

Treatment of Accused Persons

"A Canadian," whose letter we publish, objects to the consideration shown for Mr. Emil Nerlich when awaiting his trial for high treason, and commends Col. Denison for ordering him into the dock. We quite agree that Mr. Nerlich should not, by reason of his wealth, receive different treatment from any other person accused of a similar offence. The wrong, however, is not that Mr. Nerlich was treated too well, but that other accused persons are treated badly.

The assumption of British law is that every person must be presumed innocent until he is proved guilty. But in the usual treatment of accused persons before trial this principle is grossly disregarded. Restraint, of course, is necessary; but with restraint there should be "every consideration" that is consistent with safety, whoever the accused may be. We have in mind the case of a citizen who was thrown into the patrol wagon, rushed to the station, and kept in a cell all night because he had a dispute with a restaurant-keeper over the price of a meal. In the morning nobody appeared against him and he was discharged. Surely such a man was entitled to decent treatment during his imprisonment—that is, to cleanliness, quietness, and freedom from degrading surroundings and associations.

The movement for prison reform proceeds upon the principle that the prisoner is to be raised, not degraded. Surely we should show at least as much consideration for the man who is presumed to be innocent as for him who is convicted of crime.

We agree that there should be no discrimination as to placing prisoners in the dock. But why put any accused man in the dock if the dock is regarded as a place of disgrace? If the dock is merely a distinctive place for the accused, as the witness-box is for the witness, there is no objection. But everyone talks of the dock as a place of disgrace. Yet it is a place for the detention of men who may be innocent and are presumed to be innocent until the verdict is rendered.

The discussion will be useful if it leads, not to a more severe treatment of wealthy men who may be accused of crime, but to a better treatment of all men and women resting under accusation. These men and women are entitled to "every consideration." There are necessary discomforts connected with restraint, but these should be minimized. If it should turn out that one is guilty he should be treated as well before conviction as afterwards. If he should turn out to be innocent it is bad enough to subject him to restraint and anxiety, without degrading him.