



[S. C. A. A. No. 15.]

FOR REMOVING THE INSANE FROM THE POORHOUSES.

INTRODUCED IN SENATE BY HON. J. SLOAT FASSETT, FEBRUARY 24, 1890.

INTRODUCED IN ASSEMBLY BY HON. MILO M. ACKER, FEBRUARY 24, 1890.

Senate Bill No. 218.

Assembly Bill No. 668.

An Act to Promote the Care and Curative Treatment of the Pauper and Indigent Insane in the Counties of this State, except New York, Kings and Monroe Counties, and to Permit said Excepted Counties or Either of Them, in Accordance with the Action of Their Respective Local Authorities, to Avail Themselves or Any One or More of Them, of the Provisions of this Act.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The State shall be divided into as many asylum districts as hereinafter defined as there are State insane asylums in this State, and the State Commissioners in Lunacy, the President of the State Board of Charities, and the Comptroller of the State, and their successors in office, shall constitute a Board, to be known and designated as the "Board for the Establishment of State Insane Asylum Districts and other purposes;" said Board is hereby empowered and directed to proceed without unnecessary delay to define the boundaries of the several districts into which the State shall be divided; provided, however, that no county shall be divided in such classification, and that not more than one of the existing State asylums be embraced in any one district. Before any division shall be made by said Board, the Managers or Trustees of each State Asylum shall

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be notified by the said Board that they may be heard at a specified time and place; and the said Board shall, for the purpose of making such division, ascertain the number of patients from each county respectively to be provided for under this Act, and shall define the several districts so that the number of patients in each district shall be in proportion to the accommodations which are now or may hereafter under this Act be provided by the State Asylum within such district.

A meeting of said Board shall be called, within thirty days after the passage of this Act, by the Chairman of the State Commission in Lunacy, at Albany, at which meeting the Board shall choose its own Chairman, to be thereafter elected annually by the Board. The office of the State Commission in Lunacy shall also be the office of said Board.

From time to time, whenever it shall be deemed necessary to more conveniently care for the insane in the various asylums, the said Board shall be empowered to change the limits of such districts under the limitations provided in the former part of this section.

SECTION 2. Whenever said Board, or a majority of its members, at a meeting shall have made such classification of the several counties into the several asylum districts, they shall forthwith make and sign a report to that effect, designating the boundaries of and the counties included within each district and the number of patients apportioned to each asylum, and file the same with the Secretary of State, and send a copy thereof to the Managers, Trustees and Superintendent of each State and county asylum, and to each County Superintendent of the Poor, and to the Clerk of each county in the State, to be filed in his office, and thereafter the State shall for all the purposes of this Act be deemed to be divided into such districts. Any change in such classification thereafter can only be made by filing a like report and sending a copy thereof to the Clerks of all counties affected by such change, as well as to the Boards of Managers or Trustees of the respective State asylums, and the Superintendents of the Poor in the counties affected by such change.

Whenever a new State asylum is established a number of pauper or indigent patients or both shall be assigned to it, such number to be determined by the State Commission in Lunacy, whereupon said asylum shall be deemed to be embraced within and governed by the provisions of this Act in all respects so far as the same may be applicable; and whenever any new State asylum shall be established, the said Board is hereby required to divide the State again into districts in compliance with the provisions of this Act.

SECTION 3. In order to carry out the intention of this Act, the State Commission in Lunacy is directed to ascertain from time to time what vacancies, if any, exist in any one or more of the State Insane Asylums, and said Commission is hereby authorized and required to forthwith cause the removal to such asylum or asylums, from some one or more of the counties of the district to which said asylum has been assigned, under the provisions of this Act, as many of the pauper and indigent insane patients as can be accommodated. Such removal to be made pursuant to the provisions of section six of this Act.

SECTION 4. To provide for the pauper and indigent insane of the district in which each State asylum is situated, should the existing accommodations not be sufficient for this purpose, there shall be erected on the grounds of such asylum a sufficient number of buildings of a moderate size, each being designed to accommodate not less than ten nor more than one hundred and fifty patients. It shall be the duty of the Managers or Trustees of each State asylum, within ninety days after they shall have received a copy of the report of said Board, as provided in section two, to cause to be prepared plans, specifications and estimates of the cost and equipment of such buildings, and to submit the same to said Board, and said Board shall thereupon proceed to examine said plans, specifications and estimates, and shall have power to summon before them the Superintendent of the asylum, on whose grounds the said buildings are proposed to be erected, for explanations and suggestions in regard to the same. When the plans of any proposed building or buildings shall have

been approved by said Board, and appropriations for the purpose shall have been provided by the Legislature, the Managers or Trustees shall cause to be erected and equipped, at the earliest practicable day consistent with the best interests of the State, the building or buildings so proposed, and the cost of the same, including the necessary equipment for heating, lighting, ventilation, fixtures and furniture, shall in no case exceed the proportion of five hundred and fifty dollars per capita for each of the patients to be accommodated therein, nor the amount of the estimates therefor approved by said Board. The cost of said buildings and equipment shall be paid by the Treasurer of the State on the warrant of the Comptroller from the sums appropriated by the Legislature for this purpose, upon vouchers of the Managers or Trustees of the asylum where the buildings are erected; and these vouchers shall be made in accordance with the forms prescribed by the Comptroller. Upon the completion of the said buildings, the Managers or Trustees erecting the same shall forthwith certify this fact to the Chairman of the State Commission in Lunacy in writing.

SECTION 5. After receiving such certificate from said Managers or Trustees, the said Chairman of the State Commission in Lunacy shall ascertain whether the buildings are ready for occupancy, and if he finds them to be ready he shall forthwith direct the Superintendents of the Poor in each county within the district, in which said State asylum so certified is situated, to send such number of pauper or indigent insane patients to said State asylum as can be therein accommodated.

Each of the State asylums for the insane shall receive patients, whether in an acute or chronic condition of insanity, from the district in which the asylum is situated, subject to the power of removal from one State asylum to another under the provisions of section eight of this Act.

SECTION 6. All County Superintendents of the Poor or Town, County or City authorities sending a patient to any asylum under the provisions of this Act shall, before sending him, see that he is in a state of bodily cleanliness, and is comfortably

clothed in accordance with regulations to be prescribed by the Chairman of the State Commission in Lunacy. The said patients shall be sent by said County Superintendents of the Poor or Town, County or City authorities, in a manner prescribed by said Chairman, to the State asylum within the district embracing said county at the expense of the State, and any State asylum to which said patient is to be sent may be required, by and under the regulations made by said Chairman, to send a trained attendant to bring the patient to the asylum.

In all cases there shall be provided a female attendant for every female patient, unless she be accompanied by her husband, father, brother, or son. After said patient or patients has or have been delivered to the Managers or Trustees of said asylum, the care and custody of the county authorities over said insane persons shall cease.

The bills for the reasonable expenses incurred in the transportation of patients to the State asylums, after they have been approved in writing by the State Commission in Lunacy, shall be paid by the Treasurer of the State on the warrant of the Comptroller from the funds provided for the support of the State asylums.

SECTION 7. After sufficient accommodations shall have been provided in State institutions for all the pauper and indigent insane of all the counties of the State, the expense of the custody, care, maintenance, treatment and clothing of pauper and indigent insane patients in State insane asylums shall not be a charge upon any county after the first of October next ensuing, but the cost of the same shall be paid out of the funds provided by the State for the support of the insane. It shall be the duty of the Board created in the first section of this Act to determine whether the accommodations are sufficient within the purview of this section, and to hold a meeting for the purpose, and if satisfied of the sufficiency of such accommodations, to make and file a certificate to that effect with the Comptroller, and send a copy thereof to the Managers, Trustees and Superintendents of each State and county asylum, and to each County Superintend-

ent of the Poor, and to the Clerk of each county in the State, to be filed in his office. Until such certificate is made and filed the said pauper and indigent insane patients shall continue to be a charge upon the county as under existing laws; provided, however, that after the State shall have been divided into asylum districts, as by the first and second sections of this Act, the charge shall be the same for all the counties of the State, and shall have been approved by the State Commission in Lunacy.

SECTION 8. In case the buildings of any State asylum shall at any time become overcrowded in carrying out the provisions of this Act, or the number of said buildings be reduced by fire or other casualty, the Chairman of the State Commission in Lunacy is hereby empowered in his discretion to cause the transfer of patients therefrom to another State asylum, where they can be conveniently received, or to make, in special emergencies, temporary provision for their care, and all expenditures under this section shall be chargeable to the State, and paid out of any appropriation made to carry out the provisions of this Act.

SECTION 9. Whenever in any district, established under the provisions of this Act, the buildings now existing and erected as herein provided for the use of the pauper or indigent insane shall be filled with patients to their full capacity, the Managers or Trustees thereof shall not receive further patients until vacancies occur, or new or additional accommodations are provided, and then only to the extent of the accommodation supplied. In any such case the condition of the asylum, so far as pertains to the purposes of this section, shall be certified by the Managers or Trustees thereof to the State Commission in Lunacy, whereupon said Commission shall, in compliance with rules to be made by said Commission and communicated from time to time to the Superintendents of the Poor and the Managers and Trustees of the respective State asylums, make an order for the transfer of any pauper or indigent patient from the district in which there are no suitable accommodations to one, if any, in which suitable accommodations for his care exist. Preference is to be given to an asylum in an adjoining rather than to one in a re-

mote district. Such order shall be executed in a mode prescribed by the State Commission in Lunacy. The expenses of the transfer of said pauper patients to said asylum beyond the limits of the district where the patient is regularly to be cared for, shall be chargeable to the State, and the bills for the same, when approved by the State Commission in Lunacy, shall be paid by the Treasurer of the State on the warrant of the Comptroller out of any moneys appropriated to carry out the provisions of this Act.

In case any insane person, his relatives, guardians or friends may desire that he may become an inmate of any State asylum situated beyond the limits of the district where he resides, and there be sufficient accommodation there to receive him, he may be received there in the discretion of the Chairman of the State Commission in Lunacy and the Superintendent of such asylum. Any expense of removal, in such case, must be borne by said insane person's guardians, relatives or friends, as the case may be.

SECTION 10. The State Commission in Lunacy, whenever it shall deem it necessary and expedient, by reason of overcrowding, or in order to prevent the same, shall, in its annual report to the Governor, recommend the erection of such additional buildings on the grounds of any or all State asylums then existing as shall in the judgment of said Commission provide sufficient accommodations for the immediate prospective wants of the insane of this State; or, if said Commission deem it more expedient, it shall recommend the establishment of another State asylum or asylums in such part of the State, as in its judgment will best meet the requirements of the pauper and indigent insane.

SECTION 11. It is the intent and meaning of this Act that, when and after the State shall have been divided into districts, as herein provided, and sufficient accommodations in State institutions shall have been provided for all the pauper and indigent insane of all the counties of the State, and certified, as set forth in the seventh section of this Act, no insane person

shall be permitted to remain under county care, but that all the insane who are now, or may hereafter become a public charge, shall be transferred to the respective State asylums without unnecessary delay, there to be regarded and known as the wards of the State, and to be wholly supported by the State.

SECTION 12. The State Commission in Lunacy shall hereafter furnish the Comptroller on or before the fifteenth day of September, in each year, an estimate of the probable number of patients who will become inmates of the respective State asylums during the year beginning October first next ensuing, and the cost of the additional buildings and equipment, if any, which will be required to carry out the provisions of this Act. After the certificate as to sufficiency of accommodations shall have been filed as provided by section seven of this Act, the Managers or Trustees of each of the State asylums shall, on or before the fifteenth day of September in each year, furnish to the Comptroller an estimate of the cost of maintaining the probable number of patients who will be inmates of the respective asylums during the year beginning October first next ensuing.

On the basis of these estimates, the Comptroller shall, in his next annual report to the Legislature, state his estimate of the amount to be provided for by the State for the support of such insane persons, and for the erection and equipment of such buildings as may be recommended.

SECTION 13. The foregoing provisions of this Act shall not apply to or include the Counties of New York, Kings, or Monroe, nor embrace the State Asylum for Insane Criminals at Auburn, nor the State Asylum for Insane Criminals at Matteawan, nor the State Asylum for Insane Emigrants, on Ward's Island, in New York City, or any of them, except as provided in the succeeding section of this Act, nor shall it be construed to affect those provisions of existing statutes by which the three counties aforesaid are now permitted to send their acute and chronic insane to State asylums.

SECTION 14. Whenever the Counties of New York, Kings, and

Monroe, or any one of them, desire to be included in the provisions of this Act, application may be made in writing to the Governor by the respective county or local authorities, in either of said counties, to transfer any or all of such buildings, land, appurtenances and equipment as are used by them as county insane asylums, to the State, for the same purpose, upon such terms and conditions as may be specified in such application. The Governor shall thereupon transmit said application to the Board created by section one of this Act, whereupon said Board shall examine into the condition of such buildings, land, appurtenances and equipment and their value, with a view to ascertaining whether such property is suitable for the purposes of a State asylum for the insane, and if so, whether such terms and conditions are just and proper; and shall report its findings and conclusions to the Governor. Whereupon the Governor shall transmit to the Legislature the report of said Board, with such recommendations, if any, as he may deem proper for the conversion of such county asylum into a State asylum for the insane. And the insane persons in said county asylums, and those received thereafter, shall be provided for in accordance with the provisions of this Act.

SECTION 15. The word "insane," as used in this Act, shall be construed to include all persons of unsound mind, except idiots.

SECTION 16. When this Act goes into effect, no county shall be exempted either by the State Board of Charities or the State Commission in Lunacy from the provisions of this Act under any existing law; and all exemptions heretofore granted by said Board or said State Commission in Lunacy, under the provisions of Chapter 713 of the Laws of 1871, or of Acts amendatory of the same, or under any existing law, and exemptions granted by Chapter 360 of the Laws of 1877 and by Chapter 360 of the Laws of 1888, shall be revoked and cease.

SECTION 17. No insane person now or hereafter under the care of any State asylum in this State shall be returned or committed to the care of the Superintendent of the Poor of any

county, or to any other county, town or city authorities; and the said County Superintendents, and county, town and city authorities, are hereby forbidden to receive any such patient who may be returned or committed to them in violation of this section. The foregoing provisions of this section shall not apply to the Superintendents of the Poor, or the county, town or city authorities of the counties named in section thirteen of this Act.

SECTION 18. None of the provisions of this Act shall restrain or abridge the power and authority of the Supreme Court of the State over the persons and property of the insane.

SECTION 19. The reasonable expenses of the Board created by this Act and of the State Commission in Lunacy for necessary clerical assistance, travelling and other incidental expenses incurred by said Board and said Commission in carrying out the provisions of this Act shall be paid by the Treasurer of the State on the warrant of the Comptroller out of any moneys appropriated for the purposes of this Act.

SECTION 20. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SECTION 21. This Act shall take effect immediately.

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