

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

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

A. D. 1844.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

AUGUSTA:

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1844.

RESOLVES

OF THE

STATE OF MAINE,

1844.

Chapter 271.

Resolve in relation to the distribution of the annual school fund.

Relative to the
distribution of
the annual
school fund.

Resolved, That the treasurer of state be, and he hereby is, authorized and directed, in apportioning the annual school fund among the several cities, towns and plantations, in the state, to include all such returns of scholars as may be or shall have been made to the office of the secretary of state, subsequent to the time required by law, up to the fourth day of March, instant, inclusive; and to assume as the basis of apportionment among such cities, towns and plantations, as have not made returns at that date, the number of persons between the ages of four and twenty one years, in those cities, towns and plantations, as stated in the apportionment of the bank tax of last year.

[*Approved March 7, 1844.*]

STATE OF MAINE.

The joint standing committee on the state prison, to which were referred the reports of the warden and inspectors of that institution, having had the same under consideration, ask leave to

REPORT:

That, pursuant to a joint resolution of the legislature of the 1st of February, authorizing and requesting a quorum of the committee to visit said prison and make such personal examinations of the premises, as would enable the legislature to act more understandingly upon the propositions for appropriations in said reports; and also empowering the committee to examine the books of accounts of the warden, in all matters touching the interest of the state; the committee waited on the warden, at the prison, on the 10th inst., who very politely received them, and extended to them every possible facility for prosecuting the object of their visit.

The committee spent the afternoon in examining the new prison, erected by the warden under resolves of the last legislature, the old prison cells and the various departments of labor embraced in the institution; and the evening to the consideration of that part of the resolve, which authorizes the committee to examine the warden's books of account.

The books are kept upon the system of double entry, by a competent clerk of the institution, under oath, and exhibit the appearance of a care, neatness and precision in the clerk, highly satisfactory to the committee, and the operations of the prison, the last year, to be identical with that shown in the reports of the warden and inspectors, now in print, before the legislature.

Knowing the great solicitude felt by the public with regard to the question whether the prison can ever be made to support itself, in its present location, and employed as the convicts of the prison now are, the committee submit a statement of the operations of the prison, for a period of four years and eight months, commencing on the 26th day of April, 1839, and ending on the 31st day of December last, as affording the best data, within the reach of your committee, for deciding that question.

The above period has been selected by the committee, from the circumstance that, at the commencement of that period, the present warden first took charge of the prison, and has, with the exception of the year 1841, been continued in charge ever since; and also from the fact, that the state then took from the prison all the books, notes, obligations and demands, leaving for the benefit of the prison only the stock then on hand, valued as per report of the commissioners, at the sum of

	\$9,554 28
The state appropriated in 1841	800 00
“ “ 1842	3,000 00
“ “ 1843	2,000 00

Making amount of stock and appropriations, for the period, of	\$15,354 28
On the 31st of December, 1843, the prison had on hand, in stock,	\$12,821 97
Demands over its debts,	4,633 25
Paid for new prison in 1843,	5,439 93
Lost by fire in 1841,	6,000 00
Making prison's credit for the period,	\$28,895 15
Deducting above amount, as debts,	15,354 28

Leaves a balance of \$13,540 87
in favor of the prison towards paying the salaries of the officers of the prison during the same time.

The appropriation of \$3,000, made in 1842, was made to supply, in part, the loss of \$6,000 occasioned by the fire which occurred in 1841.

From the above it will be seen, that, had it not been for the contingent loss by fire in 1841, and the large amount paid on the new prison in 1843, from the proceeds of the prison, both of which are contingent items of expense to the state, which may not occur again, the prison would have supported itself.

Another circumstance, highly encouraging, is, that the above results have been realized, through a period of time unparalleled by any former period of equal length, for the low price of all the articles manufactured by the convicts, and particularly, the article of lime, hitherto one of the most important products of the prison.

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In obedience to the joint order of the 2d of February, directing the committee, on their visit to the prison, to inquire into the expediency of refitting the furnaces and apparatus formerly used in warming the cells of the old prison; the committee duly examined the premises, and, taking the evidence of persons familiar with the operations of the furnaces while in use, came unanimously to the conclusion, that they did not answer the expectations of the inventors, and that it was inexpedient to attempt a reconstruction of them.

Such is the construction of the old prison cells, extending on a straight line more than 240 feet, uncovered from the weather except on the top and built without any intention of ever being warmed, that, in the opinion of your committee, no method can be adopted, for producing an equal and suitable degree of warmth at the same time, but the one adopted by the last legislature, and commenced upon the last year, of remodeling the cells in a more compact form within a large exterior building, and placing stoves and pipes between the cells and the walls of the exterior covering.

The legislature at their last session authorized and instructed the warden, under the advice and direction of the inspectors of the prison, to commence and continue, until completed, the construction of such a substantial and well lighted building, of sufficient capacity to contain one hundred and eight cells, upon the Auburn plan, and appropriated the sum of \$2,000, to be expended in its erection. With said appropriation and other available means of the prison, the warden has completed, the last year, an exterior prison building, of the materials and description as follows, viz., length 112 feet, width 47 feet, and 25 feet high. All the corners are laid of split granite, locked together. The walls are of refuse limestone, laid in lime, three feet thick with granite or limestone passing entirely through the walls binding them together. Underneath the walls is a trench three feet wide by four deep, compactly filled with stone. All the window sills and caps are hammered granite, each contains thirteen rods of iron, one inch in diameter and ten feet eight inches long, passing through two bars of iron and drilled into caps and sills. The cap, sill and posts of the large front door are hammered granite, sixteen inches wide by twelve inches thick. The small door is six and a half feet high by three and a half wide; cap, sill and posts similar to the front door. The gutters under the eaves are split granite, sixteen inches in width, by six inches thick, projecting eight inches from the walls, and so matched and grooved as to lead the water to the conductors. The whole roof is slated so as to make it fire proof. There are thirteen large windows in the walls, containing sixty-three lights of 9 by 13 inch glass each, with weights and pullies to each sash, for the convenience of ventilating the building.

The above described building has cost, with fifty feet of wall, fifteen feet high and three feet wide, with an iron railing on the top, the sum of \$5,439 93, as appears by the warden's books.

The wall is a substitute for the old, decayed, wooden palisade, that encloses the prison yard, and is of the same materials as the walls of the prison.

That the cost of said building has not exceeded the estimate of competent judges, may be seen by the report, in the printed documents of the house, of 1839, of three commissioners, two of whom were scientific and practical mechanics, appointed by the executive of 1838, and made to the legislature of 1839. In that report, the commissioners have gone into a very minute calculation on the cost of a building one hundred and forty feet long, forty-four feet wide, and walls two feet thick, with a shingled roof instead of slated, twenty-five feet high, with wooden gutters, and estimated the cost at \$5,788 21; add the difference between their estimated cost of shingles, and the actual cost of slate, \$375, and you have the sum of \$6,163 21.

Within this new exterior building, it is proposed to erect a block of one hundred and eight cells, made of the granite that now composes the cells of the old prison, which is deemed amply sufficient for the whole work, three stories high, two cells in width, and thirty-six cells in each story, with a longitudinal middle wall of brick forming the backs of all the cells, with ventilators extending from each cell through the bricks to the top of the wall, each cell to be seven feet long, seven feet high and four feet wide in the inside. The granite walls to be not less than ten inches thick. The cells of the second and third stories to be entered by walks or galleries, two feet wide, supported by posts, and horizontal bars of iron running from the posts into the wall of the building, with an iron railing, and an iron grated door to each cell.

Should the prison be completed, which we hope, for the honor of humanity, will be the case, before another winter finds those unfortunate convicts in their old, dark, damp and frosted cells or jugs, the prison will have an entire suit of buildings of the most durable materials, and convenient construction, every way adapted to the health, convenience and safety of the convicts, and amply sufficient for carrying on the various branches of business now done at the prison, to the best possible advantage.

The committee are fully of the opinion, that when the new prison is completed upon the plan adopted, that no further appropriation for the benefit of the prison will be needed for many years, unless the buildings of the prison should again be destroyed by fire or some other calamity; but that the institution will continue to support itself, and yield a revenue to the state, from whose funds it has hitherto so largely drawn. Prompted by the heavy losses the institution has sustained, by fire in past times, and believing it is the duty of the legislature to use every precaution to guard against the recurrence of similar calamities for the future, the committee respectfully recommend an appropriation of four hundred dollars for the purchase of an engine with suction hose, for the use of the prison.

And they would also recommend, in consideration of the inadequacy

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of the salary of the clerk, and the increased responsibilities in consequence of the proposed improvements, and to insure the services of the present incumbent, that the salary of that officer should be raised to the sum of five hundred dollars.

Upon a view of the whole premises, your committee believe, that the work so far, has been conducted with more economy and better advantage to the state, by the warden under the supervision of the inspectors, than it could have been done by an agent or undertaker disconnected from the prison. The warden oversees the work, and provides for the workmen without any increase of salary, and as much of the work has been and will be done by the convicts over whom the warden alone has the control, it is believed that the interest of the state will be promoted by authorizing the warden under the direction of the inspectors, to continue the work until the same is completed. The cost of the work so far as it has progressed, having fallen short of the estimate of the committee at the commencement, and the outside of the exterior building being completed, under which the future work of construction can all be done, without any interruption from bad weather, in any season of the year, your committee are of the opinion, that an appropriation of five thousand dollars will be sufficient to complete the prison, agreeably to the plan and principles above suggested and recommended.

For an account of the operations and profits of the penitentiaries established upon the "Auburn plan," in other states of the Union, the legislature is respectfully referred to the "Eighteenth Annual Report of the Massachusetts Prison Discipline Society," furnished the members of this legislature by the secretary of that benevolent and humane institution. Your committee, conscious that the plan adopted is the best that has yet been discovered, for the discipline and profitable employment of prison convicts, and that the interest of the state, as well as the cause of humanity, demands, that it should be pursued and completed, with as much expedition as the nature of the work and a due regard to economy will permit, most respectfully recommend that an appropriation of five thousand dollars be made by the legislature, to be expended by the warden, under the direction of the inspectors, in completing the prison the ensuing season, and recommend the passage of the following resolve.

Respectfully submitted,

A. D. ATWOOD, *Chairman.*

Chapter 272.

Resolves in relation to the state prison.

Resolved, That the warden of the state prison is hereby authorized and instructed, under the advice and direction of the inspectors, to commence the re-construction of the cells of said prison, within the exterior building, erected the last year, and continue the

Relative to the reconstruction of the cells in the state prison.

same until completed, upon the plan adopted by the last legislature, and the principles recommended in the foregoing report.

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Resolved, That there be appropriated and paid out of the state treasury, to the warden of the state prison, a sum not exceeding five thousand dollars, to be expended, under the direction and supervision of the inspectors, in carrying into execution the provisions of the foregoing resolve; and also the sum of four hundred dollars for the purchase of a fire engine for the use of said prison; and the governor is hereby authorized to draw his warrant for the whole or any part of said sums, as in the opinion of said warden and inspectors may be required.

Appropriation therefor, \$5,000.

For fire engine, \$400.

[*Approved March 9, 1844.*]

Chapter 273.

Resolve in favor of Benjamin Farrington.

Resolved, That there be paid out of the state treasury, to Benjamin Farrington, representative from Brewer, the sum of forty dollars, the same being to defray the expenses of his sickness, during the present session of the legislature.

In favor of Benjamin Farrington.

[*Approved March 12, 1844.*]

Chapter 274.

Resolve providing a mode of establishing the east line, of east half township number six in the first range, north of Bingham's purchase, in the county of Washington.

Whereas a dispute has arisen between the proprietors of east half township number six in the first range of townships, north of Bingham's purchase, in the county of Washington, and the state, respecting the east line of said half township and lands contiguous thereto owned by the state, therefore,

Resolved, That the land agent is hereby authorized to submit to the arbitration of Reuel Williams, of Augusta, and Isaac S. Small, of Wales, with the power in case of their disagreement to appoint a third arbitrator, to act with them in the premises, the settlement of the east line of east half township number six, in the first range of townships, north of Bingham's purchase, in the county of Wash-

Land agent to refer the settlement of disputed line to arbitration.