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I.—*Our Habitual Criminals.* By The Hon. the Recorder of Dublin.
(F. R. Falkiner, Esq. Q.C.)

[Read Tuesday, 25th April, 1882.]

IN seeking to take counsel with you here to-night on the grave problem our habitual criminals present, I have been most desirous not merely to iterate deplorings I have perhaps too often vainly made elsewhere, nor to suggest remedial action, which, plausible in itself, overlooks or underrates the difficulties which may render it impracticable. Those who even rightly contemplate existing evils from their own point are at times too prone to dictate changes, the carrying out of which lies outside their own sphere and responsibility, and then to brand as official obstruction the hesitation of the responsible departments to accept their methods. I have then essayed to approach this subject with some competent knowledge of our present penal system as it exists beyond the domain of the courts of justice. This study has been facilitated by the Blue Books of the Royal Commission on Penal Servitude, issued by Sir R. Cross, and presided over by the Earl of Kimberley in 1878-'79, in which by the most skilled witnesses, chief members of the English and Irish Prison Boards, governors and officials of all the chief prisons, and including even some half dozen ticket-of-leave men, the whole system is graphically portrayed.

First I would exemplify my own experiences by an epitome of a single sitting, taking for this my calendar of January quarter, as a commonplace specimen, and premising that this is one of eight per annum, alternating with the six Commission Courts held by the judges of the High Court in rotation—fourteen in all. Including persons admitted to bail, there were fifty-four male prisoners in custody, of these thirteen only were unfamiliar with prison walls; of the forty others (*i. e.* 76 per cent. of the whole), the average previous convictions were five each: three of them had been imprisoned more than twenty times. I will read

the gaol record of one or two. P. H. entered as only twenty-eight years of age, and by no means an ill-favoured looking person as he stood in the dock, had just the average five previous convictions. These began in 1867 with illegal possession of a surgical instrument, for which he had seven days' sentence in the police court; in 1868 he was sent by Sir F. Shaw to Glencree Reformatory for five years for felony of a cash box and £70; discharged thence, he seems to have made swift use of his liberty by assaulting the police in July, 1872, for which he was sentenced for a few days by the police court; and in September following, convicted of the felony of two bank notes, Sir F. Shaw sends him to penal servitude for five years; which term was scarce complete, when, in November, 1877, again convicted before Sir Frederick for like felony of a bank note, he is subjected to the like sentence of five years penal servitude more; and before this period is complete, whilst under licence in its fifth year, he is convicted before me of another felony. Next to him stands P. M. age twenty-two, with this record of his convictions since 1876—two months for assaulting the police in March, two months in September for the like offence, two months in December for the like offence; in 1877 he turns his attentions from the police to the gentler sex—in March of that year he has two months for assaulting a female; but in November of the same year, resorting to his old foes, he has four months more; in 1878 he rises from general street blackguardism to the dignity of felony, for in August of that year he is found guilty of stealing a watch which stops his street career for a season; but he is liberated only to appear before me charged with a fresh felony. A third prisoner, J. H., has begun in 1869 with five years in Glencree Reformatory, immediately after which he was sent on reconviction to Philipstown Reformatory for five years more; yet after this discipline, costly and kindly, of ten years, he stood before me in January already eight times convicted, and entered as still only twenty-one years of age. The list of thirteen previously unconvicted prisoners is also significant; for of these four, or 30 per cent., were indicted for offences committed *in the company of previously convicted criminals*, thus indicating the process of apprenticeship which goes on; whilst two others were convicted of robbery with violence in the streets, thus indicating that their previous impunity was accidental only. Thus of the fifty-four there are but seven, or less than 14 per cent., whom we can fairly separate from the mass of more or less habitual offenders. The female calendar had twenty-six names—the previous convictions of twenty of these women reaching the average of seventeen each. Thus with these unfortunates, men and women, the coming and going in this world is from the streets to the prison, from the prison to the streets, and back again with the certainty of recurrent tides—more contaminating and more contaminated with every flux and reflux.

It is the very triteness of all this that marks the moral malaria of our lower streets. If these men were professed thieves, I believe there is a tradition of decency and religion in our meanest tenement quarters which would refuse them toleration, and the evil might be isolated and suppressed. Patrick Maloney or Joe Byrne, living in

segregated outlawry like London pickpockets, would be hunted by the verdict of the alley; but as the sons and brothers of working neighbours, and nominally in work themselves, their crimes and convictions are looked on as part of their life's routine—those occasional “gettings into trouble” which diversify the weeks of one or two days work for four or five in the public houses and at the street corners, and the balance redressed after dark by lead thefts from the roofs, burglaries in night-deserted stores, and violent garrottings of the semi-drunken home-bounds. Thus their lives are divided between the time passed in prison and the time passed in the streets, as those of other men, by day and night, or town or country, till all prison terrors are completely gone—alas! not alone from them, but from their kinsfolk and acquaintance—gone for ever all family shame at the prison stain, even from the women-kind and the children; and so the elder brothers graduate to penal servitude, and the younger grow and tread in their steps, till the city masses are leavened by a class dead to the bans of disgrace or degradation—for they have no grace to lose or grade to fall from. The crime of Dublin, as I have often said, is the index, not of its criminality, but of the general low level of the under population.

I have seen the criminal judges blamed for not utilizing more the 8th clause of the Prevention of Crimes' Act, 1871, which provides that defined habitual offenders may be subjected at sentence to as many as seven years' police supervision after their discharge; but one hesitates to apply a system of surveillance only partially developed and of doubtful utility. The weight of evidence at the Royal Commission went very much to prove that supervision in cities has hitherto been only effective when least needed; the more hopeful supervisees do report themselves as required, and there have been serious complaints of situations lost by reason of the surveillance. The section only requires a monthly report by the ex-criminal of his whereabouts to be made to the police authority of the district in which he sojourns—and this the hardened offenders evade and avoid. The highest authority on this subject, Sir Walter Crofton, to whom the country is indebted, I believe, for the reforms contained in the Act of 1871, says he had always contemplated in the system of supervision an united action between benevolent agency and the police. In Q. 12,731 of the Blue Book he adds:—

“I am satisfied the strong feeling against police supervision, which existed at one time, was owing principally from people not realizing that the Prisoners' Aid Societies would co-operate with them in this way, so that it should not be merely a penal measure, but reformatory also; I think that character is entirely gone if the Prisoners' Aid Societies have nothing to do with these men.”

And in Q. 12,734 he continues:—

“The great difficulty in Ireland is in not having Prisoners' Aid Societies to co-operate with the police.”

Surely the judges cannot blindly adopt a machinery wanting in what its inventor deemed essential to its efficacy. I revert to this subject anon. Then, it is said, why not send these people at once to the long imprisonment terms before they have become hardened to

irreclaimability? And in this question there is undoubted weight: but justice shrinks from condemning five years of a young life to gloomy slavery for two or three proven sins against society, each perhaps little in itself, even when the judge believes that course most needful; and yet I think there would be greater courage to do this oftener if we had greater faith in the power of long imprisonment to reform under existing conditions. Remember the instances I have cited in which the experiment has been tried—ten years in the reformatories and six convictions since; penal servitude on a lad's third conviction, and a second five years' penal servitude since, followed by the Prison's Office circular to me in January recommending a third more lengthened imprisonment then. It is plain that *habitués* in street crime cannot maintain reform in the streets. The most hopeful of them must take their place below the lowest of their reputable acquaintances, to be looked upon askance by these, but welcome at fifty street corners if they will join their degraded pot companions there—despised and suspected even by these, if they dare to struggle on in decency. Such overweighing would bear a noble nature down. How then with these moral weaklings of hereditary weakness, human still and so not independent of human sympathy? Many witnesses at the commission corroborate me in this, speaking of the "handicapping" of discharged convicts in the world of honest toil.

For in truth this which we are discussing is no mere Dublin problem. The habitual offender is, and has long been, the despair not simply of the Dublin criminal courts, but of the gaols throughout the United Kingdom. Mr. Fagan, one of the Directors of Convict Prisons, having charge as such of Millbank, Wormwood-Scrubs, Brixton, and Portsmouth, and who had been for four years connected with convict service in Australia, says in Q. 8,872:—

"The present class of criminals have materially fallen off in strength and robustness. I think we get the waste of all the large towns and of London particularly."

Both physically and morally he considers them a lower class of men. Mr. Clifton, Governor of Portland, says in Q. 2,315-16:—

"The physique has totally changed; to look back fourteen years ago and think of the men that came then to Portland, and see the men now, there is a wonderful difference. Formerly you had a large number of mechanics; now you get thieves and the worst description of men from the large cities, broken down in constitution from vice and debauchery. Amongst 1,608 prisoners there are so few agricultural labourers that I have not a sufficient number to work the seventeen acres of ground."

And Dr. Askham, principal Surgeon at Portland, and who has been at Dartmoor and Woking, having stated the impracticability of at once sending the Portland prisoners to the Public Works, says (Q. 9,136-38):—

"As a class they are greatly deteriorating; they are not nearly the vigorous set they were when I joined the service nineteen years ago. I do not know why—except it is from the degradation of the men of their class, that it descends from parent to child. They are smaller in stature, and you find a great deal of scrofula amongst them. I think it is very likely because the town criminal is very different from the rustic labourer criminal class."

Mrs. Gibson and Miss Pomfrey, the Lady Superintendents of Woking and Winchester convict refuges, give similar evidence as to the deterioration of female criminals—the latter lady assenting to Lord Kimberley's summary of her evidence in Q. 7,439 :

“That in the prisons we are gradually getting down to the residuum, as it were, of the criminal population.”

Turning to Ireland, Capt. Barlow, Vice-Chairman of our present Prison Board, speaking of Irish convicts, says in Q. 9,658-60 :—

“There are very few indeed against whom no previous convictions have been recorded, chiefly agrarian offenders or manslaughter cases.”

And asked as to the deterioration in the physique of criminals and causes of it, he says (in Q. 9,964-65):—

“It is very marked since twenty years ago. The remains of the people convicted in the famine year, were in the prisons when I got into the service: these were strong and healthy countrymen. Now the people we get are the dregs of the towns, a different class of men altogether.”

Mr. Hay, Governor of Spike Island, speaking of the convicts there, says :—

“They are a very different class from what they were when I went to Spike Island: they are now of the habitual criminal class from the large towns—Dublin, Belfast, Cork, and Limerick, a very bad class indeed.”

And Rev. J. F. Lyons, the Roman Catholic Chaplain at Spike, testifying similarly, says (in Q. 13,227-8):—

“In fact they are the refuse of the population of the town; these come backwards and forwards, some of them as many as five times. I have heard of some having come back as many as seven times.”

Remember the rev. gentlemen is speaking of penal servitude only.

Thus I think I may say this difficulty of our habitual city criminals, is not a mere provincial one to be solved by a local judicial or official personage, but is one of imperial magnitude, requiring the ingenious thought of statesmen of first class, and the co-operation of all executive departments—on the bench, of the prisons, of the police—to carry out a scheme which must be at once comprehensive in scope and very minutely detailed in its execution.

Towards resolving the complex difficulty I have tried to formulate a few principles as to which I would look for general agreement, afterwards essaying some proposals for giving these effect. I cannot here exhaust the grounds or the qualifications of the four axioms which follow—well if we were sure of their practical resolution as of their intrinsic soundness as general rules.

1. Each city prisoner sentenced for a year or more, should be secured an industrial training suited to his capabilities, with a view to obtaining employment when discharged.

2. On discharge he should, as a rule, be removed to a rural district beyond the seas.

3. Saving special aptitudes, and prisoners already tradesmen, the selected industries should be those for which previous good character is least essential, in which there is least danger from trade jealousy outside, and for which hands are most welcomed in the Colonies and United States.

4. Reclamation of lands, public works, farm labour, buildings, carpentry, and smith work are therefore most suitable; and the more domestic industries—tailoring, shoemaking, and house service—the least so.

One of the chief reasons which caused the total discontinuance of transportation, was the departure in practice from Earl Grey's principle of sending out men previously trained on public works. West Australia complained that the compact was broken by sending shoemakers and tailors she didn't want, instead of bridge and road-makers, which she did; and at Lord Kimberley's late Commission, Major Griffiths, Governor at Millbank (in Q. 3,421) points out the difficulty of prisoners thoroughly mastering those domestic trades already overstocked.

A first-sight view of the achievements of penal labour in the last few years might indicate that the detailed organization my axiom demands could be readily developed. Witness the following results in England. The new prison at Wormwood-Scrubs, intended to supersede Millbank, has been entirely completed by convict labour, including a large part of the manufacture of the material. They made the bricks from their own brick-clay upon the spot, also the concrete; the stone, sent them from the convict quarries at Portland, they dressed themselves; with their own steam saw they prepared the woodwork, save a portion done at Millbank by the convicts there; all the masonry, iron-work, and carpentry was the work of their own convicts on the spot. The magnitude of this work may be partly conceived when we consider that Millbank, which it is to supersede, cost the country £495,000. At Portsmouth, besides the work at the basins and the fortifications, the convicts had in fourteen years turned out 173,000,000 of bricks made from their own brick-clay. Mr. Wood, the Admiralty Civil Engineer, superintending the convict labour there, told the Commission he was then providing 30,000,000 for the War Department at Aldershot, adding that their clay excavations had turned out a gold mine. At Chatham dockyard the convicts have constructed one half the factory basin, nearly all the fitting-out basin, all the locks, a sea-wall, and embankment; they have made all the bricks themselves—the convicts managing the four machines from which they had made five millions each. At Portland, in addition to the vast excavations at their famous quarries, from which 2,000 tons per day are sent over to the breakwater, Mr. Clifton, the Governor, says (in Q. 2,255):—

“At the present moment I am executing a very large amount of beautiful carved stone-work for the Duke of Connaught's new palace at Bagshot; every bit of stone is being dressed by convicts. It has been perfectly marvellous to see the desire which has been shown by well-disposed convicts who have been employed in the work, to complete their education in stone-dressing, so as to fit themselves for obtaining employment of a superior kind when discharged.” And at Q. 2,292—“We are now doing all the castings for the coastguard stations throughout England, all their fire-places and stoves.”

At Dartmoor, under specially unfavourable conditions of climate and altitude, 1,000 acres of boggy mountain land have been reclaimed. Then, in the separate confinement prisons at Pentonville, hammocks

are made for the navy and bags for the post office; and at Brixton, boots, shoes, and clothes are made for the police and prison departments of Her Majesty's government. As to the adaptability of the convicts, we have the very high authority of Mr. Bernays, for sixteen years the Admiralty Civil Engineer at Portland, and of Mr. Wood, for fourteen years in the same position at Portsmouth. The former (in Q. 7,203) says:—

“As a rule, convicts are men of superior intelligence. I do not hesitate to say they are very easily trained to anything. I could manufacture bricklayers, or carpenters, or masons, in three or four months, sufficiently for my purpose.”

And Mr. Wood, asked as to this (in Q. 7,926-7), replies:—

“I have found the same thing—if they take an interest in the work, it is astonishing how soon they pick it up. When we commenced we got the lowest class, and this place was made head depot for the Roman Catholic labourers; but it is astonishing how soon these men were licked into shape in the use of all kinds of tools generally.”

These latter men, we may conjecture, were probably Irishmen, which makes this information more significant for us.

In England, where, under the very able administration of Sir E. F. DuCane and his colleagues, these aggregate results have been reached, the large standing number of convicts (never less than 8,000 men), the imperial public works, and superior industrial development of the country permit experiments hitherto not possible here; yet, even in England, prison labour is subject to conditions which, greatly detracting from its economic value, are scarce consistent with that individuality in prison training to which I aspire. Sir E. F. DuCane explains the difficulty of devising new work from time to time (such as avoiding the trade jealousy of capital and labour outside), the country may undertake with fair regard to economy and usefulness. But his chief drawbacks are the disciplinary rules, and notably the rigid ones imposing silence in associated works, and compelling the formation of large and inflexible gangs, forbidding the mobility and individualism which free labour admits and needs. On this Mr. Bernays' evidence is most instructive. He thinks that at present the country cannot reckon on more than twenty per cent. as saved by convict as against free labour, in works of construction. The weak points he explains in Q. 7,227 as:—

“Owing to all the limitations of discipline, and the impossibility of apportioning the work to the gang, or the gang to the work under constantly varying conditions; in the morning you may want twenty men in a gang, and in the afternoon you may be thankful to have only ten, or *vice versa*; but you must have the men employed. Then there is a superabundance of men in one place belonging to one division, and a deficiency in another division. You cannot take the men from one place and put them into the other then and there. In the one place you have a great deal more labour than you want, and in the other you have less than you can profitably employ.” And in Q. 7,235: “Your convicts are a standing number in the summer months; I could gladly employ perhaps several hundred more than I could in the winter, but they must be kept doing something profitable or unprofitable.”

And at Q. 7,239 :—

“ A certain number of warders are apportioned to so many prisoners, according to a rule laid down by the Home Office—say a warder to fifteen men when building a house ; building an outside wall the warder can supervise the men, but inside the house, in putting in doors, there must be a warder in each room where a prisoner is to look after him ; if in building a lock wants mending in the next room, they send a man to mend the lock, but a warder must go with him ; if a ceiling wants whitewashing in the adjoining room, another man and another warder must go, or you must wait for the first man and the first warder ; the more complicated and the more skilled the work is, the practical details of the prison prevent its being done.”

And at Q. 7,213-20 the rule is—

“ That the warder in charge of a party should be a discipline officer only. If the officer was competent and was permitted to direct the entire work of the party, it could be in many cases a very considerable advantage. . . . But I have understood that warders have been fined for giving detailed directions about the work. . . . We have a foreman of works who supervises the outdoor men, and may give instructions to the individual warders ; but until the foreman comes round again, a warder cannot send a man off like a freeman to tell the foreman he is wanted.”

Of like effect is the testimony of Mr. Wood, Superintending Engineer at Portsmouth, in Q. 7,869.

Mr. Bernays therefore thinks that notwithstanding the versatility of convicts as a class, they can be most economically employed in large gangs at rough works like excavations ; and therefore, asked if he considers the reclamation of waste lands suitable for convict work, answers (Q. 7,205) :—

“ If a prison could be made of iron, which could be taken down and put up in another place, much would be possible which would be impossible with brick and mortar prisons.”

Questioned by Lord Kimberley as to such reclamation as the Harlem Lake, undertaken by the Dutch government, and sold towards the expenses, he shows that as tidal work entails night work, the convicts could not be thus employed without infringing ordinary prison routine ; but to the question if he thinks it impossible so to organize a prison that convicts could be employed on a large scale in banking out the sea, replies (Q. 7,212) :—

“ I have no hesitation in saying a great change might be made in the organization of a prison, which would naturally affect the productiveness of convict labour.”

And in Q. 7,243 concludes :—

“ I have the greatest faith in any work being possible by convict labour, and that with proper regulations a great deal could be done. Except as to its commercial value, I have perfect faith in it. I have seen no place where so much permanent and profitable skilled work has been done as at Chatham.”

This rigidity of discipline aims at security against escape and prevention of contamination. As to this last there was a mass of evidence—witnesses, and especially the chaplains, alleging that in spite of the rule of silence, the prisoners could communicate during associated work ; and behind the backs of the warders, or in their presence, without moving the lips, vile words, and criminal teachings passed,

corrupting the less criminal. Many officials indeed think this evil much exaggerated; but enough was said to hint a doubt as to the value of a system so little effective towards its aim.

Rev. Mr. Lyons, of Spike, both at the Commission and in his last report to the Irish Prisons' Board, goes so far as to condemn associated labour altogether, and to recommend separate confinement for the whole period of sentence: but one of the chief needs in any prison system is preparation for a better life when discharged, and hereto isolation has little potency. One of the printed questions for discussion at the last Social Science Congress was "whether it is expedient to confine prisoners until they are reformed;" but there is no true test of reformation save amid the trials and temptations of freedom. The question reminded me of a boy at school whose mother forbade him to go into the water until he had learned to swim. We have in effect, in this controversy, a renewal of the old one about the relative merits of public schools and home education, as preparation for the wide, wide world.

The evidence as to contamination issued in the first recommendation of the Royal Commissioners, viz., that, subject to specified exceptions, first convicted prisoners should be formed into a separate class apart from the habitual offender. This classification, sound in principle, and especially as protecting rural prisoners, would yet seem to need much discretionary modification in realizing it. And so indeed the Commissioners would seem themselves to have thought. Otherwise it is open to the criticism, that whilst it certainly tends to render the difficulties of labour organization more complex, it affords no sure guarantee against corruption, as the first convicted urban prisoners have nothing to learn and everything to teach in the vocabularies of vice; moreover in withdrawing the better from the evil influences of the bad, it withdraws the worse from the good influences of the better, and so tends to make them worse. The urban habituals are, as we have seen, those we have chief need to deal with, and there may be great danger in condemning them to a pessimist isolation.

And here I refer to a fact of seemingly very high significance. The prisoners abruptly removed to Lusk Intermediate Prison are *per saltum* and at once freed from the severe and silent discipline of Spike, and with no restraint as to speech, and few as to liberty, are allowed free intercourse with each other and the agricultural warders who instruct them; there has been wonderfully little abuse of these relaxations. Similarly the women removed straight from the strict systems of Millbank and Mountjoy to such refuges as Winchester and Golden Bridge, for some sixteen months of their term live with almost the freedom of household servants without locks to their doors. This phenomenon cannot be wholly explained away by saying they are picked prisoners near the term of their sentences and working for their gratuities; they are the very persons for whom before removal the most rigid discipline is theoretically held essential, and many of these, as a matter of fact, relapse when remitted to the streets. The fuller and deeper reason lies in this, that they are here subjected to higher influences than fear; hope enters the daily life, and, treated more as human beings, they begin to be more human.

Speaking of the conduct of warders generally towards prisoners in the close prisons, one of the governors said they were not cruel as a rule, but that the difficulty is to get them to regard convicts as human beings at all. An iron rule has no sanction but itself and always tempts its subjects to evade it when they may; and so men at Spike will talk corruptly when they can, who at Lusk would be abashed by the public opinion of the place. Of course I do not mean that the great gangs at the public works could be allowed the relaxations of Lusk; I but argue for classification and modification in which the humanizing influences may have a place, and that thus working parties less unwieldy and more portable than those described by Mr. Bernays may be practicable. For example, I spoke of public schools. We all know the salutary results of the *prefect* system in these, by which a couple of trustworthy lads in each form officer the rest, and thus a self-working disciplinary system, quite apart from the government of the masters, operates amongst the boys *inter se* and effectuates a public opinion which no master rule could enforce. Might not this be imitated by a system of good conduct badges—"G. C." worn on the coat sleeve by prisoners who had earned it, one or two of whom should be told off to each working party, acting in harmony with the trade warder, not to enforce an iron silence, but to discountenance talk unnecessary or vile? Would not this tend to facilitate the acquisition of labour skill, and might not the gangs be thus made susceptible of subformation and portability according to the exigencies of the work, and so made to fit in with or supplement free labour in tidal works or otherwise? At least it would not be necessary that the whole gang should stand still as we have seen, because no one could be trusted to take a message to the absent foreman.

Sir W. Crofton very strikingly exemplifies what response even convicts can make when feelings higher than fear are enlisted. In Q. 12,797 he tells how in the now disused Smithfield Prison, the convicts were habitually told off by roster for the duty of carrying official letters backwards and forwards to the other prisons and the castle in the years from 1856 to 1869. These messengers were sometimes entrusted with as much as fifteen shillings of their fellow prisoners' gratuities to spend for them. In all these years there was but one instance in which this trust was abused by a prisoner, who retruned half drunk. Yet many of these, Sir Walter states, were men who afterwards relapsed. The more relaxed discipline would doubtless entail selective classification, varying with the varying circumstances of each prison. From the freer working parties the desperadoes would be excluded, or perhaps admission should be on a progressive principle, depending on time and conduct: as now the public works and intermediate detention successively follow the separate discipline of Pentonville and Mountjoy.

The evidence as to tobacco trafficking almost provokes a smile, introduced by connivance of warders bribed by outside friends, it is a standing burning question, leading to the dismissal of warders and remittals to bread and water, and a search system of fiercer minuteness than any foreign customs practise: one would almost

think that narcotic was as perilous as dynamite, yet the contraband goes on. At Lusk the men may buy tobacco with their gratuities. Dr. Robert McDonnell's suggestion at the Commission—that tobacco should enter the prison system of rewards as well as of punishments—seems worth a thought.

I would hope for such an organization as might permit the execution of public works by prison labour through various parts of the country, undertaken by Government either alone or in contribution to projects in which private capital could not profitably engage: such works as reclamation of waste and slob lands, piers and harbours for the protection of our fisheries, county bridges and roads, government buildings. To go no further than this county, we have two very large and unmeaning sea-lakes at Malahide and Donabate already walled in by the railway, the draining of which would add many hundreds of acres to that subject of highest competition, the Irish soil; and there is a smaller one at Clontarf, now an eyesore and nuisance at every ebb tide. This would presuppose the formation of moveable prisons, as referred to by Mr. Bernays (Q. 7,205). One was projected by Sir W. Crofton twenty-five years ago (Q. 12,540), and actually built for 250 prisoners; but then the War Department forbade its use. As instances of detached working parties already used successfully, I find Dartmoor prisoners employed at building schools in the village of Prince Town, and 200 men work for the War Department at Portsmouth outside the dockyard (Q. 7,853). There are many cases, too, in which prison labour and free work have been successfully conjoined. Under Mr. Wood, for example, in the brick works at Portsmouth (Q. 7,856), where also free engine-men drive the locomotives in connection with the convict works; and Sir E. DuCane mentioned (Q. 13,524) that it was proposed to make a railway at Dartmoor, the convict labour being the government contribution to the undertaking.

Turning more exclusively to Ireland, there is as usual an Irish grievance to state. Twenty years ago the Irish system was regarded everywhere as the best solution of the convict problem, and a model for imitation in Europe and America. Since then the system in England has immensely developed, whilst here the old staff of two directors and two inspectors was several years since reduced to a single director, and Captain Barlow left for five years single-handed (as was said at the Commission, to be worked like a slave), with new duty of registering convicts under the Crimes Prevention Act, 1871, further imposed on him, whilst all reforms were meanwhile deferred. Accordingly, we find the Commissioners recommending the suppression of our only public works prison, Spike Island, as entirely insufficient, the defects of which had been pressed on government by Sir W. Crofton twenty years ago—repeatedly by his successor since. The excuse for this retrogression and postponement was the long pendency of the measure for amalgamating the government and county prisons, which has, as we know, been effected by Sir M. Hicks-Beach, through our Prison Act of 1877 (40 & 41 Vic. c. 49), by which every prison and gaol in Ireland is placed under a single government prisons board in connection with the office of the Chief Secretary. The

potentialities for organization given by the Act are almost unlimited. Any existing prison may be closed by order of the Lord-Lieutenant, new prisons may be built, and all prisoners, irrespective of their place of sentence, may be confined in any prison the government may select. The Act very seriously contemplates the organizing of prison labour, for the 16th section, reciting that with the view of defraying prison maintenance—

“and also of teaching prisoners modes of gaining honest livelihoods means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with due regard to the penal character of prison discipline, and to the avoidance of undue pressure on or competition with any particular trade or industry,”

enacts, that the annual reports of the Prisons Board to be laid before Parliament, should state with precise particularity the various trades and manufacturing processes carried on in each prison.

Much good has been effected by the Board already. The thirty-eight county prisons have been reduced to twenty-seven, and the ninety-five bridewells to thirty-five; large reconstructive prison works have been completed; the new wings at Maryborough and Naas carried out by convicts transferred from Spike and Mountjoy, and a very considerable labour organization worked out as directed by the statute. But no substitute has yet been found for Spike; and the annual protests of the Board continue, whilst the various industries practised in the still too numerous prisons scattered over the country must necessarily be often represented by hands so few and fluctuating as to forbid an adequate training staff or regular instruction. Thus we still find in the annual reports too much survival of the useless treadmill and shotdrill, the almost valueless oakum and hair picking, and the mat-making so questionable in view of employment on discharge.

In furtherance of a more perfect labour organization, I venture to throw out for consideration these proposals:—

1. To the Irish Prisons Board, as now constituted, should be added an eminent engineer, royal or civil, with the special duty of industrial organizer, under whom should be a superintendent of works in each prison.

2. Allocation of specific industries to specific prisons, and concentration in each of all prisoners, for whom its specific training is deemed suitable. (See Q. 8,963).

NOTE—By this division of labour, the other prisons or selected government departments would be supplied by the specific industries of each, as we have seen done in many instances in England.

3. General employment of trade warders, with instructions as far as possible to secure to each prisoner a competent knowledge of his work.

NOTE—The evidence at the Commission discloses an absence of any uniform principle in the selection of warders. In some places trade warders supervise the labour, in others the warders must not interfere; many are old soldiers, many are country lads; some take deep interest in the works, others none or little, but

as a convict witness said (Q. 6,342) are only waiting to get off to the guard room. Might not the superintendent of work see that the warders should have or should acquire sufficient knowledge to supervise work, and *result fees might be allowed for successful trade instruction.*

4. Formation of moveable prisons for the undertaking of public and reclamation works through the country.

5. In Lusk or elsewhere, selected for agricultural labour, the term should be not as now six or seven months, but a minimum of twelve, which seems essential for due instruction in farm work.

6. All prisoners sentenced for one year or upwards should be liable to the strict labour discipline, and be transferable to convict working parties as convenience might direct.

I can scarcely touch to-night upon my second essential—the removal from the country of habitual criminals on discharge; without this no labour system, however perfect, can suffice; of the men discharged from Lusk some two-thirds emigrate, and of these 80 per cent. reform; of those who return to the city 80 per cent. relapse, sinking with the gravitation of dregs.

To urge return to transportation in face of our vast existing convict systems, would be visionary here; yet I never forget, that though transportation is disused as a practice, and formally abolished by the Act of 1857 (20 & 21 Vic. c. 3), which is the charter of penal servitude, yet the statute itself provides that convicts may be detained in any place in Her Majesty's dominions, and the Lords and Commons' Committee, 1856-57, preceding that statute, unanimously reported for the retention of transportation on overwhelming evidence of its superiority both to deter and to reform, and for its ultimate results to the empire at home and abroad. The disregard of the safeguards devised to meet colonial jealousies led, as I before observed, to its abolition. It would still, however, be possible to frame a scheme of government deportation, in concert with the colonial authorities, by which duly trained convicts might be transferred for assigned labour, public and private, in our possessions; but I presume no government will entertain such a project, at least until state assisted emigration of prisoners has been more fully tried.

Our machinery for this is much in arrear of England. Irish male convicts may purchase emigration tickets with their gratuities; but they are then landed penniless and friendless, and in danger of sinking in the transatlantic cities. We have no Irish society for aid of male prisoners on discharge.

In London the Royal Society for the Assistance of Discharged Prisoners began in 1857, and up to 1881 had dealt with 12,538 male and female ticket-of-leave convicts. The Queen is patron, the Duke of Westminster, president, and the vice-presidents and committee, comprising members of both Houses, and some cabinet ministers, include many of the chief prison authorities, and their subscription-revenue is about £1,000 a year. The convicts' gratuities are paid to this Society and by them laid out for their benefit. Mr. Ranken, who from its birth has acted as hon. secretary, told the Commissioners (Q. 13,374) that up to 1879 they had emigrated 2,000 convicts, and

that these cases had been most successful. This society only deals with penal servitude cases. There are a large number of aid societies through the provinces which deal with shorter term criminals.

Our Prisons' Board in their reports to the Lord-Lieutenant of the last three years have earnestly expressed regret at the scant advantage taken in Ireland of the provisions in the Irish Prisons' Act, 1877, for the establishment of Prisoners' Aid Societies. By the 44th and 45th sections the Board are empowered to pay to the treasurer of a Certified Prisoners' Aid Society £2 in respect of any prisoner for whose benefit the society undertakes to apply it: in the case of convicts on licence it is open to the board to pay the gratuities, which average some £6 10s. to the society as in London.

In the case of rural prisoners, £2 may generally suffice to cover the time and expense requisite for securing re-employment, but it is wholly inadequate for the object now under discussion—the emigration of urban prisoners.

In the last year's volume of Criminal Statistics, our friend Dr. Hancock says:—

“The success of state assistance to the deaf and dumb and blind in developing the institutions of Cabra and Merrion, and in the case of Industrial Schools and reformatories points to the importance of increased assistance in Ireland to Prisoners' Aid Societies.”

I think this strikes the true keynote. If this great state service of which we treat is to be carried out through non-official agencies, it is certainly just, and it is most certainly essential to their success that they should be amply supported by public funds. Voluntary benevolence should contribute; but in the present social and financial condition of Ireland very large voluntary subscriptions cannot be hoped for.

In conclusion I would earnestly join our Prisons' Board in urging the formation of a Prisoners' Aid Society in Dublin; but it should be upon a broad and high basis. It should be started under the auspices of the Lord-Lieutenant and Chief Secretary, and its presidents and vice-presidents should include the Judges of the High Court and the members of the Prisons' Board: whilst its executive committee, acting under official sanction and check, should be in direct communication with the prison and government authorities, in some such way as the Industrial Schools are now.

It is with unaffected diffidence I offer this contribution to the discussion of a great social difficulty, fearing it may be presumptuous thus to step outside my own *métier* into departments administered by so many abler and more experienced than myself; but these are themselves foremost to recognize existing evils as transcending the existing means of dealing with them—evils which in this city present malignant forms which compel me to think and to speak of them, even if it be in vain. If it be in vain, this is my apology; whilst if there be any value in aught I have said, it is insignificant beside the organizing skill essential to realize it, which must be the work of those departments with whom I could only so far dare to be a fellow-worker.