

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1838.**

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**EIGHTEENTH LEGISLATURE.**

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**NO. 14.**

**SENATE.**

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**REPORT**

OF THE

**JOINT STANDING COMMITTEE**

ON

**STATE PRISON.**

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[G. ROBINSON, Printer.]



# STATE OF MAINE.

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IN SENATE, MARCH, 1838.

THE Joint Standing Committee on State Prison, to which was referred the communication from the Governor transmitting the Report of the Warden and Inspectors of the State Prison, have had the same under consideration, and ask leave to submit the following

## REPORT:

That it appears by the Report of the Inspectors, that the account of the Prison with the State for the transactions of the past fourteen months, ending 31st December, 1837, is as follows:—

The State is debited with the amount of articles purchased for the various departments of labor, and expenditure in and about the Prison, including payments of officers' salaries, balances of old accounts due from the Prison, and all disbursements, except the Warden's salary	\$36,389 90
The balance against the State at the last annual examination as per Report	\$3,455 93
Stock on hand November 1st, 1836,	\$6,926 61
Amounting in all to	<hr/> \$46,772 44

The State is credited with the amount received	
from State's Treasury	\$11,152 84
Also for amount received from the sale of manufactures, and production, and from old accounts due the Prison	\$22,776 80
Stock, tools, manufactures, &c. on hand December 31st, 1837,	\$11,063 51
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	\$44,993 15
	<hr/>
Balance of Prison account against the State is,	\$1,779 29
The expenditures of the Prison, including the balance reported against the State last year, amount to	\$39,845 83
And all the receipts for manufactures and productions sold, together with amounts received from the State's Treasurer, and old accounts, amount to	\$33,929 64
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Balance due from the State to the Warden,	\$5,916 19
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<p>The Committee having examined the accounts of the Warden and compared them with the Report of the Inspectors, find them correct, and also that he has produced satisfactory vouchers to substantiate all his charges. After deducting the amount of receipts from the amount of expenditure, they find the balance as above stated.</p>	
By the Report of the Inspectors, the expenditures of the Prison over its natural receipts for the last fourteen months were	\$13,613 10
The amount expended on buildings and repairs during that time, was	\$6,087 12
The value of the present stock over that of last year, is	\$4,136 90

And there was a loss by fire in stock and manufactures	\$2,500 00	
	<u>          </u>	<u>\$12,724 02</u>
Balance over expenditure for buildings, repairs and loss by fire		\$889 08
Add to that sum the amount received on old accounts more than was paid out		<u>\$660 14</u>
Amount expended for the support of the pris- oners over the receipts for their labor includ- all the officer's salaries except that of the Warden		\$1,549 22

There has been erected, the last season, a large stone building within the yard of the Prison, 100 feet long by 34 feet wide, and two stories high, which contains a cooper's shop and lumber room in the basement, wheelwright's and painter's shops on the second floor, and a spacious room in the attic for a chapel, &c. There has also been sunk in the yard, three large cisterns made with hydraulic cement, with capacity to hold one hundred hogsheads of water, besides many other improvements adding much to the value and appearance of the premises.

There has also been constructed a perpetual lime-kiln, for burning lime with hard coal. It was kept in operation about four months in the latter part of last season, and the result has given encouragement that it will become a considerable source of income to the Prison.

The number of prisoners during the past year, has averaged about 77, and they have been mostly employed in quarrying lime rock, at shoe-making, the wheelwright's, blacksmith's, and coopering business, and the manufacturing of lime.

From all the evidence presented to the Committee, they are constrained to believe, that the several departments, for the employment of the prisoners, have been well

arranged and promise hereafter a productive income. And they have good reason to hope that, under the supervision of the present efficient Warden, the prisoners will not much longer be an expense to the State.

The Inspectors say in their Report, that the old accounts due the Prison, which had accumulated under the former Wardens, as they were turned over to the present Warden on the 5th of August, 1836, amounted to \$12,239 07. Of this amount, \$3,477 is due from Ira Norris, and \$3,399 from Foster Bryant, making the total amount due from these two persons \$6,876.

These claims have been in suit for some four or five years in the Courts of New York, and the latter is still pending, with all the uncertainty of a contested claim hanging over it, in her Courts of Chancery. The expenses which have been paid already by the present Warden amount to \$54, and bid fair to be much increased.

Of the above amount of old accounts due the Prison, there has been received \$1,098. The amount paid out for old balances due from the Prison, is \$437 86.

Ira Norris was the first agent employed in the city of New York, by the Warden, to sell cut granite for the Prison. He was considered at that time perfectly good, but about the year 1831, he suddenly sold out his property and absconded, with, as was supposed, from eight to ten thousand dollars, and has not since been heard of; consequently there is no prospect of ever recovering any thing from him.

Foster Bryant was the next agent appointed to sell granite in the city of New York. A contract was entered into between him and the Warden, that he should have all the cut granite at a fixed price, and that the contract should continue until the Inspectors of the Prison decided that it should be relinquished.



This contract continued nearly two years. Bryant received all the stone which was cut, and paid for it from time to time.

He then formed a project of superseding Maine granite, by introducing Petapsco granite from Maryland, and removed to Baltimore for that purpose. The Inspectors then directed the Warden to dispossess Bryant of his agency as soon as possible. The Warden went to Baltimore, settled with Bryant, took two notes for the amount due, and then notified him that the Inspectors had put an end to the contract. Bryant complained that he ought to have it continued or to have known it before he settled. The notes were negotiated by the Warden, one with the Central Bank at Hallowell, the other with the Thomaston Bank. They were sued in Philadelphia and Bryant stood trial, but as he made out no defence, judgment was obtained against him. The present Warden sued those judgments in New York, and he held Bryant to bail. Bryant, to obtain delay, filed a bill in Chancery to stop the proceedings; to this bill it was necessary to reply, and, as many parties were included in the bill, it has occasioned much delay and expense, the amount of which is unknown to the Committee.

Bryant is supposed to be a man of property, and in addition to that the State holds a bond to make good what he does not pay. This case is now in charge of a skilful Attorney in the city of New York, but as it is uncertain when it will be brought to a close, the probability is that the expense will swallow up a large proportion of the debt.

The Inspectors notice in their Report that selling or retailing out, from the articles purchased solely for the use of the Prison, for the accommodation of officers and others living in the vicinity, has always been practiced, and that they object to it on account of its encumbering

the books with needless items and tending to confuse the accounts. The Committee believe that the practice of retailing from the stores of the Prison is bad, not only as having a tendency to confuse the accounts, but being to some extent injurious to the interests, discipline, and good order of the institution, as it must inflict upon the officers a useless labor foreign from the duties assigned them in their several departments, and they know no good reason why the practice should be indulged. The Committee therefore recommend that the practice be discontinued.

Among the subjects recommended by the Inspectors as claiming the attention of the Legislature, is that of striving to promote a moral and religious feeling among the convicts. The objects of Prison discipline is or ought to be designed to improve the moral condition of those unfortunate men, who, in most cases, have been deprived of their liberty in consequence of neglect of moral and mental cultivation; and however degraded their present condition, they are still our fellow creatures and entitled to our sympathy and care.

The Committee are impressed with the belief that attention to this subject is necessary not only to make them more orderly and useful while in Prison, but that when their time expires they may go out better men; feeling a consciousness that their confinement, privations and suffering have not been without their reward.

The Inspectors recommend such an increase to the compensation of the Chaplain as will command his services constantly at the Prison, that the benefit of his labors may be had in morning and evening prayers and in imparting more full and systematic instruction to the prisoners on the Sabbath by his advice and influence among the convicts, and by instructing those who are unable to read, but are willing to learn.

There is now allowed by law for Chaplain \$100 and for support of the Sabbath school in the Prison \$50. From the best evidence the Committee have been able to obtain, it would require from \$400 to \$450 in addition to the sum now allowed for Chaplain and Sunday School. The Committee have considered, that as it is contemplated to remodel the Prison, which when done may suggest some change and improvement in its discipline, which might interfere with any arrangement made at this time, have therefore come to the conclusion, that it is important to keep the subject in view to be acted upon in future, although they do not deem it expedient to recommend any action at present.

The next important subject presented for the consideration of the Committee, is that of remodeling the Prison building. The Inspectors say in their Report, "that the mere appearance of those stone jugs, into and from which the prisoners must descend and ascend by the help of a ladder, is a sufficient cause of objection to them. But it is not the appearance of these cells or the inconveniences attending their peculiar construction which we would urge as the principal reason for abandoning them, or remodeling the Prison.

There are real and unavoidable ills imposed upon the convicts by their confinement in their cells which claim consideration as violations of the common duties of humanity."

The Commissioners appointed in 1836, to investigate this subject, in their Report recommend remodeling this Prison on the Auburn plan, and also removing it to Hallowell. In support of which they offer two prominent reasons, first, that among the employments most suitable for convicts, that of stone hammering is one, and that Hallowell is a convenient location for that business; sec-

ondly, that is near the State House, and would be convenient for the inspection of the Legislature.

Whatever weight ought to be given to these arguments in determining this question, it is overbalanced if economy is to be consulted.

When we consider the large amount of money that has been expended by the State in land, and in erecting buildings for the Warden, and the extensive work-shops, yards, lime-kilns, and other arrangements for the employment of the prisoners, all of which are good and well adapted to the Auburn plan; and that the materials of the old cells are nearly sufficient, with some slight alterations, to rebuild them upon the plan proposed, all of which must be sacrificed if the Prison is removed; and that the location is such that the prisoners can be employed as profitably where they now are, as in any other place, the Committee do not entertain a doubt that it is most for the interests of the State to remodel the Prison where it now is.

After a full investigation of this subject and all the circumstances connected with it, the Committee have, unanimously come to the conclusion, that the Prison should be remodeled as soon as practicable. But in undertaking a work of such magnitude as this, it is necessary that plans should be matured and estimates accurately made from a survey of the premises.

There is not time to accomplish this in a manner appropriate to its importance, in season for the action of this Legislature.

The Committee, therefore, in order that the subject may be matured, ask leave to report a Resolve, which is herewith submitted.

**EDWARD ROBINSON, Chairman.**

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**STATE OF MAINE.**

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**A RESOLVE relating to the State Prison.**

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*Resolved,* That the Governor, with advice of  
2 Council, be and hereby is authorized to appoint  
3 some competent person or persons, whose duty  
4 it shall be to visit the State Prison at Thomas-  
5 ton, during the recess, to examine the premises  
6 and to make an estimate of the expense of re-con-  
7 structing said Prison agreeably to a plan, the  
8 model of which was exhibited to the Commit-  
9 tee on the State Prison, at the present session,  
10 by the Warden, with such improvements as in-  
11 vestigation may suggest, and to report the result  
12 of their examination to the next Legislature.

**STATE OF MAINE.**

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IN SENATE, March 7, 1838.

**ORDERED,** That 800 copies of the foregoing Report and  
**Resolve** be printed for the use of the Legislature.

[Extract from the Journal.]

**ATTEST:**            **WILLIAM TRAFTON, Secretary.**