

MAINE STATE LEGISLATURE

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REPORTS

OF THE

Investigating Commission

ON THE

STATE REFORM SCHOOL,

MADE TO

The Governor and Council Nov. 29, 1882.



AUGUSTA :
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Report of Commissioner Gould.

*To the Honorable the Governor and the
Executive Council of the State of Maine:*

GENTLEMEN:—On the 22d of September last the undersigned, in connection with two other gentlemen, was appointed "to make an investigation into the management of the State Reform School, as to the treatment of the boys confined therein, and report our doings and conclusions to your honorable body."

Your Commissioner submits the following report:

The Commissioners entered upon their duties as soon as time would allow, and they carefully investigated the school. They employed a stenographer, and with this report will be found a full account of all of our proceedings.

The testimony has all been taken under oath. The inmates have been examined apart from their officers. The Superintendent and all of his subordinates have given us every facility for a full hearing.

We found the buildings very neatly kept, the dormitory clean, the school rooms in good order, the clothing of suitable warmth, and the apparent health of the boys very satisfactory. We noticed several devices for instruction and pleasure.

The average number of inmates is about 110, and the crimes range from manslaughter to truancy.

The occupation of the boys outside of household duties is mainly chair-seating. During a portion of the year some are constantly employed at farming.

Divine services, conducted by clergymen of various denominations, are maintained on the Lord's day. A Sunday School is also held regularly.

The boys are divided into three grades. Upon commitment a boy is placed in the middle of the second grade, and upon his deportment he is changed by marks to a higher or lower grade.

Discharges are made by the Trustees, in theory, when a lad is in the first grade. Some boys are allowed to remain out on leave, and the records do not show, in all cases, the precise location or occupation of such subjects.

The Commissioners gave their first attention to the food, and here follows a Bill of Fare.

BOYS' BILL OF FARE.

MONDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, two doughnuts each. At all meals where milk is used, sixteen gallons are consumed, making each boy's allowance about one and one-third pints. In making coffee, four pounds coffee, three quarts molasses and four gallons milk are used.

DINNER. Bread and four gallons molasses; for drink, water.

SUPPER. Bread and milk.

The average daily consumption of bread is two pounds for each boy.

TUESDAY.

BREAKFAST. Bread, bread pudding or Indian pudding; coffee or milk.

DINNER. Bread, soup made of sixty pounds soup meat, one-half bushel potatoes, one peck onions, eight cabbages, eight turnips, twelve carrots, twelve parsnips and two quarts rice; for drink, water.

SUPPER. Bread and milk; first class, gingerbread.

WEDNESDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, hot brown bread and four pounds butter.

DINNER. Bread, stewed beans, using twenty-one quarts of beans and fifteen pounds pork; for drink, water.

SUPPER. Bread and milk; first class, fish hash.

THURSDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, two doughnuts each.

DINNER. Bread, fifty pounds roast beef, two bushels potatoes, gravy; for drink, water.

SUPPER. Bread and milk; first class, gingerbread.

FRIDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, apple sauce.

DINNER. Bread, forty pounds cod fish, twelve pounds pork, two bushels potatoes; for drink, water.

SUPPER. Bread, milk and doughnuts.

SATURDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, doughnuts.

DINNER. Bread, baked beans and pork, using three pecks of beans and twenty-five pounds pork; for drink, water.

SUPPER. Bread, and four gallons molasses; for drink, water or milk.

SUNDAY.

BREAKFAST. Bread and milk or bread and coffee; first class, baked beans.

DINNER. Bread, and seven pounds butter or fifteen pounds cheese; for drink, water.

SUPPER. Bread, milk and doughnuts.

The above is the regular bill of fare, but additions are often made, so that, besides at the specified times, all the boys frequently have for breakfast or supper, baked beans, bread pudding, Indian pudding, hasty pudding, toast, fish hash, meat hash, fish chowder, clam chowder, butter, cheese, doughnuts, gingerbread, pies, etc. Vegetables and fruit are furnished in their season. During the summer and fall months the tables have often been supplied with green corn, peas, cucumbers, tomatoes, blueberries, strawberries, etc. Through the autumn and winter, apples are given to all the boys several times a week. Thanksgiving day and Christmas they usually have roast chicken or roast turkey, plum pudding and other extras.

J. R. FARRINGTON, Sup't.

The food is sufficient in quantity, and in the main is good. A free complaint was made by the boys that the soup furnished on Tuesday was not more than two-thirds eaten, and that this has been so for many months. On the other hand the officers say that they sometimes send for this article in preference to their own dinner. Possibly some substitute might be found if only for a change.

It is evident that the quality of the food has been improving for a year past, and that a former punishment of entirely withholding food has now given place to the rule that the regular ration can be eaten standing at a shelf on the side of

the dining room ; but when a boy is placed in a cell or in the tower he is given only bread and water. The time allowed at the table is twenty minutes.

The attention of the Commission was next turned to the discipline of the school, to ascertain if excessive punishments were employed. We group the various punishments under the following heads :

First. Substitution of bread and water for regular meal.

Second. "Standing on the line," or a loss of recreation.

Third. "Meditation class," or standing erect for from fifteen to sixty minutes, arms folded, eyes fixed.

Fourth. "Ferruling" upon the hand or on the posterior.

Fifth. "Degradation in grade," with the loss of certain table benefits.

Sixth. "Red pepper" in the mouth for profane or obscene language.

Seventh. "Washing the mouth" with soap for like offences.

Eighth. "Touching toes" from fifteen to forty-five minutes.

Ninth. Placing inmates in a cell "to complete a stint."

Tenth. Solitary confinement in a "Cell."

Eleventh. Solitary confinement in the "Tower."

Twelfth. Confinement in the "Closet."

Thirteenth. "Standing in the Dormitory" at night.

Fourteenth. Wearing irons.

Examining these punishments in detail we should speak of them as follows :

No. 1. To this no particular objection is raised, provided that all such treatment is administered by the Superintendent or his assistant.

No. 2. Evidence shows that this method of discipline has been used for two months in succession. If used occasionally there is no objection, but we think a boy should not be deprived of frequent out-door exercise.

No. 3. No criticism is here made, provided the pupil is not compelled to remain standing beyond thirty minutes. Evidence shows that boys have stood for more than one hour.

No. 4. We do not find any bad results arising from this ancient and scriptural practice.

No. 5. The boys seem to feel the loss of rank much more than the loss of a doughnut.

No. 6. While this novel punishment is not used to a great extent, it is degrading and improper.

No. 7. This is less objectionable than the last, but we doubt if upon boys of the age of most of these inmates it has any effect save to stir up their "old Adam."

No. 8. This punishment is resorted to altogether too frequently, especially by subordinate officers who do not obey the rule that fifteen minutes is as long as a lad shall stoop over with his fingers continuously touching his toes. It is asserted that boys have been compelled to stoop for a length of time which in our opinion is excessive. We think this practice should be abolished.

No. 9. We desire to express our complete disgust at the whole cell system. We do not believe in any such punishment as that which transfers a boy who will not make up his allotted number of chair-bottoms per week, to a dull grated cell, improperly lighted, with no seat or any article of furniture save an uncovered crockery, there in silence and in prison to perform what should be accomplished by persuasion.

No. 10. This practice is still more degrading. Evidence is given that boys have been confined for five and seven days in a cell, fed upon bread and water, with no opportunity to wash their faces and hands or to brush their hair during the whole time. The whole system is inhuman and in every way to be condemned.

No. 11. The tower is an unfit place to put even an animal in. This hole is a relic of barbarism. It has no seat, no bed, no ventilation or light, except as light and air come in through two auger holes bored through the stout planks where there was formerly a window. It is proper to say that the present officers found this den in existence when they took charge, and they are not to be charged with providing it. But the practice of keeping a boy in such an apartment deserves our entire condemnation.

No. 12. We do not find that the closet is used so frequently as the tower or the cells. It is cleaner than the

tower and gloomier than the cells, and is in every way unworthy of the spirit of reform. It is apparently used as a temporary place in which to confine an inmate until it can be determined what punishment shall be bestowed. Made originally for the storage of brooms, mops and pails, it had better be remanded to its first estate.

No. 13. The evidence will show that this treatment as inflicted under officer Freese, was simply an exquisite torment. The complaint by the Governor leading to an official investigation during the last spring, resulted in the dismissal of the unworthy subordinate, who in addition to keeping boys standing for undue length of time, was also guilty of severe beating of the boys for very trivial offences. The present officer seems to be humane and efficient.

No. 14. This last punishment is of such extreme rigor that we can hardly conceive it possible such practices can exist in a Reform School.

When the authorities can so easily remand a boy to his alternate sentence, it seems incredible that an iron weight can be locked upon a boy's leg and ankle, which he must wear day and night for over three months. This eleven pound weight hanging around a boy's ankle takes us back a century in our conceptions of humanity.

At this point we beg to state that the records of the school and the testimony do not show that efficient and comprehensive grasp of the needs of the school which is to be expected from a Board of Trustees. They are at fault in not devising and insisting upon methods of discipline more in accord with the enlightened spirit of the age.

Out of deep sympathy for the inmates we cannot refrain from saying that the school will not prosper if subordinates of inefficient character or of quick and harsh temper be permitted to discipline the boys. We think the evidence shows plainly that the officer in charge of the first class chair shop should be removed.

In order to remedy some of the most objectionable features of the school, it is suggested to your honorable body that the

blame should not rest wholly upon the present administration, but that the principle underlying the commitment of the boys is largely at fault. A distinction should be made in the law, and the fact should be clearly established whether the design of the institution is reformatory or penal, or whether both ideas shall be combined.

If the school is to be a prison, then public criticism must not complain when the average prison discipline is maintained. If on the other hand we are to have a reform school, then prison methods should not be employed. And, again, if both ideas be embraced, then there should be an absolute separation of inmates according to crime and behavior; a separation so distinct and so absolute that the methods to be employed in either case are not to be used in the other, and so exclusive that no contamination can come from the lower to the higher class.

As the statute stands to-day the school has an abnormal character, and from the nature of the case the best results will not be apparent, and hence the guardians of the school will be placed in an unenviable light.

We assume that the original design of the school, viz: a Reformatory, is still the end to be attained. Then it follows that boys who are convicted of the very highest crimes should either not be sentenced to this school, or if they must be received, they should be placed by themselves in a grade so exclusive that it will cover every moment of the day and night. The present grading of the school is defective, in that it herds at too many sessions and in too many ways, lads of the most depraved character with those who are simply unfortunate by accident and by lack of kindly home influences; and as long as the State gives so small an appropriation to the school, the present system must be maintained, and as a consequence the best results will not be attained.

The history of the school reveals the fact that with somewhat of regularity there is raised in the State the cry that the Reform School is being badly managed and that its discipline is too harsh. A spasmodic effort is made to remedy abuses

by a change of administration. Now although the officers in charge must be held responsible for abuse or neglect, the difficulty is not wholly to be laid at their door. The trouble is inherent in the system under which the school is worked. The law is defective, and as long as boys convicted of high crimes are received and allowed to mingle with those of lighter crimes, bad results will follow. The most depraved characters have no place in a Reform School.

We wish to notice that practice of the school which permits a boy to remain for many years without being furnished with some trade whereby he can earn an honest living when discharged. The larger portion of the boys are now employed in seating chairs. This work answers well enough as a means of school discipline and a sort of school-room government, but little is actually taught of any use for after years, as there is but slight demand for this labor outside of State institutions. When a boy is set afloat from the school he is provided, if possible, with a chance to work; he is given a suit of clothes, and if he deserves it, a certificate of good standing in a reformatory. But neither the new clothes nor the fact that he has been a convict is calculated to inspire confidence with mechanics. Indeed the eye of the world is apt to be turned away from such credentials. Is it not the duty of the State to educate a youthful criminal so that his manhood may be self-reliant by a suitable trade, whereby temptation may be averted from steps unused for many years to the wiles of designing men?

The boys understand that the State receives but small profit from their present occupation, and that they themselves as a rule are not much benefited thereby. Hence they get restless and indifferent, and we trace much of the depravity manifested at the school to this source.

A large farm affords ample opportunity for skilled farm labor to be illustrated and taught. A reasonable outlay for market gardening conveniences will bring in a fair return, while the city market insures a ready sale for every product.

The introduction of a work-shop, where the use of tools of

iron and wood-work can be inculcated, will be a step in the right direction.

Your Commissioner would call attention to the apartment used as a Dining Room. Under such a ceiling and with such surroundings, but little headway can be made in reformation. Nor do we become enthusiastic over the fact noted in the Bill of Fare, that the first class grade has the benefit of extra doughnuts or occasionally various food. The kind spirit which prompts this bestowal is to be commended, but we would prefer the incentive to a noble life to come from some higher motive. The absolute silence of the meal is painful in a Reformatory, but perhaps necessary in a Prison. Would it be harmful to allow reasonable conversation during a part of the twenty minutes? Why should not this life of the boy resemble that of a well-regulated and loving family?

While we do not propose to enter into any controversies, it is suggested that the Hospital is not free from criticism. The room for a sick boy should be in another part of the building, where, for instance, he can be under the constant care of an officer and not of another boy, and where he should be kept from the noise of over a hundred lads who are at play or at work.

Attention is called to the fact that such boys have been left alone in a room with the doors locked, and with no provision whereby they could call for any help.

It is worthy of consideration whether an entirely new departure is not called for in our reformatory treatment. The policy of this State is behind that of many other States, and far from satisfactory. It has been demonstrated that by placing boys in separate buildings, under the care of a man and wife, so that the houses surround one central principal building, and by putting the inmates upon their honor and developing an attachment to a home, far better results are attained. This is the most successful method as shown in the schools of Europe. The facts are, that boys seldom run away; they are truly reformed; they look back to their abode in these homes with real satisfaction.

There is now on the farm owned by the State one suitable building where such an experiment can be tried. Another family building could be erected. Your Commissioner feels that such a departure would lessen the tendency to harsh punishments and hasten the true reformation of fully one-half of the present inmates.

A late report from Ohio states in substance that there is no wall about the place used for a Reformatory, and that with five hundred and thirty-eight boys under control, but two escaped during the past year.

I have the honor to be

• Your obedient servant,

WILLIAM EDWARD GOULD.

PORLAND, November 25, 1882.

Report of Commissioner Haskell.

To the Governor and Council of Maine:

The Commissioners appointed to examine into the treatment of boys confined in the State Reform School, have attended to that duty, and inasmuch as they entertain various opinions, have agreed to severally present their views.

The school buildings were first visited and examined. These were found neat and clean and generally well suited to their present use.

The dormitory, which contains more than one hundred single beds, all in one apartment, and each provided with a white spread and pillow, is particularly attractive and pleasant.

The dining room, situated in the basement, is somewhat gloomy and out of repair. It needs new furniture in place of the old tables and stools, that are fixed to the floor, to give it an inviting and homelike appearance.

The hospital, although clean and comfortable, is ventilated from the dormitory by transom windows, and is exposed to noise and disturbance from that apartment and the play-grounds outside. It should be established in a more quiet place.

The four cells, used for the confinement of boys, are four by seven feet in size, and have neither a window nor do they contain any article of furniture. The room in the tower, used for a like purpose, is octagonal in form and about ten feet in diameter. It has one window securely planked up, with two large auger holes through the planking to admit light. It has no ventilation save by the cracks of a tight fitting door and these holes, and like the cells contains no

article of furniture. These places are utterly unsuited for the uses made of them.

The clothing of the boys is of good quality and sufficient. It is manufactured from the cloth, largely by the boys. Each boy is provided with a Sunday suit exclusively appropriated to him. All the other clothing, except the shirts, is in common stock and worn promiscuously. This method is faulty. Each boy should have his own clothing and be taught to care for it.

The food appears good and wholesome, but the silence in which the boys are required to eat destroys all zest and relish, and seems to be enforced at the cost of much chastisement and trouble.

The school is under the immediate charge of one Superintendent, whose duty calls him to keep, govern, employ and instruct the boys committed to his charge. His will in these respects is absolute and his judgment must direct and maintain the discipline of the school. His position is full of responsibility. The boys committed to the school are guilty of all grades of crime and misdemeanor. They are placed in his charge to be subjected to reformatory influences, in hopes they may become useful citizens and honest men. To this end he should be held to every endeavor within his power and should know and direct all the methods of the institution. Punishments necessary for the maintenance of order should be administered under his eye or the eye of his assistant, and none others should be allowed ever to inflict chastisement. For the personal treatment of every boy he should be held accountable. Their liberty and welfare are in his hands.

The boys are divided into three classes and each class into three divisions. Deportment after admission is the sole test that governs the position of a boy in these classes. All, when received at the school, enter the middle division of the middle class, regardless of their previous history. Those guilty of the highest crimes enter side by side with those whose misfortune in having no parents or no home has led them into some trifling offence.

A system of merits and demerits advances the boy to the highest grade or reduces him to the lowest place. Only boys of the first class are generally allowed outside the building or high walled grounds. These may be discharged by the Trustees or bound out at service.

To maintain the discipline of the school, various punishments are resorted to. Formerly, for whispering or otherwise violating the rules at meals, boys were compelled to leave the table and stand while the others finished their meals and were not allowed food until the next meal. This practice was abolished by the present Superintendent, who at first allowed the boy bread and water, to be eaten standing; but at the present time such boys are allowed to eat their regular meal standing at the window sill.

During a part of each week-day the boys are employed in seating chairs. To each boy is given a stint of a certain number of chairs for the week. To compel the performance of these tasks punishments are inflicted. One is standing the boys upon a line in the yard daily, while the other boys are at play, until the task is made up. In one instance a boy was thus deprived of all out-door exercise for a period of two months. Another is confinement in the cell with the work until the task is completed. Here the boy is required to work day and evening by the dim light that falls through the grating at the door, and at night is compelled to sleep wrapt in his blanket if he pleased, but upon the floor for a bed. A third is flogging. A fourth is to stand the boy with his fingers to his toes for a period of not exceeding twenty minutes; but boys have been kept so standing for a much longer time than that; in one instance for three-quarters of an hour.

The officer in charge of the first and second class chair shop has repeatedly, in direct violation of the rules of the school, administered bodily chastisement to boys under his care, which in some instances was harsh and cruel and called for the action of the Superintendent. He is manifestly an unsuitable person to govern the boys in his charge and teach them manly and honorable conduct.

Many boys, from physical weakness, need to be waked each night. The former watchman was accustomed to wake these boys by striking them with a thong or small cord, so that marks of the blow remained upon their limbs. He also, for violation of rules, kept boys standing in the floor at night, and in one instance kept a boy standing all night. For this conduct he was discharged some months since.

For other breaches of discipline boys have been confined in the cells for a week, with no article in it besides an open vessel that was cleansed once in twenty-four hours. These boys were allowed blankets for warmth and the floor for a bed. Bread, with water to drink, was given them twice daily, but no facilities were furnished them for washing or cleanliness. For a longer time boys have been confined in the tower with like neglect and treatment. That place, however, had no light except through the two auger holes in the planking at the window.

Other corrective measures, novel in their character, are disclosed by the evidence. One case merits notice: that is, the fastening of an iron band of eleven pounds weight around the ankle of a boy, next the limb, to prevent his running away. This by day was supported by an iron stirrup fixed to the heel of the shoe, but by night it had no artificial support. For more than three months, day and night, this instrument was worn by the boy at the express order of the Superintendent against the protest at least of one of the Trustees of the school. So harsh and cruel treatment needs no comment besides stating it. Such methods to retain a boy in a Reform School, even if other precautions had failed, are demoralizing to the purposes of the institution and in violation of the principles upon which it was established. The law provides that such inmates may be remanded to the common prison, to there serve out the alternative sentence already imposed upon them.

In view of the declared purposes of the Legislature in founding this school, the welfare of the inmates requires:

That, for the non-performance of tasks, the boys should not be deprived of sufficient out-door exercise; nor should they be confined in the cells.

That the practice of standing boys with their fingers on their toes, should be prohibited, as the same is liable to work bodily injury and is so easily susceptible of abuse.

That confinement in the tower be prohibited.

That confinement should only be allowed in extreme cases, and then it should be in a place suitably lighted, ventilated and warmed, furnished with a bed to sleep upon, and with other appliances for the cleanliness and health of the occupant.

To accomplish the end of a Reform School, it is plain that the institution ought to rid itself, as far as possible, of all indications of a prison. In order to do this, boys guilty of those high crimes which society demands should be punished with prison discipline, ought not to be sent there. To-day, those guilty of manslaughter, arson, burglary, and other felonies, enter into the same grade with boys of tender years, whose only offence may be truancy, vagrancy, or other minor misdemeanors. Moreover, the worse criminals frequently excel their less depraved fellows and gain rank above them. In many ways they show that the darkest crimes do not incur greater penalties than the pettiest misdemeanor.

If, however, the present system of committing all youthful offenders to the school is to be continued, then it is an imperative necessity that a separation should be made between such boys as require prison discipline for a time and those that do not. This separation should be absolute and entire. No communication or association should be allowed between the different grades, other than to change members of one grade to the other, as each case may merit or require, and this should be permitted only upon the express order of the Trustees of the school after a full inquiry.

Each boy, when sentenced by the court, is given an alternative sentence: that is, a specified term in prison or fine, if

he is not received or retained at the school. No boy can be sentenced to the school who is over sixteen years of age. When, therefore, a boy becomes incorrigible, or dangerous, or demoralizing to the school from vicious conduct or conversation, he should be remanded to the prison to serve his alternative sentence. The school should be so conducted that no inmate would prefer the common prison to his position there.

The principal employment of the boys in-doors is seating chairs with cane. This cannot fairly be termed a trade. It can be acquired in a fortnight; is extremely irksome and uninteresting work and is in little demand. Under the present system, when a boy is discharged from the school, he goes into the world equipped with a suit of clothes and a certificate of good character from the officers of the school, if he deserves it. This is not a desirable outfit to gain an entrance to any employment and especially to the workshops of the land.

The purpose of the school is reform; to make good citizens from material that if not properly moulded in youth, will grow up in vice and crime, the road to which has already been entered upon. But what the use to make boys honest men unless they are also provided with means to keep them so? A good trade would enable each graduate from the school to gain an honest living. He would then not be discharged necessarily a tramp, to find a job of work where he could. Each graduate could at once be provided with a situation, and not be left without experience in the world and without any ability to perform other than the lowest grades of labor for which he goes from the school, with neither strength nor training.

The school is governed by a board of Trustees; one of these resides in Portland, one in Saco, one in Dover, and one at Mt. Desert. Their duty is to provide for the wants of the school. The distance which separates them from the school and from each other, makes it extremely inconvenient for them to give that attention which the good of the school

demands. They should be able to give more frequent and continued attention to the school, or a board of visitors should be appointed whose duty would give them the supervision of the discipline of the school, and to whom the inmates could communicate without the knowledge of the officers or teachers at the school.

To the end that the school more nearly may fulfil its declared purpose, it is plain to see that boys guilty of the higher grades of crime should not be sentenced to the school, or that the school should be graded into separate divisions, entirely distinct, and that boys should be entered in these divisions according to the crime for which they are sentenced, and that the boys should be taught some useful trade in addition to their employment upon the farm.

All of which is respectfully submitted.

T. H. HASKELL.

PORLAND, November 27, 1882.

Report of Commissioner Fox.

*To the Honorable the Governor and
the Council of the State of Maine:*

The undersigned, one of the Commissioners appointed Sept. 22, 1882, "to investigate the treatment of the boys in the State Reform School," considering the subject matter in a different relation from that taken by Commissioners Gould and Haskell, submits the following report:

In July, 1850, in the House of Representatives of this State, the Committee on the Judiciary, to whom was referred the petitions of numerous citizens of the State, asking for the establishment of a "State Reform School," submitted their report with the words following :

"That among the circumstances which serve to mark the progress of our race, none are more striking and important than the modifications which have taken place from time to time, in the change of public sentiment which dwells rather upon the idea of reforming criminals, and drying up the fountain of crime, than the cultivating and indulging in a spirit of revenge in cruelties and punishments inflicted under the form of law alike revolting and absurd, which have disgraced some not very remote periods of the enlightened world. The numerous petitions for a State Reform School for juvenile offenders, coming as they do from different and most important parts of our State, afford strong and cheering evidence of the general prevalence of this sentiment throughout the State."

In the same report the Committee allude "to the proposed measure for a Reform School as presenting the State, in her true relation of a parent seeking out her erring children,

and laying aside the stern severity of justice whilst struggling for their reform. By it the State will come forward and act as it ought to do the part of a wise and considerate father, and subject them to the discipline of good schools, teach them habits of industry, and remove them from the temptations and contaminations of vicious examples; to educate and train them to useful trades and employments, and thereby give the means of acquiring personal independence; by it, it is designed that those who may be sent to it shall find rather a refuge from danger than a prison for punishment; that it shall neither wear the name nor breed the moral miasma of a prison, *but fit its inmates for the honorable duties of life, and restore them back to society to meet and share in its rewards.*"

This report accompanied by resolves was accepted in July, 1850, and the resolves were approved in August of the same year.

Over a quarter of a century has passed away since these resolves were approved, and became a law of the State, embodying the spirit and intention of the founders of this school as set forth in their report.

Nearly thirty years have passed away since the organization of the school. Upon its organization the State announced that those sent to the school, became the wards of the State; towards these inmates the State stood *in loco parentis*; it promised to support and maintain them; it proclaimed its mission was to teach them habits of industry, and to place within their power occupations and employments so that they should have the means to acquire personal independence.

Such being the object and avowed intention of the State at the commencement of this measure, we now consider the present condition of the school as it appears from this investigation.

A list of punishments inflicted, the bill of fare, and the evidence taken by a stenographer (Mr. Ruel Small) is annexed to the report.

The testimony is not repeated in detail. The number of boys belonging to the school, number of officers, hours employed, nature of occupation, daily routine of inmates, size of rooms, cells, tower, &c., variety and method of punishments, &c., are all set forth in the evidence.

Twelve or more sessions have been held by the Commissioners. Opportunity was given for all persons who desired to testify. The sessions were public, and all testimony given under oath. The Superintendent and officers were not present whilst the boys gave their testimony in chief.

The views, as herein expressed, were obtained from personal examinations made of the food, buildings, inmates and property.

The general appearance of all the rooms (excepting the dining room, cells and tower) of the buildings, grounds and property belonging to the State, was to the credit of the officers in charge thereof.

Cleanliness and good care of the inmates and property everywhere upon the premises seen by the commission, were apparent. The food is good and wholesome, generally well cooked, and sufficient in quantity of certain kinds, and the countenances and physique of the boys bore witness of strength and good health.

The building is well warmed, lighted and ventilated; the dormitory is a large single room where all the boys sleep, excepting when sick. The clothing, beds and bedding are clean, whole and comfortable.

A pleasant room with a library of some twelve hundred books, on certain occasions is open and used by the boys. A large upper room is fitted up for entertainments, and is also used as a chapel. A room adjoining the dormitory, of fair size, is the hospital. It is a pleasant room, with one large window facing the southwest. The hospital is not properly ventilated nor in the proper part of the building. It should be of easier access, away from the noise and confusion of the boys whilst in the yards and dormitory, with more conven-

iences than are now provided, well ventilated, and of larger dimensions.

Kind attention, good care, medical advice and nursing, have been rendered the sick and suffering by the present Superintendent and officers.

The farm is one of about one hundred and fifty acres, of good land, and is called one of the best farms in the vicinity of Portland.

The only trades or occupations taught (if these can be called such) are seating chairs with cane, and work performed on the farm. Sewing and knitting with machines in the manufacture and repairing of clothing, is done for and by the boys in the building, and these, with the washing and cooking by the inmates, complete the employments of the boys, unless we add the time given by them in the schools for learning and education.

The duties assigned the commission were to investigate the treatment of the boys, and report thereon to the Governor and Council.

To gain a proper understanding and comprehension of the testimony and its bearings, we shall have occasion to refer to portions of the same; an entire perusal, however, of the evidence, will not be uninstructive to those who desire to know the work performed, the discipline maintained in detail, and the life of the boys whilst inmates of the school.

From the testimony it will appear that a boy between the ages of eight and sixteen, under sentence of a court having jurisdiction over persons committing crimes within this State, is received into the school, here to remain during his minority, or the alternate sentence of a shorter time in jail or the State Prison, according to the offence.

No objection being made by the Trustees or Superintendent of the institution to his reception, his name, his parentage, offence committed, with a brief history of the boy, are entered upon the records. The boy, without regard to the nature of his crime, his past character, or the circumstances and associations of his past life, is placed in Class B. Side

by side, on the same level, the truant, vagrant, burglar and those sentenced for arson and manslaughter, stand. Upon the very threshold of his new life these are his companions, this his introduction to his new career. The ascent to Class A or descent to Class C must depend upon the boy. The teaching and examples of the officers, the influence of kind words and deeds, of his better companions, the harsh and cruel treatment he sees and suffers, the power of evil propensities, corrupt motives and bad associates, must accomplish their work. The Superintendent ascertains from him, as far as is possible, what his life hitherto has been; explains to him why he is placed within the school; the nature of the work to be assigned to him; the duties required; the discipline to which he must be subjected; the rules and regulations by which he is to be governed; the rewards he will obtain if merited, and the punishments to be inflicted for misconduct and disobedience. Assigned now to his position and work by the Superintendent, his new life has commenced.

At the coming in of day awakened, he beholds one hundred or more companions around and about him, all in the same compartment, all preparing in silence and without conversation, to commence their various duties. He ascertains so many moments are to be allowed for dressing, so many for washing, so many for breakfast, so many for religious exercises, so many within the school-room, on the farm, in the yards, within the shop, then dinner; then the routine of the morning's employment is pursued through the hours of the afternoon, then supper, followed by study, recess, religious exercises, and night and repose close in and finish his first day.

Day after day he sees the same companions, pursues the same round of toil, employment and recreation, if so it may be termed. Day in and day out he is under the eye and subject to the orders and control of the same officers. Week in and week out, at the same table, with food alike, that of the past as of the present, and (with minor exceptions) so probably to be in the future, he leads this life. If of ordi-

nary perception and intelligence, he soon understands and comprehends the system and discipline of the school, the nature of the rewards bestowed and the punishments imposed. He finds out that the boy with whom he associates, has been convicted of a crime, the commission of which he abhors, stands higher in grade and honor, and is sooner to be discharged than the boy brought there as a vagrant, that vagrancy established by the laws of the State, whilst the fact remains that when so adjudged guilty he knew of no home or occupation to which he could return, or friends upon whose kindness he could call.

This is the system by which the school is regulated, and remembering the fact that the important rewards bestowed upon the boys are marks of merit in rank, grade and honor, and that these point and lead to absence from school, "out on leave," or the higher reward of a final discharge during minority, we turn our attention to the punishments inflicted.

The nature of the punishments for the offences committed, and the severity of them as testified to by the boys, remains in all essential features uncontradicted. Opportunity was afforded and improved by the Superintendent to cross-examine the boys, but no marked or important change was made from their direct testimony. In explanation of certain statements, some of the officers desired to and did testify. The important facts, however, in the testimony of the boys remained unchanged; in truth no attempt has been made by the officers to weaken the testimony in essential points, excepting the denial of officer Owen as to charges of his cruelty towards many of the inmates. The testimony of some of the officers and also of those who have manifested an interest in the school, have sanctioned and approved of most of the punishments inflicted.

We desire now to comment briefly upon the severe punishments inflicted, and recalling the words contained in the report adopted by the Legislature, already quoted, allude to the public sentiment "which dwells rather upon the idea of reforming criminals, and drying up the fountains of crime,"

and ask to what extent reformation develops itself in a boy fourteen years of age, whose crime was stealing fifty cents when eight years old, or what fountains cease to pollute society by compelling the same boy, for fighting on the stairs on his way to bed, in the presence of the officer, to stand up throughout the entire night, from eight o'clock in the evening to six or seven of the next morning, and then to perform all the tasks of the day imposed upon him ? Why, on completion of this punishment, need the approval of the Superintendent to it be obtained ? And why does the knowledge of this cruelty and torture afford such satisfaction and pleasure to the Superintendent as to occasion laughter ? Through those long and weary hours McGovern stood there, the victim of an inhuman and barbarous system, degrading to humanity and giving the lie to the assertion of the State, "that the State would present itself in her true relation of a parent, seeking out her erring children, and lay aside the stern severity of justice whilst struggling for reform."

When Dyer is placed in the tower for six or more days and nights, with only bread for food and water to drink, without bed upon which to lie down, without the means to wash face or hands, without sunlight or air, excepting that coming in through two two-inch auger holes, and the cracks in and around his prison door, in darkness day and night, in solitary confinement during all this period, is this "the punishment the State, as a wise and considerate father would inflict upon his child?"

When Pendergrast is knocked down, and remains unconscious by reason of this brutal assault, how far has the State maintained her assertion when she announced that "here boys were to be removed from temptations and the contaminations of vicious examples?" Or when an inmate did not accomplish his entire work of seating so many chairs as the officer thought he ought to do, was placed in the cell, fed on bread, with water to drink, required to perform the allotted task whilst so confined, supplied with no bed, no companions to speak with, no books or reading matter, no water to bathe

hands or face, may we not inquire if our jails or State Prison inflict punishments more severe than this? Or when Griffin, with his iron weight of eleven pounds, worn night and day for three long months or more, for attempting to escape from this school, is it not mockery, worse than mockery, for the State to adopt the words "that these inmates shall find this place rather a refuge from danger than a prison for punishment?"

But a truce to the contemplation of exhibitions of this nature, and admitting that desperate characters are inmates of this institution and require severe discipline, what then is to be done? The correct answer to this is, the Superintendent and Trustees had and have the power to send any inmate from the school, to serve the alternative sentence in jail or State Prison, and it was and is their plain unmistakable duty so to do, if any inmate's presence is an obvious injury and detriment to the school, or dangerous to the welfare of the institution.

This commission is aware that some of the boys are untruthful and deceptive, others coarse and brutal, others destructive and indifferent as to the rights of persons or to ownership of property, upon whom kind words and deeds make but little impression. It may be there are some who under circumstances considered by them to be advantageous to their escape, would not hesitate to commit crimes which might result in the taking of life, or destruction of a large amount of property, and the enquiry is made, what can be done with such as these? The answer is, self-preservation is or should be the law within this school as well as without. When this has accomplished its work, then let such offenders forthwith be delivered to the law.

This commission is not unmindful of the varied duties and responsibilities required of the Superintendent; of the demand made upon his time and patience; that he must act promptly, with calmness and good judgment; decide often-times between officer and inmate; provide for the school with economy, be instructor and farmer, have and control to

a great extent the finances of the institution. When these and other duties devolving upon the Superintendent are considered, it is not surprising that errors abound and wrongs are committed.

Nor is the commission unmindful of the expense the State incurs in providing these children with so many privileges. To some of them it is the only home they have known; to others undoubtedly it is a better home than they have left. Clothed, fed, educated and supported at the expense of the State, larger expressions of gratitude should come to the knowledge of the State, and means be devised by which the State should have better returns for the outlay, exertions and labor made in behalf of this school.

Indirectly growing out of these severe punishments and discipline of the school, the question has been asked, upon whom does the responsibility rest for this severity and cruelty? The commission is aware of the investigation made by the Trustees some few months since, of the difference of the opinions then entertained by them of the alleged abuses; of the position Trustee Donahue then and up to the present time maintained in condemning many of these punishments; of the discharge of Mr. Freese, who had severely punished many of the boys, and of the better condition of the school since that investigation took place; but previous to this what evidence is there as to the monthly examinations of the school by one or more of the Trustees, of the "examinations of the inmates, in the school-room, workshop and register, and the regularly kept record of their visits in the books of the Superintendent," or of the thorough examination of the school in all its departments at the quarterly meetings, by a majority of the board of Trustees, in compliance with the requirements of the statutes of the State? If these required duties had been carefully performed by them, and the discipline of the school, offences committed, and punishments imposed been fully known, discussed and controlled, this investigation would not have occurred.

If the Superintendent of this school assumes the responsibility of these severe measures and punishments alluded to ; if he answers they are not of unusual severity, nor greater than the offences demanded ; that it was useless to appeal to the honor and sense of right within the boys ; that to promote industry, maintain order, and secure obedience to the rules and regulations, he must occasionally resort to extreme means ; that he justifies and approves of the treatment and punishments the boys have testified to, and that these must continue if order is desired and maintained ; then his views are so at variance with the ideas and expressed words of those who early manifested an interest in this school, and with the views of the Legislature which made and passed the laws establishing the same, his resignation ought and should be requested and accepted, with the immediate discharge of one or more of his subordinates.

Inasmuch as one of the Hon. Council advised this commission to make such suggestions as they thought proper, we now, in closing this report, recommend alterations in the laws of the State, so that radical results will take place in the discipline and management of the school ; in the duties of the Trustees and officers ; in establishing a larger number of trades, employments and pursuits. We recommend a trial of the "Home" plan or "Family" system, similar to those in Massachusetts, New Jersey, Ohio or Illinois ; the rejection of criminals convicted of felonies ; the separation of offenders, when received, into different classes and locations ; the annihilation of cells, tower, shackles, and solitary confinement ; that all personal chastisements shall only be inflicted for some high misdemeanor, or repeated offence, and then only on the recorded order of the Superintendent, and in his presence, or that of his assistant. Appeal to the sense of honor, right, manliness and justice of the boys ; and if these elements cannot be aroused and stimulated by oft-repeated exertions and "patient continuance in well-doing," remove such inmates to places designed for them by the laws of the State.

Finally let the design of this school be accomplished as it was in its origin intended by the State, and as set forth in the words of the Commissioners of a similar institution in the Commonwealth of Massachusetts, as follows :

"The design of this institution is the reform of juvenile offenders. It is to take those who might otherwise be subjected to the degradation of prison discipline and separate them from vicious influences ; to teach them their duty to God and their fellow beings ; prepare them to earn an honest livelihood by honorable industry in some trade, or agricultural employment, and to give them such an intellectual education as will fit them properly to discharge the common business of life."

Respectfully submitted.

FREDERICK FOX.

PORLAND, November 25, 1882.

S T A T E O F M A I N E .

I N C O U N C I L , N o v e m b e r 2 9 , 1 8 8 2 .

Reports accepted and ordered printed.

Attest: JOSEPH O. SMITH, *Secretary of State.*