

1852.

VICTORIA.

PRISON DISCIPLINE.

PROGRESS REPORT

Of the Select Committee appointed to enquire into, and report on, the subject of Prison Discipline.

Your Committee have entered upon a subject of equal magnitude and importance, which they feel is not to be disposed of in a summary manner. At the same time, in the view of the approaching exposition of the Estimates, and the necessity for an early attention to various departments of Prison Discipline, which are here adverted to, they are induced to make the present progress Report.

The wonderful events that have been crowded, in rapid succession, into the brief history of this Colony, have resulted most unfavorably, as regards that grave and important question with which your Committee have been engaged. The flood tide of wealth and population that has latterly overspread the Colony; the effect of the discovery of the Gold Fields upon the habits of the people; the attractions held out by the Colony in its present condition, to the lawless and depraved, of this and the adjacent settlements, have all contributed, as might have been expected, to the disorder of society and the increase of crime.

The close vicinity of the penal settlement of Van Diemen's Land has operated, in particular, with destructive effect upon the security and well-being of this society; hundreds, perhaps thousands, of the escaped or liberated convicts of the parent State have, with rapid facility, crossed the intervening Strait, and the effect of such an importation may be estimated by the fact (as stated in evidence to your Committee) that the graver class of offences, now unhappily so frequent, are almost, without exception, committed by these convicts.

Under these hostile circumstances, your Committee have found the Gaols and other places of confinement, crowded to an extent alike unfavorable to the physical and the moral health of the inmates. The state of the labour market has proved a serious impediment in the way of remedies. As a consequence of this total inadequacy of prison convenience and accommodation; it has been found scarcely possible to carry out any effective system of prison discipline: attention being in fact, confined to little more than the health and safe custody of the prisoner.

The increase of prisoners with regard to the Melbourne Gaols had induced the Government, about two years ago, to form a Penal establishment at Pentridge, to which a number of criminals were drafted off, for the purpose of being employed upon roads and public works in that locality. But this establishment is already overcrowded, so much so, that many of the convicts who should have been sent to that locality, were of necessity (from want of accommodation) detained at the Melbourne Gaol: within this latter establishment, which is adapted to contain 155 individuals only, there were on the 20th July last, the occasion of your Committees' inspection of the premises, 244 prisoners; on 30th June previous, no less than 281; and your Committee regret to learn that the number is now greater than ever, and still increasing. Your Committee may observe that, as an expedient for additional relief, the Executive are now fitting up a Hulk's Prison off Williams Town, to which a number of prisoners are to be sent, with a view of their being employed in the improvement of that Port; also another off Geelong with a similar object.

Besides the principal Gaol of Melbourne, your Committee visited two minor Gaols, one of which, situated at the western extremity of the City, was devoted to prisoners of the lighter sentence, chiefly refractory crews of mer-

chantmen; the other at the eastern market, used for the custody of female prisoners. Both of these prisons were inconveniently crowded, and otherwise greatly deficient in accommodations for purposes of discipline and employment. On the case of these prisons, the copies of two letters marked A and B forwarded by your Committee to the Government, are appended to this report.

Your Committee would direct attention to Appendix C, which they have drawn up separately, alluding to a variety of important particulars in connexion with the improvement of the Melbourne Gaol. In many places that were inspected by your Committee, there was need of additions and repairs. The accommodations for the Gaol Staff were also, generally speaking, inadequate, and, in particular, with regard to the keeper of the Gaol, who was restricted to a single sleeping apartment for the use of his whole family, consisting of boys and girls, besides himself and his wife. Your Committee would also recommend a more liberal allowance of pay to the Turnkeys and others employed in the establishment; the present allowance of 10s. per day being lower than the rates now current, under the altered circumstances of the Colony, in connexion with the responsibility of the duties. It seems desirable also to introduce some system of gradation in the rank and pay of these officers, with the view of insuring the continuance of such as have become experienced in their duties, and therefore entitled to higher consideration. There is at present no arrangement of this kind, the experienced and inexperienced being remunerated alike. It is not surprising therefore that, owing both to the want of this just distinction, and the inadequacy of the rate of pay, the old servants of the establishment have almost, without exception, departed for better employments elsewhere.

Appended to this report (Appendix D.) will be found a statement of the condition of the Gaol at Portland, with some suggestions for extension and improvement.

Taking a comprehensive view of the subject of this enquiry, and regarding a prison as being, not only a place of safe custody and a place of punishment, but as a place also of reformation; Your Committee have attached much importance to the question of the employment of prisoners. This question is further important, in regard to the public benefit derivable from prison labour. Your Committee conceive that, in the present state of the Colony, where labour of every kind is so much required, and so liberally recompensed, this subject presents, under certain points of view, very encouraging facilities. In other respects, however, they have to regret the existence, for the present, of very considerable obstacles in the inadequate prison accommodations, and the impediments thus arising, and already alluded to, in the way of arrangements for a proper system of prison labour.

With regard to the Melbourne Gaol, they found that the system of employing the prisoners was only partially carried out, owing to the want of accommodation, and owing also in some cases to the terms of the prisoner's sentence. In other respects the work was liable to interruption from irregularity in the supply of material, the kind of labour to which the prisoners were put being that of stone breaking for the making of roads; the employments at Pentridge are also chiefly of this description, but there is likewise shoe making, carpentering, building, &c., by means of which many of the wants of the inmates of that establishment are supplied.

In strongly urging the system of the employment of prisoners, your Committee agree also in the view that it is desirable, as a general rule, to give the prisoner some available interest in his labour. They therefore express their approval of the system of "working off," by which a prisoner may by his diligence in accomplishing more than the "Government task" reduce the period of his sentence. It would appear that this privilege furnishes a strong stimulus for exertion and good conduct on the part of prisoners of short sentences, where there is a near prospect of liberty. In one instance, an able-bodied prisoner had "worked off" six months from a sentence of two years. Your Committee however, would restrict the operation of such a privilege

otherwise it might result that hardened criminals could, by the power of mere physical endurance, acquire their liberty sooner and receive, in reality, a lesser punishment than persons of a different constitution convicted for lesser offences. The principle being good, that the prisoner should feel an interest and benefit in the work he is engaged with, it may be suggested that, in the case of long sentenced prisoners, who are comparatively unstimulated by the remoteness of the prospect of their discharge, the encouragement to "work off" should be proportionately greater than with the short sentenced, or, in their own case, as the termination of the sentence draws on.

A principal branch of the employment of prisoners in most countries appears to be the breaking up of road metal. Considering the extensive demand in the colony for this material, and that it is not an attractive mode of employment for the free labourer, your Committee deem it a suitable description of prison labour. As regards a field of labour for prisoners confined in the Melbourne Gaol, there seems to be a permanent and adequate demand for all the road metal that can be produced, to be used upon the streets of the town and the roads immediately adjacent. Your Committee would approve of the present system of disposing of the road metal to the Corporation, that body engaging to take all that may be made, and paying some fair consideration for the prisoners' labour.

The employment of prisoners upon public works and public roads, is a question which your Committee have seriously considered. They express themselves as strongly and decidedly hostile to that system. It is a course, as appears to your Committee, liable to the two-fold objection of a hardening and degrading effect upon the mind of the prisoner, and of an effect by no means desirable or improving upon the public, to whose gaze he is exposed. The prisoner is ever the object of an improper commiseration—a commiseration subversive of the ends of justice and the public welfare; he is exposed to communications with his associates who may be at large around him, and his mind is ever liable to be injuriously affected by indulging in the hope of escape. The only argument presented to your Committee, for continuing this system of exposure of criminals, was that proportion of them who receive the graver sentences of the law, who are chiefly old convicts from Van Diemen's Land, are already so hardened and degraded, that nothing whatever can make them worse—a melancholy circumstance indeed were it true, and as regards its cause, of very serious import to this Colony, but which certainly does not meet the objections here alluded to.

On this grave question, your Committee would direct attention to a passage in the article "Transportation," in Bohn's Cyclopædia, wherein the writer, after stating the opinion of many persons that the spectacle of criminals enduring punishment had "frightfully increased crime," furnishes the following note:—"Exposure in a state of punishment was introduced into Pennsylvania in 1786. In the year 1790, four years after its commencement, this practice was abolished, and the effect was astonishing: for at the end of another period of four years, that is to say 1794, the population having in the mean time increased at the rate of $4\frac{1}{2}$ per cent per annum, and the penal law having in other respects remained unaltered, crimes had decreased by two thirds. The increase of recorded crimes after the introduction of 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." &c.

Your Committee now approach the question of Stockades and Hulks—expedients to which the Government have had recourse with the two-fold object of providing for the excess of prisoners and deriving the benefit of their labour. Your Committee in expressing themselves as opposed to this system also, are aware that they are thus at variance with a commonly received impression on this subject; an impression confirmed by the recent report made by the Penal Board, and handed by the House to your Committee, and which your Committee has appended to this Report. (Appendix E.) It must be

borne in mind, that every Stockade or separate penal establishment requires a distinct official staff for its control and management, including experienced and responsible parties, to whom considerable salaries must be awarded; such Stockades also, are in their nature and intention temporary, and thus involve the loss, to a great extent, of the outlay upon the buildings. These expenses, it appears to your Committee, as compared with those attending a more centralising system, set the question entirely at rest as regards the pecuniary consideration.

But a far more serious objection to the Stockade and Hulk's System consists in the inadequate accommodation, and, comparatively relaxed management that must prevail at these establishments, and the abuses that are ever apt to arise from their removal from public notice, and from frequent inspection. A Stockade that would be deemed insufficient in Melbourne, where its defects were always before the public, cannot be rendered suitable by being transferred to Pentridge, or any other locality, and being thereby removed from general notice.

Arguments of a character, somewhat similar, will apply to the case of an insular penal settlement, alluded to, in common with the subject of Stockades, with strong advocacy in the Report of the Penal Board, but equally objected to by your Committee. The same seclusion from external associations, the same safe custody, that seem to commend such an establishment, can be secured, as it appears to your Committee, at far less cost, and perhaps far more effectively in a portion of some adequate Gaol edifice within the Colony; while at the same time the civilized world is protected from those frightful pictures of infamy and crime that have been presented in the case of Norfolk Island, and other instances, and that may be ever expected from the isolation and herding together of a felon society.

With regard to the Melbourne Gaol, one of the first and most urgent requirements would appear to be the construction of a lofty and strong wall around the entire Gaol Reserve. This reserve, extending over a space of nearly ten acres will soon, as it appears to your Committee, be necessary for the increasing necessities in the department of prison discipline. The wall should be at least eighteen feet in height, and when completed, many arrangements with regard to the distribution of labour among the prisoners, may be entered upon, which cannot now be entertained.

Your Committee recommend that steps be taken, so soon as circumstances permit, for the general extension of Gaol accommodation at the principal centres of population; and for the erection, as a part of each establishment, of Houses of Detention, of Correction, and also of Refuge, for the more effectual classification of the different grades of prison inmates.

Your Committee do not disguise from themselves the difficulties that beset the path to those arrangements which they deem the most advisable, towards a right system of prison discipline, in connection with the present condition of this Colony. While they reject the practice of Stockades, Hulks, and remote and isolated Penal Establishments, they are quite aware of the difficulties at present existing in the way of erection of suitable prison accommodations. Failing such structures, the present system must of necessity be permitted temporarily to continue. They would recommend, however, that such illusive expedients, (so they must describe the Stockade System) should not be further extended as regards localities removed from the centres of population. If such imperfect structures for purposes of security, punishment, and discipline, must be erected at all, they will always be under better control and inspection in the Towns than in the Country; and it would appear that, in and around the Towns, there is ample demand for the produce of prison labour, which may always be disposed of, at a fair valuation for the general benefit of the Colony.

W. WESTGARTH,
Chairman.

APPENDIX A.

Melbourne, 2nd August, 1852.

THE HONOURABLE THE COLONIAL SECRETARY.

SIR,

I am instructed by the Committee of the Legislative Council, now sitting on the subject of Prison Discipline, &c., to request that you would communicate to His Excellency the Lieutenant Governor the views of the Committee as to certain alterations and improvements in connection with the Old Gaol at the west end of the town, which the Committee had lately an opportunity of inspecting.

These alterations being urgently necessary, and at the same time unimportant in a pecuniary point of view, the Committee have deemed it desirable to communicate their recommendations at once, without waiting the interval necessary for bringing out their General Report.

1. *A Place of Reception.*—There is no convenience of this kind, and parties entering the Gaol are introduced into one of the exercising areas of the prisoners. The Committee recommend that the present outer wall door be built up, and the entrance transferred further east on the same line, so as to give entrance into another space or division of the premises, which may conveniently be made a place of reception.

2. *Gaoler's Private Accommodations.*—These consist of two small apartments, whose privacy is invaded by the close vicinity of the open cooking place for the prisoners. The suggestion here is, that a wooden partition on the south side, presently dividing the cooking room from the proposed receiving place above alluded to, be removed, and be re-erected between the said open kitchen and the apartments of the Gaoler.

3. *Water Closet.*—There is no door here, from apprehension of the prisoners breaking through the wall; some screen, however, may be contrived, without interfering with the proper vigilance of the Constable on watch.

4. *The Sick.*—For these there is no separate apartment. It is desirable that some small room be fitted up as an infirmary. One man was lying ill, in an overcrowded room, at the time of the Committee's visit.

5. The Gaol, at the time of the Committee's visit, was full of offenders of the lesser grade, chiefly sailors. The prisoners had no kind of employment, and at the same time all of them expressed a desire to be usefully occupied. The Committee are unanimous in recommending that the Gaoler be authorised to provide the prisoners with work, and to procure such articles as may be necessary for that purpose. Most of the men were expert in sewing canvas, others could make shoes, &c. The Gaoler was impressed that the expenses of each prisoner might be defrayed by his labour while under confinement.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

W. WESTGARTH, Chairman.

APPENDIX B.

COMMITTEE ON PRISON DISCIPLINE.

Melbourne, 11th August, 1852.

SIR,

I am requested by the Committee now sitting on the subject of Prison Discipline, who have recently had an opportunity of inspecting the Gaol for Female Prisoners in this City, to call your attention to some alterations and improvements that, being of a simple and inexpensive character, it would be desirable to effect at once in that establishment.

To guard the twenty-one females (besides nine children,) who are at present confined there, the Gaoler has the assistance of only his wife and one other female. The Gaoler has frequently to leave the premises for a time upon duties connected with his office, so that the gaol is, on such occasions, in charge of two females only. An additional man is required. The husband of the second female, who is now employed at the principal Gaol, might be transferred here.

The children are with their mothers all day and have no opportunity of acquiring education. There are schools in the immediate neighbourhood, and these children might be permitted to go out at the usual hours to attend them.

The mothers have expressed themselves as being favourable to this course, and have offered even to defray the expenses from proceeds of labour done in the prison.

There is no employment provided for the inmates. This they appeared themselves to regret. The Committee consider that, with advantage under every point of view, a regular employment in washing might be provided, and that some interest might be given to each individual in the receipts from her labour.

With the view of instituting this mode of employment it would be necessary to construct a shed against the prison wall in one of the exercising yards, and to provide a number of washing tubs beneath. Some accommodation would be necessary for the proposed new Assistant. A freer ventilation of the two rooms in which the prisoners were confined, is highly necessary.

Requesting the favour of your calling the early attention of His Excellency to the above,

I am, Sir,

Your most obedient Servant,

(Signed.)

W. WESTGARTH.

Chairman of the Committee on Prison Discipline.

The Honorable

The Colonial Secretary.

APPENDIX C.

State of the Gaol.—The building is quite inadequate to the present numbers of its inmates. There are accommodations for 150, and there are now (20th July) 244. Consequently in many of the cells of the upper floors there are five prisoners to each for the night, and lately there were no less than eight to one cell in a still more crowded state of the Gaol, when there were nearly 300 inmates. The cells appear well ventilated, and the prisoners are generally in good health. There is great want of sewerage; the present system being to allow the foul water from the cesspool to overflow towards the town. Owing to the want of accommodation without the prison, it has been necessary to occupy some of the cells as infirmaries, laboratories, store rooms, &c. The pavement of the inner court and of the galleries was generally in a dilapidated state. The stones are decomposing rapidly, and some that form part of the floor of the gallery appear to be worn nearly through, and may now be considered dangerous. The floor of the inner court remains damp for long periods after washing from the nature of the pavement, and its superficial irregularities. The accommodations for the Gaoler are both badly arranged and altogether insufficient. There is but one bedroom for the whole family of the parents and children, the ages of the latter, male and female, being eleven years and under.

Employments.—Several are employed in shoemaking, and in carpentering, house-building, &c.; but the chief employment is breaking road metal. There is a system of "working off," by which the prisoner reduces the period of his sentence by accomplishing more than the prescribed work. This they can only do partially at the Gaol, as there is not always a sufficient supply of stone to break up. The Corporation supplies the stone and implements, and buy the metal at 1s. per cubic yard. The prisoners seemed desirous to avail themselves of the privilege of "working off," and they frequently asked to be permitted to go to Pentridge Stockade, where there are greater facilities in this way. There was not room to employ all who might have been employed in this way. A high wall (18 feet) to circumscribe the whole ground reserved for the Gaol would be an important acquisition, and one of the first necessary steps towards a system of general prison employment. The rations appeared ample, some of the prisoners had two, some three meals, allotted to them per day, there were six or eight ounces of hominy to a meal, at other times meat, potatoes, and brown bread. There were several insane persons inmates of the Gaol, and some who were old, infirm, and unhealthy.

APPENDIX D.

PORTLAND.

With reference to Portland, where a Circuit Court has been, after long delay established a necessity exists for the immediate alteration of the Gaol there, with the view of making it more secure, and giving increased accommodation to the Gaoler and Turnkey. In consequence of the distance of this Town from Melbourne, your Committee have been unable either to inspect this Gaol, or to secure the attendance of witnesses capable of informing them of its capacity, or particular requirements, but from information on which your Committee can rely, they are led to believe that the only quarters available for the Gaoler and his family, is a single room, while no other place is reserved for the Turnkey, except the space allotted for the reception of prisoners, or any cell which may happen to be unoccupied.

The attractions of the Gold Fields have drawn off numbers of disorderly characters formerly committing depredations in this district; but in consequence of its position, lying contiguous to the boundary line, separating South Australia from this Colony, where the facilities for committing offences with impunity, arising from the difficulty of pursuit being continued from one Colony into the other,—the necessity for Gaol accommodation is apparent. The frequent arrival of Immigrant and other vessels from Great Britain and from various Ports, at a period when Seamen are disposed to be unusually refractory and turbulent, renders it necessary that a place of security should be provided for their coercion.

At present, in this Gaol, your Committee are not aware that any means of employing prisoners have been provided. They would therefore recommend, that no delay should be allowed in supplying them with means of such employment, as may be found most convenient and suitable, on the general principles suggested in a former part of this report.

APPENDIX E.

REPORT OF THE PENAL BOARD ON THE PRESENT AND FUTURE DISPOSAL OF THE CONVICTS OF THE COLONY.

1st September, 1852.

1. The Board on entering on the subject referred to it, by the Honorable the Colonial Secretary, in his letter of the 22nd February, No. 52-578, relative to the Penal Establishment at Pentridge, and the future disposal of the prisoners of the Colony, is fully sensible of the difficulties under existing circumstances, that militate against the adoption, at this present time of any comprehensive system embracing this important subject.

2. The Board has therefore directed its attention more immediately to the best means of effecting such arrangements as will meet the emergency, a matter of no ordinary moment, occasioned by the unexpected and sudden overcrowding of our Gaols.

3. In order to derive the benefit of the opinion of those having considerable experience in the management and control of Penal Establishments, the Board, under the authority of His Excellency the Lieutenant Governor, addressed several gentlemen on the subject, and have to acknowledge the attention paid to their application by Lieutenant Colonel Anderson, Lieutenant Harrison, R.N., Mr. Lavender, and Mr. Lennox.

4. The heads under which this subject has been considered are as follows :—

First. The necessity for the formation of a distinct department for the control and management of all persons convicted by the Supreme Court, &c.

Second. The expediency of maintaining the Establishment at Pentridge, and the most expeditious means of affording relief to the present overcrowded Gaols.

Third. The consideration of the advantages, or otherwise, of an Insular Penal Establishment.

5. First.—In considering the first subject it must be sufficiently obvious that for a correct government and control of men under sentence of punishment, some uniform system must be adopted, to the end that the authorities may at all times be enabled to ascertain, both that offenders are properly secured, that the punishment inflicted is that authorized by the Laws, and that the progressive state of the prisoners, either in improvement or otherwise, is duly recorded.

6. With these views it appears to this Board that the appointment of a Chief Superintendent or Comptroller, with subordinate officers becomes a matter of paramount importance to carry out with any degree of regularity the detail of a convict department.

CHIEF SUPERINTENDENT OR COMPTROLLER OF CONVICTS.

7. The duties of this officer will be the general Registration of all persons convicted by the Supreme Court and Courts of Quarter Sessions, and the subsequent superintendence while undergoing the sentences to which they are severally condemned.

8. That he should as occasion may offer, make a careful inspection of each prisoner, registering personal marks, &c., &c., and proceed with all despatch to draft him off to such public works or other places pointed out by the terms of the sentence.

9. That during all the after career of the convict, so long as he may remain unpardoned, the Chief Superintendent or Comptroller should be enabled to report to the Government the state of the man's moral as well as physical health.

10. The general superintendence of Convicts being placed in the hands of the Chief Superintendent or Comptroller, Local or Sub-Inspectors should be appointed, acting under that officer, for the carrying out the general discipline of the Convicts, whether at Stockades, Hulks, Roads, or other places which may be set apart for the punishment of offenders.

11. The detail of the duties of such Officers may be properly left to the Chief Superintendent or Comptroller to direct; and as different localities, agreeing with various degrees of punishment, will necessarily involve a variety in the treatment of Convicts, it would become matter for the consideration of the Government when submitted by the Head of the Department.

12. Second.—On the expediency of maintaining the Establishment at Pentridge, and the most expeditious means of affording relief to the present over-crowded Gaols:

13. The question, at the present time, that requires most immediate attention, is the means attainable for meeting the vastly increasing demand for the accommodation and safe-keeping of our Convicts, a necessity which every Criminal Sessions of the Supreme Court presses more urgently on the Government, and is clearly shewn by Appendices G and H.

14. The Board, in anticipation of the necessity of a future fixed establishment for the reception of prisoners, would now look to the more immediate measures rendered imperative by the pressure on Her Majesty's Gaols.

15. It is its opinion, that the Pentridge Establishment should not only be continued, but enlarged, in accordance with the plan already submitted and approved of by the Executive Government.

16. The Stockade at Pentridge affords every facility for meeting the emergency. Already there is certain accommodation, forming a groundwork, a matter at present of no inconsiderable moment; the locality is suitable, affording material, wood, stone, &c., &c.; and whilst brought, by

the formation of the road, within easy access of the capital, is yet sufficiently remote to avoid any of the disadvantages that might attend too close a proximity of such an Establishment to a large City.

17. The Board conceive that this establishment should afford the means of classifying two denominations of prisoners, viz. : those undergoing sentences of seven years and under, and those undergoing sentences of hard labor from the Magisterial Courts.

18. It is clear to the Board, that the present establishment and buildings may be increased at a comparatively small outlay, by means of the labor of the prisoners themselves, and it is recommended in the proposed extension, that due regard be had to the forming of punishment cells, wards, yards, and enclosures for the classification of prisoners of different grades.

19. It should be considered, at least temporarily, the Dépôt or Head Quarters of all prisoners received from Her Majesty's Gaols, from which gangs should be told off to out-stations or employed in the following manner, in accordance with the nature of their sentences.

20. Thus, those sentenced to hard labor, in the House of Correction, should be exclusively employed in breaking metal for the public roads, as they cannot be legally worked beyond the boundary of an establishment proclaimed as a House of Correction.

21. Those prisoners sentenced to any period not exceeding seven years hard labor on the roads, the Board is of opinion should, after having been classified, and their character and disposition duly tested at the Main Dépôt, be drafted, as opportunities offer, to Branch Stockades, and be employed in making roads, building bridges, or any other public work upon which their labor may be rendered available. It should also be borne in mind, that in the neighbourhood of the Main Dépôt at Pentridge, there will be Government Works, (ample to afford employment for a considerable number of prisoners for some years to come,) the main line of road now requiring making,—always repairing, and cross roads making.

22. Cutting stone for Public Works, supplying Rubble or Metal, may all be considered as advantageous modes of employing those prisoners whom it would not be desirable to draft at once to Branch Stockades.

23. The Board would remark that there is one point in the management of Convicts which is considered especially worthy of comment, namely, the system of "Task Work." The Board is aware that without some incentive to extra exertion as well as good conduct, in general, Prisoners do not set to their work with good will : hold out some amelioration of their position, and in most cases it will be found to be a most efficacious stimulus.

24. The Board would explain, in the first instance, what is meant by "Task Work." It is a certain fixed amount of daily labor to be exacted from every prisoner : deficiency in the amount subjects him to punishment, and an overplus entitles him to reward, by placing the excess to his credit in remission of his sentence by so much as he may have gained by his industry and good conduct.

25. To further expedite the relief of Her Majesty's Gaol, the Board recommends that the Hulks recently purchased by the Government should, with all dispatch, be fitted up for the reception of the most desperate class of criminals, who are now imprisoned in the Melbourne Gaol, to the manifest danger of the whole establishment, convicts whose sentences it is found impracticable to carry out within the present Gaol accommodation.

26. This primary object being carried out, the proposed enlargement of the Main Dépôt at Pentridge, together with the Branch Stockade in the vicinity of Melbourne, already in progress, will combine materially to afford that relief so urgently demanded.

27. The great increase of committals, and the consequent increasing demand for Gaol accommodation for Prisoners awaiting trial, and under summary sentences, renders it the imperative duty of the Board to urge in the strongest terms the absolute necessity for proceeding in the completion of the Gaols now in course of erection, without reference to the peculiar difficulties at present existing.

28. The enormously increasing population of the Gold Fields enforces on the Board the conviction of the necessity for a provision being made in that locality for the imprisonment and safe custody of prisoners charged with offences. The great difficulty, and attendant risk, in escorting prisoners to Melbourne is sufficiently apparent, under ordinary circumstances ; but when it is considered, that there are now many Acts of Council giving summary jurisdiction, which apply peculiarly to the Gold Fields, and that a great increase of serious crimes, in a community such as the Gold Fields is composed of, may naturally be expected, the Board is more firmly impressed with the importance of a provision being made to meet the requirement, supported also by a conviction that the extension of the Criminal Courts to that locality must, of necessity, be a matter of immediate consideration.

29. Third.—The consideration of the advantages or otherwise of an Insular Penal Establishment :

30. In entering upon the subject of providing for the safe keeping of those Convicts under long sentences, the Board bears in mind that the most depraved of the British nation have to be dealt with, that they are men whose lives, though not forfeited, yet society justly demands future immunity from ; and that, whilst undergoing the sentence the laws have decreed to them, any system of management must be entirely subservient to that of safe custody : this object may certainly be attained, to meet the present necessities, by close confinement in the Gaol, under the Stockade discipline, there being an unlimited demand for their labor.

31. The Board, however, cannot but deem it a most undesirable alternative, and feel that an object of such vital importance to the whole community as the punishment of the deepest crimes should be so condign as to ensure the enforcement of the penalty the offender has

incurred, and to operate as a means of terror to evil-doers. Under these impressions, the Board enters on the subject of an Insular Penal Establishment.

32. That a large expenditure for carrying out such an object will be necessary, there can be little doubt; but the Board conceive it might be effected, in co-operation with the adjoining Colonies, thus the expense of forming this establishment will be subdivided; and the Board cannot see, that a moral and effective system of discipline should not there be enforced, as well as on the main land, at the same time affording additional security.

33. The Board is clearly of opinion, that the fact of criminals being sentenced and transported to an Insular Penal Establishment—punishment rapidly following the commission of crime—the certain prospect of a secure imprisonment, and the severance from all ties or connection with the scene of his past career, would tend more to instil a proper fear of infringing the laws, than the severest sentence of hard labor on the roads of the Colony would ever accomplish.

34. Whilst undergoing their sentences as now, either in the gaol or on a Penal Establishment, such as Pentridge, the hope and anticipation of ultimately effecting their escape, defeats the object of the punishment, and leads to continual irritation and discontent on their ill-success, encouraged as they are by an occasional escape.

35. They succeed, despite the strictest watching, in holding communication with, and hearing of their friends, and the Board believes there is not that dread of the attendant punishment on crime which should exist, arising from the chances calculated on, of escape, and consequently offences are more recklessly committed.

36. The objections that are made to the Norfolk Island system may, doubtless, be brought forward as opposed to an Insular Establishment, but the Board does not consider that they would here apply.

37. The numbers congregated at Norfolk Island, the want of sufficient accommodation, its distance from head quarters—necessarily involving difficulty and uncertainty in supply of stores—and a want of that supervision so important on such an establishment, are matters of fact which cannot apply to the view the Board takes of the subject.

38. In conclusion, the Board begs to submit, that the extraordinary state of the Colony hardly admits of any more definite course being laid down, as a system for the management of Convicts under sentence of the Courts. The want of efficient men for their safe custody, as well as the sadly deficient state of Gaol accommodation, are weighty matters, involving the most material points in the consideration of the subject, of the future disposal of the Prisoners of the Colony.

(Signed)

JAMES SIMPSON,
Chairman.

E. P. S. STURT,
Superintendent of Police.

HENRY GINN,
Colonial Architect.

SAMUEL BARROW,
Superintendent of Penal Establishment.

APPENDIX G.

RETURN OF THE NUMBER OF COMMITTALS TO HER MAJESTY'S GAOL, AT MELBOURNE,
DURING THE HALF-YEAR ENDING 30TH JUNE, 1851, AND THE INCREASE IN THE CORRESPONDING
HALF-YEAR OF 1852.

Period.	Committed for Trial.	Committed under Summary Jurisdiction.	Total.	Remarks.
From the 1st of January, to 30th June, 1851	110	260	370	
From the 1st of January, to 30th June, 1852	253	391	644	
Increase in the Half-year	143	131	274	

APPENDIX H.

RETURN OF THE NUMBER OF PRISONERS CONFINED IN HER MAJESTY'S GAOL, AT
MELBOURNE, ON THE 30TH JUNE, 1852.

Committed for Trial.	Committed under Summary Jurisdiction.	Sentenced to Hard Labor in the House of Correction or Gaol.	Sentenced to Hard Labor on the Roads of the Colony.	Under other circum- stances.	Total.	Number of Prisoners which the Gaol is calculated to contain.	Remarks.
33	77	85	73	13	281	155	

