

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

THIRTY-SECOND LEGISLATURE.

HOUSE.]

[No. 18.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-THREE.

AN ACT to establish the State Reform School.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. There shall be established in the town
2 of Cape Elizabeth, in the county of Cumberland, on
3 land conveyed to the state for that purpose, a school
4 for the instruction, employment and reform of juvenile
5 offenders, to be called the State Reform School ; and
6 the government of said school shall be vested in a
7 board of five trustees, to be appointed by the governor
8 by and with the advice of the council.

SECT. 2. It shall be the duty of said trustees to take
2 charge of the general interests of the institution ; to
3 see that its affairs are conducted in accordance with
4 the requirements of the legislature, and of such by-
5 laws as the board may from time to time adopt for
6 the orderly and economical management of its con-
7 cerns ; to see that proper discipline is maintained
8 therein ; to provide employment for the inmates, and
9 bind them out, discharge or remand them as is here-
10 inafter provided ; to appoint a superintendent, and
11 such other officers, as in their judgment the wants of
12 the institution may require ; to prescribe the duties of
13 all the officers thereof ; to exercise a vigilant super-
14 vision over its concerns ; to remove its officers at
15 pleasure and appoint others in their stead ; and to
16 determine the compensation to be allowed the officers
17 respectively—subject in all cases to the approval of
18 the governor and council. The trustees shall also
19 prepare, and submit to the inspection of the governor
20 and council, a code of by-laws, which shall not be
21 valid until sanctioned by them.

SECT. 3. As soon as the governor shall have been
2 notified by the commissioners appointed under a re-
3 solve “ for erecting the State Reform School build-

4 ings" that said buildings are prepared for occupancy,
5 he shall forthwith issue his proclamation giving public
6 notice of the fact.

SECT. 4. After proclamation shall have been made
2 as provided in the third section of this act, when any
3 boy or youth under the age of eighteen years shall be
4 convicted of any offense known to the laws of
5 this state, and punishable by imprisonment, other
6 than such as may be punished by imprisonment for
7 life, the court, (or justice, as the case may be,)
8 before whom such conviction shall be had, may at
9 their discretion, sentence such boy or youth to the
10 State Reform School, or to such punishment as
11 is now provided by law for the same offense. And
12 if the sentence shall be to the Reform School, then
13 it shall be in the alternative, to the State Reform
14 School, or to such punishment as would have been
15 awarded if this act had not been passed. *Provided,*
16 *however,* that no justice of the peace shall sentence to
17 the Reform School for the offense of assault and
18 battery.

SECT. 5. Any boy or youth, so convicted and sent
2 to said school, shall there be kept, disciplined, in-
3 structed, employed, and governed under the direction

4 of said board of trustees until the term of his sentence
5 shall have expired, or until he shall be either reformed
6 or discharged, or shall be bound out by said trustees
7 according to their by-laws, or shall be remanded to
8 prison under the sentence of the court as incorrigible,
9 upon information of the trustees as hereinafter pro-
10 vided.

SECT. 6. If any boy or youth shall, upon any con-
2 viction, be sentenced to the said school, and the trus-
3 tees shall deem it inexpedient to receive him, or if he
4 shall be found incorrigible, or his continuance in the
5 school shall be deemed injurious to the management
6 and discipline thereof, they shall certify the same upon
7 the mittimus by virtue of which he is held, which mit-
8 timus, together with the convict, shall be delivered to
9 the sheriff of any county, or his deputy, or to the con-
10 stable of any town, who shall forthwith commit said
11 boy or youth to the jail, house of correction, or state
12 prison, as the case may be, in pursuance of the alter-
13 native sentence provided for in the preceding section
14 of this act.

SECT. 7. All commitments of boys or youth to this
2 institution, of whatever age when committed, shall be
3 for a term not longer than their minority, nor less

4 than one year, unless sooner discharged by order of
5 the trustees as hereinbefore provided ; and whenever
6 any boy or youth shall be discharged therefrom by the
7 expiration of his term of commitment, or as reformed,
8 or as having arrived at the age of twenty-one years,
9 such discharge shall be a full and complete release
10 from all penalties and disabilities which may have
11 been created by such sentence.

SECT. 8. The trustees shall have power to bind out
2 all boys committed to their charge for a term of time,
3 during the period for which they shall have been com-
4 mitted as apprentices to any inhabitants of this state ;
5 and the said trustees, and master or mistress, and ap-
6 prentice, shall respectively have all the rights and
7 privileges, and be subject to all the duties now pro-
8 vided by law, in the same manner as if said binding
9 or apprenticing were made by overseers of the poor.

SECT. 9. The trustees shall cause the boys and
2 youth under their charge to be instructed in such
3 branches of useful knowledge as shall be adapted to
4 their age and capacity ; they shall also be instructed
5 in some regular course of labor, either mechanical,
6 manufacturing, agricultural or horticultural, or a com-

7 bination of these, as shall be best suited to their age
8 and strength, disposition and capacity; also such
9 other arts and trades as may seem to them best
10 adapted to secure the reformation, amendment and
11 future benefit of the boys; and in binding out the in-
12 mates, the trustees shall have scrupulous regard to the
13 character of those to whom they are bound, to the
14 end, that they may secure to the boys the benefit of a
15 good example and wholesome instruction, and other
16 means of improvement in virtue and knowledge, and
17 thus, the opportunity of becoming intelligent, moral
18 and useful citizens of the state.

SECT. 10. The superintendent, with such other
2 officers as the trustees may appoint, shall have the
3 charge and custody of the inmates. He shall him-
4 self be a constant resident at the institution, and shall
5 discipline, govern, instruct and employ, and use his
6 best endeavors to reform the inmates, in such man-
7 ner, as while preserving their health, will secure the
8 formation, as far as possible, of moral and industrious
9 habits, and regular progress and improvement in their
10 studies, trades and various employments.

SECT. 11. The superintendent shall have the

2 charge of the lands, buildings, furniture, tools, imple-
3 ments, stock and provisions, and every other species
4 of property pertaining to the institution within the
5 precincts thereof. He shall, before he enters upon
6 the duties of his office, give a bond to the state, with
7 sureties satisfactory to the governor and council, in
8 the sum of two thousand dollars, conditioned that he
9 shall faithfully account for all moneys received by
10 him as superintendent, and faithfully perform all the
11 duties incumbent on him as such. He shall keep in
12 suitable books, regular and complete accounts of all
13 his receipts and disbursements, and of all property
14 entrusted to him, showing the income and expenses
15 of the institution; and he shall account in such man-
16 ner, and to such person as the trustees shall direct,
17 for all moneys received by him, from the proceeds of
18 the farm, or otherwise. His books, and all docu-
19 ments relating to the school, shall at all times be
20 open to the inspection of the trustees, who shall at
21 least once in every six months carefully examine the
22 said books and accounts, and the vouchers and docu-
23 ments connected therewith, and make a record of
24 the result of such examination. He shall keep a

25 register, containing the name and age of each boy
26 and youth, and the circumstances connected with
27 his early history; and he shall add such facts as may
28 come to his knowledge relating to the subsequent
29 history of such boy or youth, while at the institution,
30 and after he shall have left it.

SECT. 12. All contracts on account of the institu-
2 tion shall be made by the superintendent in writing,
3 and when approved by the trustees, if their by-laws
4 require it, shall be binding in law, and the superin-
5 tendent, or his successor, may sue or be sued thereon
6 to final judgment and execution; and no such suit
7 shall abate by reason of the office of superintendent
8 becoming vacant pending such suit, but any success-
9 or of the superintendent may take upon himself the
10 prosecution or defense thereof, and upon motion of
11 the adverse party, and notice, he shall be required to
12 do so.

SECT. 13. The board of trustees shall be appointed
2 at any time previous to the first of November next,
3 and when the governor shall have made proclamation
4 that the buildings are ready for occupancy, the insti-
5 tution shall be at once in their charge.

SECT. 14. When two years shall have expired after
2 the first appointment of a board of trustees, two trus-
3 tees shall be appointed annually ; and for this purpose
4 the places of the two senior members as they stand
5 arranged in their commission, shall be thereafter an-
6 nually vacated. The trustees shall be allowed ten
7 cents per mile for travel each way, by them actually
8 performed, and two dollars per day as compensation
9 for their services.

SECT. 15. One or more of the trustees shall visit
2 the school at least once in every four weeks, at which
3 time the inmates shall be examined in the school room
4 and work shop, and the register shall be inspected.
5 A record shall be regularly kept of these visits in the
6 books of the superintendent. Once in every three
7 months, the school in all its departments shall be thor-
8 oughly examined by a majority of the board of trustees,
9 and a report made, showing the results of these ex-
10 aminations. Annually, in the month of December,
11 an abstract of these quarterly reports shall be pre-
12 pared, which, together with a full report by the
13 superintendent, stating particularly among other things
14 the offense for which each pupil was sentenced and

15 his place of residence, shall be laid before the gov-
16 ernor and council, for the information of the legisla-
17 ture. A financial statement, furnishing an accurate
18 detailed account of the receipts and expenditures for
19 the year terminating on the last day of the month of
20 November next preceding, shall be also furnished.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, Feb. 25, 1853.

ORDERED, That 350 copies of the foregoing Bill, reported by the Committee on the Judiciary, be printed for the use of the Legislature.

A. B. FARWELL, *Clerk.*