

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE THIRD DAY OF JANUARY, AND ENDED
ON THE TWENTY-SIXTH DAY OF FEBRUARY, ONE THOUSAND
EIGHT HUNDRED AND TWENTY-SEVEN.

Published agreeably to the Resolve of the 20th June, 1820,

FORTLAND.

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1827.

day ; to the Door keeper of the House of Representatives, for himself, page, and any others in his employ, in the service of the House, four dollars and fifty cents per day ; to the Chaplain of the Senate, thirty dollars, and to the several Chaplains of the House, who have officiated as such, at the present session, five dollars each in full for their respective services.

[*Approved by the Governor, February 24, 1827.*]

CHAPTER XXXVIII.

Resolve fixing the place for the Meeting of the next Legislature of this State.

Resolved, That Hallowell in the County of Kennebec, be the place at which the next Legislature shall meet, and hold its session.

[*Approved by the Governor, February 24, 1827.*]

STATE OF MAINE.

IN SENATE, Feb. 21, 1827.

The Committee of the State Prison have attended to the subjects referred to them. In the general state of the Prison they find no important change since the last annual report. The reports of the Inspectors and Warden it is needless to recapitulate.

The great change in public sentiment, respecting the punishment of offences against the State, which has happened in recent years, while it recommends the mild principles of our free governments, gives pleasure to the philanthropist, and renders the age an era of humanity, has doubtless created hopes and expectations beyond the attainments of sober reality. Experience has put theory to the test ; and, as was to be expected in a new course, has detected errors so great as has caused several States to relinquish their penitentiary systems, and begin upon a new foundation.

The evils which call for reform in State Prison discipline, are numerous, and cannot be fully exhibited in this report ; nor is it necessary. The statement of the intelligent and faithful officers of the Prison, and information from other sources, have been considered and understood by the Legislature. While the Committee recommend several improvements in the laws and regulations as indispensable, it is gratifying to add that they are practicable.

1. The means must be attained to confine convicts in separate sleeping cells. The judicious Commissioners of the New York Legislature were doubtless correct in the strong language of their report: "We believe that we do but repeat the common sentiment of all well informed men, when we say, that as long as it is necessary to confine several persons in the same room, our State Prison can be no other than a college of vice and criminality." The hope that congregated convicts will compose a school for reformation, must be abandoned as wholly delusive. A school indeed they will be, like all schools in their essential character; the more *knowing* will teach the more *ignorant*. The association of a youthful offender with the most bold, experienced and hardened villains is abhorrent, and the consequences shocking and deplorable.

2. Solitary confinement for a long time is prejudicial to health, and cruel in effect. It must be either dispensed with or much reduced. It is often more objectionable than the whip or the pillory, and the evidence of fact is against its utility.

3. Convicts must be employed in productive labor. This, while it relieves the State from expense, will be most desirable as respects the convicts themselves.

4. To be profitable their labor must be uniform and simple in its principles; to be safe it must not be in curious and skillful arts, which may aid their escape from confinement, and make them more efficient adepts in crime when at large.

5. Convicts must not be committed for very short periods. In such cases the expense is great; the effect on the convict not beneficial, their labor unprofitable, and the effect on the State Prison injurious. The cost of transporting to the State Prison convicts sentenced to a brief confinement, will soon exceed the expense of such modifications of county gaols, as would fit them for the purpose of such imprisonments.

6. Juvenile convicts ought not to be subjects of the State Prison, except in cases of uncommon youthful depravity.—Humanity and moral principle require a farther extension of the means to execute suitable punishment on offenders of tender years, in the counties where they offend, and the best interest of the State coincides, in this respect, with the call of humanity and duty.

To accommodate the bearings of the various laws to the reforms which experience and reflection indicate, and reduce them to a simple and practicable order, would require more time, examination and comparison than have, in connexion with the other business of the session, been in the power of the Committee. They therefore have not attempted a task

which they knew they could not accomplish ; and respectfully recommend that a Committee be appointed to consider the subject in the recess, and make an early report to the next Legislature. In the mean time, a few provisions, not varying materially the substantial and practical tenor of the laws, seem immediately requisite, and are recommended.

It was a part of the original plan of the Prison, and is essential to its completion, that the number of cells be increased, by an extension of the west wing. But, though an early completion of this is very desirable, the Committee doubt the expediency of an appropriation for the purpose the present year. The yard, wharf, and shops already ordered, and a dining hall and cook room, which are of the first necessity, will furnish occupation the coming season ; and it is hoped that by expiration of sentence, and by a substitution of imprisonment in county gaols, the number of prisoners may be reduced.

It is now a decided and uncontroverted opinion, that the working of granite must be one principal employment of the convicts. With this view have been made the late appropriations for the yard, wharf and shops, and the order of the Governor and Council for their application. To secure the success of this arrangement and the profit and advantage connected with it, a purchase of one or more quarries of the material, and a seasonable transportation to the yard, of a proper quantity of it, are rendered necessary. It seems obvious that an appropriation for this purpose is required by the best interest of the Institution and of the State.

The erection of a dining hall and cooking room cannot be delayed consistently with the tolerable comfort and order of the Institution, and requires a suitable appropriation.

It is represented by the Warden, and seems to be of common notoriety, that the shape of the prison lot requires an exchange of a small corner of it for the convenience of a road into the yard ; and that the exchange can be made without expense. It is recommended that the Governor and Council be empowered to authorize the exchange.

The petition of the Warden for an increase of salary has been under the consideration of the Committee. It is important to the State that such a compensation should be annexed to that office as shall command the services of intelligent, discerning men, men of talents and integrity ; but believing that this importance may be better appreciated in connexion with the projected improvements of the Prison, the Committee have reported a reference of the petition to the next Legislature.

The Committee have examined the report of the Auditor, and find in it, in a condensed and succinct form, the substance of the annual accounts hitherto rendered. They find in the close a difference from the account of the Warden in respect to the amount of stock on hand, and also in respect to the net earnings of the convicts. The Warden cannot, in the absence of his books, ascertain precisely the reason and calculation of the variance, and the Committee have no other source of information. The cause, however, is doubtless this : the Auditor has *classed* as expenses on the prison, some part of what the Warden has included as stock, or earnings. The Warden reports in stock on hand, Dec. 1, 1826, \$4,468 11.—The Auditor gives only \$2,501 20—being \$966 91 less than the Warden charges himself with, as on hand. This difference appears to be owing in part to the former cause, a difference in the mode of *classing* the expenditures, materials, and earnings ; and chiefly to an omission of articles of stock on hand, which being multifarious, and not falling strictly within the purview of his examination, nor contained on the books of purchases and expenses, escaped his knowledge and research. But the variance is not a difference in substance. The items and amount of receipts and disbursements are the same, except a fractional mistake in casting ; and as the whole has been examined and certified by the Inspectors, there is no room for suspecting any incorrectness in the accounts which have, from time to time, been duly rendered, and remain with the files of the government. An order respecting the appointment of an Auditor, has been referred to the Committee. The reports of the Inspectors contain all the information which the Committee possess, and these being before the Legislature, the Committee add no observations respecting them.

A more systematic mode of entering, and placing on book in a distinct view, the pecuniary transactions and state of the Institution, is desirable. Should it seem fit that the appointment of the Committee herein recommended should be made, this subject, among others, will, in the recess, claim their attention.

In conclusion ; it is gratifying to revert to the suggestion introduced in the former part of this report, that while the costly penitentiary establishments of older States are undergoing an entire renovation, our State Prison is in a course of successful progress, well adapted to the reception of the varied improvements in economy, discipline and correction, which others are acquiring at the price of the vast expense which attended their erection.

A bill and a resolve, intended to effectuate the purposes contemplated in this report, are herewith respectfully submitted. *Per Order,* JOSIAH STEBBINS, *Chairman.*

CHAPTER XXXIX.

Resolve respecting the State Prison.

Resolved, That the Governor, with advice of Council, is empowered to authorize the purchase of a quarry or quarries of granite, suitable to be wrought by the Convicts in the State Prison, and two thousand dollars are hereby appropriated for this object, and to supply the prison yard with a proper quantity of unwrought granite for this purpose.

Resolved further, That one thousand dollars are appropriated for the erection of a dining hall and cook room, for the accommodation of convicts in the prison, whenever such erection shall be approved by the Governor and Council.

Resolved further, That the Governor, with advice of Council, are empowered to authorize the conveyance of a small portion of the land pertaining to the prison, in exchange for a small portion of land over which passes the road from the highway to the prison yard, on such terms as may be beneficial to the State, and the due execution of a deed of conveyance.

Resolved further, That there be appointed a committee of two persons to be chosen by ballot; one by the Senate and one by the House of Representatives, to sit in the recess of the Legislature, and consider the Statutes respecting the State Prison; all laws concerning crimes and punishments, so far as they affect that institution; and the rules, regulations and management of the Prison generally, and report the result of their examination by Bill, Resolve or otherwise, at an early day of the Session of the next Legislature.

[*Approved by the Governor, February 24, 1827.*]

CHAPTER XL.

Resolve authorizing the Treasurer of this State to make a loan of money.

Resolved, That the Treasurer of this State be, and hereby is, authorized to obtain, on the faith of the State, from time to time, a loan not exceeding twenty thousand dollars, at a rate of interest not exceeding six per centum per annum.

[*Approved by the Governor, February 24, 1827.*]