An address delivered at a general meeting of the nobility, gentry, clergy, and others, assessed to the county rate for the county of Glocester [sic]: convened ... for the purpose of receiving a statement of the proceedings of the committee appointed ... to rebuild the gaol and bridewells thereof; and held on Monday the 9th of July, 1792 / by Sir George Onesiphorus Paul.

#### **Contributors**

Paul, George Onesiphorus, Sir, 1746-1820.

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## A D D R E S S

TO THE

NOBILITY, GENTRY,

AND OTHER

CONTRIBUTORS

TO THE

COUNTY RATE,

OF THE

COUNTY OF GLOCESTER, &c.

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## A D D R E S S DELIVERED

AT A

GENERAL MEETING

OF THE

NOBILITY, GENTRY, CLERGY,

AND OTHERS,

ASSESSED

TO THE

COUNTY RATE

FOR THE

COUNTY OF GLOCESTER,

CONVENED

BY THE

### HIGH-SHERIFF,

For the purpose of receiving a Statement of the Proceedings of the Committee appointed to carry into execution the Resolutions of the said County, to rebuild the Gaol and Bridewells thereof;—and held on Monday the 9th of July, 1792.

BY SIR GEORGE ONESIPHORUS PAUL.

PRINTED AT THE SPECIAL REQUEST OF THE GENERAL MEETING.

BY PERMISSION OF THE AUTHOR,

AND, BY ORDER OF THE COURT OF QUARTER SESSIONS, DIRECTED TO BE SOLD BY ALL BOOKSELLERS WITHIN THE COUNTY, AT SIXPENCE EACH. D D R E S DELIVERED

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BY SIR GEORGE CHESIPHORUS PAUL

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## GLOCESTER.

Grand Jury Room, March 28, 1792.

At a Meeting of the Commissioners for building a NEW GAOL, &c. for the County of GLOCESTER.

THE Commissioners conceiving they have completely carried into effect, the Resolutions of the general Meeting of the County, held on the 6th day of October, 1783, to rebuild the Gaol and Bridewells of the County, in manner then determined;—They are of opinion, that a statement of the Proceedings, and an account of the expences attending the execution of the design, should be laid before the county AT LARGE at a General Meeting to be held for that purpose.

RESOLVED,

That the propriety of an application to the High-Sheriff, to call such Meeting be submitted to the Grand Jury at the ensuing Assizes.

G. O. PAUL, Chairman.

#### GLOCESTER.

Grand Fury Chamber, March 30, 1792.

SIR,

ecution the Resolution of the County, to rebuild the Gaol and Bridewells thereof, have reported to the Grand Jury assembled at the present Assize, "That "they conceive they have completely executed the purposes of their commission, and that it is their wish to lay before a General Meeting of the County, a statement of their Proceedings and an account of the expence attending the execution of the design."

The Grand Jury, fully agreeing with the Commissioners in the propriety of submitting to the public an account of their trust, request you will call a Meeting of the Nobility, Gentry, Clergy, and others paying to the County Rate, to be holden at the Boothall, in Glocester, in order to receive from the Commissioners a statement of their Proceedings and the accounts of all moneys expended in carrying into execution the design of rebuilding the Gaol and Bridewells of the County.

The Grand Jury beg leave to propose Monday the 9th day of July (being the day previous to the Summer

### [ vii ]

Summer Sessions) as the time most proper for the Meeting.

I have the honor to subscribe myself,
Your obedient, humble servant,
G. O. PAUL, Foreman.

JOHN EMBURY, Esq.
High-Sheriff for the County of Glocester.

IN consequence of the above Letter from SIR GEORGE PAUL, BART. Foreman of the Grand Jury, I do hereby appoint a General Meeting of the Nobility, Gentry, Clergy, and others (paying to the County Rates) to be holden at the Boothall, in Glocester, on Monday the 9th day of July next, at Twelve o' Clock in the forenoon, to receive from the Commissioners a statement of their Proceedings and an account of all monies expended in carrying into execution the design of rebuilding the Gaol and Bridewells of the said County.

JOHN EMBURY.

Glocester, March 31, 1792.

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I have the bount to faistribe myfelf,

Lour chedient bundle ferstant,

G. O. PHUL, Farance.

John Emaury, Esq.,
High-Shaifffor the County of Chacefter.

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# A D D R E S S DELIVERED

AT A

GENERAL MEETING

OF THE

NOBILITY, GENTRY, CLERGY,

AND OTHERS,

CONTRIBUTORS

TO THE

#### COUNTY RATE

OF THE

COUNTY OF GLOCESTER,
HELDON MONDAY THE NINTH OF JULY, 1792.

Being a Statement of Proceedings of the Committee appointed by the GENERAL MEETING, held on the 6th Oct. 1783, for carrying into execution the Plan of Reform of Prisons then determined.

BY SIR G. O. PAUL.

MY LORDS AND GENTLEMEN,

WHEN I had last the honor to meet you, assembled by the same high authority that has convened this meeting, for the purpose of considering the state of the Prisons of your county; I laid before you the considerations on their defects which had been submitted to the two pre-

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ceding Grand Juries, together with the Resolutions of those Juries on the subject. At the same time (by the desire of many principal Gentlemen of the county) I reluctantly ventured to reduce the idea of reform into a specific plan, sounded on the principle of complete discrimination of offences; whence, should the ends of justice be obtained, the public might derive a benefit adequate to the expence of carrying such plan into execution.

THE result of the deliberations of that meeting, was, the resolving unanimously,

- "THAT the Prisons of the county were in"adequate to the purposes of law, and destruc"tive to the health and morals of prisoners.—
- 2d. "THAT the plan of reform that had been "laid before the meeting should be adopted in "its full extent.
- " AND (in order to give effect to this decifive refolution) that a Committee should be instantly appointed to carry it into execution."

THE Committee, fo appointed, entered on their duty with an alacrity that did them honor;

but as the propriety of obtaining special powers from Parliament suggested itself to them on their first entering on the business; an act was obtained, under their direction, by which their original appointment was superseded, and their responsibility to the public rests solely in the propriety of that measure.

TRUE it is, the greater number of those to whom the original trust was delegated were included in the commission, and have acted under the powers of the act; yet as their proceedings could no longer be regulated by their own judgment, they remain no longer amenable to arbitrary opinion. Their conduct was prescribed by the injunctions of the legislature; if they have neglected those injunctions, the wrong is palpable, and positive.

In speaking my own sentiments, I doubt not, I am delivering those of all with whom I have had the honor to act;—It is their, as it is my earnest wish that the whole which has been done should be submitted to the Public, who, if they have no legal and positive, have at least a reasonable right to enquire into,—to judge and (if defective) to censure the conduct of persons who accepted a trust so important to the county.

For this purpose this meeting has been sollicited, and is now convened; and though the individuals who compose it may not be identically the fame, yet, being one and the other convened by the highest provincial authority, with due notice both as to time and subject, the Commisfioners must consider the two meetings, as of the fame public body, and competent to form refolutions connected with and relative to each other. The meeting of the 6th October, 1783 (fpeaking for the county) was competent to decide upon, and to fanction the measure in contemplation,-to delegate a power for its execution, and to adjourn its deliberations; -the meeting of this day, refuming those deliberations, is called to judge of the manner in which the directions of the former have been fulfilled.

In fubmitting the proceedings to your inveftigation, I claim your indulgence, whilst (detaching what has already been justified by public approbation) I endeavour to concentrate your attention to those points where the Commissioners are (or where I have no objection to admit, I am myself individually) responsible;

AFTER nine years proceeding in this business, it is not to be prefumed, that either the Commissioners or myself stand here, as generally answerable for the propriety of the measure.—At this stage of the business, I am not to argue the insufficiency of your old prisons, or the necessity of their radical reform; I am not to justify the mechanical perfection of the plans adopted,—the number of the buildings, -or the convenience of their fituation; these are questions which have been so repeatedly submitted to consideration, so deliberately determined by the persons of principal property in the county, in their various fituations, and finally confirmed by orders of your Court of Quarter Seffion; it would not become me to bring them again into question. I have, from time to time, fubmitted my opinions on these subjects to the public judgment, and when established by public decision, it has been my endeavour to promote their best application.

Much need not be faid to vindicate the Committee in obtaining from Parliament additional powers for executing the defign; for that measure cannot require justification which is calculated to alleviate a burthen, and give energy to a plan already determined; more particularly as the work was purposely delayed, in order that the

bill for giving these powers, and enacting the regulations, might be laid before the county during two Sessions of Parliament.

Waving therefore all points already established by the meeting of the 6th October, 1783, I conceive the Committee then appointed, engaged to promote the resolutions of the meeting, responsible that the plans and regulations should be analogous to the definition of reform, then laid down and approved.

As one of that Committee on whom more than an equal share of direction has unfortunately devolved, I am amenable to more than an equal share of responsibility.—Should an apology be necessary for claiming your attention to points that may be supposed personally to interest me, I am sure I shall find it in the breasts of those who hear me, at whose request I undertook this unequal share in the conduct of the work, and by whose considence I have been reconciled to the consequent anxiety.

THAT I am really individually responsible, it would be ridiculous to argue; suffice it to say the attention of the public has pointed personally to me;—in truth, it may be said, that the majority of the inhabitants of the county have thought

proper to confider me as folely accountable for the measure and its consequences;-I am by no means defirous of avoiding judgment on this ground; -and thus we are at iffue before you. Objections to my arguments have never met me, in the only form in which they could be contested; -they have avoided public discussion, they have been concealed under apparent approbation; -and however I may owe to fuch opponents an obligation for depressing that vanity which might have arisen from universal praise, the PUBLIC owe them no thanks for the benefit of their opinions; they have not been urged at a time, or in a manner, when errors might have been corrected, or injury prevented; - objections which are not stimulated by zeal for public good; censure which is not the resentment of a public injustice, and opinions which avoid discussion, are neither worthy your confideration or my own. When I submitted the plan of this work to the county, with it I submitted my reasons for recommending it; it rested with the PUBLIC to weigh those reasons, and for the credit of that PUBLIC, it must be presumed they did so, before they decidedly adopted them.

THE questions for your present consideration, appear therefore to be reduced to these following:

1st. In carrying into execution the defign refolved on by the County Meeting of the 6th October, 1783, have the Committee pursued the general tenor of the resolutions then entered into?

- 2d. In making agreements for executing the work, has the public interest been facrificed by jobs or bargains in favour of private prejudices, or individual interest?
- 3d. Has the execution of the work been attended to? Have the agents for the public been controuled, and their accounts duly audited; and is it in the power of the county at this or any future time to examine the proceedings of the Commissioners, and to inform themselves of the manner in which the public money has been expended?
- 4th. Has the expence of executing the defign, been equitably charged on the classes of persons, presumed by law, to be benefited by an improvement of police;—and has it been levied in a manner most consistent with the general interest of the county?

As it is a most effential sanction to a work of this extent, that sufficient time should be given,

given, to reconsider or (if I may use the expression) to repent of a measure, which may have been, perhaps, too eagerly and zealously embraced. I cannot avoid detaining you whilst I trace the deliberate progression of every step in this work;—in so doing, I should abuse your patience, where I to enter into a detail of particulars, which would rather perplex than elucidate the general question, to which it is my business to lead you. Every circumstance is carefully recorded in the Register of the proceedings of the Commissioners; this Register is now before you, and may be instantly referred to, respecting any particular worthy your attention\*.

I MUST call to the recollection of this meeting, that the first step in this extensive work was taken by the Grand Jury of the Lent Assizes 1783;—The horrible effects of a fever, generated by crowded confinement in an ill adapted prison, having been recently marked by facrifices more than commonly affecting to the public senti-

<sup>\*</sup> By the act sect. 5, "All orders and proceedings shall be entered in a book;—and all books of proceedings shall be lodged with the Clerk to the Commissioners for the time being, and shall and may be perused and inspected at all seasonable times, by any person assessed to the Poor's Rate within the County of Glocester."

ment; a sense of personal danger suggested to the Court, the measure of retaining prisoners for trial to a future assize.—This extraordinary impediment to the course of public justice, together with a knowledge of the fatal facts that had caused such a proceeding, first roused the Grand Jury to an enquiry into the actual state of a prison, the source of so rapacious a pestilence.

THE first view was sufficient to convince the Gentlemen of the Jury that the evil was rooted in established habits of abuse and neglect, and that such a reform as would be essectual, must be too expensive to be precipitately engaged in; they therefore went no further than to express their conviction " of the necessity of a speedy re- " medy," they called on the public " seriously " to consider the subject, and to compare the evil " with the extensive means, which must be em- " ployed in essecting a reform;" and finally they referred " the reconsideration to the subsequent " Grand Jury."

Previous to the following, namely, the Summer Assizes 1783,—further enquiry had educed additional instances of horror, and new causes of apprehension to the public.—It was proved that this fatal disease, once generated, was not confined within the walls of the prison;—carried by returning prisoners to the towns and villages, it had entered the dwellings of the laborious poor, and had already so diffused itself in some parts of the County, as to produce no inconsiderable aggravation of the parochial rate, and to threaten a considerable depopulation of the country.

THESE accumulating miserable consequences of an indifcriminate and pestilential confinement, impressed themselves so forcibly on the Gentlemen of this Jury, that they formed the strong and decided resolutions, which fixed the basis of all fubsequent proceedings; -They not only recommended the subject to the attention of the Court of Quarter Sessions (to whose care the law has intrusted the provincial purse) but sent a requisition to the Sheriff, " to call a general " meeting of the county, to judge of the refolu-" tions which they had passed, and to determine " on the means of carrying them into effect." A meeting of the County was called by public advertisement on the 9th of August, and was held on the 6th of October following; -the respectable attendance cannot be forgotten.

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The same proofs of the existing grievance, which had been laid before the juries, were submitted to the consideration of this meeting; together with a statement, that shewed the extensive scale on which any plan must be formed which had in view a radical reform.—So sanguine were the sentiments of the Gentlemen assembled, that it was necessary rather to repress, than to encourage the ardor with which the undertaking was resolved. The result was (as before observed) a decisive confirmation of all previous proceedings on the subject, and an unanimous resolution, "THAT THE PLAN OF "REFORM THEN RECOMMENDED, SHOULD BE" ADOPTED IN ITS FULL EXTENT."

By reference to the plan which was submitted to the meeting, and thus fully adopted by the tenor of the resolutions; it will appear to have been the opinion of the meeting that the reform should be undertaken "on the most extensive "scale; on a plan that should effect a total change in that system which had hitherto been suffered to exist \*;" "That sive new Bridewells should be built in lieu of those already on the county establishment, and that their situation should be such as would most equally accommodate all parts of the county, taking into consi-

<sup>\*</sup> Address to the County Meeting 1783, p. 66.

" deration the degree of population as well as the "extent of each district \*."-That one of these "Bridewells should be built in or near Glo-"cester, to be fitted up as a Penitentiary-House "in conformity to the act of the 19th G. III. "c. 74; That all the other Bridewells should "be built on a principle of separation of " class, as well as of individual separation, and " otherwise as required by the act 22, G. III +." "That the County Gaol should be rebuilt " on a plan providing for the separation of men " from women, and of debtors and fines from all " other prisoners; with a night cell for each fe-" lon, and apartments for labor for each class; to " fubdivide the Courts; to provide a Chapel, " Baths, and Hospital, as directed by the statutes " for the respective cases ‡."

With regard to the expence of the work, it was admitted by the same resolutions, "That, pro"vided every idea of magnificence was excluded
"from the intended plan, and that every prudent
"measure was adopted to manage the sinance with
"frict econony, the expence necessary to put the
laws in force, to secure a police to the County,
and to dispense equal justice to the people, was a

"claim on the public stock to whatever extent it might amount \*."

It was further the adopted opinion of the meeting, that "although the present powers of the Magistrates might be sufficient to effect the design, yet, as they are derived from a variety of statutes, unconnected with each other, it would be the duty of those who should be appointed to conduct this generous effort, to give it every possible effect, by obtaining such powers as should lead most directly, and most unequivocally to that end †."

Such was the general outline, to circumferibe the conduct of those who undertook to
effect this work;—precise as to principle—extent
—and purpose;—discretional as to the means to
be employed.

In pursuance of their appointment, your Committee met on the following day (7th of October 1783) and continued their sittings by various adjournments until the fifth of March 1785; when, having formed their whole design into a bill, which Parliament had thought proper to pass into a law, their pow-

\* P. 74. † P. 79.

ers became superseded, and they dissolved themselves.

From that time the Commissioners appointed under the act proceeded to fulfil the injunctions of the Statute with zeal and attention, but under circumstances which have protracted the completion of their work, to a period much beyond their own and the public expectation.

Finally, in the name of the Commissioners I may assume, That the buildings are completed according to the intent of the county, and the letter of the statute;—that the plans adopted are consonant to the purposes for which they were designed;—and that the whole has been effected by means most equitable to the class of inhabitants, who, by law, were liable to the expence.

THE "buildings completed, fitted up, and furnished",—the duty of the Commissioners is no more, or at most is limited to attending to the discharge of the mortgages created by them. The power of regulating this costly work remains, in the ordinary course of law, with the Magistrates of the County assembled in Quarter Sessions, on whose assiduity the public must rely for beneficial effects, which could

could not be derived from a fystem of construction less complete; but which this system will not accomplish without their constant zeal and judicious application.

Respecting the expence of executing this work; as it has fallen to my lot to be a principal adviser in making contracts and agreements, as all accounts have been examined and settled by me, I am certainly peculiarly answerable in this point.

PAYMENTS of all kinds have been made either by myself in advance, or by immediate orders on the Treasurer, with whom the standing cash has been kept, at an annual interest of 31. per cent; the balance of the Treasurer's book has been struck daily; and it will appear that money has never been drawn from the Treasurer until actually paid to the public creditor,—unless when lodged in small sums in the hands of Gentlemen resident near the work, for the weekly payment of wages to workmen at such buildings as were too distant to be supplied by the general Treasurer. The date of the receipt given on each payment will be found generally to precede the date of the corresponding payment by your Treasurer,

in no instance is it subsequent; it was thought for the honor and the interest of the public, that workmen and contractors should be paid instantly on requisition, and we believe, that the one per cent. loss on the standing cash kept for this purpose, has been amply repaid, by the credit given to the work;—indeed nothing less would have enabled the Commissioners to have made bargains, savourable to the public, as they have done.

THE books and the accounts, of all kinds, have been kept by myself; whatever errors or neglect you may perceive in them, such are my own,—in that respect there is no one on whom I can disburthen an atom of blame.

The accounts are all before you, in a state, in which it cannot be dissicult, and, I trust, it will not be disagreeable for the meeting to examine them.—In order to bring the subject of expence before your judgment in the most simple manner that so complicated a concern will admit, I have formed various abstracts from the general account, which will place the expenditure in every relative point of view that has occurred to me.

By the general account it appears, that the total money paid by the Commissioners (in conse-

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quence of the resolution of the county, on the 6th of October 1783) amounts to 46,4371. 11s. 4d.

## Of this has been expended.

A land a good of the ball and the	£.	s. d.
At Glocester Gaol, Peniten-7		
tiary House, and House of	25891	18 6
Correction 5	in balking	have e
Horfley	6180	17 10
Northleach	5111	6 4
Bristol	4990	17 0
Little-Dean	3308	16 6
General Items	953	15 2
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N. B. For particulars, refer to the Abstract printed at the end of this Address.

THE accounts are made up to this day; they are as complete as it is possible for me to render them, after an earnest application to the subject, and after postponing, for more than a year, the honor I now possess of laying them before you, in the hope that every article of account might be completely balanced;—In this hope I have been disappointed by delays in the few law proceedings, in which we are necessarily engaged;—delays which will yield to no

folicitation; the bills of some few distant tradesmen, to which the Commissioners have objected, remain also unsettled; but as I have, in these cases, advanced money on account, to the amount of what I conceive their just demand, I venture to deliver the above as the full cost of the work.

THE total of this expenditure far exceeds the amount of the Surveyor's estimate laid before the Committee;

Gentlemen, who have themselves been builders on a smaller scale, and even under their own eye, must be aware of the fallacy of previous estimate;—in this work, every branch of which was new both to the calculator and workman, great allowance for error ought to have been made; great allowance was made; and the result has exceeded it;—yet there is every reason to believe, that the work has been done on terms savorable to the public;—even on such terms as would not be again undertaken, or could not be again executed.

To lead you to a more detailed view of the general economy of the work, the expenditure should be considered under the four different heads, of PREVIOUS CONTRACT;—SUBSEQUENT ESTIMATE;—DAY LABOR AND MA-

TERIALS ON IMMEDIATE ACCOUNT OF THE COMMISSIONERS;—and laftly, EQUITABLE RETRIBUTION FOR LOSSES ASCERTAINED.

- Ist. Every article, that could be contracted for without injury to the work was submitted to competition; in deciding on proposals, the Commissioners have, in every instance, been unanimous; the principle of their unanimity has been the rejection of every impression of personal favor, and local prejudice.
- 2d. With regard to work which did not admit of previous estimate, it could not be safely made the subject of a contract;—the rule established in this branch was, to avoid as much as possible the purchase of materials, or the paying of labor on the immediate account of the Commissioners;—it was agreed with the contractors to take all such work on their own risk, and, when completed, to be submitted to valuation;—the value was sixed on quantity measured, by persons of the sirst ability in their line, and I venture to say it will appear that no more than a just consideration has been given.
- 3d. In finishing and fitting up, some work has of necessity been done, and some materials purchased, on the immediate account of the Commissioners;—

missioners;—this part has been directed by a superintending Commissioner, and the execution constantly attended to by the Clerk of the Works at each place, whose integrity we have, in no instance, found cause to suspect; you will perceive, that the accounts of this disbursement have been so kept, as to admit of the constant check of the superintending Commissioner at his visit to the work.

4th. I conceive I need not inform you that fome perfons have been victims to their contracts with the county;—others have been fufferers to a large amount from accidental circumstances, or by useful deviations from their particular; in points where they were not covered by the words of their agreement; these situations have produced claims on the equity of the Commissioners, which it was not possible wholly to admit, and which it seemed inconsistent with the justice of a great county wholly to reject.—The principle adopted in this case will be best explained by referring to a resolution entered on our journal previous to considering the different demands.

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Copy of an entry in the book of proceedings, dated the 12th day of September, 1792.

" Although in deciding betwixt the public and their contractors, the Commissioners con-" fider themselves authorized to act with a libe-" rality becoming a respectable county; yet " they can by no means think themselves justi-" fied in extending their liberality to mere gra-" tuities where there is not (at least) an equitable co claim, or a value received by some service per-" formed, more than understood when the agree-" ment in question was entered into."-" They " therefore declare, as a rule to direct their " proceedings, that, respecting any contract or " agreement,-where any additional fum has " been expended by the contractor, by which " the works are rendered substantially better " for their purpose, than if executed in exact " conformity to the plan and particular, the " COMMISSIONERS will think themselves justi-" fied in allowing a reasonable compensation; -66 but where fuch additional expence is the mere " effect of misfortune, or of circumstances in-" jurious to the workman, but whereby the work has obtained no advantage beyond what " the Particular directed, -- severe as the case may be,-it feems that justice to the public requires " them to reject the claim."

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THE CAUSES of the excess of expenditure are various; from which, though it could not be presumed so complicated an undertaking could be exempt, yet it seems due to the public to explain them, as far as they admit of explanation.

- offibility of executing the work within their limits.
- 2d. Some of the contractors who took them on those terms failed to execute their contracts; the failure produced a delay; and the delay aggravated the contingent expences.
- 3d. MANY improvements on the original defign have been introduced into the work.
- 4th. And finally, the Court of Quarter Seffions thought proper to give an extention of construction to the words of the act, favourable to the present payers to the county rate, at the expense of the fund under the Commissioners direction.— The Commissioners have not only paid for fixtures and the substantial articles of fitting up, and furnishing, but have taken to the account, bedding, and cloathing for the Prisoners, furnishing the Committee Rooms, &c.

The failure of the contractor who undertook the building of the Horsley, Dean and North-leach Bridewells, has been too material a circumstance to be passed unnoticed.—The first estimates for the building these three Prisons, amounted to 6,5881;—The most favorable proposals for executing this work, amounted to 12,1551;—These offers were, of course, rejected; perceiving so material a difference, the Commissioners directed their Architect to reconsider his estimates;—he did so, and increased the amount to 70751.

Soon after this second estimate, the Commissioners entered into a contract with Mr. Gabriel Arnold Rogers, the younger, to execute them for the sum of 6,930l; accepting as security for his performance of contract—Mr. Rogers, sen. (father to the contractor,) and Mr. John Fentiman, an eminent builder in London;—Mr. Rogers failed in his attempt, and, becoming a bankrupt, his securities were called on to complete the work.

For reasons that will appear in the Register of proceedings, the Commissioners thought it for the interest of the public, and justice between the parties,

parties, to agree with Mr. Fentiman (one of Rogers's fecurities) to complete the work for the fum of 1000l. in addition to the original contract; and to direct that Mr. Rogers fenr. (the other fecurity) should be fued on his bond for the 1000l. fo paid, as the loss sustained by the county by the non-performance of the contract. After combating the delays and intricacyes of the law for two years, judgment has at length been obtained, and the effects of the defendant taken in execution, but as the value amounted to no more than 40l. the defendant is your prisoner for the remainder, and, by fo much as he is incapable of discharging this debt, so much is the public loss by the first contract not being completed;suppose the county to lose 9601.\* and adding this to 6,9301. (the terms of the original contract with Rogers,) it is less by 4,2651. than the next most favorable proposal that had been made.-The Commissioners are therefore justified in faying, that, under all the circumstances, the best possible bargain has been made in this particular.

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<sup>\*</sup> Since the delivery of this Address, the Commissioners have consented to liberate Rogers on his paying 2001. as a composition for his debt, which diminishes the loss by so much.

THE DELAY IN EXECUTION of the work has been a cause of increase of expence, principally by the consequent necessity of continuing to pay the wages of the clerks and superintendants so much the longer. It had been previously stipulated with the architect, that his per centage should be paid only on the amount of his sirst estimate; the expences of his journyes were, by agreement, paid in a gross sum; so that it was his interest to have given the largest probable estimate at first; it was also his interest to press forward the conclusion;—it could not be his interest to increase any subsequent expence.

THE delay in completing the design is certainly a reasonable cause of public complaint, more particularly so as its inevitable consequence has been an increase of expence; and as all cause of complaint must attach more peculiarly to the chief Director; I must be allowed to state those impediments which, though I could not see without regret, I was obliged to submit to, without the power to remedy.

IT was defigned not only that the execution of the work and the furvey, should be completely distinct, but that even the surveyors, should be constantly superintended by Gentlemen resident near the spot, formed into sub-commit-

tees at each work, so that the whole might proceed at one and the same time, and at the same time be attended to.

SUB-COMMITTEES, which by the 6th clause of your act were directed, by the resolutions of 16th Feb. 6th Oct. and 6th Nov. 1787, were actually appointed to all the buildings. It is, to be regretted, that the Gentlemen appointed, were so unconscious of the benefit which would arise from their attention to this duty, that the whole effect of this very useful clause was lost to the public.

Early in the business the powers of our very ingenious architect were weakened by sickness, and finally, by his death, I was left sole in the direction of the work, and the controul of the workmen of sive buildings in opposite points of the County, at a time when, as the contract work was completed, new orders and instructions were daily necessary. I hope it will not be imagined I had the vanity to think, I could execute what was before me as it ought to be; or the apathy to perceive with indifference that the public dependance on my controul increased with the difficulty of controuling.—In this situation should I have resigned a trust, which I could not perfectly ex-

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ecute?-

I submit to circumstances I could not remedy?

The question between the two modes of conduct passed in my mind; I determined on the latter, as appearing less injurious to the public than would have been the delay of forming new arrangements. I should indeed be answerable for binding the county by a most ill-conceived and frivolous law, had the statute, which regulated this work, depended for its operation on the efforts of any individual; whose death or whose secession would have stagnated the current of the whole design; on the contrary, it is evidently the tendency of the act to class the duties it creates, so as to divide them amongst the whole body of Gentlemen of the county.

To the Commissioners collectively it is given to direct the WHOLE;—to sub-committees of those Commissioners to superintend THE PARTS of the work;—Whilst the Justices on the Bench of Quarter Sessions are directed to form regulations and establish the government of the prifons when completed.

AT the Summer Affize, 1789, a report was made to the Bench of the approaching completion "was time for the Magistrates to prepare regula"tions for their government;"—It was my hope that the Gentlemen of the Bench would have entered on this part independently of the Commissioners. It was, however, thought proper to entrust a considerable part of this business to me; and I am free to confess, that the application to forming the regulations and attending to their effect, has very much distracted my attention from the buildings, which the interest of the county most certainly required should have been uninterrupted.

Gentlemen will not, I hope, conceive I press this circumstance as a personal grievance; far from it;—from whatever motive so much of the public concern has devolved on me, I am certainly honored by that considence which has allowed it; as to my time, it has been my inclination to apply it exclusively to this business; and whether it was employed in one or in various duties, it could be of no other import to me, than as those efforts are certainly exerted with more satisfaction, which fill the measure of our design, than those which we feel to be inadequate to complete the objects of our labors.

THESE, Gentlemen, are my reasons, not my excuses, for the DELAY IN DOING what finally is completed, and for much imperfection which still remains in points of regulation. Where the parts designed for various hands devolve to a single individual, it needs no labored demonstration to prove, of two things, one. The work must be less complete,—or it must be longer in completing.

THE third cause of excess, I take on me to answer for advising; -the system which the county undertook had not the benefit of previous experiment to correct it. It was a theory of that benevolent critic on former establishments, whose loss humanity must now deplore; a theory perhaps too ardently conceived to be at once correctly fit for execution; in the progress of the work, many improvements opened to my observation, and on me rests the blame of advising the Commissioners, in all cases, to adopt what appeared to be improvement on the original defign. Many expensive additions have been adopted, tending, or (at least) conceived to tend to the permanency of the work, to the fecurity of the prisoners, or generally to promote the humane purpose for which the whole was undertaken.

As to the 4th head of excess,—I must observe, that considerable payments have been made by the Commissioners which, most assuredly, might have been referred to the ordinary fund of county expences; and I must take this opportunity to urge an observation to Gentlemen who may hereafter have to decide the question,—it is not merely a nominal, but an essential difference whether payments are made from the ORDINARY FUND, or from the FUND OF THE COMMISSIONERS, although both levied from the same source.

THE money borrowed to defray that expence which has been, or may be accumulated on the first estimate, is payable at such a distance of time, that it is beyond a probability it can affect the tenantry;—the difference therefore is no less, than whether the payment in question shall be the landlord's or the tenant's charge.

HAVING thus stated to you every circumstance that occurs to me relative to the expenditure, I proceed to shew you in what manner the supply has been raised.

WHEN the county determined on this design, the whole expence of repairs or improvement

of Prisons must have been charged on the ordinary County Rate, and wholly levied at the time in which any fuch expenditure was directed. There being no power of anticipation then existing, this was folely and entirely a tenant's tax. It was the first object of your Committee to confider the means, by which this burthen might be properly relieved. The best opinions were confulted; -- various plans of annuities, and tontines were laid before them; but finally gave way to a refolution \* " That it " would be most for the interest of the public to " raife money on negotiable bonds, bearing fim-" ple interest; and that fuch a finking fund " should be established as would liquidate the " debt in 25 years."-By perusing the act you will perceive, that the mode of borrowing, thus proposed, has been adopted, but not with the limitation mentioned; otherwise than as it protects the tenant from excess. As the tenantry were not to direct the work, it was thought just to exempt them from the consequence of excess in expenditure; the annual payment, or annuity, was therefore precifely fixed, and the amount calculated on the prefumption of borrowing 28,000l. and to redeem that fum in 25 years.

<sup>\*</sup> See proceeding April 19, 1784.

THE excess upon the first estimate being a burthen on a term beyond what can be presumed the tenant's interest in the land, it cannot be considered as affecting him.

By fect. 35 of the act, It is enacted, " That "the Commissioners shall borrow and take up " on mortgage of the County Rate, fuch fum or " fums of money as to them shall appear ne-" cessary and expedient for the purposes of the " act,"-But by fect. 37, " The fum to be an-" nually received by the Commissioners shall be " 2000l. and no more;"-by fect. 39, this fum shall be applied-" First, in paying the expence " of obtaining the act-Secondly, in keeping " down the interest of the principal sums bor-" rowed;-The furplus to discharge the ex-" pence of erecting, fitting up, and furnishing " the building; -And when fuch last mentioned " expence shall be discharged, then as a finking " fund to discharge the principal sums bor-" rowed;"

I certainly would not have advised, nor would I have confented to any share in conducting the undertaking, had any architect's estimate been taken as the ultimate cost, and no surplus provided to discharge an excess;—To have given to the Commissioners a power to six the term for liquidating the debt, (as done by the new general law) and to have assessed the annual sum for in-

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borrowed, and term of payment fixed, would have left the burthen of the excess on the tenantry at the discretion of the Commissioners; whereas the annual assessment being fixed by law, and its application open to discretion, an extension is given, which adapts itself to circumstances; an extension, from which the tenant is wholly secured, and which cannot be carried to an extreme against the landlord.

The Commissioners may borrow so long as 2000l. per ann. shall be considered by a lender as good security for interest and redemption of the total sum raised;—for instance, they may certainly borrow, more than 28,000l. the sum sirst calculated;—but they can not borrow 40,000l. for, as there would no longer be a sinking sund, there would be no lenders.

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Supply of Cost of the Reform of the Prisons of the County of Glocester, resolved on by the General Meeting, held on the 6th October 1783.

Borrowed on the credit of the fund set apart under the powers of the act, 25 G. III. c. 10, fect. 37 and 39.

Balance remaining due to the Treasurer, which sum, it is agreed, shall remain at an interest of 41. per cent. to be first liqui- 2388 14 dated by the finking fund, before any mortgage shall be difcharged.

Taken from the finking fund 7 and applied, in carrying on the work.

Received from the Lords Commissioners of his Majesty's Treasury, being the amount of a grant from the Crown, for fo much money to be raifed, by the sale of timber from the Forest of Dean.

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I shall not occupy your attention by any defence against such vulgar conceits as are generated by wilful perversion of palpable truth; let their authors enjoy unresuted their hour of delusion; but I feel it due to the opinion of those whom ignorance of the principle of this transaction may misguide, to offer the fullest statement of the fact; that done,—I shall leave conclusions to themselves.

THE principle of the law of England determines, that the burthen of the police establishment shall be born by the occupant of real property, for the wife reason,—that it is the occupant who is chiefly benefited by its protection;

In my last Address to you\*, I stated it as my opinion, that "Although the letter of long "established laws had made the tenant answer-" able for the constant contingent demands of "the police establishment, yet, as the necessity of the present expenditure had arisen from the accumulated neglects of the landed proprietors, and as the reform must be presumed to be of great permanent benefit to their property, I conceived it to be an inequitable adherence to a legal principle to lay the whole weight on the transient possessor."

To have proposed (in a special instance) a total dispensation from the principle of the general. law of the land, would probably have loft the bill in which fuch a dispensing clause was introduced; nor indeed was I any way authorized to propose fuch a measure to the landlords of the County. To take a medium on the principle of the general law, I conceived to be the most equitable, as well as the most prudent line; and therefore I recommended the plan which has been introduced into your bill; I believe it to be the utmost relief to the tenants, that Parliament would have admitted; and in the same degree that relief has been procured to them, has a burthen been imposed on the landlords; yet I am forry to observe, it is from the occupants relieved, rather than from the landlords burthened, that murmurs have originated.

It is the nature of all taxes on real property, that although (in the first instance) they are assessed on the tenant, they ultimately find their way to the owner of the see; to the occupant they are a burthen, transient as is his lease; to the landlord, perpetual, not only so long as he remains possessed of the estate, but from which he must redeem that estate at his own cost, on the first alienation;—Every imposition therefore that is permanent, and foreseen by the tenant, is so much of the landlord's rent paid by the tenant to the assessed of the tax;—A tax for the purpose in question,

question, had it been raised under the powers of the general law, (being a charge unforeseen, and levied before the termination of existing agreements,) would have been fo much in addition to the rent paid to the landlord; -therefore, a complete and unavoidable tenant's tax; whilst in our own instance, those tenants, and those only, who occupy lands on leases existing previous to the year 1785, are annually charged during the continuance of fuch leafe, with fomething less than one penny in the pound, fuppose about 3 per cent. Those who have made their agreements fince that time, can no more be considered as burthened by this rate, than by that portion of the poor's rate, which hath been imposed on the estate 200 years before they entered on its occupation.

With regard to the item of 2000l. granted from the Forest of Dean; as the propriety of this grant, as a measure of government, has been something canvassed in a late public report \*; it appears proper to shew the ground on which the petition for it was admitted.

You may remember, that at the last County meeting, I suggested the idea of affistance by grant of timber from the Forest, on the general plea of

<sup>\*</sup> See the Report of Commissioners for surveying the Forest Lands, relative to the Forest of Dean.

encouragement to the design, -we failed in our application; The answer given to it was, " that " other counties would have like pretentions;"-Changing the ground of our petition, it was stated, That, in the proposed reform, the Crown lands would at least reap equal benefit with other lands of the county, (they were indeed to be peculiarly accommodated by a distinct building within the precincts of the Forest,) and that the vast tract of land, which, -under its present vicious policy, is witheld from national or parochial contribution, must consequently escape the burthen of the improvement, at the expence of the inhabitants and proprietors of other parts of the county, unless aided by special grant.-This plea was admitted, and 2000l. was paid towards the general fund, without deduction of fees.

HAVING thus stated the amount of the debt funded on the County Rate, it may be expected I should speak of the means of liquidation.

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I have already observed that the act was drawn on the presumption of borrowing 28,000l. at an interest of 51. per cent.; in this case, the 2000l. per ann. would have produced a sinking

fund of 600l. which would have redeemed the principal in 25 years; but the fum of 348731. 14s. 1d. has been borrowed, 180851. at an interest of 4 ½ per cent. 167881. 14s. and 1d. at 41. per cent .- The finking fund is therefore but 514l. 13s .- the exact operation of which must depend on chance; -By the act, " Before any " money shall be applied to discharge any mort-" gage, the order in which all mortgages shall " be discharged, shall be determined by lot in " manner directed;"-Should the mortgages bearing the higher interest be first drawn, it will (of course) accelerate the operation of the fund, and the contrary, if the reverse;-Presuming they should be equally drawn, the period of liquidation will be about 32 years; -which is to fay, that the 68731. additional money funded will have extended the final term of payment feven years, giving to the last fum borrowed, the appearance of a charge on the public double to that of the first sum.

It has been faid, "that the fystem of anticipation, which has exonerated the tenantry, is burthensome on the public at large, and injurious to the general interest of the County, by so much as that 2000l. per ann. for 32 years, causes a payment of 64,000l. whilst 34873l. immediately levied, would discharge the whole expence."

To this I answer, 1st. as before proved, such a mode of levying would be inconfiftent with the fystem of equitable participation between landlord and tenant; 2dly, This apparent advantage of prompt payment is illusory, for as much as the benefit accruing to the holder of any principal fum to his use, is clearly equal to the increased total of moneys paid as an annuity for its interest and liquidation, for any given time,-fuppofing the fum referved in hand should only be employed at a like interest to that by which the annuity is calculated :- but supposing (as must be prefumed, of the class of persons charged with this rate, for whom we ought to have the chief confideration,) fuppofing I fay that a commercial interest is made of the money retained, whilst the annuity is calculated at an interest of only 4 1/2 per cent.; -it is then more than equal; -it is for the benefit of fuch class of men to pay such an annuity, rather than fuch principal in prompt payment,

To elucidate this proposition, put a case hypothetically;—suppose an individual to have an option, either to pay 30,000l. prompt, or to pay that sum accumulated at compound interest at 4 per cent. at the end of 30 years.—At the end of that time it will require 97,000l. to pay it;—If he employed his money in a 4 per

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cent. fund, of consequence his capital in hand will have increased to 97,000l. and of course, he neither gains or loses;—But suppose the individual so situated, as to employ the principal sum in any Commercial or Agricultural speculation, and presuming a very moderate profit, that he makes 6 per cent. of his money,—his capital will have increased to 172,000l. and he will have gained 75,000l. by retaining his principal.

Now what is true in the large scale, is more forcibly true in detail;—The profit made on small capitals, employed by the farmer or shop-keeper, is proportionably greater, than the profit on larger capitals; greater then must be the advantage of retaining it;—But to the case in point;—is it advantageous to the farmer to pay 11. per ann. for 30 years,—or shall he immediately pay 171. 5s. which is the price of its redemption, at the interest paid by the County?—Suppose the farmer to use his 171. 5s. only at a profit of 6 per cent. it will at the end of 30 years have accumulated to 991. whilst to pay 11. per ann. for 30 years, when money is at  $4\frac{\pi}{2}$  per cent. it will at the end of that time be no more loss to

him than 581.—There will therefore remain to him a profit of 411. by his retaining it.\*

I conclude this part of my subject by stating to you, that the public are in some few instances indebted to the liberality of individuals for benefactions to the work.

Lord Chedworth has made a gratuitous grant in fee of the land on which the prison at North-leach is built.

Henry Stephens, Esq; has in like manner presented to the County the land on which Horsley Prison is built.

Lord Sherborne refused to accept a compenfation for Landlord's damages on his estates near Northleach, occasioned by digging for mateterials.

Mr. Pacey, tenant to Lord Sherborne on the lands above-mentioned, declined to accept damages for breaking ground and injuring his

\* To Gentlemen accustomed to calculation, these details will appear familiar and trisling. But it will, I hope, be considered, that to all who are interested in this Address, it is my duty to give a full and correct explanation both as to facts and principle.

years.

Mr. Lovesey, tenant to Lord Chedworth, declined making any claim for his damages, in consequence of the building at Northleach.

Having now confidered the proceedings and accounts in every light that has occurred to me to be explanatory of the principle on which the business has been conducted, if I have omitted any observations which can affist the judgment of this meeting, I trust that Gentlemen will remind me of it.

So far, as to what is past:—I have now to submit to your consideration some points, wherein I think your opinions should guide the future conduct of the Commissioners and Magistrates.

ist. Although it appears that the original defign of our buildings is completed, yet improvements may hereafter be suggested, which it may be adviseable to adopt;—supposing such to be at any time adopted, from what fund shall the expence of them be paid? Shall they be considered as repairs, the cost of which the Magista

trates in Sessions shall discharge; or, taking them as part of the original plan, shall it be paid from the appropriated fund?—The act is certainly not filent in this case, but it leaves a latitude of construction.—It says \* " The sum borrowed shall " be applied to defray the expence of building the "Gaol, Penitentiary-House, &c. and of other-" wife carrying the act into execution."-That + "the furplus of the 2000l. after paying the " interest of the money borrowed, and before " fuch furplus shall be applied as a finking fund, " shall be applied in discharging the expences of erecting, fitting up, and furnishing the faid " New Gaol, Penitentiary-House, &c."-But the act also says t, " That at all times after " opening the Penitentiary-House, the expences " of repairing the fame, with the buildings, eafe-" ments, and appurtenances thereto belonging, " and all other charges and expences necessary " for fupporting the fame, in conformity to the " directions and intent of this act, shall be paid " by the County Rate, and the Justices of the " Peace shall make provision for the same."

And ||, "All Houses of Correction from the time of their being first used as such, to"gether with their buildings and appurtenances

<sup>\*</sup> Sect. 35. † Sect. 39. ‡ Sect. 47. || Sect. 29.

" shall be repaired and supported as Houses of "Correction are by law repaired and sup-"ported."

I know only one addition to the work which can cause this to be a question of importance in faet, though certainly important in point of principle.- In the original defign for our prisons, it was intended to give an additional fecurity to the boundary walls, by fixing a Chevaux de Frise upon the coping; -This being a coftly item of the particular, -not being fatisfied that the plan originally given for it was a good one, -and further, conceiving it might be totally omitted without danger, I have hitherto advised that it should be omitted; I am now free to own, that some late accidents have altered my fentiments\*; I think that when a good and effectual plan shall be fixed upon, it will be prudent to add fome additional fecurity to the boundary wall of the Gaol. The elist to menon bank annithmath. "

Should it be thought adviseable to make further payments from the finking fund, I must observe to you that it will procrastinate the term of final liquidation of your debt, in the proportion of  $1\frac{1}{2}$  year to every 1000l. applied.

<sup>\*</sup> See a note by way of Appendix, at the end of this Address.

2d. In fixing on ground whereon to build the Gaol, the Commissioners are required " to " have regard to the airiness, and healthiness of " the fituation, to the avoiding all ill fmells and " the being overlooked, and for this purpose to " purchase lands and houses, not only for build-" ing the Prison thereon, but also for obtaining " a clear space of ground surrounding the same " for the purpose of securing a free circulation " of pure and wholesome air, and thereby pre-" venting Gaol Fevers and other malignant "diforders."-Lands and premifes have been purchased, completely adequate to these purposes, and though situated in a great city, and close to a commercial river, this benefit has been fecured to the County without encroaching upon, or occupying a yard of ground which had been previously occupied by the public commerce of the city.—

The ground furrounding your Gaol presents to the view of private interest the prospect of advantages totally inconsistent with the public design; various have been the applications to me to favor the pretensions of persons, who, not having considered the public purpose for which this property was acquired, have probably taken my refusal

refusal to promote their accommodation as a matter of personal hostility to them .- I have not the right, nor have I the inclination to determine for the Public in points irrelevant to the main object .- The Commissioners surrender the Prifons to the Magistrates, cleared of every surrounding incumbrance; - The fee of the ground is vested in the Lord Lieutenant of the County for the time being, in trust for the purposes of the act; In what manner this trust shall be preserved,-or to what purpose the land shall be applied, are questions which cannot be too soon, or too positively decided-It is furrendered, in confidence that neither the biass to private, nor indifference to the public interest, may ever prevent in the Magistrates, the most active jealoufy of those advantages which cannot be abandoned without a dereliction of the first purpose of the acquisition .- To affist the Court of Quarter Seffions in its protection, full powers are given by the law, but laws will not execute themselves, and habits of official neglect and forbearance are so rooted, that it will require much attention and constancy to overcome them.

Trusting I shall not be considered as dictating to the County, I venture to deliver as my opinion;
That to no private or individual accommodation should any part of this ground be appropriated;—

priated;—and further, it should be protected from every insolent and contemptuous encroachment\*.—But in any great and spirited plan of general improvement of the city, I think this rigid pertinacity ought to yield to reasonable accommodation.

Gentlemen, your Prisons are now built; and thus, one of many impediments to the due course of justice in this County is removed;—
They are powerful, they are necessary means whereby to enforce the laws, with every degree of discrimination which the laws presume;—That their utility shall be adequate to the expence of erecting them cannot depend on me;—My life will, I trust, be short in comparison with the permanency of their effect;—and, when posterity shall judge me, on the benefits of this design, let them observe, that when I stated public reformation as the consequence of it, I presumed on

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<sup>\*</sup> If the Justices, when assembled at their Sessions, will allow themselves time to view this property of the County, they will perceive that the trespasses I allude to are not undeserving such epithets.—They will then also be convinced of the necessity of such measures as shall overcome the attempts, before they gain authority from usage.

a spirited and diligent Co-operation of a numerous and respectable Magistracy, to give activity to means, thereby submitted to their controul.

AT a time when, happily, ALL ORDERS of men are professing an adherence to the theory of our established constitution, I may be allowed to urge to ALL ORDERS the necessity of those united exertions, which can alone give effect to that very material part of it, which is analogous to the subject of this Meeting, and on which the good order of society depends.

In the whole scheme of our internal government, there is no part which more excites our admiration than the arrangement of the powers constituted for the peace and security of the subject, where the wisdom of PROGRESSIVE EX-PERIENCE has produced a method not to be excelled by POSITIVE INSTITUTION; -avowing the only principle on which a coerfive fystem of legislation can be either wife or just, it willingly offers its powers to prevent those vices, which it reluctantly punishes when brought into action.—The law of England purposes the protection of every man in every station-It therefore has depended on the energetic principle of felf-interest for the performance of those duties which effect that protection; - The execution of the whole fystem of police laws is required from

the unbought fervice of the different orders of citizens, as their education or their habits of life qualify them for the respective parts; -As no honest or industrious man exists in this country without an interest in good order, no man can be idle or indifferent in his station, without causing a proportional derangement of the machine, which produces it.

THE remaining impediments to a due administration of the laws, which on a former occafion I suggested, have since been enlarged upon by persons much my superiors in consequence and ability; -they are, I hope, at this time in the contemplation of those who can best apply the remedy. - Certain it is that a SENSE OF PRI-VATE BENEFIT ARISING FROM PUBLIC DUTY, (which is the effence of our laws) SLEEPS IN THE BREAST OF THE PUBLIC; To awaken this fense is our duty, and should be our endeavour; equally avoiding the timid inactivity which fubmits to evident evil, and the rash violence which would reform it ;- To urge PUB-LIC GOOD as a motive for action, when viewed in apparent opposition to the interest of the individual, is depending on impressions too abstracted for common application; -But the public good is not so opposed to the individual; -it is in fact

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no other than the aggregate of individual interests, to be promoted only by an aggregate of individual exertions.

I have now done with all that affects the public;—You will allow me to detain you for an instant on a point personally interesting to myself.

When the Gentlemen of the County in their confidence, depended on me to direct a business in which fuch various interests were about to be affected, they probably did not confider, that they made me the point of responsibility for all the objections that should follow the measure, and that the public would freely exercise their fcrutiny into what is termed my PRETENSIONS to so ostensible a situation.-It is natural to man to ascribe adequate motives to all human actions, it is therefore not wonderful that the field of probability should be traversed to fix the motives which engaged me to encounter fo invidious an employment of my time; - Freedom of opinion on these points has been exercised, as the propenfities, the jealousy, and the interests of individuals have disposed them; -I have neither been an unconcerned or an unfeeling observer; -Had I stopped in my course to vindicate my motives, or to contend for my pretensions, I should have facrificed my duty to my feelings; -the necessity

for referve is no more,—a word therefore on this subject.

When required to carry into execution the wishes of the general meeting, I certainly was not so unconscious of my own situation, as to meet the public criticism on grounds of my perfonal consequence in this County, nor was I so unlearned in the motives of popular opinion, as to suppose I should cultivate the applause of such as decide from first impressions, by introducing a speculative plan of suture reform, which was to be purchased by present sacrifices.

Unconnected as I am with the leading and deciding interests of the County, the system I had to propose could not be softered by the prejudices of any powerful connection; it presented itself to public attention free from every extraneous instruence; if it could not support itself on its own good policy, it must have withered in the bud.— Despising unsounded censure, I have never expected approbation but from the few who seek conclusions beyond first and interested impressions; I will add, I have courted it no where but in my own breast.—Time will correct the coarsest prejudices; when the turbulence of the torrent of popular opinion shall subside, the purity of the bottom will be seen.

To those who enquire into my motives, I anfwer, -the impressions on the mind, which are our fprings of action, are frequently inexplicable to others; the gratification of acting in conformity to them is a private and interior feeling .-- Struck with the vast theory of Prison reform, which had been directed to the feelings and to the policy of mankind, I undertook the talk of reducing it to practice on a much broader principle than that of mere provincial regulation; -I freely own I had no idea of engaging myself in the detail of execution as I have done; but being so engaged, I thought myself bound in duty and in honor, to complete what I had begun; -I do not conceive that great public obligation is due to any man who does no more than what, if not done, would be an omission of duty and a shame to himfelf; yet, on the other hand, I should have credit for more stoicism than I possess, if, without some sensations of disgust, I could perceive the necessity of explaining my motives for engaging in the fervice I have gone through.

From fuch fuggestions as arise from base and depraved opinions of mankind, I scorn to vindicate any part of my conduct;—To those who are cold to a sense of duty as an incentive to action,—as I fear I should not speak to their understanding, I could not reason to their conviction.—

conviction .- To you, and to you only therefore, who were roused with me to action by the same cry of injured justice and humanity, and who determined on redrefs, by means adequate to the end ;-To you who have the greatest interest in the welfare of the County ;- To you convened as that County, and therefore competent to speak its fense; -To you and to your opinions only, I will fubmit my conduct in this fervice;— From you I claim a just decision, which shall close my ears against all future declamation.-I beg not to be misunderstood; - The decision I follicit must not be a compliment on my endeavours,-for fuch I am already too much your debtor, and to fuch it may probably be imagined the public interest has already been facrificed;-It must be a decision on the bare facts, -unbiaffed by any abstract opinion foreign to the subject before you.

IF by attention to the object of your commiffion, I have been inftrumental in destroying the source of a desolating pestilence;—If I have alleviated the mass of human misery;—If I have sheathed the sting of law from the aggravation of official neglect, and from the effects of a corrupt and mercenary administration;—retiring from the conspicuous post in which your considence has long sustained me, I shall regain the sphere of private duty and domestic enjoyment with the gratification of having satisfied my own mind. I have obtained the end I sought in your employment.

G. O. PAUL.



## RESOLUTIONS

Of the General Meeting of the County of Glocester,

## HELD AT THE BOOTHALL,

ON THE NINTH OF JULY, 1792.

The HIGH-SHERIFF in the Chair.

THE account of the expenditure in building the Gaol and Bridewells of the County being examined and compared with the vouchers, was found to be completely correct.

## RESOLVED,

That the Statement of Proceedings now delivered by SIR GEORGE PAUL, is highly satisfactory to this Meeting, and that he be requested to cause the same to be printed and published for the more general information of the County.

That this Meeting is unanimously of opinion, that the building the Gaol and Bridewells of the County, has been conducted according to the intent of the General Meeting held on the 6th October 1783;—That the plans adopted are fully consonant to the purposes for which they were designed;—and

that the expence has been supplied by means most equitable to the class of persons, who, by law, were liable to the same.

That the thanks of the County be presented to SIR GEORGE PAUL, BART. and the other acting Commissioners who have conducted, and brought to conclusion, this great and public work; and to those Magistrates who have formed regulations for the management of the same;—which, having already been adopted in several other Counties, have contributed to a more perfect establishment of public justice in the kingdom in general.

That in case any alterations in the Prisons should be thought adviseable at any suture time before the final liquidation of the County debt; it is the opinion of this Meeting, that the expence thereof should be paid from the fund under the direction of the Commissioners, in relief of the ordinary County Rate; provided that the whole amount of such disbursements, shall not exceed the sum of 1000l.

That it is the opinion of this Meeting that the clear space of ground surrounding the County Gaol, purchased under the directions of the act, for the purpose of securing a free circulation of pure and wholesome air, should not be let on lease to any person, or for any purpose whatsoever; and that it is

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recommended to the Magistrates to cause the same to be properly fenced and strictly protected from trespass or encroachment.

That the thanks of the Meeting be given to the Noblemen, Gentlemen, and others, who have favored the undertaking by gift of land or other accommodations.

Signed at the unanimous request of the Meeting,

JOHN EMBURY, High-Sheriff and Chairman.

The Chairman having left the Chair,—it was resolved,—That the thanks of the Meeting be given to the High-Sheriff for his ready compliance with the request of the Grand-Jury to convene the Gounty, and for his attention to the business of the day.

## APPENDIX.

Observations on the late Escape of Prisoners from the County Gaol, by way of note, to page 46 of the Address.

The accident alluded to in the 46th page of the Address, was an escape of several prisoners over the boundary wall;—since the meeting of the County other prisoners have succeeded in a like attempt;—and thus the opinion given to the meeting has been forcibly confirmed.

It is not eafy to conceive that escapes can be effected from a gaol properly constructed, and duly regulated, without a fault or neglect in those entrusted with its keeping; -there must therefore exist a defect either in the building of the Gaol itself,-in the regulations made for its government,-or in the attention of the officers to those regulations. The causes affigned by the parties interested, are, in general, merely calculated to cover their own neglect; those which have reached my ears, on the prefent occafion, appear to be of this description; -I take advantage of the order to print this Address, to enable the public to form a right judgment for themselves, on the past or any future similar event.

The

The cruel means usually applied to secure the safe custody of prisoners by loading them with chains, indiscriminately, or in proportion to their inability to pay for a dispensation, was one of those acts of oppression, which first stimulated the exertions of the friends to this species of reform;—By reference to pages 15 and 16 of the first Address to the County on this subject, it will appear, from authority not to be disputed, that to secure prisoners by force of chains and fetters in their ordinary custody, is not warranted by law, and is inconsistent with justice.

It is the chief purpose of the late improvement to render this mode of fecurity totally unnecessary, and to adopt, in its stead, a safe custody arising from a peculiar mode of constructing the building, applied to its purpose by a system of keeping, to be established by a body of regulations. On the least reflection it must be evident that to depend merely on construction without regard to regulation, confinement would be little less severe or unjust, than under the old establishment; -and that the more can be obtained by rule and discipline, the less of bodily restraint will be necessary to keep the prisoner; in pursuit of this principle, it is possible we may have gone too far; it is certainly the case, if it appears we have depended on a degree of perfection in the keepers, which is not attainable.

I am decidedly of opinion, that the locks and bolts are sufficiently complete, and that the walls need not be raifed, to fecure prisoners without chains, provided the rules were correctly underflood and observed, -and further I cannot perceive that the rules are difficult either to understand or to observe, with the application of common talents.—Have facts controverted this opinion? If fo, altho' we ought not to overlook either a defect of intellect, or a want of attention in our officers, we must undoubtedly secure the public against temporary ill consequences. It is certainly possible to make fuch addition as will prevent every means of escape, save that of treachery; -but I must observe that no means of fecurity can be added to what are already provided, without losing a proportional degree of advantage in other respects; -nothing more than necessary therefore should be added, and the necessity should be clearly established.

The fecurity of the prison may certainly be increased either, 1st. By rules enforcing an encreased degree of constraint upon the prisoner;—2dly, By introducing additional bars, bolts, and locks;—or 3dly, To prevent the consequences of neglect, the walls may be rendered unassailable; but it should be observed, that as the prisoner

foner must have escaped the precautions provided for his security both by discipline and by locks, before he arrives at the wall; the keeper ought not to depend on the wall as a security against his neglect.

As to the first mode, viz. By rules enforcing an increased degree of constraint of the prisoners; -from any observation I have yet made I can advise no change or alteration;—the restraints imposed by the rules appear to be neither more nor less than sufficient to attain the end defigned, as they regard the different classes of prifoners. UNCONVICTED PRISONERS are no farther restrained than a due attention to their health and fecurity absolutely requires ; -- Necessary sustenance is provided for them by the public, whilft, by the total prohibition of strong liquors and the unreftrained permission to procure every other article of food, their expences are directed in a proper courfe, and their health is secured even against their will;—the use of irons, limited to the daring and refractory offenders of this class, I conceive to be the utmost that ought to be admitted, and to be fully sufficient for their security, with proper attention. The feeing their friends ought certainly not to be restricted, and cannot be dangerous, if the rules are attended to, and, if they are not, the keeper (whoever he be) ought to fuffer for efcapes which may be the confequence.

Respecting FELON CONVICTS, -The rules have in my opinion with much propriety, directed the punishment to the mind rather than to the body. - Their cloathing is comfortable, - yet humiliating; -fecluded from the fociety of their friends, they are daily visited by gentlemen attentive to their spiritual and bodily welfare; -Food is prepared for them sufficient for all the purposes of life and health, whilst the use of money is denied; -and by this denial, every means of luxury, of partial indulgence, and of corruption, is prevented; -whatever were the former habits or connections of the MAN, -degraded by guilt before his country; -as a PRISONER, all diftinction ceases, save that of the shade of turpitude of his offence; -- should there be amongst this misguided class any whose former superior situation sheltered them from those temptations to which absolute penury and ignorance are exposed;-to such, the sufferings which are positively equal will be relatively greateras they ought to be; for from him to whom more is given, ought more to be required.

This discipline the Magistrates (in forming their rules) doubtless conceived to tend to the great end of all corrective punishment. The offender no otherwise punished than by the coroding reflections on his own crimes, and the denial of his accustomed habits—no otherwise degraded than in his own estimation,—he is restored to society in such health of body,

and (where the hope of penitence is not forlorn) fo reformed in mind as to become an useful member of the community. The Prisoners confined in this division have hitherto been about thirty;-Not more than one of them has yet been fo fick as to be removed to the Hospital, not one has died, or continued in it; -And I venture to affert, that more healthy men will not be found in thirty of any one class of his Majesty's subjects.-For these reasons therefore I cannot advise any addition or even alteration to the Rules for regulating the Prison.

2d. In regard to the Locks and other mechanical means of security to the Prison, of which so much has been faid, and fo little understood; -I am forry it appears at this time necessary to explain the principle on which this part of our improvement has been directed

In Glocester Gaol the number of doors exceed 560; supposing only one fastening to each door, and the Prison to be full of Prisoners, there would be just so many locks to be fastened every night and opened every morning. Suppose only one Prisoner confined in each class there would be 180 locks.—In the present state there are not less than 250 doors which (if the Keeper does his duty) must be secured every night, and

opened every morning; allowing only one minute to each door (which with the old fystem of bars, bolts and padlocks was furely not too much) it would employ four hours of the time of one man, or one hour for four persons, at each opening and shutting the Cells and Wards .--A reflection on this confequence of the multiplicity of doors introduced by the new fystem, prompted the Commissioners to an enquiry into the possibility of making locks and bolts, -not on a more inaccessible principle than had hitherto been invented, (for that, if not impossible, was unnecessary) but such as should save time by simplifying the means of fecurity; - To diminish the number of motions and to increase the powers, where force was rather required to be provided against than ingenuity; - and where, (together with the force) the ingenuity of the Prisoner was to be counteracted, to provide locks which, being composed of the most solid and simple parts, should not be liable to the consequences of decay or injury; To these and to no other purposes were the instructions given to the gentleman employed; -I certainly thought he had fucceeded before I recommended the adopting the models; I think not less so, after the most attentive enquiry into the causes of the late escape. his duty) must be fecure

There are 24 kinds of locks and bolts adopted in the Glocester Prison, certainly not all impervious to an expert picklock, who could have access to them; nor is it by any means necessary to allow to all such an expence as would render them so; three fourths of the locks are fixed as bolts on the outside of wooden doors, to which the Prisoner within cannot have access, until he has passed such door. It is evident, that, in this situation, it is his force and not his ingenuity that is to be guarded against.

To fay that a lock shall not be opened by an ingenious mechanic at liberty to obtain tools and instruments to his purpose, is to admit a perfection believed not to exist, but most certainly not to be obtained without fuch delicate and complicated parts as render it unfit for the rude fervice of a Gaol; -Mr. Bramah's lock is probably the nearest to a perfection of this kind; a lock was therefore ordered from Mr. Bramah, and laid before the Commissioners; it was thought unfit for the fervice to which it was to be applied, by reason of those very ingenious and delicate parts which fitted it for cabinet use; -- but, supposing this lock applicable, would it have been prudent to have applied a lock of the value of three guineas to each cell door?—This one arsele would have amounted, in the Gaol only, to

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the locks, bars, and bolts used in the Prison, with all the smith's work of that and every other kind in fitting it up, amounted to no more than 740l.

The lock which has been adopted for the cells, and which is in fact no other than a lock of feparation of prisoner from prisoner, is in my judgment the best that can be contrived for its purpose. It possesses simplicity and strength beyond any other; and it is scarcely possible its parts can be misplaced, or decay; it is fastened as a bolt, (without a key) fo that the keeper may direct an inferior turnkey to secure the prisoners, and not trust out of his possession the key, by which alone it can be opened .- This lock, in its application, is secured from the attempts of the prifoner by a wooden door, which must be cut through by tools (which tools can be obtained only through negligence of the keepers) before he can attain the lock; and when he has attained it, it is not accessible to any picklock, which, with any tolerable attention to the regulations, a prisoner can possess.

Suppose a Prisoner, by his own ingenuity, and the carelessness of his Keeper, thus to have passed the doors of his Cell;—He has then opposed to him, him, the door of his Ward, which is fecured by a lock which, I venture to fay, is completely adapted to its purpose, viz. is as secure against ingenuity as is consistent with the strength indispensible in a gaol lock.—Yet in fact prisoners have escaped; it is then certainly the duty of the Magistrates to enquire into the causes, and apply a remedy.

The first escapes which happened were in the day time, by means of ladders used by the workmen employed in completing the prison, which workmen were ill affected to the laws and to the keepers;—these must pass unnoticed.

The first instance of escape after the workmen were removed was that of Andrew Leary; no lock was then attempted to be opened; for, from the inattention of the officers, none was opposed to him. On the night of his escape, the doors of his cell were left open, and he was at liberty to pursue the means his extensive ingenuity suggested, to pass the walls of his division;—this he effected by cutting the ropes from the different bells, (to which he got access) with a razor very irregularly suffered to be in his possession.

In the last instance, the men who escaped were locked into their cells;—one of them, having obtained a gimlet, worked a hole in his wooden door and thereby gained access to

the lock,—this he did not pick, but opened it by means of a false key which he was an entire month in working to his purpose with tools used in the manufacture, unobserved by the manufacture;—with the same key he liberated two other prisoners.

Having got out of their cell the three prisoners met with no difficulty in passing the gate of the division, for the night-lock was not secured, -an inattention which, having frequently been obferved by the prisoners, prompted them to their defign.—Thus escaped from the interior security, they scaled the outward wall by means of a rope ladder made of cordage at different times fecreted from the manufacture, also unobserved by the manufacturer. The conclusion seems by no means doubtful, That there has been in the keeper, great neglect of those means of security which are supposed to exist from regulation; -and still greater neglect in the manufacturer, in not attending to the quantity of his materials and the number of his tools, -and in fuffering prisoners, under his care, to have access to those tools, when not under his inspection.—I fear also, it proves we must provide an ultimate security beyond our dependance on the attention of the keepers; and if it is proved that further restraint on the Prisoners would be improper; that further security in the locks is unnecessary; -we have only the alternative to raise the walls and to arm them with chevaux de frize.

If

If it be asked, "Why were the walls con"structed so low at the first building?" It is answered, that provided they are high enough for
security, they cannot be too low for the purposes of
health and ventilation.

When the plans of our buildings were first made public, they excited the attention of many philosophic friends to this reform, who favored me with numerous observations and criticisms. Of these, one of the most able in medical observation (though personally unknown) addressed to me the following queries, which will fully explain the nature of my caution.

- "Is it not absolutely necessary, in order fully to obviate the bad effects of that stagnation of air, and accumulation of putrid effluvia, from whence the unhealthy state of our Prisons is chiefly derived, that the place of consinement should be frequently ventilated by currents of fresh air taking their course freely in an hori
  zontal direction?
- 2. "Is it possible that this can be effected, when the place of confinement is inclosed by four walls? On the contrary, will not infection, once received, continue to exert its deleterious powers for a great length of time, in defiance of every precaution that human sagacity can suggest?

- 3. "Would not an enclosure by a dry moat and sunk fence be a sufficient security, instead
- " of the general method of inclosure within four
- " walls, rifing high above the level of habitation,
- " provided separate apartments were assigned to
- " each prisoner, and escapes guarded against by a
- " rigid and regular police?
- 4. " In addition to the attention and fidelity
- " of the keepers, might not an observance of such
- " rules and orders as public wifdom may pre-
- " scribe, be enforced by the affistance of a Com-
- " mittee of Magistrates or Visitors sitting weekly,
- " by rotation, at the gaol, as is the practice at
- " the houses of industry in Suffolk and
- " Norfolk?"

Altho I certainly could not advise to admit this precaution to the full extent it was suggested, the principle is certainly undeniable;—and therefore I advised that the walls should not be built higher than security required, and as they might at any time be raised, that the necessary height should be determined by experience.

The substitute for high walls, recommended by my learned correspondent having failed, and appearing to be one on which we must not fully depend, we may, I trust, overlook an ultimate degree of perfection in ventilation, without risk-ing the health of the Prison.

## A GENERAL ABSTRACT of the whole Cost of BUILDING of the different PRISONS of the County of Glocester.

HEADS.	GLOCE	OCESTER. H		HORS	HORSLEY.		NORTHLEACH.			BR	BRISTOL.			DEAN.			GENERAL.			TOTAL.			
BUILDING, including all Malons, Carpenters, Slaters, Painters Work, and Materials	18177	1. 0	2. 7	4609	13	d. 7	3623	4. 3	d.	330	3	 I	1. 7-	£. 2360	1. 6	d. 2	-	L.	s.	d.	32133	1. 5	4.0
Lead, Iron, and Glafs, used in confirmeling the Building, under the Contracts for the respec- tive Articles	2616	10	3	676	15	9	675		3 2	7:		4 1	0	266	18	2	-			_	4947	7	2
Finishing, in which are included, Locks, Bolts, Ironmongery; Fixtures, Iron Bedfleads, Saffes, and all Smiths' work and fixing not under										ı			1								,		i
contract	1881	17	0	351	1	3	239	8	4	30	3	9	0	167	11	1	-		-	-	2943	6	8
Furnishing, including Chapels, Keepers' Houses, Prisoners' Bedding, &cc.	230	3	6	138	9	5	75	I	. 0	10	5	8		62	1	9	-			_	611	3	9
Cloathing the Prifoners	89	9	4	0	0	0	0	0	0		0	0		0	0	0	-			_	89	9	4
Surveying, including Plans, and Architect's Ex- pences, Measurer, Wages of the Clerks of Works for five Years, &c.	1431	7	6	399	12	10	478	10	. 0	44	2 1	2 (	,	379	5	0	-			-	3131		ĺ
Land	1422	5	0	0	0	0	0	0	0	1		0 0	1	50	0	0	_		_	_	1472	5	0
Damage, exclusive of what was paid by the Contractor	0	0	0	5	5	0	6	6	0	13	5 0	0		10	14	9				_		5	
Contingent	43	5	4	0	0	0	13	9	9	49	11	6		11	19	7	9	53	15	2	1072	2	4
Totals	25891			6:80			5111						100			1				-00	46437	11	4
* Note. The Ground for Building the BR	ISTOL PR	ISO	Nv	vas obtain	ned :	from	the Corporati	on ·	of B	RISTO	4	by a	Su	rrend	er of	f the	Old	Pris	on i	n Ex	chance.		1

## GENERAL COSTS, under the Title of Contingencies.

	0			
		6.	I.	d.
STAMPS, including for 340 Mortgage Securities -		111	8	9
Expence of obtaining the Act of Parliament, including print pies of the Bill fent into the County, and Copies of the it was paffed	ing Co-			
it was pared		400	0	7
To the Clerk to the Commissioners for his Attendance during	ng eight			
Years, drawing Agreements, &cc.		122	2	0
To ditto for Law Charges		75	0	0
Stationary, including 340 Mortgages on Parchment, and Copies on Paper	as many	41	7	10
,		4,	,	10
Contingent Expences	-	37	5	3
Repairing the temporary Gaol	-	36	4	6
Land Tax for the Gaol and Ground		49	10	9
Infurance of the Buildings during their finishing, two Years	-	25	4	0
Printing		55	12	3
		- Clark		-
		953	15	2
N. B. The whole Accounts and Vouchers are open to Inspect the Clerk to the Commissioners.	ion on A	pplica	tion	co

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LDING, including all Mulons, Carpenters, areas, Palaters Vyork, and Materials -

I, Iron, and Glafe, aled in condensing the nilding, under the Contracts for the respec-

thing, in which are included, Locks, Bolts, congengery; Fixtures, Iron Beddeads, Sadires, at all commes work and friding not under contract.

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