

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1843.**

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*AUGUSTA:*

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

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TWENTY-THIRD LEGISLATURE.

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No. 39.]

[SENATE.

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REPORT

OF THE

COMMITTEE ON THE INSANE HOSPITAL.

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[Wm. R. SMITH & Co....Printers to the State.]



## STATE OF MAINE.

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IN SENATE, Feb. 27, 1843.

THE joint standing committee on the Insane Hospital, to which was referred the Report of the Directors and other matters connected with said institution, having attended to the duty assigned them, respectfully ask leave to

### R E P O R T :

That upon a careful and attentive examination into its affairs and condition, your committee feel warranted in saying, that great good has resulted from the establishment of the Insane Hospital; that a large number of that most unfortunate class of our fellow beings, the insane, have, since the adoption of that institution, been cured; and that many a mind, that, but for this, or some similar institution, must have been lost forever, has been, by its aid, restored to health, happiness and usefulness. And that a very large number have been taken from filthy cages, dens in the earth, and other places of confinement, and made comparatively comfortable and happy.

Notwithstanding the great liberality of the State and the munificence of individuals, your committee fear that the full importance of these institutions to the cause of humanity and to civil society, is not yet fully appreciated. While prudence and economy in all our public expenditures should ever be our motto, still it is believed that no necessary means should be withheld in a case having such strong claims upon our sympathy and humanity. Some

may believe that the number cured is not commensurate with the large sums expended in the building and sustaining this institution. It is believed that if but one valuable mind otherwise lost, be restored to the community and to happiness; if but one of those suffering and degraded human beings can be thereby rescued from a loathsome confinement and restored to a state of ease and comfort, few humane persons would say that a sum necessary to effect these objects was too large. Much credit is due former legislatures of this State for their enlightened philanthropy and just liberality; and we trust the present legislature will not be wanting in its duty to this large and unfortunate class of human beings, numbering not less than *six hundred* in this State.

The importance of this subject has led your committee to examine into the systems of government and management of some of the most popular institutions of the kind in other States, particularly into the one at Worcester, Massachusetts, and at Utica, New York. The government of these institutions differ in some degree from our own. In both the government is vested in a board of trustees, similar to what is found in all other large institutions. The committee believing that such a government will be more efficient, and will tend to withdraw the institution, more effectually from political and other influences injurious to the peace, harmony and welfare of the institution, have recommended a change in its government, from three Directors to six Trustees. One third only of which board is to be renewed each year—(see the bill herewith connected.)

Your committee also recommend a more efficient mode of extending the benefits of this institution to the insane. On a comparison of the number of insane persons within

this State, with the small number who have been and are receiving the aid of this institution, it must be obvious to all, that some further legislation is necessary on this subject in order that its benefits may be still further extended. A bill is herewith submitted, making still further provision for the commitment of insane persons to the Hospital.

Your committee would further report, that it was in evidence before us, that at certain seasons of the year there is a great deficiency of pure water at the Hospital, putting the institution to great inconvenience, and preventing the free use of water by the inmates, so necessary to their health and comfort.

It was also in evidence that within the distance of about one mile there is a never failing spring of water, which can be made available for the Hospital, by being brought to it in lead or other pipe, which would afford the Hospital an ample supply of pure water at all seasons of the year. Believing an ample supply of water to be absolutely necessary to the success of the Hospital, we take the liberty to recommend an appropriation for that purpose. Therefore we have appended to this report a resolve making an appropriation for this and other purposes. All which is respectfully submitted.

THEODORE INGALLS, *Chairman.*





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# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-THREE.

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AN ACT modifying the government of the Insane Hospital, and for other purposes.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled*—as follows :

SECTION 1. The government of the Maine Insane Hospital at Augusta shall be vested in a board of six trustees, to be appointed by the governor, with the advice and consent of the council, for the term of three [years]; and the board of trustees which shall be first appointed shall be divided into three classes; the term of office of the two first named shall expire at the end of one year; the two second named at the end of two years; and the third at the end of three years; so that one third of the board may be appointed yearly; and all vacancies are to be filled by the governor and council as aforesaid; but no trustee whose term of office shall thus expire, shall be eligible to the said office for the term of one year.

SEC. 2. The said trustees shall have in charge the general care and management of the institution, and

3 see that its affairs are conducted, according to the  
4 requirements of the legislature and the by-laws and  
5 regulations which the trustees shall establish, for the  
6 internal government and economy of the institution ;  
7 they shall have power to enact by-laws for its regula-  
8 tion and management ; and shall hold, in trust, for  
9 the State, any grant, devise of land, or any donation  
10 or bequest of money, or other property, made, or to  
11 be made ; to be applied to the maintenance, comfort,  
12 and improvement of insane persons, and the general  
13 use of said institution. They shall, also, be authoriz-  
14 ed, in the name of the treasurer, to bring actions for  
15 the recovery of all debts due to the institution, and to  
16 answer to all suits that may be brought against them.

SEC. 3. The trustees shall appoint a superintend-  
2 ant ; and they shall, also, in conjunction with the  
3 superintendant, appoint a steward, who shall be ex-  
4 officio, treasurer, and such other officers as, in their  
5 opinion, may be necessary for conducting efficiently  
6 and economically, the business of the institution ; and  
7 all appointments made by them, shall be made in such  
8 manner, with such restrictions, and for such terms of  
9 time as the by-laws may prescribe ; and the salaries  
10 of all the officers so appointed, shall be determined  
11 by the trustees, subject to the approval of the gover-  
12 nor and council.

SEC. 4. The superintendant, who shall be a phy-  
2 sician and reside constantly at the Hospital, shall have  
3 the general superintendance of the Hospital and

4 grounds; the charge of the patients, and the direc-  
5 tion and control of all persons therein, subject to the  
6 regulations of the board of trustees. He shall, also,  
7 annually report to the governor and council the con-  
8 dition and prospects of the institution under his care;  
9 accompanied with such remarks and suggestions in  
10 regard to its management and the general subject of  
11 insanity, as in his judgment shall be calculated to  
12 promote the cause of science and the interests of  
13 humanity.

SEC. 5. The steward, who shall also be treasurer,  
2 shall have the immediate custody of all the funds and  
3 property of the institution, and shall give bonds to the  
4 trustees, in such amount as they shall deem suf-  
5 ficient for their safe keeping and proper disbursement.  
6 He shall, under the advice and direction of the super-  
7 intendant, as well as of the trustees, make all neces-  
8 sary purchases of provisions and supplies; hire attend-  
9 ants and other laborers; see to the proper cultivation  
10 of the farm and grounds, and have a careful over-  
11 sight of the patients whenever employed thereon. He  
12 shall, also, attend to and perform such other duties as  
13 the trustees shall direct, and shall, annually, make a  
14 detailed report of his receipts and expenditures, and  
15 of the financial affairs of the institution.

SEC. 6. There shall be thorough visitations of the  
2 Hospital, monthly, by two of the trustees; quarterly,  
3 by three, and annually, by the whole board, as well  
4 as at such other times as they may deem necessary,

5 or the superintendant shall request: and at each visit  
6 a written account of the state of the institution shall  
7 be drawn up and recorded, which shall be presented  
8 at the annual meeting of the trustees, to be held in  
9 the month of December; and at the said annual  
10 meeting a full and detailed report shall be made, to  
11 be laid before the governor and council, together with  
12 those of the superintendant and steward, during the  
13 first week, if not earlier, of the then next session of  
14 the legislature, for the use of the government; ex-  
15 hibiting a particular statement of the condition of the  
16 Hospital; of its concerns and its wants;—and all  
17 these reports shall be made up to the thirtieth day of  
18 November, inclusive. The trustees shall, also, at the  
19 expiration of every quarter, examine, carefully, the  
20 books and vouchers of the steward and treasurer, and  
21 audit and settle his accounts; and for all visits made,  
22 and time devoted to the Hospital, the trustees shall  
23 receive two dollars per day for the time spent, and  
24 for their travel the same mileage that is allowed to  
25 members of the legislature; their accounts to be aud-  
26 ited by the governor and council; and the governor  
27 is hereby authorized to draw his warrant on the State  
28 treasurer for the amount found due to the trustees,  
29 and other officers of the institution; the attendants  
30 on the patients and laborers on the premises not in-  
31 cluded.

SEC. 7. Any patient shall be admitted into the  
2 Maine Insane Hospital upon an order of the mayor

3 and aldermen of any city, or of the selectmen of any  
4 town, or of the assessors of any plantation, where  
5 such patient resides, or of such other tribunal as is  
6 hereinafter described, accompanied with the request  
7 under the hand of the person by whose direction the  
8 patient is sent ; stating his or her age, and place of  
9 nativity, if known ; his or her christian and sir name,  
10 place of residence, occupation, and degree of rela-  
11 tionship, or other circumstances of connexion between  
12 the insane and the person requesting his or her ad-  
13 mission ; and, also, a certificate, under oath, signed  
14 by two respectable physicians, of the fact of his or her  
15 insanity—and of the expediency of sending the patient  
16 to the Hospital ; and any patient thus sent shall remain  
17 at the Hospital six months unless sooner discharged  
18 cured, or in the opinion of the superintendant, will  
19 not be benefitted by a longer continuance there.

SEC. 8. On the application of any relative of any  
2 insane person, or other respectable person in behalf  
3 of such insane person, or of any guardian of any in-  
4 sane minor, to the mayor and aldermen of any city,  
5 or to the selectmen of any town, for an order for  
6 sending any such insane to the Insane Hospital, at  
7 the expense, in whole or in part, of such city or town,  
8 it shall be the duty of the mayor and aldermen of  
9 such city, and of the selectmen of such town as soon  
10 as may be, to determine what part, if any, of the  
11 expense of committing and supporting such insane  
12 person at the Hospital, shall be borne by such city or

13 town, and what part, if any, shall be borne by the  
14 patient, or by such relative or relatives as are, by law,  
15 liable for his or her support; and on receiving satis-  
16 factory security for the payment of such part of the  
17 aforesaid expense as they shall have determined to  
18 be reasonable and just, the said mayor and aldermen,  
19 and the said selectmen, as the case may be, shall cause  
20 such insane person to be, forthwith, sent to the Hos-  
21 pital, as provided in the seventh section of this act.  
22 And in case any insane person, or any relative of such  
23 insane, by law, liable for any part or all of the expense  
24 aforesaid, shall be aggrieved at the decision and de-  
25 termination of such mayor and aldermen, or of such  
26 selectmen, on application in writing, within twenty-  
27 four hours, to said mayor and aldermen, or to said  
28 selectmen, by any respectable friend of said insane  
29 person, or by any relative by law liable for his or her  
30 support, claiming an appeal from the decision and  
31 determination of such mayor and aldermen, or select-  
32 men, naming at the same time some justice of the  
33 peace and of the quorum, taken from some one of  
34 the adjacent towns; designating the time and place  
35 for the further hearing on the subject, within forty-  
36 eight hours of the time of claiming said appeal; and  
37 on receiving certificate it shall be the duty of such  
38 mayor and aldermen, or selectmen, to select, from  
39 some town adjacent to that in which the patient re-  
40 sides, one other justice of the peace and of the quo-  
41 rum to meet at the time and place designated above,

42 and the two thus selected shall constitute a tribunal  
43 for the purposes hereinafter specified, and said justices  
44 shall be entitled to the same pay as in other cases.

SEC. 9. The said justices shall inquire into and  
2 decide, as well into the fact of the insanity of the  
3 patient, and into the expediency of sending him or  
4 her to the Hospital, as into the ability of such insane  
5 person, or of his or her relative, by law liable to sup-  
6 port such insane person, in whole or in part, at the  
7 Hospital ; and what part of the expense, if any, shall  
8 be borne by the said insane, or his or her relative, and  
9 what part by the town. And the said justice shall  
10 have power to call for such testimony on any and all  
11 the points submitted to them as they may deem neces-  
12 sary to a right decision. And after an examination  
13 into all matters submitted to them, the said justices  
14 shall give a certificate and order, under their hands,  
15 for the discharge of the patient for the cause of sanity,  
16 or for his or her commitment to the Insane Hospital,  
17 accompanied with the certificates of the relative or  
18 friend, and of two physicians as required in section  
19 seven. And the said justices shall certify what part  
20 of the expense of said patient's support at the Hos-  
21 pital, shall be borne by the patient, or by his or her  
22 relative or relatives, and what part by the town ; and  
23 likewise in what manner and by whom the cost of  
24 this examination and trial shall be borne and paid.  
25 And should the justices order the commitment of such  
26 insane person to the Hospital it shall be the duty of

27 the mayor and aldermen of the city, and of the select-  
28 men of the town, where such insane person resides,  
29 or such other person as said court shall order, to cause  
30 the order of said court to be carried, forthwith, into  
31 effect.

SEC. 10. Every case of insanity hereafter occurring  
2 shall, on the application of any relative, or other re-  
3 spectable person, made in writing, to the proper tri-  
4 bunal, be sent, within thirty days, to the State Insane  
5 Hospital. And the mayor and aldermen of cities, and  
6 the selectmen of towns, are severally enjoined to see  
7 that this provision be carried into effect, in the most  
8 humane and speedy manner, in the mode pointed out  
9 in the seventh, eighth and ninth sections of this act ;  
10 and no person committed to the Insane Hospital pur-  
11 suant to any of the provisions of this act shall there-  
12 for be deemed a pauper ; or suffer any of the consti-  
13 tutional or legal disabilities incident to pauperism by  
14 virtue of being thus sent.

SEC. 11. Whenever any insane adult male or un-  
2 married female, shall be committed or sent, to the  
3 Insane Hospital, under any of the provisions of this  
4 act, having property or effects, the judges of probate  
5 in their respective counties, are hereby authorized and  
6 required, on receiving the certificate of the mayor and  
7 aldermen of the city, or of the selectmen of the town  
8 where such insane person has his or her residence,  
9 that it will be for the interest of such insane person to  
10 have a guardian or trustee appointed, to hold in trust



11 the property of such insane person, and to prevent  
12 waste thereof, to appoint, forthwith, some suitable  
13 person, in the county where the insane has his or her  
14 residence, to be guardian and trustee of such insane ;  
15 and he shall give bond to the judge of probate, as in  
16 the case of guardians ; and shall be reasonably com-  
17 pensated for his services, to be audited and allowed  
18 by the judge of probate, and paid out of the estate of  
19 the insane. *Provided, however,* that such guardian  
20 and trustee shall not be required to return an inven-  
21 tory to [the] judge of probate of the effects of his said  
22 ward, or exercise any other of the powers and duties  
23 of guardian for the term of one year, from the date of  
24 his appointment, except so far as may be necessary  
25 for the support of said insane, or, of his or her family,  
26 and to prevent waste and loss of his or her property.

SEC. 12. All the expenses incurred in the commit-  
2 ment and support of any insane person at the Hos-  
3 pital under the provisions of the eighth and ninth sec-  
4 tions of this act, shall in the first instance be borne  
5 and paid by their respective cities or towns, but such  
6 city or town shall, through the proper officer, have  
7 the right to recover so much of said expense of the  
8 said insane person, or of his or her relative, liable by  
9 law, to pay the same, as may, by any of the modes  
10 pointed out in this act, have been adjudged to be just  
11 and equitable ; and the cities and towns aforesaid are  
12 hereby authorized and empowered to demand, sue for,  
13 and recover, the same, in any court of competent ju-

14 jurisdiction, with costs. And it is herein provided that  
15 all the expenditures required of cities and towns by  
16 the provisions of this act, are to be borne in the first  
17 instance by the city or town where the insane person  
18 resides at the time of the application and commitment ;  
19 but all such expenses shall be reimbursed and paid by  
20 the city or town where such patient has his or her  
21 legal pauper settlement in the same manner as the  
22 expenses for the support of paupers are recoverable  
23 by the laws of this State.

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## STATE OF MAINE.

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RESOLVE making an appropriation for the Insane Hospital.

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RESOLVED, That there be appropriated and paid out  
2 of the State treasury, for the use of the Insane Hos-  
3 pital of this State, the sum of two thousand, four  
4 hundred and fourteen dollars, to be expended under  
5 the direction of the trustees of said institution, for the  
6 purchase of a spring of water, and laying of an aque-  
7 duct; for the purchase of a carriage and harness;  
8 and to defray the current expenses of said institution.

STATE OF MAINE.

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IN SENATE, February 27, 1843.

ORDERED, That 300 copies of the foregoing Report, Bill and  
Resolve, be printed for the use of the Legislature.

ATTEST:

JERE HASKELL, *Secretary.*