

### SOLITARY CONFINEMENT.

In your Gazette of Friday last, "Hamilton" says, "solitary confinement without labour, has had a complete trial at Auburn, and the result has been decisive as to its utter inexpediency, as regards health, intellect, reformation and expense." Facts would lead us to believe, that the experiment of solitary confinement in Auburn prison, was made under circumstances much more calculated to defeat it, than to give it a fair trial.

1. In the year 1821 the legislature of New York ordered that some of the *oldest* and *most* *heinous convicts* should be put in the cells: 80 of them were accordingly selected for that purpose in December, of that year, and the agent of the prison, thought proper to increase the punishment, by *preventing them from lying down in the day-time:* whether they were obliged to stand up all day, is not mentioned, but the presumption is, that they were, and not even permitted to sit on the floor, or on the frames of their hammocks, for these "are turned up edge-wise during the day." Powers Report, P. 44.
2. The cells were designed merely to sleep in, and are entirely too small for the long confinement of convicts, being only seven feet long, seven feet high and three and a half feet wide.
3. The interrupton of the experiment by Governor Yates.
4. The pardoning by that officer, of those subjected to it.

It must be evident that the class of convicts selected for the trial of solitary confinement, was such as did not afford the greatest hopes of its success; nevertheless, Mr. Powers says, p. 80, "for a considerable time we had great confidence in the success of this experiment," but, "in the summer of 1823, Gov. Yates visited the prison, personally examined the solitary convicts, and after consulting with the inspectors and agent, *determined to pardon them all*

*gradually*, except some whose sentences would soon expire, and a few others to be put to labour. These measures were adopted for two reasons, 1st, that their punishment was changed, and increased beyond their sentence. 2nd, that the health and constitutions of those surviving convicts, had become alarmingly impaired." It must also be evident to all, that if any good effects had been produced on the convicts, by their solitary confinement, their unexpected relief from that punishment, would have done them away; but it was the mode of that relief, which caused the chief part of the mischief, viz: by pardon. The high state of mental excitement thereby occasioned, would inevitably induce a state of feeling totally incompatible with remorse, for their former evil deeds, and would embolden them to a repetition of their crimes, under the well grounded expectation of enjoying a similar favour, upon another committal to prison. "The consequence was, that many of them, even those who had been longest in confinement, returned to prison, in three, four, and eight months."\* Mr. Powers adds, that "twelve have been reconvicted; one committed a burglary in the vicinity, the very first night after having been released from a long confinement, and some others are known to be a terror in their neighbourhoods."†

If Governor Yates had not interfered with the wishes of the Legislature, and had permitted those convicts who were well, to continue in the cells until their times had expired, the presumption is, that they would not soon, if ever, have subjected themselves to a repetition of the punishment. This conclusion is strengthened by the fact, that, "in the New Jersey prison, where the solitary convicts were forced to serve out their times, of 77 who had been confined, one for three years and six months, only one had returned."‡

Thus we see that the chance of "reformation," against which Hamilton says the Auburn

\* Report to the Legislature of New York, January, 1825.—quoted in Dr. Mease's essay on the penal code, p. 72.

† Power's report, p. 83.

‡ Letter to Dr. Mease. Essay, p. 72.

he 27th of September, and, on the same day, adjourned to York, y met on the 30th, and remained until the latter part of June, in

experiment is decisive, was cut off by the unexpected cessation of it.

The injuries which the convicts experienced in their health, is not to be wondered at, when we reflect upon the smallness of the cells where-in they were confined. But that these indispositions were slight, is rendered probable by a fact in the report of the prison committee to the New York Legislature, of January 1825, who, after remarking that "of 36 men confined in the cells of the Auburn prison, for various periods, from seven to twenty-nine months, *none suffered in their minds,*" say, "a few who had been confined for a year or more, were stated to have been indisposed with rheumatic affections, general debility, &c. &c.; but when permitted to go into the yard for a few weeks, the fresh air & light labor generally restored them to health." The Philadelphia prison inspectors make the same remark.\*

Hamilton further refers to the injury of the intellects of the convicts in the cells. It is true, Mr. Powers says some of them became mad. It would have been singular if they had preserved their senses, considering the very wicked class of men who were confined, their want of exercise, the pollution of the air they breathed, and the cruel prohibition to lie down, (or perhaps even to sit down) during the day; "that they were without the benefit of religious instruction, and that the voice of kindness and compassion seldom or never reached their ears.† Dr. Mease takes particular notice of the objections to solitary confinement, founded upon the danger to the health of the body, and to the mental faculties in those subjected to it, and quotes numerous cases from history, of persons who were shut up for a long time in European and American prisons, in which from their con-

struction, and the circumstances of the confined, affections of both body and mind were much more likely to occur, than at Auburn, without any permanent injury to either taking place.

It must be observed further, that Mr. Powers says, "that with all the privileges enjoyed by convicts at Auburn, insanity is no uncommon occurrence. There are several now (1828) more or less insane." p. 85. This refers to prisoners at work in the yard. What shall we say to this? Does not the fact militate against associated labour? Certainly it does; and it may be used with the same propriety, that the occurrence of mania is adduced against solitary confinement. I conclude, from what has been here said, contrary to the assertion of Hamilton, and other writers, *that the experiment of solitary confinement without labour, in Auburn prison, had NOT A FAIR TRIAL,* and hence no argument can with propriety be derived from it against a similar punishment in the cells of the new Philadelphia penitentiary, which are 8 by 12 feet, and the highest point of the ceiling 16 feet, with yards attached 8 feet wide, and 20 long. The convicts will be comfortable while in the cells, and they can have the daily advantage of breathing fresh air, and of exercising in their yards. No more danger to their health, therefore, can be expected, than if they were at work in the prison yard.

The above remarks are brought forward to correct an erroneous statement, and not to influence the legislature, one branch of which has resolved to punish by confinement and associated labour, common crimes, and by solitude and labour more heinous crimes; a decision which will doubtless be acceded to by the other branch

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\* Essay by do. p. 81. Journal of the Senate of Pennsylvania, 1827-8, p. 475.

† Letter of the Penitentiary Commissioners to the Senate of Pennsylvania, January, 1828!