

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE,
UNDER
Resolve of March 21, 1901.

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Public Institutions for the Punishment and Reform of Criminals and the Care and the Cure of the Insane.

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- CHAP. 139. The state prison.
 140. Houses of correction.
 141. The state reform school. The Maine industrial school for girls.
 142. The insane hospital.
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CHAPTER 139.

THE STATE PRISON.

Location.
R.S., c. 140, § 1.

SEC. 1. The state prison at Thomaston, in the county of Knox, shall continue to be maintained as the prison and penitentiary of the State, in which convicts, lawfully committed thereto, shall be confined, employed, and governed as hereinafter provided.

Solitary imprisonment,
as discipline.
R. S. c. 140, § 2.
See §§ 10, 39.

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

Convicts of
United States
courts shall
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 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.
1885, c. 282.

SEC. 4. The supervision of the state prison is vested in the governor and council, but its government and direction are in a board of three prison and jail inspectors, one warden, one deputy warden, one clerk, eleven guards, one of whom shall perform the duties of commissary, and such number of overseers and aids as the inspectors determine to be necessary.

Board of in-
spectors and
warden.
R.S., c. 140, § 5.

—appoint-
ment.

See Const.
Me.
Art. IX, § 1.

—oaths.

—warden's
bond.

SEC. 5. The inspectors and warden shall be appointed by the governor with the advice and consent of council, and be commissioned to hold their offices during the pleasure of the executive, but not longer 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 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 bond shall be filed in the office of the secretary of state.*

(a) 71 Me., 241; 74 Me., 161.

SEC. 6. The other officers before mentioned, shall be subordinate to the warden, and shall be appointed by warrant under his hand and seal, subject to the approval 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 such officer for negligence or unfaithfulness in the discharge of his duties, and appoint another in his place; and if the warden thinks that a 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 such removal and appoint some suitable person. *The subordinate officers shall take and subscribe the oaths of office, and the deputy warden (and) clerk and commissary, shall 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, to be approved by the inspectors, and conditioned for the faithful performance of their duties; which bonds shall be filed in the office of the secretary of state.*

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

—oaths.
—bonds.

SEC. 7. The inspectors shall meet at stated times at the 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 shall 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 observed, and the duties of the several officers faithfully performed, and to advise with the warden, 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 day of each December, shall audit, correct, and settle the accounts of the warden with the prison and the State, for the year ending on the preceding day, and make report thereof to the governor and council, to be laid before the legislature; which report shall exhibit an account of the stock of different kinds on hand 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 of all other articles sold from the prison; the profit or loss upon each branch of business; and all other particulars necessary to give the legislature a full understanding of the fiscal and other concerns thereof; and shall, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

Shall audit and settle the warden's accounts.
R.S., c. 140, § 8.
See c. 2, § 22.

SEC. 9. They shall inquire into any improper conduct, imputed to the warden or any subordinate officer in relation to the concerns of the prison; and, for that purpose, may issue subpoenas for witnesses, and compel their attendance and the production of papers and writings; may examine witnesses under oath, administered by the chairman; and may adjudicate on such alleged improper conduct, in like manner and with like effect as in cases of arbitration.

Adjudicate on alleged improper conduct of warden, or subordinates.
R.S., c. 140, § 9.
71 Me., 259.

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

Disorderly prisoners, punishment of.
R.S., c. 140, § 10.
71 Me., 254, 260.

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

—fix compensations not established by law.
See c. 114, § 1.

Powers and duties of inspectors in reference to jails.
R.S., c. 140, § 12.
1895, c. 21.

—may remove prisoners from one jail to another.

—may issue precepts for removal.

—shall report to governor and council.

Warden shall not be concerned in trade or commerce.
—his duties.
R.S., c. 140, § 13.

SEC. 11. They shall, from time to time, establish such rules and regulations, consistent with 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, and fix and regulate their compensation when not established by law; 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 establish such other rules, consistent with law, as they see fit; the governor shall communicate all rules, 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.

SEC. 12. The inspectors shall visit all the jails at least once in every three months, and inquire into the management of the same, give such advice in relation thereto as they deem useful and proper; classify all convicts in said jails, having regard to age, character and offenses; and for that purpose may order the county commissioners of either of the counties to make such alteration in their several jails as the inspectors deem necessary, in order to classify the convicts therein, and persons charged with crime; and if said commissioners, after such order, neglect or refuse to make such alteration, or to provide for the classification of convicts and persons charged with crime, the inspectors may cause said convicts and persons charged with crime to be removed to any jail where such alteration or provision for classification has been made, and the expense of the removal and keeping of such convicts or person shall be paid by the county from which such convict or person is removed, and they may require the keeper of said jail to keep a calendar, with such statistics in relation to his jail as they may deem useful for future reference. Said inspectors may remove prisoners from jails where no arrangements have been made for the labor of convicts, to some work jail, and when any jail has a larger number of convicts, either in custody or at labor than can be well accommodated, they may remove a portion of them to any other jail where better accommodations can be afforded. Any jail where arrangements have been made or shall be hereafter made for the labor of convicts committed for any special crime, or class of crimes, at any special kind of labor, shall be deemed a work jail. For the removal of convicts as aforesaid, the inspectors may issue precepts to any officer 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 such convicts were sentenced. The inspectors shall make a report of the condition of all the prisons to the governor and council by the thirtieth day of November annually.

SEC. 13. The warden shall not carry on or be concerned in trade or commerce during his continuance in office; he shall reside constantly within the precincts of the prison, and have the care, custody, and charge thereof, and of the convicts therein, in conformity to their sentences, and of the lands, buildings, machines, tools, stock, provisions, and every other kind of property belonging to or within its precincts. He shall be the treasurer of the prison, receive, pay out, and be accountable for all moneys granted for its maintenance, 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 days of March, June, September and 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 quarter past, including the number of convicts received and discharged during the quarter, and the number remaining;

and he shall also, on the same days, render, under oath, a similar account and statement, examined and approved by the inspectors, to the governor and council, with whom he shall settle all his accounts, whenever required.

SEC. 14. He shall inspect and oversee the conduct of the convicts, and cause all the rules of the prison to be strictly and promptly enforced; he shall give the inspectors immediate information 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 shall keep a register of all such punishments, and the causes 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 thereby appears that such convict has faithfully observed all the rules and requirements of the prison, the warden may recommend to the executive, a deduction of seven days from the term of said convicts' sentence, except those sentenced to imprisonment for life. *Provided, however,* that this section shall not lessen the deduction, to which any convict under sentence on the thirteenth day of April in the year eighteen hundred and eighty-nine, would be entitled under the provisions of law then existing.

SEC. 16. The record, with the *scale* (recommendation) 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, both the warden and the deputy shall be answerable. The warden shall have 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 an officer having a writ commanding him to replevy from the warden's possession, 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; and if they are found correct, he shall enter them, with the date, in a book kept for that purpose; in like manner bills shall be taken and entered of all services rendered for the prison; and 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. Vouchers for all expenditures shall be taken in duplicate, and one copy of each shall be filed at the prison and the other with the governor and council.

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 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 its performance; and no officer of the prison shall be directly or indirectly interested therein.

SEC. 20. When the warden receives from any sheriff a warrant requiring him to remove a convict to the 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 in the least expensive manner consistent with security of the convict; and he shall file said warrant, with his return thereon, 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.

See § 18.

His government in the prison.
R. S., c. 140, § 14.
71 Me., 254, 259.

Warden shall keep a record of each convict's conduct, and recommend a deduction of sentence.
R. S., c. 140, § 15.
1889, c. 184.

Submitted, quarterly.
R. S., c. 140, § 16.
71 Me., 254.

Shall execute all precepts within the prison walls.
R. S., c. 140, § 17.
50 Me., 291.
74 Me., 239.

—command the guard, officers and employees.

—how he shall obey a writ of replevin.

Shall take bills of supplies.
R. S., c. 140, § 18.

—and bills of services.

—vouchers shall be in duplicate.

Warden shall contract for sale of articles from the prison, and for the labor of convicts, and shall require security.
R. S., c. 140, § 19.

Service of the warrant for the removal of convicts.
R. S., c. 140, § 20.

When convicts may be temporarily lodged in jails, at the state's expense.
R.S., c. 140, § 21.

SEC. 21. When, during the conveyance of any such convict to the state prison in pursuance of his sentence, it is necessary or convenient to lodge him for safe keeping in any jail until the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive 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 said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the state treasury. When the warden believes that there are more convicts in the state prison than can be confined there securely, he 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 accommodations 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 sentences.

Of actions by or against the warden, officially.
R.S., c. 140, § 22.

—he may sue for injuries to State property.

SEC. 22. 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 actions for injuries done or occasioned to the real or personal property of 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; and no such action shall abate by the retirement, removal or death of the warden, but his successor, upon notice, shall assume its prosecution or defense. Neither the warden's person nor property shall be taken or attached in 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 of his predecessor and be subject to all his obligations with regard to all contracts, and debts due to or from the prison.

He may convey certain real estate.
R.S., c. 140, § 23.

Warden may refer controversies.
R.S., c. 140, § 24.

SEC. 23. The warden, under direction of the governor and council, may sell and convey any real estate, to which he acquires title in behalf of the State, in the adjustment of debts due to the prison.

SEC. 24. When a controversy arises respecting any contract or claim on account of the state prison, or a suit is pending thereon, the warden may submit the same to the determination of arbitrators or referees approved by the inspectors.

Warden is exempt from arrest.
R.S., c. 140, § 25.

—how a creditor may proceed with an execution against the warden.

SEC. 25. 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, within forty days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, 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, § 26.

SEC. 26. 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 the office of warden is vacant, the deputy shall give bond and act as warden, and treasurer, and receive war-

SEC. 27. 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, conditioned for the faithful discharge of his duties as deputy warden and treasurer; and, from the time that the bond is approved, the deputy shall receive the salary

and emoluments of the warden instead of his former pay, while he performs the duties of the office; if he does not give such bond when required, the inspectors may remove him, and appoint a warden pro tempore, who shall give bond similar to that 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 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.

den's pay.
R.S., c. 140, § 27.
—warden
pro tempore.

SEC. 28. 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 direction of the warden; attend meetings of the inspectors, when they request it; keep a record of their proceedings; and perform any other services directed by the inspectors or warden, pertaining to his employment and the superintending of the prison.

Duties of the
clerk.
R.S., c. 140, § 28.

SEC. 29. 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 such branches as are assigned to them by the warden; and all of them and the other subordinate officers shall perform the services in the management, superintending, and guarding of the prison, as prescribed by the rules, or directed by the warden.

Overseers.
R.S., c. 140, § 29.

SEC. 30. 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 for the government of the prison, the warden, with the approbation of the inspectors, may deduct from his wages a sum not exceeding a month's pay.

Neglect of
subordinate
officers, how
punished.
R.S., c. 140, § 30.

SEC. 31. No more than twenty per cent of all the male convicts in the prison, shall be employed at any time, in any one industry, or in the manufacture of any one kind of goods, and so far as practicable, the industries upon which said convicts shall be employed, shall be the manufacture of articles not elsewhere manufactured in this state. The manufacture and repair of all kinds of wagons, carriages and sleighs, except the manufacture of infants' carriages, shall be considered one industry within the meaning of this section. This section shall not apply to the manufacture by said convicts, of any kind of goods which were not on the first day of January in the year one thousand eight hundred and eighty-eight, elsewhere manufactured in the state.

Employment
of convicts.
1837, c. 149,
§§ 1, 2, 3.

—carriage
making.

—proviso.

SEC. 32. All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words "Manufactured at the Maine State Prison."

Articles shall
be labeled.
1887, c. 149, § 4.

SEC. 33. The inspectors and warden shall appoint some suitable person physician and surgeon of the prison, who shall visit the same daily, and whenever requested by the warden, to attend and prescribe for sick convicts, and to examine all convicts claiming to be ill, and determine their ability to work. He shall 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 to be furnished with such medicines and diet, as his situation requires, until the prison physician determines that he may leave it without injury to his health. He shall attend convicts in the insane department of the prison under the direction of the superintendent of the insane hospital at Augusta.

Appointment
and duties of
prison physi-
cian.
R.S., c. 140, § 31.
1897, c. 294.

—care of sick
convicts.

—care of in-
sane convicts.

SEC. 34. If a 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; and to be returned as soon

Pestilence or
contagious
sickness.
R.S., c. 140, § 32.

as may be to the prison, to be confined according to their sentences, if unexpired.

Punishment of officers for suffering an escape. R.S., c. 140, § 33.

—or for allowing convict to go at large.

Rescue, or aiding prisoners to escape. R.S., c. 140, § 34.

Conveying, or attempting secretly to convey, any article to a convict. R.S., c. 140, § 35.

Penalty for convict assaulting an officer, etc. R.S., c. 140, § 36. 74 Me., 162.

—warden shall certify to attorney of Knox county.

Punishment. R.S., c. 140, § 37. See § 2. 71 Me., 254.

If resisted, officers shall use force. R.S., c. 140, § 38. 71 Me., 260.

Warden to keep arms and ammunition, etc. R.S., c. 140, § 39. 71 Me., 260.

Work-jail. R.S., c. 140, § 40.

Measures to retake convicts, escaping. R.S., c. 140, § 41.

—aiding convicts to escape, how to be punished.

SEC. 35. If any officer, or other person employed in the state prison or its precincts, voluntarily suffers, aids, or connives at the escape of a convict therefrom, he shall be imprisoned in the state prison for any term not greater 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 of the prison, he shall be fined not exceeding five hundred dollars.

SEC. 36. Whoever forcibly rescues or attempts to rescue any convict sentenced to the state prison, from the legal custody of any officer or other person, or 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 him to escape, shall, whether an escape is effected or not, be imprisoned in the state prison not more than twenty years, or fined not exceeding five hundred dollars.

SEC. 37. 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 prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein shall obtain it, without consent or knowledge of the warden or deputy warden, he shall be imprisoned in the state prison not more than two years, or be fined not exceeding five hundred dollars and imprisoned not more than six months.

SEC. 38. If a convict, sentenced to the state prison for a limited term of years, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may, at the discretion of the court, be punished by confinement to hard labor for a *limited period or during life*, (any term of years,) to commence after the completion of his former sentence. The warden shall certify the fact of a violation of the foregoing provisions to the county attorney for the county of Knox, who shall prosecute such convict therefor.

SEC. 39. Solitary confinement, as a punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certifies to the warden that the health of such convict requires other diet.

SEC. 40. If a convict sentenced to the state prison resists the authority of any officer, or refuses to obey his lawful commands, the officer shall immediately enforce obedience by the use of weapons or other effectual means; and if, in so doing, a convict thus resisting is wounded or killed by the officer and his assistants, they shall be justified.

SEC. 41. The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, at the expense of the State, and may require all officers and other citizens 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.

SEC. 42. The four preceding sections apply to convicts and officers in the county jails having workshops attached thereto.

SEC. 43. When a convict escapes from the state prison, the warden shall take all proper measures for his apprehension; and may in behalf of the State offer a reward not exceeding fifty dollars for his apprehension and delivery. Whoever, not standing in the relation of husband or wife, parent or child, to the principal offender, conceals, harbors, or in any way aids any convict escaping from the state prison, knowing him to be such; or furnishes such convict with food, clothing, weapon, matches, or other article, or information that would aid him to escape recapture, shall be

punished by imprisonment in the state prison for a term not exceeding the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

SEC. 44. No convict shall be discharged from the state prison, until he has served the full term for which he was sentenced, including the day on which he was received into it, unless he is pardoned, or otherwise released by legal authority.

When term commences.
R.S., c. 140, § 43.
71 Me., 246,
253, 259.

SEC. 45. 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 otherwise legally disposed of.

Convict's property shall be taken care of by warden.
R.S., c. 140, § 44.

SEC. 46. 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 ten 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.

Provision for convicts, on discharge.
R.S., c. 140, § 45.
1897, c. 220.

SEC. 47. 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, which sum shall be expended, under direction of the teacher, in the purchase of school books for use of the prisoners.

Fees from visitors.
R.S., c. 140, § 46.

SEC. 48. The warden, on 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.

Alterations may be made by warden, under the inspectors.
R.S., c. 140, § 47.

SEC. 49. 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.

Governor shall appoint one of the council to examine prison.
R.S., c. 140, § 48.

SEC. 50. The governor, on 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 longer than two years under one appointment, a suitable person 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 their discharge. 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.

Chaplain for the prison may be appointed.
R.S., c. 140, § 49.

—Sunday school.

SEC. 51. Besides the salaries and pay of the officers of the prison, there shall be appropriated, and annually paid out of the state treasury, fifty dollars for maintaining a school in the prison; fifty dollars for purchase of books for the use of convicts; the two sums last named to be expended by the warden under direction of the inspectors; three dollars a day for services of each inspector while employed in official duty together with all necessary traveling expenses; two dollars a day for services, and ten cents a mile to and from Augusta for travel of the committee of the council; and a sum not exceeding one hundred and fifty dollars for medicines.

Appropriations for school; books; inspectors; visiting committee of the council.
R.S., c. 140, § 50.
See c. 114, § 1.

SEC. 52. The governor, with the advice and consent of council, may draw warrants on the state treasury in favor of the warden for all such sums as they, from time to time, deem proper, from appropriations for the support of the state prison.

Appropriations, how to be paid to the warden.
R.S., c. 140, § 51.

CHAPTER 140.

HOUSES OF CORRECTION.

COUNTY HOUSES OF CORRECTION.

County commissioners shall provide a house of correction.
R.S., c. 141, § 1.

SEC. 1. County commissioners shall erect or otherwise provide, at the expense of their county, where not already done, a convenient house of correction, 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.

Appointment, powers, duties and compensation of overseers.
R.S., c. 141, § 2.

SEC. 2. Where circumstances require it, they shall annually appoint three or five suitable and discreet persons of their county, living near such house, to be overseers thereof, who shall see that the rules and orders, established for the government thereof and of the persons confined therein, are 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 such house, 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.

Supervision by overseers.
R.S., c. 141, § 3.

SEC. 3. The commissioners may remove the overseers, and fill all vacancies; and at least as often as every regular session, inquire into the state of said house, examine the register and accounts of the overseers and master, and make such legal alterations in the treatment and government of the prisoners as they deem expedient.

Persons liable to be sent to the house of correction.
R.S., c. 141, § 4.
1891, c. 81.

SEC. 4. A municipal or police court, or trial justice in his county, on complaint under oath, may commit to said house for a term not exceeding ninety days, 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, runaways, drunkards, night walkers, railers, brawlers and pilferers; persons wanton or lascivious in speech or behaviour, or neglecting their callings or employments, mispending what they earn and not providing for the support of themselves and their families; all idle and disorderly persons having no visible means of support, neglecting all lawful calling or employment; and all idle and disorderly persons who neglect all lawful calling or employment and mispend their time by frequenting disorderly houses, houses of ill fame, gaming houses or tippling shops.

Provision for extension of imprisonment in case of paupers.
R.S., c. 141, § 5.

SEC. 5. Notwithstanding the payment of costs and expenses, 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, for not more than thirty days at a time, by the judge or justice; 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.

SEC. 6. Such masters shall, within ten days after commitment of any person to such house of correction, 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.

Master shall give notice to overseers of the poor. R.S., c. 141, § 6. See c. 24, § 39. —duty of overseers. 22 Me., 389. 51 Me., 458.

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 impose shackles or fetters to prevent resistance or escape, without unnecessarily inflicting pain or interrupting labor.

Employment, and restraint of prisoners. R.S., c. 141, § 7.

SEC. 8. If a 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.

Punishment, by abridgment of food. R.S., c. 141, § 8.

SEC. 9. 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.

Allowance to prisoners, from their earnings. R.S., c. 141, § 9.

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.

Provision for the sick and disabled. R.S., c. 141, § 10.

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, in special cases, make him such further allowance as they think reasonable, for his care, labor, and services, besides the third of the earnings as before provided.

Master shall render account of prisoners' earnings. R.S., c. 141, § 11.

SEC. 12. When money is due the master from a prisoner, under this chapter, and his account is allowed and certified 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 shall not exceed two dollars a week.

Master may demand sum due from prisoner. R.S., c. 141, § 12.

—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 due, of the prisoner, his parent, master, guardian, or town, as the case requires, with interest after demand, and costs; if the respondent was duly notified by the commissioners before the allowance of said account, their certificate shall be presumptive evidence of its correctness; but, in either case, it may be disproved by evidence on the part of the respondent.

Suit therefor may be brought within two years. R.S., c. 141, § 13. 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, has the same remedy against such kindred, as is provided in that chapter for towns incurring expense for relief and support of paupers.

Kindred of prisoner are liable to master or town. R.S., c. 141, § 14. See c. 24, § 17.

TOWN HOUSES OF CORRECTION.

SEC. 15. A town, at its own expense, may build and maintain a house of correction, or may appropriate for such purpose in part or in whole any work-house owned by the town; 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 this section shall not restrain such justice from com-

Town houses of correction, and their object. R.S., c. 141, § 15.

mitting any person so liable to the county house of correction; and the respondent may appeal as in other cases.

Overseers
thereof.
R.S., c. 141, § 16.

SEC. 16. The selectmen of 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 punishing persons lawfully committed thereto.

Of work-
houses for
like uses.
R.S., c. 141, § 17.

SEC. 17. When a 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, § 18.
Duties of
overseers.
R.S., c. 141, § 19.

SEC. 18. The overseers and master of such town house of correction shall have such compensation as is annually voted by their towns.

SEC. 19. 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, § 20.
See § 12.

SEC. 20. 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 those
publicly
drunk, and
disturbers of
the peace.
R.S., c. 141, § 21.
65 Me., 120.

SEC. 21. 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 his safety, or the good order of the community requires it, until he 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, § 22.

SEC. 22. 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 ——— hours, unless sooner discharged by our order.

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

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 receive from the town such fees for service and travel as are allowed for service of such warrants.

[The commissioner thinks that sections twenty-one and twenty-two are inconsistent with section twenty-five and should be omitted.]

GENERAL PROVISIONS.

Vagrant,
tramp, or
beggar,
refusing to
leave a dwell-
ing-house
on request,
how to be
punished.
R.S., c. 141, § 23.

SEC. 23. If any public vagrant, tramp, beggar, or other person who goes about from place to place asking or subsisting upon charity, or without means of support, having entered a dwelling-house, remains therein to the terror or fright of any of its occupants, or refuses or neglects, on request, to depart, he shall be punished by imprisonment and labor not exceeding thirty days in any jail, work-house, house of correction, or at any town farm or alms-house in the town in which the offense was committed, and by fine not exceeding ten dollars, and in default of payment he shall be imprisoned for an additional thirty days.

Such convict
may be
required
to labor.
R.S., c. 141, § 24.

SEC. 24. 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, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable

—keeper may
be appointed.

person keeper over him, and may collect and receive the wages, compensation or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation, as in their judgment the profits of his labor will warrant, deducting therefrom, the costs of commitment and any fine imposed under the preceding section.

SEC. 25. Persons shall be committed to work-houses, or houses of correction, only upon conviction of the offenses, acts, or conditions for which such commitments are by law authorized, before some municipal or police court, or trial justice.

—convict is entitled to the net profits of his labor, after deducting expenses.

Magistrates only shall commit.
R.S., c. 141, § 25.

CHAPTER 141.

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

THE STATE REFORM SCHOOL.

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 and consent of council, and commissioned to hold their offices during the pleasure of the governor and council, but not longer than four years under one appointment. They shall have charge of the general interests of the institution, and 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, 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 its officers; 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 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 sections five thousand five hundred and forty-nine, and five thousand five hundred and fifty of the Revised Statutes of the United States.

Government of the state reform school is vested in a board of five trustees.
R.S., c. 142, § 1.
72 Me., 556.

—powers and duties.

—they may contract with the attorney general of the United States, for the support of juvenile offenders.

SEC. 2. When a boy between the ages of eight and sixteen years is convicted before any court or trial justice, of an offense punishable by imprisonment in the state prison, not for life, or in the county jail except for the offenses 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 offense. If to the reform school, the sentence 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, 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.

Boys between eight and sixteen may be sentenced to the school, and to alternative punishment.
R.S., c. 142, § 2.
47 Me., 484.

—deaf and dumb, non compos or insane, shall not be sent.

SEC. 3. When a 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, desecration of the Lord's Day, riotous conduct, disturbance of the peace, embezzlement, cheating by false pretenses, vagrancy, or truancy; of being a common runaway, drunkard, or pilferer; or of a violation of any municipal or

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

R.S., c. 142, § 3.
73 Me., 379.
89 Me., 528.

—expenses of commitment and subsistence, how to be paid.

Court or justice, on conviction of an offense, shall certify the boy's residence in the mittimus.
R.S., c. 142, § 4.
50 Me., 585.

—superintendent shall notify the town liable.

—notice, how given.

He may recover expenses from such town.
R.S., c. 142, § 5.
57 Me., 346.
89 Me., 528.
94 Me., 474.
—such town may recover of parent.

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

Proceedings, when trustees or superintendent do not receive a boy or he is incorrigible.
R.S., c. 142, § 7.

When transportation shall be paid by the county.
R.S., c. 142, § 8.
See c. 115, § 5.

Term of commitment, and effect of the discharge.
R.S., c. 142, § 9.

Boys in the reform school may be committed on probation to any suitable inhabitant of the state.
R.S., c. 142, § 10.

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 offense, in the manner prescribed in section two; and the expenses of conveying such boy, convicted of any such offense, to the reform school, and his subsistence and clothing during his imprisonment there, not exceeding one dollar a week, shall be defrayed by the town where such boy resides at the time of his commitment, if within the state; otherwise such expense shall be paid by the State.

SEC. 4. The court or trial justice before whom a boy is convicted of an offense 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, which 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 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 offense with which he is charged, and the duration of his sentence. Such written notice shall be sufficient when made, superscribed and directed to said aldermen or selectmen, the postage prepaid, and deposited in the post office in Portland.

SEC. 5. At any time after three months from the giving of such notice, the superintendent may, in his own name, in behalf of the State, recover of such city or town the expenses of clothing and subsistence of such boy, not exceeding one dollar a week, to the time of 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.

SEC. 6. Every 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.

SEC. 7. When a 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 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.

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

SEC. 9. All commitments of boys shall be during their minority, unless sooner discharged by order of the trustees as before provided; and when a 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.

SEC. 10. The trustees may commit, on probation and on such terms as they deem expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his sentence, such probation to be conditioned on his good behavior and obedience to the laws of the 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 a police or municipal court for a warrant for such purpose, which may be served by any officer authorized to serve criminal process. On his recommitment to the school, such boy shall there be held and detained under the original mittimus.

SEC. 11. The superintendent, with advice of the trustees, shall, as often as once in six months, prepare 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 shall furnish such list for publication in such papers of the state as will insert the same free of charge.

SEC. 12. The trustees, under direction of the governor and council, shall establish and maintain a mechanical school, and cause the boys under their charge to be instructed in mechanical trades and in the branches of useful knowledge, adapted to their age and capacity; also in agriculture and horticulture, according to their age, strength, disposition and capacity; and otherwise, as will best 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. The trustees shall establish rules for direction of the officers, agents and servants of the school, and for the government, instruction and discipline of the inmates; they shall specify the punishments that may be inflicted upon boys in the school, and any officer, agent or servant, who inflicts punishment not so authorized shall be discharged. Such rules shall be approved by the governor and council, and shall not be altered without their consent.

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; and discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, so far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He shall see that no punishment is inflicted in violation of the rules of the trustees, and shall immediately enter in a book kept for the purpose, a particular record of all corporal punishment inflicted, stating the offense, the punishment, and by whom administered; which record shall be open to public inspection, and be laid before the trustees at their quarterly meetings, a majority of whom shall then certify upon said book whether or not such punishments are approved by them. He shall have charge of the lands, buildings, furniture, 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 to 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 entrusted 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 life and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it. Actions for injuries done to the real and personal property of the State, connected with the reform school, may be brought in the name of the superintendent for the time being.

—when they may be returned to the school.

Superintendent shall prepare a list of boys to apprentice.
R.S., c. 142, § 11.
—list to be published.

In what branches, boys shall be instructed.
R.S., c. 142, § 12.

—trustees shall make rules, and specify punishments.

—rules must be approved by executive.

Powers and duties of the superintendent.
R.S., c. 142, § 13.

—record of punishment, open to public inspection.

—bond.

—shall keep accounts.

—accounts and books, shall be examined by the trustees semi-annually.

Contracts shall be made by the superintendent, and approved by the trustees.
R.S., c. 142, § 14.

—suits thereon.

Visits of the trustees to the reform school.
R.S., c. 142, § 15.

—record to be kept.

—annual report and financial statement by the superintendent.

Appropriations; how paid.
R.S., c. 142, § 16.

Inmates shall be classed.
R.S., c. 142, § 17.
See Resolve, 1871, c. 284.

—solitary confinement is forbidden.

—exceptions.

—denial of food prohibited.

Governor shall appoint a visiting committee.
R.S., c. 142, § 18.
1889, c. 241.

—duties and powers.

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, are 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 abates by a vacancy in the office of superintendent during its pendency; but his successor may take upon himself its prosecution or defense, and, on motion of the adverse party and notice, 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 shall be made, showing the results thereof. Annually, on the first day of December, an abstract of such 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 offense 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 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.

SEC. 17. The inmates shall be separated into classes, regard being had to their ages, character and conduct, and the offenses for which they have been committed. The boys of each class shall, so far as practicable, take daily outdoor exercise and be employed in some outdoor labor. Each shall be provided with his own clothing and be taught to care for it. Solitary confinement is not allowed except for grave offenses specified in the rules of the trustees; and the apartment where it is inflicted, shall be suitably warmed, lighted, and provided with a bed and proper appliances for cleanliness. All the boys shall receive the same quality of food and in quantities to satisfy their appetites. They shall not be punished by a denial or short allowance of food.

SEC. 18. A committee of the council, consisting of three, with whom shall be associated one woman, shall be appointed by the governor annually, to visit the school from time to time, and examine into the treatment of its inmates, their condition and progress. They shall maintain therein a letter box, to which the inmates shall at all times have free access, without the knowledge or scrutiny of the officers. They shall hear complaints of ill treatment, and make such suggestions to the superintendent and trustees as they think proper, and make a yearly report to the governor and council concerning the condition and wants of the school.

THE MAINE INDUSTRIAL SCHOOL FOR GIRLS.

Government of the Maine Industrial School for Girls.
1899, c. 127, §§ 1, 2, 3.
—appointment and tenure of trustees.

SEC. 19. The government of the Maine Industrial School for Girls, heretofore established at Hallowell, in the county of Kennebec, for the education, employment and reform of girls, is vested in a board of six trustees, consisting of four men and two women, of which the state superintendent of public schools shall be a member, ex-officio. The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for a term of five years. Any vacancy

occurring among the members of said board, so appointed, shall be filled in like manner for the remainder of the unexpired term.

SEC. 20. The trustees shall have charge of the general interests of the school and see that its affairs are conducted in accordance with law and such by-laws as they may adopt. They may adopt by-laws which shall be valid when approved by the governor and council. They may employ a principal and such teachers and other employes as they may deem advisable, and fix their compensation subject to the approval of the governor and council; they may from time to time prescribe the system of education and course of study to be pursued in the school.

Duties of trustees, 1893, c. 127, § 4.

SEC. 21. A parent or guardian of any girl between the ages of six and sixteen years, 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 such 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 officers of said school. The judge or justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, 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. All precepts issued in pursuance of this section may be executed by any officer who may execute civil process; and the fees of judges, justices and officers shall be the same as for similar services in civil cases, and, when not otherwise provided for, shall be audited by the county commissioners and paid from the county treasury.

Commitment of idle or vicious girls, R. S., c. 142, § 19. 1897, c. 231. 76 Me., 325.

—notice and hearing.

—precepts, by whom executed. 1885, c. 299.

—fees, how paid.

SEC. 22. The board of trustees of said school shall have all the powers as to the person, property, earnings and education of every girl committed to the charge of said trustees, during the term of her commitment, which a guardian has as to his ward, and all powers which parents have over their children. At the discretion of said board, any such girl, during her commitment, may be kept at said school, or entrusted to the care of any suitable person and may be required to work for such person, or may be bound by deed of indenture to service or apprenticeship for a period not exceeding the term of her commitment, on such conditions as said board may deem reasonable and proper. Such indenture shall specify the conditions, and shall require the person to whom such girl is bound, to report to said board as often as once in three months the conduct and behavior of such girl, and whether she remains under such master or mistress, and if not, where she is. Said trustees shall take care that the terms of such indenture are fulfilled, and the girl well treated, and if they believe that by reason of her misconduct, vicious inclinations or surroundings, she is in danger of falling into habits of vice or immorality, or that her welfare is in any way imperiled, they may cancel such indenture and resume charge of such girl with the same powers as before the indenture was made. The powers of said board with respect to any girl entrusted, as herein provided, to the care of a suitable person are not affected thereby, nor by her being bound to service or apprenticeship, except as expressed in the bond of indenture. Said trustees, master or mistress and apprentice, shall have all the rights and be subject to all the duties and penalties provided in case of children apprenticed by overseers of the poor. Any member of said board may execute such indenture deed in behalf of the board if authorized by a vote of said board. Said board may, by vote in any case, or by a general by-law, authorize a member or committee of said board, or the principal of said school to entrust said girls to the care and service of a

Duties and privileges of trustees. R. S., c. 142, § 20. 1901, c. 237, § 1.

—may bind to service any girl committed to their charge.

See c. 24, §§ 22-27.

suitable person or persons without indenture, to see to their welfare during such service and to require their return to said school at discretion.

SEC. 23. A person receiving an apprentice under the preceding section, shall not assign or transfer the indenture of apprenticeship, or 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 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 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. 24. A parent or guardian, upon complaint and hearing as aforesaid, and certificate of any judge or justice named in section twenty-one, that a girl of the age herein limited is a proper subject for commitment 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 may enforce such agreement.

SEC. 25. On complaint to a trial justice or municipal or police court of the county, that a girl of the age herein limited has been guilty of an offense 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. No 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 thereafter be examined or tried on the suspended complaint or for the offense therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and punished according to law.

SEC. 26. If a girl of the age herein limited is found guilty of an offense 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 offenses.

SEC. 27. The trustees may refuse to receive any girl committed to said school under the two preceding sections, or may discharge 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 may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in said sections. If they discharge her, they shall 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. 28. Precepts issued in pursuance of the three preceding sections may be executed by any officer who may execute criminal process; and the fees of judges, justices and officers are the same as for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

SEC. 29. The judge or justice before whom a girl is brought under 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. A girl committed to the school may appeal from the order of commitment in the manner and to the court provided in case of appeals from trial justices, and the case shall

Indenture of apprenticeship is not transferable, without consent of the trustees. R.S., c. 142, § 21.

—trustees may cancel indenture.

—may assign indenture, in certain cases.

Parent or guardian may commit an idle or vicious girl. R.S., c. 142, § 22.

Girl charged with an offense punishable by fine or imprisonment, may be committed. R.S., c. 142, § 23. 76 Me., 326.

—effect of discharge with a certificate of good behavior.

—if discharged for misbehavior.

If not received, or if discharged for misbehavior, how punished. R.S., c. 142, § 24.

Trustees may refuse to receive, or may discharge any girl committed. R.S., c. 142, § 25.

—their refusal to receive, how certified.

—if she is discharged, proceedings.

Precepts, how to be executed. R.S., c. 142, § 26. 1885, c. 299. See c. 115, §§ 2, 5.

Record of proceedings shall be filed with clerk of courts. R.S., c. 142, § 27. —appeal. 76 Me., 326. See c. 131, § 17.

be entered, tried and determined in the appellate court. In case of appeal, in lieu of any other recognizance, the justice or judge shall require the recognizance, in a reasonable sum, of some responsible and proper person for the custody, care and nurture of the girl, pending the appeal, and for her appearance to abide the final order of the appellate court, and in default thereof, may commit her to said industrial school until final disposition of the appeal. In such cases, no fees shall be required of the appellant for recognizance or copies of papers.

—recognizance, how taken.
1885, c. 299.

—fees not required of appellant.

SEC. 30. The court or justice by whom a girl is committed shall certify on the mittimus, her age, parentage, birthplace, 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, such expenses shall be paid by the State.

Age, parentage, birthplace and offense must be certified on the mittimus. R.S., c. 142, § 28. —certificate of girl's age, is evidence, and charges a town with the expenses.

SEC. 31. The officers of said school, upon the commitment of any such girl, shall, in writing, notify the municipal officers or overseers of the poor of the city or town so liable, by mail or otherwise, of her name, 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, is 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 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.

Notice of commitment, how to be given by the officers of the school, to the town, liable. R.S., c. 142, § 29.

—expenses, how to be recovered of the town.

SEC. 32. 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 are suited to their sex, age, strength and disposition, and 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.

Girls shall be instructed in certain branches of useful knowledge. R.S., c. 142, § 30.

SEC. 33. Whoever advises, induces, aids or abets any girl committed to the charge or guardianship of said trustees to escape from the school, or from the custody of any person to whom such girl has been bound or entrusted by said trustees or by their authority, or knowingly harbors or secretes any girl who has escaped from said school, or from the custody, authority or control of said trustees, or from any person to whom such girl has been bound or entrusted by said trustees or by their authority, or elopes with any such girl, or without the consent of said trustees marries any such girl during the term of her commitment, shall be fined not more than one hundred, nor less than fifty dollars, or be imprisoned not exceeding six months; and any girl who has so escaped may be arrested and detained, without warrant, by any officer authorized to serve criminal precepts, for a reasonable time to enable the principal or a trustee of said school, or a person authorized in writing by such principal or trustee and provided with the mittimus by which such girl was committed, or a certified copy thereof, to take such girl for the purpose of returning her to said school; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping.

Penalty, for aiding a girl to escape from said school. 1901, c. 237, § 2.

CHAPTER 142.

THE INSANE HOSPITALS.

APPOINTMENT AND DUTIES OF TRUSTEES.

Government
of the insane
hospitals,
R.S., c. 143, § 1.
1899, c. 75.

SEC. 1. The government of the Maine Insane Hospital, at Augusta, and of the Eastern Maine Insane Hospital, at Bangor, is vested in a committee of seven trustees, one of whom shall be a woman; they shall be appointed and commissioned by the governor, with the advice and consent of council, to hold their offices during the pleasure of the governor and council, but not longer than three years under any one appointment.

Trustees
shall have
the general
management,
hold prop-
erty, make
by-laws com-
mence and
defend suits.
R.S., c. 143, § 2.

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

Superintend-
ent, steward
and treas-
urer, how to
be appointed.
R.S., c. 143, § 3.
1899, c. 75.

SEC. 3. Said trustees shall appoint a superintendent, and a steward and treasurer, for each hospital, subject to the approval, 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 institutions; and all appointments shall be made according to the by-laws.

Monthly,
quarterly and
annual exam-
inations by
the trustees,
and records
thereof.
R.S., c. 143, § 4.

SEC. 4. There shall be a thorough examination of each 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 visited 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. Their accounts shall be audited by the governor and council, who shall draw their warrant on the treasurer of state for the amount due them and the other officers of the institutions, except attendants on the patients and laborers on the premises, and for all money appropriated by the legislature for the insane hospitals.

—trustees
may examine
and discharge
patients.

—accounts.

Patients may
be trans-
ferred from
one insane
hospital to
the other.
1901, c. 295.

SEC. 5. The trustees may transfer any patients from one hospital to the other, whenever, in their judgment the welfare of the patients or of either institution will be promoted thereby. A copy of the certificate of commitment certified by the superintendent of the hospital in which said patient has been confined, with a certificate signed by the secretary of the trustees, showing that such transfer has been voted by the trustees, shall authorize the superintendent of the hospital to which such patient is transferred to receive and detain him in custody in the same manner as if he had originally been committed to such institution. The expense attending such transfer shall be paid out of the funds of the hospital receiving such patient and shall be a charge upon the person or municipality liable for the board of such patient, and if the board of such patient is paid in whole or in part by the state the expense of such transfer shall be paid by the state out of the appropriation for insane state beneficiaries.

—expense of
transfer
how paid.

SEC. 6. The trustees, at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer of each hospital, 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 shall, from time to time, inquire into the condition and management of the financial affairs of the institutions, and make such changes as they deem judicious, in the mode and amount of expenditures and the general administration of their financial affairs.

Accounts of the steward and treasurer, how to be audited and settled. R.S., c. 143, § 5.

—governor and council shall inquire into the financial affairs of the hospitals.

SEC. 7. They shall hold an annual meeting on the first day of December, at which a full and detailed report shall be made, containing a particular statement of the condition, concerns, and wants of the hospitals; and this report, and the reports of the superintendents and stewards, shall be made up to the first day of December, and be laid before the governor and council at that time, for the use of the government.

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

DUTIES OF SUPERINTENDENTS AND STEWARDS.

SEC. 8. The superintendent of each hospital shall be a physician; reside constantly at the hospital; have 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 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 prospects of the institution under his charge, 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.

Duties and powers of the superintendent. R.S., c. 143, § 7.

—his annual report.

SEC. 9. The superintendents shall apportion the number of patients who can be accommodated in the hospitals among the towns, according to their population by the last census; and when applications for admission exceed or are liable to exceed that number of patients, they shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Apportionment of patients. R.S., c. 143, § 8.

SEC. 10. When a person has 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, or who has become so imbecile, as, in his judgment, to be beyond cure, and if he thinks that 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.

Unlawful commitments. R.S., c. 143, § 9.

—how idiotic inmates may be discharged.

SEC. 11. The steward of each hospital 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 at which he is located; 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.

Duties of the steward and treasurer. R.S., c. 143, § 10.

SALARIES.

Certain salaries fixed by trustees.
R.S., c. 143, § 11.
1899, c. 75, § 2.
See c. 114, § 1.

SEC. 12. The compensation of the superintendent, and of the treasurer and steward, of the Eastern Maine Insane Hospital, and of all other officers and employes of both hospitals, whose salaries are not established by law, shall be fixed by the trustees, subject to the approval of the governor and council.

COMMITMENT OF THE INSANE.

Duties of parents and guardians of insane minors.
R.S., c. 143, § 12.

SEC. 13. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to one of said hospitals and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

Municipal officers shall, on complaint, examine cases, and may commit to the hospital with certificate, and keep a record of their doings.
R.S., c. 143, § 13.
1897, c. 244.

SEC. 14. 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 of any justice of the peace in their town, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall call before them all testimony necessary for a full understanding of the case; and if they think such person insane, and that his comfort and safety, or that of others interested, will thereby be promoted, they shall forthwith send him to one of said hospitals, 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 until he is restored or discharged by law, or by the superintendent or trustees. They shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it. (a)

Evidence of two physicians required.
R.S., c. 143, § 34.
72 Me., 216.
75 Me., 166.
90 Me., 219.

SEC. 15. 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 physicians' certificate shall accompany the person to be committed.

May certify inability of relatives to pay for patient's support, and steward may charge the State \$1.50 a week.
R.S., c. 143, § 14.

SEC. 16. The officers ordering the commitment of a person unable to pay for his support, may in writing certify that fact to the trustees, and that he has no 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.

DUTIES OF JUSTICES OF THE PEACE AND QUORUM.

Appeal to two justices of the peace and quorum; how selected.
R.S., c. 143, § 15.

SEC. 17. Any person or corporation, deeming himself or the insane aggrieved by the decision of the board of examiners for or against the fact of insanity, may claim an appeal therefrom 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 shall procure the attendance of such justice at such time and place, if in his power, and if not, may select another; and the board of examiners shall select another justice of the peace and quorum.

(a) 35 Me., 404; 40 Me., 264; 48 Me., 356; 63 Me., 500, 566; 65 Me., 521; 70 Me., 442; 78 Me., 378; 90 Me., 218.

SEC. 18. If the two justices neglect or refuse to decide the appeal within three days after the time appointed for the hearing; or if the municipal officers neglect or refuse for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any relative of the insane, or 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 either hospital like that described in section fourteen.

Municipal officers or justices neglecting to decide for three days, complaint may be made, to two justices; proceedings. R.S., c. 143, § 16. 35 Me., 502. 63 Me., 567.

SEC. 19. 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.

Justices shall keep a record of their doings; their compensation, and by whom to be paid. R.S., c. 143, § 17.

SEC. 20. When such justices order a commitment to a 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.

Their order for commitment, by whom to be executed. R.S., c. 143, § 18.

[Sections seventeen to twenty inclusive were a part of the statute before section fifteen (P. L. 1876, c. 117) requiring the evidence and certificate of at least two respectable physicians, based upon due inquiry and personal examination, as a prerequisite of an original commitment, was enacted. It is thought that an appeal from an order of commitment based upon such evidence, to two justices of the peace and quorum will not commend itself as a proper provision. The commissioner recommends the repeal of sections seventeen to twenty so far as they provide for an appeal.]

EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

SEC. 21. The certificate of commitment to the hospital after a legal examination, is 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 in which he is confined, 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.

Town where insane person resided, or was found, must pay for his support, unless a bond is given for it. R.S., c. 143, § 19. 46 Me., 560. 48 Me., 356. 70 Me., 443. 72 Me., 216. 90 Me., 219.

SEC. 22. The person or town, liable for support of a person when lawfully committed to a hospital, is liable therefor, and for the expenses of his removal, when unlawfully committed and removed as provided in section ten; but the expenses of such removal shall not exceed ten cents a mile from the hospital to the place of commitment.

Also, when unlawfully committed; with expense of removal. R.S., c. 143, § 20.

SEC. 23. Any town thus made chargeable in the first instance, and paying for the commitment and support of the insane at a hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where his legal settlement is, as if incurred for the expense of a pauper, but if he has no legal settlement in 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 of pauperism nor be 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. (a)

Towns have remedy against the patient, or those liable for his support, as for a pauper. R.S., c. 143, § 21. See c. 24, § 17. 90 Me., 219.

(a) 53 Me., 129, 445; 63 Me., 501; 69 Me., 69; 70 Me., 443; 71 Me., 537; 72 Me., 216, 493.

Treasurer of hospital shall charge interest on debts due, after thirty days.
R.S., c. 143, § 22.

SEC. 24. The treasurer thereof shall charge and collect interest on all debts due to the hospital, for board and clothing of patients, after thirty days from the time when they become due.

DISCHARGE OF THE INSANE.

Those liable for the support of a patient, may apply for his discharge.
R.S., c. 143, § 23.

SEC. 25. A friend, person, or town, liable for the support of a patient who has been in either hospital for six months, not committed by order of the supreme judicial court nor afflicted with homicidal insanity, thinking that he is unreasonably detained, 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 until the expiration of another six months.

Overseers of the poor shall remove a patient, when notified.
R.S., c. 143, § 24.

SEC. 26. When the overseers of a town, liable for the support of a patient at either 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.

Patients discharged under section four, how to be removed.
R.S., c. 143, § 25.

SEC. 27. When a patient is discharged from either hospital by the trustees, under 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 own name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

—town is liable, upon notice, for the costs of removal.

Preceding sections do not apply to towns of less than two hundred inhabitants.
R.S., c. 143, § 26.

SEC. 28. The preceding sections do 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 in the state, and have no means of their own for support, or are without relatives able and liable to support 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 the hospital.
R.S., c. 143, § 27.
See c. 67, § 5.

SEC. 29. When any man or unmarried woman, of twenty-one years of age, is, under this chapter, sent to either hospital for insanity the municipal officers of the town where such insane person resides, when they think it for his interest 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 residing in such 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 an 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 to prevent waste of his property.

—duties and compensation of guardians.

GENERAL MANAGEMENT OF THE HOSPITAL.

Persons committed by court, when to be discharged.

SEC. 30. *Every person committed to either insane hospital by any court, as provided in section one of chapter one hundred and thirty-six, shall be discharged by the superintendent, if not sent for by the court, during the next term thereof after his commitment, but he is liable to*

recommitment by the municipal officers of the town to which he belongs, if found to be insane, there to be supported in the same manner as other persons committed by said officers.

—may be recommit-
R.S., c. 143, § 28.

[This section, which was section one of P. L., 1868, c. 226, is thought to be inconsistent with section one of c. 136, which provides that such detention shall continue "until further order of court."]

SEC. 31. The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Rules shall be kept posted.
R.S., c. 143, § 29.

SEC. 32. When it appears that any such attendant treats a patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such attendant, on conviction, shall be fined not less than one hundred, nor more than five hundred dollars, or imprisoned not more than ninety days.

Ill treatment of patients by attendants, how punished.
R.S., c. 143, § 30.

SPECIAL VISITATION BY A COMMITTEE APPOINTED BY THE GOVERNOR.

SEC. 33. 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 both hospitals at their discretion, to ascertain if the inmates thereof are humanely treated, and they shall promptly report every instance of 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; their powers and duties.
R.S., c. 143, § 31.

SEC. 34. If wilful injury is inflicted by an officer, attendant or employe of either hospital upon the person of any patient and knowledge thereof comes to said committee of visitors, they shall report the fact immediately to said trustees and to the superintendent of the hospital where such injury was committed, and if the superintendent fails forthwith to complain thereof as required by section thirty-two, one of said visitors shall enter a complaint before the proper court. In trials for such offenses, the statement of any patient cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

Wilful injury to patients, by officers of the hospital, punishment for.
R.S., c. 143, § 32.

SEC. 35. In case of the sudden death of a patient in either hospital under circumstances of reasonable suspicion, a coroner's inquest shall be held as in other cases, and the committee of visitors shall cause a coroner to be immediately notified for that purpose.

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

When an inquest shall be held on sudden death.
R.S., c. 143, § 33.
See c. 138, § 1.

SEC. 36. If the committee of visitors becomes satisfied that an inmate of either hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to some 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 such 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 in the hospital, he shall discharge him from the hospital and restore him to liberty. But this section does not apply to the case of any person charged with, or convicted of crime, and committed to the hospital by order of court.

Patients may be discharged, when unnecessarily detained.
R.S., c. 143, § 35.

—proceedings.

—this section does not apply to commitments by order of court.

SEC. 37. The names of the committee of visitors and the postoffice address of each shall be kept posted in every ward of each hospital, and every inmate shall be allowed to write when and whatever he pleases 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 in writing by said committee. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent,

Names of visiting committee shall be posted in the wards.
R.S., c. 143, § 36.

—inmates allowed to write to committee.

—furnished with materials.

—letter boxes.

—officers and attendants shall not have access thereto.

—letters, how to be disposed of.

Letters to be delivered to patients, unopened.
R.S., c. 143, § 37.

—proviso.

Hospital, when and how to be visited by the committee.
R.S., c. 143, § 38.

Committee of visitors shall report annually to governor and council.
R.S., c. 143, § 39.

—accounts, how audited.

Removal for neglect of duties.
R.S., c. 143, § 40.

on request, with suitable materials for writing, enclosing and sealing letters. The superintendent shall provide at the expense of the State, securely locked letter boxes, easily accessible to all inmates, to be placed in each hospital, into which such letters can be dropped by the writer. No officer, attendant, or employe of either hospital shall 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 authorize for the purpose, who shall prepay such only as are addressed to some one of the committee, and deposit them in the post office without delay.

SEC. 38. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, *provided*, that such letter has been forwarded by the committee, or is directed to such persons as the committee have authorized to send or to receive letters without the committee's inspection.

SEC. 39. Each 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 so far as possible all 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, when making their visits through the wards, be accompanied by any officer or employe of the hospital, except upon the special request of some one of the committee.

SEC. 40. 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 requires, setting forth their doings and any facts with regard to the hospitals which they deem important. The accounts of the members of said committee, including a reasonable sum for the letter carrier provided for in section thirty-seven, shall be audited by the governor and council, who shall draw their warrant on the treasurer of state for the amount found due.

SEC. 41. Any person neglecting to perform the duties imposed upon him by this chapter is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.