

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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FORTIETH LEGISLATURE.

HOUSE.

No. 40.

REPORT

OF THE

Committee on State Prison.

The Committee on State Prison, who, by an order of the Legislature were directed to visit that institution and inquire into its affairs, and make report thereon, have attended to that duty, and submit the following

REPORT :

That much has been said by various committees and commissioners in respect to the State's prison, in all its aspects, is well known.

It is also universally admitted that we are far behind sister states in all particulars having a tendency to relieve the Treasury of the State from a constant drain on its resources—the fact being that in adjacent states' prison institutions, instead of being a continual draught on the Treasury, have become *paying* institutions.

It will appear strange that an institution owned by the State and paid for, peopled by upwards of one hundred individuals, who in general are robust, able-bodied men, doing service thereto, is in *our* State an annual expense of thousands of dollars.

That this State cannot inaugurate a system of prison discipline, and proper dispositions of labor, (facilities therefor being equal) that will enable us to be as successful as any other State, your Committee are not prepared to admit.

We find that the prison is situated in the westerly part of the

beautiful village of Thomaston, and on the south side of Main street. That the whole area of the State's prison grounds is about ten acres; that about three and a half acres of this is enclosed by prison yard walls, and that about one-half of the yard so enclosed has been completely destroyed by lime-rock excavations, thus leaving a very contracted yard for prison uses, on which we find the following buildings which are arranged with reference to each other in most "admirable confusion," viz :

- The old prison, 59 by 24 feet;
- The guard house, 49 by 24 feet;
- The new, or east wing, 112 by 48 feet;
- The shoe shop, 65 by 33 feet;
- The blacksmith shop, 50 by 36 feet;
- The wheelwright shop, 100 by 36 feet.

To the most casual observer it is obvious that our prison institution is not what it should be in many respects, and fuller investigations only tend to confirm such impressions.

The Warden's house and the fire engine house, both of which are outside of the prison yard, are the only buildings that do not require large repairs and improvements.

The floors in the shoe and wheelwright shops are in immediate need of repairs, and your Committee hereby recommend the appropriation of one hundred and fifty dollars for this object.

The new prison, or east wing, as it is called, might, by an improved system of warming and ventilation, be made to answer the purpose for which it was constructed; but until such improvements are made, it is totally unfit for the incarceration of human beings, and disgraceful to our State.

In this wing there are 108 cells, the dimensions of which are 4 by 7 feet, and in these cells the prisoners are confined more than half of their time.

There are no bucket recesses in them, and your Committee were unable to find but three cells in that whole number in which there was the least ventilation. The air was consequently very bad, and in the vicinity of the upper tier of cells was almost insupportable.

The guard house is leaky, low and dingy, and having been built to conform to the width of the old prison, it now fails in a great degree to answer the design for which it was intended, and should a

new wing be added, as has been contemplated, it will have to be entirely reconstructed.

The cook room is primitive in its construction, dilapidated and antiquated, and must afford more satisfaction for the antiquarian than for the epicurian. The whole arrangement, if the interest and credit of the State are consulted, must be substituted by others more in accordance with the wants of civilization.

The second story of the old prison is now occupied as a hospital for the sick, and for such other prisoners as cannot be accommodated in the new, or east wing, while the lower part is divided into low, damp, cold and "barbarous" cells, which are used as punishment cells for refractory convicts.

The shoe shop and blacksmith shop are nearly worthless, and must soon be rebuilt.

The wheelright shop is in rather better condition, but is wanting some repairs.

The chapel, in the attic of this shop, although it can never be made a suitable place for worship, might be vastly improved by an application of soap and water.

The washing and bathing houses are sadly out of repair, and are of but little account. Other necessary out buildings indicate unparadonable neglect on the part of those to whose care they have been entrusted.

Your committee are of the opinion that if the Legislature should determine to reconstruct prison buildings on present site, and that if, in order to supercede the "*pod auger*" policy now in vogue, they should substitute therefor steam power—that they will have to depend wholly upon cisterns for a supply of water, as they regard the "living spring" in the quarry of but little account.

The discipline of the prison we think should be improved upon as well as other matters. Convicts should not be allowed when indisposed, to enter the workshops and sit upon the benches of the workmen. Such practices are not tolerated even in well regulated *private* workshops. Neither should it in any degree be optional with convicts whether to attend chapel service or not; nor should waste food or rubbish of any kind be allowed to accumulate in the prisoners cells.

The Library connected with the prison consists of 508 volumes,

averaging about 200 pages each. This is wholly in charge of the chaplain.

There are many things connected with the chapel service of the prison which, in the minds of your committee, demand reform. 1st. The chaplain should live *less* than twelve miles from the field of his ministerial labors. 2d. The Sunday religious service in the chapel should be *more* than fifteen minutes long; and 3d, the hour of meeting should be such that the chaplain may not have as an excuse for short service that the prisoners "had not been to breakfast."

Your committee would call the attention of the proper officers to the condition of the dishes used for water and food. They show evident signs of neglect. By their appearance, one would suppose that there had been a scarcity of water available for washing purposes.

We visited the store-house used for the storage of provisions. We there found some ten barrels of damaged beef; and in fact most of the meats and fish calculated for food for the prisoners, was of an inferior quality. There were also some four hogsheads of molasses of an inferior quality, and not *fit to be used*; and if used, would doubtless have a tendency to sicken the inmates of the prison.

Your committee would therefore recommend that the proper officers cause to be removed from the prison yard all supplies of an inferior quality; and especially such as had been condemned by the former warden.

Taking into consideration the fact that the convict labor is sold for two years to come; the imperfect construction of the prison buildings; the large amount of money required to make them what they should be; the fact that a new wing of the prison, a new guard house, a new shoe shop, and a new blacksmith shop must soon be built; the irregular and somewhat contracted dimensions of the available ground within the prison yard, your committee cannot recommend the appropriation of any money for the reconstruction of present prison buildings, or for the building anew of any others, until the Legislature shall have settled the question of *location*.

As by the appended contract, the convicts being disposed of for two years to come, your committee regard the present as a favorable time for the Legislature to settle this much agitated and important question; and we hereby recommend that measures be inaugurated

that shall speedily bring about a result so much desired, and which in the minds of your committee, the interests of the State demand.

Your committee appointed a sub-committee to examine the books of the prison, which sub-committee, after a thorough investigation, reported as follows, viz.: That the debts due the prison amount to \$2,390 34; that there are claims against the State and worthless demands amounting to \$1,772 87, thus leaving as actually due the prison, \$617 47. This last sum, being chiefly made up of small items, is in such condition that no part of it can be relied on as available for present uses of the prison. There are outstanding debts due from the prison, the payment of which is being urged, amounting to \$1500, and nothing to pay it.

Your committee recommend, therefore, the following appropriations, viz.:

For present indebtedness of prison,	\$1,500 00
“ Fuel and lights,	350 00
“ Repairs of floors in shops,	150 00
“ Transportation of convicts,	300 00
“ Outfit of convicts on their discharge,	400 00
“ Medicines,	50 00

All of which is respectfully submitted.

ROBT. E. RIDER,
NATHANIEL G. MARSHALL, } *Of the Senate.*
OTIS KALER,

D. H. TEAGUE,
EBENR. WOODBURY, } *Of the House.*
OREN CURRIER,
J. P. DORR,
GEO. PIERCE,
WILLIAM F. LORD,
J. H. SHERMAN,

CONTRACT

Made by the Commissioners for the support of the Convicts in the State Prison, for three years from January 1, 1860.

ARTICLES OF AGREEMENT *made and concluded by and between the State of Maine, by Richard Tinker, Isaac S. Small and Horatio G. Russ, Commissioners, duly authorized by Resolve of the Legislature thereof on the one part, and David H. Sumner and Henry Maxcy, both of Thomaston, on the other part, WITNESSETH :*

THAT the said Sumner and Maxcy, in consideration of having the benefit of the labor and services of all the convicts which may be confined in the Maine State Prison in and during the term of three years, commencing on the first day of January, in the year of our Lord eighteen hundred and sixty, as hereinafter provided, do hereby stipulate and agree with the said party of the first part, to support said convicts in said Prison, during said term of three years, providing for and furnishing them with good and wholesome articles of food, well cooked and properly seasoned, and in suitable quantity, and furnish them vinegar and salt in their cells, the fare day by day to be as stipulated and provided for in the contract and agreement entered into by and between the said party of the second part, and Thomas W. Hix, Warden, dated the 30th day of June last past, relating to the boarding of convicts in said Prison, to which reference is made ; and they are to furnish such diet and drinks for the sick, and suitable nursing as the physician of the Prison shall order or advise. The meats are to be prepared and furnished to the convicts at such hours as shall be prescribed by the Warden and Inspectors, and the quality and quantity of the food to be subject to the approval of said Warden and Inspectors.

And the said Sumner and Maxcy are also to clothe said convicts, and furnish for them beds and bedding suited to their condition, and to do their washing, mending and repairing ; and they are to take and receive from the Warden, the beds and bedding and cloth-

ing which may be forwarded for the convicts, and be on hand at the commencement of said term, to be returned at the end of said term in like good order and condition ; and to furnish so much in addition as may be necessary for supplying all the convicts ; the same to be received by the Warden at the end of the term at a fairly appraised value. And the said Sumner and Maxcy further agree to purchase the stock and tools in the several apartments of labor which may be on hand belonging to the State, at the commencement of said term, the value and price of which are to be estimated and appraised as provided in a written agreement between said parties bearing even date herewith, and the aforesaid contract for the support of the convicts, dated June 30th, 1859, is to terminate at the commencement of the term herein mentioned.

And in consideration of the premises, the said party of the first part hereby stipulates and agrees that the said Sumner & Maxcy shall have the benefit of the labor of all the convicts confined in said Prison in and during said term—that they shall have the right to employ them in such occupations as may not be inconsistent with the object of their imprisonment, and for so many and such hours of the day as shall be approved of by the Warden and Inspectors—that they shall have the right to employ all necessary overseers in all the departments of labor, and employ such free labor as their business may require, all to be subject to like approval. The said Sumner & Maxcy are to have the use of the Prison buildings, the hospital, cook-room, and all the shop and store-rooms, now being, or which may be provided for them by the State, including the store-room under the office, excepting, however, the attic of the cooper's shop, which is reserved to the State for storage purposes, the chapel with free access thereto, and the medicine room in the hospital. The said buildings with their heating and warming apparatus, are to be kept in suitable repair by the State. The said Sumner & Maxcy are also to have the use of the grounds within the exterior walls of the Prison, except the right of said party of the first part to use and occupy any portion thereof necessary in making repairs, altering or re-constructing the Prison or buildings. Also the piggery on the western side thereof, with forty feet of the ground adjacent and south thereof, of like width, with right of passage-way northerly to the street ; also the use and occupation of about one-half acre of land at the southeast corner of the Prison lot, extending northerly to the gateway, and bounded

westerly by the Prison wall and a line running therefrom in the same direction, southerly to the southerly side of said lot. They are also to have the privilege of the quarry to remove as it may be sold, the rock already quarried by the said Sumner, with the right to split out and remove for their benefit, so much as has been loosened or uncovered by said Sumner, up to a perpendicular to the surface rock, but not to extend or widen the quarry at the surface, paying therefor the usual stumpage. And it is mutually agreed that the contract made by and between the said Sumner and Thomas W. Hix, Warden, relative to the employment of convicts, dated January 20, 1858, shall terminate at the commencement of the term herein provided for.

And it is further agreed that the said Sumner & Maxcy shall furnish all necessary fuel and lights for the Prison, shops and cook-room, excepting only the guard's room, office and outer guard-houses; also to furnish soap and towels for the general use of the convicts. And the said Sumner & Maxcy are to have free ingress and egress with their servants and teams at all suitable times, for the conducting of their business, and are to be subject to all the necessary rules and regulations of the Prison.

They are to report to the proper officers, all cases of misconduct or insubordination on the part of the convicts, and they may be subjected to the requisite discipline and dealt with as the case may require. And it is hereby further stipulated and agreed that the aforesaid overseers in the several departments of labor, shall perform all the duties of disciplinarians and turnkeys, and be paid by the said Sumner & Maxcy quarterly; and they are to cause to be whitewashed the inside of the cells when necessary, and preserve due cleanliness in the Prison, hospital and all the apartments under their control, and they are to have the use of the cooking-utensils and all the other personal property of the State used in the several apartments in said Prison, which is to be returned at the end of the term, in like good order and condition, as when received; and they are to furnish to the State, the services of two or more suitable convicts, for whitewashing within the precincts of the Prison, for which they are to receive from the State forty-five cents per day for each convict so employed. And it is further understood and agreed, that it is to be the duty of the overseers aforesaid, to attend upon the chapel duties on Sundays as at present practiced, to preserve order and decorum among the convicts. And the said

Sumner & Maxcy are to have the use of the scaffold on the eastern side of the barn. It is further agreed that said party of the first part, shall have the right to use some convenient place in said buildings for fuel for the office, guard-room and the out guards.'

The party of the second part is to remove the snow from the paths in the Prison yard, and at all times to keep said yard cleanly and free from filth. The party of the first part reserves the right of entry upon the premises aforesaid, at all times for inspection, making repairs, for crossing and re-crossing the same to other lands. The party of the second part will observe all the regulations provided for the government of the Prison, and its discipline; and the by-laws of said Prison are referred to and made a part of this contract, so far as applicable thereto.

In witness whereof, we the said parties have hereunto set our hand interchangeably, this 21st day of November, A. D., 1859.

Signed: RICHARD TINKER,
ISAAC S. SMALL,
H. G. RUSS,
DAVID H. SUMNER,
HENRY MAXCY.

Signed and delivered in presence of

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
Feb. 22, 1861. }

Reported by Mr. TEAGUE from Committee on State Prison, and on motion of Mr. LORD of Berwick, laid on the table and 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*