

A Brief History of Charity in New York

I have reprinted some outlines and a few passages from *Documents of The Senate of the State of New York, One Hundred and Twenty Seventh Session, 1904*, (compiled by Edward H. Leggett, Esq. of the Attorney General's office and his assistant, Mr. Wellington D. Ives, Chief Clerk in the office of the Board of Charities), that shows the history of charity for the poor in New York State from 1603 to 1900.

The Dutch Colony of New Netherland from 1603 to 1664

“Comparatively little of importance has been found with relation to the administration of charity under the Dutch in the colony of New Netherland. Not, however, that ordinances and customs did not exist, following those of the mother country, but the records are fragmentary and give a partial view only of the charitable work of the colony. Possibly many of the missing records were part of the documents of the Dutch West India Company, which it is said, were sold at public auction in 1821, and could not be found when Mr. John Romeyn Brodhead, the agent of this State, made his investigation in 1841-43 of the archives of the Hague in search of material relating to the History of New Netherland. The following chronological references to Dutch ordinances and documents relating to the relief of the poor are taken from various works relating to the history of the early colonial settlements in this State, to which credit is given in each case:

1630–1635 - Poor people not permitted to participate in the exemptions, privileges and freedoms granted to the patroons.

1649 - Poor supported by collections in the churches, fines and voluntary offerings-No hospitals or asylums for children or for old men.

1650 - No asylums for children or the aged in New Netherland.

1651 - In order not to subject the poor to inconvenience, particular inhabitants requesting it may be privileged to lay in small beer free of excise with liberty to retail the same at a reasonable advance by small measure. (“Laws and Ordinances of New Netherland.” P. 122. O’Callaghan.)

1652 - The Director-General grants site for almshouse at Beaverwyck (Albany.) (“Annals of Albany,” Vol. VII, pp. 232, 233. Munsell)

1653 - Burgomasters were *ex officio* the chief rulers of the city; the principal church wardens, guardians of the poor and of widows and orphans. They held in trust all city property and managed the same. (“History of New Netherland.” Vol. 2, p. 211. O’Callaghan.)

Schepens (city magistrates) provided for the burial of friendless strangers. (“History of New Netherland.” Vol. 2, p. 212. O’Callaghan.)

1654 - Dependent children sent from the almshouse at Amsterdam to New Netherland.

The Director General and Council resolve to hire a house in New Amsterdam, and lodge there the children sent over by the poormasters from Holland. (“Documents Relating to the History of the Early Colonial Settlements.” Vol. XIV, p. 296. Fernow.)

1655 - More dependent children sent from the almshouse at Amsterdam, in Holland, to New Netherland.

Goats found south of the “fresh water” to be seized and sold for the benefit of the poor. (“Laws and Ordinances of New Netherland.” P. 201. O’ Callaghan.)

One-third of penalty for firing guns or planting May poles on New Years and May days to go to support of the poor. (“Laws and Ordinances of New Nether land.” P. 205. O’ Callaghan.)

1656 – One-third of certain penalties to be applied to support of the poor. (“Laws and Ordinances of New Netherland.” P. 263. O’Callaghan.)

1658 - Children from almshouse in Holland arrived and being in demand, were all bound and others requested to be sent over. In New Netherland, men of large families when they die ‘do not leave a stiver behind. The public must provide the coffin, pay all the debts and feed or maintain those who survive.” (“Documents Relative to the Colonial History of the State of New York.” Vol. II, p. 52. O’Callaghan.)

1661 - First law enacted in New Netherland providing for the support of the poor. (Passed 22 October 1661).” (Senate Pages 3-9)

THE ENGLISH COLONY OF NEW YORK 1664 TO 1776

“The earliest English laws governing the administration of affairs, charitable and otherwise, in the Colony of New York are known as the “Duke of York's Laws.” These laws were “Establisht by the Authority of his Majesties Letters patents, granted to his Royall Highnes James Duke of Yorke and Albany: Bearing Date the 12th Day of March in the sixteenth year of ye Raigne of our Sovereign Lord King Charles the Second. Digested into one Volume for the publicke use of the Territories in America under the Government of his Royall Highnesse. Collected out of the Several Laws now in force in his Majesties American Colonyes and Plantations.

Published March the 1st Anno Domini 1664 at a General meeting at Hemsted upon Longe Island by virtue of a Commission from his Royall Highnesse James Duke of Yorke and Albany given to Colonell Richard Nicolls Deputy Governor, bearing date the Second day of Aprill 1664.

These and other Colonial laws of New York from the year 1664 to the Revolution were republished by the State of New York in 1894, and the volume and page references herein given relate to the volumes and pages of such republication.

1664 - Bond slavery of Christians forbidden, but not to prejudice indenture nor taking as apprentice. Eight overseers to provide for church and poor. Certain penalties to be applied to support of poor.

1665 - Disbursements for the poor and the support of the poorhouse at Albany. Distracted persons to be provided for by contributions from each town in the riding. Persons holding in trust property of orphans to render inventory annually. Disbursements for the poor and the support of the poorhouse at Albany.

1671 - Deacons of the Reformed Christian church complain to the Mayor's court of the administration of charity by the deacons of the Lutheran church.

1678 – “Noe beggars but all poore cared ffor.” (From Answers of inquiries of New York Rec'd from Sr Edm. Andros on the 16th of Apr 1678.” “Documentary History of New York.” Vol. I, page 62. O'Callaghan.)

1683 - Provides for care of poor, and prevention and discouragement of vagabondage.

1684 - Persons holding in trust property of orphans, to render inventory annually to court of sessions.

Provides penalty for stealing by apprentices.

1687 - Towns and counties maintain their own poor and no vagabonds or beggars allowed in the Province of New York.

1691 - Public workhouses directed to be provided by Governor Fletcher.

“You are to endeavor with the assistance of our Council to provide for the raising and building of Publique Work Houses in convenient Places for the employing of Poor and Indigent People.”

(Instructions to Governor Benjamin Fletcher of the Province of New York from Lord Nottingham by Her Majesty's command, March 17, 1691. “Documents Relative to the Colonial History of New York,” Vol. III, page 824.)

1695 - Annual appointment of five overseers of the poor and public works in New York city and defining their duties relative to the support of the poor.

1697 - Public workhouses directed to be provided by Governor Bellomont.

“You are to endeavor with the Assistance of the Council to provide for the raising and building of public workhouses in convenient places for the employing of poor and indigent people.”

(Instructions to Governor Richard Bellomont of the Province of New York from His Majesty by James Vernon, August 31, 1697. “Documents Relative to the Colonial History of the State of New York.” Vol. IV., page 290.)

1699 - No such thing as a beggar in New York.

“A Bill to enforce the building of publick workhouses (which is another instruction from his Majesty) to imploy the poor and also vagabonds I offered to the Assembly, but they smiled at it, because indeed there is no such as a beggar in this town or country: and I believe there is not a richer populace any where in the King's dominions than is in this Town.” (From the Earl of Bellomont to the Lords Commissioners for Trade and Plantations, April the 27th 1699.)

“Documents Relating to the Colonial History of the State of New York.” Vol. IV, page 511.
O’Callaghan.)

1701 - Repeals former statutes and provides that each town or parish shall care for its own poor.
Justices of the peace to audit accounts.

1702 - Provides for the care of the poor in New York city, and limits annual amount to be raised for
such purpose to 300 (pounds).

Act for the better maintenance of the poor in New York.

Making provision for the execution of poor felons and the burial of the poor.

1703 - Explaining previous laws relating to the poor and vagabonds. “An Act for the better
Explaining and more Effectual putting in Execucon An Act of General Assembly made in the third
yeare of the Reign of their late Majties King Wm. and Queen Mary Entituled An Act for defraying
of the Publick and necessary Charge thro’out this Province and for mainteining the Poor and
preventing Vagabonds.

1708 - Surplus of penalties collected in suppressing immorality given to the overseers of the poor for
support of the poor.

1719 – Certain part of penalties collected by pound keepers to be applied to support of the poor.

1721 - Vagrant and idle persons to be apprehended, brought before a justice of the peace or mayor,
and returned to their lawful settlements.

Providing for the equitable assessment of taxes for the support of the minister and the poor in New
York, Queens, Richmond and Westchester counties.

1729 - Moiety of certain penalties to be paid to overseers to be applied to the support of the poor.

1732 - An act for the speedy punishing and releasing of vagrant and idle persons.

Moiety of certain penalties to be applied to the support of the poor.

1737 - An act to restrain tavern keepers from selling liquors to servants and apprentices.

Moiety of penalty for peddling without a license to go to support of the poor.

Moiety of sales and fines on impounded swine to be applied to support of the poor.

1740 – Moiety of fines collected under act to prevent abuses in the repacking of beef and pork to be applied to support of the minister and the poor in New York city.

Providing for support and burials of the poor in county at the expense of the county.” (Senate 11-30)

Fast forward to 1771:

1771 – “The Society of the Hospital in the City of New York in America.”

“This Society was incorporated June 13, 1771 by a charter granted by King George the Third. This was the result of a subscription set on foot for the purpose of erecting a public hospital in the City of New York, and the King in view of the beneficial tendency of such an institution ‘calculated for relieving the diseases of the indigent.’ granted the charter.” (Senate 37)

1772 - The Society of the Hospital of the City of New York in America to receive an annual appropriation of 800 (pounds) to be paid from excise duties laid on strong liquors retailed in New York city. Hospital to receive and treat all sick poor persons who are residents of any county within the colony, without compensation. (Senate 37)

1773 – An Act for the Settlement and Relief of the Poor (Passed March 8, 1773). (Senate 39)

THE STATE OF NEW YORK 1776 TO 1900

“The first Legislature of the State of New York met at Kingston on September 10, 1777, and the first statute was enacted February 6, 1778. Of the great majority of the laws which have been enacted in this State affecting the administration of charity and the care of the poor, it is possible to give a brief abstract only, referring the student of these questions to the laws themselves for fuller information should such be desired. To facilitate reference, however, especially of those to whom the laws of the State may not be accessible, a few of the more important statutes, such as the general poor laws, are printed in full.

1778 - Appointing Commissioners in Tryon, Saratoga, Albany and Charlotte counties to collect and distribute charitable donations among distressed inhabitants on frontiers of eastern and western districts of State who, during late campaign, were obliged to abandon their homes by devastation of the enemy.

Appointing a Commissioner to superintend the poor removed from New York into Dutchess county, and appropriating 600 (pounds) from State treasury to each of the Commissioners for superintending poor removed into Dutchess, Westchester and Ulster counties.

Providing for the election of overseers of the poor at the annual town meetings in August. Directing Justices of the Peace to furnish the necessaries of life to the families of soldiers in Continental service at moderate prices balance to be paid by State.

Appropriations to commissioners over poor removed from New York city-in Dutchess county 1200 (pounds), and in Ulster county 600 (pounds).” (Senate 49-50)

Fast Forward to 1784:

1784 – An Act for the Settlement and Relief of the Poor. Chapter 35 Laws of 1784. (Senate 52)

1788 - Overseers of poor to bind out poor children as apprentices and servants; proceedings where persons refuse to be bound; emigration of poor regulated-contracts of service. (Senate 70 & 71)

An Act for the Better Settlement and Relief of the Poor. Chapter 62 of the Laws of 1788. (Senate 78)

An Act for Dividing the Counties of This State Into Towns. Chapter 64 of the Laws of 1788.

“All counties divided into towns. Poor in town of Goshen, Warwick and Minisink, Orange county, and in Cortlandt, Yorktown, Stephentown, Greenburgh and Mt. Pleasant, Westchester county. In every town in the State two overseers of the poor to be elected. Overseers of poor in Albany and Hudson. Oaths of office of overseers. One-half of penalty for refusal of certain town officers elected to qualify to go to poor fund. Powers of town meetings.” (Senate 95) (57)

1824 – An Act to Incorporate The Society for the Reformation of Juvenile Delinquents in the City of New York. Chapter 126 Laws of 1824. (Senate 236)

An Act To Provide For The Establishment Of County Poorhouses. Chapter 331, Laws of 1824, Passed 27th November 1824.”

The American Revolutionary War began in July 1776 and ended in October 1781. There was a flurry of activity of charity for the poor during and after the American Revolution. Once America became the United States, with its own sovereign government, New York became a state on July 26, 1788. After the Civil War and by 1870, there were hundreds of charities partially funded with appropriations from the state. I have included a synopsis from *Documents of The Senate of the State of New York*, from 1865 to 1900, of anything having to do with Willard, state institutions, the pauper insane and the poor in general. There were hundreds of entries that I could not possibly include.

New York State Timeline

1865 - Authorizing establishment of Willard State Asylum for the insane paupers. \$75,000 appropriation therefor. (Senate 1865, Chapter 342, page 556)

1867 – Annual Supply Bill. \$14,300 for Willard Insane Asylum. (Senate 1867, Chapter 481, page 582)

1870 - Appropriating \$49,250 to pay present indebtedness of the Willard Asylum for the Insane. (Senate 1870, Chapter 380, page 636)

\$118,000 for Willard Asylum, for extension or completion of wing, building for idiots, dock, fuel and salaries; \$25,000 for furniture and maintenance of Willard Asylum. (Senate 1870, Chapter 492, page 641)

Making appropriations for certain public and charitable institutions: For orphan asylums, homes for the friendless and other charitable institutions of like character for their maintenance, \$150,000 to be divided among the counties for the several state charities. (Senate 1870, Chapter 704, page 642).

1871 - In relation to the chronic pauper insane. Act authorizing Board of State Commissioners of Public Charities to hear and determine applications made to them by county superintendents of poor of the several counties of this State, and said board may file determination relieving counties from sending pauper insane to Willard Asylum. Said board may revoke such determination and must file same in office of county clerk making such application and notice thereof must be given to poor superintendents. Commissioners may direct removal of chronic pauper insane to Willard Insane Asylum. (Senate 1871, Chapter 713, page 658)

Supply Bill. \$170,500 for Willard Asylum. (Senate 1871, Chapter 715, page 658)

Appropriation Act. \$28,000 for Willard Asylum. (Senate 1871, Chapter 715, page 659)

Amending section 11 of chapter 474, Laws of 1870, establishing a Homeopathic Asylum for the Insane at Middletown, NY. (Senate 1871, Chapter 237, page 652).

1872 – Appropriation Act. \$9,000 for salaries for Willard Insane Asylum. (Senate 1872, Chapter 541, page 681)

Section 9 of chapter 342 Laws of 1865 relating to price for board at Willard Asylum amended. (Senate 1872, Chapter 541, page 681)

Supply Bill. \$131,000 for Willard Asylum for the Insane. (Senate 1872, Chapter 733, page 683)

Act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of New York State. “The New York Soldiers’ Home” incorporated. (Senate 1872, Chapter 873, Laws of 1872, page 686)

1873 - Authorizing the trustees of Willard Asylum for the Insane to appoint a fourth assistant physician. (Senate, Chapter 443, page 694)

Act further defining the powers and duties of the Board of State Commissioners of Public Charities and to change the name of the Board to “The State Board of Charities.” Chapter 571, Laws of 1873. (Senate 695)

Appropriation Act. \$10,500 for Willard Asylum for the Insane (Senate, Chapter 643, page 701)

Supply Bill. \$60,000 for Willard Asylum for the Insane (Senate, Chapter 700, page 702)

Legalizing the adoption of minor children by adult persons. (Senate, Chapter 830, page 703)

Concurrent resolution directing the Board of State Commissioners of Public Charities to examine into the causes of the increase of crime, pauperism and insanity and report statistics to the next Legislature, passed May 29, 1873. (Senate 704)

1874 - Supply Bill. \$140,000 for Willard Asylum for the Insane. (Senate, Chapter 323, page 706)

Appropriation Act. \$250 for support of **Susan Green**, an insane Indian, at Willard Asylum. (Senate, Chapter 398, page 708)

Act to revise and consolidate the State Statutes, relating to the care and custody of the Insane, the management of the asylums for their treatment and keeping, and the duties of the State Commissioner in Lunacy. (Senate, Chapter 446, page 709)

Amending act providing for the support and care of State paupers, chapter 661, Laws of 1873. State Board of Charities authorized to contract with authorities of not more than 15 counties or cities in State for the reception of State paupers in poor houses of such counties or cities, and to make rules and regulations for their care and discipline. Said board may transfer paupers from one almshouse to another as it shall deem advisable. Passed June 7, 1873. (Senate 709)

1875 – Annual Appropriations Act. \$11,000 for Willard Insane Asylum. (Senate, Chapter 373, page 721)

Annual Supply Bill. \$56,000 for Willard Insane Asylum. (Senate 1875, Chapter 634, page 727)

Act providing for a better system of records of the inmates of poorhouses and almshouses. Copies to be sent to State Board of Charities. (Senate, Chapter 140, page 713)

An Act to Provide for the Better Care of Pauper and Destitute Children. Chapter 173, Laws of 1875. Section 1. On and after January first, eighteen hundred and seventy-six, it shall not be lawful for any justice of the peace, police justice or other magistrate to commit any child, over three and under sixteen years of age, as vagrant, truant or disorderly, to any county poor-house of this State, or for any county superintendent or overseer of the poor, or other officer, to send any such child as a pauper to any such poor-house for support and care, unless such child be an unteachable idiot, an epileptic or paralytic, or be otherwise defective, diseased or deformed, so as to render it unfit for family care; but such justice of the peace, police justice or other magistrate, and also such county superintendent or overseer of the poor, or other officer, shall commit or send such child or children not above exempted to some orphan asylum or other charitable or reformatory institution, as now provided for by law. (Senate 714)

An Act to Authorize the Establishment of a Female Department to the Western House of Refuge for Juvenile Delinquents. Seventy-five thousand dollars appropriated. Chapter 228, Laws of 1875. (Senate 716)

An Act to Authorize the Various Associations and Societies Incorporated Under the Laws of the State of New York, For the Purposes of Taking Care Of and Protecting Destitute Infant Minor Children, To Bind Out by Indenture Destitute Children Who Are In Their Care and Keeping, Chapter 522, Laws of 1875. (Senate 724)

1876 – Annual Appropriations Act. \$10,500 for Willard Insane Asylum (Senate, Chapter 192, page 730)

Supply Bill. \$100,500 for Willard Insane Asylum. (Senate, Chapter 193, page 730)

Act to prevent and punish wrongs to children. Occupation of children in theatrical and certain other employments made a misdemeanor. (Senate, Chapter 122, page 728)

An Act providing for the Removal from office by Governor of any County Superintendent of the Poor charged with misconduct. Offender to be given a copy of charge against him and opportunity to defend himself. The Governor to direct testimony or examination. Chapter 133, Laws of 1876. (Senate 729)

1877 – Annual Appropriations Act. \$12,000 for Willard Insane Asylum. (Senate, Chapter 123, page 738)

Supply Bill. \$100,378 for Willard Insane Asylum. (Senate, Chapter 276, page 740)

Act for the protection of children and to prevent and punish certain wrongs to children. Minors under 14 years not to be allowed in drinking or concert saloons, etc. Begging by children prohibited. (Senate, Chapter 428, page 742)

Concurrent Resolution. Relating to the Soldiers Home for the State of New York. Official returns of 35 of the 60 counties of State show that there are 641 veteran soldiers and sailors in the county poor-houses of the State. A farm of 240 acres in vicinity of Bath, Steuben county having been purchased for home for disabled soldiers and sailors and private subscription raised for erecting buildings thereon...\$100,000. (Senate 744)

1878 – Appropriations Act. \$12,350 for Willard Insane Asylum. (Senate, Chapter 29, page 744)

Supply Bill. \$53,000 for Willard Insane Asylum (all laws authorizing appointment of Building Superintendent and fixing salary of Building Superintendent of Willard Asylum, repealed) (Senate, Chapter 252, page 748)

Act providing for the support, treatment and care of pauper, destitute and delinquent children under sixteen years of age. Not to be committed to poor houses but to be placed in families or orphan asylums. Powers of State Board of Charities in connection therewith defined. Chapter 404 Laws of 1878. (Senate 1878, page 750)

1879 – Appropriations Act. \$12,100 for Willard Insane Asylum. (Senate, Chapter 148, page 755)

Supply Bill. \$100,000 for Willard Insane Asylum. (Senate, Chapter 272, page 758)

In 1880, New York State started cracking down on insane alien paupers. Expenses for Willard were growing along with the pauper insane population which, by law, required the state to provide additional institutions to be built in order to provide for their care and support. By 1883, there were at least 27 state institutions, including Willard, supported by tax payer funds. New charitable institutions sprang up all over New York State for the care of the insane, idiots and feeble-minded, deaf and dumb, blind, sick and crippled soldiers, orphans, indigent children, juvenile delinquents, abandoned women, etc. This number did not include the poor houses or the prisons in all the various counties that also required tax payer funds.

1880 - Appropriations Act. \$12,100 for Willard Insane Asylum. (Senate, Chapter 141, page 763)

CODE OF CIVIL PROCEDURE, Chapter 178.

Section 1590. “Partition by guardian of infant, committee of lunatic, etc.”

Section 1591. “Contents of petition.”

Section 1592. “Court may authorize partition of infants and lunatics’ interest in lands.”

Section 1593. “Effect of releases by such guardian or committee.”

Section 1638. “An infant or incompetent person cannot bring an action to compel determination of a claim to real property.”

Section 1647. “An action against a widow to determine her dower interest cannot be brought against an infant or incompetent.”

Section 1743. “An action may be brought to have a marriage contract declared void when one of the parties was an idiot or lunatic, or when one or both had not attained the age of legal consent.”

Section 1744. “An action to annul marriage contract may be maintained by infant or by its parent or guardian.”

Section 1746. “Such action may be commenced by any relative of an idiot.”

Section 1747. “When such action to be commenced where party was a lunatic.”

Section 1749. "A child of a marriage annulled on ground of idiocy or lunacy of one of its parents is a legitimate child of the other parent of sound mind."

Section 1755. "How next friend of infant or lunatic allowed to sue."

Section 1926. "Actions by overseers and superintendents of the poor to recover penalties and damages and enforce liabilities or duties under contract made with them."

Section 1927. "Actions against overseers and superintendents of the poor."

Sections 2320 to 2344. "Proceedings for appointment of a committee of a lunatic, idiot or habitual drunkard."

Section 2324. "Duties of overseers and superintendents of the poor to apply for appointment of such committee when incompetent has property which may be endangered and no relative has applied."

Sections 2345 to 2364. "Proceedings for disposition of real estate of an infant, lunatic, idiot or habitual drunkard."

Section 2382. "Effect of lunacy in arbitration proceedings."

Sections 2530 and 2531. "Proceedings for appointment of special guardians of infants and incompetents in Surrogates Courts." (Senate, Chapter 178, pps. 763-766)

Supply Bill. \$3,000 for the removal of infirm alien paupers to the countries whence they came and authorizing State Board of Charities to remove alien paupers. "Chapter 272, Laws 1879, amended as follows: Hereafter no pauper who has not resided within the State for at least one year next prior to application for his or her admission into any State asylum for the idiotic, blind, insane or deaf and dumb, shall be admitted as an inmate therein." (Senate 772)

1881 - Appropriations Act. \$12,100 for Willard Insane Asylum. (Senate, Chapter 185, page 775)

"In relation to the officers and medical staff of Willard Insane Asylum, and to provide for the appointment of a committee for the discharge of patients in said asylum." (Senate, Chapter 190, p 776)

An Act To Confer Upon The State Charities Aid Association the Power to Visit, Inspect and Examine any of the State Charitable Institutions, County Poor-Houses and Town Poor-Houses and City Alms-Houses Within the State. Chapter 323, Laws of 1881. (Senate, Chapter 323, page 778)

“Act for the inspection of alien emigrants and their effects by the commissioners of emigration to ascertain who among them are paupers or otherwise liable to become public charges, and to retransport such emigrants.” (Senate, Chapter 427, page 780)

CODE OF CRIMINAL PROCEDURE, Chapter 442.

Section 239. “A grand juror may be challenged if a minor or insane.”

Section 375. “A trial juror may be challenged if a minor or insane.”

Sections 658 to 662. “Inquiry into insanity of the defendant before trial or after conviction. If found insane, defendant to be sent to State lunatic asylum at expense of county from which he was sent, but the county may recover such expenses from his estate or from a relative, town, city or county, bound to provide for him.” (Senate, Chapter 442, page 781)

Supply Bill. \$10,000 for Willard Insane Asylum. (Senate, Chapter 475, page 783)

“Amending chapter 460, Laws of 1879, to amend chapter 123, Laws 1854, promoting medical science. Governors and managers of hospitals may deliver bodies of deceased persons to professors of medical colleges for dissection in certain cases, if bodies are unclaimed, etc.” (Senate, Chapter 550, page 784)

“Amending chapter 482, Laws 1875, conferring on board of supervisors further powers of local legislation and administration. Supervisors authorized to purchase real estate for establishments for care of paupers, idiots, paupers incurably insane and other indigent persons, for whose support the county is responsible, and issue bonds for payment therefore.” (Senate, Chapter 573 page 784)

THE PENAL CODE, Chapter 676

Section 20. “An act done by an idiot, imbecile, lunatic or insane, is not a crime. A person cannot be tried or punished for a crime while in a state of idiocy, imbecility, insanity or lunacy, so as to be incapable of understanding the proceeding or making his defense.” (785)

Section 21. “But a person is not excused from criminal liability on such ground except upon proof that at time of committing the act, he did not know the nature and quality of the act or that he was doing wrong.” (785)

Section 377. “Unlawful confinement or unkind treatment or neglect of duty towards any idiot, lunatic or person under confinement a misdemeanor.” (788)

Section 445. “Maintaining private insane asylums without a license a misdemeanor.” (788)

1882 – Annual Appropriations Act. \$11,850 for Willard Insane Asylum. (Senate, Chapter 270, page 792)

“Supply bill. The officers of each State hospital, asylum, charitable or reformatory institution and the State Commissioner in Lunacy, the State Board of Charities and the State Board of Health shall render to the Comptroller, annually, a detailed, itemized account of all their several receipts and expenditures.” (794)

Annual Appropriations Act. \$13,800 for Willard Insane Asylum. (Senate, Chapter 362, page 794)

Section 2042. “Commissioners of emigration to inspect all foreign immigrants, to ascertain and arrest habitual criminals, paupers, incompetents or imbeciles or destitute deaf, dumb, blind or infirm or orphans or persons having infectious or contagious diseases.” (Senate, Chapter 410, page 807)

Section 2064. “All lunatic, idiotic, deaf, dumb, blind, maimed, infirm or sick indigent persons over sixty years, who are passengers on vessels arriving at port of New York, shall be cared for at expense of captains, owners or agents of the vessels under penalty of \$500 until delivered to commissioners of emigration.” (Senate, Chapter 410, page 807, 808)

1883 – “Amending chapter 446, Laws of 1874, revising and consolidating the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safekeeping and the duties of the State Commissioner in Lunacy.” (Senate, Chapter 193, page 810)

Annual Appropriations Act. \$11,850 for Willard Insane Asylum. (Senate, Chapter 243, page 810)

ARTICLE I. “Persons exempt from military duty. Section 6. Idiots, lunatics, paupers, vagabonds, habitual drunkards and persons convicted of infamous crimes.” (Senate, 813)

“Amending chapter 550, Laws of 1881, to amend chapter 460, Laws of 1879, which amends chapter 123, Laws of 1854, to promote medical science. It shall be lawful for officers of public hospitals and almshouses to deliver dead bodies to medical colleges for dissection under certain conditions herein named. Relatives however may claim bodies.” (Senate, Chapter 443, page 814)

Supply Bill. \$6,000 for Willard Insane Asylum. \$2,000 for the removal of infirm alien paupers. (Senate, Chapter 491, page 814)

1884 - Authorizing the trustees of Willard Insane Asylum to purchase a farm of 134 acres at a price not exceeding \$75 per acre. (Senate 1884, Chapter 27, page 816)

Annual Appropriations Act. \$13,500 for Willard Insane Asylum. (Senate, Chapter 550, page 827)

Supply Bill. \$3,000 for Willard Insane Asylum. (Senate, Chapter 550, page 827)

\$2,000 for the removal of infirm alien paupers. (Senate, Chapter 551, page 827)

“Concurrent resolution passed May 14, 1884, relating to the business and financial management of all the State charitable institutions. Attorney-General, Comptroller and President of State Board of Charities to devise plan for reorganization of business and financial management of all State charitable institutions and for a central purchasing agency and to report to next legislature.” (Senate, Chapter 551, page 828)

1885 - “Act making an appropriation of \$11,746 for certain extraordinary repairs and improvements at Willard Asylum for the Insane.” (Senate, Chapter 99, page 830)

“Act in relation to the discharge of patients from the Willard Insane Asylum on their recovery.” (Senate, Chapter 178, page 832)

Annual Appropriations Act. \$13,500 for Willard Insane Asylum. (Senate, Chapter 240, page 833)
Section 210. “The board of estimate and apportionment is authorized to appropriate from time to time all moneys derived from fines and penalties, and all license fees provided for in this act, to such

benevolent, charitable or insane institutions as may seem deserving by said board.” (Senate, Chapter 249, page 833)

Supply Bill. “The proper officers of each State hospital, asylum, charitable or reformatory institution, the State Commissioner in Lunacy, the State Board of Charities and the State Board of Health must render to the comptroller quarterly a detailed and itemized account of all receipts of expenditures with sub vouchers.” (Senate, Chapter 525, page 838)

1886 - “Amending chapter 446, title 5, Laws 1874, to revise and consolidate the statutes of the State, relating to the care and custody of the insane, the management of the asylums and the duties of State Commissioner in Lunacy.” (Senate, Chapter 27, page 839)

Appropriation of \$35,200 for completion of two buildings on grounds of Binghamton Asylum for Chronic Insane, provided to be erected by chapter 525, Laws 1885. (Senate 841)

Authorizing the trustees of Binghamton Asylum for the Chronic Insane to appoint additional assistant physician. (Senate, Chapter 215, page 841)

Authorizing the appointment of commissioners to locate an asylum for the insane in Northern New York. (Senate, Chapter 238, page 841)

Providing additional accommodations for the insane at the Hudson River State Hospital and to provide for the construction thereof. (Senate, Chapter 318, page 842)

Supply Bill. \$77,000 for Willard Asylum. (Senate, Chapter 330, page 843)

Annual Appropriations Act. \$13,500 for Willard Insane Asylum. (Senate, Chapter 413, page 845)

Name of the Western House of Refuge for Juvenile Delinquents or the House of Refuge for Juvenile Delinquents in Western New York changed to “The State Industrial School,” and relating to discipline and instruction therein and commitments thereto and making an appropriation therefor of \$10,000. (Senate, Chapter 539, page 846)

Act for the better preservation of the health of children in institutions. (Senate, Chapter 633, page 848)

1887 - Annual Appropriations Act. \$14,700 for Willard Insane Asylum. (Senate, Chapter 195, page 852)

1888 - Annual Appropriations Act. \$14,700 for Willard Insane Asylum. (Senate, Chapter 269, page 863)

Annual Supply Bill. \$43,375 for the Willard Insane Asylum. \$5,000 for the removal of in firm alien paupers. (Senate, Chapter 270, page 863)

1889 – “An act to establish and organize the “State Commission in Lunacy,” and to define its duties. \$15,000 appropriated to carry out the provisions of this act.” (Senate, Chapter 283, page 873)

“Empowering the trustees of Willard Insane Asylum to grant a right of way to the Geneva and Van Etenville Railroad Company through the lands of the State appurtenant to said asylum and under the charge and management of said trustees.” (Senate, Chapter 439, page 876,877)

Annual Appropriations Act. \$14,700 for Willard Insane Asylum. (Senate, Chapter 569, page 877)

Annual Supply Bill. \$30,000 for the Willard Insane Asylum. \$5,000 for the removal of in firm alien paupers. (Senate, Chapter 570, page 877)

1890 - Annual Appropriations Act. \$14,700 for Willard Insane Asylum. (Senate, Chapter 84, page 880)

“Changing the name of several State asylums for the insane. “The State Lunatic Asylum” to “The Utica State Hospital;” “The Willard Asylum for the Insane” to “The Willard State Hospital;” “The Hudson River State Hospital for the Insane” to “The Hudson River State Hospital;” “The Buffalo State Asylum for the Insane” to “The Buffalo State Hospital;” “The State Homoeopathic Asylum for the Insane at Middletown” to “The Middletown State Homoeopathic Hospital;” “The

Binghamton Asylum for the Insane” to “The Binghamton State Hospital;” and “The St. Lawrence Asylum for the Insane” to “The St. Lawrence State Hospital”

(Senate 1890, Chapter 132, page 882)

An Act to Provide for the Employment of a Woman Physician in the State Asylums and Hospitals. Chapter 243, Laws of 1890. *“The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. It shall be the duty of the superintendent or chief medical officer of each state asylum or hospital for the care and treatment of the insane, except the State Asylum for Insane Criminals, to appoint a competent resident woman physician, who is a graduate of some legally incorporated medical college to perform such medical duties in and about the care and treatment of the women insane, as such superintendent or chief medical officer shall direct.

Section 2. Each resident woman physician, so appointed, shall be in addition to the number of resident physicians and officers of the said state asylums or hospitals now employed, and shall receive as compensation an annual sum of twelve hundred dollars.

Section 3. This act shall take effect the first day of July, eighteen hundred and ninety.” (Senate, Chapter 243, page 884)

Amending, revising and consolidating certain acts relating to the State Commission in Lunacy and the care and custody of the insane and the management of asylums for their treatment and safe-keeping, as provided in chapter 446, Laws of 1874, and chapter 283, Laws of 1889, and repealing sections 9, 10 and 11 of chapter 342, Laws of 1865, and chapter 713, Laws of 1871. (Senate, Chapter 273, page 884)

Annual Supply Bill. \$25,000 for the Willard Insane Asylum. \$5,000 for the removal of infirm alien paupers. (Senate, Chapter 295, page 885)

1891 - Act to change the name of The Asylum for Idiots to the “Syracuse State Institution for Feeble-Minded Children.” (Senate, Chapter 51, page 889)

Making an appropriation of \$454,850 for the purpose of carrying into effect the provisions of chapter 126, Laws of 1890, relating to the State care of insane. Said sum to be apportioned by the board for the establishment of State insane asylum districts and for other purposes, in such a

manner as to provide accommodations in the following hospitals for not less than the number of patients named: At the Utica State Hospital, 150 patients. At the Hudson River State Hospital, 200 patients. At the Middletown State Homoeopathic Hospital, 200 patients. At the Buffalo State Hospital, 150 patients. At the Binghamton State Hospital, 127 patients. (Senate, Chapter 91, page 890)

Annual Appropriations Act. \$16,900 for the Willard State Hospital. (Senate 892)

An Act to Prohibit, Except on Conviction for Felony, the Commitment of Children Under Twelve Years of Age to the State Industrial School at Rochester or the House of Refuge on Randall's Island. Chapter 216, Laws of 1891. (Senate 893)

Annual Supply Bill. \$5,000 for the removal of infirm alien paupers. \$37,700 for Willard State Hospital. (Senate 894)

1892 - Annual Appropriations Act. \$16,900 for the Willard State Hospital. (Senate 902)

Providing for the appointment of a committee to locate an institution for epileptics in New York State. The commissioners of the State Board of Charities are directed to select a suitable site for said institution; \$1,500 appropriated for the expenses of the commission. (Senate, Chapter 503, page 905)

1893 - Appropriating \$104,621 for the purchase by the State of certain lands heretofore purchased by Oneida county, for the purpose of being used as a county asylum for the insane in city of Rome. (Senate, Chapter 43, page 914)

Amending chapter 278, Laws of 1881, authorizing such girls and women as are vagrants or convicted of misdemeanors as a first offense, to be sent to the Shelter for Homeless Women in the city of Syracuse, and to change the name of such corporation to The Shelter for Unprotected Girls. (Senate, Chapter 53, page 915)

Establishing the "Matteawan State Hospital." (Senate, Chapter 81, page 915)

Appropriating \$50,000 for the purchase by the State of certain lands heretofore purchased by Erie county in town of Collins, for the purpose of being used for a county asylum for the insane.

(Senate, Chapter 91, page 915)

Appropriating money for the care, medical treatment, clothing, support and transportation to State hospitals of the insane poor, under provisions of chapter 126, Laws 1890. (Senate, Chapter 214, page 917)

Act relative to committees of the property of lunatics, idiots or habitual drunkards and to provide for the presentation, proof and payment of claims against the estates of such persons, and accountings of such committees. (Senate, Chapter 697, page 929)

Annual Supply Bill. \$5,000 for the removal of infirm alien paupers. \$31, 350 for Willard State Hospital. (Senate 930)

1894 - Amending section 3 of chapter 438, Laws of 1884, to revise and consolidate the statutes of the State relating to the custody and care of indigent pauper children by orphan asylums and other charitable institutions. Institutions to keep record of children. (Senate, Chapter 54, page 932)

Annual Supply Bill. \$5,000 for the removal of infirm alien paupers. \$20,434 for Willard State Hospital. (Senate 937)

Establishing the "Craig Colony" for epileptics and making an appropriation of \$140,000 therefor, to be placed under the supervision of the State Board of Charities. (Senate, Chapter 363, page 938)

Amending chapter 348 of Laws of 1893, establishing an institution for the care and custody of unteachable idiots known as the "Rome State Custodial Asylum." (Senate, Chapter 382, page 938)

Appropriating money for the support of the insane under the provisions of chapters 126, Laws of 1890, and 214, Laws of 1893. A State tax of thirty-three one-hundredths of a mill to be imposed, beginning on October 1, 1894, on each dollar of real and personal property of the State, which is in aggregate a sum of 1,385,000, to pay the expenses of State hospitals, the Oneida State Custodial Asylum and the State Commission in Lunacy. (Senate, Chapter 383, page 938)

Providing for the compulsory education of children. (Senate, Chapter 671, page 944)

Establishing the “Collins Farm State Homeopathic Hospital for the Insane.” (Senate, Chapter 707, page 945)

1895 - To continue the “Thomas Asylum for Orphan and Destitute Indian Children” on the Cattaraugus reservation, and to provide for its management and maintenance. (Senate, Chapter 38, page 948)

Providing for the discharge of insane patients from State Hospitals, and to amend section 24, chapter 446, Laws 1874. (Senate, Chapter 172, page 948)

Act to protect human life by the erection of fire escapes on the outside of hospital buildings over two stories high and not fireproof. (Senate, Chapter 381, page 950)

Legitimatizing children whose parents marry after the birth of such children. (Senate, Chapter 531, page 953)

Act to protect public institutions of the State and the inmates of said buildings against destruction by fire. Stand pipes, hose, fire extinguishers and fire escapes to be provided. Use of lights and inflammable substances regulated. (Senate, Chapter 535, page 953)

A State tax of one mill on each dollar of real and personal property of the State shall be imposed for the fiscal year beginning on October 1, 1895, for the State Commission in Lunacy, for the maintenance of State hospitals, including salaries of those employed,... for the purchase of supplies and general maintenance of patients, etc. (Senate, Chapter 693, page 959)

1896 - Act to revise and consolidate the laws relating to the State Board of Charities; powers and duties defined. (Senate, Chapter 771, page 962)

Supply Bill. \$1,000 for Willard State Hospital. (Senate 966)

Converting the New York City Insane Asylum into a State Hospital to be known as the “Manhattan State Hospital.” (Senate, Chapter 2, page 968)

An Act in Relation to the Poor, Constituting Chapter 27 of the General Laws (The Poor Law), Chapter 225, Laws of 1896. (Senate, page 973)

Authorizing the sale of ale and beer upon the premises of the New York State Soldiers and Sailors’ Home of Bath, N.Y., and providing for the expenditure of the net proceeds therefrom. (Senate, Chapter 960, page 1063)

An Act to Provide for the Care of Aged, Decrepit and Mentally Enfeebled Persons who are Not Insane, Chapter 914, Laws of 1896. (Senate, page 1065)

Supplemental Supply Bill for Willard State Hospital, \$1,000 for the clergymen. (Senate, page 1067)

1897 - Appropriating \$4,500,000, a sum raised by State tax, for the support of the insane under the provisions of chapter 545, of Laws of 1896. (Senate, Chapter 460, page 1092)

1898 – The Military Code, constituting chapter 16 of the general laws: Section 1. Officers and assistants of hospitals, idiots, lunatics, paupers, vagabonds, habitual drunkards and persons convicted of infamous crimes to be exempt from military duty. (Senate, Chapter 212, page 1101)

Supplemental Supply Bill for Willard State Hospital, \$1,000 for the clergymen. (Senate, page 1107)

1899 - Amending the State charities law relating to licensing and regulation of dispensaries by the Board of Charities, Chapter 368, Laws of 1899. (Senate, page 1116)

Incorporating the “Salvation Army in the United States,” to establish and maintain, subject to the written approval of the State Board of Charities, when established in New York State, hospitals for the sick and convalescent, and homes for children, the aged and fallen women. (Senate, Chapter 468, page 1120)

Supply Bill. \$1,000 to Willard State Hospital. (Senate, Page 1121)

Amending chapter 182, Laws 1898, relative to government of cities of the second class. Section 227. Health physician to attend indigent sick who are certified as such and a proper charge upon the city by the poor officers. (Senate, Chapter 581, page 1123)

1900 - Making an appropriation of \$1,000,000 for buildings, repairs and improvements at the state hospitals for the insane. (Senate, Chapter 364, Page 1130)

An Act to Establish the New York State Hospital for the Care of Crippled and Deformed Children, Chapter 369, Laws of 1900. (Senate, page 1130)

Supply Bill. \$1,000 for the Willard State Hospital. (Senate, page 1143)” (57)

As late as 1912, poor children in orphan asylums were still being bound out as apprentices, clerks and servants, as long as the child had been “absolutely surrendered.” Boys were bound until age twenty-one and girls were bound until age eighteen.

“Every such child shall, when practicable, be bound out or apprenticed to persons of the same religious faith as the parents of such child. The indenture shall in such case be signed:

1. In the corporate name of such institution by the officer or officers thereof authorized by the directors to sign the corporate name to such instrument, and shall be sealed with the corporate seal;
2. By the master or employer.

Such indenture may also be signed by the child if over twelve years of age.” (58)

SOURCE: 57. Reprinted from Documents of The Senate of the State of New York, One Hundred and Twenty Seventh Session, 1904, Vol. XIV. No. 22, Part 4, Annual Report of the State Board of Charities for the Year 1903, In Three Volumes with Statistical Appendix to Volume One bound separately. Volume Three Charity Legislation in New York 1609 to 1900. Transmitted to the Legislature February 1, 1904. <<http://books.google.com/>>

SOURCE: 58. Reprinted from Documents of The Assembly of the State of New York, One Hundred and Thirty Sixth Session, 1913, Volume XXVII., No. 48, Part 1, Commissioner of Labor 1912, page 309. <<http://books.google.com/>>