

of the said county for the reimbursement of any loan or loans that may be negotiated under the authority of this act.

WM. A. CRABB,

*Speaker of the House of Representatives.*

E. KINGSBURY, Jr.,

*Speaker, of the Senate pro tempore.*

APPROVED—This fourth day of March, A. D. eighteen hundred and forty one.

DAVID R. PORTER.

[No. 34.]

## A N A C T

To establish an Asylum for the Insane of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be erected as soon as conveniently may be, upon some suitable site to be determined and obtained as is hereinafter provided, a public asylum for the reception and relief of the insane of this Commonwealth. Asylum established.

SECTION 2. That three suitable persons shall be appointed and commissioned by the Governor, to select and purchase a site for said asylum, and to contract for and superintend the building thereof: *Provided,* That the persons so appointed shall receive no compensation for their services, but their necessary expenses to be paid in the manner hereinafter prescribed. Gov. to appoint 3 persons to select site.

SECTION 3. That the site and necessary grounds for said asylum, shall not cost more than ten thousand dollars, and the building shall be planned and arranged for the accommodation of three hundred patients and the necessary officers, and with reference to the future enlargement of the same. Cost of site, &c, limited

SECTION 4. That the Governor be and he is hereby authorized to borrow on the credit of the Commonwealth, at such times and in such sums as may be required by the provisions of this act, the sum of one hundred and twenty thousand dollars, at a rate of interest not exceeding six per cent. per annum. Governor to borrow \$120,000 Interest. The said loan shall be styled the loan for the Pennsylvania insane asylum, and shall be reimbursable at any time after the expiration of five years, and shall be transferable as other loans of this Commonwealth are, and the interest thereof shall Reimbursable Transferable.

Appropriation how expended.	be payable semi-annually. And from the avails of the loan the said commissioners shall have authority to draw on the treasurer of the Commonwealth, for a sum not exceeding forty thousand dollars, on the first day of January, eighteen hundred and forty-two, and for the like sum on the first day of January, eighteen hundred and forty-three, and for the like sum on the first day of January, eighteen hundred forty-four. And said
Commiss'rs to render acc't to proper officers	commissioners shall, on or before the first day of October, eighteen hundred and forty-two, eighteen hundred and forty-three and eighteen hundred and forty-four, respectively render to the proper accounting officers of the Commonwealth, an exact account of all the contracts, expenses and liabilities which they have incurred or authorized in the execution of their commissions, with vouchers for the same: and in case of their failure to do this, their authority to draw as aforesaid shall thereupon cease and become extinct; and said commissioners shall so
Amount of building, furnishing, &c, limited	build, finish and furnish said asylum, that the whole expense of land, buildings and furniture, with suitable apparatus for heating the rooms, for cooking and for furnishing water for all the uses of the establishment, to accommodate three hundred patients, and the necessary officers and attendants shall not exceed one hundred and twenty thousand dollars: <i>Provided,</i>
Proviso.	That the commissioners appointed by this act before entering upon their duties, shall give bond with such security as may be required by the Executive, for the faithful application of the proceeds.
Commiss'rs to give bond	SECTION 5. That the interest of said loan shall be refunded to the commonwealth semi-annually, out of the receipts of the asylum.
Interest how refunded	SECTION 6. That the government of said asylum shall be vested in nine trustees to be appointed by the Governor, who shall serve without compensation; of those first appointed, three shall serve for one year, three for two years, and three for three years; and at the expiration of the respective periods, the vacancies to be filled by appointments for three years; and should any vacancy occur by the death, resignation or otherwise, of any trustee, such vacancy shall be filled by an appointment for the unexpired time of such trustee. The said trustees shall have charge of the general interests of the institution; they shall appoint the superintendent, who shall be a skilful physician, and shall always reside at the asylum; and they shall make such by-laws and regulations as they may think necessary; they shall also appoint a treasurer, who shall be approved by the Governor, and give sufficient bonds to the Commonwealth for the faithful discharge of his duties; and they shall appoint such other officers and assistants, and fix upon the compensation for their services, as may be necessary for the efficient and economical administration of the affairs of the institution. Said trustees shall have power to take and
Government of asylum	SECTION 7. That the superintendent of the asylum shall be appointed by the Governor, and shall hold office for three years, and until his successor is appointed; and he shall be qualified to hold office as a physician, and shall always reside at the asylum; and he shall make such by-laws and regulations as he may think necessary; and he shall also appoint a treasurer, who shall be approved by the Governor, and give sufficient bonds to the Commonwealth for the faithful discharge of his duties; and he shall appoint such other officers and assistants, and fix upon the compensation for their services, as may be necessary for the efficient and economical administration of the affairs of the institution. Said trustees shall have power to take and
Vacancies	SECTION 8. That the superintendent of the asylum shall be appointed by the Governor, and shall hold office for three years, and until his successor is appointed; and he shall be qualified to hold office as a physician, and shall always reside at the asylum; and he shall make such by-laws and regulations as he may think necessary; and he shall also appoint a treasurer, who shall be approved by the Governor, and give sufficient bonds to the Commonwealth for the faithful discharge of his duties; and he shall appoint such other officers and assistants, and fix upon the compensation for their services, as may be necessary for the efficient and economical administration of the affairs of the institution. Said trustees shall have power to take and
Superintendent By-laws Treasurer to give bond	SECTION 9. That the superintendent of the asylum shall be appointed by the Governor, and shall hold office for three years, and until his successor is appointed; and he shall be qualified to hold office as a physician, and shall always reside at the asylum; and he shall make such by-laws and regulations as he may think necessary; and he shall also appoint a treasurer, who shall be approved by the Governor, and give sufficient bonds to the Commonwealth for the faithful discharge of his duties; and he shall appoint such other officers and assistants, and fix upon the compensation for their services, as may be necessary for the efficient and economical administration of the affairs of the institution. Said trustees shall have power to take and
Officers and compensation	
Power of trustees	

hold in trust for the use and benefit of said asylum, any grant or demise of land, and any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons in or to the general use of the asylum.

SECTION 7. That in the month of January annually, the trustees shall cause to be laid before the legislature a full account of the condition of the institution during the preceding year, and of the receipts and disbursements, both of which reports shall be made up to the end of the year preceding.

SECTION 8. That the proper courts of this Commonwealth shall have power to commit to said asylum, any person who having been charged with an offence punishable by imprisonment or death; shall have been declared by the verdict of a jury or otherwise to the satisfaction of the court, to have been insane at the time the offence was committed, and who still continues insane.

SECTION 9. That if any person shall apply to any court of record within this Commonwealth, having final jurisdiction of offences which are punishable by imprisonment for the term of ninety days or longer, for the commitment to said asylum of any insane person within the county in which such court has jurisdiction, it shall be the duty of said court to inquire into the fact of insanity, and if such court shall be satisfied that such person is by reason of insanity unsafe to be at large, or is suffering any unnecessary duress or hardship, such court shall on the application aforesaid commit such insane person to said asylum.

SECTION 10. That it shall be the duty of the court in all cases where they shall commit any person to the asylum, to certify to the trustees the legal settlement of such person, if he or she shall have any legal settlement within this Commonwealth; and if such person shall have no such settlement, then to certify the place of residence of such person at the time of offence committed or application made, and the poor district so certified to be the place of settlement or residence of such person, shall be chargeable with the expenses of his or her care and maintenance, and removal to and from the asylum: *Provided*, That the settlement or residence of any such person, shall not be so certified until after due notice shall have been given to the constituted authorities having charge of the poor in the district to be charged thereby.

SECTION 11. The several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this Commonwealth, shall have authority to send to the asylum such insane paupers under their charge as they may deem suitable subjects for its treatment; and they shall be severally chargeable with the expenses of the care and maintenance and removal to and from the asylum, of such paupers.

**Cases that take precedence in admission Removal from asylum**      **SECTION 12.** That in the admission of paupers to said asylum, precedence shall always be given by the trustees to cases in which the disease is of recent origin; and if the trustees shall in any case deem it for the interest of the asylum or of the patient, that he or she should be removed, the superintendent shall give notice to those who are responsible for his or her support, and if he or she shall not be removed within thirty days after such notice, the trustees may cause him or her to be removed at the expense of the person or persons, body corporate or politic, who may be liable for his or her support.

**Proceedings when guardians, directors of poor refuse to pay charges**      **SECTION 13.** If the guardians, directors, or overseers of the poor, to whom any patient who shall be in the asylum is chargeable, shall neglect or refuse upon demand made, to pay the trustees the expense of the care, maintenance and removal of such patient, and also of the burying of such patient, if he or she shall die in the said asylum, it shall be the duty of the court of quarter sessions, of the county in which such patient was certified to be settled or to have resided, or from which he was removed to the asylum by any of the constituted authorities therein having care and charge of the poor, upon complaint to the said court made by the said trustees, to compel payment by said guardians, directors, or overseers, of all such expenses, in the manner directed by law in the case of a judgment against overseers.

**Duty of court qr. sessions**

**Ex-officio visitors**      **SECTION 14.** The Governor, judges of the several courts of record in this Commonwealth, the members of the legislature, and the grand jury of the county in which the same may be located, shall be ex-officio visitors of the institution.

WM. A. CRABB,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

**APPROVED**—This fourth day of March, A. D. eighteen hundred and forty-one.

DAVID R. PORTER,