

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 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 admitted, that to make punishment at the same time deterring and reformatory, the chief element of the treatment should be isolation as opposed to association; and "separate treatment," limited by necessary considerations as to its effect upon prisoners, mentally and physically, is regarded as the most important feature of any plan of prison discipline. There is coming to be a general concurrence in the idea that sentences of shorter periods, with a large application of that condition, would prove to be far more effective, and more advantageous, both to the State and to the criminal, than those made as at present, whereby the punishment is measured by duration.

The term "classification" is frequently used with two distinctly different meanings—the one having reference to the progress of a prisoner serving a long sentence through its several stages, and the other to the division of prisoners, under considerations of the nature of their crimes, their ages, former circumstances and habits, as well as characters developed in the prisons. The former has already, in respect to the longer-sentenced prisoners, been established here, and may, as the means increase, be extended to those of shorter sentences. The latter is, I conclude, the description of classification contemplated by the Chief Justice, and presents serious difficulties, even were the means in buildings available. Something, however, is now done in the desired direction, in the larger prisons. More may, even