XV. *Hulk system compared with Penitentiary and New South Wales systems*.

From the foregoing *demonstrations*—if such by curtesy at least they may be stiled—may be deduced, in the form of a *corollary*, a short estimate on the subject of the *Hulks*. In the scale of utility, the station of this system would be found, if my judgment does not deceive me, in the *midway* between that of *penitentiary* imprisonment taken without the benefit of the *panopticon* improvements, and that of *penal colonization* taken on the footing on which it stands in New South Wales. With the former it agrees, in respect of its purity from *drunkenness*, with the attendant miseries and mischiefs: with the latter, in respect of the *promiscuous aggregation*, with the universal corruption issuing from it. As a preventitive of *present* mischief—of mischief considered as commissible under and during the punishment—it may rank not much below the Penitentiary system: it stands at a prodigious height above New South Wales. On the ground of *healthiness* (meaning physical healthiness) cleared as it is from drunkenness, it may again rank not much below the penitentiary system: on the ground of *moral health*, as a school of *post-liberation* wickedness, it stands scarce at all above the level of New South Wales. In the article of *comfort*, considering the miseries of forced and crowded association, it can never come up to—it can never do otherwise than fall deplorably short of—a well-ordered Penitentiary House. In the article of *economy*, in one point of view it cannot but fall considerably short of it, since among a number of persons in that condition of life, and of those habits of mind and body, there will naturally be a considerable proportion unfit for such *outdoor*, and thence almost necessarily *heavy* work, as that which can alone be put into the hands of a body of men so *lodged*.a

a In 28th Finance Report Appendix (N. 7.) p. 114, in a Report relative to the Convicts stationed on board the Hulks at Langston and Portsmouth Harbours, during the year 1797, the concluding paragraph is in these terms: ‘*A great Number* of the Convicts on board the above Hulks *were rejected*, *as unfit* to proceed to *Botany Bay* at the several Transportations, and *many* received *from the Gaols* are so *emaciated by long Confinement* and Debility arising from former Debaucheries, that they are unable to work; to these add the Number necessarily employed in keeping the Ships and Wards clean, and they will amount to nearly *One Third* of the whole Number confined. *A.H. Dyne*.

‘London 17th May 1798.’

In the comparison of the Hulk system with the Penitentiary system, the most material point of all is—that the ground on which the former system approaches to the level of the latter, is that sort of ground, in which the interest of the *individual*—the delinquent prisoner, much more than any other and more *public* interest, is concerned: I mean the absence of the means of *drunkenness*, in a situation, in which, except to the drunkard himself, little mischief would be apt to result from drunkenness. The ground, on which it sinks to the level of New South Wales, is the ground which touches, and in the tenderest part, the interest of the whole community, into which the prisoners, after the expiration of their respective terms, are one after another continually let loose. It is in a state of matured corruption, exceeded by nothing but that of New South Wales, that they are thus discharged into that society, from which, in a state of less perfect corruption, they had, in consideration of that corruption, been expelled.

To facilitate the comparison, I well beg leave to submitt to Your Lordship a *Table*, in which the points of resemblance and contrast between the three systems, under some of the principal heads, are set down, side by side.

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| I. Penitentiary system | II. Hulk system | III. N.S. Wales system |
| 1. Drunkenness, *none*.  | 1. Drunkenness, *none*. | 1. Drunkenness, *universal*. |
| 2. Association—with *one another*, select: with *strangers*, none.  | 2. Association—with *one another*, promiscuous: with *strangers*, none.  | 2. Association—*altogether promiscuous*: Convicts, one with another by thousands: with Soldiers and seamen, with each by hundreds.  |
| 3. To health, *supremely favourable*: by sobriety, cleanliness, and constancy of occupation; by mixture of light with heavy, indoor, with outdoor, work. | 3. To health, *favourable* by sobriety: unfavourable by want of mixture of light with heavy work, and total want of occupation for such as are incapable of hard and outdoor work. | 3. To health, *unfavourable* by drunkenness. To vitality, favourable notwithstanding, by the salubrity of the climate: setting aside experienced frequency and perpetual probability of *famine* on the spot, and *pestilence* during the passage. |
| 4. To comfort, for the same reasons as to health, *eminently favourable*; as also by security against uneasiness from quarrels and oppressions: saving always the salutary discomfort resulting from the necessary discipline. | 4. To comfort, *eminently unfavourable*; by reason of the promiscuous aggregation in a crowded space: under exposure to uneasiness from quarrels and oppressions. | 4. To comfort *supremely unfavourable*;—by the universal insecurity in respect of property; as well as in respect of uneasiness from quarrels and oppressions. |
| 5. To reformation *eminently favourable*, in respect of the inviolable sobriety, the select aggregation, the constancy of occupation, and the subjection to inspection, more or less uninterrupted, according to the plan of architecture and management. | 5. To reformation, *eminently unfavourable*, by reason of the promiscuous and unbounded association, and the ascendant naturally gained by the most corrupted characters. | 5. To reformation, *supremely unfavourable*, by reason of the promiscuous and unbounded association, joined to much opportunity of sloth and to unbounded drunkenness. |
| 6. To incapacitation for fresh offences *during* the penal term, *compleatly effectual*. | 6. To incapacitation for fresh offences during the penal term, *effectual* for the most part. | 6. In respect of offences during the penal term, rather *conducive* than *incapacitating*. |
| 7. To prevention of fresh offences *after* the penal term, *eminently conducive*, in respect of example as well as reformation. | 7. In respect of fresh offences after the penal term, *little preventive* in the way of *example*: rather *conducive* than preventive, by *corruption* instead of reformation. | 7. In respect of fresh offence, after the penal term, altogether *unpreventive* in the way of *example*: supremely *conducive*, by consummate *corruption* instead of reformation. |
| 8. To economy, *supremely favourable*; by constancy of profitable occupation, mixture of light with heavy work, almost unlimited choice of the most profitable work, and greater or less facility of *inspection*. | 8. To economy, *imperfectly favourable*; by want of light work, for the weakly, and to mix with heavy work. | 8. To economy, *supremely* *adverse*; by the presence of every cause of expence, and the absence of every source of profit and frugality. |

In this view, my Lord, Your Lordship (I am to think) will see some ground for the opinion, that—(setting aside in the case of New South Wales the incompleat security grounded on the *illegal* part of the punishment, a security which, according to the latest accounts, is in a way to be much weakened, if not given up—and of which the degree, in respect of the number of returners, depends in a great degree upon unforeseeable and uncontroulable contingencies) the Hulks, pernicious as they are, are at any rate a *less* pernicious receptable for convicts than New South Wales: and that, if the manufacturers of *grounds for relinquishment* could have been supposed for a moment to have considered themselves as responsible to God or man for the composition of their list, or for the system of conduct grounded on it, a more substantial ground might have been made out of the unimproved and unimprovable Hulks, than out of the so much improved and ever alike-improving Colony.