

FROM HIS CELL JESSE POMEROY PLEADS FOR CLEMENCY

Only "Solitary" in Massachusetts Tells the Story of His Thirty-four-year Confinement--The Unusual Punishment of an Extraordinary Crime.

JESSE H. POMEROY, the one prisoner in Massachusetts who is doomed to solitary life imprisonment, has written an account of his prison life in an effort to have the conditions of his confinement ameliorated.

Pomeroiy has been in prison for thirty-four years. He was 14 at the time he committed the frightful crimes which won for him the title of "the boy fiend." Only his youth saved him from hanging. The condition on which his sentence was commuted to life imprisonment was that his confinement should be "solitary," and he alone of the inmates of the Charlestown State Prison is never permitted to see his fellows. There is a convict whose duty it is to shut the door of Pomeroiy's cell whenever a visitor enters the corridor.

He was a newsboy, and his reading was confined to dime novels. But in the course of his imprisonment he has educated himself. He understands several languages and is an omnivorous reader. He has made at least ten efforts to escape, all of them characterized by the utmost ingenuity. Aside from this he does not give his keepers much trouble. In his written statement he does not ask for liberty, but for a mitigation of the hard terms of his imprisonment.

The statement reads as follows:

Massachusetts State Prison.
Dear Sir:
Having received the paper to write, I will put down a few particulars of my case, in the hope that, as I have been closely confined almost thirty-six years, since I was fourteen years old, I may, at this date, be allowed a few privileges. Reminding you of what Governor Long allowed me, when Captain David M. Earle was Warden (1881), I will refer to your kind attention my record of conduct. This was perfect, and after five years, in 1886, Warden J. C. Russell took away all those privileges, because of the solitary sentence being sustained by Governor Robinson and his Council (November, 1886). This fact is known by all the old officers, and is on the register. Governor Long allowed me to go to chapel; to attend concerts, to go in the yard holidays, with

To give me privileges, the Governor will have to be consulted, as the sentence is still solitary, and the commissioners and Warden have no authority to leave me beyond my cell.

Whether my case can have your sympathy I do not know. Still, an effort to uplift this life would bring you pleasure, as it brought pleasure to Governor Gaston in 1875. His message to me (1888) was: "I am not sorry, I am glad I saved that boy's life." He would not sign my death warrant. (See Council records July, 1875.)

You know all about my case. Public feeling against me is responsible for the deeply rooted and persistent newspaper misrepresentation, all these years, and that public feeling was due to newspaper exaggeration and notoriety in 1874.

Of course it cannot be denied that the crime was dreadful and that public justice required satisfaction; but the truth is no effort has been made from that day to this to better this prisoner's condition.

I have no friends, no influence, I cannot get a hearing from the Governor. I have been left to my own device in this cell all these years.

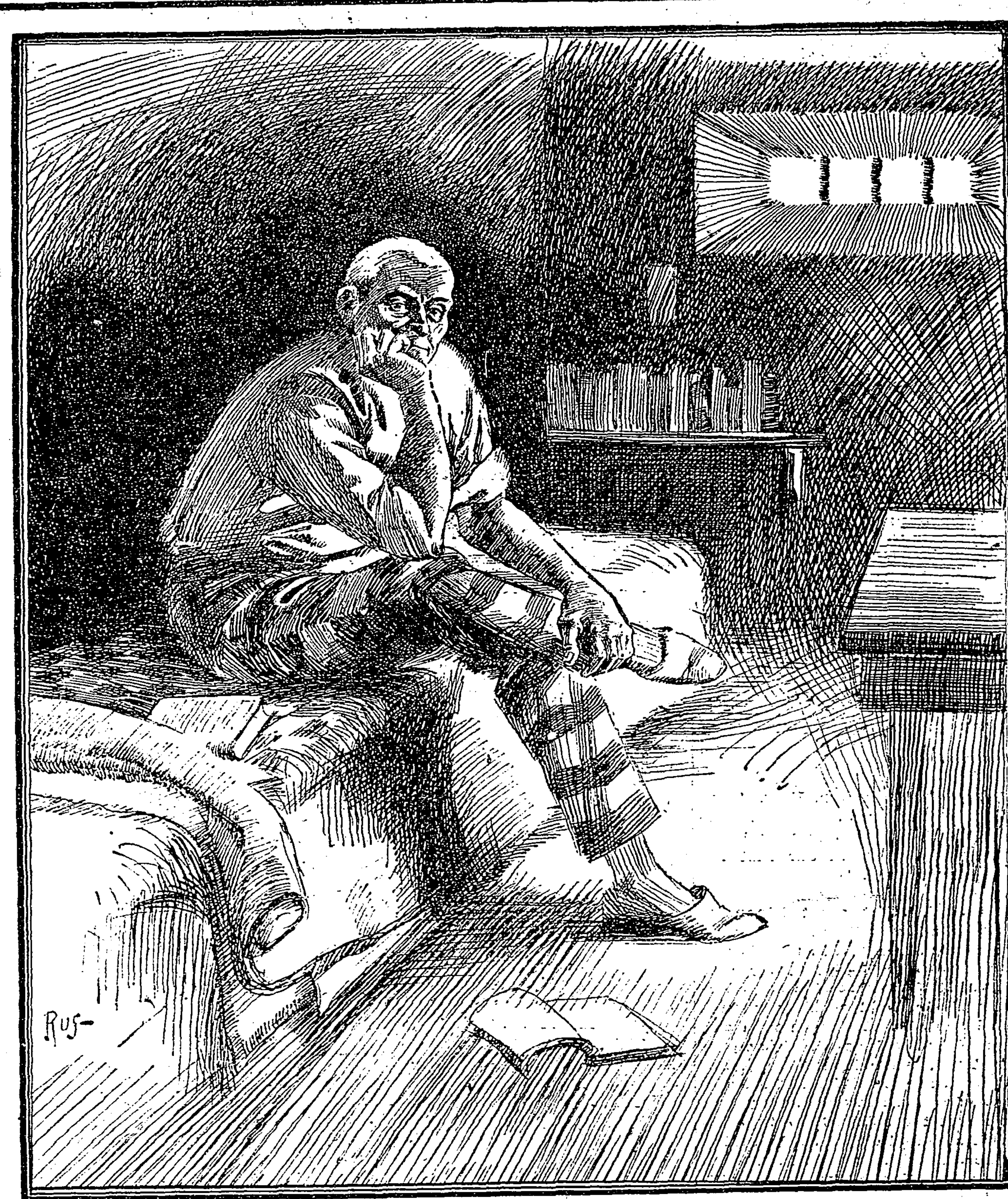
I put down a few of the mitigating features in my case. J. H. POMEROY.

Mitigating Features in My Case.

1. I was fourteen years old when arrested in 1874.
2. Public feeling swayed the course of justice to my prejudice. The Judge at the trial told the jury "to bring in a verdict in the first degree or acquit for insanity."
3. That was illegal.
4. The Attorney General was so abusive that the jury interrupted him, saying, "Cease your invective."
5. My case was recommended to mercy by the jury.
6. Sentence, as in this case, "to solitary imprisonment at hard labor for life" is unprecedented—there have been at least five capital commutations to this prison since 1874. Not one was fourteen. Not one was a solitary sentence. At least two of them have been pardoned.
7. I have shown a disposition to reform. I have not led a criminal life here.

1. Illegal trial. (See indictment, 737, herewith, charging malice aforethought only, yet the Attorney General asked for a first degree, on the ground of premeditated malice aforethought and extreme atrocity. The jury acquitted me of malice aforethought (premeditated, I mean) and brought in a "first degree for atrocity." To so convict it should be in indictment. (See 16 Gray pp. 1, 10.) (See Doc. 3 herewith, note 1.)

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In Solitary Confinement Since He Was a Boy of 14, Thirty-four Years Ago.

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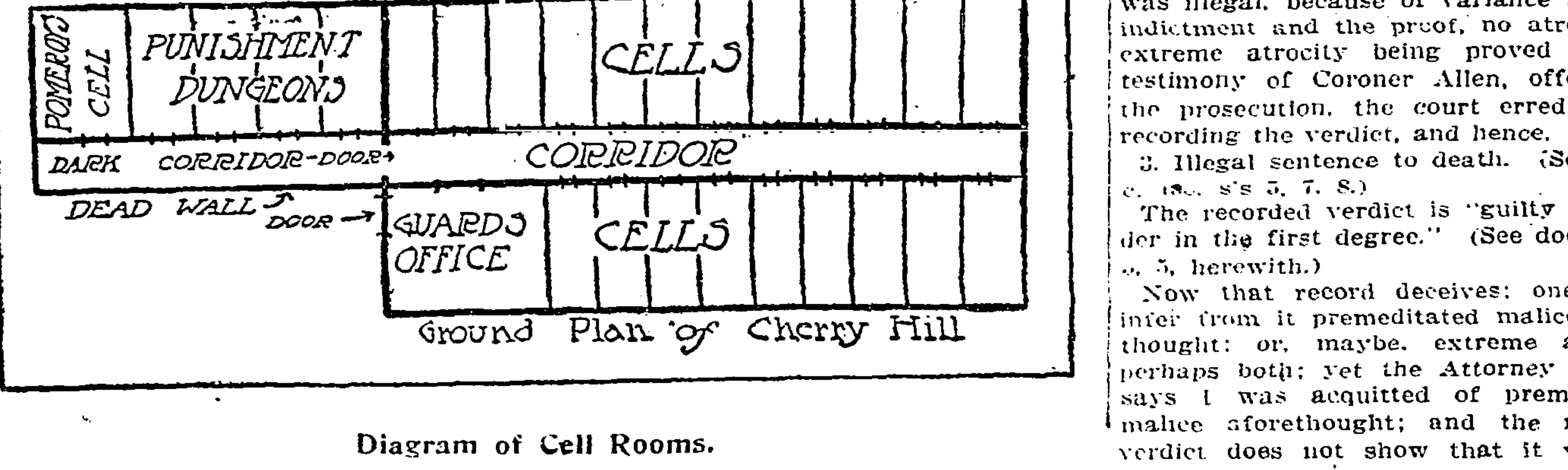
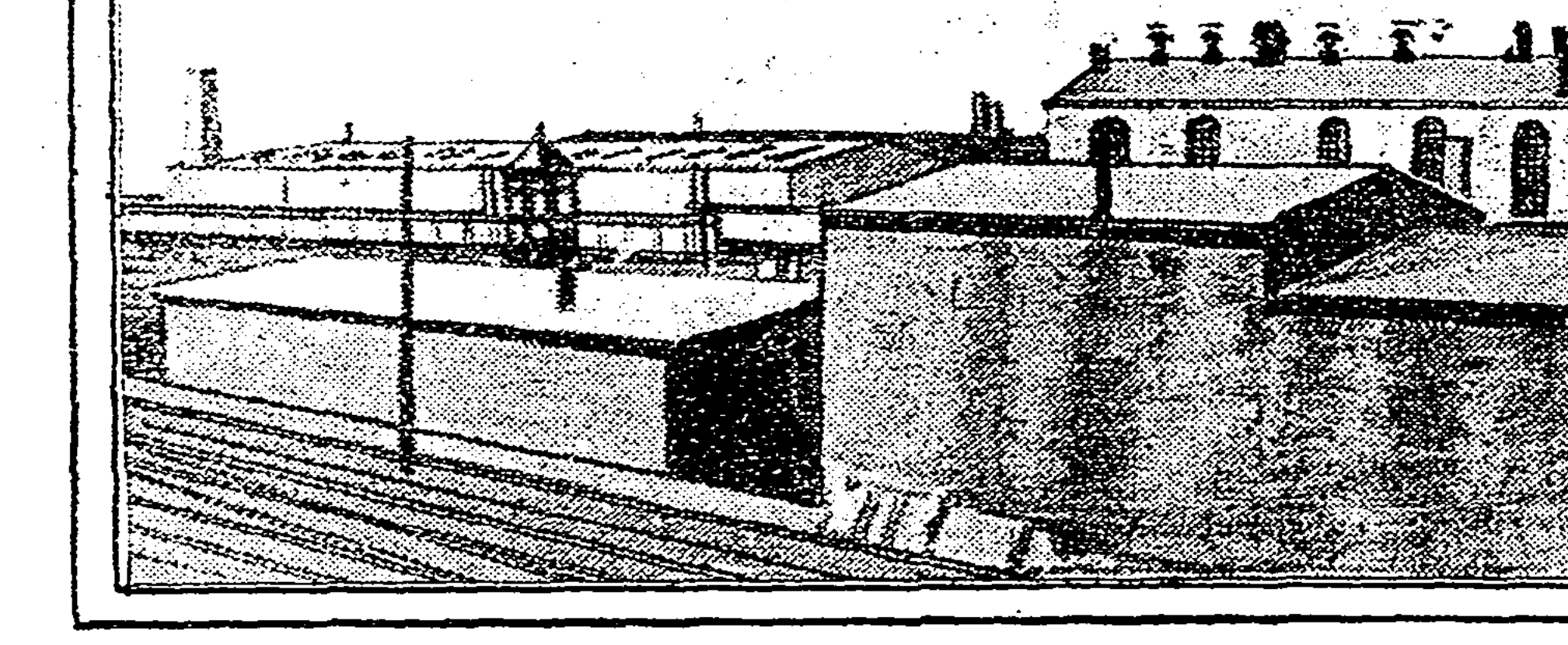


Diagram of Cell Rooms.



West Wing of Charlestown State Prison. Pomeroiy Has Been Confined in the Long Building Near the Smokestack.

the whole prison, I did well, and when Warden Fisher took charge in 1883, on St. Patrick's Day he established the Saturday afternoon hour in the yard and I was given that too.

In fact, the five years from 1881 to 1885 were hopeful, pleasant years, and there was no idea of making my life harder than could be helped. In 1884 Governor Robinson gave me the privilege of having my visits in the guard room, as all do. Russell moved me back to the Arch, and visits were there, afterward.

I assure you that none of those privileges was abused or lost by misconduct.

An incentive to do well, encouragement in doing well, had in those years a good result.

If to-day I can have those privileges, it will be, as with all, an incentive which I do not now have.

Now the prisoner's life is always the same, year in, year out. I have no prospect of privileges by good conduct, which has been good, many years, as I told you.

Besides this, I am to-day worse off as to light, air, human society and opportunity to see officials, than I was in 1875-1885.

The sentence as to-day carried out is harsher, more oppressive than in those nineteen years; but it is the same sentence as in 1875.

My windows are opaque glass cutting off much light.

I ask clear glass, as I always did have. No sunshine reaches into my cell. I always had a sunny room, the windows being 23 in. by 23 in.

My room to-day has the ventilation closed up, contrary to law, from no fault of mine.

There was no closed blank door on my cell to 1885, because my sentence was lenient enough, and there was no idea of denying me a chance to see a soul.

Since 1885 that closed door has been illegally shut on me, and Governor Douglas orders it open for a little while in the daytime, so that I might have a little air.

It is shut eighteen hours a day and ought to be taken off, being contrary to my sentence.

Very seldom can I see any State House officials.

Very seldom can I obtain from them an answer to any letter that I write.

Except once or twice a year they do not come near me.

Exercise, as ordered by Governor Ames, is refused to me. (1889.)

I respectfully suggest, that this prisoner may have some encouragement in doing well. He is no worse than his neighbors. Kindness is never lost on anyone, and this prisoner has all his life shown himself responsive to kind treatment. Although I have made some errors here, I have never once been violent or dangerous.

No officer has ever accused me of it. The register shows the fact, as I say, yet the newspapers have been full of yarns about me, as, for instance, that I tried to kill the warden, and so was shut up in a cell (New York World, 1889).

I should be allowed to write sixteen letters a year, the rule. I can write but twelve.

Upon reflection, I think I have clearly and fully stated the case as I view it.

atrociously, as the foreman said. (See document 3, 120 Mass., p. 600.)

The opinion of the Judges is not a court judgment. (See 160 Mass., p. 333.)

The verdict as recorded is a false record, not the true verdict.

(4) Illegal commutation. (See warrant 9 herewith.)

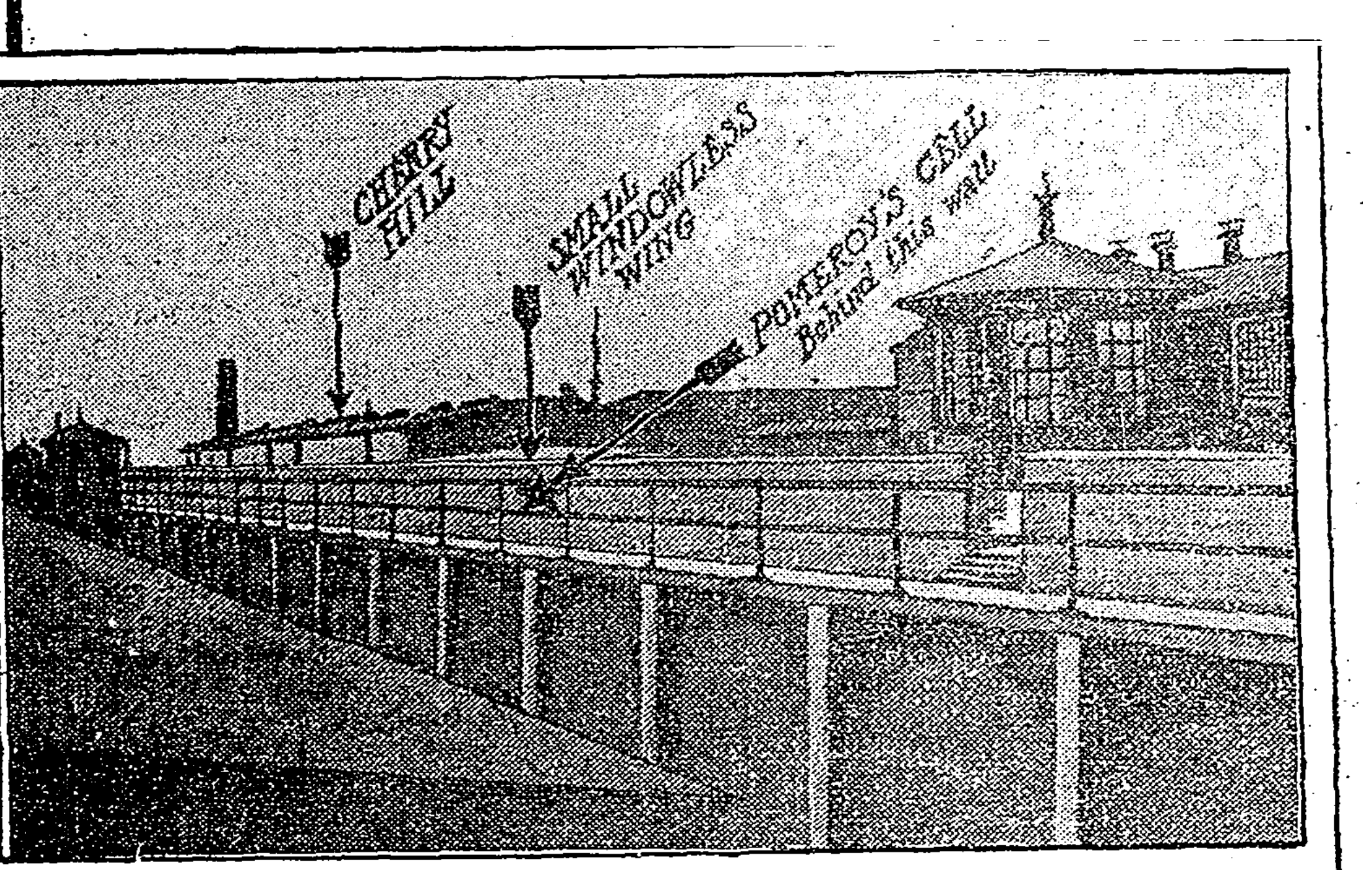
Solitary imprisonment at hard labor for life, on a boy 14 years old, is contrary to the Constitution and laws of Massachusetts. It is a cruel penalty; ex post facto; it violates the statute of pardons. (G. S., c. 177, s. 12, &c., St. 1837, c. 181.) It not defining what he meant by his solitary; it is uncertain and vague; the law says it is a dark cell on bread and water. (See G. S., c. 174, s. 18; c. 170, s. 42) And he should have said what he meant.

By the Constitution and laws, no one can be put out of the protection of the law, or suffer illegal penalty; (see G. S., c. 174, s. 1, 15 Allen, p. 381) for customary penalties; finally the warrant does not show it to be conditional, if so intended.

All of which gives rise to a well-founded doubt, if I was convicted by good process of law; as per article of amendment to United States Constitution No. 13, which by Article 6 of said Constitution is the "supreme law of the land."

I will conclude by saying that the documents herewith are authentic and official. My case is now pending on habeas corpus.

I will add that some records necessary



The Walls of the Prison.

In my case are denied to me, as by the list herewith; and if you can in any way assist me to obtain them I shall thank you. I submit, too, that my case is exceptional, worthy of consideration, both as to privileges, as on its legal aspect, because "circumstances alter cases."

In the sincere hope that it may move you to uplift, in some way, the friendless life, I am, respectfully yours,

JESSE H. POMEROY.

To this he appends copies of the records in his case.

One of Pomeroiy's playmates wrote his recollections of the murder about twenty years ago. He said that as a boy Jesse was quiet, retiring, taciturn, and not fond of games. His favorite reading was the dime novels of Beadle and Minno. They used to play "Indians," and Jesse's favorite hero was Simon Girty, the renegade, while the other boys swore by Kenton, Boone, and the Wetzel.

It was all wildly extravagant talk, said Jesse's schoolmate, "and not worth writing about but for the fact that at that time Boston was in a sea of excitement over the outrages perpetrated by some unknown person on little boys of from 8 to 9 years of age."

One week the news would come that a little boy was found tied to a telegraph pole on the Old Colony, or Boston, Hartford & Erie Road, horribly mutilated, with his back in ribbons and caked with salt. The next week or month another little boy, it was never a boy of Jesse's size or age, or anywhere near it, would be found in Chelsea, or East Boston, or Jamaica Plain, or Dorchester, mutilated and cut in the same way. Sometimes a

"Do you see him here?" said the master to the little victim.

"No-o-o," hesitatingly replied the little fellow. Then, sharply, from the lady teacher:

"Pomeroiy, why don't you hold up your head?"

"Slowly Jesse raised his head and the boy screamed.

"That's him! that's him! I'd know him by his eye!"

"And so Jesse was arrested, tried, found guilty and sentenced to the Westboro Reform School. If Jesse had been ill that day—ill enough to have kept himself in the house—he might be rivaling Jack the Ripper now."

Pomeroiy got out of the reform school in about a year. Up to this time he had always stopped short of murder. What happened after his release was told by his old schoolmate as follows:

"In the following summer a Mrs. Curran sent her little 8 or 9-year-old girl out for some thread." (Pomeroiy's mother kept a small store.) "The little girl—Katie—never came back. She disappeared like a whiff of cigar smoke in a stormy wind-Atlantic. Her mother was frantic with grief. Everybody became a detective. The months rolled away. One rainy day a little deaf-mute pulled at a policeman's coat, and by signs indicated that he wished the policeman to go along with him, which he did."

"They went out of the highways and byways until they came to the Dorchester marshes, which were as gloomy in those days as the marshes of Abel Magwitch and Pip. The little fellow was in a terrible state of excitement, and soon the officer was when they came to murdered and mutilated little Horace Millan, lying in the mud and grass. They carried the body to the station house, and then had plaster of Paris casts taken of the footprints in the mud near where the boy's body was found. They then went to Mrs. Pomeroiy's house. Jesse was in bed. His shoes exactly fitted the casts. He was arrested. While he was in jail his mother moved away from the old home on Broadway for obvious reasons. Then the house was torn down to make room for a better one. While the workmen were digging in the cellar they unearthed the little corpse of Katie Curran. Then Jesse confessed that he had murdered her and little Millan."

"She had come into the store for the thread her mother had sent her for. Jesse was alone in the store. He told her to go back and get it—to turn to the right."

"In the meantime he had turned the key in the front door, leading to the street, returned, followed the little girl, and as she started back from the cellar way he sprang upon her, pushed her down the cellar stairs, mutilated, then killed her. He then dug a grave in the cellar, buried her, came upstairs, washed his hands, and face, unlocked the front door, had his dinner, and went to bed. He was the only one in the world who knew of that little corpse in his mother's cellar."

When Pomeroiy was tried a petition signed by thousands of mothers was sent to the Governor praying him to hang Jesse. Because of his youth, however, the sentence was commuted.

One Governor, years afterward, visited him in his cell to hear his prayer for liberty. "Why, man," said the Governor, after listening to him, "if I should pardon you, you would be strung up to the nearest lamp post outside."

It shocked and startled Pomeroiy. He hadn't thought of that. But all he said was, "Would that be justice?"

"Justice" is Pomeroiy's hobby.

Many efforts have been made to secure his release. On one occasion a number of Virginia women appealed to a Massachusetts Governor to set Pomeroiy free. The Governor wrote back:

"If Pomeroiy had committed his crimes in your State he would have been burned alive at the stake, and there would be no necessity for a pardon."

Yet it is probably true, as has often been asserted, that if science in 1876 had progressed as far as it has in 1910 in explaining the pathological causes for such crimes as Pomeroiy's, he would have been sent, not to solitary confinement in a state prison, but to an asylum for the criminal insane.

Pomeroiy was arrested in 1874. The Millan boy, for whose murder he was tried, was only 4 years old. In 1876 he began his life in Charlestown Prison.