

PRESIDENT'S ADDRESS, 1910-11

JUVENILE CRIME AND ITS PREVENTION.

BY LORD JUSTICE CHERRY.

[Read Tuesday, January 24th, 1911.]

My first duty to-night is to thank the members of the Statistical Society for the high honour they have conferred upon me in electing me, for a third time, their President. I fear that during my first two years of office I have not discharged my duties as satisfactorily as I should have wished to do; my only excuse being that my official and Parliamentary duties as Attorney-General took up so much of my time, and caused me to be so frequently absent from Dublin, that I was unable to give that attention to the Society's interests that is due to it from its President. I hope, however, during the present year to make up in some respects, at all events, for my delinquencies in the past.

The subject which I have selected for my Inaugural Address, viz., "Juvenile Crime, and its Prevention," is a branch, and I think the most important branch, of the subject of Prison Reform, which has recently attracted so much attention. The publication during last summer of the admirable series of articles in the *Times* newspaper on "Prison Life and Administration," and the meeting of the International Prison Congress at Washington during the autumn, have both contributed to attract the attention of the public to the matter; and the time is therefore propitious for an appeal to all who really desire an improvement in our social conditions to really interest themselves in this subject. It is a difficult and unattractive problem to deal with, and we need for its solution the best brains that are available, as well as the active assistance of very many more people than now can be got to give their help towards the amelioration of the lot of those whom youth and inexperience have led into crime.

Although the work may be laborious, and even disheartening, as it must often be, the result to be attained is so beneficial to the community that it is worth our while to give far more attention to it, and to devote far more public time and public money to its promotion than either the State or private individuals have been willing to give in the past;

for I am firmly convinced that if we could get rid of juvenile crime, as by a proper treatment of the criminals I am equally convinced we can do, we should rid society once and for all of that hideous pest, the habitual criminal. If the records of any such criminal be examined, it will be found, I think, in almost every case that his first imprisonment was in early youth for some trifling offence, and that his subsequent career in crime was due partly to the degrading effect on his character of the ordinary prison discipline, and partly to his inability, from ignorance, and want of opportunity, to obtain honest employment on his first release. I have every hope, and by that I mean a real expectation and belief, not a mere conventional expression of desire, that by careful reformatory treatment of every case of juvenile crime, combined with proper means being adopted to secure honest employment for those who have gone through it, we can, in time, entirely get rid of the criminal class, as a class, in our large cities.

This hope is encouraged by an examination of the effects of what has already been done to substitute a reformatory for a merely vindictive treatment of criminals, and especially of young criminals. We now recognise, what our grandfathers did not, that harsh and cruel punishments have very little, if any, deterrent effect, and that, on the contrary, they tend to brutalize the minds of those who are subjected to them in such a manner as to more than counterbalance any good effect they may produce through fear of their repetition. Flogging in the army was only abolished in 1879. Flogging in the navy was permitted until a few years ago. The universal testimony is that the conduct of the men in both services is now very much better than it was when flogging prevailed; but if we read the debates in Parliament upon the subject at the time when it was proposed to abolish it, we will find the most doleful prophecies as to the result upon discipline of depriving the authorities of the power to inflict it.

One can scarcely now realize the cruelty and heartlessness with which young criminals were treated until the middle of the last century. I read a short time ago in one of the *Times'* extracts which appear daily from the paper published at the corresponding date in the last century, an account of the execution of a young girl for stealing a piece of ribbon to adorn her hair. The "culprit" was described as being extremely pretty, and as having excited the commiseration of the onlookers in consequence; but there was not in the comments of the newspaper writer the slightest censure of this barbarous outrage.

In 1833 a boy was sentenced to death for stealing two-pennyworth of paint. He was not, it is true, executed. Humanitarianism had made some progress at that time;

but as late as 1843 an anecdote told by the late Lord Brampton in his memoirs shows that the brutal cruelty of the past had not, even then, disappeared.

Mr. Hawkins, as he then was, on his first circuit, visited the town of Bedford. His lodgings were opposite the county gaol, and he describes how one evening, when seated at his sitting-room window, he saw the large gates of the prison open and a common country cart come out. In it, laid upon straw, was a rough wooden coffin, and behind the cart, with their hands on the back-rail, walked a man and a woman in deep dejection. The coffin, he afterwards ascertained, contained the body of their only son, a lad of sixteen, who had been executed that morning for setting on fire a hay rick. What a respect and admiration for the law these two poor people must have felt on that day!

We cannot now read of acts such as these without a shudder; but our ancestors, who sanctioned them, were firmly convinced of their necessity. When one hears now-a-days fears expressed that the increased leniency in punishing criminals may encourage crime, one has only to point out that, far from doing so, it appears to have the very opposite effect. So far, every step which has been taken to mitigate the severity of punishment, and to substitute a reformatory for a vindictive treatment, has resulted in a diminution of crime and a reduction in the number of prisoners. The following table, taken from the last Report of the General Prisons' Board for Ireland, of the reduction in the number of prisons in Ireland within a period of little over thirty years—a reduction which has been rendered possible by the diminution that has taken place in the number of prisoners—is a very satisfactory indication of improvement in this respect.

“The number of prisons and bridewells,” says the report, “under the control of the General Prisons Board on 1st April, 1878—the date when the local prisons and bridewells were transferred to the Board—and now is as follows:—

1878.	1910.
4 Convict Prisons.	1 Convict Prison.
” ”	1 Joint Convict and Local Prison.
38 Local Prisons.	15 Local Prisons.
95 Bridewells.	6 Bridewells.

“To the list for 1910 are to be added two institutions of a reformatory nature, which have during recent years been established under the control of the Board, viz. :—

- 1 State Inebriate Reformatory at Ennis in 1899.
- 1 Borstal Institution at Clonmel in 1909.”

Reformatories and Industrial Schools.

The first step taken in the United Kingdom to improve the method of dealing with youthful offenders was the establishment of Reformatory Schools. These were originally of a purely voluntary character, and supported altogether by voluntary contributions. They were recognised by the Government for the first time in 1854. By an Act passed in that year (17 & 18 Vic., c. 86) power was given to the Home Secretary to grant a certificate to any such school; and thereafter it was provided that children under sixteen convicted of any criminal offence might, *after the expiration of their sentences*, be sent at the public expense to one of these schools for a period not exceeding five years. With the parsimony which has always been displayed by Government in this country in relation to everything connected with social reform, the same Act contained provisions for recovery from the parents of such children of the expense of their maintenance. But I should think very little money has been obtained for the support of the institutions in this way.

Reformatory schools were first recognised in Ireland in 1858. And under the Irish Act (21 & 22 Vic., c. 103), which originally established them, and the Act of 1867 (31 & 32 Vic., c. 59), which was substituted for it, the detention in a reformatory school was provided in the same manner as in Great Britain, as an *addition* to the punishment awarded for the offence. This has been altered by the Children's Act, 1908, one of the main objects of which is to abolish imprisonment of children altogether; and by the 57th Section of that Act (8 Ed. VII, c. 67) it is provided that in every case where a youthful offender is sent to a Reformatory school he shall not in addition be sentenced to imprisonment.

In addition to providing for children who had actually been convicted of crime, the legislature, by two Acts, that for Great Britain passed in 1866, and for Ireland in 1867 (30 & 31 Vic., c. 25), took steps for the protection of children who were living under such circumstances as would naturally lead them to crime, by recognising, as in the case of Reformatory Schools, Industrial Schools for the reception of children found begging, or wandering without any settled place of abode, or destitute, or frequenting the company of reputed thieves, and providing for the detention of such children and their instruction in these schools under the same management as the Reformatory Schools. In taking this step, Parliament applied the wise maxim that prevention is better than cure.

It is impossible to exaggerate the good effect which has been produced in the reduction of juvenile crime by this twin system of Reformatory and Industrial Schools. The latter

have been particularly successful in Ireland; and the combination of voluntary effort and private management, with State regulation and partial support—a rather dangerous experiment—has been completely justified by the result.

The next step which has been taken by the State for the prevention, by reformatory treatment, of juvenile crime is the introduction of what is called the Borstal system. This was first suggested by the Inter-Departmental Committee on Prison Administration presided over by the present Prime Minister, Mr. Asquith, when Home Secretary, in 1894. That Committee reported *inter alia* :—

(i.) That 16,000 sentences involving imprisonment had been imposed upon youths under 21 during the preceding year.

(ii.) That the average boy was rather worse than better in his character and disposition after serving a short sentence of imprisonment; and,

(iii.) That the age between 16 and 21 was that at which criminal instincts were usually formed.

From these facts, which were ascertained after careful investigation, the inference was obvious that the old system of punishment was manifestly useless and bad, and that a complete change was necessary. This involved a careful investigation, not only of the circumstances of the particular crime for which the sentence was imposed, but an examination of the previous life, character, and surroundings of the criminal, and the application of a strict disciplinary and reformatory treatment calculated to turn him into a useful member of society. The application of this treatment is in itself sufficient punishment to the boy, being naturally distasteful, in the first instance at all events, to one who had acquired idle and pernicious habits.

In practice, the theory resolved itself into an attempt, in the first place, to improve the boy's mind by education (made as interesting as possible), skilled work, and, as a reward for good conduct, liberty to partake in healthy games; and in the second place, to encourage self-discipline much more than was possible in the ordinary rigorous prison treatment by a gradual increase of liberty as a reward for willing obedience.

The Committee condemned in the most unqualified manner the subjection of youthful prisoners to the same rigid system of prison discipline as that applied to older men, and recommended the creation of a special class of prisoners, to be called "juvenile adults," comprising those who were over the age of sixteen years (and, therefore, not eligible for reformatories), but under the age of 21. These prisoners, it was recommended,

should receive special training and separate treatment of the kind I have just mentioned, with the aim of forming good character, and thus enabling them to earn an honest livelihood after the expiration of their sentences.

Borstal Institutions.

Social reforms move slowly in this country, and it was not until fourteen years after the report of this excellent Committee, when its chairman had become Prime Minister, that any legislative step was taken to carry out its recommendations, although, by departmental action, much had been done in the meantime. By the Prevention of Crime Act, 1908, provision was made for the establishment of what are called "Borstal Institutions," that is to say, in the words of the Act, "places in which young offenders, whilst detained, may be given such industrial training and other instruction, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime" (Section 4). The Act provides that in lieu of a sentence of penal servitude or imprisonment, a sentence of detention in a Borstal Institution for a term not less than one year, nor more than three years, may be imposed by any court, provided that the convicted person

- (a) Is between the ages of 16 and 21.
- (b) Has been associating with persons of bad character, or has acquired criminal habits; and,
- (c) Is of sound physical health and good mental condition.

Four such "Institutions" (they are never called "Prisons") have been established in England—one at Borstal itself, one at Lincoln, one at Feltham, and a fourth now at Aylesbury for women. In Ireland a small "Institution" has been established at Clonmel.

The class of persons to be dealt with in these institutions is, I should say, one of the most difficult to manage of all classes; strong, active, young criminals, who must, to qualify for admission, have actually acquired criminal habits, or have associated habitually with persons of bad character, yet the success of the experiment has been truly marvellous.

The system pursued is simply to substitute for the punitive treatment of the ordinary gaol intellectual, moral, and religious instruction, accompanied by hard, healthy work, strict discipline, and (for those who qualify by good behaviour) reasonable amusement. There are three grades for Borstal lads—(1) the penal, (2) the ordinary, and (3) the special. The newcomer enters the ordinary grade, and according to his

subsequent conduct in the institution goes up or down. If found to be incorrigible even in the penal grade, he may be transferred for the remainder of his term of detention to an ordinary prison (Sect. 7), and this has sometimes to be done, but fortunately not very often.

As an indication of the success of the system in the home of its origin, Borstal itself, I may mention that when the *Times*' correspondent, to whom I have already alluded, visited the place, he found that out of between 200 and 300 inmates there was not one in the penal grade.

The inmates are not pampered in any way. The rules are strict and the discipline severe. The work is as hard as it would be in gaol, so that there is no danger of making a Borstal Institution, from the outside point of view, an attractive residence in any way for young criminals. But the entire absence of a purely punitive treatment, and the encouragement of self-respect, self-discipline, and habits of industry among the inmates have a most beneficial effect. The *Times* correspondent thus describes the system as he saw it in operation :—

“The youthful criminal comes to his downfall through over-energy of some kind, never through the lack of it. This fact the authorities know. Hence, in Borstal they have created the atmosphere and practice of continuous vigorous doing—which strikes a visitor the moment he enters, and remains in his mind afterwards. Merely to see the lads drill is a revelation of what can be got out of material which would, for the most part, be promptly rejected, apart from actual physique, by the Army. The instructor of the gymnasium is as strict and smart as need be, and puts his pupils through as thorough a course of Swedish gymnastics as if they were sailors of the Fleet. How they run and jump and vault and swing to the word of command. A newcomer may try shirking the work for a time, but drill—never. An hour each day at least he is in perpetual motion, honest perspiration bespangling his brow, his chest expanded, his muscles braced, his nerves at full tension, his attention caught and held in a vice, and every ounce of him in play.

“The hours of work and the routine of labour do not differ materially from those of ordinary prison life. The day starts with the physical drill at 6 a.m., then breakfast; the hours of work are from 7.30 a.m. to 12 noon, and 1.30 to 5.30 p.m. It is a revelation to anyone accustomed to ordinary prison visiting to see these Borstal boys. It is not only the brisk energy they put into their labours, so ruefully observed by our newcomer, that is so refreshing, nor their greater freedom of action. I saw one lad hard at it with a pick right away from all supervision, tackling his job with the trained skill and concentration of a highly-paid navy. That which

makes Borstal unique in prison life is the difference in the carriage and bearing of its inmates from prisoners living under ordinary conditions in gaol. It cannot be said that there are any angelic faces at Borstal. In contour and in feature they are as coarse and dour as those of other criminals, but their expression in nearly every case is entirely different. The shifty eyes have grown steady, the sullen brows and lips are clear. Heads are held erect; they walk without a slouch. They come in as criminals; they are tainted, generally speaking, with the taint of early crime—the worst time, when crime has most power. They leave Borstal in most cases, after one, two, or three years under the hand of the law, better men than when they entered it.”

When the youths leave the Borstal Institution on the expiration of their sentences, they are taken in charge by the Borstal Association, a voluntary society of ladies and gentlemen, who endeavour to find work for them. This they generally succeed in doing, and in most cases with the best results. I have been in communication with a friend in England, much interested in the working of this Association, he has furnished me with accounts of several boys who have been completely reclaimed by this treatment, and are now leading steady, industrious lives. One of these accounts is so remarkable that I cannot do better than give it in full, as I have received it (omitting the name for obvious reasons) :—

“ A—— B—— was a fellow from the Midlands, who began stealing at the age of ten, and had been convicted thirteen times by the time he was twenty. He had been birched twice, served six different sentences of one month each, two shorter sentences, and two more of three months each. At the end of it all he was an idle and undisciplined boy, with his face set toward Dartmoor and penal servitude. At this point he was sent to Borstal for two years. Here he found strict discipline and hard work. Two years under such influences made him a different fellow.

“ It is now nearly twelve months since he came out from Borstal. He has been found work by the Borstal Association as a bricklayer, having learnt the trade in Borstal. He earns 7d. an hour, is in good lodgings in London, and under the friendly supervision of the Association’s agents. There seems no reason now why he should relapse. He is happy, away from bad companions, and his foreman says he is a splendid worker.”

Another instance of successful treatment given me by the same correspondent is that of a youth not actually in a Borstal Institution, but sentenced to penal servitude, and subjected to a similar reformatory discipline during his

detention at Dartmoor for four years. He was discharged to the care of the Borstal Association in October, 1905, and was found a place on a farm in South Wales. He has stayed there ever since, improved his position, having a good post in the adjacent collieries. He now acts as agent for the Association in these parts, and has found work and lodgings for a number of the Borstal boys. He has married, got a nice home, and boys go there to stay with him.

Modified Borstal Treatment.

In addition to the provision of separate institutions for the treatment of the juvenile offenders, who have been living amidst criminal surroundings, a system of special treatment of youths committed for ordinary offences, and serving their sentences either in local prisons or in convict settlements, has been introduced, by departmental regulations, both in England and Ireland. The system is known as the "modified Borstal," and is based upon exactly the same principles. Its results so far have been most encouraging. The same correspondent of the *Times* describes the system as in operation at Dartmoor, among youths sent to penal servitude, as follows:—

"They are all at Dartmoor working in parties quite separate from the adult convicts. Their occupations are often out of doors as well as in. One meets them everywhere, great strapping fellows most of them, bronzed by the sun, erect and muscular, of good carriage. They sing in the choir at chapel with much vigour. They can perform great feats in the gymnasium. They are in charge of the stable, and mightily proud are they of the great Shire horses they lead and groom and feed—horses that do Dartmoor credit. These horses are bred on the estate, are of the best blood, and are in perfect condition and fettle, in hands which care for them lovingly, though they once strangled the life out of a human being. It is, therefore, a fine healthy life for lads; and as full privileges for good conduct and diligence are given—and the discipline against idling and breaking of rules is strict and severe—they are mostly well-behaved."

When it is remembered that all the youths in Dartmoor had either been convicted of very serious offences—some of them even of murder—or frequently convicted of comparatively trivial ones, it is certainly remarkable that the special treatment should have produced such good results. The following record of a "typical case" illustrates the difficult material with which it is necessary to work, and, incidentally,

the evil of short sentences in the case of juvenile offenders, a matter about which I shall have a few words to say later on :—

“ A. B.—Twenty-one years old when convicted. Sentence, five years. Member of a very dangerous gang. His crime—breaking into a house and stealing plate with others. His record—ten previous convictions; the first crime committed when he was less than twelve years of age. This is a bad case; yet even after he had had seven convictions, he was only sentenced to nine months' imprisonment for burglary. None of the former sentences exceeded three months each. If that lad had been detained and trained earlier for a couple of years, he would not be a convict now.”

The Borstal System in Ireland.

Although the Borstal system did not receive legislative sanction until the passing of the Prevention of Crime Act, 1908, it had been, as I have said, in operation both in England and Ireland, under departmental regulations, for some years prior to that date. In 1906 portion of Clonmel Prison was set apart for the purpose, and last year arrangements have been made for the conversion of the entire prison into a Borstal Institution, by transferring the ordinary prisoners to other neighbouring prisons, where fortunately there is ample accommodation for them.

Juvenile adult prisoners from all over Ireland are now in every case brought to Clonmel, if sentenced by the Court to detention in a Borstal Institution, or if an ordinary sentence of imprisonment has been imposed of sufficient length to give hopes of successful reformatory treatment.

While the juvenile adults are in detention in Clonmel, they are given every possible inducement to reform. They are, as may be found suitable to their capacity, instructed in carpentry, gardening, painting, tailoring, and shoemaking. They can avail themselves of a good library, consisting of books of the best kind in history, biography, travel, etc., which are selected by the chaplains and visiting justices. There is an efficient schoolmaster, and the boys up to and including the third standard of the National Board receive instruction daily in the schoolroom. When the boys are received into detention, they are generally destitute of any useful knowledge, and when leaving they all show a very marked improvement. There have been instances of youths entering the Institution unable either to read or write, who, when leaving, were able to communicate with their friends by letters well and intelligibly written. The inmates go regularly through physical drill, which has been very satisfactory in healthful development. There is a recreation

room where boys in the special grade meet every evening for an hour, and indulge in games of chess, draughts, etc. There are also lantern exhibitions illustrating lectures on interesting subjects, while the chaplains look after the spiritual wants of the boys in the most zealous manner.

Since the passing of the Prevention of Crimes Act, 1908, there is power to discharge a youth sentenced to detention in a Borstal Institution before the expiration of the period for which he was sentenced, that is, at any time after the expiration of six months, if the Prisons Board are satisfied that there is a reasonable probability that the offender will abstain from crime and lead a sober and industrious life. There have been several of these licenses already granted, and in not a single instance has it been found necessary to bring back to the Institution any of the boys liberated in this manner. Before a licence is granted, careful inquiry is made as to the boy's previous history, and as to whether some person cannot be got who will take an interest in his welfare.

Prisoners' Aid Societies.

A Discharged Prisoners' Aid Society was established in Clonmel at a public meeting held in May, 1906, principally with the object of assisting prisoners treated in the local gaol under the Borstal system. A Committee of Management was appointed, the President being Richard Bagwell, Esq., D.L., the Vice-President, the Earl of Donoughmore, and the other members the Visiting Justices, together with the chaplains, governor of prison, and some local gentlemen. At the fourth annual meeting in May last the title of the Society was changed to that of "The Borstal Association, Ireland," the gaol having been in the meantime converted into a Borstal Institution, all the inmates of which are regarded as being in detention and not as prisoners in the common acceptance of the term.

This Committee acts as the English Borstal Associations do in assisting the boys after their discharge to obtain work and supervising them for a limited time as far as it is possible to do so. Reports are from time to time received by the Association as to the conduct and careers of the licensees.

The result, I am happy to say, has been as satisfactory in Ireland as in England. It is best stated in the words of last year's report (1909-10) of the Association:—

"Since the establishment of the Borstal system in Clonmel 137 youths have been committed, of whom 46 are still in detention, 4 were transferred for misconduct to the ordinary prison and the remaining 87 were discharged.

“ It is pleasing to be able to state that 50 of the 87 are doing well. As to 9 no definite information can be obtained, owing to emigration and other causes, but in these cases it may be fairly assumed there are no grounds for complaint. It is known that 5 at least have entered on careers in which it would be prejudicial to them if their previous histories were known. One young man joined the Merchant Service, and as it was an occupation he most desired (having been previously at sea), he is likely to get on well. Five of the prisoners discharged have married, and are now industrious and respectable members of society. The percentage of reformations to discharges may be taken roughly as 63, which, considering the previous history of the boys and their unfortunate surroundings, should be regarded as highly satisfactory.”

It is almost unnecessary to say that this great scheme of prison reform could not have been carried out without the cordial co-operation of the prison authorities. There are no more convinced supporters of the reformatory system than Sir Evelyn Ruggles-Brise, President of the English Prison Commission, the actual originator of the Borstal Institution, and Mr. J. S. Gibbons, Chairman of the General Prisons Board of Ireland. The latter is indeed an enthusiast on the subject, and desires to carry the scheme much further. At the recent International Prison Congress in Washington he proclaimed his prison programme in the following terms :—“ Every gaol, every prison,” said he, “ should be a reformatory. Our object should be first to make our gaols and prisons perfect as reformatories, and then to have them empty.” Neither of these experienced officials is a believer in the existence of a criminal type of humanity, beyond the reach of reform, as is suggested by the pessimistic theory of the Italian writer, Lombroso. Each takes the opposite view—that criminality is, in most cases, at all events, the creature of circumstances and environment, and that by proper treatment *at an early stage* it may be completely eradicated.

An essential feature of the new system is the provision of assistance to youths when discharged from the Institutions in obtaining honest employment. Without this they will almost certainly relapse into crime, and all the benefits of the training will be lost. This work can only be done effectively by voluntary societies.

The Prevention of Crime Act, 1908, however, gives legislative recognition to these societies, and enables Treasury contributions to be made towards their expenses (Sec. 8). These contributions are, however, insufficient for the proper discharge of the work, and I regret to say that the subscriptions received by the Clonmel Borstal Association from voluntary sources are entirely inadequate. The Committee

very naturally complain that although the boys assisted come from all parts of Ireland (mostly from the two large cities of Dublin and Belfast), the responsibility of helping them financially on their discharge falls almost altogether on local subscribers. I think that if the existence of this Society was more generally known than it is, it would receive, as it certainly deserves to do, more general pecuniary support.

In England this branch of prison reform has been taken up most energetically by the present Home Secretary, Mr. Churchill, not only as regards youthful offenders, but in the case of all convicts. In his speech to the House of Commons on the 20th of July last he gave an outline of his proposals in the following terms:—

“ The proposal I am able to make to the House is this—that we should establish a new central agency of a semi-official character—half official members representing the authorities, and half the representatives of these prisoners’ aid societies—that will combine official power with what I think is essential—the human touch ; that there should be an individual study of every case ; that all convicts should be distributed by the central agency between the different prisoners’ aid societies of the different denominations and the different charitable societies ; that the whole business of police supervision shall be absolutely suspended ; that the old system of ticket-of-leave shall come to an end completely. So that, except in the case of refractory persons, who are quite beyond the charge of these different societies, the convict, when he leaves prison, will have nothing more to do with the police. He will be dealt with entirely through the agency of these societies, working under the central body, whose only object will be to do the best for the convict. I am very glad to be able to say that the Chancellor of the Exchequer has been good enough to assign £7,500 for the development of the methods by which to enable prisoners on their release from penal servitude to take their place in ordinary life.”

The new central agency is now actually at work, under the management of two most enthusiastic prison reformers, Mr. W. Grant Wilson and Mr. Alexander Paterson. It is too soon, of course, to speak of results, but everyone must wish it success ; and I think that we in Ireland may reasonably claim that its labours may be extended to our country.

Short Sentences.

Another essential feature of the reformed system, some people may be surprised to hear, is the entire abolition of

short sentences. In the opinion of nearly all prison administrators there is no chance of the success of any reformatory treatment of youths unless they are subjected to it for at least a year. In the opinion of all prison reformers no sentence of less than this duration ought ever to be imposed on a youthful offender. "Short sentences, taken as a whole," says the *Times* correspondent, whom I have so frequently quoted, "are the curse of our prison system, the despair of its administrators, and one of the most powerful, if not the most powerful, of the aids to crime."

At present, chiefly on supposed grounds of humanity and leniency, a very large proportion of youths sent to prison are sent there for very short terms, sometimes only for a few days. Prison loses its terrors for these boys. Their character is gone. Their self-respect, if they ever had any, is gone too. They are released before they have had time to forget their old associations, and go back at once to crime. Frequently these short sentences are imposed for the most trivial offences, general rowdyism, playing games in the streets, etc., etc. Some magistrates fail in the most lamentable manner to recognise the evils of familiarising a boy with the inside of a prison. The Children's Act of 1908 has now fortunately put a stop to the evil as regards the younger class of offenders. It is now illegal to commit any child under fourteen years of age to prison under any circumstances whatsoever. It is also illegal to imprison any "young person" between the ages of fourteen and sixteen, unless the Court certifies that he or she is of such unruly or depraved character as not to be a fit subject for other treatment (Sec. 102). But the heads of the prison administration both in England and Ireland are of opinion that we should even go further than this. They condemn, in the most unqualified terms, the entire "short sentence" system. The following extract from the last Report of the Irish Prisons' Board is worth consideration:

"We have in previous Annual Reports frequently referred to the inutility of very short sentences of imprisonment. Last year the number of prisoners committed under sentence of 7 days or less represented 41 per cent. of the total number of convicted prisoners committed during the year.

"Now that the punitive side of prison treatment is being subordinated so much to the reformatory side and that prisoners are made so comfortable in prison, these short sentences have little or no deterrent influence. The result is that those on whom an adequately long sentence would probably have a deterrent effect, or a reformatory effect from the influences brought to bear on them, come back to Prison so frequently that they spend a longer aggregate time in prison than if longer sentences were inflicted in the first instance.

“Further, no less than 10 per cent. of the total number of convicted prisoners are committed under sentences of 4 days or less. It would appear to be a matter for consideration whether many of the offences which have heretofore been dealt with by such short sentences might not be more suitably dealt with under the Probation of Offenders Act, 1907, by discharging the offender conditionally on his entering into a recognizance with or without sureties to be of good behaviour and to appear for conviction and sentence when called on.”

I would venture to suggest that short sentences of imprisonment should be entirely abolished in the case of juvenile adults, certainly in the case of girls. If the offence committed be slight, either a fine should be imposed (if it can be paid) or the offender should be placed in charge of a probation officer or some disciplinary authority. If he is recalcitrant, and refuses to submit to authority, he should then be sentenced to at least a year's detention, either under the Borstal system or the ordinary reformatory treatment for juvenile adults. I am glad to think that such is the view of the present Home Secretary; to judge by his speech of the 20th of July last, which I have already quoted. I trust that he will take an early opportunity of giving legislative effect to his opinion on the matter, and I am convinced that the extension of the Children's Act in this direction—certainly in the case of girls—would have a most beneficial effect.

Conclusion.

We have travelled a long way on the road of Prison Reform since the days of John Howard and Elizabeth Fry; a long way, even, since the first establishment of Reformatories; and it is encouraging to think that every step in the progress has been accompanied by a diminution in the amount of crime committed. It may be an exaggeration to say in every case that “Force is no remedy,” but certainly, in the case of the young, it is a very inferior remedy, which should be used only in the last resort. Indiscriminately applied, with ill-tempered and vindictive feelings, it does far more harm than good. Patient and persistent effort to reform the younger class of offenders has been proved by experience to be far more efficacious than plank beds and solitary confinement; and the main object of all punishment ought to be to reform the criminal and deter him and all others from crime. Those who initiated the Reformatory School system were on right lines. Sir Evelyn Ruggles-Brise, the present head of the English Prison Commission, in starting the Borstal Institutions (for it is to him that the credit is due for this reform) was merely developing the older system. All further progress should be in the same direction. It is to the young we should

look first. It is with the young that we have most chance of success. If the age of those subject to reformatory treatment be gradually extended, as I think may safely be done, a time may come even in the lifetime of many of us in this room to-night, when the high walls, the sunless cells for solitary confinement, and the plank beds of modern prisons may be regarded with the same feeling of horror as are the rack and the thumb-screw, the cat-o'-nine tails, and other instruments of torture which are now exhibited only in our museums, but which were thought by our ancestors to be as necessary for the suppression of crime as we now consider our modern prisons to be. Much hard work must, however, be done before this result can be achieved.