

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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any time after three months from the giving of such notice, the officers of said school may sue for and recover of such city or town, a sum not exceeding one dollar, nor less than fifty cents a week, for the expense of the clothing and subsistence of such girl to the time of suing therefor; and such city or town may recover the same of the parent or guardian of such girl, or of the city or town where she has her legal settlement.

SEC. 30. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needle-work, and such other modes of industry as are suited to their sex, age, strength and disposition, and best adapted to secure their improvement and future welfare; and in binding them out, the trustees shall have regard to the character of those to whom they are bound.

SEC. 31. Whoever aids or abets any girl committed to said school to escape therefrom, shall forfeit not exceeding one hundred, nor less than fifty dollars, or be imprisoned not exceeding sixty days.

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the town.

Girls shall
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Penalty, for
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CHAPTER 143.

THE INSANE HOSPITAL.

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APPOINTMENT AND DUTIES OF TRUSTEES.

SEC. 1. The government of the Maine Insane Hospital is vested in a committee of six trustees, one of whom shall be a woman; they shall be appointed and commissioned by the governor, with the advice and consent of council, to hold their offices during the pleasure of the governor and council, but not longer than three years under any one appointment.

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 law; hold in trust for the State any land, money, or other property, granted, bequeathed, or given to the institu-

Government of the insane hospital is vested in six trustees, one a woman. 1880, c. 184.

Trustees shall have the general management, hold property, make by-laws, commence and

tion, 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.

SEC. 3. Said trustees shall appoint a superintendent, and a steward and treasurer, subject to the approval, and to hold office during the pleasure, of the governor and council; and all other officers necessary for the efficient and economical management of the business of the institution; and all appointments shall be made according to the by-laws.

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; at which meeting they, with the superintendent, shall make a particular examination into the condition of each patient, and discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement. They shall receive two dollars a day for such visits, and the same sum for every twenty miles' travel. Their accounts shall be audited by the governor and council, who 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.

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, audit his accounts, and submit the same immediately thereafter to the governor and council for their approval, before such accounts shall be settled; and the governor and council shall, from time to time, inquire into the condition and management of the financial affairs of the institution, and make such changes as they deem judicious, in the mode and amount of expenditures and the general administration of its financial affairs.

SEC. 6. They shall hold an annual meeting on the first day of December, at which a full and detailed report shall be made, 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 be laid before the governor and council at that time, for the use of the government.

DUTIES OF SUPERINTENDENT.

SEC. 7. The superintendent shall be a physician; reside constantly at the hospital; have general superintendence of the hospital and grounds; receive all patients legally sent to the hospital, unless the number exceeds its accommodations, and have charge of them, and direction of all persons therein, subject to the regulations of the board of trustees; and annually on the last day of November, report to the

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defend suits.
R.S., c. 143, § 2.

Superintendent, steward and treasurer, how to be appointed.
1874, c. 256, § 2.

Monthly, quarterly and annual examinations by the trustees, and records thereof.
R.S., c. 143, § 4.

—trustees may examine and discharge patients.

—pay of officers and trustees.

Accounts of the steward and treasurer, how to be audited and settled.
1874, c. 256, § 3.

—governor and council shall inquire into the financial affairs of the hospital.

Annual meetings and reports to the governor and council.
R.S., c. 143, § 6.

Duties and powers of the superintendent.
1873, c. 151, § 1.

—his annual report.

CHAP. 143. trustees the condition and prospects 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.

Apportionment of patients.
R. S., c. 143, § 8.

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 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.

Unlawful commitments.
R. S., c. 143, § 9.

SEC. 9. When a person has 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. The superintendent, at each monthly visit of the trustees, shall also report to them the name of any inmate who was idiotic at the date of his commitment, or who has become so imbecile as, in his judgment, to be beyond cure, and if he thinks that such inmate may be discharged with safety to himself and to the public, the trustees shall order his discharge and cause him to be removed to the town by which he was committed.

—how idiotic inmates may be discharged.
1874, c. 187.

DUTIES OF THE STEWARD.

Duties of the steward and treasurer.
R. S., c. 143, § 10.

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.

SALARIES.

Certain salaries fixed by trustees.
1874, c. 256, § 2.
See c. 115, § 1.

SEC. 11. The compensation of all officers and employes, whose salaries are not established by law, shall be fixed by the trustees, subject to the approval of the governor and council.

DUTIES OF PARENTS AND GUARDIANS OF INSANE MINORS.

Duties of parents and guardians of insane minors.
R. S., c. 143, § 11.

SEC. 12. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within thirty days after an attack of insanity, without legal examination, send them to the hospital and give to the treasurer thereof the bond required; or they may send them to some other hospital for the insane, within said period.

DUTIES OF MUNICIPAL OFFICERS.

Municipal officers shall, on complaint, examine cases, and

SEC. 13. 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 of any justice of the peace in their town, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall call before them all testimony necessary for a full understanding of the case; and if they think such person 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 until he is restored or discharged by law, or by the superintendent and trustees. They shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it.

SEC. 14. The officers ordering the commitment of a person unable to pay for his support, may in writing certify that fact to the trustees, and that he has no relatives liable and of sufficient ability to pay for it; and if the trustees are satisfied that such certificate is true, the treasurer of the hospital may charge to the State one dollar and fifty cents a 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.

SEC. 15. Any person or corporation, deeming himself or the insane aggrieved by the decision of the board of examiners for or against the fact of insanity, may claim an appeal therefrom 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 shall procure the attendance of such justice at such time and place, if in his power, and if not, may select another; and the board of examiners shall select another justice of the peace and quorum.

SEC. 16. 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 by 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 thirteen.

SEC. 17. 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.

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may commit to the hospital with certificate, and keep a record of their doings.
R. S., c. 143, § 12.
35 Me., 404.
40 Me., 264.
48 Me., 356.
63 Me., 500, 566.
65 Me., 521.
70 Me., 442.

May certify inability of relatives to pay for patient's support, and steward may charge the State \$1.50 a week.
1873, c. 151, § 2.

Appeal to two justices of the peace and quorum; how selected.
R. S., c. 143, § 14.

Municipal officers or justices neglecting to decide for three days, complaint may be made, to two justices; proceedings.
R. S., c. 143, § 15.
35 Me., 502.
63 Me., 567.

Justices shall keep a record of their doings; their compensation, and by whom to be paid.
R. S., c. 143, § 16.

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Their order for commitment, by whom to be executed. R. S., c. 143, § 17.

SEC. 18. 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.

Town where insane person resided, or was found, must pay for his support, unless a bond is given for it. R. S., c. 143, § 18.
46 Me., 560.
48 Me., 356.
70 Me., 443.
72 Me., 216.

SEC. 19. The certificate of commitment to the hospital after a legal examination, is 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.

Also, when unlawfully committed; with expense of removal. R. S., c. 143, § 19.

SEC. 20. The person or town, liable for support of a person when lawfully committed to the hospital, is 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 shall not exceed ten cents a mile from the hospital to the place of commitment.

Towns have remedy against the patient, or those liable for his support, as for a pauper. 1872, c. 54. Sec c. 24, § 16.

SEC. 21. Any town thus made chargeable in the first instance, and paying for the commitment and support of the insane at the hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where his legal settlement is, as if incurred for the expense of a pauper, but if he has no legal settlement in the 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 of pauperism nor be deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement. (a)

R. S., c. 143, § 20.

SEC. 22. The treasurer thereof shall charge and collect interest on all debts due to said hospital, for board and clothing of patients, after thirty days from the time when they become due.

Treasurer of hospital shall charge interest on debts due, after thirty days. 1871, c. 208.

DISCHARGE OF THE INSANE.

Those liable for the support of a patient, may apply for his discharge. R. S., c. 143, § 21.

SEC. 23. A friend, person, or town, liable for the support of a patient who has been in the hospital for six months, not committed by order of the supreme judicial court, nor afflicted with homicidal insanity, thinking that he is unreasonably detained, 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 until the expiration of another six months.

(a) 53 Me., 129, 445; 63 Me., 501; 69 Me., 69; 70 Me., 443; 71 Me., 537; 72 Me., 216, 493.

SEC. 24. When the overseers of a 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.

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Overseers of the poor shall remove a patient, when notified.

R. S., c. 143, § 22.

Patients discharged under section four, how to be removed.

R. S., c. 143, § 23.

SEC. 25. When a patient is discharged from the hospital by the trustees, under section four, they shall cause the selectmen of the town, or the mayor of the city, from which such patient was received, to be immediately notified by mail, and on receipt of such notice said town or city shall cause such patient to be forthwith removed thereto; and if they neglect such removal for thirty days thereafter, such patient may be removed to said town or city by the trustees, or their order; and the superintendent may maintain an action in his own name, against such city or town, for the recovery of all expenses necessarily incurred in the removal of such patient.

—town is liable, upon notice, for the costs of removal.

SEC. 26. The preceding sections do not apply to towns having less than two hundred inhabitants, but all insane persons found, and having their residence in such towns, who have no settlement within any town in the state, and have no means of their own for support, or are without relatives able and liable to support them, shall be supported in the hospital at the expense of the State.

Preceding sections do not apply to towns of less than two hundred inhabitants.

R. S., c. 143, § 24.

GUARDIANS FOR THE INSANE SENT TO THE HOSPITAL.

SEC. 27. When any man or unmarried woman, of twenty-one years of age, is, under this chapter, sent to the hospital for insanity the municipal officers of the town where such insane person resides, when they think it for his interest and to prevent waste of his property, may apply to the judge of probate for the same county for the appointment of a guardian, and the judge, on their certificate to that effect, without notice to the insane, shall forthwith appoint some suitable guardian residing in such 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 he shall not be required to return an 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 to prevent waste of his property.

Judge of probate may appoint guardians for persons sent to the hospital.

R. S., c. 143, § 25.

—duties and compensation of guardians.

GENERAL MANAGEMENT OF THE HOSPITAL.

SEC. 28. Every person committed to the insane hospital by any court, as provided in section one of chapter one hundred and thirty-seven, shall be discharged by the superintendent; if not sent for by the court, during the next term thereof after his commitment, but he is liable to recommitment by the municipal officers of the town to which he belongs, if found to be insane, there to be supported in the same manner as other persons committed by said officers.

Persons committed by court, when to be discharged.

—may be recommitted.

R. S., c. 143, § 26.

SEC. 29. The superintendent shall keep posted, in conspicuous places about said hospital, printed cards containing the rules prescribed for the government of the attendants in charge of the patients.

Rules shall be kept posted.

R. S., c. 143, § 27.

SEC. 30. When it appears that any such attendant treats a patient

Ill treatment

CHAP. 143. with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any attendant abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such attendant, on conviction, shall be fined not less than one hundred, nor more than five hundred dollars, or imprisoned not more than ninety days.

of patients by attendants, how to be punished. R. S., c. 143, § 28.

SPECIAL VISITATION BY A COMMITTEE COMPOSED OF THE EXECUTIVE COUNCIL, AND A WOMAN.

Committee of visitors, two from the council, and one woman, shall be appointed annually by the governor; their powers and duties. 1874, c. 256, § 4.

Wilful injury to patients, by officers of the hospital, punishment for. 1874, c. 256, § 5.

—complaint shall be made by superintendent, or, in case of his neglect, by visiting committee.

When an inquest shall be held on sudden death. 1874, c. 256, § 6. See c. 139, § 1.

For preliminary commitment, what evidence of insanity is required. 1876, c. 117. 72 Me., 216.

Patients may be discharged, when unnecessarily detained. 1874, c. 256, § 8. —proceedings.

—this section does not apply to commitments by order of court.

SEC. 31. A committee of the council consisting of two, with whom shall be associated one woman, shall be appointed by the governor annually, who shall visit the hospital at their discretion, to ascertain if the inmates thereof are humanely treated, and they shall promptly report every instance of abuse or ill treatment, to the trustees and superintendent of the hospital, who shall take notice thereof, and cause the offender to be punished as required by the preceding section.

SEC. 32. If wilful injury is inflicted by an officer, attendant or employe of the hospital upon the person of any patient and knowledge thereof comes to said committee of visitors, they shall report the fact immediately to said trustees and superintendent, and if the superintendent fails forthwith to complain thereof as required by section thirty, one of said visitors shall enter a complaint before the proper court. In trials for such offences, the statement of any patient cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

SEC. 33. In case of the sudden death of a patient in the hospital under circumstances of reasonable suspicion, a coroner's inquest shall be held as in other cases, and the committee of visitors shall cause a coroner to be immediately notified for that purpose.

SEC. 34. In all cases of preliminary proceedings for the commitment of any person to the hospital, the evidence and certificate of at least two respectable physicians, based upon due inquiry and personal examination of the person to whom insanity is imputed, shall be required to establish the fact of insanity, and a certified copy of the physicians' certificate shall accompany the person to be committed.

SEC. 35. If the committee of visitors becomes satisfied that an inmate of the hospital has been unnecessarily and wrongfully committed, or is unnecessarily detained and held as a patient therein, they shall apply to some judge of the supreme judicial court, or to the judge of the superior court or court of probate within the county where the restraint exists for a writ of habeas corpus, who shall issue the same, and cause such inmate to be brought before him, and after notice to the party procuring his commitment and a hearing of all interested in the question at issue, if satisfied that such inmate is not a proper subject for custody and treatment in the hospital, he shall discharge him from the hospital and restore him to liberty. But this section does not apply to the case of any person charged with, or convicted of crime, and committed to the hospital by order of court.

SEC. 36. The names of the committee of visitors and the post office address of each shall be kept posted in every ward of the hospital, and every inmate shall be allowed to write when and whatever he pleases to them or either of them, unless otherwise ordered by a majority of the committee, in writing which order shall continue in force until countermanded in writing by said committee. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, inclosing and sealing letters. The superintendent shall provide at the expense of the State, securely locked letter boxes, easily accessible to all inmates, to be placed in the hospital, into which such letters can be dropped by the writer. No officer, attendant, or employe of the hospital shall have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly by some member of the committee, or by such person as the committee authorize for the purpose, who shall prepay such only as are addressed to some one of the committee, and deposit them in the post office without delay.

SEC. 37. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, *provided*, that such letter has been forwarded by the committee, or is directed to such persons as the committee have authorized to send or to receive letters without the committee's inspection.

SEC. 38. The hospital shall be visited as often as once in every month by at least one member of the committee, and this visit shall be made at irregular, and not at stated periods; no previous notice, information, or intimation thereof shall be given or allowed to the superintendent, or any officer, attendant or employe of the hospital, but so far as possible, all visits shall be made unexpectedly to the superintendent and all others having the care of the hospital and its inmates; and in no case shall the committee, when making their visits through the wards, be accompanied by any officer or employe of the hospital, except upon the special request of some one of the committee.

SEC. 39. The committee of visitors shall make report to the governor and council on the first day of December annually, and as much oftener as the welfare of the patients or the public good requires, setting forth their doings and any facts with regard to the hospital which they deem important. The compensation of each member of said committee shall be two dollars a day, for the time actually spent in visiting the hospital and actual travelling expenses; *provided*, that said committee shall not receive compensation as councillors, for the same days in which such official visits are made to said hospital; and their accounts, including a reasonable sum for the letter carrier provided for in section thirty-six, shall be audited by the governor and council, who shall draw their warrant on the treasurer of state for the amount found due.

SEC. 40. Any person neglecting to perform the duties imposed upon him by this chapter is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.

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Names of visiting committee shall be posted in the wards.

1874, c. 256, § 9.

—inmates shall be allowed to write to the committee; and be furnished with materials.

—letter boxes shall be provided.

—officers and attendants shall not have access thereto.

—letters, how to be disposed of.

Letters from committee to be delivered to patients, unopened.

1874, c. 256, § 10.

—proviso.

Hospital, when and how to be visited by the committee.

1874, c. 256, § 11.

Committee of visitors shall report to governor and council in December, annually.

1874, c. 256, § 12.

—pay.

—proviso.

—accounts, how audited.

Removal for neglect of duties.

1874, c. 256, § 13.