

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

THIRTY-FOURTH LEGISLATURE.

HOUSE.

No. 7.

STATE OF MAINE.

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

AN ACT to amend Chapter 173 of the Revised Statutes
and Chapter 136 of the public laws for the year 1849.

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

SECT. 1. Any Justice of the Supreme Judicial
2 Court or any two Justices of the Peace and Quorum
3 within and for the County where any person is
4 confined by the provisions of the first and second
5 sections of the act, Chapter one hundred and seventy-
6 three of the Revised Statutes, may discharge such
7 person from confinement on satisfactory proof that

8 his or her going at large will not be dangerous to the
9 safety of the citizens and peace of the State.

SECT. 2. Said Justice of said Supreme Judicial
2 Court, or two Justices of the Peace and Quorum
3 may on application of any friend of such insane,
4 commit said insane person to the custody and safe
5 keeping of such friend, said applicant first giving
6 bond with sufficient sureties to the Judge of Probate
7 for said county, conditioned for his or her safe keep-
8 ing and for the payment of all damages which any
9 person may sustain by reason of the acts of said
10 insane person; said bond to be approved by the Jus-
11 tice of said Court or said Justices of the Peace and
12 Quorum.

SECT. 3. The Justices of the Peace and Quorum,
2 as provided in first and second sections of this act,
3 shall be chosen one by the friends of the person con-
4 fined under the provisions of the first and second
5 sections of the act, Chapter 173, Revised Statutes,
6 and one by the Trustees of the Insane Hospital.
7 Section 4, Chapter one hundred and thirty-six of the
8 public laws approved August 14, 1849, is hereby
9 amended, by striking out in the eleventh line the

10 words, "District Court or" and inserting after the
11 words "Judicial Court" in the twelfth line the words
12 "or any patient afflicted with homicidal insanity,"
13 and the clause will then read,—“ Provided however,
14 that no person committed by order of the Supreme
15 Judicial Court, or any patient afflicted with homicidal
16 insanity shall be removed under the provisions of this
17 act.”

SECT. 5. The third, fourth, fifth and sixth sections
2 of Chapter one hundred and seventy-three, Revised
3 Statutes, are hereby repealed.

SECT. 6. This act shall take effect and be in force
2 from and after its approval by the Governor.

IN SENATE, February 8, 1855.

This Bill, having had two several readings, passed to be engrossed.

LOUIS O. COWAN, *Secretary.*

STATE OF MAINE.

CHAPTER 173, of the Revised Statutes.

AN ACT as to the disposal of Insane persons when prosecuted for crimes or offences.

SECTION 1. When any person, indicted for any crime, shall be acquitted by the jury of trials, by reason of insanity or mental derangement, they shall state that fact to the court when they return their verdict; and when the grand jury shall, for the same reason, omit to find an indictment against any person, who has been arrested by legal process to answer for any crime or offence, they shall certify to the court the above mentioned reason for such omission; and the court shall have power to commit such person to prison, or the insane hospital, there to remain until restored to his right mind, or otherwise delivered by due course of law.

SECT. 2. And the person so committed, shall be kept in prison, or the insane hospital, at his own expense, if he have sufficient property for the purpose; otherwise, of the person or town that would have been chargeable for his maintenance, if he had not been committed; and if he have no settlement in any town in this State, then at the expense of the State.

SECT. 3 Any justice of the supreme judicial court, or of the district court, or any two justices of the peace and quorum, within and for the county where such person is kept as aforesaid, may discharge such person from confinement, on satisfactory proof, that

his going at large will not be dangerous to the safety of the citizens and peace of the State.

SECT. 4. Upon application of any friend of such insane person, to any justice of either of said courts, or to two justices of the peace and quorum within and for the county in which such insane person is confined, he or they may commit such insane person to the custody and safe keeping of such friend, such applicant first giving bond with sufficient sureties, to the judge of probate for said county, conditioned for his safe keeping and for the payment of all damages which any person may sustain by reason of the acts of such insane person; such bond to be approved by the justices of the court, or said two justices.

SECT. 5. Any justice of either of said courts, or any two justices of the peace and quorum within such county, may, on application in writing, of the overseers of the poor of the town, chargeable with the maintenance of such insane person, order him to be delivered to such overseers, if it shall appear that such town has provided a safe and convenient place for keeping him.

SECT. 6. The town, whose overseers shall have taken the custody of such insane person, shall be responsible for his safe keeping until his lawful liberation, and for all damages which any person may receive by reason of the acts of such insane person, if suffered to go at large, without written permission as aforesaid.

STATE OF MAINE.

CHAPTER 136, of the Public Laws for the Year 1849.

AN ACT for the government of the Insane Hospital.

When any insane person shall have been in the insane hospital six months, any friend or person liable for his or her support, or any city or town supporting such patient, may, if they think the patient unwarrantably detained, apply to the selectmen of the town or mayor and aldermen of the city, or the assessors of the plantation in which the patient resides, whose duty it shall be to inquire into the case and summon before them such testimony as they may deem proper; and their decision and order shall be binding on the parties. They shall tax legal costs and determine who shall pay them: *provided, however*, no person committed by order of the district court or supreme judicial court shall be removed under the provisions of this act. All acts inconsistent with this act are hereby repealed.

[*Approved August 14, 1849.*]

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 10, 1855. }

ORDERED, That the foregoing Bill, reported by the committee on the Judiciary, be laid on the table, and 350 copies of the bill together with the sections proposed to be repealed or modified, be printed for the use of the Legislature.

H. K. BAKER, *Clerk.*