

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1836.**

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**SIXTEENTH LEGISLATURE.**

**No. 14.**

**SENATE.**

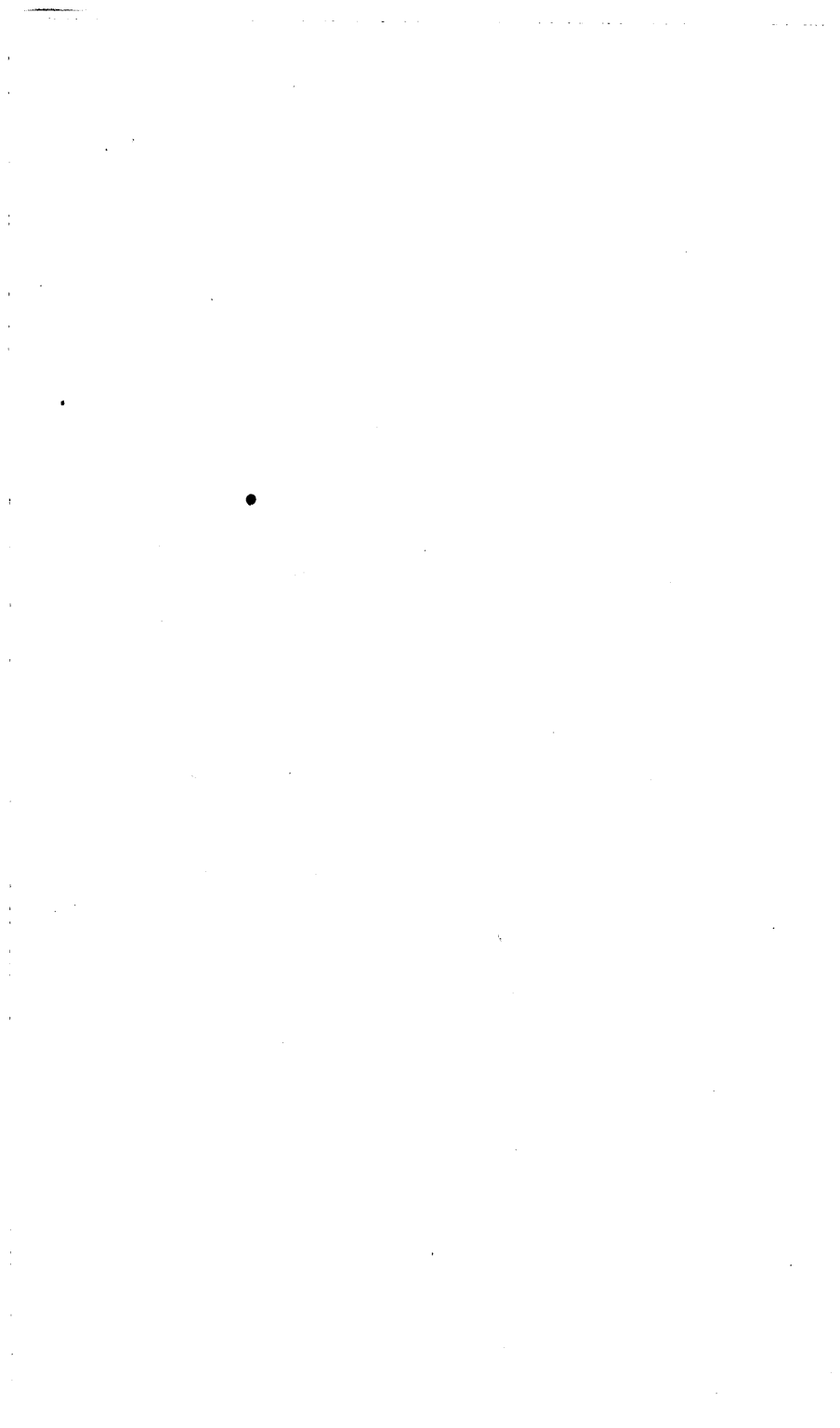
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**To the Senate and House of Representatives:**

The Secretary of State will herewith lay before you the Report of the Commissioners appointed under the "Resolve relating to the State Prison," passed March 23, 1835.

**ROBERT P. DUNLAP.**

COUNCIL CHAMBER, }  
JANUARY 22, 1836. }



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## **REPORT**

### **OF THE COMMISSIONERS OF STATE PRISON.**

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**To the Governor and Council of the State of Maine :**

THE Commissioners of State Prison appointed under a Resolve of 23d March last, have attended to the duties devolving on them by virtue of said Resolve and ask leave to submit the following

### **R E P O R T .**

The first and most important point which the Resolve presents for the consideration of the Commissioners, is that of prison discipline.—The manner of constructing the buildings—their location, and the eventual success of the institution depend much on the kind of discipline to be adopted. That construction of buildings which would be well adapted to the exercise of one description of discipline might be very injudicious as regards another. Certain occupations which could be advantageously pursued under one method, might be found wholly impracticable under a system, the features of which were essentially different. The construction of the buildings must be suited to the convenience of the employments, and the employments must harmonize with the system of discipline. The location likewise is closely connected with the system of discipline, because of its intimate relation to the kind of employment to be pursued. That position in the State, which would be most eligible in view of one description of employment, might be unsuitable when another kind was in contemplation. Hence the primary importance of the question of discipline

will be immediately perceived. It holds the first rank among all those questions which pertain to the establishment of a new State Prison.

In pursuance of the provisions of the Resolve, and with a view to obtain satisfactory information on a subject of such importance as the one confided to the Commissioners, they have visited severally or together all the State Prisons in New England, with the exception of that in Vermont, together with several in New York and the Eastern Penitentiary in Pennsylvania.

Two prominent leading systems of State Prison discipline are found to be in successful operation in the United States. We choose to denominate them *two systems*, though some have spoken of them as the different modifications of the same system. Each has a peculiar construction of buildings adapted to its exercise. One is commonly denominated the Auburn system, and is exhibited with trifling differences in the State Prisons of New York and the New England States. The other is the Pennsylvania system, and is found in that State and in New Jersey. These two systems are rivals, laying claims respectively to public favor, and each setting forth its own peculiar merits. Both have their warm advocates, and the advocates of both number among them men of the highest respectability, both as regards talents and virtues—men distinguished for benevolence, humanity and piety. This circumstance has operated powerfully to induce a most thorough investigation of the principles of both plans, and a close attention to the results. And though the zeal to support a favorite system against the claims of its competitor, may have occasionally given birth to improper remarks, yet it has served to lay open all the faults and portray all the excellencies of both plans. The great and leading objects proposed to be accomplished by both systems are essentially the same, yet there would appear to be a shade of difference. The Auburn plan has a stronger view to the pecuniary results, while the Pennsylvania system looks

with a more intense interest at the moral reformation of the prisoners. To this point it bends its efforts, less regardful of present expense than of future depredation. The Auburn plan contemplates separate confinement of the prisoners by night, with labor in company by day.

A cell of about seven feet long, by three and a half feet wide, is provided for each convict, in which he sleeps, eats, and spends all his time except the hours of labor, and the periods allotted to the services of the chapel. Profound silence is enjoined upon him as respects any communication with his fellow convicts, whether in his cell or at his labor—and it is for the violation of this rule that punishment is more frequently inflicted than for any other offence. A chaplain is connected with the institution, who performs service on the Sabbath and takes various other opportunities of conveying religious instruction and advice. Each cell is furnished with a Bible. Personal cleanliness is at all times required; and the most prompt and perfect obedience to all the commands of the officers is demanded. Each prisoner, when in health, must labor diligently and faithfully during the time of labor.

No common refectory, or eating room is provided. Each prisoner as he marches in from his labor receives his food, which is prepared and deposited in a small vessel, and retires to his cell to eat it.

Disobedience may be punished by periods of confinement in a dark cell with a short allowance or by stripes. The latter however is but seldom resorted to, though in obstinate cases is said to be most effectual.

To prevent intercourse among the prisoners—to preserve order and regularity—and to insure the performance of a due share of labor from each convict, overseers and sentinels are posted at different points in and about the prison, in positions to overlook and observe the whole of the establishment, and to notice any insubordination or insurrectionary movements on the part of the convicts. No task is set for the prisoner, as for-

merly, and of course no allowance for overwork. The consequences of such a practice were found to be pernicious. The food is uniformly of a good kind and quality, and amply sufficient in quantity. On the discharge of a prisoner, his effects, taken from him at the time of his reception, are restored to him, and a small sum of money given him for his support while seeking employment. Regulations like these constitute the essence of the Auburn discipline.

The strict subordination to which the prisoner is subjected—the requirement constantly resting upon him of personal cleanliness—obedience to his officers—and unceasing industry—the instruction in some mechanical profession, by which he may be enabled to gain an honest livelihood in after life—the vigilant attention and kind efforts of the chaplain—the example of officers, who combine humanity of action, with firmness of purpose, are supposed by the friends of the system to constitute a sort of moral machinery by which as much effect can be produced by way of reform as can reasonably be looked for on a class of men so depraved as are the inmates of our State Prisons. If the results in point of moral reform are not all that could be desired, they would not suffer, they believe, by comparison with those yielded by any other system. Add to this the further consideration, that in a pecuniary point of view, this plan must be preferable to that which adopts the principle of the constant and entire seclusion of the convicts; as labor in company is found to be much more productive in those establishments than separate labor.

The Pennsylvania system has grown out of a most commendable effort, or rather a series of efforts, on the part of individual citizens of that State, having for its object the melioration of the then wretched condition of prisoners. It was ushered into existence by the exertions of a society called the "Philadelphia Society for alleviating the miseries of public Prisoners." This society was formed as early as the year 1776—re-organized after the revolution in 1787, and is said by its friends



to be the "parent of all societies which have since been formed for similar purposes in Europe and in this country." Certain it is that neither expense nor pains has deterred it in its onward march to the investigation of every principle and every fact which fell within the scope of its designs. It has sought information by every means promising the least prospect of success. It has examined into and exposed the condition of the prisoners in its own and other States—visited the prisons in Europe—turned over the pages of history to learn the systems of former days, and employed much deep thought on the character and propensities of the human heart. It did not forget that all flesh is of one blood, and that christian benevolence is never exerted to the full extent of Gospel requirement till it has done its utmost for the relief of suffering humanity under all the conditions of life. Inheriting the active, but gentle and pacific spirit which so eminently characterized the founders of their beautiful city, the Philadelphians have pressed forward in works of benevolent enterprize with that sound discretion and well directed zeal which is sure to accomplish the desired object. That the miserable condition of the prisoner and the demoralizing influence of the operation of prison discipline as it then existed, should have attracted the attention and called forth the active benevolence of such men, can be no matter of surprise. They took up the subject with an earnestness becoming its importance. The result has been the establishment of their present penitentiary system.

It would be doing them injustice, however, to mark this as the only result of their efforts. The spirit of improvement has extended itself far and wide, and embraced other objects than those immediately connected with the subject of prisons. The consideration of these, however, does not fall within the compass of remark proper to be observed in the discharge of our present duties. But it may not be deemed impertinent to the case to observe that an improved system of juvenile correction is in operation in Philadelphia, equalling, if not surpassing any

thing of the kind to be met with in the country. The hand of charity has been reached out, to the unprotected and viciously inclined youth of both sexes; and they have been led, not to the judgment seat to receive sentence and stripes, but to the house of refuge, where every tender and endearing act of kindness which could spring from the hand of a parent, is exercised upon them. An *enquiry* merely, not a *judicial record of crime*, introduces them to this abode of hospitality. Here they have before them, perhaps for the first time in their lives, the example of those whose virtues and piety manifested in acts of justice, kindness and benevolence, are calculated to draw their young minds from the ways of vice, and shew them the superior excellency of an honest and just course of conduct. They are put under instruction, moral, religious and literary. Habits of industry are formed, and the males are taught some mechanical art. In most cases a thorough change of character is the result, by which the youth, who would otherwise have fallen into ruin, and become dangerous and burdensome to the community, is fitted for usefulness and respectability, and made a happy and valuable member of society. The great security to the community as well as the vast amount of individual happiness which are yielded by such a system must be at once perceived.

The penitentiary system of Pennsylvania adopts the principle of separate confinement of the convict by day and by night. The prisoner, after being examined and cleansed and dressed for the prison is conducted blindfolded to his cell. He sees the face of no one but his keepers during his confinement, excepting that occasionally a visiting stranger or a committee of the Legislature is permitted to go in and converse with him. The cell is sufficiently large for a workshop, say about 8 by 12 feet, connected with which is a back yard 18 or 20 feet deep, with walls about 12 feet high, but no roof. In this yard he is permitted to exercise and recreate himself one hour in the day. His cell is furnished with a Bible and various other books, and

occasionally with periodicals, and when requested, with pen, ink and paper. Suitable employment is furnished him, which he seldom or never refuses; labor being a relief to the irksomeness of solitude, which would otherwise become insupportable. If a case of obstinacy should occur in a new comer, (which sometimes, though rarely happens,) it is quickly reduced by the application of the straight jacket. Short allowance is sometimes resorted to, but the lash never.

Combined with religious instruction these principles constitute the main features in the Pennsylvania system of discipline. It is based on the idea that moral reform is the great point to be secured, and to such a result its friends look with a strong and unwavering hope. If reform is to be sought for as a leading and principal object in the penitentiary system regardless of expense, it must be confessed that the Pennsylvania plan seems better adapted to its accomplishment than the Auburn system. If a depraved person is to be recovered, and his moral sense rendered sufficiently vigorous and healthy to control his actions in a right direction, we must be careful how we extinguish the little spark of self respect and virtuous ambition that may still remain glowing in his bosom. But under the Auburn scheme there are some practices which would seem well calculated to do it. What, for instance, could be more fatal to these feelings than a daily exposure to the gaze of idle curiosity, cast upon him by the thousands who flock in to witness the state of degradation to which his crimes have reduced him? In close contact with more hardened villains, of all nations and all colors, the young offender is marched up by the lock-step from his shop to his cell and from his cell to his shop, under the gaze of men, women and children, who line his pathway and scrutinize his countenance. This, it is believed, is an evil operating powerfully to destroy the sense of shame, generate bitter and revengeful feelings, and set him more at war with society than before. This evil, if it be one, is effectually prevented by the Pennsylvania plan. The walls of his cell shield

him against intrusion, and he is not interrupted in his reflections upon his forlorn condition, and the course of conduct which has led him to it. If a sense of shame and guilt are fastening upon his mind it is not driven away by outward objects. The killing look of pity and scorn does not meet him at every turn, but he finds himself precisely where he would wish to be under the exercise of such feelings, secluded, altogether secluded from the influence of any outward objects which could break in upon his train of reflections and put a stop to that self-examination which might lead to reform. The evil of which we speak, however, is not necessarily connected with the Auburn system in all its extent. It may be partially avoided by the exclusion of visitors; but as far as we know such a rule has never been adopted. We are inclined to believe it might be, however, with great propriety. Another evil pertaining to the Auburn plan, and which is avoided by the Pennsylvania system, is the knowledge each one gains while in prison of the countenances of all his fellow prisoners. This is unavoidable upon the Auburn system, and the effects, we think, sometimes deleterious. In the prison at Mount Pleasant, (Sing Sing) were 825 convicts. In process of time most of these are to be poured out upon community.

Now, suppose an inmate of that prison to have formed resolutions of amendment, and to have proposed to himself a better course of life, in what direction shall he go to escape coming in contact with one or more of this large number? But what would be the probable consequence of falling in with them? In all probability it would be a return to his vicious course. He would be immediately recognized and greeted as a fellow sufferer in prison. His ruined character and degraded condition would not fail to be hinted at—his mind would become soured and embittered—his half formed resolutions to amend would be likely to give way, and leave him to sink deeper in depravity than before. On the Pennsylvania plan it is different. The convict sees not the face nor hears the voice of any of his fel-

low prisoners. His very name is secret. He is known only by the number of the cell he occupies; and when discharged, he goes out without the least knowledge of the looks, voice or color of him who has occupied the adjoining cell. He knows no one of the prisoners, and no one knows him. If they afterwards meet, they meet as strangers, and the secret of having been in prison must be voluntarily communicated or it will not be known. This is evidently favorable to his future amendment. So far therefore as reformation of character is concerned, we cannot but view the Pennsylvania system as possessing advantages over that of the Auburn. The Canada Commissioners observe in relation to the effect of the two systems, that a more subdued tone of feeling is observable among the convicts under the Pennsylvania system, while greater profits from labor are realized from the Auburn plan. This we consider a just remark.

Having thus drawn the outlines of the two prominent prevailing systems in our country, the question arises, which of them, if either, shall be recommended for adoption by this State? The Commissioners are inclined to the opinion, that under all circumstances the *Auburn* system must be preferred. It would be far less expensive, and probably more generally acceptable. While we rejoice to see the Pennsylvania principles carried out into operation, we cannot recommend for adoption in this State a system so expensive as that is, without the most plenary evidence, *obtained from actual results*, of its great and decided superiority over others of much less cost. It has been in operation but a few years. Time has not yet disclosed sufficient results to enable us to determine with certainty on its comparative merits. New York and New England are well united in support of the Auburn system. Nearly all their prisons have been rebuilt or remodded to conform to this discipline. It is certainly a popular system, and one of all others best calculated to disburden the State of expense in the support of convicts.

Again, its friends have claimed for it, and still do claim, that it possesses as much power in the production of moral reform, as does the Pennsylvania plan. Whether this be true or not, the provisions for that purpose are so ample as to meet the general approbation of the wise and good throughout New-York and the New England States. It is wise—it is humane—it is christian, to make suitable provision for the moral reformation of the prisoner—to have compassion on him who has no compassion on himself. Christian philanthropy would revolt at the idea of a denial on the part of the State of proper provisions for the accomplishment of so desirable an object. But still it will be remembered that with all the means that have been put in operation for this purpose—all the religious instruction that has been bestowed upon them, the instances of thorough moral reformation among the prisoners have been rare, and would probably continue to be so under any system that could be devised. Hope, reaching after such an object will in most cases be disappointed. It is always to be expected that a large proportion of the inmates of the State Prison will be old offenders, long practiced in crime. On such, as a general principle, moral suasion will be powerless, and religious instruction but rarely work the desired effect. “The Ethiopian will not change his skin nor the leopard his spots”—nor as a general thing those who have “long been accustomed to do evil learn to do well.” Some cases of effectual conversion among the convicts there may be—there doubtless *have* been. It could be devoutly wished there were more; but it is hardly to be expected that any system would ensure their frequent occurrence. It would not therefore, in the opinion of the Commissioners be advisable that the State should increase the expenses of a prison establishment perhaps a hundred per cent. beyond its necessary cost, with a particular view to an object of such doubtful accomplishment. This they must do if they adopt the Pennsylvania system. In recommending the Auburn system, however, we would not be understood as approving of all the regu-

lations and practices usually found in prisons established on that plan. We see no necessity, for instance, of retaining the lock-step march. It is evidently considered by the prisoners a degrading exercise, and as far as we can judge a useless one. The convict when at labor, manifests somewhat of cheerfulness in his countenance, showing that he is not altogether a stranger to feelings of a pleasant and agreeable nature, but when drawn up in the lock-step march, other emotions have evidently taken possession of his breast. In spite of all his attempts to conceal it (for he fears the displeasure of his officers) a sour and morose look is often discoverable in his countenance, telling that he feels a pressure that is reluctantly borne.

Unless better reasons can be assigned for its continuance than we have yet heard we should recommend that it be dispensed with. Experiment will soon decide whether it is indispensable to the maintenance of prison government, and if so, it can be revived. It is believed it cannot be, however, as Mr. Miller, the Warden of our own Prison, has already laid it aside, and we have heard of no evil results from its disuse.

Again, we can see no good, but we think some evil from the practice of throwing open the prison doors and exposing the convicts daily to the gaze of the multitude. It is believed to exert an unhappy influence on the mind of the prisoner. No injury, to be sure, will arise from it to the feelings of such convicts as have hardened themselves in guilt, and subdued the sense of shame; but to be daily the object of every one's curiosity and scorn cannot be otherwise than painful to all in whose bosom the last spark of virtuous feeling has not been extinguished. We would recommend a deviation in this respect from what we understand to be the common usages of prisons, so far, at least, as to prevent the daily influx of visitors which is witnessed in many establishments of the kind. Another question for the decision of the Commissioners, is "the most advantageous employment of convicts." This must depend much on circumstances always variable and ever varying.

It is the general if not the universal opinion of the Wardens of the prisons in New England that hammering stone is among the employments most suitable for convicts. Other employments may occasionally yield more profit. Certain articles of manufacture may find a ready market and afford fair profit at one time, and meet no sale at another. The intelligent and vigilant Warden will watch the demand for such articles as can be produced in the prison, and from time to time vary the employment to meet the changes and demands of the market. If regard however is to be paid to the opinions of the most experienced Wardens, it would be desirable that stone hammering should be kept in view as among the most productive employments and one that can be looked to with greater certainty of fair profit than most others. The next question respects the location of the buildings.

The unanimous opinion of the Commissioners, is, that they should be in the vicinity of the State House. There seems to be an obvious propriety in this whenever other circumstances do not combine to throw obstacles in the way of it. In this case they would seem to unite in its favor. The central position they would occupy in the State—the productiveness of the soil around—the cheapness of living—the excellent granite quarries contiguous—and the advantage of water communication, would all seem to point to this as an unexceptionable site.

Again, the prison is instituted by the Legislature—it is under the supervision and control of it, and there is manifest propriety in its occupying a position convenient for its inspection. The history of past legislation will sufficiently demonstrate this truth. We have, therefore, no hesitation in recommending that the buildings be located in the neighborhood of the State House, and we would name Hinkley's plain, in Hallowell, as one of the most eligible sites that could be selected. The construction of the buildings comes next under consideration. But this has been anticipated in the consideration of the question of discipline. The State Prisons in New York, Connecticut,



New Hampshire and Massachusetts are all built upon a principle to conform to the Auburn discipline. We would recommend the like construction. And the plan herewith presented will illustrate the manner in which they are constructed. The plan represents a building 200 feet long, 44 feet wide, and three stories high, 10 feet to the story, with a yard in the rear of 200 feet by 56 feet. A building of such dimensions will furnish house and office rooms for the Warden—a Chapel—Hospital, &c. and cells for 132 convicts. The outer walls should be built of hammered granite, 2½ feet thick at the base. The yard wall of the same material 20 feet in height, and two feet in thickness at the base. For further particulars reference may be had to the aforementioned plan. The whole expense, exclusive of the land may be estimated at forty thousand dollars. There remains yet one other branch of the subject claiming the consideration of the Commissioners. It is the additional means of erecting new buildings at Thomaston by reason of the property in that place already owned by the State. It may be somewhat difficult to decide this point with any degree of certainty, but we cannot suppose the difference could be great. The property in that place belonging to the State, would probably sell for six or seven thousand dollars. This is probably nearly as much as it would be worth to the State provided the new prison was to be located there. The difference, therefore, as before observed, could not be great.

The Commissioners would not close this Report without expressing their grateful sense of the kind and gentlemanly treatment they uniformly received from the Wardens and other officers of the prisons they had occasion to visit. In every instance was there manifested a most cheerful and ready compliance to all our wishes. In Philadelphia the Commissioners made the longest tarry, it being necessary so to do in order to become acquainted with the peculiarities of their Penitentiary system, so different from any thing in the New England States.

We shall ever hold the names of Mr. Wood, Warden of the

Eastern Penitentiary; Mr. Bacon, Mr. Barclay, and other gentlemen of the city of Philadelphia, as also the Officers of the House of Refuge, in grateful remembrance for their politeness and attention, and the facilities they afforded us for gaining the desired information.

Accompanying this Report are three bound volumes of Documents, on the subject of Prisons and Prison Discipline.

All of which is respectfully submitted by the undersigned.

WILLIAM D. WILLIAMSON,	} Commissioners	
J. R. ABBOT,		of
NATHANIEL CLARK,		} State Prison.

STATE OF MAINE.

IN SENATE, Jan. 22, 1836.

Read, and ordered that one thousand copies be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*