

SENATE.....No. 41.

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Commonwealth of Massachusetts.

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IN SENATE, Feb. 22, 1834.

The Committee on so much of the Message of His Excellency the Governor, as relates to the State Lunatic Hospital, further report a Bill.

R. NEWTON, *Per Order.*



STATE LUNATIC HOSPITAL

## Commonwealth of Massachusetts.

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In the Year of our Lord One Thousand Eight Hundred  
and Thirty-Four.

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### AN ACT

Concerning the State Lunatic Hospital.

1 SEC. 1. **BE** it enacted by the Senate and House  
2 of Representatives in General Court assembled, and by  
3 the authority of the same, That the government of the  
4 State Lunatic Hospital, at Worcester, shall be vested  
5 in a Board of five Trustees, to be nominated by the  
6 Governor, and appointed, with the advice and con-  
7 sent of the Council, whose duty it shall be to take  
8 charge of the general interests of the institution, and  
9 to see that its affairs are conducted according to the  
10 requirements of the Legislature, and the by-laws and  
11 regulations which the Trustees shall establish, from  
12 time to time, for the internal government and economy  
13 of the institution. The Trustees shall appoint a Su-  
14 perintendent, who shall always be a physician, con-

15 stantly resident at the Hospital, and a Treasurer, who  
16 shall give bonds in such sum, and with such sureties,  
17 as the Trustees shall judge proper, for the faithful  
18 discharge of his duties. They shall also appoint, or  
19 make provision in the by-laws for appointing such  
20 other officers, as, in the opinion of the Board, may be  
21 necessary for conducting, efficiently and economically,  
22 the business of the institution. The salaries of all  
23 the officers shall be determined by the Trustees, to  
24 be approved by the Governor and Council; and all  
25 appointments by the Trustees shall be made in such  
26 manner, with such restrictions, and for such terms of  
27 time, as the by-laws may prescribe.

1 SEC. 2. *Be it further enacted*, That there shall be  
2 thorough visitations of the Hospital, once in each  
3 month, by one or more of the Board; semi-annually  
4 by a majority; and annually by the whole Board. At  
5 each visitation, a written account shall be drawn up,  
6 of the state of the institution, to be presented to the  
7 Board at the annual meeting, which shall be in the  
8 month of December; at which time, a full and de-  
9 tailed report shall be made, to be laid before the Gov-  
10 ernor and Council during the first week of the session  
11 of the Legislatare, for the use of the Government,  
12 exhibiting a particular statement of the condition of  
13 the Hospital, and of all its concerns. The Treasurer  
14 shall, at the same time, present to the Governor and  
15 Council his annual report of the finances of the insti-  
16 tution; both of which reports shall be made up to the  
17 thirtieth day of November, inclusive.

1 SEC. 3. *Be it further enacted*, That the Judges of  
2 Probate in the several Counties in the Commonwealth,  
3 except Suffolk, and in the County of Suffolk, the

4 Judge of the Municipal Court, are authorized to com-  
5 mit to said Hospital any lunatic, who, in their opinion,  
6 is so furiously mad as to render it manifestly danger-  
7 ous to the peace and safety of the community, that  
8 such lunatic should continue at large. And all luna-  
9 tics ordered to be confined by the proper judicial tri-  
10 bunals, by virtue of the twenty-eighth chapter of the  
11 statutes of one thousand eight hundred and sixteen, shall  
12 be committed to the custody of the Superintendent of  
13 said Hospital. And no tribunal other than the judicial  
14 officers herein mentioned, shall have power to order  
15 the commitment of any lunatic to said Hospital. And  
16 the person or persons applying for the commitment of  
17 any lunatic under the provisions of this section, shall  
18 first give notice in writing to the Selectmen, or either  
19 of them, of the town, or to the Mayor of the city,  
20 where such lunatic resides, of the intention so to ap-  
21 ply ; and satisfactory evidence that such notice has  
22 been given, shall be furnished to said Judges, at the  
23 time of the application as aforesaid.

1 SEC. 4. *Be it further enacted*, That two Trustees  
2 shall be appointed annually ; and for that purpose, the  
3 places of the two senior Trustees, as they stand ar-  
4 ranged in their commissions, shall be annually vacated,  
5 and they shall not be again eligible until the expira-  
6 tion of one year from the time when their places are  
7 so vacated. And the Trustees shall receive compen-  
8 sation for all expenses incurred in the discharge of  
9 their official duties.

1 SEC. 5. *Be it further enacted*, That town pauper  
2 lunatics may be committed to, and kept at the Hos-  
3 pital, for a sum, in no case exceeding the actual ex-  
4 pense incurred in their support. And as a bounty

5 upon humane efforts for the prompt relief of poor pa-  
6 tients, whether supported by any town or city, or not,  
7 recently attacked by insanity, the Trustees are author-  
8 ized to receive such patients, at their discretion, for a  
9 less sum than the actual costs of their support.

1   SEC. 6. *Be it further enacted*, That any two of  
2 the Trustees, or either of the Justices of the Supreme  
3 Judicial Court, or of the Court of Common Pleas, at  
4 any term of said Courts, holden within and for the  
5 County of Worcester, may discharge from confine-  
6 ment any lunatic committed to the Hospital by judi-  
7 cial authority, after the cause of such confinement  
8 shall have ceased to exist, application being made  
9 therefor in writing. And a majority of the Trustees  
10 shall have authority to remove to the town or city  
11 where they were resident at the time of the applica-  
12 tion for their commitment, and at the expense of such  
13 town or city respectively, any idiot, or other person,  
14 whom said Trustees shall adjudge to be not danger-  
15 ous, within the meaning of the law, and not suscepti-  
16 ble of mental improvement by remedial treatment at  
17 the Hospital. *Provided*, That such town or city do  
18 not, after reasonable notice, in writing, from the  
19 Treasurer, take upon itself the removal of such idiot  
20 or other person as aforesaid. And the tribunals and  
21 magistrates having power to order commitments to  
22 the Hospital, shall, in the order of commitment, cer-  
23 tify the name of the town or city in which the person  
24 committed may reside at the time of the application  
25 for such commitment, and such certificate shall be  
26 conclusive evidence of the fact.

1   SEC. 7. *Be it further enacted*, That the accounts  
2 of the Hospital, for the support of all patients com-

3 mitted thereto, in all cases where other and ample se-  
4 curity is not taken, satisfactory to the Trustees, shall  
5 be regularly charged to and shall be paid by the town  
6 or city where the patient resided at the time of the ap-  
7 plication for commitment. And when any town or city  
8 shall neglect or refuse to pay whatever sum may be  
9 charged and due for the support of any patient at the  
10 Hospital, according to the by-laws, or shall be due for  
11 the removal of such patient as aforesaid, for the space  
12 of thirty days after the same, shall have been demand-  
13 ed by the Treasurer, in writing, of the Selectmen of  
14 the town or of the Mayor and Aldermen of the city,  
15 liable therefor, the Trustees shall be entitled to an ac-  
16 tion on the case, to be commenced and prosecuted in  
17 the name of the Treasurer, to recover such sums  
18 against such delinquent town or city, respectively,  
19 and the declaration therein shall be in a general *indebe-*  
20 *tatus assumpsit*, and judgment shall be recovered for  
21 such sum as shall be found due, with legal interest  
22 from the time of demanding the same and costs.  
23 And such town or city shall have the same rights and  
24 remedies against all corporations and persons to recov-  
25 er such expense of supporting and removing any pau-  
26 per lunatic, as if such expense had been incurred by  
27 said town or city in the ordinary support of such lu-  
28 natic.

1 SEC. 8. *Be it further enacted*, That no Keeper of  
2 any Gaol or House of Correction shall hereafter make  
3 any private contract for the custody and support of  
4 any town pauper lunatic within the county buildings,  
5 without the consent and approbation in writing of the  
6 Mayor and Aldermen of the city of Boston or of the  
7 County Commissioners of the respective counties,

8 under a penalty of not less than one hundred dollars,  
9 to be recovered by indictment in any Court of com-  
10 petent jurisdiction, for the use of the Commonwealth.

1 SEC. 9. *Be it further enacted*, That no pauper  
2 lunatic shall be allowed to leave the Hospital without  
3 suitable clothing, which the Trustees are authorized  
4 to furnish, at their discretion, together with such  
5 amount of money as they may think proper and ne-  
6 cessary, not exceeding twenty dollars.

1 SEC. 10. *Be it further enacted*, That the Board of  
2 Trustees, for the time being, may receive any grants  
3 or devices of lands and tenements, and any donations  
4 or bequests of money or other property, in trust for  
5 the Commonwealth, to be used and improved for the  
6 maintenance of insane persons and for the benefit of  
7 the institution.

1 SEC. 11. *Be it further enacted*, That for all the  
2 purposes contemplated in this Act, except where oth-  
3 erwise provided, the year shall commence on the first  
4 Wednesday of February. And the third section of  
5 the sixty-second chapter of the statutes of one thous-  
6 and seven hundred and ninety-seven, the one hundred  
7 and sixty-third chapter of the statutes of one thous-  
8 and eight hundred and thirty-two, and the first and  
9 ninety-fifth chapters of the statutes of one thousand  
10 eight hundred and thirty-three, are hereby repealed.