

**THE INSANITY LAW
OF THE STATE OF
NEW YORK. 1896**

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The insanity law of the state of New York. 1896 by Various

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VARIOUS

**THE INSANITY LAW
OF THE STATE OF
NEW YORK. 1896**

From Dr. S. G. Doane

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THE
INSANITY LAW
OF THE
STATE OF NEW YORK.

1896.

New York: ... laws, statistics, etc.



Chapter 545, Laws of 1896.

AN ACT IN RELATION TO THE INSANE, CONSTITUTING CHAPTER TWENTY-EIGHT OF THE GENERAL LAWS.

Became a law May 12, 1896, with the approval of the Governor.
Passed, three-fifths being present.

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

- Article 1. State commission in lunacy (§§ 1-16).
2. Institutions for the care, treatment and custody of the insane (§§ 30-49).
 3. Commitment, care and discharge of the insane (§§ 60-77).
 4. Matteawan state hospital for insane criminals (§§ 90-103).
 5. Laws repealed, when to take effect (§§ 110-111).

ARTICLE I.

State Commission in Lunacy.

- Section 1. Short title.
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10. State hospital districts; how defined.
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12. Record of medical examiners.
13. Record of patients.
14. Institutions to furnish information to commission.
15. Commission to provide for the prospective wants of the insane.
16. Director of the pathological institute.

Section 1. Short title.— This chapter shall be known as the insanity law.

§ 2. Definitions.— When used in this chapter, the term poor person means a person who is unable to maintain himself and having no one legally liable and able to maintain him; the term, an indigent person, means one who has not sufficient property to support himself while insane, and the members of his family lawfully dependent upon him for support; the term institution means any hospital, asylum, building, buildings, house or retreat, authorized by law to have the care, treatment or custody of the insane; the term commission means the state commission in lunacy; the term patient means an insane person committed to an institution according to the provisions of this chapter.

§ 3. Appointment, qualifications, terms of office and salaries of commissioners.— There shall continue to be a state commission in lunacy, consisting of three commissioners, all of whom shall be citizens of this state. One of them, who shall be president of the commission, shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' experience in the actual practice of his profession, who has had five years' actual experience in the care and treatment of the insane and who has had experience in the management of institutions for the insane. He shall receive an annual salary of five thousand dollars. One of such commissioners shall be a reputable attorney and counsellor-at-law of the courts of this state of not less than ten years' standing, who shall receive an annual salary of three

thousand dollars. The third commissioner shall be a reputable citizen, and shall receive ten dollars per day for actual services rendered as a member of the commission. Such salaries may be fixed by the governor, secretary of state and comptroller, at different amounts than those prescribed in this section, whenever in their discretion such amounts should be changed. Each commissioner shall receive annually twelve hundred dollars, payable monthly, in lieu of his traveling and incidental expenses. The full term of office of a commissioner shall be six years. Where the term of office of a commissioner expires at a time other than the last day of December, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each commissioner thereafter appointed shall begin on the first day of January. The commissioners shall be appointed by the governor, by and with the advice and consent of the senate.

§ 4. Office and clerical force of commission. — The commission shall be provided by the proper authorities with a suitably furnished office in the state capitol, where it shall hold stated meetings at least once in three months. It may hold other meetings, at such office or elsewhere, as it may deem necessary. It may employ a secretary, a stenographer and such other employes as may be necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistants shall be paid by the treasurer of the state on the warrant of the comptroller, out of any moneys appropriated for the support of the insane.

§ 5. Official seal and execution of papers.—The commission shall have an official seal. Every process, order or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.

§ 6. General powers.—The commission is charged with the execution of the laws relating to the custody, care and treat-

ment of the insane, as provided in this act, not including feeble-minded persons and epileptics as such and idiots. They shall examine all institutions, public and private, authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information, and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may, by order, appoint a competent person to examine the books, papers and accounts, and also into the general condition and management of any institution to the extent deemed necessary and specified in the order.

§ 7. Official visits.—The commission, or a majority thereof, shall visit every such institution at least twice in each calendar year. Such visits shall be made jointly or by a majority of the commission on such days and at such hours of the day or night, and for such length of time, as the visiting commissioners may choose. But each commissioner may make such other visits as he or the commission may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings and grounds belonging thereto or used in connection therewith. The commissioners shall, from time to time, make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may 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 shall, as far as they deem necessary, examine

the officers, attendants and other employes, 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 commissioners shall report the result thereof, with such recommendations for the better management or improvement of any such institution, as they may deem necessary. But such recommendations shall not be contrary to the doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, from time to time, meet the managers or responsible authorities of such institutions, or as many of the number as practicable, in conference, and consider, in detail, all questions of management and improvement of the institution, and shall also send to them, in writing, if approved by a majority of the commissioners, such recommendation in regard to the management and improvement of the institution as they may deem necessary or desirable.

§ 8. Regulations and forms.—The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane shall be allowed to correspond without restriction with the county judge and district attorney of the county from which they were committed. The books of record and blank forms for the official use of the hospitals shall be uniform, and shall be approved by the commission.

§ 9. Annual report.—The commission shall, annually, report to the legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the legislature, including estimates of the amounts required for the use of the state hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital and by the State Charities Aid association.

§ 10. State hospital districts; how defined.—The state commis-