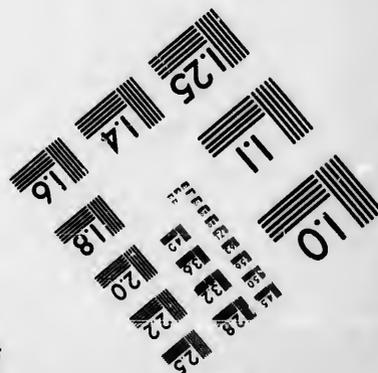
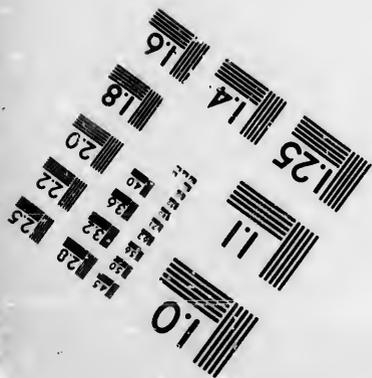
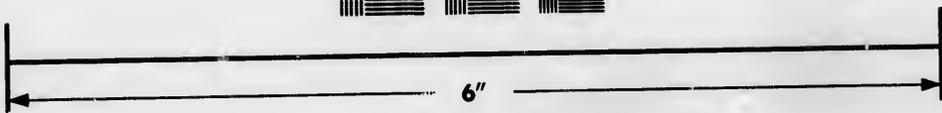
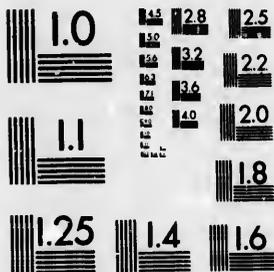


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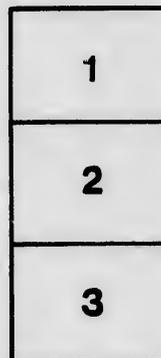
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EXTRACT FROM THE ADDRESS
OF THE
WARDEN OF THE COUNTY OF BRANT,
TO THE COUNCIL ASSEMBLED ON 18th JUNE, INST.
ON PRISONS GENERALLY.

I should be very unwilling to trouble you on the matter of prisons generally, but I think the time has come when public attention should be called to the subject. Year after year, and assizes after assizes, has the attention of the Council been called to this subject by the several Judges who have presided on these occasions, and any person who had the opportunity of hearing the remarks of Mr. Justice Draper at the last assizes, will, I think, agree with me that some action should be taken on the subject of prison discipline generally. On examining into this matter, and on consulting the Records published by authority, I find that a most criminal indifference has at all times been manifested by all governments and by all countries on this interesting subject, and it was not till about the year 1780—now 75 years back, that that extraordinary man, the late John Howard—a man of most singular and transcendent humanity—first brought before the world the enormous amount of evil which resulted from the prison system (if system it could be called) which existed in his day, and the House of Commons, convinced by the arguments and facts brought forward by that powerful champion of justice and of right, appointed a Committee to enquire into the statements put forward by Mr. Howard, and the report of that Committee *more than confirmed* the statements which he had made. It is not necessary to detain you as to the results of the investigation then set on foot, as to each particular prison, nor to call your attention to the peculiarities which distinguished *each* particular country in Europe; it is enough to say that in all it was equally bad—that the wrongs under which the prisoners, both convicted and unconvicted, pined and suffered could not have been more galling or degrading, and that men guilty of no crime, because not convicted, were subject to an amount of suffering which no government has a right to impose, even on convicted felons. Allow me to call your attention to a few facts connected with this matter: In the year 1841, there were in the hulks of England, 3552 convicts, and in that year there were added 3688; of this latter No. (3688) 52 had been transported before and had returned home—10 had been in the penitentiary,—1625 had been convicted before,—487 had been in custody before—in all 2174, and the remainder, 1471, were not known to have been in prison before. The ages of these 3688 were as follows:—

3 under 10 years; 213 between 10 and 15; 958 between 15 and 20; 1612 between 20 and 30; 839 above 30.

Let me further add that of 518 prisons in the United Kingdom to which upwards of 107,000 people had been committed at different times, only in 23 were the prisoners classed according to law (what that exact classification was I cannot exactly learn) 59 prisons had no division whatever between males and females; 136 had only one division for that purpose, and 68 had only two divisions. In 445 prisons no work of any description or kind was performed, and in 73 the work done was, in the language of the report, "not sufficient to keep the prisoners employed." Now, gentlemen, allow me to ask what result could you expect from such a system as that?—"The result is given in Mr. Howard's own words, "in morals a miserable state existed—all prisoners were confined together, men and women; the young culprit with the hardy offender. Petty offenders committed for short periods generally grew desperate and came out fit for the perpetration of any villainy;" and concludes with these words, "I scruple not to affirm that half the robbery committed in and about London, are planned in the prisons by that dreadful assemblage of criminals" and the House of Commons in their report on the subject state that "the hulks, however necessary they may have been, had *singularly contributed* to improve the practice of villainy—that the convicts had formed distinct societies for the more complete instructions of all new comers, who after the expiration of their sentences returned into the mass of the community, *not reformed*, but confirmed in every vicious habit." What language can be more strong, or how can the evils of the system be placed before us in more energetic terms? It may be asked, why revert to matters so long gone by, and in which the last generation was only to blame; I will answer by asking another question "have we improved upon the system of which they complained?"—*that is the question.* It is true that some little changes have taken place, such as dividing the males from the females, and even that in some cases is done in so loose a manner that they often manage to come together; but have we classed our prisoners,—have not the prisoners waiting their trial, (many of whom must be innocent) to mix and mess with the convicted felon,—is not the youth, say from 10 to 15, perhaps sentenced to 1 or 2 months confinement, or perhaps not tried at all to live with, mix and mess with the old offender who has been repeatedly confined before and to whom from long experience a gaol has become a home—do not we as our forefathers did, keep our prisoners *perfectly idle*; thereby, preparing for society a noisance and a scourge when they happen to be released,—do we not, in fact, pursue in almost every particular the system of which such complaint has been made, and which in a very concise manner, (not at all as full a manner as I would wish to do, I have taken the liberty of laying before you,—Gentlemen, we have made very little improvements—suppose that we in Canada had as they had in the United Kingdom in the year 1841—1174 lads, and 2550 above that age in our gaols, (of such a proportion as our population would bear to the population of England) could we expect from our present mode of treatment any result different from that which proved to be the result *there*, or could we as sensible men hope for any thing better—*certainly not, as we saw so shall we reap.* Will any one tell me that if the 3688 lads and young men who were confined in England in 1841, had been properly treated whilst in jail, a great number, nay, a vast majority of them would not have turned out valuable members of Society. If those boys had been trained to good habits, kept apart from old offenders—their talents and their time devoted to such a trade as their several tastes may lead them to adopt—books and information on those several points placed within their reach, and every other measure adopted to improve their morals and develop their talents, those boys would in all probability, with very few exceptions, have become useful members of Society—in a few years their first false step would have been forgotten, and they could stand amongst their fellow men in the proud position of men (I am not afraid to use the expression) *who once had erred, but who by the blessing on God, on the honest endeavours of their rulers to teach them good, with their own exertions to amend their course had determined to go and sin no more;* let me just bring before your notice a single case, and it is not an imaginary one. Suppose a lad of 16 or 18 years of age newly arrived on our shores, without parents, friends, or perhaps acquaintances, (except those whom he may have met on ship board, most of whom are scattered in the course of 2 or 3 weeks,) that reckless youth, perhaps from want for some of them are very poor) for arguments sake, to obtain that to which he has no right, gets arrested and is brought before the authorities to answer for the crime laid to his charge,—being a perfect stranger he of course can find no bail, and is committed to await his trial at the next assizes—follow that lad through the gloomy and silent apartments in which he is confined awaiting his trial, realize to yourself if you can the feelings which agitate his troubled mind as he looks back to home and all the endearments of years gone by,—see him brought to the box placed for criminals in the body of the Court—observe the vacant and bewildered stare with which he surveys the crowd around, watch every move of his countenance and you will see that he is quite unable even to answer the common questions put to him by the Court—see him convicted and sentenced to 3 or 6 months imprisonment—follow him back to the same gloomy halls of the prison, groaning under one of the greatest loads that can encumber the mind of a man, *perfect idleness*—see him at the end of his time brought to the door of the prison and told by the officer in charge that he is free to depart—watch him at the last moment when the door is shut, standing on the steps, looking around, without money, without clothes, without an acquaintance in the world, and you behold us perfect a victim of the evils of prison discipline as imagination can conceive,—during the whole 6 or 8 months

that he had been confined, until a single effort was made to improve his mind—to engage his attention—to teach him to earn his own bread honestly for the future,—nothing but a *dull tedious and unprofitable idleness*. I ask you, as sensible men, what can you expect from him? If that boy had been made to work as a carpenter, a shoemaker, a weaver, or *taught to work in any way*, he would, on his attaining his liberty, be able to earn his own living; but the want of employment, and a want of means of improvement will, in all probability, place that boy in society as a scoundrel and a pest to his neighbors. By his own act, he fell in *the first instance*; if he should *again* fall, the fault will be yours. Gentlemen, let me ask you what right has society to inflict such a penalty upon the boy in question, criminal though he be. It has no such right—for recollect that whilst it has a perfect right to punish offenders for violating the laws, and breaking the tie that binds society together, the same moral law which gives them that power, obliges them that whilst they punish the individual as a warning to others, they are bound to do all in their power to reform his bad habits—to give him inducements to become a better man, and to send him again afloat in the world, determined, so far as lies in their power, that he shall see the error of his past course, and become a more useful man in future.—Any law of society which inflicts the penalty, without making the effort to improve the individual acts tyrannically; each party has its rights, and each ought to perform its part. The good of society in general is as much interested in one part of the contract as the other. Whatever you may do, gentlemen, for goodness sake, *employ your prisoners*; do not give them time, by the *dull monotony of a prison idleness* to think of further mischief; let their labor support themselves as well as the establishment in which they are placed, and, depend upon it, your young and erring brother will leave your establishment with a determination to avoid it in future, and even with thanks for the opportunity which you have given to improve his talents and his time. I do not now recollect what country in Europe it is, but I think it is in France, that when a prisoner is sentenced to imprisonment for any crime, he is at once set to work;—an account is immediately opened with him in the end of his time, if he conducts himself properly, I think he gets, when leaving, whatever balance may appear at the credit of his account. If his behaviour is not approved of by the proper officers of the prison, he only gets a portion, or perhaps none; but he is kept constantly at mischief with his fellows.

I have taken the liberty, gentlemen, of calling your attention to the system of Prison Discipline generally, and to the evils which it has entailed, and will continue to entail, if not corrected, on society, in the hope of eliciting your valuable services in improving it; and further, of calling your attention to the views, as nearly as I can describe them, of Mr. Justice Draper, who presided in this County at the last Assizes,—that eminent and highly gifted individual has devoted an enormous amount of labor to the subject. Whenever he has an opportunity, he endeavours to press on the attention of the County authorities the necessity of action on the matter, and by every means in his power he advocates of waiting on him, he feels sometimes discouraged, and feels his cause almost hopeless by the apathy and indifference with which it is received. He sees that a great many cases come before him and the other Judges, where the crime, not deserving the Penitentiary, he has no alternative but to send the party back to prison—a thing, which, under the present system, he wishes to avoid, convinced as he is that no good can possibly accrue to the prisoner, and that much evil must eventually be the result to society, in consequence of the manner in which his time will be spent whilst in confinement. To do away with this crying evil, it was proposed that in connection with the Gaol, another establishment should exist, where work, *I mean profitable work* could be carried on;—that such a system of discipline should be established as must result in the generalty of cases, produce a good result; a system where the criminal would be taught and made to understand that *his own good*, as well as the good of society, was the cause of his being there;—where information could be imparted; books upon all subjects, calculated to make him a more industrious man than he was before, could be come at, and every other step be taken to improve his mind and develop his talents. It may be said, "the expense is too great—no cannot afford it." Gentlemen, Judge Draper anticipated this objection, and said if it was made it was quite practicable to get 3, 4 or 5 Counties to join in the expense of erection, because that would be the only expense; and the work of the inmates should, and would support the establishment, and ought, where five Counties united pay the interest of the outlay. The Judge intimated that if he could get his views taken hold of by the people, he had no doubt of being able to get an act passed, authorizing whatever steps may be necessary, and that he had no doubt as to the wishes of the Government on the matter—that, in fact, everything would be done to facilitate, encourage, and carry out the plan. Recollect, now, that I am advocating a *profitable—a self-paying establishment*. I want no more *idle-ness*,—we have had plenty of it. I wish to make every inmate do a good day's work, and I want to convert the value of that to money, to be used for the good of the place; and, surely, a good day's work is worth three times the cost of support. Suppose, now, that five Counties, and that you fix on Brantford, or any other place, as a centre; (I am not so selfish as to say it must be there) but any Brantford as other 5 took it up, [and I mention these because they are really well placed] and gave the matter fair consideration the plan could easily be carried out, the number of prisoners from the five would in all probability be sufficient to create a great amount of valuable articles, and if properly and energetically worked out would bring in a large income, and I believe under proper management would materially lessen the annual charge at present incurred by every County under the head of Administration of Justice. Before I close this subject, let me request one moment's attention to your own Gaol. The unfortunate individuals placed there have not the least means of instruction—no books, not even a Bible, except that on some occasions one may be lent by the officer in charge; and, I believe, with a visit now and again from that worthy man, your Treasurer and another humane gentleman, a merchant in town; but a single Clergyman of any denomination pays the least attention to the prison, or to the wants, temporal or spiritual, of the inmates. Great exertions have been made, and are being made by the different congregations in this town, and especially by the Ladies, for the furtherance of Missionary, and other good objects; and the Clergy of each and every denomination are active in cherishing them on in their good work; but, let me ask, is it in accordance with the high and holy calling of these Reverend Gentlemen to pass by in silence this abode of misery and woe, as unworthy of their slighted attention? How can these Rev. gentlemen, and I wish the remark to apply *to all* ought to recollect, that whilst it is their duty to send the glad tidings to distant lands, it is most decidedly imperative on them to look at home; and where ignorance, misery, and vice are at their own door, *there first* to apply their good offices to relieve the distressed, and to hold out the means of improvement to their wretched brothers. When men preach, gentlemen, I should like to see some little practice, and I cannot help saying that the neglect of the Prison by the Clergy of all creeds, is in the highest degree improper. I shall say no more on this subject.

I am afraid, gentlemen, I have detained you longer than you may approve of; but the evils of the present system, if system can be called, are so great, and the advantages of the proposed system so apparent, that I thought it my duty thus to trespass on you. I would recommend your appointing a Committee to take this subject into consideration, and if you approve of it, authorize them, or *to communicate* with other Counties on the matter. I have no doubt of vast good being done by pressing on the public mind the necessity of some change. I leave the matter with you—you can deal with it as you think proper.

To the Warden of
the County of Norfolk.

Brantford 9 July 1855

Sir,

On the other side I beg to hand you
an extract from my address to the Council
of Brant at its last sitting - By order of
that body I send a copy of it to you, in
the hope that some united effort may
be made by the Councils of all the
Counties in this part of Upper Canada
- the object is, in the opinion of our
Council, deserving of great attention -

May I beg the favor of your consulting
such Members of the Council ^{as you may meet} over which
you preside on the matter of it - and of such
other individuals in your County as may
in your opinion be calculated to assist

I am Sir

very respectfully

Yours ob. Servant

Allen Foot

Warden Co Brant

