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THE FOUNDING AND CONSTRUCTION OF THE PENITENTIARY

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As early as 1865 the editor of the Statesman [James S. Reynolds] was calling for a separate territorial prison. He urged that it be self-sustaining and that "provision for the employment of convicts ought to be made." At the time, the territorial prison commission was drawing up plans for submission to the 1866 legislature; and fifteen per cent of the territorial general fund was being expended for prison expenses--housing of prisoners in the Boise and Nez Perce county jails. Reynolds favored Boise as the prison site; there, it would be cheaper to maintain prisoners and more opportunities would be available for putting them to work. "Making brick, and quarrying and dressing stone [from] the stone quarries just above the Fort" were good possibilities; and there would certainly be lots of building to be done and irrigation canals to be dug in the growing capital.

Three years later, Reynolds wrote an editorial urging immediate attention to the state of the territorial prison. By this time, Congress had appropriated money to help with construction, contingent on the selection of a site. The editor indirectly supported the site eventually chosen, noting that it would be the best place to utilize labor "with safety and without great outlay." He continued also to emphasize that with the high price of labor in the Boise area, a prison should be able to pay its own way and more.

Toward the end of 1868, Reynolds had criticized the site selection committee of the legislature for not having moved faster in selecting a site and putting convicts to work quarrying rock for the prison buildings ("The manner in which they [the convicts] are now kept is not only expensive but injurious to their health"). By early January of 1869 things seemed to be moving. A local citizen was castigated for having apparently claimed and built a temporary home on the selected site "one mile above the city." Further attacks on the citizen--a Mr. Benedict--were made before he finally assigned his claim to Governor Ballard and denied any advance knowledge that this was the site selected. Reynolds continued also to emphasize that the penitentiary's presence would actually add to the stability of the community as well as saving the territory money in the long run.

Meanwhile, there seems to have been a certain amount of conflict in Washington, D.C. On May 6, 1869, Reynolds urged

getting along with building the territorial buildings, for which funds had already been provided. But on May 15, there appeared in the Statesman a notice of formal site selection by the county commissioners in accordance with notice from the Department of Interior commenting on an act of Congress dated March 1, 1869, authorizing the county commissioners to select the site. The commissioners selected the site "formerly chosen by the late legislature"--a fortunate choice, since the territory had no money to buy any other site! Reynolds noted that the site had water and that "the rock in this vicinity is of a superior quality and in demand in this city for building purposes." Apparently to everybody's surprise--certainly his own--Colonel Thomas Donaldson of the General Land Office in Boise was appointed superintendent of construction for the prison in August of 1869 and was promptly sent the plans drawn up in Washington for all the territorial prisons to be built in this part of the world. Reynolds noted that the penitentiary structure would be the first public building constructed in the territory, and he recommended a "public demonstration," cornerstone-laying, and orator in celebration of the project's beginning.

The Statesman incidentally reported, at the end of March, 1870, that there was a great religious revival taking place in the territorial prison (that is, the Boise County Jail): "This is the first instance, we believe, where a penitentiary has resolved itself into a theological seminary."

Meanwhile, the process of construction seemed actually to be about to begin. There was a ground-breaking on April 4, 1870, at 11:00 a.m., with the public invited to attend. By June, a report on growth in Boise noted that the pen was making progress, "delightfully located, cool and airy in the summer, and warm and comfortable during our severe winter weather." The formal cornerstone-laying was a part of the community's Fourth of July celebration; citizens of the community were invited to contribute to the contents of a lead box to be enclosed in the cornerstone "any coins, rare papers or curiosities." The Statesman reported the ceremonies as follows:

At six o'clock the employees at the penitentiary laid the corner stone, which was filled with many rare and curious trinkets, including a copy of the Statesman and all the papers published in the territory, a list of all the officers, and a set of American coins, currency, postage and revenue stamps, a set of Masonic jewels, and some twenty-five packages contributed by our citizens. The corner stone was laid under the direction of Mr. H. Wolfe, the foreman of the stone work, and was set by the rule and square, and bore evidence of a master's hand. It was witnessed by a large company of our citizens, who thus testified their appreciation of the men's labor. (July 7, 1870, p. 2,

c. 2.)

On July 21, there appeared a notice to the Statesman, signed by Donaldson, stating that the quarry on the penitentiary grounds is the property of the United States and that anyone removing stone is a trespasser.

The editor of the Statesman paid a visit to the penitentiary site in August of 1870 and reported to his readers on the structure under way:

Frequently of late short notices have appeared in our columns of the progress of the new Penitentiary. The work has progressed so far that a correct idea of the building can be formed. The wing now under process of construction is seventy feet two inches long by forty feet four inches in width, and the stone wall on three sides twenty-one feet in height; the main foundations are three and seven feet, respectively, and laid on beds of concrete. There are sixteen windows, eleven of which are thirteen feet by three feet six, and five eight feet by three feet six; the lower half of the large windows are covered of bars of one inch round iron, securely fastened in iron transoms and leaded in the window sills; the window jams are flared and laid in drafted coins, each one foot high; the sills are models of work and twenty-six inches wide. The roof will be on the style known as the French or Mansard and covered with tin. Eleven dormer windows will complete the finish of the roof. Four chimneys nine feet high will top the stone walls. The base course eighteen inches high and the corners are of cut stone and drafted. The interior arrangement will be complete in every particular. The cell range will be twenty-six feet high, fifty feet long and twenty feet wide, surrounded by an area or hall eight feet wide and paved with brick. The cells will be forty-two in number, placed in three stories, seven in a range and twenty-one on each side. Each cell will be six feet wide, eight feet high and eight feet long with arched ceiling and brick floor; they will be reached by an iron gallery running around two stories and approached from the north hall. Three cells will be fitted up as bath and retiring rooms fitted with water pipes, mains and iron bath tubs. Each cell will have a ventilating flue and will be heated from a furnace under the main house. Over the cell range there will be a reservoir for water, supplied from a well eighty feet deep in the south-east corner and worked by a four-inch double-cylinder force and lift pump; a main waste-pipe will run through the cell range to a sink located

thirty feet in front of the house. The stone walls will be two feet thick and the brick walls seventeen and twenty inches thick. The rafters of the roof will rest upon the cell range and fasten into the ventilating wall which will be covered with a heavy coping. The work is being laid in cement and lime mortar and will be pointed inside and out with cement.

One main door four feet by eight, of iron, in the north end, will furnish exit and egress for the inmates. The total height of the house to the top of the ventilating wall will be thirty-three feet.

The next portion to be built will be the main or center building for offices, dining room, workshops, etc. This will be three stories high and thirty-six by forty-eight feet. Then the house will be complete enough to last for years without the other wing. We hope Idaho will not have thirty-nine felons for years to come. The stone has been obtained upon the ground and the brick made and burned within a hundred yards of the house. The labor has been performed by Idaho mechanics and reflects credit upon them. The plumbing is by Geo. H. Twichell. The carpenter work by Mr. Morrison and Capt. Munson. The lime by N. Donnel and the brick by Mr. H. Conant. The iron work was furnished by Mr. H. W. Corbett & Co. of Portland and gives great satisfaction. The contractor, Mr. Charles May, is well known to our people, having been here for many years, and built nearly every brick building in Boise City. He is an old and practical builder. The foreman, Mr. H. S. Wolfe, is the best workman in the Territory in his line and is a competent and reliable man. The wing will be done within the next nine weeks and will be the best and neatest built public building in Idaho Territory. We want Congress, during the first week of the December session, to give us the \$22,000 required to complete and furnish this much needed and indispensable work. (August 11, 1870, p. 2, c. 2)

On September 1 there was a small celebration in honor of the stonework's being completed, and Donaldson was presented by the laborers with a gold brick, value \$500.00.

However, all was perhaps not so smooth as it might appear. The Statesman reported on October 18 that Charles May, the contractor, had halted the work the day before because he had not been paid. Editor Reynolds had some rather sarcastic remarks to make about the efficiency of the United States Treasury. But on the 20th the paper reported that apparently labor had not been halted after all, and that work on the roof was proceeding nicely.

By December, a lengthy hassle over who was to control (and, not so incidentally, expend the greater amount of money in controlling) the penitentiary had begun. It was to last for fifteen months before prisoners were finally actually housed in the penitentiary. In mid-December, a memorial requesting that the federal government take over operation of the pen was defeated in the territorial legislature on a party-line vote, and Reynolds accused the Democrats of wanting the patronage power of the few jobs available in the institution. By the 20th, Reynolds reported that the penitentiary--a symbol of money well spent--was complete and ready for prisoners as soon as Congress might decide who was to control it. On the 24th, the Statesman carried a story on a bill introduced in the United States Senate on the 9th to have the federal government take over all territorial prisons.

On January 24, 1871, Reynolds congratulated Donaldson on building the penitentiary for less money than the Territory of Montana had spent, using the same plans. But such praise was about the only good thing Reynolds could find to say. Indeed, he kept generally silent on the whole subject of the prison until July, when he discussed the reasons for it standing empty at some length. It seemed that the federal government, having agreed to take control, had required subsistence payment of \$7 per prisoner per week from the territory (a charge which, Reynolds later noted, was well above what it should actually cost the government). Unfortunately, the legislature, on January 13, had authorized payment of \$8 per week--but in territorial warrants, which would be discounted to about \$6.50 and would thus understandably not be accepted by the U. S. Marshal, who would be required to account to the United States government for \$7 and presumably make up the difference out of his own pocket.

Nothing happened for months. In November, Reynolds summarized the situation again and suggested that a "regular" governor might just be brave and assume that the next legislature would back him up if he agreed to an actual \$7 payment. Reynolds quite specifically did not approve of a special session to change the per-week allowance.

The Statesman changed hands on January 1, 1872; its general concern about penal institutions did not change. On February 17, editor Milton Kelly (a former territorial Supreme Court justice) accused the federal government of setting an unreasonably high subsistence charge--twice what was being paid in Montana. On February 24, Kelly even attacked the conditions of confinement in the Boise City jail, noting especially the very bad situation of having those convicted and those awaiting trial all incarcerated together. Kelly's tone is strongly in favor of reformation rather than punishment. Later in February, the Statesman reported a proposed bill in Congress to turn the prison back to the territory. Apparently, among other problems, the bill was based on some elderly statistics: Kelly noted that of the twenty-five prisoners of the state in 1869, seven had been

released, eleven had escaped, and only seven were still in custody. He estimated that with federal control of the penitentiary the territory would save approximately \$12,000 per year over present costs.

Finally, on March 2, notice was given that the governor had entered into a contract with the marshal to take over all territorial prisoners serving time in the Idaho City penitentiary, or to be convicted in the future. It was understood that the marshal planned a system of labor that would give them "healthy exercise, and occupy their minds." A very small story in the Statesman for March 23 reported that the prisoners had made it safely into the penitentiary; a longer story in the Idaho World for March 28 described the journey on March 21 by eleven prisoners, "properly ironed," the sheriff of Boise County, and three or four armed guards in a special stage. The writer commented that the new penitentiary would be harder to escape from but had much better conditions than the Boise County jail.

A few items on the penitentiary, chiefly in the form of comments on its money-saving aspects, followed in the next few months. The delegate who had proposed the bill to have the territory take over the pen again, Samuel A. Merritt, wrote the Statesman to defend his actions by means of statistics on the operations of other territorial prisons; the Statesman editorialized to the effect that he was trying to save the federal rather than the territorial government money and that he would not be supported by the citizens of Idaho. On April 13, the paper reported that Merritt had withdrawn his proposal.

The paper reported on June 8 that in the penitentiary's second full month of operation, the territory had saved \$547 over previous months and the federal government \$150.71. And in August the Statesman supported work programs for prisoners--not as punishment nor even primarily to make money, but as "useful employment" to provide to the inmates the experience of steady employment.

In April of 1873 the contract between the territory and the federal government came up for renewal, with renewed concern as well for the problem of discounted warrants. However, the Statesman reported on the nineteenth that, unbeknownst to anyone in Idaho, Congress had acted on January 24 to turn the prison over to the territory. Since the legislature had "deconvened," Governor Bennett asked for--and received--an extension until such time as the legislature should meet again and authorize expenditures to operate the prison. The legislature never made such an authorization; in 1887, the territory was still paying the marshal for his charges.

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