

fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs," is hereby amended by adding thereto the following clause, which shall be known as clause forty-five:

Chapter V, article I, section 2 of act of May 14, 1915 (P. L. 312), amended.

*XLV. To purchase and own ground for, and to erect, establish, and maintain market houses and market places, for which latter purpose parts of any streets or sidewalks may be temporarily used; to contract with any person or persons or association of persons, companies, or corporations for the erection, maintenance, and regulation of market houses and market places on such terms and conditions and in such manner as the council may prescribe; to provide and enforce suitable regulations of said market houses and market places; and to provide for the payment of the cost or expense thereof either in whole or in part out of the funds of the borough; and to levy and collect a suitable license tax from every person or persons who may be authorized by council to occupy any portion of said market houses or market places or any portion of the streets or sidewalks for temporary market purposes.*

Clause XLV added.

Market houses and market places.

APPROVED—The 27th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 195.

### AN ACT

To amend section three hundred and four, section three hundred and ten, and section six hundred and one of an act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, inter-state rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties."

Section 1. Be it enacted, &c.; That section three hundred and four of an act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; govern-

"Mental Health Act of 1923" amended.

ing the transfer, discharge, inter-state rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care, and discharge of mental patients; and imposing penalties," is hereby amended to read as follows:

Section 304 amended.

Application for order for admission to hospital.

Commission to inquire into facts.

Inquisition.

Report.

Approval of court and order for admission.

Presence of person thought to be mentally ill.

Refusal to submit to examination.

Warrant.

Section 310 amended.

Admission of persons 20 years of age or over.

Procedure.

Section 304. [Whenever an application shall] *An application may* be made to a court of common pleas, or judge thereof, for an order for the admission of any person thought to be mentally ill to a hospital for mental diseases; whereupon the court or judge thereof, may, in its or his discretion, immediately appoint a commission to inquire into and report upon the facts in the case. Such commission shall be composed of three persons, two of whom shall be qualified physicians, and the other a lawyer. They shall in their inquisition, hear such evidence as may be offered, or as they may require, relating to the mental condition of the person whose admission to a hospital for mental disease is sought, as well as the statements of such person, or his counsel; and shall make a report, in writing, to the court, or judge thereof, setting forth whether or not they find that the person in question is in fact mentally ill and a proper subject for admission to a hospital for mental disease, and setting forth the facts on which their conclusion is based.

If such commission finds that the person in question is mentally ill and is a proper subject for admission to a hospital for mental diseases, and the court, or judge thereof, shall approve the report of the said commission, said court or judge shall thereupon order the person to be admitted to and detained in the hospital named in the application. The court or judge may or may not, in its or his discretion, require the presence in court of the person thought to be mentally ill, and the procedure may be held in any place in the discretion of the court or judge.

If the person thought to be mentally ill shall refuse to submit himself to an examination by the aforesaid commission, the court, or judge thereof, may issue a warrant for the bringing of said person before said commission for examination.

Section 2. That section three hundred and ten of said act is hereby amended to read as follows:

Section 310. The superintendent of any State or licensed school for mental defectives may receive and detain any mentally defective person twenty years of age or over, or who is of such inoffensive habits as to make him a proper subject for classification and discipline in a school for mental defectives. The procedure for admitting any such person shall be the same as for the admission of mentally defective persons under the age of twenty years.

Section 3. That section six hundred and one of said act is hereby amended to read as follows:

Section 601. Every mental patient in any institution or place for mental patients, within the jurisdiction of the department, shall have the right—

(a) To communicate with his counsel and with the commissioner, and to be alone at any interview with his counsel or commissioners or representative of the department;

(b) To religious freedom, and to be visited by any minister of any religious denomination: Provided, That the religious services rendered by such minister shall be personal to the mental patient desiring the same, and shall not interfere with the established order of religious services in such institution or place;

(c) To be employed at a useful occupation in so far as the condition of such patient may permit, and the institution or place is able to furnish useful employment to the patient;

(d) *In the discretion of the physician in charge*, to sell articles, the product of his individual skill and labor, and the produce of any small individual plot of ground which may be assigned to and cultivated by him, and to keep or expend the proceeds thereof or send the same to his family;

(e) To be furnished with writing materials, and reasonable opportunity, in the discretion of the physician in charge, for communicating, under seal, with any person or persons outside of such institution or place, and such communication shall be stamped and mailed;

(f) To a writ of habeas corpus to determine whether or not he is properly detained as a mental patient, and the respondent in any such writ shall be required to pay the costs and charges of the proceedings unless the judge shall certify that, in his opinion, there were sufficient grounds for detaining the patient and putting him to his writ;

(g) To be discharged as soon as, in the opinion of the medical attendant of such institution or place, he shall be restored to reason and competent to manage his own affairs;

(h) To be visited and examined, at all reasonable hours, by any medical practitioner designated by him, or by any member of his family or "near friend," with the sanction of a judge of a court of record of the county in which such mental patient resided prior to his commitment to such institution or place; and, with the consent of the patient and of the physician in charge of such institution or place, such medical

Section 601  
amended.

Rights of  
patients.

Communication  
with counsel.

Religious freedom.

Employment.

Sale of products.

Writing materials.

Communication.

Habeas corpus.

Discharge.

Visitation and  
examination by  
physician.

Medical attention.

practitioner may attend such patient for all maladies, other than mental illness, in the same manner as if the patient were in his own home.

APPROVED—The 27th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 196.

AN ACT

Empowering counties to take, purchase, or condemn property, and to appropriate money for the erection thereon of public auditoriums, libraries, memorial buildings, and monuments, and providing for their operation and maintenance.

Counties may condemn property for public auditoriums, libraries, memorial buildings and monuments.

Section 1. Be it enacted, &c., That counties shall have power to take, purchase, or acquire through condemnation proceedings property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings, and monuments.

May appropriate money for building and maintenance.

Section 2. Counties by order of the commissioners thereof shall have power to appropriate money from the public funds or by issuance of bonds according to existing law governing the issuance of such bonds, for the erection on said property taken, purchased, or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings, and monuments. Counties shall also have power to appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings, and monuments.

Proceedings for assessment of damages.

Section 3. All proceedings for the assessment of damages for property taken under the provisions of this act shall be had in the same manner as is now provided by law for the taking of property for public improvements in such counties.

Rental for auditoriums.

Section 4. Counties, in the case of public auditoriums, may by order of the commissioners thereof charge a rental for the use of said auditoriums. All moneys derived from rental of said auditoriums, shall first be devoted to the maintenance of said auditorium, and any annual balance accruing therefrom shall be turned over to the county funds for the general uses and purposes of said county.

Nor to acquire property within city or borough without its consent.

Section 5. No county shall acquire any property for or erect any such public auditorium, library, memorial building, or monument within the limits of any city or borough without the consent of the corporate authorities of such city or borough.