

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1853.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1853.

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hundred and forty-five, are hereby repealed, saving all actions now pending. And this act shall take effect from and after the first day of May next.

CHAP. 18.

[Approved March 22, 1853.]

### Chapter 18.

An act repealing an act regulating the survey of lumber on the Kennebec river.

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

SECT. 1. An act entitled an act regulating the survey of lumber on the Kennebec river, approved April twenty-third, eighteen hundred and fifty-two, is hereby repealed.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved March 22, 1853.]

### Chapter 19.

An act to establish the state reform school.

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

SECT. 1. There shall be established in the town of Cape Elizabeth, in the county of Cumberland, on land conveyed to the state for that purpose, a school for the instruction, employment and reform of juvenile offenders, to be called the State Reform School; and the government of said school shall be vested in a board of five trustees, to be appointed by the governor by and with the advice of the council.

Location.

Trustees.

SECT. 2. It shall be the duty of said trustees to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the legislature, and of such by-laws as the board may from time to time adopt for the orderly and economical management of its concerns; to see that proper discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge or remand them as is hereinafter provided; to appoint a superintendent, and such other officers, as in their judgment the wants of the institution may require; to prescribe the duties of all the officers thereof; to exercise a vigilant supervision over

—their duties.

CHAP. 19.

its concerns; to remove its officers at pleasure and appoint others in their stead; and to determine the compensation to be allowed the officers respectively—subject in all cases to the approval of the governor and council. The trustees shall also prepare, and submit to the inspection of the governor and council, a code of by-laws, which shall not be valid until sanctioned by them.

When build-  
ings are  
prepared for  
occupancy,  
Governor to  
make procla-  
mation.

SECT. 3. As soon as the governor shall have been notified by the commissioners appointed under a resolve "for erecting the State Reform School buildings" that said buildings are prepared for occupancy, he shall forthwith issue his proclamation giving public notice of the fact.

When boys  
may be  
sentenced to  
Reform  
School.

SECT. 4. After proclamation shall have been made as provided in the third section of this act, when any boy or youth under the age of eighteen years shall be convicted of any offense known to the laws of this state, and punishable by imprisonment, other than such as may be punished by imprisonment for life, the court, (or justice, as the case may be,) before whom such conviction shall be had, may at their discretion, sentence such boy or youth to the state reform school, or to such punishment as is now provided by law for the same offense. And if the sentence shall be to the reform school, then it shall be in the alternative, to the state reform school, or to such punishment as would have been awarded if this act had not been passed. *Provided, however,* that no justice of the peace shall sentence to the reform school for the offense of assault and battery.

Proviso.

To be there  
kept, disci-  
plined, in-  
structed, &c.

SECT. 5. Any boy or youth, so convicted and sent to said school, shall there be kept, disciplined, instructed, employed, and governed under the direction of said board of trustees until the term of his sentence shall have expired, or until he shall be either reformed or discharged, or shall be bound out by said trustees according to their by-laws, or shall be remanded to prison under the sentence of the court as incorrigible, upon information of the trustees as hereinafter provided.

Proceedings  
when deemed  
incorrigible.

SECT. 6. If any boy or youth shall, upon any conviction, be sentenced to the said school, and the trustees shall deem it inexpedient to receive him, or if he shall be found incorrigible, or his continuance in the school shall be deemed injurious to the management and discipline thereof, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the convict, shall be delivered to the sheriff of any county or his deputy, or to the constable of any town, who shall forthwith commit said boy or youth to the jail, house of correc-

tion or state prison, as the case may be, in pursuance of the alternative sentence provided for in the preceding section of this act.

SECT. 7. All commitments of boys or youth to this institution, of whatever age when committed, shall be for a term not longer than their minority, nor less than one year, unless sooner discharged by order of the trustees as hereinbefore provided; and whenever any boy or youth shall be discharged therefrom by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

Term of commitments.

Discharge a release from all penalties.

SECT. 8. The trustees shall have power to bind out all boys committed to their charge for a term of time, during the period for which they shall have been committed, as apprentices to any inhabitants of this state; and the said trustees, and master or mistress, and apprentice, shall respectively have all the rights and privileges, and be subject to all the duties now provided by law, in the same manner as if said binding or apprenticing were made by overseers of the poor.

Trustees may bind out boys as apprentices.

SECT. 9. The trustees shall cause the boys and youth under their charge to be instructed in such branches of useful knowledge as shall be adapted to their age and capacity; they shall also be instructed in some regular course of labor, either mechanical, manufacturing, agricultural or horticultural, or a combination of these, as shall be best suited to their age and strength, disposition and capacity; also such other arts and trades as may seem to them best adapted to secure the reformation, amendment and future benefit of the boys; and in binding out the inmates, the trustees shall have scrupulous regard to the character of those to whom they are bound, to the end, that they may secure to the boys the benefit of a good example and wholesome instruction, and other means of improvement in virtue and knowledge, and thus, the opportunity of becoming intelligent, moral and useful citizens of the state.

—to cause the boys under their charge to be instructed.

SECT. 10. The superintendent, with such other officers as the trustees may appoint, shall have the charge and custody of the inmates. He shall himself be a constant resident at the institution, and shall discipline, govern, instruct and employ, and use his best endeavors to reform the inmates, in such manner, as while preserving their health, will secure the formation, as far possible, of moral and industrious habits, and regular progress and improvement in their studies, trades and various employments.

Superintendent.

**CHAP. 19.**

Superintendent to have charge of the lands, &c.

—bond.

—to keep books of account.

—to keep a register of names, ages, &c.

Contracts on account of the institution.

Time of appointing trustees.

Term of office.

SECT. 11. The superintendent shall have the charge of the lands, buildings, furniture, tools, implements, stock and provisions, and every species of property pertaining to the institution within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the state, with sureties satisfactory to the governor and council, in the sum of two thousand dollars, conditioned that he shall faithfully account for all moneys received by him as superintendent, and faithfully perform all the duties incumbent on him as such. He shall keep in suitable books, regular and complete accounts of all his receipts and disbursements, and of all property entrusted to him, showing the income and expenses of the institution; and he shall account in such manner, and to such persons as the trustees shall direct, for all moneys received by him, from the proceeds of the farm, or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the trustees, who shall at least once in every six months carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination. He shall keep a register, containing the name and age of each boy and youth, and the circumstances connected with his early history; and he shall add such facts as may come to his knowledge relating to the subsequent history of such boy or youth, while at the institution, and after he shall have left it.

SECT. 12. All contracts on account of the institution shall be made by the superintendent in writing, and when approved by the trustees, if their by-laws require it, shall be binding in law, and the superintendent, or his successor, may sue or be sued thereon to final judgment and execution; and no such suit shall abate by reason of the office of superintendent becoming vacant pending such suit, but any successor of the superintendent may take upon himself the prosecution or defense thereof, and upon motion of the adverse party, and notice, he shall be required to do so.

SECT. 13. The board of trustees shall be appointed at any time previous to the first of November next, and when the governor shall have made proclamation that the buildings are ready for occupancy, the institution shall be at once in their charge.

SECT. 14. When two years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed annually; and for this purpose the places of the two senior members as they stand arranged in their commission, shall be thereafter annually vacated. The trustees shall be

allowed ten cents per mile for travel each way, by them actually performed, and two dollars per day as compensation for their services.

CHAP. 20.  
Compensation.

SECT. 15. One or more of the trustees shall visit the school at least once in every four weeks, at which time the inmates shall be examined in the school room and work shop, and the register shall be inspected. A record shall be regularly kept of these visits in the books of the superintendent. Once in every three months, the school in all its departments shall be thoroughly examined by a majority of the board of trustees, and a report made, showing the results of these examinations. Annually, in the month of December, an abstract of these quarterly reports shall be prepared, which, together with a full report by the superintendent, stating particularly among other things the offense for which each pupil was sentenced and his place of residence, shall be laid before the governor and council, for the information of the legislature. A financial statement, furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of the month of November next preceding, shall be also furnished.

Visitations by trustees.

Quarterly reports.

Annual report.

[Approved March 23, 1853.]

## Chapter 20.

An act to amend an act in relation to administrators, executors and guardians.

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

The act entitled "an act in relation to administrators, executors and guardians," approved the nineteenth day of April, eighteen hundred and fifty-two, is hereby amended by inserting after the word "state" in the sixth line the words "or to some other suitable person, on petition of such administrator, executor or guardian," and by adding at the end of said act the words "which license shall continue in force for the term of three years," so that the act will read as follows: That the several judges of probate in and for their respective counties are hereby authorized and empowered to grant license to executors, and administrators on the estates of persons deceased, who at the time of their decease resided out of the state, and also to guardians of minors and other persons under guardianship, not living within the state, or to some other suitable person, on the petition of such administrator, executor, or guardian, (such executor, administrator or guardian producing evidence of his ap-

Judges of probate may grant license to executors, &c., on the estates of persons deceased, without the state.

—also to guardians of minors and others, not living within the state.