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THE PREVENTION AND PUNISHMENT OF CRIME.

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I have chosen as the subject of my address "The Prevention and Punishment of Crime," because it is one of interest, not only to lawyers and statisticians, but to every person who loves his country and would like to see it better and happier than it is.

The object of punishment is to prevent the commission of crimes, and punishment should not be resorted to if other means equally efficacious can be found. Archdeacon Paley expressed the true view in 1785, when he declared that "the proper end of human punishment is not the satisfaction of justice but the prevention of crimes." (Moral and Political Philosophy, Book VI., Chap. IX.) And Sir Thomas Chambers, the Recorder of London, in an address on "Punishment and Reformation," delivered in 1862, advocated the same principle: "The final object in our systems of penal discipline, as in all our other social arrangements, is the good of the community--its delivery from some evil or inconvenience, or its attainment of some substantive good. In the case of our criminals, the end sought in our mode of dealing with them, whatever it be, is the repression of crime--the diminishing the number both of offences and offenders. This is a matter in which the State has a direct interest and which the State may strive at securing. What is the best means to be adopted for that purpose then becomes the subject of inquiry. What apparatus or agency or machinery is most likely to thin the ranks and lessen the activity

of the criminal classes? That point is not to be determined by any consideration of what is good for them for their own sakes, but of what is good for the society of which they are the pests. To do them good is not the final aim, but to benefit the public. To secure for those who have broken the law and become subject to penalties some personal advantage is not, I think, a legitimate object of public law, though of private Christian benevolence it may be a plain obligation."

In order to see how crime can be prevented we must first inquire into the causes of crime. This has been the subject of investigation by many writers, particularly Mr. Gordon Rylans in "*Crime, Its Causes and Remedy*," and the Rev. W. D. Morrison in "*Crime and its Causes*." Mr. Rylands in particular refers to a most interesting table, which was compiled by the Rev. H. Litsom Elliott, M.A., as a result of an investigation into the circumstances of a thousand prisoners who had come under his personal observation, and in respect of whom he satisfied himself as to the causes to which their first conviction could be traced. Out of the 1,000 cases, no less than 351 were attributed to bad company, of which 250 were due to acquaintances made in the street, workshop or home, etc., and 101 were due to acquaintances made in publichouses, dancing saloons, etc., 205 were due to drink, 52 to poverty, 77 to opportunity, 67 to want of principle, 96 to bad temper, 39 to immorality and wantonness, 11 to incapacity, and 102 to other not clearly defined causes. It may surprise one to learn that bad company is responsible for so much crime, but Mr. Elliott certainly had no doubt upon this subject, because he says:—"Bad company is the master-cause of crime, especially of that which is most serious in a social point of view. The great majority of professional thieves have been engaged in a criminal career almost from infancy, and have originally fallen, not from the promptings of hunger, nor from any special dishonesty, nor from any peculiar moral obliquity, but simply from the influence of bad example, or it may be from direct instruction in crime at an age when they were scarcely capable of discerning between their right hand and their left."

Drunkenness is the second great cause of crime, and some indeed would place it even above bad company. The Rev. J. W. Horsley in "*Jottings from Jail*" considers that 75 per cent. of the total amount of crime is traceable to drink, and Mr. Francis Peek, in "*Social Wreckage*," arrived at a somewhat similar estimate. Recent investigations have, however, rather tended to show that 75 per cent. is too high, but undoubtedly a very large proportion of crime is distinctly traceable to drink. The number of cases found by Mr. Elliott to be traceable

to poverty is much less than one would be inclined to think, but the relation of poverty to crime has been very carefully investigated by Mr. Rylands, and he arrived at a conclusion which seems to be amply supported by the facts and statistics to which he refers:—(P. 28) "The conclusion, therefore, to which our data seem to lead us is this: that in average years the condition of the people exerts a mean or normal effect upon the statistics of crime, the principal variations in which are at such times due to other causes, but in normally prosperous years a great increase of drunkenness is followed by an increase of every kind of offence; and, on the other hand, in years of abnormal depression, a large number of persons being thrown out of work and being in idleness, are more open to temptations brought to bear upon them by chance companions who have already fallen into vicious habits, and a few, probably, being unable to resist the continual pressure of want, are at length driven to satisfy their hunger with what is not their own. If this is the true solution we may expect to find that in years of extreme depression and of unusual prosperity crime will be at a maximum, and must be ascribed in the first case chiefly to the temptations and opportunities brought by idleness, and in the latter case to drunkenness. It must, however, be borne in mind that the causes of crime are many and complicated, and that the action of one may at any time be marked by the combined operation of all or a number of the others; but, broadly speaking, the facts we have examined seem to support the proposition just laid down, and afford no ground for supposing that poverty pure and simple is a corrupter of morals to any great extent; drunkenness is again seen to be the most potent factor."

While we thus see that bad company and drink and, in a much less degree, poverty are the great causes of crime, we should never lose sight of the fact that heredity is responsible for making many yield to the temptations of crime, who, if they were normally healthy in mind and body, would have the power and will to withstand temptation. I propose on a subsequent occasion to deal with the relation of heredity and education to crime. This branch of the subject is so important and requires such a careful examination of conflicting theories that it well deserves to be treated by itself.

Knowing something now of the causes of crime, we must next investigate how best we can prevent the commission of crime. Cardinal Manning, in a very instructive article written in the "*Nineteenth Century*" many years ago, stated his views of what might have been done in the past, and his words are of especial interest to us now:—"There is no doubt," he said

(*Nineteenth Century*, Vol. 23, page 320), "that in every great city there will be a refuse of the population who, through their own perverse will, blind conscience and evil passions, gather together in a demoralised and dangerous horde. But it is also certain that each was once an innocent child. The bloated and brutal man if he had been nurtured by a loving mother in a pure home fit for a man to live in, if he had grown up in the consciousness of a divine law and presence, if he had lived in honest labour, he would not have become the wreck in body, mind and speech which we may see in our streets every day. If parents, teachers, pastors, had been faithful, if the legislation and administration of public and social law had been conceived and carried out, not with a view to money . . . but for the moral and domestic life of the people, though some men will always wreck themselves, society would not be guilty of the ruin of its offspring."

Let us now follow out the words of the Cardinal and see what might have been done in the past and may yet be done in the future towards removing the cancer of crime from our midst.

It will be found that four great methods of preventing crime are (a) to provide the worker with a decent and comfortable home: (b) to encourage temperance: (c) to adopt means for securing regular work: (d) to provide reasonable opportunities for recreation.

The relation between bad housing and crime has perhaps not been sufficiently considered, but it is well known to every person who is engaged in the administration of the criminal law. Where, as in Dublin, 21,113 families occupy single room tenements, and 13,087 families occupy two room tenements, it is impossible to expect that there can be any real comfort or decency. So much, however, has been said on the subject of housing in Dublin that it is unnecessary for me to refer to it further, more especially as at the present moment we seem to be suffering from an orgy of destruction, and very few persons are really working for the betterment of the working classes. The problem is, however, one of great urgency, and its solution on broad and generous lines cannot be much longer delayed.

The subject of temperance presents a much brighter prospect. For over ten years the efforts of the clergy of all denominations, and other social reformers, to promote temperance have met with a very gratifying success. In 1907 there were in Ireland 76,860 convictions for drunkenness; in five years afterwards (1912) the convictions had fallen to 63,623, and in another five years (1917) they had fallen to 24,788. The reduction has been still greater since, but I do not lay stress upon

this reduction, as to some, and perhaps to a great extent it may be attributed to the increase in the price of alcoholic liquor.

The question of employment is a very difficult one to tackle in a community such as ours, especially when it is complicated by the number of strikes which have unfortunately taken place in our city. It is, however, clear that every period of depression and unemployment leaves its mark to some extent on the criminal calendar, and that consequently every effort should be made to provide regular and continuous employment for the working class population. So far as Ireland is concerned, it is, I think, due to the working classes to say that, as a rule, they go through periods of unemployment with a patience and resignation worthy of the highest praise, and it is only when goaded to desperation by suffering that they break through the restraints imposed by law.

If, however, you arrange for a man's employment, it is no less a duty to provide for his recreation. In cities, no doubt, a man has many opportunities of amusement—some of which, perhaps, he might be just as well without—but in the country one cannot help noticing that the labouring man, when his day's work is over, has few opportunities of recreation or amusement. In our own city the excellent work of the Dublin Working Girls' Drilling Association, of which Mr. Justice Ross is President, deserves to be better known, and it is to be regretted that the efforts of the Dublin Women Patrols to provide and maintain a club and recreation rooms for working girls in a central part of the city has not met with sufficient support.

I would like to see in every parish in Ireland a village hall, conducted on sensible lines, which would give the working man reasonable opportunities of amusement, and, perhaps, of instruction.

There are two special agencies at work for the prevention of crime which deserve more than a passing notice. I refer to the work of the Society for the Prevention of Cruelty to Children, and the establishment of industrial schools. The casual observer who only sees the result in the evening paper of a prosecution of a dissolute mother for neglect of her child, does not form any adequate idea of the immense good which is done by the Society for the Prevention of Cruelty to Children. Its real work and its real utility does not consist in the occasional prosecutions which it is bound to undertake, but really consists in the careful investigations which it makes of every complaint submitted to it, and, if a warning becomes necessary, in the subsequent visits of its inspectors to see if the warning has had the desired effect. In the last year in Dublin, for example, there were only 28 prosecutions, while there were 773 warn-

ings to parents and 6,004 visits of supervision. It will thus be seen that the preventive side of the Society's work is most valuable, and is done without in any way appealing to the public gaze.

There can be no doubt that industrial schools, by removing children of tender years from temptation, have been an important agency in the prevention of crime. The children sent there are such as are found begging, or wandering, or destitute, or happen to be under the care of parents or guardians who, by reason of their criminal or drunken habits, are unfit to have the care of children. They also embrace the children of reputed thieves, or those who are lodging in dangerous or criminal surroundings. There are 64 such schools in Ireland, mostly under the management of religious orders, and, according to the report of the Inspector, they exhibit a high state of efficiency, and the results obtained from them are most satisfactory. The results of industrial schools for the three years, 1915, 1916 and 1917, were collected at the end of 1918 by the Inspector of Reformatory and Industrial Schools, and he reports (57th Report, page 13) that the number of children placed out in those three years was 3,283 boys and 1,595 girls, and that of the boys 90.2 per cent. were reported to be in regular employment at the end of 1918, 3.5 per cent. were reported to be in casual employment or not employed, 1.3 per cent. had been convicted, and 4.9 per cent. were reported to be unknown. The results of the girls was still more satisfactory, as 94.5 per cent. were reported to be in regular employment, 3.2 per cent. were reported to be in casual employment or not employed, 2.3 per cent. were reported to be unknown, while there was no conviction recorded against any discharged girl for the period under review.

The benefits would be still greater if there were established in Ireland Day Industrial Schools on the model of those now to be found in London, Liverpool, Glasgow and most large commercial centres. They provide a most effective remedy for cases of truancy and other cases where children are out of control, but where they have a home and it is desirable to maintain the home ties. Twenty years ago, in an article in the *New Irish Jurist* (January 31st, 1901), I advocated that power should be obtained for the establishment of such schools in Ireland. The power has since been conferred by the Children Act, 1908, but it has not been put into operation. The cost of such schools in England has unfortunately increased very much since the war, having risen, in Liverpool for example, from £13 13s. per head in 1913 to £34 16s. per head for the financial year ending 31st March last. In the present state of public

finances it is, I am afraid, hopeless to expect the establishment of such schools in this country in the near future, but they would undoubtedly fill a very obvious gap in our social system.

But, perhaps, the most powerful agency in the prevention of crime is the certainty of punishment. There is no doubt that persons are deterred from committing crime in proportion to the probability of the crime being detected and punished. Arch-deacon Paley, who, as was truly said by Professor Dicey, "possessed the intellect of an enlightened lawyer," thus expressed his view in 1785 :—"The certainty of punishment is of more consequence even than the severity. Criminals do not so much flatter themselves with the lenity of the sentence as with the hope of escape. They are not so apt to compare what they gain by the crime with what they may suffer from the punishment as to encourage themselves with the chance of concealment or flight." (*Moral and Political Philosophy*, Book VI., Chap. IX.)

After an interval of more than one hundred years Mr. Morrison states the result of his experience in similar terms :—"Crime and its Causes," page 174) "Were it possible for the hand of social justice to descend on every criminal with infallible certainty; were it universally true that no crime could possibly escape punishment; that every offence against society would inevitably and immediately be visited on the offender, the tendency to commit crime would probably become as rare as the tendency of an ordinary human being to thrust his hand into the fire. The uncertainty of punishment is the great bulwark of crime, and crime has a marvellous knack of diminishing in proportion as this uncertainty decreases. No amelioration of the material circumstances of the community can destroy all the causes of crime, and till moral progress has reached a height hitherto only attained by the elect of the race, one of the most efficient curbs upon the criminally disposed will consist in increasing the probability of punishment."

One of the reasons why many crimes have remained undetected and unpunished in Ireland is that the people do not render to the police the assistance which the police receive in other countries. It is said, with a good deal of truth, in the Report of the Royal Commission on the Disturbances in 1916, that "Irishmen no doubt appreciate the maintenance of order, but they appear to have an inveterate prejudice against the punishment of disorder." I do not pause to consider why this is so, but, be the cause as it may, I am satisfied that it would be a very great element in diminishing crime if we could once get the heart and mind and conscience of the people to approve of and co-operate with the administration of the law.

No matter how successful, however, the prevention of crime may be, there will always be left a considerable number of persons who will have to be tried. With the time at my disposal it is not possible for me to deal with the methods of summary procedure, but I think there is a pressing need in Ireland for all the Petty Sessions Acts to be codified and consolidated in one Act.

In the trial of cases on indictment there are six reforms which, I think, ought to be carried out, and five of these are already in operation in England.

It is very difficult sometimes for the prisoner to understand the charge that is being brought against him, when it is conveyed in the technical and obscure language of an indictment, and it would, therefore, be advantageous to adopt in this country the provisions of the Indictment Act, 1915 (5 and 6 Geo. V., c. 90), which enables the offence to be described in ordinary language, avoiding as far as possible the use of technical terms; and if the offence is one created by statute, containing a reference to the section of the statute creating the offence.

The second reform I would like to see adopted in this country is the Criminal Evidence Act, 1898 (61 and 62 Vict., c. 36), which enables every person charged with an offence, and the wife or husband of the person so charged, to be a competent witness for the defence at every stage of the proceedings. It seems to me to be absurd that no matter how anxious an accused person may be to give evidence on oath in Ireland, he is not allowed to do so except in very few cases, and after twenty-two years' experience in England it is universally admitted that the Act has been most beneficial in its operation.

In Ireland a jury is not allowed to separate in any case of felony, and this has led to very serious inconvenience where there was not the slightest reason why the jury should be detained. I remember well a case, in which I prosecuted when I was at the Bar, in which three young girls were charged with arson. The case against them was a very slender one, and they were let out on bail, but, unfortunately, the jury had to be locked up for the night, and when they were proceeding to the hotel in charge of the police they met the three girls walking along the street, arm in arm and looking quite happy. In England, under the Juries Detention Act, 1897 (60 Vic., c. 18), upon the trial of any person for a felony, other than murder, treason or treason felony, the Court may, if it see fit, at any time before the jury consider their verdict, permit the jury to separate in the same way as the jury upon the trial of any person for misdemeanour are now permitted to separate.

The next reform I would advocate is the establishment of a Court of Criminal Appeal. At present, under the Crown Cases Act, 1848 (11 and 12 Vict., c. 78), a judge can reserve any question of law which shall have arisen on the trial for the consideration of the Justices of the King's Bench Division, of whom the Lord Chief Justice must be one. In England, in 1907, it was thought that the right of a prisoner to lay his case before an appellate tribunal should be recognised, and accordingly, under the Criminal Appeal Act of that year (7 Edward VII., c. 23), a person convicted on indictment may appeal against his conviction (*a*) on any ground of appeal which involves a question of law alone, (*b*) with the leave of the Court of Criminal Appeal, or upon the certificate of the judge who tried him that it is a fit case for appeal against his conviction, on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the Court to be a sufficient ground of appeal, and (*c*) with the leave of the Court of Criminal Appeal against the sentence passed on his conviction, unless the sentence is one fixed by law. The Court consists of the Lord Chief Justice and the Judges of the King's Bench Division. The Act of 1907 applied to all persons convicted after the 18th April, 1908, and it is interesting to look at the statistics of the proceedings of the Court of Criminal Appeal in England for the first four years and nine months of its existence, that is, down to the end of the year 1912. In that period 2,704 persons applied for leave to appeal, and 843 appeals were set down for hearing. In 150 the conviction or sentence was varied, and in 141 cases the conviction was quashed. Taking the results of one year (1912) it would appear that 6 per cent. of the persons convicted on indictment in that year sought to have their cases reviewed, and only one in twenty-three of the persons who invoked the intervention of the Court obtained immediate discharge, (Introduction to Criminal Statistics for 1912, p. 10). In view of all the facts, there can be no doubt that the establishment of the Court in England has been fully justified by the results. It may be urged that in this country the prerogative of mercy is exercised with such anxious care that the necessity for a Court of Criminal Appeal is obviated. I am willing and, indeed, most anxious to pay a full tribute to the care and attention which is paid to prisoners' petitions. Unfortunately, however, the proceedings are necessarily in secret, and the public do not know either the reasons for or the principles upon which a sentence is commuted or reduced. When I was at assizes in one of our counties, a couple of years ago, it was pointed out to me that a man was walking in the street who, within a few

months previously, had been tried and convicted of a very serious offence, and sentenced to a long term of imprisonment. It was suggested to me that it was unfortunate in the public estimate of the administration of justice that when a jury, in times of difficulty and danger, had done their duty and convicted a prisoner, and he was duly sentenced, he should be shortly afterwards discharged from prison without any reason assigned. There always are, I am sure, very good grounds for the discharge of a prisoner, but, unfortunately, the public do not know and have no means of knowing the reasons, and the administration of justice suffers. This, and many other difficulties, would be obviated by giving an appeal which would be heard in public by a Court possessing the confidence of the people, and without interfering in any way with the class of cases where the prerogative of mercy is usually and most beneficially employed.

The next reform is one which will not, perhaps, evoke any particular enthusiasm. Under the Probation of Offenders Act, 1907 (7 Edward VII., c. 17), which applies to both England and Ireland, if the Court release an offender on probation it may, in addition to the probation order, order the offender to pay such of the costs of the proceedings as the Court thinks reasonable. In the following year the Costs in Criminal Cases Act, 1908 (8 Edward VII., c. 15), was passed, which only extends to England, and it provides that the Court at or before which any person is convicted of an indictable offence may, if it think fit, in addition to any other lawful punishment, order the person convicted to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining Justice, as taxed by the proper officer of the Court. The result is that in England you can make a convicted person pay, whether you sentence him to imprisonment or let him out on probation, while in Ireland you can only make him pay if you let him out on probation, and if you give him a day's imprisonment he escapes liability for the costs of the proceedings. The English Act is eminently proper and just and should be adopted in this country.

So far the reforms I have mentioned are in actual operation in England, but there is one reform which I think it would be desirable for both countries to adopt. I am a profound believer in juries, and I fully agree with the report of the Departmental Committee on the Law and Practice of Juries, 1913, where it states (paragraph 4):—"Of all the devices for good government which the genius of the English people has evolved, of all those institutions which they reverence as the chief safeguards of their liberty, none, perhaps, has been more

deeply cherished at home, or more widely imitated abroad, than the system now known as trial by jury." At the Summer Assizes of last year I pointed out that if juries in Ireland persisted in refusing to attend, they could not blame the Government, but only themselves, for destroying the great constitutional safeguard of their liberty. It may well be doubted, however, whether under modern conditions it is reasonable to expect absolute unanimity. In Scotland, where a jury consists of fifteen persons, a majority can return a verdict, and in the report of a Royal Commission which inquired into the matter in 1869, it was recommended that the number of jurymen for criminal trials might be reduced to nine in both England and Scotland, and also that a majority verdict should suffice. I do not think that it would be safe that a person's liberty should be imperilled by the verdict of a bare majority, but, on the other hand, I have seen many cases in which the proceedings were rendered abortive by the action of one obstinate or corrupt jurymen. Such persons, however, would never, I think, in practice, exceed two, and, while retaining the number of a jury at twelve, I would personally welcome an amendment of the law by which a verdict agreed to by ten members of a jury would be accepted.

The jury having returned a verdict of guilty, the judge has to determine the punishment, and this is always a difficult and very often a most delicate matter to do. The first question to determine is whether the offender can be given the benefit of the Probation of Offenders Act, 1907 (7 Edward VII. cap. 17). That requires an examination into the character, antecedents, age, health and mental condition of the person charged, as well as considering the nature of the offence or the extenuating circumstances under which it was committed. In a Home Office circular of the 3rd October, 1912, the Home Secretary laid down the principles upon which, in his opinion, the Act ought to be administered. He said :—" It has long been recognised in the administration of criminal justice that numerous cases occur in which, though an offence against the law has clearly been committed, it is not necessary, nor even desirable, that punishment should be imposed on the offender. It would be impossible to define these cases in precise terms. Sometimes a breach of the law may in itself be of a merely technical or trivial character; or there may be circumstances affecting the character of the offence which justify the court in holding that it will be effectively punished and its repetition prevented by a public reprimand and warning, or by some form of probation. More frequently, however, a stronger ground for leniency will be found in the age, character or previous history of the

offender than in the circumstances of the offence as proved by the evidence." Dealing with the case of juvenile offenders the circular states :—"In the case of a juvenile offender whose previous appearances in court show him to be of a persistently criminal disposition, it is not likely to be effective, especially when on previous occasions it had been tried and failed. Cases occur in which an offender has been put on probation three or even four times. This appears to the Secretary of State to be a misuse of the Act."

If he is under 16, the accused cannot be sent to prison unless the judge certifies that he is of a depraved disposition, and the two courses open then are to commit him to either (a) a reformatory school or (b) a place of detention. There are five reformatory schools in Ireland which have been doing very good work for a number of years, and in his report of the present year the Inspector states :—"With few exceptions, the boys and girls in the reformatories, through the good offices bestowed on them during the critical years of their upbringing, are saved from becoming useless and possibly dangerous to society." Tabulating the returns of discharges for the years 1915, 1916 and 1917, it was found, at the end of 1918, that, as regards 456 boys discharged, 93.78 per cent. were in regular employment; that 1.1 per cent. were in casual employment; that 4.14 per cent. had been re-convicted, and .92 per cent. could not be traced; while, as regards 55 girls, 98.11 per cent. were reported to be in regular employment, and not one had been re-convicted.

As regards sending a child or young person to detention, it is limited under the Act to one month (except in cases of murder, manslaughter or wounding with intent to do grievous bodily harm), and, so far as my experience goes, detention has never had any beneficial result.

If the youth is between 16 and 21 the question of sending him to a Borstal Institution for not less than two or more than three years must be considered. Borstal Institutions were established under the Prevention of Crimes Act, 1908. There are at present four such institutions in England and one in Ireland. I have taken considerable interest in the Borstal Institution in Clonmel, and always visit it when I am on the Leinster Circuit. I was very glad to see in this year's report of the Prisons' Board a statement which is in complete accord with my own experience. After referring to the fact that the returns received show that of the inmates discharged from the institution since its establishment, nearly 80 per cent. are going on well, many of them having been at liberty for long periods, the report proceeds :—"These very satisfactory results are

achieved simply by a blending of kindness with strict discipline and hard work, the object of the treatment being to inculcate a spirit of manliness and self-reliance approximating to that which obtains in public schools. From the first the inmates feel that everything possible is being done for their moral and physical improvement, and very few of them fail to respond to the good influences brought to bear on them by the Governor, Chaplains, and institution staff. To Major Dobbyn, the Governor of the Institution, especially, great credit is due for the kind and tactful yet firm manner in which he handles the youths committed to his care, and the zeal which he shows for the promotion of their welfare."

Very few people seem to be acquainted with the nature or work of Borstal Institutions, and it may not be amiss to quote the object of their existence, as stated by Sir Evelyn Ruggles-Brise, the Chairman of the Prisons Commission, and to whose sympathy and encouragement the success of these institutions in England is mainly due. He says:—"The object that the State has in view in establishing these institutions is to give such training and teaching, alike of body and mind and character, as shall stop these young offenders in the downward course of evil-doing on which they have already embarked, and transform them into honest, self-respecting and self-supporting citizens. How does the State set about this? During the whole time that the inmate is in the institution he is kept under strict discipline to teach him the necessity of obedience; he is worked hard to give him the habit of industry; and he is, if sufficiently capable, taught so much of a trade as the length of his detention admits. His bodily health and vigor, often very poor on admission, are restored by drill, gymnasium and hard work. The defects of his school education are remedied by further teaching, and he receives, of course, careful religious and moral instruction. Of all the human factors making for reformation, the greatest is the personal influence of good and manly men. Everyone who is engaged in reformatory work, or in any other kind of social work, knows this. All the machinery of gymnasium, school, and trade instruction fails if that is absent. It is on this factor, therefore, that, next to religion, the State places its reliance."

If, however, none of the courses which I have referred to can be followed, the judge is necessarily driven to consider the question of imprisonment. We hear from time to time many attacks on prisons and prison life, and it has often been urged, not without some reason, that once a person enters a prison his character is gone, his morale is destroyed, and the stigma of being a jail-bird attaches to him for life. Recognising fully

how desirable it is to avoid sending a person to prison, and recognising also that the excessive severity of former times has done much to associate prison life with harshness and brutality, there will still in every large community remain a number of cases in which a sentence of imprisonment is the only course which can be followed with any hope of a beneficial result. The Rev. Mr. Morrison, speaking as a result of his long experience as Chaplain to Wandsworth Jail, thus deals with the question of imprisonment:—"In the re-action, which is now in full force, and rightly so, against the excessive punishments of past times, there is a marked tendency among some minds to go to the opposite extreme, and an attempt is being made to show that imprisonment has hardly any curative effect at all. Its evils, and from the very nature of things they are not a few, are almost exclusively elaborated and dwelt upon, little attention being paid to the vast amount of good which imprisonment alone is able to effect. It is possible that imprisonment sends a few to utter perdition by a quicker path than they would have gone of their own accord, but, on the other hand, it rescues many a man before he has irrevocably committed himself to a life of crime. If it fails the first time it very often succeeds after the second or the third, and no one is justified in saying imprisonment is worthless as a reformatory agent till it has failed at least three times. According to the judicial statistics for England and Wales, imprisonment is successful after the third time in about 80 per cent. of the cases annually submitted to the criminal courts, and, although it is a pity that the percentage is not higher, yet it cannot fairly be said that such results are an evidence of failure. The prison is unquestionably a much less effective weapon for dealing with crime among continental peoples and in the United States than it has shown itself to be in Great Britain, but this failure arises in the main from the laxity and indulgence with which criminals are treated in foreign prisons. A prison to possess any reformatory value must always be made an uncomfortable place to live in. Continental peoples, and the people of America, have to a large extent lost sight of this fact, hence the failure of their penal systems to stop the growth of the delinquent population. If, however, imprisonment is not allowed to degenerate into mere detention it is bound to act as a powerful deterrent upon grown-up offenders, and it is the only menace which will effectually keep many of them within the law." (*Crime and its Causes*, p. 172.)

People who are accustomed to criticise prisons should at least make an effort to visit them, and to study the system of treatment and classification. Every judge, in sentencing a prisoner to imprisonment, can either sentence him to hard labour

or to imprisonment without hard labour, as an offender in the first, second, or third division. Every means is taken to segregate the hardened criminal from the neophyte in crime, and if a young offender is sentenced to a period of imprisonment he will be subjected to a modified Borstal treatment. A person sentenced to penal servitude will be able to obtain a remission of one-fourth of the period for good conduct, and if he is sentenced to imprisonment he will similarly be entitled to a remission of one-sixth. Habitual criminals, who are found by a jury to be such, can, in addition to a sentence of penal servitude, be sentenced to preventive detention for a period of five years, but not exceeding ten years. The principle of preventive detention was adopted from the indeterminate sentence, which is in operation in many parts of the United States, and which requires the prisoner to remain in jail until the prison authorities are satisfied that he is completely cured of his criminal tendencies.

It is clear, from what I have said, that, in order to impose the proper sentence, a judge should make himself acquainted with the principles of prison administration, and should himself visit the prisons and other penal institutions from time to time.

I am glad to think that the prisons in Ireland have been conducted in a spirit of enlightened wisdom from the time of Sir Walter Crofton down to the present. In reading the reports of the Directors of Convict Prisons from 1856, I have been struck by the untiring zeal and ability of the Directors and officials and by the energy and perseverance which they devoted to what must have often seemed to them to be a thankless, if, indeed, not a hopeless task. In the Intermediate Convict Prisons, which were established at Lusk and Smithfield shortly after the passing of the Act of 1856, a new era of prison reform was inaugurated, the best and most modern methods of dealing with criminals were adopted, and the system which Sir Walter Crofton and his colleagues were the first to carry out has since borne fruit in many countries.

The State does not entirely satisfy its obligations by leaving a prisoner unprotected and homeless at the prison gate, and it was early perceived that it was the manifest interest of the State, as well as its duty, to encourage the formation and development of Discharged Prisoners' Aid Societies. There are in Ireland sixteen such societies. I happen to be president of the Discharged Prisoners' Aid Society in Henrietta Street, in this city, and, from my intimate acquaintance with its working, I think I may say that I know of no higher form of Christian charity than is exemplified in the lives of the Sisters who manage that institution, and who are, happily, and, to their minds, amply rewarded by the remembrance of the many discharged

prisoners whom they have restored to the path of virtue and given the means of honest employment.

I regret very much that it has not been possible in the time at my disposal to give you more than a very imperfect account of the principles and methods which are applied at the present day to prevent and punish crime. I hope, however, that I have said enough to convince you of the far-reaching importance of the subject, and to encourage you to devote some of your time to the study of one of the most important and interesting social problems of to-day. Our penal system may be imperfect in many respects, but I am convinced that it will bear favourable comparison with the systems in vogue in other countries of the world. We must, however, still strive to make it better. We must never pause while there is yet good work to do, and we should adopt as our motto the words of a great Irish poet, who was a distinguished member of our Society, George Savage Armstrong:—

“Lay thou thy hand to work, toil on untiring;
To do and still to do is to be blest;
Life's rapture lies in ever more aspiring,
Life's health in spurning all ignoble rest.”