

MAINE STATE LEGISLATURE

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REPORT
OF THE
COMMISSIONERS
APPOINTED TO
REVISE THE PUBLIC LAWS
OF THE
STATE OF MAINE.

TITLE XII.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.

1856.

1888

1889

1890

1891

1892

1893

1894

1895

1896

TITLE TWELFTH.

PUBLIC INSTITUTIONS FOR THE PUNISHMENT AND REFORM OF CRIMINALS, AND THE CARE AND CURE OF THE INSANE.

- Chap.* 140. The state prison.
141. Houses of correction.
142. The state reform school.
143. The Maine insane hospital.
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Chapter 140.

THE STATE PRISON.

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4. Supervision and officers of the prison.
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SECTION 1. The state prison at Thomaston, in the county of Lincoln, shall continue to be maintained as the prison and penitentiary of this state, in which convicts committed thereto, according to law, shall be confined, employed and governed, as hereinafter provided.

R. S., c. 177, § 1.

SECT. 2. All punishment in the state prison, by imprisonment, shall be by confinement to hard labor, and not by solitary imprisonment; but solitary imprisonment may be used as a

4 prison discipline, for the government and good order of the
5 convicts, as hereinafter mentioned. R. S., c. 177, § 2.

SECT. 3. Convicts, sentenced to hard labor in the state
2 prison for life, or any term not less than one year, by any court
3 of the United States, held within this state, shall be received
4 into the prison by the warden thereof, when delivered by the
5 authority of the United States, and there kept, in pursuance of
6 their sentences. R. S., c. 177, § 3.

SECT. 4. The supervision of the state prison shall be vested
2 in the governor and council, but its government and direction
3 in two inspectors, one warden, one deputy warden, one person
4 to perform the duties of clerk and commissary, and such number
5 of overseers, not exceeding ten, as the inspectors determine to
6 be necessary.

R. S., c. 177, § 4. 1850, c. 192, § 1. 1853, c. 49, § 1.

SECT. 5. The inspectors and warden shall be appointed by
2 the governor, with advice of council, and commissioned to hold
3 their offices during the pleasure of the executive, but not more
4 than four years under one appointment; one of the inspectors
5 shall, in his commission, be designated as chairman. The
6 inspectors and warden, before entering on their duties, shall
7 take and subscribe the oaths of office, and the warden shall give
8 bond to the state in the sum of ten thousand dollars, with
9 sufficient sureties, approved by the governor and council,
10 conditioned, that he will account for all moneys that come to
11 his hands as treasurer of the state prison, that he will not be
12 concerned in the business of trade or commerce, during his con-
13 tinuance in office, and that he will faithfully perform all the
14 duties incumbent on him as warden of said prison, which shall
15 be filed in the office of the secretary of state.

R. S., c. 177, § 5. 1850, c. 192, § 5.

SECT. 6. The other officers, before mentioned, shall be subor-
2 dinate to the warden, appointed by warrant under his hand and
3 seal, and subject to the approval or disapproval of the inspectors
4 at their next meeting, to whom the warden shall make report
5 thereof; they shall hold their offices during the pleasure of the
6 inspectors and warden; but the inspectors, without the concur-
7 rence of the warden, may remove any of such officers for

8 negligence or unfaithfulness in the discharge of their duties,
9 and appoint others in their place; and, if the warden thinks any
10 subordinate officer ought to be removed, and the inspectors will
11 not consent thereto, he may appeal to the governor and council,
12 who, after reasonable notice to the inspectors, may make such
13 removal, and appoint such other person as they deem proper.
14 The subordinate officers shall take and subscribe the oaths of
15 office, and the deputy warden, clerk and commissary, shall also
16 give bond to the state, with sufficient sureties, the former in the
17 sum of five hundred dollars, and the latter in the sum of one
18 thousand dollars, approved by the inspectors, conditioned for the
19 faithful performance of their duties; which shall be filed in the
20 office of the secretary of state. R. S., c. 177, § 6.

SECT. 7. The inspectors shall meet together at stated times,
2 at the state prison, once at least in every three months, and
3 oftener, if necessary, to inspect its concerns, the manner of
4 keeping the books and accounts, and the register of punishments
5 kept by the warden; and, from time to time, carefully examine
6 the same, and keep a record of their doings; one of them, at
7 least, shall visit the prison once in each month, to examine into
8 all its concerns, and see that its laws and regulations are duly
9 observed, and the duties of the several officers faithfully per-
10 formed, and to advise with the warden on its concerns, when
11 thereto requested; and each of them shall, at all times, have
12 free access to all parts of the prison, and be allowed to inspect
13 and examine all the books, accounts and writings, pertaining to
14 the prison, or its business, management and government. And
15 the inspectors, as soon as may be after each stated meeting, or
16 oftener, if necessary, shall transmit to the governor and council
17 a transcript of the record of their doings, and such other infor-
18 mation relative to the concerns of the prison, as they deem
19 proper. R. S., c. 177, § 7. 1850, c. 192, § 4.

SECT. 8. The inspectors, in the month of January, annually;
2 shall audit, correct and settle the accounts of the warden with
3 the prison and the state, for the year ending on the last day of
4 December preceding, and make report thereof, in said month of
5 January, to the governor and council, to be laid before the
6 legislature: which shall exhibit an account of the stock on hand

7 of different kinds, at the beginning and at the close of the year;
8 the several sums expended for materials, provisions, fuel, cloth-
9 ing, bedding, lights, tools and other articles; the amount of
10 manufactures of each kind, and all other articles sold from the
11 prison; the profits or loss upon each branch of business; and
12 all other particulars necessary to give the legislature a full
13 understanding of the fiscal and other concerns of the prison;
14 and shall at the same time, furnish an estimate of the probable
15 income and expense of the prison for the ensuing year.

R. S., c. 177, § 8.

SECT. 9. They shall inquire into any improper conduct which
2 is alleged to be committed by the warden, or any subordinate
3 officer of the prison, in relation to its concerns; and for that
4 purpose may issue subpoenas for witnesses, and compel their
5 attendance and the production of papers and writings; and may
6 examine witnesses under oath, to be administered by the chair-
7 man; and may adjudicate on such alleged improper conduct, in
8 like manner, and with like effect, as in cases of arbitration.

R. S., c. 177, § 9.

SECT. 10. They shall examine into all disorderly conduct
2 among the prisoners; and when it appears to them, that any
3 convict is disorderly, refractory or disobedient, may order
4 such corporal punishment as they deem necessary to enforce
5 obedience, not inconsistent with humanity, and authorized by
6 the rules and regulations established for the government of the
7 prison.

R. S., c. 177, § 10.

SECT. 11. They shall from time to time, establish such rules
2 and regulations, consistent with the laws of the state, as they
3 deem necessary and expedient for the direction of the officers,
4 agents and servants of the prison, in the discharge of their duties,
5 or for their compensation; not established by law; for the gov-
6 ernment, instruction and discipline of the convicts, and for their
7 clothing and subsistence; and for the custody, preservation and
8 management of the public property: and as soon as may be,
9 after the establishment of the same, by the inspectors, they
10 shall cause a copy thereof to be laid before the governor and
11 council, who may approve, annul or modify the same, and make
12 and establish such other rules and regulations consistent with

13 the laws of the state, as they see fit; and the governor shall com-
14 municate all rules and regulations, thus approved, to the next
15 legislature; and the inspectors shall cause a copy thereof to be
16 certified by the clerk, and delivered to the warden.

R. S., c. 177, § 11.

SECT. 12. The warden shall not carry on or be concerned in
2 the business of trade and commerce, during his continuance in
3 office; he shall reside constantly within the precincts of the
4 prison, and shall have the care, custody and charge of the prison
5 and of the convicts therein, in conformity to their sentences,
6 and of the lands, buildings, machines, tools, stock, provisions,
7 and of every other kind of property belonging to or within the
8 precincts of the same. He shall be the treasurer of the prison,
9 receive, pay out, and be accountable for all moneys granted for
10 maintaining the same, or derived from the manufactures or other
11 concerns thereof; make in the books of the prison, regular
12 entries of all pecuniary and other concerns of the prison, and in
13 the month of January of each year, he shall render to the
14 inspectors a fair account of all the expenses and disbursements,
15 receipts and profits of the prison, with sufficient vouchers for the
16 same, and a statement of its general affairs for the year then
17 past, including the number of convicts received and discharged
18 during the year, and the number remaining; and a similar
19 account and statement, examined and approved by the inspectors,
20 the warden shall also render under oath, in the month of Janu-
21 ary, annually, to the governor and council, and settle all his
22 accounts with them when they require it. R. S., c. 177, § 12.

1845, c. 173, § 4. 1850, c. 192, § 3. 1852, c. 273, § 3.

SECT. 13. He shall inspect and oversee the conduct of the
2 convicts, and cause all the rules and regulations of the prison
3 to be strictly and promptly enforced; give immediate informa-
4 tion to the inspectors of any officer who refuses or neglects to
5 enforce the discipline established, and they shall forthwith
6 remove any officer guilty of such neglect of duty. He may
7 punish any convict for disobedience, disorderly behavior or indo-
8 lence, in the manner directed by the inspectors, or prescribed in
9 the rules and regulations, and shall keep a register of all such
10 punishments, and the cause for which they were inflicted.

R. S., c. 177, § 13.

SECT. 14. The warden or his deputy, shall serve, execute and
2 return all processes within the precincts of the state prison, and
3 they shall be directed to him or his deputy accordingly; and for
4 the doings of his deputy, the warden and the deputy himself,
5 shall be answerable. The warden shall have the command of
6 all the force for guarding the prison, and of all officers and per-
7 sons employed under him, in overseeing, guarding and governing
8 the same. R. S., c 177, § 14.

SECT. 15. The warden shall take bills of the quantity and
2 price of supplies, furnished for the prison, at the time of deliv-
3 ery, and exhibit the same to the clerk; who shall compare the
4 bills with the articles delivered; if the bills are found correct,
5 he shall enter them with the date, in a book to be kept for that
6 purpose; in like manner bills shall be taken and entered, of all
7 services rendered for the prison; if any such bill is found
8 incorrect, the clerk shall omit to enter it, and immediately give
9 notice to the warden, that the error may be corrected.

R. S., c. 177, § 18.

SECT. 16. All sales of limestone, granite or other articles
2 from the prison, and the letting to hire of such of the convicts,
3 as the inspectors may deem expedient, and all other contracts on
4 account of the prison, shall be made with the warden in the
5 manner prescribed by the inspectors. No such contract shall
6 be accepted by the warden, unless the contractor gives satis-
7 factory security for the performance of it; and no officer of the
8 prison shall be, directly or indirectly, interested in any such
9 contract.

R. S., c. 177, § 19.

SECT. 17. When the warden receives from the sheriff of any
2 county, a warrant requiring him to remove a convict to the
3 state prison, he shall, by himself, or such other person as he
4 appoints or contracts with for that purpose, forthwith cause such
5 warrant to be executed, according to its precept, in the least
6 expensive manner, consistent with the security of the convict;
7 and said warrant, with his return thereon of the manner of exe-
8 cuting it, he shall file in his office, and cause a copy of the same
9 to be filed in the office of the clerk of the court, from which it
10 was issued. R. S., c. 177, § 20.

SECT. 18. When it is necessary or convenient, during the conveyance of any such convict to the state prison, in pursuance of his sentence, that he should be lodged for safe keeping in any county jail, till the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive such convict and safely keep and provide for him, until called for by the person employed to convey him as aforesaid, into whose custody he shall be delivered; and the said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the treasury of the state. R. S., c. 177, § 21.

SECT. 19. All actions founded on any contract, made with the warden in his official capacity, may be brought by or against the warden for the time being; and any actions for injuries done or occasioned to the real or personal property belonging to the state, and appropriated to the use of the state prison, or being under the management of the warden thereof, may be prosecuted in his name; and no such action shall abate by the warden's ceasing to be in office, but his successor, upon notice, shall be required to assume the prosecution or defense of the same. In said actions, the warden shall be a competent witness, and neither his person nor property shall be taken or attached in any such suit, nor shall any execution issue against him on any judgment therein, but such judgment shall stand as an ascertained claim against the state. And when a new warden is appointed, all the books, accounts and papers, belonging to the prison, shall be delivered to him, and he shall be vested with all the powers, and subject to all the obligations, with regard to any contracts or any debts due to, or from the prison, that his predecessor would have been, if no change had taken place in the office. R. S., c. 177, § 22.

SECT. 20. When any controversy arises respecting any such contract or claim on account of the state prison, or any suit is pending thereon, the warden may submit the same to the determination of arbitrators or referees, to be approved by the inspectors. R. S., c. 177, § 23.

SECT. 21. The warden shall not be arrested on any civil process or execution, while in office; but execution upon any judgment against him personally, and not in his official capacity,

4 may be issued against his goods and estate only; and, if such
5 execution is returned unsatisfied, he may be removed by the
6 governor, with advice of council, the same as a sheriff may,
7 when an execution against him is returned unsatisfied.

R. S., c. 177, § 24.

SECT. 22. When the office of warden is vacant, or the warden
2 is absent from the prison or unable to perform the duties of his
3 office, the deputy warden shall have the powers, perform the
4 duties, and be subject to all the obligations and liabilities of the
5 warden.

R. S., c. 177, § 25.

SECT. 23. If the office of warden becomes vacant, when the
2 governor and council are not in session, the inspectors may
3 require the deputy warden to give bond to the state in the sum
4 of five thousand dollars, with sufficient sureties to be by them
5 approved, with condition for the faithful discharge of the duties
6 incumbent on him, as deputy warden and treasurer; and, from
7 the time the bond is approved, the deputy shall receive the
8 salary and emoluments of the warden, in lieu of his former pay,
9 while he performs the duties of the office; if he does not give
10 such bond, when required, the inspectors may remove him and
11 appoint a warden pro tempore, who shall give bond similar to
12 the one required of the deputy warden, have the power and
13 authority, perform the duties, and receive the salary and emol-
14 uments of the warden, until a warden is duly appointed, and
15 enters on the discharge of his duties; and in such case, until
16 the warden pro tempore is so appointed, and gives bond, the
17 inspectors, or either of them, shall be vested with all the powers
18 and duties of warden.

R. S., c. 177, § 26. New.

SECT. 24. The clerk and commissary shall keep an account
2 of all supplies purchased for the use of the prison, and of all
3 articles sold and delivered from the same; assist in effecting
4 sales and purchases, under the direction of the warden; attend
5 the meetings of the inspectors, when they request it; keep a
6 record of their proceedings, and perform any other services,
7 pertaining to his employment and the superintending of the
8 prison, directed by the inspectors or warden.

R. S., c. 177, § 27.

SECT. 25. Persons having suitable knowledge and skill in
2 the branches of labor and manufactures carried on in the prison,
3 shall, when practicable, be employed to superintend the branches
4 of labor assigned to them by the warden; and all of them, and
5 the other subordinate officers of the prison, shall perform the
6 services in the management, superintending and guarding of the
7 prison, prescribed by the rules and regulations, or directed by
8 the warden. R. S., c. 177, § 28.

SECT. 26. If any such subordinate officer is guilty of negli-
2 gence or unfaithfulness in the discharge of his duties, or of a
3 violation of any of the laws or rules and regulations for the
4 government of the prison, the warden, with the approbation of
5 the inspectors, may deduct from the pay of such officer, a sum
6 not exceeding his pay for one month. R. S., c. 177, § 29.

SECT. 27. The inspectors and warden shall appoint some
2 suitable person to be a physician and surgeon of the state prison,
3 whose duty it shall be to visit the prison, when requested by the
4 warden, prescribe for sick convicts, see that proper attention is
5 paid to the clothing, regimen and cleanliness of those in the
6 hospital, and advise, when illness of any convict requires his
7 removal to the same; and, upon such advice, and in other cases
8 when he deems it necessary, the warden shall cause any sick
9 convict to be forthwith removed to the hospital, and there to
10 receive such care and attention, and be furnished with such
11 medicines and diet as his situation requires, until the physician
12 determines that he may leave it without injury to his health.

R. S., c. 177, § 35.

SECT. 28. If any pestilence or contagious sickness breaks out
2 among the convicts in the prison, the inspectors and warden
3 may cause any of them to be removed to some suitable place of
4 security, where they shall receive all necessary care and medi-
5 cal assistance; and be returned as soon as may be to the prison,
6 to be confined according to their sentences, if unexpired.

R. S., c. 177, § 36.

SECT. 29. If any officer or other person, employed in the
2 state prison or its precincts, voluntarily suffers, aids or connives
3 at the escape of any convict therefrom, he shall be punished by
4 imprisonment in the state prison for any term of time, not more

5 than the whole term for which the convict was sentenced; and
6 if he negligently suffers any convict confined therein to be at
7 large, out of the precincts of the prison, or the cell or apart-
8 ment assigned to him, or to be conversed with, relieved or
9 comforted, contrary to law, or the rules and regulations of the
10 prison, he shall be punished by a fine not exceeding five hundred
11 dollars. R. S., c. 177, § 37, 38.

SECT. 30. If any person forcibly rescues, or attempts to
2 rescue any convict sentenced to the state prison, from the legal
3 custody of any officer or other person, from the state prison,
4 jail, or other place, where he is legally confined; or causes to
5 be conveyed to such convict, or into such jail, state prison, or
6 other place, any tool, instrument, weapon or other aid, with
7 intent to enable such convict to escape, whether an escape is
8 effected or not, he shall be punished by imprisonment in the
9 state prison not more than twenty years, or by fine not exceed-
10 ing five hundred dollars. R. S., c. 177, § 39.

SECT. 31. If any officer, contractor, teamster or other person
2 delivers, or has in possession with intent to deliver, to any con-
3 vict confined in the state prison, or deposits or conceals in any
4 place in or about the state prison or its precincts, or in any
5 wagon or other vehicle going thereto, any article, with intent
6 that any convict therein should obtain it, without the consent or
7 knowledge of the warden or deputy warden, he shall be punished
8 by imprisonment in the state prison, not more than two years,
9 or by fine, not exceeding five hundred dollars, and imprison-
10 ment in the county jail, not more than six months.

R. S., c. 177, § 40.

SECT. 32. If any convict, sentenced to the state prison for
2 life, assaults any officer or other person employed in the gov-
3 ernment thereof, or breaks or escapes therefrom, or forcibly
4 attempts so to do, he may be punished upon conviction thereof
5 in the supreme judicial court, by solitary imprisonment in the
6 state prison not more than one year, and be afterwards held in
7 custody on his former sentence; but if such offense is committed
8 by a convict sentenced to the state prison for a limited term of
9 years, he may be punished upon conviction thereof in the
10 supreme judicial court, by solitary confinement in the state

11 prison, not more than three months, to precede the fulfilment of
12 any former sentence, and at the discretion of the court, may be
13 further punished by confinement to hard labor for a limited
14 period or during life; to commence after his solitary confine-
15 ment, or the completion of his former sentence.

R. S., c. 177, § 41, 42.

SECT. 33. Every convict sentenced to solitary confinement, as
2 mentioned in the preceding section, or on whom it is inflicted as
3 a punishment, for the violation of the rules and regulations of
4 the prison, shall be confined in a solitary cell; and fed on bread
5 and water only, unless the physician certifies to the warden,
6 that the health of such convict requires other diet.

R. S., c. 177, § 43.

SECT. 34. If any convict sentenced to the state prison resists
2 the authority of any officer, or refuses to obey his lawful com-
3 mands, such officer shall immediately enforce obedience by the
4 use of weapons or other effectual means; and if in so doing, any
5 convict thus resisting is wounded or killed by the officer and his
6 assistants, they shall be justified in so doing.

R. S. c. 177, § 44.

SECT. 35. The warden shall constantly keep on hand a suita-
2 ble and sufficient supply of arms and ammunition, at the expense
3 of the state, and have power to require all officers and other
4 citizens of the state, to aid him in suppressing an insurrection
5 among the convicts in the prison, and in preventing their escape
6 or rescue therefrom, or from any other legal custody or confine-
7 ment; and if in so doing, or in arresting any convict who has
8 escaped, they wound or kill such convict, or those aiding him,
9 they shall be justified therefor. R. S., c. 177, § 45. New.

SECT. 36. When any convict escapes from the state prison,
2 the warden shall take all proper measures for his apprehension;
3 and for that purpose he may offer a reward not exceeding fifty
4 dollars, to be paid by the state, for his apprehension and deliv-
5 ery.

R. S., c. 177, § 46.

SECT. 39. When it appears to the warden that any convict
2 in the prison, has been before sentenced by the authority of this
3 or any other state or of the United States, to confinement in any
4 state prison, he shall immediately give notice thereof to the

5 attorney general or the county attorney of Lincoln county, who
6 by information or other legal process, shall make the same
7 known to the supreme judicial court in the same county. Such
8 court shall cause such convict to be brought before them to
9 answer to the same; and if by confession, verdict or otherwise
10 according to law, it appears that such information is true,
11 instead of the punishment for which he stands sentenced, he
12 may at the discretion of the court, be punished by impris-
13 onment for life or any term of years; but if not true, the convict
14 shall be remanded to the state prison, to be held on the original
15 sentence. R. S., c. 177, § 47.

SECT. 38. No convict shall be discharged from the state
2 prison, until he has remained the full term for which he was
3 sentenced, including the day on which he was received into the
4 same, and excluding the time he was in solitary confinement for
5 any violation of the rules and regulations of the prison; unless
6 he is pardoned or otherwise released by legal authority.

R. S., c. 177, § 48.

SECT. 39. The warden shall receive and take care of any
2 property that a convict has with him at the time of his entering
3 the prison; when it is convenient, place the same at interest
4 for his benefit; keep an account thereof, and pay the same to
5 him on his discharge, or, in case of his death, to his represen-
6 tatives, unless legally disposed of. R. S., c. 177, § 49.

SECT. 40. In the discharge of any convict, who has conducted
2 well during his imprisonment, the warden may give him from
3 the funds of the prison, a sum not exceeding five dollars, and,
4 if he requests it, a certificate of such good conduct; and shall
5 take care that every convict, on his discharge, is provided with
6 decent clothing. R. S., c. 177, § 50.

SECT. 41. The warden may demand and receive of each
2 person visiting the prison for the purpose of viewing the interior
3 or precincts, such sum not exceeding twenty-five cents, and
4 under such regulations, as the inspectors prescribe, for which
5 the warden shall account to the state. R. S., c. 177, § 51.

SECT. 42. The warden, on the recommendation of the inspec-
2 tors, and with the approbation of the governor and council, may

3 make such additional buildings or alterations within the prison
4 or its precincts, as they deem necessary and proper.

R. S., c. 177, § 52.

SECT. 43. The governor shall annually appoint one of the
2 council a committee, who shall, as often as the governor and
3 council direct, visit the prison, make a thorough and careful
4 examination into the condition of the prison and inmates, and
5 its affairs and management, and report to them.

1853, c. 49, § 2.

SECT. 44. The warden shall invite every ordained clergyman
2 of Thomaston, to officiate as chaplains at the prison, in rotation ;
3 and they shall, at stated times, as directed by the inspectors
4 and warden, perform religious services at the prison ; visit the
5 sick, and use their best endeavors for the moral and religious
6 improvement of the convicts.

R. S., c. 177, § 33. 1854, c. 99, § 1, 3, 4.

SECT. 45. There shall be annually appropriated and paid out
2 of the treasury of the state, the sum of two hundred dollars, to
3 such of the clergymen of Thomaston as perform the duties men-
4 tioned in the preceding section ; fifty dollars for the purpose of
5 maintaining a school in the prison, ; fifty dollars for the pur-
6 chase of books for the use of the convicts ; the three sums
7 aforesaid to be expended by the warden, under the direction of
8 the inspectors ; one hundred dollars for the services of each
9 inspector ; two dollars a day for the services, and ten cents a
10 mile to and from Augusta, for the travel of the committee of the
11 council ; and a sum, not exceeding one hundred and fifty dollars,
12 for the compensation of the physician and surgeon, and for med-
13 icines. The subordinate officers, and other persons employed
14 in managing, guarding and superintending the prison, shall at
15 stated times, receive the compensation established in the rules
16 and regulations of the prison, or allowed by the inspectors and
17 warden, with the approbation of the governor and council ; pro-
18 vided that the compensation of the subordinate officers, hereinafter
19 named, shall not exceed the following rates by the year, viz :—
20 deputy warden, four hundred dollars ; overseer of the lime
21 quarry, four hundred dollars ; overseer of the wheelwright
22 department, four hundred dollars ; clerk and commissary, three

23 hundred and forty dollars; overseer of the shoe manufactory,
 24 five hundred dollars; overseer of the coopering department,
 25 three hundred dollars.

R. S., c. 177, § 54. 1853, c. 49, § 3. 1854, c. 99,
 § 2. 1848, c. 66. 1855, c. 185.

SECT. 46. The governor, with advice of council, is authorized
 2 to draw warrants on the treasury of the state in favor of the
 3 warden, for all such sums of money as they may, from time to
 4 time, deem proper, which are appropriated by the legislature
 5 for the support of the state prison. R. S., c. 177, § 55.

Chapter 141.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

- Sect. 1.* County commissioners to provide house of correction, appoint master, supply tools and materials for work, and establish rules. Jail to be used till such is provided.
2. Appointment, powers, duties and compensation of overseers.
 3. Supervision by overseers.
 4. Description of persons liable to be sent to house of correction, and the term of their confinement.
 5. Conditions of discharge at the end of the term.
 6. Provision for extension in case of paupers.
 7. Master to give notice to the overseers of the poor where the house of correction is, and they to the overseers of the town where the prisoner has his settlement.
 8. Employment and restraints of prisoners.
 9. Punishment by abridgement of food.
 10. Allowance to prisoners from their earnings.
 11. Provision for the sick and disabled.
 12. Master to render account of prisoners' earnings. Special allowance to him, in certain cases.
 13. Master may demand sums due him of the prisoner, his parents, master or guardian, or the overseers of the town.
 14. Suit therefor against such parties within two years.
 15. Kindred of the prisoner liable to master or town.
 16. Expenses of prisoners committed by court, how paid.

TOWN HOUSES OF CORRECTION.

17. Town houses of correction and their object.
18. Overseers thereof.
19. Of work houses appropriated to the like uses.
20. Compensation of overseers and master.

Sect. 21. Duties of the overseers.

22. Support of the prisoners.

23. Powers of overseers to commit persons to such house.

24. Form of the order for commitment.

County Houses of Correction.

SECT. 1. The county commissioners in each county shall
2 erect or otherwise provide, at the expense of the county, a con-
3 venient house of correction, where not already done, with suitable
4 adjoining accommodations, to be used for the custody, reform
5 and employment of offenders lawfully committed thereto ;
6 procure and keep suitable materials, implements, and other
7 necessities, sufficient at all times to keep them at work ; appoint
8 a suitable master of such house, to hold his office during their
9 pleasure ; and establish such rules and orders not repugnant to
10 law, as they deem necessary for the purposes aforesaid, and for
11 managing the prudential concerns of the institution ; but until
12 such house is thus provided, the county jail may be used for
13 that purpose. R. S., c. 178, § 1, 2, 3, 4, 14.

SECT. 2. Where circumstances require it, they shall also,
2 annually appoint three or five suitable and discreet persons of
3 their county, living near the house of correction, to be overseers
4 thereof ; who shall see that the rules and orders established for
5 the government of such house, and the persons confined therein,
6 are duly observed ; examine the master's accounts relating to
7 the earnings of the prisoners, and expenses of the institution ;
8 keep a fairly written register of all their official proceedings ;
9 make contracts for work to be done in the house with any person
10 disposed to supply the materials, and for letting out any of the
11 prisoners to employers living near enough, in their opinion, to
12 the house of correction, for the overseers or master, to have a
13 general inspection of their conduct and treatment, and receive
14 from the earnings of the prisoners, or if they are insufficient,
15 from the county treasury, a reasonable compensation to be
16 allowed by the commissioners. R. S., c. § 178, § 5, 6, 7.

SECT. 3. The commissioners may remove the overseers, and
2 fill all vacancies, happening by removal, resignation or other-
3 wise ; and at least as often as every regular session, inquire into
4 the state of the house of correction, examine the register and

5 accounts of the overseers and master, and make any legal alter-
6 ations in the treatment and government of the prisoners that
7 they deem expedient. R. S., c. 178, § 8.

SECT. 4. Any justice of the peace, in his county, on com-
2 plaint under oath, for a term not exceeding thirty days, and the
3 supreme judicial court, on indictment, for a term not exceeding
4 six months, may commit to said house all rogues, vagabonds
5 and idle persons, going about in any town in the county, beg-
6 ging; persons using any subtle craft, jugglery, or unlawful
7 games or plays, or, for the sake of gain, pretending to have
8 knowledge in physiognomy, palmistry, to tell destinies or for-
9 tunes, or discover lost or stolen goods; common pipers, fiddlers,
10 runaways, drunkards, night-walkers, railers, brawlers and pil-
11 ferers; persons wanton or lascivious in speech or behavior,
12 or neglecting their callings or employments, mispending what
13 they earn, and not providing for the support of themselves
14 and their families. R. S., c. 178, § 9, 10.

SECT. 5. At the expiration of the term, the prisoner shall not
2 be discharged until he pays all arrears of costs and expenses
3 attending his commitment, support and employment in such
4 house; unless the overseers of the poor, where the house is, or
5 of the town to which he belongs, pay such arrears, and in writ-
6 ing certify to the master, that in their opinion, the public good
7 will not require his longer confinement. R. S., c. 178, § 11.

SECT. 6. Notwithstanding the payment of such costs and
2 expenses, if the prisoner has actually received relief as a pauper,
3 the overseers of the poor, in either of said towns, on complaint
4 to the justice or court, by whom they were committed, may
5 procure an extension of the confinement, of not more than
6 thirty days at a time, by the justice, nor more than six months,
7 by the court; and such application may be renewed, if occasion
8 requires it, on like complaint; and, in all cases, the prisoners
9 shall be brought before the justice or court, to answer to the
10 complaint. R. S., c. 178, § 12. 1846, c. 211, § 1.

SECT. 7. Such masters, within ten days after the commitment
2 of any person to such house of correction, shall give notice
3 thereof to the overseers of the poor, of the town where such
4 house is situated; and if the prisoner has actually received re-

5 lief as a pauper, said overseers shall give the same notice thereof
6 to the overseers of the poor of the town, of his legal settlement,
7 as is required in other cases in which paupers become chargeable
8 in places where they have no legal settlement.

1844, c. 110, § 1. 1846, c. 211, § 1.

SECT. 8. The master of such house may set to work all per-
2 sons committed to his custody, so far as they are able, during
3 the time of their confinement; and if their deportment renders
4 it expedient, he may put shackles or fetters on them, to prevent
5 resistance or escape, without unnecessarily inflicting pain or
6 interrupting labor. R. S., c. 178, § 15.

SECT. 9. If any prisoner is stubborn, disorderly, idle, refrac-
2 tory, or refuses to perform his appointed task, in a proper
3 manner, the master may abridge his supply of food, until he
4 complies with the reasonable requirements of the master and
5 overseers. R. S., c. 178, § 16.

SECT. 10. The prisoners shall be allowed two thirds of their
2 net earnings for their support, and the residue shall belong to
3 the master, unless they are heads of families; then, the whole
4 net profit of their labor, or so much thereof as the county com-
5 missioners order, shall be for the relief and support of them and
6 their families. R. S., c. 178, § 17.

SECT. 11. If any prisoner, from sickness or other cause, is
2 unable to work, so as to support himself from his share of earn-
3 ings, the master shall provide for him comfortably, and be
4 reimbursed as hereinafter provided. R. S., c. 178, § 18.

SECT. 12. The master shall keep an exact account of all
2 profits and earnings of prisoners, and of his disbursements for
3 their support, specifying the times of their commitment and lib-
4 eration, and present it on oath, to the commissioners of his
5 county, annually, and oftener if directed, and they may make
6 him such further allowance, as they think reasonable in special
7 cases, for his care, labor and services, besides the third of the
8 earnings, as before provided. R. S., c. 178, § 19.

SECT. 13. When a sum of money is due the master, under the
2 provisions of this chapter, from any prisoner, and his account is
3 duly allowed, and certified to be correct, by the commissioners,
4 he may demand it of the prisoner, if of age, otherwise of his

5 parent, master or guardian ; and if the party liable is not able
6 to pay, he may demand it of the overseers of the town where
7 such prisoner has his legal settlement. R. S., c. 178, § 20.

SECT. 14. At any time within two years from the date of the
2 certificate of allowance and fourteen days after such demand in
3 writing, if the money remains unpaid, the master may commence
4 his action for it, declaring as on an implied promise ; and recover
5 what is found justly due, of the prisoner, his parent, master,
6 guardian or town, as the case requires, with legal interest from
7 the date of demand and costs ; if the party respondent was duly
8 notified by the commissioners before the allowance of said
9 account, their certificate shall be presumptive evidence of the
10 correctness of the claim ; and in either case, it shall be liable to
11 be disproved by evidence on the part of the respondent.

R. S., c. 178, § 21.

SECT. 15. If there is kindred obliged by law to maintain the
2 prisoner, as provided in section ten, chapter twenty-five, such
3 master or the town obliged to pay for the same, may have the
4 same remedy to recover it of such kindred, as is provided in the
5 eleventh section of said chapter, for towns, which have incurred
6 expense for the relief and support of paupers.

R. S., c. 178, § 22.

SECT. 16. When any person, convicted before the supreme
2 judicial court, for an offense, punishable by imprisonment or fine,
3 is committed to the house of correction, the expenses of keeping,
4 supporting and employing such offender, after deducting the net
5 amount of his earnings, shall be allowed by the commissioners
6 of the county, and be paid to the master of such house, out of
7 the county treasury, and with the same right of reimbursement
8 from the treasury of the state, as the accounts of jailers for the
9 prison charges for persons, confined for offences against the
10 state.

R. S., c. 178, § 23.

Town Houses of Correction.

SECT. 17. Any town, at its own expense, may build and
2 maintain a house of correction, or may appropriate in part or in
3 whole, any work-house owned by such town, for such purpose ;
4 and any person belonging to or found in such town, liable to be

5 sent by a justice of the peace to the county house of correction,
6 may be sent to such town house, by any justice of such town,
7 and by the like process ; but the provisions of this section shall
8 not restrain such justice from committing any person so liable,
9 to the county house of correction ; and the respondent party
10 may appeal as in other cases. R. S., c. 178, § 24.

SECT. 18. The selectmen of any such town shall annually
2 appoint three, five or seven discreet persons, overseers of such
3 house, and may establish from time to time, such rules and
4 orders, not repugnant to law, as they deem necessary, for gov-
5 erning and furnishing persons lawfully committed thereto.

R. S., c. 178, § 25.

SECT. 19. When any work-house is so appropriated for a
2 house of correction, the master thereof shall be master of the
3 house of correction ; but in other cases, the overseers thereof
4 shall appoint a suitable master, removable at their pleasure.

R. S., c. 178, § 26.

SECT. 20. The overseers and master of such town house of
2 correction shall have such compensation for their services as is
3 annually voted by their towns. R. S., c. 178, § 27.

SECT. 21. The overseers from time to time, shall examine
2 into the prudential concerns and management of such house,
3 and see that the master faithfully discharges his duty.

R. S., c. 178, § 28.

SECT. 22. Every person committed to such town house of
2 correction, shall be supplied by the keeper with a suitable quan-
3 tity of bread and water, or other nourishment, as the overseers
4 order ; and all expenses incurred for commitment and mainte-
5 nance, exceeding the earnings of the person confined, shall be
6 paid by the parties liable for similar charges in the case of per-
7 sons committed to a county house of correction.

R. S., c. 178, § 29.

SECT. 23. The overseers of any such town house of correc-
2 tion may commit thereto, for a term not exceeding forty-eight
3 hours, any person publicly appearing intoxicated, or in any
4 manner violating the public peace, when the safety of the per-
5 son intoxicated, or the good order of the community requires it,
6 till such person can be conveniently carried before a magistrate,

7 and restrained by complaint and warrant in the usual course of
8 criminal prosecutions. R. S., c. 178, § 30.

SECT. 24. The form of the order for commitment may be in
2 substance as follows :

3 To A. B., master of the house of correction in the town of
4 ——— : You are hereby required to receive and keep C. D. in
5 said house of correction for the term of ——— hours, unless
6 sooner discharged by our order.

7 E. F., { Overseers of said house
8 G. H., { of correction.

9 And any sheriff, deputy sheriff, constable, or other person, to
10 whom such order is given by said overseers, shall forthwith
11 apprehend and convey such person to said house of correction,
12 and deliver him to the master thereof, who shall take and keep
13 him agreeably to the order ; the officer or other person, serving
14 such order, shall be entitled to receive from the town such fees
15 for service and travel, as is allowed for service of warrants.

R. S., c. 178, § 31.

Chapter 142.

THE STATE REFORM SCHOOL.

- Sect.* 1. Appointment, term of office, powers and duties of trustees of the reform school.
2. Who may be sentenced thereto.
3. How they shall be instructed and disciplined.
4. Proceedings when trustees do not receive him or he is incorrigible.
5. Costs of transportation paid by the county.
6. Form of commitment and effect of discharge.
7. Trustees may bind out boys.
8. In what branches they shall be instructed.
9. Powers and duties of superintendent.
10. All contracts to be made by superintendent and approved by trustees. Suits thereon.
11. Visits and examinations by the trustees, and their annual reports.

SECT. 1. The government of the state reform school, estab-
2 lished for the instruction, employment and reform of juvenile
3 offenders, in the town of Cape Elizabeth, in the county of Cum-
4 berland, shall be vested in a board of five trustees, two of whom
5 shall be appointed annually, by the governor with advice of

6 council, and for this purpose, the places of the two senior mem-
7 bers, as arranged in their commissions, shall be annually
8 vacated. They shall be allowed ten cents a mile for their actual
9 travel each way, and two dollars a day for their services; and
10 shall take charge of the general interests of the institution; see
11 that its affairs are conducted in accordance with the require-
12 ments of the legislature, and of such by-laws as the board may
13 from time to time adopt for the orderly and economical manage-
14 ment of its concerns; see that proper discipline is maintained
15 therein; provide employment for the inmates, and bind them out,
16 discharge or remand them as is hereinafter provided; appoint a
17 superintendent and such other officers as in their judgment the
18 wants of the institution require; prescribe the duties of all the
19 officers thereof; exercise a vigilant supervision over its concerns;
20 remove its officers at pleasure, and appoint others in their stead;
21 determine the compensation to be allowed them, subject to the
22 approval of the governor and council; and prepare and submit
23 to the inspection of the governor and council, a code of by-laws,
24 which shall be valid when sanctioned by them.

1853, c. 19, § 1, 2, 14.

SECT. 2. When any boy under the age of eighteen years is
2 convicted of any offense punishable by imprisonment not for life,
3 the court or justice before whom he is convicted, may sentence
4 him to the state reform school, or to the other punishment pro-
5 vided by law for the same offense. If the sentence is to the
6 reform school, it shall be conditioned that if he is not received
7 or kept in the reform school, for the term prescribed by his
8 sentence, he shall then suffer such lawful alternative punishment
9 as the court or justice orders. 1853, c. 19 § 4. 1854, c. 88, § 1.

SECT. 3. Any boy, so convicted and sent to said school, shall
2 there be kept, disciplined, instructed, employed and governed
3 under the direction of the board of trustees until the term of his
4 sentence expires, or he is discharged as reformed, bound out by
5 said trustees according to their by-laws, or remanded to prison
6 under the sentence of the court as incorrigible, upon information
7 of the trustees as hereinafter provided. 1853, c. 19, § 5.

SECT. 4. When any boy is sentenced to said school, and the
2 trustees deem it inexpedient to receive him, he is found incor-

3 rigid, or his continuance in the school is deemed injurious to
4 its management and discipline, they shall certify the same upon
5 the mittimus by which he is held, and the mittimus and convict
6 shall be delivered to any proper officer, who shall forthwith
7 commit said boy to the jail, house of correction or state prison,
8 according to his alternative sentence. 1853, c. 19, § 6.

SECT. 5. The costs of transporting a convict to the reform
2 school, shall be paid out of the treasury of the county where he
3 is convicted, as the costs of conveying prisoners to the several
4 county jails are by law paid; and the county commissioners of
5 the county shall examine and allow all such costs as appear to
6 them to be reasonable. 1854, c. 88, § 2.

SECT. 6. All commitments of boys to this institution, shall be
2 for a term not longer than their minority, nor less than one
3 year, unless sooner discharged by order of the trustees, as before
4 provided; and when any boy is discharged therefrom at the
5 expiration of his term, or as reformed, or at the age of twenty-
6 one years, it shall be a full and complete release from all
7 penalties and disabilities created by his sentence.

1853, c. 19, § 7.

SECT. 7. The trustees may bind out all boys committed to
2 their charge for a term of time, within the period of their sen-
3 tence, as apprentices to any inhabitants of this state; and the
4 trustees, master or mistress, and apprentice, shall respectively
5 have all the rights and privileges, and be subject to all the
6 duties provided by law for apprenticing by overseers of the
7 poor. 1853, c. 19, § 8.

SECT. 8. The trustees shall cause the boys under their charge
2 to be instructed in the branches of useful knowledge adapted
3 to their age and capacity, in some regular course of labor,
4 mechanical, manufacturing, agricultural or horticultural, or a
5 combination of these, according to their age and strength, dis-
6 position and capacity; and in such other arts and trades as
7 seem to them best adapted to secure their reformation, amendment
8 and future benefit. In binding out the inmates, the trustees
9 shall have scrupulous regard to the character of those to whom
10 they are bound, that they may secure to the boys the benefit of
11 good example, wholesome instruction, and other means of im-

12 provement in virtue and knowledge, and the opportunity of
13 becoming intelligent, moral and useful citizens of the state.

1853, c. 19, § 9.

SECT. 9. The superintendent, with such other officers as the
2 trustees appoint, shall have the charge and custody of the
3 inmates; be a constant resident at the institution; discipline,
4 govern, instruct, employ and use his best endeavors to reform
5 the inmates so as to preserve their health, and secure, as far as
6 possible, moral and industrious habits, and regular improvement
7 in their studies, trades and various employments. He shall
8 have the charge of the lands, buildings, furniture, tools, imple-
9 ments, stock and provisions, and every species of property
10 pertaining to the institution within the precincts thereof. Before
11 he enters upon the duties of his office, he shall give a bond to
12 the state, with sureties satisfactory to the governor and council,
13 in a sum not less than two thousand dollars, conditioned faith-
14 fully to account for all moneys received by him, and perform all
15 the duties incumbent on him as superintendent; keep in suit-
16 able books, regular and complete accounts of all his receipts
17 and disbursements, and of all property entrusted to him, showing
18 the income and expenses of the institution; and account in such
19 manner, and to such persons as the trustees direct, for all
20 moneys received by him, from the proceeds of the farm, or other-
21 wise. His books, and all documents relating to the school,
22 shall at all times be open to the inspection of the trustees, who
23 shall at least once in every six months, carefully examine the
24 books and accounts, and the vouchers and documents connected
25 therewith, and make a record of the result thereof. He shall
26 keep a register, containing the name and age of each boy, and
27 the circumstances connected with his early history; and add
28 such facts as come to his knowledge, relating to his subsequent
29 history, while at the institution, and after he left it.

1853, c. 19, § 10, 11.

SECT. 10. All contracts on account of the institution shall be
2 made by the superintendent in writing, and when approved by
3 the trustees, if their by-laws require it, shall be binding in law,
4 and the superintendent, or his successor, may sue or be sued
5 thereon, to final judgment and execution. No such suit shall

6 abate by a vacancy in the office of superintendent during its
 7 pendency; but his successor may take upon himself its prosecu-
 8 tion or defense, and on motion of the adverse party, and notice,
 9 he shall be required to do so. 1853, c. 19, § 12.

SECT. 11. One or more of the trustees shall visit the school at
 2 least once in every four weeks, examine the inmates in the
 3 school room and work shop, and register; and regularly keep
 4 a record of these visits in the books of the superintendent. Once
 5 in every three months, the school in all its departments shall be
 6 thoroughly examined by a majority of the board of trustees and
 7 a report made, showing the results thereof. Annually, in the
 8 month of December, an abstract of these quarterly reports shall
 9 be prepared, and laid before the governor and council, for the
 10 information of the legislature, with a full report of the superin-
 11 tendent stating particularly among other things, the offense for
 12 which each pupil was sentenced and his place of residence. A
 13 financial statement, furnishing an accurate detailed account of
 14 the receipts and expenditures for the year terminating on the
 15 last day of the month of March next preceding, shall be also
 16 furnished.

Chapter 143.

THE MAINE INSANE HOSPITAL.

APPOINTMENT AND DUTIES OF TRUSTEES.

- Sect. 1. Appointment and term of office of trustees. Vacancies how filled.
2. They shall have the general management of the hospital, make rules, receive gifts of property and apply the same.
 3. Appointment of superintendent and steward. Salaries how fixed.
 4. Visits and examinations by the trustees and record thereof. Their pay, and that of other officers, from state treasury.
 5. Quarterly settlement of the accounts of steward.
 6. Their annual meeting, and annual reports to the governor and council.

DUTIES OF SUPERINTENDENT.

7. Duties of superintendent.

DUTIES OF STEWARD.

8. Duties of steward.

DUTIES OF PARENTS AND GUARDIANS.

9. Duties of parents and guardians of insane minors.

DUTIES OF MUNICIPAL OFFICERS.

10. Municipal officers constituted a board to hear cases of insanity and commit to hospital. Certificate therefor.

DUTIES OF JUSTICES OF THE PEACE.

11. Appeal from their decision to two justices of the peace and quorum. How they shall be selected, and when and where sit.
 12. If the two justices or the municipal officers, neglect to decide within three days of the time, complaint may be made to two justices, and they may hear and decide.
 13. Justices to keep a record, and furnish copies. Their compensation, and how paid.
 14. When justices order a commitment; who shall carry it into effect.

EXPENSES OF SUPPORTING THE INSANE IN THE HOSPITAL.

15. Town where insane was found chargeable in first instance, unless friends give a bond.
 16. Such town may have a remedy over against the insane; the persons liable therefor; the town of his settlement or the state. Governor may draw warrants for such expenses. Such insane not liable to disabilities of pauperism.

DISCHARGE OF THE INSANE.

17. Any party liable for the support of the insane, may apply to municipal officers where he belongs, for his discharge. Their decision binding; costs. Application not to be renewed for six months.
 18. Duty of overseers, where insane belongs, to remove him, when notified by superintendent. If not, superintendent to cause it to be done at the expense of such town.

GUARDIANS FOR INSANE.

19. When judge of probate may appoint guardians for insane sent to the hospital. Their duties and compensation.

Appointment and Duties of Trustees.

SECT. 1. The government of the Maine insane hospital is
 2 vested in a board of six trustees, appointed by the governor,
 3 with advice of council, for the term of three years, and so
 4 divided into three classes, that the term of two shall expire each
 5 year; and all vacancies occurring before the expiration of the
 6 term, shall be filled for the remainder thereof.

1843, c. 19, § 1. 1847, c. 33, § 1.

SECT. 2. They shall have the general care and management
 2 of the institution; see that it is conducted according to law, and

3 the by-laws for its internal government and economy, which
4 they are hereby authorized to establish, not inconsistent with
5 the laws of the state; hold in trust for the state any land,
6 money or other property, granted, bequeathed, or given to the
7 institution, and apply the same for the support, comfort or
8 improvement of the insane, and the general use of the institu-
9 tion, and have power to bring actions in the name of the
10 treasurer, for all dues to the institution, and to defend all suits
11 brought against it. 1847, c. 33, § 2.

SECT. 3. They shall appoint a superintendent, and they and
2 the superintendent shall appoint a steward and all other officers
3 necessary for the efficient and economical management of the
4 business of the institution; but all appointments shall be made
5 according to the by-laws, and the salaries of all such officers
6 shall be fixed by the trustees, subject to the approval of the
7 governor and council. 1847, c. 33, § 3.

SECT. 4. There shall be a thorough examination of the hos-
2 pital, monthly, by two of the trustees; quarterly, by three;
3 and annually, by a majority of the full board, and at any other
4 time when they deem it necessary, or the superintendent requests
5 it. At each visit, a written account of the state of the institu-
6 tion shall be drawn up by the visitors, recorded and presented
7 at the annual meeting of the trustees. For all such visits, they
8 shall have the same compensation for time and travel as mem-
9 bers of the legislature; their accounts shall be audited by the
10 governor and council, and the governor shall draw his warrant
11 of the treasurer of state, for the amount due them and the other
12 officers of the institution, except attendants on the patients and
13 laborers on the premises. 1847, c. 33, § 6.

SECT. 5. The trustees, at their next meeting after the expir-
2 ation of each quarter, shall examine carefully the books and
3 vouchers of the steward and treasurer, and audit and settle his
4 accounts. 1847, c. 33, § 6.

SECT. 6. They shall hold an annual meeting, in the month of
2 December, at which there shall be made a full and detailed
3 report, containing a particular statement of the condition, con-
4 cerns, and wants of the hospital; and this report, and the
5 reports of the superintendent and steward, shall be made up to

6 the first day of December, and laid before the governor and
7 council by the first week of the next annual session of the legis-
8 lature, for the use of the government. 1847, c. 33, § 6.

Duties of Superintendent.

SECT. 7. The superintendent shall be a physician; reside
2 constantly at the hospital; have the general superintendence of
3 the hospital and grounds; receive all patients legally sent to the
4 hospital, unless the number exceeds its accommodations, and have
5 the charge of them, and the direction of all persons therein, sub-
6 ject to the regulations of the board of trustees; and annually
7 report to the governor and council the condition and prospects
8 of the institution, with such remarks and suggestions relative to
9 its management and the general subject of insanity as he thinks
10 will promote the cause of science and humanity.

1847, c. 33, § 4, 8.

Duties of the Steward.

SECT. 8. The steward shall be treasurer; give bonds to the
2 trustees in such amount, and with such sureties as they deem
3 sufficient, for the safe keeping and proper disbursement of the
4 funds of the institution; under the advice and direction of the
5 superintendent and of the trustees, make all necessary purchases
6 of supplies and provisions; hire attendants and other laborers;
7 see to the proper cultivation of the farm and grounds; have a
8 careful oversight of the patients when employed thereon; per-
9 form such other duties as the trustees direct, and annually make
10 a detailed report to them of his receipts and expenditures, and
11 of the financial affairs of the institution. 1847, c. 33, § 5.

Duty of Parents and Guardians of Insane Minors.

SECT. 9. Parents and guardians of insane minors, if of suffi-
2 cient ability to support them there, within thirty days after the
3 attack of insanity, without any legal examination, shall send
4 them to the hospital, and give to the treasurer thereof, the bond
5 required; or to some other hospital for the insane.

1847, c. 33, § 7.

Duties of Municipal Officers.

SECT. 10. All insane persons not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and on complaint in writing of any relation, or of any justice of the peace of their town, they shall inquire into the condition of any insane person therein, as soon as the case comes to their knowledge; call before them all testimony necessary for a full understanding of the case; and if they think such person is insane, and that his comfort and safety, or that of others interested will thereby be promoted, they shall forthwith send him to the hospital, with a certificate stating the fact of his insanity, and the town in which he resided, or was found at the time of examination, and directing the superintendent to receive and detain him till he is restored or discharged by law, or by the superintendent and trustees. And they shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it. 1847, c. 33, § 8, 17.

Duties of Justices of the Peace and Quorum.

SECT. 11. Any person or corporation, deeming himself or the insane aggrieved by the decision of the board of examiners for or against the insanity, may appeal therefrom by claiming the appeal within five days after the decision is made known, naming a justice of the peace and quorum on his part, and appointing a time within three days thereafter, and a place in such town or an adjoining town for the hearing, and he shall procure the attendance of such justice at such time and place, if in his power, if not, he may select another; the board of examiners shall select another justice of the peace and quorum.

1847, c. 33, § 9. 1848, c. 79, § 1, 2.

SECT. 12. If the two justices neglect or refuse to decide the appeal within three days after the time appointed for the hearing; or if the municipal officers neglect or refuse for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any relative of the insane, or any other respectable person to two justices of the peace and quorum; and the two justices, selected in either

8 of the above modes may call before them any proper testimony,
9 and hear and decide the case. If they find the person insane,
10 and that he will be more comfortable and safe to himself or
11 others, they shall give a certificate for his commitment to the
12 hospital, like that described in section ten.

1847, c. 33, § 9, 10. 1848, c. 79, § 1, 2.

SECT. 13. Such justices shall keep a record of their doings
2 and furnish a copy thereof to any person interested, requesting
3 and paying for it; those deciding an appeal shall be entitled
4 to receive for their services, two dollars a day, and ten cents a
5 mile for their travel, and shall determine which party shall pay
6 it; those deciding an original case shall charge the same fees as
7 for a criminal examination, to be paid by the person or corpora-
8 tion liable in the first instance for the support of the insane in
9 the hospital. 1847, c. 33, § 17.

SECT. 14. When such justices order a commitment to the
2 hospital, the municipal officers of the town where the insane
3 resides, or such other person as the justices direct, shall cause
4 such order to be complied with forthwith, at the expense of the
5 town; and after such commitment is made, the justices shall
6 decide and certify the expenses thereof. 1847, c. 33, § 18.

Expenses of supporting the Insane at the Hospital.

SECT. 15. The certificate of commitment to the hospital, after
2 a legal examination, shall be sufficient evidence in the first
3 instance, to charge the town where the insane resided or was
4 found at the time of his arrest, for the expenses of his examina-
5 tion, commitment and support in the hospital; but when his
6 friends or others file a bond with the treasurer of the hospital,
7 such town shall not be liable for his support, unless new action
8 is had by reason of the inability of the patient or his friends
9 longer to support him; and such action may be had in the
10 same manner and before the same tribunal as if he had never
11 been admitted to the hospital. 1847, c. 33, § 11.

SECT. 16. Any town, thus made chargeable in the first
2 instance, and paying for the commitment and support of the
3 insane, in the hospital, may recover the amount paid of the
4 insane, if able; or of persons legally liable for his support, or of

5 the town where his legal settlement is, the same as if incurred
 6 for the ordinary expenses of any pauper; but if he has no legal
 7 settlement in this state, such expenses shall be refunded by the
 8 state; and the governor, with advice of council, shall audit all
 9 such claims, and draw his warrant on the treasurer therefor.
 10 No insane person shall suffer any of the disabilities incident to
 11 pauperism, nor hereafter be deemed a pauper by reason of such
 12 support. 1847, c. 33, § 11. 1852, c. 254.

Discharge of the Insane.

SECT. 17. When any friend, person, or town, liable for the
 2 support of any patient who has been in the hospital six months,
 3 not committed by order of the supreme judicial court, nor
 4 afflicted with homicidal insanity, thinks he is unreasonably
 5 detained, he may apply to the municipal officers of the town
 6 where the insane resides, and they shall inquire into the case,
 7 and summon before them any proper testimony, and their
 8 decision and order shall be binding on the parties. They shall
 9 tax legal costs, and decide who shall pay them. If such appli-
 10 cation is unsuccessful, it shall not be made again till the
 11 expiration of another six months.

1847, c. 33, § 12. 1849, c. 136. 1855, c. 124, § 4.

SECT. 18. When the overseers of any town, liable for the
 2 support of a patient at the hospital, are notified, by mail, by the
 3 superintendent, that he has recovered from his insanity, they
 4 shall cause him to be removed to their town; and if they neglect
 5 it for fifteen days, the superintendent shall cause it to be done
 6 at the expense of such town. 1847, c. 33, § 19.

Guardians for Insane sent to the Hospital.

SECT. 19. When any male or unmarried female, of twenty-
 2 one years of age, is sent to the hospital for insanity, under any
 3 of the provisions of this chapter, the municipal officers of the
 4 town where such insane resides, may apply to the judge of
 5 probate for the same county, for the appointment of a guardian,
 6 when they think it for the interest of the insane, and to prevent
 7 waste of his property; and the judge, without notice to the

8 insane, shall forthwith appoint some suitable guardian of the
9 same county, who shall give bond as in other cases, and have
10 reasonable compensation for his services, to be allowed by the
11 judge and paid out of the estate; but shall not be required to
12 return any inventory, or exercise any other powers or duties of
13 guardian for one year after his appointment, except to provide
14 for the support of the insane and his family, and prevent waste
15 of his property.

1847, c. 33, § 13.