

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

SENATE.

No. 53.

STATE OF MAINE.

The Joint Standing Committee on State Prison, to whom was referred the reports of the Warden and Inspectors, in compliance with an order of the Legislature authorizing them to visit said institution, respectfully represent that they have attended to that duty, and ask leave to submit the following report.

Your Committee visited the prison on the second and third days of February, inst., and made as careful and thorough inspection of the institution, as the short time allowed for their visit would permit. Owing to the fact that a special committee had been appointed for that purpose, your Committee did not deem it necessary to go into so minute an investigation of the manufacturing and financial interests of the prison, as they otherwise would have done, but they did endeavor to obtain as clear a view as possible of the condition of the prison, and prisoners, and of their present and future wants.

The Committee inspected the prison building and work-shops within the prison walls, and stock therein, and also the buildings owned by the State, outside the walls, used for storage of carriages, stock, &c., and for tenements for the officers connected with the prison.

The buildings were in good condition, and generally well adapted to the use made of them, with the exception of the carriage and blacksmith shops, which seemed, to our view, to be too small for the number of men employed therein. The carriage shop especially, was objectionable, it having been hastily fitted up for that purpose, after the burning of the original carriage shop, in December last. If the manufacturing of carriages is to be carried on, a larger and more convenient, and fire-proof shop should be built.

The apparatus for extinguishing fire, including the steam fire engine, purchased some time last year, also came under our inspection. All appeared in good order, and we believe that with an ample reservoir of water, and skillful management of the apparatus, such a fire as that which occurred in December should be impossible in the future.

Your Committee were favorably impressed with the condition of the prison and prisoners, and although we think that the sanitary condition of the prison is capable of improvement, we also believe that few prisons will compare with this in the healthy appearance of the convicts. Out of one hundred and twenty-nine prisoners, but one was in the hospital, and we doubt if any manufacturing establishment in the State, with a like number of employees, can make as favorable an exhibit, of the healthy condition of persons employed.

We fully concur with the Warden in the importance of the acquisition of a full trade during the convict's incarceration, as a valuable aid in effecting his reform, and would suggest that a careful attention be paid to their special aptitude, in selecting them a trade, for it is well known that labor is most profitable when the party has a liking for his work, and a convict will not be likely, after his liberation, to follow a trade that is distasteful to him. The ranks of criminals are recruited principally from those who have no regular business, or trade—more than eighty per cent. of our imprisoned criminals belonging to this class—which shows to what an extent the want of a trade is an occasion for crime. To teach a convict a trade, is to place him above want; make a criminal a good mechanic, and you have gone far towards making him a good man and citizen; not only the trade acquired, but the habits of industry formed by convicts, will be of the greatest possible advantage to them after their liberation. The question arises, how shall we best subserve the interests of the State, and promote the well being of the prisoners? Such a question may be difficult to answer, but we believe that the two interests cannot well be separated; that what is best for the State must necessarily be best for the prisoners. We must secure competent men to take charge of our prison, and having secured them, remove them only for cause.

The duties connected with prison discipline are multifarious, and the official qualifications for positions connected therewith are

of a high and rare order. Officers should understand that they are to reform criminals under their charge, not merely to punish; and, above all, should first learn to control themselves before attempting to govern others. Their aim should be to develop manhood, not to crush it; to gain the will, to secure the coöperation of the prisoner by kindness; not to awaken his hostility by harshness and severity. The successful management of the industries of the prison requires tact and business experience, qualities that can only be acquired by long practical familiarity with such management. We would recommend for your consideration, the expediency of holding for the use of the prisoner, a percentage of the earnings of his labor, to be expended for the personal comfort of the prisoner, or reserved for his future support, or for the use of those dependent upon him, so that voluntary industry, frugality and self-reliance may be promoted and encouraged by a direct appeal to the self-interest of the convict himself. The State has taken one step to encourage the prisoners in good conduct, and faithful observance of the rules and requirements of the prison, by the passage of the commutation law, by which they can shorten their term of imprisonment from one to eight days per month, according to the length of their sentence. This law is believed to have had a most salutary effect upon the conduct of the prisoners. Now, why not make another advance, and give to the prisoners a personal interest in their labors? It is not necessary for us to argue that a person's interest in his work, is in direct proportion to the benefit expected to be derived, and, we are satisfied that if a percentage of the gains could be divided among the inmates of our prison, as rewards for industry and good behavior, that the feeling which now, to a certain extent, exists among them—that the State is making a profit from their labor—would be dispelled, and each convict would become interested in the prosperity of the prison. Hope is a more potent agent than fear, and should be made an ever present force in the minds of prisoners. Thus, the hope of abridging their term of imprisonment by good conduct, the hope of participating in the gains of their labor, to be applied to their own comfort while incarcerated, or to relieve the wants of perhaps, their suffering families, or to be reserved for their own use at the expiration of their term of imprisonment, must have a potent influence in converting a slothful, negligent, wasteful, despairing convict, into a hopeful,

buoyant, careful, and frugal laborer. This plan of allowing convicts a percentage of the gains of their labor, is no new idea; it has been tried, and is now the practice in nearly all of the European prisons, as an encouragement to industry and good conduct; and it is said that the consequence is, "there is often a necessity of restraining their eagerness to work, never of urging them to this duty."

The Ohio Legislature, several years ago, passed a law, allowing their convicts one fourth of their earnings, and we believe that the system is in successful operation in that State at the present time. In the prison at Sing Sing, it was partially introduced on the volition of the officers, without legislative sanction, by arrangements with the contractors. The convicts were allowed an "overstent" or compensation for overwork, to be paid to them on their discharge, and the advantage of the measure was at once apparent in the good order and industry of the men; although from the want of legislative sanction, the system could not be carried out with the larger part of the convicts, the earnings were several thousand dollars in excess of those of previous years.

Your committee believe that the surest way to make our prison self-sustaining, is by preventing intentional waste and idleness, by giving the prisoners a personal interest in their work. Of all the motives that act upon men, none is stronger than that of personal interest. The prisoner, bowed down and crushed, cannot be raised by any stimulant more powerful than the privilege of acquiring property, however small.

We would urge upon your consideration how far the measure is deserving of sanction and regulation by law.

As it seems to be the settled policy of the State to carry on the industries of the prison in its own behalf, we have but little to say in regard to the matter, except to heartily commend the present mode of procedure. To revert to the contract system, would, in our judgment, be disastrous to the interests of the State, and obstructive to the reformation of the convicts.

The "contract system" prevails in eighteen state prisons, and that of working the men on State account, in twelve; the average annual earnings per man, in the former, are one hundred and twenty-seven dollars; in the latter, are two hundred and sixty-two dollars; a showing largely in favor of the latter system, and one which

would no doubt become universal, were it not that the too frequent changes in State prison officials render it impracticable.

Complaint has been made from various quarters, in reference to the supposed competition of prison labor, with that outside of the prison. We do not deem it necessary to go into an argument upon the question. The arguments used by those who profess to be opposed only to the introduction of skilled labor, into our State prisons, are just as good against any and all kinds of industrial labor, for, if skilled labor interferes with the artisan, unskilled labor equally interferes with the miner, lime-burner, farmer, and all others belonging to the category.

We have about fifteen thousand prisoners engaged in productive labor, in a total population of forty millions, and it cannot be possible that their labor can appreciably interfere with the interests of manufacturing labor outside; and in spite of the clamor in certain quarters, we must keep the prisoners at work, making them pay the expenses of the prison, or shut them in their cells in idleness, and tax the community for the cost of their maintenance.

The punishment of refractory prisoners as now practiced is solitary confinement in their own cells, in the "lazy cells" so called, and in the "dungeon," and while we would not take from the Warden the power of punishment, when necessary, we would advise that the refractory convict be visited, while in punishment, by the prison physician, as often as once in every twelve hours, and that the physician, whenever he deems that the mental or physical condition of the prisoner demands it, shall request his withdrawal from punishment, giving the Warden his reasons therefor in writing, and we would further advise that a book be kept, in which a record of all punishments shall be made, giving the name and age of the prisoner ordered thereto, the reason for the same, the kind and length of the same, and other such general description of the case, as may be necessary, and that this book be kept open to the inspection of the Board of Inspectors and the Governor and Council, and we would also recommend, by the advice of the Warden, that corporeal punishment be entirely prohibited by law.

It would be vastly for the interest and convenience of the prison could the old quarry within the prison walls be filled up; but the work would be of such magnitude, and the expense so considera-

ble, that we refrain from making any recommendation upon the subject.

In closing our report, we would again advert, in terms of commendation, to the internal administration of the prison affairs. The appearance of the prisoners speaks in stronger terms than we can of the care and humanity of the Warden, whose labors are perplexing and incessant, for we must recollect that he not only discharges the responsible duties of a warden, as we believe, faithfully, but has also the large manufacturing interest, amounting to between one and two hundred thousand dollars per annum, to care for and superintend.

In the judgement of your Committee, there should be an appropriation of twelve thousand dollars, for the erection of a fire-proof building in the prison yard, for a carriage shop; for building a reservoir, and for repairing the buildings and prison wall; and also the sum of five thousand dollars towards replacing the loss occasioned by the fire, and we recommend the passage of the accompanying resolve.

CHARLES SHAW,
EDMUND RUSSELL,
WM. W. CROSS,
JOHN S. PARKER,
SAMUEL F. SMALL,
BENJ. C. STONE,
EDWARD FLETCHER,
JAMES T. CLARK,
JOAB BLACK.

STATE OF MAINE.

RESOLVE in favor of state prison.

Resolved, That there be and hereby is appropriated
2 the sum of seventeen thousand dollars (\$17,000) for
3 the purposes indicated in the accompanying report,
4 viz : twelve thousand dollars for the erection of a fire-
5 proof building for a carriage shop, for building a reser-
6 voir, and for repairs on prison buildings and walls,
7 and five thousand dollars towards replacing the loss
8 occasioned by the fire.

STATE OF MAINE.

IN SENATE, February 21, 1874.

Reported from the Committee on State Prison, by Mr. SHAW of Penobscot, and on motion of Mr. CARR of Sagadahoc, laid on the table and 500 copies ordered to be printed.

SAMUEL W. LANE, *Secretary.*