

IV.—*A Deduction from the Statistics of Crime for the last Twelve Years.*—By Richard Hussey Walsh, LL.B., late Whately Professor of Political Economy in the University of Dublin.*

BOTH in ancient and modern times it has been generally believed that want is unfavorable to virtue, and privation (*malesuada fames*) an incentive to crime. But a counter-theory is now growing up, and becoming, in fact, "rather a favourite one with chaplains, magistrates, and police officials." According to this, the belief that want is the parent of crime must be numbered among popular fallacies; and statistics are relied on to prove that prosperous years are more prolific in vice than years of distress. The Rev. Mr. John Clay, for example, chaplain of Preston gaol, countenances this view in his "Reports on Crime and its Causes;" and Mr. Waddington, Under-Secretary of State for the Home Department, cites, with apparent concurrence, an opinion to the same effect, in his evidence before last session's Parliamentary Committee on Transportation.†

The evidence upon which this doctrine is based is of a most inconclusive and unsatisfactory nature. The statistics employed relate to very limited districts, and hence it is hardly safe or fair to apply to the entire population of the country the inference they seem to lead to. Then the measure of crime adopted is essentially incorrect, since it rests rather upon the number of summary convictions before magistrates, than upon that of the graver offences sent for trial to the assizes and quarter sessions. Surely, when we wish to estimate the morals of a nation, we must draw a line of distinction between trifling misdemeanours and deadly offences; and not place in the same category with the robber and murderer the man who merely ruffles the dignity of 184 B, heedlessly drives on the wrong side of the road, or suffers his dog to wander without a log or muzzle. Besides, there is this difference between the class of offences tried at assizes and quarter sessions, and those dealt with by the magistrates. The number of persons committed for the former represents pretty accurately the number of those who have perpetrated offences of the character of which they are accused; but it is not so with the committals of the latter description. When offences of a deep and well-defined character are perpetrated, as a general rule it is attempted to bring the guilty to justice. But offences of this description constitute the great majority of those tried at quarter sessions and assizes. It is different with the petty cases which come before the magistrates. The degree of unsteadiness and loudness of talking which will induce a constable to arrest a man for being drunk and disorderly is not susceptible of very accurate measurement. Neither is the rapidity of motion which constitutes the offence of "furious driving" in certain protected localities. The disrespectfulness of the comments on the proceedings or appearance

* Read before the Statistical Section of the British Association, Cheltenham, August 11th, 1856.

† *Economist*, June 21st, 1856, p. 672.

of the police, which may be sufficient to induce a "member of the force" to take up the commentator on a charge of impeding the police in the performance of their duties, is likewise difficult of definition. And so on with most of the offences submitted to summary jurisdiction. At one time we find the public, and even the magistrates, complaining of the officious zeal of the police in bringing up no end of vexatious and trumpery cases. The magistrates themselves are often assailed for similar excess of energy. But at other times the scene changes, and the papers teem with the productions of wrathful letter-writers indignantly complaining of the remissness of the police and other officials. This, in its turn, engenders an excess of vigilance, and then the cycle of complaints and accusations begins over again. And so at one epoch a variety of acts are passed over as harmless, which at another figure in the criminal returns of summary convictions; and hence these latter afford as bad a measure of the number of the acts they profess to detail as of the guilt of the nation which commits them. But it is not so, as already explained, with the returns of offences of a more serious character; and to them we next turn for information.

The following table of the numbers tried at assizes and quarter sessions in England and Wales for the last eleven years for which returns have been published, fully bears out the conclusion that distress augments crime, and prosperity diminishes it. I take as the measure of crime the numbers committed for trial, not the convictions. A committal is usually preceded by a crime; and a failure to convict is no proof that none has been perpetrated. It may arise from want of evidence, or from the perverseness of a jury; or it may be that the criminal escapes through some legal technicality. And in cases where the party acquitted is in fact innocent, it does not follow that no offence has been committed, but only that he is not the person who is guilty of it. I now give the table:—

1844.....	26,542	1850.....	26,813
1845.....	24,003	1851.....	27,960
1846.....	25,107	1852.....	27,510
1847.....	28,833	1853.....	27,057
1848.....	30,349	1854*	29,359
1849.....	27,816		

The first year in which a marked increase of crime appears is 1847, and that, everybody knows, was a time of great distress. There had been a failure of the potatoe crop and a deficiency of several of the cereals the preceding harvest: and to these should be added the bursting of the railway bubble and consequent loss of employment by numbers of the labouring classes who had before supported themselves and their families as navvies, but then found themselves suddenly thrown out of work. Further details are uncalled for. It is well known that 1847 was a year of extraordinary distress. And

* The return for 1855 has not as yet been published, but M. Waddington stated before the Parliamentary Committee on transportation that the number of committals for 1855 was 26,274. The reduction, as compared with 1854 and some preceding years, arises in part from the Criminal Justice Act, which came into operation in 1855, and under which several felonies are summarily punished by sentence of the magistrates, and no longer swell the return of the committals for the assizes and quarter sessions.

we find also that it is the first year in our series which exhibits a marked increase of crime compared with the preceding, a year of comfort; the number of committals having augmented from just over 25,000 to nearly 29,000. In 1848 many of the same causes which had produced distress in 1847 were still in operation, with the additional aggravation of political insecurity. During that year of revolution the existing supply of capital was not brought forward so freely as it otherwise would have been, and the labourers suffered in consequence; so it is not surprising the increase of crime in the proceeding season was maintained. And not only was it maintained, but there was a further advance of about 1,500—a number into which, I have no doubt, Chartist rioters and other political offenders entered pretty largely. For several years after 1848, food was cheap, and security general; and the labouring classes were in the enjoyment of high wages, partly from the causes just mentioned, and partly from the effect of emigration in increasing the demand for the services of those who remained at home. And comparing these years of comfort with the previous years of distress, we find that crime in the first instance experienced a decline of 2,500; and then remained without undergoing any very marked fluctuation until 1854, when there was a sudden increase of 2,500. This may easily be accounted for, on the same principle which has guided us hitherto. 1854 was not a year of distress to the same extent as 1847 or 1848, but still the labouring classes were not nearly so well off as during the few years ending with 1853. Prices had risen considerably, the price of food in particular; and though pecuniary wages were high, and employment tolerably constant, there were not so much so as to counterbalance the dearness of food. The war with Russia was not without some effect in bringing about this unfavorable alteration, by occasioning a waste of the national capital and a partial derangement of trade. On the whole we are amply justified in concluding, so far as the criminal statistics which have just been brought forward afford us information, that want and privation lead to an increase of crime, and high wages to an opposite result. And the facts on which this conclusion is based are far better calculated to support it in all its generality, than the details of petty offences in a few particular localities, upon which some persons have ventured to found the doctrine that it is abundance and not poverty which injures the morals of the people.

Taking the extremes of the table, it is not to be inferred that because the number of committals in 1844 was 26,542; and in 1854, 29,359, the moral condition of the people had deteriorated in the interval.* It is not to be forgotten that the population had increased

* The further the extremes recede, the less likely are the criminal returns for each to afford a fair test for comparing the morality of the people at the earlier and later period. Changes in the efficiency of the police may affect the number of committals, compared with the quantum of crime, and so prevent the variations of the former from time to time from accurately representing those of the latter. And the statistics themselves will be habitually more accurately prepared when much attention is devoted to social questions, than when they are comparatively neglected by the public. And there are many other circumstances to be taken into account, in addition to those already noticed, whenever we attempt to compare by statistics the conduct of those

during the same time by about one eighth, as well as can be judged, such being the rate of increase shown by the census for the last ten years it comprises, 1841-51. Adding one-eighth to 26,542, it appears that if the people of England and Wales were just as well conducted in 1854 as in 1844, the number of criminals at the later period should be 29,839. In fact it is less than that, being but 29,359. So far the returns exhibit an improving population, and not the contrary as might at first sight carelessly be inferred from paying attention to the absolute number alone of the criminals.

There is one very deplorable feature in the returns of crime, and that is the increase exhibited in the proportion of female offenders; an increase which does not appear to be fortuitous, as with very few exceptions it runs through the entire of the following table showing the division into male and female offenders of the total number committed during the period we have been considering:—

whose lives are separated by pretty wide intervals, or who belong to different countries. As illustrative of the first, take the following case:—

ENGLAND AND WALES.

	Population.	Commitments.
1805.....	9,547,950	-- 4,605
1842.....	16,148,598	-- 31,309

These figures seem to indicate that while population has advanced not quite 70 per cent., crime has multiplied more than sixfold. But this inference cannot be admitted. When the principal towns were left in the night without artificial light, and with no other guardians of the public safety than the old race of watchmen of corrupt and inefficient memory, facilities existed for criminals to escape detection which have no parallel in these days of gas-lamps and new-police; and the proportion of offenders brought to justice to those not arrested fell far short of what it must be in our days,—as much so, perhaps, as it exceeded that of a century before, when the administration of the law was yet more wretchedly imperfect, and highwaymen plied their trade at noon through the streets of London. And there is another circumstance to be attended to. The increase in commitments since 1805, is of offences against property; those against the person have diminished. But when the law, as it did until within a comparatively recent period, assigned the punishment of death in a variety of cases (such as forgery, for example,) where the offence did not warrant so rigorous a penalty, parties often abstained from prosecuting through a natural repugnance to involving the offenders in consequences too dreadful for any one of common humanity to contemplate. And it was especially with regard to offences against property this impediment to the administration of justice operated; for not only was it in such that the excessive severity of the law was most conspicuous, but besides, it was in such also there was most chance of the injured allowing themselves to be swayed by the dictates of mercy; since the vindictive feelings which hurry on a party to prosecute when he has sustained a personal injury, are rarely brought into play to anything like the same extent in cases of trifling loss of property. Without adequate machinery to bring the guilty to justice, and often without the will to set that machinery, such as it was, in motion, we are not to be surprised that the population of 1805 furnished a relatively smaller number of persons committed for trial than their descendants in 1842, or at present. And should an efficient rural police be established generally throughout England and Wales, that fact should be taken into account by future statisticians, and they should be careful not to be too ready to infer from an increase of commitments, that crime was advancing, or from their remaining stationary that it was not receding. In several counties there has been already much improvement introduced into the police establishment of late years, and this cannot have been without some influence on the criminal returns within a corresponding period.

	Males.	Females.	Total.
1844	21,549	4,993	26,542
1845	19,341	4,962	24,303
1846	19,850	5,257	25,107
1847	22,903	5,930	28,883
1848	24,586	5,763	30,349
1849	22,415	5,401	27,816
1850	21,548	5,265	26,813
1851	22,391	5,569	27,960
1852	21,885	5,625	27,510
1853	20,879	6,178	27,057
1854	22,723	6,636	29,359

In the beginning of the series, the female offenders were not quite one-fifth of the male. In the end, they had risen to nearly one-third. While population advanced but $12\frac{1}{2}$ per cent., the number of female offenders rose 32 per cent., as appears by comparing the numbers for 1844 and 1854. The total number of offenders rose but 10 per cent.; and it is matter for congratulation that this increase is less than according to the rate of advance of population. The number of male offenders increased but 5 per cent., and if this fact stood by itself, we should have every reason to rejoice. To a certain extent it arises from the slower general advance of crime than population; but the principal cause, I regret to state, is not so much that as the circumstance already noticed—the increase in the number of female criminals. But returning to the immediate subject of this paper, it is worthy of notice that while in some cases the number of female offenders increases with destitution and declines with prosperity, in no case can it be said that it advances *pari passu* with the latter.

I now draw your attention to the criminal returns for Ireland, which are all the more instructive from the fact that they contain details of summary convictions as well as of committals to quarter sessions and assizes.*

	Summary Convictions before Magistrates.		Numbers tried at Assizes and Quarter Sessions.
	Petty Offences.	Drunkenness.	
1844	18,887	24,362	19,448
1845	17,512	22,076	16,696
1846	16,695	23,282	18,492
1847	25,810	15,406	31,209
1848	49,717	12,302	38,522
1849	63,586	11,604	41,985
1850	64,802	13,938	31,326
1851	72,019	12,617	24,684
1852	59,215	19,504	17,678
1853	48,186	12,404	15,144
1854	37,958	12,215	11,788
1855	29,274	9,056	9,012

* We should be careful to avoid the error of some statisticians, who confound the

Considering, in the first place, the cases tried at assizes and quarter sessions, it can readily be shown that they, like the analogous committals in England and Wales, exhibit a marked connexion between want and crime, and comparative affluence and its diminution. The table shows no increase of crime until the year of the famine, 1847; and then the advance is something extraordinary, from 18,000 to 31,000 in a single year. In fact, it is needless to specify particulars. The Irish table tells the same tale as the English, save that the character of the changes it indicates is more deeply impressed, as were the causes which produced them. In two instances only do they differ. In 1849, the criminal returns for England first showed a decline in the number of offenders, after the increase which had set in in 1847: but in Ireland, the tide of improvement of a similar character did not commence until one year later—1850, the number of committals having then subsided to 31,000, after having risen successively from a similar number in 1847, to 38,000 in 1848, and 41,000 in 1849. But this is what might have been expected. As the calamity suffered was much greater in Ireland, so also was the time of recovery longer. What rather calls for explanation is why, according to the theory of want being the parent of crime, was there not much more crime in Ireland in 1847 than 1849. But this admits of an explanation. In many portions of the country in 1847, the destitution of the people was so appalling as actually to disarm the law. It was felt that it could scarcely be looked upon as a crime in people so circumstanced to cease to respect the rights of property; and justice was lenient accordingly. Perhaps, too, the knowledge that the people were in some instances incited to perpetrate offences in the hope of being admitted to receive support in the gaols, might have strengthened the disinclination of the authorities to put the law in motion. And, again, the misery was often so great as to overpower the sufferers, and deprive them even of the little energy which is implied in the determination to break the law. Besides, it is not to be forgotten that if the resources of the country were greater in 1849 than in 1847, yet in 1847 the people were largely assisted by the bounty of government, while in 1848 and 1849 they were left to provide for themselves without any such aid.

After the famine and its consequences had passed over, it is a matter of fact, notorious and indisputable, that the condition of Ireland rapidly improved; and we find at the same time that the number of committals underwent a diminution steady and uninterrupted, until last year they reached the very low figure of 9,010, after having been so high as 41,000 in 1849. In 1854, the number of committals was upwards of 11,000—a number considerably less than that of the preceding year, and of every year since the famine.

number of committals and summary convictions with the number of offenders. So often as a party is convicted or committed within the year, so often he is counted in the return for the corresponding period. This consideration is not of much importance as regards the numbers committed for trial at assizes or quarter sessions, as it seldom happens the same party is committed more than once in the year. But it is otherwise with the summary convictions, which often fall to the lot of the same individual many times in a year, or even in a much shorter period.

This brings me to the second point in which the English and Irish returns present a different aspect, the number of criminals in England in 1854 having increased, and not diminished, compared with that for the preceding year and several before it. But the reason of this is, that the same cause which depressed the condition of so large a proportion of the people of England in 1854, acted on a far smaller share of the inhabitants of Ireland. The cause was the dearness of provisions, and this in a country where most of the people are not employed in agriculture injures the majority without giving them an opportunity of obtaining compensation elsewhere. But where most of the people are employed in agriculture, what they lose as consumers when food is dear, is often made up to them in what they gain from the same circumstances as producers. Ireland being chiefly an agricultural, and England a manufacturing country, it is natural that the high prices in question should have acted differently in each; and we are not to be surprised if the amount of crime diminished, and the condition of the majority of the people improved in the former, while in the latter an opposite result took place.

Now turning our attention to the table of summary convictions, the first thing that strikes us is the impossibility of accounting for the fluctuations which appear by reference to any changes that have occurred in the condition of the people. They do not proceed uniformly either in the same or an opposite direction. Take the year 1852, for example. Then the cases of drunkenness were over 19,000; while the year before and the year after they were only something above 12,000. There certainly was no alteration in the wealth of the people to explain this phenomenon. No doubt there are instances in which drunkenness is found to decline as the people grow poorer; indeed, it is a necessary consequence when poverty reaches that limit where numbers are unable, or scarcely able, to purchase food enough to support life. In that case, many must abandon drink from sheer necessity; and the decline of cases of drunkenness, from 23,000 in 1846 to 15,000 in 1847, the year of the famine, is to be explained on this principle. But although thus much may be conceded, it must be also borne in mind that the cases of drunkenness which occur among a suffering population, though less numerous than they might be were the people better off, are far more likely to lead to crime. The man who drinks in despair becomes a desperate and a dangerous character, quite different from him who carouses in a jovial spirit, and whose excesses, however objectionable they may be, and however deeply to be regretted, are more likely to produce folly than crime as their immediate result. But of all this, the summary convictions for drunkenness tell us nothing. And it is always to be remembered, that if increasing affluence gives people the means of drinking more if they wish, it does not follow they will select such a mode of expenditure. The people of Ireland, no doubt, were richer in 1855 than in 1850, yet in the earlier year there were nearly 14,000 convictions for drunkenness, and but 9,000 in the other.

Turning next to the column of summary convictions for petty offences, we encounter a similar impossibility if we attempt to account for the fluctuations it contains, as the result alone either of an im-

proving or retrograding condition of the people. The numbers increase from 1846 to 1851, and after that they decrease up to the present time. They certainly exhibit a far greater tendency to follow the same course as the criminal returns for the assizes and quarter sessions, than do the cases of drunkenness. The large increase exhibited some years back is attributable to the Summary Jurisdiction Act, and some other processes of legislation which came into operation about the same time; creating, it may be said, a variety of new offences, facilitating the punishment of others, and extending generally the jurisdiction of the magistrates.* There is, indeed, a large class of the petty offences with which these magistrates deal, which might be expected to fall off as the people grow more comfortable; and the great falling off which is in fact to be seen of late, is partly to be attributed to an improvement in their physical condition. But a great deal is to be accounted for otherwise. When first their powers were extended, magistrates and police seem to have been uncommonly zealous in the exercise of their new attributes, just as a school-boy is perpetually trying his first knife on everything capable of being cut which comes in his way. And the public, delighted at having a cheap tribunal to obtain satisfaction for a variety of wrongs, which before could not have been remedied but at a formidable cost, were quite as ready to invoke the aid of the new laws as the officials were to put them in motion. After some time, a change gradually came on. The new-born excessive zeal of officials and prosecutors soon died away, and confined itself within more just and rational bounds. And the knowledge that what before might have been committed with impunity, owing to the difficulty of obtaining legal redress, would no longer be suffered to remain unpunished when the law held out a cheap and summary remedy to the injured party, was not without its effect in checking a class of offences which had been persevered in until the efficacy of extended summary jurisdiction had been practically experienced.

As before stated, it was on evidence of the statistics of summary convictions in a few small districts, that the conclusion I have been contending against was deduced. The statistics of summary convictions for an entire country do not bear out such a result; and if they do not invariably exhibit an increase of offences with an advance of destitution, and *vice versa*, yet they show a movement of this character more frequently than one of an opposite nature,—that which had been announced as the rule by the Rev. Mr. Clay and others. Thus their test of criminality, when tried by a wider range of facts than their observations embraced, is found no longer to warrant their unwelcome inference. As to the test itself, which places in the same category offences of which the majority are very trifling, and those which really amount to crime in the true sense of the word—offences the number of which brought into court varies so much with the caprice of officials and complainants, and those which from their mere

* This last circumstance must partially be the cause of the falling off in late years of the number of committals to assizes and quarter sessions, which is greater than can be satisfactorily accounted for by any improvement in the physical condition of the people, and consequent diminution of the chief source of crime.—privation.

formidable and definite character are rarely committed without being made the subject of legal investigation, I have before dwelt upon my objections to it. But, bad and unsatisfactory as the test is, and weak as must be any inference founded on it, it does not afford even the feeble support which was claimed. So much for the results of the statistics of summary convictions,—the class of offences from which it has been inferred that poverty and privation are conducive to the morality of the people. But, looking to the statistics of real and formidable offences,—statistics, moreover, which truly represent the *quantum* of the transactions they profess to deal with, which transactions, in their turn, afford an accurate measure of the crime of the country,—we arrive at the pleasing conclusion that, according as the majority of the people are affluent, so also are they well conducted, and that it is only when they suffer privation a general increase of crime takes place.

V.—*Free-Trade Resolutions of the Council-General of the Hérault.*

LAST session the French government presented to the Legislative Body a bill for abolishing the prohibitions against importation which abound in the tariff, and replacing them by duties which, though high, are not absolutely prohibitory. This bill was so unfavourably received, that it was deemed advisable to let it stand over for the next session; and, in the mean time, it has been brought under the notice of the Councils-General of the eighty-six departments of France, to give them an opportunity of pronouncing for or against it. As the protectionist interest is strong in France, especially among the classes who usually compose the majority of the Councils-General, it is not to be expected that many of them will come forward in favour of free trade. So far but four have transmitted to Paris the results of their deliberations; and of these, two are against the bill, and two in its favour. The *Nord* objects to any change in the existing customs' arrangements, until all duties on the importation of raw materials into France have been abolished—a resolution which the Prefect endeavoured to his utmost to induce them to modify somewhat in favour of the bill. This proceeding on the part of an official is worthy of notice, as refuting the report so industriously spread by the protectionists, that the government was not in earnest in its support of the measure, and had instructed the prefects of the departments to encourage the Councils-General to oppose it. The Council-General of the Aisne, likewise one of the northern manufacturing departments, expressed fears lest any disturbance of the existing tariff should reduce the wages of labour—imitating, in the grounds thus taken, the conduct so often adopted by protectionists in England, who defended their monopoly of the home market, as a burden which consumers should bear for the sake of poor workmen; but kept in the background the interested