

of prisons should be confined to adults committed for debt, for contempt of Court, for mere police offences, and for default in payment of fines. Such a distinction strictly observed of first (or non-criminal), second, and third, or penitentiary prisons, might incidentally produce some effect on cultivating a discrimination of degrees of crime in the minds of the ignorant." *Memorandum.*

It may be mentioned in reference to the limit of twelve months' sentences appropriated to the penitentiaries, that some of the most important witnesses, or one at least, who gave evidence before the Lords' Committee of 1863, strongly urged that there should be no intermediate sentences between twelve months imprisonment and four or six years penal servitude. *Recommended disuse of intermediate sentences.*

The summary continues:—"The system would still have to be completed by a reformatory for juveniles, and, in some cases, by an industrial home for the temporary reception and employment of criminals discharged from the penitentiaries." *Reformatories and penitentiaries*

It then alludes to the penal laws of some colonies as needing revision, and remarks that—"the mode of execution of a sentence is in many respects even more important than its duration, and is in fact what chiefly determines the amount of the penalty."

With respect to the distinction between first offences, and the offences of habitual criminals, it is suggested that—"There seems reason to suppose that for first offences, the terms should be shorter than those usually imposed in most countries, but of a highly penal kind in execution, with continuous separation; but that for habitual offenders the terms should receive the greatest extension of which public opinion will allow, not necessarily with equal regard to that separation of which the primary object is to prevent criminalization of persons who are not yet hardened in lawlessness." *Punishment for first offences.*

The summary concludes by the emphatic affirmation that—"certainty of detection is more deterrent than severity of punishment, and efficient police will do more than prisons;" and that in spite of police, severe punishment and corrective and reformatory treatment, the tendency to crime cannot be lessened except by sound measures, dealing with its great sources—drunkenness, and want of education.

The Commissioners, in proceeding to their practical work of inquiry, will be greatly aided in their investigations by keeping the principles, experiences, and suggestions, hastily and crudely summarized in the preceding pages, constantly in view, not only in ascertaining the defects, faults, and weaknesses of the existing state of the prisons of the Colony, but also in forming a judgment as to the possibility of, or facilities for, ameliorating or altering existing establishments, so as to adapt them in greater or less degree to the admitted requirements of an efficient system, and as to the necessity for a General Penal Establishment for the whole Colony, and the best mode of instituting it. The materials to be sought for, with respect to the last part of the inquiry, will probably be much more difficult to obtain than those necessary for the other parts, and it may be wise to leave that part of the subject for the future consideration of the Commissioners in conference. Still, it would seem desirable that, in conducting the first part of the inquiry, the travelling Commissioners should obtain all available local information with respect to the choice of a site for a General Penal Establishment, eligible in respect of safety, health, ease of access, combined with obstacles to escape, and convenience for industrial labour on public works, or in other respects. *Conclusion of Memorandum.*

LIST OF PRACTICAL DETAILS TO BE INQUIRED INTO.*

I. AS TO THE EXISTING PRISONS OF THE COLONY.

1.—*A list of the prisons (examined or not examined) distinguishing the Provinces, and the purposes of the prisons.*

2.—*Description of each prison.*

- (1.) Its position, aspect, accessibility, distance from Court.
- (2.) The materials of which constructed.
- (3.) A plan showing all internal arrangements.
- (4.) Provisions for security in respect of construction.
- (5.) Divisions for separate classes, if any, and on what principles constructed.
- (6.) General amount of accommodation.
- (7.) Number of separate cells; dormitories and working rooms, and size; number of cubic feet per person.
- (8.) Work yards, exercising yards,—size and particulars.
- (9.) What eating places—size, &c.
- (10.) What cooking places.
- (11.) Baths and lavatories.
- (12.) Privies—numbers, character, and position.
- (13.) Urinals.
- (14.) Provisions for ventilating and heating.
- (15.) Drainage.
- (16.) Particular deficiencies or advantages of the prison in any of the respects above mentioned.
- (17.) Means of adapting prison for separate confinement, and hard or industrial labour.

3.—*Prison Regulations in force, and Discipline.*

- (1.) A copy of these posted in gaol, or used.
- (2.) Are they observed strictly or not?
- (3.) If departed from, or not enforced, in what particulars?
- (4.) What reasons assigned for such departure or non-observance?

* This list was used by the Commissioners in their examination of the various witnesses.