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**Criminal children in post-Famine
Connacht: Poverty, crime and
punishment, with a particular focus
on the period 1854-1870**

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A thesis submitted for the award of Doctor of Philosophy

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Abstract

This study examines the extent and nature of juvenile crime in Connacht from 1854 to 1884, and looks at how poor and criminal children were treated in the west of Ireland in this period. Most studies of juvenile crime in the nineteenth century have looked at the urban child. Nineteenth century Connacht was predominantly rural and this thesis shifts the focus to the rural child. Despite the great poverty which existed in the province at the time, Connacht children were less likely to find themselves in gaol or in the new reformatories than children from other provinces. This study challenges the prevailing connection which many historians make between chronic poverty and crime. By using a wide range of sources, both official and unofficial, it looks in detail at the treatment of destitute and criminal children at a local level, and explores the religious tensions which frequently determined their fates. The value of the labour, paid and unpaid, of poor children, was recognised by both their families and communities, and the way in which this affected their treatment is explored. The integrated nature of rural communities also had an impact on their treatment. The establishment of the reformatory system, and the response to the legislation in the west of Ireland, is discussed. In 1864 the sisters of Mercy opened St. Joseph's reformatory for girls in Ballinasloe. While it was the only reformatory in the west of Ireland, and was considered to be one of the best in the country in its treatment of inmates, it was undersubscribed and it traded its licence for that of an industrial school in 1884. The lack of engagement with the reformatory system in Connacht contrasts sharply with the expansion of the industrial schools.

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Glossary

Juvenile Nineteenth century census records generally list children in age divisions of five years, for example ‘Under 10 years’ and ‘10 and under 15’. The Poor Law reports and papers usually classify children as ‘Under 15 years of age’. Dublin Metropolitan Police records at mid-century also use this classification. Annual reports of the prison inspectors divide children into two groups- ‘Under ten years’ and ‘10 and not exceeding 16 years’. The Act to promote and regulate Reformatory Schools for juvenile Offenders in *Ireland* (21 & 22 Victoriae, Cap 103) refers to persons ‘whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of Sixteen years’. Civil registration of births was introduced to Ireland in 1864, so the age of defendants and prisoners born prior to this time was frequently a matter of speculation by officials. This study uses the words ‘juvenile’, ‘child’ or ‘children’ as meaning aged sixteen or under, unless otherwise stated.

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Nineteenth century Connacht



Map of Ireland showing locations of reformatory schools



Chapter one - Introduction

In March 1854 the relieving officer of the Galway poor law union told the Board of Guardians of the union that there were fifteen boys serving prison sentences for breaking his windows. All of the boys were from rural areas outside the town of Galway, and all had been refused admission to the workhouse by him. A local newspaper reported that they had broken the windows as a ‘...means of testifying their feelings of resentment’ against the relieving officer for having refused them relief in the workhouse.¹ It is also possible, however, that the boys may have committed this crime knowing that it would result in a prison sentence. In 1848 the prison inspectors had noted the large numbers of children committed to gaol in Mayo for stealing food. They reported that ‘The case of these poor children is hard- the workhouse is full- and for begging or stealing they are sent to prison’. They also acknowledged that many children deliberately committed crimes in the workhouse because the prison diet was better.² For destitute children in Ireland at this time the poor law system provided the only means of state support, and criminal children were sent to gaol. If found guilty of a crime by the courts and given a custodial sentence, a child would pass that sentence in gaol with adult offenders. In 1854 there were 307 such sentences handed down to Connacht children aged sixteen and under.³ Outside of Ireland, radical changes in the way that criminal and poor children were being perceived and treated were occurring.

Penal reform had been the subject of a great deal of debate since the late eighteenth century. The work of reformers such as Jonas Hanway, John Howard and Elizabeth Fry had brought the subject of prison conditions and the treatment of prisoners to the attention of the public. At the same time, there was a strong public perception that increasing levels of crime posed a threat to social order. By the middle of the nineteenth century, transportation, the ‘moral sewer’, was coming to an end, and the use of prison as a place of punishment and possible treatment of offenders, rather than as a holding facility, meant that there was a large increase in the number of required places for prisoners who were going to be held for longer periods. Much of

¹ *Galway Vindicator and Connaught Advertiser*, March 25 1854

² Twenty-sixth report on the general state of the prisons in Ireland, 1847-48 [952], pp 8,68

³ Annual report of the inspectors-general of prisons, 1854, 1854-55 [1956], pp xlviii, xlix

the focus of the debate in Britain and Europe had been on the subject of children and crime. While the principle of 'doli incapitas'⁴ generally protected children under seven years of age from criminal responsibility, children over seven who were sentenced by the courts were often subjected to the same treatment as adult prisoners, including transportation, and, in a small number of cases, the death penalty.⁵ From the late eighteenth century, some reformers began to look at children who were in prison, or children who might become imprisoned, as a separate group.⁶ The Philanthropic Society was founded in London in 1788 with the aim of rescuing boys found begging or stealing, and housing and training them in trades. Elizabeth Fry established the Chelsea School of Reform in London for 'vicious' little girls in the early nineteenth century,⁷ and Captain Edward Pelham Brenton founded the Society for the Suppression of Juvenile Vagrancy.⁸ In Germany, Johann Wichern, a Lutheran pastor, established the Rauhe Haus near Hamburg in 1833 for vulnerable children. In the same year, in Kaiserswerth, Pastor T.F. Fliedner built a similar institution which catered for criminal children in a separate penitentiary. Perhaps the best-known and most influential of all the European institutions, however, was Frederic-Auguste Demetz's 'Colonie Agricole' at Mettray, near Tours, established in 1839. Demetz was a judge who became dissatisfied with having to consign juvenile offenders to gaol. With the financial support of Vicomte de Bretignieres de Courteilles, who donated lands, he established an agricultural colony. The children lived in small houses that were modelled on family homes, and were supervised by specially trained staff. They received minimal literary education and were placed as farm labourers or in the military on their discharge from the colonie. Mettray was held up as a prototype for

⁴ By the nineteenth century, the principle was extended in an altered form, 'doli incapax', to include children between the ages of seven and fourteen who were deemed incapable of criminal intent, unless it could be proved otherwise

⁵ David Philips has demonstrated that many death sentences were commuted in *Crime and authority in Victorian England* (London 1977). Anthony Platt has shown that the criminal law in England was not quite so harsh when dealing with children in the early nineteenth century as some previous writers had asserted in *The child savers: The invention of delinquency* (Chicago 1969), pp183-188

⁶ Neither the notions of separate incarceration or segregation of juveniles were completely new in a European context. When John Howard visited Rome he found a prison for young boys in the Hospital of St. Michele. Over the door he read an inscription which he translated as, 'Pope Clement XI. For the correction and instruction of profligate youth: That they, who, when idle, were injurious, When instructed might be useful, To the State 1704'. Inside he found 50 boys spinning in a room in which was suspended a sign which read 'SILENTIUM'. John Howard, *The state of the prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals* (Warrington 1784), pp113-4

⁷ Leon Radcinowicz and Roger Hood, *A history of English criminal law and its administration from 1750*, Vol. 5 (London 1986), p.136.

⁸ *Ibid.*, p.137

the treatment of young offenders and was visited by reformers and officials from England and Ireland. Its system was replicated in Switzerland, Holland, Belgium and Denmark. In England, the Philanthropic Society opened a farm school for criminal and vagrant boys, largely modelled on Mettray, at Redhill in Surrey in 1849. The agricultural colony, at which boys were put to work at 'spade labour', became a model for the treatment of young offenders.

On a political level, there had been some significant investigation and legislation regarding children and crime in Britain in the first half of the nineteenth century. The 1816 report of the Committee for Investigating the Alarming Increase of Juvenile Delinquency in the Metropolis⁹ questioned nearly 800 children who had been convicted in London and identified the factors which led them to crime; lack of education, the improper conduct of parents, the want of suitable employment, violation of the Sabbath, the harshness of the laws, policing, and the prison system itself. In 1847 the Select Committee of the House of Lords on Juvenile Offenders and Transportation¹⁰ took evidence from judges, inspectors, chaplains and prison governors from England, Scotland and Ireland. The primary focus of their questioning with regard to juvenile offenders concerned appropriate punishment for children and the viability of summary trials for children so that the judicial process was expedited. In the same year the Juvenile Offenders Act¹¹ made provision for the sentencing of children under 14 who were found guilty of certain crimes by summary conviction at petty sessions. This law was extended to Ireland in 1848.¹² While the stated purpose of the change in legislation was to avoid holding children who were awaiting trial in close association with older convicted criminals, one effect was to create a system whereby children could be denied access to a jury trial.¹³

While the makers and keepers of the law were debating the threat posed to society by criminal children, there was a group of philanthropists which was looking at ways of 'saving' children who were not just 'dangerous' but also 'in danger'. This

⁹ *Report of the committee for investigating the causes of the alarming increase of juvenile delinquency in the metropolis* (London 1816). This was not a parliamentary investigation.

¹⁰ *Reports of the Select Committee of the House of Lords appointed to inquire into the execution of the criminal law, especially respecting juvenile offenders and transportation* H.L. 1847 [447] VII

¹¹ 10 & 11 Vict. c.82. The age limit was raised to 16 in 1850

¹² 11 & 12 Vict. c.59

¹³ Matthew Davenport Hill told the 1847 Select Committee '...I am not sufficiently acquainted with the Character of all Magistrates to say that I should feel quite comfortable at the Idea of the whole Fate of a young Person depending of the Fiat of One or even Two Magistrates... I am afraid that sinister motives might sometimes operate', op. cit., p.24

group was quietly but formidably spearheaded by Mary Carpenter. The daughter of a Unitarian minister from Bristol, she had opened a ragged school for poor children in 1846. In 1850 she purchased the building and surrounding courtyard in which the school was based and began to take in homeless children. She became interested in the inappropriateness of gaol as a way of punishing children and began to correspond with Matthew Davenport Hill, the Recorder of Birmingham, and the prison chaplains, John Clay and William Cook Osborn. They, along with other chaplains such as Joseph Kingsmill and John Field, became influential figures in the debate on penal reform. John Clay had taken a particular interest in the children at Preston gaol and began to interview them in a systematic way. By publicising the stories of some of the children he encountered, Clay is considered by some to have ‘invented’ the case history,¹⁴ and thereby humanised the formerly anonymous child criminal.

In 1851 Mary Carpenter published *Reformatory schools for the children of the perishing and dangerous classes and for juvenile offenders* in which she proposed a three-tier system to deal with children who were in danger (‘perishing’) or criminal. Firstly, she proposed that good, free day schools be provided for the children of the poor. Secondly, children who came to the attention of the police as vagrants should have compulsory attendance at feeding industrial schools imposed on them. The third group, children who would normally be sent to prison, should, she suggested, instead be sent to reformatory schools. These schools, Carpenter said, should be ‘...established under the guidance of enlightened Christian benevolence, sanctioned and mainly supported by government inspection and aid’.¹⁵ Although much of what Carpenter was proposing was not original (nor did she claim it to be so), what set her apart from many of those who came before was her energy, determination and her attitude to punishment. She wrote that ‘...no punishments of a degrading or revengeful nature will ever be employed’ and that children could be made to ‘...desire to do right’.¹⁶

From the 1840s the rhetoric of public discourse became increasingly alarmist with regard to criminal children and metaphors relating to pollution and disease were

¹⁴ There is a dearth of writing on Clay. James Bennett’s *Oral history and delinquency: The rhetoric of criminology* (Chicago 1981) looks at his work recording oral histories of child prisoners

¹⁵ J. Estlin Carpenter, *The life and work of Mary Carpenter* (London 1879), p.150

¹⁶ Mary Carpenter, *Reformatory schools for the children of the perishing and dangerous classes and for juvenile offenders* (London 1851), pp87, 102

often used to describe children who were vagrant, destitute or criminal.¹⁷ In the House of Commons the Earl of Shaftesbury spoke about the ‘fearful multitude of untutored savages’¹⁸ he found roaming the streets of the manufacturing towns. Shaftesbury claimed that there were 30,000 of these ‘savages’ on the streets of London, a figure which was frequently cited by those seeking reform¹⁹ but which was also disputed by his contemporaries as an exaggeration.²⁰ While those seeking change often exploited the type of ‘moral panic’ engendered by this kind of rhetoric,²¹ John Springhall has argued that the real fears of the public regarding rising crime have been underestimated.²² Reformers had to find a middle ground that satisfied those who believed that all crime should be punished, and those who sought to have children treated as a separate group. The reformers themselves were by no means a homogenous group and they often disagreed, sometimes bitterly, on how criminal children should be dealt with.

The Select Committees of 1852²³ and 1853²⁴ and the reformatory legislation which followed emerged from a movement which some have interpreted as having invented or conceptualised juvenile delinquency as a distinct social phenomenon.²⁵ There is no doubt that there was a perception in the mid-nineteenth century that there was class of urban youth in England that was dangerous and growing and that the reforms of the late 1840s and early 1850s changed the way that the state treated criminal children. The reformatory legislation gave the state the power to remove criminal children from gaol, after they had served a sentence, and incarcerate them for a period of up to five years. There has been strong shift from earlier interpretations of this development as a positive one which broke ‘the vicious

¹⁷ See Geoffrey Pearson, *Hooligan: A history of respectable fears* (London 1983), pp157-8 for examples of the language used

¹⁸ Hansard, 28 February 1843, col.48

¹⁹ See, for example, Thomas Beggs, *An inquiry into the extent and causes of juvenile depravity* (London 1849)

²⁰ The ‘gross arithmetical blunders’ of the philanthropists were severely criticised by T. Plint in his book *Crime in England: Its relation, character and extent as developed from 1801 to 1848* (London 1851)

²¹ See Stanley Cohen, *Folk devils and moral panics: The creation of the mods and rockers* (London 1972) and Geoffrey Pearson, *op. cit.*

²² ‘“Corrupting the young?”: Popular entertainment and “Moral panics” in Britain and America since 1830’ in *Children at risk*, V. Alan McClelland, ed. (Hull 1994)

²³ *Select Committee on Criminal and Destitute Juveniles*, H.C. 1852 (515)

²⁴ *Select Committee on Criminal and Destitute Children*, H.C. 1853 (674)

²⁵ See, for example; Susan Magarey, ‘The invention of juvenile delinquency in early nineteenth century England’, *Labour History* (1978), Vol.34, ; Margaret May, ‘Innocence and experience: The evolution of the concept of juvenile delinquency in the mid-nineteenth century’, *Victorian Studies*, (1973), Vol.17, No.1

circle which perpetuated the existence of a criminal class'.²⁶ Criminologists of the late 1960s and the 1970s²⁷ were highly critical of the systems of harsh discipline and arbitrary punishment which they claimed were designed to produce submissive subjects and which were created by people whose motives were less to do with altruism and more concerned with control of the poor and marginalised.²⁸ Michel Foucault considered Mettray to be '...the disciplinary form at its most extreme, the model in which are concentrated all the coercive technologies of behaviour'.²⁹ The surge in literature,³⁰ debate and government-sponsored investigations in the early to mid-nineteenth century has been interpreted by some historians as further evidence that juvenile delinquency was an 'invention' of this era. Susan Magarey attributes this development to '...journal-reading, servant employing Britons'³¹ and the application of a revised penal code which criminalised children. Others have looked at the use of alarmist rhetoric backed up with statistics of dubious accuracy by the 'moral statisticians' to conceptualise a type of child that was depraved and bore none of the qualities of a child- Matthew Davenport Hill's '...stunted little man'.³² More recent research has shifted the focus from the reformers and policy changes to the poor and criminal children themselves. Hugh Cunningham's *Children of the poor* traces the history of the 'Evangelical missionary discovery of neglected children...' in mid-nineteenth century England.³³ Heather Shore's *Artful Dodgers* breaks new ground by addressing the difficult problem of trying to understand '...offending from the offenders' point of view'.³⁴ Studies of the way in which the reformatory and industrial school systems evolved have shown that difficulties arose when '...reformatory ideas

²⁶ J.J. Tobias, *Crime and industrial society in the nineteenth century* (London 1967), p.216

²⁷ Anthony Platt, *The child savers* (op. cit.); Michel Foucault, *Discipline and punish: The birth of the prison*, Trans. Alan Sheridan (London 1991); Michael Ignatieff, *A just measure of pain: The penitentiary in the industrial revolution 1750-1850* (Columbia 1978)

²⁸ The revisionist models of 'social control' have also been subject to revision; see, for example, 'Van Krieken, R., 'Social theory and child welfare: Beyond social control', *Theory and society* (1986), Vol.15, pp.401-429 and, to a lesser extent, Platt himself in the 40th anniversary edition of *The child savers* (New Brunswick 2009)

²⁹ *Discipline and punish*, p.293

³⁰ See, for example; W.B. Neale, *Juvenile delinquency in Manchester: Its causes and history, its consequences, and some suggestions concerning its cure* (London 1849); Thomas Beggs, op. cit.; Rev. Henry Worsley, *Juvenile depravity* (London 1849); Mary Carpenter, *Juvenile delinquents, their condition and treatment* (London 1853); Micaiah Hill and C. F. Cornwallis, *Two prize essays on juvenile delinquency* (London 1853)

³¹ 'The invention of juvenile delinquency', op. cit.

³² Margaret May, 'Innocence and experience', op. cit.

³³ *Children of the poor: Representations of childhood since the seventeenth century* (Oxford 1991).

³⁴ *Artful dodgers: Youth and crime in early nineteenth-century London* (Suffolk 2002)

became translated into institutional reality'.³⁵ While the early reformers such as Matthew Davenport Hill and Mary Carpenter may have been motivated by a desire to provide what they perceived as a more humane way of dealing with criminal and 'perishing' children, others, such as Jelinger Symons and Sydney Turner, who was to become England's first inspector of reformatory schools, contested the view that these children were '...errant angels' and argued that they should be punished as criminals.³⁶ Even Mary Carpenter, however philanthropic her zeal, struggled with her conscience when it came to dealing with the criminal girls in Red Lodge, the reformatory that she founded. Julius Carlebach challenged earlier hagiographic portrayals of Carpenter, whom he described as '...a brilliant, volatile, passionate and arrogant woman whose life, work and prejudices were to dominate the history of the management of juvenile delinquency'.³⁷ Poor buildings, *per capita* funding by government leading to overcrowding, the excessive use of children as workers in reformatories and industrial schools, and inadequately trained staff have been highlighted by Carlebach and Radzinowicz and Hood as the realities of life in these institutions.³⁸ In both the public mind and in their administration, it has been asserted that there was little difference between the industrial schools and the reformatories as they evolved in England,³⁹ so that the industrial schools became as punitive in their regimes as the reformatories. Outbreaks and riotous incidents occurred in many of the institutions.⁴⁰ These incidents and criticisms of the running of the schools led to the establishment of a Royal Commission in 1882.⁴¹

The Royal Commission also encompassed Ireland. Reformatories had been established in Ireland in 1858⁴² and industrial schools in 1868.⁴³ While the Select Committees to investigate juveniles and crime of 1852 and 1853 had drawn evidence from Irish magistrates and Poor Law officials, there had not been the same level of

³⁵ Margaret May, *A child's punishment for a child's crime: The reformatory and industrial schools movement in Britain c.1780-1880* (Unpublished PhD thesis, Bedford College 1981)

³⁶ J.C. Symons, *On the reformation of young offenders* (London 1855)

³⁷ Julius Carlebach, *Caring for children in trouble* (London 1970), p.40

³⁸ Radzinowicz and Hood, *History of English criminal law*, p.191. Ivy Pinchbeck and Margaret Hewitt have drawn on the work of Carlebach in this regard- see *Children in English society*, Vol.II (London 1973), p.481

³⁹ *Ibid.*, p.180

⁴⁰ See Jeannie Duckworth, *Fagin's children: Criminal children in Victorian England* (London 2002), p.182, and Radzinowicz and Hood, *History of English criminal law*, pp194-5. According to the latter, these outbreaks and incidents were more common in the Catholic schools in England

⁴¹ *Reformatory and industrial schools commission*, H.C. (1884), [C.3876]

⁴² 21 & 22 Vict., c.103

⁴³ 31 Vict., c.25

public debate in Ireland as there had been in England on the subject prior to that time. The place of children within the penal justice system had been highlighted periodically since the eighteenth century. An Irish parliamentary investigation in 1787 had reported that

The sentenced convicts who are to forfeit their lives for having committed the most heinous offences, those under rules of transportation, the untried desperadoes charged with murder, burglary and robbery, the artful felons, the dissolute and abandoned, the giddy and unthinking, some of them mere children not more than ten years old (whose tender minds are susceptible of the most baneful impressions), the idle vagabonds, the imprudent drunkards, those guilty of assaults or subject to fines, and even debtors, by day and night are associated and live together⁴⁴

John Howard had highlighted the plight of children in gaol in Dublin in 1779⁴⁵ and Ireland's first inspector of prisons, Jeremiah Fitzpatrick, had established St. James' street bridewell in Dublin as a prison for juvenile boys and minor offenders where they were taught trades in 1790.⁴⁶ After 1801, however, when Smithfield Penitentiary became a depot for prisoners under the age of fifteen who were under sentence of transportation, there was very little discussion on the topic of children and crime, or of their treatment. Without the influence of a zealous advocate such as Fitzpatrick the issue of children in prisons soon waned, and Smithfield appears to have been the only institution which provided complete separation for children. Police magistrates who visited the Dublin gaols in 1809 found 72 boys there in an atmosphere of '...industry, cheerfulness and cleanliness', each a '...little criminal snatched at the first dawn of his reason from the precipice of vice and profligacy, to receive a moral and religious education and industrious habits'. In Dublin's Newgate and the bridewells of the city however, they found the 'improper mixture' of young and old, and, if a young prisoner was fortunate enough to be released, '...he is set at liberty instructed by his new associates in the best mode of taking vengeance upon that society which has exposed him to such contamination'.⁴⁷

⁴⁴ *Reports of the committee on public prisons, gaols and bridewells*, Journals of the Irish house of commons, 12 March 1787, xii, pt.2 [1069] ppdxxiv-dxxvi

⁴⁵ John Howard, *The state of the prisons*, pp203-204

⁴⁶ Oliver MacDonagh, *The inspector general: Sir Jeremiah Fitzpatrick and the politics of social reform, 1783-1802* (London 1981), p.109

⁴⁷ *Copy of report of the police magistrates on the state of the gaols and bridewells within the district of the metropolis*, *Correspondence on the state of the gaols in Ireland*, H.C. 1810 [58], pp8-9

While reports of prisons in the metropolis described conditions for juveniles in city gaols, the available sources reveal very little about conditions for incarcerated juveniles in the provincial gaols, or on the prison hulks moored at Kingstown and Cork, until the third decade of the nineteenth century. The early 1820s brought a renewed interest in penal reform, resulting in the building of new prisons, and the appointment of a new inspectorate headed by James Palmer and R.R. Woodward. In their first report Palmer and Woodward reported on all of the regional gaols of Ireland. However, with the exception of Dublin, they made no mention of juveniles as being a separate class from other prisoners, other than to state that ‘In all large cities, a place for the moral government and discipline of juvenile offenders, is of the utmost importance.’⁴⁸ In Ireland, as elsewhere, juvenile crime was considered a largely urban problem. While there is a brief mention in the inspectors’ third report of the lack of adequate space in the town of Galway gaol to accommodate the classification and instruction of male prisoners, ‘...some of whom are generally very young and capable of receiving instruction’⁴⁹ the inspectors made no other reference to juveniles in the provincial gaols until the mid-1830s. In their report on Smithfield in 1834 they wrote

The subject of the treatment of juvenile delinquents is a serious matter to the nation. Perhaps longer confinements, to give time for education and better habits, and some means of future provision in another country, would lessen the recommittals in the city⁵⁰

In 1845 the inspectors urged the government to provide asylums for young prisoners who were ‘...penitent and ready to abandon an evil course’ and lamented the lack of an institution such as the ‘...great juvenile prison for boys in the Isle of Wight’.⁵¹

Most of the focus of the debate on crime and juveniles in England had been on the ‘street Arab’ or the young urban criminal, and crime in an industrialised setting.⁵² For the first half of the nineteenth century Ireland was a largely rural country. By the time that the Select Committees of 1852 and 1853 sat, however, dramatic changes had occurred in the Irish population. The Famine of the 1840s had caused a significant

⁴⁸ *First report on the general state of the prisons of Ireland*, H.C. 1823 [342], p.21

⁴⁹ *Third report on prisons*, H.C. 1825 [493] p.47

⁵⁰ *Twelfth report on prisons*, H.C. 1834 [63] XL.69, p.19

⁵¹ *Twenty-third report on prisons*, H.C. 1845 [620], p.vi

⁵² This focus is perpetuated in modern analyses. See, for example; Tobias, *Crime and industrial society*; Ignatieff, *The penitentiary and the industrial revolution*; Philips, *Crime and authority in Victorian England*; Heather Shore, ‘The social history of juvenile crime in Middlesex, 1790-1850’, Unpublished PhD thesis (University of London 1996)

loss of population and a shift in Ireland's demographic profile. Large sections of the population, many of them destitute, moved to the cities and larger towns. There was a very large increase in crime amongst both the adult and child population. John Ball, the Irish Poor Law Commissioner, told the 1852 Select Committee that, although there was not a large class of destitute and criminal juveniles in Ireland, it was on the increase.⁵³ Richard Bourke, Poor Law inspector for Mayo and Galway, identified three classes of juvenile criminals over the age of fifteen who, on leaving gaol, claimed relief in the workhouses of his district; offenders against property, vagrants and workhouse offenders.⁵⁴ '...the intercourse of such criminals with the junior workhouse inmates is attended with injurious effects on their moral habits and conduct', asserted Mr. Hall, the temporary Poor Law inspector of Galway, Oughterard and Clifden.⁵⁵ In 1853 there were 12,238 committals of children to Irish gaols,⁵⁶ over 66,000 children in the workhouses,⁵⁷ and an unknown number who were destitute and 'at large'. The judiciary and prison and workhouse officials began to look at destitute and criminal children as a distinct group that required different treatment to adults. At the forefront of the reformatory movement in Ireland was the *Irish Quarterly Review*, a periodical whose target audience was the Irish judiciary. One of its editors was Patrick Joseph Murray, a Dublin barrister who took a particular interest in criminal children and developments abroad. Murray would become a government inspector of reformatory schools. The *Review* devoted '...some two thousand pages'⁵⁸ to the subject of juvenile delinquency and the Irish '...“City Arabs”, the poor castaway human weeds, who grovel in the kennels, who are children only in form and years' in the 1850s.⁵⁹ Walter Berwick, a Cork barrister who gave evidence to the Select Committee in 1853, had visited the Redhill institution in England and expressed the view that such a school would have a '...wonderful effect' if established in his district, although he believed that Irish criminal children were not so '...hardened or

⁵³ *Report of the Select Committee on Criminal and Destitute Juveniles*, H.C. 1852, [515], 3825, 3826

⁵⁴ *Ibid.*, Appendix 13

⁵⁵ *Ibid.*

⁵⁶ *Thirty-second report of the inspectors-general of Irish prisons* H.C. 1854 [1803], p.xv

⁵⁷ *Sixth annual report of the commissioners for administering the laws for the relief of the poor in Ireland*, H.C. 1852-53 [1645], p.2

⁵⁸ John H. Laub and Yale Levin, *Source material on juvenile delinquency in the 'Irish Quarterly Review', 1851-1860* (Boston 1984), p.3

⁵⁹ 'Our juvenile criminals- the schoolmaster or the gaoler', *Irish Quarterly Review*, IX (1854), p.7

so nurtured in crime' and were more amenable to education and training and, therefore to reform.⁶⁰

Ireland's first reformatory, High Park in Drumcondra, was certified at the end of 1858. By 1870 there were ten established. The passing of the reformatory legislation was delayed by Catholic members of parliament and the clergy, who feared that Protestant proselytisers would use the institutions for conversion of Catholic children. When an industrial schools bill was brought before parliament in 1867, it was Ulster Protestants who feared proselytising by Catholics. In the intervening ten years, the Catholic church in Ireland was growing in power and influence, with a strengthening force of nuns, brothers and priests becoming involved in areas concerned with child welfare. The twin systems of reformatories and industrial schools differed as they evolved in Ireland from England, in that the industrial schools were not as closely associated with criminal children in Ireland. When the industrial schools legislation was passed in 1868, Section 13 of the Act stipulated that children under twelve years of age convicted of a first offence should be sent to industrial schools. In practice, many managers of these schools refused to accept such children, on the grounds that they would introduce a negative, criminal influence into institutions that were intended to provide a positive influence on children that might become criminal.⁶¹ Nonetheless, the number of industrial schools, in spite of a slow start,⁶² overtook that of the reformatories so that by 1884 there were nine reformatories with 1,053 inmates in custody, compared with 64 industrial schools with 6,296 children.⁶³ In that year, Connacht's only reformatory, St. Joseph's in Ballinasloe, traded in its licence for an industrial school licence.⁶⁴

While there has been a number of studies relating to crime and the criminal justice system in Ireland in the nineteenth century, the focus of much of the research has been on political, protest and agrarian crime.⁶⁵ Richard McMahon's research on homicide and the petty sessions courts shifts this focus to the local administration of

⁶⁰ *Report of the Select Committee on the treatment of Criminal and Destitute Children, 1852-53* [674] [674-1], 4173, 4174

⁶¹ Jane Barnes, *Irish industrial schools, 1868-1908* (Dublin 1989), pp68-71

⁶² *Ibid.*, p.44

⁶³ *Twenty-third report of the inspector of reformatory and industrial schools*, H.C. 1885, [4553]

⁶⁴ *Ibid.*, p.3

⁶⁵ Samuel Clark and James Donnelly (eds.), *Irish peasants, violence and political unrest, 1780-1914* (Manchester 1983); Stanley Palmer, *Police and protest in England and Ireland, 1780-1850* (Cambridge 1990); Virginia Crossman, *Politics, law and order in nineteenth-century Ireland* (Dublin 1996); Ian O'Donnell and Finbarr McCauley (eds.), *Criminal justice history: Themes and controversies from pre-Independence Ireland* (Dublin 2003)

justice and the relationship between the people and the courts in the first half of the nineteenth century.⁶⁶ Although a number of studies have looked at insanity and crime,⁶⁷ women and crime,⁶⁸ and violent crime⁶⁹ in the nineteenth century, the subject of children and crime has been largely neglected. The twentieth century borstal system has been the subject of two studies.⁷⁰ Studies of poor and marginalised children have touched on the subject. The most comprehensive history of child welfare in Ireland remains Joseph Robins' study of charity children in the eighteenth and nineteenth centuries.⁷¹ Virginia Crossman's study of workhouse children in the nineteenth and early twentieth century deftly outlines contemporary arguments for and against the care of children within the workhouse system.⁷² While earlier studies of the poor law system tend to focus on the Dublin unions⁷³ Crossman successfully argues that it was the attitudes of local Boards of Guardians, rather than the Poor Law Commissioners, that determined the very different fates of workhouse children in their care. This study will corroborate the view that regional differences in implementation of laws and guidelines resulted in very different outcomes for children.

The publication in 2009 of the Ryan report⁷⁴ which investigated the extent of the abuse of children in reformatories and industrial schools in the twentieth century forced Irish society to re-assess the role of such residential institutions in the welfare of children. It also highlighted the most significant problem with any historical analysis of these institutions- the lack of sources that give voice to the children for whom they were established and who lived in them. The report expressed the view

⁶⁶ 'The courts of petty sessions and the law in pre-famine Galway', (MA thesis, NUI, Galway 1999) and 'Homicide, the courts and popular culture in pre-famine and famine Ireland' (PhD thesis, University College, Dublin 2006)

⁶⁷ Pauline Prior, 'Mad, not bad: Crime, mental disorder and gender in nineteenth-century Ireland', *Criminal justice history*, op. cit.

⁶⁸ Sinead Jackson, 'Gender, crime and punishment in late nineteenth century Ireland: Mayo and Galway examined', (MA thesis, NUI, Galway 1999); Geraldine Curtin, *The women of Galway jail* (Galway 2001)

⁶⁹ Carolyn Conley, *Melancholy accidents: The meaning of violence in post-famine Ireland* (Maryland 1999)

⁷⁰ Niall Osborough, *Borstal in Ireland: Custodial provision for the young adult offender 1906-1974* (Dublin 1975); Conor Reidy, *Ireland's 'moral hospital': The Irish borstal system 1906-1956* (Dublin 2009)

⁷¹ *The lost children: A study of charity children in Ireland 1700-1900* (Dublin 1980)

⁷² 'Cribbed, contained, and confined? The care of children under the Irish Poor Law, 1850-1920', *Eire-Ireland*, 2009, Vol.44, nos.1 & 2

⁷³ For example Helen Burke, *The people and the poor law in 19th century Ireland* (Littlehampton 1987)

⁷⁴ *Report of the commission to inquire into child abuse*, May 2009

that 'Barnes and most other writers give a largely favourable impression of the nineteenth century industrial schools system'.⁷⁵ Robins concludes that the introduction of reformatory schools to Ireland was a '...progressive departure from the past' which was prompted by '...genuinely humanitarian consideration'.⁷⁶ In her study of the industrial school system, Jane Barnes writes that the children in these schools, especially the girls, were so 'carefully nurtured' and sheltered that their managers would not allow criminal children into the schools.⁷⁷ Studies which depend on official sources such as reports of inspectors and information provided by the individuals and organisations that ran the institutions are, at best, limited. One of the first to challenge this favourable view in an Irish context was Eoin O'Sullivan who wrote that the system which was established in the mid-nineteenth century to 'correct and reform' children remained largely unchanged for almost a century and a half.⁷⁸ In 1999 he and Mary Raftery wrote that 'Irish society continued until very recently to have little idea as to the real nature of its child-detention system'.⁷⁹ Bruce Arnold has examined the role of the state in the administration of reformatories and industrial schools from their foundation to the 21st century, a role which he summarised as 'criminal negligence'.⁸⁰

Methodology

This study will look at the range and extent of juvenile crime in Connacht from 1854 to 1884, at the treatment of poor and criminal children, and at how changes in policy and attitudes affected the way in which such children were treated. 1854 marks the year when the English reformatory legislation was enacted, and when the *Irish Quarterly Review* began a concerted campaign for similar legislation for Ireland. In 1884 the Aberdare Commission published its report into the reformatories and industrial schools of Ireland and Britain, and Connacht's only reformatory closed. While the quantitative analysis of criminal records will focus on the period 1854 to 1884, the administration of welfare and the law as it applied to children in the west up

⁷⁵ Ibid., Volume I, Chapter II, p.4

⁷⁶ Ibid., p.301

⁷⁷ Barnes, op. cit., 96-98 and, Robins, op. cit., p.306

⁷⁸ 'Juvenile justice and the regulation of the poor: "Restored to virtue, to society and to God"', in Ivana Bacik and Michael O'Connell (eds.), *Crime and poverty in Ireland* (Dublin 1998)

⁷⁹ Ibid., and Mary Raftery and Eoin O'Sullivan, *Suffer the little children: The inside story of Ireland's industrial schools* (Dublin 1999)

⁸⁰ *The Irish Gulag: How the state betrayed its innocent children*, (Dublin 2009), p.19

to the establishment of the industrial schools will be examined in chapters three and four. Chapter five will deal with the early years of the reformatory schools and the final chapter will consider the period from the establishment of the industrial schools to 1884. As there has been no detailed study of juvenile crime in Ireland in the nineteenth century, international and national developments in child welfare and the treatment of criminal children in the period will be examined. The study of crime in history must contend with many problems. It must acknowledge the fact that there is an unknown, and unknowable, quantity of crime which was not recorded. Legislative changes, developments in policing, the way that society perceived crime and criminals, and regional responses to change all had a great influence on the prosecution and treatment of offenders. David Philips wrote that any study of crime which reflects patterns of criminal activity and prosecution must ‘...go beneath the surface of the national statistics’ and use a range of sources, from the official to the unofficial.⁸¹ By looking at a small geographical and demographic area, this study will facilitate a detailed and more nuanced examination of a range of sources, and thereby go beneath the numbers to look at underlying issues which had an impact on crime and criminals.

Chapter two will take the form of a quantitative analysis of the extent and types of crime which children committed, at the punishments inflicted on them and at the profiles of the children as described in the official records, for the period 1854 to 1884. The data set used will draw heavily on the annual reports of the inspectors of prisons and reformatories. While gaol registers for four Connacht counties survive, and will be used in subsequent chapters, the inconsistency of the available date ranges and the unavailability of the original registers for consultation precluded a consistent, reliable and extensive study of their contents. The information contained in the annual reports provides a coherent set of data on both indictable and non-indictable crime which is arranged by age and by county, and is, therefore, unmatched by any other source. It is, however, limited in that it only represents committals to prison. These limitations, and the historical discourse regarding the problems and relative merits of statistics on crime, will be entered into in more detail in chapter two. They will also be balanced by extensive use of other sources in subsequent chapters. Chapter three will concentrate on poor and criminal children in mid-nineteenth century Ireland and

⁸¹ *Crime and authority*, pp23-24

Connacht. Virginia Crossman wrote that ‘Poor children needed to be rescued, but society also needed to be protected from the dangers they posed’.⁸² This and subsequent chapters will engage with the contemporary tensions which arose around initiatives to cater for these children who were endangered and potentially dangerous, and will look at state and voluntary agencies which engaged with destitute and criminal children. Official reports, poor law records and newspapers will be used to examine the administrative, legislative and day-to-day workings of these agencies. Some regional newspapers, such as the *Roscommon Journal*, reported in great detail on the annual meetings of the local boards of guardians, and provide a valuable insight into the treatment of individual paupers and supplicants who appeared before them. The response of the poor law officials of the west of Ireland to policy changes regarding the treatment of children will also be examined. Chapter four will explore the interface between children and the law as they entered the criminal justice system by looking at the police and the courts and at how they dealt with children. While the extant official records, such as court and police records, will be used, emphasis will also be placed on other sources, such as newspaper accounts of trials and monographs. These sources give a glimpse of proceedings at petty and quarter sessions and at the assizes, at relations between the system of justice and the people at local level, and the response of the defendant to the court. Newspaper reports of trials give us a rare opportunity to hear the voice of the child, albeit through the filter of the journalist’s pen. They also provide a source, although an imperfect and incomplete one, of information on those who were not convicted and, therefore, did not enter the system of incarceration. Sinead Jackson’s analysis of sentencing patterns for men and women in Galway and Mayo showed that, while more women than men were acquitted of indictable offences, there was no significant difference in the sentences handed down to both sexes. She concluded that this contradicted the perception that judges and juries showed more leniency to women.⁸³ This may not tell the full story, however. Evidence from government inspectors and members of the judiciary in this study will show that, when it came to children, the leniency sometimes occurred before any sentence was handed down, with juvenile first offenders facing no charge and, therefore, not appearing in the records. In the following chapter, the establishment and evolution of the reformatory system in the first ten years will be

⁸² ‘Cribbed, contained, and confined?’, op. cit., p.39

⁸³ Jackson, *Gender, crime and punishment*, p.176

examined and compared with similar systems in England and in France. The founding principles, many of which persisted in Ireland well into the twentieth century, were established in this period. This chapter will constitute the first detailed analysis of the circumstances which gave rise to these principles. Studies from Britain have shown that the ideals of the reformers were soon challenged by the reality of the day-to-day work of reforming young criminal children.⁸⁴ Connacht's only reformatory, at Ballinasloe, was opened in 1864 and its establishment and early development will be examined. Chapters three, four and five cover the period up to 1870. Legislation was enacted to facilitate the opening of industrial schools in Ireland in 1868, but the schools did not begin to open on a wide scale until 1870. The industrial schools legislation made provision for very young criminal children to be sent to the new schools. These institutions had the greatest and most enduring impact on child welfare in Ireland, and some reformatory managers applied to trade in their licences to be recertified as industrial schools. Ballinasloe was one of these. Chapter six will look at the treatment of criminal children from the opening of the industrial schools to 1884, when the Aberdare commission published its report, and will challenge the view that for many children, especially boys, the reformatories represented a progressive or humanitarian development in reducing crime and caring for criminal children. Evidence from contemporary critics of the reformatory system, correspondence to the chief secretary, and the report of the Aberdare commissioners will show that the zealotry of the stakeholders in the reformatory system led to many children being sent to the schools who were too young and not sufficiently hardened in crime to merit such treatment. The judiciary of Connacht were less likely to send children to the reformatories but displayed no such reticence when it came to the industrial schools. While the primary focus of this thesis will be on the province of Connacht, national and international trends will also be explored and will form the framework for the regional study.

Nineteenth century Connacht was the least populated and most rural of Ireland's four provinces. In 1851 it had a population of 1,010,031. By 1881 the

⁸⁴ May, 'A child's punishment', and E. Hartley, 'The institutional treatment of juvenile delinquency: Aspects of the English reformatory and industrial school movement in the nineteenth century'. (PhD thesis, University of Leicester 1986)

number of its residents had been reduced to 821,657.⁸⁵ Mayo and Galway were its most highly populated counties, with the latter containing its most significant urban area, the town of Galway. In the 1840s, when both Ireland and Connacht saw dramatic losses of population because of the Famine, the 'County of the Town of Galway', as it was then officially known, saw an increase of population from 32,511 in 1841 to 34,146 ten years later.⁸⁶ In the decades that followed, however, this pattern was reversed, so that by 1881 the town of Galway was home to just over 19,000 people.⁸⁷ The vast majority of Connacht people lived in rural areas and their 'pursuits', as the census described them, were largely agricultural in nature. At mid-century 64% of families in the province were dependent on agriculture for their livelihood, compared with only 14% engaged in manufacture and trades.⁸⁸ Very few of these 'agriculturalists' owned the land they farmed. A complicated system of land tenure, characterised by tenantry and sub-tenantry, existed on many of the large estates on which they lived, and was one of a number of factors which created problems for both the landlords and the tenants.⁸⁹ Some landlords saw the solution to their economic problems in 'assisting' their tenants to emigrate. Others, such as the Earls of Leitrim and Clanricarde, simply evicted their tenantry on a large scale. In Mayo Lord Lucan evicted '...about 10,000' at mid-century. It was claimed by many, including Lord Lucan and his steward, that life was much better for those who were left, some of whom were reinstated on the estates.⁹⁰

The Encumbered Estates courts oversaw the change of ownership of many Connacht estates in the second half of the nineteenth century. By 1871, the province was home to 710 'Land proprietors', 85,759 'Farmers and graziers', and 144,138 men, women and children who worked as farm servants and labourers.⁹¹ Children, and the work that they did, formed an important part of the family livelihood of the time, especially in the families of the poor.⁹² In a rural family children would have helped both inside and outside the house. Many also worked outside of the family and

⁸⁵ Census of Ireland for the year 1901, General report, p.170

⁸⁶ *Ibid.*, 1871, Part I, Vol.IV, p.613

⁸⁷ *Ibid.*, 1881, Part I, Vol.IV, p.7

⁸⁸ *Ibid.*, 1851, General report, Part VI, p.xxxiii

⁸⁹ For a detailed commentary of this system in one Connacht county at the time see Robert James Scally, *The end of hidden Ireland: Rebellion, Famine and emigration* (Oxford 1995)

⁹⁰ Sir Francis B. Head, *A fortnight in Ireland* (London 1852), p.132

⁹¹ Census 1871, Part I, Vol.IV, Table XX

⁹² The role of Irish children in supporting the family at this time has been acknowledged by Maria Luddy in *Women and philanthropy in nineteenth-century Ireland* (Cambridge 1995), p.71 and Caitriona Clear in *Social change and everyday life in Ireland, 1850-1922* (Manchester 2007), p.42

brought an income into the house. The number of servants and labourers who were working in Connacht in 1871 included 1,095 children under the age of ten who were identified as such in the census. A further 173 children in that age group were engaged in a range of occupations which included domestic servants, chimney sweeps and messengers. 22,500 children aged over ten and under fifteen were employed in over eighty different occupations. These children comprised 7.15% of Connacht children who were engaged in named occupations listed in the census, compared with 6.8% of children so occupied nationwide.⁹³ Not all work at this time was paid. Some children were paid in their 'keep', or in 'kind'. When a boy applied to the Galway Board of Guardians for admission to the workhouse in 1873 one of the Guardians objected on the grounds that he had seen him working for a flour mill the previous day. The boy told them that he and others had been paid in 'an order for flour' and had no cash to pay for his lodgings as a result.⁹⁴

While compulsory education was not introduced in Ireland until the 1890s, the numbers of Irish children attending school had been steadily increasing since the National Board of Education had been established in 1831. By the end of 1853 there were 5,023 National schools in Ireland, of which 698 were in Connacht.⁹⁵ The establishment of National schools in Mayo and Galway was hampered by the strong opposition of John MacHale, the Catholic Archbishop of Tuam. He believed that the schools were trying to undermine the Catholic faith of Irish children and forbade the opening of schools affiliated to the National Board in his diocese. Protestant missions, such as those of Edward Nangle in Achill, and the Irish Church Missions, saw an opportunity for large-scale conversion of the poor, especially in Connemara and Mayo. The latter organisation, led by the Reverend Alexander R.C. Dallas, claimed to have opened 31 schools in the west, most of them in Connemara, by the 1860s.⁹⁶ The bitter competition for the souls of Connacht's poor often escalated into violence. The opposition of the Catholic clergy of Connacht was blamed for both the lack of schools and the 'diminution in attendance' in the province in 1864. By then, there were 981 National schools in Connacht with 142,657 children on their rolls. This number did not represent the numbers of children who came to school every day, however, as the

⁹³ Census 1871, op. cit.

⁹⁴ *Galway Express*, January 25 1873

⁹⁵ Twentieth report of the Commissioners of National Education, 1854 [1834] [1835], Appendices, pp ix, x

⁹⁶ *A mission tour-book in Ireland; showing how to visit the missions in Dublin, Connemara, etc.* (London 1860)

average daily attendance at the schools was less than a third of that number, at 45,593, a situation which was common to all provinces and continued to be a feature of the education system for years to come.⁹⁷ The absence of children from school may be attributed to the fact that they were working, either helping their parents, or earning money, especially at harvest time. A further disincentive to the children of poor families arose from the fact that, although the schools were nominally free, most children were expected to bring money for the teacher, or fuel, or both, to school. In 1864, for example, £2,812 was collected from Connacht children in the form of 'Payments by pupils'. Contributions from western parents were consistently lower per pupil in the period.⁹⁸ The poverty which existed in Connacht, exacerbated by periodic crop failures and fuel crises after the 1850s, meant that for many families in the province, education was a luxury that they could not afford for their children. The mid- to late nineteenth century was a time when there was a great deal of discussion about the treatment of poor and marginalised children. The distinction between poverty, vagrancy and criminality was not always well defined. The manner in which Connacht did, or did not, respond to national concerns and reforms with regard to both destitute and criminal children will be examined in this study. A great deal of the debate on the treatment of child criminals in the nineteenth century, and the treatment of the subject since then, has focused on the urban child- the 'street Arab'. By looking at a predominantly poor and rural district such as Connacht, the pages that follow will shift this focus to the rural child.

⁹⁷ The total number of pupils on the rolls of the schools for all of Ireland was 870,401 with an average daily attendance of 315,108. (Thirty-first report, Commissioners of Education, 1865 [3496] [3496-1], pp101, 241, ix. By 1874 Connacht had 1,159 schools with 173,292 children on the rolls and an average daily attendance of 59,135. (Forty-first report, [C.1228] [C.1228-1], p.6). In each year there was a small number of schools which did not make returns

⁹⁸ Thirty-first report, op. cit. p.xvi

Chapter two- Patterns of recorded crime, punishment and criminal profiles, 1854-1884

In 1854 Patrick Joseph Murray published *Reformatory Schools in France and England*.¹ In France, at the end of 1852, there were seventeen public reformatory institutions for criminal children, which housed 3018 children, and thirty-five private establishments, in which there were 3425 children.² Murray described the agricultural penal colony for children at Mettray as ‘... the great parent institution’.³ Although England had only recently passed legislation which supported the establishment of reformatory schools,⁴ there had been privately funded residential schools for delinquent children there since the eighteenth century. The Philanthropic Society had opened houses for criminal and destitute boys and girls in London as early as 1788. In 1846 Sydney Turner, the chaplain of the Society, visited Mettray. On his return, the Society bought a farm at Redhill in Surrey for the purpose of establishing a similar agricultural colony for children there.⁵ Other schools had been founded at Birmingham, Stretton-on-Dunsmore,⁶ Hardwicke, Norfolk, Newcastle-upon-Tyne, Ipswich and Durham. In 1852 Mary Carpenter established a ‘Preventive and Reformatory’ school in Kingswood, near Bristol.⁷ In 1854 she opened a reformatory for girls at Red Lodge.⁸ Government prisons for juvenile criminals had existed since 1823. Parkhurst Prison for boys was established in 1838. By 1850 it held 526 boys.⁹

Ireland had only one institution which was exclusively for criminal children in 1854.¹⁰ This was housed in a wing of Richmond Bridewell in Dublin. The majority of children who were imprisoned in Ireland in the middle of the nineteenth century were sent to the forty-two county and town gaols. While many crimes carried a punishment

¹ *Reformatory Schools in France and England* (London 1854). This was an amended version of an article which Murray had published in the September 1854 issue of the *Irish Quarterly Review*

² *Ibid.*, p.8

³ *Ibid.*, p.17. For a discussion of the evolution of the agricultural colonies in France, see Patricia O’Brien, *The promise of punishment: Prisons in nineteenth-century France* (Princeton 1982)

⁴ 17 and 18 Vic., c.86

⁵ Julius Carlebach, *Caring for children*, p.24

⁶ This school was established and funded by Warwickshire magistrates in 1818. (Jeannie Duckworth, *Fagin’s children* [London 2002], pp143-144). The Stretton and Ipswich schools closed in the early 1850s due to lack of funds (Murray, *Reformatory schools*, p.136)

⁷ *Op. cit.*, pp58-64

⁸ Carlebach, *Caring for children*, pp46-59

⁹ *Ibid.*, p.32

¹⁰ Plans to establish a juvenile prison in Lusk in county Dublin in the mid-1850s were short-lived. (See Third annual report of the directors of convict prisons in Ireland, 1856, 1857, Session II, [2214], p.2

of a fine, those who could not afford to pay ‘Paid in person, not in purse’ by going to gaol. In most of these gaols children were held with adult offenders. Many prisoners were held there while awaiting trial for serious crimes, or felonies. Once convicted of a felony, a prisoner, whether adult or child, was usually sent to a convict prison or a depot where they were housed until they were transported,¹¹ served a sentence of penal servitude, or were executed. In an attempt to address the issue of ‘moral contamination’ of young prisoners who were held with older prisoners while awaiting trial, the government enacted legislation for ‘...the more speedy Trial and punishment of Juvenile Offenders in Ireland’¹² in 1848. This Act gave justices the power to summarily convict any child whose age, in their opinion, did not exceed fourteen years¹³ for many crimes which would previously have been dealt with by the higher courts. If they were boys, they could order them to be whipped, either instead of, or in addition to, a sentence. Justices could also impose a fine of £3 as an alternative to a gaol sentence, or dismiss the case if they considered that it was ‘...not expedient’ to inflict punishment.

The 1847 ‘Act to make provision for the punishment of Vagrants’¹⁴ gave justices the power to imprison every person who was found begging for a period of up to one month. Even children as young as two years old were imprisoned for the crime of ‘Asking Alms’ under the terms of this Act, in contravention of the principle of *doli incapax* which normally protected very young children from criminal responsibility.¹⁵ The Famine and the Vagrant Act combined to swell the population of the gaols. In 1844 there were 19,448 committals to gaol in Ireland. Of these, 959 were children aged sixteen and under.¹⁶ By 1850 the total number of committals was 115,871.¹⁷ The Dublin Metropolitan Police alone instigated 16,557 committals of children aged fifteen and under in that year.¹⁸ The Annual Reports of the Inspectors-General of

¹¹ Transportation was abolished by 20 & 21 Vict., c.3 in 1857

¹² 11 & 12 Vic., c.58, 59. This legislation will be dealt with in more detail in chapter four

¹³ Civil registration of births was not introduced until 1864. Until that time, it was not possible to establish proof of age. After 1858 judicial and prison records usually designated children as aged sixteen and under, whereas poor law and census records tended to use fifteen and under to describe children

¹⁴ 10 & 11 Vic., c.83, 84

¹⁵ See for example the Town Gaol of Galway register, 18 December 1847, National Archives

¹⁶ Inspectors-General Report, 1845 [620], p.185

¹⁷ Inspectors-General Report, 1851 [1364], p.ix

¹⁸ Inspectors-General Report, 1852-53 [1657], p.29. The full total for committals of children for all of Ireland, including vagrants, is not available for this year

Prisons and the General Prisons Board¹⁹ provide the most consistent and extensive sets of data on crime in Ireland for the nineteenth century. From 1836 the inspectors produced detailed statistical analysis of patterns of crime. With the exception of the years 1845 to 1852, these statistics also included figures for juvenile crime, and represent both indictable and non-indictable crimes. Even after the establishment of the reformatories, every criminal child who was sent to these institutions in the nineteenth century had to spend a mandatory sentence in gaol, therefore there is no significant distortion of the figures. The ‘...new statistical consciousness’²⁰ of the mid-nineteenth century reflected the interests of government and its agents. So, for example, the growing interest in juvenile crime from the early 1850s is demonstrated in the increasingly detailed statistical tables with regard to children. These statistics were frequently cited by reformers. Murray wrote of ‘...the horrors of juvenile crime’ in Ireland, a type of crime which, he said, was ‘...daily increasing’.²¹

The data provided by the inspectorate of prisons is not without limitations.²² It does not, for example, record the ‘dark’, or unofficial, figure of the incidence of unreported crime, or of crimes committed by those who had the opportunity and the means to pay a fine in lieu of a prison sentence. This problem is addressed to an extent by the introduction of annual judicial statistics for Ireland from 1864 which recorded information and numbers on the ‘criminal classes’ or those who were ‘at large’ in the community, and of those charged but not sentenced. The quality of both sets of data is subject to the diligence and accuracy of local inspectors and officers on the ground, and to the preoccupations and demands of their masters in Dublin and London. The nature of crime itself changed too, so that what was a crime in 1830 may not have been a crime in 1850, and punishments for crime changed dramatically between 1830 and the 1860s. Summary conviction of children gave magistrates unprecedented discretion on how to dispose of a child who appeared before them. A child could be jailed, whipped, fined or dismissed at the whim of a local magistrate who may also have been a local landlord, or Poor Law guardian, or member of the

¹⁹ The office of the Inspectors-General of Prisons was replaced in 1877 by the General Prisons Board

²⁰ V.A.C. Gattrell and T.B. Hadden, ‘Criminal statistics and their interpretation’, in E.A. Wrigley (ed.), *Nineteenth century society: Essays in the use of quantitative methods for the study of social data* (Cambridge 1972), p.338

²¹ Murray, *Reformatory schools*, p.92

²² The relative merits of criminal statistics and narrative sources in the study of crime are well documented in, for example: Tobias, *Crime and industrial society in the nineteenth century*; Gattrell and Hadden, ‘Criminal statistics and their interpretation’, op. cit., and Philips, *Crime and authority in Victorian England*

Grand Jury, or all of these things. The behaviour of a young person from a wealthy or influential family which might be considered criminal had that young person been a workhouse child or the child of a thief might never appear in any record.²³ The more expeditious and less expensive form of trial at petty sessions may also have encouraged more people to take a case to court. At times of extreme distress the very destitute may have deliberately committed crime in order to be sent to gaol. In 1848 and in subsequent reports the inspectors of prisons acknowledged that adults and children committed crimes in order to access the food and shelter which the gaol provided, or were refractory in workhouses because the prison diet was better.²⁴ When life outside the carceral institutions improved, they may have done everything in their power to stay out. Changes in policing also affected levels of detection and apprehension of crime. However, the usefulness of these numbers in the context of informed judgement cannot be overlooked. They provide us with the best information we have to examine patterns of recorded crime and what they might mean. Information about other issues, such as the crimes, sentencing, education, gender and parentage of criminal children in Ireland and Connacht can be gleaned from the numbers provided for us by the prison authorities. Regardless of ones opinion of the reliability of crime statistics, these patterns of recorded crime influenced opinion and, therefore, shaped policy.

²³ See, for example, the Report from the Select Committee on Criminal Commitments and Convictions, 1828 [545], 1828, p.419, and Mary Carpenter , who said that she ‘...had never yet heard of a case in which a *child* of the middle classes...has been brought before a magistrate, though far worse thefts are continually committed in boarding schools than *poor* children are sent to prison for’. (‘Letter from Miss Carpenter to Jelinger Symons, cited in *A history of English criminal law*, Vol.5, p.166)

²⁴ Inspector generals report, 1848, p.8

Table 1
Committals to prison 1854-1884²⁵

Year	Total (I)	16 and under (I)	Total (C)	16 and under (C)
1854	60445	10786 (17.8)	3519	307 (8.7)
1855	48446	7088 (14.6)	3124	376 (12)
1856	43715	5327 (12.1)	3067	249 (8.1)
1857	39666	3544 (8.9)	3266	242 (7.4)
1858	33998	2315 (6.8)	3002	178 (5.9)
1859	32142	1635 (5)	3085	121 (3.9)
1860	30712	1429 (4.6)	2789	95 (3.4)
1861	30087	1345 (4.4)	2784	108 (3.8)
1862	32159	1341 (4.1)	3212	126 (3.9)
1863	33940	1331 (3.9)	2759	138 (5)
1864	32870	1118 (3.4)	2580	87 (3.3)
1865	32731	1060 (3.2)	2220	103 (4.6)
1866	29097	1058 (3.6)	2128	68 (3.2)
1867	30067	1261 (4.1)	2200	70 (3.1)
1868	29501	1328 (4.5)	1964	65 (3.3)
1869	29879	1145 (3.8)	1929	77 (4)
1870	32370	1313 (4)	2180	82 (3.8)
1871	31129	1209 (3.9)	2130	84 (3.9)
1872	30222	1350 (4.5)	2300	126 (5.5)
1873	33894	1376 (4)	2260	97 (4.3)
1874	38536	1328 (3.4)	2406	87 (3.6)
1875	38922	1096 (2.8)	2457	95 (3.9)
1876	41817	1166 (2.8)	2620	111 (4.2)
1877	43641	1186 (2.7)	2811	129 (4.6)
1878/79	45296	1114 (2.5)	2659	97 (3.6)
1879/80	44650	1114 (2.5)	3110	97 (3.1)
1880/81	40192	1255 (3.1)	3043	107 (3.5)
1881/82	41088	1052 (2.6)	3330	93 (2.8)
1882/83	38440	1057 (2.7)	2496	108 (4.3)
1883/84	35721	959 (2.7)	2345	70 (3)

*Numbers in brackets denote juveniles as a percentage of the total in that category
I = Ireland C = Connacht

²⁵ Source: Annual reports of the Inspectors-General of Prisons, 1855-1877 and Annual Reports of General Prisons Board, 1878/79-1883/84. The former were calculated on the calendar year, the latter from April to March. All committal figures are exclusive of debtors and, from 1866, Habeas Corpus prisoners.

In 1844, there were 959 committals of children to gaol in Ireland. This represented 4.9% of all committals for that year.²⁶ The 67 criminal children of Connacht comprised 7% of the total number of committals for the province. By 1854 almost 18% of committals to gaol in Ireland were of children, the proportion for Connacht being approximately half of that figure. 1855, the inspectors noted, marked ‘...the conclusion of the tenth year since the famine and its consequences commenced to swell the amount of our criminal population’, and that ‘...crime, which had reached its climax in 1850, had been year by year steadily decreasing’. The number of committals to gaol of all ages had halved.²⁷ From 1854 to 1866 the numbers of child and adult committals for all of Ireland declined in every year but two. While the proportion of child to adult committals declined in almost every year from 1854, the gap between Ireland as a whole and Connacht in this regard began to narrow. After 1860 the number of children imprisoned as a percentage of all committals exceeded 5% in only one year. After 1865 there were fewer than 100 committals of children in Connacht in every year but five.

The establishment of the reformatory system in 1858 did not have the dramatic effect on the already declining numbers of children convicted of crime and sent to gaol which its promoters hoped for, nor did the opening of the industrial schools ten years later. In the ten years from 1868, the numbers of child committals actually increased in five of those years for the country as a whole, and in seven in Connacht. Other legislation had a more significant effect on the general numbers. In 1876 the inspectors of prisons attributed the rise in the numbers in gaol to the new Licensing Act²⁸ which increased the numbers of people committed for drunkenness.²⁹ In spite of increased prosperity, a vastly reduced population and extensive measures to remove delinquent or pre-delinquent children from society, however, the number of children imprisoned in Ireland between April 1883 and March 1884 was exactly the same as the number sent to gaol forty years earlier, in 1844. In Connacht, there were three more.³⁰ Despite its high levels of poverty, however, Connacht had significantly lower

²⁶ Inspectors-General report, 1844, 1845 [620], p.185

²⁷ Inspectors-General Report, 1856 [2112], p.vii

²⁸ 35 & 36 Vict. c.94. This Act made extensive provision for a range of offences including punishments for drunkenness in public which increased exponentially with successive offences, and punishment of license holders for selling spirits to children apparently under the age of sixteen

²⁹ Inspectors-General report 1875, 1876, [C.1497], p.13

³⁰ Inspectors-General report 1844, 1845 [620]

rates of people sent to gaol per head of population than the country as a whole in each census year from 1861 to 1881.

Table 2
Committals to prison as a percentage of population, 1861, 1871, 1881³¹

	Ireland	Connacht
1861	.51	.30
1871	.58	.25
1881	.79	.41

Offences³²

The offences for which an adult or a child could be sent to prison were subject to great change over the course of the nineteenth century. In the years after the Famine, vagrancy accounted for a large proportion of child committals. The vast majority of child vagrants were in Dublin. In 1850 the inspectors of prisons described how ‘shoals of vagrants’ roamed the countryside.³³ A great many of the destitute went to cities in search of relief or the chance of a better life. The populations of large towns grew after the Famine whereas rural populations declined. The town of Galway experienced the highest increase in population in Ireland between 1841 and 1851, whereas the five counties of Connacht saw the largest losses in the country.³⁴

Many of those migrating from rural to urban centres were children. In 1854 there were 1,529 committals of boy vagrants in Dublin’s Richmond bridewell alone. In Grangegorman Penitentiary there were 858 vagrant female children.³⁵ In Connacht the picture was dramatically different, with only 35 committals of children being for vagrancy. The inspectors of prisons were of the opinion that Dublin was a place ‘...to which youthful vagrants would naturally resort’.³⁶ Two years earlier, 3,022 of the 3,481 vagrant men and boys in Richmond were from outside the city and county of

³¹ Census of Ireland 1901, General report, p.170 and reports of the inspectors of prisons and General Prisons Board, for the years 1861, 1871, 1881. Committals may refer to the same person being imprisoned more than once

³² See Appendix I for categories of crime

³³ Inspector-Generals Report, 1849, 1850 [1229], p.viii

³⁴ Abstract of census of Ireland 1851 (673) [1400] L.327, p.331

³⁵ Inspectors-General Report, 1854-55, 1855 [1956], p.xliii

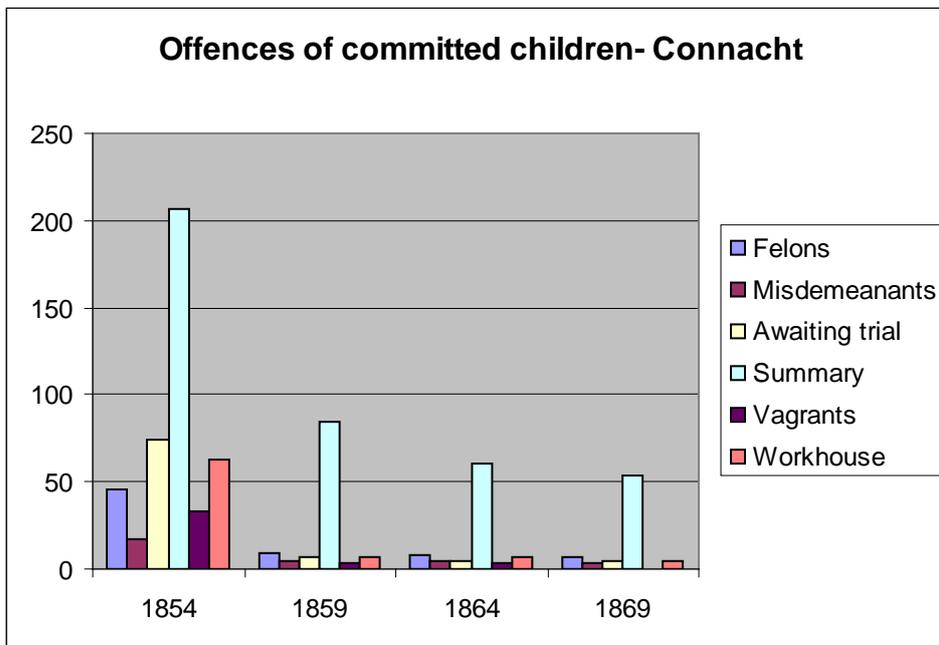
³⁶ Ibid.

Dublin.³⁷ In each of the sample years in Figures 1 & 2, with one exception, summary convictions accounted for by far the highest proportion of child committals in Connacht.³⁸

Figure 1³⁹



Figure 2⁴⁰



³⁷ Inspectors-General Report, 1852, 1853 [1657], p.28

³⁸ Classifications of offences are listed in Appendix 1

³⁹ For a tabular form of this figure see Appendix II, Table 17

⁴⁰ Ibid.

In the decades after the Famine the number of committals of child vagrants declined dramatically. The extension of the Industrial Schools Act to Ireland in 1868⁴¹ made provision for a system to cater specifically for this class of child. From the early 1870s the inspectors of prisons and the prisons board did not include figures for vagrants in their annual returns. The introduction of annual judicial statistics in 1864, however, provided a new range of data which included categories of criminal, or suspected criminal, who were not incarcerated. This data was collected by the police and presented to the Under-Secretary of the Lord Lieutenant by W. Neilson Hancock who had been a founder-member and secretary of the Dublin Statistical Society. His first report included a table which compared the criminal classes of Ireland with those of England and Wales.

Table 3⁴²

Criminal classes of Ireland and England & Wales 1863⁴³

Criminal class	Ireland			England & Wales	E & W in a population portion equal to that of Ireland
	Male	Female	Total	Total	
Known thieves and depredators					
Under 16 years	271	99	370	4,202	1,135
16 and above	1,729	1,155	2,884	23,843	6,444
Receivers of stolen goods					
Under 16 years	8	10	18	67	18
16 and above	749	466	1,215	3,554	960
Prostitutes⁴⁴					
Under 16 years		46	46	1,389	375
16 and above		3,419	3,419	27,411	7,408
Suspected persons					
Under 16 years	289	139	428	3,976	1,074
16 and above	2,237	1,773	4,010	28,512	7,706
Vagrants and tramps					
Under 16 years	1,673	1,726	3,399	7,307	1,975
16 and above	3,471	3,030	6,501	25,875	6,993

⁴¹ 31 Vict., c25

⁴² Judicial statistics (Ireland) 1863, 1864 [3418], p.xiii

⁴³ Comparative statistical analysis of crime between countries for the nineteenth century is problematic. A Statistical Congress was held in Brussels in 1853 attended by representatives from 24 European countries and the United States with the aim of standardising classifications to make this possible. Differences between classifications of crime, age and criminal procedures led to the abandonment of the project by 1876. Even comparisons between the English, Scottish and Irish criminal statistics can not be usefully made. (*History of English criminal law*, Vol.5 [London 1986], pp95-96)

⁴⁴ Criminal classifications for this period do not include figures for male prostitutes

The only two criminal categories which had proportionately higher numbers in Ireland were those of 'Receivers of stolen goods' aged sixteen and over and 'Vagrants and tramps' aged under sixteen. There were over three times as many child 'thieves and depredators' in a comparative sample of population in England & Wales as there were in Ireland and eight times as many child prostitutes. Irish juvenile 'Vagrants and tramps' outnumbered their English and Welsh counterparts by a ratio of almost seven to four. Only 33 children were imprisoned as vagrants in Ireland in 1864, yet the judicial statistics recorded 3399 children who were vagrants or tramps at large in Ireland in 1863, suggesting that either there was a grave error in the police numbers, or the practice of imprisoning vagrants was dying out.⁴⁵ The number of female children in this category in Ireland was marginally higher than that of boys. Hancock attributed the lower number of youthful vagrants in England and Wales to the establishment of industrial schools there. In 1870 the categories of 'Prostitutes' and 'Vagrants and Tramps' were dispensed with. The reasons given by Hancock were that there had been dissatisfaction with the collection of this information relating to the administration of the Poor Laws and Contagious Diseases Act in England, and that these statistics referred only to '... matters of suspicion and opinion, and not to actual crimes committed or suspected'.⁴⁶ The recording of brothels in Galway in the early 1880s by the judicial statistics has been shown to be inaccurate.⁴⁷

The Judicial Statistics for 1874 reveal that committal rates of children in all categories were, on average, twice as high per head of population in England and Wales as they were in Ireland. In both jurisdictions, boys aged 12-15 represented the juvenile group most likely to be in gaol. Industrial schools legislation for Ireland had been enacted by this time and a very different gender bias emerged from these institutions.

⁴⁵ The latter explanation will be corroborated later in this study

⁴⁶ Criminal and Judicial Statistics (Ireland) 1869, 1870 [C.227], p.9

⁴⁷ Geraldine Curtin, *The women of Galway jail* (Galway 2001), p.30

Table 4
Child committals in England & Wales and Ireland as percentage of all committals⁴⁸

	Boys u-12	Girls u-12	Boys 12-15	Girls 12-15
England & Wales 1872/73 ⁴⁹	1.3	0.2	6.2	2.5
Ireland 1874	0.5	0.1	3.9	1.1

Gender

In 1874, 823 children had been admitted to Irish industrial schools, of which number 267 girls and 81 boys were committed for begging, and 118 girls and 46 boys for having been ‘Found wandering and homeless without guardianship or means of subsistence’. These girls especially, Hancock said, had been ‘... rescued from temptation and crime’. The rate of detention of children to Irish industrial schools was sixty-one per cent higher in 1874 than it had been in an equal proportion of the population in England and Wales the previous year. Sixty-six per cent of committals to Industrial Schools in Ireland in 1874 were of girls,⁵⁰ yet less than half as many girls as boys were committed to gaol in the same year.⁵¹ Hancock was echoing the concern of the inspectors of prisons twenty years earlier. In 1852 they noted what they called ‘...an element of youthful depravity of so grave a character as to deserve a special remark’- the disproportionately large number of females convicted of larceny in Ireland by comparison with England and Wales. In 1851, they reported, there had been 5,569 committals of young females in England and Wales, compared with 7,347 in Ireland, which had one-third of the population.⁵² The majority of these committals had been for ‘offences against property without violence’ and the inspectors attributed this to ‘extreme distress’.⁵³

⁴⁸ Judicial Statistics, 1874, 1875 [C.1295], p.41

⁴⁹ The subject of the alleged large proportion of Irish criminals in English prisons is dealt with in this report (p.22-23). For more on Irish criminal children in England, see J.M. Feheney, ‘Delinquency among Irish catholic children in Victorian London’, *Irish Historical Studies* (1983), Vol. XXIII, No. 92, pp319-329; John A. Stack, ‘Children, urbanisation and the chances of imprisonment in mid-Victorian England’, *Criminal justice history* (1992), Vol.13; Thomas Tracy, ‘Policing the “Chief nests of disease and broils”’, in *Irishness and womanhood in nineteenth-century British writing* (Surrey 2009)

⁵⁰ Judicial statistics 1874, p.47

⁵¹ Inspectors-General Report, 1874, 1875 [C.1256]. p.19

⁵² Inspectors-General Report, 1852-53 [1657], p.22

⁵³ *Ibid.* Sinead Jackson’s study has revealed that women were more likely than men to be accused of this type of crime in Galway and Mayo in the late nineteenth century. Gender, crime and punishment in late nineteenth century Ireland: Mayo and Galway examined, M.A. thesis (N.U.I., Galway 1999)

Figure 3⁵⁴

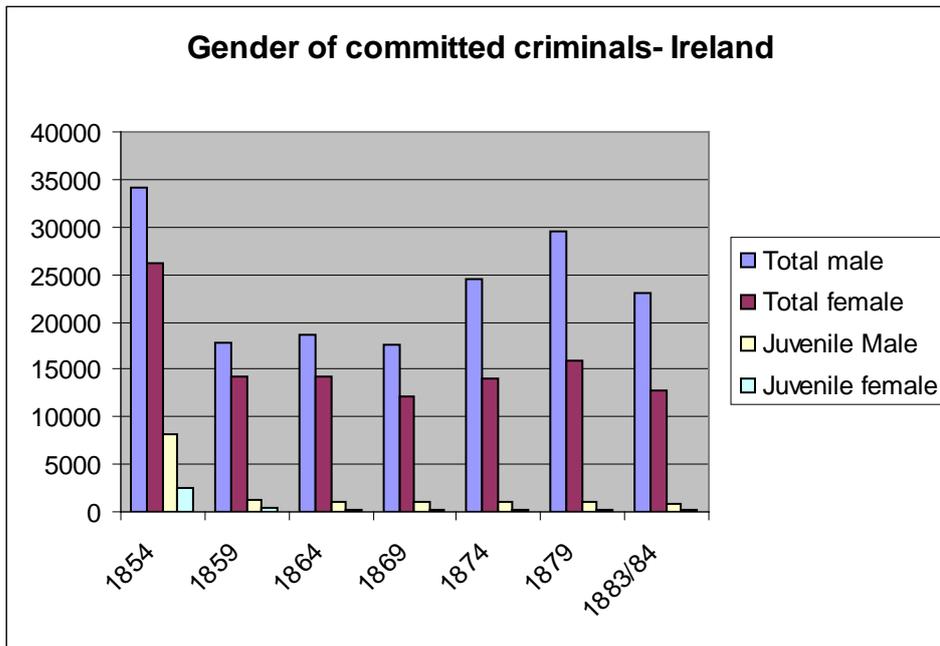
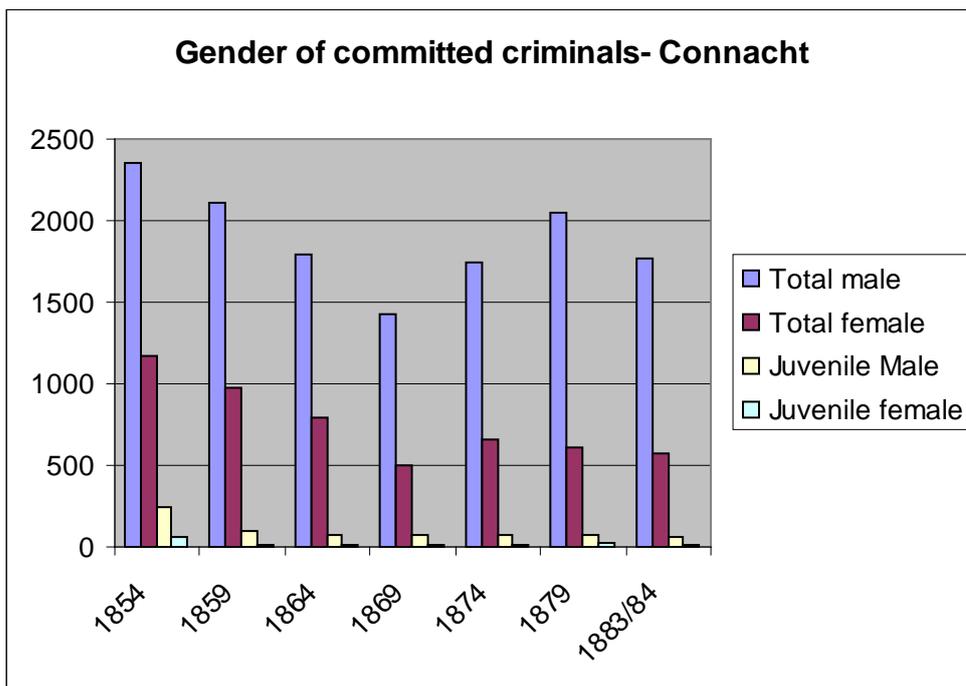


Figure 4



In the sample years presented above, committals of females to gaol were lower than males in every year and in each category. The only exceptions were in the town gaols in some years. In 1871, for example, there were more women and girls than men and

⁵⁴ See Appendix II, Table 18

boys in the Galway Town, Cork city, Kildare⁵⁵ and the Dublin City gaols. In 1874 there were marginally more women than men in the town of Galway gaol.⁵⁶ The situation in the county gaol in the same year was very different, however. Whereas there were only 98 females to 378 males in the county gaol, there were 229 women to 226 men in the town gaol. The only other gaol in which there was an excess of females over males was Cork city gaol. In Dublin city, where, for the most part, the sexes were held in separate gaols at this time, there were 5,075 females held in Grangegorman and 5,039 males in Richmond.⁵⁷ By 1883/84, only eight female children were committed to gaols in Connacht, out of a total of 959 children in the whole country and seventy in Connacht.⁵⁸

Parentage

Of the 12,338 child committals to gaols in Ireland in 1853, 5,225 were ‘...without due and complete parental care, *nearly two thousand being absolute orphans*’, according to the inspectors of prisons. James Galwey and J. Corry Connellan expressed the view that ‘...watchful and constant supervision over those, who at so tender and age are *now* exposed to unchecked promptings of ignorance and want, would largely counteract this great and growing social difficulty’.⁵⁹ The following year, the inspectors wrote that ‘...imperfect parental relations’ of so many criminal children created a strong argument for the intervention of the state in their care and protection.⁶⁰ Over the next 14 years this intervention would come in the form of state certification of reformatories and industrial schools. The number of orphaned children in gaol would decline sharply as the country recovered from the ravages of the Famine.

⁵⁵ The larger number of women in this gaol is attributable to the existence of the Curragh military camp in that county

⁵⁶ Jackson’s study has shown that more women than men were committed to trial in Galway town in 1863, *Gender, crime and punishment*, p.101.

⁵⁷ Inspectors-General Report, 1874, 1875 [C.1256], p.10

⁵⁸ GPB Report, 1883-84, 1884 [C.4158], pp39 & 57

⁵⁹ Inspectors-General Report, 1853, 1854 [1803], p.xv

⁶⁰ *Ibid.*, 1854, 1854-55 [1956], p.xiii

Figure 5⁶¹

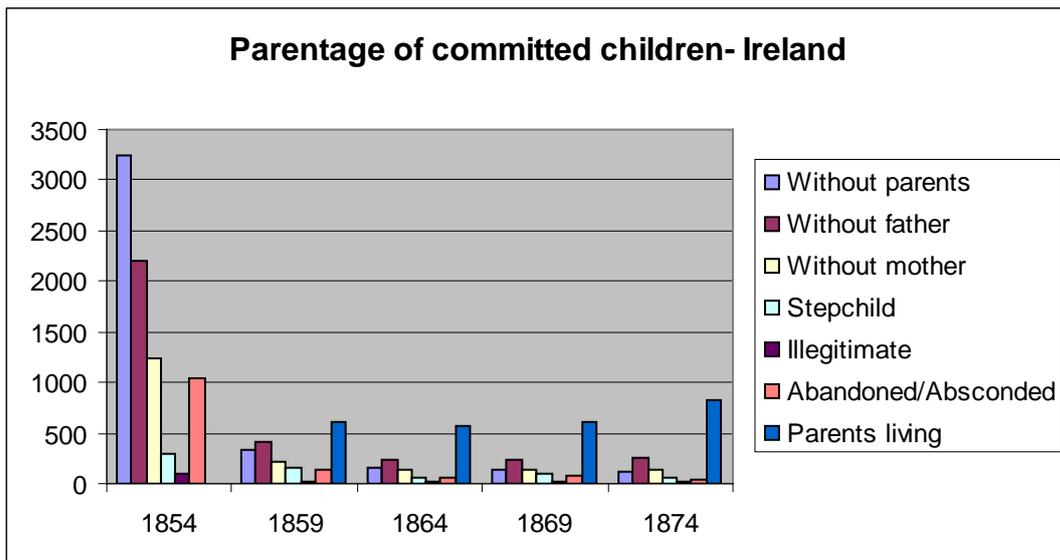
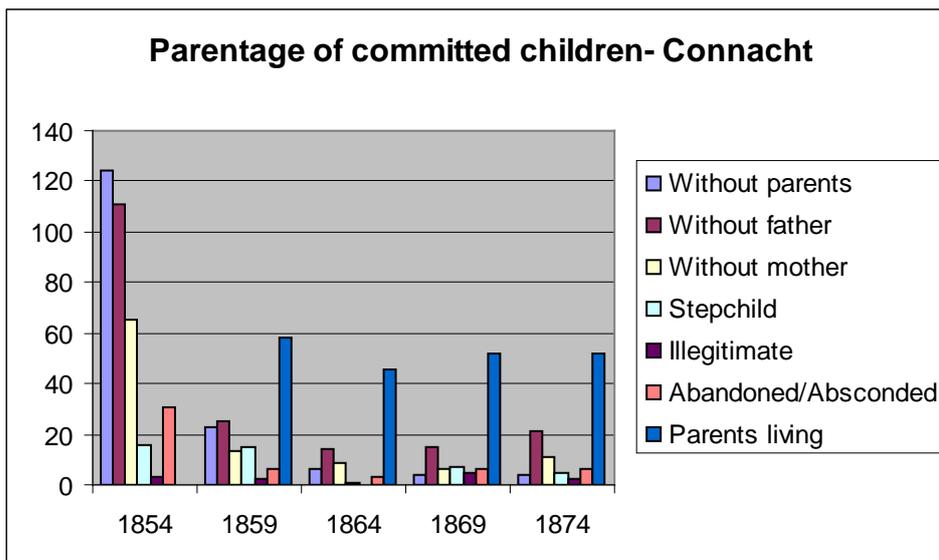


Figure 6



In 1854, there were five times as many boys as girls who were without parents recorded in the gaol committals. Of these, 139 committals of boys under ten years of age, and 2,569 of boys aged 11-16 were 'Without parents'. Of the records in the 'Abandoned by parents' category, 30 were of boys in the younger age group, compared with only two girls, and 400 boys compared with 58 girls in the older

⁶¹ See Appendix II, Table 19. The number of children whose parents were living was not included in the report of 1854

category.⁶² In that year, 62% of all child committals were of children who were without one or both parents in the whole of Ireland, with 68% in this category in Connacht. The proportion of these children who were without either mother, father, or both, declined in all of the sample years, so that by 1874, the figure was 37% for Ireland and 41% in Connacht. The proportion of children who were without a father compared to those who were without parents or a mother became higher after 1854. This figure was, in all years, significantly higher than the number of children who were illegitimate, suggesting that the fathers of these children were dead or had left their families, or that the remaining family members claimed such. This was the case for both Ireland and Connacht. After 1854 the highest proportion of children sent to prison in both Ireland and Connacht in the sample years had both parents living. Fatherless children accounted for the second highest category after 1854, with proportionately more children in this group in Connacht after 1864. Illegitimate and abandoned children, and those who had absconded from their parents, were the least likely of all the categories without both parents to find themselves in gaol.

Education⁶³

In the second half of the nineteenth century, rates of illiteracy were higher in Connacht than in the rest of Ireland. In 1851, 47% of the population of Ireland aged five and over could neither read nor write. The figure for Connacht was 66%. While literacy rates for the whole country continued to improve significantly as the century progressed, Connacht had more people who could neither read nor write at every census year from 1851 to 1881 than Ireland as a whole and every other province. By 1881 only a quarter of Irish people were illiterate, whereas 38% of people in the western province were unable to read or write. In both Ulster and Leinster, only one-fifth of the population was illiterate, and in Munster, the percentage was 10% lower than in Connacht.⁶⁴

The prison authorities and reformers were interested in the education of prisoners, even in unconventional circumstances. In 1851 the transport, Blenheim, set sail for Van Diemen's Land with 310 convicts on board. Also on board was the

⁶² Inspectors-General Report, 1854-55, 1854 [1956], p.xii

⁶³ Education will be dealt with in more detail in Chapter III

⁶⁴ Donald H. Akenson, *The Irish education experiment: The National system of education in the nineteenth century* (London 1970), p. 376

Religious and Moral Instructor to the mostly Catholic prisoners, the Rev. C.P. Woods. In his report from Hobart Town to Dublin Castle, he wrote that ‘The prisoners have been very attentive to school, and manifested a great anxiety to improve themselves in reading and writing’.⁶⁵ The prison inspectors were also interested in monitoring the progress of their pupils and in improving the system of gaol schools. In 1856 they wrote;

In many gaols the turnkeys, without reference to their capability, instruct their several classes of males; and, in the majority of gaols, the matrons, in like manner, instruct the females. The lowness of their salaries, and the mode of appointment, are little calculated to ensure the services of turnkeys qualified to impart effective educational instruction... and the matrons are generally wholly unequal to the task of teaching the females... there is nothing to prevent the teacher from describing his pupils, upon their admission to the gaol, as more ignorant than they really are, and thus subsequently gaining more credit for their supposed progress

The inspectors recommended that the chaplains, or local inspectors, examine the scholars, and that the gaols employ competent schoolmasters.⁶⁶ When James W. Kavanagh, the Head Inspector of the Commissioners of Education, visited prison schools in the early 1850s, he found that nine of the prison schools, including those at Mayo, Roscommon, Galway County and Galway Town gaols, had submitted themselves for support and inspection by the National Board of Education.⁶⁷ In Castlebar gaol, the inspector noted that the young prisoners were ‘...wholly ignorant of the rudiments of grammar [and had] no idea of geography, and the three large maps are kept in the governor’s parlour. The interior aspect is that of a *hedge-school*’. The clerk and the turnkeys had the job of instructing the males and the matron and her assistant instructed the females. In Galway county gaol, a teacher was employed but was ill at the time of inspection, and in the town gaol the teacher was engaged in making out official returns. In Roscommon, a ‘...tolerably competent’ teacher had just been appointed but, when Kavanagh himself visited in May 1853, he found the younger prisoners ‘...all but wholly illiterate’.⁶⁸ When John Mitchel was being held in Spike Island awaiting transportation in 1848, he was visited by ‘...a tall, gentleman-like person, in black but rather over-worn clothes’. The man was Edward Walsh,

⁶⁵ Inspector of Government Prisons In Ireland, 1851, 1852-53 [1634], p.15

⁶⁶ Inspectors-general Report, 1855, 1856 [2113], p.xvii

⁶⁷ Commissioners of National Education, Twentieth Report, 1853, 1854 [1834] [1835], Appendix L, p.629

⁶⁸ Ibid., p.680

‘...author of *Mo craoibhin cno*, and other sweet songs, and of some very musical translations from old Irish ballads’. With tears in his eyes, Walsh told him that ‘...he had accepted the office of teacher to a school they keep here for small convicts- a very wretched office, indeed, and to a shy, sensitive creature, like Walsh, it must be daily torture.’⁶⁹

Walsh and his counterparts in other prisons were faced with the task of educating children in circumstances that must have been challenging. In 1860, the prison inspectors, J. Corry Connellan and Felton F. W. Hervey, noted that ‘... nearly one-third of the boys and upwards of one-half of the girls [in 1859] were *wholly illiterate*’.⁷⁰ In that year, the local gaols in Ireland employed 50 male and 30 female teachers, and had an average daily number of 525.77 male and 238.11 female prisoners of all ages attending school.⁷¹ Both adults and children attended the gaol schools.

⁶⁹ John Mitchel, *Jail journal* (Originally published in 1876, reprinted Poole, 1996), p.30

⁷⁰ Inspectors-General Report, 1859, 1860 [2691], p.xvi

⁷¹ *Ibid.*, p.xv

Figure 7⁷²

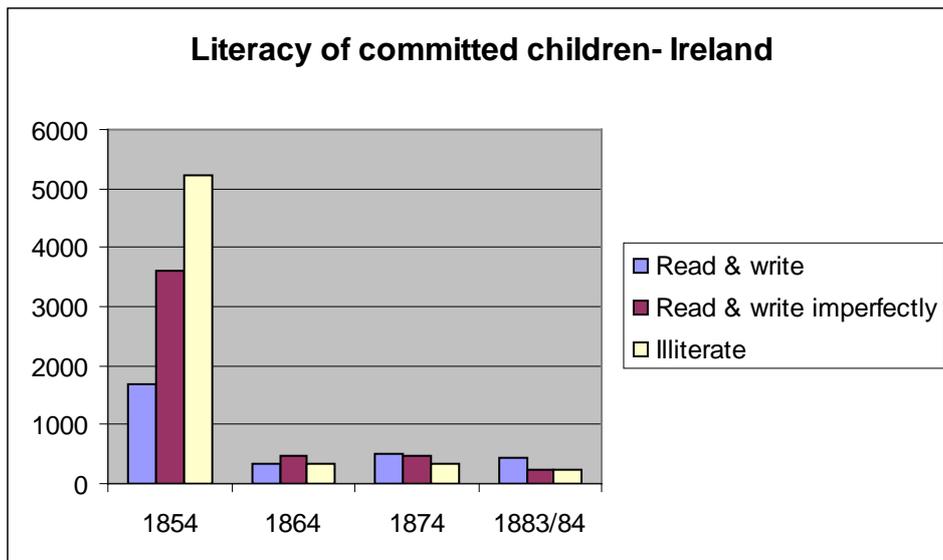
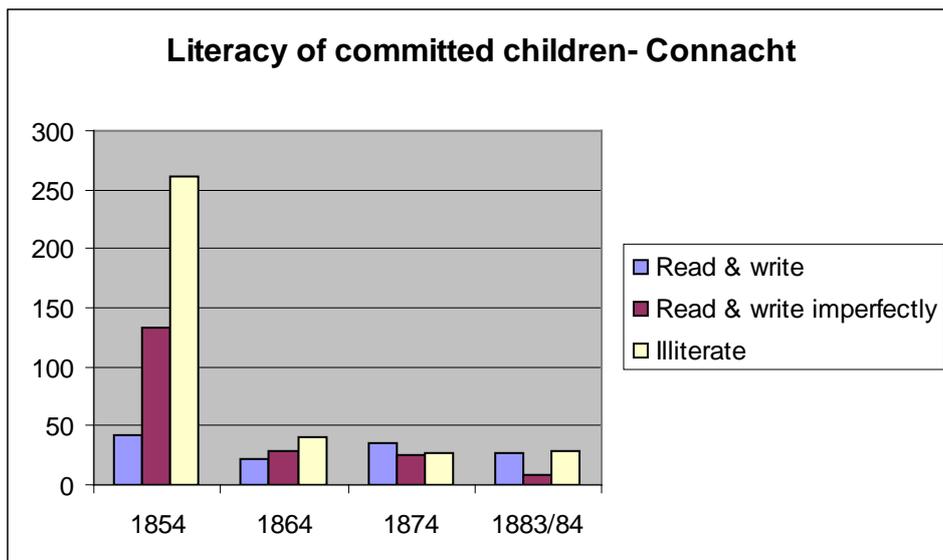


Figure 8



Rates of illiteracy amongst Connacht children in gaol were higher than for all of Ireland, with 49% of the incarcerated total in Ireland unable to read and write in 1854, compared with 60% in Connacht. Ten years later, these figures were 29% and 44% respectively. By 1883/84 a quarter of the juvenile sentences in Ireland were of illiterate children, mirroring the national illiteracy rates for the population as a whole recorded in the census of 1881. Almost half of the committals of children in Connacht were of children who could neither read nor write, showing a greater disparity with the rates for the province three years earlier. Girls who went to gaol in all but one of

⁷² See Appendix II, Table 20

the sample years were more likely to be illiterate than boys, with 64% of girls in Ireland, and 74% in Connacht, in this category in 1854. In 1864 four out of every ten girl committals were classed as illiterate in Ireland, with 56% in Connacht.⁷³

Sentences

In 1853 the last convicts destined for the penal colonies of the southern hemisphere left Ireland.⁷⁴ Sentences imposed on prisoners after the mid-1850s were served in prisons within Ireland. Since the reform of the Bloody Code of the eighteenth and early nineteenth century, the death sentence was usually only imposed for the crime of murder.⁷⁵ In 1833 the government appointed a commission to review the criminal laws of Britain. The difficult task which faced the commissioners was illustrated by them with regard to the laws concerning theft. Under the laws as they existed at the time, the penalty for a boy who ‘...stole an apple from a stall’ was the same as that for men who stole goods to the value of a thousand pounds.⁷⁶ Despite the best efforts of the commissioners, the laws were not codified until 1861. Even then, the laws remained harsh, so that for larceny of fruit, the thief would ‘...on conviction thereof, before a justice of the peace... either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or shall forfeit and pay... such sum of money not exceeding twenty shillings’.⁷⁷ Even after the Consolidated Criminal Statutes⁷⁸ of 1861 were enacted the lines between felony and misdemeanour, and between the different types of larceny and theft, were blurred. For the defendant, the difference was significant in terms of the sentence they received, particularly before the end of transportation in the 1850s. Penal servitude for felonies and some serious misdemeanours replaced transportation. Sentences were imposed at the weekly or fortnightly petty sessions courts or at the courts of the quarter sessions or assizes. The

⁷³ Since only eight sentences were imposed on female children in Connacht in 1883/84 a meaningful statistical analysis is not valid

⁷⁴ Sentences of transportation continued to be passed on some prisoners after this time but were usually served in the convict prisons in Ireland. In the next two years 550 convicts were sent to Bermuda (First and second Annual Reports of the Directors of Convict Prisons in Ireland)

⁷⁵ Between 1842 and 1861 attempted murder, solicitation to murder, conspiracy to murder, sodomy, unnatural offences, burglary with violence, arson of dwelling-houses and robbery with violence remained capital offences. (W.E. Vaughan, *Murder trials in Ireland, 1836-1914* {Dublin 2009}, p.9)

⁷⁶ Cited in Radzinowicz and Hood, *History of English criminal law*, p.726

⁷⁷ John Frederick Archbold, *The consolidated criminal statutes of England and Ireland, passed in the last session of parliament with notes, forms of indictments, and evidence* (London 1861)

⁷⁸ 24 & 25 Vict.. c.94, 96, 97, 98 & 100

term of these sentences ranged from less than 24 hours to life, or death. After 1858, juvenile offenders could have a period of detention in a reformatory of one to five years imposed on them, in addition to a term of imprisonment.⁷⁹

Figure 9⁸⁰

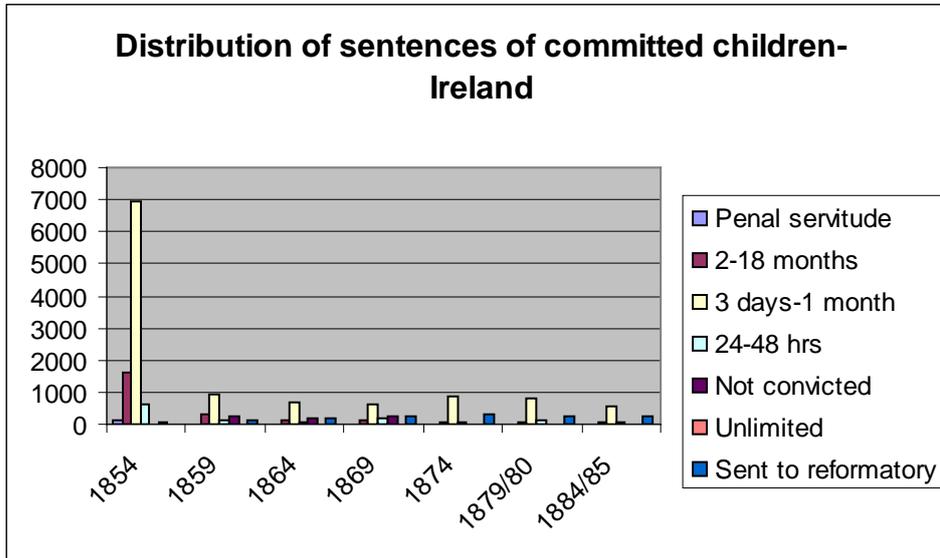
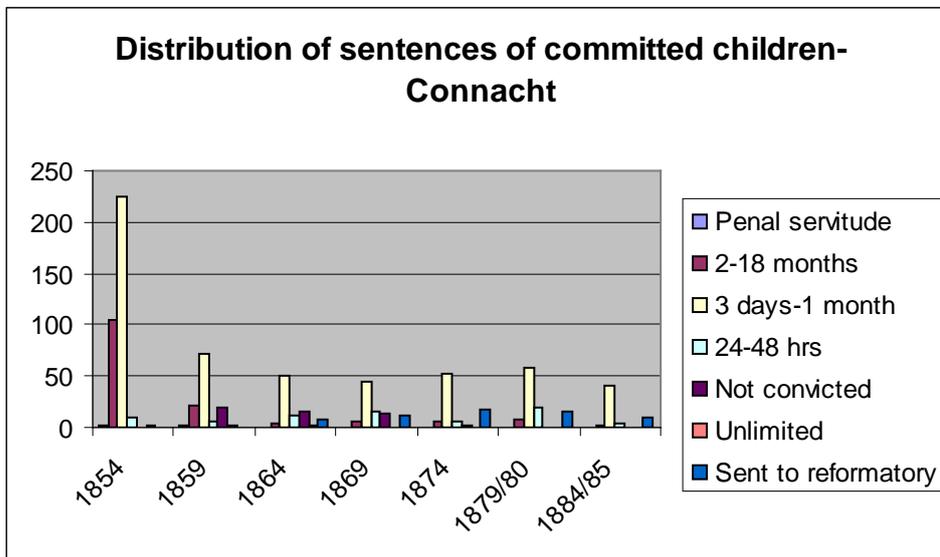


Figure 10



Only one child sentenced in the sample years in Figures 9 and 10 was sentenced to life imprisonment.⁸¹ In each of these years, the majority of children were

⁷⁹ This was amended in 1868 to two to five years. (31 & 32 Vict., c.59)

⁸⁰ See Appendix II, Table 21

sentenced to between three days and one calendar month. In 1854, this represented 74.6% of all sentences of juveniles in Ireland, and 82.4% of children sentenced in 1884/85 were given this term of imprisonment. Fewer children were sent to reformatories by Connacht magistrates. In 1874, the year in which most juvenile offenders were sent to reformatories from Connacht in the sample years, they represented 27.6% of all sentences, compared with 28.6% for all of Ireland. By 1884/85 21.7% of those sentenced were sent to reformatories from the west, compared with 34.4% for the whole country. The inspectors were concerned that not enough children were being sent to the reformatories. When John Lentaigne, the Inspector-General, visited Mayo county gaol in 1874 he found four boys under the age of sixteen there. One, a boy of thirteen who had been convicted of larceny, was destined for the reformatory at the expiration of his sentence. He found another boy who had been sentenced to two month's hard labour for stealing fruit on the treadwheel with adult criminals. He had not been given a reformatory sentence. Lentaigne expressed the opinion that the boy would be '...hardened, not reformed, and that the child's crime dealt with as that of the habitual and grave criminal' would force him to '...grow corrupt by contact' and lose his fear of gaol.⁸²

This chapter has examined rates of crime in Ireland from 1854 to 1884, and has looked at the treatment of criminals by the state, and at the profiles of these criminals. It has shown that children were more likely to be in gaol in the years after the Famine but that after the late 1850s the proportion of child to adult offenders in gaol declined. The incidence of crime, as measured by gaol committals of people of all ages, was much lower in Connacht than in Ireland as a whole from the 1860s to the 1880s. Connacht children comprised a much smaller portion of the prison population of the country in the 1850s but this margin narrowed in the three decades that followed. Incarceration for minor offences, vagrancy and workhouse crimes accounted for most of the criminal children up to the end of the 1860s.⁸³ Children in Connacht were much less likely to be imprisoned for vagrancy. By 1869 no children in Connacht were sent to gaol for this offence. Serious crimes comprised one-tenth of offences committed by

⁸¹ This was a female child who was serving a sentence in Nenagh. The inspectors make no reference to the child or the crime for which she was sentenced in their reports on Nenagh (Tipperary North Riding) gaol

⁸² Inspectors-General report, 1874, 1875 [C.1256], p.202

⁸³ In 1854 85% of children in Ireland and 73% in Connacht came from this category. By 1869 this had changed to 78% for Ireland and 84% for Connacht.

children in Connacht gaols in both 1854 and 1869. The nature of these offences and the treatment of children so accused will be considered in chapter four. After 1859 there was a sharp decline in the number of children who were sentenced to penal servitude. A similar decline in the number who were not convicted but in gaol from 1869 prompts the question whether the police and courts were more effective in detection in the later period or less likely to imprison child suspects.⁸⁴ Fewer children from the west were sent to reformatories.

This chapter has been limited in its focus in that, for the most part, it has used data pertaining to prisoners. While these figures provide a very useful guide to crime and criminals in this period, it is necessary to look beyond these numbers to investigate the range and nature of juvenile crime in the period, to gain a fuller understanding of the society in which criminal children lived, and the evolution of a system of justice for children in Ireland at a time when attitudes to both children, and children who were accused of crimes, were changing rapidly. Studies from other countries have claimed that, while the numbers or the rhetoric might appear to show that juvenile crime was on the rise, children were increasingly criminalised or incarcerated because of policy changes which proscribed certain behaviour and created a category of the 'pre-delinquent' child.⁸⁵ Legislative change as it applied to children and crime in Ireland will be examined in chapter four and compared with changes elsewhere. The public debates which influenced reforms in the treatment of criminal children in Britain focused a great deal of attention on perceptions of 'alarming' increases in the incidence of crime committed by children. At the time when Patrick Joseph Murray was writing of the 'horrors' of juvenile crime in Ireland, it had indeed been on the rise. However, the exceptional circumstances of the Famine and its aftermath cannot be separated from the high incidence of crime up to the mid-1850s, a phenomenon which the prison inspectors themselves acknowledged. In 1851, in an unprecedented attempt to relieve the Dublin gaols of destitute country children, these children were given the means to return '...to their place of usual abode'. While

⁸⁴ Other studies have shown that courts in the west of Ireland and in France were less likely to convict women. See Jackson, 'Gender and crime', chapters two and three, and James M. Donovan, 'Justice unblind: The juries and the criminal classes in France, 1825-1914', *Journal of social history*, 1981, Fall, pp89-107

⁸⁵ See, for example, Margaret May, 'A child's punishment for a child's crime'. Susan Magarey has asserted that the concept of juvenile delinquency was 'legislated into existence' in the early nineteenth century in 'Juvenile delinquency in early nineteenth century England', *Labour History* 1978, Vol.34, pp11-25

on the one hand the prison authorities were introducing harsher punishments to deter criminal children from entering gaol, they were also recommending the ‘...establishment of pauper schools, houses of refuge, and penitentiary asylums’ for criminal children.⁸⁶ State and voluntary provisions for criminal and destitute children in Connacht and in Ireland as a whole before the establishment of the industrial schools will be examined in the next chapter.

⁸⁶ Thirtieth report of the inspectors-general of prisons, 1852 [1531], pp41, 22

Chapter three- Poor and criminal children in Connacht, 1854-1870

By 1881 there were 29 workhouses, 9 industrial schools, 11 prisons and bridewells, and one reformatory which housed the destitute and criminal children of Connacht, as well as nine reformatories in other provinces to which children from the west were sent.¹ Thirty years earlier, however, the only provision by the state for such children was in the workhouses and gaols. When James Kavanagh visited the convict depots and gaols of Ireland 1853 and 1854 he found that a large number of the juvenile criminals, especially the males, had been in the workhouse.² Not only did Kavanagh claim that there was a strong link between the workhouse and the gaol for destitute children, he also asserted that the workhouse made criminals of children by sending them to gaol for workhouse crimes.³ His report included the personal history of some of the boys that he encountered, such as 'J.R.', aged 'about 15'

father dead, mother deserted him; in the house about ten years; was out twice, about 3 weeks each time... put in gaol for leaping on the school desks in the Workhouse; got 6 weeks and hard labour on the tread-mill; when he came out he took old books off a stand on the quay for which he was again put in gaol for 7 weeks⁴

The story of 'J.R.'s journey from abandonment and destitution to crime was similar to many other such stories cited by reformers in the mid-nineteenth century. Having been deserted by his mother and without the support of a father, he was believed to be moving from the worlds of what Mary Carpenter described as the 'perishing' classes into the 'dangerous' world of the criminal class. She quoted the chaplain of Newgate prison in London who reported that there was a '...close connexion between the scum of a Workhouse and these juvenile offenders'.⁵ The Irish Poor Law Commissioners were of the opinion that poverty was the main cause of crime in Ireland. John Ball, one of the Irish Commissioners, believed that in '...the great majority of cases' in Ireland, it was destitution that caused children to commit crime.⁶ His colleague Edward Senior, who had worked as a Commissioner in both England and Ireland, said

¹ Census of Ireland 1881, [C.3628], Part I, Vol.IV, p.620

² Twentieth report of the Commissioners of National Education in Ireland, 1854 [1834] [1835], Vol.1, Appendix L, p.663

³ Ibid., p.662, et seq

⁴ Ibid., p.662

⁵ Ibid.

⁶ *Report from the Select Committee on criminal and destitute juveniles*, 1852 (515), p.349.

that, almost without exception, the majority of juvenile criminals in Ireland came from the poorest classes and that there was not in Ireland, as was believed to exist in England, a large criminal class.⁷ Mid-nineteenth century reformers addressed what Virginia Crossman has called the ‘dual perception’ of poor children as being both victims of poverty in need of assistance and as threats to society.⁸

The decades after the Famine were a time of population decline⁹ that has been described as one of ‘...growing prosperity for the average Irishman and Irishwoman’.¹⁰ Between 1854 and 1884 Ireland experienced periods of relative stability, interspersed with crop failures in 1859-64 and 1879-81, large-scale evictions, and religious and political unrest. John Cunningham has identified that people in Galway may have benefited from short periods of employment provided by improvements in infrastructure, such as the building of railways, in the 1850s.¹¹ Connacht tenants were in a vulnerable position. More Connacht tenants were evicted than those of any other province. It has been estimated that the eviction rate in Mayo and Roscommon was 17 per 1,000 head of population in the years from 1857 to 1864.¹² In 1861-63, and again in 1865, the number of children sent to gaol in Connacht showed an increase on the previous year. In 1861 Henry Coulter, *Saunders’s Newsletter’s* special correspondent for the west of Ireland, travelled to Connacht to investigate the accounts of distress of which he had heard. Partial failure of the potato crop, a poor harvest, and a fuel crisis were causing severe distress amongst the poorest people of the west. The people were, he wrote, trying to stay out of the workhouses as long as they could.¹³

The Poor Law legislation of 1838 gave control of ‘...Workhouses, Houses of Industry, and Foundling Hospitals, and of the Poor therein’ to the Poor Law

⁷ *Report from the Select Committee on criminal and destitute children, 1852-53* (674) (674-1), p.392. For a discussion of the origins and historiography of the existence of a criminal class in England, see David Philips, ‘Three “moral entrepreneurs” and the creation of a “criminal class” in England, c.1790s-1840s’, *Crime, history & societies*, 2003, Vol.7, No.1

⁸ ‘Cribbed, contained and confined? The care of children under the Irish poor law, 1850-1920’, *Eire-Ireland*, 2009, Vol.44, Nos.1 & 2, p.39. This ‘dualism’ is also addressed by Harry Hendrick in *Child welfare: Historical dimensions, contemporary debate* (Bristol 2010)

⁹ The population of Ireland decreased by 21% and the population of Connacht by 18.6% between 1851 and 1881. (Census of Ireland, 1901: General Report, p.170)

¹⁰ Cormac O Grada, *Ireland: A new economic history, 1780-1939* (Oxford 2001), pp250-251

¹¹ ‘A town tormented by the sea’: *Galway, 1790-1914* (Dublin 2004), p.177

¹² David S. Jones, ‘The cleavage between graziers and peasants in the land struggle, 1890-1910’ in Samuel Clark and James S. Donnelly, *Irish peasants: Violence and political unrest 1780-1914* Wisconsin 1983, p.394

¹³ *The west of Ireland: its existing condition, and its prospects* (Dublin 1862), p.4

Commissioners.¹⁴ The demise of the foundling hospitals and houses of industry¹⁵ meant that, from the middle of the nineteenth century until the establishment of the industrial schools, the only state provision for destitute children was in the workhouse. Orphaned and abandoned children, children whose parents were in gaol, and destitute children accompanied by one or both parents, entered the workhouses to be cared for, educated and trained, up to the age of fifteen. Infants remained with their mothers until they were two years old ‘...if the mothers so desire’. Pauper children between the ages of two and seven were kept in separate accommodation and their parents were given limited access to them.¹⁶ The workhouse regulations provided that boys and girls should receive three hours of instruction in reading, writing, arithmetic, the principles of the Christian religion and any other instruction which would render them ‘fit for service’ and trained in habits of ‘usefulness, industry, and virtue’ every day.¹⁷ Young girls could be given duties such as caring for the sick or infants or assisting in domestic duties within the house, and children were permitted to leave the house, with the permission of and accompanied by an officer, for the purpose of exercise.¹⁸

In the years after the Famine over half the able-bodied inmates of the workhouses were children. On the 27th November 1852 there were 68,402 children under the age of fifteen in Irish workhouses. Of this number 22,771 were orphans and only 14,355 had both parents living.¹⁹ The Poor Law Commissioners expressed their surprise at the reduction of pauperism in the province of Connacht, particularly amongst the juvenile population. This they attributed to ‘...the means of subsistence presenting itself to such young persons or their parents outside the Workhouse: and in some cases for the purpose of joining friends or relations in America, Australia, or in England or Scotland.’²⁰

¹⁴ Act for the more effectual Relief of the destitute Poor in *Ireland*, 1 & 2 Victoriae, c.55, 56, 318

¹⁵ See Joseph Robins, *The Lost Children* (Dublin 1987), chapters 2 and 4

¹⁶ Workhouse regulations, Second annual report of the Commissioners for administering the laws for the relief of the poor in Ireland, 1849 [1118], p.63

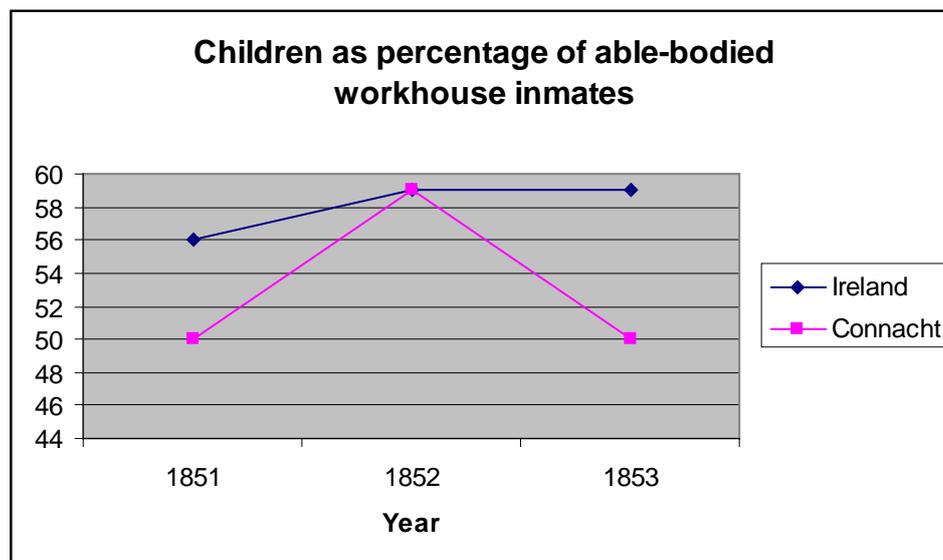
¹⁷ *Ibid.*, pp66, 67

¹⁸ *Ibid.*

¹⁹ Sixth report of the Poor Law Commissioners, 1852-53 [1645], p.10

²⁰ *Ibid.*, p.7

Figure 11



21

Motherless infant children could be sent out to nurse from the workhouse and older children were sent out to work. One of the duties of the master of the workhouse was to arrange for children, selected by him, to be put out to service or any other employment he thought appropriate.²² The orphan emigration scheme had sent over 4,000 pauper girls from Ireland to Australia between 1848 and 1850. The scheme was discontinued in 1850 because the girls were considered to have been ill-prepared and unprotected, and because their conduct and moral standards were considered inadequate by many at home and in Australia. Religious, class and racial prejudice against the girls in Australia also played a part in the demise of the scheme.²³ The Poor Law authorities were willing to assist children in leaving the system. Many of these children left with their families. The Guardians of the union had to apply to the

²¹ Source: Ibid., p.8 and Annual report of the Local Government Board for Ireland, 1884 [C.4051]

²² Workhouse regulations, Second report of the commissioners, p.75

²³ For more on the scheme see Robins, *Lost children*, chapter 9; Helen Burke, *The people and the poor law in 19th century Ireland* (1987) and Dympna McLoughlin, 'Shovelling out paupers; female emigration from Irish workhouses', 1840-70, (Unpublished PhD dissertation, Syracuse University, 1988). Trevor McClaughlin's *Barefoot and pregnant? Irish Famine orphans in Australia: Documents and register* (Melbourne 1991 and 2001) examines the response to and fate of Irish pauper girls who arrived in Australia. Gerard Moran's *Sending out Ireland's poor: Assisted emigration to North America in the nineteenth century* (Dublin 2000) and Peter Murphy's *'Poor ignorant children': Irish Famine orphans in New Brunswick* (Halifax 1999) look at emigration schemes and the treatment of destitute children on the American continent. Crime amongst the emigrated Irish adults and children are examined in Howard Bodenhorn, Carolyn M. Moehling and Anne Morrison Piehl, *Immigration: America's nineteenth century 'Law and order problem'?*, (NBER Working Paper Series, No.16266) and J.M. Fehenev, 'Delinquency among Irish Catholic children in Victorian London', *Irish Historical Studies* (1983), Vol.XXIII, No.92, 319-329

Poor Law Commissioners for an order to grant money to families who wanted to leave. In 1863 a woman named Burns, who had four children in Castelrea workhouse, asked the Guardians for assistance. She had enough money to pay her fare and that of three of her children to America and asked for money for the fourth child's fare. She was told that the order would take three to four weeks to come from the Commissioners. As the ship sailed the following Thursday, she left one child behind.²⁴ Mary Fahy and her three children had been inmates of Galway workhouse for two years when she applied for clothing to the value of £3 to go to America, their passage having been paid. The application came before the Board on the 2nd November 1872 and the order came from the Commissioners three weeks later.²⁵ In 1854 James W. Kavanagh, the head inspector of National Schools wrote that 'It is well known that many enter the Workhouses wholly with the object of getting a free passage to colonies where relatives are already before them'.²⁶

Pressure to remove children from the workhouse grew from the 1850s, with the high mortality rates of workhouse children providing the major impetus. In 1860 the Poor Law Commissioners concluded that in 1859 pauper children were least likely to die in Connacht workhouses. This they attributed to poor sanitary conditions in large towns, and reflected the mortality rates for the general population, which indicated that Connacht had the lowest rates of mortality of all the provinces in the 1860s.²⁷ If a child did survive in the workhouse, there was a perception amongst some campaigners that other dangers awaited them. John O'Hagan told the Dublin Statistical Society that '...about the very worst characters with whom the criminal jurisprudence of the country has afterwards unhappily to deal are the pauper children...'²⁸ Fr. Mathew was quoted as saying that he never knew workhouse boys to turn out well.²⁹ The Commissioners themselves were cognisant of the fact that a workhouse upbringing did not best equip a child, particularly one without parental care, for life 'on the outside'

²⁴ *Roscommon Journal and Western Reporter*, June 13 1863

²⁵ Minute books for the Galway Poor Law Guardians, November 02 1872 and November 23 1872

²⁶ Twentieth report of the Commissioners of National Education, 1853, 1854 [1835], p.634

²⁷ 6.3% of the total number of children relieved under two years of age died in Connacht workhouses, compared with a national average of 8.7%. (Thirteenth report of the Poor Law Commissioners, 1860 [2654], pp89-91). Between April 1861 and April 1871 the average annual rate of mortality per 1000 of population was 16.9 in Leinster, Munster 14, Ulster 13.7 and Connacht 11.2. (Census of Ireland 1871, Provincial summary, Table XIII). See also, Caitriona Clear, *Social change and everyday life in Ireland, 1850-1922* (Manchester 2007), chapter 6

²⁸ *Galway vindicator and Connaught advertiser*, February 02 1859

²⁹ *Ibid.*

We believe that a child of the age of 12 or 13 is more easily grafted into society than if he resides in a public establishment till 18 or 19

and they acknowledged that the ‘...strict discipline and close confinement’ of the workhouse ‘...suggest some painful reflections’ with regard to the children.³⁰ The Select Committee of 1852 to investigate the treatment of criminal and destitute children³¹ heard evidence from Irish witnesses. John Ball told the Committee that there was not a large class of criminals amongst the destitute juveniles of Ireland, but that their number was on the rise, especially in Cork and Limerick. Ball felt that there were two obstacles to the workhouses in Ireland preventing ‘...an evil which is commencing’, namely the criminalisation of destitute children. One was the contamination of workhouse children by criminals being admitted, and the other was the inadequacy of industrial training of the children. The second issue was being addressed, he told the Committee, by the establishment of agricultural training schools. He singled out the school at Dangan, in Galway, as a particularly successful example. The purpose of these schools was to provide practical training for the children to enable them to find work as agricultural labourers or ‘farm servants’.³²

The Dangan workhouse farm was part of the Galway Poor Law Union and was attached to an auxiliary of the Galway workhouse which was established to cope with the large numbers of children accommodated by the Galway union after the Famine. William Persse, the agriculturalist of the school, reported that 129 pupils, with an average age of 15, although initially ‘...ignorant and wayward [in] the principles of intelligent industry’ were becoming sufficiently skilled to be employed outside the workhouse and enhance the knowledge of the wider community.³³ In Ballina, twelve boys, aged thirteen and fourteen, were working on a farm at the workhouse for five hours a day, and receiving one hours instruction in agriculture and two in literary instruction. The boys from the Ballinrobe union agricultural school were so eagerly sought after as farm servants that the master was left with only ten to

³⁰ Second report of the Commissioners, pp7, 11

³¹ The Committee rose on the prorogation of parliament and sat again in 1853

³² *Select Committee*, 1852, pp345-350

³³ Twentieth report of the Commissioners of National Education, op. cit., Appendix K, 606. The Dangan school was subject to problems with boys absconding (see, for example ‘Plunder of workhouse property’, *Galway Vindicator*, March 4 1854) and the workhouse agricultural schools fell into abeyance (see Jane Barnes, *Irish industrial schools, 1869-1908* [Dublin 1989], p.31)

twelve year-olds to work the farm, as sixteen boys had left the workhouse to go to work. Within the workhouses children were trained in baking, tailoring, weaving, embroidery, knitting and sewing.³⁴ The Poor Law Commissioners felt that provision of training and subsequent placement of the girls was more problematic, partly because it was considered objectionable to have the girls mixing with the boys on the training farms, but many, they said, had been trained in embroidery and sewing and had found employment outside the house.³⁵ In one of the poorest unions in Ireland, Westport, they claimed that about ‘...60 young women and 20 young men have been taken out of the workhouse as servants; 40 by the nuns of the convent of the town of Westport, who procured situations for them.’³⁶

In the early 1850s the opportunities for training within the workhouse and employment outside varied greatly from region to region, and even between neighbouring union districts. In the northern unions, there was ‘...scarcely a child of 12’ within the unions, such was the demand for their labour. In Donegal and Sligo ‘...healthy, intelligent’ children were chosen with very few left as a ‘permanent burden’ on the poor rates. For children who went out as agricultural labourers, wages, where they were paid, were low, with children in the northwest being paid 8 to 10 shillings for a season’s work. In most unions, such children were discharged by farmers once there was no more work. In Tipperary and parts of Limerick, girls were more sought after, possibly because of the availability of work in dairying, while the boys were less likely to be trained and were considered idle. In Monaghan and Cavan, 300-400 girls and 100-150 boys had been hired out in a 12-month period. Likewise in Westport and Ballinrobe, twice as many girls as boys were hired out in the same period. In Ballyvaughan and Ennistymon, ‘...respectable or comfortable’ families were not inclined to take the girls as they were considered immoral. The scale of emigration from the Ballina union led to an increased demand for workhouse children, while in neighbouring Killala and Belmullet unions hardly any children had been taken out. Children who had received industrial and agricultural training fared better, with shoemakers, weavers, carpenters, bakers and embroiderers becoming self-

³⁴ *Ibid.*, pp609-611

³⁵ Sixth report of Poor Law Commissioners, p.12

³⁶ *Select Committee*, 1852, p.352

supporting outside the house. Some had gone from the Mayo unions to work in factories in England and four had become teachers.³⁷

John Taylor, who was both a teacher and a clerk in the poor law system, regarded the system of sending out children to service as ‘...a species of slavery’ because the children only received food for their labour.

Persons will come for a boy to herd cattle, but the food, clothing, and bedding he gets is miserable, and when the season comes that hands are plenty with the farmers, he will be turned adrift, and his resource is to return to the workhouse, or turn to something worse. In many cases Guardians turn out a pauper who refuses to go to service

Taylor was of the opinion that there was an attitude amongst the employers of such children that anything was “‘...good enough for a boy out of a poorhouse’”.³⁸ The Poor Law Commissioners themselves were aware of cases of the ‘...grossest ill usage’ of these children.³⁹ The extent of hiring out such children is difficult to gauge from the existing records as there appears to have been an informal arrangement in most unions where local people, particularly local ratepayers, could come to the workhouse and choose a child, an arrangement which relieved the house and the cesspayers of the burden of their maintenance. The minute books of the unions do not systematically record their leaving. W. Neilson Hancock called the system one of ‘reckless levity’ and ‘heartless selfishness’, with finance being the priority- ‘The motive of reducing the rates by apprenticing the child often leading to the acceptance of the first proposal that may be offered’.⁴⁰ In February 1862 one of the Gort Guardians gave notice that he intended to bring before the Board ‘...the manner of hiring out children belonging to the workhouse as servants... in consequence of proceedings before the magistrates in the case of Mary Finn’.⁴¹ Although the same Guardian attended the next meeting the matter is not recorded in the minutes⁴² or in the minutes of any subsequent meetings. The answer to Mary’s disappearance from the records may lie in the fact that, to local Guardians, the system of sending children out to work was too expedient to incur negative publicity when mistreatment did

³⁷ Ibid, Appendix no.13

³⁸ John Taylor, *Amalgamation of unions, and pauper and national education in Ireland* (Dublin 1857)

³⁹ Circular to all unions, January 1853

⁴⁰ W. Neilson Hancock, LL.D., ‘The workhouse as a mode of Relief for Widows and Orphans’, *Journal of the Dublin Statistical Society*, 1855, April, p.87

⁴¹ Minute book of the Gort Board of Guardians, February 8 1862

⁴² Ibid., February 15 1862

occur. When a Roscommon woman was brought to court for abusing her former pauper servant girl, twelve-year-old Mary Fallon, the clerk told the court that such children were often abused and overworked but the workhouse authorities would not jeopardise their arrangements for sending such children out to work by reporting such cruelty.⁴³ Legislation for the registration and protection of servants and apprentices, including children taken from workhouses, was passed in 1851, but only applied to England and Wales.⁴⁴ Some unions did take action against cruel treatment of pauper children, however. In 1858 the medical officer of the Clifden union told the Board that

the clothes worn by Thomas Early (a boy who was taken out of the Workhouse some time since by a man named [Lake] King) are in such a state of filth, and dirt and vermin that they ought to be at once burned as they are dangerous to the inmates of the workhouse. I have also drawn the attention of the Board to the miserable state this boy came into the House, half starved, and covered with vermin from head to foot, the Board should take steps to prosecute the person who treated the unfortunate boy in this manner

The Guardians began legal proceedings against the perpetrator.⁴⁵

Many unions in the west of Ireland faced challenges in collecting rates and pressure from the ratepayers. A 'heavy cesspayer' from Strokestown addressed the weekly meeting of the Board of Guardians to object to the granting of both indoor and outdoor relief to people whom he thought were not entitled to it. On being read a list of all the recipients, he told the meeting that the children of some of those receiving relief were working for a Mr. Lawder and that their families should not be entitled to relief as a consequence. The Guardians gave him the list to take away and act upon it and resolved to post the names of all those in receipt of relief in a public place in every Electoral Division.⁴⁶ Many of the poorer ratepayers objected to the extent of

⁴³ Carolyn A. Conley, *Melancholy accidents: The meaning of violence in post-Famine Ireland* (Maryland 1999), p.82. Conley estimates that five child servants were killed by their bosses between 1866 and 1892. Michelle McGoff McCann gives a detailed account of the investigation into the death of one such child in *Melancholy madness, a coroner's casebook* (Cork 2003), pp167-173

⁴⁴ 14 Vict., c.11

⁴⁵ Minute books of the Clifden Poor Law Union, July 28 1858. It was not until 1902 that inspectors were appointed to oversee children who had been sent out of the workhouses. (Caroline Skehill, 'The origins of child welfare under the poor law and the emergence of the institutional versus family care debate' in *Poverty and welfare in Ireland, 1838-1948*, eds. Virginia Crossman and Peter Gray ([Dublin 2011])

⁴⁶ *Roscommon Journal*, May 30 1863

relief offered. Two of the Strokestown Guardians were of the opinion that while ‘...destitution stared them in the face’ the people ‘...grudged any little relief’.⁴⁷

In some cases, a mere lack of sufficient clothing kept paupers from leaving the workhouse. In Glenamaddy, a cesspayer went through the workhouse and made a list of paupers who said they would leave if they could get clothes.⁴⁸ When a Mrs. Reade was given £2 by the Castlerea Guardians to join her husband in England, she told them she would not take her six children (her seventh having died a few days before) until she could get them clothes because she was ashamed.⁴⁹ Some children were given clothes to leave the house and this practice became more common. In April 1862 John Swift, a pauper boy in Galway workhouse, was given ten shillings worth of clothes to enable him to go to service to a local doctor, and William Connell went to work for a pawnbroker.⁵⁰ Without a formal apprenticeship system in Ireland these children were more vulnerable. Behlmer has referred to apprentices in England as ‘...the first major youth group to win statutory protection’. Two women, one a ‘gentlewoman’, were executed in the eighteenth century for the mistreatment of servant girls which led to their death.⁵¹ A Galway chimney-sweep escaped such a fate in 1856. Patrick Rielly had been seen by witnesses take his young apprentice by the legs and strike his head against a door-post. The coroner found several ‘marks of violence’ from previous assaults on the boy’s body. In the judge’s address to the jury he warned them that a verdict of guilty of murder would oblige him to don the black cap and pass a sentence of death. Rielly was found guilty of manslaughter and given a sentence of four year’s penal servitude. Richard McMahon found that in 1836 Patrick Hynes was not indicted for the murder of his twelve-year-old servant, Mary Byrne, even though the coroner’s inquest had found that she had died after Hynes tried to rape her.⁵²

George Nicholls had considered introducing a system of apprenticeship for pauper children into the first Irish Poor Law Acts, but abuses of such a system in England whereby the parish would grant a premium to the apprenticer gave rise to

⁴⁷ Ibid., June 20 1863. For the difficulties experienced by some Mayo unions in collecting rates, see Donnacha Sean Lucey, ‘Poor relief in the west of Ireland, 1861-1911’ in *Poverty and welfare in Ireland 1838-1948*, Crossman and Gray

⁴⁸ *Roscommon Journal*, August 29 1863

⁴⁹ Ibid., November 7 1863

⁵⁰ Minute book of the Galway Board of Guardians, April 5 1873

⁵¹ George K. Behlmer, *Child abuse and moral reform in England, 1870-1908* (Stanford 1982), pp6,7

⁵² *The Galway Express*, March 22 1856, and ‘Homicide, the courts and popular culture in pre-Famine and Famine Ireland’, PhD thesis [University College Dublin, 2006], pp264-265

objections which prevented such a measure. Edward Senior, the Poor Law Inspector, told a Select Committee in 1849 that he had devised a system of indenture for boys whereby both parties signed an agreement, but acknowledged that difficulties arose when a boy, once trained, ran away. Without a legally binding arrangement, Senior said, any recourse to magistrates by the master was 'illusory'.⁵³ Twelve years later, the Chief Commissioner of the Irish Poor Law told another Committee that Boards of Guardians had no obligation towards a child once sent out of the house to work. Joseph Robins has written that the lack of a legal framework left Guardians '...unable to intervene' between servant and master,⁵⁴ but some unions, as in the case previously cited from Clifden, took the situation into their own hands. In the northern unions an informal system of apprenticeship had been established, and in Cork a Benevolent Apprenticing Society had been founded by gentlemen who had taken an interest in the workhouse children, inspired by the medical officer of the union and with the co-operation of the Guardians. They raised funds privately to allow children to be sent out of the house and monitored their progress. Masters who had mistreated boys in their service were brought before magistrates. When asked how this had been done, one of the Cork Guardians told a Select Committee '...we know very well that we have no legal power over the masters, but they do not know that'. Alfred Power, the Chief Commissioner, told the Committee that such unions had '...gone beyond their position' and had 'interfered... as if they were Guardians in England'.⁵⁵

This absence of legal recourse did not prevent some Irish magistrates from prosecuting children for leaving their service, however, and employers looked to the courts to punish such children. The Galway gaol register of juveniles lists eight children, none of whom had been paupers, who were sent to gaol for leaving their service. One, a twelve-year-old girl, served a month in Galway gaol for 'deserting service'.⁵⁶ When Robert Whyte was taken to court in Tuam by his employer for

⁵³ *Third report from the Select Committee on Poor Laws (Ireland)*, 1849 (93), 115-116. Irish apprentices were protected from 'ill-usage' by Geo.3.c.92. 14 & 15 Vict. c.92 defined the legal recourse available to both masters and apprentices in Ireland where there was a dispute over wages. An exception in terms of paupers was legislation passed in the 1850s which gave Guardians the power to apprentice boys to the navy, merchant navy or fishing fleets

⁵⁴ Robins, *Lost children*, p.240

⁵⁵ *Select Committee on Poor Relief (Ireland)*, 1861 (408) (408-1), pp56, 57, 89 and 90

⁵⁶ See, for example Michael Conneely, aged 15, sentenced to fourteen days for 'Leaving his service' in 1865; Barbara Connolly, aged thirteen, sentenced to ten days in 1868; Edward Moylan, aged 14, sentenced to one calendar month for 'Absconding service' in 1869; Mary Shaughnessy, aged fourteen, sentenced to one calendar month in 1873; and Mary King, aged twelve, sentenced to one calendar month in 1873. (Galway register of male juveniles)

leaving his employment, the prosecution could only cite the English law and the magistrate ruled that the indentures be cancelled.⁵⁷ While the courts protected the employers in a legal vacuum, there was very little protection for an Irish child against mistreatment by an employer, unless an assault had occurred and the child had the means to prosecute, or, as in the case of Thomas Early, the child was returned to the workhouse and a vigilant officer took up the case.⁵⁸ Young Peter Mack was summoned by his employer to appear at Roscommon petty sessions in 1863 for leaving his employment. Mack told the court that he had left because he was expected to work ‘...early and late’ and on Sundays. He was ordered to return to his employment and ‘...end his time or go to gaol for 2 months’.⁵⁹

Underemployment outside of the workhouse meant that many sought periodic assistance from the poor law. Even those who had skills were affected. Richard Bourke, the Poor Law Inspector for Galway and Mayo, told the 1852 Select Committee that some girls who had been taught embroidery sought readmission because ‘...their labour was not sufficient for their maintenance’.⁶⁰ When the managers of a Limerick industrial school wanted to find lacemakers to teach their girls in the early 1880s it was in the workhouses that they found these aged skilled workers.⁶¹ Those who sought readmission to the workhouse had to appear before the weekly meeting of the Guardians. Some unions refused readmission if they felt that idleness or a rejection of the ‘drudgery’ of life as a farm servant over the ‘comfort’ of workhouse life was the cause. The Guardians in these unions sought proof that that the children had been treated unkindly or that there was no further requirement for their labour.⁶² In 1853 in Roscommon a boy who was labelled a ‘lazy ruffian’ left the workhouse to go to work but his ‘idle disposition’ led him back to the house where the board said he wished to ‘...indulge his lazy propensity’. They wanted him turned out. When the boy began to cry Lord Crofton, who chaired the meeting, offered him work and instructed his steward to pay him daily.⁶³ In the Castlerea workhouse in 1863 two young girls who applied for admission to the house were asked by the

⁵⁷ *The Tuam Herald*, July 12 1873

⁵⁸ Legislation of 1889, 1892, 1898 and 1899 eventually gave Guardians the right to intervene in the treatment of deserted and orphan children. (Robins, *Lost children*, pp285, 286)

⁵⁹ *Roscommon journal*, August 29 1863

⁶⁰ *Select Committee*, 1852, Appendix 13, p.477

⁶¹ Barnes, *Industrial schools*, p.121

⁶² *Select Committee*, 1852, Appendix 13, Part B

⁶³ *Roscommon Journal and Western Reporter*, February 12 1853

Guardians why, being 'stout-looking girls' they could not find work.⁶⁴ In at least two unions girls were more likely to be readmitted because it was feared that they might become prostitutes if left to fend for themselves.⁶⁵ Boys who left the workhouse could join the militia. In February 1854 a recruiting party of the 16th Regiment enlisted four recruits in Tuam, including two boys from the workhouse. One of these was a '...boy whose depredations in this quarter have procured for him a rather conspicuous place on the calendar at late assizes and sessions'.⁶⁶ Pat Connor left the Roscommon house to join the militia in Boyle, where he was put breaking stones. When he appeared before the Board looking for re-admission to the house, looking 'stout', he was told that he had been too lazy to continue with the militia, and Lord Crofton refused him relief because it would be unfair to the ratepayers.⁶⁷ When a pauper girl named Boland refused to take work at 10 shillings a quarter in 1863 she was turned out of the Castelrea workhouse. One of the Guardians expressed the opinion that they should '...keep no one in the house who could get 5s a quarter and enough to eat'.⁶⁸ Four years later a Galway 'countryman' brought a case against a girl who he claimed he had paid a year's salary in advance and who had left his service. The bench concluded that her pay, at 3 shillings a quarter, was insufficient and dismissed the case.⁶⁹

While the workhouse authorities frequently brought cases against paupers before the courts, they did not always get a sympathetic hearing. A boy named Timothy Higgins was brought before the Galway petty sessions in 1858 by the master of the workhouse for absconding and taking the union clothes with him. The boy told the bench that he had '...demanded his discharge' from the house two weeks earlier and been refused. He left, found work in Oranmore, but, not being able for the work, returned to the workhouse within a few days. The magistrates praised the boy for looking for work, found that he had behaved in a '...very proper manner' by returning to the house in the union clothes, and discharged him with a caution.⁷⁰ Some workhouse inmates, including the boys from the Dangan agricultural school, left the house and sold the clothes.⁷¹ Of the 269 children entered in the register of juveniles

⁶⁴ *Ibid.*, February 7 1863

⁶⁵ Select Committee, 1852, Appendix 13, Part B

⁶⁶ *The Tuam Herald*, February 18 1854

⁶⁷ *Roscommon Journal*, July 11 1863

⁶⁸ *Ibid.*, August 22

⁶⁹ *Galway Express*, February 23 1867

⁷⁰ *Galway Express*, February 13 1858

⁷¹ See, for example, 'Plunder of workhouse property', *Connaught Vindicator*, March 04 1854, and *Galway Express*, May 23 1857

for Galway gaol from 1864 to 1879, 11% had been workhouse inmates. Of these, one-third were in the gaol having been prosecuted by the workhouse authorities. There is evidence to suggest that some pauper children received better treatment in gaol than in the workhouse. When the inspector of Lunatic Asylums visited Castlebar gaol in 1864 he found the lunatic prisoners ‘...most kindly treated, and their dietary good [they had meat twice a week]; the rooms occupied by them airy, and the bedding clean and ample’. He was less impressed, however, by the fact that many of them had been sent from the Mayo workhouses to the gaol as dangerous lunatics, including a 10-year-old child who had been sent from Swinford workhouse with a police escort.⁷² In 1873 the governor of Galway gaol wrote to the local Relieving Officer to ask to have an 11-year-old boy named Connolly admitted to the workhouse. He had served a two-week sentence for assaulting his mother in Oughterard workhouse and the governor did not consider him capable of taking care of himself. The boy left the house after a day. The medical officer of the Union did not consider the child an idiot and that he ‘...was as well able to take care of himself as any other boy’.⁷³

Criticism of the standard of education within the workhouse schools led to legislation which empowered unions to unite and form district union schools.⁷⁴ Under the provision of the law, unions could amalgamate and share one district union school. While each workhouse should continue to have its own small school, the children who were permanent residents of a workhouse could be sent to the better-run district school. Some Guardians saw it as a means of relieving themselves of the salary of a teacher and of children without their parents’ permission. In their tenth annual report the Poor Law Commissioners described the unintended consequence of the new measure- ‘...many poor women with families have left the workhouse or refused to enter it, although in great need of relief, because they found their children, or some of them, would be sent to a workhouse many miles distant, and preferred begging through the country to relief on these terms’. There were also many cases of children who ran away from the schools after being sent there.⁷⁵ One Poor Law

⁷² Forty-third report of the inspector-general on the general state of the prisons, 1865, 1864 [3522], p.191

⁷³ *Galway Express*, February 22 1873

⁷⁴ 10 Vict., cap.31, sec. 24. Helen Burke, *The people and the poor law in 19th century Ireland* (Dublin 1987) looks at James Kavanagh’s critical report of the workhouse schools and the reaction to it, as does Robins, *Lost children*, Chapter 10. For the response of the Galway Guardians to Kavanagh’s report, see *The Galway Vindicator*, January 31 1854

⁷⁵ Tenth report of the Poor Law Commissioners, 1857, session 2, [2235], pp13-55

Inspector believed that the schools order made the workhouse ‘...a much more severe test of destitution that is either desirable or humane’.⁷⁶ This experiment, too, became discredited and the scheme fell into abeyance.

The numbers seeking shelter in Irish workhouses declined throughout the 1850s and into the 1860s. On census night in 1851 there were 249,877 inmates in receipt of indoor relief. By 1861 this number had dropped to 49,994. Galway town had experienced the second most dramatic reduction in the country.⁷⁷ Children under fifteen years of age continued to form the largest group within the system, and in the years between 1865 and 1871 there were proportionately more children in Connacht workhouses than in those of any of the other provinces. One possible explanation for this may be that the fathers of these children had gone to seek employment elsewhere, leaving their wives and children behind. Able-bodied men formed the smallest group within the houses. Of the 5585 inmates of all classes who were in the workhouses of Connacht in the week ending the 4th March 1871 only 191 were healthy men.⁷⁸ Connacht had the second lowest number of workhouse inmates per head of population, however, of all of the provinces in that year. Munster had the highest, with 124 per 10,000 of the population, Leinster the second highest at 118, Connacht had 63 in every 10,000 and Ulster had 57.8.⁷⁹

Table 5

Children as percentage of able-bodied workhouse inmates, March 1864-1871⁸⁰

	Ulster	Munster	Leinster	Connacht
1864	59	55	57	65
1865	61	59	57	67
1866	60	61	58	63
1867	61	62	61	71
1868	60	64	60	65
1869	60	64	61	71
1870	60	64	59	71
1871	60	65	62	70

⁷⁶ Ibid., Appendix No.3, pp61-67

⁷⁷ Census of Ireland for the year 1861, 1863 [3204-IV], ppixvi, xvii

⁷⁸ Annual report of the Poor Law Commissioners 1872 [C.577], p.148

⁷⁹ Census of Ireland, 1871, General report, p.207

⁸⁰ Annual reports of the Poor Law Commissioners, 1865-1872

James W. Kavanagh questioned the accuracy of the returns for children in workhouses in 1854, writing that ‘...the ages are ordinarily inaccurate, through ignorance and want of precision’, but also because children deliberately gave the wrong age. He listed four reasons which contributed to ‘Temptations to give inaccurate returns of ages’

1st. To get into a senior and then into an adult class soon or at once, and thus obtain larger rations

2nd. To secure the right to go out of the House, which they can if above fifteen years of age, without their parents’ concurrence, if the parents are in it

3rd. The boys and girls beyond fifteen, being classed as adults, they have constant daily intercourse- the boys with their fathers, the girls with their mothers

4th. Generally speaking, those under fifteen years of age cannot easily, unless going out with their parents, or unless hired &c., obtain their discharge, whereas over fifteen they must be allowed out at three hours notice; there is a better chance of their being sent out as free emigrants; and a further cause is, that some who are wholly illiterate object to going into school at twelve or fourteen years of age to commence their alphabet amongst infants⁸¹

In 1861 the Poor Law Commissioners send a circular to all Boards of Guardians reminding them of their duty to bring children outside the workhouse grounds for exercise every day or on alternate days.⁸² Many campaigners wanted to remove the children on a more permanent basis. While infant children under two years of age were sent out to paid nurses and supported by the Guardians⁸³ a campaign to allow older children to be boarded out had been in existence since the 1840s. Joseph Robins has called the introduction of boarding out ‘...probably the most important poor law development’ in this period.⁸⁴ By the 1850s there was a strong Catholic lobby for a change in the system, encouraged by the success of the Protestant orphan societies, of which there were 35 by the 1860s.⁸⁵ The *Irish Quarterly Review*, which had been campaigning for the removal of children from state institutions throughout the 1850s, was of the opinion that a child raised in a home in the worst possible circumstances had a better chance of turning out well than one

⁸¹ Twentieth report of the commissioners of National Education, 1854, [1834] [1835], p.634

⁸² Fifteenth report, Appendix A

⁸³ In 1872, for example, the Gort Guardians provided a cradle for a Mrs. Cooney who had two children out to nurse. (Minute book of the Gort Board of Guardians, 1872)

⁸⁴ Robins, *Lost children*, p.283

⁸⁵ *Ibid.*, p.272

raised in the workhouse.⁸⁶ In 1861 a Select Committee sat to investigate the administration of poor relief in Ireland. Amongst those who gave evidence was Paul Cullen, the Catholic archbishop of Dublin. He visited a workhouse in his archdiocese and told the Committee that most Irish people considered the poorhouse the worst place that they could go, where young children were exposed to ‘women of the town’ or mothers of illegitimate children (they were frequently employed as ward maids).⁸⁷ He had visited an establishment in Paris which sent abandoned children to the country. He was in favour of sending Irish workhouse children to families in the country where they would be reared to be ‘...good workmen and useful members of society’.⁸⁸ He quoted from a letter from Mrs. Kirwan of the Goldenbridge Reformatory for girls who found the workhouse girls the most refractory

I pray and hope I may soon see all the workhouse children sent to the country to be nursed by the good wives of poor farmers and labourers of the same religious denomination⁸⁹

It was the religious atmosphere of the workhouses which particularly troubled Cullen and other members of the Catholic church, who believed that they were almost exclusively staffed by Protestants. Anna Clark has argued that the Catholic church in Ireland used the issue of boarding out as a ‘...weapon in its struggle against the British state’.⁹⁰ In 1859 a protracted and public row occurred in Galway over the religion of a foundling baby which was brought to the workhouse. The Catholic chaplain, Peter Daly, was sacked by the Poor Law Commissioners. Daly refused to go, threatening to ‘...have it published from every church and chapel’ in the town that foundling children were to be brought to a priest for baptism.⁹¹ The baby died long

⁸⁶ Anon., ‘Begin at the beginning’, *Irish Quarterly Review*, 1859, Vol.8

⁸⁷ *Report from the Select Committee on poor relief (Ireland)*, 1861, (408) (408-1), p.186. Many unions separated prostitutes from other inmates. In Loughrea workhouse in 1872 a prostitute named Mary Kelly told the Board that she had reformed and asked permission to leave the separation ward. The medical officer told them that he would employ her in the hospital wards should her request be complied with. (Minute books of the Loughrea Guardians, November 02 1872)

⁸⁸ *Ibid.*, p.190

⁸⁹ *Ibid.*, p.187

⁹⁰ ‘Orphans and the poor law: Rage against the machine’ in *Poverty and welfare in Ireland*, Crossman and Gray

⁹¹ Twelfth report of the Poor Law Commissioners, Session 2 [2546], Appendix A, and thirteenth report [2654], Appendix A. Although the regulations stated that foundling children were to be baptised in the religion of the state this did not always occur. Foundling children were frequently named after the street or area where they were found. In 1858 a policeman brought a baby that had been found near a cock of hay to the Clifden workhouse. The baby was baptised Anthony Hay by the Catholic chaplain. (Minute books of the Clifden Board of Guardians, August 04 1858)

before the row ended. Tensions grew and, in 1860, the Catholic church issued a pastoral which stated that workhouse inmates were treated worse than felons.⁹²

The Poor Law Commissioners continued to defend their institutions, claiming that children should only be sent out of the workhouse for health reasons and as infants, when mortality was at its highest. Alfred Power, who was chief Commissioner, believed that boarding out children would deprive them of the excellent education, cleanliness and good clothing which the poorhouse provided.⁹³ One year after the Select Committee of 1861, however, legislation was passed extending the age at which a deserted or orphaned child could be boarded out to five, and giving discretionary powers to Guardians to extend this to the age of eight if they felt it benefited the child's health.⁹⁴ When it became apparent that the foster parents who were no longer receiving the payments to maintain the children after the age of five were returning these children to the house, the age was extended to ten.⁹⁵

The Local Government Board, which took over from the Poor Law Commissioners in the early 1870s, became concerned about the administration of the system and initiated an investigation in their first year by asking each local inspector to send them a report detailing the workings of the boarding out scheme in each union in his district. The reports that came to them showed that, like the training and education of the children within the workhouses, there was a remarkable disparity between unions regarding how the system was, or was not, implemented.⁹⁶ A great many unions did not board out their children at all. In those that did, the nurses' payments varied greatly between £4 and £8 per annum, with some foster parents receiving a payment towards the child's schooling, and some not, and some children being given clothing by the union, and some not. It was, perhaps, the supervision of the boarded out children which had the greatest impact on their welfare. In some unions, the guardians required that the children be brought before them once, twice, or, in the case of Trim union, four times a year, so that they could satisfy themselves that they were being well cared for. While this was a discretionary inspection, it was required of the Relieving Officers that they visit the children periodically. In some of the Dublin and Meath unions, the Relieving Officer visited the children every month

⁹² Cited in Mary P. Cryan, 'The Sisters of Mercy in Connacht, 1840-1870', MA thesis (UCG 1963), p.205

⁹³ *Select Committee on Poor Relief*, 1861, pp39-40

⁹⁴ Poor Law Amendment Act, 25 & 26 Vict., c.83

⁹⁵ 32 & 33 Vic., c.25

⁹⁶ Annual report of the Local Government Board for Ireland, 1873 [C.794], Appendix A, IV

and they were regularly brought before the Guardians. The children in these unions were generally placed with the wives of small farmers and labourers and school fees were paid for those of school-going age. Sixty per cent of the children were attending schools. In Derry union no inspection took place. One woman was given the care of six children. Three died, one was taken from her but the remaining two were left with her. Two-thirds of the children sent out to nurse in that union died.⁹⁷ In Tralee, where no children were boarded out, 46 out of 47 orphaned or deserted children who entered the workhouse between 1862 and 1872 died.⁹⁸

When the children reached ten years old no further payments were made but many foster families chose to keep the children. Their reasons varied. The inspector for Limerick and Clare reported that the children in his district were treated with kindness and became part of the family. Some of them were family already as many children were fostered by relatives. The inspector for Cork was of the opinion that many women deserted their children so that their friends might foster them and they would have access to them.⁹⁹ While attachment to the children was one reason why they were kept, the inspectors also acknowledged that, at ten, a child could become useful and even bring in an income.

The unions of Connacht are remarkable for the lack of uptake of the scheme. Galway, Tuam, Loughrea, Portumna, Athlone, Parsonstown, Ballinrobe, Roscommon and Castlerea had not sent any children out to nurse in the eleven years since the scheme began. There is a number of possible reasons for this. The Poor Law Commissioners considered the education and training that a pauper child received within the house was of a very high standard.¹⁰⁰ The Guardians of unions that had difficulty collecting rates may have felt that it was cheaper to maintain the children inside the house, and many of the western unions were in financial difficulties after the Famine. Some Guardians were opposed to the scheme on principle, believing that it was a form of outdoor relief, and many of the unions of the west which did not provide outdoor relief were also the unions which did not board out children.¹⁰¹ When the bill to amend the law to allow the extension of the scheme was debated in parliament Lord John Browne, a Mayo landlord, objected on the grounds that children

⁹⁷ Ibid.

⁹⁸ Ibid., p.84

⁹⁹ Ibid., p.65

¹⁰⁰ See Robins, *Lost children*, pp277, 278

¹⁰¹ See, for example the minute books of the Loughrea and Galway unions for the period

would be put in ‘...dirty, filthy cabins’ and the ratepayer would have to shoulder the extra cost.¹⁰² The scheme was also difficult to administer in some of the rural areas. In Cork, for example, the Relieving Officer was obliged to visit 73 children, a task which the inspector believed was ‘...almost impracticable when all his other duties are taken into consideration’.¹⁰³ The preferred option of many of the unions in financial trouble may have been to continue the system of sending children out to work, so that they would be relieved of their support. While Joseph Robins contended that the Poor Law authorities were opposed to boarding out of older children, Virginia Crossman has argued that it was not their opposition, but that of local Guardians, which hampered the implementation of the scheme.¹⁰⁴ This is borne out by the situation in the Connacht unions, where practical considerations, rather than ideology, may have been the primary obstacles.

Where children were boarded out, their treatment could differ greatly. The investigation of Dr. George Roughan, the inspector for Sligo, Leitrim and parts of Mayo, exposed grave cruelty to some children. Having received his instruction from the Local Government Board to conduct the investigation on the 21st January 1873, he accompanied the Relieving Officer, a Mr. Feeney, on an inspection of the houses in Sligo in which 13 children were living on the 23rd, 24th and 25th. He reported to the Board of Guardians thus

The first case to which I beg to direct your attention is the house of a woman named Harte, in Lower Ropewalk-Street, in which are Boarded three children, named Patrick Henry, aged eight and a half years; John Kelly, two and a half years; and Mary Green, aged six months... She has also Boarding with her a child born some time since in the Lunatic Asylum here... The baby, aged six months, lay in a wooden cradle, without a bed of any kind, not even a particle of straw, between the Board and the emaciated body. An empty feeding bottle lay near the little one, from which in vain it endeavoured to draw sustenance

In another house a child called Anne Mann[i]on, aged three, was found to be filthy and dressed in rags. After insisting on seeing where the child slept, Roughan found that she slept on bare boards with only ‘...a few filthy rags’ to cover her. Catherine

¹⁰² Robins, *Lost children*, p.274

¹⁰³ Report of Local Government Board, 1873, p.65

¹⁰⁴ Robins, *Lost children*, and Virginia Crossman, ‘Cribbed, contained and confined? The care of children under the Irish poor law, 1850-1920’, *Eire-Ireland*, 2009, Vol.44, No.1 & 2. Crossman has shown that the debate continued up to the end of the nineteenth century

McDonough, a partially paralysed imbecile child, was found neglected in her aunt's house on a bed of twigs, rotten leaves and straw which emitted an 'offensive odour'.¹⁰⁵ Feeney had recommended each of the foster mothers and had visited them weekly to distribute payments. All the children were taken into the workhouse. Mary Green died on the 28th January. The coroner's inquest showed that she had died of starvation. Feeney defended his actions by saying that he had been the victim of a '...gross deception' by the nurses and that Mary Green had been delicate from birth. The Local Government Board recommended that he be fired. The Guardians admonished him, and, in view of his 'loyal service', refused to terminate his employment. Some of the children were sent back to the foster parents who had neglected them- Anne Mannion '...by mistake' and Patrick Henry because of the affection which his foster mother had for him.¹⁰⁶ A legal battle ensued when the foster parents refused to return the children. Elsewhere, a London Relieving Officer who had allowed a child to die from starvation and exposure rather than admit it to the workhouse had been imprisoned for the child's manslaughter the previous December. The story was carried by a local Galway newspaper.¹⁰⁷ Meanwhile, a campaign conducted by a small group of doctors and widespread media coverage of baby-farming scandals in the 1860s were part of the early stages of the child protection movement in England.¹⁰⁸

¹⁰⁵ Report of Local Government Board, op. cit. p.85

¹⁰⁶ Ibid., p.94

¹⁰⁷ *The Galway Vindicator and Connaught Advertiser*, 21 December 1872

¹⁰⁸ Behlmer, *Child abuse and moral reform*, 17-30. Legislation had been passed in 1853 for the 'Prevention and Punishment of aggravated Assaults upon Women and Children' (16 Vict., c.30) but did not apply to Ireland or Scotland

Table 6**Orphan and deserted children sent out to nurse 1862-1873¹⁰⁹**

Inspectors' District*	Number of children	Returned to workhouse	Adopted by nurse	Adopted by relatives and friends	Claimed by parents	Otherwise provided for	Died	Remaining out to nurse
Limerick, Clare, Tipperary	65	10	-	2	-	6	8	39
Tipperary, Kilkenny, Waterford	77	3	3	2	-	7	6	56
Kerry	95	7	13	-	10	6	9	50
Derry, Donegal	175	12	-	31	-	14	33	85
Dublin, Meath, Wicklow, Carlow, Wexford	1305	317	93	-	-	-	269	626
Armagh, Down	556	84	31	12	-	69	58	302
Galway, Roscommon, Mayo	22 ¹¹⁰	1	-	1	4	5	-	11
Cork	506	159	75	-	-	-	15	257
Sligo, Leitrim, Mayo	38	7	1	1	-	3	4	22
Westmeath, Cavan, Offaly, Meath, Longford, Monaghan	196	18	15	22	10	-	37	94

* These districts sometimes crossed county boundaries

As neither the reports of the Poor Law Commissioners, the census, nor the minute books of the western unions tell us how many orphan and deserted children there were in the workhouses, it is not possible to infer from the numbers of boarded out children what proportion of the total number they comprised. What is striking, however, is the large numbers sent out to families from the eastern, southern and northern unions compared with those of the west. As these unions contained the cities

¹⁰⁹ Report of Local Government Board, 1873, p.15

¹¹⁰ Of this number, 14 were deserted children that had been boarded out to relatives in the union of Strokestown. The parent of two of them returned from America, claimed them, but subsequently returned them to the house, being unable to maintain them. Ibid., p.61

of Dublin, Cork and Belfast, it is to be expected that there would be more children in their workhouses. The records for the unions of Loughrea and Galway do make occasional references to deserted children so we know that there were such children in the workhouses, but none were boarded out. In 1872, for example, a member of the visiting committee of the Galway union recommended that ‘The portion of the shed occupied by orphan and deserted children requires a small inner porch for protection from cold winds’.¹¹¹ For all of the campaigning advocating the advantages of rearing the children in homes, the figures indicate that the children of the west may have had more chance of survival inside the walls of the workhouse. Of the 1305 children sent out from the eastern unions, almost one in five died.

John Browne may have felt vindicated in his prediction that the ratepayer would be burdened with the cost of taking children out of a well-ordered workhouse to live in squalour when he heard of the reports of the inspector from Sligo. Not all children fared as badly, however. Of the 60 sent out from the Connacht unions, four, or 6%, died, a much lower proportion than in many other districts. While only three children were boarded out from the Gort workhouse, they were found by the inspector, Dr. Brodie, to be ‘...well housed, comfortably clothed, and presenting a clean and healthy appearance’.¹¹² Improved conditions for many people meant that more families could support a workhouse child, rather than using the child to relieve its own destitution.¹¹³ The decades after the Famine saw a sustained reduction of both the general and workhouse populations. In 1851, 4.3% of the population of Connacht was housed in state institutions for the destitute, the criminal and the sick poor, which equalled the national average and was second only to Munster. By 1871, Connacht had significantly fewer people in such institutions and, along with Ulster, had the lowest proportion of inmates of all the provinces.

¹¹¹ Galway minute book, February 10 1872

¹¹² Local Government Board report, 1873

¹¹³ Two notable exceptions which affected the western population were the crop failures of 1859-64 and 1879-81

Table 7
Inmates in public institutions on census night showing percentage of total population¹¹⁴

	Leinster	Munster	Ulster	Connacht
1851	63075 (3.8%)	145139 (7.8%)	27269 (1.4%)	43663 (4.3%)
1861	22929 (1.6%)	22771 (1.5%)	12727 (.7%)	6192 (.7%)
1871	25641 (1.9%)	23315 (1.7%)	14403 (.8%)	7056 (.8%)

While conditions generally improved in the west from the 1850s, periodic crises emerged. Committals of children to gaol for vagrancy and for workhouse crimes, to which the reformers of the 1850s had attributed the criminalisation of destitute children, had peaked in the years after the Famine, and declined as dramatically thereafter.¹¹⁵ The Vagrancy Act of 1847¹¹⁶ had resulted in the imprisonment of children as young as two for begging¹¹⁷ and thousands of children, particularly in Dublin, were sent to gaol. When giving evidence to the Select Committee in 1853, James Corry Connellan, the Inspector-General of Irish prisons, described how the Vagrant Act had impacted on the large numbers of destitute women and children who had flocked to Dublin. He was of the opinion that ‘...although mendicancy and vagrancy are both great social evils, yet we have rendered them infinitely worse by making them crimes’.¹¹⁸ Walter Berwick, a Cork magistrate, told the committee that it was a great injustice to commit children who begged to gaol.¹¹⁹ The only dissenting voice was that of Edward Senior, who believed that the constabulary should be more vigilant in arresting children so that they might ascertain the whereabouts of the parents.¹²⁰ While the numbers committed for

¹¹⁴ Census of Ireland, 1851, Part VI, 1856 [2134], p.xxi; Census, 1861, Part V, 1863 [3204-IV], xvi; Census, 1871, Part III, 1876 [C.1377], 206. In 1851 and 1861, the institutions comprised workhouses, gaols, and hospitals and sanitary institutions. In 1871, they also included public lunatic asylums, reformatories, orphan asylums, industrial schools and ‘Other principal institutions’.

¹¹⁵ Chapter 2, Table 3

¹¹⁶ 10 & 11 Vict. c.84

¹¹⁷ See, for example, the Town Gaol of Galway Register (National Archives) which lists Peggy Mealy, aged 2; Patt Conway, aged 3; and Mary Dowd, aged 3 as being imprisoned for the crime of ‘Asking alms’ on the December 18 1847

¹¹⁸ *Select Committee*, 1852-53, p.363

¹¹⁹ *Ibid.*, p.340

¹²⁰ *Ibid.*, p.388

vagrancy declined considerably,¹²¹ there is evidence to suggest that this was partly because enforcement of the legislation fell into abeyance, rather than because of a lack of vagrants. By 1863, a Guardian of the Roscommon union told a meeting that the country was ‘...literally crowded with beggars’ while the chairman said that ‘...in several country towns the Vagrant Act is enforced and you would never see a beggar on the streets’.¹²² The distress of the early 1860s in Galway is apparent from the gaol records, although though not on a large scale. While ten children, including two family groups which comprised half the total, were imprisoned for vagrancy between 1858 and 1861, eight children were sent to gaol as vagrants in 1863 alone.¹²³ No children were imprisoned for vagrancy in Sligo during the same period.¹²⁴ In a letter to a Galway newspaper in 1867, ‘A stranger’ wrote that he was afraid to visit the town because of the nuisance the beggars caused, and wrote that in Athenry, the problem had been suppressed by the police and magistracy.¹²⁵

Travellers who visited the west of Ireland from the 1850s occasionally encountered children who were begging,¹²⁶ but their accounts of their travels are more likely to describe children offering goods or services for sale. Around Leenane ‘swarms’ of children were following Bianconi’s cars offering hand-knitted socks for sale.¹²⁷ As he walked from Kinvara to Ballyvaughan in 1865 James Whitaker Barry met an ‘industrious boy’ who offered to sell him a lobster, even though the boy had a ready market in a nearby house. In Kylemore he watched a shoeless messenger boy carry letters and goods from there to Letterfrack and back.¹²⁸ While it is probable that children such as these were not all included in the census returns as having a ‘trade or occupation’ (see Chapter One), their labours would have helped support their families or themselves. The industrial schools legislation of 1868 would proscribe such activity by allowing for children under the age of fourteen ‘...found begging or receiving Alms (whether actually or under the Pretext of selling or offering for Sale anything)’ to be brought before the courts.¹²⁹ It is unlikely that poor, rural parents

¹²¹ Appendix two, Table 3

¹²² *Roscommon Journal*, October 17 1863

¹²³ Galway gaol register, 1858-1863

¹²⁴ Sligo gaol register, 1858-1863

¹²⁵ *The Galway Express*, April 13 1867

¹²⁶ See, for example, James Whitaker Barry, *A walking tour round Ireland in 1865* (London 1867), p.160

¹²⁷ Sir Francis Bond Head, *A fortnight in Ireland* (London 1852) pp168-169

¹²⁸ *A walking tour*, op.cit., pp 187, 127

¹²⁹ 31 Vict. c.25, Section 11

would have regarded their children's work as wrong or criminal, nor is it likely that they could have afforded to do so.

A young boy with '...laughing eyes' and a '...pleasing manner' who followed Sir Francis Bond Head up a mountain in Connemara persevered in trying to sell him a pair of socks. He told the traveller that his father had died in prison after being '...taken up for fishing'.¹³⁰ It is possible that the boy's father and his friends regarded activities such as poaching as legitimate rather than criminal. In 1864 fifteen-year-old John Kyne was sentenced to 14 days' imprisonment for illegal fishing in county Galway. A year later, Martin and John Gorham, both aged fourteen, served one month hard labour for poaching for fish. John Gorham had been imprisoned the previous year, along with another boy, for 'Wilful trespass by cutting seaweed', while a third boy was given a shorter sentence for stealing seaweed. Fourteen year-old Colman McDonagh was given the longest gaol sentence of any child from county Galway in 1864 for the crime of being involved in the manufacture of illicit malt.¹³¹ When James Whitaker Barry continued along the road from Kinvara in 1865 he came across two men who were very drunk. He asked a boy if the men had been drinking poteen at the fair in Ballyvaughan. The boy replied, with '...a knowing smile [that] there was none in the place, not a drop'. Whitaker Barry's response was to think '...you take me for a gauger, I see, my boy; no potheen in Ballyvaghan on market-day- a likely thing...!'¹³² Crimes such as these have been described as social crime which were '...tacitly condoned' by their communities¹³³ but many crimes such as poaching or stealing fruit may also have been merely opportunistic. The rural environment provided opportunities theft of food, fuel or fertiliser which may have been motivated by impetuosity, resourcefulness, vengeance on a local landlord or poverty.

In 1847 Chief Justice Wilde told a House of Lords committee that a discharged, destitute child's only option was 'Starvation or Crime'.¹³⁴ In Ireland in the middle of the nineteenth century, however, charities run by religious groups were beginning to provide relief to children, initially in urban areas. A Committee for

¹³⁰ *A fortnight in Ireland*, op. cit.

¹³¹ Register of male juveniles, 1864, '65

¹³² *A walking tour*, op.cit., p.188

¹³³ See Emsley, Clive, *Crime and society in England 1750-1900* (2005), p.5 et seq.

¹³⁴ Chief Justice Wilde's answers to the *Select Committee of the House of Lords appointed to inquire into the execution of the criminal law*, Second report, Appendix (534), p.77

Catholic Ragged Schools¹³⁵ was founded in Dublin and by their second year they claimed to be feeding 2,730 children at six schools. Protestant groups, including one run by the wife of Archbishop Whately, were feeding children and training them in schools like the Dublin Ragged School and Messenger Society.¹³⁶ In the west of Ireland, Protestant proselytising groups had begun to work with the poorest children since before the Famine. In Achill, Edward Nangle's Moravian-style settlement had been established in 1834. In 1838 he opened an orphanage there and in 1847 he claimed to be feeding 1,266 children twice a day.¹³⁷ By the end of the 1850s the Society for Irish Church Missions had established 46 mission stations in Galway and Mayo, most of which included schools, and a number of orphanages. In Clifden the Society founded an orphanage for boys at Ballyconree and one for girls at Glenowen. One of the Society's aims was to rescue children from the workhouses where, they believed, '...the people who managed the workhouses, being all Roman Catholics, there was no possibility of doing good'.¹³⁸ When Paul Cullen, as Archbishop of Dublin, had given evidence to the Select Committee on Poor Relief in 1861, he expressed the opinion that most workhouses had only Protestant staff.¹³⁹

Although Catholic charities which worked with poor children in the west were not new,¹⁴⁰ a growing number of Catholic religious orders became increasingly involved with poor children in the region after mid-century. Supported by Paul Cullen, these women and men began to establish themselves in the areas where the Protestant groups had been working with the poor. In 1852 the Catholic Defence Association was founded in Dublin to co-ordinate a response. Its secretary was H.W. (Henry) Wilberforce, son of the abolitionist and a Catholic convert. He moved to

¹³⁵ Described by the *Irish Quarterly Review* as schools for children who were '...too poor or too vicious to be received into an ordinary school', one of the most famous and earliest of such schools was that founded by Sheriff Watson in Aberdeen in 1841. A local Police Act had given the Aberdeen police the power to bring any child found begging to a soup kitchen where they were taught and fed. The children were fed only after they had attended school for the morning. (*IQR*, 1854, Vol.IV, No.,XIV, p.375, and No. XIII, pp63-64)

¹³⁶ Anon., 'Reformatory and Ragged Schools', *Irish Quarterly Review*, 1854, Vol.IV, No.XIV, p.387

¹³⁷ Desmond Bowen, *Soupersim: Myth or reality? A study in soupersim* (Cork 1970), and Mealla Ni Ghiobuin, *Dugort, Achill Island, 1831-1861: A study in the rise and fall of a missionary community*, (Dublin 2001), 24

¹³⁸ *Records of the Connemara Orphans' Nursery*, (Glasgow 1877), p.12

¹³⁹ Select Committee, 1861, p.184

¹⁴⁰ In 1815 the Presentation sisters were running a poor school in Kirwan's Lane in Galway and feeding the children stirabout and treacle (Cryan, 'The Sisters of Mercy in Connacht 1840-1870', p.40). In the 1820s the Galway Patrician Brothers were running a 'Breakfast Institution' (Irene Whelan, *The bible war in Ireland: The 'second reformation' and the polarisation of Protestant-Catholic relations, 1800-1840* [Dublin 2005], p.65)

Connemara and conducted a vigorous campaign against the I.C.M.¹⁴¹ The Presentation sisters had a presence in some of the larger towns of the west where they had been working with the poor. In 1851 the women religious of the Presentation order were appealing for funds so that they could provide a daily meal for 400 of the 600 children attending their Ragged School in Galway.¹⁴² By the early 1860s they were providing training in trades to 300 female children in Tuam and giving clothes to the more destitute. The arrival of the women of the Sisters of Mercy in Galway in 1840 marked the beginning of an eighteen-year period in which convents of that order were founded in sixteen Connacht towns.¹⁴³ In Sligo, Westport, Gort and Clifden they opened poor schools and orphanages.¹⁴⁴ The Clifden orphanage, situated as it was in a town where the Protestant mission schools and orphanages were well established, became involved in intense rivalry with the proselytisers. In 1853 the Catholic priest in Clifden had formed the Committee of Clifden Catholic Poor Schools and

The priests, aided by the nuns, tried to entice the Catholic children away from the Protestant schools, and special efforts were made to bring the Catholic orphans to the convent orphanage... there were disagreeable scenes¹⁴⁵

While fewer in number, male Catholic orders were also working with the poor boys. The Patrician brothers were providing food for 180 boys at their Breakfast Institute in Galway in the 1850s and, by 1872, were also fundraising to provide clothing.¹⁴⁶ The Marist Brothers had an orphanage in Sligo, and in the diocese of Tuam there were eleven communities of the Third Order of St. Francis in each of which two or three brothers devoted themselves to the education of poor boys.¹⁴⁷ The Archbishop of Tuam, John MacHale, had excluded national schools from his large diocese, which covered most of the areas of Galway and Mayo where the Protestant missions had been most active. In the town of Tuam poor children had been educated by the Presentation sisters since 1835, so when the Mercy order arrived there they did not open schools but sought other areas in which to work. They visited the workhouse

¹⁴¹ Bowen, *Souperism*, pp140-142

¹⁴² *The Galway Vindicator and Connaught Advertiser*, March 8 1851

¹⁴³ Cryan, *Sisters of Mercy*

¹⁴⁴ *Ibid.*, and *Records of the Connemara Nursery*, p.56

¹⁴⁵ Cryan, *op. cit.* p.149

¹⁴⁶ *Galway Vindicator*, January 8 1859 and December 1872

¹⁴⁷ V. Rev. Canon Keogh, P.P., *Battersby's Catholic Directory, almanac and registry* (Dublin 1864), pp169-208

and two sisters from the convent went there to provide instruction from nine o'clock until four every day from 1849. In Sligo and Westport the Mercy nuns were also visiting the workhouse and in Loughrea they were teaching needlework to the young female inmates who they '...rescued from such wretched asylums'.¹⁴⁸ In Ballina, Castlebar and Ballinalsoe, however, the Guardians objected to the sisters providing instruction in the house, and many Boards of Guardians in the west became divided along denominational lines, with some Protestant members objecting. In 1857 the Protestant Galway newspaper the *Galway Express* expressed its thanks to Lords Clancarty and Clonbrock for blocking an attempt to bring the Sisters of Charity into the Ballinasloe workhouse and accused Rome of trying to '...get control of the pauper population by her female missionaries'. The Ballinasloe Board of Guardians was divided.¹⁴⁹ In 1860 the Tuam nuns were asked to stop visiting the workhouse after a majority of the Guardians voted to have them excluded.¹⁵⁰

Shortly after their arrival in Sligo, the sisters began visiting the gaol there and, in 1858, they were invited to visit the prisoners in the Galway gaols.¹⁵¹ There was, at the time, much debate, both internationally and in Ireland, about the treatment of children in gaols, and the appropriateness of the existing carceral systems for children. In Ireland, in the 1850s, a child could be incarcerated in a bridewell in their local town or village overseen by a keeper who was frequently absent, a county gaol in the nearest large town or city with a staff of twenty or thirty, or a government prison which was far away from their home and run with military precision. Some children's path through the system would find them spending time in each of these layers, and, in all, they were likely to be in varying degrees of contact with older offenders.

Every Irish town where petty sessions courts were held had its own bridewell, or lock-up. They were used for holding drunks and those awaiting trial or transfer to a larger gaol. With the exception of drunkards, it was illegal for a magistrate to sentence a prisoner to imprisonment in a bridewell for a definite period.¹⁵² All prisons, including the bridewells, were subject to a system of inspection. A local inspector or a local magistrate could visit at any time, and one of two government-appointed inspectors-general of prisons visited and reported annually. They were frequently

¹⁴⁸ *Galway Vindicator*, January 7 1854

¹⁴⁹ *Galway Express*, October 24 1857

¹⁵⁰ Cryan, op. cit. pp70, 84, 97, 132, 137, 139, 161

¹⁵¹ *Ibid.*, p.160

¹⁵² Report of the inspectors-general of prisons, 1854-55 (1854), [1956], Appendix, p.140

critical of both the physical condition and administration of the bridewells. When the inspector visited the Portumna bridewell in 1855 he found a dog in one cell and a goat in the day-room. In Tuam, he found the keeper absent. He had been arrested, sent to gaol for debt and had not told anyone in authority that he would be unavailable.¹⁵³ The longest that any prisoner should have expected to spend in one of these buildings, however, was two weeks, since petty sessions were usually held weekly or fortnightly.¹⁵⁴ Once sentenced, or while awaiting trial at the higher courts, most prisoners, whether adult or children, were sent to the county gaol, or the county of the town gaol.

In the early 1850s there were 42 such gaols in the country, with each county having its own and larger towns having two. The years during and immediately after the Famine saw these gaols filled beyond capacity. Galway county gaol, which was built for 100 prisoners, held 929 when the inspector visited in 1848. After the passing of the Vagrant Act those committed for 'Asking alms' swelled the prison population, many of them bringing disease with them. Some chose to be there

A great number of boys, in most instances under 12 years of age... have this year found their way into the prisons, being committed for various petty larcenies- some for stealing food under pressure of distress, but the greater number for having committed offences in the workhouses for the purpose of being transferred to the prisons, wherein the dietary is better

The remedy suggested by the prison inspectors was to '*...whip such juvenile offenders, and send them back to the workhouse... but in no case to commit them to prison*' where '*... they must, from association with old offenders, become confirmed thieves, and be in every way corrupted*'.¹⁵⁵ The contamination of young prisoners by older and hardened criminals in gaol became a recurring theme in debates on prison reform for many years to come. In a charge to the Grand Jury, Serjeant Berwick, the Cork magistrate who had been a witness at the Select Committee of 1852, described the course of a criminal career from his personal experience on the bench

¹⁵³ Inspectors-general report, 1855 (1856) [2113], pp202 and 204 The General Prisons Board took over their administration in 1877, at which time there were 95 bridewells. Within a year they closed 52. (Second report of the General Prisons Board, Ireland, 1879-80 (1880), p.1)

¹⁵⁴ There were exceptions. When the inspector visited Belmullet bridewell in 1853 he found that two female prisoners had been detained for 50 days for breaking windows in the poor-house. (Inspectors-general report 1854 (1853) [1803], p.103)

¹⁵⁵ Inspectors-general report 1847-48 (1847), p.8

I have followed the tract of the child from the first month of his confinement in gaol, for that which can hardly be called a crime, if it be so at all, but which the law designates as such- for vagrancy, or in plain English, for begging- I have followed the career of that child from that month's imprisonment for begging, and from the training received in gaol- I have seen him become a pickpocket, a thief, and a burglar, and at last so hardened and depraved, that he was placed beyond the human power of salvation¹⁵⁶

Some children may not have regarded association with older prisoners with the same degree of abhorrence as the prison officials. When the inspector visited Galway county gaol in 1854, he found '...78 males in custody, of whom no less than 28 were boys, 14 having been committed for workhouse offences. These were undergoing their sentences in unrestricted association, which, evidently, they did not regard in the light of a severe punishment'.¹⁵⁷ The almost universally accepted solution to the issue of 'contamination' was the separation of children from other prisoners. At its most basic level, and one of the earliest interventions which identified children as a separate group in the system, this involved the classification of prisoners on entry to gaol. Within the Irish penal system children were singled out as being a separate group requiring different treatment from the late 18th century. While the prison reforms which began in 1763 initially only proposed the segregation of the insane and women within prison, John Howard and Jeremiah Fitzpatrick began to focus public attention on the plight of criminal children in Ireland from the 1780s. Fitzpatrick took over St. James Street bridewell in Dublin in 1790 and converted it into a penitentiary where boys were given training and apprenticed. Smithfield penitentiary opened in 1801. It was, originally, exclusively for boys under 15, but some girls were also sent there. They received training in tailoring, shoe- and comb-making and weaving.¹⁵⁸ In 1819 the local inspector who visited the New City bridewell stated his intention to establish a school for boys.¹⁵⁹ In 1823 the inspectors of prisons directed that all males under 14 years be sent to Smithfield.¹⁶⁰ While the reports on Smithfield became increasingly critical and conditions appear to have

¹⁵⁶ 'Extract from the charge of Serjeant Berwick, to the Grand Jury at the opening of the last Michaelmas Quarter Sessions, holden in Cork', *Irish Quarterly Review*, 1858, January, Appendix, ix

¹⁵⁷ Inspectors-general report 1854-55 [1956], p.136

¹⁵⁸ See Oliver MacDonagh, *The inspector general: Sir Jeremiah Fitzpatrick and the politics of social reform, 1783-1802* (London 1981), pp43 and 138-141, and Robins, *Lost children*, pp108-112

¹⁵⁹ Report of inspectors-general 1819, (53), p.9

¹⁶⁰ *Ibid.*, 1823 (1822), (342)

deteriorated,¹⁶¹ the inspectors periodically mention the need for separation of children from other prisoners in the provincial gaols. When legislation was enacted in 1840 to facilitate the extension of the separate system to Irish prisons,¹⁶² the inspectors directed that, in a gaol where there were not sufficient cells to allow separation of all prisoners ‘...the first class to be selected is that of juvenile offenders’ to provide these children with ‘...a refuge to the mind not wholly corrupted, and a protection from an intercourse not more dangerous to the young offender than painful to moral feeling’.¹⁶³

While segregation of prisoners became largely unworkable during the overcrowded Famine years, there was still some effort at classification by character. As with the workhouses, prostitutes were usually separated from other women and girls.¹⁶⁴ The gaols of Mayo and Roscommon had managed to separate children from other prisoners by 1849, the latter by allocating a shed for their containment.¹⁶⁵ Galway county gaol in 1852, on the other hand, was described as a ‘...school of contamination and corruption’ where procuresses committed petty crime to enable them to recruit young prostitutes from within the gaol.¹⁶⁶ The inspectors continued, in vain, to press for the introduction of the separate system to Connacht gaols throughout the 1850s. For it to be enforced according to the legislation cells were required to have sufficient space, light, heat, ventilation and fittings to allow prisoners to be confined within them for most of their days and it is probable that the Boards of Superintendence did not have the will or the resources to make these provisions. In England and France, meanwhile, the tide was turning against the separate system, particularly with regard to children.¹⁶⁷ While its advocates were keen to differentiate between it and solitary confinement, the solitude which was supposed to facilitate

¹⁶¹ In 1826 the inspectors reported that the boys were without shoes and proper schooling, and appeared ‘...uncouth and discontented’. Ibid., 1826 (173), p.17

¹⁶² 3 & 4 Victoriae, c.43, p.44

¹⁶³ Report of inspectors-general 1841 [299], p.5

¹⁶⁴ The Galway Board of Guardians referred to the ‘prostitutes’ ward’ at one of their meetings in 1865 but it was more commonly called the separation ward. (*The Galway Express*, April 22 1865).

¹⁶⁵ Report of inspectors-general, 1850, [1229], pp57 and 62

¹⁶⁶ Report of inspectors-general 1852-53 [1657],172. In 1863 Catherine Beirne was initially refused admission to the Roscommon workhouse because she had attempted to seduce young girls into prostitution. The Poor Law Commissioners advised the Guardians to put her in the separation ward. After some weeks there she told them she would ‘not stop’ in it as it was a ‘...quere place to put me’. (*Roscommon journal*, October 17, November 7 and 28 1863)

¹⁶⁷ Henriques, U. R. Q., ‘Rise and decline of the separate system of prison discipline’, *Past and Present*, No. 54, 1972, pp84 et seq., and Patricia O’Brien, *The promise of punishment: Prisons in nineteenth-century France* (Princeton 1982), chapter four

reflection and reformation had instead caused mental illness amongst prisoners.¹⁶⁸ The crank machine, which could be set up in a cell and thereby allow the prisoner to work while in separation, gave rise to cases of grave cruelty in English prisons. The suicide of a 15-year-old boy in Birmingham gaol in 1853, and the public outcry which followed revelations of the cycle of punitive labour on the crank and torture which he and other children endured, gave rise to a government commission of inquiry.¹⁶⁹

Efforts were made to provide training in trades for children while in gaol. In 1850, when one quarter of all petty larceny in Dublin was estimated to have been committed by children, the inspectors of prisons recommended that ‘...a combination of industrial training with a sound elementary education’ was needed to avert the corruption of children and to make ‘...orderly and self-supporting members of the community’.¹⁷⁰ James Corry Connellan, the Irish inspector-general of prisons, told the Select Committee of 1853 that trained artisans were rarely found in gaols,¹⁷¹ but some gaols tried to introduce training. In the Donegal, Dublin county, Fermanagh, Sligo and Galway county gaols in 1853 shoemaker turnkeys were teaching the boys their trade and some were considered sufficiently trained to make a living on their discharge.¹⁷² In the Connacht gaols, shoe- and clog-making, tailoring, weaving, brush-making and carpentry were engaged in by the male inmates of all ages. The females worked at carding, spinning, sewing and knitting. The line between punitive labour, industrial labour and training was sometimes blurred as most prisoners were expected to engage in ‘prison duties’ which contributed to the upkeep and day-to-day running of the gaols, and sometimes in work which was profit-making, but there were also some efforts to provide employment that was appropriate. When the inspector visited Sligo gaol in 1864 he found ‘... a tailor and shoe-maker...at work on their trades; others according to their capabilities; those from the sea-coast at net-making’ and ‘...the remainder employed at making mats, crushing bones, stone breaking, and oakum picking’.¹⁷³ Turnkeys who were ‘handicraftsmen’ were considered an asset as they

¹⁶⁸ Thomas Clarke described the insanity of his fellow prisoners and the ‘...maddening silence, sitting hopeless, friendless, and alone’ of his time in Millbank prison. (*Glimpses of an Irish felon’s prison life* [Reprinted Dublin 1922])

¹⁶⁹ See Jeannie Duckworth, *Fagin’s children: Criminal children in Victorian England* (London 2002), pp70-71

¹⁷⁰ Inspectors-general report 1851 (1850) [1364], ppix-xx

¹⁷¹ *Select Committee*, 1853, p.384

¹⁷² Inspectors-general report 1854 [1803], pp16-19 and 147

¹⁷³ Inspectors-general report, 1865, p.240

could instruct and supervise the prisoners' work, as well as carrying out their other duties.

The short sentences served by the majority of prisoners, and the small numbers who attended the gaol schools, made any meaningful attempts at a literary education virtually impossible, however. The schooling provided within the gaols varied greatly from one gaol to another. In the county Galway gaol in 1854 the hard labour class was scheduled for schooling from 7.30 to 8.45 in the morning, the convict class from 10.30 to 12.30, and the untried class, or those awaiting trial, from 1.30 to 2.45. In the town gaol, the males were schooled from 11 to 4 by a trained master, but the females received no instruction.¹⁷⁴ In Mayo county gaol, only the juveniles and females were instructed for an hour a day by one of the turnkeys,¹⁷⁵ and in Roscommon there was a schoolmaster employed but his pupils were making '...little progress'.¹⁷⁶ Sligo male school was one of the best the inspector had seen and the registry showed that '...considerable advancement, particularly among the juveniles' was being made.¹⁷⁷ By 1864 the females in the Leitrim, town of Galway and county of Galway gaols were receiving no instruction, and the average daily attendance at school of the females in Mayo was 1.7.¹⁷⁸ In Leitrim, the inspector found a little boy in the gaol hospital who was '...so ignorant that he does not know the alphabet'.¹⁷⁹ By 1874, no schooling was taking place in the Galway county and town gaol¹⁸⁰ and the Sisters of Mercy had undertaken the 'moral and religious' instruction of the inmates in Mayo.¹⁸¹

Prisoners serving sentences of hard labour, including children, were set to work at various tasks, both productive and unproductive. Punitive labour for men included the treadmill, shot drill and the crank machine. Sometimes this labour was productive, such as when the treadmill pumped water in the prison. This was the case in some Connacht gaols. In many gaols, however, the work was unproductive and deliberately irksome. Shot drill involved the lifting and moving of heavy shot and the Irish inspector-general of prisons claimed that it was particularly effective as a

¹⁷⁴ Inspectors-general report, 1854-55, p.137-138

¹⁷⁵ Ibid., p.85

¹⁷⁶ Ibid., p.96

¹⁷⁷ Ibid., p.99

¹⁷⁸ Inspectors-general report, 1865, pp140, 193, 229,308 and 319

¹⁷⁹ Ibid., p.138

¹⁸⁰ The two former gaols had amalgamated

¹⁸¹ Inspectors-general report, pp207 and 332

deterrent to juveniles, and to juvenile workhouse offenders in particular.¹⁸² The crank machine contained a drum, filled with sand or water to give weight. The prisoner had to turn a handle on the drum for hours at a time.¹⁸³ Women were usually exempted from this type of labour. In 1852 the inspectors of prisons recommended the crank machine and shot drill to reinforce the punitive principle of prison life.¹⁸⁴ Most prisoners in Connacht gaols, however, worked at the general upkeep of the prison. Women and girls sewed, mended, baked, cleaned, nursed sick prisoners, and washed clothes and bedding. For some reformers this type of labour made prison life too attractive

There should be no tea and sugar, - no assemblage of female felons round the washing-tub,- nothing but beating hemp, and pulling oakum, and pounding bricks,- no work but what was tedious, unusual, and unfeminine¹⁸⁵

Children who were under sentence of transportation¹⁸⁶ or serving long sentences for serious crimes in Ireland in the mid-century were incarcerated in one of eight convict prisons. These prisons formed the third tier in the penal structure of the country and were administered directly by the government. In 1852 there were 109 children, of whom only nine were female, in these prisons.¹⁸⁷ They included Ireland's new model prison, Mountjoy, which initially operated on the separate system. Three separate sites were proposed for the establishment of juvenile convict prisons in the 1850s, at the Curragh of Kildare, Castlereagh House in Mayo and Lusk in county Dublin.¹⁸⁸ Transportation, or '...swamping the new world with the refuse of the old one',¹⁸⁹ was being replaced with penal servitude, which obliged the government to find a system for both adults and children who might previously have been sent to the

¹⁸² *Select Committee*, 1852-53, p.366

¹⁸³ Prison officers could tighten a screw on the machine to make it harder to turn the handle. This is thought to have given rise to the word 'screw' as prison slang for the officers

¹⁸⁴ Inspectors-general report 1852 [1531], p.22

¹⁸⁵ Rev. Sydney Smith, cited in Henriques, *op. cit.*, p.71

¹⁸⁶ Children were sentenced to transportation in the same way as adults. While some judges were reluctant to send children to the penal colonies, other had no such qualms. In 1848 twelve-year-old Margaret Hickey who was nearly blind was sentenced to seven years transportation in Nenagh. Her mother's petition to the Lord Lieutenant was refused. (Prisoners' Petition, National Archives). The Judge who sentenced her told the 1847 Select Committee on Juvenile Crime and Transportation that he was in favour of the retention of transportation as it was '...dreaded by those especially who have Ties of Family'. (Baron Pennefather's Answers, p.156)

¹⁸⁷ Report of inspectors-general, 1852-53, p.34

¹⁸⁸ Tim Carey, *Mountjoy: The story of a prison* (Cork 2000), pp63 and 76. None of these was built

¹⁸⁹ 'The management of our criminal population', *Edinburgh Review*, October 1854, p.578

penal colonies of Australia or to Bermuda. In these convict prisons too, even in the newly opened Mountjoy, there was criticism of the treatment of children. The chaplain of Spike Island, where most of them were housed, told the inspector who visited in 1852 that ‘...the constitutions of some of the young boys had been seriously affected, mentally and physically, by their confinement, and the discipline here: I... strongly recommend that more latitude be allowed to the juvenile classes for exercise and hilarity’. The chaplain of Mountjoy told the inspector that ‘...a milder form of coercion’ was better suited to young inmates.¹⁹⁰

By the late 1850s both the nature and extent of juvenile crime in Ireland had changed considerably. The parentless or abandoned child no longer characterised the typical child found in gaols, and children who had both parents living, followed by children without fathers, were the most likely to be found in gaol.¹⁹¹ In 1859 there were 1,635 committals of children to gaol in Ireland, compared with 10,786 only five years earlier.¹⁹² Of these, 857 were sent to the urban gaols of Belfast, Dublin and Cork.¹⁹³ Vagrant and workhouse children were also becoming much less likely to be found in gaol and the chronic destitution of the post-Famine years was abating. Of the 149 committals of children to the gaols of Galway and Sligo in the four years from 1858 to 1861, only 16 were for thefts of food. A further 51 were for thefts of clothing, money and objects such as animals, seaweed, buckets, hammers and silverware, crimes which may or may not be associated with destitution.¹⁹⁴ James Kavanagh made his assertion that workhouses made criminals of children in 1854. In that year 1052 children were imprisoned in Ireland for workhouses offences and 4074 as vagrants. These two categories comprised 48% of all convicted children in the country for that year. The Connacht figures for that year tell a different story, where only 21% of imprisoned children were workhouse offenders and vagrants.¹⁹⁵ In the post-Famine years, destitute children migrated to the large cities and towns in search of subsistence. When the inspector visited the Galway county and Sligo gaols in 1859 there was only one juvenile prisoner being held in each on the day of his visit, a pattern which would continue.¹⁹⁶ While Connacht had consistently lower rates of

¹⁹⁰ Report of inspector-generals, 1852-53, pp32 and 57

¹⁹¹ See Appendix 2, Table 19

¹⁹² See Table 1, Chapter 2

¹⁹³ Report of the inspectors-general, 1860 [1859], p.83

¹⁹⁴ Galway and Sligo gaol registers, 1858 to 1861

¹⁹⁵ See Appendix 2, Table 17

¹⁹⁶ Report of the inspectors-general, 1860, pp202 and 246

committals of juveniles to gaol than for the country as a whole for most of the 1850s and 1860s, the contrast becomes more striking when a rural gaol in the province is compared with Dublin. In 1863 the inspector of prisons wrote that ‘There is not much juvenile crime in the county Galway’.¹⁹⁷ In 1864 there were no juveniles in custody in the county Galway gaol on the day of the inspector’s visit, and only thirteen had been committed in that year. When the inspector visited the Dublin city gaols of Grangegorman and Richmond bridewell he found that there had been 329 committals of children in the year.¹⁹⁸ Both the city of Dublin and county of Galway had the same population at the time,¹⁹⁹ yet the former had sent twenty-five times as many children to gaol. The nature, as well as the amount, of crime varied between the urban and rural districts. Of the 35 children who were entered in the Galway Register of Male Juveniles for 1864 and ’65, only 5.7%, were convicted of larceny,²⁰⁰ compared with 28.2% of the 99 children entered in the Grangegorman Juvenile Register for the same period.²⁰¹ Opportunities for theft were greater in cities where crowds, shops and houses provided access a much wider range of valuable items.²⁰² The inspectors also noted that the Dublin children were more likely to be recidivist. In his evidence to the Select Committee in 1853 the English prison chaplain Rev. Carter told the Committee that the Dublin boys in English prisons ‘...very precocious...sharp clever lads’, while the ‘...intellectual powers’ of the boys from the west of Ireland were ‘...very slightly developed’.²⁰³

In Ireland’s large cities, meanwhile, criticism of the treatment of children within the penal system was emerging. In Richmond bridewell, where vagrant children from all over Ireland continued to accumulate in the 1850s, four-fifths of

¹⁹⁷ Forty-second report of the inspectors, 1864 [3377], p.241

¹⁹⁸ Forty-third report of the inspectors-general, pp 444, 455

¹⁹⁹ The population of county Galway was 254,511 and of Dublin city was 254,808 in 1861. (Census of Ireland, General report, Table II)

²⁰⁰ The Larceny Act of 1861 (24 & 25 Vict. c.96) consolidated previous legislation regarding the crime of larceny and assimilated the Irish and British laws. It set out terms of penal servitude for repeat offenders

²⁰¹ Forty-third report of the inspectors, pp 305 and 455

²⁰² Other studies have shown that property crime was more prevalent in urban environments. See, for example, David Cohen and Eric A. Johnson, ‘French criminality: Urban-rural differences in the nineteenth century’, *Journal of inter-disciplinary history*, 1982, Vol.12, No. 3. John Stack found that proportionately more children were sent to gaol from the urbanised counties of England and Wales in the 1856-1875 period (*History of education*, 1994, Vol.23, no.1), while Peter King’s study of indictable crime in the early 19th century England showed that the urban/rural contrast waxed and waned in the 1820s (*Past & present*, 1998, Vol.160, no.1)

²⁰³ *Select Committee*, 1853, p.126 et seq.

punishments were carried out on child inmates.²⁰⁴ Their teacher, Richard Hamill, criticised the governor for these harsh punishments.²⁰⁵ When giving evidence to the Select Committee in 1853, Walter Berwick described how he had

frequently tried children for very serious offences, who were so small, that the turnkey in the dock has been obliged to hold them up, in order that I might see them; and in no case of that kind have I not found that the child was brought to that state of crime by committal for a month for begging to the society of experienced juvenile offenders among whom he was placed²⁰⁶

While praising the separate system, the *Irish Quarterly Review* called the majority of Irish prisons ‘...seminaries of vice, the plotting places of crime, whilst our criminal law is little less than legislative vengeance’.²⁰⁷ William Harvey Pim told the Dublin Statistical Society that treating juvenile criminals in the same way as adults was ‘...cruel and unjust’.²⁰⁸ England’s Parkhurst, which had been established as a government prison for juveniles under sentence of transportation in 1838, was considered by some reformers, in particular Mary Carpenter, to be a retrograde, rather than a progressive, step in the treatment of children.²⁰⁹

Committals of children to gaol in Connacht in the decades after the Famine were relatively low, despite the high levels of poverty which were perceived to exist in the province at the time. Many of the poorest people of the province migrated to larger towns and cities after the Famine, and many more emigrated. For the poor who remained in the province, making ends meet frequently involved what welfare historians have termed ‘an economy of makeshifts’.²¹⁰ Children formed an important part of a poor family’s strategy for survival, and in one case that we saw from county Roscommon, the earnings of the children were expected by at least one local taxpayer

²⁰⁴ Report of inspectors-general 1856 [2113], p.21

²⁰⁵ *Ibid.*, 1852, p.48

²⁰⁶ *Select Committee*, 1852-53, p.342

²⁰⁷ *Irish Quarterly Review*, January 1854, p.4

²⁰⁸ ‘On the importance of reformatory establishments for juvenile delinquents’, *Transactions of the Dublin Statistical Society* 1854, Vol.III, p.3

²⁰⁹ For more on the history of Parkhurst, see Radzinowicz and Hood’s *History of English criminal law*, Chapter 6. Julius Carlebach’s description of the role of Mary Carpenter in the closure of Parkhurst is dealt with in *Caring for children in trouble* (London 1970), Chapter 4

²¹⁰ The phrase was first used by Olwen Hufton in a history of the French poor in *The poor of eighteenth-century France 1750-1789* (Oxford 1974). *The poor in England, 1700-1850* looks at similar strategies used by the English poor (eds. Steven King and Alannah Tomkins [Manchester 2003])

to support their entire family. Where a living could not be made the father could emigrate and the remaining family members might enter the workhouse until the father returned or until they were able to emigrate themselves. The schools inspector for one Mayo district acknowledged that children were kept at home to help in the house and on the land while their parents were working in England. It was, he wrote, the greatest impediment to their education, but he saw no solution ‘...so long as the people continue to be as poor as they are’.²¹¹ Financial considerations meant that welfare organisations in the west such as Boards of Guardians were more likely to take the least expensive option, and, although pauper children in Connacht were less likely to be boarded out, they were also less likely to die either in or out of the workhouse. Children’s labour, both in the community and in the poor law system, was valued. In the case of Timothy Higgins, he was praised, rather than prosecuted, by the courts because he was seen to be looking for work. For rural children the opportunities for theft or disposal of valuable items were fewer, but children in the countryside had access to fresh air, water and food which could be foraged, cultivated or stolen. They also may have had access to both the support and the disapprobation of their communities. By poaching or hunting game they would have risked being brought in front of the local magistrate. In the rural west of Ireland, this person was also quite likely to be a local landlord. The following chapter will look at the laws which affected the treatment of criminal children in the mid-nineteenth century, and at the people in their communities who enforced them.

²¹¹ Thirty-first report of the Commissioners of National Education, 1865 [3496] [3496-1], p.243

Chapter four- The rule of law and the courts, 1854-1870

In the four years from 1858 to 1861 seven children were sent to gaol in the town of Galway for playing ball in the streets. A further ten were sentenced for throwing stones, two for gambling on the streets, and one for obstructing a passage.¹ In the same period, no children were sent to gaol for any of these crimes in Sligo.² The Galway police and courts may have felt it their duty to protect society from what they perceived to be a public nuisance, or they may, in the words of the father of one boy who was prosecuted for such a crime, have had ‘little to do’.³ Laws and the way in which they were administered in the nineteenth century could result in very different outcomes for children, depending on time, place and the person who was enforcing the law. A number of legislative enactments was passed in the nineteenth century which, for the first time, dealt specifically with children as a distinct group within the criminal justice system. It has been asserted by Susan Magarey that some nineteenth-century reforms in England led to juvenile delinquency being “‘legislated into existence’”.⁴ This chapter will examine children’s experience of the criminal justice system in Ireland and Connacht in the mid-nineteenth century and at how legislative reforms affected their treatment.

A child’s first contact, and perhaps the most important, with the system of criminal justice, was usually with the police.⁵ Ireland was a well-policed country in the middle of the nineteenth century. When Frederic Engels visited Ireland in 1857 he claimed that he had ‘...never seen so many *gendarmes* in any country’.⁶ At mid-century, there were over 12,500 policemen in Ireland, and approximately 1,000 Revenue police. There were 1,590 police stations, usually with eight men posted to each station. The force was predominately Catholic, although a disproportionate

¹ Galway gaol register, 1858 to 1861

² Sligo gaol register, 1858 to 1861

³ *Galway Vindicator*, March 20 1867

⁴ ‘The invention of juvenile delinquency in early nineteenth-century England’, *Labour history*, 1978, Vol.34, pp11-27

⁵ There were exceptions, particularly with regard to workhouse crimes. In February 1852 the night watchman in Galway detected two boys, William Michell and Walter Gibbons, in possession of two pairs of shoes. The master of the Galway workhouse identified the shoes as being union property and the boys were remanded ‘for further examination’. (Minute book of the Galway Board of Guardians, Week ending 21 February, 1852). Children who offended in the workhouse were prosecuted by the union

⁶ Cited in Elizabeth Malcolm, *The Irish Policeman, 1822-1922: A life* (Dublin 2006), p.29

number of Protestants occupied the higher ranks.⁷ Only unmarried men were enlisted and the lower ranks were lowly paid.⁸ Constables and sub-constables were not posted to their own localities or to those in which they had relatives or friends.⁹ By 1871 Westmeath and Tipperary were the most heavily policed counties in Ireland per head of population, with 4-5 policemen per 1000 of the population of each district. The Connaught districts had 2-3 policemen for the same cohort.¹⁰

The police could apprehend suspected criminals on a complaint from a member of the public or on their own suspicion. When, in 1854, a Tuam man complained that young boys were causing a nuisance near his house, sub-constable Brandon brought young Dan O’Flanagan and his friends to the local petty sessions court where he appeared as the complainant and gave evidence that he had seen them playing pitch-and-toss on the Sabbath in the vicinity of the man’s house. The boys were fined, or, in default of payment, sentenced to imprisonment.¹¹ In the same year, acting-constable Halloran arrested a fourteen-year-old-boy in the street in Galway ‘...under suspicious circumstances’. Halloran brought the boy to the barracks where he was searched and £130 was found concealed in his clothing.¹² Fifteen-year-old James Flatley was arrested and imprisoned in Sligo for ‘Having a coat which he could not satisfactorily account for’.¹³ The constable who arrested him may have known him from the streets of the town and made the assumption that he did not have the means to purchase such a coat. The sheer numbers of policemen in Ireland at the time meant that they had the opportunity to get to know their district and its inhabitants well. From his arrest in Galway in 1858 at the age of twelve for drunkenness, Martin Holland would have been well known to the police who arrested him a further nine times in the succeeding four years for crimes ranging from vagrancy to larceny.¹⁴ As well as the apprehension of criminals, the duties of a policeman included the escorting of prisoners to and from court. The escape of such prisoners meant dismissal. At

⁷ Bond Head, *Fortnight in Ireland*, pp42, 43 and 128

⁸ In 1859 three policemen from the same Roscommon station resigned because of low pay. Their intention was to emigrate and the *Galway Vindicator* expressed the wish that the government would raise the pay of the force ‘...if not the best men of a valuable establishment will shortly be compelled to abandon it’. (January 26 1859)

⁹ Bond Head, p.44

¹⁰ Census of Ireland, 1871, General report, p.28

¹¹ *Galway Vindicator*, March 29 1854

¹² *Ibid.*, January 28 1854. The amount which the young boy had concealed was approximately four times constable Halloran’s annual salary. (See Donal J. O’Sullivan, *The Irish constabularies, 1822-1922* [Kerry 1999], p.63)

¹³ Sligo gaol register, 1860

¹⁴ Galway gaol register, 1858-1861

court, the constable could be either prosecutor or witness. In performing their duties in court, they were instructed to ‘...give their testimony in a manly, straightforward manner, without caring or appearing to care about the effects of it’. Prevarication or perceived vindictiveness in giving evidence would also lead to their dismissal.¹⁵

Regulation 173 of the constabulary rules and regulations stated that ‘All official authorities are to be treated with marked attention and respect by every member of the force; and head and other constables are never to pass any of the Queen’s judges of Assize... magistrates... or officers of the force, without saluting them’.¹⁶ There is evidence to suggest, however, that not all policemen took the rulebook seriously, and distance from Dublin in the remote west may have facilitated a more relaxed attitude. When young Constable Samuel Waters took up his first posting in Grange, county Sligo, in 1866, he suggested to his Head Constable that he should study the Code and Regulations. His superior told him not to bother, that it would be ‘...time enough to study them when you are caught breaking one of them, and I’ll mind that for you’.¹⁷ Some policemen achieved a measure of notoriety in the local press for the vigour with which they carried out their duties. Acting constable Halloran, who had apprehended the boy and found £130 on his person in 1854 had, by 1858, achieved the status of sub-constable and was praised by the *Galway Express* for his ‘usual diligence’ in detecting crime. In 1866 the *Vindicator* gave an account of the arrest of two drunk men by the ‘celebrated constable’ Bru[i]ce for, amongst other crimes, saying ‘To hell with the police’.¹⁸ Neither the press, not the public, were always as enamoured of the force, however. In 1867 the *Express* placed most of the blame for the ‘Beggar Nuisance’ in Galway on the inactivity of the police and asked ‘What, in the name of common sense, can some 80 policemen be engaged at in Galway daily?’¹⁹

In Gort the police found themselves in the midst of a sectarian row and isolated from the Catholic community. The Head Constable was accused of threatening to use the bayonet against local market traders to force them to sell turf to scripture readers. He denied this charge but admitted to telling the traders that he

¹⁵ *The standing rules and regulations, as published for the information and guidance of the constabulary force of Ireland*; regulations 483, 558 and 559

¹⁶ *Ibid.*, regulation 173

¹⁷ *A policeman’s Ireland: Recollections of Samuel Waters, R.I.C.*, edited by Stephen Ball (Cork 1999), p.30

¹⁸ February 13 1858 and November 14 1866

¹⁹ June 22 1867

would force them to sell turf to his own men, which they had refused to do.²⁰ Many of the duties carried out by the police made them unpopular in rural communities, such as their duty to suppress illicit distillation, which earned them the title ‘poteen peelers’. It was their role in protecting eviction parties which would create the greatest resentment by the rural public, however. This hostility began slowly in some communities, with the isolation of the force. In Mayo Sir Francis Bond Head was told that no local people would sell provisions to the constabulary. In one station a constable told him that they had not been able to buy even a potato for three years. In Clifden, Moycullen, Oughterard and Westport the police told Bond Head that there was hardly any crime and that the poor people were very honest. Referring to earlier evictions at Kilmeen, the Head Constable at Westport said of the local people- ‘...considering their sufferings at the time, it was a matter of wonder they were so submissive’. He added that he and his men would ‘...bear a good deal rather than have recourse to deadly weapons’.²¹ Rural policemen were more isolated, easily identifiable and vulnerable in their communities than their city counterparts and this would have had an effect on the manner in which they carried out their duties. Tensions between rural communities and the police escalated during the land agitation of the early 1880s, with violent scenes occurring at process-serving and evictions. Women and young boys were sometimes prominent in these events. In 1880 a boy of about fourteen and three women were tried for unlawful assembly at the scene of an eviction in Clifden. The boy was accused of having assaulted the process-server.²² Brian Griffin has examined the events surrounding these affrays, many of which happened in Connacht, as well as the deepening isolation of the police in their communities.²³

In 1866 a Fermanagh constable refused to supervise the whipping of two criminal boys by their fathers, a punishment inflicted by the petty sessions court at Brookeboro. The boys were imprisoned instead.²⁴ London policemen had also refused

²⁰ *Galway Express*, May 31 1856

²¹ *Fortnight in Ireland*, pp122, 152, 167, 185, 202 and 213. A young prostitute showed no such restraint at Galway petty session when she told the prosecuting constable that she would kill him when she got out of gaol and attempted to throw the witness chair at him. (*Galway Express*, March 23 1867)

²² *Galway Express*, January 29 1881

²³ ‘The Irish police, 1836-1914: A social history’, (PhD thesis, Loyola University, 1991). Griffin has, however, challenged the view that ‘...relations between police and people were normally characterised by confrontation’ (p.627)

²⁴ Chief Crown Solicitor’s Office, 1866 (338) [National Archives]

to carry out whipping and supervision of whipping in the 1840s, 50s and 60s.²⁵ When Constable Barr took his stand in Fermanagh, the Inspector-General of the Constabulary sent an official question to the Chief Crown Solicitor's office as to whether the constabulary were '...bound to aid in the administration of Corporal Punishment on a Juvenile Offender'. They found that '...it was the constable's duty to see that the punishment was inflicted just as it is the duty of the sheriff to see capital punishment executed'.²⁶ This senior police officer was seeking legal advice on a piece of legislation which had been originally enacted fourteen years earlier. Whipping, or flogging, of boys and criminal and vagrant men had been an accepted and relatively unregulated punishment for many years. Heather Shore has found some evidence to suggest that policemen, watchmen or beadles in early nineteenth-century London beat boys when they were apprehended committing a crime and did not bring them before a justice.²⁷ In 1856 a young Galway prostitute died after being beaten by a nightwatchman.²⁸ While it is difficult to find extensive evidence to support this, it seems credible that a 'moderate flogging' which was, at the time, considered no different from the '...way that Boys were punished at school',²⁹ was considered an expeditious form of punishment. The form which the official beating took, however, was the subject of much discussion. A London judge told a House of Lords investigation in 1847 that '...Boys who laugh at being put into a Dungeon, and doubly laugh at flogging with a Cat, are upon their knees blubbering and praying not to be flogged with a Birch Rod'.³⁰ A magistrate could order that a boy be whipped without trial³¹ which had the advantage of not sending untried children without the option of bail to prison, where they would associate with older and experienced criminals.³² The higher courts could also order that a defendant could be beaten, either instead of or in addition to a sentence. In many gaols this punishment was

²⁵ See Sir Leon Radzinowicz and Roger Hood, *A history of English Criminal Law*, Vol.5, pp715-6. This book contains histories of the use of corporal punishment both in a penal context (pp552-567) and as punishment inflicted by the courts (Chapter 21)

²⁶ Chief Crown Solicitor's Office, op.cit.

²⁷ Heather Shore, 'The social history of juvenile crime in Middlesex', 1790-1850, (Ph.D. thesis, University of London, 1996), p.224

²⁸ *Galway Express*, September 13 1856

²⁹ Evidence of John D'Arcy, Governor of Ennis Gaol to the Select Committee of the House of Lords on Juvenile Offenders and Transportation, First Report, 1847 (447), p.410. Corporal punishment of females was not used, formally at least, after the early nineteenth century

³⁰ *Ibid.*, p.15

³¹ Matthew Davenport Hill did not award this punishment as he believed that it was 'hardening' and not a deterrent. *Ibid.*, p.25

³² It is not possible to quantify summary rulings of whipping of children since the petty sessions order books do not differentiate between child and adult defendants

carried out in front of other prisoners and was supervised by the medical officer. Patrick ('alias Tony') Flynn, aged eight, was sentenced to two calendar months and twelve lashes in Galway gaol in 1867 for the crime of larceny.³³ The gaols of Connacht did not resort to frequent use of the cat or birch, relative to other gaols in Ireland and in England, or at least they did not record it if they did. In the three years from 1857 and 1859, corporal punishment was recorded as having been used to punish Irish offenders by prison authorities or judges 63 times, with 40 of these being cases involving children aged 16 or under. Only three of these were in Connacht where three boys, aged between 15 and 16, were ordered by the Recorder's Court to be imprisoned for three months and whipped. The number of lashes was left to the discretion of the attending surgeon.³⁴ In the same period only four such cases occurred in Scotland, all of them boys, and 16 in Wales, of which three were boys. In England, there were 724 such punishments inflicted, 400 of which were on boys as young as seven. 190 of these were in the gaols of Lancaster, with a boy in Salford gaol being given up to 48 lashes with a birch rod for being '...11,000 revolutions short of his day's task of 12,000' revolutions of the crank.³⁵ While the latter punishment was considered excessive by most contemporary commentators, with 12-20 strokes of the birch being considered reasonable, whipping of boys was not considered the worst form of punishment. Its use was supported by the members of the reformatory movement in Britain who saw it as a favourable alternative to prison, and even by the National Society for the Prevention of Cruelty to Children.³⁶ In 1881 Sir John Lentaingne told the Social Science Congress in Dublin that Dublin police magistrates 'practically abandoned' flogging after the establishment of the reformatories. He also identified a disparity in practice between the urban and rural police. Whereas a constable would inflict '...six heavy blows with a birch rod' on a delinquent boy in the Dublin Police Courts, country policemen could not inflict whipping on juveniles '...without great inconvenience and unpopularity' in their communities.³⁷

³³ Galway register of male juveniles, 1867

³⁴ *Corporal punishment. Return from each gaol and house of correction in the United Kingdom, of all cases in which punishment has been inflicted by order of the visiting judges...*, 1860 (373), p.38

³⁵ *Ibid.*, p.14

³⁶ Radzinowicz and Hood, *History of English criminal law*, pp712-713

³⁷ 'The treatment and punishment of young offenders', *Journal of the statistical and social inquiry society of Ireland*, Vol. VIII, part lxiii, Appendix II

Although the rural police were unpopular in their communities for their association with evictions and arrests for illicit distillation and drunkenness, they were also used by the people to settle disputes. After he had visited many of the constabulary barracks of Galway and Mayo in the early 1850s, Sir Francis Bond Head wrote that ‘...it is a common practice for poor persons to come to the head constable to settle any little pecuniary disagreements between them, instead of incurring the expense of going to the law’.³⁸ In towns policemen were asked by householders and business people to deal with what they perceived as the nuisance of beggars or children playing on the streets. By the early 1880’s, however, police regulations were instructing their members to take a different approach

Great forbearance should be shown towards children who may be guilty of minor street offences. Seizing and confiscating a boy’s kite, top or ball marks the pantomime policeman³⁹

Whereas prior to this it might have been acceptable for such children to be imprisoned or whipped, the police authorities were aware that their image was being damaged by continuing to treat children in such a way.

The legislation which governed the whipping of boys in both Britain and Ireland arose out of two parliamentary investigations into how the criminal laws could be amended to allow for different treatment of juvenile offenders, or if such measures were necessary. It was the imprisonment of unconvicted, and possibly innocent, children while awaiting trial of for less serious offences, in particular, which gave rise to the earliest official investigations into the treatment of juvenile offenders in England.⁴⁰ The Third Report from the Commissioners on Criminal Law⁴¹ was devoted to investigating whether there should be any distinction between the mode of trial of adults and children and whether summary trial, without a jury, might be a better way of dealing with juvenile offenders. While the 1837 Commissioners recommended summary trial of juveniles in some circumstances, their suggestions were not acted upon. It was the more extensive investigation of a House of Lords

³⁸ *Fortnight in Ireland*, p.203

³⁹ From the 1883 R.I.C. manual, cited in Griffin, ‘The Irish police’, p.631

⁴⁰ The 1816 *Report of the committee for investigating the causes of the alarming increase of juvenile delinquency in the Metropolis* examined the extent and causes of juvenile crime in London and was not a parliamentary investigation

⁴¹ H.C., 1837 (79). This was part of an extensive investigation into reform of the criminal laws

Committee⁴² ten years later which led to the laws governing the treatment of children by the courts to be changed. This Committee heard evidence from Irish and British witnesses. They also requested answers to a range of questions from judges throughout the kingdom. When questioned as to whether magistrates might be given the power at petty sessions of summary conviction, whipping or dismissal of juveniles brought before them, the Irish judges differed greatly from their English counterparts in their replies. Most of the English judges felt that some form of such powers being granted would be beneficial,⁴³ although Matthew Davenport Hill stated that he was ‘...not sufficiently acquainted with the Character of all Magistrates to say that I should feel quite comfortable at the Idea of the whole Fate of a young Person depending upon the Fiat of One or even Two Magistrates’.⁴⁴ The Recorder of Dublin, Frederick Shaw, voiced no objection to local justices having a power of summary conviction for petty offences by juveniles.⁴⁵ Sir Matthew Barrington, the Crown Solicitor for Ireland agreed with him,⁴⁶ but of the twelve judges and Chief Justice of the Irish circuit who were asked, eight were opposed to giving such powers to the local magistrates.⁴⁷ One Irish judge went so far as to write that ‘There is no Sympathy between mischievous Boys and *Country* Gentlemen’, implying that a rural magistrate might treat a child more harshly for a small offence than his colleagues in the higher courts.⁴⁸

In spite of the judges’ reservations, however, the Act for the more speedy Trial and Punishment of Juvenile Offenders in *Ireland*⁴⁹ was passed into law in August 1848. This law provided that every person whose age did not exceed fourteen found guilty of committing or aiding to commit simple larceny or an equivalent crime could be sent to gaol for up to three months, fined up to £3, whipped if a boy, or discharged, all by summary trial. The punishment could be handed down at the local court, usually in Ireland the court of petty sessions, by any two or more justices of the peace.

⁴² *Select Committee of the House of Lords on Juvenile Offenders and Transportation*, 1847, (447) and (534)

⁴³ *Ibid.*, Appendix to the Second Report

⁴⁴ *First report of the Select Committee of the house of lords of juvenile offenders and transportation*, 1847 (447), p.24

⁴⁵ *Ibid.*, p.275

⁴⁶ *Ibid.*, p.405

⁴⁷ *Op. cit.*, *Second report*, Appendix

⁴⁸ *Ibid.*, Answers of Justice Torrens, p.146

⁴⁹ 11 & 12 Vict, c.59. Similar legislation for England and Wales had been enacted the previous year (10 & 11 Vict. c.82). Ironically, on the same day on which the English legislation was passed for the purpose of keeping children out of gaol, the vagrancy legislation which sent children as young as two (see Chapter 2) to gaol was enacted for Ireland

The whipping could take place privately, either instead of, or in addition to imprisonment, and was to be inflicted by a 'fit and proper person' appointed by the justices.⁵⁰ Such crimes could previously only be tried by indictment in front of the courts of assizes or quarter sessions, with a jury. The law gave unprecedented powers to local magistrates. While either the justices or the 'Parent or next Friend' of the child could insist on a trial in the higher courts, this could mean imprisonment for the child for a period of up to three months while waiting for the next court, and a possible worse outcome at the end of it. The equivalent legislation for England and Wales, and a subsequent law of 1850 which extended the range of the legislation to children aged sixteen and under,⁵¹ gave rise to an increase in prosecutions which has been attributed to a perception of a juvenile crime wave.⁵² David Philips contends that, because the legislation made prosecution cheaper and faster, there was a consequent increase in the number of cases brought to trial.⁵³ Such assumptions are more problematic in an Irish context, since the legislation was introduced at a time when the Famine was causing a massive surge in prosecutions for crime.⁵⁴ By the 1850s and '60s, however, it is possible to see a clear majority of summary convictions over prosecutions in the higher courts for child criminals. In 1859, for example, they accounted for 68% in Ireland and 74% in Connacht and in 1869 70% of Irish children and 73% of Connacht juveniles were tried and convicted in the lower courts.⁵⁵ Proceedings at petty sessions were much less expensive than those of the higher courts, and, in a rural district, the logistical implications of conveying prisoners to quarter sessions and assizes may also have influenced the mode of trial.

⁵⁰ The English law stated that a constable should inflict the whipping

⁵¹ 13 & 14 Vict., c.37

⁵² See, for example, Barry S. Godfrey and Paul Lawrence, *Crime and justice, 1750-1950* (Devon 2005), p.130

⁵³ *Crime and authority in Victorian England: The Black Country, 1835-1860* (1977), p.133

⁵⁴ The Assistant Barrister for Cork, Walter Berwick, was of the opinion that '... a great many juveniles who escaped punishment altogether before, have now, upon coming before the magistrates summarily, been punished and sent to gaol'. (*Select committee on the treatment of criminal and destitute children, 1852-53* (674) (674-1), p.352

⁵⁵ See Chapter 2, Table 3

Table 8
Petty Sessions Courts 1864⁵⁶

	No. of courts	Cases adjudicated summarily* ⁵⁷	Returned for trial	% of total
Leinster**	162	27,284(2.3)	962	3.6
Munster	166	54,811(3.6)	1809	3.3
Ulster	165	51,519(2.7)	1309	2.6
Connacht	111	17,872(2)	676	3.8

* Figures in brackets denote number per head of population as at 1861

**Not including the Dublin Metropolitan Police District

In 1864 a total of 151,486 cases involving all ages was heard in the petty session courts of Ireland. Connacht had the lowest number of both courts and cases per head of population.⁵⁸ The vast majority of these proceedings were dispensed with at petty sessions. An average of 3.3% of these cases was sent for further adjudication at the higher courts, with a slightly higher proportion in Connacht of 3.8%. The petty sessions courts of the mid-nineteenth century were often busy places. The Carrick-on-Shannon petty sessions court on the 6th May 1859 tried 77 cases. The Boyle court on the 22nd December 1858 heard 32. The Galway sessions, which were usually held daily, tried 31 cases on the 4th July 1864.⁵⁹ Sometimes called the ‘Peoples’ Court’, the petty sessions were frequently used for arbitration of civil actions by neighbours, families, employers and employees. Richard MacMahon has argued that they were accepted and used by poorer people in pre-Famine Ireland. Jennifer Davis has made a similar argument for the Police Courts in London which were not unlike the petty sessions in structure. Davis argued that the London poor used these courts for ‘...advice, charity and adjudication...’⁶⁰ Children could also take cases to court. In

⁵⁶ Judicial statistics, 1864, 1865 [3563], and Census of Ireland 1861. These figures do not include information from 45 courts which did not submit complete returns

⁵⁷ The percentage for Leinster is calculated on the population minus that of Dublin city, as the Dublin Metropolitan Police courts are not included in the total of cases

⁵⁸ In 1861 Connacht was much less populous than the other provinces with 15.7% of the country’s population residing there. (Census of Ireland 1901, General Report, Tables, p.170)

⁵⁹ Petty Sessions Order Books, National Archives. These books do not give the age of the defendant so it is not possible to distinguish children from others being tried

⁶⁰ See Richard MacMahon, ‘The courts of Petty Session and the law in pre-Famine Galway’, (M.A. Thesis, N.U.I., Galway, 1999) for an analysis of the lower courts in the first half of the century, and

1864 Michael Mannion, a boy of about thirteen, summoned Pat Connolly for assault. The case was heard at Loughrea petty sessions.⁶¹

Every barony had at least one court, usually held weekly or fortnightly (provided the magistrates turned up). By 1871 county Galway had the second highest number of petty sessions districts of any county after Cork, with 36. The venue of the court could be a ‘...little whitewashed thatched cabin’ with a ‘...mud floor and bare rafters’,⁶² a hotel, a room in the magistrate’s home, or, in the larger towns, the court house. Donal J. O’Sullivan has written that ‘With the exception of the monthly fair, the Petty Sessions was the most important event held in any town or village and provided a source of entertainment, drama and amusement for the general population.’⁶³ These courts tried both civil and criminal cases, and in most cases the penalty handed down was a fine, with costs.⁶⁴ Such a penalty frequently came with the proviso ‘In default of which imprisonment’. The costs, which in mid-century went towards the payment of the clerk of the court, were often higher than the fine, and could often mean the difference between imprisonment and freedom for an impoverished defendant.⁶⁵

Presiding over the lower courts were the magistrates. On a given court day their number could vary from none, to many. A good magistrate, one Galway newspaper claimed in an obituary for James Hardiman Burke, should be ‘...sagacious and discriminating, yet considerate and humane- firm in upholding the law... yet mitigating its rigour, when possible, by a lenient and merciful construction’.⁶⁶ In addition to his legal duties, Hardiman had been a landlord, a Mayor of Galway and a Grand Juror. In areas in which there were fewer men of such social standing to merit their appointment as magistrates, particularly in the west of Ireland where many landlords were absentees, it is common to find the same names on the boards of

Jennifer Davis, ‘A poor man’s system of justice: The London police courts in the second half of the nineteenth century’, *The historical journal*, 1984, Vol.27, no.2, p.313)

⁶¹ *Galway Vindicator*, 24th September 1864

⁶² From the memoirs of Charles P. Crane, a Resident Magistrate, cited in Donal J. O’Sullivan, *The Irish constabularies, 1822-1922: A century of policing in Ireland* (Kerry 1999), p.237

⁶³ *Ibid.*, p.236

⁶⁴ The exception to this was the punishment for vagrants ‘Asking alms’ which resulted in immediate committal to gaol, recorded in the Petty Sessions books with the word ‘Committed’

⁶⁵ In 1853 a man was fined 6d for drunkenness at Roscommon petty sessions. The costs were 3s and 6d. The man, who was elderly, could not afford the costs so had to go to gaol. The *Roscommon Journal*, in reporting the case, recommended that clerks be paid a salary, which, they said would mitigate such hardship and lead to a better standard of clerk. The current poor standard of clerkship was leading, in their opinion, to informations being incorrectly filled in magistrates’ courts which, in turn, caused offenders to escape. (February 12 1853)

⁶⁶ *Galway Vindicator*, January 11 1854

superintendence of the local gaols, the Boards of Guardians of the Poor Law Union,⁶⁷ the Grand Juries and the magistracy. This, inevitably, gave rise to accusations of conflicts of interest and jobbery. Four years after the summary jurisdiction legislation had passed Walter Berwick explained his objections to it in the context of destitute children

The vagrant law in Ireland was introduced within the last few years as a portion of the general workhouse system, and that law enables magistrates to commit persons who are found begging in any locality. Connected with the workhouse system, to say the least, that was a very dangerous authority, because it gave to those who were themselves guardians of the poorhouses, and were living in the union, and would if these children... had been committed to the workhouses, have been themselves liable to the support of them, the power of sending persons to gaol, which, as the expense of the gaol is spread over the whole of the county, would diminish the expense in a particular locality very much

Berwick was opposed to the imprisonment of children for begging as he believed it was inhumane, it made criminals of them, and many children, on their release, had no means of getting back to their homes. He visited poor schools run by nuns in the Cork area and was told that they would not accept children who had been to gaol.⁶⁸

In rural Connacht the same names frequently appear on the records of local administration. In Roscommon, the men of the Lawder family were providing employment to children (see Chapter three), sitting on the bench at Elphin petty sessions and on the Strokestown Board of Guardians.⁶⁹ Those who were magistrates often had a vested interest in cases appearing before them. In Ardrahan petty sessions Christopher St. George sat on the bench and frequently appeared as the complainant against oyster poachers, and in Ballinasloe the Earl of Clancarty chaired the magistrates when cases were tried in which he had an interest.⁷⁰ In 1867 a dispute arose in Galway petty sessions when a solicitor asked a magistrate to retire from the

⁶⁷ In the London courts, where the magistrates were usually separate, both personally and financially, from the operation of the poor laws, Jennifer Davis has shown that they sometimes came into conflict with the Poor Law authorities and were seen as advocates by the recipients of charity who had grievances. ('Poor man's system of justice', op. cit.)

⁶⁸ *Select committee on the treatment of criminal and destitute children*, 1852-53 (674) (674-1), 339-340 and 348. Berwick requested to be heard at the next session of the Committee, where he qualified his comments regarding magistrates, p.354

⁶⁹ *Roscommon Journal*, June 27 1863 and August 29 1863. William Lawder held an estate of 3,748 acres in the county in the 1870s. (Landed Estates Database- www.landedestates.ie)

⁷⁰ Petty Session Order Books, Ardrahan Petty Sessions 1859 and 1860, and see, for example *Galway Vindicator* January 22 1867

bench while a case in which he had an interest was being tried, and a magistrate at Oughterard petty sessions did not take a seat on the bench so that he could state his case for the prosecution of a man for illegal fishing.⁷¹ In many cases the poor of rural districts depended on the same people for employment, welfare and justice.

The introduction of paid Resident Magistrates introduced more regularity into the judicial system. By 1852 there were seventy RMs appointed throughout the country.⁷² In 1860, 16 of the 71 Resident or Stipendiary Magistrates in Ireland sat in the Connacht districts.⁷³ The majority had experience in the law, army or constabulary forces. Despite the efforts by government to establish a professional body of men to the lower courts, however, the perception of corruption amongst the magistracy was always present.⁷⁴ In a letter to Lord Naas, the Chief Secretary, in 1859, David O’Kelly, a solicitor, appealed for reform of the petty sessions courts. O’Kelly’s principal argument was against the restrictions which prohibited the right of appeal to any person fined for less than a pound or imprisoned for less than a month in a court of petty sessions. He cited the lack of public confidence in the courts as arising from the belief that magistrates were subject to interference, inconsistent in handing down punishment, and liable to ‘...assemble in large numbers on some court days, when particular cases are to be tried...for a “special purpose”’.⁷⁵ In 1864 Connacht magistrates were more likely not to turn up on court days than their counterparts elsewhere.⁷⁶ Desmond McCabe found that absenteeism of Connacht magistrates could be as high as 20% or more throughout the second half of the nineteenth century, and that this was a particular problem in Mayo, Roscommon and Galway ‘...despite periodic censure by county and lord lieutenants’.⁷⁷ This may be because their number

⁷¹ Ibid., June 22 1867 and June 15 1867

⁷² Penny Bonsall, *The Irish RMS: The Resident Magistrates in the British administration of Ireland* (Dublin), p.13

⁷³ *Magistrates (Ireland). Return of the name, age, date of appointment, salary, fees, and allowances of every resident or stipendiary magistrate in Ireland, 1860* (288)

⁷⁴ Richard Whately, Archbishop of Dublin, was quoted as saying that the Lord Lieutenant appointed ‘ruined gamblers’ as Stipendiary Magistrates. (E. Jane Whately, *Life and correspondence of Richard Whately*, Vol.II [1866]), p.237)

⁷⁵ Reprinted in the *Galway Vindicator*, January 26 1859, and prefaced with the remark that the contents were ‘...of great interest to the humble classes’

⁷⁶ In 1864, 13% of Connacht Petty Session courts were not held due to non-attendance of the magistrate, compared with 8% for the country as a whole. (*Judicial statistics 1864, 1865* [3563], Part I, p.xxviii)

⁷⁷ ‘Open court: Law and the expansion of magisterial jurisdiction’, in N. M. Dawson (ed.), *Reflections on law and history: Irish Legal History Society discourses and other papers, 2000-2005* (Dublin 2006), p.135

included absentee landlords, or those who had homes elsewhere, or because travel was more difficult in rural areas.

The legislation which extended the range of summary jurisdiction to the local courts put considerable power over the lives of children into the hands of the magistrates. While the legislation permitted defendants to request a trial before a judge and jury in the superior courts, this was rarely sought, with a large majority of the children who were in gaol having been consigned there by the lower courts.⁷⁸ The summary jurisdiction legislation allowed the magistrates a large degree of discretion in the disposal of cases, with many magistrates showing leniency towards children who appeared before them. Mary Wallace of Ballintubber had ‘...a little boy aged seven or eight (surely not more than ten years of age)’⁷⁹ and his brother summoned for attempting to set fire to her house. After warning the boys, and despite the fact that arson was considered a felony, the magistrate dismissed the case.⁸⁰ In 1863 the Midland Great Western Railway prosecuted three children in Roscommon for being ‘on the line’. Lord Crofton asked the bench to show leniency and the boys were fined 6 pence each and costs. Their mother told the magistrates that they had a right to be there and to send the children to gaol for three months if they wished. The court issued a warrant and lowered the fine to 1 penny each. When the fine and costs had not been paid three months later⁸¹ the children were arrested but the case was adjourned to allow their mother time to intervene with Lord Crofton.⁸² When the ‘young urchins’ John Connor and John Ryan were brought to court by the workhouse master for absconding from the Roscommon workhouse, the younger of the two boys was liberated after the master told the magistrate that he had previously been well behaved. He promised not to run away again.⁸³ A young boy called Michael Jennings, who worked in a tobacco factory, was brought to Galway petty sessions by his employer in 1867 for attempting to steal leaf tobacco which was concealed in his trousers. His employer ‘...begged the bench [to] deal leniently with the prisoner owing to his extreme youth’. The presiding magistrate sentenced him to fourteen days

⁷⁸ See Appendix 2, Table 17

⁷⁹ Although civil registration of births had been introduced in 1864, it would appear that there was no attempt to establish the boy’s age in court

⁸⁰ *Tuam Herald*, December 13 1873

⁸¹ The previous Petty Sessions had been cancelled when the R.M., George Knox, declined to proceed without a second magistrate when none turned up (*Roscommon Journal*, July 18 1863)

⁸² *Roscommon Journal*, 25th May and August 29 1863

⁸³ *Roscommon Journal*, June 20 1863

imprisonment, but told him that this could have been three months and warned him that his next offence would carry a term of five years in a reformatory.⁸⁴ Children who were first offenders were frequently treated with leniency, and in 1871 Sir John Lentaigne, who had been inspector general of prisons since 1854 wrote

there is a tendency in Ireland not to convict young offenders of first offences, and I occasionally find in gaols confirmed young thieves now sentenced for the first time⁸⁵

For some crimes, such as larceny and prostitution, and particularly for second offences, judgement was often swifter and more harsh. In 1853, nine girls, aged from twelve years upward, were sentenced to fourteen days with hard labour at Galway petty sessions for ‘...following their demoralising profession in the public streets’.⁸⁶ A year later, Judy Forde, a ‘girl of easy virtue’, received the same sentence for loitering and solicitation.⁸⁷ When three boys appeared in court in Galway in 1867 for robbing a woman of 2s 6d, the magistrate said he had never come across a case like it before, and it was ‘...a disgrace to the town’. Two of the lads were arrested with the stolen money on them. The lads’ parents lodged the money in court, as well as 5s expenses for the victim. One of the boys, who had no previous convictions, was discharged with a caution, but another, who had a previous conviction for sucking cows, was sentenced to a fortnight’s imprisonment.⁸⁸

While the legislation allowed for crimes of petty larceny to be tried by the magistrates, even stealing a small item was sometimes punished more harshly than assault. When the House of Lords debated changing the law with respect to juvenile offenders in 1848, Lord Brougham told the House that ‘...nothing was so absurd as sending a child of eight or nine years old to be tried for felony for stealing two

⁸⁴ *Galway Vindicator*, November 21 1866

⁸⁵ Ninth report of the inspector appointed to visit the reformatory and industrial schools of Ireland, 1871, [c.461], p.11

⁸⁶ *Galway Express*, 17th December 1853

⁸⁷ *Ibid.*, 7th January 1854. Judy was a resident of Shell Lane in Galway which was the location of at least one brothel and whose residents were frequently in court. She died in 1856 in the workhouse after being beaten by a nightwatchman. The coroner found that her lungs and liver were diseased. The nightwatchman was found guilty of assault and sentenced to one month’s imprisonment. The *Galway Express* added an editorial comment on the Coroner’s Inquest to the effect that ‘...we care not what the character of Forde was, she should not have received such treatment’. In 1881 three Shell Lane girls, aged between fifteen and seventeen, appeared in court for causing an obstruction, or, as the arresting constable put it, ‘...inviting all soldiers and sailors passing by to join in the merry dance’. (*Galway Express*, September 13 and November 01 1856, January 31 1857 and January 8 1881)

⁸⁸ *Galway Express*, May 18 1867

apples'.⁸⁹ Summary jurisdiction legislation changed the means of trial of such children and the period they spent awaiting trial, but not necessarily the harshness of the sentence. In 1864, twelve-year-old Richard Conway went to gaol in Galway for a fortnight for stealing apples. A fifteen-year-old boy served one calendar month for the same crime eleven years later.⁹⁰ In 1875 a young boy was serving a sentence of two months with hard labour on the treadwheel in Mayo county gaol for stealing fruit, and a youth of '...weak intellect... more a subject for the asylum' was serving six months for the same crime in Galway gaol. The latter, who was nineteen, had '...cried for several days after commitment'. The inspector of prisons was of the opinion that a 'sound flogging' was a more appropriate punishment for youths found guilty of such trivial offences.⁹¹ Of the 269 committals of children entered in the Galway Register of Male Juveniles⁹² at least fifteen were sent to prison for stealing food or beverages.⁹³ However, leniency was shown from time to time for children who stole, and sympathetic magistrates were sometimes reluctant to commit children. For example, when young pauper boys were brought to Castlerea petty sessions in 1863 for stealing seven bottles of wine from the workhouse stores, the magistrate believed that they were too young to send to gaol, as it would harden them. He sent them back to the workhouse to be punished by the Board.⁹⁴ The eight magistrates who sat at Galway petty sessions in January 1867 took a very different approach toward a ten-year-old boy, who was 'crying bitterly' when charged with the theft of a shawl and a griddle. A young woman appeared to speak on behalf of the boy, told the magistrates that his mother was dead, his father was in America and intended to send for him, and that he was being supported by her own mother in the meantime. The magistrate in the chair, A.W. Blake, asked the boy, 'What religion are you, boy?' When the boy answered that he was 'Roman Catholic, sir', Blake told him that if he was not stopped he would 'make a bad man' and sentenced him to three weeks in gaol and five years in a reformatory.⁹⁵ This uneven sentencing policy meant very different outcomes for children for very similar crimes.

⁸⁹ Hansard, July 04 1848

⁹⁰ Galway Register of male Juveniles, 1864 and 1875

⁹¹ Fifty-third report of the prison inspectors, 1874, 1875 [C.1256], p.326

⁹² Both female and male children were entered in the registry

⁹³ This number does not include those sentenced for fishing, poaching or for stealing animals and fowl, nor does it include 36 cases of larceny where the items stolen were not specified.

⁹⁴ *Roscommon Journal*, November 14 1863

⁹⁵ *Galway Express*, January 19 1867

Magarey's assertion that legislative reforms and changes in the method of trial of juveniles served not only to punish but "improvise" children's crimes is borne out to an extent in the context of Irish criminal records, but appears to be an urban rather than a rural phenomenon. Crimes such as 'Playing ball in the street', 'Throwing snow balls' and 'Bathing in public view'⁹⁶ appear in the Galway town gaol registers. These 'status offences' condemned children to imprisonment for activities which might not have been considered criminal if committed by adults, especially at times when there was a perception that juvenile crime was threatening society.⁹⁷ The English prison inspectors, William Crawford and Whitworth Russell, issued a warning against such sentencing practices as early as 1836

Many offences for which a lad is now sent to gaol were formerly disregarded, or not considered of so serious a character as to demand imprisonment⁹⁸

When John Kirwan's eight-year-old son was brought to court along with two other boys for whipping tops in the street, he told the court that 'It showed the peaceable state of the town, when the police had nothing to do, but look after children playing tops'. W.R. Starkie, the R.M., said it was against the law and imposed a fine. Kirwan said his purpose in coming to court was to let the story '...go forward on the wings of the press, that the police of Galway had so little to do'. Kirwan's father had the means to pay the fine.⁹⁹ Henry Mayhew called it a 'scandal' that children were imprisoned for such offences.¹⁰⁰ The policemen who arrested these boys may have considered it their duty to clear the streets of such nuisances, or may have been pressurised to do so by the public, and over-zealous magistrates could commit

⁹⁶ Patt Feeney, aged fifteen, was imprisoned for 48 hours for playing ball, Bridget Canavan, aged fifteen served 12 hours for throwing snow balls (Galway register of male juveniles, 1869,1879), and John King and John Flaherty served 24 hours hard labour each for bathing in public view (Galway Gaol Register, 1880)

⁹⁷ For a detailed analysis of the moral panics created by perceptions of juvenile crime waves in British history, see Geoffrey Pearson, *Hooligan: A history of respectable fears* (London 1983)

⁹⁸ See Magarey, *The invention of juvenile delinquency*, p.18

⁹⁹ *Galway Vindicator*, March 20 1867. From the 1860s the majority of imprisoned Connacht children had both parents living. (See Chapter two, Figure 6). It is probable that many of these were cases in which the parents could not afford the fine. Lenard Berlanstein has shown that there was a practice in Paris of consigning apprehended children to the care of their parents if it was thought that the parents were comfortably off or could guarantee the future good behaviour of their children ('Vagrants, beggars and thieves: Delinquent boys in mid-nineteenth century Paris', *Journal of social history*, Vol.12, No.4 (1979)

¹⁰⁰ Cited in James Bennett *Oral history and delinquency: The rhetoric of criminology*, (Chicago 1987), p.49

children to gaol where their colleagues might show a more lenient approach. In 1871, Robert Johnston, aged ten, was sentenced to fourteen days in gaol in Galway, and five years in a reformatory, for 'stealing geraniums'.¹⁰¹ Four years later, a sentence of fourteen days in gaol and four years in a reformatory imposed on a twelve-year-old Lincolnshire girl for 'wilful damage to a geranium plant' led to a reprimand for the magistrate from the Home Secretary and a public outcry.¹⁰² While cases such as these suggest excessive sentencing by magistrates, uneven sentencing is also indicative of a lack of clarity in the criminal code. The codification of criminal laws in 1861, after thirty years of investigation by government commissioners, gave rise to some clarification, but the distinction between a misdemeanour and a felony sometimes remained unclear.¹⁰³

For adults, and for some children, the difference between felony and misdemeanour meant not only a difference in the sentence handed down but also in the method of trial. 13 & 14 Vict. c.37 enacted that one of the justices trying a child summarily should say to the child 'We shall have to hear what you wish to say in answer to the Charge against you; but if you wish the Charge to be tried by a Jury, you must object now to our deciding upon it at once' ['or Words to the like Effect']. Either the child or the child's parent could then request a jury trial, which would cause the case to be tried at quarter sessions or assizes. When Thomas Cowan, a pauper in Carrick-on-Shannon workhouse, was brought to court by the Guardians of the house for stealing a blanket, he 'desired to be tried before the bench'.¹⁰⁴ At petty sessions in Roscommon in September of 1863 a 'young chap' whose name was Lynch, charged with theft of a shirt, told the court he 'wished to be tried by their worships'.¹⁰⁵ While a workhouse inmate may have thought they would get better treatment in gaol, it is probable that both Cowan and Lynch used the prerogative granted to them by the law because they believed they would get fairer treatment in the higher courts.

Outside of Dublin, the more serious criminal cases were usually heard at quarter sessions and assizes.¹⁰⁶ The former were presided over by an assistant

¹⁰¹ Register of male juveniles, 1871

¹⁰² Radzinowicz and Hood, *A history of English criminal law*, p.184

¹⁰³ See Chapter II

¹⁰⁴ Carrick-on-Shannon Petty Sessions Order Book, July 08 1864

¹⁰⁵ *Roscommon Journal*, September 12 1863

¹⁰⁶ Some towns and cities also held Recorder's Courts. The only Connacht town which held a Recorder's Court was Galway. Dublin cases were also heard at the Dublin Commission. (See V.T.H. Delany, *The administration of justice in Ireland* [Dublin 1962] for the court structure in the nineteenth century)

barrister and magistrates. The assize courts were held twice-yearly up to 1877 and thrice-yearly thereafter. Assize judges travelled to the county towns on six circuits to try both civil and criminal cases. From the mid-nineteenth century, senior legal positions in Ireland were being filled by Catholics. In 1855 the *Galway Express* reported with horror that both the offices of Attorney General and Solicitor General were ‘filled by Romanists’.¹⁰⁷ Galway’s Michael Morris succeeded to the latter position in 1866. The arrival of the judges in the provincial towns was attended with great pomp and ceremony, and one of the intended consequences of the summary jurisdiction legislation was that small children would be spared the ordeal of the high drama of the higher courts. Not all children were intimidated by the courts or the judiciary. In 1854 a boy was brought in front of Judge Jackson at the Galway spring assizes charged with stealing from the Tuam workhouse. The boy questioned the witnesses himself, and interrupted the judge when he was about to charge the jury to ask if he might address them. He was given permission to do so and told the jury that he had been turned out of the workhouse without any means of support and had crawled back in through the cesspit.¹⁰⁸ A judge of the Mayo assizes was repeatedly pelted with snowballs by children in Castlebar in 1858, forcing him to run away from them.¹⁰⁹ In Spiddal, Lady Morris held a ‘school feast’ every year for children to encourage school attendance. Only those who attended school for one hundred days or more were invited and three or four hundred children were treated to tea, barm brack, sugar-sticks, apples and prizes. Her husband, as well as being solicitor-general and future Lord Chief Justice of Ireland, was a local magistrate who was regarded with ‘...respect mixed with a certain amount of pleasurable awe’ by the local people, and the only member of the judiciary in Ireland to conduct his court through Irish. Feeling sorry for the children excluded from the feast, ‘...the little bare-legged, red flannel petticoated truants’, he would smuggle them in, to the displeasure of his wife. He was aware that some of the children who did attend school, and were required to bring two sods of turf with them to heat the school, stole it from his own stacks and took no action against them.¹¹⁰

A person suspected of committing a serious offence, which included murder, manslaughter, serious assaults, robbery and theft, was brought before a magistrate

¹⁰⁷ March 10 1855

¹⁰⁸ *Tuam Herald*, March 18 1854

¹⁰⁹ *Ibid.*, March 20 1858

¹¹⁰ Maud Wynne, *An Irishman and his family* (London 1937), pp50, 51, 52, 57

after an information against them was sworn. The magistrate or magistrates decided if there was a prima facie case against them. If he so decided, the accused could be bailed or gaoled to await trial. At the assizes, if the grand jury decided if there was a case against the prisoner, a Bill of Indictment was found. If the prisoner pleaded 'Not guilty', a petty jury was then sworn and a trial began. Of the 187 children who were tried at assizes, commissions and quarter sessions in 1864, 14% were tried in Connacht.¹¹¹ In 1869 11% of the 93 child felons and misdemeanants who were convicted in the country as a whole were convicted in the assizes and quarter sessions courts of Connacht.¹¹²

A long time could elapse between arrest and trial. One of the issues which the summary jurisdiction legislation addressed was this period when children who were accused were held in gaol awaiting trial. Bridget Galvin, aged ten, appeared before the Galway assizes on an indictment charging her with having '...fraudulently stolen, embezzled and taken into her possession £5, the property of her master'. Larceny by servants was considered a serious crime, necessitating a separate category of offence (see Appendix I). Bridget had been sent to the post office in Gort by her master to cash two post office orders. Her father, who worked for the same master, told the court that he had honestly and faithfully served the man for many years and asked both him and a magistrate present to give him and his family 'a character'. Bridget, when placed at the bar, '...sobbed and cried very much and repeatedly protested her innocence'. When Judge Jackson charged the jury, he strongly implied that the postmaster was at fault, and asked the jury to take Bridget's youth and previous good character into account.¹¹³ After a short deliberation, they brought in a verdict of 'Not guilty'. Two months had elapsed between arrest and trial, which Bridget had spent in the gaol at Galway.¹¹⁴ When the inspector visited the gaol in Galway in 1875, he found '... a girl in custody running about without either shoes or stockings on, and in association with women whose previous commitments were very numerous'. She was untried and therefore possibly innocent of any crime.¹¹⁵

¹¹¹ Judicial statistics 1864, 1865 [3563], p.45

¹¹² See Appendix II, Table 17

¹¹³ *Galway Vindicator*, March 15 1854

¹¹⁴ *Galway Express*, March 18 1854

¹¹⁵ Fifty-third report of prison inspectors, p.326

Murder and manslaughter trials could take even longer to proceed.¹¹⁶ Twelve-year-old Teresa Kenefick [or Kenefen] was committed to Galway gaol on the 27th of March 1867 charged with the murder of an infant.¹¹⁷ She was the daughter of a coastguard officer stationed at Roundstone and was arrested with her sister, ‘...one of them having borne a child to a policeman stationed there’.¹¹⁸ Teresa and her sister, Margaret, were not brought to court until the summer assizes in August, where the grand jury found that there were no bills against them, and they were discharged.¹¹⁹¹²⁰ Catherine Lavelle was charged, along with her mother and brother, with having killed her father. The case was first heard at the summer assizes in Castlebar in 1881, but the verdict was not handed down until the winter assizes in Carrick-on-Shannon in December. All were found guilty, but the jury ‘...recommended [Catherine]¹²¹ to mercy, on the ground that she had been influenced by her mother’. Catherine, who was fifteen, was given a sentence of ten years penal servitude by Baron Fitzgerald, which was the same sentence as that given to her brother, but shorter than that of her mother, who was sentenced to life imprisonment.¹²²

Thomas O’Connor, aged thirteen, was arrested for sending a threatening letter and imprisoned to be held over for examination in September 1867.¹²³ The letter was sent to a Ms. Johnston of Inverin and threatened to kill her. At his trial, which did not take place until the following March, he pleaded guilty. The court was told that Ms. Johnston had been his schoolteacher and that when she was transferred to Inverin he wrote the letter to frighten her into coming back. Both the teacher and the

¹¹⁶ Richard MacMahon has examined homicide, excluding infanticide, before the famine in ‘Homicide, the courts and popular culture’,. Elaine Farrell’s research has looked at ‘The crime of infanticide and women suspects in Ireland, 1850-1900’, PhD thesis, Queen’s University, Belfast (2010), (Embargoed until 2015). W.E Vaughan’s *Murder trials in Ireland, 1836-1914* (Dublin 2009) provides a comprehensive study of the subject from apprehension of a suspect to hanging. Loretta Loach’s study of child murderers looks at attitudes to children who kill from medieval times to the late twentieth century (‘Children, childhood and murder, a history of an exceptional crime’, PhD thesis, [Kingston University 2004])

¹¹⁷ Register of male juveniles, 1867

¹¹⁸ *Galway Express*, April 13 1867

¹¹⁹ *Ibid.*, August 03 1867

¹²⁰ The Grand Jury may have been sympathetic to Teresa and her sister. They were young, respectable, and unlikely to pose a threat to society. Although Teresa’s crime in the prison register is listed as ‘Murder’, had she been found guilty of murder a death sentence was mandatory. On passing a sentence of death on a man at the Mayo Assizes in 1858, the judge was ‘...very much affected’ (*Tuam Herald*, March 20 1858)

¹²¹ The newspaper account refers to Catherine as Mary, her mother’s name

¹²² PEN 95 1888 (National Archives), and *The Irish Times* April 18 1881, July 16 1881 and December 13 1881

¹²³ Register of male juveniles, 1867

constabulary vouched for Thomas and he was set free on his father's binding £50 for his good behaviour for seven years.¹²⁴

The fact that Thomas' religion was listed in the register as 'Protestant', and that both schools where Ms. Johnston taught were situated in the eye of the religious storm over the education and proselytising of children possibly exacerbated the case. Politics and religion often influenced events inside the court-room.¹²⁵ At times of political or religious unrest different crimes might have been considered more serious, although one judge wrote that he and his fellow judges from the Connacht circuit tried to avoid '...introduction of the religious question into the [jury] box' as it was too divisive.¹²⁶ During the period of Fenian activity police were on high alert and were likely to have been more sensitive to what they perceived as threatening behaviour, either in person or by correspondence. On the same day that Thomas was tried for sending the letter, John Hanly, who told the court he was 'about fourteen and a half', gave evidence that a man had tried to make him give an oath to join the Fenians.¹²⁷ Seven-year-old Patrick Loftus had been imprisoned in Galway at the same time as Thomas O'Connor and Teresa Kenefick while awaiting trial for the crime of 'Singing a seditious song'. While originally held for examination at the assizes, Patrick, whose father was in gaol, and who was at the youngest age at which a child could be tried,¹²⁸ was subsequently discharged at petty sessions.¹²⁹ Three weeks later, a number of men were brought to court in Galway for using seditious language ('To hell with the police; to hell with the Queen') and suspected Fenianism. One was subjected to a second charge by the barrack orderly that, while he was confined in the barracks, he sang 'O'Donnell Aboo'.¹³⁰ James Hack Tuke visited the west of Ireland during the Land War and recorded the convictions of the 'Kilvine Rioters' at the Castlebar assizes. He wrote that 'The sentences were intentionally very heavy... two little boys [were imprisoned for] two months... it is thought that these sentences have had a deterring effect in other cases, as we heard of processes being served on Lord Sligo's

¹²⁴ *Galway Vindicator*, March 13 1867

¹²⁵ The *Galway Express* objected to 'Romanist' appointments of Attorney and Solicitor-General in 1855 (March 10 1855) and reported a case of an attack on Scripture-readers in 1854 in which the magistrate adjourned the case because there was no Protestant magistrate on the bench (November 04 1854)

¹²⁶ Oliver J. Burke, *Anecdotes of the Connaught circuit* (Dublin 1855), p.290

¹²⁷ *Galway Vindicator*, op. cit.

¹²⁸ For a detailed overview of 'Doli incapax' and the history of criminal liability in children see Loach, *Children, childhood and murder*, Chapter two

¹²⁹ Register of male juveniles 1866

¹³⁰ *Galway Vindicator*, November 14 1866

and other properties around Westport without difficulty'.¹³¹ The submissive behaviour of evicted tenants and their neighbours which was described to Sir Francis Bond Head by the Mayo head constable in 1852 was no longer as common by the 1880s. In 1881 a fourteen-year-old boy was indicted for assaulting a process server near Clifden.¹³²

From 1864 the judicial statistics record criminal proceedings at the higher courts and include the ages of the persons tried.¹³³ The crime which for which most children were tried at the Irish assizes, commissions and quarter sessions in both 1864 and 1869 was simple larceny, a non-violent form of theft. In 1864 there were 67 children tried for these offences in Irish courts and in 1869 there were 61. The second most common crime for which children were tried in 1864 was common assault, with 26 children appearing before the courts for such crimes. By 1869, however, only six common assaults by children were adjudicated in the higher courts. This difference is not reflected in the Galway register of male juveniles which records three children, two boys and one girl, being imprisoned for assault in 1864 and four boys in 1869 in the town of Galway alone.¹³⁴ The answer may lie in the fact that by 1869 children were being tried for assault in the lower courts. Assault is the second most common offence recorded in the Galway register of male juveniles.¹³⁵ The sentence for most assaults was not as heavy as that for larceny, with, typically a week or two weeks imprisonment being imposed. This was not always the case, however, and depended on the nature of the attack, with assaults on police officers, those which occasioned serious bodily harm and those involving attempts to 'carnally abuse' young girls and women being treated more seriously. When John Feeny and Michael Lardner, aged 15 and 16, were tried for a serious assault on a girl of 15, Feeny was sentenced to six years penal servitude and Lardner was discharged.¹³⁶

While there was a number of statutory changes which affected the treatment of children by the judicial system in the mid-nineteenth century, many children who came in contact with the agents of the law were subject to the arbitrary decisions of

¹³¹ *A visit to Donegal and Connaught in the spring of 1880* (London 1880), p.86

¹³² *Galway Express*, January 29 1881

¹³³ They do not record these proceedings by county or province

¹³⁴ Galway register of male juveniles, 1864 and 1869

¹³⁵ Of the 269 committals recorded in the register between 1864 and 1878 or '79 (dates are not recorded clearly and neither is it clear whether all children were entered in the Register), 57 were for assault, 38 for stealing, 36 for larceny, 9 for workhouse offences, 7 for leaving or deserting service, one for murder and one for manslaughter

¹³⁶ *Galway Express*, March 17 1855

police, magistrates and judges. When the quarter sessions were held at Ballinrobe in January 1867 there was not a single criminal case to be heard. This, and the absence of 'Fenianism' amongst the populace of the district was attributed by the Tuam Herald to '...the kind treatment of their humane landlord, Colonel Knox'.¹³⁷ When Colonel Knox died two months later, the same paper described him as a landlord, a provider of '...a great deal of employment', a magistrate, chairman of the local Board of Guardians, a grand juror, and a member of several other 'public boards'.¹³⁸ The range of power which men like Colonel Knox held over their neighbours in the west of Ireland extended to almost all areas of their lives, and contributed to the suppression of crime. Both children and adults depended on men of the landlord class for employment, housing, welfare and justice. This balance of power was beginning to shift in rural communities from mid-century onward, however, and church and political leaders were beginning to take on a prominent role. The police were becoming isolated in their communities and would not risk unpopularity by whipping children, a practice which was sanctioned by law. By the 1860s animosity towards landlords and their agents in the west was turning increasingly violent. Colonel Knox's relative, Colonel Nesbit Knox, was also a Mayo magistrate who incurred the wrath of the controversial Mayo Catholic priest, Fr. Patrick Lavelle. Fr. Lavelle wrote to the lord lieutenant to have him removed from the magistracy and replaced by a stipendiary magistrate.¹³⁹

The sometimes conflicting motivations of retribution, protection of society and social order, and compassion, made the treatment of children uneven. While the summary jurisdiction legislation of 1848 facilitated the 'short, sharp shock' of a whipping, legislation which was enacted in Ireland in 1858 would give unprecedented power to the state and voluntary agencies to intervene in the life of a criminal child.

¹³⁷ *Tuam Herald*, January 05 1867

¹³⁸ *Ibid.*, March 28 1867

¹³⁹ Gerard Moran, *A radical priest in Mayo, Fr Patrick Lavelle: The rise and fall of an Irish nationalist, 1825-98* (Dublin 1994), p.110

Chapter five- Establishment of the reformatory system: 1854-1870

The legislation which facilitated state support and certification of reformatories for Ireland was enacted in 1858. France had introduced government grant aid for farm colonies for juvenile delinquents in 1850, and the Youthful Offenders Act had provided for government support of reformatories run by voluntary groups in Britain in 1854. The Irish legislation was delayed by sectarian arguments and, to an extent, by the absence of a strong reformatory movement, but once enacted, voluntary or charitable groups were, at first, very quick to respond with applications for certification. By July 1860 nine reformatories had been certified. The opening of Connacht's only reformatory, St. Joseph's in Ballinasloe, in February 1864, brought the number to its highest. St. Joseph's ceased to function as a reformatory in 1884. This chapter will look at the debates which led to the Irish legislation in the context of British and French reforms, at the legislation itself and at the response to it.

The Youthful Offenders Act of 1854¹ represented the culmination of campaigning, investigations and sometimes heated debate between diverse groups of interested parties in England.² The legislation contained elements, some of them conflicting, of the proposals of different strands of the debate. A minimum mandatory fortnight's gaol sentence prior to incarceration in a reformatory, for example, was included as a result of pressure to include a penal aspect to the treatment of juvenile offenders. While supported by Rev. Sydney Turner, the same measure was strongly opposed by Mary Carpenter and Matthew Davenport Hill, who believed that any prison was unsuited to children.³ Similar, though less public, divergence of opinion began to appear in an Irish context in the early 1850s. James Corry Connellan, the Inspector-General of prisons, visited Red Hill and French juvenile institutions, including Mettray. He was of the opinion that twin institutions, one penal and similar to Parkhurst, and the other reformatory and modelled on Red Hill, should be established at four locations in Ireland. Committal to these institutions, he believed, should be at

¹ 17 & 18 Vict. c.86

² For a detailed analysis of the debates and campaigns see Margaret May, 'A child's punishment for a child's crime': The reformatory and industrial school movement in Britain, c.1780-1880' (PhD thesis, Bedford College, 1981)

³ Mary Carpenters' vehement opposition to Parkhurst is examined in Julius Carlebach, *Caring for children in trouble*, (London 1970)

the discretion of judges at assize and quarter sessions only, and not magistrates at petty sessions.⁴ Edward Senior, the Poor Law Commissioner, advocated penal schools with a progressive system, where a child could advance from a regime of low diet and hard physical labour, to a more reformatory system. In England, Lord Denman had objected to reformatories on the grounds that they provided ‘the young Felon’ with free training in a trade, rather than punishment for a crime.⁵ Senior agreed. He believed that a ‘...healthy, happy-looking school, with well-fed children’ would be an ‘...object of hope rather than of fear’ to an Irish child or his parents. In contrast with Corry Connellan, he told the Select Committee on criminal and destitute children that it was essential to give magistrates the power of committal to such institutions.⁶ Senior and Walter Berwick, the assistant barrister from Cork, were of the opinion that such penal schools or reformatories should be government run, with Berwick adding that any voluntary involvement in their running would be hampered by religious differences.⁷ John Ball, the Poor Law Commissioner, and later M.P., believed that religious and moral instruction should be imparted to children by charitable organisations in institutions which were exclusive to each religious denomination. Like the evangelicals who were a significant force in the English movement, Ball believed that ‘In reformatory schools for juvenile criminals the chief curative means must be sought for in religious influences’.⁸ They were all agreed, however, on the necessity for a new approach to the treatment of juvenile offenders.

Inspectors of prisons in Ireland had periodically highlighted the necessity for separate institutions for children in their annual reports since the appointment of Jeremiah Fitzpatrick in 1786.⁹ In their first report in 1823, the new inspectors-general stressed the need ‘In all large cities, [for] a place for the moral government and discipline of juvenile offenders’.¹⁰ Although Richmond bridewell and Smithfield had been used exclusively for boys, the inspectors became increasingly critical. While in name Smithfield was a penitentiary, it was not being run on the disciplinary principles

⁴ *Report from the Select Committee on criminal and destitute children*, 1852-53, (674) (674-1), 360, 366

⁵ Sir Leon Radzinowicz and Roger Hood, *A history of English criminal law and its administration from 1750*, Vol. 4 (London 1986), p.174

⁶ *Select Committee on criminal and destitute children*, 1852-53, (674) (674-1), p.387

⁷ *Ibid.*, p.351

⁸ *Select Committee on criminal and destitute juveniles*, 1852 (515), p.355

⁹ The inspectors’ role was limited to inspecting and reporting

¹⁰ First report on the general state of the prisons in Ireland, 1823 (342)

on which the penitentiary movement was founded.¹¹ In 1825, the inspectors described the system which they would like to see in place in Smithfield

Bells should ring to mark time for rising, breakfast, school, work, relaxation, dinner. &c. The boys should be taught to form in line, to open and close their ranks, and to file with regularity and silence from one part of the Penitentiary to another¹²

Separation and training of children within the prisons preoccupied the Irish inspectors for the 1830s and early 1840s, but by the early 1850s, they were looking to London for solutions to the problem of juveniles. In the same month that he had given evidence to the Select Committee in London, James Corry Connellan and his fellow inspector-general James Galwey issued a plea for state intervention through the medium of their annual report. While noting their lack of real power to effect change ('It is beyond the sphere of *our* duties to enter upon the question of how far a Government is bound to interfere in superseding parents...'), they ended their report with the hope that they would soon see '...institutions preventive, penal, reformatory, and provident'. They cited Mettray and the Societe pour la patronage des jeunes detenus in France as models which might successfully be replicated in Ireland.¹³ Meanwhile, the inspectors of convict prisons had been calling for an Irish government juvenile prison, similar to Parkhurst. With the appointment of John Lentaigne, Captain Raleigh Knight and Walter Crofton as inspectors in the early 1850s,¹⁴ it appeared that this would become reality. In their first report, they identified that '...the most pressing evil to be remedied was, the indiscriminate association of the young with those more advanced in years and crime' and they looked forward to the completion of a juvenile penal reformatory prison, an 'Irish Parkhurst'. Land was set aside in Lusk in county Dublin for the purpose. In the meantime they handpicked two schoolmasters for Mountjoy and Phillipstown prisons and sent them to visit penal and reformatory institutions in England to observe the systems used there.¹⁵ The juvenile

¹¹ See Michael Ignatieff, *A just measure of pain*, (New York, 1980)

¹² Report on the general state of prisons in Ireland, 1825 (493), p.20

¹³ Inspectors-general report, 1852-53, pp.21-37. Corry Connellan gave his evidence to the Select Committee in London on April 26 and 29 1853. The inspectors-general report was issued from Dublin Castle in April 1853

¹⁴ See Tim Carey, *Mountjoy: The story of a prison*, (Cork 2000), and Patrick Carroll-Burke, *Colonial discipline: The making of the Irish convict system*, (Dublin 2000) for Walter Crofton and the Irish convict prisons

¹⁵ First report of the directors of convict prisons in Ireland, 1854 1854-55 [1958], pp5, 6, 14

prison at Lusk would never be built, however. The passing of the Youthful Offenders Act for Britain shifted the focus of reformation from the prisons, and others in Ireland, outside of the penal system, began to look at alternative institutions for juvenile criminals.

While Ireland did not have as vibrant a reformatory movement as England or Scotland, there was a small body of social activists from outside of the penal and judicial systems that began to look at crime and its causes from the late 1840s. James Haughton read a number of papers to the Dublin Statistical Society, whose president was the Protestant archbishop of Dublin, on the subject of crime and intemperance.¹⁶ Much of the rhetoric of the early discourses had a strong evangelical tone and echoed the sentiments of the English reformers. Rev. John Edgar's address to the Belfast meeting of the Statistical Section of the British Association for the Advancement of Science in 1852 drew on the work of the reforming English prison chaplains, such as John Clay and Whitworth Russell, and Matthew Davenport Hill. Entitled 'The dangerous and perishing classes', it reflected the ideas which were common in the English reformatory literature.¹⁷ The parallel themes of the protection of society from danger and the welfare of the child who might, if not judiciously trained, pose a threat, were expounded

We live in the midst of a juvenile population, destitute of counsel, care, teaching, except what is pernicious- many of them without any honest means of procuring a livelihood. When we think of them, in their holes and corners, and filthy hovels... a distressing hopelessness comes over us... But the young generation are capable of better things; they might be trained to industry and virtue, instead of idleness and crime... To undermine the peace and security of states, there are no more effectual means than those which corrupt the morals of the young¹⁸

Edgar's tone was that of a missionary and his solution to the frightful vista of a '...race of paupers and criminals' lay in a Christian education. Others, however, saw a

¹⁶ See, for example, 'The use of alcoholic liquors economically, socially, and morally wrong'; 'On the connexion between intemperance and crime'; 'Statistics of crime'; 'Statistics to illustrate the connexion between ignorance and crime', (*Transactions of the Dublin statistical society*, 1849, Vol.1, pp3-9 and 9-11; 1851, Vol.II, 3-14; 1854, Vol.III, 3-13. Haughton was president of the Irish Temperance Union and, although raised as a Quaker, converted to Unitarianism, a religion he shared with Mary Carpenter and Matthew Davenport Hill. (*Dictionary of Irish biography*, Vol.4 [Cambridge, 2009])

¹⁷ See May, 'A child's punishment', chapter 1, for the contemporary themes on child-rearing and how the different perspectives of the evangelical, radical and romantic ideas in England merged in the reformatory movement

¹⁸ *Journal of the Belfast social inquiry society*, 1852, No.5, pp1-24

more temporal solution. While acknowledging the role of ‘Christian men’ in the solution to the problem of juvenile delinquency, William Harvey Pim saw criminal children as “‘children of the state’” and, as such, the state had a duty to correct, train, and care for them.¹⁹ Pim’s address to the Dublin Statistical Society outlined the new systems for the treatment of juvenile delinquents in America, Germany, France and England and he summarised, for his listeners, the recommendations of the Select Committees of 1852 and ’53. While acknowledging that ‘...the mind of the public in Ireland has not as yet been generally much aroused’,²⁰ he argued that the relative cost to the country of supporting a hardened criminal compared with the reclamation of a nascent young delinquent provided a very practical reason for introducing reformatory legislation. Some of the provincial newspapers, including those of Connacht, were copying pro-reformatory articles from their London and Dublin counterparts.²¹

The most prolific literary advocate for change in Ireland was the *Irish Quarterly Review*. First published in 1851, it began its life as a periodical for members of the Irish bar in the tradition of the *Edinburgh Review*. Its first issues contained articles relating to legal issues, literature, art and cultural history. By 1853, however, the emphasis of some of its articles had shifted to ‘...the education of the poor of the Kingdoms, and the training of young criminals into righteous and honest men’²² and this theme supplanted most other legal matters until 1857. Since the authors are anonymous, it is difficult to know whether this editorial shift is due to a change in personnel. It is known that, for at least a substantial part of its ten-year existence, the editors of the *Review* were Patrick Joseph Murray and J.T. Gilbert,²³ and Murray’s later work would strongly indicate that he was responsible for the many articles and thousands of pages which the *Review* dedicated to the subject of ragged, reformatory and industrial schools. By 1856, Murray would be able to write that he had ‘...worked, anxiously, with thought, pen, and tongue, for five years’ to support

¹⁹ ‘On the importance of reformatory establishments for juvenile delinquents’, *Transactions of the Dublin Statistical Society*, 1854, Vol.III, p.8

²⁰ *Ibid.*, p.15

²¹ On the March 25 1854 the *Galway Express* reprinted an article from the *Dublin Advocate* entitled ‘Juvenile criminals- a reformatory school’ which referred to the ‘...cancer of Juvenile Delinquency’. On June 03, they copied another, called ‘How they conquer crime elsewhere’ which drew heavily on an article from the *Irish Quarterly Review*

²² Editorial, *Irish Quarterly Review*, December 1853

²³ William J. Fitzpatrick, *History of the Dublin catholic cemeteries*, (Dublin 1900). See the *Dictionary of Irish biography* for Gilbert.

the reformatory movement in Ireland.²⁴ Much of the material in the early articles was based on the work of Mary Carpenter, Matthew Davenport Hill and the English prison chaplains, such as Sydney Turner, John Clay, Joseph Kingsmill and John Field. By 1854, the *Review* included a ‘Quarterly record of the progress of reformatory and ragged schools, and of the improvement of prison discipline’ in every issue.

In the articles in the *Irish Quarterly Review*, as with the debates in England and Europe, juvenile delinquency was largely seen as an urban problem with a rural solution. The delinquent was portrayed, typically, as a ‘street Arab’ and, citing the evidence of John Ball to the Select Committee of 1852, criminal and destitute juveniles were seen as a ‘...class [that] is rapidly increasing in Dublin, Limerick, Belfast, Cork, and indeed in all our large towns’.²⁵ Evidence for this increase, where cited, was usually from Dublin, in particular from the Dublin Metropolitan Police and the Richmond bridewell.²⁶ The Famine, and the years immediately after it, saw an increase in the numbers of destitute children in the urban centres. In 1851 the prisons inspectors estimated that 25% of petty larcenies in Dublin were committed by children²⁷ and, the following year children who were ‘country vagrants’ were assisted by the authorities in the Dublin prisons to return to their home districts.²⁸ In Cork, Walter Berwick privately established a fund to assist such vagrants to return home to prevent them being ‘...absorbed in the criminality and wretchedness of the city of Cork’.²⁹ In the early 1850s the governor of Galway gaol sent children who were released from gaol to the local relieving officer, with a note requesting their admission to the workhouse, but the Guardians discontinued the practice of accepting such children into the workhouse.³⁰ While acknowledging that the numbers of urban juvenile delinquents was on the increase after the Famine, prison officials believed that they were not generally as hardened as the London or Liverpool criminals. In the words of Corry Connellan, there was ‘...not at all the same amount of debauchery...

²⁴ *Reformatory schools for Ireland: A letter addressed to the Right Hon. Edward Horsman, M.P., Chief Secretary for Ireland*, (Dublin 1856)

²⁵ *IQR*, January 1854, p.68

²⁶ See, for example, ‘Reformatory and ragged schools, June 1854, 418-421; ‘Quarterly record of the progress of reformatory and ragged schools’, December 1854

²⁷ Report on the general state of the prisons, 1851 [1364], p.xix

²⁸ *Ibid.*, 1852 [1531], p.41

²⁹ *Select Committee*, 1852-53, 347. Berwick gave a number of example to the Committee of very young children who had been sent to Cork gaol for petty crime from great distances and who had become criminal in Cork after their release, pp340-349

³⁰ Evidence of Mr. Hall, temporary poor law inspector, to the Select Committee of 1852, p.474

among the juveniles of Dublin which is to be found in London', something he attributed to the absence of '...penny theatres and low places of amusement'.³¹

The primary institutions to which Murray, and others, looked for the solution were the Philanthropic Society's Red Hill, and, more particularly, Mettray. Both had farms attached, and boys were put to work at agricultural labour. The farm school held out a number of attractions for the reformers. While he was not in favour of the non-penal, family systems in place in both the English and French farm schools, Edward Senior supported the concept of the agricultural colony for delinquents and set out the urban/rural divide in his evidence to the Select Committee in 1853

A gaol is an ill-contrived, over-crowded building, situated in the heart of a vast town; the child himself lives in the very atmosphere of crime; on the expiration of his sentence he returns to his former associates... I would cultivate the [farm] entirely by spade labour... I should begin by draining the land very deeply... You might carry out your liquid manure, and have every thing done by man which is usually done by horse labour³²

The idea of agricultural labour as a solution to the problem of delinquent and destitute youth was not a new one. The Boston farm school had been established in 1833, and, in Belgium, Russyelede had been established as an agricultural reform school in 1849.³³ In England Sir John Eardley-Wilmot had established a farm school for convicted children at Stretton-on-Dunsmore in 1818.³⁴ He was a magistrate, and John A. Stack has demonstrated that the role of the landed gentry, particularly those who were also magistrates, contributed greatly to the large proportion of rural reformatories, especially for boys, which were established in the early years of the movement in England.³⁵ By 1854 twelve reformatories had been established by voluntary organisations in England and Wales.³⁶

In Ireland, the agricultural workhouse schools were perceived to be a great success. There were fifty such schools in 1853, of which six were in Connacht. The school at Dangan, attached to the Galway workhouse, was considered to be

³¹ *Select Committee*, 1852-53, p.365

³² *Select Committee*, pp391-392

³³ For contemporary accounts of the American schools, see 'American preventive and reformatory institutions', *IQR*, 1858, Vol.VII, No.XXVIII. For the European schools, see Henry Barnard, *National education in Europe* (New York 1854).

³⁴ Radzinowicz and Hood, *History of criminal law*, 136-137

³⁵ 'The provision of reformatory schools, the landed class, and the myth of the superiority of rural life in mid-Victorian England', *History of education*, 1979, Vol.8, No.1

³⁶ May, 'A child's punishment', p.209

particularly successful in training boys.³⁷ It was suggested that reformatories for juveniles could be established in the workhouses, a suggestion rejected by John Ball at the 1852 Select Committee.³⁸ James W. Kavanagh, the head inspector of national schools, wrote that ‘...In no branch connected with elementary education do I believe intelligence can be better developed than in the variety of interesting though “*common things*”, connected with farming, and none affords me more pleasure to examine on in a school’. Kavanagh took an interest in the problem of juvenile delinquency and in 1852, while in France, he made extensive enquiries regarding the institutions that had been established there for juvenile offenders, ‘social orphans’, and ‘morally-endangered children’. In his annual report of 1853, Kavanagh recommended the immediate establishment of four reformatories, one in each of the provinces.³⁹ Kavanagh, like Murray, had done extensive research on the progress of the juvenile justice innovations in America and Europe.

It was Mettray, however, to which Murray paid particular attention. In 1854, he published ‘Reformatory schools in France and England’, which he dedicated to Matthew Davenport Hill.⁴⁰ Written as a response to letters to the *Times* of London by Sydney Turner which Murray feared would turn the public against the reformatory movement, he addressed a number of issues which were controversial at the time, and which would prove to be contentious in years to come. Turner’s letters had been prompted by the report of M. de Persigny, the French minister of the interior, which was critical of some of the French agricultural colonies. de Persigny’s report accused some of the voluntary schools of being badly managed and of using forced labour of children to improve land for profit.⁴¹ Murray defended the French system, especially Mettray, and wrote that the absence of legislation to enforce parental responsibility had contributed to abuses. Believing, as most reformers since the 1816 report of the Committee for Investigating the Causes Alarming Increase of Juvenile Delinquency in the Metropolis⁴² did, that parents were largely to blame for the criminality of their children, Murray felt that it was imperative that any legislation should hold parents

³⁷ *Select Committee* of 1852, evidence of John Ball, p.350 and, *Ibid.*, evidence of Walter Berwick, p.345

³⁸ *Op. cit.*, p.348. This idea was resurrected in a petition to parliament by 400 residents of Derry in 1858 (*IQR*, 1858, Vol. VIII, No. xxix)

³⁹ Report of the commissioners of National Education, 1853, [1834] [1835], pp675, 683, 693

⁴⁰ Patrick Joseph Murray, *Reformatory schools in France and England*, (London and Dublin, 1854)

⁴¹ *Ibid.*, pp5, 18

⁴² See May, ‘A child’s punishment’, pp78-80

accountable for their children's misdeeds. This could be enforced by making them contribute to the upkeep of their children in reformatories. He also addressed the issue of preliminary imprisonment. Like Carpenter and Davenport Hill, he believed that sending a child to gaol before committal to a reformatory was a retrograde policy. He was also in agreement with them in their strong belief that voluntary effort with government support was the best model for a successful reformatory system. While he quoted at some length from Kavanagh's 1853 report and from Corry Connellan,⁴³ he disagreed with Corry Connellan on this issue, writing that

...officials see all things with official eyes, and hence it is that upon the common ground of *Government Intervention*, the Irish Prison Inspector, and the French Minister of the Interior meet

Towards the end of his work, Murray introduced a topic which would be the most contentious issue in the Irish context, that of 'The Religious Difficulty'.⁴⁴ While he was a staunch supporter of the National Schools system in Ireland, he cautiously entered into the argument against an integrated reformatory system by using the words of others. Quoting Mary Carpenter, who had worked with large numbers of Irish Catholic destitute and criminal children in Bristol, he reiterated her view that Catholics should establish reformatories for children of their own religion, and that magistrates should not send children to an institution which would instruct them in a religion which was different to that of their parents.

On February 04 1856 Edward Horsman, the Irish chief secretary, Sir George Grey, the home secretary, and the Irish attorney general brought a 'Bill for the better care and reformation of juvenile offenders in Ireland'⁴⁵ before the House of Commons for its first reading. The proposed legislation was exactly the same as the English Youthful Offenders act with only two exceptions. The English legislation recognised that reformatories '...had been and may be established' and moved to encourage their more extensive use, whereas the Irish bill purported to encourage their establishment, and in England and Wales two or more justices of the peace could commit a child, where the Irish law proposed that one justice at petty sessions could so do. At the order for the second reading of the bill four days later, Vincent Scully, MP for Cork,

⁴³ Op. cit., pp85-88 and 89-92

⁴⁴ Ibid., pp97-102

⁴⁵ 1856 (11), 19 Vict.

told the Commons that Catholic members of the House objected on the ground that it ‘...gave too great facilities to the county magistrates to proselytise the children who might be sent to juvenile reformatories’. Tristram Kennedy, MP for Louth, also objected, but for entirely different reasons. He told the House that, while he did not object to reformatories in principle, such was the paucity of industrial education for Ireland’s poor that they might ‘...hold out a premium to crime’ so that a child could receive better maintenance and training by committing a crime than they might if in a National School or workhouse. The most colourful contribution to the debate was made by the member for Dungarvan, John Maguire. He had fought, unsuccessfully, on the religious issue in the House of Commons alongside Frederick Lucas when the Scottish bill was introduced, and told the House that ‘In Ireland there was a great rage for proselytism, and religion and charity very often masqueraded themselves in that country in a strange garb’. He referred to the ragged schools, where the ‘...scrapings of the streets [were] added to the list of members of the Established Church’.⁴⁶ Maguire spoke at some length on the occasion of the second reading of the Scottish reformatories bill on the 12th March, pointing out that the Catholics in Scotland were too poor to establish schools.⁴⁷

The fight was then taken up outside parliament. The Catholic hierarchy of Connacht were particularly active in campaigning against the legislation. On February 14 John MacHale, archbishop of Tuam, received a copy of the bill from ‘...one of the best and most faithful representatives of Ireland’. MacHale called it ‘anti-Catholic’ and ‘...a bill founded on Protestant religious instruction’. He circulated the clergy in his diocese with petitions to be signed by their parishioners and ‘...transmitted by Sunday evening for presentation to the House of Commons’.⁴⁸ The *Freeman’s Journal* conducted a campaign against the bill, calling it an ‘anti-Catholic project’.⁴⁹ John Derry, the bishop of Clonfert, and his clergy, also signed a petition for parliament at their synodical meeting in Loughrea in April. Not only did they object to the bill on the grounds that it facilitated the ‘...insulting annoyance of aggressive Protestant proselytism’, they also complained that long detention in a reformatory, disproportionate to the offence, and without regard to the reformation of the offender,

⁴⁶ Hansard, 1856, Vol.140, cc496-7

⁴⁷ Ibid., 1856, Vol.141, cc2-19

⁴⁸ *Freemans Journal*, February 16 1856

⁴⁹ Ibid.

was unjust.⁵⁰ It was Dr. Derry who had proposed the motion at the meeting at the Rotunda in Dublin in 1851, attended by John Maguire, which had recommended the formation of an independent party in parliament and launched the Catholic Defence Association.⁵¹ Paul Cullen, as archbishop of Armagh, had presided over the meeting, and spoke of the objective of the new association to protect the religion of Catholic children.⁵² On May 19 the bill, amended by committee to include a clause which provided for a child to be sent to a reformatory managed by persons of their religion or that of their parents or guardians, was again brought in to the Commons. The objections continued. The annual synod of Irish bishops, held in June, issued a pastoral letter which contained a directive to Catholic MPs- ‘We warn our representatives against the proposal before parliament for opening or assisting institutions for juvenile offenders’.⁵³

P.J. Murray added his voice to the fray by writing to the Chief Secretary. He wrote that ‘Some of our judges are of wonderfully active faith, and of energetic religion... and many of them still cling to their old convictions and hatred of “Popery”’. Similar to Maguire’s objection to the Scottish reformatory bill, he believed that sufficient money could not be gathered to found voluntary Catholic reformatory schools. He reiterated his belief that the preliminary imprisonment clause was wrong, and, while he supported integration in the National School system, he considered the reformatory schools to be different because, in them, ‘Religion must be made the be all and end all of every hope of Reformation’. Citing Mary Carpenter and Matthew Davenport Hill to support his argument, he concluded by reminding the Chief Secretary of the work of Catholic agencies in the reformatory movements of France and Belgium and asking him to ‘Consider how cheaply and how cheerfully the agency of the Sisters of Mercy, of the Sisters of Charity, and of the Christian Brothers, could be brought to bear upon the Catholic juveniles in the course of their Reformation’.⁵⁴ It would be the expansion of the Catholic religious congregations, in particular, which would, in time, facilitate the establishment of voluntary institutions

⁵⁰ Ibid., April 18 1856

⁵¹ Emmet Larkin, *The making of the Roman Catholic church in Ireland, 1850-1860* (North Carolina 1980), p.100

⁵² Peadar MacSuibhne, *Paul Cullen and his contemporaries with their letters from 1820-1902*, Vol.II (Kildare 1962), p.92

⁵³ Ibid., p.218

⁵⁴ Patrick Joseph Murray, *Reformatory schools for Ireland. A letter addressed to the Right Hon. Edward Horsman, M.P., Chief Secretary for Ireland* (Dublin 1856)

for criminal and destitute children. Caitriona Clear has shown that there was a 68% increase in the number of nuns in Ireland between 1851 and 1861,⁵⁵ but the time was not yet right. Against the opposition of the Catholic church and members of parliament, the first attempts at legislation failed. When asked in parliament the following year whether the government would introduce reformatory legislation for Ireland, Horsman responded that ‘...there was no reason to suppose that another bill would be more acceptable’ to the Irish members until such time as the English law could be tested and improved.⁵⁶

Whether motivated by exasperation at the lack of legislative support, or in anticipation of it, a diverse group of interested parties in Cork came together to establish Ireland’s first juvenile reformatory on the principles which had been tried in other countries. Walter Berwick had been advocating such an establishment in his charges to the juries at assizes on the Cork circuit for some time. In 1857 the Society of St Vincent de Paul in Cork became patrons of a proposed ‘Home agricultural colony’ for the delinquents of the city and county, along with interested individuals, both Catholic and Protestant. Other patrons included Berwick, the Catholic bishop of Cork, Thomas O’Hagan, Q.C., and John Maguire. Its president was Robert J. O’Shaughnessy. The colony was to be managed by Christian Brothers⁵⁷ a number of whom were sent to the English Catholic reformatories at Mount St. Bernards and Hammersmith to gain experience. It was also intended to send them to Mettray.⁵⁸ O’Shaughnessy and Edmond Paul Townsend, a Christian Brother, embarked on an extensive tour of refuges, prisons and reformatories to observe their management. They visited Goldendridge, Newgate and Mountjoy in Dublin, Mount St, Bernard’s, Hammersmith and Belvedere Crescent in England, Mettray in France and Ruysselede in Belgium. In Mettray, the military discipline imposed on the boys left an impression

I shall never forget being present when a family of the youngest children in the colony were going to bed- even in this they carried out their order and discipline. When the little fellows marched upstairs, they ranged themselves around the room, keeping up the military tramp. At the command ‘a genoux’ each was in one instant on his knees, and from a corner of the room

⁵⁵ *Nuns in nineteenth-century Ireland* (Dublin 1987), p.37

⁵⁶ Hansard, 1857, Vol.144, c1297

⁵⁷ In a similar collaboration, the Society of St Vincent de Paul established St. Vincent’s orphanage for boys in Glasnevin in 1858 and handed over its management to the Christian Brothers in 1863. (Joseph Robins, *The lost children*, pp293-294)

⁵⁸ Once opened the school was managed by male religious of the Rosminian order.

came a weak, tiny voice beginning, *Notre pere, que es aux cieux*, the response of the fifty was spoken as in one voice 'Ainsi'. After prayer the order was given to arrange the hammocks, which was done in three movements each at the same second; they now put off their clothes, as commanded, and hung them on a hook beside their hammock, and at the last order, all were in bed

They were more impressed with Ruysselede, and felt it should be their model.⁵⁹

P. J. Murray enlisted Berwick's help to write a new draft bill which gave more financial assistance to voluntary groups to establish the schools and more safeguards against proselytising.⁶⁰ The bill originally gave the power of committal of children aged fourteen and under to judges at assizes and quarter sessions. On seeing that the criminal returns for 1857 showed that only 59 such children were committed, Berwick and Murray extended the age to sixteen, added the jurisdiction of the Dublin Metropolitan Police courts and even went so far as allowing for the jurisdiction of magistrates at petty sessions on charges of simple larceny. They added a proviso that fourteen days imprisonment be added so that the prison chaplain could certify the child's religion. These amendments, to bring more children within the '...reach of Reformatory influence', represented significant compromises of the principles which both Murray and Berwick had previously espoused. The issue of preliminary imprisonment had been particularly contentious in the English debates, where Radzinowicz and Hood, and May, have shown that the 'reformatory brotherhood' was '...far from being united', with Mary Carpenter and Matthew Davenport Hill being its most ardent critics.⁶¹ Matthew Davenport Hill gave his qualified support to the draft bill, and wrote to Murray- 'My hopes for Ireland have been greatly raised and strengthened by the munificent zeal of the inhabitants of Cork and their friends, who seem determined to secure for that enlightened city, the honour of inaugurating the reformation of Juvenile Offenders in your country'.⁶²

⁵⁹ O'Shaughnessy wrote 'Pleased as we were with Mettray, we were infinitely more delighted with Ruysselede; the order, neatness and cleanliness that prevailed were quite unequalled. 'Quarterly record of the progress of the progress of reformatory schools', *Irish Quarterly Review*, 1858, Vol.VIII, No. xxix. Thomas O'Hagan also visited Mettray. (*IQR*, Vol.IX, No. xxxiv, p.14)

⁶⁰ 'Notes on reformatories for Ireland, and for Dublin in particular, with some observations on the necessity for industrial schools', and 'Quarterly record of the progress of reformatory schools and of prison discipline', *Irish quarterly review* 1858, Vol.VII, No.XXVIII. The latter included the prospectus of the Cork reformatory

⁶¹ Radzinowicz and Hood, *History of English criminal law*, p.174 et seq., and May, *A child's punishment*, pp373-384

⁶² 'Notes on reformatories' op. cit., p.1

On the April 20 1858, Rickard Deasy, serjeant-at-law and MP for Cork, sought leave in the House of Commons to introduce a bill 'To promote and regulate Reformatory Schools for Juvenile Offenders in Ireland'. He told his fellow MPs that 'large sums' of money had been collected in Cork for the establishment of a reformatory, but that the plan could not be advanced without the support of legislation. He pointed out a number of differences between the English and proposed Irish legislation, namely that power of committal should be vested in judges at assize and quarter sessions and one justice of the Dublin Metropolitan Police courts, and that children could be put out to service by the school managers after part of their sentence had been served. Lord Naas, who had replaced Horsman as Chief Secretary, told Deasy that, while he thought the bill worthy of consideration, the small number of children who had been sentenced in the higher courts in Ireland '...showed that the evil to which his honourable and learned friend proposed to deal with was hardly of sufficient gravity to justify a special act of parliament'. Despite this and other objections, leave was granted and Deasy and John Bagwell, a Tipperary MP, presented the bill to parliament.⁶³ The revised bill gave grand juries leave to present a sum of money to managers of reformatory schools which were partly or wholly established, or intended to be established, and which had been certified by the Chief Secretary.⁶⁴ At its second reading in May, Deasy attempted to address the Chief Secretary's objections by amending the bill to allow magistrates to commit children. Again, Lord Naas did not object to the second reading, but told the House that this measure would confer on magistrates '...a very extraordinary power- that of committing a mere child, for a very trivial offence, to an institution which was neither more nor less than a gaol', a comment which must have wounded the reformers who had devoted so much energy to removing children from gaols. Rickard Deasy's attempt to justify the need for reformatories in Ireland by quoting the English and Scottish figures, and the Irish statistics for 1856, did not work with the Chief Secretary. He knew, and retorted with, the 1857 figure of only 59 juveniles sentenced the assizes and quarter sessions, and asserted that the low instance of juvenile crime in Ireland did not necessitate special measures, believing that proper separation in the gaols would suffice. He also objected to the entire cost of the reformatories being

⁶³ Hansard, 1858, Vol. 149, cc1401-5

⁶⁴ 'A bill to promote and regulate Reformatory Schools for juvenile Offenders in Ireland', 1857-58 (50)

chargeable to the local rates. It was Bagwell who defended the bill on this occasion and it was agreed to move the imperfect bill to committee stage for amendments.⁶⁵

The most significant amendment made at this stage from the point of view of the criminal child was the extension of the powers of committal to any justice of the peace at petty sessions. This measure would potentially draw hundreds of children, most of whom were petty criminals or first offenders, under the net of the reformatories. In order to address the fear that too much power had been given to individual magistrates, the child, or his or her parents or guardians, had the power to appeal the reformatory sentence to a higher court. The committee also amended the sections of the bill with regard to funding so that the burden of financing the new establishments was shared by the treasury.⁶⁶ A number of MPs objected to the establishment of separate Catholic and Protestant reformatories, but John Maguire assured them that ‘...gentlemen of the strongest Protestant opinions in the south of Ireland were in favour of the separate system, and there was not the slightest fear that Protestant reformatories would not be established under this bill’.⁶⁷ His assurance was not enough to convince everyone. When the bill reached the House of Lords the earl of Clancarty spoke at length against it. A Galway landlord from the strongly evangelical Protestant family of le Poer Trenches, he argued that very poor families would have their children commit crime to access to training and lodging of the reformatories, and that the legislation as it was proposed would ensure that the south and west of Ireland would only have Catholic reformatories.⁶⁸ It would be in Clancarty’s home town of Ballinasloe that Connacht’s only reformatory would be established.⁶⁹

Despite objections, and with amendments, the bill was finally granted royal assent on August 02 1858. The Chief Secretary, on the advice of the inspector of prisons or such inspector as might be specially appointed, could certify a school on the application of its managers or directors, or withdraw such certification. Once certified a notice would be placed in the *Dublin Gazette* within the month, which would notify judges and magistrates that children could be sent to the institution.

⁶⁵ Hansard, 1858, Vol.150, cc520-523

⁶⁶ ‘A bill’, op. cit. , as amended by committee, 1857-58 (140)

⁶⁷ Hansard, 1858, Vol.151, cc1431-3

⁶⁸ Hansard, 1858, Vol.151, cc1999-2001

⁶⁹ In 1857 Lord Clancarty had prevented the introduction of the Sisters of Charity to the Ballinasloe workhouse. In reporting the story, the *Galway Express* referred to them as ‘...specious Popish propagandists’. (*Galway Express*, October 24 1857)

Funding could come from three main sources- voluntary contributions, the grand jury, and the treasury. Any child adjudged to be sixteen or under found guilty of an offence other than vagrancy at assizes, quarter sessions, Dublin Metropolitan Police courts, or at petty sessions under the terms of the summary jurisdiction act of 1851, could be sent to a reformatory at the expiration of their sentence, which must be one of at least fourteen days. The reformatory sentence proscribed by the act was for not less than a year and not more than five. Affirmation of P.J. Murray's great proviso of parental responsibility was included in section fifteen of the act, which provided that parents '...of sufficient ability' should contribute up to five shillings a week for the maintenance of their child while incarcerated, in default of which they could be imprisoned. A child who absconded would be imprisoned and then returned to the reformatory, and anyone abetting or harbouring an escapee would be fined up to £5. A form of probation was enshrined in the act, whereby a child could be sent out to service to someone selected by the manager, after they had served half their sentence and for a period of one year.⁷⁰ Like the English act, the new Irish reformatory act was permissive- it made it possible to establish reformatories and legally detain children in them, but judges and magistrates had complete discretion on how to dispose of a child found guilty of crime.

The job of inspecting the reformatory schools was first given to Sir Walter Crofton, the director of Irish convict prisons. In his first report in 1861, Crofton wrote that 'only nine such schools have as yet been established'.⁷¹ In spite of its head start, Cork was the ninth to be certified, on the 6th July 1860.⁷² Four of the nine were in Dublin, with one in Wicklow predominantly serving the Dublin prisons. The gender balance was similarly skewed, with five of the first six certified reformatories established to cater for girls, a group which formed a minority of the juvenile penal population. The explanation for this lies with the nature of voluntary personnel available to open the institutions. As with the English act, voluntary effort was required for the impetus to establish and manage the schools. In the words of the Catholic judge, Thomas O'Hagan, the legislation gave '...the force of law to the voluntary action of virtuous men'.⁷³ It would be women who would be the main

⁷⁰ 21 & 22 Vict, c.103

⁷¹ First report of the inspector appointed to visit the reformatory schools of Ireland, 1862 [2949], p.3

⁷² *Ibid.*, p.4

⁷³ Address to the meeting to aid St. Kevin's reformatory, Glencree, reported in the *Irish Quarterly Review*, 1859, Vol. IX, no. xxiv, Appendix, p.14

drivers of the system in Ireland. In England this cohort was largely drawn from local landowners who were also frequently magistrates. The model for the country squire as social guardian was Thomas Barwick Lloyd Baker who, along with George Bengough, established the Hardwicke schools in Gloucestershire.⁷⁴ In Ireland, which did not have institutions already established, this role was filled by religious groups. The first to be certified, in December 1858, was High Park in Drumcondra,⁷⁵ a school for girls managed by the French sisters of the Our Lady of Charity of Refuge near a site where they had been running a Magdalen asylum, with some difficulty, since 1853.⁷⁶ The second was St. Joseph's in Limerick, also for girls, under the management of the sisters of the Good Shepherd. They too, had been managing a Magdalen asylum on the same site.⁷⁷ On April 12 1859, Ireland's first Protestant reformatory, at Cork street in Dublin, was opened, as was the first school for boys, St. Kevin's in Glencree, county Wicklow.⁷⁸ The latter, run by the Missionary Oblates of Mary Immaculate,⁷⁹ quickly became Ireland's biggest, and was modelled on Ruysselede.⁸⁰ Only the schools at Cork and Belfast were purpose-built.⁸¹ Despite decades of research and debate on penal architecture, Glencree, which, within two years housed 239 boys, was situated in a disused 18th century barracks surrounded by '...unreclaimed bog and heath' leased from Lord Powerscourt.⁸² A 32-member fundraising committee, which included the chief baron, four MPs, members of the judiciary and clergy, Charles Bianconi and John Lentaigne, was formed.⁸³ The committee had rooms at Lower Ormond Quay in Dublin, and Patrick Joseph Murray was its honorary secretary.⁸⁴

⁷⁴ See May, 'A child's punishment', chapter nine

⁷⁵ First report of the inspector, p.3

⁷⁶ Very Rev. Canon Keogh, *Battersby's Catholic directory, almanac and registry* (Dublin 1864), p.169. For an account of the difficulties which the French nuns experienced with their Irish founder on their arrival in Dublin, see Peadar Mac Suibhne, *Paul Cullen and his contemporaries, with their letters from 1820-1902*, Vol.III, pp172, 173, 256, 257

⁷⁷ *Ibid.*, p.195

⁷⁸ First report of the inspector, p.3

⁷⁹ *Battersby's directory*, p.167

⁸⁰ Second report, p.76

⁸¹ Second report of the inspector, 1863 [3194], 71, and *IQR*, 1859, 'Quarterly record...', Vol.IX, No. xxxv, p.xlv

⁸² Matthew Davenport Hill, *Journal of a third visit to the convict-gaols, refuges, and reformatories of Dublin and its neighbourhood* (London 1865), pp5,6.

⁸³ 'Quarterly record...', *IQR*, 1859 Vol.IX, No. xxxiv, p.28

⁸⁴ Copy of letter from Murray to the editor of *Saunders's Newsletter*, reprinted in Richard Smyth, *Philanthropy, proselytism and crime: A review of the Irish reformatory system* (Londonderry 1861), p.41

While the voluntary management of the schools was administered on strictly sectarian principles, with schools established exclusively for and by Catholics and Protestants, there appears to have a great deal of goodwill and support between some members of both religious groups in the early years of the movement. Both Upton in Cork and Glencree initially received financial and moral support from prominent Protestant members of society.⁸⁵ The *Irish Quarterly Review* reported that ‘... Protestant gentlemen, and sound Protestant gentlemen of strong Conservative feelings, have subscribed to the Catholic Reformatories considerable sums; whilst on the other hand sound Catholic gentlemen, of strong Liberal, or Whig, or Radical feelings have subscribed to the Protestant Reformatories’.⁸⁶ However, sectarian and political tensions were already emerging with regard to the treatment of young Catholics in the workhouses.⁸⁷ One of the most highly publicised rows over the sacking of the Catholic chaplain of the south Dublin union workhouse resulted in Paul Cullen and Isaac Butt pressuring the government to have him reinstated. The chaplain in question, Laurence Charles Priedieux Fox, would become the superior of the reformatory in Glencree in 1866.⁸⁸

Table 9

Reformatories certified 1858-1860⁸⁹

21 December 1858	High Park, Drumcondra	Catholic girls
25 January 1859	St Joseph’s, Limerick	Catholic girls
12 April 1859	Cork St, Dublin	Protestant girls
12 April 1859	St Kevin’s, Glencree	Catholic boys
03 May 1859	Goldenbridge, Dublin	Catholic girls
03 May 1859	Spark’s Lake, Monaghan	Catholic girls
18 November 1859	Reheboth Place, Dublin	Protestant boys
13 March 1860	Malone, Belfast	Protestant boys
06 July 1860	Upton, Cork	Catholic boys

⁸⁵ See ‘Quarterly record...’, *IQR*, 1858, Vol VII, no.xxviii, Vol. VIII, No. xxix and 1859, Vol.IX, p.lxxxiii

⁸⁶ Ibid.

⁸⁷ See chapter three, pp11, 12

⁸⁸ Like Genevieve Beale who would become manager of the Monaghan reformatory, Fox was a convert to Catholicism and a former Quaker from the south of England. (Mac Suibhne, *Paul Cullen*, p.293).

For events leading to controversy in the south Dublin workhouse, see Helen Burke, *The people and the poor law in nineteenth century Ireland* (Dublin 1987), and Anna Clark, ‘Wild workhouse girls and the liberal imperial state in mid-nineteenth century Ireland’, *Journal of social history*, 2005, Winter, pp389-409.

⁸⁹ Second report of the inspector, 1863 [3194], p.5

Any hardship imposed by harsh conditions in the hastily established institutions does not appear to have unduly troubled Walter Crofton. Many of the early reformatory movement members were keen to avoid the ‘premium to crime’ perception of the schools, and saw them as a means of ‘...acclimatisation to a frugal working life’⁹⁰ for children destined, at best, to become labourers, servants, soldiers or sailors. Opponents of the reformatories wrote of ‘Prime feeding time three times a week... footballs, excursion parties and free run of the mountains’ at Glencree.⁹¹ Crofton admonished the Belfast reformatory for allowing privileges to well-conducted boys which he believed to be of a ‘questionable nature’, and sought assurance that the quantity of food given to the children was only as much as was ‘...absolutely necessary to preserve the juveniles in health, and to enable them to perform the work which is required from them’.⁹² Crofton did not have the opportunity to carry out any more official inspections. Despite his assumption that he would retain the inspectorate,⁹³ he was replaced within the year.

Just as the long-serving activist and advocate for reformatories in England, Sydney Turner, was appointed inspector there, by 1863 Patrick Joseph Murray was appointed the new Irish inspector. Not surprisingly, he used the opportunity of his first report to ‘...offer some observations upon the Reformatory School System as it is now carried out, and upon the Reformatory School Principle as I hope to see it hereafter developed in Ireland’.⁹⁴ He first reminded those concerned of the obligation to send children to a reformatory managed by members of their, or their parents’ or guardians’, religion. This was the first of many ‘reminders’ which was intended for the magistracy. He praised the managers of the schools, writing that he had not detected any ill-feeling towards them from the children, and that they were devoted ‘heart and soul’ to their work. He also wrote that Protestant and Catholic managers were co-operating and sharing information. Commenting on the regime within the schools, he wrote

⁹⁰ May, *op. cit.*, p.411

⁹¹ *Londonderry Sentinel*, May 02 1861, cited in Eoin O’Sullivan, ‘Juvenile justice and the regulation of the poor: “Restored to virtue, to society and to God”, in Ivana Bacik and Michael O’Connell (eds.), *Poverty and crime in Ireland* (Dublin 1998)

⁹² First report, *op. cit.*, pp9, 7

⁹³ Crofton ends his report with the words ‘In my next report, I hope to be able...’, *Ibid*, p.8

⁹⁴ Second report, p.5

The rule in all the Schools is steady, hard work: a dietary plain and wholesome, but such as hard work requires- a dietary such as children reared as these children have been, and tainted as most of them are with scrofulous tendency, renders necessary; - this is just the kind of food they receive, and such as every Manager of a School considers himself bound to give unless he will break faith with the public, and render his school a Hospital, not a Reformatory

It was not only the food, but the literary education too, which would be basic. There should be no attempt, he instructed, to make scholars of the inmates, rather they should be inculcated in ‘...habits of industry, regularity, self-denial, self-reliance, and self-control’. Boys would be trained on the land and in the workshop, and girls within the house, the home being “...the natural sphere for the woman”. As in Crofton’s convict prisons, the children could earn marks for good behaviour and hard work. The children’s day began at six, and ended at 8, with 6-8 hours of work and 2-3 hours of school punctuated by three meals, prayer and play. Echoing the principles of Bentham’s Panopticon, Murray wrote that great care was taken that the children were always within sight, hearing and complete control of those in charge. Regarding discipline, it was suggested that deprivation of marks and food, and ‘working in solitude’ be used as punishment.⁹⁵ While endorsing the great principle of ‘voluntaryism’ upon which the reformatory movement had been built in America and Europe, Murray reserved the right, as government inspector, to insist upon ‘thorough observation’ of the rules by managers.⁹⁶

It was apparent from Murray’s first report that a large proportion of children being sent to the schools were from the Dublin metropolitan area and that he was unhappy with the response to the legislation from the provinces, where, he wrote ‘...the provisions of the Act and the chief points of the Reformatory principle are little known’. The rural authorities were erring in a number of areas- magistrates were passing sentences that were, in his opinion, too short, they were not pursuing parents for the correct amounts of support for their children in the institutions, and local authorities were not entering into agreements with schools for the reception of their juvenile offenders, as set out in section 5 of the act. Preference was being given to children from districts which had signed up to section 5, as these districts contributed to the upkeep of the children.⁹⁷ In 1865 Murray wrote that ‘...while Dublin is

⁹⁵ Ibid., p.14

⁹⁶ Ibid., pp13, 19,17, 14, 21, 13

⁹⁷ Ibid., pp 9, 28, 29, 48

expressing its approval of the Reformatory School system... many counties are slow to avail themselves of the benefits of the ...Act'. He cited examples from the reports of the inspectors of prisons, including four of the five Connacht counties. In Mayo county gaol only three out of nineteen children who had served time there had been sent to reformatories, and none of the eleven from Roscommon gaol and six from Sligo had been given reformatory sentences. Leitrim was excused by the inspectors on the grounds that juvenile offenders in the county were 'happily few'.⁹⁸ He did not, however, cite the reports on the gaols of Galway. The inspectors reported that 'There is not much juvenile crime in county Galway. Sixteen males and eight females under sixteen years of age were committed to this gaol during 1862, some of whom were workhouse offenders... and the great majority had both parents living... Of these, four were sentenced to a Reformatory, but only two were sent, one having been discharged by the Executive, and another rejected by the Manager of the Reformatory'. In the town of Galway, the inspectors noted that there was '...very little juvenile crime in the district' and that twenty boys and four girls had been committed for vagrancy, gambling, throwing stones, ball-playing and other minor offences. Four had been committed for larceny and, of the two who had been given reformatory sentences, one had been rejected by the manager as diseased.⁹⁹

In the first four years 754 children were sent to the reformatories. Of these, 558 were boys and 196 were girls. This represented a higher proportion of girls than those committed to gaol,¹⁰⁰ suggesting that magistrates and judges committed more girls to reformatories because there were more places available for them. 177 of the girls and 479 of the boys were Catholic. While admitting the difficulty of assessing their ages, Murray estimated that 198 were under twelve years of age, and 56 were aged sixteen or over when admitted. Murray himself examined the Catholic children in religion, and asked the chaplains to examine the Protestant children and report to him. They found that 370 were '...entirely ignorant of religion' and 296 were ignorant of literary education.¹⁰¹ Of the 591 children incarcerated in December 1862, 374 had not previously been convicted, therefore the majority were not 'hardened offenders'.

⁹⁸ Third report, pp 33, 34

⁹⁹ Forty-second report of the inspectors-general, pp237, 249

¹⁰⁰ In the four years from 1859 to 1862, 22% of child committals to gaol were of girls. (Reports on the general state of the prisons of Ireland, 1860-1863)

¹⁰¹ Second report, pp8, 9, 10, 11, 12

The judges of the Dublin Police courts sentenced the majority, followed by justices and magistrates at petty sessions.¹⁰²

Reformatory managers could refuse to accommodate a young offender. Although Murray required detailed returns from the managers citing their reasons for rejecting a child,¹⁰³ he was fully supportive of them when children were rejected on grounds of ill-health. While the managers sometimes made exceptions,¹⁰⁴ children had to be healthy enough to work hard before they were accepted. Short sentences were also considered grounds for rejection, as Murray and the managers considered one or two years too short a time to reform the children and to make them productive. The committee of the Cork street reformatory wrote in their report of 1865 that

By the time that they are well instructed, and have become practically useful, they are, in most cases, old enough, or have been detained in the school long enough, to make it advisable to discharge them and place them out in the world¹⁰⁵

In 1865 five children were rejected by the managers, according to the inspectors' report, one on the grounds that a two-year sentence was too short, and the others on health grounds. One child had bad scrofula and sore eyes, one was deaf and dumb, one had a 'bad case of itch' and the fourth child was refused because she had 'very bad venereal disease'.¹⁰⁶ Girls who were prostitutes could also be refused entry.¹⁰⁷ Murray acquiesced with Sydney Turner's opinion that girls were more difficult to reform than boys.¹⁰⁸ In Dublin, the Goldenbridge reformatory was initially opened as an extension of the refuge for convict women to accept older girls, '...the most shameless and abandoned of Dublin young criminals', but closed at the request of the manager in 1863.¹⁰⁹ Mary O'Callaghan, a sister of the order of Our Lady of Charity, who ran the High Park reformatory, had had experience of '...town-reared girls' in France, but struggled to reform Dublin girls who were tempted by the proximity to Dublin and all their former 'vicious haunts'.¹¹⁰ The solution to the problem was to

¹⁰² Ibid., pp10, 7, 8

¹⁰³ Second report of the inspector, pp40-41

¹⁰⁴ A judge requested that a reformatory accept a boy with a 'disgustingly scrofulous' foot, and subsequently donated £5 for the boys upkeep. (Ibid., p.42)

¹⁰⁵ Fifth report of the inspector, 1866 [3691], p.31

¹⁰⁶ Ibid., p.18

¹⁰⁷ Second report, p.43

¹⁰⁸ Ibid., p.55

¹⁰⁹ Ibid., pps.82, 83. Third and fourth report of the inspector, 1865 [3458], p.56

¹¹⁰ Third and fourth report, p.55

transfer such girls to Spark's Lake in Monaghan and St. Joseph's in Limerick. Both were singled out for high praise by the inspector in his annual reports. The latter was run by Amelia Von Neuenhove, and Mrs. Lockhart, who had founded Glasgow's Dalbeth reformatory.¹¹¹ In his report of 1871, the inspector wrote that

An asylum for penitent females under the care of the Sisters lies behind this convent, and I am very anxious that the two institutions shall be so separate that the inmates should not even see each other, however, care is now taken that no possible communication can exist¹¹²

Spark's Lake, which was run by Genevieve Beale, appeared to carry out miraculous reformation on '...the most vicious and refractory girls' that Murray had ever seen.¹¹³ Those who were felt to be in danger of being led back into crime by their families were assisted to emigrate on their release, some married and others were placed in service.¹¹⁴ Some of the Protestant girls of the Cork street school were described by Murray as being '...as vicious and depraved as it was possible for persons their age to be'.¹¹⁵

Disposal of the inmates was a problem for many of the reformatory schools and for the discharged children. Murray provided a detailed account of the French patronage societies in his second report,¹¹⁶ but the job of finding places for the Irish inmates once they were released appears to have rested with the staff of the schools themselves. The boys were mostly trained to be agricultural labourers, although some were trained in trades. In Glencree, some boys were trained as cabinet-makers and

¹¹¹ Second report, 81, 82 and Ninth report, 1871 [C.461], p.40

¹¹² Ninth report, op. cit., p.40

¹¹³ Ibid. p.84. Genevieve Beale, born Priscilla Beale, was an English Catholic convert who was a sister of the St. Louis order. The order may have been brought to Ireland from France by Ellen Woodlock. The bishop of Clogher invited the order to Monaghan. Genevieve Beale, as she now was, is said to have arrived in Monaghan in 1859 with two other nuns and £19 17s and 6d. With the support of John Lentaigne, Charles Bianconi and the mother of Lady Rossmore (also a convert), they established a reformatory in an old brewery. (M. R., 'Mother Genevieve Beale and the sisters of St. Louis in Ireland', *The Irish Monthly*, 1897, Vol.25, No.294, pp625-632). The bishop subsequently instructed them to cut their ties with the French mother house, or leave his diocese. They acquiesced. (Caitriona Clear, 'Noiselessly and calmly: Nuns and social responsibility for children in nineteenth-century Ireland', in *Children at risk; aspects of education* [Hull 1994], p.60)

¹¹⁴ Three Spark's Lake girls who emigrated had offers of marriage from passengers and crew before disembarking in America. Another who had such a violent temper that she was nicknamed 'the lunatic' became a valued servant in Philadelphia and a girl who had been a beggar was sent to London to work for a Protestant lady who had visited the school and asked to take one of the girls. (Appendix III to the Sixth report of the inspector, 1867 [3814])

¹¹⁵ Fifth report of the inspector, 1866 [3691], p.30

¹¹⁶ Second report, Appendix 1

examples of their work were shown at the Dublin exhibition of 1864.¹¹⁷ Both boys and girls were engaged in work for the upkeep of the schools and their inmates, such as laundry, sewing, knitting, cooking, carpentry and shoe-making.¹¹⁸ Moses Furlong, the manager of the Upton reformatory, raised funds to enable some of his boys to emigrate. Some of the Upton boys were sent to Brazil to work as agricultural labourers.¹¹⁹ Others were encouraged to join the army. Eighteen boys from Glencree enlisted in 1863 and 1864, and Murray wrote that 'During the furlough season the Manager of St. Kevin's is never without a military guard of honour, and I occasionally have a red-coated visitor myself at my office'.¹²⁰ Positions in respectable households were sought for the girls. Emigration was the preferred option for many of the managers, as it ensured that the children were removed from the vicious influences of former friends and family. The option to send the children out on license was less favoured by the managers.

¹¹⁷ Third and fourth reports, 51

¹¹⁸ Three girls in High Park in 1862 were permitted to make shirts, blouses and stockings for their brothers who were in Glencree. The brothers, in turn, made shoes for their sisters. Second report, p.81

¹¹⁹ Sixth report, 24. For more on Irish emigration to Brazil at this time, see Oliver Marshall, *English, Irish and Irish-American pioneer settlers in nineteenth-century Brazil* (Oxford 2005)

¹²⁰ Third and fourth report, p.51

Table 10
Disposal of reformatory inmates, 1863 and 1864¹²¹

	Since dead	Doing well	Doubtful	Convicted of crime	Unknown
Apprenticed or to service	0	36	1	0	2
Placed in care of friends	0	56	2	3	2
Emigrated	0	94	0	0	4
Enlisted	0	23	0	0	0
Sent to sea	0	8	2	0	0
Entered the navy	0	0	0	0	0
Absconded and not retaken	0	0	0	0	11
Discharged as incorrigible	0	0	4	1	2
Discharged as diseased	1	1	2	3	0
Died in school	6				

Children who ran away from the reformatories posed a further problem for the managers. There is evidence that incidents, outbreaks and abscondings are under-represented in the inspector's reports, especially in the early years when positive propaganda was used to gain goodwill and financial support from the public.¹²² Prison

¹²¹ Ibid., pp16 and 25

¹²² At least twenty children absconded from the schools in 1863 and '64. (Chief secretary's office registered papers, 1863/'64; 2130, 2247, 2701, 3068, 5395, 5479, 6313, 7345, 9576, 11202, 11295). In 1866 two girls attempted to burn down the Limerick reformatory. (Ibid., 23366). Murray did not include many of these incidents in his annual reports

sentences of up to nine months were imposed on the absconders,¹²³ and, in some instances, a bounty was paid to police who captured the runaways.¹²⁴ The cost of recapturing the children became a matter of some discussion, and it was unclear whose responsibility this was. The law was clear, however, on how to deal with anyone who assisted the absconders, and proved a strong deterrent. When Julia Connolly ran away from High Park, it was her parents who brought her back.¹²⁵

Murray was determined, from the outset, that his great principle of parental responsibility should be enforced. Believing that some parents drove their children to crime, and others might want their children to be cared for or trained in a reformatory, he wrote that the Reformatories Act, by compelling parents, where able, to support their children after their incarceration, prevented such abuse. While this section of the act could not be applied in the case of the 100 orphans in custody in 1862, and was unlikely to be enforceable against the 158 who had only their mother living, where both parents were living they were, unless destitute, liable for maintenance.¹²⁶ It was the job of the judge or magistrate, informed by the police, to assess their ability to pay and the amount to be paid. The Dublin judiciary was more likely to exact such payments, but they had the assistance of Mr. John Ryan, the collector of parental payments. He had issued 124 warrants against Dublin parents for non-payment between 1860 and 1862, and nine parents had been sent to gaol. Such was Murray's zeal on this matter that he himself inquired of the police as to the circumstances of the parents, and personally sent the monies collected to the relevant school. The provincial justices, according to Murray, had been inclined to levy too high a maintenance charge, which resulted in parents' goods being seized or in gaol sentences. In 1862, over £192 was collected from parents. This sum was deducted from the treasury grant to each school.¹²⁷ Parents were also liable to punishment for concealing a child who absconded from a reformatory. One woman served a two-month sentence at Grangegorman penitentiary for concealing her son after he absconded from Glenree.¹²⁸ Children were considered more likely to abscond from a

¹²³ This was the sentence imposed on three girls from Spark's Lake who ran away on 1863. (Ibid., 11295)

¹²⁴ See, for example, *ibid.*, 7333

¹²⁵ *Ibid.*, 5395

¹²⁶ 95 of the 591 in custody in December 1862 had only their father living, and six were illegitimate. (Third and fourth report, p.10)

¹²⁷ *Ibid.*, pp25-30

¹²⁸ *Ibid.*, pp21, 55

reformatory situated in a town so it was believed to be preferable to send children to schools which were in rural locations, or far away from their homes.

Criticisms of lack of engagement with the new system by the western authorities continued in the early inspectors' reports. By 1864 only £3 of the £315 collected from parents had come from the parents of Connacht children in the schools, and the local authorities of the province had contributed only £34 of the £2,762 which had been collected throughout the country.¹²⁹ While commending the Dublin judges for passing longer sentences, Murray admonished the provincial magistrates and justices for being the only ones who passed the minimum one-year sentence.¹³⁰ For the criminal children of Connacht, particularly the boys, there was no alternative to sending them to a remote location, as the province did not have a boy's reformatory. On the December 07 1863 Mary Burke, the superior of the Mercy convent in Ballinasloe, wrote to the Chief Secretary, Robert Peel, that they had been '...for some time past... preparing, and have now nearly completed the buildings and fittings of a proposed reformatory for Roman Catholic girls: an institution much needed in the Province'. She requested that the inspector carry out the required inspection.¹³¹ She was acting under the '...direction and patronage' of Dr. Derry,¹³² the bishop who had previously voiced his objections to the reformatory system. Within two and a half weeks Murray had carried out his inspection, recommended the institution for certification to the Chief Secretary and the certificate was granted.¹³³ By the 6th January 1864, however, Mary Burke was again writing to the Chief Secretary, this time on headed paper from 'St. Joseph's Reformatory School, Adjoining the Convent of Mercy, Ballinasloe'. She had heard that he had withdrawn the certificate, based on a brief conversation with '...one of the humble workmen employed about the convent'. It is, perhaps, not a coincidence, that Peel had just left the home of Lord Clonbrock, where he had spent two days.¹³⁴ Clonbrock had prevented the Sisters of Charity from working in the Ballinasloe workhouse seven years earlier. (See chapter three). As '...an act of simple justice' she asked him to send the inspector again. By mid-February, Murray had re-visited Ballinasloe and had sent the Chief Secretary a

¹²⁹ Third and fourth reports, pp22, 23, 24

¹³⁰ Second report, p.9

¹³¹ Chief secretary's office registered papers, 1863, 10520

¹³² *Freeman's Journal*, 7th October 1864

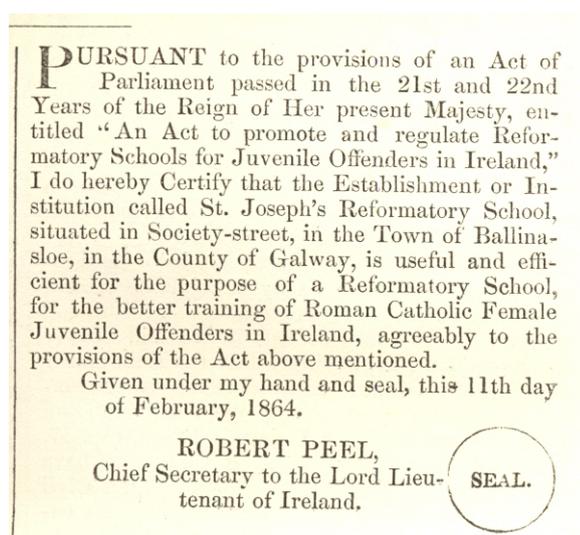
¹³³ CSORP, 10844

¹³⁴ *Galway Express*, 9th January 1864

detailed description of the building, furnishings and uniforms for the girls, all of which, ‘...in justice to the manager, Mrs. Mary Burke’, he commended to Peel.

It contains a lavatory, dining room, school room and three dormitories, one of which will be used as a work room until required for sleeping purposes. The entire premises are perfectly dry and well ventilated, with a sufficient number of fireplaces and windows. In addition to the buildings above enumerated, the children will in about two months, be allowed the use of three large and airy apartments, now almost completed. The manager is fully prepared to receive twelve children, and has the complete school uniform, with beds, bedding and bed clothing for that number¹³⁵

By mid-February, St. Joseph’s in Ballinasloe had again been certified as a reformatory for Catholic girls. It would be Connacht’s only reformatory.



Notice of certification from the *Dublin Gazette*

The local response to the opening of such an innovative institution would appear to have been underwhelming. None of the leading Galway newspapers of the time carried the story.¹³⁶ At the Galway spring assizes the following month the judges do not appear to have noted it in their charges to the jury, an occasion which they usually used to summarise the ‘state of the county’ or town as regards all matters

¹³⁵ Ibid., 1864, 11606 and 11878

¹³⁶ One exception was the *Loughrea Journal* which carried an article on the reformatory which was copied by the *Western Star & Ballinasloe Advertiser* (March 1864). The article stated that ‘...in future years many a good mother will look back with thankfulness to happy days spent within the quiet walls of St. Joseph’s’

judicial and criminal. A number of young girls appeared at the assizes for theft, one of whom was given a gaol sentence of twelve months with hard labour. No mention appears to have been made at her trial of the availability of a new facility for her reformation in the county.¹³⁷ It may be that the judges had not read their *Dublin Gazette*, or they may have disapproved of the institution on religious or other grounds, or they may have been misinformed or indifferent. The only appearance which the Ballinasloe reformatory made in the local press, most of which copied the same article, was in the context of the visit of Sir Robert Peel to the town. The articles referred, with regret, to the fact that he had been unable to visit the ‘Lunatic Asylum and the new Male Reformatory’ because his car had broken down between the home of Lord and Lady Clonbrock and Ballinasloe.¹³⁸ Even as late as April 1865 an eleven-year-old boy named John Egan had to be discharged after a magistrate sentenced him to the girls’ reformatory for five years for stealing eggs.¹³⁹

It received its first girl in March 1864. This may have been Margaret Seery, who was sentenced to one calendar month imprisonment in Sligo gaol and five years in Ballinasloe for stealing five shillings. The Sligo gaol register records that she was committed with a woman named Bridget McGuire and was sent to Ballinasloe in March. The inspector’s report for 1864 tells us that, although both juvenile and female crime had been infrequent in Sligo in the previous year, with juvenile convictions resulting principally from ‘trifling larcenies’ of turf and illegal fishing, there had been exceptions

...B. M., convicted with her daughter of stealing a purse containing money, was under sentence of three months’ imprisonment. The child, who is only ten years of age, was sent to a Reformatory by the Judge before whom she was tried. This child was born in the workhouse, and her mother, who is an inveterate thief, had trained her to follow her own way of life. A woman of the same class, R. M., who had formerly given birth in this gaol to a child, which was afterwards placed in the workhouse, took him out of it when he was only eight years of age, to employ him to open windows at night for the gang of burglars to which she belonged¹⁴⁰

¹³⁷ *Tuam Herald*, 12th March 1864

¹³⁸ See, for example, *Galway Express*, 9th January 1864

¹³⁹ Galway register of male juveniles 1865

¹⁴⁰ Forty-third report of the inspectors-general of prisons, 1864, 1865 [3522], p.237

Margaret was one of only four children entered in the Sligo register for 1864, of whom two were sent to reformatories. By December there were six girls incarcerated in Ballinasloe.¹⁴¹ Although the girls were ‘...happily placed’ and in receipt of the ‘...devoted attention’ of the sisters, having come from the ‘poorest class’, Murray was again disappointed by the response of the provincial magistrates in committing children to the reformatories. By 1866 the school had only nine inmates. Because of the poverty of the parents, the inspector, having ‘...made every possible effort to enforce contribution’, had not succeeded in getting a parental contribution for any of the children in Ballinasloe. Mary Burke had ‘...given full intimation to all concerned that the school was open’ and ‘...a similar intimation was forwarded officially’ by Murray.¹⁴² Despite his urging, the proportion of children sent to reformatories from the Connacht gaols was consistently low.¹⁴³ There is a number of possible reasons for this. Some magistrates may have felt that it was unduly harsh to send a child away from family and friends for up to five years for a misdemeanour. The manager of Upton reformatory alluded to this in a letter to Murray when he wrote that there existed amongst some magistrates ‘...a strange misconception, which induces them to believe it a greater charity to send boys back to lead a life of crime, rather than enable them to avail of the Reformatory Institution’.¹⁴⁴ This may have been a bigger motivation for Connacht magistrates who would have to send the children even further away, so that they might never have an opportunity to see their families. If a child was sent to the reformatory, there was also the possibility that they might be rejected by the manager on arrival. In 1862, for example, of the six children sent from Connacht gaols to reformatories, one, a boy, was rejected at the reformatory and another was discharged by order of the executive.¹⁴⁵ The prison inspectors were highly critical of the reformatory managers in this matter. In 1861 they wrote that 35 children, or 8%, had been rejected, and that the managers were ‘...wholly irresponsible, and beyond the control of the judicial authorities’ in this matter.¹⁴⁶

Despite these criticisms, there was considerable praise for the managers of the schools and the way in which they performed their duties. Matthew Davenport Hill and his daughter visited some of the Irish schools in 1865. While he found the

¹⁴¹ Third and fourth report, p.60

¹⁴² Fifth report, pp32, 33

¹⁴³ See Appendix II

¹⁴⁴ Sixth report of the inspector, p.19

¹⁴⁵ Forty-first report of the prison inspectors 1863 [3214], p.102

¹⁴⁶ Thirty-ninth report of the prison inspectors 1861 [2861], p.xliii

buildings and the cleanliness of the Glencree boys defective, he found the inmates to be 'healthy and cheerful' and '...markedly superior- at first sight, at any rate- to the Ruysselede or even Mettray boys'. The Cork street school impressed the Hills with its cleanliness. They wrote that it was like '...none we ever saw before, except in Holland; and this, remember, is in Ireland!' The boys in Reheboth Place were in receipt of a '...capital lesson in arithmetic' when they visited, and none of them was found to have a '...countenance of the repulsive criminal type'.¹⁴⁷ The recidivism rates of the discharged reformatory inmates which Murray recorded in his annual reports were consistently low, proving to its critics the worth of the system. Yet the Hills were moved to state that none of the Irish reformatories was full, a circumstance they attributed to the decline in juvenile crime.¹⁴⁸ This posed a serious problem for the managers, as they depended on the treasury capitation for their main source of income. While committees were formed and appeals were made for subscriptions, the public response would not appear to have been as generous as was hoped for, and the managers and supporters of the reformatories were making frequent appeals for funds and support from the judiciary from the beginning.¹⁴⁹

Income for the reformatories came from five possible sources. The first was from voluntary contributions. The Upton school was built from fund-raising. In Limerick, the 'neighbouring gentry' helped the school.¹⁵⁰ But Murray was disappointed by the lack of public support which the schools received in Ireland, writing in 1865 that 'The Irish public were slow in their appreciation of the advantages of the Reformatory Schools in checking crime and in reducing taxation by its suppression'.¹⁵¹ The advocates of the system worked hard to sell the concept to the greater public, demonstrating the economic benefit to society of prevention of crime over the cost of incarceration in gaol of recidivist adults, and the cost to individuals of their thievery. The industrial labour of the children brought in small sums to some of the schools, but much of their work was in the upkeep of the school. While the Limerick girls made lace and took in laundry, earning £143 for their school in 1866, the admirable needlework of the Monaghan girls had to be disposed of as there was

¹⁴⁷ The Recorder of Birmingham and his daughter, *Journal of a third visit to the convict-gaols, refuges and reformatories of Dublin and its neighbourhood* (London 1865), pp5-11

¹⁴⁸ *Ibid.*, p.10

¹⁴⁹ See, for example, the 'Quarterly record...', *IQR*, 1859, Vol.IX, No. xxxv

¹⁵⁰ Third and fourth report, p.57

¹⁵¹ *Ibid.*, p.29

no market for it.¹⁵² Managers also had to be conscious of the unhappiness they might cause by depriving poor but law-abiding citizens outside of the houses of an income. Despite the diligence of John Ryan, the constabulary, and Murray himself, contributions from parents were small, with some parents unable to give more than 3d a week, and many nothing at all. The £3 contributed by the parents in Ballinalsoe, Swinford and Easkey in 1864 showed no improvement in the next few years,¹⁵³ and by 1866 this sum had actually decreased, with one parent in Boyle contributing only six shillings for the year.¹⁵⁴ Parental contributions added nothing to the income of the schools in any event, as they were deductible from the schools' biggest source of income, the treasury grant. This was a capitation grant which ranged between 5s and 7s per week per child. The grand jury or town council of the child's district was asked to contribute 2s per week to the child's upkeep.¹⁵⁵ Not all of them did and there was no legal requirement on them to do so. By 1866 the Mayo grand jury was making the biggest contribution of the Connacht local authorities, with £68 8s 4d being sent to High Park to support its criminal girls, £5 4s going to Ballinasloe, and £6 14s 3d going to Glencree for the boys. Galway grand jury was the next highest Connacht contributor, with money going to Upton, Ballinasloe and the bulk of it to Glencree. Galway town council and Roscommon grand jury also supported children in Upton, Glencree and Ballinalsoe. It was not enough, however. As early as the mid-1860s it would appear that some of the schools were experiencing financial difficulties.¹⁵⁶

In 1867 Moses Furlong, the manager at Upton, wrote to P J Murray that his school was '...no longer self-supporting' due to the lack of inmates. Murray was in no doubt where to lay the blame. He reported that 'Upton, county Cork Reformatory School is, owing to some misunderstanding of the Justices, who do not use the power of committal to it which the law gives, likely to be closed from paucity of inmates'. Of Ballinasloe, Murray reported 'Of this little school... I can only speak of the present, as the future must tell for itself... It would be well if magistrates and chairmen of counties of the Province took a greater interest in this matter, both for the benefit of society, and the advantage to those poor children who, if evil, are deprived, not only of the chance of reformation, but of being taught to earn an honest

¹⁵² Sixth report, pp28, 29

¹⁵³ Third and fourth report, p.22

¹⁵⁴ Sixth report, p.12

¹⁵⁵ The exceptions were Antrim grand jury, which fixed a scale of 1s 6d, and Dublin which contributed 3s 6d per week. (Fifth report, pp14, 15)

¹⁵⁶ See Appendix 4 for occupancy, income and expenditure of the reformatories from 1864 to 1866

livelihood'.¹⁵⁷ Murray's own interest was already diverted elsewhere, as he had been appointed director of convict prisons. His official involvement with reformatory schools would end in 1871.¹⁵⁸

Table 11
Children sentenced to reformatories by county, 1859 to 1866¹⁵⁹

County	Total	Total as % of gaol committals
Antrim	139	20
Armagh	13	6
Carlow	1	2
Clare	14	13
Cork	101	10
Donegal	2	1
Down	16	10
Dublin	659	20 ¹⁶⁰
Fermanagh	20	22
Galway	20	7
Kerry	11	3
Kildare	9	5
Kilkenny	10	6
King's Co	7	7
Leitrim	2	7
Limerick	64	17
Londonderry	7	2
Longford	5	5
Louth	12	8
Mayo	7	3
Meath	8	19
Monaghan	4	6
Queen's Co	7	7
Roscommon	7	8
Sligo	2	2
Tipperary	30	5
Tyrone	9	5
Waterford	26	24
Westmeath	11	11
Wexford	12	7
Wicklow	7	6

¹⁵⁷ Sixth report, pp19, 27. Furlong told Murray of a '...good and worthy magistrate' who had been on the point of sending three boys who had committed larceny to a reformatory, but had given in to the pleas of their parents and dismissed them. (Ibid., p.21)

¹⁵⁸ Murray died in his late forties on the 8th February 1873. (William J. Fitzpatrick, *History of Dublin Catholic cemeteries* [Dublin 1900], p.131)

¹⁵⁹ 1863 is not included as figures were not included in the inspectors' report. Thirty-eighth, thirty ninth and fortieth reports of the inspectors general of prisons (1860 [2691], 1861 [2861], 1862 [3020]; Judicial statistics, 1865 [3563], 1866 [3705], 1867 [3930]. The figures for 1864 only refer to those sentenced summarily. Children rejected by the reformatories or discharged are not included

¹⁶⁰ Percentage is based on committals. As Dublin children were more likely to be recidivist the percentage, if calculated on individuals committed, is likely to be higher

In the early years of the reformatories in Ireland Dublin supplied by far the highest number of inmates. Antrim, Cork and Limerick sent the next highest numbers. Only Cavan sent no children to the institutions and the Connacht counties of Sligo and Leitrim were amongst the lowest with only two children sent from each county in the years 1859, 1860, 1861, 1862, 1864, 1865 and 1866. The highest proportion of children, based on percentage of committals, was sent from the Waterford courts. An average of 5.4% of committals from Connacht county and town gaols were sent to reformatories.

When the reformatory movement was at its strongest in Europe, Ireland was enduring the calamity of the Famine and its aftermath. In the years immediately after the Famine, criminal prosecutions rose dramatically. As reformatories were being established in Ireland both adult and, more particularly, juvenile crime had begun an equally dramatic decline,¹⁶¹ and the promoters of the system had to work hard to sell the system to both government and the Irish judiciary. Within ten years of their establishment, the schools were under-subscribed, and many were struggling financially. Connacht's only reformatory, at Ballinasloe, which had a capacity for twenty-five, had only sixteen girls. The judiciary of the province was sending fewer children to the reformatory system than its promoters would have liked, but they, like the prison authorities, were aware that juvenile crime in the west was low. By 1868 the focus of attention had turned from Ireland's 'dangerous' to its 'perishing', or pre-delinquent, children.

¹⁶¹ See chapter two, Table 1

Chapter six- The expansion of institutional care and the criminal child, 1868-1884

Once reformatories had been given state support in Britain and Ireland the reformers began to turn their attention to destitute children. Industrial schools to provide for such children had received parliamentary support in Britain in the 1850s.¹ The early English legislation was not effective until amendments in 1861 and 1866 extended the range of the law. Industrial school legislation for Ireland was enacted in 1868 and made provision for the detention of children under twelve in industrial schools who were convicted of crimes which were not felonies. Initial response to the act was so slow that the inspector of reformatory and industrial schools wrote that it was a ‘dead letter’ in its first year.² This situation changed quickly, however, so that by 1884 there were six times as many children in industrial schools as there were in reformatories in Ireland.³

John Maguire brought a private member’s bill for the establishment of industrial schools in Ireland before the House of Commons in 1861.⁴ It was unsuccessful. Many members of parliament believed that the industrial schools in England were still in an experimental phase and were reluctant to extend the provision to Ireland until the system had been tried and tested, and the subject received little attention from legislators until 1867. As had happened ten years earlier with the parliamentary debates leading up to the reformatories legislation, religion played a significant part in the debates. This time, however, the roles were reversed, with Protestants, and especially northern Presbyterians, fearing that the industrial schools would be used to facilitate proselytism by Catholics. They were aware that there had been a significant expansion of the Catholic church in that ten years. Whereas the reformatory legislation was introduced at a time when no such institutions previously existed in

¹ Dunlop’s Act provided for the committal of vagrant children to industrial schools or reformatories in Scotland from 1854. Industrial schools legislation was enacted for England and Wales in 1857 (20 & 21 Vict c.113)

² Seventh and eighth reports of the inspector appointed to visit the reformatory and industrial schools Ireland 1870 [C.180], pp22-23

³ There were 6,296 children in industrial schools on the 31st December 1884 compared with 1,053 in reformatories on the same date. (Twenty-third report of the inspector of reformatory and industrial schools in Ireland, 1884-85 [C.4553], pp12 & 4

⁴ 1861 (118)

Ireland, there was already a structure in place which catered for the type of children for which the industrial schools were intended. The work being done by Catholic religious, particularly, as Jane Barnes suggests, in establishing orphanages, had created a framework to which state support could easily be applied.⁵ The early bills placed the financial burden on local taxpayers. Peel Dawson, MP for Derry, told the House of Commons that implementing industrial schools legislation for Ireland would mean that ‘...instead of paying 15d a week for a pauper child, as at present in most unions, the county charge... would be raised to 5s a week for every child who might be kidnapped into the proposed schools...’⁶

Lord Naas, the chief secretary, who was absent during the second reading of the bill in 1867 due to ‘...the disturbances in Ireland’, was of the opinion that the reformatories were the best option for vagrant children and wanted to amend the existing legislation to provide for them.⁷ The O’Conor Don, MP for Roscommon, disagreed. He told the House that many children were being sent to reformatories in Ireland who should be sent to industrial schools and that sending destitute children to reformatories was branding them as criminals. He had been a member of the Select Committee of 1861 which had enquired into the education of destitute children in England and Wales. Mary Carpenter had given evidence to the Committee.⁸ He cited Neilson Hancock’s judicial statistics which demonstrated that, while Ireland had half the population of criminal classes compared with England and Wales, the Irish juvenile vagrant population was twice that of its British neighbours.⁹ Lord Naas withdrew his proposed amendment to the reformatories act. It was the O’Conor Don who brought the successful bill before the House in 1867. He had the backing of Paul Cullen,¹⁰ who had been appointed Ireland’s first cardinal the previous year. The objections from the northern Irish MPs echoed those of their Catholic counterparts in 1858. They also cited the financial burden which the schools would place on taxpayers and the opportunism of irresponsible parents as arguments against the bill. John Bagwell objected on the grounds that it was ‘...an infringement of personal

⁵ See Jane Barnes, *Irish industrial schools, 1868-1908: Origins and development* (Dublin 1989), for an analysis of the debates and the development of the schools

⁶ Hansard, 1867, Vol.185, cc.1741-55

⁷ Ibid., and 1868, Vol.191, cc.217-24

⁸ Report from the Select Committee on the education of destitute children, 1861 (460)

⁹ Hansard, 1867, op. cit.

¹⁰ Barnes, *Industrial schools*, p.38

liberty' to lock children up for vagrancy in industrial schools, which he compared to a type of prison.¹¹ Despite objections, the bill was enacted in May 1868.

The Industrial Schools Act (*Ireland*)¹² was an extension of the British act of 1866. There were many similarities with the reformatories legislation. Managers of existing schools which provided industrial training, clothing, food, lodging and education for children could apply to the chief secretary for certification. The inspector of reformatories also became inspector of the industrial schools, but no school could take on both roles. Unlike the reformatories, however, the new schools were to provide for children '...apparently under the Age of Fourteen Years'. Any such child found begging or receiving alms in a public place, found wandering without a fixed abode or visible means of subsistence, a destitute orphan or child whose surviving parent was in prison, or who frequented the company of reputed thieves, could be sent to an industrial school on the order of two justices at petty sessions or one police magistrate. The child would be held in the workhouse while enquiries were being made and the order was being prepared. For criminal children, section 13 of new legislation recognised that the reformatories were not appropriate places for the incarceration of very young children who were found guilty of petty crime. Children under twelve years of age who had committed a crime other than a felony could now be sent to an industrial school. Extensive provisions to ensure that children were sent to schools of their own religious persuasion were included in the act. As was the case with the reformatories, the managers of the schools could send the children out on licence to a respectable and trustworthy person after eighteen months. Refractory children or escapees over the age of ten could be sent to prison and thence to a reformatory as punishment. Under the terms of the act, children could lodge out of the school, with their parents or with persons deemed trustworthy and respectable. Funding for the schools would be the same as for the reformatories, but with a slightly increased emphasis on contributions from local authorities.

John Lentaigne replaced Patrick Joseph Murray as inspector in 1870. He would remain in the position of inspector until his death in 1886 at the age of 83. He brought long and varied experience in public administration with him to the post of inspector. He had been a magistrate, poor law guardian, commissioner of National

¹¹ Ibid., 1868, op. cit.

¹² 31 Victoriae.c.25

Education and was also a prison inspector.¹³ He also brought a rigorous approach to his inspection and strong opinions on the working of the system. He saw a clear distinction between the industrial school child and those who had been found guilty of crime

These children are untainted by crime. The very fact of a conviction for a felonious offence renders a child ineligible for an Industrial School. There is no blot on them and they are entitled to all the advantages which the State provides in primary schools for the working classes¹⁴

He visited the schools unannounced, and inspected the buildings, including the infirmary, beds, baths, and heating, examined the food that the children were given, and the children themselves to see that they appeared healthy and clean.¹⁵ His powers were limited, however, and, if he found fault, could only make recommendations. He told the Aberdare commission in 1884 that the rules for the reformatory schools which he devised were ignored by the managers.¹⁶

In 1871 Lentaigne reported that only five industrial schools had been certified by October 1869. At that time, and in early 1870, Sir Walter Crofton, Mary Carpenter, the Lord Lieutenant and the Lord Chancellor all spoke in Dublin in support of the system. In June 1869 Mary Carpenter addressed a group that included the Lord Chancellor and the mayor of Dublin on the subject of industrial schools at the home of Walter Crofton in Merrion square in Dublin.¹⁷ The Lord Lieutenant spoke at the Lord Mayor's banquet of children who were '...hovering on the brink of crime' and who would benefit from the schools. He had, he said, spoken to the Admiralty and hoped to see training ships for children in Galway, Cork and Dublin.¹⁸ The promoters of the system said that girls would be trained in domestic duties and saved from cruel mistresses.¹⁹ Nineteen acres of land were granted in Salthill for the opening of a school, and the town council offered moorings for the proposed industrial school

¹³ Ninth report, p.7

¹⁴ Tenth report, [C.671], pp28-29

¹⁵ Reformatories and industrial schools commission, also known as the Aberdare Commission, 1884 [C.3876], [C.3876-1], Q.12413

¹⁶ Ibid., Q. 12496

¹⁷ *Freeman's Journal*, June 24 1869

¹⁸ Ninth report, 1871 [C.461], pp 16,17

¹⁹ Ibid., p.19

ship.²⁰ By the end of 1871 there were forty-two schools certified. They were home to 702 boys and 1,754 girls. Eight schools had opened in Connacht, of which six were for girls, and one, at Gort, was mixed.²¹ Children began to appear at petty sessions, either alone or in groups, for committal to industrial schools, sometimes brought by the police for asking alms, and sometimes by clergy and members of the public.²² In 1871 only nine children had been sent to gaol in Ireland for the crime of vagrancy. One had been sent to gaol in Connacht as a vagrant, yet the industrial schools of the province had taken in 388 children in the two years that the schools had been in existence.²³ Such was the surge in detention orders for children to industrial schools that Dublin Castle wrote to magistrates in January 1873 that ‘The attention of the Lord Lieutenant having been called to the large increase in the number of children ordered for detention in Industrial Schools, and the great additional expenses entailed thereby’ and reminded magistrates of the classes of children who were fit subjects for the schools.²⁴

The provision under section 13 of the industrial schools act for younger criminal children proved unpopular with those who had the power to invoke it. In 1870, 25 children under the age of ten, and 67 aged between ten and twelve, were sent to reformatories. This position did not improve over the next decade. Maria Kean, who was only eight years old, just a year above the minimum age of criminal responsibility, was sentenced in Galway to five years in a reformatory for the crime of larceny in 1872.²⁵ There were, at the time, five industrial schools for girls in the county.²⁶ In his first report as the inspector of reformatory and industrial schools Lentaigne wrote- ‘I regret to observe so large a number of young children are still sent to Reformatory Schools, some so young as scarcely to be accountable for criminal acts.’ He laid the blame at the feet of the magistrates.²⁷ As the system evolved, however, it was the reluctance of the industrial school managers to accept criminal

²⁰ Ibid., p.24

²¹ Tenth report,

²² See, for example, ‘Six destitute boys’ sent to the industrial school, *Galway Vindicator*, November 20 1872, and eleven children sent for soliciting alms, Ibid., November 27 1872. See also Petty Sessions Order books for children appearing at petty sessions and the means by which they were brought to court

²³ Fiftieth report of the inspector-general of prisons, 1872 [C.535], p.44 and Tenth report of the inspector of reformatories and industrial schools

²⁴ *Galway Vindicator*, January 15 1873

²⁵ Galway register of male juveniles

²⁶ Eleventh report, 1873 [C.858], p.22

²⁷ Ninth report, 1871 [C.461], p.11

children which kept them out of the schools. They did not wish to introduce a criminal element into their schools and magistrates would sign detention orders for young children only to have them rejected by the managers.²⁸ In his report of 1881 Lentaigne wrote that ‘Magistrates complain that the Managers of Industrial Schools object to receive into their institutions children committed under the 13th section of the Act as casting a stigma on the other inmates of the school’.²⁹ This resulted in a greater distinction between the strictly penal reformatory and the industrial schools than in Britain, where the differences between the schools, at least in the public perception, was less sharp.³⁰ Children who were considered refractory in the industrial schools were sent to gaol and then to a reformatory. In 1876 a girl who ‘gave much trouble’ and was an ‘evil influence on the other children’ in the Clifden industrial school, which was run by the sisters of Mercy, was brought to court and given a reformatory sentence. An error in the detention order and the reluctance of the manager to have her returned to Clifden meant that she was sent on licence to her mother in Dublin. She again appeared before the courts and was given a five-year sentence to Ballinasloe reformatory.³¹ When the manager of a Galway industrial school brought three boys to court in 1873 to have them removed from the school and punished by the court, the bench refused to send them to a reformatory, stating that ‘... the fact of one boy striking another is rather poor grounds for having him sent among criminals for 4 or 5 years’.³² Lentaigne was concerned about the contamination that ‘...children of such tender age’ would be exposed to, first when they spent a period of preliminary imprisonment in gaol, and then when they were sent to reformatories to associate with older criminal children. ‘Who would dream’, he asked, ‘of placing a child suffering from a trifling ailment in the wards of an hospital with patients undergoing treatment for contagious diseases’?³³ The solution was the opening of a probationary industrial school for boys at Kilmore in Dublin. A circular was sent to magistrates instructing them that all Catholic boys under twelve years of age not convicted of a felony should be sent to Kilmore, where they would remain until they reached the age of twelve. They would then be either sent to another

²⁸ See Barnes, *Industrial schools*, pp68-81

²⁹ Nineteenth report of the inspector, 1881, [C.3070], p.9

³⁰ See Leon Radzinowicz and Roger Hood, *A history of English criminal law*, p.180, and Margaret May, ‘A child’s punishment for a child’s crime’, chapter eleven

³¹ Fifteenth report of the inspector, p.60

³² *Galway Express*, January 25 1873

³³ Nineteenth report, 1881 [C.3070], pp8-9

industrial school or returned to their relatives ‘...if found worthy and willing to receive them’.³⁴

Although Connacht began to send a higher proportion of children to reformatories, especially in the 1870s,³⁵ the numbers sent remained relatively low. In 1874 and ’75, for example, 14% of children were sent to the schools from the gaols of Galway and Sligo, compared with 26% of children from Kilmainham gaol, which held prisoners from rural county Dublin.³⁶ Three girls were sent to Ballinasloe from the Galway and Sligo gaols in that period. From its opening in 1864 the sisters of Mercy had faced a number of challenges to maintain the Ballinasloe reformatory. In addition to the reformatory school they were visiting the sick and indigent of the town and educating up to 400 poor children. In order to raise funds they held an annual bazaar to coincide with the October fair in the town.³⁷ In advertising the 1873 bazaar, the *Tuam Herald* wrote that the nuns had spent over £4,000 of their own funds for the school, which now housed ‘...47 girls from nearly all parts of Ireland’.³⁸ The Dublin courts were sending girls to the school. In 1872 three girls were sent to Ballinasloe for absconding from Booterstown industrial school, and in 1873 a ‘sickly-looking little girl’ named Sarah Anne Higgins was sent there for five years for stealing 70 yards of silk from a Dublin shop.³⁹ In the same year a girl was also sent to the Galway school from a Longford industrial school after some of the girls there ‘...gave some trouble’.⁴⁰ By the 1870s the school was home to between 50 and 60 girls, aged ‘...from seven years to twenty’.⁴¹ This would be the highest number of inmates that the school would achieve. In 1884 Lentaigne reported that the Royal Commission to investigate reformatory and industrial schools advised that the Ballinasloe reformatory ‘...might safely be superseded by an Industrial School for girls, provided that all young offenders committed under the 13th section be admitted into it’.⁴² The Commissioners had noted that in January 1883 Ballinasloe, which had a capacity for 60 girls, had only 24 inmates, and that the managers were ‘...anxious to give up their

³⁴ *Ibid.*, p.9

³⁵ See Appendix II

³⁶ Sligo, Galway and Kilmainham gaol registers, 1874 and 1875

³⁷ *Freemans Journal*, September 24 1864, September 21 1865, September 27 1873, etc.

³⁸ *Tuam Herald*, September 27 1873

³⁹ *Freemans Journal*, May 01 1872 and July 17 1873

⁴⁰ Twelfth report, p.74

⁴¹ *Freemans Journal*, October 02 1877 and Sixteenth report of the inspector, 1878 [C.2151], p.30

⁴² Twenty-second report, 1884 [C.4163], p.5

certificate as a reformatory, and to obtain one for it as an industrial school'.⁴³ The school was recertified and the girls were sent to Spark's Lake.⁴⁴

The number of girls in the reformatories was never high. The highest number of female inmates was 253 in 1877. The Catholic boys' schools, and, in particular, Glencree, were overcrowded by 1870, with 325 inmates, while Upton held 207 boys. The managers of Glencree applied for a licence to convert a disused cavalry barracks and county gaol in Philipstown in King's county into an additional school. The licence was granted in December 1870.⁴⁵ The increase in numbers was attributed by John Lentaigne to the judicial bench and magistracy '...no longer refu[sing] to avail themselves of the advantages which the provisions of the Act afford'.⁴⁶

Table 12
Reformatory inmates on the 31st December 1870 to 1884⁴⁷

	Boys	Girls	Total
1870	681	175	856
1871	778	192	970
1872	838	211	1049
1873	883	206	1089
1874	879	221	1100
1875	935	225	1160
1876	860	239	1099
1877	824	253	1077
1878	835	244	1079
1879	873	228	1101
1880	928	232	1160
1881	936	213	1149
1882	956	184	1140
1883	907	192	1099
1884	875	178	1053

⁴³ Report of the commissioners on reformatories and industrial schools, 1884, [c.3876], lii

⁴⁴ Twenty-third report, 1884-85, [C.4553], p.39

⁴⁵ Ninth report, pps.5, 34, 42 and tenth report, p.41

⁴⁶ Ninth report, p.5

⁴⁷ Source: Reports of the inspectors 1871 to 1884-85

Between 1870 and 1884 there were 4085 children sent to reformatories. Of these, 238 were sent from Connacht.⁴⁸

The low numbers sent from western counties were a cause of frustration for Lentaighe. A number of circulars was sent to magistrates over the period, reminding them of the provisions of the reformatory act, but, since the act was permissive, they were not required to comply. The obstacles to the smooth running of the system in the early years persisted into the 1870s. Sympathetic Connacht magistrates may have been reluctant to send boys to a reformatory which was a long distance from their home for a period of up to five years.⁴⁹ In 1883 the Earl of Dalhousie acknowledged a practice by magistrates whereby they would 'soften down' the offence committed by girls who appeared before them so that they would not be sent to reformatories.⁵⁰ More practical matters may also have played a part in the low numbers sent. Once a child was sentenced to a reformatory and a place had been found in an institution for them, a constabulary or prison officer would have to accompany them to the reformatory. This meant that an officer was away from his post for a number of days and expenses would have to be paid. The remote locations of reformatories such as Glencree posed additional problems. In March of 1870 a boy called Bernard Young, accompanied by an officer, died in a snowstorm on the mountains on his way to serve a sentence there. He had already been refused accommodation by the manager at Upton.⁵¹ Financial considerations by local authorities may also have been a factor. They were requested, but not required, to contribute to the support of a child while in the reformatory. In 1880 Sligo grand jury refused to support a boy who had been sentenced to Philipstown.⁵²

Refusal to accept a child when they arrived at the reformatory, although a diminishing problem, may have continued to affect magistrates' practices. In 1874 a Roscommon girl who was 'enceinte' when sentenced was refused admission to one school.⁵³ In 1875 a boy who had been sentenced in Galway was not sent to a

⁴⁸ Ibid. From 1878-79 the reports list the numbers received into the reformatories by county. See also Appendix II

⁴⁹ See chapter five

⁵⁰ Aberdare commission, Q. 12,586

⁵¹ Ninth report, p.13

⁵² Nineteenth report, 1881 [c.3070], p.7

⁵³ Thirteenth report, p.8

reformatory ‘...being mentally and bodily unfit for Reformatory treatment’.⁵⁴ In 1881 John Lentaigne spoke of the ‘strong impression’ made upon his mind ten years earlier by the case of the suicide in prison of a boy who had been turned away from Glencree because it was overcrowded and because the boy, although ‘...not a bad boy, ...he was deformed, and had no hope ever to earn an honest livelihood’.⁵⁵ In many cases the child would have to be brought back to the place where they were sentenced and released which posed a greater problem for officials whose locations were far removed from the schools. Many children were refused if their reformatory sentence was less than four or five years. The manager of Philipstown reformatory refused to accept a boy because they considered his sentence ‘...too short for reformation’.⁵⁶ This was the same boy whose support the Sligo grand jury refused to pay, so this may also have influenced his decision. While the authorities encouraged long sentences,⁵⁷ the two-year sentence of this boy was legal within the terms of the act. It is probable that religious differences may also have played a part where some magistrates or members of the grand jury were opposed to supporting a school run by a religion other than their own.

Some children eluded a long term served in a reformatory because what would appear to have been mistakes or lack of knowledge by court officials were still arising many years after the passing of the legislation. In 1879, for example, three boys had to be released after serving ten days in gaol because their period of preliminary imprisonment was shorter than the fourteen days required by section 12 of the act. In the same year, two other boys escaped detention because they were sentenced to six years in a reformatory. In the case of a Roscommon boy sentenced to seven years in a reformatory in 1873, it was the justices at quarter sessions who made the error,⁵⁸ and in another case it was the court clerk. Again, the magistrates were sent a circular reminding them of their duties.⁵⁹

⁵⁴ Fourteenth report, 1876 [c.1494], p.9

⁵⁵ *Journal of the statistical and social inquiry society of Ireland*, 1881, Vol. VIII, part lxiii, Appendix, p.xxxii, xxxiii. Lentaigne expressed his sympathy for the children that he came across in the course of his work on more than one occasion. In 1877 he spoke of the unfair treatment of twin Letterfrack boys who were discharged from Galway gaol at the expiration of a sentence served for cutting seaweed on the Sabbath and left to make the long journey home alone. (Ibid., 1877/78, Vol.VII, no.lii, p.12)

⁵⁶ Nineteenth report, p.7

⁵⁷ Sydney Turner agreed with Lentaigne’s view on longer sentences. (See Radzinowicz and Hood, *History of English criminal law*, p.186)

⁵⁸ Twelfth report, p.13

⁵⁹ Eighteenth report, p.7

Finally, the children themselves could try to sabotage the process. Since civil registration of births was only introduced six years after the reformatories were opened, official proof of age was not available in the early years of the reformatory system. It was left to the discretion of the magistrates and judges, with the act stipulating that the children who came under its remit were those ‘whose Age shall not, in the Opinion of [the] Judge or Court, exceed the Age of Sixteen Years’. Knowing that their age would dictate whether they would get a light sentence in a local gaol, or five years in a reformatory on the other side of the country, it must have been tempting for many children to lie. In the words of the chaplain of Clerkenwell gaol in London ‘...lads and lasses are usually over sixteen while there is a chance of being sent to a reformatory’.⁶⁰ When a ‘delicate’ orphan boy called Trevors was arrested in Dublin for stealing two pieces of carpet from a church, he told the court that he was eighteen. The magistrate did not believe him and sent him to Philipstown for five years.⁶¹ While the gaol registers normally give a round figure for the ages of prisoners, the Dublin gaol registers, in particular, begin to register the ages of children as ‘16½’ or ‘16¼’ from the 1860s, possibly because the children themselves were aware that they would not be committed to a reformatory if they were over sixteen.⁶² Other children feigned ill-health, knowing that only healthy children, able to work hard, were accepted, or kept, in the schools. Many cases of epilepsy were reported, with ‘...several cases of violent hysterical and epileptic seizures’ occurring in High Park in 1872. Lentaigne brought the inspector of lunatic asylums to examine the girls.⁶³ It was alleged that girls belonging to gangs of thieves had been taught to simulate epilepsy well enough to deceive medical professionals.⁶⁴ Many of these gangs, Lentaigne wrote, ‘...frequent fairs and markets, especially in the north-west districts’.⁶⁵ Genevieve Beale in the Monaghan reformatory agreed to accept any girls who were rejected by other schools, and Spark’s Lake became the first penal reformatory school in Britain or Ireland. Henceforth ‘...all epileptics, cataleptics, and others [were] sent to it, and some pronounced incurable by competent medical authority and recommended for discharge on that ground’ made miraculous

⁶⁰ Duckworth, *Fagin’s children*, p.41

⁶¹ *Freeman’s Journal*, September 25 1877

⁶² See, for example, the Richmond bridewell register from 1860

⁶³ Eleventh report, p.30

⁶⁴ Ninth report, p.41

⁶⁵ Tenth report, p.12

recoveries.⁶⁶ One Spark's Lake girl feigned insanity for two months.⁶⁷ No girls were rejected thereafter. From 1872 the old gaol at Philipstown was used as a penal reformatory section within the institution.⁶⁸

The promoters of the reformatory system in both Britain and Ireland encouraged long sentences so that children could be subjected to a longer period of reformation, and so that ties would be broken with their former bad associations. As the system developed, shorter sentences became less common. When the 1858 act was repealed in 1868, the minimum sentence was changed from one to two years.⁶⁹ By 1875 a child was much more likely to receive the maximum sentence, with 217 out of 243 children being committed to the maximum 5 years allowed by the legislation.⁷⁰ A characteristic that remained constant over the 1870s and early 80s was the very high proportion of children sentenced to reformatories who had no previous convictions. Almost 85% of the inmates received into the schools between 1870 and 1884 were sentenced on conviction for a first offence.⁷¹ They were also less likely to have attended school than the general population. Over half the children who were committed in 1873 were 'totally uneducated'. Ten years later there had not been a significant improvement in their levels of literacy.⁷²

Once inside the reformatories, literary education was limited and took second place to hard work and industrial training. Most schools adhered to the timetable first circulated by Walter Crofton which prescribed eight hours work and two to three hours school per day.⁷³ The schooling was usually in the evenings when the children would have been tired from a long day of physical work. In the early years Lentaigne's reports mildly reprimanded some of the schools for their 'limited' scholastic teaching. In 1871 High Park was teaching its girls reading, writing and

⁶⁶ Ninth report, p.41. For contemporary attitudes to the connection between crime and epilepsy, see Enrico Granieri and Patrik Fazio, 'The Lombrosian prejudice in medicine. The case of epilepsy, epileptic psychosis, epilepsy and aggressiveness', *Neurological science*, published online May 03 2011. In 1869, Beale opened St. Martha's industrial school which accepted 'Diseased children, and those of filthy habits' who will not be tolerated in other schools'. (Ibid., p.31)

⁶⁷ Thirteenth report, p.41

⁶⁸ Tenth report, p.42

⁶⁹ 31 & 32 Vict., c.59

⁷⁰ Fourteenth report, p.8

⁷¹ Reports of the inspector, 1871 to 1884-85

⁷² In 1873 (the first year for which figures are available) 52% of committed children were illiterate, compared with 33% of the population aged 5 years old and upwards two years earlier. (Twelfth report, 7 and Census of Ireland for 1871, General Report, 145). In 1881, 46% of reformatory committals had received no schooling, compared with 27% of the population aged 5 to 15. (Twentieth report, 7 and Census, General report, p.73)

⁷³ Second report, p.14

basic arithmetic, which he believed to be insufficient and Limerick too was imparting a basic literary education.⁷⁴ While the system of national education had been spreading since 1831, there was still a high degree of illiteracy in the general population, especially in the west of Ireland.⁷⁵ Since primary education was not compulsory, however, the promoters of the reformatory system were reluctant to present an image of the schools which gave their inmates an advantage over the honest children of the labouring poor. In Britain, early introduction of compulsory education had more or less dispensed with the argument, and the education received in the English reformatory system came to be compared unfavourably with that of poor children who attended ordinary schools.⁷⁶ Reading, writing, arithmetic, and sometimes geography, dictation, or grammar, were claimed to have been taught by the schools. The large Catholic boys' schools taught band music and the girls' schools usually taught singing. When Lentaigne visited Ballinasloe in 1873 he remarked that '...the girls sing and recite with great spirit'.⁷⁷ The manager of Upton told him that one of their boys had become a professor of mathematics in a college in America.⁷⁸ In Glencree there were not enough teachers and in 1875 the inspector, exasperated by the lack of improvement, made an official complaint, whereupon a certified teacher was employed. By this time there was an average of 264 boys in the school and it was very overcrowded.⁷⁹ By the 1880s only the 'more advanced' boys were taught mathematics. While many of the emerging industrial schools were attached to National Schools run by the same religious orders and benefited from this, most of the reformatory children were taught by untrained staff and lacked any real inspection.⁸⁰ By the early 1880s, Lentaigne, now in his late 70s, was inspecting ten reformatories and 56 industrial schools and admitted that he did not carry out examination of the children's competency.⁸¹ Both he and the resident commissioner of the Board of Education recommended that the schools be connected to and inspected by the

⁷⁴ See 'Detailed report' on the schools in the tenth report of the inspector. By the eleventh report Limerick was 'improved'

⁷⁵ See chapter three

⁷⁶ Radzinowicz and Hood, *op. cit.*, pp191-192

⁷⁷ Twelfth report, p.40

⁷⁸ Ninth report, p.35

⁷⁹ Twenty-third report, p.40

⁸⁰ One exception in the boys' schools was Reheboth Place where the teacher was frequently praised

⁸¹ In 1886 Joseph Biggar raised a question in the House of Commons with the chief secretary about Lentaigne's ability to carry out his duties. The chief secretary could not tell Biggar how many government posts Lentaigne held when questioned. (Hansard, June 17 1886, Vol.306, cc1700-1)

National Board but many of the Catholic religious resisted this.⁸² Since the founding principles of the reformatories emphasised hard physical work as both a cure and training for criminal children, however, it was ‘industrial training’ at which they spent most of their days.

In the early years the boys’ schools, in particular, put the inmates to work at the spade labour so favoured by the French and English fathers of the movement. It had the added advantage that it would make the boys’ hands rough and thereby make it difficult for them to pick pockets. Glencree had 120 acres of mountain land, much of which was cultivated by the boys. Upton had a 127 acre farm of inferior soil which was cultivated by the boys’ spade labour so well that ‘...the superior crops which it produces are remarked by all travellers on the line of railway which skirts the farm’.⁸³ After the acquisition of Philipstown by the managers of Glencree, they set about renting adjoining farmland, believing that without land on which to employ the boys, the school could not be ‘...efficiently carried on’.⁸⁴ Even the city schools of Malone and Reheboth managed to acquire land for market gardens worked by the boys. Finding suitable occupations for the boys in bad weather, especially in Glencree, and pressure from the inspector, forced the managers to look elsewhere for indoor occupations for the boys. The Glencree boys were engaged in a wide range of non-agricultural activities including cabinet-making, shoe-making, tailoring, photography, blasting of rocks, baking and the manufacture of gas. The Upton boys were involved in a more limited range of activities connected to the upkeep of the school and Lentaigne recommended they extend the range of training to enable to boys to earn an honest living after their discharge and an income for the school.⁸⁵ He also encouraged the schools to use the South Kensington Museum ‘Rules of the Science and Art Department, respecting Schools to promote the Instruction in Art of the Children of the Poor’. The woodwork of the boys was exhibited in London and Dublin in the early 1870s.⁸⁶ In the girls’ schools, the emphasis was usually on needlework, laundrywork and domestic chores, although small farms or dairies were also attached to them. High Park introduced shirt- and glove-making and, by 1884, was supplying ‘large orders’ to

⁸² Report of the Aberdare commission, pplviii, lix

⁸³ Eleventh report, p.29

⁸⁴ Tenth report, p.41

⁸⁵ Eleventh report, pp38 and 29

⁸⁶ See, for example, ninth report, p.43

‘respectable warehouses’ in Dublin.⁸⁷ In Limerick and Monaghan the girls made lace, with one of the Monaghan sisters teaching ‘scientific dairy management’.⁸⁸ The Ballinasloe nuns imported queen bees and the girls extracted the honey, as well as working fine embroidery and sewing and knitting machines.⁸⁹ The profits made by each of the schools contributed to their upkeep but varied greatly. The remoteness of Glencree made its produce less marketable, but other schools found a ready market for their produce, to the consternation of some members of the public. In 1871 the Malone boys made 292 pairs of boots and shoes, 360 article of clothing and 4,090 boxes and packing cases.⁹⁰ Twelve years later John Megaw, a Belfast packing case manufacturer told the Aberdare Commission that he had gone to the manager to object to the fact that they were being sold at less than cost price. He was, he told the Commission, being under-cut in business by an institution which he supported as a tax-payer. He further objected to the fact that, while it was claimed by the school that they were keeping the boys to train them in carpentry, their work in making cases was less skilled and they were not trained carpenters when they left the school.⁹¹

In their report on the British schools, the Aberdare commissioners acknowledged that excessive work could lead to insubordination in the reformatory and industrial schools. Our understanding of the levels of insubordination and the disciplinary structures used within the schools is mostly limited to what we can learn from the reports of the inspector, and he had to depend on the information given to him from the managers and, possibly, their punishment books.⁹² Lentaigne was most favourably impressed with the structure he found in Ballinasloe, which he described as being more like an industrial school than a reformatory. Four sisters of Mercy, led by Mary Burke, ran the school from the beginning, and its small size facilitated the individual attention to which the inspector attributed its success. Lentaigne wrote that ‘In no Reformatory school in Ireland is more attention paid to the management of the inmates than here.’ In her account of the treatment of the girls, the manager described

⁸⁷ Twenty-third report, p.35

⁸⁸ *Ibid.*, p.39

⁸⁹ Twenty-first report, p.50

⁹⁰ Tenth report, p.34

⁹¹ Report of the Aberdare commission, pp483-484

⁹² Very few appear to have survived for the period covered by this study. A punishment book for Upton from 1889-1893, when it had become an industrial school, was made available to the Commission to Inquire into Child Abuse. The congregational archives of the sisters of Mercy hold no records for the reformatory at Ballinasloe. (Commission to inquire into child abuse, Executive summary, 6, and information provided to the author by the congregational archives of the Mercy order)

a regime that was closer in spirit to the ideals of Mary Carpenter than most other schools

...when a child first enters the institution she is generally awed by the strictness and regularity which she sees around, and has sufficient cunning to conceal her natural propensities, which gradually become weaker, and after a time reformation begins... Any corporal chastisement hardens and degrades. The system of marks is the most powerful agent for reformation, and red, green and blue ribbons are worn by the different classes

Cellular confinement was used, according to the report, infrequently.⁹³ By the early 1870s the inspector was reporting that the Ballinasloe girls enjoyed ‘...almost perfect immunity from disease’ and that ‘corporal punishment is never resorted to, as it only hardens and degrades’.⁹⁴ Even in Ballinasloe, however, the disciplinary structure differed from that in industrial schools. In 1876 the sisters of Mercy who ran the Wexford industrial school had a girl with an ‘uncontrollable temper’ committed to Ballinasloe where it was reported that ‘...under a strict discipline she has greatly improved’.⁹⁵ In 1873 there was an outbreak of refractory behaviour in Spark’s Lake which was ‘...soon quelled by a firm discipline.’⁹⁶ The annual report does not tell us what the nature of this ‘firm discipline’ might be but evidence given to the Aberdare Commission ten years later tells of ‘strait waistcoats’ (straightjackets) and ‘severe punishments’ in the early years.⁹⁷ John Lentaigne had been ‘astonished’ to discover that his predecessor, Murray, had brought leg bolts and straps to High Park to restrain the girls.⁹⁸ The commissioners recommended the establishment of penal reformatories, such as those at Spark’s Lake and Philipstown, in Britain.

Spark’s Lake separated its inmates into two or more classes. So, too, did Philipstown. Refractory boys from Glencree were transferred there. The types of punishment used in Glencree in its early years were described by the manager, Fr. Lynch, at a meeting in Dublin in 1861. All boys were divided into three sections; the section of honour, the section of reserve and the section of disgrace. A boy found guilty of a serious fault was forced to wear black, was ‘...debarred from association’ with other boys, and to kneel at mealtimes in the refectory, where he was fed on bread

⁹³ Tenth report, p.40

⁹⁴ Twelfth report, p.39

⁹⁵ Fifteenth report, p.87

⁹⁶ Twelfth report, p.42

⁹⁷ Report of the Aberdare commission, p.xxx

⁹⁸ Ibid., Q.12456

and water. This punishment could be carried out for up to two weeks. Boys in the section of honour were better fed, better clothed and could earn up to a shilling a week. John Lentaigne, Patrick Joseph Murray, and the then chaplain of the south Dublin union, Rev. Fox, who would succeed Fr. Lynch, all attended the meeting. There were at least five Galway boys in Glencree at this time.⁹⁹ After Philipstown was opened to accommodate the overflow from Glencree, a penal class was established there.¹⁰⁰ In 1879 the old 'iron prison' at Philipstown was handed over to the managers and, subsequently, older boys were locked in the cells there at night.¹⁰¹ Both Glencree and Philipstown employed nightwatchmen to supervise the dormitories. The latter separated the younger from the older boys, and instituted a 'good conduct club' as an incentive to good behaviour. It is probable that the hard work and monotony of the routine enforced on children confined for long periods contributed to outbreaks within the schools. In March 1867, the manager of Glencree wrote to the inspector that '...the juveniles were greatly excited yesterday by appearance of detached gangs of Fenians going back and forward through the mountains'. He applied for permission to retain guns, swords and pikes which the staff had found on the road '...having only three guns in the institution for protection in these troubled times'. Permission was granted.¹⁰² While it was not suggested by either the manager or inspector that the arms were used to control the boys, the knowledge that they were held by the staff would have acted as a powerful disincentive to insubordination. In 1873 a former inmate of Philipstown was serving a twelve-month sentence in King's county gaol for having violently attacked its manager with a knife.¹⁰³

The Commissioners obtained returns from each of the Irish schools on the 'Severest forms of punishment inflicted in reformatory schools in Ireland during the year 1882'. The punishments as reported by the managers varied greatly from school to school, with Ballinasloe appearing to have the least severe regime.

Boys' schools

⁹⁹ *Freeman's Journal*, April 10 1861

¹⁰⁰ Twelfth report, p.13

¹⁰¹ Twentieth report, p.50

¹⁰² CSORP, 1867, 3920

¹⁰³ Fifty-second report of the prison inspectors, 1873, 1874 [C.966], p.437

Malone, Belfast: Inmates, 102; Offences, 74; Punishments, Six months imprisonment, 8 lashes and 3 days in cell, 18 lashes, 16 lashes, 12 lashes, 3 days in cell and 12 lashes, 2 days in cell and 18 lashes, 1 month in prison

Upton, Cork: Inmates, 227, Offences, 434; Punishments, Three days in cell with 6 to 10 strokes of cane and hair cut, 6 to 10 strokes of strap, reduced ranks and 6 to 10 strokes of strap

Reheboth, Dublin; Inmates, 33; Offences, 17; Punishments; Absconder obliged to work with log on leg (This was a round iron shot about 10 lbs weight with chain 5 feet long and lock for leg attached to it- only used in case of absconders), loss of 100 marks and 2s reward money, 3 days in cell on bread and water

Philipstown; Inmates, 293; Offences, 94; Punishments; Birch 21 strokes, birch 8 and no supper, birch 12, penal 3 days, hair cut, fined 1s and 6d, fined 1s, pack drill 3 days

Glencree, Wicklow; Inmates, 301; Offences, 82; Punishments, 5 days in solitary confinement, hair cut, 12 strokes with rod and degraded, 9, 12 or 15 slight strokes with rod

Girls' schools

High Park, Dublin; Inmates, 45; Offences, 22; Punishments; From 1 to 11 days in cell (Girls are in the punishments cell only during the day and sleep in dormitories at night), 8 days in cell and 20 stripes, 15 stripes, disgrace uniform worn for 3 or six days in class

Cork St., Dublin; Inmates, 21; Offences, 33; Punishments; Eleven days on bread and water, loss of supper, dinner or breakfast, losing all reward money, slapped with tawse, threatened with strait-waistcoat

Limerick; Inmates, 38; Offences, very few; Punishments; Five slaps on hand, deprivation of rewards

Monaghan; Inmates, 58; Offences, Very few; Punishments; Slight whipping, a few slaps, deprivation of portion of bread at one meal (Girls when in cell never given bread and water- generally bread and soup)

Ballinasloe; Inmates, 22; Offences, Very few; Punishments; Bad marks, temporary separation from companions in schoolroom (Cell punishment scarcely ever resorted to)¹⁰⁴

¹⁰⁴ Report from the Commissioners, Appendix B 11

The form of insubordination which is most frequently referred to in the annual reports is escape. Sometimes children absconded alone, sometimes in groups, and their treatment afterwards differed. When Joseph Burke ran away from Glencree to his grandmother's house in October 1865 it was she who brought him back to the staff. As it was considered that his escape was not premeditated his only recorded punishment was 'degradation [sic] in class'.¹⁰⁵ When Julia Connolly escaped from High Park at 8 o'clock on the morning of the June 16 1863 she was brought back by her parents by 1 o'clock that day. This Murray attributed to the imprisonment of a woman named Skerrett three months earlier under section 20 of the reformatories act for concealing her escaped son. Murray wrote that '...the provisions are now well known to the parents'.¹⁰⁶ When a child escaped the constabulary was informed and a notice, containing a description of the child, was posted in *Hue & Cry*, although many did not get very far. A boy who absconded from Upton was brought back by his 'companions'. From 1878 photographs were taken of the boys in Glencree to assist recapture.¹⁰⁷ On Christmas day in 1864 Teresa Cushlahan, Mary Myles and Margaret Brady escaped from Spark's Lake. Five days later they surrendered themselves at a police station near Cavan. Murray asked for the intervention of the chief secretary and the bench to have them imprisoned. If the girls were simply transferred to another reformatory, Murray argued, the other inmates would consider it a 'triumph' and a '...victory over the manager'. The girls were given gaol sentences of between three and nine months hard labour.¹⁰⁸ The reports of the inspectors record only one case of absconding from Ballinasloe, in August 1874, in its twenty-year history. The girl was not re-taken.¹⁰⁹

It was from the large boys' schools, however, that the biggest numbers of runaways was recorded. By the end of 1872 there were eight boys in gaol for absconding from Glencree, and four who were still at large.¹¹⁰ The managers at Philipstown claimed that '...the country people holding in mind their remembrance that this was formerly a prison at first favoured their escape, but the feeling has now ceased, and two boys who lately attempted to abscond were brought back by the

¹⁰⁵ CSORP, 1865, 11190

¹⁰⁶ Ibid., 1863, 5395

¹⁰⁷ Seventeenth report, pp11, 35

¹⁰⁸ CSORP 11202 and 11295

¹⁰⁹ Thirteenth report, p.38

¹¹⁰ Eleventh report, p.38

people, who a few months previously would have concealed them'.¹¹¹ Despite this, and the locking into cells at night in the old gaol of the older and refractory boys, the escapes continued. In 1878, a year in which a boy committed suicide within the school, eighteen boys absconded.¹¹² For a child from the west of Ireland who wanted to return to their family or friends, there was a longer distance to travel. Richard O'Connell was brought to court in Galway in 1872 for absconding from Philipstown and was sentenced to a week in gaol.¹¹³ The majority of escapees were recaptured. The managers reported that 44 boys and seven girls were not recaptured from the foundation of the schools to 1883.

Table 13
Modes of disposal of reformatory inmates 1858 to 1883¹¹⁴

	Boys	Girls	Total
The employment or service	1003	321	1324
To friends	1248	323	1571
Emigrated	548	124	672
Went to sea	93	-	93
Enlisted	208	-	208
Discharged because of disease	32	16	48
Discharged as incorrigible	43	7	50
Died	101	17	118
Absconded and not recovered	44	7	51
Total	3320	815	4135

While the preferred option of the reformers and the inspectors was that the children be removed from their former associations on release, the managers claimed that most of the children were returned to friends and family. Despite frequent reminders of the necessity for patronage societies similar to those in France and England to support discharged children, none emerged.¹¹⁵ Lentaigne believed that the

¹¹¹ Tenth report, p.42

¹¹² Seventeenth report, p.38. The manager was exonerated by the Coroner's Jury which investigated the suicide. (Ibid.)

¹¹³ Galway register of male juveniles, 1872

¹¹⁴ Report of the Aberdare commission, p.liii

¹¹⁵ A committee was formed to establish a patronage society in Cork but was abandoned due to lack of attendance at meetings. (Nineteenth and twentieth reports)

girls' who left the reformatories fared much better than the boys in this regard because of support from the reformatory which they had left- '...when in difficulty and danger find in them kind friends and advisers, who procure for them temporary homes, in which they can support themselves by their labour, until suitable situations are obtained for them'.¹¹⁶ The inspector constantly reminded the managers that one of their duties was to maintain contact with the discharged inmates for three years after discharge. This was easier to achieve in the smaller schools. Mary Burke could tell the inspector in 1873 that, of the five girls discharged in the previous year, one remained in the school until a position was found for her in Ballinasloe, one had gone to her brother in New York, one was 'keeping house for her father', and two were 'giving perfect satisfaction' as general servants.¹¹⁷ The *Tuam Herald* reported in 1873 that '...when the period of detention expires for each girl, her outfit, on leaving the institution, her travelling charges, and, in many instances, the payment of passages to America... have all to be provided by the Sisters out of their own slender funds'.¹¹⁸ Seven Limerick girls were sent to New Zealand and Australia. Two were 'respectably married' and wrote to the sisters '...letters full of gratitude'.¹¹⁹ Each was given a lace pattern so that they could be usefully occupied on the voyage.¹²⁰ The managers of High Park consistently reported that they could not supply the requests made to them for servants and trades workers. In their report on the British schools, the Aberdare Commissioners recommended that more women should be involved in the running of both reformatory and industrial schools. They cited the success of the Irish schools, where the '...refined and educated women' of the religious orders provided girls with '...a friend of their own sex on whom they may depend in after life for sympathy and guidance'.¹²¹

The large numbers in the boys' schools made the job of aftercare more difficult but the managers of the larger schools were frequently criticised for their lack of supervision of discharged boys. In 1876 the manager of Glencree told the inspector that boys did not correspond with the school after their release because they did not

¹¹⁶ Seventeenth report, p.11

¹¹⁷ Twelfth report, p.40

¹¹⁸ September 27 1873

¹¹⁹ Radzinowicz and Hood assert that the difficulties experienced by the 'emigrated' children are exemplified by the fact that a quarter of the boys sent from one English reformatory '...worked their passage home on cattle boats'. (*History of English criminal law*, p.219)

¹²⁰ Nineteenth report, p.46

¹²¹ Aberdare commission report, p.xiv

want it to be known that that they had been in a reformatory. Lentaigne did not accept this as a satisfactory excuse.¹²² He asked the managers to furnish him with information on the ‘...results from training’ of the discharged children and all reported the majority to be doing well

Table 14
Results of discharges 1880-1882¹²³

	Doing well	Doubtful	Re-convicted	Lost sight of
Boys	522 (84%)*	13 (2%)	61 (10%)	27 (4%)
Girls	136 (82%)	9 (5%)	6 (4%)	15 (9%)

*Rounded to the nearest %

Not choosing to take the word of the managers, Lentaigne obtained yearly returns from his colleagues in the prison service of inmates who had been in reformatories. In one case, he found a former inmate who had been reported as working in Glasgow and doing well in Monaghan gaol.¹²⁴ In the words of the Aberdare Commissioners ‘...the term “doing well” is one of very elastic application’.¹²⁵

The worst indictment of the system was that a child who had undergone reformatory treatment would re-offend. Of 135 boys discharged from Upton in the three years from 1877 to 1879, 34 had been re-convicted, the whereabouts of 11 were unknown, three were dead and two were ‘doubtful’.¹²⁶ In an address to the Statistical and Social Inquiry Society of Ireland in 1882 the recorder of Dublin described the criminal careers of two ex-reformatory boys who appeared before him at a sitting of the Dublin court. Both had been to Glencree, and one had served five years there and five years in Philipstown.¹²⁷ In 1882 Lentaigne reported that the discharged boys congregated together in the large towns, and one bad boy could lead others into mischief.¹²⁸ In 1877 a Dublin judge before whom two young men appeared charged with burglary remarked that ‘...it was a curious coincidence that both defendants had

¹²² Fourteenth report, p.49

¹²³ Twenty-third report, p.9

¹²⁴ Seventeenth report, p.12

¹²⁵ Report of the Aberdare commission, p.xii

¹²⁶ Nineteenth report, p.39

¹²⁷ The Hon. The Recorder of Dublin, F.R. Falkiner, ‘Our habitual criminals’, *Journal of the statistical and social inquiry society of Ireland*, August 1882, pp317-318

¹²⁸ Twentieth report, p.44

undergone five years each in the Philipstown Reformatory, educated together'.¹²⁹ The recorder of Dublin told the Aberdare Commissioners in 1883 that '...cases of relapse were very frequent, and that boys discharged from reformatories were often ringleaders in criminal offences'. In what must have been a humiliating slight to John Lentaigne, the commissioners obtained their own returns from the General Prisons Board showing a large number of both female and male committals to gaol of discharged reformatory inmates and pointed out '...the expediency of ... securing greater accuracy' in the returns.¹³⁰

Early criticism of the Irish reformatory system came primarily from northern Protestants. In 1861 Richard Smyth published a pamphlet¹³¹ in which he attacked almost every aspect of the system. He accused Patrick Joseph Murray of being alarmist, selective of the statistics to distort the facts, and showed that juvenile crime was already rapidly declining before the introduction of the reformatories.¹³² He compared the rigorous inspection of the gaols to the lack of real supervision of the reformatory schools- 'We tremble to think of the abuses that may in course of time creep into these establishments', and wrote that inmates of the schools had no protection or redress if abused.¹³³ He also compared the cost of keeping a child in a reformatory to their upkeep in other institutions, and showed that the latter institutions were run more economically. He wrote that the sentences imposed were too long, writing that it was '...a serious matter to incarcerate a boy during the best portion of his life' and that a discharged young adult left the reformatories unfit for normal life.¹³⁴ Not surprisingly, he outlined some of the well-publicised cases of proselytism which had occurred in the early years, and showed the weakness of the legislation in dealing with such cases. In 1875 the *Dublin University Magazine* called the reformatories and industrial schools a '...huge, pious swindle' where 'ribby and stunted' children were entrusted to the care of well-fed, comfortable nuns.¹³⁵ Grand juries and the judiciary were often opposed to aspects of the system. The unrelenting

¹²⁹ *Freeman's journal*, November 09 1877

¹³⁰ Report of the Aberdare commission, p.lvi

¹³¹ *Philanthropy, proselytism and crime: a review of the Irish reformatory system, with a glance at the reformatories of Great Britain, and at Mr Maguire's Industrial Schools Bill* (Londonderry 1861)

¹³² *Ibid.*, pp6, 7 and 9

¹³³ *Ibid.*, pp16, 17

¹³⁴ *Ibid.*, p.69

¹³⁵ 'Irish prisons', *Dublin University Magazine*, June 1875, p.649

pursuit of parents for maintenance of their children was unpopular.¹³⁶ Many courts refused to process the maintenance warrants. Loughrea magistrates twice dismissed a case where a father who was earning 6s a week, and whose child was earning 4s, was ordered to pay one penny per week for the maintenance of his child.¹³⁷

Criticism of the schools came from within the system too. Year after year, Lentaighe complained of over-crowding, defective buildings, lack of heat and insufficient training of the children. In 1877, the year in which he had accompanied Galdstone and Lord and Lady Powescourt on a visit to the school,¹³⁸ he found the boys in Glencree badly clothed, the bedding 'not attended to' and the buildings not well kept.¹³⁹ Thirteen boys escaped in one night in 1881.¹⁴⁰ Although the mortality of the children in the schools was not high, pneumonia, typhus and consumption often spread in over-crowded, cold conditions. He was also critical of the fact that the managers did not use the provision of the legislation which allowed them to licence out the children before the expiration of their sentence. In 1876 he wrote that he '...had always urged magistrates... to give the longest sentences which the law permits' but only on the understanding that '...the period to be spent in the school would be shortened as much as possible by the manager'.¹⁴¹ Once in, the system was very reluctant to let go of the children. Parents or interested parties had the right to appeal a child's sentence to the Lord Lieutenant. Between 1860 and 1884 there were twenty appeals sent from friends and parents of Connacht inmates to have their children released.¹⁴² Most had their memorials endorsed by local clergy, business people and magistrates but appeals by parents were rarely successful, with the Lord Lieutenant's office making its judgement- 'Let the law take its course'. John Walsh was found guilty of conspiracy to cheat and defraud his employer, the local priest, at Ballinamore in 1864. He was sent to Upton. In 1867 his father wrote to the Lord Lieutenant that the boy's sister had paid for his passage to America. The memorial included proof of purchase of the tickets and was endorsed by the local justice of the peace and the priest who had accused the boy. The manager at Upton refused to let

¹³⁶ In 1873, for example, approximately 135 maintenance warrants were issued. (Chief secretary's office registered correspondence, Index, 1873)

¹³⁷ *Ibid.*, 1873, 8949

¹³⁸ *Freemans Journal*, October 31 1877

¹³⁹ Seventeenth report, p.41

¹⁴⁰ Twentieth report, p.54

¹⁴¹ Fourteenth report, p.8

¹⁴² Convict reference files, 1860 to 1884, National archives

him go, stating that he was one of the best behaved boys in the school and an ‘extremely clever’ carpenter.¹⁴³ The most likely explanation for his refusal to release a boy who, by his own admission was both ‘reformed’ and ‘trained’, was that he was kept for the value of his labour, or his ability to teach the younger and less productive inmates.¹⁴⁴ Some children were left in the schools because it was felt that their parents were neglecting or exploiting them. Mary Coyne, from Kylemore, petitioned to have her son discharged from Upton in 1882. The boy had been a post-boy for Salruck police station and had ‘removed stamps’. The petition was refused on the grounds that he had been ‘in a bad state’ and ‘clad in rags’ when taken into custody.¹⁴⁵ In Monaghan, especially in the early years, Genevieve Beale believed that some ‘ill-disposed’ parents were coming to the school at the expiration date of their daughters’ sentences so that they could take them for the purposes of thieving or prostitution. She went to great lengths to ensure that some of the girls were not re-united with their families but was not always successful.¹⁴⁶

In Britain, accusations of ill-treatment and exploitation of children, disturbances within the schools, and lack of co-operation from managers of both industrial and reformatory schools, led to the establishment of a Royal Commission in 1882. Some of the worst and earliest disturbances occurred at Mount St. Bernard’s, the Leicestershire Catholic reformatory which the members of the Cork reformatory movement had visited in the late 1850s. In 1863 the monks who managed Mount St. Bernard’s were excluded from any involvement with the school. In 1864 three weeks of apparent anarchy at the school had led to a parliamentary inquiry.¹⁴⁷ In 1874 Rev. Joseph Ryan left his post at Upton to manage it. He left behind a disciplinary crisis – six boys absconded and one was sentenced to penal servitude for having ‘resolutely resisted punishment’.¹⁴⁸ One year later there was a ‘mutiny’ at the Leicestershire

¹⁴³ Ibid., 1867, W.6

¹⁴⁴ For similar issues in British schools, see May, ‘A child’s punishment’, p.571

¹⁴⁵ Convict reference files, 1882, C64

¹⁴⁶ See, for example, the reports on Spark’s Lake in the third and fourth, and the fifth reports of the inspector.

¹⁴⁷ Report of the inspector of reformatories on the state of the Mount St. Bernard’s reformatory at Whitwick in Leicestershire, 1864, 1864 (404). For more on the English ‘scandals’ of industrial and reformatory schools, see May, ‘A child’s punishment’, chapter 12, and Radzinowicz and Hood, *A history of English criminal law*, chapter 7

¹⁴⁸ Thirteenth report of the inspector, pp34, 35.

school and about 160 of the 200 inmates escaped.¹⁴⁹ The 1882 Commission was chaired by Lord Aberdare and one of its fourteen members was the O’Conor Don. Its investigation also included the Irish industrial and reformatory schools. Nine of the commissioners arrived in Ireland in late January 1883, and heard from witnesses in sittings at Belfast, Dublin, Cork and Kilkenny. Although they visited a number of schools and took evidence from 44 Irish witnesses, they did not cross the Shannon to the west, nor did they call any Connacht witnesses.

Their longest, and most challenging, session was with John Lentaigne. Using the same set of crime statistics from the early 1850s that his predecessor, Patrick Joseph Murray, had used to show the diminution of crime, which he attributed to the success of the reformatory and industrial schools, Lentaigne was pressed by Lord Aberdare to admit that ‘...the removal of three millions of people’ and the end of the Famine might also have had an effect.¹⁵⁰ He was also challenged on the lack of compliance which the commissioners had observed with section 13 of the industrial schools act. While Lentaigne was insisting that very young children found guilty of a first offence were sent to industrial schools, he was sharply reminded by Aberdare that the evidence they had heard contradicted this.¹⁵¹ In their report, the Commissioners noted ‘...the scarcity of older and more criminal inmates, whose place is to a great extent filled by children committed at an early age and for trifling offences’.¹⁵² Lord Aberdare also told Lentaigne that the practice engaged in by magistrates of only charging children, particularly girls, who had been arrested for theft and ‘wandering or begging’ of the latter charge so that they would be accepted by the industrial schools was ‘...practically an evasion of the Act’.¹⁵³ They challenged John Lentaigne’s figures regarding the recidivism of those discharged from reformatories, questioned the effects of the schools on reducing crime and criticised the ‘...want of perfect supervision over males after discharge from the large reformatories of Glencree, Philipstown and Upton’.¹⁵⁴ Despite these criticisms, they recommended the closure of Ballinasloe because it was undersubscribed. It was its

¹⁴⁹ *Freemans Journal*, November 15 1875 and see also Radzonowicz and Hood, *History of English criminal law*, pp194-5 for an earlier outbreak at Mount St. Bernards which Sydney Turner attributed to an ‘eruption of Irish impulse’

¹⁵⁰ Aberdare report, Qs.12433-12449

¹⁵¹ *Ibid.*, Q.12579

¹⁵² *Ibid.*, p.lix

¹⁵³ *Ibid.*, p.518

¹⁵⁴ *Ibid.*, p.liv

very size, however, that enabled it to adhere most closely to the reformatory principles of the founders of the movement, and made it the most successful in the aftercare of its former residents. The greatest numbers of inmates at Ballinasloe were in 1874 and 1876, when there were 53 girls in the school. The numbers were boosted by the transfer of refractory girls from industrial schools, usually those run by the Mercy order.¹⁵⁵ By 1882 the numbers were on the decline again and Mary Burke applied for recertification of the school as an industrial school.¹⁵⁶ In the next year the Royal Commissioners endorsed the application, on the understanding that it be used as a probationary industrial school for girls committed under section 13 of the industrial school act.¹⁵⁷

By the early 1880s, the numbers of children being sent to reformatories was beginning to decline as the numbers in industrial schools increased.

Table 15
Children in institutions in 1881¹⁵⁸

	Population	Reformatories	Industrial schools
Connacht	821,657	47	739
Leinster	1,278,989	678	2209
Munster	1,331,115	310	2300
Ulster	1,743,075	160	912

The workhouses continued to be the primary refuge for destitute children, with 12,202 children under fifteen years of age in Irish workhouses on the first Saturday in January 1881.¹⁵⁹ Entering the workhouse may have been the preferred option for a parent or parents who did not want to lose permanent contact with their children, as they could see each other at the appointed times and leave together when times got better. For others, the new institutions may have presented them with difficult choices. The Aberdare commissioners were told privately that respectable poor parents who had large families would send one child out to wander or beg so that that

¹⁵⁵ The annual reports on the industrial schools sometimes referred to such transfers. There were some exceptions- in 1879 a girl was transferred to Ballinasloe from St Finbar's industrial school in Cork, which was managed by the Good Shepherd sisters (Eighteenth report)

¹⁵⁶ Twenty-first report, [C.3806], p.31

¹⁵⁷ Twenty-second report, [C.4163], p.5

¹⁵⁸ Census, 1881, 1882 [C.3365], Table 124

¹⁵⁹ Annual report of the local government board, 1882 [C.3311], p.8

child would be sent to an industrial school. John Lentaigne confirmed that this was the case.¹⁶⁰

In 1882 the judicial authorities acknowledged that crime in Ireland was a predominantly urban problem.

Table 16

Proportion of persons proceeded against in each 10,000 of population, 1881¹⁶¹

Districts	Urban district	Adjoining county	Excess per cent
Dublin city	1,305	300	77
Waterf'd city	784	225	73
Belfast	702	206	71
Cork city	938	309	67
Galway town	938	332	65

Others, meanwhile, were concerned with the levels of destitution which persisted in Connacht. James Hack Tuke visited the west of Ireland in the early 1880s on behalf of a committee established by the Duke of Bedford to look at ways of alleviating the distress which existed there. In Connemara a man who came to him for assistance said that his wife and children were ‘...naked in clothing and ashamed to come’.¹⁶² The poverty of the people of the west was not reflected in criminal proceedings. In 1883 the petty sessions courts of Connacht sent 10 children to reformatories and 110 to industrial schools.¹⁶³ The courts which had been so reluctant to send children to reformatories were embracing the industrial school system.

¹⁶⁰ Aberdare report, Q.12611

¹⁶¹ Judicial statistics, 1882 [C.3355], p.24

¹⁶² ‘With the emigrants’, *The nineteenth century*, 1882, Vol.XII

¹⁶³ Judicial statistics, 1884 [C.4181], pp81, 82

By the time the Aberdare Commission made its report, criminal children who were incarcerated were still being sent to prison. Of the reformatories the Commissioners wrote that

We are unable to trace in Ireland the influence of these institutions on crime, whether juvenile or adult, as clearly and satisfactorily as we trust we have done in Great Britain. The fluctuations in the population of Ireland, its periods of distress and famine, of social anarchy and agrarian disturbances, are closely reflected in its criminal statistics¹⁶⁴

Taking into account the declining population and improved standard of living of most Irish and Connacht families from the 1860s, it is possible, however, to infer from the committal figures that the institutions did not have the dramatic impact that their proponents hoped for.¹⁶⁵ The low incidence of crime in Connacht as measured by gaol committals may, in part, explain the muted response of the judiciary to the reformatories as they may not have perceived that juvenile crime in the province was a problem which needed to be addressed. Of the 46 children set to gaol in Connacht in 1884/'85, only ten were sent to reformatories. As with the majority of criminal children in the preceding three decades, they were found guilty of petty crime and given short sentences- forty-one of them served sentences in gaol of between 3 days and one month.¹⁶⁶ They may have considered themselves lucky not to have been sent to a distant reformatory for five years. The prisons were subject to more rigorous inspection, many had visiting committees and all had chaplains who came from outside of the prison and were instructed to pay particular attention to children within the gaols. Ill-treatment of a child in prison was more likely to come to light than of a child in a reformatory. Preliminary imprisonment of children before a reformatory sentence continued in Ireland until the very end of the century.¹⁶⁷

¹⁶⁴ Aberdare report, p.lv

¹⁶⁵ See Chapter two, Table 1

¹⁶⁶ See Appendix II

¹⁶⁷ 62 & 63 Vict, c.12 abolished mandatory preliminary imprisonment in July 1899

CONCLUSION

The children who were convicted of crime in Connacht in 1854 had been born during, or lived through, the Famine. The effects of the destitution which it caused are reflected in the numbers of both children and adults who were incarcerated in Ireland at the time. These high numbers of criminal convictions coincided with and bolstered the campaign conducted by a small number of reformers which supported the introduction of the reformatory system to Ireland and the treatment of children as a separate group requiring different treatment within the system of criminal justice. Their campaign drew heavily on the rhetoric and the models which had been used in similar campaigns in Britain and mainland Europe. This study has looked at both the incidence of crime and treatment of poor and criminal children in the province of Connacht in the three decades after 1854 and has shown that in many ways the western province differed in the levels of criminality amongst children and in the way that destitute and criminal children were treated.

Connacht children were less likely to end up in gaol in the three decades after 1854 than Irish children in general, despite the great poverty that existed in the province during this period. Causation in the context of crime in history is a complex problem. This study has shown that the levels of poverty which existed in Connacht in the period after the Famine did not lead to high levels of crime. In fact, the opposite was the case. Many of the poorest people from the west died, migrated, emigrated or went to the workhouses during and in the years after the Famine. Connacht children were proportionately more likely to be in workhouses than the children of the other provinces. Children worked to help their families and their fathers frequently left, either to work elsewhere and send for them later, or to ease the burden on the family and allow its remaining members to become what the poor laws considered 'deserving poor'. The role of Irish children in the world of work and in supporting their families in the nineteenth century has yet to be fully explored. When Harriet Martineau visited Mayo a few short years after the end of the Famine she told her readers what she found

From every cluster of hovels by the roadside- from behind a dunghill on which a noble eagle is somehow secured- from over the fences- from all imaginable places- children, lads, lasses, sometimes women, rush forth, with bundles of stockings and socks, with crystals, or bits of marbles or of coral, and run beside the car, with their light, easy, bog-trotting pace, for miles,

begging, more or less earnestly, or, in some cases, apparently for the sport. They seem to have lost no breath, at whatever distance they may stop; and they do not look as if they had ever known what sickness was. Several are marked with small-pox; and cases of the loss of an eye are frequent in the towns; and we have observed an unusual proportion, we think, of club feet. But in the faces and forms we see no sign of deficient nourishment, or of the diseases which are generated by bad air and light, damp, and over-crowding¹

The healthy outdoor life which she perceived these people to be living was what some of the founders of the reformatory movement aspired to as part cure for criminal children. They believed that the street Arabs and gutter-snipes of the towns would become honest, self-supporting members of society by strict discipline, hard work in the open air, and a meagre diet. The boys of the 'swell mobs' of London characterised by the reformers wanted penny theatres, fine clothes, good food and drink. The 'peasantry of Connaught', the census of 1871 tells us, were '...the simplest in their wants amongst the inhabitants of Ireland' and, even in times of famine, '...what might be penury elsewhere would be comparative sufficiency, if not abundance, for a large proportion of our countrymen beyond the Shannon'.² This was the explanation which the writers came up with to explain the anomaly of the proportionately low rate of celibates, which they associated with increased prosperity, and the equally low rate of inmates in public institutions such as gaols and workhouses, in Connacht. They appear to draw the conclusion that fresh air and low expectations kept the men, women and children of the province out of the gaols, workhouses and reformatories. The submissiveness of the Mayo people in the face of great hardship and injustice which a senior police officer described to Sir Francis Bond Head is harder to explain. The physical space and power structure of a rural community may have contributed. A landlord/employer/magistrate was more likely to know the character and activities of his neighbours in rural Roscommon than if he resided in Dublin, and his poorer neighbours depended on him for their livelihoods, homes and freedom. A broader study which encompasses adult as well as child social conditions and criminality may go further in explaining why the levels of criminality in Connacht were relatively low.

This study has drawn heavily from official sources, created by government officials for a particular purpose and with a possible bias. Such records tell us more

¹ *Letters from Ireland* (London 1852), p.103

² Census of Ireland, 1871, 1876 [C.1377], pp55, 56

about a twelve-year-old boy who stole a nut in 1854 than they do about an eleven-year-old who murdered his friend over a game of marbles thirty years later. The former was probably poor. He appeared in court where he was given a sentence of 28 days in gaol and a whipping. The latter was the son of a bailiff and did not face any criminal charge. The threat to property posed by the poor is reflected in criminal convictions. Anecdotal and newspaper evidence cited in this work, however, informs us that Irish magistrates and judges frequently showed leniency to young children, especially first offenders and girls. We saw examples of such favourable treatment in chapter four and it may have been sympathy for young Joseph Murray which led the coroner to conclude that he had ‘foolishly and accidentally’ shot his young friend even though the evidence clearly showed that he had walked to his house, taken his father’s gun and repeatedly shot Denis Connolly in the face and chest.³ Unfortunately for the historian, the extent to which children were given favourable treatment can not be measured as such crimes often went unrecorded. Nor do we know the extent to which the parents of children who had influence or money managed to keep their children out of trouble. Money was not the only factor which influenced events. The rural power structure was not all one-sided. The country police were very visible in their communities and this too acted as a check on their activities, even to the extent that they were much less likely to use whipping to punish juveniles for fear of unpopularity. Conflict and power within rural Irish communities went through radical changes in the thirty-year period between 1854 and 1884.

The Irish prison inspectors were aware that destitute children were arriving in cities and towns in large numbers after the Famine. Closer examination of the prison records may reveal patterns of migration of the very poor and tell us more about their struggles or strategies for survival. The gaol registers and annual reports of the inspectors themselves are a rich and under-utilised resource. These, and other, sources may also provide answers to questions which this study prompts regarding the relationship between poverty and crime. We have seen that prosecution of children for vagrancy declined dramatically in Connacht, yet one study showed that Galway, Sligo and Roscommon had the highest proportions of young tramps and vagrants known to the police recorded in the judicial statistics of 1863, while Dublin had the lowest.⁴ In

³ Town gaol of Galway register, 1854; *Irish Times*, 22 August 1885; *Galway Vindicator and Connaught Advertiser*, 22 and 26 August 1885; *Kildare Observer* August 22 1885

⁴ Caitriona Clear, *The homeless young in 19th century Ireland* (Galway 1993), p.17

1869 no children were sent to gaol for this offence in the west, yet within two years there were 388 children in the industrial schools of the province. Where did these children come from and how had they survived before the opening of the industrial schools? This question merits further investigation. If the children who were sent to industrial schools were homeless, or destitute, or criminal, why had they not appeared in any of the criminal records? Were they, as the Royal Commissioners were told in 1882 and John Lentaigne confirmed, the children of large poor families selected by their parents to be sent out wandering or begging so that they would be sent to the schools? A close examination of the petty sessions order books, industrial schools records, newspapers and annual reports of the inspectors may shed some light on the intriguing question as to who these children were, and how and why they came to be in the schools. If the judicial statistics are correct then this tells us that vagrant children existed in relatively large numbers but were not being prosecuted.

The flourishing of the industrial schools contrasts sharply with the story of the reformatories. By the last year of the nineteenth century there were six reformatories in Ireland which were home to 587 children. Of these, only 22 were from Connacht. There was no reformatory in the province. The Ballinasloe school, which, if judged by the inspectors' reports and the disposal of its inmates, was a success, was closed, and by 1899 was one of seventy-one industrial schools in Ireland and thirteen in Connacht. These schools now had 8,422 children within their walls, 1197 of whom were from the counties and towns of Connacht.⁵ The Royal Commissioners who visited the schools in the early 1880s reported that 'One of the most striking features of the reformatory schools in Ireland is the scarcity of older and more criminal inmates, whose place is to a great extent filled by children committed at an early age and for trifling offences'.⁶ Pressure to fill the schools from religious and official sources meant that young children who might otherwise have served a short sentence in their local gaol, or been released, were instead locked away for five years. We saw in this study that children who committed petty crime formed by far the greatest proportion of criminal children. The small numbers of children sent by the Connacht courts to the reformatories resulted from the low incidence of prosecutions of children and may also have arisen from a perception amongst the police and judiciary of the

⁵ Thirty-eighth report of the inspector of reformatories and industrial schools, 1899, 1900 [Cd.345], pp78, 79

⁶ Reformatories and industrial schools commission, 1884 [C.3876], p.lix

province that juvenile crime was not a threat to social order and did not, therefore, merit special treatment.

Hugh Cunningham has written that the world of the Victorian child was ‘...a world of contrasts’.⁷ On the one hand, an idealised version of childhood emerged which presented a romantic picture of innocence which society had a duty to protect and nurture. On the other, rapid industrialisation in England led to urbanisation and the emergence of a very different image- that of the idle or street-wise city child that society must retrain and reform. The value of the labour, paid or unpaid, of the poor children of the rural west of Ireland was likely to have been recognised by both their families and their communities and to have ensured that they were rarely idle. In 1875 the Commissioners of National Education acknowledged the ‘...necessity of the Irish farmer to make his children, however young, take part in the spring and harvest operations of the farm’.⁸ While Lady Morris and her daughters were throwing annual school feasts to encourage school attendance in Spiddal, her husband, the most eminent law-maker in the country, and a Commissioner of National Education, was smuggling truants into the celebration. Noted for his common sense and strong Galway accent, he watched while his ‘...garden was annually raided of its apples and the turf stacks pilfered’ by local children. Knowing that they and their families were poor, he took no action against them.⁹

This study has drawn on gaol records, government reports and enquiries, newspapers, and the writings and speeches of nineteenth century politicians, officials, social commentators and religious. It is the first detailed study of children and crime in Ireland in the nineteenth century, and the first to look at the establishment and early years of the reformatories. It challenges perceptions of the connection between poverty and crime by showing that Connacht, one of the poorest regions in Europe in the nineteenth century, had comparatively low rates of gaol and reformatory committals. The important contribution of poor rural children to their families and communities, and the integrated nature of these rural communities in the west of Ireland were factors which contributed to the attitudes to and treatment of its children. The treatment of children by the poor law system at local level in the west was influenced by the poverty which permeated all levels of society. These perceptions

⁷ *The invention of childhood* (London 2006), p140

⁸ Forty-first report of the Commissioners of National education, 1875 [C.1228] [C.1228-1], p.3

⁹ *An Irishman and his family*, p.57

may also explain why the Royal Commissioners who were investigating the reformatories and industrial schools did not visit any of the Connacht institutions. A broader study which encompasses other parts of Ireland, both urban and rural, should reveal some useful comparisons. The preoccupation of the early reformers with the urban street-child endured, and the rural criminal child was largely ignored. By closely examining the available evidence from the children themselves, this thesis gives voice and name to the formerly anonymous children who were the focus of so much discussion and legislation, but were frequently only represented as caricatures or statistics. Unfortunately, the surviving records for Ireland, especially those created by and for government, rarely include direct testimony from the children. The evidence of such children does not become part of the story for another century.

Appendix I¹

Categories of offence

Offences against the person

Murder

Shooting at, stabbing, administering poison, &c with intent to murder

Assault, with intent to murder

Conspiracy to murder

Manslaughter

Concealing birth of infants

Sodomy

Rape

Assault, with intent to ravish and carnally abuse

Carnally abusing girls between the age of ten and twelve years

Abduction

Bigamy

Child stealing

Assaults

Assaults on peace officers in the execution of their duty

Offences against property, committed with violence

Sacrilege

Burglary

Housebreaking

Breaking within the curtilage of dwelling-houses, and stealing

Breaking into shops, warehouses and counting-houses, and stealing

Misdemeanors, with intent to commit the above offences

Robbery

Assaults, with intent to rob, and demanding property with menaces

Stealing in dwelling-houses, persons therein being put in fear

Sending menacing letters to extort money

Taking and holding forcible possession

Offences against property, committed without violence

Cattle stealing

Sheep stealing

Horse stealing

Pig stealing

Larceny from shop

Larceny, to the value of 5l. in dwelling-houses

Larceny from the person

Larceny, by servants

Larceny (simple)

Stealing from vessels in port, or in rivers, &c

Plundering wrecked ships, &c

Stealing from bleach green

Stealing trees, fixtures, shrubs growing, &c

¹ Source- Report of the inspectors-general of prisons 1835, H.C 1836 [523]

Robbery of arms
Misdemeanors, with intent to steal
Embezzlement
Receiving stolen goods
Frauds, and attempts to defraud

Malicious offences against property

Arson (Capital)
Setting fire to crops, plantations, heath, &c
Attempts to commit arson, set fire to crops, &c
Riot, and feloniously demolishing buildings, machinery, &c
Attacking and injuring dwelling-houses, lands, &c
Destroying silk, woollen, linen or cotton goods, in process of manufactures
Destroying hop-binds, trees and shrubs growing
Killing and maiming cattle
Sending letters threatening to burn houses, &c
Other malicious offences

Forgery and offences against the currency

Forging and uttering forged wills and powers of attorney for the transfer of stock or receipts of dividends
Forgery of bank notes, and uttering
Uttering other forged instruments
Having in possession forged bank notes
Counterfeiting the current gold and silver coin
Having in possession implements for coining
Buying, procuring and putting off counterfeit gold and silver coins
Uttering counterfeit coin
Counterfeiting, buying, putting off, and uttering counterfeit copper coin

Other offences, not included in the above classes

Assembling armed, &c, to aid smugglers
Assaulting and obstructing officers employed to prevent smuggling
Assaulting and obstructing revenue officers
Offences connected with illicit distillation
Offences relating to deer, game and fish
Prison-breaking, harbouring and aiding the escape of felons
Rescuing prisoners
Perjury and subornation of perjury
Administering and taking unlawful oaths
Conspiracy to raise the rate of wages
Offences connected with combinations or conspiracies to raise the rate of wages
Riot and breach of peace
Rescue, and refusing to aid peace officers
Keeping disorderly houses
Vagrancy
Bestiality
Indecently exposing the person
Felonies, not included in the above denominations
Unlawfully marrying persons

Misdemeanors, not included in the above denominations

Appendix II

Table 17

Offences of committed children²

	Felons	Midsmts.	For trial	Summary	Vagrants	Workhouse ³
1854 (I)	674	540	971	3475	4074	1052
(C)	46	17	74	207	33	63
1859 (I)	120	50	183	1104	97	69
(C)	9	4	7	86	3	7
1864 (I)	65	26	152	802	33	67
(C)	8	4	5	60	3	7
1869 (I)	70	23	188	813	25	43
(C)	7	3	5	54	0	5

(I) = Ireland (C) = Connacht

The first two columns refer to Felons and Misdemeanants convicted at assizes and quarter sessions
Table does not include acquitted prisoners or those whose cases were dismissed

Table 18

Gender of committed criminals⁴

	Total male	Total female	J Male	J Female
1854 (I)	34192	26253 (43%)	8194	2592 (24%)
(C)	2350	1169 (33%)	245	62 (20%)
1859 (I)	17845	14297 (44%)	1257	378 (23%)
(C)	2108	977 (32%)	103	18 (15%)
1864 (I)	18692	14178 (43%)	945	173 (15%)
(C)	1787	793 (31%)	70	17 (20%)
1869 (I)	17688	12191 (41%)	991	154 (13%)
(C)	1426	503 (26%)	68	9 (12%)
1874 (I)	24516	14020 (36%)	1086	242 (18%)
(C)	1744	662 (28%)	73	14 (16%)
1879 (I)	29483	15813 (35%)	944	170 (15%)
(C)	2044	615 (23%)	77	20 (21%)
1883/4 (I)	22960	12761 (36%)	825	134 (14%)
(C)	1772	573 (24%)	62	8 (11%)

J = Juvenile

Numbers in brackets represent females as a percentage of the total in that category

² Source: Annual reports of the Inspectors-General of Prisons, 1855-1870. This data is not available from the 1870s

³ This category includes 'Workhouse offenders' and 'Offenders on leaving the workhouse'. The crimes involved included refractory behaviour in the workhouse and absconding with workhouse property. For the years 1859, 1864 and 1869 this figure is included in the foregoing numbers

⁴ Source: Annual reports of the Inspectors-General of Prisons, 1855-1877 and Annual Reports of General Prisons Board, 1878/79-1883/84

Table 19
Parentage of committed children⁵

	Without parents	Without father	Without mother	Stepchild	Illegit.	Abandoned/ Absconded	Parents living
1854 (I)	3254	2202	1237	296	97	1043	
(C)	124	111	65	16	3	31	
1859 (I)	339	420	219	155	19	129	619
(C)	23	25	13	15	2	6	58
1864 (I)	148	242	130	55	20	55	574
(C)	6	14	9	1	0	3	46
1869 (I)	137	240	147	97	24	81	617
(C)	4	15	6	7	5	6	52
1874 (I)	112	252	135	57	25	48	823
(C)	4	21	11	5	2	6	52

The number of children whose parents were living was not included in the reports for 1854

These statistics were not included in the returns after the mid-1870s

Illegitimate, abandoned or absconded may be included in the fore-going numbers, so that, for example, an abandoned child might also be a child without a mother

From the 1860s, the first three categories changed, so that 'Without [parents/father/mother]' became '[Parents/father/mother] dead'

Table 20
Literacy of committed children⁶

		Read & write	Read & write imperfectly	Illiterate
1854 (I)		1688	3620	5240
(C)		42	133	261
1864 (I)		333	458	323
(C)		22	29	40
1874 (I)		515	459	351
(C)		35	25	27
1883/84 (I)		446	243	248
(C)		27	9	29

In 1864 there were eight children whose level of education was 'Not ascertained'. In 1869 there was one such child and in 1874 there were three. These children are not included in the above table and there may have been a small proportion of such children in other years since there is a slight discrepancy between the total committals for each of the sample years and those in the education tables of the Inspectors' reports.

⁵ Source: Reports of Inspectors-General, 1854-1875

⁶ Source: Annual reports of the Inspectors-General of Prisons, 1855-1877 and Annual Reports of General Prisons Board, 1878/79-1883/84

Table 21

Distribution of sentences of juvenile offenders⁷

		Penal Servitude	2-18 months	3 days- 1 month	24-48 hours	Not convicted*	Unlimited	Sent to Reformatory
1854	(I)	102	1587	6936	638		34	
	(C)	2	105	224	10		1	
1859	(I)	18	292	936	111	260	18	148 (11)
	(C)	2	21	72	6	19	1	0
1864	(I)	2	123	695	93	197	8	186 (20)
	(C)	0	3	51	12	16	1	8~ (12)
1869	(I)	1	96	649	181	218	0	243 (26)
	(C)	0	5	44	15	13	0	11 (17)
1874	(I)	1	83	856	79	8	0	292 (29)
	(C)	0	6	53	6	1	0	18 (28)
1879/80	(I)	0	88	779	110	7	1	263 (27)
	(C)	0	8	59	19	0	0	15 (17)
1884/85	(I)	0	47	558	69	3	0	232 (34)
	(C)	0	2	41	3	0	0	10 (22)

*This category includes prisoners whose sentences were respited, and those who were not convicted, held for further examination or untried

~This number is extracted from the Reports of the Inspectors-General on the local gaols, and is taken from the year previous to the inspectors' visit, not the calendar year

Figures in brackets represent the number of children sent to reformatory schools as a percentage of sentenced children rounded to the nearest per cent

⁷ Source: Annual reports of the Inspectors-General of Prisons, 1855-1877, Annual Reports of General Prisons Board, 1878/79-1883/84, and Reports of the Inspectors of Reformatory and Industrial Schools for 1864, 1879 and 1884

Appendix III
Petty sessions districts and constabulary in Ireland in 1871⁸

<i>County</i>	<i>Petty sessions districts</i>	<i>Average population</i> <i>To each district</i>	<i>Constabulary per</i> <i>1000 population</i>
Carlow	8	6456	2.40
Dublin county	13	5282	3.17
Kildare	17	4918	2.61
Kilkenny	16	6836	3.42
King's county	19	3995	3.82
Longford	12	5375	2.87
Louth	11	7638	2.49
Meath	18	5309	2.03
Queen's county	16	4986	2.81
Westmeath	16	4902	4.73
Wexford	13	10205	1.90
Wicklow	14	5621	2.57
Clare	20	7393	2.58
Cork	55	9401	1.85
Kerry	25	7863	1.24
Limerick	24	7997	3.16
Tipperary	30	7224	4.66
Waterford	18	6850	2.44
Antrim	24	16834	1.67
Armagh	16	11204	1.08
Cavan	18	7819	1.82
Donegal	27	8086	2.28
Down	28	10480	.99
Fermanagh	19	4884	1.74
Londonderry	14	12422	1.17
Monaghan	9	12774	1.56
Tyrone	23	9381	1.20
Galway	36	6902	2.66
Leitrim	14	6826	2.86
Mayo	24	10251	2.16
Roscommon	23	6116	2.77
Sligo	17	6794	2.04

⁸ Census of Ireland 1871, General report, p28. The table does not include the Dublin Metropolitan police district

Appendix IV

Occupancy and main sources of income of reformatories*

1864

	Malone, Belfast	Upton, Cork	Reheboth, Dublin	Glencree, Wicklow	Ballinasloe, Galway	Cork St., Dublin	High Park, Dublin	St. Josephs Limerick	Sparks Lake Monaghan
Officers	4	14	2	21	3	2	6	7	7
Inmates	38	156	31	252	6	15	50	37	48
Capacity	60	160	40	275	25	25	45	50	50
Treasury Allowance	£643	£2736	£500	£3913	£18	£240	£785	£632	£801
Parental payments	£27	£55	£16	£126		£8	£27	£13	£19
Payment from rates	£246	£715	£126	£1150		£74	£182	£99	£168
Subscriptions & legacies	£271	£7	£19	£453	£5	£25	£7		
Profit from labour	£122	£432	£56	£214		£42	£63	£25	

* Rounded to the nearest £. Upton had, in addition, income from a loan of £1233

Appendix IV, continued

1865

	Malone Belfast	Upton Cork	Reheboth Dublin	Glencree Wicklow	Ballinasloe Galway	Cork St. Dublin	High Park Dublin	St. Josephs Limerick	Sparks Lake Monaghan
Officers	4	14	2	27	3	2	6	7	7
Inmates	38	151	32	264	6	16	41	34	47
Capacity	60	160	40	300	25	25	45	50	50
Treasury Allowance	£586	£2567	£418	£4035	£88	£218	£639	£580	£764
Parental payments	£27	£42	£23	£157	£6	£9	£23	£13	£22
Payment from rates	£113	£667	£99	£1637	£11	£48	£145	£177	£189
Subscriptions & legacies	£424	£116	£19	£223		£35	£6		
Profit from labour	£92	£243	£67	£102		£41	£63	£25	£7

Appendix IV, continued

1866

	Malone Belfast	Upton Cork	Reheboth Dublin	Glencree Wicklow	Ballinasloe Galway	Cork St. Dublin	High Park Dublin	St. Josephs Limerick	Sparks Lake Monaghan
Officers	4	14	2	27	3	2	6	7	7
Inmates	42	127	31	303	8	17	39	31	42
Capacity	60	160	40	310	25	25	45	50	50
Treasury Allowance	£596	£2227	£468	£4352	£119	£251	£596	£494	£654
Parental payments	£28	£30	£27	£167	£1	£8	£19	£14	£18
Payment from rates	£147	£887	£148	£1954	£22	£74	£202	£110	£171
Subscriptions & legacies	£198	£7	£30	£276		£48	£20		
Profit from labour	£168	£352	£82			£40	£61	£143	£6

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