districts in which it is placed. To this central Penitentiary all prisoners may be sent who are sentenced for a term of more than one year to solitary imprisonment, or to imprisonment with hard labor. This will relieve the district Gaols of more than half the working criminals within them.

Central Peniten-
tiaries.

281. We propose that each of these Penitentiaries shall be put under the management of a keeper, who shall be paid with a salary sufficiently ample to obtain the services of an honest, impartial man, of good temper, sound judgment, coolness, energy, and courage, and one who will take a lively interest in the important duties of his office. We do not propose that this office shall be restricted to Europeans, but the salary ought, we think, to be enough to induce an European of the character we have described to take the situation; for great difficulty may be experienced, particularly in the province of Bengal, in finding a sufficient number of natives in every respect qualified for the place. Perhaps a salary of Company's rupees 300 a month may be necessary.

Management thereof.

282. We have asked all officers in charge of Gaols whether an European would be preferable to a native Gaoler, and we have very generally been answered in the affirmative. But the very unfair grounds on which the comparison has been made, by almost all the officers who have returned that answer, are apparent. A native of India, such as is procurable for a salary of from twenty to thirty rupees a month, has been compared in point of qualification with an European on a salary of one, two, or three hundred rupees a month. To make the comparison fairly the same rate of salary must be taken for both, and on this understanding, the comparative chance of greater efficiency in an European than in a native of India will probably be found to vary as the rate of payment varies. At the present very low rate, it is probable that no Europeans are procurable who could do the duty at all. At a low salary much greater intelligence, zeal, respectability, and knowledge of reading, writing, and keeping accounts is procurable from amongst natives than Europeans. The vice of drunkenness is never found in a native public officer on the lowest pay, but it is almost impossible to procure an European,

European and In-
dian keepers com-
pared.

even on very much higher pay than the present pay of Gaol Darogahs, who can securely be reckoned upon as free from it. On the other hand, at any rate of pay the energy of the European will be generally greater, and at a considerably high rate of pay Europeans are procurable whose honesty will be more to be relied on than that of most natives; but in knowledge of the language, thoughts, and habits of the prisoners, no European is procurable at any rate of pay who shall be equal to a native. From these premises it may be thought that we are not justified in recommending that the salaries of Gaolers should be raised so much in comparison with the salaries of very high Judicial offices now creditably filled by natives, solely for the purpose of including respectable Europeans within the limits of selection. But the union of energy and impartiality with other qualifications is so essential in the keeper of a Penitentiary, especially on the introduction of a new system, and these virtues are so much more readily found united in respectable Europeans than in natives even of a much higher class, that we feel that justice would not be done to our scheme unless those who will administer it may be allowed the option of selecting from qualified Europeans. But on no account do we wish to restrict the selection to any class of people. The only rule of selection ought to be, that on every occasion the person should be chosen who, all things considered, may be thought the fittest for the office, of all those available for it on that occasion.

283. Although we anticipate that it will often happen that the person best qualified, on the whole, for the office of keeper, whether of a District Gaol, or of a central Penitentiary, will be found to be an European, we think it right to explain that we consider a good knowledge of the colloquial language of the people of the District, such as will enable him readily to converse with a person of the lower orders, to be an indispensable qualification for the office of keeper. It is impossible, without such a knowledge, to restrain any oppression or other misconduct on the part of the guards and under keepers, to explain the prison-rules to the convicts, or to judge of the effects of the discipline upon individuals. We are aware that this qualification is very rarely to be met with amongst those Europeans in India who might otherwise be fit for the business, but if it be seen that Europeans make greatly the better Gaolers, we think it very likely that young men may be found who, for the prospect of a liberal provision for life, would be willing to undergo a sort of apprenticeship, during which they might qualify themselves.

*Arrangement and
rules thereof.*

284. In the Penitentiaries which we propose, there should be a number of solitary cells of convenient dimensions, sufficient to contain all the prisoners condemned to solitude by day and night. There should

always be a separate sleeping cell for each of the other prisoners. As it will not be necessary to have equal provisions for making the latter sort of cells so strictly solitary as the former, and as they may also be considerably smaller, without danger, we hope that this part of the plan will not involve a very serious expense.

285. A sufficient number of tread-wheels, or other machines of a like nature, should be provided to keep all the prisoners to be employed upon them at work for as many hours every day as may be consistent with their health. The strictest silence should be enforced day and night, at work and at meals. Cooked rations should be provided for each prisoner, to be eaten, in solitude, in his sleeping cell. If work at trades be permitted the same strict silence should still be enforced, as far as practicable.

286. The punishments for a breach of prison rules should be solitude in darkness, and privation of food. Experience alone will prove whether whipping be indispensable; if so, that punishment must of course be authorized, but under rules calculated to prevent abuse. We are at present inclined to think that no such punishment will be necessary.

287. One of the objects of having great central prisons for all offenders sentenced to long terms of imprisonment is to lessen the charge of superintendence. The longer the time which a prisoner not confined for life has to spend in prison, the more important it is that his imprisonment be properly spent. This is therefore a strong reason for concentrating the worst criminals in one place, and employing the best superintendence available there, where it will tell most. Another object is to provide for the more easy inspection and control by the higher judicial authorities of those to whom the treatment of the most difficult and important cases is confided. Another object is to distinguish as much as possible the business and character of a Penitentiary from those of a prison, where, in respect of a great part of its inmates, their simple custody is all that is required.

Objects thereof

288. The district Gaols have not generally the capacity for confining day and night the whole number of prisoners under sentence, in such a manner as to meet the ends of any tolerably efficient discipline. Extensive additions would thus be necessary before any considerable improvement could be effected, and the money which these would cost would build the central Penitentiaries. If any, where a district Gaol may be too large for the uses which would remain for it as a district

District Gaols.

Gaol, in case a new central Penitentiary should be erected, some expense may be saved by altering it to suit the purposes of a central Penitentiary, and building a small district Gaol to replace it. But, probably, it will in general be found, if all the prisoners are recalled from the roads, that the present Gaols, under an improved system of separation or classification, will not be too large for the reduced number of prisoners whom we propose to leave out of the central Penitentiaries.

Uses thereof.

289. We propose that the present district Gaols be used as Houses of Correction for all prisoners sentenced to solitary imprisonment, or to imprisonment with hard labor, for terms not exceeding one year; as prisons for the confinement of prisoners sentenced to simple imprisonment; and as places for the safe custody of untried persons; and that the present buildings be divided into three compartments entirely separated from one another, and each adapted by further subdivisions for one of these distinct purposes. Wherever there is no separate civil Gaol in a district, a fourth compartment will be required for debtors.

House of Correction therein.

290. The House of Correction should be provided with treadwheels or other machines sufficient to give full work to all the prisoners confined in it, but not in solitude, and with solitary cells sufficient for prisoners sentenced to short terms of solitary imprisonment, and for those likely to be confined in solitude at any one time for breaches of prison rules. The discipline and method of employing the prisoners in the Houses of Correction may be the same as in the Penitentiaries.

House of confinement therein.

291. In the compartment for prisoners in simple confinement the inmates may be allowed to work, if they please, and to retain any part of the profit of their labor that may be in excess of the cost of their food. It does not seem fair to the unoffending workman to allow an offending workman to enter into competition with him, with the advantage of being fed for nothing. The prisoners in these compartments may be allowed money to the value of the rations of the other prisoners, with no restrictions as to cooking, or purchasing any luxuries not inconsistent with good order, if they can afford them. There should, we think, be separate accommodation for prisoners of this description who may prefer it, and who may be able to pay a certain price for it. A slight degree of classification ought also to be provided for, sufficient to keep those confined for dishonest offences, or for those of the more disreputable descriptions, apart from the others who will generally be rioters and the like. On the other hand, imprisonment in this compartment, which is intended as the most lenient sort of imprisonment, must be carefully distinguished in practice from solitary con-

finement, which is intended to be the severest. This will best be done by following, to a certain extent, the wishes of the prisoners themselves. The free access of visitors ought, we think, to be allowed under such regulations as good order requires. Courts in which to take air and exercise ought also to be allowed to these prisoners, and amusements not inconsistent with good order may be permitted to them. In one District Gaol, here and there, suitable accommodation should be provided in this compartment for one or two prisoners of European habits, who may be sentenced to simple confinement.

Provision for European prisoners.

House of custody therein.

292. The compartment for untried prisoners may be arranged with the view of affording each prisoner, if he wish it, a small apartment to himself, with a court to which he may have access; or the means of living with those prisoners only to whose society he may feel no repugnance, and from whose society there may be no reason to fear ill consequences to himself. We attach great importance to the absence of any compulsory association of untried prisoners, or at least the perfect classification of such prisoners*. Where this perfection may not be obtained, the nearest possible approach to it may be made by having as many distinct apartments as can be divided off for the purpose of separating known and hardened offenders from others, and persons charged with the most heinous offences from those charged with offences of less turpitude. On this side of India, where the sessions are held monthly, the imprisonment will seldom be long, so as to produce the most painful effects of solitary confinement, even if the perfect separation of each prisoner from all others be effected; but we think this hardship ought to be every where avoided as much as possible by allowing the prisoners to provide for themselves employments or amusements of any fitting description; by allowing exercise in courts where, at the discretion of the Magistrate, several prisoners may remain for a certain time; by allowing the visits of friends; by giving an ample money allowance instead of rations; by allowing the prisoners to cook their own victuals, and to purchase any luxuries not inconsistent with good order†. If these prisoners choose to work they ought, in our opinion, to be allowed every facility for selling the produce of their industry, retaining the whole profit

* "After condemnation there can be no association, but of the guilty with the guilty; but in the preliminary imprisonment, guilt is associated with innocence." Mr. Livingston. See Senate Doc. 2nd Session, 22nd Congress, (1831-32,) p. 591.

† It is quite necessary to provide especially for these matters, otherwise the fate of an untried prisoner may be very painful. At the excellent prison in Glasgow untried prisoners are kept in strict solitude, without work or amusement. The convicted prisoners in the same Gaol are all employed in solitude; thus an innocent man is often subjected, for four months together, to a worse suffering than that inflicted on any guilty man. This great abuse is probably rather an omission than an intentional provision. See Crawford's Report, p. 14.

for themselves*. The walls of this part of the prison must be very secure, as otherwise the unjustifiable use of fetters on untried men, and other indefensible practices, cannot be avoided.

Difficulties not disregarded.

293. Such are the arrangements and regulations which we think necessary in order to follow out completely what we consider to be the true principles on which the treatment of untried prisoners ought to be founded. But we are well aware that provision for introducing this part of our plan completely cannot be expected to be made at present. We have nevertheless fully explained the provisions which we think essential to a perfect system, in order that if the principle of those provisions be approved, they may all be kept in view hereafter, and that they may be introduced to as great an extent as from time to time may be practicable.

Object of treatment in house of custody.

294. The object which we have in view, in respect to this class of prisoners, is to treat them in every respect as innocent men whom there is an indispensable necessity to confine, because no other means exist of securing their attendance on trial. We would therefore do every thing that can be done to make this necessity fall as lightly as possible upon them, by making the public bear as much of the loss as it can bear. To an innocent man confinement itself is a sufficient misfortune, and compensation is certainly, in justice, due to him for the mistake that has put him to so much pain and loss. If any means of giving compensation, not liable to practical objections, can be provided, we hope that such means will be taken. This view, which we think to be the fair view, is entirely opposed to the arguments of some who have thought that an untried prisoner, if, being unable to support himself, he is fed by the public, ought in return to work for the public. If he had not been confined by the state he would not have required support from it. His confinement, besides taking the means of working for his own bread from him, probably takes the bread from his family also; and if it is fair, we are sure that it is politic to mark as broadly and plainly as possible the distinction between a man accused and one whose guilt has been proved. Do what we can some stain will often remain attached to the character of an innocent man who has had the misfortune of being wrongly accused.

* The London Prison-discipline Society agree with us fully in our general arguments and opinions upon this subject. But upon this point that body does not appear to go quite so far as we do. In their fifth Report (p. 46) they say—"Although the untried are not, in the opinion of the Committee, liable to be obliged to work, still they may, without difficulty, be induced to labor at employments not severe by the allowance of a slight increase of diet, or a share in their earnings." We cannot, however, see any reason for taking any portion of the earnings of an untried prisoner, which if just, would not be a just reason for taking as much as would pay the full expense of his maintenance, and this would generally amount to more than his whole earnings, in which case the same reason would justify the charging him with the difference, on his acquittal.

But it seems the duty of Governments to use every means to get rid of this injustice, and none seems so feasible as to mark the distinction between the guilty and the accused as plainly as it can be marked.

295. For this reason, wherever a District Gaol may be found to be too small for the reformed system which we propose, we recommend that instead of increasing that building, a small separate prison be erected in another place, and called by another name, with which the idea of punishment may not be associated. This plan, which has been recommended by high authority, will not be more expensive, and nothing will tend more to make the distinction felt by the people at large.

Separate houses of confinement recommended in future.

296. We are not aware that the treatment of debtors calls for general improvement. If any where the debtors happen not to be perfectly separated from other prisoners, the recommendations made in Paragraph 42 will apply specially to such a case, apart from any general Reform. Possibly also, in some districts, it may be the practice to put the access to debtors, of their families and friends under unnecessary restriction, as we have heard; if this be so a relaxation in this respect would seem very desirable.

Civil Gaols.

297. The office of Keeper of a District Gaol will not require such high qualifications as that of Keeper of a Central Penitentiary; but it will, we think, require much higher qualifications than those of the existing District Gaolers. To procure fit men the salary must be raised, we imagine, to 80 or 100 rupees a month.

Keepers of district Gaols.

298. The only remaining feature of our plan is the appointment of an Inspector of prisons over a certain number of sets of Districts. We think that there should be one such officer, at least, for the provinces under the jurisdiction of each Local Government. This officer should be constantly visiting the Gaols under him, and be in confidential communication with every Magistrate in his province, and with the Government. The appointment of officers of this description in England has lately been made, and it is there deemed a point of great importance. We consider such offices at least equally necessary in India, in order to ensure the good and uniform working of any general system of prison-discipline. The Keeper of every Gaol will of course be superintended by the District Magistrate by whom each Gaol ought to be visited frequently, and unexpectedly; but both the Keepers and the Magistrates, as far as the Gaols and Penitentiaries are concerned, ought to be subject to the control of the Inspector. Such an officer, besides being essentially necessary to ensure the goodness of any general system of prison-discipline, might, we think, be of use to the Police, from the knowledge of

Prison Inspectors.

the people of the worst character spread over a large tract of country, which he ought to acquire in his tours, and this not the less effectually because he would have no police powers himself. We think, therefore, that these officers ought to be selected from amongst the most zealous and intelligent Magistrates and Joint Magistrates.

Experimental measure recommended.

299. The above is the plan of general reform which we now think may ultimately be extended into every Gaol in India, with the greatest public advantage. But, as we have before said, we recommend that the plan be first tried experimentally. We propose to introduce a scheme which, however well or ill conceived it may be, has never yet been attempted in India, which depends for its success entirely on the manner in which its details are carried into execution, and which cannot be properly executed unless its physical machinery be adapted to existing circumstances. It would, we think, be very imprudent to build all the new prisons, and to make all the alterations of old prisons, required by our scheme, at once over every part of India; for time only can prove what new arrangements of walls, wards, and cells are really improvements suitable to this climate, and what new methods of discipline are really improvements suitable to the bodily and mental constitutions of those on whom our discipline will operate. We think that the merits of the scheme ought first to be put to the test of experiment; and we do not think that the experiment could be tried any where with so much advantage as here, under the eye of the Government.

300. We propose that a central Penitentiary be established in the immediate neighbourhood of Calcutta. If the life prisoners were removed from Allipore Gaol, and that building were reconstructed, the Penitentiary might be established there. But whatever advantages the plan of altering the Allipore Gaol can have over the plan of erecting a new Penitentiary, must be in point of economy, and they must be confined to the saving of an outer wall, and to the value of the ground, for the Allipore Gaol possesses no internal arrangements that would be of much use. This question is one on which we have not the means of offering any opinion.

301. The districts which it seems advisable to attach to Calcutta as a central point are the Twenty-four Pergunnahs, Baraset, Jessore, Hooghly, Nuddea, Burdwan, and Midnapore. These seven districts contain now 3,285 convicted prisoners, of whom 506 are sentenced to simple imprisonment, and 2,779 to imprisonment with labor. Of this last number 834 are sentenced for terms not exceeding one year, and 1,945 for terms exceeding one year*. Thus, supposing labor on the roads

* See Appendix, Nos. 15 and 16.

to be discontinued, if all prisoners sentenced to labor for more than a year be sent to the Penitentiary, the district Gaols will be relieved of about three fifths of their inmates*. Of the 1,945 prisoners sentenced for more than one year, 242 are sentenced for terms not exceeding two years, leaving 1,703 for terms exceeding two years. If, therefore, the term of two years were taken as the limit of the sentences of prisoners remaining in the District Gaols, something more than half of the inmates of these Gaols would be removed. But we doubt whether a relief of three fifths will be found too much, if it be intended to introduce such classification into the District Gaols as seems absolutely indispensable for good discipline. But experience will best shew the numbers that can be retained, with most advantage, in the Central Prisons, and in the District Gaols, respectively.

302. It is necessary to observe that the number of prisoners which these seven Gaols were built to contain is stated at 7,112. But the manner in which this number of prisoners was intended to be confined is altogether different from the manner in which we propose to confine the prisoners in the reformed District Gaols. It was intended, when the present Gaols were built, that the whole of the working prisoners, when not sent to work in parties at a distance from the Gaols, should be on the roads from morning to evening; that when off work, they should eat and remain altogether in the large open spaces within the outer walls; and that they should sleep almost as closely as they could pack in the wards at night. It is evident that a Gaol calculated to confine any given number in this manner will not be capable of confining nearly an equal number in the manner in which we propose to confine criminal prisoners who are all to remain in Gaol, day and night, at work and off work, and separated into proper classes.

303. We recommend, therefore, the preparation of a Penitentiary fit to contain two thousand prisoners. If the plan succeed, it will doubtless be found both economical and expedient to provide in the same building for Calcutta prisoners who may be sentenced by the Supreme Court to the punishment of Penitentiary discipline. It may also possibly be found economical, and sufficiently convenient, to add some more distant districts to the number from which this Penitentiary will be supplied, rather than to build a different Penitentiary for those more distant districts. But room will be made for these additional prisoners

One Penitentiary to be built.

* It must be borne in mind that if, by the introduction of greater severity, the terms of sentences may be shortened, the proportion of prisoners sentenced for more than one or two years will be lowered; therefore the numbers in the District Gaols will probably increase somewhat, and those in the central Gaols will certainly decrease greatly.

by releases occurring more rapidly than entrances, in consequence of the shortening of the terms of confinement which may be anticipated.

How to be fitted up.

304. To adapt the Penitentiary to the objects explained in paras. 258 to 267, about 300 solitary cells may be prepared for prisoners to be confined within them, in solitude, day and night. These must be lofty, airy, and sufficiently large to allow of working in them. Ten of them may be dark or capable of being darkened, if it be found possible to admit air freely into a dark cell, but the rest should have small yards attached to each. Small sleeping cells may be prepared for each of the remaining prisoners, and a court for every fifty, into which no more than half that number should have access at one time. Labor-wards, properly fitted up for every description of labor to which it may be determined to give a trial, will of course be required. When the Penitentiary may be ready, the six District Gaols from which it will be filled can be prepared for the introduction of the discipline which we have recommended for District Gaols generally, and they can then be put under charge of keepers who may be fit to manage the Houses of Correction which will form a part of each.

A keeper to be appointed.

305. A fit person for the keeper of the Penitentiary would of course be appointed on the completion of that building, but an inspector would not be necessary till the plan should be extended over other sets of Districts.

Terms of old sentences may be reduced.

306. As the discipline which we propose to enforce will be greatly more severe than the present discipline, if our proposal be thought worthy of adoption it may be proper to remit a portion of the unexpired term of imprisonment to which those who may be selected as the objects of this experiment may be or may have been sentenced. To what extent this may be done, without diminishing the actual punishment too much, cannot be predicted with precision, but we feel confident that it may be done to a very material extent.

Management.

307. To this part of our suggestions we shall only add, that if it should appear advisable to adopt the scheme experimentally, and to place the management of it in our hands, no endeavours of ours shall be spared in order to afford it every chance of success.

OBJECTION ON SCORE OF EXPENSE CONSIDERED.

308. To our general plan we foresee but one objection which we think likely to be made, and that is the expense to which it will lead. But we do not think that any judgment can be formed on any plan of this nature from a simple comparison of the charge of keeping a hundred pri-

soners under one plan, and the charge of keeping the same number under another. That the keep of a certain number of prisoners for a certain time, under our plan, will be more costly than the keep of the same number under a laxer system, is not improbable. Additional expense will arise from the greater costliness of the Gaol buildings, as compared with the number to be confined within them, from the salaries of inspectors, if such officers be appointed, and from the enhanced salaries of the keepers of prisons. There will, on the other hand, be a great saving in the expense of guards, which now constitutes a large proportion of the whole cost of prisoners, and a small saving in the expense of food. We are not, however, prepared to shew that the saving will fully compensate the additional monthly cost of each prisoner.

The cost of each Prisoner may be increased.

309. But, in the first place, the costliness of the two plans cannot be ascertained by such a comparison. It may be that the discipline which is more expensive on an average for each prisoner in a month, will be less expensive in the aggregate. If the severity of the imprisonment make it possible, generally, to reduce the length of it, the number of prisoners to be supported for any given time will be proportionally reduced. The saving of food on this account may very easily compensate directly for the additional cost of the severer discipline. There are considerably more than fifty thousand criminal prisoners on the continent of British India, and the yearly cost of these prisoners is more than Rupees 21,75,314*. Reckoning at the present rates of cost, a reduction of only one third in the terms of sentences would reduce the annual cost on account of prisoners by Rupees 7,25,104†. It seems impossible that the increased cost of a number of prisoners equal only to two thirds of the present number can amount to so large a sum as this. If, as is not improbable, the terms of imprisonment could be reduced by one half, the saving on the present scale of expence would be Rupees 10,87,657.

Still the aggregate cost may be lessened.

310. Again, if the severer discipline makes a prison more dreaded than it was before, and thereby deters more persons from crime than were deterred before, and if the absence of the contaminating effects of the old system diminishes crime by no longer artificially increasing the criminal dispositions of men, fewer prisoners will be committed, and thereby, in another way, the number of prisoners to be supported will be reduced, and an additional saving will directly result, which, with the

* See Appendix, No. 14. This is the cost only of the prisoners sentenced by the Company's Courts.

† Of this sum Rupees 3,36,180 would be saved in food alone.

other saving, may easily do more than compensate the increased cost of each remaining prisoner.

*Comparison of
number of prisoners
now and ten years
ago.*

311. The returns of the civil auditors show that in the year 1825-26 there were, on an average, 31,128 criminal prisoners in Gaol at one time on this side of India. In the year 1835-36 there were, on an average, 38,101 criminal prisoners in Gaol at one time in very nearly the same provinces*. Here is an increase of 6,973, or of greatly more than one fifth, in ten years. Under the Bombay Presidency in 1825-26 there were (exclusive of Candeish) 3,460 criminal prisoners; in 1835-36, in the very same provinces, (that is to say exclusive of Candeish, likewise,) there were 4,679†, being an increase of 1,219, or of more than one third, in ten years‡. These facts are not, it is true, of themselves proof that crime has increased, but they are of themselves proof either that crime has increased, or that more criminals are punished now than formerly. We cannot speak so positively respecting Bombay, but on this side of India there is every reason to believe that criminals are not much more sure of punishment now, than formerly. There has been no such change of system as warrants a contrary inference. The officers of the thannah establishments are not in any material degree more numerous, nor in any degree more trust-worthy than they were before. They are the same ill paid, venal race they ever were. Yet it is on them that the discovery and apprehension of offenders depend. The Magistrates have of late years exchanged their civil judicial business for Revenue duties. They are no longer under one superintending authority. The stimulus which has of late being given to the Revenue branch of the public business, by the careful inspection of the proceedings of Collectors, and the reward of those who have done their Revenue duties well, highly honorable as it is to the vigor of the superintending Revenue authorities, cannot but have diverted the attention of officers who had a double character, and a double responsibility, from that part of their work which must always be the less showy, which perhaps was the less looked after, and which certainly, when well performed, brought with it a less reward. We believe it to be the general opinion that the Police is not more efficient now than it was ten years ago. It therefore appears that this great increase of prisoners cannot be accounted for by an increase of efficiency

* See Appendix, No. 14.

† See Appendix, No. 14.

‡ We have not been able to procure an intelligible return from the Madras civil auditor as to the number of prisoners. Judging however from the cost of prisoners in 1825-26, and that in 1835-36, under the Madras Presidency, as returned by that officer, though there has been an increase of number, the increase has not been nearly so striking as at the other presidencies, being only about one fourteenth, unless the Gaols there are more economically managed now than formerly.

in the Police. There has been no increase of population sufficient to account for it. Thus after every consideration we can give the subject, it appears to us that this immense increase of prisoners can only be accounted for by an increase of crime, and that the increase of crime must mainly be attributed to a defective system of punishment. We anticipate, therefore, from a continuance of the present system a yearly increasing charge for prisoners, and from a better system a charge under the same head which will decrease yearly for some time to come; that is to say, until the good effects of the improvements to be introduced shall arrive at their maximum.

312. For these reasons we think that our scheme, though it may cause some greater outlay at first, will in a very short time effect a direct saving to Government. But be that as it may, we are satisfied that there is no reasonable ground for apprehending that any such increase of expense can result from it as ought to be allowed to outweigh the advantages which it fairly promises. Economy is always to be attended to, but it is extravagance, not economy, to expend from twenty-one to twenty-two lacs of Rupees a year for no good purpose. If there be an actual impossibility of attaining perfectly this, the chief end of the institution of Government, owing to an absolute want of means, we think it would be a better plan to allow half the crimes committed to go unnoticed, and to punish effectually those that are noticed, than to notice all, and to punish none effectually. We do not know of any other branch of Civil Government the efficiency of which ought not to be postponed to the making efficient the system of punishing offenders. To what purpose is a heavy charge incurred to apprehend criminals, and to try them when apprehended, if punishment, the sole object of apprehension and trial, be not effectually inflicted? For what end are the Judges, Magistrates, Thanadars, and Burkundauzes maintained at a cost very many times greater than the cost of the prisoners, if a trifling sum is to be a sufficient reason for neglecting the infliction of that which it has cost so much to be able to inflict?

*A financial saving
anticipated.*

313. We defend the details of our plan against objectors on the score of economy by the same arguments as those with which we defend the plan, generally, against similar objections. The method in which we propose to employ prisoners, and the suggestion of solitude with voluntary labor, by which a part of the time of some prisoners will be unemployed, may be objected to as extravagant, because thereby the most profitable application of the strength of prisoners is not made. It is true that we have not proposed these plans with any advertence to the greater or less profit derivable from the treatment of convicts in one way or another. We fully admit that employment on a tread-wheel is

*Details of scheme
defended from objec-
tions of expense.*

likely to pay less than many other employments: that all disagreeable labor is likely to pay less than agreeable labor: and that to make convicts work for the sole benefit of Government is likely to pay less than to allow them to work partially for their own benefit. But we contend that this is a consideration not even of secondary importance in prison-discipline; that it is, in truth, the last consideration to be weighed; and one which ought not to be allowed to weigh at all until after every consideration of greater importance has been completely met.

Financial considerations, generally, how far to be yielded to.

314. It seems to us that it would be no more unreasonable and impolitic in any State to impair the efficiency of the army, of the navy, or of any other public establishment, in an attempt to make it pay itself, than it is to impair the efficiency of the prisoners in a similar attempt. If the object of an establishment which, like the criminal judicial establishment of a civilized country, costs a large proportion of the whole revenue of the State, be worth the expense of so much money, it must be an object of immense importance. That object then must be gained, or else the State will lose what is more than an equivalent for the cost of the whole establishment. Therefore till that object be gained; no question as to saving a small part of the expense incurred on account of it can be worthy of consideration.

Bad effects of false economy shown. In England.

315. The worst effects have invariably resulted from a short-sighted saving in the cost of prisoners. In England, where cost was not much spared in the trial of offenders, money laid out in the disciplining of offenders who had been tried and convicted was regarded, until within little more than the last half century, as money thrown away. The Gaols were places where many prisoners died of disease, and where the rest were educated so as to become the future pests of society during the interval between their release and their being hanged. The insecurity of the buildings made it necessary to inflict cruel and illegal hardships both on the tried and untried. Infectious disorders were nourished within the Gaols which not only often depopulated them, but sometimes extended their ravages beyond the Gaol-walls. Thus, practically, the penalty of the law was more cruel in a civilized and christian country than it usually was under an Asiatic despot; and it was at the same time inefficient for all good, and fearfully efficacious for all bad results to society. This disgrace was not wiped away till the inoffensive part of the community found out, that true economy consists with a liberal expenditure of money in the treatment of offenders.

In the United States.

316. In nearly all of the United States of America, at the present moment, we are informed that the mass of the public, in determining on the treatment of convicts, look only to the expense which they occasion on the one hand, and to the profit which may be got from them on the

other. Every variety of evil which this fatal mistake can cause, under various circumstances, may be traced as the consequence of this false economy. The majority of prisons in the North American States are now in the exact condition in which most English prisons were a hundred years ago. All the town and county Gaols are, or till very lately were, of this description*, and many of the State Penitentiaries, though not so bad as the county Gaols, are very defective. The ill effects of this mistaken spirit of economy are apparent, even in the carrying into execution of schemes of prison reform in those states which have done the most in that good work. It is remarkable that the only material reforms in prisons which the efforts of those Americans who have this subject at heart have as yet, or had till the other day, been able to induce the several legislatures to effect, relate to prisoners out of whom money can be made. No more than a thousand or twelve hundred men go annually into the state-prisons; these are all sentenced to hard labor for long terms, they can be taught profitable handicrafts, and they stay long enough to repay the cost of instruction, and to give a profit besides. Accordingly we find that many state-prisons have been reformed to such an extent as to be fit to be taken for models. About one hundred and thirteen thousand persons are annually committed to the town and county prisons; but of these one portion are untried; they cannot therefore be turned to account; another portion, estimated to amount in number to thirty-eight thousand, are merely debtors, and they cannot be turned to account; another portion, but happily a small portion, are convicted women, and it does not appear that the employment of women has yet been made profitable; the rest are persons sentenced for short terms whom it does not pay to confine in an expensive cell, and to teach to work at some handicraft. These one hundred and thirteen thousand persons, generally over the Union, are yearly sent amongst the abominations of the old prisons†. Yet the object being to prevent public demoralization, the prisons of the one hundred and thirteen thousand require reform more urgently than those of the twelve hundred. The object being humanity, the prisons of the many, which are estimated to contain on an average from eight to nine thousand human beings at one time, (including a thousand poor lunatics,) demand

* "I have visited many miserable places of confinement, but seldom if ever, witnessed such a combination of wretchedness and depravity as is to be found in some of the county Gaols and Prisons of the United States." Crawford's Report, p. 3.

† "There is far more injury resulting from confinement in the county Gaols of any state, than benefit arising from its Penitentiary." Ditto, p. 23.

† "Ohio, which possesses a penal code remarkable for the mildness and humanity of its provisions, has barbarous prisons. We have deeply sighed when at Cincinnati visiting the prison, we found half of the imprisoned charged with irons, and the rest plunged into an infected dungeon; and are unable to describe the painful impression which we experienced, when, examining the prison of New Orleans, we found men together with hogs, in the midst of all odours and nuisances. In locking up the criminals nobody thinks

attention before the prisons of the few, which contain at one time less than four thousand human beings. The object being justice, the prisons to which many thousand innocent persons erroneously accused, and thirty-eight thousand persons accused of no crime whatever, are annually consigned, call more loudly for purification than those to which only a thousand or twelve hundred of the greatest criminals in the country are annually sent*. The cost of keeping a prisoner used to be so keenly felt, that convicts were pardoned, not by ones and twos, but by hundreds, for no other reason than to save the expense of keeping them†. For the same reason the length of imprisonment fixed by law was some years ago generally

"of rendering them better, but only of taming their malice; they are put in chains like ferocious beasts, and instead of being corrected are rendered brutal.

"If it is true that the penitentiary system is entirely unknown in that part which we mentioned, it is equally true that this system is incomplete in those States even where it is in vigor. Thus at New York, at Philadelphia, and Boston there are new prisons for convicts, whose punishment exceeds one or two years' imprisonment, but establishments of a similar nature do not exist to receive individuals who are sentenced for a shorter time, or who are indicted only. In respect to the latter, nothing has been changed: disorder, confusion, mixture of different ages and moral characters, all vices of the old system still exist for them; we have seen in the House of Arrest in New York (Bridewell) more than fifty indicted persons in one room.

"The place for convicted criminals in New Orleans cannot be called a prison; it is a horrid sink in which they are thronged together, and which is fit only for those dirty animals found here together with the prisoners: it must be observed that those who are detained here are not slaves, it is the prison for persons free in the ordinary course of life. It seems however that the necessity of a reform in the prisons is felt in Louisiana; the Governor of that State said to us that he would not cease to ask the Legislature for funds for this object. It seems equally certain that the system of imprisonment in Ohio is about to be entirely changed."

"In general the Southern States are in respect to prisons as well as to all other things far behind those of the North. In some of them the reform of prison-discipline is by no means asked for by the public opinion; quite recently the penitentiary system has been abolished in Georgia, after having been established a year before."

"In this prison, (New York Bridewell) intended only for indicted persons, no regard is paid to the different crimes with which they stand charged; to the youth of the one or the old corruption of the other. None of these individuals has a bed, a chair, nor a board to lie upon. They have no yard to catch the fresh air. A short distance from it is a prison in perfect order in which convicted criminals are detained. The best and the most vicious prisons are found in the United States." To this last sentence the American translator very justly adds, "They (the French authors) ought to have said the best and some of the most vicious prisons are found in the United States."

American Translation of the work of De Beaumont and De Tocqueville on the American Penitentiary system by Dr. F. Lieber, published in 1833, pages 13 and 14.

* For the numbers here stated see Ninth Report (1824) Boston P. D. S. page 40.

† "The prodigal, indiscreet, and ruinous exercise of the pardoning power combined to render abortive the best experiment ever made for the suppression of vice. The people who were taxed for the support of these Institutions, saw in them only the nurseries of crime, and were naturally desirous of throwing off the burden." See Mr. Livingston's Introductory Report on a Code of Prison-discipline proposed for Columbia. Senate Documents, 22d Session, 22nd Congress, (1831-32,) p. 579.

thought too great, although not more than was necessary to deter from crime. Now, however, by the introduction of a better system, which is favored by the peculiar circumstances of a country wherein the value of a man's labor greatly exceeds the cost of his food, the profit from the sale of a convict's work has been made in some prisons to do more than to pay for his keep, when the term of his sentence is long enough to serve for a sort of apprenticeship. In consequence of this, the present feeling is to increase the length of imprisonment beyond what is necessary to deter from crime, notwithstanding that the severity of the discipline has been increased at the same time; and this has been done without any regard to the only legitimate ends of punishment, but solely for the sake of the public profit derived from the bondage of the individual. For the same reason, in determining which of two very different systems of improved discipline to pursue*, both of which are in operation in a few instances, notwithstanding the endeavours of many truly enlightened and benevolent individuals, the real point whereon the decision is very generally made to turn is the comparative profit from the prisoner under one and the other system. The suppression of crime, on which the safety of the lives and property of all depends, and the cruelty of giving unnecessary or hurtful pain to a prisoner, are disregarded in the pursuit of a smaller amount of profit than ever before engaged the attention of an equal number of men.

"The improvements of that prison (Auburn) were in operation some years before the Philadelphia Penitentiary was constructed. Had however the merits of the latter been earlier known, the great expense attending a plan of solitary confinement would alone have been sufficient to render it generally unpopular. To this obstacle must be added the opinion prevalent throughout the United States, but which the able and experienced warden of the Philadelphia Penitentiary with great reason contests, that solitary labor cannot be rendered so profitable as when the prisoners are associated. This object which is regarded as one of primary importance has effected a striking change of sentiment in respect to the duration of sentences. A few years since the ordinary terms of imprisonment were thought inconveniently long, and hundreds were pardoned to make room for new commitments. In certain of the States a sentence of even two years is considered as insufficient to render a prisoner's labor available, and hence it is not improbable that the present periods will ere long be extended. It is remarkable that this change of opinion has been produced without reference to the degree of punishment due to specific crimes but with a view to pecuniary results. The profitable labor of the prisoners is in fact the popular feature in the management of the American Penitentiaries, and I am inclined to think that the great desire which exists to rid the community of the burthen of supporting criminals has occasioned in most of the States the establishment of Penitentiaries, while throughout the whole country, this feeling has evidently given a great impulse to the progress of prison-discipline. There are unquestionably in every state those whose interest in these institutions springs from far higher motives; but with the exception of New England and Pennsylvania, I have generally found that the public approbation in reference to prisons has been measured out not by their permanent effects on the moral character of the liberated convict, but by the profits of the establishment." See Crawford's Report, p. 24.

* The Ghent system, (Auburn,) and the Gloucester system, (Philadelphia.)

Concluding Re-
commendation.

317. We confidently trust that whatever may be the opinion of your Lordship in Council as to the excellence of the plan we recommend, that opinion will be formed on very different considerations from this. Let it be first candidly inquired whether the present system effects its object as completely as is requisite, and with no unnecessary evils to the sufferers, or to society. If this be determined in the negative, let our scheme, and any others that may present themselves, be examined, and if it be thought that any one of them offers a fair promise of obtaining the objects of punishment more effectually than they are now obtained, and of avoiding the evils of the present system without introducing any evils of equal consequence, let that scheme be fairly tried, on a small scale. If experience shews that it is based on sound principles applicable to this country, let it be introduced universally. No greater blessing could be gained by human agency to the millions under the government of your Lordship in Council, than the diminution of crimes amongst them. So great a good would be cheaply bought by a much greater sum than any that can fairly be anticipated, by the least sanguine statesman, as the additional cost of our scheme. It is now sixty years since the first step was taken towards the practical improvement of prison-discipline in Great Britain, under the auspices of the late Lord Auckland, Mr. Justice Blackstone, and Mr. Howard. We hope that we may be excused in regarding it as a happy omen, that it is the son of one of those eminent men whom we have now the honor of urging to take the first step towards the practical improvement of prison-discipline in India*.

We have the honor to be,

My Lord,

Your Lordship's

Most Obedient Humble Servants,

H. SHAKESPEAR,

EDWARD RYAN,

T. B. MACAULAY,

J. P. GRANT,

J. M. MACLEOD,

G. W. ANDERSON,

F. MILLETT,

D. MACFARLAN,

C. E. TREVELYAN,

J. P. GRANT.

Calcutta, Jan. 8, 1838.

* Mr. Cameron had left Calcutta before any material part of the information upon which this Report is founded had been obtained.

The late Sir Benjamin Malkin assisted in revising the draft from which this Report was framed, and concurred generally in the opinions herein expressed. The only important paragraphs which that lamented gentleman had not seen, either in their present or in a rougher state, are paragraphs 155 to 161, inclusive, and paragraph 278.

Mr. Macnaghten left Calcutta for the Upper Provinces before this Report was quite settled, but he also has concurred generally in the opinions which it expresses.

MINUTES.

MINUTES.

A.

Minute by Sir J. P. Grant, on Paragraph 42.

I am under the necessity of humbly differing from the classification proposed in Paragraph 42. I am aware that it is not held out as a perfect system of classification, but I think that it is so much opposed to what I humbly apprehend to be the just principle of all classification of criminal prisoners, that I should regard my acquiescing in considering it to be an approach to that principle as inferring a compromise of my opinion. I agree in thinking that all that is desirable cannot be accomplished in the classification of prisoners, but I think that this is no reason for not attempting to accomplish as much as we can, still less for indicating any approbation of what in my apprehension is manifestly erroneous in a matter which I cannot help viewing as a most important consideration in prison-discipline, and one by a due attention to which a great deal of the moral evil attendant upon imprisonment may be prevented or mitigated.

The considerations which govern the infliction of punishment, and those which ought to govern the classification of prisoners are entirely different.

The former is or ought to be regulated by the effect it is likely to have in preventing the repetition of the crime by the offender, and by others who may be awed by the terror of his example, and has no other reference to the exact moral character of the action under all its circumstances, than as the apportionment in this respect of punishment may bear upon the detection and prevention of the offence in future cases.

But in the classification of prisoners the moral character of the prisoners is every thing, both as regards the inflicting unnecessary suffering, and the incurring unnecessary risk of contamination.

A man may be guilty of what is legally murder, and must for the common safety be punished as murder, whose feelings would be intolerably and uselessly lacerated if he were shut up with thieves and pick-pockets and keepers of stews and brothels and receptacles for such persons, who would be far from inculcating lessons of dishonesty or even cruelty, and whose known good qualities and the respect paid to them in his imprisonment would heighten the terrors raised by his being justly sacrificed as an offering to the inflexibility of the law, for the breach of it which his want of one virtue had betrayed him into.

To put a common thief who has entered a hut, unarmed, by cutting the string of a mat in the night time, along with desperate robbers who have broken into a well-secured house, armed, and ready to cut the throats of the inhabitants if they should be discovered or opposed, is to do all you can to convert into a desperate robber a timid thief, whom a judicious system of punishment, unattended with such evil communication, might have rendered, if not an honest man, a comparatively harmless one all the rest of his life.

I must, therefore, humbly object to the classification under descriptions 2nd and 6th of persons accused or convicted of murder or rape or an attempt to commit them, with persons accused or convicted of robbery and house-breaking. Nothing can be more different in all probability than the moral character of a man accused, whether upon justifiable grounds or otherwise, of what may be legally considered an attempt to commit a rape, and that of men accused of robbery and house-breaking. It seems to me something monstrous to shut up such a man, if unable to find bail, with persons accused of these crimes, nor could any thing be more revolting, in my apprehension, to humanity and justice than to shut up with persons accused or convicted of being robbers and house-breakers one who has been accused or convicted of murder as having slain his opponent in a duel. I apprehend there are many violences committed in a ruder manner than by duelling among the Natives of India which if death ensues cannot safely be treated by the law as less than murders, but which have proceeded from feelings and opinions as remote from any that would lead to a dishonest violation of property, as those which actuate the more refined European in his mode of vindicating his wounded honor, and which would render the association of those who have committed them with robbers and house-breakers as revolting to their feelings, and as disgusting to the community.

I am also under the necessity very humbly of objecting to the classification, in so far as it is proposed to class together under the 3rd description persons accused, and under the 7th persons convicted of simple theft or of receiving stolen goods, with persons accused or convicted of perjury, forgery, fraud, "and similar offences," or of conspiracy to commit them.

It is a difficult question whether the infliction of infamous punishments in a ruder state of society upon crimes considered infamous in one more advanced, but not so considered where the punishment is inflicted, does or does not so contribute to bring those crimes into disgrace there, as to outweigh the ill effects which must be produced in a greater or less degree by the punishment greatly exceeding the natural resentment excited in the community by the crime, or deviating greatly from the direction taken by that resentment. But I think it cannot be

doubted that the classing in the prisons persons accused but not convicted of these *crimina falsi*, which unhappily are committed in India with so miraculously small a loss of reputation, with persons so infinitely plunged in infamy beneath what they can ever be in the community's opinion, can never be any other than an act of cruelty, and of judicial impolicy—of cruelty, because it is adding an hundredfold to the pain of the imprisonment before trial, merely by the mode of carrying it into execution; of judicial impolicy, because it is an unnecessary, and from its apparent cruelty, a revolting addition to the disregard for the feelings of the community by which the punishment decreed must itself in a great degree array those feelings against the Law.

The only classification of females expressed in the Report is in the following words: classes 9 and 10 accused and convicted females. I am now given to understand that the intention of the Committee is, that the same classification should be practically carried into effect in regard to women as is suggested in the Report in the case of men, and that two wards would be sufficient for that purpose. It appears to me that all the reasons of humanity and policy which so strongly impress upon my mind this duty of separating criminal prisoners of different descriptions and characters, from each other, apply with greater force to the case of females than to that of males. The comparatively small number of female prisoners in India, while it renders the expence of so classifying them proportionally small, in no degree diminishes the evils of disregarding it. I can therefore by no means approve of the classification of women any more than men in the manner which is intended by the Committee, or of the leaving its adoption in their case by the officers in charge of Gaols apparently in their discretion by the omission of an express direction.

I am therefore of opinion. First, that persons accused or convicted of murder or rape ought not in any case or for any time to be associated in prison with others accused or convicted of robbery or house-breaking, unless they are also accused or convicted of these last mentioned crimes.

2ndly. That persons accused or convicted of house-breaking ought not in any case or for any time to be confined indiscriminately together or along with others accused or convicted of robbery, but ought to be divided into distinct classes, those accused and those convicted of house-breaking attended with the circumstance of their being armed with deadly weapons, and those accused and those convicted of house-breaking unattended with this circumstance. I think the first class of the *convicted house-breakers* ought to be confined together and apart from all other prisoners except persons *convicted* of robbery with whom I am of opinion they may be associated, and so of the first class of those *accused of aggravated house-breaking* who may be associated with those *accused* of robbery, but with those only. I think those *convicted* of simple house-breaking

may be confined along with those *convicted* of simple theft or of receiving stolen goods, and those *accused* of the last class with those *accused* of these crimes.

3rdly. That persons accused of perjury, forgery, and fraud, or of conspiracy to commit offences of this nature, ought not in any case or for any time to be confined along with persons accused of theft or of receiving stolen goods. Nor persons convicted of the former descriptions of crimes with persons convicted of the latter but should be confined separately.

The expressions, *similar offences*, and *offences of a like nature* as following the words *simple theft, receiving stolen goods, perjury, forgery, and fraud*, appear to me not to convey any accurate notion of what the offences are which are meant to be described by these expressions. It appears to me that no two crimes are less similar than *perjury* and *theft*, or than *forgery* and *receiving stolen goods*, and what is meant by an offence similar to *fraud* does not readily appear. It cannot be meant that under any thing approaching to classification every one guilty of a criminal act not amounting to fraud but resembling a fraud, may be shut up with detected thieves and receivers of stolen goods.

4thly. That the same classification which I have mentioned for male prisoners ought to be enforced in regard to female prisoners.

J. P. GRANT.

B.

Minute by Mr. J. P. Grant, on Paragraph 42.

I entirely concur in all that is said in Sir John Grant's minute. I am anxious to add to this expression of concurrence my reasons for venturing to record my objections to this Paragraph of the Report, which it would have been presumptuous in me to record, if I could have regarded the matter of it otherwise than as involving principles of material importance.

I concur fully in all that follows Paragraph 42 on the subject of classification, maintaining strictly the opinion expressed in Paragraph 49 of the necessary imperfection of the best classification: but I believe that much evil now existing is avoidable by a better classification; that before a perfect system of separation can be universally introduced, money spent in fitting prisons for a certain degree of improvement in classification would be very profitably employed; and that in respect of many prisons, the maximum of profit will be found at a degree of improvement considerably higher than that specified in this Paragraph. The proper degree of improvement for which each prison ought to be intermediately

adapted, is a practical question that can best be settled in each case by the local authorities; but it would seem to be the office of this Committee to suggest to Government general rules for the practical guidance of such authorities. Now I must confess that I doubt whether what is pointed out in this Paragraph will be of great use to practical men. The degree of classification here specified seems to me, for all useful purposes, to be not very greatly higher than the degree of classification now enforced in some of our Gaols, and to be lower than the degree to which it could easily be enforced in many Gaols. All this, however, resolves itself into an objection in degree, and if this had been all, I should never have presumed to record any objection of that nature which I might have felt to the determination of the Committee.

But I feel bound to declare, though I do so with unfeigned humility, that as far as I can trace any principles in the scheme of classification specified in this Paragraph, the principles on which it is founded appear to me to be unsound. It will be enough to confine the argument to the case of convicted prisoners, for what is true in their case must, *a fortiori*, be true in the case of unconvicted prisoners. After trial, then, I apprehend that the only true object of classification is to avoid two evils incidental to imprisonment, which are, as stated in the preceding Minute, first, the injuring of the character of an offender by association with persons from whose society it is likely to be injured; and secondly, the suffering to which an offender is uselessly, and therefore cruelly, put by association with persons for whose society he is likely to feel extreme disgust. The scheme of classification specified in this Paragraph seems, in my judgment, to fail in avoiding either evil, and even in palliating either evil to any material extent. I do not lay so much stress on the failure in the first point, as in the second. For contamination is an evil the more generally admitted of the two, and therefore the more likely to obtain attention on the part of officers in charge of Gaols: it appears to me, also, according to the best information I can obtain, to be an evil which the most extensive schemes of classification ever tried have failed in palliating very materially. But the second evil seems to me to be so great; the practicability of materially palliating it, and even of almost avoiding it entirely, by a scheme of classification not very much more extensive than this, seems to me so certain; and the failure of this scheme in palliating it seems to me so complete, that I cannot bring myself to concur in thus treating so important a matter. It is chiefly in this light that I cannot avoid regarding the scheme as one founded on false principles.

It is surely an excessive evil that, in practice, different people should be punished with very different degrees of severity for offences which the law, in theory, professes to punish equally;—that a man should be more

severely punished, not for his crime, but for the remains of good in his character;—that those offenders only should suffer no more than they are sentenced to suffer, who have sunk into the lowest depths of infamy.

Now in what degree will this great evil be removed by the classification recommended in this Paragraph? I do not speak of an extraordinary case, here and there. Such cases, I know, cannot be provided for by any general rules; they must be left to the discretion of individual officers; and being rare exceptions, they are not unlikely to meet with particular attention. I admit that Paragraph 47 provides sufficiently for such peculiar cases. But I speak of great masses of cases, which I cannot help thinking may readily be provided for by general rules; which, as being masses, it seems unreasonable to treat as exceptions; and which, if left to the discretion of individuals as often as they arise, are so numerous that they cannot possibly meet with particular attention.

Class second includes all heinous crimes excepting Thuggee. Now, in my humble judgment, I cannot distinguish this from a system which should classify according to the extent of the punishment; a principle which, if broadly avowed, I am confident that the committee would unite in condemning. Of a hundred persons convicted of heinous crimes against the person only, how many will there be whom it will not be a great and an useless cruelty to shut up with house-breakers, and other low-lived robbers? Is there not generally, the broadest possible line between the characters of men whose crimes are the result of feelings of wounded honor, of jealousy, malice, revenge, or lust, and the characters of those whose crimes are the result of a thievish disposition united with cruelty and boldness? This is a question of fact, and I appeal to the experience of Judicial officers. It would be a very rare exception in which this classification would be right in this class of cases. And we must not estimate the numerical importance of this class of cases according to our English recollections. We must bear in mind the sort of people with whom we deal, and we must remember that the ruder the people the greater is the relative importance of this class of crime.

Class third includes thieves and petty burglars, with persons who have committed perjury, or forgery, with shopkeepers who have cheated in weights, and persons convicted of other frauds of all sorts. Thieves, with whom the petty burglars of this country may well be classed, are in India as much despised a set of men as they are in England; and their characters and habits are as repugnant to those of all other classes in India, as in England. For the manner in which the offences of perjury and forgery are regarded in India, as affecting character, I beg to refer to Paragraph 158 of the Report, from which none have dissented. It is admitted that these offences are not here considered to be of a very disgraceful order, that they are not un-

frequently committed by natives of the higher ranks, who, after suffering punishment for them, return to their former place in society. These offences, in India, are allowed to be, in this respect, corresponding in some degree to such offences as riots, libels, sedition, assaults, poaching, and the like, most of which are punished with the approbation of the public, but to none of which indelible disgrace attaches. In short, they are allowed to be offences which are sometimes committed by persons of low habits, but from the commission of which the having of low habits cannot be presumed. I have concurred most heartily and unreservedly in all that is said in Paragraph 158. With my views then, if I did not openly protest against this Paragraph 42, I should feel myself reduced to this dilemma; either I should be asserting that I would in England maintain that a scheme of classification which should systematically class poachers, rioters, and seditious libellers, with the lowest thieves of a large town, would be a scheme that would be of "material use," or I should be admitting that I would classify in India upon fundamental principles other than those on which I would classify in England.

I can imagine but one way of escape from this dilemma. It may be said that because it is wrong to act quite counter to the feelings of the people for whose good you act, it does not follow that it is wrong to be a little in advance of them; and so, that in order to raise them gradually to a higher tone of feeling, it is well to shew that the rulers of the country attach disgrace to this sort of offence. But this way of escape is closed to me. For, first, the mixing a class which will be popularly considered as about the most respectable class of offenders, with a class which will be popularly considered as quite the meanest class of offenders, strikes me not as moving a step in advance of the people, but as moving in direct opposition to them. Secondly, though to make these offences disgraceful is good, yet to make the punishment of them disgraceful, not by reason of the offence but by reason of the punishment, strikes me, for that very reason, as being bad. To make the punishment unpopular can hardly tend to make the offence unpopular. So far the objection respects the public. Then as respects the offender, I cannot distinguish essentially such a classification as this from the pillory, which appears to me to be an unjust, and an impolitic punishment. Imprisonment with exposure in the pillory is one sort of disgraceful imprisonment, and the imprisonment of men of superior habits amongst the meanest blackguards in the country is another sort, but I can see no difference between these two sorts of disgraceful imprisonment sufficient to make those who object to the one adopt the other.

Thus I can contrive no loophole for myself. I do not choose either alternative of the dilemma. Therefore I have nothing left but very humbly to protest.

To shew more clearly that the objection which I cannot compromise is one in principle, not in degree, I will take exactly the degree of classification adopted in this Paragraph, and point out a classification which in my apprehension is less objectionable. If only four wards were allowed, into which it should be necessary to distribute convicted males, it appears to me that the following arrangement would be preferable to that recommended in this Paragraph.

1st. *Prisoners for life.*

It seems immaterial whether or not Thugs are separated from other prisoners who are never to return to society, and who, therefore, even if they should acquire the inclination to become Thugs, would never have the opportunity of practising the art.

2nd. *Prisoners convicted of Dacoity, Robbery, and aggravated Burglary.*

3rd. *Thieves; Petty Burglars; and Receivers of stolen goods.*

4th. *Prisoners sentenced for offences of all degrees against the body, but not affecting property; Perjurers; Forgers; Cheats; Prisoners sentenced for corruption; and generally all Offenders against good order not included in the three first classes.*

The greatest objection that occurs to me against this scheme is the mixture in the fourth class of certain fraudulent offenders with offenders not fraudulent. The addition of only one more ward, which would allow of the division of the fourth class into two, one for those whose offences affect property, such as most Perjurers and Forgers, Cheats, &c. and one for the rest, would greatly improve the classification without greatly increasing the expence of the scheme. I am inclined to believe that, in many Gaols, there would not be great difficulty in enforcing, as a minimum, a scheme of classification to this extent.

J. P. GRANT.

C.

Minute by Mr. Macfarlan, on the question of Transportation.

(See Paragraph 216.)

I awaited the final discussion on the question of Transportation with much interest. The determination of the Committee is to recommend that it should be maintained as a measure of prison-discipline. My opinion is so strongly against its being retained, that I beg to submit this minute or memorandum with a request that it may be inserted in the Appendix to our proceedings.

2nd. We have no evidence on the subject, except the testimony of some members of our Committee, and that of the public officers in charge of the Penal Settlements.

3rd. This evidence is not the sort which we most desiderate. We should, if possible, have obtained the opinions of public officers and respectable persons among the community as to the practical operation of the punishment of Transportation. The results might greatly have supported the Committee's views and showed the unsoundness of the one entertained by me.

4th. With the information which I have I am wholly unable to concur in the view of the Committee. I have heard criminals that pass before the Supreme Court demanding to be transported instead of being sent to the House of Correction. In the margin I give a memorandum of the number of men who have for the pittance of five rupees in advance, voluntarily transported themselves to hard labor at the Mauritius for five years. We hear of horrid crimes being committed by the European soldiery in the hope of being transported to New South Wales, and yet we insist upon maintaining the penalty of transportation for life as a dire penalty, second only to the loss of life itself.

5th. The practical effect of convicts returning from transportation for the next fourteen years at least, of laborers returning from the Mauritius, of servants returning from all parts of the world, and of general instruction will undoubtedly be to weaken the dislike which Hindoos feel to leaving their sacred river. Our recommendations are meant to be based on principles that are wide and enduring. This principle, if such it is, is certainly not of general application, and is not enduring.

6th. I suppose it is not contended that Mahomedans are averse to expatriation on the same ground that Hindoos are; still less that Portuguese, Anglo-Indians or Europeans are; yet our recommendation of banishment is general, and the only reason on which it is founded is thus confessedly inapplicable to large classes exposed to the operation of the law.

7th. It seems a dictate of common sense that as far as possible crimes should be expiated on the spot where they are committed. We send Singapore pirates from hence to be hanged in the locality where their crimes were committed: we never dream of transporting men to be hanged at some place away from the scene of their crimes: why should we transport them to be imprisoned?

8th. The argument that men would not be awed by the sight of the District Gaol, because they did not know who were in it, seems forced. Practically they would know that it was a place where malefactors were punished, and the less special and detailed knowledge they had of it, they would have the greater dread of it.

9th. Some stress is laid upon the *act of transportation*. If by this is meant the putting of criminals on board of ship, we have only to refer to the continual experience of Calcutta, where criminals are put on board

Laborers shipped to the Mauritius from 1st June last, to 1st September.
Dhangers or Hill Coolies, 597
Mahomedans, mostly servants, 95
Hindoos, mostly of low caste but including 5 Brahmins, 468
1,159

Para. 197.

of ship to be transported without the gaze even of a passing stranger being directed to the spot. If the act of passing sentence of transportation be meant it is against all experience to suppose that men are more forcibly moved by what they hear than by what they see. In the case of imprisonment for life they can see the criminal dragged to Gaol, they can see, if they desire it, how miserable his condition for life must be. In transportation they can see nothing but the simple shipment.

10th. The judgment of the committee is that imprisonment for life is in truth a severer punishment than transportation for life, yet they recommend that the latter should be classed as the higher punishment because they suppose that people dread it more: now surely if simple truth is requisite in any department of this world's business it is most emphatically so in the business of legislation. The most heinous offenders are to be transported, those whose guilt is a shade less are to be imprisoned for life, the punishment of the heavier crime is thus lower than that of the lighter. A judge deeply impressed with the extent of a prisoner's delinquency will, if the law give him the power, sentence him to imprisonment for life, because it is the heavier punishment. In cases a shade lighter he will sentence to transportation because the punishment is less severe. This must be his conscientious deliverance if he think with the Committee. He must be regulated by what he believes to be truth, not by notions supposed to be entertained by others; the honest verdict of the Committee is that imprisonment for life is the severer punishment; why should they not say so distinctly and recommend that lighter offences be punished by transportation if they will have that penalty on their Code. But if imprisonment for life is more severe than transportation for life, then transmute it into imprisonment for a long but definite term. It seems that imprisonment for life is very rarely to be awarded. I do not hesitate to say that 14 years' imprisonment with hard labor will be held by the sufferer to be a more severe punishment than the mitigated imprisonment proposed in transportation. If this be so we shall have criminals continuing as heretofore to commit the more aggravated offence in the hope of being transported.

11th. It occurs to me that during such lengthened periods of a man's life as 14 and 21 years, our discipline, if worth any thing, must have effected great reforms in the character of the mass of persons that pass through our hands. The first period of the above length in human life is that which fixes the place and character of the great mass of mankind. The distinctions of rank and of country, of moral and immoral, have all been imprinted during that period, and it is not assuming too much to say that the character of an abandoned convict may during a similar period of second pupilage have been effectually reformed. When that is the case, where is the objection to a mitigation of the sentence at home

in the same manner as it is proposed to be mitigated abroad? As the committee have fully shown the crime is by that time forgotten and the continued infliction of punishment is a cruelty. Where then is the objection to a remission whole or partial of the remainder of the penalty?

12th. I contend therefore that all that is proposed to be done by transportation may be done on the spot. The sentence may be for life, but the Government or other authority appointed by them would always be able to remit such parts of it as became useless to the public.

13th. It seems to be thought that in regard to transported men we are under no obligation to reform them. Politically speaking it may be unimportant whether they continue to be depraved villains to the last, but morally and humanely it is of importance. Why then reassociate in gangs those whom we have separated for seven years?

14th. With the above more general, and in some respects speculative views, I would wish to connect some remarks on the financial view of the question which we are bound to ponder well, seeing that in the home branch of our prisons we propose a large increase of immediate expense, and a large establishment calculated to raise their efficiency. Having this much at heart I should be loath to jeopardize it by proposing too much. Now our recommendations for Gaols beyond seas would, if adopted, lead to great expense. The prisoners are to be employed in them for the first seven years, if possible in solitude. Does not this involve the necessity of a central Gaol, with its expensive cells and supervision, and does not our other recommendation, that these Gaols should be provided in several places, lead us into further expence?

15th. To pay for a convict's transport about as much as would keep him for a year in Bengal is a loss which all who think with me would grudge. So would they grudge an annual payment on his account just double what he would cost at home, and still more would they grudge granting to some distant island the labor of men who are not required, or at least would not be granted to it but for the peculiarity of its being a penal settlement. By our reformed scheme we can always ensure a prisoner's earning two rupees per month, which will at least provide his food.

October, 1837.

D. McFARLAN.

NOTE. Some special note would be required in our Report on the case of Europeans sentenced in India. The present monstrous scheme of sending them to New South Wales must be abandoned.

D.

*Minute by Sir Edward Ryan, Sir John Grant, and Mr. J. P. Grant,
on Paragraph 278.*

The Members of the Committee whose names are subscribed to this minute, though they agree in all that is said in this Paragraph, feel it impossible to allow it to pass without guarding themselves from being thought, by agreeing to it, to admit that they look upon imprisonment for life as a punishment that may, in some cases, be justifiably inflicted. They do not here speak of confinement for life, as a measure of political precaution, in an extraordinary case: such cases are happily rare, and in them, therefore, it is always practicable to alleviate the confinement to such a degree as entirely to alter the character of the infliction. They speak of confinement for life only as a punishment, that is, as a means of deterring persons from crime. They will not enter into argument on this point, further than by explaining the line of reasoning by which they arrive at their conclusion. They think that of all punishments this punishment unites in the most remarkable degree unnecessary pain to the individual punished, with extreme inefficacy in respect of others. They think it, therefore, however inflicted, a cruel punishment; more or less cruel, indeed, directly as the pains which attend it are more or less great, and inversely as they are of a nature to be more or less apparent to the public, but always a cruel punishment. They believe that this argument is true universally, but they are sure that it applies universally, and with especial force, to the classes for whom especially the punishments of the law are provided. Even, therefore, if it were shewn that individuals exist who would be more deterred from crime by the dread of this punishment than by the dread of any other less painful punishment, (a fact that must be doubted,) as those individuals would certainly not be amongst the persons to whom the penal law addresses itself, as they would be amongst those who might be absolved from all penal law, without extreme danger, the fact, if shewn, would not affect the argument. As long, therefore, as there may be an alternative, that is to say as long as Governments may have the power of inflicting any punishment that causes less misery to the sufferer, and more or equal dread, generally, to those who are tempted to commit crimes, so long, in the opinion of the members who subscribe this minute, will imprisonment for life be an unjustifiable punishment, in any case. They think that more than one less objectionable punishment does exist, as an alternative, and, therefore, they cannot admit the propriety of the retention of imprisonment for life amongst the penalties of the law.

Had they assented, without explanation, to the recommendation in respect to the treatment of prisoners for life, they think there would have

been reason to fear that their opinions upon this point might have been misunderstood. They are, however, aware that there are now a great number of prisoners actually under sentence of imprisonment for life, for whom it would be necessary to devise a plan of discipline, even if for the future that punishment were abolished. On the supposition of imprisonment for life existing, they agree to the propriety of regulating the discipline of convicts sentenced to that punishment with reference to the considerations mentioned in this paragraph.

Sir Edward Ryan states that the opinions herein expressed were entertained by the late Sir Benjamin Malkin, whose intention it was to have guarded against being thought in any way to admit the propriety of the retention of imprisonment for life amongst the penalties of the law.

EDWARD RYAN,
J. P. GRANT,
J. P. GRANT.

EXTRACTS

FROM THE

APPENDIX.

Of the Appendix, which is voluminous, only a few copies have been printed, forming a separate volume. Three numbers of the Appendix, prepared by order of the Committee, and containing in a tabular form information abstracted from some of the returns, are added to this volume. Some other tables from the Appendix, containing within small compass original information of an interesting nature, are also added to this volume. At the end of these extracts has been placed a list of the papers in the complete Appendix, in order that the sort of information upon which this report has been founded may be seen by those who have not access to that volume.

The following is a list of the extracts added to this volume.

No. 16. Abstract of No. 15 shewing the number and sentences of the prisoners in the seven districts nearest Calcutta.

No. 17. Abstract of No. 16, shewing the number, sentences, and crimes of the prisoners in Allipore Gaol.

No. 19. Mortality tables of Bengal prisoners in 1834, (to which are prefixed those for 1833, from Dr. Hutchinson's book.)

No. 20. Ditto ditto in 1835.

No. 21. Ditto ditto in 1836.

Extract from No. 24, being mortality tables of Bombay prisoners in 1835.

No. 26. Mortality statement of prisoners in the road-gangs.

No. 27. Table of entries into volunteers from transportation from Allipore Gaol.

No. 29. Statement of prisoners confined in solitude in Calcutta.

No. 32. Report of work done on roads in the Lower Provinces, in 1836-37.

No. 33. Ditto ditto in the North Western Provinces.

No. 34. List of escapes from transportation.

Abstract of Appendix, No. 15, being Returns of Prisoners belonging to seven Districts in the neighbourhood of Calcutta, in December 1837.

Names of Gaols.	Number sentenced to simple imprisonment.	Number sentenced to labor for periods not exceeding										To labor for life.	Total of prisoners.	Number for which the prisons are adapted.
		Month.	Months.	Months.	Year.	Years.	Years.	Years.	Years.	Years.	Years.			
		1	3	6	1	2	3	7	14	15	16	25		
24-Pergunnahs, ..	70	10	14	35	99	39	30	79	34	0	0	0	410	600
Barrasett,	16	10	12	18	27	6	12	3	0	0	0	0	104	500
Burdwan,	54	0	5	8	36	30	70	207	195	1	2	1	609	1,600
Hooghly,	105	14	20	29	40	41	29	42	34	0	0	0	354	630
Jessore,	67	4	37	93	118	71	78	131	26	0	0	2	620	1,000
Nuddah,	177	0	1	28	86	28	22	87	34	0	0	0	463	1,200
Midnapore,	15	4	9	30	54	26	41	309	205	0	21	2	725	1,592
Totals, ..	504	42	98	241	460	241	282	858	528	1	23	5	3,295	7,112

J. P. GRANT,
Secretary to P. D. C.

APPENDIX, No. 18.

Abstract Return by Superintendant of Allipore Gaol, Dec. 31, 1836.

Total Number of Prisoners per Superintendant's return,.....	1,153	
Add for errors in Return Nos. 354 and 1054,	2	
		1,155
Of which Number there were Sentenced,		
for Life,.....	1,052	
for 15 years,.....	1	
for 14 years,.....	93	
for 10 years,.....	6	
for 8 years, and under,.....	3	
		1,155
Of these Prisoners there had been confined at date of Return for 1		
year and under,	189	
Above 1 year and not exceeding,	5	471
Above 5 and not exceeding,	10	262
Do. 10 and Ditto,	15	118
Do. 15 and Ditto,	20	13
Do. 20 and Ditto,	25	95
And above 25 years,.....	7	
		1,155

NOTE.—The longest term for which any Prisoner has been confined is thirty-two years.

Abstract Statement shewing the offences of 981 Prisoners confined for life in Allipore Gaol, February 3, 1837.

Total number of life Prisoners,	..	981
Of this number there had been convicted of Murder,	532	
Attempt to Murder,.....	34	
Homicide,	10	
Dacoity,.....	123	
Dacoity attended by Murder,	70	
Robbery without injury to the person,.....	36	
Robbery attended by Murder,.....	64	
Of Theft attended by injury to the person,	13	
Of Theft including Burglary attended by Murder,	37	
Of Assault attended by injury to the person,....	3	
Of Assault attended by Murder,.....	48	
Of Rebellion,.....	10	
Of Contempt,	1	
		981

J. P. GRANT,
Secretary to P. D. C.

APPENDIX, No. 19.

[The three first tables in this number relating to the year 1833, are extracted from Mr. Hutchinson's book.]

Table exhibiting the number of casualties by Death, distinguishing those from Cholera, in the Gaols throughout the Presidencies of Fort William and Agra, during the year 1833; intended to illustrate the greater or less salubrity of the several stations or localities mentioned.

Name of the Stations.	Average strength during the four quarters of the year.	Average Admissions, during the four quarters of the year.	Proportion of sick to strength.	Deaths by ordinary diseases, during the four quarters.	Deaths by Cholera Morbus during the four quarters.	Ratio per cent. of deaths from ordinary diseases.	Ratio per cent. of deaths from Cholera Morbus.	General ratio per cent.
Allipore,	2111	419	1 to 5	197	34	9.36	1.61	10.97
Cuttack,	597	216	1 to 2 $\frac{1}{2}$	51	20	8.50	3.33	11.83
Rungpore, 6 months, ..	761	348	1 to 2	85	..	11.30	..	11.30
Barraset,	248	15	1 to 16	1	..	0.40	..	0.40
Tipperah,	373	136	1 to 2 $\frac{3}{4}$	10	4	2.70	1.07	2.77
Hooghly,	452	125	1 to 4	46	8	10.22	1.76	11.98
Poorie,	343	132	1 to 2 $\frac{3}{4}$	10	11	2.95	3.17	6.12
Dinapore,	349	219	1 to 1 $\frac{1}{2}$	123	79	35.16	22.55	57.71
Jessore,	688	272	1 to 2 $\frac{1}{2}$	24	15	3.50	2.25	5.75
Chittagong,	488	132	1 to 3 $\frac{1}{2}$	12	12	2.28	2.28	4.56
Midnapore,	726	369	1 to 2	125	31	17.23	4.27	21.50
Gowhattee,	474	104	1 to 4	61	..	13.00	..	13.00
Mymensingh,	518	162	1 to 3 $\frac{1}{3}$	56	15	11.10	2.96	14.06
Backergunge,	661	249	1 to 3	40	31	6.00	4.75	10.75
Akyab,	140	86	1 to 2	3	..	2.15	..	2.15
Balasore,	616	132	1 to 4 $\frac{1}{2}$	35	4	5.75	0.65	6.40
Goalparah,	342	79	1 to 5	10	..	2.95	..	2.95
Burdwan,	418	257	1 to 2	18	11	4.40	2.60	7.00
Noacally,	450	202	1 to 2	8	3	1.75	0.65	2.40
Moorshedabad,	882	245	1 to 4	51	18	5.85	2.06	7.91
Dacca,	640	243	1 to 2 $\frac{1}{2}$	12	18	1.85	2.80	4.65
Rajshaye,	618	359	1 to 2	39	34	6.32	5.65	11.97
Bancoorah,	529	287	1 to 2	121	9	23.00	1.70	24.70
Baughulpore,	344	123	1 to 3	20	13	5.70	3.70	9.40
Shergotties,	503	379	1 to 1 $\frac{1}{3}$	40	91	8.00	18.20	26.20
Furzedpore,	484	202	1 to 2	12	1	2.50	0.20	2.70
Maldah,	212	80	1 to 3	11	3	5.16	1.40	6.56
Patna,	295	121	1 to 2 $\frac{1}{2}$	7	2	2.33	0.66	2.99
Arrah,	526	72	1 to 7	12	3	2.25	0.57	2.82
Monghyr, ..	433	113	1 to 4	17	9	4.00	2.08	6.08
Sylhet,	424	122	1 to 4	25	12	5.90	2.80	8.70
Kishnagur,	439	136	1 to 3 $\frac{1}{2}$	21	6	4.95	1.40	6.35
Purneah,	359	105	1 to 3 $\frac{1}{2}$	32	23	8.26	6.00	14.26
Sarun,	419	138	1 to 3	13	1	3.08	0.23	3.31
Ghazcepoie,	1022	305	1 to 3 $\frac{1}{3}$	42	1	4.09	0.09	4.18
Chirra Funjee,	200	88	1 to 2 $\frac{1}{3}$	15	..	7.50	..	7.50
Beerbhoom,	386	104	1 to 3 $\frac{2}{3}$	33	2	8.30	0.50	8.80
Gyah,	575	236	1 to 2 $\frac{1}{2}$	22	2	3.95	0.35	4.30
Tirhoot,	591	120	1 to 5	17	4	2.45	0.66	3.11

Name of the Stations.	Average strength during the four quarters of the year.	Average Admissions, during the four quarters of the year.	Proportion of sick to strength.	Deaths by ordinary diseases, during the four quarters.	Deaths by Cholera Morbus during the four quarters.	Ratio per cent. of deaths from ordinary diseases.	Ratio per cent. of deaths from Cholera Morbus.	General ratio per cent.
Benares,	713	327	1 to 2	8	12	1.12	0.28	1.40
Mirzapore,	298	96	1 to 3	2	..	0.65	..	0.65
Almatabad,	952	157	1 to 6	25	5	2.63	0.52	3.15
Cawnpore,	779	239	1 to 3	23	..	3.00	..	3.00
Meerut,	417	64	1 to 6	9	..	2.15	..	2.15
Saharunpore,	396	105	1 to 3	31	..	7.70	..	7.70
Goruckpore,	1245	369	1 to 4	75	3	6.00	0.24	6.24
Bandah,	526	9	1 to 5 $\frac{1}{2}$	25	13	4.75	2.48	7.23
Futtyghur,	1287	182	1 to 7	28	1	2.19	0.08	2.27
Delhi,	292	232	1 to 1 $\frac{1}{2}$	9	..	3.00	..	3.00
Meradabad,	789	148	1 to 5	28	..	3.70	..	3.70
Jaunpore,	457	109	1 to 4	4	7	3.10	1.60	4.70
Futtehpore,	959	199	1 to 5	6	7	1.68	0.72	2.40
Mynpooree,	1034	172	1 to 6	17	..	1.65	..	1.65
Georgoug,	219	115	1 to 2	2	..	0.90	..	0.90
Howalbaugh,	84	25	1 to 3 $\frac{1}{2}$	13	..	16.00	..	16.00
Azimghur,	456	139	1 to 3 $\frac{1}{2}$	17	2	3.33	0.44	3.77
Humeerpore,	405	224	1 to 2	6	4	1.50	1.00	2.50
Etawah,	200	27	1 to 6	11	..	5.50	..	5.50
Moozuffurnuggur,	152	43	1 to 4	2	..	1.30	..	1.30
Bareilly,	560	88	1 to 7	14	..	2.50	..	2.50
Shajehanpore,	384	87	1 to 4 $\frac{1}{2}$	34	10	8.75	2.60	11.35
Alighur,	2237	489	1 to 5	70	3	3.13	0.14	3.27
Subathoo,	32	28	1 to 1	1	..	3.00	..	3.00
Nursingpore,	174	69	1 to 3	5	3	2.86	1.75	4.61
Butool,	73	42	1 to 2	1	1	1.25	1.25	2.50
Moradabad, (Bijnore), ..	181	49	1 to 4	11	..	6.00	..	6.00
Bolandshuhur,	313	42	1 to 7	7	..	2.24	..	2.24
Amballah,	27	10	1 to 2 $\frac{1}{2}$	..	..	..	..	..
Seonce,	153	25	1 to 6	1	5	0.66	3.32	3.98
Neemuch,	166	58	1 to 3	3	..	1.90	..	1.90
Dehrah Doon,	131	23	1 to 6	3	..	2.30	..	2.30
Paniput,	245	62	1 to 4	5	..	2.00	..	2.00
Rhotuck,	199	82	1 to 2 $\frac{1}{2}$	12	..	6.00	..	6.00
Jubbulpore,	387	47	1 to 7	11	1	2.90	0.27	3.17
Beawar,	62	30	1 to 2	..	..	..	..	..
Agra,	583	68	1 to 8	13	..	2.25	..	2.25
Hissar,	527	145	1 to 4	21	..	4.00	..	4.00
Saugor,	743	208	1 to 3	62	..	8.27	..	8.27
Hussingabad,	143	37	1 to 4	2	2	1.35	1.35	2.70
Ajmeer,	166	58	1 to 3	3	..	1.90	..	1.90
Mundlaiser,	70	87	1 to 1	..	..	..	..	..

The high rates of mortality, which appear to have prevailed in the Bancoorah and Shergottce Gaols, are probably to be attributed to the number of prisoners, who were sent in to these Gaols from the hilly tract of Chotah Nagpore, and the surrounding country, during the Cole campaigns.

Among these unfortunate people, the proclivity to disease was great, and its course rapid and destructive.

The stations of Bancoorah and Shergottce are not considered unusually unhealthy for Europeans.

* The stations below this mark are in the Upper Provinces.

Abstract showing the number of Prisoners, the proportion of sick to well and ratio of deaths per cent. in the Gaols throughout the Presidencies of Bengal and Agra, during the year 1833, intended to illustrate the comparative mortality which prevails among the prisoners in the Upper and Lower Provinces.

	Average strength of prisoners during the four quarters of the year.	Average Admissions during the four quarters of the year.	Proportion of sick to well.	Number of Deaths.		Total deaths during the year.	Ratio per cent. of deaths to strength by ordinary diseases.	Ratio per cent. of deaths to strength by Cholera.	General ratio per cent. of deaths to strength.
				By ordinary diseases.	By Cholera Morbus.				
Lower Provinces including									
Dinapore circle,	19,420	7,128	1 to 2 $\frac{3}{4}$	1349	515	1864	6.94	2.65	9.60
Upper Provinces,	20,238	5,155	1 to 4	679	70	749	3.35	0.35	3.70
Total,	39,658	12,293	1 to 3 $\frac{1}{2}$	2028	585	2613	5.11	1.47	6.59

Abstract of the General Quarterly Returns of the sick in Civil Hospitals, throughout the Presidencies of Fort William and Agra, during the year 1833, intended to exhibit the diseases which principally prevail among prisoners in these territories.

Diseases.	Average strength of Prisoners in the Lower Provinces 10,420.						Average strength of Prisoners in the Upper Provinces 20,938.						Total average strength of Prisoners 39,658.					
	Remaining.		Discharged.		Transferred.		Remaining.		Discharged.		Transferred.		Remaining.		Discharged.		Transferred.	
	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.	Admitted.	Total.
Apoplexy,	4	11	4	11	4	11	4	11	4	11	4	11	4	11	4	11	4	11
Asthma,	46	160	14	206	14	206	13	198	13	198	13	198	13	198	13	198	13	198
Cholera,	63	1112	547	1197	14	236	13	186	13	186	13	186	13	186	13	186	13	186
Diarrhoea,	277	2194	2471	2471	2471	2471	1638	1824	1638	1824	1638	1824	1638	1824	1638	1824	1638	1824
Dropsy,	86	327	416	230	416	230	14	14	14	14	14	14	14	14	14	14	14	14
Dysentery,	412	2155	2568	1980	95	383	1209	1368	1209	1368	1209	1368	1209	1368	1209	1368	1209	1368
Dysury,	11	67	98	61	1	16	16	26	16	26	16	26	16	26	16	26	16	26
Dislocations and Sprains,	12	60	72	61	3	13	30	33	30	33	30	33	30	33	30	33	30	33
Fractures,	10	60	72	61	3	13	98	1106	98	1106	98	1106	98	1106	98	1106	98	1106
Fever, { Continued,	373	3321	3700	3055	2	159	2635	2974	2635	2974	2635	2974	2635	2974	2635	2974	2635	2974
{ Remittent,	54	152	636	513	2	98	921	1051	921	1051	921	1051	921	1051	921	1051	921	1051
Hepatic { Intermitting,	635	4333	5170	4411	95	146	2877	3319	2877	3319	2877	3319	2877	3319	2877	3319	2877	3319
{ Chronic,	183	199	183	183	5	7	22	24	22	24	22	24	22	24	22	24	22	24
Hepatic { Acute,	6	62	64	61	1	1	8	11	8	11	8	11	8	11	8	11	8	11
Affec- { Chronic,	19	110	129	108	1	1	67	76	67	76	67	76	67	76	67	76	67	76
tions, { External,	9	46	55	49	1	1	59	66	59	66	59	66	59	66	59	66	59	66
Inflammations, { Throat,	26	240	296	199	1	1	39	56	39	56	39	56	39	56	39	56	39	56
{ Enteric,	21	74	259	109	26	4	119	191	119	191	119	191	119	191	119	191	119	191
Mania,	96	143	259	91	1	1	116	156	116	156	116	156	116	156	116	156	116	156
Ophthalmic { Acute,	30	53	103	79	1	1	36	44	36	44	36	44	36	44	36	44	36	44
Affections, { Chronic,	32	127	159	101	1	1	167	202	167	202	167	202	167	202	167	202	167	202
Phthisis Pulmonalis,	301	1026	1237	660	2	42	574	1003	574	1003	574	1003	574	1003	574	1003	574	1003
Rheumatism,	47	173	232	101	1	1	19	22	19	22	19	22	19	22	19	22	19	22
Spleen,	80	341	430	320	1	1	45	49	45	49	45	49	45	49	45	49	45	49
Syphilis,	32	173	208	113	1	1	5497	6232	5497	6232	5497	6232	5497	6232	5497	6232	5497	6232
Small-pox,	1137	4435	5572	4238	2	130	83	1090	83	1090	83	1090	83	1090	83	1090	83	1090
Ulcers,	130	714	844	684	5	7	164	593	164	593	164	593	164	593	164	593	164	593
Wounds,	523	3859	6772	5764	2	34	61	891	61	891	61	891	61	891	61	891	61	891
Other diseases,	4356	28801	33660	26353	56	594	1384	4793	1384	4793	1384	4793	1384	4793	1384	4793	1384	4793
Total, ...	4356	28801	33660	26353	56	594	1384	4793	1384	4793	1384	4793	1384	4793	1384	4793	1384	4793

APPENDIX, No. 19.

APPENDIX, No. 19.

Table exhibiting the number of casualties by death distinguishing those from Cholera in the Gaols throughout the Presidencies of Fort William and Agra, during the year 1834.

Stations.	Average strength of prisoners.	Total Admissions in- to Hospital during the year.	Proportion of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths from ordinary diseases to strength.	Ratio per cent. of deaths from Cholera to strength.	General ratio per cent. of deaths to strength.	
				Ratio per cent. of ad- missions to strength.	By ordinary dis- eases.					
					By Cholera.					
Allipore, ...	2,055	4,994	2.43 to 1	248	171	18	189	3.22	0.90	9.14
Hooghly, ...	896	425	1.10 to 1	107	34	5	39	3.58	1.26	9.84
Midnapore, ...	675	2,132	3.14 to 1	314	89	15	104	13.18	2.22	15.40
Balasore, ...	764	551	1.00 to 1	72	18	12	30	2.35	1.57	3.92
Cuttack, ...	488	460	1.00 to 1	94	67	4	71	13.72	0.80	14.52
Poorree, ...	317	555	1.50 to 1	143	10	22	32	3.18	6.94	10.12
Baraset, ...	196	986	5.00 to 1	503	13	1	14	6.63	0.51	7.14
Jessore, ...	664	1,001	1.50 to 1	150	50	15	65	7.53	2.25	9.78
Backergunge, ...	581	534	1.00 to 1	90	46	31	77	7.91	5.33	13.25
Bhouleah, ...	301	688	2.00 to 1	221	5	...	5	1.66	...	1.66
Tipperah, for 9 months, ...	342	343	1.00 to 1	100	6	...	6	1.75	...	1.75
Chittagong, ...	431	139	1.00 to 3	33	7	1	8	1.62	0.23	1.85
Akyab, for 9 months, ...	135	202	1.50 to 1	150	1	...	1	0.85	...	0.85
Moorshedabad, ...	1,094	1,211	1.00 to 1	110	54	14	68	4.93	1.28	6.21
Dacca, ...	577	957	1.65 to 1	165	11	8	19	1.90	1.38	3.28
Furreedpore, ...	539	1,749	3.00 to 1	322	15	17	32	2.78	3.15	5.93
Sylhet, ...	496	674	1.36 to 1	135	42	23	65	8.47	4.64	13.11
Cheera Poonjee, for 9 months, ...	140	347	2.27	247	1	...	1	0.70	...	0.70
Gowhattee, ...	450	737	1.63 to 1	163	81	66	147	18.00	14.66	32.66
Goalparrah, ...	281	382	1.35 to 1	135	14	11	25	5.00	2.91	7.91
Mymensing, ...	489	661	1.35 to 1	135	41	11	52	8.38	2.25	10.63
Rungpore, ...	846	753	1 to 1.12	89	62	7	69	7.31	0.90	8.21
Dinagpore, for 9 months, ...	279	313	1.11 to 1	111	16	4	20	5.80	1.43	7.23
Burdwan, ...	980	1,282	1.29 to 1	130	83	53	136	8.46	5.40	13.86
Beerbhoom, ...	275	278	1.00 to 1	101	18	3	21	6.66	1.15	7.81
Kishenaghur, ...	492	627	1.25 to 1	125	15	...	15	3.05	...	3.05
Bauleah, ...	528	1,169	2.00 to 1	221	34	8	42	6.50	1.52	7.02
Maldah, ...	365	613	1.65	163	14	3	17	3.80	0.85	4.65
Patna, ...	346	579	1.67 to 1	167	22	25	47	6.35	7.22	13.57
Purneah, ...	425	482	1.11 to 1	111	51	1	52	12.00	0.25	12.25
Gyah, ...	697	831	1.19 to 1	120	34	2	36	4.87	0.30	5.17
Bhaugulpore, ...	426	429	1.00 to 1	100	22	3	25	5.16	0.70	5.86
Arrah, ...	967	208	5.00 to 1	22	20	2	22	2.06	0.21	2.27
Saurun, ...	400	489	1.22 to 1	122	11	4	15	2.75	1.00	3.75
Tirhoot, ...	475	257	1.00 to 2	54	17	1	18	3.57	0.43	4.00
Shergotty, ...	262	410	1.57 to 1	157	76	...	76	25.95	...	25.95
Monghyr, ...	839	412	1.00 to 2	49	19	4	23	2.26	0.50	2.76
Total, ...	20,008	28,860	1.44 to 1	144	1290	394	1684	6.46	6.96	8.42

Stations.	Average strength of prisoners.	Total Admissions into Hospital during the year.	Proportion of sick to strength.	Ratio per cent. of admissions to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths from ordinary diseases to strength.	Ratio per cent. of deaths from Cholera to strength.	General ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera.				
Benares, ...	718	1132	1.58 to 1	158	5	2	7	0.75	0.20	1.00
Ghazepore, ...	809	852	1.05 to 1	108	23	2	25	2.84	0.25	3.07
Mirzapore, ...	442	590	1.16 to 1	110	14	9	23	3.20	2.00	5.20
Goruckpore, ...	917	898	9.05 to 1	97	37	...	37	4.00	...	4.00
Juanpore, ...	464	313	0.70 to 1	70	4	...	4	3.86	...	3.86
Azimghur, ...	439	555	1.20 to 1	126	7	...	7	1.61	...	1.61
Allahabad, ...	1017	494	1.00 to 2	48	17	...	17	1.67	...	1.67
Bandah, ...	487	377	1.00 to 1	76	64	5	69	13.25	1.00	14.25
Futtehpore, ...	609	340	1.00 to 2	50	33	1	34	5.00	0.12	5.12
Hannuerepore, ...	462	958	2.00 to 1	207	40	3	43	8.67	0.63	9.30
Cawnpore, ...	1084	825	0.86 to 1	76	47	7	54	4.33	0.83	5.16
Fattyghur, ...	1441	520	1 to 2.80	36	28	5	33	1.94	0.35	2.29
Mynpooree, ...	688	546	0.80 to 1	79	27	10	37	3.92	1.45	5.37
Etawah, ...	169	172	1.00 to 1	101	4	...	4	2.36	...	2.36
Meerut, ...	346	391	1.00 to 1	113	11	...	11	3.46	...	3.46
Delhie, ...	287	902	3.00 to 1	317	6	2	8	2.09	0.69	2.78
Goorgong, ...	229	544	2.00 to 1	237	3	1	4	1.31	0.40	1.70
Moozuflerngger, ...	227	101	1.00 to 2	44	6	...	6	4.00	...	4.00
Saharunpore, ...	342	238	0.67 to 1	69	22	...	22	6.39	...	6.39
Mooradabad, ...	584	386	0.66 to 1	66	17	...	17	2.90	...	2.91
Howalbagh, ...	91	85	0.93 to 1	93	5	...	5	5.49	...	5.49
Bareilly, ...	575	241	0.40 to 1	41	14	...	14	2.43	...	2.43
Shajeehanpore, ...	360	308	0.86 to 1	85	22	2	24	6.11	0.55	6.66
Deyrah, ...	51	132	2.56 to 1	256	3	...	3	6.00	...	6.00
Bijnore, for 9 months, ...	188	165	0.87 to 1	89	7	1	2	0.53	0.53	1.06
Agra, ...	635	279	0.43 to 1	43	21	5	26	3.30	0.79	4.09
Muttra, ...	269	228	0.84 to 1	84	5	...	5	2.85	...	2.85
Allyghur, ...	1777	1861	1.00 to 1	104	29	1	30	1.07	0.17	1.24
Bofundshuhur, ...	1726	1967	1.14 to 1	114	118	6	124	6.80	0.30	7.10
Paneeput, ...	332	337	1.00 to 1	100	11	...	11	3.31	...	3.31
Rhotuck, ...	477	347	0.70 to 1	70	43	...	93	9.00	...	9.00
Hissar, ...	606	910	1.50 to 1	150	74	...	74	15.51	...	5.51
Umballah, ...	55	142	2.58 to 1	258	1	...	1	1.82	...	1.82
Subathoo, ...	28	98	3.50 to 1	350	...	...	...	...	...	...
Saugor, ...	928	1714	1.83 to 1	183	118	6	124	11.60	0.65	12.25
Nursingpore, ...	75	118	1.57 to 1	157	2	...	2	2.66	...	2.66
Seonie, ...	151	228	1.50 to 1	156	7	...	7	4.63	...	4.63
Jubbulpore, ...	247	253	1.00 to 1	102	41	4	45	16.59	1.61	18.20
Hussingabad, ...	95	145	1.51 to 1	151	5	...	5	5.15	...	5.15
Baitool, ...	46	122	2.65 to 1	265	1	...	1	2.10	...	2.10
Ajmeer, ...	201	472	2.36 to 1	236	8	2	10	4.00	1.00	5.00
Beawar, ...	110	246	2.23 to 1	223	2	...	2	1.00	...	1.00
Mundlaiser, ...	67	358	5.34 to 1	535	...	4	4	...	6.00	6.00
Total,...	20,906	21,890	1.04 to 1	104	946	78	1024	4.55	0.36	4.91

(Signed) J. HUTCHINSON,
Secretary, Medical Board.

Abstract shewing the Number of prisoners, the proportion of sick to well, and Ratio per cent. of deaths to strength in the Gaols throughout the Presidencies of Bengal and Agra, during the year 1834.

	Average strength of prisoners during the 4 quarters.	Total Admissions during the four quarters of the year.	Proportion of sick to strength.	Ratio per cent. of sick to strength.	Number of deaths.		Total deaths during the year.	Ratio per cent. of deaths to strength by ordinary diseases.	Ratio per cent. of deaths to strength by Cholera.	General Ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera.				
Lower Provinces including the Dinapore Circle, ...	20,008	23,860	1.44 to 1	144	1290	394	1684	6.46	1.90	8.42
Upper Provinces, ...	20,906	21,890	1.04 to 1	104	946	78	1024	4.55	0.36	4.91
	40,914	50,750	1.22	122	2236	472	2708	5.48	1.15	6.63

(Signed) J. HUTCHINSON,
Secretary, Medical Board.

APPENDIX, No. 20.

Table exhibiting the number of casualties by death distinguishing those from Cholera in the Gaols throughout the Presidencies of Fort William and the North Western Provinces, during the year 1835.

Stations.	Average strength during the year.	Total Admissions.	Proportion of sick to well.	Ratio per cent. of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera to strength.	General ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera to strength.				
<i>Presy. Allipore.—24 Pur-</i>										
<i>gunnahs, ..</i>	2080	6376	3.06 to 1	306	116	8	124	5.56	0.39	5.95
Akyab for 3 quarters, ..	115	358	3.01 to 1	301	9	..	9	7.98	..	7.93
Baraset, ..	236	564	2.40 to 1	240	4	..	4	1.50	..	1.50
Backergunge, ..	335	208	0.60 to 1	60	23	7	30	6.96	2.09	9.05
Beerbhoom, ..	194	233	1.22 to 1	122	14	..	14	7.22	..	7.22
Burdwan, ..	1162	5953	5.12 to 1	512	77	80	157	6.61	7.00	13.61
Balasore, ..	496	537	1.08 to 1	108	2	..	2	0.40	..	0.40
Bauleah, ..	849	1342	1.56 to 1	156	53	30	83	6.24	3.57	9.81
Cuttack, ..	401	1127	2.81 to 1	281	6	..	6	1.50	..	1.50
Chittagong, ..	455	260	0.57 to 1	57	14	10	24	3.08	2.19	5.27
Dacca, ..	564	1027	1.86 to 1	186	19	2	21	3.36	0.35	3.71
Dinagapore, ..	245	354	1.46 to 1	145	23	2	25	9.38	0.62	10.00
Furreedpore, ..	539	1163	2.15 to 1	215	9	8	17	1.66	1.49	3.15
Gowhattee, ..	500	825	1.65 to 1	165	122	1	123	24.40	0.20	24.60
Goalparah for 1st, ..										
2nd & 4th quarters, ..	231	359	1.38 to 1	138	9	1	10	3.90	0.43	4.33
Hooghly, ..	408	480	1.17 to 1	117	12	2	14	3.00	0.43	3.43
Kishennaghur, ..	392	403	1.03 to 1	103	10	2	12	2.55	0.51	3.06
Maldah, ..	126	197	1.56 to 1	156	9	1	10	7.14	0.86	8.00
Midnapore, ..	635	2424	3.81 to 1	381	60	29	89	9.43	4.56	14.00
Moorsshedabad, ..	910	1523	1.67 to 1	167	51	5	56	5.60	0.55	6.05
Mymensing, ..	476	446	0.93 to 1	93	20	..	20	4.20	..	4.20
Noukkoili, ..	180	281	1.56 to 1	156	3	..	3	1.66	..	1.66
Pooree, ..	48	106	2.20 to 1	220	2	..	2	4.16	..	4.16
Rungpore, ..	727	457	0.62 to 1	62	50	..	50	6.87	..	6.87
Sylhet, ..	499	568	1.13 to 1	113	19	..	19	3.82	..	3.82
Jessore, ..	607	790	1.30 to 1	130	26	1	27	4.28	0.16	4.44
Tipperah, ..	277	380	1.37 to 1	137	9	3	12	3.28	1.08	4.36
Bancoorah, ..	171	196	1.15 to 1	115	4	7	11	2.33	4.09	6.42
Sandoway for 1st qr. ..	31	10	0.32 to 1	32	..	..	..	..	..	..
<i>Dinapore division.</i>										
Patna, ..	195	481	2.46 to 1	246	23	1	24	11.78	0.52	12.30
Gyah, ..	883	999	1.13 to 1	113	75	..	75	8.50	..	8.50
Arrah, ..	722	250	0.34 to 1	34	29	..	29	4.00	..	4.00
Purneah, ..	423	718	1.67 to 1	167	46	18	64	10.87	4.25	15.12
Bhaugulpore, ..	415	333	0.80 to 1	80	24	8	32	5.78	2.00	7.78
Saurun, ..	478	492	1.03 to 1	103	28	1	29	5.85	0.28	6.02
Tirhoot, ..	360	213	0.59 to 1	59	17	..	17	4.72	..	4.72
Shergotty, ..	402	780	1.94 to 1	194	97	4	101	24.00	1.00	25.00
Monghyr, ..	952	433	0.45 to 1	45	22	..	22	2.31	..	2.31
Total, ..	18,720	33,651	1.79 to 1	179	1136	231	1367	6.06	1.23	7.30

Stations.	Average strength during the year.	Total Admissions.	Proportion of sick to well.	Ratio per cent. of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera to strength.	General ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera to strength.				
<i>Benares div.</i>										
Ghazeeapore, ..	819	860	1.05 to 1	105	21	2	23	2.56	0.24	2.80
Benares, ..	797	1530	1.93 to 1	193	29	4	33	3.65	0.49	4.14
Mirzapore, ..	547	678	1.40 to 1	140	17	..	17	3.12	..	3.12
Goruckpore, ..	926	725	0.78 to 1	78	133	1	34	3.56	0.11	3.67
Juanpore, ..	480	361	0.74 to 1	74	7	..	7	1.45	..	1.45
Azinghur, ..	528	545	1.03 to 1	103	16	1	17	3.03	0.17	3.20
Cawnpore, ..	704	383	0.54 to 1	54	33	3	36	4.71	0.43	5.14
Futtehghur, ..	660	433	0.67 to 1	67	30	..	30	4.53	..	4.53
Mynpooree, ..	445	203	0.45 to 1	45	13	..	13	2.92	..	2.92
Etawah, ..	118	133	1.12 to 1	112	5	..	5	4.23	..	4.23
Humeerpore, ..	417	183	0.79 to 1	79	3	..	3	1.38	..	1.38
Bandah, ..	419	496	1.16 to 1	116	23	1	24	5.48	0.24	5.72
Futteypore, ..	536	405	0.75 to 1	75	11	..	11	2.05	..	2.05
Allahabad, ..	1093	605	0.54 to 1	54	31	1	32	2.82	0.09	2.91
<i>Agra div.</i>										
Agra, ..	662	363	0.54 to 1	54	41	..	41	6.15	..	6.15
Muttra, ..	246	107	0.43 to 1	43	8	..	8	3.25	..	3.25
Allyghur, ..	1084	1630	1.50 to 1	150	30	..	30	2.76	..	2.76
Boland Shuhur, ..	2468	2504	1.01 to 1	101	67	2	69	2.71	0.08	2.79
<i>Meerut division.</i>										
Meerut, ..	285	230	0.80 to 1	80	13	..	13	4.56	..	4.56
Delhie, ..	336	876	2.60 to 1	260	21	..	21	6.00	..	6.00
Goorgong, ..	147	299	2.03 to 1	203	2	..	2	1.36	..	1.36
Mozuffernuggur, ..	216	75	0.34 to 1	34	2	..	2	0.93	..	0.93
Seharunpore, ..	239	200	0.83 to 1	83	20	..	20	8.36	..	8.36
Moradabad, ..	601	414	0.68 to 1	68	35	..	35	6.00	..	6.00
Howalbagh, ..	88	75	0.85 to 1	85	7	..	7	8.00	..	8.00
Bareilly, ..	88	75	0.85 to 1	85	7	..	7	8.00	..	8.00
Shajeehanpore, ..	363	312	0.85 to 1	85	16	..	16	4.40	..	4.40
Deyrah, ..	64	119	1.86 to 1	186	5	..	5	7.80	..	7.80
Bijnore, ..	156	190	1.21 to 1	121	9	..	9	5.76	..	5.76
Panceput, ..	300	432	1.44 to 1	144	17	1	18	5.66	0.34	6.00
Rhotuck, ..	234	245	0.96 to 1	96	12	..	12	4.23	..	4.23
Hissar, ..	432	442	1.02 to 1	102	14	..	14	3.24	..	3.24
Subathoo, ..	30	135	4.50 to 1	450	..	..	..	..	..	..
Umballa for 1st qr. ..	154	51	0.33 to 1	33	1	..	1	0.65	..	0.65
<i>Saugor div.</i>										
Saugor, ..	789	1474	1.86 to 1	186	66	..	66	8.37	..	8.37
Nursingppre, ..	133	46	0.34 to 1	34	..	..	..	..	..	..
Seonee, ..	146	217	1.48 to 1	148	4	..	4	2.73	..	2.73
Jubbulpore, ..	570	402	0.70 to 1	70	65	..	65	11.40	..	11.40
Hussingabad, ..	88	144	1.63 to 1	163	2	..	2	2.27	..	2.27
Ajmeer, ..	147	673	4.57 to 1	457	5	..	5	3.40	..	3.40
Beawar, ..	71	123	1.59 to 1	159	..	..	..	..	..	..
Mundlaisur, ..	79	339	4.29 to 1	429	1	..	1	1.26	..	1.26
Baitool, ..	47	139	2.74 to 1	274	1	..	1	2.12	..	2.12
Total, ..	18,807	19,871	1.05 to 1	105	743	16	759	3.45	0.08	4.03

Abstract shewing the Number of Prisoners, the proportion of sick to well, and Ratio per cent. of deaths to strength in the Jails throughout the Presidency of Fort William and the North Western Provinces, during the year 1835.

	Average strength of prisoners during the four quarters of the year.	Total Admissions into Hospital during the do.	Proportion of sick to strength.	Ratio per cent. of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera Morbus to strength.	General Ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera Morbus.				
Lower Provinces including the Dinapore Division,	18,720	33,651	1.79 to 1	179	1136	231	1367	6.06	1.23	7.30
Upper Provinces,	18,807	19,871	1.05 to 1	105	743	16	759	3.95	0.08	4.03
Total, ..	37,527	53,522	1.43 to 1	143	1879	247	2126	5.00	0.64	5.64

(Signed) J. RANKEN,
Offg. Secy. Medl. Board.

Table exhibiting the number of Casualties by death, distinguishing those from Cholera in the Jails throughout the Presidency of Fort William and the North Western Provinces, during the year 1836.

Jails.	Average strength during the year.	Total Admissions during the year.	Proportion of sick to well.	Ratio per cent. of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera to strength.	General ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera morbus.				
Allipore, ...	1523	3638	2.34 to 1	234	69	4	73	4.52	0.26	4.78
Russaspuglah, for 3rd and 4th quarters, ...	624	1082	1.73 to 1	173	25	2	27	4.00	0.32	4.32
Akyab for 1st, 2nd and 3rd quarters, ...	176	313	1.86 to 1	186	5	...	5	2.25	...	2.25
Baraset, ...	138	525	3.90 to 1	390	6	...	6	4.36	...	4.36
Backergunge, ...	539	496	0.92 to 1	92	22	15	37	4.14	2.80	6.94
Beerbhoom, ...	215	362	1.65 to 1	165	20	...	20	8.95	...	8.95
Burdwan, ...	712	814	1.13 to 1	113	56	10	66	7.86	1.32	9.18
Burdwan Prisoners employed on the road for 1st and 2nd quarters, ...	2700	545	0.41 to 1	41	148	19	167	5.50	0.70	6.20
Balasore, ...	418	629	1.50 to 1	150	...	11	11	...	2.68	2.68
Bauleah, ...	520	329	0.64 to 1	64	40	6	46	7.70	1.14	8.84
Cuttack, ...	370	1138	0.37 to 1	37	18	10	28	4.85	2.97	7.82
Southern Division of Zillah Jail at Cuttack on the roads, ...	99	253	2.53 to 1	253	4	2	6	4.00	2.00	6.00
Chittagong, ...	417	164	0.40 to 1	40	10	4	14	2.40	0.96	3.36
Dacca, ...	390	746	1.90 to 1	190	17	4	21	4.39	1.03	5.42
Dinapore, ...	330	592	1.56 to 1	156	34	...	34	8.92	...	8.92
Furzedpore, ...	553	512	0.93 to 1	93	8	2	10	1.45	0.35	1.80
Gowhattee, ...	537	706	1.31 to 1	131	118	2	120	22.12	0.37	22.49
Gowalparah, for 2nd & 4th quarters, ...	257	287	1.12 to 1	112	3	...	3	1.18	...	1.18
Hooghly, ...	476	741	1.54 to 1	154	18	9	27	4.15	1.34	5.49
Jessore, ...	548	413	0.81 to 1	81	19	4	23	3.45	0.72	4.17
Kishnaghur, ...	384	528	1.38 to 1	138	12	...	12	3.16	...	3.16
Malda, ...	135	146	0.18 to 1	108	2	2	4	1.50	1.50	3.00
Midnapore, ...	775	2327	3.98 to 1	398	46	57	103	5.94	7.36	13.30
Moorshedabad, ...	1484	994	0.67 to 1	67	91	12	103	6.14	0.79	6.93
Mymensing, ...	449	446	1.00 to 1	100	8	5	13	1.80	1.12	2.92
Noakolly, ...	352	530	1.50 to 1	150	4	6	10	1.14	1.70	2.84
Poorce, ...	112	227	2.28 to 1	228	7	8	15	6.88	7.88	14.76
Rungpore, ...	515	664	1.29 to 1	129	33	2	35	6.41	0.38	6.79
Sylhet, ...	487	294	0.60 to 1	60	19	3	22	3.95	0.62	4.57
Sandoway, for 3rd and 4th quarters, ...	30	14	0.46 to 1	46	...	...	...	...	...	...
Tipperah, ...	338	505	1.50 to 1	150	4	3	7	1.18	0.88	2.06
Buktenaghur Prisoners employed Benares road	189	1703	9.00 to 1	900	148	19	167	77.07	10.00	87.09
Bancoorah, for 3rd and 4th quarters, ...	250	142	0.57 to 1	57	14	...	18	7.20	...	7.20
Tezpoore Assam, for 3rd and 4th quarters, ...	787	172	0.22 to 1	22	20	...	29	3.71	...	3.71
Nowgong Assam for 3rd and 4th quarters, ...	350	267	0.76 to 1	76	...	1	2	0.29	0.29	0.58
Patna, ...	434	442	1.02 to 1	102	...	2	24	5.00	0.46	5.46
Purneah, ...	377	733	1.94 to 1	194	...	...	28	7.55	...	7.55
Gwah, ...	433	450	1.04 to 1	104	48	1	49	11.09	0.23	1.32
Bazargulpore, ...	430	702	1.63 to 1	163	39	2	41	9.07	0.46	9.53
Arish, ...	357	248	0.70 to 1	70	23	4	27	6.42	1.13	7.55
Saurun, ...	696	752	1.08 to 1	108	38	14	52	5.46	2.00	7.46
Tirhoot, ...	464	331	0.71 to 1	71	22	4	26	4.74	0.87	5.61
Shergetty, ...	85	533	6.03 to 1	603	198	1	199	232.95	1.14	234.9
Monghyr, ...	640	343	0.53 to 1	53	23	2	25	3.59	0.31	3.90
Hazareebaugh, for 2nd, 3rd and 4th quarters, ...	223	231	1.08 to 1	108	40	1	41	18.00	0.40	18.40
Total, ...	22,368	29,039	1.33 to 1	133	1542	253	1796	6.90	1.13	8.03

Upper Provinces. Jails.	Average strength during the year.	Total Admissions during the year.	Proportion of sick to well.	Ratio per cent. of sick to strength.	Deaths.		Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera to strength.	General ratio per cent. of deaths to strength.
					By ordinary diseases.	By Cholera & Morsus.				
Ghazeepore, ...	710	1161	1.64 to 1	164	24	5	29	3.52	0.56	4.08
Benares, ...	827	1583	1.79 to 1	179	126	17	143	14.00	2.00	16.00
Goruckpore, ...	930	760	0.81 to 1	81	43	...	43	4.62	...	4.62
Juonpore, ...	503	454	0.90 to 1	90	11	...	11	2.18	...	2.18
Azimghur, ...	461	476	1.14 to 1	114	25	...	25	5.42	...	5.42
Mirzapore, ...	494	962	1.92 to 1	192	30	1	31	6.48	0.23	6.76
Cawnpore, ...	574	512	0.89 to 1	89	42	...	42	7.31	...	7.31
Mynpooree, ...	365	178	0.46 to 1	46	18	...	18	5.00	...	5.00
Fatehghur, ...	1221	679	0.55 to 1	55	103	...	103	8.43	...	8.43
Etawah, ...	107	160	1.49 to 1	149	2	...	2	1.87	...	1.87
Hummeerpore, ...	182	159	0.81 to 1	81	6	...	6	3.29	...	3.29
Banda, ...	488	476	1.00 to 1	109	24	...	24	5.70	...	5.70
Fatehghur, ...	505	301	0.59 to 1	59	12	...	12	2.39	...	2.39
Allahabad, ...	1148	634	0.55 to 1	55	29	...	29	2.52	...	2.52
Meerut, ...	291	282	0.96 to 1	96	13	...	13	4.46	...	4.46
Delhi, ...	515	1028	2.00 to 1	200	24	2	26	4.66	0.34	5.00
Goorgong, ...	185	266	1.43 to 1	143	15	...	15	7.00	...	7.00
Mozuffernugger, ...	112	89	0.75 to 1	75	5	...	5	4.46	...	4.46
Saharunpore, ...	319	225	0.70 to 1	70	11	...	11	3.44	...	3.44
Moradabad, ...	767	990	1.16 to 1	116	222	1	223	23.92	0.03	29.00
Howalbag, ...	105	96	0.90 to 1	90	1	...	1	0.90	...	0.90
Bareilly, ...	930	559	0.60 to 1	60	79	...	79	8.49	...	8.49
Shajehanpore, ...	382	326	0.83 to 1	83	36	...	36	9.43	...	9.43
Deyrah, ...	65	134	2.06 to 1	206	4	1	5	6.16	0.53	7.69
Bidgnore, ...	105	104	0.99 to 1	99	3	...	3	3.00	...	3.00
Agra, ...	618	297	0.48 to 1	48	34	1	35	5.50	0.16	5.66
Muttra, ...	257	224	0.86 to 1	86	15	...	15	5.83	...	5.83
Allyghur, ...	1483	2674	1.80 to 1	180	109	...	109	7.34	...	7.34
Boolundshur, ...	1306	1524	1.00 to 1	102	37	1	38	3.00	...	3.00
Panepnt, ...	237	523	2.64 to 1	264	5	1	6	2.09	0.44	2.53
Rhotuck, ...	321	178	0.55 to 1	55	15	...	15	5.00	...	5.00
Hissar, ...	363	710	1.96 to 1	196	3	...	3	0.90	...	0.90
Umballah, ...	185	260	1.40 to 1	140	4	...	4	2.22	...	2.22
Loodianah, ...	92	322	3.60 to 1	360	...	...	...	...	...	...
Sabathoo, ...	35	123	3.37 to 1	337	1	...	1	3.00	...	3.00
Ajmeer, ...	145	180	1.17 to 1	117	1	...	1	0.75	...	0.75
Beawur, ...	55	47	0.85 to 1	185	...	...	...	...	...	...
Mundlaishir, ...	93	371	4.00 to 1	400	2	...	2	2.15	...	2.15
Saugor 1st, 2nd & 3rd qrs.	316	1013	3.22 to 1	322	5	...	5	1.59	...	1.59
Narsingpore, 1st, 2nd and 4th quarters, ...	27	22	0.60 to 1	60	...	...	...	...	...	...
Seonee, 1st, 2nd & 3rd quarters, ...	116	71	0.61 to 1	61	2	...	2	1.72	...	1.72
Jubbulpore, 1st, 2nd & 3rd quarters, ...	591	144	0.24 to 1	24	11	...	11	1.84	...	1.84
Hussingabad, 1st, 2nd and 3rd quarters, ...	151	158	1.00 to 1	100	13	...	13	8.60	...	8.60
Baitool, 1st, 2nd & 4th quarters, ...	58	145	2.50 to 1	250	...	...	...	...	...	...
Total, ...	18,600	21,295	1.14 to 1	114	1163	30	1193	6.25	0.16	6.41

(Signed) J. RANKEN,
Offg. Secretary, Medical Board.

Abstract shewing the number of prisoners, the proportion of sick to well, and ratio per cent. of deaths to strength in the Jails throughout the Presidency of Fort William and the North Western Provinces, during the year 1836.

	Average strength of prisoners during the year.	Total Admissions during the year.	Proportion of sick to well.	Ratio per cent. of sick to strength.	Deaths by ordinary diseases.	Ditto by Cholera.	Total deaths.	Ratio per cent. of deaths by ordinary diseases to strength.	Ratio per cent. of deaths by Cholera to strength.	General ratio per cent. of deaths to strength.
Lower Provinces including the Dinapore Division,	22,388	29,036	1.23 to 1	123	1543	253	1796	6.90	1.13	8.03
Upper Provinces, ..	18,600	21,295	1.14 to 1	114	1163	30	1193	6.25	0.16	6.41
Total, ..	40,968	50,331	1.20 to 1	120	2706	283	2989	6.60	0.70	7.30

(Signed) J. RANKEN,
Offg. Secretary, Medical Board.

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Mining
By T/m/s

Abstract of the General Returns of the Sick in Jail Hospitals in the Bombay Presidency, during the four quarters of the year 1885, intended to exhibit the prevalence of particular diseases in them at the several seasons of the year.

No. 1.

	1st Quarter. Jan. Feb. and March.			2nd Quarter. April May and June.			3rd Quarter. July Aug. and Sept.			4th Quarter. Oct. Nov. and Dec.			General Abstract. Total Strength 1887.					
	Remaining.	Admitted.	Discharged.	Died.	Remaining.	Admitted.	Discharged.	Died.	Remaining.	Admitted.	Discharged.	Died.	Remaining.	Admitted.	Total.	Discharged.	Died.	Remaining.
Apoplexy,	1	1	1	3	1	2	2	1	1	2	2	2	1	7	8	1	6	1
Asthma,	5	11	10	4	4	14	13	3	10	22	18	6	5	65	70	51	11	8
Cholera,	7	60	48	15	4	29	26	10	1	15	17	1	7	106	113	93	20	14
Cutaneous Diseases,	7	45	48	..	4	69	68	6	17	72	75	..	7	266	273	259	..	..
Cachexia,	13	12	14	3	2	8	9	6	1	11	4	..	13	31	44	38	4	7
Diarrhoea,	18	44	44	16	2	27	24	4	6	39	33	5	18	161	179	147	25	7
Dropsical Affection,	1	2	..	3	2	2	2	2	1	1	1	1	1	7	8	4	4	..
Dysentery,	7	13	10	..	3	10	44	2	15	55	59	..	7	153	160	155	..	5
Dislocations and Sprains,	12	79	78	5	8	59	58	6	9	101	88	17	12	311	323	290	28	5
Delirium Tremens,	..	1	1	..	..	1	1	1	1	3	4	..	..	7	7	7	1	..
Fractures,	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..
Fever, { Remittent,	2	7	3	..	5	67	61	6	1	2	1	..	..	3	3	2	..	1
Intermittent,	72	286	272	22	64	329	331	10	52	433	413	4	2	228	230	195	17	18
Gonorrhoea,	..	1	1	..	..	3	3	..	..	5	3	..	72	1540	1612	1508	44	60
Hepatic Affection, { Acute,	1	5	4	1	1	1	1	..	..	1	1	..	..	7	7	6	1	..
Chronic,	8	30	30	1	7	24	29	1	1	44	38	..	8	122	130	119	2	9
External,	..	..	..	..	2	5	5	1	..	1	1	..	..	2	2	1	1	..
Cephalic,	1	5	4	..	..	..	..	..	..	2	4	..	1	19	20	18	2	..
Thoracic,	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Abdominal,	1	..	..	1	..	1	1	..	..	1	1	..	1	4	5	4	1	..
Affections of the Urinary Organs,	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mania,	2	5	3	..	4	3	5	..	2	5	5	..	2	15	17	15	1	1
Ophthalmic Affection, { Acute,	4	4	5	..	3	7	7	..	3	10	8	..	4	29	33	30	..	3
Chronic,	..	7	6	..	1	4	4	1	5	7	6	..	..	19	19	17	1	1
Phthisis Pulmonales,	..	6	6	..	..	3	1	..	1	1	1	..	..	17	17	14	3	..
Rheumatism,	12	38	39	..	11	53	58	..	6	43	40	..	9	41	39	1	12	175
Spleen,	1	..	1	..	..	..	..	..	2	3	3	..	2	10	11	8	1	10
Syphilitic Affection, { Primary,	5	6	9	..	2	6	5	..	3	4	8	..	5	27	32	32	..	2
Secondary,	2	4	4	..	2	5	3	..	4	7	5	..	2	20	22	17	..	5
Small Pox,	..	4	4	..	..	..	..	..	..	..	..	..	..	4	4	4	..	..
Ulcers,	14	62	52	..	24	133	114	..	43	180	185	2	36	154	156	..	14	529
Wounds,	6	36	28	1	13	41	46	1	7	21	19	1	8	25	24	1	6	123
Other Diseases,	23	152	147	10	18	110	106	2	20	125	122	6	17	150	146	3	23	537
Scurvy,	10	42	33	1	18	30	37	1	10	19	15	..	14	9	18	..	10	100
Total, ..	235	969	906	79	219	1083	1064	37	201	1256	1188	31	238	1353	1313	57	235	4061
																		4471
																		904
																		291

No. 2.

Table shewing the proportion of Sickness and Mortality among Prisoners in the Jails of Bombay in 1835 and in those of Bengal in 1833.

Stations.	Average number of Prisoners for each month in 1835.	Sick in 1835.						Ratio per cent. of sick to average monthly strength.	Ratio per cent. of deaths to average monthly strength.
		Remained in Hospital 1st January.	Admitted during the year.	Total.	Discharged.	Died.	Remained 31st December.		
Kairah,	227	12	456	468	409	49	10	205.0	21.58
Ahmedabad,	895	81	619	730	618	65	47	81.5	7.26
Brouch,	256	7	358	365	336	16	13	142.5	6.25
Surat,	256	9	277	286	263	13	10	111.7	5.07
Tannah,	547	22	896	918	859	18	41	168.0	3.29
Doolich,	613	20	539	559	523	9	27	93.6	1.46
Poonah,	629	20	170	190	169	8	13	29.9	1.27
Ahmednuggur,	417	14	353	367	336	10	21	88.0	2.39
Rutnagherry,	378	20	404	424	396	6	22	112.1	1.58
Sholapoor,	87	5	92	97	92	1	4	111.5	1.10
Dharwar,	682	26	467	493	470	9	14	72.2	1.32
Total, ..	4,987	236	4,661	4,897	4,471	204	222	998.1	4.09
Bengal in 1833, ..	39,658	7,905	49,386	57,291		2,613		146.98	6.59

No. 3.

Table shewing the Sickness and Mortality among the Native Troops of Bombay, in 1835.

Regiments.	Strength.	Sick remaining, on 1st January, 1835.	Sick admitted during the year.	Total.	Died during the year.	Ratio per cent. of Sick to Strength.	Ratio per cent. of Deaths to Strength.
1st, 2nd, and 3rd Regiments Light Cavalry, the 26th Regiment Native Infantry, the Marine Golundauze, and Veteran Battalions and Engineer Corps.	24,041	878	21,549	22,427	292	93.28	1.21

(Signed) JOHN SCOTT,
Secretary, Medical Board.

Health and Mortality Statement of Prisoners on the Road-Gangs prepared from the Returns of the Executive officers in charge of Working Parties of Convicts to the Circular dated the 12th of April 1836. (See Appendix, No. 4.)

1	2	3	4	5	6	7	8	9	10	11	12
District.	Officers.	Number of Prisoners at work at time of Return.	Time, Months.	Average Number of Prisoners at work during the whole period for which Returns have been made.	Total Number of deaths within the same period.	Annual percentage of deaths within the same period.	Greatest monthly percentage of deaths within the same period.	Average daily number of sick within the same period.	Average daily percentage of sick within the same period.	Greatest daily percentage of sick on the same period.	Remarks.
Cuttack,	Mr. G. Beecher, ..	298	24	246	53	11.0	No return	14.8	6.5	26.3	* One man died at the place where the convicts are at work, but how many were sent into Gaol and died is not said. N. B. The numbers in each line of column 5 being respectively multiplied by the figures in the same line of column 7, and the amount being divided by 169, the quotient shews the number of deaths out of the whole number of Prisoners that would occur in one year. This number is 953, or nearly 7.3 p. ct. Or, as the mortality amongst the Road Gangs in the Upper Provinces does not exceed that amongst the whole body of prisoners there, by confining this calculation to the gangs in the Lower Provinces marked thus (L), the whole number of prisoners on an average in these gangs is shown to be 6238, and the number of deaths occurring in a year amongst them is shown to be 6964 or 11.16 per cent. Similarly by confining the operation to the gangs in the Upper Provinces (exclusive of Benares for which the deaths are not returned) the average number of prisoners is shown to be 6,364, and the number of deaths occurring in a year amongst them 235 or 3.38 per cent.
Benares,	Lieut. A. Cunningham, ..	No return	12	153	No return	No return	No return	No return	5.8	14.2	
Upper Trunk Road, ..	Capt. Drummond, ..	5,236	12	5826	153	2.7	No return	322.0	5.3	8.0	
Baksoore,	Lieutenant Fraser, ..	100	16	115	15	7.0	No return	7.0	6.0	11.0	
Dacca,	Lieutenant Guthrie, ..	374	5	208	6	14.2	No return	22.0	8.3	11.9	
Noacolly,	Captain Murray, ..	305	16	230	2	0.7	No return	No return	4.3	No return	
Jubbulpore,	Captain Nicolson, ..	627	24	672	146	10.3	No return	38.2	6.7	10.0	
Midnapore,	Mr. Pennington, ..	481	24	497	83	8.3	No return	31.5	6.0	15.0	
Allahabad,	Captain Smith, ..	141	5	141	2	3.4	No return	No return	8.3	29.0	
Burdwan,	Lieutenant Smith, ..	900	24	570	181	13.4	No return	71.3	9.7	20.2	
Lower Trunk Road, ..	L. ..										
viz. 1. Benares, ..	Capt. G. Thomson, ..	4000	16	850	50	4.5	No return	No return	No return	No return	
2. Behar, ..			25	1,401	255	9.0	No return	No return	No return	No return	
3. Ranghur, ..			10	679	193	34.4	No return	No return	No return	No return	
4. Sherghottee Road, ..			24	1,382	237	8.5	No return	No return	No return	No return	
Delhi,	Captain Warlow, ..	325	6	325	2	1.2	No return	No return	No return	7.12	
	Addfor Benares, say	12,787									
	Total, ..	12,940		13,355	1,378						

J. P. GRANT,
Secretary, P. D. C.

APPENDIX, No. 27.

Statement of the number of Convicts for life who have annually entered the Allipore Jail, and the number of those who have annually volunteered for Transportation, within the last ten years.

<i>Year.</i>	<i>Number of Convicts who have entered the Allipore Jail.</i>	<i>Number of Convicts who have volunteered for transportation.</i>
1827	84	..
1828	69	103
1829	70	3
1830	105	26
1831	133	34
1832	144	21
1833	573	29
1834	320	130
1835	367	66
1836	372	70

J. H. PATTON,
Superintendent of the Allipore Jail.

Zillah 24-Pergunnahs, July 20, 1837.

APPENDIX, No. 29.

A Statement shewing the Number of Prisoners in the Calcutta Great Gaol who underwent Solitary Confinement from the 1st January 1837, to the present date.

Nos.		Months.	Days.	Hours.
1	A Christian by Sentence of the Supreme Court*,	3	..	..
2	A Native by Sentence of the ditto,	2	..	..
3	A Ditto by Sentence of the ditto,	1	..	..
4	A Christian for Assault,	..	3	..
5	A Ditto for breach of the Gaol Rules†,	1	..	..
6	A Native for ditto ditto,	..	4	..
7	A Ditto for ditto ditto,	..	..	10
8	A Ditto debtor for ditto ditto,	..	..	2

J. G. HERROLD,
Deputy Gaoler.

Calcutta Great Gaol, Oct. 18, 1837.

In the House of Correction we have not had occasion to use the solitary cells there above one or two nights at a time for each offender.—They are much dreaded, though perfectly cool and salubrious, they are perfect as to complete seclusion.

D. McFARLAN, Magistrate.

* The cells used in these cases are not perfect.
† In this case the cell used was perfect, being the cell used for prisoners condemned to death.
D. McFARLAN, Magistrate.

General Annual Report of the progress of Work done on the Roads under the Bengal Presidency during the year 1836-37.

Roads and Officers.	Length of the Road.	New Earth.			Metalling.			Repairs Executed during the year.	Drains and Bridges.			Prisoners on the 30th April 1837.			Deaths during the year.	Escapes during the year.	Cost of Drains and Bridges.		Extra Expense of Prisoners.		Remarks.
		Completed to 30th April 1836.	Executed during the year.	Completed to 30th April 1837.	Completed to 30th April 1836.	Executed during the year.	Completed to 30th April 1837.		Sick.	Proportion of Sick to effective.	Co's Rs.	A. P.	Co's Rs.	A. P.							
Lower Provinces.																					
Roads in the Suburbs of Calcutta under Capt. Fitzgerald,	146½	All finished	long since & partly metalled.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Length of Roads in the Ballegunge Dvn. not ascertained yet.	
Road from Baraset to Jessore Exe. Engr. 1st Division,	59½	17½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Work suspended in December 1835.	
Do. Jessore to Furreedpore 18th Dvn. ...	63	20½	6½	.....	27½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	* Also on petty repairs not reducible to measurement.	
Do. Duodukhandy to Chittagong Burresal Dvn. *	128	128	.....	.....	128	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Work suspended during the greater part of the year.	
Roads in the 2nd Dvn. ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	No work done since Dec. 1834.	
Tanks in the Berhampore Lines Ex. Engr. 2nd Dvn. ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	} Work Suspended in January 1836.	
Roads near Dinapore Ex. Engr. 3rd Dvn. Do. in the Meazuffpore District Do. ...	19½	17½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Road from Bhagulpore to Monghyr Do.	36	11½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Chittag Provinces.																					
Road from Pooice to Braminey River (Mr. Becher),	81	81	.....	.....	81	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	† By hired labor, when convicts employed elsewhere.	
Do. Braminey River to the Soobourica River, Lieut. Fraser	104½	104½	.....	.....	104½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	‡ Metalling this road commenced in August 1836.	
Do. the Rajgint Road Ex. Engr. Midnapore Dvn.	50½	50½	.....	.....	50½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Do. Tumlook Road ditto,	14	14	.....	.....	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Convicts received daily from Gools.	
Do. Oolobaria Road ditto,	57½	57½	.....	.....	57½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	§ Metalling commenced in Aug. 1836 partly done by hired labor.	
Do. Burdwan Station Roads Ex. Engr. 17th Dvn. ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	|| Executed by hired labor.	
Burdwan and Hooghly Road ditto,	38½	38½	.....	.....	38½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
The Khoorda Road ditto,	72	25½	12½	.....	40½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Bunds of the Town of Calcutta, Mr. Becher, ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
The Culmah Road Ex. Engr. 17th Dvn. ...	35½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
The New Benares Road,	320	210½	183½	.....	310	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Burdwan to Capt. G. Thomson, ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	This Road was commenced by hired labor on the 15th March 1837.	
Gya Branch Road ditto,	50	20½	.....	.....	20½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	All the prisoners returned to Gool, owing to extraordinary mortality.	
Totals,	1,302½	824½	154	975½	.....	11	887½	554	139	693	2192	131	.....	759	39	12,823	2	878,073	81	Ditto.	

Note.—The average number of prisoners under Capt. G. Thomson during the year 1836-37 was 3,137.

APPENDIX, No. 33.

General Annual Report of the Progress of work done on the Roads under the North Western Presidency, during the year 1836-37.

Roads and Officers.	Length of the Road.	New Earth.		Metalling.		Repairs during the year.		Drains and Bridges.		Prisoners on April 30, 1837.		Deaths during the year.	Escapes during the year.	Cost of Drains and Bridges.		Extra expense of Prisoners.		Remarks.				
		Completed to 30th April 1836.	Executed during the year.	Completed to 30th April 1836.	Executed during the year.	Completed to 30th April 1836.	Executed during the year.	Completed to 30th April 1837.	Sick.	Proportion of sick to Effective.	Co.'s Rs.			A. P.	Co.'s Rs.	A. P.						
																	Miles.					
The Central Provinces.																						
The Dekhan Road Capt. Nicolson,	245	245	...	...	Ms. 54	Ms. 10	Ms. 65	Ms. 159	688	4	692	635	38	6.8	18	8,915	2	11	Work often suspended, for want of prisoners.			
Road from Jabulpore to Dhunow ditto,	63	20	34	...	23	...	...	...	5	7	12	...	...	...	...	...	...	...				
Do. from Saugor to Futtureah Ex. Officer 14th Division, ...	28	28	...	...	...	...	...	...	...	...	...	...	...	...	...	1,829	5	3				
Do. from Benares to Gopee Gunge 5th Division, ...	37	35	2	...	13	71	21	...	20	...	26	130	...	...	...	...	...	...	* By hired labor, reports irregularly furnished. † Employed on petty repairs also. Reduction in the width of the road completed.			
Gopee Gunge to Allahabad 6th Divn. ...	34	34	...	...	...	...	...	...	24	24	21	135	2	1.48	...	...	...	...				
Futtehghur to Bareilly Executive Eng. 8th Division, ...	80	...	5	...	...	...	...	...	...	...	...	277	...	...	...	...	...	...				
Futtehghur Station Roads ditto, ...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	+ Repairs not reducible to measurement, also employed on the causeway.			
Road from Futtehghur to Goorsaha Gunge ditto, ...	22	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
The North Western Provinces.																						
Dellie District Roads Ex. Engr. Dellie Division, ...	400	400	...	...	...	31	8	121	...	...	...	321	53	16.51	12	1	439	12	...	\$ Employed generally on petty repairs. || Employed on miscellaneous works. ¶ Employed also in repairs not reducible to measurement.		
Roads in the 12th Divn. 12th Divn. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	463	...	11			
Agra Station Roads Ex. Engr. 10th Divn. Road from Hindun Bridge to Selimpore Lieutenant Alcock, ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	791	1	10			
The Great Dellie Road.	9	5	1	...	...	...	...	...	...	...	...	...	...	...	...	...	8,036	6	11	...		
Road from Allahabad to Cawnpore, Capt. Drummond, ...	116	112	4	...	14	...	2	24	153	42	19	1513	536	15.59	180	2	23,551	12	11	5,432	9	7
Do. Cawnpore to Kerowly, Lieut. Weller, ...	114	82	20	...	23	...	3	23	52	52	84	1429	115	8.03	39	6	15,070	4	9	5,263	12	3
Do. Kerowly to the Hindun, Lieut. Hill, ...	135	135	...	...	6	...	...	...	39	31	70	2315	277	11.96	196	6	6,098	11	7	3,698	11	7
Total, ...	1286	1098	36	1134	791	70	1501	361	967	136	1103	7969	756	...	892	41	65,193	11	61	18,587	9	21

APPENDIX, No. 34.

List of Native Convicts who have escaped from Transportation, and who have been recaptured, or not, from the year 1830 to 1836.

<i>Settlements.</i>	<i>Names of Escaped Convicts.</i>	<i>When captured or recaptured.</i>
Prince of Wales Island, 1830.	Bhyroo. Bodha. Nunwa. Bachoo. Bhuwanea. Thorej. Benjamin Carlos. Doolumsing Tewaree.	
	1831. Kollashe alias Munna.	
	1832. Bindoo Bhat. Ram Dial.	
	1833. Ramchunder Ghose, otherwise called Ram Baboo.	
	1834. Coocheel Bramin.	
	1835. E. Orndol Swaine.....	Recaptured, 1837.
Singapore,	1834. Balkishen.	Recaptured, 1836.
	1836. Bastian D'Souza, Alias Antone.	
Malacca,	1832. Curreem. Jaun Ally. Soopun.	
	1833. Anoop. Poorn. Kurma. Allunachund cang. Necloo Dooliah.	
Tenasserim Provinces, 1835.	Golaub. Jusram. Munga.	
	1836. Busharut. Madarbux. Unwar. Bunchoo. Cherugallee. Munglee.	
	Peeroo.	Recaptured, 1837.
	Buxoo alias Buckhtoo.	Ditto ditto.
	Behadoor alias Himut.	Ditto ditto.

R. D. MANGLES,
Secretary to the Government of Bengal.

Judicial Department, Aug. 29, 1837.

LIST OF PAPERS
FORMING THE
APPENDIX TO THE REPORT.

1. Circular to all Officers in charge of Gaols, dated 10th February 1836.
2. Circular to all Officers in charge of transported convicts of the same date.
3. Circular to all Executive Officers in charge of gangs of prisoners, dated 12th April 1836.
4. Book containing the replies to the three preceding circulars, digested, to which are added several miscellaneous reports.
5. Circulars from the Secretary to the Indian Law Commissioners addressed to the Military Secretary of the three presidencies, and the Judicial Secretaries of Madras and Bombay, dated 11th July 1835, on the effect of solitary imprisonment, as shewn from experience.
6. Reply to No. 5, from the Judicial Secretary to the Government of Bombay, dated 12th January 1836, with copies of returns.
7. Reply to No. 5, from the Military Secretary to the Government of Bombay, dated 10th March 1836, with copies of returns.
8. Reply to No. 5, from the Military Secretary to the Government of India, dated 9th November 1835, with copies of returns.
9. Letter from the Secretary to the Government of India, dated 23rd May 1836, with copies of papers relative to the mode of employing convicts transported from Madras.
10. Letter from the Officiating Secretary to the Government of India to the Secretary to the Prison-discipline Committee, dated the 18th December 1837, with papers relative to the transportation of convicts from Madras to the eastern settlements.
11. Letter from the Secretary to the Government of India to the Secretary to the Indian Law Commissioners, dated 21st March 1836, inclosing letter from the Chief Secretary to the Government of Madras, dated the 12th February 1836, on the employment of convicts sentenced to confinement with labor by heads of district police in the Madras territories.
12. Letter from Mr. E. M. Gordon, Officiating Commissioner of Circuit, 14th Division, to the Secretary to the Indian Law Commissioners, dated 25th November 1835, with copy of a letter addressed by Mr. Gordon to the Register of the Sudder Nizamut Adawlut on the subject of secondary punishments.
13. Circulars to the Registers of Sudder Courts, dated 13th January 1837, desiring information on the number of Gaols, civil and criminal, with the number of prisoners they are calculated to contain, and the number and description of prisoners that actually slept in them on a late date, and replies from the several Registers thereto, with subsequent correspondence with the Courts and Medical Board of Calcutta.

14. Circular to the Civil Auditors of the several presidencies, dated 13th January 1837, desiring a statement of the number of all convicted prisoners according to a daily average for the years 1815-16, 1825-26, and 1835-36, in every district, and of the entire annual cost of the prisoners of every description, with replies thereto, by the several Civil Auditors, and subsequent correspondence connected therewith, and a similar return from the Military Board of Calcutta.
15. Circular to Magistrates of Burdwan, Hooghly, 24-Pergunnahs, Jessore, Barrasett, and Moorshedabad, dated 15th January 1837, and to Magistrates of Midnapore *post*, relative to the prisoners in their districts, with replies thereto.
16. Abstract of the above replies, prepared by order of the Committee.
17. Letter to the Superintendent of Allipore Gaol, dated 2nd November 1836, with his reply thereto, and subsequent correspondence, relative to the prisoners in Allipore Gaol.
18. Abstract of the above returns of the Superintendent of Allipore Gaol; prepared by order of the Committee.
19. Mortality statement of prisoners under the Bengal presidency for the year 1834, to which are prefixed similar tables for 1833 taken from Mr. Hutchinson's book.
20. Ditto ditto ditto, 1835.
21. Ditto ditto ditto, 1836.
22. Communication from the Secretary to the Government of India, dated 27th March 1837, enclosing second report by the Bengal Convict Labor Committee of the 28th January, 1837.
23. Letter from the Secretary to the Government of Bengal to the Prison-discipline Committee, dated 21st August 1837, annexing copy of a resolution of the Governor General in Council of 14th March, regarding convicts on the grand Benares road.
24. Communication from the Secretary to the Government of Bombay, dated 25th May 1837, inclosing a report of the Bombay Medical Board on the Gaols of that presidency.
25. Account of charges of transport of European and Native convicts from Bengal for five years from 1831-32 to 1835-36 inclusive. Received from the Marine Auditor.
26. Abstract mortality-statement of prisoners on the road gangs prepared by order of the Committee from the returns of the executive officers.—See Appendix, No. 4.
27. Statement of entries into and volunteers for transportation from Allipore Gaol. Received from the Superintendent of that Gaol.
28. Letter to the several Sheriffs and Chief Magistrates under Her Majesty's Courts, and replies thereto, relative to the number and description of prisoners in Her Majesty's Gaols and Houses of Correction on the 31st of December 1836.
29. Statement of prisoners who underwent solitary confinement in the Great Gaol of Calcutta between 1st January and 18th October 1837, dated 18th October 1837. Received from the Chief Magistrate of Calcutta.
30. Letters to the Accountants General of Bengal, Madras, and Bombay, asking the cost of Her Majesty's Gaols, dated 7th June 1837, with replies thereto.
31. Extract from the proceedings of Government in the Judicial Department, dated 27th June 1822, on the subject of public and private labor.

32. General report shewing the work done on the roads in Bengal, for 1836-37. Received from the Military Board.
33. Ditto ditto, shewing the work done on the roads in the North Western Provinces. Received from the Military Board.
34. List of Native convicts who have escaped from transportation between 1830 and 1836 inclusive.
35. Population of the Delhi territories as contained in a letter to the Hon'ble Court, dated 14th February 1832.
36. Letter from the Secretary to the Prison-discipline Committee to the Chief Magistrate and Superintendent of Police of Madras, dated 8th September 1837, with reply, on the subject of the situation and internal arrangements of the Magistrate's Gaol for the Town of Madras.

J. P. GRANT,
Secretary, P. D. C.

