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CRIMINAL TREATMENT.—DESIDERATA.

[Issued by the HOWARD ASSOCIATION.]

1. Abolition of the prevalent practice of repeated short sentences where the first has failed to deter.

2. Such a modification of the present prison system as shall make it more *reformatory*, by means of training the inmates in remunerative occupations which will support them honestly after discharge. ["Unfortunately, criminals are *detained*, but they are *not reformed*" (J. T. Hibbert, Esq., M.P., at Manchester, 1869). Prisoners in England cost £35 each per annum on the average, earn barely £2 each, not 1½d. per day, and on discharge are often *less* able than previously to support themselves.]

3. In connection with this reformatory treatment, the Mosaic principle of *restitution*, and the exaction of pecuniary compensation in prison, or after discharge, under satisfactory guarantees and supervision, may be beneficially adopted.

4. Increased central power of repression, by means of systematic supervision of persons habitually criminal, or the associates of such; also by the appointment of public prosecutors, such as the District Procurators Fiscal in Scotland. (75 per cent. of English crimes are undetected and unpunished.)

5. Diminution of the excessive number of drinking licenses, and, in particular, some effectual regulation of certain places of popular resort, which, under the pretext of harmless entertainments, are, practically, large brothels, and wholesale sources of vice and crime.

6. The Prison Act of 1865 requires modification. It was useful in so far as it extended the system of separation, a system which (if not pushed to intemperate extremes) is necessary to prevent contamination, and which ought to be carried still further than at present as regards the association of the inmates of *convict* prisons. The serious defects of the Prison Act are, firstly, its attaching too much importance to "marks," by which the practised and cunning "gaol-bird" may derive undue advantage over others; secondly, and chiefly, its very objectionable tendency to restrict and discourage *remunerative and reformatory labour*, and to promote useless, unreforming occupations, such as "grinding the wind." The treadmill, crank, etc., are only of service as a *reserve* power to enforce *tasks of useful hard labour*.

ILLUSTRATIONS OR SUGGESTIONS.

USELESS SHORT SENTENCES.

"WEARY OF LIFE.—Mary Mahony was charged with being drunk in Arundal Lane, Waterford, on Sunday night. The offence was proved. The magistrate, Dr. J. Mackesy, said that he had given the subject a great deal of consideration, and he saw that there was not the slightest use in sending such persons to jail week after week, it did them no good. They should be taught industrial habits, and have time to reflect on the sinfulness of their past career. The prisoner—"Do, for God's sake, send me to penal servitude. What is the use of sending me to jail day after day. I have no home in Waterford. I am weary of my life (bursting into a flood of tears), oh, that I were dead. I come out of jail in the morning to get drunk at night, and then I am sent back again. I

live in jail nearly all my time. My life is a trouble to me." The prisoner was sent to jail for one month.—"Waterford Standard," February 10, 1869.

EXPIATION AND REFORMATION.

"At present, every man who steals, say a sheep, has to pay a different penalty. This man is sentenced to six months, that other to twelve months, and then another to fifteen years of penal servitude, according to the discretion of the judge; and instead of being made to pay the price of the sheep and the costs of his prosecution, he becomes a *grievous burden to the honest tax-payer*, who has to supply him with chaplains, schoolmasters, surgeons, cooks, bakers, tailors, and a whole host of servants in livery to minister to his wants, and *so unfit him* for the practice of economy, frugality, and other kindred virtues when his fetters are cut. Under a law based on the principle of *restitution*, the man of good character and industrious habits might be able to find sureties to enable him to discharge his debt to the State under the surveillance of the authorities, *without* being surrounded by prison walls. The man of middling character might only have a *limited* amount of liberty, such as the responsible authorities might grant him. Whilst the man of bad character would have to discharge his debt inside prison walls, where he might still continue a villain in habits and heart, and increase his debt by fresh acts of dishonesty; but this would be his own fault, and the safety-valve of the machinery. If we except the tailoring and the shoemaking done for the use of the establishment, there are really no other employments suitable for the general class of men who find their way into prison. The professional thief—and I am now speaking of the *reformation*, as well as the punishment of criminals—requires to be taught some trade for which he has a natural aptitude before it is possible for him to gain a livelihood; and he must be taught it well, for unless he is a *skilled workman* he would not be worth the wages necessary to keep him out of temptation. To go on punishing such men in the hope that we will make them honest, is absurd; and to persevere in "reforming" them without teaching them practically that which is indispensable to their *remaining* honest, is equally ridiculous,—"Six years in the Prisons of England," by a Merchant, in *Temple Bar Magazine*, February, 1869.

AN OBJECTION TO REMUNERATIVE PRISON LABOUR ANSWERED.

"As far as the interests of society are concerned, the sooner a criminal can be turned into a honest and industrious citizen, the better; the 'protection' afforded is the more complete, the more prompt, and the less costly. One class of objectors urge that, by taking all this pains to reform and train the criminal, to teach him a trade, to instil habits of industry, and to inaugurate him in a respectable way of life, the State incurs the risk of disheartening honesty, and encouraging crime. This is an objection for the forum,—rather showy than substantial.

A very slight consideration of the facts of prison discipline, and a very superficial acquaintance with the peculiar character of the class of professional offenders, will suffice to convince us of its futility. No one would willingly select so circuitous and so painful a channel by which to arrive at a respectable and self-supporting position. *Months of separate confinement, entire and continuous seclusion from all old associates, severe and unremitting labour, monotony of scene and thought, enforced regularity, abstinence from all sensual indulgences, and the indefinite duration of all these conditions, constitute a picture which, we may be sure, presents nothing that is attractive to the criminal, nothing that can seem enviable to the honest labourer.* The most marked and universal characteristics of the criminal population are *self-indulgence and a hatred of order; a scene where hours are early and toil is regular,—where there are no women, no tobacco, and no spirits,—is, in their eyes, little better than a hell.*—“St. Paul’s Magazine,” Feb., 1869.

COMPETITION.

The competition of prison labour with free industry is found, in practice, to be almost infinitesimal, on account of the comparatively very small number of prisoners, as compared with outsiders. If not taught to earn a living by an honest trade, the prisoner, when discharged, will live at a terrible cost to the ratepayers’ purses, property, and persons.

PRISON ACT OF 1865.

“The present Prison Act operates most mischievously, and has given new strength and encouragement to anti-reformers. I am constantly met by the objection—‘Oh, the Prison Act will not allow us to do *this*—and leaves us no choice about prohibiting *that*.’”—(Letter from Sir John Bowring to Mr. Tallack, Secretary of Howard Association, February 13th, 1869.)

“The Justices should report to the Secretary of State, yearly at least, as to what they are doing. There is no real responsibility at present.”—(Same Letter.) (Similar testimonies are borne by experienced prison officers, as to the Act of 1865).

WHAT HAS BEEN DONE MAY BE DONE.

WAKEFIELD PRISON—One of the very best in Great Britain (thanks to Lord Houghton, and other visiting Magistrates, Mr. Shepherd, Governor, Captain Armitage, Governor, Mr. Whitely, etc.). Average number of inmates, 1,269, of whom four-fifths are for *short* terms, not exceeding three months. This prison is at present what many other prisons ought to be, viz., regular manufactory, with steam power. In the four years (1865-8) the prison has purchased £159,176 worth of material, and sold its products (chiefly mats) for £189,652, *cash*, paid by the *public*, over the office counter, and not mere *artificial* value, per *official estimate*, (as in the case of much of the value of labour reported from English *Convict Prisons*.) Average yearly stock on hand, £16,888. Profit in four years

(net) £31,132. Annual profit (net) £7,783. Average earnings per worker, £7 14s. 4d. (or, including non-workers, £6 3s. 3d.)

The prisons at Manchester New under Bailey, Capt. Mitchell, (with Mr. J. T. Hibbert, M.P., etc., as Visiting Magistrates); Bedford, under Mr. R. E. Roberts; Liverpool, borough, under Capt. Veitch; Newcastle, under Mr. Robins; Holloway, under Mr. Weatherhead; Leeds, Durham, Cardiff, Birmingham, Petwerth, Hull, etc., have also done much, considering the great *difficulties* of the present *system*.

FRENCH PRISONERS (on average) cost *half* as much as English, and earn *double* (with fewer re-committals.)

MASSACHUSETTS STATE PRISON.—Mr. Gideon Haynes, Governor, reports to the Howard Association, 1869, that in 1868, the prison labour of 558 convicts earned £25,230 (126,151 dollars, *cash* paid by contractors,) which, after paying *all* prison expenses, salaries, etc., left a clear net profit of £5,529 (27,646 dollars.) (Average earnings of each prisoner about £46.) Net profits of prison (over all expenses) £10,000 in two years, *i.e.*, a *revenue* to the State.

VICE VERSA.—The prisoners at Exeter gaol, for years past, have earned about *one farthing* each per day, or about 5s. per annum! Many other prisons are little better.

TEST OF "DETERRENCE."—In 1868, Rev. David Dyer, Chaplain of Albany Prison, New York (self-supporting), visited the chief prisons of the United Kingdom. He has recently, 1869, published a report of his observations. After remarking, "*I was greatly surprised in my visits to learn how very little the prisons in Great Britain generally yield to their own support;*" he states that he was told that the present system was considered more "deterrent." "I asked if this was the *practical result* of this course, and was assured it was *not*, for that the number of re-committals was very large, not less than 39 per cent."

AGAIN—In the Massachusetts State Prison, a system chiefly designed for deterrence, was adopted, from 1847 to 1857, with the frequent use of the lash, and comparatively little remunerative labour. From 1857 to 1867 (under Mr. Haynes,) a more reformatory system was adopted. Not only have important pecuniary advantages resulted, but THE COMMITTALS AND RE-COMMITTALS HAVE DECREASED IN THE LATTER PERIOD ABOUT 20 PER CENT.

The HOWARD ASSOCIATION was instituted (under the patronage of the late Lord Brougham) for the promotion of the best methods of Penal Treatment and Crime Prevention. Treasurer, R. N. Fowler, Esq., M.P.; Secretary, William Tallack; Office, 5, Bishopsgate Street Without, London, E. C. It has laboured, with much success, to indoctrinate the public mind with the importance of a *more reformatory* and radically *preventive* treatment of criminals.

persons so detained. Also, that experience, both home and foreign, proves that protracted confinement, for thirty years and upwards, may be carried out compatibly with the health of the prisoners as to mind and body.

That the capital penalty often endangers the sacrifice of innocent persons, and has sometimes caused the death of such.

That, in modern times, this danger repeatedly tends to facilitate the escape of the guilty, inasmuch as jurors rightly feel that, in the case of an *irrevocable fatal* punishment, a more absolute certainty of evidence is requisite for conviction than under any other circumstances, however extreme. On the other hand, in murder cases, it is generally more difficult to obtain certain evidence than in any other forms of crime.

That the great number of homicidal criminals rightly exempted from execution, on the ground of insanity, offers another *inevitable* obstacle to the enforcement of capital punishment, inasmuch as it causes special hesitation and interposition in the case of criminals whose sanity may be reasonably doubtful. This is the more frequent at present, inasmuch as the highest medical authorities have pronounced the English law of criminal lunacy to be irreconcilable with the facts of science and experience.

That capital punishment is, particularly on some or all of the above grounds, opposed to the spirit of Christianity, and to the plain scope of Holy Scripture; and, although a very few isolated texts may be quoted in its apparent warrant, such a method of quotation may support, with much greater force, slavery, irresponsible despotism, and polygamy, evils which are now, nevertheless, condemned by the common consent of Christendom.

For these and other reasons, your Petitioners humbly solicit your Honourable House to abolish the capital penalty, and to substitute one exempt from its peculiar evils.

And your Petitioners will ever pray, &c.

Petitions are of value, not merely as informing Parliament of public opinion, but still more as affording opportunities whilst being signed for the discussion of important principles. Their utility may be enhanced by their being noticed with some detail in the local press.

Petitions pass post free if open at the end, and addressed to an M.P. *at the House of Commons*. They should always be accompanied by a note to the M.P., addressed to his *private residence*.

Petitions need not be written with expensive elegance, but in plain handwriting throughout. There must be no writing on the back of the sheets, and no erasures or interlineations.

A Petition with a very few signatures, from any locality, is much better than none at all.

N.B.—It is not desirable that Petitions from various localities should be *identical* in form. The above form is therefore merely meant to be suggestive. Parts of it may be omitted, modified, or added to, at pleasure.

FORM OF PETITION

FOR THE

ABOLITION OF CAPITAL PUNISHMENT.

(ISSUED BY THE HOWARD ASSOCIATION, LONDON.)

To the Honourable the Commons of the United Kingdom in Parliament assembled.

The Petition of the Inhabitants of

Humbly sheweth,

That, in the view of your Petitioners, there are many strong reasons for abolishing the Punishment of Death.

That, inasmuch as familiarity with the deprivation of life, even of brute animals, tends to lessen the repugnance first felt towards such deprivation; so, in like manner, the deliberate putting to death of criminals diminishes rather than increases the popular reverence for human life, which is so essential to public security.

That this decreased reverence for human life, as an effect of capital punishment, has been further abundantly proved by the fact, often ascertained by the authorities of various gaols, that the great majority of murderers committed thither had previously been witnesses of executions.

That the "Judicial Statistics" show that the chief proportion of the murders perpetrated in this country are committed through drunken rage or ungovernable jealous fury—conditions which, practically, preclude the idea of deterrence by any legal penalty whatsoever, and against which the severest secondary punishment therefore offers as great a security as any other infliction.

That, as regards murders deliberately planned, the deterrence which might, with some apparent reason, be claimed for the capital penalty in these cases is greatly lessened, if not altogether nullified, by the constant uncertainty of its infliction, which all experience of the conditions of modern jurisprudence, and of the various difficulties *peculiar* to that penalty, unitedly show to be *inevitable*.

That the experience of many foreign States, where capital punishment has been abolished for periods of twenty, or even fifty, years or upwards, has proved indubitably that at least equal security from murder is effected by the substituted penalty.

That the experience of our own country, for many years, proves the practicability of a safe substitute, inasmuch as the "Judicial Statistics" show that a large number (in some years more than half) of the murderers sentenced to death have had their sentences commuted to life-long confinement; that, again, many murderers of the *most dangerous* description (criminal lunatics) are safely confined for life at Broadmoor; and that, in neither instance, does such secondary infliction give rise (unless in the rarest exceptional case) to further murders, of their guards or others, by the