

HOUSE No. 680

Bill accompanying the petition of Thomas Berard and another for legislation to provide for the care and treatment by the commonwealth of persons afflicted with incurable diseases. Public Charitable Institutions. January 25.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for the Establishment of a State Hospital for Incurables.

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

1 SECTION 1. The governor, with the advice and consent
2 of the council, shall, during the month of July next, ap-
3 point seven trustees, two of whom may be women, in
4 whom and in their successors shall be vested the govern-
5 ment and management of the state hospital for incurables
6 established by this act. One trustee shall hold office for
7 five years, two for four years, one for three years, two
8 for two years, and one for one year, from the first day of
9 August in the year nineteen hundred and nine. Upon the
10 expiration of the terms of the trustees, their successors

11 shall be appointed by the governor and council, to hold
12 office for a term of five years. Vacancies arising from
13 death, resignation, removal or other cause shall be filled
14 by appointment for the unexpired term only. Any trustee
15 may be removed from office for good and sufficient
16 cause by the governor, with the advice and consent of the
17 council.

1 SECTION 2. The trustees of said hospital shall have
2 general charge of the same, and shall see that its affairs
3 are conducted according to law and to regulations established
4 by them. They shall appoint, as soon as may be, a
5 superintendent as their executive officer, who shall be a
6 physician and who shall, when a suitable building is provided,
7 reside at the hospital. They shall also appoint
8 assistant physicians, of whom one shall be a woman, and
9 a treasurer, who shall give bonds for the faithful discharge
10 of his duties, with such other officers as they may
11 deem necessary for conducting efficiently and economically
12 the business of the hospital, and shall determine, subject
13 to the approval of the governor and council, their
14 salaries. They shall establish by-laws and regulations for
15 the government of the hospital. They shall receive no
16 compensation, but shall be reimbursed all expenses incurred
17 in the performance of their official duties.

1 SECTION 3. There shall be thorough visitations of
2 the hospital by two of the trustees thereof monthly, and
3 by a majority of them quarterly, and by the whole board
4 semi-annually, at each of which a written account of the
5 condition of the hospital shall be prepared, which shall
6 be presented at the annual meeting to be held in December,
7 as provided by chapter two hundred and eleven of
8 the acts of the year nineteen hundred and five. At the

9 annual meeting a full and detailed report shall be made
10 of the condition of the hospital and all its affairs, with a
11 list of the salaried officers and their salaries, and a copy
12 of the inventory required by law, which shall be laid be-
13 fore the governor and council on or before the third
14 Wednesday in January, for the use of the government,
15 as provided in said chapter two hundred and eleven.
16 The treasurer shall, at the same meeting, present to the
17 trustees his annual report. Both reports shall be made
18 up to the thirtieth day of November inclusive. The
19 trustees shall audit the report of the treasurer and shall
20 transmit it with their annual report to the governor and
21 council. The accounts and books of the treasurer shall
22 at all times be open to the inspection of the trustees.

1 SECTION 4. The trustees of said state hospital for
2 incurables shall be a corporation for the purpose of taking
3 and holding by them and their successors in trust for
4 the commonwealth any grant or devise of land, or any
5 gift or bequest of money or other personal property,
6 made for the use of the institution of which they are
7 trustees, and for the purpose of preserving and investing
8 the same or the proceeds thereof in notes or bonds secured
9 by sufficient mortgages or other securities, with all the
10 powers necessary to carry said purpose into effect; and
11 they shall have authority to expend any gift or bequest,
12 or any part thereof, in the erection of new buildings on
13 the land belonging to said hospital: *provided*, that all
14 such buildings shall belong to the commonwealth and
15 be managed by said trustees as a part of said hospital.

1 SECTION 5. The lands which may at any time be held
2 by the trustees of the said state hospital for incurables
3 in trust for the commonwealth for the use of said hospi-

4 tal shall not be taken for a street, highway, railway or
5 railroad, or for any other purpose without leave of the
6 general court specially obtained.

1 SECTION 6. The buildings of the said hospital shall
2 be provided with properly constructed iron fire escapes
3 upon the outside thereof, accessible from the interior by
4 doors or windows, with suitable landings at every story
5 above the first, including the attic, if they are occupied
6 as day rooms or sleeping rooms for the patients. They
7 shall also be provided with suitable apparatus for the ex-
8 tinguishment of fire, so constructed and arranged as to
9 be effectively used from the inside or outside of the
10 buildings or parts thereof used for the accommodation of
11 the patients. The trustees shall provide for a monthly
12 inspection of the fire apparatus belonging to the hos-
13 pital and for a proper organization and monthly drill
14 of the officers and employees in the use thereof.

1 SECTION 7. An annual appropriation shall be made
2 for the support of said hospital under the provisions of
3 chapter one hundred and seventy-five of the acts of the
4 year nineteen hundred and five.

1 SECTION 8. Said hospital shall be under the super-
2 vision of the state board of charity, and said board shall
3 exercise all powers and perform all duties relating to
4 said hospital that are prescribed by law for institutions
5 under its supervision.

1 SECTION 9. The said trustees are hereby authorized
2 and directed, with the approval of the state board of
3 charity and after the approval of the state board of
4 charity has been given, with the further approval of

5 the governor and council, to take by purchase or other-
6 wise a tract of land suitable in their judgment for the
7 establishment of a hospital for the care and treatment
8 of persons afflicted with incurable diseases. Said tract
9 may include buildings or chattels thereon. In the event
10 of the taking of said lands and buildings by the said
11 trustees they shall file in the registry of deeds for the
12 county and district within which the same are situated
13 a description of the lands and buildings so taken, with
14 a statement, signed by said trustees or a majority thereof,
15 that the same are taken under the provisions of this act
16 in the name and behalf of the commonwealth; and the act
17 and time of filing thereof shall be deemed to be the act
18 and time of the taking of such lands and buildings, and
19 shall be a sufficient notice to all persons that the same
20 have so been taken. The title to all lands and buildings
21 so taken shall vest absolutely in the commonwealth and
22 its assigns forever. The commonwealth shall be liable
23 to pay all damage sustained by the owners of such lands
24 or buildings by reason of the taking thereof. Said trus-
25 tees shall have full power, subject to the approval of the
26 governor and council, to settle by agreement or arbitra-
27 tion the value of the lands and buildings taken as afore-
28 said; and if not so settled the value shall be assessed by
29 a jury at the bar of the superior court for the county
30 in which the lands and buildings are situated, upon peti-
31 tion, to be filed in the office of the clerk of said court
32 by the persons owning said lands and buildings, within
33 one year after such taking and not afterward.

1 SECTION 10. The trustees shall obtain plans, and
2 after they have acquired the land provided for by sec-
3 tion nine of this act they shall, with the approval of the
4 state board of charity, proceed to construct such build-

ings as may be required for the establishment of a hospital. They shall submit all plans for buildings to the state board of charity for its approval, as provided by law for institutions under the supervision of said board, and shall not proceed to construct or repair buildings until such approval has been obtained.

SECTION 11. As soon as the said hospital is ready for the reception of persons afflicted with incurable disease, the trustees shall give notice to the governor who shall make proclamation that upon a given day the said hospital will be open for the reception of patients.

SECTION 12. The overseers of the poor of any city or town may make application to the state board of charity for the admission to the hospital established by this act of any person afflicted with an incurable or chronic disease, who is in whole or in part dependent upon public support, and upon the approval of the state board of charity may commit such person to the hospital. The charges for the support, care and treatment of each patient shall be three dollars and twenty-five cents a week and shall be payable quarterly. Such charges may be recovered by the treasurer and receiver general of the commonwealth of such patients, if of sufficient ability, or of any person or kindred bound by law to maintain them.

SECTION 13. This act shall take effect upon its passage.