

APPENDIX II.

THE TREATMENT AND PUNISHMENT OF YOUNG OFFENDERS,

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THE treatment and punishment of young offenders have lately been much discussed in England with a view to future legislation.

The subject is one of vast importance to Ireland, and in the hope that the intended legislation will be extended to this country, I desire to lay before the Congress some of my ideas on the matter founded on an experience of many years.

The questions to be considered are :—

- I. Should children under twelve years of age be sent to common gaols ?
- II. Should corporal punishment be inflicted on young boys by order of a Court of Justice in lieu of imprisonment of the offenders ?
- III. Should parents be made amenable for the misconduct of their children, and to what extent ?
- IV. Whether a Probationary Institution for young offenders under twelve years of age is necessary ?
- V. What moral training and technical instruction the inmates of Reformatory and Industrial schools should receive ?

As regards the first question, I am decidedly of opinion that no child of tender years (none at least under twelve years of age) should be committed to a common gaol unless under very exceptional circumstances.

The evidence taken by the Committee of the House of Commons on juvenile delinquency in 1853, is most convincing on this point.

The late Judge Berwick, then Chairman of the West Riding of the county Cork, in his evidence before the Committee calls attention to the vast number in the Cork gaol

of young children—some only six years of age—sentenced to one month's imprisonment for begging in the streets of Cork. He had, he said, frequently tried for very serious offences children so small that a turnkey was obliged to hold them up in the dock in order that he might see them; and he mentioned that in the previous October one little child, tried before him for two distinct cases of house-breaking, had to be so lifted up to enable him to be seen. The Judge added that he invariably found these children had commenced their career of crime after committal to gaol for begging. He particularly investigated the case of this same little housebreaker, and learned that the boy had first been sentenced, for begging, to an imprisonment of one month in Cork County Gaol, where, after association with experienced juvenile offenders in the gaol, he had come out of prison trained precociously to vice.

Such are the invariable results produced by allowing juvenile offenders to associate in gaols.

Some girls when committed to prison are violent and unmanageable. They require the most repressive treatment; others become hysterical and cannot be left alone in their cells. On one occasion I found a very small girl in the matron's apartment of a prison. She was committed for some trifling offence, and when left alone in her cell she became so hysterical that the matron, fearing that she would have died, brought her to her own quarters, where by kindness and motherly treatment the child was restored to her normal state of health and consciousness. The opinion now very generally entertained among publicists that young children of either sex should not be sent to a gaol, is, I believe, founded on sound principles. Constructed as our prisons are with whitewashed walls and muffed glass windows, new ideas from without are inaccessible to the child, the solitude tends to blunt his intellect, and renders him morbidly sensitive to real or imaginary wrongs. Isolated and without sympathy, under the stern discipline of a prison, he may be taught to fear, but not to love those placed over him. The best feelings of his nature are obliterated, and are too often succeeded by a spirit of resistance to all laws, human and divine.

I was particularly struck with the case of a boy who in 1871 committed suicide in one of the best but most strictly disciplined prisons in the kingdom. He had been sentenced to Glencree Reformatory, but could not be admitted as the school was overcrowded. He was not a bad boy, but he was deformed, and had no hope ever to earn an honest livelihood.

He was a second time committed to the gaol for larceny, was placed in one of the ordinary separate cells of the prison, and was given a quantity of oakum to pick. When the prison warder returned to the cell, the boy had strangled himself with the rope given him to facilitate his task.

I was then Inspector-General of Prisons, and it was my duty to investigate the case. This death made a strong impression on my mind, and convinced me that cellular prison treatment is not a system suited for juveniles.

As regards the second question whether corporal punishment should be awarded by Courts of Justice to young boys for trifling offences. I am satisfied that such punishment should not be inflicted except by the parent or guardian of the child. An Irish street Arab accustomed to the hardships to which young thieves in our cities are exposed, will bear unflinchingly and with bravado any amount of punishment which a magistrate, in the present state of the law, would be justified in inflicting.

When Reformatories were established in Ireland, the Dublin police magistrates practically abandoned the system of flogging. The whipping in the Dublin Police Courts was performed by a constable, giving the delinquent six heavy blows with a birch rod. In rural districts, constables could not, without great inconvenience and unpopularity, inflict any such punishment. In gaols also there are many objections to the flogging system, and girls are never subjected to such punishment.

I do not object to parental correction of unmanageable children, and we are taught that "He that spareth the rod hateth his son."

It is the duty of parents and guardians to correct their children, and prevent them from becoming hateful to society—and when parents neglect to restrain their children, I am of opinion that the Executive should intervene.

Under the provisions of the 16th section of the Industrial Schools Act for Great Britain, magistrates may send any child to an Industrial school, on the representation of the parent that he cannot control him. Were similar powers extended to Ireland, and the parents charged with the cost of the maintenance of the children in probationary schools, they would be more careful to keep their children under proper control and discipline at home. The child should, however, be permitted to return to his parent, on the latter giving bail in a penal sum for the boy's good conduct in the future.

The experience of each year strengthens my conviction

that the provisions of the above section of the British statute might with advantage be applied to Ireland. In one instance a cabman, whose son could not be controlled by him, applied to me to have the boy sent to an Industrial school, and he offered to pay the entire cost of the boy's maintenance, but, for want of legislation, the order could not be made. Subsequently a life was lost through the boy's misconduct, and he was then sent to a Reformatory.

As regards the fourth question, whether a Probationary Institution should be established for very young offenders, under twelve years of age, I would remark that during the past year between 80 and 90 boys of that age were sent to gaol for fourteen days and thence to a Reformatory. Each year the number so sent is increasing, and the records of my department show that of the total male young offenders under detention on the 31st December, 1880, in Reformatories, about 150 were at the time of their conviction, of ages varying from seven to eleven and a half years. None of these young boys had ever been previously convicted of felony, and all were eligible to have been sent to Industrial Schools, under the 18th section of the Industrial Schools Act.

During 1880, 23 boys under ten, and 61 between ten and twelve years of age were sent to prison for fourteen days and afterwards to a reformatory for five years. The majority of these, if probationary industrial schools then existed, might have been sent there, and so have been saved from the loss of reputation which must always attend committals to prison or to a reformatory.

The contamination consequent on the imprisonment for fourteen days of children of such tender age, and their subsequently associating in Reformatories, with young men, some of whom have reached twenty years of age and upwards, who had been habituated to criminal courses before their admission into reformatory institutions, in many cases produce deplorable results. Young children are thus of necessity familiarised with crime and criminals before they are capable of distinguishing good from evil, and impressions are produced at an early age which are most difficult to eradicate.

Who would dream of placing a child suffering from a trifling ailment in the wards of an hospital with patients undergoing treatment for contagious diseases? The results would be probably fatal.

To obviate these evils the Chief Secretary has certified a probationary Industrial School at Kilmore, county Dublin,

for young offenders under twelve years of age who have been committed under the 13th section of the Industrial Schools Act. These children, on reaching twelve years of age, will be transferred to other Industrial Schools, or may after eighteen months be placed with their relations, if they be found worthy and willing to receive them.

By restricting the children of the school to the companionship of others of their own age, and allowing them to pass directly from courts of justice to this probationary establishment, the children will not be further corrupted, and under a strict but paternal discipline, immense good will be effected. The Managers of the Kilmore School have entered warmly into the project. They have spared neither energy nor expense in fitting up the school, and I feel sure that the system thus initiated will produce great results.

When any boy attains the age of twelve years, he will be transferred under the 32nd section of the Industrial Schools Act to some other certified industrial school, or if he misconduct himself, and will not conform to the rules, he can, under the 26th section, be committed to a reformatory school.

By the committals to the Kilmore school the ordinary industrial schools will be freed from the presence of a class of children whose conduct often interferes with the mild and paternal discipline of these establishments.

No boy can be admitted into the Kilmore school unless sent under the 13th section of the Industrial Schools Act.

Ordinary industrial schools are more preventive than corrective. It is a mistake to send young offenders, even of a tender age, to associate, without previous training in a probationary school such as Kilmore, with boys in industrial schools who are not familiarised with crime. Experience has shown that the boys who offend in well-managed schools have been, for the most part, committed under the 13th section. With judicious treatment, however, such children can be trained to obedience, honour, and honesty as easily as a young tree can be bent to any desired form.

The Probationary School for Roman Catholic boys at Kilmore will serve as a species of moral infirmary, in which children of the criminal class will be placed before they are allowed to mix with the ordinary Industrial School children. Under the paternal guidance of the Christian Brothers, chosen as best suited to the work, very few, indeed, of these young children can fail to become subject to the influences that will thus be brought to bear upon their thoughts and actions. Good habits will be contracted which, when fixed,

will go far to counteract any hereditary or acquired tendency towards vice.

I believe the establishment of Kilmore School is the first step towards the abolition of imprisonment of very young children. Where a child, from the nature of the case, must be placed in confinement, he can be sent to this institution, and afterwards be pardoned should the Chief Secretary think fit.

As regards the fifth question, "What moral training and technical instruction inmates of Reformatory and Industrial Schools should receive?" I assert it is our first and paramount duty to form the moral character and habits of the child at an age when hereditary tendencies to evil can be eradicated. By careful training new habits and modes of action can be established. They become a second nature and shape the character and guide the future conduct of the man.

When the blood and tissues of the child are poisoned by hereditary alcoholism, the powers of self-control over the emotional passions are weakened in proportion as the depraved blood takes possession of the brain, and such a child is unable to resist evil impulses.

The brain of man, it is stated is ordinarily about $\frac{1}{10}$ of the weight of the body, and receives about $\frac{1}{5}$ or $\frac{1}{6}$ of the entire circulation, unless therefore the circulation be freed from hereditary disease the brain cannot be fully nourished and developed to rightly exercise its functions. Dr. Carpenter, in his admirable work on mental physiology, quotes Dr. Howe, who says, "the children of drunkards, are deficient in bodily and vital energy, and are predisposed by their very organization to have cravings for alcoholic stimulants," but Dr. Carpenter adds, "Reformation is more feasible with juveniles than with adults, since bad habits once constitutionally established are not easily changed, whilst during the period of growth, not only may bad habits be more easily and completely eradicated, but good habits may be fostered, growing with the growth and strengthening with the strength." One of the objects of the Probationary School at Kilmore, is to effect this reformation before it is too late.

The physical force and energy of a man may partly depend on inherited qualities, but the character of a race can be greatly modified by early training, and by alterations in habits of living, in diet, and in cleanliness.

Next to the moral and physical training of the children, I would place technical instruction in trades. Young persons when they leave the school, should be perfect in the practice of their crafts. Otherwise they can never take a high place

in the community of labour, or by skilled industry render themselves superior to the temptations which poverty always induces when the child is thrown friendless on the world.

It is only by excellence that a sufficiently remunerative return for trades industries can be obtained. This applies alike to the artisan as to the professional man. A half educated person, whether in a profession or in a trade will starve when, perhaps, his inferior in intellect, trained to use the powers with which he is endowed, secures a sufficient income.

It is but just that the cost of the child's education and training should, as far as possible, be repaid to the State. This can only be done when the young person is able, by his skill and knowledge of some craft, to increase the national wealth by adding to the manufactures of the country, or by otherwise promoting the public good in the army, the navy, or other department of the public service.

Every new manufacture increases the wealth of the nation. It is stated that one-tenth of the total income of the kingdom is paid to the Government in Imperial and local taxes; according therefore as the nation becomes more wealthy and prosperous the amount received by the Imperial Exchequer in taxes is proportionally greater.

By this means the outlay for the maintenance and teaching of the child may be repaid to the State.

I believe the time has now arrived when the system of payment by results, for technical as well as scholastic teaching, might be adopted in Industrial schools.

In the present condition of civilized nations a knowledge of machinery is necessary for every working man who desires to rise above the lowest occupations in society. Every work requires a mental effort, even agricultural machinery requires much intelligence to use it efficiently, and mere physical force is becoming to a great extent superseded by mental labour. The wealth of a country depends on the manner in which Nature's forces are guided by the intellect of man, and unless the child is trained to use his mental powers as well as his fingers in the manipulation of his work, he will never succeed.

In compiling these facts I have been solely influenced by the desire to bring under the consideration of the earnest and enlightened philanthropists in this Congress, the opinions to which I have given expression, in the hope that their adoption of them will have weight in carrying into effect in Ireland the legislation which has already done so much good by its application to the Industrial and Reformatory schools in England and Scotland.

Thirty years ago the condition of the vagrant and criminal children in Ireland, especially the young females, was worse than in any other part of the United Kingdom. During the four years ending in 1852, 63,332 young offenders, vagrants and criminals (5,141 under ten years of age) were arrested in the city of Dublin alone by the police and committed to gaol. Larceny as well as vagrancy then so enormously prevailed among the female population, that during the years 1850, '51, and '52, 5,989 young girls were committed to the Dublin female prison at Grangegorman for the most part for vagrancy and larceny. The starving mothers taught their children to steal. I remember when young girls held a regular mart for stolen silk handkerchiefs under the colonnade of the post-office in Sackville-street. In 1851 there were 5,334 females committed for larceny alone, the number being, as stated in the evidence before the Parliamentary committee in 1853, "very nearly equal to the total number of females committed in England in that year for every species of offence."

In 1852, 1,878 female children under fifteen years were committed to the Grangegorman prison, Dublin, under the Vagrant Act, and the female beggars in that gaol during the year numbered 7,490 individuals.

The tables published in the returns of the General Prisons Board for the year ending 1st April, 1881, show that the convictions, for larceny, of females of all ages in Ireland during that year numbered only 563 which as compared with 4,539 in 1853, shows an immense diminution of the crime of larceny in this country.

These figures contrast favourably with the statistics above referred to, and show how completely the character of a nation can be changed by judicious legislation applied to proper training and treatment of the young.

The Irish convict system was established in 1854, and, in 1856, the Refuge at Golden-bridge for convict women was opened. On the 1st January in that year (1856) 780 female convicts were in custody. On the 1st January, 1881, the entire number of female convicts in Ireland only amounted to 148 in gaols and 27 in refuges.

During the period which elapsed between 1856 and 1881 1,160 female convicts passed through the Golden-bridge Refuge, the majority of whom had previously been habitual criminals, yet very few indeed have since relapsed into crime.

The first Reformatory school in Ireland was certified in December, 1858. The first Industrial school in February, 1869.

To the successful results of the convict system in Ireland, and the reformatory training given in the Refuges for old offenders, as well as to the efficient working of the reformatory and preventive institutions for the young, I attribute the decrease which has taken place in the criminal population of the country, especially amongst females.

At present there are but 218 girls inmates of all the Reformatory schools of Ireland, and during the last three years 151 were discharged from these institutions, of whom only 7 were re-convicted, and of the latter but 2 were for larceny. Thus, within a short period, a vice which was fearfully prevalent, and had increased to such an enormous extent through the poverty of the country, has been almost eradicated; and I have every reason to hope that by fostering Reformatory and industrial schools, honesty as well as industry, will become characteristic of those very classes of the female population which heretofore were addicted to vagrancy and larceny.

On the mothers of a nation the character and habits of the future generations of the people depend. It is in early years at home, in the family, that the workman must learn to be honest, truthful, sober, cleanly, thrifty, and industrious. It is mainly on this home teaching in childhood that men are brought up to discharge their duties with energy—to bear with others, and to respect themselves. The Industrial schools of Ireland are training between 3,000 and 4,000 young women, so that they may exercise this all-important influence. Already 4,000 young women, thus trained, have been discharged from schools. They have, for the most part, acquired a knowledge which will bring comfort to their future households.

In the hope that the attention of Parliament may be attracted to the work which is now being done in Ireland, I bring this paper under your notice. The managers of Irish schools complain that they are excluded from benefits given to all similar institutions in Great Britain, and they ask to be granted the same facilities for the efficient working of their schools, as are given in England and Scotland. The Industrial school managers also complain that although the majority give their time gratuitously to the working of their institutions, and have already expended a sum amounting to £145,513 19s. 4d., on the erection of buildings and the purchase of land for school purposes, they are not permitted to borrow, even on good security, from the Board of Public Works, the sums necessary to provide buildings, machinery, and the requisite appliances for the training of their pupils.

In this paper I have endeavoured to show the great diminution of crime produced by the Irish Reformatory and Industrial school system, and I feel satisfied that when the facts are clearly submitted to Parliament it will not allow institutions which have been productive of such immense good to the country to be debarred from the advantages enjoyed by English and Scotch schools.

Finally, I wish to observe that the success of the Irish Reformatory and Industrial school system, depends on its being kept as hitherto, directly under the supervision and control of the Chief Secretary of Ireland, for the time being, and, I trust, that when I have passed away, it may never be placed under a Prison Board, the coercive nature of whose functions are essentially different from the kindly treatment required to form the habits and character of the young.