

and chattels of such person, by warrant of distress, from two justices of the peace of the county where such goods and chattels may be found; but in case sufficient goods and chattels of such lunatic or mad person cannot be found, the charges aforesaid shall be paid and satisfied by the overseers of the poor of the city or township in which such person shall be legally settled, in the manner in and by the poor laws directed for the maintenance and support of the poor; and in case the last legal settlement is not known or cannot at the time be ascertained, the said charges and expenses shall be paid and satisfied by the county wherein such person shall have been apprehended; *provided*, that if the last legal place of settlement of such lunatic or mad person shall be discovered and ascertained, then and in that case, the charges and expenses aforesaid shall be reimbursed to the county where such expenses may have occurred, by the city or township where such settlement may be; *and provided always*, that this section, or anything therein contained, shall not extend to or be construed to restrain or abridge the power or authority of the chancellor, orphans' court or guardian, touching and concerning such lunatic or mad person, nor to prevent any of the friends or relations of such person from taking him or her under their own protection, so long as such friends and relations shall take care of and safe keep him or her.

Overseers of poor to furnish lists of lunatics.
Ib. § 14.

22. It shall be the duty of the overseers of the poor of the several townships in each and every county in this state, to make out and furnish to the board of chosen freeholders of the county in which said townships are situated a list of all the poor lunatics and idiots within the bounds of their townships, stating the age of such lunatics or idiots, when such lunacy commenced, what means (if any) they have for support, with all other facts connected with each case, calculated to give information of their actual state and condition.

When sent to asylum.
Ib. § 15.
Amended.

23. The said board of chosen freeholders shall, at their annual meeting, cause an examination to be made into the condition and circumstances of such idiots and lunatics; and if it shall appear to them that there is reasonable ground to believe that any of such persons can be restored to their right mind, it shall be their duty to cause such persons, under a warrant, signed by the director of the board, to be taken to the state lunatic asylum.

Freeholders may act by committee.
Ib. § 16.

24. It shall and may be lawful for such board of chosen freeholders to appoint a committee of said board to act in the intervals between the fixed and general meetings, if they shall deem it expedient so to do, of such number and with such powers as they shall deem proper.

Lunatic Asylums.

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105. Proceedings in case of indigent insane persons, not paupers.
106. Extension of time of patient in asylum.
107. No patient admitted for less than six months.
108. Admission in case of vacancies.
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I. Trenton asylum.

An act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane.

Approved February 23, 1847. P. L. 1847, p. 18.

1. (Ten persons who are named are appointed managers, two to go out of office every year), and they shall hold their office until others are appointed in their stead, subject to being removed by the supreme court, at any time, upon the recommendation of the governor; their successors shall be appointed by the supreme court, at the January term, and shall

Managers.

Successors how appointed and vacancies filled.

LUNATIC ASYLUMS.

hold their offices for five years and until others are appointed in their stead, and subject to be removed in the manner aforesaid; the supreme court, at any term, may fill vacancies in the board, but the person appointed to fill a vacancy shall only serve under such appointment for the unexpired time of the person whose place he is to supply.

Powers and duties of managers.

2. That the government of the state lunatic asylum shall be vested in the said board of managers, five of whom, at least, shall reside within twelve miles of said asylum; they shall have the general direction and control of all the property and concerns of the institution, not otherwise provided for by law, and shall take charge of its general interests, and see that its design be carried into effect, and everything done faithfully according to the requirements of the legislature and the by-laws, rules and regulations of the asylum (and to this end they shall confer, counsel, advise and co-operate with the commissioners appointed to erect said asylum, whenever and as often as occasion may require); and the first meeting of the said board of managers shall be held in the city of Trenton, on Tuesday, the sixth day of April next.

Managers to appoint officers of asylum.

3. That whenever the proper time shall arrive, the said board of managers shall provide the necessary stock, furniture, and property for the conducting of said asylum, and appoint a superintendent, who shall be a well educated physician, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the said managers shall approve; they shall also, on the nomination of the superintendent, appoint a steward, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the managers shall approve; they shall also, on the nomination of the superintendent appoint an assistant physician and a matron, all of whom shall constantly reside in the asylum, and be designated the resident officers thereof.

To determine salaries of officers.

4. That the managers shall, from time to time, determine the annual salaries and allowances of the resident officers of the asylum, subject to the approval of the governor of the state; and such salaries shall not exceed, in the aggregate, five thousand dollars in any one year. (See *Sec. 58, post*).

May take and hold land.

5. That the managers may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons or the general use of the asylum.

Managers to make by-laws.

6. That said managers are hereby authorized and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants; for fixing the conditions of admission, support, and discharge of patients, and for conducting in a proper manner, the affairs and business of the institution; to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum.

Duties and powers of superintendent.

7. That the superintendent shall be the chief executive officer of the asylum; he shall have the general superintendence of the buildings, grounds, and farm, with their furniture, fixtures, and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers; he shall daily ascertain the condition of the patients, and prescribe their treatment, in the manner prescribed in the by-laws; he shall appoint, with the approval of the managers, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the asylum; he shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board, to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity and economy in

every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of December in each year, and that the principal facts and results, with his report thereon, be presented to the managers immediately thereafter; the assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence.

8. That the resident officers of the asylum, and all attendants and assistants actually employed therein, during the time of such employment shall be exempt from serving on juries, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment. Officers exempt from jury and militia duty.

9. That the board of managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings; which shall be open at all times to the inspection of the governor of the state and all persons whom he or either house of the legislature may appoint to examine the same. Book of minutes to be kept.

10. That the managers shall maintain an effective inspection of the asylum, for which purpose one of them, or more, shall visit it at least once in every week; two or more, at least once in every month; a majority at least once in every three months; and the whole board once a year, at the times and in the manner prescribed in the by-laws; in a book to be kept for that purpose, the visiting manager or managers shall note the date of each visit, the condition of the patients, with remarks of commendation or censure, and all the managers present shall sign the same; the general result of these inspections, with suitable hints, shall be inserted in an annual report, detailing the past year's operations and actual state of the asylum; which the managers shall make to the governor, on or before the fifth day of January in each year, to be by him presented to the legislature, accompanied with an annual report of the superintendent and treasurer. Visits of managers to asylum.

11. That it shall be the duty of the resident officers to admit any of the managers into every part of the asylum, and to exhibit to him or them, on demand, all books, papers, accounts, and writings belonging to the institution, or pertaining to its business, management, discipline or government; also, to furnish copies, abstracts, and reports, whenever required by the managers. Officers to exhibit books, &c., to managers.

12. That the treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum; he shall open an account at one or more banks, to be approved by the managers, in his own name, as treasurer of the asylum, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment; he shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers shall prescribe; he shall balance all the accounts on his books annually, on the last Monday of December, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within two days thereafter, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the results by a further comparison with the books of the steward, and certify the correctness thereof, within the next three days, to the managers; he shall, further, render a quarterly statement of his receipts and payments, on the first Monday of April, July, and October, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results thereof, duly certified, to the managers, who shall cause the

same to be recorded in one of the books of the asylum; he shall, further, render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

Treasurer may
compel payment
of expenses of
lunatic.

13. That the treasurer of the state lunatic asylum shall be vested with the same powers, rights and authority which are now given by law to the overseers of the poor in any township or city of the state, so far as may be necessary for the indemnity and benefit of the asylum, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also, for the purpose of coercing the payment of similar charges, when due from any township, city, or county that is liable for the support of any lunatic in said asylum. (See *Sec. 51, post*).

Moneys due, how
recovered.

14. That said treasurer shall also have authority to recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or who may have been therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the state lunatic asylum, and which shall not abate, by his death or removal, against the individual, township, city, or county legally liable for the maintenance of said patient, and having neglected to pay the same, when demanded by the treasurer, in which action the declaration may be in a general *indebitatus assumpsit*, and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Duties of steward.

15. That the steward shall, under the direction of the superintendent, make all purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like directions, make contracts, in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the account for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last Monday of every March, June, September, and December, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum, and shall, annually, during the third week in December, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made, under oath or affirmation, by himself and two suitable persons, whom the managers shall appoint for that purpose. (See *Sec. 62, post*).

Managers to give
notice of comple-
tion of asylum.

16. That as soon as the asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published, and also to be sent to the clerk of every county in the state, who shall transmit a copy thereof to the overseer of the poor of each township in their respective county; a circular from the superintendent shall accompany such notice to each county clerk and overseer of the poor, designating different days for the counties, severally, to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

Application for
admission of
patients.

17. That no person shall be admitted into the asylum, as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the superintendent—first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian and surname, place of residence, occupation, and degree of relationship, or other circumstance of connexion

between him and the person requesting his admission; and second, a certificate, dated within one month, under oath, signed by two respectable physicians, of the fact of his being insane; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county, and state of his residence, unless these facts appear on the face of the document. (See *Sec. 50*).

18. That the superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom and by whose authority each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates and other papers accompanying him carefully filed, and forthwith copied into said book. Record of admissions to be kept.

19. That each county may, at all times, keep such number of patients, in just proportion with other counties, as the asylum can accommodate; which proportion shall be regulated by the managers; if any one or more of the counties should not send their full proportion, the vacancies may be allotted, by the managers, to other counties having patients, whom they may desire to send. Proportion of patients from each county.

20. That whenever any pauper may be insane, it shall be the duty of the overseer of the poor in the township wherein he resides to make application in his behalf to any judge of the court of common pleas of the county; and said judge shall call two respectable physicians, and fully investigate the facts of the case; and if satisfied, after such examination, that the disease is of such a nature as may be cured, he shall issue an order to such overseer, requiring him, without delay, to take such insane pauper to the lunatic asylum, where he shall be kept and supported at the expense of the county in which is his residence, until he shall be restored to soundness of mind, if effected in three years; the judge, in such case, shall have power to compel the attendance of witnesses, and shall file the certificate of the physicians, taken under oath, and other papers relating thereto, and a report of the proceedings and decision, with the clerk of the county, who shall report the facts to the board of chosen freeholders, whose duty it shall be at their next annual meeting, to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum. Proceedings in case of insane paupers.

21. That when a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any two judges of the court of common pleas of the county where he resides; and said judges shall call two respectable physicians and other credible witnesses, and fully investigate the facts of the case, and, either with or without the verdict of a jury, at their discretion, shall decide the case as to his insanity and indigence; and if the said judges unite in a certificate that satisfactory proof has been adduced, showing him to be insane, and his estate insufficient to support him and his family (or if he has no family, himself), under the visitation of insanity, on their certificate, authenticated by the county clerk, under the seal of the court, he shall be admitted into the asylum, and supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in three years; the said judges in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers relating thereto, with a report of their proceedings and decision, with the clerk of the county, and report the fact to the board of chosen freeholders, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum. Proceedings in case of indigent insane persons, not paupers.

22. That when an insane person, in indigent circumstances, shall have been sent to the asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the chosen freeholders of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there a year, and pay the same to the treasurer of the asylum; and they shall repeat the same for two Extension of term of patient in asylum.

succeeding years, upon like application, and the production of a new certificate each year, of like import, from the superintendent.

[SEC. 23 repealed by P. L. 1848, p. 213, *Sec. 8*].

No patient admitted for less than six months.

23. SEC. 24. That no person shall be admitted into the asylum for a shorter period than six months, except in special cases provided for in the by-laws.

Admissions in case of vacancies.

24. SEC. 25. That the managers may authorize the superintendent to admit, under special agreements, whenever there are vacancies in the asylum, such cases as may seek admission.

County officers sending patients to provide clothing.

25. SEC. 26. That all town and county officers sending a patient to the asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment, as prescribed in the by-laws.

Proceedings in case of persons acquitted of crime on ground of insanity.

26. SEC. 27. That when a person shall have escaped indictment, or have been acquitted of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum; the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he has any, or from any relative, township, city, or county that would have been bound to provide for and maintain him elsewhere.

Proceedings in case of insane persons in confinement.

27. SEC. 28. That if any person in confinement, under indictment, or for want of bail for good behavior, or for keeping the peace, or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and, if he shall deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and prosecutor of the pleas thereof, whereupon he shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following. (See *Sec. 47, post*).

On acquittal for misdemeanors on ground of insanity.

28. SEC. 29. That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum in the same way as persons charged with crimes.

Price of keeping indigent patients fixed annually by managers.

29. SEC. 30. That the price to be paid for keeping any person in indigent circumstances in the asylum, shall be annually fixed by the managers, and shall not exceed the actual cost of support and attendance, exclusive of resident officers' salaries; but the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured.

Who liable for expenses of patients.

30. SEC. 31. That every insane person supported in the asylum shall be personally liable for his maintenance therein, and all necessary expenses incurred by the institution in his behalf; and the committee, relative, township, city, or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

Expenses, clothing, etc., of patient sent by county, how paid.

31. SEC. 32. That the expenses of clothing and maintenance in the asylum, of a patient who has been received upon the order of any court or judge, shall be paid by the county from which he was sent to the asylum; the county collector of said county is authorized and directed to

pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward, countersigned by the superintendent; and the chosen freeholders of the said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual, township, city, or county, that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest, from the day of paying the same.

32. SEC. 33. That whenever the managers shall order a patient removed from the asylum to the county whence he came, the collector of said county shall audit and pay the actual and reasonable expenses of such removal, as part of the expenses of said county; but if any township or person be legally liable for the support of such patient, the amount of such expenses may be recovered, for the use of the county, by said collector; if such collector neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same, and charge the amount to said county, and the county collector shall pay the same, with interest; and the chosen freeholders of said county shall levy and raise the amount, as other county charges.

Expense of removal from asylum, how paid.

33. SEC. 34. That every township or county paying for the support of a lunatic in the asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amounts of such payments, with interest from the time of paying such bill, as if such expense had been incurred for the support of the same, at other places under existing laws.

Expenses how recovered.

34. SEC. 35. That none of the provisions of this act shall restrain or abridge the power and authority of the court of chancery over the person and property of the insane.

Authority of court of chancery.

35. SEC. 36. That the managers, upon the superintendent's certificate of a complete recovery, may discharge any patients, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poor house of the county or township whence he came, any person admitted as "dangerous," who has been two years in the asylum, upon the superintendent's certificate that he is harmless, and will probably continue so, and not likely to be improved by further treatment in the asylum; or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poor house, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties, for his peaceable behavior, safe custody, and comfortable maintenance, without further public charge.

Discharge of patients.

36. SEC. 37. That a patient of the criminal class may be discharged by order of one of the justices of the supreme court, if, upon due investigation it shall appear safe, legal and right to make such order.

Discharge of criminal patients.

37. SEC. 38. That no patient shall be discharged without suitable clothing, and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it; also money, not exceeding ten dollars, to defray his necessary expenses, until he reaches home.

Clothing, &c., to be furnished on discharge.

38. SEC. 39. That the managers of the state lunatic asylum shall receive no compensation for their services; but they shall receive their actual traveling expenses, to be paid by the state treasurer, on the warrant of the auditor, on the rendering of their accounts; no court, judge, clerk, or other officer shall receive any compensation for any services performed under this act.

Managers to receive no compensation for services.

39. SEC. 40. That all purchases for the use of the asylum shall be made for cash, and not on credit or time; every voucher shall be taken duly filled up at the time it is taken; accompanying every abstract of vouchers for money paid, there shall be proof, on oath, that the voucher was filled up, and the money paid therefor, at the time the voucher was taken; and the managers shall make all needful rules to enforce the provisions of this section.

Purchases for asylum how made.

40. SEC. 41. That the terms "lunatic" and "insane," as used in this act,

Certain terms, &c., defined.

LUNATIC ASYLUMS.

include every species of insanity, and extend to all deranged persons, and to all of unsound minds, other than idiots; the words "asylum" and "institution" mean state lunatic asylum; a word denoting the singular number is to include one or many; and every word importing the masculine gender only, may extend to and include females.

P. L. 1848, p. 213.

Treasurer not required to be a resident officer.

Judge may order insane paupers to be removed to asylum.

Patients may be kept at asylum beyond time limited, on payment of expenses.

Salaries, how paid.

Investigation of insane cases.

Certificate of county clerk to be sent.

Part of former act repealed.

Sec. 23 of act of 1847 repealed.

P. L. 1849, p. 240.

Construction of word "town."

Supplement.

Approved March 9, 1848.

41. SEC. 1. That the treasurer of the state lunatic asylum shall not be required to reside in the asylum, nor be designated a resident officer thereof, any thing in the third section of the act to which this is a supplement to the contrary in any wise notwithstanding.

42. SEC. 2. That if the judge to whom application shall be made, on behalf of any insane pauper, shall be satisfied upon the examination of the case, made in the manner prescribed by the twentieth section of the act to which this is a supplement, that such insane pauper cannot be provided for by the overseers of the poor of the township, or at the poor house of the township or county upon which he is chargeable, with comfort and without danger or prejudice to himself or others, the said judge shall order the said pauper to be removed to the lunatic asylum, to be kept and supported in the manner and for the time in the said twentieth section mentioned.

43. SEC. 3. That if the board of chosen freeholders of the county upon which any insane patient may be chargeable, shall, at any regular or special meeting, request that such patient be continued at the lunatic asylum for a period of time beyond the three years mentioned in the act to which this is a supplement, the said patient shall be kept and supported at the asylum for such period of time at the expense of the said county, to be raised and paid in the manner prescribed by the said act; *provided*, that the said board of chosen freeholders may at any time revoke the said request; *and further*, that such patient may be discharged or sent back to the overseers of the poor, or to the poor house of the township or county whence he came, in the manner and for the reasons mentioned in the thirty-sixth section in the said act.

44. SEC. 4. That the annual salaries and allowances of the resident officers and treasurer of the asylum shall be paid quarterly, on the first days of January, April, July, and October, by drafts drawn in their favor by the treasurer of the asylum, countersigned by the secretary of the board of managers, upon the state treasurer.

45. SEC. 5. That the investigation required, by the twentieth and twenty-first section of the act to which this is a supplement, to be made with the assistance of two respectable physicians, shall be sufficient if made with the assistance of one such physician, whose certificate shall be sufficient; and that the application required to be made in the twenty-first section of the said act, to any two judges of the court of common pleas, shall be sufficient if made to one such judge as is therein mentioned, who shall be competent to discharge all the duties assigned to the two judges in said section mentioned.

46. SEC. 6. That in all such cases as are provided for in the twentieth section of the act to which this is a supplement, a certificate from the clerk of the county, under his official seal, that such order has been issued, as is mentioned in said section, shall be sent with the pauper, and filed by the superintendent of the asylum.

47. SEC. 7. That the words "under sentence of imprisonment," in the twenty-eighth section of the act to which this is a supplement, be and the same are hereby repealed.

48. SEC. 8. That the twenty-third section of the act to which this is a supplement be and the same is hereby repealed.

Supplement.

Approved March 1, 1849.

49. SEC. 1. That the town legally liable shall be understood and construed to mean the township from which such lunatic was sent to the asylum.

Supplement.

Approved March 1, 1850. P. L. 1850, p. 157.

50. SEC. 1. That so much of the seventeenth section of the act to which this is a further supplement, as prohibits the admission of patients not sent upon an order of some court or judge, without a certificate under oath of two physicians as to his insanity, be and the same is hereby repealed; and that, hereafter the certificate of one respectable physician shall be sufficient to authorize the admission of private or pay patients, if accompanied by the request and description mentioned in said seventeenth section.

Certificate of one physician sufficient under sec. 17.

51. SEC. 2. That so much of the act above referred to, and the several supplements thereto, as authorize the counties or the treasurer of the asylum to recover from townships or cities the expenses of maintaining patients sent to the asylum by virtue of the order of any judge or court, be and the same is hereby repealed.

Power to recover from townships and cities repealed.

Supplement.

Approved February 20, 1852. P. L. 1852, p. 74.

52. SEC. 1. That when an investigation of a case of lunacy shall be made by one judge and one physician, pursuant to the fifth section of the supplement to the act entitled "An act to authorize the establishment of the New Jersey lunatic asylum," approved March the ninth, eighteen hundred and forty-eight, they shall present their certificate and proceedings to the two chosen freeholders of the township in which the lunatic is found, who shall examine the same; and if satisfied that the said lunatic has a legal settlement in their county, as defined by the act entitled "An act for the settlement and relief of the poor," approved April the tenth, eighteen hundred and forty-six, and is entitled to the relief afforded by the act to which this is a supplement, and the supplements thereto, shall endorse the word "approved" upon said certificate and proceedings, and shall sign their official names thereto.

Certificate of judge and physician to be approved by chosen freeholders of township.

53. SEC. 2. That said certificate and proceedings, endorsed as aforesaid, shall be filed with the clerk of the county, and authenticated by him, as provided by the twentieth and twenty-first sections of the act to which this is a supplement; and thereupon it shall be the duty of the chosen freeholders of said county to provide for the expenses of the support of said lunatic, and to pay the amount thereof, as soon as practicable, to the treasurer of the asylum.

Certificate and proceedings to be filed with county clerk.

54. SEC. 3. That if said chosen freeholders shall not approve of sending such lunatics to the asylum at the expense of the county, they shall endorse on said certificate and proceedings the words "not approved," and shall sign their official names thereto, and the same shall then be filed with the clerk of the board of chosen freeholders; and said lunatic shall not be admitted to the asylum at the expense of the county.

If not approved by freeholders to be so endorsed and filed.

55. SEC. 4. That if there be by law but one chosen freeholder in any township, or if one of two chosen freeholders be dead or incapable of acting by reason of sickness or otherwise, the same duties hereinbefore required to be performed by two chosen freeholders, may be, and are hereby required to be performed by one chosen freeholder, and his acts in the premises shall have the same validity as the acts of two.

If only one chosen freeholder in township, his act valid.

An act relative to the lunatic asylum.

Approved March 30, 1855. P. L. 1855, p. 534.

56. SEC. 1. That the sum of seventy-five cents for each county patient shall be paid by the treasurer on the warrant of the governor to the managers of the asylum, upon a statement furnished by the superintendent, giving the number of such county patients which may have been thus supported in said asylum during said quarter, and said statement be filed in the state treasury department.

Sum to be paid by state treasurer for each county patient.

[SEC. 2 and 3 executed].

Supplement.

Approved March 7, 1867. P. L. 1867, p. 196.

57. SEC. 1. That the managers of the state lunatic asylum be and they are hereby authorized, on the nomination of the superintendent, to appoint

Managers may appoint second ass't physician.

a second assistant physician, who shall reside in the asylum, and be designated one of the resident officers thereof.

Aggregate amount of salaries fixed.

58. SEC. 2. That the sum limited in the fourth section of the act to which this is a supplement, for the aggregate amount of the annual salaries of the resident officers and treasurer of the asylum, be and the same is hereby increased to eight thousand dollars.

P. L. 1869, p. 1071.

Supplement.

Approved April 1, 1869.

Weekly charge for keeping insane paupers.

59. SEC. 1. That from and after the passage of this act, it shall be lawful to charge three dollars and fifty cents per week for keeping in the asylum any pauper or indigent insane person, sent to the asylum in accordance with the twentieth, twenty-first and twenty-second sections of the act to which this is a supplement.

P. L. 1871, p. 68.

Supplement.

Approved March 31, 1871.

Preamble.

WHEREAS, it is desirable that the accounts and reports of the lunatic asylum should be balanced and made up to the last day of October, in each year, to correspond with the termination of the state fiscal year; therefore,

Reports, when to be made.

60. SEC. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the superintendent of the asylum shall cause all the accounts and records of the institution to be made up to the last day of October, in each year, and shall make his report thereon to the managers immediately thereafter; and the managers shall present to the governor, on or before the fifteenth day of November, in each year, the annual reports now required by law.

Accounts, when to be stated and closed.

61. SEC. 2. That the treasurer of the asylum shall balance his accounts annually, on the last day of October, and within three days thereafter, deliver to the auditing committee of the managers the annual statements and abstracts required by law; and shall hereafter render his quarterly statements of receipts and payments on the first Mondays of February, May and August in each year.

Abstracts and appraisements, when made.

62. SEC. 3. That the steward shall make the quarterly abstracts of his accounts to the last Monday of every January, April, July and October; and shall make the inventory and appraisements, required by the fifteenth section of the act to which this is a supplement, during the third week in October, in each year.

Land may be purchased. Proviso.

63. SEC. 4. That the managers be and they are hereby authorized and empowered to purchase, for the use of the asylum, so much land adjoining the present asylum farm as they may deem necessary; *provided*, the cost thereof shall not exceed thirteen thousand five hundred dollars, which sum the treasurer is hereby authorized to pay out of the state treasury for that purpose.

Repealer.

64. SEC. 5. That the act entitled "A further supplement to an act entitled 'An act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane,'" approved April fifth, one thousand eight hundred and sixty-six; and also so much and such parts of the act to which this is a supplement as conflict with the provisions of this act, be and the same are hereby repealed.

II. Morristown asylum.

An act to provide additional accommodations for the insane of this state.

P. L. 1871, p. 72.

Approved March 31, 1871.

WHEREAS, it appears to the legislature that our state lunatic asylum is now crowded with patients beyond its capacity for their comfortable care and cure, and its sanitary operations and provisions are thereby greatly impeded; *and whereas*, the number of insane persons in this state has greatly increased, and this class of our fellow citizens are entitled to state care and protection while thus afflicted; therefore,

65. SEC. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That there shall be appointed by the governor of this state, by and with the advice and consent of the senate, five competent persons, one from each of the present congressional districts of the state, "commissioners to select a site and build an asylum for the insane of this state;" that said commissioners shall not receive any compensation for the services herein imposed upon them except the actual expenses incurred in the discharge of their duties, nor shall said commissioners be in any way concerned in any contract for the erection of the said building or for furnishing supplies of any kind for the same.

Commissioners to select a site and build an asylum, to be appointed.

66. SEC. 2. That the said commissioners shall, after due examination, select and purchase within ninety days after the passage of this act, in the name of the state, a farm or tract of land, in the northerly portion of this state, not to exceed three hundred acres; the said tract shall combine the advantages of fertility of soil, a healthy location, facility of access from all parts of the state, an unlimited supply of good and wholesome water, large facilities for drainage from the building, with good facilities for obtaining building materials and coal and other fuel for the use of the same; the farm or tract selected and the terms of its acquisition, whether by purchase or gift, shall be approved by the governor in writing before any purchase money shall be paid or deed accepted for lands either purchased or donated for the same.

Commissioners to select and purchase site in name of state.

Location, etc.

Governor to approve before payment of purchase money.

67. SEC. 3. That said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as may be fixed upon, who, together with themselves, shall prepare and mature a plan for the proposed asylum and superintend its erection; the said plan drawn out in detail shall be approved by the governor, or such experts as he may select for deciding upon the propriety of the same; and no change shall be made in the said plan to materially affect its general character without the consent of the governor or said experts in writing.

Power to appoint architect, superintendent, etc.

Plan of building.

68. SEC. 4. That it shall be the duty of the said commissioners, as soon as practicable after the selection and securing of the site and maturing the plan for said asylum, to commence the erection of the building for the same, either by contract or otherwise, as they may deem best for the interest of the state; if by contract, they shall invite by public notice proposals for building the same according to the plans and specifications adopted, stating the time and place where the said proposals will be received, reserving to themselves the privilege of accepting or rejecting such proposals as they may deem for the best interest of the state.

Building to be erected.

69. SEC. 5. That the said commissioners shall keep a full record of their proceedings and render a report of the same in detail to the governor and legislature, at the end of each fiscal year, which report shall embrace an account of the money expended, and for what purpose, and also the progress made in the erection of the said building.

Record of proceedings to be kept and report to be made annually to legislature.

70. SEC. 6. That to enable the said commissioners to purchase the land and make the necessary preparations for commencing and building the asylum herein provided for, the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the state out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, under requisition from the commissioners.⁽¹⁾

Appropriation.

71. SEC. 7. That in case of a vacancy in the commission by death, resignation or otherwise, the governor shall appoint a suitable person to fill said vacancy, during the recess of the legislature.

Vacancies in commission, how filled.

Supplement.

Approved February 28, 1872.

P. L. 1872, p. 12.

72. SEC. 1. That the "commissioners to select a site and to build an asylum for the insane of this state," appointed by virtue of the act to which this is a supplement, shall be vested with full control, management, and care of the lands, premises, buildings, built or to be built, and appur-

Commissioners to have control and management of lands, buildings, &c.

(1) The other acts making appropriations for said asylum, are P. L. 1873, p. 33; P. L. 1874, p. 20; P. L. 1875, p. 23. sec. 1, and P. L. 1876, p. 60.

tenances, heretofore purchased and hereafter to be purchased by them for the purposes of the proposed asylum, with authority to grade, plant, fence, and improve the said lands.

Purchases of
land confirmed.

73. SEC. 2. That whereas said commissioners, in order to complete the site, to secure a full supply of pure and wholesome water and valuable quarry of stone, and make the necessary changes in the public roads required for the same, were obliged to purchase more land than was authorized by the act to which this is a supplement, the purchases of land heretofore made by them as described in their report to the governor and legislature, dated December fifteenth, one thousand eight hundred and seventy-one, are hereby ratified and confirmed, and the commissioners are also authorized and empowered to purchase such other tracts or parcels of land, as may be necessary for the completion of the site, and the changes required in the public roads, conveyances for the same to be made to the state of New Jersey.

Authorized to
sell land.

74. SEC. 3. That the said commissioners are authorized in their discretion when deemed best for the interest of the state, to sell such part or parts of the lands purchased for the said asylum as may be necessary for the purposes of the same, and the governor is authorized and directed to make title to the purchasers of said lands by good and sufficient deed, signed by him under the great seal of the state and countersigned by the secretary of state, when required so to do by the said commissioners, if approved by him, and the moneys arising from said sales shall be appropriated towards the purposes of carrying out the provisions of the original act and this supplement.

Commissioners
to have police
jurisdiction, and
may appoint one
or more persons
who shall have
constabulary
powers.

75. SEC. 4. That for the purpose of preserving and maintaining order and preventing disturbances and trespassing on the lands of the asylum and the adjoining premises, the said commissioners shall have police jurisdiction within the grounds owned by the state, and one mile beyond the boundaries of said grounds, and it shall be lawful for said commissioners to appoint one or more fit, proper, and discreet person or persons, who shall take and subscribe an oath or affirmation before the clerk of the county of Morris, which oath or affirmation shall be filed by said clerk in his office, and shall be in like form and effect as now required by law for constables to take and subscribe; and which person or persons so appointed and sworn or affirmed, shall receive the same compensation and possess the same power and authority on the premises of said asylum, and on the premises adjacent thereto, within the limits named in this section, which constables now possess in criminal cases and in actions of trespass; and they shall have power and authority to arrest all persons who shall there be found unlawfully trespassing upon said premises or violating any of the laws of this state, or who shall conduct themselves in an immoral or disorderly manner, or in violation of the rules and regulations provided by said commissioners for the government of said grounds and premises, such rules and regulations not being in conflict with the constitution and laws of this state or of the United States, and said parties so arrested shall be taken without delay before some justice of the peace, or other proper officer having jurisdiction of the case, to be dealt with according to law, and that the provisions and powers of this section be extended to and conferred upon the managers appointed under the act entitled "An act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane," approved February twenty-third, one thousand eight hundred and forty-seven, and the several supplements thereto.

Roads not to be
laid out without
the consent of the
commissioners.

76. SEC. 5. That it shall not be lawful for any of the surveyors of the highways, or other person or persons, to lay out or maintain any new road or public highway, or railway through or upon the lands purchased or to be purchased for the said asylum, without the consent of the above named commissioners in writing being first had and obtained.

May contribute
toward main-
taining roads.

77. SEC. 6. That the said commissioners shall have power to contribute in labor by their employes and teams, or from funds appropriated for the building of said asylum, such amount as in their judgment they shall deem proper for the purpose of opening, working and maintaining the public roads leading to said asylum.

78. SEC. 7. That it shall be lawful for said commissioners to grade, lay down, maintain and open for the purposes of said asylum, a railway over any of the public highways leading to the same, or over any private property required for such railway, full compensation to be first ascertained and made to the owner or owners of such private property so taken by the commissioners, such railway to connect with any railway now built or hereafter to be built; *provided*, such railway shall not exceed four miles in length, and shall not interfere with the traffic on the said public highway.

May construct railway.

Proviso.

79. SEC. 8. That in case the said commissioners shall not be able to agree with the owner or owners of private property or lands necessary to be taken for said railway, or for any purposes necessary for the said asylum, and for carrying into effect the provisions of this act, as to the amount of damage or compensation to be paid for the same, or if by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made, the said commissioners shall make or cause to be made, a survey of the land required for the purposes of this act, and a particular description of the same, and shall appoint a particular time when they shall meet on the said land for the purpose of ascertaining and determining the value of the same and assessing the damages, and shall cause ten days' notice of such meeting, and a copy of such particular description of the land to be given in writing to the parties interested, if known, or if out of this state, such notice to be published in one of the newspapers published in the county of Morris, for a period of at least ten days prior to the time appointed for such meeting, and the said commissioners shall meet at the time and place so appointed, and proceed to view and examine the said land, and make a just and equitable appraisal or estimate of the same, and assessment of damages, which report shall be made in writing, under the hands and seals of the said commissioners, or a majority of them, and filed within ten days thereafter, together with the aforesaid survey and description of the lands, in the clerk's office of the county of Morris, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered plenary evidence of the right of the state to have, hold, use, occupy, possess and enjoy the said land, and the said commissioners shall at the said time of filing the said report pay the amount of the said award into the circuit court of the county of Morris, for the benefit of the owner or owners of the said land, and the state may take the said land upon the payment of the said award into the said court.

Proceedings when the commissioners and owners cannot agree.

80. SEC. 9. That in case the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners, the party so aggrieved may appeal to the circuit court of the county of Morris, at the first term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest said court with power and right to direct an estimate or appraisal of the value of the land and assessment of damages, by a jury to be empannelled and sworn as in other cases, and a view of the premises if desired, and the same to be tried at the next term of the said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of the said land and the damages sustained; and if they shall find a greater sum than the commissioners have awarded, then judgment thereon with costs shall be entered, and such excess, with the costs, shall immediately be paid into the circuit court for the benefit of the parties interested; but if the jury shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the said applicant or applicants, and the payments so made and paid into the circuit court, shall be deemed to be valid and legal payments; and such application for appeal shall not prevent the state from taking the said land.

Proceedings in case of appeal.

81. SEC. 10. That the said commissioners, before appraising the said lands, shall take and file in the office of the clerk of the county of Morris, an oath, well, truly and faithfully to perform the duties of their appointment.

Commissioners to file oath.

[SEC. 11 executed].

P. L. 1873, p. 66.

Liquor not to be sold within two miles of asylum grounds.

Penalty.

Proviso.

Supplement.

Approved March 26, 1873.

82. SEC. 1. That from and after the passage of this act it shall not be lawful for any person or persons to sell or expose for sale, or cause or knowingly permit to be sold or exposed for sale, directly or indirectly, any spirituous, malt, vinous or intoxicating liquors or beverages, or any composition of which such liquors or beverages, or any of them shall form the chief ingredient, on any lands or place lying and being within two miles of the boundary of the grounds owned by the state in the county of Morris, for the accommodation of the insane; and any person so offending shall be deemed guilty of a misdemeanor and on conviction, shall for the first offence, be fined not less than fifty nor more than two hundred and fifty dollars, together with the costs of prosecution, or imprisoned in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment, and for each subsequent offence not less than one hundred dollars and imprisonment for not less than twenty days in said jail; *provided however*, that this act shall not apply to any lands or places which are now within the corporate limits of the town of Morristown.

P. L. 1874, p. 96.

Number of commissioners increased to seven.

To be elected by joint meeting.

P. L. 1875, p. 23.

Name and title of asylum.

Supplement.

Approved March 26, 1874.

[SEC. 1 executed].

83. SEC. 2. That the number of commissioners to select a site and build said asylum be increased to seven, and that the additional commissioners hereby authorized to be appointed shall be elected by the senate and general assembly in joint meeting assembled.

Supplement.

Approved March 10, 1875.

[SEC. 1 executed].

84. SEC. 2. That the asylum now in the course of construction and completion by the aforesaid commissioners, shall be known by the name, style and title of "The State Asylum for the Insane, at Morristown, New Jersey," and that for the purpose of organizing the details connected with the opening of said asylum, and for the purpose of opening the same for the admission of patients as soon as practicable, the aforesaid commissioners are hereby constituted a board of managers for said asylum, until otherwise ordered, with all the powers and authority given by law to the managers of the "New Jersey State Lunatic Asylum," and that the said "The State Lunatic Asylum for the Insane at Morristown, New Jersey," shall, in all matters relating to the admission, treatment, continuance, and discharge of patients in and from the same, be subject to all the laws now in force relative to the said "New Jersey State Lunatic Asylum."

Commissioners constituted board of managers.

P. L. 1876, p. 142.

Rules and regulations for apportionment and distribution between the asylums of patients, &c.

To be submitted to each board and approved by governor.

Supplement.

Approved April 13, 1876.

85. SEC. 1. That the board of managers of the New Jersey state lunatic asylum, and the board of managers of the state asylum for the insane at Morristown, New Jersey, be and they are hereby authorized, empowered and directed, by and with the consent of the governor of this state, and in the manner hereinafter provided, to make, adopt and enforce rules and regulations for the apportionment and distribution to and between the said asylums of such insane persons as are now or may hereafter be sent to an asylum of this state by virtue of any law thereof, and for the removal of insane patients from either of the said asylums to the other, and from time to time to alter and repeal such rules and regulations as the public interest may require; and all rules and regulations so made, adopted and altered, and all repealers, as aforesaid, shall have the force and effect of public statutes, and shall from time to time be published as the said governor shall direct.

86. SEC. 2. That each rule or regulation, and each alteration or repeal of pre-existing rules or regulations, which shall be proposed to be made and adopted under the first section of this act, shall be submitted in writing to each of the boards of managers aforesaid, and if adopted by a majority of the whole number of each board shall then be submitted in writing to the governor of this state for his approval, and no rule or regulation, nor alteration or repeal of pre-existing rules or regulations,

shall take effect without the same is approved in writing by the said governor; in the event of a disagreement between the said boards respecting the adoption of any proposed rule or regulation, alteration or repeal aforesaid, the act proposed shall be submitted in writing to the governor who shall decide in writing the adoption or rejection or modification thereof, and shall communicate his decision to the said boards; all rules, regulations, alterations and repeals aforesaid, approved or decided by the governor as aforesaid shall be deposited in the office of the secretary of state, and certified copies thereof under the seal of said secretary shall be plenary proof thereof in all courts of this state.

Governor to decide in case of disagreement.

Rules, &c., adopted to be filed with the secretary of state.

87. SEC. 3. That each insane patient who shall be removed to the state asylum for the insane, at Morristown, New Jersey, by virtue of the rules and regulations aforesaid, shall be there continued and treated, and until discharged according to law shall be there supported by the same committee, relative, person, county or other corporation chargeable by law with such support, at the time of such removal, in the same manner and to the same extent as if such patient had not been so removed; and the expense of removing any patient to either asylum, shall be paid by the party chargeable by law as aforesaid, with his or her support, upon the order of the steward of the asylum to which such patient shall be removed, countersigned by the superintendent thereof.

Support of insane patient removed to the asylum at Morristown.

88. SEC. 4. That each insane patient admitted under said rules and regulations into the state asylum for the insane, at Morristown, New Jersey, shall be supported there according to law by the committee, relative, person, county or other corporation which would have been chargeable with the support of such patient if he or she had not been sent to an asylum, in the same manner and to the same extent as is now provided by law respecting insane patients in the New Jersey state lunatic asylum.

Support of such insane patient admitted, to whom chargeable.

89. SEC. 5. That the managers may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property to be applied to the maintenance of insane persons or the general use of the said asylum.

Managers may hold in trust for state lands, etc.

90. SEC. 6. That said managers are hereby authorized to establish such by-laws as they may deem necessary and expedient for regulating the appointment of the officers hereinafter mentioned, and such other officers as they may find necessary, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner, the affairs and business of the institution, and to ordain to enforce a suitable system of rules and regulations for the internal government of said asylum; and they shall fix the compensation of said officers, by and with the consent of the governor, which compensation shall be paid by the state treasurer, on the warrant of the comptroller.

May make by-laws for regulating the appointment of officers, &c.

91. SEC. 7. That the superintendent shall be the chief executive officer of the said asylum; he shall have the general superintendence of the buildings, grounds, and farm, with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers; he shall daily ascertain the condition of the patients, and prescribe their treatment, in the manner prescribed in the by-laws; he shall appoint, with the approval of the managers, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the said asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the said asylum; he shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board, to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who

Powers and duties of the superintendent.

are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of October in each year, and that the principal facts and results, with his report thereon, be presented to the managers immediately thereafter; the assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence.

Exemption from jury duty and military service.

92. SEC. 8. That the resident officers of the said asylum, and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

Board of managers to keep a record of all their doings.

93. SEC. 9. That the board of managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings; which shall be open at all times to the inspection of the governor of the state, and all persons whom he or either house of the legislature may appoint to examine the same.

Visits of managers to asylum.

94. SEC. 10. That the managers shall maintain an effective inspection of the said asylum, for which purpose one of them, or more, shall visit it at least once in every week; two or more, at least once in every month; a majority at least once in every three months; and the whole board once a year, at the times and in the manner prescribed in the by-laws; in a book to be kept for that purpose, the visiting manager or managers shall note the date of each visit, the condition of the patients, with remarks of commendation or censure, and all the managers present shall sign the same; the general result of these inspections, with suitable hints, shall be inserted in an annual report, detailing the past year's operations and actual state of the asylum; which the managers shall make to the governor, on or before the fifteenth day of November in each year, to be by him presented to the legislature, accompanied with an annual report of the superintendent and treasurer.

Annual report.

Officers to exhibit books, etc., to managers.

95. SEC. 11. That it shall be the duty of the resident officers to admit any of the managers into every part of the said asylum, and to exhibit to him or them, on demand, all books, papers, accounts and writings belonging to the institution or pertaining to its business, management, discipline or government; also, to furnish copies, abstracts, and reports, whenever required by the managers.

Powers and duties of the treasurer.

96. SEC. 12. That the treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the said asylum; he shall open an account at one or more banks, to be approved by the managers, in his own name, as treasurer of the asylum, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment; he shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers may prescribe; he shall balance all the accounts on his books annually, on the last day of October, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within two days thereafter, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and certify the correctness thereof, within the next three days, to the managers; he shall, further, render a quarterly statement of his receipts and payments, on the first Monday of February, May and August, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results thereof, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum; he shall, further, render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

Quarterly statements of receipts and payments to be made.

97. SEC. 13. That the treasurer of the state asylum for the insane at Morristown, New Jersey, shall be vested with the same powers, rights and authority which are now given by law to the overseers of the poor in any township or city in the state, so far as may be necessary for the indemnity and benefit of the said asylum, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also, for the purpose of coercing the payment of similar charges, when due from any county that is liable for the support of any lunatic in said asylum.

Treasurer may compel payment of expenses of lunatic.

98. SEC. 14. That said treasurer shall also have authority to recover, for the use of the said asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or who may have been therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the state asylum for the insane at Morristown, New Jersey, and which shall not abate, by his death or removal, against the individual, or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer, in which action the declaration may be in a general *indebitatus assumpsit*, and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Moneys due, how recovered.

99. SEC. 15. That the steward shall, under the direction of the superintendent, make all purchases for the said asylum, and preserve the original receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like directions, make contracts, in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the account for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last Monday of every January, April, July and October, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum, and shall, annually, during the third week in October, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made, under oath or affirmation, by himself and two suitable persons, whom the managers shall appoint for that purpose.

Duties of steward.

Shall make quarterly abstracts of all his accounts.

100. SEC. 16. That as soon as the said asylum shall be ready for the admission of patients the managers shall cause notice thereof to be published and also to be sent to the clerk of every county from which lunatics are entitled to be admitted under said rules and regulations, who shall transmit a copy thereof to the overseer of the poor of each township in their respective county; a circular from the superintendent shall accompany such notice to each county clerk and overseer of the poor, designating different days for the counties, severally, to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

Managers shall give notice when the asylum is ready for the admission of patients.

101. SEC. 17. That no person shall be admitted into said asylum, as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the superintendent—first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian name and surname, place of residence, occupation, and degree of relationship, or other circumstances of connection between him and the person requesting his admission; and second, a certificate dated within one month, under oath, signed by a

Admission of patients.

respectable physician, of the fact of his being insane; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county and state of his residence, unless these facts appear on the face of the document.

Record of admissions to be kept.

102. SEC. 18. That the superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom or by whose authority each insane person is brought to the said asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him, carefully filed, and forthwith copied into said book.

Proportion of patients to each county.

103. SEC. 19. That each county entitled to send lunatics to said asylum, under said rules and regulations, may at all times keep such number of patients, in just proportion with other counties, as the asylum can accommodate, which proportion shall be regulated by the managers; if any one or more of the counties should not send their full proportion, the vacancies may be allotted by the managers to other counties so entitled having patients whom they may desire to send.

Proceedings in case of insane paupers.

104. SEC. 20. That whenever any pauper, chargeable in any county entitled to send patients to said asylum under said rules and regulations, may be insane, it shall be the duty of the overseer of the poor in the township wherein he resides, to make application in his behalf to any judge of the court of common pleas of the county; and said judge shall call one respectable physician, and fully investigate the facts of the case, and if satisfied, after such examination, that the disease is of such a nature as may be cured, he shall issue a provisional order to such overseer, which shall be effectual when approved as hereinafter provided, requiring him without delay to take such insane pauper to said asylum, where he shall be kept and supported at the expense of the county in which is his residence, until he shall be restored to soundness of mind, if effected in three years; the judge, in such case, shall have power to compel the attendance of witnesses, and shall present the certificate of the physician, taken under oath, and other papers relating thereto, and a paper of the proceedings and decision to the chosen freeholder, or freeholders, if there be but one by law or but one acting by reason of the death, sickness or other disability of the other, of the township where such lunatic is found, who shall examine the same, and if satisfied that said lunatic has a legal settlement in their county as defined by the act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six, and is entitled to the relief afforded by this act, shall endorse the word "approved" upon said certificate and proceedings, and shall sign their official names thereto; which said certificate and proceedings shall be filed with the clerk of the county, who shall forward to the superintendent of the asylum where such insane pauper is confined, copies of said proceedings and certificate authenticated by the clerk under seal of the court, and report the facts to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and as soon thereafter as practicable pay it to the treasurer of the asylum; but if said freeholders shall not be satisfied as aforesaid, they shall endorse on said certificate and proceedings the words "not approved" and shall sign their official names thereto, and the same shall then be filed with the clerk of the board of chosen freeholders, and said lunatic shall not be admitted to the said asylum at the expense of the said county.

Proceedings in case of indigent insane persons, not paupers.

105. SEC. 21. That when a person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any judge of the court of common pleas of the county where he resides; and said judge shall call a respectable physician and other credible witnesses, and fully investigate the facts of the case, and, either with or without the verdict of a jury, at their discretion shall decide the case as to his insanity and indigence; and if the said judge make a certificate that satisfactory proof has been adduced, showing him to be insane, and his estate insufficient to support him and his family (or if he has no family, himself), under the visitation of insanity, on such certificate, authenticated by the county clerk, under the seal of the court,

he shall be admitted into said asylum, and supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in three years; the said judge in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physician, taken under oath, and other papers relating thereto, with a report of his proceedings and decision, with the clerk of the county, and report the fact to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum; *provided however*, that if such investigation be made without summoning a jury therein, the said certificate and proceedings shall be presented to the freeholder or freeholders of the township where such lunatic is found, who shall examine and proceed thereon in all respects and with the same force and effect as is provided in that behalf in the last preceding section of this act, and the clerk of said county shall, if said freeholders approve said certificate and proceedings, report the facts to the board of freeholders whose duty it shall then be to provide for the expenses of the support of said lunatic and to pay the amount as soon as practicable to the treasurer of said asylum.

Proviso.

106. SEC. 22. That when an insane person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, shall have been sent to said asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the chosen freeholders of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there a year, and pay the same to the treasurer of said asylum; and they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import, from the superintendent.

Extension of time of patient in asylum.

107. SEC. 23. That no person shall be admitted into said asylum for a shorter period than six months, except in special cases provided for in the by-laws.

No patient admitted for less than six months.

108. SEC. 24. That the managers may authorize the superintendent to admit, under special agreements, whenever there are vacancies in said asylum, such cases as may seek admission.

Admission in case of vacancies.

109. SEC. 25. That all town and county officers sending a patient to said asylum, shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws.

County officers to provide clothing.

110. SEC. 26. That when a person shall have escaped indictment, or have been acquitted of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum prescribed by the rules and regulations aforesaid; the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he has any, or from any relative or county that would have been bound to provide for and maintain him elsewhere.

Proceedings in case of persons acquitted of crime on ground of insanity.

111. SEC. 27. That if any person in confinement, under indictment or for want of bail for good behavior, or for keeping the peace or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation, call a respectable physician and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and, if he shall deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, as prescribed by the rules and regulations aforesaid, where he shall

Proceedings in case of insane persons in confinement.

remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and prosecutor of the pleas thereof, whereupon he shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

On acquittal for misdemeanors on grounds of insanity.

112. SEC. 28. That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum, prescribed by said rules and regulations, in the same way as persons charged with crimes.

Price for keeping indigent patients fixed by managers annually.

113. SEC. 29. That the price to be paid for keeping any person in indigent circumstances in the asylum, exclusive of clothing, shall be annually fixed by the managers, and shall not exceed three dollars and fifty cents per week; but the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured.

Who liable for expenses of patients.

114. SEC. 30. That every insane person supported in said asylum shall be personally liable for his maintenance therein, and all necessary expenses incurred by the institution in his behalf; and the committee, relative, or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

Expenses, clothing, &c., of patients, sent by counties, how paid.

115. SEC. 31. That the expenses of clothing and maintenance in said asylum, of a patient who has been received upon the order of any court or judge, shall be paid by the county from which he was sent to the asylum; the county collector of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward; countersigned by the superintendent; and the chosen freeholders of the said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest, from the day of paying the same.

Expenses of removal of patients from asylum, how settled.

116. SEC. 32. That whenever the managers shall order a patient removed from the said asylum to the county whence he came, the collector of said county shall audit and pay the actual and reasonable expenses of such removal, as part of the expenses of said county; but if any person be legally liable for the support of such patient, the amount of such expenses may be recovered, for the use of the county, by said collector; if such collector neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same, and charge the amount to said county, and the county collector shall pay the same with interest; and the chosen freeholders of said county shall levy and raise the amount, as other county charges.

Expenses of support, how recovered.

117. SEC. 33. That every township or county paying for the support of a lunatic in said asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amounts of such payments, with interest from the time of paying such bill, as if such expense had been incurred for the support of the same, at other places under existing laws.

Authority of court of chancery not abridged.

118. SEC. 34. That none of the provisions of this act shall restrain or abridge the power and authority of the court of chancery over the persons and property of the insane.

Discharge of patients by managers on certificate of the superintendent.

119. SEC. 35. That the said managers, upon the superintendent's certificate of a complete recovery, may discharge any patients, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poor house of the county or township whence he came, any person admitted as "dangerous," who has been two years in said

asylum, upon the superintendent's certificate that he is harmless, and will probably continue so, and not likely to be improved by further treatment in the said asylum; or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poor house, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties, for his peaceable behavior, safe custody, and comfortable maintenance, without further public charge.

120. SEC. 36. That a patient of the criminal class may be discharged by order of one of the justices of the supreme court, if, upon due investigation, it shall appear safe, legal and right to make such order.

Discharge of criminal patients.

121. SEC. 37. That no patient shall be discharged without suitable clothing, and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it; also money, not exceeding ten dollars, to defray his necessary expenses, until he reaches home.

Clothing, &c., to be furnished on discharge.

122. SEC. 38. That the managers of the state asylum for the insane, at Morristown, New Jersey, shall receive no compensation for their services; but they shall receive their actual traveling expenses, to be paid by the state treasurer, on the warrant of the auditor, on the rendering of their accounts; no court, judge, clerk or other officer shall receive any compensation for any services performed under this act.

Managers not to receive any compensation for services.

123. SEC. 39. That all purchases for the use of said asylum shall be made for cash, and not on credit or time; every voucher shall be taken duly filled up at the time it is taken; accompanying every abstract of vouchers for money paid, there shall be proof, on oath, that the voucher was filled up and the money paid therefor, at the time the voucher was taken; and the managers shall make all needful rules to enforce the provisions of this section.

Purchases for asylum, how to be made.

124. SEC. 40. That the terms "lunatic" and "insane," as used in this act, include every species of insanity, and extend to all deranged persons, and to all of unsound minds, other than idiots; the words "asylum" and "institution" mean state asylum for the insane, at Morristown, New Jersey; a word denoting the singular number is to include one or many; and every word importing the masculine gender only, may extend to and include females.

Terms "lunatic" and "insane," &c., defined.

125. SEC. 41. That there shall be paid from the state treasury, in quarterly payments, and upon the warrants of the comptroller, to the treasurer of the said asylum, the sum of one dollar per week toward the maintenance and keep of each indigent patient in said asylum, being the same amount now allowed by law to the state lunatic asylum at Trenton, for the same purpose.

Payment to be made by the state treasurer for indigent patients.

126. SEC. 42. That if the judge to whom application shall be made on behalf of any insane pauper shall be satisfied upon the examination of the case, made in the manner prescribed by the twenty-third section of this act, that such insane pauper cannot be provided for by the overseers of the poor of the township, or at the poor house of the township or county upon which he is chargeable, with comfort and without danger or prejudice to himself or others, the said judge shall order the said pauper to be removed to the said asylum, to be kept and supported in the manner and for the time in the said section mentioned.

When judge may order insane pauper to be removed to the asylum.

127. SEC. 43. That if the board of chosen freeholders of the county upon which any insane patient may be chargeable, shall, at any regular or special meeting, request that such patient be continued at the said asylum for a period of time beyond the three years mentioned in this act, the said patient shall be kept and supported at said asylum for such period of time, at the expense of the said county, to be raised and paid in the manner prescribed by the said act; *provided*, that the said board of chosen freeholders may at any time revoke the said request; *and further*, that such patient may be discharged or sent back to the overseers of the poor, or to the poor house of the township or county whence he came, in the manner and for the reasons mentioned in the thirty-eighth section in this act.

Patient may be continued in asylum on request of chosen freeholders, &c.

Proviso.
Proviso.

128. SEC. 44. That when any patient shall be removed from one of the said state asylums to the other, under the rules and regulations herein-

Duty of the superintendents in case of the removal of any patient from one asylum to the other.

before authorized and directed, it shall be the duty of the superintendent of the asylum from which he is removed, to deliver to the superintendent of the asylum to which he is removed, the official documents and papers under the authority of which the said patient was received and under which he is detained, and the said documents and papers shall be as full and ample authority for detaining such patient in the asylum to which he is removed, as if such patient had not been so removed.

An act relative to county lunatic asylums.

P. L. 1873, p. 138.

Approved April 4, 1873.

Allowance to be paid by the state for each county patient in county lunatic asylum.

129. SEC. 1. That the sum of one dollar per week for each county patient confined in any county lunatic asylum, established by the board of chosen freeholders of such county, shall be paid by the state treasurer on the warrant of the comptroller, to the director of such board of chosen freeholders, upon a statement to be furnished by him, giving the number of such county patients which may have been thus supported in said asylum, during the preceding quarter, computing from the first day of January, one thousand eight hundred and seventy-three.

Lyceums, Libraries, &c.

1. Corporations authorized.
2. Certificate of incorporation.
3. On recording incorporated.
4. May hold, purchase, &c., real estate.
5. Powers.
6. Trustees to be elected and their powers.
7. Capital limited.

8. Lyceum may connect therewith circulating library.
9. May accept gifts, etc., of real and personal property.
10. Annual election of trustees of such library.
11. Increase of capital stock of lyceums, &c., heretofore incorporated.
12. Restrictions and liabilities.
13. May increase number of trustees or directors.

P. L. 1854, p. 448
 " 1856, p. 47.
 " 1857, p. 409.
 " 1860, p. 96.
 " 1867, p. 272.

An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies.

Revision—Approved April 9, 1875.

Corporations authorized.

1. That it shall be lawful for any number of persons exceeding four to associate together for the establishment of lyceums, public libraries, whether of general literature or of books of theology, medicine, law, science or art, or for the establishment of museums, or for the promotion of scientific or educational purposes, or of improvement in debate or general literature; and for better forwarding any of such purposes, to purchase, hire or erect any building or buildings in this state for the use of such association.

Lyceums, libraries, museums, education, debating societies.

Certificate of incorporation.

2. Such person so associated shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where and the purpose for which such association is formed and intended, the capital stock and the shares into which it is divided, and the name, residence and number of shares of each stockholder, and file the same in the office of the clerk of the county where such association is to be established and carried on, who shall thereupon record it in a book to be provided for that purpose.

Where filed.

On recording incorporated.

3. Upon making and recording such certificate, the said persons, their successors and assigns, shall become and be a body politic and corporate, and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations.

May hold, purchase, &c., real estate.

4. It shall be lawful for every such corporation to hold, purchase, convey, lease or hire, any real estate necessary for the purposes thereof, to erect any building thereon, and the same with its appurtenances to build, use, enjoy and mortgage, for the use of such association.

Powers.

5. It shall be further lawful for every such corporation to let and rent for any lawful purpose, any part or parts of such building and premises not needed for the purposes of such association, and to apply the rents thereof to its use.