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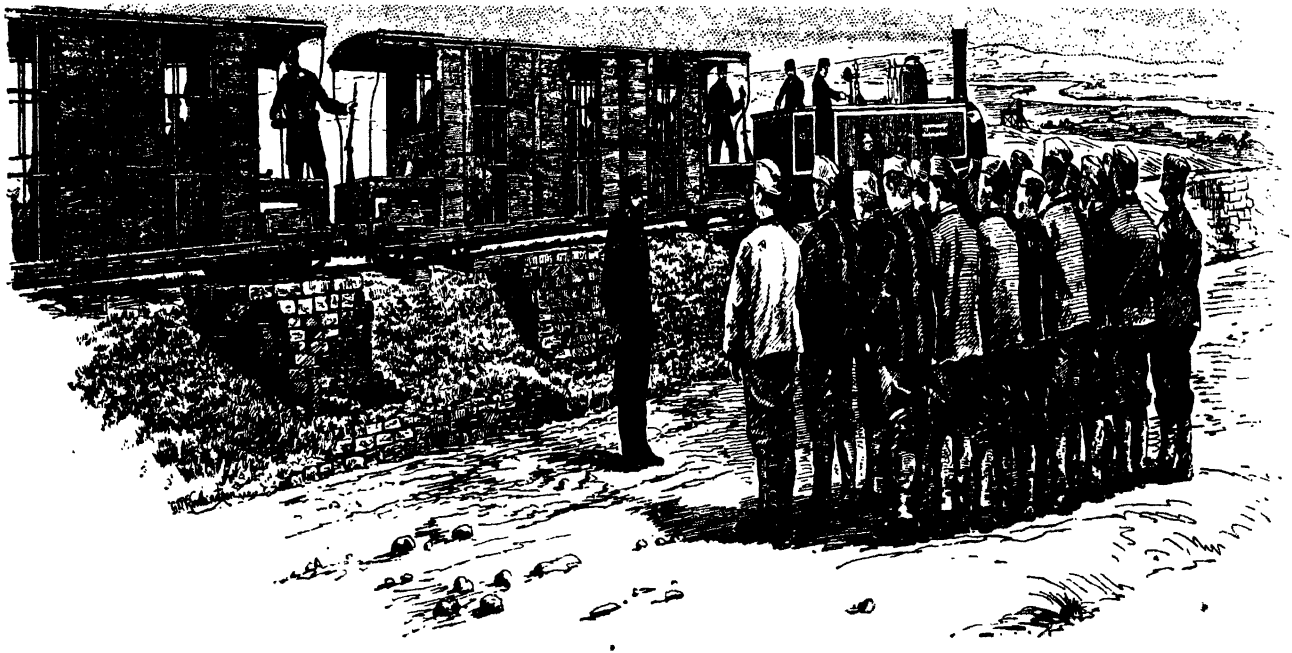
SECRETS OF THE PRISON-HOUSE

VOL. I.



CONVICT TRAIN; PUBLIC WORKS, BORSTAL.

SECRETS OF THE PRISON-HOUSE

OR

GAOL STUDIES AND SKETCHES

BY

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IN TWO VOLUMES.

VOL. I.

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AT ONE TIME

SECRETARY OF STATE FOR THE HOME DEPARTMENT,

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SECRETS OF THE PRISON-HOUSE.

PART I.—INTRODUCTION.

CHAPTER I.

PRISONS AND PRISONERS.

Progress of Prison Science—Prison Congresses—Crime still flourishes—Definition of crime—Methods of repression—Imprisonment still the principal—Its aim and objects—Suggested new methods—Probation of first offenders—Indeterminate sentences—Already tried in the United States; Elmira reformatory and reformation generally—Individual treatment of criminals—The criminal type of the Italian medical philosophers—Theories of treatment for the instinctive or born criminal.

THE dark curtain that long veiled the interior of the prison-house, has by this time been partially drawn aside. But few mysteries remain unexplained; the old horrors have largely disappeared. Yet the gaol and its inmates possess perennial interest for the public, and there may still be something to be said by one who has long made prison matters a business and a study, one who can speak of them from personal observation and a considerable amount of reading. Great progress has undoubtedly been made in recent

years in the management of prisons; a strong light has been brought to bear upon the unhappy people who so constantly tenant them. Every nation with any pretensions to be called civilized is anxious to improve its penal system; every government, even the most autocratic, is sensitive to public criticism, and wishes to explain away shortcomings. Prison congresses meet regularly to discuss the theory and practice of punishment; London, Stockholm, Rome, St. Petersburg, Pittsburg, St. Louis, Cincinnati, and this year Chicago, have welcomed the painstaking publicists who have made this subject their study. Prison societies, notably that of Paris, the most industrious and enlightened ever organized, labour assiduously collecting and collating facts, drawing conclusions and ventilating new views. Every branch of criminal science receives close and constant attention; penal laws, prison buildings, the treatment of prisoners while incarcerated, their assistance when set free, all are carefully considered. Above all the psychology of the law-breaker, his traits, tendencies, and inmost characteristics, have been made the subject of extensive research, with the idea of modifying the methods used against offenders.

The whole of these processes have the same object—the protection of society against those who prey upon it, and the eventual eradication or diminution of crime. Yet crime still holds its own; and no doubt will do so while erring humanity remains unchanged. "Society alters, law varies, but prisons still exist," says a

thoughtful French magistrate. "Crime does not yield before civilization; it dreads neither the discoveries of science nor the development of wealth, but finds new forces in both. It is not to be explained away, as many would wish to do, by referring it to a survival of brutal and primitive savagery; it is an essential element of human nature and therefore ineradicable, born of our passions, which as they are well or ill directed exalt or debase. Civilization, so far from extinguishing these passions, supplies them with fresh food and increases their strength."

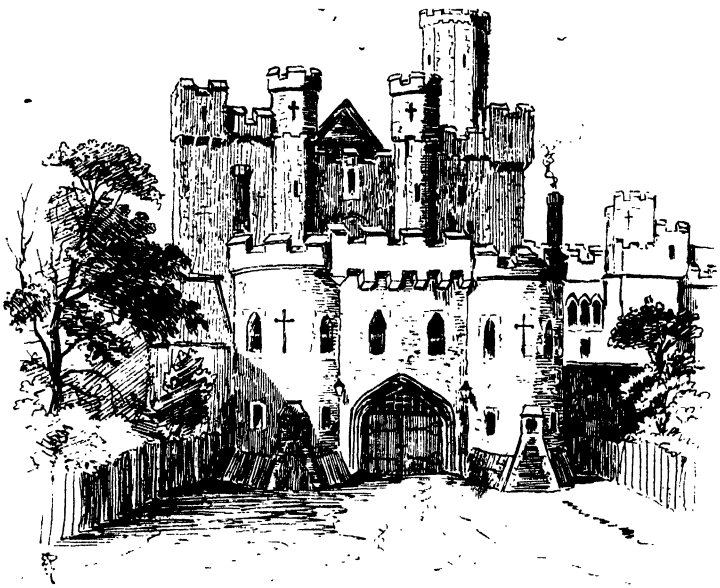
Crime has been well defined as "a failure to live up to the standard recognized as binding by the community." It is more: it is a warfare, the constant rebellion of one part against the whole, of an aggressive unconquerable section, which although weak does continual mischief, and is never killed outright. Yet society has always fought fiercely against those who attack it. Time was when its reprisals were cruel and vindictive; when "No quarter" was the cry, when the unfailing rule was to crush crime wherever encountered. The harshness of the ancient codes makes a more humane age shudder. Wholesale executions were preceded by barbarous tortures: by mutilation, the wheel, the cauldron of boiling oil, the splitting of nostrils, flaying alive, disembowelment, the slow agony of impalement or of starvation in an oubliette. The central idea then was invariably riddance; death or the absolute removal of the offender. The same notion underlaid the punishment

of exile or banishment beyond the seas; the mother country sought only to be quit of its social sewage by shooting it down at a distance.

By degrees a more humane spirit gained ground, and was shown in the specious theory that the exiled convict would benefit by his transfer to a new land with new opportunities. The same hope was put forward by French administrators when transportation was first adopted by that country, and it is still held by those who uphold the process, in spite of experiences as disappointing as any that forced us to abandon it. In New Caledonia the same conflict is in progress between free settlers and released criminals, the same difficulty in providing outlets for the latter, the same costliness of administration. In Russia, riddance is still the only avowed aim of Siberian exile, carried out as it is with but few redeeming features, and indeed in most cases with a cynical indifference to human suffering which has made the Czar's Government a by-word among the nations. No doubt in Russia the question has been greatly complicated by an impoverished exchequer on the one hand, and a constantly increasing prison population on the other. The first is the wholly insufficient excuse for the unparalleled and atrocious cruelties practised, in justification of which strong assertion I shall have more to say on a later page.

Deportation, however administered, must undoubtedly disappear, sooner or later. As a shrewd Frenchman has put it, the world is round, and the farther

you remove your exile, the nearer at last he approaches the starting-point. Nothing better has been devised so far than imprisonment; although fines, admonitions, the postponement of incarceration during good behaviour, have been recommended and to some extent tried. But deprivation of liberty under



GATEWAY—HOLLOWAY PRISON.

varying conditions of severity is at present deemed the best if not the only possible method of dealing with offenders. It reaches the farthest limits of harshness in the "stone bags," or underground dungeons of the Schusselberg; the other extreme of mildness is found in the Elmira Reformatory of New York State, where most of the comforts of a first-

class boarding-school, ample diet, military music, the study of Plato, and instruction in interesting handicrafts are utilized in the process of amendment. Every species of modern prison discipline lies somewhere between these two extremes. In Belgium strictly cellular or solitary confinement is inflicted for periods which in this country have been deemed impossible, without entailing madness and death. In France, Italy, Spain, Germany, Austria, although the rule of separation is accepted in theory, means do not exist as yet to keep prisoners apart. In some parts of America the State abdicates its functions, and leases out the criminals sentenced by the law to outside, and for the most part irresponsible, private contractors. In this country a middle course has been steered. The separation of all prisoners is the invariable rule at all times when they would have leisure or opportunity to do each other harm. The exception is when, in some cases and during long sentences, labour in association is carried on; but this is always under strict supervision, and it may fairly be said that there is less harm from inter-communication in gaol than in a state of freedom. On this point a thoughtful writer[1] recently used language worth quoting. "So far as a few years' experience with these (peculiar) advantages may be trusted, we are decidedly of opinion that the risk of the evil influences to a prisoner within the gaol has been greatly over-rated. . . . It frequently

[1] F. Scougal, *Scenes from a Silent World.*

happens also that some sparks of latent good feelings in the minds of the older and more hardened criminals lead them to look with a certain sorrowful pity on the immature aspirants to their craft; and they are more inclined to warn them of its miserable results than to guide them into its lowest depth."

Imprisonment, it is to be feared, has never, even in its most enlightened forms, gone far to achieve its two avowed and most obvious aims. These are: first to cure the actual and then to deter the potential criminal. The purely vindictive reasons for penal punishment are now-a-days generally disapproved. For only one offence, murder, does the *lex talionis* survive, and that not universally; in every other case imprisonment is only applied for amendment and example. The first is sought through the various salutary processes at work in gaol, both by earnest exhortations when the subject is most susceptible to such teachings, and by more objective lessons, such as useful education and the rigours of a hard, unlovely existence. This direct effect is appreciable, although possibly small; the indirect is exercised upon the outside crowd, upon those who have hitherto escaped retribution, or who have as yet only coquetted with or contemplated crime from a distance. No positive evidence as to the numbers so restrained are forthcoming, but there must be many whom the fear of detection and its consequences have kept in the straight path. Yet it is no uncommon experience with those who know

prisoners well to find that the terrors of imprisonment are greatly diminished when it has been once undergone. Those who have shuddered on the brink often find the reality fall far short of the anticipation.

This failure of imprisonment both as a reformatory and deterring agent has led to two very opposite results. One is a growing disinclination to use it; the other an earnest wish to prolong its infliction. The first is shown in recent legislation with regard to first offenders, which empowers courts to withhold sentence or excuse from punishment in cases where an accused person is guilty of no very heinous offence, and has never lapsed before. M. Berenger, an eminent French jurist, was the first to recommend it in Europe; but the law he brought in to the Senate is dated 1884, while the system was already in practice in the United States in 1869 for youthful offenders, and in 1878-80 for adults. England followed on the initiative of Colonel Howard Vincent, M.P., whose Bill for the "Probation of first offenders" became law in 1887. With us the culprit is suffered to go at large on the understanding that he will be called up for judgment should he commit a fresh offence within a certain limit of time. Belgium adopted the principle of conditional sentences in 1888, and in 1889 it was incorporated in the new penal code of Italy. The Prison Congress of St. Petersburg in 1890 expressed itself "in sympathy with" this system of postponed sentences, but saw two practical difficulties, first, as to the discretion that

could be entrusted to a court; and second, as to the procedure by which subsequent misconduct could be proved against the offender. These difficulties do not seem to have been felt in this country, although the powers under the Act have not been very largely utilized as yet.

A repeatedly and strongly urged explanation of the ineffectiveness of imprisonment is the prevailing and seemingly increasing practice of inflicting it for almost infinitesimal terms. In some countries enormous numbers are sent to gaol for only a few days. Thus in Belgium in 1880, out of 18,000 sentences ranging between one and fifteen days, half were for under three days; in Germany in 1886, out of 250,172 sentences of imprisonment, 183,195 were for less than three months, and 117,980 for less than one month. In England and Wales, according to the judicial statistics of 1891, there were 602,573 persons, males and females, convicted summarily, and of these 4861 were sentenced to three months, 7436 to two months, 19,327 to one month, 30,544 to fourteen days and under. In the year ending 31st March, 1892, according to the returns made by the Prison Commissioners, there were in custody on the 7th April, 1891, 5875 males and 236 females sentenced to three months and more; 3522 males and 1775 females to less than three months downwards to three days; this out of a total of 10,589 males and 2271 females, including penal servitude prisoners, debtors, surety and trial prisoners.

No doubt a very strong case might be made out for leniency by those entrusted with the administration of the laws. The mild measures which have now prevailed for some time have not encouraged crime, seeing that crime in this country has steadily diminished. At the same time the number of re-convictions have greatly increased; the same individuals, that is to say, constantly reappear before the courts, having been presumably kept out of mischief for too short a time. Thus in 1891-2, of 68,801 persons committed to gaol on a sentence of imprisonment, 14,654 males and females had been convicted above ten times; 5022 eight, nine, or ten times; 5173 six or seven times; and 3423 five times. The normal condition of these people is self-inflicted incarceration with short intervals of freedom. Liberty with them is the exceptional state, "an occasional, transitory holiday." Whether these habitual offenders should be so constantly spared is at least open to argument, and the day may come when those who persist in qualifying for continuous imprisonment will not be denied their wish.

There is however a wide difference between prolonging the sentences of persistent offenders and accepting the principle of indeterminate imprisonment so strongly advocated by a particular school, that which may be said to take its stand upon the conclusion arrived at by the recently-invented science of criminal anthropology. Hitherto penalties have been apportioned to crimes; have been more or less

severe according as the offence was more or less heinous. Now it is urged that as the future amendment of the criminal is the first object sought, his sentence should have no reference to his past misdeeds. Whenever the murderer, burglar, or garotter gave satisfactory assurance of reformation he would be set free; failing such assurance he would be indefinitely retained. The prison is in fact to become a moral hospital; every individual inmate a "case," whose cure is to be attempted, and when convalescence is assured, discharged. In other words, it is not the crime which is attacked, but the criminal who has committed it. This theory has not found very wide favour with the older nations, although it has been adopted and practised in the United States. A first strong objection to the system is the transfer of judicial functions from the proper tribunals to some newly-constituted prison or philanthropic authority, with whom would rest the grave responsibility of gauging amendment and according release. All who have had dealings with the incarcerated criminal have reason to doubt the most heartfelt professions, and know that even with the best intentions weak criminal nature too often relapses and falls away. To say that the liberty of the backslider would be at once forfeited, only proves that the new system is not better than the old one of conditional liberation under our own well-devised English methods.

Still the system is now in full working order at

two American reformatories—that of Elmira in New York State, and of Concord in Massachusetts, with, it is asserted, excellent results. The subjects for reformation are specially chosen, the preference being given to youth and intelligence, without prejudice as to crime, those guilty of the worst being perfectly eligible. The progress towards cure seems to be reasonably rapid; five years' detention suffices in the most obstinate cases, and a general average limits it to about a year and a half. The "indeterminate sentence" appears therefore to be very soon determined, and cure is very soon secured. Trustworthy statistics as to its permanence are not forthcoming; but it is claimed that the percentage of relapse is exceedingly small. On the other hand, the reports made on those who have been enlarged extend over rather a brief period of time. The supervision is apparently continued for only six months, which is scarcely sufficient to prove permanent radical cure. The only wonder is that the inmates of any of these reformatories consent to go free. It is rather a boarding-school than a prison; the education thorough and carried far, including languages, music, science, and industrial art. The diet is plentiful, even luxurious, amusements are permitted, well-stocked libraries are provided of entertaining books. An Elmira prisoner contributed an article to the prison-published newspaper which graphically described his appreciation of his lot. The day was cold, snow lay on the ground, and from the prison-windows he

saw wretched dwellings crowded with poorly-clad, ill-fed folk, whose only crime was that they were honest and respectable; within the gaol all was warmth and merriment, "rippling laughter," the "fragrant odour of good food," steam heat, the electric light. After a not too protracted sojourn in this so-called place of durance, during which he had learnt some useful trade, he issued forth to take up a situation found for him by the kindly prison administration. No wonder the "inmates"—this is their title at Elmira, the word prisoner is tabooed—heartily approve of the methods pursued. They learn to look differently at life after a sojourn in Elmira, and readily acknowledge from their own point of view that honesty is the best policy. But that that view is a little distorted will be understood from two anecdotes which have been quoted by the opponents of the Elmira system.

This question of the wisdom of being honest was one day put in class and thus promptly answered by an inmate. "I knew two brothers who were 'crooks' in New York, but did not get on well. They moved to Philadelphia, and turned over a new leaf there. They opened a clothing-store, attended closely to business, were perfectly straight and honest in all their dealings, and they prospered; they enlarged their business, and gradually gained the confidence of all they dealt with. So they at last succeeded in borrowing a hundred thousand dollars. Then they failed, and they got away with every cent of the money." Another illustration of the twist given to

the criminal mind in Elmira is the following reply to another question, whether it is better to beg or to steal. One prisoner wrote as his answer — "A hundred years ago the question would have presented no difficulty; it would have been better then to beg than steal. But now when such great progress has been made in prison reform it would undoubtedly be better to steal than to beg; for the thief being imprisoned would enjoy all the benefits of a reformatory training, which would make him so well able on his discharge to take care of himself, that he would never afterwards have occasion either to beg or to steal."

Such answers give increased force to the by no means far-fetched assumption, that the Elmira system, if generally adopted, might be followed by unexpected consequences. Many less favoured but more honest persons might be induced to take up crime as a profitable career, the avenue to a comfortable future, with a well-stored mind, and the means of acquiring a competence.

Yet the Elmira experiment, as it may be called, is not to be lightly dismissed with a laugh at its extravagant pretensions, with contemptuous disbelief of the results it achieves. The Fasset law, passed in 1889 by the New York State Legislature, and which called Elmira into being, is an earnest endeavour to solve one of the most serious of all social problems, and as such is entitled to every respect. It is a new logical and comprehensive attempt to compass the reformation of the criminal by processes never properly or sufficiently tried hitherto. The hard-headed American

has come to believe that penal systems have generally been in the wrong direction; that their only aim and object, indeed their very existence—the protection of society—has been strangely overlooked. The whole notion of "reformation" has been erroneous, the very word has been misconstrued. Reformation, rightly understood, is the physical as well as moral regeneration of the prisoner; the working of such a change in him that when he is again free he will not again commit crime. This, as a thoughtful American writer[1] has well defined it, "is not only the legitimate aim, but the controlling and paramount aim of prison treatment. The effort made by the State to reform the convict does not rest upon humane and paternal sentiment seeking to benefit the convict for his own good. The State is not a charitable or a missionary agency, and it owes no greater duty to the convict than to other individual members of the community." . . . "Reformation, in the penological sense," he goes on to say, "does not imply any religious transformation in the convict. . . . A convict is reformed when he has undergone such a change, that being entrusted with freedom he will not again commit crime. This is the sole and entire meaning of reformation as an end sought by the State in its treatment of convicts. The convict so reformed may still remain a fit object for religious effort (by the Church), for moral training (by society), for humanitarian care and solicitude (by organized benevolence); but when he has become simply a law-abiding subject the State has accom-

[1] Eugene Smith, *Political Education Society's Tracts.*

plished its whole aim and duty, and is done with him. Its jurisdiction reaches no further."

It is reformation of this, and undoubtedly the right kind, that is being sought at Elmira. Even if law-breakers and depredators have been unduly pampered in the attempt, yet it cannot be denied that if Elmira sends out a large percentage of its pupils so far cured of their evil propensities that they will no more sin against society, it has accomplished a great deal. The processes giving such useful effect to the new theory may go far towards the diminution of crime. That it will be wholly eradicated this side of the millennium neither philanthropists nor philosophers can seriously expect. Human nature is not to be perfected by man's most logical methods. Our evil passions, our predatory instincts, the survival of savage times, our low and brutal desires warring with our better but often weaker moral sense, will still drive some to pass the barrier and lapse into crime. For them the Elmira method can promise little.

After all it may be doubted whether Elmira does not begin too late, whether its exaggerated, costly but nevertheless praiseworthy efforts are not applied to those who have already outgrown its beneficent treatment. Less advanced thinkers in the Old World may incline to believe that better results might be obtained by concentrating effort on the quite young. The reclamation of youth, either by rescuing from the downward path those still susceptible, or raising those that have stumbled or fallen over the brink, is not only a sacred duty, but one which will

certainly give the largest results in the diminution of crime.

The development of this theory of indeterminate sentences, and of the "individual" treatment of criminals, is largely due to the active labours of a group of modern savants, who first appeared in Italy, and who are now generally known as "criminal anthropologists." This school, headed by the eminent Dr. Cesare Lombroso of Turin, has evolved a new type of man, the criminal who is vowed to evil courses by his inalienable birthright, the fatal gift of certain inherited traits. Crime, it is claimed, is the outcome of atavism; criminals are moral invalids, unfortunate persons to be pitied not blamed for their misdeeds. They have no free will in the matter, no personal responsibility; the weakness of their moral sense entitles them to be called moral madmen, the worst and most hopeless form of lunatics, the congenital and incurable. "The instinctive or born criminal," says the Italian doctor, Ferri, one of the leading lights of the new school, "is by hereditary, organic, and psychical constitution dedicated to crime." This is the so-called "psychopath" of some scientists, who has been thus defined by the Russian professor, Babinsky:—"He thinks logically, can distinguish good from evil, reasons over his actions, but he is absolutely without moral sense. He thinks only of himself, and cares nothing for others. In the satisfaction of his passions no obstacle nor personal consideration restrains him. All that helps

him is acceptable; all that opposes, the reverse. He lives only for the present moment, and to satisfy a caprice will go to perdition, commit any crime. He is incurable. It is useless to shut him up as a madman, and might make him worse: he cannot or ought not to be punished, for he is an irresponsible (mental) invalid." Yet every criminal displays some of these characteristics. Are all to be thus spared?

It is easy to perceive that this may prove a dangerous and corrupting doctrine if carried to its logical ends. Not only does it exonerate an offender from all responsibility, and therefore demand for him such a mild and benevolent treatment that the fatal gift of inheritance would be largely coveted, but it ends practically all hope of amelioration in those who possess it. It would be useless to attempt to reform the criminal-born child; he is condemned in advance. If this principle is to be accepted as indefeasible, it follows that the type must be summarily dealt with wherever it is found. The scientists do not tell us whether they would recommend the immediate segregation of the child in whom the damnatory characteristics are discovered, or whether and for how long it would be spared the retribution that waits on its congenital misfortunes. But they do not shrink from the ultimate consequences of their theory, and would not hesitate to "suppress," in other words to wipe out, the chronic or congenital criminal. They have never made any pretence of amending the criminal; all they wish to compass is, to prevent him, either by

suppression or unlimited detention in gaol, from doing further harm. A common-sense public would hardly permit this summary proceeding; and the law, in spite of scientific conclusions, would wait till the born criminal had followed the imperious dictates of his nature and committed himself, before holding him responsible for his inherited traits. Moreover it is in evidence, and the scientists do not themselves deny it, that numbers of unfortunate people display some of the criminal characteristics and yet avoid crime. Their case would be a hard one if they were made answerable for the size of their heads, their large ears and beardless chins, and not for what they choose to do. A man is surely only accountable for his acts, not for his looks. The latter practice would be to return to the blind usages of the Dark Ages, when of two persons charged with the same offence, the ugliest was selected for punishment.

The world will probably remain very much where it was before the evolution of the criminal type. The fact is interesting, but it cannot be imported into criminal methods with either fairness or safety. Some born criminals will gravitate to gaol, others continue ornaments to society. Their respective positions, as of most people in this crooked world, will be mainly settled by circumstances of environment and education. The whole difference if we eliminate the highest of all explanations, that of Divine interposition, is between Becky Sharp born a pauper, and Mrs. Rawdon Crawley when she has achieved a handsome jointure.

CHAPTER II.

CRIMINAL CHARACTERISTICS.

The science of criminal anthropology—Physical characteristics—Personal traits and peculiarities of criminals—Their insensibility to pain—Self-mutilation—Tattooing—Criminal intelligence and criminal stupidity—Vanity—Hatred of steady labour—The type still incomplete—A few further facts and prison traits—Good points in prisoners—Amenable to gentler influences—Occasional acts of generosity: their gratitude, their domestic affections, and their devotion to sick comrades.

BEFORE dealing with the conclusions of the criminal anthropologists, I propose now to examine the type they have presented us, of the "instinctive," "born," or "congenital criminal," commenting on the characteristics as they may or may not agree with my own experience.

According to Professor Lombroso and his disciples,[1]

[1] The Italians have most largely devoted themselves to this science, and among other eminent names may be quoted those of Garofalo, Ferri, Marro, and Ottolenghi. In France the science has been studied by Tarde, Corre, and Lacassagne; in Germany by Kraft-Ebbing, Liszt, Krauss, and Flesch; in Belgium by Adolphe Prins; in Russia by Bielakoff and Troizki. In England it has been generally neglected, not, as I believe, from my knowledge of prison medical men, because they are careless of these things, but because they do not concur in the alleged results.

the criminal head is either large or small, seldom of medium size; it is wanting in cranial symmetry, and the cranial capacity is small. The jaw is generally sharp, square, and prognathous, the chin receding, the forehead also, both seen separately or together. Less common features are

AN OLD FRENCH FORGER.

prominent cheek-bones, or twisted nose. The beard and whiskers are scanty; the hair of the head of vigorous growth. Strabismus is very frequent. The large ear predominates, the ear *ad ansa*, handle-shaped, which stands out from each side of the head as it does in the lower races of man and highest forms of apes, with other defects in the ear such as the Darwinian tubercle, and the absence of helix.

Pallor of skin has been remarked as a common trait, often if not wholly explained, however, by the etiolation due to long cellular imprisonment. Wrinkles are seen even in the youthful criminal, and especially about the nose and mouth; or about "the more material and less contemplative parts of the face."

As the science of physiognomy is generally in a vague and rudimentary condition, that of the criminal cannot be very accurately defined. But it is asserted that beautiful faces, handsome faces, those even that are pleasing and well formed, are seldom seen among the "instinctive" class of criminals. Exceptions are said to prove a rule; and there are certainly exceptions to this. Lombroso admits that among skilful thieves and leaders of gangs, good and regular features were often seen; two notorious brigands, says Lombroso, Carbone and Cavageia, were strikingly handsome. He also describes a certain *bonhommie*, "something almost clerical," in the faces of sharpers and forgers, a necessity perhaps of their profession, as inspiring confidence in their victims; a well-known poisoner rejoiced in the most benevolent aspect. Speaking from my own experience, which has extended over twenty-five years, during which I have observed many thousand criminals' faces every month, I cannot admit the universal ugliness of the class. I have frequently seen good-looking prisoners of both sexes, although most of them had a peculiar and generally displeasing expression, using the word

expression as something which was very rightly distinguished from actual anatomical physiognomy. This expression is admitted by the scientists to be probably artificial, the growth of time, the slow outward and visible imprint of the evil passions within.

On this point it may be added that criminals have a peculiar manner which has been well described. "Their cringing and timid ways; the mobility and cunning of their looks; a something feline about them; something cowardly, humble, suppliant, and crushed, makes them a class apart, one would say; dogs who had been whipped hardly; here and there a few energetic and brutal heads of rebels." The feline look is often noticeable, as I can myself bear witness, and with it a certain stealthy, loping walk, like that of wild and wily animals "at the time of ambuscade and struggle," as Lombroso puts it, and which he explains by the continual repetition of evil actions, because he never observed this ferocious look among the most criminal children. Nothing will more forcibly strike the unaccustomed visitor to a prison than the back-turned watchful eye of the prisoner, the quick stealthy glance diverted directly it is detected. "Sometimes," however, "this feline and ferocious glance alternates with a gentle almost feminine gaze; this combination giving them a strange power of fascination which has been often exercised on women." This last-named trait I cannot say I have ever seen. Speaking generally on the

typical physiognomy of the criminal, Lombroso declares that he has found it as an exception among honest people, and almost invariably among the dishonest. "Individuals whom I thought honest," he says, "and who had every reason to appear so, revealed to me after some years of observation a latent criminality. They only required opportunity to develop it. For instance, a rich man who wanted for nothing, who might satisfy every caprice, assured me that he would have been a thief, even a murderer, if he had been poor. Another whom good fortune had advanced to high place, and whose physiognomy was truly criminal, gave way one day to furious rage, and cried to some poor wretch who had irritated him, 'Beware! I am capable of anything! When I was young my nickname was Gaol-bird.'"

There are other alleged peculiarities which I cannot think very general. I have noticed no "frequency of gesticulation," although great fluency of tongue is a very constant trait. Their "ape-like agility and spasmodic activity" may be shown at times by the extraordinary feats performed by fugitives when breaking prison, but only by a limited number. The inability to blush, said to be characteristic of so large a number, and claimed as a peculiar trait, is not borne out by my observations except in the older and more hardened. In their case this proof of shamelessness may be acquired, although Lombroso found that 44 per cent. of young criminals could not blush, and twenty out of thiry-eight minors in

various prisons. That left-handedness said to preponderate among criminals may also be doubted; or the superiority of eyesight which has been advanced, and the inferiority of hearing.

I can moreover bear witness to the frequent evidence of physical insensibility among criminals. They bear pain with more or less callous indifference, and face without shrinking situations that will certainly inflict it in a very acute form. Dr. Nicholson has said that those sentenced to be flogged will await their punishment with a calm and stolid behaviour; if many give way to frantic entreaty and the most poignant anguish during its infliction, it is mainly in the hope of escaping part of the punishment. I have known a case where a convict, flogged for a grave offence, took the lash without a murmur, and when cast loose he turned to the officials saying coolly, "Now I'll fight the best man amongst you." Such bravado was no doubt a mixture of high courage and physical insensibility to pain. This is further shown by the readiness with which convicts have endured mutilation of limb, throwing themselves beneath railway-trucks, or over the railings of the topmost landing of a four or five storied prison, to gain some object, but not necessarily a "trifling one,"[1] and generally, that of immunity from further hard labour. One of the most deliberate acts of this kind occurred at Chatham convict prison years ago, when it was the custom to allow prisoners

[1] Havelock Ellis, *Criminal*, p. 115.

to shave themselves. The razor was passed into the cell under the door to one man, who forthwith cut off three fingers of one hand, and rolled them out with the razor.[1] An extraordinary case is recorded as having happened in one of the convict camps in the Southern States of America, where a prisoner of somewhat superior station, a chemist and well informed, but said to be incorrigibly lazy, determined to totally blind himself to escape work. He was already one-eyed, but he procured a needle and tried to persuade a fellow-prisoner to hold it while he drove it into the pupil of his remaining eye.

Innumerable instances are given by Lombroso of this physical insensibility. Prison doctors have found criminals insensible to the pain of burns, cuts, and even grave surgical operations. It is accepted as another proof of the close affinity between criminals and the lower races of mankind; the negro who would chop off his own hand with a smiling face, the Red Indian who bore torture with perfect impassibility. The agony endured in extensive tattooing, a very favourite and largely adopted means of

[1] In the convict prisons a wide horizontal space intervenes between the bottom of the cell-door and the ground. This serves many purposes, among others that of "mustering," or taking the roll. Each prisoner at roll-call has to "put his broom out" —to slip out through this aperture the small coir hand-broom issued to each for cleaning purposes. The action of putting out the broom is evidence of the presence of the prisoner inside the cell. Any doubt, if doubt there be, is finally settled by the subsequent disappearance of the broom on the command, "Take your brooms in."

personal adornment with criminals as with savages, supports the same argument. "Disvulnerability," or the faculty of recovering rapidly from injuries and wounds, is another quality possessed by the criminal. Dr. Benedict says criminals are cured of wounds that would certainly prove fatal to others. Fractured vertebræ will mend; the forehead cloven by a hatchet will heal. I have seen a prisoner who threw himself over the railings, and whose shin-bones were forced by the fall upwards through his knees, go out a whole man, after careful treatment in the prison hospital, and return to the same prison on a fresh sentence well and hearty, and not even lame.

But the stoical endurance with which criminals are thus credited is seen in others who are not of their class. The desire to escape perpetual service often induced soldiers in times past to mutilate themselves, shooting off hands and fingers, even legs, to render themselves useless in their profession. Sailors have done the same to escape the sea, and in both these classes the system of tattooing is exceedingly prevalent. Others who cannot be charged with especial criminal tendencies are fond of tattooing. It is often a foolish craze with school-boys; officers serving in Burmah or New Zealand, where this decoration of the epidermis ranks as a fine art, have submitted to it for their own amusement; and it has been the fashion at times, in the best society, where gentlemen may often be seen with blue rings or bracelets on fingers

and wrists. As regards the criminal fondness for it, the practice proves their short-sightedness rather than their insensibility. The tattoo mark is a sure indication of identity, and one of the most useful aids to our present well-developed methods of recognizing habitual criminals. That they should thus "give themselves away," as the Americans would call it, is another proof of the scientific assertion that they possess but little foresight.

Passing next to the psychical characteristics, which are more a matter of conjecture, there is some divergence of opinion. The Lombroso school claim that the moral is as strongly marked as the physical insensibility. Complete indifference has no doubt been shown by some murderers in the presence of their victims. Boutellier, who stabbed his mother to death with fifty blows of a knife, after the deed slept soundly on a bed close by his victim. Many others, Soufflard, Menesclou, Lesage, La Pommerais, have done the same. Mr. and Mrs. Manning, after killing O'Connor, eat a hearty meal of roast goose over the spot where they had buried his body. Goodacre carried about with him in an omnibus pieces of his victim wrapped up in brown paper. Despine, the great French doctor, asserts that from his researches he "soon acquired the certainty that those who premeditate and commit crime in cold blood, never experience moral remorse." The words of that most cold-blooded French fiend, Lacenaire, have often been quoted—"I have been scarcely affected by the sight

of my dying victim. I kill a man as I would drink a glass of wine." This cynicism is only paralleled by that of the Russian who murdered his father, and who afterwards spoke of him as a man who had never been ill "up to the day of his death." Of lesser criminals it is asserted that their sleep is never disturbed by uneasy dreams, and that their appetite is excellent. Mr. Davitt even in Portland could not see that many convicts were "truly miserable."

Yet this moral insensibility is very positively denied by those who have had an intimate acquaintance with the worst criminals. M. Guillot, the French judge already quoted, declares that their conscience is not so very silent, not actually "*la muette*," or the silent one of French argot. "Sometimes," he writes, "remorse becomes so overpowering, it consumes the breast with such devouring fire, it shows itself by such intense physical *malaise* (the bodily expiation endured on earth), it attacks the mind with such tenacity, that the strongest succumb, and giving up the struggle they either surrender or commit suicide." This experienced magistrate will not allow that it is the general characteristic of the murderer to show indifference in the presence of his victim. Foullois would not look at the photograph of his victim—"I'd rather not; please do not oblige me to see it." Barré, confronted at the Morgue with the corpse he had killed, became livid, the perspiration stood on his forehead, he had to be kept upright as he cried, "Hide it; I cannot bear to see such things."

M. Guillot often found that the casual exhibition of a photograph reproducing any of the details of a crime, visibly fascinated and affected the accused under examination. It is his deliberate opinion that the springs of human nature have a depth of sensibility which vice has never sounded, and from which remorse rises as from a half-choked well. These emotions are the strivings of a purer spirit, by no means rare. It is the exception with English convicts awaiting the death penalty, not to show contrition. Even Peace was sorry for his misdeeds, as I can testify, having talked with him a few days before his execution, when he expressed himself eager to do what little good he could before it was too late, and then confessed the crime for which an innocent man, Habron, was then suffering. Yet to the last many are quite implacable towards comrades and confederates who have disappointed or betrayed them.

Strong contrasts, as shown by these conflicting emotions, as well as by the most opposite qualities, is one of the strangest anomalies in the criminal character. Some habitual criminals are at times extremely stupid, lacking in forethought, and neglectful of trifles, which leave unmistakable traces of their guilt. Others are frequently quite the reverse. They will show extraordinary skill, great powers of inventiveness in preparing their *coups;* still greater astuteness in evading pursuit and capture. Nothing proves this better than the fact that so many great crimes remain undetected. This cleverness in the

prosecution of their nefarious business, with the already-mentioned emotions, is sufficient to satisfy many of the fallacy underlying the new theory of the criminal type. That theory argues the existence of an unfortunate, foredoomed by his physical organization to the commission of crime, the helpless slave and victim of his nature, the irresponsible agent of its devilish promptings.

"All my experience," says M. Guillot, "is against the irresponsible nature of their acts, except perhaps in cases of mental aberration or degeneracy. The first proof of free-will in the criminal is that he obeys a motive, however guilty his act." "Let us suppose," he says elsewhere, "that persons who commit crimes punishable by law are expressly created to that end by some stupid and ill-disposed providence. They would commit crimes as an act of nature, and make no effort to struggle against tendencies they did not feel; they would appear careless in preparing their misdeeds, and would not attempt to conceal them. They would feel no repugnance, no remorse; would not endeavour to escape the consequences, or throw the blame upon others. No trace would be found in them of those higher qualities of free-will and conscience which even lunatics display." He adduces in support of this a dozen instances from his own experience, where motives not actually culpable led to the commission of crime, where the worst criminals did not intend to do the worst deeds, but were accidentally drawn into them,

where they displayed the keenest intelligence in planning the crime, and afterwards in trying to evade its consequences. "All which shows," he adds, "that the criminal is not the unconscious agent of a fatal impulse, but in many cases commences with a protest and a struggle in which he resists the evil temptation, and afterwards he uses all kinds of specious excuses to justify it to himself."

We have it on the authority of M. Macé, the late experienced chief of the French detective police, that "in spite of the cunning and tricks that have been too gratuitously credited to them, their stupidity is scarcely credible; they nearly resemble an ostrich, who when he's hidden behind a leaf, thinks he is not seen because he cannot see." This is certainly not true of the bigger criminals, the clever sharpers and impostors, the planners of great burglaries, of jewel, safe, and bond robberies, who organize their *coups* long in advance, employ an army of agents, spies, suborners, and pioneers to prepare their way, then swoop down suddenly on their prey, the valuables, which they subsequently dispose of by a hundred different ingenious methods.

It has been laid down that the criminal intelligence, and presumably in even the highest type, is rather astute than intellectual. "It is an instinctive, innate faculty which does not depend upon real intelligence, and which is already found precociously perfected in children, in the lowest savages, in women, and also in imbeciles." Only rarely—and the case of

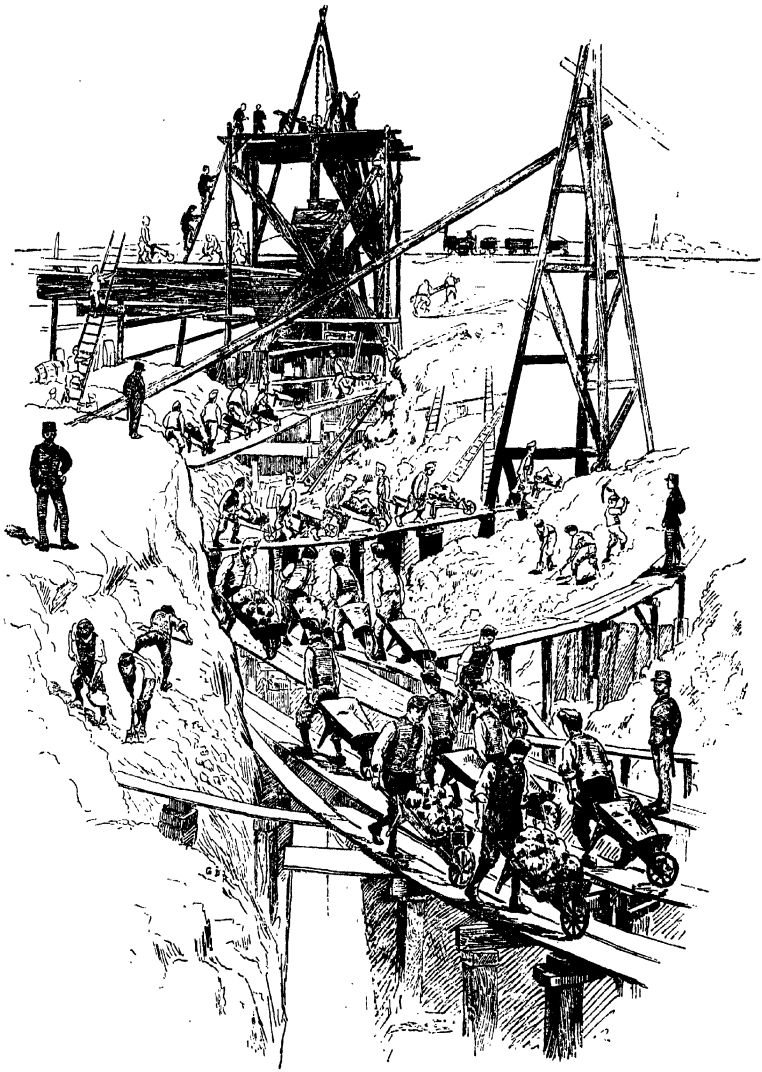
Villon, a great poet, is mentioned as an exception—have great intellectual powers been found among criminals. But many possess considerable mental gifts, quickness of perception, and an especial aptitude in acquiring trades; they show great manual dexterity, and are very ingenious in utilizing materials both for good or bad ends, as will presently appear.

Although the scientists deny the criminal much capacity for appreciating music, it is on record that a famous commissary administrator used it successfully in conquering the incorrigible. M. Raynaud introduced the *fanfares*, or flourishes in brass bands, and found it very efficacious in curing convicts whose ultra-nervous and irritable dispositions led them into protracted misconduct. The possession of a good ear is allied with the faculty of learning languages, and the latter gift has been seen in many convicts of the class called cosmopolitan. The case of Pranzini is one that may be quoted. He had travelled all the world over; he knew most modern tongues, and had acted as an interpreter to the English expeditionary army in Egypt. Petit, often mentioned hereafter, was also an accomplished linguist. Again, the *argot*, of thieves' slang, so fluently talked by most criminals, proves their readiness in acquiring language.

Some one or two distinguishing traits must be added, and the picture is complete. Vanity is very largely present among criminals; not in personal appearance only, but as regards their feats and exploits. A Frenchwoman became an accomplice in

a murder, merely to get "pretty bonnets." The swell mobsman is especially careful of his dress, and when he can, patronizes the best tailors. The highwaymen of old, the pirate and brigand, were all fond of bedizening themselves with gold lace. The moral vanity which seeks glory in infamous notoriety, and leads the top sawyers in crime to revel in the hero worship of his bold companions, is constantly observed in criminals. A great felon, proud of the "big jobs" he has done, demands admiration which is denied to the pettifogging thief. Blin, a French murderer, arriving at La Grande Roquette, at once held a *levée* in the exercising yard. Group after group surrounded him; he was like "a king in the midst of his subjects"—he knew that he dominated and fascinated them all.

Idleness, last of all, the invincible dislike of sustained honest and common-place effort, is characteristic of all criminals. They will take immense pains to elaborate their nefarious schemes, but they will not work. They hate labour, and drift into crime, from their keen desire to escape the necessity for work. A convict within my knowledge was taxed with his frequent relapses. He promised volubly when in durance, and was frequently assisted to honest occupation when set free. Yet he persistently fell away, and was constantly sent back to gaol. "Yes," he admitted, "I know I had a good place, good wages, constant employment at a trade which I knew. Why should I work? Work hard and steadily week after



CONVICTS ON THE "WORKS"—CHATHAM DOCKYARD EXTENSION.

week, when I can earn enough in one big *coup* to keep me in comfortable idleness for years?" Strange to say, the disinclination to work did not show itself in prison; either the discipline, the dread of the irksome restraints imposed upon the obstinately idle, the hope of "earning his remission," that excellent and unfailing bribe to effort, encouraged him to do his best, and he was always an industrious prisoner. Idleness however is the one evil propensity a prison cannot always cure. It supplies the largest percentage of prison misconduct; prisoners do not actually sit with hands folded, but they will always try to evade or only partially perform their tasks. One or two cases of refusal to work long persisted in have come under my observation. The most remarkable was that of A. X., who never did a stroke during a whole sentence of seven years. Every kind of coercion was tried in vain; the man was taken out, handcuffed and laid on the ground during working hours, in the full sight of his fellows; he was punished, exhorted, tried at every kind of employment, all without avail. He always made the same reply; a firm but respectful negative—"No, sir, I will not work; I do not mean to do so, now or at any future time"—and he never did, through more than one sentence of penal servitude.

Such is the criminal type as presented to us by the criminal anthropologists, and as it has appeared to them after very extensive researches. Opinions differ as to the value of the results supposed to have been

obtained. They certainly are hardly sufficient to construct a new scheme of penal treatment. Some critics, while not discrediting the data on which they are based, go the length of entirely denying their practical usefulness. Others go further, and declare that the characteristics found in Italian criminals are almost entirely absent in those of other nationalities; that even where they have been noticed, they appear in a still larger percentage among non-criminals.

Another fatal objection is the established fact that crime is often progressive, that the first small misdeed leads on to worse and worse, yet the outward characteristics remain the same. Thus the nose of a thief is found to be generally turned up, and that of a murderer crooked. "How," asked the French doctor Dubuisson, "is this to be reconciled with the fact that most criminals begin with theft, and often end in murder? Does a thief's nose change its shape when he commits the greater crime?" Again, the characteristics have been found mainly in the male sex; they are wanting in the female, a paradox not to be easily explained. The very strongest argument against the conclusions of the new school is, that to accept them, the doctrine of free-will must be abandoned. Yet without free-will there can be no personal responsibility, and the right to punish at once disappears. "All who would defend free-will, the most noble attribute, the most sacred right of the human soul, should combine to protest energetically against a doctrine which is only supported by audacity,

against which reason and the experience of centuries have declared."[1]

The new ideas undoubtedly carried the congress held at Rome in 1885 by storm. A more cautious and critical spirit succeeded, in which the grand conclusions arrived at were fiercely assailed. Then came the congress of Paris in 1889, when the criminal type, to use an expression of the time, was "reduced to the state of a phantom." The verdict then given was that crime was rather the result of social environment than of inherited or accidental imperfections in the individual. Last year (1892) a third congress at Brussels, from which the Italian savants were conspicuously absent, has steered a middle course, and while admitting that the Roman congress was premature, sought to tone down the condemnation passed at Paris. Criminal anthropology rests at present on too insecure grounds, on too many suppositions and probabilities to be entitled to the name of a science. It has been deduced from too incomplete premises, too hasty inquiries to give substantial results. More extended researches are needed before its recommendations can be even partially accepted. Still the congress of Brussels advised all interested in the subject to preserve an open mind. So far the fact is indisputable, that as yet the criminal anthropologists have made no remarkable discoveries, have put forward no new and incontestable facts. What they may yet accomplish it is impossible to foresee.

[1] M. Camion de Vence, *Revue Pénitentiaire*, March 1892.

Meanwhile any one who, drawing upon his own observations, can give further insight into the nature and character of criminals, may help the science forward. My own experience of them has been long and intimate, gained from close personal relations, while they were in the domestic state, caged or captive, that is to say. As one who has watched and studied them closely for many years, mixing with them freely, seeing them under many aspects, knowing their wiles and artifices, acquainted with their worst passions, yet admitting their occasional possession of more generous emotions, I may be found to have something of interest to say about them.

A prison is, after all, only a microcosm, much resembling the great world outside. Prisoners are very much like other human beings, agitated by the same hopes and fears, affected by the same joys and sorrows. But while acknowledging this universal kinship, they have very distinctive features of their own, and these are not congenital, but are mainly caused by their environment and the more or less artificial conditions under which they most constantly live. They are cunning, but not always cautious; reckless, yet often cowardly; secretive, painstaking, not always in the right direction; self-indulgent, if opportunities offer; intractable; easily moved to wrath, yet not insensible to kindness, and often amenable to gentle influences. Long periods of irksome servitude, of enforced detention, with that surrender of independent volition which is one of the chief hardships of prison

discipline, make the gaol tenant an outwardly subservient, but inwardly rebellious, character. He yields obedience if he is wise, but he is at heart generally incorrigible, and sometimes openly mutinous. Intense dissatisfaction with his present lot engenders a bad, brooding temper, which may display itself in open acts of violence, in long-maintained struggles against the iron hand of authority. If he can be bold yet patient, ingenious to devise and slowly perfect, yet prompt to seize opportunity and swift to execute his designs, his hostility culminates in an attempt to escape. These are seldom successful, but they are often made, in obedience to that unquenchable aspiration after liberty with which all who have lost it are constantly consumed. Discontent shows itself, too, in an ever-present wish to complain, to magnify grievances, to protest and grumble, and seek for some sort of change. The monotony of life is relieved by transfer from one prison to another; time flows faster when petitions against sentence are before the authorities, for in a prisoner's secret heart he always feels that he has been unjustly used, wrongfully convicted, and his innocence must be established if only he gets fair play. His self-indulgence is a craving for more food, or for tobacco, the forbidden but highly coveted weed, not unnatural in people kept on short commons and denied all the little luxuries they love. These various idiosyncrasies are independent of sex; they are seen in both males and females alike, although the latter exhibit certain peculiarities of their own.

Women are more troublesome, because they cannot be so firmly governed; they require more humouring, a lighter hand, the tact which can command while seeming to persuade. Their artifice goes deeper; defiance is not less marked, and more prolonged; their misconduct is more contagious, a spark will set it alight; once started it is difficult to extinguish. Feminine nature is more hysterical, unreasonable, and uncontrollable. It is an axiom in prison philosophy that women are far more difficult to manage than men. Yet it is equally certain that some female prisoners are more readily affected by exhortation; they are more willing to see the error of their ways than males.

The best experience goes to prove that there is a tender spot in the bosom of the fiercest malefactor; the only point is to find it, not always an easy task. These unhappy wretches for whom the prison or the scaffold waits are not unlike old-fashioned harpsicords, every key of which is broken but one, yet that if touched will answer with sound. "I have seen," says Maxime Du Camp, "men absolutely steeped in vice and disgusting crime, who burst into tears if you spoke to them of their mother or their village home." The French *Juge d'instruction*, whose *métier* is to play upon the emotions, found that the accused criminal who resisted every other attempt, broke down at the sight of a witness who recalled his childhood; another confessed to his crime in order to save a friend. "The conviction that no case is

absolutely hopeless," says another writer of large experience, "no criminal, however guilty, altogether impervious to good influences, is that which mainly sustains those who have work to do among the inmates of a prison." [1]

Human nature asserts its empire even in the criminal class. Prisoners, whatever their offence or character, have been animated with the more generous emotions of kindliness and charity. It may be merely an evanescent movement towards the good, born of vanity, the desire to pose as a benefactor; but the contrary may also be true, and the exhibition of this better feeling may be a tribute of passing repentance, a wish to atone for other misdeeds, and make indirect restitution. Many strange and even touching instances of this are on record, and some may be quoted here.

The wife of a well-known journalist, a woman advanced in years, was roused one night when alone in the house by sounds that satisfied her burglars had broken in. The courageous old lady rose and went down-stairs into the dining-room, where she found a man in the act of rifling the sideboard and cupboards. He turned on seeing her, and with one blow of his fist knocked her down. As soon as she could recover herself she got up and quietly took a seat, whence she addressed the burglar. "I suppose you have been driven to these evil courses by want. But why add cowardly violence to your crime? You see

[1] Scougal, *Scenes from a Silent World.*

I am an old woman, old enough to be your mother. Is your mother still alive? Do you remember her? What would you say or do to a man who struck her in the face and knocked her down?" Her words as she spoke had a strange and marked effect upon the house-breaker. It was obvious that the reference to his mother touched him. He was one of those criminals who had a mother (and all have not—not a mother they know, or who knows and acknowledges them), and the sight of this poor creature he had so cruelly ill-used created a revulsion in his feelings. There was manifest contrition in him when he said—"I'm sorry, ma'am, and I am ashamed of what I am doing. I will not take anything belonging to you, except this five-pound note. But I am really in desperate straits, and I want some money badly." He emptied his pockets of the various articles he had annexed, but with the full, free consent of the old lady, made off with the five pounds. Some time afterwards an envelope came addressed to her in a strange hand. Inside was a five-pound note. She always maintained that it was from her burglar, who had thus made full restitution. It would be perhaps cynical to suggest that the cash in question came from some other more successful "job."

A French burglar, who had broken into an apartment in Paris, was shocked to find many manifest signs of the extreme poverty and destitution of his intended victims. Although no doubt disappointed, he left a present of twenty francs upon the mantel-

piece for the occupants of the place. There was another French thief who had just escaped from one of the *bagnes* (arsenal prisons), and who came to a wayside inn where an execution had just been levied for unpaid taxes. The hostess was a poor widow, who thought herself utterly ruined. But the thief followed the sheriff's officer home, after the latter had completed the sale of the widow's furniture, and coolly stole the whole of the proceeds, which he forthwith handed over to the widow. The chief of a band of Italian brigands allowed no interference with poor people, and in one case inflicted a heavy fine upon one of his band who had robbed a poor peasant.

A more extraordinary story is told of a French convict at Toulon. Among the free labourers who worked almost side by side with the convicts was an Italian, who always showed them much sympathy and kindness. He brought them extra food, and addressed them like human beings, talking of his family, wife, and home. But the Italian's gaiety suddenly left him, and it came out that he was sorely pressed for money. One of the convicts who had heard this, presently announced his intention of making his escape. He confided his plan to the Italian, and got him to promise to visit him in a hiding-place he knew of, well beyond the town. The convict escaped in due course, and the Italian came to him; when to the latter's astonishment the convict said—"Now, I give myself up to you. My capture will bring you the reward, one hundred francs (£4),

and that will help you out of your difficulties." For a long time the Italian stoutly refused to take advantage of the fugitive's self-sacrifice, but at last yielded and took back the prisoner. Some time afterwards this noble trait became known to the prison authorities, and the punishment for escape was remitted.

Another French convict at the point of death in the hospital at Brest, was greatly distressed at leaving behind him an orphan boy. The child had been brought to Brest by its mother, where she had died, and now absolute destitution threatened it. A convict comrade, however, who was one of the hospital nurses, undergoing twenty years for housebreaking, solemnly promised to befriend the orphan, and was allowed to take charge of him, in the *bagne*. He shared his daily allowance with him, taught him to read, and as the child grew older, paid for his education out of his prison earnings. Eventually his *protégé* was taken on board a French man-of-war, and lived to do well. The convict himself was thought highly of in the prison, and was released somewhat earlier than he could claim. But on his return to Paris he relapsed into bad ways, and was once more arrested and sentenced for the same kind of offence. On his return to Brest, he declared that his only consolation was that his *protégé* was now independent of him, and he had no desire to survive his second sentence—and in truth he died soon afterwards of chest complaint.

Convicts can be grateful as well as generous. An

advocate in the city of Brest had made a most eloquent defence of a coiner, and through his efforts the accused escaped the capital sentence. Some months afterwards this gentleman, Monsieur B——, visited the prison, where his client was serving out a term of *travaux forcés*. He himself tells what happened. "I was surprised to find that all the convicts, who when I entered were on the point of returning from labour, ranged themselves, cap in hand, in two long ranks on each side of us. Passing on we paused a moment to examine some cleverly engraved cocoa-nut shells, when I felt all at once that something had caught round my feet. Supposing it to be some rope or chain, I looked down, and to my great astonishment found a man on the ground endeavouring to kiss my feet. Stooping to lift him up, I saw that it was my coiner client. I protested against the extravagance of his gratitude, and at that moment saw a deputation of convicts approaching, at the head of whom was a not ill-looking man, who made me a well-turned speech, expressing on behalf of his comrades heartfelt thanks for the successful efforts I had made to help one of their body. This ceremony it appears had been planned and prepared for some time, on the possibility of my visiting the *bagne*. It was an impressive scene, one I shall never forget. Six hundred convicts in the most respectful attitude, evincing such good feeling—and in such a place!" A more recent amusing instance of convict gratitude has come

under my observation. It was that of a convict who owed, or thought he owed, something to one of the superior officials of a prison, and wrote after release to give him a "straight tip" for a country race. He announced himself so positively that the official was induced to take the hint, and backed the horse recommended, which was at 40 to 1. The event proved that the ex-convict tipster was right; for the horse won the race.

Prisoners are especially susceptible as regards the domestic affections. Few ignore domestic ties; on the contrary, strong affection for wife, children, relatives is a common and abiding virtue among them. This is to be read in every line of their correspondence; in which, although always subjected to official scrutiny, they generally express themselves without reserve. Home and its dear ones form the favourite themes of the rude but often touching doggrel committed during the long lonely hours to the school slate, the prisoner's constant and familiar friend and companion. This trait of family affection is a useful aid to discipline; the right to communicate with friends, whether by letter or visit, is so highly prized that the dread of its deprivation is one of the best incentives to continued good conduct. Half the applications and complaints made to superior officers are with regard to these privileges; protests against their forfeiture, arguments as to the proper interpretation of the rules, requests that the boon may be advanced a day, a week, a month; or the still

greater concession, that an extra or special interview or letter may be given.

Other evidence can be offered as to the existence of family affection among criminals. It has been referred to by Mr. Havelock Ellis, who reminds us that it has often constituted the motive for crime. The strong instinct of maternity that prompts a woman to steal for her child; the jealousy of lovers, which leads to murderous assaults, are instances of this. It is very rare, he adds, to find a prisoner who is not touched by an allusion to his mother. The well known American police-officer, Inspector Byrnes, has made some interesting remarks on this point. "Remember," he writes, "that nearly all the great criminals of the country are men who lead double lives. Strange as it may appear, it is the fact that some of the most unscrupulous rascals who ever cracked a safe, or turned out a counterfeit, were at home model husbands and fathers. In a great many cases wives have aided their guilty partners in their villainy, and the children too have taken a hand in it. But in as many, all suggestions of the criminal's calling was left outside the front-door. There was George Eagles, the forger. His family lived quietly and respectably, mingled with the best of people, and were liked by all they met. George Leonidas Leslie, *alias* Howard, who was found dead near Yonkers, probably made away with by his pals, was a fine-looking man, with cultured tastes and refined manners. Billy Porter and Johnny Irving were not

so spruce, but they would pass for artisans; and Irving is said, in all his villainy, to have well provided for his old mother and his sisters. Johnny the Greek paid for his little girls' tuition at a convent in Canada, and had them brought up as ladies, without even a suspicion of their father's business reaching them. I know this same thing to be done by some of the hardest cases we have to contend with."

THE PRINCE OF AMERICAN THIEVES.

Inspector Byrnes also mentions a celebrated burglar and forger of America, called by the fraternity, "the Prince of Thieves," on account of his great liberality; "it is a well-known fact that he has always contributed to the support of the wives and families of his associates when they were in trouble."

Dr. Campbell, formerly surgeon of Dartmoor and Woking convict prisons, bears witness to a pleasing

trait he observed even among the roughest criminals. One and all are ready and willing to bestow the most devoted attention on their comrades in hospital. There are no better nurses than prisoners; in cases of infectious or the most loathsome diseases there is no difficulty in securing attendants. Dr. Campbell speaks of a case where the convict-nurse continued to serve, although the patient's illness was of so disgusting a character that he was made constantly sick at the work.

Another story from the same source may be quoted in proof of the proper feeling a convict will show. A comrade was dying in hospital; a rough, hardened old hand, who positively refused to listen to the chaplain, but asked to see his convict friend. The latter was brought at once to his bedside. When he heard what had occurred, he set himself to combat the dying man's prejudice, and with tears streaming from his eyes, he besought his old friend to change his mind, to see the chaplain, and not to die like a dog.

PART II.—THE LAST DAYS OF TRANSPORTATION.

CHAPTER I.

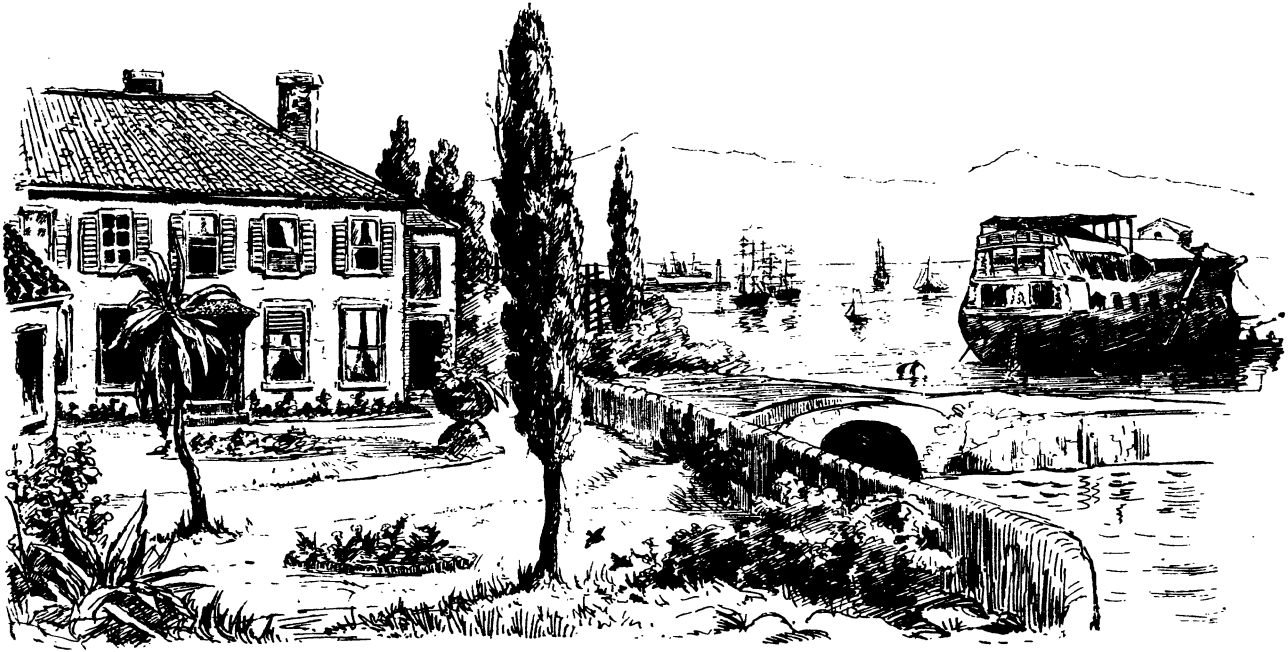
GIBRALTAR CONVICT LIFE.

My introduction to prison life—The disturbance in the Gibraltar convict prison—My mission—Strangeness of work and surroundings—Innumerable and confusing applications from convicts—A convict's conscience—Extraordinary confession of a mysterious murder—Confronting the parties—Further investigation and reference home—The result—Spurious confessions generally—How explained—Constant hankering after change—Despondency and mental weakness.

MY introduction to prison life came upon me suddenly and unexpectedly. I little thought when I was sent for by Sir Richard, afterwards Lord, Airey, one fine winter's morning, in 1869, at Gibraltar, and desired to take charge of the Gibraltar convict establishment, that it would be the first step in an entirely new line of life. I was at that time on the staff of the Gibraltar garrison, brigade-major of the Infantry Brigade. My horse stood ready caparisoned at the door, and I was on the point of starting for the North Front, the well-known garrison drill-ground, to prepare for the regular field day, or Saturday review. The general's summons and my mission

changed the direction of my ride. I went south, not north—not to Waterport, but towards the New Mole—and as I trotted up Covent-lane and out through Southport, I met and passed several of the regiments of my brigade, headed by their bands, marching down to parade. With an interchange of cheery greetings, and a word or two of pleasant chaff —"You're going the wrong way," "You'll be late for parade," "Is the field-day postponed?"—we went our different roads; they to the drill-ground, and later to more stirring scenes, to Kambula Kop, and Ulundi, and Ahmed Khel, Maiwand, Mandalay, who shall say where?—and I, little as I thought it then, to duty as arduous perhaps, but of an entirely different kind. That was the last day on which I wore a sword. I drifted away, gradually, imperceptibly, but yet completely, from my old profession, and in due course became a civil, not a military, servant of the Crown.

The cause of my hasty errand was soon apparent. The convict establishment, which contained some five or six hundred convicts—English convicts mostly, sentenced to long terms, years and upwards, many of them "lifers," and all more or less hardened, intractable offenders—was almost in an uproar. The comptroller, or governor, had long been ill; discipline had gradually deteriorated; there were ominous signs of tumult amongst the felon population; the staff of warders, harried and overworked, were losing heart; and it was high time to vindicate authority with a strong, firm hand. My selection for the duty was a



COMPTROLLER'S QUARTERS, GIBRALTAR CONVICT PRISON.

compliment which I appreciated, but I felt that my work was "cut out" for me. The whole business was entirely new; I knew more of the Queen's Regulations than of the penal law. I had had the control and management of men in large numbers, but of honest, well-meaning British soldiers, not habitual criminals. Still, discipline is discipline everywhere; rules may vary, but system is generally the same—equally effective when rightly applied. My warders were mostly old soldiers. The prison was under the walls—the guns—of the fortress; I had a military guard with loaded rifles at my beck and call; and I could count upon the goodwill and support of my staunch friend, Sir Richard Airey, the governor and commander-in-chief of the Rock.

Dismounting and giving up my horse to my groom, I crossed a drawbridge, descended a winding staircase, and entered the prison by an inner gate at the foot of the line wall. The prison lay within the New Mole, and was really part of the dockyard and Admiralty premises. Its enclosure was bounded on one side by the sea, the waters of Gibraltar Bay; on the other by the fortifications, under which the main building nestled, a long, low, two-storeyed wooden edifice, little better than a shed or barrack, with bunks or sleeping-room for twenty, shut off by bars, like large cages, on each side of a central passage. From this building there rose a strange hum of voices, a dull murmur, angry and menacing, as it seemed, like the surly growls and grumbles of im-

prisoned animals, an impression presently maintained as I entered the prison and saw its inmates ranging up and down beyond the strong bars of their little dens with the quick, stealthy movement of active wild beasts taking exercise in a limited space. Another less doubtful noise fell on my ears at intervals, shrieks and piercing yells—the raging, passionate cry, surely, of a mad lunatic!—accompanied by the rattle of chains, and interspersed with peremptory commands to be still.

"It's that Unsworth. He's broken out again," said the chief warder, who, with one of the visitors, a comrade on the staff of the garrison, met me at the threshold of the prison.

"Where is he?" asked Colonel S——.

"In the 'Separates,'" and so saying he led us to a detached block of strongly-built stone cells, standing in their own narrow yard, a dozen or so in number, each with double doors. The inner one of wood was opened by running back a bolt, leaving the outer one, an iron gate, still securely fast, and through the bars of the latter I saw the refractory Unsworth, a huddled-up heap, in the far corner. As we appeared he sprang towards us with a bound, uttering the most frightful imprecations.

I shall not easily forget this, the first "incorrigible" I had ever seen. Not the last, I fear, for some prisoners still obstinately defy authority. But he was one of a peculiar type, and one which is becoming more rare. They were the survivors of the

ancient days of transportation; men who had been to Botany Bay, had worked in the chain-gangs of Tasman's Peninsula, and graduated through all the nameless horrors of old convict life.

He was a wild and terrible figure, as he stood there, defying us, in the hideous parti-coloured dress, alternate black and drab—the badge of those who have committed desperate assaults on their officers —wearing the leg-irons and connecting-chain, the additional penalty of the offence. He was manacled, too, by the wrists, and powerless to do us harm except with his foul, fluent tongue. Colonel S—— expostulated with him quietly, warning him of the inevitable consequences of this persistent misconduct, but only elicited a fresh outbreak of defiant vituperation.

"Are there many more of that sort?" I asked, rather anxiously.

"Well, he's about the worst, I think," answered Colonel S——. "But let us go into the main prison, and you shall see them all."

It was a Saturday afternoon; the public works—quarrying at Europa, road-making at Buena Vista, dredging, diving, barge-filling, and so forth—had been discontinued at mid-day, and the whole strength of the prison, except the sick in the hospital hulk moored a cable's-length away, were here under lock and key. I passed slowly down the corridors, and carefully inspected my new charges, as they crowded up to the bars, not openly insubordinate, perhaps, being awed a little by our uniforms, but insolently

curious and scowling, talking at us, and constantly pestering Colonel S——, whom they recognized, with whining petitions and requests.

"Put your names down to see the comptroller," he answered invariably. "This is the new comptroller," he added, pointing to me, on whom the felon inquisitiveness was now concentrated—upon me, a new and unknown quantity, but the future arbiter of their daily lives.

"That will be your first duty," went on S——, as we passed on to the governor's office. "They are entitled to see you when they ask, and, owing to D——'s long illness (my predecessor), the applications, as we call them, have not been heard for some time."

The word was soon sent round to bring out, convicts seeking interviews, and within a quarter of an hour quite a hundred were drawn up two deep in front of my office-door. It was the first chance I had had of inspecting any considerable body of them, and I looked down the ranks with lively interest. They might have been a pirate's or a slaver's crew; their costume was semi-nautical, a tarpaulin hat, round jacket, wide duck trousers, and low shoes, while their faces were mostly unpleasing, bearing some outward indications of that depravity, those low tastes and criminal propensities, that had landed them there in a convict gaol.

After a short survey I took my seat, and the first applicant was ushered in.

It was a simple question to put to me, concerning

his treatment under the rules, but it fairly stumped me. So far, I had not read a line of these rules, and all I could promise was to give him an answer on Monday. The second applicant posed me equally with an inquiry about his diet; a third complained of an unjust forfeiture (he said) of marks; a fourth was at loggerheads with the doctor, whose medicines did him no good; a fifth and sixth were dissatisfied with their original sentence, and quoted several Acts of Parliament to show that their penalties were excessive.

Others again protested in various fashions, from pitying entreaty to fierce indignation, against the hardships of their exile, declaring they were more hardly used than any convicts at home by being prevented from receiving periodical visits from their friends. It was a sin and a shame, they insisted, to send them to Gibraltar, a thousand odd miles from home; and I could see that a longing for change in any shape was an ever-present, all-consuming desire with the larger proportion.

The intricacy and variety of these appeals, with my own ignorance and inability to decide them, was soon brought home to me. I could not answer a single question—I had not a word to say. Only one way offered itself out of this dilemma: to postpone the hearings till Monday, and in the interval work up all the information within reach.

It was a tough job, but I stuck to it. Laying hands on all the authorities available—books of rules,

standing orders, printed circulars, official correspondence—I retired to the comptroller's house, where my servants had made me up a rough-and-ready home, and there studied the voluminous mass of details far into the night. Every spare minute next day, and again late into the next night, I worked on, conning my lesson diligently, painfully, but with ultimate success. By Monday afternoon, when the applicants were again paraded, their numbers already largely increased, I was in a position to dispose pretty summarily of all but the most complicated affairs.

One of these was a specially difficult and peculiar one. It was a case of conscience. A convict answering to the name of Ebenezer Nafton was brought in in his turn, but, strange to say, stood silent without formulating any request.

I was writing for the moment, with head bent down, and at last looked up surprised.

"Go on," I began; "what do you want——?"

I could say no more. His face, his look were so strange, so extraordinary, that I was fascinated and struck dumb. He was a tall man, with a long gaunt face of sallow hue, hollow cavernous jaws, overgrown with jet-black stubble; jet-black hair, jet-black eyebrows, and the darkest, most mournful-looking eyes heightened the effect of the yellow mask.

If emotion—heartrending, deep-seated—was ever depicted on a human countenance, it was there before me, plainly, forcibly written upon this agonized,

unhappy face. The man's eyes were full, and the great tear-drops welled over, rolling down his cheeks. His hands twitched convulsively, and his body heaved and swayed with the piteous sobs that shook his whole powerful frame.

At last he found his tongue, and, speaking slowly, he gasped out—

"I wish, sir, to make a confession."

Touched with the man's exceeding distress, I answered kindly, begging him to proceed, but to take his own time.

"Yes, sir, a full and complete confession of an awful but still undiscovered crime."

"Go on," I said, after another long pause.

"*You may have heard, sir, of the murder in* Knightrider-street. The counting-house of Messrs. Blank was broken into two summers ago, the safe robbed, and the housekeeper, an aged, helpless woman, killed. She was found struck down near the safe, and it was supposed she had come upon the thieves, who had put her out of the way. She had been brained with a knuckleduster and then stabbed to the heart. The first blow had not killed her, because she was found lying soaked in blood."

"I remember, I remember," I hastily interposed, sickened with these details.

"The murderers were never discovered. They got clear away with their booty, and have since eluded detection until to-day."

"What do you mean? Do you know them?"

"I do, sir, only too well. Alas! alas! it was I, with my mate, that did the foul deed."

"Good Heavens!" I cried, "this is most astounding. Am I to understand that you freely and voluntarily confess yourself one of the perpetrators of the Knightrider-street murder?"

"That is so, sir. I confess it, and am prepared to answer for my crime. God knows it lies heavy upon my conscience! I can bear it no longer; but I must make a clean breast of all."

"There were others in it, you say? You had an accomplice. Where is he? Will you tell me his name?"

"I wish to do so, sir. He is here in this prison, like myself serving out a sentence for an entirely different affair. His name is Grooly—Albert Grooly."

"Where is Grooly?" I whispered to the chief warder. "Let him be sent for. We will confront these two men, and see whether one statement is corroborated by the other."

Nafton was marched to a corner of the office, and made to stand with his face to the wall. Presently Grooly was brought in from the hospital hulk, where he was employed as a cleaner and nurse. The two men had thus been practically apart for some time, and there could surely be no collusion between them?

Grooly was a round-faced, chubby-looking man, who seemed to thrive on prison fare, or possibly on the extra pickings and pilferings of the hospital. He stood before me with a jaunty, off-hand, not to say impudent air.

"Do you know this man?" I said, pointing to Nafton, who was directed to approach.

Directly their eyes met, Grooly's wavered, his colour changed, his smug self-sufficiency faded out of him, and he collapsed all at once into a flabby, spiritless coward.

"No! no!" he stammered; "that is to say, I have only seen him here, along with the rest of us."

"Don't lie!" interrupted Nafton sternly. "You were my partner and chum in old times. We did many a job together, out and about in London and the country. Have you forgotten Knightrider——"

"You're not going to round on me, Nafton," whimpered Grooly. "What! blow on a pal?"

"My conscience! my conscience!" cried Nafton, with a fresh access of grief and anguish. "It gives me no rest. I see the poor old creature continually. She haunts me night and day, in my hammock, out on the quarries, in chapel, everywhere. I cannot escape her. Blood will out. God help me!"

Nafton went on muttering, more to himself than in answer to his comrade's reproaches.

"Do you repudiate this charge?" I now inquired of Grooly point-blank. "You are accused of complicity in the Knightrider-street murder."

"By him?" Grooly nodded nervously towards Nafton, who suddenly lifted his eyes and looked at him with passionate contempt. Grooly tried hard to brazen it out, meeting the appeal of an awakened conscience with an attempt at defiance; but the

better feeling triumphed, and presently he too confessed the crime.

"We did it, sir, I admit; did it together. I struck the first blow. Nafton finished her. Now you may do your worst. Top me, scrag me; but mind, act on the square and scrag us both."

The whole affair was strange enough, sufficiently so to perplex a more practised convict official than myself, and I felt I must refer to others for advice. Meanwhile, I directed the two convicts to be removed each to separate cells, and then, locked up singly and apart, to put their confessions on paper, being provided with foolscap and writing materials for the purpose. These, duly signed and certified, I forwarded, with an ample covering report from myself, to the Visitors, and through them to the governor of the fortress.

The same day Colonel S—— came down to the prison, and both Nafton and Grooly were brought before him. They were cross-questioned closely and singly on their confessions, and adhered implicitly, point by point, to the original statements they had made.

"The case must be sent home to England," Colonel S—— told them. It was beyond his jurisdiction.

"And what will become of us?" asked Nafton anxiously.

"Eventually you will, I suppose, be sent to England —to London—for trial at the Central Criminal Court. In the meantime, you will be treated here——"

"As prisoners awaiting trial?" asked the convicts, with an eagerness I did not understand.

"H——m! Well, yes. I think you have a right to that. They will not be sent out on the works," said S——, turning to me, "but kept in the separate cells, on fourth stage diet" (the best).

A short quick gleam of intelligence passed between Nafton and Grooly. It was lost on S——, whom it might have enlightened, but I saw it, and remembered it, later on.

A very careful *précis* of the case, with the confessions, examinations, and other documents, was forwarded to the Colonial Office (under which we were), to be submitted to the Home Office, and instructions sought for dealing with the two self-confessed murderers.

The answer came in due course, after some six weeks had elapsed.

There was not one syllable of truth in the confessions. Both Nafton and Grooly were not within a hundred miles of Knightrider-street on the night of the murder, but were actually in custody for a minor offence. They had heard of the crime while in prison from some new arrival, and having put their heads together in a way we were never able to fathom, they had agreed to impose upon me, "a new hand," with the cleverly-concocted story, which would probably gain them some weeks of idleness, and possibly a trip to England for trial. The whole scene—Nafton's deep, over-mastering contrition, his terrified recogni-

tion by Grooly, the joint confession, and bitter self-reproaches were got up for my benefit, a hollow farce cleverly contrived, and acted with complete success.

Since then I have come across many spurious confessions, but, remembering Nafton and Grooly, my first attitude towards all is one of incredulity or at least of cautious suspicious reserve. Convicts have a rage for them—always with some ulterior object in view. The passion has generally its origin in some deep, irresistible craving for change. It was so in the case of Nafton and Grooly, and it is the same wherever removal or even a change of condition is likely to follow confession.

An old story is told of a French convict at Toulon, who, soon after the assassination of the Duc de Berri, managed to persuade the police, through his friends, that he was acquainted, and had possibly associated with, one of the assassins. He was in consequence forwarded at once to Paris in a post-chaise, and so much was hoped from his revelation that orders were given to his escort to treat him with every consideration *en route*. He travelled royally. At one point on the road where he found pleasant quarters, he feigned illness, which he prolonged as long as the inn was comfortable. When finally he reached Paris, he made all sorts of difficulties about giving information, hesitated and prevaricated so long that he was

suspected to be an utter impostor. This he at last confessed, admitting that he knew nothing whatever about the assassins, and that he had only wanted a little change of scene and better treatment than that of the *Bagne*. Now being greatly refreshed and rested by his trip, he was ready to return to Toulon.

It has happened that the desire for change is caused by the horrors of the convict's situation, and he will stake his life even on the chance of removal. During the worst days of that hell upon earth—Norfolk Island—men committed murder there merely to be removed to Sydney for trial and execution. There was always a not remote chance of escape on the journey; and this was offered to the witnesses necessary to prove the murder as well as to the murderer himself. In this desperate game the part of principal player, whose end was most probably the gallows, was settled by lot. The Russian novelist Dostoieffsky, who passed a term of political exile as a Siberian convict, and in his own person probed convict misery to its lowest depths, has said that these poor wretches "would have committed unheard-of crimes; some from weariness or grief, the others in order to get sooner punished, and, according to their own expression, have a change."

The despondency and desperation caused by the hopeless wretchedness of his situation, and the consequences thereof, are mentioned by Captain Powell, who so long governed the convict-camps under the

lease system in Florida, U.S.A.[1] "The rude surroundings of the camp, the hard fare, the chains, and the grinding toil, combine to form an overwhelming conviction that he can never live to serve out his sentence, and he is either seized with dull despairing apathy, or nerved to escape at any cost, according to what manner he is." A negro received on a five years' sentence, although afflicted with an incurable malady, was so much depressed that he asked the Captain to shoot him a few days after his arrival in camp. "I can't do this work, and there is no use trying. The sooner I am dead the better for me." He was told his only way to secure it was to "run, or make an attack on me, and I would do my best to accommodate him." He afterwards tried to cut his throat.

It is little realized how much the police and prison authorities are worried by false confessions. Sometimes when a great undiscovered crime agitates the community, the fact becomes more patent, and, as in the Hampstead murder, several foolish people made voluntary surrender, who, on closer inquiry, are found to have been in no way connected with the deed. The police know of at least a dozen false Jack the Rippers, self-confessed, yet clearly proved to have been incapable of committing the crimes. But whatever the cause, whether vanity, the wretched desire for temporary notoriety, or morbid brooding over the event, which has at last produced

[1] See *The American Siberia* (passim).

monomania, these self-accusations are very common. Not long ago a convict in one of the large prisons confessed that he had murdered a comrade in India, and buried the body in an officer's compound. When followed up, the story was proved to be quite untrue; no man was missing in the regiment.

A more painful case, as proving distinct mental aberration, was that of a lady who recently wrote to the police declaring she had killed and cut up a soldier in the town where she lived. She was married, held a thoroughly respectable, even high position in society, and lived, as it was proved, quite happily, having many children and a settled home. But her imaginary crime so preyed on her mind, she said, that she meant to give herself up at once, and would come to London with her children by the first train the following day, prepared to accept immediate incarceration, to submit to trial, and to whatever penalty the law might inflict. All she prayed was, that she might not be separated from her children, and that if they could not be permitted to accompany her to gaol, that at least they might be lodged near at hand, where she might see them frequently. True enough, she arrived the very next day with all her belongings at Scotland Yard in a cab; children inside, boxes and a huge bath outside. Nothing would induce her to forego her purpose of surrender to justice. Here she sat, refusing all compromise; go to gaol she must, as she so richly deserved. It seemed as if the only possible course was to arrest

and charge her as a wandering lunatic, when the chief of police struck on a happy idea. He had not as yet seen her personally, but he sent one of his chief subordinates to tell her that she was to go to gaol at once, but that it would be impossible to allow her children to go with, or for her to see them again. If however she would sign a paper promising to appear when called upon, the police hoped to allow her to remain at large and keep her children with her. The ruse was perfectly successful; she wrote out the promise, accompanied by a full confession of her imaginary crime, and went off home just as she had come.

CHAPTER II.

CONVICT LIFE AT GIBRALTAR.

Inmates of the prison a new study—Various classes of convicts—The man Realff in the "canaries" and leg-irons—His bright demeanour and pleasant face—An old ship's captain—Coxswain of the prison gig—Combined attempt at escape—Realff asks a favour—His employment as a rough carpenter and strange disappearance—His great ingenuity—The cleverness, generally, of convicts—False keys, files, razors—The safe opened at Wormwood Scrubs—Clever fabrications of keys—Great French forgers—Extraordinary mechanical ingenuity displayed especially in cellular prisons.

WHEN I assumed the charge of the Gibraltar convict prison, its population was about five hundred; all "long-term" convicts as they were called, offenders, that is to say, who were expiating serious crimes in sentences of considerable length. These men were the chiefs and leaders of their nefarious profession; they had either graduated through every stage till they had gained the heaviest penalty, or they had achieved immediate pre-eminence by one great and atrocious misdeed. A very short examination of the prison archives convinced me of this, and will explain the increasing interest I took in my charges. I soon found myself comparing the crime with the criminal, curiously observing faces and

characteristics in the endeavour to read upon the outward mask some indication of the evil propensities within which had culminated in crime. My opportunities of effective observation were few; the great or habitual criminal is generally a consummate actor, and if he knows the eye of authority is on him, his face and outward demeanour are cleverly made up to mislead. But I sometimes saw my convicts unawares: from the window of my private office when they stood upon parade beneath; from behind the crimson curtains of my pew in chapel, when with hypocritical devotion they fervently intoned the Gregorian chants which our chaplain delighted in, or when they listened respectfully but with obvious inattention to his really excellent discourse.

After a week or two, in spite of the difficulties presented by a general dull uniformity of aspect, the confusing monotony of garb and coiffure, the same clothes, the same close-cropped hair and beard; notwithstanding the one hopeless, unhappy, apathetic look which prisoners always wear, and which is due to the boredom of prolonged incarceration—in spite of all this, I began to know something, as I thought, of the more noticeable characters. I could separate them into classes, could recognize types, distinguish between individuals, and understand their peculiar traits. The rather jaunty, well-built fellow, who wore his ugly clothes with a dandified air, who had greased his sparse locks with fat skimmed off his short allowance of soup, was a notable "cracksman,"

who had done a dozen "big jobs," and was "wanted" still. That hale old man with the silver hair, and skin as dark as a mulatto's, and who was so thoroughly at home with his surroundings, was a "colonial convict," a veteran survivor of the days of transportation to the Antipodes, who had been twice "across the pond," first to Botany Bay, and then to Port Arthur. The square-jowled man, with the eye of a vicious horse, who stood erect and defiant in constant protest against discipline, was an intractable soldier who had twice struck a superior officer; his next neighbour, a fawning, cringing, broken creature, had once held the Queen's commission, had lost all through gambling and self-indulgence, and was a convict for the third time for forgery and fraud.

But there was one man among them who soon especially attracted my attention; partly by his dress, which told its own story; still more by his demeanour, which was so different from what might have been expected that I was fairly puzzled. He was in a suit of "canaries"—the prison name for the parti-coloured dress of alternate drab and yellow, which is one of the penalties for attempted escape—and he wore the "leg-irons," or hanging chains, which are often imposed as an additional punishment for misconduct deemed most heinous by prison officials. What struck me most was the unconscious, unconcerned way in which he carried these glaring and irksome badges of disgrace.

I liked the man's face, moreover. It was honest-

looking. Vice had left no trace on it. It was as open and engaging as though he had never transgressed—could never have been guilty indeed of a breach of the law. He had none of the outward features of the instinctive animal—the anthropologists would have made nothing out of him. He had twinkling, almost merry, blue eyes, in a small-featured, rather rounded face; his hair, though cut close, was obviously curly, and a brilliant red; he did not stoop or slouch, like so many of his fellows, but stood up brisk and alert, with no sullenness in his eye, no discontented frown upon his unclouded brow.

What had brought this seemingly good-tempered, respectable-looking man into penal servitude? Yet more. What had landed him in the grievous scrape of chains and parti-coloured dress?

He interested me so much that I inquired further—found out his name and the particulars of his prison history. He was called Realff, and his was a life sentence, inflicted for casting away a ship of which he was the master. The official records were meagre, but I found that Realff had been fairly tried and properly convicted. He himself, the captain, had gone down into the hold, scuttled his ship, and was the first to desert her. The fraud upon the underwriters had been fully proved, and the sentence justly earned.

As regards prison conduct, Realff had behaved in the most exemplary fashion until he was carried away by that unquenchable craving for freedom which

animates every sentient being when in durance. He had combined with several others in an attempt to escape with the comptroller's (or governor's) gig. But here, I must confess, I thought that there was some excuse for the fugitives. Temptation had dropped straight into their mouths. Realff was the coxswain of the gig. It was worse than imprudence to give a "lifer" employment which permitted him to come and go in a state of semi-freedom; but he was a smart, sailor-like little fellow, and had commended himself at once to my predecessor, who took immense pride in his gig. It was a very smart and ship-shape wherry, manned by six expert oarsmen—all convicts, of course, but wearing neat suits of white duck and straw hats, bearing the prison badge—their only mark, indeed, of servitude. The old comptroller used his gig on every possible occasion, and it made as good a show as any man-of-war's boat upon the station.

Although it was a pleasant walk into the town, along the Line Wall or under the perennial greenery of the Alameda Gardens, the comptroller, whenever business took him to head-quarters, was invariably rowed as far as Ragged Staff. He visited the parties working in the Rosia Quarries or beyond towards Europa, seated in the stern-sheets of his gig, accompanied and protected by an armed warder at his side. This was his answer if any one hinted that there was possible danger in thus utilizing convicts. Besides, he knew his men, he said. They were a good lot;

he had especially selected them; and he was certain he could trust them, more particularly Realff. He would answer for Realff whatever might happen.

Nothing, probably, would have happened had the gig and its crew been limited to inshore service of the kind already described; but more was asked of them on an extraordinary occasion, and it was obviously too much. It was just before I became comptroller, and the occurrence made some stir in the garrison.

A party of convicts at work on the New Mole had, by some stratagem, gained possession unobserved of a ship's cutter, and had made off across the bay to the Spanish town of Algeciras on the other side. Here they would be free men, as in those days there was no treaty of extradition with Spain. The fugitives had already a fair start before the warning gun from the signal-station and the white flag upon the lower yard gave the usual notice to the garrison.

There was, of course, intense excitement within the prison. The working parties were formed up and marched in; messengers were despatched to seek help from the naval authorities; and the comptroller promptly, but very foolishly, ordered out his gig. It was always in readiness, and soon answered the summons. He could not well absent himself from the prison at such a moment; but the boat was at once despatched in pursuit, with a warder in charge, the convict crew laying well to their oars, and making the light wherry skim over the water at such a pace it seemed certain the gig would overhaul the other

boat, although so far ahead. But the spectators, who by this time were numerous, both at the end of the New Mole and along the Line Wall, and were beginning to bet upon the exciting race, soon saw that the convicts in the pursuing boat had business of their own to transact, very different from that of recapturing their comrades. Through glasses, the crew of the gig were seen to rise upon the warder in the stern-sheets, overpower him, and bundle him into the bottom of the boat. Then they again bent their backs to their oars, and plainly showed that they too meant to escape.

This they would certainly have accomplished; but, unhappily for them, H.M.S. ——, the little gunboat permanently upon the Gibraltar station, just then steamed round Europa Point. She was returning from some mission down the coast, and, taking in the situation, at once gave chase, gained quickly upon the gig, and recovered possession of it and its crew. The first boat, however, had already reached Spanish water, and was beyond pursuit.

For this daring, but not unintelligible, attempt to break prison the whole of the gig's crew had been sentenced to wear the cross-irons and parti-coloured dress.

A few days after I had first noticed Realff, I found him among the applicants for an interview with me in my office. Had he guessed, with that extraordinary, almost intuitive, quickness so often characteristic of the convict class, that I was well-disposed

towards him? Had he detected me, caught my eyes upon him once or twice, and presumed therefrom the interest he aroused?

"It is about my case," he said directly he was brought in, speaking without cringing, and with a kind of sturdy, self-possessed independence, yet without the slightest presumption or effrontery. "I have not been punished justly."

"Your sentence is unjust—is that what you mean? Do you wish me to believe that you are innocent?"

"No, sir; not all. Most of them here say they are innocent, as perhaps you have already found out, sir."

We exchanged smiles, the convict and I, over this hackneyed prison joke, which was more or less new to me then. Everybody in prison has been wrongfully convicted, if the prisoners' own assurances are to be believed.

"No, sir, I was guilty; and I pleaded guilty of the offence they sent me here for. It's about these clothes;" and he pointed to his drab-and-yellow dress.

"You tried to escape."

"No, sir; I did not. I was the victim; I was carried away by the others; I could not help myself."

"Why, the evidence against you was perfectly clear. I have read it. You were the ringleader—that was proved. It was you who seized the officer from behind; as coxswain you could easily do so. You first abstracted his revolver from his belt, then

shouted to the others, 'Brain him, boys, if he makes a move! I've got his barker!' That was sworn to by the officer, Warder Allkirk."

Realff smiled pityingly.

"That was *his* story, sir," he said. "I took no revolver from him; he hadn't it with him. We came away in too great a hurry for him to put on his belt. There was no belt found in the boat."

"Warder Allkirk says you threw it overboard. Besides," I went on, answering him good-humouredly, for the man's persistency amused me, "when the gunboat overtook you, and all the others surrendered, you alone jumped into the water, dived, and tried again to escape."

"I fell out of the gig, sir—that's how it was. It was purely accidental, sir, I can assure you. I missed my footing trying to get up the ship's side."

"You—a first-class seaman, and as active as a cat! No, no; I can't quite believe that. However, I have no power to relieve you of your punishment. You were punished by the Visitors, and you must apply to them."

"Won't you recommend me to the Visitors, sir? I give you my word, sir, I had no desire, no wish to escape."

He pleaded now with tears of earnestness in his eyes.

"Why, if I had been the ringleader, the others wouldn't swear, as they do now, that I had 'put them away'" (betrayed them). "They call me a

'nose,' sir; they throw it in my teeth that I never helped them; that I helped the 'screw'" (warder); "that I steered the gig so as to cross the gunboat's course. It's very hard, sir, to bear the same punishment, and yet be accused by one's comrades of foul play. Either I was on one side or the other; I could not be on both. If you can't take off the 'slangs'" (irons), "sir, at least you can separate me from the other chaps—they lead me a dog's life."

"What do you want—change of party or change of work? Where would you like to go?"

"Anywhere, so long as I'm by myself. I'm handy, sir, with all kinds of tools—we sailors mostly are. I'm not a bad carpenter, and I can do a bit of fitting. I could make ships' fenders or sails, or any kind of patching or mending—anything you please, sir."

"I'll see about it," I said at last; and would hear no more.

Later on—a month or more—when his chains and distinctive dress were removed, I yielded to his solicitations, and permitted him to be employed as "rough" carpenter alone. He mended the pick-handles and wheelbarrows in the Rosia Quarry, occupying for the purpose a little shed or lean-to built against a hollow in the cliff. Once or twice I asked after him, and had a good report. He was quiet and well-behaved—not too industrious, perhaps; but in that he had only learnt the prison lesson, and did no more work than he could help,

except when the eye of authority was upon him. This could not be the case invariably, as the small workshop stood a little removed from the bulk of the working parties, and Realff was only visited from time to time when they took him broken implements or brought away those he had repaired. The senior officers, when inspecting the works—myself among the number—also looked in on him now and again, just to see that he was all right and properly employed. We were all of us to blame in not watching him more closely.

One afternoon, at the time of the interviews, a convict came to me with the unusual preamble that he wished to speak to me privately and alone.

"You will be sorry, sir, if you refuse," insisted the man when I objected, saying there could be nothing he had to communicate which the officials with me—my chief warder and head clerk—might not hear. "I shan't speak, sir, except to you alone."

I yielded, curious to hear his great secret.

"It's just this, sir," he whispered, stooping over towards me and shading his mouth with his hand; "the Captain's going to make his 'guy'—to escape. Don't you understand?"

"The Captain?"—not yet accustomed to this recognition of outside rank which is very general among convicts when speaking of one another.

"Yes, sir; Captain Realff—him as you put to work in the shanty shop."

"And how does he propose to escape?" I inquired

next, but carelessly, disbelieving the story, and, in fact, rather turning against the informer.

"'Tain't for me to say how; but he's a-going, I can swear. I've caught him at—Well, I can't tell that; but, if you don't watch him, he'll mighty soon give you leg-bail—see if he don't. Take him out of that 'ere shop, I say—"

"And put you in it? Is that what you're driving at, eh?" I said, thinking I had at last reached the motive for this treachery. "If that's all you have to say, you can go."

I thought nothing of this cock-and-bull story, and, summoning my officers, the man was marched away.

Yet within twenty-four hours Realff had disappeared.

He was missing when the working parties formed up next afternoon to return to the prison. It was customary for an officer to go to the shed, unlock Realff, and bring him back to be marched home with the main body. But this afternoon there was no Realff. He had been seen, only half-an-hour before, through the little window of the shed when visited by the chief warder, and had answered to his name as he stood planing at his bench in a dark recess. Now he was gone—how, when, or where, not a soul could understand. Several officers remained to make a thorough search of the shed and its surroundings; and, when I heard the news, I also went out to Rosia.

Holding a short inquiry on the spot, I obtained such facts as were available. I was assured the shed had been found locked on the outside. It was pretty plain that no one from within could have tampered with the lock; the key-hole did not go through into the shed, and it was too far from the window to be reached by even the longest arm from inside. The door could not have been the way of exit, from which I deduced the obvious inference that Realff had found some other road out or was still inside.

The first alternative I dealt with by examining the exterior of the shed minutely; but there was no trace of interference with its sides or roof. We must look inside, therefore. But the interior of the shanty had been ransacked from end to end without result; there was no hiding-place for a full-grown man in or amongst the contents—nothing that could have concealed him. Could he have discovered and utilized some hidden recess; a cavern in the walls; some subterranean hole or passage? I knew that the great rock was honeycombed with open spaces, like the holes in Gruyère cheese.

I sent for a lantern and examined every nook and cranny of the cliff against which the shed was built, tapping the sides with hammer and crowbar to detect any hollow within. Nothing came of this examination; and I next tried the floor, which was of the surface rock, levelled and fairly smooth, although here and there covered with loose, shingly stones. I remembered something I had read in a

French detective story, and ordered a number of buckets full of water to be brought, with which I inundated the floor. The water ran away entirely; it could not be absorbed, for the floor was not porous, and must therefore have found some channel below. The process was repeated, the course of the flowing water closely watched and followed, till it led us to a distant corner, where it finally disappeared. This was the clue we needed; and more minute investigation showed that a large fragment or slab of the rocky floor was removable. It was lifted easily, and revealed a dark gulf, or pit, below. Suspecting that our man was there, I approached the mouth and shouted once or twice—

"Now, Realff, it's no use—you'd better come up!"

There was no reply, and the chief warder, having by my order tested the depth of the hole, presently jumped down with two others. They carried the lantern and were armed.

For a long time we waited breathlessly—anxiously. At last a faint, distant shout travelled back to us, followed by the sounds of a scuffle. By and by the searchers returned with Realff, securely handcuffed and in rather a battered condition. But nothing could quench the merry light in his twinkling eyes. It was quite plain that he faced his disappointment like a man.

His failure must have been all the more grievous in that he had been so near success. His patience and ingenuity had been extraordinary. The dis-

covery of the hollow space beneath his feet he must have made soon after he first came into the shed; and he had not only enlarged it, but extended it in a lateral direction, hoping, perhaps, for escape through a subterranean passage to the edge of the sea. To leave the shed was only the first stage in his evasion. He had provided himself with means for going much further, and had actually built himself a boat out of the nondescript materials to his hand—scraps of canvas, old bags, and small fragments of timber. In this he had, no doubt, intended to embark as soon as he reached the water.

The boat was a marvel of constructive skill. I cannot quite say whether the now well-known Berthon collapsible canvas boat had been invented at that date, but Realff—whether a copy or original—had made a boat of this kind. We found it in the underground passage; it was in three compartments for convenience of transport, all of which were easily and firmly united into one single, tiny dingy or coracle, just enough to keep a man afloat. Realff, of course, trusted to be picked up soon by some passing craft in the ever-crowded Straits of Gibraltar; but he was prepared to be some time at sea, and had laid by a store of food—biscuit and salt pork—saved from his allowances, and carried out daily bit by bit from the prison in such small quantities as to elude the search made—somewhat superficially, it is to be feared—at every parade.

It was this abstraction of his daily rations that

had been discovered by one of his comrades, and, arousing suspicion, had led to the warning I received. Realff himself feared that he had been, or soon would be, betrayed, and he had in consequence been compelled to risk premature departure.

For this fresh attempt to escape, Realff was sentenced again to the leg-irons and parti-coloured dress, and he was still wearing them when I left Gibraltar. I believe that even this punishment could not deter from further efforts to get free; but all must have been fruitless, for he was among the "lifers" sent home for conditional release when the Gibraltar convict prison was finally closed.

The ingenuity displayed by the imprisoned was perhaps shown in its highest form by the convict Realff. In his case the impulse was strong; the craving for freedom was a sharp whip to endeavour, under which all the inventive and constructive faculties lent the fullest effort to accomplishment. Other intending fugitives have exhibited the same qualities. Numerous instances can be adduced of the successful fabrication of false keys which have opened the most intricate locks. I have one by me made of the simplest materials; ordinary wire removed from the outer rim of a water-can, and bound round with carefully-twisted strands of oakum. This key effectually answered its purpose. So marvellous is the cleverness concentrated upon this manufacture, that an authentic case is known of a convict who made a good working "security" key

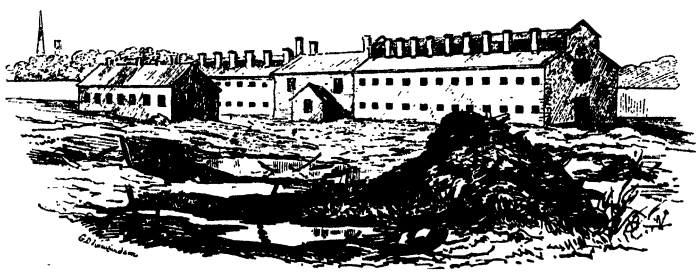
from memory. Having seen it somewhat carelessly displayed in the chaplain's hand while talking to him, the prisoner learnt the form by heart, and copied it surreptitiously afterwards when employed in the artizans' yard.

So ready are prisoners to misuse the hours of labour, that it is an axiom in the best prison administration, that where prisoners are employed with tools, and having access to old or new material, scraps of iron, rusty nails, rubbish of any kind, they should be constantly under supervision. Neglect of this precaution emboldened one prisoner, a plumber and gas-fitter by trade, and an excellent workman, to make a key for himself, in short snatches when uncontrolled, which passed him through three different doors, and eventually through an outer gate beyond which he was at large.[1] The skilful manipulation in these cases is not more surprising than the cleverness with which the most unpromising materials are turned to account. Thus in the days when hoops were the fashion, any piece of crinoline wire was eagerly appropriated; it made the very best kind of file or steel saw. The iron bands or stiffening of a woman's stays served the same purpose. Half a pair of scissors made a most dangerous weapon. So did the end of the handle of the hard-wood spoon. Any bit of metal could be converted into a razor, sharp enough for shaving convicts, whose chins are now merely rasped short, and who have a strong desire

[1] He was never recaptured.

to be properly shaved, and will make razors for themselves out of broken bits of mat-knives, shoemakers'-knives, even the dinner-knives. I have several of these in my possession. Each has its own neat case made of "beverteen," or any other morsel of cloth used in the prison dress.

What convict workmen can do with tools if allowed full scope, I once saw, myself, displayed in rather an amusing way. I was leaving the prison enclosure one day when in charge of the new works at



TEMPORARY PRISON, WORMWOOD SCRUBS (1874).

Wormwood Scrubs, and on handing over my keys to the gatekeeper for consignment to the prison safe, he through some mischance hampered the safe lock, and could not open the safe. I waited some time impatiently, as I was expected elsewhere, but to no purpose. The safe could not be opened, and until it was, not only must I remain on the spot, but so must every other official. It is a strict rule that no one can leave prison until the keys are collected and safely put away. At last, in despair,

I turned to the chief warder and asked, "Have we any especially good cracksman in custody?"

"There is K——, sir," he replied promptly, "one of the most noted housebreakers in London; doing fifteen years. He is employed at this moment in the carpenter's shop."

"Send for him," I said; and presently K—— appeared under escort, carrying his bag of tools like any British workman arrives to execute repairs. He was a tall, very dark-haired, rather good-looking man; clean, industrious, and an excellent prisoner.

"Can you open that safe, K——?" I asked quietly, when he was marched into the lodge.

"Do you mean it, sir?" he replied, looking at me with an intelligent and irrepressible smile.

"Certainly I do. Examine the lock. If you can manage it—go ahead."

K—— made only a short inspection, and then picked up a couple of tools.

"I think I can do it, sir; shall I try?"

I nodded assent, and in less than three minutes *the safe-door swung open; the lock was completely* conquered.

I will not risk mentioning the names of the makers of the safe, which indeed I do not remember. But it was a patent, and presumably a first-class safe, which thus succumbed so easily to the skilful housebreaker. Fortunately there was an inner smaller safe, which answered all our purposes for security until the outer could be properly repaired. As for K——

I thanked him, and the next time he came with a request for one of the small privileges so coveted by prisoners, I think it was not denied him.

What prisoners can accomplish for their own purposes, even when left a good deal to their own devices, savours almost of romance. A writer, who spent some time investigating the manners and customs of the old French *bagnes* at Brest, Rochefort, and Toulon, declares that coining was constantly practised in them. To use his own words:[1]—"It seems possible to make files or false keys in the shops by evading supervision; but to strike false money during the short hours of rest under the shadow of a ship; to hollow out the moulds, melt metals, and complete the coins is incomprehensible, and yet it was successfully done." The marvellous cleverness of these French convicts was shown in another direction. At Toulon there was a man such an accomplished forger, that even our own Saward or Jem the Penman pales before him. This Frenchman, by name Suttler, could imitate any signature, fabricate any documents, and append all the necessary seals. One case is on record where official authority reached the *bagne* for the release of a particular prisoner. The documents were all complete and in proper form, and the man would have been set free but for the want of one paper. Inquiry was set on foot for it, when it was discovered that the letter which had come bore the Toulon and not the Paris postmark. Further search

[1] Alhoy, *Les Bagnes:* Paris, 1845.

disclosed the whole fraud. The authority was a forgery from beginning to end, which had been prepared and carried out by Suttler, within the *bagne*, who had forged every signature, even that of the King.

A few words may be added as to this convict. He is thus described by Doctor Lauvergne :[1]—"As a man of genius, his whole life was a romance; he had played all parts, now master, now valet, had displayed the most astonishing dexterity and astuteness when clothed in broadcloth or fustian. He was still young *when arrested and convicted; had a handsome head;* a broad, low forehead; blue eyes that might be sweetly charming, and could flash with demoniacal passion. He paid frequent visits to the prison hospital, as he had a chronic affection of the heart, and could escape the hard labour of the arsenal when he chose. One day he surprised the doctor by showing him his signature admirably counterfeited. Another day he exhibited writing with sympathetic ink of which he alone had the secret. A single thread of elastic wire was all he needed to open the most complicated locks. Suttler died in a most mysterious manner, proving that he had secret resources which no one could fathom. One night after displaying some of his clever forgeries, when he appeared light-hearted and in good health, he went quietly to bed, and was found next morning in it, perfectly cold. He had his own way of committing suicide; the *post-mortem* did not reveal it, or explain the cause of death.

[1] *Les Forcats:* Paris, 1841.

Suttler was not the only clever forger at Toulon. A great trade was done in false passports. Old and once *bonâ fide* passports were obtained; the names erased or expunged by the use of acids, and others substituted. The new passport prepared in the name of some convict about to be discharged was most useful to him in avoiding interference when at large. It was the rule to furnish the released prisoner with a route-paper for the road he was to travel, which bearing his *signalement* betrayed him and his antecedents to all officials. The *bagne* was so famous for its forgers that dishonest persons came there and sought the clever convict to aid them in their guilty designs. A merchant, who was unable to produce a particular receipt he wanted in a law-suit, applied for help to a convict at Rochefort, who was noted for his skill in fraudulent penmanship, and who provided him with a false receipt, on production of which he won his case. Some time afterwards this merchant failed, his papers were seized, and among them was found the following compromising letter from the convict:—

"When you came, Monsieur, to the *bagne*, to incite me to prepare you the receipt you needed, you promised a recompense of two louis provided you won your suit. As I feel sure my receipt exactly imitated the original handwriting, and that you were successful, I now beg to claim my reward. Be so kind as to forward me the money concealed in a half pound of butter, by which contrivance it ought to

reach me safely. I count upon your readiness to pay this small sum, which in common fairness you cannot withhold much longer."

Whether the merchant paid his debt or not does not appear; but it is recorded that his carelessness in not destroying this letter led to his arrest, trial, and sentence to ten years' seclusion.

French forgers found no difficulty in counterfeiting bank-notes, which in France has never been so difficult to accomplish as with us. On one occasion a trade instructor at the *maison centrale* of Poissy, received through the post a letter which contained a bank-note for 500 francs; but with no explanation whatever. The letter was properly addressed, and stamped; it bore the post-mark, Compiègne. The recipient supposed it was a gift from some grateful prisoner now at large; but he presently discovered that he was the butt of a certain prisoner who had not only imitated the signature of the director of the bank, but all the elaborate flourishes engraved on the note, and also the postage-stamps which franked the letter. The warder tried to pretend that he had not been imposed upon, but the prisoner laughingly urged him to send out and change the note. It was shown to several shopkeepers in Poissy, all of whom at first declared it to be genuine, and said they would have accepted it, until they were told of the fraud.

The race of clever forgers is not yet extinct in France. Only recently Mary-Cliquet, ex-notary, who was sent to New Caledonia for repeated frauds and

forgeries, won himself, through his intellectual capacity and wide experience of business, a post in the offices of the government of the colony. One day he succeeded in placing upon the governor's table a counterfeited letter purporting to come from the War Office in Paris, bearing the official stamp, and signed by General Campenon, at that time War Minister. This letter solicited the good offices of the colonial authorities for Mary-Cliquet; it was entirely fabricated by him, and the fraud was only discovered through the precaution taken of telegraphing to Paris an inquiry as to the authenticity of the letter.

In the days when the old French prison on Dartmoor contained some 10,000 inmates, a clever gang of coiners long flourished within the walls. They established relations with persons outside, mainly through the soldiers of the military guard, and received great quantities of Spanish silver dollars. From these, of course by the addition of baser metal, they obtained English shillings, eight from each dollar. An immense number of these counterfeit shillings passed into circulation. Forgery of Bank of England notes was also carried on largely, and so successfully that even the officials at the Bank were deceived, and when first shown these false notes could not believe them to be forged. The greatest difficulty was experienced in trying to check this nefarious traffic. The sentries coming off duty were invariably searched, but in spite of all precautions many thousand notes passed out.

The skill and ingenuity of prisoners do not always take a wrong direction. Where the prison clothing and allowance are meagre, industrious prisoners labour hard out of hours to obtain means of improving them. Dostoieffsky has recounted what went on in his Siberian prison. Private work was not exactly forbidden, but tools were, without which work was obviously impossible. Every evening after locking up, however, the *camera* or gaol-chamber was turned into an artisan's shop, and all worked till ten or eleven o'clock at night. "Many prisoners came in without knowing how to use their ten fingers, but they learnt a trade from their companions, and soon became excellent workmen. We had among us cobblers, bootmakers, tailors, masons, locksmiths, and gilders. A Jew, named Esau Boumstein, was at the same time jeweller and usurer. Every one worked, and thus gained a few pence—for many orders came from the town . . . Another prisoner knew all possible trades, and could do whatever you wished. He was cobbler, bootmaker, painter, carver, gilder, and locksmith. He had acquired these talents at the convict prison, for it was sufficient for him to see an object to imitate it. He sold or caused to be sold in the town, baskets, lanterns, toys. Thanks to his work, he had always money, which he spent in buying shirts, pillows, and so on."

The cellular *régime*, the system of strict separation enforced in Belgian prisons for years and years, sometimes as long as fifteen or twenty, is said to develop

the skill and handiness of prisoners. We are told that rough labourers, miners, cobblers, navvies, originally without education, became clever, almost scientific artists after long imprisonment. At Ghent, one man devoted himself to wood-carving, and produced a sideboard adorned with a series of figures in groups which illustrated human existence from birth to death. It was unintentionally quaint, but not ridiculous; some of the figures were in quite natural attitudes, and the composition of others had a simple realism. Another prisoner turned scraps of metal into springs, and manufactured clocks. The timepieces worked on a system of his own invention, or one which he thought he was the first to invent. He had embellished one masterpiece with a peculiar piece of mechanism; it contained a square compartment or cell in which sat a pasteboard figure moving by clockwork. The proud inventor was often heard to say when exhibiting his contrivance to visitors: "You see he is my prisoner, just as I am the governor's."

This cleverness born of isolation is nothing new, and has been shown elsewhere. A report, made in 1830, upon the Cherry Hill penitentiary of Pennsylvania, states—"The industrial aptitude of prisoners in cells is such that it is generally unnecessary to fix their tasks; solitude is so good an instructor that very little time is needed for teaching them a trade." The governor of the prison at Longholmen, near Sweden, bears witness to the ingenuity of his lodgers—"One man came in quite ignorant of trade or handi-

craft. I wanted some boxes for photographs. I gave him a model of the material, and he soon produced excellent copies. Another, a carpenter, was not satisfied with his own trade. He urged that as he knew how to play the accordion, he was sure he could make a harmonium. He did so from the scraps he was permitted to save out of the supply for his regular work, and the keys he constructed with bits of bone sent him from the kitchen." An old convict of Toulon was famous for his skill in building chapels out of pasteboard, and of stringing rosaries from the same material. This man, Garath by name, was kept uninterruptedly in a cell, quite at his own request. He had been sentenced for murder, and frequently confessed, while at Toulon, that his homicidal fury was too strong for him. He always petitioned to be shut up apart. "When I see any one," he would say, "I thirst for blood; yet I am not really a bad man, only I must live alone or I shall commit a fresh crime." So he was confined in a separate cell, which he hated to leave even for a moment. If forced outside, for his own health's sake, he first rushed out for a short walk, then ran back to his cell as if fearing it might be stolen from him. He was never happy till he felt himself under lock and key. They asked him if he did not long for royal pardon. "No, no; the governor" (the commissary of the *bagne*) "has done more than the king could for me; I have my cell, the priest visits me, I make my little chapels, and I am quite happy."

At the French *bagnes* all *forçats* not fit for labour in the arsenal were permitted to work on their own account in the halls of the prison. The same was permitted after the hours of out-door labour. Here the extreme cleverness of a nation, which is famous everywhere for its *articles de Paris*, showed itself. With the poorest materials and the roughest tools, marvellous results were obtained. Human hair (a scarce commodity where prison scissors were always busy) was beautifully plaited into earrings, chains, rings, to which glass or other imitation jewels were added; the tissue of the aloe was woven into work-bags and slippers. Straw took all sorts of shapes, and was worked up into boxes, mats, hats; rags and scraps of wood became the model of a full-rigged ship; boxwood was carved into trays and snuff-boxes; common cocoa-nut shells, beautifully polished, were made into cups, *étuis*, and bowls. The carving which decorated these articles was often elaborate. The most favourite subjects had a tender character: hearts on fire, turtle-doves caressing each other, a couple of lovers at the altar of Hymen. Sometimes, however, the subjects were sporting, or rustic, or religious; the trophies of the chase, the shepherd with his pipe, the goatherd with his flocks, a crucifixion, or saints in adoration of the Virgin were to be seen. A clock-maker, although unable to procure the proper materials, made excellent timekeepers entirely from pasteboard. Still ruder materials were utilized. The convict who bought half a sheep's-head at the

canteen and dined off it, saved the bone to cut up into pretty buttons, and burnt the waste for ivory black. Gold was even used in ornamentation; and notwithstanding the distrust the surroundings might have inspired, buyers were never deceived. The precious metal, although not hall-marked, was always pure. A convict salesman, when taxed with dishonesty, has been heard to cry, "May I never leave this prison if I am deceiving you!"

The only tools were knives and gravers made out of any piece of metal picked up, or even bits of glass, yet with these they perfected work that seemed to require the use of square and compass, of brace and punch and vice. Often several craftsmen were engaged upon the same article: carvers employed polishers, mounters, and others to prepare the material; and this division of labour became a regular matter of account between the workmen, each taking his share of the price obtained. The sales took place in a bazaar which the authorities permitted to be opened, either at the gate or just inside. The shop, or *depôt*, was under the charge of a well-behaved convict, who credited the workmen with their sales, after deducting a small percentage for himself.

I have seen in the private museum of Maclaine of Loch Buie in the Isle of Mull, a box made by one of the French war prisoners in Scotland. It is of ivory, covered by the cleverest and most intricate filagree work, upon which great labour and much time must have been expended. Curios of this kind are care-

fully treasured up in many English homes, especially in Devonshire, the proceeds of industrious ingenuity in the old war prisons on Dartmoor. Many are skilful and elaborate combinations of straw and hair; others, intricate carvings in bone and ivory. One is described by a French writer, who was himself a war prisoner at Dartmoor, as an *œuvre sans pareille*, and was the model of a ship, only two inches in length, all made in bone, by a sailor of St. Malo,

GATEWAY OF OLD WAR PRISON, DARTMOOR.

which is said to have been sold at the time for 2500 francs.[1]

Captain Harris has found, in records of the time, that they were allowed to sell any kind of article of their own manufacture (except straw hats, which would interfere with the revenue), by which some have been known to earn and take away a hundred

[1] See *Prison de Dartmoor*, L. Catel: Paris, 1847.

pounds each. The ingenuity of these clever Frenchmen found many other outlets. One of the worst evils of the great war prison was the prevalence of duelling. The prisoners fought on the smallest provocation, and with any weapons. The practice produced the most stringent measures, and a general search for, and seizure of, knives, swords, and everything that could be used in mortal combat.

This had the effect of putting a stop to hostile meetings for some time; but at length a serious quarrel between a corporal of marines and a privateer's-man, produced the following expedient. The carpenters employed in building the Roman Catholic chapel, were commissioned to select two splinters from the hard wood forming the roof, of a sufficient length, and to these were fitted knife-blades reduced to exquisite fineness, the guard at hilt being formed of tin. The meeting took place in due course, and the marine received a severe gash on the sword-arm, and was also run through the shoulder. The lame story told at the infirmary as to the cause of (what the patient called) "the accident," led to the discovery and confiscation of the weapons used.

I have been told, too, of an ingeniously constructed table, the handiwork of a clever convict in Nisida, who had been a wood-carver of Sorrento, where he had murdered his wife under the extenuating circumstances which would have probably gained him acquittal in France. In Nisida he had his own workshop—a room at the top of the prison—where he laboured

industriously, and earned considerable sums. This table was so contrived, with a spring in its pedestal, that, when set moving, it rose and rose till it reached a certain height, when it fell open like a full-blown flower, and disclosed a centre of beautifully-inlaid woods.

In spite of all this ingenuity, it is noticed by Corre[1] that the products of the *bagne* displayed all the rude *roideur* of sculptures of barbarous and savage races; few have greater merit than that of the rare patience expended on the work, patience exhibited in the extremely complicated details. Not a trace remains at Brest, it is said, not a single picture, not a single carving the work of the convicts; as a matter of fact, the most skilful of them never rose above the level of a good handicraftsman, and the best efforts prove rather a high imitative than an inventive quality.

[1] *Les Criminels*, p. 268.

CHAPTER III.

CONVICT LIFE AT GIBRALTAR (*continued*).

Prisoners' craving for tobacco — How the traffic in tobacco flourishes—Issued as a ration in many foreign prisons—Flash Alick, a self-indulgent convict at Gibraltar—His secret command of funds—Constantly has tobacco—A trafficker's ruse—Prison informer—Convict's vengeance—The convict's code of honour—The *artel*, or secret society of Russian prisons—Clever trick to get tobacco in an English gaol.

I WAS just going my morning rounds in the interior of the Gibraltar convict prison, following the practice I had adopted of personally inspecting the barrack-rooms or cages occupied by the prisoners during their absence on the works. The prison was empty the greater part of the day save for a few cleaners, cooks, and men-of-all-work, and of the half-dozen or so under punishment in the separate cells.

Accompanied by my orderly, an old and experienced warder, I left my office and went into the yard or parade-ground that intervened between it and the main building. One of the cleaners who was sweeping in the yard was "called to attention" as I passed, and sprang up respectfully immovable—all but his face, on which there was just the faintest twitch, an

almost imperceptible movement of the jaws, which I think would have escaped me but for the strange and surprising promptitude of my companion.

With one sudden jump forward he clutched the convict by the throat.

"Mr. Allom! Mr. Allom!" I exclaimed in sharp expostulation, much annoyed at this seemingly brutal attack made under my very eyes. "Gently, if you please. The man has done nothing wrong."

"Hasn't he, sir? Just wait and you'll see. Now"—(this to the struggling, gasping convict, still held tightly in his grip)—"out with it! Come, won't you? Then I'll drag it out of you with my fingers. I can see it quite plain. Look, sir, look!"

I was curious enough to examine the open, gaping gullet of the hapless wretch as he stood there with his head thrown back and eyes starting out of his head, as though he was all but choked.

There was just a faint dark stain on his tongue, the colour of walnut-juice: tobacco undoubtedly; then with a last gurgle and splutter, a final effort against suffocation, the prisoner spat out the incriminating "quid," which the warder at once pounced upon and closely examined. "Plug," so I was informed; new, and there must be more where that came from.

"The Chief has suspected it for some time," went on my orderly as we walked away, having briefly disposed of the tobacco lover, who was sent to the separate cells "under report"—to await trial and

punishment, that is to say. "It's been coming in pretty freely of late; only we've not come upon much of it yet. There is no stopping it altogether."

This was my first introduction to the very curious fact that the illicit commerce in tobacco generally flourishes in gaols. Its use is strictly forbidden, yet, in spite of serious penalties and every precaution, the forbidden weed will find its way inside the walls. Minute and unexpected searchings both of the cells and persons of suspected prisoners only serve to show that the prohibition has been evaded or defied. The fear of punishment following close upon the simple fact of possession is no deterrent; a prisoner will keep, carry, and use, the incriminating leaf in face of all risks and hazards. It comes in through various channels. Sometimes a weak official betrays his trust, and yielding to the temptation of some cozening knave becomes a trafficker, although detection will eventually cost him his place, and perhaps prosecution in a court of law.

Sometimes a free man, carter, carrier, labourer, or artisan, who has access to the interior for some particular purpose, smuggles in the obnoxious commodity. Sometimes, where gaols are in thoroughfares or within reach, small parcels of it are thrown over the walls, or planted out upon the works, and an ingenious development of this practice will be given further on. One way or another, the "snout" (tobacco) finds its way inside, and, according to those who ought to know, is always on sale in prisons.

It has a recognized but varying price according to the difficulties of supply. The circulating medium consists of any portable portion of the dietary—cheese, bacon, meat, or bread. Hence it is a serious prison offence to be detected in "passing food," because the attempted transfer from one prisoner to

PRISONERS AT EXERCISE.

another covers some secret bargain in tobacco. This transfer, which generally takes place during exercise or when passing to it, is not philanthropy, the commendable wish to increase a hungrier comrade's allowance, but the completion of a contract or

exchange. As often as not quarrels and bickerings, and hand-to-hand encounters, when prisoners can get at each other, have their origin in these transactions. One party suspects the other; there has been some swindling or foul play in carrying out the barter.

So many and various are its causes of offence, so seemingly impossible to exclude it altogether, that in some countries prison authorities accept the inevitable, and openly permit tobacco to be used. In Italian and Spanish prisons it is included among the small luxuries and articles of additional diet a prisoner may purchase with his own earnings or private cash at the prison canteen. In the United States, again, it is issued as a regular ration. When I visited Sing Sing, the famous old gaol on the banks of the Hudson, I found a convict in charge of the tobacco store who was smoking an excellent cigar. He was good enough to offer me one from the prison store, which he assured me he could highly recommend.

There are times when tobacco is more plentiful in prison than at others. A bigger criminal, one with more ample means at his disposal, encourages larger intrigues; bigger bribes are paid, and the trade is far more brisk. This was the case just now; a great wave of the nefarious traffic was passing over the Gibraltar prison.

As we walked along I asked my orderly if he could account for it.

"'Tisn't quite easy to say," remarked Mr. Allom. "One of the new hands of that last draft from

Chatham must have brought out money, or else he's found friends here in the prison or outside on the Rock. There were some high flyers in that draft, sir. Flash Alick was one of them."

"Flash Alick?" I inquired, not recognizing the name.

"You'll know him better, sir, as X19993, Alexander Shotton. He was before you yesterday for evading labour, and he's now doing two days in the separate cells."

"Shotton! I remember him perfectly. A big, lazy-looking chap who was reported for skulking—lying on his back out of sight while another man did his work."

"That's part of it, I'll go bail. He's got friends somehow, and he's trafficking. Paid the other chap in tobacco. We ought to circumvent him, sir."

"Where is he? In cells? Let's go and see him now."

It was not my usual hour for a visit, and the place was very quiet. These cells were built at the bottom of the Line Wall, backed against its escarpment; a retired spot thus utilized so as to prevent the outcries of the occasionally defiant from reaching and disturbing the main prison.

We approached the cells not quite without noise but without rousing suspicion, and it was not until we were well within the little yard that Mr. Allom put his hand upon my arm and whispered, as he sniffed through his nostrils—

"Smoking, sir!"

Now the burning of the weed within the gaol limits is absolutely forbidden, even to those who are free to poison themselves continually with tobacco. No officer would dare to smoke inside the prison. And who else would do so? Not the prisoners; the difficulties were so generally insurmountable that their use of tobacco is invariably the same as Jack Tar's; they do nothing but chew, although a case has been known of one epicure who dried and powdered the weed, being a slave to snuff-taking.

But there was some one smoking now in the separate cells, and actually inside one of them, as we presently discovered. It was Shotton himself, who had clambered up to the narrow aperture that gave light and air to his cell, and was calmly smoking through the bars. It was a cigarette, as we saw, as we took him in the very act; a cigarette neatly made out of a scrap of tissue-paper and filled with finely-shredded "plug."

The man had nothing to say for himself when we caught him, his only explanation was that he had picked up the cigarette upon the works. Nor would he account for the fire, the match, or other contrivance with which he had lighted it. But the mystery was solved by our discovery of a morsel of thick glass which he had utilized to focus the sun's rays. The hour which he had selected for his smoke was just that when the sun poured in through his narrow window.

The plot was thickening, and its interest centring in Shotton. The man had earned his *sobriquet* of "Flash Alick" partly from a certain jaunty, swaggering defiance of demeanour; partly from a reputation he brought with him of the breadth and boldness of his operations in England. He was a professional burglar, one who made the business into a science, first spying out the ground, cautiously collecting his information, then slowly maturing his *coup*, which when all was settled he carried out with daring completion and despatch.

He was tall and large-framed, and notwithstanding the simple frugality of his present life, somewhat inclined to fat; his secret command of funds no doubt helped him to increase his diet, just as by the same means he got others to relieve him of part of his daily task. His rather pasty-white face, shown up by inky-black hair and eyebrows and incompletely shorn chin, marked him as a man given to self-indulgence when opportunity offered, while his fierce, gleaming eyes and strong jaw showed a recklessness that would shrink from nothing in the gratification of appetite.

Shotton was again punished, but we were no nearer the detection of the traffic. It ceased while he was confined to cells, but soon recommenced when he was once more at large. He was very wary, and although constantly under observation, being taken repeatedly and unexpectedly searched, nothing was found upon him: neither tobacco nor money, nor

anything in the shape of a "stiff" (clandestine letter), which could convict him of secret correspondence. Probably we should have found out nothing but for the revengeful treachery of one of his chosen agents. This was a colonial or local convict, a semi-Spaniard, sentenced at Gibraltar for "wounding with intent" in some low haunt. His victim was a wretched girl with whom he had quarrelled over her shameful earnings, which he desired to annex. This miserable-looking lad—he was little over twenty—with his narrow chest and stooping shoulders, would not have had the courage to attack a man. There was neither strength nor courage in Pepe Peseta, only unbounded cunning, much malice, and a vile, revengeful temper.

Born and bred upon the Rock, he had wide and far-reaching relations among the inhabitants; many of the native "scorpions" were his particular friends. Shotton, finding himself in the same working party with Pepe, soon learnt to make the boy useful as a go-between, and a clever system of communication was devised, which worked well and without detection until Pepe himself turned informer, driven to it, he said, by breach of faith on Shotton's part. The latter had promised him a fixed share of all the tobacco that came in, and so far he had received little or none.

So Pepe came to the chief warder and voluntarily confessed that for the last month or two a regular traffic had been in progress; one day money, provided by Shotton, had been planted in a hole on

the works; next night tobacco was substituted, and removed by Shotton directly the coast was clear.

Pepe came forward now in the nick of time. Shotton, feeling that he was under especial surveillance, and that he might at any moment be separated from Pepe and the means of continuing his operations, was meditating a last grand stroke. He meant to apply to it the whole of his remaining capital, and hoped to secure in exchange sufficient "snout" to last him for many months.

"The money," Pepe told us, "will be planted somewhere on the Windmill Hill Quarry to-morrow. It will be *oro Inglese*—English gold—seven sovereigns. If you leave it where they put it, the tobacco will be brought the same night, or next night, some night soon; you can catch them in the act—those who bring it."

"Are they friends of yours?" I asked, with a feeling of disgust at his treachery.

"*Usia*" (your highness) "I have no friends; and I hate that Alick," he replied with a malignant, murderous look about his dark, scowling face.

I hardly credited his story, although it was in a measure supported by what had recently occurred. There could be no harm, however, in acting on the information, and the next day I went with a number of my staff to the Windmill Hill Quarry after working hours, and made a thorough search in the locality indicated by Pepe. The quest was difficult, for the whole rocky surface of the ground was honeycombed

with fissures. The local colour was yellowish-white, and so small an object as the little, dirty brown-paper parcel of money was likely to escape observation.

After an hour or more of fruitless search we were about to abandon it, when, by the merest accident, I turned up my treasure-trove with my toe. I was kicking aside a small fragment of stone when my foot broke the cover of a paper parcel that had lain beneath it, and several gold pieces rolled out upon the ground.

I picked up the money at once, and as my warders gathered around we examined it curiously. They were English sovereigns, as Pepe had led me to expect; good gold too, but one and all the coins were much tarnished and discoloured, and had the dark-red hue of copper.

"Been through him!" said the chief warder laconically, adding, in answer to my look of surprised inquiry—"There's no mistaking money that has been swallowed, sir. He must have brought all these out from England."

"What! *inside* him? In his stomach? Impossible!"

"That much I won't say, sir. No, I take it he only swallowed them for safety when we were so much on to him, searching him and shaking him up continually. But of course he brought the coins from England. We don't use sovereigns much here on the Rock. *Isabelinos* are more in our line. I'll go bail he's got more money laid by somewhere. But he's going to lose this lot, any way."

"Not just yet," I said, and I ordered the little *rouleau* to be made up afresh, and again deposited in its hole. "We'll just catch the other parties to the traffic if we can. This bait ought to bring them if only we look sharp."

A watch was thereupon established in the quarry, in which I joined, and we spent the whole night in a little shed that was but meagre shelter against the night air. But no one came; nothing suspicious occurred. It was the same the second night. The only confirmation of Pepe's story and of Shotton's implication was that the last-named convict showed himself very restless during the day. He held a good deal aloof from the place which he knew contained his treasure, but at last he approached it, and was seen to stoop and examine the hole. When he found the money intact he appeared more satisfied; so again the following day, and on the third; but then, believing that the "scorpion" traffickers had taken alarm, I ordered the gold to be removed.

When Shotton came next to the place he was obviously much upset at finding that there had been no exchange: that the money was gone, but that no tobacco had been left in its place. No doubt he at once suspected a "cross"; that, to use his own language, he had been put away, betrayed, sold either by the "blokes" or his "pals." He had sense and self-control sufficient to hide his feelings, but he must have been bitterly disappointed at this complete shipwreck of all his schemes. The completeness was

proved by the sudden disappearance of all traces of tobacco inside the prison. The sources of supply had evidently been cut off abruptly, and Shotton, denied all his little luxuries, was eating out his heart in rage and despair.

Those who knew him declared that he would open up new methods ere long. But, pending the development of these, he had a more pressing business in hand, some warning of which reached us through the person most deeply concerned.

Pepe Peseta came to me one day in my office in a state of abject terror, and implored my protection.

"*Ay! Que lastima! Ya soy muerto*," he cried. "What grief! He means to kill me! I am already dead!"

I spoke to him in his own language rather sharply, bidding him be a man. What was wrong? Who threatened him?

Of course it was Shotton—"*Aquel demonio de todos los demonios*—that devil of all the devils"—who plainly meant to do him a mischief on the first opportunity.

"It will be as well to separate them," I said to the chief warder. "Bring Shotton down to Rosia, and leave this creature where he is. There will be a mile or more between them then."

Pepe shook his head despondingly when he heard the arrangement. He wanted to go further away. That *maldito* (accursed) Shotton would get at him somehow, anywhere upon the Rock. Could he not

be sent to a distance (*fuera*), out yonder to a prison beyond the sea, to England, America, Cuba, anywhere?

I explained to him that he was a colonial convict, and could not be sent out of the fortress. So he left me with the air of a man who had received sentence of death.

His dejection was so deep that I wondered if there were more than mere cowardice to account for it, and I asked whether Shotton had been seen or heard threatening Pepe. I was assured that they had not even met since the failure of their plot. But convicts are not unlike Orientals in their mysterious power of intercommunication. Just as startling news travels with incomprehensible rapidity from bazaar to bazaar through vast provinces in India, so without a word spoken Shotton had intimated his intentions. The traitor might expect to be paid out for his treachery.

The precautions taken to remove Pepe beyond his enemy's reach had the desired effect. However deep his desire for vengeance, Shotton had absolutely no chance of getting at the Spaniard. The only opportunity would have been in the labour parade, but there were too many officers present then to allow any assault to take place; any scuffle in which Shotton could have counted upon winning would have been promptly stopped. Now and again the labour parties going to and returning from labour met each other on the Line Wall, or on the spiral staircase that was the general way of exit from the prison. Shotton must long have hoped for something

to turn up in this way, but the chance never came, and as time passed Pepe began to breathe more freely. His fears had been groundless, or at least the steps taken for his protection had sufficed to shield him from harm.

But Shotton had only postponed, not forgotten, his vengeance. He had tried a dozen different dodges to get at Pepe, and had failed in all. I had seen through all his specious entreaties for a shift of work, a move from one quarry to another, permission to go on board the hospital hulk as a nurse, employment within the walls of the prison as a cleaner or cook ; any of these might have brought his enemy within his reach, but one and all were denied him, and he was kept constantly in the Rosia Quarry, with the sea on one side of him and the straight cliff above him on the other. At last, goaded to desperation, constantly consumed by the overmastering lust for revenge, he made a bolt from his party just as they were knocking off work to return to the prison. He managed to escape observation, and was not really missed until numbers were mustered on parade. A strict search was instituted, but without success, and when night fell he was still at large. It was supposed that he had gone up the face of the Rock, and was concealed among the coarse brushwood that covered its more rugged and least accessible parts. We were not very much distressed about him, believing that either hunger or the close pursuit of our people, seconded by the garrison police, would lead to his surrender or recapture within a few days.

This did in effect happen. He was caught in due course, but more through his own recklessness than our endeavours. The day after his escape, as the convicts bound for Windmill Hill marched along the upper road beyond the South Barracks, Shotton, who had been in hiding just above, burst forth and fell upon Pepe. With a fragment of rock he brought his victim to the ground, and before help could come had all but battered out his brains. He was, of course, re-captured, but that did not at all distress him. He had slaked his thirst for vengeance. The whole escape had had no other object than the chance for perpetrating this murderous violent assault.

Pepe Peseta hung for weeks between life and death, and eventually recovered, a poor, maimed, and broken-down wretch. His brutal assailant was tried for the assault in the Colonial High Court of Justice, and sentenced to an additional five years.

Two facts stand out from this narrative, both amply corroborated by other experience: one, that to the convict mind treason is a heinous crime which must be requited with condign punishment; the other, that the craving for tobacco is almost ineradicable in the average prisoner.

The first is part of the curious code whose broad motto is "Honour among thieves": a "nose," a "*mouton*" ("*la musique*"), the prison spy, is a contemptible thing even among convicts; and when it is safe to do so, he will certainly be maltreated or put out of the way. In the old French *bagnes* the vendetta was

prompt and terrifying—now a mass of rock in the quarries loosed by seeming inadvertence which crushed the victim in its fall; now some one was washed overboard from a heavily-laden barge beating back to the convicts' landing-stage in bad weather. Was it accident or intention? Again, two chain companions are walking towards the arsenal; one would turn away for a moment, then feel a tug at the linking chain and a dragging weight attached to his feet. His comrade was a corpse. Sometimes at the midday rest four or six convicts collected to throw the dice. It was really a game of blood, in which two human lives were at stake. The loser, who casts the lowest, was called upon to execute a decree of death upon a treacherous comrade; he could only bow to his adverse fate, and in a few moments would be in custody on a charge of murder. The same sanguinary code was in force at the old war prison on Dartmoor. Secret tribunals existed which tried offences of this kind, and boldly sentenced culprits to death. It was well known that numbers of undoubted murders occurred in the prison, although the fact was never proved. Among the varied prison population were men possessed of the terrible power of secret despatch, and the judges of the Dartmoor prisoners counted on the service of executioners, who carried out a capital sentence without leaving any mark of external violence.

The same truculent system prevails at this moment in Siberia among the prisoner exiles of Russia. It is

controlled by the terrible secret society, which is formed in every group of prisoners directly they take the road, and which will exercise despotic power over the whole body. This *artel*, as it is called, levies a rate upon all, and raises other funds by selling the right to keep a canteen for the sale of authorized and forbidden articles, the latter including tobacco, playing-cards, and drink. The *artel* is an association for self-defence against the common Government and the *tchin*, by means of which the individual convict obtains a certain small measure of protection. But it is at a sacrifice of all independence, and at the risk of awful penalties should he come under the displeasure of the union he has helped to create. What the *artel* is in actual practice will best be told in the words of Mr. George Kennan, whose knowledge was gained by the most bold and self-sacrificing efforts.

"This *artel*," he writes, "as an organized body, exercises all of its functions in secret, and strives to attain its ends, first, by enforcing solidarity and joint action on the part of all its members; and, secondly, by deceiving, outwitting, or bribing the officers and soldiers with whom it has to deal. It concerts plans of escape; it contrives means of obtaining forbidden articles, such as playing-cards and tobacco; it hires *telégas*, or sleighs, from the peasants along the road, and sells, or grants, to its members the privilege of riding in them for short distances when exhausted; it bribes executioners to flog lightly; it pays soldiers for smuggling intoxicating liquor into the forwarding

prisons and *étapes;* and, finally, it sanctions and enforces all contracts and agreements entered into by its convict members. It is, in short, the body politic of the criminal world; and it fills, in the life of the exile, the same place that the *mir*, or commune, fills in the life of the free peasant. Within the limits of its prison environment the power of the *artel* over its members is absolute. It has its own unwritten laws, its own standards of honour and duty, and its own penal code. Its laws recognize only two crimes—disobedience and disloyalty; and its penal code provides for only one punishment—death. The exile may lie, he may rob, he may murder if he will, provided his action does not affect injuriously the interests of the *artel* to which he belongs; but if he disobeys that organization, or betrays its secrets to the prison authorities—even under the compulsion of the lash—he may count himself as dead already. Siberia is not large enough to furnish a safe hiding-place for the exile who has been unfaithful to his *artel.* More than once, in the large convict prisons, I saw criminals who had been condemned to death as traitors by this merciless Siberian *Vehmgerichte,* who, therefore, dared not associate with their fellow-prisoners, and who were living, by permission of the prison authorities, in the strictest solitary confinement. Over the head of every one of these men hung an invisible sword of Damocles, and sooner or later, in one place or another, it was sure to fall. The records of Russian prisoners are full of cases in which

the sentence of death pronounced by an *artel* had been executed years afterwards, and in a place far removed from the scene of the offence. In one recent case the traitor was choked to death one night at sea, while on his way in a convict steamer to the island of Saghalin, and in another the informer was found one morning with his throat cut in a Caucasian *étape*."

Another writer in a well-established journal of St. Petersburg, the *Law Messenger*, vol. iv. p. 628, has gone even further in describing the unappeasable and far-searching vengeance of the *artel*.

"No matter," he says, "how well a spy is screened and protected in secret cells, his fate will overtake him sooner or later. The greater the injury he inflicted on the convict corporation, the crueller their vengeance. I was acquainted with a convict condemned to deportation to Eastern Siberia, who, for the sake of lucre, had informed on three of his companions. Thanks to the efficient measures taken to screen him he got as far as Moscow, and in the Kolymashny courtyard was interned in a secret cell. That very night the lock was picked by some person or persons unknown, and the spy beaten within an ace of his life. After several months of careful medical treatment he recovered, and was forwarded on. In Kazan, in the forwarding-prison, he was tortured, and would have been killed outright, had he not been torn out of the prisoner's hands in time. Put in hospital under the doctor's care, he was

poisoned, and his life was with difficulty saved. He then feigned madness, and was placed in the Central Hospital for the Insane, where, thanks to his extraordinary ingenuity, he succeeded in remaining for about a year. Sent on along with the first spring gang of convicts, he reached the forwarding prison of Tiumen, where he was crushed to death—by persons unknown? This is by no means an exceptional instance, and the most horrible feature of such executions is that they sometimes take place on mere suspicion."

Compared with these bloodthirsty episodes the puny little intrigues and schemes to possess the coveted weed seem colourless and uninteresting, the craving for it childish and contemptible. But tobacco clearly fills a large place in the minds of prisoners more happily placed than the cruelly used Russian, and a few more words must be said about it. What a French prisoner thinks of it, may be told in his own language.

His priest, the good Abbé Crozes, *aumonier* of La Roquette, met him one morning with an extremely happy face, and remarked upon it.

"No wonder!" replied the prisoner. "Imagine, when I was taken, I had only five sous on me, and not a scrap of tobacco! *Plus de tabac! Plus d'homme!* But with the money I bought a little to chew; chewed it slowly, then I saved it, dried it, and presently smoked it; the ashes I collected, and took as snuff; I was at the last pinch when I

was sent for trial, convicted, and brought here. Within two days I have been made *préposé au Palais Royal.*[1] Wealth! Monsieur Aumonier, I am certain of lots of tobacco now."

In an English prison this same craving leads to an unlawful but very ingenious device which has come under my own observation in the north. In the N—— prison, a certain number of cells are but a short distance from the boundary wall. The old hand manages, if he can, to get "located" in one of these, then removes the window ventilator bodily, unscrewing it, but so that it can be replaced without attracting attention to its loosened state. The screw-holes he covers with putty or masticated bread. Then he procures a long thin cord—not a difficult job, as the work of the prison is largely in "ship fender" making, for which balled twine is wanted, and failing that, there is always oakum available to be untwisted and re-woven. In this way may be manufactured a fishing-line, which he weights with a stone or scrap of iron picked up in the exercising-yard. His tools are now ready. His next business is to remove his ventilator, stand as far back as possible in his cell, and then with all the force and accuracy of aim he can command, throw the weighted end of the line out through the window, over the boundary wall, and so into the street beyond. The rest depends upon his friends outside, who come after dark, and finding the pendant cord, remove the

[1] The canteen.

weight, attach tobacco instead to its end, which by and by the happy prisoner hauls back into his cell. So common was this practice at one time that it was found necessary to appoint an officer to patrol the street just outside the boundary wall, and seize all hanging strings.

The use of tobacco in prisons is, as I have said, still tolerated in some countries. But in the United States competent opinion is declaring against it; and I read in the prison physician's report for Auburn, N. Y., "As a sanitary measure I would suggest the discontinuance of the tobacco ration, believing it to be detrimental to the health of the convicts." Dr. Hoxsie goes on to enumerate the attendant evils, which are much those known to tobacco-smokers. He is of opinion that "a ration of good coffee in its stead would be much preferred, and give general satisfaction among the convicts, and the general standard of health would be much improved thereby."

CHAPTER IV.

CONVICT LIFE AT GIBRALTAR (*continued*).

An old convict acquaintance—His invasion of Wormwood Scrubs—His claims for services rendered at Gibraltar—Convicts supposed to be ripe for mutiny—Great discontent among them—Reasons for it—Porteous makes a communication—Wants to tell more—Device for talking to him privately—Reveals a plot—Rising imminent—Measures to meet it—A fiasco—Prison outbreaks generally—Causes thereof—Prisoners' "rights"—Change of dietaries frequently a cause—Mutiny of war prisoners at Dartmoor—Siberian hunger strikes.

ONE summer's afternoon, many years ago, I stood with a friend overlooking the labour parties, many hundreds of convicts actively engaged within the palisading at Wormwood Scrubs. This, perhaps the finest of modern prisons, of the most vast dimensions, and the most perfectly appropriate architecture, was then in process of construction. It was an interesting scene; the busiest activity prevailed everywhere. Some were digging the foundations for a new block of buildings; others in regular procession were wheeling in and depositing barrows full of newly prepared concrete; others more distant were engaged

in the multifarious business of brick-making, keeping the brick-machines supplied with clay, turning out thousands of moist bricks, bearing them off to the brick "hacks," where many more stacked or "skintled" them, or removed those that were dry and ready to the "clamp," or great square mass to which presently the light would be applied. Surely all this ceaseless industry was a meritorious and legitimate outlet for

CONVICTS AT LABOUR, WORMWOOD SCRUBS.

the energies of those who, for their misdeeds, had forfeited for a time the right to labour for themselves? It was pleasant to see these willing workmen, yet difficult to believe that they were convicted felons expiating serious offences by the ungrudging but unrelaxing toil of their hands.

Just then I saw the gatekeeper's messenger approaching me. I saw, too, that he held a visiting-card in his hand, and that he was followed by a tall and well-dressed stranger. No one, it will be readily understood, is permitted to pass into a prison unless duly vouched for, and escorted by a responsible official. This stranger should have been detained at the gate until I had been referred to, but the name printed on his card, and his easy matter-of-course manner, had gained him rather too prompt admission.

"Colonel Kilcoursie," I read upon the card, and looking up I saw my visitor, who had come quite near me, and stood there smiling and self-satisfied, awaiting my welcome.

At that moment I heard a distinct and very audible, but half-stifled, titter among the convicts working around ; a grave breach of discipline perfectly incomprehensible to me at the time. It was renewed more than once in spite of the stern looks and warning words of the warders in charge, and broke out in a guffaw, when the stranger, lifting his hat, made me a bow, and I felt bound to return the courtesy.

"Colonel Kil——," I began, scanning his face narrowly, for I seemed now to recognize him, but yet could not "place" him or his familiar features.

"You should not have brought this gentl—this person straight in here among the working parties," I said reprovingly to the messenger. It was quite against the rule.

"He said he was a friend of yours, sir, an old

friend," protested the officer, and there was a fresh burst of merriment among the convicts who could hear the conversation.

"Take him away at once—into the prison, to the chief warder's office—I will join you there." I now spoke very sharply, for at last I was certain of my man.

He was an old "lag," a convict, who, in convict euphemism, had "served along with me" at Gibraltar, where he was known as Porteous, not Kilcoursie.

My friend and I walked together towards the prison building. He was a partner in Bradley's, the well-known firm of bankers and army agents, and had a wide experience of men and manners.

"What an extraordinary coincidence!" he observed. "I know that man perfectly well."

"Not better than I do," I answered laughingly, as I briefly referred to our previous acquaintance.

"Not better, but more about him perhaps. He was once a client of ours; in fact, we helped to get him convicted. But what can he want here, or with you?"

"We shall soon see—come in. He hardly counted on meeting two old friends."

Porteous—Kilcoursie—was waiting, hat in hand, quite unabashed, and with the same ingratiating, sycophantic smile upon his very dark but not bad-looking face. He had very bold, rather prominent black eyes, his worst feature, but with his bronzed skin, burnt by many summers in the Portland

quarries, and his long, drooping grizzled moustachios, he might have been a distinguished veteran straight from service abroad.

"Now, Porteous," I began very abruptly, "what is the meaning of this? Are you so fond of a prison that you force yourself in?"

"My only excuse, sir, was my anxiety to see you," he replied with bland politeness.

"What are you at this present moment? At large on licence?"

"Precisely, sir. I am on ticket. I was 'turned up'—I should say released, but I have picked up so many strange expressions during my late retirement! —from Portland and Millbank a week ago, and my first visit is to you. Pardon me, I should say, almost my first. My tailor had prior claims over every one—as you will readily understand. The suit of 'liberty' clothes provided by Government is not exactly what a man of my position should appear in——"

"I cannot have my time wasted with all this. Come, give some good reason for what seems to me the most amazing impudence, or I must have you put beyond the gate."

"You are a little too hard on me—too abrupt, I might say. If you would only permit me——"

"Jeffcoat"—this was to the messenger; I was losing patience—"see him to the gate, and it would be as well to step on to the police-station in Latimer Road——"

"No, no, I crave your indulgence, sir, I will be very brief. I have come up to ask you to interest yourself in my behalf, to assist me to get congenial, suitable employment. You must admit I have some claims on you!"

"Claims!" I cried indignantly; "on me! You brazen-faced, impudent impostor!"

"Stay, Major," interposed my friend Bradley, adding to my surprise, "Perhaps I could help him. What do you feel yourself fit for? Are you good at figures?"

"I delight in them. I am a thoroughly competent accountant; I know every branch of book-keeping, banking, and the whole operations of finance."

"Which you learnt at Bombay in the house of Bradley & Co., and subsequently practised as their representative at Malta and Marseilles."

Porteous received this news with blank astonishment.

"Bradley's?" he protested; "I never——"

"It won't do, Porteous. My name is Marmaduke Bradley, son of your old employer, and I was in court during your trial for fraud and forgery on the firm. I might not have recognized you had I not heard your real name."

"Perhaps you will give him a fresh start, Bradley, just to oblige me?" I put in. "If he has claims on me, and can prove them, I shall feel bound to lend him a hand. But now, Porteous, be a little more explicit."

"Can it be possible, sir, that you have forgotten the Rosia outbreak, and the part I played? If so, there is no gratitude left in man, and I throw up the sponge."

"I have forgotten nothing, only I have learnt a little more. I am not such a novice, Porteous, as in those old days at Gibraltar. I know more, I have seen and heard a good deal more—the latter especially."

Porteous bowed politely, as though he was eager to accept any statement I might make.

"I got on the inside of that Rosia business a year or two ago, when I came across Shotton—you remember Flash Alick, I dare say, and Petersham Ned, and one or two more. They've all been here, Porteous. I'm not to be made a fool of twice. I think, indeed, that your share in that Rosia affair should not be endorsed on your record for reference the next time you come in."

"I never mean to get into trouble again," Porteous declared, changing now to a very humble and piteous tone; "only it's so hard to make a fresh start all by oneself. If only you will speak for me, sir, hold out a helping hand, sir, it would make all the difference."

"You ought to have written to me, Porteous, not forced your way in here. However—take yourself off now. We'll see whether anything can be done."

As soon as Porteous had been marched away, looking very crestfallen, my friend Bradley expressed so much curiosity about the Rosia affair that I told him the whole story.

I had been given to understand, on assuming charge of the Gibraltar convict prison, that it was in very bad order, that grave insubordination was very rife, that the convicts, as a body, evinced a mutinous spirit, and that I might expect trouble, possibly a serious outbreak. Being perfectly new to the work, entirely without experience in the manage-

CONVICTS AT LABOUR.

ment of such strangely perverted, often ill-conditioned creatures, I had no means of judging for myself whether these apprehensions were well founded. As a rule, there is no mistaking the symptoms when convicts are getting out of hand, the causes are usually the same; where these are present the same consequences show themselves. Weakness in the executive—not so much the want of severity as of

consistent and unvarying firmness—is what usually produces combined misconduct. Convicts are like children, or the untutored savage—ready to take advantage of concession: the attempt to rule by persuasion rather than the strong right hand, means that authority is afraid of them.

There was no doubt much discontent among the Gibraltar convicts at that particular time. They grumbled a good deal, showed an exacting disposition quite out of keeping with their character, came up constantly with far-fetched and frivolous complaints. They were backward in obeying orders, hesitated to submit to the rules.

These rules were in a great measure to blame. The old comptroller had erred in changing them continually; he was never of the same mind long. Now he altered the working hours, the dinner-bell, chapel-bell, and so forth, till no one was certain when or how the duties were to be performed. Then he concentrated his attention on the prisoners' personal appearance, issued fresh instructions as to how the clothing should be worn. He was very variable and capricious, too, in his treatment of his charges; showed undue favouritism, was tyrannically hard upon this offender, foolishly lenient to that. All this had left the prison in an agitated, unsettled state, which was very apparent to a new-comer. The discipline was by no means strict. The convicts were generally arrogant in demeanour, they answered back, when checked, talked a great deal on parade

and on the works, and seemed to me, although new and inexperienced in their ways, ripe for mischief. They were, as a matter of fact, not far from mutiny, from some overt act of combined insubordination, or worse. I could see that plainly, and was greatly disturbed thereby; more, perhaps, than I need have been, had I remembered the strength of the executive, the weakness of the malcontents.

One day, however, a scrap of paper was found in the chapel on the floor which caused me considerable uneasiness; on it was written in large printed characters:—

"PICK UP AND PASS ON.—Down with the blokes. Lads, only be true to each other. Join, join, join all together. We're strong enough united to rush the red-coats, slog the screws, and make our blooming guys."

I pondered deeply over this threatening and significant missive, as I thought it, thereby differing greatly from the opinion of my chief warder and one or two other officers, the surgeon in particular, who made very light of it.

"It's a hoax," he assured me. "I've seen a dozen such in my long service. You never get beyond talk with convicts. They cannot combine."

"I do not see why, or why you are so positive, doctor," I protested.

"Convicts have no loyalty in each other, that is why. If there's real business meant, it certainly will come out. Where there's more than one in a job, the

second will always tell of the first, or *vice versâ*. If a number is concerned, the percentage of traitors is always large."

"Then, if this is not a hoax we shall hear more about it?"

"Most certainly. You'll have chapter and verse; only I advise you not to believe all you hear."

The next communication was made to me direct, and in rather a startling and unexpected manner. I was passing through the Rosia quarry, where a large body of prisoners was engaged in loosening a great mass of rock, which was on the point of falling. One man was stationed at a little distance alone to control the movement of the rock by means of a long rope and windlass.

This was Porteous. Up to that time I had not come specially across him or distinguished him from among his five hundred convict fellows.

"Take care, sir. You had better be on the look-out," he said, as I passed close to him, and in so much more solemn and impressive a tone than the occasion seemed to demand, that I stopped short and would have questioned him.

"For God's sake, sir, don't stay near," he now cried, with fierce emphasis. "If you're seen speaking to me it is as much as my life is worth, and it may ruin all. Walk about, backwards and forwards. Each time you come this way listen with all your ears."

I did as he desired, and when I approached him again he whispered—

"Take warning. Be on your guard."

"You're not referring to the rock over there?"

"Rock!" he sneered contemptuously. "No. There's a bigger game afoot, and you'll come to great trouble if you're not on the *qui vive*. Arrange somehow to let me speak to you, sir. Privately; so that none of the lags shall know."

He spoke with much feeling. The voice was soft and persuasive, the accent that of an educated even well-bred man, and I was struck by his manner, in which the sad consciousness of his present ignoble condition struggled with the ineffaceable air of a gentleman. He stood straight and erect, a soldier-like figure, and in appearance warranted his statement that he had been in the army, an officer like myself. I had many opportunities later on of conversing with him, and of listening to his well-concocted, plausible stories. For the moment it was necessary to hit upon some device for seeing him alone.

"Go sick to-morrow," I at last suggested. "I'll settle with the doctor to take you on board the hulk, and give you a cot somewhere apart."

Porteous silently bowed his thanks, but I saw from his glistening eyes that the proposal pleased him. There are worse quarters than the hospital hulk, with the doctor friendly and the superior authorities benevolently disposed. Next day I found him snugly ensconced and sound asleep in his bed at the end of a ward upon the main deck.

Not another soul was within earshot, and I began at once.

"Now, Porteous, what have you to tell me? Be quick about it," I said, as I shook him into wakefulness.

"Oh, sir," he groaned, and looked up to me with lack-lustre eyes. "I am so sorry, but I have a touch of fever and ague to-day, an old complaint contracted in India."

"Do you mean that you are really ill?"

"Yes, sir, really ill," he said, determined to keep up the part of invalid. "But what I have to tell you will not keep. It is urgent, most urgent, and I may not have so good an opportunity again. Listen, sir." He turned over, writhing seemingly with pain, and began—

"There is a rising imminent, sir, among the men, a well-planned, widely organized conspiracy, which, if if you are not prepared to meet it, is bound to succeed."

"How do you know this?" I asked.

"Because—" he looked cautiously around and, as though afraid of his own voice, put his hand to his mouth, "because I am in it too."

This was the traitor for whom the doctor had prepared me.

"It was first started by Ned Petersham; he knows this place, and has done two 'laggings' here. Flash Alick is in it too—Shotton's his prison name—and Spanish Jack, who knows all the ropes, the ins and

outs of the dockyard where he worked as a naval artisan: they are the ringleaders. But there are a hundred and fifty more sworn to rise at the given signal, and follow them to the death."

"What do they mean to do? It's mere madness, man. Don't you know there are six regiments in the garrison, guns planted everywhere, enough to blow every convict and the whole prison sky high? half-a-dozen men-of-war in the bay or at the New Mole——"

ROSIA BAY, GIBRALTAR.

"Not always, sir," interrupted Porteous. "That's where Spanish Jack comes in. He says there are times when not a single ship of war is to be seen, not even the little gun-boat that belongs to the station. We all know that, sir; we have eyes and can see for ourselves from the upper road or even the winding staircase leading from the prison to the Line Wall."

"Well, say there are no men-of-war about on a particular day, what then?"

"That is the time Jack Spaniard will get out, with Shotton and Petersham Ned——"

"But how?"

"That's their affair. But I believe they mean to cut their way through the big prison block—it's only wood, sir!—in the night, overpower the military sentry in the yard, climb the office, and drop over the sea-wall on to the wharf outside."

"The three of them?"

"Perhaps four, or even five. They would all be wanted, for theirs is the real work of danger. Their business is to get possession of the *Lord Heathfield*, the Admiralty tug, that lies every night inside the new mole. Spanish Jack served on board her once as assistant-engineer and stoker. That's how he knows there's only a single matey on watch during the night, and he's asleep half the time. Then the fires are often kept banked up for an early start in the morning; and when the tug comes round to Rosia Bay for the lighters we've laden for store, Spanish Jack and the rest mean to seize the tug——"

"How will they get on board of her?"

"Swim, sir. 'Twouldn't be safe to go along the wharf. There are sentries there."

"Well, say they got possession of her, what then?"

"They'd up steam and have all ready to cast off as soon as the rest of the crew came on board."

"But the crew are not fools. There would be a fight for it."

"Trust Spanish Jack to use the knife, stab them as they came over the side one by one, or gag them and throw them down into the hold. I don't believe it would be difficult to get the tug away, it's in the second part of the scheme that I did not see my way clear, and why——"

"You preferred to give information? Your motives do you much credit. But what is the second part?"

"As soon as the tug was secured she was to be steered as usual for the bay, and lie-to in the shallow water close inshore just opposite where the principal quarry parties work. The signal for us was to be a red flag at the peak; as soon as we sighted that, we were to rise on the officers with stones and pickaxes and any tools that we could catch up, beat them down, then make for the water and go straight on board the tug."

"The Rosia military guard would shoot down a lot of you first."

"The fortune of war. Some would go under, the rest make good their escape. Then the tug with full steam on her would cross the bay and be on the Spanish coast out of all reach almost before the alarm was given. That's the plot, sir. I am telling God's truth, and you'd better be slippy if you mean to stop it, for things are far advanced by this time."

"How far?" I asked.

"The tug may be taken any morning now. It

all depends upon whether Jack and the others can break prison. That is why I was so anxious you should know at once. I have risked a good deal, and I hope, sir, you will not betray me. Perhaps, too, something may be done for me——"

Even then I had my doubts of the fellow. It was difficult to swallow his story, but how was I to verify it? In any case no time was to be lost. I thought it right to inform the Visitors, the Board of Control appointed to advise and assist me in the government of the prison, and they came down at once to the hulk, where they heard Porteous repeat the statement, and closely cross-examined him thereon. It seemed still more improbable the second time. Yet to entirely neglect the warning conveyed would have been a terrible risk. It was far wiser to take precautions even if no such movement was actually on foot. Prevention in such circumstances was infinitely better than cure.

So Spanish Jack and one or two of his friends were removed from the wooden and comparatively insecure prison to the separate cells, stone built and backed by the great Line Wall of the fortress. This effectually forbade all hope of escape. It was next suggested by some one that the truth of Porteous' information should be tested; that the tug should be sent to Rosia flying the red flag and run close inshore; the military guard could be imperceptibly strengthened, other troops could be kept out of sight, but ready to act if any outbreak occurred. This

proposal, which meant stern reprisals on an offence to which direct incitement was offered, was very properly rejected. All that was really done was to reinforce the military parties that watched over the convicts at all points; and at the same time the Admiralty tug was sent to a distant anchorage. These measures, which showed the authorities were on their guard, were sufficient to check any outbreak, if indeed any such was contemplated. Of this I could obtain no positive assurance at the time. Porteous so strongly insisted upon the accuracy of his information that I hardly liked to doubt it, and yet I was far from convinced. At any rate, he seemed to have established some claim on our gratitude, and he was rewarded by a permanent billet as hospital cleaner, in which he was still actively and happily employed when I left Gibraltar.

In the interval that elapsed before I again saw him I learnt a good deal, especially about the threatened rising. This, in plain fact, had had no shadow of existence except in Porteous' own brain. He had invented the whole of it, even to writing the scrap of paper picked up in chapel. As the reader already knows, I had the rather hollow satisfaction of telling him, later on, what I had discovered. I may add that I never heard of Porteous again. He was not known at the address he gave me on leaving Wormwood Scrubs, and he failed to report himself, as in duty bound, to the police. Probably he went immediately abroad.

Prison outbreaks, the collective mutinous action of a number, are but little known in our modern well-ordered prisons. Individual insubordination will of course occur; it is not to be expected that strict discipline can be enforced without opposition among men in whom evil passions often predominate, who are from their very condition apt to be irritable and to resent coercion, however mild and equitable. This intractable spirit, a fancied sense of injury, of injustice done, and hardship suffered, over which a temper naturally bad broods continually, will at times culminate in overt resistance which finds an outlet in savage, cowardly assaults. But these isolated cases of revolt differ altogether from the combined and concerted action of many, which, as I have said, are rare. Not only is it unusual in convicts and prisoners to combine, but their very tempers and characters militate against it. They do not trust one another sufficiently; secrecy among them and fidelity cannot be counted upon, and the master spirits which might organize revolt hesitate and hold back. As a rule too prisoners know their own weakness and their keepers' strength. Even the more ill-advised and hot-headed are restrained from trying conclusions, because they feel they will be made to repent their rashness in the end. These conclusions, if they are tried, seldom go the length of actual mutiny; the worst forms of insubordination shown by a number will be noisy disturbance at inconvenient seasons, as during chapel service, or possibly in the exercising-yards. Convicts will

exhibit a sullen demeanour, they will wax insolent, use wild language, but will never break out into conflict and collision with authority. They know it is too strong for them; that the struggle is unequal; that in the long run they will go to the wall. The latest occasion when there was some show of combined misconduct was at Wormwood Scrubs in 1891, and here the tendency to combined misconduct was at once quelled by the firm front shown by a small handful of officers. An old hand who had been induced to join in, much against his own judgment, admitted the mistake he had made by calling out to his comrades when the order came for their removal, "They're bound to beat us; we shall suffer for this, lads," and probably they did. It is a well-known fact that authority can always count upon the support of a large proportion of the convicts at any time of emergency.

In other countries where discipline is less strictly maintained, revolts do undoubtedly occur, and probably for the reason that the executive has weakened its authority. Mr. Tallack, anxious to discredit the system of association in prisons, has collected much information about prison mutinies, which he finds preponderate where separate cellular imprisonment is not the rule. He has ascertained that in one year (1888) there were eighteen revolts in seventeen of the French *maisons centrales*. One of these was an outbreak of five hundred prisoners at Beaulieu. In the same year there was a revolt in a French convict

ship; against which may be mentioned a case on record where the military guard of a convict ship mutinied, and the convicts had to be armed to keep the soldiers in order.

The same painstaking partisan of the separate system has made a second list of rebellious outbreaks, bringing them down to October 1892. Thus there was a rising among the convicts in the Lipari Islands in 1891, which was only quelled by armed force, and some 60 convicts were wounded in the struggle. Another outbreak of 300 occurred at Valencia, in Spain, which had to be put down by the troops. At Rampoor, in India, 30 prisoners, armed with knives, attacked their guards. At Lisbon 90 convicts charged their warders, and were only repulsed by sharp musketry fire. At Vladivostock 16 convicts, working together, rose, murdered five of their guards, and made good their escape. At Gadsden, in Alabama, the convicts rose and made prisoners of their guards and the sheriff. At the San Quentin prison, in California, 1300 convicts mutinied, and several were found to be in possession of dynamite, intended, no doubt, to wreck the prison. At Granada a rising was only suppressed by musketry; at Boston 125 prisoners seized the prison and held it for several days; at Jackson, in Mississippi, a revolt among the prisoners was followed by several violent deaths; at Rouen, in August 1892, 30 prisoners mutinied, and were only conquered at the point of the bayonet; the month following, at

Chattanooga, 18 convicts made their guards prisoners and escaped.[1]

This is a portentous list, but my readers who have the patience to peruse my account of foreign prisons on a later page will perhaps believe that a vicious system, either the utter absence of discipline, or its brutal enforcement, is as much, or more, to blame for these outbreaks than the association of prisoners. The harsh tyranny of the Siberian prisons will explain the occasional determined resistance of the victims of so much ill-usage; neglect of all proper rules of management, constant idleness under the despotism of a few of their more favoured comrades, will account for the risings in Spanish prisons; nor are the prisons of the United States such models that what happens in them can be quoted in support of any argument. The fact remains that no outbreaks have occurred for years and years in the English convict prisons, where association is practised, under proper safeguards, yet with an amount of freedom of movement that is the greatest compliment to the system. Any collective demonstration has been unknown among English convicts since 1861, when there was trouble both at Chatham and Portsmouth, which was, however, due to perfectly preventible causes. Mr. Tallack, in his zeal to prove his point, includes what he calls the

[1] No doubt the rising and collective escape of Egyptian convicts from the Tourah quarries reported as these sheets are passing through the press will not be overlooked by Mr. Tallack in a future report.

outbreaks at Wormwood Scrubs of Dec. 1891 among recent mutinies. But here he is arguing against himself, for Wormwood Scrubs is not an associated, but a strictly separate and cellular prison. This instance cannot, however, be adduced on either side, as nothing at all approaching to an outbreak occurred.

Wherever outbreaks have occurred they can be traced to one or two causes—weakness in the executive, or well-grounded dissatisfaction at ill-usage, and a desire at all hazards to obtain change. The first may be dismissed as leading to no very serious consequences. The weakness that fostered them is sooner or later its own cure; experience brings wisdom, and discipline relaxed is in due course restored. In the worst phases of Australian transportation, as at Norfolk Island, the convicts, goaded to desperation by the horrors of their situation, repeatedly mutinied. On one occasion, in 1829, the island was actually taken by them. They were in possession for some time, and resisted re-capture. Again in 1834 there was a mutiny with fatal results; nine convicts were shot down, and eleven were afterwards executed. Some notion of the conditions that led to those outbreaks may be had, when it stated that one after another, on hearing their names read out as doomed to die, fell upon his knees and thanked God that they were about to be released from that horrible place.

Supposed injustice, or an interference with so-called "rights," invariably produces discontent that might easily be fanned into flame. In my own experience

I saw this when the works were begun at Wormwood Scrubs. One of the earliest operations was the burning of "brick rubbish," the material technically known as "ballast," which is got by starting a small fire of clay arranged in a cone around a core of coals. By adding alternate layers of clay and coal-dust the fire is fed and kept alight till the ballast-heap grows to enormous proportions, and great quantities of brick rubble are obtained. The only thing indispensable to success is that the work should be continuous. The fire must be kept burning, and this requires unremitting attention. By the usual rules in convict prisons there is no outdoor labour between midday Saturday and Monday morning, and this long break would have been quite enough to ruin the ballast-heap. So I turned out a party the first week to work, and was at once met with what unless delicately handled would no doubt have developed into mutiny. Fortunately the directors agreed at once to my suggestion, that convicts employed out of hours, so to speak, at this necessary job should be allowed a small extra ration of food, and from that time forth the ballast party was a *corps d'élite*, admission to it much coveted, and the work always well and cheerfully performed.

Tampering with the dietaries often produces discontent, or worse. A change in the allowance in 1861, which had hitherto been far too high, was the immediate cause of the Chatham outbreak, the last serious disturbance known in an English convict prison. But at that time there was present in Chatham and other

prisons a large number of unruly spirits, whom the recent changes in rules had brought into antagonism with authority. Convicts had undoubtedly had too much licence; their treatment was not fairly apportioned to their condition. Diet was far fuller than that of the free labouring population, the work done by no means severe. Pardons or premature release had been so freely granted that the old hands were in a very unsettled and dissatisfied state. This was apparent in their defiant and insubordinate attitude, which culminated at length in a general refusal to leave the parade-ground and turn out for work. But they were soon overawed by a show of armed strength, the ringleaders were secured and kept in irons for some days, and the whole disturbance ended without any serious catastrophe. After that it was understood that the reins must be drawn tighter, and better and firmer discipline was introduced with excellent results.

Early records afford abundant testimony of prisoners' touchinesss with regard to food. In the days when Dartmoor was a war-prison (1810-15), and contained from 8000 to 10,000 men, a serious disturbance arose because biscuit was issued as a ration instead of bread. The French prisoners collected in large numbers in the yards, and only the quiet firmness of the guard prevented their breaking out through the gates. But the principal gate was smashed in with stones. The prisoners were only overawed by the arrival of reinforcements from Plymouth, and the planting of

artillery to command the main approaches. Later, a similar outbreak occurred among the American prisoners, and from the same cause—mismanagement in the distribution of the bread allowance. The prisoners broke open the three first gates, drove the sentries into the guard-house, and were only checked by the appearance of the whole garrison with bayonets fixed. The Governor, who had been at Plymouth, returned next day, and the rising was quelled. But through some misapprehension it was supposed that an attempt had been made to get at the armoury, and the alarm-bell was rung. The prisoners crowded to the first gate, the iron chain of which was broken, and a great crowd came out into the "market" square. The Governor tried to persuade them to go back, but they refused, and at last he ordered the guard to drive them in. The prisoners still resisted, insulted the soldiers, and pelted them with large stones. Upon this, whether directly ordered or not cannot be known, the troops opened fire. The Governor would have checked this, but was unable to do so. At first the shots were aimed over the heads of the crowd, when the prisoners raised a cry of "blank cartridges," and charged the soldiers. Then the fire was given in real earnest; seven prisoners were killed, and sixty more were dangerously wounded. This unfortunate occurrence was styled at the time "a horrid massacre," but a coroner's jury returned a verdict of justifiable homicide against the troops, and a joint English and

American commission of inquiry could only express sorrow at the whole affair.

More recently Salillas[1] describes how a part of the prisoners in the *presidio* of Alcala, near Madrid, refused their rations, and then mutinied. The alarm was great in Madrid. Horse and foot, under the command of a brigadier-general, were posted around the gaol, and a picked body of *guardias civiles* sent up as a forlorn hope to storm the prison. The prisoners made a stout resistance; replied with stones to the fire of the civic guards, and fought so well that they killed five and wounded thirty of their assailants before they were subdued. Female prisoners in Spain have made equally determined resistance to authority. On one occasion, when dissatisfied with their food, they rose, and held out against all comers for three or four days. These Spanish women were full of guile on another occasion, when a rebellion among them took such a threatening aspect that the troops had to be called in. Then the women sent all the mothers with children into their front line, and dared the soldiers to fire upon them.

The strangest of all mutinies, the most heartrending, both on account of the cruelties in which they had their origin, and of the protracted sufferings of the mutineers, are the "hunger strikes" of Siberia, so graphically described by Kennan. That numbers of Russian convicts, goaded beyond endurance, should combine to refuse all food, and persist in this for

[1] *Vida Penal en España.*

weeks, is not one of the weakest of the indictments against the Russian prison administration. A collective protest of this kind could only have its origin in very widespread oppression. Individual cases of prisoners refusing food, and for long periods—being often kept alive, despite themselves, by artificial means alone—are not uncommon; but the "hunger strike" is an especial feature of the most cruel and heartless of prison systems that have disgraced any civilization.

PART III.—Secondary[1] Punishment at Home and Abroad.

CHAPTER I.

MODERN PRISONS.

Last of old English system—Hulks—Slackness of the old contrasted with perfect organization of new system—Keys, custody of—Nocturnal adventure—Prison gate and white tie—Chatham convict prison effective and admirably planned—Our methods growth of time—Result of long experiment.

The Gibraltar convict prison was closed in 1874, and with it ended our system of deportation. Henceforward no prisoners were sent beyond the seas. With this prison other old methods disappeared from our system. First and chief, the "associated" barrack-life was abolished, where a number of individuals occupied the same room day and night, except when under punishment or on the works. The corrupting and demoralizing effects of association, especially during the idle hours, are so universally acknowledged, that no further stress need be laid upon this point, which was one among many

[1] "Secondary," not "primary," that is to say, or capital punishment.

strong reasons for making this the last of the colonial establishments.[1] Others were found in the difficulty of providing suitable employment, except in full view of a staring public, and still more strongly in the absence of practised supervision by high officials of long experience and peculiar professional training. As a corollary of the latter, the discipline and general organization were thoroughly unsatisfactory. It was impossible to enforce the first strictly; the second was not understood, and therefore did not exist. The Gibraltar system was haphazard, working without certainty or precision. Some attempt had been made to assimilate it to that generally in force in England, but rules and orders may be adopted in theory without being applied in practice. The buildings have been already described.[2] In these, of course, there was no cellular separation; a few cells only had been built against the Line Wall for the refractory. The prison hospital was a hulk, one of the old *pontons*, which had held French prisoners and furnished materials for some of Napoleon's bitterest

[1] Western Australia was continued till a much later date, but as a convict settlement rather than a prison. The principles on which it was established and worked differed entirely from those which governed Gibraltar. The gradual rehabilitation of the offender, who graduated from punishment to conditional freedom, with an opportunity of working out his redemption, was the object in view in Western Australia, and was successfully achieved. The Gibraltar establishment was a penal servitude prison of the most faulty construction, and most imperfectly organized and worked.

[2] See p. 54.

manifestoes when preparing for war with England.[1] The prisoners' dress, the hours of labour, the dietaries were all legacies of the days of transportation.

How slack the system was may be amusingly illustrated. There is no rule more strictly enforced

[1] Although, no doubt, greatly exaggerated by the fierce animosity that raged between the two nations, the terrible accounts given by French prisoners of the English hulks had some foundation in fact. These old and worm-eaten battle-ships were frightfully overcrowded. In a three-decker as many as 1200 or 1300 were lodged, and 700 to 800 in a two-decker. The prisoners were sent below an hour or two before nightfall, and remained there till morning, by which time the air had become so foul that the guards who opened the hatches ran for their lives directly they had done so. During the night candles went out for want of oxygen; the prisoners lay naked on account of the great heat.

Yet some of the stories told must on the face of it be untrue. It was stated after the outbreak on board the *Samson*, in 1811, that the prisoners had been half starved; that the food consisted of nothing but worm-eaten biscuits, fish, and salt meat. They were so ravenous, these poor Frenchmen, that on one occasion, when a colonel of militia rode into the Porchester barracks, where a number were confined, and tied up his horse to a post, it was gone when he came out a few minutes later. It is asserted in contemporary records that in that short space of time it had been killed, cut up, and eaten, raw! The Colonel refused to credit the story, but believed it presently, when a prisoner came out still gnawing at a bone, and when he was shown a piece of the horse's hide. The same summary fate overtook the big dog of the prison butcher.

These extravagant stories were subsequently distinctly denied, and Mr. Croker, Secretary of the Admiralty, reported that on visiting Portsmouth he found the prisoners "happy and comfortable; well fed, cleanly; provided with amusements, including billiards and music." Sir George Warrender visited Chatham with the same result.

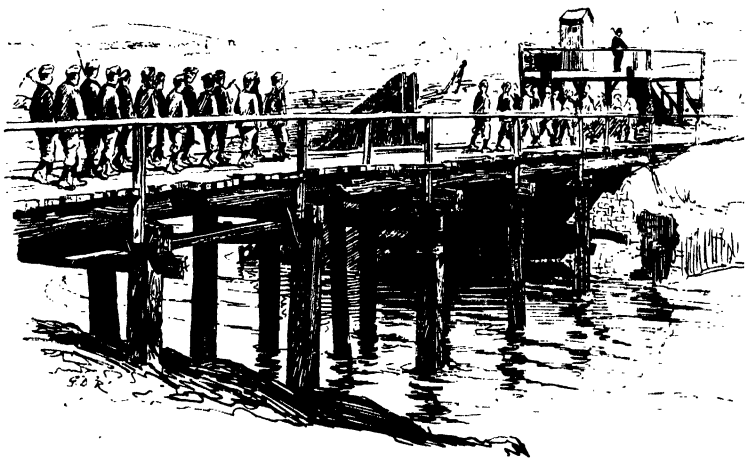
in modern prisons than that which requires all prison keys not actually in use within the walls, to be deposited at the prison gate. Neglect of this rule entails fine or sharp reprimand upon subordinate officers, and the superiors do not dare to ignore it. Every one, as a matter of course, gives up his keys when leaving the prison. Yet, following my predecessor's practice, I carried about with me a master-key, one that "took" every lock, even the most important in the prison; carried it without let or hindrance, or fear of wrong, wherever I went beyond the prison, into the fortress, town, or outside the lines when riding into Spain. I wore it much as a young modern "masher" does his cigar-lights, attached to a steel chain, one end of which was fastened to my braces, the other with the key in my trousers pocket. I was often asked to produce my key when dining out, and was proud of exhibiting the grim emblem that meant freedom or durance to so many hundreds of malefactors. I never for a moment dreamt of the consequences, should it be taken from me by force, as was perfectly possible, or if it fell into the wrong hands.

Of course the possession of this master-key gave me facility of access to all parts of the prison at all hours. It is neither right nor safe for even the highest authority to have the power to wander about his prison alone; far better that he should be compelled to call up another officer to accompany him in his rounds. The freedom I possessed to roam where

I pleased nearly cost me my life. I had returned late one night by the New Mole, the only approach to my quarters after nightfall, and as I passed a wicket-gate which gave admission to the main prison, I thought I would pay a nocturnal visit to the interior. Another of the old-fashioned customs retained in the Gibraltar prison was the employment of the garrison as an additional protection. A military guard mounted every day in the Dockyard for duty in the prison, and at night after "locking," the whole of the interior was in the hands of military sentries. One of these patrolled, as his post, the exterior of the prison building just within the walls. He was provided, of course, with the garrison countersign for the night, carried his rifle loaded, and had orders to fire on any one who could not answer his challenge. I crept into the prison noiselessly, by the wicket-gate from the New Mole wharf, and was proceeding with my perambulation, when I was halted peremptorily by the sentry, who, without waiting for my reply giving the countersign, came at me with his bayonet at the charge. Flight, however ignominious, was my only chance of safety, and fortunately, in running, the sentry, a rather terrified recruit (as he proved to be), discovered that I was in uniform, and desisted from his pursuit.

Another laughable misadventure may be mentioned in this place. A friend, who was my guest in my house at the prison, went up one evening into the South Barracks to dine at the regimental mess. As

he would no doubt be returning late, I gave him the key of a certain padlock and chain, which secured a gate through the palisade that shut off my house from the New Mole and the prison. My friend woke me about midnight to explain that he had had a terrible accident at this gate. He had unlocked the padlock and passed through, but, in re-locking, the whole arrangement—key, padlock, and chain—had slipped and fallen to the bottom of the sea, which



CONVICTS MARCHING TO LABOUR, ST. MARY'S ISLAND, CHATHAM.

washed the walls of the wharf. I was for going down at once to see what could be done, as the gate would swing open by its own weight, when he assured me he had made it fast and perfectly secure. He had employed a strange and novel device. I found, on examining the gate next morning, that it was kept closed and in its place by my friend's white necktie!

There was no trifling with regard to the custody of the keys, or the security of bolts and bars, at the great Chatham Convict Prison, which I joined as deputy-governor after I left Gibraltar. This was my first introduction to a thoroughly effective and admirably-planned prison system. I had already been struck with the marked contrast between Chatham convicts and those in the Gibraltar prison. A draft of the former had been received during my short tenure of office—a quiet, well-behaved, submissive set, when compared with the free-and-easy, often swaggering and defiant colonial men. "I see you let your people talk," I overheard the Chatham principal warder say; "we don't." This just described the difference between them and the systems they represented. At Chatham everything went like clock-work; it was a little too mechanical perhaps, but all strict discipline is that, and without it the same results would not have been attainable. But if, on the one hand, stern rules secured good order, industry on the other was encouraged by judicious concession. The mark system, first invented by Captain Maconochie in Australia, and generally adopted in the English prisons, makes industrious effort the price of remission. On all these points, and upon the English prison system generally, I shall have more to say presently at the end of these volumes, when I shall endeavour to draw some comparisons between our methods and those of other countries. But, as the reader probably knows more of

our own than of foreign systems, I propose to give some account of the latter first. It will, I think, be seen in the end, that however imperfect our methods may be, judged by the highest and most exacting standard, they do, generally, things worse elsewhere. Tested by results, especially that great aim and end of all penal codes—deterrence from crime—this country alone can point to any diminution in the number of offenders. Mr. Tallack, by no means a strong partisan of English ways, admits that "in France, Italy, and the United States, the amount and intensity of crime has of late years tended to increase in a more rapid ratio than the general population." These nations, and many others, appear to be still groping in the dark, working without unity or consistency, and often clinging to methods which have been already tried by us and dismissed as ineffective or untenable. The best that can be claimed for this country is, that it has proceeded by exhaustion, constantly experimenting, and always excluding what fails or has been found indefensible. Few other nations have done the same.

Let us now consider the various processes tried abroad, and the present condition of the penitentiary question, in the principal countries of the world.

CHAPTER II.

FRENCH PRISONS.

Ancient prisons—Their functions—Not places of punishment until 1791—Condition about that date—John Howard thought them superior to English—The galleys—"Galley slaves for the faith"—Transfer of *forçats* to arsenals on shore—French *bagnes*—Hard labour in them pronounced a farce—Discipline often relaxed—Chain companions—The *bagnes* condemned as utter failures—Proposal to substitute imprisonment—Revolution of 1848 shelved the penitentiary question—Adoption of transportation in 1854—Still practised, but cellular imprisonment the rule by law, not yet enforced, for trial and short term prisoners—Present state of French prisons—Gradual improvement of those in Paris—New prison to replace Mazas, St. Pelagie, and La Roquette—Provincial prisons.

THE punishment of crime under the ancient *régime* in France was some form of corporal penalty, ranging between death and mutilation to disgraceful exposure in *carcan* or pillory. There were prisons, but their object was preventive, not punitive; *carcer est custodia non pœna*, ran the old legal phrase, or in the words of the old Roman law, *carcer ad continendo homines non ad puniendos habere debet.* The only jurisdiction which imprisoned as a punishment was the ecclesiastical. The functions of the

prison in mediæval France and down to the Revolutionary era were threefold: to secure the persons of debtors; hold accused during trial, and until sentence; and lastly, retain the condemned until the law had done with them, whether on the wheel or scaffold, at the gallows or the cart's tail, or by sending them to work with the oar. The Legislative Assembly, in 1791, first established the principle that forfeiture of liberty should be inflicted as a punishment in terms proportional to the offence.

In those days the prisons of France exhibited all the defects of the period. They are described by contemporary writers as small, unhealthy hotbeds of infection; one compared them to hideous hovels, built against the wall of deep wide wells. A report made to Louis XVI., in 1777, informed him that the prisons of his capital and kingdom would draw tears from the most insensible: "Only the worst injustice can turn places of security into places of despair." It certainly emphasizes the disgraceful state of English prisons that the philanthropic Howard should have considered those of France so greatly superior. He found, in 1775, from the aspect of the French prisoners, that they were humanely kept without irons, and in prisons that were washed twice daily, and had none of the foul poisonous odours of English prisons. A ration of bread was issued, also wine and meat, provided by various charitable organizations. The French gaoler was forbidden to beat his prisoners, or set his dogs at them, or take money from them; he was advised to

separate the better from the worst classes. Still these provisions were often set at naught, and in one case a gaoler was sentenced to be hanged for allowing a prisoner to die of starvation. The visitation of prisons was recommended to magistrates, the Lieutenant Criminel inspected them, and the Parliaments, to see that rules and regulations were properly enforced. Louis XVI. was always anxious for prison reform, and several edicts published a few years before his execution had this benevolent object in view.

In the fifteenth century, French justice first sought to turn criminals to the profit of the State, and frequently substituted labour at the oar for the death penalty. The benches of the war-galleys that had their head-quarters at Marseilles were thus largely recruited; although bond and free, those who had forfeited their liberty, and those who sold it for wages, still rowed side by side. These were the *galérien forçat* and the *galérien bonne volonté;* but the first-named grew more and more numerous, and the latter disappeared. Regulations, wisely conceived, seeing that the warship's speed depended on the strength and fitness of the galley-slaves, provided for their care and sustenance. They were well and warmly clothed; sufficiently fed, with a wine ration when at work; and the "chains" were visited daily by the "barbers," whose duty it was not only to wash and shave, but to attend to the sick. So useful was this human motive power to the French marine, that arbitrary kings ordered judges never to inflict a

sentence of less than ten years; and the captains of galleys held so tightly to their prisoners, that it was difficult for any who served out his term to obtain enlargement.

A very vivid and terrible picture, however, of the life and condition of the French galley-slave has been preserved in the narrative of a French Huguenot, Jean Marteilhe, who with many co-religionists became "galley-slaves for the faith," *forçats pour la foi*, preferring this awful fate, and the company of the worst criminals, to the abjuration of Protestantism. The prisoners reached the sea-port on foot, traversing a large part of France in scanty clothing, and chained by the neck in large gangs. Once drafted on board ship, and posted to his bench, he remained there always, unless taken to hospital or the grave. Six slaves, chained to the same bench, tugged at each oar, which was some fifty feet in length; they were compelled to keep time with the others before or behind, or they would have been knocked senseless by the return stroke. They rowed naked to the waist, partly to save clothing:[1] still more to offer their backs to the thongs of the *sous-comites*, or quarter-master, who flogged freely, and backed up every order with a stroke. When not rowing they sat at their benches at night, and slept where they sat. In all naval engagements of those days the oars were shot at first, hence the galley-slaves suffered first and

[1] One of the first orders given on board a Spanish galley was "*fuera la ropa!*" "Clothes off."

most, and were often decimated while the garrison and crew escaped untouched.

The labours of St. Vincent de Paul, who, in the previous century, had consecrated his life to ministrations at the galleys, could have born but little fruit.

Galleys fell into disuse with the development of the French navy under Colbert, and the substitution of larger ships of war dependent upon sails. The galley-slaves' occupation—that of supplying the motive power—was gone. But other work was found for them on shore in the naval yards and arsenals, created by the new demands on the navy. The staff, plant, and *forçats* were transferred bodily from Marseilles to Toulon, which with Brest and Rochefort date from this period. This was the origin of the French naval prisons, or *bagnes*, which derive their name from the *bagnio*, or bath of the Seraglio at Constantinople, which was the prototype of establishments of this kind. These French *bagnes* were also known as *prisons mouillés*, from the fact that hulks or floating prisons for some time housed the prisoners. The numbers collected together were now greatly increased, and when buildings were at length erected on shore, they contained vast dormitories which held 500 to 600 convicts apiece. By this time the grand total at each of the naval arsenals amounted to several thousand men. The Ministry of Marine continued to have control, as it does to this day, of transportation. The work which the *forçats*, as the galley-slaves were

now called, did consisted of rough jobs about the wharves and the building-sheds, moving guns, shot and shell, excavations, and so forth, very much as our English convicts worked at the hulks or dockyards until the system of public works following the introduction

FRENCH FORÇATS AT WORK.

of penal servitude was established. The amount of labour performed at the French *bagnes*, although often severe in character, could never have been very large. Certainly after many years of trial matters had changed, and a report made in 1838, by Baron

Tupinier, the Director of Naval Arsenals, declared that the expression *travaux forcés* was a farce. Instead of penal labour they were employed in out-of-the-way corners at the lightest jobs. "The bulk of them do no more than doze; they may be seen, eight or ten of them, following a light cart not half laden, which they take it in turn to pull two and two. The hospital is full of them as invalids or nurses; they are to be found in private houses and hotels, engaged as private servants."

Three years later the same inquirer calculated that 1650 free labourers would do as much as 6500 convicts, and while the first-named must be self-supporting, the latter must be clothed, fed, lodged, and supervised. Baron Tupinier seems to have overlooked that wages are paid to the free men.

French convicts were allowed much latitude, and varied their regular tasks with much private business of their own, when the curious forgeries, coinings, and other clever feats already described were performed.[1] They were at liberty, and were indeed encouraged, when working in numbers, to sing, as sailors do, to stimulate effort. A gruesome catch, which was a favourite with the Rochefort convicts, is still preserved. It was called the *Chanson de la Veuve*—the song of the "widow," which in *argot* means the widow-maker or guillotine. The air was painfully sad, the words quite ghastly. It was a sort of funeral hymn in memory of those who have suffered on the scaffold.

[1] See *ante*, p. 97.

"Oh! oh! Jean Pierre oh!
Fais toilette
V'la, v'la le barbier, oh!
Oh, oh, oh, Jean Pierre oh!
V'la la charette."

It tells the story of the execution; the grim preparation when the hair is cut close, to make all clear for the descending knife, and the song ends with the final stroke.

"Ah! ah! ah!
Faucher colas"—

which means that the bolt has fallen, and decapitation completed. The refrain was most popular in pile-driving operations, when the heavy weight was slowly raised to the opening verses, and let fall like the *couperet* or knife at the last. Generally while the song was sung, the *garde chiourme*, or warder on duty, stood by, forgetting to scold while he beat time in unison with his stick.

At one time contempt of the penalty inflicted was carried to monstrous excess. Under the Directory, and during the early part of the first Empire, certain favoured *forçats* were permitted the most improper privileges. Those who had command of funds could obtain not only immunity from labour, but many concessions and mitigations of their lot. It was said that Napoleon I. would forgive crimes for a price; that big robberies were sometimes condoned by the gift of a frigate to the State. A certain old convict at Rochefort was allowed to go at large in the town, was admitted into society, and much appreciated for

his society and good manners. He too sought to obtain liberty by offering to build and equip a ship of war at his own cost, but in his case the offer was declined. A convict of large private fortune, sentenced for embezzlement of monies, Delage, was known as *le joli forçat* on account of his good looks and affable exterior; he was brought to Rochefort by two gendarmes in a carriage and pair; he was given a separate room at the hospital, which he furnished comfortably, and by and by his wife and children joined him in Rochefort. He used to leave the *bagne* at daybreak after the morning gun, spend the day with his family, and return in the evening. His excuse was that he was employed, and must sleep on board a ship in the port. For a long time his wife was ignorant of his exact position. Other convicts of this class might be seen parading the streets in fashionable clothes, the only mark of their real condition left them being the basil or ankle-iron they were always obliged to wear. Lesser criminals, with fewer resources in money, could still find remunerative employment for their talents or trades. Every high official employed a convict coachman, groom, or cook; at one time the music- or dancing-master and tutor in private families came from the *bagne*.

When rules were drawn tighter life was less pleasant. The *voiture cellulaire*, or travelling coach, might replace the horrors of the chain-gangs, which till 1830 still marched through France; but the condition of convicts at the *bagnes* became deplorably

rough, and the treatment severe. On first arrival three days' rest was given, but chained to the guard-bed or *rama* of one of the great chambers. On the fourth day, at the *Diane*, which sounded at six in

THE GUARD-BED, OR RAMA, AT THE FRENCH BAGNES.

winter and five in summer, the convicts were chained together in couples, and sent out into the dockyard to work. This chain-companion, from whom there was no escape, was often a stranger, and might

be absolutely antipathetic; differing entirely in character, antecedents, taste, even in language. The chains had eighteen links, and weighed with the anklet about seven kilogrammes. These eighteen links were each six inches in length; the whole chain which joined two individuals measured nine feet, so that half this length belonged of right to each. But if each had opposite ideas and intentions, they naturally pulled in opposite directions, which reached their limit at nine feet. Sometimes, as at the hour of midday rest, there was a difference of opinion between the partners. One might wish to walk, the other to lie quiet; but the movement of the first to and fro dragging at the chain would disturb the second, and then the matter could only be settled by a fight or a compromise. To quarrel was to risk punishment, so the usual course was for one to take out a pack of cards and cry, "*Je te joues tes maillons*," "I will play you for your half of the chain." The game would proceed calmly, while the stake, the disputed chain, lay coiled between the players; and in the end, according to the issue, both would walk, or both lie down to sleep. Often enough one of a couple was quite indifferent as to the behaviour of his chain-companion. A case was known where a fight was started between a *chausette*, or convict, permitted to go about singly, and one of a chain-couple. In the course of the struggle the second and passive member of the twins, who had watched it quite unconcernedly, was dragged nearer to the edge of a deep ditch by

ro's companion, into which both were nearly precipitated. Had the fight not stopped both would probably have been drowned.

The day's work ended, the convicts returned to feed in their barrack-rooms, seated round the *gamelle*, or great mess-tub, filled with bean-soup, the unvarying fare. Each fought for his own hand; the strongest and greediest got always the largest share. After the evening meal came an hour or so of repose, seated on the guard-beds, in many cases already chained to the *rama* or transversal bar at the bottom of the bed. Some idled, and others laboured at the toys and trinkets which were to be sold for their profit. Then, with a shrill note the whistle sounds "turn in"; every convict, without undressing, rolled up in blanket of woven grass, lay down upon the hard planks and sought oblivion. Silence reigned under the dim light of the oil-lamps, broken only by the distant footsteps of the watchman and the occasional thud of his hammer upon the iron bars of the prison.

In all this there was no thought of more than punishment—the infliction of a rough penalty that might but did not always terrify, but could not reform—accompanied with a vague feeling that offenders were being kept out of the way and made to do some return in labour for their support. The *bagnes* were never the sole chastisement of the French penal code. The *maisons de force* existed always, even side by side with the galleys, and were used for the imprisonment of women sentenced to

travaux forcés, and of men whose slavery had been commuted. But these were not prisons according to modern ideas, and France made no step towards the adoption of the new principles until 1837, when MM. Beaumont and De Tocqueville were despatched

INTERIOR OF THE BAGNE: AT NIGHT.

to America to inquire into the excellent and humane prison systems said to have been already established in some of the United States.

At that time France possessed three classes of

penitentiary institutions: the departmental prisons, the central prisons,[1] and the *bagnes*. The first were subject to local control, and exhibited numerous varieties of system as regarded discipline, diet, and clothing in each department, but agreeing all of them in negligence and indifference; so much so that prisoners considered it a grievance not to be passed on from them to the *maison centrale*. Yet this was supposed to be a more severe punishment, inflicted for the graver offences, and entailing longer terms of restraint. "Mais moi, j'ai droit à la centrale!" was a complaint frequently heard in the Departmental prison. The food was far better in the *centrale;* there was work to be done in company with friends, and the chance of earning wages—the *pécule*, which might be spent at the canteen. These central prisons were merely criminal barracks, containing from 1000 to 1500 inmates each. But the *bagne* was a still more agreeable sojourn than the *centrale*, and most convicts hankered after it, preferring—with all the inconveniences and discomforts already set forth—the semi-freedom, the open-air life, and the many chances it afforded of escape, to the unrelieved incarceration of the central prison.

The absurdity of this reversal of the gradation of punishment could not escape a logical people like the French, and other manifest defects in the *bagnes* led to their prospective abolition. France would no doubt

[1] Established by the Constituent Assembly in 1791, and developed by Imperial decree 1808.

have adopted some general system of cellular imprisonment on the principles that were recommending it to other nations; but the contemplated legislation was interrupted by the Revolution of 1848, and public men were too busy to think of gaols. Only in 1854 the influence of a small group committed the country to the system of transportation beyond the seas, which became law in 1854, and which has since been inflicted for all serious crimes. I shall have more to say about the French penal colonies, which in due course replaced Brest, Rochefort, and Toulon. The immediate effect of the adopting, and presumable belief in, this branch of secondary punishment was the neglect of others. Deportation, although condemned by us after full trial, was no doubt popular with the men of the Second Empire, because it shelved the whole question. Napoleon III. was at no pains to reorganize or reform his home prisons. The Republican Government was more sensible of its importance, and although the country still reeled under the effects of the German invasion, organized an inquiry into penal methods under the presidency of an eminent publicist, the Vicomte d'Haussonville. The result of their deliberations was the law of 1875, which prescribed cellular separation for all trial prisoners, and those sentenced to short terms of less than a year and a day; those for longer terms might volunteer for cellular imprisonment, and if accepted were to be granted remission of a fourth of their time. Financial difficulties, the superior claims of military expenditure, at once inter-

posed a veto, and has made this law almost a dead letter. To this day France crowds her lesser criminals together in corrupting association, generally in idleness, at home; while the heaviest penalty she can inflict, that of exile abroad, has no terrors, as is shown by the complacency with which habitual offenders accept re-expatriation.

Many independent witnesses and authorities concur in condemning the bulk of the French prisons of to-day. Those of Paris leave much to be desired, as I know from personal observation. Mazas, for trial prisoners, is cellular, and fairly answers requirements; La Santé is composite, with a cellular side for first offenders, and an associated for the hardened *récidivistes*, who cannot, it is presumed, do each other much harm; at St. Pelagie there is unrestricted intercourse, with the usual evil consequences; so it is at La Roquette, the prison of passage for transports to the Antipodes. Worse, far, is the old female prison of St. Lazare, which is characterized by thoughtful Frenchmen as a detestable place, deserving only destruction. "Every young girl," says Maxime Du Camp, "who enters St. Lazare for correction leaves it rotten to the core. She is lost unless a miracle intervenes." Any woman sent there who is still honest, or at least not yet depraved, feels, as one of them said, abandoned to wild beasts to be devoured; or, as another plaintively wrote, "If I am left here a day longer I shall be lost: I had rather die than stay." But it is satisfactory to note that great

administrative reforms have now been introduced, and since 1888 only the most abandoned women are sent to St. Lazare; those for trial go to the prison at Nanterre; lesser offenders to a special side of the central prison at Doullens; while young girls sent by parents for correction are lodged in the Conciergerie, in a quarter recently altered on purpose for them. These excellent reforms, which accomplish what has been frequently demanded for fifty years, date from the ministry of M. Herbette. Unhappily the Depôt of the Prefecture, "the portal of the prison world of Paris," remains—in itself a prison which, sewer-like, receives all the impure elements of the city, and holds all in a hideous amalgam. Every arrested person passes through this moral cesspit, the most guilty as well as those whom the law will yet declare quite innocent. The Depôt is a disgrace to Paris; the criminal reigns supreme, honest folk are ruined, the innocent devoured, women degraded, children taught lessons that will weigh down all their lives.

A very determined effort is however in progress to introduce organic reform in the prisons of the Seine. The Conseil-Général, speaking through its *rapporteur*, M. Lucipia, brought forward a project, in July 1892, for the abolition of the three prisons, Mazas, St. Pelagie, and La Roquette, and the erection of one new cellular prison on some suitable site outside Paris. The three existing prisons stand on very valuable ground, the sale of which, it is calculated, would fetch upwards of nine millions of francs. This

sum is more than sufficient to meet the expenditure involved in building a prison with 1800 cells, the number required. The report refers to a probable objection that such a prison is too large, that the moralizing influence of the administration could not be exercised over so many inmates; then disposes of the objection by remarking that no one believes in such moralizing influences, "the administration least of all." "Houses of penal education may do much for children or young folk; nothing for grown men." Many other arguments, such as the increased economies that would follow this concentration, saving on salaries and all administrative services, are advanced with effect in the report, which the Conseil-Général at once adopted, and ordered that the site required should be at once sought out within a circuit of twenty kilometres around Paris. St. Lazare is to be taken up next, and after that the Depôt of the Prefecture and the Conciergerie; but M. Lucipia wisely writes: "Let each day take its own burthen; experience shows, especially in this question of prison organization, that *à vouloir trop embrasser on s'expose à mal éteindre.*"

Since writing the foregoing, the Consul-Général has approved of a recommendation made by M. Lucipia, that certain lands should be acquired in the commune of Fresne (Seine) for the erection of a new prison, which is to replace Mazas, La Roquette, and St. Pelagie. To buy these lands a sum of 165,000 francs has been voted, out of a total of a million taken up

for the whole prison. The Government has wisely resolved to pursue the plan of building by prison labour, such as has obtained in this country for many years, notably in the Wormwood Scrubs prison, and in Italy at that of Regina Cœli. Great care is to be taken to avoid unnecessary outlay, to keep down the average price of the cell, and "while providing for health and proper sanitation, to stop short of providing prison comfort to such an exaggerated extent that it is a scandal and an outrage upon those who remain honest despite the struggle for existence."

With but few exceptions French provincial prisons are still open to much adverse criticism. Many are entirely unsuited for purposes of penal confinement: ancient buildings, converted convents, or castles dismantled, and all incapable of adaptation: "old, dilapidated, damp dungeons," as Prince Krapotkine calls them, and that titled Socialist can speak of them from his own personal experience. His description of the St. Paul prison at Lyons, which however is a modern prison, is perhaps over-coloured, but it is no doubt partly true. "It covers a wide area, enclosed by a double girdle of high walls; its buildings are spacious, of modern architecture, and clean in aspect."[1] But the interior of the prison, according to Prince Krapotkine, belies the promise of its outside. In the cellular wing he found the cells dirty, infested with vermin, not heated, although the climate is damp, foggy, and cold. The prisoners were in the most

[1] *In Russian and French Prisons*, p. 257.

ragged attire, the food supplied by contractors meagre in quantity and of detestable quality, with very high prices at the canteen for extras of the most inferior description. The *parloir*, or prisoners' visiting-place, was a dimly-lighted vaulted hall, in which great numbers of inmates and their friends were herded at the same time, and where the noise of voices made hearing impossible.

Prince Krapotkine made a longer sojourn at the great Maison Centrale of Clairvaux, of which he speaks in more favourable terms. This ancient abbey is one of the largest provincial prisons in France, and holds from 1400 up to 2000 inmates. Its outer boundary wall is three miles long, and within this extensive area, besides the prison proper, there are barracks for the military guard, quarters for officers, cornfields, and orchards. An inner boundary wall shuts off the prison buildings on an area of some four hundred square yards. It is a manufacturing prison; hundreds of prisoners are employed in shops lighted by electricity, in making iron bedsteads and iron furniture; in weaving velvet, cloth, and linen; in the manufacture of picture-frames, looking-glasses; in cutting glass and mother-of-pearl. There are flour-mills, stone-yards, tailors' and shoemakers' shops. Steam power is generally employed from engines, and a turbine works the extensive machinery. Besides the foregoing, a *brigade extérieur* of well-behaved prisoners, within a month or two of release, are employed beyond the prison, but still within the

exterior wall, in cultivating the fields and orchards, sawing wood, repairing quarters, painting, and so forth. Occasionally parties are sent out into the woods to obtain fuel. The productive labour seems to be profitable, at least to the private contractors, who have rented the prisoners' hands at low rates, and much to the disadvantage of local private industry. This is another aspect of the difficult problem discussed more at length in my chapter on American prisons.

The discipline of Clairvaux appears to be that known as the Auburn system, or a compromise between solitary confinement and associated labour in silence. Neither can silence be thus secured, nor inter-communication between prisoners working side by side be prevented entirely. The system has been tried again and again, backed up by the most rigorous penalties, but it has always failed, and is now being abandoned at Clairvaux. After work is ended at 6 p.m., the prisoners retire to their dormitories—in association,—where they remain in bed till 6 a.m. next morning. Good order is maintained at night by *prevots*, prisoners elected to the position by their own suffrages. Prince Krapotkine considered the Clairvaux dietaries insufficient. The chief item was a bread ration of nearly two pounds weight, good bread, dark in colour, and this ration may be increased by an extra loaf or two during the week. Two meals of thin soup, breakfast and dinner, are given—the soup of vegetables, beans, rice, lentils, or potatoes, but twice a week of meat. But additional and more

palatable food can be purchased at the canteen—sausages, tripe, cheese, fruit, and confitures; and as the purchasing power is dependent on wages earned, the system is thought to act as an excellent incentive to effort; only in the case of the aged and infirm, who can earn but little, the funds available for buying extra food are very small. "They cannot spend at the canteen even twopence per day. I really wonder how they manage to keep body and soul together."[1] Our Russian author also denounces the tyranny and overbearing harshness of the French subordinate authorities, but I need not introduce his possibly well-grounded, but as probably exaggerated, complaints. It is no doubt true that in France the prisoner's treatment is not a matter of the same close continuous supervision as it is with us. The mere fact that prison inspectors hold a lower grade than prison governors must militate against their inspectorial usefulness. They must enter the prisons more or less as spies, and cannot speak with any authority where they discover abuses.

[1] *In Russian and French Prisons*, p. 288.

CHAPTER III.

FRENCH GUIANA AND NEW CALEDONIA.

French transportation—Early adoption—Condemned in 1847, but in 1851 restored to French penal code, and fully practised in 1854—Disastrous experiences in French Guiana, but deportation thither still in force, especially for Arabs, who escape in large numbers and return home—Better results expected in New Caledonia—First penal exiles sent there in 1864—Noumea—Slow growth of colony—Few fine public works—Convict labour very unproductive—Agricultural settlements—Defective discipline in New Caledonia—How maintained—Classes of convicts.

FRANCE has hitherto relied more upon transportation than on any prison system for the treatment of its criminals, and her resumption of this method in the face of all previous experience deserves something more than a passing word.

[1] Efforts to found penal colonies range far back into French history; they date from a period long antecedent to the last craze for colonial aggrandizement. The very first attempt to sow the seeds of a prosperous community with the failures of society was in 1763, when the colonization of French Guiana, already often attempted without success, was again

[1] A portion of the following appeared in *The Nineteenth Century*, June 1887.

tried on an ambitious scale. The project failed miserably. An expedition fourteen thousand strong, recruited mainly from the scum and sweepings of the streets of Paris, melted away within a year, and starvation carried off all whom the lethal climate spared. A second similar experiment was tried in 1766, with a like disastrous result. No serious importance could be attached to the colonizing efforts of the victims exiled to Guiana by the revolutionary tribunals. Barely half survived the voyage, and the balance were in no condition to act as pioneers. The records of French Guiana are full of such fiascos, the most terrible of all being the philanthropic attempt of the Baron Milius, in 1823, to establish a penal colony on the banks of the Mana, by the marriage and expatriation of habitual criminals (*récidivistes*) and degraded women—a most ill-judged undertaking, speedily productive of ghastly but nameless horrors.

After this, penal colonization seems to have fallen into disfavour with France. Not only was it not renewed, but the principle of criminal deportation, of exile as a penalty, was formally condemned in 1847, both by such eminent publicists as MM. Lucas, De Beaumont, and De Tocqueville, and by the Government of the hour. Yet within a year or two, in 1851, it was suddenly restored to the French penal code. To the new men in power there was probably something attractive in the theory of transportation, as may be seen from the high-sounding phrases that accompanied their decrees. The idea was not merely

to banish the dangerous social elements to a distant soil; the young Republic wished to prove that "humanity presided over all its actions." Deportation, with the disciplinary processes that surrounded it, was expected to bring about the moral regeneration of those subjected to it; the convict would be transformed into a useful citizen; no longer a terror in his old home, he would aid the development of and become a positive benefactor to the new. The Government was, indeed, so fascinated by the prospective advantages of transportation to the convicts themselves, that it expected them to accept it as a boon. Registers were opened at all the *bagnes* or seaport convict-stations on which prisoners might inscribe their names as volunteers for the high favour of removal to the promised land beyond the seas. The philanthropic wish to benefit the exile was not however the sole pre-occupation of the Government, as may be seen in various articles in the decrees. The hope of founding substantial colonial possessions was not disguised. The convict might benefit by expatriation; but so would his new country, and to a greater degree. He went out, in a measure, for his own good; he remained, willy nilly, for that of the community. It was laid down that even when emancipated he was to be kept in the colony; those sentenced for eight years and less must spend there a second period as long as the original sentence, those sentenced for more than eight years must remain in the colony for life. Their labour, their best ener-

gies, were thus impounded for the general good, in the sanguine expectation that they were being utilized in the progress and development of French colonization.

We have here the most plausible explanation of the readiness with which the French Government revived transportation. The not unnatural desire to emulate the success of another Power and build up somewhere a French Australia was probably a powerful inducement to follow in our footsteps. But the French publicists looked only to results achieved; they ignored or misunderstood the steps by which these had been secured. They aspired to possess, without counting the cost of acquisition, without anticipating the difficulties, disappointments, the extravagant outlay, and the constant heart-burning that for years and years went hand in hand with the growth of our Australian colonies. Strange to say France adopted transportation just when we abandoned it. Yet our experience, fully advertised and widely acknowledged, was wasted on our near neighbours. The French, ignoring or refusing to be taught by our example, were still blindly, obstinately resolved on imitation. France for some thirty years has followed closely in our footsteps, working on a much reduced scale, but seeking always the same ends. The results she has achieved must surely be disheartening to her. She has encountered most of the difficulties we faced, has fallen into the same errors, has paid proportionally much the same price. Yet she has been denied

even the smallest reward. No measure of success has attended French efforts in colonization; this is not denied even in France, where however various excuses are urged in extenuation. Of these the most popular is that transportation has never had a fair chance hitherto; it has never been practised under the favourable conditions that alone could insure success.

The revival of transportation was formally promulgated by the law of May 1854, which laid down that hereafter the punishment of *travaux forcés* should be undergone in establishments created in a French colonial possession other than Algeria. As at this time the only available outlet was French Guiana, this tropical colony alone was utilized as a convict receptacle. In adopting it, the very first principles of penal legislation were ignored. To consign even convicts to a pestilential climate, and expand the lesser penalty into capital punishment, was, even with a despotic Government, a monstrous and illegal misuse of power. Exile to French Guiana meant nearly certain death. This must have been well known to French rulers. For three years every attempt to colonize the country had ended in disaster. Yet the Government of Napoleon III. adopted deportation with a light heart and on the most extensive scale. Within two years a third of the 6915 convicts disembarked on the Safety Islands had already perished. The mortality became greater as time went on, and the number of deaths varied from 33 to 63 per cent. In thirty years just 12,000 convicts

have succumbed out of a total of 23,000 transported; and this disastrous record is less than it might have been, because in later years more care was taken to protect Europeans from the climate, and because a large proportion of those sent out to Guiana belonged to the coloured races subject to France. The conditions of life were almost invariably unfavourable; the sites for penal settlements badly chosen, insanitary, and subject to both endemic and epidemic diseases. The Montagne d'Argent, one of the first establishments, was decimated by ague and yellow fever. That of Saint Georges, surrounded by marshes, was so ravaged by marsh fever that in ten months the disease carried off 110 convicts out of a total of 248, whilst the wretched survivors were all incapable of further work. The establishment of La Trinité was quite as insalubrious as the preceding; it sweltered perpetually in the hot steam exhaled from the damp surface of its clayey soil. Death was always busy at Sainte Marie, where the convicts employed in clearing the primeval forests died wholesale from both marsh and yellow fever. It was the same at Saint Augustin, where the convicts ceased to be prisoners, and worked for their own benefit on concessions of land, clearing ground and raising dwellings. They, too, were seized with the blood-poisoning superinduced by the marshy exhalations, and were swept away. Permanent residence at Saint Augustin was declared out of the question by the medical men: it was not only impossible to keep well there, but even to keep alive.

Saint Philippe was a new settlement not far from Sainte Marie, built on higher ground, but equally cursed by conditions inimical to life. Saint Louis was a mountain far above Sainte Marie, appropriated to the newest arrivals from France. But if a few of its occupants escaped the intermittent fevers of the lower ground, they fell victims to a dysentery peculiar to the exposed and constantly rain-swept plateau. At no place, except Saint Laurent du Maroni—which was organized in 1857, after three years of repeated failures elsewhere—did the colonial administration meet with the slightest encouragement. But on the banks of the Maroni a locality was at last found not quite deadly, and ere long this establishment became the most important—in fact, the only remaining settlement upon the mainland.

Everywhere the administration sought to develop the agricultural resources of the colony. Every settlement was intended to clear ground and bring it under cultivation; the first idea to make the convict labourers self-supporting, the second to regenerate them by giving them a personal interest, the responsibility of ownership, in the lands they tilled. Much money was wasted in plantation: in attempts to grow coffee, cocoa, and the sugar-cane; the last being the only product that gave any satisfactory results. Forestry was also tried on a large scale, and the raising of cattle, poultry, and pigs. Government farming, agricultural establishments worked by the convicts under official overseers, always and most

assiduously occupied the attention of the colonial authorities. But, if figures can be believed, in no case have the receipts from these farms equalled the expenditure, and all such well-meant endeavours have proved fruitless from the simple fact that the bulk of these convict-emigrants hated regular work, even under favourable conditions which are absent in Guiana, and were altogether unsuited for colonization. The completeness of the failure is now generally admitted in France, and by none more fully than by the surviving officials who were actively concerned in the trial. One of these, Admiral Fourichon, who was Governor of Guiana in 1853-54, speaks conclusively as to the utter futility of the attempt to establish a penal settlement on the Equator. No European—French, English, or Dutch—he said, speaking in the French Chamber, could resist the climate; he knew of no single case in which a white man raised food for himself and his family from the soil. Europeans might contrive to live there, but only if they took all manner of precautions, avoiding the heat of the sun and draughts or sudden chills, with doses of quinine as a constant article of diet. This was the terrestrial paradise with its splendid forests and luxuriant vegetation; underneath lay hidden the most venomous malaria, the poisonous seeds of every deadly disease. It was little likely that penal colonization, a first principle of which was penal labour in the open air, could be anything less than a fiasco. The terrible effects of the climate

were so far admitted that the garrison was changed every two years, and all the officials; yet neither troops nor *employés* were subjected to *travaux forcés*, they were seldom sent out in the heat of the sun, they had a generous diet, prompt attention in illness, and might look after themselves carefully. A comparison between them and the convicts must obviously be in their favour; yet it was upon the latter, the vagabonds and idlers, the criminals of low physique, that the whole effort of colonizing fell. No wonder then that the results obtained were so pitifully unequal to the efforts made.

The French Government, slow to accept the evidence of facts, has never abandoned deportation to Guiana. But it is no longer sanguine of success, and the attempt to colonize is continued with other than French native-born. The total convict population of Guiana, as shown in the last French official returns, had dwindled down to 3441, and of these barely a thousand were Europeans; the rest were Arabs from Algeria, and Annamites, Asiatic blacks, from the new French possessions in Cochin China and Tonquin. The Europeans were made up of nearly equal proportions, of convicts still undergoing sentence, and emancipists compelled to reside in the colony. Large numbers of both categories are now retained in the penitentiaries on the sea-coast, where they can be constantly employed at industrial labour under cover; as at Cayenne, the capital, where vast administrative establishments exist, executed at great outlay in more

prosperous times. Here are large storehouses and work-rooms, a steam-saw, slips for building ships, a brickfield, a carpenter's and other artisans' shops. The operations carried on in the Cayenne prison cannot however be very remunerative or extensive, for the total population, according to the latest returns, was only 130 men. In the Safety Islands there is a general depôt which receives all convicts on first arrival, and although there is only one prison-house on Ile Royale, a number of workshops for various industries are distributed through the islands; the tailors' shops are here, where all clothing is manufactured and repaired, the shoemakers' also, and there are forges and wood-yards, with special sections for carpentry, cabinet-making, and other branches of the timber trade. On Ile Saint Joseph there is a tannery for local leather, and a cocoa factory. But the working staff on the Safety Islands is also greatly limited; once the chief sanatorium for sick, convalescents, and lunatics, to the number of eight or nine hundred, there are now no more than 360 all told, including handicraftsmen, incorrigibles, and invalids. The only points at which colonization has been even moderately successful are at Kourou on the sea-coast not far from Cayenne, and the settlements already mentioned on the banks of the Maroni river. Evil fortune however has pursued the first-named of these. It owned considerable plantations and raised much stock, when the free colonists of Cayenne began to clamour at the unpleasant propinquity of this penal

settlement to the colonial capital. Although it was now fairly self-supporting, and provided food and vegetables for other establishments, these protests brought about its evacuation, and desolation soon supervened. Weeds destroyed the cotton-plants and fruit-trees; one day the sea rose against the dyke constructed to keep out the high tides and swept all before it. The felon labour that might have availed in more prosperous times to stay the havoc of the waves was now wanting, and the lands around were all submerged. A year or two back the uses of Kourou as a suitable source of supply were again brought home to the colonial administration, and great efforts made to revive the settlement. In 1883 the buildings were in ruins, the plantations no longer existed, the pasturages were destroyed. But some progress was made before the end of the same year, when nearly five hundred convicts were at work in re-cultivating old clearings. The re-establishment of Kourou was however effected at the expense of the settlements on the Maroni, which for nearly five-and-twenty years had been the chief centre of penal colonization in Guiana.

The population of Saint Laurent was mainly composed of *concessionnaires*, of well-conducted convicts from other colonial penitentiaries, to whom the privilege of working in comparative liberty was accorded. The convict passed through certain stages, and in due course, if he was industrious and well-behaved, a grant of land was made to him which he

could cultivate on his own account, or he might work as a handicraftsman for other employers. At one time the number of these partial emancipists rose to nearly nine hundred. But the total soon fell away from this maximum; death was always busy, and many *concessionnaires* preferred to work in the inland mines. Yet the Government sought by every means to encourage the young settlement. Saint Laurent was erected into a commune with a municipality of its own. But the progress of the settlement has nevertheless been disappointing. It has been dependent for some years past upon Arab recruits, and the French officials already sorrowfully confess that members of the Arab race transplanted to French Guiana are not of the stuff to make good colonists. They are idle, discontented, a prey to unceasing nostalgia. A great effort has been made by the administration to attach the Arab emigrant to the land of exile by transporting thither—I use the words of the latest report—"the image of the Arab family, its customs, habits, and religion." Marriages are encouraged with Arab women according to the Mussulman law. But little success has attended these well-meant efforts. The Arab soon develops nomadic instincts; he will not stick to one spot, but wanders abroad in search of work which will give him the means of a speedy return to Algeria. Not seldom he shows a clean pair of heels. Escapes in French Guiana have been a source of trouble and annoyance to the authorities. The

total number of convicts who had escaped or disappeared from French Guiana between 1852 and 1883 was 3146; and since Arabs have been sent there they have supplied the largest proportion of fugitives. At the Maroni they went off in bands; nothing could check them. No surveillance was effective, the Government cutters cruising along the mouth of the river might be evaded, and the country boats gained which carried them off from the colony.

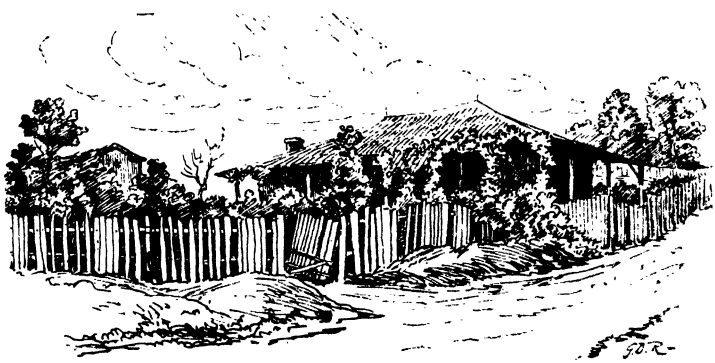
Escapes from Guiana have not decreased in number in recent years. A report from the Governor-General of Algeria in 1890 states that a great cause of the insecurity of Algeria is the presence in the colony of large numbers of Arab convicts who have escaped from Guiana and returned home. Hence transportation has little terrors for the Arab population, seeing how easy it is to avoid exile. A more remarkable case is that of a French convict sent to Guiana, who was anxious to see the Exhibition of 1889. He became possessed of some eight hundred francs through successful gambling, and spent six hundred in taking passage to Amsterdam; he embarked without let or hindrance, and went straight to Paris on arrival. He was present at the opening of the Exhibition, where he stood not far from the President of the Republic. Later on he was captured for a fresh offence, taken to one of the large Paris prisons, where he was at once recognized as a convict exiled not long before to Cayenne, and admitted the charge. He had gratified his wish, had enjoyed *quelques bons*

moments, and was satisfied to go back to Guiana, only he would not have to pay his own passage out. It was in fact established beyond question that it was easier to escape from Cayenne, and even New Caledonia, than from a *maison centrale* in the department of the Seine.

It must be sufficiently plain from the foregoing facts that the attemps to colonize French Guiana with convicts have ended in more or less disheartening failure. Even in spots not fatal to Europeans, the conditions of life were opposed to the growth of a prosperous community. There was little increase to population possible. The ill-assorted marriages of convicts with degraded women of their own class proved generally sterile. Infant mortality was excessive; children born in the colony could never be reared. The substitution of Arabs for Europeans has been accompanied, as I have shown, with little more success. Now, according to the latest report of the French Colonial Office, Annamite convicts hitherto retained in their own country for the completion of various important colonial works, are to be directed upon French Guiana. "The Annamite," says the report hopefully, "is a good agriculturist; he can face the climate of Guiana without danger, and the convicts of this race will doubtless largely contribute to the development and cultivation of the colony."

The melancholy miscarriage of deportation to French Guiana did not suffice to condemn it. The

locality was only in fault; the system, it was thought, deserved a fuller and fairer trial. France now possessed a better site for experiment, a territory in those same southern seas where English transportation had so greatly prospered. New Caledonia was annexed to France in 1853, but its colonization had proceeded slowly, and there was only a handful of white population when the first shipload of convicts disembarked in 1864. A town, at this time little



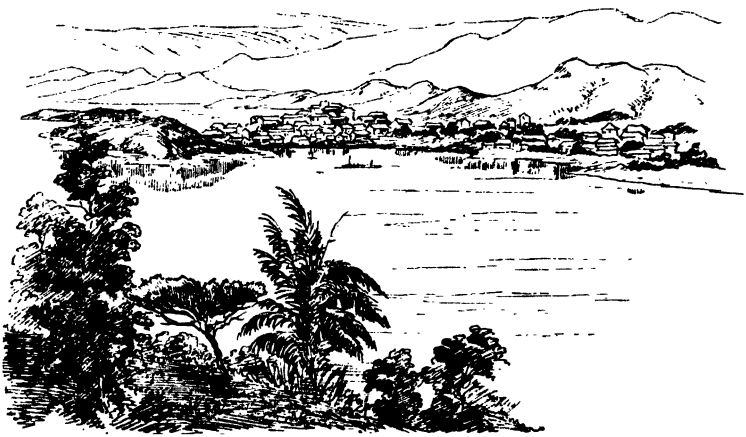
A Street in Noumea.

better than a standing camp, was planted at Noumea, a spot chosen for its capabilities for defence rather than its physical advantages. It had no natural water-supply, and the land around was barren. Exactly opposite lay the little island of Nou, a natural breakwater to the Bay of Noumea—well-watered, fertile, and commanded by the guns of the mainland—and here the first convict depôt was established. The earliest work of these convict pioneers was to build

a prison-house and to prepare for the reception of new drafts. The labour was not severe, the discipline by no means irksome, but some progress was made. Prison buildings rose upon the island of Nou, a portion of the surrounding land was brought under cultivation, and outwardly all went well. As years passed the prison population gradually increased. In 1867 the average total was 600; in the following year it had increased to 1554, after which the yearly gain was continuous. Various causes contributed to this: the gradual abolition of the *bagnes* or convict stations at the French arsenals; the wholesale condemnation of Communists also, crowds of whom were deported to New Caledonia. In 1874 the convict population exceeded 5000; in 1880 it had risen to 8000; and according to the last published official returns the effective population, taking convicts and emancipists together, was 9608 on December 31, 1883. In all, between May 1864 and the last-mentioned date, 15,209 convicts had been transported to New Caledonia.

The development of the young colony was, however, slow. Efforts were chiefly concentrated upon the penitentiary island, and the convict labour was but little utilized on the mainland. Those public works so indispensable to the growth and prosperity of the settlement were neglected. The construction of high-roads was never attempted on any comprehensive scale, and, notwithstanding the mass of workmen available, Noumea the capital was not

enriched with useful buildings or rendered independent of its physical defects. Henri Rochefort, who saw it in 1872, ridicules its pretensions to be called a town. It might have been built of old biscuit-boxes, he said; imposing streets named from some book of battles—the Rue Magenta and the Rue Sebastopol, the Rue Inkerman and the Avenue de l'Alma—were mere tracks sparsely dotted with



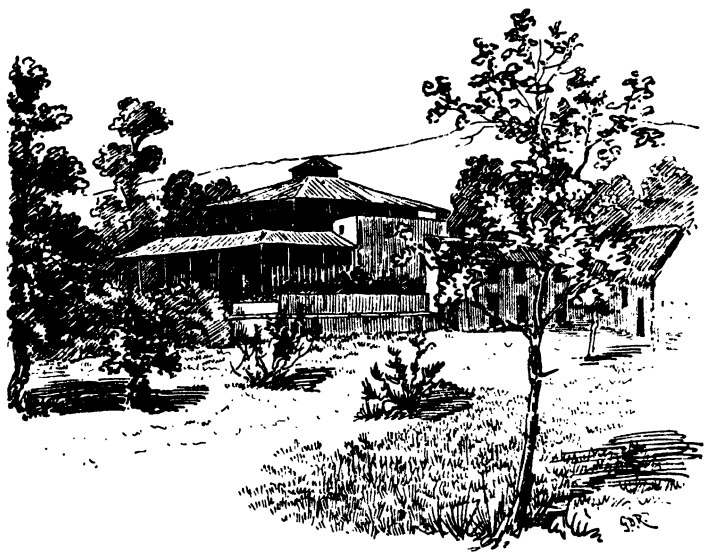
NOUMEA.

huts, single-storied and unpretending. The town lay at the bottom of a basin surrounded by small hills. "It was like a cistern in wet weather, and in the hot season it might be the crater of a volcano." A great mound, the Butte Conneau, blocked up the mouth of the port and inconveniently impeded traffic. Water was still scarce, and, according to Rochefort, a barrel of it would be the most acceptable present to any inhabitant of Elephantiasopolis, as he christened

Noumea from the endemic skin affections. It took ten or a dozen years to improve Noumea. But by 1877 the Butte Conneau had been removed and levelled; about the same time an aqueduct was completed, 8000 metres in length, which brought water to the capital from Port des Français and Yahone. A number of more or less ambitious residences had also been erected: a governor's house, bishop's palace, administrative offices, hospitals, and barracks for the troops.

A later account of Noumea is given by M. Verschuur, who visited the Antipodes in 1888-9, and spent some time in New Caledonia. On arrival he was at first much struck by the appearance of Noumea. He was agreeably impressed by the brightness and gaiety of its aspect as compared with "the monotonous appearance of the little English towns" of Australia. Cafés and taverns were numerous, crowds of lively folk filled the streets through which he drove; the well-built Government House, surrounded by pretty grounds, looked home-like. A closer inspection much modified his opinion. Now he remembered the large cities of the neighbouring island continent with their imposing architecture, fine public gardens, and the prosperous, home-like atmosphere pervading every part. "But now I found myself in a small town, somewhat resembling those of the Antilles; the houses, which were all alike, were low and roughly built, often of wood. Some of them were no better than the huts of

the backwoodsmen I had seen in the Australian Bush. The shops were small, and the wares displayed were inferior in quality, and of a mixed description. Toys hung side by side with saucepans and boots; calicoes and hats were framed by jams and spirit-bottles. The streets are badly kept and filthy; the roads outside the town have not been



GOVERNMENT HOUSE, NOUMEA.

properly levelled, and the numerous bogs make travelling after dark very dangerous. The only promenade was a public square planted with cocoa-nut palms, which gave little shade. The harbour was meagre, the quays small and inconvenient; but few ships can load or unload at the same time. If there is one colony more than another where public build-

ings might be carried on at the least expense, it is certainly New Caledonia, with its host of convicts sentenced to 'hard labour.' In many of the places I had visited, the numerous fine public works had been executed at great cost; but here was a colony where labour would cost nothing, and yet it is never utilized. It is a strange anomaly, and a singular waste of means, which might well be used for the advantage and progress of the colony."

According to M. Verschuur, the amount of work got out of the convicts was not very great. In his opinion France is maintaining in New Caledonia an "army of drones who find means of evading the labour to which they have been condemned. Many an honest, hard-working French peasant might envy the fate which the Government reserves for that section of the population who are steeped in vice and crime. The law passed in 1854 prescribes that the convicts shall be kept to the most laborious works of the colony." Directly he landed, M. Verschuur heard an excellent band performing music in the public square. The leader had been transported for murder. The bandsmen were all convicts, who played three times a week, and practised the rest. Men whose crimes had been the talk of all Paris were employed as gardeners, or in the easiest kind of work, smoking and chatting with their companions. The convicts work, nominally, for eight hours a day; they sleep another eight; and then there still remain another eight in which they are

absolutely idle. They do less than a quarter of the daily work of an ordinary labourer. In the stone-yard they simply work when they see the warder is observing them. "I noticed a gang one day just outside Noumea; out of the sixteen men, twelve were calmly seated on the heap of stones they were supposed to be breaking, rolling cigarettes, and talking; the remaining four made a stroke now and then, when the warder chanced to glance that way. Several times, when travelling in the interior of the country, I have come upon well-known murderers, living in service with the unsuspecting inhabitants." A certain number were regularly employed within the prison of Nou, where M. Verschuur saw them engaged as shoemakers, carpenters, and at the blacksmith's forge. All were busily at work, yet he was certain that before he entered with the Prison Director, not a soul was doing anything. Great laxity, however, prevailed in these shops; a convict carpenter was permitted to have access to the stores of turpentine and spirit in the workshop, with which horrible mixture he managed to get horribly drunk. Extraordinary licence was allowed in another direction. A convict quarrelled with and murdered a comrade; they had been partners in a store kept inside the prison for the sale of coffee, tobacco, and spirits. The deeds of partnership had been legally drawn up, and were actually engrossed upon the official paper of the prison. It may be mentioned that this murderer had been twice guilty of murder before, and was yet

allowed to keep a knife in his possession, which he was seen to sharpen quite unrestrained on the very morning of the last crime.

The influx of convicts produced many projects for their employment over and above the development of Noumea. Following the practice that had prevailed in Guiana, agricultural settlements, half farm, half prison, were established at various points on the mainland. One of the first of these was at Bourail,

AN INLAND CONVICT STATION, NEW CALEDONIA.

about a hundred miles from the capital. Another was founded nearer home at Ourail, on the mouth of the Foa. A third was at Canala, on the opposite and northern shore of the island. A fourth was at its eastern end, in the Bay of Prony. Besides these a number of smaller stations were distributed at various points through the colony. The works undertaken were everywhere much of the same kind. At Bourail the sugar-cane was cultivated, and various

vegetables; at Canala, rice, maize, and coffee; at Ourail the land was poor, and the settlement was moved further up the river to Fonwary, where the raising of tobacco, the cultivation of fruit-trees and quinine-bush were attempted; at the Bay of Prony the convicts became woodcutters to supply fuel for the rest of the colony. The inner life of one of the smaller stations, the labour camp of Saint Louis, has been graphically described by M. Mayer, a political transport, whose personal experiences, the *Souvenirs d'un Déporté*, published on his return to France, are worth perusal. This camp consisted of 124 convicts, a heterogeneous polyglot collection, herded together indiscriminately in the wretched *cases* or straw-thatched huts, the prevailing prison architecture of New Caledonia. Amongst these, of whom forty were political and non-criminal convicts, there were twenty-six Arabs, four Chinamen, and two negroes. Several notorious desperadoes, Frenchmen born, were associated with the rest. One had been at the head of a band of poisoners of Marseilles; another, who had murdered a girl in Paris, had been arrested and sentenced during the Commune by a Communist commissary, who, by a strange fate, was now his comrade convict in this same camp of Saint Louis. Except for the scantiness of diet and the enforced association with the worst criminals, M. Mayer did not find the life hard. The labour hours varied; the daily minimum was eight, the maximum from ten to twelve. But the work performed was

desultory and generally unproductive. The principal aim was to clear the land around by removing the rocks, which were afterwards broken up for road-making metal. The supervision was lax and ineffective; the few warders were most active in misappropriating rations. The chief warder himself, who had a fine garden and poultry-yard, stole the wine and soft bread issued for the sick. Many convicts eked out their meagre fare by cooking roots and wild fruits, *pommes de lianes* and Caledonian saffron. The lot of the Arabs was most enviable; they monopolized all situations of trust. One was the quartermaster, another the chief cook, others worked as carpenters, bootmakers, and blacksmiths. The baleful practice of putting one convict in authority over another, long condemned by enlightened prison legislators, was always in full force in New Caledonia. Strange to say, too, the French authorities preferred to choose their felon overseers from an alien race. The Arabs seem to have found most favour with their masters, although, if Mayer is to be believed, these Arab officials were all fierce, untamed ruffians. Many had been transported for atrocious crimes. Yet they were entrusted with great authority over their less fortunate comrades, and were especially esteemed for the vigour with which they administered corporal punishment. Mayer has preserved the picture of one Algerian savage, six feet high, who went about seeking quarrels and striking his fellow-convicts on the smallest excuse. This

man was considered an artist with the *martinet* or French cat-o'-nine-tails, and was said to be able to draw blood at the first stroke. His ferocity gained him the sobriquet of "The Tiger," and he was so deeply execrated that, a plan having been openly discussed for his removal, he was eventually murdered by one of his fellow-convicts.

Discipline was always defective in New Caledonia. Its weakest point was its uncertainty. In many cases, especially at first, it was harsh and cruel in the extreme; latterly, under a milder *régime*, it degenerated into dangerous laxity. The chief difficulty of enforcing it lay in the absence of proper incentives to do well; the only real reward for good conduct was a concession of colonial land; but there were lesser inducements, which were really demoralizing bribes, such as an increase of food, the issue of local rum, the privilege of light labour or comparative idleness. The one boon which might have been held up to all, some graduated scale of remission of sentence, earned by marks on the plan introduced by Captain Maconochie, and since adopted in our English system, was nearly impossible. Expatriation for French convicts was more or less perpetual; little hope was held out to any of those deported, except for very short terms, of eventual permission to return to France. Failing this, the only judicious kind of persuasion, coercion, one or other form of repressive discipline, became inevitable. For a long time the lash was freely applied, but corporal punishment was presently

abolished as "unworthy of a republican government in a liberal and civilized country," and after this good order was with difficulty maintained. I have no desire to defend personal chastisement as a weapon of penal authority, but where it is forbidden there should be other effective means of maintaining discipline. There is only one of admitted efficacy, and that is the close and solitary confinement of offenders in dark or light cells. The New Caledonian penitentiaries do not appear to be largely provided with these, and, whether or not, the percentage of misconduct among the convicts is extraordinarily high. According to the returns which I have examined between 1880-83 inclusive, this percentage has varied annually from 125 to 159 per cent.[1] There remains, moreover, a considerable residuum of incorrigibles, the reckless and nearly irreclaimable members of the *cinquième* class, who seem to perpetuate the terrible traditions of Norfolk Island and Tasman's peninsula. The French convict passes through four categories or classes: from the fourth to the third, where he receives a small pittance or *récompense exceptionnelle*; thence into the second, with a higher rate of wages; and so into the first, the daily earnings of which amount to forty centimes; and, last of all, the con-

[1] The returns for 1884, now published (1887), show a marked increase on the previous year. In 1883 there were 3148 serious punishments (*punitions graves*) inflicted; in 1884 this total had risen to 4897. This increase is attributed by the authorities to the relaxation of discipline in the road-making parties.

ditional liberation, with the choice of work for self or the free colonists. But at the very bottom lie the dregs: those degraded to the fifth category or *peloton* of punishment, for whom there is no hope, a shorter diet, the foulest occupations, and, often enough, the penalty of perpetual double chains. Naturally the fifth class supplied the great proportion of the worst kind of colonial crime. Local law and authority

INTERIOR, NEW CALEDONIA.

seemed powerless to check and control it; no larger penalties remain to be inflicted but death, or a longer sentence of *travaux forcés*. But, although thirty-nine were sentenced to death in 1884, capital punishment has lost its terrors, since the sanction of the Home Government is required before execution, and tardy intercommunication so prolongs the dread

decision that the convict cannot well be executed in the end. As for the reduplication of sentences, this has reached the climax of absurdity when courts-martial are compelled to impose further terms of years upon offenders already sentenced for life. Cases might be quoted of life convicts sentenced to twenty, thirty, and forty years more, although I can find none in the New Caledonian records at all approaching the case of Jean Hébrard, a convict transported to Cayenne, upon whose head were accumulated no less than 235 years of *travaux forcés.*

CHAPTER IV.

AN ENGLISHMAN IN NEW CALEDONIA.

An Englishman exiled as a French convict—Causes of arrest and sentence—His experiences at the *bagne*—His chain companion—On the convict ship—Enmity of an Arab convict—Sidi Mourad appointed overseer—Attempted escape at Pernambuco—Flogged with the *martinet*—Arrival at Noumea—Employment on farm—Re-appearance of Sidi Mourad—His murder—Sentence of "perpetuity."

A PERSONAL narrative of the hardships of French transportation as endured by an Englishman may fitly be inserted here.

I was in the Depôt of the Paris Prefecture with the police inspector, who was running his eye over the previous night's arrests. They were an odd and very mixed lot; old and young, ragged and well dressed, the lowest and most depraved side by side with innocent-looking neophytes in crime.

"Well, who are you?" asked the official of one of the prisoners, an aged, broken-down man, squalid in appearance, with slipshod feet and tattered clothes; a wretched abject wreck, who yet held himself erect and looked the inspector straight in the eyes as he coolly replied—

"A *rentier*; a gentleman of private means who protests against this treatment."

"And you choose to sleep out all night in a gutter: *à la belle étoile?*" (under the stars), sneered the inspector.

"It is a fancy of mine. I like the fresh air."

"And what do you call yourself?" went on his questioner, who, with a memory for faces as exact as that of a club-porter, and an unerring eye for evil-doers, always allowed the interrogated to lie about themselves if they were so inclined.

"*Machin: Chose* (Thingumbob—What's his name). Anything you like."

"We like to call you by your real name, Jean Henri Smeet, supposed to be an Englishman, but known as a dangerous Communist, convicted of theft, arson, and murder. Sentenced to death in March 1872, commuted and deported to La Nouvelle (New Caledonia), now a returned convict, a *cheval de retour*. Do you deny your identity?"

"Why should I?" He shook his head, and I was rather touched by the stony, despairing look that came into his eyes.

"You are now *en rupture de ban*, forbidden to reside in Paris, yet you are found here, *sin feu ni aveu*, without home or occupation. What have you to say for yourself?"

"That I am just what the laws of France have made me," he answered, losing all at once his limpness, his callous indifference, and speaking with

defiant indignation. "I was arrested by mistake, unfairly tried, unjustly sentenced, exiled for years to the ends of the earth, returned now to France penniless and against my own desire."

"I cannot discuss these matters with you," said the inspector coldly. "At least you are in contravention of the law now, and must take the consequences."

"A month at La Santé—expulsion from Paris, tramp round the country and back again; and in the end back again as a hopeless *récidiviste* to La Nouvelle"—an expressive shrug of the shoulders accompanied this despondent speech.

"May I say a word to him?" I whispered to the inspector.

"But certainly; monsieur is a colleague. Let him stand apart. Smeet! answer this gentleman."

"Are you really English?" I asked him in that language.

"I used to think so, but upon my word I've almost forgotten," he replied in purest English, with the accent and manner of an educated gentleman.

"Have you no friends—no one that will help you?"

"None. I have ceased to exist; I am as absolutely lost and forgotten as though I was dead."

"But surely something can be done for you! If you will let me inquire—give me a few particulars—only authorize me——"

"No, no. I deeply appreciate your kindness;

yours is the first friendly face, the first word of sympathy I have heard for years and years; but it is too late, too late. I am much too near the end."

"The end?"

"Yes. A plunge in the Seine, after that the Morgue, the dissecting knife, a nameless grave. Life is over for me. It has not been too pleasant. Why should I regret it?"

But it was not over; on the contrary, he spent its autumn in something like comfort, and, rescued at least from despair, I made some further inquiries about him, visited him in prison, and learnt much more from himself. His *dossier*—the budget of facts connected with his personal history so carefully and minutely kept at the Prefecture, of every one who has passed through the hands of the French police—gave rather a black account of him, but this did not quite set me against him, as I thought he had been the victim of circumstances rather than actually bad. He denied that he had been really implicated in the Commune; he had only been drawn into one of the last street fights, in self-defence, and being taken with arms in his hands had been made prisoner then and there. His presence in Paris at that period he never explained, but I gathered that it followed rather a sudden exodus from England, due to the same causes that prevented him from seeking assistance from his friends when brought before a court-martial and tried for his life. Rather than stand on his rights as a British subject and so acknowledge his

identity, he chose to accept a terrible fate—to receive sentence of death, and face, when respited, the horrors of transportation to a French penal colony. So he disappeared into outer darkness and remained submerged, sunk in despair and degradation, as he expected, to the very end.

But as soon as he was released I helped him to return to England. He no longer dreaded that; every one who had known him had passed away, and he now much preferred England to France, where he was at the mercy of old comrades bent on blackmailing, and never safe from the persecutions of the French police. I got him some work as a reader for the press, for which his knowledge of languages well qualified him, and I often saw him while he lived, and talked over his experiences as French convict.

"It is a long time ago, sir, and I went through a good deal," he said one day. "Some things have grown quite hazy, but some I shall never forget while I live. My arrest, trial, sentence, the long days spent under the shadow of the guillotine, almost escape me. My time in Mazas—the great prison near the Bastille—passed in a kind of stupor. I was not particularly unhappy. You see, I had a cell to myself and a clean bed; enough food, and with money to buy a little tobacco, and an occasional glass of coarse red wine, I was almost comfortable after all I had gone through. I cared little what became of me; my life was ended, the past could not be reopened, the future had no horizon of hope. So I dreamt away the time

lazily, even happily, in spite of the doom that hung over me, and which, believe me, sir, I would have greatly preferred. Death would have been far better than what I afterwards endured.

"My tortures began with my commutation, when I escaped the guillotine and became a *forçat* (a convict) for life. They are burnt in on my memory as with a red-hot iron.

"It was not the actual disgrace; there was no great disgrace in being a political convict. Others, better and perhaps more respectable men, were in the same boat with me, and what I suffered I dare say they suffered even more acutely. But I can only speak for myself. I cannot exaggerate the feeling of loathing that took possession of me, my abject, never-ending misery, the wretchedness, degradation of my lot. Extreme physical discomfort was the least of my woes. What I felt most was the enforced and unavoidable companionship with a mob of the most brutal and beastly ruffians that ever disgraced the name of men. They were worse than the lower animals, more filthy and depraved than the vermin we kill at first sight. After one day of such association I had lost every ray and vestige of personal dignity and self-respect.

"I could never get away from them, these scourings and lees of society. This was my most terrible and never-ending trial. For one short hour of complete privacy—to hold myself alone and apart from these loathsome surroundings for ever so short a time—I

would have sacrificed my life. Everything else I could bear: the coarse canvas suit of garish colours, green and red; the grotesque trimming of hair and beard, cut like a dice-board pattern; the meagre repulsive diet, the bean soup poured into great troughs over which we fought like famished dogs, and only the strongest got the semblance of a meal; even the irons—for the first act of authority on my arrival was the riveting a basil on my ankle to which hung a heavy twelve-pound chain. The ingenuity of the convict mind had done something to diminish the irksomeness of these inexorable badges of infamy. A little circlet of tow was sold to those who could pay for it, which fitted in between the cold iron and the naked flesh, and to some small extent relieved the constant pressure. A waist-belt might also be purchased, to which I hung the pendant end of my hideously clanking chain.

"We each took our turn at the forge, lying prone on the ground, while one uplifted leg was laid upon the anvil, and the convict blacksmith with a few clever strokes of his heavy hammer sent the rivet home. From the forge we entered the prison: a cold, damp, dungeon-like casemated chamber, reeking with nauseous smells and nastiness; the end of every chain was passed over the *rama*, or stout steel bar that ran along the foot of the great wooden guard-bed that was to be our only place of rest. Here, as new arrivals, we were kept for three whole days and nights without an hour's exercise beyond the range of our chains, with-

out a single breath of fresh, outside air. I cannot describe to you the horror of the first night spent thus on one common bed with some two or three hundred miscreants, whose talk and doings were equally vile. At the slightest move, conscious or unconscious, of any one of these unhappy wretches

CHAIN COMPANIONS.

turning in their uncomfortable slumbers, the chains groaned and rattled upon the *rama*, like those of wild beasts in a cage.

"Yet there was worse in store for me. Awful as was this indiscriminate association within the prison,

I should have preferred it to the 'coupling' two and two like hounds in a leash, which was the preliminary to going outside. I found when the fourth dawn broke that I must be chained to a comrade, and so sent out into the dockyard to work. This, the ill-assorted haphazard marriage of the *bagne*, was deemed the best safeguard against escape. What misery, ill feeling, and vindictiveness it caused only the two parties to this revolting union can appreciate. If they pull together, well and good; if not, as is much more often the case, the weakest goes to the wall.

"My first partner was a miserable *voyou* (jail-bird), a poor weakly wretch who worried me with his incessant lamentations, and who hardly did a stroke of the allotted task. He presently fell sick, went into the hospital, and soon afterwards died. He was replaced by a tall, stalwart Arab, so dark-skinned as to be nearly black, with bloodshot eyes and a perpetual scowl. He was a triple murderer, I afterwards heard. I loathed this truculent-looking miscreant; at first sight of his devilish face, something told me that he would be more than a chain companion; a vague presentiment—to be verified, alas! only too surely—that his fate would be very closely interwoven and identified with mine. Sidi Mourad was destined to embitter my existence while he lived, and after death—for—but I must not anticipate, sir; you shall know all in the end.

"We disagreed on the very first day of our 'coupling' at the hour of midday rest. The Arab

wished to bask in the nearly tropical sunshine ; I was still more anxious to lie in the shade. With this difference of opinion, chained to each other as we were, it became a trial of strength between us. He offered to play me for my half of the chain, but I preferred a trial of strength. I summoned all my resolution, determined to die sooner than yield, and at last, throwing all my weight against him in one supreme effort, I dragged him to the ground. Blood streamed profusely from his leg when the edges of the iron basil entered and cut deeply into his flesh. Mine had been protected by the *patarasse* or circlet of tow, but it was bruised and extremely painful for weeks. Sidi Mourad was half-stunned by his fall, or I believe he would then and there have attempted my life. He never forgave me this defeat, for he especially prided himself on his personal strength. He waited for his revenge, and got it only too amply, inflicting on me eventually the most intense suffering and the bitterest shame.

"In due course came orders for our embarkation. A four or five months' voyage to the Antipodes was before us in an old-fashioned sailing frigate, which had been expressly converted into a floating prison. You, sir, have no doubt been to sea, and you will know its acute discomforts even in a passenger ship with freedom to come and go as you please. Imagine five months in a cage on the lower deck with eighty others crowding into its limited space, breathing always a foul and reeking air, with only one short

visit daily to the deck above, and that only in favourable weather. The hard boards were our beds, we eat off them, and pigged about upon them the whole day. It was a perpetual martyrdom for most of us; to me it was like hell afloat, for I found myself, directly we got on board, entirely at the mercy of Sidi Mourad, my bitter and implacable foe.

"These Arabs, from some unexplained reason, were always popular and on good terms with our keepers. Perhaps it was the pliant subserviency about them, the slimy deference which, coupled to their great physical strength, commended them to the authorities, who were glad to accept their assistance in maintaining discipline and carrying on the internal economy of the convict deck. Sidi Mourad on the very first day was appointed the chief of our 'cage,' or barred-off portion of the lower deck; he was responsible for us, for our good order, obedience to rules, the cleanliness of the cage, and of ourselves. It was he who told off the messes, and who, of course, associated me with the worst miscreants in our party; who detailed us for the various fatigues, and always put me to the filthiest tasks; who brought us before the chief surveillant when he thought we shirked our work, and often swore in his horrible jargon that I was so lazy he could do nothing with me at all.

"His constant petty persecution, added to the almost unbearable misery I endured, induced me to join in a plot, started by one or two of the most desperate amongst us, to make a bold bid for liberty

and attempt escape. The frigate was lying in the harbour of Pernambuco, the first port at which we touched, and if we could but leave her and gain the land, we might run for it to the interior. I had no share in the preparations; all I knew was that late one night two bars of our cage had been removed, and it fell to my lot to slip out first and overpower the sentry. When the coast was clear four more convicts followed; we gained the upper deck unimpeded, went over the side into one of the ship's boats, which we cut adrift, and pulled hard for the shore. I believe we should have got clean away but for our meeting another of the ship's boats returning from the town with a party of the ship's officers. We were hailed; we hesitated too long between silence and a confused answer, were boarded and recaptured, although several of us took to the water, fearless of sharks, and were only fished out when nearly drowned.

"I was denounced by my fellow-fugitives, prompted, I believe, by Sidi Mourad, as the ringleader in this abortive attempt, and at once consigned, heavily ironed, to the lower hold. Here I lay for a fortnight, I think—although it was impossible to keep count of time—soaking in poisonous bilge-water, breathing a fœtid atmosphere, continually overrun by colossal rats—my only companions. Then they brought us before a court of the ship's officers; we were all convicted of the flagrant offence of daring to try to regain our freedom, and received various punish-

ments. Mine—and I shudder, sir, to speak of it even now—was to be flogged: to receive fifty strokes of the *martinet*, or French 'cat,' with five tails, which was one of the most devilish instruments of torture invented by barbarous inhumanity. I say *was*, for I believe its use has at last come to an end. Each tail or thong was of fine twine closely plaited and enclosing three small shot; this thong was steeped in coal-tar until stiffened, and again in strong vinegar, which process is repeated just before a flagellation. The floggers, or 'correctors,' as the French call them, are convicts specially selected: those who combine great muscular power with a fierce liking for their bloodthirsty business. When I marched up on to the main deck amid the beating of drums and the handling of arms of the whole ship's company, I found to my horror that Sidi Mourad was to be my executioner.

"Words fail me, sir; I cannot express to you the agony I endured. They say he is ever afterwards a changed man who has borne a flogging with the *martinet*. His health is shattered by the awful shock; his back, bruised like a beaten beefsteak, never properly heals, and he suffers from chronic abscesses and loathsome diseases of the skin. His whole system is ruined—poisoned. This was my fate; but far deeper, and quite ineradicable, was the canker that entered my soul. With all the excruciating torture that begun with the first blow, and increased as the ruthless operator tore my flesh to

ribbons and sent my blood spurting around for yards, I felt still more the degradation and dishonour. To be flogged before hundreds by an Arab assassin! I have never shaken off that stain. The visible scars which I must carry with me to the grave are as nothing to the stigma within.

"I was taken straight from the triangle to the sick-bay. We were now in the tropics, and already my poor raw, palpitating flesh was threatened with gangrene, which was, I believe, staved off by washing my back in brine from the harness-tub—a severe treatment, under which I yelled in agony, but which probably saved my life. I was still weak and ailing when we reached New Caledonia, more fit for hospital than the works; and I was sent for a time to the close prison on the little island of Nou in the bay opposite Noumea, the squalid hut-built capital of the colony. A month later I was discharged and drafted into a working-party encamped on the far side of the main island, and employed in preparing the rocky soil for cultivation. It was a laborious and ungrateful task, with which we struggled during the daylight hours, and at night, worn out with fatigue, threw ourselves upon the coarse straw of the crowded *case*, or convict-hovel, which was our only home. It was a squalid, toilsome existence; we were ill-fed, coarsely clothed, compelled to work incessantly. Yet I was happy enough at Mioi-Miopa. I regained my strength in the fine healthy air, the labour interested me, and I slept all the night the sleep of the man who has earned it.

"All would have gone fairly well but for my evil fortune. We political convicts never ceased to hope for pardon, however remote, and permission to return to France. Most of my Communist comrades did so within a few years, but I alone remained in the colony; and I might indeed, but for the special clemency shown, be there to this day. It was, of course, my own fault: I yielded to fatal passion, and forgot, however great the provocation, that I must bear the consequences of taking a fellow-creature's life. But, sir, think of what I had endured, and pity me, if you cannot forgive me for what I did.

"I will tell you now what occurred, but only briefly, for the mere recollection of it fills me with the most poignant remorse. A new overseer or quartermaster was sent to us at Mioi-Miopa, and proved to my intense disgust and terror to be Sidi Mourad. He singled me out at once for his petty tyranny and persecution, and in an instant the whole situation changed. Life once more became unbearable; my hatred for my tormentor grew hourly into a consuming, passionate thirst for revenge. One day he accused me of theft: of purloining a gourd full of his *tafia*—the coarse, native-made spirit which was our only ration of stimulating drink. The charge was false, for afterwards another convict confessed the theft; but Sidi Mourad persisted in his accusation, and on his evidence alone I was sentenced to a second infliction of the *martinet*, and at the hands of Sidi Mourad again. I swore to myself that he at

least should not repeat the torture; and next morning, in full view of the whole party, I threw myself upon him and stabbed him to the heart with my knife.

"I was in due time tried for this, and once more sentenced to the guillotine. Once more I escaped, owing to the discovery of the stolen *tafia*, and proof of my innocence in that respect. But I was turned

A Liberated Convict's Hut, New Caledonia.

over to the 'common side,' I ceased to be a political convict, and my sentence became 'perpetuity,' or transportation for life."

To a man of this class, rather sinned against than sinning, transportation was a terrible experience; not so the French habitual offender, the confirmed "recidivist," to whom La Nouvelle is in M. Verschuur's words an "Eldorado for criminals." The

short probationary period in prison or at so-called hard labour was soon ended. Then came conditional release, and the most liberal encouragement to make a new start in life. The writer already quoted says further, "Many of the worst characters condemned for twenty years, or for life, and who had only done a few years, were transferred to Fonwary, Bourail, or Canala. These men, condemned to the severest penalties, and guilty of numberless thefts and crimes, were comfortably settled in a pleasant fertile country. They were provided with a piece of land, implements of husbandry, and an allowance of food for twenty months. They might also choose a wife from the convent at Bourail, or send for their wives and families from France if they already possessed them." Again, "And as for these marriages! the incendiaries and infanticides and professional thieves leave the home prisons with double pleasure, as an escape from bondage to liberty in a charming land, where they marry murderers and ruffians, and settle down as model couples for about twenty-four hours."

That this settlement of liberated convicts has neither benefited them greatly nor proved a boon to the colony, I hope to show in the next chapter.

CHAPTER V.

RESULTS OF FRENCH TRANSPORTATION.

Difficulties of New Caledonian prison administration—Warders, cost of—Convict complaints—Escapes—Value of labour—Unprofitable farms—Public works—Reproduction of our Australian experience—Conflict between free settlers and emancipists—Growth of latter—Difficulty of transforming them into prosperous colonists—Their encouragement at expense of free settlers—Opposition in France to transportation.

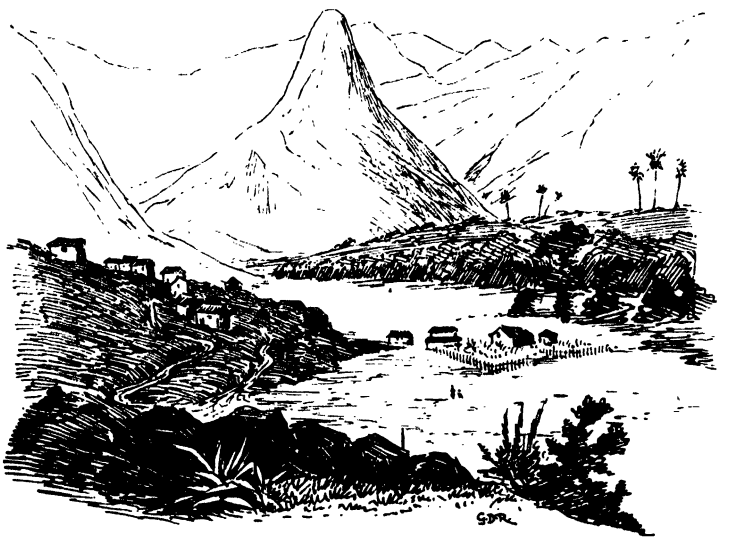
THE French authorities have seemingly encountered many of the difficulties which were well known to our own colonial administrators. The constantly increasing numbers, and the danger that followed as the convict element grew more and more preponderating, were the chief of these. There has always been wanting an effective supervision and control. The supply of suitable officers especially in the lower grades has always been limited. Fairly liberal terms were no doubt offered, but the promises held out do not appear to have been scrupulously fulfilled. A salary which appeared high at home was soon swamped by the great cost of colonial life; the spacious quarters with its fruitful garden proved to be little better than a hovel. Many on arrival would

gladly have resigned at once, but they were engaged for a term of years. Naturally, first disappointment soon deepened into discontent. Many grew reckless, seeking solace in drink and debauchery. They thus set a bad example, and their value as guardians of order was greatly depreciated. The authorities themselves, when they grew philanthropic, appear to have hastened the loss of respect amongst their subordinates by attaching exaggerated importance to any complaints the convicts made. These complaints were invited, and could be made direct to the highest personage in the colony. Cases are on record where not only warders, but superior officials, were put upon their trial in an open law court on charges brought against them by convicts. Under such conditions the bonds of discipline must naturally be loosened. The same reckless defiance of constituted authority prevailed as in Australia under the same conditions. Insubordination was chronic, thefts frequent, murders not uncommon. Escapes have been always of constant occurrence, especially from the road-parties and out-stations, where supervision was slack and safe custody hardly possible. They were not easily compassed, however; neither from the penitentiary island of Nou, nor on the mainland, did success often crown the attempt. Disappearance into the barren and inhospitable bush meant ultimate starvation or surrender, unless capture was more speedily effected by the savage native police, who were paid head-money for every convict they brought

in. The official statistics of escapes from New Caledonia compare favourably with those of French Guiana, and in twenty years, between 1864 and 1884, only 381 are reported as actually *évadés ou disparus*. But the number of attempts ending in recapture are far larger. Thus in 1880 there were 700; in 1884, 949; and 800 in 1889. The frequency and extensive scale of the escapes—half of fifty convicts at a mining camp disappeared in one day—show how lax is the repressive system, a fact further proved by the generally unsettled condition of the colony.

It is an admitted axiom in penal science that enforced labour is not easily made productive; unless peculiar incentives to work, such as the English mark system, are employed under a stringent yet enlightened discipline, the results have always been meagre and disappointing. As these conditions were absent from New Caledonia, the consequences are what might have been foreseen. Notwithstanding the very considerable efforts made and the vast quantity of convict labour always available, the colony still owns no great public works; whilst large and sustained efforts to develop its agricultural resources by the same means have also failed. No doubt the nature of the soil has been unfavourable. New Caledonia, while not without its natural advantages, such as a nearly perfect climate, a freedom from reptiles and fierce fauna inimical to man, is not very richly endowed. The island

consists of a rugged backbone of mountains clothed with dense forests and grooved with rushing torrents, along whose banks lies the only cultivable ground. A thin and sandy soil covers a substratum of hard rock, which makes but meagre returns for the labour bestowed, and serves best for pasturage. Hence the convict farms already referred to have never been profitably worked. Those especially of Bourail and



KANALA, NEW CALEDONIA.

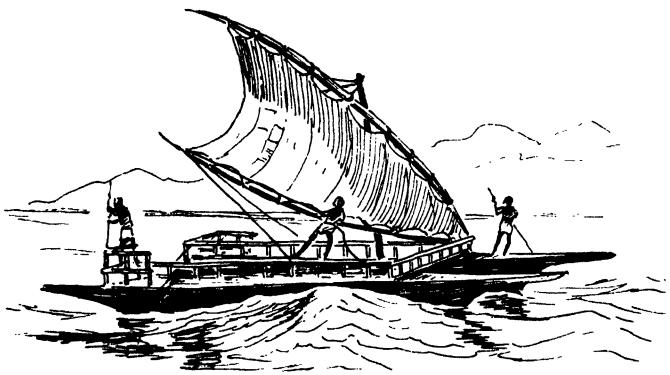
Koé, the largest and most ambitious, show a positive loss. At the former only three and a half tons of sugar were turned out in one year by four hundred men; ten years of toil had only brought fifty hectares of land into cultivation. At Koé five years' receipts were valued at 50,000 francs, and the expenses for the same period just tripled that sum. In 1883 the

then Minister of Marine approved of the suppression of the penitentiary farms on the island of Nou and at Canala, and of the limitation of the sugar-cane cultivation at Bourail, on the grounds that the returns were altogether inadequate to the outlay. It is only too evident that efforts have been misdirected, and that the labour has been wasted and frittered away instead of being much more usefully employed for the benefit of the whole colony. One signal instance of the shortcomings of the colonial administrators is shown by their neglect to develop the means of internal communication. It was not until 1883, that is to say after nearly twenty years of colonial life, that road-making, that indispensable preliminary to development, was undertaken on any extensive scale. Down to the end of 1882, New Caledonia, an island 230 miles long and 50 broad, owned only 57 kilometres of road. It was Captain Pallu de la Barrière, a governor whose administration was severely criticised on account of his excessive humanitarianism, but whose views as regards the utilization of convict labour were far-seeing, who removed this reproach. His idea was to substitute what he called movable camps for the *bagnes sédentaires* or permanent penitentiaries. He thought that the severest toil should be the lot of all convicts, at least at first; and this, he conceived, could be best compassed by employing them in road-making, thus benefiting the colony while effectively punishing the convict. His whole scheme of organization reads

like a page from the despatches of our own colonial governors some thirty years ago. The measures he proposed, his plans for housing the convicts and providing for their safe custody, were almost identical with those in force with the road-gangs of New South Wales and Van Diemen's Land. He was very hopeful; he had no fear of escapes, of aggravated misconduct, or of any great dangers to the sparse community scattered over the wide area which he now proposed to people with convict gangs. His intentions were no doubt excellent, but in the three years which have elapsed since he first put forward his scheme they have borne no very substantial fruit. No doubt the immediate and considerable increase of expenditure entailed by his proposals gained for them a very lukewarm support at home, whilst the colonial community declined to be propitiated by the prospective benefits, and murmured constantly against the increased insecurity of the island. The map published in the last report shows a very small length of road as yet completed of the vast mileage contemplated. A few lengths of tramway have, however, been laid down, connecting important stations with each other and the sea-coast, and other longer lines have been projected.

But the colonial administration has had even less satisfaction out of the emancipists than the convicts still under restraint. The former are a great and increasing body, for whom work cannot easily be found. The hope that the labour markets of the

colony would absorb a great proportion has already proved illusory. For some time past the free colonists, by no means a numerous class, have declined to employ emancipists, declaring that while they claimed the free man's wages they would not give the free man's work. The settlers preferred to import native labour from the neighbouring islands, especially the New Hebrides, thus coming into direct conflict with the authorities, who soon put their veto



NEW CALEDONIAN PIROGUE.

on such importation. The settlers were told that if they wanted hands they must seek them amongst the emancipists, and any protests were silenced, after the despotic manner of French bureaucracy, by reminding the colonists that New Caledonia was a penal settlement, and that if they lived there they must abide by its constitution. At this time there were some four or five thousand emancipists living at free charges, lodged, fed, and clothed at the cost

of the State, yet making absolutely no return. The bulk of these were kept in a military camp under some semblance of discipline, but undergoing little restraint beyond the prohibition to wander abroad, and within the limits of the camp its occupants could do as they pleased.

A very terrible picture of this emancipist depôt has been painted by one who was detained in it. It was a seething mass of rascality, where the will of the most reckless was law, and the weak always went to the wall. Naturally vicious, always idle, these precious roughs drank, gambled, thieved, and quarrelled; the knife being always ready to end every dispute. So terrible was the common lot among these hopelessly brutalized wretches that convicts under restraint have been known to prefer a continued stay in the penitentiary. The Government no doubt tried to lessen these evils: where it could it furnished work, a make-believe of employment, with convict rations and wages at a nominal rate. But the numbers have become more and more unmanageable, and there is daily less hope of disposing of even a fraction of the whole body according to the original idea.

The idea of regenerating the criminal by converting him into a prosperous colonist has never been abandoned. It had always been hoped that the first or probational period of enforced exile would encourage habits of labour and thriftiness, so that, on arrival at conditional pardon, the emancipist might soon be self-supporting, and eventually

develop into a good citizen. Every effort was tried to this end. The concession of grants of land, accompanied by a liberal gift of plant, tools, seeds, and stock, was made to many. Marriages, as has been said, were also encouraged, with the idea of creating that domestic hearth, with its joys and responsibilities, which, according to the Utopian authorities, would make the convict a new and perfectly moral man. The French official returns are at great pains to quote the instances in which these colonial *concessionnaires* have prospered. Whole pages are filled with accounts of old convicts transformed into industrious cultivators, devoted to their homes, possessing lands and cattle, and already realizing every Frenchman's dream of becoming *rentiers* and *propriétaires*. The only commentary upon these reports is a statement of the numbers who have thus succeeded. A minute and detailed statement of the extent to which concessions have been made is given in table No. 30 of the last published official returns which I have seen. The total number of *concessionnaires* from the commencement of transportation to New Caledonia down to December 1885, was 1640, and of these 1163 were still convicts, the balance, 477, *libérés* or emancipists. But considerable deductions must be made from this gross total for those who were dispossessed of their concessions for misconduct, and for those who abandoned or sold them, and who amounted to 387. This leaves a balance of barely a thousand as the net result of

upwards of twenty years. At the same time trustworthy evidence is forthcoming to show that these partially emancipated criminals are seldom fit and proper persons to work out their regeneration and develop a new country. It is the same here as in French Guiana. The convicts belong mainly to other than the labouring class; they are mostly city-bred, with no aptitudes for field-work. Besides which, but few are provided with the capital, or the thrifty habits that would soon supply it, and the bulk pass inevitably into the hands of local usurers, who advance money at exorbitant rates, and eventually take possession of the land. Usury is one of the chief curses of New Caledonia; it enriches a few at the expense of the many, and is the bane of every class in the colony.

The French authorities are still reluctant to admit the hopelessness of transforming the ex-convict into an agricultural proprietor, or at least show no present intention of abandoning the attempt. On the contrary, and in spite of official confession that "the *libérés* furnish no serious workmen," that "they are generally idle and drunken, wanting stability, and soon degenerating into vagabondage" or worse, the colonial administration still desires to plant them out on the land. In pursuit of this chimerical philanthropy positive injury threatens the friendless free settlers. There is a growing scarcity of good land for concession owing to the limited reserves kept, and the Government has already resolved to

increase greatly the so-called penitentiary domain. As most of the land will not repay cultivation, it is utilized largely for grazing, and the fines will be so heavy that forfeiture is inevitable. This measure has caused the strongest dissatisfaction in New Caledonia, and adds another to the many pre-existent causes for conflict between the Home Government and the colonial community: a conflict growing day by day more aggravated and embittered. Indeed, the free colonists, although weaker and less numerous than those of New South Wales some forty or fifty years ago, are already giving voice to the very same protests and complaints that brought about the cessation of transportation with us. It is roundly declared that everything is made to give way to the demands of penal colonization. The first consideration of the Government is for its success, for the satisfactory disposal and progressive amelioration of the convicts, while the honest non-criminal community goes to the wall. This was the line adopted by Governor Macquarrie in New South Wales in 1809-21, which was wisely reversed by his successors, or Australia would never have thriven. It was bad enough to exalt the convict class at the expense of the free settlers, but the discouragement of free emigration soon affected the labour market and reduced the chances of employment for the emancipists—a trouble which now greatly perplexes the French colony.

The most thoughtful and intelligent of Frenchmen, especially that indefatigable and public-spirited band

of earnest reformers, who constitute the French Prison Society, are strongly opposed to a continuance of transportation. One of their number has at this present time of writing, M. Ribot, become the head of the Government, and he may be able as Premier to give effect to the views he has already made public in condemnation of the present system. The difficulty lies in the choice of a substitute. Agricultural colonies have been tried in Corsica without success. Our system of public works prisons are not viewed with favour, being deemed, quite wrongly, no better than the *bagnes* of old. Probably the Belgian system of protracted cellular separation most commends it to these reformers; but they, or rather the Ministry who would adopt it, still find an insuperable objection in the initial expense. The army and navy estimates continue to take precedence of all others in France. It may be expedient therefore to postpone that admission of utter failure which inevitably waits on French attempts at penal colonization. But the day will assuredly come when France will accept the lesson she is learning at so great a cost, and which English experience might have spared her.

CHAPTER VI.

PRISONS IN AUSTRIA-HUNGARY AND IN GERMANY.

In Austria-Hungary the progressive principle of imprisonment is the rule—Not all cellular confinement—Employment of prisoners in semi-liberty towards end of sentence in both Austria and Hungary—General improvements in prison administration—Abolition of food contracts, and of work for private persons—New prisons—Cellular and associated systems both in force—Limitation of the former—Description of prison at Stein, and its discipline—German prisons—No uniform system yet established—Preference for the progressive or Irish system—Only uniformity in remission—Prisons of Baden: that of Bruchsal—Prisons of Bavaria: Obermaier at Munich—Prisons of Prussia: the Moabit and Dr. Wichern—Von Holtzendorff—Prisons of Saxony and Würtemburg.

THE Austrian prison system is based upon the progressive principle—prisoners are passed through several stages of imprisonment. They begin with cellular confinement, which is inflicted for eight months as a minimum, rising to a maximum of three years, but only where the prison buildings permit it; if there are no cells available, and in all cases after three years in prison, the *régime* is in association, the prisoners live and labour in common, care being taken to keep the worst from the least hardened offenders. Youths are always held strictly separate,

and females are carefully classified by divisions into incorrigibles, the habituals, and the first offenders. A great feature in Austrian prison administration is the employment of prisoners towards the end of their sentences in a state of semi-liberty at a distance from any established prison. This was first undertaken in 1886, when a party of prisoners was sent into Upper Carinthia to improve the bed of the river Lessachbach. These were furnished by the penitentiary at Laibach, and more were supplied the following year. Canals and roads and other rivers were worked at in 1888-9 in Upper Carniola, Carinthia, and Upper Styria and Gallicia. In some cases the prisoners took with them a portable shed-barrack, in others they built huts in the neighbourhood of their works. The labour performed was cheap and effective, the discipline maintained excellent, and the prisoners are said to have much benefited, morally and physically, the first by the trust reposed in them, the second by the healthiness of their daily occupations. The building of the reformatory at Aszod was undertaken by convicts, a number of whom, to the great alarm of the villagers, arrived on the newly-bought lands, where they lodged in huts without bolts or bars. Their conduct was, however, exemplary. It has been claimed, not without reason, that this method of employing prisoners has been most successful, and it is offered by Austrian administration as worthy of imitation in other countries. In England, however, it has been in a measure anticipated.

The same system has been adopted in the Hungarian prisons. A large operation was undertaken in the district of Pesth-Pillis Solt, where the torrential river Galza does considerable damage at flood-time. Owing to the demands of harvest and agricultural works, free labour was not to be had in the summer, when alone the river was low enough to admit of interference, and the local authorities, having two large prisons within easy access, sought for a concession of prison-labour. It was granted, and two sets of prisoners commenced at either end of the river valley. These were especially selected men; they encamped at the places where they were busy, being supplied with canvas tents by the military authorities; they ministered to their own needs, cooking their own food, which was brought in the raw state from the neighbouring prison. Excellent results followed their employment for three consecutive years. Not only was a work of great public utility completed, but the prisoners conducted themselves in the most exemplary manner. Although they were held under no restraint amidst a free population, there was not a single attempt at escape during the whole three years, there was no misconduct, and discipline was easily maintained by the mere threat of relegation to the prison. The prison administration has in consequence decided that it is now unnecessary to construct special "intermediate" prisons, places where men, as in the old Irish farm prison of Lusk, might be suffered to go half free while proving their fitness for complete liberty.

Both Austria and Hungary have introduced many improvements in prison administration. One is the transfer of the dieting of prisoners from private contractors to the State. Till 1879 the whole of the prisoners were let out at so much per head to be fed by contract, an expensive and unsatisfactory practice which has been gradually abolished at a great saving to the exchequer, while the rations are undoubtedly better. The inmates of Hungarian prisons often refused their food, and threw great portions of it away. Again, work for private persons is no longer permitted in prisons. Great efforts have also been made to save the young from contamination and establish reformatory schools.

Three new prisons have been built in Austria-Hungary during the last decade, all of them imposing edifices, with all the newest appliances. One of these is at Marburg on the Drave, and holds 800, partly in cells, partly in association; another is at Stanislau in Gallicia for the same number, 800; it has but few cells, as separate confinement is not suited to the agricultural classes, which provide the inmates of the prison. The farm land and gardens surrounding are extensive, and the work done is mainly agricultural. A third prison is at Pankraz Nasle near Prague, and stands on a height behind the celebrated Vischrad. The prison is for 1000, and has replaced the old building at St. Wenzel. A portion of the building at Marburg was carried out by convicts. Till these new prisons were built, that at Pilsen was

considered the best in Austria. Another at Stein on the Danube, between Linz and Vienna, holds about 1000 prisoners, sentenced to a year and upwards, and is organized on a very sound and intelligent basis.

Two systems are in force, that of cellular separation, and that of association at labour and in dormitories. The first is continued for periods ranging between one and three years, the latter being the extreme limit that it has been possible to impose on Austrian prisoners, and this only the town-bred can endure. Countrymen and mountaineers cannot bear more than one year, or at most two, of unbroken cellular life. There are 600 cells at Stein, the large having 30 cubic metres of air space, well lighted, ventilated, and with apparatus for heating under the prisoners' own control. The employments are various; when a prisoner is found to know a trade on arrival he is put to it; where he is ignorant, a trade-instructor is got to teach him. The work done comprises the making of envelopes, cardboard-boxes, pipe-cases, cigar-holders, and leather-boxes; the manufacture of boots and shoes, of clothes, hosiery, clay-pipes, enamelled jewellery, cheap rings, and silver chains. These trades are also carried on in the associated rooms to which the prisoners pass after finishing their cellular treatment. Talking is permitted during the hours of rest and meals, and at all times about the work in progress. Industry is encouraged by the concession of nominal wages to all prisoners according

to their class, and ranging from 40 kreutzers per diem in the first to 120 in the third-class. One moiety of these earnings prisoners are permitted to spend on themselves at the canteen, the other half is handed them on their discharge. They may buy little luxuries to add to their daily rations, such as wine, beer, coffee, milk, cheese, roast veal, ham, or bacon, and at cheap wholesale rates. The prison dietary is however not illiberal—a pound and a half of bread daily, with a dinner of soup four times and meat three times a week, and a supper of soup or vegetable stew. The dietaries are better at the commencement of a sentence, on the ground that the prisoner has not yet earned pocket-money to buy extras. The power of earning these indulgences on the one hand, and the chance of forfeiting them on the other, are depended upon in Austria as the best incentives to industry, and they replace the mark system as we understand it. There is no plan of remissions, the gaining of which the prisoner holds in his own hands, as with us. It is replaced by a system of pardons and remissions granted by the Emperor on the recommendation of governors and chaplains and other officials, a practice liable to error and abuse.

The discipline at Stein according to the reports of competent visitors is very creditable. It is claimed for it that the daily average on the punishment list is only nine, and that there has not been a sign of a mutiny in sixteen years. Corporal punishment

does not exist, but the methods by which order is maintained seem harsh, and affords another proof that the abolition of the lash calls for "other penalties which are physically more injurious, and morally quite as debasing."[1] The writer from whom I am quoting saw a prisoner in Stein prison who had been sentenced to a month in a punishment-cell for destroying materials entrusted to him for manufacture. He was to spend twelve days in darkness, on bread-and-water; twelve days absolutely fasting, with only water to drink; he had no work, slept on a plank-bed, and for four whole days was to wear a chain and shot on his ankles. Finally, for the last eighteen hours of his punishment he was to be "short-chained," a torture which consists in "strapping up one foot at right angles to the knee of the other leg, so that the prisoner cannot stand, but can only sit, in a posture which after a few minutes becomes intolerably fatiguing, and then acutely painful." Strait-waistcoats are also used for the refractory, and a very effective but cruel "gag," an iron hoop with a brass knob like a door-handle. The knob is forced into the mouth, and the hoop passed over and locked behind the head.

[1] Vienna Correspondent of *The Times*, August 17, 1886.

GERMANY.

No general prison system has yet been introduced to embrace the whole of the Fatherland, and the many separate kingdoms that compose the great German Empire still maintain their independence as regards penitentiary institutions, and the punishment of crime. Soon after the year 1846, and for the ten years immediately following, the doctrine of pure isolation was generally accepted throughout the German States, but no corresponding change was made in prisons. No system new or old, to use the language of Baron Von Holtzendorff, a well-known prison publicist, has even been carried beyond the tentative stage. Germany has prisons on the old plan of indiscriminate association; prisons with daily labour in common, and separation by night; prisons like that of Moabit near Berlin, and Bruchsal of Baden, which are as strictly cellular and separate as any in Belgium or Holland. The erection of the latter followed the visit of Dr. Julius to the United States; he came back enamoured of the system in force in the Eastern Penitentiary. Professor Mittermaier, one of the greatest of judicial authorities of his time, threw in the weight of his powerful opinion on the same side. More recently, however, Von Holtzendorff showed his preference for the progressive method commonly called the Irish system. He visited Ireland in person, and came back so pleased with what he saw, that he

headed a wide schism from the cellular doctrine, and to-day his opinions have gained the day. The system in progress, of punishment passing from the lighter forms, and ending with conditional liberation when it has been earned, has now laid hold of the practical German mind; and it is only in Southern Germany or among a few fanatics that the system of continuous isolation finds support. One general rule is now adopted throughout the German Empire, and seemingly with excellent results. This is the rule of remission, or leave of absence, as it is called, which permits prisoners to go conditionally at large pending good behaviour.

It will be, however, impossible to deal with the German prisons collectively, and I must give each kingdom a brief space to itself.

BADEN.

The prisons of the Grand Duchy of Baden are central prisons, district prisons, fortress prisons, and houses of correction. But the total imprisoned is not much more than a thousand, and of these, nearly half are located in the cellular prison of Bruchsal for males. This last is a fine institution, where strict discipline is maintained, and enough work done in prison cells, of the kind usually seen, to pay the whole of the year's expenses. But it has been found that the rule of isolation cannot be imposed for much more than four years. Nine per cent. only could support so long a

term; and the director has reported that after three years of cellular confinement the muscular fibres become so weakened that it is tantamount to impossible to expect hard work from those subjected to it. Bruchsal has an annexe or auxiliary establishment, where association is the rule for certain prisoners. First, those who have done six years cellular confinement, unless they elect to remain in the cell; second, those who are above seventy years of age; third, those whose bodily or mental health unfits them for separation. Industrial and other education go hand-in-hand at Bruchsal; the earnings of the inmates at many various trades are substantial, and the prisoners value the teaching of the school-master. The trades are various, to avoid interference with private labour. The contract system is not employed, but the prison authorities manufacture goods on their own account. All needful attention is paid in the Baden prisons, whether cellular or associated, to hygiene, diet, clothing, bedding, and so forth.

The Bruchsal prison stands on the outskirts of the town of that name, on the Heidelberg road. It is a stately edifice surrounded by a high octagonal wall, with turrets at the angle-points, which serve above as sentry-boxes and below as dark cells. The rule of separation is very strictly enforced; prisoners never leave their cells except for chapel, school, or exercise, and at such times they wear masks, with openings for the eyes, and fifteen paces must intervene between each man. The loneliness of the cellular life is broken by

constant visitation; every prisoner must receive at least six visits per diem from the officials, including governor, chaplain, inspectors, and warders. The dietaries are sufficient, the prisoners are well clothed, they bathe regularly, and their general comfort is carefully secured. Bruchsal is an intelligent and consistent attempt to carry out the solitary system.

BAVARIA.

Bavaria has four cellular prisons—three for trial prisoners, one for sentenced. The system is popular in the kingdom, although of very recent adoption. The great prison at Munich, which became famous through the labours of the well-known Herr Obermaier, was in his time wholly congregate, but it is now partly cellular. This prison is still worked on peculiar lines, a curious feature in the management being the permission granted to the inmates to play for a couple of hours daily in the exercising-yards.

Warders are present during this time of relaxation, but do not interfere with the prisoners, who, according to an eye-witness' report,[1] were "all perfectly well-behaved; they conversed freely together, and engaged in a variety of amusements, but without tumult, disorder, or any approach to unseemly noise." Dr. Wines was naturally anxious to ascertain whether this strange indulgence was abused, but he states that he heard the system "far from being attended with

[1] Wines, *State of Prisons*, p. 422.

evil consequences, was preferable to that which forbids all converse." The prisoners, it appears, are allowed to choose their companions and subject of conversation as they see fit, and while at this promenade have entire freedom. The only precaution is that the very worst prisoners are excluded from these collective recreations, and have to take their exercise in separate yards. The reasons for this "recreation" are not quite made out, and the practice will be viewed with something like dismay by old prison disciplinarians.

This Munich prison is, however, closely associated with the name of Herr Obermaier, and as such, must possess peculiar interest. What he did sounded like romance in his time, although it is less surprising to modern prison administrations, who know what firm and judicious handling can accomplish with prisoners. Obermaier, on assuming charge of the Munich State prison in 1843, found it contained some six or seven hundred prisoners in the worst state of insubordination. They defied all discipline, although the harshest and most severe had been tried. They were chained together, and to each chain so heavy a weight was attached, that even the strongest found a difficulty in dragging it along. Soldiers, a hundred of them, were on duty all through the prison, at the gates, around the walls, in the passages, inside the workshops and dormitories; at night, as an additional precaution, a pack of twenty to thirty large and savage dogs, bloodhounds, roamed loose through the yards. Obermaier called the place "a perfect Pandemonium, com-

prising within the limits of a few acres, the worst men, the most slavish vices, and the most heartless tyranny."

Obermaier by degrees relaxed the severity of the discipline, lightened the chains, sent away the soldiers and the dogs. The prisoners became humanized, and in return for the confidence placed in them, grew well-behaved. They managed themselves; public opinion among them checked misconduct; all yielded ready obedience to those of their fellows who were appointed overseers. If a prisoner was inclined to break a rule, the warning *es est verboten*, was sufficient to deter him. The most satisfactory industry prevailed; the prisoners were self-supporting, making their own clothes, building their own walls, forging their own fetters, and more especially manufacturing useful articles that sold well. In these employments they earned good wages, part of which was given to them on discharge. Nor was conquest thus achieved over these turbulent spirits evanescent, disappearing after release. It was proved, "on irrefutable evidence," that about five-sixths of those sent out from Munich prison returned improved to society, and the percentage of relapse was exceedingly small.

The personal ascendancy of a strong, self-reliant man cannot fail to exercise good and great influence upon prisoners, and Herr Obermaier's is not an isolated case. That of Colonel Montesinos, at Valencia, is well known, and was quite as remarkable. That Obermaier achieved such success is greatly to his

credit, the more so that he relied upon methods not entirely approved to-day. Strange to say, he had a great liking for the associated system, and his prisoners not only worked together, but slept in common dormitories, where they had always that sense of strength that numbers give, and which, apart from the vicious intercourse it often breeds, is a frequent incentive to disorder.

Bavaria has a new cellular prison at Nuremburg; but as a rule the collective system still prevails in the prisons of the country, most of which are ancient castles or disused convents, adapted to the service, but altogether unsuitable for their purpose.

PRUSSIA.

Although Prussia accepted the cellular system for all prisoners condemned to hard labour, she has been slow to give effect to the principle. In 1874, by which date the doctrine was losing ground, Prussia had only 5412 cells for a prison population of 22,289. No doubt the expense was a serious drawback, and her finances were at all times burthened by her colossal military establishment. Nevertheless the Prussian Government made shift to utilize her prisons as best it could; and the cells were appropriated to first offenders, while the *récidivistes* were allowed to associate as past the chance of taking harm. The chief cellular prison, however, that of the Moabit, is a model, planned on the famous English "model prison

of Pentonville," which still, after fifty years, holds its proud pre-eminence, and with small modifications is still copied everywhere at home and abroad. The Moabit, which was first organized by Dr. Wichern, the famous creator of the Hamburg Raue Haus,[1] is a cellular prison, on the "wheel" or radiating plan, with four wings and 508 cells in all. An interesting feature in the Moabit is its management by a Protestant Brotherhood, those of the Raue Haus, or Hamburg Reformatory, who have devoted themselves to this useful work, and are regularly trained for it on lines laid down by Dr. Wichern; all the Brothers do not embrace prison management, however, but are sent as required to various fields of labour. Their employment at the Moabit is a guarantee of the benevolent and Christian character of the *régime*. The Brothers are also instructors, and the Prussian prisoners do much good work of the usual kind, although lithography, engraving, and wood-carving are also followed with advantage. There is also a farm attached to the Moabit for prisoners unable from ill health or length of sentence to bear long continuance of cellular confinement.

Prisoners' labour in the Prussian prisons is on the contract system, and hired out to the highest bidder. This has created some ill-will. On the one hand, economists complain that the returns are small; trade unions, on the other, protest as elsewhere against prison competition. But the employments are very

[1] See *post*, vol. ii., *Juvenile Crime*.

various; and besides the ordinary prison trades, the Prussian prisoners manufacture picture-frames, curtain-rods, clasps and coins, fancy woodwork, ribbons, lace, gloves, sashes, toys, umbrellas, combs, walking-sticks; they scrape feathers, make nails and chains, turn horn and ivory, cut marble, tan and dress leather, plait straw, engrave, lithograph, and illuminate. Female prisoners knit, embroider, spin, weave, sew, make gloves, tapestry, and cigars.

The administrators of Prussian prisons admit that their means are not always adequate to the ends in view. Many existing prisons are unsatisfactory, some require reconstruction, some should be destroyed and rebuilt; the general rule of separation of prisoners by night is still urgently needed, as well as strict cellular confinement for all awaiting trial, and for those sentenced to short terms. On the question of treatment, the Prussian authorities do not declare in favour of prolonged isolation. They are unable, and "after remarkable experiments," to find that the cellular system has lessened the number of re-convictions. At the same time, they think, that while rarely effecting any lasting effect upon hardened criminals, it has done good in regard to "criminals who, excited by opportunity or carried away by passion, have fallen into crime. It is indisputable that a large proportion of criminals of this class, after undergoing cellular imprisonment, are restored to society completely changed and reformed."

Progress has, however, been made in Prussia, and

there there is now much more cellular accommodation than of old, although the increase does not appear to be very rapid. In 1869, according to Von Holtzendorff, there were 3247 separate cells in Prussia; in 1883-4 the number was 5112; and in 1884-5, 5184. There is a cellular prison on a good plan at Ratibor, in Silesia; another at Rendsburg in Holstein; a cellular police prison at Altona; and a partially cellular prison at Stadtvotgei in Berlin. Several fine prisons exist in other provinces; one, Gross Strelitz, in Prussian Silesia, dating 1885-8; a large one in Herford in Westphalia; prisons for 1000 at Grandenz in West Prussia, and others at Breslau, Werden, and Cologne. Frankfort has a good prison, copied from Pentonville, and Hamburg a large central prison completed in 1879-80. The administration appears to be economical. In the Moabit prison, with an average daily population of 431, the annual total cost per head is just £22 0*s.* 0*d.*, with prison earnings £8 16*s.* 0*d.* At Herford, with a daily population of 409, it is £18 13*s.* 0*d.* At Munster, with 433, it is £18 3*s.* 0*d.*

Nevertheless the present state of prisons is not satisfactory in Prussia, nor indeed in Germany at large. Von Holtzendorff declares a complete revolution is essential, and exposes the extreme irregularity and inequality of the processes of penal administration.

SAXONY.

Saxony established a penitentiary in 1850, at Zwickau, where efforts were made to deal with

prisoners individually as to their reformation, by providing work and education, with humane and careful treatment. It will be admitted that the dietary at least errs on the side of over-indulgence, when it is stated that the prisoners have a choice, according to season,of ninety different dishes for dinner, and twenty-eight for breakfast and supper. The system in force partakes of both the cellular and associated *régimes*, which are applied as the subject may seem to require treatment. Saxon prisons are of several kinds; some for the severest punishment, others for lighter penalties; there are fortresses for detention, houses of correction, and reformatories for the young, and prisons attached to courts of justice and police. The total number of Saxon prisoners does not appear to be large: the prisons of the two first categories contain about a thousand each; the fortresses very few; the houses of correction about 600; the last-named prisons, 1800. Very strict discipline is not maintained; although the power to flog exists, it is seldom inflicted. The most common prison punishments are dietary, with forfeiture of remission or prison leave.

WÜRTEMBURG.

In 1865 this kingdom accepted the cellular system, and a prison on this plan was built at Heilbronn, for women, which has since been used exclusively for male prisoners. There are also male prisons at Ludwigsburg and Stuttgart, but these, with the bulk of

the prisons in Würtemburg, are on the collective system. A good return is obtained from the prisoners' labour, which brings in an income sufficient to pay sixty-five per cent. of the total cost of prisons. The trades carried on are very various, but much the same as those already described for Prussia.

CHAPTER VII.

PRISONS OF BELGIUM AND HOLLAND.

Close attention given to subject in Belgium for more than a century —Prison at Ghent almost first "cellular" prison invented—Howard's encomium—Further progress slow—Adoption of American systems in 1835—Complete separation at length made the rule—Ample provision of cells in Belgian prisons—Long terms of separate confinement inflicted—Prolonged to twenty-three years in one case—Champions and opponents of system—Great differences of opinion—What the *régime* of solitude and silence seeks to obtain—Large and liberal efforts to perfect Belgian system—Some account of newest Belgian prison, that of St. Gilles, Brussels—English experiments in separate confinement—Pentonville, the first—Later opinion of high authorities: Sir Edmund Du Cane, M. Charles Lucas, Dostoieffsky, Silvio Pellico, Herbert Spencer—Economic objections—Sedentary labour only possible—Whole labour question involved—Belgian system has strenuous advocates, although in Belgium itself a new school, headed by M. Prins, doubts its wisdom or efficacy—Holland has adopted Belgian methods, and is carrying out cellular confinement so far as prisons permit.

BELGIUM.

In no civilized country has penal administration received closer and more anxious consideration than in Belgium. For more than a century the great object in view has been steadily pursued with persevering endeavour, and in more recent years almost regardless of cost. If the methods generally

adopted have differed materially from those in force with us, it cannot be denied that the Belgian system has many ardent supporters; and if in our opinion it displays inherent defects, it must yet have much to recommend it to others. Holland, her nearest neighbour, has already paid Belgium the high compliment of imitation, while prescient and most gifted minds in France, foreseeing the downfall of deportation, are satisfied that the only possible substitute will be the *régime* of cellular imprisonment of unbroken separation, continued for lengthened terms, as is the Belgian rule.

When Belgium was called Flanders, and owned Count Vilain XIII. as its sovereign, a great complaint arose against the prisons of the Low Countries as vile haunts of idleness, immorality, depravity, and debauchery, and the now famous old *maison de force* of Ghent was constructed. It still stands as a monument to early philanthropy, yet it was not the first "cellular" prison, being preceded by that of Pope Clement XI. for youths, as well as by those of Turin, Venice, and Milan, the last of which, erected in the reign of Maria Theresa, is said to have been the model of the prison of Ghent. In Ghent the plan followed was that of daily labour in company, with separate sleeping cells, very much like what was afterwards established at Auburn, in New York State, and which is called the Auburn System to this day. It is said that the Ghent prison was largely copied both in Switzerland and in the United States, and

its immeasurable superiority to anything else in existence at that time, elicited the highest encomiums from John Howard. Another prison on the same system was built at Vilvorde in 1801, and it cannot be denied that with these two examples Belgium led the van of Penitentiary reform.

A long interval elapsed before more serious and extensive efforts were made. The *bagnes* of Antwerp were, however, suppressed, the old abbey of St. Bernard was altered into a house of correction, and the control of prisoners' labour was taken by the State into its own hand. In 1830 the Belgian prisons were still full of abuses: no classification; drink sold freely within the walls, prisoners with funds might purchase exemption from labour; males and females were lodged in the same buildings. In 1835 the subject was attacked in earnest. A wing for complete isolation, as practised in the Philadelphia prison, was added to Ghent, others to Vilvorde and the military prison of Alost. The two systems of Auburn and Pennsylvania went on side by side for fourteen or fifteen years, and at last Belgian administrators declared entirely for the last-named, but on much modified and softened principles. The main idea was that of individual separation, as the only method of attaining the three ends in view: the prevention of intercontamination, sufficient severity to make the penalty felt, and withal an attempt to reform the offender. These three objects were to be compassed by lodgment day and night in a spacious and healthy

cell; by continuous but isolated labour; by religious, moral, and technical instruction. The maintenance of health was to be assured by exercise in open yards, while the frequent visits of officials, governor, priest, warders, and teachers were to be sufficient guarantee against mental breakdown.

This is the system which, with various modifications as to length of sentences, is still in force. It was felt that such close imprisonment was far more severe than the old associated *régime*, and therefore a proportionate reduction of term was accorded; the only difficulty being with "lifers," and they were not to be indefinitely subjected to the new system, but might after twelve years of separation once more join the company of their fellows. The most praiseworthy efforts were made to carry out the new arrangements. Between 1844 and 1869 seventeen new cellular prisons were built, three more were in progress in 1869, and the total number of available cells was 2701. In 1877 there were 24 cellular prisons, with a total of 3586 cells, or including the cellular quarter of Ghent, of 3744 cells. Since that date, the beautiful new prison of St. Gilles, for men, has been opened in Brussels, and gives 600 more cells; while those of Nivelles, Turnhout, and Oudenarde bring up the present number of cells available to close on 5000 in all.

With such ample accommodation it is possible to insist that every prisoner committed for trial, and every one duly condemned, shall be located in a

separate cell. For those sentenced the strict rule is, that he remains in it until he is actually and finally set free. There are, however, exceptions to the rule. If on reception it appears that a prisoner's mental condition is such as to unfit him for prolonged isolation, he exchanges his separate cell for an associated wing at Ghent, on the Auburn system. Again, after he has spent ten years in separation, he may elect either to make the same change or stay where he is. Nevertheless, the law permits even a life sentence to be entirely passed in a cell. As a matter of fact, many spend fifteen, some even twenty years in this living death. A case is known where the term was prolonged for three-and-twenty years. The prisoner who had endured this is reported to have been the gayest of the whole number in custody. "It is true," says the writer[1] who reports the case, "there was first a tinge of sadness in his manner; a quaint notion, as he described it, would come into his head when he awoke of a morning. He would ponder over it while he worked all through the day and until night came. Next day he had a new idea. All this he told me rather with originality and good-humour than exaltation." The same inquirer conversed with several others: one, who had done fifteen years, had never cared to move to Ghent, although he admitted that now his head began to trouble him. Another said, "I like my cell. I am at home in it, I am my own master, and do my work in it just as

[1] M. Joly, *Le Combat contre le Crime*, p. 244.

it suits me." According to M. Joly, very few accept the offer of transfer to association in Ghent. Eight out of every ten prefer to remain in cells; in some cases after removal to Ghent, permission to return to cellular imprisonment was implored as a favour.

The champions of the system of lengthy isolation, so much at variance with the usual habits of gregarious man, deny that it is injurious to health. On the contrary, they adduce figures to show that the percentage of sick is exceedingly small. In a prison like Louvain, one of the finest and best-ordered in the country, there were at the time of M. Joly's visit, only eighteen in hospital out of a total population of 565.[1] An eminent French doctor, Voisin, had gone deeper into this question, and had medically examined the inmates of Louvain, putting them to the test of weight, auscultation, and of the dynamometer. His report was submitted to the French Academy of Medicine, a learned body, which did not pretend to pronounce upon the relative value of prison systems, but which was satisfied from the investigations made by Dr. Voisin, that "the cellular *régime* in Belgium, even when prolonged, and if properly applied, does not aggravate the always low physique of prisoners." Other medical men speak less confidently on the general health of Belgian prisoners. "We must go to the Ghent infirmary to find the consequences of Louvain," says a Spanish doctor, who was not impressed by what he

[1] See *post*, p. 346.

saw there. My own observation is to the same effect. I was horrified with these associated rooms filled with the failures of cellular treatment; crowded as they were with either senile idiots or prematurely-aged imbeciles. M. Joly's experience is, however, at variance with mine. "I saw in the Ghent workshops a number of those whom Louvain could not retain, obviously men of intelligence below the average, more inclined to idleness, vice, and suicide than to sustained industry." But my remarks refer mainly to convicts who had passed through their ten years of separate confinement, and murderers mostly, or those who would in England have been sentenced to death.

The aims of cellular imprisonment as enforced in Belgium are excellent; they do not differ indeed from those of any other good prison system whose object is to amend and deter. It is rather with the means by which these results are sought that many people are disposed to quarrel. The main idea is to avoid the dangers of deterioration which it is asserted accompanies the collective or associated system of imprisonment. These attendant evils cannot be gainsaid where promiscuous and indiscriminate association is permitted; they are more fancied than really existent under the strict surveillance exercised in English prisons. But in Belgium a still closer and more paternal care is extended. The separation of each individual is absolute so far as his fellows are concerned. He is kept altogether apart from depraved or degraded associates, whose pernicious

influence would affect him adversely in gaol, who would pursue him with their evil acquaintance when he is again set free. "In the system of separation you will have perhaps more to suffer, especially in the beginning"—I am quoting from an imaginary address made by two of those who believe most thoroughly in the system [1]—"but at least you escape a fatal and dishonouring contact. You will be deprived of the society of other prisoners, but you will be compensated for it by the frequent visits of prison officials, who will superintend your labour, your moral and religious instruction. You will suffer your imprisonment entirely in your cell, but you will have work, books, and facilities to instruct and divert yourself. The monotony of your imprisonment will be broken by correspondence with and visits from the members of your family, and you will leave your cell daily for chapel and exercise. If your conduct is good and your repentance sincere, your treatment will be improved by the concession of certain favours, among others by the permission to use tobacco; your liberation will perhaps be accelerated, and when you return to society, you will not have to dread the vengeance and denunciation of your former fellow-prisoners, to whom you will be unknown."

In one word, the Belgian plan is to substitute good for bad company, the society of his pastors and masters for that of his fellows. It is not by any

[1] Memorandum on the cellular system in Belgium, by MM. Berden and Stevens.

means a *régime* of solitude and silence. The governor of the prison is expected to visit and converse with twenty prisoners daily. The two chaplains, the schoolmasters, doctors, chief or princi-

A Belgian Prison Warder.

pal warder (*chef de quartier*) are supposed to do the same. The trade instructor is constantly in and out of the cell. Certain visitors from outside are authorized, so that one way and another each prisoner can

count upon seeing at least two faces and hearing two different voices during the day. The intercourse is apparently of the most friendly character. M. Joly[1] accompanied the officials to many cells, and heard them, in a kindly and familiar way, converse with each solitary inmate, taking deep interest in his work, his health, his hopes and fears, helping him in his correspondence with his friends, advising him as to his savings (out of prison earnings), and upon the assistance he would require to keep straight and earn an honest livelihood when free. The intention of such intercourse is admirable, but to obtain useful results, great honesty of purpose, much judgment, and especial aptitudes are called for, and these are not to be largely found in even the best organized prison staff, the most zealous and well-meaning officials.

No doubt in Belgium the most strenuous efforts have been made with the most liberal and large-handed expenditure to perfect the prison system, and give full effect to the ambitious methods pursued. I can add my testimony to that of M. Joly, and of all who have been privileged to visit the Belgian prisons. We have seen what assiduous and far-reaching attention is devoted to the moral well-being of the prisoner. His physical condition is equally the object of constant and intelligent care. The prisons themselves are models of construction, their interior economy is perfect, the machine works everywhere with faultless

[1] *Supra.*

precision. M. Joly, speaking of the newest prison, that of Saint Gilles, in Brussels, says he saw "spacious corridors lighted by lofty windows; snowy walls whitewashed afresh once and even twice a year, which give increased brightness and remove all dungeon-like impressions. The prevailing stillness, the notices begging one to speak in a low voice, are characteristic of a monastery rather than a prison. The cells are more like monastic retreats than prison chambers. Everything within is shining, clean, and tidily arranged. The cell windows are large, so that light and air freely enter. The white walls are immaculate and spotless, but not bare; here is a crucifix, around which hangs a rosary; there a board with moral reflections, another with prison rules; a cupboard with a glass door in the corner contains the remainder of the day's dinner, bread, plates, and a few books. A water-pipe and basin polished till they shine provide for ablutions; the bed forms a table by day at which the prisoner sits and does his daily task. Enter; the warder civilly asks the prisoner if our visit will put him out, and the latter rises to make you at home with the air of one doing the honours of his own house. He does not seem in the least troubled or cast down. It is impossible not to be struck, and immediately, by all these details, not to be impressed by the general look of quiet uniformity, simplicity, and comfort."

M. Joly, who is an evidently ardent admirer of the Belgian system, and most anxious to see it adopted in

France, still hazards a conjecture that it may be more appropriate to the phlegmatic Flemish temperament than to his more sanguine and volatile fellow-countrymen. Whatever arguments may be found for recommending the extension of separate confinement, it is at least certain that the cellular *régime* cannot be used for long periods on all nationalities alike. It has been tried in this country with that thoroughness and patience so characteristic of all our experiments in penal discipline, but its limitation became imperative. Fifty years ago, when Pentonville, the first prison of its kind, the "model" of all the best prisons since erected, its duration was fixed at eighteen months. "It was carried out with considerable vigour, and results showed themselves which could not be neglected." [1] Dr. Campbell, when medical officer at Dartmoor, found that the prisoners arriving from "separates" were in poor health, and had undoubtedly suffered in health by their long confinement. The system was in fact followed by a serious increase in the rate of mortality, and of cases of mental disorder, and within a year or two, the period of its infliction was reduced first to twelve months, and again to nine months, the present maximum, although separate imprisonment, much modified and softened, is still applied in the local prisons for periods extending to two years.

Probably the first limitations were made a little hastily and on insufficient grounds. Later experi-

[1] Sir E. Du Cane, *Punishment and Prevention of Crime*, p. 158.

ence, gained in the local prisons, has shown that the longer terms have not been followed by the serious consequences which attended the earliest experiment. It is not so much on the grounds of its injurious effects as of its inefficacy, that the system has found no greater favour here. An old authority, the Rev. Mr. Kingsmill, one of the most earnest and enlightened of prison chaplains, has expressed himself very plainly on this important subject. "Separate confinement," he says in his report to the Commissioners of Pentonville for 1853, "is no panacea—no specific cure for criminal depravity. Its value in a moral point of view has been greatly overrated. It has been supposed capable of reforming a man from habits of theft to a life of honesty—of vice to virtue. It has no such power. No human punishment has ever done this, nor can any mode of treating prisoners as yet thought of, however specious, accomplish anything of the kind. Good principle and good motives are the sad wants of criminals, and God alone can give these by His Spirit; and the appointed means for this primarily is the teaching of His Word. 'Wherewithal shall a young man cleanse his way? even by taking heed thereto according to Thy word!' As an auxiliary, however, to the great remedial means appointed by God for the restoration of the fallen, separate confinement, in producing, as it must always do, reflection—an awakening of the conscience, and a sorrow of heart because of the consequences at least of guilt—is of no small value, whilst, at the

same time, it entirely prevents the growth of vice in prison by tuition and example, and fulfils better than any system of confinement hitherto pursued the chief end of all penal inflictions."

A later and a still higher authority, that of an eminent public official who has devoted all the energies of an active nature, all the gifts of a powerful mind to prison administration and its innumerable weighty problems, has expressed himself with still greater force. Sir Edmund Du Cane unhesitatingly declares against continuous cellular confinement. "Perpetual seclusion in a cell," he says, "for years, with no communication with his fellows, is an artificial state of existence so absolutely opposed to that which nature points out as the conditions of mental, moral, and physical health, and so entirely unlike that which a man is to be prepared to follow on his discharge from prison, that it cannot be expected to fulfil the required object. We must bear in mind that the prisoner should not only be punished and taught what is right, but should be returned to society fitted both morally and physically to perform his proper duties in the battle of life." The same language almost has been used by an eminent French publicist, M. Charles Lucas, who wrote in 1877 that individual imprisonment, for long terms, can never be the best preparation for the social life an offender leaves on conviction, and to which on liberation he returns. Man is a social not a solitary animal, and any education, whether in or out of prison, must

have regard to this, which is a law of nature and a condition of existence.

Many more authorities may be quoted: Dostoieffsky, the gifted Russian writer, who, when a political prisoner, probed the bottommost depths of prison misery and degradation. "I am convinced," he says,[1] "that the celebrated cellular system gives results which are specious and deceitful. It deprives a criminal of his energy, enervates his soul by weakening and frightening it, and at last exhibits a dried-up mummy as a model of repentance and amendment." Silvio Pellico also condemns it; and Herbert Spencer's powerful voice has been raised against it with a logical force that must carry extraordinary weight. "It is notorious," he has written, "that this prolonged denial of human intercourse not infrequently produces insanity or imbecility; and on those who remain sane, its depressing influence must almost of necessity entail serious debility, bodily and mental. Indeed we think it probable that much of the apparent success of long cellular imprisonment is due to an enfeeblement which incapacitates for crime as much as for industry. Our own objection to such methods, however, has always been, that their effect on the moral nature is the very reverse of that required. Crime is anti-social—is prompted by self-regarding feelings, and checked by social feelings. The natural prompter of right conduct to others, and the natural opponent

[1] *Recollections of the Dead-house.*

of misconduct to others, is sympathy; for out of sympathy grow both the kindly emotions, and that sentiment of justice which restrains us from aggressions. Well, this sympathy, which makes society possible, is cultivated by social intercourse. By habitual participation in the pleasures of others, the faculty is strengthened; and whatever prevents this participation, weakens it—an effect commonly illustrated in the selfishness of old bachelors. Hence, therefore, we contend that shutting-up of prisoners within themselves, or forbidding all interchange of feeling, inevitably deadens such sympathies as they have; and so tends rather to diminish than to increase the moral check to transgression. This *à priori* conviction, which we have long entertained, we now find confirmed by facts. Captain Maconochie states, as a result of observation, that a long course of separation so fosters the self-regarding desires, and so weakens the sympathies, as to make even well-disposed men very unfit to bear the little trials of domestic life on their return to their homes. Thus there is good reason to think that, while silence and solitude may cow the spirit or undermine the energies, it cannot produce true reformation.[1]" Captain Maconochie's name is indissolubly connected with the "mark system," that most ingenious and well-devised method for employing prisoners in large numbers together, with excellent results, on which I have more to say.[2]

[1] Essays II., *Prison Ethics*, p. 265. [2] See *post*, vol. ii.

Another purely social and economic argument used with much effect against the Belgian system, is that only sedentary labour can be performed under it; that a prisoner's employment must be confined to such trades and callings as he can learn and carry out in his cell. These may be, and often are, at variance with his previous habits, and much time, good material, and protracted instruction will be needed before the prison workman makes any substantial return. A larger question is often involved, closely associated with the generally congested condition of the labour market, and this is the possible undue competition of prison-taught artisans with free workmen in a narrow circuit of trade. Honest shoemakers and tailors, for instance, may justly complain of this competition, from which other trades, say that of the jeweller or watchmaker, escape. This difficulty has already arisen in England; and in deference to repeated protests, the labour of prisoners, especially those for long terms, is as much as possible applied to the work on public account. This argument has weighed with other nations, and may be included among the reasons which have decided Austria, Hungary, and Italy to follow an English practice of progressive imprisonment, the last stage of it in out-of-door operations under strict supervision. In the United States the question of prison labour had produced very serious complications, as I shall have occasion to show on a later page.

[1] See *post, United States.*

The Belgian system has still its imitators and warm admirers even in this country, but on grounds that are not too apparent. She can show, no doubt, that under her system *la récidive*, the relapse and re-conviction of offenders, has diminished, and that the whole number of prisoners in gaol has, till lately, steadily decreased in Belgium, although the population has increased.[1] But this is not always admitted as a certain test of the value of imprisonment, and in any case we in England can do the same, and by following the other plan. It is more probably the theory of prolonged separation—its severity so happily blended with its elimination of vicious influences, and its gradual encouragement to do well—that has commended it to logical minds. But it is still open to very grave objections, some of which I have endeavoured to set forth, and which may be briefly recapitulated. It is an artificial state of existence, tending to compromise mental and bodily health for the purpose of securing ends that may be obtained by

[1] The following figures will show this—

	The general population of Belgium.	Number of convicted prisoners in Belgium.
1850.	4,426,205	7,001
1860.	4,731,996	5,942
1870.	5,087,826	4,701
1880.	5,520,009	3,705
1889.	6,093,798	4,634

The increase in prisoners in the last decade is not explained. At the same time the population in workhouses, agricultural and reformatory houses has enormously increased between 1850 and 1889. In the first-named it has doubled, and in the last tripled.

less dangerous methods. Voltaire, although joining in the protest against the detestable crowding together of prisoners in his day, condemned long cellular isolation as a thing against nature. The most forcible of the many attacks made on it is perhaps to be found in Coleridge's famous lines—

> "As he went through Coldbath Fields,
> He saw a solitary cell;
> And the devil was pleased,
> For it gave him a hint
> For improving his prisons in hell."

But even in Belgium a new school is arising which seems inclined to dissent from the principles hitherto accepted and carried out with such undeviating severity. The new chief of the Belgian prison department, M. Prins,[1] has expressed strong doubts of the wisdom or efficacy of prolonged cellular confinement. He has pointed out very forcibly that it acts very differently on different natures. The discipline of the cell may amend the quiet, mild-mannered, rather feeble creature who is subjected to its processes, but this is because his instincts are not really perverse, and he is susceptible of improvement. The same man, it may be admitted, would probably deteriorate if exposed to contaminating association; but such association is always to be deprecated, and it does not occur in well-ordered prisons on the congregate plan, and the worst evils only follow when it is indiscriminate and unchecked by authority. On the other hand, to use

[1] See *post*, vol. ii.

M. Prins' own words:[1] "To take a human brute with no other trait of humanity than his face, surround him with every attention, soak him with good counsel, and suppose that such a cruel, bloodthirsty wild beast, such a vicious, uncultivated social rebel, will leave his cell regenerated, or that he can be safely let loose upon society is a Utopia compared to which the dreams of More and Campanella are practical measures." The strong common sense of the writer is still more apparent when he laughs to scorn the objections most commonly raised against "promiscuity" in prisons. "La Promiscuité est dangereuse, qui en disconviendra? Mais c'est la vie même!" It is the life the scholar leads, the workman, every one, and inasmuch as the prisoner must return to it on release, it is surely better to accustom him to its dangers, instead of by an artificial treatment depriving him of the means to resist them.

HOLLAND.

Holland has accepted the experience of her nearest neighbour, and thrown herself heart and soul into the system of unbroken and prolonged cellular imprisonment. No distinctions are made between categories of prisoners or the sentences they undergo. Whatever the offence for which convicted, whatever the term, whether it be for five days or five years, the condemned must go into cellular confinement. So imperative is

[2] *Pénalité et Répression*, p. 162.

the rule, that no sentence of imprisonment can be carried out in any other way. The new law came into force in 1886, long before the necessary constructive changes had been made, and it was impossible therefore to provide for committals to prisons. Even in 1892 the number of separate cells was still insufficient, so that 1094 convicted persons escaped imprisonment altogether.[1] Of these fortunate criminals, 593 had been sentenced to less than a month, 294 to between one month and three months, 130 from three to six months, 57 from six months to a year, 20 to one year and upward.[2] It was calculated in 1880 that a total of 2200 cells would suffice for all Dutch criminals, and the necessary works were undertaken with great spirit and ample funds. Some five-and-twenty prisons, new or reconstructed, have been provided since that date, and in 1892 there were in all 2100 cells. But more are needed, either to give fuller effect to the new system, or because crime increases in spite of it. During the last months of 1892, the Dutch Legislature approved of the enlargement of the prisons at Alkmaar and Breda, and about 140 new cells will be ready for occupation in 1894.

Eminent Dutch publicists are satisfied of the wisdom of the new organization. "The cellular

[1] *French Prison Society's Bulletin*, 1893, p. 514.

[2] The only case comparable to this within my knowledge was that of a British West Indian colony, where the prison accommodation was limited, and offenders after sentence went home to quietly await vacant lodgings in the gaol.

régime," writes the Hon. G. H. Van Goest, "may not have yet conquered all prejudices, but it has the undoubted advantage of simplifying the processes of repression." . . . Permanent isolation is a severe penalty in itself; the more felt the longer it is endured. "Prisoners always detest it, especially the *récidivistes*, who find in association the admiring crowd of lesser criminals to flatter them and glorify their nefarious prowess."

CHAPTER VIII.

PRISONS OF ITALY.

Unification of kingdom required new uniform prison system—Great diversity in various States—The Neapolitan the worst of old Italian prisons—Mr. Gladstone denounces them in 1851—Illustrious political victims: Baron Porcari, Carlo Poerio—Their sufferings—Prisons of Palermo: of St. Elmo, and Castel dell' Ovo, and Vicaria, in Naples—One Bourbon king, Ferdinand II., anxious for reform, but Garibaldi supervened — Old Papal prisons in Rome — Sardinian prisons—Prisons in Tuscany—The *buon' uomini*, or independent visitors — The *Buona Compagnia* — Lengthened separation condemned—Prisons of Parma—Austrian prisons in Lombardy and Venice—Cruelties practised in the Santa Margarita of Milan and in Spielberg—New prison system in Italy as planned—Various kinds of prisons—Treatment to be progressive, as in Ireland—Entire revision of existing prisons necessary, but only at present planned—Wide gulf between theory and practice—Only four cellular prisons—Financial difficulties—Slow progress of reform.

In 1878, the head of the Italian Prison Department, Signor Beltrani Scalia, was entrusted by the Italian Government with the task of constructing a new and uniform prison system for all Italy. The unification was barely a decade old, and the kingdom was composed of many diverse elements, still preserving many of the features of each. This was especially true of penitentiary institutions.

"At the time of unification," says an official paper,[1] "there was diversity in the penal code, diversity in the system of penal expiation. While, for instance, Tuscany with praiseworthy energy had almost completed reforms on the basis of continuous cellular separation; while the Sardinian States, Lombardy, the Duchies of Parma and Modena, adopting the principle of separation only by night, were rebuilding their prisons, the Papal States and the Kingdom of the Two Sicilies had made little or no progress towards reform." A more detailed account of the old methods in force will usefully precede any description of the reforms most recently introduced, and of the existing prisons.

By far the worst of the old Italian prisons were the Neapolitan. Bourbon tyrants laughed at law, and after arbitrary arrest, mock trial, and conviction secured by perjury or conspiracy, sent their victims to endure cruel ill-usage in foul dens and dungeons unfit for human habitation. In 1851, Mr. Gladstone, who had made a lengthened personal inquiry on the spot, raised an eloquent and indignant protest. "The prisons of Naples, as is well known," he wrote,[2] "are another name for the extreme of filth and horror. The filth of the prison (the Vicaria) is beastly. I saw the doctors not going to the sick prisoners, but the sick prisoners, men almost with death upon their faces, toiling up-stairs to them, at that charnel-house

[1] *General Rules for Prisons:* Rome 1891.

[2] *Letter to Lord Aberdeen*, p. 15.

of the Vicaria, because the lower regions of such a place of darkness are too foul and loathsome to allow it to be expected that professional men should consent to earn bread by entering them! The diet consisted of black bread and soup, the first sound, but 'coarse to the last degree,' the latter 'so nauseous as I was assured that nothing but the extreme of hunger could overcome the repugnance of nature to it.' The association was indiscriminate. I walked," said Mr. Gladstone, "among a crowd of between three and four hundred . . . murderers, thieves, and all kinds of criminals, some condemned and some uncondemned, and the politically accused. They are a self-governed community, the main authority being that of the *camorrists*, the men of most celebrity amongst them for audacious crime:[1] employment they have none. This swarm of human beings all slept in a low, long-vaulted room, having no light except from a single and very moderate-sized grating at one end. The political prisoners by payment had the privilege of a separate chamber off the former, but there was no division between them."

Many of the latter were still untried; many did not even know what accusation hung over them. One, Baron Porcari, was imprisoned in a part of the prison of Ischia, a dungeon called the Maschio, a dungeon without light, and four feet below the level of the sea. "He is never allowed to quit it, day or

[1] Of the despotism of the Camorra in the Neapolitan gaols I have much more to say. See *post*, p. 310.

night, and no one is permitted to visit him there except his wife—once a fortnight."[1]

The condition of the condemned was far worse. The illustrious Carlo Poerio, whose name and memory is now preserved in Naples in statues, streets, and squares, was imprisoned with sixteen others in Nisida, the island prison which I have myself visited, and shall presently describe under its more modern aspect. The whole of these politicals were wedged in one room about thirteen feet by ten. "When the beds were let down at night there was no space between them; they (the prisoners) could only get out at the foot, and being chained two and two, only in pairs. In this room they had to cook and prepare what was sent them by the kindness of their friends." The room on one side was below the overhanging ground, and therefore reeked with damp. There was only one window, too high to look through, unglazed and freely permitting unhealthy air to enter, and at times the intense cold. The chains were very ponderous; every man wore two sets, one of cross-irons fastened to each ankle and to a waist-leather; the other, half a coupling-chain, sixteen feet in length, carried jointly between the two prisoners. The weight of all these chains exceeded thirty pounds. They were never taken off, and the trousers were made to button all the way down the legs, so that they must be put on over the irons. The use of irons was not common to the Neapolitan gaols, but

[1] *Letter to Lord Aberdeen*, p. 17.

they were especially introduced just before the arrival of the politicals. As a further refinement of cruelty, the most opposite of individuals were chained together, a political with the informer who had sent him to gaol, or with the lowest and most ferocious criminal.

The Kingdom of the Two Sicilies embraced the island of that name, and the insular prisons were even worse than those of the mainland. In the prison of Palermo the inmates were herded like cattle, exposed to the sun in the open yards, or buried in underground dungeons. These *dammusi* were sufficient to cause a shudder; excavated far out under the Porta Carbone, but so limited in size that a man could not stand erect, or lie at full length on the only bed, hard stone. Complete darkness, dripping damp, and vermin innumerable, make up the horrible picture, drawn by an Italian who afterwards visited the prison, escorted by Professor Pasquale Pacini, who pointed out the *dammuso* he had himself occupied, and cut out to carry away the very iron ring to which he had been chained. In this prison there was a torture-chamber, in which the nails and rings used still remained. There were many such underground prisons on the mainland. I have seen those of the Castle of St. Elmo, now thrown open and dismantled, but which are still very much like dry wells or the mouth of a coal-mine, deep pits too dark and foul even for the reception of wild beasts. The male prison of Aversa was a by-word;

at the gate-way, as late as 1830, it was the custom to hang iron baskets in which were kept the shrivelling heads of decapitated criminals. At the prison of Santa Maria there were caverns hollowed out of the rock behind the criminal prison, the only admission to which was through an aperture like a window, and inside which the unhappy occupant lay heaped up, hermetically sealed. The old fortress of the Castel

THE CASTEL DELL' OVO, NAPLES.

dell' Ovo at Naples contained dungeons as bad as any of those just mentioned.

Mr. Gladstone's exposure of the state of the Neapolitan prisons elicited indignant reply and protest, but only with the result of calling attention to other and still stronger condemnatory evidence. Another Englishman[1] had already visited them, and had expressed himself in the following terms.

[1] Baillie Cochrane.

First of the Vicaria above-ground. "It would be difficult to convey an idea of the horrors of the place; a damp, fœtid, noxious vapour filled every cell; many of the windows by which the light had entered had no glass in, and the wet mist penetrated through the close bars. The mass of the prisoners were dressed in the most filthy rags, and their features were terribly degraded. But mingling with these were men of far different character and appearance. Hustled by the crowd of vagrants and scoundrels might be seen men who, at one time, swayed the destinies of the kingdom, and were honoured by the royal confidence. These men withdrew into their rooms, where some ten or twelve slept together, and there they told me the tales of their misery. Most of them, as at the Santa Maria, had been eight months in prison without the least appearance of trial; and some did not know of what they were accused. It was distressing beyond expression to see gentlemen of education compelled to mix with the refuse—the foul refuse—of the galleys." Next of the subterranean Vicaria. "We found ourselves in a place which it would require the imagination of a Dante to paint." "I could understand that, if this had been visited first, I should have considered the upper floor a comfortable residence." The prisoners were "evidently always addressed and treated as brutes." "It was human life in a living tomb, assisting at the spectacle of its own decay—its own rottenness. The atmosphere was as thick as in a London fog, from the horrible exhalations!"

It must however be conceded in defence of the Bourbon dynasty, that one king, Ferdinand II., was ashamed of his prisons, and set himself seriously to reform them by instituting special visitations, and calling upon his ministers to remedy the worst abuses. He is reported to have said to M. Lucas, when that eminent philanthropist visited Naples—"I much regret that you have come to see my prisons too soon; in a few years things will be greatly changed." The king issued many lengthy ordinances, prescribing classification, regular employment, and improved interior economy; the best plans for constructing new prisons were made public, and to secure "simple administration," the supreme control was vested in a single department. Progress must have been very slow, for these reforms had been projected some years antecedent to Mr. Gladstone's reproaches. In the year immediately following a little more was done; a new female prison was opened with much pomp at Aversa; an institution to assist young prisoners on leaving prison was established in Naples, and several useful regulations introduced with regard to prisoners' labour, and the ways they might earn and save against release. But the days of the old *régime* were already numbered; Garibaldi and Il Re Galantuomo were at the gates of Gaeta, and the last act of the last Bourbon king, the youthful Francis II., was to set at large the whole of the criminal population which he and his ancestors had so shamefully misused.

The papal prisons in Rome when taken over by the new Government in 1870 were in a disgraceful state. Overcrowding was the general rule. Prisoners still untried were lodged in secret subterranean chambers, into which admission was only gained on all fours; little light or air; a room for four or five filled with a dozen or more; in a cell a notice cut into the stone forbade the incarceration of more than eight in it, but it habitually held twenty-three. All classes were huddled together pell-mell; untried and convicted, young and old, soldiers and civilians, and "all in a state of destitution and brutal degradation" too terrible for description. In startling contrast to the treatment of lay prisoners, clerical offenders were lodged at Corneto in a special building called the Ergastolo, which stood on high ground commanding a beautiful view as far as the sea: the inmates, lodged each in his own cell, were permitted to raise flowers in the garden, and if so disposed to pass their days together. Yet at this time ordinary prisoners were employed often beyond the gaol in gangs, dragging their chains as they worked in the streets or in private houses. Within the prison their labour was let out to contractors, who were fined a farthing and a half daily for every one allowed to be idle. Discipline was maintained by black hole, starvation, irons, or the stick. A traveller who visited the prison of Bologna describes minutely the instruments for flogging—whips, ropes, *martinets*, and the *chevalet* or triangles. Food was always very scarce in the Roman prisons,

and to provide it and otherwise alleviate the misery of the wretched inmates was the especial business of many pious confraternities; one distributed twice yearly; two others watched over the prisoners, examining rations; insisting on the payment of earnings, and on a fair division of the alms collected (as in Spain) in the purse which hung at the prison-gate.

The Kingdom of Sardinia had made great progress, and in 1857 the question of separate *versus* collective imprisonment was warmly discussed, and already several prisons existed on reformed and improved lines. Yet not many years had elapsed since a commission had reported on the Piedmontese prisons as lacking in everything; a "sad and horrifying picture," M. Beltrani Scalia calls their account of what was found. Matters were perhaps better than when in the old prison of Nicolaus the various rooms were known as Hell, Purgatory, Small Hope, Hope, the lesser Paradise, or Paradise itself—although it may be doubted whether any part deserved the last name; or when, much later—indeed at about the date when Mrs. Fry consecrated her efforts to improve the women's side in Newgate—a noble Marchioness, Giulia Falletti di Barolo-Colbert, devoted herself to the female prisoners of Turin. Her self-sacrificing labours, so similar to those of the English Friend, were crowned by the establishment of a female refuge, and an asylum for children, which she eventually endowed with the bulk of her fortune. Her example was

followed by others, and when the House of Savoy came to the throne, a very serious attempt was made to improve generally the state of the Piedmontese prisons. Many royal edicts were promulgated prescribing classification, employment, good order, and cleanliness; but these good intentions did not always bear fruit.

In Tuscany, during the Napoleonic ascendency, the prisons remained in the same pitiable condition as that described by Howard. The urgent need for reform was set forth in a public ordinance directly the rightful dynasty was restored. In this there was provision that prisoners might be taken for air and exercise into the neighbouring squares or fields, there being no chance of getting either within the narrow limits of the gaol. Strict instructions were however laid down to guard against escapes. Rules were also made for the food of prisoners, in both public and secret (or trial) prisons; for providing mattresses at certain specified rates; for appointing a body of unpaid supervisors from outside to protect the prisoners, and guarantee them their rights. These *buon' uomini delle carcere* were an ancient institution in Tuscany; five persons of respectable family were chosen in each prison district, "known for their piety, and the practice of 'social and religious virtue,'" who were invited to exercise a charitable and useful vigilance over the prison, especially as regarded the collection and the distribution of alms and doles. There was,

nevertheless, but little improvement for many years. A French official, M. Cerfbeer, who visited the Tuscan prisons in 1838, reported on them as the worst in Italy, "although the Governor of this fortunate country is making laudable efforts to reform them." Prisoners at that time came and went through the streets; they were the hewers of wood and drawers of water for the rest of the community, performing all sorts of menial offices in private houses. Seven years later, the principle of cellular separation was accepted, if the necessary buildings were available; if not, the lesser offenders were sent to the country gaols, and the greater to the central prisons. At the same time the practice of lounging at the prison-window in idle conversation with passers-by, male and female, was forbidden, so were festive gatherings within the prison on high days and holidays; and begging for alms by means of a bag lowered into the street was abolished. The kindly offices of the *buon' uomini* were still sought, and these philanthropic visitors were expected to report any abuses or shortcomings they might discover in the gaols. About this date a Discharged Prisoners' Aid Society, one of the earliest on record, was organized, to help those released from the Tuscan gaols.

The system of cellular separation was very popular in Tuscany, largely owing to the steadfast championship of Signor Peri, who has written an excellent work on the prisons of the Grand Duchy. Its evil effects were supposed to be diminished by the custom

peculiar apparently to Tuscany, of the *Buona Compagnia*, the substitution of good company for bad by the regular visitation of prisoners by good people from outside. So greatly was this practised that at one time the prison of Volterra rejoiced in seventy-five prison visitors. Although the idea of lengthened separation was condemned by a Commission in 1859, as unsuited to the southern temperament, still it was the backbone of the treatment introduced shortly afterwards, and which prescribed that all lifers (those sentenced to the *Ergastolo*[1]) should pass the first ten years in a cell, apart from all other prisoners; after ten years they might labour in association, but must sleep apart, and this *régime* was to continue till they were sixty years of age. Shorter terms were to spend half their time in cells; the other half in company under the rule of silence, but with cellular separation at night. Tuscany, in short, had more or less anticipated, thirty years ago, the system now in force throughout Italy.

Parma, like Tuscany, had no reason to be especially ashamed of her prisons. They were put on a new and for the period fairly satisfactory footing on the

[1] *Ergastolo.* The word is a survival of Roman times, and is now applied to hard labour imprisonment of the severest kind. The *Ergastulum* was a dungeon for the incarceration of slaves; there were also *ergastuli* on country estates, loathsome underground dungeons, where refractory slaves were confined at night. These poor wretches were always loaded with heavy chains even while they laboured in the fields.

withdrawal of the French, and a code of regulations issued in 1814, when the most ancient places of durance were abolished, provided for the good order and proper care of prisoners. In Modena reform was more tardy. There the prisons had been in the most lamentable condition. "Constructed in the profound abyss of the Rocca Nazionale, they might really be styled living sepulchres." They remained almost without improvement until 1848, when the new governor invited the well-known Herr Obermaier[1] to revise their interior economy, more particularly with regard to prison manufactures, and soon afterwards various laws for the reform of prisons and penal code came into force.

Austria was long responsible for the penal administration of Lombardy and Venice, applying them to her own penal code under very severe and stringent conditions. In those days Austria practised three kinds of imprisonment, known respectively as *carcere*, *carcere duro*, and *carcere durissimo*. The first two were severely repressive enough, but the last-named was enforced with such rigour that it was worse even than death.[2] The prisoner was strictly kept in complete solitude in a cell, with only just sufficient air for breath; he was chained hand and foot, and wore an iron waistband which secured him by a chain to the wall, except when at labour. His food was bread and

[1] The famous Governor of the Munich prison. See *ante*, p. 251.

[2] Rossi, *Trattato di diritto penale.*

water, with a little warm *cibo* (broth) every second day, but never meat; his bed was a bare table (or board), and he was never allowed to converse with any one. This most inhuman treatment was modified as the century advanced; and although severity continued the ruling principle, the feeling that even a prisoner was not below consideration gained ground, that it was wrong to inflict useless bodily tortures, which, moreover, were against the law. A division was made between political and ordinary criminals; the latter became objects of some interest, and the then novel view was promulgated, that amendment as well as punishment should be kept in view. One curious practice obtained in the Austrian prisons of North Italy, that of subjecting criminals to medical experiment. Where any useful results might follow, the prison doctors might try new medicines and new methods of treatment; at the same time the doctors were to closely watch the effects of penal discipline. Nevertheless, in 1847, after the rising against Austrian dominion, the prisoners were found in the most miserable condition.

The best known complaints were from the political prisoners, and some of these, like the charming memoirs of Silvio Pellico, have a world-wide reputation. Alien rule is invariably harsh in its coercion of all who oppose its supremacy, and no doubt Austrian authority showed little mercy to the patriot foes who fell into its hands. The measure meted out to Silvio Pellico and his fellow-patriots was cruel in

the extreme. The prison of Santa Margarita in Milan was so damp that the greater number of State prisoners confined in it lost their hair; its dungeons were so dark and fœtid that they were stigmatized as *cloacæ*, and that in which Count Federigo Confalionieri was kept was called the *cloaca maxima*. They were generally deprived of all books, denied paper and writing materials, put to compulsory labour such as wood-sawing, the knitting of stockings, and the making of lint. In the Austrian fortress of Spielberg, to which some of these prisoners were transferred, the disgusting *Brem Suppe* gained especial reprobation as food too filthy to be eaten. It was made of flour fried in lard, and put by in large pots for six months, then ladled out and dissolved in boiling water.

Out of this chaos of conflicting systems, of ill-digested ideas and half-developed schemes, the Italian Government has bravely sought to evolve uniformity. This has been the task, as already stated, of Signor Beltrani Scalia, who presented a most excellent and exhaustive report to the Italian Premier, on which was based the great law for penitentiary reform, promulgated in July 1889. The recommendations made were most minute, and embraced every point—organization, construction, classification, and discipline.

Speaking broadly, the prisons, when fully reorganized, of Italy will fall under three heads: these are (i.) the "preventive" prisons, for trial prisoners; (ii.) the "punishment" prisons, for the condemned; and

(iii.) the "special" prisons, for all demanding special treatment. The first class are again subdivided into judicial, central, succursal, and mandamental prisons; the second into the *Ergastolo*,[1] the houses of seclusion, detention, or arrest, according to the sentence, which may be one or other of the many known to the Italian code; and the third, or special prisons, will be of the intermediate or agricultural kind, asylums for the weak-minded, workhouse refuges for drunkards, and reformatories. Each of these preceding divisions will take their own categories, under certain conditions, which follow the lines generally adopted in this country; or in other words, the progressive or so-called Irish system. The trial prisoners are as far as possible kept separate, and will in due course be entirely so; the condemned, if sentenced to less than six months, will also be subjected to cellular confinement for the whole term; for longer sentences a period proportioned to the term, extending to seven years in all for the "lifer," in an *Ergastolo;* and to a sixth of the whole term if the sentence is to seclusion. At the end of the first stage, which may be characterized as penal, the prisoner passes on to the experimental period, when for a certain time, the length of which depends upon the report on his industry and conduct, he labours in company, but has a separate cell at night. Then finally he passes into the intermediate stage, to a prison where he is partially at liberty, an institution copied in theory from the once famous, but long since

[1] See *supra*, p. 293.

disestablished, farm prison of Lusk, which was the last stage in the Irish system.[1] A number of subsidiary services are intended to work in to this general organization, such as the council of supervision, the committees of visitors, both appointed in the neighbourhood of prisons, and intended to watch over the progress made by the prisoners.

Such is the comprehensive scheme which some day will find itself established in Italy. Under it, and indeed before it can be said actually to exist, the entire revision and extensive reconstruction of prisons is necessary. These are already carefully planned. A detailed list of existing prisons, their present destination, and the *rôle* which they are to fill in future, is added to the last law for prison reform (June 1891). Ancient *bagnes* become *ergastolos* or houses of seclusion; correctional prisons, houses of detention; penal colonies intermediate, into intermediate prisons. The last-named will eventually replace the "colony of enforced domicile," which has been an especial feature in the Italian system, and under which prisoners provisionally released are allowed to work at large under the general surveillance of the police. This system has not met with much approval. It has produced results very similar to those seen in our Australian colonies, but accentuated, owing to the growing preponderance of the criminal element in small communities. Thus, at Lipari, where there were 700 of these licence-holders (*coatti*),

[1] Irish System, see vol. ii.

with only a few police and a small military guard, many crimes were committed daily, and the condition of the island deplorable. Signor Nicotera, the Italian Minister of the Interior, frankly admitted, in the Italian Parliament in 1891, "the failure of enforced domicile." "Those whom we send to it," he said, "are not suitable people, and the idleness to which we condemn them makes them worse." The worst features of these colonies of *coatti* is the ascendency of the worst colonists, and the always baleful influence of the Camorra, to which subject I shall return.[1]

Unhappily there is still a wide gulf between theory and practice in Italian prison reform. That the Government means well cannot be doubted; but new prisons cost money, and the first call on the Italian finances is at present for military expenditure. Not only has little been done as yet, but the monies saved on prison estimates, and intended for reconstruction, were last year impounded for current maintenance. Progress cannot be very rapid when money saved on one account is borrowed on the other. Italy at present can only boast of four prisons in which cellular imprisonment can be seriously attempted: those of Milan, Turin, Perugia, and Caćliani. In the budget for 1891-2 the reporter, Signor Romanin-Jacur, hoped that two more years would place at the disposal of the administration some 2130 separate cells and 1318 night-cells, or separate beds; but 7000 of the former would still be required, and

[1] See *post*, chap. ix.

30,000 of the latter, before the new *régime* can be carried out in its entirety; the whole of which could not be accomplished for less than seventy-six millions of francs. The only consolation the reporter could offer was, that in other countries, the most progressive and enlightened in prison administration, such as England and Belgium, reforms had extended over a long period of time. A perfectly plausible excuse but for the qualification that in both England or Belgium the movement forward has always been continuous, the progress always towards improvement.

CHAPTER IX.

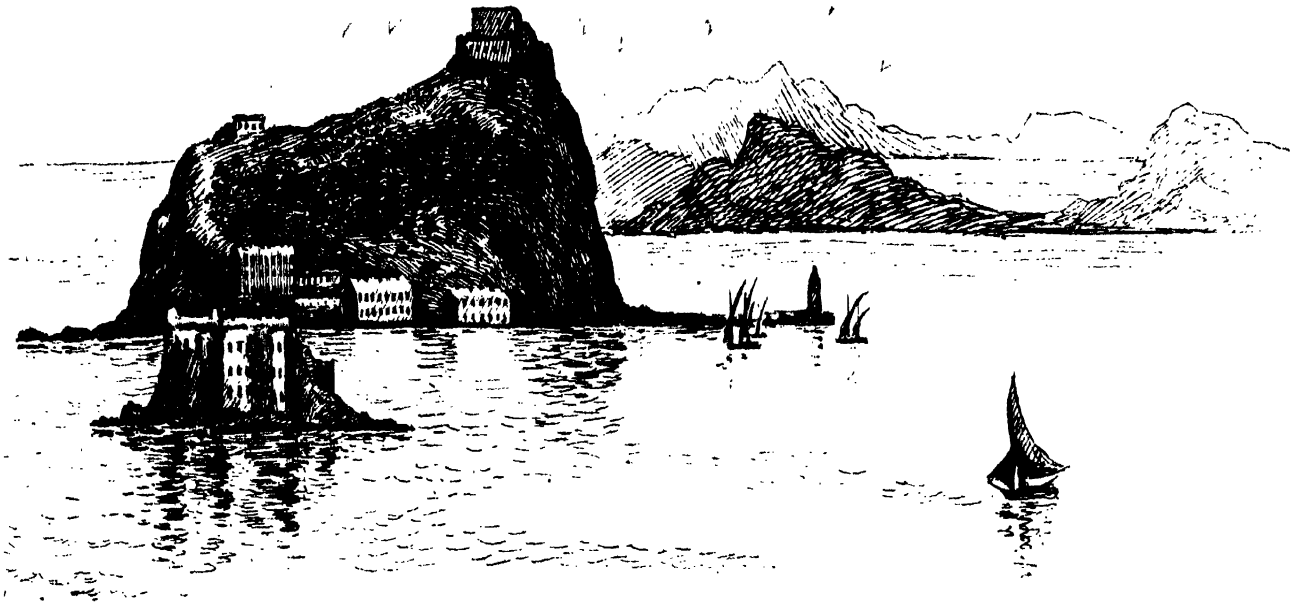
ITALIAN PRISONS.—NISIDA AND THE CAMORRA.

A visit to Nisida—Its beautiful surroundings—Its lodgers—Their labours and discipline—Abyssinian prisoners—Description of buildings—Appearance of prisoners—Nisida in the past—Baiocchi—An Italian political convict's story told me at Chatham—Said to be innocent of offence for which doing penal servitude—His account of old Neapolitan prisons—St. Elmo—Vicaria—The Camorra—Their despotism in gaol—Usurpation of power—Nisida a hell upon earth—Escape, weighted with dangerous secrets—Persistent persecution—Plots to kill Baiocchi—Narrow escapes—Returns to Chatham—His ultimate fate—The Camorra generally—Still flourishing in *coatti*, or colonies of enforced domicile—Latest authorities, their description of the *coatti;* a great failure.

I WAS permitted to inspect one Italian prison of the bagnio class, that of Nisida,[1] on the island of that name near Naples, just when the foregoing measures of reform were being discussed. It was still carried on after the system introduced after the Bourbon downfall; and although not in harmony with the latest ideas, was a very well disciplined and fairly presentable prison. The prison, which "to the passer-by looks hardly bigger than a martello tower,"[2] crowns the summit of

[1] Nisida was the place of refuge to which Brutus fled after the murder of Cæsar.

[2] Mr. Gladstone, *Letter to Lord Aberdeen*, p. 31.



THE ITALIAN CONVICT PRISON OF NISIDA, NEAR NAPLES.

the hill, and is sufficiently commodious for 500 inmates in the "congregate" or barrack-room system. Its situation is unrivalled, commanding the Bay of Naples on one side, that of Baiæ on the other, with Cap Misenum and the islands of Ischia and Procida beyond. Its lodgers do not care as much for the view as for the privilege of purchasing wine, fruit, or tobacco at the canteen; the means for which they can procure by their industry. I found all pretty busily employed; a large contingent on shoes and slippers; others were tailoring, weaving at quaint, old-fashioned looms or spinning-wheels, and turning out an excellent cloth-like canvas. A few specially well-conducted convicts were employed beyond the walls in the gardens, olive-grove, and farm. Nisida is famous for its oil. Its lemons grow to a gigantic size; its cows give excellent milk, which is churned into excellent butter. All these operations are entrusted to the prisoners. Over the outer gateway is an inscription "Sine Pecuniâ," purporting to explain that the prison was built at no cost, the expenses having been defrayed by the sale of rabbits, with which the island was at one time overrun. They were caught in large quantities by the prisoners, and their skins sold. Much of the farm-work, at the time of my visit, was performed by the Abyssinian prisoners, who with their Prince Dejeac, were here expiating a charge of conspiracy against the Italian Government. They were very mild-eyed, harmless-looking men—nearly all black Africans of the pure

negro type—and they shrieked with delight at the coppers given to them to spend in cigarettes. One of them, a convalescent in hospital, attached exaggerated importance to our visit, and plumped down on his knees, with his hands raised in supplication, hoping we would pardon him then and there.

The interior of the prison is like that of a castle or tower, a winding staircase giving upon rooms floor after floor, the windows of which look on to the sea. The centre is an open courtyard used for exercise, and I saw a large number there mingling freely, and not walking round and round in Indian file. They were rather desperate-looking men, and would assuredly have satisfied Professor Lombroso as to their possessing the characteristics of the criminal type. All wore chains, leg-irons hanging to a waist-belt, and a red uniform, somewhat startling to English eyes, accustomed to connect that colour with an honourable profession, or a royal livery, and not with crime. These chains at night are made fast to the foot of the bedstead. In cases of misconduct, when the prisoner is relegated to the punishment-cell, this chain is attached to a ring in the cell wall, and its wearer can move only its length through the open cell-door into the central court. But the prisoners were orderly and gave but little trouble, as I was told. Serious insubordination was very rare; escape from such a sea-girt fortress all but impossible. If a fugitive could elude the military sentries, there were the shark-haunted waters at the base of the rock.

The prison was clean—obviously it was often swept and garnished—although fresh water is a scarce commodity in this elevated position, and every drop must be brought over from the mainland. There is the sea below available for scrubbing purposes; and all the stone floors and passages are washed daily—a very necessary operation in that climate. The whole of the economic arrangements were of the simplest, most rough-and-ready character. The kitchen was a dark, dirty-looking den; the soup of cabbage very poor and thin; the bread coarse and black; but the bedding was ample, the clothing good, the physique of the prisoners excellent. All utensils were of quaint shape: some coppers of classical form might have come straight from Pompeii. In the bakehouse the bread was being prepared in a primitive sort of trough, kneaded by a patient donkey in a roundabout turning a wheel. Nisida, I was told, differed but little from other prisons of its class at the time, although under the reformed system, when it is in existence, its whole character will be greatly changed.

What Nisida was in times past—in the last days of the Bourbons—I had gained some idea from the description of one who had passed through it, and whom later hard fate landed in an English prison.

He shall tell his own story. I will only preface it by remarking that I had never an opportunity of testing his facts as regards his English arrest and conviction, although his account of the Camorra in the Neapolitan can be fully corroborated.

It was at Chatham convict prison in 1870-1.

"You speak Italian, don't you?" I was asked one day by Father Driscoll, the Roman Catholic priest.

"After a fashion, yes; at least I understand it when spoken. Why do you ask?"

"There is an interesting convict here who has a good deal to tell—some rather strange experiences—I gather from him, but he will not speak except in his own language, he says."

"Is that his only reason?"

"Well, no, I tell you plainly, I believe he distrusts me, rather. He is not, and can never have been, a very faithful son of the Church, and I'm afraid he is not too fond of a priest," said the old man, with a half sigh.

"Do I know him?"

"I suppose so. He is called Botcher by the officers; but his prison name is Gianbattista Baiocchi. What his real name is I have no idea, but it certainly is not Baiocchi. I believe him to be a man of good birth—possibly of rank—high rank."

"Duke or prince perhaps?"

"Why not? It would not surprise me," said Father Driscoll, quite seriously.

"Still, he is a convict. He must have committed some crime."

"He was *accused* of one, and duly found guilty. But I firmly believe he was innocent."

"Oh! Father Driscoll, after all your experience! An innocent convict!"

"I have reason for what I say. This man has, I really believe, been the victim of some conspiracy. He knows something; is in possession of some dark and dangerous secrets by which certain people are compromised. I cannot say who they are, but they are unscrupulous, prepared to go any length, and are possessed of both power and the means. They considered it necessary to send him in here out of sight."

"Why did they not make away with him outright? He could have told no secrets then."

"Simply because he would be more dangerous dead than alive. What, I suspect, they fear—mind you, this is only surmise on my part—is not mere verbal betrayal, but the production of damaging documents, papers that tell their own story, which would still be produced—inevitably so—if he were known to be dead. His death would be the worst thing that could happen them. The papers would then fall into the wrong hands, or be used by the wrong people."

"Why have not these people acted already? since he disappeared? since he came here?"

"They heard of his misfortune, and believed he was really quiet. Any way they know he is still alive."

"And do you mean to tell me that it has been possible for these unprincipled ruffians to utilize English law to help them in their nefarious schemes? that they had the power to get him sentenced to penal servitude for seven years? I'll never believe it. It could not be, in free England, with our admirable judicial system!"

"As to that, I have heard a good deal about our admirable judicial system; from the other side of the dock, so to speak, I have often heard it called iniquitous and unjust."

"By those who run their heads against it, of course."

"Well, when I see one man get months and another years for precisely the same offence, but from different judges, I cannot call the system fair. But it's too big a subject to discuss now. I can only tell you that I *know* the law falls unequally, and I could give you many instances from among my own flock here. But about Baiocchi, when will it suit you to see him? It must be soon, as he goes out in a week or two."

A day or two later I was sitting in the priest's little private office, when an officer brought Baiocchi in. I found that I knew him well by sight, and had often noticed him. His appearance was very striking. There was nothing of the convict about him but his clothes. Being near his release he had been "allowed his hair"; for three months, that is to say, he had escaped the prison crop with the barber's mowing-machine, and he presented quite a venerable appearance with his snow-white beard and curling iron-grey hair.

Yet there was nothing old or decrepit about him. His eyes were bright and clear, his eyebrows still black, he was neither bent by labour nor cowed by disgrace. He owed something of this, perhaps, to the

regularity of his convict life, with its spare wholesome diet, active employment in the open air, and general freedom from external worries. The day may come when a short sentence of penal servitude will be ordered by the faculty as the best restorative for the nervous exhaustion and chronic dyspepsia that torment so many in our present high-pressure existence.

"Well, Baiocchi," I said, in the best Italian I could muster, "it is nearly over—you will soon be free—I suppose you are glad!"

He shrugged his shoulders. "I might have been free much sooner had I agreed to their terms. My enemies offered me my freedom again and again. I preferred to remain here."

"How did they propose to get you out?" I asked incredulously. "How did they communicate with you?"

"The most illustrious authorities of this establishment do not know all that goes on inside it," he replied with a smile. "I have had frequent messages, privately, and I am certain that I had but to hold out my hand and they would have compassed my escape. How, I cannot and would not tell you, even if I knew. But they tempted me with it continually, and the bribe was a big one, Signore."

"Well, I will not contradict you; at any rate you did not escape, and you have not found it too pleasant here, Baiocchi, I suppose?"

"Well, Signore, captivity is never pleasant. But

I have been through much worse. A man who was imprisoned in St. Elmo, in the Vicaria, and in Nisida in Bomba's days, cannot fairly complain of an English convict prison."

"Is there a great difference then?"

"*Altro!* difference! The first time I entered St. Elmo, the fortress prison that dominates Naples, I was sent into one of the subterranean dungeons. It was a deep pit; we descended in ladders, and lying at the bottom on filthy straw, only saw a glimmering light high up above, transmitted light coming from a distant embrasure, which gave us air—such air—as well. Our food was thrown down to us like wild beasts, and we fought for each crust, each mouthful of dirty water, our only drink. I was kept there five months, Signore, and left it a mere skeleton clothed in rags, consumed with a malarial fever produced by the foul and fœtid air in that overcrowded sewer-hole.

"But, Signore, bad, horrible, nauseating as was the Castello of St. Elmo, I preferred it far to the Vicaria prison, to which I was transferred. There we fell into the hands of 'The Society'——"

"A secret society? In prison?"

"The Camorra, *Signore*. Did you never hear of it? A defensive league against tyranny, which became the most frightful despotism throughout the Two Sicilies, the utterly unscrupulous form of terror, that has ever existed. Murder was the indispensable qualification of membership, robbery, blackmail, brigandage, its daily business and the source of its

ample revenue. It flourished most, was perhaps most powerful, in the Neapolitan prisons. I came under its influence, and was its helpless victim the moment I entered the Vicaria.

"A big, truculent-looking villain of the lazzaroni type came up to me, cap in hand, and with mock civility demanded alms for 'La lume,' the light which, even in that degraded place, was kept constantly burning before the Madonna's shrine. I had no money, not a baiocchi, and I would send for none, although I had friends outside. They were enemies, politically, and I did not choose to ask them a favour. My refusal, persisted in obstinately, and it was thought contumaciously, was taken in bad part by the Society. I was threatened with its vengeance, and soon saw myself stripped of my few remaining rags. I was horribly, cruelly beaten, deprived of my share of food, and finally warned, plainly, that unless I yielded I should be stabbed to the heart."

"Why did you not apply to the prison authorities for protection?"

The Italian laughed aloud in bitter contempt.

"The authorities were the humble slaves of the Society, feared it more than we did; and, indeed, depended upon it for the maintenance of discipline, as they called it, in the prison. They had abdicated —abjectly surrendered their power into the hands of the Camorra."

"But you were threatened with death. Did they permit prisoners to carry knives?"

"Knives were absolutely forbidden, and so well observed was the order, that the chief of the Camorra could always produce a dozen or two! Now and again the authorities took heart and seized all they could find. Just after that there was often a duel (we had frequent fights to the death), and the chief at once provided the weapons, fresh weapons from some still undiscovered receptacle."

"But as to you yourself, Baiocchi, how did you survive? Did you escape?"

"Not till long afterwards. My only chance was in joining the Society. I became a member——"

"And duly qualified yourself?" I asked, remembering his condition.

"I would have done so gladly if I might have killed the chief. No; I was excused because they were anxious to enrol me. I was thought to have influence; I was a man of position in those days—and, still more, of education—I was sworn in as secretary. They wanted my assistance; I gave it to save my life then. But I had better have surrendered it, for it has been worth little or nothing since."

"Conscience? Remorse? The recollection of evil done?"

"None of these; but sheer terror. I have been like Damocles, always beneath the impending sword.

"I have constantly expected death, a violent death, at any moment, day or night, since I broke the oath and fled——"

"From gaol?"

"Yes. I made my escape, quite unexpectedly, with three others, all political prisoners like myself, although they had not joined the Camorra, nor, so secretly did we work, did they know that I was one. The well-known Carlo P— was one of the three, and he had good friends in this your generous England, and they chartered and sent out a small steamer for the express purpose of assisting us to escape. We were then at the *Ergastolo* (convict prison) of Nisida —perhaps you know that picturesque, castle-crowned island beyond Posilippo, one of the many gems that glisten on the amaranthine sea?

"It was a hell upon earth, Signore, although in natural beauty a perfect paradise. I could tell you some awful tales of Nisida, Signore, where we were chained together like beasts, and flogged into the olive-groves to labour under the sweltering sun. But we broke through its bars successfully, slid down the straight escarpment on to the little beach at the back of the island, and three days after the steamer had signalled herself, were picked up by one of her boats. She brought us safely to this country, and I was once more a free man.

"Only in name, Signore. When I escaped I carried away with me a portfolio filled with papers of the utmost importance to the Society—list of names, trials, passwords, decrees of death. There was evidence enough in them to hang hundreds, so that their possession was dangerous in the extreme. It has been immeasurably more so, since some of those very

Camorristi have come, through the vast changes of recent years, to be prominent personages. They are at my mercy, and they know it. By hook or crook, fair means or foul, they would have me surrender the power I hold over them. But I have fought them, resisted them, and will do so to the end."

"Only at the constant deadly peril of your life? You say they are implacable; would it not be wiser to yield?"

"Never! They shall never be released. Never, so long as I can retain my hold."

"You are sure the papers are in safe keeping?"

"Sure? Well——" A grey look that spoke of deep inward misgiving came over his tan dark face. "I hope so. If not, God help me—they are all that stand between me and instant death—my life would not be worth an hour's purchase if those protecting papers have been got away and destroyed."

"How soon shall you know?"

"Before I get many yards from Charing Cross. I am down for the Discharged Prisoners' Aid Society, not as a matter of form, either—I must have employment—I have no means of my own, no friends, none at least that I would ask, or who would help me if I did. Indeed, Signore, I would much rather stay here, and not go out at all," he said wearily, but with evident truthfulness.

What happened to him on his release I heard from his own lips a night or two afterwards when again a prisoner. He had been recommitted to Millbank,

with "licence revoked"; and he was sent on to Chatham to "finish his ticket"—in other words he had lost his ticket-of-leave, and had to serve out the unexpired portion of his original sentence.

"What, Baiocchi!" I cried, "you here again!"

"Yes, sir, and glad to be here too. I feel once more safe, now I am in her Majesty Queen Victoria's keeping."

"Tell me all about it."

"Well, I went to Charing Cross, Signore, saw the agent, and was told at once that there was work waiting for me at a plaster-cast maker's. Some one who wished to remain unknown, but a friend—probably a countryman—had come to proffer it, in the most kindly way. Took a great interest in my case, and was most anxious to help me. I saw the snake in the grass. There would have been little hope for me if I had gone to that plaster-cast maker's! My enemies were on the alert, and evidently prepared to injure me. The danger seemed so urgent that I persuaded the agent, although he was much disgusted with me for refusing the situation, to let me out by the back door, and to pay me my prison gratuity into my hand.

"I saw the treachery at once, Signore, the snake in the grass, and promptly refused the situation. I should not have held it long! But why had my enemies tried thus to get me into their power, you will ask, directly I was released? I had grave misgivings, and feeling that they were on the alert, no

doubt in waiting for me at that moment outside, I persuaded the agent to let me leave the office by a back door. I thus eluded them for a time. I sold my 'liberty suit,' the clothes given me on my discharge, as they might have betrayed me, spent my little hard-won prison earnings in other clothes, and went to the sure quarter—as I thought—where my documents were lodged.

"It was at a solicitor's, a highly respectable man, whom I had myself seen deposit them, years before, in his iron safe. He had sworn to me then that there they should remain until I asked for them in person. On proof of my death—and he was to consider that no news from me for twelve months meant that I was gone past the need of them—he was to send them to the Italian Embassy with a letter I had written, urging their immediate despatch to Rome.

"'They are safe, the papers?' I asked breathlessly, when I was shown in.

"'You must be silly,' he replied. 'I have no papers. You came yourself for them—as you warned me to expect you. Here is your receipt.'

"He had been fooled cleverly, or he had been bribed. How they had obtained their information I never knew, but they came to him personating me, and robbed me of my life. After this I knew that it was all over with me. There was no hope for me, no telling when or how the blow might fall. My life had long been forfeited. Now at last I might expect my doom."

"You talk as though it was a simple matter to commit murder in this country," I protested.

"It happens more often than the public suppose," said the old convict significantly.

"Well, at any rate you are still alive to tell your tale," I answered with a laugh.

"Ah, eccellenza, yes. But if I have escaped so far it was through my own precautions. I gave them no more chance than I could help, and I will admit that it is not easy to strike a man down in broad daylight and evade the consequences. I took care never to go out except during the busiest part of the day. I got work from a law stationer, and lived close by, just north of Chancery Lane. At night I locked myself in, yet twice I narrowly escaped death. Once I was run down by a hansom in Holborn——"

"But that might have happened to any one," I said.

"I saw the man drive straight at me, and I *knew his face.* Not a doubt of the intention, Signore. The second time I rather rashly passed under some scaffolding, and a hod full of bricks was let fall straight on my head."

"Possibly pure accident also."

"Yes, if I had not heard these words in Italian: 'Next time, or the next, one day, some day, your fate is fixed.' After that, Signore, I lost heart, and thought it wiser to take refuge with you. Your hospitality is never denied to old convicts," he went on with a pleasant laugh. "Old hands are always the

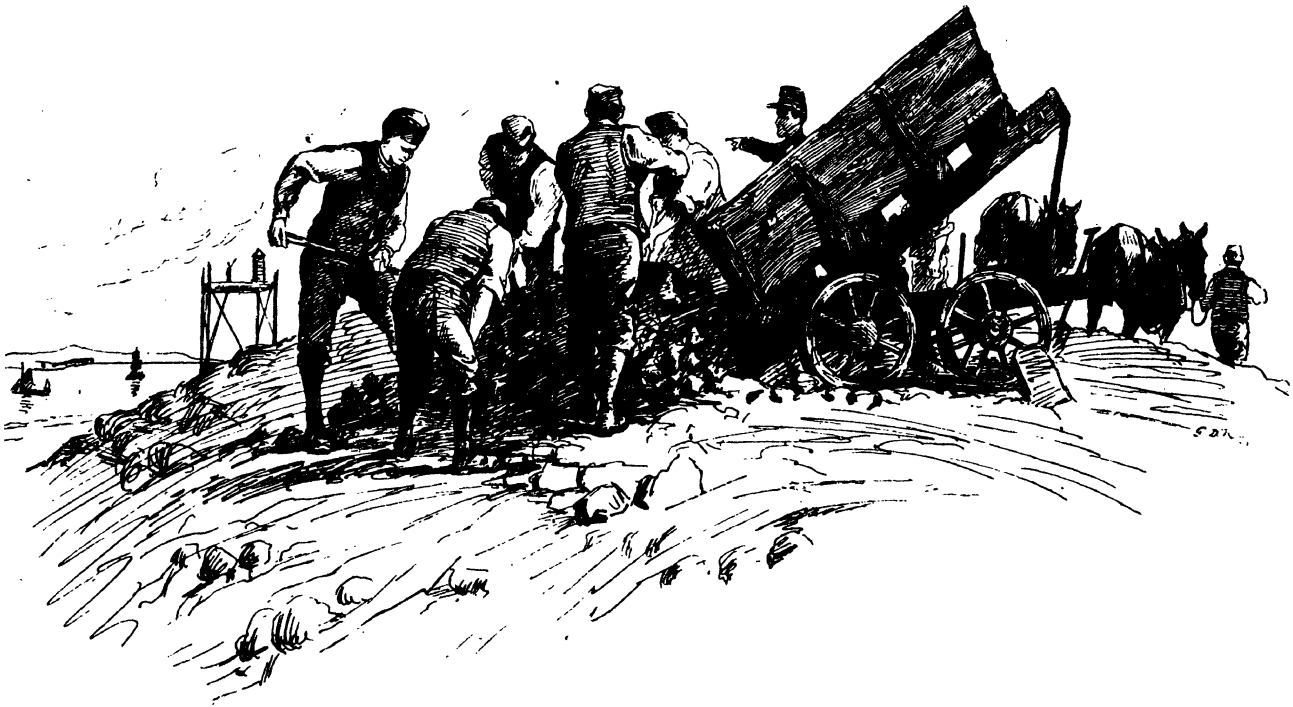
first run in, and the police 'took me' quite as a matter of course when I gave them the chance."

"What did you do?"

"Dashed my hand through a pane of glass in a jeweller's window. I was at once arrested, identified, and here I am. I trust, Signore, you will take into your merciful consideration all that I have suffered. Give me an easy billet. I am getting old and not quite fit for 'hand graft'" (labour with the shovel).

Baiocchi had always been an exemplary prisoner, willing and active according to his strength. He had a fair claim to the lighter kind of employment, and was presently put in charge of the horses which dragged the trucks, heavily laden with clay, to the "tip," where they tilted and emptied over the bank. This job gave him permission to wander at large all over St. Mary's Island. There was no fear for old Botcher. What object or inducement had he to escape? He was perfectly happy and contented where he was, safe, as he felt sure he was, from his foes.

Safe? One day he was at the foot of the long incline up which every train of trucks was hauled by a steel rope worked by a drum and steam-engine above. It was part of Baiocchi's business to make the rope fast to the first truck and give the signal to haul. Through some terrible oversight, from pure accident perhaps—out of direct intention, no clear and distinct proof was ever obtained—one of the coupling-chains broke, and more than half the



EMPTYING WAGGONS AT THE TIP, CHATHAM.

convoy, six or eight trucks, dashed back and fell, one over the other, in an awful jumble at the bottom of the incline.

Baiocchi was beneath them, and, when finally extricated, nothing remained but a shapeless, unrecognizable corpse.

As I have said, no suspicion of foul play existed. It was a pure accident, so far as we could ascertain. But had the poor old man survived, he would have traced the weak coupling-chains to the Camorra.

It might be supposed that the baleful tyranny of the Camorra, which was an undoubted fact based upon undeniable evidence,[1] had now disappeared from the Italian prisons. Yet according to the best authority, the Society still flourishes in the south, and especially in the convict colonies established in the various islands of the kingdom. A writer in the *Archivo di Psichiatria*, Signor Pucci, states positively from his personal knowledge that the Camorra is still ferociously active. It is absolute master in every colony; although by no means numerically strong, by its admirable and unscrupulous organization it rules despotically, despises laws and regulations, and sets the authority of all prison officials at defiance. Brutal violence may not be often practised as of old, but the Society still extorts blackmail from the rest of the colonists, adopting several nefarious methods of obtaining money. One is by forcing on play, and the Italian, bond or free, is always eager to gamble;

[1] Cf. *La Camorra*, Marc Monnier, *passim*.

another is by the most extortionate usury, at twenty or thirty per cent.; a third is by forcibly impounding the earnings of those who work. The Camorrista is king of the prison barrack-room; he superintends the distribution of rations, seizes the best morsels for himself, lets his comrades take next pick, and leaves the refuse for the outsiders, who do not belong to the Society. When new arrivals appear in the colony, if they have money or decent clothes, they are made drunk and then robbed. The first sight, says Signor Pucci, that strikes the visitor is that of a number of lazy truculent ruffians lounging idly in the sun, or strolling and loafing about the yards and passages. These are the Camorrists; they are too lazy to lift a finger to shut a door; but on Sundays they appear in smart clothes, wearing watches and chains, the proceeds of their extortion. As these *coatti* (ex-convict colonists) are mostly criminal men, it is easy to understand how soon this corrupting association drags them down; even angels would not escape contamination. The authorities are powerless to protect them, or to control the infamous practices of the Camorra. This is alleged to be the cardinal defect of the colony, and those who know declare that wherever Italians of the dangerous class congregate together in their freedom, the Camorra will always exercise its baneful control.

These agricultural colonies composed of the *coatti*, or provisionally released, with no obligation but that of domicile, were intended to carry out the idea of the

old and long-abandoned because unworkable "Intermediate prisons" of Ireland. They were established in the first instance upon the two islands of Pianosa and Gorgona in the Tuscan Archipelago, and others were afterwards added in Monte Christo and Capraia. The theory was excellent; agriculture was to be taught these enforced colonists, the scientific culture of the olive, cereals, and vine. In practice these colonies have become not only a hotbed of vice and iniquity, but their unchecked demoralization has spread terror through their immediate neighbourhood. In Italy the intermediate prison has certainly proved a failure.

CHAPTER X.

SPANISH PRISONS.

Original intention of prisons—Punishment, personal in Spain—The galleys; banishment—Irons and methods of chaining—African *presidios*, Oran and Ceuta—Decree of 1834 classifying prisons—Terrible abuses, many still existent—Tyranny and greed of Spanish gaolers—Everything had its price—Theatrical performances permitted in gaol—Fraud of the buried treasure, or *entierro*—Lawlessness among prisoners—Frequent quarrels and duels to the death—Hospital full of wounded—Prisoners employed as officers—The *Cabo de Vara:* half galley-slave, half public functionary—How Colonel Montesinos achieved extraordinary results in the prison at Valencia—Present classification of Spanish prisons—Into correctional or provincial and State prisons—The first mostly unsuitable for their purpose—The old Saladero of Madrid—General condition of these provincial prisons—Escapes innumerable—Reform insisted upon, but nothing done till 1876—New prison of Madrid—That of St. Sebastian the latest—*Presidios* in Spain and in its colonial possessions—Cruel treatment of *presidarios*, or convict *presidios* all deplorably bad—No attempt at cellular separation—No regular employment—Few schools, fewer hospitals—Yet low death-rate relatively, although statistics untrustworthy—Terrible overcrowding—Spain anxious to adopt progressive treatment—Some account of Ceuta, where it is eventually to be tried—Extraordinary features presented by Ceuta as a convict settlement—Good conduct of convicts—Causes not fully explained—General condition of Ceuta seems terrible—Evidence of an eye-witness, Mr. Cooke—My own—That of the *Times* correspondent in 1876.

PRISONS in Spain were originally intended as places of safe custody, and not for correction. Punishment

was personal, as in the other Latin nations, and was chiefly mutilation, stripes, or death. That prisons were not considered penal places is shown by the absence of any provision for their support. Those who were incarcerated paid for their own keep, or begged, with official sanction, either by hanging baskets out of the gaol window, or by roaming through the streets, still in custody, but seeking alms. The practice was permitted as late as 1845, when a royal decree refers to the *demanderos de carceles*, or prison mendicants. The need for supplying oarsmen to the galleys, of which Spain maintained five squadrons afloat, led to the invention of forced labour, or slavery at the oar. When galleys were no longer used, the expression *galera* remained as a place of punishment, and by degrees the name *presidio*, or strong place garrisoned by troops, and to which offenders were committed to serve out various penalties. There was the *destierro*, or banishment, for merely military service, and the *destierro* accompanied by hard labour at fortifications or other public works. The chief *presidios* were beyond sea, and the Spanish possessions in Africa, Oran, Melilla, and Ceuta the most favourite. At one time, however (1771), the worst criminals, the most dangerous and incorrigible, were sent to the arsenals of Carthagena, Cadiz, and Ferrol, where they were employed on pumps, and in *maniobras infimas*, the vilest labours, chained together two and two; but the penalty was deemed so terrible, so great the despair

and despondency of those subjected to this interminable suffering, that it never extended beyond ten years. Works were carried on by smaller parties or detachments in mines, on the high-roads, canals, harbours, and fortifications of the kingdom.[1] No exact date can be given of the adoption of the lesser penalty of reclusion, or mere deprivation of liberty without the necessity of hard labour. The prisons for this purpose were called the *galera*, for women; and for men refuges, or asylums; *albergue y clausura* for the first-named, and *albergue y reclusion* for the last. It was not until the publication of the code in 1848 that the two methods were clearly defined and systematized.

Irons, chains, the various kinds of personal restraint, have always been acknowledged and imposed. They are the earliest form of "prision," or imprisonment. Cervantes describes Don Quixote meeting a dozen men chained by the neck, *ensartados como cuentas*, strung together like beads on a rosary[2]; all handcuffed; some with leg-irons and waist-chains. Many laws and regulations prescribed the various kinds of fetters and the manner of their application;

[1] See *post*, p. 348.

[2] It was the rule in Spain, only lately abandoned, I believe, that prisoners should walk from place to place, from the town of trial to the prison or *presidio*, wherever they were to be detained. They made this weary march, sometimes for hundreds of miles, chained together in gangs, the *guardias civiles*, or rural police, conducting them a dozen miles or so, and then handing them over to those of the next district or jurisdiction. Russia alone preserves this cruel and degrading practice.

they were the *guarda amigo*, the "hold-friend";[1] the *esposas*, handcuffs; *grilletes*, shackles; *ramales*, halters, and so forth. A royal decree in 1804 laid down the rules for chaining in the naval arsenals. There were five kinds of *prisiones*, and each was applied according to the classification of the convict. But the most precise instructions for the use of irons was contained in the regulation of 1844, which directed that all sentenced to two years and less should wear a four-pound chain, fastened with two light connecting links short at the knee; those for four years had a chain of four links, weighing six pounds; those for from six to eight years the same, but of double thickness, and weighing sixteen pounds, while the wearers were coupled together two and two. These chains might not be tied up or eased off, but were supposed to hang loose and show outside the trousers.

The organization of the African *presidios*, Oran and Ceuta, was initiated in 1716, on elaborate lines, which dealt with treatment, safe custody, labour, the latter including the concession of individual service to officials and private persons in the colony. A later regulation of 1743 throws a strange light upon the discipline in force; one paragraph runs that

[1] There is a double handcuff, known in old English prisons, called, "Come along with me." One cuff fits on the wrist, and fastens with a spring. The other half of the handcuff in the hand of an officer can be made to act with its tremendous leverage as an undeniable "persuader." Hence its nickname.

the *cabos* (warders) may use towards the ill-disposed who will not work "a certain severity, a chastisement, but being ever careful not to wound them in the head or principal limbs, nor to use any stick or cutting instrument that might do much harm." In the galleys blows were prohibited except at the oar, at which they were employed as a driver flogs a horse to produce his greatest effort.

A royal decree in 1834 divided the Spanish prisons into three classes, which were devoted to three categories of offenders. These were (1) the *depositos correcionales*, one in the capital of each province, which took all sentenced to two years and under; (2) the *presidios* of the Peninsula, for all above two years and under eight years; and (3) the African penal settlements, for all above eight years. Various subsequent decrees further provided for the division of punishments—into perpetual chain, temporary chain, perpetual and temporary reclusion, *presidio mayor*, correctional *presidio* and *prision mayor*—a classification which exists to this day, the several penalties being undergone in various prisons, of which I shall speak more at length directly.

Although two Spanish writers in the sixteenth century, Bernardina de Sandoval and Cerdan de Tallada, first raised a protest against the revolting *régime* of prisons then, nothing has been done yet, and the prisons of Spain are still at the end of the nineteenth century in a very unsatisfactory state. Many terrible abuses prevailed till a recent date; it

will be long before others entirely disappear. Borrow[1] spent some weeks in the chief prison of Madrid, and found its worst features were not the neglect and overcrowding. Far worse was the tyranny and refined cruelty of grasping officials, whose only idea was to turn their places to profit. Their ingenuity devised all manner of ways of grinding money out of their lodgers. Everything had its price. For money a prisoner might go home and spend a night in his own house with his family, or he might purchase sensual gratification within the gaol. Leave to work at any trade, even those that formed part of the prison discipline, was only to be bought. The gaoler not only charged for "casement of irons," as was the case in old English prisons, but made labour more severe until their demands were satisfied. With peculiar refinement of cruelty, it was his custom to grease or oil the palms of the hands of prisoners set to raise water from the well, so that there might be less grip on the rope, and the work had frequently to be done over again.

Money gained admission for improper and unauthorized persons; for wine, spirits, and deadly weapons. On a sufficient payment prisoners were permitted to give theatrical performances or mock bull-fights in the Patio or prison yard, which spectators viewed from windows or the yard itself, according to the prices they paid for seats. These prison theatrical performances were permitted, Salillas

[1] *Bible in Spain.*

says, in the Saladero (Madrid), in Burgos, Ceuta, Valladolid, and Ocana, and there was one in progress at the time of his writing, in the Casa Galera of Alcala de Henares. At Valladolid the theatre was regularly organized by a company with a working capital, to which each member contributed. The theatre was fixed in the blacksmith's shop; the seats were charged at two reales a head (5*d.*); the management engaged and paid actresses for the female parts; and there were two performances, afternoon and night, on *fête* days. By this means free access was gained to the gaol; any visitors came in, male and female, for rehearsals, and liquors were freely introduced for sale and traffic. On one occasion a special grand performance was prepared to *fête* the commandant's birthday. The audience was seated waiting for the curtain to rise, but it was delayed and delayed until the authorities sent round and found that the whole of the performers, and many more prisoners, had decamped through a hole in the outer wall, behind the theatre.

Prisoners also could purchase the right to hawk about and sell food, gazpacho (salad), cigarettes, to their fellows; illicit communication with outside by letter could be bought, especially for the furtherance of a curious fraud peculiar to Spanish prisons, known as the *entierro*, or revelation of buried treasure. This was carried out with extreme cleverness by certain skilful cheats, who wrote in Spanish or some other language to some one at a distance,

promising to reveal the existence of a treasure hidden in a secret spot only known to the writer. One case may be quoted, where the writer pretended to a Spanish officer that he nad received from the Emperor Napoleon's own hands at Sedan a casket of jewels which he was to carry to Spain and give to the Empress' mother, the Countess of Montijo; but the messenger having been compromised in a Carlist or some other revolutionary movement, had been compelled to bury the jewels in a safe place so well chosen that he only could find it. The writer promised to give a fourth of their total value to any one who would send him the two or three hundred pounds to obtain his release. It is asserted that many thousand dollars have been received in the Madrid prison alone through this means.

The lawlessness rampant in Spanish gaols will be better appreciated by some account of the duels, the murderous fights that were constantly occurring, and are still pretty frequent. Between the years 1881-6 there were thirty-four deaths among the prisoners by violence. Quarrels innumerable occur amongst this hot-tempered, bloodthirsty race, having their origin in gaming, political differences, ancient feuds, the thirst for vengeance, greed, and drunkenness. So great was the insecurity to life, and the utter contempt for discipline, that in one year, according to Salillas,[1] there were sixteen murderous assaults on warders, twenty-four fights between prisoners, in which eleven were

[1] *Vida Penal en España.*

killed and forty-two more or less seriously wounded. The same writer tells us of one truculent ruffian, who having owed a grudge against an old wardsman or prison official, attacked him with a shoemaker's adze, struck him two mortal blows, and then brandishing his weapon in the face of all who would have attempted rescue, repeated his blows till he had killed his enemy outright. Where money was not forthcoming to purchase knives or revolvers from outside, the ingenuity of the convicts was brought to bear upon the manufacture of murderous weapons. Thus a bayonet-tip was fixed at the end of a staff, and made a rapier or pike; a scrap of iron hoop or an old razor served the same end. More exact figures are given in the 1888 report, which shows that 221 were admitted into hospital that year with wounds, fractures, and contusions received within the walls. These, it is urged, might not be entirely due to quarrels, but nevertheless the report admits that assaults and fights are frequent in prison under the existing *régime* of association, and on account of the facility with which prisoners obtain lethal weapons. The largest proportion was in Ceuta, which alone had a third of the whole, a fact explained by the liberty allowed the convicts, and their employment on outside labours, such as building fortifications, which put weapons into their hands.[1]

Another evil, which is frankly expressed as a

[1] The precaution of strictly searching prisoners on going or returning from the works was evidently quite neglected.

"fundamental defect" in Spanish prison administration, is the necessity, owing to the paucity of proper officers, for employing prisoners largely in the service and discipline of the prisons, a practice generally abolished except in China and our Indian Empire. The only and somewhat strange excuse offered for it in Spain, is that in the absence of a thoroughly effective staff which would watch over the safety and good order of the prison, a guard of prisoners is an excellent substitute. As the latter maintain close and direct relations with the whole body, they can be held immediately responsible for good order, can check the first symptoms of insubordination, and become "the most valued representatives of authority" (*fuerza publica*) in each prison. The system has also the prescription of long usage. It was in force in the sixteenth century, and is referred to by the Licenciado Chaves in his account of Seville gaol. There the very gate-keepers were prisoners; they were also watchmen *bastoneros*, or holders of the batôn, or wand of office, the same as *cabos de vara*, "corporals of the stick," and to this day they are known as *patenteros*, or persons appointed by patent to perform particular duties. As the whole security of the place was thus entrusted to those whom the law intended to keep safe, the old writer just quoted might well exclaim, "*Dios guarda la carcel:* may God preserve the gaol!"

The Spanish authorities make no attempt at defending this practice. They can only urge that it

is economical, admitting that while it lasts the Spanish prison discipline must suffer from "its traditional defects." The extent to which it is still used in the *presidios* is shown by the published returns. There were in 1888, 1187 prison-warders or *celadores*, as the turnkeys are styled, upon whom the great bulk of prison duties devolved; 371 prisoner clerks, 30 *cabos de vara* or overseers, 125 orderlies, 275 *cuarteleros* or barrack-room cleaners, and 3000 or 4000 more employed as sacristans, grave-diggers, hospital assistants, schoolmasters, herdsmen, watchmen, bandsmen, drummers, and "shouters" or *voceadores*, for commands in Spanish prisons are communicated as by boatswain's mates, by word of mouth. So that *el grito*, the noise, is one of the most discordant elements of prison life.

"Who is the *cabo de vara?*" asks Salillas. "A hybrid creature, born of the law, and of crime; half murderer, homicide, parricide, robber, and half an official invested with executive authority. Half galley-slave on the chain, half public functionary chosen from the worst dregs of society." Two specimen cases may be quoted in proof of this: that of Pelufo, who murdered a warder in Cartagena, and who escaped, cutting his way out knife in hand, from the *presidio* of Saint Augustin; and Carrillo, who slew a fellow-convict in a duel in the *presidio* of San Miguel de los Reyes. They were appointed prisoner officers "as a reward for their services to penitentiary science," as Salillas ironically puts it. When

quarrels have occurred within the prison, *cabos* have generally been the cause. Organized fights, side against side, have been known, headed by the *cabos de vara;* these tyrants having bought their posts, wish to recoup themselves by extortion; and there are frequent instances recorded where the prisoners have risen against the despotism of the *cabos*, who have only been rescued with difficulty from their hands.

Yet out of these most unpromising materials in one particular instance the most astonishing result was obtained. The triumphant success achieved by Colonel Montesinos, in reforming his *presidio* of Valencia, is not sufficiently known. He entirely transformed it, perfecting its organization, improving discipline, and so changing the character of his prisoners, that on one occasion he trusted a party of them to go unguarded to Madrid in charge of treasure. What the prison at Valencia was under Montesinos is told by Mr. Hoskins from his personal observation during 1837-46.

"When first the convict enters the establishment he wears chains, but on his application to the commander they are taken off, unless he has not conducted himself well. . . . There are a thousand prisoners, and in the whole establishment I did not see above three or four guardians to keep them in order. They say there are only a dozen old soldiers, and not a bar or bolt that might not be easily broken—apparently not more fastenings than in any private house. . . When a convict enters, he is asked what trade or employ-

ment he will work at or learn, and above forty are open to him. . . There are weavers and spinners of every description; . . . blacksmiths, shoemakers, basket-makers, ropemakers, joiners, cabinet-makers, making handsome mahogany drawers; and they had also a printing machine hard at work. . . The labour of every description for the repair, rebuilding, and cleaning the establishment is done by the convicts. They were all most respectful in demeanour, and certainly I never saw such a good-looking set of prisoners, useful occupations (and other considerate treatment) having apparently improved their countenances. . . And besides a garden for exercise planted with orange trees, there was also a poultry-yard for their amusement, with pheasants and various other kinds of birds; washing-houses, where they wash their clothes; and a shop, where they can purchase, if they wish, tobacco and other little comforts out of one-fourth of the profits of their labour, which is given to them. Another fourth they are entitled to when they leave; the other half goes to the establishment, and often this is sufficient for all expenses, without any assistance from the Government." So loyal was the demeanour of the Valencian prisoners, that under the direction of Montesinos they were armed, and resisted an attack made upon the gates of their convent prison by the insurgents in a rising in Valencia. Montesinos has even despatched treasure, bullion and specie, under the charge of some of his convicts all the way from the sea-coast to Madrid. More strangely,

the most extraordinary results were said to have resulted from this admirable method of treatment, and recommittals were reduced from 35 per cent. to barely 1 per cent. There is no evidence forthcoming to show how this reduction was long maintained, and in any case the example once offered by the prison of Valencia no longer exists.

"The present state of Spanish prisons is not enchanting," says an official Report of the Minister of Grace and Justice in 1888. "They are neither safe, nor wholesome, nor adapted to the ends in view." Taken generally, the penal establishments as now existing may be divided into (1) correctional prisons, if there is one in each of the 103 *audiencias* or judicial districts, and which serves for trial and short time prisoners; and (2) the *presidios* or State prisons, whether in the Peninsula or in the African possessions of Spain.

1. *Correctional prisons.* In reply to a series of interrogatories addressed to local authorities, a great mass of information was obtained concerning these prisons, although in too many instances "not known" was the only answer afforded. The queries dealt with the history, site, distribution, condition, capacity, and security of each building; its age, the original purpose for which it was intended, whether as court-house, private house, convent, public granary, fortress, castle, or palace; its position, whether in or outside the town; its immediate surroundings, whether communicating with or cut off from the public streets—the buildings

judicial, municipal, or unsuitable in connection with it; the distribution of its interior as regards court-yards, hospital, school-rooms, dormitories for males and females, dungeons (*calabozos*); the condition of the edifice, whether good, bad, ruinous, or reparable; the various classes of population during a five years period, and the relative capacity to numbers; the general fitness of the prison, especially in safe custody, as shown by the number of escapes.

Some very curious facts and figures resulted from these inquiries. It was found that out of a total of 456 correctional and *partido* prisons, only 166 could be deemed at all suitable as prisons, the remaining 290 having been installed in buildings adapted. The antecedents of more than half were altogether unknown; but of the remainder, 45 were very ancient; 22 dated from the seventeenth century, 52 from the eighteenth, and 86 were of the present nineteenth century. Seventeen of the ancient had been palaces, castles, or fortresses, and 9 of those belonging to the seventeenth and eighteenth century; 119 only of the whole total 456 had been originally designed as prisons; but a few more had been built to serve a double purpose as prison combined with granary, court-house, or town-hall. The housing of the Spanish prisoner must have been largely a matter of chance. Some time in the sixteenth century the prison of Valencia was burnt down; its inmates were thereupon lodged in the Torre de Serranos, which continued to serve as the city prison until 1887, when they were

transferred to the former convent of San Augustin, which had long served as a *presidio*. In Madrid, the capital itself, the ancient prison having been appropriated in 1883 as the site of the new municipal offices, the prisoners were lodged in the once notorious but now extinct *Saladero*, which had been hitherto the *abattoir* and salting-place for pigs. The disused prison is described by a Spanish writer [1] as the most meagre, dark, and dirty place imaginable, although it had a deeper depth, the dungeon known as "hell," which was so pitch-dark that when new-comers arrived, the old hands to make out their faces struck matches which they had made out of their linen steeped in grease saved from their food. When this gaol was emptied, it was found impossible to clean the filth encrusted through long years upon the floor, and the whole place had to be clean swept away before the new buildings were begun. The Saladero was but little improvement on its predecessor; lighted but dimly, having had but just enough air to keep the pork from being tainted. The upper floors were the best, and their rooms were hired out at high rates; all who could not pay resided on the ground-floor, sleeping on the stones, with only a reed mat for bedding. Children and youths were lodged in a windowless loft open to all weathers. They were kept half-starved and nearly

[1] Don Francisco Lastres, a Spanish advocate, who, in 1876, espoused the cause of the ill-used and neglected victims of the Spanish law. Through his efforts the first reformatory for juveniles was established in Madrid.

naked; they were denied the name as well as the rights of human beings, and were known as *micos*, or monkeys. I shall have more to say about the Saladero and prisons of its class.

The bulk of these gaols, 287 out of 456, were in the heart of towns; 160 were in environs; 9 quite outside; 277 only had boundary-walls or means of separation from the public; 264 actually gave upon the streets, so that from every window or grating the inmates could talk freely with those outside.[1] As to the internal distribution, 133 had no yards; only 118 had hospitals; and 19, schools. In many the hospital is a dungeon, appropriated to the sick, but noways differing from others used by the rest of the prisoners. As to the state of the buildings, 165 were good, 152 middling, 84 bad, and 53 absolutely in ruins. Of the total number, 214 only can be repaired, the rest are beyond it. As regards capacity, 215 gaols were sufficient, 238 insufficient for the numbers they contained; but those called sufficient would be deemed the contrary under very stringent rules for sanitation, or as to the proper quantity of cubical feet per individual. Due supervision, which more or less makes up the sum-total of disciplinary requirements, is generally wanting; it is good in 81 prisons, deficient in 264, bad in 106. Necessary conditions to ensure safe custody exist only in 161, so that not strangely escapes occurred in 320 prisons. Figures were sought

[1] The reader is reminded of John Phillip's picture, 'The Prison Window.'

as to the total number of escapes known to have occurred in each prison; but few accurate records had been kept, and the cases reported are supposed to refer only to the most recent. The total number reported were 129 individual escapes, 116 made collectively or in large parties, and 373 others not classified; while Salillas reports that, taking five years, the successful escapes averaged 34 per annum.

Penitentiary reform had been attempted in Spain as early as 1847, when model prisons were devised to take prisoners by classes, but without cellular separation; in 1860 the cellular *régime* was prescribed, and again in 1869 the Auburn system, or work in silence, with separate sleeping-cells. But all these were paper projects, and nothing whatever was actually done until in 1876 a law was passed for the erection of a cellular prison for 1000 in Madrid. A philanthropic deputy, Signor Silvela, had made an impassioned appeal to the Cortes, urging the necessity for drastic reforms. He depicted the horrors and abuses of Spanish gaols in an eloquent speech, which made a profound impression on the House, and throughout the country. Since then Spain has made a very decided although not very far-reaching effort to improve her prisons. There are now eighteen cellular prisons in the country, and more have been planned. Some of the new prisons were constructed before, some after, 1877, the year in which a royal decree established Juntas of reform in each district, charged with the substitution of new prisons on the

cellular or separate system for the old, which, in the words of the decree, were stigmatized "as a blot upon contemporary annals, and a disgrace to national life." These new buildings, which provide in all 1869 cells, vary considerably in plan, and the cubical capacity of the cells give 118·80 cubic metrès to 8·32, the latter seen at the prison of Huercal Overa being quite useless for occupation, "since it is," in the words of the official report of 1888, "not a cell at all, but a cupboard." This particular prison, it may be added, is described as wholly wanting in hygienic conditions. Fifteen of those cellular prisons are radiating and two "panoptical"; the largest is that of Madrid, completed in 1883; the latest that of San Sebastian, occupied in 1889. The Madrid prison is on the most approved model, the cells having a cubical extent of at least 30 metres,[1] with proper ventilation; the building is provided with chapel, hospital, visiting-places, and all necessary dependencies. The plan, as given in the report of 1888, is almost exactly that of Pentonville, the model indeed of all such prisons in the civilized world. The prison of St. Sebastian is small, something under 200 cells, but it is very complete at all points, with baths, yards, offices, and separation of the most approved pattern, the only addition unknown

[1] When completed, the cubical content was as follows:—

Cells for youths	34·65	cubic metres
„ ground floor	33·07	„
„ 1st and 2nd	34·16	„
„ 3rd do.	35·91	„
„ hospital	47·60	„

to our home methods being eight covered-in cellular exercising-grounds. Several other projects have been put forward for cellular prisons, but no very substantial progress has been made. The official report already frequently quoted frankly admits that Spain still lags a long way behind. Many important towns have no prisons at all; most of those existing labour under defects either incurable or rendering the prisons nearly useless, or demanding the most costly, extensive alterations. "Reform," says the report, "has still to be realized, not hastily, but with the repose suitable to the period of calm reflection into which the country, after so many stormy vicissitudes, has now happily entered."

2. The *presidios*, or penal establishments for prisoners sentenced to long terms, answer in Spain to our English convict prisons. Those in Spain itself are at Burgos, Cartagena, Granada, Ocaña, Santona, Valladolid, and Zaragossa. At Valencia there are two, Tarragona has one, and also two convict barracks, while there are two more at Alcala de los Henares —one for boys and the other for females. Palma in the island of Majorca is the seat of a convict prison, and the peninsula of Ceuta on the African coast has seven barracks and buildings appropriated to convict exiles. Of these the only one specially constructed for its purpose is that of Cartagena, which was installed in the arsenal, and corresponds to the *presidio* of Cuatro Torres in La Carraca, and the disused one at Ferrol. The Cartagena *presidio* only a

few years back (1876) left much to be desired. An eye-witness[1] who visited the place, not long after the convicts had been armed to take part in the Carlist rising, describes it as a very poor prison. Each dormitory contained 400; the bedding was merely a rough mattress, and a brown rug; clothing was only issued every two years, the dietaries were supplied by a contractor who robbed the convicts, and supplied only a soup made with beans and water, the ration of oil or bacon being abstracted. That of Ocaña was once a tavern, then a cavalry barrack, and then, when a female convent was added, it became a *presidio*. That of Santona was an old anchor house, and the Pedrera barrack at Tarragona was an ancient shed or "lean-to," employed formerly as offices and hospital when the harbour works were in progress. The Milagro in the same port was once a Byzantine church, which was converted with no other presiding idea but that of destroying the ancient character of the church, adding room after room as the number of prison inmates steadily increased. Other penal establishments have been installed in architectural monuments very much to their injury; the superb convent of San Gregorio at Valladolid, that of San Isidoro del Campo, near Seville, and the beautiful gateway of the Piedad Church at Guadalajara have all been "maltreated" in this way. A thirteenth-century building, with a marvellous cloister, the convent of San Francisco, at Palma in Majorca, said

[1] *Times*, Sept. 1876.

to be a unique specimen of its kind in Spain, has been desecrated by the construction of a prison-yard in its very centre. At Ceuta, one prison called the Barcas was built in the thickness of the Royal Wall; the Jadú was in a cave, a temporary installation during the last war with the Moors, now permanent; the Serrallo, obviously of Moorish origin, is a barrack and residence of a general officer, two of whose stables are appropriated to convicts.

The past prison annals of Spain are full of horrifying tales of the cruel treatment of the Spanish *presidarios*. There is nothing more terrible than the history of the road-making between Puerto Santa Maria and San Lucar de Barameda in Southern Andalucia in 1837-8. The Government, anticipating the later method of some of the American States, leased out a thousand convicts to a contractor who was constructing this road, a fine causeway which is literally watered with the wretched prisoners' blood. These convicts, drafted from the neighbouring *presidios*, were half-starved, overloaded with chains, continually flogged and beaten, so that within a year half their number had disappeared; dead, of "privation, blows, cold, hunger, want of proper clothing and care." It is almost gratifying to add that this inhuman contractor, after making a fortune, lost it, and died in extreme poverty, but not before he had been arraigned for his life as a murderer at the instance of some good people less callous than their Government. Again, the *presidio* at Valladolid was long a by-word.

It enjoyed the worst reputation; the winter climate was most rigorous; the labour in the quarries cruelly severe. The death-record at one time rose so high, that of three thousand convicts, a third died in eighteen months.

The report of 1888 unhesitatingly admits that these *presidios* are all deplorably bad. No attempt has been made to introduce the cellular *régime;* the female prison at Alcala has a gallery with a few cells for selected prisoners, but the only separate cells are the *solitarios* of the Principal Barrack in Ceuta, which are so dark, that their existence is incomprehensible, and a person can only reach them by walking bent double. There are some associated dungeons (*calabozos*) at Alcala as bad as the *solitarios*. The dormitories are of all kinds, from those that are no better than stalls, only worse lighted and ventilated, to those which are like caverns. The sleeping-place of the Milagro at Tarragona already mentioned is like a cave. It is in the centre of the Byzantine church, holds two hundred at night, half on the floor, half on a sort of railed shelf immediately above them. There are ninety-four workshops, great and small, in the whole number of prisons, but the available space is much too limited for the satisfactory development of industries, or the employment of more than 38 per cent. in shops and public works. A percentage of thirty-two are employed in the service of the prisons, but there remains some 19 per cent. always idle, with 9½ per cent. more who are useless. This shows a

marked superiority over the average of prison employment, as it is stated that in 1886, out of 19,000 in the Spanish prisons, 15,000 did no work. All the prisons have schools, "some better, some worse, some larger, some smaller, some light, some dark," but they are still very defective as a whole; hardly any possess hospitals worthy the name, although sickness must be very prevalent, the average being from twenty in the male *presidios* to twenty-five per cent. in the female, although the death-rate is not inordinately high, 2·55 per cent. comparing favourably with that of most European prisons.[1] This death-rate includes a large item peculiar to Spanish prisons, where duels to the death are frequent: so that the percentage due to insanitary conditions is really low, having regard to the generally very crowded state of the Spanish *presidios*. Very exact figures cannot be given under this head, owing to the incompleteness of Spanish statistics; but from a return in the 1888 report, the average population runs between 18,000 and 19,000, and the available space being estimated for about 12,000. But Don Rafael Salillas gives it as much lower, and states[2] that there is only room for 3000 where 18,000 are usually lodged; and in the report already quoted ten

[1] The death-rate in prisons is as follows—

England	...	...	...	1·4	per cent.
France	...	...	...	3·8	,,
Austria	...	...	...	3·5	,,
Belgium	...	...	...	1·8	,,
Japan	...	...	...	2·5	,,

[2] *Vida Penal en España.*

out of twenty *presidios* are described as wanting in accommodation. As there is no "give and take," no transfer from the most crowded to those with vacant space, the ten in question must always be inconveniently full.

Spain may be credited with the best intentions, she is no doubt anxious to reform her penal system, and now proposes to adopt the plan of progressive stages, beginning with close imprisonment and ending with conditional liberty, which has been called the Irish or Crofton system, although really known and practised much earlier in England. The African settlement of Ceuta has been selected as especially well suited for the purpose. It dates back to the fifteenth century as a penal colony, and since the seventeenth it has been a strong-place of arms; its free population is on excellent terms with the convict, the result of long years of close industrial and domestic relations, and has never agitated, like some of the large cities of the Peninsula, Burgos, Valladolid, and Zaragossa, to be rid of such dangerous elements; it offers all the advantage of their removal to a distance where they can be utilized in the service of the State, and in employments that will not unduly compete with free labour as in the mother country. So Ceuta has been organized as a colonial penitentiary, the germ of others upon the African littoral. Here great hopes are entertained of success in this new trial of an old experiment. According to official accounts, Ceuta anticipates the millennium, and on

that favoured spot the wolf and the lamb already live side by side. The convicts, while awaiting the construction of sufficient cells to provide "separate imprisonment" for the first stage of the new system (and as yet [1] Ceuta appears to have none), live in association of an indiscriminate and corrupting kind, and until they have earned the privilege of taking service with private persons, are employed in public works. They fetch and carry materials for the fortifications and buildings in progress; they make and mend roads, cultivate the ground, are painters and photographers, shoemakers, tailors, clerks; when admitted to go at large they take service, become language and dancing masters, professors, lecturers in art, science, and philosophy. "There is more than affinity, there is a kind of organic dependence," says Salillas, between the free and convict population of Ceuta. "After so many years of a common life," says the report of 1888, "the convict element as it exists in Ceuta has come to be considered indispensable, and it is impossible to conceive how the place could exist without it."

No wonder that Spanish writers and publicists regard this convict settlement with some complacency. If all official and purely Spanish accounts are to be believed, the present condition of Ceuta is unique in penal experience. It is not a prison, but the home of a happy family, in which the most opposite elements live in peace and concord. Its 3000 convicts, some of the worst offenders in Spain,

[1] Report of 1888.

are free to come and go within the limits of the settlement, and make no ill use of their liberty. There is less crime in Ceuta than in any town of its size on the mainland. "It is to all intents and purposes a convict city," says Salillas. "The convicts walk about like ordinary citizens," says another observer.[1] "No one notices them in the streets, or avoids them at any hour of the day or night." Every door is opened to them; they find service and employment everywhere. "Who is the coachman who drives you?—a convict. That servant waiting at table?—a convict. The cook who cooked the dinner?—a convict." The convicts are kind and attentive nurses; they wash and mend the linen, go shopping, polish the floors, make the beds, perform all domestic services. "No one asks them what they have done; although every one knows they have committed thefts, forgeries, perhaps murders, so long as they conduct themselves well in Ceuta they are called good prisoners"—faithful, sober, hard-working, respectful, and intelligent. Now and again the good prisoner remembers what he was; his old instincts show themselves, and he goes wrong. But these cases are few, and "I can certify," says Relosillas, "that during a whole year there were but three or four instances of crime amongst the convicts employed in domestic service."

It may be some explanation of these seemingly remarkable results, that the convicts made free of

[1] Relosillas: *Four Months in Ceuta.*

the city are in the last stage of their penalty, and have passed thorough periods of probation, although not cellular, of instruction, and associated labour, and lastly of conditional liberty from "gun to gun"—from dawn to nightfall, that is to say—and have proved their fitness for greater freedom. There is a strong resemblance between Ceuta and Sydney, New South Wales, at one period of transportation; but in the English colony, crime, drunkenness, and debauchery very generally prevailed, and that Ceuta escapes similar evils is simply marvellous. It must not be forgotten that its convict population comprises many sentenced for life or long terms, many reprieved from death; that many are negroes, Cubans, or Chinamen; that hundreds of former associates and confederates, male and female, have come to live in Ceuta near their friends; that the troops in garrison belong to a discipline corps recruited among the ill-conducted soldiers of the army; and last, not least, that the convicts are nearly as numerous as the free inhabitants, if from the latter women, children, and notorious characters are deducted. Moreover, the so-called gaol discipline is of the mildest kind. The prisons are not places of punishment. Hear what an independent witness writes from the opposite side. Doña Concepcion Arenal, who is a Spanish lady honoured beyond her own country for her life-long services to philanthropy, writes of the prisons of Ceuta—"In them it is justice which is punished—or, more exactly, crucified—and with it hygiene,

morality, decency, humanity—all, in a word, which every one, who is not himself hateful and contemptible, respects. It is impossible to give the reader any idea of the state of the cuartel principal, or chief barrack of Ceuta; we can only refer to its terrible and revolting demoralization."[1] How those who graduate through these horrors can remain untainted, and blossom out into the orderly reputable citizen so much appreciated in Ceuta, must remain a mystery to plain people who are yet not without experience in penal affairs.

The writer already quoted (Doña Concepcion Arenal) tries, however, to explain it on psychological and social grounds. In the first place, she thinks the tendency to crime is not a permanent blemish, but quite fugitive, and altogether dependent upon external circumstances. Where these are not unfavourable crime does not occur. The social explanation is, that the convict is not despised at Ceuta, and the more he is trusted the less defiant is he, and the better he behaves. Although sentenced to hard labour, his life, she thinks, at Ceuta is light and easy; he has ample food, pleasant company, can improve his position; he wears no chains, performs no rude and laborious tasks, and is driven neither into insubordination nor crime.

The evidence of another eye-witness is however less satisfactory. Mr. Cook, the evangelist traveller, who has devoted himself to extensive prison visitation

[1] Doña Concepcion Arenal, in the *Proceedings of the St. Petersburg Prison Congress*, iii. p. 505.

for the purpose of distributing the Bible among prisoners abroad, saw Ceuta a year or two ago, and draws a dark picture of this ideal prison settlement. "Unlike most prisons of Europe, the men were employed in no kind of work; hundreds were standing listlessly about. . . . The worst criminals are sent here. There was a brigand who laughingly confessed he had killed seven men; another who had recently murdered four men; and yet another, bound hand and foot, and confined in a totally dark cell, waiting to be shot. . . . No less than 112 men sleep in one large room, and in this one part of the prison there are twelve brigades, as they are called. The only wonder is that they do not break out oftener into rebellion." It is quite evident, from Mr. Cook's description, that the state of Ceuta is still much what it was when I was there myself in 1865, and but little improved, since a correspondent of the *Times*, in 1876, drew such a sombre picture of the place from his own observation.

I am tempted to reproduce a portion of this writer's remarks, as giving the reverse of the medal, another aspect of this thriving penal colony, where the progressive system is said to be producing such edifying results. The *Times* correspondent, visiting the Hacho, or citadel prison, found from 800 to 1000 lodged there, clad only in soldiers' tattered red breeches, or as often naked to indecency. They tottered in and out of the wretched sheds they called their homes, devoured and quarrelled like hyenas over their wretched insufficient fare; smuggled knives

into the fortress, and fought and killed one another like wild beasts. There were from 100 to 200 in each bare unfurnished shed, the floor of which was of earth. Vermin crept up its walls; "all about the room were patches of stinking, stagnant water and ordure." No order, no discipline was observed in the place; the scanty food was still further diminished by the thieving contractor. "No words of mine," says this most graphic writer, "can paint the darkness, the filth, the seething corruption of those dens of convicts —dens into which no streak of sunlight, divine or human, ever finds its way, and where nothing is heard or seen but assassins and cruelty on the one hand; misery, starvation, and obscenity on the other." A still worse prison was the Presidio del Campo, the "Field Prison" in which the chain-gangs still employed on public works were detained, in filthier hovels, with less food, greater ruffians in the majority, and more general demoralization. It is not strange that the Spanish officer of whom the correspondent asked his way to the *presidios* should have replied, "They are not *presidios*, but dens of fornication and nurseries of thieves." To escape the horrors of such a life may be one of the strongest incentives to industry and good conduct, and may explain why in Ceuta the partially pardoned convict shows in such an amiable light.

CHAPTER XI.

PRISONS OF SOME SMALL COUNTRIES.

Denmark has adopted the progressive system, with much care and elaboration—Has a number of cellular prisons—In Greece crime increasing rapidly, owing to the enormous number of homicides—Crime due to many causes—Bad systems—Ineffective penal code—Reckless use of pardoning power—Attempt to reform Greek prisons—Their present condition—Prisons in Norway—Cellular and progressive system carried on with intelligence and humanity—In Sweden prison system dates back to reforms instituted by Prince Oscar in 1841—Has many cellular prisons—Period of separation limited to eighteen months—In Portugal penal system was revised in 1867, but first cellular prison not built till 1884—Results of separate confinement, which is limited to eight years, not remarkable—Associated with exile to African colony of Angola—Servian prisons have long been very defective, but the Government has sought outside advice as to reform, and is disposed to adopt the progressive system—In Switzerland great variety in prison treatment exists, owing to the independence of several cantonal Governments—Some excellent new prisons in Switzerland, but all are not perfect—Dr. Guillaume, a great Swiss authority, opposed to cellular system for his own country—His reasons—In Turkey many forms of penal punishment besides imprisonment—Old prisons were shamefully bad, but new laws have introduced improvements — Constantinople has now a well-ordered prison in what was once a Janissaries' barrack.

THE prison systems of the smaller European nations exhibit some diversity. One or two are still deplorably

bad, but most are commendably anxious to advance in the path of reform. As these prison establishments are not on a very extensive scale, I have grouped those with the most interesting features in one and the same chapter, and shall take them in alphabetical order.

DENMARK.

In Denmark the progressive system has been adopted for all condemned prisoners, who pass through certain stages, ending with the so-called intermediate prison and conditional liberty. Where the sentence exceeds six years the prisoner goes to an associated prison, while shorter terms are generally kept in the cellular. A very elaborate system of promotion from class to class obtains in the Danish prisons. There are four principal prisons in Denmark, one cellular for males at Vridslöselille, and one associated at Hersens; the women are both separate and associated in their prison at Copenhagen. The latter is an ancient building, a couple of centuries old. Denmark has also ninety-three common gaols for the detention of those awaiting trial, and of misdemeanants sentenced to less than two years. These are all, or nearly all, upon the cellular plan.

Iceland, which is a dependency of Denmark, now boasts of a new penitentiary in its capital, and of late years cellular prisons have been erected in the country districts for those awaiting trial.

GREECE.

Crime is not only extraordinarily prevalent in Greece, but alarmingly on the increase. The total number of convicted criminals in the country was 8000 in 1891; which, in the proportion to population, would be 150,000 in this country. In other words, Greece, with a little over two millions of people, has 3000, and England, with thirty millions, only 21,000; or, with a fifteenth of our population, Greece has a third of our crime. The growth, too, is shown in the very worst crimes. The number of homicides committed in Greece in 1886 was 297; in 1890 it was 574. This average per million for 1890 is 287, an enormous average compared to that of other countries, which runs as follows—

For England	there are	11	homicides	per million
Prussia	„	13	„	„
France	„	15	„	„
Italy	„	91	„	„
United States	„	95	„	„

Various reasons besides the defective character of the prisons are offered in explanation of this triumph of wrongdoers. The prisons themselves are no doubt bad, although costly in the extreme. Greece spends more on this head than Belgium, which has never spared money in prison reform; little less than France, with her altogether disproportionate penal establishments. But the excessive idleness, with the indiscriminate and most corrupting association of all classes in gaols, are as usual largely productive of evil.

The prisons of Greece are actually schools of crime. They receive in one common receptacle the innocent and the guilty, the murderer and the venial offender. No separation of classes exists, and only a few days' incarceration will ruin the best. But the slow, vicious, and ineffective application of the penal code, the delay in judgment, the uncertainty of punishment, and the deplorable abuse of the pardoning power, are so many direct incentives to the perpetration of crime. The law's revenges lose their effect when too long postponed, while tardy gaol deliveries keep the gaol population always at a high figure.

Public opinion has of late been aroused to indignant protest against the inefficacy of the present penal system, and the dangerous consequences that are following it. The legislature is strongly urged to intervene, to forbid the nearly universal practice of carrying lethal weapons; to check drunkenness—a very general vice; above all, to limit the wholesale granting of pardons, which it is calculated amount to an eighth of the total number convicted in every year. These pardons are too frequently granted on purely political grounds; they are not based upon principles of progressive punishment and probable amelioration; the pardon they accord is absolute, not conditional, as it is in all countries where truer notions of prison discipline and treatment obtain.

The prison system, such as it is, was founded during the regency of 1833-35, and in the latter year a royal decree laid down a precise plan for the organization

of prisons. They were to be of two classes, one for the accused, the other for the condemned; and it was intended that prison inmates, if associated by day, should at least be strictly separated by night. As a matter of fact, during the sixty years following, Greece has only been provided with two cellular prisons, that of Syngros, in Athens, and that of Corfu, a legacy of the British dominion. Elsewhere the *régime* is one of demoralizing promiscuous association, with nearly complete idleness in all cases but at Corfu. There a certain number of useful trades are followed, such as brickmaking, pottery, straw-plaiting, tailoring, and shoemaking; a little plain sewing, too, is also done at Syngros, and prisoners who could write have copied official documents. Two later decrees, of 1884-5, have classified the prisons into—1st, for trial; 2nd, correctional for terms up to three years; 3rd, penal prisons; 4th, penitentiary prisons for all convicted of criminal offences, and sentenced to more than three years; 5th, for females, both accused and convicted of crimes. A further attempt at classification was to be effected in an old lunatic asylum situated on an island in the Ægean Sea, about an hour and a half from the Piræus, which was to be converted into a prison for 400 to 500 prisoners. With all these efforts, a great deal of indiscriminate and most harmful crowding takes place in the prisons. Two-thirds of Greek crime consists, it is said, of offences against the person; and of these, homicides, without intent but with cutting and wounding, are

the most common. Of offences against property, the thefts of animals are most frequent.

"Greece," says Mr. Cook, "has, excepting Morocco, the dirtiest prisons on record. I could have scraped the dirt off the floor and stairs. It was more than a quarter of an inch thick on the stairs and the rooms where the men slept. I found ten men sleeping and living and imprisoned in a room ten feet square; no ventilation but when the door was opened and shut. I found a second room, nineteen feet square, with twenty men in it, sleeping and living, no work to do, and one poor man nearly dying, and with little or no food to eat."[1]

NORWAY AND SWEDEN.

Norway possesses eight prisons, managed by the State; three of these are fortress prisons, four houses of correction, and one a penitentiary. There are also in Norway fifty-six district prisons, which are under local control.

The penitentiary, which is at Christiana, dates from 1851, and is a cellular prison, containing 254 cells. There are more cells than prisoners to occupy them, and this is generally the case throughout Norway, so that quite recently the prison of Trondjem has been closed. The system carried on at Christiana is humane and intelligent; the prisoners are treated "individually," and the earnest efforts of the director, Mr.

[1] Chas. Cook, *Prisons of the World*, p. 145, 1891.

Petersen, are concentrated upon their improvement. The wholesome effect of industry is added to the continual admonition and encouragement by the superior officials. The labour is varied, covering the usual ground of cabinet-making, turning, basket-making, saddle- and harness-making. The prison owns four carding-machines, the work of an ingenious prisoner, who remembered a large carding-engine in the house of correction, and imitated it from memory without a model or sketch. A progressive system is pursued, under which the prisoners pass from strict cellular employment beyond their cells, but still within the prison walls, and lastly to work in the yards. There are gardens in which they cultivate fruit, vegetables, and flowers;—pig-sties, and a threshing-barn. Mr. Petersen expresses himself satisfied with cellular life, which he believes under such a system as his can safely be prolonged to four years.

The house of correction at Christiana, although an old tumble-down building, is well kept, and scrupulously clean. It is never full; the accommodation for males is 250; the usual occupation, 120; for females these figures are 200 and 148. The employments for males are much the same as those in the penitentiary; for females it includes laundry work and the manufacture of all kinds of cloth, from fine broad-cloth to satinets and coarse horse-rugs.

The fortress prison, that of Arkershuus, takes all life prisoners, and all sentenced to six years and upwards, as well as all male *récidivistes* sentenced to

not less than three years. The system is that of association, but the first and last months of imprisonment are spent in the solitude of a cell. The work is rather more various than that already described, and includes stone-cutting, which occupies nearly a third of the whole number. The stone-dressing goes beyond mere preparation for the builders, and in one instance a couple of criminal priests sculptured the two fine granite lions that may now be seen in the public square in front of the Parliament House of Christiana.

The district prisons are intended chiefly for those awaiting trial, and those sentenced to simple imprisonment. These are mostly cellular, but in the detention house of Christiana there are seven double cells for occupation by two prisoners.

Prince Oscar of Sweden wrote a book on "punishments and prisons" in 1841, which attracted much attention, and proved that he possessed sound and enlightened views on the subject. He was an ardent admirer of the solitary system as introduced in Pennsylvania, which was reported on so favourably by the well-known French emissaries, MM. Beaumont and de Tocqueville. Prince Oscar urged his country to reform its entire penitentiary system, but he was anxious to prevent no less than to punish, and especially to give prisoners a helping hand on release. The Swedish Parliament readily accepted Prince Oscar's suggestions, and considerable sums were voted for the enlargement and construction of prisons. The first reform effected was the provision of a

sufficient number of cells in the departmental prisons, which number 44, and have a total of 2482 cells. In these are lodged the accused and the sentenced to short terms of less than two years. For the longer terms, of two years and upwards, some are cellular, some still associated. The cellular are at Gothemburg, Malmö, and Langholmen, which have a total of 1243, only 401 being available for continuous occupation, the balance being only night sleeping cells. There are three associated prisons, and to these distinct categories of prisoners are committed. Varberly, a fortress prison, takes able-bodied life prisoners; Landskrona, another fortress prison, is for life prisoners advanced in years, or unfit for the hardest labour; while at Karlskrona are lodged long term prisoners less than life, and all considered incorrigible. A cellular wing has been added to the Karlskrona prison, in which the worst prisoners are retained, but solitary or separate confinement may not be inflicted for more than eighteen months according to the Swedish law. This limitation does not seem to be in harmony with the opinions of some of the most eminent Swedish prison administrators. M. Almquist, the Director-General of Prisons in Sweden, thinks the period might be prolonged without danger, and would no doubt approve of its extension to four or five years or more, as in Belgium.

A new cellular prison has been built at Nya Varfoet, near Gothemburg, for the younger but still adult criminals, who it was hoped might benefit by separ-

ation from the more depraved in the associated prisons. They are employed either alone, or in small groups under supervision; and as the lands around the prison are extensive, many of the well-conducted are in due course advanced to agricultural and horticultural labour beyond the prison walls. The prisoners' earnings go, according to the system, either to the State, or to the contractor who has leased their labour. A certain portion, however, is at the prisoner's own disposal, and may be applied to the purchase of additional articles of diet, such as bread, butter, cheese, bacon, or small beer. The dietaries are rather meagre in Swedish prisons; there are only two meals, one at midday, and one at seven p.m., and at both, porridge and gruel are the staple food. Tobacco might at one time be purchased, but is now strictly forbidden.

It is claimed for Sweden that crime in the country has decreased, relatively at least to the increase of population. In 1841, when reforms were first introduced, there were 17,636 prisoners to a population of 3,138,887. Ten years later, in 1850, the figures were 13,401 prisoners to 3,482,541 of population; in 1860, 12,577 prisoners to 3,787,735; and in 1870, 13,127 to 4,168,880.

PORTUGAL.

Portugal in 1867 revised her penal system, and, abolishing capital punishment and hard labour in

association, decided to adopt the cellular *régime.* But it was not until 1884 that the first cellular prison was begun in Lisbon, and partly occupied in the following year. Two other prisons, those of Coimbra and Santarem, are in process of construction. The Lisbon penitentiary was started with the usual estimable intentions; to amend the offender both by exemplary punishment and the improvement of his moral tone, while instruction in trades and handicrafts was to help him to earn an honest living, and save him from relapse into crime. These useful lessons are in carpentering, tailoring, shoemaking, the manufacture of hats and walking-sticks, and in bookbinding. The products of these labours are not stated, but they mainly go to the revenues supporting the establishment, and when thus credited, bring down the annual cost per prisoner to £32. The moral results obtained do not appear to be very encouraging. The Portuguese chaplains, although at first most sanguine, now confess their disappointment. They had hoped much from the new system, believing that prisoners kept carefully separated from one another, subjected to religious, moral, and literary instruction, employed regularly in handicrafts, supported and encouraged by exhortation and good advice, would speedily reform. But these the good priests admit "were but generous illusions." No doubt the prisoners displayed the utmost contrition, and wept copiously; but these proved to be merely hypocritical professions. Only 34 per cent. left the prison outwardly improved,

and little hope was entertained that they would persevere in good resolves. The lay authorities, it is true, thought the chaplains had placed the standard too high, looking for too much religious improvement; but even the director of the Lisbon prison feared that the cellular *régime* rather encourages hypocrisy, that it is too much to believe that a criminal will avoid evil ways "outside," because he has been submissive, industrious, quite a pattern prisoner, inside. The test of reconviction is the only one that can be safely applied, and the system is too new in Portugal to afford any accurate figures in this respect.

Cellular imprisonment is limited to eight years in Portugal as its extreme limit for most serious offences, although in exceptional cases it may be prolonged to ten years. But the punishment may be inflicted in combination with penal exile, the limit of the latter being twenty years in all, or including the eight years in the home prison. This exile is carried out in the African colony of Angola, where a total of less than one thousand are at present employed either in or about the barracks and fortresses, or in domestic service, or in agriculture and useful handicrafts. A certain number work on their own account at useful handicrafts, a colonist being security for them. The settlers are said to be well-disposed towards the convicts, gladly obtaining their services, or helping them in the matter of security. The convict element is orderly, and although their treatment is "*peu repressive et relativement débonnaire*," few commit offences;

during the eight years 1883—91, there were only fifteen trials for serious offences, three of them being homicides, two for wounding, and six for theft.

ROUMANIA.

The forfeiture of liberty in Roumania which a breach of the law entails, carries with it the necessity for labour in the interests of the State. The penal system is simple enough; it makes no attempt to reform, ignores the possibilities of further deterioration from herding prisoners together, and seeks only to turn them to profit. Promiscuous association both by day and night is the rule for all prisoners in all prisons; but women and youths have each a prison to themselves. The work is in common during the day, and at night prisoners sleep in large, clean, airy dormitories. Separate cells do not exist except for punishment: a small room over the gate with a barred porthole of a window, in which the recalcitrant may be confined for one or more days at a time.

Offenders fall under three categories—

1. Those sentenced to small correctional penalties.
2. Those to reclusion.
3. Those to *travaux forcés*.

The first class work mostly in the carpenters' shops, making articles for sale to the public, and they receive half the net price obtained. The second class work for a contractor, who hires their labour, in the State tannery, receiving a small daily wage, or in weaving

coarse cloth used for prison labour. The working day is of twelve hours in summer and eight in winter. The third class, or hard labour convicts, are worked by contractors for the State in the salt mines, for which labour they are paid a small sum, and are sent down daily for twelve hours. The youths are taught cabinet-making; the women weave linen for prisoners' underclothing and hospital sheets.

SERVIA.

Servia had no prisons properly so called until 1852. Each administrative department kept its own criminals in small lock-ups, and worked them in the woods and fields. In 1851, the prison of Topchidera, near Belgrade, was built, but its discipline was so little maintained that some of its inmates were utilized as accomplices in the murder of Prince Michael. The prisoners after that were divided among various fortresses. Not until 1869 did the Department of Justice take the prisons in hand, and now besides the old fortress in Belgrade, there is a penitentiary at Pojarevatz for political prisoners and females sentenced to hard labour, and a hard labour prison for males at Niche. These principal prisons have four small branch establishments for carrying out public works. There is little or no attempt at individual separation, and the existing buildings are most defective. Only Pojarevatz was built for the purpose, the rest are ancient Turkish *conaks*, so foul and unhealthy that

in one year, 1883, there were 667 sick and 43 deaths in a relatively small total population. The crowding in the prisons and the starvation diet produced such a low and anæmic physique that open-air work was tried as a means of restoring health. At that time the Irish intermediate system, or rather that of the Australian "assignment," was in force, and the best-behaved prisoners were sent to work for private persons outside the prison. They wore their distinctive dress, but otherwise were under no surveillance, and the system after a short trial was abandoned on account of the number of escapes. There was not much labour carried on within the prisons, and a total of 2473 prisoners in one year produced a total of £800 worth of work. Those who had handicrafts were employed at them, and a large part of the Pojarevatz prison was built by prison masons, carpenters, smiths, and so forth.

The unsatisfactory condition of the Servian prisons has moved the Servian Government to reform them. A committee of intelligent men was appointed to study foreign systems, and to visit the Croatian prison of Lepoglava already mentioned, where M. Tauffer has carried out with excellent results the progressive system much as it is practised with us. M. Tauffer was also invited to visit the Servian prisons and make any suggestions, with the result that the progressive system has been accepted as the model for Servia. It is worthy of note that this decision is in direct opposition to the advice tendered

by the Prison Society of Paris, who, when consulted by the Servian Government, warned it against *le système Crofton*, as likely to expose it to *graves mécomptes et à de grosses dépenses;* while on the other hand the cellular system would give most excellent results. This somewhat positive expression of opinion on the relative merits of the two methods, neither of which France has yet tried, is not perhaps entitled to great weight. Servia was not convinced by it, and has declared for the progressive system, which, when actually carried out, will consist of the usual period of solitary confinement limited to three months, but which may be prolonged if desirable to a year, with the customary precautions against failure in mind or body; second, a period of associated labour in silence, with separation at night, and at all times when not at work; third, the intermediate period, to begin after a third of the sentence is completed, and passed in a building and at work at a distance from the main prison, a stage to which no prisoner is admitted unless his amendment gives reasonable hopes that he will not attempt to escape; fourth, finally conditional liberty, which appears to be now carried out on fixed principles instead of as hitherto at the caprice of the authorities. The power of pardon is of course held by the sovereign, and a law exists that it must not be exercised until three-fourths of the sentence has expired. But this law is neglected owing to the insufficiency of the prisons, and for several years an average of 13 per cent. of the prison

population were pardoned simply to make room for new arrivals.

SWITZERLAND.

The most marked characteristic of the Swiss prison system is the variety of methods employed. The country in this respect suffers from its feudal organization, as each canton has its own ideas on the subject, and very different means for giving effect to them. Some are rich, some poor, some enlightened, some retrograde. Thus Neuchâtel has a fine penitentiary organized on the cellular plan; again, Zürich has a cellular prison, Geneva also, Bâle and Liestal. In the cantons of Ticino and Vaud cellular imprisonment is the rule. Lausanne again has a prison of 189 spacious cells, but here separation is only insisted upon at night, and during working hours prisoners are in association. At Lenzburg there is a cellular prison, in which prisoners pass through the progressive stages on the so-called Irish system, which is also followed at St. Gall, and at Bâle, Zürich, Leuzburg, and Neuchâtel mentioned above. Dr. Guillaume, lately the eminent director of the Neuchâtel prison, and now the chief of the statistical bureau at Berne, is very anxious that the Irish prison system should be adopted in its entirety throughout Switzerland, for which purpose he recommends the construction of more cellular prisons for the first and severe stage, with others for the progressive develop-

ment of prisoners through associated labour under proper supervision, and the semi-freedom of the intermediate prison.

But all Swiss prisons are not yet perfect, or even on the road to reform; many are old-fashioned, and the rule of separation is altogether wanting. This is especially noticeable in the smaller prisons which take accused and those awaiting trial. To mix these still innocent people with the actually condemned and often degraded is an indefensible and most objectionable practice.

The question of system has frequently arisen in these pages, and an important contribution to the subject has been made by Dr. Guillaume of Berne, one of the most enlightened of living "penologists." In discussing the *régime* that should be applied to Swiss prisoners, he declares that "the cellular should be dismissed, without hesitation."[1] Theoretically, he says, it has its impassioned supporters and detractors, although the number of the former seems to have appreciably diminished in recent years. While one side urges in its favour its terrors for criminals, the reformatory effect of isolation, the possibility under it of shortening terms of imprisonment, and of the individual treatment of prisoners, others declare that the cell destroys the physical and mental health of the imprisoned; they point out the extreme difficulty of finding suitable cellular employments, the enormous expense of prison construction and of the supervising

[1] *Proceedings of the St. Petersburg Prison Congress*, v. 653.

staff, and of the very variable results obtained from prisoners following the variety of classes to which they belong. Dr. Guillaume very wisely does not enter into the breach to fight for either side, but is satisfied by showing that the cellular system must be condemned in Switzerland. Its effect there is likely, he thinks, to be very injurious.

TURKEY.

The forms of punishment are very various in the Ottoman Empire, and include death, imprisonment with or without hard labour, for life or less; transportation, exile, fines, the deprivation of all civil rights. The hard labour sentence in old days sent the prisoner to the galleys, then to work in the arsenals of the State; now it is inflicted in the central prisons, either in Turkey Proper, or in its dependencies. The principal prisons are at Sinope, Ergani, Piase, Tripoli in Syria, Tripoli in Barbary, and in the island of Mitylene. The work is of as severe a character as the local authorities can devise, and all hard labour prisoners wear chains. Simple imprisonment or detention means removal to and incarceration in some fortress, but without the obligation to labour, or isolation from friends or fellow-prisoners. The citadels of St. Jean d'Acre, Rhodes, Trebizonde, Bagdad, and Diarbekir are the chief fortresses used for detention. Transportation is always for life, and means perpetual banishment to

any place fixed upon by the Ottoman Government, chiefly in the islands of the Archipelago, or in Asiatic Turkey. The transport is allowed to take his family with him into exile.

Besides these heavier penalties, correctional imprisonment may be applied for any period from four-and-twenty hours to three years, and is inflicted in district prisons which exist in every *arrondissement*, sub-government, or *vilayet*. Until recently prisoners were huddled together pell-mell in these prisons, accused with condemned, children with the oldest and most hardened criminals. It is to the credit of the present Sultan that he has tried to end this scandal, and by the promulgation of a new law, has insisted that there should be an especial prison for accused and unconvicted in the neighbourhood of each tribunal. These have not been provided everywhere as yet,[1] but wherever the various categories are still confined, care is taken to separate them in different parts of the prison. Juveniles are also kept strictly to themselves. In the correctional prisons the rule of labour is imperative on all sentenced; but it is not required from the unconvicted, if they are not fed and maintained at the expense of the State.

The foregoing, which gives the latest published account of Turkish prisons, from official sources, points to some improvement in the prison system of the

[1] See report to St. Petersburg Prison Congress, of Djelaleddin Bey, the Director-General of Prisons in Turkey.

Ottoman Empire. It was time for reform; not ten years ago competent observers declared that Turkey had no penitentiary system worthy the name. The prisons were simply places of detention, with no sort of separation beyond that of the sexes. A most painful picture of a prison in Cyprus at Nikosia about that date has been drawn by Mr. Archibald Forbes, and in his most trenchant style. It was a prison for some 600, and among the lot were many murderers, robbers, and political prisoners. "I have seen," he wrote in the *Daily News*, "many horrible sights . . . but never a more noisome spectacle than that which these foul dungeons afford.

"A narrow courtyard surrounded on three sides by gloomy stone walls . . . with here and there a strong wooden door. From under each door oozed a gutter of inexpressible fœtor, the naked sewage of the loathsome dungeon inside. . . I was at once surrounded by a horde of prisoners of villainous aspect, all, or nearly all, manacled in the most curiously diverse fashions. . . Up came a stalwart figure somewhat bowed down by a heavy burthen that he carried in his arms . . . a mass of heavy links of iron, one hundred-weight of chains fifteen feet long, like the chain-cable of a schooner. A murderer had been twenty-six years in prison. What ruffianly faces, faces the expression of which—wolfish, ferocious, hungry for blood, sardonic, utterly devilish—made my flesh creep!"

Other eye-witnesses declared that the same system

then prevailed at Erzeroum and Adrianople; yet Blacque Bey, writing in 1880 for the information of Dr. Wines, speaks of a prison at Constantinople, once a barracks of Janissaries, where 600 convicts are lodged in large, well-aired rooms, with small alcoves off for the prisoners' beds—mattress and bedding provided; Mussulman and Christian chaplains; hospitals; marble bath, and baths compulsory once a week; exercising-ground, garden, workshops, and many industries, from watchmaking to smith's work; laundry, school for juveniles, and a private kitchen, in which prisoners, as a reward for good conduct, may cook at own expenses any tasty dishes.

CHAPTER XII.

JAPANESE, CHINESE, AND MOORISH PRISONS.

Japan anxious to establish "as perfect a prison system as possible" —New prisons—Reports by eye-witnesses: Mr. Norman, Mr. Lewis Wingfield, and by Japanese authorities—Ancient prisons—Tokio modern prison—Copy of old Millbank Penitentiary—Penal settlements—Sorachi—Poronai—Chinese prisons about the worst in the world—Ferocious punishments—The *Cangue*—Terrible mortality—Horrible condition of prisons—Methods of execution—Transportation with hard labour—A Chinese authority, On-Tsong-Lien, on Chinese prisons—Anomalies of code—Vicarious penalties—Moorish prisons, especially that of Tangiers, foul and detestable holes.

THIS enlightened and progressive country has made strenuous efforts to establish "as perfect a prison system as possible; one which is in harmony with the advancement of science and the results of experience."[1] These reforms were commenced in 1871, and were continued under various new laws until now. Japan possesses several new prisons, at Tokio, Kobold, Hiogo, and upon the island of Jeso, all admirably organized and maintained. This movement was hurried on by the great overcrowding of the small provincial prisons by the accumulation of long-term

[1] M. Nissi, *History of Prison Reform in Japan.*

prisoners; and no proper discipline could be applied, and there was absolutely no room for short-term offenders. Now the bulk of those sentenced to hard labour and deportation are sent to the island of Jeso, where they are employed both within the prisons and at agriculture in the open air. Every advantage is taken of the natural aptitudes of the Japanese, and the inmates of gaols prove the most expert and artistic workmen. Mr. Norman, writing in the *Pall Mall Gazette* in 1888, graphically describes a visit to the prison of Ishikawa, where he found sixty men producing the most delicate *cloisonné* enamel. At Tokio the newly-arrived prisoner is put to work according to his talents or antecedents. "If he can make *cloisonné*, well and good; if not, perhaps he can carve wood or make pottery; if not these, then he can make fans, or umbrellas, or basket-work; if he is not up to any of these, then he can make paper, or set type, or cast brass, or do carpentering; if the limit is still too high for him, down he goes to the rice-mill, and see-saws all day long upon a balanced beam, first raising the stone-weighted end and then letting it down with a great flop into a mortar of rice." Less intelligent prisoners are put to stone-breaking or sorting out rice; but the percentage of mere mechanical labourers is small, and there are always openings for stone-masons, brick- and tile-makers, iron-forgers, carpenters, coopers, and manufacturers of oil.

The interior economy of the Japanese prisons

appears to be excellent,[1] although the system of cellular imprisonment is as yet only partially introduced. Prisoners are separated by categories, according to age, sex, offences, and antecedents. Those awaiting trial are kept apart. Visits from friends are permitted under the same restrictions as with us; correspondence also. Baths are given regularly; the clothing is good, adapted to the work performed, and the seasons of the year. The dietaries are simple, of rice chiefly, but sufficient; and as prison industry is rewarded by prison wages, a portion of the latter may be applied, just as in continental prisons, to the purchase of extra food at the canteen. These wages are high, from 20 to 60 per cent., where the utmost activity is displayed. Prison discipline is enforced if necessary by punishment; isolation in a light or dark cell; the reduction of diet, "salt and water" only, for a maximum of seven days; the forfeiture of privileges such as letters and visits; and in the case of life-convicts the obligation to drag a four-pound shot attached to the leg by a chain, a penalty which can be inflicted for terms varying from one to five, and even ten years. But the general good conduct of Japanese prisoners is remarkable, and is encouraged by the hope of rewards; a mark or badge of distinction is conferred which may be worn on the prison clothing; additional diet, easier labour, and especially in the system of diminishing sentences, and of conceding additional freedom very similar to, if not

[1] *Proceedings of St. Petersburg Prison Congress*, v. 567.

exactly copied from, our plan of remission and ticket-of-leave. The benevolence of the Government does not end with release, as lodging and labour are provided for *expirés* who are under police surveillance, and who have been unable to find work.

Japan is a land of rapid transition, and nothing has changed more completely in recent years than Japanese prisons. Still there was some system even in ancient days. The sexes were kept apart; the penalty of the log worn round the neck and fastened to the ankle was not imposed upon the aged or juvenile offender, nor upon dwarfs, invalids, or women *encientes*. Food and clothing were provided, and medical attendance. In the sixteenth century the Chogourn Tokgava-Jeyas arose as a prison reformer, and organized five new prisons in Yeddo for five different classes of prisoners, comprising females and persons of different conditions of life. Proper prison officers were appointed; security was obtained without despising sanitary needs. Still there must have been much mutual contamination owing to the indiscriminate herding together, and the maintenance of internal order was left to the prisoners, who chose among themselves a *nanoushi* or head, with eleven assistants, to control the whole body. Flogging was inflicted, and handcuffs were universally worn. In 1790 a house of correction was established on the island of Yshikavoy in the Bay of Yeddo, to which were committed all vagabonds or incorrigible prisoners whom it was thought unsafe to set free lest they

should relapse into crime. The work on this island was chiefly oil manufacture. In cases of escape and recapture the fugitives were branded with a certain tattoo mark on the left arm.

The remarkable difference in the death-rate before and after 1871, the year of reform, may be quoted as a proof of the amelioration of the condition of Japanese prisons. In recent years it is less than 2·5 per cent, and before 1871 it averaged 20 per cent., an enormous rate, due entirely to the absence of all hygienic precautions in the old prisons. The eagerness of the Japanese Government to push on in the path of reform, is shown by their inviting the opinion of the St. Petersburg Prison Congress on questions that exercise it, more especially with regard to the instruction of prisoners in useful trades. Should prisoners' labour be penal, irksome, unremunerative, or exactly the reverse? Will not the education of criminals make prisons too attractive, and increase competition with honest labour? Is not agricultural colonization calculated to provide the best outlet for a large proportion of the longest term prisoners? The replies furnished coincide with the views long entertained in this country. Japan is encouraged to develop the progressive system of imprisonment; its earlier stages irksome, solitary, devoted to severe and unpleasant labour; after that more interesting employment performed in the open air, when the sentence is of long duration—the aptitude and industry displayed being the avenue to conditional liberation.

Another shrewd observer, the Hon. Lewis Wingfield, gives an admirable account of his visit to the Tokio prisons in 1889-90.[1] He went first to the prison for the untried.

"We were received by the deputy governor in charge and his assistants, all in faultless (?) European garb, with mops of close-cut hair." After a collation of cakes and ginger-beer, followed by coffee and cigarettes, they strolled round the premises. "These consisted of a rambling collection of huts, or rather roofed cages, within an enclosure of palisades. It is necessary to box up the inmates, and yet the climate demands as much fresh air as may be got. The food supplied is good and wholesome, and sufficient in quantity: rations of rice and barley three times a day, with something nice in the way of native pickles, or a sweet potato. How one's thoughts reverted to the filthy, starved, and tortured Chinamen![2] Slavish imitation of England has its advantages after all, as in all English establishments no tobacco is allowed.

"We were conducted over a two-storey building of some size, made of wood, which was charmingly airy. On either side of a wide, straight corridor was a row of cells some twelve feet square, each of which was occupied by half-a-dozen persons squatting on clean mats. Over every door was hung a series of slips recording the names and presumed offences of those within, a lid being dropped discreetly over each, that

[1] *Wanderings of a Globe-Trotter*, ii. 38.

[2] See *post*, p. 385.

the feelings of the untried should not be hurt by publicity."

An especial feature of the prison was the grilled gateway, providing extra exits in case of earthquake, although Mr. Wingfield was unable to ascertain what amount of volcanic disturbance justified the opening of the gate, and the consequent release of the prisoners. The exercising-yards were prettily adorned with flower-beds and bushes. There were visiting-rooms of the approved pattern, for interviews with doctor, solicitor, or private friends, and a ventable black hole, or dark punishment cell, to which the recalcitrant might be sent for terms from one day to seven days. "It was a solitary building, like an oven, whose sole means of entrance is a low door, through which one must crawl on hands and knees." But Japanese prisoners need little punishment. The female prisoners are also most submissive in demeanour. "Passing an open cage, which did duty as a female ward, we beheld a row of females prone upon their faces, with their hands clasped over their heads. This is, it seems, the orthodox attitude of respect."

The Tokio prison for the convicted, Mr. Wingfield found as "an island in the river at the extreme outskirts of the city." Here he was shown the plan of a new prison which was shortly to be erected, and which was on the plan of "pentagons," and was intended to be an exact reproduction of Millbank Penitentiary, copied in far Cathay just as it reaches the term of its existence with us. The existing

prison at Tokio was lamentably insufficient for its 2000 inmates, and led to indiscriminate association by day and night. The Japanese are a mild race, and the convicts gave little trouble to their overseers. The prison boundary was only a bamboo fence, which any one could walk through, yet there were no escapes. Insubordination was rare. There was a punishment cell, "a beautifully finished hut of sweet-smelling wood without windows," but it was seldom used; and when it was, the occupant could ring a bell when he thought he could not bear it any longer. As a rule, the public posting of an offender's name in the exercising-yard was sufficient punishment for ordinary misconduct. The same docility permits the employment of convicts in gangs at a distance from the prison. The neat-handedness and quick wits of the prisoners have already been mentioned.[1] Mr. Norman's description of the varied industries followed in prison is fully borne out by Mr. Wingfield, who says, "Many objects of art, fine painting, *cloisonné* enamels, gold lacquer, are turned out from the Tokio workshops. The Japanese prisoners can make anything. The crushed strawberry canvas is spun, woven, dyed, cut, sewn, and worn by the convicts. They make bricks, saw stone, manufacture agricultural implements, fashion furniture. They weave mats and small carpets, as well as rolls of silk. They paint fans as well as porcelain, and carve wooden statuettes." Prisoners are like prophets, and find but little honour

[1] See *ante*, part ii. chap. ii., *passim*.

in their own country. But it may be urged that a great number of the above-mentioned are also carried on successfully in all English prisons, although prison labour is greatly handicapped with us by Trades Unionism, and the school who deny prisoners the right to compete with free workmen.

Mr. Wingfield speaks of other prison establishments —of the penal settlement in the remote island of Yezo, to which the very worst criminals are sent. The prison of Sorachi, beyond Poronaibuto, is in a bleak, desolate spot, surrounded by the usual bamboo, and harbouring about 1600 convicts, whom Mr. Wingfield found clean, healthy, and comfortable. They were squatted on mats, at work, each in front of his own sleeping-place, and on a shelf above were his wadded bed-quilt, and on top of each a mosquito curtain. The industries pursued were much the same as at Tokio, with the manufacture of mats and straw sandals for men and horses. There was a good hospital, the patients lying in rows on mats and on "crushed strawberry" coloured coverlets. The place was so isolated, while all around extended an impenetrable jungle, that escapes were out of the question. A little further on was the prison of Poronai—in a delightful spot, where are the most extensive coal-fields of Japan. A small building housed some 600 convicts, who worked in the coal-seams on the side of the hill. "Hard labour, indeed!" says Mr. Wingfield. "Heavily chained, by light of a safety-lamp, the wretched convicts were crouching in holes where

there was no room to raise the head or stretch the limbs, and here they had to remain for eighteen hours at a time." Their sentences were for twelve years, although remission might by good conduct be secured after seven. Yet these luckless Japanese bore their irksome lot with a light heart. "As we were leaving Poronai, at 5 a.m., we met a batch of miners marching to face their ordeal (many, after the eighteen hours are complete, have to be removed to hospital). They were clanking their chains right merrily, talking and laughing loudly, bandying quips and jokes." Mr. Wingfield could not forbear drawing a comparison between these joyous convicts going to the most severe labour, and the criminal classes of Europe, who "as a rule abhor work, even of the lightest kind."

CHINA.

China shares with Morocco and Russia the questionable glory of owning some of the worst prisons in the world. The penal code is ferocious, the punishments inflicted fiendishly cruel, the prisons pig-sties, in which torture is hardly more lethal than disease engendered by the most abominable neglect. "In point of appearance the unfortunate inmates of Chinese prisons are, perhaps, of all men the most abject and miserable. Their death-like countenances, emaciated forms, and long, coarse black hair, which according to prison rules they are not allowed to shave, gives them the

appearance of demons rather than of men."[1] In dens like cattle-sheds, so crowded that in the hot seasons the wretched inmates wallow stark-naked, "polluted with vermin of almost every kind," breathing a foul

THE CANGUE.

mephitic air as poisonous as that of the Black Hole of Calcutta, half-starved, or compelled to purchase

[1] *China*, by Rev. J. H. Gray, Archdeacon of Hong-Kong, ii. 48.

food of the gaolers at exorbitant rates; frequently subjected to the most ingenious torments, as when a poor wretch was hung up by a chain which fastened his wrists, and for three days and nights was not allowed to sit down; or suspended by ropes under the arms so that their feet never touched the ground; denied all opportunity of ablution, of washing any parts of their bodies, or of even dressing or combing their hair, it is not surprising that the death-rate should be terribly high. The mortality is so great that the dead-house, an indispensable adjunct of every prison, is generally full. "I frequently saw," Dr. Gray tells us,[1] "these receptacles full of corpses, presenting the most revolting and disgusting appearance." Many had been flogged to death; many more succumbed to starvation intentionally inflicted; others from zymotic diseases akin to the gaol-fevers of old. The Celestial Government watch over the mortality without, however, endeavouring to remove its causes. The inspector, who visits monthly, records his opinion according to the percentage of deaths. If it has been two per cent. for the month, 20 per thousand, or 240 per thousand, he enters the prison-governor's name in the book of faults. If it is at 360 per thousand, two entries are made; if it rises higher, to that of 700 or 800 per thousand—such appalling figures mean little less than extermination—the blame falls upon the mandarin who rules the district, and who is degraded one step in rank. Dr. Gray visited many Chinese prisons, and found

all in the same horrible condition. Another writer more recently, in a Swedish newspaper, fully corroborates the accounts given by Dr. Gray. The cells he found so crowded that the smell was suffocating, and there was not a breath of fresh air in the building; there were no beds, and the prisoners, if there was sufficient room, lay on the damp earthen floors; their food was a thin rice broth, for which they were compelled to pay. The walls were damp and mildewy; the dirt and filth of the cells, mostly on the ground-floor, defied description. "Ventilation is too small a matter to occupy attention, and the natural necessities of the unfortunate prisoners receive just as little; dirt everywhere, and the colour of the walls and floors undiscernible."

Imprisonment of this terrible description is only one of the many penalties inflicted. It is the precursor of the capital sentence, and accompanies some of the lesser corporeal pains, such as the "cangue," and the beating with bamboos. Executions are carried out usually by the sword; not always by immediate decapitation, but by a successive number of cuts, from eight to one hundred and twenty, which carve and slice the victim into ribbons. Strangulation is also employed, by means of a strong twine tied round the neck. "Death by this process is very slow, and apparently attended by extreme agony."[1] Drowning is within the competence of the village elders, who may cast kidnappers

[1] Gray, ii. p. 59.

and decoys bound hand and foot into the nearest pond. Death by starvation under the order of a court is also known. The lesser penalties are flogging through the streets—inflicted on thieves—to the sound of a drum, the victim carrying the stolen

A Chinese Mode of Execution.

article tied round his neck; disgraceful exposure, carrying the worst form of pillory about with him; the "cangue," or in cages cleverly contrived to torture, or chained by the neck to heavy stones. The

"cangue" is a wide wooden collar of various shapes and sizes, but so large that the wearer cannot lie down or raise his hand to his mouth; he is not only dependent on charity for his daily food, but must have it put into his mouth; the period for which it may be worn varies from one week to three months. The cages are either too short, or too low, or too narrow, so that the occupant is always in a constrained position; one is used in combination with the "cangue," which holds the victim suspended by the neck so that his feet barely touch the floor of the cage. This kind of punishment is invariably fatal.

Although a Chinese official[1] has recently stated that the punishment of *travaux forcés* does not exist in China, Dr. Gray specifically mentions transportation, with hard penal labour, as entering into the Chinese prison system; and he is surely deserving of credence. There must be some misapprehension of terms. Criminals so punished are those guilty of forgery and embezzlement, and they are sent to North China and Tartary, where the most robust are employed either in iron foundries, or in reclaiming waste lands, while the aged and infirm sweep out the State temples and public buildings. Often a statement of the offence committed is tattooed on the cheek. Expulsion beyond the Great Wall is also a penalty, and the wretched exiles are driven into the wilds of Mongolia to starve. Within the limits of

[1] On-Tsong-Lien, attaché to the Chinese Legation in Paris. See *Révue Pénitentiaire*, p. 1184: Dec. 1892.

the Empire convicts are permitted to leave prison during the day, and work in the neighbouring towns, very much as the "intermediate stage" was practised in Ireland. Dr. Gray knew one who daily visited Gimpoo, near Canton, where he worked as porter, sedan-chair carrier, or farm-labourer, returning every night to the gaol. If these conditionally free men abused the privilege, either by theft, extortion, or any lawless act, they were sent back to confinement.

Transportation for shorter terms is inflicted for lesser offences; but the midland provinces are the convicts' destination. These convicts also have their offences tattooed on their cheeks. The method of forwarding prisoners is harsh: large numbers march some sixteen miles daily, when they are chained together in parties of two to five, the chain or ropes being fastened to their necks; their legs are also fettered. "When the journey is performed on foot, many—especially of the aged and infirm—die by the way, in consequence, I suppose, of bad nourishment and over-fatigue. Female convicts in particular are unable to stand these journeys, especially such as have small or contracted feet."[1]

My Chinese authority, On-Tsong-Lien, also speaks of exile awarded to high functionaries guilty of taking bribes, of embezzling public funds, of defeat in war, or of the surrender of a fortified place.[2] The exiles are sent to the Russo-Chinese frontier on the

[1] Gray, ii. 71.

[2] Gray saw a colonel executed for this last-named offence.

Amour, where they reside in freedom, and are even permitted to fill posts in the administration. After six years they may obtain pardon. According to On-Tsong-Lien, the same punishment of exile overtakes habitual criminals, thieves, and coiners, who are detained for indeterminate periods pending good report from the local authorities.

While rightly animadverting upon the cruelty of the Chinese code, Dr. Gray records many humane practices in its administration. Thus a judge may pardon an only son who might be liable to transportation. If three brothers, the only sons of their parents, are guilty conjointly of an offence, the eldest is pardoned and the two younger suffer the penalty. If a father is transported, his son may accompany him into exile. The same privilege is accorded to wives. Idiots and cripples also escape punishment. Again, no sentences of banishment are carried out during the first month of the year—a month of rest and indulgence—nor during the six when the summer heats are too severe for travelling. Another curious feature in Chinese penal methods is the vicarious infliction of penalties. The relatives of an uncaptured offender may be seized and held as hostages—often for years; in very heinous cases they are put to death with the criminal. If a child becomes a vagabond, his father is punished; if a school-boy, his master. If a murder is committed, the neighbours are held responsible, and may be punished for not having rescued or defended the

victim. These liabilities are made public in towns and villages by the public crier. The prefects and sub-prefects are also responsible for their *employés*, and if any of the latter commit crimes their chief is degraded.

"No one," writes Dr. Gray, "can read unmoved of courts of justice where iniquity and reckless cruelty prevail; of officials whose venality is a pit in which many an innocent family has perished; of gaols in which human beings are penned in dens of noisome filth and squalor, with, in too many instances, barely such necessaries as suffice to keep life in their emaciated bodies; of barbarous punishments which recall the darkest pages of European history." But too much must not be expected in a land where the tiger is the tutelary god of gaols. Over the prison gate is painted a tiger's head with open jaws and staring eyes; just within stands an altar bearing the figure of a tiger hewn in granite, whom the officials worship with incense, genuflexions, and offerings of fat pork to secure its good-will. The tiger deity is expected to assist in securing the safe custody of the prisoners. Another special deity is worshipped within the gaols. His shrine and images are conspicuous in every prison ward, and his natal day is always celebrated by a feast for which the governor of the prison pays, recouping himself by detaining monies sent in for the prisoners' support.

MOROCCO.

The active-minded philanthropist would find a rich field of labour in Morocco, where the prisons, to judge by that of Tangier, the only one open to inspection, are the foulest and most detestable in the world. Mr. Tallack, ever anxious to break a lance in

THE GATEKEEPER OF TANGIER GAOL.

favour of the distressed, has appealed to Christendom, through the public press, inviting diplomatic interference to end the atrocities practised upon human beings in Tangier; but this is hardly the age to look for any new Crusade. Meanwhile, the Kasbah, or citadel of Tangier, is a sight to shock the least sensible; the horrid, awful aspect of its half-starved,

heavily-chained, continuously-tortured inmates can never be forgotten by those who, like myself, have visited the place. These dark, gruesome dungeons, reek with filth and noxious effluvia; there is absolutely no drainage, and this in a southern climate where the temperature is high. The prisoners are entirely dependent upon the alms of the charitable for sustenance, and they fight like wild beasts for the food that is given them. Many unhappy creatures suffer horrible barbarities before they are thrown into these dens, for the punishment of mutilation still survives in Morocco, and the poor victims of oppressive laws suffer horribly with seared and wounded stumps from which hand or foot has just been amputated, and for which no sort of hospital treatment is allowed. Everything rests with the cruel and extortionate gaoler, whose heart is only softened by backsheesh, and who makes his wretched charges pay rent even for the irons they wear. The sufferings endured by the Sultan's prisoners is only one of many causes that have produced the recent serious insurrections in Morocco.

CHAPTER XIII.

RUSSIAN PRISONS.

Russian penal system gravely censured—A blot on modern civilization—Official admission of shortcomings—Government anxious to reform—Cruel and barbarous treatment continues and reform tarries—Prisons prior to 1864—First utilization of Siberia—Revision recommended, but little done till 1881—Buildings still most defective—Discipline maintained through prisoners—Costliness of reconstruction, but large sums spent between 1886 and 1891 in improvements—The new central prison of St. Petersburg—Cellular treatment "a soul extractor"—Prisoners prefer exile—What Siberian exile means, and grave charges brought against it—Horrors of the march—What attempts made to reduce the worst evils—Neglect of exiles by the way—The forwarding prisons horrid holes—Terrible overcrowding, its awful effects—Inconceivable human misery—Exiles neglected as regards food, clothing, and medical care—The "naked people"—Enormous percentage of sick—Death-rate—Cruel punishments—Chained to a wheelbarrow—Mischief caused to Siberia by the exile system—Great prevalence of serious crime—Public opinion strongly opposed to system—Chief objections to exile system—Difficulty of finding remedy—Measures suggested—Deportation to the island of Saghalien as a substitute—Probable results of this new experiment in transportation—Other reforms more likely to be effective.

RUSSIAN prisons and the penal system of Russia have attracted very general attention in recent years. They have been gravely censured and so weakly

defended that in a measure they stand self-condemned, yet a judicial and impartial mind is needed in dealing with them. The most hostile criticism comes from the pens of eye-witnesses, who, at great personal risk and discomfort, have penetrated the inmost recesses of the Russian prison-house, and have brought back terrible and heart-rending accounts of what they have seen. In the words of one of the boldest of these enterprising and self-sacrificing travellers, Mr. George Kennan, the "exile system," which in a word comprises the whole of the Russian penitentiary arrangements, is "one of the darkest blots on the civilization of the nineteenth century." Nor does this sweeping aspersion rest on outside evidence alone. It is freely acknowledged in Russia by many fearless spirits, whose courage in denouncing the evils cannot be too highly praised. Nevertheless, in a country where the censorship is one of the most effective engines of despotism, such plain-speaking would hardly be permitted without the tacit consent of the Government, and the inference is that the latter have not suppressed because they knew it was impossible to conceal. As a matter of fact, the Government, although anxious to excuse or explain away the worst features, has made undoubted confession through official channels of its own short-comings. It is not alone the humane subordinate goaded to protest against the evils of a system he is compelled to administer but powerless to mend, but the supreme chief of the prison department who permits himself

to use the following words: — "Considering the inadequacy of the methods for enforcing hard labour in Siberia, the antiquity and faulty construction of its prisons, the extremely insanitary condition under which the convict exiles are maintained; admitting also the difficulty of providing for those set free on conditional pardon, the Siberian transport system may be said to have become completely disorganized, and to fulfil none of the requirements of the grave penalty it is intended to enforce." [1]

Russia for some years past has dealt very hardly with the unfortunate beings of whom the law, or what stands for law in the Czar's dominions, falls foul. It may be doubted indeed whether any more barbarous system, short of actual corporeal torture, has yet been devised for the punishment of human beings in the name of authority. There is torture too, both physical and moral, in the sufferings so many Russian prisoners must undergo. It may be no doubt conceded that the Government of the Czar has not had a free hand; that the prison system, such as it was, was put to a severe strain many years ago, when a new social *régime* changed the status of the whole of the lower classes; when the emancipation of the serfs and the abolition of bodily penalties threw enormous numbers into the prison population. At that time, too, financial disorder following two costly wars forbade the grant of funds sufficient

[1] M. Galkine Wraskoy, *Proceedings of St. Petersburg Prison Congress*, iv. 497. 1890.

for any general or adequate reforms. Moreover, Russia is slow to adapt herself to new needs; her administrative machinery is cumbrous, her territory extensive. It is "a far cry" from Eastern Asia to the throne of the White Czar, and even when the worst horrors become known, it takes still longer to remedy or redress them. But while we must credit the Czar himself with the wish to reform what he undoubtedly knows demands reform, while we must acknowledge that many of his ministers and high functionaries are anxious to remove what can only be called a disgrace and a reproach, the sad fact remains that reform, drastic and complete reform, still tarries by the way. Chaos still reigns through a great part of the Russian penal system, and the cruel hardships and neglect that follow its inadequate, often blind and haphazard processes, is still the predominant feature in Russian prison administration.

Previous to 1864 all prisons in Russia were to be classed under three heads—1st, those intended as places of security to hold prisoners accused and awaiting trial; 2nd, prisons of arrest or short detention not exceeding three months; 3rd, correctional or reformatory prisons, first founded by the Empress Catherine, and intended to amend those guilty of lesser offences. Such imprisonment was hardly deemed punitive; the only penalty known then, and till long afterwards, was exile, "deportation" to Siberia with or without hard labour. The discovery and conquest of the great province of Russia in Asia

had led to the adoption of this system of removal as early as 1648; it was used mainly as a means of riddance, as a quick and easy way of disposing of disabled criminals on whom the fierce code has wreaked its cruel vengeance. The crippled and the mutilated, after branding and the knout, were packed off out of sight to Siberian wilds. It was not till much later, well into the eighteenth century, that deportation had another and a more useful object, that of easily populating "a new and promising" territory by enforced colonization. Siberia was found to possess in many parts a fruitful soil, to be so rich in mineral wealth, that its mines of gold, silver, and copper would certainly repay development. To benefit Siberia, as well as rid the mother-country of its most dangerous elements, was long a leading aim in exile, and it is still the dominating idea of the latest experiment in transportation, now in progress at Saghalien.

After 1864 it became necessary to revise the whole of the penitentiary institutions, such as they were, especially as regarded the prisons themselves, in Europe and Asia, which were needed now to work in with the general system. Commission after commission sat and inquired, with no other result than to emphasize the fact that the gaol accommodation was altogether inadequate. As late as 1881, it was found that the space provided was for 76,096, and that the prison population numbered 94,796. The administration was so paralyzed by this over-crowding that it

could not attempt to introduce any better organization.[1] At that time the local prisons were half in ruins, with few of such indispensable requisites as boundary walls, separation of sexes, or the safe custody of inmates. The staff was composed of old soldiers, for whom there was no provision of either food or clothing, so that they were dependent on the alms of the prisoners for both; and M. Galkine Wraskoy comments sarcastically upon the spectacle of a warder, dressed in a convict's capote, bearing the official stigma, an ace of spades on the small of the back, dining off the leavings of the prisoners' soup-tureen. At that time the internal government of the prison was already exercised as now by the prisoners themselves: a powerful organization,[2] with its laws and penalties, ruled within the walls, and the authorities saw their account in humouring and acknowledging it as the best way of securing peace and good order in the prison.[3] Some few of the central prisons were in better order, but the bulk of them consisted of very defective buildings, originally designed for a very different purpose. Their inmates were as much neglected as in the smaller gaols, and their only distinction from other prisoners was that they wore chains and had half their heads shaved. The main idea of treatment was to locate prisoners in a number

[1] M. Galkine Wraskoy, *Proceedings of St. Petersburg Prison Congress*, iv. 497. 1890.

[2] See ante, p. 119, the *artel*.

[3] Cf. the *camorra* in the Italian prisons, *ante*, chap. ix.

of different groups under lock and key. No labour, whether of a penal or industrial kind, was performed; the latter was quite impossible, both from the limitation of space and the difficulty of disposing of goods in the isolated regions where the prisoners were placed.

The necessity for reform and the direction it should take were undoubtedly recognized long before anything was done. The first and most pressing need was the provision of new prisons—a service so extensive and so costly that the Russian Treasury stood aghast, and it was not until 1885 that the complete reorganization and reconstruction of buildings was admitted as an item of the Budget. It was then agreed that an annual grant of 500,000 roubles should be applied to the creation of new prisons. Between 1886 and 1891 the prison administration expended a total of 11,000,000 roubles in new buildings, or in the reappropriation, enlargement, and improvement of old. The work accomplished includes the erection of a number of new provincial prisons; the reconversion of barracks, arsenals, granaries, hospitals, and convents into prisons; the clearance of yards and central spaces, separation of sexes, enlargement of parts appropriated to prisoners, the general improvement of sanitary appliances, which till then had been of the foulest and most imperfect description. Baths, laundries, refectories for meals in association have now been added; movable bedsteads have been substituted for the old fixtures, on which prisoners might lounge

all day long; hot water boilers provided, so that the *samovar* might be always supplied for tea, which is almost the Russian staff of life. A considerable amount was devoted to the improvement of the *étape* or forwarding prisons along the great exile route, of which I shall presently have much more to say. The provision of some half-dozen new prisons of this kind at Irkutsk, Krasnoiarsk, Verkniudinsk, and elsewhere has not, however, done much as yet to diminish the awful horrors of the Siberian march, but at least the attempt has been made.

About a million and a half was allotted to the new cellular prison of St. Petersburg alone. Until 1860 there was no prison for short terms, but then some ancient wine-vaults were adapted for the purpose. This makeshift prison held some 700, but when the new prison was projected there were always 200 more in police cells, and 200 in nearest towns. The new "Central," as it is called, is an ambitious and imposing edifice, uniting all the newest ideas in prison construction. A good deal of money has been lavished upon its architecture, although it was built in a large measure by prison labour; convicts did the demolitions of the old prisons, and the excavations for the new; doors, windows, locks and fittings, bolts, and bedsteads were constructed in the correctional prison of Litovski. These economies notwithstanding, the total cost of the St. Petersburg "Central" appears to be excessive, which amounts to about a million and a half of roubles, or £180,000. This brings the cost

per cell to something like £147, which is far higher than in the best modern prisons.[1] However, its 1150 cells are spacious and well-ventilated, and lighted with electric light. The steam dynamos are also utilized in raising water for prison use, as well as to melt the snow that gathers deeply around the prison walls. Here the *régime* is that strict cellular separation which is so much eulogized and followed in Belgium and Holland, but not for the same lengthened terms.

The Russian authorities seem to be fully alive to the severity of this form of imprisonment, and have limited the term of its infliction to one year. When the sentence is longer than one year, two days' cellular confinement counts as three days of any other punishment. At the same time, efforts have been made to soften the separation by providing occupation, giving outdoor exercise, attendance at chapel, and frequent visitation by various officials. Hostile critics will not admit that these measures have been very successful. Either the rules are a dead letter, or Russians suffer more than Belgians from isolation.

A writer in the *Fortnightly Review*[2] denounces the Central prison and its system as a "soul extractor." "It utterly destroys human personality; and the customs, the personal characteristics, the traits that distinguish a man from other men are all annihilated after he has spent some time in the Central prison. Here he becomes a mere thing, a

[1] Cf. *post*, vol. ii., final chapters.

[2] Mr. E. B. Lanin.

number, he is not even so much as a beast of burthen, which is fed in order that it may work. In most cases he has no work to do, . . . and this weight of idleness crushes him down more completely than the most grinding form of penal servitude. I saw many hardened criminals, who cared not a rush for their wives, weep like little children when the latter refused to follow them to Siberia." Only unmarried men go to the "Central," and a married convict is *ipso facto* divorced when his wife refuses to accompany him to, and assist in the colonization of, Siberia. "I have also frequently seen prisoners," goes on Mr. Lanin, "who had served their time in the 'Central,' and had recently been released. They were mere shadows, mannikins, automata, wound up once for all—men they were not."

A writer in *The World* newspaper, who visited the fortress of St. Peter and St. Paul, was told by several prisoners in separation there, that the damp and the solitude were the things hardest to bear. Siberia would be far better than solitary imprisonment. "*On le trompe chez vous*," said one, "*au sujet de notre Siberie. Là au moins au n'est pas seul.*" Prisoners, as I have often remarked, have an unnatural longing to change their condition, a grim conviction that they would be better off somewhere else, in some other prison, under some other *régime*. Without seeking to minimize the horrors of separate confinement, if unduly prolonged, — and this is hardly the case in Russia,

unless official limitations are exceeded,—it can hardly be denied that association so foul and degrading as that practised under the exile system is infinitely worse. That the Russian Government is itself aware of this, and reasonably anxious within its means to reduce the evils of deportation to Siberia, must be admitted. But it must be very long, at the present slow rate of progress, before any sufficient extension of the cellular system at home, or development of the newest methods of penal colonization, can replace the exile system. What this has been during the thirty recent years, since such an excessive strain has been put upon very primitive and inadequate arrangements; what it is still in spite of the best efforts of a well-meaning but sorely tried and weakly supported administration, I must now pass on to consider.

Between 1823 and 1887, a period of 64 years, the total number of exiles sent to Siberia has been 772,979.[1] For the last ten years of that period the yearly average has been 18,000, of whom about a third are perfectly innocent people, the wives and children of exiles who voluntarily accompany them. In the previous decades the yearly average was between 7000 and 10,000, but immediately after the emancipation of the serfs in 1864, the average steadily rose till it reached the numbers stated

[1] For these figures and many of my facts I am mainly indebted to the painstaking and exhaustive researches of Mr. George Kennan.

above. These numbers have been greatly swelled by the unhappy conditions under which Russia languishes—the growth of Nihilism, and of a party in strong antagonism to the Government, with the adoption of peremptory measures against all accused or suspected persons. Quite half of those called criminals sent yearly to Siberia have been dealt with by "administrative process," without trial, that is to say, and by the mere precept of the Minister of the Interior. Again, the transfer of authority from the landed proprietors to the village communes has largely increased the numbers banished.

As no corresponding development of means, whether of transport or accommodation, followed this great increase in numbers, frightful over-crowding ensued everywhere, and the whole system became disorganized, with all the terrible consequences of a more or less complete breakdown. What happened has been fully set forth in Mr. Kennan's account of Siberian exile as he found it; it has also been described by the *Law Messenger*, a newspaper of St. Petersburg, and by M. Ptitsin, an official whose report was published in a monthly magazine, the *Northern Messenger;* the truth, moreover, has been admitted almost without reserve by M. Galkine Wraskoy, the chief of the prison department.

Stated briefly, the case against the exile system rests upon the following grave charges; that—

1. Till very recently the whole of the exiles, the worst criminals, political offenders, vagrants,

vagabonds, victims, innocent (or at least unconvicted) men, tender women and harmless children, walked, tramped on foot, neither more nor less, from one end of Russia to the other, or in other words, half through Europe and through a great part of Northern Asia as well.

2. That in the course of this long and terrible pilgrimage they were neglected body and soul.

3. That on reaching their destinations they became a burthen and an intolerable nuisance to the free population, and have retarded rather than advanced the development of the country.

I will endeavour to deal with each of these accusations, stating first the system as it stood, and then the ameliorations (if any) introduced by the authorities.

1. The horrors of the march have been painted in forcible language by Mr. Kennan: the severe bodily fatigue, the exposure to all the vicissitudes of a climate with great extremes of temperature, the insufficiency or often unsuitable character of the clothing provided, the uncertainty and meagre quantity of food supplied. No one who had seen it would be likely to forget the appearance of a convoy of convicts on the line of march, under the loaded rifles of the escort. To march a thousand odd miles in five-pound fetters; wearing soft shoes that are no protection to the feet; in sheep-skin jackets when summer is at its height, and thin linen suits when winter has already begun; to be dependent

on the alms of charitable peasants for food, and always at the mercy of the brutal oligarchy of fellow-prisoners who rode rough-shod over the weaker sort, was in itself a terrible punishment, protracted as it was for months and months, even years, and aggravated by the still deeper and more acute degradation and misery of the halting-places, or *étape* prisons, where night after night the wretched wayfarers were lodged.[1] What the march meant is admitted by M. Galkine Wraskoy, who condemned it as most inconvenient; "over and above the physical fatigue of a daily tramp of some thirty versts, the prisoners and their escorts were subjected to the greatest privations on arrival at their halt." What these *étape* prisons were, and in many cases still are, will presently be seen.

Very commendable efforts appear to have been

[1] "Prisoners are forwarded from place to place in Eastern Siberia 'by *étape* process.' Parties under the supervision of a 'convoy command' march from *étape* to *étape*, and are whole months on the way, while hard-labour convicts, who must go to the head waters of the Amúr river, do not reach their destination in less than a year from the time when they enter Eastern Siberia. In the *étapes*, the male prisoners and the families that voluntarily accompany them are kept, as far as possible, in separate kámeras; but they spend the greater part of the day together, and the scenes of debauchery to be witnessed here cannot possibly be described. All the shame and all the conscience that a criminal has left are here lost completely. Here go to ruin also the families of the criminals, irrespective of age or sex. In addition to debauchery, the prisoners are guilty of many other offences and crimes, among which changing of names occupies an important place."—Kennan, vol. ii.

made by the Prison Board to reduce the evils of the march. The railways as they become available have been utilized, and parties are sent by train from Moscow, the general head-quarters and centre of collection, to Kazan, which became a first advance depôt. From Kazan to Perm the journey is made down the Volga and up the Kama rivers, but to avoid over-crowding at Kazan, exiles from a wide district miss Kazan and proceed direct to Perm by train. From Perm, where enormous numbers have sometimes accumulated, as many as 16,000 at a time, the exiles are sent by train to Ekaterinburg, and thence partly by carts to Tiumen, the first great depôt on the Siberian side. The journey between Tiumen and Tomsk, the next great depôt forward, is performed in boats down the Obi river. After Tomsk —and there is still a long space to be traversed, as far as Krasnoiarsk, or to Irkutsk, or yet further to the dreary wilderness of the Yakutsk, even to Saghalien—the exiles go on foot, as they once did the whole pilgrimage of three or four thousand miles.

M. Galkine Wraskoy is now fairly satisfied with the system, which, in his own words, "leaves nothing to be desired." "The authorities," he goes on to say, "have arrived at so rational an organization of the transport service, that its proper development depends only on the vigorous application of its principles." M. Galkine Wraskoy is perhaps a little too easily pleased.

2. The fatigue and exhaustion inseparable from so

protracted a journey have been greatly increased by the horrors endured on the road. These have been caused by the terrible over-crowding everywhere, the absence of all care for sick and suffering, the want of sufficient clothing and diet, and above all, the perpetual association, the herding together of all sorts and conditions, with the worst always in the ascendant. The disgraceful forwarding (*étape*) prisons, or those for temporary lodgment *en route*, have produced horrors unspeakable. These are described by Kennan as "tumble-down buildings, in bad sanitary condition, cold in winter, saturated with miasm. . ." Some "astounded" him "by their bad condition." "They are the most miserable lodgings," says Mr. Lanin, "that any human being has ever yet been housed in since the troglodytes took to dwelling above-ground." . . . "They are horrid holes utterly unfit for human habitation, and unworthy to serve for the housing of brute beasts. These words have a ring of exaggeration about them, and yet the idea which they are capable of suggesting to a civilized reader will prove but a pale shadow of the dread reality. When speaking of Russian prisons and Russian convicts, ordinary expressions fail to convey the meaning intended." The same opinion is expressed by Russian officials. One of them told Mr. Kennan that the prison he controlled was not fit for a dog; he had been trying for years to get a new one and had failed. "Statements similar to these were made to me," says Kennan, "by at least

a score of officers who held positions of trust in the civil and military service of the State, and many of them furnished me with abundant proof of their assertions in the shape of statistics and documentary evidence."

A few figures will give the best idea of the terrible crowding all along the journey. At Kazan, with capacity for 200, the prison often held 400 and 600.[1] At Perm there had been 16,000; often 2000 where the numbers should have been 400 or 500. At Tiumen Mr. Kennan found most prison chambers over-full, with "four times the number they were intended to hold," five or six times too many for their air space. A stockaded log barrack, about 75 feet in length, held 300 men, women, and children. "The air was heavy and foul, dozens of children were crying from hunger and wretchedness, and the men and women looked tired, sleepless, and dejected." Tomsk, as M. Wraskoy admits, was constantly overcrowding; and the prison, designed for 1200, often held 3000, the only excuse being that 500 or 600 would arrive weekly by boat, and no more than 250 to 400 could be sent on by road, because the prisons further ahead at Achinsk and Krasnoiarsk could not be cleared. The situation at Tomsk became worse and worse as the summer or busy season advanced. In October 1885 there were 3400 exiles in confinement at Tomsk, the castle as well as the prison was full, and the barracks of the correctional

[1] Wraskoy.

company. Many of the convicts of the Tomsk prison appealed to Mr. Kennan, mistaking him for a Government inspector, complaining of "the heat, foulness, and oppressiveness of the prison air," and the terrible overcrowding made it difficult to move about the kámera in the daytime, and almost impossible to get any rest at night.

In the smaller *étape* prisons that fill up the distance between the great depôts, the same evils are observable, sometimes greatly intensified. Small huts for twenty occupied by eighty to a hundred souls; some with one or two cells for three filled with five, even ten; some in which asphyxiation is only escaped by having the door open all night with the thermometer 25° below zero. In some districts there are no prisons at all, and the exiles on arrival are quartered among the peasants, who, with their families, have to share their narrow rooms with the convicts. In one *étape* the warden in charge used the prisoners' common room as a sheep-pen; an eye-witness saw thirty head of sheep and goats under the plank beds. In another village the prison was in an underground cellar; in another merely a wooden cage 19¾ feet square, with an earthen floor, and here twenty-seven convicts were lodged on arriving after a fatiguing march of thirty versts.

"The effects of this overcrowding are far more horrible than anything that can be realized by readers who have never seen prisons on the associated system moderately filled. It is the cause of incon-

ceivable human misery: the rooms are transformed into loathsome cesspools, hotbeds of every species of disease, physical and moral; the stench of the noisome air is intolerable; the clammy clinging vapours which poison the body seem to eat into and dissolve the very soul; and to all these miseries is superadded the hated presence of human fiends who are killing the souls as well as the bodies of the majority of the prisoners."[1] Each forwarding prison is governed by a handful of desperate villains, an oligarchy of the chief criminals, who exercise a tyranny infinitely more cruel than that practised in the old days of "garnish" in the English prisons; a tyranny enforced by penalties of the most refined torture, even of death.[2] The most frightful, the most brutal and bestial orgies take place in these hells upon earth, ending often in hand-to-hand fights. In all cases the victims are of course the weakest; either the less criminal or the entirely innocent, of whom so many, under the peculiar conditions of exile, accompany relations to Siberia. These poor creatures, who have voluntarily taken upon themselves the status of convict, are "pariahs among the off-scourings of the criminal world, who insult, degrade, rob them, and do them all manner of violence. At night they are cast out of the plank beds, and forced to sleep under them on the cold, slushy, frozen ground; the old men among them are beaten, the

[1] Lanin, *Russian Traits and Terrors*, p. 113.

[2] See *ante*, p. 119.

old women, are scoffed at and insulted, the girls and boys are violated and abused by convicts and guards alike."[1] Nameless immorality is horribly prevalent in the Russian forwarding prisons. As for the weaker sex, no woman can pass through the ordeal without risk of the vilest degradation, indeed few, if any, actually escape it.

A partial attempt has been made to remedy this last-named atrocious evil. M. Galkine Wraskoy admitted that, under previous arrangements, the organization of the marching parties was most faulty; both sexes were packed indiscriminately together, married men with their wives and families, single men and single women. It was found impossible to separate and keep these classes apart in the *étapes*, and "extreme demoralization" — they are M. Wraskoy's words — was the result. A recent order provides that the convoys, from the point of departure at Moscow till the arrival at the last stage, Irkutsk, shall be carefully organized, so that single women shall be included in the married parties, and that unmarried men shall proceed in a convoy of their own.

The hardships of the journey, with the sufferings inseparable from the loathsome lodgings *en route*, do not exhaust the shortcomings of the Government with regard to those for whom, while in its charge, and whatever their offences, they are directly responsible. It is gravely asserted, and on evidence

[1] *St. Petersburg Law Messenger*, ii. 356.

that appears unimpeachable, that the exiles are shockingly neglected in the matter of food, clothing, and medical attention. The arrangements for supplying rations are very imperfect, and although the Government spends much money the convicts are very badly fed. At the Tomsk prison, however, Mr. Kennan found the soup nutritious and good, and the black bread, "although rather sour and heavy, not worse than that usually eaten by Russian peasants generally." The daily ration was 2½ lbs. of bread and six ounces of boiled meat, with a bowl of *kvass* twice a day. But along the line of march cash is issued in lieu of rations in kind; the exiles have to buy from hand to mouth, and no regular messing is possible. But Lanin says, on the authority of M. Ptitsin, that even where rations are issued the strong rob the weak, and this is carried out to such an extent that less than a third of the whole population get the Government food. "On two-thirds of the quantity of food actually doled out only about one-fifth of the prisoners are fed. The remainder of the rations fall to the convict bakers, cooks, and other oligarchs." Further forward along the route the prisoners get no allowance whatever, and are dependent upon the charity of the poor peasants. The majority of prisoners live on alms alone. The provision of clothing is no less incomplete and uncertain. Issues are undoubtedly made, and M. Galkine Wraskoy's report contains very full details upon

the cost of the various articles, and where they are manufactured, but the fact remains, that the bulk of the prisoners in the home gaols have "no clothes to put on them,"[1] and that if exiles marching are partially provided, it is with garments that are often quite unsuitable. No doubt the absence of clothing is greatly due to improvidence and recklessness; many convicts will sell their clothes for drink, although it is also done by the starving wretches for food. This has produced the numerous class of "naked people," of whom M. Ptitsin met hundreds in Siberia, perfectly destitute prisoners, who, whether from their own fault or from the extortions and thefts of comrades, are quite coverless. These, says M. Ptitsin, "get a few rags to hide their nakedness, and put hay next the skin to keep the cold out." A peasant conveying any of this class in his cart during winter-time is in such dread of his charge freezing to death, that he covers him up with straw and a horse-cloth till he gets post-haste to where he can shift the responsibility to another driver.

It will be readily understood, that under such conditions the percentage of sick and suffering is enormous in all Russian prisons. M. Wraskoy freely admits the ravages of serious epidemics, even in the prisons immediately under the eyes of authority, as at St. Petersburg, Moscow, and Kiev. There was typhus in all these prisons between 1880 and 1886, a fell disease akin to the old gaol-fever, and absolutely

[1] Ptitsin.

unknown in other European prisons. There was scurvy, a perfectly preventible complaint, in the Castle of Lithuania, another St. Petersburg prison. On the exile route infection followed close in the track of the wretched convicts; they conveyed it in the river barges and in the carts. Escorts took the disease, the peasants also by the way-side; it ravaged the prisons. Kennan computes that typhus gave 62 per cent. of the whole aggregate disease among the prisoners. In the Tiumen forwarding prison they had an epidemic of typhus every autumn, after the great summer crowding. The deaths were about 300 per annum. The medical officer told Mr. Kennan, that at one time he had had 450 patients in hospital, with beds for only 150, and there had been 2400 cases of sickness during the year. The beds of the patients were so close together that no one could cough or vomit without fouling himself or his immediate neighbour. The atmosphere of the wards was so terribly polluted that the surgeon repeatedly fainted on entering the hospital. It could only be cleared and purified by keeping windows open till the air became so chilled that the temperature was never higher than 5° or 6° Reaumur. More than 25 per cent. of the whole prison population were sick, and more than 10 per cent. of the sick died.

Speaking of the Tiumen death-rate, Kennan found that it ranged between 23 and 44 per cent., and that in 7 years out of 11 it was more than 30 per cent.,

enough to annihilate a fixed population in from 2½ to 4 years. During the great cholera epidemic of New Orleans the death-rate was barely 11 per cent., or 110 per thousand. That of the Tiumen prison, compared on the latter basis, would be from 234 to 440 per thousand. The following figures, showing the death-rate per thousand in the prisons of the most civilized nations of the world, will afford a further startling comparison.

Austria	35 per 1000
Belgium and Denmark	18 ,, ,,
France	38 ,, ,,
Spain	25 ,, ,,
U.S.A.[1]	17 to 20 ,, ,,
Great Britain ...	14 ,, ,,

It is hardly necessary to carry this painful subject of Siberian exile much further, although much might still be found in condemnation of it. For instance, the cruelty with which discipline is enforced: with its *plète*, the instrument still in use for corporal punishment at Kara mines or Saghalien, and the lineal descendant of the historic knout, "a lash of twisted hide about two feet long, terminating in thin lashes a foot long, with small leaden balls at the end;" with the fiendishly contrived method of fastening a wheelbarrow to one of the leg fetters, so that the person so punished cannot walk a yard even across his cell without wheeling his barrow in front of him. A "dangerous" political convict, Shehedrin,

[1] This has been much higher under the convict lease system.

took his barrow with him when removed by vehicle from one prison to another, but he was so constantly bruised as it jolted against him that he was released from it during the journey, and the wheelbarrow was lashed on behind. Kennan mentions the cases of four other political convicts so punished at Kara in 1884, but is not aware of any later infliction of the "wheelbarrow." Compared to such cruel methods of coercion, the swift despatch of the soldiers' rifles seem much more merciful—the shooting down of convicts said to be in rebellion is unhappily also known.

3. The mischief done to the Siberian provinces by the exile system may be placed after the sufferings of the exiles themselves, but no less cries for remedy. The penal colonization of Siberia has proved a curse to the country, as it does everywhere, even when carried out with far more ample safeguards than anything attempted by Russia. As it is, Siberia is terrorized, and suffers continually from the immigrant convicts so unsparingly thrust upon it. More than two-thirds of the crimes committed in that country[1] are the work of the transports who are turned loose either after terms of imprisonment or without it, or when they take French leave and set themselves free by escape. An immense army of nomad convicts, vagrants, and runaways infest the

[1] The number of crimes committed by common criminal exiles between 1872 and 1876 in the province of Tobolsk was 5036, and in the province of Tomsk 4856.—KENNAN.

country during the summer months, when thousands walk off without leave or licence from the villages where they are interred. These are the tramps or "brodyags," who are recaptured year after year; and make the Siberian journey a dozen times, and the worst of whom are the "Don't remembers," convicts who, fearful of identification, pretend to have forgotten their own names. Against this "legion of desperadoes," who number some 300,000, always preying upon the country, the honest, hard-working native population have been roused to protect themselves, and execute stern justice upon all. The Siberian peasant, as Mr. Kennan puts it, will not submit to be quietly robbed, or to see his relatives murdered, and he makes the most terrible reprisals. Numbers of corpses are found every year of runaway convicts whom the peasants have killed. In 1886 eleven were found in Tiumen in a single week; in 1884 the surgeon of a district had made post-mortems on 200 dead bodies, all of forced colonists, who had been murdered in his neighbourhood.

It is not strange, then, that public opinion in Siberia is bitterly opposed to the exile system. People ask, and with good reason, why Russia should be purged of its felons at the expense of an outlying province? The mother-country might reform and punish them nearer home. It is cruel to flood Siberian villages with eight or ten thousand of the worst criminals yearly, and exercise only the most imperfect supervision and discipline over them. Such

very reasonable protests, in which all humane and sensible people will cordially agree, have failed to obtain much more than partial attention. Still, an effort has been made to reduce the worst evils of the system, and apply some remedy.

The chief administrative objections to the existing arrangements may be now stated as they have been summarized by M. Galkine Wraskoy, who has no doubt been at great pains to investigate its shortcomings. These are in his opinion due—1st, to the excessive numbers deported to Siberia, so many of whom (although subjected to all the hardships of the journey) are quite unfit for hard labour; 2nd, the difficulty of providing for the food and maintenance of this great immigrant body of exiles; 3rd, the limits of the districts through which the incomers can be distributed, and their disproportion in point of numbers to the sparse population of the localities to which they are sent; 4th, the want of regular employment under due supervision for the exiles, and the difficulty of protecting them from the rapacity of the private contractors who might be prepared to utilize their labour. Only a very drastic and extensive change of system could meet these objections, and enormous, almost insuperable difficulties seem to stand in the way of any such change.

There is first the expense. To substitute imprisonment at home for transportation would entail an expenditure which the Prison Board fears to contemplate, and to which the Russian Treasury

would no doubt distinctly refuse consent. Russian finance, already seriously embarrassed, may well recoil from so costly a measure. Even rich England contemplated with grave misgiving the similar change rendered necessary in 1840-7, when our colonies altogether declined to be treated as the outlet of our social sewage. Again, the abolition of exile must have been accompanied by a complete revision of the Russian penal code, and to this the departments of law and justice energetically demurred. The only possible reforms, therefore, were of an administrative character: changes in the direction taken by the mass of the convict exiles, their better management *en route* and at their journey's end, with such limitations of the banishing power as might be expected to reduce the whole volume of exiles deported. It is hoped that the following measures may remove some of the worst evils of the exile system, and render it less objectionable to the Siberian people.

1. The substitution of imprisonment in European Russia for certain offenders and under exceptional cases.

2. The checks imposed upon the village communes by forbidding them to re-transport criminal convicts who have returned from Siberia.[1]

[1] Sir Donald Wallace, in his great work on Russia, thinks that the *mir* or village commune does not largely use its power of banishment, being afraid of the retaliation likely to be worked by returned convicts, who would not hesitate to burn the village down in wreaking their vengeance. The prohibition to re-transport might benefit Siberia, but be no boon to the home commune.

3. The obligation imposed on these communes to support their exiles for at least the two first years of their enforced residence in Siberia.

4. The revision of the system of deportation in the case of all hard-labour convicts, by transporting them only to the mines of Eastern Siberia, or to the still more distant sub-arctic island of Saghalien, where Russia is now carrying out her latest experiment in penal colonization.

How far these reforms will be accomplished, and what success will attend them, cannot be known for some time to come. The slow progress made in erecting new prisons, and in reconstructing, hardly encourages a hope that sufficient accommodation will be found at home even for the special cases of paragraph 1. It seems as if the Russian Government is proceeding far too expensively in this direction, that its new prisons are too elaborate, judging by that of St. Petersburg, to make their rapid development possible. Again, although by no means heartily in favour of the strictly cellular system as practised in Belgium, the Russian Prison Board is not yet sufficiently advanced to introduce simpler constructions, the "movable prisons," so strongly recommended by an eminent Russian publicist, M. Yadrinntzeff, prisons already adopted in principle in Austria and in this country,[1] and which if accepted in Russia would speedily dispose of

[1] See *ante*, p. 241, and *post*, final chapter.

many of the arguments for the continuance of transportation.

No great results are expected, by those competent to express an opinion, from the new measures for limiting the action of the village communes. It is evident that the prison administration hopes most from the fresh impetus given to deportation by the reforms introduced in the mining districts and the extension of the Saghalien colony. The silver mines in the Nertchinsk district have been worked by convicts since 1868, and prisons have been built for prisoners both at Nertchinsk and at Algatchinsk, and Povrosk and elsewhere. No great results have been achieved at these mines as yet, but a new prison has now been built at Zerentouisk for the Nertchinsk mine, and following this, some development of the mining industry by conceding to the convict workmen a portion of their earnings, and planting colonies of the liberated in the neighbourhood of the mines. One difficulty, especially at the Kara mines, has been the necessity to shift the workings as the ore gives out, which has rendered impossible the erection of a prison at any one given spot; another at Nertchinsk is the exhaustion of the forests and the increasing scarcity of fuel.

The favourite project, and that from which the largest results are expected, is the penal colonization of Saghalien. This is being carried forward with the energy worthy of a better object. For some time after 1870 the numbers transported there were small,

but the system was gradually developed, till towards 1884 it became the rule to send to Saghalien all female convicts sentenced to hard labour, and all males whose families would accompany them. In 1890 the convict population numbered 6360 men and 712 females, while some 3000 emancipated convicts had become free colonists. It is estimated that by 1900 the Russians resident in the island will number from 25,000 to 30,000. Loud objections were made to Saghalien at first as unfit for human occupation. These objections are contested, but not entirely removed. However, M. Galkine Wraskoy gives an unqualified denial to all the unfavourable reports on the island, the climate of which, especially towards the south, he characterizes as healthy, seeing that medical statistics did not show the least tendency to epidemic disease. The soil, although marshy in low and exposed parts, is rich and fruitful where sheltered by the mountain ranges. Agriculture and the grazing of stock have been tried with perfect success. The island is well endowed with mineral wealth; coal has been found, and the presence of other minerals indicated, and the plentiful wells of petroleum are already worked largely. On the other hand, the climate is undoubtedly severe, the average annual temperature is 2° Centigrade in the north of the island, and 4° in the

but much snow falls in the winter and the summers are rainy.

Saghalien will probably in the long run confirm

the experience gained at great cost by other nations in the field of transportation. It will prove inordinately costly as a prison residence, seeing that the transfer from Russia to the Sea of Okhotsk must add enormously to the expense per head, and with no corresponding gain. If convicts are to be imprisoned only, it can be done much cheaper, with greater safeguards, probably with better returns, at home. As a penal colony Saghalien will fail, and for reasons inseparable from the methods employed. As the country is developed and the population increases, precisely the same social difficulties will arise as were seen in our own Australian colonies, and are now in New Caledonia. There must be conflict and antagonism between the two classes, bond and free; between the convicts who came out as such, and whether they are still so classed or have gained emancipation, and the free settlers. Relations between them will go through the usual three phases: they will "first be in sympathy, then indifferent, then hostile. When the free population is scanty it will willingly accept the services which penal colonization offers them; but if it is fully developed it will no longer need them. Eastern Siberia will do exactly as Australia."[1] Enlightened Russians are already alive to this. As M. Spasowicz has said in the *Proceedings of the St. Petersburg Prison Congress*,[2] "Deportation has enabled Russia to colonize Siberia and

[1] Joly, *Le Combat contre le Crime.*

[2] Note iii. p. 443.

Saghalien; but the system is already condemned, and its abandonment in principle is only a question of time. Its continued use is only possible in states which own distant possessions suitable for colonization. It is after all only a temporary expedient, which helps a government to postpone the full reform of its penitentiary system."

The same efforts if more usefully and judiciously directed would soon effect these reforms. There is no pretence that the exile system, or that which is now engrafted on it, is cheap. On the contrary, it has been proved that the Siberian convict, even under ordinary circumstances, costs four or five times more than he would if kept in prison in Russian Europe; while the whole expenditure is enormously increased by the stream of fugitives so constantly on the move, who are for ever being re-transported, sometimes five, six, even fifteen times. The first expense of constructing home prisons to remedy this would be the chief expense, but the Czar's advisers are either too short-sighted, too much hampered by routine, or in their hearts cling too fondly to the old processes, to be able yet to enter into the true path of reform.

CHAPTER XIV.

PRISONS OF UNITED STATES.

Little uniformity in penal system—Palatial prisons contrast with convict camps and bad country gaols—Central federal authority required—County gaol system a blot, and should be swept away—Some of the State prisons—Best and worst—Bad prisons of Delaware—Prison discipline generally rough-and-ready—Full dietaries, harsh punishments—"Tying up"—Chain and ring—The box—Remission, or "gain time," universally given—Parole system of Ohio—Employment of prisoners—Conflicts with free labour—The Yates Law in New York State—Paralyzed prison industries—Effects in Sing Sing—Arguments against prison industries—Their competition with free labour—Some facts and figures—The four methods of employing prisoners practised in the United States—Their merits and demerits as proposed by the Labour Commissioners—Financial results obtained from each—Difficulties of control and management—Objections to the lease system, as stated by the Governor of the State of Georgia—Stated more in detail—Great evils seen in Tennessee—Matters show little improvement there—Very bad in Alabama ten years ago—Reforms now introduced—The abuses it was intended to correct—Description of new prisons—Buildings—Treatment of prisoners—Classes of, not generally unhappy—Nature of work, coal-mining, which is severe—North Carolina responsible for great hardships and cruelties—South Carolina, Mississippi, Texas, Kentucky—Lease system viewed from inside—Captain Powell: account of a convict camp he commanded—*The American Siberia*—Punishments—Chains—Severity of labour—Iron discipline, necessary no doubt with such desperate characters, but

system by no means perfect—Crime is steadily increasing in United States—Explanations offered—Prevalence of homicide —Rarity of capital punishment—Lynchings.

THERE is little uniformity in the penal system of the United States, and every variety of repression may be met with in the length and breadth of its vast territory. At one end stands the prison in its highest development, as in the Eastern Penitentiary of Philadelphia, or the palatial school-house for adult criminals at Elmira; at the other one are the southern convict camps, and the innumerable and all but universally bad county gaols. Many earnest, thoughtful people are interested in prison matters, but their efforts, chiefly shown in conference, have not secured more than publicity for abuses and urgent demands for comprehensive reform. The defects as well as the merits of the prison system of the United States were summed up in the preface to the *Proceedings of the Chicago Prison Conference in* 1884, and what was then stated seems to be still nearly true. It was claimed for these American prisons that they were on the whole well organized, efficiently managed, and doing far better work even in the reformation of prisoners than is known to the outside world. They have numerous defects nevertheless, and these are due to a variety of causes. Among them may be mentioned the absence of an enlightened public sentiment on the prison question, the political organization of the country, the unstable tenure of office on the part of prison officers, and the

imperfection of the criminal codes. The creation of a strong centralized Federal department, charged with general supervision and control of prisons, is felt to be the only measure that can produce good results, but so great a change in constitutional usage cannot be easily or quickly effected.

Meanwhile, all the chief penal institutions, with the exception of those in Territories or for military

AMERICAN TYPES.—I. A BANK BURGLAR.

offenders, remain in the hands of the various State legislatures, the lesser gaols being under the local or county authorities. Hence the diversity of practice, the extremes of good and bad management. Here philanthropy encourages enlightened endeavour; there ignorance, poverty, incapacity, fosters deplorable, almost culpable neglect. But the wish to improve is now the order of the day. Public opinion

has already expressed itself indignantly against some of the worst features of the system, which are fast disappearing. An effort has been made to keep juveniles from adults in crime, and especial reformatory measures have been applied to those who are most susceptible of amendment. Female prisons separate and apart from the male quarters have also been built in some of the States. Nothing much has, however, been done to reform the county gaols, of which there are some 2500, and which are mostly in a disgraceful state. They are of all descriptions, from the primitive log shanty, the old-fashioned calabooze,[1] to the massive stone building, and have only two features in common, that of the indiscriminate association of their inmates, and their continuous detention without work, instruction, or discipline. "In these prisons," wrote Dr. Wines[2] in 1880, and the same condition still generally prevails, "all categories are confounded together, the old offender and the wayward youth, so that the novice goes out with the knowledge of the accomplished rascal, wanting only the further experience which he will soon obtain." There seems little doubt that the corrupting influence of these county gaols has contributed largely to the recent steady increase of crime in the United States, an increase shown in the last census statistics, and generally admitted by all competent observers. The "common gaol" system of the United States every-

[1] From the Spanish *calabozo*, or dungeon.

[2] Wines, *State of Prisons*.

where needs radical reform. "Rather it needs demolition and reconstruction—a sweeping away of the old and a bringing in of a new order of things." [1]

More recent reports are to the same purport. Speaking at the Prison Conference of Chicago in 1884, the secretary, the Rev. F. H. Wines,[2] stated that in some of the county gaols men and women were not separated at all. In one gaol in the State of Illinois

AMERICAN TYPES.—II. A FEMALE PICKPOCKET AND BLACK-MAILER.

he knew men and women to have the liberty of the entire gaol without the interference of the gaolers. In another an innocent girl was detained as a witness merely, for a whole year, in the same prison with the most degraded of her sex. "If there is an iniquity

[1] Wines.

[2] Son of the late Dr. Wines, a very eminent and well-known "penologist."

in this land to-day," he declares, "it is the county gaol system. . . . I do not know any greater iniquity perpetrated in the world than the gaol system of the United States."

Mr. Round, now the chairman of the New York Prison Association, spoke in the same terms. "People may talk about Newgate, and the worst condition of the prisons of China and Japan, but I can find them an exact parallel in my State and in other States of the country. . . . The county gaol is the one important step in our penal system, and there is but one thing to do, and that is to sweep it entirely away. . . . It is the one great blot on our penal system. . . . It is maintained, however, because it is the centre of the little, mean, contemptible political system of every county." While it lasts the State ignores its manifest duties and responsiblities, and the gaols are left in the hands of incompetent county boards. "These gentlemen," declared another, a still more severe critic, "are satisfied with the gaols as they find them, and although in some cases they know that they are badly ventilated, that they are foul, unhealthy, overcrowded, and in every way unfit, not only for the confinement of human beings, but for the stabling of good horses, yet from motives of economy, and so forth, they will not replace them by proper modern prisons." Vested interests also conspire to maintain this unsatisfactory state of things. The sheriffs, who receive gaol fees, as gaolers did in the days of John Howard, will not easily surrender

their perquisites, and the patronage of public appointments is a strong factor in the local politics of the United States.

"There is no remedy for the county gaol system," said the speaker last quoted, "except its entire abolition. I hope to see the day when, with the help of public sentiment and the press, we can take our penal system entirely from politics, and put it on different ground, where no politician can touch it for his own use." That day has not yet dawned; indeed, it still seems far distant.

The State prisons are, however, governed by the State legislatures, in the full strong light of public opinion, and are run, for the most part, on broad, intelligent lines. But only in the single instance of the famous Eastern Penitentiary at Cherry Hill, Philadelphia, is the plan of cellular separation, at least by night, adopted in the prisons of the United States. Yet this is now deemed a cardinal principle in management. Even in this excepted case the rule has been broken through. So great have been the demands on space, that each of the Cherry Hill prison cells often contains two and three inmates at a time. The Western Penitentiary in the same State was planned for strict cellular separation, but the plan was abandoned for night sleeping alone, and this too has given way under pressure on space. Overcrowding seems to be a general fault in the American prisons. The extension of buildings has not been commensurate with the growth of the prison population, and crime

has steadily increased during the last ten years. Thus I find, according to the most recent reports I can obtain, that in Indiana, which owns two State prisons, one at Jeffresonville, the other at Michigan City, with an aggregate population of 1300 to 1400, that "both prisons are much overcrowded, beds in the corridor, two in a cell, and much demoralization the result."[1] California is characterized by the same authority as "very progressive, owning good prisons, anxious to develop its institutions;" but official reports admit that prisoners were for 12 hours out of the 24 in cells with only 150 cubic feet of air space each. However, the prisoners are as a rule humanely treated; they get sufficient coarse healthy food, and no more punishment is inflicted than is necessary for discipline.[2] The agent of the Labour Bureau, a Department of the United States charged with important functions, reports in 1889, that the prison system of California is "involved in local politics, and that the general commingling of all ages and classes in prisons, including Chinese, breeds vice." Out of a total prison population of 2000 in the two Californian State prisons, at San Quentin and Folsom, 53 were male negroes, 164 were Chinese, and 42 Indians, so the admixture of foreign races is large.

The organization of the St. Quentin prison is, however, very elaborate, as I find it detailed in a State

[1] Wines, *State of Prisons.*

[2] "The mode of punishment now generally practised is confinement in the dungeon, with a limited allowance of food. We have used to some extent the shower-bath applied moderately, and very rarely the whip."—Warden's Report.

ordinance, which was to come into effect on April 1, 1891, and a large number of officials are employed. The average prison population numbers 1300 to 1400 in St. Quentin. Its chief, under a Board of Directors, is the warden, who is assisted by a captain of the yard responsible for discipline, a captain of the guard responsible for safe custody, assisted by the gate-keepers and a force of guards and policemen. There is a commissary, a steward, storekeeper, clerk of registers, clerk of accounts, correspondence clerk, commercial clerk, a shorthand writer and telegraphist. The chaplain is resident, so is the medical officer. A very commendable spirit should animate the officers of the St. Quentin Penitentiary, if only the maxims set forth by this ordinance are observed. It inculcates the excellent theory that imprisonment is intended to reform as well as to correct offenders, and that it is a prison officer's duty to obtain an ascendency over those under their charge by constantly setting them a good example, maintaining a high moral standard in language and demeanour, by being both just and humane in their dealings, yet studiously avoiding familiarity with prisoners.

In Illinois, which has State prisons at Joliet and Chester, the overcrowding at the former is so great that the cells contain at least two inmates at night and on Sundays, yet the State is said to be anxious for reform. It has a large and successful House of Correction at Chicago, under a good man, Mr. Felton, and it is said to be anxious to adopt cellular con-

finement for all short terms. The New Hampshire State prison is a small and "poor prison, but well managed, which was built in the early decades of the century, is generally overcrowded." "Every nook and cranny is full," writes Wines; "there are bed-places in the corridors, often two convicts in a cell not big enough for one."

Another small State, the smallest of the Union, Delaware, can boast of the uneviable notoriety of having the worst prison in the United States. In 1892, the National Prison Society of America deputed Mr. G. S. Griffiths to visit the Delaware prisons and report upon them. In this rather backward State, which has retained the pillory and the whipping-post, not only for offences in the prisons but as a punishment for crime, Mr. Griffiths found that the penitentiary system had remained unchanged for thirty years. The efforts of a few more enlightened citizens had proved quite fruitless, and the three county prisons (Delaware does not possess a State prison) are still in the most primitive condition. That of Newcastle, which may be taken as a type of the rest, is a two-storied building, surrounded by a stone wall, in the heart of the city. In the yard stood the pillory itself, an open platform raised fifteen or twenty feet from the ground. Exposure on it meant standing on tiptoe naked to the waist in all kinds of weather, the neck passed through a yoke, the arms outstretched. While thus pilloried, Mr. Griffiths saw eight men flogged before a crowd of men, women,

and children, three hundred of them enjoying the spectacle although the rain fell in torrents. Within the prison were 193 prisoners, 57 of them still untried; the remainder were sentenced, and among them were seven lifers, three of them whites, and four negroes. Shut up with this mixed crowd were ten juveniles of ages varying from eight to fifteen, the youngest so small that he could be passed between the bars of the cell window. The *régime* in the gaol was associated. Within the building large cells gave upon a central corridor; in one of these cells Mr. Griffiths saw eight prisoners, in another sixteen, in a third sixty-four. In all of these the commingling was indiscriminate, with necessarily the most injudicious results. There does not seem to be even separation of the sexes; at least Mr. Griffiths urges the necessity for a distinct female prison under its own matron—another evidence that female officers are not employed in Delaware, as everywhere else in the civilized world—in the care and custody of female prisoners. There were no workshops, no work in the gaol, only in one corner a heap of stones, which in fine weather some of the prisoners were allowed to break. But idleness was the general rule, and several inmates complained bitterly of it. None of the Delaware prisons have chaplains; there is no chapel service, except when a devoted minister chooses to preach in the prison corridor to prisoners on the other side of the closed cell doors. Dr. Wines in 1880 tells us the criminal classes rather avoid Delaware State, not caring to undergo the dis-

cipline of the pillory. But Mr. Griffiths quotes from the police reports of the State that 2862 were arrested in 1890, and of these 868 were convicted and sent to the Newcastle gaol. As the State population is only 168,493, the proportion is high. Mr. Griffiths attributes it to the large number of drinking-shops in the State.

Prison discipline in most of the prisons of the United States is of a rough-and-ready kind. Great harshness in punishment is often seen, in strange contrast with concessions and relaxations very foreign to our older ideas of prison restraints. Taking the latter first, it is the rule nearly everywhere to supply an ample, even a luxurious dietary. There is little of the careful weighing out of portions following abstruse calculations as to the right proportion of nitrogenous elements and anti-scorbutics, which have now established all our British dietaries on scientific lines. A man gets as much as he can eat in every State, sometimes more. I have before me the scale of diets for the State prison of Maryland at Baltimore,[1] and see that it includes the issue of a meat ration twice a day three times a week, and once a day on the other four days; other rations given daily are fresh fish, green and dried vegetables, coffee, fruit, apples, and water-melons, the negroes' favourite delicacy, and about half the Maryland State prisoners are coloured. These issues are made without stint, without any limit of quantity, so long as there is no waste.

[1] French Prison Society's Bulletin.

Tobacco is also given to all who use it. In this Baltimore prison the cells are lighted by electricity, and the prisoners may read till nine p.m., books taken from a full and well-chosen library. In the great State prison of Columbus, Ohio, the prisoner's friends may furnish his cell with carpet and writing-desk, if he is in the first grade, and he may also keep his light burning till ten p.m. At Sing Sing friends may send in "little luxuries," underclothing, socks, towels, carpets also for the cells, and additional articles of food, cakes, sweets, and fruit-boxes, like the "tuck-baskets" of some English schools. Newspapers—those it must be admitted which deal least with the topics of the day—may be received ungarbled and unclipped, and the prisoner may pay for them out of his own earnings. As a general rule, there is no limitation of correspondence. Prisoners write once a month, or oftener, and receive all the letters of a proper kind sent to them. There is recreation also for dull hours. In numbers of prisons concerts got up by the prisoners are permitted. But few go the length of the authorities of the Reformatory Prison at Concord, who allow prisoners in the first class to form a club and give evening parties, to which the officers of the establishment are only admitted by invitation. The club is regularly organized and managed by the prisoners themselves; admission is by ballot, and expulsion can be enforced. A visitor to two of these re-unions found the prisoner-members in evening-dress, wearing white ties, and with flowers in their button-holes.

The entertainments consisted of recitations, some of verses composed in the prison. Many songs were sung, and several pieces played on the piano, and the whole affair was kept up admirably, but with the utmost decorum.

On the other hand, authority is generally maintained with a firm, even a heavy, hand. Penalties are employed for insubordination, the most heinous of prison offences, which would not be tolerated by us, although we do not object to the occasional and now very rare employment of the lash. Corporal punishment, carefully watched and inflicted under severe restrictions, cannot be so bad as the "tying up" by the thumbs, the pulley and chain, the yoke, the cradle, and the shower-bath, all of which were in force in the State of New York not twenty years ago.

"In Auburn and Sing Sing," Warden Brush admitted at the Chicago Conference in 1884,[1] "we have tried probably every punishment known to human ingenuity, from the Spanish Inquisition to the present day." At length the law protested, and the State Attorney-General would permit no punishment but that of solitary confinement on bread and water, all others being forbidden by law. The promulgation of this almost destroyed the discipline of the prison: "our works were nearly stopped, and we were on the verge of bloody riots."[2] There were 150 men locked up under punishment in the solitary cells. Then

[1] *Proceedings*, p. 131. [2] Brush, *ibid.* p. 131.

Warden Brush[1] devised a plan which was declared to be no form of corporal punishment, and which consisted in handcuffing a man to the wall in the cell, his hands above his head. The handcuffs are part of a slide, which moves up or down the cell wall, and which may be lifted till the ill-conducted convict is on tiptoes or taken entirely off his feet. One minute of this has been found to be as much as a man can bear, but as a rule "a look at it is about all he wants." If he does not give in at once, he does after a minute's closer acquaintance. Warden Brush declared that he never knew it to fail, although in other State prisons where it has been tried its efficacy is not so fully acknowledged. In Illinois, when the lash was abolished in 1857, running up men by a chain fastened to a ring high up on the wall was tried, and remained in force until 1874. Then solitary confinement on bread and water was the only punishment permitted, "except in flagrant cases such as fighting, when the offender is compelled to stand during the working day with his hand through the grated door, five hours in the morning and five hours in the afternoon."[2]

Another form of punishment was described by Warden Warner at the Chicago Conference, as tried by him in one of the Pennsylvanian prisons. This was to enclose a recalcitrant prisoner in a plank box,

[1] I had the pleasure of meeting this most active and ingenious prison official at Sing Sing in 1889.

[2] Warden McClaughrey, *Chicago Conference*, p. 137.

six feet and a half high, the same in length, and two feet wide, and keep him there without food or drink, neither bread nor water, until he gave in. "If a prisoner is fed on bread and water he may hold out a long time. If he is only allowed to drink he may still hold out a long time; but the deprivation of water is the greatest punishment he can experience. We had one remarkable case in which the prisoner held out six days and a half against the pangs of hunger and thirst." Two days are generally sufficient; if not, on the third the man cries, "For God's sake give me something to drink, and let me out."

Warden Carter of Waupun Wisconsin told of a combined attempt of forty prisoners to refuse work, who were locked up in their cells, and were then reinforced by forty more. The whole eighty were kept without food or drink for three days, after which they gave in. Warden Willis described how certain mutinous prisoners were incited by one desperado to rise against their officers, secure them, and make good their escape. One ringleader was a man who "has not his equal anywhere. He is six feet high, weighs 200 pounds, and is not afraid of anybody."[1] His plot was to seize a ladder used in greasing the shaft; it was to be carried to the walls after the officers had been overpowered, and to be used for effecting escape. Foiled in this design, the prisoner set fire to the shops, and as the whole of the factory buildings were of wood, the conflagration became general. The prisoners were

[1] Warden Willis, *Chicago Conf.*, p. 148.

turned out and "corralled"; guards with guns surrounded them, and no attempt at escape was made except by the original cause of the trouble. He was also "corralled." "Two men put revolvers to his head, and he surrendered. We ought to have killed him," Warden Willis added, "for we have had great trouble with him. I put him and the others into dark cells, and fed them on bread and water for two months. They began to look a little pale in the face, and we increased their food. In four months' time they were given their regular food." It is, I think, pretty obvious that the methods of coercion used in "a free country" would call for something like reprehension with us; although in fairness to Warden Willis I must add, that he and his officers "never said an unkind word to the mutineers, or inflicted any other punishment but the bread and water diet." In England no sentence of bread and water can be continued for more than three days without an intervening period of a better diet.

Nearly all the States have adopted a regular system of remission of sentence, sometimes called commutation, and sometimes "gain time." It is unnecessary to particularize, but the system is much the same in all. The great boon is conceded on much the same grounds everywhere, for industry, that is to say, for good behaviour, for "performing duties in a faithful manner," and in all cases the remission earned is forfeited by an attempt to escape. The most elaborate of all is the parole system of Ohio, which is worked by a Board of

Managers dealing with each individual case under specified rules. Ohio is proud of its great penitentiary at Columbus, which is accounted the largest in the world, with its two thousand cells, covering twenty-two acres within the walls. It receives all sentences, from "a short year," ten months and ten days, to life; and capital convicts who await their doom for one hundred days, the appointed time, and are then hung between the hours of midnight and sunrise. The parole system has been in force since 1885, and it is said to work well. Down to October 1889, 535 in all had been paroled, of whom 56 per cent. were discharged without having got into further trouble at the end of their parole; 28 per cent. were still on parole; 8 per cent. had been re-committed for violation of it; another 8 per cent. had failed to report; and two individuals had returned voluntarily to prison, having refused to accept the freedom accorded. The managers, who seem to have discharged a difficult duty with great patience and discretion, are satisfied that they rejected more applications for parole than they have made mistakes in according it. The responsibility lies heavy upon them. They meet monthly, "and are usually in session four days, holding three sessions daily—morning, afternoon, and evening." The evenings are given to the prisoners, who are entitled to apply in person to claim their parole. The release is conditional, and the parole may be worked on much the same grounds as a licence or ticket-of-leave is forfeited with us. Every convict is not eligible for

this clemency, which is governed by the length of sentence or frequency of the offence. An offender sentenced for the third time, or a "lifer" (and a third conviction involves a life sentence), must be pardoned by the Governor of the State. He cannot be paroled by the managers, who can only recommend it, leaving the Governor to grant or refuse release. The figures quoted above show that the clemency shown is not misplaced, while the testimony of the released prisoners themselves proves that they very generally appreciate the boon accorded them.

The employment of prisoners is a burning question in American prison management, which largely affects their discipline and the general control of prisons. In many parts of the States economic considerations have outbalanced all others. The commercial spirit of a money-making people has led them often to put prison earnings before everything; to make as much profit as possible out of those whom the law throws as a burthen upon the community. In these States the best prison governor was thought to be he who made his establishment the most nearly self-supporting, and in this he was backed up by all the advantages of official support. Poorer States, which could not advance capital or meet expenditure in developing prison industries, washed their hands of the charge and abdicated in favour of private persons prepared to run the prisons on their own account. Both processes have given rise to fierce opposition in several quarters. Prison competition,

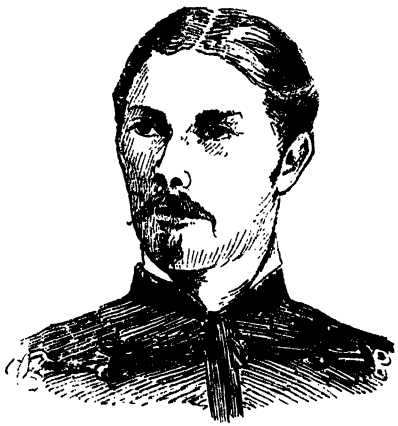
pushed too fast and too far, with no object but that of immediate gain, is accused of having seriously affected the labour market, while the surrender of its manifest duties by the State, and the evils that followed it, has covered the "convict lease" system with much and well-merited obloquy.

One of the most serious consequences of the first set of objections was the enactment in a single session of the now well-known Yates' Law, which suddenly paralyzed the prison industries of the State of New York. It was in the winter of 1887-8 that the New York legislature adjourned without providing funds for the work in progress in the New York prisons. This stoppage of supplies meant ruin, and the various prison wardens were in despair. Up to that moment prison trades had been in the most flourishing condition. Each prison was a great manufactory, a going concern, commanding extensive plant and many resources, all worked with skill and enterprise. Now the money needed to purchase raw material was withheld, and no hopes of a grant were entertained. The Governor of the State called the representatives together in special session, but it was at once apparent that strong hostile forces were suddenly arrayed against all productive labour in prisons. An election was close at hand, and a powerful organization, known as the Knights of Labour, were masters of the situation. In one night the Yates' Bill was introduced, discussed, and passed. Next morning the new law came into effect, and all work thereupon ceased in all

the prisons of New York State. No notice of the contemplated change had been given, no time was allowed to complete contracts, to finish goods in hand, and already half manufactured. Serious loss was inevitable. In Sing-Sing prison alone the amount of material, either partially worked up or left to rot in its raw state, was valued at $200,000, or £40,000. I saw a great portion of it when I visited Sing-Sing in 1889, and passed through its silent work-sheds and deserted store-rooms; thousands of stoves rotting and rusting, huge piles of unfinished shoes, their soles and uppers blue-moulded and spoilt. These two industries had alone produced in the year 1888 a net profit of between £11,000 and £12,000 each. The great prison laundry, which had shown a net profit in the same year of £6000, was now idle and making no return. The new law not only forbade the use of all machinery in the prisons, but it also prohibited the sale, to any person whatsoever, of anything manufactured by hand. The only exception was in favour of articles required by institutions supported by the State, an outlet which could not be immediately utilized, and which even now has not been very largely employed.

The pernicious effect of this sweeping measure was plainly apparent in the prison. The general idleness in Sing-Sing, as I saw it in 1889, was something horrible to contemplate. A great mass of able-bodied criminals—fifteen hundred in number, and the average age of the inmates barely twenty-eight—were

"loafing around," kicking their heels about in the yards and passages, whistling, singing, chaffing each other or their officers, or lying full-length in their cell hammocks smoking and reading novels. Grave fears were entertained that the general health would suffer. It was most difficult to keep the prison sweet and clean; its ventilation, the cells being always crowded and the workshops empty, was difficult, and



AMERICAN TYPES.—III. HUGH L. COURTENAY, *alias* LORD COURTENAY, SWINDLER.

sanitation suffered. The moral deterioration was serious; it is now an accepted axiom that when the imprisoned are kept unemployed, they first grow restless and unhappy, then their whole nervous system breaks down. One official at Sing-Sing assured me that he expected the very worst results, nothing less than disease, insanity, and death. Some modification of these peremptory provisions as regards labour has

since been introduced, and the worst consequences have happily been avoided, but the Yates' Law has not been repealed.

It must be confessed that the opponents to prison industries have some show of reason in their complaints. The system has been carried in America to an extent that is decidedly injurious to general "outside" trade. Certain industries which were peculiarly suitable for prison labourers have been fostered and developed, often in direct competition with and at the expense of free workmen. The latter must obviously stand at a disadvantage with institutions commanding public capital which cannot go bankrupt, and which, being obliged to make no particular profit, can always undersell competitors who live by their trade. Some of the hardships inflicted were ascertained and made public in the excellent Reports of the United States Labour Bureau. Thus it was proved beyond doubt that the barrel-making or cooperage trade of the Joliet prison in Illinois had injuriously affected the general trade in that direction. Work of this kind had progressively increased 300 per cent. in the prison during eleven years ending 1889, and in the Chicago shops it had remained at a standstill during the same period. At Atlanta, in Georgia, the brick-making interest, which had once employed six hundred hands, had been almost completely broken up by convict competition. It was the same at Raleigh, and in the State of Oregon the prison production had broken up the business of stove factories in the State.

The fight has no doubt been an unequal one. While prison enterprise has invaded many avenues of employment, and applied greater numbers of workmen to the various industries, managers and contractors have often obtained prison labour at a price that gave them a command of the selling markets. Some of the trades followed and the numbers employed may be quoted in proof of the first. Prisoners in the United States make agricultural implements, boots and shoes (7467 males and 136 females), bricks, brooms and brushes (1974 males and 149 females), carpets, carriages and wagons (1366 males), clothing (4048 males and 1513 females), furniture, harness, saddlery, iron goods, stoves, hollow ware, wooden goods; they have been employed at farming and gardening (3300 males and 269 females), in lumbering, mining, tobacco-growing, on public ways and public works. As regards the second statement, it will be seen how greatly the honest is handicapped by the dishonest workman, from the fact that in New York State the contractor could hire convict workmen for 56 cents a day, while a free man earned 2 dollars; that in Ohio a convict cooper cost 68 cents daily, and a free man 1 dollar 60 cents; that a convict coachbuilder in Kansas could be got for 84¾ cents, and a free man was paid 3½ dollars; that a prison shoemaker in Massachusetts earned only 20½ cents, and a free one 2¾ dollars; an Arkansas cigar-maker earned 14½ cents, and a free man 3 dollars; that a free stone-

dresser in Dakota was worth 4 dollars a day, and a convict workman could be hired for 20 cents. Beyond question free labour is everywhere more valuable than forced or prison labour, but only to a certain extent. It can of course be argued that the more prisoners earn towards their keep, the lower the taxation on their account. But *per contra*, the free labourer who suffers from prison competition may fairly urge that the heaviest part of this taxation falls on him. The general position that every citizen of a State is entitled to use his hands, whatever his condition, whether bond or free, cannot be contested, but common justice demands that no one, least of all the offenders against the laws, should be backed up by the State. This principle has already been fully and freely acknowledged by our English prison administrators.[1]

According to the returns published by the Labour Bureau in 1889, four principal systems of employing prisoners exist in the United States. These are—

1. The "contract" system, where a contractor hires the prisoner's labour from the State at a fixed wage, and works him under his own agents. Under this

[1] One of the first acts of the Prison Commissioners in 1878, when assuming charge of the local or provincial prisons of England and Wales, was to divert the steam power and vast loom apparatus of the Wakefield prison from the exclusive manufacture of mats and matting, which had long been a great and profitable industry in the prison. Most of the looms were converted to blanket and cloth weaving for the bedding and clothing of prisoners.

system the controlling authority has usually supplied the "power," and sometimes the machinery.

2. The "piece price" system, which is a modification of the above. In this the contractor supplies material and pays for it when worked up at a price agreed upon. The supervision and control rests in this system with the prison authorities.

3. The "public account" system, by which the institution carries on its own business like a private firm, buys its own raw material, and sells its manufactured goods as best it can.

4. The "lease" system, by which the authority leases or lets out its prisoners bodily to a contractor for a certain period at a certain price. The lessee during his contract is usually responsible for food, maintenance, supervision, discipline, and safe custody.

The numbers employed under the four systems were as follows in 1889, according to the returns of the Labour Bureau, and taking no account of the cessation of industries under new laws.

Systems.	*Males.*	*Females.*
On public account	13,888	939
Contract system	15,425	245
Piece price system	4,693	983
Lease	8,793	311
Total[1]	42,799	2,478

The following States follow the public account system :—Arizona, California, Colorado, Connecticut,

[1] The United States Census Bulletin for 1890 gives this total as 45,233 males and 1791 females.

Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Minnesota, Michigan, Missouri, Nevada, New York, North Carolina, South Carolina, Ohio, Oregon, Pennsylvania, Vermont, West Virginia, and Wisconsin. The following combine it with the contract system:—Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Michigan, Missouri, New Hampshire, New York, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, and Wisconsin. A few use the "contract" or piece price systems singly or in combination; these are Indiana, Maryland, Rhode Island, and Dakota. The following, almost entirely Southern States, practise the lease system:—Arkansas,[1] Florida, Georgia, Kentucky, Louisiana, Mississippi, Nebraska, New Mexico, North Carolina, South Carolina, Tennessee, and Washington Territory.

The merits and demerits of the various methods of employing prisoners in the United States are very ably discussed by the Labour Commissioner, who differentiates between them, and exposes the very various moral and economic results obtained.

First, as to the economic results of these several methods, results which must not of course be held to precede the moral, but as they are more tangible and precise, depending in proof upon actual figures, it will clear the ground perhaps to mention them first.

[1] These facts are as stated in the Labour Bureau Blue-book of 1889. In the census bulletin for 1890, I see that Arkansas, Nebraska, New Mexico, and South Carolina now have penitentiaries, and have, presumably, abandoned the leasing out of their prisoners.

It appears from calculations based upon returns furnished by the various States that—

1. The public account system earns 32 per cent. of the "running" or administrative expenses of the prisons where it is practised, and 18 per cent. of the whole expenses, which includes the keep of prisoners.

2. The "contract" system provides 65 per cent. of the "running," and 56 per cent. of the whole, expenditure.

3. The "piece price" system earns 23 per cent. of the "running," and 21 per cent. of the whole.

4. The lease system provides funds far in excess of expenditure, and the returns from it are to the extent of 372 per cent. of the running, and 267 per cent. of the whole, expenditure.

It will be seen therefore that, tested by the hard logic of figures, under the contract system prisons are the least costly, and that under the lease they are very distinctly profitable. But to argue that the most remunerative system is the best would be to take up very dangerous, not to say untenable, ground. The lease system, as I shall presently show, is so bad in practice, so cruel, that it is utterly indefensible, and should find no place in the polity of a civilized country. Even with us, where prison treatment is surrounded by all possible safeguards, our administrators, while naturally glad to point to substantial returns from prison employment, have ever subordinated these to reformatory and disciplinary needs. If the lease system stands on the face of it condemned, as practised

in the Southern convict camps, where men are herded together and treated like beasts of the field, it is also open to grave objections in the contract system, which is in its best and most guarded form carried out in more or less decent gaols under State inspection, and perhaps rather too vicarious control. The first is the abdication by the State of one of its most manifest duties, the personal charge and supervision of its criminals by its own duly appointed officers; the second is, that a contractor, obtaining his labour at an extremely low rate compared with the market price, competes unfairly with the honest working-man, an objection still more cogent where the prison trades are few, and their competition is thus more exclusively concentrated upon one or two particular industries. The contractor again is an independent, irresponsible personage, whose chief aim is obviously profit, and who may not be also very scrupulous in his efforts to secure it. What but further deterioration can come upon the criminal who has already broken the laws by his employment under a fraudulent contractor? This is an authentic story told in the United States Labour Bureau report—"In an Eastern State a man was sent to prison for obtaining goods under false pretences, and was set by the contractor to make shoes, in which the spaces between the inner and outer soles were filled with paper instead of leather. The reformatory effect of such labour is not apparent, and the convict must have felt that the contractor should have been working at his side."

Hence the Labour Commission has declared in

favour of the "public account" system, finding it by far the best, the least objectionable, the most satisfying to officials, philanthropists, legislators, and working-men. The "penologist" approves of it because the prisoner is kept in the hands of the State, and his treatment is always within the purview of public opinion. The economist finds it less profitable than contract; yet all the money goes into the public exchequer, and not into the pockets of one fortunate individual. Free labourers like it more, or rather dislike it less, than any other system, because the competition is not so keen, and unless unduly backed by public capital, which may enable it to produce more cheaply and undersell, it interferes least with private enterprise. But the business instincts of the American generally enters into his management of public concerns, and in many States of the Union where the public account system prevails, the authorities have not been able to resist the temptation to use steam power to increase the output. It is admitted in this country that the assistance of machinery should not be given to prison industries, if the goods produced are for the open market, but the very opposite principle has been accepted in the United States. A final objection to the public account system is the difficulty of finding good superintendents for these manufacturing prisons. The good disciplinarian is not always the best business man, while commercial aptitudes are not always the most useful traits in a gaol governor. There is, moreover, the temptation to misappropriate money, to

commit breaches of trust, and create scandal in the public service: dangers that seem very real to the American Commission, but which would surely be minimized if not quite prevented by judicious control.

As for the fourth and last of the several systems in force, the Commission condemns it in the most unqualified terms. Although it is so largely remunerative, that the prisons add to instead of demanding revenue, it has but few friends. The best that can be said for it is that, generally where in force, it is the best suited to those subjected to it, who are mostly negroes and others accustomed to labour in the free air; and again, that the open stockades and slightly built, shed-like prisons are particularly well adapted for the warmer climate of the Southern States. On the other hand, a whole host of forcible and most valid objections can be raised against it, and the best of them have been well summarized by a Governor of Georgia as follows—

1. That it places pecuniary interests in conflict with humanity.

2. That it makes possible the infliction of a greater punishment than that contemplated or allowed by the law.

3. That under it the State attempts to escape the obligation to look after its own prisoners, to exercise due care for their health and comfort, and proper penal treatment.

4. That it altogether neglects the reformatory influences that should accompany all imprisonment.

5. That it places the convict in direct competition with free labour.

More ample details are not wanting in further condemnation of this most vicious system. They are to be found in official and other reports. Thus the agents of the Labour Bureau collected some very damaging evidence as to the convict camps and leasing prisons in the Southern States. The Georgian convicts in 1884 were leased out to three penitentiary "companies," says the agent, "at whose hands they are worked to the utmost, and barbarously treated from every point of view, moral, physical, and sanitary." These convicts were leased for twenty-five years from 1880, and were distributed through fourteen camps scattered over seven counties, some permanent, some temporary. Only the former had chaplain, hospital, or surgeon. The State Inspector took a month to make his rounds, and could only spend a few hours in each camp. Dr. Wines, in 1880, reports that the death-rate in Richwood county camp had been at the rate of 10 per cent. per month; but since then the death-rate has fallen to about double what it is in "properly planned and managed establishments of the kind."[1] A most extraordinary statement was published in the *New York Tribune* regarding the Georgian camps, which it is but fair to add has been strenuously denied in the Georgian press. This was to the effect that in some of these camps men and women were chained together in the same bunks.

[1] G. W. Cable, *Century Magazine*, Feb. 1884.

The story went on to assert that many female prisoners were found to be in an advanced state of pregnancy, and that there had been twenty-five illegitimate births in gaol. I find from the United States Census Bulletin for 1891, that out of a total of 1664 convicts in Georgia, 614 were worked in the Dade coal-mines, the remainder in camps. Of this grand total only 146 prisoners were white.

"In Tennessee the lease system is at its best," wrote Mr. G. W. Cable in 1884. In the same year the agent of the Labour Bureau reports that the prison system of Tennessee "is in all ways atrocious"; "bad management, wretched surroundings, appalling death-rate. At the main prison the building is very old, and it has accommodation for but half the number crowded into it." And the best must be very bad, from Mr. Cable's own showing. Cells in the Nashville penitentiary had air content of from 309 to 112 cubic feet each, and all contained two inmates. "The air breathed was almost insupportable," the surgeon reports. The female side overlooks the male, and the occupants of the yard are in full view and hearing of the male. "Had I the pardoning power," writes the warden, "I would reprieve every woman now in the penitentiary, and those who may be sentenced, until the State can or will provide a place to keep them in, in keeping with the age in which we live." These poor women, the chaplain reports, "have abandoned all hope, and are given up to utter despair, their conversation obscene and filthy, and their conduct controlled

by their unrestrained passions." The prison is a school of crime; nine-tenths of the prisoners, the warden reports, leave much worse than they come in. Juveniles are "thrown into the midst of hundreds of the worst criminals the State affords, sleeping in the same cells with them at night, and working at the same bench or machine during the day."

The discipline in the Tennessee prisons must have been both barbarous and inefficacious. The work was very varied, from railway-cuttings and tunnels, to farms and coal-mines. The convicts were scattered far and wide in camps and stockades, worked in gangs under armed guards, who shot down freely, and yet could not prevent escape. There were forty-nine in the year 1881, but some of these were recaptured, some shot, some drowned. Inside the prisons the obsolete and dangerous practice of dining in association, hundreds together, prevailed; convicts were employed in the discipline of the prison as "door-keepers," "wing-tenders," and "roll-callers." Yet the State was perfectly satisfied with its prison system, and published a report in 1882, that "it had worked harmoniously, and without the least scandal or cause for interference on the part of the inspectors." They are delighted with the lease system, "to which there can be no valid objection under proper restriction"; by it "a fixed revenue is assured to the State every year"; and no doubt, as the Labour Bureau reports in 1884, Tennessee "makes a large profit by its convict labour." Matters are still what they were. The

latest reports I have seen are in the *Proceedings of the Nashville Prison Congress of* 1890, when very strong criticisms were passed upon the system by eminent citizens. One calls it "miserable"; another declares, "our prisons are in a deplorable condition"; and a third, the physician of the State Board of Health, Dr. D. F. Wright, although hopeful for the future, admitted that in Tennessee "they had arrived at the very darkest phase of prison legislation." "For in this State," he says in a paper read to the Congress, "the Legislature has not only abnegated all responsibility for the treatment of its criminal classes, by hiring them as slaves to an irresponsible company, but has tied its own hands and those of the two next succeeding legislatures, by a contract with the hiring company, which forbids all action for six years after the passage of the bill." However neglectful of the criminals in its power, Tennessee is still careful to keep up its pretty hospitable ways, and while its convicts were being shot, and starved, and ground to powder, was careful to present its visitors at the Congress with baskets of flowers.[1]

In Alabama ten years ago the same system was in force, and worked under the most cruel and distressing conditions. A new warden, appointed in 1882, found the prisons (there were fourteen of them under different private persons or companies) as filthy as dirt could make them, and both prisons and prisoners infested with vermin. Convicts were excessively,

[1] *Proceedings*, p. 22.

sometimes cruelly, punished; they were poorly clothed and badly fed; the sick were neglected; there was no hospital, and sick and well were lodged together; the prisons had no sufficient water supply, and "I verily believe," says the warden, "there were men in them who had not washed their faces for twelve months." Soon after this, reforms followed a change of administration; and in 1884, the agent of the Labour Bureau reports "much improvement under efficient State supervision. Convicts (mostly negroes) do good work. Labour cheap; if it were not, the mine-owners could not work at a profit." This improvement was due, in a great measure, to the indignant expression of public opinion. It had been found then, especially in the case of the county convicts, and those employed in the mines, that they were kept in prisons "unfit for the habitation of animal beings";[1] that their tasks required from ten to fourteen hours' labour, during which they never saw the sun; that all classes, feeble and able-bodied alike, did full labour; that they were bathed in cold water, slept in damp clothes, on damp beds, in an overcrowded, dark, and damp cell, on a scaffold; that they breathed and drank their own bodily exhalations; that there was no suitable accommodation for the sick, who were often made to work without medical examination; that the general physical condition of all was below par.

Very stringent rules were made and enforced by

[1] Paper read by Dr. Cunningham to the Nashville Prison Congress of 1890. *Proceedings*, p. 110.

the State Government to correct these abuses. Contractors were ordered to build proper prisons, which were to be properly warmed, and kept clean and free from vermin. The convicts were to be fully clothed and fed, with an ample ration of meat, molasses, vegetables, corn bread, and coffee; flogging was limited to fifteen lashes; chaining was abolished except for the unruly; the tasks were regulated—first-class labourers were to take out five tons of coal daily; second-class, four tons; third-class, three tons a day. It is claimed that at the present day a very fair system prevails in the Alabama prisons. The bulk of the convicts are employed in mining at the Pratt mines, where there are two prisons, the "Shaft," and "Slope No. 2." The first is a plank building in the shape of a cross, surrounded by a stockade. There are eight general wards, arranged in two storeys in each arm of the cross, and six of these wards are used for dormitories in association, giving the convicts 540 cubic feet each. The prison is provided with dining-room, school-room, tailors' shop, store, a kitchen, and a spacious hospital. There is a good system of water supply, with pipes bringing the water into the wards. The prison is only 1300 feet from the mines, and the convicts pass to and fro through an enclosed passage of planks. On leaving the mines every convict bathes, having a separate tub, and hot and cold water. At "Slope No. 2," a new prison has replaced the old, constructed on exactly the same lines as that just described. Much money has been expended on them both. "We invite a comparison of these prisons," says

Dr. Cunningham, "which cost with their appointments or appurtenances about $40,000, with the miserable death-traps already described." Besides these two prisons, there is a penitentiary called the "Walls," where the convicts work together on the farm, but sleep at night in small cells. The "Walls" takes prisoners who are not physically equal to labour underground in the coal-mines.

The general condition of the convicts is said by the same authority, Dr. Cunningham, to be satisfactory. He is of opinion that the system "works splendidly." It being to the interest of both State and contractor to get as much as possible out of the convict workmen, they are kept in the best condition. The better their physical capacity the more coal they raise, the more profit to the contractor, the higher the price for rent he pays to the State. Capacity for work depends upon health, and health upon treatment; hence it is the best policy to feed and clothe well, and give every care. The nature of the work is however trying; performed stooping, squatting, crawling, or lying down; the mines are damp, ventilated artificially, with a temperature the exact reverse of the outer air; some of the jobs, such as pushing trams, and handling timbers, is really very severe. These are inseparable conditions to all coal-mines, but "coal-mining is a new business in Alabama," says Dr. Cunningham; "the vast majority of the people never saw a hole in the ground in their lives bigger than a well, much less a coal-mine. The convicts are of course derived from the criminal class. Very few of our business

men, merchants, bankers, lawyers, doctors, preachers, teachers, manufacturers, &c., reach the penitentiary; they either do not commit crime, or else they are safely insulated from the penitentiary by greenbacks or other penal conductors. Nearly or quite nine-tenths of our convict population are negroes; a vast majority of them agricultural labourers, as were their fathers and grandfathers before them."

Except for the obligation to labour constantly and steadily, these negro convicts do not appear to be very unhappy. Some attempt is made to improve them by education, but they prefer to amuse themselves their own way, and the rules do not forbid "recreation." The chief recreation is playing cards, which is permitted, although technically against the rules. "Large numbers of them being in a ward, they are allowed to talk, joke, sing, pray, preach, write; and while it is not allowed, they do play 'five up,' a little for fun, tobacco, and nickel." The more thrifty earn extra wages by extra coal-shifts, and these, to the amount of many hundred dollars, are spent with the convict merchant, who supplies creature comforts, such as cigars, fruits, and "canned" food. The chaplain preaches about twice a month, and nearly all attend the service. But they have their own preacher besides on Sunday, who attracts an audience, while others spend the day in reading, wrestling, telling stories, or sleeping.

In North Carolina the lease system is responsible for great hardships and cruelties. According to the Census Bulletin of 1890, the State retains a few in

its own hands—189 out of 1173; the remainder being distributed amongst eight convict camps. I have no details of the present condition of these camps, but it is to be hoped they have improved, since an official report describes how the convicts had taken their regular shifts for several years in the Swananda and other tunnels on the Western North Carolina Railway, and were finally returned to the prison with shattered constitutions, and their physical strength entirely gone, so that with the most skilful medical treatment it was impossible for them to recuperate. The death-rate was enormously high, chiefly on account of the return of men from the railroads completely broken down and hopelessly diseased. This death-rate was at one time as high as 11½ per cent., greater, as Mr. Cable points out, than that of the devastating cholera epidemic in New Orleans in 1853.[1] The despair engendered by such conditions, aided by lax supervision, drove hundreds to escape, and in one year alone 123 ran from the railroad gangs, of whom only 42 were recaptured.

South Carolina keeps the bulk of its prisoners now in a penitentiary at Columba, but a third are still leased out under State supervision. In Mississippi, the "Walls" prison holds sixty-four, of whom twenty-one were white, but the 347 negroes are let out in small parties to fourteen different contractors, who may work them in building railways or levees, or in any private employment. The Labour Bureau agent, speaking of Mississippi, condemns the general management

[1] Cf. *ante*, p. 418, the death-rate in a Russian forwarding prison.

as "poor," with no regard for moral and sanitary conditions; 92 per cent. of the convicts were negroes of the lowest type, who were generally overworked, performing 30 per cent. more work than free labourers in the State. Texas has two penitentiaries; one at Huntsville, where by last returns there were 720, and another newer prison at Rusk, with 879; but in neither are the best principles of construction as regards health and sanitation observed, and even in the "cell building" two prisoners are lodged together in one cell with a total cubical content of 384 feet. There are some 700 convicts leased out to private persons or companies, in gangs varying from 40 or 50, to 150 and 180. A terrible death-rate has generally prevailed in the Texan convict camps; on railroad work it was 47 per 1000; on plantation, 49 per 1000; at the iron-works it was 54; and at the wood-cutting camps more than half of the entire population died within the two years. Only a fraction of these deaths were by contagious diseases; 35 were from gun-shot wounds, a clear indication that many escapes are attempted, which indeed appears from the returns, seeing that the report for 1881-2 gives the escapes for the year as 397, with only 74 recaptures. In Kentucky, in 1890, there were still 365 in convict camps, for railroad construction, out of a total of 1188 prisoners; but the State had long been anxious to renovate this branch of its penal system, and to build proper prisons. The old must have been terrible; buildings infested with vermin, with bad ventilation and rat-eaten floors; lands surrounding the female quarters

low and marshy, covered with water in rainy weather ankle-deep for several days. The labour in the chief prison at Frankfort was "hackling hemp," which employed 350 out of 750, and in sheds without ventilation, "where the dust was so dense that it is frequently impossible to recognize a man 20 feet distant." The prisoners had no baths to wash off this impurity, and as a direct sequence the hospital contained 144 cases of inflamed eyes, and 202 of acute bronchitis.

The foregoing details give some idea of the lease system "as viewed from without," to use Mr. Cable's words. For "the inside history," which he says can only be conjectured, we have now the testimony of one competent to speak out of the fullness of his own knowledge and experience. In 1891, Captain J. C. Powell, for many years captain or superintendent of the Florida Convict Camp, published in Chicago a volume very properly entitled *The American Siberia*, which gives a graphic account of the tortures inflicted upon convicts, especially in the early days after the war. Even in later years, when public opinion was roused to condemn the system, it was still cruelly severe, and found no favour with its executive officers, rough, heavy-handed, but not inhuman men, who were compelled to administer what they could not alter or remedy. At one time negro convicts were overseers, although many of the other convicts were white men; the guards, armed with muskets and bayonets, so prodded laggards going to and from labour that "the legs and backs of nearly all

were covered with the scars of bayonet wounds." The punishments were simply protracted tortures; "tying up by the thumbs," with the effect that some men's thumbs were longer than the forefingers; "sweating," which was to put the culprit in a close box without ventilation or light; "watering," the ancient device of the Inquisition. Water was poured down the throat till the stomach was enormously distended, producing great agony, and a sense of impending death from the pressure upon the heart. The "strap" again, a leather whip like the "tawes" of a Scotch school, was in constant requisition, and is so still. Captain Powell used it freely, the only safeguard being that, like the head master of a public school, he invariably did his floggings himself; but there was no limitation as to the number of blows or the frequency of the flogging.

The prison of the convict camp or "cell-house," as it was called, was a rude log-hut. On each side of the interior "two sloping platforms ran from end to end, one built over the other; . . . the prisoners slept on them, and midway between the two a long chain was stretched at night-time, on which they were strung by means of smaller chains fastened to their leg-irons." All convicts wore two sets of chains, the "waist-chains" and the "stride-chains," both riveted on. When the day's work began, and as it extended over an area of several miles from the cell-house, these personal shackles were fastened to a "squad-chain" shorter and lighter than the "building-chain," and the men were run from point to

point at a trot. If one fell from fatigue, the poor wretch was dragged along through the dust till the pace could be checked; then "there would be a prodigious clatter of irons, a cloud of dust, a volley of imprecations, and the fallen man would stagger up, dash the dust out of his eyes, and go reeling and running on." The labour was of the most severe character, severe to a degree almost impossible to exaggerate; and for a long period comprised the harvesting of turpentine from the pine forests, and all its processes, "cultivating," "chipping," and "drifting," called for great physical strength, dexterity, and endurance. For those who faltered or "weakened," Captain Powell stood handy with the strap. This labour was presently abandoned, and the convicts were turned into "navvies," and constructed several long lengths of new railroad. No wonder that new arrivals were overwhelmned with absolute despair. Captain Powell observed that convicts immediately after they arrived exhibited the greatest despondency and desperation. "The rude surroundings of the camp, the hard fare (fat bacon, greens, and coarse bread of Indian corn), the chains, the grinding toil" combined to affright the stoutest heart. Some as a favour asked him to shoot them dead then and there. One was so persistent that Captain Powell, to encourage him, gave him a whipping. This man tried suicide, but after brooding in a morose state "he eventually served out his sentence pretty cheerfully." Of course under such conditions to escape was a constant desire with all. The convicts

were heavily chained, yet they got free from them; they were kept constantly "under the gun," yet they often ran and braved the buckshot of the guards. I have referred to some of the most remarkable of these in the chapter on escapes in the next volume.

Iron discipline was of course maintained in such a hell upon earth. But Captain Powell, who appears to have been a resolute man placed in a situation of great danger and difficulty, tells us that the punishments in his time, although "often severe, were not inhuman, and were invariably necessary, not only for our safety, but for the safety of the peaceably disposed prisoners. In the lapse of fourteen years I can conscientiously say that I never whipped a convict in my life whom subsequent circumstances showed to be undeserving of it." No doubt he had to deal with desperate ruffians made more reckless and defiant by their terrible treatment, and he had often to face mutinous combinations, with overt insubordination of a very dangerous kind. Once or twice he narrowly escaped a general revolt, which must have cost much bloodshed. He had often to enforce obedience at the risk of his own life, and but for the ready revolver might have succumbed more than once; on the other hand, he could count upon the support of many better-disposed convicts. One curious feature of the convict camp is the "trusty" or well-behaved prisoner, who wore no chains, and who sometimes occupied a semi-official position, and was generally, as his title implied, on the side of the authorities. Although the "trusties"

occasionally yielded to strong temptation, and accepted irresistible opportunities to escape, they often rendered good service in preventing the escape of others, or in boldly attacking an incorrigible who was defying discipline. Another strange and curious custom in Florida was the engagement of convicts to serve as guards or convict officers after the termination of their sentence. For further details on all these points, as well as upon the mysterious epidemic that at one time ravaged the camp, upon the degraded condition of the female convicts, who were by no means scrupulously kept apart, I must refer the reader to Captain Powell's book, which, in spite of the horrors it contains, is full of extraordinary interest.

It is not surprising that in a comparatively new and still rapidly growing country, whose penal system is so uncertain in its methods, so unequal in its incidence, here so indulgent, there so brutally cruel, crime should be steadily on the increase. It may be that a good prison system will not necessarily diminish crime, but the absence of certain precautions, such as the prevention of gaol contamination, the neglect of the prisoner when discharged, will in a measure account for an increase in the general body of criminals. To whatever cause it may be attributed, the fact remains that serious crime has increased of late years in the United States, and this out of proportion to increasing population. I find in the Census Bulletin dated February 14, 1891, that in the Tenth or 1880 census, the population was 50,155,783,

and the total number of penitentiary convicts including the leased prisoners 35,538. In the Eleventh or last census (1890), the population was 62,622,250, and the total number of convicts 45,233. The ratio per million was 709 in 1880, and in 1890 it was 722. The Superintendent of the Census, Mr. Robert P. Porter, quotes Mr. Wines, "the first authority in the country on all matters appertaining to the statistics of pauperism and crime," who is of opinion that this increase is "not alarming," and trusts that future study may furnish some explanation, or even succeed in showing that crime of a serious character is rather on the decline in the States than on the increase.

Other Americans, while admitting the impeachment, are anxious, naturally, to explain away the reproach. Thus Mr. Coffin[1] of Illinois read a paper before the Pittsburg Prison Congress, October 1891, in which he compared with great impartiality and acumen the prison system of Great Britain and the United States. While referring the undoubted diminution of crime in this country to its proper causes, he goes on to account for the equally certain increase in the United States. This he explains as due mainly to the

[1] It is to be feared Mr. Coffin has not fully informed himself upon the existing arrangements in this country. Thus he says that although England has accepted the principle of Separation, the "cellular system" is not yet established in all our prisons. Here he is quite mistaken. Every British prison gives a separate cell to every inmate. Again he says, we have no prison like the Eastern Penitentiary, where prisoners can earn remission by good conduct. With us all convicts can earn remission, but it is by industry, and what is earned may be lost by bad conduct.

following causes, some of which are undeniably correct, although others are open to question.

1. The immigration of criminals to the United States from all parts of the world. Mr. Coffin thinks that this transfer from the European countries is secretly if not openly encouraged by their Governments; an assertion that has certainly no sufficient foundation in fact. It may be that the immigrant classes provide more criminals than the native-born; but that is to be explained in the circumstances of those immigrants, who often arrive poverty-stricken, and whose antecedents are not always above suspicion. But there is no such action on the part of European Governments, much as it must commend itself to them. If, as an acute French writer has pointed out, we could get rid of our criminals by passing them on to the United States, the vexed question of transportation as a means of giving those removed a new chance would be easily and most satisfactorily solved.

Mr. Coffin's figures are interesting. He shows that of 43,126 prisoners whose birth and origin were known, 14,724 were immigrants of immigrant parents; 14,687 of the remainder were of negro race; and the balance alone, 13,715, were white and of American origin. In other words, of the whole number a third belonged to each category, and this proportion is said to exist in most of the American prisons.[1]

[1] Mr. F. H. Wines' figures given in the Census Bulletin of 1890 are more complete. He takes the aggregate of all prisoners in custody, viz. 82,329, which meant 72,428 actually convicted,

2. The detestable system, or want of system, prevailing in the smaller or local and county prisons of the States, is a fruitful source of crime. As a rule all classes are huddled together pell-mell in these prisons, with the inevitable result that they become actual nurseries of crime.

3. The large negro element in the United States is also a cause of crime. Statistics show that offences are much more numerous among the coloured than the white population, although the criminality of the negro race is gradually diminishing.

4. The social and industrial condition of the masses. The facility with which the dishonest can arrive at fortune by dishonest means augments the criminal class, and multiplies the temptation to embark upon illicit methods for obtaining wealth.[1]

The growth of crime in the United States has been inferred from the prevailing impression that life is held cheap in the great "Land of Liberty," and that extraordinary tenderness is shown to the slayer of his fellow-man. This impression is seemingly justified by a casual examination of the statistics of "Homicides," as shown by the last Census Bulletin. In the Tenth census, that of 1880, the American prisons contained 4608 persons charged with or con-

8889 awaiting trial, and the remainder detained as witnesses, debtors, or lunatics. Of this whole number of 82,329, 40,471 appear to be native born whites, half of whom had native parents, the rest one or both parents foreign; 24,277 were negroes; 407 were Chinamen; 13 Japanese; and 322 Indians.

[1] See *ante*, p. 13.

victed of homicide. In the Eleventh and latest census, that for 1890, this number had increased to 7351, an increase of 59·53 per cent., while the increase of population has only been 24·80 per cent. These figures would undoubtedly prove alarming, but they are capable of comforting explanation. In the United States the capital punishment is but rarely inflicted. Lengthened terms of imprisonment are substituted from "life" downwards. This is shown by the following percentages of the homicides in prison in 1890—

Sentenced to Death	2·54
Life	38·74
Twenty years	13·61
Ten to nineteen years ...	23·16

—or 78·05 per cent. of the whole were for sentences above ten years, so that it is evident that the total of homicides in the latest census include a large proportion of those reported ten years previously.

It is of course manifest that the foregoing figures refer only to the homicides actually in custody. No account is taken in the Census Bulletin of the murders committed, the perpetrators of which were not arrested. Upon this point, failing official statistics, we can only rely upon the statements that have appeared in the public press, one of the most forcible of which is from the pen of the Hon. D. White, who wrote recently :—

"I will say that the United States is to-day, among all the Christian countries of the world, that in which the highest crimes are most frequent and least punished. Another fact is, that the number of deaths by

murder more than doubles the average of the most criminal country in Europe, and is increasing rapidly. Even Italy and Corsica fall far below us. In 1880 there were 4000 murders in this country; in 1891 there were 6000; and of the men who committed these murders the greatest number are still at large. Statistics show that only one murderer in fifty receives capital punishment.

"In the face of this, is there any one who dares to condemn the lynching system? It is the simple outcome of the fact that out of 6000 murderers only one in fifty was executed. So long as people see this, so long must lynching increase. Over 6000 persons are doomed this year to be murderously and cruelly put to death, with no opportunity for repentance, and no chance to make provision for their families, who will thus be brought to sorrow and distress, and in many cases to beggary. Two-thirds of these murders will be due to the maudlin slushy sentimentality which is called mercy, and which is the most utter cruelty. The only real deterrent of crime, especially murder, is an early trial, undelayed by appeals, and a just punishment speedily meted out. This at one stroke will stop the spread of murderous cranks."

The argument that lynching is necessary and unavoidable is not quite borne out by the Census Bulletin. It might be inferred from Mr. White's remarks that lynching was chiefly practised to make up for tardy inoperative justice. But Mr. Wines aptly points out, "it is frequently said that lynching takes place where the law is not executed, and that it

is designed as a protest against the inefficiency of the Courts. But the sections in which there are the most executions are those in which there are the most lynchings." This comprises most of the Southern States, where moreover the sentences of punishment other than capital are most severe upon murderers. In 1889, for instance, there were in all 159 legal executions in the United States, and 117 lynchings. In the two divisions styled the South Atlantic and South Central, which include the States of Maryland, Virginia, the two Carolinas, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, and Arkansas, the number of executions was 94 and of lynchings also 94. In other words, these States contribute two-thirds to the total executions, and three-fourths to the total lynchings. The only inference is that these States are still lawless and unsettled, that passions run high, and that wild retribution is generally as active as the slower processes of the law.

END OF VOL. I.