

sively for the payment of the coupons and bonds hereinbefore mentioned.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 30, 1860.

CHAPTER 263.

[Published April 14, 1860.]

AN ACT to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Governor shall nominate fifteen persons, who shall be trustees of the Wisconsin State Hospital for the Insane, all of whom shall be tax payers and residents of this State, and no more than five of such persons shall be residents of the county of Dane. They shall be styled "The Board of Trustees of the Wisconsin State Hospital for the Insane," and a majority of them shall constitute a quorum for the transaction of business. Of those members first appointed, five shall serve for three years, five for two years, and five for one year, as may be designated by the Governor, at the time of nominating; and upon the expiration of these successive terms, the vacancies shall be filled, in like manner, for the term of three years, and each member shall serve until his successor is appointed. There shall be, annually appointed in the manner above prescribed, five persons to fill the then regularly accruing vacancy. And should any vacancy accidentally 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 the said board shall have neglected or failed to attend the meetings of said board for one entire year, the place of such member shall be deemed vacant, and shall be filled by the Governor as above designated for other cases of accidental vacancy.

Trustees—  
how appointed.

Classification.

Annual appointments.  
Special appointment.

Proviso.

SEC. 2. The board of trustees shall manage and direct the affairs and concerns of the Hospital in all its general interests; and they shall make, subject to the approval

Powers and duties of trustees.

of the Governor, all needful by-laws and regulations for the proper administration of the affairs of the said Hospital, not inconsistent with the constitution and laws of this State, or of the United States.

Modifications  
in arrange-  
ment of hos-  
pital.

SEC. 3. And the said board are hereby authorized and required to order and direct such modifications to be made in the internal arrangement of the said Hospital, as at present constructed, as will afford the largest possible accommodation for the reception and treatment of insane patients; by cutting up and devoting to the use of such patients, all such space in the present building as shall not be absolutely required for other purposes; and in directing the execution of such work they may call to their assistance an architect, if they deem it advisable. And the said board may select one of their own number, or such other person as they may designate, to carry into execution their order as to such proposed modifications in said building, who shall cause the same to be executed in such manner, as shall be directed by them. And such person, so appointed, shall be entitled to receive the sum of three dollars per day, for all time necessarily spent in superintending said work and carrying into execution the order and directions of the said board, until such person shall have been notified by the secretary of the board in pursuance of an order to that effect, that those special duties devolved upon him will be no longer required; or until the work which he was required to superintend, shall have been fully completed. The compensation of such person shall be paid from the State Treasury on the warrant of the Secretary of State, and such person shall make a full report to the board in such manner, as shall be by them directed. The trustees

One person  
selected to  
make changes  
in building.

Compensation

Trustees to re-  
ceive only ex-  
penses.

Officers of  
board to be  
appointed.

Treasurer to  
reside and  
give bond.

Secretary.

shall receive no compensation for their services, but all expenses necessarily incurred by them, in the performance of their duties as trustees, shall be paid out of the State Treasury, on the warrant of the Secretary of State.

SEC. 4. The said board of trustees shall appoint a President, Treasurer and Secretary, to serve for such period, and to perform their duties, under such regulations and restrictions as may be prescribed in their by-laws. The treasurer shall reside in the city of Madison, and 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 secretary shall keep a faithful

record of all the transactions of the board. And the president shall have power to call extra meetings of the board, on receiving a written request to make such call, from not less than five members of the said board, if in his opinion, any emergency connected with the affairs of the Hospital demands that such meeting be had ; and at such called meeting, they shall be authorized to transact any business coming within the range of their duties as trustees, necessarily connected with the welfare of the Institution or its inmates : *Provided*, that no business properly belonging to the annual or semi-annual meeting, as designated in the by-laws, shall be transacted at such called meeting, unless at least two-thirds of all the members of the board shall be in attendance.

SEC. 5. The said board shall appoint a Superintendent of the Hospital, 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 reside in, and devote all his time and attention to the said Hospital. And on the nomination of the superintendent, they shall appoint all such officers, as may be provided for in the by-laws. And they shall fix the salary for the superintendent and all other officers connected with the Institution. They shall appoint three competent persons, at least one of whom shall be a physician, whose duty it shall be 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 next ensuing regular meeting of the 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 State Treasury, on the warrant of the Secretary of State. The said board of trustees shall meet, annually, on the first Tuesday of October, which shall be styled the "Annual Meeting." And they shall also meet, annually, on the second Tuesday in April, which shall be styled the "Semi-Annual Meeting." At each of these regular meetings, they shall visit and examine into the affairs of the Hospital, and at their annual meeting, they shall make a full report to the Governor, of all their proceedings and doings connected with the said Hospital.

SEC. 6. The board of trustees shall have power to take and hold in trust, for the use and benefit of said Hospital, any grant or demise of real estate, and any

President.

Proviso.

Superintendent to be appointed.

Salary to be fixed.

Appoint board of visitors.

Expenses—how paid.

Meetings.

Business of meetings.

Board may hold real estate and other property.

donation or bequest of money or other personal property, to be applied to the maintenance of insane persons, or the general use of the Hospital.

Duties and powers of superintendent.

SEC. 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 on 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.

Proviso.

Who admitted to hospital.

SEC. 8. All insane persons who are residents of this State, who may be admitted into the said Hospital for treatment, shall be maintained therein at the expense of the State.

How persons out of state admitted.

SEC. 9. The trustees may provide for admission into the Hospital, on such terms as they may prescribe, of patients from without the State, whenever there is room not required by those who are citizens of the State. The admission of patients from the several counties of this State shall be in the ratio of the insane population of each of such counties; but each county shall be entitled to furnish at least one such patient if it shall 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.

Ratio of admission in the state.

SEC. 10. All persons confined in the said 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 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 said Hospital 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 skilful and experienced physicians, who shall be 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 said Hospital.

Patients, entitled writ of habeas corpus

Condition of person alleged to be improperly confined may be inquired into.

SEC. 11. The courts of this State shall be authorized to commit to the Hospital for the Insane any person charged with a crime punishable with death or imprisonment, who shall have been found to have been insane at the time such crime was committed, or who shall afterwards have become insane: *Provided*, it shall be the duty of the court which committed such patient to the Hospital, to remove such person therefrom, and make other provision for his safe keeping and detention, when notified by the superintendent that said patient cannot be retained in the Hospital without jeopardizing the safety and welfare of the other patients.

Insane criminals.

Proviso.

SEC. 12. For the admission of patients in the Hospital for the Insane, it shall be a necessary prerequisite that two physicians of acknowledged skill and ability in the medical profession, residing in the county in which such person may have a legal residence, shall certify that they have carefully examined into the condition of the person alleged to be insane, and are satisfied that such person is really insane. And it shall be the duty of the chairman of the board of supervisors of the town in which such insane person may reside, or of the president or mayor of the incorporated village or city in which such insane person may reside, to certify that such examination has been made, and forward such certificate, attested by oath or

What necessary for admission of patients.

- Indigent pa-  
tients.      affirmation attached thereto, together with the certificates of the examining physicians, to the superintendent of the said Hospital, before such patient shall be entitled to be received by the said superintendent; and if such patient be in indigent circumstances, application may be made to the chairman of supervisors of the town in which he resides, or to the president or mayor of the incorporated village or city in which he resides, as the case may be; and such chairman, president, or mayor shall make an order for his or her removal to the Hospital for the Insane, and shall appoint some suitable person to convey the said patient thereto; and all expenses incurred in conveying such insane persons to the Hospital, and removing them therefrom when required so to remove them, shall be paid by the county in which such person shall have a legal residence.
- Expenses paid  
by county.      SEC. 13. When, in the opinion of the superintendent of the Hospital, it is deemed inexpedient and improper longer to keep an insane person in the said Hospital, he may require those who placed such person therein to remove him therefrom: *Provided*, that no insane person, entitled to admission in the Hospital, shall be required to be removed from the said Hospital until it shall have become obvious that his case will not be improved by being longer detained there. And when such a condition of an indigent patient shall have become manifest, the chairman of the board of supervisors of any town, or the president or mayor of any incorporated village or city, in which such indigent patient may reside, shall, upon notification of the said superintendent, that such person cannot with propriety longer be retained in the said Hospital, remove such patient therefrom, and he shall immediately appoint some suitable person to perform the duty of said removal.
- When patients  
may be re-  
moved.      SEC. 14. No person idiotic from birth shall be admitted into the Hospital for the Insane; and no person shall be retained in the said 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.
- Proviso      SEC. 15. 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 offence meriting expulsion from office; and shall moreover subject the person so abusing or ill treating such
- In case of in-  
digent patient
- Idiotic and in-  
curably in-  
sane persons.
- Penalty for  
abuse, neglect  
or ill treat-  
ment of insane  
patient by offi-  
cers

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; and any fines collected in pursuance of the provisions of this section, shall be paid into the treasury of said Hospital.

How prosecuted.

Fines, where paid.

SEC. 16. There is hereby appropriated from the State treasury, out of any money not otherwise appropriated, the sum of five thousand dollars, to defray the expense of making such modifications in the internal arrangement of the said Hospital as may be ordered by the trustees, in pursuance of the provisions of this act, as heretofore prescribed; and so much of said money, so appropriated, as shall be required to carry [into] execution such order, and make such modifications, may be drawn from the fund hereby appropriated, on the warrant of the executive committee, in the manner hereinafter provided.

Appropriation to change internal arrangements of hospital.

Moneys—how to be drawn.

SEC. 17. The trustees shall appoint, from their own number, an executive committee, who shall perform such duties, and be governed by such restrictions and regulations, as may be prescribed in the by-laws, not inconsistent with the provisions of this act; and such committee shall be authorized to draw warrants upon such funds as may be, from time to time, appropriated, whether to pay existing indebtedness against the Hospital, or to defray expenses in making such modifications in the internal arrangement of said Hospital as may be directed by the trustees, in pursuance of the provisions of this act: *Provided*, that all warrants so drawn shall be countersigned by the Secretary of State; and no warrant shall be issued, purporting to be for work done, till such work shall have been actually performed: *And provided further*, that each of such warrants shall designate the special appropriation from which the same shall be paid. But all appropriations made for the current expenses of the Hospital may be drawn, quarterly in advance, on the warrant of the treasurer of the Hospital, under such regulations as may be prescribed in the by-laws: *And provided further*, that the executive committee shall make a full report to the board, at each of its regular meetings, of all money expended on the warrant of such committee, since the last regular meeting of the said board, and for what purpose the same shall have been expended.

Executive committee to be appointed.

Powers and duties.

Warrants.

Warrants designate appropriation.

Executive committee to make report of money expended.

Heating and ventilating apparatus.

SEC. 18. And it shall be the duty of the said board to cause the heating and ventilating apparatus, now being attached to the Hospital, to be put in operation and fairly tested before any money shall be drawn from the treasury in payment for such heating apparatus and other fixtures connected therewith; and if any part of such apparatus and other fixtures shall prove defective or inefficient, for the purpose for which the same shall have been provided, no money shall be paid to the contractor for constructing such apparatus or fixtures, until such defect or inefficiency shall have been fully removed, by and at the expense of such contractor. And if, in any such case, such contractor shall neglect or refuse to remedy such defect or inefficiency, or shall not succeed in removing the same, or if it shall become apparent to the board, after having given the apparatus for heating, ventilating, &c., a fair and thorough trial, that the current expense of keeping up and running such apparatus will be so great as to warrant its removal, and the substitution of some other and cheaper process in its stead, the said board may order such change to be made, as they shall direct and designate, to accomplish the object designed to be accomplished by the apparatus and fixtures so removed. And the said board may appoint a committee of their number, not exceeding three, to carry into execution the provisions of this section, under such restrictions as they may prescribe; and such persons so appointed shall receive the same per diem, and be paid in like manner, as the person designated to superintend the modification of the internal arrangement of the building, in accordance with the provision of section three of this act: *Provided*, that no such radical change shall be made in said heating apparatus and attendant fixtures, except by a written order to that effect, signed by at least two-thirds of the members of the whole board, and approved by the signature of the Governor: *And provided further*, that no change shall be made in such heating apparatus and the fixtures connected therewith, which will involve an additional outlay from the treasury of more than five thousand dollars.

Board may appoint committee.

Written order required.

Restriction.

Board of trustees to provide compensation.

SEC. 19. The said board of trustees shall prescribe such compensation as they shall deem just and equitable, for the services required so be performed by the treasurer, secretary, and executive committee, to be paid out of the general fund, on the warrant of the Secretary of State, until the money shall have been appropriated to



the Hospital for current expenses; and after such appropriation shall have been made, all such expenses shall be paid out of the Hospital fund.

SEC. 20. The said board of trustees are hereby authorized, at their discretion, to open said Hospital for the admission of patients, whenever they shall deem it advisable to do so; and should said board deem it advisable to open said Hospital, as above authorized, a sufficient amount of money is hereby appropriated from the State treasury, out of any money not otherwise appropriated to defray the current expenses of said institution till the meeting of the next Legislature: *Provided*, that no money shall be drawn from the treasury by virtue of the appropriation herein made, for any other purposes than the necessary current expenses of supporting the institution.

SEC. 21. When the board of trustees, appointed under the provisions of this act, shall have organized as herein provided, they shall proceed to make a full settlement with the present superintendent of said Hospital, who is hereby required to forthwith make a report to the said board, setting forth a full and detailed statement of all moneys by him expended, in connection with said Hospital, and the purposes for which such expenditures have been made, together with such amount of money as may then be remaining in his hands. And the treasurer and superintendent of said Hospital shall annually settle with the said board, at such times and in such manner as shall be prescribed in the by-laws.

SEC. 22. The act entitled "An act for the government of the Wisconsin Hospital for the Insane," approved March 19, 1859, and so much of any act as conflicts with, or is superceded by the provisions of this act, is hereby repealed.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 30, 1860.