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BY-LAWS,

RULES AND REGULATIONS,

FOR THE GOVERNMENT OF THE

OHIO LUNATIC ASYLUM,

AND THE

ADMISSION OF PATIENTS.

ALSO,

THE SEVERAL ACTS OF THE GENERAL ASSEMBLY

IN RELATION TO THE SAME.



COLUMBUS.

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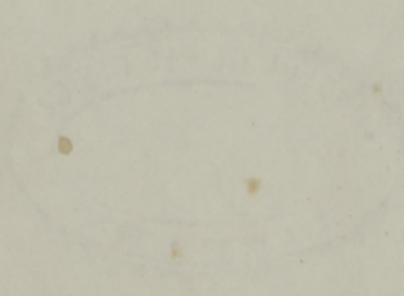
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RULES AND REGULATIONS

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ADMISSION OF TALES



NOTICE.

As the Asylum is now full of patients, the Superintendent will hereafter keep a "record of the name and date of each (regular) applicant, and of the county from which such application comes," according to the provisions of the 13th section of the act for the government of the Ohio Lunatic Asylum. It is therefore important that every application should be made in manner and form according to law, whether the patient be a pauper or able to pay.

WILLIAM M. AWL,
Superintendent.

Columbus, O., March, 25, 1840.

DIRECTORS.

SAMUEL PARSONS, M. D.
COL. SAMUEL SPANGLER.
ADIN G. HIBBS, ESQ.
N. H. SWAYNE, ESQ.
DAVID L. MCGUGIN, M. D.

OFFICERS.

Superintendent,

WILLIAM M. AWL, M. D.

Assistant Physician,

DAVID CHAMBERS, JR., M. D.

Steward,

MR. J. L. PRESTON.

Matron,

MRS. C. W. ATCHERSON.

BY-LAWS, &c.

IN taking charge of the general interest of the Institution, and endeavoring to make provision for the comfort and happiness of its unfortunate inmates, the Directors have adopted the following rules and regulations for its government and economy.

DUTY OF THE SUPERINTENDENT.

In addition to the duties required by law of the SUPERINTENDENT, he shall have general charge of all the real and personal property of the Asylum—Exercise a control over its inferior officers—Approve of the employment of the Attendants and Assistants—Remove them for good cause, and secure their faithful observance of the rules he may prescribe for the internal police of the Institution. It shall be his duty to nominate the inferior officers and submit their recommendations to the Board of Directors.

He shall keep a correct record of all cases in the Asylum, which, together with a general statement of the affairs of the Institution, embracing any suggestions he may deem necessary for its welfare, he shall present to the Board of Directors at each semi-annual meeting. He shall also at the end of each year, present to the Board a general tabular statement of the concerns of the Asylum, taken from the records of that year.

DUTY OF THE ASSISTANT PHYSICIAN.

THE ASSISTANT PHYSICIAN shall be the Apothecary of the Institution. He shall see that the medicines prescribed by the Superintendent are properly prepared and administered, and notice their effects. He shall see that the patients are kindly and properly treated; shall frequently visit their halls and rooms, and assist generally in their medical and moral treatment. He shall report to the Superintendent any neglect of duty on the part of the attendants or assistants. In the absence of the steward, he shall show the Asylum to visitors. He shall, if required by the Superintendent, keep a record of all patients admitted and discharged; of all deaths, and of all cases under actual treatment. He shall assist in the correspondence of the Institution, copy letters, and perform such other duties as may be required of him in connection with the medical department of the Asylum.

DUTY OF THE STEWARD.

THE STEWARD, under the direction of the Superintendent, shall hire and pay all assistants and attendants, and shall make all purchases for the institution, and be responsible for their safe keeping and proper use. He shall keep correct accounts of all his receipts and expenditures, and submit them with his vouchers to the Board of Directors, at their semi-annual meetings. To insure the faithful discharge of his official duties, he shall give bond and security to the State of Ohio, in the sum of one thousand dollars.

It shall further be his duty, under the direction of the

Superintendent, to spend such part of his time as his business will permit, in the halls of the male patients—See that their rooms are properly cleaned and ventilated—That their food is properly prepared and served up to them—And that they have such exercise and amusements as may be allowed or directed them.—He shall show to visitors the grounds and such parts of the buildings as may be open for public inspection, and shall give such general information respecting the Institution as may be proper.

He shall see that the buildings are closed and opened, and that the attendants, assistants, and patients retire to rest and rise at suitable hours. He shall also perform such other duties as may properly fall within his sphere.

DUTY OF THE MATRON.

THE MATRON will have the particular charge of the female patients—will remain with them as much as possible—direct the nurses in their duties, see that the patients are kindly treated in every respect—that their apartments are well cleaned, warmed, and ventilated, and their persons and clothes always kept neat. She will also superintend the cooking, washing, and ironing, and see that every duty within her department is properly performed.

ATTENDANTS AND ASSISTANTS.

DUTY TO OFFICERS.

It is expected that every person in the Asylum will do all the duty required by the Officers, readily and cheerfully, and they must be treated with respect on all occasions.

DUTY TO EACH OTHER AND TO THEMSELVES.

In the first place, self-respect is enjoined upon all; each one is responsible in his or her department, and should be ambitious to do the duties of it to entire acceptance. Patients will look to attendants for good examples, and they must be cautious in nothing to set a bad one.

The dress of the Attendants and Assistants must always be neat and clean. They must use no profane, obscene, or vulgar language. They must treat each other cordially and civilly, never indulge in loud talking or laughing, nor play at any game together, nor with the patients, without leave from the Superintendent.

DUTY OF ATTENDANTS TO PATIENTS.

THE Attendants are to treat the inmates with respect and attention. *Greet them with Good morning*, and show such other attentions as will evince an interest in their welfare. *Under all circumstances the patients must be treated kindly and affectionately.* Must be spoken to in a mild and gentle tone of voice, soothed and calmed when irritated, encouraged and cheered when melancholy and depressed.

If the Attendant be provoked by insults and abusive language, he must keep cool, forbear to recriminate, to scold or irritate, or dictate in language of authority, unless absolutely necessary; never *lay violent hands on a patient, except in self-defence*; AND UNDER NO CIRCUMSTANCES WHATSOEVER, INFLICT A BLOW ON A PATIENT. He must maintain his authority by dignity of deportment, and never cower or suffer himself to be looked out of countenance.

The muffs, mittens, wristbands, or any other means of restraint, are never to be used unless by order of the officers.

One Attendant must always be in the gallery with the patients, and he must not leave except to take his meals and to prepare the food for the patients, *under any circumstances, but when relieved.*

An Attendant must always be present at the meals, carve the food and distribute it to such as are not competent to do it for themselves, and to see that each one has his proper supply. He must also be careful *that no knife, fork or other article*, be carried from the table by the patients, for which purpose he shall regularly count those in use.

On rising in the morning, the Attendants must see that the patients are properly washed, their hair combed, that they be decently dressed for the day, in season for breakfast.

The Attendants must never ridicule the patients, nor mock, nor irritate them to wound their feelings; and if the patients engage in any improper topic of discourse, or any controversy, they must in the gentlest manner check it: if this fails, they must interfere, and not let the quiet of their gallery be disturbed.

The Attendants must never place in the hands of the patients any *razor, knife, scissors, or other dangerous instrument*, without permission of the Officers, and they must see that no weapon whatever gets into the possession of the patients. Male Attendants to shave the men under their charge.

DUTY TO THE INSTITUTION.

THE Attendants and Assistants must never leave the Asylum without permission from the officers, and always

return by nine o'clock in the evening, unless leave be expressly given to stay out longer.

When abroad, the conduct or conversation of the patients must not be reported.

It is expected that all Attendants and Assistants that can be spared from the galleries, will attend the religious services that may be conducted in the Asylum.

No company shall be admitted into the galleries occupied by the patients at any time, except by express permission of the Superintendent. But all other parts of the Asylum may be exhibited by the STEWARD, MATRON, or APOTHECARY, and it is expected that great respect and attention will be shown to strangers who visit the Institution.

It will be the duty of the Attendants to keep the patients' rooms and halls perfectly neat and well ventilated, and to have the beds made in proper season in the morning. All the doors of the rooms to be kept closed when the patients are in bed.

No Attendant or Assistant, while connected with the Asylum, shall, at any time, make use of distilled spirits of any kind, at home or abroad.

Neither shall any tobacco be used, nor cigar or pipe be smoked about the premises.

No Attendant or Assistant shall discontinue service at the Asylum, without giving to the Superintendent or Steward at least thirty days notice.

The Attendants must pay particular attention to the water closets, rinsing the pans thoroughly after use, and carefully closing the lids so that no patient can meddle with the same.

The Attendants must look well to all doors connected

with the galleries at bed time, see that the patients' doors are carefully locked, and the doors communicating with the centre building all fast bolted, and also take care of all lights, keeping one in his own room, or adjoining entry, always burning in the night.

The Attendants must never give up the key of the gallery, nor let any person into the halls without permission, *and no male Attendant shall enter a female gallery, without permission of the Officers.*

The Institution claims the whole time of the Attendants. They are each responsible in their own department, and should discharge their duty conscientiously.

Visiting from gallery to gallery, and especially to the kitchen, without business, is a violation of duty.

No Attendant must be absent any evening in the week, without permission.

The Attendants of the Lodges must never admit any person to their buildings except the Officers, and those whom they may designate. They must never give their keys into the hands of any person but the officers, *without special direction in each case.* They must look particularly to the comfort of the patients in their charge, visit them late at night and early in the morning.

GENERAL DIRECTIONS.

Every patient must be in charge of some responsible individual at all times, unless permitted to be at large by the Superintendent. And when taken from the galleries by any person, that person is responsible for their safe keep-

ing till returned to the halls, or intrusted by the Officers to the care of another.

No patient is permitted to go out of the wings, without the consent of the Officers, *and no new patient without the order of the Superintendent.*

All persons who have duty to perform in the Asylum, will rise in the morning at the ringing of the Steward's bell.

The whole time of all the Attendants and Assistants belongs to the Institution. This does not prohibit each individual from attending to his or her clothing: but to no other service can they devote any time, nor can they receive any compensation for their labor excepting their regular wages, but by express permission of the Superintendent in each case.

ADMISSION OF PATIENTS.

OF PAUPER PATIENTS.

The hair of each and every pauper that is offered for admission, must be cut short, and their person must be perfectly clean and free from vermin and infectious diseases. The males must come provided with at least two strong cotton shirts, a coat, vest, and pantaloons of strong woolen cloth; two pairs of woolen socks, or stockings; one black stock, a good hat, and one pair of shoes or boots.

The females must have *at least* the same quantity of under-clothes, including shoes and stockings, a decent bonnet, and two substantial gowns and dresses. In both cases the articles of clothing must all be new and in good condition. The woolens of a dark color.

In order to gain admission for pauper patients, it is necessary, in all cases, to make application in writing to an Associate Judge of the court of the proper county, who will thereupon call a jury, etc., as instructed in the following acts of the General Assembly. The jury determine in their verdict as to the fact of insanity, and whether the person is a pauper, or has any estate, and the supposed value and probable annual income. Also, whether the person complained against has been a resident citizen of the State of Ohio for the period of *one year*. Also, as to the duration of the mental derangement—*If it has existed for a longer period than two years*, whether the person complained of is so furiously mad as to be dangerous to

the peace and safety of the community for him or her to go at large.

On receiving the warrant of commitment, after the return of the verdict, the sheriff is required to make application in writing to the Superintendent for the admission of the patient,—“*in which application he shall set forth the name, age, sex, and place of residence of the patient, together with a copy of the verdict of the jury of inquest.*” It is not necessary that the transcript and other papers accompany this application.

OF PAY PATIENTS.

For such patients as are able to support themselves in the institution, the trial by jury is not necessary. The Superintendent may receive them when there is room for them in the institution, upon the certificate of two respectable physicians; which certificate shall set forth the particulars pointed out in the 9th section of the act for the government of the Ohio Lunatic Asylum: *Provided*, that in all cases the parents or guardians shall comply with the rules and regulations of the institution. “*And they shall also make timely application to the Superintendent, in writing, stating the age, sex, condition and duration of the mental derangement.*”

The price of boarding, washing, medicine and attendance for pay patients, is at present fixed at \$3 per week. They will of course furnish their own clothing, which should be well assorted, neat and substantial, and in sufficient quantity, (*at least two full suits,*) to make them comfortable.

On entering the Institution, they are required to pay for **THREE MONTHS** in advance, and to give bond and security for the punctual payment of all expenses thereafter, *monthly in advance*. The following obligation will be taken from the friends in such cases. *And to remove all doubt in regard of the security, their solvency must be established by a certificate from the Clerk of the Court, or prosecuting Attorney of the proper county.*

FORM OF THE BOND.

WHEREAS,

of _____ in the county of _____ has this day been admitted into the **OHIO LUNATIC ASYLUM**;
Now we

_____ of the county of _____ in the State of Ohio, do hereby jointly and severally promise the Superintendent of the Ohio Lunatic Asylum, and his successor in office, that we will maintain said

_____ a lunatic or insane person, this day admitted into said Asylum. That we will monthly hereafter pay in advance all charges of said Asylum against said

That we will remove said _____ from said Asylum when required—that we will pay, not exceeding one hundred dollars, for any and all damages said _____ may do to the furniture or other property of said Asylum. That we will defray reasonable charges in case of the elopement of _____ and the funereal charges in case of _____ death; and find

suitable clothing for said
while shall remain in said Asylum.

Witness our hands, this day of
A. D., 18

L. S.

L. S.

GENERAL INFORMATION.

Particular care should be taken to remove all such articles as snuff, tobacco, nails, knives, combs, strings, etc., from the pockets of patients before coming into the Asylum; and any deception or stratagem to induce them to leave home, which must be discovered on their arrival at the Institution, or during their residence in it, ought to be entirely avoided. It has been found, that the practice of searching persons after arrival, and particularly *any misrepresentations relative to their destination*, have a tendency to excite suspicion and prejudice against the Officers and Attendants of the Institution to a degree that may greatly lessen their influence, perhaps entirely destroy the effect of a whole course of treatment.

DONATIONS.

“The Directors may take and hold in trust for the State of Ohio, any grant or devise of lands, and any donation or bequest of money or other personal property, to be applied to the maintenance of Lunatics or insane persons, and the general use of the Asylum.”

I. FORM OF A BEQUEST OF PERSONAL ESTATE.

I give and bequeath to the Directors of the Ohio Lunatic Asylum for the time being, and to their successors in office in trust for the State of Ohio [here insert the sum of money or a description of the property intended to be given,] to be applied to the general use of said Asylum.

II. FORM OF A DEVISE OF REAL ESTATE.

I devise and bequeath to the Directors of the Ohio Lunatic Asylum for the time being, and to their successors in office, in trust for the State of Ohio, the following described real estate, to wit: [here insert a description of the property sufficiently full to identify it;] the said property or the proceeds thereof to be applied to the general use of said Asylum.

Note.—If the testator choose to do so, he may direct the manner of the application of the money or property given.

It is intended as early as practicable, to procure a library for the use of the inmates of the Asylum.—Donations of books and periodicals will be thankfully received.

The Institution will be open to visitors every day, Sabbaths excepted, after one o'clock, P. M.

All letters addressed to the Institution must be post-paid.

SAMUEL PARSONS, *President.*

NOAH H. SWAYNE, *Secretary.*

Columbus, March 25, 1840.

ACTS OF THE GENERAL ASSEMBLY.

AN ACT to provide for the safe keeping of Idiots, Lunatics or Insane Persons, the management of their affairs, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That on application made in writing to any Associate Judge of any county in this State, by the relations of any idiot, lunatic or insane person, or by any overseer of the poor, or any other person of the township in which such idiot, lunatic or insane person may reside, such judge is hereby authorized and required to issue his warrant, directed to the sheriff of such county, requiring him, in the name of the State of Ohio, to notify and bring such idiot, lunatic or insane person before him, at the court house of such county, on a day to be named in the warrant; and also to summon five discreet, disinterested freeholders of the county, provided said freeholders shall not be residents of the same township in which such idiot, lunatic or insane person may reside, to appear at the same time and place, to inquire into the case; and the judge shall also cause subpoenas to issue for such witnesses, including at least two skilful and respectable physicians, as shall be named by the complainant, to appear and testify in such inquisition; and the jurors being first duly sworn, shall proceed to inquire into the case; and they shall return their verdict in writing to the judge, setting forth therein whether the person complained against is an idiot, that is to say, a person naturally without mind, or lunatic or insane, whether in their opinion he or she is so furiously mad as to render it dangerous to the peace and safety of the community that he or she should be permitted to go at large; and whether he or she is a pauper, or has any estate, and the supposed value and probable annual income of such estate;* and should any one of the jurors summoned fail to appear, the sheriff shall

*See further provisions in the 1st section of the act to amend this act, on a subsequent page; also, the proviso to the 8th section of the act for the government of the Ohio Lunatic Asylum, page 32.

fill the inquest with some person qualified to serve as aforesaid.

Sec. 2. That if upon the return of the verdict it shall appear that such person is an idiot, that is to say, a person naturally without mind, and is a pauper, the judge shall issue his warrant to the overseers of the poor of the township where he or she may have last resided or been found, directing them to take care of, and provide for the maintenance of, or otherwise dispose of such person, agreeably to the provisions of the act entitled "An act for the relief of the poor;" and in case it shall appear that such person is lunatic or insane, the judge shall issue his warrant to the sheriff of the county, commanding him in the name of the State of Ohio, to convey such lunatic or insane person to the Ohio Lunatic Asylum; also, his warrant for the commitment of such person to the Asylum, directed to the Superintendent thereof; and the judge shall also cause a certificate of the physicians examined before such inquest, to be made out, stating such matters as are required by the ninth section of the act entitled "An act to provide for the government of the Ohio Lunatic Asylum," and he shall certify to the skill and respectability of such physicians; and it shall be the duty of the clerk of the Court of Common Pleas of the county, to make out a transcript of the proceedings in such inquiry, particularly setting forth the name, age, and place of residence of the person to be committed, and he shall certify the same under the seal of said court; and the sheriff shall deliver the warrant of commitment, together with the transcript and the certificate of the physicians, to the Superintendent of the Asylum; and the sheriff shall return the warrant to him directed, in due time, to the said clerk, with the manner in which he has executed the same endorsed thereon; and if, in the opinion of such judge, any assistants shall be necessary for the conveyance of such person to the Asylum, he shall make an order for the allowance of such number as he may think necessary: *Provided, however,* That if such lunatic or insane person be not a pauper, or likely to become a public charge, the said judge shall not issue such warrant of com-

mitment to the Asylum, unless the same be demanded by the person making the complaint.*

Sec. 3. That in case the jury shall return that the person complained against is an idiot, lunatic or insane, and has property, the clerk shall tax the costs of the inquest and commitment against such person, and the same shall be paid out of his or her estate; and in case he or she be a pauper, and shall be found to be a lunatic or insane, and shall be committed to the Asylum, the costs of the inquest and commitment shall be certified by the judge and paid out of the county treasury of such county, and in all cases under this act, the fees of officers, witnesses and jurors shall be the same as are allowed by law for like services in trials in the Court of Common Pleas; and the sheriff and each assistant shall be allowed ten cents per mile going to, and returning from the Asylum; and the sheriff shall also be allowed seventy-five cents per day for maintaining such lunatic or insane person.†

Sec. 4. That on receiving the warrant of commitment, if the person to be committed be a pauper, or so furiously mad as to render confinement necessary, unless security be given to the satisfaction of the judge for the safe keeping, for the time being, of such person, it shall be the duty of the sheriff to lodge such person in the jail of the county; and he shall forthwith make application in writing to the Superintendent of the Asylum, for the admission of such person; in which application he shall set forth the name, age, sex and place of residence of such person, together with a copy of the verdict of the jury of inquest; and if the Superintendent shall answer that such person cannot then be received for want of room in the Asylum, or from any other cause, the sheriff shall forthwith give notice thereof to one of the associate judges of such county, in case such person be a pauper, otherwise to the guardian of such person; or, if such person, having been received into the Asylum, shall be discharged therefrom on account of the incurable nature of his or her malady, it shall be the duty of the jailor of the proper county to which he or she may be return-

*See the 3d section of the act to amend this act, pages 35 '6.

†See the 2d section of the act to amend this act.

ed by the warrant of any one of the directors of the Asylum, to receive such person, and in case he or she be a pauper, forthwith to give notice thereof to some one of the associate judges of the county; but in case he or she be not a pauper, then notice shall be given to the guardian of such person; and the associate judge so notified, shall forthwith issue his warrant in like manner as is required by the second section of this act, in cases of idiots or persons without mind: but if such persons be so furiously mad as to render it manifestly dangerous to the peace and safety of the community that he or she should go at large, the judge shall issue his warrant for the commitment of such person into close confinement in the jail of such county, directing the jailor thereof to provide for and safely keep such person, and to call in a skilful physician, who shall be named in such warrant, to attend on and prescribe for such person; until he or she shall be released or removed by due course of law: *Provided*, That if the friends of such person shall give bond and security to the satisfaction of the judge, for the safe keeping of such person, he shall issue his order to the jailor for the release of such person, and that he or she be delivered over to the custody and care of such persons giving such bond and security.

Sec. 5. That it shall be the duty of the jailor to receive and provide for, and safely keep such person, until he or she shall be discharged, as hereinafter provided, and said physician shall keep a regular account of the case, as exhibited at each visit, noting such circumstances attending it, as he shall deem worthy of comment, and he shall deposit the same with the auditor of the county, when the patient shall be discharged or taken out of his care; and the auditor shall transmit the same by the sheriff of the county to the Superintendent of the Asylum, whenever provision may be made for the reception of such person therein; and whenever, in the opinion of the attending physician, such person may be safely released, or ought to be otherwise disposed of, he shall make a report thereof in writing, to the commissioners of the county, who shall thereupon

meet; and it shall be competent for them at such meeting, to release, or provide in whatever way they shall deem most advisable, for keeping such person; and they shall also make such allowance to the jailor and physician, and to any other person whom they may there employ to take charge of such person, as they shall deem right: *Provided*, That the compensation of the jailor for providing for and keeping every such lunatic or insane person, shall not be less than twenty-five cents, nor more than one dollar per day.

Sec. 6. That in every case when any person is adjudged an idiot, lunatic or insane, under the provisions of the first section of this act, and if it shall appear that such person is not a pauper, it shall be the duty of the judge before whom such inquest is held, forthwith to give notice to the other associate judges of the county to meet at the the court house of the county within five days thereafter, for the purpose of appointing a suitable guardian or guardians, to take charge of the person and property of such idiot, lunatic or insane, and of the persons and property of his or her children, if there be any; and when so assembled, they shall proceed to make such appointment; and the guardian or guardians so appointed, shall give bond payable to the State of Ohio, for the use of such person, in a sum which may be deemed reasonable, and with such sureties as the court may require, conditioned for the faithful discharge of the trust, and for rendering a true and just account of their guardianship, whenever thereunto required by the court: and whenever the estate of such person shall be wholly expended in the costs and charges of inquisition, and of his or her maintenance, the county shall be chargeable with all further expenses that shall accrue, until such person shall be received into the Asylum.

Sec. 7. That the guardian or guardians so appointed, shall improve frugally, and without waste, the estate of such person, and shall apply the same, or the annual profits thereof, to the maintenance of such person and his family; and they shall discharge all the duties of guardians

to the minor children of such person, in conformity with the provisions of an act entitled "An act for the appointment of guardians," so far as the same are in conformity with the provisions of this act: and the court may at any time, for good cause shown, remove such guardian or guardians, and appoint others in their stead, and fill any vacancy that may be occasioned by death or otherwise: and in all cases where guardians are appointed under the provisions of this act, and their guardianship shall be required for a longer space of time than one year, it shall be, and hereby is, made the duty of such guardian, annually, at the summer term of the Court of Common Pleas of their respective counties, to make a report of the situation and condition of all property placed in their hands as guardians, and the receipts and disbursements of all moneys belonging to the estate, placed in their care; which report shall be made under oath: and they shall, at the same time, report the number, age and sexes of the members of the family of such person; and if such person shall have been admitted into the Asylum, the court shall direct what portion of the probable income of his or her estate shall be applied to the support of such family for the ensuing year; and the residue, or such portion thereof as may be necessary for that purpose, shall be applied to the support of the person so in confinement; but if there be no residue, the court shall direct that fact to be entered on the minutes of the court, and a copy of such entry, certified by the clerk of such court, under the seal thereof, shall be by such guardian or guardians, transmitted to the Superintendent of the Asylum; and the cost of maintaining such person, shall be thenceforth charged to the institution; and whenever, in the opinion of the court, it may be necessary and proper, they shall direct the said guardian or guardians to bind out such of the children of the person so in confinement, as may, in their opinion, have arrived at a suitable age.

Sec. 8. That the said guardian or guardians, shall have power to settle all accounts, to receive, sue for and recover

all debts and demands due to such person, to improve and manage the real estate agreeably to law, in as full and ample a manner as such idiot, lunatic or insane person could do, if he or she were restored to the true use of reason; and the said guardian or guardians, shall also be subject to the payment of all just debts of such person, prior to his or insanity or disability, out of the personal estate; and in case that shall be insufficient, then out of the real estate; and the said guardian or guardians are hereby authorized and empowered to sell any real estate of such person, as may be necessary for the payment of the debts of such person, in such manner as executors or administrators are by law empowered and enabled to do: *Provided*, That such guardianship shall cease, when, according to the provisions of this act, such idiot, lunatic or insane person shall be adjudged to be restored to the use of his or her reason.

Sec. 9. That on application of any of the friends, relatives or guardians of any idiot, lunatic or insane person, to any associate judge of the proper county, he shall cause to be summoned and sworn, a like jury or inquest, as directed by the first section of this act; and shall proceed in such inquest, in all respects, as therein provided; and in case the jury in their verdict, in writing, shall declare that such person is restored to the use of his or her reason, the residue of the estate, real and personal, of such person, shall be delivered to such person.

Sec. 10. That in cases where any person owning property, either real or personal, in this State, hath or shall, in consequence of mental derangement, abandon such property, and remove or escape, so that proceedings, to ascertain whether such person be idiot, lunatic or insane, cannot be had according to the provisions of this act, it shall be lawful for the relatives or friends of such person to apply, by petition, to the Court of Common Pleas of the county where any part of the estate of such person may be situated, setting forth the fact that such person owned property, and in consequence of mental derangement hath

abandoned the same, and removed or escaped out of the country, and praying the court to proceed to inquire into the truth of the allegation in the petition.

Sec. 11. That upon hearing the petition, the court shall order a jury to be empaneled before them, to inquire into the facts in the petition stated; and such jury, after hearing the evidence, shall return a verdict according to the truth of the case; and if it shall be found by the verdict of the jury that the facts stated in the petition are true, the court shall appoint a guardian or guardians to take care of the property of such person; which guardian or guardians shall give bond and proceed in the same manner, have the same powers, and be subject to the same rules and regulations, as far as applicable, as are provided in cases of guardians appointed under the provisions of this act; and if any such idiot, lunatic or insane person shall return to the county from which he or she may have departed; and the Court of Common Pleas, upon actual observation, shall adjudge that such person is restored to the use of his or her reason, they shall direct the residue of the property, in the hands of the guardian, to be restored to such person.

Sec. 12. That in case of any person's owning real estate within this State, and residing in any other State or country, being adjudged an idiot, lunatic or insane person, according to the laws of the State or country where such person may reside, the person or persons appointed according to the laws of such State or country, to take charge of his or her estate, may obtain possession, and dispose of the real and personal estate of such person, situate or found within this State, in the manner following: The person or persons so empowered and appointed shall present to the Court of Common Pleas of the county where any part of such estate may be situate or found, an authenticated transcript of the judgment or commission of idiocy, lunacy or insanity, and of the appointment of such person or persons to take charge of such estate, and the court being satisfied that such idiocy, lunacy or insanity still continues, and that the applicant or applicants is or are the same person or

persons named in the proceedings, they shall make an order for such person or persons to take charge of the real and personal property of such idiot, lunatic or insane person, situate or found in this State; and may authorize such person or persons having charge of the same, to sell and convey the estate of such idiot, lunatic or insane person, upon such terms and conditions as the court may deem proper; and such person or persons having charge of such property may, in their proper names, sustain any proper action, for the recovery or protection of the person or property of such idiot, lunatic or insane person.

Sec. 13. That when any person declared and adjudged an idiot, lunatic or insane, before his or her visitation, shall have sold real estate in this State, and shall not have conveyed the same, or when the person or persons appointed, according to the laws of any other State or country, to take charge of the estate of such idiot, lunatic or insane person, hath or have sold the real estate of such person, lying within this State, in either case the Court of Common Pleas of the county in which the lands may be situate, may authorize such person or persons so appointed to take charge of such estate, and to complete the sale by making conveyances on such terms as the court may direct.

Sec. 14. That when the relatives of any person alleged to be an idiot, lunatic or insane, or where any other person (except the overseers of the poor,) shall make application to any associate judge, according to the first or eighth section of this act, and such application shall not succeed, the person so applying shall be liable for costs, and said judge shall compel such applicant to give security for costs as in other cases; and when any other than the guardians of any idiot, lunatic or insane person shall make application to any judge, according to the provisions of the eighth section of this act, such applicant shall give a written notice of such application to such guardian or guardians, by serving the same, personally, or leaving a copy thereof at his or their residence, at least ten days before the time appointed for the hearing of such application.

Sec. 15. That an appeal shall be allowed to the Court

of Common Pleas from inquests had under the provisions of this act, upon which the court shall proceed to final judgment, as if the case had been commenced in said court: *Provided, however,* That when any person shall be, by the inquisition before a judge, declared idiot, lunatic or insane, and an appeal taken to the court, the judge shall proceed to call a court and appoint a guardian or guardians, as though no such appeal had been taken.

Sec. 16. That the commissioners of any county in this State in which there may be an idiot, lunatic or insane person in indigent circumstances, shall in their discretion make such allowance as they may deem right and necessary, and shall issue their order in favor of such idiot, lunatic or insane, or their legal representatives, for the sum so allowed, to be paid out of the treasury of such county.

Sec. 17. That the Courts of Common Pleas of the several counties of the State shall have power to appoint guardians to all such deaf and dumb persons of full age, who may prove to be incapable of taking charge of their affairs, and proceedings shall in all cases, to establish such incapacity, be according to the provisions of the first section of this act; and the guardians so appointed under this section, shall give bond and security, and shall have the same powers and be governed by the same rules as are, by the provisions of this act, prescribed for guardians of idiots, lunatics or insane persons, so far as such provisions may be applicable.

Sec. 18. The following forms shall be pursued when the same may be applicable under the provisions of this act, viz:

THE STATE OF OHIO,

COUNTY, ss.

To the Sheriff of said County:

Whereas complaint has been made to me in writing by
 that _____ of said county, is [idiot, lunatic or
 insane, as the case may be.] You are, therefore, hereby requir-
 ed to give notice to, and cause the said _____ if
 condition will admit of it, to be brought before me at the court
 house of said county, on the _____ day of _____ 18 :
 also that you summon five discreet, disinterested freeholders of
 the county, who are not residents of the township of _____

THE STATE OF OHIO, COUNTY, ss.
To the Superintendent of the Ohio Lunatic Asylum:

Whereas, on complaint made, and inquest, in due form of law before me, one of the associate judges of the Court of Common Pleas of the said county, of the township of , in said county, hath been adjudged and entitled to admission into the Ohio Lunatic Asylum. You are therefore hereby required to receive the said unless there be some legal impediment, and safely keep until discharged by due course of law. Given under my hand and seal this day of 18 .

[seal.]

Sec. 19. That the act entitled "An act to provide for the safe keeping of idiots, lunatics, insane persons, the protection of their property, and for other purposes," passed January 29, 1824, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

C. ANTHONY,
Speaker of the House of Representatives.
 GEORGE J. SMITH,
Speaker of the Senate.

March 9, 1838.

AN ACT to provide for the government of the Ohio Lunatic Asylum.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed, by joint resolution of the present General Assembly, five Directors of the Ohio Lunatic Asylum; who shall severally take an oath or affirmation, faithfully to discharge the several duties required of them by law; of the five Directors, so to be appointed, the first named shall hold his office for the term of five years; the second, for the term of four years; the third, for the term of three years; the fourth, for the term of two years; and the fifth, for the term of one year; and after the first appointment, as the term of office of any Director shall expire, a successor shall, in like manner, be appointed for the term of five years; and in case a vacancy shall occur in the office of director by death, resignation, or from any other cause, the Governor shall fill such vacancy, by ap-

pointment, until the next session of the General Assembly, who shall appoint, in manner aforesaid, for the remainder of the term in which such vacancy occurred; and the directors shall hold their offices until their successors are so appointed and qualified: *Provided*, Any thing herein contained shall not prevent the commissioners who have had charge of the buildings for said institution, from the superintendence thereof, until the same are completed.

Sec. 2. That the directors may take and hold in trust, for the State of Ohio, any grant or devise of lands, and any donation or bequest of money or other personal property, to be applied to the maintenance of lunatics or insane persons, and the general use of the Asylum.

Sec. 3. That the directors shall take charge of the general interests of the institution, and see that its affairs are properly conducted according to law, and the by-laws which they shall establish for the internal government and economy of the institution; and they shall be re-paid out of the State treasury, upon the warrant of the Auditor of State, such expenses as they may incur in the discharge of their official duties.

Sec. 4. That the directors shall appoint a superintendent, who shall be a physician, and shall reside at the Asylum, and devote his entire time to the institution and the patients therein; and he shall receive for his services an annual salary of fifteen hundred dollars, to be paid, quarterly, out of the State treasury, upon the order of any one of the directors; the directors shall also make provision in the by-laws, for the appointment of an assistant physician, whose compensation shall be six hundred dollars per annum; and a steward, whose compensation shall not exceed five hundred dollars per annum; and a matron, whose compensation shall not exceed three hundred dollars per annum; and also such attendants, assistants and servants, and fix their compensation, as, in their opinion, may be necessary for conducting efficiently, and with economy, the business of the institution; all of which officers, assistants, and servants shall be removeable at the pleasure of the board of

directors; and all of which officers, assistants, attendants and servants shall be required to reside at the Asylum; and all appointments made by them, shall be made in such manner, with such restrictions, and for such terms of time, as the by-laws may prescribe; and the directors shall also establish such by-laws and regulations, with suitable penalties, for the internal government and economy of the institution, as they may deem proper and necessary, a copy of which by-laws shall be submitted to the General Assembly with their annual report.

Sec. 5. That there shall be thorough visitations of the Asylum, monthly, by one of the directors, semi-annually by a majority, and annually by the whole board, and at each visitation a written account of the state of the institution shall be drawn up, which shall be presented to the board of directors at their annual meeting; which shall be held on the first Monday of December in each and every year; and at the said annual meeting, a detailed report shall be made to the General Assembly, exhibiting a full and particular statement of the condition of the Asylum and its concerns, together with such suggestions, relative to the same, as may be pertinent and proper; and the Treasurer of State shall, at the same time, submit to the board a report on the finances of the institution, both of which reports shall be made up to the fifteenth of November, inclusive, and a full account of all the items of expenditure shall be kept by the officers of the institution, in a book to be provided for that purpose, which shall be open at all times to the inspection of the directors of the Asylum, the Governor, members of the General Assembly, and any other person having any interest therein.

Sec. 6. That no person shall be admitted into the Asylum who is an idiot, or person naturally without mind; and if any lunatic or insane person shall be admitted therein, and it shall be ascertained by the superintendent, after the expiration of sufficient time, under proper treatment, that the malady of such lunatic or insane person is incurable, (unless such person is so furiously mad as to render it mani-

festly dangerous to the peace and safety of the community that he or she should go at large,) the superintendent shall make such case known to some one of the directors; and such director shall, in case such lunatic or insane person be a pauper, issue his warrant for the discharge and removal of such pauper to the proper county; and that he or she be delivered to the jailor, thereof, who is hereby required to receive and provide for such person; and if such lunatic or insane person be not a pauper, such director shall cause notice to be given to the guardian or other person or persons having charge of the estate of such lunatic or insane person; and if such lunatic or insane person be not removed within six weeks after such notice has been forwarded, the superintendent shall cause such lunatic or insane person to be removed to his or her place of residence, and charge the costs of such removal to the estate of such lunatic or insane person.

Sec. 7. That all costs for removing lunatic or insane paupers to, and from, the Asylum, shall be paid out of the treasury of the proper county applying for the admission of such pauper.

Sec. 8. That when application is made for the admission of a lunatic or insane person, who is not a pauper, into the asylum, the superintendent, before receiving such person, shall require payment of three months' expenses for the maintenance of, and attendance upon, such person in advance, unless he shall be of opinion that the malady is temporary and may be cured in six months, in which case he shall require payment of one month's expenses in advance; which amount shall in all cases be specified by the certificate of the superintendent, and thereupon paid into the State treasury; and he shall also require security, resident in the State of Ohio, for the maintenance and charges of such lunatic or insane person, payable monthly thereafter in advance; and that such lunatic or insane person will be removed from the Asylum when required, for which purpose the superintendent shall require a written agreement, specifying the terms and conditions upon which

such lunatic or insane person is received, in such form as the directors may, in the by-laws, provide: *Provided, however,* That if it shall at any time be certified by the proper authority, that the estate of such lunatic or insane person is insufficient for his or her support in the institution, after deducting from such estate the amount necessary for the maintenance of the family of such person, such person shall be supported in, and at the expense the institution.

Sec. 9. That when application is made for the admission of any lunatic or insane person into the asylum, there shall be produced to the superintendent, a transcript of the proceeding in the inquisition of lunacy, together with a statement of the age and place of residence of the applicant; which transcript and statement shall be certified by the clerk of the Court of Common Pleas of the proper county, under the seal of such court; also, a warrant for the commitment of such lunatic or insane person, from the judge before whom such inquisition was had; also, a certificate signed by two respectable physicians, certified to be such by the judge; which certificate shall set forth: 1st. A concise history of the case, if in their knowledge: 2d. The cause of the malady, if the same can be ascertained: 3d. The time of its duration, and whether there are any lucid intervals, and the usual time of their duration: 4th. The pervading insane ideas: 5th. The medical treatment to which the patient has been subjected: 6th. Whether the patient has shown any disposition, at any time, to do violence to the persons of himself or herself, or others: 7th. Such other circumstances as may tend to throw light upon the case: all of which shall be, by the superintendent, carefully filed and preserved.

Sec. 10. That the treasurer of State shall discharge all the duties of treasurer to the institution; and for any neglect or mismanagement thereof shall be liable as he is, or may be by law, in other cases, and for his services shall receive an annual salary of one hundred dollars; and all the expenses of the Asylum for the payment of the officers, assistants, attendants and servants, for their maintenance in the

institution, and of all lunatics or insane persons therein, and all their expenses, shall be paid out of the State treasury, on the order of a majority of the directors.

Sec. 11. That all debts due to the Asylum, for the support of lunatic or insane persons, or for their removal from the institution, under the provision of the sixth section of this act, shall be prosecuted before a justice of the peace or in the Court of Common Pleas, as the case may be, of the proper county from which such lunatic or insane person may have been brought, in the name of "The Superintendent of the Ohio Lunatic Asylum," against the person or persons bound for his or her support, or against the county for his or her removal; and if the action be in the Court of Common Pleas, the declaration shall be in a general *indebitatus assumpsit*, and the account officially certified by the superintendent, shall be *prima facie* evidence of the indebtedness, for which suit is brought; and judgment, in all cases, shall be rendered for the amount found due, with interest from the time such debt accrued, and costs of suit; and it is hereby made the duty of the prosecuting attorneys, in the several counties, to prosecute such suits, and collect and pay over the amount of such recoveries to the Treasurer of State.

Sec. 12. That no pauper shall be discharged from the Asylum, after having recovered from his or her malady, without suitable clothing; and the directors shall cause the same to be furnished him or her, together with such sum of money, not exceeding twenty dollars, as they may think necessary and proper.

Sec. 13. That when such number of lunatic or insane persons shall be received into the Asylum, as can be suitably provided for and attended to therein, the superintendent shall keep a record of the name, and date, of each applicant, and of the county from which such application comes; and whenever a vacancy shall occur he shall cause notice to be given to the clerk of the Court of Common Pleas of the proper county, that the first named on the list of applicants, in the county having the least number under

the charge of the institution, in proportion to its population, will be received: *Provided*, That in all cases, preference shall be given to paupers and citizens of the State of Ohio.

Sec. 14. That when application is made for the admission of any lunatic or insane person into the Asylum, who is not a citizen of Ohio, the proceedings required by this act to establish the right to admission, if had before, and properly certified and authenticated by the proper officers of the state or county in which the applicant may reside, shall entitle such applicant to admission in the same manner and upon the same terms as citizens of Ohio, who are not paupers, may be admitted.

C. ANTHONY,

Speaker of the House of Representatives.

GEORGE J. SMITH,

Speaker of the Senate.

March 13th, 1838.

AN ACT to amend the act entitled "An act to provide for the safe keeping of idiots, lunatics or insane persons, the management of their affairs, and for other purposes;" and also to amend the act entitled "An act to provide for the government of the Ohio Lunatic Asylum."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where paupers are committed to the Ohio Lunatic Asylum, under the provisions of "An act to provide for the safe keeping of idiots, lunatics or insane persons," &c. passed the ninth day of March, 1838, it shall be clearly established by legal and proper testimony before the jury, that the pauper complained of has been a resident citizen of the State of Ohio for the period of one year next immediately preceding the making of said complaint; and when application is made for the admission of any pauper who has been in a state of mental derangement, for a longer period than two years, it shall be clearly proven that it would be dangerous to the peace and safety of the community, for him or her to go at large, and of these facts the jury shall make a correct return in their verdict.

Sec. 2. That it shall not be lawful for sheriffs or assistants to convey pauper lunatics to the Asylum, in company with convicts for the Ohio Penitentiary; and every sheriff or assistant so offending, shall forfeit the fees to which he or they were otherwise entitled.

Sec. 3. That the superintendent of the Asylum may receive pay patients, when there is room for them in the institution, upon the certificate of two respectable physicians; which certificate shall set forth the particulars pointed out in the ninth section of the act to provide for the government of the Ohio Lunatic Asylum: *Provided*, That in all such cases the parents or guardians shall comply with the rules and regulations of the institution; and they shall also be required to make timely application to the superintendent in writing, stating the age, sex, condition and duration of the mental derangement.

Sec. 4. That all moneys advanced for pay patients, or otherwise collected and received by the superintendent, or persons employed by him, shall be paid into the treasury of the institution.

Sec. 5. That all acts or parts of acts, which are inconsistent with the provisions of this act, be and the same are hereby repealed.

THOMAS J. BUCHANAN,
Speaker of the House of Representatives.
WILLIAM M'LAUGHLIN,
Speaker of the Senate.

February 18, 1840.