

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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SENATE.

No. 13.

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## MEMORIAL.

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*To the Honorable Senate and House of  
Representatives in Legislature assembled :*

GENTLEMEN :—Agreeably to authority granted by the act of incorporation passed at the last Legislature, the corporators of the Maine Industrial School for Girls met at the Mayor's office in Portland the twelfth day of November last, and upon acceptance of the act of incorporation, effected a permanent organization by the choice of a President, Secretary, Treasurer, and six Directors, who together with the State officials provided for in the act, are to constitute a Board of Management.

Although it is proposed to rely mainly upon the benevolence of private individuals for the promotion of this charity, yet the State at large cannot be unmindful of the unfortunate class designed to be benefitted, or ignore its obligations to those of its children who for want of watchful care may be forever consigned to lives of vice and shame. They are to be found in all our cities and larger villages, and not unfrequently in the remoter rural districts, oftentimes mere waifs in the midst of human society, yet already becoming adepts in petty crimes, and destined soon to become fit subjects for severe prison discipline. The necessity personal and public security involves *compels* us in the later development of these vicious habits and worse practices, to secure ourselves against the perpetrators thereof at a greatly increased expense to the municipality and State, for the humane magistrate revolts at the idea of sending these mere children to the work-house or jail, where they will only be afforded increased opportunities to strengthen their evil habits by association with hardened criminals. As the consequence, they are from time to time turned adrift, slowly but surely to become festering sores in the body politic,

tainting the moral atmosphere with the infections they breathe in the pest houses of crime.

The State has seen fit in the exercise of a wise and prudent economy to establish a reformatory institution for wayward and viciously inclined boys, and supports it by a yearly appropriation of some thousands from its public funds, and the results are such as to warrant the continuance of this policy ; but of ten-fold more consequence is the restraint and reclamation of those poor and neglected girls, who otherwise would become the outcasts of society, luring their tens and thousands from the path of virtue. The observation and experience of Solomon most graphically paints the picture of her vices when he says, "Her feet go down to death, her steps take hold on hell. Her house is the way to hell, going down to the chambers of death."

Woman is the charm or the destroyer of social life ; its central idea is a home ; the heart of home is a mother, and if the life it gives springs from a pure and noble virtue, is nourished by a sweet and loving spirit, then its associations are hallowed indeed ; but, if on the other hand desire and lust have in its midst a hot-bed of crime, where are engendered the baser passions of human life, it will have a poison, mushroom existence, devoid of shame or restraint—"there is death in the pot." It is to secure the former state and avoid the latter, that the friends of humanity during the present century have endeavored to lessen vice and crime by removing its causes, and thus improve and elevate the general tone of society ; and to such an extent have they succeeded in their efforts, that the State, ashamed to be behind the citizen, has seconded these reformatory movements by official recognition and the bestowment of public funds.

More than a half century has elapsed since the establishment of reformatory institutions in this country, and their usefulness has passed beyond cavil. The results of the experiments in both the old world and the new, exceed the most sanguine expectations of the projectors. For a long time boys only were considered of sufficient importance to be their beneficiaries, but a broader philanthropy and truer philosophy at length prevailed, and erring, neglected girls were deemed to be worth reclaiming.

In 1849 the first movement in behalf of a Reform School for Girls was made in Massachusetts, but it was not till 1856 that the school at Lancaster was opened and its name afterwards changed to Industrial School for Girls. In 1867 a similar movement was

made in this State and in Connecticut. The Connecticut school went into operation January, 1870. In our own State the subject has been referred from Legislature to Legislature till at the last session, an act of incorporation was passed, but no material support rendered.

Meanwhile the subject is more and more in the minds and hearts of those who have to do with the welfare of community. Municipal and police judges demand that something be done to relieve them from the anomalous position they are forced to assume in the administration of justice by disregarding the strict penalty of the law because they are unwilling to consign its youthful victims to a worse infamy and shame. Wherever population is accumulating as in our cities and manufacturing centers, the necessity for providing some additional means of restraint and reform for this class of offenders is becoming every day more apparent to all good citizens, and is seconded by their municipal governments.

Informal proposals for the location of the school have from time to time been made, but never in any tangible form. The Governor in his last message calls your attention to a proposition received by him from two benevolent ladies of Hallowell, which is really munificent, assuring to the school the sum of ten thousand dollars and a location. The latter is one of the most eligible sites to be found in the State, and is coupled with the sole condition that the school be suitably endowed.

The managers on visiting the premises were so favorably impressed with the advantages of this offer and the generosity of the donors, that they decided at once to accept the propositions made and now appeal to you and the benevolent of the State for further aid. They will indeed go forward and make a beginning, but they want to feel the assurance that the whole State is interested in the movement, and that at least the partial support of the unfortunate ones who may be committed to their care, is to be provided for in some way at the public expense. We confidently believe that such an assurance will be given though only to a moderate extent; that a recognition will not be denied, but such additions be made to our statutes as will formally provide for the custody and keeping of those we seek to benefit.

To these ends we present for your respectful consideration the accompanying resolve, and the bill herewith submitted.

In behalf of the Board of Managers.

BENJAMIN KINGSBURY, JR., *President.*

EDWIN R. FRENCH, *Secretary.*

## STATE OF MAINE.

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RESOLVE in favor of the Maine Industrial School for  
Girls.

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WHEREAS, the managers of the Maine Industrial  
2 School for Girls have received a very advantageous  
3 offer from two ladies of Hallowell for the location of  
4 the school near that city, insomuch that they feel con-  
5 strained to accept it, proceed to put the school in  
6 operation immediately ; and

7 WHEREAS, the offer of a location is coupled with the  
8 condition that said school be suitably endowed ; there-  
9 fore,

*Resolved*, That whenever the managers of the Maine  
2 Industrial School for Girls shall secure the sum of  
3 twenty thousand dollars by donation of real or personal  
4 estate and in *bona fide* subscriptions of money, and  
5 deposit certificates of the same with the governor and  
6 council, the governor and council are hereby author-  
7 ized to draw their warrant on the state treasurer to  
8 the amount of five thousand dollars in favor of said  
9 managers, to be by them expended for the mainten-  
10 ance and support of said school, with the advice and  
11 consent of the governor and council.

# STATE OF MAINE..

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

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## AN ACT relating to the Maine Industrial School for Girls.

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

SECTION 1. The parent or parents of any girl between the age of seven and fifteen years, or her lawful guardian, or if there be no such parent or parents, the selectmen or any three respectable inhabitants of the town where such girl is found, may present a written complaint to the judge of probate or any trial justice within the county, or judge of any municipal or police court of any city where the said girl is found, alleging that she has committed any offence punishable by fine or imprisonment, or both, other than imprisonment for life ; or that she is leading an idle, vagrant, or vicious life, or that she has been found in circumstances of manifest danger of falling into habits of vice, or immorality, praying that such girl be committed to

15 the guardianship of the Maine Industrial School for  
16 Girls, which complaint shall be signed by the com-  
17 plainant or complainants ; such court shall thereupon,  
18 if the circumstances of the case require, order notice  
19 to be given to such person or persons, if any, as in his  
20 judgment ought to be heard, to be present at the hear-  
21 ing of such complaint ; the court on being satisfied of  
22 the truth of the allegations in such complaint, may  
23 order such girl to be committed to the custody and  
24 guardianship of said corporation, during her minority,  
25 unless sooner discharged by due process of law, and if  
26 said offences are punishable by imprisonment, other  
27 than imprisonment for life, or belong to the class  
28 specified in the first section of this act, said girl may  
29 be sentenced by the court before which conviction shall  
30 be had, or any court holding criminal jurisdiction in  
31 this state, to the Maine Industrial School for Girls, or  
32 to such punishment as is provided by law for the same  
33 offense, and if the sentence shall be to the State  
34 Industrial School, then it shall be in the alternative to  
35 such school, or to such punishment as would have been  
36 awarded if said school had not been established, and  
37 said court may issue warrant directed to the sheriff of  
38 some county, or either of his deputies, or the constable  
39 of any town, or marshal of any city, to carry such  
40 order into effect.

SECT. 2. Any parent or guardian may commit a girl  
2 to the said school for such a term as may be agreed  
3 upon by the parties and the managers of the school,  
4 upon the certificate of any court having jurisdiction  
5 under the first section of this act, after a full hearing  
6 of the cause that the girl is a suitable subject for its  
7 care, and on condition that the said parent or guardian  
8 shall pay the expenses of said girl while at the school,  
9 on terms mutually agreed upon, which terms shall be  
10 uniform, and sufficient in all cases to cover the ex-  
11 penses of the girl while at the said school, which  
12 agreement may be enforced by the managers.

SECT. 3. The managers, or any three or more of  
2 them, may discharge from said school and return to  
3 her parent or parents, or to her guardian, or to the  
4 selectmen of the town, any girl whose continuance  
5 shall in their judgment be prejudicial to the welfare of  
6 said school, or who for any reason in their judgment  
7 ought not to be continued therein; or in case the girl  
8 was committed to said school for any offense or offenses  
9 punishable by fine or imprisonment, or both, as an  
10 alternative, the said managers may certify their refusal  
11 and reasons therefor, upon the mittimus by virtue of  
12 which she is held, which mittimus, together with  
13 the girl, shall be delivered to the sheriff of any county  
14 or either of his deputies; or to the constable of any



15 town, or marshal of any city of this state, who shall  
16 forthwith commit the girl to the house of correction or  
17 jail, as the case may be, in pursuance of the alterna-  
18 tive sentence provided in section one of this act.

SECT. 4. The managers shall have full power and  
2 authority at any time after such commitment, to bind  
3 to service, or apprentice any girl by any court so com-  
4 mitted to said school, for any period of time not ex-  
5 ceeding her commitment, upon such terms and condi-  
6 tions as they shall deem reasonable and proper, to be  
7 inserted in the articles of service, and the master or  
8 mistress to whom the girl is bound, shall by the terms  
9 of the indenture, be required to report to the managers  
10 as often as once every six months her conduct and  
11 behavior, and whether she is living under his or her  
12 care, and if not where she is. They shall be the  
13 guardians of every girl so bound or held for service ;  
14 shall take care that the terms of the contract are  
15 faithfully fulfilled, and that she is properly treated ;  
16 and the managers, master or mistress and apprentice,  
17 shall have all the rights and privileges, and be subject  
18 to all the duties and penalties provided by law for  
19 apprenticing by overseers of the poor.

SECT. 5. Any person receiving an apprentice under  
2 the provisions of this act, shall not assign or transfer  
3 the indenture of apprenticeship, nor let out her ser-

4 vices for any period, without the consent in writing of  
5 the managers. If the master or mistress for any cause  
6 desires to be relieved from the contract, the managers  
7 upon application may in their discretion cancel the  
8 indenture and resume the charge and management of  
9 the girl, and shall have the same power and authority  
10 in regard to her as before the indenture was made ;  
11 and upon the death of the master or mistress to whom  
12 a girl is so bound to service, their executor or admin-  
13 istrator, with the consent of the girl in writing,  
14 acknowledged by her and approved by the managers,  
15 may assign the indenture to some other person, which  
16 assignment shall transfer to and vest in the assignee  
17 all rights and subject him or her to all responsibilities  
18 of the original master or mistress.

. SECT. 6. The judge of any court having jurisdiction,  
2 or any trial justice before whom any girl is brought  
3 under the provisions of sections one and two of this  
4 act, shall make a brief record in the premises and  
5 transmit the same with all the papers in the case, to  
6 the supreme court and the clerk thereof in the county  
7 in which such proceedings are had ; shall file and pre-  
8 serve the same in his office. Any girl ordered to be  
9 committed to the school, may appeal from such order  
10 in the manner provided in respect to appeals from trial  
11 justices, and the case shall be entered, tried and

12 finally determined in the court to which the appeal is  
13 made. Whenever any girl is discharged from the  
14 school at the expiration of her sentence, or as reformed,  
15 it shall be a full and complete release from all penal-  
16 ties and disabilities created by her sentence.

SECT. 7. The fees and compensations allowed to  
2 judges and justices under this act, shall be the same  
3 as are by law allowed to trial justices, and all officers  
4 serving precepts shall be allowed the same fees as they  
5 are entitled to for serving precepts in criminal pro-  
6 ceedings.

SECT. 8. When any girl between the age of seven  
2 and fifteen years is convicted of any offense set forth  
3 in section one of this act, and committed to the Indus-  
4 trial School, the expenses of clothing and subsistence,  
5 not exceeding one dollar per week, shall be defrayed  
6 by such city or town where such girl resides at the  
7 time of her commitment, if within the state, but if she  
8 resides beyond its limits then such expense shall be  
9 paid by the state ; but if the offense for which she is  
10 committed is punishable by fine or imprisonment or  
11 both, in the alternative, then the said expenses shall  
12 be chargeable to the county in which the court convict-  
13 ing holds jurisdiction, or to the state as aforesaid, at  
14 the same rate per week as is allowed for criminals in  
15 the county jail or house of correction.

SECT. 9. The court or justice committing any girl  
2 under this act shall ascertain by such proof as may be  
3 in his power, and endorse on the mittimus the age,  
4 parentage, birthplace, offence, and such other facts  
5 relating to said girl as may aid in her proper care and  
6 instruction in the school, and the age thus ascertained  
7 shall be deemed and taken as the true age of the girl,  
8 and certify the city or town in which such girl resides,  
9 if known, and such certificate shall be *prima facie*  
10 evidence in the first instance to charge such city or  
11 town with her expenses in said school as in section  
12 eight in this act. The superintendent shall notify the  
13 aldermen of any city, the selectmen of any town or the  
14 commissioners of any county so liable, by mail or  
15 otherwise, of the name of the girl committed, the  
16 offense of which she is charged and the duration of  
17 her sentence. Such written notice shall be sufficient  
18 when duly made, superscribed and directed to the said  
19 aldermen, selectmen, or commissioners, the postage  
20 pre-paid and deposited in the post office in Hallowell.  
21 At any time after three months from the giving of such  
22 notice, the superintendent may in his own name, for  
23 the use of the corporation, sue for and recover of such  
24 city or town the expenses of clothing and subsistence  
25 of such girl, not exceeding one dollar per week, to the  
26 time of his commencing a suit therefore; and such

27 city or town may recover the money paid by them of  
28 the parent, master or guardian of such girl, or of the  
29 city or town in which she has a legal settlement.

SECT. 10. Every person who shall in any way aid  
2 or abet any girl committed to said school to escape  
3 therefrom, shall upon conviction thereof pay a fine not  
4 exceeding one hundred dollars, nor less than fifty dol-  
5 lars, or suffer imprisonment in the county jail for a  
6 period not exceeding sixty days, at the discretion of  
7 the court trying the same.

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## STATE OF MAINE.

IN SENATE, January 23, 1873.

Presented by Mr. BURGESS of Cumberland, and on his motion  
laid on the table and ordered\*printed.

SAMUEL W. LANE, *Secretary.*