

MAINE STATE LEGISLATURE

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REVISION II.

REPORT

OF THE

COMMISSIONER

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

STATE PRISON, REFORM SCHOOL, HOUSES OF CORRECTION,
INSANE HOSPITAL.

TITLE XII.

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TITLE TWELFTH.

PUBLIC INSTITUTIONS FOR THE PUNISHMENT AND REFORM OF CRIMINALS, AND THE CARE AND CURE OF THE INSANE.

- Chap.* 140. The state prison.
141. Houses of correction.
142. The state reform school.
143. The insane hospital.

Chapter 140.

THE STATE PRISON.

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Location of the
prison.

SECT. 1. The state prison at Thomaston in the county of
2 Lincoln shall continue to be maintained as the prison and
3 penitentiary of this state, in which convicts committed
4 thereto according to law, shall be confined, employed, and
5 governed, as hereinafter provided.

R. S., c. 177, § 1.

Of solitary
imprisonment.

SECT. 2. All punishment in the state prison by imprison-
2 ment shall be by confinement to hard labor and not by sol-
3 itary imprisonment unless otherwise specially provided; but
4 solitary imprisonment may be used as a prison discipline for
5 the government of the convicts as hereinafter mentioned.

1846, c. 197.
R. S., c. 177,
§ 2, 41.

Convicts
sentenced by
courts of the U.
S., to be received.

SECT. 3. Convicts sentenced to hard labor in the state
2 prison for life or any term not less than one year by any
3 court of the United States held within this state shall be
4 received into the prison by the warden thereof, when deliv-
5 ered by the authority of the United States, and there kept
6 in pursuance of their sentences.

R. S., c. 177, § 3.

Supervision and
officers of the
prison.

SECT. 4. The supervision of the state prison shall be
2 vested in the governor and council, but its government and
3 direction in two inspectors, one warden, one deputy warden,
4 one person to perform the duties of clerk and commissary
5 and such number of overseers not exceeding ten, as the
6 inspectors determine to be necessary.

R. S., c. 177, § 4.
1850, c. 192, § 1.
1853, c. 49, § 1.

Inspectors and
warden.

SECT. 5. The inspectors and warden shall be appointed by
2 the governor with advice of council, and commissioned to

3 hold their offices during the pleasure of the executive, but **CHAP. 140.**
 4 not more than four years under one appointment; one of the **Appointment.**
 5 inspectors shall in his commission be designated as chair- **Oaths.**
 6 man. The inspectors and warden before entering on their **Warden's bond.**
 7 duties shall take and subscribe the oaths of office, and the
 8 warden shall give bond to the state in the sum of ten thou-
 9 sand dollars with sufficient sureties approved by the gov-
 10 ernor and council conditioned, that he will account for all
 11 moneys that come to his hands as treasurer of the state
 12 prison, that he will not be concerned in the business of trade
 13 or commerce during his continuance in office, and that he
 14 will faithfully perform all the duties incumbent on him as
 15 warden of said prison, which shall be filed in the office of the
 16 secretary of state.

R. S., c. 177, § 5.
 1850, c. 192, § 5.

SECT. 6. The other officers before mentioned shall be sub- **Subordinate**
 2 ordinate to the warden, appointed by warrant under his **officers.**
 3 hand and seal, and subject to the approval or disapproval of **Appointment.**
 4 the inspectors at their next meeting, to whom the warden **Removal. Oaths.**
 5 shall make report thereof; they shall hold their offices during **Bonds.**
 6 the pleasure of the inspectors and warden; but the inspect-
 7 ors without the concurrence of the warden may remove any
 8 of such officers for negligence or unfaithfulness in the dis-
 9 charge of their duties, and appoint others in their place;
 10 and if the warden thinks any subordinate officer ought to be
 11 removed and the inspectors will not consent thereto, he may
 12 appeal to the governor and council, who after reasonable
 13 notice to the inspectors may make such removal and appoint
 14 such other person as they deem proper. The subordinate
 15 officers shall take and subscribe the oaths of office, and the
 16 deputy warden clerk and commissary shall also give bond
 17 to the state with sufficient sureties, the former in the sum of
 18 five hundred dollars, and the latter in the sum of one thou-
 19 sand dollars, approved by the inspectors conditioned for the
 20 faithful performance of their duties; which shall be filed in
 21 the office of the secretary of state.

R. S., c. 177, § 6.

SECT. 7. The inspectors shall meet together at stated
 2 times at the state prison, once at least in every three months
 3 and oftener if necessary, to inspect its concerns, the manner
 4 of keeping the books and accounts, and the register of pun-
 5 ishments kept by the warden; and from time to time care-
 6 fully examine the same and keep a record of their doings;
 7 one of them at least shall visit the prison once in each month
 8 to examine into all its concerns, and see that its laws and
 9 regulations are duly observed, and the duties of the several

Duty of the
inspectors to
visit the
prison, &c.

CHAP. 140. 10 officers faithfully performed and to advise with the warden
 11 on its concerns, when thereto requested; and each of them
 12 shall at all times have free access to all parts of the prison,
 13 and be allowed to inspect and examine all the books, ac-
 14 counts and writings, pertaining to the prison or its business
 15 management and government. And the inspectors, as soon
 16 as may be after each stated meeting or oftener if necessary,
 17 shall transmit to the governor and council a transcript of
 18 the record of their doings, and such other information rela-
 19 tive to the concerns of the prison, as they deem proper.

R. S., c. 177, § 7.
 1850, c. 192, § 4.

Inspectors to
 audit and settle
 the warden's
 accounts, &c.

SECT. 8. The inspectors in the month of January annually
 2 shall audit correct and settle the accounts of the warden with
 3 the prison and the state for the year ending on the last day
 4 of December preceding, and make report thereof in said
 5 month of January to the governor and council to be laid
 6 before the legislature; which shall exhibit an account of the
 7 stock on hand of different kinds at the beginning and at the
 8 close of the year; the several sums expended for materials,
 9 provisions, fuel, clothing, bedding, lights, tools and other
 10 articles; the amount of manufactures of each kind, and all
 11 other articles sold from the prison; the profits or loss upon
 12 each branch of business; and all other particulars necessary
 13 to give the legislature a full understanding of the fiscal and
 14 other concerns of the prison; and shall at the same time
 15 furnish an estimate of the probable income and expense of
 16 the prison for the ensuing year.

R. S., c. 177, § 8.

To adjudicate on
 alleged improper
 conduct of
 warden, &c.

SECT. 9. They shall inquire into any improper conduct,
 2 which is alleged to be committed by the warden or any sub-
 3 ordinate officer of the prison in relation to its concerns; and
 4 for that purpose may issue subpoenas for witnesses, and com-
 5 pel their attendance and the production of papers and writ-
 6 ings; and may examine witnesses under oath to be admin-
 7 istered by the chairman; and may adjudicate on such
 8 alleged improper conduct in like manner and with like effect,
 9 as in cases of arbitration.

R. S., c. 177, § 9.

May order
 refractory
 convicts to be
 punished.

SECT. 10. They shall examine into all disorderly conduct
 2 among the prisoners; and when it appears to them, that any
 3 convict is disorderly, refractory, or disobedient, may order
 4 such corporal punishment as they deem necessary to enforce
 5 obedience not inconsistent with humanity, and authorized by
 6 the rules and regulations established for the government of
 7 the prison.

R. S., c. 177,
 § 10.

To establish
 regulations of
 the prison, &c.

SECT. 11. They shall from time to time establish such rules
 2 and regulations consistent with the laws of the state, as they

3 deem necessary and expedient for the direction of the offi-
 4 cers agents and servants of the prison in the discharge of
 5 their duties, or for their compensation not established by
 6 law; for the government instruction and discipline of the
 7 convicts, and for their clothing and subsistence; and for the
 8 custody, preservation, and management, of the public prop-
 9 erty; and as soon as may be after the establishment of the
 10 same by the inspectors, they shall cause a copy thereof to be
 11 laid before the governor and council, who may approve annul
 12 or modify the same, and make and establish such other rules
 13 and regulations consistent with the laws of the state, as they
 14 see fit; and the governor shall communicate all rules and
 15 regulations thus approved to the next legislature; and the
 16 inspectors shall cause a copy thereof to be certified by the
 17 clerk and delivered to the warden.

R. S., c. 177,
 § 11.

SECT. 12. The warden shall not carry on or be concerned
 2 in the business of trade and commerce during his continuance
 3 in office; he shall reside constantly within the precincts of
 4 the prison, and shall have the care custody and charge of
 5 the prison and of the convicts therein in conformity to their
 6 sentences, and of the lands, buildings, machines, tools, stock,
 7 provisions, and of every other kind of property belonging
 8 to or within the precincts of the same. He shall be treas-
 9 urer of the prison, receive, pay out, and be accountable for,
 10 all moneys granted for maintaining the same or derived from
 11 the manufactures or other concerns thereof; make in the
 12 books of the prison regular entries of all pecuniary and other
 13 concerns of the prison, and in the month of January of each
 14 year he shall render to the inspectors a fair account of all
 15 the expenses and disbursements, receipts and profits, of the
 16 prison with sufficient vouchers for the same, and a statement
 17 of its general affairs for the year then past including the num-
 18 ber of convicts received and discharged during the year, and
 19 the number remaining; and a similar account and statement
 20 examined and approved by the inspectors the warden shall
 21 also render under oath in the month of January annually to
 22 the governor and council, and settle all his accounts with
 23 them when they require it.

Warden not to
 be concerned in
 trade. His
 duties.

R. S., c. 177,
 § 12.
 1845, c. 173, § 4.
 1850, c. 192, § 3.
 1852, c. 273, § 3.

SECT. 13. He shall inspect and oversee the conduct of the
 2 convicts, and cause all the rules and regulations of the prison
 3 to be strictly and promptly enforced; give immediate inform-
 4 ation to the inspectors of any officer who refuses or neglects
 5 to enforce the discipline established, and they shall forthwith
 6 remove any officer guilty of such neglect of duty. He may

His government
 in the prison.

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R. S., c. 177,
§ 13.

Warden or his
deputy to exe-
cute precepts in
the prison, &c.

R. S., c. 177,
§ 14.

Warden to take
bills at the time
of delivery, &c.

R. S., c. 177,
§ 18.

Contracts for
articles from the
prison. &c

R. S., c. 177,
§ 19.

Service of
warrant for
removal of
convicts.

R. S., c. 177,
§ 20.

Convicts to be
lodged in jails,
&c.

7 punish any convict for disobedience, disorderly behavior, or
8 indolence, in the manner directed by the inspectors or pre-
9 scribed in the rules and regulations, and shall keep a regis-
10 ter of all such punishments, and the cause for which they
11 were inflicted.

SECT. 14. The warden or his deputy shall serve execute
2 and return all processes within the precincts of the state
3 prison, and they shall be directed to him or his deputy ac-
4 cordingly; and for the doings of his deputy the warden and
5 the deputy himself shall be answerable. The warden shall
6 have the command of all the force for guarding the prison,
7 and of all officers and persons employed under him in over-
8 seeing guarding and governing the same.

SECT. 15. The warden shall take bills of the quantity and
2 price of supplies furnished for the prison at the time of de-
3 livery and exhibit the same to the clerk, who shall compare
4 the bills with the articles delivered; if the bills are found
5 correct, he shall enter them with the date in a book to be
6 kept for that purpose; in like manner bills shall be taken
7 and entered of all services rendered for the prison; if any
8 such bill is found incorrect, the clerk shall omit to enter it
9 and immediately give notice to the warden, that the error
10 may be corrected.

SECT. 16. All sales of limestone granite or other articles
2 from the prison, and the letting to hire of such of the con-
3 victs, as the inspectors may deem expedient, and all other
4 contracts on account of the prison, shall be made with the
5 warden in the manner prescribed by the inspectors. No
6 such contract shall be accepted by the warden, unless the
7 contractor gives satisfactory security for the performance
8 of it; and no officer of the prison shall be directly or indi-
9 rectly interested in any such contract.

SECT. 17. When the warden receives from the sheriff of
2 any county a warrant requiring him to remove a convict to
3 the state prison, he shall by himself or such other person as
4 he appoints or contracts with for that purpose forthwith
5 cause such warrant to be executed according to its precept
6 in the least expensive manner consistent with the security
7 of the convict; and said warrant with his return thereon of
8 the manner of executing it he shall file in his office, and cause
9 a copy of the same to be filed in the office of the clerk of
10 the court, from which it was issued.

SECT. 18. When it is necessary or convenient during the
2 conveyance of any such convict to the state prison in pur-

3 suance of his sentence, that he should be lodged for safe
 4 keeping in any county jail till the residue of such convey-
 5 ance can be conveniently performed, the keeper of such jail
 6 shall receive such convict and safely keep and provide for
 7 him, until called for by the person employed to convey him
 8 as aforesaid, into whose custody he shall be delivered; and
 9 the said jail keeper shall be allowed his reasonable charge
 10 and expenses incurred thereby to be paid from the treasury
 11 of the state.

R. S., c. 177,
 § 21.

SECT. 19. All actions founded on any contract made with
 2 the warden in his official capacity may be brought by or
 3 against the warden for the time being; and any actions for
 4 injuries done or occasioned to the real or personal property
 5 belonging to the state and appropriated to the use of the
 6 state prison, or being under the management of the warden
 7 thereof, may be prosecuted in his name; and no such action
 8 shall abate by the warden's ceasing to be in office, but his
 9 successor upon notice shall be required to assume the pros-
 10 ecution or defense of the same. In said actions the warden
 11 shall be a competent witness, and neither his person nor
 12 property shall be taken or attached in any such suit, nor
 13 shall any execution issue against him on any judgment there-
 14 in, but such judgment shall stand as an ascertained claim
 15 against the state. And when a new warden is appointed,
 16 all the books accounts and papers belonging to the prison
 17 shall be delivered to him, and he shall be vested with all
 18 the powers and subject to all the obligations with regard to
 19 any contracts or any debts due to or from the prison, that
 20 his predecessor would have been, if no change had taken
 21 place in the office.

Of actions by or
 against the
 warden in his
 official capacity,
 &c.

R. S., c. 177,
 § 22.

SECT. 20. When any controversy arises respecting any
 2 such contract or claim on account of the state prison, or any
 3 suit is pending thereon, the warden may submit the same to
 4 the determination of arbitrators or referees to be approved
 5 by the inspectors.

Warden may
 submit contro-
 versies to
 arbitration.

R. S., c. 177,
 § 23.

SECT. 21. The warden shall not be arrested on any civil
 2 process or execution while in office; but execution upon any
 3 judgment against him personally and not in his official ca-
 4 pacity may be issued against his goods and estate only; and if
 5 such execution is returned unsatisfied, he may be removed
 6 by the governor with advice of council as the sheriff may,
 7 when an execution against him is returned unsatisfied.

Warden
 exempted from
 arrest while in
 office.

R. S., c. 177,
 § 24.

SECT. 22. When the office of warden is vacant, or the
 2 warden is absent from the prison or unable to perform the

Powers, duties
 and liabilities of
 deputy warden.

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R. S., c. 177,
§ 25.

If office of
warden vacant,
deputy to give
bonds, and act
as warden, &c.

3 duties of his office, the deputy warden shall have the powers
4 perform the duties and be subject to all the obligations and
5 liabilities of the warden.

SECT. 23. If the office of warden becomes vacant, when the
2 governor and council are not in session, the inspectors may
3 require the deputy warden to give bond to the state in the
4 sum of five thousand dollars with sufficient suréties to be
5 by them approved with condition for the faithful discharge
6 of the duties incumbent on him as deputy warden and treas-
7 urer; and from the time the bond is approved, the deputy
8 shall receive the salary and emoluments of the warden in
9 lieu of his former pay, while he performs the duties of the
10 office; if he does not give such bond when required, the in-
11 spectors may remove him and appoint a warden pro tem-
12 pore, who shall give bond similar to the one required of the
13 deputy warden, have the power and authority, perform the
14 duties, and receive the salary and emoluments, of the warden,
15 until a warden is duly appointed and enters on the discharge
16 of his duties; *and in such case, until the warden pro tempore*
17 *is so appointed and gives bond, the inspectors or either of them*
18 *shall be vested with all the powers and duties of warden.*

R. S., c. 177,
§ 26.
New. R. 1.

Of the clerk and
commissary.

SECT. 24. The clerk and commissary shall keep an account
2 of all supplies purchased for the use of the prison and of all
3 articles sold and delivered from the same; assist in effect-
4 ing sales and purchases under the direction of the warden;
5 attend the meetings of the inspectors, when they request it;
6 keep a record of their proceedings, and perform any other
7 services pertaining to his employment and the superintend-
8 ing of the prison directed by the inspectors or warden.

R. S., c. 177,
§ 27.

Overseers.

SECT. 25. Persons having suitable knowledge and skill in
2 the branches of labor and manufactures carried on in the
3 prison shall when practicable be employed to superintend
4 the branches of labor assigned to them by the warden; and
5 all of them and the other subordinate officers of the prison
6 shall perform the services in the management superintending
7 and guarding of the prison prescribed by the rules and regu-
8 lations or directed by the warden.

R. S., c. 177,
§ 28.

Neglect of
subordinate
officers, &c.

SECT. 26. If any such subordinate officer is guilty of neg-
2 ligence or unfaithfulness in the discharge of his duties, or of
3 a violation of any of the laws or rules and regulations for
4 the government of the prison, the warden with the appro-
5 bation of the inspectors may deduct from the pay of such
6 officer a sum not exceeding his pay for one month.

R. S., c. 177,
§ 29.

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Appointment
and duties of
physician.

SECT. 27. The inspectors and warden shall appoint some
2 suitable person to be a physician and surgeon of the state
3 prison, whose duty it shall be to visit the prison, when re-
4 quested by the warden, prescribe for sick convicts, see that
5 proper attention is paid to the clothing regimen and cleanli-
6 ness of those in the hospital, and advise when illness of any
7 convict requires his removal to the same; and upon such
8 advice and in other cases when he deems it necessary, the
9 warden shall cause any sick convict to be forthwith removed
10 to the hospital, there to receive such care and attention and
11 be furnished with such medicines and diet as his situation
12 requires, until the physician determines that he may leave it
13 without injury to his health.

R. S., c. 177,
§ 35.

SECT. 28. If any pestilence or contagious sickness breaks
2 out among the convicts in the prison, the inspectors and
3 warden may cause any of them to be removed to some suita-
4 ble place of security, where they shall receive all necessary
5 care and medical assistance; and be returned as soon as may
6 be to the prison to be confined according to their sentences
7 if unexpired.

Provision in case
of pestilence or
contagion.R. S., c. 177,
§ 36.

SECT. 29. If any officer or other person employed in the
2 state prison or its precincts voluntarily suffers aids or con-
3 nives at the escape of any convict therefrom, he shall be
4 punished by imprisonment in the state prison for any term
5 of time not more than the whole term for which the convict
6 was sentenced; and if he negligently suffers any convict con-
7 fined therein to be at large out of the precincts of the prison,
8 or the cell or apartment assigned to him, or to be conversed
9 with, relieved, or comforted, contrary to law or the rules
10 and regulations of the prison, he shall be punished by a fine
11 not exceeding five hundred dollars.

Punishment of
officers for
voluntarily
suffering an
escape, &c.R. S., c. 177,
§ 37, 38.

SECT. 30. If any person forcibly rescues or attempts to
2 rescue any convict sentenced to the state prison from the
3 legal custody of any officer or other person, from the state
4 prison, jail, or other place, where he is legally confined, or
5 causes to be conveyed to such convict, into such jail, state
6 prison, or other place, any tool, instrument, weapon, or other
7 aid, with intent to enable such convict to escape, whether an
8 escape is effected or not, he shall be punished by imprison-
9 ment in the state prison not more than twenty years or by
10 fine not exceeding five hundred dollars.

Rescue, or
aiding prisoners
attempting to
escape.R. S., c. 177,
§ 39.

SECT. 31. If any officer, contractor, teamster, or other
2 person delivers or has in possession with intent to de-
3 liver to any convict confined in the state prison, or deposits

Secretly convey-
ing, or attempt-
ing to convey,
any article to a
convict.

CHAP. 140.

4 or conceals in any place in or about the state prison or its
 5 precincts, or in any wagon or other vehicle going thereto, any
 6 article, with intent that any convict therein should obtain it,
 7 without the consent or knowledge of the warden or deputy
 8 warden, he shall be punished by imprisonment in the state
 9 prison not more than two years, or by fine not exceeding
 10 five hundred dollars and imprisonment not more than six
 11 months.

R. S., c. 177,
 § 40.

Penalty for
 convict
 assaulting an
 officer, &c.

SECT. 32. If any convict sentenced to the state prison for
 2 life assaults any officer or other person employed in the gov-
 3 ernment thereof, or breaks or escapes therefrom, or forcibly
 4 attempts so to do, he may be punished upon conviction thereof
 5 in the supreme judicial court by solitary imprisonment in
 6 the state prison not more than one year, and be afterwards
 7 held in custody on his former sentence; but if such offense
 8 is committed by a convict sentenced to the state prison for
 9 a limited term of years, he may be punished upon conviction
 10 thereof in the supreme judicial court by solitary confinement
 11 in the state prison not more than three months to precede
 12 the fulfillment of any former sentence, and at the discretion
 13 of the court may be further punished by confinement to hard
 14 labor for a limited period or during life to commence after
 15 his solitary confinement or the completion of his former sen-
 16 tence.

R. S., c. 177,
 § 41, 42.

Mode of
 punishment
 under the two
 preceding
 sections.

SECT. 33. Every convict sentenced to solitary confinement
 2 as mentioned in the preceding section, or on whom it is in-
 3 flicted as a punishment for the violation of the rules and
 4 regulations of the prison, shall be confined in a solitary cell
 5 and fed on bread and water only, unless the physician cer-
 6 tifies to the warden, that the health of such convict requires
 7 other diet.

R. S., c. 177,
 § 43.

In case of
 resistance,
 officers justified
 in using all
 needful force.

SECT. 34. If any convict sentenced to the state prison re-
 2 sists the authority of any officer, or refuses to obey his lawful
 3 commands, such officer shall immediately enforce obedience
 4 by the use of weapons or other effectual means; and if in
 5 so doing any convict thus resisting is wounded or killed by
 6 the officer and his assistants, they shall be justified in so
 7 doing.

R. S., c. 177,
 § 44.

Warden to keep
 arms and
 ammunition, &c.

SECT. 35. *The warden shall constantly keep on hand a*
 2 *suitable and sufficient supply of arms and ammunition at*
 3 *the expense of the state,* and have power to require all offi-
 4 cers and other citizens of the state to aid him in suppress-
 5 ing an insurrection among the convicts in a prison and in
 6 preventing their escape or rescue therefrom or from any

R. S., c. 177,
 § 45.
 New. R. I.

CHAP. 140.

7 other legal custody or confinement; and if in so doing or in ar-
 8 resting any convict who has escaped, they wound or kill such
 9 convict or those aiding him, they shall be justified therefor.

SECT. 36. When any convict escapes from the state prison
 2 the warden shall take all proper measures for his apprehen-
 3 sion; and for that purpose he may offer a reward not ex-
 4 ceeding fifty dollars to be paid by the state for his appre-
 5 hension and delivery.

Measures to be
 used by the
 warden to
 retake convicts,
 escaping.
 R. S., c. 177,
 § 46.

SECT. 37. When it appears to the warden, that any convict
 2 in the prison has been before sentenced by the authority of
 3 this or any other state or of the United States to confinement
 4 in any state prison, he shall immediately give notice thereof
 5 to the attorney general or the county attorney of Lincoln
 6 county, who by information or other legal process shall make
 7 the same known to the supreme judicial court in the same
 8 county. Such court shall cause such convict to be brought be-
 9 fore them to answer to the same, and if by confession verdict
 10 or otherwise according to law, it appears that such informa-
 11 tion is true, instead of the punishment for which he stands
 12 sentenced he may at the discretion of the court be punished by
 13 imprisonment for life or any term of years; but if not true
 14 the convict shall be remanded to the state prison to be held
 15 on the original sentence.

Additional
 punishment, &c.

R. S., c. 177,
 § 47.

SECT. 38. No convict shall be discharged from the state
 2 prison, until he has remained the full term for which he was
 3 sentenced, including the day on which he was received into
 4 the same and excluding the time he was in solitary confine-
 5 ment for any violation of the rules and regulations of the
 6 prison, unless he is pardoned or otherwise released by
 7 legal authority.

When computa-
 tion of term of
 confinement to
 commence.

R. S., c. 177,
 § 48.

SECT. 39. The warden shall receive and take care of any
 2 property that a convict has with him at the time of his en-
 3 tering the prison; when it is convenient place the same at
 4 interest for his benefit; keep an account thereof and pay the
 5 same to him on his discharge, or in case of his death to his
 6 representatives, unless legally disposed of.

Convict's
 property to be
 received by
 warden, and
 taken care of.

R. S., c. 177,
 § 49.

SECT. 40. On the discharge of any convict, who has con-
 2 ducted well during his imprisonment, the warden may give
 3 him from the funds of the prison a sum not exceeding five
 4 dollars, and if he requests it a certificate of such good con-
 5 duct; and shall take care that every convict on his discharge
 6 is provided with decent clothing.

Provision for
 convicts on their
 discharge from
 confinement.

R. S., c. 177,
 § 50.

SECT. 41. The warden may demand and receive of each
 2 person visiting the prison for the purpose of viewing the

Fee receivable
 from visitors.

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R. S., c. 177,
§ 51.

Alterations made
by warden,
under the
inspectors.

R. S., c. 177,
§ 52.

Governor to
appoint one of
the council to
examine the
prison.

1853, c. 49, § 2.

Warden to invite
clergymen of
Thomaston to
act as chaplains
of the prison.

R. S., c. 177,
§ 33, 34.
1854, c. 99,
§ 1, 3, 4.

Appropriations
for chaplains;
school; books;
inspectors;
visiting
committee of
the council;
surgeon and
subordinate
officers.

3 interior or precincts such sum not exceeding twenty-five
4 cents, under such regulations as the inspectors prescribe,
5 for which the warden shall account to the state.

SECT. 42. The warden on the recommendation of the in-
2 spectors and with the approbation of the governor and coun-
3 cil may make such additional buildings or alterations within
4 the prison or its precincts, as they deem necessary and
5 proper.

SECT. 43. The governor shall annually appoint one of the
2 council a committee, who shall, as often as the governor and
3 council direct, visit the prison, make a thorough and careful
4 examination into the condition of the prison and inmates,
5 and its affairs and management, and report to them.

SECT. 44. The warden shall invite every ordained clergy-
2 man of Thomaston to officiate as chaplains at the prison in
3 rotation; and they shall at stated times as directed by the
4 inspectors and warden perform religious services at the
5 prison; visit the sick, and use their best endeavors for the
6 moral and religious improvement of the convicts. With the
7 assent of the inspectors a sunday school may be established
8 and persons from without of proper character may be ad-
9 mitted to assist in it.

SECT. 45. There shall be annually appropriated and paid
2 out of the treasury of the state the sum of two hundred dol-
3 lars to such of the clergymen of Thomaston as perform the
4 duties mentioned in the preceding section; fifty dollars for
5 the purpose of maintaining a school in the prison; fifty dol-
6 lars for the purchase of books for the use of the convicts;
7 the three sums aforesaid to be expended by the warden under
8 the direction of the inspectors; one hundred dollars for the
9 services of each inspector; two dollars a day for the servi-
10 ces and ten cents a mile to and from Augusta for the travel
11 of the committee of the council; and a sum not exceeding
12 one hundred and fifty dollars for the compensation of the
13 physician and surgeon and for medicines. The subordinate
14 officers and other persons employed in managing guarding
15 and superintending the prison shall at stated times receive
16 the compensation established in the rules and regulations of
17 the prison, or allowed by the inspectors and warden with the
18 approbation of the governor and council; provided that the
19 compensation of the subordinate officers hereinafter named
20 shall not exceed the following rates by the year, viz:—
21 the deputy warden four hundred and fifty dollars; overseer of
22 lime quarry four hundred and fifty dollars; overseer of the

23 wheelwright department five hundred dollars; clerk and
 24 commissary including his services as overseer and teacher
 25 of the school five hundred dollars; overseer of the shoe
 26 department five hundred dollars; overseer of the coopering
 27 department three hundred dollars; overseer of the black-
 28 smith department five hundred dollars; each of the guard
 29 three hundred and fifty dollars. The warden may board the
 30 subordinate officers overseers and guards at a price to be
 31 fixed by the governor and council not to exceed two dollars
 32 and fifty cents per week to be deducted from their salaries.

R. S., c. 177,
 § 54.
 1853, c. 49, § 3.
 1854, c. 99, § 2.
 1848, c. 66.
 1855, c. 185.
 1856, c. 245, § 2.

SECT. 46. The governor with advice of council is author-
 2 ized to draw warrants on the treasury of the state in favor
 3 of the warden for all such sums of money, as they may from
 4 time to time deem proper, which are appropriated by the
 5 legislature for the support of the state prison.

Appropriations
 for the prison
 to be paid to the
 warden, &c.
 R. S., c. 177,
 § 55.

Chapter 141.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

- Sect. 1.* County commissioners to provide house of correction, appoint master, supply tools and materials for work, and establish rules. Jail to be used till such is provided.
2. Appointment, powers, duties and compensation of overseers.
 3. Supervision by overseers.
 4. Description of persons liable to be sent to house of correction, and the term of their confinement.
 5. Conditions of discharge at the end of the term.
 6. Provision for extension in case of paupers.
 7. Master to give notice to the overseers of the poor where the house of correction is, and they to the overseers of the town where the prisoner has his settlement.
 8. Employment and restraints of prisoners.
 9. Punishment by abridgment of food.
 10. Allowance to prisoners from their earnings.
 11. Provision for the sick and disabled.
 12. Master to render account of prisoners' earnings. Special allowance to him in certain cases.
 13. Master may demand sums due him of the prisoner, his parents, master or guardian, or the overseers of the town.
 14. Suit therefor against such parties within two years.
 15. Kindred of the prisoner liable to master or town.
 16. Expenses of prisoners committed by court, how paid.

TOWN HOUSES OF CORRECTION.

17. Town houses of correction and their object.
18. Overseers thereof.
19. Of work houses appropriated to the like uses.
20. Compensation of overseers and master.
21. Duties of the overseers.
22. Support of the prisoners.
23. Powers of overseers to commit persons to such house.
24. Form of the order for commitment.

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County houses of correction.

County commissioners to provide house of correction, &c.

SECT. 1. The county commissioners in each county shall
 2 erect or otherwise provide at the expense of the county a
 3 convenient house of correction, where not already done, with
 4 suitable adjoining accommodations to be used for the cus-
 5 tody reform and employment of offenders lawfully committed
 6 thereto; procure and keep suitable materials implements
 7 and other necessities sufficient at all times to keep them at
 8 work; appoint a suitable master of such house to hold his
 9 office during their pleasure; and establish such rules and
 10 orders not repugnant to law as they deem necessary for the
 11 purposes aforesaid and for managing the prudential concerns
 12 of the institution; but until such house is thus provided, the
 13 county jail may be used for that purpose.

R. S., c. 178,
 § 1, 2, 3, 4, 14.

Appointment,
 powers, duties
 and compensa-
 tion of overseers.

SECT. 2. Where circumstances require it, they shall annu-
 2 ally appoint three or five suitable and discreet persons of
 3 their county living near the house of correction to be over-
 4 seers thereof, who shall see that the rules and orders estab-
 5 lished for the government of such house and the persons
 6 confined therein are duly observed, examine the master's
 7 accounts relating to the earnings of the prisoners and
 8 expenses of the institution, keep a fairly written register of
 9 all their official proceedings, make contracts for work to be
 10 done in the house with any person disposed to supply the
 11 materials and for letting out any of the prisoners to employ-
 12 ers living near enough in their opinion to the house of cor-
 13 rection for the overseers or master to have a general inspec-
 14 tion of their conduct and treatment; and receive from the
 15 earnings of the prisoners, or if they are insufficient from the
 16 county treasury, a reasonable compensation to be allowed by
 17 the commissioners.

R. S., c. 178,
 § 5, 6, 7.

Supervision by
 overseers.

SECT. 3. The commissioners may remove the overseers,
 2 and fill all vacancies happening by removal resignation or
 3 otherwise; and at least as often as every regular session
 4 inquire into the state of the house of correction, examine
 5 the register and accounts of the overseers and master, and
 6 make any legal alterations in the treatment and government
 7 of the prisoners, that they deem expedient.

R. S., c. 178, § 8.

Description of
 persons liable to
 be sent to house
 of correction, &c.

SECT. 4. Any justice of the peace in his county on com-
 2 plaint under oath for a term not exceeding thirty days, and
 3 the supreme judicial court on indictment for a term not ex-
 4 ceeding six months, may commit to said house all rogues
 5 vagabonds and idle persons going about in any town in the
 6 county begging; persons using any subtle craft, jugglery, or

CHAP. 141.

7 unlawful games or plays, or for the sake of gain pretending
 8 to have knowledge in physiognomy, palmistry, to tell desti-
 9 nies or fortunes, or discover lost or stolen goods; common
 10 pipers, fiddlers, runaways, drunkards, night-walkers, railers,
 11 brawlers, and pilferers; persons wanton or lascivious in
 12 speech or behavior, or neglecting their callings or employ-
 13 ments misspending what they earn and not providing for the
 14 support of themselves and their families.

R. S., c. 178,
 § 9, 10.

SECT. 5. At the expiration of the term the prisoner shall
 2 not be discharged, until he pays all arrears of costs and
 3 expenses attending his commitment support and employment
 4 in such house; unless the overseers of the poor, where the
 5 house is, or of the town to which he belongs, pay such arrears
 6 and in writing certify to the master, that in their opinion
 7 the public good will not require his longer confinement.

Conditions of
 discharge at the
 end of the term.

R. S., c. 178,
 § 11.

SECT. 6. Notwithstanding the payment of such costs and
 2 expenses, if the prisoner has actually received relief as a
 3 pauper, the overseers of the poor in either of said towns on
 4 complaint to the justice or court, by whom they were com-
 5 mitted, may procure an extension of the confinement of not
 6 more than thirty days at a time by the justice, nor more
 7 than six months, by the court; and such application may be
 8 renewed, if occasion requires it, on like complaint; and in
 9 all cases the prisoners shall be brought before the justice or
 10 court to answer to the complaint.

Provision for
 extension in
 case of paupers.

R. S., c. 178,
 § 12.

SECT. 7. Such masters within ten days after the commit-
 2 ment of any person to such house of correction shall give
 3 notice thereof to the overseers of the poor of the town,
 4 where such house is situated; and if the prisoner has actually
 5 received relief as a pauper, said overseers shall give the
 6 same notice thereof to the overseers of the poor of the town
 7 of his legal settlement, as is required in other cases in which
 8 paupers become chargeable in places, where they have no
 9 legal settlement.

Master to give
 notice to the
 overseers of the
 poor where the
 house of
 correction is, &c.

1844, c. 110, § 1.

SECT. 8. The master of such house may set to work all
 2 persons committed to his custody, so far as they are able,
 3 during the time of their confinement; and if their deport-
 4 ment renders it expedient, he may put shackles or fetters
 5 on them to prevent resistance or escape without unnecessa-
 6 rily inflicting pain or interrupting labor.

Employment
 and restraints
 of prisoners.

R. S., c. 178,
 § 15.

SECT. 9. If any prisoner is stubborn, disorderly, idle, re-
 2 fractory, or refuses to perform his appointed task in a proper
 3 manner, the master may abridge his supply of food, until he

Punishment by
 abridgment of
 food.

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R. S., c. 178,
§ 16.

Allowance to
prisoners from
their earnings.

R. S., c. 178,
§ 17.

Provision for
the sick and
disabled.

R. S., c. 178,
§ 18.

Master to render
account of
prisoners'
earnings, &c.

R. S., c. 178,
§ 19.

Master may
demand sums
due him of the
prisoner, &c.

R. S., c. 178,
§ 20.

Suit therefor
against such
parties within
two years.

R. S., c. 178,
§ 21.

Kindred of the
prisoner liable
to master or
town.

4 complies with the reasonable requirements of the master
5 and overseers.

SECT. 10. The prisoners shall be allowed two-thirds of their
2 net earnings for their support, and the residue shall belong
3 to the master, unless they are heads of families; then the
4 whole net profit of their labor, or so much thereof as the
5 county commissioners order, shall be for the relief and sup-
6 port of them and their families.

SECT. 11. If any prisoner from sickness or other cause is
2 unable to work so as to support himself from his share of
3 earnings, the master shall provide for him comfortably and
4 be reimbursed as hereinafter provided.

SECT. 12. The master shall keep an exact account of all
2 profits and earnings of prisoners, and of his disbursements
3 for their support, specifying the times of their commitment
4 and liberation, and present it on oath to the commissioners
5 of his county annually, and oftener if directed, and they may
6 make him such further allowance, as they think reasonable
7 in special cases for his care labor and services, besides the
8 third of the earnings as before provided.

SECT. 13. When a sum of money is due the master under
2 the provisions of this chapter from any prisoner, and his
3 account is duly allowed and certified to be correct by the
4 commissioners, he may demand it of the prisoner if of age,
5 otherwise of his parent master or guardian; and if the party
6 liable is not able to pay, he may demand it of the overseers
7 of the town, where such prisoner has his legal settlement.

SECT. 14. At any time within two years from the date of
2 the certificate of allowance and fourteen days after such de-
3 mand in writing, if the money remains unpaid, the master
4 may commence his action for it declaring as on an implied
5 promise, and recover what is found justly due of the prisoner
6 his parent master guardian or town, as the case requires, with
7 legal interest from the date of demand and costs; if the party
8 respondent was duly notified by the commissioners before the
9 allowance of said account, their certificate shall be presump-
10 tive evidence of the correctness of the claim; and in either
11 case it shall be liable to be disproved by evidence on the
12 part of the respondent.

SECT. 15. If there is kindred obliged by law to maintain
2 the prisoner, as provided in chapter twenty-four, such master
3 or the town obliged to pay for the same may have the same
4 remedy to recover it of such kindred, as is provided in that

5 chapter for towns, which have incurred expense for the relief **CHAP. 141.**
 6 and support of paupers.

R. S., c. 178,
 § 22.

SECT. 16. When any person convicted before the supreme
 2 judicial court for an offense punishable by imprisonment or
 3 fine is committed to the house of correction, the expenses of
 4 keeping supporting and employing such offender, after de-
 5 ducting the net amount of his earnings, shall be allowed by
 6 the commissioners of the county, and be paid to the master
 7 of such house out of the county treasury, with the same
 8 right of reimbursement from the treasury of the state, as the
 9 accounts of jailers for the prison charges for persons confined
 10 for offenses against the state.

Expenses of
 prisoners
 committed by
 court, how
 paid.

R. S., c. 178,
 § 23.

Town houses of correction.

SECT. 17. Any town at its own expense may build and
 2 maintain a house of correction, or may appropriate in part
 3 or in whole any work-house owned by such town for such
 4 purpose; and any person belonging to or found in such town
 5 liable to be sent by a justice of the peace to the county house
 6 of correction may be sent to such town house by any justice
 7 of such town and by the like process; but the provisions of
 8 this section shall not restrain such justice from committing
 9 any person so liable to the county house of correction; and
 10 the respondent party may appeal as in other cases.

Town houses
 of correction
 and their object.

R. S., c. 178,
 § 24.

SECT. 18. The selectmen of any such town shall annually
 2 appoint three five or seven discreet persons overseers of
 3 such house, and may establish from time to time such rules
 4 and orders not repugnant to law, as they deem necessary for
 5 governing and furnishing persons lawfully committed thereto.

Overseers
 thereof.

R. S., c. 178,
 § 25.

SECT. 19. When any work-house is so appropriated for a
 2 house of correction, the master thereof shall be master of the
 3 house of correction; but in other cases the overseers thereof
 4 shall appoint a suitable master removable at their pleasure.

Of work houses
 appropriated to
 the like uses.

R. S., c. 178,
 § 26.

SECT. 20. The overseers and master of such town house
 2 of correction shall have such compensation for their services
 3 as is annually voted by their towns.

Compensation of
 overseers and
 master.
 R. S., c. 178, § 27.

SECT. 21. The overseers from time to time shall examine
 2 into the prudential concerns and management of such house,
 3 and see that the master faithfully discharges his duty.

Duties of the
 overseers,
 R. S., c. 178,
 § 28.

SECT. 22. Every person committed to such town house of
 2 correction shall be supplied by the keeper with a suitable
 3 quantity of bread and water or other nourishment, as the
 4 overseers order; and all expenses incurred for commitment
 5 and maintenance exceeding the earnings of the person con-

Support of the
 prisoners.

R. S., c. 178,
 § 29.

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Powers of
overseers to
commit persons
to such house.

R. S., c. 178,
§ 30.

Form of the
order for
commitment.

R. S., c. 178,
§ 31.

6 fined shall be paid by the parties liable for similar charges
7 in the case of persons committed to a county house of cor-
8 rection.

SECT. 23. The overseers of any such town house of correc-
2 tion may commit thereto for a term not exceeding forty-eight
3 hours any person publicly appearing intoxicated, or in any
4 manner violating the public peace, when the safety of the
5 person intoxicated, or the good order of the community re-
6 quires it, till such person can be conveniently carried before
7 a magistrate and restrained by complaint and warrant in the
8 usual course of criminal prosecutions.

SECT. 24. The form of the order for commitment may be in
2 substance as follows:

3 To A. B., master of the house of correction in the town of
4 —: You are hereby required to receive and keep C. D. in
5 said house of correction for the term of — hours, unless
6 sooner discharged by our order.

7 E. F., } Overseers of said house
8 G. H., } of correction.

9 And any sheriff, deputy sheriff, constable, or other person, to
10 whom such order is given by said overseers, shall forthwith
11 apprehend and convey such person to said house of correc-
12 tion and deliver him to the master thereof, who shall take
13 and keep him agreeably to the order; the officer or other
14 person serving such order shall be entitled to receive from
15 the town such fees for service and travel, as are allowed for
16 service of warrants.

Chapter 142.

THE STATE REFORM SCHOOL.

Sect. 1. Appointment, term of office, powers and duties of trustees of the reform school.

2. Who may be sentenced thereto.

3. How they shall be instructed and disciplined.

4. Proceedings when trustees or superintendent do not receive him or he is incorrigible.

5. Costs of transportation paid by the county.

6. Form of commitment and effect of discharge.

7. Trustees may bind out boys.

8. In what branches they shall be instructed.

9. Powers and duties of superintendent.

10. All contracts to be made by superintendent and approved by trustees. Suits thereon.

11. Visits and examinations by the trustees, and their annual reports.

12. State treasurer to pay forty-two dollars annually for library.

CHAP. 142.

Appointment,
term of office,
powers and
duties, &c.

SECT. 1. The government of the state reform school established for the instruction employment and reform of juvenile offenders in the town of Cape Elizabeth in the county of Cumberland shall be vested in a board of five trustees, two of whom shall be appointed annually by the governor with advice of council, and for this purpose the places of the two senior members as arranged in their commissions shall be annually vacated. They shall be allowed ten cents a mile for their actual travel each way and two dollars a day for their services; and shall take charge of the general interests of the institution; see that its affairs are conducted in accordance with the requirements of the legislature, and of such by-laws as the board may from time to time adopt for the orderly and economical management of its concerns; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge or remand them, as is hereinafter provided; appoint a superintendent and such other officers as in their judgment the wants of the institution require; prescribe the duties of all the officers thereof; exercise a vigilant supervision over its concerns; remove its officers at pleasure, and appoint others in their stead; determine the compensation to be allowed them subject to the approval of the governor and council; and prepare and submit to the inspection of the governor and council a code of by-laws, which shall be valid when sanctioned by them.

1853, c. 19,
§ 1, 2, 14.

SECT. 2. When any boy under the age of sixteen years is convicted of any offense punishable by imprisonment not for life, the court or justice before whom he is convicted may sentence him to the state reform school or to the other punishment provided by law for the same offense. If the sentence is to the reform school, it shall be conditioned that if he is not received or kept in the reform school for the term prescribed by his sentence, he shall then suffer such lawful alternative punishment as the court or justice orders.

Who may be
sentenced
thereto.

1853, c. 19, § 4.
1854, c. 88, § 1.
1856, c. 197, § 1.

SECT. 3. Any boy so convicted and sent to said school shall there be kept, disciplined, instructed, employed, and governed, under the direction of the board of trustees until the term of his sentence expires, or he is discharged as reformed, bound out by said trustees according to their by-laws, or remanded to prison under the sentence of the court as incorrigible upon information of the trustees as hereinafter provided.

How they shall
be instructed
and disciplined.

1853, c. 19, § 5.

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Proceedings
when trustees or
superintendent
do not receive
him or he is
incurable.

1853, c. 19, § 6.
1856, c. 197, § 2.

Costs of
transportation
paid by the
county.

1854, c. 88, § 2.

Form of com-
mitment and
effect of
discharge.

1853, c. 19, § 7.

Trustees may
bind out boys.

1853, c. 19, § 8.

In what
branches they
shall be
instructed.

SECT. 4. When any boy is sentenced to said school, and
2 the trustees deem it inexpedient to receive him, he is found
3 incorrigible, or his continuance in the school is deemed inju-
4 rious to its management and discipline, they shall certify the
5 same upon the mittimus by which he is held, and the mitti-
6 mus and convict shall be delivered to any proper officer, who
7 shall forthwith commit said boy to the jail house of correction
8 or state prison according to his alternative sentence. The
9 trustees may discharge any boy as reformed; and may author-
10 ize the superintendent under such rules as they may pre-
11 scribe, to refuse to receive boys sentenced to said school,
12 and his certificate of shall be as effectual as their own.

SECT. 5. The costs of transporting a convict to the reform
2 school shall be paid out of the treasury of the county where
3 he is convicted, as the costs of conveying prisoners to the
4 several county jails are by law paid; and the county com-
5 missioners of the county shall examine and allow all such
6 costs as appear to them to be reasonable.

SECT. 6. All commitments of boys to this institution shall
2 be for a term not longer than their minority nor less than
3 one year, unless sooner discharged by order of the trustees
4 as before provided; and when any boy is discharged there-
5 from at the expiration of his term, or as reformed, or at the
6 age of twenty-one years, it shall be a full and complete re-
7 lease from all penalties and disabilities created by his sen-
8 tence.

SECT. 7. The trustees may bind out all boys committed
2 to their charge for a term of time within the period of their
3 sentence as apprentices to any inhabitants of this state;
4 and the trustees, master or mistress, and apprentice, shall
5 respectively have all the rights and privileges and be subject
6 to all the duties provided by law for apprenticing by over-
7 seers of the poor.

SECT. 8. The trustees shall cause the boys under their
2 charge to be instructed in the branches of useful knowledge
3 adapted to their age and capacity, in some regular course
4 of labor, mechanical, manufacturing, agricultural or horticul-
5 tural, or a combination of these, according to their age and
6 strength, disposition and capacity; and in such other arts
7 and trades as seem to them best adapted to secure their
8 reformation amendment and future benefit. In binding out
9 the inmates the trustees shall have scrupulous regard to the
10 character of those to whom they are bound, that they may

11 secure to the boys the benefit of good example, wholesome
 12 instruction, and other means of improvement in virtue and
 13 knowledge, and the opportunity of becoming intelligent moral
 14 and useful citizens of the state.

SECT. 9. The superintendent, with such other officers as
 2 the trustees appoint, shall have the charge and custody of
 3 the inmates; be a constant resident at the institution; discipline, govern, instruct, employ, and use his best endeavors
 5 to reform the inmates so as to preserve their health, and
 6 secure, as far as possible, moral and industrious habits, and
 7 regular improvement in their studies, trades and various
 8 employments. He shall have the charge of the lands, buildings, furniture, tools, implements, stock and provisions, and
 10 every species of property, pertaining to the institution within
 11 the precincts thereof. Before he enters upon the duties of
 12 his office, he shall give a bond to the state with sureties satisfactory to the governor and council in a sum not less than
 14 two thousand dollars, conditioned faithfully to account for
 15 all moneys received by him and perform all the duties incumbent on him as superintendent; keep in suitable books regular and complete accounts of all his receipts and disbursements and of all property entrusted to him, showing the
 19 income and expenses of the institution; and account in such
 20 manner, and to such persons as the trustees direct for all
 21 moneys received by him from the proceeds of the farm or
 22 otherwise. His books and all documents relating to the
 23 school shall at all times be open to the inspection of the
 24 trustees, who shall at least once in every six months carefully examine the books and accounts, and the vouchers and
 26 documents connected therewith, and make a record of the
 27 result thereof. He shall keep a register containing the name
 28 and age of each boy, and the circumstances connected with
 29 his early history, and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it.

Powers and
duties of
superintendent

1853, c. 19,
§ 10, 11.

SECT. 10. All contracts on account of the institution shall
 2 be made by the superintendent in writing, and when approved
 3 by the trustees, if their by-laws require it, shall be binding
 4 in law, and the superintendent, or his successor may sue or
 5 be sued thereon to final judgment and execution. No such
 6 suit shall abate by a vacancy in the office of superintendent
 7 during its pendency; but his successor may take upon himself its prosecution or defense, and on motion of the adverse
 9 party and notice, he shall be required to do so.

All contracts to
be made by
superintendent
and approved by
trustee. Suits
thereon.

1853, c. 19, § 12.

CHAP. 143.

Visits and
examinations by
the trustees, and
their annual
reports.

SECT. 11. One or more of the trustees shall visit the school
2 at least once in every four weeks, examine the inmates in
3 the school room and work shop, and register; and regularly
4 keep a record of these visits in the books of the superin-
5 tendent. Once in every three months the school in all its
6 departments shall be thoroughly examined by a majority of
7 the board of trustees and a report made showing the results
8 thereof. Annually in the month of December an abstract of
9 these quarterly reports shall be prepared and laid before the
10 governor and council for the information of the legislature,
11 with a full report of the superintendent stating particularly
12 among other things the offense for which each pupil was sen-
13 tenced and his place of residence. A financial statement
14 furnishing an accurate detailed account of the receipts and
15 expenditures for the year terminating on the last day of the
16 month of March next preceding shall be also furnished.

1853, c. 19, § 15.
1855, c. 148.

State treasurer
to pay \$42
annually, for
library.
1856, c. 197,
§ 3, 4.

SECT. 12. The treasurer of state shall annually in the
2 month of February pay to the treasurer of said school forty-
3 two dollars for support of its library being six per cent. on
4 the Sanford legacy of seven hundred dollars.

Chapter 143.

THE INSANE HOSPITAL.

APPOINTMENT AND DUTIES OF TRUSTEES.

- Sect.* 1. Appointment and tenure of office of trustees.
2. They have the general management, hold property, make rules, commence and defend suits.
 3. Appointment of superintendent, steward, and assistants; salaries.
 4. Examinations and records of them; their pay and pay of officers.
 5. Trustees to settle accounts of steward quarterly.
 6. Their annual meetings and reports to the governor and council.
 7. Duties of the superintendent.
 8. Same; apportionment of patients.
 9. Same; unlawful commitments.
 10. Duties of the steward.
 11. Duties of parents and guardians of insane minors.
 12. Municipal officers hear and decide on cases and commit to hospital with certificate; keep a record of their doings.
 13. May certify inability to pay for his support, and steward may charge state one dollar per week.
 14. Appeal to two justices of the peace and quorum; how selected.
 15. Municipal officers or justices neglecting to decide for three days; proceedings.
 16. Justices to keep a record of their doings; their compensation, and by whom paid.
 17. Their order for commitment by whom executed.
 18. Towns where insane person resided or was found pay for support, unless a bond is given for it.

Sect. 19. Do so, when unlawfully committed, and expense of removal.

20. Towns have remedy for support against the insane person or those liable for his support as a pauper.

21. Those liable for support may apply to municipal officers for his discharge.

22. Overseers of the poor to remove a person, when notified to do so.

23. Judge of probate may appoint guardians for persons sent to hospital; their duties and compensation.

Appointment and duties of trustees.

SECT. 1. The government of the Maine insane hospital is
2 vested in a board of six trustees appointed by the governor
3 with advice of council for the term of three years, and so
4 divided into three classes that the term of two shall expire
5 each year; and all vacancies occurring before the expiration
6 of the term shall be filled for the remainder thereof.

Appointment
and tenure of
office of
trustees.

1843, c. 19, § 1.
1847, c. 33, § 1.

SECT. 2. They shall have the general care and management
2 of the institution; see that it is conducted according to law
3 and the by-laws for its internal government and economy,
4 which they are hereby authorized to establish not inconsis-
5 ent with the laws of the state; hold in trust for the state
6 any land money or other property, granted, bequeathed, or
7 given, to the institution, and apply the same for the support
8 comfort or improvement of the insane and the general use
9 of the institution, and have power to bring actions in the
10 name of the treasurer for all dues to the institution, and to
11 defend all suits brought against it.

They have the
general man-
agement, hold
property, make
by-laws,
commence and
defend suits.

1847, c. 33, § 2.

SECT. 3. They shall appoint a superintendent, and they
2 and the superintendent shall appoint a steward and all other
3 officers necessary for the efficient and economical manage-
4 ment of the business of the institution; all appointments shall
5 be made according to the by-laws, and the salaries of all such
6 officers shall be fixed by the trustees subject to the approval
7 of the governor and council.

Appointment of
superintendent,
steward, and
assistants;
salaries.

Idem, § 3.

SECT. 4. There shall be a thorough examination of the
2 hospital monthly by two of the trustees; quarterly by three;
3 and annually by a majority of the full board, and at any other
4 time when they deem it necessary, or the superintendent
5 requests it. At each visit a written account of the state of
6 the institution shall be drawn up by the visitors recorded
7 and presented at the annual meeting of the trustees. For
8 all such visits they shall have the same compensation for
9 time and travel as members of the legislature; their accounts
10 shall be audited by the governor and council, and the gov-
11 ernor shall draw his warrant on the treasurer of state
12 for the amount due them and the other officers of the insti-

Examinations
and records of
them, their pay,
and pay of
officers.

Idem, § 6.

CHAP. 143. 13 tution, except attendants on the patients and laborers on
14 the premises.

Steward's
accounts to be
settled quarterly.

SECT. 5. The trustees at their next meeting after the
2 expiration of each quarter shall examine carefully the books
3 and vouchers of the steward and treasurer, and audit and
4 settle his accounts.

Idem, § 6.

Annual
meetings and
reports to the
governor and
council.

SECT. 6. They shall hold an annual meeting in the month
2 of December, at which there shall be made a full and
3 detailed report containing a particular statement of the
4 condition concerns and wants of the hospital; and this report
5 and the reports of the superintendent and steward, shall be
6 made up to the first day of December, and laid before the
7 governor and council by the first week of the next annual
8 session of the legislature for the use of the government.

Idem, § 6.

Duties of superintendent.

Duties of the
superintendent.

SECT. 7. The superintendent shall be a physician; reside
2 constantly at the hospital; have the general superintendence
3 of the hospital and grounds; receive all patients legally sent
4 to the hospital, unless the number exceeds its accommoda-
5 tions, and have the charge of them, and the direction of all
6 persons therein subject to the regulations of the board of
7 trustees; and annually report to the governor and council
8 the condition and prospects of the institution with such re-
9 marks and suggestions relative to its management and the
10 general subject of insanity, as he thinks will promote the
11 cause of science and humanity.

Idem, § 4, 8.

Same, appor-
tionment of
patients.

SECT. 8. He shall apportion the number of patients, who
2 can be accommodated in the hospital, among the towns ac-
3 cording to their population by the last census; and when
4 the applications for admission exceed or are liable to exceed
5 that number of patients, he shall give preference to those
6 from towns, that have not their full proportion of patients
7 in the hospital, and may reject others.

1856, c. 268, § 2.

Same, unlawful
commitments.

SECT. 9. When any person appears to have been unlaw-
2 fully committed, the superintendent shall report the case to
3 the trustees at their next monthly meeting; and they may
4 cause the removal of such person to the town from which
5 he was committed.

Idem, § 3.

Duties of the steward.

Duties of the
steward.

SECT. 10. The steward shall be treasurer; give bond to
2 the trustees in such amount and with such sureties as they
3 deem sufficient for the safe keeping and proper disbursement

4 of the funds of the institution; under the advice and direc-
 5 tion of the superintendent and of the trustees make all neces-
 6 sary purchases of supplies and provisions; hire attendants
 7 and other laborers; see to the proper cultivation of the
 8 farm and grounds; have a careful oversight of the patients
 9 when employed thereon; perform such other duties as the
 10 trustees direct, and annually make a detailed report to them
 11 of his receipts and expenditures and of the financial affairs
 12 of the institution. 1847, c. 33, § 5.

Duty of parents and guardians of insane minors.

SECT. 11. Parents and guardians of insane minors, if of
 2 sufficient ability to support them there, within thirty days
 3 after an attack of insanity without any legal examination
 4 shall send them to the hospital, and give to the treasurer
 5 thereof the bond required; or to some other hospital for
 6 the insane. Duties of parents and guardians of insane minors. Idem, § 7.

Duties of municipal officers.

SECT. 12. All insane persons not thus sent to any hospi-
 2 tal shall be subject to examination as hereinafter provided.
 3 The municipal officers of towns shall constitute a board of
 4 examiners, and on complaint in writing of any relative or of
 5 justice of the peace of their town, they shall immediately
 6 inquire into the condition of any insane person therein; call
 7 before them all testimony necessary for a full understanding
 8 of the case; and if they think such person is insane, and that
 9 his comfort and safety, or that of others interested, will
 10 thereby be promoted, they shall forthwith send him to the
 11 hospital with a certificate stating the fact of his insanity and
 12 the town in which he resided or was found at the time of
 13 examination, and directing the superintendent to receive and
 14 detain him till he is restored or discharged by law, or by the
 15 superintendent and trustees. And they shall keep a record
 16 of their doings, and furnish a copy to any interested person
 17 requesting and paying for it. Municipal officers hear and decide on cases and commit to hospital with certificate; keep a record of doings. Idem, § 8, 17.

SECT. 13. The officers ordering the commitment of a per-
 2 son unable to pay for his support may certify in writing to
 3 the superintendent that fact, and that he has not relations
 4 liable and of sufficient ability to pay for it; and if the super-
 5 intendent is satisfied that such certificate is true, the treas-
 6 urer of the hospital may charge to the state one dollar per
 7 week for his board and deduct it from the charge made to
 8 the patient or town for his support. May certify inability to pay for his support, and steward may charge state \$1 per week. 1856, c. 208, § 1.

CHAP. 143.

Duties of justices of the peace and quorum.

Appeal to two
justices of the
peace and
quorum, how
selected.

1847, c. 33, § 9.
1848, c. 79, § 1, 2.

Municipal
officers or
justices
neglecting to
decide for three
days; proceed-
ings.

Idem, § 9, 10.
1848, c. 79, § 1, 2.

Justices to keep
a record of
doings, their
compensation,
and by whom
paid.

Idem, § 17.

Their order for
commitment,
by whom
executed.

Idem, § 18.

SECT. 14. Any person or corporation or the insane deem-
ing himself aggrieved by the decision of the board of exam-
iners for or against the insanity may appeal therefrom by
claiming the appeal within five days after the decision is
made known, naming a justice of the peace and quorum on
his part, and appointing a time within three days thereafter
and a place in such town or an adjoining town for the hear-
ing, and he shall procure the attendance of such justice at
such time and place, if in his power, if not he may select
another; the board of examiners shall select another justice
of the peace and quorum.

SECT. 15. If the two justices neglect or refuse to decide
the appeal within three days after the time appointed for the
hearing; or if the municipal officers neglect or refuse for
three days after complaint is made to them to examine and
decide any case of insanity in their town, complaint may be
made by any relative of the insane or any other respectable
person to two justices of the peace and quorum; and the two
justices selected in either of the above modes may call
before them any proper testimony, and hear and decide the
case. If they find the person insane, and that he will be
more comfortable and safe to himself or others, they shall
give a certificate for his commitment to the hospital like that
described in section twelve.

SECT. 16. Such justices shall keep a record of their doings
and furnish a copy thereof to any person interested request-
ing and paying for it; those deciding an appeal shall be enti-
tled to receive for their services two dollars a day and ten
cents a mile for their travel, and shall determine which party
shall pay it; those deciding an original case shall charge the
same fees as for a criminal examination to be paid by the per-
son or corporation liable in the first instance for the support
of the insane in the hospital.

SECT. 17. When such justices order a commitment to the
hospital, the municipal officers of the town where the insane
resides, or such other person as the justices direct, shall cause
such order to be complied with forthwith at the expense of
the town; and after such commitment is made, the justices
shall decide and certify the expenses thereof.

*Expenses of supporting the insane at the hospital.*CHAP. 143.

SECT. 18. The certificate of commitment to the hospital
 2 after a legal examination shall be sufficient evidence in the
 3 first instance to charge the town, where the insane resided
 4 or was found at the time of his arrest, for the expenses of
 5 his examination commitment and support in the hospital;
 6 but when his friends or others file a bond with the treasurer
 7 of the hospital, such town shall not be liable for his support,
 8 unless new action is had by reason of the inability of the
 9 patient or his friends longer to support him; and such action
 10 may be had in the same manner and before the same tribunal,
 11 as if he had never been admitted to the hospital.

Towns, where
 insane person
 resided or was
 found, pay for
 support, unless a
 bond given for
 it.

Idem, § 11.

SECT. 19. The person or town, liable for the support of a
 2 person when lawfully committed to the hospital, shall be lia-
 3 ble therefor and for the expenses of his removal, when un-
 4 lawfully committed and removed as provided in section nine;
 5 the expenses of such removal not to exceed ten cents per
 6 mile from the hospital to the place of commitment.

Do so when
 unlawfully
 committed, and
 expense of
 removal.

1856, c. 268, § 3.

SECT. 20. Any town thus made chargeable in the first
 2 instance and paying for the commitment and support of the
 3 insane in the hospital may recover the amount paid of the
 4 insane if able, or of persons legally liable for his support, or
 5 of the town where his legal settlement is, as if incurred for
 6 the ordinary expenses of any pauper; but if he has no legal
 7 settlement in this state, such expenses shall be refunded by
 8 the state; and the governor with advice of council shall
 9 audit all such claims, and draw his warrant on the treasurer
 10 therefor. No insane person shall suffer any of the disabili-
 11 ties incident to pauperism nor be deemed a pauper by reason
 12 of such support.

Towns have
 remedy for
 support against
 the person, or
 those liable for
 his support as a
 pauper.

1847, c. 33, § 11.
 1852, c. 254.

Discharge of the insane.

SECT. 21. When any friend, person, or town, liable for the
 2 support of any patient, who has been in the hospital six
 3 months, not committed by order of the supreme judicial court
 4 nor afflicted with homicidal insanity, thinks he is unreasona-
 5 bly detained, he may apply to the municipal officers of the
 6 town where the insane resides, and they shall inquire into
 7 the case, and summon before them any proper testimony, and
 8 their decision and order shall be binding on the parties.
 9 They shall tax legal costs and decide who shall pay them.
 10 If such application is unsuccessful, it shall not be made again
 11 till the expiration of another six months.

Those liable for
 support may
 apply to
 municipal
 officers for
 discharge.

Idem, § 12.
 1849, c. 136.
 1855, c. 124, § 4.

CHAP. 143.

Overseers of
poor to remove,
when notified
so to do.

Idem, § 19.

SECT. 22. When the overseers of any town liable for the
2 support of a patient at the hospital are notified by mail by
3 the superintendent, that he has recovered from his insanity,
4 they shall cause him to be removed to their town; and if
5 they neglect it for fifteen days, the superintendent shall cause
6 it to be done at the expense of such town.

Guardians for insane sent to the hospital.

Judge of probate
may appoint
guardians for
persons sent to
hospital; their
duties and
compensation.

Idem, § 13.

SECT. 23. When any male or unmarried female of twenty-
2 one years of age is sent to the hospital for insanity under
3 any of the provisions of this chapter, the municipal officers
4 of the town where such insane resides may apply to the
5 judge of probate for the same county for the appointment
6 of a guardian, when they think it for the interest of the
7 insane and to prevent waste of his property, and the judge
8 on their certificate to that effect, without notice to the insane,
9 shall forthwith appoint some suitable guardian of the same
10 county, who shall give bond as in other cases, and have rea-
11 sonable compensation for his services to be allowed by the
12 judge and paid out of the estate; but shall not be required
13 to return any inventory, or exercise any other powers or
14 duties of guardian for one year after his appointment, except
15 to provide for the support of the insane and his family, and
16 prevent waste of his property.