

suggest that the special attention of the Judges, both of the Supreme and Quarter Sessions Courts, be specially invited to the regulations.

I have, &c.,

HAROLD MACLEAN,

Acting Inspector of Prisons.

(No. 2.)

MINUTE of the COLONIAL SECRETARY.

I AM not sure that I understand the reason on which this recommendation is founded. If the sentences of the Courts are determined by considerations as to the operation of gaol regulations, what actual effect can any regulations have on the sentences?

H. P.—26/3/67.

The Sheriff.—B.C., March 27, 1867.—H.H.

(No. 3.)

MEMORANDUM of the SHERIFF.

MY recommendation had reference almost entirely to the classification regulations, from 26 to 32 inclusive.

I think it right that the Judges, by whom, in their discretion, and according to the circumstances, the extent of punishment is in most instances allotted, should know in what the several punishments which it may, in any case, be in their power to award, consist; as, for instance, those in the 2nd and 3rd classes, to either of which prisoners for the same offence in law, with possibly a wide difference in guilt, may by the nature of their sentences be consigned. In case of complaint at trial it seems well, also, that the Court should be aware of the rights allowed to prisoners for arranging their defence.

The Judges are in the habit of increasing their sentences in cases of repeated convictions, irrespective of the circumstances of the crime. It seems to me to be right that they should be aware of the disabilities under which such prisoners are placed by the remission regulations.

Principal Under Secretary.—B.C., March 28, 1867.—H.M.

(No. 4.)

MINUTE of the COLONIAL SECRETARY.

THE whole subject of criminal treatment is one of so much difficulty, and is yet in so immature a state, notwithstanding the attention and study which have been bestowed upon it by some of the highest minds of the present age, that there is much reason to fear that the effect of any Prison Regulations authorized by the Executive will be liable to misapprehension by persons, however able and well-informed they may be, who have no practically acquired knowledge of the actual conditions of prison life and the varying nature of punishment in its operation. I believe the Chief Justice is of opinion that no system of punishment can ever approximate to a satisfactory state, without an intelligent classification of prisoners and ample means of carrying it out. Our prisons scarcely admit of any classification whatever; and the extent of buildings and number of officers requisite for any effective attempt of the kind would involve an expenditure which there is little prospect of being sanctioned for some time to come.

Under the most favourable circumstances of prison treatment, it seems to me that the sentence of the Courts should be awarded in accordance with law and fact, without reference to the after action of the Executive. Still more so in the unsatisfactory state of our prisons. The Judge meets the prisoner in Court for the first time; the case laid against him is laid bare on sworn testimony; the law overshadows the whole. To my mind it is hard to see how the vindication of the law, which is equally binding on Judge, jury, and prisoner, should be influenced by any consideration of the course that may afterwards be taken by the Executive, in view of circumstances which have no existence at the time of trial. Two men may be tried for offences of the same magnitude, and may justly receive sentences of the same extent; the guilt in one case may, nevertheless, be tenfold greater than in the other. The after life and character of one prisoner may justify an extension of mercy, which would be no mercy at all if extended equally to both. This difference of cases cannot possibly be known to the Judge, but could be clearly ascertained under a proper system of classification; and, even in the state of our prisons, may become known with more or less of truthfulness through the constant supervision of a well-regulated establishment, and the other channels of correct information open to the Executive. If the sentences of the Courts are adjusted, as it were, to meet the operation of Prison Regulations, they will render all regulations comparatively nugatory and of no avail.

H. P.—4/4/67.

(No. 5.)

MINUTE of the SHERIFF.

THE question of criminal treatment is surrounded by many difficulties; but latterly there has been a decided tendency on the part of the highest authorities to agree upon some main principles. It is