

## Chap. 287

## AN ACT IN RELATION TO RESOLVES.

*Be it enacted, &c., as follows:*

When in force.

SECTION 1. All resolves passed by the legislature shall take effect upon their passage, unless otherwise specially provided.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1864.*

## Chap. 288

## AN ACT RELATING TO INSANE PERSONS AND LUNATIC HOSPITALS.

*Be it enacted, &c., as follows:*

Justice S. J. court may, on petition, appoint commission of inquiry.

SECTION 1. On petition, under oath, to any judge of the supreme judicial court, setting forth that the petitioner believes that some person, confined as insane in any hospital or other authorized place for the treatment or restraint of insane persons, is not insane, and is unjustly deprived of his liberty, the said judge may, in his discretion, appoint three commissioners to inquire into the alleged insanity of the person so confined.

Commissioners to be sworn and give notice thereof and of hearing.

SECTION 2. Before said commissioners shall proceed with their inquiry, they shall be sworn to the faithful and impartial discharge of their duties. They shall give sufficient notice of their appointment, and of the time and place of hearing to the petitioner and to the person having charge of the hospital or place of confinement. They shall have power to summon and compel the attendance of, and to administer oaths to, witnesses; and it shall be their duty to hear the evidence offered to them on either side, touching the merits of the petition, as well as to examine the person confined.

Powers and duties.

Rights of parties in interest defined.

SECTION 3. No notice shall be served upon the person confined as insane, nor shall he have the right to confer with counsel, or be present at the inquiry; but such rights shall be enjoyed by the petitioner, and by the person by or under whose authority the alleged insane person is confined; nor shall said petitioner, nor any counsel he may employ, nor any witness he may desire to use, have the right to visit or examine said insane person, except with the permission of the superintendent of the hospital or place where said person is confined, or by special order of the judge issuing the commission.

Examination of alleged insane person, how held.

SECTION 4. The personal examination by the commissioners of the person confined as insane shall be had at the hospital or place of confinement, and such person shall not be taken therefrom, pending the inquiry, except by special order of the judge issuing the commission.

Commissioners shall report to

SECTION 5. The commissioners shall report the facts bearing upon the petition, together with their opinion of the

condition of the person confined, to the said judge, or if he cannot conveniently attend, to some other judge of the said court; and, upon the presentation of the report, the judge may order the discharge of the person confined, or may disallow the petition, or may take such other order as the circumstances of the case shall require.

judge, who may dispose by order.

SECTION 6. It shall be the duty of the overseers of the poor of any city or town, except the city of Boston, to commit to one of the state lunatic hospitals, or the Boston Lunatic Hospital, with the consent of the trustees thereof, any person supported by such city or town who is suffering under recent insanity, and is a fit subject for remedial treatment.

Needy persons of recent insanity, out of Boston, to be sent hospital by overseers of poor.

SECTION 7. Whenever the board of state charities shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of said board to cause application to be made to one of the judges of the supreme judicial, superior or probate courts, for the commitment of such person to a hospital in the manner prescribed by law.

Board of state charities to apply for remedial treatment of insane in certain cases.

SECTION 8. The governor and council may license any suitable person to establish and keep an asylum or private house for the reception and treatment of insane persons, and may at any time revoke such license. And such asylum or private house shall be subject to visitation by the governor and council or any committee thereof, and by the judge of the probate court of the county wherein the same is situated.

Governor and council may license private asylums.

Rights of visitation.

SECTION 9. Whoever establishes or keeps such an asylum or private house without a license, unless otherwise authorized by law, shall forfeit a sum not exceeding five hundred dollars.

Penalty for keeping without license.

SECTION 10. There shall be established on the lands connected with the state almshouse at Tewksbury a receptacle for insane criminals, to which shall be removed all persons now in the state lunatic hospitals, whom the board of state charities shall deem to be fit subjects therefor. Any insane person who may be committed to one of the state lunatic hospitals under the provisions of the fourteenth section of the one hundred and seventy-second chapter of the General Statutes, or of the seventeenth section of the two hundred and twenty-third chapter of the acts of the year eighteen hundred and sixty-two, may, at the discretion of the court, be committed to the said receptacle under such

Receptacle for insane convicts at Tewksbury.

Certain persons may be sent to, under G. S., ch. 172, act 1862, 223.

Judges superior or probate court may remove convicts to receptacle.

limitations as the court may direct. And the judges of the superior and probate courts may cause convicts who are insane to be removed from any prison or house of correction to the said receptacle, in the same manner that such convicts may now be removed to one of the state lunatic hospitals. But no person shall be removed or committed to such receptacle until the governor, by his proclamation, gives notice that the same is ready for inmates.

Inspectors of almshouse at Tewksbury to establish rules and regulations for receptacle, and superintendent to have charge.

SECTION 11. The inspectors of the state almshouse at Tewksbury shall, subject to the approval of the governor, establish rules and regulations for the government and management of said receptacle, and shall see that the same are enforced; and said receptacle shall be visited and examined once in each week by at least one inspector, who shall at the time of such visit make a record thereof in a book to be kept at the receptacle for the purpose. The superintendent of the said almshouse shall have the general supervision of said receptacle, and shall furnish all supplies needed therefor. The inmates of said receptacle shall be under the care of a suitable resident physician who shall also be the physician of the almshouse, and who shall be appointed by the inspectors of said almshouse.

Physician.

Board of state charities to certify probable quarterly expense for support.

SECTION 12. It shall be the duty of the board of state charities to certify to the auditor, within one week from the commencement of each quarter of the financial year, the probable amount due to each lunatic hospital for the support of state pauper inmates during said quarter. And upon application of any board of trustees of said hospitals the auditor may draw his warrant for a sum not exceeding ninety per cent. of the amount so certified, and the same shall be paid to the treasurer of the hospital making the application, to be used towards the payment of its current expenses, incurred within the financial year.

Ninety per cent. to be paid for current expenses.

Officers lunatic hospitals not to engage otherwise.

SECTION 13. No superintendent or other officer of any state lunatic hospital shall, so long as he remains such, hold any office or be engaged in any occupation which shall interfere with the devoting of his whole time to the performance of his duties at such hospital.

*Approved May 14, 1864.*

### Chap. 289

AN ACT RELATING TO THE REPORTS OF RAILROAD CORPORATIONS.  
*Be it enacted, &c., as follows:*

In case of vacancy in commission of road entering other state, remaining member to act.

Whenever there shall exist a vacancy in the board of commissioners required by law to perform any duty relative to any railroad extending from Massachusetts into another state, and such vacancy cannot be filled by authority of the Commonwealth of Massachusetts, the member or members