

**OUR PRESENT GAOL SYSTEM
DEEPLY DEPRAVING TO THE
PRISONER AND A POSITIVE EVIL
TO THE COMMUNITY. SOME
REMEDIES PROPOSED**

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Our Present Gaol System Deeply Depraving to the Prisoner and a Positive Evil to the Community. Some Remedies Proposed by Joseph Adshead

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JOSEPH ADSHEAD

**OUR PRESENT GAOL SYSTEM
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This Essay, upon the de-
 -pressing tendency of our
 present Gaol system on the
 Insane, and its positive
 evils to the Community,
 with some remedies, pro-
 -posed, is, with an ardent
 desire to awaken due
 and immediate atten-
 tion, presented to the
 Members of the Legis-
 lature, with profound
 respect,
 By J. B. Aldred.

Manchester
 Feb^r 12. 1847



INTRODUCTION.

It is an interesting feature in connection with the treatment of criminals, that with the legislature, and also the public at large, there is evidently a growing concern evinced for the reformation of our penal code *in its disciplinary application*, and although the writer of the ensuing pages dares not presume to imagine that he has solved the problem of the proper treatment of offenders, he has nevertheless ventured briefly and consecutively to review the various modes of punishment which have been adopted in our gaols; to give the result of his own deliberate conviction, deduced from extensive and continuous observation of the proceedings in this and other countries towards that portion of fallen humanity requiring legislative interposition, and to offer suggestions as to some of the remedies for the eradication of the evils to which they have been exposed.

It will be observed that *the gaol association* of criminals is stated to be *a cardinal evil*, and that *their separate confinement* is maintained to be *a fundamental corrective*; and examples are supplied of its successful application. There exists, however, a diversity of opinion with regard to *the term* for which individual imprisonment should be applied; but, if it be admitted that as a mode of treatment it is *sound in principle*, the necessity and importance will be acknowledged of *adapting it to uniform and general practice*.

Our penal administration has respect to two classes of commitments—summary convictions; and convictions at assizes and sessions.

These include the large number of prisoners who are brought under the action of the law in our gaols, bridewells, and houses of correction.

By a reference to the following tables, the periods of confinement *after trial*, under the two classes of convictions adverted to, will be noted:—

Summary Convictions.

For 5 years—1839 to 1843, inclusive.

	<i>Numbers.</i>	<i>General per centum Average.</i>	<i>Annual per centum.</i>
Under 14 days.....	67,351	20·59	4·12
14 days and under 1 month	79,058	24·17	4·63
1 month „ 2 months	107,155	32·78	6·56
2 months „ 3 „	36,410	11·12	2·22
3 months „ 6 „	32,342	9·89	1·98
6 months „ 1 year...	3,917	1·19	0·24
1 year „ 2 years..	699	0·24	0·5
2 years and upwards.....	22	0·007	0·001

Convicted at Assizes and Sessions.

For 5 years—1839 to 1843, inclusive.

	<i>Numbers.</i>	<i>General per centum Average.</i>	<i>Annual per centum.</i>
Under 14 days.....	4,822	6·12	1·22
14 days and under 1 month	5,262	6·67	1·33
1 month „ 2 months	11,511	14·60	2·92
2 months „ 3 „	8,992	11·40	2·28
3 „ „ 6 „	21,580	27·28	5·45
6 „ „ 1 year...	17,460	22·13	4·42
1 year „ 2 years..	8,025	10·18	2·03
2 years „ 3 „	1,152	1·46	0·29
3 „ and upwards.....	99*	0·125	0·02

It will be thus seen, that the larger proportion of committals under summary convictions is from 1 to 2 months, or 6·58 per centum

* Of this number, 55 persons were confined in 1840 during the disturbed state of the country. In 1843, there were only 4 prisoners confined for this lengthened sentence.

upon the annual aggregate, and the larger ratio of committals at assizes and sessions presents the largest estimate from 3 months and under 6 months, or 5·45, and the next in numbers is from 6 months to 1 year, or 4·42; and although a very small per centage of summary convictions is shown as confined 2 years and upwards, and of convictions at assizes and sessions for 3 years and upwards, there need be no hesitation in asserting, that if *experience* is to be the guide in this branch of penal administration, with the *diminished periods of confinement* which may be applied under the separate system, to inflict *fully the same amount of punishment*, in comparison with the associated mode of confinement, individual imprisonment may with confidence be adopted in all our penal institutions; it being considered, by those who have observed much upon the subject of penal treatment, that a given period of imprisonment under the separate system is as punitive as double the time under what is termed the classification or associated system, whilst pecuniary advantages would be derived by the State through a considerable saving in "maintenance," and moral benefit, both to the imprisoned and to the community, by its prevalence in our gaols.

On these, and on other grounds, which are adverted to in the following essay, the separate system of imprisonment, with employment, exercise, and moral and religious instruction, is strongly commended for "*general application*" in connection with the discipline of our prisons.

The condition of our gaols, their discipline, and the variety of character on which they act, are entitled to the most serious consideration. They involve a question in which the moralist and the philosopher are in no ordinary degree concerned. Could but the sympathy of the teachers of our religion be enlisted, and the legislative regard of our statesmen be engaged in the cause, much might be accomplished. There would be found, amongst the tens of thousands that annually populate our prisons, a manifold commixture of characters, the treatment of whom most decidedly indicates a species of inhumanity, if not of cruelty, in the application of our laws—characters, the subjects of destitution

and neglect, to whom should have been extended other influences than those which have consigned them to *penal* institutions.

Who can pass through the numerous departments of our gaols without being struck with the dreadfully depraving commingling which exists among the imprisoned, and whilst, in the following essay, attention is directed more particularly to *governing principles* than to amplified details, there are various other questions collaterally identified with penal treatment, to which copious reference might have been made. There could have been more particular and lengthened allusion to the application of our criminal laws; to JUVENILE OFFENDERS, and the manner in which they are found associated in our gaols, and the cogent necessity for legislative interference with regard to the enforcement of the law and the discipline to which such offenders are subjected.

The writer is of opinion that the treatment of juvenile offenders should be distinct in its nature and also apart in its administration from that of adult criminals—that institutions should be established for what may be termed *correctional industrial education*, which should include agricultural and trades occupations—a regime peculiarly adapted to *age, circumstance, and future destination*—and combine, at the same time, a discipline in its tendency *sufficiently penal* in its operation to *deter*, by endurance and by example, from the commission of crime, whilst *the reformation* of the culprit should be *the ultimate object*.

A field of benevolence is also opened for the formation of *preventive institutions* that shall include within the sphere of their action *the protection* of the destitute, the neglected, and the outcast, who infest our large towns and cities, the ready prey of every temptation, and of whom our penal institutions are the constant recipients.

It is earnestly hoped that ere long the legislature will sanction, by its enactments, suitable depositories for such, and that provision will also be made for THE DISCHARGED CONVICT, so that, if willing to

return to honest industry, he may not be compelled, either from want or destitution, to recur to a course of crime.

It will be remarked that great stress is laid upon the importance of proper constructional arrangement as inseparably identified with *efficient discipline*; for, as Sir G. O. Paul has observed :—

“ It cannot be denied that the construction and police of prisons should be consonant to the spirit of that law for the fulfilment of whose purposes they are constructed, and that they should offer the means of dispensing with all possible precision the portion of sentence which the law prescribes. Discrimination of offence and punishment is so essential a principle of English legislation, that it sacrifices to it much of that simplicity and conciseness which would otherwise add to the perfection of its system.”

Boileau has appositely remarked, that “ it is generally the trouble the author has taken in finishing his productions which frees the reader from trouble in perusing them ;” and had the writer of the following pages had more time at his disposal, he might probably have presented the subject in a more striking form; he can, however, most emphatically declare, that in the ensuing essay, hastily prepared, and in the midst of much interruption, it has not been his aim *merely to please*, but *to convince*, and that he has endeavoured to satisfy the mind and judgment of the reader, whilst attempting to advocate those principles in which society is deeply interested.

ERRATA.

Page 62 line 16—For Metray read Mettray.

Page 70, Note, line 10.—For soldiers read holders.

