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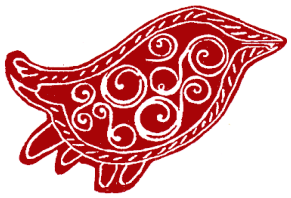

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Debtors in Cork Gaols—1705-1872.

By MICHAEL V. CONLON, M.A., LL.B.

Imprisonment for debt was very common until 1872. The failure to pay when ordered to do so by a competent court was treated as a contempt and the debtor was liable to arrest by the sheriff's officer on a judgment summons. If he possessed or commanded money he could be taken to a "sponging house," but the charges for accommodation in such places were higher than those payable at a first-class hotel. Those houses were usually rented by friends of the bailiff or sheriff and they supplied the food and sundry comforts at exorbitant prices. There is very little to show how such places were conducted here in Cork, but elsewhere prisoners transferred quickly to the debtors' gaols where the charges were much lower. The prisons or portions of the ordinary gaols were divided so as to provide superior accommodation for those who could pay for their maintenance. In 1763 gaolers were required to deliver at the assizes a table of fees, showing the price of lodging, use of a bed or other charges claimed. This list, when approved, was required to be posted in a conspicuous place in the gaol for the guidance of prisoners. The keepers of prisons were not paid salaries.

An idea of the amount of the gaol fees approved may be obtained from the following, which were in force at the Sheriff's prison, Dublin; but the prisoners were to a large degree at the mercy of the gaolers who ran very little risk of detection if they extorted fees other than those approved by the Court. The scale of rents for the apartments was:—*Five* rooms furnished, for which the prisoners paid 10/6 each per week, 3/- of this sum was placed to the credit of the Grand Jury, and the remaining 7/6 was paid to the Keeper as his perquisite for supplying the furniture. *Three* unfurnished front rooms were available at three shillings each per week. The sums received for those rooms were to be credited to the Grand Jury, together with the sums receivable in respect of twenty-four prisoners who could be accommodated in side rooms at one shilling and sixpence each per week. Seven prisoners could be lodged in the basement story at one penny each per night.

The Grand Juries endeavoured to recoup for the benefit of the cess or ratepayers, part of the cost of the maintenance of prisoners, They were authorised in 1730 to levy money on the inhabitants of the several counties in their respective areas of jurisdiction for the use of poor prisoners.

When a debtor was arrested at the suit of a creditor, he endeavoured to keep news of his arrest from other creditors because if he managed to settle his debt, he could not obtain his discharge until the sheriff's records were examined to ensure that no other detainers were registered against him. It is likely that if the news got to the ears of other creditors they would

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register decrees against the prisoner and he would then have to settle with them all before he could obtain his discharge from prison.[1]

More than two dozen Acts were passed in the 18th century concerning debtors. An Act, 1705, entitled an insolvent debtor to obtain his discharge if he swore that he was not worth more than £5, and was unable to pay his debts, provided that he did not owe more than £150 to a single creditor or more than £500 to a number of creditors. Those sums were reduced and increased by various subsequent Acts. The penalty for perjury was transportation to the West Indies. The Act of 1705 expressly withheld its benefits from Abraham Moyers, a Jew, " a notorious cheat," and from one Henry Thorp, both of whom were in the custody of the Marshal of Dublin. They had " severally notoriously imposed on and wilfully defrauded their creditors." Ten years later these two prisoners were again mentioned to their detriment in a further Act. Apparently they were prisoners all that time. In 1723, those who owed rent were deprived of any benefit under the Act. This was a sample of landlord's legislation. It mentioned specially one Thomas Grace and fourteen years later he was still in prison.

The Act of 1729 required complete lists of debtors to be supplied at every Quarter Sessions, and copies were required to be posted in the gaols. The Council Book of the Cork Corporation contained an entry in 1729 " that one penny per day be given for one month to the respective debtors in the City Gaol." [2] In the following year there was a further entry " that £1 13s. 8d. be paid Reverend Mr. John Bayly so much expended by him in discharging poor people out of gaol." [3]

The following is a list of debtors in the Cork City Marshalsea and the County Gaol in 1730–31.[4]

Baily, George	Cork	Ropemaker
Barber, Peter	City	Cooper
Beneson, Robert	Gourtey Cross (Croom) ?	Yeoman
Bonn, Henry	Currivolly, Co. Cork	Gent
Bryan, William	Cork City	Merchant
Butler, William	Cork City	Nailor
Callaghan, Morgan	Killeen, North Liberties	Dairyman
Callan, Teig	Baulan, Co. Cork	Yeoman
Cantlan, Nicholas	Cork City	Taylor
Carthy, James	Cork City	Clothier
Clancy, Thomas	Gloun, Rousk, Cork	Yeoman
Coleman, Thomas	Limerick City	Weaver
Collins, Denis	Cork City	Sawyer
Conan, David	Ballyhouly	Malster
Connell, Bart.	Rathmacully, South Liberties	Farmer
Connell, *Eleanor*	Cork City	Widow
Coppinger, Thomas	Cork	Merchant
Crowley, Florence	Cork City	Porter
Doyle, Edward	Cork (Youghal)	Mariner
Evans, *Catherine*	Cork City	Mealwoman
Field, Stephen	Fairlain (now Wolfe Tone St.)	Mariner
Fling, Darby	Cork City	Miller

[1] " If ever I see an honest man salute a bailiff in the street I immediately pronounce him his prisoner."—*Alexander the Coppersmith.*

It is also stated that " Mr. Jeffreys of Blarney had a horse that was able to scent a bailiff at any reasonable distance and bring his master off as safe as Tam O'Shanter . . ." Gibson, *History of Cork*, II, 195.

[2] Caulfield's *Extracts*, 485.

[3] Caulfield's *Extracts*, 492.

[4] See *Dublin Gazette*, 1730–31.

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Feinorsey Richard	Kilnocksan, Co. Tipperary	Yeoman
Finnessy *Vide* Feinorsey		
Gordon, Francis	Watercourse, North Suburbs	Basket-Maker
Griffin, Richard	North Liberties, Cork	Butcher
Griffin, Thomas	Cork City	Victualler
Harrington, Dennis	Cork City	Porter
Heirlihy, John	Cahirmee	Farmer
Keef, John	Killsaneck, Cork	Yeoman
Keefe, Thomas	Cork City	Woolcomber
Lourey, William	Cork City	Brewer
Lyne, Denis	Cork City	Clothier
Lynnehan, *Margaret*	Cork City	Widow
Lysaght, David	Gurranboy, North Liberties	Farmer
Mahony, *Julian*	Cork City	Widow
Martin, *Margaret*	Cork City	Widow
Mugher, David	Cork City	Labourer
Murphy, John	Burgisland, Cork	Yeoman
Pammerlin, Thomas	Knockvalyre, Co. Cork	Victualler
Rains, Dennis	Cork City	Victualler
Regan, James	Cork City	Taylor
Reily, Daniel	Cork City	Butcher
Reily, John alias Bantry	Ballishoneen, Cork	Farmer
Riordan, Daniel	Blarney Lane, Cork	Hatter
Roche, John	Cork City	Butter Mercht.
Slattery, Con	Cork City	Baker
Sullivan, Denis	Cournacurrah, Cork	Miller
Sullivan, Denis	Mallow	Chapman
Sullivan, Thomas	Cork City	Chapman
Terance, Alexander	Tipperary (Clonmel)	Dealer
Tobin, Richard	Court Row, Cork	Yeoman
Wall, Thomas	Cork City	Rope-maker
Welsh, James	Ballymourney	Broge-maker
Wright, John	Cork City	Mealman
Woulfe, Martin	Cork City	Brewer

The foregoing list includes four women, described as widows, and one woman described as a meal-woman. It shows that there was some movement of persons from neighbouring counties as the list contains names from Counties Limerick and Tipperary.

In 1743 an Act was passed empowering the Justices at Quarter Sessions to examine the debtors in the local prisons, but we have no means of knowing if the powers conferred were exercised effectively. By this Act if a prisoner committed perjury he was to be adjudged a felon and to suffer death without " benefit of clergy.[1] Six years later certain persons were authorised to speak with imprisoned debtors in the daytime and to inspect the lists of debtors and creditors. It provided that if any debtor refused to give information as to his estates and effects he should be adjudged guilty of felony and to suffer death without " benefit of clergy." The 1755 Act also favoured the landowners. It gave them priority for two

[1] " Without benefit of clergy " did not mean that the prisoner should suffer death without having the consolation of his religion in his last moments. The history of this phrase is interesting and is briefly :—If the accused's claim to " benefit of clergy " were pleaded and established, it gave immunity from capital punishment. Up till 1487 anyone who could read could claim the " benefit " and might commit any number of murders without other penalty than being delivered to the Ordinary of the Church to make purgation unless he was delivered *absque purgatione*. (Carter's *English Legal Institutions*, p. 257).

After 1487 any one who could read could commit murder once without any punishment except branding. By 7 and 8 Geo. IV (1827–28) " benefit of clergy " was abolished.

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years rents before the ordinary creditors could rank for payment. The statute 33 Geo. II. c. 17, gives a list of prisoners detained in the City of Cork Marshalsea and in the City and County Gaols [1] in 1759. This list includes one woman in the Marshalsea and two women in the City of Corke Gaol at that time.

The list is as follows :—

City of Cork Marshalsea :

Maurice Kelligett	Isaac Spencer	Daniel Callaghan
William Eyres	Barnaby Wade	Joan Barry
John Wall	Angelo Fortune	

City of Corke Gaol :

Owen Sullivan	Phil Wholohan	Michael Gould
Robt. Riordan	Ml. Molloy	Darby Bohelly
Benj. Tatlock	David Moylan	William Coe
Patk. Corcoran	Philip Giheen	William Walsh
Matthew Doran	Thomas Baaly	Joseph Griffin
Joseph Thomson	Danl. Shea	Philip Roche
Darby Murphy	John Dale	Mathias Sullivan
Margaret Crowley (alias Johnston)	Marachy Hart	James Mead
Matthew Sullivan	John Bourke	Maurice Nagle
Bridget Bagnell	Matthew Connell	Tho. Pope Stevens
Joseph Hitch	Dennis Coun	Charles Oliver
Morris Moonane	John Clifford	James Nagle
William Boland alias Howard		

County of Cork Gaol :

Dominick Roche	Darby Carthy	James Barry
Ty. Crowley	Denis Heafe	Darby Coleman
Geo. Crawford'	Dudley Sweeney	Owen Sullivan
Ty. Lehane	Darby Dawley	Thomas Mulcahy
John Cunnigan		

In 1761 an Act was passed which made special provision for the following, amongst debtors from other counties, and enabled them to petition for an examination of their affairs, although not in custody at the time. Debtors specially favoured by this legislation were saved the consequences of arrest and imprisonment. Petitions on their behalf were read in the Irish House of Commons. They included :—

John Crowley, of the City of Cork, Gentleman.

Charles Hide Norcott, of Ballyellis, in the County of Cork, gentleman, " but now a distressed prisoner in the Marshalsea of Cork."

Thomas White, of the City of Cork, Merchant.

Edward Coppinger, of Cork, Merchant.

Richard Casey, of Cork, Cooper.

This Act excluded certain debtors from all benefits and amongst those were :—

James Linehan and William Fitzgerald " in execution in the *gaol* of the County of Cork, at the suit of Joseph Deane, Esquire."

A practice grew up whereby insolvents could appear before the Recorder for examination and discharge without having first suffered imprisonment.

[1] The North Gaol (North Gate) was built in 1715 and the South Gaol (South Gate) in 1730.

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A petition presented to the House of Commons in 1798 stated that—

> " Petitioners brought themselves before the present Recorder (Dublin) to be discharged—when to their great disappointment and further wretchedness they were remanded to prison. The Recorder refused to discharge them as they were not in actual custody from the time of their first committal, though the late Recorder never objected to release such unfortunate persons as were brought before him though under the same humane indulgence."

In Dublin also some prisoners were allowed out during the day. A report submitted to the House of Commons in 1798 stated that " the humanity of their keeper allowed them the great indulgence of going out occasionally to seek work." We find that in 1762 the keeper of the Cork Gaol was dismissed " for using the prisoners ill " [1] An Act passed in 1763 forbade the gaoler or any person on his behalf to brew or bake in the gaol, or to sell bread, beer or ale.

It was in that year that the minister or curate (Protestant) was required to buy and deliver bread weekly to those who appeared to be in want and the employment was authorised of a physician, apothecary or surgeon for prisoners afflicted with sickness. In 1786 the Grand Jury were empowered to appoint as Inspector of the Gaol either the clergyman who distributed the bread to the prisoners, or a surgeon, physician or apothecary resident in the gaol-town at a salary not exceeding £10 yearly. This Act also enabled the Lord-Lieutenant to appoint an Inspector-General of Prisons for a period of two years at a salary not exceeding £200 per annum. Instead of distributing the bread weekly, as formerly, the clergyman was now required to deliver it three days in every week and to ensure that it was baked more than forty-eight hours before issue. It was also forbidden to take " penny-pot or garnish [2] " from prisoners on their admission to gaol. In the following year another Act was passed requiring the local Inspector to provide bread, meal, potatoes or such food as he should judge most proper to the value of not less than threepence per day and to have the distribution made on Thursdays and Sundays weekly.

The 1765 Act contained a list of those confined in the several gaols and marshalseas who were brought within its provisions. Those detained in Cork were :—

FOR DEBTS NOT EXCEEDING £50

City of Cork Marshalsea :

Honor Kealohear, otherwise Regan, and James Stackapoole

County of Cork Gaol :

Edmond Murphy	Charles Connell
John Keef	John Hartned

City of Corke Gaol :

Henry Neptune	Timothy Meenihane	Bart Sullivan
Moore Hardaway	John Sullivan	William Barry
William Fencer	Dennis Maley	Michael Crowley
Darby Wholohane	Edmond Mulloney	John Goggin
John Lyon	Tim Horragan	Patrick Callaghan
Tim Coonihane	James Walsh	Tim Callaghan
Hugh Cubberston	William Wilkinson	Timothy Quirke
Cornelius Desmond	Laurence Dawley	Florence Carthy
John Power	William Ellis	

[1] Tuckey's *Cork Remembrancer*," p. 351.

[2] This was probably a contribution to the general fund administered by prisoners for convivial gatherings.

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DEBTORS WHO OWED MORE THAN £50.

County of Cork Gaol:
James Collins and Daniel Crowley

City of Corke Gaol:

Isaac Spratt	Denis Healy	Matt Holden
James Punce	John Carroll	John McCarthy
Margaret Fowler	Daniel Linehan	

Caulfield's *Council Book of the Corporation of Cork* shows that the Corporation passed a resolution in March, 1769, "that Miles Cogan, who had been at the City Gaol at the suit of Francis Carleton, Esquire, for money due to the Corporation be discharged, said Cogan being very poor, old and infirm, and in a perishing condition" [1].

A further entry in the Council Book more than four years later ordered that the sum of £8 6s. 11d. be paid to Carleton, so much paid for suing Cogan. In the same year a sum of £100 3s. 10d. was paid to Peter Cossart and Jaspar Lucas, late sheriffs of this City, expenses they were put to by the escape of a Solomon Isaac, a debtor, from their custody.

The Statute 11 and 12 Geo. III. C. 31 (1771–72) mentioned the names of the following debtors in Cork Gaols who were excluded from benefits unless two-thirds in number and value of their real creditors signed a certificate of discharge.

Cork County Gaol:

Patrick McAuliffe	John Barry	Edmond Wall
Cornelius Murphy	John Feen	Cornelius Curtin
Denis Collins (alias Cronagh)	Mark Bohilly	Mortagh Bohilly
John Moore	Thomas Moore	Patrick Crowley
Maurice Dawley	Denis Regan	

Youghal Gaol:
Maxwell Olive

Cork City Marshalsea:

John Howard	James Murphy	John Davis
Daniel Bourke	John Fin	Denis Henderson

An Act passed six years later mentioned the following in the Cork gaols:

Cork County Gaol:

Timothy McCarthy	John Norcott	William Anstis
Timothy Leary	Emmanuel Harrison	John Bennett
Timothy Donovan	Peter Clancy	John Skuse
Denis Long	John Leary	George Smyth
Timothy Leane	Patrick Carthy	Darby Hurley
Daniel Shingles	Edmond Singles	Nicholas Bellew
James Lombard	Timothy McCarthy	

Cork City Gaol:
(The names of four women appear in the undermentioned list)

David Gleeson	Michael Denaghy	Thomas Ahern
John Burton	James Short	John Carthy
Florance McCarthy	James Winstanley	Darby Finn
Edmund Burke	Darby Spillane	Edward Barry
John Keeffe	John Kinasake	William Cane

[1] A note in Fitzgerald's *Cork Remembrancer* states that Francis Carleton, jun. was appointed Corporation Treasurer in 1774.
A Hugh Carleton was elected Recorder in 1767.

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John Corkery
Cornelius Connor
James Ferris
Denis Mahony
John Dwyer
Timothy Lefoile
Charles Mahony
John Penward
Catherine Wholohane
Denis Carroll
Bart Nevill
Daniel Brenon
John Dale
Alex Goodin
Michael Nagle
James Hennessy
John Galway
John Kenealy
Thady Crowley
William Staterford
James Mahony
John Cartin
Laurence Fowlue
Patrick Coakley
James O'Bryan
Thomas Donald
John Barron
Edward Norman
Denis Dennaghy
Darby Mahony
William Fowlue
Thomas Reynolds
James Paterson
Thomas Quill
John Duggan
Thomas Cummings
John Kennassy
John Evans
David Moylan
Thomas Cullinane
Timothy McCarthy
Richard Coleman
Daniel Gorwan
David Murphy
Susan Goodwin
Mat Coleman
John Hartnett
Paul Webber
John Gleeson
Thomas Finn
Daniel Finn
Darby Daw
Daniel Storey
Bart Murphy
Joseph Collins
Denis Driscoll
Catherine Horrigan
Thomas Lawder
Timothy Sullivan
Andrew Sharp
Patrick Linihan
Catherine Cronolian
Mat Dempsey
William Kelly
Patrick Phoenix
Timothy Enrought
Timothy Callaghan
Richard Montgomery
Cornelius Keleher
Thomas Vippond

Petitions were received by the House of Commons against the undermentioned obtaining the benefits of the Act, but as the foregoing list shows, they were ineffective against John Cartin and Paul Webber.

Cork Gaol :

John Donnellan and Henry Casey

Cork City Gaol :

John Cartin Daniel Connor, Esquire Paul Webber

In 1774, through the exertions of Henry Sheares[1] a well-known Cork banker and father of John and Henry Sheares, who were executed for their connection with the Irish Rebellion, a Society was formed for the Relief and Discharge of Persons confined for small debts[2]. The Society printed and published an essay written by him. It was described as " a publication productive of the most salutary purposes in softening the hearts of inexorable creditors laying before them the impossibility of forgiveness from the Almighty Father if we do not forgive our debtors." In the following year, probably through the exertions of the Society " a second door was built to the South Gaol to separate debtors from the criminals.[3]

The names of thirty-six persons, with their occupations and number of dependants, who were relieved by the Society from the 16th June, 1776, to the same date in 1777 are available. The debtors were confined in the City Gaol, the County Gaol and the Marshalsea respectively. The amount of each debt and the amount of the composition accepted are contained

[1] He died in 1776 and was buried in the churchyard of the Saint Nicholas in the south side of the City—Madden, *The United Irishmen II*, 5.

[2] There are two reports of the Society available in the Royal Irish Academy. They are dated 17th June, 1777 and 16th June, 1783 respectively. The rules of the Society are also obtainable. The reports are very lengthy. Dublin and Limerick followed suit and formed similar societies.

[3] Tuckey : *Cork Remembrancer*, 171.

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in the lists. From 13th July, 1774 to 17th June, 1777 there were one hundred and sixty-five " wretched persons " relieved by the Society. The names of one hundred and forty-six persons who were discharged from the three places of detention for the three years ended 16th June, 1780, with the amount of each debt and the amount of the composition effected with the creditors are to be found in the reports and in the accounts.[1]

There was plenty of work for the Society, as an appeal through the *Cork Remembrancer*[2] newspaper in 1782 by the debtors stated " that those in the South Gaol were reduced to the necessity of drinking salt-water frequently for the previous three years and that as a consequence many of them had fallen ill . . . they humbly besought the managers of the pipe-water to redress that great want."

The Marshalsea list shows the names of the undermentioned persons detained for sums of less than £1 :—

Mary Connor, 1/1	Richard Lane, 2/6	Dan Donovan, 5/5
Mary Hnolahan, 2/2	Dan Connor, 18/1½	Garrett Condon, 11/1
Hanora Crowley, 10/–	Ellen Leary, 3/3	Francis Barber, 16/1
Mary Salmon, 13/6	John McKoy, 5/5	

The names of 36 persons who received the Charitable Loan from the Society and the names of one hundred and twenty-seven other persons are contained in the records. In a footnote it is stated that twenty-seven persons received the loan twice, fifteen persons three times, and ten persons on four occasions. It may be possible some time to find space for the publication of the names and accounts in detail.

The following summary shows the activities of the Society during the four years for which accounts are available.

		Cash in Hands	Receipts	Payments
1776	....	£153 10 0½	£466 1 2	£227 10 10
1780	....	84 7 11	342 13 10	295 4 3
1781	....	131 17 6	373 19 11½	451 13 10½
1782	....	54 3 7	548 10 2½	524 4 2½
1783	....	78 9 7	410 16 11	Figures not available

The receipts during the four years included :—

	Total No. of Subscribers	Subs. of £2 5 6	Subs. of £1 2 9	Subs. of £0 11 4½
1776–77	157	27	110	9
1780–81	84	14	57	–
1781–82	43	10	24	–
1782–83	96	14	71	1

(*At that time one guinea was equivalent to* £1 2*s.* 9*d.*)

Further figures of receipts :—

Donations		Weekly Repayments of Loan		Plays
£113 15 0	....	£	....	£139 9 1
20 0 0	....	87 14 8½	....	68 18 11
35 0 0	....	115 2 1	....	119 5 3
8 0 0	....	230 2 5	....	102 3 3½

[1] A gold medallion with an address was presented in 1780 to the Rev. Dr. Pigott, late secretary to the Society. Tuckey, *op. cit.*, 182.

[2] Tuckey, p. 185 and Gibson's *Cork*, vol. 2, p. 195.

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The payments in addition to loans to debtors and sums for the release of debtors included :—

Cleaning of City Gaol to prevent infection on the debtor's side, £2 5s. 6d. ; sweeping the gaols, supplying bread, milk, water, beef, potatoes, coal and straw for debtors. Frize for Dennis McCarthy in the County Gaol, 13s. Rugs and cadows, shoes and stockings. A tub for the County Gaol, 3/3.

An entry reads " two barrels coal for both gaols and burying a child[1] 15/2.

Another entry is " for water and burying a child (County Gaol) " 4/5. Funerals cost very little. That of a Portguese debtor, 8/8 ; Florence Grogan, 5/11½d. ; J. Brien, 7/7 ; John Carroll, 3/9½. A coffin for John Driscoll, 3/3 and one for Eleanor Donoghue, 3/3. One of the turnkeys of the County Gaol was given 5/5 " to encourage him to behave with tenderness." A member of the Deane family who was an attorney obtained three sums totalling £92 11s. 3d. from the meagre funds of the Society.

The undermentioned debtors in Cork Gaols were named in the Act 1781–2 and were deprived of its benefits :—

Richard Mara, of the City of Cork, Gardiner.
Robert Norman of Nottingham, in the County of Cork.
George Rallings of the City of Cork, Hosier.
John Callaghan, Farmer and Dealer.
Felix Pritchet, Patrick McDermott and Michael Harris, late of Bandon, now in the County of Cork Gaol.

An Act passed in 1788 deprived a Timothy Casey—a prisoner in the Gaol of Cork of participating in its benefits. Three years' later he was again mentioned in a further Act and its benefits were withheld from him. His address was given as Kiltohig in the County of Cork.

In 1793 an Act excluded from its benefits Richard Bernagh or Bernard, late of Lauragh in the County of Cork. He was a prisoner in the Four Courts' Marshalsea since the previous year. A petition of Benjamin Shorten of Little Silver presented to the House of Commons[2] and read explains how Bernard or Bernagh was mentioned in the Act as a person to be excluded from its benefits. This was a common practice of petitioning that the Act do not apply to certain named persons. In this case the petitioner had obtained a verdict for £251 17s. 9d., which represented four and a half years arrears of rent and he alleged that the prisoner was receiving rents which " he lavishes in his pleasures in the Gaol."

The Cork Charitable Society would appear to have been in existence in 1791 as the following petition refers to its work.

A Petition of the Debtors confined in the Gaol of the City of Cork, whose names are thereunto subscribed (being thirty-one in number) was presented to the House of Commons ; and read :—

" Setting forth that several of the petitioners who, as they humbly conceive, are entitled to the Relief intended by the Humanity of the Legislature under the late Act of Parliament made in this Kingdom in favour of such insolvent debtors as were in Prison on the 1st day of September, 1790, having been prevented from receiving the benefit of the said Act, that the greatest Part of the Petitioners have been put

[1] Frequently the families of prisoners were permitted to reside in the gaols and to go out daily to work. Children were born in the gaols and they also died there.

[2] *Journal of the Irish House of Commons*, 26th June, 1793.

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into confinement into the said Gaol since the 1st September, 1790 for very small debts, few exceeding the sum of £20 and several of the petitioners are confined for Debts not exceeding £5 and many under that sum; that the petitioners are in the most wretched situation, in want of the common Necessaries of Life, and totally destitute of any Means of Support for themselves and helpless Families, insomuch that the Petitioners must inevitably perish but for the Charitable Cork Society, who are humane enough to allow each of them the small subsistence of one shilling's Worth of Bread, and one Weight of Potatoes weekly, to prevent them from starving; that the Petitioners, though mostly confined as already mentioned for very trifling sums, are unable to satisfy their Creditors in any other way than by remaining in Prison shut up from the Comforts of Society, deprived of the exercise of Industry and of course their Wives and helpless offspring left a burden on the Public and a Prey to all the inconveniences incident to poor objects in their unhappy situation."

Petitions to Parliament were very common and the following are good examples of the eloquent terms in which they were couched :—

"A Petition of the Debtors confined in the City Gaol of Cork, whose names are thereunto subscribed, was presented to the House of Commons[1] and read, Setting Forth : "

" That the Petitioners, seventy-five in number, some of whom have been confined upwards of three years and the whole of the said miserable number of human beings languishing in a state of Inability, Affliction and Despondency are real objects of legislative Compassion; that the number of Petitioners are daily increasing and what makes their case the more deplorable the Petitioners are a set of miserable and unfortunate Creatures, torn away from their Wives and Families, plunged into and immured within the loathsome Walls of a dreary Prison, the Seminary of Vice and Immorality, shut out from the Comforts of Society, deprived of Pure Air, and the means of providing for their wretched Offspring, rendered useless to the Community, and dragging out a miserable existence in the said Mansion of Distress; that the Petitions are stimulated by one *chearful* Ray of Hope, that the House will make the present year a remarkable A/Era in the Minds of Insolvent Debtors, by accomplishing their final Liberation as a Signal Act of the Irish Legislature; Petitioners, therefore with all Humility, refer their Case to the Wisdom, Candour and Humanity of Parliament, humbly and confidently imploring their assistance for the accomplishment of this most salutary Measure and praying Relief."

A Petition of James Connor of the City of Cork, formerly Cotton Manufacturer, was presented to the House of Commons and read on 28th April, 1795; Setting Forth :

" That the Petitioner formerly kept a Bleach-Yard, and carried on the Cotton Manufacturing Business in Blackpool in the North Liberties of said City in a very extensive manner, but at a very great expense; that among other Cotton Manufacturers who failed in this Kingdom about two years ago Petitioner had the Misfortune, from several Disappointments and unseen Accidents, to fail in Petitioner's credit and circumstances, and was obliged on that account to go out of this Kingdom to the Kingdom of Great Britain for the safety of Petitioner's liberty, and leave his wife and eleven children unprovided, and barely dependant on the Subscriptions and Donations of the Inhabitants of the City of Cork; that the Petitioner remained in England for very near two years on account of Debts, a Fugitive, and on his Keeping; that being insolvent, and not able to pay his debts, prays the House to cause his name to be inserted in the Insolvent Bill and grant to the Petitioner the intended Benefit and Relief thereof.',

As the House made Order on May 17th, " That it be an Instruction to the said Committee (who were engaged in drafting the terms of a bill) to exclude all Persons who were not in actual Custody on the 1st May " it is unlikely that James Connor received the benefit of the legislation unless he, or his friends were able to arrange that James Connor be considered to be in technical custody on the appointed day. This was so often practised that forty years earlier a section of 29 Geo. II, Cap. 17, laid down that if

[1] Vol. XIV, *Journal of the House of Commons*, 15th March, 1791.

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any sheriff, gaoler or keeper of any prison shall insert in any list the name of any person who was not a prisoner in actual custody on the day named he shall pay the sum of £200. Some Dublin Debtors fared badly before the Recorder in 1798:

A Petition of a different character was presented to the House on the same day in respect of a judgement and read " on behalf of Denis McCarthy, late of the County of Cork, who was servant to John Travers, Esquire, of said county now and for some years past a Prisoner in the Four Courts Marshalsea, setting forth:

That the Petitioner has been confined in the Four Courts' Marshalsea of this Kingdom for upwards of five years, on the Presumption of his having had criminal conversation with his late Mistress the Honourable Grace Manners (otherwise Lysaght) than which nothing in the nature could be more improbable when it is considered that Petitioner was only a poor, abject, illiterate chaise-boy, and that his Mistress was a Lady of noble Birth, and in high estimation for her Prudence, Virtue and regular matronly Conduct in every respect; that the Petitioner having no sort of Trade or any Business, save that of Postillion, an occupation no way adapted for the narrow limits of a prison, must have inevitably perished, had it not been for the Humanity of the Gentlemen confined for debt in the same Prison, who in commiseration of his deplorable situation have occasionally afforded him a scanty Support; that Petitioner's case is more dreadful than that of the most nefarious Murderer or Felon, as their Miseries are speedily made to terminate in this World by Privation of Life, whereas the unhappy Petitioner, at present unfortunately very young is doomed to spend the whole of his calamitous Days in a loathsome Prison or pay a fine of £5,000 which is impossible for him to do; and therefore praying the House to take Petitioner's most melancholy and unparalleled case into consideration by granting him such Relief as to the House in its great wisdom, Philantrophy and Humanity shall seem meet."

There was a further petition filed on his behalf on 27th Feburary, 1797 which goes to show that neither the lady in the case nor anyone on her behalf made any contribution for his personal comfort during his imprisonment. It looks as if the charge were malicious[1]. But on the other hand the husband might have expected the erring wife to pay him for the freedom of the " poor, abject chaise-boy."

There were many abuses and irregularities in the gaols. The gaolers kept ale-houses near the prisons and intoxicating liquors were supplied to prisoners who could pay for this indulgence. Gambling was also permitted to take place within the gaols. It must be understood that prisoners could earn money by their diligence and poor prisoners could find employment as servants to those prisoners who were able to pay for services. The remuneration thus received could be utilised to buy comforts or could be spent unwisely.

In the appointment of keepers of gaols and turnkeys the report of the Inspectors-General in 1823 states " we have found the most glaring proofs of partial and interested appointments and even of the choice of persons of the most immoral character." In that year the report described the old city gaol as " this disgraceful ruin which is equally subversive of all prison discipline, insecure as to the confinement of prisoners, unsafe for the inhabitants of the gaol and a public nuisance to the city, stopping up one of the principal avenues to the City and exhibiting in one of the most crowded streets a scene of misery and depravity which cannot fail to produce and

[1] The husband, Travers, was awarded damages amounting to £5,000 and costs against McCarthy in the King's Bench Division.

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to spread abroad a most injurious moral influence. The want of room and the dilapidated and filthy state of the accommodation render confinement, even for debts, a cruel punishment." The local inspector was a clergyman of the Church of Ireland, and he was paid £200 yearly to discharge his duties. Amongst the staff was an " executioner and sweeper " whose remuneration was £12 7s. 0d. per annum.

The City of Cork Bridewell consisted of four rooms, without any yards. It housed thirteen classes of prisoners including male and female debtors for small debts. The Youghal Bridewell was described as " the worst regulated that the Inspector-General ever visited." The debtors were kept confined under no system whatever. The house was a scene of filth and disorder and " such was the indiscriminate and uncontrolled admission of visitors that one person who had been confined for three years was permitted to keep a musical academy—a scene of shameful disorder and dissipation—in his miserable and close apartment."

The Statute 7 Geo. IV, C. 74 (1826) provided for the appointment of local Boards of Superintendence and for the classification and segregation of prisoners. The Grand Jury were empowered to appoint a Board of Superintendence of not less than eight and not more than twelve persons, one-half of whom were required to be justices of the peace. The prisoners were to be divided into six classes, and the debtors were to constitute a separate class. Poor prisoners were not to receive an allowance of provisions in excess of the gaol allowance. They were entitled to receive one-third of the profit, if any, arising out of their work, but this concession was not extended to prisoners undergoing sentences of hard labour.

Prisoners confined for debts of less that £10 were entitled to receive an allowance of 2/6 per week from their creditors. Since 1763 creditors were liable to pay a sum not exceeding fourteenpence weekly towards the maintenance of their debtors in gaol. This 1826 Act required the Notice that Gaol Fees had been abolished (1815) to be posted in every Gaol.

The report on the Prisons of Ireland in 1837 stated that the Prison Act rendered work the condition on which support was afforded to the poor prisoner and that work was not intended to be " a mere contrivance to occupy the prisoner " but rather a means to give him a trade. The Grand Jury provided the materials of labour by levying a rate or cess for the purpose. The prisoners were expected by the fruits of their industry to lessen the cost of their maintenance. The report drew attention to the fact that prisoners in some of the gaols were not supplied with clothing and that they were in a very objectionable state of nakedness. The absence of shoes caused particular hardship where the prisoners were without much exercise and where they had to remain upon flagged floors.

In the foregoing Report the Cork County Gaol was described as the " County of Cork Gaol and House of Correction." It was built in 1823 and was occupied in the following year. The expenditure for the year totalled £4,228 3s. 2½d. Those detained on a particular day included one hundred and fifteen males and fifty-three females. The gaol contained one hundred and fifty-eight cells. It had a well-managed school which was conducted by the turnkeys. In the words of the report " the diet was

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carefully and economically provided." It consisted of bread. The average daily cost of the diet for each prisoner was threepence halfpenny. The chief occupations to which the prisoners were put were :—the treadwheel,[1] the pumping of water, the quarrying and breaking of stones ; but " some progress had been made " at weaving, shoemaking, tailoring and tinwork. The report of the Inspectors-General on the Cork City Gaol for 1838 stated that there was little of a complimentary nature to be said for this gaol. This, and the report of 1823, was not a tribute to the exertions of the local Inspector—the Revd. Mr. Quarry—who died during the year. A layman, a Mr. Perry, replaced him at a salary of £100 per annum. Two years later the report stated that this gaol was well-maintained in general good order and cleanliness. About forty of the seventy male criminals were occupied at the treadwheel and some were breaking stones. The Medical Officer was paid £60 yearly. The expenditure for the year, 1838, totalled £2,756 10s. 0d. The average daily cost of the diet per prisoner was threepence farthing. It consisted of bread and milk, owing to the absence of a steam kitchen. The visiting Inspector-General reported that " much economy could be secured by substituting oatmeal and potatoes."[2] On the day of his inspection there were one hundred and forty-eight prisoners, including one hundred and nineteen males and twenty-nine females. This gaol contained one hundred and eight cells.

In 1842 there were one hundred and ninety-six prisoners in the Cork County Gaol on the day of inspection. There were twenty-three male and two female debtors. The average cost of each prisoner was fourpence farthing per day. The expenditure for the year had fallen to £3,771 6s. 7d. In the Cork City Gaol there were ninety prisoners including twenty male and two female debtors. The average daily cost was threepence three farthings but the total expenditure for the year was £2,176 15s. 5d. and was considerably lower than the figure for the year 1838. The report on the City of Cork Gaol for 1843 showed that Sir Thomas Deane had presented an estimate of £515 for necessary works but it was rejected by the cess-payers. It stated that the corridors and cells on the ground floor were very damp and cold and that there was no method of heating them. The corridors were long and the ventilation so defective that the atmosphere was of a very impure nature. As there were one hundred and eight cells in the gaol and as the average number of prisoners was less than one hundred

[1] The treadwheel was used to supply water for prison use. In some gaols it was connected with machinery by which chalk was pounded. Particulars were kept of the work at the treadwheel showing " the number of feet ascent per day." In 1825 treadwheels were in use at the new County Gaol in Cork and the Prison's report for 1851 states that in the Cork City Gaol a crank-mill for grinding corn was attached to the treadwheel. The City Gaol was built and occupied in 1825. The report of the Inspectors-General in 1823 endeavoured to answer the objections of some of the local Boards of Superintendence to the introduction of the treadwheel. It stated " The objections of some people were overruled by the most eminent medical authorities. It had been found to be not only a power applicable to almost every description of work but a certain means of affording steady employment to the prisoners and a description of labour which although but moderately severe is yet of so interesting and constant a nature as to have become a terror to those who are committed to prison and consequently a check on the commission of crime."

[2] Tea, butter, eggs and meat found no place in the gaol dietary of that time.

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and five, the Inspector-General regretted that the " separate system " was not in force. The local Board of Superintendence had not adopted the provisions of the statute 3 and 4 Vic. C. 44 (1839) which was passed to extend to the prisons of this country the principle of the " separate confinement " of prisoners. This Act was supposed to be for the benefit of the prisoner selected for " separate confinement." It " placed the prisoner in the most advantageous position for serious reflection—and he is soon convinced that the arrangements were made solely with a view to his real good." It would be difficult to convince a prisoner that solitary confinement was for his " real good." Although the average cost had increased by a halfpenny per prisoner per day since 1838 the Board continued the bread and milk diet instead of the oatmeal and potatoes diet recommended by the Inspector-General. The pauper debtors complained of the poor quality of the milk, but the Inspector-General, with whatever evidence that was forthcoming during his visit, found the complaint to be groundless. He complained that the Board had not adopted his recommendation to give the prisoners their meals in their own cells. By 1850 a Select Committee on Prison Discipline recommended the establishment of a Central Board. The Report on Prisons for the following year bore a different aspect. The Inspectors too were different. They reported strongly on the neglect and disuse of the purely punitive principle. That those who were sentenced to hard labour were set to work at the usual industrial employments such as weaving, mat-making, etc., which involved no discomfort, affixed no stigma, and were executed in association. They recommended punishment which " should not partake of the nature of a reproductive employment but which should be associated solely with the idea of disgrace and the infliction of a pure penalty for violation of the law." They suggested the crank-machine and the shot-drill as suitable forms of punishment. The shot-drill had not been adopted by the local Board in Cork, although it had been introduced in other countries and in other Irish prisons. It had been found effective in Great Britain " in scaring away the inveterate and refractory vagrants who constituted the most numerous and impracticable (intractable) class of prisoners."

The Inspectors in the 30th Report on Prisons (1851)[1] recommended Boards of Superintendence to adopt it as it was found to be successful in military prisons, from its " endless and irksome monotony and the sense of stultification " which it produced. They further stated that it had the advantages of being capable of modification according to the age, physical strength and power of endurance of each prisoner by graduating the weight of the shot from nine lbs. to thirty-two lbs. and that no original outlay or preparation was necessary.

In 1850 and 1851 the total number of prisoners in the Cork gaols, debtors included, were :—

	Cork County Gaol		Cork City Gaol	
	Total for Year	Daily Average	Total for Year	Daily Average
1850	6,807	1,172	2,781	217
1851	5,914	1,055	3,434	253

[1] This Report states that in Cork City a crankmill for grinding corn was attached to the treadwheel.

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The debtors in 1867 and 1868 were :—

	Cork County Gaol			Cork City Gaol		
....	Male	Female	Total	Male	Female	Total
1867 ..	33	3	36	61	4	65
1868	32	5	37	84	9	93

The work at which the county prisoners were employed was the treadwheel, crankmill and pumps. The work at the City gaol was the treadwheel, crank-mill and stone-breaking.

From this time the local control of gaols virtually ceased but visiting justices could be appointed. The gaols became a charge on State funds. The statute 35 and 36 Vic. C. 57 (1872) abolished imprisonment for debt.

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