

STATE LIBRARY OF N. S. W.
MITCHELL LIBRARY

DSM/
365/
S

Digitised under the State Library of
NSW's Digital Excellence Program.
Due to the nature of the original
material or digitisation process there
may be instances where the digital
copies are not exact matches of the
originals. If you have any questions or
would like to provide feedback,
please email
collections.library@sl.nsw.gov.au

57-

ny

Dr. Richards.

IRISH FALLACIES

AND

ENGLISH FACTS ;

BEING AN APPEAL TO

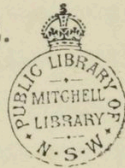
THE COMMON SENSE OF THE BRITISH PUBLIC

ON THE SUBJECT OF THE

IRISH CONVICT SYSTEM,

ETC. ETC.

BY SCRUTATOR.



I have heard it over,
And it is nothing, nothing in the world.

SHAKESPEARE.

Audi alteram partem.

LONDON :
WILLIAM RIDGWAY, PICCADILLY, W.

Price 1s. 6d.

THE FALLEN

THE FALLEN

THE FALLEN

WESTMINSTER:

PRINTED BY J. B. NICHOLS AND SONS,
25, PARLIAMENT STREET.

THE FALLEN

THE FALLEN

THE FALLEN

THE FALLEN

THE FALLEN

THE FALLEN

THE FALLEN

THE FALLEN



Dedicated

TO

THE MEMBERS OF BOTH HOUSES OF PARLIAMENT,

THE MAGISTRATES OF THE UNITED KINGDOM,

AND TO

THE PUBLIC AT LARGE.

THE Author has taken a wide range for his "Dedication," and thinks himself justified in adopting such a course by the three following considerations:—

In the first place, it is highly probable that the Report of the Royal Commission will render legislation necessary, and the information contained in this paper may be of use to those Members of both Houses, whose time and thoughts are too much occupied to admit of their closely examining the question for themselves.

Secondly, it is presumable that many Magistrates will have read a pamphlet published by the four Visiting Justices of the West Riding Gaol at Wakefield, disparaging the English System, and lauding the Irish, and from it derived imperfect and erroneous

10
18

views. It seems, therefore, desirable that some effort should be made to correct the misconceptions which may have been produced by that publication.

Thirdly, the community in general are vitally interested in the satisfactory solution of the "convict question," and even were it otherwise, fair play dictates the propriety of both sides being heard.

ERRATUM

In page 2, line 1, "Sir William Crofton," read "Sir Walter Crofton."



CHAPTER I.

INTRODUCTORY.

ERRATUM.

In page 2, for "Sir William Crofton," read "Sir *Walter* Crofton."

in what respects the law and practice of our present system are defective, and what changes are expedient in its administration.

The public at large, however, have access to no such means of information on this momentous social question, but mainly depend for it on the press. In common with many others, I read much that appeared, and referred to the Blue Books for more. On the English side, I could not but observe the expression of a calm confidence in the success which had attended the system, with somewhat elaborate statistics in proof of it. On the Irish side, though the system appeared to be the same, the most astonishing results were boldly claimed, without the same attempt to give the needful support. There was a solidity about the one which was wholly wanting to the other.

This was the first impression I derived, and it induced a determination to investigate the whole subject. The result has been a conviction that the public have been led astray by Irish *fallacies* industriously promulgated, and have never taken the trouble to search for English *facts*, which have been as carefully concealed.

Conscious that my pen is that of an unready writer, I have ventured into print with extreme reluctance, and should, probably, not have taken such a step, but when I see a pamphlet issued by Sir Walter Crofton in the very teeth of the accumulating proofs of the way in which public opinion has been misled by his reports and assertions, after the crushing refuta-

views. It seems, therefore, desirable that some effort should be made to correct the misconceptions which may have been produced by that publication.

Thirdly, the community in general are vitally interested in the satisfactory solution of the "convict question," and even were it otherwise



CHAPTER I.

INTRODUCTORY.

THE Royal Commission appointed to inquire into the operation of the Acts relating to Transportation and Penal Servitude, and the manner, in which Sentences of Transportation and Penal Servitude have been and are carried into effect, are in the midst of their labours. To them will, of course, be available the best and most reliable sources of information on the various points to be investigated, so all-important to the community. The conclusions, to which they will be led by the evidence given, will, it cannot be doubted, be of the greatest advantage in showing in what respects the law and practice of our present convict system are defective, and what changes are expedient in its administration.

The public at large, however, have access to no such means of information on this momentous social question, but mainly depend for it on the press. In common with many others, I read much that appeared, and referred to the Blue Books for more. On the English side, I could not but observe the expression of a calm confidence in the success which had attended the system, with somewhat elaborate statistics in proof of it. On the Irish side, though the system appeared to be the same, the most astonishing results were boldly claimed, without the same attempt to give the needful support. There was a solidity about the one which was wholly wanting to the other.

This was the first impression I derived, and it induced a determination to investigate the whole subject. The result has been a conviction that the public have been led astray by Irish *fallacies* industriously promulgated, and have never taken the trouble to search for English *facts*, which have been as carefully concealed.

Conscious that my pen is that of an unready writer, I have ventured into print with extreme reluctance, and should, probably, not have taken such a step, but when I see a pamphlet issued by Sir Walter Crofton in the very teeth of the accumulating proofs of the way in which public opinion has been misled by his reports and assertions, after the crushing refuta-

tions of Mr. Burt, and the startling disclosures of the Chaplain of Spike Island, it becomes a duty in any one who has looked into the question to bring forward any information calculated to throw light on the subject.

Much misconception undoubtedly prevails respecting the Convict Systems; but this cannot seem surprising, seeing that so many of those, whose province it is to afford instruction on such questions, have proved themselves "blind leaders of the blind." The blindness of the many is excusable, for men, generally, are too much engaged in their own immediate affairs to have leisure for examining such topics; but the blindness of those, who set themselves up as public instructors, is wholly without excuse. When they undertook to write, it was not too much to expect they would make some inquiry into the rival systems, as they are made to appear, so as to ensure fair play to both. This has not been done. Assertions on the one side, and silence on the other, have left the field open, and fortune has hitherto favoured the bold attempt of the Irish Champion to snatch the laurel, and crown himself.

The object of this pamphlet is not to detract from the merit that may be due to Sir William Crofton, who, doubtless, devoted all his powers to the discharge of his duties.

It will be seen that he set out with the English system in its minutest details, and, with regard to the added features, he only applied, in Ireland, arrangements which had previously existed in Australia. Indeed, there is good ground for supposing that even this modicum of merit does not belong to him, for the following statement is to be found in the last Report of the English Directors:—

It so happened that, at the period when these questions were more or less under discussion, Captain Knight, a most able and active officer, and full of resources of every kind, was removed from the charge of military prisoners in Canada to the office of Governor of Portland, and from thence volunteered to organize the new prison at Portsmouth, which had then been just completed. This service he performed in a most perfect manner, but was most anxious to introduce, in connexion with the English system, some of the details of the Colonial stages. Mr. Moran, the Chaplain at Brixton Prison, thus alludes to the subject in a letter to me, from which the following is an extract:—

"What is peculiar to the Irish system was planned and arranged by Captain Knight years ago, when he was Governor of Portland Prison, and I was the Chaplain. With that excellent and energetic friend I have frequently conversed upon the subject, and he mentioned his plans to me. I could not agree with him, nor have I seen anything to lead me to alter my opinion.

"No doubt, when he became a Director of Convict Prisons in Ireland, he introduced his plans, and laid the foundation of the peculiarities of the Irish Convict System."

Even could all that has been asserted of the Irish system be demonstrably proved, it would still remain a matter of grave question whether it is applicable to England. Apart from the much larger scale on which it would have to be applied, there are peculiar circumstances connected with each country, which render it a matter of certainty, that what might be successful in one country would fail in the other.

There appears, however, every reason to believe that *success* has attended a consistent adherence to the system established in this country, and that *failure* has attended the experiments upon it made in Ireland—in fact, that the issue of success or failure is entirely reversed.

The Edinburgh Reviewer observes:—

The fact of the success of the Irish method is, as far as we know, undisputed. There is no question of the truth of the story, as, indeed, there can be none, while crime is decreasing, the prisons are being closed, and prison officers are dismissed, and the expenses lessening, while more and more of the worst professional ruffians are in durance.

In these few pages the “truth of the story” will be tested, and they will afford the reader the means of judging, whether there are not ample grounds for questioning the results ascribed to the Irish system in the story of its “brilliant success.”

The investigation that awaits the English system at the hands of the Royal Commission may indicate points of detail, in which it is susceptible of improvement, and, judging from Sir Joshua Jebb's language in his Reports, there is every reason to suppose that he would rejoice, as much as any one, at any alterations calculated to make *his system* more effective for its objects. The violent changes alone, by which it has been assailed, in the abolition of Transportation and the introduction of two new Acts of Parliament, would seem to require more modification than can be effected under the present law by the most able administration.

CHAPTER II.

First Introduction of the English Convict System into Ireland.—English Convict System adopted by the Irish Board on the Commencement of their Labours.—Reduction in the Number of Prisoners, and its Causes.

AN able pamphlet lately published,* on the Irish Convict System, by an "Irish Prison Chaplain," entitled "The Intermediate Prisons, a Mistake," contains an excellent account of the introduction into Ireland of the principles of convict management, which have been in operation in England for a long period. The following are extracts:

Our Irish convict prisons were, for some years previous to the appointment of the new Board of Directors, under what we shall venture to style *the able administration* of Henry Hitchens, Esquire, Inspector of Irish Government Prisons. This gentleman, in his Annual Report for 1850, says of Mountjoy Prison in Dublin: "This depôt, being the first Government depôt established in Ireland *on the separate system*, was opened for the reception of prisoners on the 27th March, 1850." This was just four years, eight months, and two days before the appointment of the new Board of Irish Directors, of which Sir Walter Crofton was Chairman.

Again: "The plans of Mountjoy Prison, prepared by Colonel Jebb, C.B., have been carried out by the Board of Works."

Mr. Curtis, of Mountjoy, says: "The prison was constructed, by the Board of Works, on the plan of the Pentonville Model Prison; and the three wings were reported fit for the reception of convicts in February, 1850."

"It is to the constructive genius of Colonel Jebb, of the Royal Engineers"—writes the Rev. J. Kingsmill, the Chaplain of Pentonville—"that the country is indebted for the *Model Prison* of Pentonville, now so extensively imitated on the Continent and at home."

Previous to 1850, there was no practical knowledge of the cellular system in Ireland. The first Governor of Mountjoy Prison felt himself in the position of a boy who had been made a present of a new mouse-trap, full of curious little chambers, and worked by a multiplicity of springs of whose operation he was ignorant; and, not wishing to injure his fingers, he went to London to take lessons from the Governor of Pentonville on the proper working of the new machine.

I think we have said enough to show whence we derived the first or cellular stage of our Irish Convict System; let us therefore turn to the second, or working stage, developed in the great working prison of Spike Island, in Cork Harbour.

When was Spike Island first occupied as a prison? In October, 1847, just *seven years and one month* before the appointment of the new Board of Irish Directors, of which Sir Walter Crofton was Chairman.

At whose recommendation were the military barracks of Spike Island converted into a Public Works' Prison, like Portland, *for the development*

* Simpkin and Marshall.

of the second stage of the English Convict discipline in Ireland? The following extract from the ninth Report of English Convict Prisons will furnish the best answer to this question. See page 90. It is Sir Joshua Jebb who writes:—

“The following is a brief account of the progress of improvement of convict discipline in Ireland, up to the period of its being taken in hand by the present Board of Directors.

“The average number of convicts sentenced to transportation, during many years, did not exceed about 700. In consequence of the famine, however, the overcrowded population, and other causes, the number sentenced suddenly rose to upwards of 2,000 annually, and once to upwards of 3,000.

“In consequence of a representation of the circumstances to the Government, I was directed to proceed to Dublin, and, after conferring with Lord Clarendon, suggested the immediate occupation of Spike Island, in the Cove of Cork.

“The erection of a prison at Dublin, on the model of that at Pentonville, had been suggested, as afterwards completed, at Mountjoy. The rules of Portland were, *as far as possible*, applied at Spike Island, and those of Pentonville at Mountjoy.”

The foregoing statement shows clearly to whom was due the introduction into Ireland, in 1847, of the principles of convict management that were in operation in England, and his own first Report tells us that, when Captain Crofton commenced his career as Chairman of the Irish Prison Board, in December 1854, he had the advantage, not only of the fundamental principles, but, also, of the minutest details made use of in England in working them out.

This so-called Irish system has of late been brought into such strong contrast with that pursued in England, to the disparagement of the latter, that there can be little room for doubt, that the great majority of the public regard it as something quite distinct. This view seems to have been taken by the “Quarterly Reviewer,” for he remarks:

To carry these principles into effect, the Directors have elaborated a system.

So far from this being the case, the routine of English Convict Prisons, to as great an extent as was suitable to the circumstances of the country, was brought into immediate operation, as will be seen from the following quotations from the First Irish Report:—

We have prepared rules for the government of this as well as the other prisons, which have been submitted for approval; they have been framed on and are in accordance with those which have for some time past been advantageously in operation in England, altered and extended in some respects as required by local circumstances, and by the recent alterations in the law substituting “penal servitude” in lieu of “transportation.”

These rules provide for a careful classification of the prisoners according to their general conduct and character; and their removal from one grade to another is made contingent on their conduct, general demeanour, indus-

try, and the desire evinced by them to profit by the instruction offered, and to derive advantage from the efforts made for their moral and religious improvement.

A system of gratuities analogous to that which has long been established in the convict prisons in England, has been adopted here as an encouragement and reward for good conduct, and also as a stimulus to industry, which we apprehend to be one of the most important elements in the reformation of criminals, for, if steady and determined habits of industry have not been formed by them, no reasonable hope can be entertained that, after they have been discharged from prison, they will be able to gain an honest living, or ever obtain a respectable position in the world, or that any reformation and improvement effected in prison would prove of a permanent nature.

It appears to us beyond all question, that by such measures as have been in operation for some years in England, and which are now being introduced into the Convict Service in this country, the following results are clearly to be attained, viz.—The application of the labour of able-bodied convicts to the production of works of permanent utility and profit to the country—a considerable return for the outlay and expense incurred in the maintenance of convicts, derived from the value of the work actually performed by them; the establishment of habits of steady industry, and, in most cases, a determination to lead an honest life, and a desire to obtain a respectable position in society.

The practicability of employing convicts so that the value of the work performed by them shall exceed the entire cost of their maintenance and supervision, without in any way neglecting their moral and religious instruction and improvement, has already been proved to demonstration in England. At Portland convicts have been employed for some years past with most satisfactory results, both with regard to the work performed by them, and also as to their moral improvement and industrial training.

The above extracts make it clear to the public, who can be but imperfectly acquainted with such matters, that the English system was adopted in establishing the Irish prisons on a satisfactory footing, and they, also, testify to the high appreciation of the valuable results which that system had produced in England.

In the Second Irish Report, for 1855, the beneficial effects of the English system, as applied to Irish convicts, are thus referred to:—

The conduct of the prisoners is shown, by the diminished number of offences committed by prisoners on public works, to have considerably improved as compared with previous years.

The progressive Classification and consequent attainment of higher rates of gratuity, and other advantages according to conduct and industry, and denoted by the established badges, continue in general to have an excellent effect.

And, again, in the same Report, speaking of Spike Island:—

We have every reason to feel satisfied with the general improvement of this prison, the progress which has been made towards the establishment in a really sound and healthy state of discipline, and in the moral and reformatory treatment of the convicts confined therein.

It should be observed that one of the three who signed the Report was Captain Knight, who, having been Governor of one of our largest Public Works' Prisons, was intimately conversant with every detail.

Again, as regards the class of convicts to be dealt with:—

We believe these results to have been fully produced of late years in England, and we do not see that any greater difficulties are presented to their attainment in this country; on the contrary, the character of the Irish convict is in very many cases less seriously depraved, their crimes having been produced, in some measure, by extreme distress and the want of industrial employment; there is, therefore, greater ground for hope for a speedy and complete reformation.

No one who studies the question at all can doubt the identity of the two systems; but a glance at the Reports will show that, from a very early date of Captain Crofton's career in Ireland, he commenced, and has ever since continued, a struggle to set up a *Rival System*, with himself at the head.

Any one, looking on at the game, is well nigh provoked to laughter when he sees, how eagerly every shade of difference, that a difference of circumstances has permitted, has been seized upon, the pains that have been taken to exaggerate its importance, and the dress that has been assumed to disguise its parentage.

The "Irish Prison Chaplain" gives an amusing illustration of this. He writes—

The Irish System—to use an Irish expression—is thoroughly English: the child does not belong to Sir Walter Crofton, but to Sir Joshua Jebb; and, though he should find it metamorphosed, and in gipsy attire, on the wild Common of Lusk, he may fairly claim it as the offspring of his own brain. It has features and marks about it that belong to no other man in England or Ireland.

* * * * *

Again, he says of Sir Walter:—

He imagines he is the parent of the new Irish System; he was not even the wet-nurse. The child was five or six years old, and had passed through famine, fever, dysentery, and all its other little infantile troubles, before he got charge of it.

If the why and wherefore be inquired after, what is the meaning of all this fuss about the Irish system, and the desperate efforts to give it a prominence and precedence over its parent? The unnatural proceeding may be traced to the very natural desire not to walk in other people's shoes.

Captain Crofton never would have been Sir Walter had he limited his energies and talents to working out another man's schemes. *Voilà tout*. For this, the whole British public has been

bamboozled into the belief that the Irish system is something original and wonder-working, whereas the least inquiry will show it is no such thing.

Success, however, unquestionably attended one of the objects of the agitation, for we are told that Sir Walter Crofton has made as much character as a prison reformer, in seven or eight years, as John Howard made in his lifetime.

There, perhaps, never was a subject, upon which so much advantage has been taken of the general want of information that prevails, to disseminate the most glaring errors and misrepresentations.

Travelling onwards, and ascending the hill on which Sir Walter Crofton plants his standard, we obtain a glimpse of an ulterior object. There cannot be two "Kings of Brentford." "Captain Crofton for ever!"

We find the Quarterly Reviewer writing thus:—

A really sound system of Convict Management—of which Ireland has proved the possibility—is a *sine qua non* for any permanent improvement. And, to ensure a fair prospect of success, the institution of the system should be entrusted to men who will work it with a good heart. Sir Joshua Jebb has repeatedly declared his strong disapprobation of the characteristic principles of the Irish System—principles, as we believe, essential to success. And, although fully sensible of the advantage of releasing convicts before the termination of their sentences, he objects to placing them under any restriction, and has recommended the Secretary of State to discharge them unconditionally. To suppose that any man, however conscientious, will earnestly carry into effect a system to which he is heartily opposed, is expecting too much of human nature.

The meeting at Liverpool, too, after hearing the earnest appeals of Sir Walter, transmitted the following resolution to the Secretary of State, scarcely disguising the immediate object in the following terms:—"That the encouraging results, which have followed upon the adoption of the Convict system now in operation in Ireland, determine this meeting to urge upon the Government the expediency of giving that, or some similar system, a fair trial in England, under the management of men friendly to its principles."

To show that no chance has been omitted, we have the excellent Miss Carpenter letting the cat out of the bag a little more fully than can be done in circumlocution.

She says:—

It is extraordinary that, with results in such contrast to those of the system adopted in the English convict prisons, our Government has hitherto appeared blind to the importance of at once introducing the same into England under the management of persons who thoroughly understand the principles.

* * * * *

Sir Walter Crofton has been obliged to resign his work in Ireland, because his physical strength could no longer bear up under increased labours with a diminished staff. He must rest for a season, but let us hope and believe that a period of rest will recruit his exhausted strength, and, so soon as that shall be the case, that our Government will too fully appreciate the value of the work he has done, and may yet do, to allow him to remain inactive, but will place him where he may most completely develope, on a large scale, the principles which have been established in the Irish convict prisons.

Now, all this is not creditable! We venture to think, that, if there be justice and common sense left in England, the evil effects of such writing up and writing down will fall upon the heads of those who have been pulling the strings, or profiting by it.

The adoption of this extraordinary course of proceeding must eventually tend to the entire downfall of the fabric that has been built up. An indignant public, both in Ireland and England, are beginning to find how grossly they have been misled by those, who should have been reliable trainers of public opinion. It is not too much to say this, for the facts can be proved to demonstration.

Chiefly with a view to pick a quarrel, or create a difference, it is assumed that there are elements in the Irish system which are wanting in that pursued in England, viz., marks, individualisation, intermediate prisons, and police supervision. On each of these, as well as on other subjects connected with the so-called Irish system, I propose to make a few observations.

CHAPTER III.

Emigration of Irish Convicts.

As regards Emigration, to which, more than to prison discipline, any success in Ireland is attributable, none are ignorant of the hundreds of thousands who have been leaving Ireland for foreign lands for many years past, and it may easily be supposed that a large number of convicts must have had friends and relatives abroad, whom they would be eager to join on the first opportunity that offered. To many amongst them the chance never presented itself, until they were in possession of the gratuities they had earned by their compulsory labour.

Not only have the liberated convicts gone to distant countries to a great extent, but very many have, also, obtained employment in England and Wales. This is shown by the head schoolmaster of Spike Island, in his Report for 1857, where he says: "Of those who have been discharged, *very many* are earning good wages in the Welsh slate quarries and other British mines;" and in the following paragraph he adds, "Great numbers have gone to England and Wales, others have enlisted and are now in India." It need scarcely be observed, that, if any of those employed in England and Wales swerved from the path of honesty, or came from any cause within the grasp of the law, they would appear as English criminals, and of this there are some notable examples.

To show on how large a scale emigration has taken place, I will quote from the Report, for 1858, of Mr. Organ, Lecturer of Smithfield Prison, where the following information oozes out:—

Of the 271 discharged, 134 were released on licence, 16 discharged absolutely, and the remaining 121 were penal servitude men, who, of course, were discharged unconditionally.

The following table shows the number of men discharged during the past year for whom I can account:—

TICKET OF LICENCE MEN.

Employed at present in Dublin, and noticed in my	
Visiting Reports 13
Gone Abroad 101
	<hr/>
Total 114

PENAL SERVITUDE MEN (SENTENCES COMPLETED) AND ABSOLUTELY
DISCHARGED MEN (SENTENCES COMMUTED).

Employed at present in Dublin, and noticed in my Visiting Reports	12
<i>Gone Abroad</i>	71
	<hr/>
Total	83

The above statement shows that seventy-five per cent. of the men discharged on licence from Smithfield and Lusk went abroad *the same year they were discharged*, and, also, sixty per cent. of those discharged unconditionally. Let it be remarked that there is no observation marking the number emigrating as unusually large, and it may be reasonably inferred that the figures represent about the regular proportion. If it were only fifty per cent. on the number discharged, which, in the case of the men liberated on licence, can scarcely be an exaggeration, it will require a material alteration in the calculations that have been made, as it is evident there must be a corresponding deduction from the number released, so as to arrive at an accurate per-centage of revocations and re-convictions. By such a course alone can we form a just idea of the deterring and reformatory effects of the system pursued in Ireland; but of this more will be said under the head of "Police Supervision."

In his Report for 1860, Mr. Organ, also, states, "Nearly one-half of the convicts discharged from these prisons (Smithfield and Lusk) during the past year have sought new fields for their honest labours in distant lands."

The Protestant Chaplain's Report of the same year is to the same effect:—

Of the men who were in my charge, *twenty-eight* have been released during the past year, making a total of *sixty-seven* Protestants who have enjoyed the advantages of the reformatory system in this prison, and have been discharged since that system was first commenced in February 1856; and of that number only *one* has been known to have relapsed into crime. Most of them have emigrated; some have entered the army; the rest have obtained industrial employment at home.

Attention should be given to the fact that so many leave Ireland as soon as possible after their discharge from prison, and there is every reason to suppose that they do so to get rid of the police surveillance, which we are led to believe is looked on by the convicts as a protection to themselves. This idea of protection is too paradoxical to gain a moment's credence, and on this point the "Irish Prison Chaplain" well observes,—

Examples are given to show that prisoners have no objection to put themselves under the surveillance of the police. Examples may be quoted

to prove anything. I could quote examples on the opposite side—where the unwise interference of the police has brought prisoners into trouble; but to imagine that a man of his own free will would go to a police office to have himself registered as a convict on ticket-of-leave—which means a highwayman, a burglar, or a pickpocket—in order that the police may watch over him, is an absurdity too flagrant for general belief. The previous connexion of the prisoner and the policeman has not been of that friendly and endearing nature to induce the belief that the former would ask the latter to keep an eye on him, and give him a check when he sees him going astray. We shall believe this, when foxes and hares place themselves under the guardianship of hounds. Irishmen are not so fond of seeing their guardian angels in green jackets as Sir Walter Crofton and his friends imagine; it is, as Sam Slick would say, “gainst human natur.”

The convicts are systematically lectured, too, on the advantages of “going abroad,” and, no doubt, at the same time, reminded, *par parenthèse*, of the surveillance that awaits them at home, that hundreds of them quit the country on their liberation—or, at least, within the very month. In the Edinburgh Reviewer’s paper there is a sentence which reveals a great deal, although intended in a different sense from that in which it is here used. Speaking of the men discharged from the intermediate prisons, he remarks, “*They abhor the surveillance under which they live, so they save money to go to some distant land.*” For obvious reasons, this affords no ground for complaint, for none can fail to appreciate the beneficial effects that must follow from this emigration, both to the convict emigrant and to the country he leaves, but it is deluding the public to include them in the percentage.

The object has been to show to what extent the Irish system is indebted to emigration for whatever results it may have achieved, and the *suppressio veri* which has been practised in making the calculations of reconvictions on the *whole number* discharged, without the smallest allowance for it, is “too bad.”

Let the English police make themselves as offensive as they may to our English convicts when discharged, the same results would not follow, for, in respect of migratory tendencies, there is an essential difference in the character of the two people.

Would, for example, the following apt description of Irishmen be applicable to Englishmen? It is from the pamphlet of the Irish Prison Chaplain, and the experience of many years sets the seal to the truth of the picture:—

The great advantage possessed by the administrators of Irish convict prisons over those of England may be summed up in one sentence—the *facilities we possess of disposing of our convicts*. The Irish nation, since the famine, have become as migratory as the Northern hordes that overran the Roman Empire. They go down to their emigrant ships in crowds. An Irishman, with a five-pound note in his pocket, a blackthorn stick in his hand, and his luggage in a pocket-handkerchief, will go to America,

hopping. Emigration with an Englishman is a far more serious affair. He must have his outfit, or his box of clothes. "You had better buy that trunk," said a friend to an Irishman about to emigrate. "What for?" said Pat. "To keep your clothes in." "Is it to go naked?—I'd like that!" Pat could think of no clothes but those on his back.

By this love of emigration, in which consists the cure of many of our social ills, the re-convictions among Irish intermediate convicts *has been reduced to at least one-half*, for which Sir Walter Crofton gives his intermediate prisons credit, and the public Sir Walter Crofton credit.

And here will be a fitting time to advert to a statement made by the Edinburgh Reviewer, that "80 per cent. of the convicts discharged are doing well, while the other 20 are the incorrigible and the unknown." Surely the very large number who have emigrated must be classed amongst the "unknown." And, if this be the correct view (which will scarcely be disputed), his figures must undergo a great change, and it would be nearer the truth to say that 30 per cent. are doing well, and that the remaining 70 per cent. are the "incorrigible and the unknown."

This writer is "Hibernis Hibernior," for he roundly states that "80 per cent. of the convicts are doing well," whereas, in the Irish reports, the statements of the results are qualified by such language as the following: "We beg to submit that these results are entirely satisfactory, although, in the cases of those unconditionally liberated, the statistics are only negative, and must be taken for what they are worth." Again: "In adducing these figures we do not for one moment assume that those not re-convicted have been reformed, and we have in our different reports constantly guarded ourselves against expressing this opinion."

How can it be reasonably predicted of those who have emigrated that they are "doing well?" This may or may not be the case; but it may be easily imagined that many, having gone to America, may in the civil war, that has unhappily raged there for the last two years, have fought under the Butlers, the M'Neills, and others of like reputation. In such a position, it may be doubted whether they have been "doing well."

There is much truth in the phrase, *Audere est facere*; and, judging from the language which has been used, there are those who think, that to dare to talk boldly is the readiest way of gaining assent to the wildest assertions. By such means it is that the public have been so greatly led astray upon this great question.

CHAPTER IV.

Marks—Difference between the Irish “Mark System” and the “Mark System” of Capt. Maconochie—Novel Application of the “Mark System” by the Wakefield Justices.

THERE appears to be some special object in forcing the “Mark System” into notice. It is well known that there is only one “Mark System” in the world, and that is the “Mark System” first applied to the management of convicts by Capt. Maconochie in Norfolk Island, where its effects and failure were remembered so long as it continued a penal settlement.

Capt. Maconochie thus describes the principles of the “Mark System,” in a pamphlet dated 1847:—*

“I. That the *duration of sentences* be measured by *labour* and good conduct, combined with a *minimum of time*, but no *maximum*, instead of as now, by *time* only.

* * * * *

“II. That the labour *thus required* be represented by *marks*.

* * * * *

“III. That, to strengthen these moral checks and stimulants, when prisoners are kept together in numbers they be distributed into *small parties* (say) of six, with *common* interests, each man thus *labouring* and *refraining for others* as well as for himself. By this means it is hoped to implant and cultivate kindly and social feelings, instead of the intensely selfish ones which usually characterize the criminal.

* * * * *

“And lastly, these several moral impulses being well organized, it is recommended that they be *confided in*, with as *little mixture of direct force* in obtaining the ends contemplated in them as *possible*.

It may here be observed that Sir Walter Crofton has, in none of his reports, mentioned Captain Maconochie in connection with the Irish “Mark System,” but his lecture to his Bristol audience contains the following passage:—“The first of these principles is carried out by means of a ‘Mark System,’ somewhat similar to a system of marks originated by the late Captain Maconochie.”

In the paragraph immediately succeeding, these marks are described as records of the Convict’s progress, and it is nowhere pretended they serve for anything else. If this very simple use

* See, also, the Lords’ Committee in 1847.

of "Marks" be considered with reference to Captain Maconochie's system briefly described on the previous page, it will be at once apparent that the *name* is the one *only* feature in which the two systems resemble each other.

It would seem, however, from the tenour of the subjoined extract from the last report which bears the signature of Sir Walter Crofton, that there is a desire to obtain the advantage of any *prestige* attaching to the "Mark System" applied by Captain Maconochie. He says—

The prisoners continue to appreciate the "*Mark System*," and evince a great desire to attain high classification. "*Marks*" are obviously very simple and intelligible means of realising to the mind of each convict his progress in industry and self-control. In the separate or first stage of imprisonment at Mountjoy, in Dublin, the "*Marks*" classification, and entire convict system, are made the subject of explanatory lectures. After seven years' experience of the "*Mark System*," we are entirely of opinion that it has been most successful in its results.

Now, the "Mark System" was warmly advocated by some of the elder branches of the present admirers of the Irish system, and it would be throwing away the last chance of obtaining a hearing not to find a peg in that system on which to hang it; and, hence, the vigorous attempts to make a very innocent system of marks figure as the celebrated "*Mark System*."

In Sir Walter Crofton's Bristol lecture the following testimony in its favour occurs:—

I may here state that the "Mark System" has, from the most recent accounts from the colony of Western Australia, been there tried with the greatest success.

The *greatest success* we have heard of is, that, by its means, Leopold Redpath is in the enjoyment of perfect liberty after six years of a life sentence; whereas, had he remained under the English system at home, he would not have had his case even considered under twelve years. One of the improvements Sir Walter recommends he thus states to us:—

We must no longer allow *twelve years' penal servitude* to be considered a substitute for "*penal servitude for life*."

So that he expresses his opinion that twelve years is an insufficient substitute for a life sentence, and, at the same time praises a system, by which this period of twelve years is reduced to six.

The English records appear to result in badges, concerning which the following opinion is given by Captain Whitty, the present Chairman, when Governor of Portland prison:—

The system of wearing conduct-badges on the dress, by which the monthly

progress of each convict towards the attainment of his ticket-of-leave is publicly marked, works very satisfactorily, as is evinced by the anxiety of even the ill-conducted prisoners to regain a lost good-conduct mark, and the efforts to keep subsequently clear of the misconduct-book.

And, again, when he had become one of the Directors of English Convict Prisons, he remarks of them:—

Good-conduct badges, which have been found so useful a part of the machinery, will be of no value whatever, except they lead to some actual benefit for the men who wear them. Hitherto the main benefit to which they have led has been a remission of a portion of imprisonment, the immediate privileges which accompanied them being very slight, and valued not so much for themselves as for their indication of progress towards this final reward.

Captain Knight, also, when Governor of Portland prison, thus reported on the subject of badges:—

The satisfaction evinced if they are informed that they have been reported "V. G." (very good), is at all times very apparent; if, on the other hand, one of them should be reported merely "ordinary," it appears to be much felt; for a prisoner to be recorded "bad" is, indeed, a rare occurrence, and is one which subjects him to punishment.

It seems to be a serious defect in the system of records established in Ireland, that, in estimating the character of convicts, it puts "schooling," carried on for a few hours weekly, which is all that is practicable in Public Works' Prisons, on a level with *good conduct and industry* maintained for a period eight or ten times longer. "Schooling" should be merged in "good conduct," as I believe is the case in England. There is by such means a much better opportunity of making a just apportionment of reward, or punishment, to correspond with the very varied characters and attainments of those that have to be dealt with.

The Wakefield Justices give a new feature to the system. They observe:—

By this means a much higher standard of good conduct may be set up than can be set up under a system which merely seeks to enforce good conduct by the fear of punishment. Good conduct in prison has, for the most part, a merely negative character. It consists chiefly in such a non-infracture of prison regulations as may keep the prisoner clear of punishment.

But by such an arrangement as that described above, in which conduct is measured by marks, the administrators of prison discipline are enabled to take cognisance of a prisoner's conduct, not merely in this negative but in a positive sense. They can exercise their judgment as to whether he is really exerting himself to do his best, or is merely steering an artful course, and can assign the marks according to that judgment, though the prisoner may be cunning enough to keep clear of actual punishment. Punishment can only deal with "overt acts," but the remission of a portion of the sentence of imprisonment and the mitigation of its severity being matters

of favour, may fairly be made to depend upon an *estimate*, not only of the *prisoner's acts*, but also of his *will and intention*.

What is meant by an "estimate of a prisoner's will and intention," otherwise than as they find expression in "overt acts," for any practical purpose, is incomprehensible; for, surely, there can be no better indication of a man's "will and intention" than his acts. "By their fruits ye shall know them."

The Wakefield Justices also say:—"Hence the system tends greatly to remove that common anomaly by which prison authorities are often obliged to give a *very good prison character* to a man, whom they know to be a "thorough scoundrel."

How men could bring themselves to write this is not quite intelligible! Why, the very purpose, for which a man is sent to prison, is to undergo a process, which, it is hoped, may lead to something like reformation, and, if he conducts himself so well as to *oblige* the prison authorities to give him a *very good prison character*, how can he be a "thorough scoundrel," as judged by prison regulations, which alone can be the test. In this way the public have been misled.

The regulations are known to the prisoners, and, if these be complied with, no matter on what motive, convicts must have the benefit of their obedience, or the whole system would speedily be thrown out of gear. A strange idea of fairness the Wakefield justices must have, to suppose that any such plan could be carried out for a day without mischief!

To no man "of woman born" could be safely entrusted the duty of judging of a prisoner's "will and intention" apart from his "overt acts," but, when it is spoken of in connection with ordinary prison officers, it is simply nonsense, and is, moreover, entirely untrue, if the practice of it be implied. I subjoin some remarks of the Chaplain of Portland Prison made in a Report some years ago, which I think very relevant to this topic:—

The inducement set before these men from the first day of their incarceration was, LIBERTY dependent upon conduct. In effect they were told, "Show yourselves worthy of freedom, and you shall try once more in the busy scenes of life." Their release was not hastened by any wordy profession of religion or amendment, but by their *actions*. Speech may be and often is deceptive, but *conduct* is generally not so fallacious. A man might hold all the theological opinions ever known, or none at all; he might believe everything or nothing, his faith, or the want of it, did not in the least degree affect his prospects of discharge, which depended entirely on his conduct. *He who had laboured most industriously and observed the rules most carefully was deemed the best adapted for successful contest in the arena of the world; and perhaps there will be no more certain means of judging character until some one discovers the method of discerning the motives of a human heart.*

It is, however, observed that the Wakefield justices "had peculiar opportunities of studying the system of convict management in England." The second stage on public works they have no better opportunity of studying than others; and, consequently, they can be thought to have only half fulfilled their mission, as they did not visit Spike Island, the only Irish Public Works' Establishment. Am I doing them an injustice in supposing that they have never inspected one of these prisons in England?

One would have thought that to visit Mountjoy Prison, where separation is only carried out as in their own West Riding Gaol, would have been with them a secondary object, looking at the "peculiar opportunities" they are said to have of studying that stage at home. As they omitted to visit Spike Island, the second stage of Irish convicts, where they pass so large a part of their sentence, it may be said of their trip across the Channel, *Cela ne vaut pas la chandelle*, more particularly, as on a variety of matters, they adopt the conclusions to be found in the Irish Reports, without examination. From many errors they have fallen into they might have saved themselves by a careful perusal of the various Reports in their own libraries. Their pamphlet contains ample evidence of a foregone conclusion, the confirmation of which appears to have been the object of their visit to Ireland; and, also, a large amount of logical chicanery by which they labour to prove it.

CHAPTER V.

Individualization.

This is an imposing word in appearance, and, if the potency of the process be equal to the length of the word, it can indeed work wonders; but it sounds more like a coinage to represent a theory elaborated by some subtle German intellect, than an operation of anything of a practical character. Let us see what it is, as described by a master in the art, Mr. Organ, the Lecturer of Smithfield Prison, who, speaking only of the process carried out during the few months they are in the intermediate prisons, in the Report for 1857, says:—

Individualization has always appeared to me one of the greatest and most important aids to success in the reformation of a criminal—I may add the greatest and sole aid. If you desire to reform the criminal, you must make yourself acquainted with his past history and future intentions. Therefore I learn the name of the prisoner, his place of birth, his age, the circumstances that led to his fall, the number and nature of his former convictions, and above all his natural character. In point of fact, his whole antecedent life; and these facts I desire to learn from himself, comparing them with the information contained in your official books.

Acquainted with their antecedents, I converse with the men from time to time, and soon I learn from them their future intentions, and the careers upon which they purpose to enter; all this time of course forming my own judgment as to the honesty or dishonesty of their protestations, the reasonableness or unreasonableness of their hopes.

And again, in 1858:—

It must be borne in mind that, in order to *thoroughly* individualize, you must appear to forget, to a certain extent, your position in relation to that of the prisoner. You must be much with him, and converse freely, frankly, and openly with him; if not, *individualization*, that important and, I may add, invaluable means by which we learn the natures and the dispositions of criminals, cannot be as effective as we could wish.

To reform, you must individualize. No feature of our system is more important, none more pregnant with greater or more valuable results. If you desire to study character, you must individualize. You must endeavour to know the *inner* man, his thoughts, grievances, and causes of complaint, whether real or imaginary; his fears, whether groundless or arising from good cause; his past crimes and former circumstances; his present hopes and intentions; without such information our efforts in criminal reformation must turn out to be but partially successful, if not wholly ineffectual.

Now let us observe what Lord Brougham, a master in every art, understands by "Individualization." His Lordship, in his opening address on the occasion of a Social Science Meeting at Dublin, thus refers to it:—

But the convict is not merely superintended and watched; he has constant intercourse with those in authority—as chaplain, teacher, director—whose treatment is considerate and kindly; he is treated as an individual, not as one of a mass, and this "individualization," as it is termed, has great advantages over our English mode of dealing with the convicts in the bulk.

We have thus two definitions of the process of "Individualization." Of it, as described by Mr. Organ, it will be sufficient to say, that, for any practical purpose, it is an impossibility; and of the other, that it is as much pursued in the English prisons, as in Ireland. Mr. Organ himself discloses that it is a process just as likely to mislead as to guide, and this, the nature of things might well lead us to expect.

In his Report for 1857 he observes:—

And here I deem it my duty, as a public servant, to observe that no matter how fully individualization may be carried out, the wisest observers will at times be deceived. Prisoners practise hypocrisy more or less from the moment they first cross the threshold of the gaol. I have always looked upon hypocrisy as the armour of the criminal, and I must confess that this armour has frequently bid defiance, notwithstanding all my efforts, to my humble powers of discrimination.

Whoever reads Mr. Organ's Reports could not fail to regard the above as a very significant admission. Sir Walter Crofton, and his subordinates, are expert chroniclers of their achievements, and their statements must be taken *cum granis*. It must be added that when they admit anything like a failure, or shortcoming, (which is a rare occurrence,) their statements are still to be taken *cum granis*, but additionally, instead of subtractionally.

The view of the impracticability of "individualization," as defined by Mr. Organ, is confirmed by what the Presbyterian Chaplain of Mountjoy prison says respecting it. In his Report for 1837 he observes:—

The *paucity* of their number, (that is, prisoners of the Presbyterian persuasion,) enabled me fully to individualize them, ascertain their history, parentage, course of life, and the circumstances of their transgressions, and thus to supply them with what I deemed suitable instruction and exhortation, books and tracts, and, at the same time, to exercise over each an amount of personal influence for good which, I humbly trust, was profitable.

And, again, in 1861:—

Being few in number, I was able to individualize them.

It must be observed that the prisoners here referred to are in separation.

The number of Presbyterian convicts, sentenced yearly, average five or six only, and they remain in Mountjoy Prison about nine months. It may thus be easily conceived how absolutely impracticable the process would be on a large scale, if it was only from the "paucity" of his flock, that this chaplain was able "fully to individualize" them.

Even after *every individual has been individualized*, and all the particulars, detailed by Mr. Organ, have been ascertained and recorded, what practical advantage can be educed from the process? To get at the "inner man" is no easy task.

Who hath seen, or e'er shall see,
Man as himself—the secret spirit free—

He who would see, must be himself unseen.

Unless every idiosyncrasy, thus ascertained and recorded, could be specially dealt with, which is absurd, such questionings had much better be left alone. The breach, in fact, would be a wiser course to follow than the observance. Being a process, not susceptible of a practical application greater than is carried on in English prisons, Individualization may be dismissed without further remark.

We hear, from earnest advocates, of the fifty or one hundred Convicts crowded together in an iron hut at Lusk co-operating for their own improvement. We hear the voice of experience whispering on the other side, "Do not believe it." If they co-operate at all, it will be in a very different way, so far as anything that is good is concerned.

CHAPTER VI.

Intermediate Prisons.

Lord Palmerston, who was the originator of the Intermediate system in England, with a view to its application in relieving female convicts from the effects of long continued imprisonment, thus expresses his views in a letter from Mr. Waddington dated November, 1853:—

Viscount Palmerston is of opinion that it would be very desirable to place female convicts in some *intermediate* condition between close imprisonment and discharge on licence, and his Lordship is not without hope that means may be devised for the formation of some establishment under the *control of the Government*, in which they might, after enduring their close imprisonment, be put, under qualified restraint, to occupations of industry, the produce of which would partly pay for their support, while the habits which such occupations would create would tend to put the women in a way to earn their livelihood honestly, after being finally discharged.

In the endeavour to give effect to this view Sir Joshua Jebb observes:—

Knowing the difficulties attending the disposal of Convicts from a prison or Government establishment, I sought to avoid them by proposing to enter into an arrangement with the managers of the "Refuge for the Destitute" at Dalston.

In *close imitation of this* we find Sir Walter Crofton writing thus in his Report for 1855, just two years after:—

Instead of increasing Government prison establishments—a plan attended with much expense, delay, and difficulty,—we proposed, in December last (1855), to the Irish Government, that convicts whose conduct has been exemplary should be drafted into existing private charitable institutions willing to receive them

No one who makes himself acquainted with facts can fail to regard the Irish Chairman as a prison plagiarist,—for he has literally originated nothing, while he has so managed hitherto as to get the credit of being the founder of a wonder-working system.

Sir Walter Crofton, in his Report for 1855, describes the Intermediate Establishments as “filterers” between the prisons and the community, and he also adds:—

We are of opinion that the employment of convicts, selected on account of their general good character, &c., in small bodies, on public works in various localities, under circumstances of exposure to the *ordinary temptations and trials of the world*, when the reality and sincerity of their reformation may be fairly and *publicly* tested, will present the most favourable chances for their gradual absorption into the body of the community.

There appears to have been four of these, Forts Carlisle and Camden, Smithfield and Lusk, but it may be said that only three have been in operation at the same time, as Lusk was not commenced till April, 1857, and Fort Carlisle was closed the 31st December following. Not of one of them could it be supposed that it supplied “*circumstances of exposure to the ordinary temptations and trials of the world;*” and, as to Fort Camden, it is clear from the following paragraph from the Irish Report, that it falls so short of Sir Walter Crofton’s idea of what Intermediate prisons should be, that convicts discharged from them cannot be said to have been “intermediatized.”

This locality, although the best which we can at present command, is not altogether suitable for the objects which we have in view, inasmuch as *being in a comparatively remote position, the convicts subjected to this probation are not thrown into the world as much as we could wish, and therefore are not placed under circumstances which present sufficient trials to afford altogether satisfactory tests of the extent to which confidence may be placed in their future good conduct, and the reality and stability of their reformation.*

Of Lusk, touching the same point, the “Irish Prison Chaplain” makes the following pertinent remarks:—

Sir Walter Crofton selected Lusk as an intermediate prison on account of the facilities it presented of throwing the prisoners into the world, in order that they might be tempted. *Where are the facilities for those temptations on Lusk Common?* There are no ale-houses or dancing saloons there. There is no scope for burglary, highway robbery, rape, forgery, picking pockets, or even sheep-stealing; for the forty or fifty prisoners at work on the common are well watched by day, and safely locked up at night; so, I think, we may fairly conclude, from the selection both of the Forts and Lusk Common as intermediate prisons, that Sir Walter Crofton never meditated anything *very* wicked, in the shape of temptation, after all.

And what course did he adopt when free-labour was introduced into Fort Camden, and some source of temptation was thus afforded. He withdrew the convicts forthwith. On this subject, also, we find the “Chaplain” making these remarks:—

Here is the very thing Sir Walter Crofton was longing for—an oppor-

tunity of trying and testing his intermediates. "He embraced it, of course," says the reader. The free labourers took possession of these Forts in June, 1861, when the semi-intermediates returned to Spike Island, and the intermediates—the men who only wanted the opportunity to show what they were—went to Smithfield and Lusk,

where there is no opportunity of intercourse with the outer world.

It can scarcely be doubted that these prisons should be regarded as the key-stone of the Irish system, any defect in which would entail the downfall of the fabric. That such is his view, is manifest from the manner in which he has connected them with numbers, which in no way belong to them, so that the unwary reader is deluded into the belief that a very large number of prisoners, through their efficacy, have been led to see the error of their ways.

For instance, in his Report for 1861 he says:—

Since January, 1854, 6,121 convicts have been liberated in Ireland; and since the establishment of intermediate prisons, upwards of six years since, *only ten per cent. of all classes of convicts liberated from the Government prisons since that time have returned to them.*

The latter part of this paragraph being in italics, it is, of course understood that particular attention is requested to the information it conveys, and it appears desirable that the wish to attract notice should not be disappointed.

Sir Walter Crofton, having been appointed on the 29th November, 1854, could not well have entered on his labours before 1855, and it is difficult to see why he has included convicts discharged in 1854, except that such a course gave a much larger number to place in juxtaposition with his statements respecting these prisons.

Again, we find him at Birmingham, making calculations from that culminating point of his career, the establishment of intermediate prisons; but, on this occasion, he reckons the number discharged from that time, and not from a period twelve months before he was appointed. He then said, "Since the institution of intermediate prisons about 4,600 convicts have been discharged." What the intention of this passage was, is, to say the least, doubtful; but nine readers out of ten would, probably, infer from it that 4,600 prisoners had been discharged from the intermediate prisons. In these 4,600 convicts, would be included, at least, 800 females, leaving 3,800 males, who had been discharged in the six years referred to.

In the Report for 1857, we are told that 75 per cent. could be

discharged through these establishments; and the Wakefield justices triumphantly tell us that 80 per cent. of penal servitude men attain this stage. All this is a delusion.*

We find from the Report for 1861 that 1,476 had passed through Smithfield and Lusk. This is only 38 per cent. on the entire number of males discharged, or about half the number that we are told attain the intermediate stage.

With respect to the 1476 discharged from Smithfield and Lusk, it may not be superfluous to observe that the two together, in the six years, have had only a daily average of about 100, and, consequently, far the greater portion of the men can only have been there four months, the minimum time for a sentence of three years. As the largest proportion of sentences are for four years, for which five months of "filtering" are assigned, and there have been three or four hundred sentences of from five years to life, whose intermediate periods range from six months to two years, it is difficult to say with anything like precision, what the average confinement there may have been—certainly, not much above four months, the minimum time. The following extract from one of the Reports confirms this view:—

Then, they seldom remain here more than from four to five months, a period quite insufficient for many of them to make any proficiency in a knowledge of a trade, or indeed of any remunerative branch of in-door labour.

These 1,476 convicts would seem to be all that have attained intermediate prisons, properly so called. That is 38 per cent. on the number of male prisoners discharged in six years, instead of 75 per cent. But this number appears to include all those who have been sent back to Spike Island, for there seems not to have been more than 1000 absolutely discharged on licence from these establishments.

Sir Walter Crofton calls the eight months of separation at Mountjoy "deterrent," the Public Works Prison of Spike Island "penal," and the small portion of a sentence passed in the intermediate stage "reformatory." How complete this looks to the casual reader!

* In connection with Lusk, owing to the want of proper statistics, grave errors have been disseminated. For instance, the Quarterly Reviewer observes of Lusk:—"Out of 1,670 prisoners who have passed into Lusk, only 48 have been sent back." Thus, *one* of the two prisons is here represented to have received 1,670 convicts, a number greater than had been received in *both*—Lusk had been open only about five years, and to pass 1,670 through it, with the average that has existed, would require at least twelve years.

Surely reformation must rather be looked for in the "deterrent" and "penal" phases of the convict's progress, which occupy about four-fifths of the sentence, and the testimony of the Wakefield magistrates avails me here in proving this to be the proper view. They remark of Lusk: "That great evils have occurred elsewhere among men placed in association under somewhat similar circumstances—but without a similar previous training—proves the severity of the test, and also proves the want of such training. That they have *not* occurred in the Irish intermediate prisons, proves the excellent effect of such a training, *a fortiori*, from the proved severity of the test."

Observe the reasoning of the Justices in the above paragraph. Alluding to the evils of association, they prove the severity of the test of the intermediate prisons to men who had had a previous *special training*, by adducing the mischief that had arisen among men placed in association, who had not had the advantage of that previous special training. This must be thought a curious mode of arguing. Take the case of two men running in a match, one of whom had been *trained* to his work, the other taken for it from his ordinary pursuits. The *trained* man would win "hands down," as they say on the turf, the other would be distanced and greatly distressed. Could it be said that this result proved the severity of the pace to the man who won? Then, having proved the severity of the test by this queer logic, they use it to prove the excellent effect of the *previous training*.

The advocates of the English system will willingly accept this tribute to the excellence of the *previous training*, as it is entirely English, and by no means peculiar to the Irish system.

The paragraph just quoted shows, that the Wakefield justices conceived that the reformation, whatever is to be understood by that word, had been effected by the training undergone previously to their going to Lusk. And, indeed, let any one ask himself what plans, calculated to reform, are practicable there, that could not be far better carried out in the other two periods. The intermediate prisons should be called "relaxatory" instead of "reformatory;" and so, indeed, they are intended to be.

Let us take religious instruction. Common sense will tell us, that this very important aid to reformation can be better applied in the ordinary prisons, than in a place, where it is confessed that men are in a state of "almost freedom." On this point, also, may be adduced the remarks of the Visiting Justices. Of the first stage passed in separation they observe:—"The prisoner *having nothing to distract his thoughts*, receives gladly, and, there-

fore, profitably, the exhortations of the chaplain and the instruction of the schoolmaster." What, then, it may be asked, is there in the few months of intermediate treatment to make that brief space more "reformatory" than the two previous periods? It must be apparent that there is nothing whatever, and there are grave reasons why the relaxation of the intermediate period would be much better dispensed with.

The Wakefield Justices observe: "In England, the authorities act as if the convict's real sentence were, not that which was pronounced upon him by the court which tried him, but a sentence for that shorter period which remains after deducting the portions allowed by the regulations to be remitted in case of *continued good conduct*." This is a wholly gratuitous assertion, good conduct and industry being the only means of attaining the privilege of remission in the English prisons.

With reference to the relaxation of discipline at this stage, we find the following valuable remarks in Sir Joshua Jebb's last Report:

The conclusion at which I arrived, after careful consideration of the whole subject in all its bearings, were thus brought under consideration of the Secretary of State and Parliament in my Report for 1857, and further experience, so far from leading to any change in my opinions, has fully confirmed them.

"First. The character of the convicts in this country and the circumstances differ so much from those in Ireland, that any plan for congregating them together under less control than is at present exercised would not be calculated to render them more fit for discharge, or give the officers to whose care they might be consigned a better, or even the same, opportunity of judging of their character as those which exist at present.

"Secondly. That even if such objects could be obtained by removing selected convicts into separate small intermediate establishments, with diminished control and more voluntary action, the exhibition of convict discipline in such a form would impair the exemplary character and deterrent effects of a sentence of penal servitude, which on all accounts it is most essential to preserve as the most formidable of our secondary punishments."

My belief is that in the eyes of the public we have already gone quite as far in the way of relaxation as is consistent.

Already there exists a feeling against the sentence of the judge being interfered with in the grant of remissions under the statute of 1857; but if, in addition to the remission authorised by the Secretary of State, the Directors had also the privilege of placing prisoners in a state of all but freedom for additional terms, the shorter sentences of three and four years' penal servitude would lose much of their deterring aspect, which necessarily rests upon the loss of liberty for long periods.

Theoretically, the placing of temptations before men has all the appearance of being quite right, but practically it is quite wrong, excepting in a very general sense, because in little things it would defeat the object, by engendering a habit of deception. Convicts, as a class, are very sharp

sighted, and in their treatment there should be no departure whatever from a simple appeal to the common sense motives which influence all other human beings. They have only to find out the weak side of the authorities, and how they can best gain their good opinion, and they will know very well how to make use of it for their own purposes.

The same argument might apparently be urged in regard to industry, obedience to rules, and other acts in which a very indifferent character may persevere, but during long periods of confinement these acts of perseverance insensibly grow into habits, and habits are not so easily shaken off. The persevering struggle of all previous years to obtain the different stages which lead to the dearly coveted, but far distant, prize of a remission, operates as a wholesome hourly stimulus to the exercise of forbearance, and a looking for better things.

The philanthropist must not be deceived by such appearances. Complete liberty, such as they enjoy on release in England, is the only real test of good training, and, without the means of employment secured to them, no more formidable test can be imagined.

If reiterated experience be of any value, no matter what might be the routine, a loss of some of the good effects previously gained by the convicts would be the consequence of introducing an intermediate system in separate small establishments, and with it there would be the loss of deterring effect in the exhibition of punishment for the highest class of offences, in a form which the honest poor in a workhouse might well envy. Whatever may be the hopes and expectations of a different result in Ireland, it has yet to be proved that it has to any appreciable extent been successful.

We are told by the Edinburgh Reviewer that "the men undergo a toil and hardship far greater than are borne by the comrades they have left in gaol, and those among whom they hope to enter again in the world." If this be so, the work at Spike Island must be very mild; but it will not be disputed that, throughout the *entire* period of public works, the toil should be as severe, and the hardship as great, as can be provided. These are the "deterrent" elements of prison discipline, and should not be reserved for the last stage of a few months, which is styled "reformatory."

The mention of hardship suggests a notice of the diet allowed to the men at Lusk. The Wakefield Justices observe: "Table E. in the Appendix shows that the diet at Lusk is lower than that at Portland, except in *potatoes*."

Subjoined is Table E. from which it may be seen whether the statement respecting the two dietaries is founded in fact. It is true that the Portland diet exceeds, in the articles of bread and meat, that of Lusk, by three ounces each, but the addition of seven pounds of potatoes must be considered much more than a counterpoise for so trifling a difference. Valued in money cost, the diet of Lusk is rather more expensive than the other. So much for the "esculents;" in "poculents," Lusk has greatly

the advantage; and they have sixpence a-week in addition to spend in luxuries :—

SOLID FOOD—WEEKLY.	PORTLAND. Increased or best Dietary.		LUSK BRANCH.	
	lb.	oz.	lb.	oz.
Bread	10	11	10	8
Beef, without bone.	2	7	2	4
Potatoes	7	0	14	0*
Flour (pudding)	1	2 $\frac{3}{4}$		
Rice	—		1	6
	21	4 $\frac{3}{4}$	28	2
LIQUID FOOD.				
Pints of Soup	7		5	
„ Gruel	7		7	
„ Cocoa	3			
„ Tea	4			
„ Coffee	—		7	
„ Milk	—		7 $\frac{1}{4}$	
	21		26 $\frac{1}{4}$	

The Quarterly Reviewer makes some observations with reference to the conduct of the men in these prisons. He writes: “It has been urged that *to their knowledge their release is near, the good conduct of the inmates of the Intermediate Prisons, and their not attempting to escape may be attributed.* And, no doubt, this consideration has its effect; but persons unacquainted with the character of the unreformed criminal will see that the test to which his self-control would be put by so close an approximation to liberty, is far more than it would bear; in proof of which let it be recollected that several of the Chatham “mutineers” were men whose letters of discharge had actually come down to the prison from London.”

It appears from the Reports that the governor had received several of the licences referred to, but, unfortunately for the Reviewer, not one of those to whom they belonged was among the mutineers. The Reviewer’s object seems to be to prove, that

* Potatoes and milk are great luxuries to the poor in Ireland,

the training of the Irish convicts effects a greater reformation, than is effected on criminals by the English system, and that it enables them to bear "the close approximation to liberty" supplied by the intermediate prisons. Even if their previous training be the cause of the good conduct of the men placed in the intermediate prisons, it is not of Irish origin, but was closely borrowed from the English system.

There are, beyond a doubt, many convicts in every English prison, in whom the same amount of confidence might safely be placed. It is stated that at Broadmoor Criminal Lunatic Asylum,* there are about 130 able-bodied convicts employed on the roads, parades, &c., with no more supervision (probably not so much) than there is at Lusk.

As regards the severity of the test supplied by the intermediate prisons, looking at the matter in every point of view, no other temptation seems placed in the way of the men, than that arising from there being a somewhat greater facility of escape, than in ordinary prisons. On this point the Irish Prison Chaplain has the following common-sense remarks:—

Some people think it surprising that the prisoners at Lusk do not run away. I should be more surprised if they did. They are well fed, clothed, and housed; they have a sum of money to their credit, in the prison bank—growing larger every week—and, on leaving the prison, they expect a new suit of clothes. And, as they say, themselves, "it is just like living with a farmer."

We are told that one of the body is "taken in roster, daily, from those whose terms of *detention are drawing to a close*," and that he makes purchases of dress, diet, &c., for the other prisoners. There are but few who will be surprised that, with their *discharge so near at hand*, these men do not run away, at the risk of being sent back to an ordinary prison for six, nine, twelve months, or longer, according to their sentences.

The paragraph just quoted from the Quarterly Review seems to invite some notice of the reformation of criminals, of which so much is vaguely spoken and written. The maintenance of honest courses, by discharged convicts, may either proceed from a change of heart, effected by the religious instruction received in prison, (perhaps in many cases for the first time,) or be simply the result of a dread of again incurring the consequences attaching to the violation of the law. Of the extent, to which reformation in a religious sense prevails, it is almost impossible to form an idea,

* In the same manner it is stated that able-bodied convicts were employed in the completion of Chatham, Brixton, and Woking prisons.

but, were not the lower kind of reformation extensively operative, there would, undoubtedly, be a much larger amount of reconvictions.

It is unquestionable that their prison experience has indelibly impressed on the mind of many that "honesty is the best policy," and has led them to strive, might and main, to earn an honest livelihood, and it is to court disappointment to look for any thing further in the majority of criminals.

The common-sense view of the subject is that stated by Sir George Grey, in the House of Commons, in 1857, when speaking of tickets of leave. It was as follows:—

"The reason why a ticket of leave cannot be regarded as a proof of reclamation is obvious. So long as a man is immured in a prison, where he is denied the opportunity of getting drunk, and of associating with those who might lead him into temptation, he is evidently so circumstanced that it impossible for him to afford us the means of arriving at a satisfactory conclusion as to whether his repentance is genuine or affected."

A most erroneous statement respecting these Intermediate Prisons has been made by the Wakefield Magistrates. Speaking of the greater scope they afford for the development of individual character, they observe that, in order to make this development more complete, "it is laid down as a rule that no one intermediate prison shall contain more than a hundred men." They go on to say:—"In England it is alleged that the greater number of convicts to be dealt with renders the system inapplicable. The greater number, no doubt, constitutes a difficulty, but hardly appears to warrant the inference that such difficulty is insuperable. In Ireland there were, on January 1, 1854, when the system commenced, 3,933 convicts."

What is here meant is by no means clear, seeing that the intermediate system did not commence till January, 1856, *two years later*, and that they refer to a date prior to the appointment of Sir Walter Crofton.

A conspicuous feature of the intermediate prisons of Smithfield and Lusk, are the lectures delivered by Mr. Organ—and here it may be remarked that the praise bestowed on this officer is well deserved, for there is no doubt he works hard and zealously, and greatly to the benefit of those in whose interests he toils. His labours must be perfectly Herculean. I annex a list of the lectures he gave in the first four months of the year 1858, and it will be, at once, seen that they imply a large amount of labour in their preparation. Then he has to "individualize" on the plan given from his Report at page 19, to record the results of his inquiries, and voluntarily to visit the liberated convicts employed

in the city and county of Dublin. To all this must be added obtaining of employment for prisoners on discharge.

Some of the lectures are on subjects bearing on the future of many of his hearers, and, therefore, if repeated, would be of a useful character, but convicts, being there for about four months only, would scarcely hear the same subject a second time. Take a glance at the fifty lectures for Lusk in four months, detailed in the subjoined list, and the amount of advantage to be derived from such a system must be supposed to be infinitesimal. They may impress his audience with a high idea of the versatile accomplishments of Mr. Organ, the lecturer, but little more can result. They cannot be supposed to effect anything like an *organic* change in the direction of *reformation*. Let it be borne in mind, too, that they are delivered in the evening to men jaded with "severe toil and protracted hardship." If "protracted hardship" were the object aimed at, it would appear that the tedium of three evenings a-week should not be beguiled by such means.

A copy of the Annual Programme for 1858 is here submitted.

LECTURES DELIVERED IN THE SMITHFIELD AND LUSK INTERMEDIATE PRISONS.

January 4-10, 1858.—(Lusk)—Drainage; its Principles and Uses. Labour; Mental and Physical. Life; its Battle and how to Fight it. The Earth; its Form and Motions. (Lusk)—Emigration, Canada. Habit. (Lusk)—Anger.

January 11-17, 1858.—(Lusk)—Rotation of Crops. The Sun; its Magnitude and Influence on the Earth. Conscientiousness respecting the Property of others. Man; his Helplessness and Wants. (Lusk)—Diversity of Climates; Advantages of. (Lusk)—Hypocrisy. Calumny.

January 18-24, 1858.—The Drunkard; his Career and his Death. Lapland and the Laplanders. Structure of the Globe; the Wisdom of God displayed therein. Self-Dependence; its Nobility and its Rewards. Meditation upon some of the Works of the Creator. (Lusk)—Gratitude and Ingratitude. Conduct towards our Fellow Men.

January 25-31, 1858.—No Lectures on Monday and Tuesday Evenings, Mr. Organ being visiting Reformatories in England. Wise Sayings of Wise Men. The Human Heart. (Lusk)—Culture of Green Crops. The Stages of Life. (Lusk)—Self-Control.

February 1-7, 1858.—(Lusk)—The Kitchen Garden; its Rotations. War. Bad Company; its Effects, and how to avoid it. (Lusk)—Poultry Houses. Gambling. Friends; Real and Apparent. (Lusk)—Revenge; its Miseries.

February 8-14, 1858.—(Lusk)—The Telegraph; its Uses and Advantages to Society. Old Trees. Instinct of Animals. (Lusk)—Manliness. The Ocean. The Bank and Fireside. (Lusk)—Labour and Frugality.

February 15-21, 1858.—(Lusk)—The Distribution of Plants. The Ocean; its Climate, Colour, and Saltness. New South Wales. Labour. (Lusk)—The Life of a Soldier compared with that of a Pauper. The Necessity of Reflecting upon God. (Lusk)—Temperance and Intemperance.

February 22-28, 1858.—(Lusk)—Fair Dealing. Water; Properties and

Utility of. Hypocrisy. Thursday—Instinct of Animals. (Lusk)—Decision of Character. Utility of our Senses. (Lusk)—Conscientiousness regarding Debt.

March 1-7, 1858.—(Lusk)—Misfortunes Self-Created. The Utility of Storms. Temperance; its Beneficial Results. (Lusk)—Winds and Tempests. War and Warriors. (Lusk)—Forbearance and Forgiveness. Conscientiousness regarding Fair Dealing.

March 8-14, 1851.—(Lusk)—Strikes; their Causes and Effects. Air; its Composition. Patience and Perseverance. Crime; its Profit and Loss. (Lusk)—God's Wisdom Displayed in the Structure of the Earth. Conscientiousness regarding Discharge of Duty. (Lusk)—Temperance.

March 15-21, 1858.—Conscientiousness as to Fair Dealing. Canada; her Rise and Progress. Our Convict System; its Arrangement and Management. Self-Service and Self-Dependence. (Lusk)—Mountains; their Utility. Contentment. (Lusk)—The Bank and the Fireside.

March 22-28, 1858.—(Lusk)—Selfishness; its effect upon our Social Character. The Ocean; its Bed, Climates, and Saltness. The Moon; its Influence upon the Earth. (Lusk)—Revenge; Miseries of. Humble Birth no Obstacle to True Greatness. Consistency. (Lusk)—Misfortunes Self-Created.

March 29 to April 4, 1858.—(Lusk)—The Drainage of the Continents. New South Wales; Emigration. Conscience; its Remorse and Repose. The Sun; its Influence on the Earth. Holiday. Uncertainty of Life. (Lusk)—Anger.

April 5-11, 1858.—(Lusk)—Man; his Dependence upon his Creator. Pauperism and Crime; their Causes and Remedy. Sleep. Tobacco; its Effects upon the Constitution. (Lusk)—Soils; their Origin and Variety. Courtesy and Conduct towards our Fellows. (Lusk)—Conscientiousness regarding the Rights of Others.

April 12-18, 1858.—(Lusk)—Procrastination; its Evils. The Earth; its Figure and Structure. Frugality; its Necessity. The Telegraph; its Protection to Society. (Lusk)—Diversity of Temperature; its Advantages to the Earth. Prudence; its Necessity and Advantages.

April 19-25, 1858.—(Lusk)—Selfishness; its Effects upon our Social Character. The Ocean; its Bed, Climates, and Saltness. The Moon; its Influence upon the Earth. Revenge; Miseries of. (Lusk)—Humble Birth no Obstacle to True Greatness. Consistency. (Lusk)—Misfortunes Self-Created.

April 26 to May 2, 1858.—Reformatory Address written specially for the Men at Lusk. The National Debt. Slander and Hypocrisy; their Causes and Business. The Earth; its Motion, Density, and Mass. The Utility of Storms. Our Duty to our Fellows. (Lusk)—Reflections upon the Starry Firmament.

The contradictory statements, respecting the readiness of employers to engage the men discharged from the Intermediate Prisons, raise considerable doubt as to whether any great eagerness to do so exists. For instance, Mr. Organ, in his Report for 1858, observes:—

Frequently during the year has the demand for men trained in the Dublin Intermediate Prison exceeded the supply.

And, in the very next page, occurs a statement of a contrary import:—

Let those who suppose that the providing of employment for discharged prisoners is an easier task in Ireland than elsewhere know, perhaps for the first time, that I have frequently ridden, and on a Sunday, too, twenty miles and upwards to provide employment for a single man previous to his discharge; and, perhaps, in endeavouring to obtain the employment, I had to meet disappointment, contumely, or downright insult.

Doubts on this point are confirmed by what the Presbyterian Chaplain of Spike Island says in his Report for the same year, in a letter to a discharged prisoner:—

You speak to me about procuring you a situation. Any recommendation from me, as “Chaplain of Spike Island,” would do you more harm than good. You will do better anywhere else than in Ireland. You must forget Spike, get rid of the old skin, and come out a *novus homo*, or new man. I shall be, at all times, happy to testify to your character and conduct, and express my opinion concerning you, namely, that those who treat you fairly and kindly will never have occasion to repent it. I mentioned the cases of two or three other Spike men to Cork friends, but they *shrugged their shoulders*. You must be prepared to meet something of this kind, and bear it manfully, for man is very uncharitable to his fellow-man.

The only stage from which any reliable conclusions can be drawn is that time which elapses between the liberation of a convict with a ticket of leave, and the expiration of his sentence. Here is the only real test, when the man is actually face to face with the temptations to which he has already succumbed.

Mr. Organ observes very truly:—

The results of my experience amongst them in this way have long since led me to believe that a more perfect knowledge of the real character of prisoners can be acquired by close observation for the first few days after discharge, when they are free, and feel themselves uncontrolled and independent, than can be derived from any experience of them whilst inmates of a gaol. My *practical* experience of their characters, both inside and outside the prison, convinces me that the opinion I now advance is correct.

The Wakefield Justices visited the Intermediate Establishment at Lusk, and, to show the hardship and severity of the toil to which the prisoners there employed are subjected, they remark: “The moment they leave their huts they are exposed to every wind of heaven, and to all the rain of that humid climate.” This cannot be said to be peculiar to the convicts, for all the free dwellers in those parts must incur a like exposure, whenever they leave the shelter of their houses. In point of humidity, Dartmoor might put in its claim to pre-eminence, and there “the humidity and every wind of heaven” have to be encountered for years, instead of months, as at Lusk.

The Justices add, "We found most of the men, at the time of our visit, working up to the middle in drains, than which few employments conduce less to comfort." Again must it be observed that this is not peculiar to convicts, for it is only what must be done by free labourers, when employed in reclaiming land. At Dartmoor, convicts may doubtless be seen in the same predicament, and at Chatham also, I can state, from personal knowledge, that many of the men almost live up to their knees in mud.

That the convicts have worked to some purpose at Dartmoor, is apparent in the excellent farm their labour is reported to have produced out of the most unpromising waste.

In connection with Intermediate Prisons, it must be recollected that, in England, a governor of a prison is responsible for the safe custody of the prisoners consigned to his charge; and, although there are hundreds in the English prisons, in whom a large amount of confidence might safely be reposed, he cannot release them from due control on his own authority, and there are insuperable difficulties in the way of a general introduction of "semi-freedom" and running about on messages into this country.

Before this chapter closes, a few remarks must be made on the self-supporting character of these establishments. In the Report for 1858 we find—

It will be observed that in the Report for 1855 we have stated that under these arrangements it may be expected that intermediate prisons could be made self-supporting. From the very great decrease in the number of convicts since the establishment of these prisons, it has been quite impossible to keep 100 in each, the number stated as calculated to make them self-supporting; sufficient experience has, however, been gained to enable us to confirm this opinion, both as regards intermediate establishments for tradesmen in towns or for agricultural and building operations in moveable prisons in the country.

Let us here again observe the way in which the decrease of prisoners is coupled with the establishment of these prisons. It is said, "From the very great decrease in the number of convicts, since the establishment of these prisons, it has been quite impossible to keep 100 in each, the number stated as calculated to make them self-supporting." It may be confidently assumed that these prisons did not diminish the number of convicts by one, but more probably will increase the number.

In the Report for 1860 we are told, that the value of the productive labour of the prisoners at Smithfield and Lusk, a daily average number of 100, was £1,900, or £19 a man. Now, as the cost per head was £39 for that year, the earnings by the statement given in the Report, (and this must be taken *cum plurimis granis*) did not equal half the cost. But we are told

that there must be 100 men in each, to make them self-supporting. Will anyone suppose that the addition of 50 men to each of these prisons, (Lusk and Smithfield), would have the effect of doubling the earnings of the whole?

One of the officers of Smithfield says:—"They seldom remain here for more than four or five months, a period quite insufficient for many of them to make any proficiency in a knowledge of a trade, or, indeed, of any remunerative branch of indoor labour, and I am confident that this alone prevents this establishment from being nearly self-supporting." Of course it is *that alone*, but, as the description of men that would have to be dealt with must have been well known, no statement of self-support under the circumstances in question should ever have been made.

We are told, as regards the description of convicts admitted into these prisons, that they are for the most part men who formerly made crime their vocation, casual offenders being the exception.

This, it may be seen from the following extract, is not the opinion of the "Irish Prison Chaplain," who writes:—

We prefer dealing more openly and candidly with the public by informing them at once that no "grave offenders," no "remarkably clever," or "well educated," or "badly conducted prisoners" are sent to intermediate prisons, *although* they enter the labour market, and occasionally get out on ticket-of-leave. We should tell the public that they cannot always judge of the grain at the bottom of the sack by what appears at the top, in the market of Lusk—that they must take their chance. To bring the well-trained men forward, in order to induce the public to assist in the absorption of the *whole*, is not dealing fairly with the public—nay more, it is morally wrong. In a word, therefore, we do not like this "exhibition," or shop-window practice.

In his last report we find Sir Joshua Jebb thus speaking of the system of "intermediate prisons:"—

If careful observation would justify the belief or the hope that an intermediate system were adapted for the training of English convicts, I should deserve far more blame than is apparent for neglecting it.

At Dartmoor, the convicts have already converted a "howling wilderness," into one of the finest and most productive farms in Devonshire, and hundreds of men are employed during the season in cutting turf, two miles from the prison. I have only to encamp them there, withdraw half the officers necessary for due control, and this would be the basis of an intermediate system, to which system a high gratuity or any particulars of the routine at Lusk might be added. Even greater facilities exist at Portland. It only requires the order that, instead of returning to the prison in time for evening prayers, and to occupy their small separate cells for the night, they shall get their suppers and sleep in the huts, allowing all but two or three officers to go home. This, again, would be the basis of an inter-

mediate system! What would be the consequence? The loss of much of any good that had been previously acquired. My firm conviction is that a man is in a more hopeful condition for release the day he leaves Portland than were he to be hutted with 50 others for 6 or 8 months before his discharge. Infinitely should I prefer a few months in separate confinement as a termination to his sentence.

The idea uppermost in Sir Walter Crofton's mind in the establishment of these prisons seems to have been the "propitiation" of the public, for the benefit of the convict, and it seems to have removed from his thoughts all the "deterrent" features of punishment, for in his Bristol Lecture we find the following:—

There were manifestly two most momentous and necessary ends to be attained.

- 1st. The public must be propitiated to assist in the absorption of the well-intentioned convict, by admitting him to the labour market.
- 2nd. The training of the convict under detention must be of such an intelligible and natural character, as to give confidence to the public, that his admission to the labour market need not necessarily produce injury to his employer.

A minute consideration of these two ends to be attained will show how much they involve.

It will be at once apparent, on perusing the above, that there is but one end indicated—the propitiation of the public. The training mentioned as necessary for the purpose, is not an end, but a means. To talk of the training of a convict, undergoing a severe sentence, being of a *natural* character, is not worth a moment's notice.

Of the Bristol Lecture, it may here be observed, that he must be a clever reader who could rise from its perusal with any idea at all of the Irish Convict System. It would seem to have been the writer's object to prevent conclusions being arrived at,—not to assist in their formation, and this, in a degree, may be said of every Report that has ever been issued. There is an impenetrable mystery over the whole, and this is the one broad distinction between the English and Irish systems of which we may well be proud.

CHAPTER VII.

Irish Staff of Discipline Officers.—Irish Statistics.

As we are led to understand by the Irish Reports that a great number of the prisoners “co-operate in their own improvement,” it would be but reasonable to infer, that a small per-centage of discipline officers is required, as compared with English prisons. This point will be elucidated by the subjoined tabular statement, showing the per-centage in the various Irish prisons on the estimated number of prisoners, and, also, on the daily average number, for three years, from 1859 to 1861 inclusive:—

PRISON.	1859.		1860.		1861.	
	On Estimated Number.	On Daily Average Number.	On Estimated Number.	On Daily Average Number.	On Estimated Number.	On Daily Average Number.
Mountjoy (m.) . . .	4·5	8·6	6·	10·		
Ditto (f.) . . .	5·3	6·9	5·9	7·7		
Philipstown . . .	11·75	21·8	13·	25·	12·	20·
Smithfield and Lusk . . .	6·	12·5	6·	11·	6·	12·7
Spike Island . . .	12·	19·5	13·	17·3	14·	20·

It will be seen from the above, that, at Spike Island, the per centage of discipline officers, on the daily average number of prisoners, ranged, in the three years given, from 17 to 20. At Portland, the Printed Estimates give a per-centage rather under 10. With such a staff, to tell us that the discipline that exists in Ireland amounts to a “co-operation in their own improvement” on the part of the prisoners, is a proof that Sir Walter Crofton takes a very cynical view of the public intelligence. It would appear that the convicts, at Portland, far outstrip their Irish brethren, in their eagerness for self-improvement, as the very best discipline prevails there with about half the staff. Whether compliance with the rules proceeds from “will and intention” on the part of the prisoners, according to the theory of the

Wakefield Justices, or from its being clear to them that their interest lies in gaining the freedom of Lusk, it is really not worth while to inquire. The great fact is, that a discipline exists, by which prisoners are brought to a willing compliance with the rules, and none can suppose such a result can be effected, without the exercise of a large amount of self-control by those who are subjected to their operation.

The outbreaks at Portland and Chatham have been rich mines for those, whose object and aim it has been to disparage the English system, for the purpose of enhancing the merits of the Irish scheme, and very expertly have they been worked. Is it to be supposed that from 1,000 to 1,500 English convicts can be brought together, some of them men of brutal ferocity, without an attempt at resistance being occasionally made? Common sense and common fairness would, it might have been thought, have rather drawn an argument in favour of the excellence of the discipline, from the rareness of such occurrences, than have considered the few outbreaks, that have taken place, as indicative of defective arrangements. What better proof of the skilful organisation of these large establishments can be needed, than the fact that, immediately after the disturbances, their normal state of admirable discipline was resumed and continues to be enforced, without the slightest alteration in the regulations?

If such a prison, as was long ago advocated by Sir Joshua Jebb as a substitute for Norfolk Island, were established, to which notoriously bad and violent characters might be consigned, these attempts to resist authority would very rarely, or never, be made in the ordinary prisons.

IRISH STATISTICS.

In one of the Reports it is observed, "The incompleteness of our criminal statistics has long been a subject of great reproach to the British nation." Very tall talk this! but, as far as the Irish Reports enlighten the public by the statistics they contain, the British nation is still exposed to the imputation of stunted "criminal statistics." If the constabulary know, as we are told they do, where "every man is, and how he is employed," much fuller statistics ought surely to have been supplied, especially taking into consideration the melancholy position of the British nation in that particular. It might have been made known to us *exactly* how many had emigrated, *exactly* how many remained in Ireland, and *exactly* the number of licences revoked on the number *on which alone* it could be stated, with certainty, how the experiment had operated. But it is obvious that, had such

statistics been given, very different results would have appeared, which, it may be feared, will account for their being withheld.

In Sir Walter Crofton's Bristol lecture we find him saying, "At a time when the public are loudly demanding a change in our penal system, it is certainly not inopportune to ask ourselves why we cannot apply the same *simple principles* to this country which have been found so successful in Ireland." Manifesting, as he does, so great a desire for the spread of these "simple principles," he ought to have felt it incumbent on him to have made it clear to the public, by "positive and reliable statistics," how great a boon it would be to have the Irish system introduced into England. The few figures, scattered up and down in his eight Reports, make up a "mighty maze," and the impression they produce, on a serious view of them, almost compels one to add, "and not without a plan," for there can be no question of the experiment having been a failure, and not a success.

For example, in all the Reports, from 1857 to 1861, there has appeared a very important piece of statistics called, "A Table, showing the Previous Imprisonment of the Prisoners received into Mountjoy Prison (where *all* Convicts pass their first Stage) during the Year ending 31st December." In that for 1857, after giving the items "Never in prison," "Once," "Twice," &c., &c., there appear the three following items:—

1. Antecedents not known.
2. Returned Convicts who had completed their former Sentence.
3. Tickets of Licence revoked.

It will be at once apparent, that these items convey very useful information, such as (to use Sir Walter Crofton's own language) would enable the public in some measure "to test the value of the prison training." Yet, what do we find in the Reports subsequent to 1857?

In 1858 "Returned Convicts, who had completed their former Sentence" do not appear.

1859 Do. Do.

1860 Do. and Licences revoked, do not appear.

1861 No information on any of the three items appears.

Whether the statistics given on the point of expenditure can be called "positive and reliable," cannot be, for a moment, doubtful to any one who reads the chapter on the cost of Irish convicts.

In Sir Walter Crofton's Bristol lecture he refers to "statistics officially published" in his Reports. The study of these Reports, to which he refers to prove his case, are the documents from

which his severest condemnation can be drawn. They show clearly that all information, necessary for coming to any conclusion on the operation of his experiments, has been year after year carefully withheld, or mystified, and, also, why he avoided going into statistics at the recent meetings he has held at Birmingham, Bristol, and Liverpool. He contents himself, in his Bristol lecture, by saying, that they are "officially published, and are very generally known to be satisfactory results of its development."

CHAPTER VIII.

Irish Police Supervision.—Revocations of Licence.

On the subject of police supervision, the Irish Report for 1860 states:—

We cannot disconnect in our minds police supervision from any proposition which really aims at amending the criminal, proving his amendment, and reducing the criminal population.

Casual readers would infer from the above that all the convicts, released since 1st January, 1857, when the system of police surveillance commenced, have been thus dealt with. This is not the case; those only, who have been released on licence, having been placed under the police. And even to this extent of the plan there is a large exception, as all the men, discharged into the city and county of Dublin, are placed under Mr. Organ, and are not subject to police supervision at all, and those who go abroad escape altogether.

To show on how small a scale this system of police supervision is carried out, we will take the year 1858, and, again referring to Mr. Organ's Report, we find that 134 were released on licence that year, and that he thus accounts for them:—

Employed in Dublin, and noticed in my Visiting Reports	13
Gone abroad 101

114

Here it is shown that, out of 134 released on licence from Smithfield and Lusk, *only twenty* could be supposed to be under police supervision; indeed, even some of these might have belonged to Mr. Organ's lot, as, in his statement, he does not give us to understand that thirteen were all that had been placed under his charge. Whether or not this were the case, here we have registration at work, and yet, in a statement purporting to give an account of the men discharged, the greater part of those, left in Ireland, (20,) are unaccounted for.

Notwithstanding this omission, Mr. Organ naively adds immediately after the statement:—

It is worthy of notice that there has not been *one* convict discharged this year, on licence, for *whom we cannot account*; this, in itself, shows the advantage of the licence system, a fact which, in my opinion, should engage the attention of all those anxious for the solution of that perplexing question: What shall we do with our convicts?

Now, having noticed the account given of the men discharged from the Intermediate Prisons of Smithfield and Lusk on licence, let us turn to the total number, so released, that year. This the report tells us was 289, and all that can be gathered as to what became of these men, is to be found in the lecturer's statement above quoted, which only accounts for 13 as living by honest means, 101 having gone abroad. Of the remaining 175 all information is withheld.

Yet, Sir Walter Crofton, in his Report for 1858, remarks:—

It is quite evident that conditional liberty and registration are the only means of obtaining *positive and reliable statistics* of criminals, and of thereby testing the value of their prison training.

There is a passage, in Mr. Organ's Report for 1861, which will afford a clue to the number that would, probably, be placed under police supervision in that year. It is as follows:—

During the past year 281 convicts have passed through this and the Lusk Prison Huts, of whom a large number have emigrated; the remainder have either returned *to their former homes*, or settled down in the Dublin district *under my own supervision*.

Of these 281 there were 83 discharged on expiration of sentence; and, therefore, only 198 were released on licence. It may reasonably be supposed that at least half went abroad, and, after making the proper deduction for this, and for those who had "settled down" under Mr. Organ, there will not be many left for police supervision. Let it be noticed that those who are said to have gone to their homes have every prospect of settled employment, and are not likely to give the police any trouble.

After reading the above, the public will not be a little surprised to learn that, in no one of the eight of Sir Walter Crofton's reports, are there any statistics, by which a judgment can be formed of the effects of *his system*. Assertions are rife as grass, and pretty bold ones, too; but there is no attempt at statistics, properly so called, or any explanations, on which conclusions can be arrived at.

As nearly as can be judged from the imperfect information supplied, about 900 male Convicts were released on licence in the five years ending 31st December, 1861. After making a reasonable allowance for emigration, and for those placed under Mr. Organ, and for various casualties, there can scarcely have

been 350 of those Convicts under police supervision, and, very probably, not so many. The average number at any one time must be very small, for it is only during the remaining portion of the remission that cognizance is taken of them. An average of a few months would be the outside.

From the very meagre and incomplete manner in which the discharged Convicts are accounted for, it would appear that this system is but imperfectly kept up, and are we to be told that police supervision on such a puny scale is a very efficient mode of "reducing the criminal population?" It looks like the *ridiculus mus* following on a very grand announcement. So much for the machinery of registration, respecting which the public have been deluded into the belief, that it would be a fruitful source of reliable statistics.

Of police supervision Sir Joshua Jebb remarks :—

I cannot, however, help mentioning that in confining the view to the comparatively small number now released with tickets of leave, confounding together the evil and the good, and ignoring any interference with a criminal class well known to the police, and the habitual offenders who circulate through our large county and borough prisons, is, to strain at a gnat and swallow a camel. Such a system betrays its inconsistency. If the evil is really to be grappled with, we must relinquish some of the cherished but possibly mistaken ideas of liberty, and society must defend itself against all who openly declare war. This, however, opens far too large a question to be discussed here. It will be a new era in England, requiring more extended and much stronger measures to produce an effect than have ever yet been resorted to, and with the good, we must, of course, be prepared to take the evil. What the particular evil will be I will point out further on, when explaining the effects of police supervision in France.

In order, however, to show the effects of carrying out any *general system* of police supervision under less favourable circumstances than those which have been referred to, I would adduce the opinion of some of the most eminent authors on the Continent, whose names and works will be familiar to all who have given attention to the question.

Its failure in France has been described by Béranger, in his great work, entitled "De la Répression Pénale," &c. He says, that to liberated prisoners, disposed to live honestly, the surveillance of the police is a burden, which, like the chains they have dragged about, holds them up, at all times and in all places, as criminals, deprives them, therefore, of the resource of obtaining employment, and, to the great detriment of society, exposes them unceasingly to the temptations of again entering upon a course of crime.

The views of Béranger, in regard to the effect of police supervision in France, are confirmed by the eminent jurist, Baron Holtzendorff, in reference to Prussia. He says :—

"It may be asserted that the indiscriminate application of supervision, no regard being had either to good or bad behaviour of prisoners, is a direct source of new crimes.

"There are certainly some cases where precaution is required and suspicion justified; but there are many other cases where the final reformation of discharged convicts *depends upon their being treated with confidence.*"

Baron Holtzendorff continues :—

“In France and in Prussia, police supervision is little more than a moral stigma, a predestination to a career of crime.”

The Irish Prison Chaplain likewise observes:—

It would appear as if the author of police surveillance in Ireland had some misgivings on the score of its efficacy; for, notwithstanding the parade of Irish police watching over prisoners, he did not place *all* his ticket-of-leave men under their care. All convicts discharged in the city and county of Dublin were placed, and still remain, under the kind eye of Mr. Organ, a very different thing to the dark-lantern eye of a policeman. *There is no police supervision in the capital.*

“Give a dog a bad name and hang him” is a familiar saying, but it is much easier to give a Convict a bad name than to hang him. After a Convict has paid the penalty the law awards to his misconduct, society ought, and can afford, to receive him back, with such restrictions as may be thought necessary for its security; but, in common justice and fairness, more than this ought not to be done. If a suitable provision be made for that class of Convicts, who have proved themselves incorrigible by ordinary treatment, far the larger proportion of our Convicts might be safely discharged without the intervention of the police. As a means of disposal, however, all seem to be agreed that there is nothing at all comparable to Transportation.

A few words shall now be said on the subject of relapses. In his report for 1858, the Superintendent of Smithfield states that three out of the 134 discharged on licence that year, had been revoked. As 114 were shown at page 44 to be accounted for by Mr. Organ, these three revocations must have come out of the twenty unaccounted for, and this gives a per-centage of fifteen.

We are, also, told that “since the opening of Smithfield, as an Intermediate Prison, in January 1856, 405 orders of licence were granted, out of which only 32 were revoked up to 31st December, 1858, which gives a per-centage of only 7·88.” This is a capital result, and there is only one thing against it—it is very far from being the whole truth. This per-centage was calculated on the entire number discharged, and *not* on those only who were left in Ireland. We have already seen that 101, or 78 per cent., *went abroad* in *one* year, and, therefore, it is quite apparent that, if a proper allowance be made for emigration, the per-centage would be greatly increased. Let it be understood that in the above calculation reconviotions were not included.

In Sir Walter Crofton’s Bristol Lecture we find frequent mention of the “lengthened sentences,” that would follow, on conviction, from the use of police supervision, photography and

measures for securing identification, &c. Amongst other passages is the following:—

Now what will a firm use of our present power under existing statutes result in?

- 1st. The gradual breaking up of the criminal class, through the police supervision of its leading members, strengthened by the knowledge that cumulative offences will assuredly entail lengthened sentences.

The steadily-increasing number of convictions sufficiently shows, that, at present, “ police supervision ” has had no effect in “ breaking up the criminal class.” With regard to “ lengthened sentences,” following on re-conviction, we find, from the Report of the Board of Superintendence of the City of Dublin Prisons for 1862, that out of ninety-nine, described as returned convicts, committed for new offences in 1861 and 1862, *only twenty-six* received a sentence of penal servitude, whilst *sixty-two* were sentenced to different terms of imprisonment.

The aid afforded to a vigilant police, by the interference of the Convict Department, is shown not to have been in so large a proportion as appears to have been anticipated, for the same Report gives us information on the working of “ photography,” as a means of identification. It states that out of the ninety-nine committed for new offences,—

There were identified as returned convicts by the officers of Richmond Bridewell, and admitted by themselves	. 73
Identified by officers of convict prisons 11
Suspected, but not identified 15

From the above it will be seen, that though a large number have been recognised as having been previously in convict prisons, it has by no means followed that they have received “ lengthened sentences ” of penal servitude, or that the Convict Department have been the agents in their identification.

In this same notable Lecture, speaking of the small number that had been sent from England to W. Australia, he says:—

And why had we not a sufficient number? Not because we had not a sufficient number of old offenders; *but because our lax procedure with regard to the production of former convictions had enabled these men to escape with short sentences.*

What terms should be used of the “ lax procedure ” which has been just shown to prevail in Ireland, with regard to re-convicted men, with all their boasted “ appliances and means to boot ” for ensuring “ lengthened sentences.”

CHAPTER IX.

Diminution in the number of Irish criminals—Alleged saving and cost per head.

THE following is the last paragraph in Sir Walter Crofton's last Report:—

We have now shown that the "Irish Convict System," after many years of trial, has resulted both in efficiency and economy. "Efficiency," proved by the orderly conduct of the Convicts, and by the empty state of the prisons, notwithstanding the strict appliances in force for bringing old offenders to justice. "Economy," by the very low cost of the Irish Convict Establishments, although it is obvious that the supervision of a small number of prisoners is always proportionably more expensive.

Let it be observed how he brings the Irish Convict System into bold relief. He states, that it has resulted both in "efficiency and economy." Prime excellences these, it must be confessed, of any system! Something on the point of "efficiency" has already been said incidentally to various features of the system, and, here, it will be only necessary briefly to advert to the "empty state of the prisons," which is adduced by Sir Walter in proof of "efficiency."

It cannot be denied that there are now fewer prisons, and a comparatively small number of prisoners. It may, however, be said, without hesitation, that the Irish Convict System had about as much to do with the reduction in the number, as Tenterden Steeple with the Goodwin Sands,—certainly no more.

In the Bristol Lecture we find the following:—

In January 1854 there were 4,278 convicts in the prisons. In January 1862 there were only 1,314 in them.

Here we again* have Sir Walter going back, for the purpose of getting large numbers, to January 1854. On the 1st of January 1855, from which he should more properly have reckoned, there were but 3,427 convicts in confinement, but it is to be supposed that the reduced difference would not have so well answered his purpose.

* See page 25.

But what part has his system played in emptying the prisons? *None whatever*, it may be truly replied. A very "plain tale," told by a very few figures, will afford the right explanation of the fact.

As has been said above, on the 1st of January 1855 there were 3,427 convicts, and, in the four years from 1855 to 1858 inclusive, the following large numbers were discharged:—

In 1855 were discharged	820
1856 ,,	1107
1857 ,,	910
1858 ,,	946

Total discharged 3783

In the same years the following were the numbers received:—

In 1855 were received	518
1856 ,,	389
1857 ,,	426
1858 ,,	358

Total received 1691

The difference between the number discharged, and the number sentenced, in these four years, was about 2,100. Here is the cause of empty prisons, and none of the admirers of the Irish system will go so far as to say, that it had anything to do with this liberation of so large a number of prisoners, which was simply the result of the expiration of prisoners' sentences.

But it may be said, that the number of convictions would have been larger but for the Irish system. Let us see how facts will bear out this view. The Irish system was not fully developed until 1857, and could not have had any perceptible influence till 1858.

In 1858 were sentenced	358
1859 ,,	322
1860 ,,	331
1861 ,,	368

By a glance at these figures any one may judge whether the Irish system has done anything at all towards emptying the prisons. Indeed, there is every appearance that the reverse is the case, for we see that, in 1861, there was an increase over 1859, of convictions, of 14 per cent., and there is reason to suppose that the number was much larger in 1862.

But this point is ably dealt with by the Irish Prison Chaplain, who writes as follows:—

After 1852, the tide began to turn in all our prisons, government and county. When the new Directors came into office, in 1854, the tide was not only on the turn, but running out rapidly. The famine, which had filled our prisons, had done its work, and a perfect flood of emigration was rushing out to the West. The waters continued to ebb till 1860, when they left the chairman of Irish convict prisons, and the new Irish system, like Noah and his ark, high and dry on the top of the mountains. Sir Walter Crofton had about as much influence in reducing crime in Ireland, as Noah had in causing the waters of the deluge to recede from the earth. We do not say this to his discredit—for to reduce crime to such an extent is beyond human power or wisdom—but to remove the impression now abroad, that Sir Walter Crofton had been working miracles. We have no doubt that he did his best, but he was no more than a fly on the wheel of the great social revolution which passed over Ireland, between the years 1848 and 1860. The reins were in his hand, but the chariot was rushing down a fearful incline at the heels of those pale horses, famine, death, and depopulation.

In his Report for 1861, Sir Walter Crofton observes:—

Each year that passes will, we hope, make it more apparent that systematically proving former convictions, and thereby entailing long sentences upon old offenders, will, in conjunction with a good and natural training, materially tend to reduce the criminal population.

It is difficult to know how he could have persuaded himself that the criminal population were in the course of reduction, when, at the time he wrote the above, he must have been aware that the number sentenced in 1861 was, as has just been said, upwards of 14 per cent. higher than in 1859; and the steadily increasing number shows how entirely he was in error. Sir Walter Crofton's Bristol Lecture supplies words which are here strictly appropriate:—

So much for the state of things in 1861; and I do not believe that any observer of what is taking place around us will anticipate any improvement for the year 1862.

In considering this result, it ought not to be forgotten that the criminal population of Ireland has really undergone a very great reduction by the process of emigration, and removals to England. Notwithstanding this collateral aid, the convictions have increased to an enormous extent. It would, indeed, appear that the development of the Irish Convict System has resulted in a large increase in the number of convictions—*Post hoc, propter hoc*, seems strictly applicable.

The Quarterly Reviewer observes, that “the protection of the community from the depredation of criminals ‘by the Irish Con-

vict System' is proved in the clearest manner, not only by statistical returns, but by the universal testimony of all persons connected with Ireland."

The large and growing increase in the number of convictions effectually disposes of this paragraph, but to that fact may be added the following, which appeared in the "Times" of the 13th January last:—

The Board of Superintendence of the Dublin Prisons, in their annual report just printed, make some important and seasonable remarks on ticket-of-leave men and the Irish convict system. Referring to the number of criminal offenders sentenced to penal servitude, which shows an *increase from 42 in 1861 to 78 in 1862*, the experience of the Board of Superintendence leads them to apprehend that the present convict system is unavailing with the hardened and habitual criminal; that professed thieves and burglars, brought up from their youth in vice and crime, cannot possibly be reformed; and that if some more rigorous method of dealing with such hardened offenders be not devised, "garotting" and other acts of personal violence will soon extend to Ireland, if some more vigorous mode of punishing the habitual criminal be not devised.

How little does the above accord with the self-complacent remark that is to be found in Sir Walter Crofton's Bristol Lecture, that "Ireland approves of her convict treatment, and supports its development."

And Baron Hughes, in opening the Commission at Tipperary, told the grand jury (as reported in the "Times" of the 7th March) that he was "not able to congratulate them on the state of the Riding, and for this reason, that out one hundred cases of crime which had occurred, the offenders had been made amenable to justice in only fifty-nine instances. In other words, nearly one-half of the crime committed in the provinces since the last assizes had been committed with impunity. Out of eleven cases of burglary in but two cases had the offenders been brought to justice. Out of seventeen cases of sheep-stealing in but three cases had the offenders been detected. In almost all the cases the parties injured had refused to come forward and swear informations against the persons whom they suspected. This must arise from fear, intimidation, or sympathy with crime. Under these circumstances he could not congratulate them upon the state of the Riding."

This notice of the diminution in the number of Irish criminals leads to a brief mention of the saving said to have been effected in consequence, and of the cost per head, as compared with that in England.

Several times in the Irish Reports, saving in the expenditure is adverted to. Two instances only will be adduced here, and the last in the order of time shall be taken first.

In his Report for 1861 Sir Walter Crofton states:—

At the present time Parliament is asked to vote £50,000 per annum less for Irish Convicts than was asked for them six years since.

As has been before stated, the reduction of cost is attributable to the most gratifying cause, the diminution of criminals.

In the above we are told that this reduction in the vote, required for Irish convicts, was the result of the “diminution of criminals.” This being so, the Irish system cannot claim an iota of credit for it, because, as has been shown, nothing can be clearer than that it was not, *in the smallest degree*, instrumental in effecting it.

It may, moreover, be here observed that a comparison of the estimates, for the two periods here referred to, does not give nearly so large a difference as £50,000, and, if actual expenditure (the only satisfactory test) were compared, the difference would be found to be still less than that of estimated cost.

The second case of reference to saving that shall be adduced occurs in the Report for 1858, where we find:—

The charges of the establishments for 1859 have been reduced by £12,088.

It is quite true there was this difference in the estimates for 1858 and 1859, but between the *expenditure* for 1858 (which was in Sir Walter Crofton’s possession when he wrote the above) and the *estimates* for 1859 there was only a difference of £4,300.

Where, then, was there the shadow of a foundation for the statement that the charges had been reduced by £12,088?

The subjoined statement will show how wildly the Irish Estimates were framed, and that they afford not the smallest clue to actual expenditure, for which they should never have been quoted:

Year.	Number in Prison on 1st January.	Number estimated.	Daily average Number during the Year.	Amount of Estimate.	Actual Expenditure.
1859-60 . .	1773	2730	1672	58,074 £21 6s. per head.	48,898 £29 5s. per head.
1860-61 . .	1631	2250	1521	52,360 £23 5s. per head.	44,505 £29 6s. per head.
1861-62 . .	1492	2100	About 1400	49,157 £23 8s. per head.	43,412 £31 per head.

It will be seen from the above, that, on the 1st of January, 1859, there were 1,773 convicts in confinement, and that, for the financial year 1859-60, notwithstanding the loud boasts of the results of the system in diminishing the number of prisoners, nearly 1,000 more were estimated for. On such a system it is, of course, easy to show, in *estimate*, a low cost per man, but it would seem, to ordinary people, not to be a very fair thing to advance it as *actual expenditure*.

Let the last two columns in the statement be compared, and it will be at once apparent how erroneous a view is given, when *estimated cost* is stated as *expenditure*.

Having disposed of the alleged saving, something must now be said of the cost, per head, of Irish convicts, respecting which very erroneous views have been put forth in the reports.

In that for 1861, we find the following statement:—

Our prison expenditure is very low. According to our present estimate. the convicts in our different establishments do not cost more than £24 10s. each. * * * * * But the present cost is very much lower than that of any other convict establishment of which we are aware.

Particular attention is requested to the manner, in which expenditure is dealt with by Sir Walter Crofton. In the first line, in the above paragraph, it is stated that the "*prison expenditure is VERY LOW*;" and, in the very next line, in order to prove so important a point, reference is made to the *estimate* for the following year.

But why refer to the *estimated cost* for the ensuing year, when the *actual expenditure* for the year ending 31st December, 1861, was contained in the very same Report, from which the above quotation was extracted? Judging from the data there supplied, the expenditure for the year 1861 must have been upwards of £30 per head; and for the two preceding years, 1859 and 1860, it was upwards of £29 per man. Yet, in the teeth of all this, we are led to believe that the cost of Irish convicts is £24 10s. per head.

After what has been quoted from the Irish reports on the subject of expenditure, the public will be not a little surprised to learn that, if a fair comparison be instituted, a convict, in Ireland, costs somewhat more than in England.

It must here be explained that, in England, there are items of expense, from which Irish prisons are exempt, viz.:—

1. Civil guard, whose duty is in Ireland performed by a military guard.
2. Gratuities to officers.
3. Higher rates of pay to various officers.

4. A higher scale of gratuities to convicts.

5. Higher contracts for supplies in consequence of the remote localities of several prisons, and the expensive land carriage.

On the subject of cost the Wakefield justices write as follows:—
“The average cost per head, though increased by the diminution of numbers, is £24 10s.”

The figures were evidently taken in haste, and untested, from the Irish Report for 1861, but they are not qualified by being given as *estimated cost*, but as if *actual expenditure*.

The course adopted by Sir Walter Crofton, as regards expenditure, amounts to this, that, in reports addressed to the Chief Secretary for Ireland, it is not communicated to him what the actual cost is, but, more than that, a less expenditure is indicated than was actually the case.

There never was a question, in which it was more evident that undue prepossessions had completely overmastered the English tendency to give fair play to all parties. It will be a source of regret to many who have advocated the Irish system, that they have placed themselves in a false position, by adopting the statements of *interested* parties without inquiring into their accuracy.

Sir Walter seems to have had, hitherto, a “charmed life,” for his most extravagant assertions have been accepted without inquiry, and the Irish Convict System has been advocated with all the warmth of genuine conviction, based on the severest examination of its merits.

The fact seems to be that, the convict question being one of extreme social importance and beset with difficulties, and bold, but wholly unsupported, assertions having been made as to the results effected in Ireland, the fervent wish that exists for the satisfactory solution of the knotty problem has led to too ready a credence on the part of the public.

It may not be inappropriate here to observe that, in England, for five times the number of Convicts, with establishments situated widely apart, and many of them at great distances from London, there are but two visiting directors. This is obviously a very inadequate arrangement for the due supervision of ten prisons, containing between 7000 and 8000 prisoners, and in his Memorandum of 1861, Sir Joshua Jebb will be found to have spoken on the subject as follows:—

In order, however, to secure all the advantages which might be derived from the existing organization in the prisons, I would again bring under your consideration the necessity of increased means of superintendence. It is absolutely impossible for two directors, with such assistance as I can give in connexion with other duties, to bestow that personal attention on the

working of the system which is desirable, or to attend to all the questions that arise in connexion with the discipline and disposal of 8,000 convicts, for which they are in a measure responsible. The application of the labour of so large a body would alone require the undivided attention of one director, and the moral training and instruction of another.

On the occasion of the withdrawal of one of the three Irish directors, at a time when there were not more Convicts than in Portland Prison, Sir Walter Crofton, in his Report, represented that the department would suffer owing to the inability of the remaining two to give sufficient attention to the various details. He writes on the subject as follows:—

In May last, our late colleague, Mr. Lentaigue, was appointed to the office of "Inspector-General of Prisons." It was with great regret that we received the notification of his transfer. We felt not only that the department would suffer through the loss of a director, but that it would specially do so through the loss of a gentleman who had devoted himself unceasingly to the improvements connected with the Irish Convict System.

Since that period, this department has been conducted, therefore, with materially reduced power of direction and supervision. The Irish Convict System has been much indebted for its success to the very minute attention paid to its details. Unless concerned in its practical working, it would be difficult to realize the importance and value of this attention being given, and of the occupation of time thereby entailed upon the directors.

It has not been possible to attend to these details as well as heretofore, and it is therefore to be expected that the system will suffer in its results.

The disparity here shown to have existed, as regards superintendence, speaks for itself, and needs no comment.

CHAPTER X.

Tickets-of-Leave.

THIS method of disposing of Convicts originated in the emergency which arose in 1852, through the cessation of transportation. There were, at that date, upwards of 7,000 male Convicts whose sentences of transportation could not be carried out, except in the case of the limited number afterwards sent to Western Australia.

The difficulty was a grave one, and was dealt with, after much consideration, by commuting the transportation sentences, under the provisions of the Act of 1853, for certain proportionate periods of imprisonment in this country. Then the question arose, as to whether these men should be discharged free, as was the case with thousands from the Hulks, or whether the colonial system of tickets-of-leave should be adopted. The latter was the course pursued, and it might have been assumed that such an expedient would have ceased with the emergency.

In his Report for 1861, Sir Joshua Jebb observes, with reference to this mode of disposing of Convicts:—

In regard to granting tickets-of-leave to convicts released at home, the practice, so far from being discouraged by the Select Committee of 1856, was recognised and recommended, so that a measure which had been adopted as a convenience or necessity in commuting a sentence of transportation into one of which a portion should be imprisonment and the remainder on licence became, by the Act of 1857, part and parcel of our system of penal administration.

The following are the present conditions of a ticket-of-leave:—

1. This license is liable to be revoked in case of misconduct.
2. It may be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

But it is not necessary that the holder should be convicted of any new offence.

If he associates with notoriously bad characters, and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be recommitted to prison under his original sentence.

3. If his license is revoked, he may have to undergo the whole remaining portion of his original sentence.

Under the circumstances arising out of the system, it is, certainly, desirable that, as far as practicable, the conditions should be enforced, and it has been the non-fulfilment of the expectation of the public in this respect, together with the delusion, that has been created, as to their rigid enforcement in Ireland, that has been the main cause of complaint.

A little consideration will suffice to show that there may be difficulties in the way of sending back to prison every ticket-of-leave holder, who may be seen to be *without employment*, on the representation of a policeman in this free country, where every rogue is deemed entitled to a judicial inquiry. Between a case of this sort, and "notoriously bad characters and idle and dissolute lives," there is a wide gulf. It would certainly be well that the police should be informed of the discharge of the worst description of Convicts, but, even to this extent, it is a question that would require mature deliberation.

On the difficulty of interfering with prisoners, released with tickets-of-leave the following remarks were made by Sir Joshua Jebb, in one of his papers read at the Social Science Congress in 1862:—

It may serve to show that grave objections must exist to an interference with even conditional liberty, when I say that out of upwards of 10,000 prisoners licensed during the last 8½ years I cannot call to mind more than sixty instances where it has been deemed advisable to exercise the power of revocation, unless a man had been fairly convicted of an offence against the law. Succeeding Secretaries of State have repeatedly had the subject under consideration, and this has been the issue.

With this, however, he appears to have nothing to do.

There has lately been a great outcry against ticket-of-leave holders, and, whenever an atrocious crime has been perpetrated, it was immediately attributed to one of this class. The Edinburgh Reviewer observes very truly: "The exaggeration of the number of ticket-of-leave men was enormous." There was the same outcry in 1855. In that year the "Times" remarked, "The British public has, indeed, taken the alarm, and every offender who turns out to be a ticket-of-leave holder is multiplied into legion."

As on all questions, there are two opinions as to the best method of discharging convicts in the United Kingdom, whether with tickets-of-leave, or unconditionally. On a superficial view of the matter, it would, probably, appear to be an advantage that, for a certain period after release, a man should feel it necessary to exercise great circumspection in his conduct, which would seem to be the natural result of the conditions attached to a licence. But, if police supervision is to be one of the conditions

without discrimination, the matter assumes a very different aspect.

It may be gathered from Sir Joshua Jebb's Reports, that his opinion inclines to unconditional discharge, with a less remission of sentences than now obtains, and a fair stand-up fight with the police—and his experience ought to give great weight to his convictions.

He observes:—

Under circumstances where employment can be secured, I have always warmly advocated the third period of probation of our own system being carried out under the close and effective supervision of the police; but I no less earnestly protest against the favourable experience of it which has been gained in the colonies being taken to prove that similar measures could be applied in England, where, instead of there being an urgent demand for the service of ticket-of-leave holders, they are well nigh a persecuted race.

To impose conditions and restrictions that would effectually stamp them as individuals belonging to a criminal class, in this country would be manifestly a most inexpedient exercise of power and one that would be calculated to defeat the entire object of an improved system of convict discipline. In the Australian colonies the ticket-of-leave is a positive advantage arising from there being a great demand for labour; and supervision is, at the same time, an advantage to the employer as well as to the convict.

It would appear that Sir Joshua Jebb would much prefer giving up the benefit, that undoubtedly results from remission, with regard to the working of the discipline, to the system of placing ticket-of-leave holders indiscriminately under police supervision.

In his "Memorandum" published in 1861, occur the following remarks on this point:—

This was followed by the Act of 1857, in which the term transportation was abolished altogether from the Statute Book, and Penal Servitude substituted for it; powers were, however, taken to remove convicts to any colony willing to receive them. Another most important provision was *the remission of a portion of a sentence*, as an encouragement to good conduct. The question, however, arose whether the release should be free or with a ticket-of-leave. The latter was determined upon, though I confess to have felt doubtful of the policy. Under this latter Act convict discipline is now mainly conducted.

And in the appendix of this memorandum was given the following extract from an unofficial communication to the Home Office, dated July, 1856:—

I confess, however, that doubts have arisen in my mind as to the policy of creating a class in this country under the title of "ticket-of-leave" men, for there is reason to believe that it has already operated seriously against them in various ways. The balance of my opinion is in favour of a shorter remission of the original sentence, and the release of the men free from any restriction.

Bold assertion is the leading characteristic of Sir Walter Crofton's writings, &c. A proof of this may be found in the following extract from the Bristol Lecture, relative to the first issue of tickets-of-leave in Ireland:—

It is well known, also, that the public feeling in Ireland was so hostile to the liberation of Convicts on "tickets-of-leave" that their issue was obliged to be deferred until the better training of the criminals could be in some way demonstrated, and a protection to the community by means of "supervision after liberation" be instituted.

It will scarcely be believed that 349 Convicts (much the largest number ever so released in one year) were released on licence in 1856, the very first year of the establishment of intermediate prisons, while "supervision after liberation" was not instituted *till the following year*.

By some means the Quarterly Reviewer has been led into giving currency to a statement of a like kind, although implying a greater degree of caution on the part of the Irish Board, as he states that the issue of tickets-of-leave was deferred for some years. He writes thus:—

• As the Irish prisoners, when first placed under the Board, were unfit to be released on tickets-of-leave in Western Australia, the directors deemed that they certainly ought not to be discharged in Ireland until some material improvement had been effected in them, even if public opinion in that country would have permitted such a course; consequently, instead of at once granting tickets-of-leave, as in England, to those who had passed the portion of the sentence required by the Government regulations, the Board *for some years* released *none but prisoners whose terms* had expired.

CHAPTER XI.

Punishment of Incurrigibles—Remission of a Portion of Sentence.

OUR reformatories, and other institutions of a kindred character, have done much towards cutting off the supply of criminals at the main source—the green tree—and this very success seems to point at a sterner treatment for our incorrigible class—the dry tree—than has hitherto been pursued.

Re-convicted men, of notoriously bad and violent character should be severely dealt with, and taken care of for long sentences. What is there to prevent a suitable prison for such as these being established at home, instead of in Norfolk Island, and so devised as to effect all that may be required in the way of deterrent discipline. This extension of the present system is imperatively called for, to rectify the anomaly that now exists in our treating all convicts alike, without reference to re-convictions, and to their crimes and antecedents. Even if the identification of all men who had been previously convicted were made certain, and longer sentences inflicted, which is now very far from being the case, the difference in the length of the sentences does not supply a suitable remedy, which would be more fitly sought in a difference of treatment, and length of sentence combined.

Respecting the punishment of such as are deemed to be incorrigible, Sir Joshua Jebb remarks:—

It is, however, necessary in certain exceptional cases to look solely to the *protection* of the public, and to disregard more or less those of a discharged prisoner whose acts or antecedents forbid a hope of his doing well.

I have always felt that provision should be made for these extreme and exceptional cases by more stringent measures both before and after conviction. As far back as 1838, and in several subsequent reports, a penal establishment in this country has been recommended by me for the worst class of criminals, and for such as proved incorrigible under ordinary discipline.

The question of whether it should be at *home* or *abroad* is one of some difficulty. On the whole, as already stated, I am in favour of having it at home, but chiefly because of the greater security which would be afforded for proper superintendence.

This prison for incorrigibles should not be devised exactly in accordance with the stern line of Dante, "*Lasciate ogni speranza,*

voi ch'entrate," but it should be well understood, that those sentenced to it (for such should be the course pursued) would have to encounter a far severer discipline, than is carried out in ordinary prisons. If, in such cases, separation should be thought necessary, as on first conviction, all might be done in one establishment. Probably not more than from three to four hundred would require to be thus provided for.

Considerations of expense should not be allowed to impede the prosecution of any plan calculated to deter more effectually than existing arrangements, and it must be borne in mind, that we are now saved a vast deal of expense, that was incurred in those times when transportation was in full operation.

This prison would be designed only for those, of whose amendment there was no reasonable ground of hope; but even men of this class should have some remission to look forward to. All these, however, should be cases to be specially dealt with. The protection of society must be the paramount consideration, and there are, no doubt, men so degraded and brutalised by a long career of crime, as to be only fit to be made examples of to deter others. With the due punishment of criminals of this description no maudlin sentimentality should be allowed to interfere, and it might not be amiss, if a little of the *lex talionis* were imported into our legislation, for it seems only fitting that those who have inflicted brutal and unprovoked violence on others, should be made the recipients of some amount of personal suffering.

And here it seems a suitable place for an expression of regret that the Government have determined that "in the case of such persons as are re-convicted, no expectation of a remission of any part of their sentence is to be held out." It is not a wise method of dealing with matters, such as these, to go into the opposite extreme to that which may have been unattended with the success that was anticipated. *In medio tutissimus ibis*. Neither is there, in such a proceeding, that tempering of justice with mercy, which gives, as it were, a grace and dignity to the penal treatment which society, for its due security, finds itself compelled to mete out to its erring members.

Beautifully does Shakspeare say:—

And earthly power does then shew likest God's
When mercy seasons justice.

No remission is the light in which a judge would regard the matter. It is his province to award the sentence allotted to crime, without reference to aught else than the vindication of the law by punishment. But it is a penal axiom, that the opportunity of his imprisonment should be made available for the improve-

ment of the criminal, and experience has shown that nothing is so effective in furthering this object, as the hope of obtaining a remission of a portion of his sentence.

The intense eagerness, which most prisoners manifest to gain this remission, is a strange commentary on, and a sufficient denial of, the alleged indifference to imprisonment, arising out of the comforts connected with it.

Take away the hope supplied by the remission of a portion of the sentence, and you take away one of the strongest inducements to industry and good conduct, (perhaps, the only one which will effect the object aimed at,) and to compliance with the regulations, which, together, when pursued for years, involve the education of the man for better things. Without the influence of this remission, recourse will be compelled to irons and the lash, which a wiser method of treatment has almost altogether removed from prison routine.

It would appear that Christian principle should dictate a different course from that of shutting out all hope from offenders.

How would you be,
If he which is the top of judgment should
But judge you as you are.

SHAKSPEARE.

But much more to the purpose is that beautiful appeal to the Father of mercies, provided for us all in our matchless and unapproachable Liturgy—"Neither reward us after our iniquities." A government in England is an aggregate of Christian individuals, and it is only seemly that its proceedings should prove its members to be imbued with the spirit of the religion they profess, which exhorts us to be perfect, even as our Father in heaven is perfect. Mercy is a divine attribute, and the measures, thought necessary for the vindication of the law, will, certainly, not be the less effective, if they have such an admixture of that heavenly quality, as may be consistent with the accomplishment of their object.

In sentences of fifteen years and upwards one-third is remitted, and, who would say, that more good is not likely to be effected by a ten years' incarceration of a severer character than in ordinary prisons, with the measure of good conduct, that should be rigorously exacted, to gain the remission, than by compelling the prisoner to serve out the whole time, thereby ministering fuel to the worst passions of his nature? Where there would be cheerfulness and ready compliance with the rules, in the one case, there would be nothing, in the other, but a dogged sullenness, and the routine of the prison could not be carried out without daily punishments of the severest character.

In unmitigated severity of such a kind, where is to be found any portion of the spirit of the precept of forgiveness of our brother up to seventy times seven? From the tangled relations of humanity and society, much uncertainty must ever attach to the measure of blame, that is to be apportioned to the criminal; and, on this consideration alone, if not on the higher ground of Christian principle, mercy should never be absent from the awards of human justice.

If it were thought desirable, the period of remission might be lessened, in the case of re-convictions, to distinguish them from first sentences, and there should be a rigid exaction of the amount of good conduct, industry, &c., which might be settled on as the conditions of the remission. Some, and a sufficient remission, there certainly must be, if simply to provide for the only proper treatment of those obdurate natures, (of which doubtless there would be a small proportion,) which defy, alike, time and severity. If confinement for life were the lot of such as these, they would have closed the gates of mercy on themselves, and society would be wholly blameless in the matter. "Evil, be thou my good," would, obviously, have been adopted as their animating principle, and, from such utter castaways, the public have an undoubted right to be most effectually protected. To use the language of the Quarterly Reviewer, they must be *permanently* "incapacitated."

If, however, it should be finally determined that the system of no remission, in the case of re-convictions, shall be carried out, it appears obvious that a separate prison for such criminals will be indispensable, for it is scarcely conceivable that the regulations and routine, applicable to men animated in their daily progress by the hope of some remission of their sentences, would be suitable for those from whom all such hope had been taken away.

On this point the following appears in one of Sir Joshua Jebb's Reports:—

Many an iron-hearted man who would be unmoved or grow sulky and obdurate under harsh treatment has determined on a new line of conduct by seeing clearly that it was his interest to take advantage of the terms offered to him by paying the price in good conduct, &c. Many a man, too, has been subdued and cordially rendered willing obedience under just and considerate treatment who would have been brutalized by the reverse.

The public benefit in this way, that men, under the influence of such prospects and treatment, insensibly acquire self-respect, together with habits of industry, cleanliness, &c., and are not so likely again to sink to the same depth of moral and physical degradation as others who, without such inducements, may have served out every day of their confinement in dogged submission to authority, alternating with audacious defiance of it.

The following extract from a book entitled "Punishment and Prevention" by Mr. Thomson of Banchory, bears upon the advantages of a remission. He says—

"Hope is assuredly one of the most influential motives in the breast of man; in one form or other it is the mainspring of every action. This, too, is brought into play, and well directed in the new system of convict discipline. The prisoner hopes, by means of the trade he learns in prison, to be able to support himself on liberation; he hopes, by attention to his lessons to raise himself in the social scale, and, which is the most powerful present motive of all, he hopes by his general good behaviour to shorten his imprisonment and hasten the day of freedom. This is the great object of every prisoner, and it is one with which all must sympathize. No other reward has yet been devised which has any value in the mind of a prisoner in comparison with liberty; no other motive will enable a man to bear up under so violent a change of habits, so long continued, and which, at least at first, is so distateful."

"It is the love of liberty which lies nearest the prisoner's heart, and which will ever be the cheapest and best reward for exemplary conduct."

CHAPTER XII.

Dietary.

This is a point on which it is clear, from what has lately appeared, that much misconception exists, and a brief notice of it may not, therefore, be inappropriate.

The Edinburgh Reviewer has some admirable practical remarks respecting it, and I feel I cannot do better than quote them. He says:—

The present outcry about the dietary of our state prisons is altogether a mistake, and we must assert the principle that bodily health is one of the requisites to moral reformation. The mass of letters about the high feeding of our government Convicts which appeared in the newspapers before Christmas was a national disgrace to us. Those letters showed at once a wonderful ignorance of the physiological case, and a shockingly low tone of moral feeling. People who print their notions for the public benefit should understand what they are talking about, but these complainants are ignorant of the effect of low feeding on the brain. The effect is to depress the reason and excite the fancy, to embitter the temper and exasperate the passions. As the imprisonment itself has something of the same effect, till it is relieved by hopeful toil, a satisfying diet is necessary to sustain health of body and create that of mind. One or two remonstrants have condescended to compare the diet of the government invalid prisons with that of the free labourer. It is stooping very far to compare the dinner of the imprisoned Convict with that of the free labourer at Portland, but to take Dartmoor and Woking, in which the decrepid and sickly are deposited, for such a comparison is an unworthy trick. In all such comparisons, the proposers seem to forget that the true English citizen prefers a "dinner of herbs" with family love, and personal innocence and honour to the "stalled ox" in the abode of disgrace amidst vile companionship. If the free labourer at Portland dines on bread and cheese, it is because there are wife and children at home, whom he has the privilege of supporting, and the notion that a free and honest citizen would commit crime to get into durance, where he could have six or ten ounces of boiled meat and a pound of potatoes for dinner, is to insult every good man in England. No, our true economy does not lie in the under-feeding men who are already suffering under a change of life as great as their brain can bear. Their treatment is arranged under the advice of physicians, and we trust the aim will continue to be, not to make them eat little, but work much and well.

There does not appear to be the slightest difference between the views of the Irish directors and those that have been carried out for many years in England, (as indeed there can be none,)

except in one trifling point—the diet, on reception, for the four first months. In Ireland no animal food is allowed during that period. Everybody knows that the lower stratum of the Irish community dearly loves potatoes, and, in all probability, if animal food were allowed, it would be an addition to their usual mode of living, and would, possibly, prove injurious under the altered circumstances. It should be viewed as a very sensible precaution, of which, with characteristic dexterity, Sir Walter Crofton has endeavoured to make capital. It is certain, however, that, if the same diet were applied to English convicts, the error would speedily make itself felt by the appearance of many forms of disease.

I subjoin an extract from the Irish Report for 1859, in which the Directors say:—

It is frequently observed by those who are only superficially acquainted with the treatment of criminals that the dietary of convicts is too high; and they base this assumption on a comparison drawn between the dietary given in the county prisons. They seem to forget, or never to have understood, that the longer period of imprisonment requires a better dietary to support the constitution. The adoption of the lower dietary in use in the county prisons, in the cases of prisoners sentenced to long terms of servitude, would produce disease, and a very serious loss to the public service, in consequence of the want of power of the convict to perform labour. This question was discussed very thoroughly *twelve years since* by the ablest medical authorities, and finally settled.

Sir Joshua Jebb in one of his Reports makes the following remarks on diet, and they give an accurate description of the real facts of the case:—

I would observe, that, as regards prisoners in separate confinement, the experience gained during the experiment at Pentonville demonstrated beyond all dispute that a liberal diet, not less in amount of nutritious quality than that which appears in the established scale, is absolutely necessary to the preservation of health during long periods of separate confinement.

The experiment of a reduction in this amount was tried at Wakefield, chiefly, I believe, with a view to economy. The result of the diminished quantity, combined with an average confinement somewhat exceeding 18 months, was very unfavourable, as exhibited in the first prisoners sent to Portland, who were received from Wakefield in a very low and depressed condition.

As regards the diet of convicts employed upon public works, it being an object that they should be made to exert themselves to the utmost, it has been found essential to give them such a diet as would support their strength.

The scale now established has been determined on medical grounds, and on experience of the prejudicial effects of a lower dietary both on the health and energy of the men.

And, again in his “Memorandum,” published in 1861, he observes:—

It is not generally known that the usual diet in the convict prisons has been determined entirely on medical grounds, founded on the results of extended experience.

The subject engaged for a long period the anxious consideration of the Commissioners of Pentonville. The detailed results of the elaborate experiments made under the immediate direction of Sir B. Brodie and Dr. Ferguson are given in the Fifth Report of the Commissioners, and the following is the opinion recorded by them in their last Report, dated May 1849.

“After the experience of seven years, our opinion remains unaltered, that the comparatively high diet established at the close of the first year (1844) is not more than sufficient.”

On opening Portland Prison, a series of experiments on diet suitable for public works were also made under medical superintendence, and the present diet was not determined on until it had been conclusively pronounced to be necessary for the preservation of health, and to enable the men to execute the heavy labour required in the quarries.

It should, however, be stated, that there is what is termed a “light labour” and a “special” diet adapted for the circumstance of convicts who do not exert themselves. It is, however, only in very rare instances that these scales are brought into play, the convicts as a body showing themselves willing and capable of earning the diet due to downright hard work. An example of the hours of labour is given in the Appendix, p. 55.

Nothing can well be less practical than to compare the dietary of the convict prisons with that of the Union workhouses. Each must stand on its own merits. If that of the workhouse be inhumanly insufficient, let it be raised to a proper level, and, on the other hand, if convicts have an undue amount of food, by all means let it be reduced. They should not have an ounce more than is necessary for the objects it is indispensably necessary to keep in view. All must agree, however, that there can be no more unlikely means of ascertaining the diet suitable for *either*, than such comparisons.

The condition of the honest hard-working labourer is also made use of to prove, that convicts are too well fed and cared for in other respects. Let it be recollected that the seeming comforts of the convict, which are, after all, only such provision as is absolutely necessary to keep him in health, and equal to the work he has to do, do *not* comprise that, without which an Englishman does not know enjoyment—freedom of action.

All know how distress of any kind makes it impossible for us to derive pleasure from the ordinary sources of amusement, and so it is with men in confinement. Things, that, if possessed with freedom, would be greatly enjoyed, in durance lose all their value, and this is proved as regards food, by the necessity that exists for giving them a more liberal diet than, if at liberty, would be required. With no less truth, than beauty, has it been said:—

’Tis liberty alone that gives the flower
Of fleeting life its lustre and perfume,
And we are weeds without it.

Let the honest rustic be assured that the "weeds" of the prison afford no object for his envy.

The following excellent remarks on "Comforts in Prison" may, also, be quoted:—

A cursory inspection of the convict prisons might lead anyone to the conclusion that a prisoner is better fed, clothed, and lodged than many an honest man who is struggling against the hardships that poverty entails upon him. No one, however, will be prepared to argue that, in this country, any convict, no matter what may have been his crime, should be locked up for long periods, and deprived of what may be necessary for his health and cleanliness. Still less would it be contended that, in any sound system of discipline, the reformation of the man should be disconnected from the punishment due to crime. Under any circumstances, however, there is another side to this picture of comforts assumed to be enjoyed by a prisoner.

The enforcement of cleanliness and regularity on the dissolute and reckless characters which form an average prison population, is not only essential as a means of reformation, but it may fairly be taken as a wholesome and legitimate element of punishment.

In this double character all the attractive appearances of cleanliness and good order in prisons may be safely viewed. They are not the result of any undue desire to administer to the *comfort* of a prisoner, but the whole bearing of the daily routine by which they are secured is calculated to thwart the natural tastes and habits of most criminals, and to direct them into new and improved channels.

During the earlier period of the process, they doubtless add indirectly to the punishment, but, when a prisoner appreciates them as conducive to his comfort, he is likely to profit permanently by the instruction he has received.

CHAPTER XIII.

Transportation.

It requires no elaborate argument to prove the advantages of transportation as a mode of disposing of our convicts after a certain period of training at home. In former times there was a threefold advantage attached to it. To the mother country, the colony, and the convict, good alike resulted. But, as to the means of securing these advantages, *tempora mutantur*. Only one of the Australian colonies, Western Australia, is now willing to receive convicts.

It must be recollected that circumstances are entirely different now from what they were when transportation was carried out on a large scale. Then, when convicts had served out their ticket-of-leave, the whole of that extensive country "was all before them, where to choose their place of rest," and, then, there was no difficulty in the absorption of large numbers.

The great change that the feelings of all classes, as regards visiting foreign parts, have undergone, must, also, be borne in mind. People, now, think no more of crossing the Atlantic than, formerly, of journeying one hundred miles in their own country; and, from the same causes, the view of transportation taken by convicts has been materially modified. It had a very different aspect in the "Botany Bay" period, when few ever went to those distant regions but such as "left their country for their country's good." Then, it was invested with horrors, that can never again be associated with it, and it must be considered to be lost to us, as a deterrent means of punishment. Botany Bay was something like another planet, and it has been said of it that "it was as if the moon had come alongside, and taken off our worst criminals to offend our eyes no more."

With reference to Western Australia, the Select Committee of the House of Commons of 1860 stated, in the thirteenth clause of their Report,—

That transportation to Western Australia cannot, in itself, be looked upon as punishment second only to death, but may still be available, to the limited extent to which it is now reduced, as a mode of ultimate discharge, or disposal of prisoners, or even as a final stage of progressive alleviation of

a punishment, in the first part undergone in hard labour on public works, or in prisons.

So far back as 1846, we find the following startling questions in a Report by Sir Joshua Jebb, with reference to Transportation as the highest of our Secondary Punishments. Speaking of the statement of the Surgeon-superintendent of a convict ship, respecting the eagerness manifested in the colony to hire from the ship the conditional-pardon men he took out:—

These accounts are calculated to afford great satisfaction to every benevolent mind, as it is evident that a number of individuals are placed in circumstances affording them every opportunity of doing well for themselves, whereas, if they had remained at home, they would probably have had to share the hard fate of their neighbours in struggling on in a course of honest but unrequited industry.

On reflection, however, the following serious question arises, “Is this system designed as a *reward*, or is it a *punishment*?”

Whatever its design may be, it is to be apprehended that a free passage in a comfortable ship, and in suitable company, an excellent outfit, a prospect of wife and family following, and the certainty of employment at adequate wages immediately on arrival, or of being supported until such employment be obtained, all this, moreover, in a fine and thriving colony, will not long possess any features of a forbidding character, or such as will prove a discouragement to crime.

The above was written sixteen years ago, and much that has happened since shows the soundness of his opinion.

There appears to be an impression abroad that transportation to Western Australia has been abandoned.

A reference to the Return in the last Report will show, that transportation to Western Australia has never been abandoned. In it will be found a statement showing that 1,908 convicts had been sent there from March, 1857, to the 31st December, 1861,—with the name of every ship, and date of sailing. On inquiry, it has been ascertained that, during the past year, 560 more were sent out, making, in all, 2,468, and it is stated that 1,000 more are to go out in 1863.

On inquiry it appears that, of late years, from a variety of causes, a small number of convicts only have been available for Western Australia. The Act of 1853 substituted penal servitude for transportation, as regarded all sentences below fourteen years; and, with respect to the great bulk of those who were sentenced to penal servitude, there was a legal difficulty as to their being transported, excepting with their own consent. Moreover, the Irish Directors refused to send any convicts to Bermuda, and, in order to enable the works, required by the Admiralty and War Department, to be carried out, it was necessary that the requisite supply should be sent from England.

These circumstances, together with the diminution of the number sentenced, must have concurred to reduce the number of convicts available for Western Australia.

Since the passing of the Act of 1857, which provided for the removal of convicts under sentence of penal servitude to any colony willing to receive them, the difficulty as to sending them abroad, without their own consent, has been removed, but another has arisen from the short sentences of from three to five years, together with the remission, not allowing sufficient time for imprisonment in this country.

By the circular of Sir George Grey, of the 27th of June, 1857, it is laid down that convicts, under sentence for seven years and upwards, shall, as a general rule, be selected. The following is an extract:—

From among the prisoners so employed, a certain number will be selected from time to time for removal to a penal colony; such selection being made, as far as possible, from among those whose sentences are for terms of not less than seven years.

There appears to be reason to hope, that Western Australia will be able to absorb an increasing number, and it is stated that the new country on the north-west coast, lately explored by Mr. Gregory, is suited for the purposes of a penal settlement. If the contemplated resources are to be found, and cheap labour for developing them is afforded, capital will be attracted from other colonies, if not from home. Sir Joshua Jebb, in his Report for 1850, urges the desirableness of sending convicts abroad, on the ground of the men being thus removed from old companions and associations, and suggests their employment in such works as are found necessary to meet the growing necessities of new colonies.

His views on this subject are thus expressed:—

All who have had any experience well know the great difficulties which are inseparable from the formation of a new colony. For a long period the entire energies of the first colonists, and all their resources, are directed to making provision for their own individual necessities.

It is not until these are provided for that roads, wharfs, harbours, bridges, &c., are thought of, and then the means of executing them are for many years insufficient; the tide of emigration is checked in consequence, and the progress of the colony is retarded. If, in anticipation of this, arrangements were made for extending the remoter limits of existing settlements, or giving the assistance of convict-labour in aid of private enterprise in the formation of new colonies, the different interests concerned might be adequately provided for, and advantages secured which could scarcely be obtained by other means.

Experience of these difficulties has doubtless led to a remark which is often heard, that Convicts should be the pioneers of civilization.

As a first step to making suitable provision for the application of convict labour to such purposes, it would appear desirable to have in hand an infant

Colony, containing within its limits the elements of future greatness, and to execute at different points, at the expense of the Government in the first instance, and afterwards out of colonial funds accruing from the sale of lands or other sources, such great works as might on competent authority be deemed to be essentially necessary.

Within a limited number of years the Government would be released from any direct expenditure or responsibility in regard to the execution of works, but the colony would be placed in such a position as to ensure *a demand for cheap labour*; and I do not hesitate again to express my conviction, "that if there be established for all convicts a sound and uniform system of discipline and industrial training in this country, for periods such as are now contemplated (averaging, perhaps, from three to three and a half years), so favourable an effect on the character of a large proportion will be produced, that, taken as a body, they will be found more valuable, in any colony *where there exists an adequate demand for labour*, than an equal number of emigrants taken indiscriminately from the large towns and country districts."

Had these suggestions been steadily acted upon, there appears reason to believe that we should not now be in any difficulty about the disposal of our convicts.

The following are extracts from a Memorial presented on the 12th February, 1863, by a deputation of colonists from Western Australia to the Duke of Newcastle, praying for a more extended system of transportation to that colony:—

Her Majesty having named a special commission to inquire "into the operations of the Acts relating to transportation and penal servitude, and into the manner in which sentences of transportation and of penal servitude have been and are carried into effect under the provisions of the said Acts, or any of them," we venture to suggest that the colony which we represent is in every way suited to receive convicts on a large and comprehensive scale.

The system is already organised to a great extent, and has been found to work satisfactorily as far as it has gone.

The convicts, separated from old associations and vicious companionship, have a chance of redeeming their characters and of beginning a new and better career, while their compulsory labour is much needed in works on which it is difficult to get free settlers to apply themselves,—the making of roads and bridges, calculated to open up the internal communication, and to develop the great mineral and other natural wealth of the country.

Substantial prisons and depôts have been already built, and every provision made to receive a large number of convicts, and to keep them in proper employment and control.

The cost of their maintenance is considerably lower than it would be in the mother country (as appears by the last official return for 1861, showing the sum of 45,013*l.* voted for the whole convict service in Western Australia, the total number of convicts and ticket-of-leave men being 1,848).

The difficulties in the way of escape are almost insurmountable, and the neighbouring settlements need have no apprehension from the propinquity of convicts confined and surrounded by natural barriers of such a formidable character as Western Australia, separated by sea or by impenetrable bush, so peculiarly affords.

We also desire to submit to your Grace some remarks bearing immediately upon the subject in the report of the York Agricultural Society issued in the same month, and to the following effect :—

“The subject of labour must always be a matter of great importance to a district like this. It is a singular fact, that, although there are many men roaming from one part of the district to another with the ostensible purpose of obtaining employment, there is scarcely a good agricultural labourer or man capable of taking charge of teams to be found among them.

“Your Committee, in their report last year, were of opinion that the Government should be solicited to return to the ticket-of-leave and hiring depôt system in vogue some years ago, and they feel confident that, if the system were carried out to a full extent, not only the district would be greatly benefited, but a much greater facility would be given for obtaining better and more suitable men.

“The present rate of wages to farm servants averages from 18*l.* to 24*l.* per annum ; shepherds, 30*l.* and upwards, with rations.

“Your Committee, while alluding to this subject, feel bound to state that many of the ticket-of-leave holders and conditional-pardon men that are in this district have proved very useful and good farm servants.”

Many of the gentlemen who have signed this memorial can bear testimony of their own personal observation and knowledge that numbers of convicts who have served their time of punishment or probation in the colony have not only become reformed characters, but are themselves employers of labour, and honourably assisting in the development of the great natural resources of the colony.

Finally, we beg to sum up the advantages which appear, in our opinion, to recommend Western Australia to the attention of Her Majesty's Government as a convict colony.

Its comparative isolation, and the difficulties it presents in the way of escape ; the success which has attended the system already established ; the cheapness of provisions, and consequent economy in the maintenance of criminals ; the desire of the colonists for an extension of transportation ; the adequate means already prepared, and expenses incurred, for providing for and securing a much larger number of men than has yet been sent ; the ample scope for their employment in works essential to the profitable prosecution of enterprise, and to the realisation of the natural wealth of the colony in timber, minerals, &c., &c. ; the excellence of the climate, wherein epidemics are almost unknown ; these are considerations which induce us respectfully, but most earnestly, to ask of Her Majesty's Government an extension of the system of transportation, already so successfully and only in too limited an extent carried on for the last twelve years, and to trust that they will be considered of sufficient force to induce the sending out of an increased number of convicts of whom there may be a reasonable hope of reformation.

We have the honour to remain,

My Lord Duke,

Your Grace's obedient servants,

HENRY A. SANDFORD.

HENRY POWNALL, 63, Russell Square, W.C.

CAVAN, LUBBOCK, & Co., 29, Finsbury Circus.

JOHN CHAPMAN, 2, Leadenhall Street.

CHARLES E. MANGLES, Payle Park, Farnham.

PETER ROLT, St. Michael's House, Cornhill.

And many others.

CONCLUSION.

IN the lecture delivered at the Philosophical Institution, Bristol, and published at the request of the "Bristol Association for the Amendment of Convict Discipline," Sir Walter Crofton makes the following remarks:—

At a time when the public are loudly demanding a change in our penal system, when our judicial officers and grand juries in this country are attributing the evils thickening around us to the erroneous policy of the convict system, it is certainly not inopportune to ask ourselves why we cannot apply the same simple principles to this country which have been found so successful in Ireland.

So successful in Ireland! This lecture was delivered on the 22nd December, 1862, and we find its author boasting of the success of his "simple principles," when every one, who knew half as much as he did himself, was perfectly certain there had been a failure, though they had not the same means that he had of knowing it. Whoever studies the reports cannot fail to arrive at the conclusion that there is more behind the scenes. When the curtain does rise, as rise it must now that the spirit of inquiry is abroad, it will disclose, for the first time, the working and results of the system. It will then be seen whether the public will accept illusions, which have only retained a semblance of substance and reality from being veiled in mystery.

Among the more eager of the dupes, and the most intent upon mischief, we find the four Wakefield justices. That these gentlemen were carried away by their great eagerness to confirm their previously entertained views with regard to the Irish system, out of which sprang a "zeal not according to knowledge," is apparent from the following closing remark of their pamphlet:—

Finally, while the returns which profess to exhibit the results of the licence system in England, partake of that unreality which seems to cleave to the system itself, being based upon such imperfect information that we cannot depend upon them, those which we receive from Ireland may be accepted with reasonable confidence as a fair representation of the results of a well-devised and well-administered system of penal discipline.

It is only necessary to glance at the heads of information given in the English and Irish reports for a complete refutation of this assumption. If Sir Walter has had the means of showing the results of a "well-devised and well-administered system of penal discipline," the foregoing explanation will have shown clearly that he has to bear the heavy responsibility of withholding the information from all but the visiting justices.

Even though light is beginning to dawn, the effect of want of information, and the fact of few attempting to pick up the little that is to be had, was strikingly exemplified, so lately as the 9th of March, by Mr. Adderley, M.P. for North Staffordshire. He stated in his place in Parliament:—

Moreover, a licence could not be obtained in Ireland until a convict had gone through *not only the stages of punishment enforced in England*, but an intermediate stage to which there was no parallel in the sister country.

If we are to believe the reports, this statement is directly at variance with the fact. The comparative liberty at Lusk is taken out of the penal discipline at Spike Island, and is in *addition to the remission*. What would be said in England to this additional relaxation? Is it for this feature of the Irish system that we have been clamouring? Is it for this, and for the few months' supervision of police in the country districts over men who are settled down at their own homes, that all this outcry has been raised?

Nothing shows the completeness of the delusion which has been so successfully established than this, that the very measures we are denouncing in England are those which we have been persuaded to cry up in Ireland. This letting out of people before their sentence is over, this relaxation of discipline, the one the leading principle, the other the established practice, in Ireland, is what we are loudly deprecating on the one side of the Channel, and lauding to the skies on the other.

Sir Walter takes it, however, in good part, and appears quite insensible to the fact that "praise undeserved is censure in disguise."

He tells us that "the public are loudly demanding a change in our penal system." Who has been louder or more persistent than the Irish Chairman himself in this demand, and, if the co-operation of the public be essential, as he states, he has taken good care to secure it for himself, and to deny it to every body else.

It is well-known that this agitation of the subject has been kept up ever since a rival system was first dreamt of in Ireland. Sir Joshua Jebb has contented himself with warding off the pressure which would have forced the Irish experiment on the well-established system of England.

In at last breaking silence, and bringing the subject before the Social Science Association meeting in June last, he says:—

I am painfully sensible of the very unfavourable conditions under which I perform the task. These questions have been already brought to the notice of the National Association, and advocated with all the advantages that the most brilliant eloquence and the highest social and official dignity could bestow. Intimately connected as they are with what is termed the

“Irish System,” they have also been ably advocated in Parliament, as well as by the fourth estate of the realm, the press. The public, having been greatly influenced in their favour, may naturally inquire how it happens that such improvements have not been eagerly adopted by the Government and engrafted on the English system? My feeling, from first to last, has been, that there are grave objections to any officer charged by the Secretary of State with the duty of conducting a public department on principles laid down for his guidance, entering into any discussion of them, otherwise than through the proper official course of a report to the authority to whom he is responsible. This may have been a mistaken view or a false delicacy on my part. Be that as it may, the consequence has been, that only one side of the question has been fairly before the public, and the English system, and its principles and real success, have been effectually concealed in distant establishments which are never visited, and in the recesses of Blue Books which are never read.

Sir Walter and his friends, therefore, have had it all their own way. They have been masters of the situation, and have shown how well they could make use of the vantage-ground. Let the public judge how greatly they have abused the privilege which has been placed at their disposal.

In laying the foundation of the present system in 1846, we find Sir Joshua Jebb thus expressing himself:—

I have studiously avoided the effort to realise any particular theory, or to step beyond the limits that experience would warrant; and, if I have not aimed at greater advantages, it has been from a desire that they may follow in the train of the system, rather than that the attempt should fail of success; nor have I hazarded a suggestion without being prepared to show that there are reasonable grounds for considering it to be practicable, and calculated to promote the objects which the Government have in view. I entertain an equally confident expectation that, under the blessing of God, the course of discipline, instruction, and industrial training, which it is proposed to establish, will secure a great moral result, that will be satisfactory to the Government, and that will be duly appreciated by the country at large.

When the fullest experience has been gained of the advantages of the system in securing the objects of the Government we find him saying, in 1862, before the Social Science Association:—

I am by no means insensible to the responsibility which has devolved upon me of organising the system, still less of maintaining the position which has been won, if it be a false one. No one can feel an equal interest in its success. The difficulty of combining conflicting objects and views in any system of management will, however, be understood if it be considered that some persons, in their secret hearts, consider the gallows the best solution of the convict question; that a large proportion of those who bestow a passing thought on the subject connect a sentence with chains, hard fare, hard labour, and the lash; and that others would recommend the very opposite extreme, and obliterate penal features altogether. The present system of discipline will be found, on investigation, to occupy a medium position, combining the requisite elements in a proportion based on experience; and there exists reason to believe that it has proved more

conducive to the combined objects of repression and reformation than if any undue prominence were given either to the deterring or the reformatory element.

To test all this he gives the fullest statistical and other information, and does not complain without reason that all his labour and the exertions of his officers lie buried in "distant establishments which are never visited, and in the recesses of Blue Books which are never read."

He says:—

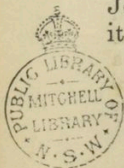
It is only, however, under a comprehensive view of the proposed objects, and by a patient and careful study of the measures through which they are sought to be attained, that the merits of the system can be appreciated. To be understood it must be seen in operation, and that not superficially, but closely inquired into, step by step. The nice adjustment of the elements of encouragement and repression, the precise objects aimed at, and the great success which has attended the working of the different plans, would then become apparent, and the whole would furnish much instructive evidence on convict discipline. Had this course been followed by any impartial person, I venture to hope that more justice would have been done to the system, as well as to the labours of all concerned in the originating and maturing it.

Any one really interested in the convict question, should not grudge the trouble of seeking the only safe ground of forming an opinion, namely, that of a close and careful study of the English system, as administered at Pentonville and Portland or Chatham. This course has been urged by Sir Joshua Jebb as being indispensable, and it would at once afford a test of the accuracy of the conclusion at which he has arrived, that—

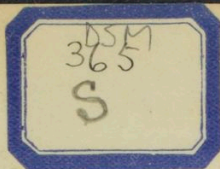
The more it is sifted the more clearly will it appear that it is founded on broad and intelligible principles, on a clear perception by the Government and Committees of Parliament of the objects to be attained, and that it has been worked out in a common-sense and practical way, with a view to attain those objects; also, that the whole principle of the discipline is to lead and not to drive, to place a man's fate and condition mainly in his own hands, and to encourage and reward all efforts to do well; the foundation of the whole system being laid in moral and religious instruction, carefully imparted during the entire period of his confinement, without which success could not be expected.

After a careful inspection of the prisons, the books, the records, the convicts themselves, and the great works that have been executed by them, a visitor might be left to form his own conclusions. He would naturally contrast the Hulks *as they were* with the Convict Prisons *as they are*; and, so far as Sir Joshua Jebb has had any share in the entire remodelling of the system, it might be said of him,—

"Si monumentum quaeris, circumspice."



an: 25485747



DSM/ 365/ S
Irish fallacies and English
facts : being an appeal to
the common sense of the
British public on the
subject of the Irish co

**STATE LIBRARY
OF N.S.W.**



N2136633

