

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

---

SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

---

# THIRTY-NINTH LEGISLATURE.

---

HOUSE.

No. 29.

---

---

## REPORTS

OF THE

### COMMITTEE ON STATE REFORM SCHOOL.

---

#### MAJORITY REPORT.

---

In obedience to the instruction of the Legislature, the Joint Standing Committee on the State Reform School have visited that institution for the purposes indicated, and ask leave to present the following

#### R E P O R T :

That the examination they were able to make, led to the conclusion that the institution is accomplishing, in a good degree, the object for which it was established, and should receive the fostering care and liberal patronage of the State.

The general management of the school, its arrangement, and the able administration of its government, its discipline and instruction, as exhibited under different phases, were highly satisfactory.

The leading feature in the discipline of the institution, is self-respect and self-government, and in order to discriminate, a bill of graded deportment is kept, and those boys in the first grade are allowed many favors and privileges, which are denied those in the

lower grades; hence corporal and degrading punishments are seldom inflicted.

The boys are at all times in the presence of some one of the officers or teachers, who seem to manifest an interest in their comfort, reformation and general welfare, while the boys yield a cheerful and willing obedience to the rules and regulations of the institution.

Certain hours of each day are devoted to study in the different school rooms under the instruction of competent teachers; the studies pursued are the same as in our common schools, including singing.

A commendable degree of emulation was manifested, and in the judgment of your Committee the exercises were highly creditable, and would not suffer in comparison with an average of our district schools.

We were forcibly struck with the small size and juvenile appearance of the boys, but happily disappointed in seeing so many fine heads and intelligent countenances.

At the close of an exercise in singing, in which all were assembled in one room, several of the Committee addressed the boys by way of encouragement, reminding them of the favorable opportunities they enjoyed of reform, separated as they were from their former associates and temptations, explaining to them the prime object of the institution, showing it was in their power by making the best use of the opportunities afforded them to attain positions of honor and trust, or at least, to become respectable and useful members of society, notwithstanding their present misfortunes. During such remarks, many a countenance in that youthful company seemed to respond, *I will try*.

We saw the boys retire to their yard for exercise and recreation, where they engaged in their sports as cheerfully, and appeared to enjoy themselves quite as pleasantly, as school boys usually. We noticed the military order with which they entered and left the dining-hall, and the apparent good appetites with which they partook of their repast. The food was good and wholesome, and each boy was allowed all he wished. We saw them retire to their sleeping rooms, where their beds appeared neat and comfortable. Washing, bathing and changing apparel are not neglected.

The boys assured us they never suffered for food or clothing, and that their sleeping apartments were comfortable.

Each boy is furnished with two suits of clothes—cheap, but securing health, decency and comfort. All are required to observe religious exercises each day, and on Sunday to attend the more public services of the Chaplain, and to receive Sabbath School instruction from teachers who kindly volunteered their services, from the city of Portland.

During working hours, we visited the boys at their different departments of labor. We found some of the larger ones with the teams drawing wood for the institution, and for burning bricks another season; others cutting and sawing wood; a few were employed about the barn; quite a number were in the shop seating chairs; some repairing shoes; a large number of smaller boys were in the sewing room, some making sale work, some engaged in making or mending their own clothes; and those too small for other business were kept at knitting. Several were employed about the institution at cooking, washing, ironing, sweeping, &c. Thus, all with their respective overseers were busily engaged at some useful employment.

Your Committee found the edifice in good order presenting an appearance of neatness and comfort; some necessary repairs having been made in the dining-hall during the past season, and some essential improvements in ventilating and plastering the sleeping rooms.

The barn and its appendages, which have been regarded as extravagantly large and expensive, owing to their comparative emptiness, your Committee are pleased to say they found occupied with some twenty head of cattle, comprising oxen, cows and calves, five horses and thirty swine; and hay enough in the barn to winter the stock, with some twenty tons to spare.

There has been a decided improvement in the cultivation of the farm, under the direction of the present superintendent. Old grass fields have been plowed and dressed; lands which have been up quite too long, have been drained and seeded down to grass; adjacent lands comparatively worthless in their present condition, are being cleared, to be plowed and taken into the field. New wall and other fences have been built; and if the superintendent's proposed improvements are faithfully made, it is quite evident that the products of the farm will fill the barn which has been considered unnecessarily large.

For a detailed account of the products and income of the farm, for the last year, you are referred to the Superintendent's late annual report.

Brickmaking has proved to be quite a profitable business; a large kiln of well burned brick is now on hand, ready for the spring market, having been made last season, by the boys, with the assistance of one man, employed to oversee the business. And judging from the excellent facilities and abundance of material, it is thought that an extensive and profitable business of that kind may be carried on successfully.

Your Committee were anxious to know how much the income of the farm exceeded the expenses, but as no separate account of farm expenses had been kept, they were unable to ascertain, and would suggest that the accounts be so kept in future, as to show the expenses and income of the farm, any given year.

The books and accounts of the financial department were examined, and as far as we could judge, every thing appeared correct. We considered that most of the purchases were made at a low figure, while others indicated a larger profit to the vender.

Your Committee have considered the order in relation to converting the Reform School into a State Prison, and have come to the conclusion that such a change would be impracticable.

We regard the Superintendent as eminently qualified for the discharge of his various duties, and his assistant, teachers and other officers, as filling their several places with credit and ability.

The Committee considered that part of the Trustees' Report relating to those boys, who, having no legal residence in any town or city in this State, having been arrested and committed to the Reform School, are chargeable under the present law, to the towns where the offence was committed. Though this may be a just cause of complaint, where such cases may happen, yet we are not prepared to recommend any change in the law, which may not be attended with still greater evils.

We have also considered that portion of the Governor's Message in relation to a "less number of delinquent boys reaching the institution now" than formerly. But the cause of this falling off, not being quite apparent, we do not feel justified in recommending a change or repeal of a law which has been in operation only so short a time.

In considering the suggestion of the Superintendent, relating to the tenth section of chapter thirty-seven of the law of 1858, your Committee recommend the passage of the bill which is herewith submitted.

JAMES MORTON,  
JOHN F. HARRIS,  
HENRY WILLIAMSON,  
B. C. BENSON,  
CHARLES HILL,  
R. P. McFARLAND,  
R. M. WOODMAN,  
ENOCH BUNKER.

# STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND SIXTY.

---

AN ACT additional to chapter one hundred forty-two of  
the revised statutes, relating to the Reform School.

---

*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:*

SECTION 1. The trustees may bind out all boys com-  
mitted to their charge, for a term of time within the  
period of their sentence, as apprentices to any suitable  
inhabitant of this state when requested to do so by  
the overseers of the poor of any of the cities, towns  
or plantations that are liable to contribute to the support  
of such boys, by the provisions of this act.

SECT. 2. Section ten, of chapter thirty-seven, of  
act approved March 26, 1858, entitled "an act additional  
to chapter one hundred and forty-two of the revised  
statutes, relating to the reform school," is hereby  
repealed.

SECT. 3. This act shall take effect after its approval  
by the governor.



## MINORITY REPORT.

---

The undersigned, a minority of the Committee on the Reform School, to which was referred so much of the Governor's Message as relates to the Reform School, and also the Report of the Trustees and Superintendent of the same, having visited that institution, in compliance with an order of the Legislature, being unable to subscribe to some of the conclusions of the majority of the Committee, and wishing to present some matters not presented by them, ask leave to

### REPORT.

The Committee spent a part of the 7th and 8th of February at the school and opportunely met Joseph C. Noyes, Esq., of Portland, and Dr. William A. Rust, of Paris, trustees of said school, who very politely aided us in part of our examination.

Every part of the institution was visited, and as thorough an examination as practicable was made.

Many of the boys are of small size, and in my opinion would be better off, could they be situated in well regulated families.

The educational department was not in that flourishing condition that I would have been glad to have found it. There were 160 boys in charge of two teachers, with the exception of one class in grammar instructed by the assistant superintendent. I believe this important department is too inefficient and would respectfully call the attention of the trustees to it.

The school rooms are very imperfectly ventilated. They have been somewhat improved of late, but still they should be better ventilated.

A large number of the boys were severely afflicted with colds, coughing almost incessantly. One has recently died after a few days sickness.

The bathing room is in the basement, a cold, damp, cellar of a room, and I noticed no means of warming it, and as the boys are

required to bathe once a week, I would suggest the necessity of providing some means of warming this room.

The boys with a few exceptions have no under clothing or vests.

The dining room, boys' play hall and the dormitories, have been very much improved during the last year.

I do not deem it necessary to say anything about the farm, stock, or brickyard, as the others of the Committee are more competent to judge in these matters, and will report fully upon them.

By the 11th section of the 142d chapter of the revised statutes, one or more of the trustees shall visit the school at least once in every four weeks, examine the inmates in the school room and workshop, and register and regularly keep a record of these visits in the books of the superintendent. Once in every three months the school in all its departments shall be thoroughly examined by a majority of the board of trustees, and a report made showing the results thereof. I have not been able to find any such records or reports, and am satisfied that they have not been kept or made, as contemplated by the statute.

By section 1 of said act, the trustees are to determine the compensation to be allowed the officers of the Reform School, subject to the approval of the Governor and Council. This act so far as it relates to the approval of the Governor and Council has not been complied with.

The appropriation by the Legislature for the establishment and support of the Reform School has amounted to \$190,273. Some years the sum appropriated for the support of the School has amounted to one-eighth of the State tax.

The expense is very unequally borne by the different towns and counties throughout the State, as may be seen by the following table. The calculations are based upon the valuation of 1850.

## STATE REFORM SCHOOL.

9

	No. boys committed.	Cost to each County, including cost of buildings.*	Cost to each County, per boy, including cost of Institution.	Cost to each County, per boy, not including cost of Institution †	No. of towns that have committed boys.	No. of towns that have not committed boys.
Androscoggin, . . . .	20	\$7,898 09	\$394 95	\$249	4	10
Aroostook, . . . .	-	1,022 29	-	-	-	19
Cumberland, . . . .	123	31,910 95	259 43	164	12	13
Franklin, . . . .	7	5,322 04	760 29	480	3	16
Hancock, . . . .	5	9,293 86	1,858 77	1,173	4	28
Kennebec, . . . .	76	23,097 85	303 76	191	17	12
Lincoln, . . . .	32	15,556 83	486 15	307	11	17
Oxford, . . . .	8	8,861 18	1,107 64	699	7	32
Penobscot, . . . .	96	17,322 76	180 47	114	14	37
Piscataquis, . . . .	2	3,501 74	1,750 87	1,105	2	19
Sagadahoc, . . . .	30	10,606 24	353 54	223	4	7
Somerset, . . . .	17	9,387 69	522 15	330	9	21
Waldo, . . . .	17	12,935 47	760 90	480	9	21
Washington, . . . .	32	9,989 87	312 18	197	7	32
York, . . . .	67	23,566 41	351 75	222	10	16
<b>Total, . . . .</b>	<b>532</b>	<b>\$190,273 27</b>			<b>113</b>	<b>300</b>
Portland, . . . .	97	13,891 96	143 21	90		
Remainder of Cumberland, . . . .	26	18,018 99	693 04	437		

\* Cost of support of boys without cost of institution, is about 12-19 of the 2d column.

† Fractions of a dollar rejected

It may at once be seen that a large portion of the towns have no direct benefit for the money paid by them, while the burden of taxation rests equally upon all the towns, the benefits, if any, are very unequally distributed.

In submitting this to the Legislature as a minority report, I am happy to embrace the opportunity afforded me of giving some views upon this important institution of our State. I say important because it has been very liberally supported by the State, and is now calling for quite a large appropriation; and there are great principles involved in its establishment, and it becomes us to pause and fairly discuss its merits and demerits.

We are all well aware that it was called for by certain friends of reform, and the Legislature, possibly, very properly yielded to the solicitations of its friends, and granted from time to time large sums of money for the establishment of the School, not as a matter that had been demonstrated, but as an experiment, and we have had it in operation some five or six years, and have paid out of our treasury \$190,273 for its establishment and support. Now are we not admonished to pause and make the inquiry, whether it has

accomplished that amount of good that the friends hoped it would, and if not, is it not our duty to inquire into the cause of its failure and look for the defects, if any, in the system? Has its practical working been such as to established public confidence in it? or, on the other hand, has not the public lost confidence, and many conceived that it has not accomplished what it was intended to? How does the whole matter stand to-day in the minds of thinking men? What are the opinions of leading public men who have given this subject attention?

It is very well known that our School was founded upon the plan of the Reform School at Westboro, Mass., the same general plan was followed in its construction, its system of discipline has been almost precisely the same as that, because ours was started, and conducted for some time, by the same Superintendent, the organic act was almost identically the same, its by-laws almost the same, and the offences, for which commitments were made, were the same.

The School there has met either a sad or happy mishap, and now, as it is a question which, let us consider the action they have taken and that which is recommend to be taken.

Probably it is well known that last year a part of the building at Westboro was destroyed by fire, and the question upon re-building has given expression by which we can possibly be guided.

Gov. Banks, in his message to the legislature says :

“That there are defects in the system upon which it is established, must be admitted, and the disaster of the present year offers an opportunity for their correction which cannot wisely be neglected. Its defects do not present themselves so much in the inspection of the school itself, as in examination of the principles upon which it is founded and in tracing the career of its pupils.

“It is, of course, impracticable to follow out each of these ; but, in some instances, its untoward results may be noted in the condition of other institutions. I have caused careful inquiry to be made in some of the institutions of the Commonwealth, during the past year, with a view to ascertain what influence this school produces upon its criminal population. The result, I regret to say, is not as satisfactory as could be wished. Of convicts in the State Prison, not much less than a tenth-part are graduates of the State Reform School.

“The class of offences for which committals to the Reform School

were intended to be made, has been entirely changed, to the detriment of the institution. It was intended as a refuge for juvenile offenders against law, who, except for its establishment, would have been consigned to prisons and penitentiaries, as punishment alone, without especial reliance upon the principles of instruction employment or reformation. That this was its purpose, is readily gathered from every record of the institution, the law creating it, the reports of commissioners, of trustees, and officers, from the instructions of its founder, and the express object and purpose of its establishment, as suggested by Mr. Lyman, by the commissioners who organized it, and also as indicated by the liberal donation from the estate of Mrs. Lamb. Instead of this, it has been made, to a very considerable extent, a means of support for indigent children, and a substitute for parental authority. This is seen in a single fact, running through every year's experience of the institution. Of two thousand four hundred and nine boys, received previous to September 30, 1858, one thousand and twenty-eight were sentenced for *stubbornness*; and if you add to this number those sent as vagrants, (143,) and idle and disorderly boys, (107,) it constitutes a class numbering (1,728,) more than one-half the entire population of the institution, from its foundation. It is unquestionably true that the State should make provision for indigent, idle, wandering and stubborn boys, but it ought never to be done in the State Reform School, which was designed for an entirely different and higher purpose, inconsistent with the object merely of support, instruction, and family government. Nothing could be a greater departure from the expressed views of the founder of the institution."

Hon. Theodore Lyman, who may be said to be the founder of this school, recommended that :

"COMMITMENTS SHOULD BE MADE BY COURTS ALONE. The institution should be considered A PLACE OF PUNISHMENT as well as a place of reform, as under the authority of the State. It will otherwise do little good. If thought to be a school and farm, where boys are only obliged to learn and work, many boys will not be unwilling to go, and still more, parents will not be unwilling to send them. I should give no character of disgraceful punishment to the institution," he says, "but the character of a State School with an established system of rules and government and discipline, where boys are received *because they are not fit to be at large*, and where they

are kept and trained *until* they are considered fit to be restored to society.”

Governor Banks further says:—

“It was a serious and most important question in the inception of this institution, who should be invested with authority to sentence criminals to the school for reform. ‘Should commitments be made by courts alone, or by others, and if so, by whom?’ asked the commissioners. ‘By the courts alone,’ answered the founder of the school. ‘The institution should be considered a place of punishment as well as a place for reform. It will otherwise do little good.’

“The statute of 1847, approved April 9, authorized sentence to the Reform School to be pronounced by any court or justice. For the greater part of the time, therefore, there have been eight or ten thousand committing magistrates. The third report of the trustees makes especial allusion to this subject, (page 4,) in connection with the charge of stubbornness. It came to be understood, as was anticipated by Mr. Lyman, that the institution was a school and farm where boys were only obliged to learn and to work, and boys were willing to go, and parents, because of the want of means of support or instruction, on account of family reasons—inefficiency of parental authority, or a fear of misfortune, have been content to send them there.

“There can scarcely be a doubt, if the views of him who so munificently endowed the School had been more closely followed, the authority to commit limited to the ‘courts alone,’ the list of offences for which commitments were made reduced to that class tried in courts and punished in prisons and penitentiaries,—that the number of boys would have been reduced one-half, to their advantage and the reputation of the school. This would have reduced the number of pupils to three hundred, which was the number contemplated by the law erecting the School.

“In the re-construction of this institution, it seems imperative that we should recur to the views of those who were its creators, and following their views, guided by the light of twelve years experience, it may happen that as much *good as evil* will arise from the disaster of the last month.

“It seems to me it is clearly impolitic for the Commonwealth to re-establish the school upon its present system. It will be far better to return to the ideas upon which it was founded, the correct-

ness of which has been so completely shown in the experience of the past ; especially should we regard the necessity of bringing it, so far as numbers are concerned, to the 'moderate and limited scale' suggested by Mr. Lyman. Not more than two hundred boys should be brought together in one building ; and that should be so constructed as to admit of a perfect classification as regards instruction, amusement, employment, and also temperament, propensity and character ; it should be such as to admit of entire separation and isolation, if necessary, for incorrigible boys."

The Committee, to whom was referred the message of the Governor of Massachusetts, concerning the Reform School, recommend that boys be committed to the Reform School, only by Justices of the Supreme and Superior Courts, and by Judges of Probate.

That the town in which a boy resides at the time of his commitment, shall contribute fifty cents a week toward his support, and may recover that amount from parents or kindred legally bound to maintain him.

The Committee recommend that the injured portions of that original building be reconstructed, and the internal arrangement of it remodelled, so that it shall accommodate not more than two hundred boys ; and that the building be so arranged as to divide this number into, 1st—a correctional department, to contain 25 or 30 ; 2d—a receiving department, to contain 40 or 50, in which boys should be placed upon their arrival at the school, and until it is ascertained into what other class they ought to be admitted ; and 3d—three other departments, each to contain from 40 to 50 of those boys who can least safely be trusted outside the walls. Each department should be under its own sub-master, who would be responsible for the discipline within it ; and the boys in each should be entirely separated from those in the other departments, whether in the dormitories, at meals, at school, at work, or at play. In remodelling the building, means should be taken to prevent the spreading of a fire, by erecting brick partition walls, and by other precautions. The Committee are aware that a re-arrangement of the old building upon a new plan, will be attended with considerable expense, but they would *prefer to see it wholly demolished rather than retained upon the old plan.*

Governor Morrill, in his Annual Address to this Legislature, speaks of the Reform School, as follows :

“ While it is plain that the original idea, that of providing some

means by which 'juvenile offenders' should be kept from the companionship of those hardened in crime, and where they should be trained and disciplined with reference to their reformation, is wise and beneficent, it may be a matter of grave consideration as to what should be denominated an offence and a cause for committing a child of tender years to imprisonment as a public offender. The hope of the State is not in its prisons and specific schools of reform for discipline of its youth, outside of society, but in its domestic, educational and religious institutions, the family, the common school, the church, and society."

The original design of the school was to make it reformatory for juvenile offenders against law; the practical workings and policy have been to create offences to fill the school; out of the 532 committed, only 31 have had alternative sentence to the State Prison, and 17 of these for only one year; 388 have had alternative sentences to the county jail or house of correction, varying from one to 30 days.

There have been 176 commitments for the following offences, viz., common runaway 71, truants 19, malicious mischief 13, vagrancy 55, idle and disorderly 13. It is misdirected philanthropy that will take youth of tender years from their homes and friends and immure them from the world for a series of years for so slight offences. The punishment is disproportionate to the offence. It is excusable only upon the ideas of reform, and I am fully persuaded that there are more boys who leave the school worse than when they entered, than there are improved by its discipline.

The system of discipline is such that instead of softening the feelings of many of the boys, they are actually hardened; instead of refining, they are rendered more gross; instead of being purified, they are contaminated; this is the result of the system of congregating so many boys of different habits together and subjecting them to almost prison discipline.

I am constrained to believe, not so much in consequence of a visit to this school as from experience in a like institution and a fair and thorough examination of its practical workings, that the school is not of such public utility as to require that it should be a charge upon the State.

The majority of the Committee have reported the affairs and condition of the school as they viewed them, and while I would cordially agree with them in many particulars, yet I have felt it



my duty to differ with them in some few conclusions, and also to present some matters not embraced in their report.

In looking over the whole subject, and after giving it a careful examination, I have come to the conclusion that justice to all portions of the State, and the good of the institution, require the adoption of the bill herewith submitted.

WINSLOW ROBERTS.

Augusta, March 8th, 1860.

---

---

## STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND SIXTY.

---

---

### AN ACT relating to the Reform School.

---

*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:*

SECTION 1. Section one of an act additional to chap-  
2 ter one hundred and forty-two of the revised statutes,  
3 relating to the reform school, approved March twenty-  
4 seven, eighteen hundred and fifty-eight, is hereby  
5 amended, by striking out in the third line of the first  
6 section the words "or in the county jail."

SECT. 2. Section two of said act is hereby amended

2 by striking out in the third line the words “one dol-  
3 lar” and inserting ten dollars.

SECT. 3. Section three is hereby amended by adding  
2 to said section the words “for the first year, and one  
3 dollar and fifty cents after one year.”

SECT. 4. No boy shall be committed to the reform  
2 school for any other offences than those mentioned in  
3 sections one and two of said act.

SECT. 5. This act shall lake effect when approved by  
2 the governor.

---

## STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, }  
March 9, 1860. }

On motion of Mr. BENSON of Newport,  
Laid on the table, and 5,000 copies ordered to be printed for the  
use of the Legislature.

CHARLES A. MILLER, *Clerk.*