
Letter

addressed to

Lord John Russell,

in reference to the

Preceding Papers

on

Convict Discipline.

By Captain Maconochie, R.N.

Hobart Town,
Van Diemens Land.

30th Sept. 1837.

My Lord,

Before I left England a year ago with Sir John Franklin, I was requested by the Society for the Improvement of Prison Discipline to turn my attention particularly to the working of the existing Convict System in the Penal Colonies, with a view to corresponding with them regarding it. And on referring this request to Sir George Grey, I was directed to consider the subject as one on which information was much wished, but to correspond directly concerning it only with his Majesty's Government.

Accordingly a variety of Documents respecting it are now transmitted to the Colonial Office, some from myself, others from the Local Authorities here; and I am induced further to address your Lordship on the occasion, transmitting a Summary of the views which I have been led to entertain on this important subject, partly because the interest you take in it is known to be personal as well as official, and partly because I am persuaded, that I shall thus very much facilitate your consideration of them.

In arriving at these views I have had some important advantages. My position as Private Secretary to the Lieutenant Governor has enabled me to see more
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of the practical working of all the elements of Society together in a short time, than could otherwise have come under my notice even in a much longer period. A long and devoted study of Political Geography has familiarized me with the analogies of such working. I am competently versed in the facts and principles of modern Penal Sciences. And though, previous to my arrival here, I had few, or no strongly conceived opinions on the subject of Transportation, my bias was certainly in favour of its existing institutions: so that in drawing my conclusions I have at least not been influenced by any previous reasoning, or impression against them.

On the other hand I cannot disguise from myself that these conclusions will come before your Lordship under some peculiar disadvantages. They are now strongly opposed to the present system. They are yet in favour of Transportation as a Secondary Punishment even for minor offences, - an opinion not, I believe, at present generally entertained. They will appear at first sight to have been taken up under strong feelings of compassion for the Convicts as now sent out: and the prevalent doctrine, I am aware, is, that Criminals, once convicted, should be but little regarded, or rather, if necessary, should be entirely sacrificed, to obtain an effective example to others. And, lastly, the changes which I propose would occasion some trouble, and incur some present expense.

With regard to the first of these objections, however, I would observe that the existing Convict System is almost fifty years old, and was organized when opinions and views were very different from what they are now. It cannot be

considered improbable, therefore, that its principle should be erroneous. The second is a matter of opinion, which must depend much on what Transportation really is. At present, involving, as I think it does, in all cases further deterioration of character, it seems to me too severe for any offence whatever: but were its details so organized as at once certainly and proportionately to punish, and in most cases probably to reform, there seems no good reason why the less criminal equally with, if not rather in preference to the inveterately hardened, should not be visited with it: and it would be much better for the Penal Colonies if they were. The third objection will fall to the ground when my views are thoroughly examined, because it will then be seen that the great end of all my suggestions is to make punishment certain to all, much more severe than it now is to the really vicious, and only comparatively milder, though still severe, to those who, having committed slight offences, shew a disposition not to repeat them. At present, on the contrary, these are precisely the persons most severely dealt with: for the physical endurance of Convicts is trifling compared to the moral degradation inflicted on them; and it is the best men who feel this most acutely, and are most deeply injured by it.

But it is to the fourth objection that I would wish chiefly to draw Your Lordship's attention. Supposing that my views, on full consideration, were deemed abstractly correct, I am yet willing to admit, and I am aware that it will be strongly urged, that they should be only carefully and cautiously carried into practical operation. And on
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this head, therefore, I would fain be permitted to offer a few suggestions.

Could not some Nobleman or Gentleman of high rank, talent, and estimation, be induced to come out for a few years on a mission of so great interest and real importance? Could not Mr. Crawford, (who was in America,) or some equally well informed person in Penal Science and practice, be induced to accompany him? Could not a Commission be thus sent out; to enquire first, should further enquiry be considered necessary, but having enquired, to act also? References home for every trifling step requisite would be interminable, and would, moreover, almost certainly lead to error. But a competent presiding authority on the spot, limited to the treatment of the Convicts, and required to act in concert with the Local Authorities, though on this point practically directing them, would in even a short time accomplish a sum of good, second, I am certain, to none in the annals of modern improvement.

In my Papers I have recommended, (instead of such a Commission as this,) the appointment of a Superintendant General of Convicts, either in each Colony separately, or having authority in both; an Officer to be selected for his knowledge of Penal Science, and who should watch over, and from time to time, as occasion offers, improve whatever System may be established, communicating the result of his experience, proceedings, and the movement of crime generally in

these Colonies, at stated periods to the Home Government. And in due season, I am convinced, such an appointment would be most interesting and expedient. In conducting the change now required, however, (and how much required I really cannot express, for the moral gangrene of the existing System is frightful,) I fear that, considering all the obstacles in the way, it would be to trust too much to the life, health, talent, temper, and moral influence of only one man, to make him supply the entire place of the Commission suggested. The distance is very great; and the importance is obvious of carrying through whatever initiatory measures may be taken, in the same spirit, and that a wise and firm one, to the end.

In these Colonies themselves the intentions of the resident Convict Authorities are probably excellent; and in conducting their own System some of them shew both zeal and ability. But they have been trained amid the existing institutions, are attached to them both by habit and association, and drawing from them little idea of influence except what is obtained by a positive order, enforced by a bolt, a fetter, or a menaced punishment, they could not, I think, even by possibility, accomplish by themselves a change which, to be effectual, or have any sort of fair play, must pervade the spirit, even more, if possible, than modify the acts, of future Convict administration.

Of the expense of accomplishing the whole I shall not presume to speak in detail. On such an

occasion it seems to me an unworthy topic: and I cannot know to what extent, if at all, Your Lordship may in this differ from me. But I most confidently assert that even at first it would not be great, (under £20,000 a year more than the present expenditure for a few years,) and the result, for reasons partly explained in my annexed Summary, would be extremely economical. The amount, therefore, would be in the ratio of the time which might be found requisite to effect the complete transition: and such a Commission as I have mentioned, by its moral influence in overcoming the first difficulties, and thereby facilitating that transition, would, further, I am persuaded, lessen the expense.

I ought to make many apologies for presuming thus, and at such length, to trespass on Your Lordship's attention. But I trust that the importance of the subject will be deemed sufficient excuse.

I have the honour to be,

My Lord,

Your Lordship's most obt. Serv^t.

(signed) Alexander Maconochie.

To the Right Hon^{ble} }
Lord John Russell. }
