

nomination paper, or any part thereof which has been duly filed, or forge or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or shall take or remove any ballot outside of the enclosure provided for voting before the close of the polls, or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

*Section 30.* Any public officer upon whom a duty is imposed by this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, shall be punished by fine of not less than five nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

Penalty on officer for neglect, etc.

*Approved June 5, 1889.*

AN ACT TO ESTABLISH THE MASSACHUSETTS HOSPITAL FOR DIPSO-  
MANIACS AND INEBRIATES.

*Chap. 414*

*Be it enacted, etc., as follows :*

SECTION 1. The governor with the advice and consent of the council shall appoint five persons who shall constitute the board of trustees of the Massachusetts Hospital for Dipsomaniacs and Inebriates, and who shall hold office for terms of one, two, three, four and five years respectively, beginning with the first Monday of July in the present year, and until their respective successors are appointed and qualified; and previous to the first Monday in July in each year hereafter the governor shall in like manner appoint one such trustee to hold office for the term of five years, beginning with the first Monday in July of the year of his appointment, and until his successor is appointed and qualified. Any such trustee may be removed by the governor with the advice and consent of the council for such cause as they may deem sufficient and as shall be assigned in the order for removal. Any vacancy occurring in said board shall be filled in like manner for the unexpired term.

Trustees of the Massachusetts Hospital for Dipsomaniacs and Inebriates to be appointed.

Vacancy.

SECTION 2. The lands held by said trustees in trust for the Commonwealth for the use of said hospital, as hereinafter provided, shall not be taken for a street, highway or railroad without leave of the legislature specially obtained.

Lands of hospital not to be taken for street, etc.

Trustees made a corporation.

SECTION 3. Said trustees shall be a corporation for the same purposes for which the trustees of each of the state lunatic hospitals are made a corporation under section five of chapter eighty-seven of the Public Statutes, with all the powers necessary to carry said purposes into effect.

May purchase real estate as a site for hospital.

SECTION 4. Said trustees shall have authority to purchase in behalf of the Commonwealth suitable real estate as a site for said hospital for dipsomaniacs and inebriates, and to cause to be erected thereon suitable buildings for said hospital, which shall furnish suitable accommodations for not less than two hundred and fifty patients and for the officers, employees and attendants, and to provide for the equipment and furnishing of said buildings: *provided, however,* that the entire expenditure for carrying out the purpose of this act shall not exceed one hundred and fifty thousand dollars. No expenditure shall be made for the erection of buildings except for plans therefor, until said plans have been approved by the governor and council, and no such approval shall be given unless the governor and council shall be satisfied that the cost of the real estate and the erection and completion of buildings and the equipment and furnishing of the same ready for occupancy will not exceed one hundred and fifty thousand dollars. Said trustees shall have authority to make all contracts and employ all agents necessary to carry into effect the provisions of this act.

Expenditure not to exceed \$150,000.

Plans to be approved by the governor and council.

Powers and duties of trustees.

SECTION 5. Said trustees shall have the same powers vested in them and shall be required to perform the same duties for the management and control of said hospital as are vested in and required of the trustees of the various state lunatic hospitals under sections six and seven of chapter eighty-seven of the Public Statutes.

Trustees to notify governor when commitments may be made.

SECTION 6. When the buildings constructed under the provisions of this act are so far completed that in the opinion of said trustees commitments may properly be made thereto, said trustees shall so notify the governor, who shall thereupon issue his proclamation establishing the Massachusetts Hospital for Dipsomaniacs and Inebriates, and thereafter the judges named in section eleven of said chapter eighty-seven may commit to said hospital any person who is given to or subject to dipsomania or inebriety, whether in public or in private: *provided, however,* that no such person shall be so com-

Governor to issue proclamation.

Proviso.

mitted until satisfactory evidence shall be furnished to the judge before whom the proceedings for commitment are had that such person or persons are not of bad repute or of bad character apart from their habits of inebriety.

SECTION 7. All the laws relative to commitment of an insane person to a lunatic hospital shall be applicable to and shall govern the commitment of any person under this act, except that in all proceedings relative to the commitment of any such person it shall be specifically alleged that they are either dipsomaniacs or inebriates, as the case may be, instead of alleging that they are insane.

Laws relative to commitment of an insane person to a lunatic hospital to apply.

SECTION 8. All persons so committed may be detained in said hospital two years; but when it shall appear to the trustees that any person held in said hospital will not continue to be subject to dipsomania or inebriety, or will be sufficiently provided for by themselves or their guardians, relatives or friends, they may issue to them a permit to be at liberty, upon such conditions as they deem best, and they may revoke said permit at any time previous to its expiration. The violation by the holder of such permit of any of the terms or conditions of the same shall of itself make said permit void.

Persons committed may be detained two years.

Permit to be at liberty may be issued.

SECTION 9. When any permit granted under the provisions of the preceding section has become void in any manner the trustees may issue an order authorizing the arrest of the holder or holders of such permit and their return to the hospital, and such order of arrest may be served by any officer authorized to serve criminal process in any county in this Commonwealth. Any person at liberty from the hospital upon a permit, as aforesaid, may voluntarily return to the hospital and put himself in the custody of the superintendent. The holder of said permit when returned to said hospital as aforesaid, whether voluntarily or otherwise, shall be detained therein according to the term of his original commitment.

When permit is void holder may be arrested and returned to hospital.

Person may voluntarily return.

SECTION 10. Every person may appeal from the order of the judge committing them to said hospital to the superior court next to be held in the same county. The appellant shall be held in said hospital to abide the final order of said court.

Right of appeal.

SECTION 11. On such appeal the judge who ordered the commitment shall have the same authority to bind by recognizance witnesses in the case that is given by chapter two hundred and twelve of the Public Statutes.

Recognizance of witnesses.

Copy of order of commitment, etc., to be sent to clerk of court appealed to.

SECTION 12. The judge shall on such appeal make a copy of the order of commitment and other proceedings in the case, and transmit the same together with the recognizance, if any is taken, to the clerk of the court appealed to.

Appellants to be defaulted upon failure to prosecute appeal.

SECTION 13. If the appellants fail to enter and prosecute an appeal they shall be defaulted on their recognizance if any was taken, and the superior court may enter an order in like manner as if they had been ordered to be committed in that court; and process may issue, if necessary, to bring them into court to be recommitted.

May withdraw appeal at the discretion of the judge.

SECTION 14. The appellants may, at any time before the copy of the proceedings in the case has been transmitted to the clerk of the court appealed to, be brought personally before the judge from whose order the appeal was taken, and upon their own request may be permitted by such judge, at his discretion, to withdraw their appeal and abide by the order therein; whereupon said judge shall order that the appellants comply with the order appealed from in the same manner as if it were then first imposed.

Compensation of trustees.

SECTION 15. After the establishment of said hospital said trustees shall receive no compensation for their services, but they shall be reimbursed from the treasury of the Commonwealth for all expenses actually incurred by them in the performance of their official duties. The governor and council shall fix the compensation to be made to them for services rendered in the selection and purchase of real estate and the construction, equipment and furnishing of the hospital buildings.

Certain inmates of lunatic hospitals may be transferred to hospital for inebriates, etc.

SECTION 16. After the establishment of said hospital the inmates that have been committed to any lunatic hospital under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred and eighty-five, and are not found to be insane, may be transferred by the state board of lunacy and charity to the Massachusetts Hospital for Dipsomaniacs and Inebriates; and said state board shall transfer from said hospital for dipsomaniacs and inebriates to some state lunatic hospital or asylum such inmates as may, under an order of commitment provided for by chapter eighty-seven of the Public Statutes, be found insane and requiring treatment therein.

Payment for board of inmates.

SECTION 17. Such inmates of said hospital as are able to pay for their board shall be charged for the same.

The board of such inmates as have a legal settlement in some city or town shall be paid by said place of settlement. The board of all persons who have no settlement in the Commonwealth and are unable to pay for themselves shall be paid from the treasury of the Commonwealth at a rate to be determined by the board of trustees of said hospital.

SECTION 18. There shall be thorough visitations of said hospital by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which a written account of the state of the institution shall be drawn up, which shall be presented at the annual meeting to be held between the first days of the months of October and November. At the annual meeting the trustees shall make a detailed report in the same manner as is required of the trustees of the state lunatic hospitals, and shall audit the report of the treasurer, which shall be presented at said annual meeting, and transmit it with their annual report to the governor and council.

Visitations and report.

Detailed report to be made at annual meeting of trustees.

SECTION 19. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Accounts of treasurer.

SECTION 20. This act shall take effect upon its passage.

*Approved June 5, 1889.*

AN ACT RELATING TO THE PROCEDURE IN POOR DEBTOR MATTERS.

*Chap. 415*

*Be it enacted, etc., as follows:*

SECTION 1. The notices mentioned in section eighteen of chapter one hundred and sixty-two of the Public Statutes, and in section one of chapter four hundred and forty-two of the acts of the year eighteen hundred and eighty-seven, shall be served by any officer qualified to serve civil process.

Notices to be served by an officer qualified to serve civil process. P. S. 162, § 18.

SECTION 2. All certificates, notices and other processes required to be issued by or from a court of record, police, district, or municipal court having a clerk, under chapter one hundred and sixty-two of the Public Statutes and the acts amendatory thereof and supplementary thereto, shall be under the seal of the court, signed by the clerk or an assistant clerk thereof, and bear teste of any justice of any of said courts who is not a party thereto.

Notices, etc., to be under seal of the court. P. S. 162.

SECTION 3. Section twenty of chapter one hundred and sixty-two of the Public Statutes is hereby amended

If debtor fails to appear at examination,