

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.

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

Augusta:

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

.....
1841.

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-

rection, where not already provided, with convenient accommodations, thereunto adjoining and belonging, to be used and employed for the keeping, correcting and setting to work of rogues, vagabonds, common beggars, idlers and disorderly persons, and all other offenders, who may be committed thereto, in due course of law.

SECT. 2. Until such house or houses of correction be erected or otherwise provided, the common prison in each county, may be made use of for that purpose.

Until provided, county jails to be used as such. 1821, 111, § 1.

SECT. 3. The commissioners, in their respective counties, shall appoint a suitable person to be master of each house of correction, and to hold his office during their pleasure.

Appointment of the master. 1821, 111, § 2.

SECT. 4. The commissioners shall also establish such rules and orders, not repugnant to the laws of this state, as they shall deem necessary for restraining, employing, governing and punishing the persons there confined, and for managing the prudential concerns of the institution.

County commissioners to make rules and orders. 1821, 111, § 2.

SECT. 5. The commissioners, in their respective counties, where circumstances may require it, shall appoint, annually, three or five suitable and discreet persons of their county, living near the house of correction, to be overseers of such house; who shall see that the rules, established for the government of such house, and the persons therein confined, be duly observed; and also shall examine the accounts of the master, relating to the earnings of the prisoners, and the expenses of the institution; and they shall also keep a fairly written register of all their official proceedings.

Appointment and duties of overseers of such house. 1821, 111, § 3.

SECT. 6. The overseers shall have power to make contracts for work to be done in the house with any person disposed to supply the materials, and to make contracts for letting out any of the persons confined, to employers living near enough, in their opinion, to the house of correction, for the overseers or master; to have general inspection of the conduct of persons, so let out, and of the treatment they receive.

Their powers. 1821, 111, § 3.

SECT. 7. The overseers shall receive out of the earnings of the prisoners, or, if the same be insufficient, from the county treasury, a reasonable compensation to be allowed by the commissioners.

Compensation. 1821, 111, § 3.

SECT. 8. The commissioners may remove any of the overseers during the year, and may fill all vacancies, happening by removal, resignation or otherwise. They shall also, at least as often as every regular session, inquire into the state of the house of correction, and examine the register and accounts of the overseers and master, and make such further regulations and alterations in the treatment and government of the prisoners for the time being, as circumstances may render expedient, not being contrary to the laws of the state.

Supervision by the commissioners. 1821, 111, § 4.

SECT. 9. Any justice of the peace, within his county, on complaint under oath, and any district court in any county within its district, on indictment, for the terms provided in the following section, may send and commit to the said house to be kept, employed and governed, according to the rules and orders thereof, all rogues, vagabonds and idle persons, going about in any town or place in the county, begging, or persons using any subtle craft, juggling or unlawful games or plays, or, for the sake of gain or emolument,

Description of persons liable to be sent to the house of correction. 1821, 111, § 5.

CHAP. 178. feigning themselves to have knowledge in physiognomy, palmistry, or, for the like purpose, pretending that they can tell destinies or fortunes, or discover where lost or stolen goods may be found; common pipers, fiddlers, runaways, common drunkards, common night walkers, pilferers, persons wanton or lascivious in speech or behavior, common railers or brawlers, such as neglect their callings or employments, mispend what they earn, and do not provide for the support of themselves and their families.

Term of their confinement. 1821, 111, § 8. 1825, 297, § 1.

SECT. 10. Persons convicted of the aforesaid offences, or any of them, before any justice of the peace, may be committed as aforesaid, for a term not exceeding thirty days; and such as are convicted before any district court, may be committed for a term, not exceeding six months; such term of confinement being subject to extension, as provided in the two following sections.

Conditions of discharge, at the end of the term. 1825, 297, § 1. 12 Mass. 355.

SECT. 11. At the expiration of the term of confinement in either case, the persons committed shall not be entitled to their discharge, until they pay all arrears of costs and expenses attending their commitment, support and employment in such house of correction; unless the overseers of the poor, where such house is, or of the town to which such persons belong, shall pay such arrears of costs and expenses, and in writing certify to the master of the house, that in their opinion the public good will not require the longer confinement of such persons.

Provision for extension, in case of paupers. 1825, 297, § 1.

SECT. 12. Notwithstanding the payment of such costs and expenses, if the persons so confined are paupers, or likely immediately to become such, the overseers of the poor, in either of the towns aforesaid, may, on complaint to any justice of the peace in the county, or to the district court, under whose sentence the persons were before committed, procure an extension of the confinement, for not more than thirty days at one time, before a justice of the peace, nor more than six months, before the district court, such application to be afterwards renewed, if occasion should require, on like complaint; in all such cases, the party under confinement being brought before such justice or court to answer to such complaint.

Dangerous insane persons to be sent to house of correction, or the insane hospital. How supported. When they may be released, or delivered up. 1821, 111, § 6. 1825, 143, § 1.

SECT. 13. Any two justices of the peace, one of them being of the quorum, on complaint under oath and a hearing before them, that any person is insane and suffered to go at large, and so furiously mad, that the public safety requires his immediate restraint, shall, on adjudging the facts so to be, by a joint warrant under their hands and seals, commit such person within sixty days to the house of correction for the county, or to the insane hospital, there to be detained till he becomes of sound mind; or be otherwise delivered by due course of law; and the person so committed shall be kept therein at his own expense, if he have sufficient property, otherwise, of the persons or town that would have been chargeable for his maintenance, if he had not been committed; and, if he have no settlement in the state, at the expense of the state; and he may be delivered up to any friend, or to the overseers of the poor of the town where he has his settlement, as is provided in sections, four and five, of chapter, one hundred and seventy three.

Commissioners to provide ma-

SECT. 14. The commissioners, in their respective counties, shall

provide and cause to be kept, at the expense of their respective counties, suitable materials, implements and other necessaries, sufficient at all times to employ and keep at work, such as are or may be legally committed to the house of correction.

SECT. 15. The master of such house may set to work all such persons as are committed to his custody, so far as they may be able, during the time of their confinement; and, if their department render it expedient, he may put shackles or fetters upon them to prevent resistance or escape, without unnecessarily inflicting pain or interrupting their labor.

SECT. 16. Should any person, so committed, be stubborn, disorderly, idle or refractory, or refuse to perform his appointed task in a proper manner, the master may abridge him of his food, until he shall comply with the reasonable requirements of the master and overseers.

SECT. 17. The persons committed shall be allowed only two third parts of their net earnings for their support, and the residue shall be to the use of the master; unless such persons are heads of families; then, the whole net profit of their labor, or so much thereof as the county commissioners shall order, shall be for the relief and support of such persons and their families.

SECT. 18. If any person, committed as aforesaid, shall, from sickness or other cause, be unable to work, so as to support himself out of his share of earnings, the master shall then comfortably provide for and take care of him, and be reimbursed as hereinafter provided.

SECT. 19. The master of every such house shall keep an exact account of all profits and earnings, that shall arise from the labor of all such as shall be committed to his care and custody, and of his disbursements for their support and maintenance, specifying the times of their commitment and liberation, and present the same account, upon oath, unto the commissioners for the same county annually, and as much oftener as he shall be thereunto directed. The commissioners may make such further allowance, as they think reasonable in special cases, for the care, labor and services of the master, besides the allowance of one third part of the earnings, provided in the seventeenth section of this chapter.

SECT. 20. Whenever there shall be due to any master of such house, from any person therein committed; any sum of money under the provisions of this chapter, and the account of such master shall have been duly proved, and certified to be correct by the commissioners, he shall have a right to demand the same of the person committed, if of age, otherwise, of his parent, master or guardian; and if there be not sufficient estate of the parties liable as aforesaid, the same may be demanded of the overseers of the town, wherein such person shall have his legal settlement.

SECT. 21. Fourteen days after demand made, in writing, upon either of the parties, liable by virtue of the preceding section, if the money, so ascertained to be due, shall remain unpaid, the master of such house of correction, within two years after the date of the certificate of allowance, may commence and prosecute his action at law for the same, declaring as upon an implied promise; and

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materials and implements for labor.

1821, 111, § 9.
Employment of prisoners. Restraints.
1821, 111, § 10.

Punishment by abridgment of food.
1821, 111, § 10.

Allowance to persons committed, from their earnings.
1821, 111, § 9.

Provision for the sick and disabled.
1821, 111, § 9.

Master to render account of prisoners' earnings. Special allowance to the master, in certain cases.
1821, 111, § 11.

Remedy of master, for sums due him from persons committed.
1821, 111, § 12
22 Pick. 211.

Same subject.
1821, 111, § 12.
7 Pick. 336.

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recover so much of the same, as shall be found justly due, of the person committed; his parent, master, guardian or town, as the case may require, with legal interest from the date of such demand and costs; if the party, against whom the action shall be brought, were duly notified previously to the allowance of said account by the commissioners, the certificate of the commissioners shall be presumptive evidence of the correctness of the claim; but, in either case, it shall be liable to be disproved by evidence to be offered on the part of the respondent.

Same subject.
1821, 111, § 12.

SECT. 22. If there be kindred, who by law may be obliged to maintain the person so committed, as provided in the sixth section, of chapter, thirty two, the master of such house, or the town, if obliged to pay the same, may have like remedy for recovering the same from such kindred, as is provided, in the seventh section of the same chapter, for towns, which have incurred expense for the relief and support of paupers.

Expenses of persons committed under chapter, 168, § 2, how defrayed.
1821, 111, § 8.

SECT. 23. When any person, convicted before the supreme judicial court, or before any district court for an offence, punishable by imprisonment or fine, shall be committed to the house of correction, as provided in the second section of chapter, one hundred and sixty eight, the expenses of keeping, supporting and employing such offender, after deducting the net amount of his earnings, shall be allowed by the commissioners of the county and paid to the master of such house, out of the county treasury, and with the same right of reimbursement from the treasury of the state, as the accounts of jailers for the prison charges for persons, confined for offences against the state.

Town houses of correction, and their object.
1825, 297, § 2, 6.

SECT. 24. Any town may build and maintain, at its own expense, a house of correction, or may appropriate in part or in whole, any work house, belonging to such town, or in which it has an interest, for such purpose; and any person, belonging to, or found in any town, having such house of correction, who may be liable to be sent, by a justice of the peace, to the county house of correction, may be sent to such town house of correction, by any justice, resident in such town, and by the like process; provided, that the provisions of this section shall not restrain any such justice from ordering the commitment of any person, so liable, to the county house of correction; and the party aggrieved by any such order, may exercise the same right of appeal as in other cases.

Overseers thereof.
1829, 429, § 1.

SECT. 25. The selectmen of any town, erecting or otherwise procuring any such house of correction, shall annually appoint three, five or seven discreet persons, to be the overseers of such house, and may make and establish such rules and orders, not repugnant to the laws of this state, as, from time to time, they may deem necessary, for ruling, governing and punishing such persons, as may be there committed.

Of work houses, appropriated to the like uses.
1829, 429, § 1.

SECT. 26. When any work house shall be appropriated for the purposes of such house of correction, the master of such work house shall also be master of such house of correction; but, in other cases, the overseers, provided for in the preceding section, shall appoint some suitable person to be master of the house of correction, who shall be removeable at their pleasure.

SECT. 27. The overseers and master of such town house of correction shall have such compensation for their services, as shall be annually voted by their town.

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Compensation of overseers and master. 1825, 297, § 5.

SECT. 28. The overseers shall, from time to time, examine into the prudential concerns and management of such house, and see that the master faithfully discharges his duty.

Duties of the overseers. 1825, 297, § 5.

SECT. 29. Every person, committed to such town house of correction, shall be supplied by the keeper thereof with a suitable quantity of bread and water, or other nourishment, as the overseers may order, while so confined; and all expenses, incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the parties liable for similar charges, in the case of persons committed to any county house of correction.

Support of the prisoners. 1825, 297, § 5.

SECT. 30. The overseers of any such town house of correction may commit thereto, for a term, not exceeding forty eight hours, any person publicly appearing in a state of intoxication, or in any manner violating the public peace, whenever the safety of the person intoxicated, or the good order of the community require it, for the purpose of security, if necessary, till such person[s] can be conveniently carried before a magistrate and restrained by complaint and warrant in the usual course of criminal prosecutions.

Powers of overseers, to commit persons to such house. 1825, 297, § 4.

SECT. 31. The form of the order for commitment may be in substance as follows: "To A. B., master of the house of correction, in the town of _____; you are hereby required to receive and keep C. D. in the said house of correction for the term of _____ hours, unless sooner discharged by our order.

Form of the order for commitment. 1825, 297, § 4.

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

And it shall be the duty of any sheriff, deputy sheriff, constable or other person, to whom such order shall be given by said overseers, forthwith to apprehend and convey such person to said house of correction, and deliver him to the master thereof, who shall take and keep such person agreeably to the order; the officer, or other person, serving such order, shall be entitled to receive from the town such fees for service and travel, as is allowed for service of warrants.

IN THE HOUSE OF REPRESENTATIVES, October 21, 1840.

This bill, including the several chapters, numbered from one, to seventy six, and from seventy eight, to one hundred and seventy eight, inclusive, having had three several readings, passed to be enacted.

HANNIBAL HAMLIN, *Speaker*.

IN SENATE, October 21, 1840.

This bill, including the several chapters, numbered from one, to seventy six, and from seventy eight, to one hundred and seventy eight, inclusive, having had two several readings, passed to be enacted.

STEPHEN C. FOSTER, *President*.

October 22, 1840. Approved.

JOHN FAIRFIELD.