N. 13. The "Supplement" should have succeeded the "Report;" the "Observations" on Mr. Forster's Remarks following the Supplement, this being the order in which they were written. The transposition occurred this inadventently.

Gw.
Supplement to Report on convict Discipline.

By

Captain Maconochie, R.N.
Supplement, &c.

* Having now read the Answers and Remarks of the Public Officers on the Subject of Convict Discipline, I am desirous of offering some observations on them.

1. The Answers from No. 1 to 60 inclusive, appear to me strictly correct; and although I fully concur in the observation accompanying them, that alone they can give no clear idea of the existing System, I would yet invite attention especially to those numbered 4, 51, 52, 59, 60, and 61, as corroborating some of the most interesting of my statements, and supporting the conclusions which I have drawn from them.

2. The Chief Police Magistrate's detailed Reply to Question, No. 61, also confirms generally my representations, and differs from them, as it seems to me, chiefly in the following particulars.

1. Mr. Forster's view of the existing System, though unfavourable, is not so much so as mine, as regards the Convicts themselves. 2. It does not contemplate its operation on the Free Community at all.

3. Consequently, the extent of remedy required to correct its vices is by him, in my opinion, greatly under-rated: insomuch, that though some of the suggestions made by him would be valuable compounds of a better System, as a whole, that which he proposes would, I think, be as defective and exceptionable, on some of the most important points, even as the actual arrangements. On each of which heads, therefore, I shall offer some remarks.

1. Mr. Forster is naturally partial to a System which...
had grown to maturity under his care, and owes its practical efficiency, so far as that goes, chiefly to his vigilance and activity. Yet he admits that he cannot prevent some Masters from giving wages to their Assigned Servants, while as a general principle, the practice is forbidden.

He admits, therefore, that in a vitally important particular, he cannot give his system uniformity of action. He admits, further, that there are at present, scarcely any examples of personal reform among the Convicts, and that the Women in particular under his management become almost uniformly depraved. And in the peculiar circumstances he will not, I trust, take it amiss though I add, that (with excellent judgment on his own part, and, I believe, the best intentions) his office is highly unpopular.

Free and Bond, Magistrates and People, incessantly complaining of its interference with them.* When all this, then, is summed up, I cannot help thinking the proof complete that some great fault exists, either in himself (which I deny, and he, probably, will not contend for) or in the system which he administers. "The depravity of Human Nature" can no more account for these circumstances, than the perverseness of a poor cell for its withings under the operation of being shunned.

2. Mr. Forster's omission of all reference to the bearing of the existing Convict System on the Free Population amidst which it works, is not, perhaps, a fault in his Report, inasmuch as he was not required to consider the subject in this point of view. But it is plainly a defect—which, at the same time, I would be more anxious to see supplied, if I could possibly concur with his apparent

* See Note on the opposite page.
views in the only place in which this part of the subject may be considered as remotely alluded to, — I mean where the assignment of Printers to the public press is commented on, I am opposed to every description of assignment, but not, certainly, with the view of keeping the requisite supply of labour, whether free or bond, from any department of individual industry. I am certain that any advantages which can be anticipated from this would be at best dearly bought, if not altogether illusory.

3. The most important part of Mr. Forster's Report, however, is that which regards the future system which he recommends: and I am most sincerely sorry to differ from him so much on this as I do, because I have a great respect for his practical experience; in effecting a reform he would be a valuable leader; and in seeking it, he is quite right so far as he goes; — that is to say, his proposal to divide the process of liberation into a greater number of steps would be a decided improvement in his apparatus. But not having considered his subject in all its breadth and

Note. In making this statement I am most anxious to be understood as not meaning to convey any thing in the slightest degree disrespectful to Mr. Forster, of whom on the contrary (if I may be permitted to say so) I think very highly as a public officer. But I have said in my Report (pp. 26 and 27) that the present system by its interference with all the nearest relations of life, especially that between master and servant, is eminently calculated to give dissatisfaction; and I quote the fact, which is indubitable, in support of this assertion.
relations, he has missed the matter, and, as it appears to me, much more important principle of separating the labour imposed as a punishment for past crimes, from that inseparable from probation before acquiring future privileges, and both, from the uncertainty and caprice arising out of their being placed at the disposal of the Free Inhabitants of the Penal Colonies, who desiring chiefly their own gain, are comparatively indifferent to either abstract object. It is in relation to these points that I think I have shown the chief vice and error in the existing system to consist; and unless adverted to I am confident that no substantially good effect will be produced by improvements in the mere machinery by which it may be worked.

Mr. Travers thus objects to sending new-comers first to a Penal Settlement "on account of the association to which they would be there subjected," and would rather hold such an infliction "in terrorum over their heads to enforce future good conduct." But even as thus put, the sight, and much more, the actual experience, of severe punishment would surely quicken, not deaden, the apprehension of it afterwards, while the actual association might be prevented; and otherwise regarded, the benefit to be derived from sending Criminals first to a Penal Settlement, seem to me to be very great indeed. "Here would their punishment for the past be fully inflicted; and they would come out already a distinct step advanced towards recovered respectability. While undergoing this punishment, they would be preserved from that indiscriminate gaze, which scars the feelings of men in disgrace when they are subjected to it. They would thus, also, have no false support while
submitting to it; and they would be screened from painful temptation while old vicious habits are being eradicated, and new habits and principles, moral and religious, are being instilled. While undergoing their first punishment they would thus, moreover, be taught new trades, especially those connected with agriculture and country-life, by which their power of afterwards benefiting themselves and the community would be proportionally increased. None of those objects could equally be attained in Road parties.

Again, Mr. Forster would directly punish on the Roads, while, for the reasons already in part developed, and which regard the moral interest both of Bond and Free, I would merely train. The familiar sight of direct punishment is as injurious to a free community as the indiscriminate regard of all comers is to those enduring it. Every Man on the Roads, therefore, as I think, should be distinctly understood to be working, not as under sentence of direct punishment for offences committed at Home, but as having undergone that, and now exerting himself to gain the confidence of the Community in which his lot is now cast;—already from the mere circumstance of this being there, recognized as having become well-conducted, well-intentioned, a certain way up the ladder on his return to entire freedom,—and steadily and strenuously striving after a further ascent. The development of physical strength that would be thus gained on the Roads would be prodigious: and the moral improvement would correspond with it. Every look would be upward, every faculty of self-command would be called into action; and every habit would be favourable to virtue. The stimulus would, no doubt, require to be kept up by an almost infinitely graduated scale.
scale of increasing indulgence, so that the conduct of nearly every day should have its tangible gain, or it may be lost, (on which head some judicious observations by Messrs. Backer, house and Walker will be found, Note G, S. XXXVII. of my Report;) but with this stimulus, and suitable instruction, which I always consider as understood, in every stage;—I should have no fear of the ultimate result.

That result, however, I would certainly not pass, with any amount of instruction, or apparent conversion, by following it up, as Mr. Forster proposes, by compulsory assignment to private service. I can hardly imagine, indeed, how this idea should have so long found favour in the sight of those interested in either the punishment or reform of criminals. In every point of view, and in every form, it appears to me in the highest degree objectionable. It was introduced in the infancy of the penal colonies; I believe exclusively from motives of economy; and when the chief object at Home was to deport criminals, and get rid of them on the easiest terms: and, remarkably enough, it was then accompanied by precisely those regulated payments of wages which Mr. Forster now proposes as calculated to remedy its other inconveniences. It was borne by missioner Bigge, who first objected, and justly objected to the Report, as unsuited to a state of punishment; and it is curious that so acute a reasoner and observer did not object to that state, of which they are the just and natural adjuncts,—a state of domestic service, with private individuals,—as even more unsuited to it. For why should these private individuals derive a profit from the crimes of any portion of their fellow-subjects? They do not represent the
Community which has been injured: and the positive injustice of giving them a property in its vengeance, and thus enabling them to add gratuitous service to their many other advantages, irritates the Convicts, and gives them a direct tendency to crime (on the old principle of "diamond cut diamond."

It is true that regulated payments of wages would in some degree remedy this defect, but they would leave untouched every other; and even in this they would not be quite successful. The regulated wages Mr. Forster proposes to be less than those of Free Labourers; and at least by so much they would fail in satisfying the minds of the Prisoners. He suggests that they should be subject to official regulation, and summary forfeiture in proof of misconduct; they would be thus favourable, not rights, and a constant occasion of heart-burning and discontent; for their denial would exasperate, while their concession would not conciliate. The chief stings would, also, remain, the compulsory service of one master, and following of one allotted employment, and residence in one allotted place, however respectively oppressive, odious, and unsuiting; and while the temptations to vice would be thus as great as ever to the labourers, or even possibly greater, from their universal command of money over and above their rations, the loss to themselves and to the Community arising from the fetters cast over the application of their labour would be in all respects as great as more. I am certain that if Mr. Forster would reconsider this point he would change his opinion regarding it.

His other suggestions I think very good, in particular his double Tickets of Leave, and the principle that those once obtained should only be taken away by sentences of a Quarter Session.
Session. There is another step still, however, as regards them which I would equally recommend; viz. that after holding any of these higher privileges a certain time, the obtaining the next should become a right, not a favour, unless in like manner inflicted by a judicial sentence. The object is a very important one of nourishing independence of feeling, and securing an impartial distribution of indulgence, as real freedom is nearly approached.

3. Mr. Spots remarks on Assignments are so diametrically opposed to my views respecting them, that perhaps I had better not notice them at all, but leave the two testimonies to be weighed together by higher authority. I would especially invite attention, however, to his remarks on the Marriage of Convicts which accord with mine in Note p. p. And I may take this opportunity also, of expressing my dissent from Mr. Trotter's recorded opinion, that Female Convicts are not "available subjects generally for Prison Discipline." This appears to me founded solely on the effect of the existing System on them, (which is, I own, most degrading,) and not on any abstract consideration of the bearing which a right discipline might have on the Female mind, placed otherwise in favourable circumstances, — that is to say, without such distant ties as may prevent marriages on the spot. Were young, or at all events single, Women chiefly sent out, assured that they were beginning in a new world altogether, where their prospects would again depend entirely on their conduct, and were they first subjected to a species of Magdalen discipline, which should combine moral and religious tuition with instruction in Household Work, in Gardening,
sowing, tailoring, and other useful resources, — and were their
dismissal from this Asylum to be made dependent on their
conduct, acquired proficiency, or other sufficient pledges for
future good behaviour: I should fear the result with French
males about as little as with Men; or at all events their
chances of recovery from evil courses would be many times
greater under this System than by leaving them at Home.

4. Captain Cheyne's Report is a highly important one,
and fully justifies what I have elsewhere taken the liberty
of saying in praise of the benevolence, liberality, and intelli-
gence of his general crew. Having said this, however, I
shall not scruple to use full freedom in canvassing them, as
they here appear, — for in truth (believing as of course I do,
that my own impressions are correct) I must think that
where he differs from me, he is in error, and the errors of one
so near the truth as he is require a more careful exposure than
were he further astray.

1. Captain Cheyne, then, throughout his whole Report
appears to me to make the same mistake which I have al-
ready objected to in Mr. Forster; viz: considering as identical,
or as susceptible of being confounded without injury, the labour
imposed as direct punishment for the past, and that which
though, no doubt, a consequence of the past, should yet, I
think, be considered as much as possible unconnected with it,
and merely a circumstance inseparable from the probation
requisite in order to obtain confidence for the future. Thus he
speaks, p. 13, of the inflexibility which ought to characterize
the infliction of punishment: whence he infers (p. 41,) that
the local Government ought not to have the power of remit-
ting probation on the Roads before certain periods shall have
expired,
elapsed, whatever the character established on them.
Again, p. 135, lest he should be thought too lenient in his proposed measures, he states that it is easy to make his plan of working on the Roads a sufficient punishment. And again, p. 137, he asserts his power of thus, also, inflicting sufficient degradation. I could cite other instances, but these are sufficient to show that he considers his process capable of combining punishment and probation together: precisely the attempt made by the existing system to which I attribute its greatest evils, and which, I am confident, would destroy the efficacy of the best apparatus that could be constructed. To produce moral benefit to the convicts there must be a period, both in their own estimation and that of the Community, when "the things that are behind shall be comparatively forgotten; and each shall be encouraged to devote his whole energies with a view to the future; when, consequently, encouragement and prospective reward shall distinctly take the place of coercion and immediately threatened punishment. And the more distinctly the point is made which separates the two systems the better. Neither Bond nor Free, neither the culprit himself, nor those placed over him, nor those even who look on, should be able to make a mistake on the subject. I consider this of the highest importance.

2. Accordingly, though I do not think Captain Aveux and myself so much at issue in our first proceedings as we may appear, for, though he calls his first stage "Roads," yet he describes it as differing from the other stations in that department, as being more strict,
now confined, more varied in its employment, more labourious, and consequently more nearly what I call a Penal Settlement; yet I attach considerable importance even to this shade between us. A Penal Settlement must involve a greater amount of seclusion, of security, of coercion, of utter hopelessness of escape, of variety of employment, of means of instruction in farming and other rural labour, than any Road Party possibly can; and besides, it would go by another name, and no one could mistake a department in the Roads for it. A different spirit of treatment and consideration would thus be extended to those subjected to the discipline of each, which if they were confounded in appearance no regulation could command. Names are not shadows when they represent substances, or when they are indissolubly connected with them.

3. In this light, accordingly, I think there is another mistake in Captain Cheyne's proposed system. He obviously contemplates the maintenance of a considerable amount of direct coercion throughout his whole scale,—high walls for example with only a single postern by which to confine his probationers,—and a minimum amount of labour performed, a deficiency in which should incur summary punishment, &c. Now, if the Roads are to be, as at present, theatres of punishment, these, and other similar devices, would be, undoubtedly, great improvements in the existing apparatus; but if, as I propose, they are to be made fields of probation, they are out of place. In estimating the conduct of individuals I readily recognize the value of a graduated series of dynamic units, accommodated to the strengths of different classes of individuals: by the application of which the goal of each, and
and his claim to advancement may be in one way tested, but to establish a minimum, and to visit shirkers with summary punishment if they fall below it, or even to visit deficiency of personal exertion with a corresponding deficiency in the supply of food, would be, I am persuaded, to substitute low motives for high, and so to change altogether the character which I would fain see given to these Schools of Probation. A man who will merely exert himself above a minimum rate to escape punishment, or a very little higher to gain a small allowance of food, is not in a fit state to be in probation at all; neither is he who requires a wall to confine him, or who would cross even an ideal line if his higher object would be thereby compromised. Self-command, and exertion from the stimulus of distant hope, not of present fear, are what are wanted in a school of training; and to seek to acquire through physical means what is only valuable when obtained under the influence of moral motives, is really to mistake the whole object of the department of Prison Discipline.

15. I think, also, that in this part of his subject Captain Oyney desires to institute a too exclusively professional list of merit in those under his charge. The object is to make good men, not merely good labourers, and the quantity of labour executed is, thus, only one element, among many, from which to form a judgment. I am far, indeed, from considering it even the highest element. I would far rather have steady, consistent, orderly, good conduct generally, evidencing powers of self-command, and a desire to use them, than any mere habitual exertion of the utmost physical powers possessed; and
and the exclusive use of a physical standard of merit, where
mental merit is so much more what is wanted, would, I am
confident, have even a doubly injurious tendency, by giving
 emulation and attention a wrong direction.

5. I am not certain whether Captain Cheyne means
to recommend, according to his plan, that there should be
different Road Stations, with each a different degree of indul-
gence uniformly maintained at it, or that at each consid-
orable station all the degrees of indulgence should be exem-
plified; the individuals stationed at it, enjoying one or other,
according to their merit. I rather fear the former, for I
would rather hope the latter. The inconvenience would be
very great of moving the Men from Station to Station, ac-
cording to their conduct; and besides the tendency thus to
unsettle them, the necessity of it would frequently lead to
practical injustice and discontent, for the better must gene-
 rally be detained till a sufficient number of the less good
Men get up to warrant an escort. Much physical power
would thus too be thrown away in mere travelling; and
the stimulus to exertion arising from the sight of superior
indulgences granted to good conduct would be also lost.

6. I would except, however, from the above recom-
 mendation small parties detached from greater ones to work
on the cross roads, or on small jobs along the principal
lines. These should be treated uniformly, for they should
consist exclusively of the best men, and constitute the last
probation of such, before they obtain their first Tickets of
Leave. They should accordingly be invested with the ult-
most degree of liberty, consistent with a perfect knowledge
of how each individual uses it; and would, thus, as I think,
be properly supported, in whole or in part, by wages instead of rations, as though composed of Free Men.

It is of great importance that the progressive steps to liberty should be so graduated, as that the attainment of no one should, by its contrast with that which precedes it, have a tendency to intoxicate the mind of the recipient, and two other advantages would accrue from this arrangement, one of which is not adverted to, and the other is less advantageously, as I think, aimed at by Capt. Cheyne. Provision would thus be made for the supply of these small parties [which are almost more wanted throughout the Island than the larger ones] without involving the expense of complete Superintending Establishments for each. And the best men, as they approach their Tickets of Leave, would be thus distributed all over the country, and become known and recommended to Settlers in every district [in the best possible way] by their having stood the last trial of their self-command; I instead of being accumulated, as Capt. Cheyne proposes, in a single large Station.

7. I am inclined to regret that Capt. Cheyne, in framing his estimate of the expense of acting on his plan, should have made this appear, even on his own confession, higher than necessary. He charges himself with the expense of an estimated number of 2,000 Men arriving annually for five years, without making any allowance for deaths; while on the other hand, he takes credit for the 1/4 part only of the produce of the labour of 1500 men in like manner arriving annually, and only working 250 days in the year. Surely the other seven-eighths, if not tangible in money, should be acknowledged in
in some shape (other than mere improvement in Convict Discipline) as a set-off against £140,000 estimated expense, which, also, it should be observed, is not additional to the present expense, but in lieu of it; and in a fine climate like V. D. Land, 63 days exclusive of Sundays, are a large allowance of non-labour. I fear, however, that both this allowance, and the further estimate of 500 men productive out of every 2000, are but another proof that Capt. Cheyne is still associating the circumstances of the present compulsory System with the desired improvements; and by so much differ from me essentially, for I am convinced that no system will train up good Men, nor of Society after liberation, which involves physical restraint and compulsion to its close. In existing circumstances, degraded as Convicts are on the Roads, scantily provided with clothing, earily confined at night, and without fire in their cells, or other sufficient means to ensure a steady recovery of warmth after exposure, it is impossible to work them in wet weather, so that the number of days lost is necessarily considerable; the proportion of attendances, also, and superintendence, or, in other words, of non-effective in each Party arising from the compulsory employment of the other, is also not less than from one fourth to one seventh, according to circumstances; and if Captain Cheyne proposes to continue similar principles of treatment in his new plans, then, though still perhaps, rather in excess, his calculation is right in principle. But in such case his system altogether differs from mine. There can be no real probation where there is direct physical restraint. The object which I would contemplate in the Roads is to furnish a succession of circumstances varying from hard up to the average.
The average case of Free labourers, through which slowly, deliberately, and therefore with an improving effect as they advance, to save men who have deserved punishment, but who, having endured it, are now seeking to recover their footing in society by proving that they deserve it. For such men general principles of conduct are wanting, and moral motives of as stringent a character as can be devised, and these graduated down so as to supply a specific stimulus to almost every required exertion; and thus that a System should be framed, which if it could be made perfect, would be almost one of moral coercion: — but no better drivers; Superintendents merely, in such numbers as may be requisite, to ensure a perfectly exact knowledge of how each individual really does employ his apparent liberty. Such a system would be economical in every sense of the word; it would save expense, and yield, also, a large return, for if it would, in this Department, substitute voluntary, and even emulative, labour for coerced. And the only remaining question seems to be, how it may be made to work.

I proceed then, after these remarks on others, to give a detailed view of what my own plan would be — (for their scrutiny and censure, if they please, as I have taken the liberty to comment on them.) It will be found here, though more specific in detail, nearly the same in outline, as when hastily sketched in Note F. of my Report. My views have gained in distinctness, but have in no degree become altered in character, by reflection.
1. I would earnestly recommend that a superior officer be appointed in each Penal Colony, specifically charged and strongly impressed with a sense of the social importance of both the stern punishment of Criminals, for the sake of example, and, also, of their judicious training afterwards to produce their own reform. (I attach great importance to such appointments, for I am convinced that, with them, whatever other arrangements may be made will be progressively improved on, while, without them, the very best conceivable will speedily become routine and comparatively ineffective.) The individuals selected should have seats in the respective councils, to give them local influence; and should be required, at fixed periods, annually to transmit, through the local Governments, to the Secretaries of State for the Home and Colonial Departments, detailed Reports of their proceedings, success, and of the movement of Crime generally in their respective colonies. The Department confided to them, and the progress made in it, would be thus constantly kept, as the importance of its object deserves, in the view of the Home Government; and their own zeal and intelligence would be quickened.

2. Under their direction all Prisoners should on their first arrival be sent to a Penal Settlement, there to undergo their punishment for the past, and have their minds subdued, and their bodies prepared, for their future probation and lot. For the former purpose I should not object to their sentence at Home inflicting a minimum period of detention in this stage—but this period should not be too long; (from one to two years even for the worst offences would, I think, be sufficient.) And without an exhibition of penitence and good resolution this minimum should be by no means a maximum;—on the contrary
no one should leave his seclusion here till thoroughly sub-
due in mind, and, as far as can be judged, sincerely desi-
vrous to exert himself to do well for the future. With his
punishment should be blended moral, religious, and rural
Instruction, each to as great extent as possible, so as to give
all, whether previously habituated to labour or not, both good
dispositions and reasonable bodily ability, for the future.

3. Progressively, as the several individuals thus become qua-
lified, (by punishment undergone, penitence testified, good
dispositions for the future manifested, and capacity for labour
acquired,) they should be drafted to the Roads, or such other
Public Work as may be considered proper;—but in a manner
to be now explained, and which, I am certain, would have an
excellent moral effect. They should be formed into parties
(say of six men each) who should select each other, and under-
take to share the chances of their probation together, so that
the good or bad character of each individual of them, should,
in all cases, while passing through this stage, benefit or injure
the others (his chosen and inseparable companions) equally
with himself. The object of this arrangement is threefold:

1. The physical restraint to be obtained by making each the
other’s keeper, without, either, giving any of them the invincibl
position of a Constable: 2. The moral restraint and impulse
to be equally acquired by making the conduct of each affect
others as well as himself; and, 3. The social impulses
which would be thus developed, and set in opposition to the
selfish, exclusive feeling which alike produces vice, and is
produced by it. I attach the greatest subsequent importance
to it:—but first I point out the beneficial effects which
would be derived from it, even before it came actually into opre-

ration, and while the individuals to be subjected to it were yet undergoing their first punishment. From the very beginning each would in this way find it in his interest to conciliate his neighbours, and acquire their good-will and opinion (for otherwise five men may not be found willing in due time to cast in their lots with his) and all would, consequently, at an early stage become active, civil, obliging, and well conducted to each other, as well as to those over them. Brutal and overbearing conduct would be thus restrained, and feelings of mutual kindness and benevolence would be generated.

The circumstances being checked which in gaols and other receptacles of prisoners usually produce deterioration, a corresponding improvement might rather now be looked for; and many hearts and tempers which otherwise situated, would have become utterly reckless and depraved, might be thus softened and turned to good. The social virtues, usually the scoff of the criminal, having here a tangible value, would be proportionally respected; and much is gained when even this object is achieved. Successful deception would be thus also prevented; for though professions of penitence or religious conversion, might in many cases imposed on superiors, they could scarcely ever succeed in blinding companions. And prejudices and partiality in overseers, with regard to their recommendation of individuals for advancement, might equally be prevented— if it were provided that none could be dismissed who did not thus obtain five duties, as it were, for his good intentions—and none, otherwise qualified, retained who did, unless in each case under circumstances specifically brought under the notice of the higher Authorities.

4. On the Roads, then, or other Public Works, the
Probationers (for I would now even change the appellation) would be then distributed into parties or gangs (day) of six men each, living, lodging, labouring, and ascending, or it may be, occasionally descending, the ladder which can alone restore them to freedom together. In now dealing with them I would avail myself of Messrs. Backhouse and Walker's suggestions, already adverted to; and would reckon every evening with each, his conduct, whether good or bad, being represented by marks added to, or subtracted from, the common account of the party to which he may belong.

The possession of a certain number of these marks being made requisite to advance any party a step beyond the scale of indulgence already obtained by it, the gain or loss of any, through the good or bad conduct of an individual belonging to it, would be thus felt by all, and as much as possible the law should in all cases be made precise, offering a specific gain or loss to every shade of conduct. Hence, then, the amount of labour performed, according to Capt. Claypole's scale of physical strength, would, of course, be considered, with other claims, such as steadiness, obedience, attendance at church, attention to other religious instruction, corresponding proficiency in what may be taught, proper care of clothing, general respectability of appearance and manner, self-command, moderation under provocation, and the like.

I would not, I think, make the allowance of food in any case dependent on the result of these reckonings; but I would be well disposed to allow of the purchase of indulgences, as tea, sugar, tobacco, &c. for the several Messes by the sacrifice of their common marks. I would do this in order to provide another field for self-command, and for
its support by the mutual influence of several individuals, with a common interest to be economical, over each other; also to place these indulgencies legitimately within the reach of those who will not want them: finally, to obtain another test of individual character by which to regulate future recommendations. And as I would insist on each individual keeping a good suit of Sunday clothing,—when any article was lost, or destroyed, I would compel its replacement by a sacrifice from the common stock of marks. Very many advantages, both moral and economical, would obviously be derived from such arrangements.

3. The moral and physical restraint that would thus be acquired would indeed be so great that, I am persuaded, after a short time, offences of every kind would become rare, and it would be necessary even to be very particular that the salutary example of checks arising from misconduct might not be altogether lost. Yet this must not be altogether reckoned on either; and either grave offences will be committed, or an individual may prove to habitually careless, obstinate, or otherwise ill-conducted, that the Party to which he belongs may be compelled to represent that they cannot, in justice to themselves, retain him, or continue to defray at their joint expenses the marks lost by him. In any of these cases, then, the Culprit should be returned to the Penal Settlement, to be there retained till other five Men express their willingness to give him again a chance;—but the Party to which he first belonged should also, I think, in such circumstances, lose all their marks, and begin again at the bottom of the Roads Department, with another Man added, at their own selection, from the Penal Settlement, to supply his place. It would be
found of great importance that the several Parties should have a strong interest both in watching the individuals belonging to them so as to prevent offence, and also, in overcoming obduracy, or other bad dispositions, and training each the other in good conduct. For so valuable a support of System and Authority, some occasional hardship on individuals must be borne with, - which, indeed, would be the less unfair, inasmuch as the original association was entirely voluntary.

6. And as I would thus never punish an individual apart from his Party, so neither would I ever reward one. No exaction, no favour, no degree of individual merit should carry a man through without his fellows, for on the absolute identity of interest among the individuals of each party I would rely more than on anything, to make the System efficient. Vice is always selfish and exclusive; a man is half virtuous when he is made social; and nothing improves even the best like a generous, self-denying friendship, which has the interests of others constantly in view, equally with one's own. (It is this principle which causes that improvement in the character of the present Convicts noticed both by Mr. Foster and Mr. Spode as consequent on their marriage.) But I should, also, have another reason for establishing this rule. I am doubtful of the benefit, even in existing circumstances, of rewarding by early liberation great single exertions, (for in great emergencies about everyone is capable of corresponding efforts, and the greatest villain not the least so,) but in a System proposing to itself first steady punishment, and then systematic training, every thing like a leap over either is to be deprecated. Thus far, then, in the case of these
Probationer. I would willingly tie up the hands of the local
governments, - I would suffer no special favour to be accorded
to any of them, and would insist that their course of probation
should in every case be fulfilled; but, on the other hand, having
imposed a time for punishment, and a course for probation, I
would not unnecessarily aggravate the weight of this latter by
prescribing from Home the time, also, which it must occupy.
A party beginning at the bottom of the Roads Department should
thus distinctly understand that they were now on probation, and
must not only pass through it each individually, but must get,
each the other through also. A fixed number of marks (indicative
of good conduct being requisite to obtain each successive step;
active, not merely passive) and diligent exertion could alone
obtain, and self-command could alone keep them), with a con-
stant watch over themselves and their Companions. If they earn-
estly, steadily, zealously, and frugally set about the task, a cer-
tain average time, which would be soon known, would enable
them to accomplish it; but otherwise it might for ever mar
their hopes. No remission, no lucky chance in their favour, could
be looked for: if any of them did, perchance, perform some specia-
sal service, it would be recompensed to him when through, but
in the mean time could not avail himself individually. He must
give substantial proofs of steadiness in his own person, and con-
tinue to support a similar demeanour in others, before he could
become free.

7. I have already said that I think the last trial in this
course of probation should be detached employment, with nearly
all the circumstances of freedom associated with it, yet under
the severest penalty if they were abused; and here the advantage
of connecting six together in one fortune, would be eminently felt.
Situated as all would in this stage be, at the very top of the ascent, which it had cost them so much to mount, no vigilance, on the part of guards or overseers, could equal that which each individual would exercise over the others, and all in turn over each; and the System might, in truth, be deemed here even too hard, and too exciting, were it not that probably, by this time it will, in most cases, have sufficiently gained its great end to give those subjected to it some ground of confidence in each other. With vicious habits broken, regular ones superinduced, accustomed self-command, a habitual aim at good conduct, and a stake which, as involving the fate of others with their own, has been found to fetter even the most abandoned under great temptation, I cannot help thinking that in most cases the trial would be successfully encountered, and constitute a precedent for many similar victories of principle over inclination in the following stages.

P. In these (as Tickets of Leave, Emancipation, &c.) I would, of course dissolve the connexion established on the Roads, and restore each man to his individuality. Other remarks concerning them seems superfluous, agree as I do, generally, with Mr. Foster's observations on them, and making only one addition to those already specified.