

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. 44.]

[SENATE.

REPORT

OF THE

COMMITTEE

ON THE

STATE PRISON.

[WM. R. SMITH & Co.....Printers to the State.]

REPORT.

THE joint standing committee on the State Prison, to whom was referred the report of the warden and inspectors, have had the same under consideration, and

REPORT:

That, on examination, we find the State debtor to the prison, as follows :

For amount of articles purchased in the various departments of labor, for expenditures in and about the prison, for payment of officers' salaries, and all disbursements (excepting the warden's salary,) from February 18th, 1841, to December 31st, 1841, \$9,052 18

For amount of stock and tools on hand, February 18th, 1841, as appears by commissioners' report, 14,173 93

\$23,226 11

The State is credited with the amount received from sales of manufactures, for the sale of ox team, and for cash received from visitors, \$6,636 29

For loss of personal property by fire, May 15, 1841, as estimated by the late inspectors, 2,111 30

For amount of stock and tools on hand December 31st, 1841,	9,170 20
	<hr/>
	\$17,817 79
Balance against the prison,	5,408 32
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	<u>\$23,226 11</u>

The warden has received from the State treasurer, as appears by his report,	\$3,562 87
Of Edmund Wilson, attorney for the State,	153 83
And the Governor and Council have paid the following debts of the prison, viz :	
To Philips & Mosely,	592 62
To Charles Bradford & Co.,	436 58
	<hr/>
	\$4,745 90

as appears upon the Treasurer's books—which money is not accounted for on the books of the prison.

Thereby making the prison for its operations, together with its losses, for the last 10 1-2 months ending December 31st, 1841, stand thus—

Received from the State, as above	\$4,745 90
Loss of personal property by fire, May 15th, 1841, as estimated by the late inspectors,	2,111 33
Loss of real estate, as estimated by same,	1,600 00
Increase of the debts of the prison beyond what they were February 18th, 1841,	662 42
	<hr/>
Making a clear loss to the State of the sum of	<u>\$9,119 65</u>

Your committee believe that the estimation of the loss of personal property by fire, in May last was much too large.

The report of the late inspectors says, that the warden of the State prison for 1840 reported an excess or income beyond the expenses to the amount of \$1,165 76, yet by substituting the value of the stock, as taken by the commissioners of February 18th, 1841, for that of the inspectors of 1840, it would appear that the expenses exceeded the income by the sum of \$1,978 01, thereby making a difference between the report of the warden for 1840 and that of the late inspectors, of \$3,297 44 cents; but on examination of the stock book of the prison, we find that the valuation of the stock, as taken by the inspectors, December 31st, 1840, to be

And as taken by the commissioners, February
18, 1841,

\$16,237 56

14,173 93

Making a difference in valuation of but \$2,063 63
instead of \$3,297 44 cents, as appears by the late report of inspectors.

The late inspectors also state, in their report, that there was an over estimate put upon the rock by the inspectors, December 31st, 1840, of 17,556 casks, amounting to the sum of \$1,756 60. But, on examination of the stock book, we find that the lime rock on hand December 31st, 1840, as estimated by the inspectors, to be 38,000 casks, at ten cents per cask, amounting to \$3,800; and by the commissioners February 18th, 1841, to be 34,518 casks, equal to the sum of \$3,451 80—making a difference between the estimation of the inspectors and commissioners, on the same pile of rock, to be but 3,482 casks, equal to \$348 20 cents.

We find, also, that the sales from that same pile of rock, since February 1st, 1841, to have been, of merchantable rock, 26,840 casks, amounting to

\$2,684 00

And received for refuse rock	7 50
And that there is now on hand of that same pile of rock, as estimated by the late in- spectors, December 31st, 1841—6,100 casks valued at	610 00

Amounting, according to the sales and their own estimate, to the sum of \$3,301 56 being 4,985 casks, equal to \$498 50 cents, less than was estimated to have been on hand December 31st, 1840; and but 1503 casks, equal to \$150 30, less than was estimated by the commissioners February 18th, 1841—which less quantity may be accounted for by the fact, that although the books of the prison represent the sales of lime rock to be 26,840 casks since February 18th, 1841, yet 11000 casks of that same rock is now on a wharf in Thomaston, subject to the order of a gentleman in Boston, and that, when said rock shall be taken away, the quantity will not be estimated as it was when landed on the wharf, by the teamsters and prisoners; but will be taken away by weight, thereby ascertaining the exact amount or quantity to be taken. Consequently, if there should be any rock left on the wharf after weighing the 11,000 casks sold, it will belong to the State; and as the teamsters were directed by the warden to be sure and estimate the loads so that the quantity should overrun, rather than fall short, we believe that a large part of the deficiency in quantity will be found there.

Your committee are well aware, that in estimating so large a quantity of rock, as was on hand December 31st, 1840, that the valuers were very likely to err, and we should not have been surprised had the loss in quantity been very considerable; but, from the evidence before your com-

mittee, it appeared that but a small loss in quantity, if any, would in the end be realized.

There is another statement in the report of the late inspectors, that your committee feel bound to notice.

The report says, "that the only way to show the yearly operations of the prison with any thing like correctness, is to estimate the stock on hand at the close of the year at the same value that was given to it at the beginning of the year," thereby intimating that the inspectors of 1840 did not so do; yet they (the late inspectors) substituted the valuation of the commissioners of February 18th, 1841, (contrary to the rule by them correctly stated above,) for that of the inspectors of December 31st, 1840, which valuation of commissioners, was \$2,063 63 cents less than that of the inspectors, and thereby attempt to show that the report of the warden, for 1840, was incorrect; but your committee find on reference to the stock book, that the valuation of the stock taken by the inspectors, for 1840, is the same at the beginning of the year that it was at the close of the year, according to the rule above stated by the late inspectors.

We also find that the commissioners of February 18th, 1841, as appears by their report, estimated the amount of wood then on hand to be 85 3-4 cords, and valued it at four dollars per cord, amounting to \$343, and that the inspectors of December 31st, 1841, at the close of the warden's year, estimated the wood on hand then, to be 77 cords, and valued it at five dollars the cord, amounting to \$385, making a difference in value of one dollar the cord, or 77 dollars difference between the beginning and the close of the year, when there was no difference in the quality. We find also that the commissioners for January 28th, 1842, only 28 days afterwards, estimated the same wood, or so much as remained

thereof, viz : 38 1-2 cords, at four dollars per cord, amounting to a difference of 154 dollars.

In chapter 177, section 8th, of the Revised Statutes, we find the following :

“It shall be the duty of the inspectors in the month of
“January, annually, to audit, correct and settle the accounts
“of the *warden* with the prison, and the State, for the year
“ending on the last day of December preceding, and *make*
“*report* thereof in said month of January, to the *governor*
“*and council*, to be laid before the Legislature, which report
“shall exhibit an account of the stock on hand of the dif-
“ferent kinds, as well at the beginning, as at the close of
“the year ; the several sums expended for materials, provis-
“ions, fuel, clothing, bedding, lights, tools and all other arti-
“cles, the amount of manufactures of each kind, and all
“other articles sold from the prison ; the profits or loss upon
“each branch of business ; and all other particulars neces-
“sary to give the Legislature a full understanding of the
“fiscal and other concerns of the prison ; and shall at the
“same time furnish an estimate of the probable income and
“expense of the prison for the ensuing year.”

It does not appear, by the inspectors' report, that they have, according to the above statute, settled the accounts of the *warden* with the *State*, to be laid before the Governor and Council ; but have merely stated an account with a view to show how the prison stands with the State ; neither have they reported the profits or loss of any branch of business, yet they recommend a discontinuance of two of the branches of business now carried on.

Chapter 177, section 54, of the Revised Statutes, provides for the compensation of subordinate officers, and further provides that the compensation of the deputy warden

shall not exceed three hundred and forty dollars by the year, and also fixes the salary of the clerk and commissary at the same; notwithstanding this express provision of the law, which the warden and inspectors were bound and sworn to obey, they allowed and paid the two above named subordinate officers after the rate of five hundred dollars per annum out of funds of the State, and charged the same to the State on the prison books.

Your committee, on the whole, find that the imputations of the late inspectors upon the warden and inspectors of 1840, are not supported by the facts, but are altogether groundless; and they come truly with an ill grace from men who have paid so little regard to their duty, as defined by the laws of the State; and who have, regardless of all law, attempted to cover up and mystify the doings of the prison in such manner as to prevent this Legislature from knowing the true standing of the prison.

From an exposure of the true standing of the prison, your committee feel bound to say, that such is the state of affairs now at the prison, arising from the management of its concerns the past season, that it is absolutely necessary that an appropriation of two thousand dollars should be made to enable the present warden to meet some of the immediate liabilities of the prison; therefore, we respectfully submit the following resolve.

JOSHUA PATTERSON, *Chairman.*

STATE OF MAINE.

RESOLVED, That the Governor with advice of
2 Council is hereby authorized to draw his war-
3 rant on the treasurer, in favor of the warden of
4 the State Prison, for the sum of two thousand
5 dollars, on account of purchases and disburse-
6 ments for the use of the prison.

STATE OF MAINE.

IN SENATE, March 10, 1842.

ORDERED, That 500 copies of the foregoing Report and Resolve, be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST : JERE HASKELL, *Secretary.*