

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

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APPOINTMENT AND DUTIES OF TRUSTEES.

- SEC. 1. The government of the Maine insane hospital is vested in a board of six trustees, appointed by the governor, with advice of council, for the term of three years, and so divided into three classes that the term of two expires each year; and all vacancies, occurring before the expiration of the term, shall be filled for the remainder thereof.

Appointment
of trustees.
1843, c. 19, § 1.
1847, c. 33, § 1.

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They have the general management, hold property, make by-laws, commence and defend suits.
1847, c. 33, § 2.

SEC. 2. They shall have the general care and management of the institution; see that it is conducted according to law and the by-laws for its internal government and economy, which they are hereby authorized to establish, not inconsistent with the laws of the state; hold in trust for the state any land, money, or other property, granted, bequeathed, or given, to the institution, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution, and have power to bring actions, in the name of the treasurer, for all dues to the institution, and to defend all suits brought against it.

Appointment of superintendent, steward, and assistants; salaries.
1847, c. 33, § 3.

SEC. 3. They shall appoint a superintendent, and they and the superintendent shall appoint a steward and all other officers necessary for the efficient and economical management of the business of the institution; all appointments shall be made according to the by-laws, and the salaries of all such officers shall be fixed by the trustees, subject to the approval of the governor and council.

Examinations and records of them; pay of officers and trustees.
1847, c. 33, § 6.

SEC. 4. There shall be a thorough examination of the hospital monthly by two of the trustees; quarterly by three; and annually by a majority of the full board; and at any other time, when they deem it necessary, or the superintendent requests it. At each visit, a written account of the state of the institution shall be drawn up by the visitors, recorded, and presented at the annual meeting of the trustees. For all such visits they shall have the same compensation for time and travel as members of the legislature; their accounts shall be audited by the governor and council, and they shall draw their warrant, on the treasurer of state, for the amount due them and the other officers of the institution, except attendants on the patients and laborers on the premises, and for all money appropriated by the legislature for the insane hospital.

To settle steward's accounts quarterly.
1847, c. 33, § 6.

SEC. 5. The trustees, at their next meeting after the expiration of each quarter, shall examine carefully the books and vouchers of the steward and treasurer, and audit and settle his accounts.

Annual meetings and reports to the governor and council.
1847, c. 33, § 6.

SEC. 6. They shall hold an annual meeting in the month of December, at which there shall be made a full and detailed report, containing a particular statement of the condition, concerns, and wants of the hospital; and this report, and the reports of the superintendent and steward, shall be made up to the first day of December, and laid before the governor and council by the first week of the next annual session of the legislature, for the use of the government.

DUTIES OF SUPERINTENDENT.

Duties of the superintendent.
1847, c. 33, § 4, 8.

SEC. 7. The superintendent shall be a physician; reside constantly at the hospital; have the general superintendance of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have the charge of them, and the direction of all persons therein, subject to the regulations of the board of trustees; and annually report to the governor and council the condition and pros-

pects of the institution, with such remarks and suggestions relative to its management and the general subject of insanity, as he thinks will promote the cause of science and humanity.

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SEC. 8. He shall apportion the number of patients, who can be accommodated in the hospital, among the towns according to their population by the last census; and when the applications for admission exceed or are liable to exceed that number of patients, he shall give preference to those from towns that have not their full proportion of patients in the hospital, and may reject others.

Apportionment of patients.

1856, c. 268, § 2.

SEC. 9. When any person appears to have been unlawfully committed, the superintendent shall report the case to the trustees at their next monthly meeting; and they may cause the removal of such person to the town from which he was committed.

Unlawful commitments.

1856, c. 268, § 3.

DUTIES OF THE STEWARD.

SEC. 10. The steward shall be treasurer; give bond to the trustees, in such amount and with such sureties as they deem sufficient, for the safe keeping and proper disbursement of the funds of the institution; under the advice and direction of the superintendent and of the trustees, make all necessary purchases of supplies and provisions; hire attendants and other laborers; see to the proper cultivation of the farm and grounds; have a careful oversight of the patients when employed thereon; perform such other duties as the trustees direct, and annually make a detailed report to them of his receipts and expenditures, and of the financial affairs of the institution.

Duties of the steward.

1847, c. 33, § 5.

DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

SEC. 11. Parents and guardians of insane minors, if of sufficient ability to support them there, within thirty days after an attack of insanity, without any legal examination, shall send them to the hospital, and give to the treasurer thereof the bond required; or to some other hospital for the insane.

Duties of parents and guardians of insane minors.

1847, c. 33, § 7.

DUTIES OF MUNICIPAL OFFICERS.

SEC. 12. All insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and, on complaint in writing of any relative or justice of the peace of their town, they shall immediately inquire into the condition of any insane person therein; call before them all testimony necessary for a full understanding of the case; and if they think such person is insane, and that his comfort and safety, or that of others interested, will thereby be promoted, they shall forthwith send him to the hospital, with a certificate, stating the fact of his insanity, and the town in which he resided or was found at the time of examination, and directing the superintendent to receive and detain him till he is restored or discharged by law, or by the superintendent and trustees. And they shall keep a

Municipal officers decide on cases and commit to hospital with certificate; keep a record of doings.

35 Maine, 402. 1847, c. 33, § 8, 17.

CHAP. 143. record of their doings, and furnish a copy to any interested person requesting and paying for it.

May certify inability to pay for his support, and steward may charge state one dollar per week.
1856, c. 268, § 1.

SEC. 13. The officers, ordering the commitment of a person unable to pay for his support, may certify in writing to the superintendent that fact, and that he has not relations liable and of sufficient ability to pay for it; and if the superintendent is satisfied that such certificate is true, the treasurer of the hospital may charge to the state one dollar per week for his board, and deduct it from the charge made to the patient or town for his support.

DUTIES OF JUSTICES OF THE PEACE AND QUORUM.

Appeal to two justices of the peace and quorum; how selected.
1847, c. 33, § 9.
1848, c. 79, § 1, 2.

SEC. 14. Any person or corporation, deeming himself or the insane aggrieved by the decision of the board of examiners for or against the insanity, may appeal therefrom by claiming the appeal within five days after the decision is made known, naming a justice of the peace and quorum on his part, and appointing a time within three days thereafter, and a place in such town or an adjoining town for the hearing, and he shall procure the attendance of such justice at such time and place, if in his power, if not, he may select another; the board of examiners shall select another justice of the peace and quorum.

Municipal officers or justices neglecting to decide for three days; proceedings.
35 Maine, 497.
1847, c. 33, § 9, 10.
1843, c. 79, § 1, 2.

SEC. 15. If the two justices neglect or refuse to decide the appeal within three days after the time appointed for the hearing; or if the municipal officers neglect or refuse for three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any relative of the insane or any other respectable person to two justices of the peace and quorum; and the two justices, selected in either of the above modes, may call before them any proper testimony, and hear and decide the case. If they find the person insane, and that he will be more comfortable and safe to himself or others, they shall give a certificate for his commitment to the hospital like that described in section twelve.

Justices to keep a record of doings, their compensation, and by whom paid.
1847, c. 33, § 17.

SEC. 16. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; those deciding an appeal shall be entitled to receive for their services two dollars a day and ten cents a mile for their travel, and shall determine which party shall pay it; those deciding an original case shall charge the same fees as for a criminal examination, to be paid by the person or corporation liable in the first instance for the support of the insane in the hospital.

Their order for commitment, by whom executed.
1847, c. 33, § 18.

SEC. 17. When such justices order a commitment to the hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

EXPENSES OF SUPPORTING THE INSANE AT THE HOSPITAL.

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SEC. 18. The certificate of commitment to the hospital, after a legal examination, shall be sufficient evidence, in the first instance, to charge the town, where the insane resided, or was found at the time of his arrest, for the expenses of his examination, commitment, and support in the hospital; but when his friends or others file a bond with the treasurer of the hospital, such town shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

Towns, where insane person resided or was found, pay for support, unless a bond given for it.

1847, c. 33, § 11.

SEC. 19. The person or town, liable for the support of a person when lawfully committed to the hospital, shall be liable therefor, and for the expenses of his removal, when unlawfully committed and removed as provided in section nine; but the expenses of such removal are not to exceed ten cents per mile from the hospital to the place of commitment.

Do so when unlawfully committed, and expense of removal.

1856, c. 268, § 3.

SEC. 20. Any town, thus made chargeable in the first instance, and paying for the commitment and support of the insane in the hospital, may recover the amount paid of the insane, if able, or of persons legally liable for his support, or of the town where his legal settlement is, as if incurred for the ordinary expenses of any pauper; but if he has no legal settlement in this state, such expenses shall be refunded by the state; and the governor and council shall audit all such claims, and draw their warrant on the treasurer therefor. No insane person shall suffer any of the disabilities incident to pauperism, nor be hereafter deemed a pauper, by reason of such support.

Towns have remedy against the person, or those liable for his support as a pauper.

1847, c. 33, § 11.
1852, c. 254.

DISCHARGE OF THE INSANE.

SEC. 21. When any friend, person, or town, liable for the support of any patient, who has been in the hospital six months, not committed by order of the supreme judicial court, nor afflicted with homicidal insanity, thinks he is unreasonably detained, he may apply to the municipal officers of the town where the insane resides, and they shall inquire into the case, and summon before them any proper testimony, and their decision and order shall be binding on the parties. They shall tax legal costs and decide who shall pay them. If such application is unsuccessful, it shall not be made again till the expiration of another six months.

Those liable for support may apply for discharge.

1847, c. 33, § 12.
1849, c. 136.
1855, c. 124, § 4.

SEC. 22. When the overseers of any town, liable for the support of a patient at the hospital, are notified by mail by the superintendent, that he has recovered from his insanity, they shall cause him to be removed to their town; and if they neglect it for fifteen days, the superintendent shall cause it to be done at the expense of such town.

Overseers of poor to remove, when notified so to do.

1847, c. 33, § 19.

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GUARDIANS FOR THE INSANE SENT TO THE HOSPITAL.

Judge of probate may appoint guardians for persons sent to hospital; their duties and compensation.
1847, c. 33, § 13.

SEC. 23. When any man or unmarried woman, of twenty-one years of age, is sent to the hospital for insanity under any of the provisions of this chapter, the municipal officers, of the town where such insane resides, may apply to the judge of probate for the same county for the appointment of a guardian, when they think it for the interest of the insane and to prevent waste of his property, and the judge, on their certificate to that effect, without notice to the insane, shall forthwith appoint some suitable guardian of the same county, who shall give bond as in other cases, and have reasonable compensation for his services, to be allowed by the judge and paid out of the estate; but shall not be required to return any inventory, or exercise any other powers or duties of guardian for one year after his appointment, except to provide for the support of the insane and his family, and prevent waste of his property.

The foregoing act, from chapters one to one hundred and forty-three inclusive, shall take effect and become law from and after the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight.

IN THE HOUSE OF REPRESENTATIVES, April 16, 1857.

This bill, including chapters one to one hundred and forty-three inclusive, having had three several readings, passed to be enacted.

C. A. SPOFFORD, *Speaker*.

IN SENATE, April 16, 1857.

This bill, including chapters one to one hundred and forty-three inclusive, having had two several readings, passed to be enacted.

HIRAM CHAPMAN, *President pro tem*.

April 17, 1857. Approved.

JOSEPH H. WILLIAMS