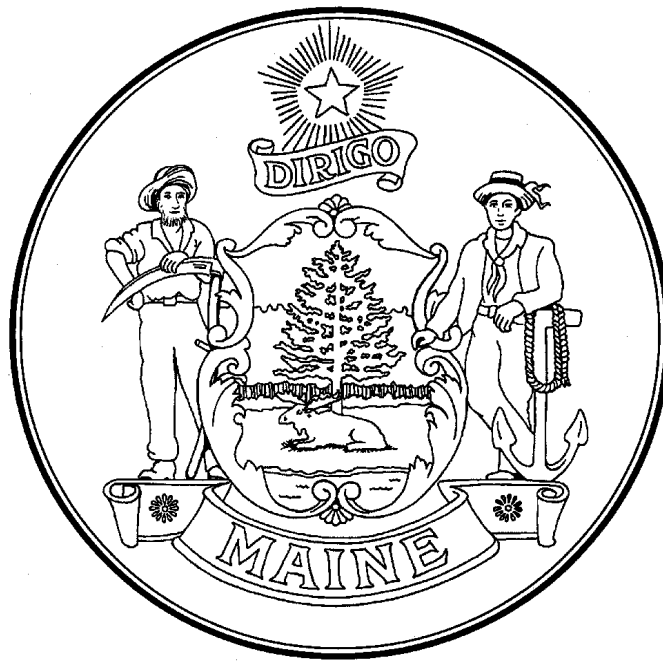


MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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1860.

THIRTY-NINTH LEGISLATURE.

HOUSE.

No. 26.

REPORTS

OF THE

COMMITTEE ON THE STATE PRISON.

PLURALITY REPORT.

The plurality of the Committee on the Maine State Prison, have had the affairs of that institution under consideration and

REPORT:

That by an order of the Legislature the Committee visited the Prison, at Thomaston, for the purpose of a personal view of the premises, that they might better determine for themselves, upon the several important questions which pertained to that institution.

Our short visit at the Prison, did not enable us personally, to learn as much of the internal economy and management of the Prison, as was desirable, but still, from our own observation, and the testimony and records which have been adduced, we have been able to gather a large fund of information on these points; and to come to satisfactory results, as regards the reasons why our Prison has been so very expensive to the State.

With strict impartiality, and a strong desire to come at the truth on this point, we have carefully examined into the mooted questions of the location of our State Prison, and will premise merely, that

if one of the most beautiful seaport villages in the State, with a very moral, industrious and eminently thriving population, and a number of neighboring towns of the same character, are desirable considerations in the location of a Prison, then surely Thomaston has not its superior in the State.

We have examined carefully into the subject of the internal economy and management of our Prison, and the reasons why it has cost us nearly double to support a convict there, to what it does in the New Hampshire Prison, and are compelled to say, that it has been entirely on account of bad management, of want of economy, application, and a proper attention to the subject. For surely no one will pretend to deny, that food, and clothing, can be purchased as cheaply in Thomaston as in Concord, New Hampshire, or any place in Maine, and we know of no good reason, why it should cost any more to support a convict in the Prison where it now is, than it would in the most desirable place which could be selected in New England for that purpose. And must therefore come to the conclusion, as before stated, that the unreasonably large sum which it has heretofore cost us to support our convicts, and which has had a very prejudicial influence in making the existing contracts for their support, is entirely owing to the want of economy, and a disinterested application to the business. In a few words, according to our own observations, and the testimony which has been before us, carelessness, inattention, extravagance, and waste, have been the leading characteristics of the establishment, and pervaded every appointment, and that an entire and complete change is required.

The contracts which have recently been made by the commissioners, for the labor and support of all the convicts who may be in the Prison for a term of three years from the first day of January, 1860; with their reduction in officers' salaries, will reduce the annual expense of the Prison more than one-half as compared with former years, and still much more can be accomplished by following up this system of reform, which has been so well begun.

Intimately connected with the question of supporting our convicts in Prison, is that of their labor; how it can be rendered the most advantageous to the State, and why it is, that it has not heretofore commanded more remunerating prices.

Formerly, the convicts were all worked on account of the Prison; the Warden purchasing the stock and tools, and employing them

in various branches of handicraft, and selling the manufactures for the benefit of the State. As this method proved rather unprofitable, the other one of selling their labor on contract, has of late years been adopted, and this, when properly managed, we have no doubt is far the more profitable method.

But to be successful in either of these ways of disposing of their labor, there must be a well-regulated system of discipline amongst the convicts. We have taken great pains to inform ourselves on this subject, and without attempting here to particularize, are satisfied that it has not been what it should be, both as regards the object for which convicts are committed to Prison, and the profitable disposition of their labor; and that to this fact, together with the liberal system of pardoning which has been in fashion for several years past, may well be ascribed the principal reason why we have not been able to obtain better wages for the labor of our convicts.

While, however, we would not be understood as reflecting in the least on the Executive on account of the exercise of the pardoning power, we will most respectfully suggest this important fact, that we cannot expect to obtain remunerating wages for the labor of our convicts while they are being pardoned at the rate of nearly thirty of the most profitable, because, probably, the *best* of them in a year.

Neither have those convicts who remain in Prison been kept as steadily at work as they should be, for the number employed in profitable labor is something like a dozen less than it should be in proportion to the number in prison, as compared with those of other States. With either of the above modes of disposing of the labor of the convicts, all who are able should be kept diligently and faithfully at work, under strict subordination, and good discipline, and with the hearty co-operation and assistance of all the officers of the Prison. It should be the particular business of the officers of the Prison to keep the convicts steadily and faithfully at work at all proper times, and to render all the assistance in their power in making the business of the contractors successful. And we lay it down as a self-evident fact, that we cannot have a prosperous and profitable condition of our Prison affairs, unless these indispensable rules are well and faithfully observed. These necessary elements, so essential in a well regulated system of Prison discipline, and so important to the successful operations of such an institution, have for the most part, been neglected, if not entirely overlooked, in

the management of our Prison affairs. Without these pre-requisites, it is idle to expect that the workings of our Prison will be at all advantageous, or the results approach anything like that of a self-sustaining institution, be the location ever so desirable, and the accommodations never so good. But with them, we may well hope for success in any convenient situation. You might just as well expect a prosperous and profitable return from your new and beautiful ship sent on a foreign voyage, when the officers and crew were idle, and wasteful.

New Hampshire has long since adopted these essential reformatations, and thereby manages to save some \$3,200 in officers' salaries and other items, as compared with our Prison charges, and all of which might just as well be retrenched, with the Prison at Thomaston, as in any other locality.

We have already adverted to the location of our Prison, and shown that, in many respects, Thomaston is a very desirable one, and will say further, that from the best information that could be obtained, it is one of the best places in the State to purchase all those articles that are wanted for the use of a prison; and to dispose of and sell what is usually manufactured there; and that it is a remarkably good locality in which to sell the manufactures of leather, which are considered the most profitable that can be carried on in a prison.

The Prison has never been able to supply the demand of that section of the State, for those articles that are manufactured there; and the deficiency is made up by a supply from the vicinity of the railroads, either by direct transportation across the country, or indirectly by the way of Boston, Portland and Bangor.

It is a place very easy of approach from all our seaport towns, and their vicinities, for eight or nine months in the year, and that the only possible advantage which such a place as Lewiston could have over Thomaston, would be the facilities of railroad communication three or four months in the dead of winter, when very little business of any kind is being transacted, and that this small advantage is more than overbalanced by the superior advantages in water communication which Thomaston possesses, for the other eight or nine months of the year.

Every day, (Sundays excepted,) for eight or nine months in the year, the steamboats on their way to and from Bangor, to Portland and Boston, stop at Rockland, where a stage is always

waiting, and half an hour's pleasant ride, and twenty-five cents fare, (the same that is charged for twenty rods ride in all our cities,) will carry one to the Prison, and one of the most handsome villages in the State.

In view of all the foregoing facts, we are compelled to affirm that the true reason why our Prison has heretofore cost the State so much annually, and why the Commissioners have not been able to effect better contracts the past season, are not to be found in the location of our Prison, but in the management of its affairs, and that it is idle to suppose that a new location, and a new Prison merely, will cure all these evils, or any considerable portion of them.

The labor of the convicts with the same regulations, discipline and convenience, is really and truly worth quite as much to the contractors, in Thomaston, as it would be in any other place in the State; and the only possible advantage which a different location would have, would be in that of having the Prison situated in the vicinity of some large place, where there would be more competition for the labor. But this consideration and this advantage which the State would thus derive, is nothing, when compared with the large amount which will be required to construct a new Prison. And it would seem to be very poor economy to construct a new Prison when the interest on the money which that Prison would cost, over and above the expense of enlarging the old one, would more than support the old one where it now is.

For the year past, there has not been a sufficient number of proper cells in the Prison to accommodate the convicts, and quite a number of them have been crowded together in the hospital cells in a very improper manner; while others, to the number of some six or eight, have been kept back in the county jails, at an expense to the State of from one hundred to one hundred and thirty dollars each; and this, too, while there have been pardoned the past year the unusual number of twenty-eight. It is, therefore, fair to infer that before the close of this year, we shall be compelled to support some twenty convicts in the county jails, at an expense of over one hundred dollars each, when, by having room in the Prison, it would cost us nothing.

We are, therefore, compelled to adopt one of these three things, viz.: either to pardon out the convicts fast enough to keep room in the Prison for those who are sentenced; support them in the

county jails; or, furnish more Prison accommodations. And, for the safety of society, the well being of the convicts, and the interest and honor of the State, we most earnestly recommend the latter method.

There are two projects before the people of the State for furnishing the necessary Prison accommodations, and one or the other should be adopted, and carried out without any delay. The one is, to enlarge the old Prison at Thomaston to an extent that will answer the purposes for Prison accommodations; and the other is to construct an entire new Prison, with all the appurtenances, appendages, and surroundings, in some other locality.

The undersigned, after mature reflection, and deliberation on the subject, do not think it prudent or expedient for the State, with the embarrassed condition of our financial affairs, to incur the great expense, and suffer the long delay which would necessarily be required to construct a new Prison. Neither do we think it advisable under the circumstances to project such an undertaking.

After duly considering the subject in all its bearings, we are fully of the opinion, that it is for the best interest of the State to make the necessary enlargement of the old Prison, to an extent that will meet the immediate necessities of the case; and that this is the cheapest, and most advisable way of disposing of this question. We would, therefore, most respectfully, but earnestly recommend that the Prison be enlarged at Thomaston, in accordance with the plan of G. J. F. Bryant, Esq., of Boston, marked "Design, No. 1," and submitted as part of the report of the commissioners on State Prison.

The majority of the commissioners on the affairs of the State Prison, in speaking of its character, and the condition of things there, say: "Your commissioners regret to record the fact that the present new or east wing of the Prison, is entirely without ventilation." That "it has some imperfect and ill constructed flues, but they have no draught," that "the system of warming by two unique stoves, results in over-heating of a few of the cells, while others derive scarcely any warmth from the consumption of the utmost amount of fuel."

And they say further, that, "Whatever means may be taken for the enlargement of the present Prison, it will be incomplete without an adequate provision for an ample supply of water. The present source from which this element is procured for Prison use often

fails them in time of drought, and they are compelled to resort to the labor and expense of carting it more than a mile, for all the ordinary purposes of daily cooking."

What we have to say to the remarks of these commissioners against the Prison, its comfort and health, its convenience and supply of water, is this: that if the concurrent testimony of a Warden, Deputy Warden, and five or six Overseers and Contractors, who have resided at the Prison from five to twenty-five years, is to be relied on, then these statements in said majority report are groundless. Indeed, it was proved to us beyond a doubt, that "the present new or east wing of the Prison" was good enough in every respect; and that with proper care and attention there was abundance of water at all seasons of the year. It is evident, therefore, that no objections can be urged against the proposed enlargements on these grounds.

Having shown, as we believe, satisfactorily to the unprejudiced mind, that it is principally, if not entirely, owing to the management of our Prison affairs, and not to the location, why we have been so unsuccessful in our financial transactions with that institution, and that little or nothing can be gained by a mere change of location, we will say a few words as to the proposed enlargement. The enlargement of the Prison at Thomaston, which is proposed, is to construct a new wing on the west side of the centre building, corresponding, in most respects, with the eastern wing, and having one hundred and eight cells, and twelve hospital cells on the end of them, and separated from the cell block by a brick wall across the areas, and affording of itself first rate accommodations for one hundred and twenty convicts. This hospital apartment will furnish excellent rooms for females, if the State should continue to send them to that institution; and the Prison being in two wings, will enable the administration of the Prison to make a separation of the young, and less criminal portion of the convicts, from the older and more obdurate, which is an arrangement very much to be desired.

This enlargement has been estimated to cost, when well built of good material, and in a substantial and workman-like manner, about eighteen thousand dollars; and a responsible guaranty has been made that it can be constructed for that sum.

The shops and stores of the Prison are not so large and convenient as they should be, but will answer the purpose pretty well for

a few years, and we should not advise making any alteration in them at this time.

The Warden, in his report of the first of December, says "the annual recurring items of expense which are not provided for in the contract with Messrs. Sumner & Maxcy, such as fuel and lights, convicts discharged, team, building and repairs, and expense account, will probably amount to thirty-four hundred dollars. To pay the debts of the Prison, and provide for these expenses, I would recommend that the Legislature appropriate the sum of \$8,000."

There have been left in the hands of the Warden, (not set down in his report,) and at his command, the following assets, viz.:

For amount of stock and tools since sold Sumner & Maxcy,	\$2,607 00
Sleighs, Carriages, and other manufactures valued by Warden,	1,764 00
Stock in team department, about	354 00
	<hr/>
Amount to	\$4,725 00

With all these assets, and the sum of three thousand dollars, we believe the Warden will be able to pay all the debts of the Prison, provide for the current expenses of the year, and have a balance left. And we recommend that an appropriation of three thousand dollars be made for that purpose.

We further recommend that those assets be disposed of as early as practicable, for the purposes aforesaid.

Believing, therefore, as before observed, that it is for the best interest of the State, your Committee recommend the enlargement of the old Prison in accordance with the plan of G. J. F. Bryant, Esq., marked design number one, excepting the shops; and that the Legislature appropriate the sum of eighteen thousand dollars for that purpose.

All of which is respectfully submitted.

WILLIAM HOPKINS,
JOHN BRIDGES,
B. B. THOMAS,
TIMOTHY WILLIAMS,
C. S. HUSTON.

STATE OF MAINE.

RESOLVE for the enlargement of the State Prison.

Resolved, That the sum of eighteen thousand dollars
2 be and hereby is appropriated for the enlargement of
3 the state prison at Thomaston ; the enlargement to be
4 made after such plans and specifications as may be
5 approved by the governor and council, and the money
6 to be expended under their direction.

STATE OF MAINE.

RESOLVE in favor of the State Prison.

Resolved, That the sum of three thousand dollars is
2 hereby appropriated for the payment of the debts and
3 other expenses of the state prison the current year, to
4 be expended by the warden, under the direction of the
5 governor and council.

FIRST MINORITY REPORT.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 21, 1860. }

ORDERED, That the Reports of the Commissioners on the State Prison be referred to the Joint Standing Committee on State Prison.

STATE OF MAINE.

IN SENATE, January 24, 1860.

ORDERED, That the Reports of Warden and Inspectors of the Maine State Prison be referred to the Committee on State Prison.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 26, 1860. }

ORDERED, That the Committee on State Prison be authorized to visit that Institution on or before the fifteenth day of February next, for the purpose of examining into the affairs of said Prison, and make a Report thereon during the session of the Legislature.

The undersigned, having attended to the duties contemplated by the preceding Orders, respectfully submit to the Senate and House of Representatives, the following

REPORT:

Your Committee entered upon the discharge of the duties assigned them conscious of the fact, that the subject before them, viz., the affairs of the Maine State Prison, was a *very important subject*, and one to which the people of the State of Maine, is at this time particularly directed. With a firm determination, therefore, to make an *impartial investigation*, we carefully examined the Warden's and Commissioners' Reports; also the Report of Mr. Blaine, a former Commissioner, and on the first day of February proceeded to make a personal examination at the Prison.

As very many facts and conclusions which the undersigned arrived at, are embodied in the above Reports, we shall (at the risk of seeming to "reiterate what others have said") make such extracts therefrom, as shall best seem to embody material facts in accordance with our own views, while at the same time, we shall not seek to cover up any seeming or apparent errors which may have unwittingly crept into those Reports.

We fully concur in the opinion that the Commissioners appointed in accordance with the Resolves of the last Legislature, have made many salutary regulations. The discipline of the Prison is carried on under the new code of By-Laws, adopted by Commissioners, and is very similar to the previous discipline, which has usually been pronounced satisfactory. As this matter was so clearly in the hands of Prison Commissioners who had so recently investigated it with much scrutiny, acting by advice and consent of the Executive, we did not think it our duty to examine very closely in relation to it. One of the contractors, however, Mr. Sumner, thinks that "a more stringent discipline would be better," that it would be worth \$1,000 more to the contractors, while it would be quite as well for the convicts. He says: "Many things are spirited away from workshops into cells by convicts, such as knives, leather, chisels, hammers, shoe-thread, &c., to the value, in his estimation, of nearly \$500 a year."

Mr. Hix, the Warden, says this is not so. He says that "two prisoners, Jordan and Higgins, have been allowed to amuse themselves by "working up" small pieces of leather which they gathered up from the lime quarry, where had been emptied the refuse stuff from shoe-shop; that Mr. Sumner has needlessly meddled with things with which he had no business; that he has told him to keep within his own proper sphere, and if *any* prisoner takes from *any* of the shops *anything*, just report it to the deputy-warden and the convict so offending *shall be punished.*"

The above, though not the precise language is the substance of what the Warden said on this point. Bearing on this subject of discipline, we submit in this connection the following statement of the Clerk of the Prison:

MAINE STATE PRISON, }
 Thomaston, Feb. 18, 1860. }

By request of the Warden I am induced to give my opinion of the discipline of the Maine State Prison at the present time. *Poor*

discipline I conceive to be a failure in the officers to enforce the rules and regulations of the Prison, both in regard to themselves and the convicts. Good discipline on the other hand is the faithful performance of all these rules and regulations. Taking this as a basis, I have no hesitation in saying, that the discipline of this Prison was never better than at present.

Signed: ASA PERKINS, *Clerk.*

Your Committee find that there are some discrepancies between the doings of the Prison Commissioners and the doings of the Warden. On page 24 of Commissioners' Report we read that they "have fixed the salary of the Warden at \$1,200 and *cut off all perquisites;*" that among the things "cut off" are "subsistence and swill," "the fuel and lights for the dwelling house," "the riding team," "horse, carriages, and appurtenances, and keeping; the use of the pasture and extra garden, with two waiters." From the above language we readily infer that the Commissioners *abolished* the office of the two waiters, (outside and inside,) and that they "cut off" from the expenses to the State the keeping of the team. Upon inquiry we find that such was their intention; that they were satisfied there was more force there than was necessary; and that by the advice of the Executive they "cut off and abolished" as described above. They say, however, that they "intended to supply or provide a waiter to heat up office, empty buckets, &c.," and that they "partially made arrangements with Mr. Suinner, to have a convict do it for thirty cents per day, but Mr. Hix would not consent to, or did not like the arrangement," and as their time was so nearly out they left the whole thing as above stated.

What says the Warden, Mr. Hix? He says, he is now keeping the team at the *expense of the State*. That the matter was talked over between him and the Commissioners, and so understood. In relation to the waiters, (inside and outside,) he says *it is necessary to have them*; and that the next day after the Commissioners took them off, he himself supplied their places by two men, whom he employed at a salary of \$325, and these are also at the expense of State. Here, then, is a disparity. Mr. Hix has employed two men to fill places vacated by the Commissioners, which he says "*are necessary to have filled,*" at a united salary of six hundred and fifty dollars, and is keeping a team at a probable expense of some two hundred and fifty dollars per annum more, while the Prison

Commissioners say that these are all superfluous, and that the Warden has acted without any necessity or authority whatever.

Here is a difference in figures of \$900. Who is right?

Your Committee not wishing to sit in judgment between the parties, are nevertheless inclined to the opinion that, although the doings of the Commissioners are clearly sanctioned and protected by law, yet, that there may be a necessity for an inside waiter, and would recommend that the Legislature bestow upon the Governor and Council discretionary power to regulate this matter as in their judgment the exigencies of the case demand.

In relation to the team, the Commissioners say they did not contemplate any necessity for one, after they had let out all the convicts, as per contract with Messrs. Sumner & Maxcy; while on the other hand it is claimed that the team is necessary for the bringing in of convicts.

The chairman of Commissioners says: "that he was at the Prison eighteen days in June, and about one-third part of the remaining summer—that several prisoners were brought in during that time by stage, or by boat, or by a hired team, but in no case, to his knowledge, was a single convict brought in by the team kept at the State's expense." Your Committee are of the opinion that as matters stand at present, it would be an unnecessary expense for the State to keep a team—that it will be much better to hire one when necessary to use one; and they recommend that the carriages, harnesses, robes and all the appurtenances belonging to the team, together with all the manufactured articles, of which the following is a brief summary, be sold. Many of them have been on hand a long time and are depreciating in value the longer they are kept.

STOCK ON HAND FEB. 17TH, 1860. 7 chests, 31 board hand-sleds, 4 truck-wagons, 53 small hand-wagons, 14 wheelbarrows, 1 pair wheels, 1 hand-cart, 3 pungs, 16 horse baskets, 14 sleighs, 6 wagons, 5 buggy wagons, 1 eel pot, 669 baskets of various sizes, representing a capacity of 696 bushels.

The Warden estimates the value of all the above articles, except team fixings, to be \$1,764 25. The undersigned are of the opinion that it will be difficult to realize the above sum, but recommend that they be "sold for what they will bring," and that the proceeds, together with \$7,000—the appropriation of which we hereby rec-

commend—be applied to defray current expenses and present indebtedness of the prison.

Your Committee were pained to notice the fact that a large number of the State's convicts are young men; men who cannot be considered as "hardened convicts," but who are in for minor offences, and for a very brief period. Indeed, more than one-half of the convicts are sentenced to a term of from one to three years. We concur in the views so well expressed by Warden and Commissioners against sending convicts to the State Prison for a brief period; and would recommend that the law be so amended that no person be sentenced thereto for a less term than two years, were it not for the fact that all the prison convicts, present and prospective, for the term of three years, are included in the contract made with Messrs. Sumner & Maxcy, and that such an alteration within that time might be considered prejudicial to their interests.

There are at this time in the prison two female convicts. We most respectfully submit that Maine State Prison is not a suitable place for this class of convicts; that the sentences of those now in should be commuted to imprisonment in county jails, and that the law be so altered that no female convict shall hereafter be sentenced to the State Prison, but to county jails instead.

In the general correctness of the preceding statements, the opinions and recommendations therein expressed, it is believed all the members of your Committee concur. It certainly would have been very desirable, if like concurrent conclusions could have been arrived at on the other more important and absorbing question before us, viz: the expediency of enlarging and re-constructing the State Prison at Thomaston, or of building a new Prison in another locality. To this subject, very careful attention was given by your Committee, each member though acting jointly with the whole,—yet so far as collecting facts and deducing conclusions were concerned, seemed to act on his "own individual account." The result was that at the close of the investigation, each member had his "*faith established*," and felt himself prepared to give the reasons of his "*faith*."

The undersigned, entertaining as they do, the highest regard for the opinions of those gentlemen of the Committee who have made a plurality report on this subject, have felt that *facts and the actual state of prison affairs*, compelled them to entertain different views

and to arrive at different conclusions. We therefore, most respectfully present to the Legislature the following, as *some* of the facts and reasons that influenced us in our conclusions. Though these grounds have all been previously explored by Mr. Blaine, a former Commissioner, and still more recently by Prison Commissioners, still the undersigned felt it incumbent on them to examine for themselves and obtain their judgment unbiased by any opinions previously expressed by others. To this end they have taken into consideration the prospective wants of Maine, for a Prison; the present condition of the State Prison, its capacity, its work shops, the ground within prison yard, with reference to construction or re-construction of necessary Prison buildings. The practicability or economy of the application of steam for manufacturing and heating purposes of a prison—the facilities of the present site to supply water for such a purpose—the present actual worth of the State Prison for prison purposes—the present actual worth of State's real estate in Thomaston for *other* than prison purposes.

Taking the present condition of our State, together with its future prospects, all are ready to admit that a State Prison *somewhere* must be with us a *permanent institution*. This fact being conceded, it would seem to be the dictate of wisdom, that the Legislature consider and weigh this whole subject well before voting to make any appropriations, either for enlarging old or for erecting a new prison. The present condition of the Prison, together with the situation and condition of workshops—their construction and arrangement—or rather want of arrangement, is so fully described in Commissioners' Report, from 5th to 8th pages, inclusive, that we do not consider it necessary to present a minute description of them. We trust, therefore, that we are sufficiently understood, when we say, we fully concur in nearly all therein stated, except some statements in regard to *ventilation and water*. In Commissioners' Report, on pages 4 and 5, they make use of the following language, viz :

“It will be admitted by all conversant with the present prison, that it is not only limited in its accommodations, but highly defective in its construction and arrangement, while its various appurtenant buildings are so inconveniently located with regard to each other, as to render it impossible to carry out the great and acknowledged principles of prison discipline under any system of alteration or enlargements short of an almost entire new construction. Such improvement might, indeed, be made in it as would place the business and discipline of the prison upon a much more

satisfactory basis than now exists, by the expenditure of a sum fully equal to one-half of the cost of a new and complete structure planned in strict accordance with the known and acknowledged requirements which are so well understood at the present day. When such a sum has been expended we may have, it is true, two wings upon the Auburn plan, but in consequence of the necessity of constructing one of these wings in the place of the original prison and hospital, in conformity with the one already erected, some twenty years since, the heights of all the cells would be two feet lower than the proper requirements of the present day, the wall low and ill proportioned, the windows small, and the area of all the apartments considerably restricted for the wise and more improved sanitary regulations which have already been adopted in other and more successfully managed institutions.

“Your commissioners regret to record the fact that the present new or east wing of the prison is entirely without ventilation. It is true that some imperfect and ill constructed flues were originally provided in the inner walls, but they have no draught, and fail to answer the purpose for which they were designed, thus leaving the inmates of those low and narrow constructed cells, being but seven feet by four, without any available fresh air throughout the entire night. * * * * In short, so crowded, narrow, ill arranged, unventilated and inconvenient a structure, would require an amount of reconstruction and repair to make it decently habitable which we believe no wise or prudent commissioners could think it advisable to sanction or recommend.”

Much has been said against the correctness of some of the above statements, by those who are in favor of enlarging the present Prison, and it is for the purpose of *presenting facts just as they exist*, that we have made use of the above extract and following statements. It is easy to understand how the Commissioners obtained the opinions expressed above, on the subject of ventilation, from the facts,

- 1st. That the Warden himself told them it was bad.
- 2d, That they themselves were witnesses to the excessively bad air of the Prison in the morning.
- 3d, That they made an examination of some of the flues, and
- 4th, That what they did examine were entirely without ventilation.

That there may be no misapprehension on this matter, we present the following statement of facts:—the whole space *inside* of the Prison walls, including dormitory, is in length 100 feet, in width, 38 feet, in height, 24 feet. The space between dormitory and Prison walls, is 11 1-2 feet. The whole number of cubic feet of space, therefore, exclusive of cell space in dormitory, is 63,480.

The dormitory is three stories high—thirty-six cells in each, making in all 108 cells. Confine 108 men to no more space than this, with *no ventillation*, and taking into consideration the fact that each one takes in and renders impure at each inspiration twenty cubic inches of air, and breathes from eighteen to twenty-five times per minute, it can readily be estimated how soon the whole air would be wholly unfit for use, even from breathing alone, but when we add to this insensible perspiration, which is constantly going on from every one, the destruction by heat of a large quantity of oxygen; and lastly, but not least, the *unhealthy odor* that emanates from 108 night-buckets, it must be admitted by every one that a *most thorough ventilation is demanded*. What are the facts?

The cells in this wing are seven feet long, seven feet high and four feet wide. In an upper corner of the back part of the cells are small apertures, some six inches square, originally intended as ventiducts to conduct off the impure air in *three separate division chimneys*. One of these chimneys is entirely stopped up, thus rendering one-third of the cells without any *direct* ventilation. When your Committee made their examination, it was a clear, cold, windy day, certainly a most favorable time for a small draught of air from a heated room. By holding a lighted candle to the aperture, there was a *leaning* of the blaze in that direction in a majority of the cells, and in some, the draught was quite good. We submit that in these cells there are no privies—that there is no ventilation extending upwards from a level with the floor of the cells to conduct off the bucket odors, and if there were, there are no *apertures* made to receive the buckets, as are to be found in most modern prisons, but, on the contrary, each prisoner is compelled to have his night-bucket *stand out in bold relief* in his four by seven cell, and must breathe over and over again that most unhealthy and offensive odor that arises therefrom, and permeates every part of his cell, and that too, for a long time, unless, perchance his *happens* to be one of those cells which has a ventiduct that has a draught.

Having said this much, we submit this matter of ventilation to the common sense of an impartial Legislature, to judge for themselves whether it is "good" or "bad."

On page 8th, commissioners's report, they speak of a scanty supply of water, and that it often fails them in time of drought.

We believe the facts are that they have never been obliged to go out of prison yard for water, until the drought of last summer, that they then obtained about twelve hogsheads by drawing it about one and one half miles. It appears that there are not conductors for all the water that falls on prison roofing, and that some that are there are out of repair, that the well on the premises, though sometimes low, has never been known to entirely fail. It appears also, that in the bottom of lime quarry is a sort of spring, oozing out in one place and wasting itself in another. This is seventy feet below the surface of the ground. On the whole, the undersigned are of the opinion that, with proper cisterns and conductors, a sufficient supply of water might be obtained on present site for all ordinary purposes of the prison, as at present conducted, but insufficient for steam purposes or for the speedy extinguishment of fires. This fact we regard as an important one, from the consideration that, wherever steam power has been applied in prisons of other States, it has tended greatly to facilitate and economise the labor of the prisoners, while the use of the refuse steam for warming purposes has been a great saving in the article of fuel. For instances of this fact, we refer to New Hampshire prison at Concord, and to Connecticut prison at Wethersfield. The engine in the former cost \$3,000, and that in the latter \$5000.

The sum that is annually paid in Maine State Prison for fuel, including lights, would in itself, if saved, be sufficient in a very short time, to defray the expense of a good steam engine. The amount expended the past year for this purpose, was \$1,003 56, The prices of wood are, for soft wood, from \$3 50 to 7 00 per cord. Maine State Prison was built in 1823. There was paid on account of the prison that year, \$26,360. During the thirty-six years that Maine has had a prison, since that time, exclusive of indebtedness of prison, Nov. 30th, 1859, of \$6,213 80, she has paid on account of the prison the sum of \$343,015 20. To this add indebtedness and you have a sum total of \$349,229.

The above indebtedness is that given by inspectors' report, Nov. 30th, 1859. Since that report was made it has been ascertained that there are some assets due the prison. It is barely possible that a sufficient amount may be thus obtained to defray expenses of prison which may have occurred since that time, and to satisfy the claim which Messrs. Allen & Obrien may have, in consequence of the annulling of their contract by prison commissioners. Taking

the average annual expense of the prison for the last four years, and reckon from it for the next ten years and you have the sum of \$160,055 22. Put this with the sum already expended and for the year 1870, when your prison is forty-six years old, it will have cost you \$509,284 22, or *more than half a million of dollars*. Such is the record the Maine State Prison presents to the legislature in 1860, and yet she is urged to go on in the same lavish, blindfold, reckless course, and *enlarge her prison*. We submit that, in the language of the commissioners, such a course would be "equivalent to a resolution that the institution shall continue an annual burden and charge upon the finances of the State."

How does the record of the Maine Prison compare with that of prisons of other States. In Maine the average annual cost per convict, including salaries of officers, is \$200.00; in New Hampshire and Connecticut, \$80.00; in New York, at Auburn, \$101.91; in New York, Sing Sing, \$104.50. Maine Prison though furnishing "more instructors, shop-room, tools," &c., than New Hampshire, Vermont, Massachusetts, Connecticut, New York, Ohio or Indiana, finds herself unable to sell the labor of her convicts for more than thirty cents per day, while those States above named readily sell the labor of their convicts at prices varying from thirty-six to sixty-eight cents per day.

The cost for subsistence in Maine Prison for the year 1857, was \$71.92, while in the prisons of New Hampshire, Vermont, Connecticut, Massachusetts, Sing Sing and Auburn, New York, Pennsylvania, New Jersey, Ohio and Indiana, the average cost was only \$40. For a more complete history of the past of Maine State Prison, as compared with prisons of other States, we refer to Blaine's report of 1858.

During the past history of our State Prison, there have been a great many promises held out and a great many assurances given—assurances, that though the financial condition of the prison in the past was dark, yet, there was "a good time coming"—that very soon it would be self-supporting. There are yet within our State a great many "hopeful spirits," who in the face of the above facts and figures, still maintain that, that "good time *is* coming," and that it will come just as quickly with the State Prison in Thomaston, as if it were in any other locality. Doubtless such "hopeful thoughts" must inspire the possessors with "*joyous emotions*"

somewhat akin to those of the boy who chased the rainbow, and with a very fair prospect of attaining to similar results.

That the "management" of the Prison in the past has been faulty, we fully believe; and that there has even been a degree of systematic effort to keep from the people its true standing, we also fully believe. The people of Maine, reposing confidence in the reports made by State Prison officers, have *ever expected* that the prison would soon be a self-supporting institution. In the confident expectation of that "*good time coming*," they have patiently waited for thirty-six long years, only to find, that instead of coming nearer, that desirable "time" seems to recede further and further from the view. One successful method of *disguising facts*, has been that of giving different values, at different times, to the same article, in order to show the "good standing" of the Prison, it having been invariably the case that the "stock on hand" near the time when the accounts were to be presented to the legislature, has had a much higher value than the "stock on hand" at the beginning of the year. In reference to this point, Mr. Blaine in his report,—after giving a tabular view on pages 10, 11, and 12,—on page 13 makes use of the following language, viz :

"It thus appears in the brief space between Dec. 31st, 1855, and March 14th, 1856, (ten weeks,) the difference in the appraisal of "stock and tools" on hand was nearly six thousand dollars, and it is hazarding nothing to say that the actual difference in the intrinsic value of these articles at the times named did not amount to \$500, if indeed it was anything at all. No one who examines these tabular statements can fail to see that arbitrary values were assigned to the articles with the view of having the gross sum in each indicate a particular financial condition of the prison. Thus it seems that "100 beds in the cells" are estimated at \$6 apiece in Dec. 1854, and in April, 1855, they are put down at \$3 apiece. In the succeeding December they rise again to the par value of \$6, and in the ensuing March, fall again to \$3. So also the "beds in hospital," worth \$40 in December, 1854, have no value whatever in April, 1855, though nine months after, in December of the same year they recover the full value of \$40, but in the following March, 1856, ten weeks after, they are not considered worth appraising at any price. The prison library is also worth \$120 in December, 1854, but only \$60 in April, 1855, though in December, 1855, it rises to \$120, only to fall to \$60 in March, 1856. Horses, by a similar process of appraisal, are found to be worth \$200 in the fall, and after a winter's keeping they lose *five-eighths* of their value, and are estimated at only \$75. Hand-carts, stoves, furnaces, wagons, satinets, medicines, cord-wood, coals, and blacksmith's tools,

are all observed to undergo these rapid and miraculous mutations in value, it being uniformly found that they are worth from 33 to 50 per cent. more in the fall than in the spring."

In further justification of what has previously been said, we quote the following extract from the report of prison warden in 1858, viz :

"As but little expense will be required 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."

The result was a drain on the treasury of nearly ten thousand dollars.

In warden's report in 1859, the next year, occurs the following : "I have the vanity to suppose that at the end of another year we shall be able to show a small dividend to the State, unless some unforeseen accident should befall us." The result was a proof that the warden was an *excessively vain man* to indulge in such "*vanity.*"

In 1853, Mr. Bennett, who was then Warden, in his Report of of that year, makes use of the following language :

"It is asked by many, why cannot the Maine Prison pay all the expenses including the officers' salaries, as well as many similar establishments are represented to do?"

I would say to such, that the only way any Prison can flourish, is by the sale of the labor of the convicts, by contract. All the reports which I have seen show this fact.

The Maine State Prison is badly located for this purpose. There are no purchasers of labor in this State.

Place the Prison in the vicinity of either of our large cities, and all the available men would command from forty to fifty cents per day. That is what they obtain in Massachusetts, and in many other prisons near large manufacturing cities."

In 1857, Mr. Hix in his Report, for that year, speaks as follows :

"The problem, whether the Prison ever has, or can be made to support itself, has long since been solved. The numerous appropriations made from time to time to meet its expenses sufficiently, demonstrate that up to the present time it never has supported itself. This point being conceded, then, that the Prison must necessarily be an expense to the State, wisdom would seem to dictate that its expenses be kept within such limits as shall comport with the times, and due safety and welfare of the unfortunate beings for whom this institution was provided."

If the preceding statements and views are correct,—if it be true

that Thomaston, being a "*commercial*" and not a *manufacturing* town, contributes to the fact that "*there are no purchasers of labor in that part of the State,*"—if the fact that the Prison is "forty miles from any railroad, and five miles from sloop navigation"—if, in consequence of these considerations, the Maine State Prison is "*badly located,*" as the Warden of 1853, says, and as the undersigned are irresistibly forced to believe, then we submit that the appropriation of a single dollar, for the enlargement or reconstruction of the present Prison on present site, would be suicidal to the best interests of Maine, and such an act as we believe no wise Legislature will perform.

Taking a "loss and gain" view of this matter, an important consideration is, how much would the State lose by change of location? Though she has paid out nearly \$350,000 on account of her Prison, yet we do not believe that any wise appraisers, whom she might appoint, would value her Prison property to day above \$40,000. This we will call the present worth of the Prison. The term of present Prison contract extends for a term of three years. As we do not propose to lay out anything on prison buildings, the State will therefore have, during this term, \$40,000 or which, in this estimate is the same, the Prison without cost. The annual interest of this sum for the three years, will be \$7,640.64. What is the State's real estate in Thomaston worth for other than Prison purposes? To this point the undersigned gave particular attention, informing themselves both from their own observations, and from inquiring of resident citizens of the place. The State owns nine and a half acres of Prison grounds, extending from the main street in front, to the Georges river in the rear. On this river is a wharf and a good place for a ship yard. About one third of the Prison grounds is enclosed in Prison yard. The Warden's house is a handsome brick edifice, beautifully located on the main street in Thomaston. The Prison grounds extend some twenty-five to thirty rods on same street, affording excellent grounds for building lots; so also are building lots on the cross street leading from Main street to Georges river.

From the best information the undersigned could obtain, they are satisfied that the State's real estate at Thomaston would, by cutting it up, sell for other than Prison purposes, for from twenty to twenty-five thousand dollars. Real estate, we learned, is on "the rise," in the village of Thomaston.

This being the case, it is quite probable that with a little "Yankee enterprize," the State will be able to sell her Prison estate at the end of the three years for \$25,000. To this sum add the interest on the \$40,000, \$7,640.64, and you have \$32,640.64, which may be considered as available property. Subtract this from present worth of Prison, \$40,000, and you have \$7,339.36, which the State will have to sacrifice by changing the location of her Prison. How much will she gain? In answer to this inquiry we submit the following calculation of Prison Commissioners, believing it to be substantially correct :

"Suppose the cost of a new Prison, to contain 250 cells with all necessary shop room and fixtures to be \$125,000, which in our opinion is a liberal estimate for a plain, substantial brick edifice, which is conceded to be sufficient with corresponding shop room and steam power, including the prison yard wall. Then suppose the enlargement at Thomaston with corresponding shop room will cost but \$35,000, and that the old site with all its buildings is worth \$10,000, and we have the sum of \$45,000 to subtract from the supposed cost of the new structure, which leaves the sum of \$80,000 over and above the value of the old site with the cost of enlargement of the present prison. The interest of this \$80,000 would be \$4,800 annually; take this interest from the saving to the State, of \$9,000, as shown before, and it leaves a balance of \$4,200, of annual clear gain to the State in favor of erecting new Prison buildings. This yearly gain with the legal annual interest for fifteen years will amount to the sum of \$103,615 82, without reckoning any thing for the enlargement of the old prison; to this sum add the supposed cost of enlargement, \$35,000, with annual interest for fifteen years, which will be \$83,879 41, and we have the sum total of \$187,879 33—which will be lost to the State, if the prison is to be removed at that time, so that the State will lose more by the prison remaining at Thomaston fifteen years longer, than the whole cost of the new structure as recommended."

Allowing that the proposed enlargement would not cost but \$2,500, it would not materially change the above estimate, as the Prison real estate is enough higher to counteract the difference on the other side.

But it is urged that the Prison should be enlarged as a *temporary thing*. Even Mr. Tinker, the gentleman who made the Minority Commissioners' Report, and who is now using what influence he possesses in favor of enlargement, entertains such views, and on page 32 of said report speaks as follows :

"Viewing the subject, therefore, in all its bearings, and with a strong desire to be impartial, I have come to the conclusion that the location of the State Prison at Thomaston cannot be considered a permanent one, but that the State at some future day will

believe it for their best interest to have a new State Prison in some other locality."

Now we submit that in the above statement, Mr. Tinker has yielded the point, so far as location is concerned, and we submit also that there is no *pressing necessity* for enlargement during the term for which Prison contract was made; that there are in Prison to-day, Feb. 28th, thirteen empty cells; that within one month five more will be vacated by expiration of sentences; that convicts do not "come in" so fast now as they have at some former times; that in A. D. 1859 there were not so many as in the previous year by eighteen; and that, if the Prison should be "overstocked" during the three years, there will be ample room for the excess in the county jails.

Accompanying this report we present to the legislature the annexed resolves in relation to a new Prison and recommend their consideration and adoption.

We append also the contract of Messrs. Allen and O'Brien and the existing contract of Messrs. Sumner and Maxcy.

Considerable complaint was made by Mr. Sumner and other citizens of Thomaston against the Executive for exercising the pardoning power so liberally—the number pardoned the past year having been twenty-seven. They say the effect is injurious on other prisoners, creating uneasiness and discontent; that it is exceedingly injurious to the contractors; for, says Mr. Sumner, none are pardoned except able bodied men, and they usually when they have just learned their trade, and would be useful if left to serve out their sentence. Whether the contractors knowing, as they must have known, the powers of the Executive, at the time they made their contract, have any just reason for complaint or not, is not regarded as a question within the province of the undersigned.

In closing this Report, we tender to the Senate and House of Representatives, our acknowledgments for the honor conferred, by assigning to us so important and responsible positions, and to the Warden and other officers of the Prison, for the generous assistance which they have been pleased to give us, and to those members of the Committee (from whom we have felt compelled to differ) for their courteous treatment during all our deliberations.

JOHN THISSELL,
EDWARD ANDERSON,
D. H. TEAGUE,
MOSES W. BROWN.

STATE OF MAINE.

RESOLVES providing for the erection of a new Prison.

Resolved, That the Governor, with advice of the Council, be and hereby is authorized to appoint a commission to consist of three persons, whose duty it shall be to examine the subject of the location for a new State Prison, having regard to the expense of the site, the facilities of access and the employment of the convicts, and make report thereon to the Governor and Council as soon as may be for approval; being approved by them, the Governor is authorized to draw his warrant on the treasury for the amount of purchase money, and to cause a conveyance to be taken to the State.

Resolved, That upon the selection of a location as aforesaid, the commissioners shall procure a plan for the construction of a prison for at least two hundred and fifty convicts, with necessary work-shops and out-buildings, to be made of brick, and in a plain and substantial manner, avoiding all needless expense for ornamental work; said plan to be accompanied with specifications and estimates of expense; and if the

9 same shall be approved by the Governor and Council,
10 the said commissioners shall advertise in the State pa-
11 per for proposals for the work, in conformity with the
12 plan and specifications, to be completed within three
13 years from _____, and shall enter into
14 a contract therefor, subject to approval as aforesaid.

Resolved, That the sum of
2 thousand dollars be appropriated for purposes contem-
3 plated in the foregoing resolves, and the Governor
4 with the advice of Council, is authorized to draw his
5 warrant therefor on the treasury, for such sum as may
6 be required.

C O N T R A C T

Made by the Commissioners for the support of the Convicts in the State Prison, for three years from January 1, 1860.

ARTICLES OF AGREEMENT *made and concluded by and between the State of Maine, by Richard Tinker, Isaac S. Small and Horatio G. Russ, Commissioners, duly authorized by Resolve of the Legislature thereof on the one part, and David H. Sumner and Henry Maxcy, both of Thomaston, on the other part, WITNESSETH :*

THAT the said Sumner and Maxcy, in consideration of having the benefit of the labor and services of all the convicts which may be confined in the Maine State Prison in and during the term of three years, commencing on the first day of January, in the year of our Lord eighteen hundred and sixty, as hereinafter provided, do hereby stipulate and agree with the said party of the first part, to support said convicts in said Prison, during said term of three years, providing for and furnishing them with good and wholesome articles of food, well cooked and properly seasoned, and in suitable quantity, and furnish them vinegar and salt in their cells, the fare day by day to be as stipulated and provided for in the contract and agreement entered into by and between the said party of the second part, and Thomas W. Hix, Warden, dated the 30th day of June last past, relating to the boarding of convicts in said Prison, to which reference is made; and they are to furnish such diet and drinks for the sick, and suitable nursing as the physician of the Prison shall order or advise. The meats are to be prepared and furnished to the convicts at such hours as shall be prescribed by the Warden and Inspectors, and the quality and quantity of the food to be subject to the approval of said Warden and Inspectors.

And the said Sumner and Maxcy are also to clothe said convicts, and furnish for them beds and bedding suited to their condition, and to do their washing, mending and repairing; and they are to take and receive from the Warden, the beds and bedding and clothing which may be forwarded for the convicts, and be on hand at the commencement of said term; to be returned at the end of said

term in like good order and condition ; and to furnish so much in addition as may be necessary for supplying all the convicts ; the same to be received by the Warden at the end of the term at a fairly appraised value. And the said Sumner & Maxcy further agree to purchase the stock and tools in the several apartments of labor which may be on hand belonging to the State, at the commencement of said term, the value and price of which are to be estimated and appraised as provided in a written agreement between said parties bearing even date herewith, and the aforesaid contract for the support of the convicts, dated June 30th, 1859, is to terminate at the commencement of the term herein mentioned.

And in consideration of the premises, the said party of the first part hereby stipulates and agrees that the said Sumner & Maxcy shall have the benefit of the labor of all the convicts confined in said Prison in and during said term—that they shall have the right to employ them in such occupations as may not be inconsistent with the object of their imprisonment, and for so many and such hours of the day as shall be approved of by the Warden and Inspectors—that they shall have the right to employ all necessary overseers in all the departments of labor, and employ such free labor as their business may require, all to be subject to like approval. The said Sumner & Maxcy are to have the use of the Prison buildings, the hospital, cook-room, and all the shop and store-rooms, now being, or which may be provided for them by the State, including the store-room under the office, excepting, however, the attic of the cooper's shop, which is reserved to the State for storage purposes, the chapel with free access thereto, and the medicine room in the hospital. The said buildings with their heating and warming apparatus, are to be kept in suitable repair by the State. The said Sumner & Maxcy are also to have the use of the grounds within the exterior walls of the Prison, except the right of said party of the first part to use and occupy any portion thereof necessary in making repairs, altering or re-constructing the Prison or buildings. Also the piggery on the western side thereof, with forty feet of the ground adjacent and south thereof, of like width, with right of passage-way northerly to the street ; also the use and occupation of about one-half acre of land at the south-east corner of the Prison lot, extending northerly to the gateway, and bounded westerly by the Prison wall and a line running therefrom in the same direction, southerly to the southerly side of said lot. They

are also to have the privilege of the quarry to remove as it may be sold, the rock already quarried by the said Sumner, with the right to split out and remove for their benefit, so much as has been loosened or uncovered by said Sumner, up to a perpendicular to the surface rock, but not to extend or widen the quarry at the surface, paying therefor the usual stumpage. And it is mutually agreed that the contract made by and between the said Sumner and Thomas W. Hix, Warden, relative to the employment of convicts, dated January 20, 1858, shall terminate at the commencement of the term herein provided for.

And is further agreed that the said Sumner & Maxcy shall furnish all necessary fuel and lights for the Prison, shops and cook-room, excepting only the guard's-room, office and outer guard-houses; also to furnish soap and towels for the general use of the convicts. And the said Sumner & Maxcy are to have free ingress and egress with their servants and teams at all suitable times, for the conducting of their business, and are to be subject to all the necessary rules and regulations of the Prison.

They are to report to the proper officers, all cases of misconduct or insubordination on the part of the convicts, and they may be subjected to the requisite discipline and dealt with as the case may require. And it is hereby further stipulated and agreed that the aforesaid overseers in the several departments of labor, shall perform all the duties of disciplinarians and turnkeys, and be paid by the said Sumner & Maxcy quarterly; and they are to cause to be whitewashed the inside of the cells when necessary, and preserve due cleanliness in the Prison, hospital and all the apartments under their control, and they are to have the use of the cooking-utensils and all the other personal property of the State used in the several apartments in said Prison, which is to be returned at the end of the term, in like good order and condition, as when received; and they are to furnish to the State, the services of two or more suitable convicts, for whitewashing within the precincts of the Prison, for which they are to receive from the State forty-five cents per day for each convict so employed. And it is further understood and agreed, that it is to be the duty of the overseers aforesaid, to attend upon the chapel duties on Sundays as at present practiced, to preserve order and decorum among the convicts. And the said Sumner & Maxcy are to have the use of the scaffold on the eastern side of the barn. It is further agreed that said party of the

first part, shall have the right to use some convenient place in said buildings for fuel for the office, guard-room and the out guards.

The party of the second part is to remove the snow from the paths in the Prison yard, and at all times to keep said yard cleanly and free from filth. The party of the first part reserves the right of entry upon the premises aforesaid, at all times for inspection, making repairs, for crossing and re-crossing the same to other lands. The party of the second part will observe all the regulations provided for the government of the Prison, and its discipline; and the by-laws of said Prison are referred to and made a part of this contract, so far as applicable thereto.

In witness whereof, we the said parties have hereunto set our hand interchangeably, this 21st day of November, A. D., 1859.

Signed: RICHARD TINKER,
ISAAC S. SMALL,
H. G. RUSS,
DAVID H. SUMNER,
HENRY MAXCY.

Signed and delivered in presence of

CONTRACT No. 4—NOW IN FORCE.

Articles of agreement made and concluded by and between Thomas W. Hix, in his capacity of Warden of the State Prison, on the one part, and Samuel H. Alden and Thomas O'Brien, of Thomaston, in the county of Lincoln, on the other part:

WITNESSETH, That the said Hix, in his said capacity, in consideration of the covenants and agreements hereinafter mentioned, covenants and agrees to and with said Allen and O'Brien, to support, clothe and permit said Allen and O'Brien to employ and have the service during two years commencing January 1, 1858, thirty-five of the convicts that now are or may hereafter be in said State Prison, in the business of wheelwrighting, painting, blacksmithing and trimming carriages, and their attendant branches, if such as may come into said Prison, are deemed qualified by the Warden and contractors to make suitable men for the above mentioned business, under the direction and for the sole use, benefit and profit of said Allen and O'Brien, and to furnish said convicts or said Allen and O'Brien, for the use of said convicts, with the wheelwrights' shop,

(excepting the basement and chapel, and reserving the privilege of passing through the shop to the chapel,) the carriage house, excepting the attic, and the whole of the blacksmith's shop, machinery, fixtures and tools belonging to said shops, and owned by the State, during said term. And the said Hix, in his said capacity, further agrees to furnish the overseers and the expense of the State, to work and superintend said shops during the term of two years: And the said Hix, in his said capacity, agrees to furnish all the stoves and warm the upper story of the wheelwrights' shop, at the expense of the State, during said term. And the said Hix, in his said capacity, further agrees not to carry on the said business above mentioned, except for the use of the Prison and its buildings, and to furnish said Allen and O'Brien one-half of the store room under the office, and room in the stable for one horse, and his keeping, and permit them to have access to the shops above mentioned, at all times; and if they furnish any new machinery during said term, they are to have the privilege of taking it out or selling it to the Sta.e. And it is further agreed, that if said Allen and O'Brien wish to extend this contract, for the term of one, two or three years after the expiration of said two years, they can do so by giving said Hix, in his capacity of Warden, or his successor in office, written notice of their intention, sixty days before the expiration of the aforesaid term of two years.

In consideration of said covenants and agreements by said Hix, in his said capacity, said Allen and O'Brien covenant and agree to and with said Hix, as aforesaid, that they will keep said tools and machinery in good order and condition, ordinary wear and tear excepted, (unless destroyed by fire,) as the same are now; and that they will pay said Hix, in his said capacity as Warden, thirty cents for each and every full day's actual labor of each of said convicts done and performed for said Allen and O'Brien, in and about said business, during said term. Payments to be made sixty days after the expiration of every three month's labor performed during said term of two years. The convicts shall at all times be subject to all the rules, regulations and discipline of said Prison, and under the general superintendence of the Warden of the same; and the hours of labor shall be the same as usual in said Prison. In case a convict performs less than one-half day's work at any time, it shall not be charged for anything.

And it is further agreed by said Allen and O'Brien, that the said

SECOND MINORITY REPORT.

The Second Minority Committee on the Maine State Prison have had the affairs of that Institution under consideration and beg leave to

REPORT:

That by an order of the Legislature the Committee visited the prison, at Thomaston, for the purpose of a personal view of the prison, that they might better determine for themselves upon the several important questions which pertained to that Institution.

The undersigned, a second minority of the Committee on the State Prison, from a sense of duty, feels bound to submit a Report in some respects different from that of the majority; inasmuch as I feel conscious that the majority and first minority have not been so explicit in presenting some important points for the consideration of the Legislature as is necessary for a proper understanding of several matters connected with the affairs of the prison.

In investigating the affairs of the prison we found many things that afforded us much satisfaction. For instance, the discipline of the prison and the prompt attention to the necessary wants of the convicts (so far as these matters came under our observation) were commendable. And from what I could discover during my short stay at the prison, I feel warranted in coming to the conclusion that the present contractors faithfully perform the obligations of their contract in reference to the supplying of food, clothing, &c.

In previous Reports of Commissioners there has been one unanimous complaint of the inadequacy of the prison to secure the convenience and comfort of the convicts; and I am not disposed to differ widely from those reports in that particular; and feel it to be my duty to recommend that steps be taken to remedy that deficiency as early as possible, yet I cannot concur with those who would seek a remedy in the abandonment of the present prison to sacrifice so large an amount of property as would result from the

proposed change of location, unless something might be gained in the operation that would be commensurate with the great loss that would be thus sustained.

So far as a new location is concerned, I cannot conceive how anything would be gained by the change, even if the present prison could be taken up and be put down in the most desirable location conceivable without the expense of a single dollar to the State. A change of location could not lessen the number and expense of the officers of the prison, nor afford any increased facilities for the support of the prisoners; neither could the prisoners perform any more labor in another locality than at Thomaston. And it is beyond our comprehension to understand how the avails of their labor could be more remunerative to the State in another location than it is in Thomaston.

It is my opinion, therefore, that the present prison can be so arranged and enlarged as to answer all the necessary requirements for the accommodation and comfort of the convicts, by an outlay of a sum not more than equal to the simple interest on the cost of a new prison in any location that could be found in the State with the greatest facilities for construction. There is no question that the prison is too circumscribed in its dimensions to accommodate the number of convicts should any considerable increase take place; yet that fact affords but little argument in favor of the contemplated change of site, as there is ample room to enlarge the buildings sufficiently for the construction of one hundred or more cells, which in all probability would answer the demand for an indefinite term of time; which addition, in our judgment, could be made for an outlay of about \$18,000. Having heard complaints of the dimension of the cells, we were considerably astonished, on examination, to find them so well adapted to the convenience and comfort of the inmates. It has been strongly urged by some of the gentlemen (whose mission has been to investigate that matter) that the cells were not sufficiently ventilated for the health of the convicts; but this objection, in my judgment, is not sustained by the facts in the case, as all the cells are well ventilated, and connected with a spacious aisle leading entirely around them—there being nothing to obstruct a free passage of air therefrom to each cell, except the iron grates that compose the doors of the cells. Furthermore, the windows are so constructed that they can be lowered, or raised, according to the temperature of the air, so as to afford any quantity

of air that is desirable. It is true, that we were conducted into one cell that received no benefit from the ventilator; but upon a more minute examination, two pieces of bricks were found in the flue, entirely stopping the passage of air, which only had to be removed to make the matter all right. Whether the prisoners put those pieces of bricks in the passage above referred to, or whether they were put there by other hands to answer a particular purpose on that particular occasion, I am not prepared to say; and I will only add in connection with the subject, that on a further examination of other cells, we found nothing to prevent a free passage of air into any of them—each prisoner having as large a quantity of fresh air as persons usually have in the sleeping rooms of their own dwellings. It is very important that the Warden keep a vigilant watch over everything that is transacted in and about the prison. But we regret to be compelled to state that it appears that since the present contractors have been engaged in the prison, the Warden has paid but little attention to what has transpired in the several shops—which neglect has a direct tendency to materially injure, if not ruin, the contractors. It appears to me that nothing can be more calculated to involve the contractors in as great a pecuniary loss as the State has heretofore suffered, as a disregard of the manner in which workmen perform their duty. It also appears that the Warden is cognizant of the fact that prisoners are in the habit of conveying stock and tools from the shoe shop to their cells, and then permitted to put them under lock and key in trunks for which they have no particular necessity, unless it be for the object of concealing valuables which they steal from the shops; and it is to be feared that the transgression is winked at, rather than rebuked, by the Warden. No one can fail to see that each prisoner thereby has afforded him facilities for confiscating a sum equal to his earnings. By this means the prisoners could in a short time involve the contractors in a debt equal to the whole expense of their maintenance. The practice of allowing prisoners trunks for the concealment of anything, has a feature beside the one above mentioned which is even more objectionable than the first, for the keepers are thereby greatly exposed, and facilities afforded for the escape of many of the prisoners. Nothing could be more natural than to suppose that the convicts might supply themselves with deadly weapons, and at a preconcerted moment make a simultaneous rush

to any given point, in defiance of any available opposition, and thus secure their escape.

It is to be hoped that the above mentioned delinquencies are not the result of malice, on the part of the Warden, against the contractors, nor intended to throw a screen over past iniquity, nor to make it appear that the prison cannot be made self-supporting at Thomaston. Yet I must confess that I am not without my fears, although I desire to manifest a degree of christian charity, and would do nothing in the premises but in "the fear of God," which is "the beginning of wisdom."

I find that the Warden has assumed to hire one inside waiter at the expense of the State, to the amount of three hundred and twenty-five dollars per annum, regardless of the recommendation of the Commissioners. I therefore recommend that measures be taken to arrest that matter, or if it be necessary that such service be employed, that measures be taken to curtail the expense in part, as the contractors signify their readiness to furnish such service for merely a nominal sum. I also find that an outside waiter is employed at the same expense, and under the same circumstances, who, in my opinion, ought to be dispensed with, according to the Warden's own admissions, as he confessed before the committee that all he had to do, was simply to shovel a little snow from the side-walk. At any rate, if it is deemed necessary that such services be performed at the expense of the State, measures should be adopted to secure such services at a fair compensation. Any man of common understanding must concur with me in the opinion that \$325 is an enormous sum for that trifling service. The Warden also lays claim to keep a horse at the expense of the State; to which proposition I feel bound to object, as I was informed by the Commissioners that when they fixed the salary of the Warden, they contemplated nothing of that kind, and I fully concur in that interpretation of the matter, considering as I do that a salary of \$1200 with the other privileges, is ample compensation for the present limited services of the Warden. For an understanding of the expense of keeping a horse at the prison, reference may be had to the report of Mr. Blaine on State Prison affairs. In relation to the clerkship, I would suggest that, from what I discovered on examining the books of the prison, a reform in that matter is absolutely necessary. I availed myself of the opportunity to examine the

books, but such was the manner in which they were kept, it was utterly impossible to gain any reliable information from them.

In many instances I find "sundries" charged, and there was nothing to show that these same "sundries" were not charged several times over, thus rendering it impossible for a first rate accountant to arrive at any definite conclusion, by the most thorough examination.

It will be found by investigation that the salary of the clerk is \$375, and that of chaplain \$400, making a sum total of \$775. Here also, we think there should be a retrenchment, as the services of clerk are almost made nominal by virtue of the contract system—the contractors having to keep an account of nearly all the business that formerly belonged to the clerk. I would recommend that those two offices be consolidated, so that the chaplain shall perform the duties of clerk, both of which duties, in my judgment, could be performed for a compensation of \$400, thereby saving to the State the amount of \$375. I also think there might be a retrenchment in the expense of bringing in the prisoners, and would suggest the propriety of having that duty performed, subject to a bid either from each county separately, or for the entire State, as might be deemed most judicious. In my judgment such a course would result in quite a saving to the State. When we take into account what might be saved by a rigid course of economy as above suggested, the favorable location of the prison, with its abundant supply of water, and other facilities peculiarly adapted to the requirements of the prison, I have no hesitation in expressing my firm conviction that by proper management that institution might not only be made self-sustaining, but also, a source of revenue to the State. I furthermore feel justified in expressing the belief that the failure of the prison to meet the just expectation of the people has resulted from the bad management of those who have had that institution under their control.

I know that it is a delicate task for the Executive to remove an appointee, especially one who has strong claims upon him for efficient aid in securing his election, yet I do feel that such a neglect of duty when it is made plain that there is a failure, on the part of this subordinate, to discharge his duty with fidelity, reflects no credit upon the character of that functionary for suitability to fill the important position which he occupies.

Under all circumstances in the case, I have no hesitation in saying that the Executive could exercise the prerogative of removal in the present instance, with profit to the State and credit to himself.

Having intended in this Report to give an impartial account of the affairs of the prison—if I have failed to do so, or have said aught that unjustly reflects upon the integrity of any one, I humbly hope that it will be set down as an error of the head rather than of the heart, for I have no motive in wounding the feelings of any of the officers of the prison, for they all treated me with marked respect, especially the Warden and his family—but a sense of duty which I owe to the tax-payers of the State has made it imperative on me to present facts that I fain would have withheld were I at liberty to consult my own feelings.

All of which is respectively submitted.

CHARLES ELLIOT.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
March 6, 1860. }

ORDERED, That five thousand copies of the several Reports of
Committee on State Prison, be printed for the use of the Legisla-
ture.

CHARLES A. MILLER, *Clerk.*