

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

TWENTY-SECOND LEGISLATURE.

NO. 5.]

[SENATE.

ANNUAL REPORT

OF THE

WARDEN OF THE STATE PRISON.

[Wm. R. Smith & Co.....Printers to the State.]

REPORT.

To the President of the Senate, and

Speaker of the House of Representatives :

THE Warden of the State Prison would respectfully

REPORT:

That in the month of February last this Institution was confided to his charge, at which time there were sixty eight prisoners, but subsequently they were reduced to forty. The average number has been forty two, for the ten and a half months past. During that period the results of the labor performed by the convicts have been quite as favorable as could have been expected, when it is considered that a large portion of them are unskilful workmen. That many are wanting in skill, and that others are inefficient, may be attributed to the fact that they are promiscuously thrown upon the Institution by short sentences, and in many instances in a diseased and decrepid state of body, as well as depraved in mind; and but few, if any, had ever acquired habits of industry; so that their support is rendered a burden upon the Institution.

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. When we estimate the expense of transporting them from the county jails,

providing new suits 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, as they cannot be profitably employed at any trade for so short a period. Another instance of inequality is, that the same expense is required to guard and oversee forty convicts that would be necessary for six 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 penitentiaries 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 had been discharged from this Prison five years since, have subsequently been sent here, two, three, and four different times within that period, and are now in our county jails awaiting another trial. If such offenders, on their second conviction, had received a sentence of four years, instead of six or twelve months, they would have acquired a knowledge of some mechanical branch, so that on their discharge from the Prison they would be less liable to become a burden upon society, and much cost on criminal prosecutions would have been saved to the State.

My predecessor, in his Report of last year, recommended the extending of the Quarry, to afford better facilities for its operations, and concludes as follows: "At any rate, there cannot be much rock dug in the Quarry as it now is." Upon an examination of this department, I found a large quantity of lime rock; besides, the premises were much encumbered

with refuse rock and other rubbish, so that but little could be accomplished, other than to make sales of the rock already quarried. Consequently I discontinued the digging of rock, the overseer of the Quarry was discharged, and the men were employed to the best possible advantage. Some of them having but short periods to serve, and others possessing no capacity for acquiring a knowledge of the mechanical branches, they, therefore, were employed in making improvements on the grounds within the Prison yard; assisting, also, in erecting the new building, and in the loading of lime rock. The quarry men have in this way been steadily employed, but their labor has not been brought into my account—no one of the departments showing credit for the labor thus performed. The rock was quarried the year previous, and subsequently valued to me by the Commissioners at ten cents per cask. Making of sales, culling, and loading of the rock, has been at the expense of the operations for the past season. There has been no advance upon the price of the rock, above that affixed by the Commissioners, which has been an established price for years. The Commissioners had misgivings, as to their own judgment, in estimating the quantity of the rock, at the commencement; and it has since been fully shown that their doubts were not altogether groundless, as will be seen by the Report of the Inspectors. The foregoing remarks will account for the diminution of stock in the Quarry.

On the night of the 15th of May last, a fire took place on the premises, the work of an incendiary, which resulted in the total loss of the shoemaker's shop, store, cook-room, and wood-house, and partly burning the provision store, and blacksmith's shop; also, a large new building, situated about fourteen rods from the other, occupied as a ware-house. The

basement was filled with lime casks, the second floor was used for storing new carts, waggons and other vehicles, in which was also a grain room, containing at that time 750 bushels of corn. The attic was also filled with light carriages of a more valuable construction, together with other manufactured articles. Both fires seemed to have originated at precisely the same time, in the attic of each of the buildings—the windows of which were so situated that no light could be discovered by the night watch, until the fire broke out through the roof of the buildings. The west wing of the prison, which is directly attached to the dwelling house, was only ten feet from one of the buildings consumed. Had it not been for the reservoirs which were constructed in 1837, and which yielded an abundant supply of water upon this occasion, every building on and about the premises would have been destroyed. If an engine had been at hand, those buildings, with all their contents, might have been saved. As early as circumstances would admit, the Inspectors met at the Prison, and, with the overseers of the several departments, went into an examination of the loss of property, exclusive of the buildings, and estimated it at the sum of \$2,411 30. I am clearly of the opinion that much of the property destroyed was not taken into the estimate. This calamity varies the results of the operations materially for the past season. A large quantity of leather, and other raw materials, was totally lost, besides quite an amount of boots and shoes. The stock of corn consumed was sufficient for one year. There were some valuable carriages which had been sold, but not delivered, that were also burned. Those articles (corn, and materials for manufacturing,) had been purchased on credit, and had from necessity, to be immediately replaced. It, therefore, became necessary to provide

means to meet the payment of those bills, as they came to maturity about the same time. The shoemaking business stopped for a number of days, until stock could be supplied, and a place fitted up as a temporary work-shop; and as no room could be provided which would accommodate all of the workmen, several were subsequently put at work on the new buildings: Vigilant exertions were made in this and the neighboring towns, to intercept the escape of the perpetrators of the outrage, that they might be brought to justice. A reward of \$300 was then offered for the apprehension and conviction of the incendiary. A person was at length arrested and convicted of the crime, and sentenced to our State Prison for life. He had been twice an inmate here, and was discharged but a few months previous to the burning of the Prison. The reward was claimed, and has been paid; and an additional sum of \$50 has also been paid for incidental expenses, on account of the foregoing transaction.

In the construction of the new building, my views were not exclusively confined to the present wants of the Prison; hence I have erected one of sufficient size to accommodate three times the present number, whenever the interests of the Institution may require. The basement story and ends of the buildings are constructed of granite and bricks; and great precaution was taken in the finish of every part of it, to guard against the ravages of fire. The cost of this building was \$1,600, exclusive of the labor done by the convicts. The expense of repairing the damages of the other buildings, including the fitting up of an apartment for the female convicts, was about \$400, and \$100 in addition for the loss of the cooking apparatus, stoves and dishes.

The fence enclosing the yard and building will require

some repairs the coming season ; but the materials are on hand, and the most of the labor can be done by the convicts.

For several years past the attention of the Legislature has been called to the bad construction of the cells of this Prison ; and I trust that the subject will, at this time, receive your particular notice. I would state that these cells were originally designed to test the efficacy of solitary confinement without labor. They seem to have been formed exclusively with a view to inflict a great degree of punishment in a short time, and at the least expense. A few months' experience, however, fully satisfied its most sanguine advocates that this mode should be totally abandoned. There are real and unavoidable evils imposed upon the convicts, by their confinement in these cells, which claim consideration. No light can be reflected into the cells, so that the prisoners may be enabled to read, or engage in any study to improve their minds or morals. Neither can their cells be warmed, therefore they are obliged to remain constantly in their beds, in cold weather, from sunset until near sunrise, which has a tendency to weaken and debilitate both mind and body. Besides, a large sum is annually expended for the purchase of bed clothes, which, from dampness or other causes, soon go to destruction. A thorough inspection cannot be had ; therefore, that degree of cleanliness which should be rigidly enforced, can never be maintained in this Prison. Have we any right thus to inflict unnecessary sufferings on our fellow creatures ? Is it creditable to our State to have an Institution so constructed as to render such evils unavoidable ? I trust that the liberal and enlightened policy of other States in the Union, as exercised in the construction of convenient and comfortable prisons for the confinement of that unfortunate

class, who may from time to time require the restraints of the penitentiary, will not be disregarded by the Legislature of Maine. Other States, as well as our own, were unsuccessful in their first structures; but they have long since corrected their error by the erection of suitable ones, which in every instance has produced its desired effects, both in a moral and pecuniary point of view.

The fare of the convicts is simple, plain, and wholesome. No tainted article, or otherwise damaged food, has been dealt out to them. Their breakfast and supper consists of mush and molasses. Three times a week their dinner consists of salt beef, or fresh soups; of pork and fish, twice; of pork and beans, twice; potatoes and brown bread every day. The above fare has been allowed in such reasonable quantity that no complaints from the convicts have come to my knowledge. There has been but little sickness among the prisoners, and their conduct has been much better than at any preceding period. I expressed to them a wish that their deportment should be such as to cause no complaint from any of the subordinate officers; and I feel gratified to state that but very few have been reported as delinquents, and that a gentle reprimand for misbehavior has proved to be far more salutary than severer treatment. The whole number of punishments for the past season has been but two, each two days in solitary confinement.

Two discourses are preached on every Sabbath in the prison chapel, by the Rev. Job Washburn, besides other religious instruction in which he is assisted by the clerk and other overseers. Many of the convicts seem apparently interested in these exercises on the Sabbath. The library attached to the chapel, for the use of the prisoners, is somewhat reduced, and should be replenished by a new selection

of books early in the Spring. They have for the past season been weekly furnished with Temperance papers, and many of them appear to be much interested in the cause. I would suggest that some provision should be made by the State for furnishing, through the respective Counties, suitable clothing for the convicts when about to be removed to our State Prison. Some have been transported here from a distance of more than one hundred miles, at this inclement season, with only a few filthy rags, hardly the shadow of a covering for their nakedness.

The pecuniary affairs of the Prison have never stood better than at the present time. Its creditors are few and its liabilities small, with a surplus of about two thousand dollars, in debts due from individuals, over and above these liabilities. The work shops are of first rate construction and well stocked with the raw materials. There is also a good supply of provisions, clothing, and fuel. The falling off in the stock has been in the Quarry, and the loss by fire. A large amount of labor was done by the convicts on the buildings, of which no account has been made.

I might have blasted out a large quantity of rock, which could have been valued as stock on hand to the amount of some thousands of dollars, and have shown to the public by figures that the Prison had a large surplus at command. But as the quantity of rock now on hand, in all probability, will not find a market short of one year, I cannot believe that such a transaction would have ultimately contributed to the interests of the State.

All which is submitted, by your obedient servant,

JOHN O'BRIEN, *Warden.*

Dr. State of Maine in account with Maine State Prison, Cr.
Commencing February 18th, 1841, and ending December 31, 1841.

<p>Feb'y 18. To amount of stock on hand this day, 14,173 93</p> <p style="padding-left: 20px;">deduct over estimate by Commissioners on articles sold, 478 21</p> <p style="padding-left: 20px;">deduct over estimate by Commissioners on rock, 755 60</p> <p style="text-align: right; padding-right: 20px;">1,233 81</p> <hr style="width: 100%;"/> <p style="text-align: right;">\$12,940 12</p> <p style="padding-left: 20px;">paid convicts discharged, 383 70</p> <p style="padding-left: 20px;">paid officers' salaries, (excepting Warden,) 3,490 79</p> <p style="padding-left: 20px;">paid transporting convicts, 400 00</p> <p style="padding-left: 20px;">paid for fuel, &c. 355 01</p> <p style="padding-left: 20px;">paid for clothing, 458 39</p> <p style="padding-left: 20px;">paid for subsistence, 1,639 09</p> <p style="padding-left: 20px;">paid for rebuilding shoe shop destroyed by fire May 15th, and the repairs incurred by fire, 1,840 54</p> <p style="padding-left: 20px;">paid reward for apprehending and convicting Acres for setting fire, &c., 350 00</p> <p style="padding-left: 20px;">paid balance expense account, 128 66</p> <hr style="width: 100%;"/> <p style="text-align: right;">\$21,992 30</p> <hr style="width: 100%;"/> <p>Balance bro't down, 4,174,51</p> <p>amount due to sundry persons on book account, 1,482,46</p> <p>amount due to sundry persons for which they hold the notes of the past and present Warden, 3,389,52</p> <p>amount of Warden's salary since February 18, 1841, 606 02</p> <p>balance, 1,293 90</p> <hr style="width: 100%;"/> <p style="text-align: right;">\$10,946 41</p>	<p>Dec. 31. By amount of stock on hand this day, \$9,170 20</p> <p style="padding-left: 20px;">loss of personal property by fire, May 15th, 1841, 2,111 30</p> <p style="padding-left: 20px;">fees received of visitors, 75 27</p> <p style="padding-left: 20px;">received for coopering, being for stock left on hand last year, 286 99</p> <p style="padding-left: 20px;">received for sales of ox team, after paying loss by keeping, 132 94</p> <p style="padding-left: 20px;">received for sales by blacksmith, 314 51</p> <p style="padding-left: 20px;">received for sales lime rock on hand last year, but sold and delivered this year, 2,503 75</p> <p style="padding-left: 20px;">received for sales by shoe department, 1,979 79</p> <p style="padding-left: 20px;">received for sales by wheelright department, 743 04</p> <p style="padding-left: 20px;">balance carried to new account, being against the Prison, but includes the sum of \$1,840 54 for rebuilding, and the sum of \$350 reward and expenses paid for apprehending Acres, for setting fire to buildings—those two sums deducted, will leave the sum of \$2,227 18 against the Prison, 4,174 51</p> <hr style="width: 100%;"/> <p style="text-align: right;">\$21,992 30</p> <hr style="width: 100%;"/> <p>Amount received of Edmund Wilson, Esq., collected of old accounts, 153 83</p> <p>amount received of Benja. Carr, late Warden, balance of \$1,744 11, he received of State Treasurer, and left in his hands after having settled his account at Prison, Feb'y 18, and paid to the present Warden, 125 04</p> <p>received of State Treasurer by present Warden for account of rebuilding, 800 00</p> <p>received of State Treasurer for officers' salaries, since Feb'y 18th, not including last quarter, not yet received, 2,637 83</p> <p>amount due from individuals on notes, 1,279 93</p> <p>amount due from individuals on book account, 5,518 76</p> <p>amount of Warden's salary received of State Treasurer since Feb'y 18, not including last quarter not yet received, 431 02</p> <hr style="width: 100%;"/> <p style="text-align: right;">\$10,946 41</p>
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MEMORANDA. Of the sum of \$6,798 69 due upon the Notes and Books of the Prison, about \$500, contracted during the year 1840, and \$50 during the year 1841, may be considered doubtful.

LINCOLN, ss.—January 15, 1842. Then personally appeared JOHN O'BRIEN, Warden of the State Prison, and made oath that the above account is true, according to the best of his knowledge and belief.

BEFORE ME,
 WM. R. KEITH, *Justice of the Peace.*

STATE OF MAINE.

IN SENATE, January 19, 1842.

ORDERED, That 500 copies of the Report of the Warden of the State Prison be printed for the use of the Senate—and 25 additional copies for the use of the Warden of the Prison.

(Extract from the Journal.)

Attest,

JERE HASKELL, *Secretary.*