

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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rection, or at any town farm or alms-house in the town in which the offence was committed, and by fine not exceeding ten dollars, and in default of payment he shall be imprisoned for an additional thirty days.

SEC. 24. The keeper of the jail, work-house, house of correction, or in case of a sentence to any town farm or alms-house, the overseers of the poor of such town, or the keeper or agent of such town farm or alms-house, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable person keeper over him, and may collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, the costs of commitment and any fine imposed under the preceding section.

SEC. 25. Persons shall be committed to work-houses, or houses of correction, only upon conviction of the offences, acts, or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice.

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CHAPTER 142.

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 30. Girls shall be instructed in certain useful branches.
 31. Penalty for aiding a girl to escape.

THE STATE REFORM SCHOOL.

SEC. 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, is vested in a board of five trustees appointed by the governor, with the advice and consent of council, and commissioned to hold their offices during the pleasure of the governor and council, but not longer than four years under one appointment. They shall be allowed actual expenses and two dollars a day for their services when employed. They shall have charge of the general interests of the institution, and see that its affairs are conducted as required by the legislature, and such by-laws as the board may adopt; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge or remand them, as hereinafter provided; appoint a superintendent, subject to the approval, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all its officers; exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation of the subordinate officers, subject to the approval of the governor and council, and prepare and submit by-laws to the governor and council, which shall be valid when sanctioned by them. They may contract with the attorney general of the United States for the confinement and support in the reform school of juvenile offenders against the laws of the United States in accordance with sections five thousand five hundred and forty-nine, and five thousand five hundred and fifty of the Revised Statutes of the United States.

Government of the state reform school is vested in a board of five trustees. 1880, c. 231. 72 Me., 556.

—their compensation.

—powers and duties.

—they may contract with the attorney general of the United States, for the support of juvenile offenders.

Boys between eight and sixteen may be sentenced to the school, and to alternative punishment. R.S., c. 142, § 2. 47 Me., 484.

SEC. 2. When a boy between the ages of eight and sixteen years is convicted before any court or trial justice, of an offence punishable by imprisonment in the state prison, not for life, or in the county jail except for the offences specified in the next section, such court or justice may sentence him to the state reform school, or to the other punishment provided by law for the same offence. If to the reform school, the sentence

shall be conditioned that if such boy is not received or kept there for the full term of his sentence, unless sooner discharged by the trustees as provided in section seven, he shall then suffer such alternative punishment as the court or justice orders; but no boy shall be committed to the reform school who is deaf and dumb, non compos, or insane.

SEC. 3. When a boy between the ages of eight and sixteen years, is convicted of larceny of property not exceeding one dollar in value, of assault and battery, malicious mischief, malicious trespass, desecration of the Lord's Day, riotous conduct, disturbance of the peace, embezzlement, cheating by false pretences, vagrancy, or truancy; of being a common runaway, drunkard, or pilferer; or of a violation of any municipal or police regulations of a city or town, punishable in the jail or house of correction; the court or justice may sentence him to the reform school, or to the other punishment provided for the same offence, in the manner prescribed in section two; and the expenses of conveying such boy, convicted of any such offence, to the reform school, and his subsistence and clothing during his imprisonment there, not exceeding one dollar a week, shall be defrayed by the town where such boy resides at the time of his commitment, if within the state; otherwise such expense shall be paid by the State.

SEC. 4. The court or trial justice before whom a boy is convicted of an offence specified in the preceding section, shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, if known, which shall be sufficient evidence in the first instance, to charge such city or town with his expense at the reform school, not exceeding one dollar a week. The superintendent, upon the commitment of such boy shall notify in writing by mail or otherwise, the aldermen of any city, or the selectmen of any town so liable, of the name of the boy committed, the offence with which he is charged, and the duration of his sentence. Such written notice shall be sufficient when made, superscribed and directed to said aldermen or selectmen, the postage prepaid, and deposited in the post office in Portland.

SEC. 5. At any time after three months from the giving of such notice, the superintendent may, in his own name, in behalf of the State, recover of such city or town the expenses of clothing and subsistence of such boy, not exceeding one dollar a week, to the time of commencing a suit therefor; and such city or town may recover the money paid by them, of the parent, master or guardian of such boy, or of the city or town in which he has a legal settlement.

SEC. 6. Every 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.

SEC. 7. When a boy is sentenced to said school, and the trustees deem it inexpedient to receive him, or he is found incorrigible, or his continuance in the school is deemed injurious to its management and

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—deaf and dumb, non compos or insane, shall not be sent.

Boys, convicted of certain offences, may be sent to the reform school, or to suffer other punishment: R.S., c.142, § 3. 73 Me., 379.

—expenses of commitment and subsistence, how to be paid.

Court or justice, on conviction of an offence specified in section three, shall certify the boy's residence in the mittimus. R.S., c.142, § 4. 50 Me., 585.
—superintendent shall notify the town liable.

—notice, how to be given.

He may, in behalf of the State recover expenses from such town. R.S., c.142, § 5. 57 Me., 346.
—such town may recover of parent.

How boys shall be instructed and disciplined. R.S., c.142, § 6.

Proceedings, when trustees or superintendent

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do not receive a boy, or he is incorrigible. R.S., c. 142, § 7.

When transportation shall be paid by the county. R.S., c. 142, § 8. See c. 116, § 5.

Term of commitment, and effect of the discharge. R.S., c. 142, § 9. 1881, c. 56, § 2.

Boys in the reform school may be committed on probation to any suitable inhabitant of the state. 1881, c. 56, § 1.

—when they may be returned to the school.

Superintendent shall prepare a list of boys to apprentice. 1878, c. 46.

—list to be published.

In what branches, boys shall be instructed. 1883, c. 250, § 1.

—trustees shall make rules, and specify punishments.

discipline, they shall certify the same upon the mittimus by which he is held, and the mittimus and convict shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, according to his alternative sentence. The trustees may discharge any boy as reformed; and may authorize the superintendent, under such rules as they prescribe, to refuse to receive boys sentenced to said school, and his certificate thereof shall be as effectual as their own.

SEC. 8. The costs of transporting a boy to or from the reform school, shall, when not otherwise provided for, be paid out of the treasury of the county where he is sentenced, as the costs of conveying prisoners to the jails are paid; and the county commissioners of the county shall examine and allow all such reasonable costs.

SEC. 9. All commitments of boys shall be during their minority, unless sooner discharged by order of the trustees as before provided; and when a boy is discharged therefrom at the expiration of his term, or as reformed, it shall be a full and complete release from all penalties and disabilities created by his sentence.

SEC. 10. The trustees may commit, on probation and on such terms as they deem expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his sentence, such probation to be conditioned on his good behavior and obedience to the laws of the State. Such boy shall, during the term for which he was originally sentenced to the reform school, be also subject to the care and control of the trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return, and may enforce such order by application to any trial justice or judge of a police or municipal court for a warrant for such purpose, which may be served by any officer authorized to serve criminal process. On his recommitment to the school, such boy shall there be held and detained under the original mittimus.

SEC. 11. The superintendent, with advice of the trustees, shall, as often as once in six months, prepare a list of all boys under his charge who are suitable by age and good behavior to apprentice to farming, mechanical trade or other useful occupation, and shall furnish such list for publication in such papers of the state as will insert the same free of charge.

SEC. 12. The trustees, under direction of the governor and council, shall establish and maintain a mechanical school, and cause the boys under their charge to be instructed in mechanical trades and in the branches of useful knowledge, adapted to their age and capacity; also in agriculture and horticulture, according to their age, strength, disposition and capacity; and otherwise, as will best secure their reformation, amendment and future benefit. In binding out the inmates, the trustees shall have scrupulous regard to the character of those to whom they are bound. The trustees shall establish rules for direction of the officers, agents and servants of the school, and for the government, instruction and discipline of the inmates; they shall specify the punishments that may be inflicted upon boys in the school, and any officer, agent or servant,

who inflicts punishment not so authorized shall be discharged. Such rules shall be approved by the governor and council, and shall not be altered without their consent.

SEC. 13. The superintendent, with such other officers as the trustees appoint, shall have the charge and custody of the inmates; be a constant resident at the institution; and discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, so far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He shall see that no punishment is inflicted in violation of the rules of the trustees, and shall immediately enter in a book kept for the purpose, a particular record of all corporal punishment inflicted, stating the offence, the punishment, and by whom administered; which record shall be open to public inspection, and be laid before the trustees at their quarterly meetings, a majority of whom shall then certify upon said book whether or not such punishments are approved by them. He shall have charge of the lands, buildings, furniture, and every species of property, pertaining to the institution, within the precincts thereof. Before he enters upon the duties of his office, he shall give a bond to the State, with sureties satisfactory to the governor and council, in a sum not less than two thousand dollars, conditioned faithfully to account for all moneys received by him and to 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 intrusted to him, showing the income and expenses of the institution; and account, in such manner, and to such persons as the trustees direct, for all moneys received by him from the proceeds of the farm or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the books and accounts, and the vouchers and documents connected therewith, and make a record of the result thereof. He shall keep a register containing the name and age of each boy, and the circumstances connected with his early life and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it. Actions for injuries done to the real and personal property of the State, connected with the reform school, may be brought in the name of the superintendent for the time being.

SEC. 14. All contracts on account of the institution, shall be made by the superintendent, and when approved by the trustees, if their by-laws require it, are binding in law, and the superintendent, or his successor, may sue or be sued thereon, to final judgment and execution. He may, with the consent of the trustees, submit any controversy, demand, or suit, to the determination of one or more referees. No such suit abates by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defence, and, on motion of the adverse party and notice, shall be required to do so.

SEC. 15. One or more of the trustees shall visit the school at least

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—rules must be approved by executive.

Powers and duties of the superintendent.
R. S., c. 142, § 12.

1883, c. 250, § 2.

R. S., c. 142, § 12.

—bond.

—shall keep accounts.

—accounts and books, shall be examined by the trustees semi-annually.

Contracts shall be made by the superintendent, and approved by the trustees.
R. S., c. 142, § 13.

—suits thereon.

Visit of the

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trustees to the reform school. 1876, c. 111. —record to be kept. —quarterly visit by a majority of the board, and report. —annual report and financial statement shall be laid before the governor and council by the superintendent.

Appropriations; how paid; state treasurer to pay forty-two dollars annually for library. R. S., c. 142, § 15.

Inmates shall be classed. 1883, c. 250, § 3. See Resolve, 1871, c. 284.

—solitary confinement is forbidden. —exceptions.

—denial of food prohibited.

Governor shall appoint a visiting committee. 1883, c. 250, § 3.

—duties and powers.

once in every four weeks, examine the register and the inmates in the school room and workshop, and regularly keep a record of these visits in the books of the superintendent. Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report shall be made, showing the results thereof. Annually, on the first day of December, an abstract of such quarterly reports shall be prepared and laid before the governor and council for the information of the legislature, with a full report of the superintendent, stating particularly among other things, the offence for which each pupil was sentenced, and his place of residence. A financial statement furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of November preceding, shall also be furnished.

SEC. 16. The governor and council may, from time to time, as they think proper, draw warrants on the treasurer of state in favor of the trustees, for the money appropriated by the legislature for the state reform school; and the treasurer of state shall, annually, in February, pay to the treasurer of said school forty-two dollars for support of its library, being six per cent. on the Sanford legacy of seven hundred dollars.

SEC. 17. The inmates shall be separated into classes, regard being had to their ages, character and conduct, and the offences for which they have been committed. The boys of each class shall, so far as practicable, take daily out door exercise and be employed in some outdoor labor. Each shall be provided with his own clothing and be taught to care for it. Solitary confinement is not allowed except for grave offences specified in the rules of the trustees; and the apartment where it is inflicted, shall be suitably warmed, lighted, and provided with a bed and proper appliances for cleanliness. All the boys shall receive the same quality of food and in quantities to satisfy their appetites. They shall not be punished by a denial or short allowance of food.

SEC. 18. A committee of the council, consisting of three, with whom shall be associated one woman, shall be appointed by the governor annually, to visit the school from time to time, and examine into the treatment of its inmates, their condition and progress. They shall maintain therein, a letter box, to which the inmates shall at all times have free access, without the knowledge or scrutiny of the officers. They shall hear complaints of ill treatment, and make such suggestions to the superintendent and trustees as they think proper, and severally make a yearly report to the governor and council concerning the condition and wants of the school.

THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

SEC. 19. A parent or guardian of any girl between the ages of seven and fifteen years, the municipal officers, or any three respectable inhabitants of any city or town where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for such city or town, alleging that she is leading an idle or vicious life, or has been found in circum-

Application to the probate judge or to a magistrate, for commitment of idle or vicious girls. 1879, c. 87.

stances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the Maine Industrial School for Girls. The judge or justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, and if satisfactory evidence thereof is adduced and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law.

SEC. 20. The trustees of said school may bind to service or apprenticeship any girl committed to their charge, for a period not exceeding the term of her commitment, upon such conditions as they deem reasonable and proper, to be set forth in the articles of service, and in said articles may require the person to whom she is bound to report to them as often as once in six months her conduct and behavior, and whether she remains under his or her care, and if not, where she is. The trustees, as guardians of any girl so bound, shall take care that the terms of the contract are fulfilled, and the girl well treated; and the trustees, master or mistress and apprentice, shall have all the rights and privileges and be subject to all the duties and penalties provided in case of children apprenticed by overseers of the poor.

SEC. 21. A person receiving an apprentice under the last thirteen sections of this chapter, shall not assign or transfer the indenture of apprenticeship, or let out the services of the apprentice, without the written consent of the trustees. The trustees, at the request of the master or mistress, may cancel the indenture and resume charge of the girl, with the same powers as before the indenture was made. On the death of a person to whom the girl is bound, his executor or administrator, with the written assent of the trustees and of the girl, may assign the indenture to some other person, and the assignee shall have all the rights and be subject to all the liabilities and duties of the original master or mistress.

SEC. 22. A parent or guardian, upon complaint and hearing as aforesaid, and certificate of any judge or justice named in section nineteen, that a girl of the age herein limited is a proper subject for commitment to said school, may commit her to the custody and guardianship thereof for a term to be agreed upon by the parent or guardian and the trustees, upon condition that the parent or guardian shall pay her expenses at a reasonable uniform rate to be fixed by said trustees; and the trustees may enforce such agreement.

SEC. 23. On complaint to a trial justice or municipal or police court of the county, that a girl of the age herein limited has been guilty of an offence punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of said school during her minority, unless sooner discharged by process of law. No girl so committed, if she remains under the guardianship of said

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—notice and hearing.

—may order girl to be committed to the industrial school, when her welfare requires it. Trustees may bind to service any girl committed to their charge. 1873, c.141, § 2.

—duties and privileges of trustees. See c. 24, §§ 21-26.

Indenture of apprenticeship is not transferable, without consent of the trustees. 1873, c.141, § 3.

—trustees may cancel indenture.

—may assign indenture, in certain cases.

Parent or guardian may commit an idle or vicious girl, for a term of time, on the certificate of a probate judge or magistrate. 1873, c.141, § 4.

Girl charged with an offence punishable by fine or imprisonment, may be committed to said school. 1873, c.141, § 5. —shall not be tried for the offence, after her discharge with a certificate

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of good behavior. —may be tried, if discharged for misbehavior.

If sentenced and not received, or if discharged for misbehavior, how punished. 1873, c. 141, § 6.

Trustees may refuse to receive, or may discharge any girl committed. 1873, c. 141, § 7. —their refusal to receive may be certified on the warrant of commitment. —if she is discharged, proceedings.

Precepts, how to be executed, and fees of officers. 1873, c. 141, § 8. See c. 116, §§ 2, 5.

Record of proceedings shall be filed with clerk of courts. 1873, c. 141, § 9.

—may appeal to supreme or superior court. See c. 132, § 15.

Age, parentage, birthplace and offence, must be certified on the mittimus. 1873, c. 63.

—certificate of girl's age, is evidence, and charges a town with the expenses.

Notice of commitment, how to be given by the officers of the school, to the town, liable. 1873, c. 63.

school during the term of her commitment, or is sooner discharged with a certificate of good behavior, shall thereafter be examined or tried on the suspended complaint or for the offence therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and punished according to law.

SEC. 24. If a girl of the age herein limited is found guilty of an offence punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or if discharged therefrom for misbehavior, to such punishment as the law provides for like offences.

SEC. 25. The trustees may refuse to receive any girl committed to said school under the two preceding sections, or may discharge any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Their refusal may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in said sections. If they discharge her, they shall set forth their reasons therefor in a warrant of discharge, and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

SEC. 26. Precepts issued in pursuance of the last thirteen sections of this chapter may be executed by any officer who may execute criminal process; and the fees of judges, justices and officers are the same as for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

SEC. 27. The judge or justice before whom a girl is brought under this chapter, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of the courts for the county, who shall file and preserve them in his office. A girl committed to the school may appeal from the order of commitment in the manner and to the court provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the appellate court.

SEC. 28. The court or justice by whom a girl is committed shall certify on the mittimus, her age, parentage, birthplace, the charge on which she is committed, and the city or town where she resided at the time of her arrest, so far as he can ascertain such particulars; and this certificate shall be evidence of her true age until otherwise proved, and shall be sufficient in the first instance to charge such city or town with her expenses at said school, at a sum not more than one dollar, nor less than fifty cents a week; but if she has no residence within the state, such expenses shall be paid by the State.

SEC. 29. The officers of said school, upon the commitment of any such girl, shall, in writing, notify the municipal officers or overseers of the poor of the city or town so liable, by mail or otherwise, of her name, the charge on which she is committed, and the duration of her sentence. Such notice, addressed to such municipal officers or overseers, and deposited, postpaid, in the post office at Hallowell, is sufficient; and at

any time after three months from the giving of such notice, the officers of said school may sue for and recover of such city or town, a sum not exceeding one dollar, nor less than fifty cents a week, for the expense of the clothing and subsistence of such girl to the time of suing therefor; and such city or town may recover the same of the parent or guardian of such girl, or of the city or town where she has her legal settlement.

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—expenses,
how to be
recovered of
the town.

SEC. 30. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as are suited to their sex, age, strength and disposition, and best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound.

Girls shall
be instructed
in certain
branches of
useful
knowledge.
1873, c. 141,
§ 12.

SEC. 31. Whoever aids or abets any girl committed to said school to escape therefrom, shall forfeit not exceeding one hundred, nor less than fifty dollars, or be imprisoned not exceeding sixty days.

Penalty, for
aiding a
girl to escape
from said
school.
1873, c. 141,
§ 13.

CHAPTER 143.

THE INSANE HOSPITAL.

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- 2. Trustees shall have the general management, hold property, make by-laws, commence and defend suits.
- 3. Appointment of superintendent, steward and treasurer, and assistants.
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- 5. Accounts of steward and treasurer, how audited and settled. Governor and council shall inquire into the financial affairs of the hospital.
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- SEC. 10. Duties of the steward and treasurer.

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- SEC. 11. Compensations, not established by law, shall be fixed by trustees.

DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

- SEC. 12. Duties of parents and guardians of insane minors.

DUTIES OF MUNICIPAL OFFICERS.

- SEC. 13. Municipal officers shall hear and decide cases, and commit to the hospital with a certificate; and shall keep a record of their doings.
- 14. May certify inability of relatives to pay for a patient's support, and, in such case, the steward may charge the State one dollar and fifty cents a week.