

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

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1839.

NINETEENTH LEGISLATURE.

NO. 7.

SENATE.

ANNUAL

REPORT

OF THE

WARDEN OF THE STATE PRISON.

[SMITH & ROBINSON,.....Printers to the State.]

STATE OF MAINE.

IN SENATE, January 19, 1839..

Ordered, That 500 copies of this Report be printed for the use of the Legislature.

[Extract from the Journal.]

WILLIAM TRAFTON, Secretary.

R E P O R T .

*To the President of the Senate, and
Speaker of the House of Representatives.*

GENTLEMEN.—In compliance with the requirements of the third section of “An Act providing for the government of the State Prison, and for the punishment of convicts,” the undersigned has the honor to submit the following statement and account of the concerns of that establishment.

The whole number of convicts, Dec. 31, 1838, was 73, and their employments were as follows, viz :

In the Lime Quarry,	16	Washers,	2
“ Smith Shops,	5	Attending sick,	1
“ Shoemakers,	13	Waiters, 2 ; Lumpers, 2 ;	4
“ Wheelwrights,	9	Coopers,	8
“ Tailors,	5	Invalids,	6
“ Cooks,	2	Sick in Hospital,	2
		Aggregate,	73

This institution, in common with most others, has experienced some of the effects of the general stagnation of business in most of our large cities. The quarrying of lime-rock and the manufacturing of lime, is one of the principal sources from which revenue is derived by the labor of the convicts. This branch of business is peculiarly liable to the fluctuations incident to commercial

affairs. The demand for lime as a building material has been quite limited; consequently the prices have been twenty-five per cent. below its real value. During the past season, we have made 5650 casks of lime. Had the demand and price been equal to that of former years, we should have manufactured double that quantity. But owing to the low state of the market, we should have made even less than we have done, had it not been that the materials prepared during the preceding winter would have become much depreciated in value by being retained on hand. This kind of business has long been carried on in this vicinity, but with varied success. One circumstance is much in its favor. The sales of lime are seldom on a credit of more than ninety days; and that always well secured by such paper as in ordinary times will command cash. And with all the arrangements now existing at the Prison for conducting this branch of business, there can be no doubt that it will be a source of profit to the State.

Another branch of business in this establishment, is the manufacturing of boots and shoes, which find a ready sale in our own vicinity. From 15 to 20 hands are usually employed in this department. This kind of employment is better adapted to the promotion of good discipline than many others; but as many of the convicts are under short sentences, it would not be practicable to put such to this branch of labor.

The Wheelwright department is carried on somewhat extensively. The principal business is the manufacturing of stage carriages to order, building waggons of all descriptions, from the largest size, suitable for teaming, to the lighter kind, used as pleasure waggons. A large amount of repairs has also been done on carriages of all

descriptions, from which a fair profit is realized. But notwithstanding the materials of which our waggons are built are all of the first rate quality, and the construction and workmanship equal to that of any other manufactory, there still remains a large amount of those finished articles on hand, which probably will not be disposed of until business shall have become more brisk in this section of the State.

About five of the convicts are usually employed in the Blacksmith shops. Their work comprises the ironing of carriages, making and repairing tools for the quarry, together with various jobs from the vicinity. This department is essentially necessary to the other branches of business in which most of the convicts are employed.

In the Coopering shop are seven convicts, employed in the manufacturing of lime casks. The profits of this branch of business depend much upon the demand and price of lime.

Although the different departments have furnished a less amount of pecuniary profit, than was anticipated, they are nevertheless necessary as branches of industry. And many of the convicts derive a knowledge of mechanical business, which, on their being discharged from the Prison, will afford them an honorable employment; so that they may not become burdens upon society, or be subject to the restraints of a penitentiary hereafter. As the object for which the criminal is confined is not more the punishment of the offender, than it is to guard society from the acts of wicked men, by preventing the repetition of such acts; and as the habit of industry exerts a most salutary influence in this respect, it seems obvious that every necessary facility should be afforded to the inmates of the Prison for the acquiring of such a habit.

In submitting this report, it is deemed proper to state some facts which have an important bearing upon the pecuniary concerns of this institution. One is, the *short terms* for which many of the convicts are sentenced. During the period of twelve months, ten convicts have been received into this Prison whose average sentences have been but seven months and six days. And ten others were committed under a sentence of one year each, none of whom had any experience in either of the mechanical branches of labor. In making an estimate of the expenses incurred by transporting these from the County Jails, providing a new suit of clothes on their admission to the Prison, together with food and bedding while there, and the expense of an outfit on being discharged, it will be found that their labor amounts to much less than an equivalent for this expense. In many of the States, no convict is sentenced to the penitentiary for a less term than two years. In Massachusetts, where no such law exists, the average sentences of the convicts in the State Prison is nearly three years longer than that of the convicts in our own Prison. Another instance of inequality is that the same expense is required to guard and oversee seventy-five convicts, that would be necessary for four times that number.

It is not, however, for the Warden to decide that short sentences are wrong. For if such is the high state of morals in our community, that a few months restraint in our penitentiary is sufficient to subdue and correct the vicious habits of old offenders, then, indeed, are we fast approaching to a state of society much to be desired. But of this the public can judge. It may not be amiss, however, here to notice that several of the convicts who have been discharged within the last two or three years,

have been re-committed, and have served out a second sentence, and since then have been again convicted and sentenced to the County Jails.

When the undersigned took charge of this institution in August, 1836, the whole amount of stock then on hand, as per Commissioners' Report, was nominally \$3912. A large part of that amount was made up from remnants and cost of spurious materials which had been accumulating ever since the commencement of the Prison, a period of twelve years. At this time the granite business was discontinued, leaving about fifty of the convicts to be provided for in some other kind of labor, which required a large addition of stock and tools. Public sentiment at that time, and for a few years previous, was against the present location of the Prison. Therefore, no means were furnished and no encouragement was given by the Government to the late Warden to make even temporary improvements. Owing to this cause, the whole establishment was in a deplorable condition. Since that time there have been erected large and convenient workshops for each of the departments, with all the necessary appendages, including a large chapel. A perpetual kiln has also been constructed for the manufacturing of lime, to which is attached a large lime-store and several other buildings, comprising a shed and cover to the kiln, all which are requisite to the establishment. The Prison yard has been amply supplied with water from quite a distance, by the aid of a suction pump, and three large hydraulic reservoirs have been constructed for soft water, a part of which is kept in reserve in case of fire. The dwelling house has been thoroughly repaired. The stable and all the out-buildings have been removed and placed upon proper foundations, and have had complete

repairs. The low and barren grounds pertaining to the house and stable have been raised up so as to become valuable, and are enclosed with permanent walls and fences suitable to such an institution. The whole of these improvements, and particularly the workshops, kiln, &c., have been attended with very considerable expense to the State, and have required close application and constant exertion on the part of the present Warden, in forming plans, superintending the work, and arranging all things pertaining to it, with constant reference to economy and convenience.

A large portion of the old stock and tools was destroyed by the fire in March, 1837, so that all which is now on hand is new and of value. Much of the stock can be disposed of to good advantage the ensuing season.

As but little expense will be requisite to keep the present buildings in repair for many years; and as no new shops will be needed, except a cheap construction for the storing of finished carriages; and, moreover, as business seems now to be generally reviving, it is believed, that the Legislature may look with confidence that the Prison will support itself hereafter from its own resources.

It should be borne in mind that the present Warden has had charge of this institution less than two and a half years, and that at no period has the general depression of business been more severely felt than during this period. By this depression all the manufacturing branches of this establishment have been seriously affected, while at the same time all kinds of supplies necessary for sustaining life have been extravagantly high.

Amongst the expenditures for the past season is that of building a new watch-house on the wall, at a very exposed point, and the pay of an additional guard. The stable

and out-buildings, not wholly finished the preceding year, have been completed. A large lime-store has been erected, which will contain 2000 casks. The principal part of the labor on this building was performed by the convicts in the quarry, for which that department has no credit. The keeping of a team for the use of the prison amounts to a considerable sum, but it cannot be dispensed with. During the years of 1834 and '35 no team was kept at the prison; consequently a large accumulation of fragments and spurious material encumbered the quarry, which have since been removed at no small expense to the State. It has been suggested that perhaps the hiring of teams might be more economical. But that expedient has been repeatedly resorted to in this establishment, and has proved to be more expensive than the present mode.

It may be doubted by some whether there might not be more profitable branches of business introduced into the Prison. The manufacturing of granite, as a source from which a large profit is said to have been realized in the penitentiaries of some of our sister States, has led to a sentiment somewhat prevalent in favor of that business. The Charlestown Prison has been cited, as an instance. But it appears from some of the late Reports of the Inspectors of that Institution, that strong doubts were entertained by them as to any permanent reliance upon that branch of business. The Warden of that Prison, in his Report of Sept. 1837, says, "The working of granite, as a means of profit and emolument, is, of all the principal sources of human industry, almost the last that a prudent man would select, as a permanent business." That this remark is just, may appear evident from the fact, that a loss of not less than forty thousand dollars to this State will be the result of the working of granite in our Prison.

Of the old debts which were transferred to the undersigned in Nov. 1836, \$204.45 have been collected, and for well authenticated claims against the Prison, not settled by the Commissioners, there has been paid the sum of \$166.08. It will be seen by the footing of the account, as audited by the Inspectors, that the State is made debtor \$36,140.42, and that its credits are \$43,058.04. Among these are \$9,736, received from the Treasury; of which \$6,000 were for paying the debts of the preceding year, and \$3,736 for three quarterly payments of the subordinate officers for the present year.

The amount of debts which had accumulated under the late Dr. Rose and Joel Miller, Esq., former Wardens, is the same stated to be in my hands, and to which the late Treasurer alludes, viz: \$12,000—a large part of which is due from individuals in the city of New-York, and had been in suit long before I took charge of the Prison.

JOHN O'BRIEN, *Warden.*

Dr. The State of Maine in account with the State Prison. Cr.

1837.			1838.		
Dec. 31	For amount stock on hand,	\$11,063 51	Dec. 31	By amount Stock on hand,	\$12,818 22
"	" purchases for Team,	1,701 24	"	" received and charged for Team,	1,627 03
"	" " Clothing,	906 64	"	" Clothing to Convicts discharged,	321 04
"	" " Blacksmithing,	1,261 50	"	" rec'd & charged for Blacksmithing	2,171 14
"	" " Subsistence,	2,245 43	"	" " Subsistence,	224 47
"	" " Expense Account,	908 69	"	" " Expense account,	120 66
"	" &c. " Building & repairs,	1,701 98	"	" " Building & repairs,	3 67
"	" " Shoemaking,	2,370 37	"	" " Shoemaking,	4,975 69
"	" &c. " Lime Quarry,	3,996 25	"	" " Lime Quarry,	6,050 35
"	" " Wheelwrights,	2,374 07	"	" " Wheelwrights,	3,447 47
"	" " Coopering,	1,335 26	"	" " Coopering,	1,386 92
"	" " Fuel and Lights,	590 00	"	" " Lime Kilns,	130 81
"	" Officers salaries, except Warden, } Chaplain and Physician, }	4,762 69	"	" Fees from visitors,	44 57
"	" Transporting Convicts,	455 00	"	" amount rec'd from State Treasurer,	9,736 00
"	" paid Convicts discharged,	467 79			\$43,058 04
		\$36,140 42			

KENNEBEC, ss.—January, 1839. Personally appeared JOHN O 'BRIEN, and made oath that the above account is, just and true to the best of his knowledge and belief.

BEFORE ME,

CHAS. WATERHOUSE, *Justice of the Peace.*

Number of Convicts December 31st, 1837,	77	Whole number of Convicts committed since July	
Received since,	38	2d, 1824,	671
	—	Discharged on expiration of sentence,	486
	115	Died,	16
Discharged on expiration sentence,	38	Pardoned,	89
Pardoned since,	3	Escaped and not retaken,	7
Died,	0	Remaining,	73
Escaped and not retaken,	1		—671
Remaining number,	— 42		
	—		
	73		

12 STATE PRISON.

Of the whole number discharged, 87 have been returned on a second, and some of them on a fourth, fifth and sixth commitment. Of the 73 now in Prison, 51 are Americans, 11 Irish, 4 English, 3 Nova Scotians, and 4 Mulattoes.

Crimes for which they were committed.

Larceny,	44	Assault to kill,	4	Manslaughter,	6
Forgery,	3	Assault to Ravish,	1	Arson,	2
Counterfeiting,	3	Maiming,	1	Murder, sentence commuted,	1
Burglary and Larceny,	2	Lewdness,	1	Robbery,	2
Adultery,	2	Bigamy,	1		