

MAINE STATE LEGISLATURE

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Chapter 95.

Workhouses and Houses of Correction.

Sections 1- 5. Workhouses.

Sections 6-15. Houses of Correction.

Workhouses.

Sec. 1. Workhouse provided by any town; persons liable to commitment.—Any town may erect or provide a workhouse for the employment and support of persons of the following description: all poor and indigent persons, maintained by or receiving alms from the town; all able-bodied persons not having estate or means otherwise to maintain themselves, who refuse or neglect to work; all who live a dissolute and vagrant life and exercise no ordinary calling or lawful business sufficient to gain an honest livelihood; and all such persons as spend their time and property in public houses to the neglect of their proper business, or by otherwise mispending what they earn to the impoverishment of themselves and their families are likely to become paupers. Any workhouse may, by vote of the town, be discontinued or applied to other uses. Until such workhouse is thus provided, the almshouse or any part thereof may be used for that purpose. (R. S. c. 83, § 1.)

Constitutionality of former commitment provisions.—See *Nott's Case*, 11 Me. 208, 120. overruled in *Portland v. Bangor*, 65 Me.

Sec. 2. Overseers of poor to have charge.—Such workhouse shall be in charge of the overseers of the poor of the town maintaining the same, who shall have the inspection and government thereof, with power to appoint a master and needful assistants for the more immediate care and superintendence of the persons received or employed therein. (R. S. c. 83, § 2.)

Sec. 3. Regulations.—The overseers, as occasion requires, shall hold meetings on the business of their office; and make needful orders and regulations for such house, to be binding until the next town meeting, when they shall be submitted to the consideration of the inhabitants; and such as are approved at said meeting shall remain in force until revoked by the town. (R. S. c. 83, § 3.)

Sec. 4. Persons not having legal settlement committed.—When any person, not having a legal settlement in any town in the state, becomes idle or indigent, he may be committed to the workhouse provided for the town in which he resides, to be employed, if able to labor, in the same manner and to be subject to the same rules as the other persons thereto committed. (R. S. c. 83, § 4.)

See c. 94, § 36, re overseers to complain of intemperate paupers.

Sec. 5. Inmates, if able, kept employed.—Every person committed to such workhouse, if able to work, shall be kept diligently employed during the term of his commitment. For idleness, obstinacy or disorderly conduct, he may be punished as provided by the lawful regulations of the house. (R. S. c. 83, § 5.)

Houses of Correction.

Sec. 6. Town may maintain a house of correction.—A town, at its own expense, may build and maintain a house of correction. Until such house of correction is so built, the almshouse or any part thereof may be used for that purpose. (R. S. c. 83, § 6.)

Sec. 7. Overseers of poor to have charge of house of correction.—Such house of correction shall be in charge of the overseers of the poor of the

town maintaining the same, who shall have the inspection and government of the same and may establish from time to time such rules and orders not repugnant to law as they deem necessary for governing and punishing persons lawfully committed thereto. When an almshouse is used for a house of correction, the master thereof shall be master of the house of correction; but in other cases the overseers thereof shall appoint a suitable master, removable at their pleasure, and may fix his compensation. The overseers, from time to time, shall examine into the prudential concerns and management of such house and see that the master faithfully discharges his duty. (R. S. c. 83, § 7.)

Sec. 8. Supplies of suitable food and clothing for persons committed.—Every person committed to such house of correction shall be supplied with suitable food and clothing and, if sick, with such medical attendance and care as the overseers order; and all expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the town where such prisoner has his legal settlement or by his kindred as hereinafter provided. (R. S. c. 83, § 8.)

Sec. 9. Persons committed to custody to work.—The master of such house may set to work all persons committed to his custody, so far as they are able, during the time of their confinement; and if their deportment renders it expedient, he may impose shackles or fetters to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor. (R. S. c. 83, § 9.)

Sec. 10. Insubordination; supply of food abridged.—If a prisoner is stubborn, disorderly, idle, refractory or refuses to perform his appointed task in a proper manner, the master may abridge his supply of food until he complies with the reasonable requirements of the master and overseers. (R. S. c. 83, § 10.)

Sec. 11. Actual paupers subject to extension of confinement.—Notwithstanding the payment of costs and expenses, if the prisoner has actually received relief as a pauper, the overseers of the poor where the house is or of the town to which he belongs, on complaint to the justice or court by whom he was committed, may procure an extension of the confinement for not more than 30 days at a time by the judge or justice; and such application may be renewed, if occasion requires it, on like complaint; and in all cases the prisoners shall be brought before the justice or court to answer to the complaint. (R. S. c. 83, § 11.)

Sec. 12. Pauper notice given to towns where prisoner has settlement.—Such masters shall, within 10 days after commitment of any person to such house of correction, give notice thereof to the overseers of the poor of the town where it is situated, and if the prisoner has actually received relief as a pauper, said overseers shall give the same notice thereof to the overseers of the poor of the town of his legal settlement as is required in other cases in which paupers become chargeable in places where they have no legal settlement. (R. S. c. 83, § 12.)

See c. 94, § 29, re overseers' notice and request to town liable.

Sec. 13. Earnings and expenditures of prisoners accounted for; excess earnings.—The master shall keep an exact account of the earnings of each prisoner and of the expense incurred for commitment and maintenance, specifying the time of his commitment and liberation, and present it, on oath, to the overseers of the poor of the town where such house is established, annually and oftener if directed; and the town may recover the amount of such expenses after deducting the earnings of the prisoner from the town where such prisoner has his legal settlement. If such account shows the earnings of such prisoner to exceed the expenses incurred for commitment and maintenance of said prisoner, such ex-

cess may be paid by the overseers of the poor to or for the benefit of the dependent family or kindred of said prisoner. (R. S. c. 83, § 13.)

For cases concerning a former statute incurred, see *Weymouth v. Gorham*, 22 Me. 385; *Gilman v. Portland*, 51 Me. 457. giving the master of the house of correction an action at law to recover expenses

Sec. 14. Remedy against kindred.—If there are kindred, obliged by law to maintain the prisoner as provided in section 20 of chapter 94, such master, or the town obliged to pay his account, has the same remedy against such kindred as is provided in that chapter for towns incurring expense for relief and support of paupers. (R. S. c. 83, § 14.)

Sec. 15. Persons committed only on conviction.—Persons shall be committed to workhouses, or houses of correction, only upon conviction of the offenses, acts or conditions for which such commitments are by law authorized before some municipal court or trial justice. Commitments to workhouses may be for terms of not more than 3 months. (R. S. c. 83, § 15.)

See c. 2, §§ 1, 2, re notice to U. S. immigration officers of aliens committed; c. 25, § 390, re notice of births and deaths.