

HOUSE No. 970

Bill accompanying the petition of G. A. Hibbard, mayor, for legislation to provide for the care by the Commonwealth of persons suffering from tuberculosis in the city of Boston. Public Charitable Institutions. January 26.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

To provide for the Care by the Commonwealth of Persons suffering from Tuberculosis in the City of Boston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows:

1 SECTION 1. The commonwealth after the first day of
2 January in the year nineteen hundred and eleven shall by
3 the officers and boards authorized thereto, have the care
4 and control and treatment of all persons afflicted with
5 tuberculosis or consumption, who are now cared for by
6 the city of Boston or by any board or officers thereof, and
7 the city of Boston shall not hereafter establish any hos-
8 pital, sanatorium or other institution for the care of said
9 patients, or after said date maintain any such institution
10 or be liable for the board, care or treatment of any such
11 person.

1 SECTION 2. The institution or hospital in which such
2 tubercular or consumptive persons are cared for shall
3 after said date be called the Consumptives' Hospital for
4 the City of Boston and shall be subject to all laws so far
5 as they apply, governing said hospitals. The government
6 of said Consumptives' Hospital for the City of Boston
7 when established, shall be vested with a board of seven
8 trustees, to be appointed by the governor with the advice
9 and consent of the council, of whom five shall be men and
10 two shall be women. One member shall annually in
11 January be appointed by the governor with the advice and
12 consent of the council for the term of seven years from
13 the first Wednesday of the February following. Mem-
14 bers of the board may be removed for cause by the gov-
15 ernor with the advice and consent of the council. Mem-
16 bers of the board first appointed shall hold office from the
17 time of their appointment for terms expiring one, two,
18 three, four, five, six and seven years respectively, from
19 the first Wednesday in February in the year nineteen
20 hundred and eleven, the length of their terms to be desig-
21 nated at the time of appointment.

1 SECTION 3. The trustees of the state sanatorium for
2 tubercular patients are hereby authorized with the ap-
3 proval of the governor and council, in the name and be-
4 half of the commonwealth, to take or acquire by pur-
5 chase or otherwise, the lands and buildings now consti-
6 tuting the Boston Consumptives Hospital in the city of
7 Boston, together with any lands or buildings adjacent
8 thereto which in their opinion may be necessary to accom-
9 plish the purposes of this act. In the event of the taking
10 of said lands and buildings by said trustees, the trustees
11 shall file in the registry of deeds for the county of Suffolk
12 a description of the lands and buildings so taken with a

13 statement signed by said trustees or a majority thereof,
14 that the same are taken under the provisions of this act
15 in the name and behalf of the commonwealth; and the
16 said act and time of filing shall be deemed to be the act
17 and time of the taking of such lands and buildings, and
18 shall be a sufficient notice to all persons that the same
19 have so been taken. The title to the lands and buildings
20 so taken shall vest absolutely in the commonwealth and its
21 assigns forever. The commonwealth shall pay all dam-
22 ages sustained by the city of Boston by reason of the
23 taking of said lands and buildings, and said state board
24 shall have full power, subject to the approval of the gov-
25 ernor and council, to settle with the mayor and board of
26 trustees of said Consumptives' Hospital for the City of
27 Boston, the value of the lands and buildings taken as
28 aforesaid; and if said value cannot so be agreed upon by
29 them, the superior court, upon application of either party,
30 within one year after said taking, and after notice to the
31 other party, shall appoint three commissioners who shall
32 determine said value, and whose finding when accepted by
33 the court shall be final. Only one of said commissioners
34 shall be a resident of the county of Suffolk. The commis-
35 sioners shall receive such compensation as may be deter-
36 mined by the court, which shall be paid by the city of
37 Boston if the value of the said lands and buildings as
38 determined by the commissioners, exclusive of interest,
39 does not exceed the amount which the commonwealth of-
40 fered to pay therefor prior to the application for the
41 appointment of the commissioners; and otherwise the
42 compensation of the commissioners shall be paid by the
43 commonwealth.

1 SECTION 4. This act shall take effect upon its passage.

