

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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1862.

FORTY-FIRST LEGISLATURE.

HOUSE.

No. 6.

REPORT

OF THE

COMMITTEE ON THE STATE PRISON.

The Joint Standing Committee on the State Prison, who were directed by an order passed January 14th, 1862, to examine the affairs of the Prison, have attended to that duty and Report :

That they proceeded to Thomaston on the 29th of January, visited the Prison in all its departments, and informed themselves of the practical working of the system now in operation there, as fully as their limited time would allow. They have also enquired into the proposed alterations in the present system, and submit the result of their investigation to the Legislature.

The point upon which the whole matter is suspended is, "shall the present location be considered permanent, or will the State at a time not far distant, select a new location?" In the investigation of this question your Committee have enquired into the origin of the present location; why it was selected? What facilities it offered, and what were the inducements which determined the location?

The ostensible and avowed motive for selecting the present site for the State Prison, was the claim that a valuable quarry of limestone existed there, which would, when worked by the prisoners, yield an income to the State above what could be obtained from any other species of labor.

Experience proved this to be delusive, and it is clear that this

might have been known without the cost of this experience to the State, and was known to all who were acquainted with the property.

A quarry had been opened there by Gen. Knox, who worked it for a time, and it was subsequently tried by others, and had been abandoned because it was worthless, sometime previously to its purchase by the State.

After the Prison was built, the quarry was again worked, but as no lime could be made from that stone that would sell in the market, large quantities of rock from the Meadow quarries (so called) were drawn some three or four miles, and mixed with the rock from the Prison yard, in kilns outside the walls, with a view to white-wash the worthless article, and thus produce something that would sell. This attempt by the State, to palm off a spurious article on the public in order to obtain a profit, met with a failure, the amount of sales not covering the expenses.

Another project was then unfolded, which was to purchase enough granite from the quarries in Hallowell, transport it to the Prison to be dressed by the prisoners, and then sell it to the best advantage. To facilitate this, more land was purchased extending to Georges river, and wharves built on which to land the granite. This project met with a signal failure, mainly on account of the cost of transportation; and it was thought at that time, that if the Prison had been located near the granite quarries, it would have proved a source of profit to the State, but Hallowell granite went out of fashion, which summarily decided that question.

It may be asked "why was the Prison located where it is, if the limestone quarry there was worthless?" Your Committee are unable to learn any other reason, than that the site was owned by one of the Commissioners selected to locate the Prison, who found in the State a generous purchaser.

At the time this purchase was made, the Blackington pasture—so called—then in Thomaston, now mostly in Rockland, containing limestone quarries of great value, might probably have been purchased at a less sum than was paid for the present location. Had the Prison been located there, it can scarcely be doubted that it would have paid its way, and the land that could have been purchased then for less than \$3,000 is now worth probably more than \$100,000.

It would seem that the Prison began with the idea of profit to the individual, and loss to the State, and it has adhered most pertinaciously to that idea all the way down. Many kinds of labor have been tried, and different modes of application, the uniform result of which has been that the State has had to pay a large share of the expenses.

Your Committee have therefore come to the same conclusion with the Hon James G. Blaine, as expressed in his valuable and elaborate report in 1859, wherein he says, "The location at Thomaston is not, and cannot be made, favorable to successful financial results."

A State Prison being a manufactory, must, in order to be most successful in a financial point of view, be located near a large town or city with good railroad facilities, and convenient water power.

With the finances of the State in their present condition, your Committee do not feel at liberty to recommend the construction of a new Prison; but they cannot fail to perceive that one must be built in a more favorable location, at the earliest practicable season, or the State will suffer much loss. Meanwhile they have endeavored to the extent of their ability, to ascertain what is best to be done while the Prison is continued in its present location. A proposition has been made to lease the Prison for a term of years, the lessee to appoint the Warden and all the subordinate officers.

Perhaps this would prove a pecuniary advantage to the State, and also be the best arrangement for the moral and physical welfare of the convicts, but all this depends entirely on the man who may have the prison in charge, and while we entertain a very high opinion of the gentleman who made the proposition, and believe he would be more acceptable as a Warden than any one who has been placed in that position, yet we cannot recommend a great change in the system, which depends for its successful working on the life of any one man.

Perhaps the system now in operation under the present Warden, may develop some good points when a sufficient time shall have been allowed to test its practical workings.

However much we may desire a better management than now exists, yet we must admit that it is an improvement on that of its predecessors, and like the fox in the fable, we may fare worse if we make a change.

We should fail in our duty if we should pass without remark some points in the present management of the prison.

When the gentleman who is now Warden was commissioner, he was of the opinion that the "army of swine" should be kept and owned by the State and not by the Warden. He appears to entertain a different opinion now. Inasmuch as the Warden's salary has been raised aforetime, with a view to compensate him for abstaining from turning the profits arising from the keeping of swine to his own personal benefit, your Committee are clearly of opinion that all the profit which has been or which may be derived from that operation, should be fairly determined and the amount deducted from his salary.

Your Committee are of opinion that in the application of the labor of the convicts, some important improvements might be made, particularly in reference to its adaptation to the varying seasons of the year; and in regard to vending the articles which are manufactured, carriages especially, the employment of a suitable agent to take them abroad for sale cannot but be attended with favorable results.

In order to facilitate the business of the Prison, it is necessary and expedient that the Warden be furnished with the means to purchase all the stock required in the various work-shops on the best terms, for which a suitable appropriation is recommended. A small appropriation will also be required for the repairs of buildings and fence.

Your Committee feel that they would be derelict in the duty they owe humanity, were they to fail in calling the attention of the Legislature to the practice which has obtained, since the death penalty was, in practice, abolished, of keeping in a solitary cell for a whole year, each person convicted of a capital crime, as a *beginning* of his sentence. On the score of policy, if it is desirable that the Prison shall be self-sustaining, is it wise to keep a man, whom you are to employ for life, in a cell 7 feet by 4, of which his bed occupies a considerable part, for twelve long weary months, with nothing to behold but his prison walls and bars? Is that a suitable preparation for a life of profitable labor? Your Committee are informed that some who have endured that punishment have been at the year's end as unable to walk as an infant; and must it not impair the mental and physical energies of any one to a very great degree?

We know it is said that the law requires it. Were it so, your

Committee would not hesitate to recommend an alteration, but they can see no such requirements in the law as it now stands in section 7, chapter 135 of the Revised Statutes. If that law requires solitary confinement for the first year, does it not require solitary confinement for the whole term of their imprisonment as well ?

Your Committee believe that the custom of sending a Committee of ten persons to visit the Prison is not so conducive to the welfare and profit of the State, as would be the sending of a Committee to consist of three at the most, to stay at the Prison a week and see the working of the system in all its parts.

It being impossible for your Committee, unless they devoted more time than could be spared from their legislative duties, to give a full examination to the books and accounts of the Prison, and it being also impossible from the Report of the Warden, or the Report of the Inspectors, to determine how much the Prison is in debt, or how much will be required this season to carry it on in the most successful manner, (for the Warden refers to the Report of the Inspectors, and the Inspectors refer to the Report of the Warden for this information,) we have endeavored to make the best estimate the circumstances would admit of, and have embodied our conclusions on that part of the subject in the accompanying resolves, all of which is respectfully submitted.

JOHN HAYDEN, *per order.*

STATE OF MAINE.

RESOLVE making an appropriation for the state prison.

Resolved, That the sum of four thousand dollars is
2 hereby appropriated for the purpose of procuring man-
3 ufacturing stock for the use of the state prison, to be
4 expended by the warden under the direction of the
5 governor and council.

Resolved, That the sum of five thousand three hun-
2 dred and fifty dollars, to wit :

3 For repairs of buildings and fence,	\$200 00
4 For fuel and lights,	600 00
5 For receiving and discharging prisoners,	500 00
6 For contingent expenses,	500 00
7 For salary of deputy warden,	600 00
8 For five guards and two night watches,	2,275 00
9 For salary of clerk,	375 00
10 For salary of chaplain,	200 00
11 For services of physician,	100 00
12	<hr/>
	\$5,350 00

13 is hereby appropriated, and placed at the disposal of
14 the governor and council.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 4, 1862. }

Presented by Mr. HAYDEN of Bath, and on his motion laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*