XVI. Penitentiary System in England—Improved local prisons.

So much having been said of what has been done in this way in foreign countries, the omission might well seem a strange one, were nothing said of what has already been done in this same way here at home.

On this subject, however, it would be in vain for me to attempt to speak with any distinctness, and that for various reasons.

I know not to which of the existing prisons the denomination may be applicable, nor what the number of them may be in the whole. In England, Wales included,a total number of prisons nearer three hundred than two: prisons improved upon the penitentiary plan, between half-a-dozen, I should suppose, and a dozen. Your Lordship knows precisely: or at any rate may know, from the Reports of the gentleman, whoever he may be, who, for Your Lordship’s information, is paid £400 a year for looking at them—from those connoisseurs in prisons, who are as much at home in ‘improved prisons’ as they are in ‘improved Colonies’.

a Number of those visited by Howard, 257. Howard on Prisons, 3d edit. 1784. p. 486. Table XII.

2. In the next place, it is only in here and there an instance that the accounts would be accessible to me: and were they even all before me, to speak of all would require a work of itself; to dwell upon one or two only, might be a sort of injustice to the rest.

To all these ‘improved’ prisons, in what other respects soever improved or supposed to be improved, one feature of improvement belongs in common—*encrease of inclosed space*. In each instance, this encrease has had one or more of three objects: preventing disease—affording working-room—affording means of separation for convicts of different descriptions: sequestration in various degrees of perfection, up to the pinnacle of penal luxury—total solitude.

Space for prevention of disease is a most indisputable improvement, wherever necessary, but an improvement that has no particular reference to penitentiary discipline. Of this salutary discipline, space for separation—space for working—may be stated as the two characteristic features, so far as architecture is concerned.

In the encrease of space for separation, reformation, or rather non-encrease of corruption, was the object aimed at. This object will have been compassed in a greater or less degree of perfection, according to the sufficiency of the architectural means, and the use made of them in the management. As far as my opportunities of observation extended—and the enquiry was once an object to me—one great obstacle to this end appeared to apply in common, and with scarce any exception that I could observe, to all these prisons: I mean the want of compleatness in the plan of separation. What matters it, whether there be certain times of the day, in which the raw are debarred from getting instruction from the reprobate, if there are others in which they are brought together? In the department of wholesome instruction, is a school the less a school because the boys are not always in the School-room?

5. Separation not sufficient for reformation without work. Space for both will be grudged, and thence frequently not be to be had, unless the work pays for the expence.

Separation, however, even though carried to the length of solitude, is not of itself sufficient for reformation. To reformation, *occupation* is necessary: occupation, profitable or at least innocent, to fill up the mind with useful ideas, or at least innocent ones, and, by that repetition, to exclude mischievous ones.

Inclosed space, for whatever purpose, is not to be had without expence. To pay for that expence, if work be proposed to be done, it is necessary not only that work shall be done, but done in such quantity and such quality as to equal the expence. It is in this way that the interests of *reformation* and those of *economy* are intimately blended and connected. Work of some sort or other, profitable or not profitable in point of *economy*, is necessary for *reformation*. But the less the expence of reformation, the less it will be grudged.

*Grudged?*—says a voice somewhere—whether Your Lordship’s or whose else I am unable to distinguish—out of all habits as I am with great men—*Grudged!* however (says the voice, and in a tone of displeasure—) *and what of that?—as if*, where *reformation* is at stake, *expence would be grudged by any body*: as if in such a case, the grudging of the *money, if it were grudged, ought to stop the issue of it!*—For *corruption*, no my Lord: for that object £46 a year per head has never been thought too great in Your Lordship’s office; any more than in the office underneath: I mean so long as ‘improved’ Colonies have been the scene of it. But *reformation* is another thing. As to the *ought* and the *ought not*, these are *speculative* points and may be left to speculatists. The *fact* is, that money for this purpose is grudged, and to such a degree grudged, as to prevent the issue of it. If such be the fact, (and Your Lordship, a little further on, will see it is) in the most opulent of all opulent Counties, what may it be expected to be in the rest?

Grudged or not grudged, another fact is, it must be confessed, that in some instances the money looked upon as necessary for this purpose has been issued, and prisons built accordingly—viz: these improved prisons.

Improved prisons built, and what has been the result? In respect of reformation, separation over-done, over-done in some instances to the degree of absolute solitude: in all of them, or at least almost all of them, the influence of that solitude at the same time disturbed at least, if not utterly destroyed, by regularly recurring associations.

In respect of economy, £1,000 a year perpetual rent, and for that £1,000 a year—£500 neat profit—(neat in other respects) produced. Neat loss £50 per cent of the rent: and to produce this loss—that is to reduce the loss to this scantling, such exertions and such talents as it would be presumptuous to count upon in any future instance. {Had equal talents with equal exertions been employ’d upon a larger scale, instead of speeches, the national debt, I am inclined to think, would not have weighed quite so heavy as it does.} Such has been the effect of improved prisons, under the Blackburn architecture.

 I knew the man, my Lord. Raw in the business, fame sent me to him for instruction: I was in treaty with him for Ireland. *Sir*, (says he), *if I work this thing for you*, *ordinary per centage will not pay me: let there be one building upon this principle, there will be an end of mine*. The exact substance, my Lord: almost the very words. The man was an artful man: but this came out from him unawares. He was an economist: but that sort of economist whose art consists in doing useless things at a cheap rate.

Neither by talents nor by exertions can the nature of things be changed.—It is a position I have had occasion to make good elsewhere,a that *cæteris paribus* the neat productiveness of any branch of profit-seeking industry will be *as the largeness of the scale*. In all receptacles without exception, (the demonstration is a strict one, and comes within the province of mathematics—Yes, my Lord, even ‘of arithmetic and its calculations’) the greater the space contained, the less the proportion of matter requisite for the containing of that space. By the same powerful cause, the effect is influenced in a variety of other ways: amongst others, by in the diminution of the *number* and *expence* of *inspecting* *eyes*. If this be true of all such concerns in general, it will be more particularly true in proportion as reluctance or unpractised awkwardness prevails among the working hands.

a *Papers intituled Pauper-management improved*, in Young’s *Annals*, 1797. Chap. III. Buildings and Land.

Among the variety of rocks, on any one of which Mr Pitt’s ever-memorable Poor plan would have split, was this of the smallness of the scale. Not certainly of the *tout ensemble*—that was as large as it could be—but of each component establishment, as distinguished by a separate mass of building and a separate set of officers. Had the scale been as large as that of the average of the existing Suffolk Industry Houses, the estimated expence for the whole of South Britain upon that scale would have been £10,275,250

Do upon the proposed Panopticon scale and plan £2,357,000

Waste, though altogether blameless and unpreventible £7,918,250

Two thousand to a house was the number upon the Panopticon plan and scale: two hundred, in round numbers, upon the Suffolk scale: but upon Mr Pitt’s plan, they would have been of all manner of smaller sizes. The eight million—the amount of the waste upon that single article—would have been frugality, in comparison of the waste aimed at by Mr Pitt.

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| This upon main buildings alone. Total of the estimated part of the expence upon this plan, Main buildings, airing grounds and official establishments together—Annual amount of Official establishments (to match with the other expences) reduced to capital, viz. at 20 years’ purchase |
| Deduct expence of do in the Panopticon scale and plan |
| Remains, for the amount of waste in this part of the aggregate of expence upon this plan, frugal as it would have been in comparison of Mr Pitt’s |

In round numbers, sixteen millions and a half out of two-and-twenty millions and a half the waste, by having ten establishments instead of one.

These (it must moreover be considered) were mere *pauper* establishments: the population submissive in its nature, wishing for nothing less than to escape—the infant, the aged, the infirm—passive for the greater part, even to the degree of helplessness. To the expence of these pauper establishments, prison establishments—especially upon the Blackburn plan—the plan pursued, and for aught I know universally, in the main, at least, in the existing improved prisons—would have added I know not what load of further expence: for example, in solitary cells, with useless stone and iron in abundance. It would have multiplied it, and by no very small number. In the pauper department, £20 a head, for example, was the expence upon the Suffolk plan and scale, upon the numbers actually lodged, £10 pound a head upon the numbers capable of being lodged. In the prison department, £240 a head, or some such matter, was the expence upon the Cold-Bath Fields plan and scale, upon the numbers capable of being lodged there: I mean without departure from the plan of occasional solitude intended and pursued.

Wasteful as that poor-house plan of Mr Pitt’s would have been, in comparison of the Suffolk poor-house plan, itself wasteful in comparison of the Panopticon poor-house plan, the first official plan, for covering the country with microscopical poor-houses, would have been frugal in comparison of a second official plan, for covering it with microscopical penitentiary houses.

Upon the scale of ten establishments instead of one, the expence (Your Lordship sees) is about midway between three times and four times as much as it need be:—to keep clear of exaggeration, say but three times:—waste £2 out of £3. But, upon this second official plan, there would be 257 instead of one: 257 such local penitentiary houses, instead of the one national one prescribed by Parliament: prescribed by Parliament seriously, and afterwards bespoke of me in jest by the late Treasury and the Duke of Portland.a Two hundred and fifty-seven penitentiary establishments, instead of one: say for round numbers, |^^^| only.

a Mr Secretary Long to Mr Bentham—Copy—Treasury Chambers, 25th March 1800. ‘Having laid before the Lords Commissioners of his Majesty’s Treasury a letter from the Duke of Portland, relative to the number of Convicts which the Panopticon proposed to be erected by you is intended to accommodate, I have received their Lordship’s commands to acquaint you that the proposed building of a *Panopticon* is to be calculated to accommodate *two thousand* persons. I am’ &c.

This was in answer to a letter of mine, written more than 7 months before: viz: on the 17th of August 1799: asking of Mr Long the number I was to build for, for the therein declared purpose of my making preparations accordingly.

This letter suggests no small variety of observations, economical, logical, moral, and constitutional taken together: for the present, those belong[ing] to the chapter of economy are all that I shall attempt, my Lord, to trouble you with.

Upon the abovementioned scale of *ten* establishments instead of one, the expence is about midway between *three times* and *four times* as much as it need be: to keep clear of exaggeration, say only *three* times. But upon the Duke of Portland’s plan, as above stated, there are to be 257 penitentiary houses instead of one: say, for round numbers, only 240.a If, then, an excess to the amount of 10 houses, instead of one, makes the expence three times as much as it need be, how many times as much as it need be will 240, instead of one, make the expence? Answer, seventy-two times as much:—for the ratio of 240 to one is 24 times as great as the ratio of ten to one: 24 times 3 is 72.

a If, out of the 257, the add 17 exist already in the improved form, so much of the expence in question is already defray’d.

But the quantity of needless expence in *poor-house* architecture, upon the current plan and scale, taking the *Suffolk* Industry Houses for the standard, is but small in comparison of what it is in *prison* architecture, taking *Cold Bath Fields* Prison for the standard: for of that Penitentiary House, the expence was found to be about 20 times as great per head,b (little more or less—say, for round numbers, 21 times as great per head—) as in the proposed Panopticon Penitentiary House:—21 times, instead of 3 times. This being assumed, the quantity of needless expence in prison architecture on the plan of 240 penitentiary houses, instead of one, will, instead of 72 times, be 7 times 72 times, that is 504 times, as great as it need be.

c The calculation was grounded on the most particular information that could be obtained from the most authentic sources. It is at Your Lordship’s command at any time.

*And do you mean seriously, Sir, to make me believe, or to make any body believe, or do you yourself believe, that, according to any plan of mine or of any predecessor of mine, an expence 504 times as great [as] that of your proposed Penitentiary House—aye, or a half or a quarter or a tenth part of that expence—will be, or in in any case would have been, incurred?*—Most certainly not, my Lord. Of any such expence, I do not take upon me to say, that it was so much as intended: though of that plan which approaches much nearer to it than any other example which the history of public waste affords, the execution was most indubitably intended: I mean always so far as the execution of a plan, the particulars of which seem to have been so perfect a secret to the authors, can be said to have been intended. Far, therefore, be it from me, my Lord, to undertake to maintain that the execution of any such plan was ever so much as *intended*: all I can pretend to say is, that the intention of bringing about the execution of a plan of this sort was *professed*: and for so saying, my warrant, the only warrant I pretend to have will presently be in readiness to meet Your Lordship’s eye.

Note to p. \*14

It is in the way of *reformation*, (*reformation* as contradistinguished from *example*) that these County penitentiary Houses bid fairest for being serviceable. On the ground of mere separation indeed, I have already stated why it is that but little would be to be expected from them: the good which of itself it might be capable of doing, if steadily persevered in, being in a manner obliterated by the promiscuous associations with which it alternates. It is to the *occupation* afforded that the greatest share seems due in the production of whatever degree of reformation may have been the actual result. Minds are by this means more or less diverted from those mischievous topics of conversation which, in a state of idleness, would be the sole resource. In the Philadelphia penitentiary-house, even without the benefit of the central inspection principle, and under a plan of separation widely different from solitude, a very considerable and salutary check appears to have [been] applied to the exercise of the faculty of speech, and by that means to the abuse of it.

It is under the head of *example* that the effects of the penitentiary discipline in these local penitentiary houses appears most difficult to investigate and appretiate. Under this head, appearances are likely to be more favourable than realities. Upon the face of the accounts, judging from the number of convictions as between period and period, a very considerable decrease in the number of convictions within that jurisdiction may have taken place, without a defalcation to that same amount—without a defalcation to any amount, produced, in the aggregate of crimes for the kingdom at large, by that same cause. Why?—because without any decrease in the *number* of crimes, the scene of them may have been changed. The persons deterred may have been deterred—not from committing crimes, but from committing crimes within the precincts of a county in which so unpleasant a mode of spending time may be the result. It is among the observations made by the intelligent professors and practitioners in moral therapeutics in Philadelphia, that among those to whose eyes the prospect of imprisonment under the penitentiary form includes every thing that is most terrible, the prospect of imprisonment in the ordinary form is a matter of comparative indifference. In the unimproved prisons, the loss of the liberty of loco-motion is almost made up for by the absence of labour, joined to the constant opportunity of congenial conversation, sweetened by the occasional enjoyment of the means of drunkenness.

On the ground of reformation, the publication of Mr Neild,a just fallen into my hands, affords a comparison not quite so much to the advantage of England as could be wished. In Philadelphia, backsliders not more than 5 in 100 in the course of 5 years, even including the pardoned, on whom the discipline, with its benefits, had not been tried. From Dorchester, in the 14 years ending with 1801, out of 393 of both sexes, 242 only stated as being ‘reclaimed’.a This, if the whole remainder were supposed to be unreclaimed, would give more than 39 in the hundred backsliders. Five in the hundred in 5 years is, in each year, one: 39 in 14 years is, in each year, almost three. ‘*Found reclaimed*’, however, is the word: and it can scarcely be supposed but that some may have been really reclaimed without having been *found* to be so: death or change of place might be alike productive of this effect. Want of agreement in respect of the number of years, takes from the commensurability of the two cases. The comparative view thus given is not so accurate as it might be: but to render it so would require more words than would be paid for by the result. In this English account, the persevering zeal which could not only institute but keep on foot so troublesome a course of investigation, and the candour that laid the results before the public eye, are alike conspicuous. Of the difference as between the English discipline and the Philadelphian in respect of the felicity of the result, no cause more probable, upon the face of it, can, it should seem, be assigned, than the alternation of promiscuous association with seclusion in the one case, contrasted with the unremitted exertions made in the other case to keep inviolate such degree of separation as the architecture of the prison, unaided by the central-inspection principle, admitted of.

a Account of the Society for the discharge of small debts, 1802.

b Neild, 98.

Such or something like it is the price, at which, to save the public the expence of the one obnoxious prison so often mentioned, it is a little more than 3 years, since a determination was professed as Your Lordship will see presently, though I should suppose not for the first time, to force the country to fill itself with these improved prisons. Even as to the eventual amount of the expence, intended or not intended, that the *rule of three*, as above employ’d should, without any further data be correctly sufficient, is more than I would undertake to answer for: I would not haggle for a few millions:a no, my Lord, nor for a few dozen millions. A point I can speak to with more confidence, is—that the talents which gave birth to that determination, or at any rate to the professions made of it, are the very same which the public is every day experiencing the benefit of under Your Lordship’s auspices: and if the check which Your Lordship is thus fortunate enough to possess, for the correction of any error that may have unintentionally attached itself to so unavoidably rough an estimate—if so powerful a security against misrepresentation be not yet sufficient, I would beg leave to refer Your Lordship to the still more resplendent talents of the late official sub-professor of political economy, whose share in the glories of Mr Pitt’s poor plan is without dispute, and who on all agreable occasions is so fond of ‘arithmetic and its calculations’. Industry Houses upon the gallypot scale and Penitentiary Houses upon do are so identical in principle, that (even without adverting to the vicinity between the first and the second floors of the same edifice) a man may, without much apprehension of error, venture to state them as coming out of the same shop.

a In prison architecture, Blackburne’s plan for Battersea rise would perhaps not have been more than about 15 as much on the Panopticon plan, instead of the 20 or 21 times as much as in the case of Cold-Bath Fields. Cold-Bath Fields proved bad ground: Battersea Rise was excellent. But Cold-Bath Fields is up and finished: and the case of Battersea Rise affords neither finish nor commencement, nor any thing but estimate.

Upon the principles I have thus ventured to point to, in the improved prisons in question, present or future, one drawback from the goodness of the economy—one great drawback and that an unavoidable one—is the *smallness of the scale*. Another is the *shortness of the term* which, in these receptacles for petty offenders, the imprisoned hands have to learn the business in, and afford a compensation for the time and materials consumed without profit, during the season of primæval awkwardness.

Under these disadvantages, together with that which results from the difference between the wages of labour, as compared with the expence of maintenance, here and in America, I should not expect to find it within the compass of human ability, though devoted exclusively to the service, to bring the improved English prisons in question upon a level in point of economy with that of Philadelphia. It is not without surprize that in some instances within my reach, Dorsetshire in particular (Oxfordshire I have but an indistinct recollection of), I have observed in how meritorious a degree these obstacles have been overcome.

In these home instances, the grand misfortune is, that in regard to the main object—the object with reference to which *example* and *reformation* themselves are but as means to an end—I mean the *decrease of crimes*—circumstances do not admitt of their affording any such satisfactory proofs of efficacy as in the more favourable situation of the Philadelphia prison may be and have been afforded:—why? because the *good* effects of the discipline of these *good* Jails are to such a degree drowned in the *bad* effects of the surrounding *bad* ones.a In Pennsylvania too and in New York, the whole system of penal justice is invigorated by the abolition of capital punishment, as above: while in England, the debility resulting from the opposite excess (by *debility*, I mean the relaxation that pervades the whole system of procedure) is such, as can not be compensated in any ascertainable degree by the utmost efficacy of such local and partial improvements.

a Note in two other pages.

Would Your Lordship have supposed it?—It is upon the very merits—the acknowledged, or at any rate alledged, merits, of the Penitentiary system, in these its less perfect *forms*, that the hostility to it in its more perfect form has grounded itself. So well has the system succeeded in this and that *County*, that for that very reason there is to be none for *England*:—so well has it succeeded upon a *small scale*, that it is not to be suffered upon a *large scale*: so well have the existing prisons succeeded at an *enormous* rate of *expence*, that, for that very reason, a still better prison is not to be suffered to be built at a *tenth*, a *fifteenth*, or a *twentieth* part of that expence. So peremptory was the determination to cover the country with [...?] prisons *unthought of by Parliament*, that it is for that very reason it was determined not to have the *one* prison, that had been so long ago and so repeatedly been *prescribed by Parliament*.

The conclusion made by the patrons and organizers of the most improved of all these improved prisons has been somewhat different. Yes, my Lord: it is among the most distinguished of its rivals that the panopticon plan has ever found the most cordial of its well-wishers—the most generous of its supporters.

Persons who (one might almost venture to affirm) never saw the inside of a prison in their whole lives—persons by much too high to have ever bestowed upon any such low object any thing that can be called a *thought*—persons who are as much at home in ‘improved’ prisons are they are in "improved" Colonies— it is by such lovers of improvement, and by the lovers of such improvements, that the penitentiary system in its most improved form has been consigned to ‘*relinquishment*’, and the authority that prescribed it, to contempt.

It was not my original intention, my Lord, to have attempted giving Your Lordship on the present occasion any trouble on the subject of the *official letter* to which the plan thus alluded to has been consigned: but, having gone thus far, it is become necessary for me, I fear, to transcribe a part of it at least, on pain of seeing the above statement exposed to the suspicion of being groundless, and perhaps to the charge of being unintelligible.

The letter, then, to which the determination in question, or at any rate the expression of it, was consigned, bears date the 14th of October 1799: Signature, that of the Duke of Portland, at that time filling the place Your Lordship adorns at present. It is in answer to a Letter to his Grace from the Treasury dated the 27th of the preceding month ‘desiring to be apprized of the number of Convicts which the Panopticon .... is intended to accommodate’:and is the letter that constituted, or at least helped constitute, the ground of the just-quoted Treasury letter, written 5 months and 8 days after the letter it was thus grounded upon, and some time (but I do not exactly know how long) after the determination had been, by most Noble and Right Honourable persons, that no such building, as it thus called upon me to make preparation for, should ever be erected. After stating, in regard to the object of the Act in question (the Act of 1794 for the erection of the Panopticon Penitentiary House ‘*requiring*’ as well as ‘*authorizing*’ such House or Houses to be created) that he ‘*understands the object of it*’ and that that object is—as to *transportable* ‘*convicts*’ ‘that such Penitentiary Houses should be used ... as receptacles for such transportable Convicts as the several Gaols of the respective Counties can not contain’ {and, therefore, for none that they can contain} ‘from the time of their receiving sentence’ till an opportunity may offer for their being transported’: {and, therefore, none but those who as soon as ever such opportunity arrives are to be transported}. It is after understanding thus, that his Grace proceeds to the ‘*other*’ class of convicts mentioned in the Act as intended by it to be consigned to such Penitentiary Houses, viz: all besides transportable ones, and of these he says as follows—

‘I incline to think it would be very inexpedient to remove such persons from the Country Gaols, unless the *crowded* state of those Gaols should render it *absolutely necessary*: for it would naturally tend, not only to *check that spirit of improvement* which now so *universally*a prevails in the several Counties, in respect of those Gaols; but would be the means of the Gaols themselves being *neglected*; *by which means* the greater part of the *Prisoners* who are or hereafter may be confined in them *would* necessarily *be sent to the* *Panopticon, where the expences attending their custody must be borne by Government*,b instead of being defray’d by the respective *Counties*.’c

a So universally?—how universally?—For an answer, see further on p. |^^^|.

b {*by Government*} i:e: in the manner intended and prescribed by Parliament: viz: borne by the whole body of his Majesty’s subjects, in the proportions adapted by Parliament to their respective faculties.

c {defray’d by the Counties}—i.e. defrayed: by an already overloaded part of his Majesty’s subjects—the contributors to the Poor Rates:—defrayed in the mode which it was the intention of Parliament to supersede —an intention declared by the provision made for transferring the burthen from the County Fund to the General National fund, as above.

Extracts from the Penitentiary Contract Act, the Act made for this single purpose, 7th July 1794, 34. G. 3. c. 84. §. 1. ‘Whereas ... it will be of great ‘publick utility that a Penitentiary House or Penitentiary Houses should be built for the particular purpose of confining transportable and *other* Convicts ... the Commissioners of the Treasury ... are hereby *required*, as soon after the passing of this Act as conveniently may be, ... to contract ... for the creating one or more Penitentiary House or Houses ...’

§. 2. ‘All expences attending the execution of this Act shall be defrayed in such manner as shall be agreed ... in such Contract: or in case the same shall not be so agree upon, then the same ... shall be defrayed by ... the Commissioners of the Treasury, ... and ... laid before, and annually provided for by Parliament, or otherwise as Parliament shall direct.’

Extract from the General Appropriation Act, 12th July 1799, 39 G. 3. c. 114. §. 2. After the general enacting and appropriative words, ‘And any sum or sums of money not exceeding thirty six thousand Pounds to be paid to Jeremy Bentham Esquire, for the purchase of Ground for erecting a Penitentiary House for the custody and employment of Convicts and towards the expence of erecting such Penitentiary House and that the said sum be issued and paid without any fee or deductions whatsoever.’

In the course and for the purpose of the intrigues of which by and by, the Duke of Portland, by an unusually self-signed letter, with Mr Baldwin for his Council and Mr King for his scribe, was ill-advised enough to avow in an address to the Treasury the following designs and practices.

6. The very species [of] misconduct that formed the sole pretence for breaching the public faith with Mr Palmer—the conceiving under the agony of provocation the momentary idea of throwing confusion into the public business—this same species of misconduct practiced in cold blood, under the eye of Mr Pitt, for the deliberate ruin of this branch of the public service.

The last intentions of the late Treasury, as declared in their last letter to me, as explained by their secret correspondence,a were intentions of establishment or intentions of relinquishment, whichever should best suit the argument and the convenience of the moment. Taking them as intentions of relinquishment, which was the undoubted import of them, the relinquishment was bottomed on four declared grounds. [1.] Lapse of time. 2. Encrease of terms. 3. Improvements in the Prisons. [4.] Improvements in N.S. Wales.

a Further Proceeding, 12 June 1801.

1. Lapse of time is their own work—their own wrong, perpetrated for the purpose of taking this advantage of it. 2. Encrease of terms—supposing it necessary and to take place, would be also their own work—their own wrong perpetrated for the same purpose.

The question to me about compensation was to draw in me release them—release them from their engagements, after which whatever I had said upon the subject, had I said any thing, would have remained [...?] till the end of my life. What would a simple question have bound them to—

Such (Your Lordship sees) is the treatment which Your Lordship’s office gives to an Act of Parliament, when Noble Lords have ‘*examined and understood the object of it*’. The declared object, and the object of this Act, is to cause a Penitentiary House—a House, one or more, to be erected for the whole kingdom, for applying the Penitentiary discipline to Convicts of all descriptions. This not suiting the views of the Duke of Portland, principles are laid down by him, according to which, no Convicts of any one description whatsoever are ever to be put into it, except in a case which is never to take place. Not a convict is to be sent out of any one Gaol till it has been crowded to the verge of ‘absolute necessity’, and this is an event that is never to take place, because, before it does [take] place, the bare apprehension of it is to cause a roomier Jail to be built. Parliament has one plan about these people: the Duke of Portland has another. Understanding the object of Parliament, he makes no secret of his ‘inclination’ to do by it what, having *power* so to do, he has done by it—to defeat it. Defeat the object of an Act of Parliament?—why?—because, according to the Duke of Portland, it would be ‘*very inexpedient*’ to pursue it. It would defeat the more expedient plan which this servant of the Crown has formed for the disposal of the persons in question, in spite of Parliament, viz: to ‘crowd’ the Jails with them: those very Jails in which Parliament had, by the other of the two Acts of which he so well understands the object, declared in express terms they should not be put, but in those limited numbers which it specifies:a—those very Jails, in which (as his Grace had been informed but the year before by the Official Report above quoted)b the Convicts, even without the benefit of any such ‘crowding’ as he consigns them to, and for terms longer than the legal terms, are ‘*emaciated*, many of them, by *long confinement*’, and that to such a degree as to be ‘unable to work’, as well as ‘unfit to proceed to Botany Bay’, and on that account ‘rejected’.

a 19 G. 3. c.74. §. 26.

 (a) Note to p. 21.

§. 26. ‘In the mean time, and until such Certificate shall be made as aforesaid,*a* it shall be lawful *for the Court* ... to order and adjudge such Offenders, *not exceeding the Numbers herein before respectively limited*,*b* to be imprisoned and kept to hard Labour, *for the several terms aforesaid*, in the respective Houses of Correction or other proper Places, within each respective County; which Houses of Correction, or other proper Places, shall, *during such time*, be deemed and esteemed Penitentiary Houses, to all Intents and Purposes, within the meaning of this Act, except only with regard to the Appointment of Officers and Servants, and other interior Regulations of such Houses directed by this Act: and when such Certificate shall be made as aforesaid, the Offenders then imprisoned in such Houses of Correction, or other Places, by virtue of this Act *shall be transferred to such new-erected Penitentiary Houses*, for the residue of the several Terms during which they were ordered and adjudged to be imprisoned.’ Thus far the Act. The *terms* during which the Convicts may be kept to hard Labour in those local Jails are succedaneous terms, *shorter* than the transportation terms:*c* the *numbers* of the Convicts which may be kept in them are carefully *limited*:*d* the authority by which they may be thus ordered and adjudged to be kept is that of the Court only—‘the Court in which they shall be convicted or any other Court held for the same place’.*e* Thus saith the law:—and it is under colour of *this* law, declaring himself to ‘have examined’ it (though it was nothing to the purpose) and professing to ‘understand’ it, that the Duke, by his own sole and sovereign authority, in spite of Law, keeps Convicts in these same local Jails, for *terms equal* to their transportation terms, in *numbers* altogether *unlimited*, and in the declared view of ‘*crowding*’ those receptacles to the verge of ‘*absolute necessity*’, for the purpose of preventing them from being ‘neglected’; forcing ‘*the respective Counties to defray the expences attending the custody*’ of these illegally obtruded inmates for the express reason, because if this servant of the Crown, this single Lord of Parliament, of his own [...?] authority, thus were not to impose this tax upon [an] already overloaded part of his Majesty’s subjects, those ‘Expences’ ‘must’ (as he phrases it) be borne by ‘Government’: i:e: borne by the whole body of his Majesty’s subjects, borne by the fund best able to bear them—borne by the fund assigned by Parliament.

*a* §. 24. Certifying the National Penitentiary Houses in question to be ready.

*b*§. 25.

*c*§. 24.

*d* §. 25.

*e* §. 26.

b Supra, p. |^^^|.

Such (Your Lordship sees) was his Grace’s plan. He was to ‘*crowd*’ the ‘Country Gaols’; crowd them with Convicts forbidden by Parliament to be put there;—crowd them till they were crowded to such a degree that the crowded state of them should have rendered the uncrowding of them ‘absolutely necessary’: and it is by this alternate crowding and uncrowding of the existing Gaols, that somebody else—any body else that chose to be at the expence—was to be forced to erect bigger ones.—What, in this case, is the abuse, the cure of which constitutes that ‘*improvement*’, the ‘*spirit*’ of which his Grace is thus anxious to encourage?—It is the too crowded state of the existing Gaols. What is the course taken by his Grace for the cure of this abuse? the crowding them still more.—The person whose duty it is to put an end to the grievances, and who could put an end to it if he would, determines to encrease it, that those who can not be forced, and will not be forced, may *thus* be forced to remove it.a

a Note in 3 separate pages.

(a) Note to p. 22.

(a) That this plan of the Duke of Portland’s for crowding Gaols and taxing Counties was not in every point of view a new one, appears from a Memorial, presented by the Middlesex Justices to his Grace about 16 months before, on the subject of the State Prisoners committed to Cold Bath Fields. The Memorial is printed at length in the ‘*Papers presented to the House of Commons relating to His Majesty’s Prison in Cold Bath Fields. Ordered to be printed 18 Decr 1800. pp 78, 79.*

‘His Majesty’s Justices of the Peace for the County of Middlesex ... do ... humbly entreat Your Grace to take into consideration the *difficulties* under which they labour; which are yet further *encreased* by *the addition of* so great a number of *Prisoners* of the above description’ {State Prisoners} ‘*to those whom the House of Correction was originally intended to receive* and with which it is *crowded to a great degree of inconvenience*’ ....

‘They also beg leave to observe, that *a very great additional expence* has been incurred on account of Prisoners of the above description; *which expenditure, as the various Burthens upon the County Rate are already very severely felt*, they are deeply concerned to be under the necessity of adding to the ordinary Charges of the Prison; but this Expence *the Magistrates confidently hope will be reimbursed to the County*, on a fair Statement of the several Particulars.’

From the so often mentioned posterior Letter of His Grace’s, which I have had the honour to bring to light, information in no small degree interesting may now be derived by these same Magistrates. In May 1798 they complain of the ‘*crowding*’ of their Gaol with prisoners not *intended* for it, speak of *inconvenience*, assume (as was but natural) that the inconvenience was, as such, unintentional on the part of the Duke, and, in mentioning it in that character, conceive that the consideration thus submitted to that noble person will, in the character of a motive, give birth in his Grace’s mind to a determination to grant the relief they pray for. Little did they expect to see the day, and that so early a one, in which, by a document under the Noble Duke’s own signature, the ‘*crowding*’ plan would prove to be a plan adopted deliberately by his Grace, for a special purpose, to afford a pretence for his design of defeating the object of two Acts of Parliament; and that the inconvenience—an inconvenience which it was now determined to multiply and spread over all the Counties, was a result directly in the contemplation of his Grace, produced by him, or at least professed to be intended to be produced, on purpose, as a means of effecting or giving colour to that plan of his for setting himself above Parliament.

The ‘*expence*’ is another subject of their complaint. They represent it as being ‘*very severely felt*’;—and, so persuaded are they of the injustice of the proceeding by which it is thrown upon their County, that they are ‘*confident*’ in their hopes of having it *reimbursed* by *Government*. They may now see that this expence, that sat so heavy upon them— the casual expence resulting from the temporary maintenance of a few State Prisoners, was but a feather in comparison of the load—the double load—so soon after destined for their backs by the same potentate:—the expence of maintaining Convicts of all sorts, instead of their being maintained from the funds prescribed by Parliament, and the expence of providing another Jail or two, under the pressure of the ‘*crowding*’ produced by his Grace for this very purpose: the first an annual expence, and, according to his Grace’s plan, a perpetual one: the other, an expence in the shape of money paid once for all—of capital advanced: say, to begin with, some £60,000 to £80,000 more, in addition to the cost of this new established Gaol, over-crowded already to the degree of which they complain thus heavily. Little did they suspect, that an expence which to their feelings was every thing, was as nothing in the conception of this arbiter of their fate: that in the same proportion in which, in their estimate, it was encreased, it was reduced in the estimation of this Chancellor Extraordinary of the Exchequer, by whom a burthen is considered as annihilated when it is thrown upon a wrong fund.

The line of *conduct* pursued in the two cases is one thing: the *legality* of it in the two cases is another. In the particular case which gave birth to this complaint, the hardship at any rate is evident enough. How in that case the matter stood in point of *right*, it would be altogether beside the present purpose to enquire. His Grace had certainly at that time no such object as that which he found about sixteen months after—that of defeating the object of two Acts of Parliament.

And now, my Lord, without any original intention on my part Your Lordship has seen, as it were by a side-glance, and at an earlier period than I had proposed, the fourth and last of the four grounds of relinquishment, of the three first of which my first Letter presents a bird’s eye view. To do any thing like compleat justice to it would be too wide a digression from the present purpose.

Instead of these four grounds of relinquishment, for which the *only* apology, if they admitted of any, would be that they were never intended to transpire, instead of all these transparencies, would it not have been more manly, my Lord, and quite as safe, to have sent for some friend to the measure, Sir Charles Bunbury for example, and given him at once a good practical substantial reason, true or false, such as a gentleman could understand?—*You see, Sir Charles, this thing can’t go on, Lord Such-a-one is against it: we have passed our words to him. His Stewards, indeed, and such people, say a good thing for him: but, Sir, they know nothing at all about the matter*. *He says they don’t*. Had this been otherwise than satisfactory, could it have been less so than the sum total of all these four grounds or forty such grounds put together? Be it every so imaginary, is it more so, or more perfectly understood to be so, understood to be so by all parties, than the notion that it was I that would not keep to my own terms? If after this, a gentleman could have been unreasonable enough to ask for explanation, what could have been more easy? As to what you have heard about the purchase being in hand for a whole twelvemonth, and people, looking on and not speaking till the money was paid, there may be some truth in that, but there was no help for it. My dear Sir Charles, what could we have done? If the land had been bought, Lord Salisbury could not have got the money: would you have had us disappoint Lord Salisbury? As to whimsicalness, if it were so, so much the better: the more whimsical the request, the more flattering the compliance. Sir: you don’t know

A few odd jobs must indeed be done to rid him of this nuisance, but if they were as difficult as they are easy, is such a man to be refused? The £12,000 public money must be thrown away, together with as much more as may be necessary for indemnifications. It will be impossible, he tells *me*, for him to keep on propagating the Gospel in comfort, if I do not keep on propagating immorality in New South Wales, and crowding Gaols with prisoners that Parliament has forbidden to be put there. Forbidden?—and what then? It is enough for Parliament, if its commands be ‘examined and understood’: Friends are not to be thus put off—*their* commands must be obey’d.

This (Your Lordship knows, or may know at any time, whether there be any thing like truth in it) would at any rate have been frank and open: but policy, the very profundity of policy, was the order of the day with his Grace.

A plot like this!—a plot for getting prisons built by stratagem!—a plot for helping a thing on by stopping it!—In this or any other country—in the regions even of imagination, wide as they are, is there any thing like a parallel to it [to] be found?—Let us try, my Lord.

After this, who shall say that, among the robbers that render walking unsafe and the burglars that render sleep unquiet, there may not be patriots in disguise, who, uniting the self-devotion of a *Curtius* to the policy of a *Machiavel*, are emulating all the while in their humble sphere, this brilliant emanation of official wisdom—this deep-laid plan of the Duke, slept upon and thereby acted upon, with or without dreams about causes and consequences, by his Grace’s Noble Successor? Such (they may be saying to themselves) is ‘the spirit of improvement, which now so universally prevails’ among his Majesty’s Ministers in the police department, in respect not of Gaols only, but of instruments of all kinds in the apparatus for the prevention of crimes—such is the energy with which the Duke of Portland determined to ‘*crowd the Country Gaols*’ for fear of ‘*their being neglected*’.—Such is the energy with which Ld Pelham has forced a fifth hundred a Year into the hands of the Police Magistrates.—Such is the energy with which, at the price of £87. 10s a peep, he has determined that four peeps in a year shall be taken at the Hulks. Such is the ‘*spirit of improvement*’ manifested by these conjunct and combined exertions, that unless a few patriots like ourselves were to help ‘*crowd*’ the streets with robbers and the houses with burglars, this ‘*spirit of improvement*’ might be ‘*checked*’—and all these their implements of improvement—super-pensioned Magistrates—Quarterly peepers at Hulks—and even ‘*crowded Gaols themselves*’—might come to be ‘*neglected*’—To a plain understanding, could this ideal plan of these ideal Machiavels have been more directly repugnant to the decrease of crimes, than the mischiefs and miseries of prisons? Are not support and opposition—plain dealing and deceit, truth and falshood, right and wrong, merit and guilt, confounded and, if possible, rendered indistinguishable by such plans?

Had any of the professional men just spoken of professed that to be their object, would they have been less sincere in such their profession, than the Duke of Portland would have been, had he done what he has not done—condescended so much as to profess any such disposition as that of promoting the object of the Act? I mean, my Lord, the Act which was calling upon him, as it continues calling upon Your Lordship, not for obstruction, but obedience—the Act his Grace had so well ‘*examined and understood the object of*’—the Act for the establishment of that Penitentiary House, which it was the object of this letter of his to uncrowd of as many inhabitants as had been designed for it by that Act.

It is in pursuance of this plan, my Lord, that a little more than five months after, viz: on the 25th of March 1800, the Treasury, on the ground of a preparatory letter therein spoken of as received from his Grace, wrote to me to acquaint me that the ‘proposed building of a Panopticon was to be calculated to accommodate 2000 persons’. This, by way of answer to an humble address of mine, written on the 17th of August, more than *seven* months before, in the declared view of my making preparations of an expensive nature, and begging to know for what number they were to be made.

Faithful to this same plan, while I was amusing myself with these preparations, together with other occupations which the same policy had provided for me, the Noble and Right Honourable and Honourable conspirators (if, by a mere figure of speech, a consultation amongst potentates about [...?] worms may be thus characterized) were, from that time to the 18th of March 1801, conversing on the subject, in confidential whispers, between floor and floor: concerting with one another by what words they should make Parliament believe that I insisted upon an encrease of terms, spite of all I could say to the contrary: reiterating to one another the reciprocal assurances of that persevering fondness for ‘*improved prisons*’ as well as ‘improved *Colonies*’, the expression of which was so unexpectedly brought to light, Your Lordship and his Grace know how.

In the Panopticon system, Your Lordship has been seeing a *plan*, which, because sanctioned once and again by Parliament, prescribed by one Act, confirmed four years after in another Act, confirmed by £36,000 granted towards the execution of it, and by £14,000 public money actually expended in it, and, if his Grace’s will be done, wasted upon it, was termed a ‘*project*’, and under that name of unfounded reprobation marked out for ‘*relinquishment*’. Would to God his Grace’s more successful *plan*—for emaciating his Majesty’s subjects by a ‘*long* confinement’ in illegally and purposely crowded Jails—for producing Gaol-Fevers in them or whatever other miseries might be the result of their being ‘crowded’ each of them in the degree necessary to prevent it from being ‘neglected’—for exercising over his fellow subjects, by the secret will of this servant of the Crown out of sight of his royal master, that authority which, if attempted to be exercised by the master, a Hampden would have resisted with his blood—would to God a plan like this, my Lord, had been but a *project!* Would to God that any considerations whatever, divine or human, religious or moral, of police or economy, of justice or mercy, of constitutional obedience or individual good faith, could have prevailed upon his Grace, or could have prevailed now upon his Noble Successor, to consign such a plan to ‘*relinquishment*’—to that relinquishment, to which he found it more convenient to consign the Parliamentary ‘*project*’, in which, but for him, all these mischiefs would have found a cure!

On the 11th of this instant December, in the prison belonging to the City of London—in Newgate alone, besides Debtors 211, and persons committed for trial for Felony 198, Convicts 318: of whom convicted for Transportation 283, and of them only 31 Convicted in the last Session: such is the statement I have just copied from a memorandum taken by Sir Charles Bunbury. Supposing these 31 to be detained by blameless necessity till disposed of according to law, there remain, for 229 kept there according to law, 252 kept there in spite of law: 252, for the maintenance of whom the City of London continues to be taxed by Your Lordship, in pursuance of the plan of finance laid down by the Duke of Portland: 252 convicts, who, quite as much according to law, and much more according to *poetical* at least, not to say *substantial* justice, might be quartered upon Burlington House, or in Stratton Street. Your Lordship smiling approbation, for this twelvemonth past and I know not how much longer, as often as any parliamentary approver of a parliamentary plan of justice and reformation, ventured to obtrude a hint about performance, bestowing upon it those ready-prepared smiles which Your Lordship has treasured up in store for it, to be dealt out to it in regulated measure, so long as the projector lives, or till a warrant can be found, for converting prudential smiles into undissembled frowns; a warrant such as the precedents of office may without much difficulty be made to furnish—‘the length of time’ (for instance) ‘that has elapsed’, or the informality and intemperance betray’d by animadversions such as these.

In what degree, if in any, death may, in that superb and roomy Jail, spite of every relief that the attention of a human Keeper can bestow, have been the fruit of all this crowding and all this misery, it has not fallen in my way to learn. On board the Hulks, the sort of attention which his Grace and his Noble Successor have bestowed upon the subject—the attention of crowding *those* receptacles likewise with Convicts designed for the Penitentiary House by Parliament, has not been without its fruit: but of this fruit, sweet, I suppose, to the taste of those who cultivate it, bitter, one should have supposed, to the taste of every man who has any sense remaining either of humanity or justice, the description which has just reached me, calls for another station, under the resumed title of the *Hulks*.

And thus, without any original intention on my part, Your Lordship has seen, as it were by a side-glance, the fourth and last of the four grounds of relinquishment, of the three first of which my first letter presented Your Lordship with a bird’s eye view:—any closer one would be too wide a digression from the *present* purpose.

 Far be it from me to say whether his Grace did or did not wish to see that which he thus professes to wish:—far be it for me to say whether his Grace did or not expect to see what he thus professes to expect:—far be it from me to say, whether in signing this letter, he had or had not a thought about what he was signing:—as far be it for me to say, whether the gentleman who held the pen for his Grace had or had not a thought about what he was writing. All this shall be exactly as Your Lordship pleases, and the ci-devant learned Gentleman, his Grace’s and Your Lordship’s writing and thinking master, please.

Besides the abovementioned inconveniences, the plan for thus forcing the country to fill itself with County and other local Penitentiary Houses upon the gallypot scale lies open to two objections.—One is, that the Counties (as has been already hinted) will not all of them, suffer themselves to be thus forced. Another is, that, even when every improvement looked to has actually been made, the advantage, even setting aside what Your Lordship has just been seeing in the chapter *economy*, sections *architecture* and *official establishment*, would not be every where alike indisputable.

And thus without any original intention on my part, Your Lordship has seen, as it were by a side glance, the *fourth* and last of the *four grounds of relinquishment*, of the three first of which my former letter gave a bird’s eye view: any closer one would be too wide a digression from the present purpose.

To the plan for forcing the country to fill itself with local Penitentiary Houses upon the gallypot scale, there are two objections. One is that it will not suffer itself to thus be forced to do any such thing; another is, that if it would, the advantage, even setting aside the state of the case Your Lordship has just been seeing on the ground of economy, would not be every where alike indisputable.

In proof of the latter proposition, I will beg leave to take for an example the most favourite of all these ‘improved prisons’: the prison in which the admirers of improved prisons would be most at home, if in any: the prison honoured by their most especial protection, and which it was their especial care should not ‘*become neglected*’ for want of inhabitants. The prison serving for example, for proof I will beg leave to refer Your Lordship to a very recent publication, from a pen which, as far as depends on intrinsic indications, prefers, though anonymous, the most irrecusable claim to confidence.a To Your Lordship, if such things were worth knowing, the name of the author could scarcely, I think, be unknown: although to me, who know[s] nothing, it remains unknown, choosing it should be, for the sort of reason already mentioned.

a *True State of the House of Correction in Cold Bath Fields*, &c., by a Middlesex Magistrate. 1802.

The passages in question are as follows: ‘*industry*, *order*, *discipline*, *subordination*’, *economy*, are the points they turn upon

No 1. Page 11. ‘The due *employment* of the prisoners according to law in such work as they have been accustomed to, and for which they are most fit, has been *discontinued*; and since that period there has been *a gradual decline of industry, order, discipline, and subordination* in the prison.’

No 2. P. 12. ‘The only work in which it is pretended to employ the prisoners is that of picking oakum . . . . . at a maximum of three pence a day in earnings.’a

a Compare this threepence with the Philadelphia twenty pence.

 No 3. P. 27. ‘Supposing the prisoners to work fairly, and not to secrete, as has frequently been done, a great part of the materials, rather than be at the trouble of picking them.’b

b Quere, how much would be secreted by prisoners in a Panopticon Penitentiary House, in which they need never be an instant out of sight?

No 4. P. 13. ‘A new system of *feeding the prisoners without the prison*, by their relations and friends, was most unfortunately introduced.’

No 5. P. 15. ‘The *peace and quiet* of the prison is *utterly destroyed* by the perpetual visits of the prisoners’ friends with victuals. ‘*The friends* without are frequently distressed, in order to furnish the prisoners with food, and are *driven to evil practices* to procure the supply.’

No 6. P. 35. ‘The ostensible idea was that it would save a considerable sum to the Country; *I have no reason to believe that it saves the Country a farthing*; the prisoner demands his allowance, as if nothing were brought to him; and is glad to make himself friends among his fellow-prisoners, by distributing what he does not want for himself.’

No 7. P. 36. ‘The mere work of opening the hatch at the prison gate . . . . and serving the . . . . rations through the different parts of the prison would engage more than two turnkeys from morning to night, without allowing them leisure for any other employment.’c

c A specimen of the expence of official establishments upon the plan of *the* improved prisons, especially when on the gallypot scale.

No 8. P. 26. If the undertaking were not unsuitable to my character, and habits of life,’ (says the worthy Magistrate) ‘I would not hesitate to contract for the profits of the prisoners’ labour, (if they were allowed to work in their respective callings, and in such other labour as is proper for prisoners,) and to pay the County £400 per annum.’

Waiving, though but for the moment, an observation suggested by the hypothetical offer expressed by No 8, I come now, my Lord, to the second part of my text. Good or not good as it might be for the Counties to be forced to cover themselves with these improved prisons, so it is they will not, all of them at least, suffer themselves to be thus forced.

Submitting to the tax directly and actually imposed upon them, first by his Grace and now by Your Lordship, for the maintenance of prisoners whom Parliament has ordered elsewhere—submitting to the tax, perhaps for want of having so distinct a view of the noble hands to which they are indebted for it as this disclosure will now help them to, they demur beforehand to the so much heavier as well as less directly imposed tax, also declared to be in store for them—the tax for loading them, *a la Vanbrugh*, with *Blackburn* architecture. The tax for maintenance they are complaisant enough to submitt to, though not ever where without a murmur, because they know not very well how to help themselves: the tax for architecture they may stand excused from loading themselves with, were it only that, in that behalf, neither his Grace’s nor Your Lordships pleasure has ever yet, I believe, been directly signified.

For proof, I betake myself once more to the worthy Magistrate: in whose testimony, *as far as it goes*, let it point what way it will, I really have great confidence. In his title page as well as in his survey, the *New Prison* is comprized; I mean the so-called New Prison, the old and beggarly neighbour of the really new as well as costly and courtly structure, half-prison half-palace, in Cold Bath Fields. What he says of it is as follows—

No 1. P. 41. ‘Few places of confinement can be under worse regulation than the *New-Prison*. . . . . The arrangement of the prison itself is such, as renders it impossible to prevent its being one of the most dreadful seminaries of vice and profligacy that can be imagined.’a

a In this respect, at the worst not so bad as the *Hulks*: nor yet a great deal worse than the *Cold Bath Fields* Prison, if it be true, as I suspect, without being able to affirm it to a certainty, that the worst and the best are together there at some times, though not at all times.

No 2. Pp. 42, 43. ‘Four years ago . . . . plan and estimate . . . . laid before the Court: the business was postponed *sine die*, under the idea, that the County rate, already burthened in a great variety of ways, would be found inadequate without great inconvenience, to the additional expenditure of £4,000. But may we not hope, if application were made, *where applications well founded* *will never fail of due attention,*(b) *that such relief would be obtained, as, without adding to the burthen of the county-rate,* would enable the magistrates to carry the plan into effect?’

No 3. P. 44. ‘*What then may not reasonably be expected from one*, *who certainly* *feels, as much as any man, the importance of restraining vice*, *and of improving morals*, *to the welfare of society.*(c)\* It would be impossible, I verily believe, to expend from the public purse four thousand pounds in any way more beneficial to the community than that which is here pointed out.’(d)

‘\*This testimony, it is *humbly hoped*, will not be consider’d as an instance of *flattery* to the *great person* here alluded to, but as a declaration, the truth of which, all to whom his character is known will readily confirm.’

(b) What strange place can this be which the worthy Magistrate is speaking of or dreaming of? I, who have been upon the look out for such a place for above these 8 years, have never yet been able to meet with any thing like it. Is it any where about the Treasury?—any such place as the closet of any such person as the ‘great person’ so [...?] ‘alluded to’ presently after by the worthy Magistrate? Then as to foundations—what sort of a ground is it (I wonder) that ‘*an application*’ must have to make it a ‘*well-founded*’ one? An Act of Parliament, for example? applications on such grounds have been made month after month, year after year, to as great persons as any he can have been alluding to, and the ‘*attention*’ shewn to them has been worse than none: it has had every property of refusal; saving only the honesty on the one part, and the *quietus* on the other.

(c) If what the worthy Magistrate really looks for is a person, great or otherwise, who, by what he ‘feels’ about ‘the importance of restraining vice and improving morals’, is to afford him such provision for his prisoners as shall not add to the County rates, the worthy Magistrate’s own imagination (Your Lordship may venture to assure him) is the likeliest place for finding what he wants. Years ago he would have made his appearance, had there been any such person in existence. An act of Parliament for doing all this has been passed—an establishment which, in the opinion of Parliament, would do all this—would restrain vice and improve morals, without adding to County rates—has by Parliament been ordered to be set up—for above these 8 years.—Whatever be the thing needful, join will to power and the thing is done. Power for this there has been all that time in a certain place:—beyond dispute. Duty there has always been: full knowledge of that duty there has always been: had *will* been in the same place, the thing would have been done years ago, and neither the worthy Magistrate, nor so many other people, would have been left at this time of day, to amuse themselves with ‘hopes’ and ‘expectations’.

(d) Here the worthy Magistrate is quite mistaken. I can tell him so upon the very best authority. Your Lordship can shew him a much more ‘beneficial way’ of ‘expending from the public purse’ the interest of double the money: desire him only to look at the next article, where, instead of £4,000 once paid for correcting an abuse, he may see a still greater abuse and of exactly the same kind—and £350 a year paid for looking at it and screening it.

Thus far the worthy Magistrate. A supposition unquestionably though tacitly assumed in the hypothetical offer thus made by him is—that on the other part some regard would be paid to the rules of common honesty; that the County would not be made bankrupt to him, as Parliament has been made to me: and that, after his proposal had been accepted, his capital, with the concurrence of the acceptors advanced upon the faith of it, and Acts of Parliament, if necessary, obtained for it, he would not have to see the execution of it set down *in petto* for the Greek calends, by any such person as the predecessor of the ‘*great person*’ he is so afraid of flattering—not to speak of successors.

The gentleman himself, it would have seemed, that in making any such offer, he knew what he was about:—but the ‘*great person*’ would have known better things. The more beneficial to the public he had, in his own view of the matter, made his terms, more appalling the scorn with which he might have been looked down upon, by the intuitive and super-calculative wisdom of such high personages: after learning from one great person, that his terms were too high, he might learn from another that they were too low; or from each of them that they were too high and too low at the same time:—and if on any other occasion he had ever been guilty of thinking for the public, this too might have been numbered among his ‘*flights*’.

What will become of the worthy Magistrate, whose existence, to judge by the terror he seems to be in of being prosecuted for flattery, seems to depend upon the breath of the great person’s nostrils? If a wish to submitt to a limited deduction from a sum of £12,000 a Year for maintaining a thousand prisoners creates doubts of sanity, what mercy can there be for an offer to maintain 200 prisoners or thereabouts, for a sum of £400 a year—not *plus* but *minus*. {How much longer will great persons suffer him to go about without a keeper?}—I see him tremblingly alive all o’er: I see Your Lordship trembling for him, in mere sympathy: I hasten to present Your Lordship with the balm of tranquillity to pour into his ear.— Cold Bath Fields Prison (Your Lordship may be pleased to observe to him) is up already: it is up high in favour: and—what is beyond every thing, and without which every thing else would be as nothing—there is no Gospel-propagating Lord—no friend of the great ‘persons’ to steal up the back staircase and whisper in his ear—*Up or not up, the spot is too near me—it must not be made use of*.

Let him come forward, then, with his offer (I mean the worthy Magistrate). It is as yet but a hypothetical one:—let him convert it into a categorical one:—accepted or not by the County, he has nothing to fear from great persons, so long as he can keep himself from ‘*flattery*’. As to the £400 a year, Your Lordship and he together will be able to find a use for it: it will serve within a trifle for a place of *Inspector of prisons*; to smell at the same Nosegay with the Inspector of Hulks, who will be on the carpet presently: it will serve for *otium cum dignitate* to the declared *protegé* of the worthy Magistrate’s, I mean the so well-protected Governor: a personage who, if he does not do much good to a prison by governing it, might at any rate not do much harm to it, by inspecting it at a distance.

Another scrape indeed, it must be confessed, my Lord, and, at first blush at least, a still more serious one, is that which the worthy Magistrate seems to have fallen into, by asking for Jail-building money from Parliament, to ease his County from so much Poor-rate. It was but t’other day, as your Lordship has been seeing, that Acts of Parliament were broke through by great persons, to shake the burthen off from government, and throw it *upon* the Counties. Great persons giving themselves this trouble lay the burthen on the Counties: and already he calls upon them to undo their own undoings, and get Parliament to take it off the counties!—The Counties, did I say? I beg his pardon—not all the Counties together, and by a General Act—but one County only, and that the richest in the kingdom, and by a particular Act—by a *privilegium* which he wants to see made on purpose!—A more unfortunately timed pretension, to all appearance at least, surely was never brought forward than this which has been thus insinuated by a gentleman who, I dare answer for him, meant nothing less than to offend times and seasons.—Ah! why did I not see that fatal page, before it made its escape out of the press! No human being so insignificant, but that accident may throw in his way the means of service.

On this untoward occasion, what is there that can be done for a gentleman, who, in the midst of his anxieties to steer clear of the rock of offence, has thus run full upon it? Step in once more, my Lord, to his relief, for nothing less than a great person can effect it. The scales of the fountain of mercy are in Your Lordship’s hand—grudge not a few drops from it to save this worthy gentleman. If it be in the power of virtue to give a claim to mercy, has he not virtue to command it? His faith, his hope, his charity, do they not all center in great persons?

Speak to him then, my Lord, once more:—say to him any thing that will make him easy. Shew him how right and wrong depend upon existing circumstances: whisper to him that all this Machiavelism for throwing prisoners upon Counties was a mere *make-believe*: satisfy him, that nothing can be a matter of more profound indifference to any body, than it is to great persons in what Jail, or Hulk, or improved Colony, and in what numbers, human creatures starve or poison one another, so that there be not a ‘Panopticon for them to be sent to’: remind him consider, assure him, that in the place he has in view, no offence can, by any Jail, or number of Jails, improved or unimproved, be given to Noble Lords, whose *veto*, when they are pleased to pronounce it, is so fatal to Acts of Parliament: that neither by the one great person, nor by any other, is the purse ever taken out of the hands of Parliament, unless for a particular purpose, and to oblige a friend: certify to him, that measures of this sort are disposed of, moment after moment, sometimes upon one principle, sometimes upon an opposite principle, as the convenience of each moment presents them to great minds: explain to him that when persons are approved of, and the purpose of the moment is to be served, there is no more difficulty in acting through Parliament than against Parliament, nor in tossing a burthen from the counties upon the public, than from the public upon the counties; that where neither engagements nor even laws can bind, much less can mere professions give any sort of trouble: and that where common honesty is not so much as an impediment, much less can consistency be a bar: announce to him, in short, that though nothing is to be done for them whose trust is in law, good faith, and recognized utility, all things are possible for those, whose charity knows how to choose a proper object, so long as their hopes are humble, and steer clear of flattery.

If, after all this consolation, it should still occurr to him that the £4,000 is the one thing needful, and that this one thing needful is still wanting, whisper again into his ear, my Lord, or say aloud to him—no matter which—(for at certain heights from whence shame as well as fear is looked down upon, concealment is without a motive) give him to understand then any how, that there are other expedients—that there are shorter and cheaper modes of disposing of prisoners, than by suffering them to remain as a load, either here or elsewhere, upon Government, or upon the Counties: that those preferable and preferred expedients are not speculative, theoretical, flighty, utopian, ideal ‘projects’, but practical, practiced, well-considered, well-established, official measures: that they are in full use with Noble Lords and never disapproved of by great persons:—by Noble Lords and great persons, who, whether they ‘feel’ or do not feel exactly ‘*as much as any man*’, feel one of them exactly as much as another, the ‘importance of restraining vice and improving morals’—a proposition he may venture to assure himself of, without danger of mistake, unless he has any surer mode of finding out feelings than by actions.—Telling him all this, my Lord, bid him rely on it with more than ‘humble hopes’: and if, after such assurances, fear still predominates, and faith still waivers, put this paper into his hand, my Lord, and point to the next article.