

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.

SENATE.

No. 1.

R E P O R T S

OF THE

COMMISSIONERS ON STATE PRISON AFFAIRS.

To the Senate and House of Representatives:

I herewith transmit reports of Commissioners appointed under Resolve, approved April 2, 1859, "to consider the expediency of enlarging and reconstructing the State Prison at Thomaston, and also the expediency of building a new Prison in some other locality."

LOT M. MORRILL.

COUNCIL CHAMBER, }
7th January, 1860. }

MAJORITY REPORT.

To the Honorable LOT M. MORRILL,
Governor of the State of Maine:

SIR: The following Resolves were passed by the thirty-eighth Legislature and were approved by you on the second day of April, 1859.

Resolved, That the Governor with the advice and consent of Council, is hereby authorized to appoint a commission of three suitable men, whose duty it shall be to consider the expediency of enlarging and reconstructing the State Prison at Thomaston, and also the expediency of building a new Prison in some other locality. The commissioners thus appointed shall carefully examine the structure and present condition of the Prison and appurtenant buildings, and shall determine upon the cheapest and best mode of enlarging the same to an extent that will give from two hundred to two hundred and fifty cells in the Prison when completed, together with a proportionate supply of shop room, and the plans and specifications of said enlargement, with the accurately estimated cost of same, shall be laid before the Governor on or before the first day of December next, and the Governor shall transmit the same to the Legislature at the commencement of the ensuing session. But if after due investigation into the internal economy and management of the Prison as herein after directed and provided for, said commissioners shall deem it necessary for the financial success of the Prison to change its location they shall state their conclusions in a report to the Governor on or before the first day of December next and the Governor shall transmit the same to the Legislature at the commencement of the ensuing session.

Resolved, That it shall be the further duty of the commissioners to examine into the internal economy and management of the Prison,

and with the sanction of the Governor and Council they shall make such changes as they may deem to be advantageous to the State; they may fix anew the compensation of the various officers of the Prison; may reduce the number and alter the respective duties of the same; may revise and correct the entire system of disbursements in the various departments, and are further authorized to exercise all the powers and duties of the inspectors of the State Prison, as prescribed in chapter one hundred and forty of Revised Statutes.

Resolved, That it shall be the further duty of said commissioners to examine into the contracts now made for the labor of the convicts in the prison, and if they shall consider said contracts disadvantageous to the State, they shall with the sanction of the Governor and Council institute measures for speedily terminating the same; having due regard in such action to the legal and equitable rights of said contractors. And in the event of existing contracts being thus terminated, the commissioners shall proceed to procure and execute new contracts for the labor of the convicts, and to this end shall advertise for proposals in at least two papers outside of the County of Lincoln; and two papers in said County, said proposals shall be sealed and addressed to the commissioners at Thomaston, and shall be opened on a day specified, and the contracts shall be awarded to the party or parties offering the highest net sum for the labor of the convicts, and giving due security for the performance of the covenants and agreements into which said party or parties may enter with the State. In advertising, said commissioners shall state the total number of convicts to be hired, and shall invite proposals for the whole number or for any specified proportion of the same; and in awarding the contracts preference shall be given to the party or parties proposing to hire the larger number, if the rates offered are the same as those offered for the smaller number."

The undersigned in pursuance of the duties thus assigned them, most respectfully report the following views in relation to the expediency of enlarging and reconstructing the State Prison at Thomaston, at which, after mature consideration, they have felt themselves compelled to advise. 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 vari-

ous 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 walls 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. The effect upon the atmosphere can perhaps be imagined from a consideration of the fact that 108 prisoners are thus closely confined during an average of twelve hours out of twenty-four; but a visit to the Prison on unlocking the doors in the morning, would serve to indelibly impress the recollection of it upon the mind of the most indifferent visitor. The system of warming also, pursued in the present Prison by means of two unique stoves placed in the areas, results in the overheating of a few of the cells in their immediate vicinity, while others more remote derive scarcely any warmth from the consumption of the utmost amount of fuel. In short, so crowded, narrow, ill arranged, unventilated and inconveni-

ent 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.

We have thought it necessary to advert to the condition of this Wing in particular as it is in fact the best and most eligible portion of the present structure, and indeed, the only portion of it now used for any other than Hospital purposes, and being of such comparatively recent erection, we have supposed its retention to be a necessary part of any project for the enlargement of the Prison at its present site. Were the idea of rebuilding the present Wing with cells of proper size and arrangement to be entertained, it is obvious that such a step, would involve the expenditure of an amount largely exceeding any sum heretofore contemplated for remodelling the institution in its present locality.

We suppose it to be well understood that no plan for improving the present Prison would be entertained without involving the entire reconstruction of the central building now standing between the old and new prison wings, which contains the kitchen in the first story of not more than one third the size necessary for cooking, washing and ironing, and a store-room. In the second story are the guard-room and Warden's office which are so constructed that no immediate supervision of the Prison can be had from either of them; and in the third story are the officers' sleeping apartments. It is therefore evident that a reconstruction is absolutely necessary, for which a very large outlay would be required, if the new building planned with reference to the distribution of these apartments in any useful and available connection, including a chapel over the guard-room, and a Hospital in its upper story, the only safe or proper location for a portion of the establishment which more than any other, imperatively demands light, air, and such a retired, yet accessible portion as to secure the utmost freedom from noise, interruption, or danger from infection among its inmates. Your commissioners find that after the reconstruction of the centre and the two wings of the present Prison above described, a still further appropriation will be desirable to connect the residence of the Warden with the establishment under his care. The house which is at present occupied by that officer is totally unconnected with the guard-room and Hospital,

and thus affords no opportunity for that constant and personal supervision which an enlarged experience has shown to be so highly desirable in the construction of a well arranged prison. The connecting of the Warden's house therefore with any new central building that may be constructed, must be regarded as indispensable for the proper and convenient performance of a Warden's duties.

But with all the various improvements which have now been suggested for the present structure, accommodation would be provided for but 228 inmates as in consequence of the restricted dimensions of the site, it is certain that neither the east nor the west Wing could well be constructed of any larger dimensions than would be required for this number of prisoners. No additional wing of cells could be built on the southerly side of the guard-room, in consequence of the position of the wheelwright shop now standing within twenty-seven feet of the walls of the Prison, nor would a change in the location of this structure be productive of any material benefit as the excavation, made in quarrying lime stone upon the premises, has already reached to the rear line of this shop on its southerly side and has been carried to the depth of nearly or quite seventy feet. It remains to consider further the additional expenditure necessary for the erection of a proportionate supply of workshops in order to render available the labor of 228 convicts if it shall be decided that the Prison is to be enlarged and to remain permanently at Thomaston. The carriage shop is the only one upon the premises that will not require a reconstruction immediately, or in a short time, this shop though very awkwardly located, will accommodate the number of men at present employed in it, for many years to come, all the other shops are in bad repair and entirely too limited in size for the employment of a larger number of convicts than now occupy them. A new blacksmith shop, 40 by 65 feet on the ground, and a shoe shop, 40 by 100 feet on the ground, and two stories high, will be indispensably necessary as soon as the Prison is enlarged, the cost of which if built of brick or stone, as we believe they should be, to be durable and safe against fire, is estimated at \$2,000, and \$4,500, respectively. The cooper's shop, basket shop and two other small shops, are all wooden buildings, and must soon give place for shops more capacious as the number of convicts increase, at an expense equal to that of the blacksmith and shoe shops. The stable

also must be rebuilt in a short time. If our Prison is ever to be made self-sustaining, one of the first and most essential requisites is to provide ample and thorough accommodations in shops furnished with steam power, in which the various branches of mechanical business likely to be carried on by the contractors who may engage the labor of the convicts, can be advantageously and economically pursued, and the prison and the shops warmed by the same steam that propels the machinery. 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 sources from which this element is procured for prison uses, often fails them in times of drought, and they are compelled to resort to the labor and expense of carting it more than a mile for all ordinary requirements of daily cooking. In view of this fact, the danger from fire also becomes worthy of serious consideration.

Your commissioners were further instructed to consider the expediency of building a new prison in some other locality; to this alternative they have given their careful and studied attention and they beg leave to state the decided conclusions at which they have arrived, although they may appear only to reiterate the very able report of a former commissioner, made to the Legislature of 1859. The more closely and carefully we have examined the various reasons which present themselves to every unprejudiced person who looks into the subject, the more fully do we find ourselves compelled to concur in every statement put forth in that most able and conclusive report. In brief then, we would say "that the location, construction and arrangement of the prison at Thomaston and the surrounding buildings, with perhaps, a single exception, have been made regardless of the laws of health, economy, or public utility. That the dilapidated condition of some of those buildings is a public disgrace," that the restricted limits of the site render it impracticable to enlarge the accommodation in any advantageous or economical manner, to the extent that must soon be required, and that the cost of a new Prison would not exceed by more than twice the expense of such incomplete and imperfect alterations as alone could be effected in the present locality.

We would remind the Legislature how fully experience has shown that the institution, as at present located, can never be made self-

sustaining, while similar establishments, in sister States, are not only self-sustaining, but are a source of revenue and profit to the State treasury. We believe the reasons for this are sufficiently obvious; the location is forty miles from any railroad and four miles from any steamboat wharf, the mere cost of transportation, therefore, particularly during the winter months of each year, is sufficient of itself to destroy a large margin of profit. We would submit that Thomaston is not in the vicinity of any manufacturing place, nor is it a place where mechanical labor is in demand, that remunerative prices for the labor of the convicts cannot, under any circumstances, be obtained there. And that it is evident, therefore, that any line of policy which looks towards retaining such a situation for the State Prison as fully equivalent to a resolution that the institution shall continue an annual burden and charge upon the finances of the State.

In New Hampshire they have some twenty convicts less than Maine has, and they so manage their well constructed Prison, with convenient shop room, supplied with steam power, as to make the labor of the convicts yield a revenue to the State of two thousand dollars a year, besides paying all the expenses of the Prison and the salaries of all the officers excepting that of the Warden.

There is no good reason why Maine with equal conveniences in a good location, may not manage a like institution with equal good success, in which case over twenty extra convicts would yield a profit more than equal to the Warden's salary, leaving a clear gain to the State of \$2,000 a year instead of paying out at least \$7,000 annually, as it is fair to presume we must, with the usual yearly increase of convicts—which will make a difference of \$9,000 a year in favor of the State. It is plain then, to any one who will take pains to examine into the facts, that it is for the pecuniary interest of the State, as well as for the comfort of the prisoners, to erect a new Prison in some favorable location. 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 51, and we have the sum total of \$187,495 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.

It may be argued that the Prison cannot be made self sustaining, and that it is futile to talk about its yielding a revenue to the State; but the reports of the New Hampshire Penitentiary show that they have done it for years in succession, and we are unwilling to admit that our neighbors of that State are more sagacious, or are endowed in any way with better faculties for managing an institution of this kind than ourselves, or that they are more economical; what they have done may be done in Maine.

If any one doubts the liberality of the estimate for a new State Penitentiary, they are most respectfully invited to take the pains to examine the new County Prison in Kennebec, at Augusta, which cost about fifty three thousand dollars, aside from the lot and fencing; and we have no doubt, that when they take into consideration, the extra ornamental work and stone work, they will be satisfied that it cost half as much as the plain brick Prison that we propose. We therefore cordially and fully concur in the decided recommendation of the former Commissioner, that the State should proceed to erect a *new prison in a new location*.

It is however made a part of our duty by the Resolve, to report to the Legislature, plans and specifications of the cheapest and best mode of enlarging the present Prison. Notwithstanding that our

views and convictions are such as have already been given, and that we view with no favor the idea of such enlargement of the present Prison, for the reason before stated, yet we were unwilling to pass over any part of the duty which we believed was the intention of the Legislature to impose upon us in relation to the improvement and enlargement of the Prison at Thomaston; we have, therefore, caused to be prepared, two plans for enlargement which may be made, with a view to a partial relief from some of the most serious of the existing defects. They have been prepared under our direction by the same architect who has on two former occasions made a thorough examination of the Prison and has attentively studied its condition and its capabilities. These drawings and designs, together with a report, and a very full mechanical description, are herewith presented, rendering unnecessary any further detailed description in the body of this report.

It should be remembered that the estimates of cost have been made with great minuteness by practical master-builders, thoroughly conversant with the construction of such buildings.

These estimates amount respectively to the sums of \$48,586 23; and \$38,712.22—the larger sum being the cost of the design which contemplates the entire removal of the present centre buildings, embracing the kitchen, store-room, guard-room, Warden's office and officers' sleeping apartments, together with the rebuilding of these apartments of enlarged dimensions, and arranged with a view to a great degree of convenience and efficiency of supervision—a desideratum which we have already shown to be so greatly needed. If the Prison is to be enlarged, we have no hesitancy in recommending this plan in preference to the other. The smaller sum named is the cost of simply adding a new west wing to contain one hundred and eight cells, and having a hospital in its westerly end—all other parts of the Prison remaining in their present condition.

Your Commissioners further report, that immediately after their appointment, during their first visit to the Prison, they directed their attention to its internal affairs, its disbursements and economy, in order, if possible, to devise some means by which the Prison expenditures might be reduced, and the labor of the convicts made more remunerative, so as to bear a nearer proportion to the costs and profits of the Prisons in the adjoining States of Massachusetts and New Hampshire.

The Warden assured us that it would be highly gratifying to him to have any changes made in the system of prison disbursements, or in the contracts for convict labor that would tend to diminish the expenses, and that he would lend us his hearty co-operation in the performance of the duties imposed upon us. Notwithstanding he was of the opinion that under the then existing prices of provisions no reduction could consistently be made, and that the convict labor was then as well disposed of as it could be in that location, without motive power for machinery.

After a careful investigation and mature deliberation, we could devise no better means to ascertain the lowest price for which the convicts could be fed, than to advertise for proposals for feeding them all at a price per week for each, for one year, to commence the first day of July, 1859; and on the 28th day of May we did so advertise in several papers, giving notice that said bids would be received at Thomaston and be opened on the 20th day of June next following. We also, at the same time advertised in two papers printed in the county of Lincoln, and in five papers outside of said county, for proposals for the labor of one hundred convicts, or for a less specified number, for three years, at a price per day for each, from the last day of June, 1859—the contractors to pay for all necessary overseers for the convicts thus employed by them—and gave notice that the bids would be received by us at Thomaston, and opened on the 20th day of June next following.

Eleven bids were received for feeding, ranging from one dollar and nineteen cents, down to ninety-two cents per week for each; and with the sanction of the Governor and Council, a contract was made with David H. Sumner and Henry Maxcy, merchants of Thomaston, to feed the convicts at 92 cents per each week, for one year, commencing the first day of July, 1859. Under this contract, the cost of subsistence for each convict per year, is \$47.84, which is twelve dollars eighty-five cents and four mills each, less than it cost in 1858, amounting on 125 convicts, to the sum of \$1,606.75 per year saved.

But one bid was received for convict labor, and that for only thirty-five men in the carriage and blacksmith shops at twenty-five cents per day for each; this was rejected, fearing that a contract for this number, might at some future time prevent a more favorable contract for the whole.

The duties of the police force of the Prison—consisting of deputy warden, general overseer, seven other overseers of the different departments of labor, and seven guards or watchmen—were next inquired into, which resulted in the conclusion, that sixteen men besides the warden, was a larger force than was actually necessary to guard and govern 128 convicts, and we have therefore abolished the office of general overseer, whose salary was \$500 a year, and have dismissed one of the guards, whose pay was \$350 per annum, to take effect on the last day of June, 1859.

We also gave our attention to the compensation of the various officers of the Prison, and with the Executive sanction, have made the following specified changes. The Warden's salary, as fixed by law, was considered entirely inadequate to the responsibilities of the office, but by a custom that commenced with the first occupancy of the Prison, and which has been continued down to the time of our examination, the slops and wastes from feeding the convicts have been appropriated to the Warden's exclusive benefit, the value of which has been increasing with the increase of prisoners, until that with some other small profits, and fuel and lights for the Warden's dwelling, have amounted to more than his compensation fixed by law.

Deeming it improper that a public officer should be under the necessity of making appropriations to himself out of the public funds, at his own discretion, in order to make his compensation equal to his services, we have reduced his compensation as stated above, and fixed his salary at \$1,200 per annum, commencing the first day of July, 1859, together with the use and occupancy of the dwelling house, wood house, hen house, so much of the stable as may be necessary for his use, and the garden connected with the dwelling house, and to receive no fee or perquisites of office or other emoluments.

The deputy warden is exposed day and night, and his duties are more laborious and hazardous than any other officer of the Prison; we have therefore raised his salary from \$500 to \$600 a year, to commence the first day of January, 1860. The clerk's salary has been reduced from \$500 to \$375, to commence the first day of January, 1860, for the reason that the labor and feeding of all the convicts have been put under contract for three years, which will reduce the services of the clerk very materially.

The pay of the overseers in the carriage and blacksmith shops remain at \$500 each per year.

All the other overseers and the guards have their pay reduced from the 30th day of June, 1859. The head overseer in the shoe shop, and the overseer in the paint shop, have their pay reduced from \$500 to \$400 each per year; the pay of the overseer in the quarry has been reduced from \$450 to \$400 per year; and the \$300 paid to the overseer in the cooper's shop under the contract of D. H. Sumner has been discontinued, as no provision was made in his contract for the State to pay any overseer for convicts in his employ, excepting in the lime quarry. The pay of six guards or watchmen, have been reduced from \$350 to \$325 each per annum.

A resident chaplain has been provided for from the first of January next, whose salary is to be \$400 per annum, and the duties of librarian are assigned to him as a part of his duty, for which \$26 per year have been paid. In all these changes in the officers and their salaries, the State pays \$901 less than before, and saves the expense of fuel and lights for the Warden's house, equal, at least, to \$150 more.

Notice was given to Messrs. O'Brien & Allen in the early part of June, that if more advantageous prices were offered for the labor of convicts in their employ than they were then paying, their contracts would terminate on the thirtieth day of June, but as no bid was received worthy of acceptance, they were verbally notified on the 26th of June that their contract might continue to the first of January, 1860, at which time their contracts for the convicts in the carriage and blacksmith shops would be nearly completed, but they preferred to have it terminate then. Messrs. O'Brien & Allen claim damages for the termination of their contracts, but their claims have not been definitely submitted to us and remain unsettled.

In consequence of the surrender of Messrs. O'Brien & Allen's contract, it becomes necessary to purchase the stock and tools which they then had on hand, for the State, in order to keep the convicts in that department employed, for which the sum of \$2,375.53 was paid.

In the latter part of September, we again advertised for proposals for convict's labor as before, giving notice that the bids would be opened at Thomaston on the third day of November next follow-

ing; but two bids were received this time, one of which was for forty-five convicts to be worked in the shoe shop at thirty cents per day, and the State to pay for one overseer for them, which was but \$300 better than O'Brien's contract, and was rejected. The other bid was made by D. H. Sumner and Henry Maxcy, of Thomaston, to take all the convicts and feed, clothe and shoe them, and furnish all the fuel and lights for them in the Prison and in the shops, and pay all the overseers necessary for them, for three years, for their labor, and to purchase all the unmanufactured stock belonging to the State, together with all the State tools, at a fair appraisal. The experiment of letting the labor of the convicts to the same contractors who furnish the subsistence was considered one of doubtful character in its operation upon the quietness and order of the Prison, and much regret was felt that a bid in cash, as financially favorable to the State, was not received for the labor of the inmates of the Prison.

But as this bid was more favorable to the State than any other, it was decided to accept it, on condition that the contracts of D. H. Sumner for convict labor, and of Sumner & Maxcy for subsistence should be surrendered, to which they assented, and the contract was entered into with them, in accordance with the foregoing propositions, subjected to the approval of the Governor and Council, to commence the first day of January, 1860, and a bond was taken from them in the penal sum of twelve thousand dollars, with good sureties for the faithful performance of their contract.

The annual expense of the Prison to the State for the next three years is computed as follows:

The Warden's Salary,	-	-	-	-	-	\$1,200 00
Deputy Warden,	-	-	-	-	-	600 00
Clerk,	-	-	-	-	-	375 00
Six Guards, \$325 each,	-	-	-	-	-	1,950 00
Chaplain, \$400, Physician, \$100,	-	-	-	-	-	500 00
Two Inspectors,	-	-	-	-	-	200 00
						<hr/>
Amount of Salaries,	-	-	-	-	-	\$4,825 00
For Fuel and Lights for Guard-room and Out-posts,						200 00
For Bringing in and Discharging Convicts,	-					1,100 00
For Repairs, \$300, Incidental Expense, \$300,	-					600 00
						<hr/>
Amounting in all to	-	-	-	-	-	\$6,725 00

and this sum will be reduced by the amount received from the General Government for keeping four United States prisoners, which will be \$416 a year, at two dollars per week for each. We are confident that this estimation is a liberal one to cover all necessary expenses to the State, but supposing the annual expenses should amount to five hundred dollars more, the State would then save \$7,902 66 yearly, compared with the expense of 1858, over and above the income for convict labor.

I. S. SMALL, } *Commissioners on*
H. G. RUSS, } *State Prison Affairs.*

DECEMBER 1, 1859.

MINORITY REPORT.

To the Hon. Lot M. Morrill,

Governor of the State of Maine.

The other two Commissioners on the affairs of the Maine State Prison, appointed under the authority of the resolves passed by the last Legislature, having declined to sign a report unless it recommended the construction of a new State Prison in some new locality, I now respectfully make this minority report.

The Commissioners were fully sensible of the complicated, arduous and very responsible duties assigned them, and have endeavored to discharge them with all due fidelity to yourself and to the State.

Not being accustomed to writing books, or having any classical knowledge to display, I shall endeavor in this communication, to be as concise as the subject will admit of.

Perhaps, however, it will not be unprofitable, in order to a right understanding of this movement in relation to the State Prison, for me to insert here, the resolves of the Legislature, so far as they are applicable to this report.

Resolved, That the Governor, with the advice and consent of the Council, is hereby authorized to appoint a Commission of three suitable men, whose duty it shall be to consider the expediency of enlarging and reconstructing the State Prison at Thomaston, and also the expediency of building a new Prison in some other locality. The Commissioners thus appointed, shall carefully examine the structure and present condition of the Prison and appurtenant buildings, and shall determine upon the cheapest and best mode of enlarging the same, to an extent that will give from two hundred to two hundred and fifty cells in the Prison when completed, together with a proportional supply of shop-room, and the plans and specifications of said enlargement, with the accurately estimated costs of the same, shall be laid before the Governor on or before the first day of

December next, and the Governor shall transmit the same to the Legislature at the commencement of the ensuing session. But if after due investigation into the internal economy and management of the Prison, as herein after directed and provided for, said Commissioners shall deem it necessary for the financial success of the Prison, to change its location, they shall state their conclusions in a report to the Governor, on or before the first day of December next; and the Governor shall transmit the same to the Legislature at the commencement of the ensuing session.

Resolved, That it shall be the further duty of the Commissioners to examine into the internal economy and management of the Prison, and with the sanction of the Governor and Council, they shall make such changes as they may deem advantageous to the State; they may fix anew the compensation of the various officers of the Prison; may reduce the number and alter the respective duties of the same; may revise and correct the entire system of disbursements in the various departments; and are further authorized to exercise all the powers and duties of the Inspectors of the State Prison, as prescribed in chapter one hundred and forty of the Revised Statutes.

Resolved, That it shall be the further duty of said Commissioners to examine into the contracts now made for the labor of the convicts in the Prison; and if they shall consider said contracts disadvantageous to the State, they shall, with the sanction of the Governor and Council, institute measures for speedily terminating the same; having due regard in such action, to the legal and equitable rights of said contractors, and in the event of existing contracts being thus terminated, the Commissioners shall proceed to procure and execute new contracts for the labor of the convicts, and to this end shall advertise for proposals in at least two papers outside the county of Lincoln, and two papers in said county; said proposals shall be sealed and addressed to the Commissioners at Thomaston, and shall be opened on a day specified, and the contract shall be awarded to the party or parties offering the highest net sum for the labor of the convicts, and giving due security for the performance of the covenants and agreements into which said party or parties may enter with the State. In advertising, the Commissioners shall state the total number of convicts to be hired, and invite proposals for the whole number or a specified portion of the same; and in awarding

the contracts, preference shall be given to the party or parties proposing to hire the largest number, if the rates offered are the same as those offered for a smaller number."

It will readily be understood by these resolves, that much, very much was expected and required of the Commissioners. They were expected and required to inaugurate a system of reform and retrenchments which every board of Inspectors and Commissioners, and every Legislative Committee had been baffled in attempting to accomplish for the past ten years.

The very scrutinizing, extensive and thorough investigation of the affairs of our own, as well as other State Prisons, so lately made by James G. Blaine, Esq., and his lucid, thorough and able report on the same, supercedes the necessity or even the propriety of my writing, at this time, another minute history of its affairs.

For a detailed account of the financial transactions of the State Prison at Thomaston, the extravagance and waste practiced by those who have managed its affairs, I respectfully refer you to Mr. Blaine's Report.

As soon as the Commissioners received their appointment, they repaired to Thomaston, and entered upon the discharge of their duties. The first thing which seemed to require their attention was the then existing contracts for the labor of the convicts in the Prison. It was then the last of May, and the short space of time between that and the first of July, when it was generally expected that they should make some important changes in the business of letting the convicts, did not afford that time for investigation and deliberation which the importance of the subject demanded. They were allowed but three or four days to make up their minds, whether it was for the best interest of the State to annul those contracts and run the risk of making better ones, or permit them to continue to the end of the year.

It would have been very desirable to have known something about what they should have been able to do with the convicts, before terminating those contracts; but guided by what appeared to be the requirements of the resolves, and the public sentiment on the subject, they gave notice to the contractors, that they should rescind those contracts on the last day of June, or so soon afterwards as they could make other contracts for the hire of the convicts, which would be more advantageous to the State.

Having taken measures to close up the old contracts, it became their duty to endeavor to make new ones, which would be more profitable, and for this purpose, to advertise for sealed proposals to hire all, or a part of the convicts in the Prison; which they did; and in accordance with the requirements of the Resolves.

They were much disappointed in the bids which were received. They were not so good as the Commissioners had a right to expect, from the encouragement and assurances which they obtained from those supposed to be the best acquainted with the subject.

The only response received in reply to their notice, or offer which the Commissioners had for the labor of the convicts, before the first of July, was a bid by Messrs. Maxcy & Sumner for the thirty-five convicts employed in the carriage business; and on terms something like one thousand dollars a year better than the existing contract. They considered themselves bound by the letter of the Resolves to award the contract for these convicts, to those gentlemen, and did so. But the Committee of the Council, believing it for the best interest of the State to dispose of the labor of all the convicts at once, and not to embarrass the business or in any way tie up the Commissioners' hands by letting a part of them at this time, unanimously disapproved and rejected the proposition.

The sequel has well proved their clear foresight and sound judgment in the premises.

Several days before the first of July I notified Samuel H. Allen, Esquire, the managing partner of Allen & O'Brien, that they might continue their contract for the labor of the convicts employed in the carriage business, if they chose, up to the first of January, 1860, but they concluded not to do it.

That contract having been surrendered, and the convicts employed under it thrown upon the State, it became the duty of the Commissioners to employ them as best they could; and believing it the best course, determined to continue them in the same business on account of the State. And for this purpose, as well as that of helping Messrs. Allen & O'Brien out with their contract, and thereby reducing the amount of damages, which they could justly claim of the State, the Commissioners purchased all the stock and tools which Allen & O'Brien had on hand.

Samuel H. Allen, Esquire, the managing partner of Allen &

O'Brien, whose contract had thus been terminated on the first of July, has frequently informed me that they should claim damages of the State on that account; but has never told me what amount they would demand, or furnished any data, by which I could judge what those claims were, or what amount they would be justly entitled to.

I was desirous of having this claim presented, with the proper vouchers, and fairly discussed with the view of having it definitely settled if possible, before I made this report; and have no doubt that Mr. Allen was equally anxious to have the subject disposed of, but something has always transpired to prevent a proper interview, and investigation of the business, and therefore it remains in abeyance.

The important subject of subsistence, which had, so long been the subject of a just complaint by the good people of the State, and on which so much had been said and sung, seemed next to require the Commissioners' careful consideration.

State Prison pigs and swill had been the fruitful topic of discussion for a series of years, but nothing had been done to stop or check the steady march of this constantly increasing charge.

To show more clearly how this swelling tide of expense had been constantly pressing upon us, it may not be uninteresting to make a few references to the records of the prison on this branch of prison disbursements.

To take the amount charged for that department for any one year, and make up an estimate of the expense of each convict for the year, from that sum, might be deceptive; for the purchases of one year frequently go into, and make up the supplies for the next, and by such an analysis, the sum, which each man had cost the State for his board for that year, would very likely be too high, or too low. It is by such an exhibit that the people have frequently been led astray. I therefore take the last three years of Mr. Carr's administration and find that, the average expense of each convict for subsistence for the year was \$41. For the first three years of Mr. Bennett's management, the average expense for the subsistence of each convict per year was \$55. And that for the first three years of the present Warden's administration, the cost for the subsistence of each convict averaged annually \$61.

In the above calculations I have disregarded parts of a dollar,

wishing only to show that this item of Prison expense had been constantly tending upwards, until there seemed to be no bounds to the extravagance and waste which pertained to it.

There were other charges, and other customs which were equally unjustifiable, and all of which had been indulged in and practiced by former Wardens, and sanctioned by former State administrations; and had been handed down to the present Warden as the well established rule of expenditures, and usages of the Prison.

Indeed these extravagant expenditures had been so long indulged in, and acted upon with impunity that they seemed to be a part of the system.

To retrench this item of expense in regard to subsistence, and in some way disband the army of swine, which had so long been kept up at great expense to the State, was early the full purpose and determination of the Commissioners. With this object in view they had a long interview and consultation with the Warden; but receiving no encouragement that anything could be saved to the State in this department, under his superintendance, they advertised for proposals to board the convicts by the week; and in the end, made a contract with David H. Sumner and Henry Maxcy, Esquires, to commence the first of July, to board all the convicts that should be in the Prison for one year, for ninety-two cents per week.

This contract, if it had been carried out to the end of the year, would have been a saving to the State of \$1,700 annually, as compared with last year's expense in the same department, besides all the expense of the Warden with his team in obtaining the necessary articles of food.

Some other customs and usages which had been long practiced, and handed down to the present Warden, the Commissioners considered very injurious to strict subordination, and good prison discipline, and entirely inconsistent with the object to be obtained in sending criminals there.

One of these bad customs, was that of allowing the convicts to have any number of newspapers, of every character, to peruse at pleasure, and by which they were well informed of all that was going on in the world around them. Every one must know that convicts' minds are much depraved, and that they will read with avidity and ponder with satisfaction, everything which has relation

to their own history, or seems in any way to palliate their own crimes. And this they will do, to the neglect of other reading, and lessons of a more moral and religious character, which the State is bound by every consideration to inculcate and enforce.

Another one of these bad customs was that of having two convicts for outside waiters, two or three for inside waiters, and two for cooks, who had the privilege of going in and out of the Prison, and mingling alternately with the convicts, and the people outside; and thus affording a pretty good channel of communication between the convicts and the people at large.

It appears to us, that every one must see the great impropriety of this custom and the evil that would be likely to result from such a loose state of things.

Believing these practices to be entirely wrong, the Commissioners have endeavored to reform them; and have gotten up, with a good degree of care and attention, a new code of Rules and By-Laws for the regulation of the Prison, which they hope will be strictly adhered to hereafter.

The expediency of reducing the number of subordinate officers of the Prison, and fixing anew the compensation of all of them, was by the Resolves made a part of the Commissioners' duties; and though a very delicate subject, they have endeavored to dispose of it, without regard to personal considerations. By carefully investigating the subject, they ascertained to their own satisfaction, that the offices of general overseer with a salary of \$500, one guard with \$350, and the outside waiter with \$350, could be dispensed with, without endangering the safety of the convicts; or in any way injuring the discipline of the Prison; and with the approbation of the Executive, they have abolished those offices.

The salaries of the guards and night watchers had been slowly creeping up, and had risen from \$250 to \$350. This last sum had been allowed, and established, when the wages of labor and every thing else was extremely high, and there seemed to be a necessity for it. But at this time, they believe there are equally good reasons for cutting them down a little; and have accordingly reduced those salaries to \$325. The salary of the overseer in the cooper's shop, of \$300, they determined should be paid by the contractors, as no provision was made in the contract for the State to pay such an of-

ficer,—they reduced the salary of one of the overseers \$100, and two of them \$50 each; they also took off a perquisite of \$60, from an overseer who had a salary of \$500. These discharges of officers and reduction of salaries would under the old system of letting the convicts, and paying the overseers, have reduced the expense of the Prison \$1,910; but under the new contracts, the contractors pay all the overseers.

The Commissioners have raised the salary of the deputy warden, who has by far, the most arduous and hazardous duties to perform, of any officer of the prison, from \$500 to \$600, and have fixed the salary of the warden at \$1,200, and cut off all perquisites. This may be considered by those who are unacquainted with the facts in the case, as raising the compensation of the Warden; but it is not so. The case is far otherwise. For if you take into consideration the matter of subsistence and swill, by which the State lost some \$2,000 a year, and the Warden had the benefit of it; the fuel and lights for the dwelling house, which must have cost the State some \$200 a year; the riding team, with the horse, carriages and appurtenances, and keeping, the use of the pasture and extra garden, with two waiters, all of which perquisites and indulgencies, had been enjoyed by the former Warden, and by the usage and established custom belonged to the present, it will be seen that instead of being raised, his emoluments are greatly reduced. At any rate, the State will save considerable by the change.

Having for the time being disposed of the questions of subsistence and officers' salaries, the Commissioners again turned their attention to the business of disposing of the labor of the convicts, in which they had been so unsuccessful in their first efforts.

After failing in the first attempt to dispose of all the convicts' labor advantageously at the same time, and learning that Thomas O'Brien, Esq., who had the contract for the shoe business, would claim great damages if broken up at that time, the Commissioners concluded that it would be best to permit this contract and that of David H. Sumner, Esq., in the coopering and quarrying business, to continue till the first of January next, and regulated our business accordingly. The Commissioners then set themselves earnestly to work to dispose of the labor of the convicts in the best possible manner; and after advertising extensively, and making great per-

sonal exertions, they have effected and concluded a contract with Messrs. David H. Sumner and Henry Maxey, merchants of Thomaston, in good standing, and residing and doing business close by the Prison, for the support of all the convicts who may be in the Prison for a term of three years, commencing the first day of January next, for their labor. They are to furnish all the convicts in sickness and in health, good and sufficient food and clothing, beds and bedding, fuel and lights, and perform all the labor necessary for their comfort and support; and all to the acceptance and approbation of the Warden and Inspectors.

They are to pay the wages of all the overseers, who are to perform all the duties of disciplinarians and turnkeys, under the superintendence of the Warden and Inspectors. They are to purchase all the stock and tools which the State may have on hand, at the commencement of the contract, at a fair appraised value; and are in every thing to conform strictly to the rules and by laws which may be established for the government of the Prison. They are also to take the clothes, beds and bedding, and all other small articles, (except the tools in the work shops,) at a fair price, and return them in as good order and condition as when received, at the end of their contract, or pay the appraised value. They are to have the labor of the convicts during this term, with the use of the Prison, Prison yard and shops, and stores pertaining to the same. They have given bonds with sufficient sureties in the sum of twelve thousand dollars for the faithful fulfilment of their contract. The contractors now existing with David H. Sumner, for the hire of the convicts in the quarrying and coopering business, and that with Sumner and Maxey for the board of the convicts, are to be terminated at the commencement of the contract aforesaid, by mutual consent of the parties.

This way and manner of disposing of the labor and support of our convicts in Prison, is far from being the most desirable. I am well aware that it has its objections, and should have very much preferred a system by which the State would have received the cash for the labor of the convicts, and by the proper officers, provided for their support, if it could have been done with equal advantage. But sure I am, that it never can be done; for the State will never be able to support a convict in Prison as cheap as the individual who is

personally interested; and this fact furnishes an explanation of the whole subject.

Besides this reason, the contractor, will wish to turn the effects of the convicts' labor, towards the purchase of those articles which constitute his support, and furnish the raw materials for him to labor upon

This contract, and this mode of disposing of the convicts' labor, has this merit, that it ties up the Warden in a pretty close jacket in regard to disbursements; seven eighths of his discretionary patronage being taken from, he will have but a very limited opportunity of being either liberal or extravagant, at the expense of the State.

By the new contract which has been made with Messrs. Sumner & Maxcy, the State will save about \$6,500 annually as compared with last year's expenses. To show more definitely what portion of Prison expenses the State has paid heretofore, and which Sumner & Maxcy are to pay the next three years, I give the specifications, and costs of each, as taken from the Warden's and Inspectors' Report for 1858, viz:

For Subsistence, - - - - -	\$7,101 23
For Clothing, - - - - -	1,046 24
For Fuel and Lights,—Less Guard-rooms and Office,	1,022 90
For Overseers, - - - - -	3,000 00
For Expenses, - - - - -	300 00
For Team, - - - - -	700 00

\$13,170 37

From this sum deduct the net earnings of convicts, 6,650 00

and it leaves the sum of - - - - - \$6,520 37
 which the State will save annually by this contract, as compared with last year's disbursements.

The Salaries of the Officers and Overseers which the

State had to pay last year, amounted in the ag-

gregate to the sum of - - - - - \$8,900

The Salaries of the Officers as established by us for the future are as follows:

For the Warden, - - - - -	\$1,200
For the Deputy Warden, - - - - -	600

For the Clerk and Commissary.	-	-	375	
For the 6 Guards and Night Watchers 325 each,			1,950	
For the Resident Chaplain,	-	-	400	
For the Inspectors,	-	-	200	
For the Physician,	-	-	100	\$4,825
				<hr/>
From this subtrahend of	-	-	-	\$4,075
take the Overseers' Salaries as above,	-	-		3,000
				<hr/>
and you have the sum of	-	-	-	\$1,075
which is the amount saved on Salaries as compared with last year.				

To this sum of 1,075, add the sum saved by last contract, \$6,520

and you have the sum of \$7,595 which is the amount to be saved annually under the new order of things.

To the sum of	-	-	-	-	\$4,825
for Officers' Salaries, add for bringing in convicts,					500
and for discharging convicts	-	-	-	-	600
Fuel and Lights for Officers and Guard-rooms,	-	-			200
Contingent Expenses,	-	-	-	-	200
					<hr/>

and you have the sum of \$6,325 which is a fair estimate of the expense of the Prison for the next year, except the charge for building and repairs, which is so very contingent that the Commissioners would not attempt to estimate it. This then depends very much upon the prudence or caprice of the Warden.

Should the Legislature in their wisdom determine to enlarge the Prison in accordance with the plan submitted, I have the fullest confidence, that when the system of disposing of the labor of the convicts which has been introduced by the Commissioners is fully tested and well understood, and new contracts can be made under more favorable circumstances, the expense of the Prison may be reduced much below the estimated sum.

From the above sum of \$6,325 which the Commissioners have estimated as the sum which ought to support the Prison hereafter, may fairly be deducted \$600 for board of U. States' convicts, and fees

collected of visitors. After making some inquiries, and bestowing some attention upon the subject, we came to the conclusion that it was for the best interest and welfare of the convicts to have a resident chaplain established at the Prison, who should devote his whole time and attention to their good order and well being in the Prison, and to their success and reformation when discharged from it.

Under the arrangement heretofore, the resident ministers at Thomaston officiated alternately as chaplains for the Prison. It is not difficult to understand, that by such an arrangement, the convicts and the State would derive comparatively little advantage from these services, although the clergymen of Thomaston were the best in their profession. Each had his regular and appropriate services to perform on the Sabbath. Each had his own church and society most at heart, and bound to care for and to furnish with the "Bread of Life." And each too had his family cares, and worldly concerns to attend to, and they could not be expected to bestow that care and attention to the temporal and spiritual wants of the convicts in the Prison, which it was the duty of the State to provide for them.

To all that is contained in the foregoing, I understand that my associates and myself are agreed, and that they are willing to yield their assent to all the matters of fact in what is before written. But we disagree on the question of whether it is for the best interest of the State to enlarge the Prison accommodations at Thomaston, or build a new Prison in some other locality. They are opposed to expending any more money on the old Prison and think it to be best for the State, to erect a new Prison in some more convenient place, with all reasonable dispatch, and decline to sign a report unless it recommends such a measure. While anxious to unite with my associates in making a report of our doings in relation to the affairs of the State Prison—as we had agreed on every thing else—yet I cannot conscientiously subscribe to such a report.

This is a very important question, and one on which gentlemen might be very likely to differ. Admitting too, that there are very strong reasons in favor of the new Prison, I am nevertheless in favor of enlarging at Thomaston, in a plain and cheap manner, as a temporary thing, for the purpose of taking care of our convicts until the State is in a better condition to build the new Prison.

My attention was early called to the subject of enlarging the Prison and shops at Thomaston, and to its consideration I have devoted much time and thought. I have conversed with gentlemen of intelligence from different parts of the State, and all are agreed in the undeniable fact, that there is a pressing necessity for more Prison accommodations. But when, how and where these accommodations shall be furnished, there is a great diversity of opinion. Many believe and assert with much reason and force, that it would be for the best interest of the State, to erect a new Prison at some other locality, with all convenient dispatch, and not expend any more money on the old one. They maintain that the location of the Prison is bad, and that the management of its affairs has been extremely bad, and will continue to be so, just as long as the Prison remains at Thomaston, and that all sums of money expended in enlarging and improving these buildings is just so much thrown away. They are brought to this conclusion, no doubt, principally from the fact that it has cost the State such large sums of money annually, to support the institution.

There are others, and I believe, a more numerous and equally intelligent class, who take a different view of the subject, and while they would yield with all deference to the arguments and reasons of their opponents, still hold firmly, that it is a far more prudent, safe and economical policy for the State, to make a judicious but cheap enlargement of the Prison and shops at Thomaston. For, say they, in addition to other good reasons, in order to build a new Prison at this time, the State would be compelled to raise the necessary funds for that purpose, either by a State loan or a direct tax upon the people. The former course, it is believed would be impracticable; and the latter one, while the people are already heavily burdened, bad policy, to say the least.

Besides these reasons which stand in the way of building a new Prison at present, it is maintained that as a matter of dollars and cents, it would be more economical for the State to expend twenty or twenty-five thousand dollars in enlarging and improving the Prison and shops at Thomaston, than it would to build a new Prison now, even if the old Prison should be abandoned some twelve years hence. For the interest on the amount of money which the new Prison would cost, (if we may judge from the expense of erecting

other public buildings) over and above what would be required to make the necessary enlargement on the old one, would amount to a much larger sum in twelve years, than it would cost to make those enlargements.

It is no doubt the fact, that the great burthen which the State has been compelled to bear on account of the Prison, depends very much more upon the wasteful administration of its affairs, than it does on the location, and establish the Prison where you will, we shall still be liable to those abuses.

With a view of making "the cheapest and best" enlargement of the Prison and shops at Thomaston, in accordance with the Resolves, the Commissioners called to their aid, the skill and experience of G. J. F. Bryant, Esquire, of Boston, who by their direction has prepared a plan and specifications of an enlargement of the Prison at Thomaston which will accompany this Report. This plan is marked, "Design, No. 1," and contemplates having the centre building, which consists of a kitchen, guard-rooms, sleeping rooms for the guards, an office, and a good store-room under it; all of which are well built and in good repair, remain as at present; and taking away the hospital building which consists of fourteen granite cells with fourteen dungeons under them which are of no use; and building a new Prison wing on the west side of this centre building, having 108 cells, and corresponding with the Prison wing on the east side in most respects, with twelve rooms on the west end of these cells of larger dimensions for hospital purposes.

This scheme of enlargement can readily be understood by a reference to said plan. This enlargement would give the Prison 216 common cells, with 16 larger rooms to be used as a hospital, and afford accommodations for at least 231 convicts.

It is proposed to build a coarse but strong Prison, of a simple and very cheap character, the State having a part of the materials on hand. In addition to the enlargement of the Prison it will be necessary to have more shop room.

The blacksmith shop is not large enough, is rather a poor building, and is badly located, and should be reconstructed in another place. The new shop should be 40 by 65 feet, and of the same kind of material as the old one, with the exception that it should

be covered with slate. This shop has been estimated to cost, by a competent builder, \$1,650.

The shoe shop stands in the way of building the proposed new Prison wing, and must be removed for that reason. It is rather a poor building, and is not large enough to correspond with the enlargement of the Prison. This shop is 33 by 60 feet, two stories high, the lower story built of rough stone from the quarry, laid in common lime mortar, and the upper story is of wood, and covered with shingles. The new shop should be 38 by 85 feet, and built of the same materials, except that it should be covered with slate. This shop has been estimated to cost, by having the use of the stone and other materials in the old shop, the sum of \$4,200.

Mr. Bryant estimates the cost of the proposed new Prison wing, if built of granite, to be \$38,712 22, and his specifications and estimate will accompany this Report.

It may appear to be preposterous in me, to question the correctness of Mr. Bryant's estimate of cost for constructing this plain Prison wing, with a large part of the materials furnished gratis, but still I take the responsibility to do it; and I am confident when I assert, that I can procure contractors who will build a Prison wing in accordance with this plan, and of such materials and style as was pointed out to Mr. Bryant, for more than ten thousand dollars below his estimate.

At the earnest request of the Hon. I. S. Small, one of the Commissioners, I consented that Mr. Bryant should draw another plan of an enlargement of the Prison at Thomaston. This plan is marked, "Design, No. 2," and contemplates taking down the present centre building, which was erected but a few years ago, and is in good condition, and constructing a very large, commodious and expensive one in room of it; with a Prison wing on the west side of this new central building, very much like the Prison wing in the other design. This enlargement, Mr. Bryant estimates, will cost \$48,586 23. If he had left out the twenty-three cents in this estimate, perhaps the State might have concluded to adopt this plan of enlargement.

I have been greatly disappointed in the estimates of cost, of erecting the Prison wing according to design number one, and believe there must be some great mistake about it; and shall endeavor hereafter to satisfy your honor, and the State, that this enlargement

can be made, and well made too, for a sum far below Mr. Bryant's estimate.

If the Prison can be enlarged according to the plan marked "Design, No. 1," and the shops which appear in said design, and which are more particularly described in this Report, can all be built and reconstructed in a substantial manner for a sum not to exceed twenty-five or six thousand dollars, I would most respectfully recommend that the said enlargement and improvement be made.

I am in favor of this enlargement at this time, to meet the immediate necessities of the case; in order to take proper care of our convicts, until the State is in a better condition to build a new Prison. The old one is full, and more than full at present, and still the convicts are crowding upon us. The Warden has been obliged to crowd two or three convicts together in the hospital cells, and even then not able to provide room for all who are sentenced, and some have been left back to be supported in the county jails.

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.

I have endeavored in my labors and in this Report to act with strict impartiality towards all; intending only to give a truthful and fair account of matters and things which came under my supervision, and if I have done or said aught which would reflect upon the integrity of any individual, in my doings, or in this Report, it must be considered that I was dealing with a system and an institution, and endeavoring to reform them, and not with individuals; and that my zeal for the cause in which I was engaged has led me unintentionally thus far astray. As we had been so entirely harmonious in all our labors in relation to reforming the affairs of the State Prison, I regret exceedingly that my associates and myself have not been able to unite in making a Report; but as they declined entirely to sign any Report unless it recommended the construction of a new State Prison without delay, I could not go with them, and part with the very best feelings, for surely they have been industrious and faithful in making those reforms and retrenchments in the affairs of the Prison.

The Warden, and subordinate officers, have my sincere thanks for the courtesy and kindness extended to me while pursuing my labors at the Prison.

And in conclusion, I would acknowledge the great obligations I am under to your honor for this appointment.

RICHARD TINKER.

THOMASTON, December 1, 1859.

BOSTON, Nov. 25, 1859.

To RICHARD TINKER, ISAAC S. SMALL,
H. G. RUSS, Esqrs., *Commissioners.*

Gentlemen: As a part of the duty assigned to me, under your order of the 11th inst., I respectfully submit the following estimates of cost of constructing each of the two designs, submitted to you, for enlarging the State Prison at Thomaston, to wit:

For Design No. 1, (old centre,) - - -	\$38,712 22
For Design No. 2, (new centre,) - - -	\$48,586 23

Very Respectfully Yours,

GRIDLEY J. F. BRYANT.

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 attick 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 reconstructing 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 southeast 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 it 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, that 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 and 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 outer 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 recrossing 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

STATE OF MAINE. .

IN SENATE, January 7th, 1860.

Laid on the table and one thousand copies ordered to be printed
for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*