

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1830.

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Published agreeably to the Resolve of the 28th June, 1820.
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CHAPTER CCCCLXXVII.

An additional ACT providing for the government of the State Prison, and for the punishment of convicts. Chap. 262.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Warden of the State Prison is hereby authorized and empowered to appoint one person to perform the duties of Deputy Warden, one person to perform the duties of clerk and commissary, and such number of overseers, not exceeding ten, as the inspectors of said prison may determine necessary; which appointments shall be by warrant, under the hand and seal of the warden, and subject to the approval or disapproval of the inspectors at their next succeeding meeting, to whom the warden shall make report thereof. One of the aforesaid overseers shall be a practical stone-cutter, of suitable skill to superintend the stone-hammering department, and one of suitable skill to superintend the quarrying of lime-stone; and all the officers thus appointed shall be subordinate to the warden, and by him removable at pleasure with the approbation of the inspectors. It shall also be in the power of the inspectors, without the concurrence of the warden, to remove any of said subordinate officers for inhumanity, or misconduct in office. And each of the aforesaid subordinate officers shall, before he enters upon the duties of his office, take and subscribe the oaths of office; and the deputy warden, and the clerk and commissary, shall further enter into bonds to the State, with sufficient surety, the former in the sum of five hundred, and the latter in the sum of one thousand dollars, conditioned for the faithful performance of their respective duties.

Warden may appoint a deputy warden, clerk & commissary, and not exceeding 10 overseers,

their duties and tenure of office;

to be sworn, & deputy warden and clerk to give bonds,

SECT. 2. *Be it further enacted,* That whenever any subordinate officer of the prison shall be guilty of negligence, unfaithfulness or a violation of any of the laws, rules, orders, or regulations, established for the government of the prison, it

Penalty for negligence in a subordinate officer.

shall be in the power of the warden, by, and with the approbation of the inspectors, to deduct from his pay a sum not exceeding one month's pay of such officer.

Sunday school to be established under direction of warden and inspectors, and by whom taught.

SECT. 3. *Be it further enacted,* That the warden, under the advice and directions of the inspectors, and as soon as they may deem it practicable, shall establish at the prison, a Sunday school for convicts, to be kept during such hours, and under such regulations as they may from time to time ordain; at which school the convicts shall be taught, according to their condition and acquirements, the rudiments of learning, and receive moral and religious instruction. And the chaplain, when it shall not interfere with his other duties, the deputy warden, clerk, or such of the overseers as by the warden may be designated for that purpose, shall assist in the school. And the warden may admit such other voluntary assistance as may be tendered by the moral and benevolent, having, in accepting such aid, due regard to the character of the persons tendering it, and the security of the convicts. And the warden, under the direction of the inspectors, shall purchase suitable and necessary books for the use of the school.

Supplies for prison to be procured by contract annually, and in what manner.

SECT. 4. *Be it further enacted,* That all articles of food, clothing and bedding, raw materials, to be used in and about the manufactures of the prison, fuel and such other articles as may be necessary for the use of the prison, shall be annually procured by contract as follows: The warden shall make an estimate of the quantity of each article necessary for one year, commencing on the first day of December, and ending the last day of November, and advertise that he will receive sealed proposals for furnishing and delivering at the prison, said articles or any of them, until the first day of October next ensuing, for which, payment shall be made quarterly; in which advertisement he shall state the quantity and quality of each article required, the time or times at which each

must be delivered, and the terms of payment ; which advertisement he shall cause to be inserted in one or more newspapers printed in Portland, and one newspaper printed in each of the counties of Lincoln and Kennebec, three weeks successively, the last publication to be one month prior to the first day of October in each year. And the inspectors shall convene at the prison, within five days thereafter, and having first estimated the lowest price at which each article can be furnished, shall proceed to open and examine the proposals, and the lowest offer for furnishing any article, not being above the market price, shall be accepted : *Provided*, That satisfactory bond be given to the warden for the performance of the contract. And if no offer be made at or below the estimate of any, or all of the articles named, the warden shall contract for and procure such articles in such manner as the inspectors shall prescribe. *Provided however*, That if any articles shall be required, which, in the opinion of the inspectors, it would not be expedient, or for the interest of the State, to include in such advertisement, or which may have been omitted in such advertisement ; all such articles shall be procured by the warden in such other manner as shall be prescribed by the inspectors. But no officer of the prison shall be concerned in any such contract.

Proviso.

SECT. 5. *Be it further enacted*, That all actions founded on any contract with the warden in said capacity, may be brought against the warden for the time being, and shall not abate by reason of a vacancy in the office, but his successor who may be appointed during the pendency of any such action, may take upon himself the defence thereof, and, upon due notice given him by the adverse party, it shall be his duty so to do : *Provided however*, That neither the person nor property of the warden shall be taken or attached in any such suit, nor shall any writ of execution issue against

Actions or contracts made with the warden regulated.

Proviso.

him, upon the judgment therein, but the same may stand as an ascertained claim against the State : *Provided also*, That, in any action brought by or against the warden in said capacity, founded on any contract entered into in behalf of the State, the warden for the time being may be a competent witness, notwithstanding his being a nominal party in such suit.

Contracts for removal of convicts to the prison and sale of manufactures regulated.

SECT. 6. *Be it further enacted*, That the removal of convicts from the several jails of the State, or from the custody of any officer or court, to the State Prison, shall be contracted for, or effected by the warden, or by some trusty person by him appointed, in such manner as shall be determined by the inspectors, and as they shall deem least expensive, having due regard to the security of the convicts; and that the sales of limestone, granite, and other articles from the prison, and the letting to hire such of the convicts as the inspectors may deem expedient, shall be made and effected by the warden in such manner and under such regulations as shall be prescribed by the inspectors. And all contracts on account of the prison, shall be made with the warden, and the account of his receipts and disbursements to be rendered to the Legislature annually, shall be on oath.

Contracts to be made with warden and his acct's, for rect's., &c. to be rendered to the legislature on oath.

Visitors to the prison to pay 25 cents each.

SECT. 7. *Be it further enacted*, That the warden shall be, and he hereby is authorized and empowered to demand and receive of each and every person who shall visit the prison for the purpose of viewing its interior or precincts, such sum for admission, not exceeding twenty-five cents, and under such regulations, as the inspectors shall prescribe; for which the warden shall account to the State.

Duty of inspectors in relation to annual settlement of the acct's of warden and estimates for the next year.

SECT. 8. *Be it further enacted*, That in the month of December annually, the inspectors shall audit, correct, and settle the accounts of the warden with the prison, and with the State, for the year ending the last day of November preceding;

and make report thereof to the Governor and Council, to be laid before the Legislature, which report shall exhibit an account of the stock on hand of different kinds, as well at the beginning as at the close of the year, the several sums expended for materials, food, fuel, clothing, bedding, lights, tools and other articles, the amount of manufactures of each kind, and of other articles sold from the prison; the profit or loss upon each branch of business, and all other particulars necessary to give the Legislature a full understanding of the state, condition and management of the fiscal and other concerns of the prison. And they shall at the same time furnish an estimate of the probable income and expense of the prison for the next year.

SECT. 9. *Be it further enacted,* That if any officer, contractor, teamster, or other person, shall deliver, or cause to be delivered, or have in his or her possession, with intent to deliver, to any person under sentence of confinement in said prison, or shall deposite or conceal in any of the yards, workshops, or wharves of said prison, or in any wagon or other vehicle, any article, with intent or design that any convict therein should obtain the same without the knowledge or consent of the warden or deputy warden, every person so offending shall be liable to indictment before any court competent to try the same, and on conviction thereof, shall be sentenced to confinement to hard labor in said prison for a term not exceeding two years, or confinement in the county jail for a term not exceeding six months, or be fined a sum not exceeding five hundred dollars, at the discretion of the court.

Punishment for delivering articles, &c. to convicts, &c. without consent of warden or his deputy.

SECT. 10. *Be it further enacted,* That whenever it shall appear to the satisfaction of the inspectors, that any convict is disorderly, refractory and incorrigible, and cannot be subjected to due subordination by any other means provided for their government while in said prison, they may

Inspectors may authorize corporal punishment in certain cases.

EXEMPTION OF GOODS FROM ATTACHMENT.

order such corporeal punishment as by them may be deemed necessary to enforce obedience, and as shall not be inconsistent with humanity.

When this act shall take effect

SECT. 11. *Be it further enacted,* That this Act shall be in force and take effect from and after the first day of May next, from and after which time, all Acts and parts of Acts inconsistent with the provisions of this Act, shall be, and hereby are repealed.

[*Approved by the Governor, March 16, 1830.*]



CHAPTER CCCCLXXVIII.

An additional ACT to exempt certain goods and chattels from attachment, execution and distress.

1 Cow, 1 Heifer, & two swine to be exempt from attachment, &c.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That one cow, and one heifer or calf until such heifer or calf shall become of the age of three years, or shall have had a calf; and also two swine, one of which shall not exceed the weight of one hundred pounds, belonging to any debtor in this State, shall be exempt from attachment, execution and distress; and when any debtor shall own a cow and a heifer more than three years old, or which has had a calf, or two swine each exceeding the weight of one hundred pounds, such debtor by himself or agent, may elect the cow or the heifer, or either of the swine to be exempt as aforesaid.

[*Approved by the Governor, March 17, 1830.*]