

Perhaps the most vital and ebullient period in the history of penology in Britain were the years 1835-1865, when almost every issue concerning the treatment of criminals became subject of public controversy. Never before, and never since, have so many persons argued so passionately and violently, with or without grounds for their strongly held opinions, on major and minor topics related to crime and criminals, many of them unresolved to this day. In the space of a short article it is not possible to do more than list these issues.

1. Construction of prisons
2. Type of confinement: Separate, solitary, silent or free association
3. The use or abolition of prison hulks
4. The treatment of Juvenile Offenders
5. The function of a prison inspectorate
6. Establishment of a prison service
7. Restriction of the death penalty
8. The ending of transportation
9. Penal-Servitude and hard labour
10. Progressive stages and the marks system
11. Military discipline
12. Employment of prisoners: No labour, treadwheel and crankshaft—public works
13. Moral and secular education of prisoners
14. The rights of prisoners: Diets, letter-writing, etc.
15. Tickets of leave and after-care
16. English and Irish convict systems. Last but certainly not least, the uses of: Imprisonment, punishment, deterrence, reform.

All of these were topical issues of the time and each one had its proposers and opposers, but only one man had to deal with all of them, had to adjudicate every conflict, resolve diverging opinions and translate verbal strife into administrative action.

That man was Joshua Jebb, the first Surveyor-General of Prisons, the first Chairman of Directors of Convict Prisons, the man who built or supervised the building of most of the prisons in use today, not only in England but in many parts of the world. The man who abolished the infamous prison hulks and laid the foundations of a prison service and administration on which our present system is based. Jebb is not forgotten but neither have his great achievements ever been fully assessed. This paper is an attempt to rectify this omission.



[Courtesy: Institute of Royal Engineers]

Joshua Jebb

Major-General

Sir Joshua Jebb, K.C.B.

1793-1863

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JOSHUA JEBB was a true Victorian, God-fearing, upright, dignified, a little vain, conscious of personal advantage, loyal, dedicated and just. He obeyed his superiors implicitly and demanded absolute compliance from subordinates. He felt at home and at ease with fellow soldiers, but was irritated by the fierce and emotional opposition from "civilian" social reformers. His outstanding quality was his realism, his experimental approach to all penal problems of the day which were so hotly debated all around him. He sided neither with one side nor with another, but only asked "Does it work?" All his opinions were based on the answer to that question. "Whatever is found to be practically right is not theoretically wrong." That was his dogma and his creed.

When he first began his prison work the controversy over the "separate" system was in full swing and was to continue for many years. Jebb was bound by the Act of 1839 to enforce separate con-

finement, which he did, with all the rigour required in law. But he also observed its effects and, without making an issue of the principle, quietly set out to adapt it. In Pentonville it was changed from 18 months separate confinement to 12 months, to nine months. In Parkhurst it was reduced to four months for boys over 14 and abolished altogether for boys below that age.

It was inevitable that the absolute pragmatism of Jebb should involve him in constant conflict with the volatile personalities of his time. He would not subscribe to untested theoretically or religiously orientated views, like those of Mary Carpenter and Mathew Davenport Hill, his most violent critics. Yet he never attacked them publicly (as they certainly attacked him) and never reciprocated personal attacks. He always addressed himself to the problem in issue and only once showed his considerable irritation by referring to those ". . . who expect that it ought to

be an easy task to reform, or that the application of some favourite theory would do so".

Although Jebb was keenly interested in the "Marks System" of Capt. Maconochie, he lost interest, characteristically, in both man and system after the short fiasco of Maconochie's governorship of Birmingham Gaol. Maconochie had failed—and to Jebb that was the end of the matter. It was this same pragmatism which led to the final battle over the "Irish convict system".

The only description of Jebb that I am aware of was written by a member of his family shortly after his death;

"There was something very remarkable in the extreme sensitiveness and gentleness of his nature, blended with the greatest firmness and decision of character. Perhaps in these characteristics lay the secret of his power over others. Never was one more fitted for command—his orders were clear and spoken to your common sense—everything had been thought out and the closer you kept to his directions, the surer and simpler was your work—but he never hampered you with insignificant orders—the result was what he looked for. And what spirit and life did he give to his work . . ."

Biographical Data

Jebb was a professional soldier whose association with prisons did not begin until he had reached middle-age. He was born on the 8th May, 1793, the son of

Josiah Jebb, a magistrate of Walton in the county of Derby. His mother, Dorothy, was a daughter of General Henry Gladwin. His family was well-known in England and included many outstanding individuals. An uncle, John Jebb, was a noted physician and oriental scholar (1736-1786). Samuel and Sir Richard Jebb, well-known physicians of the 18th century, the painter Thomas Stothard and James Northcote were other famous members of the family.

Jebb joined the Royal Military Academy at Woolwich, where he was commissioned Second-Lieutenant in 1812. He was promoted to First-Lieutenant in 1813 and embarked for service in Canada the same year. There he served under General De Rottenberg. In 1814 he joined the army of Sir George Prevost in the United States. He took part in the Battle of Plattsburg (11th September, 1814). His services in that battle are mentioned in General Orders. He returned to England in 1820 and was stationed at Woolwich and Hull until 1827, when he went to serve in the West Indies.

In 1828 he was promoted to Second-Captain but returned to England the following year because his health had broken down. Jebb married Mary Leigh Thomas at Chesterfield in January, 1830. He then served in Chatham and was appointed adjutant to the Royal Sappers and Miners at Chatham in 1831. He was promoted to First-Captain in 1837.

Jebb's first association with prisons appears to have been in 1837. He is mentioned in the Third Report of Prison Inspectors (1838) for having assisted them with prison construction. In 1839 he was seconded from the Royal Engineers to civil duties for the Treasury (Lord Elliscombe). In that year Jebb was appointed a visitor, by Sir John Russell, to the newly established Parkhurst Prison for Juveniles, together with the Earl of Yarborough, C. S. Lefevre, W. Crawford and Drs. Hawkins and Kay.

As yet problems of prison administration were occupying only part of his time. In 1838 he had been appointed by the Lord President of the Council to hold enquiries into the grants of Charters of Incorporation to Bolton and Sheffield. He was also a member of the Commission on the Municipal Boundaries of Birmingham, and in 1841 he received a brevet Majority for his civil services.

The English prisons were in a constant state of upheaval and had been since Howard first drew attention to their appalling conditions in the 1770's. In spite of much agitation and many progressive ideas, nothing really positive emerged since no one seemed to know how to translate the various ideas into administrative techniques. Corruption and incompetence reduced the most fruitful plans to the level of the all-pervasive chaos. As a result of the Lords Committee of 1835 inspec-

tors were at last appointed and two in particular, William Crawford and the Rev. Whitworth Russell, who were responsible for the Home Counties, made a serious attempt to introduce some meaning into the disorder of convict management. To this end, Crawford visited the United States of America where great claims were being made for the success of the "separate" system, the detention of prisoners in single cells where they lived and worked without coming into contact with other prisoners who might contaminate them.

Crawford returned greatly impressed and persuaded the government to introduce the system in England. Jebb was chosen to build a model prison where the separate system could be introduced and demonstrated as the most effective means of punishing deterring and reforming criminals. As a result Pentonville prison was built and Jebb was appointed a Commissioner of that prison as soon as it was completed in 1842.

In 1843 Lord Harding and the Duke of Wellington decided to replace corporal punishment in the Army by a system of military imprisonment. Jebb was instructed to design and construct the necessary prisons and to organize a suitable discipline for them. He was appointed Inspector-General of Military Prisons in 1844.

The construction of Pentonville made a tremendous impression and was copied in Scotland, Ireland, France, Germany and

Belguim. Jebb was appointed Surveyor-General of Prisons (1844) and was now fully occupied with problems of prison management and administration.

In 1850, as a result of a recommendation of a Select Committee, the Government decided to establish a Board of Directors of Convict Prisons and although Jebb seemed to be an obvious person to head that Board, his appointment does not appear to have been a foregone conclusion. In February of that year he received a letter from Captain George Hall, then Governor of Parkhurst Prison, in which he wrote—"I am selfish enough to feel much mortified at the prospect of losing my official connection with you, which has been a mainstay and support to me through much which has been trying during the past three and a half years." However, Jebb was appointed Chairman of Directors of Convict Prisons. Following his appointment, he received an (undated) letter from the Rev. Whitworth Russell, who offered his congratulations and his co-operation. He writes that he dislikes the newly created post and fears that it will interfere with the Prison Inspectors. He adds that he is "heartily weary of all squabbles."

In the same year Jebb's wife died, leaving him with two girls and a son—Gladwin Jebb. In 1854 he married Lady Amelia Pelham (a sister of the Earl of Chichester, also a Commissioner of Pentonville Prison). After completing 10 years in civil employment, Jebb had to

choose between a return to the Army or retirement. He chose to retire on full retirement pay in 1850 and was awarded the honorary rank of Colonel in 1854.

Like all the powerful civil servants of the 19th century, he was the subject of a great deal of jealousy, rivalry and public attack. A number of these attacks were published in the early '60s. Jebb, who had been made a K.C.B. in 1859 and had been awarded the rank of Major-General in 1860, was subjected to a series of bitter attacks in 1861, when the *Civil Service Gazette* carried a vicious campaign against the Directors of Convict Prisons, largely as a result of a riot at Chatham prison in February 1861, in which 1,000 armed soldiers had to be called in before it was subdued. In their issue of the 18th May, 1861, they accused Jebb of having turned the Directorate into a military organization which did no good at all. That same year a Mr. Thwaites published a pamphlet in which he attacks the whole prison administration, mainly because he had recently been dismissed from his post as schoolmaster on the prison hulk 'Stirling Castle.' *The Cornhill Magazine* published an attack on the "English Convict System" at about the same time.

The Social Science Association too, devoted one of its meetings in 1862 to a strong attack on Jebb, and when, in the winter of 1862/63, a large number of ticket of leave men rioted and became involved in the outbreaks of "garotting,"

public disquiet reached such a pitch that a Royal Commission was appointed early in 1863.

All this coupled with the long-standing and ferocious controversy over the English and Irish penal systems, played havoc with Jebb's health. The Royal Commission vindicated him, but he collapsed and died in the Strand (London) on the 26th June, 1863, whilst on his way to a meeting of that Commission.

It might be of interest to look briefly at some of the major issues in which Jebb was involved.

Treatment of Juveniles

Jebb always maintained that the problem of juvenile delinquency could not be divorced from the larger issues of child education and welfare in an industrial society. His main ideas on the subject are contained in a confidential memorandum to the government (1846) and in his brilliant Fifth Report as Surveyor General of Prisons, (1852) which might be regarded as the first text-book on criminology to be published in this country.

Prevention was more important than the punishment of crime and the government should concentrate expenditure on the provision of industrial and district schools for "pauper children." A juvenile offender should be treated according to age. ". . . mere children of 12 or 13 years old should not be held very seriously responsible for their acts." Jebb explains this further: "An older criminal knows

the consequences of crime, and may deserve it; but, looking to the lamentable ignorance of criminal children, their neglected state, the circumstances in which they are generally placed and even the instruction they may have had in vice from abandoned parents, it is not just to hold them so severely and personally responsible for the acts they commit." Accordingly, for the first and second offences, Jebb recommended what we would now call "a short, sharp shock". He suggested seven days solitary confinement in a light cell and whipping with a birch on the first and last day. Confinement should be in "Houses of Detention" so as not to "brand the child with the title of convict." For older boys Jebb advocated two or three years discipline and instruction at Parkhurst prison, but after serving part of their sentence there, they should be transferred to an industrial school and from thence be found employment.

Reformatories like Redhill in England and Mettray in France were welcomed by Jebb, who saw them not as rivals to the penal system but rather "as a supplement."

All sentences and all planning depended however on the ultimate prospects of the convict. "As it stands at present there is no certain prospect on which the boys can rely with confidence, and there are no rewards beyond the consciousness of doing right, within their immediate reach. There is

the fear of punishment, and a distant prospect of release from the prison, but the accounts which have been received of the misery in which many of those who left it with the highest hopes are now existing . . . has removed the element of hope altogether and substituted merely the desire of change. Unless more definite prospects can be held out . . . it will be impossible to realise the vast advantages which are almost within reach . . . " Jebb consistently advocated the introduction of facilities for "visiting, improving and assisting" all discharged convicts.

Staff and Administration

Jebb was concerned only with convicts and military prisons but, as Surveyor General, had ample opportunity to observe the corruption, inefficiency and disparity in the local authority prisons and the hulks. For nearly ten years he observed the appalling mismanagement of men and money by Capper, the notorious controller of prison-hulks. Not surprisingly, most of his officers from Governor to Warder, were drawn from the ranks of the Army. This policy led to frequent attacks on him but it did enable him to create a prison service, which was second to none, on which he could rely absolutely and which had a ready-made system of communication and administration for the efficient execution of the constantly changing, complex rules of penal discipline. Above all, Jebb felt

that his ex-soldiers, having a lifetime of experience of handling men and boys, could be relied upon to exercise authority with a minimum of abuse. He explained this policy in connection with Parkhurst with characteristic emphasis on practical considerations:

"It has been a question with some who are well qualified to form an opinion, whether a different class of officer would not secure a better result. Nearly half the present officers have been sergeants in the Army, who, in addition to the habits of regularity they never fail to acquire in the service, have been specially selected, as being particularly qualified for keeping boys in good order, without the necessity of resorting to punishment, a result which is generally considered a sure indication of good discipline . . . If it were possible, with due regard to economy, to obtain a much higher class of officers . . . there can be no doubt of the advantage which would accrue; but such men can not at present be found in sufficient numbers nor could . . . varied qualifications be commanded without giving a very high rate of salary . . ."

Construction of Prisons

Jebb's first task in this field was the conversion of the military hospital for children of soldiers in Parkhurst, into a prison for boys, which was completed in 1838. In the following year he began working on his plans for Pentonville model prison, in which

he made better use of the radial wing design than Haviland in America and which was copied all over the world. It is impossible to say how many prison constructions Jebb was involved in or associated with. But he himself has listed the following constructions and conversions carried out between 1842 and 1857. *Constructions*: Portland, Portsmouth, Chatham, Holloway, Wandsworth, Clerkenwell, Woking; *Conversions*: Dartmoor, Millbank, Brixton, Newgate.

Jebb was also responsible for the public works projects of convicts which included major structures like the breakwater and fortifications at Portland and the extension of Chatham dockyard, including the construction of the great basins.

The English and Irish Convict Systems

It is a remarkable fact that even such objective observers as Max Grunhut and Sir Lionel Fox still maintain the fiction of a superior Irish convict system in the crucial years before the disastrous Prison Act of 1865. It was this Irish system which was held to demonstrate the superiority of Sir Walter Crofton's ideas over those of Sir Joshua Jebb. It was Mary Carpenter and Mathew Davenport Hill who are in the main responsible for the creation of this fiction, which has been upheld by nearly all subsequent writers in spite of overwhelming evidence to the contrary. Since this conflict was the most important of the period, the most

influential in deciding the subsequent development in English penology and the most damaging in terms of Sir Joshua Jebb's reputation, it may not be amiss to re-examine the issue, in the light of the information available to us.

The Penal Servitude Acts of 1853 and 1857 were designed to create an alternative system of convict management to transportation, and applied equally to England and Ireland. The system employed in both countries was the same for the main period of the sentence. The prisoner served about nine months in separate confinement and was then transferred to a public works prison where he underwent three stages, each subdivided into classes of progress. Promotion to a higher stage carried with it increased gratuities and privileges. This system was designed by Jebb and as Crofton himself stated in his first report (1855) "We have endeavoured to assimilate our prisons with the English system."

The chief differences between the systems were:

1. Gratuities paid to Irish convicts started later and were lower.
2. For the first four months of their separate confinement, Irish convicts received neither meat, fish, cheese nor eggs. Vegetables were restricted to four oz. per week. The main diet was milky porridge, and they were employed in picking oakum.

3. In England, a convict was assigned a block grant of remission of sentence and this was reduced for misbehaviour. In Ireland the convict accumulated remission as reward for good conduct.
4. The best behaved of the Irish convicts were transferred to an "intermediate prison" for the last part of their sentence, where they worked in conditions of "almost freedom" before proceeding on ticket of leave.
5. Whilst on ticket of leave they were supervised by the local police, except for convicts released in Dublin who were supervised by an officer of the intermediate prison.

It is the last two factors which were largely responsible for the uproar in England and which were said to be responsible for a steady decrease in re-convictions in Ireland whilst re-convictions in England were increasing. Why then did Sir Joshua Jebb refuse to introduce these factors into the English system? Taking police supervision first, the answer is very simple. There was no legal power to introduce such a step until the passing of the Prevention of Crimes Act in 1871, even if the police had been prepared to accept this duty on a voluntary basis.

As far as the introduction of intermediate prisons was concerned, Jebb proved to be the more realistic judge of the situation. The

idea of such open institutions he had himself advocated, as we have seen, for juveniles, and he did experiment with one such prison, when he opened the Fulham Refuge (1856) where women from Brixton prison spent the last part of their penal servitude sentence. Jebb's rejection of the system for English male convicts was well justified for the following reasons:—

1. The sheer weight of numbers. In the period 1st July, 1857 (when the P.S. Act came into force) to the end of 1862, 14,618 persons were sentenced to penal servitude. The corresponding number in Ireland was 2,157. Up to 4,000 tickets of leave were granted in England in one year. Now the two Irish intermediate prisons had a capacity for 100 men each, although they were rarely full. To provide an equivalent service in England, Jebb would have had to build and staff nearly 400 "open" prisons, which would have meant the creation of a complete "secondary prison service." Neither the Treasury nor the public would have tolerated this, even if the necessary space, staff and extra work could have been found.

2. Jebb had always maintained that, if you wish to involve a prisoner in his own reformation, this can only be achieved if you have the right officer. Neither the type of system nor the type of building used are as relevant as the personality of the prison officer. He did not regard the Irish system to be successful so much

as Mr. J. P. Organ, the officer in charge of the intermediate prisons and the supervising agent for convicts released in Dublin.

Mr. Organ was certainly a remarkable man and might reasonably lay claim to be the first man to have introduced "group counseling" in prisons. Mathew Davenport Hill, who attended one of these meetings has left a delightful record. The meeting took place in Smithfield, the intermediate prison in Dublin where 50 men were confined at that time (2nd August, 1865).

"Mr. Organ arrived . . . and delivered his lecture. It was "On Strikes" and was given in a manner which fixed the hearer's attention. He was true to the principle on which he has always acted—that of directing the minds of his hearers to subjects which bear forcibly on the interests of working men, and especially of those who have to encounter the difficulties which beset the steps of a discharged convict . . . Then came the questions which the men put to each other. Two parties are formed, one on each side of the hall. Any man who desires to propose a question stands up, and on a sign from Mr. Organ he speaks. Anyone on the opposite side who wishes to answer him then stands up—often six or eight rise at once—Mr. Organ selecting the man who shall answer . . . The inquiries comprehended a great variety of subjects. Mr. Organ . . . discussed subjects with them with great animation, told them plainly

when they were wrong, joked on an error where a joke was suitable but never lost his position as master and teacher . . ."

Organ ran his after-care on an "intensive case-work" basis and kept detailed records on his charges. He also photographed them prior to their release with a warning that "we'll know you next time!"

On the other hand, the Refuge for Protestant Women on ticket-of-leave which catered for between three and 13 women was run on very different lines. "The door is locked by day and (the women) are bolted into their rooms at night. This precaution, the Matron said, she insisted on, being unwilling otherwise to undertake the charge . . ."

3. Mr. Organ had no difficulty in finding employment for the few ex-convicts who remained in Ireland. M. D. Hill, who interviewed some of the employers of discharged prisoners, quotes some of their reasons for employing Organ's men. "The convicts do not join . . . in anything disagreeable to me"—"They never ask to have their wages raised"—"They are more humble and they know they have more to lose"—"There is one good thing about these men, they keep down strikes. They are reluctant to join in strikes . . ."

Jebb, on the other hand, knew that it would be difficult to find suitable posts for even a fraction of his ticket of leave men.

On balance then, Jebb was quite right in not attempting to introduce a procedure for which he would have had neither the accommodation nor the staff nor the necessary industrial outlets. There still remains the question why the Irish system should have produced such a drastic fall in the conviction rate (from 3,933 in 1854 to 1,314 in 1862) whilst in England it was increasing. This too can be explained.

1. Emigration. About 100,000 persons a year emigrated to England alone between 1855 and 1862. It is reasonable to suppose that that would include a large number of criminals who were only apprehended later in England and ticket of leave men and ex-convicts whose re-conviction would then swell the English crime figures. Others of course emigrated to America, etc.

2. That this is in fact the case can be shown by the heavy proportion of Irish in English prisons, for many years by far the largest proportion of convicts in relation to total population in the country.

3. It can further be shown that it was not the Irish system as such which reduced convictions because during the period under review the population of Irish county gaols (which did not use "the system") was also considerably reduced.

All in all then, the "battle of the systems" had very little substance and contributed but little to the advancement of penology. Crofton's undoubted contribution

lay in his intelligent exploitation of a situation rather than of an idea or new principle.

Nevertheless it was fought fiercely and over many years and claimed Jebb as its greatest casualty.

The tragedy was that this conflict was much more a conflict of personalities than of systems. Two of the Directors of Irish convict prisons (Capt. Knight and Capt. Whitty) had been transferred from Jebb's service. Capt. Whitty (former Governor of Portland prison and Crofton's successor) remained a staunch friend of Jebb's. When the conflict first began he wrote to Jebb (2.5.1858) "I am very sorry to find . . . that there is almost a certainty of a clash between the English and Irish Convict systems . . . Mr. Hill and Co. are the aggressors."

Jebb never had the chance to summarize either his work or his views but this we can say in retrospect. Before he came on the scene English prisoners suffered the brutality of total chaos—after his death they were, for many years subjected to the brutality of total control.

In the Report for 1863 Lt. Col. E. Y. W. Henderson, Jebb's successor, wrote " . . . no one conversant with the state of the hulks and English prisons when he was called on by the Government to undertake their management can fail to acknowledge the debt of gratitude that is due to the late Sir Joshua Jebb."

Acknowledgements

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access to the collection of Jebb's papers from which much of the material for this biographical sketch has been derived.

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Apart from his official reports, which are extremely valuable source books on 19th century prison administration, architecture and policy, Jebb wrote a number of other books:

A Practical Treatise on Strengthening and Defending Outposts, Villages, Houses, Bridges, etc., (1836)
Modern Prisons, their Construction and Ventilation, (1844)
Notes on the Theory and Practice of Sinking Artesian Wells, (1844)
Manual for the Militia, or Fighting Made Easy, (1853)
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