

noting, that it would relieve the judges from the necessity of daily going through the solemn farce of pronouncing sentences, which they, the prisoners and the public, well know, cannot possibly be enforced.

The ablest writers on the subject of prison discipline in England have, of late years, earnestly urged the necessity of enforcing separate confinement in all common gaols, and recently these views have been advocated most forcibly in the admirable report of the select committee of the House of Lords, on the state of prison discipline in England, made last year. Urging the necessity of the complete separation of prisoners while in gaol, they observe: "The committee entertain a very decided opinion on this head, and having reference to the course of legislation now extending over many years, and the agreement in opinion and practice of the highest authorities, they consider that the system generally known as the 'separate system' must now be accepted as the foundation of prison discipline, and that its rigid maintenance is a vital principle in the efficiency of county and borough gaols." They quote also, with approval, the opinion expressed by former Commissioners, that "the separation of one prisoner from another is the only sound basis on which a reformatory discipline can be established with any reasonable hope of success." *

I have already stated that there is at present an almost universal concurrence of opinion among writers upon the peculiar value of "solitary confinement" as a part of prison discipline. I may again cite here the opinion of probably the greatest German authority on questions of this sort—Professor Mittermaier—quoted in my separate report of 1862: "The old disputed question," says the professor, "whether the system of 'associated imprisonment' or of 'solitary confinement,' is to be preferred, and how the former might be amended, disappears, giving place to a general conviction, the result of recent investigation, that 'solitary confinement' must be recognized as an indispensable part of all prison discipline. The question at present is rather whether 'solitary confinement' should

* The conclusions of the committee are entirely sustained by the concurring testimony of the very numerous and highly competent witnesses examined before them.