

herding together of young and old—girls convicted of a first offence, and hardened prostitutes, grown callous in a long course of shame—are especially disastrous. Here is a great evil, difficult indeed to remedy, impossible altogether to abolish, but which, we hope may, by subsequent legislation, be considerably mitigated; it is a subject well worthy of the consideration of every humane person, and enlightened legislator. The total annual expense of the Montreal gaol is given by Mr. McGinn at £3,450.

Descending to Quebec, Dr. Nelson finds occasion to testify to the excellent order, discipline and management of the Quebec gaol; to the gaoler, Mr. MacLaren, great credit is given, for his unremitting attention to a very onerous duty. We copy the following particulars:—

The total number of prisoners during the year was 1100, of whom 220 were committed as seamen.—*Answer to 4th question.*

Of these, 728 were male adults, and 63 males under eighteen years; 293 female adults, and 6 under eighteen years of age. Of the male prisoners, 329 were Irish—152 English—146 French Canadian—58 Scotch—28 from the United States—19 Anglo-Canadian—69 of other countries. Of the female prisoners, 233 were Irish—49 French Canadian—8 Anglo-Canadian—5 Scotch, and 4 English. No note kept of creeds.—*Answer to 8th question.* In answer to the question as to the nature of offences committed, it is stated that there were—for felonies 160—misdemeanors 928—debtors 12. Mr. MacLaren also complains that the construction of the gaol is such as to render classification impossible. The total expense of the Quebec gaol is put down at about £1400, including annual repairs of about £30 per annum, on an average. The Montreal and Quebec gaols are the principal gaols in the Province, and the same complaints to which they are liable, viz: imperfect construction and consequent impossibility of classifying the inmates—are applicable to the other prisons in Lower Canada. It is to the remedying of this evil, and to suggestions as to the proper mode of treating prisoners, that the second part of this able Report is devoted.

"How shall we treat our prisoners?" is one of the great social questions of the day, second in importance only—if second at all—to the question—"What shall we do to the poor?" To solve it, we must ascertain what is the primary object of secondary, and indeed of all human, punishments. Not vindictive certainly; not to inflict so much suffering for so much wrong doing; for if there be one principle of ethics clearly established, it is this—that man has no right to vengeance; vengeance is the Lord's—man has nothing to do with it: no one will now-a-days, we hope, contend for vindictive punishments. The point to be settled is—Whether is the primary object of punishment preventive or reformatory?—to reform the individual criminal, and restore him to the bosom of society, an honest man—or to deter others, by example, and the fear of consequences, from committing an offence against the well-being of society? According as we take different views of the primary object of punishment, will our views, as to the proper treatment of prisoners, vary.

It may be unpopular, it may sound harsh, but we confess that we hold to the theory—that the primary object of all punishments inflicted by society should be, not to reform the peccant individual, but to deter others, by the severity of the chastisement inflicted upon him, from imitating his offence.

To the perpetration of most crimes, crimes against property especially, the criminal is excited by the hopes of ameliorating his physical condition. Not many would be foolish enough to pick a pocket, or dishonestly possess themselves of their neighbor's property, if they were certain that the consequence of that act would be, not the increase of their creature comforts, nor exemption from the necessity of daily toil, but a sentence, inexorable, inevitable, and immediate, to pain, hardship, and long protracted suffering. The lazy loafer would cease from loafing if he knew that his first foolish act would procure him the instant benefit of three months on the treadmill, with short commons of bread and water: even the most accomplished "prig" that ever dipped his fingers into a "gent's" pocket, would soon be induced to desist from his pursuit, if he were certain of burning his fingers every time he made the attempt. But unfortunately human justice is very imperfect—every criminal hopes to escape detection for a time, and calculates on a "merry" at least, if not a long, career. By so much the more then, should his fate, when detected and convicted, be made a sad, an exceedingly sad, one; to him a prison should be a place of punishment, emphatically, and above all, of punishment; of punishment so severe, that the dread of it should be sufficient to deter him from repeating, and all others from imitating, the offence. If to this punishment the reformation of the individual criminal can be superadded—so much the better; reform him in that case, but first, and above all, punish him. In fact, the object of all human legislation should be to deter from crime, by convincing all who might otherwise be tempted to offend, that it is impossible for them to better their physical condition by deviating from the paths of honesty. The reformation of the criminal, though important, is to the State but a secondary consideration, compared with the prevention of crime; and it is so, because the jurisdiction of the State is not an independent moral jurisdiction; because its rights and duties towards its subjects are not the rights and duties of the father towards the child; and because the protection of the lives and the property of its offending citizens is the first, and most important, duty of the merely secular power. So true is this that there is danger, great danger at the present day, that the educating and reforming process may be carried too far, and the purely punitive process may not be carried far enough. This danger was clearly perceived and pointed out many years

ago by the Rev. Sydney Smith, in an article on Prisons in the *Edinburgh Review* in 1821:—

"It is quite obvious that, if men were to appear again, six months after they were hanged, handsomer, richer, and more plump than before execution, the gallows would cease to be an instrument of terror. But here are men who come out of jail, and say—'Look at us—we can read and write, we can make baskets and shoes, and we went in, ignorant of every thing; and we have learnt to do without strong liquors, and have no longer any objection to work; and we did work in the jail and have saved money and here it is.' What is there of terror and detriment in all this? and how are crimes to be lessened, if they are thus rewarded? Of schools there cannot be too many. Penitentiaries, in the hands of wise men, may be rendered excellent institutions; but a prison must be a prison—a place of sorrow and wailing: which should be entered with horror, and quitted with earnest resolution never to return to such misery; with that deep impression, in short, of the evil, which breaks out into perpetual warning and exhortation to others."—

For the great object of all human punishments is, or should be, the prevention of crime, by deeply impressing upon the mind of every member of society, that it is impossible for him to better his condition by any deviation from the paths of rectitude. Let the opinion once go abroad that the physical condition of the convict is better than that of the poor, but honest son of toil, whose daily bread is hardly earned by the sweat of his brow, and one great incentive to lead an upright life will have been destroyed, and a premium will have been offered for the perpetration of crime.

To make a prison a school is also a first rate way of fostering petty larceny. This system was tried in London, and the result was, that parents falsely accused their children of crimes in order to procure them admittance to these rogues' colleges; sometimes the parent's oaths were not received, and then they took good care that the accusation should not be a false one, but that the child should be furnished with the requisite qualification. In fact they taught their children to steal, in order that the State might be at the expense of teaching them a lucrative trade.

If then it be true that the prevention of crime is the primary, and the reformation of the individual convict but the secondary, object of human punishments, or punishments inflicted by the Civil Magistrate, it follows that men should be taught, to dread a prison, and to shrink from it, as from, of all earthly ills, the most intolerable. How this is to be effected without cruelty, without brutalising the prisoner, and defacing entirely and irremediably, the image of God in which man was created, is the problem which the prison reformer has to solve. It would be cruel to starve the convict, or to withhold from him a sufficiency of wholesome food—it would be brutal to degrade him, and to make him feel that the road to repentance was closed to him for ever; above all would it be inhuman so to treat him, as to render his future reformation impossible. There is joy in heaven over one sinner that doeth penance—God forbid that man should throw obstacles in his brother sinner's way, and deprive the angels in heaven of that joy unspeakable which possesses them, when the wicked man turneth away from the wickedness which he hath committed. But it is not cruel to the prisoner to make him work, to condemn him to labor, and literally to "hard labor." Not to the silly trifling, the solemn farce, of picking oakum, sweeping court-yards, and whitewashing walls, which now form the pleasant occupations of convicts, nominally sentenced to "hard labor"—but to real, solid work, such as the souls of the idle pickpocket, the "flash prig," and dandy loafer, abhor—to work so painful that no one would willingly undertake it; to work which, without unnecessarily degrading the convict, and rendering him vile in his own esteem, shall, at least, prove a severe trial to his arms and back, and which shall not interfere with the labor-market, nor take work out of the hands of the honest artisan outside the gaol. For this purpose nothing so efficacious as the treadmill was ever invented—and we have heard felons confess it scores of times—there is no secondary punishment of which they entertain so profound and salutary a terror. Your rogue has always an antipathy to hard work—it is this dread of work which in most instances is the cause of crimes against property; and we believe that by the introduction of a system of real "hard labor" into our prisons, much crime, much pilfering, and petty larceny might be prevented. Female convicts are far more difficult to deal with than male, and generally set all discipline at defiance. A very effective punishment was introduced amongst the female convicts in the government factory at Paramatta, a few years ago. The most refractory amongst them were subjected to the "government crop"—that is, their heads were kept close shaved; under this treatment the most violent soon became quiet as lambs. We throw this out as a hint, but we are well aware of the difficulty, we may say, impossibility, of keeping female prisoners in order.

Dr. Nelson, we are happy to see, is not an advocate for the total abolition of the lash, though of course, as every humane man must, he condemns its indiscriminate application. "Let the prisoner know," says Dr. Nelson, "that he is amenable to its infliction, and he will be more guarded, and other punishments may in consequence become less necessary." Perhaps Dr. Nelson may shock some of our fastidious modern Philanthropists by these remarks, but no one who knows, or who has witnessed, the inevitable consequences of the total abolition of corporal punishment amongst convicts, will take offence thereat. We remember, some years ago, when Captain Maconochie, after serving for some time as private secretary to Sir John Franklin, the Governor of Van Dieman's Land, was appointed Superintendent of Norfolk Island—the place to which the doubly convicted scoundrels are transported. The gallant Captain was full of new fangled schemes for the moral reformation of the convicts, and the amelioration

of their lot. The "cat" was to be hung up as an obsolete instrument of torture; the jail-birds were to be clad in new and brilliant plumage, and transformed into very birds of paradise, with nothing to do, but to hop lovingly about from bough to bough sweetly chirruping "The poor exile of Erin," or some such sentimental ditty. A pretty mess Captain Maconochie made of it: Norfolk Island was never a very nice place for persons of quiet and orderly habits to live in; but under his management it became a perfect hell upon earth. Crimes likewise multiplied in New South Wales; and the convicts there committed fresh offences in order that they might be tried in Sydney, reconvicted, and sentenced to the rogue's Paradise in the Pacific Ocean. Fortunately for the peace of the colony, the philanthropic Superintendent was soon recalled, and the old system of severe discipline re-established. Since then we have never heard a Philanthropist denouncing the propriety of the lash, without inwardly praying that he might be compelled to live for six months in Norfolk Island whilst under the rule of a brother Philanthropist; if that would not bring him to his senses, nothing would. It may be objected that flogging a prisoner brutalises and hardens him. We do not believe this: the man who is not ashamed to steal, is not likely to feel very deeply the shame of a flogging, though no doubt he is keenly sensible to the pain of the infliction.

But we find that we have exceeded our limits, for which the importance of the subject must be our excuse. We thank Dr. Nelson for the luminous "Report" with which he has favored us, and for the important suggestions which it contains; in concluding we cannot do better than cite his words, as a salutary caution, which all reformers of Prison discipline would do well to bear in mind:—

"Whilst sympathy for the fallen is most commendable, let caution be observed, lest an over-wrought sentiment of charity—philanthropy would be a better word—"dwindle into a palpable encouragement to vice."

To the Editor of the True Witness.

THE SCHOOL QUESTION—ITS IMPERATIVE CLAIMS ON OUR ATTENTION.

Montreal, January 11, 1853.

DEAR SIR—As we are now at the opening of a new year, it would be well for us to give some attention to a subject which, though one of vital importance both to our spiritual and temporal interests, is strangely neglected by us. I allude to the school question, so much discussed just now, all over the United States, and even in our sister province, but—to our shame be it said—comparatively unnoticed amongst us. It is true that we ourselves, being the great majority here, are free to educate our children as we please; but are we, therefore, to fold our arms, and stand listlessly by while our brethren are coerced to place their children under the gulfed training of State schools? To what cause can this criminal indifference be owing, Mr. Editor?—why is it that we manifest no sort of sympathy with the noble, the conscientious struggles of our brethren in Upper Canada? I am much afraid that our un-Catholic and uncharitable apathy is as offensive to God, as it is discreditable to us as men. It may well be asked in other countries,—"What are the Catholics of Lower Canada doing? or, are they Catholics in any thing but name? when they are taking the school question so very coolly, not raising their voices to protest against the foul wrong done their brethren in the sister province." This is just the view which must be taken—and this is just the light in which we must appear to the whole Catholic world. The great and good Bishop of Toronto is wearing away health and strength, and devoting all the energies of his mind to defeat the machinations of the wicked in this most iniquitous system—his people being the minority, are not of sufficient weight to make their righteous demands heard, and unless we come to their assistance, they must inevitably succumb, and the consequences to religion will be most disastrous, extending as far as the eye can reach down the stream of time.

I know that many of our people will say,—"Oh, this is a matter that does not concern us!" some may even say—"Let every one mind his own business!" I tell them, and tell them again, that this is just what does concern us, and that it is our business, and the business of Catholics all over the world. How can people pretend to be Catholics—how can they believe in the perfect unity of the Church and talk so absurdly?—how can they reconcile their cold, un-Christian, selfish indifference, with the perfect charity which ought to pervade the entire Church, of which Christ is the Head, and we the members?—If—oh! how comprehensive—how beautiful—how grand is that we; we—the Catholics—the children of the Church; we—the Frenchman, the Spaniard, the Italian, the Irishman, the Englishman, the Scotchman, the Austrian, the German, the American, the Canadian—we, belonging to all nations, but to one Church; we—whether we drew our first breath in the sunny south,

"Where the blue skies of summer eternally shine," or beneath the grey wintry sky of the frozen north; "Whether sunn'd in the tropics, or chill'd at the pole," we are all connected by one grand, one glorious bond—the unity of Catholic Faith. Away, then, with the fatal, the hell-invented delusion, that what affects one portion of the Church does not, necessarily, affect all the rest. The enemies of our holy Faith know better—they, in their sleepless hatred of the true Church, keep their eyes ever on her broad dominions, in quest of some defenceless post where they may attack her with advantage; knowing that whatever they can do in any one place is an injury to the whole vast body. Hence, we see them, now in the wilds of Ireland, following in the wake of famine, with *strabont* and *Bible* in hand, and anon, amongst the simple, unworldly habitants of our own Lower Canada, tempting them, as the devil, their progenitor, did Eve, with the fruit of the tree of knowledge—telling them that they shall be as Gods "knowing good and evil," if they will but listen to their beguiling words, and "take and read" (not eat.) Let us learn a lesson from them in their worldly wisdom—let us stand together, and God will assist us; for He loves to see His children united by the sweet bond of charity and Christian love. Let us aid our brethren in their righteous struggle against the common foe, and God will aid us in our own necessities.

The most charitable explanation that we can give of the apathy hitherto displayed by our people here,

is by means of the supposition that they are not aware of the overwhelming importance of this school question; if they were, they could not, as Catholics, act as they do. If they were even partially acquainted with the lamentable effects of State (or irreligious) schools on Catholic children, they would rise to a man, and cry out with one simultaneous voice, that their brethren in Upper Canada must not, nay, shall not, be coerced in this matter. Let us arouse, then, from our disgraceful lethargy—let us arise in good earnest, and put our shoulders to the wheel—let us hold a general meeting, consisting of the Catholics of this City, of all origins, and get up a petition, before the meeting of Parliament, calling on the Legislature to leave the Catholics of Upper Canada at liberty to educate their own children according to the prescription of the Church, their mother. Let us demand for them what is here fully accorded to the Protestant minority—the right of educating their own children; this is only common justice to our Catholic brethren, and if we do not make this effort, and throw the full weight of our numerical strength into the balance, in their favor, we shall stand convicted before God and man, of "all uncharitableness," as being totally indifferent to the interests of religion; and we shall be branded (and justly, too,) as lukewarm, "Orange-Catholics," unworthy of the name of Catholics.

If through our apathy, or cowardice, or any viler and more sordid motives—through the fear of giving offence to the prejudices of our separated brethren, or the desire of not disturbing the repose of our ministerial rulers—we refrain from affording our help to our Catholic brethren in their hour of need—be assured, Sir, that we shall have to answer for it to the Church, and to the great Head of the Church. Let us, Sir, be up and doing, working whilst it is yet day—for the night cometh when no man can work. Let us not wait until the Faith and morals of our brethren shall have been corrupted by Protestant schooling, and the triumph of Satan be complete. Up, I say, and let us be doing.

I am, Sir, &c.

A LOWER CANADA CATHOLIC.

As Dr. Cahill has written no letter since the one published in our issue of the 19th Nov., it is not easy for us to comply with our friend's request, to furnish him with the Rev. Doctor's next letter. The letter published about a fortnight ago in the *Boston Pilot* was an old letter of Dr. Cahill's, which has already appeared in the *True Witness*.

Statistics of the Catholic Population of the Parish of Notre Dame, Quebec, for the Year 1852.—Marriages, 257; Births, 1035; Deaths, 624, (205 over 7 years;) increase by births alone in one year, 411.

We have received the first number of a new Catholic Journal—the *Roman Guardian*—published at Rome, New York.

"THE ILLUSTRATED MAGAZINE OF ART."—We have received from Mr. Armour, of Great St. James Street, Montreal, the first number of this elegantly adorned periodical: the engravings are exquisitely finished, and its columns will be found to contain a great quantity of interesting and instructive reading matter. With all these advantages the terms of subscription are only three dollars per annum.

#### REMITTANCES RECEIVED.

Aylmer, J. Doyle, £12 10s; Quebec, M. Enright, £5; Bytown, E. Burke, £1 5s; Williamstown, M. Heenan, £1 5s; Carleton, Rev. J. B. Olschamps, £1 5s; Gananoque, Rev. J. Rossier, 10s; Bristol, H. Power, 6s 3d; St. Columban, J. Power, 6s 3d; J. Murphy, 6s 3d; Point Aux Trembles, P. Dunbar, 12s 6d; Norton Creek, J. McGill, 6s 3d; Tyendinago, Rev. C. Bourke, 15s; J. Martin, 12s 6d; St. Polycarpe, Rev. Mr. Cholet, 15s; Hinchinbrook, P. Brady, 10s; Vankleek Hill, D. Harly, 10s; Cornwall, J. Flanagan, 6s 3d; New Glasgow, C. O'Connor, 12s 6d.

THE LOAN TO THE SUFFERERS.—Pursuant to notice a meeting took place in the City Hall yesterday afternoon, of the sufferers by the late fire. Several of the members of the Corporation were present, and Messrs. Leeming, Homier, and Chierri, addressed the parties and explained the conditions, on which the loan was to be granted. The following are items, which appeared to give very general satisfaction:—

1. Interest to be paid semi-annually in advance at the rate of 6 per cent.
2. The principal to be repaid by instalments as shall be agreed upon, to commence in not less than three years, and not to extend beyond twenty.
3. All loans must be expended for the objects specified, within 12 months.
4. All buildings to be erected in conformity with the Bye Laws.
5. The Seigniorial Tenure of the lot to be built upon must be commuted.
6. Insurance shall be effected at the expense of the borrowers.
7. No loan shall be for more than £500 for each lot of land of not less than 1000 feet superficial.
8. The *hypotheque* having been completed, the money will be paid into a chartered bank in the city to the credit of the borrower and the City Treasurer jointly, and will be paid out as the work progresses, under certificates of an officer appointed by the City Council for that purpose, upon the joint check of the City Treasurer and borrower.
9. Applications for loan must be not later than the 1st prox.
10. Two forms of contract will be used; one in cases where the loan is desired to pay for buildings already erected, the other where it will be employed in building.
11. A certificate of the Registrar concerning the incumbrances recorded against the property will be required.
12. Each application should be accompanied by an outline plan of the lot to be offered as security.
13. Borrowers must furnish notarial copies of their titles.
14. The Corporation will guarantee no loan without the certificate of the validity of the borrower's title by its counsel.
15. All the expenses will be regulated by a printed tariff.—*Herald of 8th.*

#### Died.

In this city, on the 6th instant, Thomas J. Fegan, youngest son of Mr. Edward Fegan, Root and Shoemaker, St. Paul Street, aged one year and fourteen days.