

VI.—*A Review of some of the Subjects in the Report of the Royal Commission on Prisons in Ireland.* By Hercules MacDonnell, M.D., Dundalk.

[Read, Tuesday, 12th May, 1885.]

A REVIEW of some of the subjects in the Report of the Royal Commission on Prisons in Ireland has appeared to me a subject well worthy of consideration before this Society, dealing as it does with social problems of vast importance. It has struck me as very remarkable that such an important report has received such a limited share of public attention, since its appearance eight months ago. Except for brief comments in the daily press, and a few short articles in the medical journals dealing solely with the medical aspect of the question, there has been no notice whatever taken of what is an exceedingly able report, dealing with many points in an exhaustive manner, and recommending wholesale reforms.

It may not be out of place, before dealing with the subject-matter of the report, to state shortly the position of affairs prior to the passing of the Prisons (Ireland) Act, 1877. Each county had separate gaols and bridewells, under the administration of their respective grand juries by means of local boards of superintendence. Their support was met by local taxation, and, except for a general supervision by government inspectors who had only the power of making suggestions to the governing bodies, these gaols were independent of all central authority, and existed as separate units subject to the most diverse administration. The number of local prisons handed over to the General Prisons Board was 38 gaols and 95 bridewells. The number of prison officers was 777, with aggregate salaries amounting to £44,000. In no two gaols situated in different counties were the diets similar; the class of warders differed in marked degrees; discipline was maintained under varying conditions; and, except in one or two places, there was no effort whatever made towards the reclamation and improvement of our criminal classes.

Before the passing of the Prisons Act, the convict establishments were distinct from the county and borough gaols, and were solely under government management. By the Prisons Act, the administration of both were united under the newly created board, which itself was formed by the Inspector-General of Prisons and Director of Convict Establishments, with one of your respected vice-presidents, Sir John Lentaigne, as an honorary member. The main points aimed at in the Prisons Act were:—the consolidation of prisons, uniformity of discipline and diet, centralization of functions, and independent inspection by local bodies. As to how far these objects have been successful, it is my privilege to invite your attention this evening.

Since the formation of the Prisons Board, the gradual consolidation of prisons has been steadily proceeding. Of the 38 local prisons, 14 have been reduced to the status of minor prisons—*i. e.*, places for the detention of prisoners on remand, or under sentences not exceeding seven days. Of the 95 bridewells handed over to the board, 64 have been closed. There still remained 69 establishments in Ireland,

with a daily average of 2,700 prisoners, as compared with 64 local prisons in England and Wales, with a daily average of 18,000. It is quite impossible to expect any further improvement in discipline, reformation, or reduction in expense, as long as the present number of establishments are maintained.

The prison authorities are unanimous on the superiority of large over small gaols; but they consider they are bound by the 1st section of the 30th clause in the Prisons Act, which deals with the power of the Lord Lieutenant to alter the legal condition of prisons. Their reading of this section is that they are obliged to maintain one prison in every county. At question 11,377 the chairman states that as the opinion arrived at; whereas the section of the Act provides, and was intended to provide, for this necessary power being given to the executive, and the only limitation imposed is that the Lord Lieutenant shall publish a special order, in the event of his deciding to close any prison; the said order to be laid on the tables of both Houses of Parliament. At question 13,316 the vice-chairman states the large prisons could be reduced to nine or ten. The Royal Commissioners, in par. 13 of their report, state that they "are convinced that the fact of there being such a large number of prisons, lies at the root of the principal defects of the existing administration," and state their "conviction that further consolidation must be regarded as the basis of all future improvements;" and they specify sixteen prisons as amply providing for all requirements. The only objection to this course has been raised by the constabulary authorities, as to the distances between the various proposed places for detention of prisoners. We can hardly look on the objection, as to the legality of the course, put forward by the Prisons Board, as serious, when the wording of the Act expressly provides for this emergency. The objection as to the local rates-being burdened by the additional cost of transfer is not tenable, the government having already assimilated the law in Ireland to that in England, where such charge of transport is borne by the Exchequer. As to the hardship upon prisoners under short sentences: if the further recommendation of the commissioners about establishing legalized lock-ups is carried out, this objection ceases to exist, without the necessity of adopting Mr. O'Brien's suggestion that the minimum term of imprisonment for drunkards should be one month.

With regard to the question of discipline and uniformity of diet, little can be drawn from a perusal of the report; that little, however, is re-assuring. Considerable changes have been effected in the dietary of local prisons. A scale has been formulated, containing four classes, and the evidence points to a tolerably satisfactory consensus of opinion respecting it. A committee of experts was appointed in 1881 by the Lord Lieutenant; recommendations were forwarded by the various gaol surgeons; and after mature consideration the scale was drafted very much in accordance with that adopted in England; regard being had to the religious requirements of those using it. Valuable evidence was given by the English medical inspector, Dr. Gover, as to the superiority of the wholemeal bread baked in the English local prisons, over that used in Irish gaols; and he further

drew attention to the necessity for care in cooking the soup. In England elaborate instructions are issued on this important subject, with undoubted advantage to the prisoners. It is to be regretted that some specific improvements were not embodied in the report; as in some instances the culinary arrangements are crude and unsatisfactory.

It should be borne in mind that there are certain principles on which prisoners should be treated. While safe detention and punitive treatment, so as to act as deterrent, are two of the main factors to be considered; so, neither the diet nor surroundings should be such as to make imprisonment agreeable. On the other hand, punishment should not include cruelty, nor should it impair health. For these reasons, many object to the use of the plank bed in our system, and modifications have been introduced to mitigate in this respect the punishment of juvenile offenders and persons beyond a certain age. In consequence of the recommendations of the commission, certain precautions have been taken so as to ensure prisoners being in a good state of health on the expiration of their sentences.

There are certain obligations (two of which I have named) cast on the state, with regard to the physical condition of those undergoing detention. Hitherto, no analogous considerations worthy of the name have been paid to the moral aspect of the question, commensurate with its importance. A contrast of the continental and American systems with our own would prove interesting and instructive. So far, the industrial resources of our prisons have proved unremunerative, and the suggestions made to the commissioners relative to the manufacture of peat-litter have proved barren of result.

The question of discipline occupied a considerable share of attention from the commissioners. They express themselves in par. 77 as satisfied that "though not intentionally harsh, a steady and continuous system has not been applied." This is evidenced notably in the number and inequality of punishments and fines inflicted, which the commissioners state are proportionately greatly in excess of those inflicted in English prisons. From the evidence given as to the humane treatment of prisoners by the various officers, it is deducible that the system is at fault, and not those who are responsible for carrying it out. When, in consequence of the large number of prisons which exist, only a comparatively small number of prisoners can be collected together, it is impossible for the routine work of fatigues not to interfere with tasked and penal labour—those reforming and punitive agencies which are an essential part of the system.

It is useless to conceal the fact that our criminal classes are almost totally neglected, so far as the work of reclamation is concerned. The valuable work and zeal of the chaplains is practically thrown away; the instruction they are permitted to give is frittered away by the regulations imposed on them; and the system of education adopted is perfectly valueless. Mr. O'Brien, at question 7077 states, that "the time given to instruction is so much time thrown away." Under the new system, all instruction is cellular, and the amount of time which can be devoted by a teacher to each prisoner is merely nominal. Formerly, schooling was given collectively, each prisoner

being placed in a stall, thereby not interfering with the separate system, and a considerable period was allowed for instruction. In consequence of the present system having been adopted, prison schools have been struck off the roll of the Commissioners of National Education, and a valuable aid thereby lost.

The absence of Prisoners' Aid Societies in Ireland has been commented on in this report. In Belfast and Dublin only do such exist; the former has been established some time, and is working well; in Dublin there have been recently established two such societies, respectively for the relief of Roman Catholic and Protestant prisoners at the time of their discharge; mainly out of funds which the Commissioners of Charitable Donations and Bequests were able to afford. Elsewhere, the efforts to establish these important charities have failed; chiefly from the difficulty of getting persons to work harmoniously on their committees. The limited sphere of these societies' usefulness is a matter of deep public concern. Those conversant with prisons are aware how frequently prisoners return on remand, within a few hours, or at most days, of their discharge. The difficulty they experience in getting work, if they seek it, and the rapidity with which they fall into the hands of the police, owing to the absence of any interest taken in them on their release, are matters which ought to be fully recognized, and steps taken to obviate them. The report we are considering deals slightly with this subject; but does not make any definite suggestion further than that government should assist. It is worthy of consideration whether some portion of the earnings of the prisoners ought not to be allocated to such Prisoners' Aid Societies, whose duty it should be to assist recently discharged prisoners, and endeavour to obtain work for them in places remote from their previous haunts.

The evidence given by Mrs. Kirwan, the Lady Superintendent of St. Vincent's Convict Refuge, Golden Bridge, gives some idea of the amount of good that kind treatment and thoughtfulness can effect. Out of 1,232 females who passed through the Refuge, three-fourths turned out well, and yet Mrs. Kirwan states that females are not so amenable to good influences as males: especially is this the case with girls brought up in the poor-house, owing to their want of self-control and self-respect. Taking into consideration the daily average of prisoners in gaols, and the number consequently who are discharged, there is a vast field for philanthropy to work upon, which has been hitherto practically untilled.

There are some other suggestions contained in the report under consideration which it is desirable to notice. It is stated that a considerable number of lunatics are committed to prisons annually, and detained there for lengthened periods. This subject is dismissed with a curt recommendation that means should be taken to reduce the term, during which they remain in prison, to a minimum. The public ought to insist that the occurrence of such committals should be reduced to a minimum, and not rest satisfied with reducing merely their length of incarceration. It is impossible to conceive any course more likely to prove hurtful to persons who have become insane, than that of subjecting them to the discipline and regime necessary

in prison life. These cases require the most skilled personal attention, which it is quite impossible for them to obtain in gaols. The first few days of their dementia are critical in relation to their chances of speedy and permanent recovery; and when it is borne in mind that in the majority of prisons there is no adequate provision for the proper nursing of even sick prisoners, it can be readily seen that lunatics must fare very badly. In the year 1883, 69 prisoners were reported as insane and sent to lunatic asylums. How many of these cases succumbed to the rigours of cellular imprisonment it is impossible to say; but it is quite certain that any place in which a system is adopted which admits of its victims becoming insane, is not fit for the detention, for even twenty-four hours, of those primarily so afflicted.

In par. 80, the report recommends that proper reception wards for the accommodation of prisoners should be erected, till such prisoners are duly inspected by the medical officers. Unless provision is also made for the detention of prisoners in these wards for a longer period than usually elapses (a few hours), their erection is perfectly useless. The practice of putting prisoners at once on a plank bed is not humane. In short term sentences, the majority of cases have barely recovered from the effects of intoxication; in other cases, the shame and degradation of prison life affects them acutely; and the nervous and consequent physical prostration renders it absolutely hurtful. If an interval were allowed to elapse, except in very short sentences on habitual criminals, no actual mitigation would ensue. It is to be presumed that the reception wards spoken of would not be furnished with these refinements of cruelty; but the report here makes no definite or detailed suggestions on this point.

The minute centralization which has been carried out by the Prisons Board, has in many instances rendered the working difficult, and this has been carried to such an excess that, in par. 29 of the report, it is stated that the commissioners are of opinion that the members of the board have not acted on their own responsibility as much as they might have done, and in a similar manner have referred small matters to the executive which might have been dealt with by themselves. The evidence also points to a too great centralization in not permitting their inspectors a greater latitude. At the same time, the instructions given to the inspectors seem to have allowed them to interpret the meaning in diverse directions. One inspector (4665) very candidly stated that he had no means of knowing whether his co-inspectors carried out discipline in the same way as himself. It is not difficult to understand this, when there is no verbal communication between a member of the board and the inspector of his district; and that in the course of six years, the three inspectors only met once in collective consultation.

Perhaps the most important part of the report is that referring to the independent inspection of the various prisons by the local committees of justices. The commissioners observe "with regret, that, as a security for the proper treatment of prisoners, they are of little value." It is not within the province of a short paper, such as this, to explain how the sections of the Prisons Act, which constituted these bodies, were allowed to become a dead letter. It is

sufficient to note the fact, and to draw your attention to the clauses (37—44) in which the commissioners deal with this subject. In their report they recommend that the visiting committees should annually report direct to the Lord Lieutenant the condition and discipline in the various gaols under their jurisdiction. Had this been done hitherto, many of the abuses which exist could have been readily detected and remedied. The friction which is referred to in clause 29 could not have arisen, had the local justices maintained touch with the central authorities.

In a department such as we are considering, it is of paramount importance that independent inspection should exist—inspection of the most searching character, and altogether disassociated from the punitive powers attached to the existing bodies by Act of Parliament. Since the prisons have been separated from the grand juries, there exists no longer any reason why representatives, other than justices, should not have a position on these local committees. By Act of Parliament, only justices have the power of inflicting the major punishments for infraction of discipline in the prison, and it appears to me that this very fact is a strong argument for placing persons on the committees who are not necessarily connected with the due maintenance of discipline, and who are free from the bias which frequent visits to the gaols, for the purpose of sentencing recalcitrant prisoners, of necessity engenders. The more confidence that can be infused into the public mind on the question of prison administration the better; and in no way is this more likely to be secured than by the appointment of such persons as command public esteem, as evidenced by being chosen on their corporate or other local boards. In par. 44, the commissioners again, by omission, fail to make such suggestions as might put this question on a thoroughly satisfactory footing.

In conclusion, the study of this report makes it apparent that much has been done, but at the same time that much more remains to be done. The system is good in many points, and has been found to work admirably in England, and it is just in the details, where the Irish board has failed to carry out the plan adopted in England, that shortcomings have been numerous, and detrimental to the interest of the prisoners.

I have not dwelt on the medical aspect of the question, for obvious reasons, mainly because important modifications must of necessity be made when the newly appointed medical officer to the board becomes conversant with the details of his department. It is worthy of remark that in this case an important departure from the recommendation of the commission has been effected. The question as to whether the professional gentleman should be a member of the prison board, or only an inspector, received anxious consideration; and in par. 33 the result arrived at is stated, namely, that, with one dissentient, the members of the commission were of opinion that he should have a seat on the board, thereby giving him a position and authority which appeared to the commissioners as essential to the due performance of functions second to none in importance in the prison service. How far the business of the board may be modified,

in view of the alteration in number of the members of the board, and the addition of a medical officer, it is difficult to say; but a considerable time must elapse before the newly appointed medical officer can become acquainted with his duties, which are necessarily of a special nature, and only to be acquired by constant visiting and association with prison routine. To his care and knowledge vast improvements will be confided, improvements not the less real because hitherto they have not been brought prominently forward—changes in the present system which fetters and retards the prison medical officers in the due performance of their functions; which will permit them, while not relaxing discipline, to maintain health, and protect those under their charge from undue severity. How readily and how thoroughly those reforms can be effected, mainly depends on the amount of co-operation which may be obtained from the medical officers of prisons, a co-operation which I can safely affirm will not be withheld if sought for in a friendly spirit, but which cannot be obtained unless a different method be adopted in the future from that which has prevailed in the past.

VII.—*Some Considerations on the Industrial Remuneration Conference, 1885.* By Professor Bastable, M.A.

[Read, Tuesday, 30th June, 1885.]

THERE has been an increasing tendency of late years to give greater prominence to social as opposed to political questions, and to bring more distinctly into notice the various plans suggested for social reform. One evidence of this changed feeling is to be found in the meeting of the Industrial Remuneration Conference. The aim of the originator of that conference was to bring before the public the opinions of the most widely separated schools of thought, as to what is known on the continent as the "Social Question;" or, to use his own words—

"To make some provision for keeping before the public mind this vital question—namely, what are the best means, consistent with equity and justice, for bringing about a more equal division of the accumulated wealth of this country, and a more equal division of the daily products of industry between capital and labour, so that it may become possible for all to enjoy a fair share of material comfort and intellectual culture, possible for all to lead a dignified life, and less difficult for all to lead a good life?"

As the best means of carrying out this idea, a committee was organized for the purpose of assembling a conference composed of delegates from various societies,* and arranging for papers to be read on the different points laid down for discussion.

* The conference was constituted as follows. Invited readers, 20; Delegates of Chambers of Commerce, 10; Associations of Capitalists, 10; Agricultural Associations, 10; Trades Unions, 50; Friendly Societies, 10; Distributive Co-operative, 5; Productive ditto, 10; Economic, Literary, and Social Societies, 20.