

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1847.

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*AUGUSTA:*

Wm. T. JOHNSON,.....PRINTER TO THE STATE

1848.

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# TWENTY-SEVENTH LEGISLATURE.

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No. 24.]

[HOUSE.

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## STATE OF MAINE.

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*To the House of Representatives in Legislature assembled :*

GENTLEMEN:—At the last session of the legislature, and order passed the house, of which the following is a copy :

“HOUSE OF REPRESENTATIVES, }  
August 7, 1846. } ”

“*Ordered*, That a committee of this house to consist of three members, be appointed, whose duty it shall be to visit the state prison after the adjournment of the legislature and examine the books and accounts of said prison, also the discipline and whole management of the affairs thereof, and for this purpose said committee shall have power to examine witnesses, and shall have access to all the books of the prison.”

I was appointed chairman of that committee. *It was not* because I thought an investigation uncalled for—but for other reasons, which I consider good and sufficient, I did not think it advisable to call the committee together during the recess of the legislature; consequently no report from them was laid before your honorable body—neither should I now have troubled the house with a communication, had not the warden of the prison made his last annual report to the legislature an instrument through which he attacks me and impugns my motives as a member of the house of 1846, for having dared to introduce an order to raise a committee to inquire

into the affairs of that institution. Immediately following a very brief statement of the affairs of the prison, on page four of the printed report, we read as follows :

“I should not have been so particular in the above statement but for the reason that I noticed some one member of the last legislature seemed inclined to have the public understand that all was not right at the state prison, and during his stay there, was continually throwing out insinuations that the matter should be looked into. After several ineffectual attempts, he succeeded on the last day of the session, to have himself and two gentlemen, all of the house, appointed a committee whose duty it was to sit in the recess of the legislature to hunt up the evils at the state prison, and report to some future legislature. As neither of these gentlemen is returned to the present legislature, and as they have not seen fit to attend to that duty, I trust this legislature, at an early day, will, if they think matters are not right, send a committee to visit and report to this legislature. I do not ask it on my own account, yet if a considerable number have not sufficient confidence in the warden and inspectors to manage the affairs of the prison, the authorities should see to it. I do not shrink from a full and free investigation of all matters at the prison. I did suppose that the public generally were satisfied with my management here. If I had not, I should not have stopped as long as I have. I had made up my mind to leave the prison before this, and should have done so had it not been for threats and insinuations of some persons, and those threats sent to the public. Feeling innocent of any charges made, I thought it due to the public and those who assisted in placing me here, to stop until all things should be righted.”

“I have good reason to think that these insinuations of last year were from the personal feelings of the individual who was appointed chairman of the committee. The other two gentlemen I believe to be high-minded and honorable.”

The annual report of the warden of the state prison at the last session of the legislature was not communicated to the senate until about the 9th of June, and being detained some days in that body, about one half of the session had passed before that document found its way into the house. Soon after it was so received, I introduced an order calling upon the warden for certain information which was deemed necessary for the legislature to be in possession of. The

warden paid no attention to this order of the house, and not wishing thus to be refused, I introduced an order for the appointment of a joint committee to visit the prison and obtain the desired information. This order passed the house, and was laid upon the table in the senate without debate, but was taken up (the next day I think) and passed in concurrence.

After the appointment of said committee, the senator who laid the order upon the table called upon me and said, "he was requested by the warden to say, that if the committee would delay their visit to the prison the desired information should be forwarded in a few days." Some papers accordingly came to the house, but did not contain the information asked for. The warden very shrewdly overlooked some of the inquiries, misunderstood others, and said he had not the means of answering others. Very little of what was asked, was obtained.

The visit of the members of the legislature to Portland prevented the committee from meeting at the prison at the time appointed for that purpose, and during the remainder of the session, the many questions pending before the legislature in which the members of the committee felt a deep interest, prevented them from paying the intended visit to that institution. On the 7th of August, I introduced an order, a copy of which commences this communication. This was *not* "on the last day of the session." The legislature adjourned (I believe) upon the 10th, and instead of making "several *ineffectual attempts*," I made but three motions touching the affairs of the prison during that session, and "*succeeded*" in all of them, and that too, without opposition.

Whether the warden of the prison was prompted by a sense of duty as an officer of government thus to impugn the motives of a member of the last legislature, or whether it was "*from the personal feelings of an individual*," are questions I will not pretend to decide. But I will say, when an officer of the government in his official report to the legislature coolly and deliberately pens a palpable falsehood for the purpose of injuring an ex-member of the legislature, that, although it may be in perfect keeping with the

opinion I had formed of the character of "*the individual*," yet I was not prepared to expect it from the officer.

I have not been in the habit of dealing in "insinuations," and whatever I have been "*inclined to have the public understand*," I have usually (perhaps sometimes imprudently) expressed.

I should suppose that the "*confidence* of a considerable number" was somewhat shaken upon the reading of the petition of three of the subordinate officers last year connected with the prison, who the warden in his report says "have done all they could for the interest of the institution and for the *ease and accommodation of the warden*."

Although neither the warden of the prison nor "the public generally" can have forgotten that since his appointment to that office and before the last session of the legislature, more than mere "insinuations that all was not right at the state prison," have been "*thrown out*," both in the halls of the legislature and through the public press—add to this the fact that the warden had called some of his subordinate officers to account for reporting some of the charges mentioned in the said petition—yet he has the effrontery to say that he has "*good reason to think that all* these insinuations of last year, were from the personal feelings of the individual who was appointed chairman of the committee."

The inspectors of the state prison in their last annual report make the following remarks. (See page 5 of printed report.)

"The inspectors recommend that a committee of the legislature should visit the prison for the purpose of examining its situation; they do not make this recommendation from any want of confidence in the management of the warden, or because they have any doubt of the correctness of everything connected with the prison, but are led to it by the action of some members of the legislature, showing a want of knowledge in relation to the business operations of the prison.

"By a resolve of the last legislature, the warden was called upon for a detailed statement of the account of stock as taken by the inspectors; this account is kept by them and not by the warden; a call was also made for the warden's private account, while the

law allows no such account; the warden being charged with all sales and credited with all purchases."

Notwithstanding the account of stock as taken by the inspectors, was kept by the said inspectors, it is presumed that a copy of said account was or ought to have been in the clerk's office, and therefore this is but a lame excuse made by the inspectors in behalf of the warden for not forwarding a copy, upon the call of the legislature.

The inspectors' report of last year, (written by the same individual who penned the report of this year,) winds up with the following paragraph :

"In the amount *due to individuals on books* in the annexed tables, is included the balance *due to Mr. Carr, the warden*, amounting to \$2,641.69."

With all due deference to the knowledge and sagacity of the inspectors, I would ask where they found this balance of \$2,641.69, due to Mr. Carr, the warden, if not in his private account with the prison. It certainly could not be in the account of all the sales and purchases, as all the purchases are made either with the money or upon the credit of the state in the name of the warden, and all are eventually paid out of the state's money, sometimes direct from the treasury. This account should never show a balance due him as an individual, unless he made the purchases as of himself, which would even then make such an account his private account with the prison. This is certainly the most blundering attempt to throw dust into the eyes of the members of the legislature, that I have ever seen practiced. Yet it must be evident that there is a "*want of knowledge* in relation to the business operations of the prison," because the annual reports of the warden and inspectors which were intended to convey such knowledge to the legislature, have for the last six years only served to make obscurity more obscure.

The board of inspectors as at present constituted, appear to answer no other purpose than that of an echo to the warden, and endorsers to his opinions, caprices and whims.

Had Mr. Carr as a private individual, and through any other channel, assailed me in the same manner, I should have considered it as not worthy of notice. But being engrafted into the annual report of an officer of the state, and having been printed by the legislature, thereby receiving a circulation and standing which he as an individual could never have given it, I have deemed it my duty to make this brief reply. It must also be my apology for laying before you this informal communication.

Most respectfully,

Your obedient servant,

**ATWOOD LEVENSALER.**





# STATE OF MAINE.



HOUSE OF REPRESENTATIVES, July 15, 1847.

ORDERED, That 350 copies of the foregoing communication, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*