

Proceedings of the grand juries, magistrates, and other noblemen and gentlemen, of the county of Gloucester, on designing & executing a general reform in the construction and regulation of the prisons for the said county ... / by Sir G. O. Paul.

Contributors

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PROCEEDINGS
OF THE
GRAND JURIES,
MAGISTRATES, AND OTHER NOBLEMEN AND
GENTLEMEN,
OF THE
COUNTY OF GLOCESTER;
ON THE
CONSTRUCTION AND REGULATION
OF
THE PRISONS
FOR THE SAID COUNTY.

PROCEEDINGS

OF THE

GRAND JURIES

REGISTRARS, AND OTHER NOBLEMEN AND
GENTLEMEN,

OF THE

COUNTY OF GLOUCESTER,

OF THE

CONSTRUCTION AND REGULATION

OF

THE PRISONS

FOR THE TWO COUNTIES

PROCEEDINGS
OF THE
GRAND JURIES,
MAGISTRATES, AND OTHER NOBLEMEN
AND GENTLEMEN,
OF THE
COUNTY OF GLOCESTER,
ON
Designing & Executing a General Reform
IN THE
CONSTRUCTION AND REGULATION
OF
THE PRISONS
FOR THE SAID COUNTY.

THIRD EDITION,
CORRECTED AND ENLARGED BY
SIR G. O. PAUL.

Glocester:
PRINTED BY D. WALKER,
AT THE OFFICE OF THE GLOCESTER JOURNAL;
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and Harding, St. James's-street, London.

—»»«—
1808.

PROCEEDINGS

OF THE

GRAND JURIES

MAGISTRATES, AND OTHER NOBLES
AND GENTLEMEN

OF THE

COUNTY OF GLOUCESTER

ON

assigning & Executing a General Reliance

IN THE

CONSTRUCTION AND REGULATION

OF

THE PRISONS

FOR THE SAID COUNTY

THIRD EDITION

REPRINTED AND REVISED BY

SIR G. O. PAUL

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1855

PREFACE.

THE following pages, originally designed for the use of a particular county, I should, by no means, have presumed to offer to more general attention, but at the request of many respectable Members of Parliament, and other friends to a general operation of the reform recommended.

If, indeed, (as appears from Mr. HOWARD'S Publication,) the defects in institution of the prisons within the county of Gloucester, are, in a greater or less degree, defects which prevail throughout the kingdom; arguments drawn from local circumstances will be of general application, and may be of general utility.

Should I be so fortunate as to fix the serious attention of the members of the legislative body on the miserable state of this part of our national police ; I shall feel justified in my attempt, and, with diffidence, submit errors of detail to the candour of the public.

G. O. PAUL.

Hill House,
Oct. 28, 1783.

ADVERTISEMENT.

GLOUCESTERSHIRE.

LENT ASSIZES, 1783.

Grand Jury Chamber, March 29.

THE Gentlemen of the Grand Jury, on enquiry into the causes of the present miserable state of health of the prisoners in the County Gaol,—are unanimously of opinion :

THAT not only the sickness of the prisoners, but that the general increase of immorality and outrage may, in a great measure, be attributed to the useless state of the Houses of Correction, and the consequent indiscriminate mode of confinement in the County Gaol ;

THAT, whilst persons committed for fines and the lesser offences, are associated with desperate and daring offenders—the confinement (intended for their correction) can prove no other than a school of vice, and a certain introduction to the most infamous practices ;

THAT it is inconsistent with the humanity and wise discrimination of the spirit of our laws, that the *unfortunate*

innate should share a common fate with the *infamous*, or that the barely *accused* should, without distinction, be classed with the *convicted* prisoner ;

It appears to them, that in the present profligate state of morals, little reform can be expected from the most active exertions of the Magistrate, unless they are seconded by providing proper places of confinement and discipline, similar to those recommended by the humane and intelligent Mr. HOWARD.

CONVINCED as they are of the necessity of a speedy remedy, it is evident no steps should be taken without the *general approbation*, (as none can be effectual without the active concurrence,) of the persons of principal landed property in the County;—To *them* therefore the present Grand Jury think it their duty to submit their opinions, and they further recommend a reconsideration of the subject to the Grand Jury at the next Summer Assize;—*previous* to which, it may be presumed the importance of the object will prompt the gentlemen concerned, to compare the end to be obtained with the means of obtaining; and the general sense of the public on the undertaking may *then* be ascertained.

Signed, by request of the Gentlemen of the
Grand Jury,

G. O. PAUL, FOREMAN.

TO THE
Gentlemen of the Grand Jury
FOR THE
COUNTY OF GLOCESTER,
AT THE
SUMMER ASSIZES, 1783.

THE miserable state of health of the prisoners in the County Gaol, at the last Spring Assize, was so shocking to humanity, and so injurious an impediment to the course of public justice, that it appeared to the Grand Jury, then assembled, to be essentially their duty, to enquire into the causes which had produced it. Upon a careful investigation, it has not appeared that the fatal effect is attributable to any neglect in the officers of the prison; but that putrid distemper is a natural and almost necessary consequence, to which a full gaol, with its present defects in construction, must subject its inhabitants.

LONG since convinced that the prisons of this County are, from their structure, incompetent to the
B purposes

purposes of public justice and reformation, as well as that their system of regulation is inconsistent with every principle of humanity, and every sentiment of benevolence; I took that opportunity to offer to my brethren some general propositions on the subject. The feeling attention with which my observations were received by the very respectable body of magistrates whom I addressed, convinced me that it was ignorance of the melancholy facts, with, perhaps, an indolent dread of meeting the difficulties attending the execution of an extensive reform, that had caused them, so long, to remain subject to the reproach of neglecting to correct the notorious abuses of some of the worst appointed prisons in this, or any other country.

THE propriety of undertaking a reform, on a great and general plan, met with unanimous concurrence, and was strongly promoted by the liberal proposals of a gentleman,* then present, who, on any local improvement of our County Gaol, must be materially consulted. I was requested by the Grand Jury to publish their resolutions, and to promote the further consideration of the subject at the following Assize.† These requests I have fulfilled.

ALTHOUGH it is possible I might best promote the purpose I have in view, by leaving the conduct of it to persons, who possess a greater weight of property and

* Benjamin Hyett, Esq. Constable of Gloucester Castle, by grant from the Crown.

† Vide advertisement prefixed to this Address.

consequence in the county ; yet, as my name has already appeared to a general statement of reasons in favour of the undertaking, I shall now take the liberty of submitting to you my thoughts more at large on the proposition for a general reform of the prisons of this county ; begging to be understood, that by Reform I mean nothing less, than an entire correction of the *principle* of our modes of imprisonment ;—the construction of our prisons, as well regarding those for the *lesser* as for the *greater* crimes ;—their police ;—and the plan of their future superintendance : No lesser object will justify us in putting the County to the expence of a material alteration, as nothing less will produce that amendment of morals and obedience to law, which are essential to the general interests of civil society.

I TRUST no public meeting of this County will ever again indolently separate, without a complete investigation of the subject now brought into question : if it does, such conduct shall no longer be excused by the plea of ignorance of the unjust and indiscriminate miseries which become the lot of that portion of our fellow-creatures, who are confined in the prisons of this county ; nor from the neglect of considering the incompetency of the existing means, to the end proposed by confinement. It shall not be for want of this broad suggestion, that, whilst the conduct of prisons is by the laws intrusted to our direction, every suffering, not warranted by the *spirit* as well as *letter* of the law, is extra-judicial punishment, for which we are answerable to injured humanity.

It is impossible to enter on this subject, without paying a tribute of respect to the indefatigable Mr. Howard, the presiding genius of reform of these melancholy mansions of oppression and distress:—to him whose disinterested and diffusive philanthropy is scarcely unknown to any, although not attended to as it ought to be, by those, for whose information his researches and observations are intended; for to him all future reformers are indebted for seeing what they see, and feeling what they feel; they only reflect the rays of his benevolence on mankind. It is now ten years since, in consequence of an impression made on his mind, when Sheriff of the County of Bedford, he determined to visit all the prisons of England; and not content with pursuing misery into every the most nauseous dungeon of the most remote prison of *these* kingdoms, but, observing the same spirit of abuse and neglect to pervade them all, without one precedent for reform, he took the resolution to extend his investigation to the prisons of the more arbitrary states of Europe: He there found innumerable examples worthy imitation; not one that excused his country, by comparison. His observations he has laid before the world, with a laborious precision, which vouches for their authenticity, and will justify my reasoning on the facts he has adduced, without further enquiry. He is now continuing his pursuits in Ireland, with intent to re-publish his works, with additional observations on the gaols he has re-visited. He has already favoured me with his intended remark on our County Gaol; namely, “That it still possesses all the im-

perfections

perfections he had ten years before noticed to the public.*

AFTER such an introduction, I may probably be conceived the favorer of an abstract system of humanity, inadmissible in practice; of a doctrine that would weaken the dread of confinement, and destroy the purposes of justice: by no means: I am not of the number of those, who, to indulge a mis-placed tenderness of heart, would unbind the just terrors of the law: 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 they would punish; but of mere, though secure, confinement for such as, on just grounds of suspicion, the police find it necessary to confine for judicial trial.

I WOULD, if it were possible, that the divisions of prisons should, in the principle of their construction, be as distinct as the nature of offences; so that no culprit might escape the just visitation of the law, from a want of due means to inflict it. I plead for no more than a just discrimination. We should not then see the hardened villain, who has incurred the forfeiture of his life to the injured laws of society, abusing the mercy of his Sovereign, by instructing young and ig-

* His humane representations were heard before Parliament, and produced two Statutes of the 14th of Geo. III. The one, *for the relief from fees of prisoners acquitted*; the other, *for preserving the health of prisoners*.

norant offenders in those very acts which have brought himself to judgment of death: We should not find him revelling in drunkenness among his fellows, because the wages of his former iniquities have procured him a fund for its support: We should not see the young offender (detected perhaps in his first attempt) listening to the experienced tale which decides him in his incipient profligacy: We should not condemn to chains, and, as in some cases, to a loathsome dungeon for six months, a man suspected of a crime, of which his country, at the end of that term, may honourably acquit him: nor could we, with any regard to distributive justice, place the unfortunate debtor (perhaps the victim of misfortune) in a worse state than the convicted malefactor, and leave him only to regret that he had not supplied those wants, which caused him to be lodged in prison, by such means as have secured a sustenance to his fellow prisoner. Is it for purposes of reformation, that the idle are sent to prisons unprovided with means of working? or that the lewd of the one sex should pass their time with those of the other, disposed to the same propensity? And what is it less than palpable absurdity, to commit a pennyless offender "*till he pays a fine,*" and then deny him the exercise of his art and industry, to enable him to work out his liberation?

It cannot be denied, that the construction and police of prisons, should be consonant to the spirit of that law, for the fulfilment of whose purposes they are constructed; and that they should offer the means of
dispensing

dispensing with all possible precision, the portion of sentence which the law prescribes. Discrimination of offence and punishment is so essential a principle of English legislation, that it sacrifices to it much of that simplicity and conciseness, which would otherwise add to the perfection of its system. This sacrifice may well be dispensed with, whilst, in the onset of the execution, its purposes are rendered nugatory by the very structure and regulation of our prisons.

IN treating this subject, I shall, *first*, consider how far the SPIRIT of the law of England *implies* a principle of discrimination, and an attention to humanity, in its various sentences to imprisonment:—*secondly*, Whether the STATUTES have *enjoined* such a principle and such an attention:—*thirdly*, I shall proceed to enquire in what manner prisons should be constructed, to accord with the spirit of the law, and comply with the injunctions of the statutes:—*fourthly*, I shall lay before you the actual state of the prisons of this county:—And, *lastly*, I shall conclude with recommending a plan for their reform.

I. UNDER the British Constitution, it is indispensable to justice, that criminality, proved by forms of law, should precede punishment. The proof obtained, CONFINEMENT TO PUNISH should also be confinement to reform: It should be a state of continued occupation, and of complete seclusion from the society of former friends and associates; by the one, to create a habit of industry; by the other,

to force reflection on the mind. But CONFINEMENT ON SUSPICION, justifiable as a mode of security of the person for that trial which is to decide between the accused and the accuser, is not justifiable in means which go beyond that purpose. It is, therefore, a palpable inattention to distributive justice, to place these two classes of prisoners in similar circumstances. Confinement is, at best, a degree of punishment; and it is the proudest privilege of the law of England, to be so scrupulously jealous of this violation of liberty, that, where a *pecuniary* pledge can be considered a sufficient security, the *personal* is dispensed with. "Commitment for trial" (says Sir W. BLACKSTONE) "being only for safe custody, wherever bail will answer the same intention, it ought to be taken."* "The privation of liberty being a punishment, it should be inflicted before sentence, with as much tenderness as the necessity of the case will permit."†

THE intent of the law respecting the class of prisoners CONFINED ON SUSPICION, being *ad custodiam*, no legal means should be neglected to render that custody secure; but every suffering from neglect or abuse, which exceeds such intent, is an oppression, not only unwarrantable by law, but wholly repugnant to the spirit of the constitution.‡

THE

* Book iv. cap. 22.

† *Beccaria*, Sect. 19, page 88.

‡ "It is the proper end of custody to keep those, who are accused of injuries to society, amenable to the decisions of justice. But as accusations are not proofs, and as innocence is to be presumed in every
"stage

THE delicacy of the law, in presuming guilt in such prisoners, is sufficiently marked by the words of the oath we have taken, and the nature of the inquisition on which we, as Jurymen, are sitting. In contemplation of the possibility that an accusation may be false, either through malice or mistake, the law has ordained, that it shall be investigated by a jury of persons, in such situation of life as to be presumed of liberal education; to the intent, that, if any defect should appear in the evidence, the doubtfully accused person shall not even be arraigned before his country. What an humane attention of British legislation! yet how absurd! unless the present management of our prisons be a monstrous abuse. It frequently happens, that the verdict of our honourable acquittal, is announced to a wretch expiring in a pestilential disease, or so reduced by hunger and despair, that the freedom we award him is become a thankless boon. Are these our tender mercies? Is it for this we quit our domestic affairs? And is it thus we watch over the rights of our fellow citizens? conscientiously zealous to prevent the degrading feelings of public trial to a being, to whom we have already permitted a six month's captivity, associating with, and equally sharing the punishments of the convicted.*

WITHIN

“stage of the charge, previous to the conviction of guilt, the utmost tenderness and lenity are due to the person of the prisoner. And here it should also be observed, that it is contrary to public justice, and public utility, to throw the accused and convicted, the innocent and the guilty, into the same dungeon.”—*Eden, Pen. Law, c. 6. p. 51.*

* That this picture is not overcharged, it is only necessary to state, that, at the last Assizes, eleven bills were found against prisoners, in so
bad

WITHIN sight of that prison, where custom seems even to have justified the use of irons on accused prisoners; where, within the narrow limits the law has reluctantly decreed, they crawl encumbered with this arbitrary addition, it is not without risk of censure, as a visionary reformer, that I beg you to reflect, that, under the greatest authority of the law, the police of a prison, which authorises the habitual use of fetters, is illegal.

JUDGE BLACKSTONE, who will hardly be suspected of doctrines subversive of authority, (speaking of commitment before trial,) says,* “ But this imprisonment is only for safe custody, and not for punishment: Therefore, in this dubious interval between commitment and trial, a prisoner ought to be used with the utmost humanity; and neither be loaded with needless fetters, nor subjected to other hardships, than such as are absolutely requisite for the purpose of confinement only; though what are so requisite must too often be left to the discretion of the gaolers, who are frequently a merciless race of men, and, by being conversant in scenes of misery, steeled against any tender sensation. Yet the law will not justify them in fettering a prisoner,

bad a state of health, that they could not take their trials;—and it is a fact, that two prisoners were expiring, whilst the Grand Jury were examining their indictments, and were actually dead, before the bills were returned into Court.

During the last ten months, fourteen prisoners have died of the small-pox and gaol distemper, of whom seven were persons unconvicted of any crime,—three were fines—three debtors—and one convict.

* B. iv. c. 22.

“ unless where he is unruly, or has attempted an
 “ escape. This being the humane language of our
 “ ancient lawgivers, *Custodes pœnam sibi commissorum*
 “ *non augeant, nec eos torqueant; sed omni sævitia re-*
 “ *mota, pietateque adhibita, judicia debite exequantur.*”
 And again—“ *Though under an indictment of the
 “ highest nature, the prisoner must be brought to the
 “ bar without irons, or any manner of shackles or
 “ bonds, unless there be evident danger of an escape.”

THE learned editor of HALE's history observes,
 “ That fetters ought not to be used but where the
 “ officer has just reason to fear an escape, as where
 “ the prisoner is unruly, or makes an attempt to that
 “ purpose; but otherwise it seems altogether unwar-
 “ rantable, and contrary to the mildness, and huma-
 “ nity of the laws of England, by which gaolers are
 “ forbidden to put their prisoners to any pain or
 “ torment.”

AND Lord COKE, 2 Inst. 381, says, “ By the
 “ common law it may not be done.† If the gaoler
 “ keeps the prisoner more strictly than he ought,
 “ whereof he dies, this is felony in the gaoler by the
 “ common law, 3 Inst. 91. FOSTER, 321, 322.”

IN the report of the Gaol Committee, it appears,
 that on petition to the Judges, by one who had been

* BLACK. B. iv. c. 25.

† Vide BURNE, Vol. II. p. 340, 341.

put in irons, they declared, " That a gaoler could
 " not answer the ironing of a man, before he is
 " found guilty of a crime."*

" GRAND abusien est, que prisonner soit charge
 " de ferres ou mise en peine avant ceo qui soit atteint
 " de felony."†

THE safe custody of prisoners is doubtless an object of indispensable importance, and must be attained; but that safe custody ought to arise, as it may do, from the construction of prisons, and the attention of keepers. Lord Chief Justice King's reply to the gaolers, who complained of his injunction of the use of dungeons, is short, and to the purpose; namely, " that they might raise their walls higher."

IF it be the right of an unconvicted prisoner to be without chains, the necessity which imposes them, is indeed a " tyrant's plea," whilst it arises from our own neglect.

THE power of habit, to mislead our perceptions of the simplest ideas, is in no instance more evident, than that there is rarely an Assize, but, on this jury, we admit evidence to be given by men in chains; and this without producing the least emotion at its inconsistency. We, on this most solemn occasion, ad-

* Vide HOWARD, p. 14.

† MYRROR, c. 5, §. l. 54.

mit the credibility of a being, whilst degraded below brutal nature: in receiving his testimony, we suppose him unconvicted of crime, and yet see him stand before us, suffering a corporal punishment.

THE exemption, which, within the gates of every prison, we see granted to those who have the ability to purchase it, is a sufficient proof, that, bad as are the prisons of this kingdom, there are few in which irons are absolutely necessary. In fact, irons, with their various assortments, and prices of dispensation, constitute a system of official tyranny applied for the purpose of extortion, or to supply the defaults of duty.

MR. HOWARD mentions a prison where, till within a very few years, the gaoler ensured the custody of his prisoners "by chaining them down on their backs "upon a floor, across which were several iron bars, "an iron collar with spikes about their necks, and a "heavy iron bar over their legs."—If a similar ingenuity is not practised in other gaols, the prisoners are probably more indebted to the forbearance of the gaolers, than to any positive regulation to prevent it.

LATE experience must convince us, that, without care and fidelity in the keepers, even irons are of little effect. The cruel permission has not ensured this county from escapes; nor has the dispensation from the custom in other counties, been attended with any peculiar bad consequences. When the gentlemen of
Cornwall,

Cornwall, by construction of a new prison, “erected
 “a monument to their humanity,”* they endowed it
 with this, amongst other merciful regulations—“That
 “irons be provided at the county expence, and kept
 “ready, but not used, except they are absolutely ne-
 “cessary for punishment or security.”

IN the various prisons Mr. HOWARD visited on
 the continent, he saw no fetters, except in one or
 two particular instances;† but, when returned, he
 remarked at Salisbury, “two crown-debtors coupled
 “together, and chained to the outward door of the
 “prison, begging alms of the passengers.”

WITH respect to PRISONERS FOR DEBT, it is not
 the business of our present meeting to arraign the
 equity of our laws, in ordaining a privation of liberty
 to debtors, without respect to the merits of their in-
 dividual cases. It is sufficient that it has so ordained;
 with us, it rests only to see the legal ordinance mea-
 sured to them in mercy.

THE law has decreed imprisonment for debt; but
 the law has not intended, by the loss of liberty, that the
 health, perhaps the life, of the debtor should be de-

* HOWARD, p. 353, 395, 396.

† “In Paris, I was surprised at seeing that none of the prisoners in the
 courts were in irons. No gaoler may put them on any prisoner, without
 express order from the judge; and yet, in some of the prisons, there were
 more prisoners than in any of the London gaols.”—HOWARD, p. 166.

stroyed by disease and famine ;* it has not ordained to debtors the humiliating situation, of being indiscriminately associated with men, guilty of the foulest crimes. Such of them at least as have failed through folly or misfortune, and are thus doomed to be the necessary sacrifices to commercial faith, claim an abundant share of our pity and attention.

REGARDING prisoners convicted of the lesser crimes ;—offenders against the public peace, public order, and public industry ;—the intent of the law, as to the nature of their imprisonment, is marked in the words of their commitment ;—“ they shall be committed to “ the House of Correction, to *hard labour* :” hence it is clear, that the purpose of the law is to reform their idle habits, and to restore them to society, in an improved state of morals. How far these ends are likely to be answered by means of the existing system, you may conclude, without being led by my further observations. * It is notorious, that the only prison of secure custody within this county, is that in which it will not be contended there is any prospect of amendment of morals, or any possible means of acquiring habits of industry ; it is one, in which the intention of the law is only fulfilled, if it design by punishment to resent the injury, and not to correct the offender.

ADDRESSING an enlightened magistracy, it must be unnecessary for me to insist, that the purposes of re-

* Within the last eight months, two debtors have perished by the gaol fever, and one by the small-pox.

fentment and perfecution are foreign to the fpirit of
 Englifh jurisprudence; refentment of perfonal injury
 is fo natural to the difpofition of man, that the intent
 of legal institution is to prevent its operation. A man
 can avenge himfelf, but the law alone can do him
 juftice. “ The end (fays SIR WILLIAM BLACK-
 “ STONE) or final caufe of human punifhment, is
 “ not by way of atonement or expiation for the
 “ crime committed, (that muft be left to the juft de-
 “ termination of a Supreme Being,) but as a precau-
 “ tion againft future offences of the fame kind. This
 “ is effected three ways; either by amendment of
 “ the offender himfelf; by deterring others, by dread
 “ of his example, from offending in the like way;
 “ and, laftly, by depriving the party injuring, of the
 “ power to do future mifchief. The method, however,
 “ of inflicting punifhments, ought always to be pro-
 “ portioned to the particular purpofe it is meant to
 “ ferve, and by no means to exceed it.”* For every
 fpecies of punifhment, where the purpofe is correc-
 tion, the fituation fhould be fuch as is calculated to pro-
 duce reflection; the allowance of food fhould be
 fufficient to fupport life, and preferve health, yet not
 animate the fpirits. Seclufion, and the confequent
 dejection of fpirits, are the natural parents of reflec-
 tion. Air and light we fhould not refufe to a human
 being, who is fuffered to live, and who patiently fub-
 mits to his doom. Scenes of horror may be provided,
 but only as a terror to the refractory, and as aids to
 the police of the prifon.

* BLACKSTONE, Book iv. c. 2.

THE necessity of preserving the health of prisoners of every description, can need no argument of mine to impress it on your attention. “ Forasmuch (says Mr. BURNE) as the gaol is intended in most cases for custody, and not for punishment; and confinement itself, in such dismal abodes, is sufficiently afflictive and disconsolate, human nature will plead for those miserable objects, that their condition be rendered as tolerable as the case will admit of, particularly with regard to cleanliness, which is the parent of health; and wholesome air, which is life itself.” Our attention to this particular part of our duty seems, indeed, enforced by considerations, personal as well as public, as it regards—the prisoners themselves;—their absent families;—our fleets and armies;—and ourselves, who, as Magistrates and Jurymen, must frequently meet the dangers of contagion if generated in prisons.

REGARDING the prisoner, an attention to his health is due on the ground of justice, as well as by the common claim of humanity. You are, in fact, not more justified in adding the sufferings of disease to that specific punishment which is the sentence of the law, than you would be in inflicting a punishment on the absolutely innocent. By the language of various statutes, it appears to be the *positive* duty of the magistrates to see that the sentence of the law is justly administered. No sentence, under the British dispensation, is so cruel as to condemn a man to die by famine, to languish in disease, or to become a prey to filth and vermin;

min ; and yet, this is frequently the unintended effect of an humane appeal to mercy in favour of a condemned malefactor ; and what is still more shocking, but not less true, it is sometimes the eventual consequence of bastardy ; of snaring a hare ; of avoiding a turnpike ; or of selling a pint of ale without licence.* The Sheriff, who should even change the mode of putting a criminal to death who had been sentenced to be hanged, would be guilty of felony;† what then shall we say of that neglect, which destroys a life, not forfeited by law ? The distinction betwixt commission and omission, though material to criminality in the acting cause, is to the suffering object merely casuistical.

It is important in the view of national œconomy, to preserve the health of those whose lives are not forfeited ; to the intent that when they shall return to their respective stations in society, they may be enabled to maintain themselves by the labour of their own hands, and not become a burthen on the public.

THAT it is an attention most urgently called for by existing circumstances, to secure the families of discharged prisoners from the contagion of gaol disease, need not be urged to gentlemen now resident in this county.

THAT this attention is really a duty to our country at large, as concerning our fleets and armies, may be

* Three persons of this description have actually died of gaol distemper, within the last eight months.

† Vide Blackstone.

proved by the testimony of many officers, who served in the last war: one instance has been authentically related to me: A regiment raised on the spur of the occasion for West-India service, and which had been plentifully recruited from the various prisons, embarked 700 men; the gaol fever spread itself through the embarkation, and raged with such fatal effects, that the regiment arrived at its destination with only 40 men.*

THAT the health and purity of the air of prisons are objects personally interesting to ourselves, there are numerous melancholy proofs. Sir M. FOSTER mentions one very singular, in the case of a Mr. CLERK, who was tried at the Old Bailey, in April 1750. "Many people, who were in court, were
" sensibly affected with a very noisome smell. Within
" a week after the sessions many people were seized
" with a fever of the malignant kind, and few who
" were seized recovered. The persons who died were
" Sir SAMUEL PENANT, Lord Mayor; the two
" Judges, Sir THOMAS ABDEY, of the Common
" Pleas, and Mr. CLERK, a Baron of the Exchequer;
" Sir DANIEL LAMBERT, Alderman; a gentleman
" of the bar; the Under Sheriff; several of the Jury;
" and about 40 others—(Fost. 74.)"

AT an assize at Oxford, 1577, called from its con-

* Dr. LIND, in his *Essay on the Health of Seamen*, asserts, "That the source of infection to our fleets and armies, is undoubtedly our jails. The first English fleet, sent last war to America, lost by it 2000 men." *Howard*, p. 12.

sequence, the black affize, all who were present died in 48 hours, the Judge, the Sheriff, and about 300 others. (*Baker's Chronicle*, p. 853.)

AT Taunton in 1730, some prisoners infected the court; and the Judges, the Sheriff, a Serjeant, and some hundred others died. (*Howard*, p. 12.)

MR. HOWARD has computed that many more are destroyed by the gaol fever than by executions in this kingdom. And the calculation holds very strong in Gloucestershire, where it appears that of late the proportion has been as three dead of distemper to one executed.*

II. HAVING thus considered what is *implied* by the spirit of our law, and the simple dictates of humanity; let us now examine what the statutes have *enjoined* on the subject.

BY *Habeas Corpus*, 30 C. II. c. 2. "Persons committed for treason or felony shall be brought to trial the first sessions of oyer and terminer after such commitment."

BY the 11 and 12 of Will. III. "The Justices of the Peace, or the greater number of them, within the limits of their commissions, (on presentment of the Grand Jury at the assizes) may contract with any person for building or repairing gaols, &c."

* MR. HOWARD, has stated that the gaol distemper is not known in the prisons abroad.

AND

AND, by the 7 J. c. 4. and 17 G. II. c. 5. "The Justices are enjoined to provide sufficient bridewells; and they are empowered to proceed as regarding county gaols, &c."

BY the 14 Eliz. c. 5. "Prisoners shall be provided for out of the general county rate, &c."

BY the 19 C. II. "Justices, in their sessions, may provide a stock of materials for setting poor prisoners to work, &c."

BY 12 G. II. § 29. "Justices, in their Quarter Sessions, shall have power and authority to make one general rate or assessment, as they, in their discretion, shall think necessary to answer all and every purpose of the above recited acts."

BY 24 G. II. c. 40. "No licence shall be granted for retailing spirituous liquors within any gaol or prison, and if the gaoler shall sell, use, or give away any, he shall forfeit 100l. And a copy of the clauses of the act shall be hung up in each gaol, under the penalty of 40s."

BY 22 and 23 Ch. II. "A gaoler shall not keep or lodge prisoners for debt and felons together, &c. under pain of forfeiture of office and treble damages."

BY 14 G. III. c. 59. "Whereas the malignant
c 3 fever

fever, commonly called the Gaol Distemper, is owing to a want of cleanliness and fresh air, &c. Be it enacted, that the Justices in their sessions, shall order the walls and ceilings of the different cells to be scraped and white-washed once in the year, at least, and supplied with fresh air by hand ventilators or otherwise, and shall order two rooms in each prison to be set apart for the sick; that they shall order warm and cold baths to be provided, and no prisoner to go out without being first washed; and that this act be printed in legible characters, and hung up within the walls of the prison; and if the gaoler disobeys, he shall be proceeded against in a summary way, and pay such fine as the court shall impose. And the said Justices shall appoint an experienced surgeon or apothecary to each prison, who shall report to the Quarter Sessions the health of the prisoners."

By the 14 of G. III. c. 20. "Every prisoner, against whom no bill is found by the Grand Jury, or who shall be acquitted on trial, shall be set at liberty in open court, without paying any fee, or sum of money whatsoever, to sheriff or gaoler, in respect of such discharge, &c."

AND by the humane Act of the 32 G. II. c. 2. called the *Lord's Act*, the situation of Debtors is intended to be alleviated. "The gaoler shall permit a debtor to send for, or be supplied with, any necessaries, without putting any restraint, or demanding any fee, for the same. The Justices in their Quarter Sessions shall

shall establish a table of rates and fees, and vary the same from time to time, as they shall see occasion; and shall cause the same to be hung up in some conspicuous place of the gaol and court. And no gaoler shall directly, or indirectly, take a greater sum than shall be so allowed, under penalty of 50*l.* and if any creditor, for a sum not exceeding 100*l.** shall insist on detaining his debtor in prison, he shall pay him 2*s.* 4*d.* every Monday."

By the 19th G. III. c. 74. "General Penitentiary-houses shall be built according to the plan and directions therein enacted. To such houses shall be sent persons usually transported; or who, having been capitally convicted, have received his Majesty's mercy: They are there to be kept to labour, of the hardest and most servile kind, for eight hours in the day, during the months of *November*, *December*, and *January*; nine hours in *February* and *October*; and ten hours the rest of the year: They shall be fed with bread and coarse meat, and water or small beer: They shall be clothed with a coarse and uniform apparel, with certain obvious marks affixed to the same, to humiliate the wearer, and facilitate discovery in case of escape. At the end of the term of servitude, every offender shall be furnished with decent cloathing, and money for present subsistence; and in case he shall produce a certificate of faithful service for a year, he shall be entitled to a further sum. Each cell shall be

* By a late Act this sum is increased to 300*l.* and the payment to 3*s.* 6*d.* per week.

furnished with an iron bedstead, a matting, hempen sheets and coverlid. Yards shall be provided for air; surgeons and apothecaries to visit the sick in hospitals provided for their reception; and powers are given to shorten the term of punishment, on good behaviour: and to inflict additional constraint on the refractory. And *it is further enacted*, that until such general Penitentiary-houses shall be erected, it shall be lawful for the court, where such offenders shall be convicted, to order and adjudge them to be imprisoned and kept to hard labour for their several terms, in the houses of correction, or other *proper places* within each respective county; which *Houses of Correction, &c. shall, during such time, be deemed Penitentiary-houses to all intents and purposes, within the meaning of this act*, except with regard to the appointment of officers, and internal regulations directed by this act. And the *Justices of the Peace for every county, at their Quarter Sessions, to be holden next after the feast of St. THOMAS, in the year 1779, are hereby required to give directions for such temporary reception, safe custody, employment, and due regulation of such offenders; the expences of which shall be paid by the treasurer of the county stock.*"

By the 22d G. III. c. 64. "The Justices of the Peace, in every county, at their respective Quarter-Sessions next after passing this Act, *shall and they are hereby required*, to nominate and appoint a Justice, or Justices, in each district, to inspect the several Houses of Correction within their respective jurisdictions; and on the report, they are further required to obtain plans and estimates of such new buildings, *as shall make*

make them answer the purposes of this Act; and in adjusting such plans, they are required to provide separate apartments for persons committed for felony, and convicted of theft, and other prisoners; separate apartments for women, and proper rooms and accommodations for labour."

III. HAVING before us the IMPLIED SENSE and POSITIVE INJUNCTIONS of the law, it cannot be difficult to conclude in what manner prisons ought to be constructed, to answer the purposes of their institution.

First. A prison must be a place of SAFE CUSTODY, or it is absurd to insist on a Sheriff's responsibility. But this safety should (as before observed) be attained by the manner of its construction, the regulations of its police, and the attention of its officers, and not by means unwarranted by law.

NEXT to the security, the HEALTHINESS of prisons is assuredly the most important object of attention. Gaol-fever is found to arise from the corrupted air of crowded wards, and vapid cells; and from filthiness of person and apartments. The latter is intended to be prevented by the act, 14 G. II. before mentioned: Success in this point, however, will depend more on regulation, than construction; but most on the disposition of the gaoler, notwithstanding his attention is strongly enforced under the said act; the noisome effects of crowded wards, of vapid cells or dormitories, are entirely within the power of redress, by the manner of construction.

DUE separation, both by day and night, must be considered as the principle of all improvement: To a certain degree, it is necessary to constitute a legal prison; and there is no possible degree of separation, that will not bring with it attendant benefits: It favours every species of reform; it promotes the purposes of the law, in allotting to each offence its distinct mode of confinement and degree of punishment: It prevents criminal intercourse betwixt the sexes, and that instruction which the young offender otherwise receives from the profligate: It of itself ensures protection from every species of contagion: It favours retreat to those, whom a conscious innocence inclines to privacy under their misfortunes: If the principle be extended to a well regulated solitude, it is the most sovereign corrector of a hardened heart: and lastly, it is the surest *legal* means of bringing prisoners under authority. It is by cabal and participation of design, and by confidence in numbers, that desperate acts are attempted. By separation, in their worst designs they are within the power of their keepers.

THE separations which are indispensable with a view to order and regulation, are, 1st, of the SEXES through all classes of offenders;—2^d, of DEBTORS, from every other description of prisoners;—3^d, of the ACCUSED from the CONVICTED;—and 4th, of NOTORIOUS and PROFLIGATE, from the less DARING and ATROCIOUS.

THIS last distinction is properly that of gaol from bridewell prisoners. Bridewells also should be places of security without the application of irons; they should
be

be houses of industry and regimen free from filth or famine; they should contain courts for air, and rooms adapted to labour for each sex; and, above all, they should be so situated, that the attending commitments may not be inconvenient to the officers of justice, or expensive to the prosecutors or the public.

IN the construction of every prison, attention should be paid to the means of industry; to the criminal descriptions of prisoners, work should be enjoined, to all others permitted; the preventing debtors from working in a prison, lest their tools should furnish means of escape, partakes of that narrow policy, which pervades the whole system; habits of industry once lost are not easily regained; if employment would beguile the hours, and its profits ease the sufferings of captivity, I see no other motive for preventing it, but that which actuated the Count de LAUZUN's keeper, when he killed his spider, viz. "The wantonness of tyranny."*

* The Count de LAUZUN passed the long interval from 1672 to 1681 in the prison at *Pignerol*.—At a distance from the voice of friend or relation, without any sounds, except his own sighs; without any light, except the glimmering through the ruins of the roof; without books, means of occupation, or possibility of exercise; a prey to hope deferred, corroding languor, and uninterrupted horror; he, at last, as the only method of avoiding insanity, had recourse to the means of taming a spider. The spider received his flies every morning with gratitude, carried on his web through the day, and engaged the whole attention of his benefactor, until the jailer, conversant in scenes of wretchedness, and consequently steeled against every tender sensation, accidentally discovered this amusement of his prisoner, and in the wantonness of tyranny, destroyed the subject of it. Mons. de LAUZUN afterwards declared, that he conceived his agony, on this occasion, to have been more painful than that of a fond mother on the loss of a darling son.

—PENAL LAW.

As

As ministers of public justice and guardians of the public welfare, our views of reform must not stop here. It is only by regulation and police, that the best constructed prisons will be healthful, and produce the ends proposed: As no man is a voluntary inhabitant of a prison; and as fees are no part of the sentence of the law; fees of all kinds, either from debtors or the accused of crimes, are absurd in their institution, and oppressive in their practice. By the abovementioned Act 14 G. III. acquitted prisoners are exonerated from gaoler's fees, yet there still remains much to be reformed, and much (even under that act) to be enforced.

BREAD, water, and air, as the means of healthful existence, should be denied to no prisoner; and every regulation, which refuses a due allowance for the purposes of life, is unjustifiable: How far prisoners should be allowed to procure indulgencies that exceed these necessities, when within reach of their own resources, either by means of their labour, or by the attention of their friends, requires some consideration, and, certainly, a distinct arrangement.

TO all CONVICTED prisoners where abstinence is not the least useful part of their punishment, no indulgencies should be permitted, but such as (under the police of the prison) should be considered as rewards for good behaviour.

DEBTORS, and the UNCONVICTED, should, doubtless, be allowed to employ the gratuity of friends, or the wages of their own industry, to alleviate the privations

vations of their situation; but this, nevertheless, under such restrictions, as the good government of a prison renders indispensable.

TOTAL abstinence from strong liquors would probably be a most mortifying privation to many prisoners, but in its effects would be generally beneficial; more particularly to those, whose excesses have not been less injurious to their health, than to their morals. Convinced of the general utility of such total abstinence, I should not scruple to submit to its laws the most innocent inhabitant of a prison.* Rules of regulation should be simple and positive, or they will be evaded. Where an excess is to be dreaded, a total injunction must be laid: In this instance, particularly, nothing should be left to the discretion of the keeper.

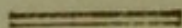
It will surely be granted, that drunkenness, riot, swearing and profaneness, should not be permitted within the walls of a prison; and, that the admitting a prisoner to hourly communication with his associates in villainy, is not a means either to ensure his safe custody, or to encourage his repentance: A LICENCED ALEHOUSE, therefore, within such walls, is not so admissible a part of a prison establishment, as to be rendered a means of its finance, as it now is in this and many other counties.

* The *advocates* for a continued use of strong liquors to persons in chronical cases, arising from former habits of excess (for such, since the first publication of this address have appeared)—should observe,—that all persons labouring under disease or sickness of any kind are removed to a Hospital Ward, where the dietary is entirely under the direction of the medical attendants.

A GAOLER'S SALARY should be a liberal independency; he should draw no emolument from means connected with the sufferings of his prisoners, nor from such as disturb the regularity of his household. He should farm no part of the county allowance, nor derive any pecuniary advantage from the prisoner, who exists upon it by necessity or choice; extra-comforts he should be allowed to dispense; the prices of these should be fixed by the Justices, and frequently renewed, as circumstances vary, and as the law may direct.

ATTENTION to religious duties cannot be an indifferent part of prison regulation. The terrors of a future state are essential to the reformation of men, who have accustomed themselves to brave the powers of this world: The law has expressly declared its attention to this object, by directing the appointment of a Chaplain: But the most arduous endeavours of the most zealous christian, will be vain, if his views are not seconded both by construction of the prison and the regulation of its police.

ATTENTION to religious duties should be encouraged by small rewards, within the power of the Chaplain.



IV. IF I have succeeded in forming in your minds a just idea of a prison constructed and regulated as it ought to be, what shall we say to the reverse of this picture; *namely*, the description of prisons as now generally established in this kingdom? A knowledge of
their

their actual state is within the reach of every man, by perusing Mr. HOWARD's publication. What he has observed regarding the prisons of this county, being probably a more exact statement than can otherwise be given, will be best transcribed from his publication, as grounds for our conclusion.

" County Gaol Gloucester Castle.

Gaoler, Salary, none.

Fees, debtors	-	-	-	£.1	0	10
Felons at Assize	-	-	-	0	17	8
at Quarter Sessions				0	13	4

Licence, beer.

Prisoners, Allowance, debtors and fines none.

Felons, each a six-penny
loaf in two days.

Garnish, £.0 1 6

Surgeon, none; but on applying to a Justice.

" THE Castle is also one of the County Bridewells: Yet only one court for all prisoners; and one small day-room, 12 feet by 11, for men and women felons. The free ward for debtors is 19 feet by 11, which, having no window, part of the plaster-wall is broken down for light and air. The night-room (the main) for men felons, though up many stone steps, is close and dark; and the floor is so ruinous, that it cannot be washed. Adjoining to the main, there are other night-rooms for fines, &c. These have also their separate day-room. The whole prison is much out of repair. The upper rooms were the bridewell, but now they are not used. Many prisoners died here in

1773, and I generally saw some sick in this gaol; eight died about *Christmas* 1778 of the small-pox. No infirmary, neither clauses against spirituous liquors, nor the Act for preserving the health of prisoners, are hung up.

“ THERE is no proper separation of the women, or of the bridewell prisoners. The licentious intercourse of the sexes is shocking to decency and humanity. Five or six children have lately been born in this Gaol. There is a chapel, but all the endeavours of the Chaplain to promote reformation among the prisoners must necessarily be defeated, by the inattention of the Magistrates, and their neglect of framing and enforcing good regulations.

“ OF the felons, in *September* and *December* 1776, thirteen were transports: most of them convicted at *Lent Assize* 1775. About twenty were fines; who, not having the county allowance, nor any employment, were in *September* very pitiable objects indeed; half naked, and almost famished. But in *December* their appearance was much altered. Mr. RAIKES and other gentlemen took pity on them, and generously contributed toward the feeding and cloathing them. Eleven of the twenty-four in 1779, were fines without any employment or allowance.”

Other County Bridewells.

“ LAWFORD’S GATE, *Bristol*, built 1716, has four rooms, 18 feet by 16: In two of them are beds for those who pay. There is a small dark room in which
felons

felons sleep. No chimnies. Court 22 feet by 18; with a pump. It is not secure; and prisoners are always confined in their rooms. It may be enlarged from the keeper's garden; and should be made secure, that prisoners may use it, and have access to the pump. The keeper readily agreed with me in that opinion. He is a sheriff's officer: Salary, 10l. Fees, 6s. 8d. No table. Straw, 10s. a quarter: Allowance, if a prisoner be very poor, 2d. a day: No employment. Clauses against spirituous liquors not hung up. By a register kept in the prison, it appears that in eight years and a half to *September 1776*, there were committed to it 572 prisoners.

“BERKELEY. Quite out of repair. Only one room for men and women, 18 feet by 15: No chimney: Court not secure: No straw. The sensible old Keeper lamented the bad effects of close confinement in idleness, upon the health of even young strong prisoners. Many such, he said, he had known quite incapable of working for some weeks after their discharge. He told me, that some years ago his prisoners used to grind malt for a penny a bushel; and the justices would not licence any victualler, whose malt was not ground here; but that of late years they had done no work at all. No allowance. Keeper, FRANCIS NORMAN; his salary 20l. but he pays out of it 6l. to the poor of the parish for ground rent: Fees 4s. 4d. no table.

“CIRENCESTER. The ground floor is the Keeper's

er's shop for garden seeds, and his kitchen. On the first story is a room about 16 by 11, for men; one corner of it is parted off for a bed-room, called the *Cub*, eight feet by five. On the second story is a larger room for women. The whole out of repair; and the court not secure enough to let the prisoners have the use of it. Felons are occasionally allowed twopence a day; nothing to any others. No employment. Keeper's salary, 13l.; he pays rent, 12l.

“ WINCHCOMB. In this Bridewell, prisoners were formerly kept altogether in the cellar. Now they are in the garrets; men in one, women in another; each about 14 feet square; roof and floors meet; eight feet high to the ridge in the middle. A close-glazed window in each; no chimney. Prisoners always confined to their rooms. Court not secure. The county have never expended any thing upon the house for many years; and the whole is quite out of repair. It was the freehold of the keeper, who was upwards of fourscore: His salary per receipts 12l. 10s. in fact, 12l. Fees, 13s. 4d.; No table. Licence for Beer; Clause against Spirituous liquors not hung up. Allowance, if charged with felony, three-penny-worth of bread a day. No straw. The present keeper said, that, ‘ he should be obliged to put irons on all the prisoners to secure them.’ ”

FROM the above statement we must observe, that in the County Gaol the keeper has no permanent emolument. His profits arise from selling ale within the

the prison; from fees for felons, now allowed by the County,* and from debtors paid by themselves, with what other advantages he can derive from such of his prisoners as may be possessed of property.

SINCE the date of the above report, a considerable sum has been expended on the castle: the whole of it has been roofed; the main has been paved with stone, and stages erected for the straw on which the Felons sleep; the room for Fines has been improved; and the keeper's apartments rendered more commodious; Mr. HOWARD's observations, therefore, on the floor of the main, and on the general want of repair of the prison, are obviated; but as no new divisions have been provided, and no ward increased in size, the the same destructive principle of confinement remains unreformed.

THE whole herd of Prisoners, those committed for trial and those convicted, the young and the old offender, are indiscriminately driven at night into one dark pen. A want of security, which is said to exist in this general receptacle, has produced a contrivance, which is worthy observation, as it is little inferior in ingenuity to that of the *Ely* Gaoler before-mentioned. A ponderous chain crosses this *place of*

* THE claims of the Clerk of the Assize, and of the Clerk of the Peace on persons discharged on trial, still continue to be made. It seems doubtful how far such claims are consistent with the words of the act, "Acquitted prisoners shall be immediately set at large in open court."

rest, and, passing the middle link of each man's fetter, it is made fast at each end, and the whole number are threaded together: Thus, with an additional burthen on their daily misery, are they left to pass the hours destined by nature to ease and refreshment.* Enlarged from these horrors of the night, this entire indiscriminate number of prisoners are crowded into one room, 12 feet by 11; so that there being now 65 prisoners, each man has a space of less than two square feet to stand in. In winter, the inclemency of the weather obliges them to pass the greater part of their day in this situation; and this circumstance alone, according to the opinion of the medical gentlemen consulted by the late Grand Jury, was a sufficient cause of those fatal distempers which raged through the last winter; and will continue to be a cause of similar distempers in seasons when the prisoners cannot pass their time in the open air.

THE wards respectively allotted to felons and debtors, can hardly be said to provide for the legal separation, as they are apart only during confinement to their rooms; when they take the air (which, under the present circumstances of the prison, is, in dry weather, nearly the whole day) there is no longer any separation; the debtor and

* THERE are at present forty Prisoners so threaded together every Night.†

† Since writing the above, fourteen of these Prisoners have been discharged by Proclamation as innocent Men.

felon, men and women, free and convict, form one profligate society. Here the most ignorant may be initiated, and the novice ascend to the higher mysteries of infamy and vice. Lest the inhabitants of the prison should want professors in their arts, or, lest abstinence from strong liquor should deject the spirits into submission and repentance, there is a licensed receptacle for those associates, whose greater intelligence has kept them out of the hands of justice. Here they may plan evasions of the law, and lay new schemes for new offences.

DEBTORS are not by law allowed that support which is afforded to the classes of criminal prisoners. Was it not for the interference of humane individuals, a debtor's life, who is destitute of friends, within the custody of our prison, would last no longer than human nature could exist without food. For many years past, only one debtor has obtained his groats of his creditor.

THOSE fines also, who are committed from inability to pay small penalties, and are consequently unable to purchase sustenance, fall under this abominable sentence; their offence is *less* than felony, yet their privations are *more* severe than those of felons.

THE clauses against spirituous liquors, and the Act for preserving the health of prisoners, (in defiance of statute) are not hung up in the prison.

No proceedings have ever been had on the Sta-
 D 3 tute

tute of 32 G. II. respecting the table of fees. No order for regulations appears, and that for fees is dated thirty years before the act in question.

CONTRARY to the Statute 14 G. III. there are no baths in the prison; no hospitals properly adapted; and no regular medical establishment. By consequence of these neglects, disease, once introduced, is perpetuated till we grow so accustomed to its fatal effects, that the most cruel circumstances make no impression on our feelings.*

PRISONERS are still allowed to strip each other under the plea of garnish.

THE state of our Bridewells is certainly not better than when Mr. HOWARD made his report regarding them. In three, at least, of the five there is a total absence, of every necessary to security, to industry,

* AT the Spring Assizes, bills were found against eleven prisoners, who, suffering at that time under Gaol Fever, were deprived of the benefit of the sacred privilege of their *Habeas Corpus*. Of those eleven persons thus extrajudicially sentenced to a further six months captivity (under circumstances above described) three died without trial, four on trial were found innocent, and four only were convicted. There are now several prisoners who are on the point of death without trial. Ten have died of the small-pox within the last five months, besides the numbers unknown to whom it has been doubtless communicated by prisoners returning to their families. So fatal, indeed, is this disease understood to be, (when under the present prison attention,) that, it is a known fact, prosecutors have neglected the proceedings for a trial, considering their business as completed in a summary way, on hearing that their culprit was sick in prison.

or to existence. How useless they are become, the acting Magistrates best know.

I CANNOT conclude this part of my subject without calling the attention of Magistrates to the serious ill consequences of their neglecting to rebuild the Houses of Correction, as directed by the act 22 G. III.

THAT act evidently owed its existence to a necessity arising from the powers of the act 19 G. III. wherein "convicts liable to transportation, or reprieved from death, are directed to be sentenced to imprisonment in Penitentiary Houses; and until national Penitentiary Houses should be erected, their punishment was to take place in the Houses of Correction within each respective County, which are therein required to be made proper for SOLITUDE and LABOUR."

THE Judges proceeded to sentence convicts as directed, whilst the Justices, on their part, have neglected to provide the "proper places" to receive them as also directed; and of course the ordinary wards of County Gaols became so dangerously crowded, that it was found necessary immediately to pass the act of 22 G. III. directing Bridewells to be rebuilt on a principle answerable to the purposes of the former act.

IN this County the whole of these *required* preparations still remain neglected; yet the Judges must

continue to sentence to imprisonment ; by the additional supply of another Assize we shall have such a standing body of desperate felons in a state of idleness and confederation, that under the present disadvantages of construction, we shall need an army of keepers to ensure their safe custody ; or should we, by dint of dungeons and irons, succeed in preventing escape, the utmost care will be ineffectual to guard against the Gaol Distemper.

V. IF I have succeeded in proving to your conviction, as I think I must have done, that our Prisons are not constructed and regulated as they ought to be, I may be excused in claiming your attention to a few words in recommendation of immediately proceeding to adopt a plan of reform.

WHEN we see the rapid increase of crimes in the very teeth of the severest dispensations of justice ; when, under the purest system of criminal jurisdiction that ever did honour to a legislature, we observe such a state of public morals as would disgrace a horde of savages, to whom the benefits of legal dispensation are unknown ; we cannot but conclude, that there is a defect in the administration of that system : what and wherein is that defect, it is really become the interest of every man to consider.

It is an illiberal and unfounded, though common, reflection

reflection on the age, to impute the increase of crimes in the inferior to the effect of the example of the superior orders of society : If there be a character peculiar to the modern vices of the liberal class, it is, that they are refined beyond the reach of vulgar imitation ; at the same time it must be admitted, that the extensive indulgencies which are grown into our moral system, are not the less fatal to the spirit of order and good government. Every circumstance that tends to enlarge the scale of moral liberty in the minds of those who govern, will weaken their attention to preventive justice ; accustomed to compound with the more rigid duties in ourselves and in those above us, we are naturally led to dispense with rigid morals in those below ; yet if by correction of the smaller crimes the greater are prevented, when we dispense with the smaller, we become responsible for the greater which ensue.

It is a mistaken indulgence that inclines the Magistrate to consider great criminals as the only objects of his attention ; if the purpose of justice be revenge, then indeed they certainly are so ; but, if it be the reformation of transgressors, we must begin with early transgression. Few men have been hanged for a felony, who might not have been saved to the community by correction of some former petty misdemeanor ; there exists in every Englishman an innate respect for law, which he never violates by a first offence without a compunction which leaves his mind open to correction ; encouraged by impunity, he proceeds

ceeds to repetitions, which in succession prepare his mind for the commission of the more enormous crimes.*

To all preventive purposes of police, Bridewells must be the essential means. I do not think it an enthusiastic speculation to advance, that, abandoned as we are, a thorough reformation of manners is within reach of their effect, if perfectly regulated, and duly applied to their purpose by a discreet and active magistracy.

BUT whilst there exist no means of inflicting the punishment of imprisonment with a greater or lesser degree of severity proportioned to the offence, humanity will not hesitate to decide favourably betwixt impunity and excess; and every offence that is not deserving of a dungeon, will pass unpunished. I address myself to many justices, and to them I appeal for the truth of this consequence.

It is not sufficient that the manners of a prison should be barely not corrupting; the public should

* Quelques crimes toujours precedent les grands crimes.
Quiconque a pû franchir les bornes legitimes,
Peut violer enfin les droits les plus sacrés.
Ainsi que la vertu, le crime a ses degres.
Et jamais on n'a vu la timide innocence
Passer subitement à l'extreme licence.
Un jour seul ne fait point d'un mortel vertueux
Un perfide assassin, un lache incestueux.

Racine. Phœdre, Act 4, Scene 2.

have

have confidence in its full power of reformation. Whilst a prison contaminates a man in the opinion of society, and destroys all future confidence in his honesty, a mere commitment is, in effect, a sentence to the punishment of those crimes, which his future necessities may induce him to perpetrate.

IT is the inevitable imperfection of a government by "PRESCRIBED law,"* that under the best possible regulations there must remain a defect in the appropriation of punishments to crimes; there are so many possible circumstances that may attend the commission of every offence, which may materially affect its degree of criminality, but which it is impossible for a legislature to foresee and provide for, that much must be left to the executive magistrate; what shall we say for that neglect which has so aggravated this natural imperfection of our government, so narrowed the possibility of discrimination, that for all offences, nay, even for suspicion of offence, or mere misfortune, it may almost be said, there remains but one inevitable doom?

I SHOULD trespass on your indulgence beyond all bounds of prudent daring, if I dictated the means of reform to men, who, with an equal disposition to feel the miseries of mankind, possess superior abilities to relieve them; I must be understood as merely submitting to your judgment, a course of reasoning on a

* BLACKSTONE,

subject that your more active situations in the service of the community have probably denied you time to consider.

REFORMATION of old abuses is slow, because we have a dull perception of those defects to which our senses are accustomed ; that tenderness of heart, which inclines to kindness and compassion in other instances, acts against the melancholy inhabitant of a dungeon.* It makes us dread the scene of woe, which (had we the resolution to witness) we should not want the compassion to relieve.

FROM the natural indolence of the human mind, we content ourselves with first impressions, and simplify our ideas on subjects the most complex in their nature. A gaol, being the place of custody for the disturbers of our peace and property, rarely attracts our attention, as a scene for the exercise of our pity and benevolence ; gratified with the thought, that it restrains the daring murderer, we overlook the gloomy list who may be victims of misfortune, or of mistaken accusation.†

THE

* MR. HOWARD says, he found few instances of inspection of the Gaols by the magistrates, on account of the danger attending it. And that he found one instance of an apothecary, who stipulated in his bargain, not to be obliged to visit the cells.

† THIS effect of false perceptions was strongly exemplified to me many years after the publication of this address.

Conversing with a man of great property and influence in a county which had expended considerable sums in ill designed alterations of a bad Gaol,

THE humane BECCARIA thus remarks on the submission of mankind to cruel dispensations: "We
 " may think it singular (says he) that the generality
 " of men should incline to a sanguinary spirit of legislation; but it arises from a hope which exists in
 " every human mind, that all unfortunate circumstances will be the lot of others, whilst the fortunate only are to be our portion. Men, governed
 " by the most obvious conclusions, love cruel laws,
 " because the fear of being injured is greater than the
 " intention of injuring; though, as being themselves
 " subject to them, it is for their interest they should
 " be moderate."

BUT let no one thus reason:—"I scorn the commission of a crime; a prison cannot be my lot, it is
 " provided for the miscreant, and for the miscreant alone,
 " who, having opposed the ordinance, has abandoned
 " the protection of the laws; leave him to his doom of
 " misery; let him rot in the vapor of a dungeon, and
 " drag his unwieldy chain at the mercy of his keeper."

Gaol, I remonstrated with him against the continued use of heavy irons, which, on visiting the Gaol of his county, I had found on criminal prisoners of all descriptions; and I observed to him, "that if their prison was still so insecure in its construction as to render fetters necessary to safe custody, the great purpose of their work, in point of reform, was incomplete." With a sneer at my pursuit he gave me to understand, that in his county they were *too wise* and *too careful* of the public money, to expend it in providing for the indulgence of a gang of thieves; "*for*," said he, "*we do not want our prisoners to dance jigs*;" and, in the pride of insensibility, triumphed in this jocular victory. Yet this Gentleman had received a liberal education, and has been distinguished by the confidence of his county, and the honours of his Sovereign.

I deny

I deny any such absolute exemption. From the capricious uncertainty of human events, it is much within the bounds of possibility, that the most innocent man may become a temporary victim to the suspicious eye of justice; the most affluent reduced within the power of an exasperated creditor. "No rank in life, (says Sir M. FOSTER,) no uprightness of heart, no prudence and circumspection of conduct, should tempt a man to conclude that he may not at some time or other be deeply interested in these researches."

NOT to urge the numbers of those, whom the verdict of the jury, on which you now sit, dismiss with credit from unmerited punishment in your mansions of horror. If constitutional freedom be government by law, "equally commanding what is right, as prohibiting what is wrong;"* he, who has not forfeited the whole, has his legal claim to the portion of protection which remains. Exemption from greater punishment than the law prescribes, is as much the right of the criminal under sentence, as exemption from all punishment is the right of the purely innocent.

IF, then, it must be admitted that, under the present abuses, the purposes of the law are frustrated, and the rights of humanity neglected; the great extent of the undertaking should not deter us from the execution. When objects are of great import to society, the sacrifice to obtain them must be over-

* BLACKSTONE'S Definition of Municipal Law.

looked. Surely such is that object which ensures to us the secure enjoyment of life and fortune, and gives to our laws that equity in practice, which they boast in theory. But at the same time it should ever be impressed on our minds, that whatsoever sacrifices the purposes of good order may claim from the purse of the public, it is the duty of those who execute to expend with frugality; and, controuled by frugality, the extent of the burthen is not alarming.

THE counties of Suffex and Cornwall have set us laudable examples of humanity and sound policy; our resources are not inferior, why should our philanthropy be less?

I CANNOT conclude without craving your favourable construction of my earnestness, in a cause which has impressed itself strongly on my mind as a moral duty. The imperfections of every kind you will pardon, with that candour which I have hitherto experienced in this County. The request which has caused me to presume to address you, was so lately conveyed to me, that I have not had time to render this statement so correct, as the nature of the subject requires, or as my respect for the persons to whom it is addressed, would have induced me to have done.

I have the honor to be,

Your faithful Servant,

GEORGE ONESIPHORUS PAUL.

Gloucester, August 7, 1783.

APPENDIX.

THE subject of the above ADDRESS having been taken into consideration by the gentlemen of the Grand Jury, the following resolutions were agreed to as their unanimous sense, to be submitted as such to a County Meeting, which they requested the High Sheriff to appoint on *Monday* the 6th of *October* following.

GLOCESTER, GRAND-JURY ROOM, *Aug. 9.*

THE unanimous resolutions of the gentlemen of the Grand Jury, at the Summer Assizes, 1783:

I. THAT it appears that the Gaols and Bridewells of this County are inadequate to the purposes of correction, humanity, or industry; and that a reform is absolutely necessary, upon the general principle of separation.

II. THAT it is highly expedient that the Bridewells should be entirely separate from the County Gaol.

III, THAT

III. THAT it is recommended to the Magistrates, at the next Quarter Sessions, to take into their consideration the powers of the Act 22 Geo. III. chap. 44, relative to Bridewells ; and also the most proper places for erecting them.

IV. THAT we request the High-Sheriff to call a General Meeting of the nobility, gentry, and clergy of the County, to take these resolutions into their consideration ; and to adopt the most effectual means of carrying the same into execution.

V. THAT these resolutions, signed by the foreman, be printed in the Gloucester papers.

G. C. BERKELEY, Foreman.

11. That it is recommended to the Hon. Secy.
of the War Dept. to take into their consid-
eration the report of the Hon. Secy. of the
Treasury in relation to the small paper
and the value of same.

12. That we request the Hon. Secy. to call a
meeting of the Board of the Hon. Secy. of the
Treasury to take into consideration the
report of the Hon. Secy. of the Treasury
in relation to the small paper and the value
of same.

13. That the report be laid before the
Hon. Secy. of the War Dept.

G. C. BENNETT, Secy.

SECOND ADDRESS,

DELIVERED

*At a General Meeting of the Nobility, Gentry,
and Clergy, of the County of GLOCESTER, held
on Monday the 6th of October, 1783,*

BY SIR G. O. PAUL.

SINCE I had the honour to lay before the Grand Jury of the County a state of the prisons within it, and the collective sense of the laws respecting them; it has been intimated, by gentlemen whose opinions are authority to me, that I should (at this meeting) bring forward such specific propositions as would reduce my ideas of improvement to a practical form.

IF I wanted motives to promote a work which I consider of such serious importance, the flattering attention paid to the observations I have already submitted to the County, would be a claim to my best services in future proceedings. I confess it is not without great diffidence that I venture to reduce into specific

cific proposals, those identical speculations which I have confidently addressed to you. Errors in opinion affect only the reputation of the man who advances them ; whilst in carrying opinion into execution, every defect may operate on the general interests of society.

As I understand that the system recommended in my late address is, by some persons, considered as an impracticable theory, we cannot too soon examine if there be grounds for such an opinion ; for if it should be justified by the nature of the attempt, it ought to be decisive on the business of this day.

I SHOULD indeed be insulting your understandings with a chimera, did I presume to offer to your attention a plan of reform depending solely for its success on the principle of construction of a building ; moral means must be exerted to produce a moral effect ; and I acknowledge, that, in stating public reformation as a consequence of my design, I presume on a spirited co-operation of all the powers of magistracy.

I WILL not assume that there does exist in the magistrates of this county such an indolence as will prevent their constant attention to the future regulations of the prisons, when built ; but I must take this opportunity to suggest, that if gentlemen are conscious that such may be the case, it will be an injustice to me, and to the fund to be appropriated to the undertaking, not to avow such disposition at this early moment. From the mild spirit of our government, the efficacy
of

of the laws, which regard internal regulation, depends on the active concurrence of the liberal class of citizens to whom the execution of them is delegated. Wisely and reasonably is it determined, that upon those who are the most interested in the preservation of public decorum, should devolve the duty of executing the laws which are designed to secure it. When the end proposed is universal benefit, the individual interest is intimately blended with that of the public; and when we are about to restore a lost effect to laws in which we glory, I cannot allow that proposal to be visionary, which needs no other support than the performance of duties constituted by the very freedom of our government. By a statute already in force, "Magistrates resident near the different Houses of Correction, are required to inspect them, at the least, twice in the year, and to report their state to the Quarter Sessions." The neglect of this law is sufficiently obvious in its consequence; and, it is most certain, that should the practice be similar when the present undertaking shall be accomplished, all our expenditure will be ineffectual.

As I have reason to believe that a term which I adopted, in reasoning on this subject, has been understood in a much more comprehensive sense than I intended, it is but justice to my argument to clear my expression from misconception, and to fix the precise meaning in which I applied it.

IF, from strongly urging the doctrine of humanity to prisoners, it has been inferred that I am an advo-

cate for a mistaken lenity, gentlemen really give me credit for a species of feeling which I do not possess; I am sensible that lenity, in the administration of promulgated laws, proves but too frequently the perversion of justice; even mercy, when too generally extended, may counteract its own intentions. But humanity (as far as it respects the mode of human actions) is the universal claim of all mankind: It is the right of every being, in every possible situation, in which either his crimes or his misfortunes may have placed him. Without obstructing a single purpose of the law, it adds a respectful solemnity to its forms, and presents justice to the people, not as the effect of hasty and capricious resentment, but as the result of cool and rational deliberation.

EVERY violater of the law is, *in his degree*, obnoxious to civil society; and the most trivial offender should suffer a punishment proportioned to the nature of his crime; but it is the object of constitutional government to guard against that excess of indiscriminate punishment for offences, which would follow were every man the judge and avenger of his own cause. It is the essence of legal institution, that however strong be the presumption, however positive the demonstration of guilt to the mind of the prosecutor, no punishment is just till the crime is established by the forms prescribed. On this ground, therefore, and no other, have I contended, and ever shall contend, for the utmost degree of lenity to prisoners before trial, which may be consistent with their safe custody.

HAVING

HAVING thus far trespassed on your time to explain what I have before advanced, I presume it is needless to enter further into general argument on the subject. The bare recital of the facts which have appeared in the progress of my enquiry, must be sufficient to establish my conclusion, and cannot but engage your attention to the most speedy and effectual interference.

ALTHOUGH I have no reason to believe that the gaoler has neglected the means within his power to restore the health of his prisoners, a fever still continues to rage with fatal effects. During the few weeks which have elapsed since the last Assizes, five prisoners have died of the gaol distemper; of these, one *only* was a convicted felon; three were debtors, and one a prisoner on an exchequer process, for a neglect of discharging his recognizance.* Besides these, a woman, who from regard to her sick husband

* The case of this unfortunate man is too severe to pass unnoticed in our enquiries.

Joseph Beard, (a cripple) and the wife of John Witts, of the parish of Stroud, having been present at a trifling affray, were, with many others, indicted for a riot. On their appearance for trial the matter was accommodated; but they (ignorant of the consequences) left the Court without discharging their recognizance. In due course of proceedings, their names were reported as escheated to the Exchequer, a writ in consequence issued, and Beard, and Witts, the husband (as answerable for the wife) were committed to prison. Beard immediately caught the small-pox, and on his recovery was seized with Gaol Fever, and, after lingering several weeks, died;—Witts, at the point of death with the same disorder, was carried home to his family, and now lies delirious, without hope of recovery.

(a debtor) came into the gaol to nurse him; and a son, who from a similar motive attended his father (also a debtor) caught the disease, and both have fallen sacrifices to their duty and affection.

CONVINCED that these dire effects could not be confined within the walls of the prison, I made enquiry into the more remote consequences, and have discovered that within a space of four miles round my own house, three debtors, one poacher, and a fine, have died within the preceding ten days, of fevers brought from the prison: And that of eight other persons infected by them, one is since dead, and seven lie dangerously ill.* From so many fatal instances, in so small a district, let the melancholy conclusion be drawn of the general effect within the county.

THERE are confined in the Gaol at this time thirty-eight capital and other atrocious convicts: In the same class (and of course under their tuition) are fifteen prisoners for poaching, bastardy, and fines.

* Thomas Evans, of the parish of Hampton, (committed for poaching) returned home with a Goal Fever, and is since dead. Elizabeth Long, in whose house he lived, caught the fever and died:—Long, the husband, and two children, are now ill of the same disease. In the same parish, Samuel Daniels, returned from imprisonment for debt, has the Gaol Fever upon him, and has communicated it to his three children, who all lie ill at this time.

Near the parish of Stroud, William Farmeloe and William Chapman, Debtors, returned from prison, are since dead of the Gaol Fever; and one Smith, of the neighbouring parish, brought home the small-pox, is dead, and has infected his whole family. The further consequences remain to be known.

AFTER the facts I have stated, I trust I may conclude that no doubt remains, in the mind of any of my hearers, of the necessity of reform as an incontestible consequence. With regard to the scale on which such reform should be undertaken, as I speak on the fullest conviction, I shall, without hesitation, say—*on the most extensive*; on a plan which may effect a total change of the system which has hitherto been suffered to exist. New prisons, new regulations, and new attention to their operation. Nothing less can establish a police, prevent pestilence, and produce an amendment of morals.

ON the principle advanced in my former address, the advantages of a prison will multiply in proportion as the separation of prisoners shall be provided for. Yet on this point, as on most others, our theory may lead us beyond practicability. Too many separations may occasion confusion to the keeper, and surpass the powers of an architect properly to arrange. Part of this difficulty will indeed be obviated by the necessity we lie under of rebuilding several prisons; the principal separations may be effected by allotting to each prison, a distinct purpose.

THE first and most material division that should engage our attention is, of *such prisoners as must indispensably be confined in the County Gaol, from such as, without the least impediment to the course of justice, may be sent to Houses of Correction*; FELONS, and others committed for trial by jury, are of the first class, and should be kept near the court of Assize; DEBTORS must

must remain in the custody of the Sheriff's immediate officer; many of the lesser offenders also, in compliance with the present letter of the law, must "be committed to the common gaol:" But with regard to criminals of various other descriptions who now crowd the County Gaol, it would be of advantage to the purpose of their confinement, as well as to the public convenience, that they should be sent to Houses of Correction situate in the vicinity of the offence.

IN classing offenders, I find it difficult to speak of those called FINES, in that collective body in which they are now placed. Among the prisoners of that description within the Gaol, there exist almost as many different degrees of guilt as are comprehended in our statute book; house-breakers, horse and sheep-stealers, poachers, want of sureties for bastardy, exchequer process, &c. constitute the heterogeneous band; here it will surely be our care, as it is our duty to discriminate. Of the most infamous, the greater number are transports, and should immediately be removed, conformable to their sentence; others (according to the 19th Geo. III.) should be received into *national* Penitentiary-Houses: But as the execution of this act, on its general principle, appears precarious, I fear we must proceed to adopt that part of it which requires "proper places to be provided within the respective counties."

IN Bridewells only should be confined such of the abovementioned offenders as are liable to imprisonment

ment on summary proceedings before a magistrate. Those also, who have incurred a sentence of imprisonment or corporal punishment, as an alternative for not paying a fine, are proper objects for a House of Correction: But as to such as are, strictly speaking, **FINES**, men who have no otherwise incurred a sentence of the law, than as subjecting themselves to a penalty; it cannot be consistent with any equitable dispensation, that they should suffer more than bare confinement. Those, particularly, who are committed for want of sureties, on exchequer process, and on forfeiture of bail, are mere debtors to the prosecutor; and should be confined as such until they pay the debt, or compound it; I should make no scruple, therefore, of associating such men with the debtors, in whose wards, in all probability, there will be the best accommodation for their acquiring, by their industry, the means of regaining their liberty. We should be particularly careful to shield from aggravated sufferings, persons only liable to fine; we should consider that their imprisonment is a consequence of their poverty, and not necessarily of their offence; a consequence from which the smiles of fortune have exempted persons in our own sphere. Of this description are most of the smaller offences against the revenue laws: from a necessary precision in their execution, there is seldom much extenuation of punishment; circumstances are frequently severe, and the effects so ruinous, as to irritate the feelings of the people against the laws themselves; committed in consequence of a failure of every resource, they enter
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on a hopeless term; and being exempted from county provision, they become a prey to hunger and disease.

IN order properly to provide for these arrangements, I propose to you to build five new Bridewells, in the lieu of those now on the county establishment, but which are of no benefit to the public: And that their situation shall be such as may most equally accommodate all parts of the county, taking into consideration the degree of population as well as the extent of the district. I further propose, that one of these Bridewells should be built *in or near* the City of Gloucester, and be called, by distinction, the *Penitentiary House*; and that in it preparation be made for such prisoners as at the Assizes or Sessions may be sentenced by law to *imprisonment and labour*, or who, in lieu of transportation, or on being pardoned from death, are *ordered* (by the 19th Geo. III.) “to imprisonment and labour in proper places within the County.” To this prison the more atrocious convicts “*should be removed immediately on sentence, and be from that time secluded from intercourse with society, as far as a just attention to their health will admit. Their food should be wholesome, and sufficient to support life under such labour as shall be enjoined them: They should be clothed in such an uniform dress as may humiliate the wearer, and facilitate discovery in case of escape.*” And such other regulations should be adopted as are directed by the act, and are applicable to the present purpose*.

* Vide Act 19 Geo. III. c. 74.

I WOULD further recommend that all the Bridewells be built on a principle of separation of classes, and also of individual separation, and otherwise (as required by the act of the 22d Geo. III.) submitting it to your judgment, whether, after the ample provision made for convicts and felons in the other prisons, it will be necessary (as therein directed) to provide for them in the common Bridewells further than for such temporary confinement as may be convenient before commitment to the County Gaol. The separations, which appear to me indispensable, are, *first*, of MEN from WOMEN. *Secondly*, of idle APPRENTICES and others committed for NEGLECT of CONTRACT, from the profligate VAGRANT. And, *thirdly*, of those specially sentenced to HARD LABOUR, from those held under a GENERAL COMMITMENT.

WITH respect to the County Gaol, the essential separations are, *first*, of MEN from WOMEN; *second*, of DEBTORS, and those FINES above proposed to be classed with them, from all other prisoners; *third*, of FELONS from FINES; and, *fourth*, a distinct apartment for accomplices in felony admitted evidence for the Crown, or, as usually termed, KING'S EVIDENCE. As in the construction of this prison the great object is safe custody, attended with as little bodily suffering as is consistent with that object, too much attention cannot be paid to bring the efforts of the prisoners within the power of the least possible number of keepers without the application of fetters. Every felon must have his night cell to himself; and
the

the courts or airing-grounds should be subdivided with such a fence as may prevent the associating in large bodies ; yet not impede a free circulation of air. A chapel, baths, and hospital, must be provided (as directed by the 14th Geo. III.) In each division also, there should be provided apartments adated to labour ; for although no class now proposed to remain in the gaol division, is compellable by law to labour, yet, as any augmentation to the ordinary County allowance may be made to depend on their applying themselves to work, they will probably be disposed to employ themselves, if employment can be procured for them.

IN all these prisons, a few of the cells should be adapted to a degree of constraint, beyond the ordinary regulation, for the temporary punishment of the refractory, and to enforce and preserve the established police of the prison.

WHETHER or not the Gloucester Bridewell and prison for convicts shall be a building totally distinct from the Gaol, must depend on the portion of ground to be obtained for the purpose. I have separated them, on the presumption that the spot near the present Gaol may not be sufficient for both. Much may be saved in point of expence by their being contiguous, without any essential inconvenience ; the chapel, hospital, and some other parts, may be made to answer in common to both.

I PRESUME

I PRESUME it is by no means necessary to enter, at this time, into more minute particulars ; I have said sufficient to explain the extent of my proposal. The regulations necessary to give effect to the construction, must be the subject of future discussion ; and may be adopted, as approved, in the course of the proceeding.

AFTER having offered so extensive a plan to your consideration, it will be expected I should point out to you the means for carrying it into execution.

I TRUST I shall be forgiven for not having prepared such an estimate as would be completely satisfactory. It cannot be the purpose of this meeting to enter into the details of calculation. The information I have obtained is sufficient to convince me, that should the most liberal idea be adopted, and the sum necessary for the execution be assessed during the progress of the work, it would not be an unexperienced, and, of course, not an intolerable burthen.*

THE jealous suspicions of parish officers on similar enquiries, is an absolute bar to precise and positive information. We must be content with general conclusions, drawn from partial evidence ; and it would be an ungenerous return to those individuals to whose

* Vide parish books of the manufacturing parts of the County, for militia levies, and maintenance of families during the late war.

candour I am indebted for such evidence, to expose it to public scrutiny on unequal terms with those whose narrow policy has refused a similar information.

I FREELY acknowledge my decided sentiments on this subject; namely,—that provided every idea of magnificence shall be excluded from the intended plan; and every prudent measure adopted to manage the finance with strict economy; I consider the expence, which may be requisite to put the laws in force, to secure a police, and to dispense equal justice to the people, *as a claim on the public stock*, to whatever extent it may amount. The zeal which has already displayed itself, justifies me in presuming this to be the general sentiment. Should I not be warranted in my presumption, and should it be the public opinion that my views are too enlarged, and that part of the object should be renounced from æconomical considerations, we must descend from our extensive speculation: Much local good may be done by partial reform, but we must dismiss our proud expectations as to result.

ALTHOUGH the letter of long established laws has made the tenant answerable for the contingent demands of the police establishment, yet, as the present necessity arises from a neglect of the landed proprietors; and as the reform must be of great permanent benefit to their property, it strikes me as a severe, and, I must add, an unequitable adherence to legal dispensation, to lay the whole
weight

weight on the transient possessor. Impressed with this idea, I cannot but accompany my proposal with a suggestion, that the burthen on the tenantry ought to be alleviated.

To propose a *total* exemption from the general principle of the existing laws, would be to sacrifice the bill in which such a dispensing clause should be included: Nor indeed is there any reason for such an exemption. Great as the whole sum may appear; should it be raised by an assessment appropriated to the individual purpose, the proportions would, in many instances, become small and fractional, and, in the collecting, troublesome and expensive.*

THE custom, in frequent practice, of granting leases which exonerate the lessor "*from all taxes that now are, or hereafter may be, imposed by authority of Parliament, &c.*" appears to me an insurmountable objection. A statute which, by an *ex post facto* operation, should counteract a mutual covenant, would be an inadmissible violence on the sacred faith of conveyance.

FROM these various considerations I am prompted to recommend, that the principal sum be raised by *loan on the credit of the County Rate*; whereby, the interest only being charged on the tenant, the amount will not exceed his equitable proportion. The loan

* THE great inconvenience of making distinct collections for each charge on the County Rate, produced the Act of 12th Geo. II. which consolidated the whole into one assessment,

may be effected by way of annuities for lives of the purchasers, by tontine, or by securities at simple interest, with redemption by a sinking fund.* Of these different modes, I am inclined to prefer that of annuities; their certainty as a provision during life, gives them an imaginary value, greatly exceeding that which is founded on arithmetical calculation, and the difference is a benefit to be acquired by the borrower, which will be the public.

By tontines, the money might probably be raised at a lower interest than by any other means; but, as a relief from any part of the burthen of the interest would depend on the death of the last surviving subscriber; and as the principal would not (as in most other cases) be so employed as to create a fund to support its payment, I think this scheme liable to objection.

By borrowing on simple interest, and creating a sinking fund to discharge the principal in a given number of years, the public would be at a certainty, as to termination; but the present burthen would be greater than by the other schemes. By the most disadvantageous of these modes, I venture to pronounce, that the annual assessment, until the principal would be liquidated, would not be more than double that of

* For reasons which afterwards appeared to the Committee, the money was raised on securities bearing *simple interest*, and the fixed and determinate sum of 2000*l.* per ann. was charged by the Act of Parliament on the rate, for paying the interest, and for securing a fund for the redemption of the principal sum borrowed.

the last year;* by either, the money will be raised on good terms, as the security resting on the whole landed property of the county, will be undeniable; and the interest being paid at home, will be favourable to investments of persons, resident in the County.

It has been hinted, that the fund ought in some measure to be left open to voluntary donation. To means of this nature, I must object in the most decided terms: Every such proposal, becomes a tax on the generous and public spirited, to the relief only of the sordid and self-interested. In times which furnish so many claims on the fund of public generosity, we should not load it with an object foreign to its concern. The design before us, cannot be stated as a charitable purpose, nor can its burthen fall on the pauper; it is a public benefit in which all are interested, in proportion to their property; and in that proportion *only* should be the claim.

To the bounty of the Crown, we may with greater propriety apply. The custody of prisoners, as part of the executive power, is, strictly speaking, a branch of the Royal Prerogative; such an application would therefore be consistent with the purpose. In building the Gaol for the county of Cornwall, the King gave 2000*l.* from the revenues of that duchy. To build the infirmary for this County, a considerable grant of timber was obtained from the Forest of Dean.

* AT the time of publishing this 3d edition, the annual charge on the County for redeeming the cost of all the prisons, does not amount to one-third of the annual sum raised by the County Rate.

REGARDING the various means above suggested, I shall not presume to impose my own opinion ; it is sufficient that I have submitted them to your judgment : When authorized by your choice of any particular mode, I shall be happy to promote its best application.

WHEN the scheme I have now the honour to lay before you, is compared with the actual state of our prisons, I may perhaps be censured as a rash intruder of new systems on the public ; I have, however, been careful not to merit the accusation ; for the whole proposal which meets the imagination, as so immense an undertaking, is no more than executing laws hitherto neglected.*

ALTHOUGH I state the present powers of the magistrates to be sufficient to effect our design ; yet as they are derived from a variety of statutes little connected with each other, many difficulties may arise in the course of our proceedings, which would be obviated by an appeal to the legislature, without any alteration in the spirit of the laws.

IF the general sense of the existing evils, should prove sufficient to animate the County to decisive measures, it will be the duty of those who conduct the gene-

* VIDE the different statutes mentioned in my first address.

rous effort, to give it every possible effect ; and it will be for the interest of the public, that such powers should be obtained, as will lead most directly and most unequivocally to that end.

SOME good effects may be expected to arise from public bills, during the approaching sessions of Parliament. The bill lately introduced by Sir CECIL WRAY, for the amendment of the Act of 11th and 12th W. will be resumed ; and Government will probably be brought to some final resolution, respecting the Penitentiary plan. It will be proper therefore to wait the result, before we proceed by private bill.

As it is impossible that the business can take its commencement from better grounds, than the Meeting of this day ; if I should be so fortunate as to convince you of the necessity of the undertaking, I shall propose, that a committee be appointed, as the delegates of this Meeting ; to be composed of such gentlemen, and such gentlemen only, as, in offering their services, will mutually pledge themselves to attend to future proceedings, in such proportion, at least, as that the business shall neither be neglected, or become burthen some to individuals.

A committee so appointed, will indeed, as such, be incompetent to the execution of any legal act ; yet as such committee will, in all probability, be principally composed of gentlemen who are acting Magistrates, and as their sittings may be held during the

time of the Quarter Sessions, their resolutions as a Committee may be submitted to and confirmed by the Court. Although an attention to the building of the prisons will be their chief concern, it will not be their only duty. Various and complicated are the abuses and evasions of the law, which obstruct the due administration of justice ; not less various must be the researches of those who would correct them. The mystery which screens the demands of office from general notoriety, is a source of infinite oppression, continued in defiance of positive statutes to prevent it ; and more consonant to the proceedings of a court of inquisition than of English law.

ENCOURAGED by your confidence, I have thus presumed to state my ideas, in the form of a practical proposition. If I have wearied your attention, I must entreat your indulgence in favour of a precision necessary to the occasion,

It remains for me only, that I submit my proposal to the chair, and wait your final decision on its merits.

G. O. PAUL.

The subject of the foregoing Address, having been taken into consideration, the following Resolutions were agreed to, and ordered to be published as the unanimous sense of the General Meeting of the County.

GLOCESTER GRAND JURY-ROOM,
October 6, 1783.

AT a General Meeting of the Nobility, Gentry, and Clergy of the County of Gloucester, convened by the High Sheriff, for the purpose of taking into consideration a reform of the Gaol and Bridewells of the said County;

The Hon. G. C. BERKELEY, in the Chair:

RESOLVED UNANIMOUSLY,

THAT the Resolutions of the Grand Juries of the two preceding Assizes are fully approved by this Meeting.

THAT, for the establishment of a proper Police in the County, it is necessary that a new Gaol, and certain new Houses of Correction, should be built.

THAT the following Noblemen and Gentlemen be, and they are hereby appointed a Committee, to carry the design into execution.

His Grace the DUKE of BEAUFORT.	The EARL BATHURST,
The EARL of SURRY.	The LORD BISHOP of GLOCESTER.
The Hon. G. C. BERKE- LEY.	JAS. DUTTON, Esq.
Sir WM. CODRINGTON, Bart.	JOHN GUISE, Esq.
Sir G. O. PAUL, Bart.	CHAS. EDWIN, Esq.
CHAS. BARROW, Esq.	JAS. MARTIN, Esq.
SAM. BLACKWELL, Esq.	JOHN WEBB, Esq.
BENJ. HYETT, Esq.	JAS. BENSON, D.D.
HOWE HICKS, Esq.	Rev. RICH. BRERETON.
THOS MASTER, Esq.	Rev. BENJ. NEWTON.
JOHN HOWELL, Esq.	THOS. ESTCOURT, Esq.
F. P. STRATFORD, Esq.	THOS. PETTAT, Esq.
WM. HICKS, Esq.	ROBT. CAMPBELL, Esq.
JOHN EMBURY, Esq.	THOS. MEE, Esq.
C. T. MORGAN, Esq.	JOHN WALL, Esq.
ROBT. KINGSCOTE, Esq.	THOS. BAGHOT DELA- BERE, Esq.
WM. BUCKLE, Esq.	CHAS. BRAGGE, Esq.

G. C. BERKELEY, *Chairman.*

POSTSCRIPT,

To a second edition of these Proceedings, published in the year 1784, at the request of some Members of Parliament and Magistrates of other Counties; on account of a Bill at that time before Parliament, for the better construction and regulation of Gaols.

FROM the nature of the applications which have induced me to a publication of this second edition, I may conclude that the instance of exertion of the county of Gloucester in the cause of prison reformation, has produced a considerable effect on the intentions of other respectable counties: I flatter myself, therefore, I shall be excused, if, in my zeal to derive every possible advantage from this glow of public spirit, I presume to call the attention of the legislature, to the expediency of such general and decisive parliamentary regulations as would unite the several county exertions into one effective system of national police.

THE present state of the police of this kingdom is a disgrace to its government; if the observation were
just—

just—that the freedom of our constitution is an obstacle to amendment; I should not hesitate to say, *it is time it should be dissolved*; the end of every political establishment being the security of life and property to the society over which it superintends, when that security is not attainable, the purpose fails, and the social compact remains an unmeaning obligation: But no such absurd consequence can be drawn from the nature of our civil institution; there exists no freedom in this country which acts against the general good, except that of thinking ourselves dispensed from public duties. It appears by the preambles to statutes on this subject, of the last and preceding centuries, that the grievance we complain of, has long existed in parliamentary contemplation. The statute-book proves with what a constant and renewed attention, the legislature has *recommended* a reform; whilst experience shews how little these *recommendations* have been observed. When indolence and the selfish interests of mankind militate against such regulations as are essential to the well-being of the community; it is time the legislature should interpose its *decisive* authority, and render those regulations *positive*; if the good purposes of a law are undeniable, sound policy requires that its execution should be made *compulsory*. I am aware on what tender grounds I speak of *compulsion* to men accustomed to an unlimited application of the word liberty; but freedom in a state is by no means a dispensation from duty; on the contrary, the public obligations of individuals increase with the degree of constitutional liberty;

liberty; in every state there must be a controuling power in exercise, and the share of it which is withheld from the chief Magistrate and is lodged with the private citizen, is the inestimable privilege of his freedom; a privilege of which, should he neglect to avail himself, confusion must ensue, or (at the risk of civil liberty) it must be exercised by the Crown.

I HOPE I shall be excused the introducing so much of general argument on a local subject, but, as the correction of abuse in one district cannot fail to prevent the contagion of depravity from extending to another, even the local utility must be infinitely increased by an universality of exertion; it is, therefore, my duty, even on the narrow grounds of a county advocate, to plead for a general operation of the design in view; it has been demonstrated, in the instance of a particular County, that, notwithstanding every attention of the gaoler to his duty, its prisons are the sources from whence disease, pestilence, and infamy, are diffused through the country, that they are oppressive to the unfortunate, and incompetent to the punishment of the vicious: We have the undeniable evidence of Mr. HOWARD's reports, that these defects are not peculiar to any one district; the excesses which are observed daily to increase through the kingdom are sufficient indications that the consequences are universal.

If it be admitted that the proposed Reform requires

quires no new principle of legislation, but that it is fully within the reach of a revival of existing statutes, or of new regulations on establishing grounds, attended with decisive measures to enforce them: What can be said for that torpor in the ruling powers, which prevents an attention to such enormities? Are the interests of internal security of no respect in the purposes of Government? Must the resources of the state be exerted, even to a ruinous extreme, on every speculative apprehension from foreign violence, whilst we nourish in our bosom a domestic enemy in actual array?

THE question is indeed now before the House of Commons by Bill introduced by Sir CECIL WRAY; it will again appear by motion on the Penitentiary Bill under the auspices of another humane and worthy Baronet; but essential as these motions may be to the immediate objects of their attention, they will fall infinitely short of radical reform. The meritorious exertions of individual counties, cannot indeed fail in their design to promote the purposes of humanity within their respective limits; but if we would give them an effectual operation towards a general police, they must be directed by such an intelligence of plan and regulation as can alone be produced by a statute of general and decisive obligation.

THE impediments to a due administration of justice have been so ably enlarged upon by men of superior abilities and experience, that I shall not venture
far

far on the subject: The defect in number and respectability of the acting Commissioners of the Peace; the impunity, arising from the expence of prosecution, from the distant situation or non-existence of prisons for the smaller crimes, and from the connivance of parish officers with a view to screen the poors' rate;—the inadequate appointment, and total relaxation of discipline amongst the inferior officers of justice;—and the disuse, or ineffectual application of the lesser corporal punishments,—are evils evident to the simplest observation.

To these neglects of law may be added some instances of vexatious execution. The proceedings on exchequer process are (notwithstanding the 4th G. III.) frequently attended with oppression scarcely equalled in despotic countries; the jurisdiction of inferior courts are so many exemptions from the ordinary spirit of national justice; from their insignificance they lose that public notoriety which is the genius of British judicature; the emoluments of their administration often depend on the quantum of oppression, and the execution of their edicts not less frequently remains at the discretion of the outcasts of superior courts.

It is greatly to be feared, that in these times of political dissention,* much cannot be expected from ministerial exertion; unhappily for this country, the attention and abilities of public men, while engaged

* THIS Postscript was first published in 1784.

in directing systems of influence, are lost to the public service ; and purposes of simple benefit to society lose their importance in the eternal struggle for power : to wait the hour of union and cordiality, would be a dream too delusive for men in earnest for a reformation : To the protection of the independent and unambitious part of the representation, therefore, I recommend the cause before me, in full conviction, that if the resolutions of the County of Gloucester were those of the kingdom at large ; and if they were supported by a general Bill of Regulation, founded on the principles of the laws in being, a perfect national police must be the important and unavoidable consequence.

It may be thought impolitic to propose the conduct of a severe system of reform, to those whose voice in the legislature depends on popular opinion. It may be suggested, that the *illiberal*, which is the more numerous part of mankind, will cherish that neglect and collusion which dispense them from moral obligations ; that they will be sensibly affected by sacrifices of present gratification, whilst they disregard the prospect of remote benefits.

To the ungoverned efforts of hasty resentment, the popularity of good men may for a while be sacrificed ; but as the security and good order of a community cannot fail to be the best interest of the individuals who compose it ; such as those to whom I appeal, will dare the effect of a first impression, and wait the
hour

hour of conviction. If such men are not bold and determined as they are disinterested in the service of their country, we have little indeed to hope in this moment of accumulating evils.

G. O. PAUL.

FINIS.

...of ... If ... are not ...
... at ... in the ... of
... we have ... to ...
... of ...

G. O. PAUL

THE

PROCEEDINGS

OF A

Committee appointed by a General Meeting of the County of Gloucester, convened and held for the purpose of taking into consideration a plan of reform of the Gaol and other Prisons of the said County.

GRAND JURY CHAMBER,

October 7, 1783.

At a Meeting of the Committee appointed by the General County Meeting, held yesterday, relative to the Gaol and other Prisons of this County ;

PRESENT,

His Grace the DUKE of	The EARL BATHURST.
BEAUFORT.	The LORD BISHOP of
The EARL of SURRY.	GLOCESTER.
The Hon. G. C. BERKE-	Sir WM. CODRINGTON,
LEY.	Bart.
JAS. DUTTON, Esq.	Sir G. O. PAUL, Bart.
JOHN GUISE, Esq.	JAS. BENSON, D.D.
BENJ. HYETT, Esq.	Rev. BENJ. NEWTON.
CHAS. EDWIN, Esq.	THOS. ESTCOURT, Esq.
HOWE HICKS, Esq.	ROBT. KINGSCOTE, Esq.
CHAS. BARROW, Esq.	THOS. BAGHOT DELA-
THOS. PETTAT, Esq.	BERE, Esq.
JOHN WALL, Esq.	CHAS. BRAGGE, Esq.
THOS. MASTER, Esq.	JOHN EMBURY, Esq.

C

RESOLVED,

RESOLVED,

THAT *Sir George Paul is elected Chairman of this Committee, and that Mr. Jepson is appointed Secretary.*

THAT *all the acting Magistrates for the County be considered as of this Committee.*

THAT *it appears to this Committee,*

THAT *the powers of the present existing statutes are inadequate to the purpose of carrying into complete execution the Resolutions of the General Meeting; and that proper steps should be immediately taken for obtaining such further powers as are necessary.*

THAT, *in order to render effectual the intended reform, a Gaol and five new Bridewells should be built within this County, in the place of the like number now on the county establishment.*

THAT *the Bridewells should be placed in or near the following places:*

<i>One at or near Dursley, to contain</i>	<i>50 prisoners.</i>
<i>One at or near Bristol, to contain</i>	<i>40</i>
<i>One at or near Gloucester, to contain</i>	<i>20</i>
<i>One at or near Little Dean, to contain</i>	<i>40</i>
<i>One at or near Northleach, to contain</i>	<i>40</i>

THAT *the site of the said prisons be more exactly determined by the Magistrates acting respectively for the divisions in which the prisons are proposed to be built, assisted by a surveyor to be appointed by the Magistrates in their Quarter Sessions.*

THAT

THAT, in building the Gaol, a general separation by classes should be attended to; and that preparation be made for

55 Men felons,	4 King's evidence,
15 Women ditto,	30 Male convicts,
40 Debtors,	6 Female ditto,
10 Fines,	20 Bridewell prisoners;

and that ten cells be provided to receive prisoners under sentence of death.

THAT a report of the above Resolutions be made to the bench of Quarter Sessions, by the Chairman.

G. O. PAUL, Chairman.

And the said report being presented, the Court informed the Committee,

“THAT due presentments had been made of the insufficiency of the Gaol and the several Bridewells within the county.” And,

“THAT they had taken the several recommendations of the Committee into consideration, and had made them Orders of Sessions.

“C. WHITHORNE, Dep. Clk. of the Peace.”

BOOTH-HALL,

February 13, 1784.

AT a Meeting of the Gaol Committee, held by adjournment;

PRESENT,

His Grace the DUKE of The LORD BISHOP of
BEAUFORT. GLOCESTER.

The EARL BATHURST. The LORD BISHOP of
THOS. ESTCOURT, Esq. SALISBURY.

BENJ. HYETT, Esq. Sir JOHN GUISE, Bart.

THOS. PETTAT, Esq. Rev. HEN. BATHURST.

THOS. MASTER, Esq. JAS. BENSON, D.D.

HOWE HICKS, Esq. Rev. RICH. BRERETON.

CHAS. BRAGGE, Esq.

SIR G. O. PAUL, Bart. *in the Chair*;

RESOLVED,

THAT, *to facilitate the means of carrying the plan of the intended reform into effectual execution, It is the opinion of this Committee,*

THAT *the money necessary be raised by loan on the credit of the county rate.*

THAT *such members of this Committee as may be resident in London previous to the Easter Sessions, be desired to co-operate with the Chairman, in obtaining the most advantageous scheme of a loan, and in conducting the necessary application to Parliament.*

Adjourned to Monday, 19th day of April next.

G. O. PAUL, *Chairman.*

BOOTH-HALL,

April 19, 1784.

AT a meeting of the Gaol Committee, held by adjournment;

PRESENT,

PRESENT,

THOS. MASTER, Esq.	JAS. BENSON, D.D.
BENJ. HYETT, Esq.	REV. RICH. BRERETON.
THOS. CRAWLEY BOE-	F. P. STRATFORD, Esq.
VEY, Esq.	DOD. HUNT, Esq.
THOS. MEE, Esq.	

SIR G. O. PAUL, *in the Chair*;

Read a letter from the Rev. Dr. Price to the Chairman, containing his sentiments on the most advantageous scheme for raising money for the purposes of rebuilding the several prisons of the county.

RESOLVED,

THAT it is the opinion of this Committee, that the sum wanted should be raised by negotiable bonds of 100l. each, bearing simple interest; and that such sinking fund should be established for their redemption, as will liquidate the debt in a term not exceeding twenty-five years.

THAT the Chairman do present the thanks of this Committee to the Rev. Dr. Price, for his great attention to the subject submitted to his opinion.

Read heads for a proposed Act of Parliament, which were approved, and the Chairman was requested to form the same into a Bill, to be presented to Parliament.

RESOLVED,

THAT the Secretary do forthwith prepare a petition to the new Parliament, for leave to bring in a Bill for

rebuilding the Gaol and Houses of Correction within this County.

G. O. PAUL, *Chairman.*

GRAND JURY-ROOM,

July 28, 1784.

AT a Meeting of the Gaol Committee, held in pursuance of a call by advertisement from the Chairman ;

PRESENT,

Sir JOHN GUISE, Bart.	JOHN WEBB, Esq.
HOWE HICKS, Esq.	WM. HICKS, Esq.
THOS. ESTCOURT, Esq.	W. H. WINSTONE, Esq.
JOHN RAYMOND, Esq.	CHAS. HAYWARD, Esq.
THOS. PETTAT, Esq.	

SIR G. O. PAUL, *in the Chair ;*

THE CHAIRMAN REPORTED,

THAT, *in consequence of a resolution of a former meeting, he had prepared a draft of a Bill to be presented to Parliament ; but that having laid it before Mr. Hargrave (as Counsel) for his perusal, he had detained it so long, that it had hitherto been impracticable to carry it into the House. The Chairman also informed the Committee, that a Bill for a general law on the subject of re-building and regulating Gaols and other Prisons, was now in its progress through the Houses of Parliament.*

RESOLVED,

THAT *the carrying into Parliament the special Bill*
for

for this county be deferred until the next Sessions, and that, in the mean time, the Chairman be requested to revise and give directions for printing the same.

RESOLVED,

THAT, as it may be necessary, within a few years, to build a new Hall of Justice, at the expence of the County, it appears to the Committee, that, in the intended application to Parliament, there should be included powers to raise money to build such County Hall, in the same manner as is now intended to be done for rebuilding the Prisons.

Adjourned subject to a call by the Chairman.

G. O. PAUL, *Chairman.*

GRAND JURY-ROOM,

September 11, 1784.

AT a Meeting of the Gaol Committee, held this day, in pursuance of notice from the Chairman;

PRESENT,

The EARL BATHURST.	The LORD BISHOP of
Sir JOHN GUISE, Bart.	GLOCESTER.

JAS. BENSON, D.D.	Rev. RICH. BRERETON.
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THOS. ESTCOURT, Esq.	THOS. BAGHOT DELA-
JOHN WEBB, Esq.	BERE, Esq.

MICH. HICKS, Esq.	HOWE HICKS, Esq.
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F. P. STRATFORD, Esq.	C. T. MORGAN, Esq.
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THOS. MASTER, Esq.	ROBT. CAMPBELL, Esq.
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SIR G. O. PAUL, *in the Chair;*

The

The Chairman read extracts from an Act passed in the last Sessions of Parliament, entitled, "An Act to enable Justices of the Peace to build and repair Gaols in their respective counties."

RESOLVED,

THAT it appears to this Committee, that the powers of the said Act are still insufficient to carry into effectual execution the former resolutions of this Committee; and that it will be for the advantage of the contributors to the County Rate, that further powers should be obtained.

RESOLVED, therefore,

THAT the Chairman is requested, previous to the next Meeting of Parliament, to prepare a new draft of a special Bill for the County of Gloucester, and to lay the same before the County.

G. O. PAUL, Chairman.

GRAND JURY-ROOM,

January 12, 1785.

PRESENT,

The EARL of BERKE- LEY.	The EARL BATHURST.
The LORD BISHOP of GLOCESTER.	Sir WM. CODRINGTON, Bart.
Sir JOHN GUISE, Bart.	Rev. RICH. BRERETON.
THOS. MASTER, Esq.	WM. ADAMS, D.D.
CHAS. HAYWARD, Esq.	J. A. SMALL, D.D.
HOWE HICKS, Esq.	JAS. BENSON, D.D.
ROB. KINGSCOTE, Esq.	WM. HICKS, Esq.
THOS. CRAWLEY BOE- VEY, Esq.	WM. HAYWARD WIN- STONE, Esq.
THOS. PETTAT, Esq.	CHAS. BRAGGE, Esq.
THOS. BAGHOT DELA- BERE, Esq.	DOD. HUNT, Esq.
	C. T. MORGAN, Esq.

SIR G. O. PAUL, *in the Chair* ;*The Chairman informed the Committee,*

THAT, in pursuance of a request of the last Meeting, he had prepared a draft of a Bill "for building a New Gaol and Penitentiary House, and certain new Houses of Correction for the county of Gloucester, and for regulating the same:" That it had been revised, and duly corrected by Mr. Shadwell (as Counsel), and that printed copies thereof were left at the Office of the Clerk of the Peace, to be delivered to the order of the acting Magistrates, and to be there perused by all other persons assessed to the County Rate ; and that notice thereof had been published in three successive Gloucester Journals.

The

The said Bill being read, was approved, and the Members for the county were requested to carry the same into Parliament.

G. O. PAUL, *Chairman.*

GRAND JURY-ROOM,

April 5, 1785.

PRESENT,

His Grace the DUKE of	Sir JOHN GUISE, Bart.
BEAUFORT.	THOS. ESTCOURT, Esq.
THOS. EDWARDS FREE-	THOS. CRAWLEY, BOE-
MAN, Esq.	VEY, Esq.
CHAS. HAYWARD, Esq.	

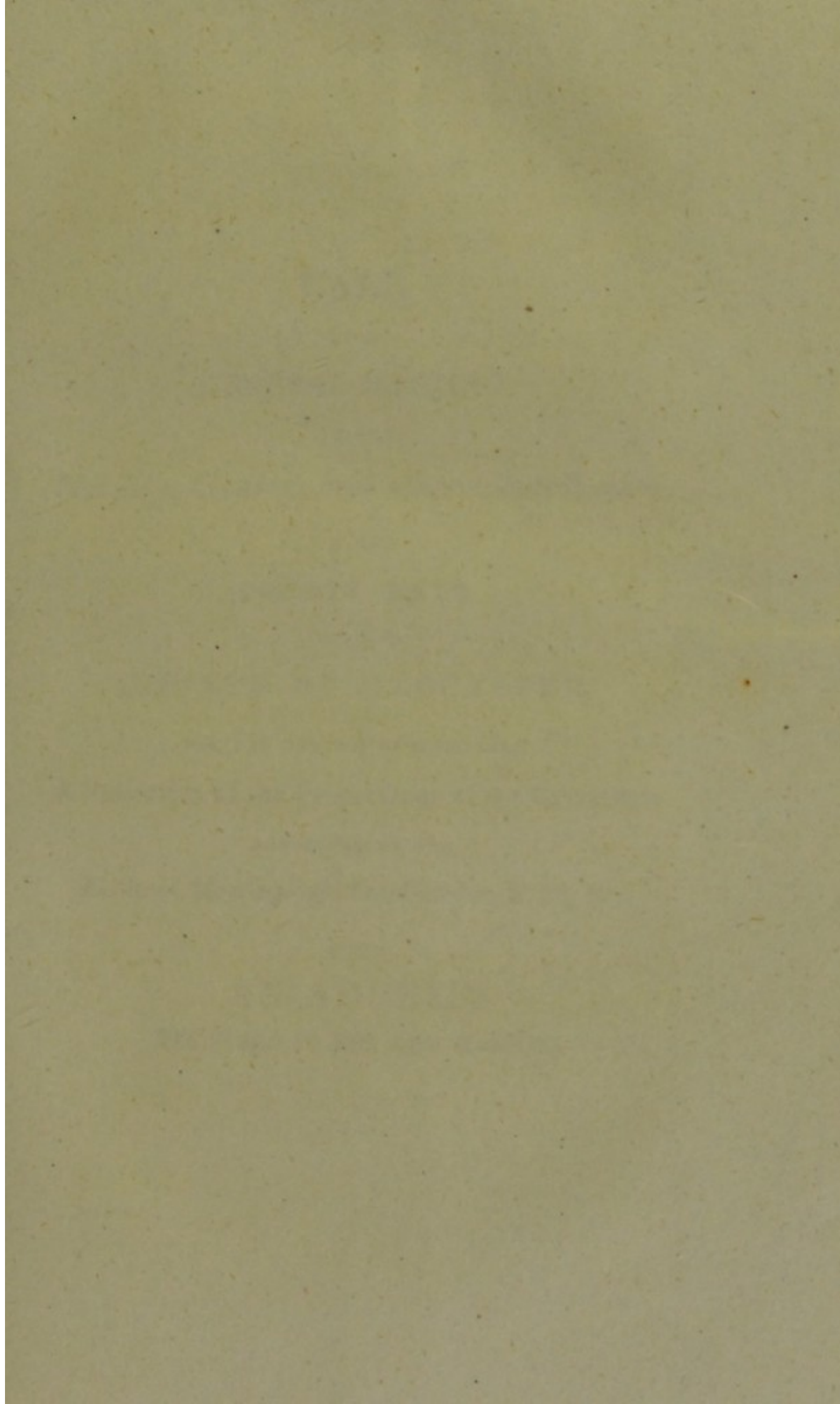
SIR G. O. PAUL, *in the Chair;*

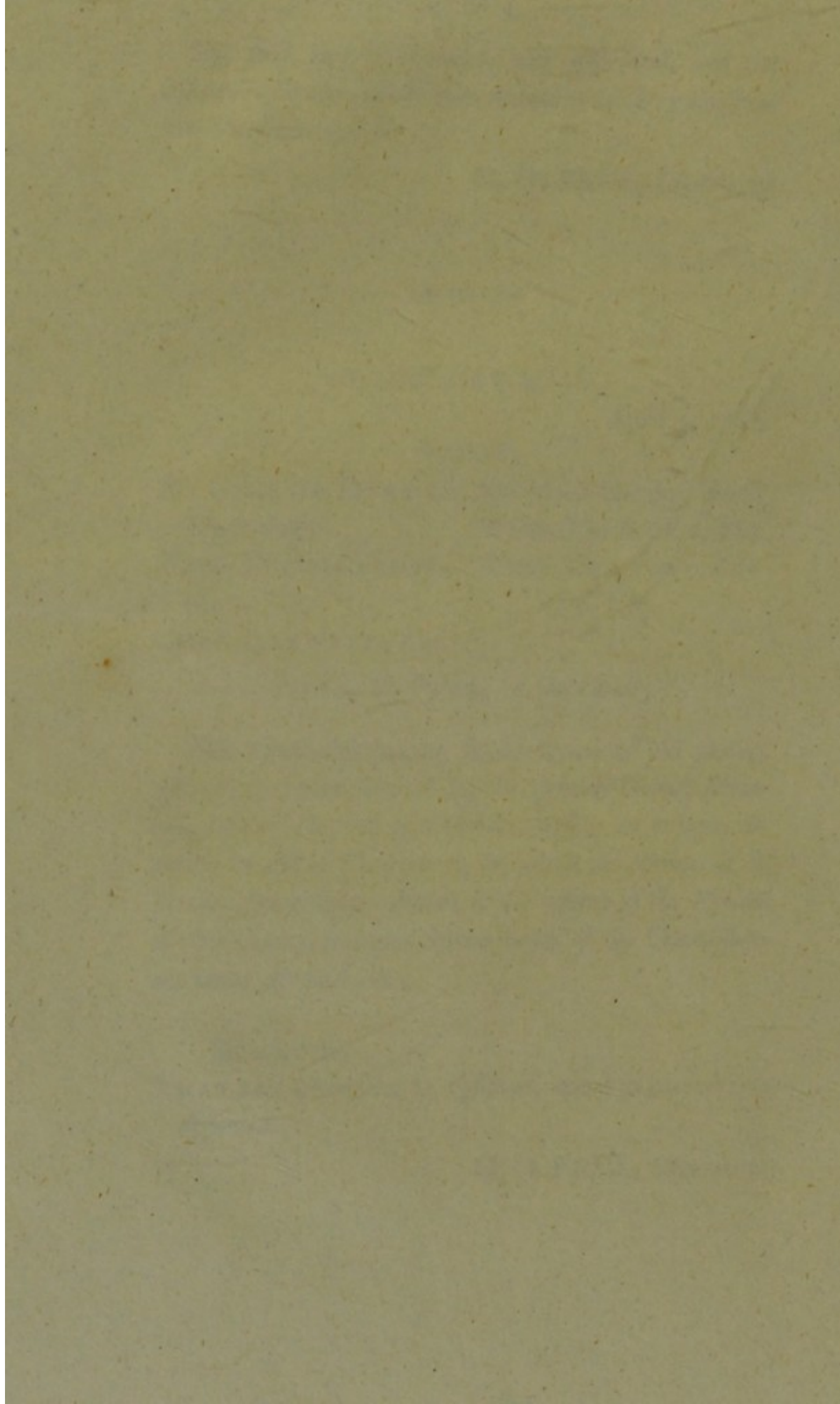
This Committee having so far executed the purpose for which it was formed by the general County Meeting, held on the 6th of October, 1783, as to have obtained an Act of Parliament, in which the conduct of all further proceedings relative to the reform of the Prisons of this County, is vested in the hands of the Commissioners under the said Act;

RESOLVED,

THAT this Committee be dissolved, and it is accordingly dissolved.

G. O. PAUL, *Chairman.*





CALL
OF A
GENERAL MEETING
OF THE
Nobility, Gentry, and other Contributors
TO THE
COUNTY RATE
OF THE
COUNTY OF GLOCESTER,
FOR THE PURPOSE OF RECEIVING
A Statement of the Proceedings of the Committee
APPOINTED BY THE
General Meeting held 6th October, 1783, &c.;
WITH
AN ADDRESS
DELIVERED TO THE SAID MEETING.

CALL
OF A
GENERAL MEETING
OF THE
Nobility, Gentry, and other Contributors
TO THE
COUNTY RATE
OF THE
COUNTY OF GLOUCESTER
FOR THE PURPOSE OF RESISTING
A Statement of the Proceedings of the Committee
APPROVED BY THE
General Meeting held 10th October, 1783, &c.
WITH
AN ADDRESS
DELIVERED TO THE END MEETING

GLOCESTER,
GRAND JURY-ROOM,

March 28, 1792.

AT a Meeting of the Commissioners for building a New Gaol, &c. for the County of Gloucester;

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 JURY ROOM,

March 30, 1792.

SIR,

The Commissioners appointed to carry into execution 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 Meet-
 " ing 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 Commis-
 sioners in the propriety of submitting to the public an ac-
 count 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 Gloucester,
 in order to receive from the Commissioners a statement of
 their proceedings, and the accounts of all monies expended
 in carrying into execution the design of rebuilding the
 Gaol and Bridewells of the said County.

The Grand Jury beg leave to propose Monday the 9th
 day of July (being the day previous to the Summer Ses-
 sions) as the time most proper for the Meeting.

I have the honour to subscribe myself,

Your obedient, humble servant,

G. O. PAUL, Foreman.

JOHN EMBURY, ESQ.

High Sheriff for the County of Gloucester.

IN consequence of the above letter from SIR GEORGE
 ONESIPHORUS PAUL, BART. Foreman of the Grand
 Jury

Jury, I do hereby appoint a General Meeting of the Nobility, Gentry, Clergy, and other contributors to the County Rates, to be holden at the Boothall, in Gloucester, 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.

AN ADDRESS

DELIVERED AT

A General Meeting of the Nobility, Gentry, Clergy, and other Contributors to the County Rate of the County of GLOCESTER, held on Monday the 9th of July, 1792; being a Statement of Proceedings of the Committee appointed by the General Meeting, held on the 6th Oct. 1788, 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 honour 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 preceding 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, founded on the principle of complete discrimination of offences;

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 Resolutions of the Grand Juries of
“ of the two preceding Assizes are fully approved by
“ this Meeting.” And,

2d. “ THAT, for the establishment of a proper
“ police in the County, it is necessary that a new
“ Gaol, and certain new Houses of Correction,
“ should be built.”

AND in order to give effect to these decisive resolutions, a Committee was instantly appointed to carry them into execution.

THE Committee, so appointed, entered on their duty with an alacrity that did them honour; 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 on the propriety of this single measure.

TRUE it is, the greater number of those to whom the original trust was delegated were included in the
commission,

commission, and have acted under the powers of the act; yet as their proceedings could no longer be determined by their own will, 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 honour 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 not a legal, have at least a reasonable right to *inquire 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 solicited, and is now convened; and though the individuals who compose it may not be *identically* the same as attended the former Meeting, yet, being one and the other convened by the highest provincial authority, with due notice both as to time and subject, the Commissioners must consider the two Meetings as of the same public body, and competent to form resolutions connected *with* and relative *to* each other. The Meeting of the 6th October, 1783, (speaking for the County) was competent to decide upon, and to sanction the measure in contemplation, to delegate a power for its execution, and to adjourn its deliberations: the Meeting of this day, resuming those delibe-

rations,

rations, is called to judge of the manner in which the directions of the former Meeting have been fulfilled.

IN submitting the proceedings to your investigation, 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 presumed, that either the Commissioners or myself stand before you 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 situation; 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 situations, and finally confirmed by orders of your court of Quarter Session; it would not become me to bring them again into question. I have, from time to time, submitted my opinions on these subjects to the public judgment; and when these have
been

been established by public decision, *but not before*, I have endeavoured to promote their best application.

MUCH need not be said to vindicate the Committee in obtaining from Parliament additional powers for executing the design; 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 that Meeting; responsible that the plans and regulations should be analogous to that definition of reform, which was 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 which 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 confidence I have been reconciled to the consequent anxiety.

THAT I am really individually responsible, it would
be

be ridiculous to admit ; yet the attention of the public has pointed personally to me ; and, in truth, the majority of the inhabitants of the County have thought proper to consider me as *solely* accountable for the measure and its consequences : I am by no means desirous of avoiding judgment on this ground ; and thus we are at issue 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 such 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 ; these 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 consideration 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 design resolved on by the County Meeting of the 6th October, 1783,
have

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 sacrificed by jobs or bargains in favour of private prejudice, or of 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 design, been equitably charged on the classes of persons, presumed by law, to be benefited by an improvement of police? and has the money been levied in a manner most consistent with the general interest of the County?

As it is a most essential sanction to a work of this extent, that sufficient time should be 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, were I to enter into a detail of particulars,

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 sacrifices more than commonly affecting to the public sentiment; an apprehension of danger to the court, suggested to the Judges the measure of retaining prisoners for trial until 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 dangerous a pestilence.

THE first view was sufficient to convince the gentlemen of the Grand Jury, that the evil was rooted in established habits of abuse and neglect, and that

* 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 Gloucester."

such a reform as would be effectual, 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 remedy," and to call on the public "seriously to consider the evil, together with the extensive means, which must be employed in effecting a radical reform;" and finally they referred "the reconsideration of the subject 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 the fatal fever, once generated, was not confined within the walls of the prison; carried home by discharged 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 indiscriminate and pestilential confinement, impressed themselves so forcibly on the gentlemen of this second Grand Jury, that they formed the strong and decided resolutions, which fixed the basis of all subsequent 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

provincial purse,) but sent a requisition to the Sheriff, to call a general meeting of the county, to judge of the resolutions 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.

THE same proofs of the existing evil, which had been laid before the Grand Juries, were submitted to the consideration of this Meeting; together with a statement, which shewed the extensive scale on which any plan must be formed which had in view a radical correction. 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, to carry into immediate execution an extensive plan of reform.

By reference to the scheme submitted to the gentlemen attending that Meeting, and fully adopted by the tenor of their resolutions;* it will appear to have been their decided opinion, that the reform ought to 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

* See Address to the County Meeting 1783, p. 65, and following.

“ five new Bridewells should be built in lieu of those
 “ now on the county establishment, and that their
 “ situation should be such as would most equally ac-
 “ commodate all parts of the County, taking into
 “ consideration the degree of population as well as
 “ the extent of each district.”—“ That one of these
 “ Bridewells should be built in or near the city of
 “ Gloucester, to be called by distinction the Peniten-
 “ tiary-house, and to be fitted up in conformity to
 “ the act of the 19 G. III. c. 74 ; That all the other
 “ Bridewells should be built on a principle of separa-
 “ tion of the classes, and also 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 felon, and apartments for
 “ labour for each class ; to subdivide 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, provided
 “ every idea of magnificence was excluded from the
 “ intended plan, and that every prudent measure was
 “ adopted to manage the finance with strict œcono-
 “ my, the expence requisite 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, little connected 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 circumscribe the conduct of those who undertook to effect this work; *precise* as to principle, extent, and purpose; *discretionary* as to the means to be employed.

THE Committee, in pursuance of their appointment, met on the following day (7th of October 1783) and continued their sittings by various adjournments until the 5th of April 1785; when, having formed their whole design into a bill, which Parliament had thought proper to pass into a law, their powers 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,

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 being completed, fitted up, and furnished," the duty of the Commissioners is at an end, or, at most, is limited to the 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 not be derived from a system 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; and 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
 B 2 myself

myself in advance, or by immediate orders on the treasurer, with whom the standing cash has been kept, at an annual interest of 3l. per cent. ; the balance of his 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 Commissioners 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 the treasurer, in no instance is it subsequent ; it was thought for the honour and the interest of the public, that the workmen and contractors should be paid instantly on requisition, and we believe, that the one per cent. allowed for ready money 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, so favourable 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 difficult, and, I trust, it will not be disagreeable, for the Meeting to examine them.

In

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 consequence of the resolution of the County, on the 6th of October 1783) amounts to 46,437l. 11s. 4d.

Of this has been expended,

	£.	s.	d.
At Gloucester Gaol, Penitentiary	25,891	18	6
House, and House of Correction - - - - -			
Horsley - - - - -	6,180	17	10
Northleach - - - - -	5,111	6	4
Bristol - - - - -	4,990	17	0
Little-Dean - - - - -	3,308	16	6
General Items - - - - -	953	15	2
	<hr/>		
	* 46,437	11	4

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 honour I now possess of laying them before you, in the hope that

* For particulars, refer to the Abstract printed at the end of this Address.

every article of account might be completely balanced; in this hope I have been disappointed by delays in some law proceedings, in which we are necessarily engaged; delays which will yield to no solicitation. 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 favourable to the public; even on such terms as would not again be undertaken, or could not again be executed.

To lead you to a more detailed view of the general œconomy of the work, the expenditure should be considered under the four different heads, of PREVIOUS CONTRACT; SUBSEQUENT ESTIMATE; DAY

LABOUR

LABOUR AND MATERIALS ON IMMEDIATE ACCOUNT OF THE COMMISSIONERS; and, lastly, EQUITABLE RETRIBUTION FOR LOSSES ASCERTAINED.

1st. 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 favour, 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 labour 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 fixed on quantity measured, by a person of the first ability in his line, and I venture to say that 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; this part has generally been directed by myself, and the execution constantly attended to by the clerk of the works at each place, whose integrity

I have, in no instance, found cause to suspect; you will perceive that the accounts under this head of 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 some persons have been victims to their contracts with the County; others have been sufferers to a large amount from accidental circumstances, or by useful deviations from their particular: where these cases were not covered by the words of their agreement, they 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.

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 consider them-
 “ selves authorized to act with a liberality becoming
 “ a respectable County; yet they can by no means
 “ think themselves justified in extending that libe-
 “ rality to mere gratuities where there is not (at
 “ least) an *equitable claim*, or a value received by
 “ some service performed, *more* than understood when
 “ the

“ the agreement in question was entered into. They
 “ therefore declare, as a rule to direct their proceed-
 “ ings, that, respecting any contract or agreement,
 “ where any additional sum has been expended by
 “ the contractor, by which the works are rendered
 “ substantially better for their purpose, than if exe-
 “ cuted in exact conformity to the plan and parti-
 “ cular, the COMMISSIONERS will think themselves
 “ justified in allowing a reasonable compensation;
 “ but where such additional expence is the mere ef-
 “ fect of misfortune, or of circumstances injurious to
 “ the workman, but whereby the work has obtained
 “ no advantage beyond what the particular directed,
 “ severe as the case may be, it seems that justice to
 “ the public requires them *to reject the claim.*”

THE CAUSES of the excess of expenditure are va-
 rious ; 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.

1st. THE estimates were formed below the possi-
 bility of executing the work within their limits.

2d. A PRINCIPAL contractor who engaged on
 the terms of the estimate, failed to execute his con-
 tract ; the failure produced a delay ; and the delay
 aggravated the contingent expences.

3d. MANY improvements on the original design
 have been introduced into the work.

4th.

4th. AND, finally, the Court of Quarter Sessions thought proper to give an extension of construction to the words of the act, favourable to the *present* payers to the County rate, at the expence 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 clothing for the prisoners, furnishing the committee-rooms, &c.

THE failure of the contractor who undertook the building of the Horsley, Dean and Northleach Bridewells, has been too material a circumstance to be passed unnoticed. The first estimates for the building these three prisons, amounted to 6,588l. ; the most favourable proposals for executing this work, amounted to 12,155l. ; these 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 7,075l.

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 upon 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, to agree with Mr. Fentiman (one of Rogers's securities) to complete the work for the sum of 1,000*l.* in addition to the original contract; and to direct that Mr. Rogers, sen. (the other security) should be sued on his bond for the 1,000*l.* so paid, as the loss sustained by the County by the non-performance of the contract. After combating the delays and intricacies 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 40*l.* the defendant is your prisoner for the remainder; and, by so 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 960*l.** and adding this to 6,930*l.* (the terms of the original contract with Rogers,) it is less by 4,265*l.* than the next most favourable proposal that had been made. The Commissioners are therefore justified in saying, that, under all the circumstances, the best possible bargain has been made in this particular.

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

* Since the delivery of this Address, the Commissioners have consented to liberate Rogers on his paying 200*l.* as a composition for his debt, which diminishes the loss by so much.

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 first estimate; the expences of his journies 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 designed not only that the execution of the work and the survey should be completely distinct, but that even the surveyors should be constantly superintended by Commissioners resident near the spot, formed into sub-committees at each work, so that the whole might proceed at one and the same time, and at the same time be attended to.

By resolutions of 16th Feb. 6th Oct. and 6th Nov. 1787, sub-committees were appointed to the superintendence of all the buildings, as directed by the 6th section of your act. It is to be regretted, that

that the gentlemen so 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, at five 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* execute? or, devoting my best exertions, should 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

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 prisons when completed.

AT the Summer Assize, 1789, a report was made to the court of Quarter Sessions of the approaching completion of the buildings, with a suggestion that “ it was time for the Magistrates to prepare regulations for their government.” It was my hope that the gentlemen on the Bench would have entered on the performance of this part of the duty *independently* of the Commissioners. It was, however, thought proper to refer this business also 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 honoured by that confidence which has allowed it ; as to my time,
it

it has been my *inclination* to apply it *exclusively* to this object; 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 labours.

THESE, Gentlemen, are my *reasons*, not my *excuses*, for the delay in executing 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 laboured 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 design. Many expensive additions have been adopted, tending, or (at least) conceived to tend to the permanency of the work, to the security of the prisoners, or generally to promote

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 which 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

must have been charged on the ordinary County Rate, and wholly levied at the time in which any such expenditure was directed. There being no power of anticipation then existing, this was solely and entirely a tenant's tax. It was the first object of your Committee to consider the means by which the burthen might be properly relieved. The best opinions were consulted; and various plans of annuities, and tontines were submitted to them; but these have finally given way to a resolution,* "That it would be
 " most for the interest of the public to raise money on
 " negotiable bonds, bearing simple interest; and that
 " such a sinking fund should be established as would
 " liquidate the debt in twenty-five 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 precisely fixed, and the amount calculated on the presumption of borrowing 28,000*l.* and to redeem that sum in twenty-five years.

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

By sect. 35 of our act, it is directed, "That the

* See proceeding April 19, 1784.

“ Commissioners shall borrow and take up on mortgage of the County Rate, such sum or sums of money as to them *shall appear necessary and expedient* for the purposes of the act.” But by sect. 37, “ the sum to be annually received by the Commissioners shall be 2,000*l.* and *no more* ;” and by sect. 39, “ this sum shall be applied—First, in paying the expence of obtaining the act, and afterwards in keeping down the interest of the principal sums borrowed ; the surplus to discharge the expence of erecting, fitting up, and furnishing the building ; and when such last-mentioned expence shall be discharged, *then* as a sinking fund to discharge the principal sums borrowed.”

I CERTAINLY would not have advised, nor would I have consented 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 the Commissioners a power to fix the term for liquidating the debt, (as done by the new general law,) and to have assessed the annual sum for interest and redemption in proportion to the sum 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 2,000l. per annum 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 first calculated; but they can not borrow 40,000l. for, as there would no longer be a sinking fund, there would be no lenders.

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

	£.	s.	d.
Borrowed on the credit of the fund set apart under the powers of the act, 25 Geo. III. c. 10. sect. 37 and 39 - - - - -	32,485	0	0
Balance remaining due to the Trea- surer, which sum, it is agreed, shall bear an interest of 4l. per cent. to be first liquidated by the sinking fund, before any mortgage shall be discharged - - - - -	2,388	14	1
Taken from the sinking fund and applied in carrying on the work -	9,563	17	3
Received from the Lords Commis- sioners of his Majesty's Treasury, being the amount of a grant from the Crown, for so much money to be raised by the sale of timber from the Forest of Dean - - - -	2,000	0	0
	£. 46,437	11	4

I SHALL

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 unrefuted 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 borne by the occupant of real property, for the wise 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 answerable 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 sacrificed the bill in which such a dispensing clause was introduced ; nor, indeed, was I any way authorized to propose such 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 sorry 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 fee; 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 charged, 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 assessor of the tax; a tax for the purpose in 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 so 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

year 1785, are annually charged during the continuance of such lease, with something less than one penny in the pound, suppose about 3-8ths per cent. Those who have made their agreements since 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 2,000l. 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 assistance by grant of timber from the forest, on the general plea of *encouragement to the design*: we failed in our application; the answer given to it was, "that other counties would "have like pretensions;" 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

* See the Report of Commissioners for surveying the Forest Lands, relative to the Forest of Dean.

of land, which, under its present vicious policy, is withheld 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 2,000l. 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,

I HAVE already observed that the act was drawn on the presumption of borrowing 28,000l. at an interest of 5l. per cent.; in this case the 2,000l. per annum would have produced a sinking fund of 600l. which would have redeemed the principal in twenty-five years; but the sum of 34,873l. 14s. 1d. has been borrowed, 18,085l. at an interest of $4\frac{1}{2}$ per cent. 16,788l. 14s. 1d. at 4l. per cent. the sinking 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 mortgage, 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

liquidation will be about thirty-two years; which is to say, that the 6,873l. additional money funded will have extended the final term of payment seven years, giving to the last sum borrowed the appearance of a charge on the public double to that of the first sum.

It has been said, "that the system 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 2,000l. per annum for thirty-two years, causes a payment of 64,000l. whilst 34,873l. *immediately* levied, would discharge the whole expence."

To this I answer, 1st, as before proved, such a mode of levying would be inconsistent with the system 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 sum to his use, is clearly equal to the increased *total* of monies paid as an annuity for its interest and liquidation, for any given time, supposing the sum reserved in hand should *only* be employed at a *like interest* to that by which the annuity is calculated: but supposing, (as must be presumed, of the class of persons charged with this rate, for whom we ought to have the chief consideration,) supposing, I say, that a *commercial interest* is made of the money retained, whilst the annuity is calculated at an interest of only $4\frac{1}{2}$ per cent.; it is then *more* than equal; it is *for the benefit* of such
class

class of men to pay such an annuity, rather than such principal in prompt payment.

To elucidate this proposition, put a case hypothetically; suppose an individual to have an option, either to pay 30,000*l.* *prompt*, or to pay that sum accumulated at compound interest at 4 per cent. at the end of thirty years. At the end of that time it will require 97,000*l.* to pay it; if he employed his money in a 4 per cent. fund, of consequence his capital in hand will have increased to 97,000*l.* 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 172,000*l.* and he will have gained 75,000*l.* 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 shopkeeper, 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 1*l.* per annum for thirty years, or shall he immediately pay 17*l.* 5*s.* which is the price of its redemption, at the interest paid by the County? Suppose the farmer to use his 17*l.* 5*s.* only at a profit of 6 per cent. it will at the end of thirty years have accumulated to 99*l.* whilst to pay 1*l.* per annum for
thirty

thirty years, when money is at $4\frac{1}{2}$ per cent. it will at the end of that time be no more loss to him than 58l.; there will therefore remain to him a profit of 41l. 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 Northleach is built.

HENRY STEPHENS, Esq. has in like manner presented to the County the land on which Horfley Prison is built.

LORD SHERBORNE declined to accept a compensation for landlord's damages on his estates near Northleach, occasioned by digging for materials.

MR. PACEY, tenant to Lord Sherborne on the lands above-mentioned, would not accept damages for breaking ground and injuring his crops by the carriage of materials for five years.

MR. LOVESEY, tenant to Lord Chedworth, made

* To gentlemen accustomed to calculation, these details will appear familiar and trifling. 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.

no claim for his damages, in consequence of the building at Northleach.

HAVING now considered 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 assist 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.

1st. ALTHOUGH it appears that the original design of our buildings is completed, yet improvements may hereafter be suggested, which it may be adviseable to adopt; supposing such to be adopted, from what fund shall the expence be paid? Shall they be considered as repairs, the cost of which the Magistrates in Sessions shall discharge from the ordinary County Rate; or taking them as part of the original plan, shall the cost be paid from the appropriated fund? The act is not silent in this case; it says, "That the sum borrowed shall be applied to
 " defray the expence of building the Gaol, Peniten-
 " tiary-House, &c. and of otherwise carrying the act
 " into execution. That the surplus of the 2,000l.
 " after

“ *after* paying the interest of the money borrowed,
 “ and *before* such surplus shall be applied as a sink-
 “ ing fund, shall be applied in discharging the ex-
 “ pences of erecting, fitting up, and furnishing the
 “ said New Gaol, Penitentiary-House, &c.” But,
 “ that at all times after opening the Penitentiary-
 “ House, the expences of repairing the same, with
 “ the buildings, easements, and appurtenances thereto
 “ belonging, and all other charges and expences ne-
 “ cessary for supporting the same, 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.”

“ ALL HOUSES OF CORRECTION, from the time
 “ of their being first used as such, together with their
 “ buildings and appurtenances, shall be repaired and
 “ supported as Houses of Correction are by law re-
 “ paired and supported.”*

I KNOW only one addition to the work which can
 cause this to be a question of consequence in *fact*,
 though certainly important on point of *principle*. In
 the original design for our prisons, it was intended to
 give an additional security to the boundary walls, by
 fixing a chevaux de frise upon the coping. This be-
 ing a costly item of the particular; not being satisfied
 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

* See the County Act.

be omitted; I am now free to own, that some late accidents have altered my sentiments;* I think that when a good and effectual plan shall be fixed upon, it will be prudent to add some additional security to the boundary-wall of the Gaol.

SHOULD it be thought adviseable to make further payments from the sinking 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 1,000l. applied.

2dly. In fixing on ground whereon to build the Gaol, the Commissioners are required “to have regard to the airiness and healthiness of the situation, “to the avoiding all ill smells and the being over-looked, and for this purpose to purchase lands and houses, not only for building 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 “and thereby preventing Gaol Fevers and other “malignant disorders.” Lands and premises 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 secured to the County without encroaching upon, or occupying any ground which had been previously used by the public commerce of the city.

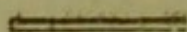
THE ground surrounding your Gaol presents to

* See Appendix, at the end of this Address.

the view of private interest the prospect of advantages totally inconsistent with the public design. Various have been the applications to me to favour the pretensions of persons, who, not having considered the public purpose for which this property was acquired, have probably taken my 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 prisons 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 surrendered, in confidence that neither the bias to private, nor indifference to the public interest, may ever prevent in the Magistrates, the most active jealousy of those advantages which cannot be abandoned without a dereliction of the first purpose of the acquisition. To assist the court of Quarter Sessions 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

should any part of this ground be appropriated ; 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 those 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 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 esta-

* 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.

blished 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 EXPERIENCE has produced a method not to be excelled by POSITIVE INSTITUTION. The law of England purposes the protection of every man in every station ; it therefore has depended on the energetic principle of self-interest for the performance of those duties which effect that protection. The execution of the whole system of police laws is required from the unpaid service 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, to which on a former occasion I alluded, 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 PRIVATE BENEFIT ARISING FROM THE

PERFORMANCE OF PUBLIC DUTY, (which is the essence of our laws,) SLEEPS IN THE BREAST OF THE PUBLIC. Let it be our endeavour, as it is our duty, to awaken this sense; equally avoiding the timid inactivity which submits to evident evil, and a rash violence in reforming it. To urge PUBLIC 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, 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 such various interests were about to be affected, they probably did not consider 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 scrutiny 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 so invidious an employment of my time. Freedom of opinion, on these points, has been exercised, as the propensities,

propensities, the jealousy, the interests of individuals have disposed them. I have neither been an unconcerned nor an unfeeling observer. Had I stopped in my course to vindicate my motives, or to contend for my pretensions, I should have sacrificed my duty to my feelings; the necessity for reserve 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 personal 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 *future* 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 fostered by the prejudices of *any* powerful connection; it presented itself to public attention free from every extraneous influence; if it could not support itself on its own good policy, it must have withered in the bud. Despising unfounded 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 nowhere save 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 answer, The impressions on the mind, which are our springs 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 task 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 honour to complete what I had begun. I do not conceive that great public obligation is due to any man who does no more than that which, if not done, would be an omission of duty, and a shame to himself; 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 service I have gone through.

FROM such suggestions 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 feeling, I could not reason to their conviction. To YOU, and to you *only* therefore, who were roused with me to action by the same cry of injured

injured justice and humanity, and who determined on redress, 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 sense ; to you, and to your opinions *only*, I will submit my conduct in this service ; 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 solicit must *not* be a compliment on my endeavours ;—for such I am already too much your debtor, and to such it may probably be imagined the public interest has already been sacrificed. It must be a decision on the facts, unbiassed by any abstract opinion foreign to the point before you.

IF, by attention to the object of your commission, I have been instrumental 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 confidence 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 shall have obtained the end I sought in your employment.

G. O. PAUL.

RESOLUTIONS

*Of the General Meeting of the County of Gloucester,
held at the Boothall, July 9, 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 G. O. PAUL, BART. is highly satisfactory to this
Meeting, and that he be requested to cause the same to
be printed and published for the more general infor-
mation 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 ONESIPHORUS PAUL, BART. and the other
acting Commissioners who have conducted, and brought
to*

to conclusion, this great and public work; also 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 future 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 1000*l*.*

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 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 favoured the undertaking by gift of land or other accommodations.

Signed at the unanimous request of the Meeting,

JOHN EMBURY,

High-Sheriff and Chairman.

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 easy 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 assigned by the persons in trust, are, in general, merely calculated to cover their own neglect ; those which have reached my ears, on the present occasion, 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 cruel means usually applied to secure the safe custody of prisoners by loading **them** with chains, indiscri-

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 19 and 20 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 therefore inconsistent with justice.

It is the chief purpose of the late improvement to render this mode of security 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 such a degree of attention in the keepers as is not attainable.

I AM decidedly of opinion, that the locks and bolts are sufficiently complete, and that the walls need not be raised, to secure prisoners without chains, provided the rules are correctly understood and observed; and further, I cannot perceive that the rules are difficult
either

either to understand or to observe, with the application of common talents. Have facts controverted this opinion? If so, although 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 such addition as will prevent every means of escape, save that of treachery; but I must observe, that no means of security 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 security of the prison may certainly be increased, either, 1st, *By rules enforcing an increased 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 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 designed, as they regard the different classes of prisoners. UNCONVICTED PRI-

SONERS are no farther restrained than a due attention to their health and security absolutely requires ; necessary sustenance is provided for them by the public, whilst, by the total prohibition of strong liquors and the unrestrained permission to procure every other article of food, their expences are directed in a proper course, 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 seeing 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 suffer for escapes which may be the consequence.

RESPECTING FELON CONVICTS; the rules have, in my opinion, with much propriety, directed the punishment to the *mind* rather than to the *body*. Their clothing is comfortable, yet humiliating; secluded from the society 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 distinction ceases, save that of the shade of turpitude, of his offence. Should there be amongst this unhappy misguided class, any persons

persons 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* greater, *as 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 corroding reflections on his crimes, and the denial of his accustomed habits; no otherwise degraded than in *his own* estimation, is restored to society in such health of body, and (where the hope of penitence is not forlorn) so 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 so sick as to be removed to the hospital, *not one* has died in it. And I venture to assert, 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 to or even alteration in 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 said, and so little understood; I am sorry 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 system of bars, bolts, and padlocks, was surely 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 consequence of the multiplicity of doors introduced by the new system, 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 on such a one as should save time by simplifying the means of security; *to diminish the number of motions and to increase the powers*, where it was rather required to provide against *force* than *ingenuity*; and where (together with the *force*) the *ingenuity* of the prisoner was to be counteracted; *there 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 succeeded before I recommended the adopting the models; I think not less so, after the most attentive enquiry into the causes of the late escape.

THERE

THERE are 24 kinds of locks and bolts adopted in the Gloucester 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 say 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 such delicate and complicated parts as render it unfit for the rude service 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 service 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 article would have amounted, in the Gaol only, to 1100*l*. whereas it appears that the cost of all 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 740*l*.

THE lock which has been adopted for the cells, and which is in fact no other than a lock of separation 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,) so 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 prisoner 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 the door of his ward, secured by a lock which, I venture to say, 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,

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 manufacturer*; with the same key he liberated two other prisoners.

HAVING got out of their cells, 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 observed by the prisoners, prompted them to their design. Thus
escaped

escaped from the interior security, they scaled the outward wall by means of a rope ladder made of cordage at different times secreted 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 suffering 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 it be asked, "Why were the walls constructed 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 species of 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.

1. "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 confinement should be frequently
 " ventilated by currents of fresh air taking their
 " course freely in an horizontal 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
 " funk fence be a sufficient security, instead of the
 " general method by four walls rising 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 wisdom may prescribe, be en-
 " forced by the assistance of a Committee of Magis-
 " trates or Visitors sitting weekly, by rotation, at the
 " gaol, as is the practice at the houses of industry in
 " Suffolk and Norfolk?"

ALTHOUGH I certainly could not advise to admit
 this precaution to the full extent it was suggested, the
 principle

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 risking the health of the Prison.

An Abstract of the whole Cost of Building of the different Prisons of the County of Gloucester.

<i>Heads.</i>	<i>Gloucester.</i>	<i>Horsley.</i>	<i>Northleach.</i>	<i>Bristol.</i>	<i>Dean.</i>	<i>General.</i>	<i>Total.</i>	<i>General Costs, under the Title of Contingencies.</i>
BUILDING, including all Masons, Carpenters, Slaters, Painters' Work, and Materials	£. s. d. 18177 0 7	£. s. d. 4609 15 7	£. s. d. 3623 3 1	£. s. d. 3363 1 7	£. s. d. 2350 6 2	£. s. d. — — —	£. s. d. 32133 5 0	STAMPS, including for 340 Mortgage Securities £. 111 8 9
Lead, Iron, and Glass, used in constructing the Building, under the Contracts for the respective Articles	£616 10 3	676 15 9	675 8 2	711 14 10	266 18 2	— — —	4947 7 2	Expence of obtaining the Act of Parliament, including printing Copies of the Bill sent into the County, and Copies of the Act after it was passed
Finishing, in which are included Locks, Bolts, Ironmongery; Fixtures, Iron Bedsteads, Sashes, and all Smiths' Work, and fixing not under Contract	1881 17 0	351 1 3	239 8 4	303 9 0	167 11 1	— — —	2943 6 8	To the Clerk to the Commissioners for his Attendance during eight Years, drawing Agreements, &c.
Furnishing, including Chapels, Keepers' Houses, Prisoners' Bedding, &c.	230 3 6	138 9 5	75 1 0	105 8 1	62 1 9	— — —	611 3 9	To ditto for Law Charges ..
Cloathing the Prisoners	89 9 4	0 0 0	0 0 0	0 0 0	0 0 0	— — —	89 9 4	Stationary, including 340 Mortgages on Parchment, and as many Copies on Paper
Surveying, including Plans, and Architect's Expences, Measurer, Wages of the Clerks of Works for 5 Years, &c.	1431 7 6	399 12 10	478 10 0	442 12 0	379 5 0	— — —	3151 7 4	Contingent Expences
Land	1422 5 0	0 0 0	0 0 0	*0 0 0	50 0 0	— — —	1472 5 0	Repairing the temporary Gaol and Land Tax for the Gaol and Ground
Damage, exclusive of what was paid by the Contractor	0 0 0	5 5 0	6 6 0	15 0 0	10 14 9	— — —	37 5 9	Insurance of the Buildings during their finishing, 2 Years ..
Contingent	43 5 4	0 0 0	13 9 9	49 11 6	11 19 7	953 15 2	1072 1 4	Printing
Total	23891 18 6	6180 17 10	5111 6 4	4990 17 0	3308 16 6	953 15 2	246437 11 4	£. 953 15 2

* Note. The Ground for Building the Bristol Prison was obtained from the Corporation of Bristol, by a Surrender of the Old Prison in exchange.

N. B. The whole Accounts and Vouchers are open to inspection on application to the Clerk to the Commissioners.