

LAWS

STATE OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY.

AT THEIR SESSION, WHICH COMMENCED ON MONDAY, THE TWENTIETH OF NOVEMBER, ONE THOUSAND, EIGHT HUNDRED AND FORTY EIGHT, AND ENDED ON THE TWENTY-SIXTH OF FEBRUARY, ONE THOUSAND, EIGHT HUNDRED AND FORTY-NINE.

[BY AUTHORITY.]

CHAPTER I.

An Act to provide for the establishment of a State Hospital for the Insane in North Carolina.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John M. Morehead, of Guilford; Calvin Graves, of Caswell; T. N. Cameron, of Cumberland; G. W. Mordecai, of Wake; C. L. Hinton, of Wake; J. O. Watson, of Johnston, be, and are hereby appointed Commissioners, to select and purchase a tract of land, at a fair price, embracing not less than one hundred acres, capable of cultivation, and situated at such places as may hereafter be designated by an act supplementary to this act for the purpose of prescribing its location. There shall be upon the premises a never-failing supply of wholesome water; and said tract shall be conveniently situated for receiving supplies of fuel, either wood or coal: Provided, That said Commissioners shall receive no compensation for their services, over and above the necessary expenses incurred in the discharge of their duties: Provided, That if any person or persons shall make free gift of an available tract for the farm and site of said hospital, said Commissioners are hereby authorized to receive a deed of the same, in trust, for the use and benefit of the North Carolina State Hospital for the Insane.

Sec. 2. Be it further enacted, That any time, not exceeding three months after said site shall be obtained by the Commissioners, they shall contract for the erection of said Hospital, by first rate workmen, on such terms as are just and prudent: Provided, That said Hospital building shall be constructed in the most approved manner, after the most recent and accepted plans, embracing all improvements and necessary accommodations for institutions of this description: Provided, The Hospital shall be constructed of brick; the foundations shall be substantial and of rough mason work; the basement shall not be less than eight feet above, nor more than two feet below the out ground surface; the water table, window and door sills, window-caps and door-caps, shall be of rough stone or of cast iron; the partition walls shall be of brick, and shall contain open flues for ventilators, furnace flues for heating the building, and maintaining dryness, and conducting flues; all of which shall be free from obstructing surfaces; and the roofs of said Hospital building shall, so far as practicable, be fire-proof.

Sec. 3. The site for the building shall be so established as to afford good and sufficient underground drainage; shall command cheerful views, and open upon such aspects, as will admit the sun's rays a portion of the day into every suite of the lodging apartments.

Sec. 4. Said Commissioners shall, on or before the first day of December, and annually thereafter, until the buildings are completed, render to the proper accounting officers of the State of North Carolina, an exact account of all the contracts, expenses and liabilities which they shall have incurred, or authorized in the execution of their commissions, with vouchers for the same; and in case of their failure so to do, their authority to draw on the State Treasurer for such sum or sums of money as shall hereafter be specified, shall cease. And said Commissioners shall so build said Hospital, that there shall be suitable and sufficient apparatus for heating the same, and for cooking and washing, and for furnishing ample supplies of water for all the uses of the institution, constructing the same for the comfortable accommodation of two hundred and fifty patients, and all the necessary officers and attendants: Provided, the Commissioners appointed by this act, before entering upon their duties, shall give bonds, with such surety as may be required by the Executive, for the proper application of funds placed in their hands, and for the faithful performance of all their duties.

Sec. 5. Be it further enacted, That a tax of one and three fourths of a cent shall be levied on every hundred dollars worth of land; and five and one quarter of a cent shall be levied on every taxable poll, for the space of four years; and that the proceeds arising from said taxation shall be annually, during that period, appropriated for the erection of a Hospital for the Insane; and that the County Courts shall, during such period, have authority to make a proportionate reduction of the poor tax in their respective counties.

Sec. 6. The General Assembly shall nominate and appoint nine persons to be trustees of said institution, who shall constitute a body politic and corporate, by the style of the Trustees of the State Hospital for the Insane in North Carolina; and they and their successors in office shall manage and direct the concerns of the institution, and by and with the assistance of the superintending physician, make all necessary by-laws and regulations, not inconsistent with the Constitution of the State and the laws thereof; and shall have power to receive, hold, dispose of and convey all real and personal property conveyed to them, by gift, devise or otherwise, for the use of said institution; and they shall serve without compensation, save travelling expenses incurred in the direct discharge of official obligations. Of the Board of Trustees first appointed, three shall serve for two years, three for four years, and three for six years; and at the expiration of their respective periods, the vacancies shall be filled by appointments for six years; and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by Executive appointment for the unexpired term of said Trustee: Provided, That the said Trustees shall be chosen, five from the central portion of the State of North Carolina, two from the Eastern, and two from the Western sections; and all vacancies shall be filled from those sections of the State wherein they occur: Provided, That of the five Trustees chosen from the middle section, three shall be residents in or near the city of Raleigh, the other two out of Wake County: Provided, said Board of Trustees shall have charge of the general interest of the institution; they shall appoint the Superintendent, who shall be a skilful physician, subject to removal or re-election by an officer than in periods of eight years; except for inability in his trust, or for incompetency, fully proven said

declared. Said physician shall have an unblemished moral character; he shall have received an enlightened and practical professional education, be possessed of prompt business habits, and of humane and kindly disposition; he shall be a married man, and shall, with his family, reside constantly in the institution.

Sec. 7. The Trustees and Physician shall make such by-laws and regulations for the government of the Hospital, as shall be necessary, and cause the same to be published with the biennial report of the Physician and that of the Trustees and the Treasurer, all which shall be distributed throughout the State for the information of the citizens thereof: Provided, the Trustees assisted by the Superintendent, shall determine the salaries and compensation of the officers and assistants, whose services may be necessary for the comfortable, just and economical management of said Hospital.

Sec. 8. The three Trustees resident in Wake county shall be competent to transact all ordinary business arising at the monthly meetings of this branch of the Board: each in rotation for one month, shall visit the Hospital once a week, at such time as is most convenient, and together they shall vigilantly examine into the condition of the same once in each month, and often if necessary: Provided, the Trustees composing the full board shall be notified to convene at the Hospital, and to investigate strictly the administration of the same the first Monday of December, upon each biennial session of the Legislature.

Sec. 9. The acting Trustees shall report annually to the Governor, and the full Board shall assemble and report biennially to the General Assembly the condition and history of the State Hospital; and they shall know that there are at all times sufficient supplies of provisions, water, fuel, clothing and whatever else may be deemed necessary for the health, comfort, cleanliness and security of the patients.

Sec. 10. The Superintendent shall exercise entire control over all subordinate officers and assistants in the Hospital, and shall have entire direction of the duties of the same, his good being accountable to the Board of Trustees for their self character and fidelity in the discharge of their duties.

Sec. 11. The admission of insane patients from the several counties of the State shall be in the ratio of their insane population: Provided, each county shall render to the Secretary of State, biennially, the numerical estimate of its insane, that proportionable benefits may duly embrace each case: Provided, no patient in necessitous circumstances, who has not recovered a sane mind, shall be discharged from the Hospital by the Trustees, except bond and security be given for the comfortable shelter and maintenance of the same.

Sec. 12. Patients in indigent circumstances, while resident in the Hospital, shall, in their own right, or by the State bearing their expenses, be chargeable no more than the actual cost for clothing, nursing, board and medical attendance; paying patients, whose friends pay their expenses, and who are not chargeable upon the county or the State, shall pay in measure with the care received, the terms being subject to decision by the Trustees.

Sec. 13. The Courts of the State shall have power to commit to said Hospital any individual who has been charged with an offence punishable by imprisonment or death, and who shall have been found to have been insane at the time the offence was committed, and who still continues insane; and the expenses of said individual, if in indigent circumstances, shall be paid by the State.

Sec. 14. For the admission of State patients, the following proceedings shall be had: Some respectable citizen, resident in the county to which said patient belongs, shall file with a Justice of the Peace of said county a statement, in writing, which shall be substantially as follows:

STATE OF NORTH CAROLINA, COUNTY, ss. The undersigned, a citizen of the State of North Carolina residing in said county, hereby states as follows: (Naming the person) is insane; his insanity is of less than two years duration (or his being at large is dangerous to the safety of the community); he is in needy circumstances; has a legal settlement in County, and is a citizen of the State of North Carolina. These facts can be proved by and (naming at least two persons, one of whom shall be a respectable physician. Dated this day of A. D. E. F.

2. The Justice shall issue subpoenas for the persons named as witnesses, and such other persons as he may think proper, requiring them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpoenas may also be issued for witnesses in behalf of the person alleged to be insane. If, after such inquest, the Justice shall be satisfied of the truth of the facts set forth in the statement, they shall require the medical witness forthwith to make out a certificate, such as is required for paying patients, by the eighteenth section of this act. The Justice shall forthwith make out a certificate, which shall read substantially as follows:

STATE OF NORTH CAROLINA, COUNTY, ss. I, the undersigned, Justice of the Peace in and for the County aforesaid, hereby certify that I have visited of said County a person alleged to be insane, and have this day held an inquest in regard to him according to law. I am satisfied that he is insane, that he has a legal settlement in County; that he is a citizen of the State of North Carolina, and is a fit subject for the bounty of the State. I am well satisfied, that his being at large is injurious to himself and disadvantageous, if not dangerous, to the county. Witness my hand and seal, this day of A. D. C. D.

Sec. 15. Immediately after the inquest, the Justice shall transmit to the Clerk of the County Court a certificate of said facts, attested by a physician, and he shall file the same. Also, the said Clerk shall proceed, upon receipt of said attested certificate, to transmit a copy of the same to the Superintendent of the State Hospital, accompanied with application for admission of the patient therein named to the same. Upon receipt of this application, the Superintendent shall immediately advise the Clerk when the patient can be received. The Clerk shall thereupon, in due season for the conveyance of said patient to the Hospital by the time appointed, issue his warrant to any suitable person, whose reasonable travelling expenses shall be paid from the State Treasury, requiring him forthwith to receive said insane patient and convey him to the North Carolina State Hospital. Said warrant shall read substantially as follows:

STATE OF NORTH CAROLINA, COUNTY, ss. To Whereas, all the proceedings necessary to entitle

to be admitted into the North Carolina State Hospital, as a State patient, have been had according to law, you are hereby required forthwith to take said person and convey him to said Hospital. After executing this warrant, you shall make due return to this office. Witness my hand and seal of office, this day of A. D. Clerk.

Upon receiving said patient, the Superintendent shall endorse upon said warrant a receipt, as follows: NORTH CAROLINA STATE HOSPITAL, A. D. Received this day of the patient named in the within warrant. Superintendent.

Sec. 16. Every term in this act, importing the masculine gender, shall extend to, and be applied to females, as well as males.

Sec. 17. In order of admission, the indigent insane of the State shall have precedence of the rich, and recent cases of both classes shall have precedence over those of long standing: Provided, paying patients from other States may be received into the Hospital, should vacancies occur unclaimed by natives of and residents in the State of North Carolina.

Sec. 18. Before any patient shall be received into the Hospital as a paying patient, there shall be produced to the Superintendent,

- 1. The Treasurer's receipt for three months' charges, in advance.
2. A sufficient bond, conditioned as hereinafter required.
3. A certificate from some respectable physician, setting forth,

- 1. That the patient is free from any infectious or contagious disease.
2. The age of the patient and concise history of the case.
3. The duration of the disease, dating from first symptoms.
4. The supposed exciting cause of the disease.
5. Whether the disease is hereditary.
6. Whether the patient has ever been subject to epilepsy.
7. Whether the patient has ever made any attempt to commit any violence upon himself or others.
8. The medical treatment pursued in the case, and any circumstances known to the physician tending to illustrate the same.

No other proceedings shall be necessary for the admission of paying patients. The bonds before mentioned, shall be defined substantially as follows:

"Know all men by these presents, that we, of the county of, in the State of North Carolina, are held and firmly bound unto the Treasurer of the North Carolina State Hospital in the penal sum of dollars, for the payment whereof we hereby bind ourselves jointly and severally.

"The condition of this obligation is as follows: Whereas, of the county aforesaid, is about to be admitted as a paying patient into said Hospital: now, if while he shall remain therein, the undersigned shall constantly supply him with suitable clothing, and pay all the charges of said Hospital against him quarterly in advance; and whenever his removal shall be required, immediately remove him; and if he shall escape from the Hospital, pay all reasonable charges incurred in restoring him; and if he shall die there in, pay all reasonable expenses incurred for his funeral; then this obligation shall be void; otherwise it shall remain in full force. Witness, our hands and seals, this day of A. D. C. D.

Sec. 19. If there shall be a balance in the treasury of the Hospital to the credit of a patient removed therefrom, the Treasurer shall pay it to the person authorized to receive the same.

Sec. 20. The Treasurer of the State shall be the Treasurer of the Hospital, and shall perform all the duties thereof, and shall be liable as he now is or shall be by law made liable in all other of his official acts; he shall present a report of the receipts of all money paid into the Treasury for the benefit of the Hospital, or in behalf of the patients, and of all sums of money paid out for the necessary uses and expenses of the same.

Sec. 21. The Treasurer shall pay out of the Hospital funds no sum or sums of money, for any Hospital uses whatever, except by order of the Chairman of the acting Board of Trustees for the same.

Sec. 22. The Governor, Judges of the Courts and members of the General Assembly shall be ex-officio visitors of the State Hospital.

Sec. 23. Be it enacted, That when and after the State Hospital shall be opened for receiving patients, no insane person who shall be committed to any jail in North Carolina and detained therein for a period exceeding two weeks; but said patient shall be by his friends, if they are able, or at public cost, if they are in necessitous circumstances, conveyed to the State Hospital by and under such forms and provisions of this act as apply to the case.

Sec. 24. This act shall take effect and be in force from and after day of

[Read three times and ratified in General Assembly, this 29th day of January, 1849.]

CHAPTER II.

An Act supplemental to an act, passed at the present session of the General Assembly of the State of North Carolina, entitled "An Act to provide for the establishment of a State Hospital for the Insane in North Carolina."

- 1. Hospital for the Insane to be built near Raleigh.
2. Committees to cause building to be within not less than three miles from, but not in, the City, to take bond of the contractor, and not to exceed the amount directed to be raised.
3. Duty of Clerk.
4. Locate the building and furnishing Hospital to amount appropriated.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the State Hospital for the Insane in North Carolina, directed to be established by the act passed at the present session of the General Assembly, entitled

"An Act to provide for the establishment of a State Hospital for the Insane in North Carolina," shall be established and built near the city of Raleigh.

Sec. 2. And be it further enacted, That the Commissioners heretofore appointed are hereby authorized to establish said Asylum within not less than three miles of the City of Raleigh, but not within the City; and said Commissioners are hereby expressly directed to contract for the building said Asylum, and to take bond with sufficient surety, from the contractors, to be approved by the Attorney General, for the faithful performance of their work; and the said Commissioners are expressly directed to contract for the cost of the building, so that it shall not in any event exceed the amount directed to be raised in the act to which this is supplementary.

Sec. 3. Be it further enacted, That it shall be the duty of the County Court Clerks of the several counties in this State to include the tax imposed by this act in the tax lists which they are now required by law to furnish the sheriffs of their respective counties; and that the sheriffs shall collect, account for, and pay over the said taxes in the same manner they are now required by law to collect, account for, and pay over other State taxes; and that the Public Treasurer shall not pay over the same, except upon the order of the whole number of public building Commissioners.

Sec. 4. Be it further enacted, That the building and furnishing said hospital shall not exceed the amount appropriated in this act.

[Ratified 29th day of January, 1849.]

CHAPTER III.

An Act amendatory and supplemental to an act passed at the last session of the General Assembly, entitled "An Act to provide suitable buildings for the comfortable accommodation of Deaf Mutes, and Blind persons of this State."

- 1. Directors to pay the \$5000 for which the principal is bound, out of any unexpended balance of annual appropriation.
2. Directors to cause the buildings to be furnished, out buildings to be erected, grounds to be enclosed, &c., cost of which not to exceed \$2500.
3. The money to be drawn from the Literary Fund.

WHEREAS the General Assembly, by an act, passed at its last session, entitled "An Act to provide suitable buildings for the comfortable accommodation of deaf mutes and blind persons in this State, did adopt a plan for said buildings, for the carrying out of which, it was estimated and ascertained that the sum of fifteen thousand dollars would be required; and

WHEREAS, though by said act a sufficient amount of money was placed at the disposal of the President and Directors of the Literary Board for the erection of said buildings upon the plan proposed and adopted; yet by an amendment to the first section of said act, the whole cost of said buildings was limited to ten thousand dollars; by reason whereof it became necessary to the prosecution of said work according to the plan adopted, that the Principal of the institution should give his individual bond for the sum of five thousand dollars to the contractor, to enable him to undertake the work: Therefore,

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the purpose of carrying out the object and intention of the act of Assembly, passed at the last session, and of relieving the principal of the Institution from the personal liability assumed by him as aforesaid, on account of said buildings, the Board of Directors of the institution be, and they are hereby authorized, empowered and directed to apply for the satisfaction and discharge of the bond of said Principal, given as aforesaid, the sum of five thousand dollars; out of any unexpended balance of the annual appropriation, made at the session of the General Assembly of 1844-45, for the maintenance and education of deaf mutes and blind persons of the State, as may remain on hand at the expiration of the present and next fiscal years: Provided, that in making the estimate of said balance, it shall be considered, that all the counties from which pupils have been sent have paid in the amount due from each.

Sec. 2. Be it further enacted, That the Board of Directors of the institution be, and they are hereby authorized, empowered and directed to cause the buildings for the institution of the deaf and dumb to be properly furnished; and suitable out buildings to be erected, and the grounds around the said buildings to be enclosed; and also to cause such other improvements to be made thereon as they may deem necessary and proper for the accommodation of the pupils of the institution: Provided, however, that the whole cost of said furniture and improvements shall not exceed the sum of two thousand, five hundred dollars.

Sec. 3. Be it further enacted, That the Board of Directors of the institution be, and they hereby are, authorized, empowered and directed to apply, for the purposes of furnishing said buildings, erecting suitable out buildings, and enclosing the grounds as aforesaid, the sum of two thousand, five hundred dollars, from the Literary Fund.

Sec. 4. Be it further enacted, That this act shall take effect and be in force from and after its ratification.

[Ratified 27th day of January, 1849.]

CHAPTER IV.

An Act to establish a Board of Directors for the Deaf and Dumb Institute in this State.

- 1. The Institution placed under a board of seven directors.
2. Persons appointed to constitute said board of directors.
3. Board shall appoint a president, and the principal shall be ex-officio secretary.
4. The board is charged with the erection, furnishing, preservation and repair of buildings, and with the interests and supervision of the institution. They have power to appoint, remove, and fix the compensation of professors, officers and servants—fix amount of tuition—revise the rules, make by laws &c.
5. Board shall have stated meetings and fill vacancies.
6. Board incorporated under the title of the North Carolina Institute for the Education of the Deaf and Dumb.
7. Board shall report to the Legislature at each of its sessions.
8. Faculty may confer degrees.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,