

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE,

PASSED BY THE LEGISLATURE,

AT ITS SESSION, WHICH COMMENCED ON WEDNESDAY, THE
THIRTY-FIRST DAY OF MAY, AND ENDED ON THE
TWENTY-EIGHTH DAY OF JUNE, A. D. 1820.

TO WHICH IS PREFIXED,

THE

CONSTITUTION OF THE STATE.

Published agreeably to a Resolution of June 23, 1820.

PORTLAND :

PRINTED BY FRANCIS DOUGLAS, PRINTER TO THE STATE.

1820.

CHAPTER XXII.

AN ACT relating to the punishment of convicts.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That, whenever any person convicted of any crime or offence whatever, shall be duly sentenced therefor to solitary imprisonment and confinement to hard labor by any Court of this State or of the United States, the Court before whom such conviction shall be had, may order the sentence to be executed in the common gaol or house of correction of the county in which the offence shall have been committed. And the keeper of such gaol or house of correction is hereby authorised and required to execute such sentence of solitary imprisonment, by confining the convict in one of the cells of the gaols or house of correction, if any such there be, and if there be none, then in the most retired and solitary part of the prison or house of correction; and during the time of such solitary confinement, the convict shall be fed on bread and water only, unless other food shall be necessary for the preservation of his or her life; and no intercourse shall be allowed with such convict, except for the conveyance of food or other necessary purposes.

Sentence of imprisonment to be executed in county gaol.

Gaoler directed.

Treatment of convicts in solitary confinement.

SECT. 2. *Be it further enacted,* That the keeper of the gaol or house of correction, to which such convict shall be committed, after the term of solitary imprisonment, shall furnish the convict with tools and materials to work with, in any suitable manner in which his or her time can be usefully and profitably employed, either in the gaol or house of correction, or within the close yard thereof in the day time; and such convict, when set to work in the yard, shall be confined with a log and chain, or in such other manner, as shall prevent his or her escape, without unnecessarily producing bodily pain, or interrupting his or her labor. And it shall be the duty of the Sheriff in each county to oversee the execution of all such sentences, and to make such rules and regulations, from time to time, as may best effect the purposes of this act, and to cause the same to be duly executed; and all such rules and regulations shall be reported to the Court of Sessions of the county within which the gaol or house of correction is situated, and they may be altered or repealed by said Court, as they shall see fit. And it shall be the duty of the keeper of such gaol or house of correction, to report to the said Court at every session thereof within his county, the names and condition of all such convicts in the gaol or house of correction, and the manner in which they are treated and employed. And if any convict during the time for which he or she is sentenced to hard labor, shall refuse or neglect, without any reasonable excuse therefor

Gaoler to furnish tools, &c.

Convicts to wear log and chain in certain cases.

Duty of Sheriff.

Rules of gaol to be submitted to court of sessions.

Gaoler to report

Refractory convicts to be punished.

to labor as aforesaid, when tools and materials for that purpose are furnished, such convict so long as he or she shall so refuse, shall be kept on bread and water, and be confined to solitary imprisonment in the manner provided in the first section of this act.

Gaoler to keep an account of the proceeds of labor.

And report the sums to the court of sessions.

If proceeds of labor exceed the cost of materials and expences.

Balance be paid the convicts.

Or to his family.

Charge of convicts to be paid by the State.

Courts may order funds to be advanced for materials.

SECT. 3. *Be it further enacted,* That the keeper of every gaol or house of correction, to which any such convicts shall be committed, shall cause to be kept a true account of the labor of every such convict, and of the articles manufactured or produced by each, and all other proceeds of his or her labor ; and also of the cost of the materials furnished to each convict, and of all other charges and expenses attending the execution of this act ; and he shall also cause the articles manufactured by each convict or other produce of his or her labor to be sold, and like account of the proceeds of such sales to be kept ; all which accounts, from time to time, shall be reported and presented to said Court in the county, in which the gaol or house of correction is situated. And at the expiration of the term for which any such convict shall have been sentenced, if it shall appear that the proceeds of his or her labor have been more than sufficient to pay for the cost of the materials, with which he or she may have been furnished, and for his or her maintenance in the gaol or house of correction, and for all other charges and expenses incurred in keeping such convict confined and employed in manner aforesaid, the residue of such proceeds shall be paid over to such convict for his or her own use : *Provided,* That said Court if it see fit, at any time during the confinement of such convict, when it shall appear that the proceeds of his or her labor are more than sufficient for the purposes aforesaid, may order the residue of said proceeds or any part thereof to be paid over to the use of the family of such convict, if any he or she have ; and in such case the balance only of such proceeds, if any remain at the time of the discharge of such convict, shall be paid to him or her in manner aforesaid. And all charges and expenses incurred in maintaining such convicts, and keeping them employed, excepting such as may be reimbursed by the proceeds of their labor, shall be paid by the State. And the accounts of the gaoler or keeper of the house of correction in that behalf being first settled by the Court aforesaid in the counties respectively, in which the gaol or house of correction is situated, the said Courts respectively are hereby authorized to order such sums, as may, from time to time, be necessary to enable the gaoler or keeper of the house of correction to provide such tools and materials as aforesaid to be advanced and paid to him out of the Treasury of the county in which the gaol or house of correction may be situated, such gaoler or keeper of the house of correction to be accountable in manner abovementioned for the expenditure of

the same, and to repay the amount thereof into the said county Treasury out of the proceeds of the labor of such convicts, or out of the moneys received by him in that behalf from the Treasury of the State.

SECT. 4. *Be it further enacted,* That if any such convict shall be unruly or shall disobey any of the regulations established as aforesaid for the government of the convicts in the gaol or house of correction, to which he or she is committed, it shall be lawful for the Sheriff of the county in which the gaol or house of correction may be, after due inquiry into the circumstances of the case, to order such unruly or disorderly convict to be kept in solitary imprisonment and to be fed on bread and water only, in the manner provided in the first section of this act, for a term not exceeding ten days, for every such offence. And it shall be the duty of the gaoler or keeper of the house of correction to furnish every such convict, who may be capable and willing to read, with a copy of the bible and with such moral and religious tracts, as may be suited to their condition, when he can procure the same from any Bible Society or from other well disposed persons; and also to permit any Minister of the Gospel, who may be disposed to aid in the reformation of such convicts and to instruct them in their moral and religious duties, to have access to them when in solitary imprisonment, and at all other times, when not employed in labor according to the provisions of this act.

Refractory convicts may be punished.

Convicts may be furnished with the bible, &c.

And ministers may have access to them.

SECT. 5. *Be it further enacted,* That when any gaol or house of correction shall, hereafter, be erected in any county, suitable apartments shall be made therein for the purpose of solitary imprisonment, and yards shall be laid out adjoining thereto of sufficient dimensions for the employment of all such convicts, and enclosed with a fence sufficiently high and strong to prevent escapes and all access to or intercourse with such convicts by any persons from without the prison. And it shall be the duty of the Court of Sessions in every county in which there is now a gaol or house of correction, suitable for the confinement of such convicts forthwith to order such yards to be laid out and enclosed as aforesaid, adjoining to such gaol or house of correction. And any county which shall for the space of two years after such order neglect to make such yard or fence according to the provisions of this act, shall forfeit and pay to the use of the State the sum of five hundred dollars to be recovered on information or indictment before the Supreme Judicial Court when sitting within or for any adjoining county.

Gaols hereafter to have cells and work yards.

Penalty for neglect.

SECT. 6. *Be it further enacted,* That whenever it shall appear to the Court, at the time of passing such sentence as aforesaid, that there is no gaol or house of correction in the county where the offence may have been committed, suitable for the confinement of such convict according to the provisions

When there is no suitable gaol in a county.

Sentence may be executed in a neighboring county.

of this act, such Court may order the sentence to be executed in any neighboring county in which there may be a gaol or house of correction, suited to that purpose, and every such convict shall be confined and kept at work in the gaol or house of correction, to which he shall be so committed in like manner in all respects as if the sentence had been passed in the county in which the gaol or house of correction is situated.

Repeal of former act.

SECT. 7. *Be it further enacted*, That an act relating to the punishment of convicts, who may be sentenced to solitary imprisonment and confinement to hard labor, adopted by the Constitution of this State be and the same is hereby repealed.

June 27, 1820—Approved,

WILLIAM KING.

CHAPTER. XXIII.

AN ACT for the further relief of poor Prisoners committed by Execution for debt.

If judgment creditor is dead.

BE it enacted by the Senate and House of Representatives in Legislature assembled, That whenever any poor prisoner is or shall be committed by Execution for debt in any of the Prisons of this State, and the judgment creditor is or shall be dead, and two months shall have elapsed since the death of such judgment creditor, without any administration being granted upon his estate, the notice required by law in such case shall be served upon the Attorney of record of such judgment creditor in the suit whereon the judgment was rendered, upon which the execution whereby such debtor stands so committed was issued; and such notice being served upon such Attorney in the same manner and within the same time as notice is to be served in other cases by law, shall be good and effectual to all intents and purposes, as the same would be if duly served upon the judgment creditor if living.

Notice served on the Attorney of record.

June 27, 1820.—Approved.

WILLIAM KING.

CHAPTER XXIV.

AN ACT to incorporate Thomas Cutts and others for the purpose of manufacturing Iron and Steel in the town of Saco.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled*, That Thomas Cutts, Josiah Calef, and their associates, be and they hereby are