

Remarks upon prison discipline, &c.; &c.; : in a letter addressed to the Lord Lieutenant and magistrates of the county of Essex / by C.C. Western.

Contributors

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REMARKS

UPON

PRISON DISCIPLINE,

&c. &c.

IN A LETTER

ADDRESSED TO THE

LORD LIEUTENANT AND MAGISTRATES

Of the County of Essex,

BY

C. C. WESTERN, Esq. M. P.

SECOND EDITION,

WITH A PREFATORY LETTER AND AN APPENDIX,
CONTAINING PLATES AND DESCRIPTION OF A PRISON:

ALSO,

A COPY OF A BILL,

TO RENDER PERSONS POSSESSED OF PERSONAL, AS WELL AS REAL, PROPERTY LIABLE
TO SERVE ON JURIES FOR COUNTIES: WITH AN EXPLANATORY
STATEMENT OF ITS OBJECTS AND PROVISIONS.

LONDON:

PRINTED FOR JAMES RIDGWAY, PICCADILLY; AND BUDD AND
CALKIN, PALL-MALL.

1825.

[Price 3s. 6d.]

REMARKS

PRISON DISCIPLINE

IN A LETTER

TO THE LORD LIEUTENANT AND MAGISTRATES

G. C. WENTWORTH, Esq. M.P.

WITH A TREATISE ON THE SUBJECT AND AN APPENDIX

LONDON;

PRINTED BY C. H. RETNELL, BROAD STREET, GOLDEN SQUARE.

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*To the Lord Lieutenant and Magistrates
of the County of Essex.*

GENTLEMEN,

THE letter I took the liberty of addressing to you on the subject of Prison Discipline having some time ago gone through a very extensive edition, I contemplated last year the publication of another; I was, however, deterred at that time by various circumstances, and thought that it would be necessary altogether to recast the work, in order to leave out the remarks on the state of the prisons I at that time visited: to accomplish this would have been a difficult task, because the argument is completely mixed up with, and in a great measure founded upon them. On further consideration however and advice of one or two friends, I have come to a dif-

ferent conclusion, and satisfied myself that there will be no objection to re-printing the same without alteration. There are no observations upon the state or management of any prison that reflects injuriously upon any body, and where I have ventured to find fault at all, it has only been to lament what I consider a mistaken philanthropy, an accusation by which nobody can feel seriously hurt; if their judgment is questioned, a tribute is paid to their benevolence and goodness of heart. In Knutsford House of Correction, the management of which I ventured to criticise, for the mistaken indulgence, as I conceived, in their system of discipline, I understand a tread-wheel has been erected, and various alterations made. Alterations have since been made likewise in the discipline and management of the Millbank Penitentiary, in which, however, unfortunately, disease has broken out, and the prisoners are at present removed from it; the situation is not allowed to be unhealthy, but I fear it is so.

Since the publication of my first edition, the attention of the Government, and the Legislature, and the Magistracy, to the state

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of our prisons has been constant and persevering, and a voluminous Act has been passed after full and laborious consideration for the regulation, &c. of our prisons, which I trust will prove beneficial; I am still inclined to think that feeling operates more powerfully than reflection in all our modern measures, and that the object of imprisonment is too often forgotten; I do not at all shrink from the unpopular doctrine I have urged of severer discipline in *some* respects than even any I have yet seen, presuming always a shortened duration of confinement; I still say imprisonment in execution is intended to be *punishment*, and that within those walls reformation should only be looked to as far as *punishment* is calculated to reform; other means must be sought for in *other places*, a house of industry, a refuge for the destitute, any establishment that can be devised to supply such other means is good, infinitely desirable indeed; but to attempt to employ those other means in a *prison*, is to take away all the *useful terrors* of a prison, and divest it of *any* effect reformatory or preventive. Punishment, effective punishment, and not education, is the sole

thing to be looked to in a prison. I am still also of opinion that little will be accomplished in a prison whilst the *social day room* continues; it is there the contamination of the young offenders is brought about; and I adhere, without hesitation, to the plan of management I have detailed, by which this cruel consequence may be in a great measure averted, and imprisonment rendered, what it now is not, an *effective punishment*. A great point is gained in the establishment of the tread-wheel labour; all that has been said or written against it has, I confess, failed to produce any effect upon my mind to weaken my conviction of its utility, or to make me apprehensive of any injurious consequences. When hard labour out of a prison is shown to be exempt from fatigue, and all casual inconvenience, and accidental evils, then I may begin to listen to charges against tread-wheel labour, but at present I cannot give them any attention. I congratulate you upon the experiment which Government has made of a third gaol delivery, and which I think need hardly be again repeated to produce convic-

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tion of its utility, if not necessity ; and I most earnestly hope it will be *permanently* and *universally* established.* I do trust that the expense and labour attendant upon it will be disregarded, and that the long detention in prison before trial may not much longer continue to disgrace the jurisprudence of the country. Increase the number of the Judges, and increase their salaries likewise, which ought ere now to have been done, and no material impediment will remain to the accomplishment of the work. The perfect administration of justice should not be impeded by a miserable economy ; and I must own I think that it is materially so at present. In the last two Sessions of Parliament I have successively introduced a Bill to alter the law relative to the qualification of jurors, which in counties is confined to *real* property. The consequence obviously exempts from the most useful duty a

* At the late assizes there were ninety-four prisoners for trial, a *third* Court was opened to expedite the business, and yet three civil causes were left to stand over to the next March Assize !!!

man can render his country, a vast number of enlightened, intelligent individuals. I propose to extend the qualification to *personal* as well as *real* property, to which I can see in these days no possible objection, and great obvious utility. This Bill, though rather too late in its introduction last year, and delayed in consequence of my illness in its progress this year, would still have passed, I believe, in either instance; but Mr. Peel, the Secretary of State for the Home Department, wished to have it deferred, and I thought it due to him, under these circumstances, to acquiesce, and accordingly abstained from any attempt to press it. He has since brought in a Bill (within a day or two of the Sessions closing) to *consolidate* the laws respecting the appointment of Juries, and *adopted* therein the principle, and indeed substance of mine, relative to a *personal* property qualification, making, however, the evidences of its SUFFICIENCY rather different. He has superadded the *Window Tax* Assessment to the Poor Rate and Inhabited House Tax, which I had taken as a primary test of adequate respectability

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and responsibility of the person summoned and liable to serve. His Bill stands over also to next Sessions, but the measure will then, by my Bill or by his, if he takes it out of my hands, be certainly carried, and be productive, I think, of very good effects in various ways; as the principle of it, and indeed the provisions I had introduced, appeared to be universally approved, and I trust and hope you will concur in the same view of its propriety and utility. I cannot finish this preparatory letter without adverting to our own proceedings in the County, in which I experience, in concurrence, I am sure, with you, much satisfaction: the tread-wheel certainly answers every reasonable expectation we could form, and the great work undertaken of the new prison promises to be a good model in every respect—that it is necessary, nobody now can doubt. I trust that it will afford us the means of establishing a system of discipline that may, as well as the building itself, become a model for others, or at all events enable us to accomplish many additional regulations, now impracticable, which

will be infinitely useful and efficacious, and conducive to the general object of adequate Prison Discipline.

I have the honour to be,

GENTLEMEN,

Your faithful and obedient Servant,

CHARLES C. WESTERN.

London, Aug. 10, 1824.

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A LETTER,

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R.N.

Buxton, Sept. 30, 1821.

GENTLEMEN,

IN consequence of our being engaged under an act of last Sessions in the important work of adding to and improving the Prisons of the county, in order to attain the means of due classification, and an effective hard labour discipline, I have been induced, in the progress of a tour of some extent, to visit the prisons of the several counties through which I have passed, and have acquired some information I am anxious to communicate to you. I shall at the same time venture to offer a few observations upon the different modes of pu-

nishment provided by our Criminal Code, as well as upon the management and discipline of our prisons generally.

I am convinced essential alterations are still requisite, and that rules and regulations are practicable in respect to this latter object, founded upon the plainest dictates of common sense, which, if adopted, would speedily effect a material improvement in the state of society in this country. In the course of this letter I will endeavour to point out the means that appear to me to be easily available for that purpose, and which means are indeed in various instances, to a certain extent, in actual practice and execution.

Imprisonment necessarily constitutes one principal mode of punishment, in this and all other countries; its utility and efficacy as such depends upon the regulations under which it is administered; if not judicious, the consequences must be injurious to the sufferer, and also to that society into whose bosom he is to be returned: on the other hand, a judicious steady application of correctional imprisonment is more effective to all the legitimate objects of punishment, than any other means

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we possess. I do indeed foresee with confidence all the benefits which the most sanguine persons, who have turned their minds to this subject, have predicted, from the general establishment, throughout the kingdom, of such a system. I have a thorough belief in the possibility of such an administration of discipline, under imprisonment, as would supersede the necessity of inflicting the punishment of death, in almost all cases; and that multitudes of petty offenders, whom the penalties of the law do not at present repress, and a variety of circumstances in this country tend to encourage, might be checked in the early career of vice, and ere it is too late be brought to a state of due subjection and reform.

Nothing demands more attentive and deliberate consideration than the mode and manner in which those, who violate the laws and disturb the peace of society, shall be adequately punished: the difficulty is, to find the means of punishment with sufficient severity to deter from the commission of crime, and at the same time to avoid breaking down the moral structure of the mind, or of

materially injuring the springs that move the better feelings of men, and to preserve which, is essential, to renovate a mind that has been tainted, or has given way for a time to the immediate influence of bad passions. Punishment severe and painful, such as to excite the strongest apprehensions, there must be, but if possible preserving every remaining spark of pride not yet darkened in the mind of the culprit, nor lowering him further in his own estimation, nor making him familiar with punishment, by a long continuance of that which he does not regard.

The infliction of corporal punishment is subject in the fullest extent to the first mentioned, and most serious danger; there are very few cases, if any, in which it is productive of advantage, and always subject to these objections; the mind is not only debased but hardened by such means, and the man is changed into a brute. The punishment of death, applied as it is to so many offences, certainly has lost its terrors; and the frequency of its application to crimes of such various character, some comparatively venial, is at all events of questionable justice. The

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 reasoning upon which it is not obvious, and it extraordinary that men should habitually satisfy are subjected to undue hostilities are therefore them, which they cannot in continuing to prosecute the danger incurred to their crimes the semblance of a military warfare, which appeals to feelings of guilt, excites a passion, creates to a mind objects of fame and converts men, who follow into a description of outlawry, be denied, that the history of a daring violator of all law is of interest, which takes a pleasure in the confession of his guilt; but the feeling for him would not be that in every step towards death, the utmost infliction of punishment alone affords to my mind to induce us most seriously

reasoning upon which it is defended, if just, is not obvious, and it is not therefore very extraordinary that men of loose character should habitually satisfy themselves that they are subjected to undue punishment, and that hostilities are therefore carried on against them, which they cannot be much to blame in continuing to prosecute. Under this impression, the danger incurred of death gives to their crimes the semblance of a sort of predatory warfare, which appeases the conscious feelings of guilt, excites an animating interest in the pursuit, creates to a bold and hardened mind objects of fame and enterprise, and thus converts men, who follow this course of life, into a description of outlaw heroes. It cannot be denied, that the history of the exploits of a daring violator of all law has something in it of interest, which takes away the strong impression of his guilt; but the same sympathy or feeling for him would not be induced, were it not that in every step he takes he faces death, the utmost infliction of the law.

The contemplation of these circumstances alone affords to my mind conclusive reasons to induce us most seriously to consider whe-

ther a change should not be attempted in the mode and character of punishment: let it be made more commensurate with the crime, deprive it of all incentive to stimulate courage, or excite a hope of fame or celebrity, give the culprit time for all his passions to subside, and the better feelings of his nature to resume their influence, exhaust the animal spirits which supply him with fortitude in the course he is pursuing, let him have time and opportunity for the fair exercise of his reason and understanding, and wonders may be effected towards the prevention of crime, and reformation of multitudes, whose vices often originate from circumstances which afford for them strong grounds of palliation and excuse.

Imprisonment, under a judicious system of correctional discipline, hard labour, hard fare, hard lodging, seclusion from society, accompanied by proper moral and religious instructions, would go far to accomplish these important objects.

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ing, seclusion, &c. for I certainly mean something very different from the treatment of prisoners which generally, though not universally, prevails at present. I shall not now attempt minute details; but in the course of this letter will endeavour to describe, with sufficient particularity, the plan of management which, in my opinion, ought to be pursued, varying its application, of course, under any particular circumstances.

In the formation of such a system of treatment, it appears to me we are naturally led to look for circumstances to guide our judgment, which are in their nature plain and obvious. First, as to labour, it would occur to us, that the labour of prisoners should be at all events considerably more severe than those in a similar line of life are accustomed to. And I should be decidedly of that opinion; but if it is only rendered equally so, it will be in effect more so, in as much as it is neither sweetened by the feeling of liberty, nor by the contemplation of deriving from labour an independent and honest livelihood. Under the discouraging circumstances of a prison, nature could not sustain more than our pea-

santry often undergo: the labour of prisoners should, however, at least be equal to it; should daily occupy full eight hours, and induce thorough fatigue; the fare should be certainly as coarse as the poorest peasantry of any country can attain, so as it is compatible with health; the influence of diet upon the human temperament is infinitely powerful; and lastly, seclusion from society would be equally, if not more effective.

In making use of the word seclusion, I mean deprivation of intercourse with friends and fellow prisoners, such at least as might contaminate, but not absolute solitude. I do not mean that they should be altogether shut out from the light of the human countenance; perfect solitude is the severest infliction, it forms indeed a most valuable means of punishment for heinous offences, and it might and ought to be rendered available in a variety of cases to which it is not now applied, particularly where the rank in life, or infirmities of a prisoner, forbid the means of hard labour, also by short periods, for refractory conduct in prison: if however it is continued too long, especially in darkness, it must destroy utterly

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the powers of the mind, and deprive it of every feeling and faculty. But I am now contemplating a permanent system to be pursued throughout the continuance of every prisoner's confinement; and am satisfied the correctional, beneficial effects of solitude may be in great measure obtained, without any of the very painful or injurious consequences.

The plan to be pursued for that purpose is very simple and obvious, and the idea by no means novel; namely, to permit the prisoners to be in company with each other during the time they are actively at work, but at those times only; their hours of meal, and of rest, and the night, should be passed in solitude; cells of tolerable dimensions, airy, light, sufficiently warm, and perfectly dry, must of course be provided, for into these they must retire whenever they are not engaged in labour, or receiving instruction, moral or religious, or engaged in any particular occupation on account of health or other special and sufficient reason; but exclusive of special circumstances, such seclusion from society I believe to be almost indispensable in the work of correction and reform.

Classification, however accomplished, is comparatively of little use; eight or ten persons form a society well calculated for pleasure and for mischief, for encouraging and sustaining each other's spirits, and teaching tricks to beginners. A day-room, limited even to such a number, and classed as judiciously as possible, is nevertheless, in the hours of meal and leisure, extremely convenient for the purpose of corruption. I do not mean to say that classification is of no use, on the contrary, I think it indispensable; but I am confident we deceive ourselves in the too great reliance now placed upon it, unaccompanied by such rules as have been mentioned. The visiting of friends should be prohibited wholly in all cases in which imprisonment is a substitute for transportation, of which it is the chief if not only punishment, and they should be very rarely admitted in any case of correctional imprisonment.

This is an injunction or rule which may appear harsh, but there is none more imperative, and that requires to be more rigidly attended to: it is also indispensibly necessary that no diet should be permitted to be brought

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or sent to them, or have any thing other than the prison allowance; they must be made to feel that they are cut off for the time from all intercourse with that society, the peace and security of which they have disturbed.

It may be imagined by some persons, that the rules here prescribed are too severe; but such treatment is, in my opinion, the tenderest mercy, compared with that indulgence which is so much in practice, and which directly tends to ruin instead of save its unfortunate victim. This severity it is which in truth forms the sole effective means which imprisonment gives; only one mitigation therefore, if such it may be termed, can be admissible, and that is, simply to shorten the duration of the imprisonment. The sooner the prisoner comes out, the better, if fully impressed with dread of what he has suffered, and communicates information to his friends what they may expect if they get there. It appears to me, indeed, that one great and primary object we ought to have in view is, generally, to shorten the duration of imprisonment, at the same time that we make it such a punishment as is likely to deter,

correct, and reform: shorten the duration of imprisonment before trial, which we are called upon, by every principle of moral and political justice, to do; shorten also the duration of imprisonment after trial, by the means here described; and I am satisfied our prisons would soon lose, or rather would never see, half the number of their present inhabitants. The long duration of imprisonment, where the discipline is less severe, renders it perfectly familiar, and in consequence, not only destitute of any useful influence, but obviously productive of the worst effects; yet this is the present practice, and I think indeed, criminals are now sentenced to a longer period of confinement than formerly.

The deprivation of liberty certainly is a punishment under any circumstances; but the system generally pursued in our goals might rather be considered as a palliative of that punishment, than to make it effectual to any good purpose. An idle life, society unrestrained, with associates of similar character and habits, better fare and lodging in many cases, and in few, if any, worse than falls to the lot of the hard-working and industrious

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I do not know what could be devised more agreeable to all the different classes of offenders, than this sort of treatment: the old hardened sinner, the juvenile offender, or the idle vagabond, who runs away, and leaves a sick wife and family to be provided for by his parish, alike have little or no apprehension, at present, of any imprisonment to which they may be sentenced, and thus are the most effective means we possess, to correct and reform, rendered totally unavailable, and even perverted, to the more certain ruin of those who might be restored to society, good and valuable members of it.

There are, it is true, various occupations now introduced into many prisons, but which, I confess, I think of very little use: drawing and preparing straws, platting, knitting, heading pins, &c. weaving and working at a trade even, as it is generally carried on, prisoners coaxed to the performance of it, the task easy, the reward immediate, afford rather the means of passing

away the time agreeably: these occupations are indeed better than absolute idleness, notwithstanding that imprisonment may be rendered less irksome thereby. I am far from denying the advantage, still less would I be supposed to derogate from the merits of those who, with every feeling of humanity, and with indefatigable pains, in many instances, have established such means of employment, and some of them, for women, with washing, &c. amount to hard labour; but I contend that, for men, they are applicable only to a house of industry, and by no means suited to the corrective discipline which should be found in a prison. Individuals are sent here to be punished, and for that sole purpose; in many cases for crimes which have induced the forfeiture of life: they are not sent to be educated, or apprenticed to a trade. The horrors of dungeon imprisonment, to the credit of the age, no longer exist: but if no cause of dread is substituted, by what indication of common sense is it that we send criminals there at all, if prisons are to be made into places, in which persons of both sexes and all ages may be well fed, clothed, lodged, educated, and taught

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a trade, where they may find pleasant society, and are required not to take heed for the morrow, the present inhabitants should be turned out, and the most deserving and industrious of our poorest fellow-subjects should be invited to take their place, which I have no doubt they would be eager to do.

There is another minor point of discipline, which I think, however, of material consequence, and that is, to enforce cleanliness of the person beyond what might be generally considered necessary; and if the prisoners are permitted and enabled to earn any money, it should be applied to the providing them decent apparel, instead of their party-coloured prison jackets. It cannot be doubted that very considerable moral effect is produced by the habit of cleanliness of the person and decent clothing: every individual who is not absolutely hardened, feels conscious of appearing at least in a more respectable character when he is clean and decently dressed; some degree of valuable pride is unavoidably excited, and some beneficial consequences must be the result: on the contrary, if he is permitted to remain in a dirty, filthy state, covered with a

garment indicative of guilt, he is more likely to sink irrecoverably into the degraded being he appears to be. I would never put on these party-coloured garments at all, nor do any thing of that sort to disgrace a criminal, believing that men are seldom, if ever, improved by disgracing them.

The operation of scouring, washing, shaving, &c. should be enforced every morning; baths, hot and cold, should be in frequent use, and a supply of water in every part of the prison, to raise which would furnish some little portion of the labour of the prisoners. Great attention is paid to this sort of cleanliness in many of the prisons, and great progress is making in some I have seen, towards establishing a better and more effective system of Prison Discipline; but in none, that privation of idle association, of intercourse and communication, above described, and which I am sure would add such powerful means of correction and reformation; nor have I seen any in which the labour and fare appeared to me to be permanently so hard as it ought to be, judging by the rule I have taken, namely, the hardest labour and

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fare of the hardest-working of our peasantry. I do not believe there is any goal in the kingdom, in which any prisoner at present undergoes any thing like the constant weekly labour which some of our best husbandmen do, during the whole winter in a barn, and which they are glad to have the opportunity of being employed in; the culprit undergoing less labour than the honest man, often sits round a better fire, in a jolly party, with a better supper and better lodging at night. We should bear constantly in view the end and object of imprisonment, which is punishment with such severity as may deter from the commission of crimes, and thus afford protection and security to the virtuous part of society.

The first prison I visited after our meeting at Chelmsford, the 4th of September, was that of Clerkenwell, where multitudes are received in the course of the year, and in rapid succession discharged or sent away to other prisons: it is the principal receiving prison for persons committed for re-examination, and generally before trial, &c. This building is well arranged and convenient in many re-

spects, but not sufficiently capacious to admit of so much classification and separation as may be desirable; the uncertainty and fluctuation of their numbers make it probably very difficult to provide fully for all occurrences. There are here a vast number of boys, who are frequently taken up when lying about the streets, and again discharged; they are most of them in a deplorable state, hardly a rag to their backs, poor and wretched, destitute of employment, and ready for any sort of mischief. They are placed in distinct classes, separated from the men, who may be supposed further advanced in crime, but unfortunately these little urchins are, many of them, perfect adepts in every species of villainy. It is lamentable some means are not found of correction and employment for these unfortunate children.

I do not profess to give a minute description of the buildings I have seen, nor accurate or precise details of the arrangements therein; my object is to state generally the result of my observations and point out to your attention whatever is evidently practicable and useful.

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The Governor of this house appears to be attentive, intelligent, and humane. It is worthy of remark, that not an individual in the prison was in irons. The food is more spare than in any other prison I have yet been, but I could not learn there was reason to suppose it insufficient to the health of the prisoners; one pound of bread per diem, the the quality excellent, but nothing else. Undoubtedly with hard labour, more would be necessary, but prisoners here do no work, except indeed, that the women in one class have very recently been employed, and are also taught to read, &c. A matron attends them for this purpose, who is paid by a subscription raised by a number of ladies; and the Governor told me, the beneficial effects of this humane interference was immediately perceptible. He complained of the pernicious consequences of the ready admission of friends, though it cannot be denied to prisoners before trial: the prison indeed was crowded when I was there.

I went from thence to Newgate: though I have passed this building so often, I was particularly struck that day with the appearance

of the exterior, which is certainly very handsome, magnificent, and characteristic; and its gloomy interior exhibits features of such a nature, as forcibly to impress the mind with awe, and lead it to a melancholy contemplation of the wretched inhabitants.

I shall not attempt to make any particular remarks upon the construction, arrangement, or conduct of this prison, of the merits of which, upon a very cursory examination, I feel unequal to form any correct judgment. Mr. Brown, the governor, was not at home, and I regret the loss of information I might have obtained in conversation with him. It is impossible however not to notice the evident proofs I observed of the active zeal and humanity of Mrs. Fry, and those who have aided her exertions to reform the female prisoners: there was not one individual of them idle or unemployed throughout the prison; and their manner and deportment I thought clearly evinced the state of comparative propriety and reformation they had attained, through the influence of kindness and benevolence, and precept and example. There hardly exists the human being who may not be swayed, at least

for a time, by such means. The diet of the prisoners here exceeds in quality, that at Clerkenwell, the reason, and much attended with any benefit, probably the reverse, is done, except by the value of one pound of bread to six ounces of dressed meal of barley or oatmeal, boiled in the water and cooked.

I afterwards visited the mill, where the diet is not less than a half pound of bread for the prisoners, who work at a mill. I did not see them at work, which the mill is placed in a place where it is altogether impossible any considerable motion is given by a millstone. It is the same sort of machinery recently established, the labour may be ren-

for a time, by such means. The diet of the prisoners here exceeds in quantity, and in quality, that at Clerkenwell. I do not know the reason, and much doubt whether it is attended with any beneficial consequences, probably the reverse, no work whatever being done, except by the women; but in addition to one pound of bread, they are also allowed six ounces of dressed meat, or a quart of soup, of barley or oatmeal, and other vegetables, boiled in the water in which the meat is cooked.

I afterwards visited the Giltspur-street Prison, where the diet is the same, with an additional half pound of bread to some of the prisoners, who work at a mill for grinding corn. I did not see them at work, but the room in which the mill is placed and the work performed is altogether so confined, that it is impossible any considerable number can be therein permanently employed. The first motion is given by a crank shaft, which to turn is the same sort of exercise as turning a grindstone. It is exactly similar to the machinery recently established at Chelmsford; the labour may be rendered severe and not

injurious: constant inspection is necessary to keep the men steadily to it, but this may be tolerably well accomplished under an attentive governor with able assistants. This mill-house is in the middle of the prison, to which the prisoners must be brought from their respective day-rooms and yards: they supply the Newgate prison as well as their own with flour.

I visited the Cold Bath Fields Prison some time ago. It is admirably situated, and I should think well arranged and conducted upon the whole; they are about to establish machinery that will probably give an opportunity of keeping the prisoners to hard labour, in a very advantageous manner. It is intended to erect a tread-wheel in each yard, the shafts of which will be so laid as to have a united application and force directed to one point, for grinding corn or any other purpose. Some convenience and advantage will certainly result from thus keeping the prisoners in their respective yards, especially where the number is very great. In the prisons in which this tread-wheel machinery has been hitherto established, the power has been more concen-

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trated; a separate building has been erected, and the prisoners brought to it from the different parts of the prison to perform their daily labour, and there locked into the several distinct apartments, which are so constructed, as to be sufficiently airy and commodious: and I did not hear from the Governors any observations that led me to suppose any difficulty or danger arose from marching them backwards and forwards to their work; at the same time when there are many hundreds in a prison, the proposed plan of a wheel in each yard, or at least in five or six different yards, might be very desirable.

I was at Bury a short time ago, where the tread-wheel was, I believe, first established. The construction of this prison, and the admirable management therein, is so well known, that I shall not remark upon it, except to observe, that I have seen nothing upon the whole superior to it.

On leaving London I went to Hertford, the 7th of September, instant, and visited the Gaol and House of Correction of that place; they are both under the superintendance of Mr. Wilson. I was pleased with every

thing I saw in the general management of these prisons. The Gaol is an old building, and not formed upon a good plan, but its defects are remedied as far as may be by good arrangement, and the careful superintendance of the Governor. The House of Correction is new, and the plan I think good. There are various different and distinct buildings which the prisoners inhabit, with a separate yard attached to each of them: they are single buildings, and only one story above the ground floor, one man only in each cell, which are of sufficient dimensions, dry and airy.

A tread-wheel and mill, mill-houses to work in, &c. have been recently established here. The plan of the buildings, machinery, and management, are altogether worthy of particular notice; nothing can be better designed, executed, or conducted. Mr. Wilson's decided opinion, as well as Mr. Orridge's of Bury, is, that nothing ever was contrived so admirably adapted to the application of corrective labour, as the tread-wheel. The work is severe, tedious, and irksome, but not injurious to the human frame: the most artful

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cannot escape his share of the work. The concurrent testimony of the subordinate officers of these prisons, as well as that of the Governors, leave no room to doubt the beneficial effects that must result from its more general application. It seems to me indeed impossible to observe attentively the prisoners when at work upon this machine, without discerning in their manner proof of the influence which a continuance of such labour must produce. They retire from it in the evening in that state of fatigue of body, and exhaustion of the animal spirits, which renders them far less inclined to mischief than when in the full possession of vigour and a restless spirit. Hard labour, not pressed beyond the strength, has a beneficial influence generally upon mind and body, and a severe application of it is essentially necessary to conquer, in some degree, that sort of disposition which generally belongs to those who violate daringly the laws, and bring them into a state, in which alone they are capable to receive any salutary reform. They must be to a certain extent subdued, and that can only be advantageously

accomplished by the slow, quiet, progressive means, of hard labour, and the other methods in addition, before adverted to. No violent or sanguinary infliction will answer the purpose: it will neither intimidate nor deter; it will neither correct nor reform; it will only harden and stimulate a daring spirit to renewed and more audacious outrages.

I am aware of the difficulty that presents itself to many persons of finding an occupation which necessarily induces that species of hard labour I am describing, but that difficulty arises from an idea, that the labour of the prisoners must be profitable or productive labour. Now this appears to me so erroneous a conception, that, if their labour was applied to manufactures, I should almost say I had rather it was not productive. At all events, when the general demand is inadequate to the supply, I feel no particular desire to increase that surplus, by calling forth to productive industry those who, in all probability, added little to the competition before they were in prison. If their labour is applied to grinding corn, it becomes rather a competition with wind, and water, and steam, and

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we have the superior satisfaction of productive labour, without injuriously competing with the poor and industrious mechanic; but even then profit should be disregarded, and the labour must not be suspended: for this purpose, the wheel or lever which the prisoners put in motion, should require the same power, if the machinery for grinding corn, or other purpose, should be accidentally standing still.

The workhouse at Hertford is divided into four or six compartments for the different classes; part of the back of the building is lattice-work, to open and shut like a venetian blind, and gives by that means all the air that is requisite; the doors are locked as each class is marched into its compartment. In the mill are two small windows, from whence the miller can look along the whole line of prisoners, as they are placed upon the wheels. There are indeed two parallel lines, being two shafts, or rather two tread-wheels, the shafts of which run in parallel lines, and the two windows, respectively, command a perfect view of each.

The diet of the prisoners here is of bread

only, the best quality, one pound and a half per diem.

From Hertford I went to Bedford, and the following day, the 8th instant, inspected the Gaol and House of Correction. I do not much admire these buildings, but it appears to me the management is good, and the discipline of the prison well attended to. I should imagine Mr. Warner, the governor, was very assiduous in the execution of his duty, under the judicious direction of the magistrates.

In the Gaol there is a mill for grinding corn, which is in pretty constant use. It is worked by the same machinery as that recently established in our Chelmsford House of Correction, and supplies a considerable portion of hard labour to the prisoners, who are brought to it from the different classes to the mill-house, and rather inconveniently, through the body of the prison; when there, they are locked in according to their respective classes. The cells in this prison are airy and of good dimensions, about 9 feet by 6; a double row of them in each building, and a passage between, two stories above the ground floor. In the House of Correction, they are

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about to establish a tread-wheel and corn-mill upon an extensive scale; these works will all be under one building, to which the prisoners will be brought, and worked in classes, in the same manner exactly as at Hertford. A great many prisoners are at present employed in the building this new prison. The diet of the prisoners, one pound fourteen ounces of bread per diem, of good quality.

I cannot help noticing the Infirmary and the Lunatic Asylum in this town, which are peculiarly deserving of attention. I should have no difficulty in saying, as far as I am able to form a judgment, that in management, as well as in original construction and plan, these institutions are as perfect as possible. They do infinite credit to the county, as evincing the public spirit therein, and reflect honour upon the Magistrates under whose direction they have been established. The indefatigable spirit of my lamented friend, the late Mr. Whitbread, is manifest in every part of these public works. I traced his handwriting through almost all the pages of the books of these institutions in the early periods of their establishment, and which clearly shews,

not only the prominent share he had in their origin, but also evinces the fostering care he bestowed unceasingly on their management: that fostering care and attention seems to have devolved very much upon the Rev. Philip Hunt, who, being the only resident acting Magistrate in Bedford, is called upon necessarily to execute a considerable portion of the public business, and who, I believe, possesses zeal and ability equal to such arduous duties. The Governor of the Lunatic Asylum appears to be a most excellent public servant; his judicious and humane treatment of the unfortunate inmates is too evident throughout, to admit of a moment's hesitation in paying him the full tribute of approbation and respect.

From Bedford I proceeded to Northampton, and saw the Gaol the same evening: the Governor shewed me into every part of it, and I was much pleased with the whole of the management dependant upon him. The building is upon a large scale and commodious; the cells, about 10 feet by 6 or 7, airy and dry; one prisoner only in each, a double row and passage between, two stories above the ground floor. There is a

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considerable portion of hard labour going forward in this prison; a mill, to grind every species of corn, in constant use, and admirably managed. The first power is by crank or lever. A house is erected for the purpose, into which the men are brought, and locked up in several compartments of it, as in the other cases I have mention'd. They are closely watched, and by degrees, as they find they cannot escape the labour, they compel each other to perform their respective adequate share, and the work is such as may justly be denominat'd hard labour. The mill machinery of this prison is well constructed and well managed, so that the manufacture is perfect: every description of flour, to the highest quality for pastry, is made as good as possible. They have a machine also for dressing wheat, which takes out every particle of dust and dirt, or smut, if there should be any, from the wheat before it is brought under the stones. Wire-drawing is likewise carried on with great success in this prison, and affords employment for a great many prisoners, though not hard or irksome labour: this work is supplied to them from Birming-

ham. The diet is one pound and a half per diem of bread, the bran only taken out; one quart of oatmeal gruel at eight o'clock in the morning, and one quart of soup made of shins of beef, &c. at one. The prisoners are allowed some little share of what their labour may earn.

From Northampton I went to Warwick, and visited both Gaol and House of Correction; the gaol is a fine stone building, with a handsome façade to the street; it is three stories high above the ground floor; the cells are large and airy, and their dimensions such as to admit of three beds in each. They are often very much crowded, in consequence of numbers brought in from Birmingham, and other manufacturing places. There are only two yards for the male prisoners, but one of them, which is very large, has two or three day rooms, which open into the yard; each day room is distinctly appropriated, according to the different descriptions of offenders; but the yard is common to the whole number, which is very considerable. To obviate any bad consequences which might result from this circumstance, they adopt a method, which

I think is more effective of walls: they have termed, who walks till night; he is permitted, and by his presence all that sort of mischief might be carried on in their airing ground. The boys are in a pretty constant employment and other occupations manufacturing towns small, and what they do. A schoolmaster is provided to superintend them. The women's yards and work-rooms are excellently employed. A matron is employed or class, who directs, at morning and night. Upon management appears to be very good and does credit to Mr. Vernon and I think the humane management of the women and children. I mention the excellent

I think is more effectual than the separation of walls: they have a day watchman, as he is termed, who walks this court from morning till night; he is perpetually present amongst them, and by his presence effectually checks all that sort of mischief and cabal which might be carried on whilst they are together in their airing grounds or yards.

The boys are in a separate yard, and have pretty constant employment in heading pins, and other occupations, furnished from the manufacturing towns; their earnings are very small, and what they do earn is given to them. A schoolmaster is provided, who instructs and superintends them.

The women's yards and lodging-rooms and work-rooms are excellent; they are constantly employed. A matron is chosen for each ward or class, who directs, and who reads prayers morning and night. Upon the whole, the management appears to be very good throughout, and does credit to Mr. Tatnell, the governor; and I think the humane attention of the governor's wife is evident in the appearance of the women and children. I had nearly forgot to mention the excellent hot and cold baths,

and attention to the cleanliness of the prisoners. Water in every place that can be necessary; plenty of soap, &c. furnished them, and thorough washing, cleansing of head, hands, &c. every morning enforced. The diet, one pound and three quarters of bread, of very good quality, per diem. Additional buildings are about to be erected.

The House of Correction is an old building, to which additions have been made, and still further required, from the multitudes which are occasionally thrown in from the manufacturing neighbourhood. The accommodations are not very complete, as may be supposed, from these circumstances. The sleeping-rooms of the old building contain each a considerable number. In the new building, there are some single cells; constant work or employment is here found for nearly, if not quite all the prisoners. Various are the trades and occupations pursued, and hard labour is effectually supplied for a certain number, in grinding corn. A mill, with the outbuildings and machinery, exactly similar to that I have described at Northampton, has been erected, and seems to answer the purpose very well:

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the house in which the men work is under constant inspection; they are locked into it whilst at work; open iron-work forms that side of the house which is subject to the eye of the governor or subordinate officer, who superintends them. Besides this, they weave, spin, draw wire, make pins, &c. &c.

The boys are separated from the men, and have a schoolmaster. The discipline of the whip, applied in private, is pretty often inflicted here: it is said to be necessary, from the multitudes of loose characters and idle boys that are often brought in; and I was told, they had thereby improved materially their general conduct. I cannot however at all admit the ultimate benefits of this discipline; but I think the flogging of boys less objectionable, as partaking more of scholastic discipline, and therefore not so degrading as the application of the whip to a man. The diet of this prison is one pound and three quarters of bread per diem, the same as in the gaol; but I believe some variation in the food is made when any hard work is done at the mill.

Upon the whole, there seems to be as much

corrective discipline in this prison as in any I have seen: but it would still be far better, if a larger proportion of the total number were engaged in hard labour, and they had the means of more effectual separation, and more single sleeping cells. I believe considerable additions are also intended to be made in this prison, as well as in the gaol.

The construction of the New Bailey at Manchester is, I understand, much approved, but it does not strike me to be a good model. It is built in the form of a crescent, four stories high, that is, three above the ground floor; double rows of cells, which are airy, and of good dimensions, with a passage between them. It is certainly a substantial, good building, and may be well arranged; but it appears to me that form or plan is not calculated to facilitate the chief objects of classification and inspection, with ample airing grounds, working houses, &c. &c. The airing grounds are all within the area of the crescent; a straight wall runs from one of its horns to the other; in the centre of which is a small circular building, in which one or more turnkeys live.

This semicircular space is divided into

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separate yards, with walls running from the crescent to the turnkeys' lodge, which being about 20 feet diameter only, is like terminating in one point; and as the walls approach this point, the yards necessarily become very narrow. The turnkeys, from their chambers in their round tower, can inspect these yards; but this advantage, which is not a very important one, might be equally obtained in prisons differently constructed. And the yards I think are rendered small and confined, the separation walls at the same time being not sufficient to prevent some intercourse, still less in case of insurrection, to prevent the different classes from getting together. The work-shops form an exterior crescent, a space intervening, sufficient for facility of passage and moving the materials of their work: this passage is crossed by walls, as many as there are classes of prisoners, to keep them separate whilst at work, each class descending into the working department from doors in the main body of the prison: there are also necessarily doors in the cross-walls; and the connection of the works going on in the several compartments is such, that these

doors are very often open, and the constant separation of the classes, therefore, prevented.

Upon the whole, I see no advantage from this crescent-form of building, and the interior more difficult of inspection; the sight along the passages is of course effectually cut off, and there can be no commanding view of the exterior.

The different works carried on by the prisoners are supplied by the manufactures of the place, and they have such portions of daily work allotted to them, as suffice to prevent idleness: they cannot however find the means of constantly employing all of them in this manner, and there is no hard labour imposed upon the prisoners whatever. It appears to me that their treatment is such as ought to induce good behaviour and gratitude, but which fails of that effect. The essential means of corrective prison discipline are not enforced; the lash is pretty frequently had recourse to, though never without an order of a magistrate, and complaint of governor or sub-officer, on oath. But the lash will do nothing comparable to the permanent influence of hard labour, hard fare, and seclusion.

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The Gaol at Manchester even now, with the addition of this great building, is by no means sufficiently capacious; the average number is about seven hundred, and there are only three hundred and sixty sleeping cells. The prisoners are put therefore two in a cell, which, if big enough, is liable to more objection than cells containing a dozen, and destitute of all the advantage of solitude during the night; but these cells, I think, are not too large if occupied only by one prisoner. There are eighteen different yards in the New Bailey; a day-room to each, and of course so many classes or divisions of the prisoners; but as each must nevertheless contain near thirty individuals, the mischievous consequence of association and intercourse of such characters is by no means avoided. The diet of the prisoners is better probably than they could command before they came there; twenty ounces of good bread per diem, besides which for breakfast a quart of good hot oatmeal gruel; dinner, alternately meat, weighing five ounces when dressed, with one pound of potatoes, or a quart of soup made of shins of beef, peas, &c. or one pound and a half of

potatoes; and for supper, another quart of the oatmeal gruel.

The Governor of this prison has an arduous task to perform, which I believe he executes with zeal and propriety. His duty is of course rendered much more difficult by the continuance of a system, so little conformable to that more corrective and reformatory plan of treatment which I hope is now gradually in course of adoption, and the salutary effects of which I am so anxious to inculcate.

Here ends my inspection of prisons up to the date of this letter. I may probably visit some others in varying my route homewards. But finding no one point of management superior to what I saw at Bury before I set out, and in general very inferior, I am become less eager in the pursuit than I was. My zeal however in furtherance of the grand object is heightened, and I am daily more and more convinced of the advantages to be derived from the adoption of a good system of prison discipline, and the fatal effects of that still in too general use. I am afraid too many of the gaols of this kingdom are not only not calculated to reform a prisoner, but

are yet extremely likely to produce a delinquent, and rather than an old practitioner.

The necessary consequences of the present system, namely result from imprisonment, the congregating under the same roof of constant intercourse, and vicious characters: a serious inconvenience is thereby created, and is not to be rectified and overcome, neither obvious nor easy. The plan of the building must be altered for this purpose, and will probably be attended with great expense. The rules and regulations for the prisoners must be altered, and a number of proper officers must be appointed. On all these occasions, in the execution of which, and heavy charges upon the government, other difficulties arise, which are necessary for me to enumerate, and which require great exertion of mind to obviate.

I mention these circumstances to account for in some degree the defective state and constant

are yet extremely likely to corrupt a young delinquent, and rather confirm than correct an old practitioner.

The necessary consequence that must primarily result from imprisonment, is certainly the congregating under one roof, in a state of constant intercourse, a number of loose and vicious characters: this first and most serious inconvenience is therefore to be counteracted and overcome, and the means are neither obvious nor easy. The construction of the building must be attentively studied for this purpose, and in the erection probably great expense incurred; and the rules and regulations for the conduct of the prisoners must be rigidly enforced by a number of proper officers. To accomplish all this, occasions, in the first instance, great and heavy charges upon our county rates. Other difficulties arise, which it is not necessary for me to enumerate, but which require great exertion of patience and discretion to obviate.

I mention these circumstances rather to account for in some degree, than excuse the defective state and construction of our Gaols

and Houses of Correction. Nothing can be more disgraceful to the government of a country, or more injurious to society, than to permit the prisons to become the hot-beds of vice and wickedness. The seed is here first sown in many a young mind, and where it has previously taken root, is hurried forward to maturity. That such is the case too often, I fear, we cannot deny. We feel a strong repugnance to sending a young man to prison, from a consciousness that it is so.

The Magistracy of the country in general are certainly liable to some blame, of which, as one, I am entitled to a full share, for the tardy steps with which they advance under the direction of the Legislature, and those more enlightened views which have been recently taken of this important subject. It is a singular fact that, in very few instances comparatively, are our Gaols and Houses of Correction in that state which the law peremptorily requires they should be. I will just recite shortly the provisions of the 22nd, 24th, and 31st of the late King, which direct that in Gaols there shall be separate places of confinement, and dry and airy cells,

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in which the several prisoners of the following description respectively shall be confined, as well by day as by night, viz. prisoners convicted of felony, prisoners committed on charge or suspicion of felony, prisoners committed for or adjudged to be guilty of misdemeanor. A separate place of confinement also for such prisoners as are intended to be examined as witnesses. Males of each class to be divided from the females, who are also to be classed in the same manner as the males. Separate infirmaries or sick wards for men and women, convenient warm and cold baths, and a chapel, in which divine service shall be regularly performed. With respect to Houses of Correction, these Acts direct, that the persons who shall be kept there shall be classed according to the nature of their crimes, and proper places shall be provided for the employment of those prisoners who are committed to hard labour; and also that separate apartments shall be provided for all persons committed upon charges of felony, or convicted of any theft or larceny, and committed for punishment by hard labour, in order to prevent any communication between

them; and also proper apartments covered or open, as shall be found most convenient for employing the several persons who are to be kept to hard labour; and likewise that separate apartments shall be provided in each division of the said Houses of Correction for the women, who shall be committed thereto.

The lowest number of classes or divisions for men and women in the Gaols will be found therefore to be twelve; and in Houses of Correction as many, if not more, as follows:—

1. Convict Felons.
2. On charge of Felony.
3. Misdemeanor before and after trial.
4. Witnesses.
5. Debtors.
6. Sick.

The same number for the women gives of course twelve; and it is quite obvious upon the recapitulation, that this number of divisions is insufficient: the convict felons, and those charged with felony, require further subdivisions, as do the misdemeanors before and after trial.

The character of the individuals, as well as the nature of the offences, requires also to be

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considered ; but after all, the corrupt influence and mischievous effects of a gaol will, to a great degree, continue, if the intercourse of the prisoners is admitted at any other time than when they are employed. A society of thirty, twenty, or ten persons, in the hours of meal and leisure, which is often the principal part of the day, and the night, is sure to produce nearly all the effects which would follow from the assemblage of a more numerous company. How can reflection, still less repentance, intrude upon the mind, when such a number of kindred spirits are thus associated, and how can they fail to stimulate and encourage each other in the vicious course in which they have embarked.

Classification and division, according to these statutes, are, I repeat, nevertheless very desirable, and indeed indispensable: conformity to their enactments is the first step, for the prisoners must be worked in classes, and under any possible regulation must still assemble on various occasions; but even that first step has been taken in very few instances.

Voluminous and detailed accounts of the state of the prisons of the kingdom were made

to the House of Lords in the year 1819, from whence I extracted a summary, which gave the following results, and which I at that time stated in the House of Commons, on moving an address to the Crown to direct a more frequent delivery of the Gaols.

Some improvements and alterations have been made, no doubt, in the last two years; but it then appeared, in the first place, that eighty-five Gaols, which were stated in the returns to be capable of containing only seven thousand two hundred and sixty-three prisoners, had in them at one time ten thousand six hundred and twenty-eight. Then, as to classification or division, it appeared, that out of three hundred and thirty-eight prisons of all descriptions, seventeen only were fully classed according to law; ninety had only two divisions, merely to separate males from females; fifty-eight had only three; fifty-one, four; nineteen, five; and seventeen only, as above stated, correctly divided pursuant to the directions of the statute; several of these indeed had more than was required thereby.

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equally neglected. It appeared that in two hundred and seventy-four of the prisons, no work at all was done. In sixty-four, some work was done; and in a few of these sixty-four, the prisoners were pretty constantly and advantageously employed in various handicraft works and occupations.

It is certainly very extraordinary that in this country, where a due regard to the law is not only felt almost universally, but where habitual respect induces a constant obedience to it, that the Magistracy in general should be so little attentive to its special and repeated enactments. It is yet more extraordinary, when we consider the very important object which those statutes have in view, and how deeply the interest of society is involved in it. The feelings of humanity are not less urgent in demanding our attention, and yet has this combined influence failed hitherto of its proper effect. I know that there are various splendid exceptions to this too general neglect. I am fully aware of the zeal and devotion to the subject which individuals have evinced, and that the Magistrates in very many places are now making

determined efforts towards the adoption of a better arrangement of our prisons, and discipline of the prisoners; nor do I forget how much is, in various instances, already accomplished; but it is impossible nevertheless to deny that a degree of blame is attributable for permitting our gaols to remain to so late a period in the disgraceful state in which so many of them still are, and that the injunctions of the legislature should have been so perseveringly disregarded.

It is true the expense of erecting every where buildings, strictly conformable to these statutes, would have been attended with a great expense; but it is an objection which the legislature must have contemplated and disregarded, or considered as a difficulty of insufficient weight to avail against the necessity of the case.

The expenditure of the public money ought certainly to be watched with the greatest attention, and its application as carefully made as possible by the Magistrates to whom the power and the trust is confided. In some examples of prison building, expenses have been incurred that were not necessary, in

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consequence of what I should consider a mistaken ambition to render every public building a public ornament to a county; but if zeal has prevailed over prudence in some cases, it affords not a shadow of a reason for withholding such an expenditure as the law actually requires.

If this important subject was considered in an economical as well as a moral and political point of view, the advantage of an adequate system of Prison Discipline would not be less apparent. In the course of our practice of what may be termed Parish Law, and in the administration of the parochial funds more especially, we have ample opportunity of seeing how much the public purse, as well as public morals, suffer for the want of means to correct the idle, profligate, and criminal: those who, in the language of the statute, are termed the idle and disorderly, in our respective parishes; they, in truth, constitute the heaviest part of the burthen of the Poor Rate. It is not what alone they themselves draw in money from the rate, which, however, is often the larger share, and in part taken from persons who earn their bread by the sweat of their brow;

but the effect of their example is yet more mischievous, and there actually exist not the means to check them. It is not that the law is not sufficiently severe, but the execution of it is rendered wholly ineffectual by the present management of our prisons.

The average annual amount of the Poor Rates of the county of Essex, for the last three years, is *three hundred and twenty thousand eight hundred and eighteen pounds*; out of this immense sum, an immediate and *incalculable* saving might be easily accomplished, were there not such defects in the administration of the penalties of the law for this minor class of offenders.

The expense of Vagrants alone to the country at large is extraordinary, and cannot be stronger exemplified than by reference also to our county accounts, where it will be seen, that in the last year, as indeed in every former one, it bears the proportion of nearly one sixth of the whole expenditure. The total of our expenditure of last year was *fifteen thousand nine hundred and nine pounds*, of which the vagrant charges amounted to *two thousand three hundred and fifty-six pounds*.

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It is true that this heavy burthen may be attributable, in some degree, to defects in the Vagrant Laws, distinctly; and I trust the act, which was last year introduced by Mr. Chetwynd, under direction of a Committee, of which he was the chairman, may be productive of some saving in this charge, as well as other benefits; but I am satisfied it never would have arisen to such an amount, if a proper discipline had prevailed in our Houses of Correction: I am equally so, that the new act cannot be effectual, unless essential improvements are established therein.

The greatly increased number of prisoners throughout the kingdom, within the last ten or twenty years, may be also pretty well exemplified by reference to our county records, and is mainly attributable to the same cause. When the Committee was appointed in the year 1818, by the Court of Quarter Sessions, to take into consideration the state of the Gaol and Houses of Correction, we found that the number of prisoners annually committed had increased within the ten preceding years, from five hundred and fifty-nine to one thousand nine hundred and ninety-

three, and there is little doubt of this proportion being a tolerable specimen of the whole kingdom. I am far from intending to argue, that the defective state of our prison discipline was the sole cause of this prodigious increase of the number of prisoners; I am aware of the operation of other causes, perhaps as powerful; but I think nobody can hesitate to admit, that it is one considerably operative cause amongst others. It may indeed be said that, whilst other circumstances have occasioned a more frequent violation of the laws, imprisonment, as a restraint or preventive, has failed, and therefore that it only negatively operates to increase the number of delinquents by its inefficacy; and this may be a more strictly correct view of the case, but the consequences are still the same. The truth is, that our Gaols and Houses of Correction are generally considered, by offenders of every class, rather as a sure and comfortable asylum, whenever their better fortunes forsake them, a sort of refuge for the unfortunate of their profession, by no means particularly disagreeable, and from whence they look forward with increased

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It seems wrong to dwell upon this subject in an economical point of view, when other considerations, so much more powerful, demand attention to it; but the expense attending such capacious buildings, and paying so many officers as are essential to good prison discipline, does very naturally tend to prevent their erection.

The means before observed upon, would most materially reduce their present necessary extent, namely, the shortening the duration of imprisonment before trial, by a more frequent delivery of the gaols; and after trial, on conviction, by proper severity of discipline. From the official returns upon the table of the House of Commons, in 1819, I drew a statement, which shewed that another Gaol Delivery, about Christmas, would diminish the total number of prisoners to be provided for, in the proportion of one third at least. For instance, in the county of Kent, at the Maidstone Lent Assizes of that year, there were one hundred and seventy-seven prisoners for trial, of whom eighty-three were

in prison before the first of January; of course another Gaol Delivery at that time would have diminished the number before trial, to be fed and provided for, and for whom buildings are to be erected and maintained, from one hundred and seventy-seven to ninety-four; and the returns from other counties give nearly similar results.

Proper severity of discipline would, in time, be scarcely less effective to reduce the present number of prisoners, and therefore, in this point of view, be productive of very considerable and useful economy. If we contemplate the effect in its operation upon the amount of the Parish Rates, the consideration becomes yet more important. I do firmly believe, that the utmost effort of legislative wisdom, even under the most fortunate circumstances of national prosperity, will fail to bring back the amount and application of the Poor Rates to their legitimate object and extent, if there exist not the means of correcting the idle and profligate in our several parishes. At present we have hardly the power of resisting, in any way, the demands of those who forcibly, as it were, throw themselves

upon the parish rates by the industry of other parishes. I am confident, that if a reformation in the application of the Poor Rates, and if the Magistrate were to conform to the statutes relating to the Poor, and more carefully to the objects of the Poor Laws, that every thing respecting the Poor would be accomplished, perhaps by the legislative interposition. The attention of the Legislature to the efforts of individual industry, and the constant direction of the youths of the nation to the principles of morality, and the inculcating them those industries, are not only essential to preserve them from the temptations of idleness, though this object is primary in its nature, yet it is equally necessary as a means of correcting

upon the parish rates, to be fed and supported by the industry of others. I am almost equally confident, that if a perfect system of correctional prison discipline was established, and applied to offenders of this description, and if the Magistrates more fully considered and conformed to the spirit and letter of the statutes relating to a provision for the poor, and more carefully limited their orders of relief to the objects intended by those statutes, that every thing we can hope for respecting the Poor Rates might be gradually accomplished, perhaps, even without any further legislative interference.

The attention of the Legislature, and the efforts of individuals, should no doubt be constantly directed to the formation of the minds of the youths of the country, in the true principles of morality and religion, and teaching them those industrious habits of life, which are not only essential but indispensable to preserve them from the snares of vice; and though this object may justly be said to be primary in its nature to all other considerations, yet it is equally necessary to find the means of correcting those who will trample

upon the laws which are formed for the general protection of society. The description of punishment, its probable tendency, operation, and effect, upon the human mind, and its efficacy to deter, correct, and reform, become therefore matters of paramount importance, and require to be most attentively studied in every civilized state. The feelings of mankind in these days are fortunately very adverse to the infliction of any barbarous corporal punishment; the application of the whip in any manner is hardly tolerated, still less approved; the *ultimum supplicium* is too often had recourse to without effect; transportation as little operates to deter from crime; and the only method then that remains for our consideration, is that of imprisonment; and thus we are led to the grand question of means to make that imprisonment effectual.

The more the subject is considered, the more apparent will be the practicability of establishing a system of prison discipline so effective, and at the same time so justly humane, that it shall realize all the benefits we can rationally expect to derive from the infliction

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of any punishment. Mistaken humanity, and fear of expense, are, I think, the principal impediments, and these are easily overcome, if pains are taken to shew to those who entertain such feelings, and such fears, how mistaken they are in the means they pursue for the attainment of their respective objects.

It appears to me, that if relieved from these impediments, and likewise from any idea of the necessity of making the labour of prisoners profitable, that the detail of corrective prison discipline would not be difficult for any body to chalk out. I would first premise, that the only punishment for refractory conduct, or any misbehaviour in the gaol, should, in my opinion, be solitary confinement; and that, instead of being in a dark hole, it should be in some part of the house where they could fully see the light of day; and I am not sure that it might not be desirable in some cases, if possible, that they should see the surrounding country and moving objects at a distance, and every thing that man delights in, removed at the same time from any intercourse of word or look with any human being, and quite out of the reach of being themselves seen. I consider such confinement

would be a punishment very severe, and calculated to produce a far better effect than darkness. All the feelings that are good in men would be much more likely to be kept alive: the loss of liberty, and all the blessings of life which honesty will ensure, more deeply to be felt. There would not be so much danger of any delinquent sinking into that state of sullen, insensible condition, of incorrigible obstinacy, which sometimes occurs; if he does under those circumstances, we have a right to keep him out of the way of mischief, and let him there remain. But I believe such solitary confinement as I have described, with scanty fare, would very rarely fail of its effect.

All the sleeping-cells should, for similar reasons, have the same ample sufficiency of light. Then, in every prison, there must be the machinery for hard labour, such as cap-ston, lever, or tread-wheel. Light employments are quite out of my consideration. I am thinking of punishment, not of a school or house of industry.

The superiority of the tread-wheel, as now established in several places, over every other means of applying hard labour, is obvious to

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those who have seen it; so exactly suited is it to the purpose, that I have little doubt of its universal adoption, and that ere long imprisonment to hard labour will be considered as a sentence to labour on the tread-wheel. The construction and plan of it is now pretty generally known; but I will endeavour to give some description of it for the information of those who yet may not have seen it; and I am the more induced to make the attempt, in order to remove the difficulty, which occurs to every body's mind, of finding the practicable means of supplying to the prisoners that hard labour, the necessity of which is now pretty generally admitted.

This machine constitutes in effect a first moving power, applicable to any purpose; it is a cylinder with steps round its exterior surface, the prisoners walk upon these steps, constantly, as it were, ascending, whilst the cylinder sinks from the impression of their weight, and, thus revolving, gives the first motion to wheels connected with it, and mills for grinding any species of corn, raising water, turning lathes, or spinning jennies, or any thing else, are thus put into steady ope-

ration.* It has been said, that this species of labour is injurious to the health, but sufficient experience of its effects has already been obtained to prove this report to be unfounded. Now if profit is disregarded, the constant unvarying means of hard labour are here attainable, the quantity and degree of which may be adjusted, and the execution ascertained with perfect ease. The weight of any given number of persons is taken; the number of revolutions the wheel will make by pressure of that weight in any given time, and an index to mark it in the work-house or mill, so that the progress making is constantly under the eye of the miller or task-master. This index, under a glass case, locked up, may equally be made to inform the visitors how often the wheel has revolved during their absence of days or weeks: with the same facility, the work may be made to square with the number of prisoners there are to be employed. Suppose, for instance, a mill with one pair of

* Why not make use of this power on board the Hulks, it might be applied to various useful purposes on the Thames, particularly towing and dredging, and at the same time give the means of establishing a system of salutary discipline there.

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stones worked by tread-wheel, that it requires the weight of only twenty men to make that wheel revolve sufficiently quick to give the proper speed to the stones, and that there are forty men in the prison at that time to be employed; a regulating weight may be, by a simple contrivance, in that case added, and the forty men proceed at the same rate of speed and labour as the twenty men would have done. If the mill is stopped altogether, further weight is added to the amount required to turn the stones, and the forty men proceed in labour, vain as it naturally appears, yet no less effectual to its true legitimate object. Suppose there are only ten men in the prison, whose weight is wholly incompetent to give any adequate impetus to the stones, the first wish might be certainly to substitute some other productive labour, which could be accomplished by these ten men, but in failure of such occupation, the regulating weight is applied to ten as well as to the forty; and the discipline of the prison proceeds without a moments interruption. In describing thus minutely the means of attaining, under any possible circumstances, an uninterrupted course of labour discipline, I

am far from saying that it is not generally more satisfactory that such labour should be productive; I lay less stress thereon perhaps than others might do, but in deference to public opinion, and a very natural feeling, let it be made productive if practicable; I only contend for the essential advantage of escaping any relaxation of discipline, by the probable and too frequent inability to make prison labour available to any profitable or productive account. There is another material advantage attending the tread-wheel; there is hardly any limit to the number which it may be made to comprehend: the house through which the shaft passes may also be divided into as many compartments as necessary, and old and young, varying the time and degree of their labour, and both sexes, may be employed upon it.

Let us conclude then, a prison properly constructed with single sleeping cells, and solitary cells of punishment, rooms, and yards, and machinery of labour, &c. &c.

The operations of the day should begin with the greatest punctuality at a given hour, and as soon as the prisoners have risen from their beds, they should be, according to their

several classes, where they should be taken back to clean themselves a short prayer should read to rooms, and the altogether, occupy I have stated in that the hours be in solitude, prison, but I propose may not always therefore consider assembled at me rooms: after breakfast hard labour for the take another hour dinner two or three given them to eat cells.

This marching chapel and mill-jectionable, but it to me in the pris

several classes, marched to the work-houses, where they should be kept to hard labour two hours at least, from thence they should be taken back to wash, shave, comb, and clean themselves, thence to the chapel to hear a short prayer, or the governor or deputy should read to them in their respective day-rooms, and then their breakfast, which may, altogether, occupy an hour and a half or more. I have stated in a former part of my letter, that the hours of meals and leisure should be in solitude, in the sleeping cells of the prison, but I presume for the moment, this may not always be practicable. I will therefore consider the case as if the classes assembled at meal-times in the different day-rooms: after breakfast, they should return to hard labour for three or four hours, and then take another hour for dinner, labour after dinner two or three hours, and their supper given them to eat in solitude in their sleeping cells.

This marching backwards and forwards to chapel and mill-house, &c. may appear objectionable, but it has not been so represented to me in the prisons where it actually now,

takes place, and it is, to my apprehension, materially useful in many respects: the object is, to keep the prisoners in a state of constant motion, so that there shall be no lounging time or loitering, which is always favourable to mischief or cabal. For the same reason it is, I propose two hours' labour the moment they are up, and before washing, &c. that there may be no time lost, and that they may begin the day by a portion of labour, which will tend to keep them quiet and obedient the remainder of it: each interval for meal thus occurring between labour hours, has also a tendency to render the mischief of intercourse less probable, and at the same time the evening association, which is most to be apprehended in this respect, is entirely cut off. The frequent moving of the prisoners from place to place keeps the governor and sub-officers of the prison in a similar state of activity and attention, which is likewise of advantage, though their numbers should be such as to prevent their duty becoming too arduous or irksome: their situation is not pleasant, and their responsibility is great. An able and attentive governor, who executes

all his arduous duties and fidelity, is a most and entitled to the great a man of no ordinary and comprehensive mind over his own passion a character that commands him, instinctively as it were, to guard. In vain are our best regulations, if the choice made an object of primary attention and consideration. It does not appear to me that prisoners to have much leisure, inclusive of necessary exercise, the close of solitude. Eight or ten in company with their fellow-prisoners of the same class (for I am private compartment of the prison allotted to each) where, they are permitted to associate to enjoy society, and the gloom of solitude can be more dangerous even than the want of intercourse and conversation. In that case to be

all his arduous duties with unremitting zeal and fidelity, is a most valuable public servant, and entitled to the greatest respect; he must be a man of no ordinary capacity, with a liberal and comprehensive mind, possessing a controul over his own passions, firm and undaunted, a character that commands from those under him, instinctively as it were, respect and regard. In vain are our buildings, and rules and regulations, if the choice of a governor is not made an object of primary and most solicitous attention and consideration.

It does not appear to me necessary for the prisoners to have more than three hours' leisure, inclusive of meal-times; and I am convinced the close of the day must be in solitude. Eight or ten hours will have passed in company with their fellow-prisoners of the same class (for I am presuming that a separate compartment of the work-house will be allotted to each) where, though they cannot associate to enjoy society as they would wish, no gloom of solitude can oppress them; there is more danger even then of too close an intercourse and conversation, though a ready cure is in that case to be found by a wheel

put in motion, the noise of which speedily overcomes the voice. Some time every Saturday night should be allowed to them, more particularly to cleanse themselves and their clothes, and they should have a bath, cold or warm, if necessary; and on the Sunday, they should be dressed in their best clothes, and the day should be spent wholly in the chapel, the cell, and the airing-ground, the latter in presence of a day-watchman, as I have described to be in practice at Warwick. I say nothing about teaching to read, write, work, &c. &c. any proportion of time necessary for any useful purpose may be spared from the hours of labour or of rest, according to circumstances; but I do not place any reliance upon improvement in any branch of education; they would not indeed be there long enough. All I want them to learn is, that there exists the means of punishment for crime, and be fully impressed with dread of repetition of what they have undergone, and a short time will suffice for that purpose. Now, if each successive day was spent in this manner, can it be doubted that the frequent commission of crime would be

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checked, and more done to deter, correct, and reform, than could be accomplished by any other punishment. A period of such discipline, longer or shorter, according to the nature of the offence, would surely be sufficient for any violation of the law, short of murder, or that description of outrage which is likely to lead on to the perpetration of it. This sort of treatment is not to be overcome, it cannot be braved, or laughed at, or disregarded, by any force of animal spirits, however strong or vigorous of mind or body the individual may be. The dull, unvarying course of hard labour, with hard fare and seclusion, must in time become so painfully irksome, and so wear and distress him, that he will inevitably in the end be subdued; at the same time I can see nothing to lower him beyond that degree of disgrace which the infliction of any punishment necessarily induces, and which of course is absolutely unavoidable. Such suffering indeed, instead of debasing, I believe would bring the mind to a stronger conception of the value of honesty and good conduct, and in that state the

precepts of morality and religion might have a permanent influence.

Those who labour now so assiduously to prevent crime, and reform criminals by advice and instruction, struggle under the greatest disadvantage, from the want of that aid which proper means of punishment would afford. Those benevolent persons do not seem to perceive (at least many of them) that such is the nature of man, that the fear of suffering is an indispensable requisite to back up, as it were, good resolutions, and keep the memory alive to virtue; the want of it is a chief cause of the number of criminals in this country. No such fear exists at present; the prison must create it; to that purpose it should be devoted, and none other, for that it was alone intended. Let schools and houses of industry afford instruction, the lessons there taught will be attended to when there is a prison to correct and punish.

If the discipline above-described, under imprisonment, should be still found in some cases to be insufficient or inapplicable to particular persons, recourse may be had to

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absolute solitary confinement, with hard fare, and without any employment. This most powerful and remedial punishment has been too often neglected, and now and then applied in the manner some of our medical practitioners apply the most valuable medicines, that is to say, with such violent and indiscriminate severity, as to destroy the patient, and thus bring into disrepute that which, under the direction of wisdom and science, would prove the most effectual preservative of life and health. Solitude is a remedy for the mind of that description; it may be tempered and administered in such manner as to cure the most inveterate disease that can be conquered by human means, or to eradicate the first seeds of corruption; it may, on the contrary, be used with so rough a hand, as to turn the man into a brute or an idiot: solitude in darkness, for any length of time, would certainly have that effect. The solitary prisoner ought to see the light of day, and he should have a yard to walk in, but neither his eye nor ear should meet the sight or sound of any fellow creature; such confinement might be most usefully administered

in an infinite number of cases, varying its duration to the degree of guilt. All the evidence and experience we have of its effects, confirm the expectation we might naturally form of its powerful influence upon the sufferer; it is much more distressing than hard labour. Imprisonment might begin in solitude, and subsequently be changed to the ordinary discipline of the prison, and resumed again, if necessary. Whether the infliction of this punishment for any duration of time, at all considerable, should be confined to the authority of the Court, or any and what extent of discretionary power may be granted to visiting magistrates, is a question I will not discuss here; nor is it material at this moment, arguing as I do upon the assumption of a discreet and judicious application of it.

In the discussions which have recently taken place in the House of Commons, relative to the frequent application of the punishment of death by the British Criminal Code, attempts have always been made to answer the eloquent advocates of a milder or less sanguinary system, by requiring to be shewn, in the first place, some substitute punishment

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that shall be equally powerful as the fear of death, to deter from crime, and therefore equally to protect society: and it must be confessed that those, who thus argue, have some reason on their side. I do not admit indeed, that the fear of death is by any means so operative as they assume; but it is pretty certain, that our other modes of punishment are not at all feared or regarded by delinquents of any class, nay, are coveted by some very frequently. It is then to make up in some degree for this disgraceful inefficacy of the law, we have recourse to the sacrifice of life. There is nothing so dreadful as the extinction of the life of a human being, perhaps in all the hope and prospect of youth. It certainly is too little regarded, as is the agonizing affliction of the parents of the sufferer, which ought to excite additional horror in the application of this punishment.

It appears from official returns to the House of Lords, that in the course of seven years ending in 1819, six hundred and sixty-two persons were executed in England and Wales, or very nearly one hundred per annum, on an average: the returns of the two last years

I have not got by me. The deprivation of life by the hands of the executioner is thus become familiar; the assemblage of people to see an execution is one of the opportunities of plunder constantly available, and taken advantage of by the most notorious offenders for that purpose; and the crowd so drawn together too often are thence led to the ale-house, and terminate the day in drunkenness, and perhaps in riot, as was the case at Chelmsford after the Lent Assizes of this year.

The true reason why no substitute punishment in the place of death has been found, is, that no sufficient attention on the part of the Government has been given to the subject. The powerful effects that might be made to result from a perfect system of corrective prison discipline, have indeed not only been recently pointed out and ably enforced by a number of enlightened and intelligent individuals, but proved by experience to a considerable extent in various places; the cause has been greatly promoted by a society not long ago established for the purpose; and I beg to refer you to their reports,

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where you will find extensive, useful, and detailed information. I request your attention also to the institution of a temporary refuge for destitute and penitent criminals, after their discharge, which has been established under the auspices of this society. The Legislature has recently appointed committees, wherein a laborious attention has been paid to the subject, extensive enquiries have been made, and information obtained; but the Government has not yet sufficiently given its attention, so as to be able to attempt any material alteration. I do not absolutely charge them with indifference, but without the strenuous aid of the Executive it cannot be accomplished.

Before I close this letter, which is already extended to a greater length than I had anticipated, I feel it necessary to make some further remarks upon the detention and treatment of prisoners before trial, and which calls most loudly for immediate consideration. It is true that they are not committed but by evidence, upon oath, of such a nature as to afford pretty good ground of belief in their guilt; and it is true also, that such commit-

ment is under the authority and direction of a responsible magistrate; nevertheless there exists no legal or moral right to inflict even any restraint upon them before trial, other than such as is indispensably necessary to secure their being brought to that trial, in the face of their country, upon the charge alleged against them. If then we are upon every just principle precluded from inflicting upon them not only any punishment, but any unnecessary restraint, it is surely dreadful that we should be in the constant practice of confining them for a period so protracted, and so unnecessary, and treating them in a manner which is more grievous eventually than any positive punishment we could devise. Nothing can be so cruel as to throw them into such a vortex of corruption as many of our Gaols and Houses of Correction contain; where it is next to impossible they should escape contamination, too probable that every sentiment of just pride and respect for character will be extinguished, and all their vicious habits, if they possess any, thoroughly confirmed; nor can we doubt, that the lesson frequently is first learnt in a prison

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which brings an unfortunate victim to his untimely end. How we can reconcile to ourselves the continuance of such a system is extraordinary. The difficulty of remedy, of course, is urged in defence, but is quite insufficient; because the evil of long imprisonment would be easily obviated, and the danger of contagion would also be obviated in great measure, if not effectually prevented, by a more capacious and improved construction of our prisons, such as to afford a variety of subdivisions, single sleeping cells, &c. &c. which I have shewn that the existing laws do actually require. A larger proportion of sub-officers, to be more frequently with the prisoners, would also cut off much, if not all opportunity, of mischievous intercourse and association. Solitary confinement would be less cruel than a den of contagion, in which every moral disease may be so readily imbibed.

In the supposition of every practicable improvement in prison management being accomplished, there can still be no possible excuse for the long confinement of those who, till they are proved to be guilty, are entitled to the consideration of innocence. The very

first object of our attention ought therefore to be that which I ventured to bring under the consideration of Parliament two years ago, viz. to shorten the duration of confinement previous to trial by a more frequent assembling of the competent tribunal to try all manner of prisoners. If the period was as short as it ought to be, not only would corrupt intercourse lose more than half its power, but in many cases solitary confinement itself might be sufficiently stripped of its gloom to be resorted to perhaps even with the choice of the prisoner, and thus wholly obviate every chance of contamination. The work of corruption too, if the opportunity cannot be prevented, makes so much less progress in a short confinement, than if the degree of mischief was measured by the proportion of days, weeks, or months; because, in the first part of the time, the natural guards of innocence, which are planted in every bosom, are not broken down; the first effects of imprisonment are salutary, so long as it is painful, and it is not till time has worn away this first impression, that bad example and vicious association begin to operate in full force.

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only in the year, and the consequent length of confinement before trial, is certainly dreadful in its consequences, and highly disgraceful to the jurisprudence of the country; it is at variance with the spirit of the constitution, as well as the dictates of humanity and justice; and it is not conformable to antient or existing law.

From Magna Charta downwards, we see abundant proof of the anxious desire to protect the subject, not only from unjust imprisonment by incompetent authority, but from long imprisonment before trial, which was always considered as unjust imprisonment. *Nulli vendemus, nulli negabimus aut differemus rectum vel justiciam*, comprehended an assurance, that justice should not be delayed any more than sold or denied. Lord Coke, commenting upon this statute, said, and hereby it appears, that *Justicia debet esse libera, plena, celeris; celeris quia dilatio justitiæ est quædam negatio*; and in observing upon the writ *de odio et atia*, he says, yet did the law so highly hate the long imprisonment of any man before trial, that it gave him this writ; and again, that *lex Angliæ est lex misericordia*;

first, that none shall be wasted and worn by long imprisonment, but *speedily* come to trial. As to the existing law, there was a statute passed in the fourth year of the reign of Edward the Third, chap. 2, which is unrepealed at this day. Lord Coke, in commenting upon the commission of Gaol Delivery, and referring to this statute, says, by the *law of the land*, *Ne homines diu detineantur in priona*, but that they might receive *plenam et celerem justitiam*, this commission was instituted, and the Gaols ought to be delivered thrice in the year or more often, if need be, making use of the words of the statute. It is clear, therefore, he considered that law to be in force at the time he was speaking.

From documents upon the table of the House of Commons in 1819, I drew out an account, which I have already adverted to in part, but which I will restate here, as it places in a strong point of view the extent of injustice, and inconsistency too, arising out of the present system. It appeared, that at the Maidstone Lent Assizes of that year, there were one hundred and seventy-seven prisoners for trial, of these, seventeen were in prison

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before the 1st of October, eighty-three before the 1st of January, the shortest period of confinement before trial being six months of the former, three months of the latter; nothing can shew us more plainly the injustice of such confinement, than the known fact of six months' imprisonment being considered a sufficient punishment for half the felonies that are committed; but the case is stronger, when we consider the number acquitted; seventeen of the twenty-seven first mentioned were acquitted, nine of the seventeen were discharged, not being prosecuted, or having no bill found against them. On the other side it appeared, that twenty-five convicted felons were sentenced to six months' imprisonment, or under, the longest period of whose confinement did not therefore exceed the shortest of the seventeen acquitted, or that of the nine, against whom no charge was adduced; there were three, who after being about seven months in prison, were then discharged, whilst various convicted felons suffered six sevenths only of the punishment, including the time before trial as well as after condemnation. By the returns from the Lent Assizes at Chelmsford,

the same year, the cases were not less striking than those of Maidstone; the total number was one hundred and sixty-six, of these twenty-five were in prison before the 1st of October, of whom eleven were acquitted, and of these eleven, six were discharged without any indictment preferred; two were in prison eight months; three, seven months and fifteen days; three, six months and fifteen days. On the other hand sixteen, convicted of felony, were considered to be sufficiently punished by imprisonment under six months. Upon the whole it appeared, that four hundred and five persons had been in gaol before the first of October, whilst eight hundred convicted felons were sentenced to a lighter punishment, to a shorter duration of imprisonment, than these four hundred and five had actually undergone.

It is a curious fact, that upon an average more than one third of the total number committed for trial are acquitted. In the seven years, ending 1819, seventy-two thousand two hundred and sixteen persons were committed; of these, fourteen thousand two hundred and ninety-one were acquitted on trial, eleven thousand two hundred and

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seventy-four were discharged, there being no prosecutions, or no bills found against them. This large proportion of acquittals aggravates the evil and injustice of long confinement before trial; but were it otherwise, what possible right can we have to detain a man in custody six months, upon any charge exhibited against him, before he is brought to trial? what excuse or palliation can be found for so barbarous a violation of all the principles of justice and humanity? How contemptible it is, by way of defence, to talk of the inexpediency of increasing the number of the Judges, the expense, inconvenience, trouble, &c. It is wrong to contend with such arguments against the unanswerable claims of justice, as it is only to admit they are entitled to weight. The fact is, we are so completely under the influence of habitual respect for established practice, that we do not stop to question the possibility of the existence of any serious defects in the administration of the law that can be capable of remedy. The public attention has never been earnestly and steadily fixed and devoted to the attainment of a better system.

The Marquis of Londonderry did, in the two last Sessions of Parliament, express himself strongly upon the subject, and declared it to be the determination of his Majesty's Ministers to introduce an adequate remedial measure without delay. I have no doubt of his Lordship's desire to accomplish this intention, and believe the delay which has occurred may have arisen from the impediments which the inveterate adherents to established rules and practices have contrived to throw in the way. The subaltern executors of the law are likely to create as many difficulties as possible, to prevent being turned out of the beaten track, which habit has rendered familiar, and respected too, by the same sort of influence. I do not assert that these prejudices or partialities may not be useful to counteract, at times, the too hasty measures of ardent zeal and enthusiasm. I am far from speaking therefore of such old-fashioned persons and prejudices with any contempt; I admit their utility to a certain extent, but they are often such faithful guardians of their old trusts, as are with great difficulty overcome. Whilst these impedi-

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ments probably have occurred on the one hand, no zeal or earnest desire has appeared on the part of the Legislature, or of the public, to urge forward the undertaking. I do trust, in the next Session of Parliament, the subject will be taken up by the Government and the Legislature in such a manner as shall insure an effectual result. I shall venture to submit to their consideration a proposition, which appears to me to afford the practicable means of a perfect delivery of the Gaols, of all manner of prisoners, four times in the year. I think also no great difficulty would arise from a Session of Magistrates at the end of each intervening six weeks, in order to the trial of petty offenders. There is almost always an adjourned session between each quarter, and there can be little doubt, when the delivery of the Gaols becomes so much more frequent, one day would be fully sufficient for the purpose. Men of business in the different ranks of life, would not so much regard being more often taken from home for one day, as being detained two or three days together, or perhaps more, as they frequently of late have been. It is by a continued absence of

days, that alone they suffer any material injury.

The establishment of Circuit Judges by commission necessarily induces a certain delay between commitment and trial. The advantage of having such Judges, *other than of the places*, according to the language of the ancient Commissions, rather than local and stationary, is too obvious and decided to permit the thought of any alteration of, or deviation from, that institution; but the interval between the circuits should not be longer than three months at most. If Ministers would determine that it should be done, the means would be soon found.

FELIX HALL, Oct. 12, 1821.

SINCE writing the foregoing pages, I have visited several other prisons: first, the Sessions House at Knutsford, with which the Court-house is connected; they form together a magnificent edifice; it is impossible not to admire the architecture and execution, and at the same time lament that so large an expenditure has been incurred: not that I

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think it quite unimportant to give a characteristic and respectable appearance to all our public buildings: good taste, and just proportion, and aptitude of design to its object, will accomplish this, with very little ornament; but here these limits have been exceeded.

The plan of the Prison is very good, the governor's house in the centre, and distinct buildings radiating from it, forming the different divisions for classication, with yards and airing-grounds between. The prisoners are employed in a variety of different manufactures and occupations, but almost all such as, within a prison, are adapted only to such of its inhabitants as have not been convicted. I did not see any thing like that hard labour which the law and common sense require where punishment is intended; nor any thing to induce men to regard a prison with any degree of terror, or even dislike. It has been said, that fewer persons have found their way, a second time, into this prison, than almost any other; but I do not know how this can have occurred from any disapprobation of treatment they experience, and it is too much to suppose it has arisen from any so decided

superiority of moral and religious instruction. It is a cheerful and agreeable residence; good fires, good lodging, society, a little less work, and a little better fare, in all probability, than most of the prisoners had before they came there. Some author has observed that, if the modern management, in many of our prisons, continues to prevail, we shall have persons breaking into, instead of out of them; and I am inclined to think that many a poor man would rejoice to find such an asylum as the Knutsford House of Correction. Mr. Holford, in his valuable treatise on this subject, observes, that prisoners in Gaols and Houses of Correction should perform that kind of labour which the law requires, and that prisons should be considered as places of punishment, and not as scenes of cheerful industry, where a compromise must be made with the prisoners' appetites and inclinations, to make them do the common work of a journeyman and manufacturer; and that if the system pursued in some gaols continues, there will be danger of parents inducing their children to commit crimes, for the purpose of getting them into so desirable

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a situation, a practice already known to exist, to get them into the Philanthropic Charity. Mr. Const, in his evidence before the Committee of the House of Commons, said, that culprits, brought before him, frequently desired to go to the House of Correction, and that upon committing a prisoner for two months, he has sometimes been asked if it might not be for a longer period. It is well known that the Cold Bath Fields Prison used to be denominated, in the slang phraseology of the notorious thieves, the British Hotel, in which it was deemed essential to procure good quarters as the winter months set in.

A just tribute of respect is, however, due to the spirit and generosity which induce the erection of such buildings as this at Knutsford, as well as to the humane feelings which dictate so indulgent a treatment of prisoners; but it is certainly an erroneous system, and ere long will be admitted so to be.

I saw the Gaol at Derby; there is nothing in it worthy of observation, and its defects need not be regarded, as a new one is about to be built immediately.

The County House of Correction at Leicester is a well-constructed building for inspection and classification, and the discipline more suited to a prison than that of almost any I have seen. A mill for grinding corn by a tread-wheel, gives ample means of hard labour to the prisoners, and the work is so well executed, that a net profit has accrued on the sale of flour, &c. in the last year, of more than two hundred pounds. The diet of the prisoners is one pound five ounces of bread per diem, for those who do not work, and one pound eleven ounces for those who do. Single sleeping cells for all the prisoners, except under the occasional but rare occurrence of extraordinary pressure of numbers.

The New Prison at Cambridge is also a well constructed building for all the purposes required, with ample means of classification and separation, and single sleeping cells; and the management appears to be such as might be expected from an intelligent and attentive governor. Workmen are at this time employed in erecting a tread-wheel; the prisoners will be so placed, in two distinct work-houses, as to be under the eye of

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the governor, from the windows of his house. The diet is one pound of bread per diem, and a quarter of a peck of potatoes twice a week.

In the course of my inspection of all these different prisons, it has been impossible not to make a comparison between them and those of our own county; and I confess it has not often turned out to our advantage. It is true that recent alterations or rather arrangements in the Gaol and House of Correction, at Chelmsford, have produced very considerable improvement in the means of classification, &c. &c.; and that we are indebted to the attention of our successive visitors and other magistrates, for their efforts, in some degree successful, to find the means of labour and work for prisoners; but these buildings are wholly inadequate to our necessities, as well in regard to space and capacity, as construction and design; it would by no means be economy to attempt, for it would be absolutely impracticable, to make them what they ought to be.

In the first five years after this gaol was built, the commitments to it were six hundred and fifty, the annual average, of course, at that time, one hundred and thirty; in the last

five years they have amounted to seventeen hundred and eight, the annual average three hundred and forty-one, nearly treble what they were. In the House of Correction, a building of comparatively modern date, the commitments in 1811 were one hundred and eighty-eight; in the three last years, on an average, seven hundred and ninety-seven, more than quadruple their former number. The annual commitments in the whole county have increased, as before observed, in the last ten years ending 1819, from five hundred and fifty-nine to nineteen hundred and ninety-three, being much more than treble what they were; and yet within this latter period no addition has been made to any of the prisons; the most sanguine calculation I could form of a reduction of our number in future, could not therefore justify us in abstaining from an increase of our buildings, besides which the present are unsubstantial, incapable of any material improvement; and there is no possibility of accomplishing, in the Gaol, the formation of separate sleeping cells, which are absolutely indispensable to any good system of correctional prison disci-

pline, or proper trial.

The defects we are to have on an injudiciously depreciated and mired. The nevertheless considerable expense front which is costly, excite interior; new subject to all the House of Correction light and flame was so hastily we cannot be neither secure. It should be an apology for the architect at the object, and attained, the should also be modern improvements, as well as

pline, or *proper* treatment of prisoners before trial.

The defects in all our prisons appear to me to have originated, in some measure, from an injudicious economy, which is as much to be depreciated, as true economy is to be admired. The exterior of those at Chelmsford nevertheless exhibits an appearance of considerable expenditure, and that handsome stone front which might as well have been less costly, excites an expectation of a suitable interior; nevertheless their interior is subject to all the defects I have stated. The House of Correction, in particular, is of so light and flimsy a construction, and the work was so hastily and badly executed, that we cannot be surprised to find that it is neither secure, durable, nor commodious. It should be remembered however, as some apology for us, and for Mr. Johnson, our architect at that time, that economy was the object, and that though it might not be attained, the expenditure was very small. It should also be considered, that the great modern improvements in the construction of prisons, as well as the more enlightened plans of

management, have been introduced subsequent to their erection*.

I have before observed, that I am entitled to a full share of any blame chargeable upon the Magistracy of the country, for the tardiness with which they adopt improvements, and shall most readily concur with you in making up for lost time. So far from trembling at the expense of these undertakings, if they are judiciously executed, unpropitious even as the moment is, and alarming as is the prospect before us, I look upon the measures we contemplate as immediately conducive to our local and indeed national eco-

* Extract from the Report of the Committee of Magistrates in 1818.

That having taken the various reports and plans of the county surveyor into their most serious consideration, and having repeatedly examined him viva voce therein, are of opinion, that adequate means of confinement for the prisoners in the present Gaol and Houses of Correction, and for the classing men according to the nature of their crimes, and the comparative inveteracy of their criminal habits, with due provision for their security, health, and employment, as directed by the several Acts of Parliament, cannot be attained by an application of the whole or any part or parts of the present Gaol and Houses of Correction to these purposes.

nomy. We may forthwith curtail a wasteful consumption, a worse than useless expenditure, and increase the productive powers of the country, for whatever checks idleness, the never-failing companion and source of crime, necessarily produces that effect. The aggregate wealth of any country must depend upon the industry of all its inhabitants; if there are many who consume, and produce not, they form a very heavy weight upon society. The bees of the human hive are those who labour with the head or hands, or both, but all working to increase the stock of honey: on the other hand, professional thieves, idle and profligate vagabonds, and sturdy beggars, are the drones who live upon the national stock, to the formation of which they contribute nothing. The more difficult it is, at any time, to the bees to make their stock of honey last through a long tempestuous winter, the more necessary it is for them to make their drones work to some useful purpose; so is it obviously more necessary to us, in these times of unparalleled difficulty, to defend our diminished stores from the plunder of drones, and make them labour to some effect, or at least

to prevent their being noxious to those who do, for is to be recollected, that these human drones have a sting which the little lazy insect has not. So far, as to the general and never-failing effect of checking idleness in the population of any country. Other more direct consequences, in an economical point of view, I have already adverted to.

There are many circumstances in this country which tend to the encouragement of idleness, vice, and crime. - The vast extent of our commerce and manufactures, and consequent wealth and luxury; the congregation of such multitudes in our manufacturing towns; the overgrown population of the metropolis, in which all the science of crime is accomplished and thence circulated through the provincial towns and villages; our paper currency, so fatally inviting forgery; our excessive taxation upon articles of consumption, as well those of prime necessity as luxury, which create a premium upon smuggling quite irresistible; our absurd and barbarous Game Laws, prohibiting the enjoyment of it to all possessors of personal property by purchase, and of course insuring a regular supply

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by plunder; last, not least, the Poor Law system as in modern execution. That ultimate resource of all rogues, who have cunning or cowardice sufficient to escape the gallows, and who after living for years upon the plunder of their industrious neighbours, settle down in old age under the fostering care of that system, as annuitants upon the property of others, during the remainder of their lives.

The poor relief system, according to actual practice, not law, distinctly announces to every man in the kingdom that he may be as idle and profligate as he pleases, as abandoned, as criminal; that however permanently vicious and mischievous to his neighbours he may be, yet in the vicissitude of his fortunes they shall provide him with the same clothing, food, fires, and lodging, which the honest labourer possesses; it does not quite guarantee him from all consequences of violating the laws, but it ensures him from hunger, cold, or want; which in all other countries in the world, in all gradations of society, from the savage to the most civilized, those who will not work must endure. Such encouraging prospects as are here held out to idleness,

cannot fail to produce the effects naturally to be expected; add thereto the impunity which attends the early stages of crime, and can we be surprised at the number of criminals which there are in this kingdom. What should we think if we were to read the history of a foreign country, in which idleness was rewarded by an ample supply of food, clothing, and lodging, and crimes were suffered to go unpunished; and yet of us the history may be told, with very little exaggeration. So injudicious and ineffectual are our attempts to punish, that culprits might as well be let loose on society before the infliction as after; they have learnt nothing by undergoing it to make them less noxious than they were; on the contrary, they have found out that the rod held up to frighten them has no sting, and they of course proceed in their career with increased confidence. Thus, in truth, are they invited on to the final catastrophe and fatal close of their existence by the hands of the executioner. This imbecility of the law produces the same effect as the alleged forbearance of thief-takers, who were supposed to let their victim go on unnoticed, till his offence

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was of such a magnitude as to induce a large reward for his apprehension, vulgarly called blood-money. So does the law play with him, by an appearance of weakness or indifference, till at last it satiates itself with the blood of the unhappy and deluded sufferer.

Under such circumstances it is not too much to say, that the general establishment of a steady, judicious system of severe discipline, under imprisonment, would speedily effect an improvement in the state of society in any country so situated, and might be substituted for the punishment of death in a variety of cases. A mode of punishment with just severity, is the grand desideratum, and we have the means of it, in the same perfection we at last accomplish every thing we set about; if the disinclination of the Government to attend to such subjects does not prevent in the one case, or the cruel tenderness of inconsiderate philanthropists interfere in the other. I do not mean to derogate from the merit of these last mentioned persons, for whom I entertain unfeigned respect: their zeal and enthusiasm lead the way to the detection of abuse and introduction of all

improvement; still less do I allude to a Howard, or a Sir George Paul,* or a Buxton; but there are persons whose feelings sometimes mislead their judgment, and who seem to have got a notion that they can make a prison into a sort of magdalen for rogues and thieves of all descriptions, than which nothing can be more illusory. The Milbank Penitentiary appears to me to be an establishment founded and carried on too much upon these fallacious hopes and expectations; let the experiment be confined to that institution. We must insist upon having prisons to punish offenders of all descriptions; we must have in these prisons hard labour, hard fare, hard lodging, seclusion from so-

* Extract from Sir G. Paul's address to the Grand Jury of Gloucestershire, in 1783, quoted by Mr. Holford, who pays a due tribute to his memory, and observes, I believe very justly, that the country owes more to Sir G. Paul in regard to the improvement of its prisons than to any other man except Mr. Howard.—“ I am far from thinking that prisons should be scenes of comfort; they should be places of *terror* to those whom the laws would *terrify*; of *punishment* to those whom the laws would *punish*, but of *mere confinement* for such as on just grounds of suspicion, the police find it necessary to confine for judicial trial.”

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ciety, friends, and fellow prisoners, and solitary confinement under due regulations; nor must we permit a sort of half and half business; a little less labour, a little better diet; a holiday once a week, or roast beef on the Sunday; all which, is mere doing and undoing, and even worse. It is destroying all the efficacy of this punishment, on which we repose such confident hope, and which is in its very nature absolutely neutralized by such means. What is it? hard labour, hard fare, hard lodging, seclusion from society, but at the same time, dry, airy lodging, food sufficient for health, and labour not so severe as to injure it; clothes, and the means of cleanliness, and not an absolute and total deprivation of society. It is almost difficult in this view of the case (and which is perfectly a correct one) to imagine the efficacy of such a mode of punishment, still less that the epithet severe, could be attached to it. How many honest, industrious men in this and other countries daily hasten the decay of nature by their labour; how many have insufficient food, clothing, and lodging, and yet pursue their course with undeviating integrity and

cheerful content. The loss of liberty, and compulsory infliction of the labour, make the difference, no doubt; but relax the discipline, or degree of it, ever so little, improve the diet, allow a little idle company, with these palliatives the bird becomes reconciled to his cage, and there is an end of the punishment altogether: the power, efficacious as it would be, is dissolved, the spell is broken.

It is a source of infinite satisfaction to me, to find that the same measures which we are pursuing are in progress of adoption in many other parts of the kingdom. And the opinions which I know you in general entertain, and which I have here endeavoured to advocate, are gaining ground daily. I cannot help specially noticing the measures which have been adopted by the magistrates of a small distant county, so similar are they to those we contemplate, and which they have already carried into effectual execution. A committee was appointed by the Magistrates of the county of Pembroke, in the year 1818, for improving and making addition to the Gaols of that county, and establishing a plan of hard labour discipline.

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In their reports they say, as we do; that in times like the present, when the resources of the country are so heavily burthened, and when they feel the deepest conviction of the necessity to restrain the expenditure of the country by all possible means; that it had been a painful part of their duty to incur any additional expense; that they experience, however, a great degree of relief in being able to make it appear that, ultimately, even as a measure of economy, its advantages will not be inconsiderable. They advert to the beneficial effect, generally, of the repression of idleness and crime; the substitution of a cheaper and more effective punishment than transportation, which has been computed to cost the country £1000. for every convict sent to New South Wales; and the notoriety of its inefficacy to check the violation of the law; the expense of removing convicts so sentenced, which, in that county had, in three or four years, amounted to above £500. They estimate a net gain of £150. per annum by their mill, worked by a tread-wheel, the peculiar advantages of which they point out, and conclude with a just tribute of praise to

Mr. Cubitt, who first introduced the tread-wheel, and in which I most cordially join. The following is a quotation from their letter to Samuel Hoare, Esq. Chairman of the Society for promoting Prison Discipline.

“ After having personally inspected several
 “ of the prisons in England, in which various
 “ systems had been carried into effect for the
 “ employment of the prisoners, our Chairman
 “ hastened to submit to the Gentlemen of
 “ the Committee, with whom he was asso-
 “ ciated, and to the bench of Magistrates of
 “ this county, the plan which owes its inven-
 “ tion to Mr. Cubitt, the civil engineer, at
 “ Ipswich, and its first practical application
 “ to Mr. Orridge, the very intelligent Go-
 “ vernor of the Gaol at Bury, as decidedly
 “ preferable to all others, upon the principles,
 “ and for the reasons, which we shall pre-
 “ sently state. To this plan we have been
 “ the first to give effect, as applicable to the
 “ labour of women as well as men. While
 “ we every where see the wives and daughters
 “ of industrious labourers employed in break-
 “ ing stones to repair the roads, and in the
 “ most laborious occupations of the field,

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“ Mr. Allen's, of Union
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“ can we be led so far by principles of
 “ humanity, or rather so much misapply them,
 “ as to say that those who have committed
 “ crimes, should claim a privilege of exemp-
 “ tion from such labour; or that the milder
 “ occupation of spinning or knitting, which
 “ many may not be able without sufficient
 “ instruction to perform, with a short con-
 “ finement in a prison; where they have a
 “ fire to sit by in the day-room, and a good
 “ bed to sleep on at night, can be an atone-
 “ ment to society for the crimes they may
 “ have committed, can comply with the sen-
 “ tence of the law, which adjudges them to
 “ be kept to hard labour, or afford a pledge
 “ that such punishment is likely to deter them
 “ in future from the commission of crime.
 “ *If the end of punishment be the preven-
 “ tion of crime, it is quite clear that it must
 “ be sufficiently severe to deter from its
 “ commission, or such punishment is per-
 “ fectly nugatory. It is a lamentable fact,
 “ that transportation no longer does so, and

* Mr. Allen's, of Union Hall, valuable pamphlet on the
 Police of the Metropolis.

“ that were the prisons throughout the
 “ kingdom to remain in the state they have
 “ so long been, imprisonment would con-
 “ tinue to be totally inadequate to the pur-
 “ poses of amendment or correction, and
 “ operate as certain destruction of the little
 “ remnant of character or principle which
 “ the poor wretch who has been subject to
 “ its infliction may have once possessed.
 “ The criminal law would remain inopera-
 “ tive, and the advocates for its sanguinary
 “ enactments would still possess a powerful
 “ argument in favour of those laws and
 “ punishments, which disgust the mind, with-
 “ out mending the morals; which arm man
 “ with the awful power of taking away the
 “ life of his fellow creature for breaking the
 “ mound of a fish-pond, and consign alike to
 “ death the perpetrator of such an offence
 “ and the deliberate murderer.’ To assist
 “ in depriving such advocates of the last
 “ remnant of reason or argument, the Magis-
 “ trates of this county have made an effort to
 “ adopt the principle of secondary punish-
 “ ment, by the infliction of hard labour and
 “ occasional solitary confinement; and, to

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“ give effect to the principles so powerfully
 “ advocated by Mr. Buxton, and so effectually
 “ upheld and assisted by your society. Mr.
 “ Cubitt has constructed a mill in the House
 “ of Correction of this county, at which the
 “ male and female prisoners work in separate
 “ classes, and upon wheels connected with
 “ their respective wards, the latter having a
 “ greater proportion of their numbers to re-
 “ lieve each other, and of course a lighter and
 “ diminished quantity of labour to perform.

“ The work therefore goes on with perfect
 “ regularity, and the best effects already
 “ begin to be experienced in the dread which
 “ is now felt of imprisonment, contrasted with
 “ the perfect indifference with which confine-
 “ ment, unaccompanied by labour, has been
 “ hitherto regarded. Although the average
 “ number of misdemeanants and convicts
 “ sentenced to hard labour, has for several
 “ years past been more than double the
 “ number requisite to keep the mill in con-
 “ stant operation, the only apprehension at
 “ present entertained is, that the number of
 “ prisoners may not in future be sufficient to
 “ enable it to do so much work as it is capa-
 “ ble of performing; on this we can only

“ remark, that as the end of punishment is
 “ the prevention of crime, a result more per-
 “ fectly satisfactory could not take place
 “ than that which is now anticipated.”

After giving in detail various reasons to shew the superiority of the tread-wheel, they conclude by saying, “ We therefore prefer
 “ Mr. Cubitt’s plan to all others, and we pre-
 “ fer it to the capstan-mill, because women
 “ cannot be employed at the latter, and it is
 “ impossible to make every man do exactly
 “ that portion of work which is suited to his
 “ strength, since the distance they have to
 “ walk is materially different, and the force
 “ that each may apply must, in a great
 “ degree, depend upon his inclination. We
 “ sincerely hope that Mr. Cubitt will reap
 “ the full reward to which the benefits he has
 “ conferred upon society so justly entitle him;
 “ and that Mr. Orridge, whose enlightened
 “ mind enabled him to appreciate the advan-
 “ tages of the plan, and but for whose zeal
 “ and ability its practical benefits might
 “ never have been known, will receive alike
 “ reward.

(Signed) “ H. LEACH,
 “ Chairman.”

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 I have received a letter
 by which I learn his
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In the following
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I have received a letter from Mr. Cubitt, by which I learn his tread-wheel machinery is already in action in the following places: namely, Bury St. Edmonds and Hertford, as before-mentioned, Northallerton, Haverford West, Brixton, and Ipswich. It is about to be adopted, and the work absolutely in hand, at Dorchester, the Cold Bath Fields, Exeter, Cambridge, and Guildford. The county of Bedford is also erecting a tread-wheel, as before observed, under direction of their own surveyor. At Leicester, a tread-wheel, upon a construction rather different. At St. Albans, a pump-mill on Mr. Cubitt's plan, as described in the Prison Discipline Society Reports, to which I beg to refer you for a more detailed account of his tread-wheel. At Edinburgh and Durham some similar plans are in contemplation, but their final determination I do not know; there may be also in other places, of which I have received no information.

In the following prisons, single sleeping cells are provided for all the prisoners: Bury, Hertford, Ipswich, Dorchester, Gloucester, Cambridge, also Cold Bath Fields and Brixton.

To accomplish this solitary confinement of prisoners of all descriptions during the night, is certainly an object of the very first importance, and I am far from despairing of its possible universal attainment, at least for all male adult prisoners, and at no very distant period; certainly not upon the scale of expenditure of most of our modern prisons. The Milbank Penitentiary, for instance, the admitted cost of which is £500,000. when completed, to hold one thousand prisoners, that is, £500. for each, which, at 6 per cent. the lowest charge on buildings, will cost the country £30. per annum house-rent for every prisoner.*

It is absolutely necessary, that we should have recourse generally to some plans of construction far less costly, and from what I have seen already accomplished in a few instances, and information I have received from one or two architects of eminence, there appears to me to be no doubt that such are attainable. I have had more particular oppor-

* Part of this expenditure is perhaps attributable to the extensive and various manufactures established.

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tunity of examining a recent building erected at Ipswich, under the direction of Mr. Cubitt, which has been furnished at the rate of one hundred pounds for each prisoner. Single cells and day-rooms; the dimensions of each cell are nine feet six inches long, five wide, and eight feet six high, having, therefore, above four hundred cube feet of space. The outward walls are of brick, part laid in Roman cement, and eighteen inches thick, the partition walls fourteen inches; windows and doors cast iron; floors cast iron, an inch thick, with very hard brick laid edgeways in Roman cement thereon; the beams cast iron, as are the stairs; a flat roof of cast iron also with brick, over which is a slate roof on timber, in the usual way, and herein is the only timber in the building; the window and door-jambs clasp the whole thickness of the walls, an iron lattice also to the windows, and wooden inside doors; very little stone is used; the passage to the cells is narrow, being only three feet, as is the staircase. This building has only one story above the ground floor, and is calculated to contain only twenty prisoners: had it been three stories high, the

expense would have been very considerably less in proportion, the same roof and foundation being adequate to three as well as two. The advantages of this mode of building, compared with others, I am by no means competent to form an opinion upon; but I cannot hesitate to believe, that it affords every reasonable prospect of security and durability, and ample space for lodging the prisoners, airy, dry, and light. In the construction of a prison, the Governor's House forms a considerable part of the expense; the same will suffice for three hundred prisoners as for one; the chapel, infirmary, receiving-rooms, turnkeys' lodges, will cost more perhaps for three hundred than for one, but by *no means* in the ratio of three to one: suppose from twenty-five to fifty pounds per head, according to numbers and circumstances, is allowed for these parts of the construction, inclusive of the boundary wall, which I am informed is sufficient; the whole expense may of course be calculated accordingly. I am indebted to Mr. Cubitt for a most liberal and unreserved communication of his accounts

and estimates, and my enquiries.

In regard to diet serve, I have noted accurately) in most sited, and you can tremere difference. I proportion, which upon the degree of I am decidedly of convict prisoners s plied by the mill an in case of sickness stances is unquest honest labourer ca Milbank and Ma help regarding as a and a violation of particulars of the you to their report report of the Prison it is stated, and a to the conductors

* In proportion as the period of confinement ma

and estimates, and patient attention to all my enquiries.

In regard to diet of prisoners, you will observe, I have noted the allowance (I believe accurately) in most of the prisons I have visited, and you cannot fail to remark the extreme difference. I will not discuss the true proportion, which of course much depends upon the degree of labour they undergo; but, I am decidedly of opinion, that the diet of convict prisoners should be altogether supplied by the mill and the bake-house,* except in case of sickness. The diet in many instances is unquestionably better than the honest labourer can earn, especially that of Milbank and Manchester, which I cannot help regarding as an insult to honest industry, and a violation of common sense. For the particulars of the Milbank dietary, I refer you to their report of this year, and also the report of the Prison Discipline Society, where it is stated, and a hint given on the subject to the conductors of the Penitentiary. They

* In proportion as the diet is rendered less agreeable, the period of confinement may be shortened.

are very humane and honorable, and disinterested persons, actuated by motives purely patriotic; they have a most arduous task, and I believe will soon find out they are upon a wrong plan. I should think their present management excellent, as far as I can judge by their report, if the inmates of this costly dwelling were the most unfortunate of our poorest and honest fellow subjects; but I cannot comprehend how it can be applicable to those who are sent there.*

The net annual expense at present, five hundred and fifty persons only being in it, is £14000. add £6000. on the supposition of there being one thousand prisoners, and £30. per man house-rent, gives a total annual expenditure of £50. for each: and after all, I would rather take a culprit for a servant after six months real hard labour prison discipline, which would not cost the country £5., than three years in the Penitentiary. I think nine out of ten

* This Institution and the plan of management would be admirable as a *temporary* refuge for penitent criminals, after they have undergone the sentence of the law and are discharged from prison.

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would be more in possession of their sound senses, better cured of their wayward fancies, and their hasty and unbridled passions. It is possible this nursing and petting of felons, like innocent young children, may reform a few; some thirty were talked of, out of four hundred last year, as a great feat: but exclusive of the greater probability of curing them by means so much more attainable, and as I contend rational, there would not be so many of them by thousands, if every violation of the law was sure to meet a *just* punishment; nor would the horrible sacrifice of our fellow creatures be so frequent as it now is, to the utter disgrace of the country. It is dealing *hardly* by frail human nature to encourage crime by impunity, till the last scene comes, and the hand of the executioner sends the unhappy victim into eternity. Religion holds out to men the fear of punishment, as well as hope of reward, to keep them in the straight path. It is a proof that their erring weakness requires such aid; we might learn therefrom the duty and necessity of placing before their eyes, by means of our human institutions, the inevitable and immediate infliction of some treatment

which they shall contemplate with dread, if they disturb the peace of society.

The people of this country are destitute of that influence, which an habitual knowledge of such attendant consequences upon crime would produce: they have no such dread at present, and therefore it is that I look forward to such infinitely beneficial consequences, from our supplying that which religion and reason especially point out, as essential to the moral and political government of mankind.

I shall now close this letter with an expression of my earnest hope and belief, that we shall execute the work we have undertaken in a manner creditable to ourselves and highly useful to the county, and that we shall afford to other counties, by our exertions, an example of the practicable means of attaining similar beneficial results.

I have the honour to be,

GENTLEMEN,

With great respect and regard,

Your obedient humble Servant,

CHARLES C. WESTERN.

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The evidence of three experienced and respectable Governors of Prisons, upon *rather* a large scale, has this moment come under my notice, and is so strongly demonstrative of the advantages of *short* periods of confinement, that I cannot refrain from stating it. Their argument applies rather more to *solitary* confinement, but I think will equally hold good upon the comparison of *proper hard labour* discipline, with *idleness* or *indulgence*. I do confidently believe, that *weeks* of imprisonment, effectual to its object, might be substituted for *months* or *even years*, at present not only *ineffectual*, but highly injurious to the criminal and consequently to society.

Substance of Evidence before the Committee of the House of Commons.

“ Mr. T. Cunningham, Governor of Gloucester Gaol. When a man is committed for a month, never gives him any work; he sits in solitude, and walks in the yard for air by himself; he has no other food than his bread and water, except twice a week a pint of peas soup. Has done that for these seventeen or eighteen years, and never knew an instance of a man so treated coming a second time.”

“ Mr. T. Brutton, Governor of the Goal of Devizes, thinks solitary confinement, of the same description, the most effectual punishment that can be made use of.”

“ Mr. W. Stokes, Governor of the House of Correction at Horsley, thinks a month or *six weeks* of such *solitary* confinement a great deal better than *six months*, as the prisoner gets *hardened* by *being in so long* from one month to another.”

APPE

To C. C. WES

SIR,

In the course of s
you last year, when you in
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APPENDIX.

To C. C. WESTERN, Esq. M. P.

Ipswich, October 26th, 1822.

SIR,

In the course of several interviews I had with you last year, when you inspected the new buildings at Ipswich Gaol, you expressed your earnest hope that the now acknowledged requisites of a Prison might, in the progressive improvement of prison architecture, be attainable within a narrower limit of expenditure. You mentioned your desire to have it in your power to give in the next edition of your work on Prison Discipline, some of the most improved plans and estimates for that purpose; and you requested me to furnish you with the design I was then forming, and which you was pleased highly to approve.

It was with pleasure I acceded to your request, and I now fulfil my promise by sending you the inclosed drawings, &c. in which I have endeavoured to combine every object, with strength, durability, and economy. I have found it impossible to give any complete or detailed estimates, as the price of materials and labour varies so much in different places; but I have added a specification of the quantities of the principal materials, and the expense can be easily calculated according thereto, and the rate of labour, wherever it is intended to build. I have also inserted a sum that, in my judgment, would cover the whole expense; and I think it possible that sum may

be hereafter further reduced, without sacrificing any essential part; at the same time rejecting, as I have done in the present case, all architectural ornament.

I beg to express my satisfaction in hearing that the first stone of a new Prison was laid at Chelmsford, on Tuesday last; the experience and abilities of Mr. Hopper render you secure in the completion of a work every way worthy of the County, and which will no doubt prove a valuable model for others.

I am, SIR,

Your most respectful and obliged Servant,
W. CUBITT.

Description of the Design for a House of Correction, to contain Four Hundred Prisoners.

ON inspecting the plans it will be immediately seen, that the design is on what is usually called the radiating principle, but with this difference from the radiating Prisons I have seen, viz. that the buildings, instead of being double, are single, and so arranged, that the front of one faces the back of the next, by which means all separating walls within the Prison are avoided, and each building, with its airing court in front, becomes a complete Prison by itself; the class belonging to which can have no access to or communication with any other class, either by sight or otherwise.

These radiating buildings being placed around the Governor's house as a centre, a complete view is obtained from that into every one of the airing courts; and as all the buildings and yards are similar, a general description of one will show the nature of the whole; the various parts of which will be

more minutely described in the annexed

Each of the Prison buildings consists of a lower story consisting of a day room, two upper stories, nine closets and staircase complete.

Besides the day room, cell the buildings, there are the distant from the Governor line of fence, and are entire the building: these rooms fire-place and water-closet purposes of turnkey's rooms, confinement; or for the peculiar situations, or for airy, and strong rooms may

In the yard or airing court tread-wheel, calculated to afford as the building is capable twenty-five: the tread-wheel can be seen, whether at work and that whether one wheel time.

Each tread-wheel communicates beneath the surface of the niches with the mill-house pumps, &c. as may be required.

These wing buildings are of brick and iron, or brick cast-iron ceiling plates to paved with brick on edge floors to the cells above, flat stones of sufficient thickness; both these plans I have

more minutely described in the reference to the drawings hereto annexed.

Each of the Prison buildings consists of three stories; the lower story consisting of a day room and six sleeping cells; and the two upper stories, nine sleeping cells each, with a water-closet and staircase complete for the class.

Besides the day room, cells, &c. above mentioned, in each of the buildings, there are three other rooms at the end most distant from the Governor's house; they project beyond the line of fence, and are entirely distinct from the other parts of the building: these rooms being large and airy, and having a fire-place and water-closet to each, are proposed for the purposes of turnkey's rooms, infirmaries, or for places of solitary confinement; or for the temporary imprisonment of persons in peculiar situations, or for any other purpose for which light, airy, and strong rooms may be requisite.

In the yard or airing court, attached to each building, is a tread-wheel, calculated to afford hard labour to as many prisoners as the building is capable of containing, viz. (in this case) twenty-five: the tread-wheel is so situated, that every man can be seen, whether at work or not, from the Governor's house, and that whether one wheel or twelve be in action at the same time.

Each tread-wheel communicates its motion to a shaft or spindle beneath the surface of the ground, which shaft communicates with the mill-house, and gives motion to the machinery, pumps, &c. as may be required.

These wing buildings are proposed to be constructed entirely of brick and iron, or brick and stone, that is, brick walls with cast-iron cieling plates to the cells and day rooms, which being paved with brick on edge in Roman cement, will form the floors to the cells above, or else to cover the cells with large flat stones of sufficient thickness to form both ceilings and floors; both these plans I have seen carried into successful prac-

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tice, the latter by the Surveyors of Public Works to the county of Surrey, in the new Prisons recently erected in that county, and the former by myself, in the four new wings added to the county Gaol at this place, which contain 48 separate sleeping cells and four day rooms; either of these plans are preferable to arching over the cells, whether considered in point of strength, durability, or economy.*

For my own part, I prefer the floors to be of bricks rather than stone, as being less liable to imbibe moisture, and easily renewable if worn out. As to the comparative expense of the two methods, I believe it to be so near, that difference of local situation with regard to materials will make a difference either way. It may be here observed, that as these buildings are designed to lock up externally with open galleries in front, the cell floors, whether of iron or stone, are supposed to project through for that purpose, and finished with a parapet of iron railing. These galleries, by being connected at their interior ends, form a convenient passage to the Chapel for every class, without having to take the prisoners down, or out of their respective classes, for that purpose.

The Chapel is proposed to be over the angular space formed by the two extreme wing buildings, which is of a suitable shape for that purpose. The entrance for the prisoners is from an open gallery at the back, having a door opening into each pew, respectively, for the class thereto belonging, as will be seen by referring to the plans.

The Keeper's House is designed to be a good and substantial building, four stories high (including the basement for kitchen, offices, &c.) and four rooms on each floor, and a winding staircase in the centre. This plan affords good-sized rooms, and ample accommodations for water and other closets; the fire-places and windows of the rooms are all placed in the outside wall of the house, which both simplifies the construction, and

* See p. 111 in the Pamphlet.

side to the facility of inspection, as will mostly face the windows.

The Boundary Wall, as will be circular, in order to combine the strength, with the least quantity of sides which, a circular wall may be over towards two or three feet in its to its strength and security; for a over inwards, is the most difficult of there are so internal angles to as totally distinct and distant from all e

The subject of consideration in a convenient buildings, are the supply (or drainage) of the whole established with the free circulation of this plan affords, with the entrance more conducive to health. To render the present plan, it is supposed that will be at all times raised by the large reservoir covering the whole of large barreled drain with a good fall, be laid parallel to each other below the between the boundary wall and the the latter as safety will admit. The side can join a short branch leading through the gateway out of the present buildings, the supply of water, and from each will be the shortest possible of water-works and drains can be attended to, without in the least of buildings or yards; and by suddenly void full of water at any time through a few minutes be most effectually secured.

adds to the facility of inspection, as persons sitting in the rooms will mostly face the windows.

The Boundary Wall, as will be seen in the plans, is made circular, in order to combine the greatest quantity of space and strength, with the least quantity of materials and expense; besides which, a circular wall may be built so as to batter or lean over inwards two or three feet in its height, which will both add to its strength and security; for a smooth circular wall, leaning over inwards, is the most difficult of all to scale; besides which, there are so internal angles to assist, and the entire wall is totally distinct and distant from all other parts of the building.

The subject of consideration in a Prison, next to strong and convenient buildings, are the supply of water, and the sewage (or drainage) of the whole establishment, than which (combined with the free circulation of air, and equal benefit of sun this plan affords, with the entrance to the south) nothing can be more conducive to health. To render these objects effectual in the present plan, it is supposed that an ample supply of water will be at all times raised by the labour of the prisoners, into a large reservoir covering the whole of the mill-house; and that a large barreled drain with a good fall, and a main pipe for water, be laid parallel to each other below the ground, in the open space between the boundary wall and the Prison buildings, as near to the latter as safety will admit. The sewer which comes on each side can join a short branch leading from the Keeper's house through the gateway out of the premises; by this means, as the water closets, &c. are all placed at the exterior ends of the wing buildings, the supply of water, and abstraction of soil to and from each will be the shortest possible; and the whole system of water-works and drains can at all times be examined and attended to, without in the least interfering with the Prison buildings or yards; and by suddenly discharging a whole reservoir full of water at any time through the drains, they will in a few minutes be most effectually scoured out.

Having thus generally described the plan, it remains only to say something on the head of expense; to do which to the purpose is the most difficult part of the business. I shall therefore state the quantities of the different kinds of work, which compose the principal part of the whole concern, and then briefly enumerate such things as cannot so well be brought under gross quantities; by this means, any one will be enabled to form an opinion of the total cost, as compared with any situation or local circumstance relative to materials, workmanship, &c.

In the whole of the buildings and boundary wall there will be of—

Brick-work	- - - -	950 rods
Roofing	- - - -	255 squares
Iron plates and beams for cells, day rooms, galleries, &c.	- - - -	550 tons
Iron railing to galleries, &c.	- - - -	2900 feet
Ditto strong pallsading to yards	- - - -	1034 ditto
Pavement to all the cells, day rooms, &c.	- - - -	60,440 square feet.

Note—If stone landings are used for ceilings and floors to the two upper stories, the superficial content, to have a 6-inch bearing on every wall, will be 45,000 square feet, in which case two-thirds of the above stated quantity of pavement must be deducted.

Besides the above enumerated quantities of workmanship, &c. there remains to be estimated for as under, viz.

The expenses of Drainage and Waterworks.

Do.	Fitting up of Chapel and Governor's House.
Do.	Doors and Windows for Cells and Day-rooms.
Do.	Filling in and paving or gravelling the open Space and Courts within the Walls.
Do.	Entrance-gates and Appendages.
Do.	Locks and Bars for the Prison.

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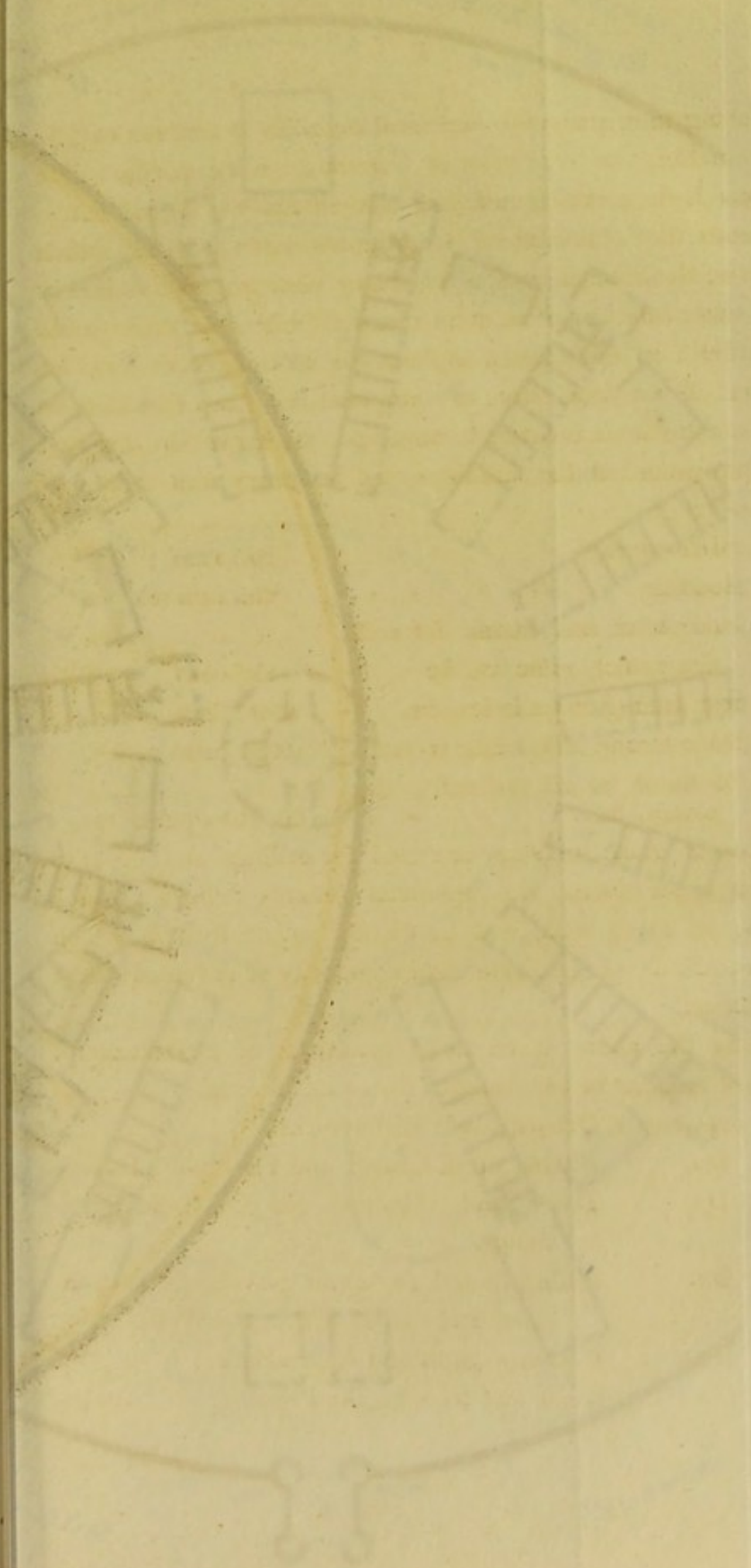
or Cells and Day-

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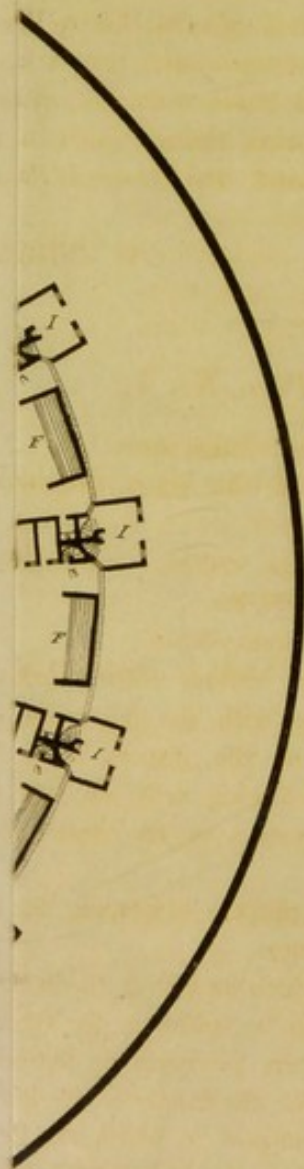
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Taking all which at a liberal price, together with the statement of quantities, I am of opinion that this plan and scale, to contain 400 prisoners, the Buildings and Machinery for the same, on the scale pointed out, would not exceed the sum of £100,000 complete.



Reference to the Plan

- A Gateway with the Porter's
- B Office and residence for the Turnkey.
- C Governor's house in the view of all the courts
- DDD, &c. Day-rooms for the different
- EEE, &c. Airing courts for the prisoners which communicates with six sleeping cells on the upper stories by means of
- FFF, &c. Tread-wheels for the prisoners to hard labour
- G The mill-house, to which a wheel is supposed to be applied for the purpose of grinding corn or for any other purpose furnished by the labour of the prisoners best applied
- H Court-yard under the chapel

Taking all which at a liberal price, in addition to the foregoing statement of quantities, I am of opinion, that a Prison on this plan and scale, to contain 400 prisoners, may be completed for a sum *not exceeding Forty Thousand Pounds*, without the Buildings and Machinery for hard labour, which in the scale pointed out, would not exceed *Ten Thousand Pounds complete*.

W. CUBITT.

Reference to the Plan, No. 1.

- A Gateway with the Porter's lodge above.
- B Office and residence for the Clerk or principal Turnkey.
- C Governor's house in the centre, commanding a view of all the courts, &c.
- D D D, &c. Day-rooms for the different classes.
- E E E, &c. Airing courts for the various classes, each of which communicates with the day-room, and six sleeping cells on the ground floor, and with twenty-four sleeping cells on the two upper stories by means of the staircases at e e e, &c.
- F F F, &c. Tread-wheels for the purpose of keeping the prisoners to hard labour.
- G The mill-house, to which the power of the tread-wheel is supposed to be collected, for the purpose of grinding corn, pumping up water into a reservoir above for the supply of the prison, or for any other purpose to which the power furnished by the labour of the prisoners may be best applied
- H Court-yard under the chapel.

III, &c. Sets of prison apartments, three stories high, at the end of each of the radiating buildings, the windows facing the boundary wall, making altogether thirty-six large and distinct apartments, each furnished with a water-closet and staircase.

Those rooms are proposed for the purposes of turnkeys' lodges, infirmaries, places of solitary confinement, for prisoners under peculiar circumstances, or for stores, or any purpose to which strong, airy, and private rooms are requisite.

K K Buildings proposed for examination, and bath rooms, stores, wash-house, cooking kitchen, &c.

Note—The double lines with a dotted line between them in this plan, denote strong iron pallsading.

Reference to the Upper Story Plan, No. 2.

- A Porter's lodge over the entrance-gate.
- B Rooms over the office.
- C Upper stories of Governor's house.
- D The chapel having a separate strong pew for each class of prisoners.

The prison buildings are the same as referred to in No. 1.

Note—The double lines with a dotted line between them in this plan, shew the external galleries of communication with the cells, and from the cells to chapel, &c.

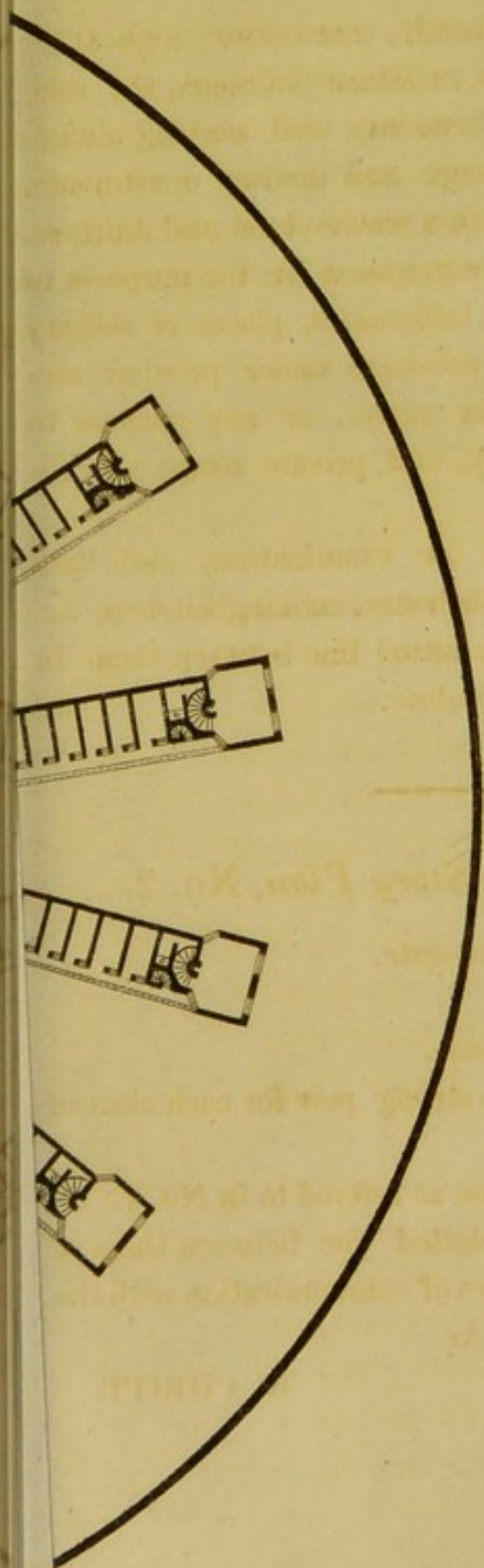
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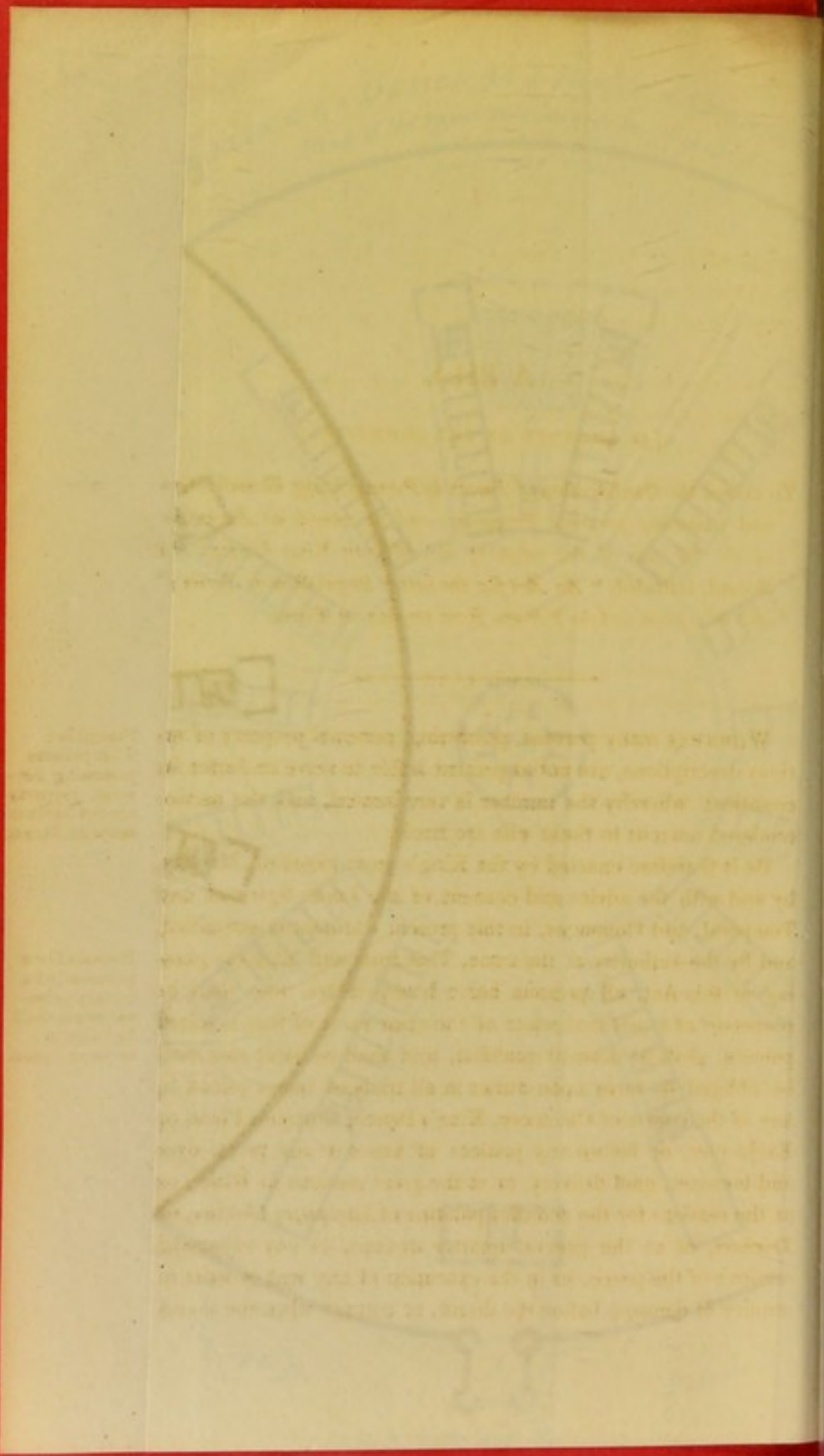
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A BILL

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To extend the Qualification of Jurors to
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in the 3d year of the reign of his
Second, intituled, "An Act for the be
and to exempt certain Persons from s

WHEREAS many persons, possessi
rious descriptions, are not at present
counties; whereby the number is ve
rendered onerous to those who are li
Be it therefore enacted by the King
by and with the advice and consent o
Temporal, and Commons, in this pres
and by the authority of the same, Tha
ing of this Act, all persons being h
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be obliged to serve upon Juries in a
any of the courts of Chancery, King's
Exchequer, or before any justices o
and terminer, good delivery, or at the
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Durham, or at the general quarter s
sessions of the peace, or in the execut
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A BILL

[AS AMENDED BY THE COMMITTEE]

To extend the Qualification of Jurors to Persons being Householders and possessing personal Property; and to amend an Act made in the 3d year of the reign of his Majesty King George the Second, intituled, "An Act for the better Regulation of Juries;" and to exempt certain Persons from serving on Juries.

WHEREAS many persons, possessing personal property of various descriptions, are not at present liable to serve on Juries for counties; whereby the number is very limited, and the service rendered onerous to those who are liable.

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, all persons being householders, who shall be possessed of a personal estate of the clear value of four hundred pounds, shall be deemed qualified, and shall be liable and shall be obliged to serve upon Juries in all trials of issues joined in any of the courts of Chancery, King's Bench, Common Pleas, or Exchequer, or before any justices of assize or nisi prius, oyer and terminer, gaol delivery, or at the great sessions in *Wales*, or at the sessions for the counties palatine of *Lancaster*, *Cheshire*, or *Durham*, or at the general quarter sessions, or any adjourned sessions of the peace, or in the execution of any writ or writs of inquiry of damages before the sheriff, or coroner when the sheriff

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is interested, or other competent authority; and upon the taking of other inquisition upon process issuing from the courts of law or equity at Westminster, when legally summoned for that purpose.

Persons who shall be considered as possessing personal estate.

And be it further enacted, That every person and persons who shall be rated or assessed to the inhabited house duty or poor rate in the county of *Middlesex* at the sum of thirty pounds, and any other county at the sum of twenty pounds, and all persons occupying and holding farms of land rated or assessed to the poor rate on a rental of not less than fifty pounds, shall be deemed, taken, and considered as persons possessed of a personal estate of the clear value of four hundred pounds, unless the contrary shall appear upon appeal to be made to the general or petty sessions of the peace as hereinafter mentioned.

Persons not liable to serve on account of age.

And be it further enacted, That no person or persons above the age of sixty-five years, or under the age of twenty-one years, shall be liable or obliged to serve on Juries.

Notice to be given to persons whose names shall be inserted in the lists as being qualified to serve on Juries.

And be it further enacted, That from and after the passing of this act, the person or persons who by a statute, made in the seventh and eighth years of the reign of King *William* the Third, intituled, "An Act for the ease of Jurors, and better regulating Juries;" and by a clause in another Act, made in the third and fourth years of the reign of Queen *Anne*, intituled, "An Act for making perpetual an Act for the more easy recovery of small Tithes; and also, an Act for the more easy obtaining partition of Lands in Coparcenary, joint Tenancy, and Tenancy in common; and also for making more effectual, and amending several Acts relating to the return of Jurors;" and by an Act of the third of *George* the Second, intituled, "An Act for the better regulation of Juries," is or are required to make up, and to return, and give in lists in writing, of the names of persons qualified to serve on Juries, in order to assist him or them to complete such lists, shall (upon request by him or them made to the assessor or collector of taxes for the parish or precinct for which

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he or they shall be required to make up such lists) have free liberty to inspect the duplicate of assessment of taxes for such parish or precinct, and take from thence the names of persons qualified to serve as Jurors dwelling within the respective parish or precinct for which such lists shall be given in and returned, shall yearly and every year, twenty days at least before the feast of *St. Michael* the Archangel, leave or cause to be left at the dwelling-house of every person whose name shall be inserted in such list, a notice in writing, signifying that such person is intended to be returned in the list of persons qualified and liable to serve on Juries; and every such person or persons shall be subject to such and the like penalty or penalties, to be recovered and applied in such and the like manner for wilfully omitting to leave or cause to be left every or any such notice, as such person or persons are or is or shall be liable unto, under or by virtue of the said recited Acts, or any of them, for wilfully omitting out of any such list any person or persons whose name or names ought to be inserted therein.

And be it further enacted, that if any person or persons, not being qualified to serve, or claiming to be exempt from serving on Juries, or not possessing a personal estate of the clear value of four hundred pounds, shall be inserted in any such list, and the person or persons required to make out such list, shall refuse to omit him or them, or shall think it doubtful whether he or they ought to be omitted, and such person or persons not being qualified to serve, or claiming to be exempt from serving on Juries, shall give or leave with the constable, tithingman, or headborough, or person or persons making such list, seven days notice of his or their intention to appeal to the then next general or petty sessions of the peace to be holden for the county, riding, or division in which such person or persons reside, it shall and may be lawful to and for the Justices of the peace for the county, riding or division, at their general quarter sessions of the peace for the county, riding or division, or at any petty

Appeal.

sessions of the peace, upon satisfaction upon oath from the party complaining, or other proof that he is not qualified according to the provisions of this Act or the above mentioned Acts, or any of them, to serve or is exempt from serving on Juries, to order his or their name or names to be struck out or omitted in such list, when the same shall be entered in the books to be kept by the Clerk of the peace for that purpose, pursuant to the said recited Acts, or any of them.

Exemptions.

And be it further enacted, that all peers of the realm, practising barristers at law, members of the society of doctors of law exercent in the ecclesiastical and admiralty courts, or advocates of the civil law, attornies or solicitors and proctors duly admitted in any court of law or equity, or court of ecclesiastical or admiralty jurisdiction, in which attornies, solicitors and proctors have usually been admitted, and who have duly taken out their annual certificates, and officers of any such courts, members or licentiates of the college of physicians in *London*, surgeons or apothecaries who have served a regular apprenticeship, clergymen of the church of *England*, licensed teachers, officers in his Majesty's navy or army on full pay, officers employed in the management of the duties of excise, customs or assessed taxes, and quakers, shall be, and they are hereby declared to be freed and exempted from being put into or serving upon any juries or inquests whatever. And it is hereby declared and enacted, that this Act or anything herein contained, shall not qualify or oblige any person whatsoever to serve upon any jury or inquest, who would have been disqualified or exempt from serving thereon if this Act had not been made, on any account other than the want of such an estate in lands, rents, and tenements, as was required to qualify a person to serve on such juries or inquests before the passing of this Act; anything contained in this Act or the before-mentioned Acts to the contrary in anywise notwithstanding.

And be it further enacted, and for every sheriff, under the return of Jurors shall below as the new duplicates, lists and delivered to him or them Act, or of the above-mention

Provided also, and be it if thing herein contained, shall not to any county of any of corporate that has power by delivery, or sessions of the

And be it further enacted of the names of persons who be made by this Act, or by them, by the constable, t person or persons by the so shall set forth the christian therein, their title, business qualification, rental as rated as rated to the poor exemption, in the form as annexed; and that the book peace of the several counties to the sheriffs pursuant to them, shall be in the same particulars contained in the

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And be it further enacted, that it shall and may be lawful to and for every sheriff, undersheriff, or other officer to whom the return of Jurors shall belong, to use the present books or lists of Jurors for the purpose of summoning Jurors, until such time as the new duplicates, lists or books of Juries shall be returned and delivered to him or them, pursuant to the provisions of this Act, or of the above-mentioned Acts, or any of them.

Returning Officers may use present Lists of Jurors until new ones are completed.

Provided also, and be it further enacted, that this Act, or any thing herein contained, shall not extend to the city of *London*, nor to any county of any other city or town, nor to any town corporate that has power by charter to hold sessions of gaol delivery, or sessions of the peace for such town.

Act not to extend to cities towns corporate.

And be it further enacted, that the Returns of Lists in writing of the names of persons qualified to serve on Juries, required to be made by this Act, or by the above-mentioned Acts or any of them, by the constable, tithingman, headboroughs, or other person or persons by the said Acts required to make the same, shall set forth the christian and surname of the persons entered therein, their title, business or occupation, their age, nature of qualification, rental as rated to the house duty or poor rate, rental as rated to the poor rate on lands, and any causes of exemption, in the form set forth in the Schedule to this Act annexed; and that the books to be made by the Clerks of the peace of the several counties within this kingdom, and delivered to the sheriffs pursuant to the above-mentioned Acts, or any of them, shall be in the same form, and shall set forth the several particulars contained in the Schedule to this Act annexed.

Form of Return.

SCHEDULE to which this Act refers.

County of
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} THE Return of the constable, (tithingman or headborough, as the case may be) of the parish in the hundred of in the said

county; Of persons of the age of twenty-one years and upwards, and under the age of sixty-five years, qualified to serve on Juries by having an estate in the county, of freehold or copyhold lands or tenements, or of lands and tenements of ancient demesne, or in rents, or in all or some of them, in fee simple, fee tail, or for the life of themselves or some other person, of the yearly value of ten pounds or six pounds in *Wales* above reprises; or by having in their right an estate in possession in land of the yearly value of twenty pounds or upwards, over and above the reserved rent payable thereout, such lands being held by lease or leases for the absolute term of five hundred years or more, or for ninety-nine years, or any other term determinable on one or more life or lives; (*Or, in the county of Middlesex,*) by being leaseholders upon leases where the improved rents or value amount to fifty pounds or upwards per annum, over and above all ground rent and other reservations payable by virtue of the said leases; or who shall be householders, and be possessed of a personal estate of the clear value of four hundred pounds, not being peers of the realm, practising barristers at law, members of the society of doctors of law exercent in the ecclesiastical and admiralty courts, or advocates of the civil law, attornies or solicitors, and proctors duly admitted in any court of law or equity, or court of ecclesiastical or admiralty jurisdiction, in which attornies, solicitors and proctors have been usually admitted, and who have duly taken out their annual certificates, and officers of any such courts, members or licentiates of the college of physicians in *London*, surgeons or apothecaries who have served a regular apprenticeship, clergymen of the Church of *England*, licensed teachers, officers in his Majesty's navy and army on full pay, officers employed in the management of the duties of excise or customs or assessed taxes, and Quakers.

Names and Additions of the Persons who live in the said Parishes, Hamlet, or Place.

NAMES	TITLES	NATURE	RENTAL	RENTAL
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EXPLANATORY STATEMENT.

THE object of the foregoing Bill must be considered simply to render persons liable to the service of their country, as *Jurors*, who are now altogether exempt, and who are in fact full as efficient as those on whom the duty exclusively falls. The distinction arises from the *nature* of the property only, that is to say, whether *personal* or *real*. Those possessing *real* property being the class subject to the service, or qualified, as it is termed; those possessing *personal only*, being disqualified or exempt. Whatever reason there might be in former times to consider the possession of *real* property an indispensable qualification for a Juror, in the present it cannot be contended that such a distinction between real and personal property exists; and when it is considered that the income derived from personal property in this kingdom is equal to that derived from land, it must be apparent that the possessors of personal property have only so long maintained their exemption, from the circumstance of it not having previously occurred to anybody to propose the alteration intended by the foregoing Bill. It is indeed extraordinary that this alteration has not before suggested itself to anybody, from the circumstance of a personal property having been long ago considered to be a

qualification in corporate towns, of their own. By an Act of Parliament corporate towns be tried by freemen of the city of London, by an Act of George III. of some estate, real or personal, eligible as Jurors; but, in consequence of the Act of William and Mary, copyholders of Geo. II., leaseholders of a freehold, and why a qualification of property was fixed upon a precise sum was fixed upon the security of the party to be tried, that a Juror should be in a situation of responsibility too; and secondly, that a poor, he might himself be grieved, and this seems to have operated in fixing a special amount of property. An Act of Edward I., requiring a qualification of at twenty shillings per annum, and poorer subjects of the King are and others compelling them to give by bribes and other means, cause every subsequent Act down to the present from time to time altered the qualification in the preamble. It may be observed, that it is not to be made any alteration of the qualification which actuated the Legislature in its existence; for in these days £10 per annum, and the service may be demanded. Nor has the party to be tried and the real fact is, that the party is heavily oppressed by the serv

qualification in corporate towns, having an exclusive jurisdiction of their own. By an Act of Henry VIII., all felons may in corporate towns be tried by freemen worth forty pounds; and in the city of London, by an Act of Geo. II., all householders possessed of some estate, real or personal, of the value of £100. are made eligible as Jurors; but, in counties, an estate in LAND is requisite. Formerly it was required to be *freehold*, but by an Act of William and Mary, copyholders were admitted; and by an Act of Geo. II., leaseholders of a certain description. The reasons why a qualification of property was by law required, and why a precise sum was fixed upon, were two-fold; first, for the security of the party to be tried, it was thought necessary that a Juror should be in a situation of some respectability and responsibility too; and secondly, it was required that he should possess a certain amount of property, as in case of his being very poor, he might himself be grievously oppressed by the service; and this seems to have operated principally with the Legislature in fixing a special amount of property as a qualification. An Act of Edward I., requiring a qualification, which was then fixed at twenty shillings per annum, recites in the preamble—"That the poorer subjects of the King are grievously oppressed by sheriffs and others compelling them to serve on Juries, whilst the rich, by bribes and other means, caused themselves to be exempt;" and every subsequent Act down to the reign of King William, which from time to time altered the qualification, contained some similar statement in the preamble. It is not intended by the Bill to make any alteration of the qualification by real property, but it may be observed, that it is not at all compatible with the spirit which actuated the Legislature in past times in fixing the qualification; for in these days £10. per annum will not suffice for existence, and the service might be a consequent severe oppression. Nor has the party to be tried much additional security; and the real fact is, that very many poor men are often heavily oppressed by the service, whilst very many rich men

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are wholly and altogether exempt. As it is possible to grant relief without the least difficulty, it ought to be done. The Bill would give some relief, inasmuch as the number of Jurors would be much increased, and consequently they would not be called upon so often. In fact, the number would be very materially increased, and a large body of able, intelligent, and effective men called forth to this most important duty, who are now wholly exempt, and whose valuable services are lost to their country.

It may perhaps be imagined by some gentlemen, that most of the considerable persons in the country had a property in land to the amount of £10. per annum, but this is very far indeed from being the case. An extract has been taken from the Freeholders' Book, as it is termed, of the county of Essex, showing the number of jurors in each parish; from which it appears that thirty-five parishes contained in men, only *two* Jurors each, twenty parishes not *one*, and many of those considerably extensive and opulent parishes. One parish out of each hundred of the county, that is to say nineteen parishes, have also been selected, giving a total rental of £94,222. and the total number of Jurors in men is only eighty-seven; this is not one Juror for each thousand per annum; and if from that number the Grand Jurors are taken out, there will not be above one Petty Juror for two thousand pounds per annum.

There is no doubt that this is a fair sample of the rest of the kingdom; but, to make it more probable, a statement of a property in the county of Northumberland has been obtained, where, upon a rental of various descriptions of property to the amount of £28,000. per annum, only five Petty Jurymen are to be found. Such a case, in conjunction with the account from the Freeholders' Book of Essex, must be conclusive.

The only objection to the Bill that has been stated by anybody, arises out of the impossibility of ascertaining the amount of personal

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property without an objectionable scrutiny; and it would certainly be a difficulty to get over, if it was at all necessary accurately to ascertain the property before serving the summons by the constable; but no such necessity exists. The external and visible signs of property are quite sufficient for the purpose. The insufficiency of property on the part of the Juror was, in past times, a principal ground of challenge. The precise and sufficient amount of property probably occasioned endless dispute, and so a precise sum came to be fixed. The difficulty of ascertaining this property, when questioned, was so obvious, that each and every successive Act of the Legislature relative to qualifications, provided that the man summoned to serve might himself be examined on oath, as the only way to get at it; in truth, a qualification in land was hardly less difficult, because it must be of such a value over and above all debts and demands, without which it was no qualification at all; and which debts and demands could only be known to the man himself: any idea of a scrutiny or investigation *before* a summons, and that by a constable or any parish officer, or other specially appointed, is quite out of the question. The Bill proposes, as evidence of property, the assessments to the poor-rate and house-tax, which would suffice in almost all cases; and even without such evidence there would be no difficulty. It has been said, that there were Jurors enough now; in answer to which it may be observed, that there are great complaints of the hardship of the service; but suppose there were enough, it would be no reason for such an extraordinary distinction remaining between the classes of society,—a distinction so absurd and unfounded in reason or expediency. There can be no propriety in confining the performance of the important office of a Juror to the possessors of landed property only; there are amongst the other class an equal proportion of most enlightened and intelligent persons.

In counties, more than half of the most respectable and opulent farmers are not landholders, so as to be qualified as Jurors, and

many of the most respectable shopkeepers in country towns are also unqualified under the existing law. Is it fitting then that they should continue so exempted? Besides, it is important and useful to call everybody who is morally qualified into the exercise of this duty. Every individual serving that office becomes more sensible of the value of the institution, and more devoted to the support of it.

It is very curious that the only effect this Bill would have in the county of Middlesex, would be to legalise the system now practised to facilitate and improve it. In summoning Jurors in the county of Middlesex, the Sheriff's Officers pay no attention whatever to the present law of qualification; and the Under-sheriffs have distinctly reported to the Secretary of State, that if they were limited to legalised Jurors, the Trial by Jury must be suspended; in short, the practice in Middlesex is to summon, according to the principle of this Bill, persons possessing personal as well as real property; and the constables are solely governed by the external and visible signs of property. From this circumstance we may be quite at ease upon the effects of the Bill; already it has had a practical trial in Middlesex, the county most important of any to be looked upon on such an occasion.

There is another point of great importance to be considered, and that is, the advantage to be derived from this Bill in the selection of Special Juries in the country; for it cannot be denied, that there would be a great accession of intelligence, as well as number, to the list of Jurors.

THE END.

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