

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED _____, 1883;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX AND REFERENCE INDEX.

PORTLAND:
PRINTED BY WILLIAM M. MARKS.

TITLE TWELVE.

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. The Maine industrial school for girls.
143. The insane hospital.
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CHAPTER 140.

THE STATE PRISON.

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SEC. 1. The state prison at Thomaston, in the county of Location.
R.S., c. 140, § 1.
Knox, shall continue to be maintained as the prison and penitentiary of *this* [the] state, in which convicts, committed thereto

CHAP. 140. according to law, shall be confined, employed, and governed as hereinafter provided.

Of solitary imprisonment.
R.S., c. 140, § 2.
1872, c. 64,
71 Me., 254.

SEC. 2. All punishment in the state prison by imprisonment shall be by confinement to hard labor, and not by solitary imprisonment, excepting as a prison discipline for the government of the convicts, as hereinafter mentioned.

Convicts of U. S. courts to be received.
R.S., c. 140, § 3.

SEC. 3. Convicts, sentenced to hard labor in the state prison, for life or [for] any term not less than one year, by any court of the United States held within *this* [the] state, shall be received into the prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences.

Supervision and officers.
R.S., c. 140, § 4.
1873, c. 133, § 9.

SEC. 4. The supervision of the state prison *shall be* [is] vested in the governor and council, but its government and direction in a board of three prison and jail inspectors, one warden, one deputy warden, one person to perform the duties of clerk and commissary, and such number of overseers, not exceeding ten, as the inspectors determine to be necessary.

Board of inspectors and warden.
—appointment.
—oaths.
—warden's bond.
R.S., c. 140, § 5.

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

Subordinate officers.
—appointment.
R.S., c. 140, § 6.

SEC. 6. The other officers before mentioned, shall be subordinate to the warden, appointed by warrant under his hand and seal, *and* subject to the approval or disapproval of the inspectors at their next meeting, to whom the warden shall make report thereof; they shall hold their offices during the pleasure of the inspectors and warden; but the inspectors, without the concurrence of the warden, may remove any of such officers for negligence or unfaithfulness in the discharge of their duties, and appoint others in their place; and if the warden thinks [that] any subordinate officer ought to be removed, and the inspectors will not consent thereto, he may appeal to the governor and council, who, after reasonable notice to the inspectors, may make

—removal.

such removal and appoint some other suitable person. The subordinate officers shall take and subscribe the oaths of office, and the deputy warden, clerk and commissary, shall also give bond to the state with sufficient sureties, the former in the sum of five hundred dollars, and the latter in the sum of one thousand dollars, approved by the inspectors, conditioned for the faithful performance of their duties; which shall be filed in the office of the secretary of state.

CHAP. 140.

—oaths.

—bonds.

SEC. 7. The inspectors shall meet *together* at stated times at the state prison, once at least in every three months and oftener if necessary, to inspect its concerns, the manner of keeping the books and accounts, and the register of punishments kept by the warden; and, from time to time, carefully examine the same, and keep a record of their doings; one of them at least shall visit the prison once in each month to examine into all its concerns, and see that its laws and regulations are duly observed, and the duties of the several officers faithfully performed, and to advise with the warden on its concerns, when thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts, and writings, pertaining to the prison or its business, management and government. And the inspectors, as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the governor and council a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they deem proper.

Duty of the inspectors in reference to the state prison.
R.S., c. 140, § 7.

SEC. 8. The inspectors, on the first of December annually, shall audit, correct, and settle the accounts of the warden with the prison and the state, for the year ending on the last day of November preceding, and make report thereof to the governor and council, to be laid before the legislature; which shall exhibit an account of the stock on hand of different kinds at the beginning and at the close of the year; the several sums expended for materials, provisions, fuel, clothing, bedding, lights, tools and other articles; the amount of manufactures of each kind, and all other articles sold from the prison; the profits or loss upon each branch of business; and all other particulars necessary to give the legislature a full understanding of the fiscal and other concerns of the prison; and shall, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

To audit and settle the warden's accounts, &c.
R.S., c. 140, § 8.

SEC. 9. They shall inquire into any improper conduct, alleged to be committed by the warden or any subordinate officer of the prison in relation to its concerns; and, for that purpose, may issue subpoenas for witnesses, and compel their attendance and the production of papers and writings; *and may examine witnesses under*

To adjudicate on alleged improper conduct of warden, &c.
R.S., c. 140, § 9.
71 Me., 259.

CHAP. 140. oath, to be administered by the chairman; and may adjudicate on such alleged improper conduct in like manner and with like effect as in cases of arbitration.

Disorderly
prisoners,
punishment
of.
1874, c. 250,
71 Me., 254,
260.

SEC. 10. They shall examine into all disorderly conduct among the prisoners, and when it appears to them that any convict is disorderly, refractory or disobedient, [they] may order such punishment other than corporal as they may deem necessary to enforce obedience, not inconsistent with humanity, and authorized by the rules and regulations established for the government of the prison.

To establish
regulations,
&c.
R. S., c. 140,
§ 11.
71 Me., 253,
259.

SEC. 11. They shall from time to time, establish such rules and regulations, consistent with *the laws of the state* [law], as they deem necessary and expedient for the direction of the officers, agents, and servants of the prison, in the discharge of their duties, or for their compensation not established by law, and may, with the approval of the governor and council, fix anew, or regulate from time to time, the compensation of the various officers of the prison, when they deem it for the interests of the state; shall establish rules for the government, instruction, and discipline of the convicts, and for their clothing and subsistence; and for the custody, preservation, and management of the public property; and as soon as may be after the establishment of the same by the inspectors, they shall cause a copy thereof to be laid before the governor and council, who may approve, annul, or modify them, and make and establish such other rules and regulations, consistent with *the laws of the state* [law], as they see fit; and the governor shall communicate all rules and regulations, thus approved, to the next legislature; and the inspectors shall cause a copy thereof to be certified by the clerk and delivered to the warden.

Powers and
duties of
inspectors
to jails.
1873, c. 133, § 9.

SEC. 12. The inspectors shall visit [all] the jail[s], of *the several counties* at least once [in] every three months, and inquire into the management and conduct of the same, give such advice in relation *to the same* [thereto] as may be regarded by them useful and proper, to classify all *prisoners held under sentence* [convicts] in said jails, having regard to age, character and offences, and for this purpose, may order the county commissioners of either of the several counties, to make such alteration in their several jails as said inspectors may deem necessary, in order to classify the *prisoners* [convicts] therein, and persons charged with crime, and if said county commissioners neglect or refuse to make such alterations, or [to] provide for the classification of *prisoners* [convicts] and persons charged with crime, after having been so ordered or notified so to do, said inspectors may cause said *prisoners* [convicts] and persons charged with crime to be removed to either of the several jails *in the state*, where such alteration or provision

for classification as aforesaid has been made, and the expense of the removal and keeping of such *prisoners* [convicts], or persons charged with crime, shall be paid by the county from which such *prisoner* [convict] or person charged with crime is removed, and may require of the keeper of said jail to keep a calendar, with such statistics in relation to *their prison* [his jail] as may be deemed by them useful for future reference. And said inspectors *shall have power to* [may] remove prisoners from jails where no arrangements are made for the convicts to labor, to some work-jail where they may be set at work; and when one jail has a larger number of convicts at labor than can be well accommodated, *to* [they may] remove a portion of them to another jail where better facilities for labor can be afforded them. For this purpose said inspectors may issue precepts to any officer *in this state* qualified to serve precepts in criminal cases in his county, to cause such removal, whether such service is performed in whole or in part in one or more counties, and the expense of removal shall be paid by the county in which said convicts were sentenced. The inspectors shall make a report of the condition of all the prisons *in this state* to the governor and council by the thirtieth day of November annually.

—inspectors may remove prisoners from one jail to another. 1875, c. 27.

—may issue precepts for removal of prisoners. 1873, c. 133, § 10.
—to report each November to governor and council. 1873, c. 133, § 14.

SEC. 13. The warden shall not carry on or be concerned in the business of trade and commerce during his continuance in office; he shall reside constantly within the precincts of the prison, and shall have the care, custody, and charge of the prison, and of the convicts therein, in conformity to their sentences, and of the lands, buildings, machines, tools, stock, provisions, and of every other kind of property belonging to or within the precincts of the same. He shall be the treasurer of the prison, receive, pay out, and be accountable for all moneys granted for maintaining it, or derived from the manufactures or other concerns thereof; make in the books of the prison regular entries of all its pecuniary and other concerns, and, on the first day of December of each year, he shall render to the inspectors a fair account of all the expenses and disbursements, receipts and profits of the prison, with sufficient vouchers therefor, and a statement of its general affairs, for the year then past, including the number of convicts received and discharged during the year, and the number remaining; and a similar account and statement, examined and approved by the inspectors, he shall also render, under oath, on the first day of December annually, to the governor and council, and settle all his accounts with them when they require it.

Warden not to be concerned in trade. —his duties. R. S., c. 140, § 12.

SEC. 14. He shall inspect and oversee the conduct of the convicts, and cause all the rules and regulations of the prison to be strictly and promptly enforced; give immediate information to

His government in the prison. R. S., c. 140, § 13.

CHAP. 140.

71 Me., 254,
259.

Warden
shall keep
record of
conduct and
recommend
deduction of
imprison-
ment.
—scale of
deduction.
R. S., c. 140,
§ 14.
71 Me., 254.

Shall submit
record
quarterly.
R. S., c. 140,
§ 15.
71 Me., 254.

To execute
precepts, &c.
R. S., c. 140,
§ 16.
50 Me., 291.

—to com-
mand the
guard, &c.

To take bills
of supplies.
R. S., c. 140,
§ 17.

the inspectors of any officer who refuses or neglects to enforce the discipline established, and they shall forthwith remove any officer guilty of such neglect. He may punish any convict for disobedience, disorderly behavior, or indolence, as directed by the inspectors or prescribed in the rules and regulations, and shall keep a register of all such punishments, and the cause for which they are inflicted.

SEC. 15. He shall keep a record of the conduct of each convict, and for every month [during which] it appears by such record that such convict has faithfully observed all the rules and requirements of the prison, the warden may recommend to the executive a deduction from the term of such convict's sentence according to, but not exceeding the following rule and proportion : for a convict under a sentence of two years or less, one day for each month of good conduct ; three years or less, and more than two years, two days ; four years, three days ; five years, four days ; seven years or less, and more than five years, five days ; nine years or less, and more than seven years, six days ; ten years and less than fifteen years, seven days ; fifteen years and less than twenty years, eight days ; and for all other convicts, except those sentenced to imprisonment for life, ten days.

SEC. 16. The record, with the scale of deduction provided in the preceding section, shall be submitted by the warden to the governor and council once in three months.

SEC. 17. The warden or his deputy shall serve, execute and return, all processes within the exterior walls of the prison yard, and they shall be directed to him or his deputy accordingly ; and for the doings of his deputy, the warden and the deputy himself shall be answerable. The warden shall have the command of all the force for guarding the prison, and of all officers and persons employed under him in overseeing, guarding, and governing it. For serving executions and returning processes, like fees shall be taxed as for sheriffs. The warden on demand of any officer having a writ of replevin, commanding him to replevy from the possession of the warden, any goods or chattels of a private individual, not a prisoner, shall expose them outside of the prison yard, so that they may be replevied. The officer shall pay the warden a reasonable charge for removal and tax the same in his fees on the writ.

SEC. 18. The warden shall take bills of the quantity and price of supplies furnished for the prison, at the time of delivery, and exhibit them to the clerk, who shall compare them with the articles delivered ; if they are found correct, he shall enter them, with the date, in a book to be kept for that purpose ; in like manner bills shall be taken and entered of all services rendered for the prison ;

if any such bill is found incorrect, the clerk shall omit to enter it and immediately give notice to the warden, that the error may be corrected. CHAP. 140.

SEC. 19. All sales of limestone, granite, or other articles from the prison, and the letting to hire of such of the convicts, as the inspectors may deem expedient, and all other contracts on account of the prison, shall be made with the warden in the manner prescribed by the inspectors. No such contract shall be accepted by the warden, unless the contractor gives satisfactory security for the performance of it; and no officer of the prison shall be directly or indirectly interested in any such contract. Warden to make contracts, &c.
R. S., c. 140,
§ 18.

SEC. 20. When the warden receives from *the* [any] sheriff of *any county* a warrant requiring him to remove a convict to the state prison, he shall, by himself or such other person as he appoints or contracts with for that purpose, forthwith cause such warrant to be executed according to its precept, in the least expensive manner consistent with the security of the convict; and said warrant, with his return thereon of the manner of executing it, he shall file in his office, and cause a copy of it to be filed in the office of the clerk of the court from which it issued. Service of warrant for removal of convicts.
R. S., c. 140,
§ 19.

SEC. 21. 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* [until] the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive him 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. The warden, when he believes [that] there are more convicts in the state prison than can be confined there securely, shall certify the fact to the governor and council, who may authorize him to transfer them, so far as is necessary, to some jail; and the jailer thereof shall receive such compensation from the state treasury as he and the warden agree upon; but when the accommodation of the prison shall be so increased that they can be safely confined therein, the warden shall remove them from such jail to the state prison. The time [during which] they were so confined in jail shall be deducted from their sentence. When convicts may be temporarily lodged in jails, at state's expense.
R. S., c. 140,
§ 20.

SEC. 22. 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 under the management of the warden thereof, may be prosecuted in his name; Of actions by or against the warden, &c.
R. S., c. 140,
§ 21.

CHAP. 140. and no such action shall abate by the warden's ceasing to be in office, but his successor, upon notice, shall assume its prosecution or defence. *In said actions, the warden shall be a competent witness, and** neither his [the warden's] person nor property shall be taken or attached in any such suit, nor shall any execution issue against him on any judgment therein, but it 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.

Warden may refer controversies.
R. S., c. 140, § 22.

SEC. 23. When any controversy arises respecting any 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.

Warden exempted from arrest.
R. S., c. 140, § 23.
—how creditor may proceed with an execution against warden.

SEC. 24. 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, may be issued against his goods and estate only; and if it is returned unsatisfied, the creditor may file with the governor and council a copy of such execution and return, and serve on the warden a copy of such copy attested by the secretary of state, with a notice under his hand of the day on which such copy was filed; and if the warden does not, [with-]in forty days after such service, pay the creditor his full debt, with reasonable costs for copies and service of them, he shall be removed; and when he ceases to be warden, alias executions may be issued against his body and property.

Powers, duties, and liabilities of deputy warden.
R. S., c. 140, § 24.

SEC. 25. When the office of warden is vacant, or the warden is absent from the prison, or unable to perform the duties of his office, the deputy warden shall have the powers, perform the duties, and be subject to all the obligations and liabilities of the warden.

If office of warden is vacant, deputy to give bonds, and act as warden, &c.
R. S., c. 140, § 25.

SEC. 26. If the office of warden becomes vacant when the governor and council are not in session, the inspectors may require the deputy warden to give bond to the state, in the sum of five thousand dollars, with sufficient sureties to be by them approved, with condition for the faithful discharge of his duties as deputy warden and treasurer; and, from the time the bond is approved, the deputy shall receive the salary and emoluments of the warden in lieu of his former pay, while he performs the duties of the office; if he does not give such bond when required, the inspectors may

*[NOTE. Under the present law of evidence, this provision seems unnecessary.]

remove him, and appoint a warden *pro tempore*, who shall give bond similar to the one required of the deputy warden, have the power and authority, perform the duties, and receive the salary and emoluments of the warden, until a warden is duly appointed and enters on the discharge of his duties ; and in such case, until the warden *pro tempore* is so appointed and gives bond, the inspectors, or either of them, shall be vested with all the powers and duties of warden. CHAP. 140.

SEC. 27. The clerk and commissary shall keep an account of all supplies purchased for the use of the prison, and of all articles sold and delivered therefrom ; assist in effecting sales and purchases under the direction of the warden ; attend the meetings of the inspectors, when they request it ; keep a record of their proceedings ; and perform any other services, pertaining to his employment and the superintending of the prison, directed by the inspectors or warden. Of the clerk and commissary.
R. S., c. 140,
§ 26.

SEC. 28. Persons having suitable knowledge and skill in the branches of labor and manufactures carried on in the prison, shall, when practicable, be employed to superintend the branches of labor assigned to them by the warden ; and all of them and the other subordinate officers of the prison shall perform the services in the management, superintending, and guarding of the prison, prescribed by the rules and regulations, or directed by the warden. Overseers.
R. S., c. 140,
§ 27.

SEC. 29. If any such subordinate officer is guilty of negligence or unfaithfulness in the discharge of his duties, or of a violation of any of the laws, or rules and regulations for the government of the prison, the warden, with the approbation of the inspectors, may deduct from the pay of such officer a sum not exceeding his pay for one month. Neglect of subordinate officers, &c.
R. S., c. 140,
§ 28.

SEC. 30. The inspectors and warden shall appoint some suitable person to be a physician and surgeon of the state prison, who shall visit the prison, when requested by the warden, prescribe for sick convicts, see that proper attention is paid to the clothing, regimen, and cleanliness of those in the hospital, and advise when illness of any convict requires his removal thereto ; and upon such advice, and in other cases when he deems it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, there to receive such care and attention, and be furnished with such medicines and diet, as his situation requires, until the physician determines that he may leave it without injury to his health. Appointment and duties of physician.
R. S., c. 140,
§ 29.

SEC. 31. If any pestilence or contagious sickness breaks out among the convicts in the prison, the inspectors and warden may cause any of them to be removed to some suitable place of security, where they shall receive all necessary care and medical assistance ; Pestilence or contagious sickness.
R. S., c. 140,
§ 30.

CHAP. 140. and be returned as soon as may be to the prison to be confined according to their sentences, if unexpired.

Punishment
of officers
for suffering
an escape,
&c.
R. S., c. 140,
§ 31.

SEC. 32. If any officer, or other person employed in the state prison or its precincts, voluntarily suffers, aids, or connives at the escape of any convict therefrom, he shall be punished by imprisonment in the state prison for any term of time not more than the whole term for which the convict was sentenced; and if he negligently suffers any convict confined therein to be at large out of the precincts of the prison, or the cell or apartment assigned to him, or to be conversed with, relieved, or comforted, contrary to law or the rules and regulations of the prison, he shall be punished by a fine not exceeding five hundred dollars.

Rescue, or
aiding
prisoners to
escape.
R. S., c. 140,
§ 32.

SEC. 33. If any person forcibly rescues or attempts to rescue any convict sentenced to the state prison, from the legal custody of any officer or other person, from the state prison, jail, or other place where he is legally confined, or causes to be conveyed to such convict, into such jail, state prison, or other place, any tool, instrument, weapon, or other aid, with intent to enable such convict to escape, whether an escape is effected or not, he shall be punished by imprisonment in the state prison not more than twenty years, or by fine not exceeding five hundred dollars.

Conveying,
or attempt-
ing to con-
vey, any
article to a
convict.
R. S., c. 140,
§ 33.

SEC. 34. If any officer, contractor, teamster, or other person, delivers or has in his possession, with intent to deliver to any convict confined in the state prison, or deposits or conceals, in any place in or about the state prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein should obtain it, without the consent or knowledge of the warden or deputy warden, he shall be punished by imprisonment in the state prison not more than two years, or by fine not exceeding five hundred dollars, and imprisonment not more than six months.

Penalty for
convict as-
saulting an
officer, &c.
R. S., c. 140,
§ 34.

SEC. 35. If any convict, sentenced to the state prison for life, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may be punished by solitary imprisonment in the state prison not more than one year, and be afterwards held in custody on his former sentence; but if such offence is committed by a convict sentenced to the state prison for a limited term of years, he may be punished by solitary confinement in the state prison not more than three months, to precede the fulfillment of any former sentence, and, at the discretion of the court [he] may be further punished by confinement to hard labor for a limited period or during life, to commence after his solitary confinement, or the completion of his former sentence. The warden shall certify the fact of a violation of the foregoing provisions to the county

—warden
shall certify
assault to
att'y of Knox
county.

attorney for the county of Knox, who shall prosecute such convict, that he may be punished as provided in this section.

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SEC. 36. Every convict sentenced to solitary confinement as mentioned in the preceding section, or on whom it was inflicted as a punishment for the violation of the rules and regulations of the prison, shall be confined in a solitary cell and fed on bread and water only, unless the physician certifies to the warden that the health of such convict requires other diet.

Mode of punishment under the preceding section.
R. S., c. 140, § 35.
71 Me., 254.

SEC. 37. If any convict sentenced to the state prison resists the authority of any officer, or refuses to obey his lawful commands, he shall immediately enforce obedience by the use of weapons or other effectual means; and if, in so doing, any convict thus resisting is wounded or killed by the officer and his assistants, they shall be justified.

In case of resistance, officers to use all needful force.
R. S., c. 140, § 36.
71 Me., 260.

SEC. 38. The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, at the expense of the state, and have power to require all officers and other citizens of the state to aid him in suppressing an insurrection among the convicts in prison, and in preventing their escape or rescue therefrom, or from any other legal custody or confinement; and if, in so doing, or in arresting any convict who has escaped, they wound or kill such convict or those aiding him, they shall be justified therefor.

Warden to keep arms and ammunition, &c.
R. S., c. 140, § 37.
72 Me., 260.

SEC. 39. *So much of the four preceding sections as relates to the discipline and punishment of convicts in the state prison, and also the duties and protection of officers therein, is made equally* [are] applicable to convicts and officers in the county jails *in this state* having workshops attached thereto.

Four preceding sections apply to work-jails.
1880, c. 238.

SEC. 40. When any convict escapes from the state prison, the warden shall take all proper measures for his apprehension; and for that purpose he may offer a reward not exceeding fifty dollars to be paid by the state for his apprehension and delivery. If any person, not standing in the relation of husband or wife, parent or child, to the principal offender, shall conceal, harbor, or in any way aid any convict, knowing him to be such, who escapes from the state prison; or shall furnish such convict with *any* food, clothing, weapon, matches, or any article whatever, or information that would aid such convict to escape recapture, he shall be punished by imprisonment in the state prison for a term not more than the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

Measures to retake convicts, escaping.
—offence of aiding convicts to escape, how punished.
R. S., c. 140, § 38.

SEC. 41. When it appears to the warden that any convict in the prison has been before sentenced, by the authority of this, or any other state, or of the United States, to confinement in any state prison, he shall immediately give notice thereof to the attor-

Additional punishment, if warden discovers that a convict has

CHAP. 140. been already sentenced to any state prison or U. S. prison. R. S., c. 140, § 39. **140.** ney general or the county attorney of Knox county, who, by information or other legal process, shall make the same known to the supreme judicial court in the same county. Such court shall cause such convict to be brought before it to answer thereto, and if, by confession, verdict, or otherwise, according to law, it appears that such information is true, instead of the punishment for which he stands sentenced, he may, at the discretion of the court, be punished by imprisonment for life or any term of years; but, if not true, the convict shall be remanded to the state prison to be held on the original sentence.

When computation of term of confinement is to commence. R. S., c. 140, § 40. 71 Me., 246, 249, 253, 255, 259. **SEC. 42.** No convict shall be discharged from the state prison, until he has remained the full term for which he was sentenced, including the day on which he was received into it, *and excluding the time he was in solitary confinement for any violation of the rules and regulations of the prison,** unless he is pardoned, or otherwise released by legal authority.

Convict's property to be taken care of by warden. R. S., c. 140, § 41. **SEC. 43.** The warden shall receive and take care of any property that a convict has with him at the time of his entering the prison; when it is convenient, place the same at interest for his benefit; keep an account thereof, and pay the same to him on his discharge, or in case of his death to his representatives, unless legally disposed of.

Provision for convicts on their discharge. R. S., c. 140, § 42. 71 Me., 241. **SEC. 44.** On the discharge of any convict who has conducted [himself] well during his imprisonment, the warden may give him from the funds of the prison a sum not exceeding five dollars, and, if he requests it, a certificate of such good conduct; and shall take care that every convict on his discharge is provided with decent clothing.

Fees from visitors. R. S., c. 140, § 43. **SEC. 45.** The warden may demand and receive of each person visiting the prison for the purpose of viewing the interior or precincts, a sum not exceeding twenty-five cents, under such regulations as the inspectors prescribe, for which the warden shall account to the state.

Alterations made by warden, under the inspectors. R. S., c. 140, § 44. **SEC. 46.** The warden, on the recommendation of the inspectors and with the approbation of the governor and council, may make such additional buildings or alterations within the prison or its precincts, as they deem necessary and proper.

Governor to appoint one of the council to examine prison. R. S., c. 140, § 45. **SEC. 47.** The governor shall annually appoint one of the council a committee, who shall, as often as the governor and council direct, visit the prison, make a thorough and careful examination into the condition of the prison and inmates, and its affairs and management, and report to them.

*[NOTE. The italicised proviso in § 42 has been adjudged by four of the justices of the supreme judicial court, to be in conflict with article I, § 6, of the constitution. See *Gross v. Rice*, 71 Me., 246.]

SEC. 48. The governor, on the recommendation of the warden and inspectors, and with the approval of the council, may appoint and commission, to hold office during the pleasure of the executive, but not more than two years under one appointment, a suitable person for chaplain of the state prison; who shall, in accordance with the rules of the prison, perform religious services in the chapel every Sunday, visit the sick, labor diligently and faithfully for the mental, moral and religious improvement of the convicts, and aid them when practicable in obtaining employment after being discharged from prison. With the assent of the inspectors, a Sunday school may be established, and persons from without, of proper character, may be admitted to assist in it.

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Chaplain for the prison may be appointed.
1871, c. 224, § 1.

Sunday school.
R. S., c. 140, § 46.

SEC. 49. The annual salary of the chaplain shall be established by the inspectors and warden, but shall not exceed one thousand dollars.

Salary of chaplain.
1871, c. 224, § 2.

SEC. 50. There shall be *annually* appropriated, and paid out of the treasury of the state, *the* the chaplain's salary; fifty dollars for the purpose of maintaining a school in the prison; fifty dollars for the purchase of books for the use of the convicts; the two sums last named to be expended by the warden under the direction of the inspectors; three dollars a day for the services of each inspector while employed in official duty together with all necessary travelling expenses; two dollars a day for the services, and ten cents a mile to and from Augusta for the travel of the committee of the council; and a sum not exceeding one hundred and fifty dollars for the compensation of the physician and surgeon, and for medicines. The subordinate officers except the deputy warden, and other persons, employed in managing, guarding, and superintending the prison, shall, at stated times, receive the compensation established in the rules and regulations of the prison, or allowed by the inspectors and warden with the approbation of the governor and council.

Appropriations for chaplains; school; books; inspectors; visiting committee of the council; surgeon and subordinate officers.
R. S., c. 140, § 47.
1871, c. 224, § 2.
1873, c. 133, § 15.
1879, c. 125, § 2.
Sec. c. 115, § 1.
1871, c. 226.

SEC. 51. The governor with advice of council is authorized to draw warrants on the treasury of the state in favor of the warden for all such sums of money, as they, from time to time, deem proper, which are appropriated by the legislature for the support of the state prison.

Appropriations to be paid to the warden.
R. S., c. 140, § 48.

CHAP. 141.

CHAPTER 141.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

- SEC. 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 house 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. Provisions for extension in case of paupers.
 6. 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.
 7. Employment and restraints of prisoners.
 8. Punishment by abridgment of food.
 9. Allowance to prisoners from their earnings.
 10. Provision for the sick and disabled.
 11. Master to render account of prisoner's earnings. Special allowance to him in certain cases.
 12. Master may demand sums due him of the prisoner, his parents, master or guardian, or the overseers of the town. Board limited to \$2.00 a week.
 13. Suit therefor against such parties within two years.
 14. Kindred of the prisoner liable to master or town.
 15. *Expenses of prisoners committed by court, how paid.*

TOWN HOUSES OF CORRECTION.

- SEC. 16. Town houses of correction and their object.
17. Overseers thereof.
 18. Of work houses appropriated to the like uses.
 19. Compensation of overseers and master.
 20. Duties of the overseers.
 21. Support of the prisoners.
 22. Powers of overseers to commit to such house.
 23. Form of the order of commitment.
 24. Vagrant or beggar refusing to leave a dwelling on request, how punished.
 25. Such convict required to labor and entitled to net profits thereof.
 26. Commitments to work houses or houses of correction, only by magistrates.

COUNTY HOUSES OF CORRECTION.

County commissioners to provide house of correction, &c.
R.S., c. 141, § 1.

- SEC. 1. The county commissioners in each county shall erect or otherwise provide, at the expense of the county, a convenient house of correction, where not already done, with suitable adjoining accommodations, to be used for the custody, reform, and employment of offenders lawfully committed thereto; procure and keep suitable materials, implements, and other necessities sufficient

at all times to keep them at work ; appoint a suitable master of such house to hold his office during their pleasure ; and establish such rules and orders, not repugnant to law, as they deem necessary for the purposes aforesaid, and for managing the prudential concerns of the institution ; but until such house is thus provided, the county jail may be used for that purpose. CHAP. 141.

SEC. 2. Where circumstances require it, they shall annually appoint three or five suitable and discreet persons of their county, living near the house of correction, to be overseers thereof, who shall see that the rules and orders, established for the government of such house and the persons confined therein, are duly observed ; examine the master's accounts relating to the earnings of the prisoners and expenses of the institution ; keep a fairly written register of all their official proceedings ; make contracts for work to be done in the house with any person disposed to supply the materials therefor, and for letting out any of the prisoners to employers living near enough, in their opinion, to the house of correction, for the overseers or master to have a general inspection of their conduct and treatment ; and receive from the earnings of the prisoners, or if they are insufficient, from the county treasury, a reasonable compensation, to be allowed by the commissioners. Appoint-
ment, pow-
ers, duties
and com-
pensation of
overseers.
R.S., c. 141, § 2.

SEC. 3. The commissioners may remove the overseers, and fill all vacancies happening by removal, resignation, or otherwise ; and at least as often as every regular session, inquire into the state of the house of correction, examine the register and accounts of the overseers and master, and make any legal alterations in the treatment and government of the prisoners that they deem expedient. Supervision
by overseers.
R.S., c. 141, § 3.

SEC. 4. Any trial justice in his county or municipal or police court, on complaint under oath, for a term not exceeding thirty days, *and the supreme judicial [or superior] court, on indictment, for a term not exceeding six months*, may commit to said house all rogues, vagabonds, and idle persons going about in any town in the county begging ; persons using any subtle craft, jugglery, or unlawful games or plays, or for the sake of gain pretending to have knowledge in physiognomy, palmistry, to tell destinies or fortunes, or [to] discover lost or stolen goods ; common pipers, fiddlers, run-aways, drunkards, night-walkers, railers, brawlers, and pilferers ; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, mis-spending what they earn, and not providing for the support of themselves and their families.* Persons
liable to be
sent to house
of correc-
tion, &c.
R.S., c. 141, § 4.
1876, c. 147, § 4.

SEC. 5. Notwithstanding the payment of costs and expenses, Provision

* [NOTE. Section 4 of chapter 147 of the public laws of 1876, forming section 26 of this chapter, seems to withdraw the jurisdiction of the higher courts, and to repeal the six months' imprisonment.]

CHAP. 141.

for extension
of imprison-
ment in case
of paupers.
R.S., c. 141, § 6.

if the prisoner has actually received relief as a pauper, the overseers of the poor where the house is, or of the town, to which he belongs, on complaint to the justice or court by whom he was committed, may procure an extension of the confinement, of not more than thirty days at a time, by the justice *nor more than six months by the court*; and such application may be renewed, if occasion requires it, on like complaint; and in all cases the prisoners shall be brought before the justice or court to answer to the complaint.*

Master to
give notice
to overseers
of the poor
where the
house of
correction
is, &c.
R.S., c. 141, § 7.
22 Me., 389.
51 Me., 458.

SEC. 6. Such masters, within ten days after the commitment of any person to such house of correction, shall give notice thereof to the overseers of the poor of the town where it is situated; and if the prisoner has actually received relief as a pauper, said overseers shall give the same notice thereof to the overseers of the poor of the town of his legal settlement, as is required in other cases in which paupers become chargeable in places where they have no legal settlement.

Employment
and res-
traints of
prisoners.
R.S., c. 141, § 8.

SEC. 7. The master of such house may set to work all persons committed to his custody, so far as they are able, during the time of their confinement; and if their deportment renders it expedient, he may put shackles or fetters on them to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor.

Punishment
by abridg-
ment of
food.
R.S., c. 141, § 9.

SEC. 8. If any prisoner is stubborn, disorderly, idle, refractory, or refuses to perform his appointed task in a proper manner, the master may abridge his supply of food until he complies with the reasonable requirements of the master and overseers.

Allowance
to prisoners
from their
earnings.
R. S., c. 141,
§ 10.

SEC. 9. The prisoners shall be allowed two thirds of their net earnings for their support, and the residue shall belong to the master, unless they are heads of families; then the whole net profit of their labor, or so much thereof as the county commissioners order, shall be for the relief and support of them and their families.

Provision
for the sick
and disabled.
R. S., c. 141,
§ 11.

SEC. 10. If any prisoner, from sickness or other cause, is unable to work so as to support himself from his share of earnings, the master shall provide for him comfortably, and be re-imbursed as hereinafter provided.

Master to
render ac-
counts of
prisoners'
earnings, &c.
R. S., c. 141,
§ 12.

SEC. 11. The master shall keep an exact account of all profits and earnings of prisoners, and of his disbursements for their support, specifying the times of their commitment and liberation, and present it, on oath, to the commissioners of his county, annually and oftener if directed, and they may make him such further allowance, as they think reasonable, in special cases, for his care, labor, and services, beside the third of the earnings as before provided.

* [NOTE. Section 4 of chapter 147 of the public laws of 1876, forming section 26 of this chapter, seems to withdraw the jurisdiction of the higher courts, and to repeal the six months' imprisonment.]

SEC. 12. When a sum of money is due the master under the provisions of this chapter, from any prisoner, and his account is duly allowed and certified to be correct by the commissioners, he may demand it of the prisoner if of age, otherwise of his parent, master or guardian; and if the party liable is not able to pay, he may demand it of the overseers of the town where such prisoner has his legal settlement; *provided*, however, that the charge for board of any such prisoner shall not exceed two dollars a week.

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Master may demand sums due from prisoner.
1880, c. 202.

—proviso.

SEC. 13. At any time within two years from the date of the certificate of allowance, and fourteen days after such demand in writing, if the money remains unpaid, the master may commence his action for it, declaring as on an implied promise, and recover what is found justly due, of the prisoner, his parent, master, guardian, or town, as the case requires, with legal interest from the date of demand, and costs; if the party respondent was duly notified by the commissioners before the allowance of said account, their certificate shall be presumptive evidence of the correctness thereof; and, in either case, it may be disproved by evidence on the part of the respondent.

Suit therefor within two years.

R. S., c. 141,
§ 14.
22 Me., 390.

SEC. 14. If there is kindred, obliged by law to maintain the prisoner, as provided in chapter twenty-four, such master, or the town obliged to pay his account, may have the same remedy to recover it of such kindred, as is provided in that chapter for towns which have incurred expense for the relief and support of paupers.

Kindred of prisoner liable to master or town.

R. S., c. 141,
§ 15.
See c. 24, § 15.

SEC. 15. *When any person, convicted before the supreme judicial [or superior] court (for) [of] an offence punishable by imprisonment or fine, is committed to the house of correction, the expenses of keeping, supporting, and employing such offender, after deducting the net amount of his earnings, shall be allowed by the commissioners of the county, and be paid to the master of such house out of the county treasury, with the same right of re-imbursement from the treasury of the state, as the accounts of jailers for prison charges, for persons confined for offences against the state.**

Expenses of prisoners committed by supreme or superior court, how paid.

R. S., c. 141,
§ 16.

TOWN HOUSES OF CORRECTION.

SEC. 16. Any town, at its own expense, may build and maintain a house of correction, or may appropriate in part or in whole any work-house owned by such town for such purpose; and any person belonging to or found in such town, liable to be sent by a trial justice to the county house of correction, may be sent to such town house by any justice of such town, and by the like process; but the provisions of this section shall not restrain such justice

Town houses of correction and their object.

R. S., c. 141,
§ 17.

* [NOTE. This section seems to have been repealed by section 4 of chapter 147 of the public laws of 1876, which now forms section 26 of this chapter.]

CHAP. 141. from committing any person so liable to the county house of correction ; and the respondent *party* may appeal as in other cases.

Overseers thereof.
R. S., c. 141,
§ 18.

SEC. 17. The selectmen of any such town shall annually appoint three, five, or seven discreet persons, overseers of such house, and may establish, from time to time, such rules and orders not repugnant to law, as they deem necessary for governing and furnishing persons lawfully committed thereto.

Of work-houses for like uses.
R. S., c. 141,
§ 19.

SEC. 18. When any work-house is so appropriated for a house of correction, the master thereof shall be master of the house of correction ; but in other cases the overseers thereof shall appoint a suitable master, removable at their pleasure.

Pay of overseers and master.
R. S., c. 141,
§ 20.

SEC. 19. The overseers and master of such town house of correction shall have such compensation for their services as is annually voted by their towns.

Duties of overseers.
R. S., c. 141,
§ 21.

SEC. 20. The overseers, from time to time, shall examine into the prudential concerns and management of such house, and see that the master faithfully discharges his duty.

Support of the prisoners.
R. S., c. 141,
§ 22.

SEC. 21. Every person committed to such town house of correction shall be supplied by the keeper with a suitable quantity of bread and water, or other nourishment, as the overseers order ; and all expenses incurred for commitment and maintenance, exceeding the earnings of the person confined, shall be paid by the parties liable for similar charges in the case of persons committed to a county house of correction.

Powers of overseers to commit persons.
R. S., c. 141,
§ 23.

SEC. 22. The overseers of any such town house of correction may commit thereto, for a term not exceeding forty-eight hours, any person publicly appearing intoxicated, or in any manner violating the public peace, when the safety of the person intoxicated, or the good order of the community requires it, *till* [until] such person can be conveniently carried before a magistrate and restrained by complaint and warrant in the usual course of criminal prosecutions.

Form of order for commitment.
R. S., c. 141,
§ 24.

SEC. 23. The form of the order for commitment may be in substance as follows :

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

E. F., } Overseers of said house
G. H., } of correction.”

And any sheriff, deputy sheriff, constable, or other person to whom such order is given by said overseers, shall forthwith apprehend and convey such person to said house of correction, and deliver him to the master thereof, to be taken and kept agreeably to the order ; and shall be entitled to receive from the town such fees for service and travel as are allowed for service of such warrants.

SEC. 24. If any public vagrant, tramp or beggar, or if any other person who goes about from place to place asking or subsisting upon charity, or without any means of support, having entered any dwelling-house, shall remain therein to the terror or fright of any of the occupants thereof, or shall refuse or neglect, on request, to depart, he shall be punished by imprisonment and labor *for a term* not exceeding thirty days in any county jail, work-house, house of correction, or at any town farm or alms-house in the town in which the offence was committed, and by fine not exceeding ten dollars, and in default of payment [he shall] be imprisoned an additional thirty days.

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Vagrant or beggar refusing to leave a dwelling house on request, how punished. 1876, c. 147, §2.

SEC. 25. The keeper of the jail, work-house, house of correction, or in case of a sentence to any town farm or alms-house, the overseers of the poor of such town, or the keeper or agent of such town farm or alms-house, *are authorized to* [may] require such person [convict] to labor at any lawful work within the *limits of the town* where such *jail, work house, house of correction, town farm or alms-house* [institution] is situated, and *to* [may] appoint any suitable person keeper over him, and *to* [may] collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence *to* pay to such person such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, *however*, costs of *proceedings of* commitment and any fine imposed under the preceding section *to be applied in payment of the same*.

Such convict required to labor. 1876, c. 147, §3.

—convict entitled to profits of labor, after deducting expenses.

SEC. 26. Persons *liable by law to* [shall] be committed to work-houses, or houses of correction, *shall be committed* only upon conviction of the offences, acts, or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice.

Committal only by magistrates. 1876, c. 147, §4.

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CHAPTER 142.

THE STATE REFORM SCHOOL. THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

THE STATE REFORM SCHOOL.

- SEC. 1. Appointment, term of office, powers, duties and compensation of trustees.
2. Who may be sentenced thereto.
 3. Same subject; expenses of commitment and subsistence, how paid.
 4. Residence, if known, to be set out in mittimus. Effect.
 5. Superintendent may recover of town. Notice how given.
 6. How boys shall be instructed and disciplined.
 7. Proceedings when trustees or superintendent do not receive boy, or when he is incorrigible.
 8. Costs of transportation paid by the county.
 9. Form of commitment and effect of discharge.
 10. Trustees may bind out boys on probation. When they may be returned to the school.
 11. Superintendent to prepare list of boys suitable to apprentice.
 12. In what branches they shall be instructed.
 13. Powers and duties of superintendent.
 14. All contracts to be made by superintendent and approved by trustees. Suits thereon.
 15. Visits and examinations by trustees; quarterly and annual reports.
 16. Governor to draw warrants for appropriations. State treasurer to pay forty-two dollars annually for library.

THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

- SEC. 17. Application of probate judge or magistrate for commitment of idle or vicious girls. Notice, hearing and order.
18. Trustees of school may bind girls to service. Duties and privileges of trustees.
 19. Indenture of apprenticeship not transferable without consent of trustees. They may cancel or assign indenture.
 20. Parents or guardian may commit girl for a limited time on certificate of judge or magistrate.
 21. Girl guilty of offence punishable by fine or term of imprisonment, may be committed to school, and not to be tried therefor after discharge with certificate of good behavior.
 22. If sentenced and not received, or if discharged for misbehavior, she may be punished.
 23. Trustees may refuse to receive a girl, or may discharge after commitment. Proceedings.
 24. Precepts, how executed, and fees of officers.
 25. Record of proceedings to be filed with clerk of courts.
 26. Age, parentage, birth place and charge, to be certified on mittimus, and such certificate shall charge town with expenses.
 27. Notice of commitment to be given to town. Expenses, how recovered.
 28. Girls to be instructed in certain useful branches.
 29. Penalty for aiding any girl to escape from industrial school.

THE STATE REFORM SCHOOL.

Government
of the state

- SEC. 1. The government of the state reform school, established for the instruction, employment, and reform of juvenile offenders,

in the town of Cape Elizabeth, in the county of Cumberland, is vested in a board of five trustees appointed by the governor, with the advice of the council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than four years under one appointment. They are allowed actual expenses and two dollars a day for their services when employed. They have charge of the general interests of the institution, shall see that its affairs are conducted as required by the legislature, and such by-laws as the board may adopt; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out, discharge or remand them, as hereinafter provided, appoint a superintendent, subject to the approval of, and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all the officers thereof; exercise a vigilant supervision over its concerns, remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation of the subordinate officers, subject to the approval of the governor and council, and prepare and submit by-laws to the governor and council, which shall be valid when sanctioned by them. They may contract with the *Secretary of the Interior* [Attorney General of the United States] for the confinement and support in the reform school of juvenile offenders against the laws of the United States in accordance with the provisions in the act of Congress approved March three, eighteen hundred and sixty-five [of sections five thousand five hundred and forty-nine and five thousand five hundred and fifty of the Revised Statutes of the United States].

SEC. 2. When any boy between the ages of eight and sixteen years is convicted before any court or trial justice, of an offence punishable by imprisonment in the state prison, not for life, or in the county jail except for the offences specified in the next section, such court or justice may sentence him to the state reform school, or to the other punishment provided by law for the same offence. If to the reform school it shall be conditioned that if such boy is not received or kept there for the full term of his sentence, unless sooner discharged by the trustees as provided in section seven of this chapter, he shall then suffer such alternative punishment as the court or justice orders; but no boy shall be committed to the reform school who is deaf and dumb, non compos, or insane.

SEC. 3. When any boy between the ages of eight and sixteen years, is convicted of larceny of property not exceeding one dollar in value, of assault and battery, malicious mischief, malicious trespass, Sabbath breaking, riotous conduct, disturbing the peace, embezzlement, cheating by false pretences, vagrancy, truancy; or of being a common runaway, drunkard, pilferer or night

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reform school vested in board of five trustees.
1880, c. 231.

—compensation.
—powers and duties.

—may contract with Attorney General of the U. S.

Boys between 8 and 16 may be sentenced to reform school, and to alternative punishment if not received or kept there.
—deaf and dumb, non compos, or insane boys not to be sent to reform school.
R.S., c. 142, § 2.
47 Me., 484.

Boys convicted of certain offences may be sent to reform school, or suffer other punishment.

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—expenses of commitment and subsistence, how paid.
R.S., c. 142, § 3.

walker ;* or of a violation of any municipal or police regulations of a city or town, punishable in the jail or house of correction ; the court or justice may sentence him to the reform school, or to the other punishment provided for the same offence, in the manner prescribed in section two ; and the expenses of conveying such boy, convicted of any offence set forth in this section, to the reform school, and his subsistence and clothing during his imprisonment there, not exceeding one dollar *per* [a] week, shall be defrayed by the town where such boy resides at the time of his commitment, if within the state, but if he resides beyond its limits, then such expense shall be paid by the state.

Court or justice, on conviction of offence set out in section three, shall give residence if known, in mittimus.
—superintendent to notify town liable.
—notice, how given.
R.S., c. 142, § 4.
50 Me., 585.

SEC. 4. The court or [trial] justice before whom any boy is convicted of an offence specified in the preceding section, shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, if known, and such certificate shall be sufficient evidence in the first instance, to charge such city or town with his expense at the reform school, not exceeding one dollar *per* [a] week. The superintendent, upon the commitment of such boy shall notify in writing by mail or otherwise, the aldermen of any city, or the selectmen of any town so liable, of the name of the boy committed, the offence *of* [with] which he is charged, and the duration of his sentence. Such written notice shall be sufficient when duly made, superscribed and directed to said aldermen or selectmen, the postage prepaid, and deposited in the post office in Portland.

Superintendent may recover expenses of such town for the state, &c.
—such town or city may recover of parent, &c.
R.S., c. 142, § 5.
57 Me., 346.

SEC. 5. At any time after three months from the giving of such notice, the superintendent may, in his own name, for the use of the state, sue for and recover of such city or town the expenses of clothing and subsistence of such boy, not exceeding one dollar *per* [a] week, to the time of his commencing a suit therefor ; and such city or town may recover the money paid by them, of the parent, master or guardian of such boy, or of the city or town in which he has a legal settlement.

How instructed and disciplined.
R.S., c. 142, § 6.

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

Proceedings when trustees or superintendent do not receive boy, or

SEC. 7. When any boy is sentenced to said school, and the trustees deem it inexpedient to receive him, or he is found incorrigible, or his continuance in the school is deemed injurious to its management and discipline, they shall certify the same upon the

* [NOTE. Is there not an impropriety in applying this word to a boy?]

mittimus by which he is held, and the mittimus and convict shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, according to his alternative sentence. The trustees may discharge any boy as reformed; and may authorize the superintendent, under such rules as they prescribe, to refuse to receive boys sentenced to said school, and his certificate thereof shall be as effectual as their own.

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he is incorrigible.
R.S., c. 142, § 7.

SEC. 8. The costs of transporting a convict to or from the reform school when not otherwise provided for, shall be paid out of the treasury of the county where he is convicted, as the costs of conveying prisoners to the several county jails are by law paid; and the county commissioners of the county shall examine and allow all such costs that appear to them to be reasonable.

When transportation is to be paid by county.
R.S., c. 142, § 8.

SEC. 9. All commitments of boys to *this* [said] institution shall be during their minority, unless sooner discharged by order of the trustees as before provided; and when any boy is discharged therefrom at the expiration of his term, or as reformed, it shall be a full and complete release from all penalties and disabilities created by his sentence.

Form of commitment and effect of discharge.
R.S., c. 142, § 9.
1881, c. 56, § 2.

SEC. 10. The trustees may commit, on probation and on such terms as they may deem expedient, to any suitable inhabitant of *this* [the] state, any boy in their charge, for a term of time within the period of his sentence, such probation to be conditioned on his good behavior and obedience to the laws of *this state*. Such boy shall, during the term for which he was originally sentenced to the reform school, be also subject to the care and control of the trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return, and may enforce such order by application to any trial justice or judge of any police or municipal court for a warrant for this purpose, which may be served by any officer authorized to serve criminal process. On his re-commitment to the school, such boy shall there be held and detained under and by force of the original mittimus.*

Boys in reform school may be committed on probation to suitable inhabitant of state.
1881, c. 56, § 1.

—may be returned to the school.

SEC. 11. *It shall be the duty of* the superintendent of the state reform school, with advice of the trustees, *to* [shall] prepare from time to time, and as often as once in six months, a list of all boys under his charge who are suitable by age and good behavior to apprentice to farming, mechanical trade or other useful occupation, and furnish such list for publication in such papers of the state as will insert the same free of charge, to the end that boys in the school may be placed in good homes as soon as they show themselves worthy of them.

Superintendent of reform school to prepare list of boys to apprentice.
1878, c. 46.

SEC. 12. The trustees shall cause the boys under their charge

In what

* [NOTE. Section one of chapter 56 of the public laws of 1881 seems to have been intended substantially to repeal section ten of chapter 142 of the revision of 1871.]

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branches
boys shall be
instructed.
R. S., c. 142,
§ 11.

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

Powers and
duties of
superintendent.
R. S., c. 142,
§ 12.

SEC. 13. The superintendent, with such other officers as the trustees appoint, shall have the charge and custody of the inmates; be a constant resident at the institution; discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, as far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He 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. Before he enters upon the duties of his office, he shall give a bond to the state, with sureties satisfactory to the governor and council, in a sum not less than two thousand dollars, conditioned faithfully to account for all moneys received by him and perform all the duties incumbent on him as superintendent; keep, in suitable books, regular and complete accounts of all his receipts and disbursements, and of all property intrusted to him, showing the income and expenses of the institution; and account, in such manner, and to such persons as the trustees 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 books and accounts, and the vouchers and documents connected therewith, and make a record of the result thereof. He shall keep a register containing the name and age of each boy, and the circumstances connected with his early history, and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it. All actions for injuries done to the real and personal property of the state, connected with the reform school, may be prosecuted in the name of the person who is superintendent at the time of the commencement thereof. The superintendent's salary shall be one thousand dollars a year.

—salary,
\$1,000.
1879, c. 150,
§ 12.

SEC. 14. All contracts on account of the institution, shall be made by the superintendent, and when approved by the trustees, if their by-laws require it, it shall be binding in law, and the superintendent, or his successor, may sue or be sued thereon, to final judgment and execution. He may, with the consent of the trustees, submit any controversy, demand, or suit, to the determination of one or more referees. No such suit shall abate by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defence, and, on motion of the adverse party and notice, he shall be required to do so.

SEC. 15. One or more of the trustees shall visit the school at least once in every four weeks, examine the register and the inmates in the school room and workshop, and regularly keep a record 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 thereof. Annually, on the first day of December, an abstract of these quarterly reports shall be prepared and laid before the governor and council for the information of the legislature, with a full report of the superintendent, stating particularly among other things, the offence for which each pupil was sentenced and his place of residence. A financial statement furnishing an accurate detailed account of the receipts and expenditures for the year terminating on the last day of November preceding, shall also be furnished.

SEC. 16. The governor and council may from time to time, as they think proper, draw warrants on the treasurer of state in favor of the trustees, for the money appropriated by the legislature for the state reform school; and the treasurer of state shall, annually in the month of February, pay to the treasurer of said school forty-two dollars for support of its library, being six per cent. on the Sanford legacy of seven hundred dollars.

THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

SEC. 17. A parent or guardian of any girl between the ages of seven and fifteen years, or the municipal officers, or any three respectable inhabitants of any city or town where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for the city or town, alleging that she is leading an idle or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the Maine Industrial School for Girls. The judge or justice shall appoint a time and place of hearing, and order notice thereof to any person

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Contracts to be made by superintendent and approved by trustees.
—suits thereon.
R. S., c. 142, § 13.

Visit of trustees to reform school.
1878, c. 111.
—record to be kept.
—once in three months visit by majority of board.
—report.
—annual reports to be laid before the governor and council.
—financial statement to be made.

Appropriations; how paid; state treasurer to pay \$42 annually for library.
R. S., c. 142, § 15.

Application to probate judge or magistrate for commitment of idle or vicious girls.
1879, c. 87.

—notice and hearing.

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—may order girl committed to industrial school when her welfare requires it.

Trustees may bind to service any girl committed to their charge. 1873, c. 141, § 2.

—duties and privileges of trustees.

Indenture of apprenticeship not transferable without consent of trustees. 1873, c. 141, § 3.

—trustees may cancel indenture.

—may assign indenture in certain cases.

Parent or guardian may commit idle or vicious girl for a term of time on certificate of judge or magistrate. 1873, c. 141, § 4.

Girl guilty of an offence punishable by fine or term of imprisonment may be committed to

entitled to be heard, and at such time and place, may examine into the truth of the allegations of said complaint, and if satisfactory evidence thereof is adduced and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law.

SEC. 18. The trustees of said school may bind to service or apprentice any girl committed to their charge, for a period not exceeding the term of her commitment, upon such conditions as they may deem reasonable and proper, to be set forth in the articles of service, and in said articles [may] require the person to whom she is bound to report to them as often as once in six months her conduct and behavior, and whether she remains under his or her care, and if not, where she is. The trustees shall, as guardians of any girl so bound, take care that the terms of the contract are fulfilled, and the girl well treated; and the trustees, master or mistress and apprentice, shall have all the rights and privileges and be subject to all the duties and penalties provided by law in case of children apprenticed by overseers of the poor.

SEC. 19. A person receiving an apprentice under the provisions of this chapter, shall not assign or transfer the indenture of apprenticeship, nor let out the services of the apprentice, without the written consent of the trustees. The trustees, at the request of the master or mistress, may cancel the indenture and resume the charge of the girl, with the same powers as before the indenture was made. On the death of a person to whom the girl is bound, his executor or administrator, with the written assent of the trustees and also of the girl, may assign the indenture to some other person, and the assignee shall have all the rights and be subject to all the liabilities and duties of the original master or mistress.

SEC. 20. A parent or guardian, upon complaint and hearing as aforesaid, and certificate of any judge or justice named in section seventeen, that a girl of the age herein limited is a proper subject to be committed to said school, may commit her to the custody and guardianship thereof for a term to be agreed upon by the parent or guardian and the trustees, upon condition that the parent or guardian shall pay her expenses at a reasonable uniform rate to be fixed by said trustees; and the trustees shall have power to enforce such agreement.

SEC. 21. On complaint to any [trial] justice or court of competent jurisdiction, that any girl of the age herein limited has been guilty of an offence punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so far examine into the case as to satisfy himself whether she is a suitable subject

for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of said school during her minority, unless sooner discharged by process of law. Any girl so committed, if she remains under the guardianship of said school during the term of her commitment, or is sooner discharged with a certificate of good behavior, shall not thereafter be examined or tried on the suspended complaint or for the offence therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and if found guilty [shall be] punished according to law.

SEC. 22. If any girl of the age herein limited is found guilty of any offence punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or [if] discharged therefrom for misbehavior, to such punishment as the law provides for like offences.

SEC. 23. The trustees of *said school* may refuse to receive *therein* any girl committed to said school under the provisions of the two preceding sections, or may discharge *from said school* any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Their refusal to receive such girl may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the warrant, to be disposed of as prescribed in said sections. If they discharge her, they are to set forth their reasons therefor in a warrant of discharge, and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

SEC. 24. All precepts issued in pursuance of the provisions of this act may be executed by any officer who may execute criminal process; and the fees of judges, justices and officers shall be the same as are allowed by law for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

SEC. 25. The judge or justice before whom any girl is brought under the provisions of this chapter, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of the courts for the county, who shall file and preserve them in his office. Any girl ordered to be committed to the school may appeal from such order in the manner provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the *supreme judicial* [appellate] court.

SEC. 26. The court or justice by whom any girl is committed

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said school.
1873, c. 141, §5.

—not to be
tried for offence, when
discharged
with certificate of good
behavior.
—may be
tried, when
discharged
for misbehavior.

If sentenced
and not received, or if
discharged
for misbehavior,
she may be
punished.
1873, c. 141, §6.

Trustees
may refuse
to receive, or
may discharge
any girl
committed.
1873, c. 141, §7.

—their refusal
to receive may be
certified on
warrant of
commitment.
—if discharged,
proceedings.

Precepts,
how executed,
and fees
of officers.
1873, c. 141, §8.

Record of
proceedings
to be filed
with clerk of
courts.
1873, c. 141, §9.

—may appeal
to S. J.
or superior
court.

Age, parent-

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shall certify on the mittimus, her age, parentage, birthplace, and the charge on which she is committed, and the city or town where she resided at the time of her arrest, so far as he can ascertain such particulars; and this certificate shall be evidence of her true age until otherwise proved, and shall be sufficient in the first instance to charge such city or town with her expenses at said school, at a sum not more than one dollar, nor less than fifty cents a week; but if she has no residence within the state, then such expenses shall be paid by the state.

age, birth-
place and
charge, to be
certified on
mittimus.
1878, c. 63.
—certificate,
evidence to
charge town
with
expenses.

Notice of
commitment
to be given
to town.
1878, c. 63.

—expenses,
how recov-
ered.

SEC. 27. The officers of said school, upon the commitment of any such girl, shall notify in writing, the municipal officers or overseers of the poor of the city or town so liable, by mail or otherwise, of the name of such girl, the charge on which she is committed, and the duration of her sentence. Such notice, addressed to such municipal officers or overseers, and deposited, postpaid, in the post office at Hallowell, shall be sufficient; and at any time after three months from the giving of such notice, the officers of said school may sue for and recover of such city or town, a sum not exceeding one dollar, nor less than fifty cents a week, for the expense of [the] clothing and subsistence of such girl up to the time of suing therefor; and such city or town may recover the same of the parent or guardian of such girl, or of the city or town where she has her legal settlement.

Girls to be
instructed in
certain
branches of
useful
knowledge.
1873, c. 141,
§ 12.

SEC. 28. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as may be suited to their sex, age, strength and disposition, and as may be best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound, that they may secure to the girls the benefit of good example, wholesome instruction, improvement in virtue and knowledge, and the opportunity to become intelligent, moral and useful members of society.

Penalty for
aiding any
girl to escape
from said
school.
1873, c. 141,
§ 13.

SEC. 29. *Any person who[-ever] shall aid[s] or abet[s] any girl committed to said school to escape therefrom, shall upon conviction thereof pay a fine [forfeit] not exceeding one hundred dollars, nor less than fifty dollars, or suffer imprisonment in the county jail for a period not exceeding sixty days, at the discretion of the court trying the same.*

CHAPTER 143.

THE INSANE HOSPITAL.

APPOINTMENT AND DUTIES OF TRUSTEES.

- SEC. 1. Government vested in six trustees, one a woman, their appointment and tenure.
2. Trustees shall have the general management, hold property, make rules, commence and defend suits.
3. Appointment of superintendent, steward and treasurer, and assistants.
4. Examinations, and records of them; their pay and pay of officers.
5. Accounts of steward and treasurer, how audited and settled. Governor and council to inquire into financial affairs of hospital.
6. Their annual meetings and reports to the governor and council.

DUTIES OF SUPERINTENDENT.

- SEC. 7. Duties of the superintendent.
8. Same; apportionment of patients.
9. Same; unlawful commitments.

DUTIES OF STEWARD.

- SEC. 10. Duties of the steward.

SALARIES.

- SEC. 11. Salaries of superintendent, assistants, steward, chaplain and matron. Pay of employes.

DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

- SEC. 12. Duties of parents and guardians of insane minors.

DUTIES OF MUNICIPAL OFFICERS.

- SEC. 13. Municipal officers to hear and decide on cases and commit to hospital with certificate; to keep a record of their doings.
14. May certify inability to pay for his support, and steward may charge state one dollar a week.

DUTIES OF JUSTICES OF THE PEACE AND QUORUM.

- SEC. 15. Appeal to two justices of the peace and quorum; how selected.
16. Town officers or justices neglecting to decide for three days; proceedings.
17. Justices to keep a record of their doings; by whom paid.
18. Their order for commitment, by whom executed.

EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

- SEC. 19. Towns where insane person resided or was found, to pay for support, unless a bond is given for it.
20. Also, when unlawfully committed, and expense of removal.
21. Towns have remedy for support against the insane person or those liable for his support as a pauper.
22. Interest to be charged for board and clothing of patients, after thirty days.

DISCHARGE OF THE INSANE.

- SEC. 23. Those liable for support may apply to municipal officers for patient's discharge.

- CHAP. 143. SEC. 24. Overseers of the poor to remove a person, when notified to do so.
 25. Persons discharged under section four, how removed. Towns liable for costs, upon notice.
 26. Towns of less than two hundred inhabitants, not liable.

GUARDIANS FOR THE INSANE SENT TO THE HOSPITAL.

- SEC. 27. Judge of probate may appoint guardians for persons sent to hospital; their duties and compensation.
 28. When persons committed under section one of chapter one hundred and thirty-seven are to be discharged.
 29. Rules for attendants, to be kept posted.
 30. Punishment of attendants for intentional ill treatment of patients.

SPECIAL VISITATION BY A COMMITTEE OF THE EXECUTIVE COUNCIL, &c.

- SEC. 31. Governor shall annually appoint a visiting committee consisting of two councillors and a woman. Their powers and duties.
 32. Willful injury to patients, punishment for. Complaint to be made by superintendent, or in case of his neglect, by committee.
 SEC. 33. When coroner's inquest shall be held, in case of sudden death.
 34. For preliminary commitment what evidence of insanity is required.
 35. Patients unnecessarily detained, proceedings for discharge; this provision not applicable to persons committed by order of court.
 36. Names of committee to be posted in the wards. Patients to be furnished with materials to write to committee, and letter boxes to be provided, inaccessible to attendants.
 37. Letters from committee to be delivered to patients unopened.
 38. Hospital, when and how to be visited by committee.
 39. Committee to report to governor and council annually, on December first. Their compensation.
 40. Removal from office for neglect of duty.

APPOINTMENTS AND DUTIES OF TRUSTEES.

Government of insane hospital vested in six trustees, one a woman. 1880, c. 184.

SEC. 1. The government of the Maine Insane Hospital is vested in a committee of six trustees, one of whom shall be a woman, appointed by the governor, with *the* advice of *the* council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than three years under any one appointment.

Trustees have the general management, hold property, make by-laws, commence and defend suits. R.S., c. 143, §2.

SEC. 2. They shall have the general care and management of the institution; see that it is conducted according to law and the by-laws for its internal government and economy, which they are hereby authorized to establish, not inconsistent with *the laws of the state* [law]; hold in trust for the state any land, money, or other property, granted, bequeathed, or given to the institution, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution, and have power to bring actions, in the name of the treasurer, for all dues to the institution, and to defend all suits brought against it.

Superintendent, steward and treasurer, how appointed.

SEC. 3. *The* said trustees shall appoint a superintendent, and a steward and treasurer, subject to the approval of, and to hold office during the pleasure of the governor and council, and all

other officers necessary for the efficient and economical management of the business of the institution ; all appointments shall be made according to the by-laws.

SEC. 4. There shall be a thorough examination of the hospital monthly by two of the trustees ; quarterly by three ; and annually by a majority of the full board ; and at any other time, when they deem it necessary, or the superintendent requests it. At each visit, a written account of the state of the institution shall be drawn up by the visitors, recorded, and presented at the annual meeting of the trustees ; at which meeting they, with the superintendent, shall make a particular examination into the condition of each patient, and discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement. They shall receive two dollars a day for such visits, and the same sum for every twenty miles' travel. Their accounts shall be audited by the governor and council, and they shall draw their warrant on the treasurer of state for the amount due them and the other officers of the institution, except attendants on the patients and laborers on the premises, and for all money appropriated by the legislature for the insane hospital.

SEC. 5. The trustees at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer, *and* audit his accounts, and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled ; and the governor and council are authorized and required, from time to time, to inquire into the condition and management of the financial affairs of the institution, and to make such changes as they shall deem judicious, in the mode and amount of expenditures and the general administration of its financial affairs.

SEC. 6. They shall hold an annual meeting on the first day of December, at which there shall be made a full and detailed report, containing a particular statement of the condition, concerns, and wants of the hospital ; and this report, and the reports of the superintendent and steward, shall be made up to the first day of December and laid before the governor and council at that time, for the use of the government.

DUTIES OF SUPERINTENDENT.

SEC. 7. The superintendent shall be a physician ; reside constantly at the hospital ; have the general superintendence of the hospital and grounds ; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and the direction of all persons therein, subject to the regulations of the board of trustees ; and annually on the last day of November, report to the trustees the condition and

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1874, c. 256, § 2.
1879, c. 150,
§ 11.

Examinations and records of them ; pay of officers and trustees.
R.S., c. 143, § 4.

—may examine and discharge patients.

Accounts of steward and treasurer, how audited and settled.
1874, c. 256, § 3.

—governor and council required to inquire into financial affairs of the hospital.

Annual meetings and reports to the governor and council.
R.S., c. 143, § 6.

Duties and powers of the superintendent.
1873, c. 151, § 1.

—his annual report.

CHAP. 143. prospects of the institution, with such remarks and suggestions relative to its management and the general subject of insanity, as he thinks will promote the cause of science and humanity.

Apportion-
ment of
patients.
R.S.,c.143,\$8.
SEC. 8. He shall appportion the number of patients who can be accommodated in the hospital, among the towns, according to their population by the last census ; and when the applications for admission exceed or are liable to exceed that number of patients, he shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Unlawful
commit-
ments.
R.S.,c.143,\$9.
SEC. 9. When any person appears to have been unlawfully committed, the superintendent shall report the case to the trustees at their next monthly meeting ; and they may cause the removal of such person to the town from which he was committed. The superintendent, at each monthly visit of the trustees, shall also report to them the name of any inmate who was idiotic at the date of his commitment, and of any inmate who has become so imbecile as, in his judgment, to be beyond cure, and if he thinks such inmate may be discharged with safety to himself and to the public, the trustees shall order his discharge and cause him to be removed to the town by which he was committed.

—how
idiotic in-
mates may
be discharg-
ed.
1874, c. 187.

DUTIES OF THE STEWARD.

Duties of
the steward.
R. S., c. 143,
§ 10.
SEC. 10. The steward shall be treasurer ; give bond to the trustees, in such amount and with such sureties as they deem sufficient, for the safe keeping and proper disbursement of the funds of the institution ; under the advice and direction of the superintendent and of the trustees, make all necessary purchases of supplies and provisions ; hire attendants and other laborers ; see to the proper cultivation of the farm and grounds ; have a careful oversight of the patients when employed thereon ; perform such other duties as the trustees direct ; and annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

SALARIES.

Salaries,
supt. \$1,300.
1879, c. 150,
§ 11.
—assistants,
\$850 each ;
—steward,
\$900 ;
—chaplain,
\$200 ;
—matron,
\$350 ;
—others' pay, how
fixed.
1874,c.256,\$2.
SEC. 11. The annual salary of the superintendent shall be thirteen hundred dollars ; two assistant superintendents, eight hundred and fifty dollars each ; the steward, including his duties as treasurer, nine hundred dollars, in full for all services ; chaplain, two hundred dollars ; matron, three hundred and fifty dollars. The pay of all other officers and employes shall be fixed by the trustees, subject to the approval of the governor and council.

DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

Duties of
parents and
guardians of
SEC. 12. Parents and guardians of insane minors, if of sufficient ability to support them there, within thirty days after an attack of

insanity, without any legal examination, shall send them to the hospital and give to the treasurer thereof the bond required; or to some other hospital for the insane.

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insane minors.
R. S., c. 143,
§ 11.

DUTIES OF MUNICIPAL OFFICERS.

SEC. 13. 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 relative or justice of the peace of their town, they shall immediately inquire into the condition of any insane person therein; 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.

Municipal officers to decide on cases and commit to hospital with certificate, and keep a record of their doings.
R. S., c. 143,
§ 12.
35 Me., 405.
48 Me., 356.
63 Me., 566.
65 Me., 521.
70 Me., 442.

SEC. 14. The officers ordering the commitment of a person unable to pay for his support, may certify in writing to the trustees that fact, and that he has not *relations* [relatives] liable and of sufficient ability to pay for it; and if the trustees are satisfied that such certificate is true, the treasurer of the hospital may charge to the state one dollar and fifty cents a week for his board, and deduct it from the charge made to the patient or town for his support.

May certify inability to pay for patient's support, and steward may charge state \$1.50 a week.
1873, c. 151, § 2.

DUTIES OF JUSTICES OF THE PEACE AND QUORUM.

SEC. 15. 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, [and] if not, he may select another; the board of examiners shall select another justice of the peace and quorum.

Appeal to two justices of the peace and quorum; how selected.
R. S., c. 143,
§ 14.

SEC. 16. 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

Municipal officers or justices neglecting to decide for three days; proceedings.

CHAP. 143.

R. S., c. 143,
§ 15.
35 Me., 502.
63 Me., 567.

insane, or [by] any other respectable person to two justices of the peace and quorum; and the two justices, selected in either of the above modes, may call before them any proper testimony, and hear and decide the case. If they find the person insane, and that he will be more comfortable and safe to himself or others, they shall give a certificate for his commitment to the hospital like that described in section thirteen.

Justices to
keep a
record of
doings, their
compensa-
tion and by
whom paid.
R. S., c. 143,
§ 16.

SEC. 17. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; those deciding an appeal shall be entitled to receive for their services two dollars a day and ten cents a mile for their travel, and shall determine which party shall pay it; those deciding an original case shall charge the same fees as for a criminal examination, to be paid by the person or corporation liable in the first instance for the support of the insane in the hospital.

Their order
for commit-
ment, by
whom paid.
R. S., c. 143,
§ 17.

SEC. 18. When such justices order a commitment to the hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

Town where
insane per-
son resided
or was found,
must pay for
support, un-
less a bond is
given for it.
R. S., c. 143,
§ 18.
46 Me., 560.
48 Me., 356.
70 Me., 443.
72 Me., 216.

SEC. 19. The certificate of commitment to the hospital after a legal examination, shall be sufficient evidence, in the first instance, to charge the town where the insane resided, or was found at the time of his arrest, for the expenses of his examination, commitment, and support in the hospital; but when his friends or others file a bond with the treasurer of the hospital, such town shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

Also, when
unlawfully
committed,
and expense
of removal.
R. S., c. 143,
§ 19.

SEC. 20. The person or town, liable for the support of a person when lawfully committed to the hospital, shall be liable therefor, and for the expenses of his removal, when unlawfully committed and removed as provided in section nine; but the expenses of such removal are not to exceed ten cents *per* [a] mile from the hospital to the place of commitment.

Towns have
remedy
against the
patient, or
those liable
for his sup-
port as a
pauper.
1872, c. 54.

SEC. 21. Any town thus made chargeable *on* [in] the first instance, and paying for the commitment and support of the insane at the hospital, may recover the amount paid *of* [from] the insane, if able, or *of* [from] persons legally liable for his support, or *of* [from] the town where his legal settlement is, as if incurred for the expense of any pauper, but if he has no legal settlement in *this*

[the] state, such expenses shall be refunded by the state and the governor and council shall audit all such claims and draw their warrant on the treasurer therefor. No insane person shall suffer any of the disabilities incident to pauperism nor be hereafter deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement.

SEC. 22. The treasurer of the insane hospital *is authorized and required to* [shall] charge and collect interest on all debts due and payable to said hospital, from towns and individuals for board and clothing of patients, after thirty days from the time when the same *shall* become due.

CHAP. 143.

R. S., c. 143,
§ 20.
53 Me., 129,
445.
63 Me., 501.
69 Me., 69.
70 Me., 443.
71 Me., 537.
72 Me., 216,
218, 493.

Treasurer of
hospital to
charge inter-
est on debts
due, after
thirty days.
1871, c. 208.

DISCHARGE OF THE INSANE.

SEC. 23. When any friend, person, or town, liable for the support of any patient who has been in the hospital six months, not committed by order of the supreme judicial court, nor afflicted with homicidal insanity, thinks [that] he is unreasonably detained, he may apply to the municipal officers of the town where the insane resides, and they shall inquire into the case, and summon before them any proper testimony, and their decision and order shall be binding on the parties. They shall tax legal costs and decide who shall pay them. If such application is unsuccessful, it shall not be made again *till* [until] the expiration of another six months.

Those liable
for support
may apply
for dis-
charge.
R. S., c. 143,
§ 21.

SEC. 24. When the overseers of any town, liable for the support of a patient at the hospital, are notified by mail by the superintendent, that he has recovered from his insanity, they shall cause him to be removed to their town; and if they neglect it for fifteen days, the superintendent shall cause it to be done at the expense of such town.

Overseers of
poor to
remove pa-
tient, when
notified so
to do.
R. S., c. 143,
§ 22.

SEC. 25. When any patient is discharged from the hospital by the trustees, under *the provisions of* section four, they shall cause the selectmen of the town, or the mayor of the city, from which such patient was received, to be immediately notified by mail, and on receipt of such notice said town or city shall cause such patient to be forthwith removed thereto; and if they neglect such removal for thirty days thereafter, such patient may be removed to said town or city by the trustees, or their order; and the superintendent may maintain an action in *his* [such patient's] name, against such city or town, for the recovery of all expenses necessarily incurred in *the* [his] removal *of such patient*.

Persons dis-
charged un-
der section
four, how
removed.

—town
liable, upon
notice, for
costs of
removal.
R. S., c. 143,
§ 23.

SEC. 26. The preceding sections shall not apply to towns having less than two hundred inhabitants, but all insane persons found, and having their residence in such towns, who have no settlement within any town of *this* [the] state, and who have no means of their own

Towns of
less than two
hundred
inhabitants
not liable for
removal, &c.

CHAP. 143. for support, or are without relatives able and liable to support
 R. S., c. 143, § 24. them, shall be supported in the hospital at the expense of the state.

GUARDIANS FOR THE INSANE SENT TO THE HOSPITAL.

Judge of probate may appoint guardians for persons sent to hospital; their duties and compensation.
 R. S., c. 143, § 25.

SEC. 27. When any man or unmarried woman, of twenty-one years of age, is sent to the hospital for insanity under any of the provisions of this chapter, the municipal officers of the town where such insane resides, when they think it for the interest of the insane and to prevent waste of his property, may apply to the judge of probate for the same county for the appointment of a guardian, and the judge, on their certificate to that effect, without notice to the insane, shall forthwith appoint some suitable guardian *of* [residing in] the same county, who shall give bond as in other cases, and have reasonable compensation for his services, to be allowed by the judge and paid out of the estate; but [he] shall not be required to return any inventory, or exercise any other powers or duties of guardian for one year after his appointment, except to provide for the support of the insane and his family, and prevent waste of his property.

GENERAL MANAGEMENT OF THE HOSPITAL.

Persons committed by court under c. 137, § 1, when to be discharged. —may be re-committed by town officers.
 R. S., c. 143, § 26.

SEC. 28. Every person committed to the insane hospital by any court, as provided in section one of chapter one hundred and thirty-seven, shall be discharged by the superintendent, if not sent for by the court during the next term thereof after his commitment, but [he] shall be liable to re-commitment by the municipal officers of the town to which he belongs, if found to be insane, to be supported in the same manner as other persons committed by said officers.

Rules and regulations to be kept posted.
 R. S., c. 143, § 27.

SEC. 29. The superintendent shall keep posted, in conspicuous places about said hospital, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Intentional ill treatment of patients, how punished.
 R. S., c. 143, § 28.

SEC. 30. When it appears that any such attendant treats any patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant intentionally abuses or ill-treats any inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before any court having jurisdiction of the offences charged; and such attendant, *upon conviction thereof*, shall be *sentenced to pay a fine of* [fined] not less than one hundred, nor more than five hundred dollars, or *to imprisonment* [imprisoned] *in the county jail* not more than ninety days.

SPECIAL VISITATION BY A COMMITTEE OF THE EXECUTIVE
COUNCIL, &c.

CHAP. 143.

SEC. 31. A committee of the council consisting of two, with whom shall be associated one woman, shall be appointed by the governor annually, who shall visit the hospital at their discretion to ascertain if the inmates thereof are humanely treated, and they shall make prompt report from time to time, of every instance of intentional abuse or ill treatment, to the trustees and superintendent of the hospital who shall take notice thereof, and cause the offender to be punished as required by the preceding section.

Committee of visitors shall be appointed annually by the governor; their powers and duties. 1874, c. 256, §4.

SEC. 32. If any willful injury shall be inflicted by any officer, attendant or employe of the hospital upon the person of any patient therein, and knowledge thereof shall come to *the* said committee of visitors, they shall report the fact immediately to *the* said trustees and superintendent, and if the superintendent fails forthwith to complain thereof as required by section thirty, one of *the* said visitors shall enter a complaint thereof before the court having jurisdiction of such offence, and on conviction the offender shall be punished as provided by law. And in all trials for such offences, the statement of any patient cognizant thereof, shall be taken and considered for what it may be worth; and no one connected with the hospital shall be allowed to sit upon the jury *which shall try* [trying] the case.

Willful injury to patients, punishment for. 1874, c. 256, §5.

—complaint to be made by superintendent, or, in case of his neglect, by visiting committee.

SEC. 33. In case of the sudden death of any patient in the hospital under circumstances of reasonable suspicion as to the innocent cause thereof, a coroner's inquest shall be held as provided by law in other cases, and the committee of visitors shall cause a coroner to be immediately notified for that purpose.

When, in case of sudden death of a patient a coroner's inquest shall be held. 1874, c. 256, §6.

SEC. 34. In all cases of preliminary proceedings for the commitment of any person to the hospital, the evidence and certificate of at least two respectable physicians, based upon due inquiry and personal examination of the person to whom insanity is imputed, shall be required to establish the fact of insanity, and a certified copy of the physician's certificate shall accompany the person to be committed.

For preliminary commitment, what evidence of insanity is required. 1876, c. 117. 72 Me., 216, 218.

SEC. 35. If the committee of visitors shall become satisfied that any inmate of the hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to any judge of the supreme judicial court, or [to the] judge of [the superior court, or court of] probate within the county where the restraint exists, for a writ of habeas corpus, who shall issue the same, and cause the inmate to be brought before him and after notice, to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment

Patients may be discharged when unnecessarily detained. 1874, c. 256, §8. —proceedings.

—this section not to

CHAP. 143. in the hospital, [he] shall discharge such inmate from the hospital and restore him to *his* liberty. But this section shall not apply to the case of any person charged with, or convicted of crime and duly committed to the hospital by order of court.

Names of visiting committee to be posted in the wards.

—inmates allowed to write to committee.
1874, c. 256, § 9.

—patients to be furnished with writing materials.

—letter boxes to be provided.

—officers and attendants not to have access thereto.

—letters, how disposed of.

Letters from committee to be delivered to patients without opening.
1874, c. 256, § 10.

Hospital, when and how visited by committee.
1874, c. 256, § 11.

Committee of visitors shall report to governor and council in December

SEC. 36. The names of the committee of visitors and their post-office address shall be kept posted in every ward of the hospital, and every inmate shall be allowed to write when and whatever he may please to them or either of them, unless otherwise ordered by a majority of the committee, in writing, which order shall continue in force until countermanded by said committee in writing. And, for this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, inclosing and sealing letters. And the superintendent shall provide at the expense of the state, securely locked letter boxes, easily accessible to all the inmates, to be placed in the hospital, into which such letters can be dropped by the writer thereof. No officer, attendant, or employe of the hospital shall be allowed to have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly by some member of the committee, or by such person as the committee may authorize for the purpose, who shall prepay such only as shall be addressed to some one of the committee, and deposit them in the post office without delay.

SEC. 37. It is made the duty of the superintendent, or party having charge of any person confined on account of insanity, to deliver to said person any letter or writing to him or her directed, without opening or reading the same, provided *this* [that such] letter has been forwarded by the committee, or is directed to such *individuals* [persons] as the committee have authorized to send or to receive letters without the committee's inspection.

SEC. 38. The hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant or employe of the hospital, but *as* [so] far as possible, all *their* visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee be accompanied by any officer or employe of the hospital, when making their visits through the wards, except upon the special request of some one of the committee.

SEC. 39. The committee of visitors shall make report to the governor and council on the first day of December annually, and as much oftener as the welfare of the patients or the public good may require, setting forth their doings and any facts with regard

to the hospital which they may deem important to be laid before the public. The compensation of said committee shall be two dollars each a day, for the time actually spent in visiting the hospital and actual travelling expenses; *provided*, [that] the said committee do not receive compensation as councillors, for the same days in which said official visits are made to said hospital; and their accounts, including a reasonable sum for the letter carrier provided for in section thirty-six, shall be audited by the governor and council, who shall draw their warrant on the treasurer of the state for the amount found due.

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annually.
1874, c. 286,
§ 12.

—compensation.

—proviso.

—accounts,
how audited.

SEC. 40. Any person neglecting to perform the duties imposed upon him by *the provisions of* this chapter shall be removable from office by the authority from whom he received his appointment, and if removed, shall be ineligible for office or place in the hospital in future.*

Removal
from office
for non-
performance
of duties.
1874, c. 256,
§ 13.

* [NOTE. Section three of chapter 137 of the revision of 1871, and chapter 228 of the public laws of 1871 seem to the commissioner to have been substantially repealed by sections two and three of chapter 256 of the public laws of 1874, being sections three and five of the foregoing chapter of the present revision.]