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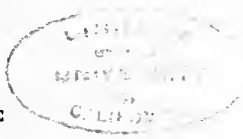


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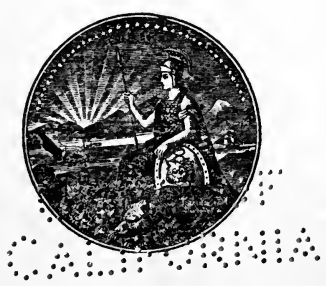
LUNACY LAW



OF THE

STATE OF CALIFORNIA

1913



FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING
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The Lunacy Law of the State of California as of September 1, 1913.

The following laws should be read in conjunction with the Lunacy Law :

Act creating Board of Control, Statutes 1911, Chapter 349. (Also the rules adopted by the Board of Control.)

Civil Service Law, Statutes 1913, Chapter 590, page 1035 (and such rules as the Civil Service Commission may hereafter adopt).

Acts pertaining to State Engineering Department and building contracts, Statutes 1911, Chapter 392, page 823 ; Statutes 1913, Chapter 409, page 844.

✓ Asexualization Law, Statutes 1913, Chapter 363, page 775.

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ABSTRACT

1913

LUNACY LAW

OF THE

STATE OF CALIFORNIA.

Chapter I of Title V of Part III of the Political Code
(including amendments of 1913).

CHAPTER I.

STATE COMMISSION IN LUNACY, STATE HOSPITALS, AND CARE,
CUSTODY, APPREHENSION, COMMITMENT OF INSANE AND OTHER
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2136. There shall continue to be a state commission in lunacy consisting of five members, to wit: The general superintendent of the state hospitals, the secretary of the state board of health, and the three members of the state board of examiners. In the absence of the governor, at any meeting of the commission, the secretary of the state board of examiners is authorized to act in his place, with the same powers and with like effect as the governor might exercise, if present; and in the like absence of the attorney general, the assistant attorney general, or any deputy attorney general may act in his place, with like authority as he might exercise, if present. All the members, other than the general superintendent, must serve without salary.

2137. The general superintendent of state hospitals is appointed by the governor, to hold office for four years, and must not hold any other office. He must be a reputable physician, and graduate of an incorporated medical college, who has had at least ten years' actual practice in his profession, and six years' actual experience in the care and treatment of the insane, at least one year of which must have been in the state hospitals of this state. His salary shall be fixed by the commission, and can not be changed during his term of office, and shall be paid at the same time and in the same manner as are the salaries of other state officers.

2138. The secretary of state must provide the commission with a suitably furnished office in the state capitol, in which it must hold stated meetings at least once in every month. It may hold other meetings at such office, or elsewhere, at such times as it may be deemed necessary.

2139. The commission must have and keep an official seal. Every process, order, or other paper issued or executed by the commission, may, by its direction, be attested with its seal by the secretary, or by any member of the commission, and when so attested must be deemed to be duly executed by the commission.

2140. The reasonable expenses of the commission, and the salaries of the necessary employees must be paid by the treas-

urer of state on the warrant of the controller, out of any money appropriated for the support of the insane, feeble-minded and other incompetent persons, pro rata, from the amount appropriated for the maintenance of each hospital, or from the money appropriated for the expense or support of the commission.

2141. The commission has power:

1. To appoint a secretary whose term of office shall be four years from and after the date of his appointment and to fix his salary, which shall not be changed during his term of office, and which shall be paid at the same time and in the same manner as are the salaries of other state officers, and to appoint such other employees as it may deem necessary and fix their compensations;

2. To appoint, by its order, a competent person to examine the books, papers, and accounts, and also into the general condition and management of any institution in this chapter mentioned, to the extent deemed necessary and specified in such order;

3. To fix the annual salaries of the resident officers and treasurer of the state hospitals, which must be uniform in all the state hospitals for the insane and as near uniform as possible in all state hospitals, and to classify the other officers and employees in grades, and determine the salaries and wages to be paid in each grade, which must be uniform in all hospitals for the insane, and as near uniform as possible in all state hospitals;

4. To determine the kind and character of all employees who shall be employed at any state hospital according to the needs and objects of the hospital;

5. To permit any religious or missionary corporation or society to erect a building on the grounds of any state hospital for the holding of religious services, said building when erected to become the property of the state and to be used exclusively for the benefit of the inmates and employees of such state hospital and subject to such regulations and conditions as may be determined or imposed by said commission.

2142. The duties of the commission are:

1. To take charge of the execution of the laws relating to the care, custody, and treatment of the insane, feeble-minded persons, epileptics and idiots, and other incompetent persons as provided in this chapter;

2. To examine all public and private institutions receiving and caring for the insane and other incompetent persons, and inquire into their methods of government, and the treatment of all inmates thereof;

3. To examine into the condition of all buildings, grounds, or other property connected with such institutions, and into

all matters relating to their management. For the purposes specified in this subdivision, each commissioner is entitled to free access to the grounds, buildings, and all books and papers relating to any such institution, and every person connected therewith must give such information and afford such facilities for any such examination or inquiry, as the commissioners may require;

4. To make such regulations in regard to the correspondence of the inmates in said institutions in custody as in its judgment will promote their interests, which regulations must be complied with and enforced by the proper authorities of each institution; but no restriction must be placed upon the correspondence of such inmates with the superior judge and district attorney of the county from which they were committed or admitted to such institutions;

5. To adopt, for all hospitals, rules and regulations, books of record for steward's and all departments, blank forms, both clinical and otherwise, questions for examination of employees, and for examination in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system, of all officers and internes, for the special use of the hospital;

6. To keep in its office a record showing the name, residence, and certificate of each duly qualified medical examiner, and to immediately file, when received, each duly certified copy of a medical examiner's certificate, and advise him of its receipt and filing;

7. To keep in its office a record showing:

(1) The name, residence, sex, age, nativity, occupation, civil condition, and date of commitment of every patient and inmate in custody in the several institutions for the care and treatment of insane and other incompetent persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing the medical certificate, and of the judge making the order of commitment;

(2) The name of the institution where each patient or inmate is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's or inmate's condition;

(3) The date of the discharge of each patient or inmate from such institution, and whether recovered, improved, or unimproved, and to whose care committed;

(4) If transferred, for what cause, and to what institution; and if dead, the date and cause of death;

(5) The date of discharge of each inmate from the home for feeble-minded since July 1, 1902, and mental condition when discharged;

(6) To cause to be examined at least once in six months, the books, papers, and accounts of each of the several state hospitals, the report of such examination to be filed with the superintendent of the hospital examined, and a copy of the same filed with the commission.

8. To report and recommend to the legislature the necessary prospective needs for the care, custody, and treatment of the poor and indigent insane and other incompetent persons mentioned in this chapter; and for the purpose of preventing overcrowding, it must recommend to the legislature the establishment of cottages at such of the state hospitals as in its judgment will best meet the requirements of such persons.

9. To furnish the legislature an estimate of the probable number of patients who will become inmates of the respective state hospitals during the two years beginning July first, next ensuing, and the cost of all additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody, and treatment of the poor and indigent insane and other incompetents of the state;

10. To biennially report to the legislature its acts and proceedings for the two years ending June thirtieth, last preceding, with such facts regarding the management of the institutions for the insane and other incompetents as it deems necessary for the information of the legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital.

2142a. When the commission has reason to believe that any person held in custody as insane or incompetent is wrongfully deprived of his liberty, or is cruelly or negligently treated, or inadequate provision is made for his skillful medical care, proper supervision, and safekeeping, it may ascertain the facts, or may order an investigation of the facts by one or all of its members. It, or the commission conducting the proceeding, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in a superior court. The commission may make such orders for the care and treatment of such person as it may deem proper. Whenever the commission undertakes an investigation into the general management and administration of any hospital for the insane or incompetents or places of detention for the alleged insane or incompetents, it may give notice to the attorney general of any such investigation, who must appear personally or by deputy, and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county, city and county, or city almshouse, to ascertain

if insane persons are kept therein. When complaint is made to the commission regarding the officers of any hospital or institution for the insane or other incompetents, or regarding the management thereof or of any person detained therein or regarding any person held in custody as insane or incompetent, the commission may, before making an examination regarding such complaint, require the same to be made in writing and sworn to before an officer authorized to administer oaths, and on receiving such complaint, sworn to if required by the commission, the commission shall direct that copy of such complaint be served on the authorities of the hospital or institution or the person against whom complaint is made, together with notice of time and place of such investigation as the commission may direct.

2143. The general superintendent of state hospitals must visit every state hospital at least twice in each year. Visits may be made by the commissioners, jointly or singly, at such times as the visiting commissioner or commissioners may choose. Each visit must include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the outhouses, places, buildings, and grounds belonging thereto, or used in connection therewith. The general superintendent, or a majority of the members of the commission, must, from time to time, make an examination of all records and methods of administration, the general and special dietary, the stores and methods of supplies, and, as far as the circumstances will permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it, suitable opportunity to converse with the commissioners, apart from the officers and attendants. They must, as far as they deem necessary, examine the officers, attendants, and other employees, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioner, or commissioners, must report the result thereof, with such recommendations for the better management or improvement in such institutions as they may deem necessary. But such recommendations must not be contrary to the medical doctrines of the particular school of medicine adopted by such institution. The commissioners must, from time to time, meet the managers or responsible authorities of such institutions, or as many of the members as practicable, in conference, and consider, in detail, all questions of management and improvement of the institutions, and must also send to them, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institutions as they may deem necessary or desirable. The times and places of such conferences shall be designated by the commission.

2144. The authorities for the several hospitals must furnish to the commission the facts mentioned in subdivision seven of section twenty-one hundred and forty-two and such other obtainable facts, as the commission may from time to time in the discharge of its duties require of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital, must, within ten days after the admission of any person thereto, cause a copy of the medical certificate and order on which such person was received and a list of all property and books, and papers of value found in the possession of or belonging to such persons to be forwarded to the office of the commission, and when a patient or inmate is discharged, transferred or dies, such superintendent or person in charge, must, within three days thereafter, send the information to the office of the commission, in accordance with the form prescribed by it.

2145. There are established the following state hospitals, which are declared to be corporations:

1. The Stockton State Hospital at the city of Stockton, formerly known as the Stockton State Insane Asylum at Stockton;

2. Napa State Hospital, near the city of Napa, hitherto known as the Napa State Asylum for the Insane at Napa;

3. Agnews State Hospital, near the city of San Jose, formerly known as the State Insane Asylum at Agnews;

4. Mendocino State Hospital, near the city of Ukiah, hitherto known as the Mendocino State Insane Asylum at Ukiah;

5. Southern California State Hospital, near the city of San Bernardino, hitherto known as the Southern California State Insane Asylum for the Insane and Inebriates, San Bernardino. Said state hospitals being for the care and treatment of the insane.

6. The California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma county, which shall hereafter be known and designated as the Sonoma State Home. The object of said home is such care, training and education of those received, as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the managers must furnish them with such agricultural and mechanical education as they may be capable of receiving and all that the facilities offered by the state will allow, including farm work, shops, and the employment of trade teachers. The hospital must, on the conditions in this act prescribed, receive and care for feeble-minded persons, imbeciles, idiots, and epileptics who are not insane.

2146. Each of the corporations mentioned in the preceding section may acquire and hold in its corporate name by gift, grant, devise or bequest, property to be applied to the mainte-

nance of the inmates of the hospital and for the general use of the corporation. All lands necessary for the use of state hospitals must be acquired by condemnation as lands for other public uses are acquired, except those acquired by gift, devise or purchase, and the terms of every purchase must be approved by the commission. No public street or road for railway or other purposes, except for hospital use, must be opened through the lands of any state hospital, unless the legislature by special enactment consents thereto.

2147. Each hospital has a board of five managers or trustees appointed by the governor, each of whom holds office for the term of four years from and after his appointment, and the terms of not more than two must expire in any one year. Such trustees or managers shall hereafter be termed managers. If a vacancy occurs otherwise than by the expiration of a term, it must be filled by appointment for the unexpired term. Any manager is subject to removal by the governor, upon good cause shown and opportunity to be heard. The managers or trustees of each hospital now in office shall continue in office during the terms for which they were appointed.

2148. No person is eligible to the office of manager, who is a member of the legislature or an elective state officer, and if he becomes such after his appointment his office is thereby vacated. If any manager fails for three months to attend the regular meetings of the board, unless he is ill or absent from the state, his office becomes vacant, and the board, by resolution, must so declare, and must forthwith transmit a certified copy of such resolution to the governor.

2149. The managers are entitled to ten dollars per day for their attendance at meetings of the board, and while in the actual service of the state, and to their necessary traveling expenses, to be paid as are other current expenses of the hospital; *provided*, that no manager shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year.

2150. Subject to the powers of the commission, each board of managers has general control and direction of the property and concerns of the institution for which it is appointed, not otherwise provided by law. It is the duty of the board of managers:

1. To take care of the interests of the hospital, and see that its design and its by-laws, rules, and regulations are carried into effect, according to law;

2. To establish such by-laws, rules, and regulations subject to the approval of the commission, as it may deem necessary and expedient for regulating the duties of officers and employees of the hospital, and for the internal government, discipline, and management of the same;

3. To maintain an effective inspection of the hospital, for which purpose a majority of the board must visit the hospital at least every month, and the whole board once a year, and at such other times as may be prescribed in the by-laws;

4. To keep, in a book provided for the purpose, a fair and full record of its doings, which must at all times be open to the inspection of the commissioners in lunacy, or either house of the legislature;

5. To cause, within ten days after each meeting of such managers, or a committee thereof, a copy of the minutes and proceedings of such meeting to be sent to each member of such board and to the commission;

6. To enter, in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients, and all the managers present must sign such entry;

7. To make to the commission, on or before the fifteenth day of August of each year, a detailed report of their visits and inspections, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of June preceeding the date of such report;

8. To bring such actions in the name of the hospital with the consent of the attorney general necessary to protect the interests of the hospital or to recover for the use of the hospital the amount due the hospital on any bond, note or other cause of action accruing to the hospital other than for the care, support, maintenance, and expense of any patient or inmate therein.

2151. No money must be expended by the managers of any state hospital for the erection of additional buildings or for unusual repairs or improvements, except upon plans and specifications approved by the commission. The cost of such buildings to be occupied by patients, or inmates, including the necessary equipment for heating, lighting, ventilating, fixtures, and furniture, must in no case exceed five hundred and fifty dollars per capita for the patients or inmates to be accommodated therein; and subject to the said approval, the managers may employ a competent architect to prepare plans, specifications, or estimates of cost of proposed structures, and adopt such plans, specifications, or estimates; and after plans, specifications, or estimates of cost are so approved, may let contracts for erection of such buildings or making of such repairs, and may employ a competent architect to superintend the construction of such building or the making of such repairs.

2152. Each board of managers must appoint for the hospital under its control, as often as vacancies may occur therein:

1. A medical superintendent, who must be a graduate of an

incorporated medical college, and a well-educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the insane. The medical superintendent of the homeopathic hospital must be a homeopathic physician, and he must, in other respects, possess the same qualifications as other medical superintendents;

2. A treasurer, who is also ex officio secretary of the board, and who must keep all the books, records, and papers pertaining to the business of his office, and maintain such office wherever the board of managers directs. He must give an undertaking to the people of the state, in such sum as the board requires for the faithful performance of his trust, with sureties to be approved by it.

Any medical superintendent or treasurer may be removed by a majority vote of the board of managers for cause; such cause must be stated in writing and served upon the official charged. He must thereafter be given an opportunity to be heard. If removed upon such hearing, his removal is final;

3. The appointment of any person as medical superintendent shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system. The questions for such examination shall be prepared by the general superintendent and such medical superintendents as may be designated by the commission, subject to the approval of the commission. Such examination shall be conducted by the general superintendent or by such medical superintendents of the hospitals as may be named by the commission for that purpose. An examination shall not be required of any medical superintendent or assistant physicians now in office in any state hospital.

2153. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the commission, must perform his duties and be subject to his responsibilities. Subject to the rules and regulations established by the board of managers, the medical superintendent has general superintendence of all buildings, together with their furniture, fixtures, and stock, and the direction and control of all persons therein, and must:

1. Personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients and inmates. To this end the superintendent must personally examine the condition of each patient or inmate within five days after his admission to the hospital and must visit all the wards or apartments for patients or inmates at such times as the rules and regulations of the hospital prescribe;

2. The superintendent of the home for feeble-minded must, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all inmates supported, cared for, trained, and educated in such hospital for the preceding month, and whose support, care, training, and education in such hospital are provided to be paid for by the several counties whence they came. This report must give the names and residences of all such inmates, together with the dates of their admission, and the department of the hospital in which they are detained, and the special grade of mental deficiency with which each is afflicted. Copies of this report must be filed in the offices of the state board of examiners, the controller, the treasurer of state, and state commission in lunacy, but must not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent must also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which must be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each inmate supported, and for which such county is liable to the state for support and maintenance;

3. The superintendent of the home for feeble-minded must, annually, after the close of the fiscal year, and before the date at which the managers are required to make their annual report, make to the managers a report, giving the name, age, sex, nativity, residence, and date of reception of each pupil in the institution within the preceding year, and, as far as can be ascertained, the causes of imbecility; also the number discharged, with the date and reason therefor in each case, together with the name of each paying pupil, and the amount charged for him, and the amounts paid or unpaid; and also such other information and suggestions as may seem proper; which report must be kept on file in the office of the secretary of the board, but must not be printed.

2153a. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers:

1. A supervisor, matron, and steward, and all employees, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession, who have received a certifi-

cate from the state board of medical examiners, and of good moral character;

3. Where there are first and second assistant physicians, the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

4. From and after the first day of July, A. D. 1905, whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or the California Home for the Care and Training of the Feeble-Minded Children at Eldridge, Sonoma county, the appointment of such additional assistant shall be so made that at least one physician in each of said state hospitals and said home shall be a woman;

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

6. At the homeopathic state hospital all assistant physicians and internes besides possessing the qualifications herein prescribed, must be graduates of an incorporated homeopathic medical college;

7. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

8. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

9. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or form provided for that purpose.

10. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission.

11. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and

occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person.

12. To prepare and keep the pay rolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge;

13. Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which must be approved by the board of managers, unless a different time is allowed by the commission. He must submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimates for supplies, either as to quality or quantity thereof, and must certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission must, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise for four successive weeks, for contracts for furnishing such supplies: said advertising being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All contracts must be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond amounting to one fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserves the right to reject any and all bids submitted to them;

14. Prepare monthly triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission may revise these estimates for supplies, either as to quality, quantity, or price thereof, and must certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the board of managers must

direct its superintendent to secure the supplies according to the approved estimates.

2154. Salaries of resident and other officers and wages of the employees must be included in the monthly estimates and paid in the same manner as other expenses of the state hospitals. The medical superintendents, the assistant physicians, secretaries to medical superintendents, and stewards, and their families, must be furnished room, household furniture, laundry service, drugs when ill, provisions, fuel and lights at and from the supplies of the hospital. But separate accounts must be kept of the same. The word family shall be regarded as meaning only the wife and minor children of said officers.

2155. The medical superintendent may remove any resident officer in his employ for cause, pending the meeting of the board of managers. The removal of employees, other than resident officers, must be reported to the board of managers for its action, which is final; and in the case of resident officers, notice in writing must be immediately given to the resident officer removed and to each member of the board of managers. At the next meeting of the board, or at the meeting to which it is regularly postponed, such removal must be considered and the person removed be heard; after which the managers must determine the matter, and their judgment is final. If an officer or employee is removed, the superintendent must make a record thereof, with the reasons therefor, under the appropriate head, in one of the books of the hospital. Any officer or employee of a state hospital taking an active part in politics, directly or indirectly, may be summarily removed from such hospital by the state commission in lunacy upon written charges under oath made by three or more reputable citizens and upon testimony taken under oath at a hearing held for the purpose. The medical superintendent must transmit, by mail, to the state lunacy commission, within five days after any removal has been approved by the board of managers, information of such removal, and the cause thereof. The commission must preserve the name of such officer, or employee, with the facts relating to his removal in a book provided for that purpose. When any officer or employee is removed by the superintendent, as herein provided, the officer or employee removed shall stand suspended from his office or position until the removal is acted upon by the board of managers; and no salary or wages shall be paid such officer or employee for the time he remains suspended. During such suspension, the duties of the office or position shall be performed by such other officer or employee who may be designated for that purpose by the medical superintendent.

2156. The medical superintendent, all assistant physicians, stewards, supervisors, and matrons must maintain their

residence in the hospital or on the premises, and are designated as the resident officers of the hospital.

2157. The medical superintendents and assistant physicians shall not engage in private practice, but shall devote their entire time to the duties of their positions. Nothing in this section shall, however, be regarded as prohibiting them from giving necessary medical care and treatment to the officers and employees of the hospital residing at the hospital or in the immediate vicinity thereof, or in cases of emergency.

2158. In every state hospital there shall be a contingent fund. In state hospitals for the insane said fund shall consist of all moneys received by the board of managers other than that appropriated by the state. In the home for feeble-minded such fund shall consist of all moneys received by the board of managers other than that appropriated by the state or received by them from the several counties of the state for the support of inmates actually in the hospital. The contingent fund must by said board, be expended for such supplies, expenses, buildings, lands and other property and improvements as are required for the best interests of the hospital and for the improvement thereof and of the grounds and buildings connected therewith. The medical superintendent must make triplicate estimates, in minute detail, as approved by the board of managers, of such supplies, expenses, buildings, and improvements which must be submitted to the commission. The commission may revise the estimates of such supplies, expenses, buildings, and improvements, and must certify that it has carefully examined the same, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of such hospital; whereupon the board of managers, after having received the revised and approved estimates, must proceed to purchase such supplies, make such expenditures, or construct such improvements or buildings without further authority, itemized bills for the same to be approved by the board of managers and paid in the same manner as other bills incurred by the hospital. The building act of eighteen hundred and seventy-six does not apply to any improvement, structure, or building made under the provisions of this act. The commission may also require the board of managers to obtain such plans and specifications for buildings or improvements as it deems advisable, and may also require the board of managers, before letting contracts for supplies, buildings and improvements, to advertise for bids for the same for a period and in such papers as the commission deems proper.

2159. The treasurer of each hospital must:

1. Subject to the provisions of chapter XCIII, statutes of 1899, approved March 17, 1899, have the custody of all moneys

received from the state, or elsewhere, for the benefit of the hospital, or any of its inmates, and keep an accurate account thereof;

2. Have the custody of all bonds, notes, mortgages, and other securities and obligations belonging to the hospital;

3. Receive all money for the care and treatment of patients, and other sources of revenue to the hospital;

4. Subject to the provisions of chapter XCIII, statutes of 1899, approved March 17, 1899, deposit all such moneys in a bank designated by the board of managers, conveniently near the hospital, in his name, as treasurer, and send each month, to the commission and the board of managers, a statement showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit must be certified by the proper officer of the bank receiving such deposit. The treasurer must make an affidavit to the effect that sum so deposited is all the money received by him, from any source of hospital income, up to the time of the last deposit appearing on such statement;

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward, approved by the superintendent, in accordance with the estimates made by the superintendent, and revised and approved by the board of managers and by the commission;

6. Keep full and accurate accounts of all receipts and payments, in the manner directed in the by-laws, and according to the books and forms approved, prescribed and furnished by the commission;

7. Balance all accounts on his books annually, on the last day of June, and make a statement thereof, and an abstract of the receipts and payments of the past year, and deliver the same, within ten days, to the finance committee of the managers, who must compare the same with the books and vouchers, and verify the results by further comparison with the books of the steward, and certify, in regard to the correctness thereof, to the managers at their next meeting;

8. Render an account to the state of the books and the funds and other property in his custody, whenever required by the managers or by the commission;

9. Upon the order of the board of managers, execute a release and satisfaction of a mortgage, judgment, or other lien or debt, in favor of the hospital, when the same has been paid;

10. Upon the order of the board of managers to pay all moneys and return all property in his possession belonging to any patient to said patient or to the persons entitled thereto, when said patient is discharged. Upon the order of the board of managers, when any patient dies, to pay over all moneys and turn over all property in his possession belonging to such patient to the persons entitled thereto.

2160. The treasurer of each state hospital shall, each month, send to the commission an audit sheet showing the payment of claims allowed by the board of examiners for the preceding month for the expenses of the hospital. Such audit sheet must show the number of each voucher, the name of the claimant, to whom paid, number of check, date of payment and amount for which it was allowed by the state board of examiners. Such audit sheet must be verified by the affidavit of the treasurer attached thereto, in the following form:

“I _____, treasurer of the _____ state hospital, do solemnly swear that I have deposited in the bank designated by the board of managers for such purpose, all the moneys received by me, as hereinbefore set forth, on account of the hospital for the preceding month, and I do further swear that the foregoing is a true abstract of all the moneys received, as hereinbefore mentioned, and payments made by me, or under my direction, as such treasurer, for the month ending on the _____ day of _____, 19____.”

There must also be attached the affidavit of the steward, to the effect that the goods and other articles therein specified were ordered, or purchased, and received by him, or under his direction, at the hospital, and that neither he, nor any person in his behalf, had any pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deduction, or presents, or in any manner whatever, directly or indirectly; that the articles and bills conform in all respects to the invoiced goods received and ordered by him, both in quality and quantity.

2161. The steward, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, and, under the direction of the superintendent, shall make all purchases for the hospital according to the provisions of subdivisions thirteen and fourteen of section twenty-one hundred and fifty-three *a* and section twenty-one hundred and fifty-eight, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings. The steward at all times shall have control of the farm, live stock, grounds, and all outside departments. He shall receive all supplies and see that they are the articles ordered and of proper weight and quality, reject those that are below the standard adopted. He shall exercise general supervision over the kitchen and all food supplies and see that they are properly cooked and served. He shall receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

2162. No expenditure for supplies, or other purposes,

must be made by the board of managers of any state hospital for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this chapter, in relation to estimates. No manager or officer of the hospital must be interested, directly or indirectly, in the furnishing of material, labor, or supplies for the use of the hospital.

2163. The state hospitals may make or manufacture such supplies and materials necessary or required to be used in any of the state hospitals and which can be economically made or manufactured therein. The necessary cost and expense of providing for the making and manufacture of such supplies and materials and to conduct and carry on the same shall be paid for out of the contingent funds of the hospitals. In making proper provision for the making and manufacture of such supplies and materials, the board of managers and the officers and employees of the hospitals shall be governed by the provisions of this act relating to the contingent fund of each state hospital. No hospital shall enter into or engage in making or manufacturing any supplies or materials unless permission for the same is obtained from the commission. Such permission must be by resolution of the commission, duly passed and entered of record on the minutes of the commission. The commission may, at any time, when, in the judgment of the commission, it shall appear that the manufacture of any article or articles is not being or can not be economically carried on at a state hospital, suspend or stop the manufacture of such article or articles, and on receipt of a certified copy of the order of the commission directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article or articles.

2164. Each superintendent, treasurer, and steward, before entering upon his duties as such, must take the constitutional oath of office, and file the same in the office of the secretary of state.

2165. During the month of June of each year the medical superintendent shall make a complete and accurate inventory in minute detail of the stock and supplies on hand at said hospital. Said inventory shall be under the following heads: Live stock; farm produce on hand; wagons, carriages and other vehicles; agricultural and farming implements; tools and machinery; other tools, implements, machinery and mechanical appliances and fixtures; real estate; beds and bedding; carpets and furniture in patients' apartments; beds, bedding, carpets and furniture in apartments used by officers and employees and purchased by the state; personal property of the state in all departments; ready-made clothing; cloths, materials and dry goods purchased for clothing and hospital purposes; groceries and provisions; drugs and medicines; fuel

on hand; stationery and office supplies; hardware; lumber and building materials; and all other property under such heads as the medical superintendent shall deem proper. Said inventory shall cover the fiscal year ending June 30, of each year. One copy of such inventory shall be forwarded to the commission on or before the first day of July of each year. One copy shall be filed with the board of managers, and one copy retained by the superintendent.

2165a. No civil action must be brought against the commission, or a commissioner in lunacy, or an officer or manager of a state hospital, because of any act done or failure to perform any act, while discharging his official duties, without leave of the controller first had and obtained. Any just claim for damages against such commission or commissioner, officer or employee, for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane or other incompetents.

2166. The authorities of each state hospital must place on file in the office of the institution, the recommendations made by the commissioners, as a result of their visit, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visit to such institution.

2167. The board of supervisors of each county, and city and county, must maintain in the county, or city and county, or in a receiving hospital situate therein, a suitable room or rooms for the detention, board, care, and treatment of the alleged insane, for a period of not less than one nor more than twenty days. These rooms and their furnishings must be subject to the approval of the commission, and each person having charge and control of any such hospital or rooms and their furnishings, must allow the commission to make such investigations thereof as it may at any time deem necessary. Nothing in this section must be construed to mean that insane persons may not be detained, cared for, boarded, and treated, by and with the consent of the commission, in their own homes, or homes of their relatives or friends, or in a licensed private hospital.

2167a. The superior judge of each county, or city and county, may grant certificates in accordance with the form prescribed by the commission, showing that the persons named therein are reputable physicians and graduates of incorporated medical colleges, and have been in active practice of their profession at least five years, and when certified copies of such certificates have been filed with the commission, the persons therein named become known as "medical examiners," and there must at all times be at least two such medical examiners in each county. Such certificate may be revoked by the commission for incompetency or neglect, and shall not be again granted without the consent of the commission.

2167b. This act shall be known as the psychopathic parole act and shall apply to persons mentally sick and bordering on insanity but not dangerously insane.

1. The office of psychopathic probation officer may be created in any county in this state by the board of supervisors thereof. The psychopathic probation officers and deputy psychopathic probation officers to serve hereunder shall be nominated and appointed by the judge of the superior court by written order entered in the minutes of said court. The term of office of the psychopathic probation officers and deputy psychopathic probation officers shall be during the pleasure of the court and may at any time be removed by said court in its discretion. Such psychopathic officers shall devote their entire time and attention to the duties of their office. It shall be the duty of the clerk of said court before any mentally sick or insane person is brought before the court, under the provisions of this act to notify one of the probation officers of said court.

2. The said psychopathic probation officer shall inquire into the antecedents, character, family history, environment and superinducing cause of the mental sickness or insanity of every alleged mentally sick or insane person brought before the court and shall make his report to the judge thereof, in writing or verbally in open court or in chambers as directed by the judge of said court. Every psychopathic probation officer, assistant psychopathic probation officer and deputy psychopathic probation officer shall have the powers of peace officers at any time at his or her discretion; such officer may bring any mentally sick or insane person committed to the care of such psychopathic probation officer before the court for such further other action as the court may deem proper.

3. In each county where the office of psychopathic parole officer has been created under the provisions of this act, the judge of the superior court shall have power to appoint two psychopathic probation officers, and as many deputies as may be convenient or necessary may from time to time be appointed by the judge of the superior court; and *providing, further*, that such deputies shall serve without compensation. Each of said psychopathic probation officers shall receive such salary as may be determined upon by the board of supervisors, and the salaries of such psychopathic probation officers shall be paid out of the county treasury of the county of which they are appointed respectively and in the same manner as county officers.

4. The psychopathic probation officers and deputy psychopathic probation officers shall be allowed such necessary incidental expenses as may be authorized by the judge of the superior court and the same shall be a charge upon the county in which the court appointing them has jurisdiction and said

expenses shall be paid out of the county treasury upon a written order by the judge of the superior court, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expenditure.

5. If on the examination as provided by law, the court finds a person to be mentally sick and bordering on insanity but not dangerously insane, the court may commit such persons to the care and custody of the psychopathic probation officer and may allow said persons to remain in the home of said persons subject to the visitation of a probation officer and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable; or the court may commit the person so found to be mentally sick or bordering on insanity but not dangerously insane, to be placed in a suitable home, sanitarium or rest haven home, subject to the supervision of said psychopathic probation officer and the further order of the court; *provided, however*, that the reasonable cost in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for such maintenance; *provided, however*, that if the patient is found to be indigent and without funds or relatives responsible for his maintenance able to pay such charge, then the same shall be a charge upon the county in which court has jurisdiction and said expense shall be paid out of the county treasury upon a written order of the judge of the superior court of said county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense.

6. This act shall be liberally construed to the end that its purpose may be carried out, to wit: that the humane care and custody of the mentally sick or near-insane persons, as defined in this act, shall be provided for that restoration of such patients to a normal mental condition be as rapid as possible without committing said patient to an insane hospital. All acts and parts of acts in conflict herewith are hereby repealed.

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person therein is so far disordered in his mind as to endanger health, person, or property, he must issue and deliver to some peace officer, for service, a warrant directing that such person be arrested and taken before a judge of the superior court of the county, for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had, as hereinafter provided. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such

affidavit and warrant shall be in substantially the following form:

IN THE _____ COURT,
OF _____,
_____ COUNTY OF _____, STATE OF CALIFORNIA.

AFFIDAVIT OF INSANITY.

In the Matter of _____, an Alleged Insane Person.

STATE OF CALIFORNIA, }
_____ County of _____ } ss.

_____, being duly sworn, deposes and says that there is now in said county, in the city or town of _____, a person named _____, who is insane, and is so far disordered in mind as to endanger the health, person, or the property of h__self, or of others, and that _he, at _____ in said county, on the _____ day of _____, 19___, threatened and attempted (state actions, etc.) _____

That by reason of said insanity, said person is dangerous to be at large;

Wherefore, affiant prays that such action may be had as the law requires in the cases of persons who are so far disordered in mind as to endanger health, person, and property.

Subscribed and sworn to before me, this _____ day of _____, 19___.

WARRANT OF ARREST.

In the _____ Court, _____ County of _____, State of California.

IN THE MATTER
OF
_____ }
AN ALLEGED INSANE PERSON. }

The People of the State of California, to any Sheriff, Constable, Marshal, Policeman, or Peace Officer, in this State:

The affidavit of _____, having been presented this day to me, _____ county of _____, State of California, from which it appears that there is now in this county, at _____ a person by the name of _____, who is insane, and who is so disordered in mind as to endanger h__ own health, person, and property (or the person, lives,

and property of others), and that it is dangerous for said person to be at large;

And it satisfactorily appearing to me that said _____ is insane, and so far disordered in h____ mind as to endanger health, person, and property;

Now, therefore, you are commanded forthwith to arrest the above named person, and take h____ before a judge of the superior court of the said _____ county of _____ for a hearing and examination on the said charge of insanity.

And I hereby direct that a copy of this warrant, together with a copy of said affidavit, be delivered to said _____, at the time of h____ arrest; and I further direct that this warrant may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19____.

I hereby certify that I received the above warrant of arrest on the _____ day of _____, 19____, and served the said warrant by arresting the said _____ alleged to be insane, and bringing ___ before _____, judge of the superior court of said _____ county of _____, on the _____ day of _____, 19____; and I further certify that I delivered a copy of said warrant of arrest, together with a copy of the affidavit of insanity, as directed in said warrant, personally to said _____, at the time of the arrest.

He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him that he is charged with being insane, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the production and examination of witnesses. Said order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and of the hearing on the said charge of insanity be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper.

2169. The superior judge may, for any hearing, issue subpoenas and compel the attendance of witnesses and must compel the attendance of at least two medical examiners, who

must hear the testimony of all witnesses, make a personal examination of the alleged insane person, and testify before the judge as to the result of such examination, and to any other pertinent facts within their knowledge. The judge must also cause to be examined before him as a witness, any other person whom he has reason to believe has any knowledge of the mental condition of the alleged insane person or of his financial condition or that of the persons liable for his maintenance. The alleged insane person must be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him.

2170. If the medical examiners, after making the examination and hearing the testimony, believe such person to be dangerously insane, they must make a certificate, under their hand, showing as nearly as possible the facts as herein indicated, and in substantially the following form:

CERTIFICATE OF MEDICAL EXAMINERS.

*In the Superior Court of the ----- County of -----
State of California.*

IN THE MATTER
OF

AN ALLEGED INSANE PERSON.

----- and -----,
medical examiners in the ----- county of -----,
-----, duly appointed and certified as such,
do hereby certify, under our hands, that we have attended
before a judge of said court at the examination of the said
-----, and have heard the testimony of
all witnesses sworn and examined upon said hearing, and have
made a personal examination of the said -----,
and have testified under oath before said court to the following
facts, which were the result of said examination:

STATEMENT OF FACTS.

1. Name, -----, alleged insane person,
resides at -----, county of -----;
age, ----- years; nativity, -----; if
foreign born, from what port or place did he come to the
United States, and when and where did he land -----
-----; how long in California, -----;
place from which he came to this state, -----;
sex, -----; color, -----; occupation,
-----; religious belief, -----;
education—illiterate, reads only, common school, academic,
collegiate, or unknown. [*Strike out words not required.*]

Civil condition—single, married, widowed, divorced. [*Strike out words not required.*] If female and married, give maiden name, -----; give maiden name of mother, -----; number of children of mother: living, -----; dead, -----.

2. Has either parent been addicted to the use of opium, cocaine, tobacco, or alcoholic beverages to excess, or other stimulating narcotics? -----

3. Have any relatives been eccentric or peculiar in any way in their habits or pursuits? ----- If so, how? -----

Have any relatives, direct or collateral, suffered, or are they suffering, from any form of chronic disease, such as consumption or tuberculosis, syphilis, rheumatism, neuralgia, hysteria, or nervousness, or had epilepsy or falling sickness? -----

4. Which parent does alleged insane person resemble mentally, -----; physically, -----; habits (cleanly or uncleanly) -----

(a) Has alleged insane person ever been addicted to masturbation or sexual excesses? ----- If so, for how long? -----

(b) Has alleged insane person ever had convulsions? ----- If so, when did he have the first one? ----- When the last one? -----

(c) State alleged insane person's habits as to use of liquor, tobacco, opium, or other drugs, and whether excessive or moderate. -----

(d) What is alleged insane person's natural disposition or temperament, and mental capacity? -----

5. Has alleged insane person insane relatives? ----- If so, state the degree of consanguinity, and whether paternal or maternal, -----

6. What is alleged insane person's general physical condition? -----

7. Specify any disease of which alleged insane person has suffered, or does suffer, or any injury received. -----

8. Has alleged insane person ever been an inmate of an institution for the insane? ----- If so, state when, where, and how long. ----- Whether discharged or otherwise. -----

(a) Number of previous attacks. -----

(b) Date of previous attacks. -----

(c) Length of time each previous attack lasted. -----

9. Present attack began, ----- Was the present attack gradual or rapid in its onset? -----

10. Is alleged insane person noisy, restless, violent, dangerous, destructive, incendiary, excited or depressed? -----

(a) Homicidal or suicidal? (If either homicide or suicide has been attempted or threatened, it should be so stated.) -----

11. Age when menses appeared, -----

(a) Amount and character before insanity appeared, -----

(b) Since insanity appeared, -----

12. Has the change of life taken place? -----

(a) Was it gradual or sudden? -----

(b) How changed from normal? -----

13. Memory, -----

(a) Sleep, -----

(b) Headache or neuralgia, -----

(c) Constipation or indigestion, -----

(d) Hallucinations, -----

(e) Delusions, (specify, if possible, and whether fixed or changeable) -----

14. What is the supposed cause of insanity?—Predisposing,

----- Exciting, -----

Other facts indicating insanity. (State what the alleged insane person said and did in the presence of the examiners, and how changed in business or social habits, and disposition, as communicated to examiners by others.) -----

What treatment has been pursued (state remedies given, and whether hypodermically or not)? -----

Whether patient has been restrained by muff, belt, or otherwise, -----

Diagnosis: -----

Name and address of correspondent, -----

Telegraphic address, -----

Relationship of correspondent to alleged insane person, -----

And we do further certify that we believe the said ----- is so far disordered in his mind as to endanger ----- (state whether the danger is to health, person, and property, or either, or any, as the case may be.)

Dated this ----- day of -----, 19-----

Medical Examiners in the ----- County
of -----, State of California.

2171. The judge, after such examination and certificate made, if he believes the person so far disordered in his mind as to endanger health, person, or property, must adjudge him insane, and make an order that he be confined in a hospital for the care and treatment of the insane, designated in such

order, and the order must be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance, as far as can be ascertained. Such order and statement shall be in substantially the following form :

JUDGMENT OF INSANITY AND ORDER OF COMMITMENT OF INSANE PERSON.

In the Superior Court of the _____ County of _____ State of California.

IN THE MATTER OF _____ AN ALLEGED INSANE PERSON.

On this _____ day of _____, A. D. 19____, a person alleged to be insane, was brought before me in open court, for a hearing and examination on a charge of insanity, on the affidavit of _____, charging h___ with insanity, made before, and on a warrant of arrest issued thereon by _____, a magistrate of said _____ county of _____, and upon the order of this court, fixing time and place for the hearing and examination of said charge, made in open court, and it appearing to the court that said alleged insane person, when said order was made, was then and there personally present in open court, and was then and there informed by the court that ___he was charged with being insane, and of h___ rights to make a defense to such charge, and of his right to be represented by counsel, and to produce witnesses on h___ behalf, and to have subpoenas issued to compel the attendance of witnesses, and was further informed that, if at such hearing and examination, ___he should be ordered committed, that ___he might, within five days after the making of such order of commitment, demand that the question of h___ insanity be tried by a jury before said superior court.

And it further appearing to the court, that the original order fixing time and place for said hearing and examination, was entered in the minutes of the court by the clerk thereof, and a duly certified copy of said order was duly served on said alleged insane person, and upon _____, relatives of said alleged insane person, residing in said _____ county of _____, as were deemed by the court necessary or proper persons to be served with notice of the arrest of said alleged insane person, and of the hearing on said charge of insanity.

At said hearing and examination, said alleged insane person was represented by _____ an attorney of this court (appointed by the court for that purpose).

The court thereupon, in open court, proceeded with the hearing and examination of said alleged insane person, and _____

_____ were sworn and examined as witnesses in regard to the mental condition of said alleged insane person, his financial condition, and that of the persons liable for his care, support, and maintenance.

At said hearing and examination, there were in attendance, _____ and _____ two regularly appointed and qualified medical examiners of said _____ county, who then and there heard the testimony of all the witnesses, and each of whom made a personal examination of said alleged insane person, and testified before the court as to the results of such examinations, and other pertinent facts within their knowledge.

Said medical examiners, after making the examination and hearing the testimony of the witnesses, and testifying as aforesaid, did make a certificate showing all the facts required by section 2170 of the Political Code, which certificate is hereto attached and made a part hereof.

Now, therefore, after such examination and certificate made as aforesaid, the court being satisfied from the testimony of said witnesses, and of the truth of the matters set forth in said certificate, that said _____ is insane, and is so far disordered in mind as to endanger health, person, and property, and that it is dangerous for life, health, person, and property, for such person to be at large, and that his condition is such as to require care and treatment in a hospital for the care and treatment of the insane.

It is therefore ordered, adjudged, and decreed, that said _____ is insane, and that he be committed to and confined in the _____ state hospital, at _____, California.

It is further ordered and directed, that _____, sheriff of the _____ county of _____, take, convey, and deliver said _____ to the proper authorities of said hospital, to be held and confined therein as an insane person.

The sum of _____ dollars having been found on the person of said person at the time of his arrest, and said sheriff

is ordered to take possession of the same and deliver it to the medical superintendent of said institution with said insane person.

Done in open court this _____ day of _____, 19__.

Judge of the Superior Court, _____
County of _____, State of California.

STATEMENT OF FINANCIAL ABILITY.

As to the ability of said _____
to pay for h__ care and support at the hospital, I find on
diligent inquiry that said _____
is possessed of real estate to the estimated value of _____
situated in _____ and of
the following description: _____

_____ also the following described personal property: _____

_____ that the income from said property is as follows: _____

_____ that said _____ is able to pay the sum of _____
per month_____ for h__ care and support at the _____
Name and address of guardian: _____ residing at _____

Or—

That said _____ has relatives as follows: _____
_____ residing at _____ residing at _____
_____ residing at _____

That said relatives are financially able to pay for the care and support of said _____, at the hospital, the sum of _____ per month.

Dated _____, 19__.

Judge of the Superior Court, _____ County
of _____, State of California.

CLERK'S CERTIFICATE.

STATE OF CALIFORNIA, }
_____ County of _____ } ss.

I, _____, County Clerk and ex officio clerk of the Superior Court of the _____ County of _____, do hereby certify the foregoing to be a full, true, and correct copy of the original Affidavit of Insanity and Order of Arrest, Order Fixing Time for Hearing and Examination, Statement of Financial Ability, Certificate of Medical Examiners, Judg-

ment of Insanity and Order of Commitment on file in my office, and that I have carefully compared the same with the originals.

In witness whereof, I have hereunto set my hand and affixed the seal of said Superior Court, this ----- day of -----, 19--.

 County Clerk and ex officio Clerk of the Superior
 Court of the ----- County of
 -----, State of California.

By -----
 Deputy Clerk.

Copies of such order, of the certificate of the examiners and of such accompanying statement must be filed with the county clerk, and said order must be recorded by the county clerk of the county in which such order was made as are other judgments of said court. He shall also keep, in convenient form, an index book, showing the name, age, and sex of the person so ordered to be confined in any such hospital, with the date of the order and the name of the hospital in which the person is ordered to be confined. No fees must be charged by the clerk for performing any of the duties provided for in this section.

2172. The insane person, together with certified copies of the affidavit, warrant of arrest, and of the order for hearing and examination, the order and accompanying statement of the judge and the certificate of the physicians, must be delivered to the sheriff of the county, and by him must be delivered to the officer in charge of the hospital to which such person is committed; but no female insane person shall be taken to any hospital without the attendance of some other female or of some relative of such insane person.

Any moneys found on the person of an insane person at the time of arrest must be certified to by the judge, and sent with such person to the hospital, there to be delivered to the medical superintendent. If the sum exceed one hundred dollars, the excess must be applied to the payment of the maintenance and medical attendance of such person while in the hospital; if the sum is one hundred dollars or less, it may be expended for the personal expenses of the person or applied to the payment of funeral expenses if the person dies at the hospital.

2173. The superintendent or person in charge of any state hospital may refuse to receive any person upon any order, if the papers presented do not comply with the provisions of the preceding section.

2174. If a person ordered to be committed, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within five days after the making of

such order, demand that the question of his sanity be tried by a jury before the superior court of the county in which he was committed. Thereupon that court must cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than ten days from the date of the demand for a jury trial. At such trial the cause against the alleged insane must be represented by the district attorney of the county, and the trial must be had as provided by law for the trial of civil causes before a jury, and the alleged insane person must be discharged unless a verdict that he is insane is found by at least three fourths of the jury. If the verdict of the jury is that he is insane, the judge must adjudge that fact and make an order of commitment as upon the original hearing. Such order must be presented, at the time of commitment of such insane person, to the superintendent or person in charge of the hospital to which the insane person is committed, and a copy thereof be forwarded by such superintendent to the commission, and filed in its office. Proceedings under the order must not be stayed, pending the proceedings for determining the question of sanity by a jury, except upon the order of a superior judge, with provision made therein for such temporary care and custody of the alleged insane person as may be deemed necessary. If the superior judge, by the order granting the stay, commits the accused insane to the custody of any person other than a peace officer, he may, by such order, require a bond for his appearance at the trial. If a judge refuses to grant an application for an order of commitment of an insane person alleged to be dangerous to himself and others if at large, he must state his reasons for such refusal, and any person aggrieved thereby may demand a trial of the question of the insanity of such accused insane, in the manner hereinbefore provided for a jury trial when demanded by or on behalf of the accused insane.

2175. The cost necessarily incurred in determining the insanity of a poor or indigent person and securing his admission into a state hospital, and the expense of providing proper clothing for him in accordance with the rules and regulations adopted by the commission, is a charge upon the county, or city and county, whence he is committed. Such costs include the fees of the medical examiners allowed by the judge ordering the commitment. If the person sought to be committed is not a poor or indigent person, the costs of the proceedings are a charge upon his estate, or must be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge. If the alleged insane person is adjudged not to be insane, the judge may, in his discretion, charge the costs of the proceedings to the person making the application for an order of commitment, and judgment may be entered against him for the amount thereof and enforced by execution.

2175a. No case of idiocy, imbecility, epilepsy, harmless chronic mental unsoundness, feeble-mindedness or acute mania a potu, as such, shall be committed to or confined in any state hospital for the care and treatment of the insane; *provided*, when any such person becomes insane he may be committed to a state hospital for the insane as in this act provided.

2176. The husband, wife, father, mother, or children of an insane person, and the guardian of his estate, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his commitment and transportation to a state hospital for the insane. The husband, wife, father, mother, or children of an insane person, or the estate of such insane person, shall be liable for the care, support, and maintenance of any insane person in a state hospital for the insane to which he has been or may hereafter be committed or transferred.

2177. The commission may inquire into the manner in which any insane person, not confined in a state hospital, is cared for and maintained: and if, in its judgment, he is not properly and suitably cared for, it may apply to a judge of the superior court for an order to commit him to a state hospital under the provisions of this act. Such order must not be made unless the judge finds, and certifies in the order, that the insane person is not properly or suitably cared for by his relatives or guardian, or that it is dangerous to the public to allow him to be cared for and maintained by such relatives or guardian.

2178. The district attorney in each county in which an order of commitment is made must, on the filing of a copy of such order with the county clerk, make diligent inquiry into the ability of the person committed to pay the charges and costs of his maintenance and care while in a state hospital, and must notify the secretary of the commission of the result of such inquiry.

2179. In case any person who has been or shall hereafter be committed to any state hospital for the insane, shall be or shall hereafter become the owner of any property, real or personal, the secretary of the state commission in lunacy, in case such insane has no guardian, may apply to a court of competent jurisdiction for the appointment of a guardian of the estate of such insane person. Where an insane person shall die in a state hospital leaving an estate, and having no relatives or guardian, or in case the secretary of the state commission in lunacy shall be such guardian, such secretary may apply for letters of administration on such estate, but shall receive no compensation for his services as such administrator unless the estate shall be sufficient to pay all claims against said estate.

2180. The monthly rate for the care, support, and maintenance of all insane patients at state hospitals for the insane,

where there is liability to pay for such care, support, and maintenance, shall be fifteen dollars per month payable in advance; *provided, however*, the medical superintendent of a state hospital for the insane shall, on the order of the commission, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the said sum of fifteen dollars per month. If any insane person die at any time, while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate and paid in the same manner as are other debts and claims against the estate of a deceased person.

2181. If said insane person has sufficient estate for the purpose, it shall be the duty of the guardian of his estate to pay for his care, support, maintenance and necessary expenses at the hospital to the extent of the estate. Payment for said care, support, maintenance and expenses may be enforced by the order of the judge of the superior court where said guardianship proceedings are pending. On the filing of a petition therein by the secretary of the commission, showing that said guardian has failed, refused or neglected to pay for said care, support, maintenance and expenses, the court, by order, shall direct the payment by the guardian. Such order may be enforced in the same manner as are other orders of the court. If there is not at any time sufficient money on hand in the estate of said insane person to pay the claim of a state hospital for the care, support, maintenance and expenses of said insane person therein, the court may, on petition of the guardian of the estate, or if said guardian fails, refuses or neglects to apply, on the petition of the secretary of the commission, make an order directing the guardian to sell so much of the other personal or real estate or both, of said insane person as may be necessary to pay for the care, support, maintenance, and expenses of said insane person at said hospital. From the proceeds of such sale, the guardian shall pay the amount due for the care, support, maintenance, and expenses at said hospital, and also such other charges as are allowed by law; *provided, however*, payment for the care, support, maintenance, and expenses of any insane person at a state hospital shall not be exacted when such payment will, in any case, where there is a likelihood of such insane person recovering or being released from said hospital, reduce his estate to that extent, in the event of his discharge from the hospital, he is likely to become a burden on the community.

2181a. Whenever any money or personal property belong-

ing to any patient at a state hospital remains uncalled for or unclaimed by the person or persons entitled thereto for the possession thereof, for a period of at least three years after the death of such patient or his escape or departure on parole, the board of managers may by resolution order such money paid into the contingent fund of the hospital, or such property sold and the proceeds thereof into such fund. A careful record of any proceedings under this section shall be kept, and if within five years any person shall establish to the satisfaction of the board of managers, a right to any such money or property such sum may be appropriated from the contingent fund and paid to the person entitled to such money or property as will equal the amount originally paid into such fund without interest. After such period of five years no action shall be commenced or maintained to recover money or the value of the property herein referred to.

2182. If the insane person has no estate out of which payment of the amount fixed by section 2180 can be enforced, then his relatives made liable by section 2176 may be compelled to pay such amount by actions against them, or any of them, brought by the commission as in this act provided.

2183. All peace officers and other persons having similar duties relating to the insane poor are charged with the duty of seeing that all poor and indigent insane persons within their respective municipalities are speedily granted the relief conferred by this act, and when so ordered by a superior judge, must see that they are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment. Before sending a person to any such hospital, they must see that he is in a state of bodily cleanliness and comfortably clothed with new clothes in accordance with the regulations prescribed by the commission. It may by order direct that any person whom it deems unsuitable therefor shall not be employed as an attendant for such insane person. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent, cease.

2184. When the relatives, friends, or guardians of an insane person desire him to receive homeopathic treatment, he may be committed to the Southern California State Hospital from any county of the state, in the discretion of the judge granting the order of commitment, if the crowded condition of that hospital does not preclude his admission to the detriment of other patients.

2185. Except as in this chapter provided all patients admitted to a state hospital shall be duly committed thereto and shall be subject to the general rules and regulations of the hospital. The medical superintendent may, with the approval

of the board of managers, enter into a special agreement, secured by a properly executed bond, with the relatives, guardian or friend of any patient therein, for his care, support, maintenance or other expenses at the hospital, said agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the commission. All bills due under the provisions of this section shall be collected monthly. But no patient must be permitted to occupy more than one room in any state hospital, nor must any patient, his guardian, friends or relatives, be permitted to pay for his care and treatment therein, a sum greater than ten dollars per week.

2185a. The commission may authorize the medical superintendent of any state hospital for the insane to admit thereto any insane soldier or sailor in the service of the United States, provided there is room therein, on such terms as may be agreed upon between the medical superintendent of the hospital and the properly authorized agents, officers or representatives of the United States government, and approved by the commission.

2185b. Pursuant to rules and regulations established by the state commission in lunacy, the medical superintendent or person in charge of any state hospital, except the Folsom State Hospital, may receive and detain in such state hospital, as a boarder and patient, any person suffering from mental disease, who is a suitable person for care and treatment in such state hospital, and who shall voluntarily make a written application to the medical superintendent or person in charge thereof for admission into such hospital for care and treatment, and who is in such condition of mind, at the time of making such application for admission, as to render him competent to make such application. Any such person received and detained in a state hospital shall be deemed a voluntary patient. Any person received into a state hospital under such voluntary application shall not be detained therein for more than seven days after having given notice, in writing, to the medical superintendent or person in charge of such hospital of his desire to leave such hospital. The charges for the care and keeping of such person in such hospital shall be governed by the provisions of the Political Code relating to the charges for the care and keeping of insane persons in state hospitals. Upon the admission of a voluntary patient to a state hospital, the medical superintendent or person in charge shall immediately forward to the office of the state commission in lunacy the record of such voluntary patient, showing the name, resident, age, sex, nativity, occupation, civil condition, date of admission of such patient to such hospital, and such other information as may be required by the rules and regulations of said commission. The state commission in lunacy shall establish such rules and regulations

as may be necessary to properly carry out the provisions of this section.

2185c. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of sections 2169 and 2170 of the Political Code. The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, must make an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the financial condition of the patient and of the persons legally liable for his maintenance, as far as can be ascertained; *provided*, that before a person shall be committed to a state hospital, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his or her habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment. Such order and statement shall be in

substantially the form provided by section 2171 of the Political Code for the commitment of insane persons. The court shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled by the medical superintendent under the same rules and conditions that the insane are paroled; *and provided, further*, that the state commission in lunacy shall be given the same power to discharge any person committed under this act as contained in section 2189 of the Political Code, upon the recommendation of the hospital superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment. Such person shall be delivered to the state hospital for the insane to which he has been committed in compliance with the provisions of section 2172 of the Political Code, providing for the commitment and deliverance of an insane person.

2186. Every superintendent, or person in charge of a state hospital, must, within three days after the reception of a patient or patients, make or cause to be made a thorough physical and mental examination of such patient or inmate, and state the result thereof, on blanks prepared and exclusively set apart for that purpose. He must also make, or cause to be made, from time to time, examination of the mental state, bodily condition, and medical treatment of such patient or inmate, in such manner, and state its results, upon such blank forms, as shall be approved by the commission, during the time such patient or inmate remains under his care, and in the event of the death or discharge of such person, he must state, upon such blank forms, the circumstances thereof, and make such examinations at such other intervals of time and in such form as may be required by the commission.

2187. 1. When the building of any state hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the commission may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital in an adjoining rather than a remote district. The expense of such transfer is chargeable to the state, and the bills for the same, when approved by the commission, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care or support of the insane.

2. Patients may be transferred at the request of relatives or friends; *provided*, there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfers shall be paid by such relatives or

friends; *provided, further*, that transfers as last provided, shall not be made unless the consent of the commission and the medical superintendents of the hospitals from which and to which said transfer is to be made be obtained.

3. The commission, when it deems it necessary, may transfer any inmate of the home for feeble-minded for care and treatment to a state hospital for the insane for care and treatment therein and the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in said hospital for the insane in the same manner and to the same extent as if the said patient had been originally committed to the said state hospital at the date of such transfer. The commission, when it deems it necessary, may transfer any patient in any state hospital for the insane to the said home for care and treatment therein. The estate, relatives or friends of such patient, or the county from which such patient was originally committed, shall be liable for the care, support, and maintenance of such patient at the said home in the same manner and to the same extent as if the said patient had been originally committed to the said home at the date of such transfer.

2188. Any one in custody as an insane or incompetent person is entitled to a writ of habeas corpus, upon a proper application made by the commission, by such person, a relative or friend in his behalf to the superior judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity or incompetency must be inquired into and determined. The medical history of such person as it appears in the clinical record, must be given in evidence, and the superintendent in charge of the state hospital wherein such person is held in custody, and any other person, must be sworn touching the mental condition of such person.

2189. The superintendent of a state hospital on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

A patient who, in his judgment, has recovered;

Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient,

upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission.

A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code.

The medical superintendent of a state hospital may on his own motion and must on the order of the commission, discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Such medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the secretary of the board of managers, may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fees shall be charged by the clerk for performing such

duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections seventeen hundred and sixty-three and seventeen hundred and sixty-four of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section seventeen hundred and sixty-six of the Code of Civil Procedure. The term patient as used in this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by this section, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall issue to said person his certificate that such person is sane, and recovered and restored to reason. A copy thereof, duly certified, shall be immediately forwarded to the state commission in lunacy, who shall file the same in their office. A copy thereof shall also be filed at said hospital and a proper record made thereof.

If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in this section provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend in his behalf may make application by petition duly verified to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and

to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was paroled, granted leave of absence or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

✱ Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury is that such person is insane, an appeal may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have such person declared sane shall be made for six months thereafter.

Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person.

✓ The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this section provided, shall have the same legal effect as a discharge as recovered, and shall be prima facie evidence of the sanity of such person.

2190. No patient or inmate must be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the steward must, upon the order of the superintendent, furnish the same and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

2190a. When any patient or inmate has escaped from any state hospital it shall be the duty of the sheriff of any county in which he may be found, to arrest said patient or inmate and deliver him to any person authorized by the medical superintendent to receive him.

2191. If any order is issued by any judge committing to a state hospital a poor or indigent person who has not been a legal resident of this state for a period of at least one year, the commission may in its discretion return said person, either before or after his admission to the state hospital, to the country or state to which he belongs, and for such purpose may expend as much of the money appropriated for the care of the insane or incompetent as may be necessary, subject to the approval of the state board of examiners. The medical superintendent of a state hospital is required to immediately notify the commission if there is any question as to the propriety of the commitment or detention of any person received at such hospital, and said commission upon such notification shall inquire into the matter presented and take such action as may be deemed proper in the premises.

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital. The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or

epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay its expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of ten dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

2193. Each county auditor must include in his state settlement report rendered to the controller in the months of May and December the amount due the state under this act by reason of commitments to the home for feeble-minded; and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due to the state by reason of the commitments herein referred to. In the event of the failure of the county auditor or county treasurer to do or perform any of the things required in this section, the state commission in lunacy may require the county treasurer by writ of mandate to pay to the state treasurer upon an order of the controller all amounts found to be due to the state as aforesaid at the time of the next settlement of the said county treasurer with the state, and it shall be no defense to such a proceeding that the county auditor has failed to include such sums in his said report rendered to the controller, and it shall not be necessary for the said commission to allege or prove any fact with

relation to the condition of the funds of the county. The said commission may, in its discretion, recover sums due from counties as in this chapter provided, by the presentation of claims against the board of supervisors, and recovery may be had on all sums due the state for a period of three years next prior to the presentation of any such claims.

2194. The board of managers, when the accommodations of the home for feeble-minded permit, if such action does not conflict with the interests or welfare of committed cases or applicants awaiting admission, may admit, for any stated period of time, without judicial commitment, such persons as are before and hereinafter specified as eligible for admission, upon such terms of special payment, gift, bequest, donation, legacy, transfer of real or personal property, or other lawful procedure, as may appear to them to be to the best interests of the state, and may further secure to the said home for the time such person so admitted are inmates of the home such revenue or compensation as fully covers the actual cost of the home for all care, treatment, education, and support therein involved. The moneys received for the use of the hospital as in this chapter provided shall be paid into the contingent fund of the hospital and may be expended by the managers as is provided in section twenty-one hundred and fifty-eight relating to the contingent funds of state hospitals. Actions to recover the amounts due under this section may be brought by the commission in the manner provided by section 2197 of this chapter.

2195. Nothing in this chapter contained interferes with or affects the status of such inmates as may now be in the home for feeble-minded under terms of life tenure. For all cases the commission is authorized and directed to secure from the proper officers of the several counties whence the inmates were committed or received, such arrangements for commitment under the terms of this act as may prevent such inmates becoming a sole charge upon the state.

2196. No person, association, or corporation, must establish or keep an institution for the care, custody, or treatment of the insane, alleged insane or other incompetent persons referred to in this act for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license must be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission must not grant any such license without first having made an examination of the premises proposed to be licensed. It must be satisfied that they are substantially as described, and are otherwise fit and

suitable for the purposes for which they are designed to be used, and that such license should be granted. The commission may at any and all times examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution, and opportunity for it to be heard, the commission, having made a record of the proceeding upon such hearing, may, if the interests of the inmates of the institution so demand, for just and reasonable cause then appearing, and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee, as the commission determines. The authorities of each institution for insane persons or other incompetents must place on file in the office of the institution the recommendations made by the commissioners, as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits. Every private institution for the care and treatment of insane or other incompetent persons referred to in this chapter shall keep records of every person admitted thereto, in the same manner and form prescribed for state hospitals, and shall furnish to the commission when required the facts mentioned in subdivision seven of section twenty-one hundred and forty-two. The commission or any member thereof may at such times as such commission or commissioners choose visit and examine any hospital or institution caring for and treating insane, alleged insane, or incompetent persons. In making such visits or examination, said commission or any member thereof shall exercise the same powers as are conferred on them by section twenty-one hundred and forty-three of this chapter. If any person or persons shall carry on or conduct or attempt to carry on or conduct an institution for the care or treatment, or for the care and treatment of the insane or alleged insane, or incompetents without first obtaining a license from the state commission in lunacy, as in this chapter provided, such person or persons shall be deemed guilty of a misdemeanor for each violation of the provisions of this section, and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

2197. The commission may in its own name bring an action to enforce payment for the cost of determining the insanity of any person and securing his admission into a state hospital when his estate or any person is liable for the same, or to recover for the use and benefit of any state hospital or for

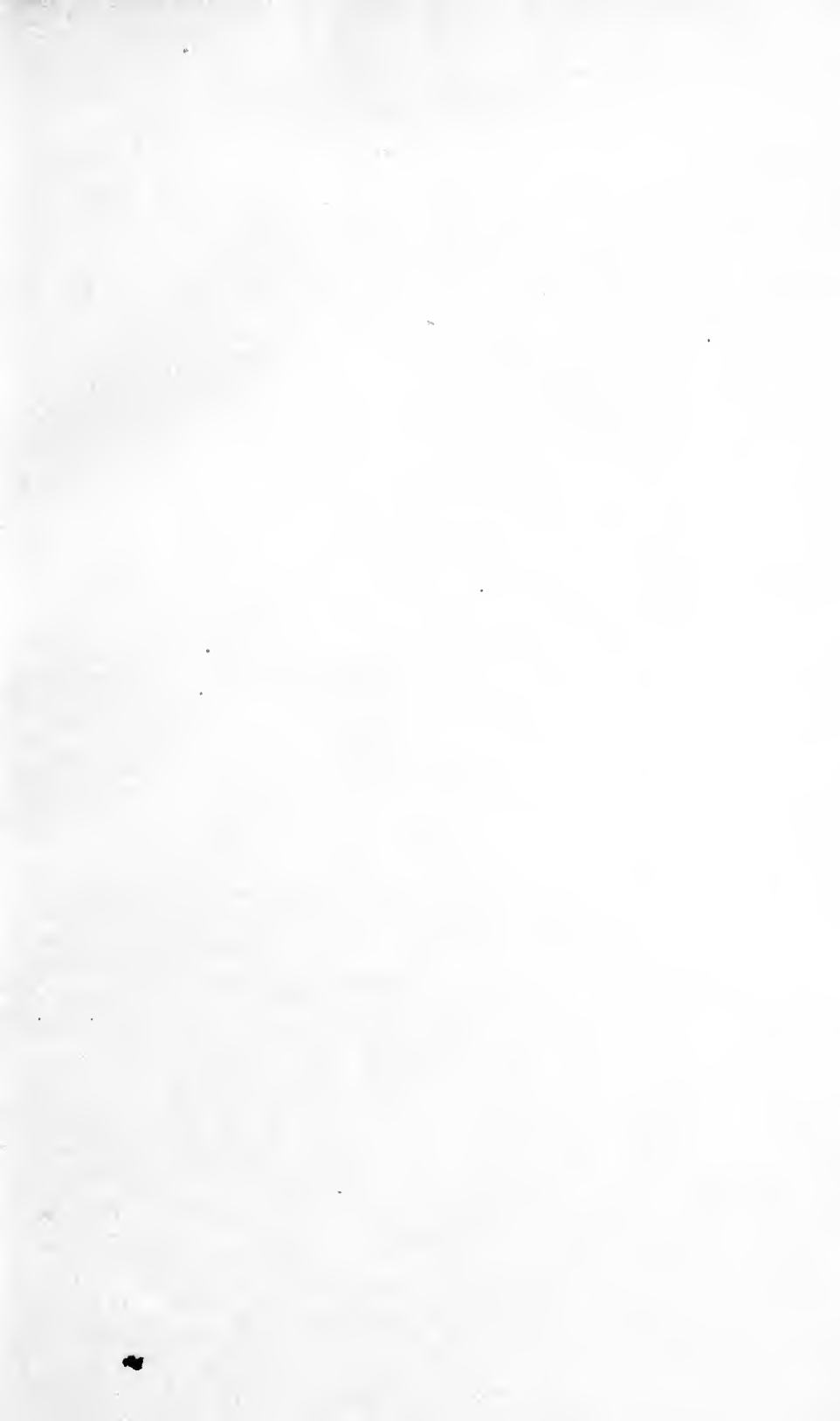
the state the amount due for the care, support, maintenance and expenses of any patient or inmate therein, against any county, or officer thereof, or against any person, guardian or relative liable for such care, support, maintenance and expenses.

2197a. In every case where a claim is presented to the county for money due under the provisions of section 1373 of the Penal Code, interest shall be allowed from the date of rejection, if rejected and recovery be finally had thereon.

2198. The provisions of this chapter and every amendment thereto, so far as they are the same as existing statutes or the common law must be regarded as continuations thereof, and not as new enactments.

2199. No action or proceeding commenced before this chapter or any amendments thereto, takes effect, and no rights accrued are affected by its provisions. Any action or proceeding commenced before this chapter or any amendment thereto takes effect for the enforcement of any right, liability or obligation accruing before this chapter or any amendment thereto takes effect may be maintained and prosecuted to final determination in the manner and form in which the same was brought. After this chapter takes effect all actions or proceedings brought for the enforcement of such rights, liabilities and obligations must conform to the provisions of this chapter as far as applicable.

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