

upon his receiving and filing a warrant for the purpose, executed by said party or his attorney or solicitor in the manner provided by law for the execution of warrants to satisfy judgments, and thereupon the land and real estate affected by said suit and described in said lis pendens shall be discharged of all claims or equities set up in the declaration or bill of complaint in said suit, and the same fees shall be paid for services rendered under this act as are allowed in the supreme court upon satisfaction of a judgment therein.

Supplement.

Approved March 28, 1888 P. L. 1888, p. 299.

8. SEC. 1. That all writs of error from the final judgment in any cause wherein the notice of the pendency of such cause has been filed as provided in the act to which this is a supplement, shall be taken within three months after the recovery of such judgment, and not thereafter.

When writ of error must be taken where lis pendens is filed.

Lunatic Asylums.

I. NEW JERSEY STATE HOSPITALS.

1. State asylums hereafter to be designated state hospitals.
2. Amended by section 54.
3. Repealed by section 57.
4. Board of managers to have control of hospitals.
5. Board of managers to visit county asylums annually.
6. Rules and regulations for distribution of patients between state hospitals, how made and published.
7. Manner of adopting rules and regulations. To be deposited with secretary of state.
8. Expense of support and removal of patients, by whom paid.
9. Board of managers to hold donations, &c., in trust for state.
10. Board may establish by-laws concerning appointment of officers and employes, and admission and discharge of patients, &c. Compensation of officers.
11. Board to appoint medical directors and assistant physicians.
12. Duties of medical directors.
13. Appointment and duties of wardens.
14. Wardens annually to make estimate of money required for hospitals.
15. Book-keepers, how appointed.
16. Appointment and duties of storekeepers.
17. By-laws obligatory on all officers, &c.
18. Officers, &c., exempt from jury duty, &c.
19. Books to be open for inspection.
20. How often managers shall visit the hospitals, &c. Their annual report.
21. Every part of hospitals and all books, &c., to be open to managers.
22. Duties of treasurers.
23. Board of managers vested with powers of overseers of poor in certain cases.
24. Board may recover for support of patients, &c.
25. Duties and powers of wardens.
26. How and upon whose order patients may be admitted.
27. Record of admissions to be kept.
28. Proportion of patients from the several counties, how regulated.
29. How insane pauper may be admitted at expense of county.
30. How an insane indigent person not a pauper may be admitted at expense of county.
31. Special agreements for admission of patients.
32. Duties of town and county officers on sending patients.
33. How persons acquitted on trial upon plea of insanity may be admitted at expense of county.
34. How person confined under indictment, &c., appearing insane, may be admitted at expense of county.
35. Persons charged with misdemeanors acquitted on insanity sent to hospital.
36. Price paid for indigent persons.
37. Personal liability of insane persons for maintenance.
38. Expenses of clothing and maintenance of patients received on order of court to be paid by county.
39. Expenses of removing county patients to be paid by county.
40. Township or county may recover amount paid for support of any patient.
41. Authority of court of chancery not restrained.
42. When and by whom patients may be discharged.
43. Who may order discharge of criminal patient.
44. Money and clothing furnished to discharged patients.
45. Traveling expenses of board of managers to be paid.
46. All purchases for hospitals to be for cash.
47. Meaning of terms "lunatic" and "insane," &c.
48. Amount to be paid by state for each indigent patient.
49. How and when judge shall order insane pauper removed to hospital.
50. Upon removing a patient from one hospital to the other, the official documents and papers relating to the patient must also be removed.
51. Repealer.
52. Law judge to have concurrent power with circuit judge to remove prisoner to asylum.
53. Repealer.
54. Board of managers, how appointed.
55. Terms of members of old boards ended.
56. Terms, &c., of former officers ended.
57. Repealer.
58. Managers to visit county asylums annually and make annual report.
59. Proceedings for admission of insane indigent person to county or state hospital.
60. Approval of local chosen freeholder, when not necessary.
61. When patient is violent or dangerous, justice may act without notice.
62. Repealer.
63. Proceedings if person confined in county jail, &c., appear to be insane.
64. Warden to send list of patients to clerk of board of chosen freeholders.
65. Liquors not to be sold within two miles of Morristown asylum.

II. COUNTY ASYLUMS.

66. Amended by section 57.
67. Amount to be paid by state treasurer for patients in county asylums.
68. Repealer.
69. Insane paupers may be placed in county asylums.
70. Indigent insane persons may be placed in county asylums.
71. Pay patients may be admitted in county asylums.
72. By-laws may be adopted for their government.
73. When board of freeholders not chargeable for support of lunatic.

- 74. When court to commit person to county asylum.
- 75. Freeholder to attend before court when notified of application.
- 76. Amended by section 80.
- 77. Amended by section 81.
- 78. When lunatic chargeable to county.
- 79. Incurable lunatics not to be committed without consent of freeholders.
- 80. Order of commitment to county asylum and proofs, where filed.
- 81. Fee of county clerk.
- 82. Chosen freeholders to give appropriate name to county asylum.
- 83. Insane person personally liable for support.
- 84. Amended by section 90.
- 85. Amended by section 91.
- 86. Provision for payment of bonds issued for erecting county asylum.
- 87. Work to be done by contract and awarded to lowest bidder, &c.
- 88. Moneys realized from bonds used only for erection of county asylum.

- 89. Repealer.
- 90. Bonds, how and when issued.
- 91. Bonds, how signed, &c.
- 92. Amended by section 93.
- 93. Bonds may be issued to provide for kitchen, engine-house, &c.
- 94. Bonds may be issued to provide for completion of buildings.

III. PRIVATE ASYLUMS.

- 95. Private institutions for insane must be licensed by managers of state hospitals.
- 96. Plans of premises to be approved by managers of state hospitals.
- 97. Managers of state hospitals to make rules for government.
- 98. Managers to visit such institutions.
- 99. Licensed private institution may receive patients.
- 100. Copy of papers received on admitting a patient to be sent to managers of state hospitals.
- 101. Repealer.

I. New Jersey state hospitals.

An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey.

Approved March 11, 1893.

P. L. 1893, p. 207.

Hereafter state asylums to be designated state hospitals.

1. That "the state asylum for the insane at Morristown, New Jersey," shall hereafter be designated by the name, style and title of "the New Jersey state hospital at Morris Plains," and that "the New Jersey state lunatic asylum" (located near Trenton), shall hereafter be designated by the name, style and title of "the New Jersey state hospital at Trenton."

2. [Amended by Sec. 54, *post.*]

3. [Repealed by Sec. 57, *post.*]

Board of managers to have the direction and control of said hospitals.

4. That said board of managers shall have the general direction and control of all the property and concerns of said hospitals not otherwise provided for by law, and shall take charge of the general interests of said hospitals and see that the objects and designs thereof are carried into effect, and everything done faithfully according to the requirements of the legislature and the by-laws, rules and regulations of said hospitals.

Board of managers to visit county asylums annually.

5. That it shall be the duty of the said board of managers to visit each county lunatic asylum in the state receiving state aid, at least once in each year, and to inspect such institutions and their management, and to make in their annual report such recommendations as they shall deem necessary concerning such local institutions. [See Sec. 58, *post.*]

Rules and regulations for distribution of patients between state hospitals, how made and published.

6. That the said board of managers 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 hospitals of such patients as are now or may hereafter be sent to said hospitals, or either of them, by virtue of any law of this state, and for the removal of patients from either of the said hospitals to the other, and from time to [time] 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.

Manner of adopting rules and regulations.

7. 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 next preceding section of this act, shall be submitted in writing to the board of managers aforesaid, and if adopted by a majority of the whole number of such 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 governor; all rules, regulations, alterations and repeals aforesaid, approved by the governor as

To be deposited with secretary of state.

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 the courts of this state.

8. That each patient who shall be removed to either of said hospitals, 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 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 of said hospitals shall be paid by the party chargeable by law, as aforesaid, with his or her support, upon the order of the warden of the hospital to which such patient shall be removed, countersigned by the medical director thereof.

Expense of support and removal of patients, by whom paid.

9. That said board of 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 personalty, to be applied to the maintenance of any inmate or inmates of said hospitals or the general use of said hospitals or either of them.

Board of managers to hold donations, &c., in trust for state.

10. That said board of managers is hereby authorized to establish such by-laws as they may deem necessary and expedient for the appointment of and regulating the appointment of the officers hereinafter mentioned, and for the appointment and regulating the appointment of executive officers, assistants, attendants and employes (including a secretary of said board of managers and a treasurer for each of said hospitals) as said board may determine to be necessary for said hospitals or either of them; for fixing the conditions of admission, support and discharge of patients and for conducting in a proper manner the affairs and business of said hospitals, and to ordain and enforce a suitable system of rules and regulations for the internal government thereof; the medical directors and assistant physicians and the wardens of said hospitals shall be designated resident officers of said hospitals, and the compensation of such resident officers and of the treasurers aforesaid and of the secretary of said board shall be fixed and determined by said board of managers, by and with the approval of the governor, which compensation shall be paid by the state treasurer on the warrant of the comptroller.

Board may establish by-laws concerning appointment of officers and employes and admission and discharge of patients, &c.

Compensation of officers.

11. That said board of managers shall have power and it is hereby declared to be its duty to appoint a medical director of and for each of said hospitals, and so many assistant physicians for each of said hospitals as said board may deem necessary, all of whom shall be subject to the rules, regulations and by-laws prescribed from time to time by said board of managers for the control and good government of said hospitals.

Board to appoint medical directors and assistant physicians.

12. That the medical directors so appointed shall have charge, direction and control of all patients and of all persons engaged in the care of patients in said hospitals, with the powers and subject to the rules, regulations and by-laws prescribed, or hereafter to be prescribed and established, by the said managers; and they shall perform all such duties as shall be assigned to them by said managers; *provided*, they shall not assign to them any duty which does not relate to the care, management and treatment of patients, the direction and control of assistant physicians, nurses and attendants of patients.

Duties of medical directors.

Proviso.

13. That the said managers are empowered, and it is hereby declared to be their duty, to appoint a warden of each of said hospitals, who shall be the general manager of the buildings, grounds and farms, with the furniture, fixtures and stocks thereto belonging, and shall perform such other duties as shall be assigned to them by said managers, subject to the by-laws, rules and regulations prescribed, or hereafter to be prescribed by said managers; and before entering upon the duties of their offices said wardens shall execute a bond to the state of New Jersey with sufficient sureties to be approved by said managers, in such penal sum not less than three thousand dollars, as said managers may from time to time require, conditioned that they shall and will faithfully perform the duties of their office, and pay over and account for all moneys, goods and chattels belonging to said hospitals that shall come into their hands or custody, which bond

Appointment and duties of wardens.

Bonds to be given.

- shall be recorded in a book to be provided for that purpose and kept in the office of said wardens in said hospitals; and thereupon said bonds shall be filed in the office of the secretary of state, and recorded in the same manner as the official bonds of other state officers; *provided, nevertheless*, that the persons now acting as wardens of said hospitals or either of them shall continue to perform the duties of said office of warden under this act until removed, or a successor is appointed by said board of managers.
- Bonds to be filed and recorded.**
- Wardens annually to make estimate of money required for hospitals.**
- 14.** That it shall also be the duty of said wardens annually to make an approximate estimate and detailed statement in writing of the amounts of money required for the support and maintenance of said hospitals and of the amount required from the state, including all salaries and supplies of every kind for the next ensuing fiscal year beginning on the first day of November next, and to submit the same to said managers, on or before the first Thursday of November of each year, and said managers shall annex the same to their annual report, with such comments thereon as they may deem advisable.
- Book-keepers, how appointed.**
- 15.** That it shall be the duty of said managers to appoint for each of said hospitals an expert accountant or book-keeper, and such assistant accountants and book-keepers as may be necessary to keep full and accurate accounts of all business transactions in any way connected with said hospitals.
- Appointment and duties of store-keepers.**
- 16.** That it shall be the duty of said managers to appoint a storekeeper for each of said hospitals, who shall receipt for and be charged with all supplies furnished to said hospitals, and take vouchers for all supplies by them distributed, and they shall perform such other duties as may be assigned to them by said managers, subject to such rules, regulations and by-laws as said managers may from time to time prescribe.
- By-laws prescribed obligatory on all officers, &c.**
- 17.** That the by-laws prescribed, or which may hereafter be prescribed by said managers, shall be obligatory on all officers and agents of said hospitals, and such by-laws shall not be suspended, altered or repealed, except at a regular meeting of said board of managers, and by the consent of a majority of all the members of said board.
- Officers, &c., exempt from jury duty, &c.**
- 18.** That the resident officers of the said hospitals, 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 medical director or warden, for their respective departments, shall be evidence of the fact of such employment.
- Books to be open for inspection.**
- 19.** That the board of managers shall keep, in bound books to be kept 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.
- How often managers shall visit the hospitals, &c.**
- 20.** That the managers shall maintain an effective inspection of the said hospitals, for which purpose one of them, or more, shall visit each of them 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 time 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 results of these inspections, with suitable hints, shall be inserted in an annual report detailing the past year's operations and actual state of the hospitals, 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 medical director, warden and treasurer.
- Annual report made to governor.**
- 21.** That it shall be the duty of the resident officers to admit any of the managers into every part of the said hospitals, 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.
- Every part of hospitals and all books, &c., to be open to managers.**

22. That the respective treasurers of said hospitals shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging thereto ; they shall open an account at one or more banks, to be approved by the managers, in their own names, as treasurer of the hospital, and shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the hospital, and in the manner prescribed in the by-laws, upon the written order of the warden, specifying the object of the payment ; they 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 ; they shall balance all the accounts on their 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 shall within two days thereafter be delivered to the auditing committee of the managers, who shall compare the same with the books and vouchers, and certify the correctness thereof, within the next ten days, to the managers ; they shall, further, render a quarterly statement of their receipts and payments for the quarter ending on the last day of the month next preceding each regular quarterly meeting of the managers 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 hospital ; they shall, further, render an account of the state of their books, and of the funds and other property in their custody, whenever required so to do by the managers.

Duties of treasurers.

23. That the said board of managers 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 said hospitals or either of them, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a patient's support in the hospitals, 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 patient in said hospitals.

Board of managers vested with powers of overseers of poor in certain cases.

24. That said board of managers shall have authority to recover, for the use of said hospitals, any and all sums which may be due upon any note or bond in their hands belonging thereto ; also, any and all sums which may be charged and due, according to the by-laws, 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 by said managers by their official title of "the board of managers of the state hospitals," against the individual 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 board of managers may also, upon the receipt of the money due upon any mortgage belonging to said hospitals, execute and acknowledge, or cause to be executed and acknowledged, a release thereof, so that the same may be discharged of record.

Board may recover for support of patients, &c.

25. That the respective wardens of said hospitals shall, under the direction of the board of managers or pursuant to the rules, by-laws and regulations established by said board, make all purchases for said hospitals and preserve the original receipts given on payment thereof, and keep full and accurate accounts of the same and copies of all orders drawn by them upon the treasurer ; they shall also in like manner make contracts with all attendants, assistants and employes, and keep and settle their accounts ; they shall also keep and render to the proper parties the accounts for the support of patients and expenses incurred in their behalf ; they shall make quarterly abstracts of their accounts to the last days of January, April, July and October, for the proper treasurer and the managers ; they shall also be accountable for the careful keeping and economical use of all fur-

Duties and powers of wardens.

niture, stores and other articles provided for said hospitals, 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 hospital and in and about the premises, with an appraisal thereof, made under oath or affirmation by the warden and two suitable persons whom the managers shall appoint for that purpose.

How and upon whose order patients may be admitted.

26. That no person shall be admitted into said hospitals as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the medical director—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 two reputable 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.

Record of admissions to be kept.

27. That the medical directors shall make, in books 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 person is brought to said hospitals, and have all the orders, warrants, requests, certificates, and other papers accompanying him, carefully filed, and forthwith copied into said book.

Proportion of patients from the several counties, how regulated.

28. That each county entitled to send patients to said hospitals, under said rules and regulations, may at all times keep such number of patients, in just proportion with other counties, as the hospitals 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.

How insane paupers may be admitted, at expense of county.

29. That whenever any pauper, chargeable in the county entitled to send patients to said hospital 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 reputable physician, and fully investigate the facts of the case, and if satisfied, after such examination, of the insanity of the pauper and that he is a proper subject to be admitted to either of said hospitals, he shall issue an order to such overseer, which shall be effectual when approved as hereinafter provided, requiring him without delay to take such insane pauper to the proper hospital, 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, or removed or discharged therefrom according to law ; 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 statement of the proceedings and decision, to the chosen freeholders or freeholder, 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 insane person is found, who shall examine the same, and if satisfied that said person 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, one thousand eight hundred and forty-six, and is entitled to the relief afforded by this act, shall indorse 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 medical director of the hospital 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 proper hospital ; but if said freeholders shall not be satisfied as aforesaid, they shall indorse 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 insane pauper shall not be admitted to the said hospital at the expense of the said county. [See Sec. 49, *post.*]

30. That when a person residing in this [a] county entitled to send patients to said hospitals 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 reputable physician and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at his discretion, decide the case as to his insanity and indigence ; and if the said judge shall 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 the proper one of said hospitals, and supported there, at the expense of said county, until he shall be restored to soundness of mind, or removed or discharged therefrom according to law ; 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 money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the proper hospital ; *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 indigent person 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 insane person, and pay the amount as soon as practicable to the treasurer of the proper hospital. [See Secs. 49 and 59, *post.*]

How an insane indigent person, not a pauper, may be admitted at expense of county.

Proviso.

31. That the managers may authorize the medical directors to admit, under special agreements, whenever there are vacancies in said hospitals, such cases as may seek admission.

Special agreements for admission of patients.

32. That all town and county officers sending a patient to said hospitals 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.

Duties of town and county officers on sending patients.

33. 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 hospital 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.

How persons acquitted on trial upon plea of insanity may be admitted at expense of county.

34. 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

How person confined under indictment, &c., appearing insane, may be admitted at expense of county.

institute a careful investigation, call a reputable 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 one of said hospitals, prescribed by the rules and regulations aforesaid, where he shall remain until restored to his right mind ; and then, if the said judge shall have so directed, the medical director 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 such hospital, shall be equally applicable to similar expenses arising under this section and the one next following. [See Sec. 52, *post.*]

Persons charged with misdemeanors acquitted on insanity, sent to hospital.

Price paid for indigent persons.

Personal liability of insane persons for maintenance.

Expenses of clothing and maintenance of patients received on order of court to be paid by county.

Expenses of removing county patients paid by the county.

Township or county may recover amount paid for support of any patient.

Authority of court of chancery not restrained.

35. That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the hospital, prescribed by said rules and regulations, in the same way as persons charged with crime.

36. That the price to be paid for keeping any person in indigent circumstances in the said hospitals, exclusive of clothing, shall be annually fixed by the managers, and shall not exceed three dollars per week.

37. That every insane person supported in said hospitals 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 hospital, shall be liable to pay the expenses of his clothing and maintenance therein, and actual necessary expenses to and from the same.

38. That the expenses of clothing and maintenance in said hospitals, 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 such hospital ; the county collector of said county is authorized and directed to pay the treasurer of such hospital the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws thereof, upon the order of the warden ; 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.

39. That whenever the managers shall order a patient removed from either of said hospitals 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 proper hospital 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.

40. That every township or county paying for the support of a patient in either of said hospitals, 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 bills, as if such expenses had been incurred for the support of the same, at other places under existing laws.

41. 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.

42. That the said managers, upon the certificate of the medical director of a complete recovery, may discharge any patient, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poorhouse of the county or township whence he came, any person admitted as "dangerous," who has been two years in either of said hospitals, upon the medical director's certificate that he is harmless and will probably continue so, and not likely to be improved by further treatment in the said hospital; or when the hospital is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poorhouse, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to the poorhouse of the township or county liable for his support, or 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.

When and by whom patients may be discharged.

43. That a patient of a 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.

Justice of supreme court may order discharge of criminal patient.

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

Money and clothing furnished to discharged patients.

45. That said board of managers shall receive their actual traveling expenses, to be paid by the state treasurer, on the warrant of the comptroller, on the rendering of their accounts; no court, judge, clerk or other officer shall receive any compensation for any services performed under this act.

Expenses of board of managers to be paid.

46. That all purchases for the use of said hospitals shall be made for cash, and not on credit or time.

All purchases for hospitals to be for cash.

47. 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; 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.

Meaning of terms "lunatic" and "insane," &c.

48. That there shall be paid from the state treasury, in quarterly payments, and upon the warrant of the comptroller, to the treasurers of the said hospitals, the sum of one dollar per week towards the maintenance and keep of each indigent patient in said hospitals.

Amount to be paid by state for each indigent patient.

49. 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 in section twenty-nine of this act, that such insane pauper cannot be provided for by the overseer of the poor of the township, or at the poorhouse 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 one of said hospitals, to be kept and supported in the manner and for the time in the said section mentioned.

How and when judge shall order insane pauper removed to a hospital.

50. That when any patient shall be removed from one of the said hospitals to the other, under the rules and regulations hereinbefore authorized and directed, it shall be the duty of the medical director of the hospital from which he is removed, to deliver to the medical director of the hospital 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 retained, and the said documents and papers shall be as full and ample authority for detaining such patient in the hospital to which he is removed, as if such patient had not been so removed.

Upon removing a patient from one hospital to the other, the official documents and papers must be delivered to medical directors.

51. That all acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved May 17, 1894.

P. L. 1894, p. 402.

Law judge shall have concurrent power to order removal of prisoner to asylum.

52. SEC. 1. That the law or president judge of the court of common pleas of any county in this state shall have concurrent power and authority with the judge of the circuit court in his county to order the removal of any person confined under indictment or other process, or any person charged with misdemeanor and acquitted on the ground of insanity, to one of said hospitals, and that the same proceedings shall be had thereon before the said law or president judge as are now required to be had before the judge of the circuit court.

Repealer.

53. SEC. 2. That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Supplement.

Approved May 17, 1894.

P. L. 1894, p. 415.

Board of managers, how appointed.

54. SEC. 1. That section two of the said act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety three, be and the same is hereby amended so that hereafter said section two shall be and read as follows, namely :

[That the general management and control of both of said hospitals shall hereafter be vested in one state board of managers, to be known and designated as "the board of managers of the state hospitals;" said board shall consist of eight persons, no more than four of whom shall belong to the same political party; they shall be appointed by the governor by and with the advice and consent of the senate, and shall respectively hold office for the period of five years and until their successors are qualified; any vacancy occurring in the said board shall be filled for the unexpired term only.]

Terms of members of old boards ended.

55. SEC. 2. That the term of office of each and every member of the board of managers of said hospitals now in office shall cease and terminate on the appointment and confirmation of their successors, pursuant to section one hereof.

Terms, &c., of former officers ended.

56. SEC. 3. That thirty days after the first meeting of the said board of managers appointed under this act, the terms, duties, employment and emoluments of the persons whose appointment or employment is now vested in the said board of managers, or in any other person or persons under the act to which this is a supplement shall cease and determine; *provided, however,* that nothing herein contained shall prevent the re-appointment or re-employment under this act of suitable persons.

Proviso.

Repealer.

57. SEC. 4. That section three of the said act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three, and all other acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed.

Managers to visit county asylums annually and make annual report.

58. SEC. 5. That it shall be the duty of the said board of managers to visit each county lunatic asylum in the state at least once in each year, and to inspect such institutions and their management, and to make, in their annual report, such recommendations as they shall deem necessary concerning such local institutions.

An act respecting hospitals for the insane and the admission of indigent patients thereto.

Approved March 22, 1895.

P. L. 1895, p. 497.

Proceedings for admission of insane indigent person to county hospital or state hospital.

59. SEC. 1. That when an insane person in indigent circumstances, not a pauper, is found in any county in which there is a hospital for the insane, application may be made in his behalf to any judge of the court of common pleas in such county or to any police justice in any municipality in such county, and the said judge or justice shall thereupon call two reputable physicians and other credible witnesses and fully investigate the

facts in the case, and either with or without the verdict of a jury, at his discretion, shall decide the case as to insanity and indigence; he shall also decide the question of legal settlement, and if the said judge or justice is satisfied with the proof he shall make a certificate that satisfactory proof has been adduced showing such person 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, and shall certify also to the place of legal settlement of such insane person, if any within this state; and on said certificate or a copy thereof, duly authenticated by the county clerk under the seal of the court, such person shall be admitted into the county hospital for the insane if he has a legal settlement in said county, and supported there at the expense of the said county until he shall be restored to soundness of mind, if effected in three years; if such patient has no legal settlement in said county he shall, by order of the court, be transferred to the state hospital for the insane, there to be supported at the expense of the county within which such patient has a legal settlement, if any, or at the expense of the state in case said patient has no legal settlement in this state; the said judge or justice shall have power to compel the attendance of witnesses and jurors and others; he shall file the certificates of physicians taken under oath and the other papers relating to the matter, with a report of his proceedings and decision, with the clerk of the county, and shall report the fact to the board of chosen freeholders of the county where such patient has his legal settlement, and if such patient has no legal settlement within any county, then to the treasurer of the state of New Jersey; and it shall be the duty of the board of chosen freeholders to whom such notice is sent, at their next annual meeting, to raise the money requisite to meet the expenses of support or to otherwise provide for the support of such patient in the asylum or hospital to which he is so sent.

County clerk shall certify copy which shall admit to county hospital.

Proceedings in case of no legal settlement in county.

60. SEC. 2. That hereafter it shall not be necessary for the certificate of the judge or justice as provided for in the preceding section, to receive the approval of the chosen freeholder of the ward, township or other municipal division in which said patient or insane person resides or has his legal settlement, or to give such freeholder any notice of the application for the admission of any such insane person or patient, but one day's notice of the application to such judge or justice shall be given either to the director of the board of chosen freeholders of the county within which such application is made, or to the county counsel of such county.

Approval of local chosen freeholder, when not necessary.

61. SEC. 3. That where the patient is turbulent, violent or dangerous to himself or others on account of his insanity, said justice may, upon due proof of the character of the insanity and without notice either to the director of the board of chosen freeholders or to the county counsel, make a certificate as provided for in the first section of this act, but in such case it shall be the duty of the said judge or justice to rehear the matter upon application to him by the county counsel and upon one day's notice to the city, township or municipality where such insane person resides, to be served in the case of townships upon the chairman of the township committee, and in cities upon the mayor, and in other municipalities upon the chief executive officer thereof; such application for a rehearing shall have the effect to re-open the case in all particulars, and to set aside and annul the proceedings and decision in such case previously had and made; and in case of the death, illness or other disability of the judge or justice before whom the original hearing was had, application for a rehearing may be made to any judge of said court of common pleas, and it shall thereupon be his duty to proceed in all respects as if the application had been made to him in the first instance.

When patient is violent or dangerous, justice may act without giving notice.

Case shall be reheard on application.

62. SEC. 4. That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to provide for the transfer of insane criminals from the county prison to the state asylum for the insane.

P. L. 1887, p. 150.

Proceedings in case person confined in county jail, &c., appear to be insane.

Prisoner may be removed to lunatic asylum.

Approved April 8, 1887.

63. SEC. 1. That if any person confined in any county jail or penitentiary of this state under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated shall, upon information of the fact from the physician of the prison, institute a careful investigation, call two respectable physicians and other credible witnesses, if necessary; notify the prosecutor of the pleas, whereupon it shall be his duty to aid in the examination and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge may order his or her safe custody and removal to such one of the state lunatic asylums as may have been legally designated for the reception of the pauper or indigent lunatics of the county within which said county jail or penitentiary is situated, where he or she shall remain at the expense of the state until restored to his or her right mind; and then, if his or her term of imprisonment shall not have expired, the superintendent of the asylum shall inform the said judge and the prosecutor of the pleas of the fact of his or her recovery, whereupon he or she shall be remanded to the prison to serve out the unexpired portion of his or her term of imprisonment.

An act to define the duties of the superintendent and warden of the state lunatic asylums of this state.

P. L. 1889, p. 277.

Superintendent or warden to send list of patients chargeable to county to clerk of board of chosen freeholders.

Approved April 17, 1889.

64. SEC. 1. That it shall be the duty of the superintendent or warden of the respective state asylums for the insane in this state, at which patients are supported at the expense of any county of this state, to make out, under oath, and send to the clerk of the board of chosen freeholders of each and every county supporting patients at said asylum, at least three days before the day for the meeting of said board of freeholders at which the quarterly bill of said asylum shall be presented, a regular quarterly statement, giving the names of all patients supported at said asylum at the expense of the county for which said statement is made, who have been at said asylum during the last preceding quarter, which statement shall also contain the dates of the admission of the respective patients, the township from which they came, the dates of the discharge of any who have been discharged, the dates of death of any who have died and the dates between which any have been away from said asylum on a visit or otherwise during said quarter.

A supplement to an act entitled "An act to provide additional accommodation for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

P. L. 1873, p. 86.

Liquor not to be sold within two miles of Morris-town asylum.

Penalty.

Approved March 26, 1873.

65. 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 offense, 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 offense not less than one hun-

dred 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.

Proviso.

II. County asylums.

An act relative to county lunatic asylums.

Approved April 4, 1873.

P. L. 1873, p. 138.

66. SEC. 1. [Amended by Sec. 67, *post.*]

Supplement.

Approved February 14, 1888.

P. L. 1888, p. 32.

67. SEC. 1. That section one of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

[That the sum of two dollars 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.]

Amount to be paid by state treasurer for patients in county lunatic asylums.

68. SEC. 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

A further supplement to an act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, anno domini one thousand eight hundred and seventy-one.

Approved March 3, 1880.

P. L. 1880, p. 89.

69. SEC. 1. That the different county insane asylums heretofore established, or which may be hereafter established, by the boards of chosen freeholders of said counties, in all cases in which, by the laws of this state, the expense of the maintenance, charge and care of an insane pauper in the state lunatic asylums now is made chargeable to any of said counties, or shall hereafter be made so chargeable, it shall be lawful, after the insanity of the pauper shall be ascertained in the manner prescribed by the provisions of the act entitled "An act 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 supplements thereto, to place such insane pauper in the asylums of said counties, respectively, at their expense, there to remain for the length of time set forth in the said act and the supplements thereto.

Insane paupers may be placed in county asylums.

70. SEC. 2. That in all cases where, by the laws of this state, a person in indigent circumstances, not a pauper, becomes insane, and application shall be made in his behalf in the mode and manner prescribed by the act last aforesaid and the supplements thereto, it shall be lawful to place such person in the county asylum of the county where he resides, for the length of time in the said act and supplements expressed, if such person be chargeable to said county. [See Sec. 59, *ante.*]

Indigent insane persons may be placed in county asylums.

71. SEC. 3. That the said boards of chosen freeholders of said county, respectively, may, in their discretion, receive insane patients in said asylums, respectively, for pay, under such regulations as they may prescribe, the proceeds of which pay shall be expended under the direction of said boards towards the support of said county asylums, respectively.

Chosen freeholders may receive patients in their counties for pay.

72. SEC. 4. That the said boards are hereby authorized to establish such by-laws as they may deem necessary and expedient for regulating the appointment of the superintendent or warden, and such other officers as they may deem necessary, but subject to removal at any time by a vote of two-thirds of the members of the board ; for fixing the terms of admission, support and discharge of patients, and for conducting in a proper manner

Board of freeholders authorized to establish by-laws for regulating the appointment of wardens, &c., and the admission of patients.

the affairs and business of said asylums ; and to ordain and enforce a suitable system of rules and regulations for the internal government thereof ; and they shall fix the compensation of said officer or officers, which compensation and all expenses and charges incurred in the erection, purchase or hiring of buildings, furnishing the same and maintaining and conducting the said asylums, shall be paid by the county collectors of said counties from funds raised, or to be raised, by taxation, as other county expenses are raised and paid.

Supplement.

Passed April 2, 1885.

P. L. 1885, p. 195.

When board of freeholders not chargeable for support of lunatic.

73. SEC. 1. That the boards of chosen freeholders of any county in which a county lunatic asylum shall have been or shall hereafter be established, shall not be chargeable with the support in said asylum of any pauper lunatic or indigent lunatic, not a pauper, unless he, she or they shall have a legal settlement under the poor laws of this state in some township or city within said county.

When court to commit person to county asylum.

74. SEC. 2. That no court or judge shall make any order committing any person to any county lunatic asylum in this state unless the lunacy of such person shall be testified to before said court or judge, by at least two respectable physicians, and unless the person or persons making application therefor shall have first given the director of the board of chosen freeholders of such county, or one of the chosen freeholders of the township or ward in which such lunatic shall have a legal settlement, at least one day's notice of such application, and that the order of the said court or judge in the matter shall adjudicate whether the said person is a lunatic and has sufficient estate to support him and his family (or if he have no family, himself alone,) or her during the visitation of insanity, and also the place of legal settlement of such lunatic under the poor laws of this state.

Freeholder to attend before court when notified of application.

75. SEC. 3. That it shall be the duty of any chosen freeholders who shall be notified of such application as aforesaid to attend before the said court or judge at the time said application is made, for the purpose of protecting the interests of such county therein ; and that in all cases of doubt they may, if they see fit, direct the county counsel, if there be such officer, to attend before such court or judge at the time said application is made, to protect the interests of said county.

76. SEC. 4. [Amended by Sec. 80, *post.*]

77. SEC. 5. [Amended by Sec. 81, *post.*]

When lunatic chargeable to county.

78. SEC. 6. That no such lunatic shall become chargeable to any such county unless the proceedings shall be approved by the chosen freeholder of the ward or the chosen freeholders of the township in which such lunatic shall have a legal settlement, as now provided by law.

Unlawful to recommit incurable lunatic without consent of board of freeholders.

79. SEC. 7. That whenever any lunatic shall have been an inmate of any such county asylum for the period of three years, and shall be pronounced incurable by the superintendent or other chief executive officer of such asylum at the time of his or her discharge therefrom, it shall not be lawful to recommit such lunatic to said asylum at the expense of such county, except by and with the consent of the board of freeholders of said county.

An act to amend an act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, one thousand eight hundred and seventy-one," which further supplement was approved April second, one thousand eight hundred and eighty-five.

P. L. 1889, p. 282.

Approved April 10, 1889.

80. SEC. 1. That section four of the act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, one thousand eight hundred and seventy-one," which further supplement was approved April second, one thousand eight hundred and eighty-five, which said section reads as follows [see Sec. 76, *ante*], be and the same is hereby amended so as to read as follows :

[That the said petition, the proof or acknowledgment of service of the same upon the freeholder, the depositions of the physicians and other witnesses, and the order of said court or judge, if made, shall be filed in the office of the clerk of said county, and a certified copy of said papers shall be furnished by said clerk and sent to the asylum with the said lunatic ; and such certified copy shall be sufficient warrant to the officers of said asylum for the detention of the said person.]

Order of commitment to county asylum and proofs, where filed.

81. SEC. 2. That section five of the act of which this act is amendatory, which reads as follows [see Sec. 77, *ante*], be and the same is hereby amended so as to read as follows :

[That the county clerk shall be entitled to a fee of one dollar for filing the papers and furnishing certified copies of the same on each order made under this act, to be paid by the person making the application therefor.]

Fee of county clerk.

A supplement to an act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, anno domini one thousand eight hundred and seventy-one," which said supplemental act was approved March third, anno domini one thousand eight hundred and eighty.

Approved May 9, 1894.

P. L. 1894, p. 268.

82. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county in this state to give to any county insane asylum within the limits of such county, established or to be established by it, an appropriate name to be selected by it, by which name it shall be thereafter called.

Chosen freeholders to give appropriate name to county asylum.

83. SEC. 2. That every insane person supported in any county insane asylum shall be personally liable for his maintenance therein, and all the necessary expenses incurred by the institution in his behalf, and the committee, guardian or relative that would have been bound by law to provide for and support him if he had not been sent to such 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.

Insane person personally liable for maintenance therein.

Lawful representative liable for.

An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state.

Approved June 10, 1890.

P. L. 1890, p. 424.

84. SEC. 1. [Amended by Sec. 90, *post*.]

85. SEC. 2. [Amended by Sec. 91, *post*.]

86. SEC. 3. That the board of chosen freeholders of such county shall provide for the payment of the principal and interest of said bonds by taxation, as follows : every year after the issue thereof, said board shall, by tax, in the manner hereinafter directed for the payment of the principal, raise and provide moneys sufficient to pay the interest thereon as the same shall accrue ; yearly and every year, commencing with and including the year one thousand eight hundred and ninety-five, until said bonds shall be redeemed and paid off, such board shall order and cause to be assessed and collected by tax, at the same time and in the same manner that other county taxes in such county are assessed and collected, a sum, in addition to the amount required for interest, of not less than ten thousand dollars, to pay the principal of said bonds ; and provision for the redemption and payment thereof, in accordance with this section, shall be made at the time of the direction for and issue of the bonds as aforesaid.

Provision for payment of bonds issued for erecting county asylum.

87. SEC. 4. That the work done and the materials which may be required to be furnished by virtue of this act, shall be done and furnished only under a contract or contracts in writing, which shall be awarded upon bids duly advertised for according to law, for at least ten days previously, and the lowest bidder only shall be entitled to the contract ; and such bidder shall be required to enter into bond, with such sureties as such board may determine by resolution at the time the bids are ordered to be invited, for the faithful performance of the contract, which sureties

Work to be done by contract.

Contractors to enter into bond.

When new bids may be advertised for.

All bids to be accompanied by offers of sureties.

Proviso.

shall not be less than two in any case, and they shall be residents and freeholders in the county, seized of real property therein, over and above all their debts and above all liens and incumbrance on the property of the value of not less than sixty per centum of the contract to be secured by their bond; in case of the rejection of any bid for any reason, as well as in a case where the lowest bidder may for any unforeseen reason fail to enter into contract as above specified, new bids shall be advertised for, and the contract to be made shall be made with the lowest bidder; all bids must be accompanied by offer of sureties qualified as aforesaid, who shall make oath to the same, and who shall specify therein that each of them is ready and willing to enter into bond for the faithful performance of the contract as above provided; *provided, however*, that the erection of the building and the work to be done under or by virtue of this act shall be carried out and completed under the direct supervision of a competent architect to be, and who is hereby authorized and required to be, appointed by the circuit court of such county, who shall hold office only and be removable at its pleasure, and who may be succeeded at any time by the appointment of a successor, in the manner aforesaid; such architect shall and hereby is required to prepare or approve of the plans, specifications and contracts to be made for such building and work; he is required to certify to the correctness of, or approve in writing under his hand, of all payments of money to be made for or on account of the erection of such building under this act, before the same or any of them shall be made; from time to time, during the progress of the work, he shall make a report of the same, in writing, to said court and to the board of chosen freeholders of the county; and such court or board may, at any time, require him to make report to it, in writing or otherwise, of the condition of said work, or any portion thereof; and such board may direct the attention of such court to any part of the work which may be complained of; the compensation of such architect shall be fixed by such court at its pleasure, and the same shall be paid by said board, from time to time, in accordance with the order of said court.

Money to be used only for the erection of a county lunatic asylum.

88. SEC. 5. That the moneys realized by or from the sale of bonds, as herein provided, shall be used only for the erection of a county lunatic asylum building, as aforesaid, and for the acquiring and purchase of lands or grounds therefor, and for no other purpose whatever, except that any balance of such moneys remaining after the erection is paid for or payment is provided for, shall be turned over to and deposited in the sinking fund for the redemption of county bonds.

Repealer.

89. SEC. 6. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

P. L. 1892, p. 190.

Amendatory act.

Approved March 23, 1892.

90. SEC. 1. That section one of an act entitled "An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state," approved June tenth, one thousand eight hundred and ninety, be and the same is hereby amended to be and read as follows:

Bonds, how and when issued.

[That it shall be lawful for the board of chosen freeholders of any county of this state, by resolution adopted by a vote of not less than three-fourths of all the members of such board, to order, direct and authorize the issue, for the purpose of erecting or providing for the erection of a suitable county lunatic asylum building in such county, of bonds in the corporate name and under the corporate seal of the county, the total amount of which shall not exceed the sum of two hundred thousand dollars.]

91. SEC. 2. That section two of said act be and the same is hereby amended to be and read as follows:

Bonds, how signed, &c.

[That such bonds, so as aforesaid directed and authorized to be issued, shall be signed by the director or director-at-large of the board of chosen freeholders of such county, and the county collector thereof, and the cor-

porate seal shall be attached thereto ; they shall state upon their face for what purpose the same were issued ; they shall be of the denomination of not less than one thousand dollars each ; such bonds may be either registered or coupon bonds and shall bear interest at a rate not exceeding four and one-half per centum per annum, payable half yearly, which bonds may be sold at either public or private sale for the best price which can be obtained therefor ; but the same shall not be sold for less than par value ; and registered bonds may be exchanged for coupon bonds, and vice versa at the option of the holder, if the board of chosen freeholders shall by resolution consent thereto ; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds.]

Denomination.

Shall not be sold for less than par value.

Supplement.

Approved May 1, 1894. P. L. 1894, p. 185.

92. SEC. 1. [Amended by Sec. 93, *post.*]

An act to amend an act entitled "A supplement to an act entitled 'An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state,' approved June tenth, one thousand eight hundred and ninety," which supplement was approved May first, one thousand eight hundred and ninety-four.

Approved May 22, 1894. P. L. 1894, p. 483.

93. SEC. 1. That section one of the above-mentioned act be and is hereby amended to be and to read as follows :

[That in addition to the bonds authorized to be issued by the above-entitled act as amended, there may be and hereby is authorized to be issued for the purposes of affording, providing and constructing a suitable kitchen and engine-house or building to contain necessary steam or other power, machinery and things requisite and necessary to and for the proper operation, use and accommodation of the main building, authorized and provided for in the act to which this is a supplement, and to further provide for the making, erection and construction of such other adjoining or connecting outhouses or buildings as may be found or deemed to be necessary, with such steam and other pipe, sewer and other similar connections and communications, as may be essential and proper therefor, by the board of chosen freeholders authorized to provide for the erection of such main building, bonds of the character, denomination, tenor and effect of those heretofore authorized in and by such amended act, to which this is a supplement, except that it shall be unnecessary to state on the face of the bonds the purpose for which the same are issued beyond mention of this act of authority therefor, to an amount or sum not exceeding fifty thousand dollars ; such bonds to be made, issued and sold as directed in such act, except as may herein be directed to the contrary, and the moneys arising therefrom are to be used for the purposes above mentioned ; *provided, nevertheless,* that any part, surplus or balance of such moneys that may not be needed for the purposes above mentioned may and hereby are authorized to be used for and towards completion of the main building above referred to, and such wings, parts or portions thereof as may now be incomplete or unfinished, or which it may be deemed necessary to add to, enlarge or extend.]

Bonds may be issued to provide for kitchen, engine-house, &c.

Proviso.

Supplement.

Approved March 22, 1895. P. L. 1895, p. 569.

94. SEC. 1. That where, in any county of this state, a county lunatic asylum building has been erected or is being erected, pursuant to or in accordance with the provisions of the act to which this act is a supplement and the acts supplementary thereto, and such building is nearing or approaching completion, but the entire completion or finishing of the same shall be impracticable or impossible by reason of the fact that sufficient moneys or funds are not appropriated, set apart or available

Bonds may be issued to provide for completion of buildings.

to meet and pay the expense necessary to enable the making of suitable and proper provision for the heating and lighting of such building so that the same can be used and occupied for the purposes for which it was designed or intended, therefore, in order to make suitable and proper provision for the heating and lighting before referred to, and to enable the said building to be entirely completed and finished, including such heating and lighting and other things necessary in the premises with all reasonable speed, the board of chosen freeholders of such county may and hereby are authorized and empowered to issue or cause to be issued bonds (except as may be herein otherwise directed) of the character, denomination, tenor and effect of those heretofore authorized to be issued in and by the original act to which this is a supplement, as amended by the act amendatory thereof, approved March twenty-third, one thousand eight hundred and ninety two, to an amount or sum not exceeding twenty-five thousand dollars, such bonds to be made, issued, sold or disposed of as directed in such amended act; and provision for the payment of the bonds herein authorized shall be made each year as provided in the aforesaid original act, save as may be herein otherwise directed, and excepting that the first provision for the payment of the same shall commence with and be made in the year one thousand eight hundred and ninety-six, and like provision shall be made each year thereafter until the whole principal sum of the bonds in this act authorized shall have been provided for; there shall be inserted in the tax levy of the county each year, to meet and pay the principal of said bonds after the issue thereof, a sum not less than two thousand dollars, and in making provision for the issue of such bonds regard may be had to this last-mentioned provision and the issue thereby regulated; proper provision for the payment of interest accruing on such bonds shall be made each year in like manner; none of the moneys herein authorized to be raised shall be applied to any purpose than those above mentioned, nor shall any of the sums be used to defray any compensation to the architect heretofore provided for.

Payments of principal and interest shall be provided for by taxation.

III. Private asylums.

An act to regulate and control private insane asylums, retreats and institutions for care or treatment of persons of unsound mind.

P. L. 1895, p. 126.

Approved February 26, 1895.

Private institutions for the insane must be licensed by managers of state hospitals.

95. SEC. 1. That no person, association or corporation shall establish or keep an asylum, retreat or institution for the care, custody or treatment of the insane, or persons of unsound mind, for compensation or hire, without first obtaining a license therefor from the board of managers of the state hospitals; *provided*, that this section shall not apply to any state asylum or institution, or to any asylum or institution established or conducted by any county; *and provided, also*, that it shall not apply to cases where an insane person or person of unsound mind is detained and treated at his own house or that of some relative.

Proviso.

Plans of premises shall be approved by managers of state hospitals.

96. SEC. 2. That every application for such license shall be accompanied by plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of the grounds appurtenant thereto and the number of patients of either sex proposed to be received therein; and it shall not be lawful for "the board of managers of the state hospitals" to grant any such license without having first caused an examination by one of its number of the premises proposed to be licensed, and upon being satisfied by such examination that they are as described and are otherwise fit and suitable for the purpose for which they are designed to be used, shall grant such license.

Managers of state hospitals shall make rules for government.

97. SEC. 3. That "the board of managers of the state hospitals" may make proper rules for the management and conduct of all private institutions to which such license may be granted, and shall have power to revoke any such license upon being satisfied after investigation and hearing of the licensee that such rules have been violated.

98. SEC. 4. That said "the board of managers of the state hospitals" shall cause every such licensed institution to be visited by at least one of its number at least once in every year, and shall be entitled to receive twenty-five dollars each year from each institution so licensed, which sum shall be used to defray the expenses attendant upon examination and visitation of such licensed institution.

Board of managers to visit such institutions.

99. SEC. 5. That every person, association, corporation or institution licensed by "the board of managers of the state hospitals," under the provisions of this act, to keep an asylum, retreat or institution for the care, custody or treatment of the insane, or of persons of unsound mind, shall have the right and power, while such license remains in force and unrevoked, to receive and hold any patient or person who shall be delivered into the care, custody or charge of such licensed person, association, corporation or institution by virtue of any order or commitment of any judge or justice of any court of record of this state, or by virtue of the certificate of two respectable physicians under oath, setting forth the insanity or unsoundness of mind of such person, which certificate shall be dated within one month of the reception of such person and shall be accompanied by a request under the hand of the person by whose direction such patient is sent, stating the age and place of nativity, if known, the Christian name and surname, place of residence, occupation of such patient, and the degree of relationship, or other circumstances of connection between the patient and person requesting his admission; and each person signing such request or certificate shall annex to his name his profession or occupation, and the place of his residence, unless these facts appear on the face of the document; and every such certificate and request shall be delivered to and lodged with the superintendent or manager of the licensee upon the reception of such patient and shall be forthwith copied and entered in a book to be kept by such licensee for the purpose, together with a minute of the date of the reception of such patient.

Licensed private asylum may receive and hold patients.

100. SEC. 6. That within five days after the reception of such patient the licensee shall mail to "the board of managers of the state hospitals," to the address of the secretary therefor, a copy of the order and commitment or request and certificate which accompanied such patient, and within the first week of each quarter such licensee shall report in writing, mailed to the said secretary, the name, residence and physical and mental condition of every patient then in the custody of the licensee, together with the date and cause of discharge, or death of every patient who shall have been discharged or died since the last previous report, and shall keep an accurate record of all such matters.

Copy of papers received on admitting a patient to be sent to managers of state hospitals.

101. SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect July fourth, one thousand eight hundred and ninety-five.

Repealer.

Mandamus.

1. Return to be made to the first writ.
2. Proceedings thereon, when it is returned.
3. If damages recovered there shall be no other suit.
4. Court may grant time to plead and make return.
5. Writ of error may be sued out to remove judgment.
6. Amended by section 13.
7. Amended by section 14.
8. Proceedings on application for *mandamus* to compel municipal corporation to raise amount of judgment by tax.
9. Limitation on amount that municipality may be required to raise.
10. Sum raised to be paid into court and distributed pro rata amongst creditors.
11. If claims not paid, a *mandamus* may issue the next year.
12. Applications for *mandamus* in such cases to be consolidated.
13. When writ of error will lie on denial of writ of *mandamus* or discharge of rule to show cause.
14. Writ of error to be made returnable forthwith.
15. Illegality of tax or appropriation may be pleaded in *mandamus* proceedings.