



# The Jebb-Crofton Controversy'

Supervision: Support or Stigma

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# Outline

- Prisons and Punishment in 18<sup>th</sup>-19<sup>th</sup> century
- Molesworth Committee Report and Transportation 1838
- Penal Servitude
- Sir Joshua Jebb
- Walter Crofton and the Irish Convict Prisons Board
- The Irish System in practice
- James Patrick Organ, Inspector of Discharged Convicts
- What happened next.....

# 19<sup>th</sup> Century Prisons Background

- Transportation as a sentence in UK and Ireland
- After 1836, in UK, executions only for murder or attempted murder (1841 murder only)
- Separate System (Crawford and Russell)
- Maconochie, Jebb and Crofton
- Arnould Bonneville De Marsangy (1802-1894) Conditional Release 1846
- Obermaier (Munich), Montesinos (Valencia)
- Molesworth Report 1837-8

# Prison Reform

“Criminals are bad because they have been open to wicked influence. If exposed to good influences, Christianity in particular, they will change for the better.”

**Sir Joshua Jebb, Surveyor-General of Prisons**

## **Pentonville Prison 1842 (Model Convict Prison/Depot)**

Separate confinement intended, through religious exhortation, rigorous discipline, moral training and the imposition of separation in its most extreme form, to produce deep repentance and rehabilitation. High rates of mental breakdown, delusions, hallucinations, panic, depression, anxiety and morbid feelings.

## **Mountjoy Prison 1850**

**Transportation** - Colonial opposition grew in the 1830s and 1840s      Alternatives?

# Ticket of Leave

The **Penal Servitude Act 1853** substituted terms of transportation to Australia with sentences of penal servitude in a British or Irish convict prison. (4 years PS for 7 years Transportation)

The **Penal Servitude Act 1853** also created the facility for individuals serving time in convict prisons to be released part way through their sentence on a "conditional licence" or "**Ticket of Leave**" similar to the release system in Australia

## Sir Joshua Jebb (1793–63)

1812 Royal Engineers

1812-20 US campaign and canal building in Canada

1837 Surveyor-General of prisons and technical adviser on the construction of prisons.

1838-42 Design and construction of Pentonville model prison

1843 Commissioner of Pentonville Prison

1850 Chair of the Board of Directors of Convict Prisons for England

English Convict System adopted its own system progressive stages of confinement, but Jebb and Crofton took opposite positions on post-release supervision and revocation.

In England, nothing was done to supervise ticket-of leave-holders beyond the warning on the licence of consequences. Jebb believed that supervision would make released prisoners second-class citizens and undermine their reintegration.



## Sir Walter Crofton (1815–97)

**1852** Retired Army Officer ( 54th foot) and County Magistrate in Wiltshire

**1854** Report of Commissioners on Convict Inquiry in Ireland

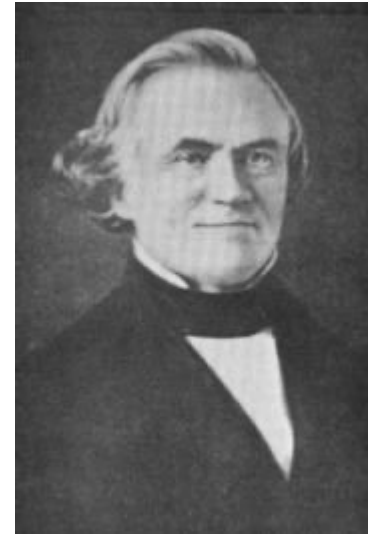
**October 1854** Appointed chairman of the Directors of Convict Prisons for Ireland (Crofton, Knight and Lentaigne)

**1862** Retired and knighted

**1869** Special Commissioner in Ireland for Prisons, Reformatories, and Industrial Schools

The convict is “arbiter of his own fate” persuaded through rewards to begin “co-operating in his own amendment.”

Crofton adapted Maconochie’s mark system to measure and reward reform and added pre-release preparation (intermediate prison) and supervised conditional release.



# The Irish System

The sentence of penal servitude under the **Irish System** comprised separate phases:

- a period of **solitary confinement** (about 6-9 months at Mountjoy Prison) on a restricted diet;
- a period of **association and work**, in which the prisoner advanced to higher levels by credits, or “marks,” earned for industry and good behaviour;
- a period in an “**intermediate prison**” with minimal supervision, during which the prisoner had training and testing to demonstrate dependability and employability outside (individualisation);
- early release on a “**ticket of leave**” under the supervision of the **Inspector Discharged Convicts, James Organ**, who arranged employment, conducted periodic visits and reported to the Convict Prisons Directors. (outside Dublin supervision was by the local police constabulary)
- **unconditional discharge** including freedom to emigrate.



## Intermediate Prisons

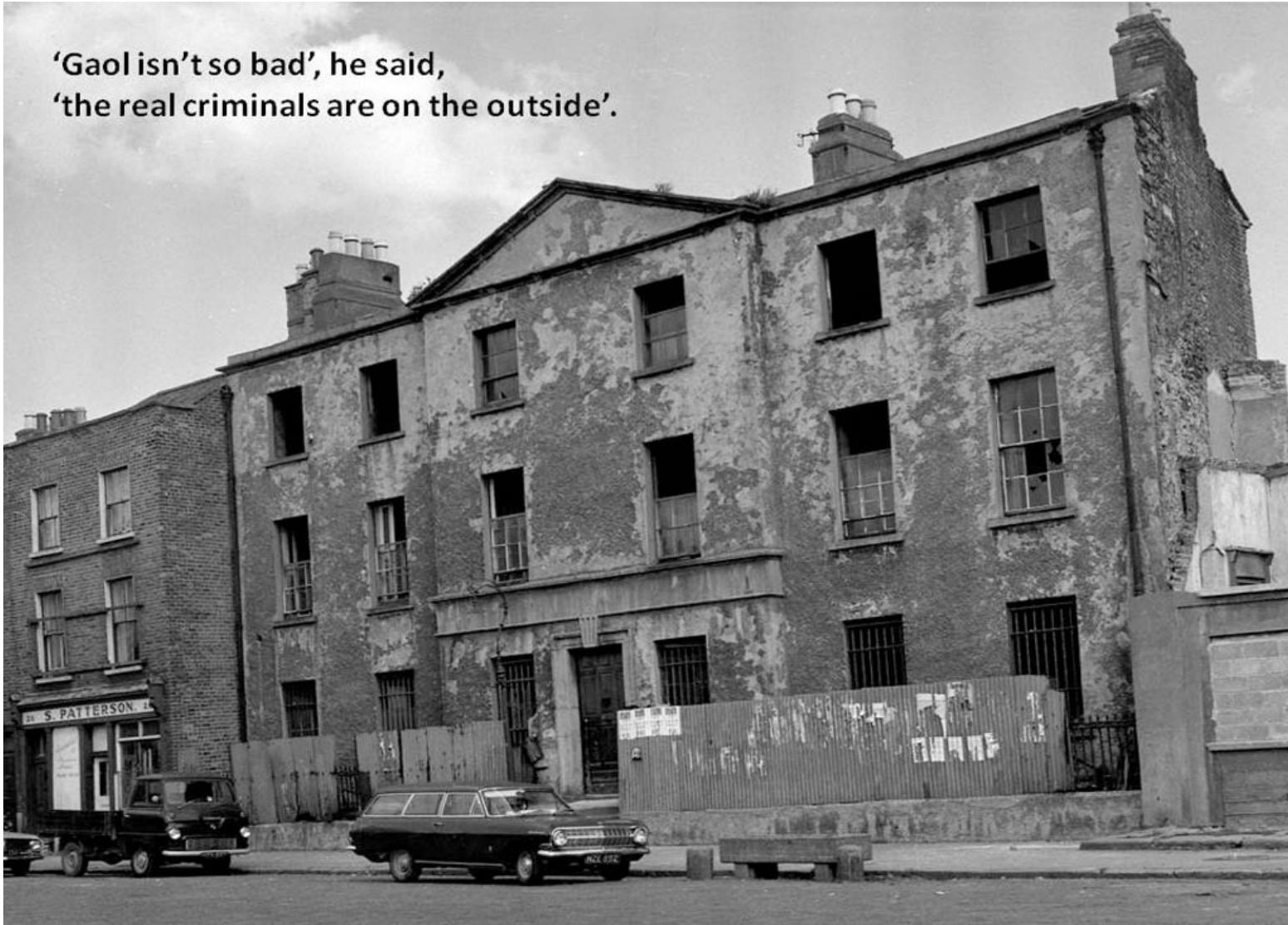
- Smithfield
  - Lusk
  - Fort Camden and Fort Carlisle
- 
- “individualization” small numbers in an open environment, no more than 100
  - test the assumed self-control and good conduct of the convict and
  - through lectures and work placement increase chances for employment after release and lessen public fears
  - post-release supervision

Female catholic convicts were placed in Sisters of Mercy run “houses of refuge” at Goldenbridge.

# Smithfield Penitentiary (1801-1871)

Picture : Dublin City Archives 1968

**'Gaol isn't so bad', he said,  
'the real criminals are on the outside'.**



## Lectures or Preparation for Release

James P. Organ: Lectures On Educational, Social And Moral Subjects delivered to the Inmates of Smithfield Reformatory Institute, Dublin. W.B. Kelly, Grafton Street, Dublin (1858)

‘The ordinary class of well-conducted convicts are [not] in any respect, in mind, morals, passions or feelings, inferior to the generality of those of their class in life...’

‘A lecturer to convicts must...bear two particulars in mind.....first, that being men, **they must not be talked down to, or treated as children**; second that they must never for one moment perceive that when once received into the highest class of good-conduct men, that they are ever suspected of falsehood or dishonesty’.

‘My great objective was to talk **to** them, rather than **at** them.....I have never found that when once we had got to understand each other, my audience and myself differed...

(Preface, v-viii)

## James Organ

Smithfield Institution for Exemplary Prisoners,  
January 1, 1857.

Repo

GENTLEMEN,—In compliance with your directions, I beg to present my first Annual Report as Lecturer in the Smithfield Institution for Exemplary Prisoners.

When you honoured me with my present appointment in the institution, I understood my duties to be of a combined nature; I was not to consider myself merely a literary teacher, nor yet solely a moral trainer. I believed that I was to make myself acquainted not alone with the knowledge or ignorance, in an educational point, of the inmates committed to my charge, but I was likewise to obtain an insight, as much as possible, into the natural character, the disposition, the hopes, the fears, the wishes, and the intentions of each individual. I knew also that I was, if possible, to keep myself acquainted with the employment and conduct of the men upon quitting the institution. These things I have endeavoured to accomplish, and I have been aided willingly and earnestly by every officer of this institution.

Upon my appointment I found fifty inmates committed to my charge, and upon an examination I was enabled to classify them educationally, though not with perfect accuracy, as exhibited in the following table:—

Number able to read and write.



# James Organ

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## Fourth Annual Report of the Directors

FIRST REPORT ON MEN ON LICENCE in the City and County of Dublin, for month of January, 1858, made fortnightly by the Lecturer.

When Released.	Initials of Name.	Residence.	Employer.	Employment.	Weekly Wages.			Observations.
					£	s.	d.	
Sept. 8, 1856,	D. L.	Chapelizod,	J. N.	Labourer,	0	10	0	A most exemplary man.
" 15, "	D. K.	Crumlin,	M. C.	Do.	0	8	0	Do. do.
Nov. 11, "	D. R.	Saggart,	J. M'D.	Do.	0	7	0	In hospital.
" " "	M. M'L.	Do.	Do.	Do.	0	7	0	Doing well.
Feb. 20, 1857,	M. G.	Do.	Do.	Do.	0	7	0	Doing well as regards his public duties.
Nov. 6, 1856,	P. M'N.	Do.	Do.	Do.	0	7	0	Doing well.
Oct. 28, 1857,	P. W.	Do.	Do.	Do.	0	7	0	Do.
Dec. 3, 1856,	D. R.	South King-st.	G. and R.	Do.	0	9	6	Retained in employment when three of his fellow-labourers were discharged a few days since.
May 13, "	M. R.	Poolbeg-street,	M. B.	Do.	0	9	0	Doing well.
July 22, 1857,	P. M'G.	Fado-street,	—	—	—	—	—	In hospital.
" 13, "	J. S.	Francis-street,	M. M.	Labourer,	0	12	0	No better character.
" " "	C. M'C.	Fado-street,	M. R.	Do.	0	8	0	I cannot speak too highly of this man.
Aug. 10, "	P. M.	Old Bawn,	J. M'D.	Do.	0	10	0	Do. do.
" 6, "	W. W.	Ryder's-row,	W. L.	Shoemaker,	Piece-work			Doing well.
Nov. 27, "	M. B.	North King-st.	M. C.	Labourer,	0	8	0	Going on well; got married a few days since.
Oct. 14, "	T. R.	Bride-street,	P. M'L.	Tailor,	3s. & board			A proper young man.
Nov. 16, "	J. M.	Longford-st.	M. G.	Shoemaker,	Varying			An excellent character.
" 13, "	J. M.	Mary's-lane,	M. C.	Labourer,	0	9	0	Going on well; he was dealing in fowl, but has become a bankrupt.
Dec. 18, "	M. L.	Bedford-st.	Do.	Do.	0	9	0	Going on well.
Sept. 24, "	P. D.	Gloucester-pl.	Do.	Do.	0	9	0	An industrious, sober, and well-inclined young man, and, what is more, a good son to his aged mother.
" " "	E. H.	Clarke's-court,	M. W.	Shoemaker,	3s. & board			Doing very well.
" " "	J. D.	Swords,	—	—	—			This man is going on well I hear, but have not seen him very lately.

## James Organ

“..[H]e is one of that privileged number who will have left a mark on their age...in the extent and amount of the quiet, unnoticed good that he has accomplished, and the wholesome healing influences he has wrought upon the dispositions and destinies of his fellow-creatures.” ....

”[T]he system now adopted in Ireland rests upon principles so sound and so true to human experience.....for its early and rapid success it is largely indebted to the capacity of Mr. Organ to make powerful impressions upon the minds, sometimes sluggish and sullen, sometimes quick and impulsive, with which he was brought into contact, as well as the wholly voluntary and disinterested tenacity with which he clung to the discharged prisoner in his subsequent career, diminishing its risks and shielding him from its temptations.”

Earl of Carlisle: Address on Punishment and Reformation at the National Association for the Promotion of Social Science 1858 pp74-75

## The Irish System reviews

Matthew Davenport Hill – Irish Convict Prisons have solved the problem of what to do with our convicts 1857

Earl of Carlisle

1861 Prince Consort (Albert) and children visit Smithfield

1870 Declaration of Principles Adopted and Promulgated by the Congress (National congress on Penitentiary and Reformatory Discipline Cincinnati)

“XVIII The most valuable parts of the Irish Prison System – the more strictly penal stage of separate imprisonment, **the reformatory stage of progressive classification, and the probationary stage of natural training** – are believed to be applicable to one country as another – to the United States as to Ireland”

❑ Jebb - Crofton Controversy.

# Jebb Crofton Controversy

Reported success of the Irish System contributed to a crisis of confidence in Jebb's system in England and Wales.

Irish System endorsed by international experts, von Holtzendorff, Mittermaier, Beranger, Demetz,

Jebb (and friends) strikes back!!

Report on Convict Prisons 1858 and 1862, Social Science Congress 1862

Critics perceived as acting from malice or personal ire to destroy the English System

- Not adaptable to the character of convicts or to the circumstances of this country
- Worst of the Irish came to England to escape supervision
- Intermediate prisons would weaken the deterrent effect
- Supervision is stigmatising
- Irish were more 'tolerant' of convicts
- Data was challenged and disputed



## What happened next....

**1863** can be viewed as a key year for the increasing severity of the penal system, though largely through coincidence.

In 1862, Walter Crofton retired, due to ill-health, as a Director of the Convict Prisons for Ireland. The prison population had fallen. In 1854 there were 4278 convicts in the Irish prisons; in 1862, only 1314. There was no longer pressure on prison places in Ireland.

Joshua Jebb died. He was eventually to be replaced by Edmund Du Cane, a strict disciplinarian, who became Assistant Director in 1863.

Punishment was inflicted “much more for the purposes of deterring from crime the enormous numbers of *possible* criminal, rather than for any effect on the criminal himself” Edmund Du Cane (cited in Radzinowicz and Hood P.528)

## What happened next....

The London Garrotting Panics in 1856 and 1862, fuelled by sensational newspaper reports linking the fear to released convicts led the public to believe would-be attackers lurked around every corner.

(despite a falling crime rate and the gross exaggeration of garrotting crimes)

1861 Prison riots at Chatham

1863 Royal Commission appointed. The screw of repression had to be turned...penal servitude was not sufficiently dreaded

The Select Committee of the House of Lords presented its report on Gaol Discipline in 1863. The **Carnarvon Committee** stressed the importance of **punishment over reformation** and many of its recommendations were incorporated in the Penal Servitude Act 1864.

## What happened next....

In 1863, Gaylord Hubbell, Warden of New York's Sing Sing Prison, visited to examine the Irish system and, on his return to America, recommended its adoption

Franklin Sanborn, in 1865, published his special report to the Massachusetts Board of Charities on Prisons and Prison Discipline. Sanborn was most impressed by the efficacy and success of the Irish system

E.C. Wines convened the first American Prison Congress in Cincinnati, where the declaration of principles advocated a reformatory approach, classification of prisoners after the Irish system, individualisation and social training of prisoners

'The most valuable parts of the Irish Prison system – the more strictly penal stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of natural training – are believed to be as applicable to one country as to another – to the United States as to Ireland'

## What happened next....

While cautious of the ticket-of leave system, Sanborn saw no difference between it and the new United States probation system as, in both, prisoners could be returned for breaking laws or keeping bad company

Developments thereafter in the US included supervised parole based on the Irish system

James Organ's work of Sir Walter Crofton and of James Organ at Smithfield and Lusk was the forerunner of the American parole system

James Patrick Organ died on 11<sup>th</sup> November 1869 and was not replaced as Inspector of Discharged Convicts.

Smithfield Intermediate Prison for Exemplary Convicts closed in 1871.

1878 Prisons Act brought all prisons under central control (including Ireland)

# James Patrick Organ

- ❑ Baptism of JACOBUS ORGAN on 17 July 1825 (Parish - ST. NICHOLAS)
- ❑ 3 Wall's Lane (Francis Street to Spitalfields/Carman's Hall) Dublin 8.
- ❑ 1844-55 Adult Education Teacher
- ❑ 1855 Lecturer at Smithfield Government Reformatory
- ❑ 1856 Inspector of Discharged Convicts
- ❑ 1858 **Lectures On Educational, Social And Moral Subjects** published by W.B. Kelly
- ❑ Marriage of James Patrick Organ, Mespil Parade and Susan Foley, 17 Nassau Street on 21 January 1860
- ❑ Report from the General Committee on Valuation (Ireland) July 1869.
- ❑ premature death, at the age of 46, November 11th, 1869,
- ❑ James Organ's grave is unmarked in the Garden Section at Glasnevin Cemetery.

## What happened next....

2019 was the 150<sup>th</sup> anniversary of the death of James Patrick Organ on 11<sup>th</sup> November 1869.

**James P. Organ, the 'Irish System' and the Origins of Parole**

**Irish Probation Journal 2019 Volume 16**

[http://www.probation.ie/EN/PB/0/3269CCCE1A14195C802584C10055629E/\\$File/James%20P.%20Organ,%20the%20'Irish%20System'%20and%20the%20Origins%20of%20Parole.pdf](http://www.probation.ie/EN/PB/0/3269CCCE1A14195C802584C10055629E/$File/James%20P.%20Organ,%20the%20'Irish%20System'%20and%20the%20Origins%20of%20Parole.pdf)

<https://www.cep-probation.org/james-p-organ-the-irish-system-and-the-origins-of-parole/>

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