

**A summary of the laws of several states governing I.--Marriage and divorce of the feeble-minded, the epileptic and the insane. II.--Asexualization. III.--Institutional commitment and discharge of the feeble-minded and the epileptic / By Stevenson Smith, Madge W. Wilkinson and Lovisa C. Wagoner.**

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### **Publication/Creation**

[Seattle] : Bailey and Babette Gatzert Foundation for Child Welfare, May, 1914.

### **Persistent URL**

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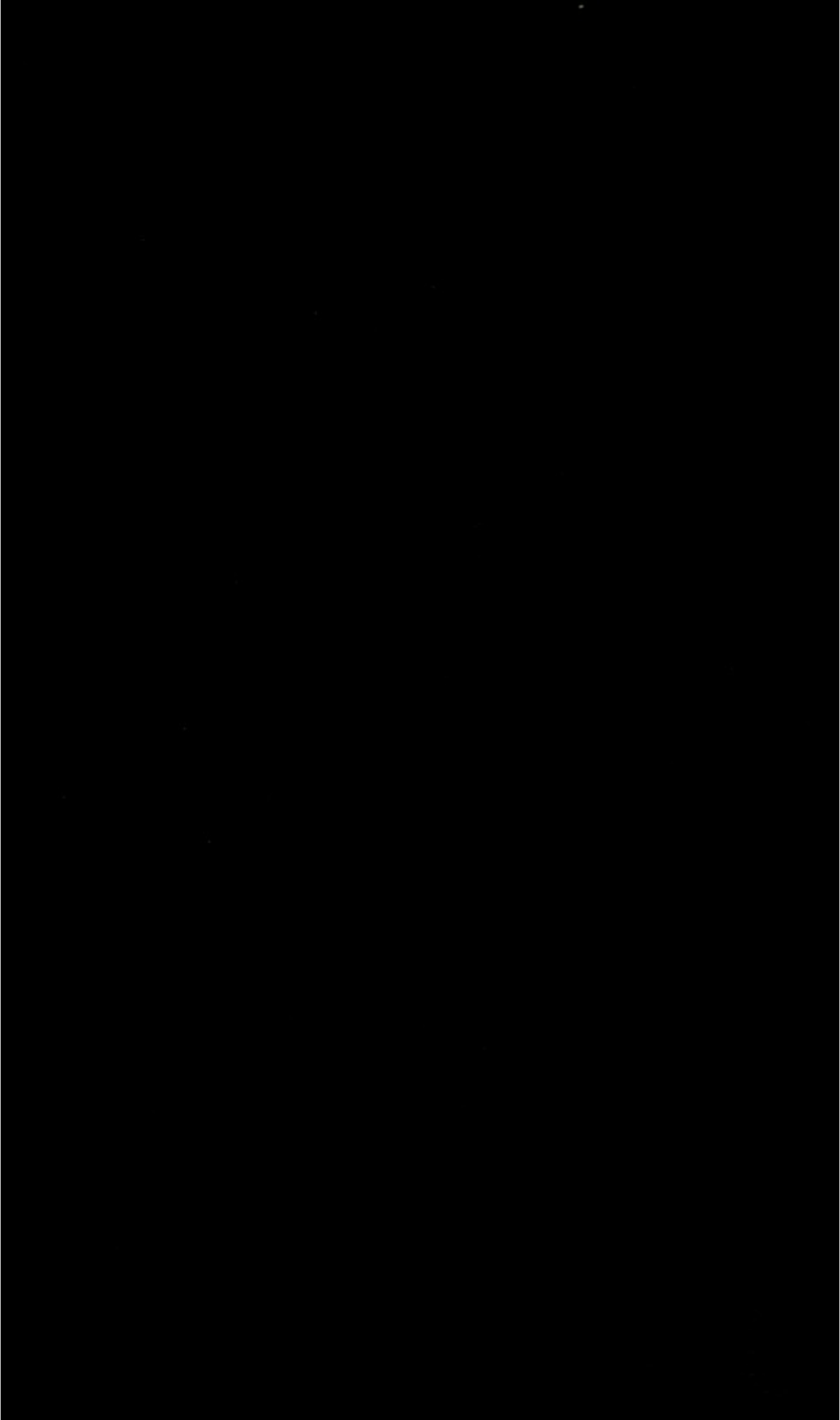
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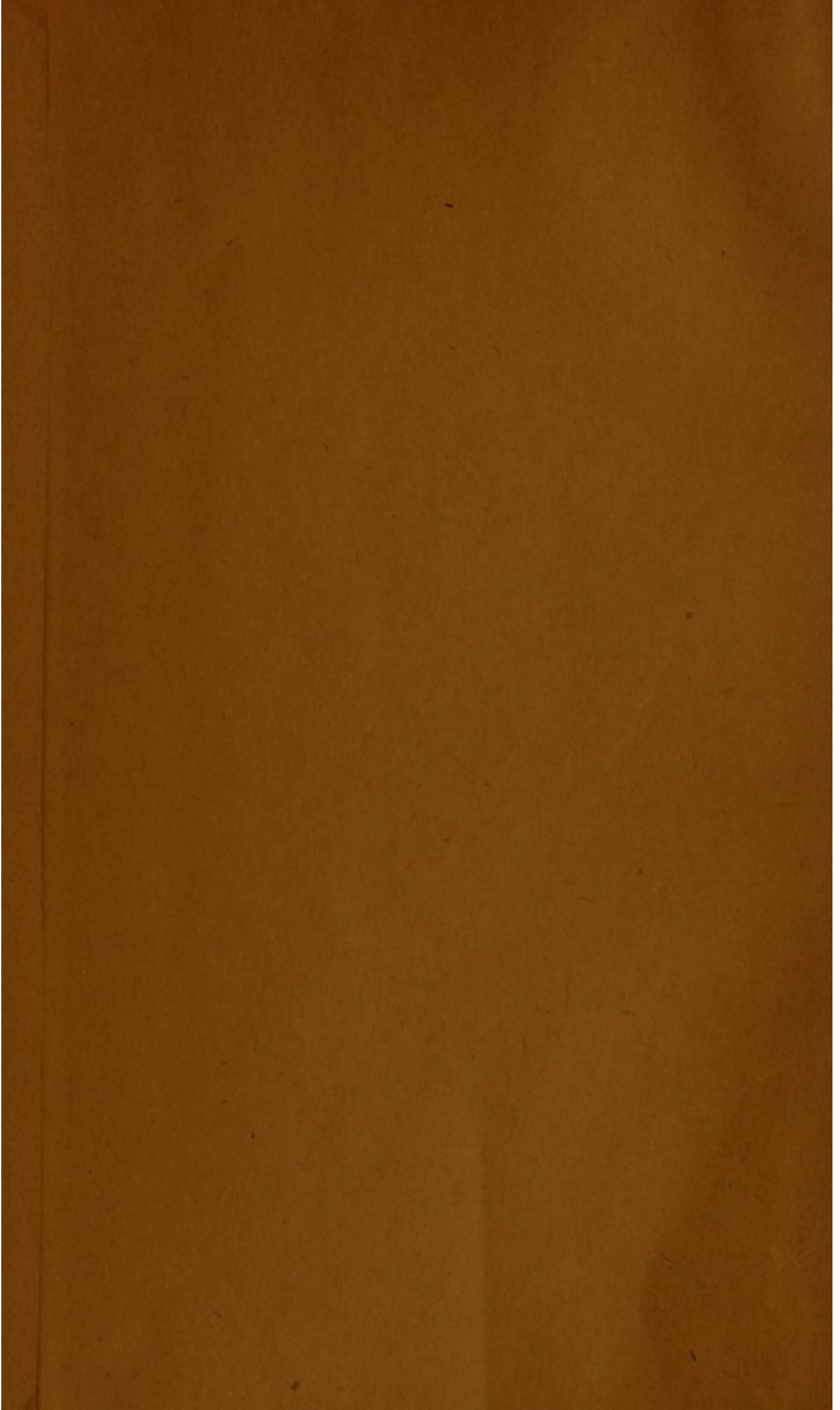


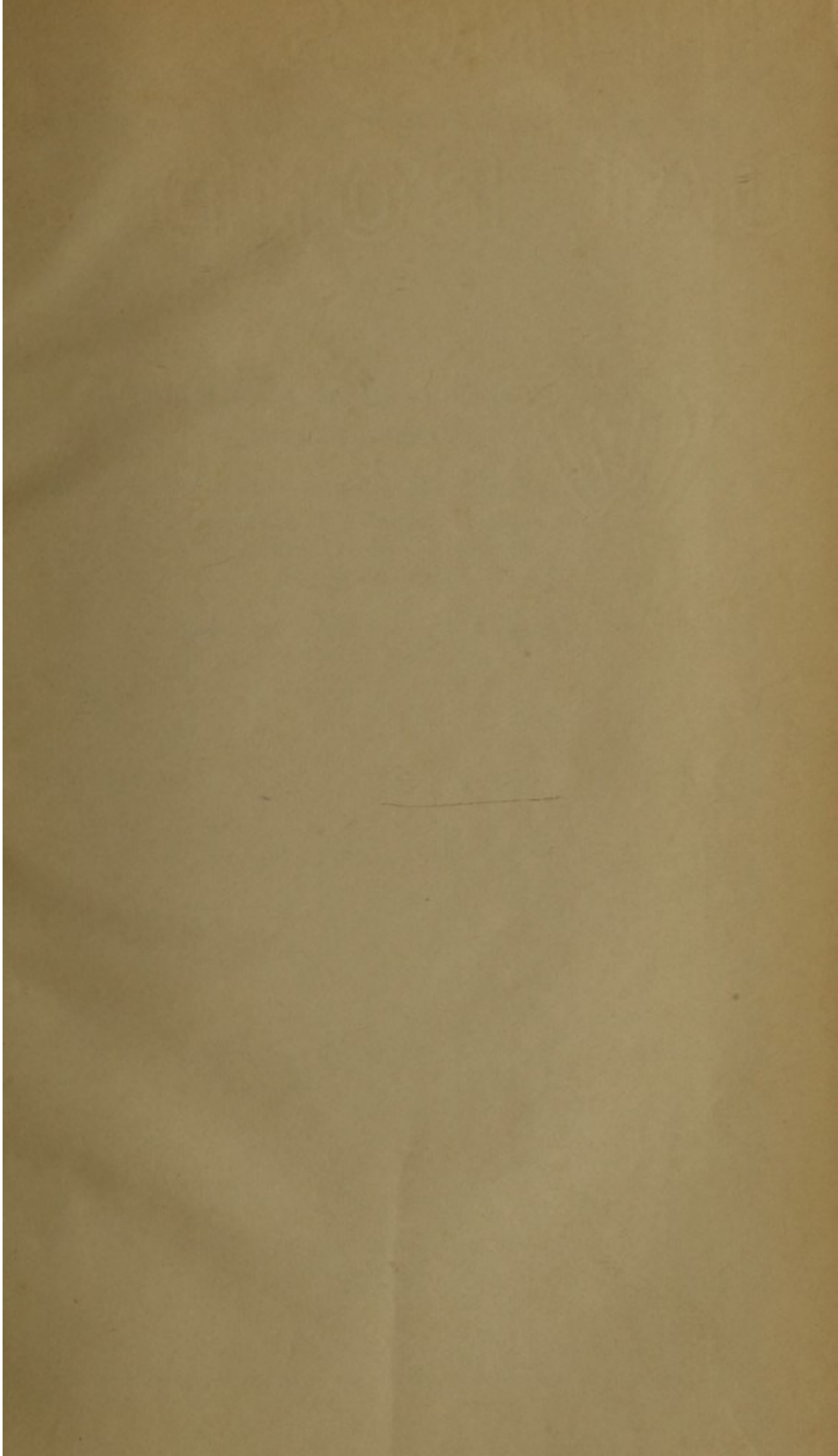
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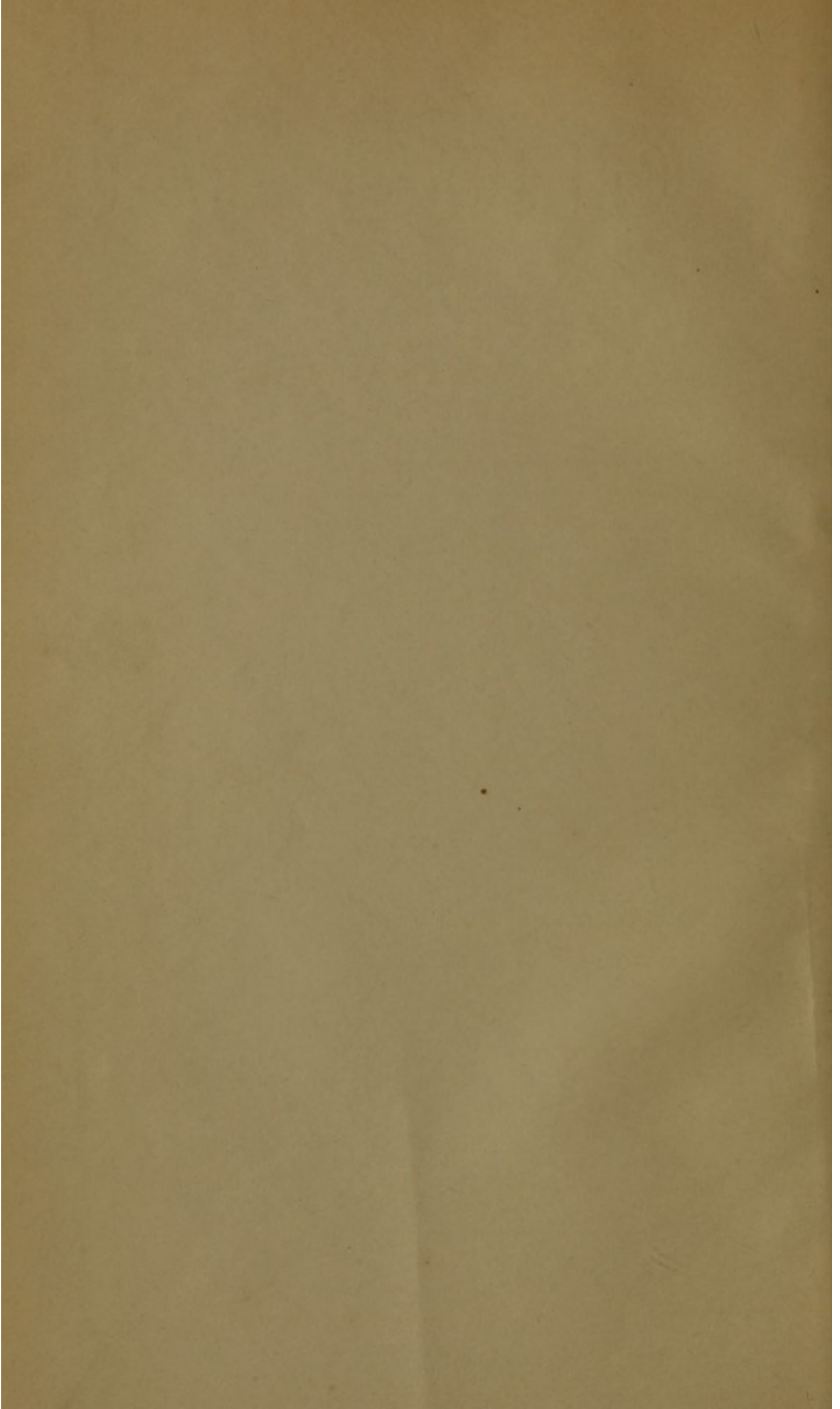
PALEONTOLOGY

1911

## A Summary of the Laws of the Several States Governing

I.—Insane and Diverse of the Feeble-minded, the Lame and the Deaf.  
II.—Sterilization. III.—Institutional Commitment  
and Discharge of the Feeble-minded  
and the Epileptic

BY STEVENSON SMITH, MARGIE W. WHEATON,  
and LOUISA C. WAGGONER





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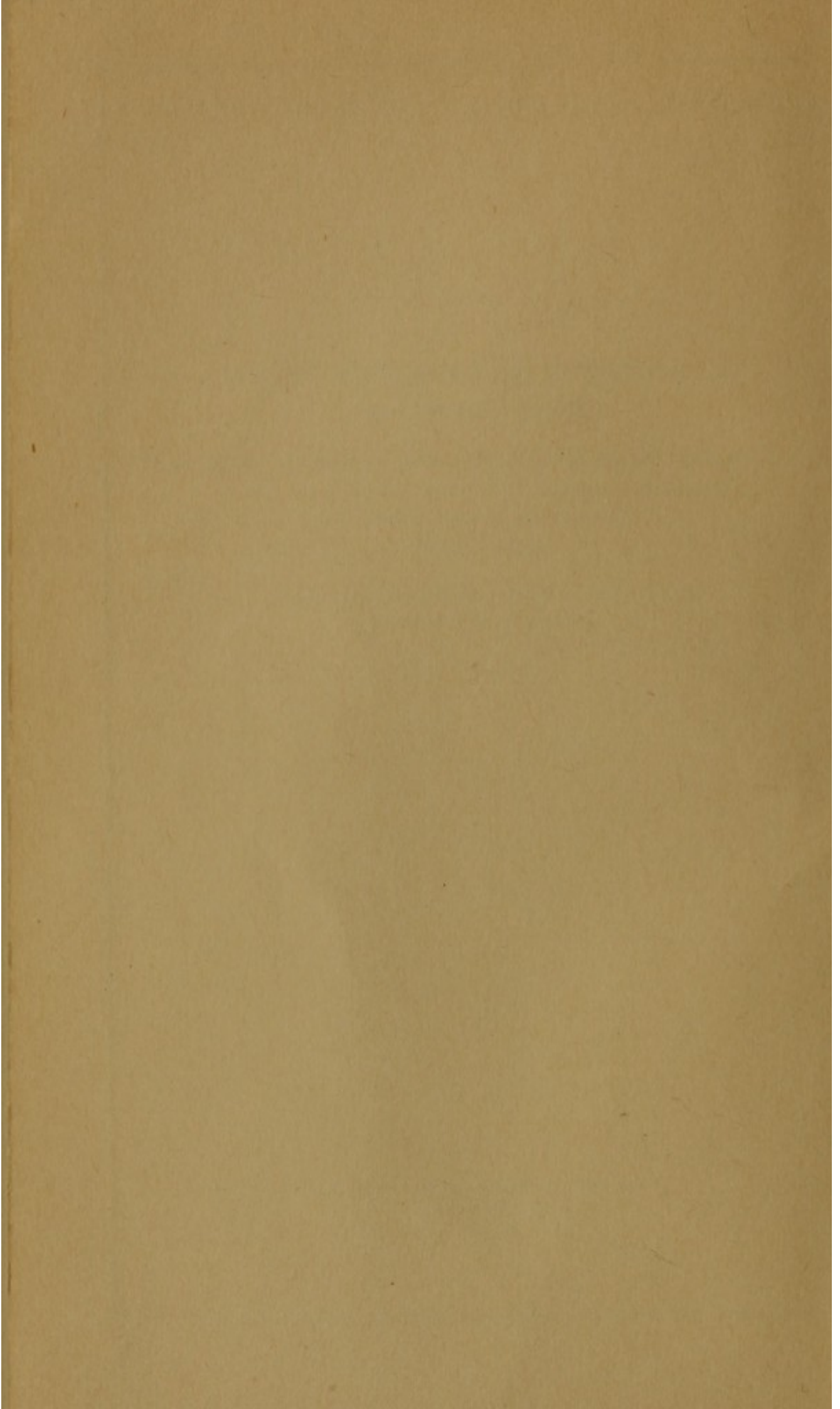
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II.—Asexualization. III.—Institutional Commitment  
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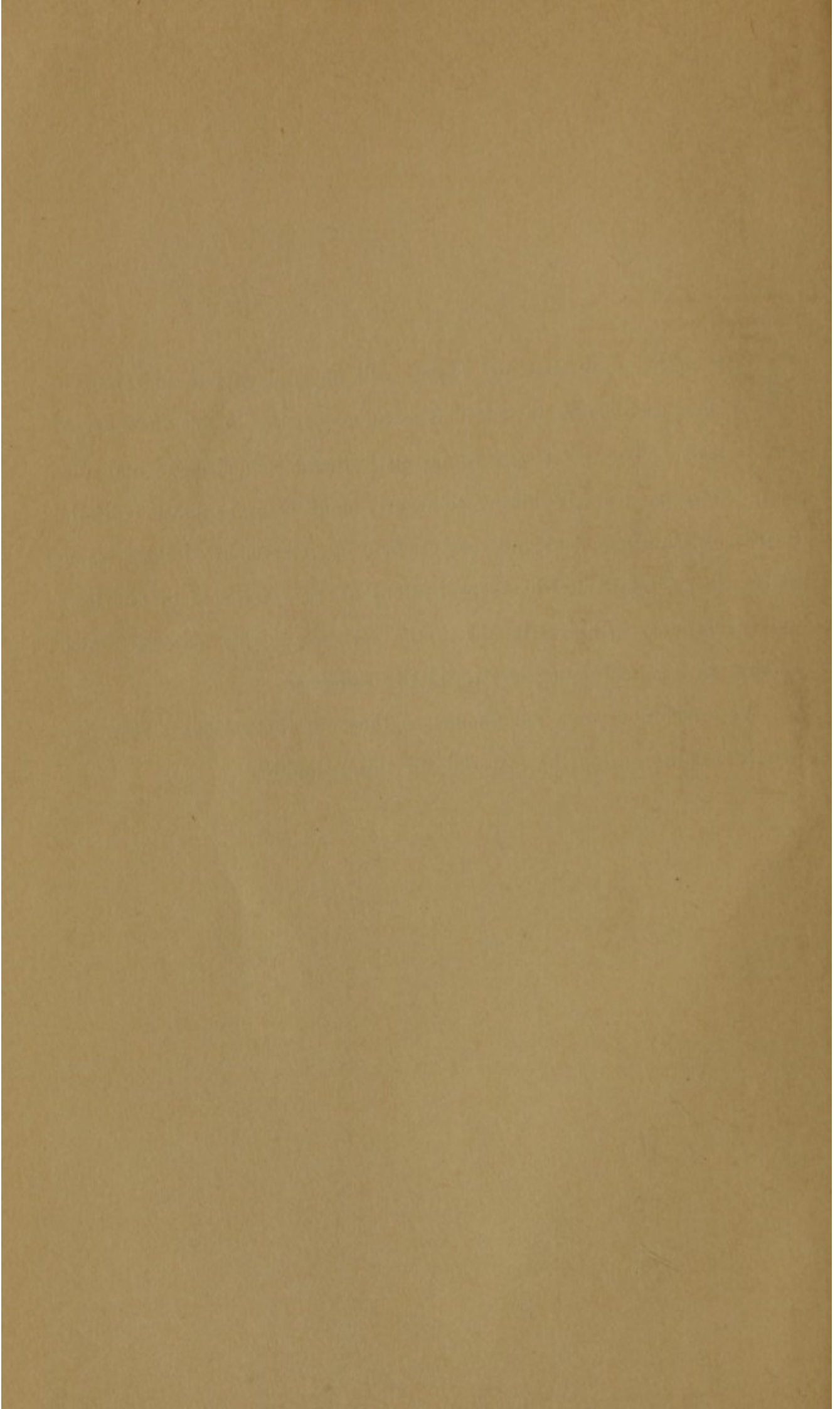
The Bailey and Babette Gatzert Foundation  
for Child Welfare  
May, 1914





THE authors ask that any reader will be kind enough to report to them such errors or omissions as he may notice in this summary of laws. The rules governing institutional commitment and discharge were particularly difficult to secure, many being regulations of the Boards of Managers, and any correction to our statement of these, especially when accompanied by transcriptions of, or references to, the laws and regulations, will greatly aid in the revision of this material which we hope to issue after the next legislative sessions.

We wish to express our thanks to those in the various states who assisted us in securing the material for this pamphlet.





## Marriage and Divorce

### ALABAMA

No law.

### ARIZONA

No law.

### ARKANSAS

"When either of the parties to a marriage shall be incapable for want of age or understanding to consent to any marriage, \* \* \* \* the marriage shall be void from the time its nullity shall be declared by a court of competent jurisdiction."—(Kirby's Digest, 1904, Sec. 5175.)

### CALIFORNIA

Marriage may be annulled when at the time of marriage either party was of unsound mind, unless such party, after coming to reason, freely cohabits with the other as husband or wife.—(Civil Code, Sec. 82.)

### COLORADO

No law.

Bills were introduced in the legislatures of 1911 and 1913 prohibiting the issuance of a marriage license where "either of the contracting parties is an idiot, imbecile, of unsound mind, or under guardianship as a person of unsound mind," but did not become a law.

### CONNECTICUT

Every man and women, either of whom is epileptic, imbecile, or feeble-minded, who shall marry or live together as husband or wife when woman is under 45 years of age, shall be imprisoned not more than 3 years. Every person who knowingly aids such marriage shall be subject to fine or imprisonment, or both. Intercourse with imbecile, feeble-minded or epileptic person under 45 years of age shall be punished by not more than 3 years' imprisonment.—(General Statutes, Revision of 1902, Sec. 1354-1356.)

### DELAWARE

A marriage may be annulled for any of the following causes existing at time of marriage: \* \* \* \* \* (e) insanity of either party at suit of other, or at suit of the committee of the lunatic, or of lunatic on regaining reason, unless lunatic after regaining reason has confirmed



marriage: Provided, that where party compos mentis is applicant, such party shall have been ignorant of other's insanity at time of marriage, and shall not have confirmed it subsequent to lunatic's regaining reason.—(Laws of Delaware, Chap. 221, Sec. 1.)

Marriage between a person of sound mind and an insane or idiotic person shall be unlawful.—(Laws of Delaware, Chapter 244, Vol. 24, Sec. 1.)

Divorce is granted on the grounds of the hopeless insanity of the husband.—(Laws of Delaware, Chapter 221, Vol. 24, Sec. 4.)

#### FLORIDA

No law.

#### GEORGIA

A person must be of sound mind in order to be able to contract marriage.—(Civil Code, Sec. 2931.)

"A person shall be considered of sound mind who is neither an idiot, a lunatic, nor afflicted by insanity, or who has arrived at the age of fourteen years, or before that age if such person knows the distinction between good and evil."—(Code of 1911, Vol. II., Sec. 33.)

Mental incapacity at time of marriage is made a ground for divorce.—(Civil Code, Sec. 2945.)

#### IDAHO

Marriage may be annulled if at time of marriage either party was of unsound mind, unless such party after coming to reason freely cohabited with other as husband or wife.—(Revised Code, Sec. 2640.)

Divorce may be granted when either husband or wife has become permanently insane, provided said party has been confined in an insane asylum for at least 6 years preceding commencement of action.—(Revised Code, Sec. 4624.)

#### ILLINOIS

"No insane person or idiot shall be capable of contracting marriage."—(Hurd's Revised Statutes of Illinois, Chap. 89, Sec. 2.)

A bill was introduced in the legislature of 1913, prohibiting the issuance of a marriage license "if it shall appear to the clerk that either party to the proposed marriage is at the time of making such application or proof herein required, an imbecile or insane \* \* \* \* \*," but did not become a law.

#### INDIANA

No license to marry shall be issued where either of the contracting



parties is an imbecile, epileptic, of unsound mind or under guardianship as a person of unsound mind.

"If persons resident of this state with intent to evade the provisions of Section I. and Section III. go into another state and there have their marriage solemnized with the intent of afterward returning and residing in this state, and do so return and reside in this state, such marriage shall be void, and such parties, upon returning to this state, shall be subjected to all the penalties provided for in this act: Provided, this section shall not apply to persons who in good faith become or are citizens of any other state."—(Statutes, Revision 1908, Sec. 8365.)

Where either party is incapable, from want of age or understanding, of contracting marriage, same may be declared void on application of incapable party, by any court having jurisdiction to decree divorces.—(Code 1908, Sec. 1060.)

Marriage is void when either party is insane or idiotic at time of marriage.—(Code 1908, Sec. 8360.)

#### IOWA

Marriage may be annulled "where either party was insane or idiotic at the time of the marriage."—(Iowa Code, Sec. 3182.)

#### KANSAS

No woman under the age of 45 years, or man of any age, except he marry a woman over the age of 45 years, either of whom is epileptic, imbecile, feeble-minded or afflicted with insanity, shall hereafter intermarry or marry any other person within this state.—(Sec. 4868.)

No officer shall issue a license to those referred to in Sec. 4868.

No clergyman or officer shall solemnize the marriage of such classes.

Children born after a parent was insane shall not marry except under above conditions.—(General Statutes 1909, Sec. 4868-4871.)

When either party to a marriage shall be incapable from want of understanding of contracting such marriage, it may be declared void by district court.—(General Statutes, 1909, Sec. 6272.)

#### KENTUCKY

Marriage with an idiot or lunatic is prohibited and declared void.—(Laws of 1909, Chap. 66, Art. 4615.)

The penalty for solemnizing a marriage that is prohibited is imprisonment for one to twelve months or a fine of not more than one thousand dollars.

The penalty against a clerk for issuing an unauthorized license is a



fine of from five hundred to one thousand dollars and expulsion from office.

Whoever shall unlawfully carnally know an idiot shall be confined in the penitentiary for not less than ten nor more than twenty years.—(Russell's Statutes 1909, Sec. 3678-3773.)

#### LOUISIANA

No law.

#### MAINE

No insane person or idiot is capable of contracting marriage.—(Revised Statutes, 1903, Chapter 61, Sec. 2.)

#### MARYLAND

No law.

"Where epilepsy or insanity precedes, marriage is a nullity.

"Where insanity, epilepsy, or feeblemindedness has occurred after marriage, there is no ground for a divorce. If these conditions are proven to have antedated the marriage, the marriage can be annulled."—(Extract from letter from Secretary State Board of Health.)

#### MASSACHUSETTS

An insane person or an idiot shall not be capable of contracting marriage.—(Revised Laws 1902, Chapter 151, Sec. 2.)

Whoever has unlawful intercourse with a female imbecile or idiot under circumstances which do not constitute rape shall, if he had reasonable cause to believe she was an idiot or an imbecile, be punished by imprisonment for not more than 3 years or fine of not more than \$1,000, or both.—(Revised Laws 1902, Chap. 212, Sec. 5.)

#### MICHIGAN

No insane person or idiot shall be capable of contracting marriage.

All marriages when either party was insane or an idiot shall be absolutely void.—(Compiled Laws 1897, Sec. 8593, 8616.)

No insane person, or idiot shall be capable of contracting marriage.

No person who has been confined in any public institution or asylum, as an epileptic, feebleminded, imbecile or insane patient shall be capable of contracting marriage without, before issuance of license, filing in office of county clerk a verified certificate from two licensed physicians that person has been completely cured of such defect, and that there is no probability of transmitting defects to issue of such marriage.

Any person of sound mind who shall marry such person, knowing of



his disability, or who shall aid such a marriage shall be deemed guilty of a felony.—(Acts of 1905, No. 136.)

Anyone is forbidden to marry an inmate of the Michigan home for the feebleminded and epileptic without the consent of the board of control, under penalty of fine or imprisonment, or both.—(Laws of 1913. Act No. 14.)

#### MINNESOTA

“No marriage shall be contracted \* \* \* \* \* between persons either one of whom is epileptic, feebleminded or insane.”

“When either person to a marriage is incapable of assenting thereto for want of age or understanding, \* \* \* \* \* the marriage may be annulled at the suit of the injured party and shall be void from the time its nullity is adjudged. \* \* \* \* \*”

“\* \* \* \* \* nor shall the marriage of any insane person be adjudged void after his restoration to reason, if it appears that the parties freely cohabited together as husband and wife after such restoration.”

“No marriage shall be adjudged a nullity at the suit of the party capable of contracting on the ground that the other party was under the age of legal consent, or was idiotic, or insane, if such idiocy or insanity was known to the party capable of contracting at the time of such marriage.”—(Revised Laws, 1905, Sec. 3554, 3570, 3572, 3573.)

Sexual intercourse with female of 10 years or upwards not his wife, when through idiocy, imbecility, or any unsoundness of mind, either temporary or permanent, she is incapable of giving her consent, shall be punished by imprisonment in state prison for not less than 7 nor more than 30 years.—(Laws of 1905, Art. 4926.)

#### MISSISSIPPI

Divorce may be decreed to injured party on account of insanity or idiocy at time of marriage, if party complaining did not know of such infirmity.—(Code 1906, Sec. 1669.)

#### MISSOURI

No law.

#### MONTANA

Marriage may be annulled when at time of marriage either party was of unsound mind unless such party, after coming to reason, freely cohabited with the other as husband or wife.—(Revised Code, 1907, Sec. 3636.)



#### NEBRASKA

Marriages are void when either party is insane or an idiot at time of marriage. Term "idiot" shall include all who are mentally incompetent to enter into marriage relation.—(General Laws 1911, Sec. 5302.)

#### NEVADA

When either of the parties to a marriage, for want of age or understanding, shall be incapable of assenting thereto, \* \* \* \* \* and there shall have been no subsequent voluntary cohabitation of the parties, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.

The marriage of any insane person shall not be adjudged void, after his restoration to reason, if it shall appear that the parties freely cohabited together as husband and wife after such insane person was restored to a sound mind.

When a marriage is supposed to be void, or the validity thereof is disputed, for any of the causes mentioned in the two preceding sections, either party may file a complaint in the probate court of the county where the parties or one of them, resided, for annulling the same; and such complaint shall be filed, and proceedings shall be had thereon, as in the case of proceedings in said court for a divorce, and upon due proof of the nullity of the marriage, it shall be adjudged null and void.—(Revised Laws, Sec. 2355, 2356, 2357.)

#### NEW HAMPSHIRE

No law.

#### NEW JERSEY

No license to marry shall be issued when either of the contracting parties, at the time of making the application, is an imbecile, epileptic, or of unsound mind, nor shall any such license be issued to any person who is or who has been an inmate of any insane asylum or institution for indigent persons, unless it appears that such person has been satisfactorily discharged from such asylum or institution.—(Revised Laws, 1912, Chapter 199, Sec. 4.)

It is unlawful for any person who has been confined in any institution as an epileptic, insane, or feeble-minded patient, to marry without a certificate from 2 regularly licensed physicians, that he has been completely cured and that there is no probability of transmitting the defect. Any person of sound mind who knowing of such disability shall marry such a person or who shall aid such a marriage shall be guilty of a misdemeanor.—(Laws of 1904, Chapter 137.)



NEW MEXICO

No law.

NEW YORK

"Domestic Relations Law. Section 7. Voidable marriages. A marriage is void from the time its nullity is declared by a court of competent jurisdiction if either party thereto:

"1. Is incapable of consenting to a marriage for want of understanding; \* \* \* \* \*

"Actions to annul a void or voidable marriage may be brought only as provided in the Code of Civil Procedure."

"Code Civ. Proc. Section 1743. In what other cases marriage may be annulled.

"An action may also be maintained to procure a judgment, declaring a marriage contract void and annulling the marriage, for either of the following causes, existing at the time of the marriage: \* \* \* \* \*

"3. That one of the parties was an idiot or a lunatic."

NORTH CAROLINA

All marriages between persons either of whom is incapable of contracting from want of will or understanding, shall be void.—(Revised Laws 1908, Sec. 2083.)

NORTH DAKOTA

Section 1. No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is \* \* \* \* \* epileptic, imbecile, feeble-minded person, idiot, or insane person, or person who has theretofore been afflicted with hereditary insanity, \* \* \* \* \* shall hereafter intermarry or marry any other person within this state.

Sec. 2. No clergyman, or other officer authorized by law to solemnize marriages within this state shall hereafter perform a marriage ceremony uniting persons in matrimony either of whom is an epileptic, imbecile, feeble-minded person, \* \* \* \* \* insane person, \* \* \* \* \* unless the female party to such marriage is over the age of forty-five years.

Sec. 3. The county judge, before a marriage license is issued, shall require each applicant therefor to file in his office upon blanks to be provided by the county for that purpose, an affidavit of at least one duly licensed physician other than the person seeking the license, showing that the contracting parties are not feeble-minded, imbeciles, epileptics or insane persons.



Sec. 6. Any person violating any of the provisions of this act or any person knowingly swearing falsely to any of the affidavits mentioned in this act shall be punished by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail not over thirty days, or by both such fine and imprisonment.—(Acts of 1913, Senate Bill No. 45.)

#### OHIO

No license shall be granted when either of the applicants is epileptic, imbecile, or insane.—(General Code Art. 11187.) (Bates Ohio Statutes, Sec. 6389.)

#### OKLAHOMA

When either party is incapable from want of understanding of contracting marriage, same may be declared void by district court in an action brought by incapable party.—(Compiled Laws 1909, Sec. 6183.)

#### OREGON

When either party shall be incapable of making such contract or assenting thereto, for want of sufficient understanding, marriage shall be void from time it is so declared by decree of a court having jurisdiction thereof.—(Lord's Oregon Laws, Sec. 503.) also (Sec. 7018.)

#### PENNSYLVANIA

Section 3. No license to marry shall be issued where either of the contracting parties is an imbecile, epileptic, of unsound mind, or under guardianship as a person of unsound mind. \* \* \* \*—(Act No. 458 of the General Assembly of 1913.)

Clause A. From and after the passage of this act, in cases where the husband or wife is a hopeless lunatic or non compos mentis, the courts of common pleas of this commonwealth are invested with the authority to receive a petition or libel for divorce. \* \* \* \* \*

Clause C. No divorce shall be granted under this act to any petitioner or libellant unless it be proved beyond a reasonable doubt that the husband or wife of the petitioner is hopelessly insane: Provided, however, That if the husband or wife has been for ten or more years an inmate of an asylum for the insane, it shall be conclusive proof of hopeless insanity.—(Laws of 1905, P. L. 211, No. 152.)

#### RHODE ISLAND

The marriage of one that is an idiot or lunatic at the time of the marriage is void.—(General Laws of 1909, Chap 243, Sec. 5.)



SOUTH CAROLINA

"All persons, except idiots and lunatics, not prohibited by this section" (certain incest prohibitions follow) "may lawfully contract matrimony."—(Code of 1912, Sec. 3743.)

SOUTH DAKOTA

A marriage may be annulled by an action in the circuit court when either party was of unsound mind, unless such party, after coming to reason freely cohabited with the other as husband and wife.—(Compiled Laws of 1910, Civil Code, Sec. 61.)

TENNESSEE

No law.

TEXAS

No law.

UTAH

Marriages prohibited and declared void:

1. With an idiot, lunatic, or a person subject to chronic epileptic fits; provided, that the last qualification shall not apply to a female over the age of forty-five years.—(Laws of Utah, 1909, Chap. 109, Sec. 1184.)

"Proceedings in divorce shall be commenced and conducted in the manner provided by law for the proceedings in civil cases, except as hereinafter provided, and the court may decree a dissolution of the marriage contract between the plaintiff and defendant in all cases where the plaintiff, for one year next prior to the commencement of the action, shall have been an actual and bona fide resident of the county within the jurisdiction of the court, for any of the following causes, to-wit: \* \* \* \*

(8.) Permanent insanity of defendant; provided, that no divorce shall be granted on the grounds of insanity unless, first, the defendant shall have been duly and regularly adjudged to be insane by the legally constituted authorities of this state, or some other state, at least five years prior to the commencement of the action; second, unless it shall appear to the satisfaction of the court, by the testimony of competent witnesses, that the insanity of the defendant is incurable.—(Compiled Laws of Utah, 1907, Sec. 1208.)

VERMONT

"A town clerk shall not issue a marriage license or certificate \* \* \* when either of the parties to the intended marriage is an idiot, non compos, lunatic or distracted person \* \* \* \* without the written consent of the selectmen."—(Code 1906, Sec. 3300.)



Marriage may be annulled when either party at the time was an idiot or a lunatic.—(Public Statutes 1906, Sec. 3055.)

#### VIRGINIA

“All marriages solemnized when either parties were insane or incapable from physical causes of entering into the marriage state shall, if solemnized in this state, be void from the time they shall be so declared by a decree of divorce or nullity or from the time of the conviction of the parties.”—(Virginia Code, 1904, Sec. 2252.)

A bill was introduced in the General Assembly of 1912, prohibiting the marriage of any “woman under the age of forty-five years, or any man of any age except he marry a woman over the age of forty-five years, either of whom is \* \* an imbecile, feebleminded person, idiot or insane person, or person who has heretofore been afflicted with hereditary insanity,” but did not become a law.

#### WASHINGTON

“No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is \* \* \* epileptic, imbecile, feebleminded person, idiot or insane person, \* \* \* shall hereafter intermarry or marry any other person within this state.”—(Rem. & Bal., Sec. 7152.)

“Any person knowingly violating any of the provisions of sections 7152, 7153 or 7164, shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the state penitentiary for a period of not more than three years, or by both such fine and imprisonment.”—(Rem. & Bal., Sec. 7165.)

Before marriage license is issued applicant must file affidavit that he is not feebleminded, imbecile, epileptic or insane.—(Code 1912, Title 329, Sec. 3.)

“Divorces may be granted by the superior court on application of the party injured, for the following causes:—

“\* \* \* \* a divorce may be granted upon application of either party for any other cause deemed by the court sufficient, and the court shall be satisfied that the parties can no longer live together;

“8. In case of incurable chronic mania or dementia of either party, having existed for ten years or more, the court may, in its discretion, grant a divorce.”—(Rem. & Bal., Sec. 982.)

#### WEST VIRGINIA

All marriages solemnized when either party was insane, shall be void from the time so declared by decree of divorce or nullity.—(Code 1906, Sec. 2917.)



#### WISCONSIN

"No insane person or idiot shall be capable of contracting marriage."

License may be issued to anyone of legal age when there is no other legal impediment.

"No man and woman, either of whom is insane, mentally imbecile, feeble-minded or epileptic, shall intermarry." "No person authorized to solemnize marriages shall unite in marriage any man and woman either of whom is insane, mentally imbecile, feeble-minded or epileptic, nor shall any person advise, aid, abet, cause or assist in procuring or countenancing any violation of this section." Penalty not less than \$50 nor more than \$150, or imprisonment not more than six months, or both.—(Compiled Statutes 1911, Sec. 2330, 2339, 4593m.)

Penalty of imprisonment imposed for intercourse with idiotic, insane or imbecile female.—(Laws 1907, Sec. 4580m.)

Marriage may be annulled when either party at time of marriage without the knowledge of sane party, was insane, idiotic, or so wanting in understanding as to be incapable of assenting, unless lunatic or incompetent after regaining reason has confirmed marriage.—(Laws 1909, Chap. 323, Sec. 8.)

#### WYOMING

Marriages are void when either party is insane or an idiot at the time of contracting the marriage.—(Compiled Statutes 1910, Sec. 3917.)

#### ALASKA

No law.

#### DISTRICT OF COLUMBIA

Marriage contracts may be declared void when contracted during lunacy of either party, unless there has been voluntary cohabitation after the lunacy.—(Code, Section 966.)

When void from date of decree.—The following marriages in said district shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely:

First. The marriage of an idiot or of a person adjudged to be a lunatic.—(Code, Section 1285.)



## Asexualization

### ALABAMA

No law.

### ARIZONA

No law.

A bill was introduced in the 1913 legislature authorizing the sterilization of certain classes, but failed of passage.

### ARKANSAS

No law.

### CALIFORNIA

Before any person who has been lawfully committed to any state hospital for the insane, or who has been an inmate of the Sonoma State Home, and who is afflicted with hereditary insanity or incurable chronic mania or dementia shall be released or discharged therefrom, the State Commission in lunacy, may in its discretion, after a careful investigation of all the circumstances of the case, cause such person to be asexualized, and such asexualization, whether with or without the consent of the patient shall be lawful and shall not render the said commission, its members, or any person participating in the operation, liable either civilly or criminally.

*Same to be done* to recidivists in State prison, if in opinion of prison physician in consultation with general Superintendent of State Hospitals and the Secretary of the State Board of Health (or in the opinion of any two of them) asexualization will benefit such recidivists. Provided this only after two commitments to state prison in this or some other state, for rape, or assault with intent to commit rape, or seduction, or after three commitments for other crimes, and prisoner shall give evidence while in prison, of being a sexual or moral degenerate or pervert. And provided that with prisoners sentenced to state prison for life, operation may be performed, whether or not there have been previous terms, if prisoner shows continued evidence of sexual depravity. Act does not apply to any voluntary patient.

Idiot minor, with consent of parent or guardian, and idiot adult, with consent of guardian in *writing*, and upon written request of parent or guardian, may be asexualized by or under direction of the medical superintendent of any state hospital without *charge*.

Act of April 26, 1909, regarding asexualization of inmates of California Home for Care and Training of Feebleminded Children, and of con-



victs in state's prison, is repealed.—(Statutes and Amendments to the Codes of California, 1913, Chap. 363, act approved June 13, 1913, in effect Aug. 10, 1913.)

#### COLORADO

No law.

#### CONNECTICUT

"Sec. 1. The directors of the state prison, and the superintendents of the state hospitals for the insane are hereby authorized and directed to appoint for each of said institutions respectively two (2) skilled surgeons, who, in conjunction with the physician or surgeon in charge at each of said institutions, shall constitute a board, the duty of which shall be to examine such inmates of said institutions as are reported to them by the warden, superintendent, or physician and surgeon in charge, to be persons by whom procreation would be inadvisable. Such board shall examine the physical and mental condition of such persons and their record and family history, so far as the same can be ascertained, and, if in the judgment of the majority of said board procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility, and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall appoint one of its members to perform the operation of vasectomy or oophorectomy, as the case may be, upon such person. Such operations shall be performed in a safe and humane manner, and the board making such examination and the surgeon performing such operation shall receive from the state such compensation for services rendered as the warden of the state prison, or the superintendent of either of such hospitals, shall deem reasonable.

"Sec. 2. Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in section 1 of this act, for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such persons, unless the same shall be a medical necessity, shall be fined not more than one thousand (\$1,000.00) dollars or imprisoned in the state prison not more than five (5) years, or both."—(Laws of 1909.)

#### DELAWARE

No law.

#### FLORIDA

No law.



GEORGIA

No law.

IDAHO

No law.

ILLINOIS

No law.

Two bills were introduced in the 1913 legislature, one in the house and one in the senate, but both failed to pass both houses.

INDIANA

WHEREAS: "Heredity plays a most important part in the transmission of crime, idiocy and imbecility.

THEREFORE: Be it enacted by the general assembly of the State of Indiana. "That on and after the passage of this act, it shall be compulsory for each and every institution in the state entrusted with the care of confirmed criminals, idiots, rapists and imbeciles, to appoint upon its staff, in addition to the regular institutional physicians, two (2) skilled surgeons of recognized ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates as are recommended by the institutional physician and board of managers. If, in the judgment of this committee of experts, and the board of managers, procreation is inadvisable and there is no probability of improvement of the mental and physical condition of the inmates, it shall be lawful for the surgeon to perform such operation for the prevention of procreation as shall be decided safest and most effective. But this operation shall not be performed except in cases that have been pronounced unimprovable. Provided, that in no case shall the consultation fee be more than three (3) dollars to each expert to be paid out of the funds appropriated for the maintenance of such institution."—(Laws of 1907.)

IOWA

Be it enacted by the general assembly of the State of Iowa:

Section 1. That it shall be the duty of the state board of parole, with the managing officer and the physician of each public institution in the state, entrusted with the care and custody of criminals, rapists, idiots, feebleminded, imbeciles, lunatics, drunkards, drug fiends, epileptics, syphilitics, moral and sexual perverts, and diseased and degenerate persons, and they are hereby authorized and directed to, annually or often, examine into the mental and physical condition, the records and family history of the inmates of such institutions, with a view of determining wheth-



er it is improper or inadvisable to allow any of such inmates to procreate and to judge of such matters. If a majority of them decide that a procreation by any of such inmates would produce children with a tendency to disease, deformity, crime, insanity, feeble-mindedness, idiocy, imbecility, epilepsy or alcoholism, or if the physical or mental condition of any such inmate will probably be materially improved thereby, or if such inmate is an epileptic or syphilitic, or gives evidence, while an inmate of such institution, that he or she is a moral or sexual pervert, then the physician of the institution, or one selected by him, shall perform the operation of vasectomy or ligation of the fallopian tubes, as the case may be, upon such person. Provided that such operation shall be performed upon every convict or inmate of such institution who has been convicted of prostitution or violation of the law as laid down in chapter two hundred sixteen (216) of the acts of the thirty-third general assembly, or who has been twice convicted of other sexual offenses, including soliciting, as defined in section four thousand nine hundred seventy-five (4975-c) of the supplement to the code, 1907, or who has been twice convicted of a felony, and each such convict or inmate shall be subjected to this same operation of vasectomy or ligation of the fallopian tubes, as the case may be, by the physician of the institution, or one selected by him.

Section 2. Those afflicted with syphilis or epilepsy may apply to the board of parole, or any judge of the district court, and upon order of such board or judge, the operation of vasectomy or ligation of the fallopian tubes may be performed upon such person, and any law restricting the marriage of such persons shall be void and of none effect, in case one of the contracting parties has submitted to such operation and the same was known to both parties before their marriage.

Section 3. The board of parole shall make an annual report to the governor of the state, fully covering their proceedings under the authority of this act, and also observations and statistics regarding its benefits.

Section 4. Except as authorized in this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in section one (1) of this act, for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such persons, unless the same shall be a medical necessity, shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned in the penitentiary not to exceed one year, or both.—(Laws of 1911.)



## Relating to Inmates of Certain State Institutions.

An act to prevent the procreation of habitual criminals, idiots, epileptics, imbeciles, and insane, and providing a penalty for the violation thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. That it shall be the duty of the managing officers of all state institutions of this state entrusted with the care or custody of habitual criminals, idiots, epileptics, imbeciles, and insane and they are hereby authorized and directed to obtain the advice and professional services of competent surgical assistants, who, jointly with the physician or surgeon in charge of the institution in which any of such inmates shall be, shall constitute the authority whose duty it shall be to examine such inmate or inmates of the several institutions as are deemed to be improper and inadvisable to allow to procreate. Such authority shall examine the physical and mental condition of such inmate or inmates, the history thereof so far as can be ascertained, and, if in the judgment of such authority, procreation by any such inmate or inmates would produce children with an inherited tendency to crime, insanity, feeble-mindedness, epilepsy, idiocy or imbecility, and there is no probability that the condition of any such inmate or inmates so examined will improve to such an extent as to render procreation by any such inmate or inmates advisable, or if the physical or mental condition of any such persons will be materially improved thereby, then said authority shall report their conclusions with a recommendation to the district court or any court of competent jurisdiction in and for the district from which such inmate or inmates has been committed to such institution or institutions. The court shall thereupon hear and determine the matter and if satisfied that the subject is an habitual criminal within the meaning of this act, or is insane, an idiot, imbecile, or an epileptic, and that the purposes of this act will be accomplished by such order shall adjudge that such operation shall be performed and shall appoint one of the authority signing such report to perform the operation of vasectomy or oophorectomy, as the case may be, upon such person. The county attorney of the county in which the hearing is had may be directed by the court to represent the state in the proceedings. Such operation shall be performed in a safe and humane manner, and the surgeon performing the operation shall receive from the state such compensation for the service rendered as the board of administration shall deem reasonable, to be paid out of the maintenance fund of the institution in which such person is confined. Provided, an habit-



ual criminal within the meaning of this act shall be a person who has been convicted of some felony involving moral turpitude.

Sec. 2. Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations, described in section 1 of this act, for the purpose of destroying power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such persons, unless the same shall be a medical necessity, shall be fined not more than (\$1,000.00) dollars, or imprisoned in the county jail not exceeding one (1) year, or both.

Sec. 3. Any managing officers herein charged with any duty specified in section 1, who shall fail, neglect or refuse for sixty days or more in the performance thereof, shall be guilty of a misdemeanor and subject to a fine of not more than \$100.00 or imprisonment in the county jail for not more than thirty days, or both such fine and imprisonment.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.—(Session Laws 1913, Chap. 305.)

**KENTUCKY**

No law.

**LOUISIANA**

No law.

**MAINE**

No law.

**MARYLAND**

No law.

**MASSACHUSETTS**

No law.

**MICHIGAN**

Section 1. Authority is given to the management of any institution maintained wholly or in part by public expense, in whose custody may be held individuals who have been by a court of competent jurisdiction adjudged to be and who are mentally defective or insane, to render incapable of procreation, by vasectomy or salpingectomy or by the improvement of said surgical operation which is least dangerous to life and will best accomplish the purpose, any person who is mentally defective or insane.

Section 2. The board of the aforesaid institutions and the physicians or surgeons in charge of each of said institutions, shall for each of their respective institutions constitute a board, the duty of which shall be to examine such inmates of said institutions as are reported to them by



the warden or medical superintendent to be persons by whom procreation would be inadvisable. Such board shall receive the report of insanity experts hereinafter mentioned, examine the physical and mental condition of such persons and their record and family history so far as the same can be ascertained, and if in the judgment of a majority of said board, procreation by any such person would produce children with an inherited tendency to insanity, feeble-mindedness, idiocy or imbecility, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall direct a competent physician or surgeon with such other assistant as may be necessary, to perform the operation of vasectomy or salpingectomy, or any other operation or improvement on vasectomy or salpingectomy recognized by the medical profession, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the board making such examination, and the institution physician or surgeon shall receive no extra compensation therefor: Provided, That at least thirty days' notice shall be given to the parents or guardian of such person before the performing of such operation; said notice to specify the purpose, time and place of such examination: provided further, That when said parents or guardian object to the performance of such operation, then the question of the sanity of such person shall be referred to the probate court of the county in which the institution is located where the question of the sanity and the necessity for this operation shall be determined as in other insane cases before such courts.

Section 3. In case an institution has no physician at its head authority is given to the board of managers to cause such operation to be performed, to hire expert physicians to examine and report on the condition of the subject, and to perform the operation with such other assistants as may be necessary: Provided, Before said operation is ordered there shall first be secured from two physicians having qualifications prescribed by law for examiners in insanity, a written statement or report that such operation is desirable in the interests of the patient or the good of the community: And Provided further, That these physicians shall be allowed for their services the compensation fixed by statutes for the examination and certification of an insane person. The several sums necessary to carry out the provisions of this act shall be certified to be correct by the respective boards and shall be paid out of the general fund of the State upon the warrant of the auditor general.

Section 4. In relation to each individual person sterilized under the provisions of this act, the board of control of the institution in which



said person is an inmate shall file with the State board of public health of Michigan, a written record setting forth the name, age, sex, nationality, type or class of mental defectiveness of said person, the nature of the operation performed, the subsequent mental and physical condition as affected by said operation: Provided, That said records shall not be for public inspection, but may be open to inspection of the members of the board of control of the aforesaid institutions and of the members of the immediate family of the person operated upon, or any physician or surgeon designated by them.

Section 5. Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in section one of this act, for the purpose of destroying the power to procreate the human species, or any persons who shall knowingly permit either of such operations to be performed upon such person, unless the same shall be a medical necessity, shall be guilty of a felony, and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned in the State prison not more than five years, or both in the discretion of the court before whom the said person or persons were so convicted.—(Laws 1913.)

#### MINNESOTA

No law.

A bill was introduced in the 1913 legislature authorizing the sterilization of certain classes, but failed of passage.

#### MISSISSIPPI

No law.

#### MISSOURI

No law.

#### MONTANA

No law.

#### NEBRASKA

No law.

#### NEVADA

#### 6293. Prevention of Procreation.

Sec. 28. Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years, or of rape, or shall be adjudged to be an habitual criminal, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person, for the prevention of procreation; provided, the operation so directed to be performed shall not consist of castration.—(Revised Laws 1912, 6293, Sec. 28.)



NEW HAMPSHIRE

No law.

A bill authorizing the sterilization of certain classes was introduced in the 1913 legislature, but was referred to the next legislature.

NEW JERSEY

An act to authorize and provide for the sterilization of feeble-minded (including idiots, imbeciles and morons), epileptics, rapists, certain criminals and other defectives.

Whereas heredity plays a most important part in the transmission of feeble-mindedness, epilepsy, criminal tendencies, and other defects:

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Immediately after the passage of this act, the Governor shall appoint by and with the advice of the Senate, a surgeon and a neurologist, each of recognized ability, one for a term of three (3) years and one for a term of five (5) years, their successors each to be appointed for the full term of five years, who in conjunction with the Commissioner of Charities and Corrections shall be known as and is hereby created the "Board of Examiners of Feeble-minded (including idiots, imbeciles and morons), Epileptics, Criminals and other Defectives," whose duty it shall be to examine into the mental and physical condition of the feeble-minded, epileptic, certain criminal and other defective inmates confined in the several reformatories, charitable and penal institutions in the counties and State. Any vacancy occurring in said Board of Examiners shall be filled by appointment of the Governor for the unexpired term.

2. The criminals who shall come within the operation of this law shall be those who have been convicted of the crime of rape, or of such succession of offenses against the criminal law as in the opinion of this board of examiners shall be deemed to be sufficient evidence of confirmed criminal tendencies.

3. Upon application of the superintendent or other administrative officer of any institution in which such inmates are or may be confined, or upon its own motion, the said board of examiners may call a meeting to take evidence and examine into the mental and physical condition of such inmates confined as aforesaid, and if said board of examiners, in conjunction with the chief physician of the institution, unanimously find that procreation is inadvisable and that there is no probability that the condition of such inmate so examined will improve to such an extent as to render procreation by such inmate advisable, it shall be lawful to perform such operation for the prevention of procreation as shall be decided by said board of examiners to be most effective, and thereupon it shall and may be



lawful for any surgeon qualified under the laws of this State, under the direction of the chief physician of said institution, to perform such operation; previous to said hearing the said board shall apply to any judge of the Court of Common Pleas, of the county in which said person is confined, for the assignment of counsel to represent the person to be examined, said counsel to act at said hearing and in any subsequent proceedings and no order made by said board of examiners shall become effective until five days after it shall have been filed with the clerk of the Court of Common Pleas, of the county in which said examination is held, and a copy shall have been served upon the counsel appointed to represent the person examined, proof of service of the said copy of the order to be filed with the clerk of the Court of Common Pleas. All orders made under the provisions of this act shall be subject to review by the Supreme Court or any justice thereof and said court may upon appeal from any order grant a stay which shall be effective until such appeal shall have been decided. The judge of the Court of Common Pleas appointing any counsel under this act may fix the compensation to be paid him and it shall be paid as other court expenses are now paid.

No surgeon performing an operation under the provisions of this law shall be held to account therefor, but the order of the board of examiners shall be a full warrant and authority therefor.

4. The record taken upon the examination of every such inmate, signed by the said board of examiners, shall be preserved in the institution where such inmate is confined and a copy thereof filed with the Commissioner of Charities and Corrections, and one year after the performing of the operation the superintendent or other administrative officer of the institution wherein such inmate is confined shall report to the board of examiners the condition of the inmate and the effect of such operation upon such inmate. A copy of the report shall be filed with the record of the examination.

5. There shall be paid, out of the funds appropriated for maintenance of such institution, to each physician of said board of examiners, a compensation of not more than ten dollars (\$10) per diem for each day actually given to such work or examination, and his actual and necessary expenses in going to, holding and returning from such examination.

When in the judgment of the board of examiners it is necessary to secure the assistance of a surgeon outside the medical staff of the institution, to perform or assist in said operation, the necessary expenses of such surgeon shall be paid from the maintenance account of such institution.

6. If any provisions of this act shall be questioned in any court, and the provisions of this act with reference to any class of persons enumerated therein shall be held to be unconstitutional and void, such determina-



tion shall not be deemed to invalidate the entire act, but only such provisions thereof with reference to the class in question as are specifically under review and particularly passed upon by the decision of the court.

7. This act shall take effect immediately.—(Session Laws of 1911, Chap 190.)

The supreme court of New Jersey during the year 1913 declared the sterilization law of that state to be unconstitutional insofar as it referred to epileptics. "The question presented to the court was the application of the act to one of the classes included therein, namely, epileptics. The court held that the indicated operation carried with it sufficient possibility of permanent injury, or possible danger, to come within the provisions of the federal constitution, provided the statute should be found to be an invalid exercise of the police power, and applying the usual tests to the act, the court concluded, in view of the fact that the act applied only to those epileptics who were actually under restraint in the state institutions, and not to all the epileptics within the state, that the classification was unequal, and improper. So far, then, as the proceedings dealt with the single class under review, the act was held to be an invalid exercise of the police power."

#### NEW MEXICO

No law.

#### NEW YORK

Article 19. Operations for the Prevention of Procreation.

Sec. 350. Board of Examiners; Compensation and Expenses. Immediately after the passage of this act, the governor shall appoint one surgeon, one neurologist and one practitioner of medicine, each with at least ten years' experience in the actual practice of his profession, for a term of five years, to be known as the board of examiners of feeble-minded, criminals and other defectives, which board is hereby created. The compensation of the members of such board shall be ten dollars per diem for each day actually engaged in the performance of the duties of the board, and their actual and necessary traveling expenses. Any vacancies occurring in said board shall be filled by appointment of the governor for the unexpired term.

Section 351. General powers and duties of the board; persons to be operated upon. It shall be the duty of the said board to examine into the mental and physical condition and the record and family history of the feeble-minded, epileptic, criminal and other defective inmates confined in the several state hospitals for the insane, state prisons, reformatories and charitable and penal institutions in the state, and if in the judgment of the majority of said board procreation by any such



person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall appoint one of its members to perform such operation for the prevention of procreation as shall be decided by said board to be most effective.

The criminals who shall come within the operation of this law shall be those who have been convicted of the crime of rape or of such succession of offenses against the criminal law as in the opinion of the board shall be deemed to be sufficient evidence of confirmed criminal tendencies.

Section 352. Appointment of counsel to person to be operated upon. The board of examiners shall apply to any judge of the supreme court or county judge of the county in which said person is confined, for the appointment of counsel to represent the person to be examined. Said counsel to act at a hearing before the judge and in any subsequent proceedings and no order made by said board shall become effective until five days after it shall have been filed with the clerk of the court and a copy shall have been served upon the counsel appointed to represent the person examined and proof of service of said copy of the order to be filed with the clerk of the court. All orders made under the provisions of this act shall be subject to review by the supreme court or any justice thereof, and said court may upon appeal from any order grant a stay which shall be effective until such appeal shall have been decided. The judge of the court appointing any counsel under this act may fix the compensation to be paid him. No surgeon performing an operation under the provisions of this act shall be held to account therefor. The record taken upon the examination of every such inmate signed by the said board of examiners shall be preserved by the institution where said inmate is confined and one year after the performance of the operation the superintendent or other administrative officer of the institution wherein such inmate is confined shall report to the board of examiners the condition of the inmate and the effect of such operation upon such inmate, and a copy of the report shall be filed with the record of the examination.

Section 353. Unauthorized and illegal operations. Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise permit the performance of the operation for the purpose of destroying the power to procreate the human species or any person who shall knowingly permit such operation to be performed upon such



person unless the same shall be a medical necessity, shall be guilty of a misdemeanor.

Section 354. This act shall take effect immediately.—(Laws of 1912, Ch. 455, Art. 19.)

#### NORTH CAROLINA

No law.

#### NORTH DAKOTA

Section 1. Whenever the warden, superintendent or head of any state prison, reform school, state school for feeble minded, or of any state hospital or state asylum for insane shall certify in writing that he believes that the mental or physical condition of any inmate would be improved thereby, or that procreation by such inmate would be likely to result in defective or feebleminded children with criminal tendencies, and that the condition of such inmate is not likely to improve, so as to make procreation by such person desirable or beneficial to the community it shall be lawful to perform a surgical operation for the sterilization of such inmate as hereafter provided.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the chief medical officer of any such institution, the secretary of the state board of health and one other competent physician and surgeon whose appointment is hereinafter provided for, shall constitute the board of examiners for such institution. The third member of such board shall be a competent physician and surgeon of good standing and of at least ten years' practice of his profession in North Dakota who shall forthwith be appointed by the state board of control and who shall serve during the pleasure of said board of control. One such appointment may be made in each county in which one of such institutions is located, or one may be appointed to act for any two or more of such institutions to be named in the letter of appointment. The per diem compensation of such member so appointed shall be fixed by the state board of control in the letter of appointment and shall not be in excess of \$10.00 per day, a duplicate of this letter shall be filed with the state auditor, and the per diem and actual necessary expenses of such member shall be allowed and paid in the same manner as is provided by law for the payment of the salaries and expenses of the members, agents, and employees of the state board of control.

Sec. 3. When the superintendent of any such institution shall deem it advisable that such operation be performed on any one or more of the inmates thereof he shall make such recommendation in writing, signed by him, and file one copy thereof with the board of control and one with the chief medical officer of such institution, whereupon the



chief medical officer of such institution shall forthwith call a meeting of such board of examiners to be held at such institution at a date not less than fifteen days after the issuance of such call, and such call shall be in writing signed by such chief medical officer and shall clearly set forth the date and object of such meeting and shall contain the names of all inmates whose cases are to be considered at such meeting.

Sec. 4. At such meeting such board of examiners shall diligently inquire into the mental and physical condition of each inmate so considered, and as far as practicable, into his family history, and for that purpose any member of said board may administer an oath to any witness whom it is desired to examine, and such hearing may be adjourned from day to day, and, if necessary, sessions may be held elsewhere than at such institution.

Sec. 5. After fully inquiring into the condition of each such person such board of examiners shall make separate written findings for each of the persons whose condition has been inquired into, and such findings shall either order that such inmate be sterilized by such operation as may be deemed best, or shall find that sterilization is not necessary or desirable, or shall continue the case to a time and place therein named or upon future call for further observation and inquiry, and such hearings shall be conducted according to the provisions of Section 4 of this act. If such board in its findings order such operation upon such inmate, it shall, in such finding designate what operation is to be performed and its purpose, and shall designate some skilled surgeon, who may not be one of their own number, who shall perform it.

Sec. 6. Such institutions shall keep all files in any proceedings under this act and full minutes of such meetings, and for that purpose the chief medical officer of such institution shall be the secretary of such board of examiners and custodian of its records.

Sec. 7. When in the opinion of the chief medical officer of any such institution such operation would be necessary or desirable upon any inmate thereof, for any of the purposes herein set forth, and such inmate requests in writing that such operation be performed, or consents thereto in writing, he may perform or procure the performance of such operation without bringing the matter to the attention of such board of examination. When any such operation is performed under the provisions of this section, it shall be the duty of the chief medical officer who performs or procures the performance of such operation to immediately report to the state board of control the details of such operation upon such blanks as the board of control may prescribe.

Sec. 8. Whenever the State's Attorney of any county shall have reason to believe that any person who shall be convicted of felony, has



been twice or more previously convicted of felonies in North Dakota or elsewhere, it shall be the duty of such state's attorney to investigate and to secure at the expense of the county, transcripts of records of conviction from other counties and states and also such evidence of identification as may be obtained. Such proof when obtained shall be forwarded to the state board of control who shall thereupon notify the chief medical officers of the institution to which such person is committed and the secretary of the state board of health and such case shall be dealt with in accordance with the procedure stated in Section 1 of this act.

Sec. 9. No surgeon who shall skillfully perform any operation as authorized by this act shall be held accountable therefor, but the finding and order of this said board of examiners or the court, or the consent of such inmate and parents or guardian shall be his full warrant and authority therefor.

Sec. 10. It shall be the duty of the chief medical officer of any such institution in which any sterilized inmates are confined to make careful observation of each of such inmates, particularly with the view of ascertaining the effect of such operation upon the moral, mental and physical condition of such sterilized persons, and once a year, and oftener if called for by the governor, to make report on each of such persons in writing, keeping a copy of such report on file in such institution, and furnishing copies to the governor, the state board of control, and the secretary of the state board of health.

Sec. 11. Emergency. *Whereas*, Heredity plays a most important part in the transmission of crime, insanity, idiocy and imbecility, and our institutions for degenerates are overcrowded on account of the lack of adequate means of checking the ever increasing numbers of this class; and *whereas*, there is now no provision in law authorizing an operation for the sterilization of defective persons, this act shall take effect and be in force from and after its passage and approval.—(Acts of 1913.)

#### OHIO

No law.

#### OKLAHOMA

No law.

#### OREGON

No law.

A sterilization act was passed by the 1913 legislature, but was referred to the referendum vote by petition of the people, on November 4, 1913, and defeated.



PENNSYLVANIA

No law.

A bill authorizing the sterilization of certain classes was introduced in the 1913 legislature, but failed of passage.

RHODE ISLAND

No law.

SOUTH CAROLINA

No law.

SOUTH DAKOTA

No law.

TENNESSEE

No law.

TEXAS

No law.

UTAH

No law.

VERMONT

No law.

A bill authorizing the sterilization of certain classes was introduced in the 1912 legislature, but failed of passage.

VIRGINIA

No law.

A bill authorizing the sterilization of certain classes was introduced in the General Assembly of 1908, of 1910 (when it came to a vote and was defeated), and 1912, but did not become a law.

WASHINGTON

"Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years, or of rape, or shall be adjudged to be an habitual criminal, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person, for the prevention of procreation."—(Laws of 1909, Chap. 249, Sec. 35.)

A bill was introduced in the 1913 legislature, authorizing the sterilization of certain classes, but failed of passage, which leaves the sterilization law of 1909 unchanged.

WEST VIRGINIA

No law.

WISCONSIN

An act to create section 561jm of the statutes, relating to the prevention of criminality, insanity, feeblemindedness and epilepsy.



Section 1. There is added to the statutes a new section to read: Section 561jm. The state board of control is hereby authorized to appoint, from time to time, one surgeon and one alienist, of recognized ability, whose duty it shall be, in conjunction with the superintendents of the state and county institutions who have charge of criminal insane, feebleminded and epileptic persons, to examine into the mental and physical condition of such persons legally confined in such institutions.

2. Said board of control shall at such times as it deems advisable submit to such experts and to the superintendent of any of said institutions the names of such inmates of said institution whose mental and physical condition they desire examined, and said experts and the superintendent of said institution shall meet, take evidence and examine into the mental and physical condition of such inmates and report said mental and physical condition to the said state board of control.

3. If such experts and superintendent unanimously find that procreation is inadvisable it shall be lawful to perform such operation for the prevention of procreation as shall be decided safest and most effective; provided, however, that the operation shall not be performed except in such cases as are authorized by the said board of control.

4. Before such operation shall be performed, it shall be the duty of the state board of control to give at least thirty days' notice in writing to the husband or wife, parent or guardian, if the same shall be known, and if unknown, to the person with whom such inmate last resided.

5. The said experts shall receive as compensation a sum to be fixed by the state board of control, which shall not exceed ten dollars per day and expenses, and such experts shall only be paid for the actual number of days consumed in the performance of their duties.

6. The record taken upon the examination of every such inmate shall be preserved and shall be filed in the office of said board of control at Madison, Wisconsin, and semi-annually after the performing of the operation, the superintendent of the institution wherein such inmate is legally confined, shall report to said board of control the condition of such inmate and the effect of such operation upon such inmate.

7. The state board of control shall report biennially in its regular biennial report the number of operations performed under the authority of this section and the result of such operations.

8. There is hereby appropriated out of the state treasury, not otherwise appropriated, a sufficient amount of money to carry into effect the purposes of this section not to exceed two thousand dollars.



Section 2. This act shall take effect upon passage and publication.

Senate: Ayes 24; Noes 3.

Assembly: Ayes 39; Noes 37.—(Laws of 1913.)

WYOMING

No law.

ALASKA

No law.

DISTRICT OF COLUMBIA

No law.



**TABLE I.**  
**STERILIZATION**

State and Date	Law Applies to	Selected by	Type of Operation
Calif. 1909 as amended in 1913	<p>(1) Persons committed to state hospitals and inmates of Home for Feeble-minded afflicted with hereditary insanity, incurable chronic mania or dementia, before discharge, except voluntary patients.</p> <p>(2) Recidivists in state prison, showing sex or moral perversion after 2 commitments for rape or assault, or 3 for other crimes, or committed for life.</p> <p>(3) Idiot minors or adult idiots.</p>	<p>(1) State Commission in Lunacy, with or without consent of patient.</p> <p>(2) Prison physician, superintendent of state hospitals and secretary of state board of health, or any 2 of them.</p> <p>(3) Medical superintendent of any state hospital on request of parent or guardian in writing.</p>	None specified.
Conn. 1909	Inmates of state prison and inmates of state hospitals whose mental and physical condition, and record and family history make procreation by them inadvisable, or whose condition may be improved by such operation.	Board for each institution consisting of 2 surgeons (appointed by directors of state prison and superintendents of state hospitals) and resident physician.	Vasectomy or oophorectomy in a safe and humane manner.
Indiana 1907	Inmates of all state institutions caring for confirmed criminals, idiots, rapists and imbeciles, procreation by whom is deemed inadvisable and whose condition has been pronounced unimprovable.	Committee of experts (consisting of chief physician and 2 surgeons appointed by institution) and Board of Managers.	Such operation as shall be decided safest and most effective.
Iowa 1911	<p>(1) Inmates of public institutions caring for criminals, rapists, idiots, feeble-minded, imbeciles, lunatics, drunkards, drug fiends, epileptics, syphilitics, moral and sexual pervers, and diseased and degenerate persons, procreation by whom is deemed inadvisable, or whose condition may be improved by such operation, and convicts convicted of certain statutory crimes.</p> <p>(2) Epileptics and syphilitics.</p>	<p>(1) State Board of Parole and managing officer and physician of each institution, or a majority of them.</p> <p>(2) Board of Parole or judge of district court upon application of those afflicted.</p>	Vasectomy or salpingectomy.
Kansas 1913	Inmates of all state institutions caring for habitual criminals, idiots, epileptics, imbeciles, and insane, procreation by whom is deemed inadvisable, or whose condition may be improved by such operation.	Judge of District Court on recommendation of "authority" consisting of institutional physician and 2 surgeons appointed by managing officer.	Vasectomy or oophorectomy in a safe and humane manner.



TABLE I.—Continued  
STERILIZATION

State and Date	Law Applies to	Selected by	Type of Operation
Mich. 1913	Inmates of institutions who have been adjudged by court to be mentally defective or insane, if procreation by them is deemed inadvisable, or their condition may be improved by such operation.	Board consisting of physician in charge and the board of managers, or majority of them. The probate court, in case of objection by parent or guardian.	Vasectomy or salpingectomy or the improvement of said operation least dangerous and best.
Nevada 1912	Habitual criminals, and persons adjudged guilty of carnal abuse of female persons under 10 years, or of rape.	Court passing sentence for offense.	Any operation for prevention of procreation except castration.
N. J. 1911	Inmates of reformatories, charitable and penal institutions, confirmed criminals and rapists, procreation by whom is deemed inadvisable.	Board of examiners consisting of a surgeon and a neurologist (both appointed by governor) and Commissioner of Charities and Corrections. All orders subject to review by Supreme Court.	Any operation for prevention of procreation as board of examiners decide to be most effective.
N. Y. 1912	Inmates of state hospitals for the insane, state prisons, reformatories and charitable and penal institutions, confirmed criminals and rapists, procreation by whom is deemed inadvisable.	Board of examiners consisting of a surgeon, a neurologist, and a physician, all appointed by governor, or a majority of them. All orders subject to review by Supreme Court.	Any operation for prevention of procreation as board of examiners decide to be most effective.
N. D. 1913	Inmates of state prisons, reformatories, state school for feeble-minded, state hospitals, and state asylums for insane, procreation by whom is deemed inadvisable, or whose condition may be benefited by such operation, and persons twice convicted of felony in this state or elsewhere.	(1) Board of examiners consisting of chief medical officer, secretary of the state board of health, and one surgeon appointed by the state board of control. (2) Chief medical officer on request or with consent of inmate.	None specified.
Wash. 1909	Habitual criminals, and persons adjudged guilty of carnal abuse of female persons under 10 years, or of rape.	Court passing sentence for offense.	None specified.
Wis. 1913	Inmates of institutions having charge of criminal, insane, feeble-minded and epileptic persons, procreation by whom is deemed to be inadvisable.	Experts consisting of one surgeon and one alienist, both appointed by state board of control, and superintendent of institution.	Any operation for prevention of procreation as is decided safest and most effective.



## Admission and Discharge

### ALABAMA

#### *Feeble-minded—*

No institution.

Simple, harmless, incurable dements, dotards, imbeciles or idiots are not fit patients for insane hospitals. Persons mentally so deficient and disqualified that they need restraint, are admitted to insane hospitals by order of probate judge, made after investigation.—(Code 1907, Sec. 854.)

#### *Epileptic—*

No institution.

Provision has been made by the legislature to establish an "epileptic colony," but has been suspended for want of funds.

### ARIZONA

#### *Feeble-minded—*

No institution.

#### *Epileptic—*

No institution.

A bill relating to the segregation of the feeble-minded and epileptic in a home suited to their needs, was before the 1913 Legislature but failed of passage.

### ARKANSAS

#### *Feeble-minded—*

No institution.

#### *Epileptic—*

No institution.

When it is deemed unsafe to the community for feeble-minded and epileptic persons to be at large, they may be committed to the hospital for nervous diseases under the same provisions as govern the insane.

### CALIFORNIA

#### *Feeble-minded and Epileptic—*

The Sonoma State Home.

Any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, may petition the superior court of the county in which he resides,



for the admission of such person to such hospital. If, on inquiry, the judge finds applicant to be an imbecile, feeble-minded person, idiot or epileptic, and a resident of the state for one year next preceding application, he must make an order for his admission to such hospital, said admission to be subject to the judgment of the management of the hospital or the commission. Liability of parent or guardian for support of such person is to be determined by the judge. When accommodations permit the Board of Managers may admit without judicial commitment, persons whose full expenses are paid.—(Political Code, Part III., Title V., Chap. 1, Sec. 2192-2196.)

#### COLORADO

##### *Feeble-minded and Epileptic—*

State Home and Training School for Mental Defectives.—There shall be admitted to the State Home and Training School feeble-minded persons, incapable of receiving instruction in the public schools, also epileptics and feeble-minded adults unable to care for themselves or their property; provided that applicant, or his legal guardian shall be a bona-fide resident of Colorado. When parents, or feeble-minded persons, are able to pay the whole or any part of the maintenance it shall be required of them.

There shall also be admitted from other states and territories feeble-minded persons, provided they are not afflicted with any contagious disease and pay their entire expense, after all Colorado applicants are cared for.

Courts have the authority to commit as provided by law for the insane, i. e. trial by jury and commitment by county court.—(Laws of Colorado, Sec. 4161E.) (Also School Law, 1912, Sec. 351.)

Upon application of any relative, friend or guardian for the relief, care, custody, training and education of any feeble-minded person, the judge of any county court may issue an order authorizing county commissioner to provide for such person in some public or private institution in this or other state, from the fund for the relief and care of the poor, said order to be accompanied with a certificate stating financial ability, and verified by the affidavit of two disinterested persons.—(Code 4132.)

At present epileptics are received at the State Insane Asylum under same conditions as the insane, i. e. trial by jury and commitment by county court, but these will be received at the State Home and Training School as soon as provision can be made.



*Feeble-minded—*

The Connecticut School for Imbeciles.

Private institution until 1913, when the legislature passed a law authorizing the state to purchase said school and establish it as a state institution. This Act provides:

For the establishment of an institution at Lakeville to be known as The Connecticut School for Imbeciles, the object of which shall be the care, custody, maintenance and education of imbeciles, resident of the state. The trustees are authorized to admit inmates under special agreement, and also to receive inmates when committed thereto as provided by law. (See Sec. 2787, Gen. Statutes, as quoted below). The expense of support and maintenance of all inmates is to be paid in whole or part from estate if he have any.—(Laws of 1913.)

Whenever any pauper or indigent imbecile person is found in the state who would be benefited by the school for imbeciles at Lakeville, the selectmen of such town are to make application to court of probate for the admission of such person, and if, upon inquiry the court finds him to be a proper subject, it shall order the selectmen to take him to said school, to be kept and supported for such length of time as the court may deem proper. The order of the court must be approved by the governor, and no person shall be received into said school without such approval.—(General Statutes of Conn., Sec. 2787, as amended in 1911.)

*Epileptic—*

The Connecticut Colony for Epileptics. (Opened in October, 1913.)

The trustees are authorized to admit patients under special agreements; provided that hopeful cases shall have preference and no hopelessly or violently insane person shall be admitted. The expense of support and treatment of all patients shall be paid in whole or part from estate of such person if he have any. Whenever there is found in the state any pauper or indigent epileptic who may be benefited by said institution, such proceedings may be had for his commitment thereto as are now provided by law for the commitment of insane paupers and indigent persons. (Laws of 1905, Chap. 196, given below). No patient shall be discharged until, in the judgment of the superintendent, his mental and physical condition justify it.—(Laws of 1909, Chapter 207.)

When any pauper in any town shall be insane, a selectman may apply to the court of probate for his commitment to a state hospital; the court shall appoint two reputable physicians to investigate the facts, and if they report that said pauper is insane, the court shall order him taken to a state hospital, to be kept and supported as long as requisite.



When an indigent person not a pauper is insane, application may be made by any person to the court of probate; the court shall appoint two reputable physicians and a selectman to investigate the facts, and if the court is satisfied that such person is a fit subject, it shall order him taken to a state hospital, to be kept and supported as long as may be requisite, the expense of maintenance to be borne in part by person making application.

Any insane pauper not a resident of any town, may be committed by the governor to any suitable place of detention, upon the certification (duly sworn to) of a physician that such pauper is insane.—(Laws of 1905, Chap. 196.)

The Connecticut Colony for Epileptics was expected to open about October 1, 1913. As the accommodations are limited, only indigent and pauper patients, residents of the state, will be admitted at first.

#### DELAWARE

##### *Feebleminded—*

No institution.

Associate judges of the Superior Court shall be trustees for the indigent imbecile children of the state, and application may be made to them for admission of such children into the Pennsylvania Training School for feebleminded children.

Said trustees shall require statement of each applicant's condition and circumstances to be forwarded to superintendent of said institution upon whose certificate approving said applicant as one who may be benefited by admission, said trustees shall recommend applicant to the governor, who shall cause said applicant to be admitted upon his warrant to the superintendent of said institution, provided that not more than three imbecile children of each county shall be in the institution at the same time, and not more than \$1,600 shall be paid to the state in any one year.

Whenever superintendent of said school shall report that any pupil admitted thereto under the foregoing provisions has received all the benefit that can be derived from the training, the associate judge of the county to which said pupil is accredited shall notify superintendent to discharge said pupil.—(Laws of Delaware, Vol. 12, Chap. 53.)

##### *Epileptic—*

No institution.

Epileptics are received at the Delaware State Hospital under the same provisions as govern the insane.



FLORIDA

*Feebleminded—*

No institution.

*Epileptic—*

No institution.

Feebleminded and epileptic patients are received at the Florida Hospital for the Insane, provided they are in need of mechanical restraint, otherwise they are supported by the county wherein they reside, on the pauper list.—(See Gen. Statutes, Chap. 5456, Sec. 1.)

GEORGIA

*Feebleminded—*

No institution.

*Epileptic—*

No institution.

Persons may become inmates of the Georgia State sanitarium who are either lunatics, idiots, epileptics or demented inebriates, provided they are citizens of the state of Georgia. The superintendent may refuse to receive harmless idiots, as long as there are recent and dangerous cases unprovided for.—(Civil Code, Sec. 1595-1614.)

IDAHO

*Feebleminded and Epileptic—*

The Idaho State Sanitarium. (In course of construction.)

All feebleminded residents so defective as to be unable to receive proper training in the public schools; and all feebleminded or epileptic persons unable properly to take care of themselves, under such conditions and regulations as board of directors may provide, may be admitted to Idaho State Sanitarium as follows:

Non-indigent and non-resident applicants under the discretion of board of directors.

Whenever it appears by affidavit to satisfaction of magistrate of any county that a person is a fit subject, he must issue a warrant for arrest, after examination by graduate physician and the testimony of witnesses, the physician must issue a certificate, and thereupon the judge must commit such person if he believes him eligible. Feebleminded and epileptic persons upon recovery must be discharged.—(Session Laws, 1911, Chapter 41.)

ILLINOIS

*Feebleminded—*

Lincoln State School and Colony.



Admission is under the control and direction of the Board of Administration of Charities. The board is required and empowered to cause the removal of feebleminded women and children from the county almshouses to the Lincoln State School and Colony.—(Jones and Add., p. 817.)

Object of institution to promote the intellectual, moral and physical culture of the inmates, and to fit them, as far as possible, for earning their own livelihood and for future usefulness in society.—(Jones and Add., p. 824.)

Admission is free to all residents of the state, and non-residents may be admitted on payment of fair rate of tuition.—(Jones and Add., p. 829.)

#### *Epileptic—*

State Colony for Epileptics. (Money for establishment of same available on July 1, 1918.)

Applicants, residents of Illinois, may be admitted to said colony by either of the following methods: 1. Upon voluntary application to the superintendent, accompanied by certificates of two physicians stating that applicant for admission is an epileptic. 2. Any parent, relative, conservator, guardian, or reputable citizen, may petition any court of record in county where epileptic resides; if it is found upon the evidence of two or more physicians, that such person is an epileptic, the court may order his admission and it shall be the duty of the superintendent to receive him: Provided that if an adult, the alleged epileptic shall give his consent in writing, and if a minor, or under any other disability, the consent of the parent, guardian or conservator shall be given in writing. It shall be unlawful to keep in the colony any insane person. Discharge and parole from said colony shall be under the direction and control of the Board of Administration.—(Laws of 1918.)

The Court may, when the health or condition of any child found to be dependent, neglected or delinquent requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it, for like purposes, without charge to the public authorities.—(Revised Statutes, 1911, Chap. 23, Art. 177b.)

#### INDIANA

#### *Feebleminded—*

Indiana School for Feebleminded Youth.

Subject to the rules of the Board of Trustees there may be admitted to the Indiana School for Feebleminded Youth, feebleminded or idiotic



children, 6 to 16 years of age, and feeble-minded women between the ages of 16 and 45 years. With the approval of the county commissioners, application may be made, (1) by father, if father and mother are living together; or, if not, (2) by one having custody of the child; (3) by guardian, duly appointed; (4) by the superintendent of any county poor asylum, or by the person having the management of any institution caring for children, and under items 3 and 4, the consent of the parents, if living, is not necessary. Any person may petition the circuit court for the commitment of any feeble-minded woman between the ages of 16 and 45 years; and after hearing, the judge shall commit such person, together with affidavits regarding her financial standing; the sum, if any, to be paid for her support, shall be fixed by the board of trustees.—(Laws of 1911.)

Any pupil may be discharged or returned to his or her parents or guardian when in judgment of trustees, it will not be beneficial to pupil, or will not be for best interests of school to retain pupil longer.—(Code 1908, Sec. 8541.)

#### *Epileptic—*

##### Indiana Village for Epileptics.

All epileptics having legal settlement in state are eligible for admission. Application is to be made to the circuit court by a reputable citizen of the county, setting forth under oath such facts as trustees may require, together with the written statement of a reputable physician. The court shall require the written certificate of two physicians of five years' practice stating that examination shows person to be epileptic, and after commitment by the judge, the admission of such person shall be subject to the superintendent of the village.

No person shall be discharged from the village until, in the judgment of the superintendent, his mental and physical condition justify it.—(Code 1908, Sec. 3461-3467.)

#### IOWA

#### *Feeble-minded—*

##### Iowa Institution for Feeble-minded Children.

All persons between the ages of 5 and 21 years unable by reason of deficient intellect to secure education in the common schools, are eligible for admission, application to be made by father and mother, or either if other be dead or adjudged insane; or by guardian, or if none, by board of supervisors or county attorney, and it is the duty of such board or such county attorney to make application for any such child who has no living sane parent or guardian, unless he is otherwise comfortably provided for.



Any inmate may be returned to parents or guardian at any time by order of board.—(Code, Chapter 7, Title 13, Sec. 2693-2701.)

All feeble-minded women under 46 years of age, who are residents of the state, may be admitted under same provision as children.—(Supplement 1907, Sec. 2695a.)

All feeble-minded men under the age of 46 years, may be admitted under the same provisions as govern the admission of children.—(Laws of 1909, Chap. 173.)

Children brought before a judge of the district court (acting under the provisions of this act), who are found to be feeble-minded, may be committed to Institution for Feeble-minded Children, but cannot be detained beyond their minority.—(Supplement to the Code of Iowa, 1907, Chap. 5B.)

*Epileptic*—

No institution.

KANSAS

*Feeble-minded*—

State Home for Feeble-minded.

All idiotic or imbecile youth not over 15, incapable of receiving instruction in the common schools, and residents of the state for six months, are eligible for admission. Persons of greater age may be admitted in the discretion of the Board of Control; and non-residents upon payment of fair rate of tuition. The superintendent has the power to restrain, parole or discharge inmates whenever it is to their best interests. Any inmate or relative may apply to the probate court of Cowley County for the discharge of such inmate, and the court has power to discharge or detain as it finds to the best interests of the inmate.—(Statutes of 1909, Sec. 8448, 8450, 8458.)

*Epileptic*—

Parsons State Hospital for Epileptics.

The Board of Trustees shall make and establish such rules and regulations as it deems necessary for the admission of epileptics, sane or insane, to the Parsons State Hospital for Epileptics. Any patient admitted as a sane epileptic, who is of legal age, or a parent or guardian of any such person, if a minor, may at any time obtain the discharge of such patient by giving ten days' notice in writing.—(Statutes 1909, Sec. 8504, 8502.)

Rules established by Board of Trustees for admission of patients:

Institution open for admission of any resident of the state sane or



insane, who is suffering from epilepsy, except low grade imbeciles and idiots.

First patients received are to be insane epileptics who at time of establishment of this hospital were inmates of the state hospital for the insane.

Next to be received are epileptics whose admission to the state hospitals for the insane has been refused because of their mental condition or otherwise, and who are at the time inmates of the county poor farms or jails.

Non-residents are received only by special arrangements made with the board.

Sane epileptics are admitted on voluntary commitment, signing their own application if of legal age, and upon application signed by parent or guardian in the case of minors.

Insane epileptics are committed by the probate court, using same form of commitment as for the ordinary insane.

All applications for admission should be made through the office of the probate judge of the county where the patient is a resident.

#### KENTUCKY

##### *Feeble-minded—*

Kentucky Institution for Feeble-minded Children.

All feeble-minded persons from 6 to 18 years of age, who can be educated or trained to do work, may be admitted to the Kentucky Institution for Feeble-minded Children, after inquest of jury, conducted as for insane.—(See Russell's Kentucky Statutes, 1909, Sec. 4247.) Superintendent to return to county all those, further attempts to educate whom, will not prove beneficial to state.

No child shall be kept after arriving at age and mental condition such that he will be able to provide for himself.—(Kentucky Statutes, Chap. 20, Sec. 4208, 4210.)

Pauper idiots may not be sent to asylum unless dangerous to be at large.—(Russell's Statutes, 1909, Sec. 4227.)

##### *Epileptic—*

No institution.

No person not otherwise insane shall be sent to asylum merely because he is subject to epileptic fits.—(Russell's Statutes, 1909, Sec. 4262.)

All pauper idiots, epileptics and harmless incurable lunatics shall be returned by the asylum to their counties.—(Russell's Statutes, 1909, Sec. 4223.)



## LOUISIANA

### *Feeble-minded—*

No institution.

### *Epileptic—*

No institution.

Feeble-minded and epileptic patients are cared for in hospitals for the insane. Insane persons are committed by judge of district or parish court after proper inquiry.—(Revised Laws, Vol. 1, Sec. 1768.) (Also Laws of 1902, No. 92, applying to colored people.)

## MAINE

### *Feeble-minded—*

Maine School for Feeble-minded.

All idiotic and feeble-minded persons over 6 years of age are eligible for admission and all such persons supported by towns, who in the judgment of the municipal officer of towns or State Board of Charities are capable of being benefited by school instruction, shall be committed.

Feeble-minded persons shall be admitted to the institution in the following order: First, feeble-minded persons who are now in public institution, supported entirely at public expense; second, feeble-minded persons in public institutions not supported as aforesaid; third, feeble-minded persons who are not in any institution of the state, who have no parents, kinsmen or guardian able to provide for them, or who are committed by a judge of probate; fourth, those residing within the state whose parents, kinsmen or guardian bound by law to support such persons are able to pay; fifth, persons of other states whose parents, kinsmen or guardian are willing to pay.

Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and a proper hearing, that any persons resident in said county, or any inmate of the Maine Industrial School for Girls, the Maine School for Boys, the Bath Military and Naval Orphan Asylum, or any person supported by any town, is a fit subject for the Maine School for Feeble-minded, such judge may commit such person to said school by an order of commitment directed to the trustees accompanied by a certificate of two physicians, that such a person is a proper subject for said institution.

Any order of committal under this act shall be subject to appeal. Any inmate of the Maine School for the Feeble-minded may be discharged by any three of the trustees or by a justice of the supreme or superior court of the state whenever a further detention in such school in their



opinion is unnecessary.—(Public Laws of 1907, Chap. 44.) (Laws of 1909, Chap. 167.) (School Laws of 1911, p. 46.)

*Epileptic*—

No institution.

MARYLAND

*Feebleminded*—

Rosewood State Training School for Feebleminded.

Residents of the state who are feebleminded may be admitted to the Rosewood State Training School for Feebleminded, where tuition is charged if applicant is not indigent. Adults may be retained and controlled at the institution upon the certificate of a judge that such disposition would be beneficial. Non-residents may be received if vacancies exist.—(General Laws, Art. 59, Sections 39 and 45.)

*Epileptic*—

No institution.

MASSACHUSETTS

*Feebleminded*—

Massachusetts School for the Feebleminded.

Wrentham State School.

If upon application in writing, a judge of probate finds that a person is a proper subject for the Massachusetts School for the Feebleminded or the Wrentham State School, he may commit him thereto by an order of commitment directed to the trustees thereof, accompanied by the certificate of a physician qualified as provided in section thirty-two, that such person is a proper subject for said institution.

The trustees of said institutions may at their discretion receive, maintain and educate in the school department, any feebleminded person from this commonwealth, gratuitously or otherwise, upon application being made therefor by the parent or guardian of such person, accompanied by the certificate of a physician that such person is deficient in mental ability, and a fit subject for said school. Special pupils may be received from any other state or province at a charge of not less than three hundred dollars a year. The trustees may also at their discretion receive in the school department other feebleminded persons gratuitously or upon such terms as they may determine.

If an inmate of the Massachusetts School for the Feebleminded or the Wrentham State School shall have reached the limit of school age or in the judgment of the trustees shall be incapable of being further benefited by school instruction, or if the question of the commitment to or con-



tinuance in either of said schools of any inmate is in the opinion of the trustees and of the state board of insanity a proper subject for judicial inquiry, the probate court for the counties of Middlesex and Norfolk, respectively, may, in its discretion, order such inmate to be brought before the court, determine whether or not he is a feeble-minded person, and may commit him or may order him to be discharged therefrom.—(Acts of 1909, Chapter 504, Sections 63, 64, 65.)

#### *Defective Delinquents—*

At state reformatory for women, Massachusetts reformatory and state farm shall be maintained defective delinquents. Males under 21 are to be committed to the Massachusetts reformatory; males over 21 to department at state farm; all females to the reformatory for women. Commitment shall be only after filing with the judge a certificate of two physicians, duly qualified and registered, that the person is mentally defective. To these departments are to be committed all offenders who are mentally defective, or those already committed to the above institutions or to the Industrial School for Boys, Industrial School for Girls, Lyman School, Truant School, or to custody of state board of charities for an offense not punishable by death or life imprisonment, who so behave as to render themselves unfit for retention in such institutions and not proper subjects for the School for the Feeble-minded.

All such persons shall be under the custody of the Board of Prison Commissioners until discharged; except that all committed to the state farm shall be under custody of the trustees.

Application for discharge shall be made to justice of municipal, police, or district court. If, after hearing justice finds it probable that inmate can be suffered at large without serious injury to himself, or danger or annoyance to others, authorities shall parole. At end of one year he may be released. If later convicted of any crime, commitment may be without certificate of a physician.—(Acts of 1911, Chapter 5.)

#### *Epileptic—*

Monson State Hospital.

Hospital Cottages for Children.

A person of the age of ten years or over who is subject to epilepsy, if he is not a criminal, inebriate or violently insane, may, if insane, be committed to the Monson state hospital, in accordance with the provisions for the commitment of other insane persons, or may, if dangerous to himself or others by reason of epilepsy, be committed thereto in the manner provided for the commitment of dipsomaniacs and inebriates.

The trustees of said hospital may receive and detain therein as a



patient any person of the age of ten or over certified to be subject to epilepsy by a physician, who desires to submit himself to treatment, and make application therefor, and whose age and mental condition are such as to render him competent to make such application, or for whom application is made by a parent or guardian. No such patient shall be detained more than three months after having given notice in writing of his intention or desire to leave the hospital. Upon the patient's reception at the hospital, the superintendent shall report the particulars of the case to the board of insanity, who may investigate the same.

Patients or parent or kindred bound by law to maintain them, will be held for the support of patients, if they are able.

State Board of Insanity may send to and keep at hospital cottages for children such number of children afflicted with epilepsy as shall be approved by the trustees and superintendent.—(Acts of 1909, Chapter 504, Sec. 63-82.)

#### MICHIGAN

##### *Feebleminded and Epileptic—*

Michigan Home for the Feebleminded and Epileptic.

Feebleminded and epileptic residents over 6 years of age shall be eligible for admission to the Michigan Home for the Feebleminded and Epileptic.

Petition for admission may be made by father, mother, husband, wife, brother, sister, child or guardian of a person alleged to be feeble-minded or epileptic, or by the sheriff or any superintendent of the poor, or supervisor of any township, and directed to the probate court of county. After hearing and examination, if such person shall be found and adjudged to be feeble-minded or epileptic, the court shall immediately issue an order for his admission. If no jury is required, the court shall determine the question of whether such person is a feeble-minded or epileptic person or not. Preference shall be given to the admission of indigent patients, so far as circumstances permit: Provided, that no feeble-minded woman above the age of 48 years, not an epileptic, nor any feeble-minded man not an epileptic whose condition is due to senility, shall be admitted to said institution.

There may be admitted any feeble-minded inmate of any other institution supported by the state, who shall be examined by two reputable physicians appointed by the court, and if found to be feeble-minded or epileptic shall be committed by the court to the Michigan Home for Feeble-minded and Epileptic as a public patient. After restoration to normal condition, such inmate shall be returned to institution from which he was committed.



The medical superintendent may by consent of the board of control discharge any patient in the following cases: 1st, a patient who has, in his judgment, recovered; 2nd, any patient who has not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare nor injurious to the patient. When the superintendent is unwilling to discharge an unrecovered patient upon request, and so certifies in writing, the probate court of the county from which the patient was admitted, may direct by order the discharge of such patient. The superintendent may grant a parole to any patient not exceeding 30 days. The superintendent shall have authority to demand and enforce the return of paroled person. Superintendent may readmit patient without new order for admission, within one year after discharge, if such patient was discharged by medical superintendent. If such patient was discharged by court, he shall not be readmitted without new order—(Act 101 of the Public Act of 1909, as amended by Act No. 14, of the Public Acts of 1913.)

#### MINNESOTA

##### *Feebleminded and Epileptic—*

Minnesota School for Feebleminded and Colony for Epileptics.

All feebleminded persons resident of the state, who, in the opinion of the superintendent of said school are of suitable age and capacity to receive instruction in such school and whose defects prevent them from receiving proper training in the public schools, and all idiotic and epileptic persons resident of the state may be admitted to their respective departments under such conditions and regulations as said board shall prescribe.—(Revised Laws 1905, Sec. 1914.)

When any child under the age of 17 years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purpose without charge.—(Gen. Laws 1905, Chap. 285, Sec. 7.)

Any crippled or deformed child, helpless, who cannot be benefited by treatment at State Hospital for Crippled and Deformed Children, or any child physically helpless from any chronic diseases of nervous sys-



tem or any child or adult suffering from such or other incurable chronic invalidism may be admitted to department for incurables at discretion of board of control and under such conditions as it may prescribe. Provided, that this does not apply to those helpless from insanity or senile dementia, or whose presence shall, in opinion of superintendent be incompatible with general purpose of institution.—(Revised Laws 1909, Sec. 1914.)

ASYLUM FOR DANGEROUS INSANE—

At the state hospital at St. Peter, there shall be held in custody and cared for such insane persons, idiots, imbeciles and epileptics as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by board of control, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally infirm or dangerous.—(Minnesota Supplement 1909, Sec.1926.)

MISSISSIPPI

*Feebleminded*—

No institution.

*Epileptic*—

No institution.

MISSOURI

*Feebleminded and Epileptic*—

Missouri Colony for the Feebleminded and Epileptic.

There shall be received and gratuitously supported in the colony feebleminded and epileptics residing in the state who, if of age, are unable, or if under age, whose parents or guardians are unable to provide for their support therein.

Feebleminded and epileptic persons shall be received only upon written request of persons desiring to send them, stating degree of relationship between patients and persons requesting admission, and the ability of the respective parents or guardians or others to provide for their support in whole or in part. This statement in all cases of state patients must be verified by affidavit of petitioner and of two disinterested persons, and accompanied by opinion of two qualified physicians, all residents of same county as patient; county court must certify that patient is eligible for admission. State patients, whether of age or under age, may be received upon official application of any judge of a court of record.

Superintendent of colony with approval of managers has power to discharge any patient who in their opinion has fully recovered.—(Revised Statutes 1909, Sec. 1508.)

The Board of Managers now requires a court request for all patients received.



## MONTANA

### *Feebleminded—*

#### Montana Schools for Deaf, Blind and Backward Children.

The trustees, according to such rules as they may prescribe, on application shall receive into the school all deaf, dumb, blind, and feeble-minded residing in the state of Montana, between the ages of 6 and 21 years, who are not unsound of mind or dangerously diseased in body, or incapable of instruction. The time of attendance shall be limited to 10 years with a possible extension of two years. Non-residents may be admitted on payment of tuition, when there are vacancies. In the case of indigent pupils, an order of court to that effect must be filed with the president of the school before the admission of such pupils. Those who are fit inmates for asylums are not to be received.—(Revised Codes 1907, Sec. 1168-1171.)

### *Epileptic—*

No institution.

## NEBRASKA

### *Feebleminded—*

#### State Home for Feebleminded.

All imbecile and feebleminded youth from 5 to 18 years of age, who have been residents for one year, and who are incapable of receiving instruction in common schools, may be admitted to the Institution for Feebleminded Youth at the discretion of the superintendent. Persons of greater age and non-residents whose expenses are paid may be admitted when they can be accommodated.—(Cobbey's Statutes 1911, Sec. 10032.)

### *Epileptic—*

No institution.

## NEVADA

### *Feebleminded—*

No institution.

The following provisions for the feebleminded are made by law:

Any person may apply to a district judge for the commitment of an idiot or feebleminded person who has been a resident of the state for five years and of the county wherein he resides for one year, to the Nevada Hospital for Mental Diseases. If it is proven to the satisfaction of the judge after examination of witnesses and the testimony of one or more physicians that such person is an idiot or feebleminded person, without means of proper support, he shall cause him to be conveyed to the hospital. But all patients so committed shall be on probation for thirty days after commitment and if in the judgment of the person in charge of the



hospital any such person is dangerous to be at large only because of his feeble-mindedness or bodily infirmity, he shall so notify the board of commissioners and at their direction may request the district judge to appoint a commission of three physicians to examine such patient. If such a commission determine that it unsafe to permit such a patient to be at large because of his feeble-mindedness but not because of insanity, such patient shall either be returned to the county from which he was committed or the county shall agree to pay for his support at hospital.

The Board of County Commissioners is authorized to receive and care for indigent feeble-minded minors of the state, and to hold them subject to such an arrangement as may be made for their care and education in an institution of a neighboring state.—(Laws of 1913, Chap. 231.)

*Epileptic—*

No institution.

NEW HAMPSHIRE

*Feeble-minded—*

New Hampshire School for Feeble-minded.

There may be admitted idiotic and feeble-minded children between the ages of 3 and 21 years. All children supported by towns or counties in state, who in the judgment of the selectmen of the town, county commissioners, or State Board of Charities, are capable of being benefited by school instruction, shall be committed. Provision shall also be made for the detention, care and custody of feeble-minded girls, inmates of the school, after they reach the age of twenty-one, if in judgment of board of trustees, it is for the best interests of the community. All indigent and destitute applicants may be admitted as state charges, and all other children whose parents or other kinsmen, bound by law to support them, are able to pay, shall pay for their support. Feeble-minded persons shall be admitted in the following order:

First, feeble-minded children now in public institutions supported entirely at public expense; second, the feeble-minded children not supported as aforesaid; third, the feeble-minded children of the state not in any public institution, who have no parents, kinsmen or guardian able to provide for them, or persons committed by a judge of probate; fourth, those residing within the state whose parents, kinsmen, or guardian bound by law to support such children are able to pay; fifth, children of other states whose parents or guardians are able and willing to pay.

Whenever it is made to appear upon application to the judge of probate for any county, and after proper hearing, that any feeble-minded child or any feeble-minded female of child-bearing age resident within



said county, and who is not already in any almshouse, the industrial school, or the New Hampshire hospital, or supported by any town or county, is a fit subject for the New Hampshire School for Feeble-minded Children such judge may commit such child or feeble-minded female to said New Hampshire School for Feeble-minded Children by an order of commitment directed to the trustees thereof, accompanied by the certificate of two physicians that such feeble-minded female is a suitable subject for said institution.

Any order of commitment under this act shall be subject to appeal. Any inmate of the New Hampshire School for Feeble-minded children may be discharged by any three of the trustees, or by a justice of the superior or supreme court, whenever a further detention at the school is in their opinion unnecessary.—(Laws of 1901, Chap. 102, as amended by Laws of 1905, Chap. 23, as amended by Laws of 1909, Chap. 47.)

*Epileptic—*

No institution.

NEW JERSEY

*Feeble-minded—*

The Training School (semi-private).

New Jersey State Institution for Feeble-minded Women.

The governor may place at state expense any feeble-minded person of suitable age and capacity for instruction in some institution. The term of instruction shall be three years but may be extended to eight years. The governor is empowered to withdraw the name of any person improperly admitted or found incapable of instruction after having been given a fair trial. Whenever any person has been in an institution for eight years, the extension of term of instruction is left to the discretion of the governor.—(General Statutes, 1709-1905, Art. 1-13, as amended by Chap. 126, Laws of 1910.)

The governor may commit all feeble-minded indigent women over 12 years of age to the State Home for the Care and Training of Feeble-minded Women.—(General Statutes 1709-1895, Art. 17, as amended by Art. 49.)

Any parent or guardian or custodian who applies to have any person admitted to any institution for defectives as a state pupil shall in such application waive all right to remove such inmate either permanently or for limited time; provided, that any inmate may be discharged upon request of the governor on recommendation of superintendent. The head of any institution may grant a leave of absence to any inmate for a limited time.—(Laws 1904, Chapter 134.) (Also Laws 1911, Chap. 229.)



Indigent feeble-minded men over 21 are to be cared for at the Epileptic Village at Skillman, according to provision for such village.—(Laws 1908, Chap. 811.)

All applications for admission to any institution supported in whole or in part by state and operated for care and custody of feeble-minded and epileptic shall be filed in office of Commissioner of Charities and Corrections and admission shall be upon certificate of said commissioner.—(Laws 1910, Chap. 208.)

Any male inmate of any institution for indigent feeble-minded persons may be paroled under such conditions that he shall be liable to be taken back if conditions of parole are broken.—(Laws 1910, Chapter 212.)

#### *Epileptic—*

New Jersey State Village for Epileptics.

Board of managers shall prescribe rules and regulations for admission and discharge of patients.—(Laws 1899, Chap. 152, Sec. 6.)

All epileptics are eligible for admission to the State Village for Epileptics except those who are insane or idiotic.

Indigent persons, residents for one year, are committed by judge of court of common pleas upon application and after examination.

Board of managers shall have right to hold and detain any person, so committed, for a period of not less than one year.

It is the duty of overseer of the poor to place pauper epileptics in the village.

Board is to provide method of prompt discharge, should any condition arise making unnecessary or inadvisable further detention.—(Laws 1902, Chap. 85.)

Any patient of village for epileptics may be permitted by superintendent to visit his relatives or guardian, but shall during such time be under legal custody of superintendent and subject to be retaken and returned at any time after expiration of time fixed by order. Such order or order for retaking of escaped patient shall be sufficient authority and warrant.—(Laws 1910, Chap. 175.)

All applications for admission to any institution supported in whole or in part by state and operated for care and custody of feeble-minded and epileptic shall be filed in office of commissioner of charities and corrections and admission shall be upon certificate of said commissioner.—(Laws 1910, Chap. 208.)

#### NEW MEXICO

#### *Feeble-minded—*

No institution.

No case of idiocy, imbecility or simple feeble-mindedness shall be



maintained at the Asylum for the Insane.—(Compiled Laws 1897, Sec. 3619.)

*Epileptic—*

No institution.

NEW YORK

*Feebleminded—*

State Custodial Asylum for Feebleminded Women.

Syracuse State Institution for Feebleminded Children.

Rome State Custodial Asylum.

Letchworth Village.

The board of managers shall have the custody and control of all property and power to make all rules for the management and control of the affairs of the State Custodial Asylum for Feebleminded Women.—(Consolidated Laws, Chap 55, Article 6, Sec. 81, known as State Charities Law.)

A poor person shall not be admitted as an inmate into a state institution for the feebleminded, or epileptics, unless a resident of the state for one year next preceding the application for his admission.—(Consolidated Laws, Chap. 55, Art. 2, Sec. 17.)

Feebleminded children may be received into the Syracuse State Institution for Feebleminded Children upon the official application of a county superintendent of the poor, or the commissioners of charity of a city of the state having such officers. Preference shall be given to poor or indigent children over all others, and to such as are able or have parents able to support them only in part, over those who are or who have parents who are able to wholly support such children. When the manager shall direct a state pupil to be discharged from the institution, the superintendent thereof may return him to the county from which he was sent. Every parent, guardian, committee, or other person applying for the admission of a feebleminded child who is able, or whose parents or guardians are able to provide for his maintenance, shall agree to a certain sum for his support and to the removal of such child without expense to the institution, within twenty days after service of notice. Notice to remove pupil shall be in writing from the superintendent to the parents, guardians, committee, or other person at whose request he was admitted. The management of the institution is vested in a board of managers appointed in accordance with the provisions of section 51 of chapter 55, Consolidated Laws.—(Consolidated Laws, Chap. 55, Art. 5, Sec. 60, 68, 69, as amended by Chap. 449 of the Laws of 1910, and Sec. 70, as amended by Chap. 609, of the Laws of 1911.)



Superintendent of the poor of the various counties of the state may commit to the Rome State Custodial Asylum, if vacancies exist, such feeble-minded persons and idiots as are indigent or inmates of county almshouses, according to the bylaws and regulations of the asylum. All commitments shall be in the form prescribed by the asylum. Insane idiots or epileptics shall not be committed. Feeble-minded persons and idiots other than the poor and indigent may be admitted to the asylum if vacancies exist after providing for the care and custody of the poor and indigent feeble-minded persons and idiots, upon payment of tuition to be determined by board of managers.

The Rome State Custodial Asylum shall receive, when it has accommodations therefor, such persons of the class designed to be maintained in said asylum, as shall be duly committed thereto in accordance with the provisions of law and the rules and regulations of said asylum, and it is hereby vested with the authority to detain all such persons so committed, including the right to arrest and return any who may escape, until discharged by the board of managers of said asylum, or by an order of the supreme court of the state of New York.

Any inmate of said institution, or any person or corporation interested as next of kin or otherwise, may apply to the board of managers for the discharge of such inmate, by presenting a petition in writing, duly verified as a pleading in the supreme court, setting forth reasons for discharge and disposition of inmate if discharged.

In case said petition is denied, the petitioner may serve notice upon superintendent and the attorney general that said action shall be reviewed by the supreme court. The said inmate shall be discharged or detained according to the terms of order granted by the court upon such hearing. (Added by Chapter 399 of the Laws of 1909.)

The superintendent may grant any inmate of said institution a parole or leave of absence under such rules and regulations as the board of managers of said asylum shall adopt. (Added by Chapter 448 of the Laws of 1912.)

The superintendent may admit to the asylum temporarily without commitment, under such rules and regulations as the board of managers may prescribe, for purposes of observation, such children or adults as are suspected of being feeble-minded or idiotic; to ascertain whether or not such person is actually mentally defective and a proper case for care, treatment and training in an institution for the feeble-minded or idiots. (Added by Chapter 448 of the Laws of 1912.) (Consolidated Laws, Chap. 55, Art. 7.)

A feeble-minded child under the age of 16 years, who is under such



improper or insufficient guardianship as to endanger the morals, health or general welfare of said child, may be admitted to the Rome State Custodial Asylum, upon order of the county court of Monroe County, if a vacancy in the asylum exists after providing for the custody of indigent feeble-minded persons and idiots, in the discretion of the board of managers, and under such regulations as to payment and otherwise as such board shall prescribe.—(Laws of 1910, Chapter 611.)

There shall be received and gratuitously supported in the Letchworth Village, epileptics and feeble-minded persons needing custodial care, upon the application and commitment of the county superintendent of the poor, commissioners of public charities, or other officers authorized by law to make commitments to existing state institutions for the maintenance of epileptic and feeble-minded persons. The said village shall also receive such epileptic and feeble-minded inmates of existing state charitable institutions and such other epileptic and feeble-minded persons supported by public expense and needing custodial care, except those who are insane, who shall be transferred to said Letchworth Village in accordance with the provisions of law.

The superintendent with the approval of the managers shall have the power to discharge inmates sent to the village, through mistaken diagnosis, or for other proper causes, provided that such discharge shall be to the superintendent of the poor, commissioner of public charities or other officer through whose application the inmate was received into the village, and provided further, that should any inmate become insane, such inmate shall be sent to the nearest state hospital.

The village shall receive such mentally incompetent persons as shall be duly committed thereto and is vested with authority to detain all such persons, including the right to arrest and return any who may escape, until discharged by the board of managers of said village or by an order of the supreme court of the state of New York. Any inmate or any persons or corporation may apply to the board of managers for discharge of such inmate, by presenting a petition in writing duly verified as a pleading in the supreme court, setting forth reasons and disposition of inmate if discharged. In case said petition for discharge is denied by board, the petitioner may serve notice on said village and the attorney general, that said action shall be reviewed by the supreme court, and the said inmate shall be discharged or detained according to the terms of order granted by the court upon such hearing. The superintendent may grant to a committed patient a parole not exceeding 45 days, at the expiration of which said patient must be again placed in village unless discharged. (Added by Chapter 586 of the Laws of 1911.)—(Laws 1909, Ch. 446.)



The Superintendents of the poor shall provide for the support of poor persons that may be idiots or lunatics, at other places than in the alms-house, in such manner as shall be provided by law for the care, support and maintenance of such poor persons.—(Consolidated Laws, Chap. 42, Art. 2, Sec. 6.)

A person who confines an idiot, lunatic or insane person in any other manner or in any other place than as authorized by law, and a person guilty of harsh, cruel or unkind treatment of, or neglect of duty toward any idiot, lunatic or insane person under confinement, whether lawfully or unlawfully confined, is guilty of a misdemeanor.—(Consolidated Laws, Chap. 40, Sec. 1121.)

### *Epileptic—*

Letchworth Village. (See laws under Feeble-minded.)

Craig Colony for Epileptics.

Designation and Admission of patients. Epileptics, residents of the state, who are indigent, shall be supported gratuitously, and designated as state patients. Such number as can be accommodated, whose expenses are paid, shall be admitted and designated as private patients. Epileptic children shall be received only upon written request of persons desiring to send them, with statement of financial ability, etc., which statement in all cases of state patients must be verified by affidavits of petitioners and 2 disinterested persons, and accompanied by opinion of qualified physician, all residents of same county, certified to as credible by county judge or surrogate of the county; and such judge or surrogate must also certify that such state patient is eligible and proper candidate for admission. State patients may also be received into colony upon official application of a county superintendent of the poor, or of the poor authorities of any city, and it shall be the duty of such officers to place in said colony any epileptic who has become a public charge. Any parent, guardian or friend of an epileptic child within the state may make application to the poor authorities of any city, or the superintendent of the poor, showing by satisfactory affidavit or other proof that the health, morals, comfort or welfare of such child may be endangered or not properly cared for if not placed in such colony, and thereupon it shall be the duty of such officer or board to place such child in said colony. Preference shall always be given to poor or indigent epileptics, or epileptic children of poor or indigent persons, over all others, and preference shall always be given to such as are able to support themselves only in part, over those who are able or who have parents who are able wholly to furnish such support.

Discharge of patients. The superintendent, with the approval of



the board of managers, shall have power to discharge patients, but no epileptic patient shall be returned to any poor-house. In case of mistaken diagnosis, such person shall be returned to the person who sent him. State patients who become insane shall be sent to state hospital, and private patients who become insane shall be committed to some state hospital as prescribed by law.

Detention and Discharge of Inmates; procedure: Same as for Rome State Custodial Asylum.—(Consolidated Laws, Chap. 55, Art. 8.)

#### NORTH CAROLINA

##### *Feebleminded*—

North Carolina School for the Feebleminded.

The State shall establish and maintain a school for the care and education of the idiotic and feebleminded 6 years of age and upward, which shall be known as the North Carolina School for the Feebleminded. All feebleminded persons supported by towns, counties, and alms houses capable of being benefited by school instruction shall be committed to this institution.

All indigent and destitute persons, in this State, proper subjects for said school, having no parents, kinsmen or guardian able to provide for them, may be admitted as State charges, and all other persons in the state, who are proper subjects, shall pay such sum for care as the trustees shall determine, and such persons from other States having no such institution and similar schools, may be received when there is room for them without excluding state charges, upon payment of certain sum.

Whenever it is made to appear upon application to Clerk of the Court of any county, that any person resident in said county or any person supported by any town, is a fit subject, such Clerk may commit such person to said school, said commitment to be accompanied by certificate of two physicians, graduates of some legally organized medical college and practitioners in the state for 3 years.

Any order of committal shall be subject to appeal. Any inmate may be discharged by any three of the trustees or by a Justice of the Supreme Court of the State whenever a further detention in such school in their opinion is unnecessary.

Admission shall be made as follows: First, feebleminded persons who are now in public institutions supported entirely at public expense; 2nd, feebleminded persons in public institutions not supported as aforesaid; 3rd, feebleminded persons who are not in any institution of the State, who have no parents, kinsmen, or guardian able to provide for them, or whom are committed by the Clerk of the Court; 4th, those resid-



ing within the State whose parents are able to pay 5th, persons of other States whose parents are willing to pay.

Trustees shall have power to make all necessary rules and regulations as to admission to said institution.—(Laws of 1911.)

*Epileptic*—

No institution.

White epileptics are to be received at State Hospital at Raleigh; upon commitment by clerks of superior courts in manner provided for insane.—(Laws 1909, Chap. 910.)

NORTH DAKOTA

*Feeble-minded*—

Institution for Feeble-minded.

All feeble-minded persons residents of this State, who, in the opinion of the superintendent, are of suitable age and capacity to receive instruction in the Institution for Feeble-minded, and whose defects prevent them from receiving proper training in the public schools of the state and all idiotic and epileptic persons, residents of this state, may be admitted to and receive the benefits of the Institution, subject to payment of the sums hereinafter provided, and to such rules and regulations as may be made by the Board of Control; Provided, however, that any inmate of such institution shall not be removed therefrom except upon a written request of the parent, guardian or custodian of such inmate, which said request must receive the approval of the superintendent before such inmate can be removed. But any feeble-minded person who is offensive to the public peace or to good morals, and who is a proper subject for classification and discipline in the institution, may be committed, on pursuing the same course of legal commitment as govern admissions to the State Hospital for the Insane. Such commitment shall comply with such rules and regulations as may be made by the Board of Control, and shall be accompanied by the Certificate of Indigence as provided in Chapter 165 of the Laws of 1911.—(Laws of 1909, Chapter 213, Section 1, as amended by Chapter 166, of the Laws of 1913.)

The State Commissioners of insanity hold investigation and hear testimony; examination by physician and statement by him as to patient's condition is required; and the Commissioners commit to asylums any that they find to be suitable patient.—(Revised Codes, 1905, Sec. 1894, 1895.)

*Epileptic*—

No institution.



*Feebleminded—*

The Institution for Feebleminded.

The trustees of the institution for feebleminded (youth) may admit thereto all youth of this class not over 15 years of age, who have been residents of the state for one year, and are (in)capable of receiving instruction in the common schools.—(R. S., Sec. 671.)

If the capacity of the institution allows the reception of pupils besides those above described, the trustees may admit persons of greater age, and persons not residents in the state. For all who are not residents of the state for the required time, the trustees shall charge and receive for the institution a fair rate of compensation, to be fixed by them.—(R. S., Sec. 673.)

Any parent or guardian may enter a child into the institution for treatment, culture or improvement, and pay the expense thereof under terms, rules and regulations prescribed by the superintendent and approved by the trustees. (93 v. 210, Sec. 4.)

The trustees shall receive as inmates of the custodial department, feebleminded children, residents of this state, under the age of fifteen years,, who are incapable of receiving instruction in the common schools of the state, and adults of the same class, over this age, who are public charges. The trustees shall prescribe and cause to be printed, instructions and forms of applications for admission, include therein interrogatories and require answers thereto, under oath, showing facts needed for their information. Such instructions and forms shall be furnished to applicants for the admission of any person or patient, in whole or in part as a state beneficiary, and be endorsed by the probate judge of the county in which he resides at the time of making the application. (93 v. 210, Sec. 5.)

Feebleminded adults of such inoffensive habits as to make them proper subjects for classification and discipline in the institution may be admitted, on pursuing the same course of legal commitment as govern admission to the state hospitals for the insane. (93 v. 211 Sec. 6.)

In approving an application for the admission of a person to the institution, the probate judge shall state whether or not such person has an estate of sufficient value, or a parent or parents of sufficient financial ability to defray the expense, in whole or in part, of supporting such person in the institution, and if there be means of support in part only, the amount per month which the parent, or legal guardian, may be able to pay. The person who makes the application for such admission shall therein make statement, under oath, as to such means of support. (93 v. 211 Sec. 7.)



In accepting an application for the admission of a person, the trustees shall fix the amount, if any, to be paid for such support, according to the ability of his parents, or the value of his estate, if any, and shall require payment for such support. When the indigence of the person or his family is such as to require his admission upon the full beneficiary fund of the institution, the support at the institution shall be as provided for in case of persons over the age of 15 years. (93 v. 211 Sec. 7.)

(Gen. Code, Sec. 1891, 1893, 1900-1904.)

### *Epileptic—*

#### The Ohio Hospital for Epileptics.

Insane persons who are also epileptic, and whose disease has developed during their residence in this state, and epileptics who have been residents of the state for one year next preceding application for admission, shall be admissible as inmates of this institution. The number of inmates shall be apportioned among the counties of the state according to population.—(R. S. Sec. 751-3.)

Nothing herein shall prohibit the admission as inmates of persons not residents of Ohio, or pay patients from Ohio, if there are accommodations for them, upon payment of such sums and upon such terms as the trustees determine.

In the commitment and conveyance to the hospital, the care and custody while there, and the discharge therefrom, of epileptic insane or epileptics whose being at large is dangerous to the community, like proceedings shall be had, and like powers exercised by officers charged with like duties in the premises as is provided by law for the commitment and care of the insane.—(91 v. 95 Sec. 7.)

Application for admission to the hospital of an epileptic person, other than insane or dangerous, first shall be made in writing by such person, his or her parent, guardian or representative, to the probate court of the county in which the epileptic is resident. If such epileptic has no parent, guardian or representative, any citizen may make such application on his behalf.—(94 v. 182 Sec. 8.)

Not more than five days after the application is filed, on the day fixed by him, the probate judge shall examine and inquire whether the alleged epileptic is a suitable person for admission to the hospital, and for such purpose may subpoena witnesses, a reputable physician, and, if necessary, may issue his warrant commanding the alleged epileptic to be brought before him. If deemed unsuitable to bring him into the probate court, the judge shall personally visit such person, and certify that he has so ascertained his condition by actual inspection. The other proceedings then may be had in the absence of such person.—(94 v. 182. Sec. 8.)



If satisfied that the person alleged is an epileptic and a suitable person for treatment at the hospital, he shall cause a certificate to be made by the medical witness in attendance, shall transmit the application, with the accompanying papers, to the manager of the hospital who shall advise him whether the patient can be received and at what time.—(94 v. 183 Sec. 8.)

The board of trustees may make such rules and regulations respecting the care, custody, discipline and discharge of patients, as they deem best for the interests of the patients and state. Until properly discharged, all persons admitted to the hospital as patients shall be under the custody and control of the manager. Subject to such regulations as the trustees adopt, the manager may restrain and discipline any patient in such manner as he deems best for the welfare of the patient and proper conduct of the institution.—(91 v. 97 Sec. 9.)

(Gen. Code, Sec. 2037, 2043-47, 2051.)

The following laws relate to both feebleminded and epileptic:

An act to create a board of administration for the institutions of the state named herein; said board shall assume its duties on August 15, 1911, and shall have full power to manage and govern The Ohio Hospital for Epileptics; the Institution for Feebleminded Youth which shall be known hereafter as The Institution for Feebleminded, \* \* \* and the board shall have the power to regulate the admission and discharge of the pupils and inmates in said several institutions as provided by law.—(Laws of 1911.)

When any person is committed to a state hospital for the insane, to the Longview Hospital, to the Ohio Hospital for Epileptics, or to the Institution for Feebleminded, the judge making such commitment shall at the same time certify to the superintendent of such institution, and the superintendent shall thereupon enter upon his records the name and address of the guardian, if any appointed, and of the relative or relatives liable for such person's support under Section 1815-9. (Sec. 1815-9: It is the intent of this act that a husband may be held liable for the support of a wife while an inmate of any of said institutions, a wife for a husband, a father or mother for a son or daughter, and a son or daughter or both, for a father or mother.)

In case the estate of any inmate is sufficient for his or her support, without hardship to any others who may be dependent thereon, and no guardian has been appointed for such estate, the agent shall petition the probate court of the proper county to appoint a guardian.—(Gen. Code, Sec. 1815-1, 1815-5, 1815-8, as amended by the Laws of 1911.)

All minors who in the judgment of the juvenile court, require state



institutional care and guardianship shall be wards of the state, and shall be committed to the care and custody of "The Ohio board of administration," which board thereupon becomes vested with the sole and exclusive guardianship of such minors.

The "The Ohio board of administration" shall provide and maintain a "bureau of juvenile research," and shall employ competent persons to have charge of such bureau and to conduct investigations.

The "The Ohio board of administration" may assign the children committed to its guardianship to the "bureau of juvenile research" for the purpose of mental, physical and other examination, inquiry or treatment for such period of time as such board may deem necessary. Such board may cause any minor in its custody to be removed thereto for observation and a complete report of every such observation shall be made in writing and shall include a record of observation, treatment, medical history, and a recommendation for future treatment, custody and maintenance. The "The Ohio board of administration" or its duly authorized representatives shall then assign the child to a suitable state institution or place it in a family under such rules and regulations as may be adopted.

Any minor having been committed to any state institution may be transferred by such "The Ohio board of administration" to any other state institution, whenever it shall appear that such minor by reason of its delinquency, neglect, insanity, dependency, epilepsy, feeble-mindedness, or crippled condition or deformity, ought to be in another institution. Such board before making transfer shall make a minute of the order for such transfer and the reason therefor upon its record, and shall send a certified copy at least seven days prior to such transfer, to the person shown by its records to have had the care or custody of such minor immediately prior to its commitment; provided, that except as otherwise provided by law, no person shall be transferred from a benevolent to a penal institution.

The "The Ohio board of administration" may receive any minor for observation from any public institution other than a state institution, or from any private charitable institution or person having legal custody thereof, upon such terms as such board may deem proper.

Each county shall bear all the expenses incident to the transportation of each child from such county to such "bureau of juvenile research," together with such fees and costs as are allowed by law in similar cases, which fees, costs and expenses shall be paid from the county treasury upon itemized vouchers certified to by the judge of the juvenile court.

The provisions of this act shall become valid on and after the first day of July, 1914.—(General Code, Sec. 1841-1 to 1841-7.)



*Feebleminded and Epileptic—*

Oklahoma Institution for the Feebleminded.

Feebleminded children from 5 to 16 years of age are eligible for admission; said admission to be applied for (1) by father, if parents are living together, (2) if not, by one having custody of child, (3) by guardian duly appointed, (4) by persons having management of any institutions where children are cared for, (5) by trustee of any township in Oklahoma, and under items 3, 4 and 5 consent of parents is not required.

Epileptics may also be admitted until establishment of separate institution.

Feebleminded persons over 16, whose expenses are paid, may be admitted under rules for admission and discharge prescribed by board of managers. Non-residents may be admitted under same conditions.

Feebleminded women may be admitted upon petition filed with clerk of county, and after examination, judge of county court shall commit.

It is the duty of the board of managers to retain all adult females committed, so long as it shall be advisable for benefit of said female or of state; provided that board may release anyone who has reached age of 45, or when convinced of improper commitment.—(Compiled Laws of 1909, Chapter 106, Art. 3.)

## OREGON

*Feebleminded and Epileptic—*

State Institution for Feebleminded.

All feebleminded persons, residents, who in the judgment of superintendent are of suitable age and capacity to receive instruction in the Institution for Feebleminded, and whose defects prevent them from receiving proper training in public schools, and all idiotic and epileptic persons, who have been residents of the state for 1 year, may be admitted under the conditions and regulations which may be provided by the board of trustees.—(Lord's Oregon Laws, Sec. 4461.)

Parents and guardians or those legally responsible for the support of any feebleminded, idiotic or epileptic person, may apply to the Superintendent of the State Institution for the Feebleminded for a blank application, which, when properly filled out and approved by the Judge of the Court of the County in which such feebleminded, idiotic or epileptic person resides, and by the superintendent of said institution, may entitle person so applying to admission.—(Session Laws, 1907, Sec. 9, Chap. 83.)



*Feeble-minded—*

Western Pennsylvania Training School for Feeble-minded.

Eastern Pennsylvania Training School for Feeble-minded and Epileptic.

Pennsylvania Training School for Feeble-minded Children (Semi-private.)

Cases afflicted with either epilepsy or paralysis shall have a due proportion of space and care in the custodial department. There shall be received into the Western Pennsylvania Training School for Feeble-minded children under the age of 20 years, whose admission may be applied for as follows: 1st, by the father, if father and mother are living together; 2nd, if father and mother are not living together, then by one having custody of the child; 3rd, by the guardian, duly appointed; 4th, by the superintendent of any county orphanage; 5th, by the person having the management of any other institution or asylum where children are cared for. Under items 3, 4 and 5, consent of parents, if living, is not required. Any parent or guardian who may wish to enter a child into said institution for treatment, culture or improvement, and pay all expenses of such care, may do so under terms, rules and regulations prescribed by the superintendent and approved by the trustees. There shall be received as inmates children, residents of the State, under the age of 20 years who shall be incapable of receiving instruction in the common schools of the State. All applications for persons admitted in whole or in part as State beneficiaries shall be indorsed by the Board of Commissioners or Directors of the Poor of the county in which they reside. Adults who may be determined to be feeble-minded, and who are of such inoffensive habits as to make them proper subjects for classification and discipline in an institution for the feeble-minded can be admitted on pursuing the same course of legal commitment as governs admission to the State Hospital for the Insane. The Board of Commissioners or Directors of the Poor of a county shall determine whether applicant has any estate or parents or guardian able to support him in whole or in part and the Board of Trustees shall fix the amount, if any, to be paid for his support according to the ability of same.—(Purdon's Digest 1903, p. 1285.)

When 7 years limit is inadequate or where discharge may be injurious to society, persons may be retained indefinitely. (Penn. Training School for Feeble-minded Children.)—(Laws of 1909, p. 1285.)

There may be admitted to the Eastern Pennsylvania Training School for Feeble-minded and Epileptic, feeble-minded and epileptic children under the age of 20 years who are unable to receive instruction in the common



schools, under such rules as the board of trustees may prescribe. Feeble-minded adults of such inoffensive habits as to make them proper subjects, may be admitted under the rules for commitment to the state hospital for the insane. Epileptics and paralytics are to be cared for in the custodial department. If financially able, the support of the patients shall be paid for in whole or in part by parents or guardian, or from the estate of any patient if he has any. Patients whose entire expenses are paid, may be admitted under the rules prescribed by the superintendent and approved by the trustees.—(Purdon's Digest, 1903, p. 1288) also (Laws 1911, p. 1090.)

*Epileptic—*

Eastern Pennsylvania Training School for Feeble-minded and Epileptic. (See above.)

RHODE ISLAND

*Feeble-minded—*

Rhode Island School for Feeble-minded.

Sec. 4. All feeble-minded persons in care and custody of state, or of any town, who are capable of receiving school instruction shall be transferred to school at discretion of board.

Sec. 5. Application for admission shall be made to board by parents, guardian, or person having care and custody of feeble-minded person, and shall be accompanied by certificate of two practising physicians.

The board may whenever they consider it necessary or expedient discharge any pupil, delivering him to person or place liable for his support, and in default of such, to state alms-house.

Sec. 6. Whenever complaint in writing is made to any justice or clerk of any district court that any person is feeble-minded so as to require restraint for his own or public welfare, the court shall upon examination and testimony of two practising physicians commit to Rhode Island School for Feeble-minded, there to be detained until in judgment of state board of education such person is no longer under necessity of restraint, or until after adequate provision for restraint is made.

Application for discharge may be made by patient or by some person in his behalf, to district court committing, and after hearing court has power to order discharge. Decision may be appealed in manner provided for criminal cases.—(General Laws of Rhode Island 1909, Chapter 103.)

*Epileptic—*

No institution.



SOUTH CAROLINA

*Feebleminded*—

No institution.

*Epileptic*—

No institution.

SOUTH DAKOTA

*Feebleminded and Epileptic*—

Northern Hospital for the Insane. (School for Feebleminded.)

All persons who have been residents of the state for one year, who are imbecile, feebleminded or epileptic, except such persons who have become feebleminded (by) reason of age, may be admitted for custody, care or training to the Northern Hospital for the Insane, subject to the judgment of the superintendent; non-residents, inmates before passage of this bill, may be retained on payment of fair compensation to be fixed by board of charities and corrections.

Any such person who is without a legal guardian, may be committed to the custody of the superintendent by the county judge on complaint of the state's attorney of such county, and the superintendent shall have the legal custody of such a person committed, with all the rights of a guardian of the person as provided by law.—(Laws of 1905, Chap. 139.)

TENNESSEE

*Feebleminded*—

No institution.

*Epileptic*—

No institution.

TEXAS

*Feebleminded*—

No institution.

Commissioners' court to provide for support of idiots, residents of county, who cannot be admitted to lunatic asylum and cannot support themselves.—Laws 1911, Chap. 116, Sec. 9.)

No idiot who can be safely kept in county to which he belongs, shall be received into lunatic asylum.—(Civil Statutes, 1897, Art. 119.)

*Epileptic*—

State Epileptic Colony.

All persons afflicted with epilepsy who shall have been bona fide residents of this state for one year shall be admitted into the Epileptic Colony under the provisions of this act, with the following exceptions:



1. Idiots and imbeciles who are afflicted with epilepsy.
2. Those who are infirm and bedridden, or suffering from contagious or infectious disease.

By the terms idiot and imbecile are meant children or persons who by arrest of development before or soon after birth have but little or no mind.

All epileptics, with the above exceptions, confined in the three insane asylums when the Epileptic Colony is ready for occupancy shall at once be transferred (and) any person hereafter admitted to any of the insane asylums found to be an epileptic shall at once be transferred to the Epileptic Colony. All patients so transferred shall be received into the Epileptic Colony as of the class in which they were admitted into the insane asylums.

Patients shall be of three classes, viz.: Indigent public patients; non-indigent public patients; private patients. Indigent public patients are those who possess no property of any kind, nor have any one legally liable for their support and able to reimburse the State. This class shall be supported entirely at the expense of the State. Non-indigent public patients are those who possess some property out of which the State may be reimbursed, or who have some one legally liable for their support and able to reimburse the State. This class shall be kept and maintained at the expense of the State in the first instance, but in such cases the State shall have the right to be reimbursed and the claim of the State for such support may be collected by suit or other proceedings. Private patients may be admitted into said Colony upon application of parent, guardian or friend under such regulations as the board of managers and superintendent may prescribe not in conflict with the provisions of this act. Such patients shall be kept and maintained at the colony at their own expense, or at the expense of their guardian, relatives or friends.

The parent, guardian or friend of any epileptic, not seeking admission as a private patient, may make application in writing and under oath to the county judge of the county wherein such epileptic resides, for the admission of same into the Epileptic Colony, said application to be accompanied with a certificate of a reputable practising physician certified to by the county judge, and it shall be the duty of the county judge to determine upon careful examination whether such person shall be admitted into the colony as an indigent public patient, or a non-indigent public patient, and to forward application for admission to the superintendent of the colony if it be made to appear to him that such epileptic is entitled to admission.

When there is room in the colony, it shall be the duty of the super-



intendent to receive such patient, and when application is made for more patients than can be admitted, he shall give preference to indigent public patients over non-indigent public patients, and shall at all times give preference to both of these classes mentioned over private patients.—(Gayle's Compiled Statutes of Texas, Chap 2B, p. 61.)

The colony was established in 1899 as a branch lunatic asylum and is operated under the same general provisions.

#### UTAH

##### *Feebleminded and Epileptic—*

State Mental Hospital. (Department for Feebleminded.)

All feeble-minded and non-insane epileptics capable of mental improvement, who are residents of the State, may be admitted to the State Mental Hospital. Application is to be made to the superintendent of the hospital who shall submit evidence and results of examination to the State Board of Insanity, which has the power to admit or reject applicant. Application shall be made by guardian, parent or friend or by chairman or member of Board of County Commissioners.—(Session Laws of 1909, Sec. 2154.)

#### VERMONT

##### *Feebleminded—*

The Vermont State School for Feebleminded Children.

Section 1. A state school which shall be called the Vermont State School for Feebleminded Children is hereby created and established for the care, training and education of idiotic and feebleminded children, otherwise called mentally defective children, between five and twenty-one years of age. All such children in the Vermont industrial school who, in the judgment of the selectmen or the board of penal institutions, are capable of being benefited by the instruction given in said school for feeble-minded children, shall be committed thereto.

Sec. 11. Any indigent and needy children of this state, between five and twenty-one years of age, who may be considered proper subjects within the purview of this act and who have no parents, guardians or other persons able to provide for and educate them, may be received into said school as state charges; and all other such children whose parents, guardians or kinsmen are bound by law to care for and educate them and are able to pay, may be received into said school, upon payment of such sum and upon such terms for their care, training, education and maintenance as the trustees shall prescribe.

Sec. 12. The following order shall be observed in the admission of children under the provisions of this act:



First: Such children as are now supported entirely at the expense of the public in the Vermont industrial school.

Second: Such children as are not so supported, but whose parents, guardians or other persons having them in charge are not able, in the judgment of said trustees, properly to care for, train, educate and maintain them, and who are committed by a judge of probate in the manner prescribed in the following section:

Third: Such children as are mentioned in the first class referred to in section 11 of this act.

Fourth: Such children as are mentioned in the second class referred to in section 11 of this act.

Sec. 13. Application in writing signed by the parent or guardian of a child considered a proper subject to receive the benefits of this act, or by the selectmen of the town, may be made to a judge of probate for the district in which such child resides for an order of commitment to said school, and thereupon such judge shall appoint a day for hearing. If such application is made by the selectmen of a town, ten days' notice shall be given the parent or guardian, or the person having such child in charge if there be no parent or guardian living, or, if living, his residence or domicile is unknown. At such hearing, the certificates of two physicians who are graduates of a legally organized and approved medical school, and who have had actual practice in medicine for five years in this state, stating that such child is a suitable and proper subject for commitment to said school, shall be filed with said judge. Said judge may hear any other testimony he may deem proper to be submitted to him. If said judge, after hearing, is of the opinion such child ought to be committed to said school, he shall issue an order of commitment directed to said trustees and attach to such order a certified copy, under his official seal, of said two certificates, and thereupon said trustees, if there be room in said school, shall receive such child therein.

Sec. 14. Inmates of the Vermont industrial school who shall be adjudged by the board of penal institutions and said board of trustees acting jointly, proper subjects to be committed to said school shall be therein committed upon the certificate of said two boards in writing, accompanied by the certificates of two physicians as provided in the preceding section, and thereupon such charges shall be received into said school for the remainder of the term of their commitment to said industrial school.

Section 15. An order of committal under this act shall be subject to appeal in the same manner, by the same persons, and to the same extent that decrees of the judge of probate appointing guardians over persons alleged to be insane are subject to appeal, and no commitment under this



act shall bar habeas corpus proceedings, but the court upon habeas corpus proceedings may confirm the order of commitment whenever justice requires.

Sec. 16. An inmate of said school may be discharged therefrom by the act of any three trustees in writing filed with their secretary, or by a superior judge after proper hearing and upon an application in writing of any person considered by said judge legally interested, whenever a further detention in said school is, in their judgment, unnecessary. But an inmate so discharged, who was at the time of commitment to said school under sentence to said industrial school, the period of whose sentence had not then expired, shall be remanded to said industrial school and thereafter be subject to the terms of said original sentence.

Sec. 17. A sum not exceeding twenty-five thousand dollars is hereby appropriated to be used and expended for the purposes named in this act, fifteen thousand dollars of which may be expended before January 1, 1914, and the balance of said twenty-five thousand dollars before January 1, 1915.—(Laws of 1912, No. 81.)

#### *Epileptic—*

No institution.

The governor is commissioner for the idiotic, feeble-minded, or epileptic children, of indigent parents and is to provide for them in such institutions for the instruction of such children in Connecticut and Massachusetts, as he may select. All such children between the ages of 5 and 14 years are to be annually reported by the county clerk to the governor.—(Public Statutes, Chap 60, as amended by No. 49 of the laws of 1908.)

Section 1168 of the Public Statutes is hereby amended so as to read as follows:

Sec. 1168. A sum not exceeding thirty thousand dollars is annually appropriated for the benefit of the deaf, dumb, blind, idiotic, feeble-minded and epileptic children of indigent parents, to be used agreeably to the provisions of this chapter.

This act shall take effect from its passage.—(Laws of 1912, No. 82.)

#### VIRGINIA

#### *Feeble-minded—*

There shall be established the Virginia Colony for the Feeble-minded which shall be located on the farm of the Virginia epileptic colony.

The colony for the feeble-minded shall be managed by the special board of directors of the said epileptic colony under the direction and control of the general board of State hospitals.



When said colony shall be ready for the reception and care of patients, the board of directors shall proceed to receive and care for feeble-minded persons to the number of 50. Those indigent white persons who would be of greatest service to the colony, who would, in the judgment of the superintendent of the colony, be most likely to receive benefit from colony care and training, and who are women of child-bearing age, from 12 to 45 years of age, shall, as far as practicable, be first received. Congenital idiots are not to be admitted.

Upon written complaint or information of any respectable citizen that any person in his county or corporation is suspected of being feeble-minded and in need of institutional care and custody, the said judge, or justice, shall order such person to be brought before him and shall summon two licensed physicians neither of whom shall be in any way related to such person or have an interest in his or her estate. The judge and said physicians shall constitute commission to inquire whether such person is suitable subject for such institution and if satisfied shall commit.

All provision relating to the admission of the insane to the hospitals for the insane, not in conflict with this act, and all provisions in relation to government and operation of the hospitals for the insane and duties of commissioner and boards of directors of State hospitals, so far as practicable, shall apply to the colony hereby established. And all provisions relative to examination, etc., and applicable to commitment of white persons committed to hospitals for the insane in this state, shall, as far as practicable, apply to the persons committed or to be examined for commitment to the colony hereby established, except that no feeble-minded person shall be committed to any jail.

#### *Epileptic—*

##### Virginia State Epileptic Colony.

There shall be established the Virginia State Epileptic Colony, to be managed by board of directors. When ready for reception and care of patients, the white epileptic patients from the other hospitals for the white insane, and such other white epileptics as may be committed according to law, shall, under the direction of the said general board, be transferred to and received as patients in said colony.

All the provisions of chapter 75 of the Code of Virginia and the acts amendatory thereof and supplementary thereto in relation to admission of patients to hospitals for the white insane of the State, including proceedings to determine their insanity and all other subjects embraced therein, not in conflict with the provisions of this act, and all provisions of said Code and acts amendatory thereof, in relation to government and opera-



tion and powers and duties of officials and judges, etc. shall apply in so far as practicable.—(Laws of 1910, Chap. 31.)

#### WASHINGTON

##### *Feebleminded and Epileptic—*

###### Institution for Feebleminded.

The State Institution shall be free to residents of the state under the age of 21 years who are feebleminded, idiotic or epileptic, or who are physically defective to such an extent as to prevent them from being educated in the common schools. Admission may be applied for as follows:

1st. By father or mother, if father and mother are living together.

2nd. If father and mother are not living together, then by one having custody of child.

3rd. By guardian duly appointed.

4th. By superintendent or other officer having charge of any institution or asylum where children are cared for.

5th. By county superintendents of schools and boards of county commissioners.

6th. By juvenile courts under an order of commitment.

Under items 3, 4, 5, and 6 consent of parents is not required.

Inmates arriving at the age of 21 years while in the institution, and who, in the judgment of the superintendent, are unfit to be discharged, shall be reported to the superior court of competent jurisdiction, which court, after due examination, and finding the case a proper subject for institutional care, may issue an order of commitment to said institution.

Adults under fifty years of age who may be determined to be feeble-minded, and who are of such inoffensive habits as to make them proper subjects for classification, education and discipline in an institution for feebleminded, may be admitted free upon pursuing the same course of legal commitment as governs admission to the hospitals for insane; but no insane persons, or those who are proper subjects for county poor farms, hospitals or asylums, or cases of senile dementia, shall be admitted to the institution.

The superintendent of the institution shall detain inmates admitted to the institution until satisfied that they are in normal condition and safe and competent to be at large, or that they can receive proper care and education at the home of relatives, or in some other home or institutions. In such cases, or for other good and sufficient reasons, he may grant discharges; or in his discretion, permit inmates to visit their



homes for stated periods, upon request of parents or guardians approved by the county superintendent of schools.

Any parent or guardian who may wish to enter a child in said institution and pay all expenses of care and maintenance, may do so under terms, rules and regulations prescribed by the board of control.—(Laws of 1913, Chap. 173.)

#### WEST VIRGINIA

##### *Feebleminded and Epileptic—*

###### West Virginia Asylum.

The classes of persons who shall be admitted as patients in said institution shall consist of epileptics, idiots and such other incurable defectives and insane as the Board of Directors may deem eligible. Commitment is to be made by the county court upon petition, and after hearing and examination by physicians. Whenever any patient has recovered or will not submit to the rules of the institution, it is the duty of the board of directors to discharge.—(Code 1909, Sec. 2690-2700.)

Board of Control created to supersede the board of directors.—(Laws 1909, Chapter 58.)

#### WISCONSIN

##### *Feebleminded and Epileptic—*

###### Wisconsin Home for the Feebleminded.

The object shall be to care for, have the custody and training of the feebleminded, epileptic and idiotic residents of the state and of such persons found therein whose residence cannot be ascertained. The general supervision and government is vested in the state board of control. All such persons may be admitted after such examination into their condition as is required to be made to determine the condition of persons alleged to be insane, and all the provisions of law relating to such examination and commitment of such alleged insane persons shall apply, so far as applicable, to persons seeking admission to the home for the feebleminded.

All persons who are or shall be confined in any charitable, reformatory or penal institution in the state who shall, after examination by the board of control, be found to be feebleminded, epileptic or idiotic, may be transferred to said home in accordance with provisions of Sec. 561jj, Sec. 4944f, as amended by Ch. 28, Laws of 1899, and this Section, to be kept there and dealt with as prescribed by law and the rules and regulations relating to the temporary or final discharge of all inmates. The superintendent of the home, with the approval of the board of control, shall have power to discharge inmates, but no epileptic in-



mate shall at any time thereafter be sent or returned to any poor-house. Whenever it shall appear that any feeble-minded, epileptic or idiotic person is dangerous to be at large because of his or her vicious and demoralizing acts or tendencies, or whenever it shall appear that any feeble-minded female of child bearing age is, by reason of her condition a menace to society, it shall be the duty of any supervisor of the town, city, village or ward in which such person may reside to take measure to have such person brought before the county judge pursuant to law.—(Revised Statutes, Sec. 573k, 573l, 573p, 573r, 573s) also (Revised Statutes, Sec. 585, 585c, relating to insane.)

Any county which is lawfully charged with the expense, or any part thereof, of maintaining an inmate in the Wisconsin home for feeble-minded, shall have all remedies to collect such sums out of the estate of such inmate, or from individuals, which are conferred by law for the collection of charges for the maintenance of the insane.—(Laws of 1901, Chap. 63.)

#### WYOMING

##### *Feeble-minded and Epileptic—*

The object of said institution is to provide by all proper and feasible means for the intellectual, moral and physical training of those unfortunates who were born, or by diseases become imbecile or feeble-minded or epileptic, and by a judicious and well adapted course of training, management and treatment to ameliorate their condition, and to develop as much as possible their intellectual faculties and physical health and fit them as far as possible for future usefulness in society.

All feeble-minded and epileptic persons over the age of six years, who are legal residents of the State of Wyoming, may be admitted to said home without charge for tuition, boarding, lodging, washing, medicine or medical attendance; Provided that in all cases where the party committed, or those legally liable for his or her support, are financially able to bear such expense, they shall in all cases do so, the rates therefor to be prescribed by the State Board of Charities and Reform.

Conditions of admission and discharge to be fixed by the State Board of Charities and Reform.—(Compiled Statutes 1910, Sec. 491-494.)

The Board of County Commissioners in each of the counties of the state in which there are or shall be persons eligible to admission to the said institution by the provisions of this chapter, who have no contagious disease and who are, or shall become chargeable to said county, shall cause all or any of such persons to be committed to said institution. In case said persons are imbecile, feeble-minded or epileptic they shall be committed in the same manner and by the same procedure that is re-



quired by statute for the commitment of insane and incompetent persons to the Wyoming State Hospital for the Insane, and all district courts and judges thereof shall by a proper order, entered of record, commit to said institution all such imbecile, feeble-minded or epileptic persons coming under the control and jurisdiction of said court and judge, whenever they shall have been declared to be proper persons for such commitment under procedure prescribed by law. In all cases hereafter when persons are tried for insanity under the laws providing for such trial, as well as in cases coming under the provisions of this chapter, the juries sitting in such cases shall be authorized to report to the court its findings of the mental condition of the patients and make recommendations as to whether the person shall be committed to the Hospital for the Insane or to the Wyoming School for Defectives, whereupon the court shall determine the place of commitment in such cases.—(Session Laws, 1911, Chap. 103, Sec. 2.)

The following Sections of the Wyoming Compiled Statutes, 1910, relate to the manner and procedure for the commitment of insane and incompetent persons to the Wyoming State Hospital for the Insane: Sec. 451-463.

#### ALASKA

##### *Feeble-minded—*

No institution.

##### *Epileptic—*

No institution.

#### DISTRICT OF COLUMBIA

##### *Feeble-minded—*

No institution.

When any indigent applicant for admission to the Columbia Institution for the Deaf and Dumb, belonging to the District of Columbia and being of teachable age, is found on examination by the president to be of feeble mind, and hence incapable of receiving instruction among children of sound mind, the secretary of the interior may cause such person to be instructed in some institution for the education of feeble minded children in Pennsylvania or some other state at a cost not greater for each pupil than is or may be for the time being paid by such state for similar instruction, and the sum necessary therefor is appropriated out of the sum above provided for current expenses of the institution.—(Sundry Civil Bill, Approved June 16, 1880.)

“To enable the secretary of the interior to provide for the education of feeble minded children belonging to the District of Columbia as pro-



vided for in the act approved June 16, 1880, \$3,400, one-half of this sum to be paid out of the revenue of the District of Columbia and one-half out of the Treasury of the United States, and hereafter the estimates for this expense shall each year be submitted in the annual estimates of the expenses of the government of the District of Columbia."—(Sundry Civil Bill, Approved August 30, 1890.)

The authority for placing feeble minded children of the District of Columbia, heretofore given to the secretary of the interior, is hereby transferred to the Board of Children's guardians.—(Appropriation Bill, Approved March 3, 1893.)

*Epileptic*—

No institution.



**TABLE II.**  
**INSTITUTIONAL COMMITMENT AND DISCHARGE**

<b>State</b>	<b>Admission</b>	<b>Age Limits</b>	<b>Tuition</b>	<b>Power to Detain</b>	<b>Vested In</b>
Cal.	F. M. and Ep. With or without court order but only with consent of P. or G.	None	When able	None.	
Col.	F. M. and Ep. With or without court order but only with consent of P. or G.	5-20 B. of C. Rule	When able	None.	
Conn.	F. M. With or without court order and with or without consent of P. or G.	None	When able	None.	
	Ep. With or without court order and with or without consent of P. or G.	None	When able	Superintendent.	
Ida.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	When able	None. Discharge required on recovery.	
Ill.	F. M. Without court order and only with consent of P. or G.	None	None	Board of Control in case of state patients.	
	Ep. With or without court order but only with consent of P. or G.	None	None	Board of Administration.	
Ind.	F. M. With or without court order and with or without consent of P. or G.	Females 6-45 Males 6-16	Adults when able	None.	
	Ep. Only with court order and with or without consent of P. or G.	None	None	Superintendent.	
Iowa	F. M. With or without court order and with or without consent of P. or G.	5-46	None	None except in Juvenile Court cases.	
Kans.	F. M. Without court order and only with consent of P. or G.	None	When able	Superintendent and Court.	
	Ep. With or without court order and with or without consent of P. or G.	None	When able	Insane by Superintendent.	
Ky.	F. M. Only with court order and with or without consent of P. or G.	6-18	When able	None. Discharge required when patient is able to provide for himself or whose further education is impossible.	
Maine	F. M. With or without court order and with or without consent of P. or G.	Over 6	When able	Court in cases committed.	
Md.	F. M. Without court order and only with consent of P. or G.	None	When able	Adults may be detained on certificate of judge that such disposition would be beneficial.	
Mass.	F. M. With or without court order and with or without consent of P. or G.	None	When able	Probate court in cases committed.	
	Ep. With or without court order and with or without consent of P. or G.	Over 10	When able	Trustees in cases committed.	



TABLE II.—Continued  
 INSTITUTIONAL COMMITMENT AND DISCHARGE

State	Admission	Age Limits	Tuition	Power to Detain Vested In
Mich.	F. M. and Ep. Only with court order and with or without consent of P. or G.	Over 6	When able	Superintendent.
Minn.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	When able	Court in Juvenile Court Cases.
Mo.	F. M. and Ep. Only with court order and only with consent of P. or G.	6-45	When able	None.
Mont.	F. M. Without court order and only with consent of P. or G.	6-21	None	None.
Neb.	F. M. Without court order and only with consent of P. or G.	Over 5	None	None.
N. H.	F. M. With or without court order and with or without consent of P. or G.	Males 3-21 Females over 3	When able	Board of Trustees for females over 21 years.
N. J.	F. M. Without court order and with or without consent of P. or G.	None	When able	Superintendent.
N. Y.	Ep. F. M. With or without court order and with or without consent of P. or G. With or without court order and with or without consent of P. or G.	Over 5 Syracuse 7-14 None elsewhere	When able	Board of Managers in cases committed.
N. C.	Ep. F. M. With or without court order and with or without consent of P. or G.	None	When able	Board of Managers and Supreme Court except at Syracuse.
N. D.	F. M. Without court order and with or without consent of P. or G.	Over 3	When able	Board of Managers and Supreme Court.
Ohio	F. M. Ep. With or without court order and with or without consent of P. or G. With or without court order and with or without consent of P. or G.	None	Except committed cases	Justice of Supreme Court. Superintendent.
Okla.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	When able	Ohio Board of Administration in Juvenile Court cases.
Ore.	F. M. and Ep. Without court order and only with consent of P. or G.	None	None	Board of Trustees.
Pa.	F. M. Ep. With or without court order and with or without consent of P. or G. With or without court order but only with consent of P. or G.	Males 5-16 Females over 5 None	None	Board of Managers in case of adult females. None.
		None	When able	Court in cases committed.
		None	When able	Court in cases committed.



TABLE II.—Continued  
 INSTITUTIONAL COMMITMENT AND DISCHARGE

State	Admission	Age Limits	Tuition	Power to Detain Vested In
R. I.	F. M. With or without court order and with or without consent of P. or G.	None	When able	State Board of Education and District Court Committing.
S. D.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	None	Superintendent in cases committed to his custody by court.
Texas	Ep. With or without court order and with or without consent of P. or G.	None	When able	Court in cases committed for legal offense.
Utah	F. M. and Ep. Without court order and only with consent of P. or G.	None	When able	None.
Vt.	F. M. With or without court order and with or without consent of P. or G.	5-21	When able	Judge of Superior Court or any 3 trustees.
Va.	F. M. Only with court order and with or without consent of P. or G.	12-45 females	None	Court.
Wash.	Ep. Only with court order and with or without consent of P. or G.	None	None	Court.
W. Va.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	None	Superintendent.
Wis.	F. M. and Ep. Only with court order and with or without consent of P. or G.	None	None	None. Any patient who re-covers or who will not submit to rules of institution must be discharged.
Wyo.	F. M. and Ep. With or without court order and with or without consent of P. or G.	None	None	Court in cases committed.
		Over 6	When able	None.



## Discussion

A wide range of purpose is shown in the minds of the legislators who voted for the foregoing laws. This is to some extent due to the different times at which the various laws were passed, there being today a fairly complete agreement as to our duty toward society in the treatment of the mentally defective. An occasional judge may still perform the marriage ceremony for a feebleminded girl in order to legitimize her child, and a few states still refuse to break up by annulment of marriage a home which is producing defective children, but for the most part, the public is educated to the evil of the present situation. There are a few points, however, about which there is much disagreement, and the reasons for this are plain.

A half century ago educators still hoped by intensive education so to improve the mental condition of the feebleminded as to make advisable their leaving the institution and assuming some, at least, of the duties of normal people. If this policy of the educators were to benefit society, it must have presupposed that acquired traits are, in the full meaning of the term, inherited. And this no one at that time doubted.

Today we know that nearly all forms of mental deficiency are incurable, and most biologists believe that, in the full meaning of the term, acquired characters are not inherited. Legislatures, however, have other tasks than the study of modern biological theory, so that we see the opinions of Lamarck and of Seguin almost unchanged in many of the state laws.

For instance, a number of institutions for the feebleminded are intended only for those "who may be benefited by the instruction." The Illinois application blank indicates this. The governor of New Jersey is empowered to remove any child who is not being benefited by the instruction given. Delaware, which sends its feebleminded to the institutions of other states, orders its patients discharged when they may no longer receive benefit from training. In Kentucky the superintendent of the institution is supposed to return to the counties all patients, further attempts to educate whom will not prove beneficial to the state. Also, no child may be kept in the institution after arriving at such age and mental condition that he will be able to provide for himself.

Regulations such as these are not often put to any greater use than necessary, but they still reflect the opinion of a few decades ago, that the



superficially educated defective makes better material for parenthood than the uneducated defective. To discharge, unsterilized, the defective child, after having taught him habits of neatness and a few tricks that make his mental deficiency less noticeable, is worse than never to have put him in an institution. The same criticism applies, of course, to the special classes in the public schools.

Among the marriage and divorce laws there is more Lamarckian biology. Kansas forbids the marriage (unless the wife is over forty-five years of age) of children *born after a parent was insane*. Michigan and New Jersey demand the "cure" of defectives before marriage. Divorce is granted in Utah on the ground of insanity only when the condition is incurable.

The Michigan asexualization law provides for sterilization when "there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by such person advisable." A similar provision is found in the North Dakota law.

To sterilize a moral pervert by no means makes him less dangerous, except biologically. His very immunity from the ordinary consequences of his irregular sex life may serve to make him much more dangerous than before, as one of the facts that determine virtue is removed. The vasectomized criminal would likely find seduction made easier for him, and the asexualized prostitute would be professionally benefited by the operation. The effect of such increased liberty upon the spread of venereal disease is evident. For these reasons we must look to the biological result for a defence of sterilization laws.

If a criminal or any other person is deprived of his capacity for procreation, the motive of society which takes this action must be either to punish for crime or to prevent the birth of children with criminal tendencies or to prevent the birth of children among bad social conditions. Certainly punishment is not the end sought. It is also certain that the justification for asexualization is, in the opinion of most people, the prevention of the inheritance of criminal traits in the offspring. This, of course, by preventing the offspring. Unless, then, our plan is to diminish the number of children in those homes where the moral atmosphere is bad, the implication is that the individual operated on is selected because his undesirable trait is inheritable. Many, if not most, moral perverts are, however, made and not born. Even if we think that except in a neuropathic constitution sex perversion will not develop, it is almost certain that the sex perversion is but the form taken by the psychosis due to chance training, and that it will not be transmitted *per se* to the next generation. For this reason, and on a purely biological basis, asexualization laws which apply only to



those convicted of sex crimes are manifestly faulty. Indeed, if it were not for the fact that in prisons and reformatories we are able to locate so many of the high grade feebleminded, the sterilization of criminals would be of secondary importance to the sterilization of those in institutions for the mentally defective. But as it is not from the so-called custodial class of the feebleminded that the next generation of mental defectives is derived, but rather from the high grade morons or those capable of self support, there has been some hope that sterilization might serve Eugenics in a field where the institution fails. And this is the practical task of the constructive biologist—to determine what use of sterilization will most rapidly decrease the undesirable stock.

A frequent charge made against Eugenic legislation is that it is unwise, that it is conceived in the isolation of the schools and will never bear the test of common use. Our attention is called to the many Utopias which have come to pass only in the minds of philosophers, and to the failure of most "ideal" communities due to their disregard of common-sense premises.

Another objection to such laws is raised by the "all for love and the world well lost" school. In their opinion, even granted that by the exercise of the police power it were possible to realize this academic dream, the Eugenic State must necessarily be a cold blooded breeding station where romance is the price paid for a better race.

Then there are theological objections. These apply especially to asexualization. It is the opinion of some people that although to operate on a man for his own good is justifiable, to operate on him for the good of society is to tamper with the plans of Providence. One also hears it said by people who are not avowedly actuated by theological considerations that such operations are "unnatural."

Lastly, the position is taken that Eugenic laws are impracticable, that society will not tolerate them. To be sure, society has tolerated sex taboos and legal penalties much more onerous, but long standing has made them seem "natural."

The objections, then, to the legislative attempt to apply the known facts of biology to the betterment of human stock are (1) that the laws themselves would not accomplish what their authors predict, or (2) that the cost of reform is too great, or (3) that the laws are impious, or (4) that society is incorrigible and the laws cannot be enforced. In addition to these, Mr. G. B. Shaw has said that we do not know what type of human being we wish to develop, but as the opinion of society has in the past been a great factor in determining the survival of individuals, this



objection holds only within certain limits. We are rather confident that there are certain characteristics we might wisely eliminate.

To take issue with these antagonistic criticisms of Eugenic legislation is hardly the purpose of this publication, though a few of the more obvious rejoinders may be noted. The inheritance under certain conditions of mental deficiency is undisputed. Also the fact that mental defectives are undesirable seems evident. With such a backing for the project, the further social control of the defective deserves being tried out. Ultimately every social measure must survive or be eliminated according to the results of its practical application. To call legislation experimental is to praise it. If less legislation were regarded as final and more were measured by its results, we might have a better working code.

The second objection is due to ignorance of the history of sex taboo. When it is realized that the present limitation of our individual liberty in the matter of marriage is tacitly accepted by nearly everyone, and that certainly in the past much of this limitation was ridiculous, the objection to further limitation of a desirable sort falls to the ground, especially as in the change many of the present useless taboos will be eliminated. The taboo against incest, that of the Jews against all exogamy and our own against mating with certain alien races are not irksome to the average man. They rather add to the romance of marriage. An aristocratic pride of race is not antagonistic to a man's choice of a mate, but rather determines it and adds ultimately to his satisfaction. Certainly marriages are happiest when a wise taboo is respected.

It seems hardly necessary to meet the theological objections to progressive legislation along biological lines, as some theologians are among the ablest supporters of Eugenic laws, and those who are not would not agree with the premises of Eugenics. A bishop, recently addressing a university audience, condemned the Eugenic movement, saying that the selection of the more fit only limited the field of religion, as it is the unfortunate who need religion most. Fortunately this is not a prevalent view in any church.

In supposing that Eugenic laws cannot be enforced, critics doubtless have in mind what they regard as analogous cases of laws which were enacted and became dead letters because the public did not feel their importance. Anti-tipping laws are examples of this, and the public certainly must demand such a law in advance of its enactment if it is not to die on their hands. Much Eugenic legislation is, however, not prohibitory in character, but is permissive of certain powers on the part of the courts or of commissions appointed for a definite purpose. It is this sort of legislation that must necessarily work best, as it is not subject to violation



and will continue to be used as long as even a few people are intelligently interested in it.

Whatever may be said against such laws as are presented in this pamphlet, and they are rightly subject to much criticism, it is evident that something must be done to diminish the number of mental defectives in our population. War among primitive people, poverty, disease, and capital punishment did a fairly thorough if not a very beautiful piece of work before we began to civilize them away. Some substitute has to be found for natural selection. Procreation of the undesirable must be prevented by means which are least cruel and least wasteful. These laws already in force in the several states indicate the growth of this opinion.



## BIBLIOGRAPHY

THE GEOGRAPHY OF MARRIAGE. By W. L. Snyder, 1889.

STATE LAWS REGULATING MARRIAGE OF THE UNFIT. (From the Annual Report of the National League for the Protection of the Family.—Rev. Samuel M. Dyke, Sec.) The Training School, February, 1912, Vineland, N. J.

PROBLEMS IN EUGENICS. Papers communicated to the First International Eugenics Congress held at The University of London, July, 1912. The Eugenics Education Society, 6 York Buildings, Adelphi, W. C. 1912.

PROCEEDINGS OF THE FOURTH ANNUAL MEETING OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY. Madison, Wis. 1912.

A COLLECTION OF STATE STATUTES RELATING TO INSANITY IN CRIMINAL CASES. Bulletin No. XIII American Institute of Criminal Law and Criminology. Madison, Wis. June, 1913.

SUMMARIES OF LAWS RELATING TO THE COMMITMENT AND CARE OF THE INSANE IN THE UNITED STATES. The National Committee for Mental Hygiene. 50 Union Square, New York City. 1913.

STATE LAWS LIMITING MARRIAGE SELECTION EXAMINED IN THE LIGHT OF EUGENICS. By Charles B. Davenport. Bulletin No. 9, Eugenics Record Office, Cold Spring Harbor, L. I. June, 1913.



