

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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1850.

RESOLVES

OF THE

STATE OF MAINE.

1850.

Chapter 267.

Resolve providing for the rebuilding of a bridge over Chesley brook in the town of Mattamiscontis.

In favor of bridge
over Chesley
brook.

Resolved, That for the purpose of rebuilding a bridge over Chesley brook in Mattamiscontis in the county of Penobscot, there be and hereby is appropriated a sum not exceeding three hundred dollars to be expended under the direction of the land agent: *provided*, the inhabitants on the line of the road shall appropriate a sum in labor and money sufficient to finish said bridge to the acceptance of the land agent.

Proviso.

[*Approved August 20, 1850.*]

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
July 19, 1850.

THE committee on the judiciary, to which was referred the petitions of numerous citizens of our state, praying for the establishment of a reform school, and also a communication from the mayor of the city of Portland, offering in behalf of said city, some island or other suitable location for such a school, have had that subject under consideration, and

R E P O R T :

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 administration of criminal law—and in that change of public sentiment which dwells rather upon the idea of *reforming* criminals, and drying up the fountains of crime, than cultivating and indulging in a spirit of revenge, in cruelties and punishments inflicted under the forms 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.

Your committee are unanimous in the opinion that this state should promptly respond to the prayer of the petitioners, by taking immediate and efficient measures for the establishment of such an institution, which, we believe, would prove not only a most honored and honorable monument of the beneficence of the state, but most decidedly a measure of practical wisdom and economy even in a pecuniary point of view. With a territory as large as all the rest of New England; a sea coast which the world admires for its facilities for ship building,

for commerce, for fisheries; a productive soil; water powers in every direction, of every extent, perfectly accessible, many of them pouring their torrents directly into the deep tide waters, and others by the lines of railroads already built or in process of construction; forests that furnish a raw material for many branches of manufacture—nothing can be more obvious than our natural capacity for rapid growth and increase. And when we reflect that, until within a few years past, Maine had hardly awakened to a consciousness of her own resources, and to an appreciation of her own capabilities, and witness what has been accomplished during those few years, we cannot doubt that she is now destined to advance rapidly in population and universal prosperity. Railroads and a liberal policy of legislation are fast increasing our manufactures, stimulating our agriculture and creating new and additional trade and commerce. But as we grow in trade and commerce—as we increase in population, it becomes us to be mindful of the additional importance and necessity of making corresponding efforts to preserve that general diffusion of virtue and intelligence, upon which the stability of our republican institutions and the happiness of the people so much depend.

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and *men* decay."

The measure proposed, we believe, will prove a most effectual method of promoting this all important object, and present the state in her true relation, of a parent seeking out her erring children, and laying aside the stern severity of justice while struggling for their reform. Such an institution, we may confidently trust, will go up to the fountain heads of vice, misery and crime, and purify the bitter waters that are spreading their poisonous influence through every city, village and town within our borders. With cities and villages now scattered and continually springing up all over her territory, and teeming with active life, gathering within their masses those poisonous seeds of vice, which, by some strange law of our nature, germinate most surely where men do most congregate; with large numbers of foreigners crowding to our shores in some localities, and bringing with them the habits and associations of foreign lands; with intemperance, that great mother of poverty and vice, and crime, spreading out her lures on every side, Maine could not be true to herself, to the spirit of the age, or the cause of humanity, if she should longer withhold this as a means of counteracting those influences.

In recommending the establishment of this institution, we are happy to be able to say that we recommend no untried experiment. Our parent state, the good old commonwealth of Massachusetts, blessed with churches, hospitals and noble charities, as perhaps scarcely any other community of equal extent has ever been, where the first free school was planted, and the first institution for ministering to the mind diseased, of the poor and rich alike, was secured, has also been first in this country, and with the most happy results, to try the experiment,

CHAP. 268.

on the part of an entire state, to reform the young—to go into the highways and hedges, to bring in the unfortunate, vagrant and wandering youth, that they may be restored to the paths of safety and usefulness. There is a peculiar fitness that the worthy example of our parent state, in this first experiment which she has so successfully tried, should be imitated by us.

The force of association and circumstances, in determining the character, is within the common observation of all. Many, doubtless, have more active propensities to vice than others,—but rarely, if ever, to such an extent that they may not be detected and removed, or counteracting principles be established and made predominant in the character with proper management and discipline, under favorable circumstances, at an early age. The elements of virtue, honesty, industry and usefulness, are to be found in every individual. With some they become active principles without effort; with others, they need fostering, and must be excited by activity. A large proportion of the vicious are made so by the circumstances in which they are placed, and the influences by which they are surrounded and which model the character. But under what circumstances do we place, and by what influences do we surround, those unfortunate youths—vagrants, orphans perhaps, or worse than orphans—who by some violation of law, are placed under the special control of the laws of the state in such cases made and provided? Notwithstanding the reform which has been wrought, in modern days, in prison discipline, correcting it of many of the grosser enormities of the system, the description given by Sidney Smith, in 1821, of English jails and prisons, is still applicable in some degree, and in too many particulars, to our own. “There are,” said he, “in every county in England, large public schools maintained, at the expense of the county, for the encouragement of profligacy and vice, and for providing a proper succession of house-breakers, profligates and thieves. They are schools, too, conducted without the smallest degree of partiality or favor, there being no man, however mean his birth or obscure his situation, who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with food, clothing, and lodging, and put to his studies under the most accomplished thieves and cut-throats the county can supply.”

Whoever has been familiar with our criminal courts cannot have failed to mark the increase of crime of late, especially among the young. It is doubtful if a term of these courts passes, in our large cities, in which children, and those, too, of a tender age, are not arraigned before them. Often are the hearts of judges, lawyers and jurors pained at the spectacle of boys, with the open and ingenuous countenances that give so much interest to that age, and with all the interesting associations which cluster around childhood, standing up amidst old and hardened villains, and receiving, like them, the sentence of an ignominious punishment. From a statement submitted to us by

the clerk of the courts for the county of Cumberland, based on an examination of the records and his own recollection, it appears that out of one hundred and seventy-two criminals convicted at several successive terms of the district court in that county, *seventy-two were minors.*

At a term of court, in the same county, within the past year, was witnessed a scene which evidently made a deep impression on all present, and to which it may not be improper to allude as illustrating a class of cases by no means few. A young lad of about twelve or thirteen years of age was placed at the bar for trial, on an indictment for entering a store and taking therefrom a considerable sum of money. He had no counsel. But his extreme youth and unusually interesting and intelligent countenance, immediately attracted the notice of the members of the bar, of the court and the county attorney. He alleged that another and older boy had been the principal transgressor, and there were circumstances to indicate that this was true. But he had been so associated in the transaction that a trial would probably have resulted in his conviction. But so strong was the feeling that this boy ought, in some way, to be saved from the doom of a convicted felon, that he was finally released, under such recognizance as he could give, with the admonition that if he conducted himself with propriety for the future, he would be prosecuted no further under that indictment—otherwise it would be enforced. His unusually prepossessing appearance plead his cause perhaps more effectually than any counsel could have done. With an exterior less striking and interesting, the state prison would have been likely to have been his doom. As it was, he was set at liberty, again to endure the fiery ordeal of surrounding temptations. This was, perhaps, the best that could be done under those circumstances. But how far short of what the case demanded! The boy's father was dead. He had been enticed away from school by older boys, until he had become a confirmed truant, and his widowed mother had found herself unable to govern him. Under such circumstances, the chances of his reformation, when thus left to his own guidance were perhaps hardly equal to the danger of continued and increased corruption.

It is for such lads as this, and for those whose families are often the schools of vice rather than virtue—whose homes, instead of being, as they may be, though humble, the abodes of peace and love, are too often the scenes of filth, intemperance, wretchedness, and domestic broils, that such an institution is designed. 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 temptations and the contamination of vicious example—to educate and train them to useful trades and employments, and thereby give them 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

CHAP. 268.

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 merit and share its rewards.

These are some of the considerations which have influenced your committee in recommending prompt measures to establish such an institution as prayed for by the petitioners. We are aware, that the expense will be the first, and we believe the last and only objection which can be urged against it. But we believe this should not cause us to hesitate for a moment. The expense of such an institution can be calculated. But the expense to the state of annually rearing a small army of lawless desperadoes to prey on the rights and property of her industrious citizens, and finally to be supported in jails and prisons, *cannot* be calculated.

The site upon which is erected the reform school of Massachusetts, and the farms connected with it, were purchased by a part of a liberal donation from a benevolent individual, the HON. THEODORE LYMAN. By his will, he left an additional sum of \$50,000 to be invested as a permanent fund in aid of said school. May we not hope, that when our state shall have taken hold of the subject in earnest, it may here meet with similar favor, if not to the same extent, from some of the benevolent and patriotic among us whom God has blessed with ample wealth? We already have an offer of a suitable location from the city of Portland. We have therefore, only to turn our attention to the probable expense of the buildings. Of this we may gain some idea by the following extract from the report of the commissioners for the erection of said buildings, at Westborough, which undoubtedly are on a much larger and more expensive plan than we should probably require:

The amount appropriated by the resolve passed April 16, 1846, was	\$10,000 00
Of this, the commissioners for selecting a site and procuring plans expended, for their personal expenses, and in payment of Mr. Melvin, for plans,	483 32
Leaving a balance of	\$9,516 68
In addition to this sum, by the resolves passed April 9, 1847, another appropriation was made, of	35,000 00
By a resolve passed April 1, 1848, a further sum was appropriated, of	21,000 00
Making in all the sum of	\$65,516 68
which was placed at the disposal of the commissioners for erecting the state reform school buildings, and which they have wholly expended, as follows, viz:	
By paying Mr. Daniel Davies, the amount of his first contract, for erecting the buildings,	52,000 00
And additions thereto,	2,755 90
By paying Elias Carter and James S. Savage, in part of their expenditures, as superintendents, appointed by the commissioners, to superintend the erecting, finishing and furnishing the buildings,	10,760 78
	\$65,516 68

This extract, coupled with the suggestion that the Massachusetts institution is probably on a much more extensive and costly plan than

might be absolutely necessary for this state, and the fact that a large item of this sum was for enclosing the grounds and buildings, which item would be saved by the selection of an island, will give some general idea of the probable expense. This is all that is intended,—for it is no part of our purpose to submit any definite plan or estimates. Those should come from commissioners appointed specially for that purpose. And adopting a course of procedure, similar to that of Massachusetts in the establishment of her state reform school, we recommend the passage of the resolves which are herewith submitted.

HENRY CARTER, *per order.*

Chapter 268.

Resolve for the establishment and erection of a state reform school.

Resolved, That the governor is hereby authorized and empowered to appoint a board of three commissioners, who shall have power to select and obtain by gift, or purchase and take a conveyance to the state of a lot of land which they shall deem a suitable site for a state reform school, for the employment of juvenile offenders. And said commissioners shall further be directed, in case such suitable site shall be obtained as aforesaid, to proceed to procure plans and estimates, and enter into contracts for the buildings necessary and proper for such an institution—the whole to be done under the general direction and supervision of the governor and council, to whom reports shall be made by said commissioners of their doings from time to time as may be required.

Commissioners for reform school, appointment of, and powers and duties.

Resolved, That said commissioners shall further be directed to prepare and mature a system for the government of said school and to ascertain what laws would be necessary and proper to put the same into successful operation, and to report the result to the governor in season to be communicated to the legislature at the commencement of the next session. And the said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, as they may deem just.

Further powers and duties.

Resolved, That to defray the expenses incurred in the execution of the objects of said commission the governor be and hereby is authorized to draw his warrants, from time to time, on the treasury of the state, for any necessary sums of money not exceeding in the whole ten thousand dollars.

Expenses, how paid.

[Approved August 20, 1850.]