

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

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1821.

Fees for certificate and assay.

Certificate to be entered with Town Clerk.

Penalties, how recovered and appropriated.

Assay master's oath.

made by them, they shall be allowed by the distiller or owner of such heads and worms, the sum of *one dollar*. The said certificate, with mark and number to be entered in the Town Clerk's book, for which service the Town Clerk shall be allowed ten cents.

SEC. 5. *Be it further enacted*, That all forfeitures and penalties arising by virtue of this Act, shall be the one half to the poor of the town, where the offence is committed, and the other half to him or them, that shall inform and sue for the same. And further, that all Assay Masters, chosen to that office, shall make oath as follows, viz. I, A. B. do solemnly swear that I will, to the best of my skill, prove and make trial of all worms and still heads, within the town of C. that are used, or designed to be made use of, in distilling, that shall come to my knowledge, for which there is no certificate in the Town Clerk's book, and will make a true and faithful report thereof to the Town Clerk, for the time being. So help me God.

[Approved March 15, 1821.]

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CHAPTER XXX.

An Act relating to the punishment of Convicts.

Sentence of imprisonment to be executed in county gaol.

Gaoler directed.

Treatment of convicts in solitary.

SEC. 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 labour 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 authorized 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, un-

less 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.

itary confinement.

SEC. 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 labour. 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 labour, shall refuse or neglect, without any reasonable excuse therefor to labour 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 furnish tools, &c.

Convicts to wear leg 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.

SEC. 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 labour of every such convict, and of the articles manufactured or produced by each, and all other proceeds of his or

Gaoler to keep an account of the proceeds of labour.

And report the sums to the court of sessions.

If proceeds of labour exceed the cost of materials and expenses.

Balance to be paid the convict,

or to his family.

Charge of convicts to be paid by the State.

Courts may order funds to be advanced for materials.

her labour; 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 labour 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 labour 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 labour 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 labour, 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 labour of such convicts, or out of the monies received by him in that behalf from the treasury of the State.

SEC. 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 labour 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.

SEC. 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

* 5th section repealed Mar. 19, 1821.

Gaols hereafter to have cells and work yards.

Penalty for neglect.

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.

* 6th section repealed Mar. 19, 1821.

When there is no suitable gaol in a county,

sentence may be executed in a neighbouring county.

SEC. 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 of this Act, such Court may order the sentence to be executed in any neighbouring 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.

SEC. 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 labour, adopted by the Constitution of this State he and the same is hereby repealed.

[Approved June 27, 1820.]

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CHAPTER XXXI.

An Act repealing part of an Act relating to the punishment of Convicts.

Repeals two sections of former act.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the fifth and sixth sections of an Act entitled, "An Act relating to the punishment of convicts," passed on the twenty-seventh day of June last, be, and the same are, hereby repealed.

SEC. 2. *Be it further enacted,* That until more suitable and permanent provision respecting prisons can be made,