

Prisons

THE

PENNSYLVANIAN SYSTEM

OF

PRISON DISCIPLINE

TRIUMPHANT

IN

FRANCE.

"The re-action has been prompt."—MR. SUMNER'S LETTER.

"Every government which, in the actual state of society and of the progress of social science, adopts any other than the SEPARATE SYSTEM, will expose itself to the necessity of having before long to RE-CONSTRUCT its prisons."—COUNT GASPARIN.

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☞ The desire to give immediate circulation to Mr. Sumner's letter has induced us to forego this opportunity of making some suggestions, which seem to us important.

It will not be supposed that the triumphant progress of the Separate System is restricted to France, though the letter relates chiefly to that kingdom. By reference to the second volume of the Philadelphia Journal of Prison Discipline, and to late foreign documents, it will appear that in England, Prussia, Sweden, Norway, Poland, Belgium, Austria, &c., &c., the Separate System has been gradually gaining ground. Some who have been its warmest opposers have become its earnest advocates. As several counties in Pennsylvania are contemplating the erection of a new County Prisons, we feel as if Mr. Sumner's letter (especially pp. 11, 12,) could not have come more opportunely. It is to the County Prison, where the offender is usually first brought under penal discipline, that the Separate System is peculiarly appropriate, and it is to a radical improvement of these, that our Society has ever looked with the deepest interest and anxiety.

Several pamphlets have been published by the Society, (besides those mentioned in the following pages,) which will be found useful to inquirers on this subject, and which will be cheerfully furnished to any person who may apply for them.

MR. SUMNER'S LETTER ON PRISON DISCIPLINE IN FRANCE.

PREFATORY STATEMENT.

To SPEAK of the *triumph* of a principle or party, involves the idea of opposition and defeat. The object of these prefatory remarks is not to provoke controversy, nor to indulge a spirit of exultation, but simply to show the relevancy of the term "triumphant," used in the title.

It is passing strange that, in the discussion of a subject so purely humane and philanthropic as the amelioration of the evils of public prisons, sharp controversy and acrimonious feelings should be allowed to mingle. It is not our purpose nor wish to excite such a spirit, nor indulge such feelings; but we think it is due to the Philadelphia Society and its friends, whose laborious efforts have been devoted for so long a period to establish the *separation of criminals* as the only true and just principle of prison discipline, that the present position of that principle, and the prospect of its final and complete triumph shall be known, at least as generally as the erroneous statements and principles which have been urged in opposition to it. Until within a comparatively short period, the only associations in this country having this matter in charge, were the Philadelphia Society, established in 1787, and the Prison Discipline Society, instituted at Boston in 1825. From the very infancy of its being, the Philadelphia Society committed itself fully and strongly to the Separate principle. Nearly forty years before the Society at Boston was established, the

Philadelphia Society had memorialized the Legislature of Pennsylvania in favour of solitary confinement, with labour, as the most effective element of prison discipline, and from that time to this,* they have held to the doctrine of strict, absolute, individual separation as essential to any safe or wholesome scheme of convict-discipline, however objectionable or unfavourable this principle appeared to others. Some deference might be supposed to be due to the result of labours so faithful and so long continued, and to the views of intelligent philanthropists, who were by no means novices in penal science.

The Society at Boston, from the very infancy of its being, committed itself fully and strongly to the social principle, in opposition to individual separation. One would suppose, from looking back to the state of the question in this country at that time, that the Boston Society was established chiefly with the design of preventing the adoption of the separate principle in the Eastern Penitentiary, (at that time in the course of erection,) or if this was impossible, then to bring it into such disrepute or odium that it should proceed no further. We do not say that this was its design, but there are some singular coincidences.

The act under which the Eastern Penitentiary was erected was passed in 1821. The question, which mode of discipline should be introduced, was agitated till 1826, when a Board of Commissioners was appointed to report on the conflicting systems. Just at this juncture the Boston Society was organized. In that self-same year (1826,) they published their first report, in which their ground is taken in these words—

“With the plan of building, and the system of discipline and instruction pursued at Auburn, the great evils of the Penitentiary system are remedied. Here, then, is exhibited what Europe and America have long been wanting to see, a prison which may be made the model of imitation.”*

In 1827, the Commissioners to build the Eastern Penitentiary were required to prepare a *plan of discipline*; and it was in 1827, that the Boston Society opened a fire upon that Penitentiary, and upon the general principle which was recognized in its construction, that has been continued ever since, with a severity seldom ex-

* 1st Ann. Report of Boston Prison Discipline, p. 38.

ceeded. The most groundless and preposterous allegations were made, from year to year, of evils and difficulties in carrying out the Separate principle. Partial, conjectural and inferential statistics were employed, by which public opinion was misled, and unfounded and hurtful prejudices were engendered. If the Separate principle had not, before-hand, entrenched itself strongly in the sound judgment and earnest philanthropy of its friends in Pennsylvania, these efforts of its opponents might have been more successful.

In 1826, as we have said, the Prison Discipline Society at Boston espoused the *Silent* in opposition to the *Separate* principle; that is, they determined, that for convicts to work together through the day and to be separated through the night, was preferable to separation both day and night, for which the Philadelphia Society was then and had been long before contending.

The Auburn System, was commended because it was cheaper, more healthy, safer for the mind, more profitable, and afforded better opportunities of religious instruction. The Separate principle was opposed because it was supposed to require expensive construction, and was dangerous to the health both of mind and body, and could not allow the social congregation of convicts for religious instruction. The changes that have been rung on these several topics are quite innumerable, but through them all there may be detected a tissue of sophistry, concealment, a perversion of facts and principles, and misrepresentations of the views and claims of others, which it is foreign to our present purpose to expose.

The members of the Prison Discipline Society of Boston are governed, we presume, by the best and purest motives, and are equally desirous with ourselves to secure the best good of prisoners. So far as the influence of their name and character has been used for the support and propagation of errors and prejudices, we trust it has been used against their will if not without their knowledge. It is to the constraining power of such a conviction, that we owe the serious check which was given two years since to the course of that Society. A member, at the annual public meeting, called in question the statements and opinions expressed in the draft of the Report. A short but sharp debate sprung up, which resulted in the appointment of

a committee to investigate the statements and opinions, and correct or modify them as truth and propriety should require. This proceeding has led to many important developments, the issue of which is yet to be seen. With this bird's-eye view we dismiss the general history, that we may glance at one or two coincidences of a more local nature.

In the year 1831, (two years after the Eastern Penitentiary was opened for the reception of prisoners,) two highly intelligent and practical gentlemen, Messrs. *De Beaumont* and *De Tocqueville*, visited the United States as commissioners from the French government to examine our public prisons. Their opinion, of course, would be looked for, by the advocates of the opposite theories, with much interest. In 1833 they reported, without qualification in favour of the *Separate* and against the *Silent* principle. In 1836, soon after the publication of the French commissioners' report, the municipal government of Boston (as we learn from Mr. Sumner's letter) recognised the *Separate* principle, by determining, that it is incumbent upon the city government to provide a gaol so constructed that each prisoner may be separately accommodated. This was in two senses a *HOME-THRUST*, and the effect was soon disclosed. In the same month of the same year, the Report of the French Commissioners was assailed in the *Christian Examiner*, a periodical published at Boston; and the attempt was made to show, that "the opinion of those gentlemen was founded in error or misapprehension, and that the *Auburn* prison should be the model, in preference, at all events, to the *Eastern Penitentiary*."

To correct the palpable and egregious error into which the writer in the *Examiner* had been betrayed, a series of letters were published in the *Boston Daily Advertiser*, and afterwards in pamphlet form. These, it is believed, were not without some good effect. Commissioners from other European governments visited the United States to examine our prisons; and, with scarcely an exception, reported entirely and unhesitatingly in favour of the *Separate*, or *Pennsylvania*, and against the *Silent*, or *Auburn* principle.

Such testimony from such independent and unprejudiced sources, was slowly working a revolution in public senti-

ment. Another struggle must be made to arrest the coming judgment, and uphold a little longer the system to which the Boston society had been committed. Documents were put into the hands of a distinguished friend of that Society, (then unacquainted with the actual point of controversy, but who has since disavowed all sympathy with the exclusive views on this point which its reports have maintained,) and in July, 1839, an article appeared in the *North American Review* advocating the superiority of the *Auburn* or *Silent* System, though evidently resting the whole force of the argument on unwarranted assumptions or misapprehensions which had been for years sedulously nurtured and propagated.

To show the fallacy of the position taken by the Reviewer, and to confirm and illustrate the sound and admirable views of the Commissioners' report, a pamphlet was prepared and published at the instance and expense of our Society, which we have reason to believe fully satisfied those who were disposed to investigate the subject, that the Reviewer could not maintain his positions without doing violence to the first principles of evidence and to the clearest deductions of experience.

We mention these documents thus particularly, not because of any peculiar intrinsic value they possess, but because they relate exclusively to the local aspects of the controversy. It was not until some years after the publication of this pamphlet that the occurrence took place, at the general meeting of the Society, to which we have already adverted.

Since that interruption in the series of the reports of the Prison Discipline Society at Boston, the *Separate* System has awakened much interest among our Eastern friends, and has given rise to many able defences of it. But to none of them do we look with so much confidence, in their effect on the decision of this great question, as to the testimony furnished by the following letter. We have never been disposed to take the attitude of controversialists in respect to this question. We have ever had in view the simple purpose of securing every practicable amelioration of the miseries of our public prisons. It was evident, that *association* was the fruitful parent of some of the worst of these evils, and *separation* most naturally presented itself as the appropriate remedy. In contending for this

cardinal principle of our system, we have felt that we were contending, not for a victory over those who held a different theory, but for the highest and most desirable ends of penal suffering. We have never doubted that truth would finally break forth as the sun, and that the prejudices and misconceptions of honest and candid men would be removed. And it is as gratifying as it is unexpected, that this triumphant vindication of the Separate or Pennsylvanian system should be embodied in a letter from a native of Boston, addressed to the chief magistrate of that ancient and enlightened city, vehemently urging the adoption of that system for a new city prison, and published by order of the municipal authorities. Such overwhelming testimony to the superiority, *in every respect*, of the *Separate* to the *Silent*, or of the *Pennsylvanian* to the *Auburn* plan, laid, under such circumstances, before the immediate supporters and efficient advocates of the latter, cannot fail, we think, to produce an entire revolution in the views and opinions which have thus far governed the counsels of the Prison Discipline Society at Boston.

Mr. Sumner's letter is re-published, without abridgment or alteration, that no injustice may be done to his sentiments. There are some phrases and allusions which can apply to none of our penal institutions, and some views incidentally expressed with which we may not fully coincide; and some errors of fact, (we think,) not material however to the main subject in hand. If any expression in the letter can be construed to favour the idea that convicts are to be exempted from the painful privations which render their imprisonment a grievous burden to themselves and a terror to others, we do not adopt it. We have no sympathy with the morbid sentiments of a philanthropy that provides better fare and higher privileges for the condemned transgressor, than the honest and industrious citizen at large can enjoy. No! Let the offender feel the bitter consequences of his offence; but the public welfare, not less than the dictates of humanity, urge us to mingle with his sufferings all suitable means of softening, improving, and, if possible, reforming his moral nature.

THE LETTER.

PARIS, 1st December, 1846.

SIR:—A few weeks since, my attention was called by the French Under Secretary of State for the Interior, to the fact that the city of Boston had adopted for its new prison, a plan in which the principle of separation was abandoned, the regard due to him who, in the eye of the law, is innocent, forgotten,—and in which, from the indiscriminate mingling of prisoners in large cells, those under temporary arrest from a first fault, or from suspicion of a fault, were exposed to the degrading influence—the corrupting example of hardened offenders. The surprise expressed by this enlightened statesman was as great as my own mortification, and although I assured him of my belief that the plan in question would be finally rejected, yet I felt humiliated that anything should have occurred to warrant his reproach.

After the government of almost every State has recognized, as a corollary of its *right* to deprive temporarily of their liberty those suspected of crime, the *duty* of treating them with kindness,—of providing them with wholesome food,—and of preserving them alike from the shame and disgust which, if innocent, they must feel at communion with malefactors, and from the opportunity, if criminal, of taking new lessons in crime,—after almost every State has changed or is changing the construction of its prisons, so that the fulfilment of the last of these duties may be possible, the city of Boston will certainly enjoy an unenviable notoriety if it determine to defy public opinion, to reject the example of wise governments, and to maintain an abuse, which the voices of so many wise and good men have been raised to denounce. Can it be possible that the labours and counsels of the evangelic Tuckerman have been all lost,—that the appeals of so many of your honourable predecessors in office have been rejected,—that the enlightened counsels of their colleagues in the Municipal Government, have been forgotten? There stands on record under date of 21st July, 1836, this resolution of the City Council of Boston: “It is incumbent upon the city government, to provide a jail so constructed, that each prisoner may be separately accommodated.” Here is the recognition on the part of the government of Bos-

ton of that duty, which so many other governments have recognized and fulfilled. The delay in its accomplishment, however much it may be regretted, yet admits of explanation; but is the city council of 1846, prepared to act in direct violation of it?

It is difficult, at a distance, to understand how the intention to do so could have been entertained, but I have thought that it might arise from the prevalence of mistaken ideas as to the good effect which would follow from the adoption of this principle of separation. I should be happy if I could succeed in removing any of those false impressions. It seems to me that a great error is about to be committed in Boston; and it is with the hope to give some aid in averting it, that I venture to address you. During the past seven years I have had opportunities of examining with care the prisons of almost every European State, the governments of three of which have done me the honour to invite and to adopt suggestions on my part for their interior management. I have seen at various stages of mean, in which those confined are separated from one another, but are allowed intercourse with persons whose example and conversation would be fruitful in good,—and have conversed freely with their prisoners and directors. I have no right nor wish to claim for my own opinion any special value. There are many in Boston who have devoted themselves, with as much earnestness, and probably with more success than myself, to the important question of Prison Discipline, but circumstance have put me in possession of certain facts not generally known, and I deem it my duty to communicate them to you.

In addition to the results of my own personal observation, the Minister of the Interior, Count Duchatel, with that liberality, which every one, engaged in serious study, is sure to meet in France, has not only presented me with the official reports of the different directors and inspectors of French prisons which have been printed, but has communicated to me, in the *Bureaux* of the Ministry, all the correspondence relative to the twenty-three cellular prisons on the separate system, which for some years have been in operation in France. In this correspondence, which the Minister allowed me to examine and copy, on the single condition, that I would not make it public in France, were the minute reports of the directors, chaplains, surgeons, and visiting committees of those prisons, all intended for the eye of the Government alone. I think it the more important to mention this fact, inasmuch as the earnestness with which the plan of separate imprisonment has been attacked in America, and the bitter gall which has been distilled on a question of civil administration and philanthropy, have led sometimes to hazardous charges against the sincerity of the Reports which

the inspectors of prisons on that system have made public. It is impossible for the most morbid imagination to suppose, that the honourable men who are directors of the French prisons, that their devoted chaplains, their ingenious surgeons, and the independent and enlightened citizens who compose their visiting committees, can all have conspired together, and from different parts of France, to deceive their government.

I trust that the extracts which I propose to communicate and which will show the results of a great administrative experiment in a foreign land, will not be found wanting in value. I am fully aware, sir, that there are persons, who will cry out against the lessons furnished to us by other lands, and who are ready to maintain their own theories in the face of facts and experience of enlightened nations. As much as one may admire the patriotic sentiment, which stimulates us to excel other countries, so much must one deplore that conceit, which leads us to depreciate their wisdom and to hug our errors, simply because they are our own. The number of persons thus disposed cannot, however, be very great. The citizens of Boston are not Chinese—and their Mayor most certainly is not a Mandarin.

There are three sorts of prisons in France. 1st. The *maisons d'arret et de justice*, which correspond very nearly to the county jails in Massachusetts. 2d. The *maisons centrales de force et de correction*, which answer in part to our Houses of Correction, and in part to our State Prisons. 3d. The *bagnes*, or galleys.

In the *maisons d'arret* are confined those in custody while awaiting trial and those condemned for small offences to imprisonment for less than a year. It was with these that the reform commenced, not long after the return of the second French mission from the United States. On the 2d of October, 1836, after two years of the most careful examination and discussion—and within three months of the time when the City Council of Boston declared it to be "incumbent on the City Government to provide a jail so constructed that each prisoner may be separately accommodated"—Count Gasparin, then Minister of the Interior, wrote his celebrated Circular to the Prefects of the different departments, informing them, that in future the Government would approve no plans for county prisons unless they secured the *absolute separation of prisoners*, and ordering that the work on such as were then in construction, should be stopped until their plans could be changed. "The Government has recognized," says Count Gasparin, "that the system it now follows is essentially wrong, for it throws in contact those who are charged with simple delinquencies and those who are pursued for crime—the innocent and the guilty, the imprudent and the depraved. It is superfluous to insist upon the dangers of a

confusion like this, which exposes citizens, perhaps irreproachable, or those charged with a first fault, to the corrupting influence of hardened criminals. Public interest, no less than the individual interest of the accused, requires that this state of things should cease. The only sure and efficacious means is to adopt for our prisons the system of separate cells, in order to establish, not an absolute and rigorous seclusion, *but the complete separation of prisoners from one another*, and thus put an end to that mutual instruction in crime which is the greatest scourge of our prisons."

The justice and necessity of this reform were almost universally recognized, and the changes in the construction of the prisons were commenced throughout France. It needed little argument to convince the nation of the duty of treating with regard, those whose guilt was not yet proved, and the sentiment of M. Demetz, (whose intelligent report on the prisons of the United States must be known to you,) that "not only did justice and reason demand this separation, but that it was a legitimate and sacred right of the prisoner himself" was warmly applauded.—In 1841, a circular of Count Duchatel, then and now Minister of the Interior, urged the construction of these cellular prisons. "For the accused," says the Minister, "the cell must be regarded as a means of living alone, and in a state of complete moral liberty. In this point of view the system of separate imprisonment is one of protection rather than of constraint. * * The cell of the prisoner is his house." And in these few words is expressed the great result of this important prison reform. The cell of one in temporary custody is his house, in which the dignity of his nature must always be respected. Accompanying this circular of the Minister was an Atlas of Plans for prisons of various sizes from 12 to 160 cells. In these plans the construction is such, that the voice of the preacher can be heard and the altar be seen from every room. "The architect should remember," says the circular, "that the proper arrangement of the building and the central observatory, enable him to do away with all that luxury of grates, padlocks, iron gates and massive walls which make up our old prisons." A copy of these Instructions and of the Atlas of Plans I have sent to Boston, in the hope that you may deem them not unworthy your consideration. There are now twenty-three of these prisons occupied and many more in the course of construction. In all of them which I have visited,—what with their wooden floors and doors, their nicely painted walls, their fountains and garden walks,—there is a neatness and an air of comfort and cheerfulness, which would surprise those, who in America, have conjured up horrors at the idea of separation.

It is proper, however, to state that the attacks upon the

Separate System have found also an echo in France, and that the honour of seeking to oppose, what so many regard as the greatest social reform of the age, is not confined to the American side of the Atlantic. Not long after the introduction of the system in France, some of those whose condemnation to death for participation in the affairs of 1835, had been commuted to imprisonment, were guilty in prison of various excesses,—among others that of assaulting their keepers,—in the hope, it was supposed, of creating the excitement of a new trial, the consequence of their apparent craving for notoriety, they were subjected only to the ordinary disciplinary punishments of the jail, and on a repetition of the same conduct, to the severest punishment known in a French prison, viz: *solitary confinement*. Solitary confinement, that is to say, without the resources of books, labour, visits, walks in the open air, which are the elements of the *separate system*. The same conduct was pursued by some of those condemned in 1840 for taking part in the attempt to assassinate the Duke Aumale, and it was followed by the same disciplinary punishment. As the government was only exercising a right, which law and usage sanctioned, in punishing these assaults, it was found difficult at first to attack its conduct; but the friends of the Separate System in France, the general introduction of the Separate System in France, and sought to embarrass the Ministry, by pouring down upon *that*, the bitter complaints of those confined at Mount St. Michel. A question of party—opposition to the Separate System a matter of opposition to the government, the enemies of which found a powerful auxiliary in the "Prison Discipline Society" of Boston, extracts from whose reports were eagerly reprinted and circulated. The Separate System has never, however, been introduced at Mount St. Michel; and the violent attacks upon it, made on the strength of facts which transpired there, under a regime totally different, can have of course no application to it.

At the time of these attacks, none were more warm and active in urging the general adoption of the Separate System, than many deputies of the opposition, and among them, three distinguished no less for the firmness with which for many years they have opposed the general policy of the government, than for their constant efforts for human happiness and social progress; I mean Gustave Beaumont, Alexis Tocqueville, and George W. Lafayette. The Legitimists, as well as the Radicals made this also a party question, and in addition to their repetition of the charges of the Boston Prison Discipline Society, reproached the system with being Anti-Catholic, forgetful of the fact, that it was by the order, and under the eye, of an infal-

lible Pontiff, Clement XI., that the first prison on the separate system,—the St. Michel's House of Correction for Young Offenders—was built at Rome by the architect Fontana.

It is, on the whole, a fortunate circumstance that this opposition arose in France, for it excited general attention upon an important subject, and gave rise to discussions and inquiry eminently favourable to the development of truth. The result has been the complete triumph of the Separate System. In 1844, a law passed the Chamber of Deputies extending it to the *Maisons Centrales de Force et de Correction*, or rather ordering the construction of — new prisons on this system. To render complete the reform in France, it was necessary to alter the *regime* of the *bagnes* or galleys of the ports of Toulon, Brest, and Rochefort, in which nearly 7,000 prisoners, many of them condemned for life, and for the worst offences, are now condoned in one great mass of ignominy and crime. Forebodings were, however, thrown out as to the effects of the system on prisoners for long terms, and it was only after a serious examination of its results, that its application to the *Bagnes* was determined on. The committee charged with this important question, was composed of the Duke of Broglie, Count Gasparin, Admiral Grivel, (the French advocate of free trade,) Count Duchatel, Alexis Tocqueville, and Gustave Beaumont, and I am assured that, early in the coming January, the result of their deliberations, embodied in a *projet de loi*, for the application of the Separate System to the prisoners of the *Bagnes*, will be presented by the Ministry to the Chamber of Peers.

It is not my purpose, however, to discuss the general subject of prison reform, but merely to cite such facts as may seem to have a bearing on the question of the plan to be adopted for the jail in Boston. I shall therefore confine myself, as regards France, to the experience acquired in the *maisons d'arret et de justice*—houses of custody and penalty, which, as I have said, correspond very nearly in their destination to the county jails of Massachusetts. The number at present in operation, on the Separate System, is twenty-three. In all of them the prisoners are separated entirely one from the other. Their rooms, which are neat, warm, and cheerful in appearance, are twelve feet long, six feet ten inches wide, and nine feet high. Each room has its flues for heating and ventilating, its fountain for washing, and the necessary conveniences of a private apartment. The cost of these prisons, including all the arrangements for water, ventilation, and the courts for daily walks, has varied from 1500 to 4000 francs per cell. The prisoner has the means of calling at any moment, by a signal, the keeper, who is bound to inquire and report his want. During the day he receives at least seven different visits, viz: those of the Directors—the Chaplain—the Teacher—the Surgeon—the mem-

ber of the Visiting Committee whose turn it may be—the keeper, and of the person who inspects his labour. During at least one hour in the day, he takes exercise in the open air, in one of a series of courts, many of which are planted with flowers and freshened by fountains. A small library is attached to each prison. Those who are in custody only, can have as many books as they choose, and, if they see fit to work, an account is kept of their labour, and its proceeds paid over to them. For those who are undergoing imprisonment as the penalty of crime, only one hour a day is allowed for reading, and their labour is compulsory, one-third however of its profits is given to them as an encouragement to activity. Every Sunday there is religious worship, in which all the prisoners join, without seeing one another.

Certainly, sir, one may well feel surprised at the ground which those opposed to this system have taken, viz: that of its *inhumanity*—and we might rather suppose it would have to encounter the opposite charge, of rendering the prison a place of agreeable sojourn, instead of a place of discipline. But facts have proved that there is no danger of this. The rogue, who now seeks to be warmly housed at the expense of the State, in the company of his companions in crime, will shrink from those hours of meditation, and those appeals to virtue, which fall like balm upon the conscience of him not already hardened in guilt.

For answers to the special charges which have been brought against this system, that it is the cause of insanity, and is unfavourable to the health and moral education of the prisoners, I invite your attention to the following extracts from private reports to the Minister of the Interior. From Bordeaux, at which place the separate prison of 168 cells has been occupied for four years, the Prefect writes, 1st April, 1846: "It is now fully established that the health of the prisoners is better under the Separate System than under any other—that they receive with more fruit the consolations of religion, and that, not being excited by the bad example and counsels of their fellows, many reform, while none grow worse." The physician writes, that he was formerly disposed to consider this system unfavourable to health, but his opinion has now changed. "Only one original case of insanity," he says, "has occurred in the prison, and this was of a convict on receipt of the news of the rejection of his appeal for a new trial." The Visiting Committee, composed of some of the most honourable and enlightened citizens of Bordeaux, write: "For our own part, most of us having originally formed opinions unfavourable to the system of separation by day as well as by night, we deem it our duty to declare that *experience has proved that we had fallen into error*; and that we consider the system of separate imprisonment, accompanied by labour, reading, religious services and daily

walks—the system, in short, as it is practised at Bordeaux—as one of the reforms which reflect the greatest honour on our age.”

The Separate System prison of Tours, has 112 cells, and has been occupied for three years. The Prefect of the Department of which Tours is the capital, writes on the 14th of April, 1846, enclosing to the Minister the Reports of the Chaplain, Physician and Directors of the Prison. “These reports establish,” says the Prefect, “in the most complete manner, that in regard to the sanitary condition and the moral education of the prisoners, the system of total separation, so violently and so unjustly attacked, produces the most remarkable results. Of a total number of 1626 persons who have entered the prison since its inauguration, 16 only have been transferred to the hospital, and one only has died—and this single case of death was of an old man of 70, who was labouring under a chronic affection of the lungs. If we seek for the influence which it exercises on the intellectual faculties of the prisoners, we must recognize that far from disturbing their reason, it produces on their minds the most salutary results. In proof of this, I may mention that not a single case of insanity has occurred in the prison, and that many who have been condemned for a term, which requires their removal to the *maisons centrales*, solicit as a real favour, the permission to complete their imprisonment in their cell. Since my last report, of 17th January, 1845, I have received thirteen petitions to this effect.”

The report of the physician, the enlightened Dr. Haime, declares that there are certainly fewer diseases under the new system than under the old, and that the contagious diseases of the town never penetrate the prison. He goes into full details, and in addition finds himself called upon to repel a charge publicly made against the prison. The facts, as he explains them, are these: “A writer at Bordeaux had attacked the system of separate imprisonment, on the authority of the charges made in the Report of the Boston Prison Discipline Society, against the Philadelphia Prison, and having repeated these charges, had continued: “At Senlis, at Vannes, and at Tours, the same results have been found, constant attempts at suicide—madness—frightful mortality!” “It is not my province,” says Dr. Haime, “to defend the Philadelphia prison from the attacks of the Auburnian Society of Boston; neither can I speak of the prisons of Senlis and Vannes; I have not seen them. But for that of Tours, I must declare that this writer has been led completely into error, imposed upon by statements totally false, conceived in party spirit, and which I defy him to prove.” He concludes, “My own experience of this system serves to confirm the opinion twice solemnly announced by the Royal Academy of Medicine, that far from menacing the existence, either physical or

moral, of the prisoners, it is, on the contrary, as compared with former systems, eminently proper to fortify and ameliorate both.”

The report, too, of the chaplain is most satisfactory. He speaks of the impossibility of any reform among prisoners when they are brought in contact with one another, the sneer on a single face, during divine worship, counterbalancing the good counsel of the preacher. “The raillery of the wicked, and the fear which they inspire in those less perverse, prevent these consciences prompt them. All therefore turn into ridicule, by words or signs, the counsels of the chaplain, and stupidly mock him during his absence. But at Tours it is so no longer; and now that the prisoners are entirely separated one from another, the chaplain is looked upon as their welcome visitor—their friend—their consoler.” The chaplain urges the importance of the general adoption of this system, as a means of reforming prisoners and of preventing confederacies in crimes. Among those now in the prison of Tours, he cites the case of a young man who committed a robbery two days after his discharge from the *Maisons de Force*, of Fontevault. This prison is on the *silent* system, that is to say, the prisoners are supposed never to speak together,* yet the robbery was *concerted in the prison*. The chaplain recommends the increase of the Visiting Committee, “which should be composed of persons truly animated by the spirit of charity.”

The prison of Rethel, in the Department of Ardennes, has 108 cells. The physician writes, in March, 1846: “The sanitary condition of the prison is most satisfactory. Since it was opened, we have had no case of insanity, no suicide, no attempt at suicide, and not the slightest symptom, in any one, of a derangement of the mental powers. The cases of serious illness in 1845, were only four in number, and these having no connection with the construction of the cells. The 1st was a drunken butcher, who was ill for 10 days from *delirium tremens*. The 2d, a woman in childbirth, under treatment for 18 days. The 3d, an old man menaced with paralysis, under treatment for 6 days. The 4th, a prostitute, suffering the consequences of her vices. During the last three months of 1845, the whole expense for medicines in the prison was 5 francs 55 centimes—[one dollar and 3 cents!] The only complaint generally prevalent is that of privation of tobacco. In one of my preceding reports, I said from the observations which I had been able to make, I *thought* that Separate imprisonment might

* In the report of Demetz upon the prisons of the United States, he mentions that in that of Sing Sing, on the *silent* system, on the second day of his visit, his object and his character were known to nearly all the prisoners.

be applied without danger to those condemned for long terms; but now, from my further experience, I am prepared to be more explicit, and to affirm that the Separate System, as it is followed at Rethel, is far from being injurious to the health of prisoners, and that it does not in any manner predispose them to insanity."

From Montpellier, the physician of the separate prison, who is also a professor of the distinguished Medical Faculty of that ancient town, writes: "There are fewer maladies under the new system than under the old. *Pulmonary complaints have above all diminished.* The average number formerly was 31 cases in 121. Under the influence of the new system there have been only 17 in 112. Rheumatic affections have diminished one half. The epidemics of different seasons do not penetrate the cells, while under the old system, every disease in town was repeated in the prison. The cases which occur are not only less numerous than before, but are of shorter duration. Prisoners who were feeble, emaciated and languishing, on arrival, have acquired in a short time all the external signs of perfect health. Can any one doubt any longer of the good effects of the system on those who are well, when it aids so powerfully in restoring the health of those who are ill? Out of 658 men and 166 women received in the prison, 3 men and 1 woman have been put under treatment for mental derangement, but each one of them had shown signs of insanity before coming to the prison, and experience shows that the system of isolation, with its attendant visits, instead of increasing, has a tendency to moderate and quiet the predisposition to mental derangement."

The testimony of the professor of Montpellier relative to the diminution of pulmonary complaints, will, I cannot doubt, attract serious attention in America. The disadvantages, real or imaginary, of the Philadelphia prison, have been loudly trumpeted to the world, but few voices have been raised to give warning of the seeds of consumption, which are annually sown in our prisons. I have reason to believe, that if a careful inspection were made in the Massachusetts state prison, the number of those suffering under chronic or acute affections of the lungs, would be found far greater than is generally supposed.

You will perceive, Sir, how complete and satisfactory is the evidence furnished by these prisons, in answer to the charges with which their system has been assailed. From all of the 23, but one opinion is expressed, as to the importance and safety of this great reform. In the extracts presented to you, I have purposely chosen prisons situated in the extreme parts of France, and occupied by populations differing widely in temperament, so as to meet the objection, which might arise in some minds, that the success of the system was partial only, and was due to certain peculiarities of climate or of social cha-

racter. Bordeaux, for instance, is a southern city, having many poor, notwithstanding its great wealth, and afflicted with those vices which are so often found where the extremes of fortune meet. It has also a large sea-faring population, which there, as every where, is not remarkable on shore for its rigidity of life. Tours is surrounded by an industrious, agricultural population, but it is on the banks of the Loire, the boisterous boatmen of which help to people its prison. Montpellier is noted throughout France for the quick and fiery temperament of its population, accustomed to live in the open air, under the sunny sky of the south. Rethel, on the contrary, is a manufacturing town, in the extreme north, on the Belgian frontier, in a part of the country where lymphatic temperaments and beer-drinking are prevalent.

In Paris the great *maisons d'arret*, on the Separate System, which will replace the Force, the Conciergerie and other minor prisons, have been for some time in construction, and will be opened probably in 1847. The cellular prison nearest to Paris, is that of the Department of Seine and Oise, at Versailles. The population of this prison is made up, in great part, of those who frequent the capital, or who are among the hangers-on of the *ginguettes* and wine-shops of its *ban-lieu*. Here, if any where, one might look for but slight success from the adoption of the Separate System. The physician of the prison, Dr. de Balzac, professor in the Royal College of Versailles, writes, however, in May, 1846: "The sanitary condition of the cellular prison is incomparably better than that of the prison in common. Experience has shown that the system is favourable to the health of the prisoners, that it has no deleterious influence on their intelligence, and the most simple observation enables one to satisfy himself, that it is favourable also to their moral education."

The evidence of the chaplain of the prison, the excellent Abbe Petigny, is even more complete, and he speaks of the physical effects of the system as being eminently favourable at Versailles, but it is above all upon its moral effect that he dwells, and comparing the cellular prison with those in which the occupants mingle together, he sums up in few words the advantages of the former, viz:—the possibility of incalculable good in exchange for evil almost infinite. "For a great number of the prisoners," says the Abbe, "the lessons of our faith, meditated in silence and calmness, have results so consoling, that I can hardly prevent myself from regarding as fortunate, the fault which has led them to our cells." On women and children the effects of the system have been most happy. "In the system of imprisonment in common," he continues, "the education of young offenders has always been a hopeless task. Their recklessness and giddiness joined to a premature corrup-

tion, has rendered them insensible to every species of punishment or of reward. These same children, transferred to our cells, seem soon to change their nature. They become submissive and laborious. They listen attentively to the instruction which is given them, learn their prayers and catechism, and prepare themselves zealously for the holy communion. Nor is it alone their moral nature which is changed. Their bronzed complexions—their haggard cheeks—their features, repulsive from the signs of early vice, give place to the freshness of youth, and to looks which announce the return of innocence and health. Such is the admirable effect of religion upon a young mind subjected to the Separate System.”

The Abbe speaks, as do indeed all the other chaplains, of the difficulty, and impossibility even, of any serious religious effect, on the minds of those who are exposed to the winks and sneers of their comrades. “But in the prison of Versailles,” he says, “under the happy influence of the Separate System, I have witnessed more prodigies of grace, more miracles of conversion, than in all my eighteen years of sacerdotal function, and I must regard this system as coming rather from Divine inspiration, than as being a human conception.”

Without personal acquaintance with this excellent Abbe, some might be disposed perhaps to regard him merely as a generous enthusiast; but my own knowledge of him, and conversation with his former parishioners, have convinced me that he is an eminently practical and clear-headed man, abundantly endowed, however, with the distinctive Christian virtue, charity. It should be remembered, also, that at Versailles, as in all the French prisons on the Separate System, devotion brings no other than its own reward. There is in consequence no premium on hypocrisy. In the European prisons, conducted on the Auburn system, great favours are shown to those who, in the chapel common to all, give edifying signs of conversion. One of the French inspectors, who visited lately the prisons of Switzerland, reports to the Minister of the Interior, that in that of Lausanne on the Separate System, he saw a man, who six months before had been pardoned by the Executive Council of Geneva and discharged from their prison, on the Auburn system, for his contrition and godliness.

In sending to the Ministry the Reports of the Physician and Chaplain of the Versailles prison, the Prefect writes:—“The opinion which they express upon the Separate System is all the more important, inasmuch as both of these gentlemen were its ardent opponents, before they had seen it in operation. The Abbe Petigny, in particular, had no confidence in the moral effects of the system. The reaction has been prompt, as it has been also, however, after an inspection of the prison, with almost all those who had seen fit to condemn the system with-

out condescending to study its nature or examine its application.”

It is perhaps needless to multiply facts where the evidence is already so strong. The experience of other countries serves only to confirm that of France. In 1837, the adoption of this system for *prisons of detention* was commenced throughout Holland, and shortly after in several of the German States, where it will soon become general. In Geneva, which, for many years, was the European stronghold of the Auburn system, a prison on the Separate System has been in operation for three years. I have before me a letter from an enlightened citizen of that Republic, which bears evidence to the happy effects of the system, and to its complete triumph over the difficulties which the partizans of the Auburnian prison had thrown in its way. Out of a number of letters, bearing testimony to the happy effects of this system from persons whose judgment is entitled every where to respect, I will cite two, of which I send you the originals. The first is from Count Gasparin, Peer of France and former Minister of the Interior, well known throughout Europe for his active intelligence, for his improvements in French Agriculture, and for his enlightened philanthropy. He writes thus:—

(TRANSLATION.)

ORANGE, 10TH NOV. 1846.

“Dear Sir,—I hasten to reply to your letter of the 5th, which I have only received this morning, and I hope that my answer may reach you in time for the object which you propose. The great advantage—the inappreciable advantage of cellular imprisonment—that which should cause it to be adopted in spite of its inconveniences, if it were true that it had inconveniences even greater than those which have been conjured up—is, *the complete separation of prisoners*—the suppression of their mutual instruction in crime—the ignorance in which they are of their fellow-prisoners, and, in consequence, the impossibility of their recognizing one another and forming criminal associations on their discharge.

“Every government which in the actual state of society and of the progress of social science adopts any other than the Separate System, will expose itself to the necessity of having before long to reconstruct its prisons.

“Experience has not confirmed the fears which were entertained as to the results of this system upon the health of prisoners when it is conducted with the desirable attention and charity, as it is, in short, at Paris in the house of juvenile

offenders, and in many of our departmental prisons, particularly that of Tours, where I have observed its effects with care. The health of the prisoners is good; they work with ardour, and do not wish to return to the society of their comrades. It must be remembered, however, that once within the walls of the prison, *the idea of punishing a culprit must give place to that of correcting and reforming a man.* He should meet only the kindly looks of those who are sincerely occupied with his spiritual health and not the looks of turnkeys and executioners who seek to impose on him an expiation. Confirmatory facts from every side come to the support of our own experience.

* * * * *

"I beg you to believe me, sir, with sentiments of special regard, your devoted friend,

"MR. GEO. SUMNER, Paris."

"GASPARIN.

The other letter is from the distinguished physician, Dr. Lelut, known in America as well as in Europe by his important works upon Insanity, and also by his interesting psychological studies upon Aristotle and Paschal. He is a member of the *Institute* and of the Royal Academy of Medicine, and is Physician of the Salpetriere, the great asylum for the insane of Paris.

"Sir,—You do me the honour to ask me to let you know briefly what have been the results of the examination which I have just made, under the direction of the Minister of the Interior, of the prisons on the Separate System now in operation in France. I will endeavour to satisfy you.

"These houses are, as you perhaps know, twenty-three in number, all on *the system of the absolute separation of the prisoners*—the system of Philadelphia adapted to France. I have examined about half of these prisons, and the principal ones, among which I will mention those of Chalons sur Saone, Lozes, le Saunier, Montpellier, Bordeaux, Tours.

"In all these houses, I have confirmed *de visu* what was previously declared by theory, that the Separate System, independent of all the facilities which it offers, for elementary and professional instruction, for the moral and religious education of the prisoners, for religious exercises—*independent of the circumstance that it alone prevents prisoners from associating with each other and from corrupting each other—that it causes infinitely fewer cases of death and insanity than any other system of imprisonment.* The actual condition of our cellular houses, their history, which covers already a period of three, four and five years, the testimony of their directors, of their physicians, of their visitors, do not leave any doubt upon this

important point. My observations on this point are the object of a long report, which I have addressed to the Minister of the Interior, the second part of which, that is, the conclusion, I read to the Academy of Moral and Political Science, at its session of the 10th of October last.

"The harmlessness and the superiority of the Separate System are with me questions already decided. Your country, sir, has had the glory to be the first to furnish the practical elements for their determination. I am happy that my testimony should seem to you of a character to counteract, even in the United States, the objections which may still be brought against the general application of this mode of incarceration.

"I beg you to accept, sir, the expression of my special regard.

"LELUT.

"PARIS, 13TH NOV. 1846."

Is not the evidence here presented strong enough to overcome those prejudices against the Separate System, which would seem to have thwarted the early good intentions of the City Council of Boston? The objection of expense also has been raised; but it seems, in a question like this, an insult to our city, to discuss it. Boston will never sacrifice principle and morality to save a few cents; and in this case, by reference to the minute estimates of the French plans, you will see that the difference of expense for materials and construction, is after all but slight.

There are some persons, however, who, anxious to reconcile the old vices of construction with the necessity for reform in our prisons, propose a system of classification of prisoners according to their various degrees of guilt; and reasonable men have been found to listen to this suggestion, as if it were possible to judge of the exact amount of guilt or corruption of each individual, or to find psychologists for turnkeys, who could fathom and gauge the consciences of men. But the best answer to those who indulge the hope of such classification, will be found in the cogent remarks of Edward Livingston, in the Introduction to his Penal Code. "Moral guilt," he writes, "is incapable of being discovered, and, if discovered, so nicely appreciated as to assign to each one affected with it his comparative place in the scale; and if it could be discovered, it would be found that no two would be contaminated to the same degree. Secondly, if this difficulty could be surmounted, and a class could be formed of individuals who had advanced exactly to the same point, not only of offence, but of moral depravity, still their association would produce a further progress in both, just as sparks produce a flame when brought together, which separated would be extinguished and die. It is not in

human nature for the mind to be stationary—it must progress either in virtue or in vice. Nothing promotes this progress so much as the emulation created by society, and from the nature of the society will it receive its direction. Every association of convicts then, that can be formed, will in a greater or less degree pervert, but never reform, those of which it is composed; and we are brought to the irresistible conclusion that classification once admitted to be useful, it is so in an inverse proportion to the members of which each class is composed, and is not perfect until we come to the point at which it loses its name and nature in the complete separation of individuals.”

And thus the opinion of our learned statesman and jurist comes as another testimony to the wisdom of the resolution of the City Council of 1836—and as another stimulus to the regrets of those who wait in vain for its fulfilment, and who see with sorrow the fair fame of our city suffering from this long delay.

I appeal to you, sir, as Mayor of Boston, to labour for the adoption of such a plan for its new prison, as shall be worthy of the former fame of our city. I appeal to you, as my fellow citizen, to exercise that influence which your own enlightened character, no less than the traditions of patriotism and well performed public service, give to your name, to prevent the commission of a great administrative error. History shows us, sir, that these can never pass with impunity. Their expiation may be tardy, but it is sure—oftentimes dire. In that long list of grievances against the ancient Government of France, so ably propounded by the great orator of her Revolution—grievances, the extent of which lessens our surprise at the horrors which attended their expiation—in that dark list of charges none fell with greater weight, none was more deeply remembered in the hour of sorrow than this—“You have, by the indiscriminate mingling in your prisons, of libertines and criminals, by the infamous, odious and atrocious communion which you have permitted there, rendered yourself guilty of the most abominable of transgressions, that of initiating your fellow men in crime.”

We may draw lessons of morality, sir, from the French Revolution. That no Mirabeau may ever be able to bring this charge against us, and that wisdom and justice may always prevail in the present, and so disarm the violence of the future, is the earnest prayer of your fellow citizen, and obedient servant,

GEORGE SUMNER.

HON. JOSIAH QUINCY, JR., Mayor of Boston.