

CHAPTER 176.

[Published April 1, 1872.]

AN ACT to provide for the government of the Wisconsin Hospitals for the Insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Names of hospitals.

SECTION 1. The hospital for the insane located near the city of Madison, county of Dane, shall be known as the "Wisconsin State Hospital for the Insane," and the hospital for the insane located near the city of Oshkosh, county of Winnebago, shall be known as the "Northern Hospital for the Insane."

Shall appoint board of trustees.

SECTION 2. The governor shall appoint five persons, who shall be trustees of the Wisconsin State Hospital for the Insane, and shall be styled the "board of trustees of the Wisconsin State Hospital for the Insane," and five persons who shall be trustees of the Northern Hospital for the Insane, and shall be styled the "board of trustees of the Northern Hospital for the Insane," all of whom shall be electors and residents of this state, and a majority of each board shall constitute a quorum for the transaction of business. Of

Terms of office.

those members first appointed, one shall serve for five years, one for four years, one for three years, one for two years and one for one year, as may be designated by the governor, at the time of appointment, and upon the expiration of these successive terms, the vacancies shall be filled in like manner for the term of five years, and each member shall serve until his successor is appointed. There shall be annually appointed in the manner above prescribed, one person to fill the regular occurring vacancy; and should any vacancy occur by death, resignation or otherwise, the same shall be filled by appointment of the governor for the unexpired portion of the term for which such trustee would have been required to serve: *provided*, that if any member of either of said boards shall fail or neglect to attend at least two regular meetings of the board of which he is a member in any one year, the place of such member shall be deemed vacant, and shall be filled by the gov-

Annual appointment.

Vacancy—how filled.

error as above designated for other cases of vacancy; *and provided, further*, that the trustees of the Wisconsin State Hospital for the Insane, now in office, shall continue in office for the terms for which they have been severally appointed, and vacancies filled at the expiration of their several terms, the same as though this act had not been passed; and all their appointments, acts and doings, under and by authority of chapter 102 of the general laws of 1871, shall remain in force the same as though this act had not been passed, in all cases where they do not conflict with the provisions of this act.

Present trustees to fill out their term.

SECTION 3. The trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and also to faithfully discharge the duties required of them by law and the by-laws that may be established. They shall be paid their necessary expenses during the time they are actually engaged in the discharge of their official duties, such payment to be made out of any money appropriated for the current expenses of the hospital, by an order drawn by the secretary of the board, audited in accordance with the by-laws of the board of which they are members. The first meeting of the trustees of the Northern Hospital for the Insane shall be any time after this act shall take effect, upon a notice from the governor, when they shall organize by the election of a president, secretary and treasurer, who shall serve until the annual meeting, which shall be held upon the third Wednesday in October in each year, in the hospital building, when the trustees shall choose one of their number president, and a secretary and treasurer for the year then ensuing, and until their successors are elected and qualified. The treasurer shall give bond to the state in such sum as the trustees shall prescribe, to be approved by the governor and deposited with the secretary of state, which bond shall be conditioned for the faithful performance of his duties as such treasurer. The president and secretary of the different boards shall perform such duties as are required by the laws and by-laws established for the government of the different institutions. The trustees shall meet quarterly at the respective hospital buildings on such days in the months of January, April and July in

Shall take oath.

Expenses to be paid.

Northern hospital—first meeting.

Annual meeting.

Treasurer to give bond.

Shall meet quarterly.

each year as the boards respectively shall determine, and at each of these regular meetings they shall examine into the affairs and condition of the hospital under their charge.

Powers of the board.

SECTION 4. The boards of trustees shall have general control and management of the hospital under their care. They shall have full power to make all by-laws necessary for the government of the same, not inconsistent with the laws and constitution of the state of Wisconsin, and conduct the affairs of the institution in accordance with the laws and by-laws regulating the same. The boards of trustees respectively may take and hold in trust for the hospitals any lands conveyed or devised, and any money or other personal property given or bequeathed to be applied for any purpose connected with the institution.

Shall appoint superintendent—his qualifications.

SECTION 5. The board of each institution shall appoint a superintendent, who shall be a physician of acknowledged skill and ability in the medical profession, and shall be a graduate of some incorporated medical college, and shall give unquestionable evidence of unimpeachable moral character, and shall devote all his time and attention to the said hospital; and upon the nomination of the superintendent, they shall also appoint a steward, matron and assistant physician or physicians, who shall be styled the resident officers of the institution, and shall reside in the same and be governed by and subject to all the laws and by-laws established for the government of said institution. The trustees shall fix the salaries of all officers not otherwise determined by law. They shall appoint a competent physician, whose duty it shall be, together with one of their number, to visit and inspect said hospital, as to its internal management, once in each month, and such inspectors shall report to the board the result of their respective visits, at each ensuing regular meeting of said board. Such committee shall be entitled to no per diem, but all necessary expenses attending said visits to the hospital shall be paid out of the current expense fund of the hospital.

Other officers.

Shall fix salaries.

Inspectors.

Shall take oath.

SECTION 6. The superintendent, before entering upon the duties of his office, shall take and subscribe an oath or affirmation faithfully and diligently to discharge the duties required of him by law, and by-laws regulating the institution.

SECTION 7. The superintending physician shall be the chief executive officer of the hospital; he shall exercise entire control over all the subordinate officers, and shall employ all assistants necessarily connected with the institution, below the grade which may be designated in the by-laws, as officers, and he may discharge any assistant or officer under his control, being responsible to the trustees for the proper exercise of that duty in regard to officers; and for any satisfactory cause the said superintendent may be discharged by an affirmative vote of a majority of all the members of the said board of trustees at any regular meeting of the same. The superintendent shall not be compelled to obey the command of any subpoena issued in any civil or criminal case, except where the accused is charged with the crime of murder: *provided*, he shall make and subscribe an oath, setting forth that to obey such summons would be seriously detrimental and hazardous to the welfare of the institution under his charge; nor shall he be required to obey a subpoena in any case, unless the court or a judge thereof shall make a special order, in vacation, or at least one week before the time when he shall be required to appear, that the subpoena issues, and in all such cases, a memorandum of such order shall be endorsed upon the subpoena.

Powers of the superintendent.

Need not obey subpoena.

SECTION 8. Abuse, neglect or ill-treatment of an insane patient by the superintendent or any person under him, with his knowledge and permission, shall be deemed an offense meriting expulsion from office, and shall, moreover, subject the person so abusing or ill-treating such insane patient, to fine or imprisonment or, both, at the discretion of the court, and such case may be prosecuted by any person cognizant of the fact, in the name of the state of Wisconsin, before any court of competent jurisdiction in the county of Dane or the county of Winnebago, as the case may be; and any fines collected in pursuance of the provisions of this section shall be paid into the treasury of the appropriate hospital.

Ill treatment of patients an offense—its punishment.

SECTION 9. All persons confined in either hospital as insane patients shall be entitled to the benefits of the writ of habeas corpus, and the question of insanity shall be determined by the court issuing such writ; and if the court before whom such case is brought,

Remedies for improper commitment.

shall decide that the person is insane, such decision shall be no bar to the issuing of said writ a second time, if it shall be claimed that such person has been restored to reason; *and it is hereby further provided*, that if it be alleged that any person is improperly confined in either of said hospitals as an insane person, the board of trustees shall have power to examine into such case, in such manner as in their opinion its necessities demand; and if, after such examination shall have been carefully and critically made, aided by at least two skillful and experienced physicians, who shall have been designated by said board, it shall appear to them that such person is not insane, and should not be thus confined, they shall issue an order for his or her immediate release from such confinement; and such order shall be forthwith executed by the superintendent of the proper hospital.

What class excluded.

SECTION 10. No person, idiotic from birth, shall be admitted into either hospital for the insane, and no person shall be retained in either hospital after, by a fair trial it shall have become reasonably certain that such person is incurably insane, if such person is retained to the exclusion of others whose cases are of a more hopeful character.

Ratio of admission according to population.

SECTION 11. The admission of patients from the several counties of this state shall be in the ratio of the population of each of such counties; but each county shall be entitled to at least two such patients if it should seek to do so. And in no case shall any county have more than its just proportion of patients in said hospital, unless there be some other county which has not the proportionate number of insane persons which it is entitled to furnish in the order of admission, but whenever it shall appear from the affidavits of the chairman of the county board of supervisors and the sheriff of the county, that the residence of the person adjudged insane, according to law, is unknown, and after due diligence, cannot be ascertained, the county judge may send such person to the hospital, as provided in section fourteen of this act, and the superintendent shall receive such unknown insane person as a patient from the state at large, and shall not charge said patient against the ratio of patients to which said county is entitled.

SECTION 12. All insane persons, residents of this state, who may be admitted into said hospital for treatment, shall be maintained therein at the expense of the state: *provided*, the county in which such patient resided before being brought to the hospital shall pay the sum of one dollar and fifty cents per week for the support of such patient, and for all necessary clothing when it is not otherwise supplied: *provided further*, that the relatives, friends or guardians of any patient shall have the privilege of paying for the maintenance and clothing of such patient or any part thereof, and the superintendent shall cause the accounts of such patients to be credited with any sums so paid; *and provided further*, that if the relatives or immediate friends of any patient shall desire it, and shall pay the expenses thereof, such patient may have special care, and may be provided with a special attendant, as may be agreed upon with the superintendent. In all cases the charge for such special care and attendance shall be paid quarterly, in advance.

Maintenance,
how provided
for.

SECTION 13. Patients may be admitted into the hospital by the superintendent on the written request of relatives, friends or guardians of such patient, accompanied with the certificate of two physicians as provided in section fifteen of this act, or upon the written certificate of the county judge of the county where such patient may be found, accompanied by the certificate of two physicians as aforesaid, with the seal of the said county court attached, certifying that such patients (naming them), upon due examination held before him, have been found insane, and authorizing said superintendent to receive, maintain and furnish them with suitable clothing at the expense of said county.

Upon what au-
thority admit-
ted.

SECTION 14. The county judge of any county, upon information being filed before him that there are insane persons within the county needing care and attention, shall give his warrant, directed to the sheriff of said county, authorizing him to summon two physicians of acknowledged skill and ability in the medical profession, to be named in the warrant, who are residents of this state, who shall without delay proceed to examine the person charged with insanity, and if after such examination the physicians shall certify to the county judge that the person or persons charged in the information are found to be insane, and if he so

Examination of
patients.

Conveyance to hospital on warrant of county judge.

finds, the judge shall then make out a warrant, and place it in the hands of the sheriff of said county, who shall receive the persons therein named and convey them to the hospital; the sheriff may take to his aid such assistance as he may need to execute such warrant, but no female patient shall thus be taken to the hospital without the attendance of some other female, or some near relative of such patient. *It is hereby provided*, that if any relative or immediate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of taking and executing such warrant in preference to the sheriff, and for so doing he shall be entitled to his necessary expenses, but no fees: *provided, further*, that before making such order, it shall be the duty of the county judge to ascertain that there is room for the accommodation of such patients in the hospital. Such warrant may be in form the following:

Form of warrant.

STATE OF WISCONSIN, — County.

To the Superintendent of the Hospital for the Insane:

A. B., having been, upon examination, found to be insane, you are therefore required to receive him into the hospital, and keep him there until he be fully discharged.

In witness whereof, I have hereunto set my hand and affixed the seal of said county, this — day of —, A. D. 18—.

Upon receiving the patient and the certificate provided in section —, the superintendent shall endorse upon said warrant a receipt, substantially as follows:

Form of receipt.

HOSPITAL FOR THE INSANE,

—, —, A. D. 18—.

Received this — day of —, the patient named in the within document.

A. B., [C. D.,] Superintendent.

The sheriff or such other person as may execute the warrant, shall make return of the same to the county judge, who shall preserve the same in his office.

Application to be accompanied by certificates.

SECTION 15. The application of friends or guardians for the admission of patients and the order of

the county judge committing such patients to the hospital as authorized by law, shall be accompanied with the certificate of two or more reputable physicians, who shall state that after a personal examination, made within one week from date thereof, that they are fully satisfied that said person is insane, and this certificate shall be duly acknowledged and sworn to or affirmed before some magistrate or judicial officer, who shall certify to the genuineness of the signatures and respectability of the signers, and to the said application or order, as the case may be, shall be annexed full and precise answers to as many of the following questions as are applicable to the case, and forward the same to the superintendent:

1. What is the patient's age?
2. Where was the patient born?
3. Present place of residence?
4. Married, single or widowed?
5. If children, how many, and age of the youngest?
6. What have been the patient's occupation, and reputed pecuniary circumstances?
7. When were the first symptoms of disease manifested, and what were they?
8. Is this the first attack? If not, when did others occur, and what was their duration?
9. What is the cause of this attack?
10. Is the disease increasing or stationary?
11. Are there no rational intervals? If so, how often, and what is the duration?
12. Have any changes occurred in the condition of mind or body since the attack?
13. On what subject, or in what way is derangement now manifested? Are there any permanent hallucinations?
14. Has the patient shown any disposition to injure others? And if so, was it from sudden passion or premeditation?
15. Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?
16. Has the patient any disposition to destroy clothing or other property?
17. Is there any disposition to filthy habits?
18. What treatment was pursued for the relief of the patient? Mention particulars and effects.
19. What is the present physical condition?

Questions to be proposed to applicants.

20. Has restraint or confinement ever been employed? If so, what kind and how long?

21. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits, before the accession of the disease, any predominant passions, religious impressions, etc.?

22. Was the patient ever addicted to the intemperate use of intoxicating drinks, opium or tobacco, or any improper habits?

23. Has the patient ever had any injury on the head, paralysis, epileptic or other fits? Any hereditary disease, suppressed eruptions, discharges or sores?

24. What relatives, including grand parents and cousins, have been insane?

25. Were the parents blood relations?

26. To whom and where should letters be addressed in case of death, need of clothing, etc.?

27. State any other matter supposed to have a bearing on the case. If epileptic, state duration and frequency of paroxysm.

Relatives may take charge of patients.

May require bond.

Patients not admissible—how provided for.

SECTION 16. The relatives of any person charged with insanity, or who shall be found to be insane, under sections 13 and 14 of this act, shall, in all cases, have the right to take charge of and keep such insane person or persons, if they desire so to do. But the county judge may require a bond of such relatives, conditioned for the proper and safe keeping of such person or persons as will secure their safety and comfort, and in such manner as will best protect the persons and property of others. In case of other persons found to be insane as afore provided, and it shall be satisfactorily shown to the county judge that they cannot be admitted to the hospital for want of room, or for any other cause, and if they cannot with safety be allowed to go at liberty, the county judge shall issue his warrant to the superintendents or overseers of the poor who shall receive and suitably provide for the care and protection of such person until such admission to the hospital can be had, or until the occasion therefor no longer exists.

How patients discharged on request of relatives.

SECTION 17. If the relatives or friends of any patient kept in the hospital shall ask the discharge of such patient, before such patient has recovered from insanity, the superintendent may, in his discretion, require a bond to be issued to the state of Wisconsin, in

such sum and such sureties as he may deem proper, conditioned for the safe keeping of such patient: *provided*, that no person who may be under the charge of or conviction of homicide, shall be discharged without the consent of the superintendent and board of trustees. Other patients may be discharged from the hospital upon application to the superintendent, or by order of the trustees, as provided in section nine in this act. Incurable and harmless patients shall be discharged whenever it is necessary to make room for recent or more hopeful cases, as ordered by the trustees.

SECTION 18. The sheriff shall be allowed the following fees: For arresting and bringing a person charged with insanity before the county judge, and subpoenaing witnesses, the same fees as are now allowed in other cases. For taking an insane person to the hospital, or removing one therefrom, mileage, at the rate of five cents per mile, going and returning, and one dollar and fifty cents a day for the support of each patient on his journey to and from the hospital, and to each assistant, five cents per mile. Witnesses subpoenaed before the county judge, the same fees as allowed by law in other cases. Said fees and charges to be paid out of the county treasury.

Sheriff's fees.

Witness fees.

SECTION 19. Whenever an order is made for the removal of a patient from the hospital, the superintendent shall immediately give notice thereof, under the seal of the hospital, to the county judge of the county from which said patient was sent, and thereupon the county judge shall issue his warrant to the sheriff of said county, which shall be substantially as follows:

Warrant for removal.

STATE OF WISCONSIN, — county:

Form of warrant.

WHEREAS, The proper authority has decided that — —, a patient in the hospital for the insane, from this county, be removed from the hospital, you are therefore commanded forthwith to remove such patient, and return him to — county house or jail in the county whence he was taken to the hospital.

Witness my hand and seal of said county, this — day of —, A. D. 18—.

— —, County Judge.

Immediately upon receiving such warrant, it shall be the duty of the sheriff forthwith to execute the

Execution and return of warrant.

In case of refusal to issue or execute warrant, how proceed.

same, and return it to the county judge by whom it was issued; and if any county judge, upon receiving such notice, shall refuse or neglect for the space of five days to issue such warrant and place it in the hands of the sheriff, or if the sheriff shall refuse to receive the same, or neglect for the space of twenty days after receiving the warrant to demand such patient, the superintendent may appoint some suitable person to remove such patient at the expense of the county from which the patient was brought to the hospital: *provided, however,* that it shall in no case be necessary for the superintendent to give such notice to the county judge, when the friends of such discharged patient are ready and willing to remove him, but such patient may at once be entrusted to their care.

Discharge of patients cured.

SECTION 20. When any patient is discharged as cured, the superintendent shall furnish him with suitable clothing and a sum of money not exceeding twenty dollars, unless otherwise supplied, which clothing and money shall be charged to the county from which such patient was sent.

Disposal of children born at hospital.

SECTION 21. If any female patient shall give birth to a living child while such female is an inmate of the hospital, and if she has not been an inmate of the hospital for more than nine months, such child shall be immediately removed from the hospital by the friends of the mother, or by the county in which the mother resided before being sent to the hospital. But if such child is not removed immediately after the county judge has been notified by the superintendent to make such removal, the said superintendent shall cause suitable provision to be made for the care and comfort of such child, and shall charge all accruing expenses to the county in which the mother resided before being sent to the hospital. And if any such county shall neglect to pay the expense of taking care of and supporting such child, the said superintendent shall include the amount due from such county for such purpose, in the report which he is required to make to the secretary of state, by section twenty-two of this act, which shall be collected and paid out as therein provided.

Shall certify amount due from counties.

SECTION 22. The superintendent shall certify to the secretary of state, on or before the first day of October, the amount (not previously certified by him)

due the said hospital from the several counties as provided in this act, and said secretary shall pass the same to the credit of the hospital. The secretary shall thereupon notify the county clerk of each county so owing the amount thereof, and charge the same to said county, and the board of supervisors shall add such amount to the next state tax to be levied in said county, and pay the amount so levied into the state treasury.

SECTION 23. By direction of the board of supervisors the county clerks of the several counties are authorized and empowered from time to time, to collect from the property of any patient maintained at the hospital, at the cost of such counties, or from any person or persons legally bound to support such patient, the amount for which such county is liable for the support of such patient in the hospital; and the amount so certified as due from such county to the hospital for the maintenance and clothing of such patient by the superintendent, attested with the seal of the hospital, shall be *prima facie* evidence of the correctness of such amount.

May collect amount of charges from patient's property.

SECTION 24. The clothing to be furnished each patient upon being sent to the hospital shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pair of pantaloons of woolen cloth, two undershirts, two pair of drawers, three pair of socks, a black or drab stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes, and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two night gowns, cloak or shawl, and a decent bonnet. Unless such clothing be delivered to the superintendent, in good order, he shall not be bound to receive the patient: *provided, however*, he may receive and furnish them with proper clothing, charging the price thereof to the proper persons or county; *provided, further*, that in addition to the clothing required for patients on their admission, the amount for which counties shall be liable shall not exceed the sum of forty dollars for any one patient in one year.

Articles of clothing specified.

Shall be delivered in good order.

SECTION 25. The steward shall execute a bond to the institution in a sum and with such securities as the board of trustees shall approve, conditioned that he

Steward to execute bond.

will faithfully perform the duties of his office and pay in and account for all the money that shall come into his hands belonging to the state.

Report of superintendent and trustees.

SECTION 26. The superintendent and steward shall report to the trustees from time to time as shall be provided in the by-laws. The trustees shall report to the governor at their annual meeting, next preceding the meeting of the legislature, and so much oftener as they may deem necessary, of the condition and wants of the hospital. Their annual report shall be accompanied by full and accurate reports of the superintendent, and a detailed account of all moneys received and disbursed by the steward.

Shall furnish copies of by-laws.

SECTION 27. The trustees shall furnish and mail, when printed, copies of the by-laws, to the county judges in the state, and the superintendent shall, on the first day of October in each year, send notice to the clerks of the board of supervisors, of the number of patients in the hospital from their respective counties, and for whose support said counties are liable.

Special board for division of state into districts.

SECTION 28. The president of each of the said board of trustees, together with the governor, shall constitute a special board, whose duty it shall be, previous to the time the Northern Hospital for the Insane shall be ready for the reception of patients, to divide the state into two districts; all insane persons from the one district to be sent to the Wisconsin State Hospital for the Insane, and all persons from the other to be sent to the Northern Hospital for the Insane. In the arrangement of these districts, reference shall be had to the number of insane persons known or supposed to be in them, the capacity of the hospitals, and the convenience of access to them. The board shall be authorized to change the bounds of the districts, from time to time, as they shall be satisfied there is necessity for doing so. On the opening of the Northern Hospital for the Insane, the said board shall designate what patients shall be transferred to it from the Wisconsin State Hospital, and on the receipt of patients from the Wisconsin State Hospital, accompanied by the order of said board for their transfer, the superintendent of the Northern Hospital shall receive and take charge of them. The board shall have authority, at any time, to order the transfer of patients from either hospital to the other, if they are satisfied

Transfer of patients.

such transfer should be made, and the order of the board making the transfer shall in all cases be authority for the superintendent of the hospital to which the patients are sent, to receive and take charge of them. The expense of the transfer of patients shall always be paid from the funds of the hospital from which they are sent.

SECTION 29. Immediately upon the organization of the board of trustees of the Northern Hospital for the Insane, the powers and duties of the present board of building commissioners shall cease; and the said building commissioners, the superintendent of construction and the architect employed by them, shall deliver to said trustees all plans, drafts and specifications made for said hospital, and all books, papers, money and property of every kind in their possession or under their control belonging to the state; and any unexpended balance of the appropriations made to the Northern Hospital for the Insane previous to the year 1872, then in the state treasury shall be held subject to the order of said trustees, to be used as provided by law.

Building commissioners—when their powers cease—shall deliver plans, books, etc. to trustees.

SECTION 30. During the completion of the buildings now under contract, and whenever additional buildings are to be erected, the trustees of either hospital for the insane shall have authority to appoint a building committee of two of their own number, whose duties shall be the same as those which have devolved upon the building commissioners referred to in the next preceding section: *provided*, that in all their action they shall act in the name of and under the direction of said board of trustees. The building committee shall be allowed five dollars per day, for the time actually and necessarily spent in the discharge of their duties, and their necessary expenses, the account to be audited by the board and paid from the funds of the hospital.

Trustees may appoint building committee.

SECTION 31. Chapter 102 of the general laws of 1871, entitled "an act for the government of the Wisconsin State Hospital for the Insane," is hereby repealed.

Repealed.

SECTION 32. This act shall take effect on the first day of April, A. D. 1872.

Approved March 25, 1872.