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OBSERVATIONS ON CRIMINALS:

BEING A PAPER READ BEFORE THE ECONOMIC SECTION OF THE
BRITISH ASSOCIATION, SEPTEMBER, 1863.

BY

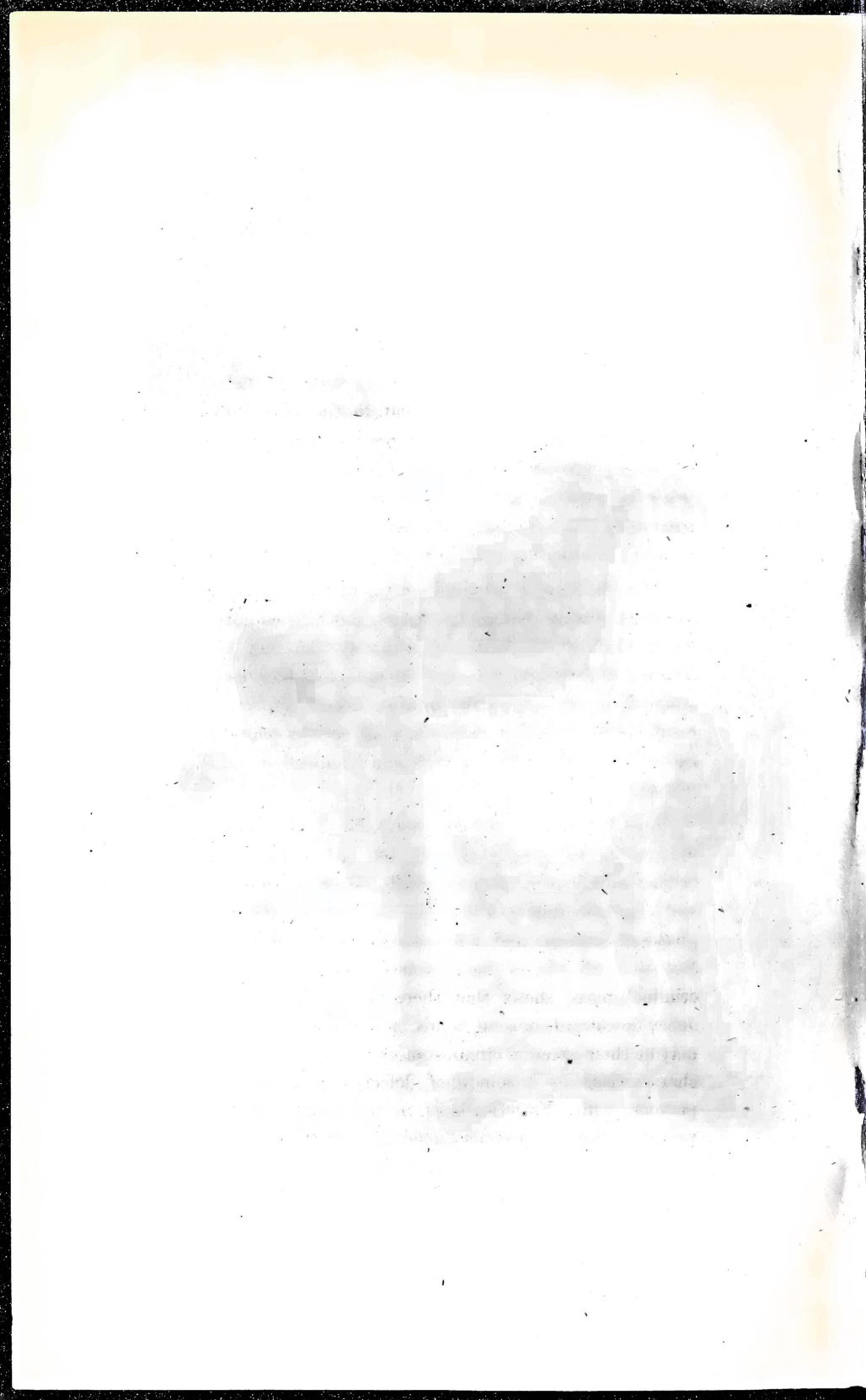
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Governor of the Newcastle-upon-Tyne Prisons.

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OBSERVATIONS ON CRIMINALS ;

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The importance of the subject of Criminal Treatment is attested by the fact, that, in the year 1860, there were no less than 100,614 persons committed to the county and borough prisons of England and Wales, involving a cost of £533,407 18s. 8d. The number of persons in prison at one time was 19,556, in addition to convicts in government prisons.

The question of criminal treatment has been ably discussed during the last two years, but the enquiry, What shall we do with our criminals? has not yet received a satisfactory answer, though plans have been adopted in Ireland which have produced important results—results which claim the most serious consideration from all entrusted with the administration of justice.

It will simplify the consideration of the causes of crime if we classify the offences in the following order :—misdemeanour, petty theft, deeds of violence, and enormous frauds, indicating, as they do, different phases of character and different degrees of guilt. The fact that *all* classes more or less contribute to the criminal mass, shews that there is an inherent tendency downwards in some minds, however advantageous may be their external circumstances. These minds are characterized by a somewhat defective intellect and perverse will. Varieties exist in the population of a prison, as well as in society generally ; it is, therefore, necessary to deal with criminals individually, instead

of in masses, and also to include, in any system for their management, the power of classifying them according to their antecedents, or the moral qualities exhibited in their conduct.

Misdemeanours are frequently the result of intemperance, but it does not follow that theft, or the most serious class of crimes is such; indeed, a certain amount of sobriety is necessary for the successful perpetration of either. There is a prevailing notion that crime is, in almost all cases, the result of intemperance. This idea often interferes with our perception of other and more remote causes of it, and unnecessarily embarrasses an already difficult question. Though drunkenness is a detestable vice, and though it frequently accompanies crime, it is, in many cases, rather the effect than the cause of crime. It is justly recognized and punished as a breach of the law, but that it is far from being the sole cause of other crime will appear from a moment's reflection on the amount of juvenile delinquency, where the propensity to theft is exhibited in the most positive manner before the appetite for intoxicating drink has been acquired; and from the fact that the greater number of the worst class of our adult criminals is drawn from the matured juveniles.

The lowest rank of society, from its preponderance in numbers, and the absence of those gracious influences which form the moral atmosphere of persons more happily placed, naturally supplies the bulk of the criminal class; but, in other ranks of life, crimes are committed which can be traced to hatred, cupidity, unrestrained sensual passion, or some unhappy circumstance, rather than to drunkenness. I dwell particularly upon this, as the successful application of a remedy must depend upon the understanding of the true cause of a disease.

When we find that, out of the 100,614 committed, upwards of 8,000 were under 16 years of age, we are driven to the conclusion that a vast number of the older criminals must have commenced their career in childhood! We must, therefore, look deeper into our common nature for the root of the most serious class of crimes, the perpetrators of which are the most hopeless to deal with. On further inquiring, then, into the causes of crime, it may be well to glance at the distinctive and conspicuous features of the criminal mind; and prominent among the qualities exhibited are idleness, vanity, sensuality, intense selfishness, and violent temper.

Bad training by parents is a fruitful source of crime, influencing, as it does, children through false indulgence, neglect, or evil example; warping the child's mind; blinding him to all the responsibilities of his future life; engendering in him false views of his relative duties; and laying the foundation of that unlicensed selfishness which results in a total disregard even of natural justice. The consequence is that he starts in life with misdirected powers, and seeks the indulgence of his passions as one of the great purposes of his existence. Or, it may be that a child's mind has been distorted into deformity by systematic training in wickedness; and such children have been looked upon by the world, and, till recently, by the comparatively benevolent, as hopeless subjects for philanthropic experiment. Again, by neglect or undue indulgence, a spirit of idleness is generated, affecting the mind as well as the body, and the child, who is the victim of such treatment, becomes too lazy to apply himself to work, too ignorant to perceive the error of such a course, and grows up prepared to yield to the first temptation to which his natural wants may expose him.

It would be well to picture to ourselves the homes in which many of our criminals have been reared,—the filthy and disgusting lodgings to which necessity has driven them ; but too much has already been said by others about the homes and haunts of the poor to make it necessary for me to dwell in detail on the revolting scenes of misery and degradation presented by some of these places. Too much honour cannot be awarded to those who have laid aside their fastidiousness, and made personal efforts to remedy the evil in question. Many orphans are left in these haunts, without being cared for by those who have the power of rescuing them. Society must remember that if it does not provide for destitute and orphan children, and if it fails to enforce the duty of lodging them in proper asylums,—where they shall be taught the necessary duties of life, and educated for some useful purpose,—it must pay the penalty by maintaining them as criminals. If no one has taken the trouble to see that such children are taught their duties to society, people ought not to wonder at such children's ignorance of them. The neglected child is an object of deep commiseration ; for it is left to follow the impulses of its untrained will ; as it may be, and generally is, affected by evil circumstances, provoking passion, exciting vanity, or gratifying the lower propensities.

Without entering upon the question of hereditary tendencies, or the defective organization, which is the sad inheritance of many a poor child, I may point to the corrupting influences which older criminals exercise upon the juvenile population, not only by example, but by direct instruction. Most persons present, are, no doubt, familiar with the description of "Old Fagan's" establishment, which is very slightly, if at all, over-drawn.

The amount of gross ignorance, in the majority of criminals, is inconceivable. Out of the 100,614 alluded to, 34,279 could neither read nor write ; 61,233 could read or write very imperfectly ; leaving only about 5,000 who had attained to anything like a moderate amount of education. Nor is their ignorance of the elementary branches of knowledge more marked than their want of skill as workmen. I find that, out of the number I have mentioned, 18,949 had no occupation, and that 43,569 were of the humblest class of labourers.

In proposing remedies for the evils alluded to, I would venture to suggest that, though we have to thank our present systems for much good, they are but a step in the right direction. The really efficient working of what is excellent in them may, however, greatly facilitate the application of any new power. The present modified form of the separate system, as carried out in our prisons, is desirable as a groundwork. Labour is the true foundation on which any plan of discipline should be based—profitable labour, if possible—but, from work the prisoner should not be suffered to escape. This should have been one of his earliest lessons, and it must, when he is in the prison, form the leading feature of his education.

Unless a prisoner is taught the great duty, nay, the absolute necessity, of labour, in vain do we try, by education, to effect his reform. By training his mind we give him powers which are as likely to be used for evil as for good ; a mind subdued by habitual industry will be found better fitted to receive religious impressions, to appreciate moral precepts, and to profit by mental culture.

But we must remember that, in order that prisoners may derive ultimate benefit from learning to

work, it is necessary that means should be taken to procure employment for them on their discharge ; and it is natural that employers should have some reluctance to engage such persons. This is the great obstacle in the way of criminal reform.

Few men at present engaged in the work have much hope of producing a permanent improvement on those under their care ; knowing that as soon as the prisoner is liberated he is thrown back—weakened by his first false step—into the very circumstances which led to it. Perhaps the only persons who care for him, beyond the prison gate, are his accomplices, who meet him prepared, first to gratify his appetite, and then to propose fresh schemes of fraud and violence. Those, on the other hand, to whom he has made his promises of amendment, will, in all probability, never see him again till he returns to prison, Thus is his evil course perpetuated, and thus are the hopes of those really interested in his welfare destroyed.

The work is too great to be accomplished by the means at present employed. A common excuse, made by discharged criminals on their returning to prison, is, "I could get no work, and was, therefore, compelled to steal." This excuse could be effectually removed by instituting Refuge Farms (English Lusks) where a prisoner might be sure of getting work, for which he should receive wages, somewhat lower, at first, than those of the ordinary labourer, but rising, in proportion to his industry, until they should reach the ordinary price of labour. Where it would be inconvenient or impracticable to employ them on land, workshops should be opened. This would be the most convenient form of meeting the difficulty in towns, and this plan has, with great success, been already acted on in London and Wakefield, and also, I believe, in Birmingham.

Newcastle stands conspicuous among a few other towns for a large proportion of female prisoners. This is partly due, as in some of the other towns, to the fact of its being a seaport, but not to that alone. In Newcastle the demand for female labour is comparatively small. To meet such a want, the establishment of public laundries would be desirable. They would furnish employment for poor women, and would, at the same time, be a convenience and advantage to the public.

Up to a recent period, the element of hope was, for practical purposes, almost excluded from our prisons. Now, while there should be no sentimentality about the treatment of prisoners, a just and generous sentiment tells us that any effort on their part towards improvement should be encouraged, and an opening made for those of them who are willing to return to society; for we should remember that "where nothing's left to hope there's nought to dread." No man can live without hope, and, if it be not embodied in our system of discipline, the prisoner will introduce it himself, and feed upon the prospect of some future opportunity of revenging himself on society.

Rewards might be given to prisoners, in the form of a small payment, for labour performed in excess of tasks set, and they should be applied for the prisoner's benefit, after his discharge, by being paid in instalments on the application of the prisoner himself, and on his bringing proof that he is leading an honest life. This would be a better plan than that of lessening the terrors of the prison, by the increase of food or the decrease of sentence, and would guard against the risk of a person receiving assistance who did not continue to deserve it. Some encouraging prospect should be held before the prisoner to excite him to exertion and

awaken in him a feeling of self-respect, and a wish to raise himself. On the other hand, he should be presented with an alternative which the most callous and indifferent would dread; for where there is nothing to fear there is an unwillingness to be directed.

Most persons who have had any experience of criminals have found that kindness is not appreciated when the power to punish is not recognized. Any system should embrace the power of dealing both with the penitent and the incorrigible. It should be made obvious to the criminal that the executive arm of the law is, beyond a doubt, strong enough to deal with any contingency in his career.

Much crime might be prevented by some well-arranged plan for identifying confirmed criminals. At present, through the imperfection of our police arrangements, this can only be partially effected; and, instead of practically illustrating the maxim, "divide and conquer," we allow this power to be turned against ourselves; for there is, in addition to the charm of a wandering life, a sort of freemasonry amongst thieves which enables them to combine most effectually to elude justice, by removing to districts where they are not known by the police, and where they are always sure to find kindred spirits ready to become their accomplices. They are thus enabled to escape detection and to resist successfully the influences which, if properly directed, might place them in the ranks of honest labour. This difficulty might, in some measure, be met by detective officers paying occasional visits to distant towns, and, in connection with the local police, examining the town or district as well as visiting the prisons, where every facility should be afforded for the recognition of old offenders.

With reference to diet, about which there are so many conflicting opinions, I must here assert that the charge of pampering prisoners is not applicable, at any rate, to Newcastle. A reference to the diet table will, I think, satisfy every one that prisoners here have no undue indulgence. Strict silence is rigidly enforced ; the apparent conveniences in the cell are only such as are necessary to health ; and the cleanliness and order required are regarded by the mass of the prisoners rather as a punishment than a favour. I have no sympathy with those who would make a prison other than a disagreeable place.

In considering the convict question I think it should be dealt with as if we had no colonies ; for although, when the colonies were willing to receive convicts, it was politic to avail ourselves of the opportunity, we surely have no right for our sole convenience to force criminals upon them.

Every country should be able to deal with its own criminals without having recourse to transportation ; till that is accomplished, a great difficulty remains to be overcome. It would, however, be legitimate, when they have passed the ordeal for testing their sincerity, to give them every facility for leaving the country as free emigrants ; and, as in this case, they would probably emigrate singly or in small companies, their removal would be effected without subjecting them to the corrupting influence of the convict ship. I was gratified, when listening on Saturday, to so high an authority as Colonel Torrens, to hear him confirm views of my own, which I published some time since, on the question of transportation to our colonies.

The expense attending transportation is very great ; and it prompts us to ask whether the money which it

costs might not be expended in a manner calculated to ensure more certainly the objects sought—the protection of the public, and the punishment and reformation of the criminal.

During the late garotting panic, when a speedy transportation of all convicts seemed the only remedy likely to satisfy the public, many localities were indicated as suitable places for founding penal settlements, and among others the Hudson's Bay territory. Now, in sending convicts to such a place, without a long period of initiatory punishment and training, you would place them in circumstances calculated to excite antagonism to those about them, as they would become aware of the limited power to control them, and the facilities for escape. These circumstances would have a tendency to foster a spirit of insubordination. There would also be a great difficulty in maintaining an efficient staff of officers, as suitable persons could not be easily found to supply the places of the incompetent or unfaithful. In the event of the convicts enjoying any licence—which would almost inevitably be the case—colonists would be exposed to outrages similar to, or worse, than those which so lately shocked the public mind in England. This would not be remedying the evil; it would simply be putting it farther away, and requiring those to bear it who are less favourably circumstanced.

The following plan, which I suggested at the time of the panic, and which I had the honour of bringing before the Royal Commissioners, has since received the sanction of many practical men of great experience:—

“Islands off our own coast, situated at a moderate distance from the mainland and from each other, should be made convict depôts. By employing a sufficient staff, the government would be in a position to subject criminals to a system of discipline

from which we might fairly hope to see some satisfactory results. If men of violent character found that the authorities were strong enough to subdue them, and defy their attempts at revolt, they would be more likely, when sent out as free emigrants, to make themselves acceptable, by good conduct, in a new country. Supposing one of the Scotch islands to be adopted for a convict depôt, a plan, something like the following, might be carried out:—Let there be on the island about ten separate prisons, and let the officers' residences form a village at the point of the island nearest the mainland. There should be near the village a barrack for the accommodation of an armed guard. The governor should have, from his residence, a telegraph communicating with the several prisons. He would thus be enabled, in case of outbreak, to concentrate such a force on any particular prison as would not only at once crush a mutiny, but shew the futility of any attempt to escape.

Each separate building ought to be in the charge of an efficient deputy. One should be used for the close confinement and punishment of those who were apparently incorrigible, and in it the most severe discipline should be enforced—those confined in it never being allowed out of their cells on any pretence; another should be used for carrying out a rather less rigid discipline; a third as a reception and probationary prison; the other buildings would afford an opportunity for testing different kinds of discipline and for classifying prisoners. The whole would constitute a reformatory course, and afford to each prisoner an opportunity of gaining some advantage, in proportion to his efforts to deserve it. Each might then be drafted to the public works or some other field of labour.

“Correspondence between convicts and their friends should be a great favour, to be earned by exemplary conduct ; and tickets of leave at home should be granted only in very exceptional cases.

“In the two buildings allotted for the confinement of the worst class of convicts, there should be no assembling for chapel, but scripture readers or missionaries should, under the direction of a chaplain, instruct the prisoners in their cells.

“It is not desirable that men of infamous character should be liberated on the ground of ill health ; a suitable infirmary, with proper necessaries, should be provided for the sick, who should then take their chance of recovery, as any honest poor man would be obliged to do, in case of sickness. It would be better for them to die in a gaol infirmary, where they would receive both spiritual and medical aid, than in the foul dens to which they would return if free.

“The idea sought to be embodied in the foregoing plan is a combination of the deterrent and reformatory principles, under circumstances which would admit of their being carried out in their integrity.

“In dealing with a large number of convicts, it is desirable so to insulate them as to make escape almost impossible. This, as I have shown, might be accomplished by locating them on an island ; and in order to prevent a dangerous combination on the part of the prisoners, they should be so subdivided as to enable the governor to quell, without difficulty, any resistance to authority. This is attainable by means of the separate prisons indicated in the plan.

“To facilitate the working out of the reformatory process, the lowest class of convicts should be separated from those who give some promise of amendment, and

the worst should be subjected to a discipline sufficiently rigid to destroy the hope of gaining anything by resistance. On the other hand, all of them should be encouraged to improve their own condition by a persevering course of good conduct.

“I refrain from entering upon the consideration of that contingency of solitary confinement, so interesting to the psychologist—insanity—further than to say that, *naturally healthy minds* do not appear to give way in consequence of such confinement. In any case in which, within my own experience, insanity has been its result, there has been a predisposition in that direction.”

It may be an unpleasant suggestion, but truth compels me to add, that a responsibility rests on society to support and guide the weaker member in his effort to stand upright. It is unreasonable to suppose that one who is injured by a fall can walk as well as the man who has not suffered; and we must not forget, that as society, by its neglect, has indirectly assisted in the degradation of the criminal, it is incumbent on it, while punishing the incorrigible, to lend a helping hand to the penitent—remembering that one of the last lessons our Saviour taught us was the *possibility* of a thief's conversion.

SEPTEMBER 1st, 1863.

