

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 176. SECT. 10. The jury having examined the body, heard the evidence, and made all useful inquiries, they shall draw up and deliver, to the coroner, their verdict in writing, under their hand and seals, in substance as follows:

"An inquisition taken at \_\_\_\_\_, within the county of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before S. F., one of the coroners of said county, upon view of the body of \_\_\_\_\_, there lying dead, by the oaths of \_\_\_\_\_, good and lawful men, who being charged and sworn to inquire for the state, when, how and by what means, the said \_\_\_\_\_ came to his death, upon their oaths say:" then insert, how, when and by what means, and with what instrument he was killed. "In testimony whereof, the said coroner, and the jurors of this inquest, have hereto set their hands and seals, the day and year above said."

Coroner's warrant against the person charged by the inquest, &c. 1321, 93, § 2.

SECT. 11. If any person, charged by the inquest with having caused the death of the person whose body lies dead before them, shall not then be in custody, the coroner shall then have the same power as a justice of the peace, to issue a warrant for the apprehension of such accused person, which may be returned before any judge or justice of the peace, who shall proceed therein according to law.

Coroner to bury the body. Expenses of burial.

SECT. 12. Every coroner within his county, after the return of an inquisition of the jury, upon view of the dead body of a stranger, shall bury the body in a decent manner, and all the expenses attending the burial, and the expenses of the inquisition, shall be paid to the coroner out of the state treasury; provided, the coroner shall certify under oath, that the deceased was a stranger, not belonging to the state, according to his best knowledge and belief; otherwise, the expenses of burial, shall be paid to the coroner by the town where the body was found, and repaid to such town, by the town to which he belonged in the state; and the expense of the inquisition, by the county.

## CHAPTER 177.

### OF THE STATE PRISON.

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SECTION 1. The state prison at Thomaston, in the county of Lincoln, shall continue to be maintained as the prison and penitentiary of this state, in which convicts, sentenced to hard labor for life, or any term of time, not less than one year, shall be confined, employed and governed, as hereinafter provided.

Location of the prison; term of confinement, not less than one year.  
1823, 226, § 1.  
1824, 282, § 1.

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Of solitary imprisonment. 1827, 368, § 3.

SECT. 2. All punishment in the state prison, by imprisonment, shall be by confinement to hard labor, and not by solitary imprisonment; but solitary imprisonment may be used as a prison discipline, for the government and good order of the convicts, as hereinafter mentioned.

Convicts, sentenced by courts of the United States, to be received. 1824, 282, § 2.

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

Officers of the prison. 1824, 282, § 3, 4, 7. 1830, 477, § 1.

SECT. 4. The state prison shall be under the government and direction of three inspectors, one warden, one deputy warden, one person to perform the duties of clerk and commissary, and such number of overseers, not exceeding ten, as the inspectors shall determine to be necessary.

Inspectors and warden. Appointment. Oaths. Warden's bond. 1824, 282, § 3, 4. 1831, 499, § 2. 1836, 230.

SECT. 5. The inspectors and warden shall be appointed by the governor, with advice of the council, and be commissioned to hold their offices during the pleasure of the executive, but not more than four years under one appointment; one of the inspectors shall, in his commission, be designated as chairman, and all of them shall reside within six miles of the prison. The inspectors and warden, before entering on the discharge of their respective duties, shall take and subscribe the oaths of office, and the warden shall also give bond to the state in the sum of ten thousand dollars, with sufficient sureties, to be approved by the governor and council, conditioned, that he shall account for all moneys, that shall come to his hands as treasurer of the state prison, that he will not be concerned in the business of trade or commerce, during his continuance in office, and that he will faithfully perform all the duties incumbent on him as warden of said prison; which bond shall be filed in the office of the secretary of state.

Subordinate officers. Appointment. Removal. Oaths. Bonds. 1830, 477, § 1.

SECT. 6. The other officers, before mentioned, shall be subordinate to the warden, and shall be appointed by warrant under the hand and seal of the warden, and subject to the approval or disapproval of the inspectors at their next meeting, to whom the warden shall make report thereof; they shall hold their offices during the pleasure of the inspectors and warden; but the inspectors, without the concurrence of the warden, may remove any of such officers for negligence or unfaithfulness in the discharge of their duties, and appoint others in their place; and, if the warden should think any subordinate officer ought to be removed, and the inspectors will not consent thereto, the warden may appeal to the governor and council, who, after reasonable notice to the inspectors, may make such removal, and appoint such other person as they may deem proper. The said subordinate officers shall take and subscribe the oaths of office, and the deputy warden, and the clerk and commissary, shall also give bond to the state, with sufficient sureties, the former in the sum of five hundred dollars, and the latter in the sum of one thousand dollars, to be approved by the inspectors, conditioned for the faithful performance of their respective duties; which bonds shall be filed in the office of the secretary of state.

Duty of the in-

SECT. 7. It shall be the duty of the inspectors to meet together

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at stated times, at the state prison, once at least in every three months, and oftener if necessary, to attend to, and inspect the concerns of the prison, the manner of keeping the books and accounts, and the register of punishments kept by the warden; and, from time to time, carefully to examine the same, and to keep a record of their doings; one of them, at least, shall visit the prison as often as once in every week, to examine into all the concerns thereof, and to see that the laws and regulations thereof are duly observed, and the duties of the several officers are faithfully performed, and to advise with the warden of the prison on the concerns thereof, whenever thereto requested; and each of them shall, at all times, have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts and writings, pertaining to the prison; or the business, management and government thereof. And the inspectors, as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the governor and council a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they may deem proper.

Inspectors to visit the prison, and advise with the warden; to keep records of their doings, and transmit them to the governor. - 1824, 282, § 8. 1831, 499, § 2.

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

Inspectors to audit and settle the warden's accounts, and make annual reports for the use of the legislature. Items for their report. 1830, 477, § 8. 1837, 303.

SECT. 9. It shall be the duty of the inspectors, to inquire into any improper conduct which may be alleged to have been committed by the warden, or any subordinate officer of the prison, in relation to the concerns thereof; and, for that purpose, may issue subpoenas for witnesses to compel the attendance of witnesses and the production of papers and writings; and may examine witnesses, under oath, to be administered by the chairman; and may adjudicate on such alleged improper conduct, in like manner, and with like effect, as in cases of arbitration.

To adjudicate on alleged improper conduct of wardens, or other officers. Evidence.

SECT. 10. The inspectors shall examine into all disorderly conduct among the prisoners; and, when it shall appear to them, that any conduct is disorderly, refractory or disobedient, they may order such corporal punishment as they may deem necessary to enforce obedience, and as shall not be inconsistent with humanity, and may be authorized by the rules and regulations established for the government of the prison.

May order refractory convicts to be punished. 1830, 477, § 10.

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

To establish regulations of the prison, sub-

**CHAP. 177.** they may deem necessary and expedient for the direction of the officers, agents and servants of the prison, in the discharge of their respective duties, or for their respective compensation; not established by law; for the government, instruction, and discipline of the convicts, and for their clothing and subsistence; and for the custody, preservation and management of the public property: and so soon as may be, after the establishment of the same by the inspectors, they shall cause a copy thereof to be laid before the governor and council, who may approve, annul or modify the same, and make and establish such other rules and regulations, consistent with the laws of the state, as to them shall seem fit; and the governor shall communicate all such rules and regulations as shall be thus approved or established by the governor and council, to the next legislature after the same shall have been so approved and established; and the inspectors shall cause a copy of such rules and regulations to be certified by the clerk, and delivered to the warden.

ject to the approval, &c. of the governor and council. Regulations to be communicated to the legislature. 1824, 282, § 4.

Warden not to be concerned in trade. His duties. 1823, 226, § 3. 1824, 282, § 3. 1830, 477, § 6. 1836, 230.

**SECT. 12.** The warden shall not carry on, or be concerned in the business of trade and commerce, during his continuance in office; he shall reside constantly within the precincts of the prison; and shall have the care, custody and charge of the prison and of the convicts therein, in conformity to their respective sentences, and of the lands, buildings, machines, tools, stock, provisions, and of every other kind of property, belonging to, or within the precincts of the same. He shall be the treasurer of the prison, and receive, pay out; and be accountable for all moneys granted for maintaining the same, or derived from the manufactures or other concerns thereof; and shall make, or cause to be made, in the books of the prison, regular entries of all pecuniary and other concerns of the prison, and on or before the first Wednesday of January of each year, he shall render to the inspectors a fair account of all the expenses and disbursements, receipts and profits of the prison, with sufficient vouchers for the same, and a statement of its general affairs, for the year then past, including the number of convicts received and discharged during the year, and the number remaining; and a similar account and statement, examined and approved by the inspectors, the warden shall also render, under oath, in the month of January, annually, to the legislature.

His government of the prison. 1824, 282, § 5.

**SECT. 13.** It shall be the duty of the warden, to inspect and oversee the conduct of the convicts, and cause all the rules and regulations of the prison to be strictly and promptly enforced; he shall give immediate information of any officer, who shall refuse or neglect to enforce the discipline established, to the inspectors, who shall forthwith remove any officer who shall be guilty of such neglect of duty. He shall have authority to punish any convict for disobedience, disorderly behavior or indolence, in such manner as shall be directed by the inspectors, or prescribed in the rules and regulations, and shall keep a register of all such punishments, and the cause for which they were inflicted.

Warden or his deputy to execute precepts in the prison. To have command of the guard

**SECT. 14.** The warden or his deputy, shall serve, execute and return all processes within the precincts of the state prison, and such processes shall be directed to him or his deputy accordingly; and, for the doings of his deputy, the warden, as well as the dep-

uty himself, shall be answerable. The warden shall have the command of all the force for guarding the prison, and of all officers and persons employed under him, in overseeing, guarding and governing the same.

SECT. 15. All articles of food, clothing, bedding, raw materials for manufactures, fuel and other articles, that may be necessary for the use of the prison, shall be contracted for by the year, when such contracts can be advantageously made, in the following manner: The warden shall make an estimate of the quantity of each article, necessary for the then next ensuing year; commencing on the first day of January, and ending on the last day of December of each year, and advertise that he will receive sealed proposals for furnishing and delivering, at the prison, said articles or any of them, until the first day of October then next ensuing; for which payment shall be made quarterly, stating the quantity and quality of each article required, the time or times when each article must be delivered, and the terms of payment; which advertisement, he shall cause to be inserted in one or more of the newspapers printed in Portland, and in one or more of the newspapers printed in each of the counties of Lincoln and Kennebec, three weeks successively; the last publication to be at least one month before the first day of October in each year.

SECT. 16. The inspectors shall meet at the prison, within five days next after the first day of October; and, having first estimated the lowest price at which each article, advertised for, can be procured, shall proceed to open and examine the proposals; and the lowest offer for furnishing any article, not being above the market price, shall be accepted, if good security be given to the warden for the faithful performance of the contract.

SECT. 17. If no such offer should be made below the estimated market price, or if any article should not be included in such advertisement, or if the inspectors should deem it expedient to decline any or all of such offers, the warden shall procure such articles as may be necessary for the prison, by advertising anew, or in such manner, as may be prescribed by the inspectors.

SECT. 18. The warden shall take bills of the quantity and price of supplies, furnished for the prison, at the time of delivery, and shall exhibit the same to the clerk, who shall compare the bills with the articles delivered; if the bills are found correct, he shall enter them with the date, in a book to be kept for that purpose; in like manner bills shall be taken and entered, of all services rendered for the prison; if any such bill be found incorrect, the clerk shall omit to enter it, and immediately give notice to the warden, that the error may be corrected.

SECT. 19. All sales of limestone, granite or other articles from the prison, and the letting to hire of such of the convicts, as the inspectors may deem expedient, and all other contracts on account of the prison, shall be made with the warden in such manner, as shall be prescribed by the inspectors. No such contract shall be accepted by the warden, unless the contractor shall give satisfactory security for the performance of it; and no officer of the prison shall be, directly or indirectly, interested in any contract; as aforesaid.

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and all persons employed therein.  
1824, 282, § 3, 7.

Supplies to be furnished on contract by the year. Warden to advertise for sealed proposals.  
1830, 477, § 4.

Inspectors to open and decide on the proposals, the beginning of October.  
1830, 477, § 4.

If no offer is accepted, how warden is to procure supplies.  
1830, 477, § 4.

Warden to take bills, at the time of delivery. Clerk to compare them with the articles furnished.

Contracts for articles from the prison, labor of convicts, &c. to be made by warden, under direction of the inspectors.  
Security.  
1830, 477, § 4, 6.  
9 Pick. 341.



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Service of warrant, as provided in chapter, 168, § 7, for removal of convicts.  
1824, 282, § 1.  
1830, 477, § 6.

Convicts to be lodged in jails, when necessary, during their conveyance, at the expense of the state.  
1832, 28, § 1.

Of actions by or against the warden, in his official capacity. Warden, a witness in such actions. His rights, obligations and powers, to devolve upon his successor.  
1824, 282, § 6.  
1830, 477, § 5.  
1831, 499, § 1.  
3 Pick. 17.

Warden may submit controversies to arbitration,

Warden exempted from arrest, while in office.  
1824, 282, § 7.

SECT. 20. When the warden shall receive, from the sheriff of any county, a warrant as prescribed in the one hundred and sixty eighth chapter, requiring him to remove a convict to the state prison, he shall, by himself, or such other person as he shall appoint or contract with for that purpose, forthwith cause such warrant to be executed, according to the precept thereof, in the least expensive manner, that will be consistent with the security of the convict; and said warrant, with his return thereon of the manner of executing the same, he shall file in his office, and shall cause a copy of the same to be filed in the office of the clerk of the court, from which it was issued.

SECT. 21. Whenever it shall be necessary or convenient, during the conveyance of any such convict to the state prison, in pursuance of his sentence, that he should be lodged for safe keeping in any county jail, till the residue of such conveyance can be conveniently performed, it shall be the duty of the keeper of such jail to receive such convict, and safely keep and provide for him, until called for by the person employed to convey him as aforesaid, into whose custody he shall be delivered; and the said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the treasury of the state.

SECT. 22. All actions founded on any contract, made with the warden in his official capacity, may be brought by or against the warden for the time being; and any actions for injuries done or occasioned to the real or personal property belonging to the state, and appropriated to the use of the state prison, or being under the management of the warden thereof, may be prosecuted in the name of the warden for the time being; and no such action shall abate by the warden's ceasing to be in office, but his successor, upon notice, shall be required to assume the prosecution or defence of the same. In said actions, the warden shall be a competent witness, and neither his person nor property shall be taken or attached in any such suit, nor shall any execution issue against him on any judgment therein, but such judgment shall stand as an ascertained claim against the state. And, whenever a new warden is appointed, all the books, accounts and papers, belonging to the prison, shall be delivered to him, and he shall be vested with all the powers, and subject to all the obligations, with regard to any contracts or any debts due to, or from the prison, that his predecessor would have been, if no change had taken place in the office.

SECT. 23. Whenever any controversy shall arise, respecting any contract or claim on account of the state prison, as mentioned in the preceding section, or any suit shall be pending thereon, the warden may submit the same to the determination of arbitrators or referees, to be approved by the inspectors.

SECT. 24. The warden shall not be arrested on any civil process or execution, while he is in office; but execution upon any judgment against him personally, and not in his official capacity, may be issued against his goods and estate only; and, if such execution shall be returned unsatisfied, the said warden shall be liable to be removed by the governor, with advice of the council, in like manner as a sheriff may be removed from office, when an execution against him is returned unsatisfied.

SECT. 25. Whenever the office of warden shall be vacant, or the warden shall be absent from the prison, or unable to perform the duties of his office, the deputy warden shall have the powers, perform the duties, and be subject to all the obligations and liabilities of the warden.

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Powers, duties and liabilities of deputy warden.

SECT. 26. If the office of warden shall become vacant, when the governor and council are not in session, the inspectors may require the deputy warden to give bond to the state in the sum of five thousand dollars, with sufficient sureties to be by them approved, with condition for the faithful discharge of the duties incumbent on him, as deputy warden and treasurer; and, from the time such bond shall be approved, the deputy shall receive the salary and emoluments of the warden, in lieu of his former pay, so long as he shall perform the duties of the office; if the deputy warden shall not give such bond, when required, the inspectors may remove him from office, and appoint a warden pro tempore; who shall give bond, similar to the one required of the deputy warden; and shall have the power and authority, and perform the duties, and receive the salary and emoluments of the warden, until a warden shall be duly appointed, and enter upon the discharge of the duties of his office.

If office of warden become vacant, deputy to give bonds, and act as warden. If he neglect, inspectors to appoint a warden, pro tempore.

SECT. 27. It shall be the duty of the clerk and commissary to keep an account of all supplies purchased for the use of the prison, as mentioned in the preceding eighteenth section, and of all articles sold, and delivered from the same, and to assist in effecting sales and purchases in such manner as the warden may direct; he shall attend the meetings of the inspectors, when they shall request, keep a record of their proceedings, and perform such other services, pertaining to his employment and the superintending of the prison, as shall be directed by the inspectors or warden.

Of the clerk and commissary.

SECT. 28. Persons, who have suitable knowledge and skill in the branches of labor and manufactures, carried on in the prison, shall, when practicable, be employed as overseers; and they shall respectively superintend such portions of the labor of the convicts, for which they are most suitably qualified, and which shall be assigned to them by the warden; and all of them, as well as the other subordinate officers of the prison, shall perform such services in the management, superintending and guarding of the prison, as shall be prescribed by the rules and regulations, or directed by the warden.

Overseers.  
1830, 477, § 1.

SECT. 29. If any subordinate officer of the prison shall be guilty of negligence or unfaithfulness in the discharge of his duties, or of a violation of any of the laws or rules and regulations for the government of the prison, the warden, with the approbation of the inspectors, may deduct from the pay of such officer, a sum, not exceeding his pay for one month.

Neglect of subordinate officers, punished by a deduction from their pay.  
1830, 477, § 2.

SECT. 30. There shall continue to be organized, by the governor and council, a volunteer company of riflemen, or other militia in the immediate vicinity of the state prison, to consist of not more than sixty persons, and, if necessary, enlistments may be authorized for that purpose from any of the companies of militia now formed; and each private and non commissioned officer of said company shall be bound to be well armed and equipped at all times; to keep

Volunteer company organized, as a guard. Equipments, duties and exemptions:  
1824, 282, § 26.  
1826, 339, § 4.  
1839, 407.

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constantly on hand twenty four rounds of good ammunition, which it shall be the duty of the warden to furnish at the expense of the state; to parade at or near the state prison on the first Tuesday of May, annually, for inspection; and, at all times, in case of alarm or insurrection at the state prison, forthwith to appear, armed and equipped, at the prison, and there obey the orders of the warden in suppressing any such insurrection, and preventing the escape of any of the convicts. The said company shall be attached to the regiment within the limits of which they reside, but shall be exempted from all military duty, other than what is herein required, except in cases of invasion or insurrection.

Officers, &c. of the prison, members of the company. Company subject to the provisions of chapter, 16. 1824, 282, § 26. 1826, 339, § 4. 1839, 407.

SECT. 31. All officers of the state prison, and other persons employed therein for the safe keeping of the convicts and superintending the prison, liable to do military duty, shall belong to said volunteer company; and the officers, non commissioned officers, clerk and privates thereof shall, respectively, have the like power and command, be subject to the like duties, control and subordination, and be liable to the like penalties, as provided in the sixteenth chapter, when it is not otherwise provided in this chapter.

Special forfeitures, for neglect of duties. 1824, 282, § 26.

SECT. 32. If any non commissioned officer or private of said company shall neglect forthwith to appear, armed and equipped, at the prison, in case of alarm or insurrection, upon any verbal or other notice being given him by direction of the warden or any officer of the company, or, being there, shall refuse to obey the lawful commands of the warden or any officer of said company, he shall forfeit and pay for each neglect, refusal or deficiency, a sum, not exceeding ten dollars, and not less than two dollars; and, if any non commissioned officer or private of said company shall unreasonably neglect to be provided with the arms and ammunition herein before required, he shall forfeit the sum of two dollars, to be recovered by the clerk, in an action of debt before a justice of the peace.

Appointment and duties of chaplain. 1824, 282, § 24.

SECT. 33. The inspectors and warden shall appoint some suitable person to officiate as chaplain of the state prison, whose duty it shall be, at stated times, as directed by the inspectors and warden, to perform divine service at the state prison, to visit the sick on proper occasions, and to use his endeavors, according to the means at his disposal, for the moral and religious improvement of the convicts.

Sunday school. 1830, 477, § 3.

SECT. 34. The warden and chaplain, under the advice and direction of the inspectors, when they deem it practicable, shall establish, at the prison, a Sunday school, to be kept at such hours and under such regulations, as they shall prescribe, for the instruction of the convicts in the rudiments of learning, and in religion and morality. And such of the subordinate officers, as the warden and chaplain shall designate, shall assist in the school; and they may admit such voluntary assistance, as shall be tendered for that purpose, by the moral and benevolent, having regard to the characters of the persons tendering it, and the security of the convicts. The chaplain, under the direction of the inspectors, shall purchase suitable books for the use of the school, and each convict, who can read, shall be furnished with a bible.

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SECT. 35. The inspectors and warden shall appoint some suitable person to be a physician and surgeon of the state prison, whose duty it shall be to visit the prison whenever requested by the warden, prescribe for the convicts, who may be sick, see that proper attention be paid to the clothing, regimen and cleanliness of such as may be in the hospital, and advise, when illness of any convict may require his removal to the same; and, upon such advice, and in other cases, when he shall deem it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, and there to receive such care and attention, and be furnished with such medicines and diet as his situation may require, until the physician shall determine, that he may leave it without injury to his health.

Appointment and duties of physician. 1832, 28, § 3.

SECT. 36. In case of any pestilence or contagious sickness, breaking out among the convicts in the prison, the inspectors and warden may cause the convicts confined therein, or any of them, to be removed to some suitable place of security, where such of them as are sick shall receive all necessary care and medical assistance. Such convicts shall be returned as soon as may be to the state prison, to be confined according to their respective sentences, if the same be unexpired.

Provision, in case of pestilence or contagion.

SECT. 37. If any officer or other person, employed in the state prison or its precincts, shall voluntarily suffer, aid or connive at the escape of any convict from the same, he shall be punished by imprisonment in the state prison for any term of time, not more than the whole term, during which such convict was sentenced to be imprisoned.

Punishment of officers, for voluntarily suffering an escape. 1824, 232, § 9.

SECT. 38. If any officer, or other person employed in the state prison or its precincts, shall negligently suffer any convict confined therein to be at large, without the precincts of the prison, or out of the cell or apartment assigned to him, or to be conversed with, relieved or comforted, contrary to law, or the rules and regulations of the prison, he shall be punished by a fine, not exceeding five hundred dollars.

For indulging prisoners, contrary to the rules. 1824, 232, § 10.

SECT. 39. If any person shall forcibly rescue, or attempt to rescue, any convict sentenced to the state prison, from the legal custody of any officer or other person, or from the state prison, or from any jail or other place, where he may be legally confined, or shall convey, or cause to be conveyed, to such convict or into such jail or other place, or into the state prison, any tool, instrument, weapon or other aid, with intent to enable such convict to escape, whether such escape be effected or not, he shall be punished by imprisonment in the state prison, not more than twenty years, or by fine, not exceeding five hundred dollars.

Rescue, or aiding prisoners, attempting to escape. 1824, 232, § 11.

SECT. 40. If any officer, contractor, or teamster or other person shall deliver, or have in possession with intent to deliver, to any convict confined in the state prison, or shall deposit or conceal in any place in or about the state prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein should obtain the same, without the consent or knowledge of the warden or deputy warden, the person, so offending, shall be punished by imprisonment in the state prison, not more than two years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than six months.

Secretly conveying, or attempting to convey, any article to a convict. 1830, 477, § 9.

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Convict, sentenced for life, assaulting an officer, breaking from prison, or attempting an escape.  
1824, 282, § 12.

Similar offences, by convict, sentenced for a less term.  
1824, 282, § 13.

Mode of punishment under the two preceding sections.

In case of resistance, officers justified in using all needful force.  
1824, 282, § 14.

Duty of citizens to aid the government of the prison.  
1824, 282, § 15.

Measures to be used by the warden, to retake convicts, escaping.

Additional punishment, when it appears, that any convict has been before sentenced to confinement in any state prison.  
1824, 282, § 19.  
2 Pick. 165.

SECT. 41. If any convict, sentenced to the state prison for life, shall assault any officer or other person employed in the government thereof, or shall break or escape therefrom, or forcibly attempt so to do, he may be punished, upon conviction thereof in the supreme judicial court, by solitary imprisonment in the state prison; not more than one year, and be afterwards held in custody on his former sentence.

SECT. 42. If any convict, sentenced to the state prison for a limited term, shall assault any officer or other person, employed in the government of said prison, or shall break or escape therefrom, or forcibly attempt so to do, he may be punished, upon conviction thereof in the supreme judicial court, by solitary confinement in the state prison, not more than three months, to precede the fulfilment of any former sentence, and at the discretion of the court may be further punished by confinement to hard labor, for a limited period or during life; to commence after his solitary confinement, or the completion of his former sentence.

SECT. 43. Every convict, sentenced to solitary confinement, as mentioned in the two preceding sections, or on whom it is inflicted, as a punishment for the violation of the rules and regulations of the prison, shall be confined in a solitary cell; and, during such confinement, shall be fed on bread and water only, unless the physician shall certify to the warden, that the health of such convict requires other diet.

SECT. 44. If any convict, sentenced to the state prison, shall resist the authority of any officer, or refuse to obey his lawful commands, it shall be the duty of such officer immediately to enforce obedience by the use of such weapons or other aid, as may be effectual; and if, in so doing, any convict, thus resisting, shall be wounded or killed by such officer or his assistants, they shall be justified and held guiltless.

SECT. 45. It shall be the duty of all officers and other citizens of the state, by every means in their power, to suppress any insurrection among the convicts, sentenced to the state prison; and to prevent the escape or rescue of any such convicts therefrom, or from any other legal confinement, or from any person in whose legal custody they may be; and if, in so doing, or in arresting any convict who may have escaped, such officer or other person shall wound or kill such convict, or other person aiding and assisting such convict, they shall be justified and held guiltless.

SECT. 46. When any convict shall escape from the state prison, it shall be the duty of the warden to take all proper measures for his apprehension; and for that purpose he may offer a reward, not exceeding fifty dollars, to be paid by the state, for the apprehension and delivery of such convict.

SECT. 47. When it shall appear to the warden of the state prison, that any convict, confined therein in pursuance of his sentence, has been before sentenced by the authority of this, or any other state, or of the United States, to confinement in any state prison, it shall be the duty of the warden to give notice thereof to the attorney general or the attorney for the county of Lincoln, as soon as may be, who shall, by information or other legal process, make the same known to the supreme judicial court, or district

court, when held within and for the county of Lincoln. The court, to whom such information is made, shall cause such convict to be brought before them to answer to the same; and, if, by confession of such convict, or by verdict, or otherwise according to law, it shall appear, that such information is true, the said convict, instead of the punishment for which he stands sentenced, may, at the discretion of the court, be punished by imprisonment for life, or any term of years; and, if the said charge shall not be established, the convict shall be remanded to the state prison, to be held on the original sentence.

SECT. 48. No convict shall be discharged from the state prison, until he shall have remained the full term for which he was sentenced, to be computed from, and including the day on which he was received into the same, exclusive of the time he may have been in solitary confinement for any violation of the rules and regulations of the prison; unless he shall be pardoned or otherwise released by legal authority.

When computation of term of confinement is to commence. 1824, 282, § 16.

SECT. 49. It shall be the duty of the warden to receive and take care of any property, that a convict may have with him at the time of his entering the state prison, and, when it may be convenient, to place the same at interest for the benefit of such convict; of which property the warden shall keep an account, and pay the same to said convict on his discharge, or, in case of his death, to his representatives; unless the same shall have been otherwise legally taken and disposed of.

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

SECT. 50. When any convict is discharged from the state prison, who shall have conducted well during his imprisonment, the warden, at his discretion, may give to such convict, from the funds of the prison, a sum not exceeding five dollars, and, if he shall request it, a certificate of such good conduct; and shall take care that every convict, on his discharge from prison, is provided with decent clothing.

Provision for convicts, on their discharge from confinement. 1824, 282, § 22. 1826, 339, § 3.

SECT. 51. The warden shall have authority to demand and receive of each person, who shall visit the prison for the purpose of viewing the interior or precincts, such sum, not exceeding twenty five cents, and under such regulations, as the inspectors shall prescribe, for which the warden shall account to the state.

Fee receivable from visitors.

SECT. 52. The warden shall have power, upon the recommendation of the inspectors, and with the approbation of the governor and council, to make or cause to be made such additional buildings or alterations within the prison or its precincts, as they shall deem to be necessary and proper.

Alterations made by warden, under the inspectors. 1824, 282, § 8.

SECT. 53. The inspectors shall receive for their services such compensation as shall, from time to time, be allowed by the governor and council.

Compensation of the inspectors. 1824, 282, § 4.

SECT. 54. There shall be annually appropriated for the compensation of the person appointed to officiate as chaplain of the state prison, a sum, not exceeding one hundred dollars; and, for the use of the Sunday school, a sum, not exceeding fifty dollars, and for the compensation of the physician and surgeon and for medicines, a sum, not exceeding one hundred and fifty dollars, annually; and the subordinate officers and other persons employed in manag-

Chaplain's salary. Appropriation for Sunday school. Compensation of physician and subordinate officers. 1824, 282, § 24. 1832, 28, § 3, 4.

CHAP. 177. ing, guarding and superintending the prison, shall, at stated times, receive such compensation as shall be established in the rules and regulations of the prison, or allowed by the inspectors and warden, with the approbation of the governor and council; provided, that the compensation of the subordinate officers, hereinafter named, shall not exceed the following rates by the year, viz: deputy warden, three hundred and forty dollars; overseer of the lime quarry, four hundred dollars; overseer of the wheelwright department, four hundred dollars; clerk and commissary, three hundred and forty dollars; overseer of the shoe manufactory, five hundred dollars; overseer of the coöpering department, three hundred dollars.

Appropriations for the prison, to be paid to the warden, on warrants from the governor. 1824, 282, § 25.

SECT. 55. The governor, with the advice of the council, is authorized to draw warrants on the treasury of the state in favor of the warden, for all such sums of money, as they may, from time to time, deem proper, which have been appropriated by the legislature for the support of the state prison.

## CHAPTER 178.

### OF HOUSES OF CORRECTION.

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| <p>SECT. 1. Houses of correction and their object.</p> <p>2. Until provided, county jails to be used as such.</p> <p>3. Appointment of the master.</p> <p>4. County commissioners to make rules and orders.</p> <p>5. Appointment and duties of overseers of such house.</p> <p>6. Their powers.</p> <p>7. Compensation.</p> <p>8. Supervision by the commissioners.</p> <p>9. Description of persons liable to be sent to house of correction.</p> <p>10. Term of their confinement.</p> <p>11. Conditions of discharge at the end of the term.</p> <p>12. Provision for extension, in case of paupers.</p> <p>13. Dangerous insane persons to be sent to house of correction, or the insane hospital. How supported. When they may be released or delivered up.</p> <p>14. Commissioners to provide materials and implements for labor.</p> <p>15. Employment of prisoners. Restraints.</p> | <p>SECT. 16. Punishment by abridgment of food.</p> <p>17. Allowance to persons committed, from their earnings.</p> <p>18. Provision for the sick and disabled.</p> <p>19. Master to render account of prisoners' earnings. Special allowance to the master, in certain cases.</p> <p>20, 21, 22. Remedy of master, for sums due him from persons committed.</p> <p>23. Expenses of persons committed under chapter, 168, § 2, how defrayed.</p> <p>24. Town houses of correction and their object.</p> <p>25. Overseers thereof.</p> <p>26. Of work houses appropriated to the like uses.</p> <p>27. Compensation of overseers and master.</p> <p>28. Duties of the overseers.</p> <p>29. Support of the prisoners.</p> <p>30. Powers of overseers to commit persons to such house.</p> <p>31. Form of the order for commitment.</p> |
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Houses of correction, and their object. 1821, 111, § 1. 2 Pick. 414.

SECTION 1. There shall be erected, or otherwise provided by the county commissioners, in every county within this state, at the charge of such county, a fit and convenient house or houses of cor-