

A letter to the Right Hon. Sir Henry Hardinge, on the effects of solitary confinement, on the health of soldiers, in warm climates / by John Grant Malcolmson.

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The Editor of
The Edinburgh Medical and Surgical Journal
LETTER

TO THE

RIGHT HON. SIR HENRY HARDINGE, K.C.B. M.P.

ON THE EFFECTS OF

SOLITARY CONFINEMENT,

ON THE

HEALTH OF SOLDIERS, IN WARM CLIMATES,

BY

JOHN GRANT MALCOLMSON,

F.R.A.S. & M.G.S. SURGEON, E.I.C. SERVICE.

LATE SECRETARY MADRAS MEDICAL BOARD.

"In Holland, the ancient laws ordained men to be kept on bread and water alone, unmixed with salt, as the severest punishment that could be inflicted, in their moist climate: the effect was horrible."—*Quarterly Review*, No. 96.

LONDON:
SMITH, ELDER, AND CO., CORNHILL.

1837.

LETTER

RIGHT HON. MR. HENRY JARVIS & CO. M.P.

MILITARY CONTINENT

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THE MILITARY CONTINENT

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LONDON :

J. UNWIN, ST. PETER'S ALLEY, CORNHILL.

1871

A LETTER
ON
SOLITARY CONFINEMENT,

AS A
Military Punishment.

SIR,

To no one, can any attempt to ameliorate the condition of the British soldier, be more appropriately addressed than to you, whether it comes from a member of that service to which you belong, or of that other noble army, by which India is preserved to England and to civilization.

Having been occupied, for a number of years, in the study of the causes productive of disease in warm climates, a number of facts have occurred to me, which proved, beyond a doubt, that lengthened periods of solitary confinement, under the regulations now in force, are destructive of the health and efficiency of the soldier; and it is in

the hope of attracting attention to the important and distressing subject, that these pages are written. But, before entering on the proofs my experience has afforded of the truth of this assertion, I must first of all state, that I am no advocate for corporal punishment; and that I am satisfied, that, in most cases, it is not effective in preventing military crime. Yet, while feeling so strongly on this subject, that a fear of strengthening the hands of the advocates of corporal punishment, for other than disgraceful crimes, and such as are committed on actual service, has deterred me from laying these remarks before the public longer than, perhaps, I ought; I cannot shut my eyes to the fact, that, at the present time, the danger is of another kind, and that it is to be feared, that the anxiety to escape the revolting spectacle, or report of flogging, will lead to the substitution of punishments, which the victims will find incomparably more cruel and destructive to their future health and well-being. There are many who care little how much is suffered, provided that such suffering be removed from their sight; and while revolting at a lash, could coolly consign, as no business of theirs, to rot in a jail, or solitary cell, their erring countryman or fellow soldier. I have reason to believe, that more real misery has arisen in twelve months, from imprisonment in the great jails of India, than has

been inflicted by corporal punishment in a hundred years.* The revolting nature of military flogging, is in itself a recommendation,—I think its only recommendation,—as it renders courts martial averse to inflict it, and thus enlists a feeling in the minds of the judges, who are wisely required to witness its infliction, which tends effectually to prevent undue severity.

* The following abstract statement, showing the mortality in a few of the Indian Jails, during the years 1833, and 1834, will surprise the reader.

Jails.		Deaths.	<i>Annual Deaths per cent. to average numerical strength.</i>
Bengal, 1833.	{ Shergottee	131	26.20
	{ Bancoonah	130	24.70
	{ Deenajpoor	202	57.71
Madras, 1834.	{ Salem	100	29.41
	{ Guntoor	235	33.71
	{ Rajahmundry	130	35.42
	{ Coimbatoor	101	38.42

It is deeply to be regretted that, by the construction put on a recent order of the Honourable Court of Directors, by the Supreme government, the pay of the medical officers of civil stations, has been reduced to a mere pittance; and that, henceforth, the duties of these institutions must fall on young men, necessarily ignorant of the habits of the native population; and on that account, and because their opinions cannot be expected to have sufficient weight with the civil authorities, unequal to meet the exigencies so often occurring, with the remedies required.

It is very necessary in the army, where large bodies of men of all kinds of tempers and characters are congregated together, by a tie which they cannot dissolve, as in civil life, not only for its efficiency, but still more for the welfare of the well-conducted soldier, that the discipline should be strict, and punishment of outrage severe and certain. But punishment should never be disproportionate to the offence, nor of a kind that entails greater evils than make a part of the sentence; still less, should permanent injury be inflicted on the health and life of the individual. Another consideration that has often been urged by medical writers, when enforcing the claims of the soldier to the consideration of the government he serves, also applies here,—viz. that a serious loss is incurred by whatever impairs the future efficiency of the soldier. But such calculations I have never perused without disgust, as no English government, with all the pressure for retrenchment, has yet carried its economy so far, as to speculate on the value of men's lives and health, in the way these authors have done: certainly the Indian government have not, although some of its subordinate officers may have been influenced by such considerations. There can be no doubt of the truth of the principle, that no punishment can be just, or in the eye of God lawful, which tends to impair the efficiency,

injure the health, and shorten the life of the soldier; or which produces any effects that cannot be estimated by the judges when they assign a punishment for an offence. And being satisfied that long continued solitary confinement, especially when conjoined with restricted diet, has a direct tendency, and frequently does produce impaired health, and intractable forms of disease, I think it my duty to call public attention to it; more particularly, as in consequence of the strong feeling against corporal punishment rapidly gaining ground, the tendency seems to be, to overlook the evils attending those which may be substituted, and which are not of a kind to force themselves on the observation. Those who recollect, how reluctantly the existence of that destructive form of scurvy, which prevailed in the Millbank Penitentiary was admitted, and the ridicule with which its existence was spoken of in the House of Commons, will see how likely it is, that similar diseased actions should escape the notice of the public, when occurring in the insulated cases of soldiers serving abroad; more especially in hot climates, where the tendency to disease, of the character referred to, is so much greater than in Britain. Yet, as great part of the English army are serving in warm climates, it will not, on that account, be thought undeserving of attention.

It will probably be said: What then is to be done? To this I have only to reply, that the answer must be given by others:—my business is to place in their hands the fact, that this punishment, when inflicted in all its severity, is ruinous to the body and mind of the unfortunate victim. Much may be done, and of late years has been done, by treating soldiers more as “men of like passions with ourselves,” and by carefully studying their comfort and welfare, without interfering more than is necessary with their employments and pleasures. I have had the satisfaction to witness such a system in one European corps in India, in which, while every man was required strictly to perform his duty, the gates of the barracks were left open, and none of those annoying restrictions, once so common, were imposed. Under this system the men were remarkably healthy, only one instance of corporal punishment occurred in several years, and solitary confinement was seldom called for. This plan will often fail, and for such instances the higher authorities must be prepared with remedies, by which crime may be restrained, without laying the seeds of disease in the constitution of the criminal.

Previous to the 4th of April, 1832, European prisoners under solitary confinement, in the Madras presidency, received their usual rations, with the

exception of spirits. On that date, the General Order, of which the following is an extract, was issued by the Commander-in-Chief, and carried into effect at Masulipatam, on the 28th of the same month, in the Madras European Regiment, of which I was then in medical charge :—

GENERAL ORDERS.

HEAD QUARTERS, CHOULTRY PLAIN,

4th April, 1832.

“ The following regulations are established, with a view to the due and uniform execution of sentences of solitary confinement, and commanding officers will be held strictly responsible for any deviations therefrom.

* * * * *

Paragraph 3. Fatigue clothing only is to be worn by a prisoner while in solitary confinement. His regimental clothing, and the remainder of his kit, being lodged in store.*

Paragraph 4. As a general rule, the diet of prisoners, under solitary confinement, is to be res-

* Under the operation of this paragraph, warm clothing was not allowed to the prisoners, but no ill effects occurred in consequence, as both woollens and cots were supplied, at my recommendation, on the ground of the particular climate the regiment was serving in.

stricted to bread and water, subject to such addition as the medical officer may at any time deem to be necessary."

Soon after this order had been carried into effect, my attention was forcibly attracted, by a very peculiar train of symptoms in a patient admitted into hospital ; but it was not until the reception of another patient, suffering from an exactly similar form of disease, that I discovered that both had been in the solitary cells, and was impressed with the conviction, that their illness was produced, or greatly modified, by the punishment they had undergone. It may prevent misconstruction to state, that these men did not come to the hospital, till the period of their confinement had expired ; and as at that time, the full period awarded by sentence, had to be made up after discharge from hospital, the men were, for the most part, averse to report themselves sick before they had completed their time.

In March, 1833, I forwarded from Hyderabad, (to which the regiment had moved after its return from the Malay Peninsula,) to the Madras Medical Board, detailed histories of the cases above referred to, with such observations as appeared to be necessary, to direct attention to the subject ; but at the same time, expressing my opinion with much hesitation. The subject had about this time attracted

the attention of Colonel Campbell, C.B. of H.M. 46th regiment, at that time commanding the Hyderabad Subsidiary Force, by whom I was called upon, to report whether solitary confinement on bread and water, had, in my experience, produced any ill effects. In reply, I stated that a full report of what I had observed, had been submitted to the Medical Board, and that I was not then prepared to state *positively*, that the system was injurious, although circumstances had occurred, which showed the necessity of very closely watching its effects. Not long after, however, unequivocal evidence was afforded, in the occurrence of decided scurvy along with other remarkable symptoms, in men who had enjoyed robust health previous to their sentence to lengthened periods of solitary confinement. These and other corroborative facts, which came to my knowledge during the following two years, relieved me from all hesitation in expressing a decided opinion, when requested by Colonel Conway, C. B. Adjutant-general of the Madras army, to furnish him with a memorandum on the subject, with a view to a report on solitary confinement required by the law commission of India. As far as the distinguished officer I have just mentioned, has power and influence, I have no doubt that the interest of the soldier will find a strenuous advocate. But this is not a question of mere local importance,

nor have the local authorities power to alter or amend the laws affecting Europeans ; and it is for this cause, and feeling the vast importance to the welfare of the soldier, that the destructive system now so strongly advocated, should be understood in all its details in this country, that I shall make no apology for subjoining a very brief outline of the effects observed to follow protracted solitary confinement, more especially when the prisoner is restricted to a diet of bread and water ; reserving minute medical details for another place.

Many men, particularly those of indolent habits, endure a confinement of four or six weeks, on bread and water, without injury to their health ; but, in some instances, a shorter period is sufficient to cause a total loss of appetite,—the bread is hardly touched, and on other food being allowed, the patient is unable to eat or to digest it. The stomach becomes weak ; there is uneasiness across the region of the stomach, spleen, and liver ; the latter is torpid ; the bowels are confined, or they are relaxed with slimy discharges unaccompanied with pain, yet the swollen red tongue indicates the existence of irritation of the mucous membrane of the digestive canal. The pulse is quick and feeble ; and the clammy skin, vertigo, debility, headach, and sleeplessness, show how much the constitution suffers from diminished

nervous power. The convalescence is slow, and the treatment requires to be adapted to the enfeebled state of the system. The effect is, however, more clearly seen in men sentenced to six or twelve months solitary confinement. Two of these were in hospital at the same time, with decided symptoms of scurvy:—one was admitted after five months confinement, during part of which he had been allowed extra diet at my recommendation. It was observed, that for some time previous to his removal to hospital, his daily allowance of bread was removed almost untouched. He complained of pains of the limbs, along the spine, and across the loins; tenderness of the shin bones; hardness, pain and feeling of stiffness of the calves of the legs, and the skin over the painful muscles was of a dark livid colour from effused blood. The gums were spongy, livid, and retracted, and he suffered from sleeplessness, some pain of the region of the liver, and slight griping. The tongue was yellow and its edges red. The other had been a shorter time in confinement, and complained of debility, disorder of the bowels, pains of the shin bones, &c. &c. A blister was applied, which caused a foul sore, from which dark coloured blood flowed on the slightest touch. My friend Mr. James Shaw,* having furnished me with a

* Brother to the late Mr. John Shaw, whose name occupies so

report on the health of these men, two years after I left the regiment, I am enabled to state; that the one had hardly been out of hospital during that time, and had not then completed his full period of confinement; and that the other, was very frequently on the sick list with a variety of complaints. Indeed, very few men are able to undergo a long period of solitary confinement on bread and water, without being much in hospital during the period of sentence; and many continue to suffer from the various diseases to which men of exhausted constitutions are so liable in warm climates.* It may not be improper to add, that I

distinguished a place in the history of the recent discoveries in the physiology of the nervous system. Mr. Shaw concludes his communication as follows:—"There are several other cases of sickness in solitary prisoners, the notes of which I could send, who I do not think will ever do much more duty. *I suspect it will be found to be the most expensive punishment that the government have ever tried; and which, in my opinion, is the most cruel that could have been invented; but which, if the diet were changed, would make an admirable one.*"

* "The stomach by long fasting has its digestive powers much weakened, by which the secretion of bile is diminished, and a diseased structure of the organ is induced."—*Saunders on the Liver*. The following observation by Dr. Scott, in a paper in the *Journal of the Royal Institution*, vol. i., is so just and applicable to the state of prisoners, that I shall make no apology for inserting it. "When from long illness or other causes weakness is

have observed the minds also, of prisoners confined for long periods, more especially when on a diet they believe to be destructive to their health, to become gloomy, or even furious, and disposed to commit every crime; a fact which was forcibly stated many years ago, in the House of Commons, by Sir Robert Peel, in reference to the substitution of solitary confinement for other punishments in this country. When the solitary confinement is long continued, the severity of the punishment is increased in a much greater proportion than the length of time, and any addition in the shape of restricted diet, which may be necessary in short confinements, is quite uncalled for: the long seclusion without employment is itself sufficient.

The following facts, selected from distinguished medical writers, will show that the effects ascribed to confinement on bread and water, are what might be expected to arise. Magendie fed a dog on "white bread and water," and he died in fifty days. When a similar experiment was continued for forty days, and emaciation had gone a certain length, although the animal afterwards eat of other food, the digestive organs were irreparably injured, and the due stimulus could not restore them, or

produced, with a languid circulation, chronic liver disease is almost a certain consequence."

save the animal. The experiment was also made with sugar, &c.; and this great physiologist ascribes the effect, to those bodies not containing all the chemical elements required by animals for their nourishment. Dr. Bostock, in reference to these experiments, observes, that the stomach can be excited to the due performance of its functions only by supplying it with an appropriate stimulus, and that by the long and uninterrupted continuance of one and the same alimentary substance, that substance loses its stimulating power, and thus the stomach becomes incapable of digesting it. But whether we adopt this explanation; that of Magendie; or the opinion of Dr. Prout, that two at least of the three classes into which he has divided alimentary substances, according to their chemical relations, must be taken either together or soon after one another, to answer the purposes of nutrition, the facts remain the same. The original observations of these authors may be consulted with advantage, by those who have the direction of prisons, and, I fear that I may add, of troops, poor-houses, lunatic asylums, and the great charity schools, or, indeed, of feeding any large bodies of persons, whose tastes must give way to the economy and convenience of others. I would refer particularly to Dr. Bostock's *Physiology*; *Philosophical Transactions*, 1824; *Annals of Philo-*

sophy, vol. xii.; Edinburgh Medical and Surgical Journal, 1830; and for an able view of the whole subject, to the Westminster Review, No. 31. Some account of the destructive and intractable diseases, induced by a deficiently nutritious or varied diet, during military expeditions from India, is given in a volume of Essays, which the Madras government did me the honour to publish.*

But notwithstanding the characteristic symp-

* It is not in the moist climates of Ava and the eastern islands alone, that such disastrous consequences are witnessed. I had an opportunity of seeing the same destructive forms of dysentery and gangrenous ulcers, accompanied with scurvy, in the hospitals of the "Armies of the Hedjaz and of Yemen," in Arabia. Whilst I was at Judda, two hundred and fifty Egyptians lay ill in one hospital; and forty men died, in a single day, in a corps of Nubians 4,500 strong, encamped near that city. The provisions supplied to the sick were excellent; but, before the patients came to hospital, the constitution was too much impaired to be restored by such means. Every exertion is made by the Pasha to supply this army with a sufficiency of excellent flour; but, notwithstanding the hard fare to which the Egyptians are accustomed in their own country, this alone, even with a certain allowance of fish, does not preserve them from falling victims to diseases dependent on a diet deficient in nutriment or variety. To this cause is mainly to be attributed, the rapid decrease in the population of Egypt under its present ruler; and that I hardly could find a young native of Upper or Lower Egypt who had not extracted his teeth, or otherwise mutilated himself, to avoid being dragged in chains, suspended to the neck by iron collars, to join the army. The Nubians are obtained by a system still more atrocious, and perhaps never equalled, even in the history of northern Africa.

toms observed in prisoners confined to a diet of bread and water, it is not to be inferred, that if the diet were altered, we should entirely escape the evils above described. Many observant practitioners have, of late years, been impressed with a conviction, that a cachectic taint of the constitution is easily induced in hot climates, which greatly aggravates the diseases so prevalent in those countries. Want of exercise and depressing passions, are amongst the most frequent causes of this state of the system, which becomes itself a very formidable disease, though often escaping detection till too late to be remedied by art. There is some interesting correspondence in the Records of the Medical Board at Madras (particularly a short paper by Mr. William Scot, the distinguished author of the Madras report on Cholera) relative to the occasional appearance of a scorbutic taint, both in Europeans and natives, in the lunatic asylum of that city, where every attention is paid to the health and comfort of the unhappy inmates. But, I have not myself met with an exactly similar train of symptoms induced by solitary confinement in healthy soldiers, when the prisoners were allowed their ordinary rations. Diseases, however, of an intractable kind were often induced by it, particularly in the damp and cold months; and I have known patients become a burden to them-

selves and the service in consequence. So strongly are some commanding officers impressed with instances of this kind, that several have expressed to me, a very strong repugnance to inflict it. One of these gentlemen, under whom I had the privilege of serving several years in the Horse Artillery, and who is equally distinguished as a scientific soldier and for his unwearied attention to the troops under his command, stated to me, nine years ago, in reference to a fine young man who had thus become a burden to the service, that "strong as his aversion was to the old punishments, they were to be preferred to this."

With regard to the remedies that should be applied, I can venture to make no suggestion; as much more information must be collected before any regulation can be made, which may not, on trial, prove to be injurious. It is, however, certain, that the present system is attended with very serious evil consequences, and that *sufficient food and exercise must be allowed to the prisoner, if it be intended that he should afterwards be of use to himself, his family, or country.*

I have the honour to be, Sir,

Your obedient Servant,

JOHN G. MALCOLMSON.

Wilton Crescent,

March 27, 1837.

NOTE TO PAGE 8.

Most military crimes are the direct consequence of drunkenness, which is effectually encouraged, by the issue of exorbitant spirit rations to every soldier and recruit, whatever his age and tastes may be. The attention of the higher authorities has at length been aroused, by the appeals of the military medical officers, against this most injurious system. Two able pamphlets, by Dr. Marshall, and Mr. William Scot, have been of much use in this way; but, I fear, that any regulation will have less effect than is anticipated by these authors, while the habit of spirit drinking is so prevalent at home, amongst the class of persons from which recruits are procured in the large towns in England, and throughout Scotland and Ireland. In the latter countries, spirit drinking is nearly universal amongst the labouring classes; and until the establishment of temperance societies attracted attention to the subject, it was an universal practice to present ardent spirits to every man, woman and child, who might have occasion to call at the houses of their wealthier neighbours.

GENERAL ORDERS.

HEAD QUARTERS, CHOULTRY PLAIN,

4th April, 1832.

“The following Regulations are established, with a view to the due and uniform execution of Sentences of Solitary Confinement, and Commanding Officers will be held strictly responsible for any deviations therefrom.

- 1.—More prisoners than one are not, under any pretence, to be placed in the same cell.
- 2.—Prisoners, previous to being placed in solitary confinement, are to be carefully examined, in order to ascertain that they have not knives, or any thing of an objectionable nature, secreted about them.
- 3.—Fatigue clothing only is to be worn by a prisoner while in solitary confinement—his regimental clothing, and the remainder of his kit, being lodged in store.
- 4.—As a general rule, the diet of prisoners under solitary confinement is to be restricted to bread and water, subject to such addition as the medical officer may, at any time, deem to be necessary.
- 5.—The only books to be allowed prisoners in solitary confinement are the bible and prayer-book, together with such books, solely religious, as may be permitted by the commanding officer.

- 6.—Solitary cells are to be opened once daily, in the presence of the officer on duty, in order to admit of the cell being cleaned, the prisoner being washed, his clothing shifted, and his daily supply of food given him.
- 7.—One cell only is to be opened at the same time for the above purposes.
- 8.—The officers on duty so attending will be careful to ascertain that the cells have been perfectly cleaned, and that the cleanliness of the prisoner has been properly attended to, and will certify the same in his report on coming off duty.
- 9.—The officer on duty will take care that, during the process of cleaning out the cell, &c., no conversation whatever is to be carried on with the prisoner by the person so employed.
- 10.—Sentries over solitary cells are to be instructed to prevent all persons from approaching the cells, or conversing with the prisoners, and are themselves to be confined for a breach of orders, if detected carrying on conversation with men in confinement.
- 11.—Solitary cells are not to be opened, except on the occasions specified in paragraph 6, unless in cases of sickness, or by the express order of the commanding officer, and then in the presence of the officer on duty.
- 12.—In cases of sickness, the medical officer is, without delay, to inspect the prisoner himself, and to report to the commanding officer what measures the requisite medical treatment may call for.

13.—The guard over solitary cells is invariably to be composed of native troops.

14.—Court martials, previous to awarding sentence of solitary confinement, should ascertain positively that such sentence can be duly executed. And officers detailing courts, for the trial of European soldiers, at stations where, at the time, the whole of the solitary cells may be occupied, are hereby requested to make the circumstance known to the courts, for the better guidance of its proceedings in passing judgment.”

