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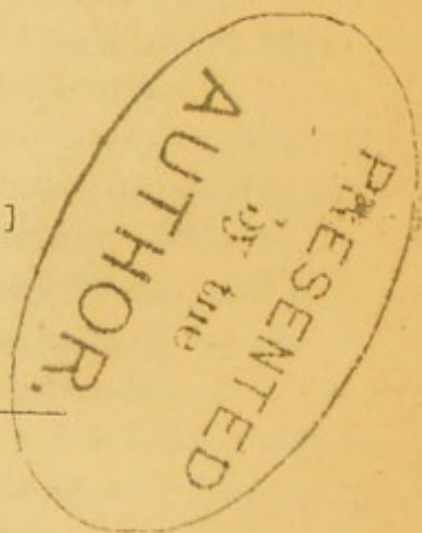
AT THE
OPENING OF SESSION 1863-64.

BY A. ASPLAND, ESQ., F.R.C.S.,

PRESIDENT.



[Read November 18th, 1863.]



MANCHESTER:
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1863.

numerical inquiries. They sow the serpent's teeth, and bettering the classic fable, find protectors and champions in the armed men that spring up.

With a goodly registry of members, our working numbers are limited,—and they are so because an age of newspapers and epitomes of knowledge shrinks from the austerer exercises of the mind; because laborious details and prosaic numbers must precede in long apprenticeship the colligation of facts and the more exciting development of theories; and because, perchance, an over-estimate of the quality of the work required, results from a glance at the ponderous learning and fanciful nomenclature of the author of the modern theory of induction.

To carry out the highest aims of political arithmetic, to observe facts accurately, to group series systematically, to note their correlation justly, and to theorise philosophically, is granted but to few. To pursue the *experimenta lucifera*, to arrive at the enlightening fact, is the province of men only of the highest orders of mind. Inaccuracy of observation, or over-eagerness to theorize, to diverge from the race to grasp the golden fruit, or to mistake orderliness of mind for method, produce results which realise the image drawn by Coleridge, of the man who flutters about in blindness like the bat, or is carried hither and thither like the turtle sleeping on the wave, and fancying, because he is in motion, he is in progress. Industry, intelligence, and good faith will soon save us from this dilemma, and enable us at least to plant our landmarks firmly.

To those whom long practice has rendered proficient in the formularies of numerical science, I render no apology for offering advice on the rudiments of our grammar, as none know better than they how necessary it is to ring into the ears of the novice the simplest rules, and even to demand of the so-deemed expert a return to primary observance,—to follow the Baconian rule, to observe before theorising. They know that theory-begotten statistics have been the curse of the last quarter of a century,—that legislation based upon false notions, resulting from prejudiced observations, has embarrassed our commerce, sacrificed innumerable lives, damaged our domestic interests, and squandered large sums of money.

This indictment will probably be allowed to be sustained by a reference to the Quarantine Code of this country, and to the Cemetery Department of the General Board of Health. Ten years ago, the Manchester Chamber of Commerce pronounced quarantine regulations to be cumbersome, cruel, costly, and ineffectual. The Central Board of Health of Jamaica, at the same period, assert—"That the quarantine laws, as at present conducted in this island, are an irksome incumbrance, interrupting commerce, obstructing national intercourse, perilling life, fostering and engendering disease, and squandering large sums of public revenue." The very origin of these laws is in harmony with their spirit. Dr. Mead, deceived by Defoe's fabulous journal of the plague, memorialised the Government, and Defoe's facts, which were as true as the story of Mrs. Veal's ghost, were considered of themselves sufficient to set the Parliamentary coach in motion. Having on a former occasion devoted a paper to this subject, I must not dwell upon this topic.

Those who devote themselves to figures as witnesses of truth, must be prepared to encounter obloquy and sarcasm; to find their labours treated as the whimsies of crotchetty people, as an idle strife for symmetry, or as an attempt to compass the seventh folly of science; and yet the aim is merely to ascertain what every reasonable being recognises the value of, under another name, the doctrine of chances,—a doctrine which governs individuals in every logical action of their lives, and upon the discovery of which, success or failure in the battle of life depends,—which affects the happiness of communities, and determines the prosperity of nations.

A large manufacturer was lately, in my presence, inveighing against statistics. I inquired if he kept no books,—if he did not balance his ledger,—periodically take stock, and then draw inferences from the figures he obtained. He could not but acknowledge that these were statistics, and that, aggregated together, they formed the trade returns of the country. His real objection, he added, was to foolish and fanciful statistics, such as a worthy magistrate at the last Salford Sessions denounced. Some foolish person, he reminded me, had asked permission to have all the prisoners in the gaol weighed. My reply was, that this foolish person was a Commissioner sent by

Government to ascertain the effect of the prison dietary on the gaol inmates, and that the result, instead of amusing an idle curiosity, would in all probability lead to a most important reform in gaol discipline, and end in the substitution of a sufficient, though penal dietary for the present luxurious and over-indulgent system. When this important change is accomplished, the saving to the Treasury and to counties will, it may be fairly anticipated, be substantial, indirectly, in the diminution of crime, and directly, in the cost of food.

In collecting facts, mere industry is insufficient; without intelligent rendering, the results are open to the sarcasm of Comte, who notices—"L'incohérente compilation des faits déjà improprement qualifiée d'histoire." Unless you combine with industry, knowledge, power of applying, freedom from prejudice, and honesty, you evolve no truth. The absence of any one of these qualities will vitiate all the calculations. Their presence is especially required in all enquiries involving vital agency or moral action, since you are unable on these subjects to create a standard of comparison, as you may in questions of pure physics. At best, the results are only approximative, though they may approach the truth so nearly as to be available in practice.

The first and most pregnant rule of action is to avoid starting with a theory: in the presence of this taint, no honesty of purpose will save the enquirer from error. Theories may be useful in binding together facts in questions of pure physics, to evolve laws, such as govern light and glaciers, and need not then lead to error, because the phenomena of nature are absolute and immutable, constantly recurring under the same aspects, and permitting of corrections at any phase of the inquiry. Not so, however, with subjects complex with man's vital and moral being,—here a theory is fatal; though, like the mirrors of a kaleidoscope, it may give an appearance of symmetry to a few worthless and shapeless sweepings.

Starting, then, with an unbiassed mind, we require a careful observation of facts, constantly testing their value by all possible processes. The next step is to group these facts, taking care that uniformity of condition renders them comparable. Thus placed, the materials are ready for drawing inferences, generalising or practising the process

of induction by which we arrive at the law which governs the agencies. On our shelves, I dare say, will be found the "*Elements de Statistique*," the work of M. Moreau de Jonnes, and one of our corresponding members. Amidst much that is valuable the discourse on "*Methode*" seems strangely at fault. The process of induction which he recommends is the Aristotelian method, involving a consideration of all the particulars, and consequently impossible in large and national enquiries.

Cobbett was fond of extracting his instances of bad grammar from Royal speeches; and, following his example, we may cull from Government Statistics the most remarkable violations of the Baconian code. Theory-begotten facts are often collected with the most reckless carelessness; series of them are grouped which allow of no comparison, and inferences are drawn with a prodigal disregard of logic. The broad arrow must be placed on them, and a rigorous analysis instituted before they can be received as true. There is no limit to the variation in the results which partisans may extract from the same volume. Twenty years ago we know, from the pages of Porter, whose connection with the Board of Trade gave authority to any statement from his hand, that the official returns of exports and imports shewed a balance largely against our merchants, in figures, amounting in one year to forty millions. This self-evident blunder arose from the official value being the same that was computed in the year 1694.* Our population returns will bear a comparison with the best statistics of any country in Europe, as far as numbers, sex, and perhaps age are concerned; but when we attempt to arrive at other social facts, such as employments and religious belief, there is an obvious break-down. Porter tells us that the specification of employments in 1831 indicated 5,030 coachbuilders and only 1 coach-spring maker; the whole kingdom gave employment to only 3 coffin makers, each of whom would have to provide 300 coffins daily throughout the year,—and so on.

* As the value declared by the merchant is always given in a parallel column, and as this is probably a fair approximation to the truth, and might be supposed to correct the excessive computation of the official value, I should not have imagined that it would have deceived any but a superficial enquirer had I not seen it set forth prominently in the pages of M. Moreau de Jonnes.

We are not surprised at statistical blunders in the times of the Plantagenets and the Tudors—to find Edward III. levying 2s. 4d. on each parish, in the hope of obtaining a subsidy of £45,000., and finding afterwards that he had to raise it to £5. 16s. on each parish, the first levy only obtaining £9,000. of the Parliamentary grant; or that in the reign of Henry VIII. a savant attached to the Court made a calculation that there were 52,000 parishes in the kingdom, a blunder which was not corrected till the time of Camden. So late as the reign of George III. so ignorant was the nation of much which concerned it to know, that bounties were paid on the export of corn when the home supply was insufficient for home consumption. We are not satisfied to repeat these blunders in the nineteenth century.

In our death registers we have a perfectly trustworthy record of numbers and sex, and an approximation towards the age. There is no attempt to identify individuals: this, if effected, would be of no service in a summary, but would at times be invaluable as evidence in courts of law. As to the diseases, and their classification, although I believe there has been some improvement during the last few years, I am still incredulous as to their affording anything like an approximation to truth which it would be safe to use as materials for inference. The old registers contain columns devoted to such diseases as “horse-shoe head,” “headmould-shot,” and “planet-struck;” and probably contained as satisfactory and useful nosological information as the disease tables of the Registrar-General.

It is in vital statistics and criminal returns that the Government so conspicuously fails. In military registers, an obvious source of error exists; most of the tables are filled in by sergeants, who are indifferent, incapable, and over-worked. I have gone so fully into the last two subjects in former papers, printed in our Transactions, that I need only allude to them here.

In deprecating some of the results of Sanitary Statistics, I would not be understood as being in any sense the partisan of dirt. I believe, in common with my statistical brethren in Manchester, that dirt is a fruitful source of disease, death, and moral degradation; that cleanliness, ventilation, and the absence of overcrowding, are to be promoted in every possible manner; and that every credit is to

be given to those sanitary reformers who have been labouring in the service of the poor and ignorant for so many years. In the cause of cleanliness I demand that the truth, and the whole truth, should be spoken, that dirt diseases should be fully understood, lest a reaction should take place in the public mind from the discovery of certain fallacies in the enunciation of the problem. To Dr. Noble belongs the credit of first bringing this question before the public in a monograph, though incidentally in their writings, Howard, and Drs. Bancroft and Watson anticipated him.

Dr. Watson says, in speaking of fever supposed to be produced by the crowding together of many persons in close, dirty, and ill-ventilated places—"I must refer you for good evidence that it is not so engendered, to Dr. Bancroft's book on the yellow fever. He shews that typhus fever does not spring up in places where it could scarcely fail to appear if that theory were true." He proceeds to shew that typhus is unknown amongst the inhabitants of the Arctic regions, where dirt reaches the extremity of human tolerance; that African slaves in the middle passage die occasionally of suffocation and fluxes, but not of contagious diseases. Howard found no fever in the Continental gaols, where the atmosphere was as impure as in those of England. Dr. Bancroft insists, as the result of a large experience, that no fever results from exposure to putrid animal decomposition in dissecting rooms, in the neighbourhood of burial grounds, from trades attended with noisome effluvia, from the foul air ensuing from drains or privies, from fields manured with sprats,—although, as he says, "the stench they occasion is horrible." These writers do not deny, that when once engendered in foul places its character is virulent. The only weak point in this evidence is in the argument from the absence of fever in Continental gaols. In France, typhus fever is unknown; but it is found in other parts of the Continent. Its absence in the French prisons, consequently, does not strengthen the proposition.

Dr. Noble's paper is very valuable. Approaching the subject with a prepossession in favour of dirt-engendered fevers, he found that the popular theory was not supported by a careful investigation in a wide and appropriate field. His evidence is curious,

and very conclusive as to the fact that this enquiry, engendered by a theory, never had a chance of a satisfactory solution. Mr. Edwin Chadwick,* availing himself of the opportunities which his position as secretary to the Poor-law Board afforded him, addressed enquiries throughout the kingdom to Union officers. Stating his belief, he asked for facts in support of it, and of course obtained them. The consequence was, that what we believe to be a fallacy, took deep root in the popular mind, and prepared the way for an Act of Parliament with a title of a highly presumptuous character—"The Nuisances Removal and Diseases Prevention Act."† If my argument is tenable, the second proposition in this title ought to be expunged. The mere fact that typhus fever prevails during the cold months, when organic exhalations are on the decline, and subsides during hot weather, when they are on the ascendant, ought of itself to suggest a difficulty in the reception of the popular dogma. It has never been my lot to see typhus fever attack the majority of the inmates of an over-crowded and ill-ventilated cottage, but I have repeatedly noticed it strike down a whole family living in cleanly, well-ventilated houses in airy situations. I have never seen scarlet fever carry off a whole family living amidst the squalor of Irish destitution, but I have repeatedly seen it in the houses of people of the middle class, where every appliance that wealth could bring has been used to combat this formidable disease. For the last few weeks I have asked every medical man I have met as to his experience, and the result has confirmed my own observation. I do not pretend to theorise upon this subject; but I feel satisfied that if the subtle agencies which produce what are fancifully called Zymotic diseases (possibly from a hint in one of Southey's letters, if it be not a revival of the old Dutch physician Diemerbroek's "*Seminarium cœlo demissum*") are to be met and conquered, it must be by other means than those suggested in the above-named Act of Parliament.

* Mr. Chadwick can afford to be criticised as well as any man in England. He has accomplished so much for the improvement of the working man's home, that no one would for a moment doubt his motives, or desire to offer him the slightest disrespect.

† 23 and 24 Vic., cap. 77,—an Act to amend. (Diseases mean Epidemic Diseases.)

I am not prepared to enter fully upon this theme; but as it will probably be during the next few months a much vexed question, I hope we shall have it brought before us in a comprehensive form.

Dr. Christison has placed himself in the van, "to meet the Goliath and giant of authority," and will struggle to show the fallacy of the *a non causa pro causa* reasoners. My only fear, in reference to him, is that he under-estimates the value of the labours of our great sanitary reformers, and that the sanction of a great name will be pleaded in favour of a backward policy. His contempt for marsh draining, as an ague destroyer, and the mode in which he damns with faint applause cleanly houses and ventilated rooms, will meet but little sympathy on this side the Tweed. He is inconsistent in using the Scotch mortuary tables as bases of argument, after indicating clearly and decisively their untrustworthy character.

In the pen war he will have to encounter two of the ablest writers and most accomplished *savants* of the present day, Dr. Farr and Mr. Simon; but I have little doubt that unprejudiced observation will confirm much of his argument.

The Bethnal Green enquiry will repay a careful perusal. The press asserted that typhus and scarlet fever were raging, especially in a district appropriately named "Little Hell." The district registrar endorsed the statement, by inserting scarlet fever opposite to the names of five dead children from Thorold's-square. Varying medical terms, such as "scarlatina angmosa," "uræmic poisoning," after scarlet fever, resulting from the picturesque fancy of the official, implied almost necessarily scientific evidence of the cause of death. The statement of Mr. Gay was conclusive as to the deaths resulting from simple blood poisoning, and the Union medical officer, who had watched the cases from the first, and who ought to have been applied to by the registrar for death certificates, was in perfect agreement with Mr. Gay. This is the old story over again;—"Abundance of zymotic disease" (whatever that absurd term may mean), according to the reporters of the press, "indescribable filth, and its natural companions typhus and scarlet fever," but no satisfactory response from those who alone can judge; they speak

only of blood poisoning.* Mr. Defries, surgeon to Little Hell, speaks of the health of the inhabitants "as pretty good, considering the evil influences of bad drainage and want of ventilation." It may be remarked that this district, which has been well hunted by the press reporters in their search for sensation articles, and parts of which are described as the abodes of prostitutes and thieves of the lowest kind, of scabbed pigs, mud larks, scavengers, and fish-curers, offered no present examples of fever; they saw none, but heard of much that had been.

Dr. Moore, one of the medical officers of Bethnal Green, has incurred the ill-will, and exposed himself to the persecution of the gentlemen of that parish singularly named Guardians of the Poor. He has spoken out, as the best men in our profession always do when abuses are to be remedied, and the official mind was scandalised. He spoke out some years ago, when appointed sanitary inspector without salary, and was deemed an unpleasant person. He should have given a quiet hint to the admirable chairman, and with lips closed to the world, meditated on the value of the Horatian maxim—*"Est et fidei tuta silentio merces."*

As far as my own experience goes, I am prepared to say that dirt produces those general diseases which depend upon depressed vitality, such as scrofula, consumption, and some of a more specific character, as blood poisoning, either acute or chronic, and some diseases of the skin.

Before closing my notice of this controversy, it may be well to remind the members of this Society, that when the enquiry into dirt fevers was first instituted, papers were furnished by one or more of our members, strongly confirmatory of Mr. Chadwick's views, and that afterwards, when it was deemed desirable that more extensive

* Since these pages were written, a report of a lecture by Dr. Moore has appeared, in which he mentions the presence of scarlet fever in Bethnal Green, and connects its existence with the presence of sulphuretted gases. This is a fair question for future inquiry; but it must always be remembered that poisoning implies a poison, a material agent, though it is often loosely applied to a mere degeneration of the blood, common to many diseases. Cold, exposure, anxiety, and insufficient food, the recognised generators of fever, cannot be denominated poisons.

investigations should be instituted, a large sum of money was granted for the purpose. The investigation was made, but the results were never communicated. The reason assigned for the retention was, that the returns must be fallacious, as the results were not in harmony with those of previous reports. The gentleman who had charge of this enquiry was influenced, I doubt not, by the purest of motives, and honestly believed that he was promoting the cause of truth by the course he adopted. I will only add, that it might have disproved a theory.*

The judicial statistics of England and Wales contain a large body of valuable and instructive matter, mixed up, of course, with much that is neither valuable nor instructive. They will not bear a comparison with the "Compte General de l'Administration de la Justice Criminelle" of France of the second empire, any more than our national statistics would compare with those of the first empire. The yellow books have always beat the blue.

In this instance there is no obvious reason for our inferiority, as the editor is a man of acknowledged ability and eminence. The introductory and explanatory preface only occupies forty pages, whilst that of France has more than twice the amount. The English editor's reticence is only intelligible on the theory that he distrusts the fiduciary character of his materials, and is unwilling to mislead the public by elaborate comparisons with population, pauperism, and general education. The tables will be found available for the elimination of simple facts, such as the number, age, sex, and punishments

* The following extract from Dr. Letheby's report of the sanitary condition of the city of London, published since this paper was read, is commended to the candid perusal of those who dogmatise on dirt fevers:—"The cause of the unusual severity of the disease is involved in mystery, for unlike many maladies of this class it has not selected the haunts of poverty or of filth, but has been found in all places and among all grades of society. It has been, in fact, most fatal in the cleanest districts of the city, where it has advanced from a general mortality of 6 in the quarter to 22; while in the filthy purlieus of the Western division of the city the increase in the mortality from it has been only from 6 to 9." This regards the city only; but if fever does not hesitate to invade St. Mary Axe, it will think nothing of "taking houses" in the fashionable West end.

of the prisoners tried ; but when we attempt to gather the extent of floating crime in the country, we feel at once that we are dealing with mere opinions. Every chief constable who furnishes his table has his own view of the matter ; there is no standard. I am satisfied of the truth of this statement from personal enquiries amongst a number of these officers. One informs me that he considers every person as "suspected" who has been at any time convicted, another requires a recent conviction to place a black mark against the individual, a third will exclude him, unless he is living without work or means of subsistence, and a fourth will only insert him if he is the known associate of thieves. The same diversity of standard prevails in the tabulation of disorderly houses of every description. In the general tables there is poverty of arrangement, the totals of the columns are rarely given, comparative tables of former years are scarce, of pauperism, general education of the country, and population, nowhere to be found. At one page we are congratulated on the diminution of 5.4 per cent. in the number of juveniles committed, but no notice is taken of a more than 4 per cent. increase in the numbers of uncommitted juveniles belonging to the criminal class. In the French volume we have clear summaries frequently recurring, and explanatory foot-notes and percentages at nearly every page. These are so deficient in our own volume, that to get out a general fact a long and tedious search is required. The ticket-of-leave-men are treated with undeserved contempt. We want to know a good deal of these pets of the Home Office, but the English tables furnish little or no information. Then, as to re-committals, the figures are obviously untrustworthy, as I shall show as we proceed. If we attempt to solve difficulties by comparison with other Blue-books and Parliamentary returns, we shall find that a difference of date brings us to a sudden check. The judicial returns are made up to September 29th; most of the others, such as the Reformatory report, to the last day of the year.

I shall now attempt to give a short summary of a very long controversy, involving the most important question in reference to our gaols which has come before the public for many years, viz., the comparative value of the English and Irish systems of penal disci-

pline. Sir Joshua Jebb is no longer with us. He will be remembered as a humane and upright man, who was personally entitled to every consideration, but who wanted administrative ability and inaugurated a system which has proved disastrous to the country. What he failed to accomplish, it will, I believe, be sooner or later conceded that Sir Walter Crofton has achieved; but so entangled are the figures relating to the question, that the partisans of the two directors have, with every appearance of perfect good faith, claimed the victory for both.

Last session I briefly alluded to this subject, and stated that the only then available information—a return to the House of Commons, dated July 3rd, 1862—indicated a balance in favour of the English system. We now know that this return was a mere fraud upon the public.

The report of the Select Committee of the Lords, and that of the Commissioners appointed by the Commons, in addition to numerous pamphlets, have since then enlightened our darkness.

The Commons report is a maze of contradictions. Some of the witnesses contradict themselves, when hard pressed by keen and intelligent examiners, revert to the *non mi recordo* style of answer, and not a few of the witnesses contradict each other. Amongst the pamphlets which have appeared, that of the four visiting justices of the Wakefield gaol is the most instructive.

Our colonies having, with the exception of Western Australia, refused to receive our convicts, Parliament passed an Act, 16 and 17 Vic., c. 99, abolishing transportation for less than fourteen years, and substituting penal servitude at home; and in 1857 passed an Act to amend 20 and 21 Vic., c. 3, totally abolishing transportation, but allowing of certain periods of penal service to be passed beyond the seas. The necessity now became evident of relieving overcrowded gaols, and the release of prisoners on tickets-of-leave was suggested as a remedy. The system came into force in England under Sir Joshua Jebb, and in Ireland under Sir Walter Crofton.

The principle of the English system was to appeal to fear, to make labour penal and hateful, idleness attractive, and to render the non-remission of a term of the imprisonment a punishment. The

principle of the Irish system was to appeal to hope, to make idleness penal, work a privilege, and to offer remission as a reward.

The first few months of imprisonment are passed by the convict, in Ireland, in solitary confinement, with low diet, and in unremunerative labour. Thus prepared, he is allowed more food and remunerative occupation, but still in solitary confinement. Good conduct may enable him to attain his second stage in eight months. This removes him to an associated prison,—either Spike Island, if a labourer, or Philipstown, if a tradesman. He now understands that he is the arbiter of his own destiny; and if he obtains a certain number of good conduct marks, he may pass on, at a certain period, to an intermediate prison, where he is under little restraint, works hard, and earns wages. The last stage is a liberation on a ticket-of-leave, but under the strict surveillance of the police as of a recognised officer. Any attempt to revert to a criminal life at once restores him to prison.

Under the English system he commences with a liberal diet, remunerative labour, soon joins his fellows and works in the public works prisons. The grossest misconduct only interferes with his licence: this obtained, he is not only free from all supervision, but the police are warned, even if he is seen in the company of known thieves, to take no notice of him. It is proved that he travels, organises robberies, changes his name frequently, of course destroys his ticket, and is in course of time reconvicted as a maiden offender.

We are told that Charles II., in passing along Whitehall, saw a rogue picking the pocket of one of his courtiers. A wink from the thief so tickled the monarch that he laughed heartily, and held his tongue until the booty was carried off. And so these chartered vagabonds march through London, winking at the police, robbing constantly, and occasionally doing a little in the murder line.

Before discussing the figures relating to our convicts, let me remind you of some incidents connected with their career. First, we will recall Lord Carnarvon's pleasing description of "a hardened felon who has perhaps committed some brutal outrage, enjoying his ten hours' sleep and two hours of labour a day," found in his waking hours "comfortably wrapped up in his warm cell, with an extra

waistcoat, with his feet on a footstool, enjoying the luxury of reading Livingstone's Travels, or deeply engaged in the study of astrotheology." His studies are interrupted by the dinner-bell, and he sits down to such a meal as an agricultural labourer has never seen in his lifetime, unless he has been fortunate enough to be convicted of crime. It has been stated that a sentence of penal servitude is considered equal to a place in the customs, at any rate we have abundant direct evidence that the convict is quite contented, and evinces no great desire to change his lot.

Sir Richard Mayne speaks of the cheerful appearance of Chatham Prison, with its wall or partitions of corrugated glass. He describes the pleasant temperature of the cells, and the printed announcement that each prisoner may have his food measured if he desires it, and then, speaking of Southsea Common, where they have been employed for upwards of a year, he says—"It is one of the most cheerful places in England,—a place where troops parade, bands are playing, and ladies and children walking about, in short, it is one of the pleasantest places in England, and does not seem to me to be the place upon which to employ convict felons."

How do they fare in Ireland? Take them in their best state at Lusk Intermediate Prison. The four Wakefield justices who undertook a personal examination, say—"We certainly failed to find any evidence of such comfort. The men sleep in hammocks in the hut, and all that one can say is, that whilst inside it they have shelter; but the moment they leave it, they are exposed to every wind of heaven, and to all the rain of that humid climate. We found most of the men working up to the middle in drains, than which few employments conduce less to comfort. The diet is lower than that at Portland, except in potatoes."

The following histories are worthy of note. I give them as typical instances, by no means as curious exceptions:—

"J. H., now a prisoner in the convict department at Wakefield, having been several times previously convicted, was sentenced to seven years' transportation on August 5, 1852. Being then only sixteen, he was sent to Parkhurst, where his behaviour was such that in February, 1856, he was removed to the penal class at Pen-

tonville for eight months, on the ground of 'three years' continual bad conduct.' His conduct in the cell at Pentonville, and, we may observe, generally when he was in separate confinement, was 'good.' From Pentonville he was sent to Portsmouth, and in September, 1857, he received the 'privilege which by his good behaviour under penal discipline he had obtained,' and was discharged on ticket-of-leave, having two years all but one month of his sentence unexpired. J. H. was consigned to his own father (who by the regulations was to be of fit character), who had been described in the form originally sent with J. H. as having been himself in prison eight times, and as being the father of 'a family of passers of bad coin.' In October, 1857, J. H. having been at large for six weeks, was again committed for fresh crime, and convicted and sentenced to four years' penal servitude; after ten months' 'good conduct' in cell, being sent to Portland, he there, for idleness, insubordinate conduct, and trying to incite other prisoners to follow his example,—in fact, for being the ringleader in the mutiny, the alleged ground of which was non-remission of sentence, under the Act of 1853, though his was not of that kind,—for this he received twenty-four lashes, was reduced to the third class, adjudged to forfeit past service as regards stages, and all gratuity, and was again sent to the cell at Pentonville for five months; again forwarded to Portsmouth, and again, *mirabile dictu!* obtained 'for his good behaviour under penal discipline' another ticket-of-leave in February, 1861. He had then eight months of his sentence unexpired, which is one month less than the maximum period which, by the regulations, may be remitted in case of 'continued good conduct.' This time the Prisoners' Aid Society received J. H., but did not long retain their hopeful *protégé*. In six weeks he was again committed, and sentenced to ten years' penal servitude, under which he is now at Wakefield; the credentials brought with him, 'character bad, conduct in gaol very good.'

"The next case is that of Robert Ross, *alias* R. Gordon, *alias* Gordon Smith, *alias* Stuart, *alias* John Gordon, *alias* Shore, aged 69, who was tried at the New Bailey last June for an ingenious but heartless robbery, and convicted and sentenced as a maiden offender for three months. In October he was again placed in the

dock, and I recognised him as an old acquaintance, having committed him for trial previously. He was convicted of a similar robbery to the last, and we then learnt that he had undergone twelve months' imprisonment at each of the following gaols,—Wakefield, Beverley, Edinburgh, and Perth, besides having visited for shorter periods and on various occasions Hull and Preston. Captain Mitchell described him as being more familiar with the regulations of convict prisons than himself. He had almost to a certainty been transported, and there is every reason for supposing that each conviction was noted 'first.' He is now at Millbank, condemned to four years' penal servitude. I dare say he does not carry his ticket-of-leave with him."

The admirable photographs which I now send round have been sent to me by a gentleman of high reputation in the management of convicts, Mr. Gardner, Governor of Her Majesty's Gaol at Bristol. They are taken by himself, and in explanation of them he writes—"The enclosed portraits of prisoners (who on commitment were entire strangers to Bristol), have proved serviceable, as I found out by photography alone that they were ticket-of-leave prisoners, and one of them had served nearly ten years' imprisonment. Had it not been for the dispersion of these portraits, they would in all probability have had only three or six months' imprisonment, whilst they have now five, six, and seven years penal servitude. This makes the third sentence of penal servitude for each."

After these histories, we need not be surprised that the Home Secretary, in 1857, informed the House of Commons that a ticket-of-leave was no certificate of character or any evidence of reformation, and that it was very desirable that the illusion should be dispelled, that a licence man was less likely to relapse into crime than any other discharged criminal.

This illusion is, singularly enough, maintained by Sir Joshua Jebb and Mr. Waddington, who consider the licence is a proof of reformation. The results of the systems are registered in the discipline of the gaols of the two countries. In Ireland there have been no mutinies; scarcely an English Government gaol has been free from them. The account given to the Committee of the Chatham outbreak was singularly diversified. Sir Joshua Jebb treated it very lightly;

a small business,—soon over,—and resulting in the punishment of forty-eight convicts. Mr. Measor, who was an eye-witness, describes it in fearful colours; every convict not in the chapel actively engaged,—the warders driven off,—the prison for hours in the hands of infuriated ruffians, who fired it in several places before the military drove them into their cells. Eight hundred were punished; but we have it in evidence that no tickets-of-leave were stopped in consequence.

In the English convict prisons, corporal punishment has been of frequent occurrence; in the Irish, it has been omitted for the last two years.

Education in Irish gaols is declared by competent witnesses to be efficient, and valued by the prisoners, though enforced in their non-working hours. In English gaols the schoolmaster's work is stated to be worse than useless, carried out in their work hours, and only affording an opportunity for idling.

The cost of prisoners in the two countries is stated to be—

	England.	Ireland.
Gross cost per convict.....	£34. 10s. 6d.	£31. 4s. 0d.

It is useless to consider the deductions for the labour of convicts, as the amounts given are simply fabulous. The absolute cost we know, the rest is all speculation.

To judge fairly between the results of the two systems, the following facts should be borne in mind. I give them in the words of Mr. Burt, the chaplain of the Birmingham borough prison. He is directly at issue with the four justices; and it must be allowed that many of his arguments are based upon tables apparently authentic. It is not his fault that these figures are contradicted by others. Mr. Burt says—"Ireland, between the years 1845 and 1859, was passing through a social crisis which has hardly a parallel in the history of Europe. This crisis included a famine, a pestilence, an exodus, a transfer of large areas of the land to a new proprietary, and the introduction of a poor-law. Every one of these social convulsions was enough to have affected most powerfully the amount of crime. Before the famine began, the social condition of Ireland was abnormal and unhealthy; the population was redundant; the supply

of food was scant and precarious; wages, when work was to be had, were at a rate so low as to have demoralised any people; and for millions of the population there was no remunerative employment whatever. Whole families committed crime for subsistence in gaol; and as soon as they were discharged, they committed it again. Then came the reaction. From 1845 to 1859, there was an emigration from the United Kingdom of 1,883,500 persons of Irish origin. Work became plentiful, and wages rose 100 per cent., and in some places 200 per cent." Mr. Burt further states, that in 1849 there were 2,142,768 paupers relieved in Ireland; and in 1859 the number was only 159,131.

On the other side of the question, it must be borne in mind that emigration draws off the best and thriftiest members of the community, and leaves behind a majority of those likely to become criminal. Such as they are when released on license, they have, whilst under the Government supervision, no difficulty in obtaining work. In England the attempt would be useless. No one, after the exposures before the Commons Committee, would, I presume, except as a matter of curiosity, attempt to estimate the number of relapsed licence men in England. The Home Office keeps no record, police officers won't give information, because, owing to the lowness of their fees, they are out of pocket when attending the Courts; when recognised in gaols, they are not always recorded.

In the face of all this the Home Office parades a maximum of re-convictions of their *protégés* of 10 per cent.; but lest this should prevent an over sensitive public from taking them to its bosom, they warn us, in a foot-note, that, "as licences are revoked for the most trifling offences, it is scarcely necessary to notice them;" but of a grand total of 1,973, these most trifling offences number 851. In the next page we have a catalogue of these trifles, and find that they include theft, larceny, assaults on the police, poaching, and picking pockets! Persons not influenced by official instincts will probably not object to consider the number of relapsed licence men in England as bearing the same proportions as we find amongst other discharged criminals. I shall venture to do so. In Ireland we have data for gathering approximate numbers.

I now proceed to cull from a mass of blue books, pamphlets, and letters in newspapers, the figures upon which future legislation is to be based:—

MALE CONVICTS.

ENGLAND.

Jebb's Return, p. 153, Appendix to Minutes—

Revocations and re-convictions of licence men, 1853 to
1861 inclusive 18·73 per cent.

Return, House of Commons, 13th Feb., 1863, Waddington—

Average of three years, 1860, 1861, and 1862, re-convic-
tions of licence men 10·6 “

Jebb, Letter to *Times*, Nov. 17th, 1862—

Statement that out of 1,400 annually released, 1,000 did
not return to crime; therefore general average of
relapses to this date 40 “

Rev. Mr. Burt's calculation of the average of re-convictions of
licence men, approved by Jebb 19 or 20 “

Calculation of the four Justices to Dec. 1861, England only.. 40·5 “

Further calculation on fuller information, carried up to the
present time—includes men re-convicted and known
to be living by crime 57 “

Constabulary Return of persons previously convicted, known
as bad, doubtful, or re-convicted 54 “

	<i>Times.</i>	Jebb.	Four Justices.
Ticket-of-leave prisoners relapsed in 1862, relapsed	6·5	12·4	57 ½ ct.

IRELAND.

The first four calculations are made from the official return. Allowance is made for emigrants: this explains the difference between these percentages and those of the prison directors.

Intermediate prisons, Smithfield and Lusk—

Revocations and re-convictions of licence men, 1856 to
1861, six years 10·46 per cent.

Ditto ditto 1856 to 1862.. 18·5 “

Ditto ditto 1862.. 21·27 “

Spike Island and Philipstown, ordinary prisons—

Re-convictions of licence prisoners, 1856 to 1861, six yrs. 5·37 “

“ “ 1857 to 1862, six years—*Times*.. 7·1 “

Directors 7·6 “

Lusk and Smithfield, Spike Island and Philipstown, 1856 to 1861, six years—

Licence holders returned to prison 11·5 per cent.

Thus divided—

Revocations for slight offences 7·86 “

Re-convictions for grave ditto 3·64 “

Irish Directors' return of the same—

Revocations 5·6 “

Re-convictions 2·6 “

Total returned to prison 8·2 “

Mr. Burt's calculation of relapses for Dublin alone 40 to 50 “

Directors' Report of all convicts liberated, on licence and other-

wise, 1856 to 1862—no allowance for emigration, and

no allowance for convicts re-committed to county pri-

sons—Total revocations and relapses 12·44 “

As the number emigrating has been variously calculated at 12·21 and 50 per cent., it would be idle to attempt an amended table.

•If it were allowed that the official records gave a comprehensive and trustworthy account of the crime of the country, as much to be relied on as are the records of commitments and convictions, then this controversy might be left to the arbitrament of figures; but it is obvious that this may not be. Figures must be used with discretion, and I know of none which require more selection than those relating to this controversy. Presuming that the records of commitments and convictions are reliable, I have drawn out the following tables of averages, with a due regard to the population of each county in each year, and have chosen the period in which the two systems have been in full play :—

In ENGLAND, in 1856, of the whole population, there was committed

for trial 1 in 977

Convicted, and sentenced to death, transportation, or penal

servitude 1 in 7,597

In 1862—Committed for trial 1 in 1,003

Sentenced to death or penal servitude 1 in 6,277

Average of the whole period, seven years—

Committed for trial 1 in 1,042

Sentenced to death, penal servitude, or transportation 1 in 7,804

In IRELAND, in 1856—

Committed for trial, of the whole population 1 in 867

Sentenced to death, transportation, or penal servitude.... 1 in 15,836

In 1862—Committed for trial 1 in 864

Sentenced to death or penal servitude 1 in 9,988

Average of the whole period, seven years—

Committed for trial 1 in 923

Sentenced to death, transportation, or penal servitude 1 in 14,886

These figures, examined *simpliciter aut comparate*, by no means vindicate the great superiority of Sir Walter Crofton's system; but still I believe that a satisfactory solution may be obtained, and in this way. There is every reason to believe that the Irish figures are trustworthy; at any rate that they have such an approximative value that they may be used as bases of argument. The English figures are probably true as far as they go; but as they only represent a part of the truth, as they much understate the facts, they are for all logical purposes untrue.

The same remark may be made with regard to the re-convictions. The modest 10 per cent. of the English directors rises to the alarming 57, and to this must be added the undetected crime; add 20 per cent., and you arrive at something like 70 per cent. Treat the Irish figures in the same way: take the highest figures which are sustained by an intelligible analysis, load them with 20 per cent., and then you hardly exceed the third part of the English percentage. Further, we know that, except from comparatively rare instances of agrarian outrage, life and property are notoriously more secure in Ireland than in England. Broad daylight and crowded streets by no means secure the safety of the passenger here. Outrages in railway carriages have been frequent, and undiscovered crime is on the increase. The police in England are far inferior to their Irish brethren. In Ireland, we may fairly assume that we know the worst, that few criminals escape detection, and from the knowledge of their history are placed in their proper crime list, and swell the catalogue of penal servitude convicts. In England, it is common to find the page of criminal record a blank against a prisoner's name, whose general bearing and familiar acquaintance with technical terms of law create a moral certainty of previous convictions.

The figures, then, as to England are not true ; we must put them aside, and revert to experience and observation for a judgment on this momentous question. Under the English system the worst men not unfrequently have the best prison character, either because they play the hypocrite, or extort good marks from frightened warders. Under the Irish system there is no evidence of these abuses, and prisoners are dealt with as units, and not as masses, in military fashion. The Irish directors demand long sentences as necessary to success, and have had to contend with a preponderance of short periods, seven years as their minimum limit. Sir Joshua Jebb gave in his adhesion to the five years' punishment.

I now introduce you to the penal servitude report. The *Times* devoted a column to it on its appearance, and must have astonished our right trusty and well-beloved cousins the Commissioners to find that they had devoted to contempt and oblivion a system which has left its mark on every page of their Transactions. It is true that the man who has done the work is treated with disingenuous silence ; but editorial rancour and official reticence will be more than compensated by the support and sympathy of such authorities as Lord Brougham, Mr. Hill, and Miss Carpenter. The *Times* critic has read the report so superficially that he quotes figures untruly, and corrects the Commissioners as to a fact in which they are clearly right. The truth is, that the report foreshadows the downfall of routine, and in most important particulars recommends to the favourable consideration of Parliament the Irish system. The Home Secretary is absolved from the charge of meddling more than formerly ; but the Lord Chief Justice, who refuses to sign their report, remarks—"It is startling to find that this provision (the supervision of the police), deemed essential to the working of the system, has been purposely and systematically violated."

Clauses 1 to 30 are chiefly explanatory of the treatment of convicts. Clause 31 is devoted to the elucidation of the fact that "penal servitude is not sufficiently dreaded ;" and Clause 49 removes this painful impression, by shewing that punishment is more severely felt than is generally supposed.

Clause 31 deprecates the "injudicious arrangements" of the

English plan, "owing to the want of proper supervision of convicts on tickets-of-leave."

Clause 39. "Regulations for recording industry of convicts in England needlessly complicated and faulty, making non-remission of punishment a penalty. Irish rules, making remission a reward, the best system." But this might be improved. Credit for general good conduct in both countries, disapproved. Irish marks for diligence in school, disapproved.

Clause 41. Irish system of supervision of convicts on leave, approved.

Clause 42. Irish system of voluntary emigration, approved.

Irish revocation of licences, approved.

Clause 48. Irish separate confinement and low diet in the early stages, approved.

Clause 49. Increase of severity in English public works prisons, doubtful. In diet, experiments for reduction, advised.

Clause 51. Irish classification of prisoners, approved; English, condemned.

Clause 54. Irish system of evening schools, approved; English, of school in labour hours, condemned.

Clause 57. Irish system of fixed pay for warders, approved.

Clause 61. Reduced gratuities to convicts, and permission to spend a portion weekly, as in Ireland, approved.

Clause 62. Irish directory to be placed in the position advised by Sir W. Crofton. Irish plan of attendance on female convicts, approved. English system of corporal punishment, approved.

The following Irish recommendations are approved:—Sentences of penal servitude not to be less than seven years. Habitual or re-convicted offenders to have lengthened punishment. Not to send the worst convicts to Western Australia. Some life sentences on grave offenders to be specially dealt with in this country.

It is worthy of note that at one of the sittings a paragraph recommending the principle of intermediate prisons was carried by 4 to 3; was subsequently re-discussed and omitted, the numbers being 5 and 4.

A celebrated member of Parliament once said to a friend—“Always contradict an awkward fact point blank, and trust to the indifference of the public when the exposure is made.” Upon this principle the *Times*, after reading the Report, asserts with a courage worthy of a better cause—“There is but one feature of the Irish system—if it can be called a part of the system—which the Commissioners recommend as worthy of adoption in England, and that is the supervision and disposal of the convicts after liberation.” Nothing more need be said of the *Times*’ criticism beyond noticing its disparaging review of the relative re-convictions of the intermediate and of the ordinary working prisons’ discharged convicts. Capt. Whitby explained that the latter were chiefly invalids, who returned home to their friends to die, and of persons convicted of one grave offence and not likely to relapse.

Approaching this subject with an unbiassed mind, I have endeavoured to judge dispassionately, and have come to the conclusion that the Commissioners, in the favourable view they have taken of the Irish system, have upon the whole discharged their arduous duty with justice, moderation, and impartiality. The partisans of the English system cannot complain that facts have been preferred to opinions, results to theories, and a proved success to a conspicuous failure. The four Justices have deserved well of the country for their patient investigations and luminous report, and their opponent, Mr. Burt, whose name is so honourably connected with a Prisoners’ Aid Society, has contributed his share to the solution of this difficult problem. It is to be regretted that where all are faithful men, contending for the truth, there should have been a show of bitterness and mutual recrimination. When Parliament meets it is to be hoped that no sanction will be given to one recommendation of the Commissioners—that of an enforcement of judicial torture, which is alien to the spirit of our times and incompatible with our advanced Christianity. It is in harmony with the bloody code in force during the last century, exploded and put away, it might be hoped, for ever, and however mortal may be our horror of the midnight assassin, we shall certainly not long pursue a course of vindictive justice which old experience

tells us defeats its own end. For years, moral restraint alone has been the practice of the Irish convict prisons; and we witness the instructive spectacle of beings having apparently nothing in common with humanity but its form, regarding themselves and regarded by their fellows as beasts of prey, gradually induced by wise discipline to observe the demands of moral law and of social obligation.