

New York State Lunatic Asylum.

LAWS AND REGULATIONS

FOR THE

ADMISSION AND DISCHARGE OF PATIENTS.

UTICA, AUGUST, 1864.



UTICA, N. Y.

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1864.

New York State Lunatic Asylum.

OF THE ADMISSION OF PATIENTS.

FIRST CLASS.

PERSONS WHO ARE FURIOUSLY MAD, &C.

When a person, by lunacy, or otherwise, becomes furiously mad, or so far disordered in his senses, as to endanger his own person or the person or property of others, if permitted to go at large, if possessed of sufficient property to maintain himself, it is the duty of the committee of his person and estate to send him, within ten days, to the State Lunatic Asylum.

Rev. Stat., Part I, chap 20, Title 3, Sec. 1, &c., and Laws of 1842, chap. 135, sec. 20.

Lunatics having property to be sent by their committees to the Asylum.

Not having property, to be sent by relatives.

If such person is not possessed of sufficient property to maintain himself, it is the duty of the father and mother, and the children of such person, being of sufficient ability, to send such person to the Asylum.

The committee (or the parent, or child, as mentioned above) should accompany the patient to the Asylum, and the committee should bring with him a certified copy of the order of his appointment.

Committee or relatives to accompany patient to the asylum.

The committee (or parent, or child) will be required to execute a bond, or agreement to the Treasurer of the Asylum, with two sufficient sureties, to pay for the maintenance of the lunatic, so long as he shall remain in the Asylum.

Committee or relatives to give a bond.

In case of the refusal or neglect of any committee of such lunatic or mad person, or of his relatives to send such person to the Asylum as aforesaid; or, when there is no such committee, or relative, of sufficient ability, it shall be the duty of the Overseers of the Poor of the city, or town, where any lunatic or mad person may be found, to apply to any two Justices of the Peace, of the same city or town, who, upon being satisfied, upon examination, that it would be dangerous to permit such lunatic to go at large, shall issue their warrant, directed to the Constables and Overseers of the Poor of such

Rev. Stat. Part I, chap 20, Title 3, sec. 4. Laws of 1842, ch. 135, sec. 20.

When overseers (or superintendents) of the poor are to act.

Duty of justices.

city or town, commanding them to cause such lunatic or mad person to be apprehended, and to be carried, forthwith, to the State Lunatic Asylum, to be there kept and maintained until discharged by law. Any two justices of the peace of the city or town, where any such lunatic or mad person shall be found, may, without the application of any overseers of the poor, and upon their own view, or upon the information or oath of others, whenever they deem it necessary, issue their warrant for the apprehension and confinement of such lunatic or mad person, as aforesaid.

Rev. Stat., same chap., title, &c., sec. 8.
 Justices may act on their own view, &c.

Laws 1842, chapter 135, sec. 20. Lunatics may be sent to public or private Asylums, approved by Board of Supervisors.

The committee of the lunatic, or his parents or children, and the justices of the peace, as before mentioned, and in manner aforesaid, instead of sending him to the State Lunatic Asylum, may send him to such public or private Asylum as may be approved of by a standing order of the supervisors of the county, in which such lunatic, or mad person, may be found.

The provisions of law allowing other places of confinement *beyond ten days* are repealed.

Rev. Stat., Part I, chap. 20, title 3, secs. 1, 2, 4.
 Temporary confinement of lunatics—not exceeding 10 days.

When any such lunatic or mad person is apprehended by the persons or officers mentioned, he may be confined, for a *period not exceeding ten days*, in a suitable place, to be approved of by the overseers of the poor of the city or town, and be confined and maintained therein, in such manner as said overseers shall approve.

Laws 1842, chapter 135, sec. 22.

Evidence of two physicians required.

Proceedings to be filed in county clerk's office.

Clerk's certificate will warrant admission of the lunatic.

In every case of confinement of a lunatic, or mad person, as herein above mentioned, (in the Asylum or elsewhere,) whether of a pauper or not, neither justices, superintendents or overseers of the poor, can order or approve of such confinement, without having the evidence of two respectable physicians, under oath, as to the alleged fact of insanity; and such testimony must be reduced to writing, and filed, with a brief report of all the other proofs, facts and proceedings in the case, in the office of the county clerk; and the clerk must file said papers, and register, with date, the names and residences of the lunatic and officers severally, in tabular form, in the book of miscellaneous records kept in his office; and the certificate of said clerk, and seal of the court, verifying such facts, shall warrant such lunatic's admission into the Asylum.

[For form of Clerk's Certificate see page 6.]

Laws 1842, chapter 135, sec. 20.

The Superintendents and Overseers of the Poor are enjoined to see that the provisions of law for sending such lunatics or

mad persons to the Asylums, be carried into effect in the most humane and speedy manner, as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper.

Duty of superintendents and overseers.

If any lunatic, confined in any manner above stated, or any friend in his behalf, is dissatisfied with any final decision or order of the justices, or other officers, a right of appeal to the County Judge exists, to be made within three days after the order.

Laws 1842, chapter 135, sec. 21.

Right of appeal by lunatics.

Any overseer of the poor, constable, keeper of a jail, or other person, who shall confine any such lunatic or mad person in any other manner, or in any other place, than is prescribed by law, shall be deemed guilty of a misdemeanor; and on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before whom the conviction shall be had.

Rev. Stat., Part I, chap 20, title 3, sec. 11.

Penalty for confining lunatics contrary to law.

The overseers (under the power given to them to confine such lunatic, on his apprehension, for a period not exceeding ten days,) cannot select or approve of any prison, jail, or house of correction, as a place for such confinement, without an agreement for that purpose with the keepers thereof; nor can such lunatic be confined in the same room with any person charged with, or convicted of crime.

Rev. Stat., same chap., secs. 6 and 7.

Not to be sent to any prison, & c., (for 10 days) without certain agreement. Nor to be confined with criminals.

The county superintendents of the poor have all the power and authority given to overseers of the poor.

Section 14. Powers of superintendents of the poor.

Form of Justices' Order to send a lunatic to the State Lunatic Asylum, under the laws above referred to.

The People of the State of New York, to the Superintendents of the Poor of the county of _____, (or to the Overseers of the Poor of the town of _____, in the county of _____,) and to the Constables of the town of _____, in said county, and to the Superintendent of the State Lunatic Asylum at Utica, in the county of Oneida, Greeting:

Form of order.

Whereas, upon the application of _____, overseers of the poor of said town, (or upon our own view, or upon the information of _____, or upon the oath of _____, of the town of _____,) it hath been made satisfactorily to appear to the undersigned, two justices of the peace of said county, after a full examination of the matter, and having the evidence of two reputable physicians under oath, that _____, of the town of _____, in the said county of _____, is a lunatic, (or is so far disordered in his senses) as to endanger his own person, or the person or prop-

erty of others,) and that it is dangerous to permit such person to go at large: These, therefore, are to command you, and each of you, in the name of the said People, forthwith to apprehend and carry said _____ to the State Lunatic Asylum at Utica, and to deliver him to the custody of the Superintendent thereof, together with this precept; and you, the said Superintendent, are hereby commanded to receive the said lunatic into the said Asylum, and to detain and keep him therein, according to the laws and regulations thereof, until discharged therefrom according to law.

Given under our hands, at _____, in the county of _____, this _____ day of _____, 18 _____.

} *Justices of the Peace.*

Form of a Certificate by the County Clerk, of the filing of papers in his office by two Justices of the Peace, in the case of a lunatic sent by them to the Asylum, under the law quoted on page 4.

COUNTY OF _____, ss:—I, _____, Clerk of the said county of _____, do hereby certify that _____ and _____, who are two justices of the peace in and for said county, have filed in this office the testimony taken by them in the case of the said _____, a lunatic, by which it appears that they had the evidence of _____ and _____, two reputable physicians (residing in the town of _____, in said county,) under oath, proving the alleged fact of the insanity of said lunatic; and that said justices have also filed in this office a brief report of all the other proofs, facts and proceedings in the case, in pursuance of chap. 135, sec. 22 of the laws of 1842.

Witness my hand and seal of the court of said county, [L. s.] this _____ day of 18 _____, *Cl rk.*

SECOND CLASS.

INDIGENT PERSONS, NOT PAUPERS.

Laws 1842, chapter 135, sec. 26.

Laws 1847, chapter 280, sec. 29, and 1850, chap. 282, sec. 2.

Judge to give notice of hearing to superintendent of the poor.

When a person in indigent circumstances, not a pauper, becomes insane, application for a certificate of admission to the Asylum, may be made, in his behalf, to the County Judge of the county where he resides; but no such certificate can be granted unless the person has become insane within one year next prior to the granting of the certificate by the judge. It is the duty of the judge, when such an application is made to him, to cause such notice thereof, and of the time and place of hearing the same, to be given to one of the superintendents of the poor of the county, chargeable with the expense of supporting such person in the Asylum, if admitted; or, if such expense is chargeable to a town or city, then to an over-

seer of the poor of such town or city, as he may deem reasonable. The judge, at the time and place of hearing, must call two respectable physicians, and other credible witnesses, and fully investigate the facts of the case (and either with or without the verdict of a jury, at his discretion, as to the question of insanity,) must decide the case as to his indigence. He must also inquire as to the time when the person became insane. He has power to compel the attendance of witnesses and jurors. Upon all the facts being proven, according to law, it is the duty of the judge to make and execute a certificate that satisfactory proof has been adduced, showing the person to be insane, and that he became insane within one year next prior to the date of the certificate, and that his estate is insufficient to support him and his family (or, if he has no family, himself,) under the visitation of insanity.

To call two physicians.

May call jury.

Judge to give certificate, &c.

The certificate must be authenticated by the County Clerk, under his hand, and the seal of the County Court; and when authenticated, is authority for carrying such insane person to the Asylum, and must be taken by the friend having such person in charge, and delivered to the Superintendent of the Asylum. Such person is then to be admitted and supported at the expense of the county until restored to soundness of mind, if effected in two years.

Certificate to be authenticated by county cl'k, &c.

And taken to the asylum.

It is the duty of the judge to file the certificate of the physicians called before him, taken under oath, and other papers, with a report of his proceedings and decision with the clerk of the county, and also to report the facts of the case to the supervisors, whose duty it is, at their next annual meeting, to raise the money requisite to meet the expenses of support accordingly.

Papers to be filed in clerk's office

When an indigent patient, under a judge's certificate, has remained in the Asylum two years, and has not recovered, it is the duty of the Superintendent to send notice thereof, by mail, to the Overseer of the Poor of the town from which the patient was sent, or to the County Judge of said county, and stating that he should be removed from the Asylum, and that if he is not removed his expenses will be chargeable to the county until the removal is made; but in every case of an indigent patient who has remained in the Asylum two years and not recovered, the Managers may, in their discretion, return him to the county from which he came, and charge the expense of the removal to the county.

Laws 1850, chapter 282, sec. 2.

When indigent patient has been in asylum 2 years, notice to be given by the superintendent, &c.

Managers may send him, after 2 years, back to his county.

Laws 1842,
chapter 135,
sec. 27.

When
friends of
indigent pa-
tient have
paid for six
months, & c.
the supervi-
sors requir-
ed to raise
money for
his further
support, & c.

When an insane person, in indigent circumstances, shall have been sent to the Asylum by his friends, who have paid his bills therein for six months, if the Superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the Supervisors of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to the Treasurer of the Asylum; and they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import, from the Superintendent.

Form of Judges' Certificate in the case of Indigent Patients.

STATE OF NEW YORK.

COUNTY OF _____, ss:—Whereas, an application has been made to me _____, County Judge of the said county of _____, in behalf of _____, who resides in the town of _____, in said county, for a certificate entitling him to admission into the State Lunatic Asylum, at Utica, as a person in indigent circumstances, not a pauper; and I, the said judge, having given reasonable notice of the time and place of hearing, to _____, superintendent of the poor of the county of _____, which county is chargeable with the expense of supporting said person in the Asylum; (or to _____, an overseer of the poor of the town of _____, in the county of _____, which county is chargeable with the expense of supporting said person in the Asylum;) and having called two respectable physicians, and other credible witnesses, and fully investigated the facts of the case, (if a jury is called on the question of insanity, state the fact and the verdict,) do hereby certify that satisfactory proof has been adduced to me, showing the said _____ to be insane, and that he became insane within one year next prior to the date hereof, and that his estate is insufficient to support him and his family, (or, if he has no family, himself,) under the visitation of insanity.

Given under my hand this _____ day of _____, 18 _____.

County Judge of the county of _____

Form of Authentication by the Clerk.

COUNTY OF _____, ss:—I, _____, Clerk of the said county, certify that _____, whose name is subscribed to the foregoing (or annexed, or within) certificate, was, at the date thereof, the County Judge of the said county; that

I am acquainted with the hand writing of said judge, and that his signature to the said certificate is genuine.

Witness my hand and the seal of the County Court of [L. S.] said county, this day of 18 .

, Clerk.

Any County Judge is authorized to send an indigent patient to the County Poor House, or to the State Asylum, as, in his judgment, may be for the best interests of all concerned. (Laws of 1851, ch. 446.)

THIRD CLASS.

CRIMINALS AND PERSONS UNDER CRIMINAL CHARGE, AND PERSONS IN PRISON, &C.

When a person shall have escaped indictments, or shall have been acquitted of a criminal charge upon trial, on the ground of insanity, the court, being certified by the jury, or otherwise, of the fact, shall carefully inquire and ascertain whether his insanity, in any degree, continues; and if it does, shall order him in safe custody, and to be sent to the Asylum.

Laws 1842, chapter 135, sec. 31.

Court to inquire as to insanity, & grant an order, &c.

If any person, in confinement,

Under indictment; or

Under sentence of imprisonment; or

Under a criminal charge; or

For *want of bail* for good behavior, or for keeping the peace, or for appearing as a witness; or

In consequence of any summary conviction; or

By order of any justice; or

Under any other than civil process, shall appear to be insane, the County Judge of the county where he is confined shall institute a careful investigation, call two respectable physicians, and other credible witnesses, invite the District Attorney to aid in the investigation, and, if he deem it necessary, call a jury, (and for that purpose is fully empowered to compel the attendance of witnesses and jurors;) and if it be satisfactorily proved that he is insane, may discharge him from imprisonment, and order his safe custody and removal to the Asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the Superintendent shall inform the said Judge and the County Clerk, and the District Attorney thereof, so that the person so confined may, within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise

Section 32. Certain cases to be inquired of by

the County Judge.

Judge may discharge & send to asylum.

discharged; or if the period of his imprisonment shall have expired, he shall be discharged.

Section 33.
Certain other cases to be inquired of by County Judge.

If a person imprisoned on attachment, or any civil process, or for non-payment of a militia fine, becomes insane, the County Judge shall institute like proceedings in his case, as are required by the last preceding section; but notice shall, in such case, be given by mail, or otherwise, to the plaintiff or his attorney, if in the State; and if it shall be proven, to the satisfaction of said judge, that the prisoner is insane, he may discharge him from imprisonment, and order him into safe custody, and to be sent to the Asylum. Nevertheless, the creditor may renew his process, and arrest again his debtor, when of sound mind. Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody, and sent to the Asylum in the same way as persons charged with crime.

Section 34.
Persons charged with misdemeanors the same as if charged with crime.

FOURTH CLASS.

INSANE PAUPERS, NOT FURIOUSLY MAD, OR DANGEROUS, NOR CRIMINAL.

Rev. Stat., Part I, chap. 20, title 3, sec. 9, 34, & Laws 1842, chapter 135, sec. 20.

Superintendents & overseers required to send insane paupers to asylums.

The County Superintendents of the Poor of any county, and the Overseers of the Poor of any town to which any person shall be chargeable, who shall be, or who shall become a lunatic, *are required* to send such lunatic, within ten days, to the State Lunatic Asylum, or to such public or private asylum as shall be approved by a standing order, or resolution of the Supervisors of the county.

It is made the duty of Superintendents and Overseers, (as before mentioned,) to see that the provisions of law, in reference to sending the insane to the Asylum, be carried into effect in the most humane and speedy manner.

Form of an Order of Superintendents or Overseers for sending a pauper to the Asylum.

To the Superintendent of the New York State Lunatic Asylum:

Whereas, _____, a person who is chargeable for his support to the county of _____, (or to the town of _____, in the county of _____,) has become a lunatic, we, the undersigned, Superintendents of the Poor of said county, (or Overseers of the Poor of said town,) do hereby order the said _____ to be taken to the said Asylum; and you, the said Superintendent, are required to receive him into said

a change thereof, may be substituted. A patient's best clothing should always be sent.

Written history of the case.

A written history of the case should, if possible, be sent with the patient, and some one well acquainted with the patient should always accompany him.

LIABILITY OF COUNTIES, TOWNS AND INDIVIDUALS FOR THE MAINTENANCE AND EXPENSES OF PUBLIC PATIENTS.

Section 36. Liability of the patient for his support, and of committee, town, county, &c.

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

Section 37. Counties liable for all indigent & pauper patients. County Treasurer to pay bills.

"The expenses of clothing and maintaining, in the Asylum, a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the Asylum. The Treasurer of said county is authorized and directed to pay to the Treasurer of the Asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the Asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city or county, that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest from the day of paying the same."

Duty of supervisors.

When bills become due.

By the by-laws the bills are due semi-annually, viz., on the first days of February and August, and whenever patients are removed. When the Managers order a patient to be removed from the Asylum to a poor house, it is the duty of the Superintendents of the Poor to pay the expenses of removal. If not so paid, the Treasurer of the Asylum may pay said expenses, and charge the same to the county, &c. The counties can recover such expenses from the town, county or individual liable for the patient's support.

Section 38. Removal of patients from asylum to poor house.

Section 39.

Discharge of any patient.

The Managers, upon the Superintendent's certificate of complete recovery, may discharge *any patient*, except one under

OF THE DISCHARGE OF PUBLIC PATIENTS.

a criminal charge, or liable to be remanded to prison. And they may discharge any patient admitted as dangerous, or any patient sent to the Asylum by the Superintendents or Overseers of the Poor, or by a County Judge, upon the Superintendent's certificate that he or she is harmless, and will probably continue so, and not likely to be improved by further treatment in the Asylum; or

Discharge
of danger-
ous patients

When the Asylum is full, upon a like certificate that he or she is manifestly incurable, and probably can be rendered comfortable at the poor house; so that preference may be given, in the admission of patients, to recent cases of insanity, of not over one year's duration.

Discharge
of incur-
ables.

The Managers may discharge and deliver any patient, except one under criminal charge, as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties for his peaceable behavior, safe custody and comfortable maintenance, without further public charge. *A patient of the criminal class* may be discharged by order of one of the Justices of the Supreme Court, if upon due investigation it shall appear safe, legal and right to make such order.

Delivery of
patients to
friends, &c.

Section 42.
Discharge
of criminals

As to the removal of "indigent patients, not paupers," after they have been two years in the Asylum, see what is herein before stated under the head of admission of the "Second Class." (*Laws 1850, chap. 282, sec. 2.*)

The whole duty of the discharge and removal of patients (except in criminal cases) is devolved upon the Managers, and the Superintendent of the Asylum. The county judges, justices, superintendents and overseers of the poor have no authority to discharge or remove them. When a discharge is desired, application must be made to the superintendent, so that it may be considered.

Patients to
be discharg-
ed only by
the mana-
gers and su-
perinten-
dent of asy-
lum.

PRIVATE PATIENTS.

Whenever there are vacancies in the Asylum, (that is when it is not filled by patients sent by courts and officers,) the Managers can authorize the Superintendent to admit, under special agreements, such recent cases as may seek admission, under peculiarly afflictive circumstances, or which, in his opinion, promise speedy recovery.

Laws 1842,
chapter 135,
sec. 29.

Such patients are admitted at all times, when there is room for them; but it is necessary that some friend of the patient should first write to the Superintendent of the Asylum, to ascertain whether or not there is a vacancy, and should state

the condition of the patient, his age, the state of his health, the nature, cause and time of the commencement of his insanity, and, generally, all that is known in reference to his disease and "peculiar circumstances."

An agreement for the support of a private patient, and for his removal, &c., must always be executed by some friend, with at least two sufficient sureties, and in this form :

Whereas, _____, of the town of _____, in the county of _____, an insane person, has been admitted as a patient into the New York State Lunatic Asylum, at Utica : Now, therefore, we, the undersigned, in consideration thereof, do agree with and bind ourselves to _____, the Treasurer of the said Asylum, to pay to him and his successors in office, the sum of _____ dollars and _____ cents per week, for the care and board of said insane person so long as _____ shall continue in the said Asylum, with such extra charges as may be made or directed by the Superintendent of said Asylum, by reason of _____ requiring more than ordinary care and attention; and also to provide _____ with suitable clothing, and to pay for all such necessary articles of clothing as shall be procured or ordered for _____ by the said superintendent or other officer of the Asylum; and to remove from the Asylum whenever the room occupied by _____ shall be required for a patient, or patients, having preference by law, or whenever requested so to remove _____ by the superintendent; and if _____ shall be removed by the request of friends, contrary to the advice of the said superintendent, before the expiration of six calendar months after reception, then we agree to pay board, at the price above mentioned, for twenty-six weeks, including all extra charges, for the time _____ has remained in the Asylum; and also to pay all damages, (not exceeding fifty dollars,) that _____ may do to the furniture, buildings, or other property of the Asylum; for all reasonable charges and expenses in case of elopement, and funeral charges, in case of death. All such payments to be made semi-annually, on the first days of February and August, and at the time of discharge, death or removal, with interest on each bill from the time of its becoming due.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____ eighteen hundred and _____.

The pecuniary responsibility of the persons signing the agreement must be made satisfactorily known to the Treasurer of the Asylum. If he has no personal acquaintance with them, or with persons knowing them, to whom he can apply for information, they must produce the certificate of a County Judge, County Treasurer, Supervisor, or a President or

Cashier of a Bank. The certificate may be in this form, and be indorsed upon the agreement :

I, _____, County Judge of the county of _____
 (or Treasurer of the county of _____, or Supervisor of the
 town of _____, in the county of _____, or President or Cashier
 of the _____ Bank, in the town of _____,) do certify that I
 am well acquainted with _____, who
 have signed the within agreement, and am also acquainted
 with their pecuniary circumstances, and, in my opinion, each
 of them is abundantly able to meet and pay promptly all sums
 which may at any time become due upon and by virtue of
 said agreement. Dated, _____, 18 ____.

The price of board, &c., for a private patient, is to be agreed upon between the parties and the Superintendent, or Managers. The *lowest* price, as now established by the Managers, is five dollars per week.

The whole law in reference to the Asylum, may be found in the 2d Vol. of the fifth edition of the Revised Statutes, page 885. The old law respecting the safe keeping of lunatics, and which is referred to in the Asylum law, is at page 882.