

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:

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1855.

THIRTY-FOURTH LEGISLATURE.

SENATE.

NO. 3.

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. That chapter one hundred seventy-
2 three of the Revised Statutes be and is hereby
3 amended as follows : in Section 3, by striking out in
4 the first, second and third lines, the words "or of the
5 District Court, or any two Justice of the Peace and
6 Quorum, within and for the county where such per-
7 son is kept as aforesaid," so that said section will read

8 as follows, viz : “any Justice of the Supreme Judicial
9 Court may discharge such person from confinement on
10 satisfactory proof,” &c.

Also, by striking out in the fourth Section in the
12 second, third and fourth lines, the words “either of
13 said Courts or to two Justices of the Peace and
14 Quorum within and for the county in which such
15 insane person is confined, he or they,” and insert in
16 the second line after the words “any Justice of” the
17 words “the Supreme Judicial Court, he”; also by
18 striking out the word “said” in the seventh line and
19 substituting the word “the” and adding after the
20 word “county” in the seventh line, the words “in
21 which such insane person is confined.” Also, by
22 striking out in the last line of said Section the words
23 “the Justices of the,” and the words, “or said two
24 Justices” and inserting after the words “approved by
25 the,” the words “a Justice of said”; so that the sec-
26 tion thus amended will read as follows, viz : “Upon
27 application of any friend of such insane person to
28 any Justice of the Supreme Judicial Court, he may
29 commit such insane person to the custody of such
30 friend, such applicant first giving bond to the Judge

31 of Probate for the county in which such insane person
32 is confined, conditional for his safe keeping, and for
33 the payment of all damages which any person may
34 sustain by reason of the acts of such insane person,
35 such bond to be approved by a Justice of said Court.”

Also to amend the fifth section by striking out in
37 the first and second lines, the words “either of said
38 Courts, or any two Justices of the Peace within such
39 county,” and inserting instead thereof, the words “the
40 Supreme Judicial Court;” and adding at the end of
41 said section, the words following: “Provided however,
42 that said Justice may examine testimony in addition
43 to the certificate of the Superintendent of the Insane
44 Hospital to prove that such person is afflicted with
45 homicidal insanity; and if it appear to the satisfaction
46 of said Justice, that he is so afflicted, it shall be the
47 duty of said Justice to order him to remain in said
48 Hospital if there, or to be remanded to it, if not there,
49 for safe keeping.”

Said fifth section will then read as follows, viz :
51 “Any Justice of the Supreme Judicial Court, may, on
52 application in writing of the overseers of the poor of the
53 town chargeable with the maintenance of such insane

54 person, order him to be delivered to such overseers, if
55 it shall appear that such town has provided a safe and
56 convenient place for keeping him. Provided however,
57 that said Justice may examine testimony in addition
58 to the certificate of the Superintendent of the Insane
59 Hospital, to prove that such person is afflicted with
60 homicidal insanity ; and if it appear to the satisfaction
61 of said Justice, that he is so afflicted, it shall be his
62 duty to order him to remain in said Hospital if there,
63 or remanded to it, if not there, for safe keeping.

SECT. 2. That chapter one hundred thirty-six
2 of the public laws approved August 14, 1849, be
3 amended by striking out in the eleventh line, the
4 words, " District Court or," and by inserting after the
5 words "Judicial Court" in the twelfth line, the words,
6 "or any patient afflicted with homicidal insanity;" and
7 the clause will then read, "Provided however, that no
8 person committed by order of the Supreme Judicial
9 Court, or any patient afflicted with homicidal insan-
10 ity, shall be removed under the provisions of this act."

STATE OF MAINE.

IN SENATE, January 26, 1855.

O r d e r e d, That this bill be laid upon the table, and 350 copies printed for the use of the Legislature.

LOUIS O. COWAN, *Secretary*.