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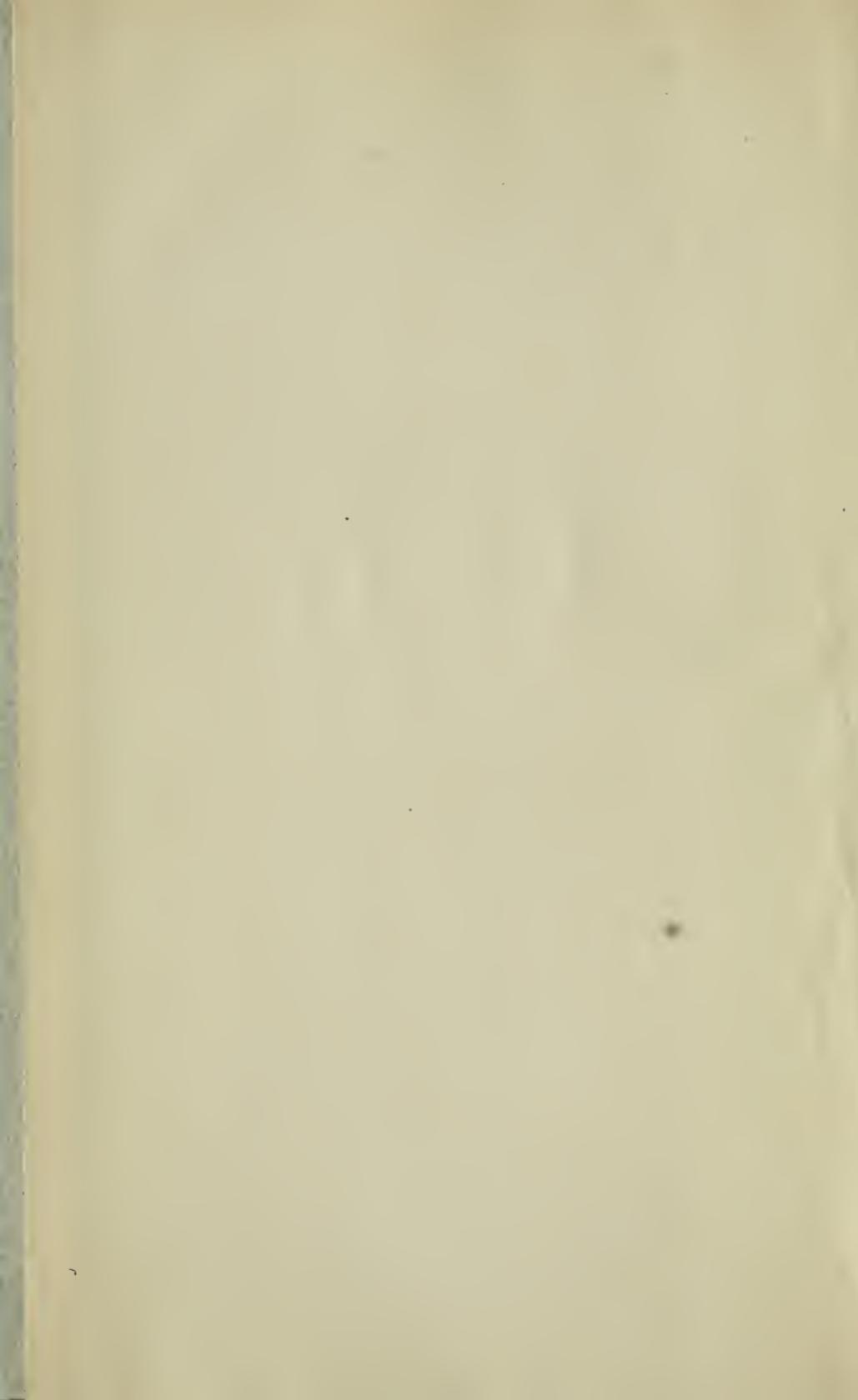
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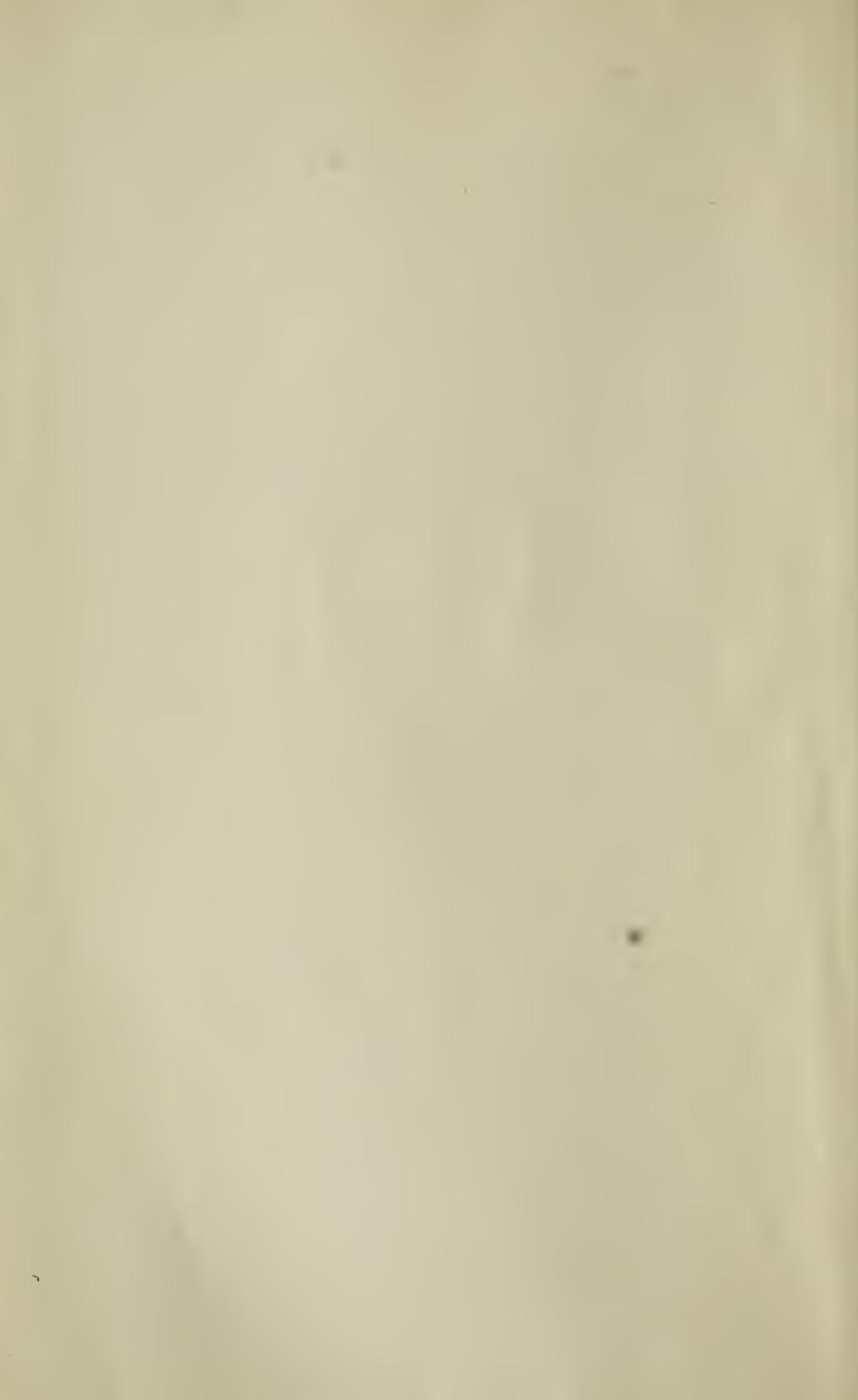
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APPENDIX

TO

Journals of Senate and Assembly,

OF THE

NINETEENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA.

Volume II.



SACRAMENTO:  
T. A. SPRINGER, STATE PRINTER.  
1872.

THE UNIVERSITY OF CALIFORNIA

BOUND BY F. FOSTER, SACRAMENTO.

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BIENNIAL REPORT

OF THE

Board of State Harbor Commissioners

FOR THE

TWO FISCAL YEARS ENDING JULY 1, 1871.

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D. W. GELWICKS.....STATE PRINTER

## R E P O R T .

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To His Excellency, H. H. HAIGHT,

Governor of the State of California :

The Board of State Harbor Commissioners have the honor to present herewith their biennial report for the period ending July first, eighteen hundred and seventy-one.

### SEA WALL.

In the last preceding report of this Board for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, there was submitted to your Excellency an extended statement of the object, progress and condition of the sea wall, together with the plan adopted for its construction.

The exhaustive report heretofore made to your Excellency by our predecessors, in which the completion of the sea wall is so strongly urged, and its vital importance to the commercial interests of the country and State so clearly demonstrated, leaves us comparatively little to say upon the subject, further than that we would unhesitatingly reiterate all that has been therein said in regard to the urgent necessity for the completion of the sea wall embankment, and respectfully refer you to that report.

At the time of the submission of the last, the third section of the sea wall—that is, the portion extending along East Street eleven hundred and eighty feet southerly from the termination of the second section, from the south side of Washington Street to a point fifty-two feet six inches north of the northerly line of Howard Street Wharf—was but partially finished. Since then the whole of said structure has been completed and accepted by the Board, in accordance with the report of its engineer, and paid for, the total cost for the entire work of eleven hundred and thirty feet being two hundred and seventy-one thousand two hundred dollars.

Since the completion of the section last above referred to, the Commissioners have been reluctantly driven to abandon the work upon the sea wall, the money in the Harbor Protection Fund provided for that purpose being exhausted, and the exigencies of other portions of the water front requiring the use of all moneys passed to the credit of the State Wharf and Dock Fund.

As you are no doubt aware, some portions of the sea wall have been constructed for over four years. The Board has caused the entire work to be carefully examined by the Engineer of the Board, who, it will be seen from the report submitted herewith, finds every part in perfect order, and well calculated to answer the purpose for which it was intended. With the exception of a slight settling, caused, no doubt, by the compacting of the material of which the embankment is formed, the Board is aware of no change in any part of the work since its completion.

#### DREDGING.

When the members of the present Board of State Harbor Commissioners entered upon the discharge of their duties, there was a contract with W. H. Taylor for dredging along the city front, at the rate of fifty cents per cubic yard. Upon the expiration of the time conditioned for said contract, which occurred on the fourth of September, eighteen hundred and seventy, the Board advertised anew for sealed proposals for dredging, and on the fourth of October four bids were opened in the presence of such bidders as were there. On the seventh of October the contract for dredging was awarded to A. Black, Esquire, he being the lowest bidder, for the sum of thirty-four cents per cubic yard, who thereupon executed the contract, gave good and sufficient bonds, in the sum of ten thousand dollars, for the faithful performance of the work, and entered upon its discharge, since which time one hundred and three thousand seven hundred cubic yards have been dredged, at a cost of thirty-five thousand two hundred and fifty-eight dollars, the whole amount paid for dredging since the last biennial report being one hundred and fifteen thousand three hundred and fifty-eight dollars.

In this connection the Board would respectfully call your Excellency's attention to the exorbitant prices which they have been heretofore compelled to pay for this kind of work, and feel that they cannot do so more forcibly than by adopting the language used by our predecessors on page six of the last report, which is as follows :

"The business in this harbor has hitherto been a practical monopoly. In all instances where any considerable amount of dredging has been required the Board have solicited proposals therefor by public advertisement. The number of bidders has never exceeded two, has seldom been but one, and the minimum price has been fifty cents per cubic yard. From careful estimates of actual cost by the Engineer of the sea wall, the Board are satisfied that the work can be done at a much smaller price and yield a fair profit. Undoubtedly the true policy of the State, under all ordinary circumstances, is to open all public work to private competition. But in this instance there is really no competition, and duty requires her to protect herself against exorbitant rates. They therefore recommend that authority be conferred upon them by legislative enactment to purchase or construct, as they may deem best, a dredging machine, together with a steam tug, necessary scows, and such other apparatus as may be required to perform their dredging. If this authority be discretionary it will probably have the effect to reduce prices to the basis of a fair profit; if it does not, the Board have no hesitation in saying that the State ownership of a machine will more than pay its cost during the coming year."

We may also state that we learn from the annual report of the De-

partment of Docks of New York, for the year ending April thirtieth, eighteen hundred and seventy-one, that the price paid for dredging in the harbor of New York is twenty cents per cubic yard, in currency. We also learn from this report that the cost of dredging machines in New York is about twenty-five thousand dollars (currency), and scows, four thousand two hundred and fifty dollars (currency).

#### NEW WHARVES.

On the twelfth of February, eighteen hundred and seventy, the Commissioners advertised for sealed proposals to supply materials and construct a wharf along the water front on the eastern half of East Street, from the south side of Commercial Street Wharf to the north side of Market Street Wharf, an average length of one hundred and eighty-eight feet; and from the south side of Market Street Wharf to the north side of LaRue's Wharf, an average length of ninety-four feet; and from the south side of LaRue's Wharf to the north side of Mission Street Wharf, an average length of three hundred and ninety-one feet; making in all a total distance of six hundred and thirty-seven feet. On the twenty-third of the same month the bids were opened in the presence of the respective bidders, and on the twenty-eighth the contract was awarded to John Swett, Esq., he agreeing to do the work for twelve thousand five hundred and twelve dollars and fifty cents; the lowest bid made; and on the thirty-first of March succeeding, Swett executed the contract therefor, giving good and sufficient bond in the sum of five thousand dollars, for the faithful performance of said work, and on the thirtieth of April following completed the same, in accordance with the plans and specifications, and was paid.

On the twenty-seventh of August, eighteen hundred and seventy, the Commissioners advertised for sealed proposals to furnish materials and build a wharf along the water front, on the eastern half of East Street, from the south side of Mission Street Wharf to the north side of Howard Street Wharf, a length of five hundred and fifty feet. On the eighth of September the bids were opened in the presence of the respective bidders, and on the thirteenth the contract awarded to W. H. Martin & Company, for twelve thousand two hundred dollars, they being the lowest bidders; bond given in the sum of five thousand dollars for the faithful performance of the work, and on the eighteenth of October following the work was completed and paid for.

On the expiration of the leases to Messrs. Sage and Edwards, of a portion of Front Street, and to Messrs. Green and Searles, of Battery and Greenwich Street Wharves, the Commissioners being convinced that the rents received were below the value of the property occupied by the respective parties, demanded an advance on same. Messrs. Green and Searles submitted to an agreed amount, while Messrs. Sage and Edwards refused to concede to any terms submitted by the Board. The Commissioners believing it would be remunerative, and beneficial to commerce and the State, that a wharf be constructed thereat, on the fourth of November, eighteen hundred and seventy, advertised for sealed proposals to supply materials and build a wharf along the water front, from a point commencing at the northerly line of Union Street, extending thence northerly to the northern line of Greenwich Street; thence westerly along the northern line of Greenwich Street to the westerly side of Battery Street, a distance of one thousand two hundred and twelve feet six inches from the point of beginning; thence southerly along Battery

Street a distance of two hundred and thirty-three feet. On the fifteenth of the same month the bids were opened in the presence of the respective bidders, and the contract for the work, on the twenty-fifth, awarded to W. H. Martin and Company, for the sum of twenty-two thousand seven hundred and fifty dollars, that being the lowest bid. On the second and ninth days of February two suits were commenced in the Twelfth District Court; the first by John Cowell, and the latter by Nicholas Luning et al., to enjoin the contractors from proceeding with the work. Both of these injunctions, upon argument, were dissolved by the Court, except as to that portion of the work contracted for inside of the red line of eighteen hundred and fifty-one, from which judgment the plaintiffs appealed. In consequence of the Court sustaining so much of the above injunction as applied to work on the inside of the red line, the Commissioners required the contractors to make reduction from the price originally agreed upon for the whole, in an amount proportioned to the work enjoined, which was done, and a deduction of three thousand eight hundred and thirty-eight dollars and twelve cents accordingly made.

Subsequently it was found necessary, by reason of the incomplete condition in which the work was left, and of the incorrectness of the soundings made in eighteen hundred and sixty-six, to brace and otherwise strengthen the structure, thus increasing its cost to twenty-two thousand two hundred and thirty-one dollars and fifty-three cents, which amount was fully paid.

#### PRESERVATION OF PILES FROM THE RAVAGES OF THE TEREDO NAVALES.

From the terrible ravages made by the *teredo navales*, or ship-worm, on the piles heretofore used in the construction of wharves, necessitating their renewal at least every three or four years, incurring a heavy outlay and much inconvenience, the Commissioners having carefully inspected piles on which their predecessors and others had experimented by subjecting them to the Robbins wood preserving process, and finding that the piles so treated showed no sign of decay or of having suffered from the ship-worm, on the twentieth of September, eighteen hundred and seventy, the Commissioners directed their Secretary to authorize the Pacific Wood Preserving Company to subject the piles proposed to be used in the superstructure on that portion of the sea wall between Mission and Howard Street Wharves, to their process for preservation of wood. Subsequently, the Board desiring to satisfy themselves fully as to the thoroughness of the treatment, instructed their engineer to make an examination of the piles subjected to the process. This he did by boring with a small augur to the heart of the pile, preserving the chips produced by such boring, and having the same subjected to a chemical analysis at the hand of Ezra S. Carr, Professor of Chemistry in the State University. A detailed account of Professor Carr's analysis is given in the following letter:

UNIVERSITY OF CALIFORNIA,  
OAKLAND, Nov. 5th, 1871. }

T. J. Arnold, Esq.:

DEAR SIR: I have carefully examined the specimens of wood you sent me, which have been subjected to the Robbins process, with the following result:

1st. A large portion of the soluble nitrogenous (albuminous) matter has been removed, thus diminishing the natural tendency of the wood to decay, and facilitating the penetration of the vapors from the coal tar.

2d. The coal tar vapors have penetrated from one to three and a half inches from the surface, their presence being decidedly indicated in some instances at the latter depth. The well known preservative character of these vapors, and the repugnance of that scourge of our harbors, the *teredo*, to them, indicate the value of the process when faithfully conducted.

Respectfully yours,

(Signed)

EZRA S. CARR.

It is yet too soon to form a positive opinion as to the value of the process, but the Board is encouraged to hope for the most favorable results.

The Board has been much embarrassed in the discharge of their duties by the anomalous condition of portions of the water front. Individuals owning lots on the water front covered by water, have constructed thereat wharves and docks and claimed the right to receive and ship goods over the same, and collect dockage from vessels.

It appears to the Commissioners that it was clearly the intention of the law to place the entire water front under the control of this Board; but this intention is not so clearly expressed in the law creating the Board as to place the matter beyond question, and parties have availed themselves of the fact to dispute the authority of the Board in some instances. Should such a construction be placed upon the law by the Courts as is contended for by interested parties, the action of the Board would not only be greatly embarrassed, but the interest of the State would be seriously effected. In this connection we call your Excellency's attention to an Act to provide for an open canal through Channel Street, in the City and County of San Francisco, more particularly to the proviso in said Act, which reads as follows: "*provided*, that nothing in this Act shall be construed as conferring any right or power on any person whatever to demand or collect tolls or wharfage."

Property owners in possession of lots along the line of said canal are daily receiving and shipping a large amount of merchandise, and owing to the interpretation of said proviso, but in violation of the Act organizing this Board, are collecting dockage, wharfage and tolls, as they assert, for the use of their property on the line of said canal, and denying the authority of the Board to interfere with them.

We would therefore respectfully suggest that such legislative action be had as would remove all doubts and ambiguity on this subject, placing the entire water front under the control of the Board.

#### TRANS-CONTINENTAL RAILROAD.

The building of a railroad across the continent, which has been completed since the last biennial report was submitted, has necessarily decreased the revenue before that time received by this Board. Large quantities of freight, for which there were originally no facilities for transportation save by water, are daily deposited by the various railroads terminating there, and a deficiency in the receipts of the water front, in proportion to the quantity of freight thus brought by the railroads, has been consequently experienced.

This falling off of freight hitherto landed has lessened the value of

leasehold property along the line of the water front, and necessitated a corresponding reduction in the rents hitherto charged.

The Commissioners are in peaceable possession of all the wharves along the city front, except that portion between Third and Fourth Streets, along the line of the canal through Channel Street.

They have not made any new leases for a term of years, being satisfied that it is not for the interest of the State so to do. Wharves in the hands of private parties compete with those under the control of the Board, and if profitable to the lessees must divert a part of the revenue from its legitimate purpose. Besides, owing to the great falling off in the revenue of the water front, it has become apparent that the bulkhead or sea wall cannot be constructed within any reasonable time from the proceeds of the water front, as contemplated by the present laws. This fact, it is believed, will induce the Legislature to devise some other plan to provide the funds necessary to insure its early completion. The Board therefore deem it advisable to keep the wharves, dock, etc., as far as practicable under their immediate control, so that the Legislature may not be embarrassed in their action.

In December last the Board adopted important changes in the rates of dockage, wharfage and tolls. Owing to the fact that in the old schedule tolls were levied, not upon the goods themselves, but upon the vehicles in which they were moved, the rate of tolls were not only uncertain, but in many instances very unequal, while the dockage charged upon vessels was considered oppressive. The schedule adopted by the Board, as will be seen by comparison with the former rates, reduced the dockage upon vessels from twenty to twenty-five per cent., and made the tolls chargeable upon the merchandise per ton, at a lower rate than previously established. The schedule also discriminates in favor of a few articles of home production.

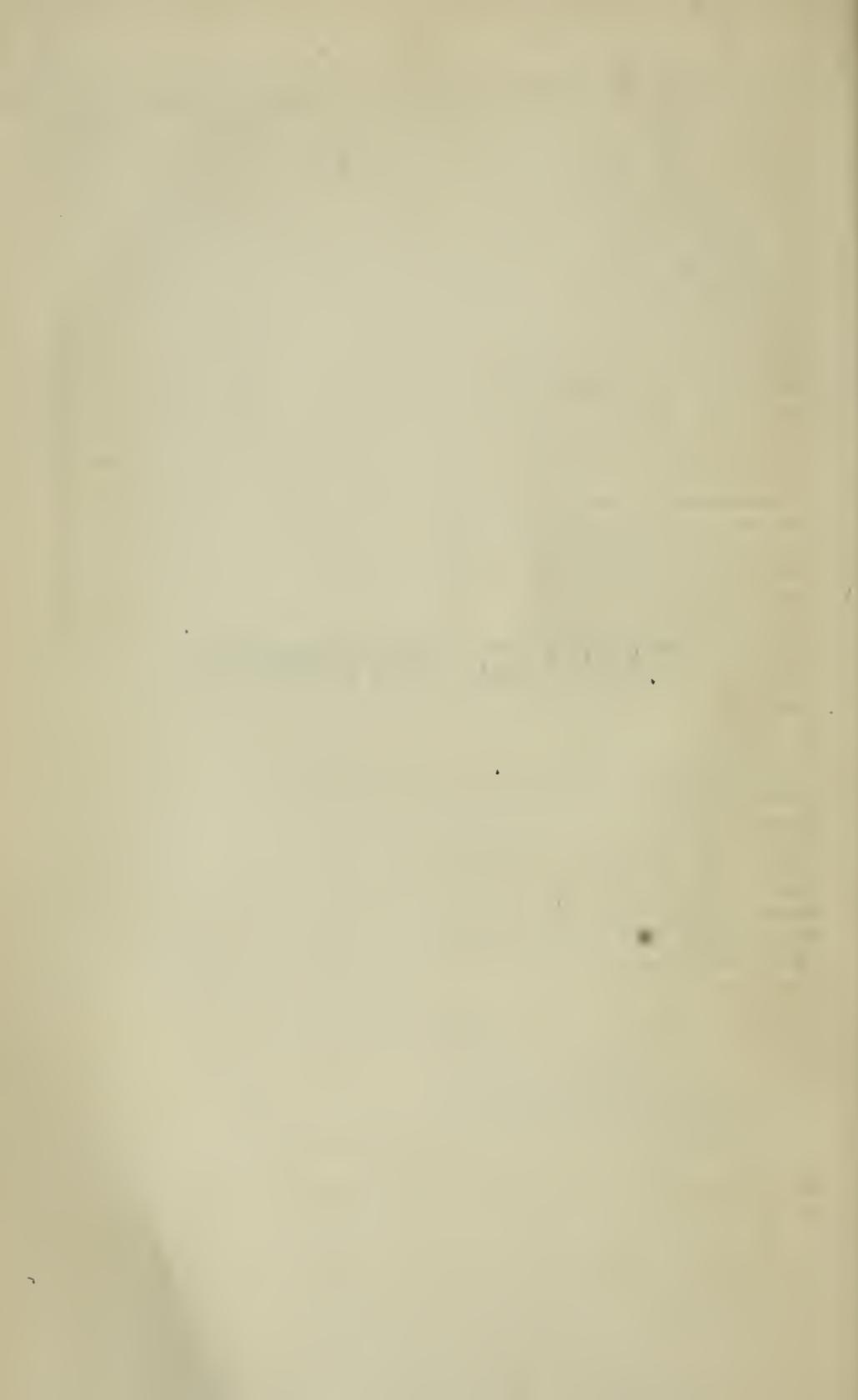
At the time these reductions were made, the Board were of opinion that they had no power under the law to make greater changes. They are satisfied, however, that in time a further reduction will be desirable, and the power of the Board should be extended so as to authorize said reduction, when compatible with the interests of commerce.

In conclusion, the Commissioners would respectfully call your attention to the accompanying reports of Mr. T. J. Arnold, Engineer, and the Hon. Thomas P. Ryan, special counsel of the Board; also, the annexed financial statement, exhibiting a full report of the receipts and disbursements of this office from the date of the last biennial report to July first, eighteen hundred and seventy-one.

Respectfully submitted,

JOHN J. MARKS,  
JASPER O'FARRELL,  
WASHINGTON BARTLETT.

# TABULAR STATEMENT.



## RECEIPTS

*From November 3d, 1869, to July 1st, 1871.*

Front Street Wharf (north of Union).....	\$543 75
Vallejo Street Wharf.....	33,434 19
Pacific Street Wharf.....	32,599 65
Jackson Street Wharf.....	13,735 45
Washington Street Wharf.....	10,738 00
Clay Street Wharf.....	16,158 95
Commercial Street Wharf.....	13,881 47
Market Street Wharf.....	20,764 20
LaRue's Wharf.....	10,525 65
Mission Street Wharf.....	23,605 85
Howard Street Wharf.....	19,485 00
East Street (Mission to Folsom).....	2,981 63
East Street (Market to Mission).....	1,728 26
East Street (Mission to Folsom).....	15,864 54
Spear and Bryant Streets.....	9,030 00
Pacific Mail Steamship Company.....	26,000 00
Dry Dock Company (Union Lumber Association).....	5,700 00
Main Street Wharf.....	2,100 00
Front Street (portion of).....	1,540 00
Stuart Street (portion of).....	1,900 00
Broadway Wharf.....	25,000 00
Vallejo Street Wharf (Davis to Front).....	5,700 00
Battery and Greenwich Streets.....	3,450 00
North Point Wharf.....	10,800 00
Second and Berry Streets.....	4,000 00
Western Pacific Railroad Company.....	16,100 00
Front Street Wharf (portion of).....	22,000 00
Alameda Ferry Company.....	2,000 00
Montgomery and Francisco Streets.....	2,825 00
Davis Street (portion of).....	340 00
Merchants' Dry Dock.....	1,500 00
East Street (Market to Pacific).....	7,750 00
Folsom Street Wharf.....	31,250 00
Channel Street.....	535 00
Total revenue from wharves.....	\$401,566 59
SAN FRANCISCO HARBOR PROTECTION FUND.	
Amount drawn by Commissioners, as per Orders Nos. 26 to 33, inclusive.....	165,892 70
Carried forward.....	\$567,459 29

## RECEIPTS—Continued.

Brought forward.....	\$567,459 29
STATE WHARF AND DOCK FUND.	
Amount drawn by Commissioners, as per Orders Nos. 54 to 73, inclusive.....	172,217 36
SAN FRANCISCO HARBOR PROTECTION FUND.	
Amount of loss on Legal Tenders sold by State Controller as per Act of the Legislature, approved January 25th, 1870. ....	8,475 00
Total.....	\$748,151 65

## DISBURSEMENTS

*From November 3d, 1869, to July 1st, 1871.*

URGENT REPAIRS.	
Amount disbursed for repairs on various wharves, demanded by immediate necessity.....	\$32,378 99
CLEANING WHARVES.	
Amount paid, salaries of sweepers and hauling rubbish from wharves.....	12,210 00
DREDGING ACCOUNT.	
Amount paid for dredging, as per sundry contracts .....	115,358 00
EXPENSE ACCOUNT.	
Amount paid for rent of office, books and stationery, printing and advertising, etc.....	7,697 80
CURRENT EXPENSES OF WHARVES.	
Amount paid salaries of Wharfingers and Collectors .....	39,762 50
EXPENSES OF WHARVES.	
Amount of loss on Legal Tenders sold by the State Controller, as per Act of the Legislature, approved January 25th, 1870.....	8,475 00
LEGAL COUNSEL.	
Amount paid salary of counsel to Board.....	5,000 00
SALARY ACCOUNT.	
Amount paid salaries of Commissioners and Secretary.....	20,933 33
LEGAL EXPENSES.	
Amount paid expenses in connection with litigation.....	196 75
SEA WALL ACCOUNT.	
Amount paid contractors and salary of Engineers.....	172,559 35
Carried forward.....	<u>\$333,579 93</u>

## DISBURSEMENTS—Continued.

Brought forward.....	\$333,579 93
CONSTRUCTION ACCOUNT.	
Amount paid for building new wharves .....	56,859 36
HARBOR PROTECTION FUND.	
Amount remitted to State Treasurer.. .....	48,524 39
STATE WHARF AND DOCK FUND.	
Amount remitted to State Treasurer.....	228,196 18
Total.....	\$748,151 65

RATES OF DOCKAGE, WHARFAGE AND TOLLS FOR THE  
PORT OF SAN FRANCISCO.

*Established by the Board of State Harbor Commissioners, December 1st, 1870.*

DOCKAGE.

Vessels under 10 tons, per day .....	\$1 00
Vessels 10 tons and under 25 tons, per day .....	1 50
Vessels 25 tons and under 50 tons, per day .....	2 50
Vessels 50 tons and under 75 tons, per day .....	3 00
Vessels 75 tons and under 100 tons, per day.....	4 00
Vessels 100 tons and under 150 tons, per day.....	6 00
Vessels 150 tons and under 200 tons, per day.....	8 00
Vessels 200 tons and under 250 tons, per day.....	10 00
Vessels 250 tons and under 300 tons, per day.....	12 00
Vessels 300 tons and under 400 tons, per day.....	14 00
Vessels 400 tons and under 500 tons, per day .....	16 00
Vessels 500 tons and under 600 tons, per day.....	17 00
Vessels 600 tons and under 700 tons, per day.....	19 00
Vessels 700 tons and under 800 tons, per day.....	21 00
Vessels 800 tons and under 900 tons, per day.....	22 00
Vessels 900 tons and under 1,000 tons, per day .....	23 00
Vessels 1,000 tons and under 1,100 tons, per day .....	25 00
Vessels 1,100 tons and under 1,200 tons, per day.....	27 00
Vessels 1,200 tons and under 1,300 tons, per day.....	29 00
Vessels 1,300 tons and under 1,400 tons, per day.....	31 00
Vessels 1,400 tons and under 1,500 tons, per day.....	33 00
Vessels 1,500 tons and under 1,600 tons, per day.....	35 00
Vessels 1,600 tons and under 1,700 tons, per day.....	37 00
Vessels 1,700 tons and under 1,800 tons, per day.....	39 00
Vessels 1,800 tons and under 1,900 tons, per day.....	42 00
Vessels 1,900 tons and under 2,000 tons, per day.....	45 00
Vessels 2,000 tons and under 2,200 tons, per day.....	47 00
Vessels 2,200 tons and under 2,500 tons, per day.....	50 00
Vessels 2,500 tons and over, in proportion.	
Vessels loading and ballasting, half the above rates.	
Vessels in outside berths or slips, loading or discharging cargo, half rates of dockage.	

## TOLLS.

Vehicles drawn by one or more animals.....	25 cents each
Loads, when in excess of two tons, 12½ cents additional for each ton or part thereof, except grain, flour, potatoes and other vegetables, when in excess of two tons, 10 cents additional for each ton or part thereof.	
Loads of lumber, when hauled on the wharves, of 2,000 feet or less .....	25 cents each
Loads, when in excess of 2,000 feet, 10 cents additional for each 1,000 feet or part thereof.	
Extra vehicles.....	25 cents each
Cattle or horses for transportation.....	10 cents each
Sheep or hogs .....	3 cents each
Handcarts.....	10 cents each

## WHARFAGE.

The following articles, when landed upon the wharf and remaining for a period not exceeding one week, shall pay wharfage as follows:

Wood, per cord.....	25 cents
Lumber, per thousand feet.....	20 cents
Bricks, per thousand.....	20 cents
Coal, per ton.....	20 cents
Stone, iron and general merchandise, per ton.....	12½ cents

Hay, when landed on any wharf, and remaining there for a period not exceeding forty-eight hours, shall pay wharfage at the rate of twenty cents per ton, and the same rate for every additional twenty-four hours or fractional part thereof.

Lumber re-shipped from the wharves into lighters or other vessels shall pay ten cents per thousand feet.

Lumber loaded into or discharged from vessels lying in a slip or upon the water front shall pay ten cents per thousand feet

All goods landed upon the wharf and taken from thence in lighters or other vessels shall pay twelve and one-half cents per ton wharfage.

All goods received or discharged by vessels lying along side of the wharf, or in slips, from or into lighters or other vessels, shall pay ten cents per ton wharfage.

## RULES AND REGULATIONS.

Dockage to commence upon vessels making fast to the wharf, and to conclude when she hauls out—the days of hauling in and out to be counted as one day. No allowance to be made for Sundays, holidays, ballast days or rainy days.

Vessels shall rig in jib, flying-jib and spanker booms, when required by the wharfinger, and shall also haul or change berths at their own expense, by his direction.

No merchandise will be allowed to remain upon the wharf over night without permission of the wharfinger, and then only at the risk of the owner.

All goods remaining on the wharf after the owner or consignee has been notified to remove the same, will be removed by the wharfinger at the expense of the owner.

All goods, wares and merchandise shall be charged by weight or measurement, according to custom. Two thousand pounds shall constitute a ton, except coal, iron and stone.

No load exceeding five tons shall be admitted on or off the wharves, except single packages.

Parties holding portions of the water front under lease from the Board of State Harbor Commissioners are obligated to charge and collect the above rates.



REPORT OF THOS. J. ARNOLD,  
ENGINEER OF SEA WALL.



# REPORT.

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ENGINEER'S OFFICE,  
BOARD OF STATE HARBOR COMMISSIONERS, }  
SAN FRANCISCO, July 8th, 1871. }

*To the Hons. John J. Marks, Jasper O'Farrell and Washington Bartlett,  
State Harbor Commissioners :*

GENTLEMEN: It becomes my duty at this time to submit to you a report of the work that has been accomplished on the water front of this city during the period I have had the honor of being Engineer of the sea wall, and to inform you of the condition and requirements of so much of that work as you have committed to my charge.

At the time I was appointed Engineer (May seventeenth, eighteen hundred and seventy), Mr. J. P. Pierce, under a contract with your honorable Board, dated May sixth, eighteen hundred and sixty-nine, was engaged in the construction of a section of the sea wall embankment between Mission and Howard Streets. Mr. Pierce's contract was completed and his work accepted August nineteenth, eighteen hundred and seventy, since which date, owing to the exhaustion of the fund appropriated for that purpose, all work on the sea wall has been suspended.

The total length of embankment authorized by statute to be constructed is eight thousand three hundred and thirty-seven feet; of this amount, three thousand two hundred and fifty-two feet having been completed, there remains a length of five thousand and eighty-five feet yet to be constructed.

During the past year I have devoted much time to the careful study of the practical workings of the plan adopted by the Board for the improvement of the water front, and although sufficient time has not elapsed to set at rest all questions of detail connected with its execution, I am convinced beyond a doubt of its entire success, and am prepared to indorse fully the following statement made by the Board of State Harbor Commissioners in their biennial report for the two years ending November third, eighteen hundred and sixty-nine:

"More than two years have elapsed since its execution was commenced, and the Board have now the satisfaction of saying that, modified by an abandonment of so much of it as pertains to superstructure,

it has justified their most sanguine expectations, and in their judgment has proved a complete success. A wall of loose rock, impervious to the action of either air or water, made solid by constant settling and packing (for it is almost conclusive, from experiments, that the embankment forces itself vertically through the mud to solid earth), seventy-five feet wide at the bottom and half that width at the top, protected from all inward pressure, at a depth of twenty feet below mean low tide, by a mass of earth reaching a mile or more beyond the wall, is, in the opinion of the Board, as substantial a structure as is required. No portion of the wall has moved a hair from its original base, and it seems as permanent a barrier against either inside or outside pressure as solid masonry would be."

The slight settlement of the embankment which has occurred during the last year (from one to three inches), is due to the mass of material becoming more dense and compact, and will continue, possibly, for a considerable length of time.

I have not been able to discover any lateral movement of the embankment.

#### NEW WHARVES.

A new wharf, seventy-five feet wide, has been constructed along East Street, from the southerly line of Mission Street to the northerly line of Howard Street, a distance of five hundred and fifty feet. The piles used in this structure were subjected to the Robbins preserving process, the value of which treatment as a protection against the attacks of the ship worm having, it is believed, been fully established. The wharf is, in all respects, a substantial and first class structure.

Another new wharf, fifty feet wide and one thousand one hundred and thirty-seven and a half feet long, has been built along the water front, extending from the northerly line of Union Street to the northerly line of Greenwich Street, and thence westerly to a point seventy-five feet easterly of the westerly line of Battery Street.

In consideration of the fact that the sea wall will probably be constructed at an early day, over the ground occupied by this last named wharf, it was deemed inadvisable to incur the expense of preserving the piles, and in other respects the work was done at the smallest possible expense to the State. Should the building of the sea wall by any cause be delayed, it will be necessary to widen the wharf to seventy-five feet to accommodate the business which the locality is attracting to it.

#### URGENT REPAIRS.

Owing to the age and faulty construction of some of the wharves originally built by private parties, but now under the control of the Board, the expenditures for urgent repairs have been unexpectedly large. It has been found necessary to raise, and in part re-build, portions of LaRue's and Pacific Street Wharves, and to substitute new plank and new timbers in several of the older ones. In making these repairs, under your instructions, the strictest economy has been observed. Before the ensuing winter, however, it will be found indispensable to renew the superstructure of Clay Street Wharf and parts of LaRue's, Pacific, Jackson and Commercial Street Wharves. A number of new piles will also be required at the above named wharves.

## DREDGING.

During the past twelve months two slips and two berths have been partially dredged out, viz: the slip between LaRue's and Mission Street Wharves, that between Jackson and Clay Streets, and two berths at Vallejo Street Wharf.

The price now paid for dredging is thirty-four cents per cubic yard; being a reduction of sixteen cents per cubic yard from prices previously paid for similar work.

The large amount of mud which has collected in the slips and along the wharves will soon have to be removed to render them accessible to shipping, and the expenditure for this purpose during the ensuing year must be very considerable. Dredging affords only temporary relief, and unless some means can be devised to prevent the rapid accumulation of sediment adjacent to the city front, it will be necessary hereafter to reserve a large fund to keep the wharves open to shipping.

The gravity of the evil demands serious consideration.

The primary cause of the deposit of mud at the points above named is, without doubt, the configuration of the water front as fixed by the Act of eighteen hundred and fifty-one, by which it is made to conform to the lines of certain streets, some of which form right angles with the general direction of the tidal currents. The controlling idea evidently was to locate the water front solely with reference to street lines. As now established, it is in complete harmony with the system of streets, but as improvements are made upon it the flow of the water is diverted from its course into the angles, the current is checked and a large proportion of the sediment and mud held in suspension is deposited. On the exposed angles, and at the ends of the wharves where the tide has uninterrupted sweep, we find deep water, while at the inner angles it is only by dredging repeatedly that sufficient water can be obtained to float a vessel of ordinary draught.

The wharves, as now located and constructed, also impede the flow of the water, and contribute largely to this result. They are built upon arbitrary lines, without regard to the direction of the currents; the supporting piles are placed ten feet apart, and crossing the current diagonally, as some of them do, they present a serious obstruction to the flow of the water.

It was expected that the sea wall would prevent the encroachment of mud from the shore, and relieve the harbor from the inroads which threatened to impair its capacity and usefulness. That it will, when completed, be an effectual barrier against the intrusion of mud from that source there can be no doubt, but the great mud flats extending north and south of the city, and the vast amount of sediment constantly being discharged into the bay will continue to yield a full supply of material to the "traps" along the water front, and furnish unceasing work for the dredger.

The first, and perhaps only complete remedy that suggests itself, is to modify the line of the water front so that it shall conform to the general direction of the currents of the bay. The exact location of the new line could only be determined by a careful survey, but it is evident that it would not be changed materially along that portion of the water front between Pacific and Howard Streets, where the sea wall has been completed. It should be changed, however, between Vallejo and Union Streets, and the amount paid for constructing that portion of the sea wall, sixty-seven thousand dollars, would be lost to the State.

The above remarks are the result of careful observation, and are submitted to your honorable Board from a purely engineering stand-point. Of the legal difficulties that may be encountered in any attempt to change the water front; of the effect of such action on proprietary rights, and of its policy as a public measure, I do not venture to express an opinion, but I do desire to state my conviction that, in fixing the line of the water front where it is now located, a serious blunder was committed, and that so long as the error remains uncorrected the dredging of the slips will be a burdensome tax upon commerce and upon the people of the State.

If from any cause the error is found to be irremediable, the question as to the best method of mitigating the evil will demand serious consideration.

An Act of the Legislature, passed March fifth, eighteen hundred and sixty-four, requires that all wharves thereafter to be constructed should be built upon the extension of the streets terminating on the water front, and that they should not extend more than six hundred feet into the bay. The streets south of Market Street are five hundred and fifty feet apart, and in order to obtain sufficient accommodation for shipping, and for other reasons, the wharves on Market, Mission and Howard Streets are six hundred feet long. The mud is deposited from the sea wall to the extreme end of these wharves, and accordingly in each slip there is an area of six hundred by five hundred and fifty feet that requires dredging. If these wharves were reduced in length to three hundred feet, and a new wharf of the same length were built in the center of each slip, the same accommodation for shipping would be obtained and the area to be dredged would be reduced just one-half. The amount of dredging could be further reduced by constructing the wharves on a different plan from that now in use. They should be located upon lines running either in the same direction or at right angles to the general course of the currents. In the latter case, when practicable, they should start from the outer angles of the water front, and the superstructure should rest upon pile piers, placed thirty feet apart. The necessary strength could be obtained by means of trussed beams, and the amount of surface exposed to the water would be greatly reduced.

I would respectfully suggest that the Board apply for the necessary legislation to enable them to construct wharves at such points and upon such lines as in their judgment the interests of the harbor and the requirements of commerce may demand.

The following is a summary of the amounts expended during the last fourteen months for the several items above enumerated :

For completing section of sea wall, including amounts previously reserved.....	\$68,011 84
Wharf on East Street, between Mission and Howard Streets.....	14,001 00
Wharf on water front, between Union and Battery Streets...	22,231 53
Urgent repairs.....	20,864 92
Dredging.....	63,793 00
Total.....	\$193,902 29

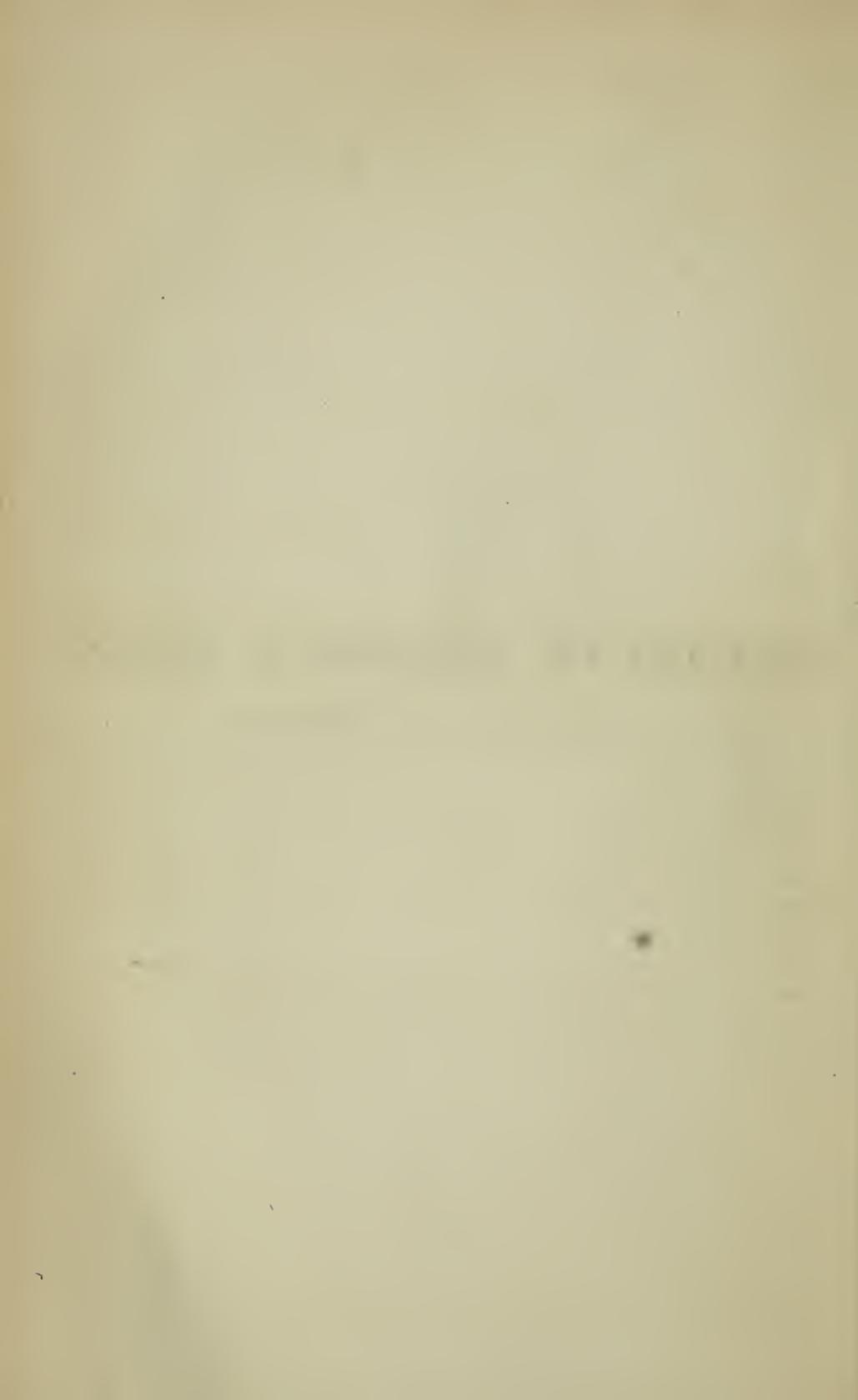
Before closing this report I desire to acknowledge my indebtedness to Commissioner O'Farrell for many valuable hints and suggestions drawn from his long experience as a Civil Engineer, and to Commissioners Marks and Bartlett, for the uniform courtesy and support they have extended to me in the discharge of my official duties.

Respectfully submitted,

T. J. ARNOLD,  
Engineer Sea Wall.



REPORT OF THOMAS P. RYAN,  
SPECIAL COUNSEL.



# REPORT.

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SAN FRANCISCO, July, 1871.

*To the Board of State Harbor Commissioners :*

GENTLEMEN : Since the last biennial report the following new suits have been commenced, viz : John Cowell vs. W. H. Martin et al., in the Twelfth District Court, in and for the City and County of San Francisco.

This was an action brought to enjoin defendants, contractors under the Board of State Harbor Commissioners, from driving piles along the water front of the harbor of said city and county, in front of the property claimed by plaintiff.

And also the suit of Nicholas Luning et al. vs. W. H. Martin et al., contractors under the Board, in the Twelfth District Court, which was a suit of the same nature as the preceding one.

Upon argument the injunction in each of these cases was virtually dissolved, the Court so far modifying them as to permit the said contractors (defendants in each of the above entitled actions) to complete the work along said water front outside the red line of eighteen hundred and fifty-one.

From the order modifying the injunction in each of the above entitled cases the plaintiffs therein respectively have appealed to the Supreme Court, and said appeals are still undetermined.

In the case of *The People of the State of California vs. John G. Klumpke et al.*, in the Supreme Court, in which the judgment of the Court below in favor of *The People* was affirmed, upon petition of defendants a rehearing was granted, the case was reargued and a new trial ordered.

In the case of *Adolph Weber vs. The Board of State Harbor Commissioners et al.*, in the Circuit Court of the United States, in relation to property on the water front, between Market and Commercial Streets, in this city, judgment was rendered in favor of defendants in said Circuit Court, from which judgment plaintiffs appealed to the Supreme Court of the United States. The briefs of counsel on both sides have been forwarded to Washington, and a decision affirming the decree of the said Circuit Court is confidently expected at an early day.

In the cases of *The People vs. Steamers Moses Taylor and America*,

two actions similar in character, began and prosecuted with success in the State Courts, and appealed thence to the Supreme Court of the United States by defendant, the appeals have since been dismissed.

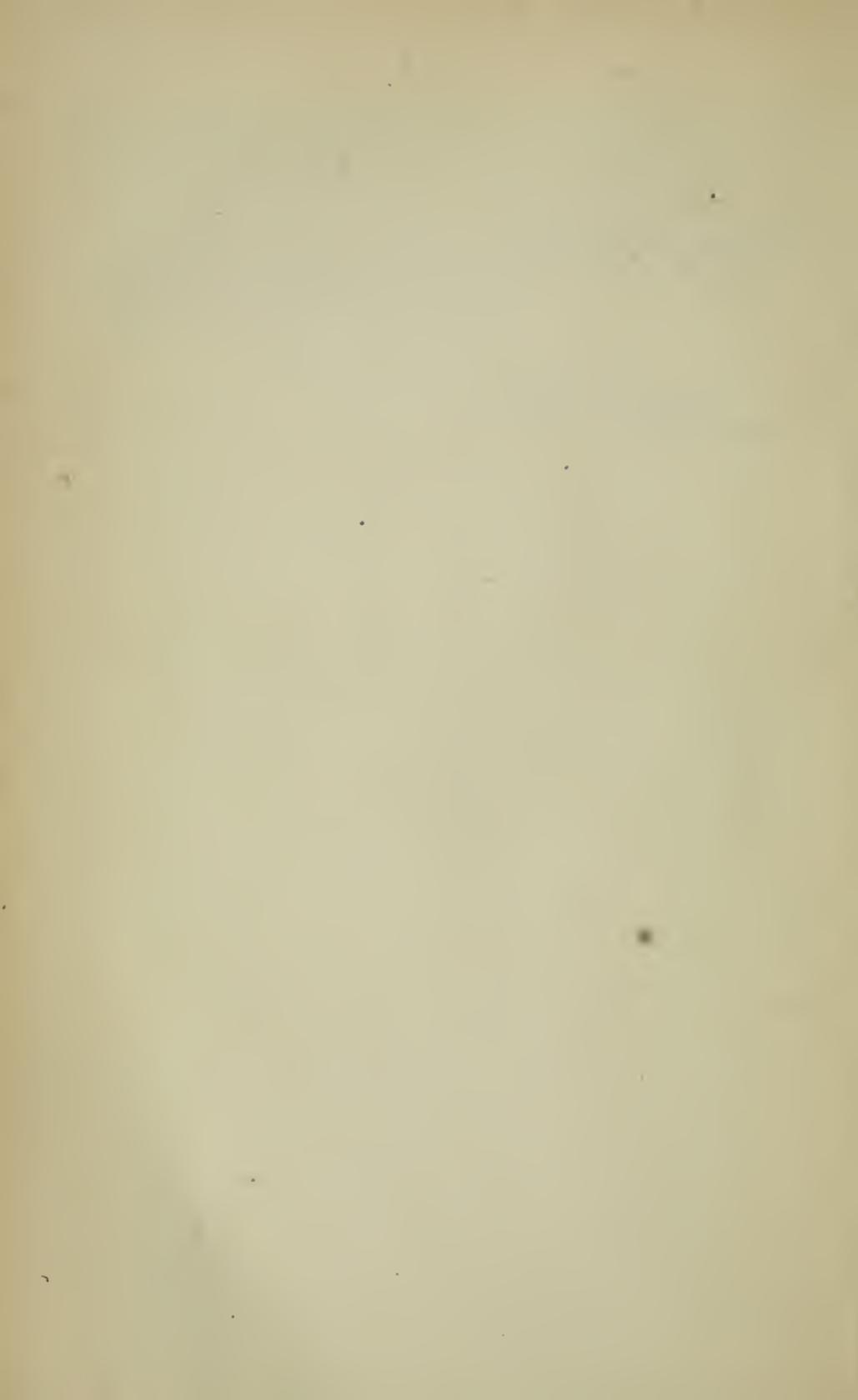
Within the last few days James D. Walker has commenced suit in the Circuit Court of the United States vs. The Board of State Harbor Commissioners, to recover the possession of certain water front property, two hundred and twelve and a half by two hundred and seventy-five feet, in the vicinity of Francisco and Montgomery Streets, and five thousand dollars damages for the detention of the same.

Having nothing further to communicate,

I am, very respectfully, yours, etc.,

THOMAS P. RYAN,  
Special Counsel.





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REPORT

OF THE

Commissioners of Fisheries

OF THE

STATE OF CALIFORNIA,

FOR

THE YEARS 1870 AND 1871.

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T. A. SPRINGER.....STATE PRINTER.

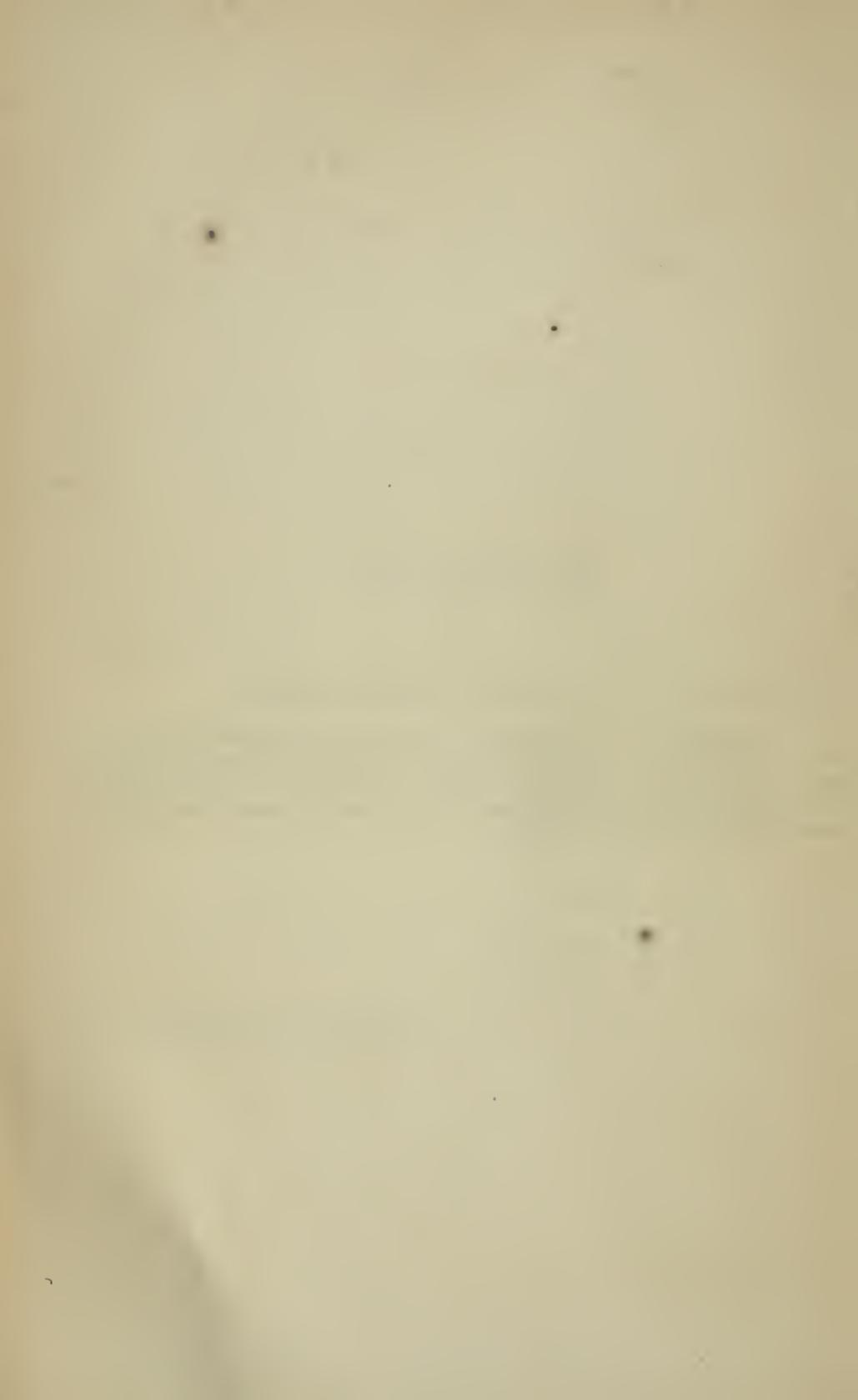
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# REPORT.

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To His Excellency, H. H. HAIGHT, Governor of California:

The Commissioners of Fisheries for the State of California, appointed under an Act of the Legislature, entitled "An Act to provide for the restoration and preservation of fish in the waters of this State," approved April second, eighteen hundred and seventy, respectfully submit their first biennial report.



## REPORT.

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California has a seacoast extending through ten degrees of latitude, and a shore line of nearly eight hundred miles. The Coast Range of mountains, which adjoins the coast line for the greater part of this distance, creates by its western watershed nearly one hundred streams and rivers emptying into the Pacific Ocean. These streams and rivers vary from twenty to sixty miles in length. The drainage of the western slope of the Sierra Nevada, through seven degrees of latitude, forms several hundred streams, whose united waters make the Sacramento and San Joaquin Rivers—the first navigable for a distance of one hundred and eighty miles, and the last navigable one hundred miles from the ocean. The waters from the eastern slope of the Sierra Nevada flow into brackish and salt lakes, in the State of Nevada, having no outlet into the ocean. Pyramid, the largest of these lakes, receiving the waters of the Truckee River, is forty miles long and twenty miles wide. The inland bays and fresh water lakes of California cover more than six hundred and fifty square miles—an area half as large as the State of Rhode Island.

These few statistics are given that it may be clearly understood how extensive is the field over which, under the law, the Board is expected to prevent the wanton destruction of fish and required to compel the owners of dams to permit the free passage of fish to their native spawning beds. When it is further understood that the members of the Board neither receive nor expect compensation for their services other than the satisfaction of doing something towards the preservation of the fish now in our waters and adding to the food supply of the people by the introduction of new varieties, it will be acknowledged that if but a beginning has been made in this work, at least public attention has been called to the importance of the subject. If a few men of intelligence, living on the banks of each bay, river, and lake, will inform themselves of what has been done in other States and countries for the propagation and preservation of fish, they will create a public opinion that will cause the enactment of proper laws and compel their enforcement. The result will be that after a few years our river fisheries will be largely increased, giving employment to a large number of men, and furnishing a cheap supply of nutritious food to many more people.

## FISH WAYS.

The most important means for the preservation of the fish now in our rivers, is in the construction of fish ladders over all dams otherwise impassable. Even traps, seines, and spears will not utterly destroy the fish if some few are permitted to reach their natural spawning beds. It is the instinct of all anadromous fish, after leaving the ocean, to seek the particular stream or rivulet in which they were hatched to deposit their eggs. To reach the particular spot and the parent bed of gravel they will make every effort. Where impassable dams have been placed across streams, the fish will come year after year and leap by the hour to scale the falls until utterly exhausted. If no means are provided by which the fish can pass the dam, in three or four years the stream above the dam will be without fish. A fish ladder is ordinarily so simple and inexpensive an affair that it would seem that men owning dams would, if informed, construct them without the requirements of a compulsory statute. A good fish ladder for use on our mountain streams is made in the form of a long box of plank, open at both ends, four feet wide and three feet high. One end of the box is fastened at the top of the dam, the other end is extended to and fastened in the center of the pool below the dam. In the inside of the box and fastened on its bottom are pieces of plank about four feet apart, placed transversely, and called "riffles." Each riffle is about a foot high. These riffles do not extend from side to side of the box, but only about two thirds across. To illustrate: if the first riffle is fastened on the right side of the box at a right angle to its side, it will extend thirty inches across the box; the next, four feet above, will be fastened on the left side of the box and extend thirty inches across it; and so on, alternately, until the top is reached. The water passing into the top of this box, is caught by these riffles and diverted right and left by them until it reaches the stream below. The fish coming up the stream to the dam seek and explore every crevice and opening where water is passing. If the lower end of the fish way is placed near the centre of the pool below the dam, they readily find it, and immediately enter it. Even if the ladder is placed at so great an angle as forty-five degrees, the fish have no difficulty in passing through it; they will jump through almost any current a distance of four feet, and each riffle gives them a resting place behind which they recover for the next jump. At one dam on a tributary of the Truckee a mill owner consented to put in a fish way, at the earnest solicitation of one of the Commissioners, and to prevent the expenses of a suit. He said the law was an infringement of his rights, and when the Legislature passed an Act to compel him to spend money in such foolish business they should have appointed a schoolmaster to teach the trout how to use the contrivance; he did not believe a fish could be coaxed to go near it. The next evening after the fish way was placed in position the fish were passing it every few minutes; the mill owner became a convert to the practical use of fish ways. He soon tore away the cheap and temporary affair built to comply with the law under compulsion, and has erected in its place a substantial ladder that will last for years. A fish ladder is but an artificial imitation of the means by which river fish in their annual migrations pass up rapids. After reaching the foot of a rapid the fish rest; they will then suddenly dart up the stream and seek shelter in the slack water behind some rock; here, after more rest, as if to recover strength for the next great exertion, they will dart again and get behind another rock; and so on, until the rapid is passed. From the descrip-

tion given of an ordinary fish ladder, it will be seen that they are easily built and that the cost is but a trifle. The average cost of all fish ladders in Maine, including permanent stone structures over manufacturing dams, does not reach two hundred dollars. Many statistics have been kept showing the increase of fish as a result from the construction of fish ladders, especially in Great Britain. As an illustration, I quote from the report of Charles G. Atkins, Esq., Fish Commissioner of Maine. In comparing the salmon fisheries of Europe with those of Maine, he says: "Their fisheries were nearly exhausted through excessive fishing and the erection of barriers, and by a careful management, including the construction of fish ways, have been made to yield large returns. I will instance the river Galway in Ireland. The salmon fisheries of the Galway are owned by Thomas Ashworth, who came into possession of them in eighteen hundred and fifty-two. They were in an exhausted condition. Mr. Ashworth had good fish ways built over the dams, of which there was one at the head of the tide; had fishing restricted and protection given to the fish on their breeding grounds. What success attended his efforts is shown by the annual catch as exhibited in the following table:

YEAR.	Salmon.
Eighteen hundred and fifty-three.....	1,603
Eighteen hundred and fifty-four.....	3,158
Eighteen hundred and fifty-five.....	5,540
Eighteen hundred and fifty-six.....	5,371
Eighteen hundred and fifty-seven.....	4,857
Eighteen hundred and fifty-eight.....	9,639
Eighteen hundred and fifty-nine.....	9,249
Eighteen hundred and sixty.....	3,177
Eighteen hundred and sixty-one.....	11,051
Eighteen hundred and sixty-two.....	15,431
Eighteen hundred and sixty-three.....	17,995
Eighteen hundred and sixty-four.....	20,512

"Thus the produce of this fishery rose in twelve years from one thousand six hundred and three to twenty thousand five hundred and twelve, and this in spite of a dam at the head of the tide, where five sixths of all the water is used by mills and canals, only the *one hundred and sixtieth part* running through the fish way, where all the salmon must pass; in spite of civilization, in spite of the disappearance of forests and the cultivation of the land. The fish way through which pass all the salmon that ascend this river is supplied with water by a gate two feet square, and through this aperture forty thousand salmon are estimated to have passed in one year."

The law, so far as it relates to fish ladders, appears to operate satisfactorily. Thus far all mill owners on the Truckee and its tributaries, whose dams obstruct the passage of fish, have, with one exception, constructed fish ways. The Commissioners have furnished many mill owners with plans for the construction of fish ways. From our experience during the past two years, it would seem that as a rule the mill owners, with but few exceptions, are a body of intelligent men, who

only require to have made clear to them the fact that the construction of fish ways does not interfere with their business, while it adds to the public good, to induce them to place fish ways over their dams.

#### SALMON.

The salmon is the most important visitor to our rivers. It has appropriately been called the "king of fish." The richness of its flesh, its large size, the certainty of its annual return from the ocean, the rapidity with which, under favorable conditions, it is multiplied, all render it an important article of human food. It has probably been the chief source of subsistence to more people than any other fish. The question as to whether the number of salmon is gradually decreasing in the Sacramento and San Joaquin Rivers seems difficult to be answered. Some of the fishermen contend that it is, and others point to the catch of eighteen hundred and seventy in proof that it is not. There are no fish weirs to trap them, and but few dams on the tributaries of these streams to prevent them from reaching their spawning beds. The weight of testimony is on the side of those who believe the quantity to be decreasing; and the most intelligent of the fishermen are so firmly convinced of the fact that they ask that a law be passed and enforced to prevent, for a certain period, the catching of fish while they are filled with ripe spawn. But there is no concurrence as to when this "close time" should be. The fishermen in one part of the river say it should be at one time, and the fishermen in other parts say it should be at others. When the great army is passing by Rio Vista, it would be, in the opinion of the fishermen of Rio Vista, a proper season for a close time at Sacramento and Tehama; and when this army has reached Sacramento, it would, in the opinion of the Sacramento fishermen, be a proper season for a close time at Rio Vista and Tehama. What would be just to all the fishermen, and give the next generation a chance to eat this delicious food, would be to prohibit, by strict law, rigidly enforced, the catching of salmon by any process during twenty-four hours each week; say, from midnight of Saturday to midnight of Sunday. Probably the most serious cause for the decrease of salmon in our rivers arises from mining. It is the most serious, because it cannot be remedied. Formerly salmon were plenty and largely caught by the Indians in Feather River, in the Yuba, and in the American; but of late years they have ceased to visit these rivers. It is not because the waters of these rivers are muddy. All migratory fish that seek rivers in which to deposit their spawn, do so in the season when the freshets cause the water to be muddy. They will pass through muddy water, if beyond they find clear water and clean gravelly bottoms. The gravel beds that formerly existed in these streams are now covered with a deposit of mud, washed down from the mines; and on this the eggs of the salmon will not hatch. Neither will the eggs of the salmon or trout hatch in water containing any considerable quantity of sediment. A small quantity of the finest sediment deposited on the egg prevents it from hatching.

Salmon, after the second year from being hatched, pass the greater part of the time in the ocean; they there find their principal food. While in fresh water their growth is slow, in salt water they increase in size and weight with great rapidity. They can only breed in shallow streams of cool, fresh water, such as they find in the tributaries of our rivers descending from the mountains. To such places they annually

resort; and to reach them, they will make the most extraordinary exertions. Salmon are caught by the Indians in the small streams that empty into the Sacramento from the sides of Mount Shasta, at an elevation of more than four thousand feet above the level of the sea; to reach which they must have passed through at least fifty miles of almost continuous rapids. Bishop Farr states that salmon are also caught in the headwaters of Snake River, east of Salt Lake. As Snake River is a tributary of the Columbia, these fish must annually make a journey into the interior of more than a thousand miles from the ocean.

Some breeding fish enter our rivers during the Summer, but they do not deposit their eggs until late in the Autumn. During the time they remain in fresh water they lose in weight, and the quality of their flesh deteriorates; its color becomes nearly white, and it ceases to be firm. The great army arrives in our rivers after the first heavy rains. Upon arriving they seek the brackish water in the vicinity of where the salt and fresh waters meet. Here they remain for several days, or perhaps weeks. It is supposed that the brackish water kills the small parasites which attach to them in the ocean. It is this instinct that retains them in brackish water that gives to Rio Vista its prominence as a fishing point.

The salmon, like most other fish, reproduces its kind from eggs which are extruded from the female fish in an undeveloped and infecund state. The male fish performs his office of fecundation after the eggs are in the water. It is a remarkable fact, that the salmon will return, year after year, to deposit its spawn in the particular stream in which it was hatched. Salmon hatched artificially in Scotland and kept in breeding ponds, were, for several years, marked before being dismissed to the ocean; the salmon, thus marked, invariably returned to the stream in which they passed their infancy, and, so far as is known, these marked salmon have never been taken in any other river. The pair, having arrived in their parent stream, find a gravel bed, where the water is clear and cold. The female burrows a hole in the gravel, about four inches deep, and of a diameter nearly equal to her length, then pressing her body against the upper edge of the hole, the eggs are extruded and fall into this nest. The male, who is in close attendance, extrudes his milt into the water which flows over these eggs, and they are thus fecundated. The female immediately busies herself in covering the eggs with the gravel. This process is again repeated in a few days, as more eggs become ready for extrusion, until the season's work is over, when the fish return, poor and thin, and, after remaining for a short time in brackish water, leave for unknown places in the ocean, to return the following season, largely increased in weight. The only condition requisite for the hatching of the eggs is, that cool pure water, free from dirt or sediment, shall constantly pass over them. In from ninety to one hundred and thirty days the young fish are hatched. For the first twenty or thirty days they require no food, other than the yolk sac which is attached to them. The young fish remain in the river from one to two years before leaving for the ocean. It has been observed in Scotland, where the artificial breeding of salmon was first largely practiced, that of a given quantity of eggs hatched in one season, about one half the young fish would leave for the ocean the same year, while the other half would remain until the following season. This has been found to be the unvarying rule. No reason has been assigned why this

migratory instinct should control but about half the young fish in the year in which they were hatched, other than that Providence, while apparently not caring for the individual, makes stringent laws for the preservation of the species.

The preservation of our salmon fisheries is a subject of great importance. Salmon were formerly as abundant in the rivers of New England as they are now in California and Oregon; but traps, weirs, pounds, seines, gill nets, and the erection of dams without fish ladders, at last nearly exterminated them. Now these States are making appropriations for the artificial hatching of these fish, and the rivers are being successfully restocked.

So much more is known of the habits of the salmon than formerly, that it is not difficult to determine what may be done to increase the number of fish, and at the same time increase the quantity that may be caught. The men who pursue the business of fishing for salmon, appreciate the necessity for their preservation and acknowledge the propriety of laws requiring a "close time," as well as laws against pounds and weirs, and laws regulating the size of gill nets. We believe the time has arrived when the present and future interests of California require careful and just legislation. We would, therefore, recommend that a standing committee be appointed in both Houses of the Legislature on coast and inland fisheries. These committees could visit the fishermen, and, after learning their views, so amend the present law and frame new laws as to protect legitimate fishing, and at the same time provide for an increase of fish in the future.

#### TROUT.

This fish is found in nearly all of the streams that discharge into the Pacific ocean from the Coast Range of mountains and in the greater number of the mountain streams of the Sierra Nevada. They vary greatly in size and appearance in different waters and at different seasons, but so far no variety is exactly similar to any of the brook trout of the New England States. The large brown and silver trout of Lake Tahoe and the Truckee River are pronounced by Mr. Seth Green—who is considered to be an authority in such matters—not to be trout, but species of the sebago or land-locked salmon. These fish make annual migrations from Lake Tahoe to the brackish waters of Pyramid Lake. Many of the fishermen of Tahoe insist that the so-called silver trout does not leave the lake, but as they are occasionally caught in the river, it is probable they also migrate, but perhaps at an earlier or later season. The habits of the trout are similar to those of the salmon. It seeks a bed of gravel or coarse sand in clear running water, near the head of a stream, burrows a nest and covers its eggs. In the streams of the Coast Range of mountains the trout spawns in November and December; in the streams of the Sierra Nevada in March and April. Trout will also spawn and the eggs will hatch in lakes which are supplied by springs that rise in the bottoms. In this case they will deposit their eggs among the gravel where the spring rises, the motion of the water from the spring having the same effect in bringing the eggs to maturity as the water in a running brook. It has been observed that there are no trout in our mountain streams above large falls. The trout will migrate from one part of a stream to another. If there were ever trout above these falls they would pass below them in their migrations, and the falls prevent their return. In many places a very little work would create a

passage for the fish, which would have the effect of greatly increasing the numbers of this most delicious species. The reports of our assistants, from which we have largely copied, will show how rapid has been the destruction of the trout in this State. It is to be hoped that the dissemination of intelligence as to the construction of fish ladders and the enforcement of the law against trapping and illegal fishing, as well as the stocking of streams and lakes in which no trout were found, and the restocking of those from which they have disappeared, will have the effect to repair the waste that has been committed. It having been noticed that on many streams on which there were sawmills, the trout after a few years disappeared, it was supposed that the floating sawdust in some manner killed the fish, but as in other streams on which there had been sawmills for years there were still trout to be found, the Maine Commissioners devoted much investigation to solve the mystery. They found that trout readily swam among the floating sawdust, and never seemed to avoid it. At last they ascertained that where the mills were below the gravel spawning beds of the trout the fish were still plenty, but where the mills were above the fish had ceased to be. Wherever the sawdust had sunk and covered the spawning beds, the trout, after a few years, had disappeared, for the trout has the same instinct as the salmon—it returns to spawn in the particular stream in which it was hatched.

Canada, which is in advance of most of our States in her laws for the preservation of her fisheries, forbids, under penalties, all sawmills from running sawdust into the streams. In a short time it will be requisite to pass similar laws in this State, for, in addition to the destruction of trout, the sawdust will cover the spawning beds of the salmon as effectually as the mud from mining has their gravel beds in, the American, Yuba, and Feather Rivers. On the Truckee River, about five miles above the Town of Truckee, the Brothers Comer have an establishment for the artificial hatching of trout. They have been engaged in this business for the past three years, and have successfully hatched and have in their ponds more than half a million of fish. Their business is a success in every respect except financially. There is not in this State, as yet, a large demand by individuals for the young trout to stock streams, and the feeding of so large a number of fish kept in small ponds requires a considerable outlay. The Commissioners have been requested to expend some portion of the appropriation at their disposal in purchasing a part of these young fish to be placed in streams that are now without trout. It would be an appropriation of money within the spirit of the law, but there is some doubt as to whether the wording of the Act authorizes this kind of expenditure. Several of the States have hatching houses in which various kinds of fish valuable for food are hatched, and distributed to all who desire to stock lakes and streams. The destruction of our native fish has not gone so far that a similar plan is required in California, but we believe it will be found that the drought of the past two years will have had the effect of materially decreasing the trout in all the streams. The sand and gravel beds at the heads of streams where they deposit their spawn must, to a great extent, have been bared by the receding water before the eggs came to maturity. If authorized, we will expend a portion of the appropriation in purchasing young fish to be distributed to restock streams, or to place in streams and lakes which have no trout in them.

The Comer Brothers procure their eggs for hatching from the fish caught in the small streams that discharge into Lake Tahoe. Their

plan of operation is similar to that of other breeders of trout. Having caught a number of trout, male and female, at the season when they commence to go up stream, they are kept in a small trap or pound until the females are found to be ready to deposit their eggs. This can be readily told by an examination of the fish. The first operation is to procure a tin pan or other shallow vessel of water, a male trout is then taken from the pound and his belly placed in the water in the pan, a gentle pressure of the hand will express a few drops of the milt; he is then returned to the pound; a female trout is then taken, and by the same process her eggs are also expressed into the same pan. The water in the pan is then gently stirred so as to insure all the eggs coming in contact with the milt. In a few minutes the water containing the milt is washed away and replaced by pure water. These impregnated eggs are then placed in the hatching boxes, which are a series of shallow wooden boxes nearly filled with fine gravel, over which a stream of pure cool water is slowly but constantly passing. A trout yields from five hundred to four thousand eggs, depending upon its size and age. A salmon yields an average of a thousand eggs to each pound of its weight. The eggs are spread upon the gravel, and after the water has continuously passed over them for from forty to eighty days, depending upon its temperature, the young trout make their appearance. They require no food for the first thirty days, the yolk sack of the egg, which is attached to them, affording nourishment during this period. After this, the Messrs. Comer feed them on finely chopped liver until they are sufficiently large to be turned into the ponds, where they are fed upon any kind of coarse meat or fish, finely chopped. Trout will live and thrive in water of a temperature between forty and sixty-five degrees. This is about the only question to be settled by persons who desire to stock streams with trout. If the water in summer does not get warmer than sixty-five degrees, the experiment may be tried with every probability of success. The quality of the water does not seem to be material. They live and thrive in water that is impregnated with minerals, and in salt water, and in artesian well water, provided only the temperature is not too warm. Persons who live near small lakes and streams, now without fish, and containing water of the proper temperature, could, at trifling expense and care, provide themselves with a constant supply of delicious and healthy food by hatching a few eggs, or by turning in a few of the young fish. Both eggs and young fish are readily transported almost any distance. Salmon eggs have been taken from Scotland to Australia and hatched, and the Acclimatization Society of San Francisco has successfully imported the eggs of the Eastern brook trout and hatched them in this State. It has been estimated that an acre of water can be made to yield as much food as four acres of average land.

#### SHAD.

Your Commissioners made arrangements with Mr. Seth Green, the noted pisciculturist of Rochester, New York, for the importation of a lot of young shad to be turned into the Sacramento River. No shad proper (*alosa prestabilis*) are found in the rivers of the Pacific Coast, while there are found several varieties of the same family, such as herrings, anchovies, and sardines. As shad readily enter rivers while muddy from the spring freshets, and spawn in water of a temperature as high as sixty five degrees, there was reason to hope that if the shad could be brought here alive and turned into the river they

would find suitable food, and in time go to the ocean and return to propagate their species. As the shad is very prolific, each full grown female yielding from fifty to eighty thousand eggs, and as the flesh is esteemed to be nutritious and valuable food, it was deemed proper to make the first experiment of importing new varieties with the young of this fish. The eggs of the shad are hatched in from two to four days after they are spawned, therefore, if there were no other reason, time alone would prevent the importation of the eggs.

Mr. Green felt so much doubt as to the possibility of transporting the young fish for so great a distance that he determined to superintend the experiment in person. He left Rochester, New York, with an assistant, on the twentieth of June, with fifteen thousand of the young fish just hatched, contained in eight tin cans holding about twelve gallons of water each. The water had to be changed at every convenient opportunity, and as on a part of the journey the weather was quite warm, constant attention had to be given to prevent the water in the cans from reaching a higher temperature than eighty degrees. At Chicago he lost a few fish from a film of oil from the machinery of the waterworks with which the water attempted to be used was covered. At Omaha the river water killed a few; the cause of this he had not time to investigate. The water of Bear River (discharging into Salt Lake) and the waters of the Humboldt and Truckee Rivers were found to agree with them and containing plenty of food. Mr. Green arrived on the twenty-seventh of June. As it was advisable to put the young fish in the river at as high a point as was practicable, for the reason that the instinct of the shad is, like that of the salmon, to return to spawn at the same place where it was hatched, they were the same day transferred to the cars of the California and Oregon Railroad and taken to the Sacramento River at Tehama. Here the temperature of the water was found to be sixty degrees of Fahrenheit. Upon dipping up the river water in a glass and pouring a lot of the young fish into it, they were found to be lively and the water to contain large quantities of some minute substance on which they feed. All the conditions being favorable, they were turned loose in their new home. It is expected they will remain in this river until about January, by which time they will be three or four inches long; they will then go to the ocean, to return the next year weighing from a pound to a pound and a half, ready to commence the increase of their kind. Thus far the experiment has been a success. The water of the river is adapted to them; it contains the proper kind of food for their young, and the waters of our coast are filled with the sand flea, a small species of the shrimp, on which the fish feeds after reaching the salt water. The only thing to be feared is that there may be in the ocean some kind of fish which may so completely exterminate them that none will be left to come back and spawn. If after one or two years even one shad is taken in the river, the result will be satisfactory, as it will demonstrate the fact that all the conditions are favorable to their successful propagation in the waters of our rivers; we could then at trifling expense fill our waters with this valuable fish. When first hatched, and in a condition proper to be transported, one freight car would bring over two million of them. If, after two years, none should be taken, it would not then be well to abandon the experiment.

The English, year after year, shipped impregnated salmon eggs to Australia; the eggs hatched, and the young fish in due time went to the ocean; but for years none were found to return. Some fish—supposed to be the bonita—destroyed them all. At last, after repeated experiments,

some escaped, and in eighteen hundred and sixty-seven, large fish, returned from the ocean, were taken in the river. Shad were formerly plentiful in all the rivers emptying into the Atlantic Ocean from Georgia to the St. Lawrence. They, therefore, frequent warmer waters than the salmon. Over-fishing, traps, pounds, weirs, small meshed seines, and dams without fishways at last nearly exterminated them. Through the efforts of the Fish Commissioners of the several Eastern States they are again becoming plentiful. For a number of years all efforts at the artificial hatching of the eggs of shad had been failures. It was ascertained that the fish came into the rivers at about the same time as the salmon, but that unlike that fish, they did not spawn until the warm Summer months. Their eggs are not placed upon gravel, but float in the water. Schools of them will play about the river for days, when, upon some sudden impulse, the milk from the male and the spawn from the female will be exuded into the water, at times, it is said, making the water cloudy. In from two to four days the eggs hatch, when the young fish immediately swim for the centre of the river, keeping their heads against the current. At last Mr. Seth Green, after much patient investigation and numerous experiments, invented a box, the bottom of which was covered with fine wire netting. On this wire netting the impregnated eggs were placed; a series of these boxes, fastened together by a rope, were allowed to float in the current of the river. To the sides of each box were fastened, at an angle, pieces of board, which, floating in the water, caused the wire bottom of the box to be partially turned against the current. The effect was that the current, entering through the wire netting, kept the eggs in constant motion. All the conditions of nature were satisfied, and the experiment became a success. Mr. Green obtained a patent for his invention, which, as it is largely used, is quite valuable. Within the past four years, under the direction of Fish Commissioners and by aid of small appropriations, more than five hundred million shad have been artificially hatched in these boxes in the rivers of the Eastern States north from Virginia. The result of the first and second year's hatching in the Hudson and Connecticut is becoming manifest; more fish have been taken this year in those rivers than in any year during the past twenty. So many fish were caught that the fishermen were unable to take care of them, and fresh shad were sold in the New York City markets as low as ten cents a shad.

These results, from the experiments of enthusiasts, in increasing almost without expense the food supply of the people, are worthy the attention of statesmen. So much attention is now being given to the subject that Congress has passed a law appointing a Commission to investigate our river and coast fisheries, learn the habits of the fish, and report as to what legislation is required to aid in increasing the food supply from this source.

#### IMPORTATION OF NEW VARIETIES.

Your Commissioners have it in contemplation to attempt, at the proper season next year, the importation from the East of white fish from the great lakes, to be placed in Lake Tahoe; black bass, a superior game fish, to be placed in some lake to breed and be distributed; eels, to be put in the Sacramento River; and lobsters, to be deposited in some appropriate place in the bay of San Francisco. We have also opened a correspondence with gentlemen in China, with the object of learning what valuable food-fish can be obtained in that country, and the pro-

cesses of the Chinese, who are said to pursue largely the artificial hatching of fish. From the following extract from one of the letters received it will be seen that the Chinese have not yet learned how, artificially, to impregnate the spawn, but depend upon catching the eggs for hatching after they have been naturally fecundated. Our correspondent says:

“Referring to your letter of May twenty-fifth, inquiring concerning the manner of breeding fish, we would say that we find the Chinese, at certain periods of the year, spread their cloths across the river at some distance above Canton and catch the eggs which are washed down from the smaller streams and ponds higher up. These eggs have been already impregnated by the male fish at the place in which they are laid, and when thus caught are placed in ponds, where after a short time they hatch and are thus raised. There are no breeding ponds near Canton, and it is said to be impossible to breed fish in ponds on any large scale, as the eggs are devoured by the male fish after impregnation unless he be immediately removed, which is impractical where there are any number. The ponds in which the eggs are placed for hatching must be running water. We would suggest the plan of sending two or three men, acquainted with the process of breeding, to California, where they could experiment on the rivers and lakes, which very much resemble those in the country where it is at present practiced.”

#### EXTRACTS FROM REPORTS.

Our field is so extensive and there is so much to be done in the way of investigation preparatory to intelligent legislation on the subject of inland fisheries, that we deemed it advisable to employ two assistants—the first, Captain E. Wakeman, to examine and report on the fisheries of the Bay of San Francisco and some of the rivers that discharge their waters directly into the Pacific Ocean; the other, Mr. George C. Haswell, to examine and report upon the fisheries of Lake Tahoe and the Truckee River and its tributaries. The following extracts from their reports will be found of great interest. Referring to the bay fisheries, Captain Wakeman says:

“Since the date of my commission I have visited with the yacht ‘George Steers,’ repeatedly, all the fishing grounds that are frequented by the Italian and Chinese fishermen in the waters of our bay. The only Chinese fishing station that I find is located a short distance to the north of the ‘Two Sisters.’ Here, on an extensive mud flat, are stakes or poles set firmly in the ground, and occupying an area of several miles in extent, from which poles are kept constantly set the nets, which are taken up at each slackwater of the flood and ebb tide. From twelve (12) to fifteen (15) boats are employed, having (3) three men in each boat. Shrimps are taken here and cured for the Chinese market by being boiled in large vats in salt water, then spread out on the cleanly swept ground and dried in the sun, being raked over frequently during the day. The scales or skin become separated from the meat and looks like fine sawdust. The meat and refuse is then sewn up in the best quality of bags and placed on board the Chinese junk of about thirty tons and sent to San Francisco, from whence it is shipped to China. Scarcely any class of fish are taken in these nets but shrimp, and thousands of tons must find their way to China annually. Their nets are similar to those used by the Italians, with this difference, viz: the middle

of the net, which assumes the character of a bag, is, with the Chinese, opened by untying a string, and the whole catch is dropped into the boat with ease. The net is then closed again with the string and put back into the water to remain until next slack. Three of these nets generally load a large boat, which are all of a large and commodious class.

"Saucelito Bay is constantly used by the Italians, smelt being the principal fish, with soles, flounders, sardines, and anchovies. In some cases nothing but crabs are taken, which destroy the nets and irritate the men so that they are inclined to leave them on the beach to die; but I have had, in all cases, everything that was not marketable put back into the water. In fact, crabs are the only fish that are left upon the beach, all other kinds being taken out of the nets with tin pans, the nets being in about from one to two feet of water. All that part of the catch that is desired is taken and thrown into the boat without coming in contact with the sand and dirt, and the small fish are permitted to remain in the water; nevertheless, large quantities of the young fish die from pressure or other cause arising from the fact that they have been compressed as it were among so many thousand into the contracted space of a few feet, and are unable in their most strenuous efforts to release themselves from their perilous condition.

"They are to be found in large quantities, floating upon the water, completely drowned. Still a very large number revive, and swim off again. Whereas, heretofore, the custom appears to have been to dump the whole catch upon the beach, and, after picking out all they wanted, the young were invariably left upon the beach, becoming, in many parts, a most intolerable nuisance to persons residing in the vicinity. A new order of things has been inaugurated this year, which is found to work to the mutual benefit of all parties concerned. Five boats are generally to be found in different parts of this bay; and fish are taken at all times of tide, both day and night. Two boats are generally employed between the bay and the Golden Gate. They cast on both shores, north and south, for the same kind of fish; and also in Kashaw's Harbor, two and sometimes three boats are found both night and day, at all times of the tide. During the night fires are made upon the beach, and frequently these fires can be seen, not only on all the different beaches in Saucelito Bay and Kashaw's Harbor, but also on both sides of Raccoon Straits, giving a most picturesque and cheerful aspect during the long and gloomy nights which prevail in most parts of our harbor at this season of the year.

"These Italians are a singular and peculiar people, always sober and industrious, and, like the Chinese, they pursue their avocations in silence. During the silent and tedious hours of the night some are found sleeping in close proximity to the fire, with their harness on, face down, which appears to be the universal practice among all classes of the different races of people who are accustomed to sleep upon the ground in the open air. From Raccoon Straits to the Chinese fishing station, on the north shore, are several favorite places where the nets of the Italians are cast, with various success. The same class of fish being taken from the 'Sisters' up to Petaluma, nothing but sturgeons are found until we come to Vallejo, where there is a mackerel trap fishery.

"Down on the south shore we find two (2) Italian boats on the San Pablo flats, and two more at a favorite point to the north of Sheep Island, where there is another mackerel trap fishery.

"Two boats are employed at Sheep Island. They not only cast upon

the beach, but generally fish at night under sail only, pulling round and towing the nets. The same fish, smelts, flounders, sardines, anchovies, and soles, are taken here.

"Two boats are frequently employed around Goat Island, two at Oakland Wharf, and two at Alameda Wharf. Large quantities are taken all along the Alameda Flats, some ten miles to the southward of Alameda, and on the west coast from Redwood Slough, all along until we come to Bayview, where there is a favorite resort to repair and dry their nets and take out their boats. From there to Long Bridge boats are generally engaged, and I have in all cases, at each of these points, impressed upon the minds of these men the consequences that will attend any infringement on their part of the laws in regard to the fish interest, and especially of section number six. I have also, in most of these places, made arrangements with those who live near the beach to inform me of the first infringement, by taking the name or number of the boat.

"I am informed from a reliable source that a most wanton course of destruction is practiced by the settlers along the Sacramento and San Joaquin Rivers, which will, if not arrested, be attended with vital consequences, amounting to a total destruction in these waters of our salmon fisheries, which, to the State, are worth millions of dollars.

"Perch, flounders, shrimps, and herring spawn in December; smelt, in August."

From Captain Wakeman's report on the fisheries of some of the coast rivers we make the following extracts :

"In pursuance with your orders of the sixth instant, I have examined all the streams from Spanishtown to Pescadero, and herein submit my report in regard to their character as trout streams, their obstructions, and consequences arising therefrom:

"*Pilarcitos Creek*—Upon which Spanishtown is located, is a dirty red stream, of about two feet wide and one foot deep, and empties its waters upon the beach, about half a mile below the town. There is a steam flour mill here, but no sawmill, and judging from the thick, muddy water, nothing but catfish can live in it.

"*Gobethey Creek*—Two miles below Spanishtown, is a clear water trout stream, about two feet wide and a few inches deep, and empties its waters upon the beach. There are no mills upon this stream, and only natural obstructions, such as old decayed trees and their branches.

"*Purissima, or Pure Water Stream*—Is two miles below Gobethey Creek, and is a fine clear water trout stream, about four feet wide and a foot deep. Generally at this season (February) it has a volume of about ten feet in width and five feet in depth. It empties its waters upon the beach about half a mile below the Purissima House. Four miles up the stream is the sawmill belonging to Messrs. Boyden and Hatch. This mill has an overshot wheel, the water to run it being taken from the stream three fourths of a mile above and carried in a sixteen-inch flume, at the head of which are four little dams, made by throwing a short log across and tamping it tight with a few bags of sawdust. This throws all the water into the flume and only half fills it, which shows that this stream

is very small at the present time. A site for a new steam sawmill is being located two miles further up. The sawdust and blocks of the redwood are thrown into the stream, which turns the water to a dark red, and, in some places, to an inky black; in other places to a purple. This is poisonous, and kills the fish in half an hour after it is drunk, according to the testimony of Messrs. Boyden and Hatch themselves. Cattle along this stream are walking skeletons. I saw several carcasses of dead animals lying along the bank, notwithstanding there is plenty of good grass. This shows conclusively the truth of all the reports made to me by many of the settlers along the stream. In places where the water runs fast it is quite palatable; but where it is still it becomes wholly unfit for use, and not only kills the fish, but is dangerous to the cattle. At some seasons of the year the settlers are obliged to sink holes or wells back from the stream, and even then the water is impregnated with an odor only to be derived from dead fish.

*“Lobetis Creek—*Is a clear water trout stream, two miles from Purissima, about three feet wide, and a foot deep. It empties its waters upon the beach, and has no mills—nothing but natural obstructions.

*“Tunis Creek—*Is a clear water trout stream, of about the same volume as Lobetis. It empties its waters upon the beach. Ten miles up this stream is Foment's steam sawmill, not running now, owing to a lawsuit pending and an injunction from the Court; which last, it is to be hoped, may continue for all time, as the sawdust, so fatal to the fish and injurious to the farmer, is prevented thereby from being dumped into the stream.

*“San Gregoria—*Is a fine clear water trout stream, four miles from Tunis, and connects with the ocean about one mile below the San Gregoria House. At full sea, the salmon, of from fifteen to twenty pounds, and the silver salmon, from two to fifteen pounds, enter this stream during their spawning season, which is from October to March, when they go out to sea again. These fish have been taken several miles up the stream during the rainy season, when, owing to the strong current, most of the sawdust had been washed out. Six miles up this stream is Templeton's steam sawmill, and a few miles further up, on a northern branch of this stream, is Gilbert's sluice mill, and a few miles further up the same branch is L. P. Pharis' steam shingle mill. All these mills dump their sawdust and blocks into the stream, which so poisons the water that it has become an intolerable nuisance to all the settlers along the stream below, and will soon exterminate the trout.

*“Pompona Creek—*Is four miles from San Gregoria, and is a clear water trout stream of small volume emptying upon the beach. No mills; plenty of trout.

*“Pescadero stream—*Is three miles from Pompona Creek, and is a fine clear water trout stream, empties into the sea about two miles below the town, and connects, one mile from the beach, with the Butena River, which is also a fine clear water trout stream running to the southeast; is about twenty feet wide, and six feet deep. For six miles this makes a fine resort for the salmon and silver salmon from the sea which frequent these waters, with other lesser sea fish, for the purpose of spawning. From October to March, a wagon load of these beautiful fish,

weighing from two to thirty pounds, are taken daily and sold all along the road, as high up as Spanishtown, at seventy-five cents per pound. These fish are only taken during the spawning season, they being a deep water fish and go out to sea in March. Three miles up the Pescadero stream—which is about four feet wide and a foot deep, at present—is B. Hayward's steam sawmill, and three miles further up is Anderson's sawmill, run by a turbine wheel, having a well constructed dam, built of hewn logs, well secured right across the creek. The dam is twenty feet long and about ten feet high, built in eighteen hundred and sixty-two, and all the water from above passes at present through the sluiceway at the turbine wheel. As the water has never been half way up to the top of this dam, since it was built, no fish have ever passed. A sluice box with stop waters in it for fish could be introduced through this dam near its base and outside the sluiceway for the wheel, this being the only place where the box could reach the water below, as all the rest of the bed of the stream is dry. Large quantities of sawdust and blocks are deposited in the stream below the dam; fish are found dead, their eyes eaten out by the strong poisonous acids in the water, and their bodies covered beneath the skin with disgusting blisters, like the small pox, whilst the inside is as black as ink. The waters are rendered at times wholly unfit for use. Eight miles further up this stream is Wolf's steam sawmill, the lumber from which is hauled out to the eastward, whilst the sawdust is conveyed down the stream, fatal to the fish and to the interests of everybody. There is but one sentiment existing among the settlers along the streams, and it is this: that they have arrived at a point where forbearance ceases to be a virtue, and have resolved to exhaust all legal measures, by their united efforts and similar means to protect their interests against the oppressive and persistent practice of the mill owners in dumping the saw dust into the streams, whereby the whole community below suffer, some hundreds and others thousands of dollars. The effects of the sawmills, during eighteen or twenty years, are scarcely perceptible in these almost impenetrable forests, and the united efforts of many mills for the next twenty years will be required before the woodman's axe will have wrung from the settlers of this nature's retreat in her solitude that beautiful prayer of 'Woodman, spare that tree.'

"I have communicated with many of the settlers along the banks of all these streams, and have the experience of the oldest settlers in this part of the country, and there can be but one conclusion in regard to the fish interest of these streams, and that is that the redwood sawdust poisons the water, and unless some other method be adopted to get rid of it, such as burning it or repairing roads with it, there will not be a breed of trout left in a few years. Where thousands were taken daily (thirteen hundred by one person), now scarcely a trout can be seen. If there are laws to protect them I can see no good reason for not enforcing them, and if this be done every man's table in this district will be abundantly supplied with trout—a healthy and cheap article of food—while large quantities will find their way, as a luxury, to the rich man's table at a distance, so long as these streams shall flow 'from the mountain to the sea.'"

From the report of Mr. Haswell on the Truckee River and Lake Tahoe we make the following extracts. He says:

"Under your appointment, and in accordance with your instructions, I proceeded to that point on the Truckee River where it crosses our State line on its way to Pyramid Lake, in the State of Nevada. From thence I followed it up to its head, in Lake Tahoe. I also examined the California part of that lake; also Donner Lake and Donner Creek; but from want of sufficient time could only make inquiries about the Little Truckee and its sources, Webber Lake, and Lake Independence, though prior to my appointment I had visited them all for health and pleasure.

"During this official visit I heard and saw so much that requires the most stringent legislation in both States that I scarce know where to commence my report. But as a preliminary I suggest that carefully drawn laws, precisely similar in all respects, except the mere verbiage that is necessary to designate which State enacted them, be passed by each State, and that, if such a law is not unconstitutional, each Act shall authorize the officers of the other State, armed with a proper writ from it, and any citizen of the other State who has seen the offense committed within its borders, to cross the line and make the necessary arrest, and without further ceremony take the prisoners back for trial. This seems arbitrary, but if it can be constitutionally made a law it will be found to be one of the greatest safeguards to the joint fisheries.

"Trout commence running up the Truckee, from Nevada, with the first sufficient rise of the river. The date of this, as also that of their return, is of course variable. They retire towards Pyramid Lake as the water recedes in the Summer or Fall.

"From the obstructions hitherto placed in this river and the various means used to entrap the fish before they reach the shallow, gravelly streams, together with the wholesale waste of them and the criminal destruction of their spawn, I believe that in a very few years the great lakes of both States will be entirely without brown trout, and certain, very few silver ones, unless the two State Governments concur in some such law as that above suggested. But to return to my starting point—the Truckee at the boundary line.

"The first mill and dam (all the mills on this river are for sawing lumber) on the Truckee in California, is that of Pray & Bragg. At present it is little or no obstruction to the free run of the fish, and its owners have agreed that if it becomes one they will either open the dam itself or construct proper fish ways and ladders.

"The Boca Mill Company comes next. Mr. Doane, the resident partner, is about as enthusiastic on the subject of letting the trout have a clear passage to and fro between the lake and streams of this State and those of Nevada, as the members of your body themselves. At this dam there are two good fish ways—one on a plan recommended by yourselves, and the other built upon a design which Mr. Doane and the other members of the company think superior to it.

"The dam of the Marysville Company follows, then that of the Geissendorfer Mill Company, then in succession two others known as Proctor's. Neither one of these four is an impediment now. The mills have been removed, the sluiceways are open, and the dams themselves are all so dilapidated that the fish can pass through either of them.

"Succeeding the upper Proctor mill come five dams belonging to the Truckee Lumber Company. Four of these are mere dams to catch water when the river is low. They cause no hindrance whatever. The other one has an excellent and very efficient passageway, but a log got entangled in it and carried off a portion of the crossbars or resting places. The owners said that the necessary repairs should be made

forthwith; and as they seem to take as much pride as the owners of the Boca Mills do in giving the trout fair play, I do not consider that it requires any further attention.

"I am sorry that I cannot say the same of the next place—Rusch's Mill. Here is a so-called fish way which is of no possible use if it was constructed with a view to allow the fish a passage up stream. If, on the contrary, it was built to be a most efficient trapping place, the intent was fully carried out. But the owner has promised that no further action need be taken, as he would as soon as possible either build a new passageway or else alter the present one to meet the requirements of the law.

"Except as above stated the fish have proper passageway in the Truckee to and fro from the State line to the debouchment of Lake Tahoe.

"According to your instructions, I returned from the lake to the line and crossed into Nevada to confer with the citizens of our sister State about opening the Truckee on their side so as to give the fish a perfect free way whenever they deemed proper to use it between the fresh waters of Tahoe and the brackish waters of Pyramid. The people there took the matter in hand. The owner of the only obstruction on the Nevada portion of the river was applied to, to either have fishways made, or in some other manner give the fish a chance. He declined; but a little giant powder, used by some unknown hand, made the condition of things about that dam entirely favorable for the trout to indulge their migratory propensities.

"Donner Lake empties through a short creek, also called Donner, into the Truckee about fifteen miles below where that river leaves Tahoe. On Donner Creek I found a dam so constructed that no fish once leaving Donner Lake on its way down to the brackish waters of Lake Pyramid could ever get back again to breed. The consequence of this is that brown trout, which I believe always yearly go or at least start to go to the great Nevada lake, Donner, are extremely scarce, whilst the silver trout, which I think never, or if at all, but seldom, go down stream beyond the lake they first reached from their hatching grounds, are moderately plentiful.

"I may as well remark here that the above is my opinion as to the one kind coming down stream out of the lakes, and the other not doing so, at least not as a general natural instinct, though individual exceptions may occur. But it is contended that there is no distinction in species between the two kind I designate as silver and brown trout—in fact, that they are the same thing—the apparent difference being merely local caused by the nature and color of the gravel in which they were hatched, and the peculiarities of the water in which they grew or live. Such may be the case, but I have examined a considerable number of both colors, and caught a good many trout in the Atlantic States in my younger days, and I consider that what I here call the brown trout is not the same as what was called the brook trout in that part of the country where I was born and brought up and caught fish. In every trout I have examined here the brown ones have a straight purplish line on each side of the body from almost the end of its nose to near the tail. This line is not on the silver ones, and on the brown ones I have never found any of the spots or dots usual on all trout below the purplish line. They have invariably been above it. If I remember correctly, the Eastern brook trout have nothing of the purplish line, but merely spots or dots. Not being an ichthyologist I merely call the

attention of the Board to what I believe, from my own observation, and ask you and others who read this report to examine this question and another—are there any trout, either in this State or Nevada, except, perhaps, in the pure mountain streams further North? Whilst upon the Truckee and the lakes I heard several persons, who have the reputation of being ichthyologists, say that all the fish that we call trout, were in reality, land-locked salmon, frequently called schoodic trout. But to return to the trap on Donner Creek. I could not find the owners of this dam, but learned that they were A. C. Toll and Brothers. I afterwards understood from Commissioner Redding that they had promised him that they would either remove the dam entirely or put in satisfactory ways and ladders.

“At the source of the Truckee—*i. e.*, Lake Tahoe—two persons have been and I believe that, to some extent, they are still in the habit of taking the fish by means of seines, nets, and traps, on the alleged pretense of catching them for their spawn to stock lakes, streams, and ponds. But the fact is they catch them at all times of the year, and sell immense quantities, without reference to either spawn or spawning season; and, although I did not see it, and can scarcely believe it, I have been informed by their neighbors of credibility that fish and spawn were dipped out by the bucketfull, and either consumed on the place or sold to others for hog feed. Of course, I notified these men of the provisions of the law, and forbid the further use of either seine, net, or trap at any season of the year, or for any purpose whatever. They promised obedience, and the residents of the vicinity said that they would take care that the law was complied with, and in the event of any violation the parties should be prosecuted with the greatest rigor to the utmost extent of the law.

“At the mouth of or a short distance up almost every small stream—the trout’s breeding place—that empties either into the Truckee River, or Tahoe, Donner, or other lakes, fish traps are set in such a manner as to be actual murder to most of the fish, and complete destruction to their spawn. Taking advantage of the fish’s instinct of procreation and continuance of its race, and of its other instinct, that that can only be done by going up stream to shallow water and a gravelly bottom, a trap is made, which is done as follows: A row of stakes is driven across the full width of the stream. These are not placed so close as to prevent the water coming down, yet are put so near that a trout cannot get through to go up. Further down the stream another row is driven across. This is in every respect like the first, except that in one portion of it—about the centre—an opening, say, a foot wide and two or three feet long, is left under water. The distance between the two rows of stakes is a matter of option, being from three or four feet to ten or twelve, depending somewhat upon the number of prisoners the owner expects to take, and how long, and for what purpose he intends to keep them. It will be seen that the fish can get in through the lower tier but not out through the upper one, yet might escape by returning; but this they will not do. Fish always return to spawn at the spawning place of their parents. Here they are, and reasoning, nature, instinct, or whatever else people may choose to term it, tells the fish that they are of no further use in the waters of this world unless they get up the stream to spawn and milt. So in this trap they remain, butting their heads against the upper stakes until they are either taken out or the growing ova and milt compels them to violate the laws of nature and die, when the fish and what should have been their descendants are

dipped out and, as already said, given to the hogs. Trout are frequently thrown out with their noses absolutely butted off in the vain endeavor to force their way through the barricade.

"The Indians, and a good many whites, have another distinctive method of trapping trout, but it is nothing like so bad as the one described above. Even where there are good ladders and ways, a large number of fish try to run up the current pouring over the dam. After repeated efforts to run up on the face of the water against the impetus with which it is coming down, they become weak and exhausted, and can no longer keep upon the face of the stream and fall through it into the vacant space that is always found under the water that pours over a dam. In this space wicker or other baskets (the Indians use willow twigs) are fastened, and into these baskets the fish fall in great numbers, and of course cannot escape.

"Two facts show conclusively that trout are fast disappearing from the lakes. One is, that very few, comparatively speaking, are caught now, even in the best seasons, with the hook and line. As a sample, I may tell of a Sacramento attorney who is noted as an expert in fishing—a gentleman who can nearly equal Izac Walton for patience in waiting for a nibble—who spent some four or five days this summer fishing on Donner. He was out by daylight, and did not return until dark, and the greatest number he caught in any one day was five. I may also state that every trout that he caught was silver—there was not a brown one in the whole number. The other fact is, that the so called chub, the natural, as it would seem, food for the trout in the lakes, have of late years increased in such numbers as almost to be a nuisance.

"On the Truckee, about nine miles from Tahoe, Comer Brothers have a large establishment for rearing trout. I understand that it was started about three years ago, and that although it has been a success so far as to growing and distributing the fish, yet, in commercial parlance, it has been something very near a failure. I was told that Webber Lake was stocked from the Truckee several years ago, and that it is now well filled with good sized fish, though formerly it did not possess any trout. If there is any means by which your Board can aid these Pioneer California trout growers, I trust that you will do so.

"I believe that I have nothing to add, except to say that during the coming year and until people begin to understand the law, and the officers and Courts enforce it, the entire time of at least one man will be required about Lake Tahoe, the Truckee, Little Truckee, and the lakes and streams that flow into them, for the protection of fish."

## EXPENDITURES.

Of the appropriation of five thousand dollars made by the Legislature to aid the Commissioners in importing new varieties of fish, and in preserving the native fish valuable for food, we have expended the following amounts:

1870.		
Dec. 9th.....	Paid J. D. Farwell & Co. bill of sundries.....	\$40 32
1871.		
Feb. 9th.....	Paid expenses of E. Wakeman, examinations Bay of San Francisco.....	238 60
March 20th.	Paid Bugbey & Sons, drawings of fish ladders..	25 00
March 27th.	Paid expenses of E. Wakeman, coast rivers.....	80 00
July 8th.....	Paid expenses of Seth Green and assistant in San Francisco .....	43 50
July 8th.....	Paid expenses of Seth Green and assistant in importing 15,000 young shad.....	348 30
July 8th.....	Paid fare of Green and assistant, return trip....	186 50
Nov. 25th...	Paid expenses of G. C. Haswell, examination of Lake Tahoe, Truckee river, and tributaries..	175 00
	Total amount expended.....	\$1,137 22

All of which is respectfully submitted.

B. B. REDDING,  
S. R. THROCKMORTON,  
J. D. FARWELL,  
Commissioners.

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# REPORT

OF THE

PARK COMMISSIONERS

TO THE

LEGISLATURE OF 1871-2.

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T. A. SPRINGER.....STATE PRINTER.

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## REPORT.

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*To the Honorable the Senate and Assembly of the State of California:*

GENTLEMEN: The undersigned, "Park Commissioners," under and by virtue of the authority of an Act of the Legislature of the State of California entitled "An Act to provide for the improvement of public parks in the City of San Francisco," approved April fourth, eighteen hundred and seventy, have the honor to submit herewith a report of their proceedings and a statement of their receipts and expenditures, as required by section six of said Act.

The Commissioners organized on the third of May, eighteen hundred and seventy, by the election of S. F. Butterworth as President and Andrew J. Moulder as Secretary.

On the sixth of May the Commissioners advertised, in accordance with law, for bids for park bonds to the amount of one hundred thousand dollars, bearing interest at the rate of six per cent (6%) per annum, with a notification that under the law no bid under par could be accepted.

The advertisement was continued for sixty (60) days, and at the expiration of that time, to wit: on the fifth of July, eighteen hundred and seventy, the only bid received was opened, and bonds to the amount of fifteen thousand dollars were awarded to A. Seligman, the bidder, at par.

On the first of August, eighteen hundred and seventy, fifteen bonds of one thousand dollars each, dated August first, eighteen hundred and seventy, and bearing interest at the rate of six per cent (6%) per annum payable semi-annually, the principal payable in fifty (50) years from date, were issued to said A. Seligman, and in return therefor the sum of fifteen thousand dollars in gold coin was received by the Commissioners.

Abraham Seligman was appointed Treasurer, and his offer of one per cent (1%) per annum on monthly balances in his hands was accepted.

On the twelfth of May, eighteen hundred and seventy-one, Messrs. J. Seligman & Co. made a further bid for park bonds to the amount of sixty thousand dollars (\$60,000) at par, which bid was accepted.

The bonds of this issue were dated as before, August first, eighteen hundred and seventy, although not delivered until July first, eighteen hundred and seventy-one.

The coupons for interest accrued prior to the date of their delivery, to wit: coupon number one, payable January first, eighteen hundred and

seventy-one, and coupon number two, payable July first, eighteen hundred and seventy-one, were detached and cancelled, and in this condition surrendered to the City and County Treasurer.

The limitation imposed by the Act creating the Board, that the park bonds shall not be sold for less than par, has prevented the sale of the full amount of bonds (two hundred and twenty-five thousand dollars) authorized by that Act.

Other six per cent bonds of the City of San Francisco have been negotiated by the city authorities at ninety-two, and in view of this it is not to be expected that capitalists will at present take park bonds at par for an investment.

But for the fact that the bidders expected to reap an indirect benefit in the improvement of the park and the consequent appreciation in the value of their property adjoining, not a dollar of these bonds could have been negotiated on the terms imposed. And the Commissioners feel assured that as the same causes no longer stimulate bidders, no more of these bonds are likely to be negotiated within any reasonable time, unless the restriction preventing the acceptance of bids below par is removed.

With the sum of seventy-five thousand dollars already received a large amount of work will be done, and the avenue and park can be thrown open to the use of the public, but it must necessarily be in a rude and unfinished condition.

Could the whole two hundred and twenty-five thousand dollars authorized by the Act be realized, it is believed the park could be converted into a most attractive and popular resort, answering, with comparatively moderate annual expenditures, the most pressing needs of the community.

Specifications for a minute topographical survey of the "Avenue" and "Golden Gate Park" and their connections with the adjacent city surveys were prepared, and a number of competent engineers and surveyors were invited to put in sealed bids, stating for what sum in gross they would execute the work in accordance with said specifications. On the eighth of August, eighteen hundred and seventy, the bids were opened, and the contract was awarded to Mr. William Hammond Hall (the lowest bidder), for the sum of four thousand eight hundred and sixty dollars.

Mr. Hall entered the field shortly afterwards with a corps of assistants, and completed a very elaborate and accurate topographical survey early in December.

On the fifteenth of February, eighteen hundred and seventy-one, Mr. Hall presented his final report of this survey, with accompanying maps on a large scale, and in minute detail.

The report was accepted, and the maps were officially adopted by the Board. Together they contain all the information desirable as a basis for laying out and ornamenting the park and avenue. By their aid a comprehensive plan for the improvement of the park will be prepared. If need be, copies may be sent to the most distinguished landscape artists and engineers abroad; and thus at small expense may be obtained the results of their large experience and cultivated taste; of which our engineer may avail himself in perfecting a grand plan for the improvement of the park.

On the seventeenth of November, eighteen hundred and seventy, the Commissioners appointed a "Keeper of the Grounds of the Avenue and Parks," at a salary of seventy-five dollars per month. This appoint-

ment was necessary to protect the trees and shrubbery from waste by trespassers, and to prevent unauthorized parties from intruding upon the premises.

The Park Keeper was further charged with the care of the nursery and greenhouse, which were established at a small expense for the rearing of suitable evergreen and other trees and shrubs, to be set out on the park grounds. By this means many thousands of young trees of the best varieties have been raised from the seed, and are now growing finely; and it is expected that this nursery will supply all the ornamental and shade trees necessary to stock the park at a trifling cost.

On the second of May, eighteen hundred and seventy-one, the Commissioners advertised for bids for grading "the avenue" extending from Baker to Stanyan streets, in accordance with carefully prepared specifications. Twenty-three (23) bids were received, and were opened at three o'clock p. m. on Friday, the twelfth day of May.

The contract was awarded to B. Kenny, the lowest bidder, at the rate of four and one half cents ( $4\frac{1}{2}c.$ ) per cubic yard for cutting and six cents per cubic yard for filling or embankment.

A bond and other proper securities for the faithful fulfilment of this contract were exacted by the Commissioners.

Immediately after the award the contractor commenced the work of grading the avenue, and he has diligently prosecuted it since. Up to this time the grading has been completed from Stanyan street to Lyon street. The amount of work done under the contract is one hundred and one thousand five hundred cubic yards of cutting, and one hundred and one thousand five hundred cubic yards of filling, at a total cost of ten thousand six hundred and fifty-seven dollars and fifty cents.

On the fourteenth of August, eighteen hundred and seventy-one, the Commissioners elected William H. Hall Engineer of the park, at a salary of two hundred and fifty dollars per month. Mr. Hall has been diligently engaged in the discharge of his duties, and all the work done has been under his superintendence, to the entire satisfaction of the Commissioners.

After due advertisement, proposals for macadamizing, in conformity with minute specifications, the Park Avenue from Baker to Stanyan street, were opened by the Commissioners on the twentieth of September, eighteen hundred and seventy-one. Three bids were received, and the contract was awarded to B. Kenny, the lowest bidder, at the rate of four and three-quarter cents ( $4\frac{3}{4}c.$ ) per square foot. This work has progressed rapidly. Up to this time one half of the avenue has been subgraded and dressed, and about one hundred and twenty-five thousand square feet macadamized.

On the tenth of October, eighteen hundred and seventy-one, bids were opened in response to advertisement for the construction of a substantial redwood sewer in the "Avenue" leading to the park. Three bids were received, and the contract was awarded to James Gaffney, the lowest bidder, at the rate of two dollars and ninety-seven cents ( $\$2\ 97$ ) per lineal foot. This work has been completed in a satisfactory manner, at a total cost of two thousand two hundred and six dollars and seventy-one cents. Without it, the avenue would have been seriously damaged by the heavy floods of the past month.

Under the instructions of the Commissioners, the Engineer has laid out an extensive system of drives throughout the eastern portion of the park, skilfully arranged to take advantage of the natural features of the country. Under his superintendence eleven thousand seven hundred

feet of roadway, now forty feet in width, have been graded in the park, and a large amount of filling has been done towards grading the valley intended for the lawn.

On the eighth of December, eighteen hundred and seventy-one, the Commissioners instructed the Engineer to open a quarry of rock upon the park grounds, and to surface or macadamize the roads already constructed. This work is being prosecuted with vigor, and in a few months many miles of attractive drives will be thrown open to the public. In addition, considerable progress has been made in inclosing the avenue with a neat but economical fence. A number of blocks in the avenue have been prepared for planting, and the Commissioners hope to avail themselves of the present favorable season to set out a large number of valuable and ornamental trees.

The Golden Gate Park contains about one thousand acres, of which two hundred and seventy acres, at the eastern end, is good arable land, covered, in many places, with trees and shrubbery. This portion may at once be converted into an attractive resort. The remaining seven hundred and thirty acres, stretching down to the Ocean beach, is a waste of drifting sand. Forbidding as it appears at present, it is confidently believed that it can be reclaimed by proper appliances. Should the necessary means be placed at the disposal of the Commissioners, they will undertake the experiment of reclamation, and if successful, will continue the work until the barren sandhills are converted into verdant fields.

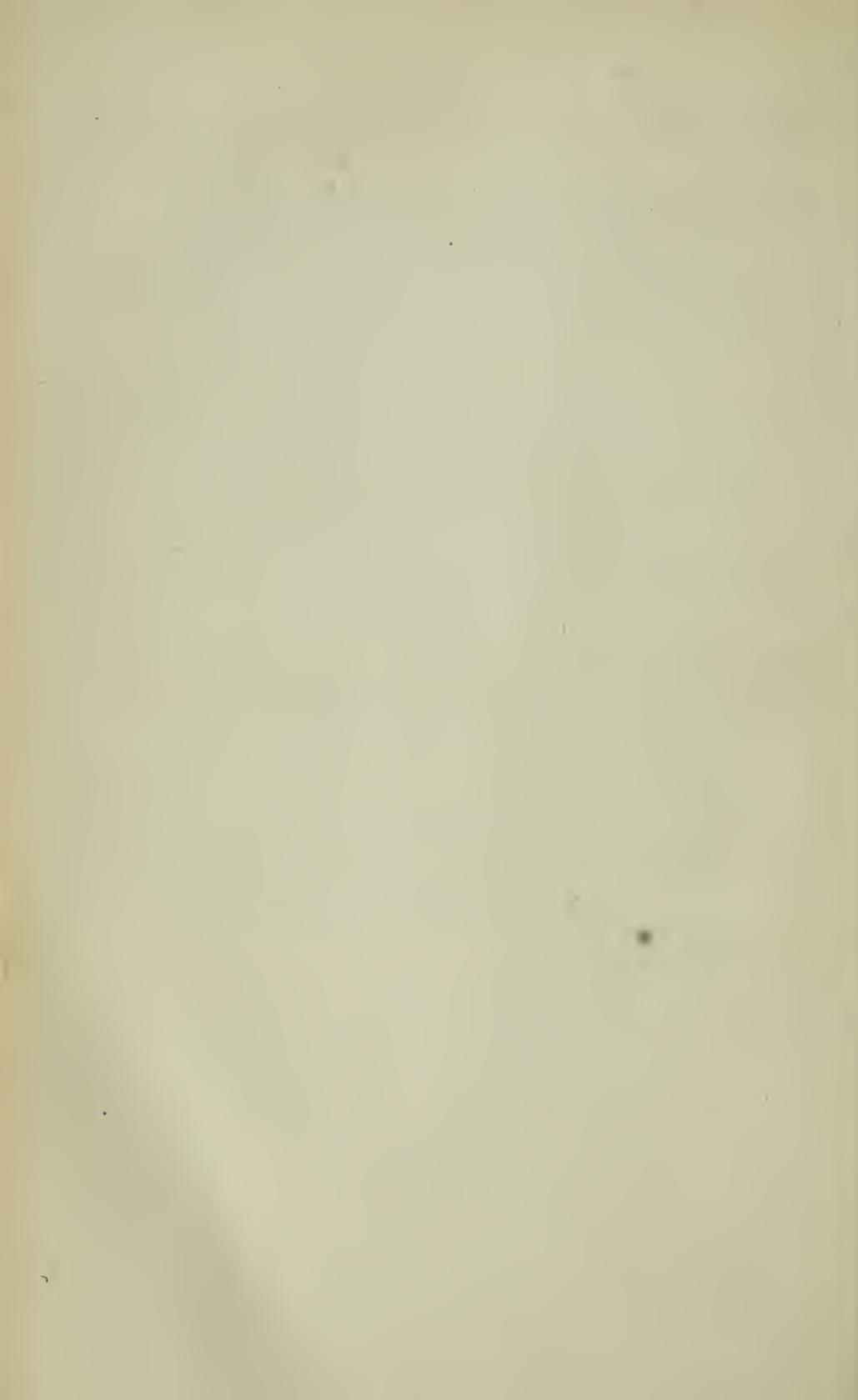
The Commissioners appeal to the financial statement, hereto appended, in proof of the rigid economy exercised in all their expenditures. They have devoted their best energies to the discharge of the responsible duties intrusted to them, and they feel justified in asserting that rarely has so large an amount of valuable work been done at so small a cost to the public.

In conclusion, they would invite special attention to the able and exhaustive Report of the Engineer, appended hereto. It gives, in minute detail, all necessary information regarding the avenue and park, and the progress of the improvements made, with many valuable suggestions, which the Commissioners hope to realize.

All of which is respectfully submitted,

S. F. BUTTERWORTH,  
C. H. MACDERMOT,  
D. W. CONNELLY,  
Park Commissioners.





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REPORT OF THE REGENTS

OF THE

UNIVERSITY OF CALIFORNIA,

RELATIVE TO THE

OPERATIONS AND PROGRESS OF THE INSTITUTION.

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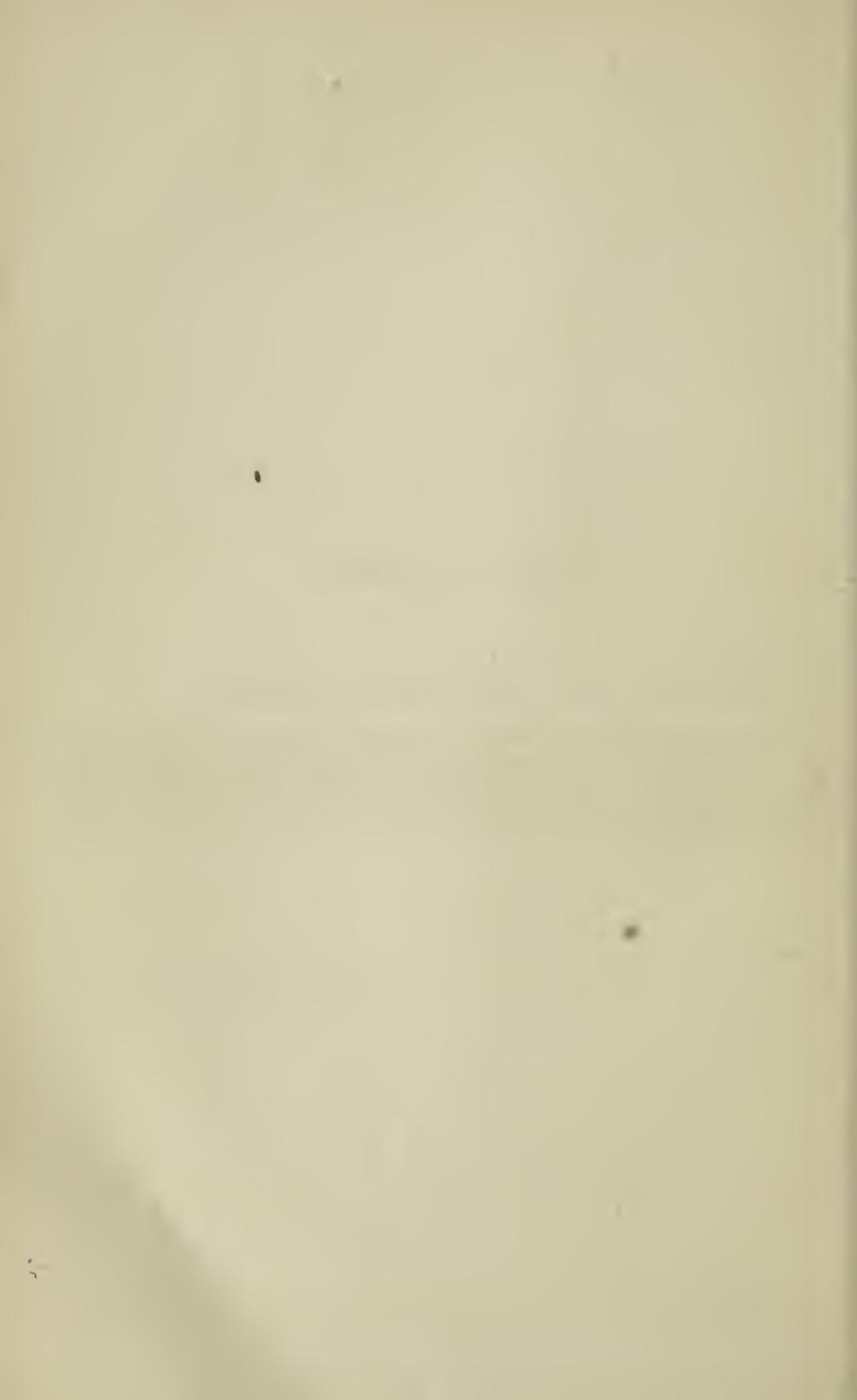
T. A. SPRINGER.....STATE PRINTER.

## R E P O R T .

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*To His Excellency, NEWTON BOOTH, Governor of California:*

The Regents of the University of California beg leave to present the following report of their operations, and of the progress of the institution under their charge, as required by section nineteen of the Act creating and organizing the University, approved March twenty-third, eighteen hundred and sixty-eight.



# REPORT.

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## ORGANIZATION OF THE BOARD OF REGENTS.

By the provisions of the University Act, the Board consists of six ex officio members; eight appointed members, receiving their commissions from the Governor; and eight honorary members, elected by the ex officio and appointed members.

The members by virtue of their office are the Governor (President of the Board), the Lieutenant Governor or the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the State Agricultural Society, and the President of the Mechanics' Institute of San Francisco.

At the date of our last report (December twelfth, eighteen hundred and sixty-nine) the appointed members, classified by lot, were Honorable Samuel Merritt, two years; John T. Doyle, Esq., four years; Richard P. Hammond, Esq., six years; Honorable John W. Dwinelle, eight years; Reverend Horatio Stebbins, ten years; Honorable Lawrence Archer, twelve years; William Watt, Esq., fourteen years; Honorable S. B. McKee, sixteen years.

At the same time, the honorary or elected members were Louis Sachs, Esq., two years; Honorable Edward Tompkins, four years; J. Mora Moss, Esq., six years; S. F. Butterworth, Esq., eight years; Honorable John S. Hager, ten years; A. J. Bowie, M. D., twelve years; William C. Ralston, Esq., fourteen years; and John B. Felton, Esq., sixteen years, the terms all dating from the first day of March, eighteen hundred and sixty-eight.

On the the first of March, eighteen hundred and seventy, the term of Honorable Samuel Merritt expired by limitation. He was reappointed by the Governor for the full term of sixteen years.

On the same day expired the term of Louis Sachs, Esq. He was reelected for the full term of sixteen years.

On the seventeenth of November, eighteen hundred and seventy-one, William Watt, Esq., resigned his position as Regent, and in his place the Governor appointed J. West Martin, Esq., for the unexpired term.

## INCORPORATION OF THE UNIVERSITY.

The incorporation and present organization of the University originated from the following considerations: the University, as one of the

future institutions of the State, is expressly recognized by Article IX, section four, of the Constitution of California. By Act of Congress of July second, eighteen hundred and sixty-two, one hundred and fifty thousand acres of public lands were granted to the State of California for "the endowment, support, and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

But it was also provided in the same Act of Congress that if the respective States should not within five years after the passage of that Act provide at least one college, as therein prescribed, "the grant to said State should cease." The State of California was therefore bound to provide such a college before July second, eighteen hundred and sixty-seven. It did not do so, but succeeded in obtaining a further extension of five years within which to provide such a college, dating from the acceptance of the grant by Act of the Legislature of California of March thirty-first, eighteen hundred and sixty-four (Laws 1863-4, p. 559), by Act of Congress of July twenty-third, eighteen hundred and sixty-six. Within five years from March thirty-first, eighteen hundred and sixty-four, such a college was therefore still to be provided by the State or the grant by Congress of the one hundred and fifty thousand acres of public lands would fail.

#### THE AGRICULTURAL, MINING, AND MECHANIC ARTS COLLEGE.

Meanwhile the Legislature of California, by the passage of "An Act to establish an Agricultural, Mining, and Mechanical Arts College," approved March thirty-first, eighteen hundred and sixty-five and six (Laws 1865-6, pp. 504-9), endeavored to comply with the Act of Congress, but the effort proved ineffectual for several reasons. In the first place, the Act itself was unconstitutional, being in violation of Article IV, section thirty-one of the Constitution, which prohibits the formation of any but municipal corporations by special Act of the Legislature. In the next place, no appropriation was made for the proposed college, and no means provided for its organization or endowment. Meanwhile the period prescribed by Congress for the actual operation of the college was rapidly approaching, and a proposition to further extend it met with no favor. At this juncture, the College of California, the oldest academic institution in California of collegiate rank, offered one hundred and sixty acres of land at Berkeley, Alameda County, as a site for the Agricultural and Mechanic Arts College, accompanied with an agreement that it would convey all its other valuable property, including its college buildings at Oakland, to the State, and itself go out of existence, provided the State would elevate the proposed college to the rank of a university. There were many motives which induced the Legislature to accept this proposition. The proposed benefaction was a noble one, and the lands donated, and proposed to be donated, were ample for the site of a university, and nearly all that were needed for agricultural purposes. The buildings specified were all that it was then thought would be soon required for an infant university. The number of instructors which would be demanded for the efficient organization of an Agricultural, Mining, and Mechanical Arts College would be nearly all that would be needed for a

university fully organized with all its colleges for an academical and technical training; for five hundred students can hear the same lecture as we l as ten; and it is not until an advanced period in each course that even technical instruction becomes special in the various courses. Every consideration, and especially those of economy and efficiency, prompted the Legislature, when it made its last effort to comply with the Act of Congress and save the one hundred and fifty acres of public lands, to create a University worthy of the State.

#### THE PLAN OF THE UNIVERSITY.

A University organized upon a complete plan may be briefly defined to be an institution of learning in which everything is taught in science and learning which the student desires to learn. But most Universities are hampered with conditions and restrictions which limit their scope and impair their usefulness. They are generally so expensive as to be beyond the reach of youths of even moderate means. Young women are almost universally excluded; they are generally sectarian in their character; most of them are incumbered with monastic traditions of the middle ages; others impose conditions of admission which exclude large classes of students; and almost all require courses of instruction to be pursued, so that a student cannot learn that special thing which he wishes to learn without being compelled to study something else for which he has no inclination. The University of California has, happily, avoided all these evils. Its instruction is free, and its incidental expenses so low that a student can complete his four years course for less than it would cost him to leave California, spend a year at an Eastern University, and then return. It is open to both sexes, and young women are not insulted by the creation of a Female Department, but pursue the same curriculum of instruction as the other sex. It is not sectarian in its character. An institution fostered by the State cannot teach religion beyond the ethics which form the character of the honest, truthful, cultivated gentleman. It admits all youth of good character and proper age to its classes, and it permits any person to receive its instruction in any branch of study at any time when it is given in due course, whether he wishes to study anything else or not, and it furnishes University lectures, in which science is popularly and yet accurately treated, to a large class of the population of the State. It is believed that the young University of California is far in advance in most of these respects of all the Universities in the world.

#### OBJECTIONS TO A UNIVERSITY.

It has been objected to Universities that they consume the funds which ought to be bestowed upon the public schools. This at most only affords an argument for supplying more funds for the public schools. It is said, also, that Universities afford means of instruction which are available for only the most prosperous classes of society. In point of fact this is not true. Most of the students possess only moderate means, and are able to be students at all only because they have no tuition to pay. Many sustain themselves in the University only by daily practice in mechanical and other laborious avocations. It is time, however, that the University created a higher class—the class of superior culture. Every element of culture adds to the enjoyment and to the value of the man, and to the enjoyment and worth of the race. To attain this higher culture is as

natural as the aspiration for a higher life. There are thousands of the youth of California who are now seeking it; and whether most of them shall fail in the pursuit, and the rest attain it only by becoming for a time exiles from California, is a question involved in the success or failure of our University.

#### THE UNIVERSITY PROPER.

The University was formally inaugurated on the twenty-third of September, eighteen hundred and sixty-nine, in the building formerly occupied by the College of California in the City of Oakland.

The session opened with forty-two students, distributed among the five colleges which compose the University—a portion entering each of the four classes into which the regular course is divided.

On the twentieth of July, eighteen hundred and seventy, the close of the first scholastic year, the "First Commencement" of the University took place. The occasion was marked by imposing demonstrations, and the exercises were attended by a large audience who evinced a deep interest in the success of our young University. The degree of Bachelor of Arts was conferred upon three graduates—Charles W. Anthony, Robert L. McKee, and Lucio M. Tewksbury—and the degree of Master of Arts upon D. L. Emerson, a graduate three years before of the College of California.

On the twenty-second of September, eighteen hundred and seventy, the first term of the second scholastic year commenced with seventy-eight students in the University proper, assigned to the several colleges, and classified as follows:

In the four Colleges of Arts.....	28
In the College of Letters .....	24
Students at large, taking optional courses.....	24
Students in special courses.....	2
Total.....	78

Besides these, fifteen other students attended the University at some time during the year eighteen hundred and seventy, but withdrew or were dropped before its close.

On the nineteenth of July, eighteen hundred and seventy-one, the end of the scholastic year, occurred the "Second Commencement" of the University, which was signalized by even more imposing demonstrations than the first, and the exercises passed off with great eclat. The degree of Bachelor of Arts was conferred on five graduates—Frederick H. Whitworth, Edward W. Blaney, George D. Cobb, Charles B. Learned, and Everett B. Pomeroy—and the degree of Master of Arts upon Theodore Bradley, Charles A. Garter, William Gibbons, John R. Glascock, William D. Harwood, George E. Sherman, and Marcus P. Wiggin.

On the twenty-first of September, eighteen hundred and seventy-one, the first term of the third scholastic year opened with one hundred and forty-seven students in regular attendance upon the University proper, classified as follows:

In the four Colleges of Arts.....	75
In the College of Letters .....	28
Students at large, taking optional courses.....	20
Students taking special courses.....	24
Total.....	147

During the year twenty-six young ladies were admitted as students in the University. Of these twenty-one still remain. In addition to the regular students, pupils sufficiently advanced from other institutions of learning are by special permission of the Regents allowed to attend the University courses of lectures. They are enrolled for the full course, and are examined upon it by their own teachers. Of this class of pupils fifty-nine now attend the lectures on chemistry, on English literature, and on geology, making a total of two hundred and six students now receiving in whole or in part the benefits of the instructions in the University proper.

#### FIFTH CLASS.

By the close of the first year it became apparent that there was not a sufficient number of high schools or other proper institutions of learning in the State, to prepare students for admission into the University. To obviate this difficulty, and to diffuse as widely as possible the benefits of the University, it was determined by the Regents, on the tenth of August, eighteen hundred and seventy, to bridge the gap between the University and the public grammar schools of the State by establishing an additional class, to be known as "the Fifth Class," for admission to which the requirements were reduced much below those necessary to enter the University proper. By this expedient any good grammar school pupil, capable of passing a satisfactory examination in English grammar, arithmetic, geography, and history of the United States, is enabled to avail himself of the rare advantages of the University, and to prepare himself by a course of instruction especially adapted to that end for admission into the University proper.

At the opening of the scholastic year, on the twenty-first of September, eighteen hundred and seventy, seventy students applied for admission into the Fifth Class, of whom fifty-five passed a satisfactory examination, and were admitted. As an evidence of the value of this class as a feeder of the University, it may be stated that of the sixty-five students who entered the Fourth or Freshman Class on the twenty-first of September, eighteen hundred and seventy-one, fifty-four (54) were promoted from the Fifth Class.

At a later date a Preparatory Department was established, with which the Fifth Class was consolidated.

The number of students increased so rapidly that larger accommodations became necessary; and by virtue of authority conferred by a special Act of the Legislature, the Regents purchased the extensive grounds and buildings in the City of Oakland belonging to the Brayton estate.

During the year eighteen hundred and seventy-one, two hundred and

fifty-eight (258) students were admitted into the Fifth Class or Preparatory Department. Of these, fifty-four were promoted to the Fourth Class, fifty-five withdrew or were dropped, and one hundred and forty-nine still remain.

The following will show the attendance at the University at the present time:

Students in the University proper.....	147
Attendants upon the University lectures.....	59
Students in the Fifth Class.....	149
Total.....	355

The Faculty of the University instruct the members of the Fifth Class in certain of the higher branches, and have full power to arrange the discipline, the course of study, text books, etc.

This Department, however, is under the immediate charge of Professor George Tait, who bears the title of "Master of the Fifth Class." He is assisted by a Sub-Master, a First and Second Assistant, and special instructors in French, Spanish, German, and Penmanship.

While the University proper is free to all properly qualified applicants, male and female, the Regents have deemed it necessary, in the present condition of their finances, to make the Preparatory Department self-sustaining, and hence the students in this Department are required to pay for board, lodging, and tuition a sum as small as experience shows will be sufficient to defray the expenses, and no more. But a slight deficiency has occurred in the revenues thus far, owing to a failure to collect certain dues.

#### THE FIFTH CLASS IN OTHER PARTS OF THE STATE.

With an anxious desire to extend the benefits of this feature of the University throughout the State, and to provide feeders in all the most populous localities, the Regents have adopted the following resolution:

*"Resolved, That upon the presentation of satisfactory credentials, or upon examination, the Faculty of the University be empowered to grant licenses to such instructors as may be found qualified, authorizing them severally, without charge upon the funds of the University, to organize Fifth Classes in any of the counties of the State, to be organized and conducted under such general rules and regulations as the Faculty may prescribe, for the purpose of preparing students for entering the University."*

In carrying out the powers thus conferred, the Faculty require that application for the establishment of a branch of the Fifth Class must come through the highest local Board of Education; that the applicant for license to teach such a branch must furnish satisfactory testimonials as to character, and also credentials of competency from the county and State Superintendents of Public Instruction, and shall be subject to examination by the Faculty, or in lieu thereof shall furnish undoubted evidence of high literary standing and ability to teach.

In conformity with these regulations, five branches of the Fifth Class have been established in different parts of the State, and it is expected that the number will be largely increased as soon as the advantages offered become more widely known.

It must be borne in mind that the object of these Fifth Classes is to supply the present lack of suitable institutions to prepare students for admission into the University proper.

The creation of the Fifth Class will not operate to disturb the present standard for admission to the Fourth or Freshman Class. That standard will remain as before, and the Faculty will enforce it in the case of all candidates for matriculation.

By the organic Act, a "College of the Mechanic Arts" was established in connection with the University. Although ample provision was made by the Regents for the instruction of those who might enter it, extending through a full four years course necessary for graduation, and though rare advantages were offered to those who might prefer or who might be compelled by straitened circumstances to take a "special course," and for a limited time in industrial mechanics and auxiliary sciences, it was found, after a year's experience, that no students had entered, and few or none were likely to enter this college, free though it was and is to all applicants.

It was urged that the mechanics of the State could not spare the time, and that they lacked the means to avail themselves of the technical instructions so bountifully prepared for them.

The Regents appreciating the force of these objections, and anxious by every practicable expedient to enlarge the scope of the University, and to extend its benefits to the largest possible number, resolved on the twenty-first of June, eighteen hundred and seventy, "that it is expedient to establish a branch of the Mechanic Arts College of the University in the City of San Francisco, and that to this end suitable courses of evening lectures, to be known as the 'University Lectures,' shall be given there by the several Professors of the University. These lectures shall be arranged and prepared with special reference to the instruction of young men engaged in mechanical, manufacturing, and other industrial pursuits in their specialties, the lectures to be illustrated by the apparatus of the University."

In carrying out this resolve the Regents received the cordial coöperation of the officers of the Mechanics' Institute, who placed at their disposal the public hall in their building, very conveniently adapted for the purpose, and assisted personally in making the necessary arrangements. Much of the very striking success which attended this new feature of the University is due to their intelligent and active efforts. In one week after the register had been opened five hundred persons had enrolled themselves as students at large of the Mechanic Arts College, pledged to a regular attendance upon all the lectures to be given throughout the year. The capacity of the hall would not permit the admission of more, and at least one hundred additional applicants enrolled themselves awaiting the first vacancy. Besides the regular students, about fifty visitors were admitted to each lecture on special application for tickets.

On the evening of November twelfth, eighteen hundred and seventy, the exercises of the Mechanic Arts College were opened to an audience of about six hundred. The lectures were continued until the close of the scholastic year in July, eighteen hundred and seventy-one, and were listened to with deep attention throughout. Their value consisted not simply in the useful instruction imparted by the able corps of professors,

but in the stimulus to thought and to further investigation and study by the students themselves. The experiment more than realized the anticipations of the friends of the University, and it was resolved by the Regents to renew the course of lectures during the scholastic year ending in July, eighteen hundred and seventy-two. In one day after this resolve was made public three hundred and fifty students entered their names on the register as regular attendants, and a very large number made application for admittance who could not be accommodated in consequence of the limited dimensions of the hall. More space, however, was assigned to visitors, so that the regular attendance reaches the full figure of the previous year. Including these, the whole number of students receiving regular instruction from the University during the present term is eight hundred and fifty-five.

#### THE AGRICULTURAL COLLEGE.

The Agricultural College established in connection with the University offers a most complete course of instruction, running through the full period of four years necessary to obtain a degree. Those who may be unable to remain so long, or who do not desire to graduate, may take a "special course," or may devote themselves to one or more of the branches intended for their especial benefit. The course of instruction in this college embraces, besides the full mathematics, the modern languages, and other essentials to a polite education, the following branches for the technical instruction of the agriculturalist, viz: agricultural chemistry, zoölogy, mechanics, horticulture, analytical chemistry, illustrated in the laboratory, geology, agriculture, botany, physics, veterinary science, rural economy, diseases of animals and plants, laboratory practice, and forestry. Despite the attractions here offered no students applied for admission to this college, and it became apparent that some expedient must be adopted, as in the case of the Mechanic Arts College, to bring the University in contact with the agriculturalists of the State.

To this end the Regents, on the twenty-first of June, eighteen hundred and seventy, resolved "that in order to extend the advantages of the Agricultural College of the University to the largest possible number of citizens, and especially to persons practically interested in farming, fruit culture, wine making, wool growing, and stock raising, the Professor of Agriculture, Agricultural Chemistry, and Horticulture should visit, as far as possible, all the agricultural counties and centres of population in the State, and in every convenient neighborhood where accommodations can be obtained deliver one or more lectures, illustrated when practicable, upon subjects connected with agriculture likely to be of most value and interest to the people of the locality.

"In these lectures it shall be his care to disseminate such information derived from study, from observation, from correspondence, and from general experience as will be of use to farmers, fruit growers, and stock raisers of the State, having special reference to the imparting of valuable information upon the nature and best mode of culture of such new crops, fruits, trees, and vines, and the preparation of their products for market, as may be adapted to the soil and climate of California, and likely to increase the productive resources of the State. This course of lectures shall embrace the branches for which instruction is now provided in the Agricultural College of the University and all kindred subjects, it being the intention of the Regents, by the course here adopted, to transfer the

Agricultural College from the closet to the field, and make its instructions of practical value to the people of the State.

"During his tour through the State, the Professor of Agriculture shall carefully examine the growing crops, study their culture, noting particularly any exceptional influence calculated to improve or to injure them, and communicate the results of his observations in his lectures. He shall take special pains to collect statistics of the crops, flocks, and herds of the State, and shall report them for publication. He shall open communication with all local agricultural societies, and so far as possible, place his services at their disposal, and deliver his instructions under their auspices.

"*Resolved*, That the Board of Regents will take charge of and will themselves procure, as far as possible, from all quarters, at home and abroad, rare and valuable seeds, and will distribute the same through their Secretary and Professor of Agriculture throughout the State, to such persons as may desire to test their growth."

In pursuance of this resolution, Professor E. S. Carr has been diligently engaged for the past year in lecturing in all parts of the State. He has had large and attentive audiences, and it is not too much to say that through him thousands have received the benefits of the instructions of the Agricultural College of the University.

#### BUREAU OF MILITARY INSTRUCTION.

This department was organized and put into operation in the fall term of the year eighteen hundred and seventy, in pursuance of the law of Congress and of the State of California.

In view of the fact that a sufficient number of "able bodied male students" to constitute a brigade would doubtless be found in the University at no distant day, the organization has been upon that hypothesis.

The number of students attending at the University up to the present time has been great enough to form a battalion of four companies, and such a battalion has accordingly been organized, equipped, and instructed.

These young men have been practically and theoretically instructed in infantry tactics, beginning with the school of the soldier, and proceeding upwards to the schools of the squad or platoon, company, and battalion.

All the time available for this purpose, without trespassing upon that due to other departments of instruction, has been made use of. This time has been one hour per day on two or three days of each week.

This amount of military instruction would, it is thought, have met the requirements of the law, strictly construed; but more and further instruction has been thought necessary to meet the necessities of the citizen soldier of the present day, when it is remembered that other nations throughout the civilized world have greatly increased the amount of military information, which they disseminate among the people. Accordingly, a series of lectures, extending over a good portion of the academic year, has been delivered by the Chief Military Instructor to the students on the following topics and branches of military science, to wit:

The composition and organization of armies, both ancient and modern, showing the nature, use, proportions, and respective advantages of the different kinds of troops. The supply of armies, showing the methods

of arming, equipping, clothing, and feeding troops in the United States and the leading military powers of Europe. The moving of armies, treating of the marching and transportation of troops, both in time of peace and war, in a friendly country and in the vicinity of an enemy; passage of rivers by all the usual methods, including the construction and service of poutoon bridges; field fortification; theory of fire and target practice; the main principles of strategy; the history of small arms, etc., etc.

This course of instruction in military matters it is believed is more thorough and extended than in any civil college in the country, and cannot fail to be highly beneficial to the State and to the nation at large.

Muskets of the United States regulation pattern of Springfield rifle were issued to the students, the State having no others. But they are entirely unsuitable to the strength of the students in general, being too heavy, and besides of a style of construction now obsolete. Arms of the newest patterns of breechloaders, and still better, of repeating rifles, ought to be issued to the students for purposes of instruction, and they should be of different grades of weight, to suit the different degrees of strength of those who are to use them.

It is earnestly hoped that the matter of procuring suitable arms for the students may meet with the attention and favorable consideration of the Legislature. For the present, two hundred stand of rifles would be sufficient.

The instruction in military matters has been given by the Professor and Assistant Professor of Mathematics, in addition to their regular duties.

#### PURCHASE OF PROPERTY.

It being apparent that a considerable time must elapse before the new buildings, to be erected on the site at Berkeley, could be ready for the use of the University, the Regents, on the twenty-fifth of May, eighteen hundred and seventy, accepted the proposition of the Trustees of the College of California to convey all the property of said college, both real and personal, on condition that they (the Regents) should pay all the debts, as per schedule, amounting to fifty-four thousand and fifty dollars, of said college.

The property thus conveyed embraced block number one hundred and seventy-three, situated in the heart of the City of Oakland, and bounded by Twelfth, Webster, Thirteenth, and Franklin streets, having a frontage of two hundred and forty feet on Franklin, three hundred and forty feet on Thirteenth, two hundred and forty feet on Webster, and three hundred and forty feet on Twelfth street—in all eleven hundred and sixty feet frontage, together with the spacious and convenient college building situated thereon, which was considered ample for the immediate wants of the University. In addition to the above the conveyance from the Trustees of the College of California embraced a large amount of valuable land adjoining the University site at Berkeley, more particularly described as follows: Eighteen and twenty-five one-hundredths (18  $\frac{25}{100}$ ) acres of land in plot number eighty-two, as designated and numbered on Kellersberger's map of the ranchos of Vicente and Domingo Peralta; sixty-four and forty-nine one-hundredths (64  $\frac{49}{100}$ ) acres of land in plot number eighty—about two hundred and thirty acres of land in the mountain tract adjoining, and lots numbers one to eleven inclusive in block B; lot forty-nine in block F; and lots numbers twenty, twenty-one, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight,

twenty-nine, thirty-one, and thirty-two in block D, making twenty-two lots in all in the College Homestead adjoining the Berkeley site.

The block in Oakland, with the valuable buildings thereon, was valued by experts at thirty-two to thirty-four thousand dollars, and the outside property at thirty thousand, showing a total valuation of about sixty-two thousand dollars. The purchase of all this property for the sum of fifty-four thousand dollars by the Regents was considered a very advantageous operation for the State, while it supplied a pressing need of the University, furnishing ample accommodations for the number of students then applying for admission.

By an Act of the Legislature, approved January sixth, eighteen hundred and seventy, the Regents of the University were authorized to organize and establish a "Preparatory Department" for the purpose of preparing young men for the University, and for that purpose they were empowered "to secure the necessary buildings, by purchase or otherwise."

In the exercise of the powers thus conferred, the Regents agreed, on the eleventh day of November, eighteen hundred and seventy, to purchase, for the sum of eighty thousand dollars, the property in Oakland known as the Brayton School property, consisting of two full blocks of land, designated as blocks numbers one hundred and seventy-two and one hundred and ninety-three, and bounded by Twelfth, Webster, Fourteenth, and Harrison streets (immediately adjoining the property previously purchased of the College of California,) together with the extensive buildings and all the furniture therein situated thereon. This property was subject to a mortgage to the San Francisco Savings Union for fifty thousand dollars, with interest at the rate of ten and one-half per cent per annum.

The Regents acquired title to this property by assuming this mortgage of fifty thousand dollars, and by conveying to the representatives of the Brayton estate all the outside lots and tracts of land acquired from the College of California at a valuation of thirty thousand dollars, the same put upon it at the time of the transfer from said College of California.

At the same time the Regents stipulated for the right to purchase of the Brayton estate block number one hundred and ninety-two, so as to complete the quadrangle with the college block, for the sum of twenty thousand dollars.

Of this privilege the Regents afterwards availed themselves, and on the seventh day of February, eighteen hundred and seventy-one, received a conveyance from the Brayton estate of block number one hundred and ninety-two, for which the sum of twenty thousand dollars in cash was paid.

By these several conveyances from the College of California and from the Brayton estate they have acquired title to four contiguous blocks in the centre of the City of Oakland, bounded by Twelfth, Franklin, Fourteenth, and Harrison streets, with the valuable and extensive buildings thereon, well furnished and equipped for immediate use, and believed to be ample for the accommodation of six hundred (600) students.

The whole property has cost about one hundred and twenty-five thousand dollars, of which seventy-five thousand dollars was paid in cash and a mortgage of fifty thousand dollars was assumed. This mortgage bears interest at the rate of ten and a half per cent per annum, but arrangements have been made to reduce the interest to nine per cent per annum. Experts familiar with the value of this property are of the opinion that it could be sold to-day, if necessary, for a handsome advance on the price paid for it by the Regents.

## THE BUILDINGS AT BERKELEY.

In full expectation that the Agricultural College lands transferred to the University would be speedily sold and the interest from the proceeds thereof be available, and relying further upon the benefits to arise from the University endowment bill passed by the Legislature April second, eighteen hundred and seventy, from both of which sources it was expected ample means would be obtained to pay the current expenses of the University, it was resolved by the Regents to devote the funds then in their hands to the construction of suitable buildings to be erected on the beautiful site of two hundred acres belonging to the University at Berkeley.

The plans of the architects as adopted contemplated the erection of six spacious and elegant buildings, to be known respectively as the College of Agriculture, the College of the Mechanic Arts, the College of Civil Engineering, the College of Mines, the College of Letters, grouped around a grand central building to be known as the Hall of California. It was hoped that the whole would be realized at no distant day, but it was not expected to build at present more than one principal structure so arranged as to meet all the pressing immediate wants of the University.

Accordingly, on the twelfth of April, eighteen hundred and seventy, the Executive and Building Committees were instructed by vote of the Board "to cause the foundation of the Agricultural College Building to be laid without delay."

Bids were at once invited by the committees for the various classes of work needed in the construction. In response forty-one bids were received, which were opened on the twenty-fifth day of May, eighteen hundred and seventy, but in consequence of the receipt of a communication from the Attorney General, giving it as his opinion that the work must be done by days' labor, and not by contract, the committees declined to award the contracts, and referred the whole subject to a full Board of the Regents.

At a meeting of the Board held on the twenty-fifth of May, eighteen hundred and seventy, it was resolved in obedience to the opinion of the Attorney General to reject all bids received, and the Building and Executive Committees were directed to cause the foundation of the Agricultural College to be built by days' work, in accordance with the requirements of the Act of the Legislature, approved April fourth, eighteen hundred and seventy.

On the fourteenth of April, eighteen hundred and seventy, the Executive and Building Committees, acting jointly, by virtue of authority conferred by the Board, elected Mr. J. W. Duncan Superintendent of Construction, and fixed his compensation at two hundred dollars per month.

Work was commenced on the Agricultural College building, at Berkeley, on the twenty-eighth day of May, eighteen hundred and seventy.

The basement, constructed in the most substantial manner of brick and granite, was nearly completed by January, eighteen hundred and seventy-one, when it became apparent that the failure of the resources expected from the sale of the Agricultural College lands and from the Endowment Fund would not permit any further expenditure on building account.

Accordingly, on the twenty-third of January, eighteen hundred and seventy-one, the Regents resolved "that the finances of the University would not justify them in expending the large amount necessary to

complete the work," and they directed the Superintendent to suspend all work upon the buildings from and after January twenty-eighth, eighteen hundred and seventy-one, and to have the same securely covered in by that time. This was done, and by order of the Board the salary of the Superintendent was suspended from and after February twenty-eighth, eighteen hundred and seventy-one. Subsequently it was represented that the workmen would be willing to go on and complete the basement, and accept in payment for their services certificates of indebtedness, payable when the Legislature shall place the necessary funds to the credit of the University.

It was considered so important that a resolution was introduced into the Board, instructing the Superintendent to continue work on the building until the basement should be completed, and providing:

"That when the bills for labor or materials are properly audited and allowed, certificates of indebtedness shall be issued, signed by the President and Secretary of the Board, payable whenever there are funds on hand for that purpose and the same shall have been ordered paid by the Board of Regents."

Anxious as the Board were to complete the work, they did not feel at liberty to accept the credit thus offered. They were unwilling to force upon the Legislature the alternative to pay a large indebtedness on account of work done upon the building, or let the mechanics and laborers go without pay for an indefinite period. The resolution was therefore rejected, and on the twenty-first of March, eighteen hundred and seventy-one, the following was adopted instead:

"*Resolved*, That in consequence of the state of the finances of the University, it is impossible to make any further expenditure for building on the grounds at Berkeley or elsewhere."

The building has been covered in, so as to protect it from damage, and all the tools and appliances have been safely housed—the whole still under the charge of the Superintendent of Construction, whose compensation is meanwhile suspended.

Should the Legislature see fit to provide the means, the entire building can be completed and made ready for occupation in the course of one year.

#### SALE OF AGRICULTURAL COLLEGE LANDS.

At the date of our last report to the Legislature, to wit: on the twelfth of December, eighteen hundred and sixty-nine, twenty-three thousand (23,000) out of one hundred and fifty thousand acres of Agricultural College lands had been sold, at the rate of five dollars, gold, per acre; of which fourteen hundred acres were full paid, producing seven thousand dollars; and on the remainder, twenty-one thousand six hundred acres, twenty (20) per cent, equivalent to one dollar (\$1) per acre, was paid up, realizing twenty-one thousand six hundred dollars; in all, twenty-eight thousand six hundred dollars, leaving due the sum of eighty-six thousand four hundred dollars, bearing interest at the rate of ten per cent per annum.

Owing to the many difficulties attending the location of these lands

under existing laws, but few sales were made, and it became apparent that some means must be devised to attract purchasers, or the remainder of the grant would prove almost worthless, for many years, at least.

Accordingly, on the thirtieth day of November, eighteen hundred and sixty-nine, the Regents addressed a memorial to Congress, setting forth the difficulties encountered in locating the Agricultural College lands, and asking the passage of a law relieving them from certain restrictions and conferring additional privileges.

It was found that the location within the limits of California of large amounts of the agricultural scrip of other States, and the reservation of immense tracts for the benefit of railroads, had absorbed so much of the desirable public lands of the State as to leave but little, and that scattered here and there, and lying in the most distant parts of the State, whereon to locate our grant. To compensate in some measure for these disadvantages, Congress was asked—

*First*—To strike out from section two of the Act approved July second, eighteen hundred and sixty-two, which requires that the lands granted for the support of a College of Agriculture and the Mechanic Arts, “shall be apportioned to the several States in sections, or subdivision of sections *not less than one quarter of a section,*” the limitation clause, “not less than one quarter of a section,” so that the Regents might be allowed to locate in the same manner as preëmptors; that is to say, by legal subdivisions, the smallest of which is forty acres, increasing by multiples of forty acres.

By an Act of Congress, approved March third, eighteen hundred and seventy-one, this privilege was conceded, and thereby the Regents were enabled to make title to many small subdivisions of public lands left by the irregular boundaries of private land claims, the angular lines of demarcation between the swamp and highlands, the sinuosities of the sea coast, and the meanderings of rivers.

*Second*—The Act of Congress, approved June eighth, eighteen hundred and sixty-eight, required the State to surrender two acres of her grant in order to locate one acre within the limits of a railroad reservation.

Congress was asked to allow, and by the Act of March third, eighteen hundred and seventy-one, did allow the Regents the privilege of acquiring title to a given number of acres within a railroad belt, by surrendering an equal number of acres of the Agricultural College grant, and by paying therefor, to the Government, an additional sum in cash, at the rate of one dollar and twenty-five cents per acre.

The effect of this provision was to enhance materially the value of the University scrip.

Prior to the passage of the Act of March third, eighteen hundred and seventy-one, parties desiring to purchase the University’s right to locate lands within a railroad reservation were compelled to surrender two acres, costing them ten dollars, in order to acquire title to one acre of public land. At present such parties pay but six dollars and twenty-five cents per acre, of which five dollars belongs to the University, and one dollar and twenty-five cents is to be paid to the General Government, on receipt of a patent for the land.

In the Act referred to, Congress further conceded to the State the valuable privilege of locating her agricultural grant upon *unsurveyed* lands, the costs of survey to be paid by the Federal Government, in case there should be sufficient of the appropriation remaining; otherwise the expenses of the survey for field work to be paid by the State; and it was still further provided that the Regents representing the State

should, for thirty days after the filing of the plats of lands surveyed at their request, have the exclusive privilege of locating such lands.

The passage of this law has operated to remove obstacles that have hitherto embarrassed the disposition of the lands; and it is hoped that it will enable the Regents in time to effect the sale of the entire grant.

Since December twelfth, eighteen hundred and sixty-nine, the following have been sold:

Two thousand five hundred and seventy-five and thirty-two one hundredth acres for five dollars per acre, cash, realizing.....	\$12,876 60
Twelve and twenty-three one hundredths acres for six dollars and twenty-five cents per acre, cash, realizing..	76 45
Six thousand four hundred and eighty-one and ninety one hundredths acres for five dollars per acre, of which twenty per cent was paid .....	6,481 90
Five hundred and sixty acres for six dollars and twenty-five cents per acre, of which twenty per cent was paid,	700 00
<b>Total, nine thousand six hundred and twenty-nine and forty-five one hundredths acres, realizing in cash a total of..</b>	<b>\$20,134 95</b>
Twenty-eight thousand six hundred sold previously, realizing in cash a total of.....	28,600 00
<b>Total, thirty-eight thousand two hundred and twenty-nine and forty-five one hundredths acres sold for cash.....</b>	<b>\$48,734 65</b>
Leaving due on account of principal (eighty per cent) the sum of.....	\$115,127 60

From the detailed report of the Land Agent of the University hereto appended, it will be seen that applications have been filed in the United States Land Offices in the name of the University, at the request of parties desiring to purchase, for thirty-five thousand four hundred and eighty-one and twenty-six one hundredths acres of surveyed lands.

Every effort has been made to secure a decision, but up to this time no action has been taken by the United States Registers on these applications.

In addition, applications have been made to purchase one hundred and sixty-eight thousand eight hundred and eighty acres to be located on unsurveyed lands. Of this large amount, one hundred and forty thousand acres are believed to be valuable for timber only. Prior to June fifteenth, eighteen hundred and seventy-one, the price of *all* lands was fixed at five dollars per acre, of which the purchaser was required to pay one dollar in cash, a credit being allowed for the remaining four dollars per acre, with interest therefrom at the rate of ten per cent per annum.

Applications having been made for large tracts of timber lands, the Regents, anxious to prevent a monopoly, adopted on the fifteenth of June, eighteen hundred and seventy-one, a resolution requiring purchasers of timber lands to pay the full amount—five dollars per acre in cash. The effect has been as expected, to cause parties seeking vast

tracts of unsurveyed timber lands to abandon, practically, their applications.

Of the one hundred and fifty thousand acres of the Agricultural College grant, it will be seen that thirty-eight thousand two hundred and twenty-nine and forty-five one hundredths acres have been sold, and one hundred and eleven thousand seven hundred and seventy and fifty-five one hundredths remain to be sold. Application has been made for a much larger amount of land than the Regents have to dispose of; but it is believed many of the applications now on file in the United States Land Offices will be rejected, while many have been or will be abandoned by the applicants. The Regents trust that they will be able, in time, to dispose of the whole one hundred and fifty thousand acres, and to realize therefrom a fund that, it is hoped, will prove sufficient for the support of the University.

In the meantime, however, their resources are fast diminishing, with no immediate prospect of increase except by the liberality of the Legislature, to whom an appeal must be made for aid.

On the ninth of January, eighteen hundred and seventy-two, the cash in the hands of the Treasurer of the University amounted to ten thousand eight hundred and twenty-seven dollars and thirty cents. The fixed expenses for salaries of Professors and officers amount to about three thousand eight hundred dollars per month; so that the funds at present available will not maintain the University longer than March, eighteen hundred and seventy-two.

The Endowment Fund, created by Act of the Legislature approved April second, eighteen hundred and seventy, has, for reasons well understood, yielded as yet no fruits. But a small revenue has been derived from the sale of lands.

For the present the University is entirely dependent upon the Legislature of the State for the means to continue its existence. There is no avoiding the issue. The University, with resources in prospect which we trust will be sufficient; with capacities for usefulness already developed and recognized by men of learning and science; with a catalogue embracing the names of nearly eight hundred students; with a reputation for efficiency fast growing—and all attained within the brief period of three years, must be sustained for a time by the liberality of the State, *or it must be abandoned*. Without such aid it cannot be maintained more than two or three months longer. The mere statement of the case is the strongest appeal that could be made. It remains with the Legislature to say whether our noble young University shall be permitted to die an ignominious death, all hopes of higher culture for the ambitious youth of California be abandoned, and our State become a scoff and a by-word among the enlightened communities of the world, or whether it shall go on extending its usefulness, enlarging its capacity, diffusing its blessings, helping to attract to our shores families with a taste for higher culture from other lands, and developing the talent of the aspiring young spirits of the Pacific coast.

Shall we close our doors, and turn away the eight hundred students who are now thirsting for knowledge? That is the question for the Legislature to decide. We submit the case without argument.

For the Regents of the University.

ANDREW J. MOULDER, Secretary.

RECEIPTS AND DISBURSEMENTS.

## THE REGENTS OF

*Receipts and Disbursements from Decem*

## RECEIPTS.

Balance of cash on hand December 12th, 1869.....	\$126,296 58
From University Fund:	
Received from the State Treasurer.....	117,450 00
From Agricultural College lands:	
2,575 $\frac{32}{100}$ acres sold at \$5 per acre.....	12,876 60
12 $\frac{23}{100}$ acres sold at \$6 25 per acre.....	76 45
6,481 $\frac{90}{100}$ acres sold at \$5 per acre, of which twenty per cent cash was paid, and remainder on time, and bearing interest at ten per cent per annum....	6,481 90
560 acres sold at \$6 25 per acre, of which twenty per cent cash was paid, and remainder on time, and bearing interest at ten per cent per annum....	700 00
From interest.....	11,072 55
From the Trustees of College of California:	
Repayment of loan .....	6,500 00
From the University Water Company:	
From water rates.....	1,009 75
From land fees.....	461 00
From Preparatory Department .....	500 00
From tuition fees of students.....	200 00
From insurance account:	
Received from the Pacific Insurance Company pre- mium returned on policy canceled.....	95 50
	<hr/>
	\$283,720 33
	<hr/>
Balance of cash on hand, January 1st, 1872.....	\$13,415 75

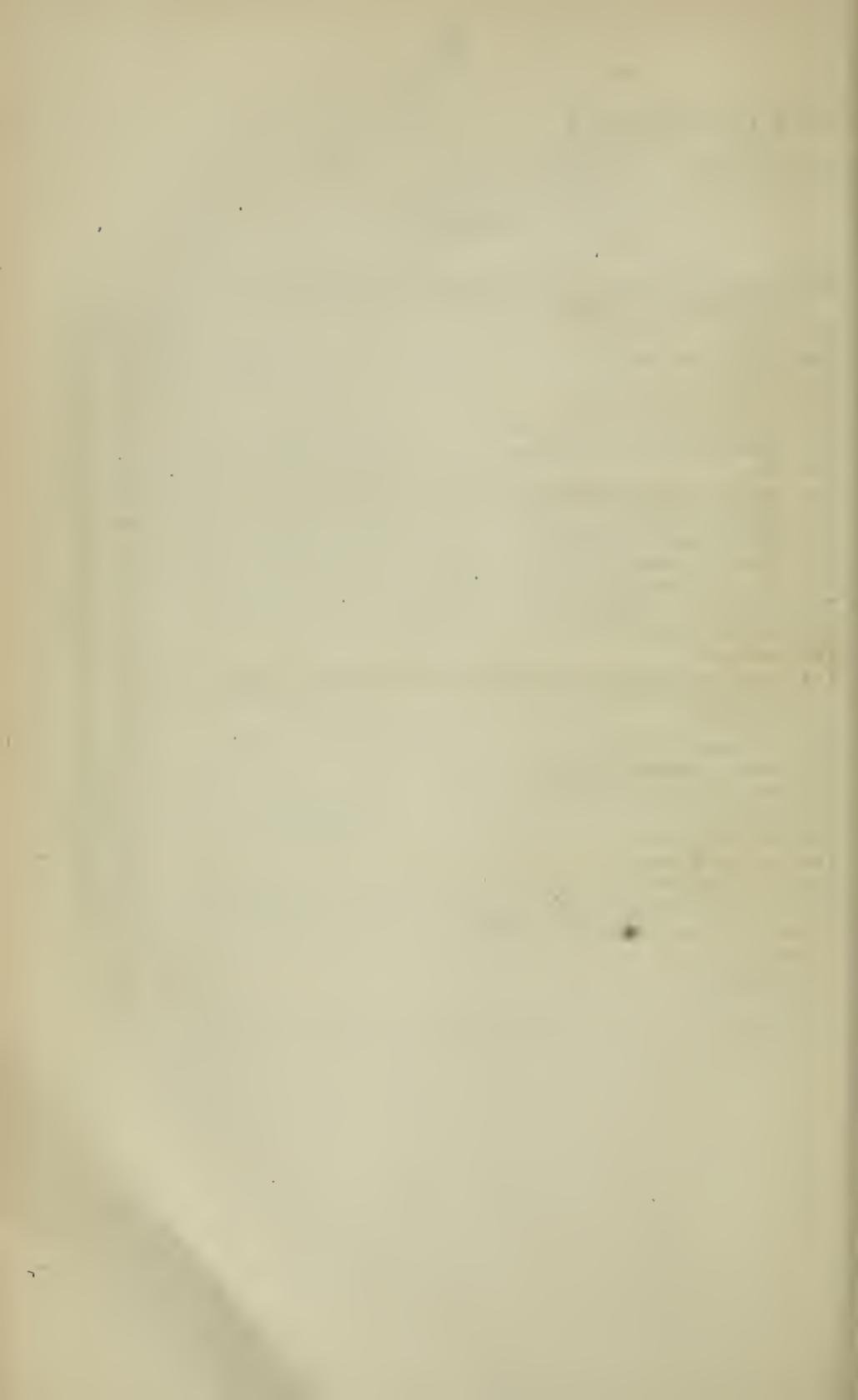
SAN FRANCISCO, January 1st, 1872.

## THE UNIVERSITY.

ber 12th, 1869, to January 1st, 1872.

## DISBURSEMENTS.

For salaries of President, Professors, Land Agent, Secretary, Janitor, and Messenger .....	\$94,692 64
For College of California.....	54,430 04
For building account .....	54,373 72
For Brayton property .....	21,515 00
For equipment and repairs .....	8,508 54
For University site improvements.....	8,089 37
For University Water Company .....	4,774 34
For rent ... ..	3,540 00
For apparatus and technical library.....	3,224 04
For architect's plans.....	2,500 00
For legal expenses.....	2,078 75
For library account.....	1,859 97
For free scholarships .....	2,000 00
For Preparatory Department.....	1,590 00
For general expenses .....	1,471 30
For insurance .....	1,081 18
For traveling expenses of Professor of Agriculture while delivering lectures.....	852 50
For interest.....	835 57
For Contingent Fund.....	700 00
For Commencement exercises .....	609 50
For advertising and printing .....	471 52
For supplies.....	444 59
For office expenses .....	289 38
For stationery account .....	251 85
For Periodical Fund.....	75 00
For telegraphing and expressing.....	45 78
Balance on hand January 1st, 1872.....	13,415 75
<b>Total .....</b>	<b>\$283,720 33</b>



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REPORT OF COMMITTEE

ON

Public Grounds and Buildings

ON THE

STATE UNIVERSITY BUILDING.

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T. A. SPRINGER.....STATE PRINTER.

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## R E P O R T .

MR. SPEAKER:

The Committee on Public Buildings and Grounds, to whom was assigned the duty of investigating the affairs of the State University Building now in course of construction at Berkley, in Alameda County, would report that the committee visited and carefully examined the University grounds and the buildings thereon, also the books and accounts connected therewith as kept by the Board of Regents and the Superintendent of Construction, and as the result of the investigation would submit:

That the basement of the building now in course of construction, and which it is intended shall be known as the College of Agriculture, is but partially completed, and that all work thereon has been suspended since the month of January, eighteen hundred and seventy-one.

That said basement is being constructed of granite and brick, resting upon a foundation of stone laid in cement, varying, in consequence of the unevenness of the foundation of the earth, from five feet four inches to ten feet and eight inches in depth. That the upper three feet of said foundation is two feet and two inches thick, and that the remaining and lower portion is five feet thick, and to which there is an additional thickness of two feet given in several places, aggregating about ninety (90) feet in length, and rendered necessary by the more than ordinary weight said parts or places will be required to sustain.

That the building has thus far been constructed upon the most improved plans with reference to the purposes (the chemical laboratory) for which it is intended it shall be used, there being nine niches for crucible furnaces built in the wall and eighteen flues, encased with fire brick, for other furnaces, all of said flues starting within three feet of the basement floor.

That to complete the outer walls of said basement will require the laying of two more courses of stone all around, and of probably about three courses on one half the wall; that there are now on the ground and paid for stone, brick, and sand enough to complete said basement.

That the iron and woodwork for frame of first floor is on the ground, and ready to be placed in position. There is also on the ground more lumber than will be required to complete the framework of the entire structure.

The absence of water on the premises necessitated the bringing of it from a distance of over a mile in iron pipes from springs which have

an elevation of two hundred feet above the University grounds, and which are capable of furnishing a daily supply of thirty thousand gallons.

The water works are of a permanent character, and capable of supplying the demand for all time.

There have also been erected workshops, living apartments, and store houses, rendered necessary for the use and convenience of those employed on the building, and in which there are properly stored a very large and complete assortment of mechanical tools and implements necessary for the construction of the building.

From a careful examination of the books of the Superintendent of Construction and of the Secretary of the Board of Regents we find that the following expenditures have been incurred, to wit:

To labor and materials used in building and on hand.....	\$44,658 66
To water works.....	4,337 91
To Superintendent's house, tool house, carpenter shop, blacksmith shop, boarding house, and grading University grounds.....	4,240 06
To labor and materials used and condemned to change foundation, and salary of H. L. King superintending same .....	1,480 00
W. Hunter, in settlement of contract amended.....	1,000 00
Examining artificial stone in Chicago.....	127 00
Office furniture, tools, and implements.....	3,000 00
Total expenditures.....	\$58,838 63

The committee find that the material used is of the best quality, and the workmanship, both as regards appearance and durability, to be of a very superior order, reflecting credit on the Board of Regents who designed, and the Superintendent and workmen who executed it.

The books and accounts of the Secretary of the Board manifest the greatest care and attention in their keeping, vouchers being filed for every item charged.

The committee, in conclusion, believe, considering the magnitude of the building and excellence of the workmanship, that the cost has been reasonable, and the general management of the institution just and economical.

The committee most earnestly recommend that an appropriation of one hundred thousand dollars be made by this Legislature to aid in the completion of said building, believing that the judicious expenditure of which sum will enable the Board of Regents to furnish proper accommodations within one year for two hundred and fifty or three hundred pupils.

E. H. PARDEE, Chairman.

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REPORT OF THE JOINT COMMITTEE

TO INQUIRE INTO AND REPORT UPON THE CONDITION OF THE

PUBLIC AND STATE LANDS

LYING WITHIN

THE LIMITS OF THE STATE.

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T. A. SPRINGER.....STATE PRINTER.

# REPORT.

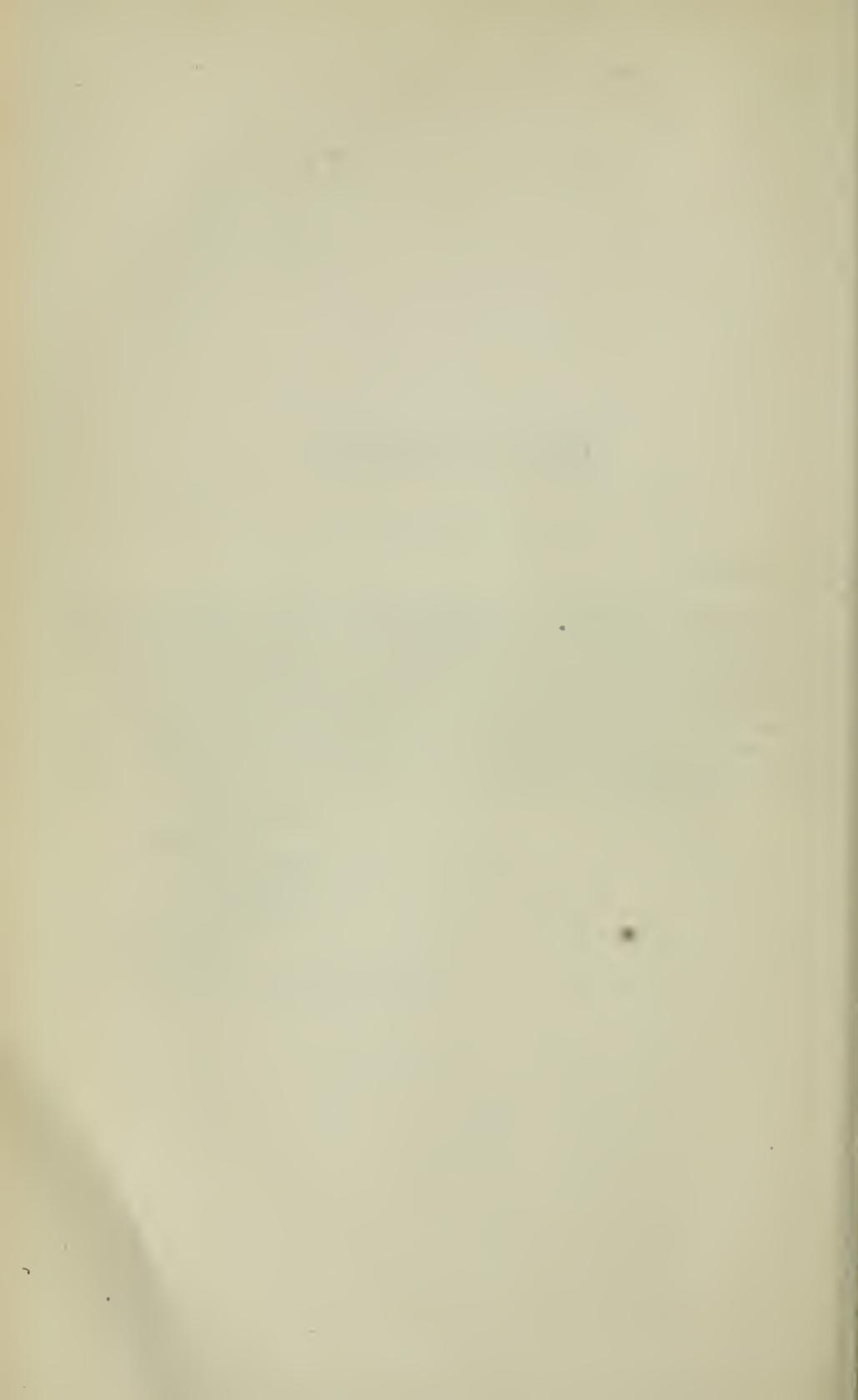
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MR. PRESIDENT :

The committee appointed by concurrent resolution to inquire into and report upon the condition of the public and State lands lying within the limits of the State, have carefully examined and inquired into the matters confided to them, and have taken the testimony of all accessible witnesses supposed to possess any knowledge of the matter in question, and have collated such evidence as suggested itself as being important in the said connection, and respectfully recommend that the report and testimony submitted be ordered to print, and become a part of the appendix to the journal.

TURNER,  
Of the Senate.

DAYS,  
TURNER,  
WARD,  
Of the Assembly.



# REPORT.

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In entering upon the consideration of the important questions involved in the matters which it is the province of the Joint Committee of the two Houses of the Legislature to examine into and report upon, we have thought it proper to make the following prefatory remarks by way of introduction:

In pursuing this investigation during the limited time allotted us for the consideration of matters of such vital interest to the welfare of the entire people of our State, the importance of the subject has been made more manifest the farther we have progressed in its examination, and the prolonged consideration of all matters bearing upon the main points in the issue involved. In fact, as we advanced we have found the evidence increasing to such an extent, and the examples of gross fraud and inexcusable wrongdoing in various quarters so numerous, that it has been difficult to discriminate in the premises. Instead of presenting the mass of testimony submitted to us in the categorical form of questions and answers, we have deemed it more to the purpose of this investigation to give the matter under the various heads to which it would most appropriately seem to belong.

Upon the landed system of a country its solidity is based and its prosperity is mainly dependent. The title to real property and the tenure by which landed estates are acquired and held is of the utmost importance to the advancement and well-being of the State, and the healthy condition of the body politic. It is a fixed fact as old as the feudal system by which large bodies of land, the common heritage of humanity, were held by the few to the detriment of the many, that nothing so conduces to real manhood and sterling independence as a fee simple in the soil. To be a nation of freemen it must of necessity be a nation of freeholders. The earth, which was fixed by irrevocable decree as man's abiding place, was designed as the rightful heritage of the many, and not as the privileged allotment of the few. One of the principal causes of our unprecedented progression as a nation, our rapid advancement as a people, has been the liberal landed system projected by the wise policy and farseeing sagacity of the fathers of our Republic. The evils of the feudal system and of exclusive tenure to large bodies of land impressed upon them the necessity of throwing open to the great family of man an immense public domain, upon which, instead of being

a mere retainer or tenant at will of the lord of the soil, the actual settler could acquire, upon the most liberal and easy terms, the fee in the land he cultivated and improved, and should in time leave as an inheritance to those who came after him.

This liberal and enlightened policy was the means of bringing to our shores the better classes of the overcrowded population of the Old World, and it was the proud boast of our people that this was the land of the free and the asylum of the oppressed of all nations. As the additional Territories of the Great West—a region unsurpassed in fertility and unequalled in its great natural advantages—were organized, and in course of time admitted as States into the Federal Union, the benefits of this system were made still more manifest, and the wisdom of our forefathers more strikingly apparent. Contrasted with that relic of semi-barbarism, the manorial tenure—itsself an offshoot of the feudal system—entailed upon the people of New York during her colonial existence, how distinctly manifest are its incalculable benefits. With the manifold blessings arising out of so well ordered a policy in plain view before us, and the wise lessons of the abundant experiences of the past for our guidance, we should have studiously avoided the evils into which we have fallen. States admitted into the Union since our own have, with by far less advantages in their favor, outstripped us in population and rank. Offering, as we do, superior inducements in the unequalled fertility of our soil and a climate unsurpassed for its mildness, the question naturally arises as to the cause of our failure to keep pace with the rapid march of our national progression. The evils which have hitherto so materially retarded our progress are in a great degree to be attributed to the manner of the disposal and management of the public domain lying within the borders of our State. While the policy of other States of more recent admission into the Federal Union, in this regard, has been most liberal to the honest and industrious settler upon the soil, who desires to secure a home for himself and those belonging to him, our own has tended rather to drive off than to encourage that thrifty immigration which more than all else would tend to develop the inexhaustible wealth and unequalled resources of our chosen land. The system pursued since the organization of our State has retarded its growth, repressed public enterprise, and to a great degree proved a check to the prosperity of our people.

The conditions upon which our State was admitted into the Federal Union were so broadly comprehensive in their scope, and liberal in their extent, that we deem it proper to give place to one of the most striking and beneficial features in this connection. The following paragraph embodied in the Act of admission, is of itself the most conclusive evidence of the facts we have stated:

“Section three. And be it further enacted, that the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; that they shall never lay any tax, or assessment of any description whatever, upon the public domain of the United States.” (See page 44, Hittell's Digest).

Although the action of the General Government, as evidenced by the warm welcome extended to our State upon her entry into the Federal

Union, was characterized by a most liberal and enlightened course toward the hardy emigrant to these distant shores, and the industrious and well meaning settler upon the public domain, it would seem that our own internal policy has been narrow and circumscribed, short sighted and ill advised, and by no means in keeping with our otherwise most advantageous and attractive surroundings. While the inducements held out by the younger States of the Great West to the adventurous immigrant and industrious settler, whose interests have been carefully guarded, and whose rights are religiously respected, the policy which has obtained among us and which has been fastened upon the great mass of our people by a pernicious class legislation, seems to have been specially invoked to aid, abet, and advance the interests of the grasping speculator at the expense of the settler whose dearest rights are directly invaded. Such enactments have been called into existence to override the Federal statutes in such cases made and provided, and State action has set at naught the considerate policy and wise provisions of the General Government, thus virtually reducing to actual practice the most odious doctrine of nullification. While the other States, actuated by a wiser policy and a far seeing discernment as to the ultimate beneficial result of the system, were content to wait the action of the General Government in the premises, a plan of segregating her lands has been adopted by California utterly at variance with the letter and spirit of the Federal statutes, framed for the proper protection and government of these important interests of the people of the State at large.

#### OUR STATE SCHOOL LAND SYSTEM.

At the time of her admission into the Federal Union, California was allowed the liberal patrimony of five hundred thousand acres lying within her borders to be devoted to the purposes of education and the support of her common schools. This provision, incorporated in her organic law, was tacitly concurred in and impliedly sanctioned by the general government. But so far from its being a manifold blessing, realizing the anticipations of a grateful public, this gift has rather entailed a deadly curse upon our people, the remote effects of which will be felt by generations to come after us. Instead of proving a benefit, it has been cunningly converted to a fruitful source of fraud, and a powerful means of perpetuating a grievous outrage and flagrant wrong upon the dearest rights and best interests of the whole community. Notwithstanding the original design and intention of this wise and liberal provision was beyond all question, and the terms of the Act clearly set forth, the grasping cupidity of the unscrupulous and designing has converted what was intended as a great public benefit into an engine of oppression, subversive of the real good of the people. Instead of its proving a beneficent legacy to those who are to follow us, a system has been inaugurated which has entailed incalculable injury upon generations yet to come—even as the unfortunate offspring of a diseased and depraved parentage must inevitably suffer from the pernicious results of the evil conduct of their progenitors.

When we indulge in a retrospective glance at the history of our State, even for but a few years past, and seriously contemplate the innumerable evils resulting from pernicious legislation in regard to its school lands, in direct derogation of the plainest principles of common honesty and public decency, we should have learned a lasting and impressive lesson from experience, dictating the avoidance of the errors into which we

have been so blindly precipitated by hasty and ill considered action. Instead of our State Government proving, as was the true intent and meaning of its original framers, a proper protection to the rights and interests of its citizens, through its agency and by the action of designing schemers and grasping and unscrupulous speculators off the public good, thousands of industrious and thriving citizens, comprising the bone and sinew—the true mind and muscle—of the commonwealth, who, having settled upon the public domain and set up their household altars in perfect good faith, have been openly robbed and their rights trampled under foot. There is abundant evidence, going to show that the most outrageous and glaring frauds have been and are constantly being practiced upon a large portion of the best class of our people, whose wrongs call loudly for redress at our hands. The State should no longer turn a deaf ear to the earnest appeals of this class, but should interpose a speedy and effectual check upon the system of spoliation and plunder under which they have suffered, and by a more enlightened policy in the future endeavor to make some amends for the bad legislation of the past, which has proved so prolific of ill to this most important interest. Unless some remedy is promptly interposed, the existing state of affairs must for a long series of years be productive of incalculable evil, and the healthy growth and real prosperity of our State be greatly retarded. So extended have the manifold evils arising from this cause become, that it is indeed questionable whether it would not have been better for the interests of the community at large that the State had never fallen heir to a patrimony which has proved such a prolific source of internal dissension and in so many respects a heritage of evil. Instead of performing its mission in the establishment of schools for the promulgation of the gospel of peace and good will to men, it has proved a most fruitful source of strife and dissensions among neighbors and of discord in the entire community. Radically wrong in the beginning, we have persistently pursued a line of policy that has measurably retarded the growth of our State and proved in the highest degree detrimental to the best interest of her people. While prudence should have dictated a return to first principles, it has been sought by special and class legislation to cure the innumerable defects and palliate the host of evils inevitably arising out of this pernicious policy. Vexatious suits and interminable litigation have had their origin in this most erroneous system, which has proved the apple of discord among our people—the Pandora's box from which a host of ills have been scattered broadcast over the land.

#### LIEU LANDS AND HALF-BREED SCRIP.

With regard to lieu warrants issued for school land, we have been informed upon reliable authority that the entire issue is very nearly exhausted, and under the judicious management of the present Surveyor General of the State, much of the difficulty hitherto originating from this source, may, through the exercise of the requisite and proper degree of caution in this department, be measurably avoided. The testimony of a party fully conversant with the details of this matter, given in the following pages of this report, is directly to the point, and throws considerable light upon this subject, which has hitherto been studiously kept in the background, and enveloped in darkness and obscurity. We trust that the day is not far distant when this prolific source of vexation, annoyance, and outrageous wrong, will be rendered powerless for the infliction of further injury.

With regard to what is commonly known as "Half-breed Scrip," which may in all respects be viewed as one of the worst forms of fraud practiced upon our people by designing schemers, there is a fair prospect that the Courts will deal with this matter, and give an enormity unparalleled for its brazen effrontery and unequalled venality its just deserts. It is a fixed fact that through the agency of this most nefarious swindle, patents have been issued to property honestly acquired by the industrious settler, and held in peaceable and undisputed possession for a long series of years. In one instance, an extensive hotel, with expensive improvements belonging to the same, was seized upon by this means, and much vexatious and costly litigation has arisen from this unblushing species of rascality. The outrageous wrongs committed upon peaceful communities by unscrupulous swindlers through this channel, are well known to be founded in the basest fraud, backed up by resorts to the blackest perjury. Under these circumstances it is gratifying to be able to state that there is a fair prospect that the parties engaged in this nefarious business will be brought to realize in its fullest sense, the avenging power of retributive justice.

*Question One*—State, if you know, how the sixteenth and thirty-sixth sections have been applied for and how one party has obtained so much?

To the first question I answer that persons desiring to purchase large quantities of the sixteenth and thirty-sixth sections would hire other parties to make affidavits and applications for them, and take from their "dummies," as they called them, a deed to the land, and would then file the application in the Surveyor General's office and claim to be attorneys for the parties in whose names applications were filled out. There is one instance where one man filed about two hundred and eighty applications, each for three hundred and twenty acres, in one day, besides hundred of others before and since, and controlled them all himself, and a large number are still on file. Whenever any of these applications were asked to be approved, the party claiming to be attorney for the applicants would present his deed and have the certificate issued to him or to some grantee of his. In this manner the law was evaded. These approvals were not asked until the "attorney" had disposed of the application to some third party.

*Question Two*—When the school lands have been applied for for speculative purposes, could other parties get upon the record without extraordinary proceedings?

To the second question, I answer that whenever these "dummy" applications are filed it is difficult for another person to obtain the land unless he buys off the "dummy." For if he applies, his notice will be returned with notice of the previous filing, and he be directed, if he desires to contest, to take the matter into the Courts. Some lands have been tied up in this manner for three years.

*Question Three*—Has the oath always accompanied the application?

To the third question, I answer that the oath has not always, but has nearly always, accompanied the application, and in the sixteenth and thirty-sixth sections I think has always accompanied applications.

*Question Four*—Has there been any irregularity in the location of "lieu lands," and if so, what?

To the fourth question, I answer that I do not know whether to call the dealings "irregular" or not, but that it always has been extremely

difficult for an "outsider" to obtain any "lieu land" without paying some person for information. Thousands of "lieu land" has been filed merely for the purpose of disposing thereof to some person really desirous of purchasing land. This may be irregular or it may be a legitimate method of acquiring information and selling your knowledge. It would have been better to allow the "lieu land" to be returned and used in correcting old applications, and not allow number four thousand, for instance, to be approved, while number sixty-four, having been on file for many years, needed correction.

#### SWAMP AND OVERFLOWED LANDS.

While the history of the management of the school lands of California, so prolific of the disastrous consequences we have endeavored to demonstrate, and fraught with such bitter experiences of the past, should prove a salutary warning for our guidance in the future, we are in immediate and startling danger of having irrevocably fastened upon us a system fraught—if such be within the bounds of possibility—with still greater evil, and which, if unchecked in its course, bids fair to prove even more prolific of the grossest outrage and the most criminal wrong. It would seem that, taking no heed of the past, we are, in the administration of our affairs in connection with the swamp land interests of this State, encouraging a series of flagrant wrongs, the pernicious results of which are beyond calculation, and the disastrous end of which it is impossible to conceive. From the mass of evidence submitted to us, even in this short and necessarily hurried investigation, it has been manifestly shown that the system, surrounded as it is with an interminable network of abuses, and opening innumerable avenues to fraud, through the agency of which the innocent and unsuspecting are made the victims of the unscrupulous and designing, has already grown to be a burden so grievous that the quiet forbearance of a patient and suffering people would seem no longer to be a virtue.

This whole system, which was conceived in iniquity, and nurtured in fraud, has from its inception been fraught with evil. We can avail ourselves of no more fitting commentary upon the pernicious results to be apprehended from this source than is comprised in the following extract from the "Recollections of a Busy Life," by the sage of the *New York Tribune*. In giving a history of his career as a member of the National Congress, Mr. Greeley refers in the following terms to the first introduction of the Act granting to the various States the control and disposition of the swamp and overflowed lands lying within their borders:

"I was placed by the Speaker on the Committee of Public Lands, whereof Judge Collamer, of Vermont, was Chairman, and which was mainly composed of worthy, upright men, intent for standing up for public right against private greed. Various fair-seeming bills and claims came before us, some of which had passed the Senate, yet which we put our heels on as barefaced robberies. Virginia land claims, a preëmption to part of Rock Island, etc., were among the jobs remorselessly slaughtered by us. At length there came along a meek innocent-looking stranger, by whom we were nicely taken in and done for. It was a bill to cede to the several new States (so called), such portion of the unsold public lands within their limits respectively as were submerged or sodden, and thus rendered useless and pestilential—that is, swamps,

marshes, bogs, fens, etc. These lands, we were told, were not merely worthless while undrained—they bred fevers, ague, and all sorts of zymotic diseases, shortening the lives of the pioneers, and rendering good lands adjacent unhealthy and worthless. But cede these lands to the States, including them respectively, on condition that they should sell them and devote the proceeds to draining and improving them, and everything would be lovely, the neighboring dry lands would sell readily, and the treasury be generously replenished, etc. There never was a cat rolled whiter in meal, and I, for one, was completely duped. As I recollect, the bill did not pass at that session, but we reported strongly in its favor, and that report doubtless aided to carry the measure through the next Congress. The consequence was a reckless and fraudulent transfer to certain States of millions on millions of choice public lands, whole sections of which had not muck enough on their surface to accommodate a single fair-sized frog, while the appropriation of the proceeds to draining proved a farce and a sham. The lands went, all of them that had standing water enough on a square mile of their surface to float a duck in March, with a good deal more beside, while never a shake of ague has any pioneer been spared by reason of all the drainage done under this specious Act. I can only hope that some of us learned a wholesome lesson of distrust.”

(No more truthful description can be given of swamp land swindles applicable to California than the facts recited in the latter portion of Mr. Greeley's paper.)

From the mass of individual testimony and general information available to us, we have selected only such as bears directly upon the matters in issue and is in all respects beyond cavil or question.

The following testimony of the Register of the United States Land Office, at Marysville, exhibits a fair sample of the gross injustice practiced upon the honest settler, who, after having entered upon, improved, and cultivated for a series of years lands known to be high and dry, and having complied in all respects with the preëmption laws of the United States, is in danger of being rendered homeless and defrauded of his just rights and the legitimate fruits of his years of toil through the grasping cupidity of a set of cormorants who, acting under the sanction of a perverted and pernicious State law, seek the ownership and control of the landed interests of the State.

#### EXAMINATION OF L. B. AYRES, REGISTER OF THE UNITED STATES LAND OFFICE AT MARYSVILLE.

Question—Are there not many cases that have come to your knowledge where the public lands have been claimed as swamp and overflowed, outside of the United States segregation lines, and upon which settlers are now living and have resided for years, improving and cultivating the same?

Answer—Yes.

Q.—Where such settlements have been made, has it not been under the preëmption or homestead laws of the United States?

A.—Yes.

Q.—In many of these cases is it not a fact that the settlers have in all respects complied with said laws, and proved up and paid for their lands, and in many instances received patents from the Government?

A.—There have been cases where the land has been paid for by the settler, and patent issued, that has since been claimed as swamp land; for instance, there are now suits pending in Yolo County against settlers, who as early as eighteen hundred and fifty-four to eighteen hundred and sixty-four claimed to have settled upon the land, entered, and paid for the same, and now hold the patent of the United States.

Q.—Do not the records of your office show that thousands of acres of the very best quality of lands in the Sacramento Valley, lying outside of the United States segregation lines, in different townships, have been patented by the Government to various individuals, and are now claimed by the State as swamp and overflowed?

A.—Yes.

Q.—Do you know the fact that government lands which have been patented by the General Land Office, have since been listed by the same office to the State as swamp and overflowed lands?

A.—I do not. I know, however, that lands have been listed to the Western Pacific Railroad which I understand the State now claims as swamp and overflowed. For instance, townships eight and nine north, ranges two and three east, and which lists have been approved by the General Land Office.

Q.—Do the official plats on file in your office show that the lands in various townships, outside of the United States segregation lines, were returned by the United States Deputy Surveyor as agricultural or high lands, and that notwithstanding such return by the Deputy, they are now claimed by the State to be swamp lands?

A.—In many instances—a common thing.

Q.—Is the plat of township sixteen north, range two west, Mount Diablo meridian, on file in your office?

A.—Yes.

Q.—Is there any grant, or a part of any grant, within the limits of that township, and if so, about how much of the land does it include?

A.—Yes, part of the Manuel and part of the Colus grants are in township sixteen. About one fourth of the township is grant land.

Q.—Was the lands outside the grant lines returned as high lands, or as swamp and overflowed, by the United States Deputy Surveyor?

A.—As high land.

Q.—Has not the State recently, and since the survey of the township, set up a claim to most of the public land therein, and outside the grant lines, as swamp and overflowed, and has not the United States Surveyor General directed or requested you to suspend such lands from sale or entry, on the ground that the State claimed them as swamp land?

A.—The State so claims, and the United States Surveyor General has so directed.

Q.—Are there any settlers in this township under the preëmption or homestead laws who have filed their declaratory statements in your office, and if so, about how many?

A.—Yes, upon nearly all of the even sections.

Q.—Do you know whether these settlers, or any of them, had taken up claims in this township before it was surveyed?

A.—Yes, many of them.

Q.—Did you make an official request of the U. S. Surveyor General to have this township surveyed?

A.—I think I did.

Q.—Why did you make such request?

A.—The settlers desired title and they could not file their intentions until after survey.

Q.—Has the agent of the Regents of the University ever given you official notice, that they claimed any of the lands in this township?

A.—Yes, they attempted to claim a portion.

Q.—What is the character of the lands usually claimed by the Agricultural College under the grant of Congress to the State?

A.—They claim high or agricultural lands.

Q.—Is the plat of township seventeen north, range two west, now on file in your office?

A.—Yes.

Q.—Is there any portion of said township seventeen included in any grant, and if so, about how much?

A.—About two thirds.

Q.—Is that portion returned as government land, returned by the U. S. Deputy Surveyor as high land or as swamp and overflowed?

A.—High land.

Q.—Has not the State claimed that portion returned as government land, as swamp and overflowed?

A.—Yes.

Q.—Are there not a number of settlers in this township settled upon the lands claimed as swamp by the State?

A.—There are—on all of the even sections.

Q.—Do you know of one Stevens, who has a preëmption on section eighteen, township nine north, range three east?

A.—I think I know of a person by that name claiming.

Q.—Has he ever proved up and paid for his land?

A.—I think he has proved up, paid for, and got a certificate of purchase.

Q.—Does not the State claim that land as swamp?

A.—Yes.

Q.—Is there not other cases in township nine north, range three east, of a similar character to that of Stevens?

A.—Yes.

Q.—Do you remember when the plats in which Big Meadows lie were filed in your office?

A.—October fourteenth, eighteen hundred and sixty-seven.

Q.—Were not the lands in Big Meadows listed to the State as swamp lands before the official plats were filed in your office?

A.—Yes.

Q.—Do you know whether there were any settlers in Big Meadows on the lands claimed by the State as swamp lands at the time the plats were filed in your office?

A.—Yes, there were.

Q.—Have you ever been in Big Meadows?

A.—I have.

Q.—Do you know the fact that one Taylor claimed, as swamp and overflowed, thousands of acres of land which was among the best agricultural lands in that region, and upon which there were many settlers?

A.—I do.

Q.—Did not this Taylor propose to you to go in with him to claim this land as swamp and overflowed, on the ground that it would be a money making operation?

A.—He offered to give me one half.

Q.—Have you ever been in Indian Valley?

A.—I have.

Q.—What is the character of the lands in that valley?

A.—It is agricultural land, and one of the finest valleys in the State.

L. B. AYRES, Register, etc.

The testimony of the Register of the United States Land Office at Susanville, California, not disclosing any facts not patent in his letter to the Hon. Willis Drummond, we submit the entire letter for consideration, omitting the testimony:

UNITED STATES LAND OFFICE, }  
SUSANVILLE, CALIFORNIA, August 6th, 1871. }

HON. WILLIS DRUMMOND, *Commissioner, etc.:*

SIR: I have the honor to acknowledge the receipt of your letter "K" of twenty-second ultimo, with accompanying list number twenty-eight of swamp lands in township twenty-six north, ranges nine and ten east, Mount Diablo meridian, and in reply, to state that the official plat of said township has not yet been received from the Marysville office, and I cannot therefore make the necessary examination as to what of the lands included in the list may be in possession of settlers. As soon as the plats are received the examination will be made and the result forwarded without delay. I will take this occasion to state that the lands included in the list are all in Indian Valley, and are, with the exception of not to exceed one thousand acres, as good agricultural grain land as there is in the State, many of them having been cultivated for years; and that it is a great wrong to the Government and the people that they should be permitted to fall into the hands of the speculators, to be held at greatly advanced rates over the Government price, and thus to drive settlers out of the country or compel them to pay his price for lands which they are justly entitled to and which they should have the privilege of taking up under the preemption and homestead laws of the United States. My statement as regards the quality of the lands in township twenty-six north, ranges nine and ten east, Mount Diablo meridian, is made from an intimate personal knowledge of them, having previously resided in Indian Valley for several years. I should deem myself derelict in duty as a faithful public officer if I failed to make this statement of facts for the information of the department, and to enter my protest, as far as this land district is concerned, against the swindling operation of speculators who claim such lands as are specified in list number twenty-eight to be swamp lands, and who are claiming the most valuable lands in all the valleys in this district under the same pretext.

In view of the foregoing statement of facts, I would respectfully suggest that the United States Surveyor General for California be ordered to hold an investigation as to the character of the lands specified in list number twenty-eight at as early a day as practicable.

Very respectfully,

JOHN S. WARD, Register.

The following affidavits of citizens of Yolo County still further exemplify the evils arising from the frauds sought to be perpetrated upon the settlers of the State:

TESTIMONY OF A. S. HOPKINS.

Question—Do you own a ranch in Yolo County?

Answer—I do; the southwest quarter of section eighteen, township nine north, range three east.

Q.—How did you come in possession of that quarter section?

A.—I purchased it of the party who settled upon it as a preëmptor, after he had proved up and paid for the land at the United States Land Office.

Q.—Do you hold the certificate of purchase?

A.—I do.

Q.—What is the date of that certificate?

A.—It is dated on the second day of June, eighteen hundred and seventy.

Q.—Has Mr. Stevens, the original locator, received any patent for the land?

A.—He has not.

Q.—Do you know why he has not received his patent?

A.—Because the land is claimed by the State of California as swamp and overflowed land, of which fact I have been informed by a copy of a letter from the Commissioner of the General Land Office, sent to me by the Register of the United States Land Office, at Marysville.

Q.—What is the character of the land?

A.—Good agricultural land.

Q.—Was there a crop on the land last year?

A.—There was about eighty acres put in; but on account of the dry season the crop was a failure.

Q.—How many acres of grain have you had sown for the present year?

A.—About one hundred.

Q.—What are the improvements on your place?

A.—House, barn, and other outhouses, and two wells.

Q.—Has that land been overflowed the present Winter?

A.—Not that I can ascertain.

Sworn to by

A. S. HOPKINS.

EXAMINATION OF F. H. RUSSELL.

Question—Do you own a ranch in Yolo County?

Answer—Yes, sir; southwest quarter of section nineteen, township nine north, range three east.

Q.—How long have you owned this land?

A.—Since eighteen hundred and sixty-eight.

Q.—How long have you had it in cultivation?

A.—The last two years.

Q.—Did you raise a crop of grain on it last Summer?

A.—No, sir; the crop failed on account of the dryness of the season.

Q.—How much of the quarter section did you have in grain last year?

A.—The whole quarter section.

Q.—How much have you in grain the present season?

A.—The whole of it; cultivated and sowed it in November last.

Q.—What is the character of the ranches adjoining yours?

A.—About the same as my own. There are crops of grain on some of the adjoining sections, and grain was also put in by other ranchmen last year, but the crop failed on account of the drought.

Q.—Did you apply for your land as swamp land, lieu land, or school land?

A.—I applied for it as swamp land, purchased it from the State as such, and received my patent in eighteen hundred and sixty-eight.

Q.—What proofs did you have to make at the State Land Office when you applied for the land?

A.—None was required except to state that there was no one occupying or living on it.

Sworn and subscribed to by \_\_\_\_\_

F. H. RUSSELL.

In this connection we present the following memorial, submitted by numerous sufferers from the outrageous course being pursued, to the United States Congress, and which has been published by order of that department of the Government. These documents are entitled to the greatest weight, and demand the most serious consideration, embodying as they do an undeniable history of the gross frauds and dishonest practices which have grown out of the system complained of:

MEMORIAL OF SETTLERS ON AGRICULTURAL LANDS IN CALIFORNIA.

*To the Senate and House of Representatives of the United States, in Congress assembled:*

The undersigned, citizens of the United States and of the State of California, settlers in township eighteen north, range one west, Mount Diablo meridian, Colusa County, respectfully represent that large tracts of land in said township have been claimed and sold by that State as swamp and overflowed lands, when the character of said lands is of the very first quality of farming and agricultural lands, equal to any lands in the Sacramento Valley for the raising of grain; that great portions of these lands claimed as swamp and overflowed are the homes of settlers under the preëmption and homestead laws of the United States.

The undersigned therefore pray your honorable bodies that some action may be taken by Congress whereby the rights of the settler, and the Government as well, may be protected from the speculators who are claiming large scopes of the most valuable lands in the State as swamp and overflowed.

A. J. MASON,  
G. C. HOWARD,  
WILLIAM WEAVER,  
H. A. BARBER,  
JOHN ARMAND,  
DAVID ARMAND,  
A. N. BARBER,  
JAMES BENJAMIN,  
JAMES BURNS,  
CALVIN GOREE,

J. W. PADAN,  
M. DAVIS, JR.,  
T. C. McVAY,  
T. P. DAY,  
ELIAS E. BROSS,  
A. McGEE,  
JOHN WATERS,  
WILLIAM H. NELSON,  
JOSEPH McVAY,

The following affidavits show gross abuses in the swamp land system of California, and suggest the necessity of further legislation on that subject.

These affidavits are an index of the condition of the settlers upon large bodies of agricultural land in different parts of the State:

*William Reynolds*, being duly sworn, upon his oath deposes and says: That he is a native born citizen of the United States, a single man, and forty-seven years of age, and resides upon section nineteen, township seventeen north, range one west, Mount Diablo meridian; which land he has purchased from the United States Government, and upon which land he has lived continuously since the year eighteen hundred and fifty-two, making it his home. That he has improved and cultivated about two hundred and fifty acres of the land he owns, and has put improvements upon the same which have cost him at least fifteen thousand dollars. That when he first settled in said township seventeen he brought five hundred head of horned cattle, the greater portion of which were cows. That for eight or ten years after his first settlement he raised on an average each year three hundred head of calves, all of which stock, with its increase, he pastured on the prairie lands in the eastern three fourths of said township seventeen, year after year, Summer and Winter, and has left them all the time, with the exception of such times as very heavy freshets would occur in the Sacramento River and overflow the greater portion of the valley, the water remaining from three to ten days, when it would run down, and stock could again pasture upon the prairies, which for many years after his first settlement were covered with an immense growth of wild clover and oats two or three feet high, and that he could at any time have cut one thousand tons or five thousand tons of hay, had it been needed, and this was the case with the whole prairie country from Colusa, where he first struck the prairie country, to Chico, which scope of country he frequently rode over.

Deponent further says that he has been perfectly familiar with all the prairie land in both townships seventeen and eighteen north, range one west, and has been for the last eighteen years, and knows of his own knowledge that the best crops of grain ever raised upon the prairie lands of said townships were after they had been overflowed by one of the heavy freshets which have occurred every few years, and that without such overflow no dependence can be put upon raising a good crop of grain.

And deponent further says that the heavy freshets in the Sacramento River always occur during the Winter months, and that never since his knowledge of the country has there been a year that a crop of grain could not have been put in on the prairie lands in the above named townships in plenty of time to secure full crops, so far as any overflow was concerned; that when freshets have occurred the water has always subsided in plenty of time for putting in grain, and that seasons when the very highest floods have swept over these prairie lands have been the seasons when the largest crops of grain have been raised. That if two seasons in succession occur without these lands being overflowed there is no hope of getting a crop of grain.

And this deponent says, that from his intimate knowledge of the prairie lands in townships seventeen, eighteen, and nineteen there is no land that

can be rated as swamp and overflowed, unless the following exceptions, to wit: in the southeast corner of township seventeen there is perhaps fifteen acres that is cut up with sloughs, up which sloughs the water backs from Butte Creek and stands in the sloughs until about midsummer, when they become dry. And in township nineteen another slough occurs, where there has been standing water in holes through the entire year. And this deponent further says, that a portion of the land on his ranch was returned as swamp and overflowed land which has not, during his residence in the country, and during all the heavy freshets which have occurred in the Sacramento River, ever been overflowed at all. And this deponent further says, that four years ago, when General John Bidwell was a member of Congress, and who, as this deponent understands, made an effort to get Congress to afford its aid in constructing an irrigating ditch or canal from some point high up on the Sacramento River for the purpose of irrigating the Sacramento valley lands, one L. F. Moulton, who has claimed, with others, a large portion of the prairie lands in the eastern half of townships seventeen and eighteen, as swamp and overflowed lands, in a conversation with said deponent, expressed himself as very much gratified that such a move had been made, for the reason that the valley lands in said townships were very much in need of some system of irrigation which could be depended upon, in order to secure good crops on said prairie lands, both of grain and grass. And this deponent further says, that the said L. F. Moulton was in favor of turning in Butte Creek, somewhere near Neal's grant, and bringing it down through townships nineteen, eighteen, and seventeen, for irrigating purposes generally, and especially that it would enable the settlers to succeed in raising fruit trees and vegetables, the ground being too dry to secure a successful growth without. And this deponent further says, that the first Winter after his settlement in the country, and during a high flood of the Sacramento River, a number of his cattle were grazing on lands which are now held by said L. F. Moulton—constituting his ranch, upon which he now resides—and which at that time was under water, and in such a state that he was obliged, and did, with the assistance of two of his neighbors, Messrs. Bunker and Golding, construct temporary bridges of brush and poles in order to get his cattle out on to high and dry land for safety from the flood, and that such high and dry land was on some of the prairie lands now claimed by said Moulton and others as swamp and overflowed, and which this deponent has been informed has been listed to the State as swamp and overflowed lands, such lands being part of section thirty-four and section thirty-five, in township eighteen north, range one west, a short distance east of the preëmption claim of Harry C. Nelson. The said lands, from which he was obliged to remove his cattle in order to save them from drowning, having been returned as high and dry land by the United States Deputy Surveyor, while the land to which he removed them for safety was segregated as swamp and overflowed, and sold by the State as such.

WILLIAM REYNOLDS.

Subscribed and sworn to before me this seventeenth day of December, eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, California.

*T. C. McVay*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and forty-eight years of age, and has resided in township eighteen north, range one west, Mount Diablo meridian, for sixteen years. That he is perfectly familiar with all the lands in said township, and particularly with the eastern half of said township, a large portion of which is claimed to be swamp and overflowed lands, which, instead of being of that character, are as good grain lands, and as susceptible of cultivation, as any land in the Sacramento Valley; and that during his acquaintance of sixteen years with the lands in said township, those claimed as swamp and overflowed have been less subject to overflow from the high freshets which have occurred in the Sacramento River about every four years, since he first knew the lands, than his own lands, and those of some of his neighbors, the said lands claimed as swamp and overflowed being most of them higher lands; and that during the great flood of eighteen hundred and sixty-two they were not as much overflowed as his own ranch and some adjoining ranches; and that since his first acquaintance with the township, cattle and other stock have pastured on the eastern half of the same every Winter except the Winter of eighteen hundred and sixty-four, which was so dry that there was but little or no feed, and but a few stock ranged there. That during the freshet of the Winter of eighteen hundred and sixty-seven, when the overflow was as high as any freshet that had occurred, cattle were pasturing on the lands claimed as swamp and overflowed, when his own ranch of three hundred and twenty acres was entirely submerged, with the exception of not more than two acres, and remained so for about ten days. Deponent further says, that herds of sheep and other stock have pastured on the lands claimed to be swamp and overflowed every Winter for the last six or eight years, to the number of several thousand head. That plowing could always be done on the east half of said township eighteen, whenever it could be done on the west half, and could be done sooner in very wet seasons, as the land on the east half got dry sooner, as it is mostly higher land.

T. C. McVAY.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

*Samuel W. Patterson*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a single man, and fifty years of age, and has resided in township eighteen north, range one west, Mount Diablo meridian, since the year 1860. That he has heard the affidavit of T. C. McVay read, and can and does adopt the facts therein set forth as to the character of the lands in the east half of said township claimed as swamp and overflowed, as his own affidavit and testimony thereto.

S. W. PATTERSON.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

*Albert McGee*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a single man, and over the age of twenty-one years, and has resided in township eighteen north, range one west, since eighteen hundred and fifty-five, and is owner in part of over five hundred head of cattle, and has ranged cattle in the valley of the Sacramento, in said township, for the last fourteen years, and perfectly familiar with every section of land in said township on which cattle can be pastured. That during his acquaintance with the land in said township, there has never been a season that crops could not have been raised on the land now claimed to be swamp and overflowed, with equal if not better success than on that part of the township not claimed as swamp, for the reason that most of it is higher land than land nearer the river, and much better land for raising grain. That during the highest floods that have occurred in the Sacramento during said deponent's acquaintance with said land, that portions of said land claimed as swamp and overflowed have been entirely above said overflows, when the farms of settlers nearer the river, on land not claimed as swamp and overflowed, was entirely overflowed and under water for many days. That herds of sheep have been pastured and ranged over the land claimed as swamp and overflowed for many Winters last past; and that during the last Winter, eighteen hundred and sixty-nine and seventy, bands of sheep belonging to L. F. Moulton were grazing on said land at the same time that deponent's cattle were. That deponent herded his own stock on said land, and that the sheep which ranged upon said land during the Winter could not have been less than about five thousand head.

A. Mc. GEE.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

*Joseph McVay*, being duly sworn, upon his oath deposes and says: That he is a citizen of the United States, a single man, and thirty-eight years of age, and has resided upon land in township eighteen north, range one west, Mount Diablo meridian, since the year eighteen hundred and fifty-four. That he is perfectly familiar with every section of land in said township, having been engaged in the raising of stock and in herding and driving the same at all seasons of the year over the prairie lands in said township eighteen, as well as in township seventeen north, range one west. That he knows the fact that a good portion of both townships, seventeen and eighteen, have been claimed by the State of California as swamp and overflowed lands, and has heard that the same has been listed to the State. That from his knowledge and observation of said lands for the last sixteen years, he has no hesitation that by far the greater portion of the lands claimed as swamp and overflowed are as good grain lands as the western half of said townships, which have been returned as high land by the United States Deputy Surveyor, and could be as successfully tilled; that they are not swamp lands at all, and are only overflowed during extreme high floods of the Sacramento River. That during such floods of the river he has known much of the land which was returned as high land overflowed, when a good deal of the land which the State has claimed as swamp and overflowed was high and dry, and upon which he has had to drive his cattle and horses for

safety, and could only reach them from where he was then living, to wit: on section thirty-three, township eighteen north, range one west, by going in a boat, the land in said section thirty-three being all under water. That this overflow lasted for several days before the stock could range about again as usual. And deponent further says that the land claimed by the State as swamp and overflowed, in said townships seventeen and eighteen, has been a portion of the general grazing ground of stock of all kinds, both Summer and Winter, including thousands of sheep, for a great many years. That he with other parties is the owner of over six hundred head of cattle at the present time, a greater portion of them now ranging on the above named lands, claimed as swamp and overflowed lands, and that large bands of sheep, numbering several thousand, are also grazing on said lands at the present time.

JOSEPH McVAY.

Subscribed and sworn to before me this seventeenth day of December, eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, California.

*E. C. Bunker*, being duly sworn, upon his oath deposes and says: That he is a citizen of the United States, a married man, and forty-two years of age, and a resident on section eighteen, township seventeen north, range one west, Mount Diablo meridian, upon which land he has resided since the year eighteen hundred and fifty-two, making it his home; that he is well acquainted with the portion of said township which has been claimed by the State as swamp and overflowed lands, and deposes and says that the same are not swamp lands, and are only overflowed during high freshets in the Sacramento River; that for many years after his settlement in said township the prairie lands thereof were among the best grazing lands in the country, bearing good crops of wild clover and oats, over which large bands of stock ranged and pastured both Summer and Winter; that bands of sheep have for a number of years pastured on said lands, Summer and Winter, and are ranging there at the present time.

Deponent further says that the fraction of land which he has had in cultivation for twelve years, and upon which he has an orchard of apple trees growing, was segregated to the State as swamp and overflowed land, and was sold as such by the State to George Goldring, his partner in farming operations.

E. C. BUNKER.

Subscribed and sworn to before me this seventeenth day of December, eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, California.

*David Armand*, being duly sworn, upon his oath deposes and says: That he is a naturalized citizen of the United States, over the age of twenty-one years, and has settled upon the northeast quarter of section twenty-three, township eighteen north, range one west, Mount Diablo meridian. That he made his settlement on said land on the first of May, eighteen hundred and seventy, and has made it his home ever since. That he has a dwelling house on the place, and some two acres plowed.

That he has heard the affidavit of John Armand read, and knows the facts therein set forth as regards the character of the land, its adaptability for agriculture, and other facts mentioned in said affidavit, to be true and correct of his own knowledge, and hereby adopts the same as his own testimony in the case.

DAVID ARMAND.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

*John Armand*, being duly sworn, upon his oath deposes and says: That he is a naturalized citizen of the United States, a single man, over the age of twenty-one years, and resides upon the southwest quarter of section fourteen, township eighteen north, range one west, upon which land he settled in the month of September, eighteen hundred and sixty-nine, where he has made it his home ever since up to the present time. That his improvements consist of a dwelling house, barn, and smoke house, and a well at his house eighteen feet deep, with a pump; and that he has plowed about ten acres for grain; and that he should have plowed more land had it not been too dry. That his improvements on said place are worth at least six hundred dollars, and have cost that amount.

And deponent says that he has traveled over the Sacramento Valley a good deal within the last two years, and has made choice of the land upon which he now lives, in preference to any other part of the valley he has seen where there was any vacant land, for a farm for the raising of grain. That since his settlement upon said land, there has hardly been sufficient water on his place for watering stock. That the only chance anywhere near was a slough, which served the purpose until the month of June, when it became entirely dry, since which time he has been obliged to draw water from his well for watering his stock, and is doing so at the present time. That he has eight head of horses and seventy-five head of hogs, which have to be watered from the well. And deponent further says that ever since he settled upon said southwest quarter of section fourteen, there has been ranging over the land claimed in said township eighteen north, range one west, some three thousand head of sheep, under the care of herders; that said sheep have been kept on said land, and adjoining land, through the Winter as well as Summer, and are still ranging on said land, which sheep he has been informed belong to one L. F. Moulton. Deponent further states that he has been informed that the land upon which he has settled has been claimed and listed to the State as swamp and overflowed land. That he is a farmer by profession and practice, and a good judge of the quality of land, and knows the land he has settled upon, as well as adjoining land, including pretty much all the land that is claimed to be swamp and overflowed, to be as good grain land as there is in the valley.

JOHN ARMAND.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the peace of Colusa County, State of California.

*James Benjamin*, being duly sworn, upon his oath deposes and says: that he is a native-born citizen of the United States, a single man, and over the age of twenty-one years, and resides upon the northwest quarter of section twenty-three, township eighteen north, range one west, Mount Diablo meridian, upon which land he settled in the month of November, eighteen hundred and sixty-nine, and has made it his home since up to the present time. That his improvements consist of a dwelling house and about two acres of land plowed. But he would have made more improvements, but soon after his settlement he was informed that the land was claimed as swamp and overflowed land, and he therefore did not think it best to make any more improvements until the title of the land was decided. That if there had been no trouble about the title, he could have plowed the whole quarter section and put it into grain, providing he could have done it in two months, say from the middle of December, eighteen hundred and sixty-nine, to the middle of February, eighteen hundred and seventy, that being the only time during the Winter that there was rain enough to make the ground in a condition to plow. That he has been informed that the quarter section upon which he has settled has been listed to the State as swamp and overflowed land; and deponent says that he is a farmer by profession and a good judge of the quality of land, and has traveled a good deal over the Sacramento Valley, and that there is no better quality of grain land anywhere in the valley than that claimed by the State as swamp land in township eighteen north, range one west, Mount Diablo meridian, and that the only trouble and drawback in raising as good crops of grain as is raised anywhere in the valley is the same that exists throughout the State, to wit: the want of water for irrigation. That during all of the last Winter some fifteen hundred sheep were grazed upon the land claimed as swamp and overflowed, said sheep belonging to L. F. Moulton, who has herders to take care of them, and said sheep have been grazed on said land during all the time since, and are now on the land, with herders to take care of them. And deponent further says, that only a few days since L. F. Moulton told affiant that he intended to bring his lambs and sheep from his lands in township seventeen on to the lands which he claims here, to let them remain for the Winter, as the grazing was better here than there. And deponent says that L. F. Moulton told him within the last week that himself and Houghton claimed the lands in sections twenty-three and fourteen as swamp and overflowed land.

JAMES BENJAMIN.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE.

Justice of the Peace of Colusa County, State of California.

*William Weaver*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and residing upon the southwest quarter of section twenty-six, township eighteen north, range one west, upon which land he has resided since the twenty-eighth of February last with his family; that his improvements consist of a dwelling house, barn, and shed, and a well twelve feet deep; that since the time of his settlement upon this land there has not been rain enough to make the ground in a favorable condition for plowing; that it is his intention, as soon as the rains do begin to fall, and as

soon as the ground is wet enough to plow, to plow all that his means and teams will permit and put it into grain; that he has been over a good portion of the east part of the township, and knows that the land is of the same character as his—high, dry, and firm land, and among the best wheat lands in the valley of the Sacramento. Deponent further says that the said land upon which he now resides has been claimed by certain parties as swamp and overflowed, and he has been informed that said land has been listed to the State as swamp and overflowed land, but that it is not of such character, but is as fit for agricultural purposes as any land in the township.

WILLIAM WEAVER.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, State of California.

*H. A. Barber*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and sixty years of age, and resides upon the southwest quarter of section twelve, township eighteen north, range one west, Mount Diablo meridian; which land he settled upon on the eighth day of March, eighteen hundred and seventy, where he has resided and made his home ever since. That his improvements consist of a dwelling house, and no other improvements at the present time, for the reason that soon after settling upon said land he was informed that all the land claimed by him had been taken by parties as swamp and overflowed land, and that he has on that account been deterred from making further improvements. That he considers the land occupied by him as among the best farming and grazing land in the State; and that during the time since his settlement here there has been no time but what he could go over any part of the one fourth section claimed by him with a pair of slippers, without wetting his feet, with the exception of a little swale of about five acres, and that was dry on the first of May. That it is his intention, as soon as the rain begins to fall and the ground becomes soft enough, to plow what his means and his teams will enable him to do, and put in grain. Deponent further says that the quarter section of land claimed by him is claimed by the State as swamp and overflowed land, and he has been informed that the same has been listed to the State by the Government. Deponent further says that he has been over the whole of the scope of land in the above named township, designated as swamp and overflowed land, and that the same is all first rate grain land, and can all be cultivated without any trouble whatever. That he has never seen two acres of any portion of the eastern part of the township, claimed as swamp, but what can be cultivated in grain.

H. A. BARBER.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, State of California.

*J. W. Padan*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and forty-five years of age. That he settled upon the northwest quarter of

section fourteen, township eighteen north, range one west, Mount Diablo meridian, in the Fall of eighteen hundred and sixty-seven, and upon which land he has resided for a greater portion of the time. That his improvements consist of a dwelling house, chicken house, and well twenty-two feet deep, with a pump in it, and the grounds about the house fenced in. That after taking up said land he ascertained that it had been claimed by parties as swamp and overflowed land, and was therefore deterred from making any further improvements until the question as to whether it was swamp and overflowed was settled. That the land claimed by him is also claimed by others as swamp land; but it is not of that character, but is as fine land for agriculture and grain growing as any land in the valley. That he has well known said land for five years, and has often ridden over the township hunting stock, before he settled upon said section fourteen, and has never known any portion of the land claimed to be swamp and overflowed or any portion of it overflowed, except during a very high freshet of the Sacramento River in the Winter of eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and then but for a few days. That a greater part of the east part of the township was not overflowed then; while many of the most valuable farms in the western half of the township were some of them entirely under water for some twelve or fourteen days. That he has recently been informed that the land has been listed to the State as swamp and overflowed land; and deponent further says that there has not been a season since he first knew said east half of township eighteen north, range one west, but what good crops of grain could be raised on any quarter section of it if there had been water sufficient for irrigating it.

J. W. PADAN.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, State of California.

*Calvin C. Goree*, being duly sworn, deposes and says: That he is a citizen of the United States, a married man, and thirty-two years of age, and resides on portions of sections nine and ten, township eighteen north, range one west, Mount Diablo meridian, in which township he has resided ever since eighteen hundred and fifty-three (seventeen years), and knows every quarter section of land in the township well. That he knows that said township, or a portion of it, was surveyed in the Fall of eighteen hundred and sixty-seven. That soon after said survey was made he ascertained that the eastern portion thereof had been designated by the surveyor to be swamp and overflowed land. And deponent further says that during the period of his acquaintance with the land in the township, there have been four or five heavy freshets in the Sacramento River, when the water came over its banks and overflowed portions, more or less, of the lands in said township, for from two to ten days; but that the great flood of eighteen hundred and sixty-two overflowed all the land in the township, except two or three sections; some of the land being overflowed for only two or three days, while other lands not so high were overflowed for two weeks, and a small part for as long as three weeks, before the waters entirely ran off, except in a

few sloughs, where the water remained until the month of June following. That on the land in the western part of the township the waters always remain longer, after being overflowed, than upon the eastern half of the township, for the reason that the western half is considerably lower land. And this deponent further says that he knows, of his own knowledge, that when some of the best ranches in the western part of the township were under water the stock found good grazing on dry land on that portion of the township claimed by the State to be swamp and overflowed. And this deponent further says that from his intimate knowledge of the lands in the eastern part of the township, which has been claimed as swamp and overflowed, he has no hesitation in affirming that they are among the best grain lands in the Sacramento Valley; that notwithstanding the overflow caused by the great flood of eighteen hundred and sixty-two, the farmers had finished putting in their crops by the twentieth day of March, the water having sufficiently subsided. Deponent further says that L. F. Moulton, one of the parties claiming certain sections of said township eighteen as swamp and overflowed, told this deponent, in a conversation on the subject, that there were some portions of the land segregated to the State as swamp and overflowed which ought to have been returned as high land.

CALVIN C. GOREE.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, California.

*A. J. Mason*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and that he resides upon the northeast quarter of section twenty-six, township eighteen north, range one west, Mount Diablo meridian; that he has resided upon said land since the twenty-eighth day of February, eighteen hundred and seventy, with his family; that he has erected upon said land a dwelling house, twelve by thirty, and shed and chicken house, two corrals for stock; that he has set out locust trees around his house, and is improving said land as fast as his means will permit, with a view to making it a permanent home; that he has cut about twenty tons of hay and stacked the same on said land; that he commenced harvesting his hay on the twenty-seventh day of April last; that he has a well near his house ten feet deep, from which he draws water for domestic use and for watering his stock. Deponent says that the land upon which he has settled and put on his improvements is claimed by parties through the State as swamp and overflowed land, but that it is perfectly high, dry, and firm land, and that the whole eastern portion of the township is of the same character; that said land is among the best grain land in the county.

A. J. MASON.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,  
Justice of the Peace of Colusa County, State of California.

*James Burns*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and that he is now residing upon the southwest quarter of section twenty-four, township eighteen north, range one west, Mount Diablo meridian, upon which land he settled on the seventh day of March, eighteen hundred and seventy, with his family, where he has resided continuously ever since. That his improvements consist of a dwelling house, fourteen by sixteen feet; stable and barn, twenty-eight by sixteen feet; one corral for stock; a well, fourteen feet deep, from which he obtains all the water to water his cattle, horses, and hogs, there being no other water for them to obtain without going a long distance. That he plowed and planted a half acre of potatoes in April last near his house, which grew and yielded well; that he also had cucumbers and tomatoes. That he commenced harvesting his hay crop about the first of May, and stacked it on the place. That it is his intention, as soon as it rains sufficient to soften the ground, to commence plowing his land for putting in grain; but at present the ground is too hard to be plowed. Deponent further says that the whole of the quarter section upon which he has settled is claimed by parties through the State as swamp and overflowed, and that he has been informed that the same has been listed to the State as swamp and overflowed land, but that there has been no water on it since he took it up in February last, except what has fallen from the heavens, and there has not been sufficient of that to produce a full crop of hay.

JAMES BURNS.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

*Gilliam C. Howard*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a married man, and that he resides upon the northwest quarter of section twenty-six, township eighteen north, range one west, Mount Diablo meridian, upon which land he settled in the month of February, eighteen hundred and seventy, and where he has resided ever since up to the present time. That the improvements consist of a dwelling house and chicken house. That he has plowed some of the land for garden. That at the time he settled upon said land it was too late to plow sufficient for a crop; beside, the ground was hardly wet enough to be fit for plowing. That it is his intention, as soon as the rains fall sufficient to soften the ground for plowing, to plow and sow all the grain he can with the teams he has. That he knows the land claimed by his neighbors to be of the same character as that claimed by himself, all of it good land for raising grain, although it is all claimed by parties through the State as swamp and overflowed land. That he has been informed that all of said land claimed by him has been listed to the State as swamp and overflowed land, but that it is among the very best land in the country for raising grain and other crops.

G. C. HOWARD.

Subscribed and sworn to before me this fifteenth day of December, A. D. eighteen hundred and seventy.

J. P. HOPE,

Justice of the Peace of Colusa County, State of California.

## MEMORIAL OF SETTLERS IN SIERRA VALLEY, CALIFORNIA.

The following affidavits of the settlers in Sierra Valley, California, whose farms are claimed under the swamp land law as swamp and overflowed lands, are submitted to Congress to show the necessity of some amendment to the mode of segregating swamp lands, so as to afford needed protection to settlers. But one case out of many—one valley out of many similarly situated—is referred to in these affidavits. Under pretense of swamp and overflowed lands, the best agricultural lands in the State are being seized, to the ruin of thousands of industrious pre-emptioners and homestead settlers. The settlers are summoned to appear at the office of the United States Surveyor General, hundreds of miles from their homes, with witnesses, to show that the lands that they have cultivated for years are not unfit for cultivation. The penalty of not making the showing is the loss of their homes. The notice is not personal, but by publication, and is seldom seen by those most interested. Often the time is fixed in midwinter, when travel is impossible. Thus hundreds of settlers lose their homes, for want of notice, from inability to bear the great expense, etc. Sierra Valley is about six thousand feet above the level of the sea, near the summit of the Sierra Nevada Mountains. It is dotted all over with the homes of industrious agriculturists.

One important remedy for the state of things herein depreated is to give jurisdiction in examinations as to the character of the lands to the register and receiver of the local land offices, whereby the distance to be traveled by parties and witnesses would be greatly decreased, and personal notice would be brought home to each defendant. Another is a legislative definition of swamp and overflowed lands, so as to exclude such lands as are described in the following affidavits:

STATE OF CALIFORNIA, }  
 County of Plumas. } ss.

*George C. Canfield*, being duly sworn, deposes and says: That he is a native-born citizen of the United States; a married man, thirty-five years of age; that he has resided since eighteen hundred and sixty-three, continuously, on the following land, to wit: the west half of the north-west quarter and the north half of the southwest quarter, section thirty-four, township twenty-two north, range fifteen east; said land being in Sierra Valley, County of Plumas, California; that he has improvements on said land consisting of two dwelling houses, a stable of the length of one hundred and twenty feet and about twenty-eight feet wide, and the entire claim is under fence, being principally substantial post and board fence; that said improvements have cost this deponent not less than two thousand dollars; that about one hundred acres of said land is meadow land, and that the balance is high sage brush land, fit for grain; that he can also plow the largest portion of said meadow land and raise grain thereon; that he is obliged in the Spring of the year to dig ditches and trenches and build dams across the creeks in order to irrigate said grain and meadow land to be able to raise grain or cause the grass to grow to secure a hay crop; that in the year eighteen hundred and seventy he has cut about one hundred and sixty tons of hay with a mowing machine; that he has about one hundred and seventy-eight head of cattle, sixty-eight cows used for dairying purposes, and

has made between six and seven thousand pounds of butter the present year, and has seven horses and seventy-five head of hogs; that owing to the distance from market, it is more profitable to use the land for grazing purposes than raising grain; that he also well knows the character of the southeast quarter of section thirty-four, claimed as swamp, adjoining him, which quarter section is principally high sage brush land, and on which no grass can be made to grow except little bunch grass, unless it can be irrigated; and this deponent knows of no way to bring water to the same without a very heavy expense of forcing apparatus, and is only fit for grain in such years as the frost would not affect said crop. Deponent furthermore states that in January, eighteen hundred and seventy, Arthur Keddie, County Surveyor of Plumas County, surveyed the above mentioned land, and represented to this deponent that he was surveying the said land for one J. D. Goodwin, in order to segregate the same as swamp and overflowed land, and represented to this deponent that all land on which cereals could not be successfully raised on account of overflow of water was swamp and overflowed land; and that grass was no crop; and that even if land would produce cereals nine years out of ten and fail the tenth year, it would be swamp and overflowed land. Upon those representations this deponent, at the request of said Arthur Keddie, made an affidavit stating that if such assurance was correct, the west half of said northwest quarter section thirty-four was swamp and overflowed land.

GEORGE C. CANFIELD.

Subscribed and sworn to before me the first day of October, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA,  
County of Plumas, } ss.

*C. C. Huntly*, being duly sworn, deposes and says: That he is a white male native born citizen of the United States, of the age of thirty-two years, an unmarried man; that he has resided in Sierra Valley, California, continuously, since eighteen hundred and sixty-seven, and has been settled and is now settled upon parts of section one and section twelve, township twenty-two north, range fifteen east, Mount Diablo meridian; that he has improvements on said land consisting of a dwelling house, barn, outhouses, and has three hundred and twenty acres under fence, which includes my preëmption (proven up and paid for) and homestead claim. The said improvements have cost him from twelve hundred dollars to fourteen hundred dollars cash; that he is a farmer by profession and occupation, but that stock raising is his principal business; that he has during the present season twenty-two and one half acres of wheat, oats, and barley; that about one hundred acres of his land is meadow land; that in order to raise a good crop of hay it is necessary to resort to irrigation by putting in dams across the creeks to overflow said meadow land; that he has at present sixty-five head of stock, cattle and cows, also twelve head of horses and colts; that he has cut during the present season about seventy-five tons of hay on said meadow land with a mowing machine; that he values his claim and improvements at twenty-five hundred dollars.

C. C. HUNTLEY.

Subscribed and sworn to before me the first day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*Alonzo B. Huntley*, being duly sworn, deposes and says: That he is a citizen of the United States, a married man of the age of thirty-seven years; that he has resided in said Sierra Valley, continuously, since eighteen hundred and sixty-four; that he has been settled upon parts of sections eleven and twelve since eighteen hundred and sixty-seven; that he has improvements on said land consisting of dwelling house, barns, and fences of the value of one thousand dollars; that his land is of the same character as the above deponent, C. C. Huntley, and he is obliged to resort to the same measures for irrigation to secure crops of hay on his meadow land, of which he has about one hundred and fifty acres; that he values his land and improvements at fifteen hundred dollars cash.

ALONZO B. HUNTLEY.

Subscribed and sworn to before me on the first day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
County of Sierra, } ss.

*Abraham Ede*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, a married man of the age of thirty-eight years; that since the year eighteen hundred and sixty-one, he has, with his family, continuously resided on section thirty-three, township twenty-three north, range fifteen east, Mount Diablo meridian, having preëmpted the said land; that one hundred and twenty acres of said preëmption is claimed by the State of California as swamp and overflowed land, the balance being high sage bush land, fit only for the growing of grain, provided it could be irrigated, but during the highest freshets that have occurred since eighteen hundred and fifty-nine, said land has never been overflowed; that his eighty acres of meadow land, when well irrigated, will yield one and a half tons of hay to the acre, of clover, and timothy, and on a portion of said meadow land he has raised sixty-seven bushels of oats, as well as larley, to the acre. Said meadow land is much more profitable for hay than grain when it can be successfully irrigated. For the purpose of irrigating his meadow land, in order to secure a good crop of hay, he has thrown dams across a tributary of Feather River, which passes through the same, and which affords water sufficient for irrigation from the first of February till the middle of May, and it is entirely dry by the first of July. During a heavy Spring freshet some two or three years since, which lasted about one week, the meadow lands would have been submerged had the dams not been there, and in the course of three weeks the floods had subsided and the waters were again flowing in the natural channels of the river, and in consequence of said overflow he was enabled to harvest a full crop of hay. The present season, in consequence of scarcity of water for irrigating, he has been unable to cut hay except from only two thirds of his meadow land, the

balance being so dry as not to be worth cutting, and that he has been obliged to sink a well six feet below the surface of the meadow land before finding water; that during the Summer months of the past season, he has been under the necessity of driving his stock cattle three miles for water. For two months during the last Summer he had to drive his dairy cows three miles for water, his well near the house, sixteen feet deep, barely furnishing sufficient water for domestic use and his work animals. The improvements on said place consist of a dwelling house, a barn fifty six feet square, two dairy houses, and a butter storehouse, and the entire claim inclosed by a post-and-board and post-and-rail fence, with one division fence running across the whole claim; that said improvements have cost him fully five thousand dollars in coin. If the meadow lands throughout the valley were drained by ditches as actual swamp lands are treated, they would be entirely useless for agricultural or grazing purposes, and instead of artificial means for drainage, they require the construction of large ditches for bringing in water for irrigating purposes from Truckee River or Weber Lake.

ABRAHAM EDE.

Subscribed and sworn to before me the fourth day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*George Wood*, Deputy Assessor of Sierra County, being duly sworn, deposes and says: That he has resided in Sierra Valley during the last six years; also that from eighteen hundred and fifty-nine to eighteen hundred and sixty-two, he frequently herded mules on the land, or in the vicinity of the land, in townships twenty-one, twenty-two, and twenty-three north, ranges fourteen, fifteen, and sixteen east, now claimed by the State of California as swamp and overflowed lands. Also that he is well acquainted with the character of all the lands in Sierra Valley, having within the last two years frequently surveyed portions of the so-called "swamp and overflowed lands;" that he thinks it would be impossible to segregate even forty acres as swamp and overflowed, for the following reasons: first, that on the land claimed farmers can and do frequently raise crops of grain, but that hay being more profitable, the owners choose to cut hay either for sale or to feed stock in Winter; second, that timothy and other tame grasses are being successfully cultivated on said lands; third, that the only ditches on said lands are for the purpose of irrigation, and if said land was not irrigated in Summer the crop of hay would be short; fourth, that in these elevated valleys the breeding of stock, and the making of butter and cheese are more profitable than any other branches of farming; fifth, that whatever portion is at any time overflowed is caused from the sudden melting of snows on the mountains in Spring, and from the farmers themselves placing dams and obstructions in the creeks to cause such overflow for irrigation; sixth, that nearly the whole of said lands have been preempted, and farmers have good houses, barns, outbuildings, and fences upon the land; seventh, that most of the farmers have resided with their families on said lands for from four to twelve years, never even imagining that the land could be called swamp until they were told so by parties who took pains to call on them during the wet season.

GEORGE WOOD.

Subscribed and sworn to before me the fourth day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*E. Cramer*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, and has with his family, continuously, since eighteen hundred and sixty-five, resided on the following land, to wit: The southeast quarter of section twenty-six, township twenty-three north, range fourteen east, Mount Diablo meridian; that forty acres of his said preëmption claim is claimed by the State of California as swamp and overflowed land, but that it is of such a nature as to need irrigation in order to enable him to raise a good crop of hay; and that, unless in severe and wet Winters and Springs, no calculations can be made on a good crop of hay; that during the last two years he has had a very light crop of hay, owing to the want of water for irrigation; and that in eighteen hundred and sixty-eight, owing to the wet Winter, he had a large crop of hay, the water remaining in the sloughs till first July; that he has a dwelling house, a barn one hundred feet long and forty-four feet wide, and eighty acres under fence; that said improvements have cost him two thousand dollars; that it is more profitable to raise hay than grain, owing to the frosts in this high region; that he has about twenty head of cattle and valuable horses; that owing to the dryness of the season and scarcity of water, he has been able to cut upon all the meadow land on his preëmption claim, including one hundred and twenty acres of meadow land outside his claim, also claimed by the State of California as swamp and overflowed land, only thirty tons of hay; and that on a portion of the meadow land on his said preëmption claim he has raised nine acres in oats, and that he has raised at an average thirty-six bushels to the acre on the same; that he could have cultivated more of said land in grain, but it is more profitable to raise hay than grain; that the middle fork of Feather River, which runs through this land, had ceased to overflow its banks by the first of June, and could no longer be available for irrigation.

EDON CRAMER.

Subscribed and sworn to before me the third day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*S. B. Hinds*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, a married man, of the age of thirty-one years; that about the last of October, eighteen hundred and sixty-nine, he moved with his family on the following land, to wit: Southeast quarter of northwest quarter, southwest quarter of northeast quarter, west half of southeast quarter, section six, township twenty-two north, range fifteen east, Mount Diablo meridian, for the purpose of claiming the same as a preëmption; that soon thereafter he learned the said land

had been claimed by the State of California as swamp and overflowed land; that he has occupied the said land continuously up to the present time; that one hundred acres of said land is meadow land, and to his knowledge, during the last seven years, hay crops have been cut off said land, and at no season except a wet one can a whole crop be raised unless the land is irrigated; on the middle fork of Feather River, a stream that runs through said land, several dams have been thrown across for the purpose of irrigation of the meadow land; that in eighteen hundred and sixty-eight, from the month of January till the middle of April of that year, two heavy freshets occurred in said stream, caused by the heavy rains and melting of snow, bringing down large bodies of ice and tearing away the dams put across said river for irrigating purposes; that those dams have not since been replaced, owing to which fact it has been impossible to irrigate said described meadow land, and in consequence not more than half a crop has been harvested on said land; that during the season of said high freshet which carried away the dams the meadow lands were thoroughly overflowed, and the product of the hay was fully two tons to the acre; since that season, for lack of irrigation, the hay crop has not exceeded three quarters of a ton an acre; that the northwest quarter of southeast quarter of said land, claimed by the State of California as swamp and overflowed land, is high, sandy, sagebrush land, with the exception of six acres, upon which crops of grain could be raised if it were possible to irrigate the same; that his improvements consist of a dwelling house, stable, and corral, and have cost six hundred dollars; that he has ten head of cattle and horses, and has cut only forty tons of hay on said land the present season.

S. B. HINDS.

Subscribed and sworn to before me the third November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*G. W. Cramer*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, unmarried, and twenty-seven years of age, and a resident of Sierra Valley, where he has resided continuously for the last six years; that he has heard the affidavits of E. Cramer and S. B. Hinds read, and can testify of his own knowledge that the facts therein set forth are true and correct.

G. W. CRAMER.

Subscribed and sworn to before me this third day of November, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Peter Tognazzini*, being duly sworn, deposes and says: That he is a naturalized citizen of the United States, of the age of thirty-six years, a married man; that he has resided in Sierra Valley continuously since eighteen hundred and sixty-eight, and has been settled with his family since twenty-fourth day of August, eighteen hundred and seventy, on

Subscribed and sworn to before me the fourth day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*E. Cramer*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, and has with his family, continuously, since eighteen hundred and sixty-five, resided on the following land, to wit: The southeast quarter of section twenty-six, township twenty-three north, range fourteen east, Mount Diablo meridian; that forty acres of his said preëmption claim is claimed by the State of California as swamp and overflowed land, but that it is of such a nature as to need irrigation in order to enable him to raise a good crop of hay; and that, unless in severe and wet Winters and Springs, no calculations can be made on a good crop of hay; that during the last two years he has had a very light crop of hay, owing to the want of water for irrigation; and that in eighteen hundred and sixty-eight, owing to the wet Winter, he had a large crop of hay, the water remaining in the sloughs till first July; that he has a dwelling house, a barn one hundred feet long and forty-four feet wide, and eighty acres under fence; that said improvements have cost him two thousand dollars; that it is more profitable to raise hay than grain, owing to the frosts in this high region; that he has about twenty head of cattle and valuable horses; that owing to the dryness of the season and scarcity of water, he has been able to cut upon all the meadow land on his preëmption claim, including one hundred and twenty acres of meadow land outside his claim, also claimed by the State of California as swamp and overflowed land, only thirty tons of hay; and that on a portion of the meadow land on his said preëmption claim he has raised nine acres in oats, and that he has raised at an average thirty-six bushels to the acre on the same; that he could have cultivated more of said land in grain, but it is more profitable to raise hay than grain; that the middle fork of Feather River, which runs through this land, had ceased to overflow its banks by the first of June, and could no longer be available for irrigation.

EDON CRAMER.

Subscribed and sworn to before me the third day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*S. B. Hinds*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, a married man, of the age of thirty-one years; that about the last of October, eighteen hundred and sixty-nine, he moved with his family on the following land, to wit: Southeast quarter of northwest quarter, southwest quarter of northeast quarter, west half of southeast quarter, section six, township twenty-two north, range fifteen east, Mount Diablo meridian, for the purpose of claiming the same as a preëmption; that soon thereafter he learned the said land

had been claimed by the State of California as swamp and overflowed land; that he has occupied the said land continuously up to the present time; that one hundred acres of said land is meadow land, and to his knowledge, during the last seven years, hay crops have been cut off said land, and at no season except a wet one can a whole crop be raised unless the land is irrigated; on the middle fork of Feather River, a stream that runs through said land, several dams have been thrown across for the purpose of irrigation of the meadow land; that in eighteen hundred and sixty-eight, from the month of January till the middle of April of that year, two heavy freshets occurred in said stream, caused by the heavy rains and melting of snow, bringing down large bodies of ice and tearing away the dams put across said river for irrigating purposes; that those dams have not since been replaced, owing to which fact it has been impossible to irrigate said described meadow land, and in consequence not more than half a crop has been harvested on said land; that during the season of said high freshet which carried away the dams the meadow lands were thoroughly overflowed, and the product of the hay was fully two tons to the acre; since that season, for lack of irrigation, the hay crop has not exceeded three quarters of a ton an acre; that the northwest quarter of southeast quarter of said land, claimed by the State of California as swamp and overflowed land, is high, sandy, sagebrush land, with the exception of six acres, upon which crops of grain could be raised if it were possible to irrigate the same; that his improvements consist of a dwelling house, stable, and corral, and have cost six hundred dollars; that he has ten head of cattle and horses, and has cut only forty tons of hay on said land the present season.

S. B. HINDS.

Subscribed and sworn to before me the third November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*G. W. Cramer*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, unmarried, and twenty-seven years of age, and a resident of Sierra Valley, where he has resided continuously for the last six years; that he has heard the affidavits of E. Cramer and S. B. Hinds read, and can testify of his own knowledge that the facts therein set forth are true and correct.

G. W. CRAMER.

Subscribed and sworn to before me this third day of November, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Peter Tognazzini*, being duly sworn, deposes and says: That he is a naturalized citizen of the United States, of the age of thirty-six years, a married man; that he has resided in Sierra Valley continuously since eighteen hundred and sixty-eight, and has been settled with his family since twenty-fourth day of August, eighteen hundred and seventy, on

the following land, to wit: The southwest quarter, section six, township twenty-two north, range fifteen east, Mount Diablo meridian; that the entire claim of this deponent is claimed by the State of California as swamp and overflowed land; that he uses the said land for the purpose of raising hay crops; that the soil is of so dry a nature, that owing to his not being able to irrigate the same, he raised only sixty tons of hay on the entire claim; that he is at present engaged in making preparations for more extensive irrigation, when he will be able to cut more hay than the present year; that, if the Winters and Springs are severe and wet, he can cut a far better crop of hay on said land than during dry seasons; that it is more profitable to raise hay in Sierra Valley than grain, and for that reason does not desire to cultivate the said land; but that, if he chose to do so, he could plow the entire quarter section in time to put in a crop of grain; but for the reasons above stated he does not wish to do so; that the lands adjoining him on the southeast, claimed by the Birney brothers, and recently sold by them to J. Gardener, are of a character similar to his own, and require irrigation in order to insure a good crop of hay; and that during the present year, owing to such want of irrigation, they were enabled to cut only about thirty-five tons of hay on their claim, eighty acres of which is meadow land; that during the year eighteen hundred and sixty-eight, owing to the heavy freshets in the middle fork of Feather River, there was cut on said land more hay than any year since that time.

PIETRO ANTONIO TOGNAZZINI.

Subscribed and sworn to before me this third day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*S. M. Marble*, being duly sworn, deposes and says: That he has continuously, since eighteen hundred and sixty-eight, been a resident of Sierra Valley; that he is a married man, and a citizen of the United States, and has been settled with his family since the month of May, eighteen hundred and seventy, on the following land, to wit: the south half of the south half of section eighteen, township twenty-two north, range fifteen east, Mount Diablo meridian; that the said land is claimed by the State of California as swamp and overflowed land; that he uses said land for the purpose of raising hay, this being more profitable than raising grain; that in order to raise good crops of hay on said land it is necessary to irrigate the same, except in severe and wet Winters, when, by reason of the overflow of the said land, a good crop can be raised without irrigating; that it is very hard to irrigate his land, and that for the want of it during the present year he has been able to raise only fifty tons of hay on said land; that the lands adjacent to his own are of the same character, and require irrigation in order to raise a good crop of hay; that he has improvements on said land, consisting of a dwelling house and a quarter of a mile of post and board fence.

S. M. MARBLE.

Subscribed and sworn to before me the third day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*Joseph B. Hathaway*, being duly sworn, deposes and says: That he is a native born citizen of the United States, of the age of forty-one years, a married man, and has been a resident in Sierra Valley since June, eighteen hundred and sixty-nine, and been settled with his family since November, eighteen hundred and sixty-nine, on the following land, to wit: the north half of the north half of section nineteen, township twenty-two north, range fifteen east, Mount Diablo meridian; that said land is meadow land, and is claimed by the State of California as swamp and overflowed land; that he heard the affidavit of S. M. Marble read, and the facts set forth in the same are applicable to his own land, it adjoining the land of said Marble; that his improvements consist of a dwelling house, shed, and a quarter of a mile of fence; that he has this season put in about two acres in grain; that his improvements have cost him about six hundred dollars; that during the present season he cut only sixty tons of hay on his land.

JOSEPH B. HATHAWAY.

Subscribed and sworn to before me the third day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*Joseph Riley*, being duly sworn, deposes and says: That he is a naturalized citizen of the United States, of the age of thirty-three years, a married man, and has continuously, since the month of June, eighteen hundred and seventy, resided with his family on the following land in Sierra Valley, to wit: the south half of north half of section eighteen, township twenty two north, range fifteen east, Mount Diablo meridian; that his land is of the same character as that of Joseph Hathaway and S. M. Marble, and that he has heard their affidavits read, and knows the contents thereof, and that the facts therein stated are to his own knowledge true and equally applicable to his own land; that for want of water for irrigating purposes he did not cut any hay on his land the present year; that he has improvements on said land, consisting of a dwelling house, stable, and a quarter of a mile under fence, and they have cost him five hundred dollars; that he has twenty head of cattle and three horses, and that he has to spend one half of his time in drawing water from two wells for the purpose of watering the said cattle and horses.

JOSEPH RILEY.

Subscribed and sworn to before me this third day of November, eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*D. T. Mackomick*, being duly sworn, upon his oath deposes and says: I am a native-born citizen of the United States, an unmarried man, over the age of twenty-one years, and reside in Sierra Valley, California, having filed my declaratory statement on the west half of northeast quarter

and northeast quarter of northeast quarter of section eleven, and the southeast quarter of southeast quarter of section two, township twenty-one north, range fifteen east, Mount Diablo meridian, on said land, in the early part of eighteen hundred and sixty-eight, and upon which I have resided ever since. The most of my land being meadow land, my principal business is the raising and cutting hay for market, and the raising of stock, which in this climate I find more profitable than the raising of grain, although I have raised a good crop of wheat the present season. A portion of my land has been claimed by the State as swamp and overflowed land, but I cannot imagine upon what ground, for it certainly is not of that character, as I find it necessary to throw dams across a small creek running through my land, for the purpose of overflowing my meadow land, to insure a crop of hay. My improvements consist of a dwelling house, a large barn, cattle sheds, and other buildings, and a well, from which water is taken for domestic purposes, and the whole ranch is inclosed with a post and board fence. I keep upon my place sixteen head of work cattle, two milch cows, and six horses. I find no trouble in going anywhere over my land in the Winter season with loaded teams, or at any season of the year when I have occasion to do so, nor have I ever had any difficulty in going anywhere around the valley with my teams when business has called me. The improvements on my land have cost me one thousand dollars in gold coin.

D. T. MACKOMICK.

Subscribed and sworn to before me this thirty-first day of October, eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
County of Sierra. } ss.

*W. R. Freeman*, being duly sworn, deposes and says: That he is a citizen of the United States, and a resident of Sierra Valley, County of Sierra, California; that he is settled on a portion of land claimed as swamp and overflowed land, on section eleven, township twenty-one north, range fifteen east, Mount Diablo base meridian; that he has improvements on said land, consisting of fences and buildings, consisting of a dwelling house and a barn, of the value of about three hundred and fifty dollars, and about half a mile of fence; that he had the last year about twenty-two acres of grain, one half of which is upon the land claimed as swamp and overflowed; that he has about forty-five acres broke; that he has cut eighty tons of hay, and the entire piece of land, with the exception of sagebrush land, is good grazing land; that he has had to dig ditches and trenches, and build dams across Loyalton Creek, in order to irrigate the land and cause the grass and grain to grow, and that said dams were pulled out by settlers below in order to use the water themselves for irrigating their meadow land.

W. R. FREEMAN.

Subscribed and sworn to before me the thirty-first day of October, eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
 County of Plumas. } ss.

*Edward Mercer*, being duly sworn, deposes and says: That he is a white male citizen of the United States; an unmarried man, over the age of twenty-one years; that he has resided in Sierra Valley, County of Plumas, since the — day of July, eighteen hundred and sixty-seven, and been settled continuously since on the following land in Sierra Valley, county and State aforesaid, to wit: The south half of the southwest quarter, the west half of the southeast quarter, section nineteen, township twenty-two north, range fifteen east; that the said land is now claimed as swamp and overflowed land by the State of California; that he has had good opportunity of judging and being informed of the true nature of said land in this valley, lying in township twenty-two north, range fifteen east, township twenty-two north, range sixteen east, and township twenty-three north, range fifteen east; that he frequently crossed the valley, and that portion of it now claimed as swamp and overflowed; that, on that portion claimed as swamp and overflowed, he has been obliged to sink a well to the depth of fourteen feet in order to obtain water, and the same is now nearly dry; that in the year eighteen hundred and sixty-nine he had to drive his stock a distance of from two to three miles from the above mentioned land (settled upon by him, and claimed as swamp and overflowed) before he could find water for them to drink; that he kept at that time a dairy, and kept about forty cows, and on account of the dryness of the soil he was compelled to drive them that distance before he could procure any water, and said water carried to the place where deponent used it for watering his cattle by means of a ditch which extended about three to four miles higher up the valley to a place near section fourteen, township twenty-one north, range four east, which said ditch was used for the purpose of irrigating the land claimed as swamp land, as this deponent is informed and believes; that he is also well acquainted with the nature of the land in the north part of township twenty-two north, range fifteen east, and the south part of township twenty-three north, range fifteen east, claimed as swamp land, and he knows that the settlers on the same are compelled, and do put in dams in the sloughs running through said land, in order to cause the water to overflow the land and cause the grass to grow; and that these dams cause the said land to be overflowed in the spring and winter, and without said dams the land would be too dry, and the grass would wither and be unfit for hay; that, in his opinion, there is no swamp and overflowed land in said Sierra Valley and County of Plumas, except such as has been surveyed and laid down on the official maps of the first survey of the United States of said Sierra Valley, and which does not exceed three hundred and twenty acres.

EDWARD MERCER.

Subscribed and sworn to before me this twenty-ninth day of October, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
 Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
 County of Plumas. } ss.

*William A. Sperry*, being duly sworn, deposes and says: That he has

resided in Sierra Valley, County of Plumas, since the twenty-fifth day of October, A. D. eighteen hundred and sixty-nine; that he is a citizen of the United States, and a married man; that he frequently crossed the valley over those lands now claimed as swamp and overflowed, and had no difficulty in crossing it in May and June; that he has just completed a well, and had to sink it sixteen feet before he found sufficient water for use; that said well is sunk in township twenty-two north, range fifteen east, and on land claimed as swamp and overflowed, and adjoining the land above mentioned as the land of E. Mercer, and that the main facts stated in the affidavit of said E. Mercer are within his own knowledge.

WM. A. SPERRY.

Subscribed and sworn to before me the twenty-ninth day of October, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Julius Catlin*, being first duly sworn, upon his oath deposes and says: That he is an unmarried man, thirty-one years of age, and a native-born citizen of the United States, and has been a resident of Sierra Valley since July, eighteen hundred and sixty-one; that teaming has been his principal business during several years of the time he has been in the valley in transporting hay to the different mining towns; and that during all that time he has never been prevented on account of water from going with his teams and wagons, at any season of the year, with whatever load it might be necessary for him to haul; and that, from his general knowledge of the valley lands during the time specified he can fully corroborate the statements made in the affidavit of Edward Mercer, attached hereto.

JULIUS CATLIN.

Subscribed and sworn to before me this twenty-ninth day of October, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Hiram Lewis*, being duly sworn, upon his oath deposes and says: I am a native-born citizen of the United States, a married man, forty-nine years of age, and have resided in Sierra Valley since September, eighteen hundred and sixty-two, and on my present ranch since the Spring of eighteen hundred and sixty-three. I am well acquainted with all parts of the valley, and have had occasion to travel over it frequently with my teams at all seasons of the year, but have had no difficulty in so doing on account of high water. I am aware that very much of the land in the valley has been claimed to be swamp and overflowed, but I know the fact that on ranches where such claim has been made it has been necessary to throw dams across creeks and sloughs in order to overflow such land in order to secure a good crop of hay. The principal business of most of the settlers in this part of the valley has been stock raising and dairying, and in order to provide for the Winter keep of stock it has been necessary to cut a large quantity of hay, which is cut every season, so far as my knowledge extends, with mowing machines. My own ranch is entirely inclosed with post-and-board and rail fence, and one hundred

acres are cultivated in grain. The improvements on my place have cost me over two thousand dollars in gold coin.

H. LEWIS.

Subscribed and sworn to this first day of November, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*Justus C. Haynes*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, of the age of thirty-one years, a married man, and that he is at present residing with his family on the following land in Sierra Valley, Plumas County, California, to wit: The northeast quarter of northeast quarter, section thirty-five; southeast quarter of southwest quarter, section twenty-six; south half of southeast quarter, section twenty-six, township twenty-two north, range fifteen east, Mount Diablo base meridian; that he has resided continuously on said land with his family since the ninth day of January, eighteen hundred and sixty-eight; that his farming operations consist of raising grain, vegetables, and stock, and dairy business; that about ninety acres of said land is meadow land, and that in order to raise a good crop of grass he is compelled to turn water over it for irrigating purposes, by putting dams across the creeks and sloughs; that he has about one hundred acres under fence, and has a dwelling house, barn, and outhouses erected on said land, and his improvements have cost him not less than five hundred dollars in cash; that he has eighteen head of cows, eleven head of young stock, five horses; that he has cut forty-five tons of hay on said land with a mowing machine, and hauled the same, and stacked it on said land; that the State of California claims eighty acres of said land as swamp and overflowed land, but that said land is of such a nature that he cannot successfully raise a hay crop thereon without irrigating the same, which he has done the present season.

J. C. HAYNES.

Subscribed and sworn to before me the first day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Sierra. } ss.

*Patrick Connolly* and *David Russell*, being duly sworn, each for himself and not one for the other, says: That he is a resident of Sierra Valley, in Sierra County, California, and that he is settled upon the following described land, to wit: The east half of the northeast quarter, section three; the west half of the northwest quarter, section two, township twenty-one north, range fifteen east, Mount Diablo base meridian; that about the — day of January, eighteen hundred and sixty-nine, they purchased the said land from William Freeman, who had preëmpted the same and paid for it, and obtained his patent for it, deponents having the patent therefor; that there is now erected on said land a dwelling

house and outhouses, and a barn eighty feet long by thirty-two feet wide, and about one hundred and sixty acres fenced, and ten acres in grain, onions, cabbages, turnips, lettuce, and other garden stuff; that the improvements are of the value of one thousand five hundred dollars; that they use the said land for raising grain and grazing purposes, a portion of the land being high sagebrush land and well adapted for raising grain, they having raised a bountiful crop this year; that the land is of such a nature that they are compelled to dig ditches and trenches and put in dams in the creek called Loyalton Creek, and irrigate their land, both grain and meadow land, in order to cause the grain and grass to grow, and that the water in Summer is so scarce as to cause quarrels among the neighboring settlers in regard to priorities of water; that the water they use for household purposes is taken from a well about ten feet deep, dug on said land by these deponents; that during the Summer season they have to draw water from this well for watering their cattle; that they have about one hundred and one head of cattle, fifty or sixty hogs, and six horses on their farm above mentioned; that they can drive over said land the entire year with a loaded wagon without miring down; that during the last Winter they hauled heavy loads of hay over the said land without any trouble or inconvenience; that said land is claimed, as deponents have been informed and believe, by the State of California, as swamp and overflowed land.

DAVID RUSSELL,  
PATRICK CONNOLLY.

Subscribed and sworn to before me, the thirty-first day of October, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Sierra. } ss.

*David Russell*, being duly sworn, deposes and says: That about the — day of July, eighteen hundred and seventy, he purchased of Isaac Weston the possessory right to the following land, to wit: The east half of the southwest quarter, the west half of the southeast quarter, section two, township twenty-one north, range fifteen east, and the improvements thereon; that this deponent has declared his intention of becoming a citizen of the United States, in accordance with the naturalization laws, and a part of the time he resides on the said land; that he has improvements on said land, consisting of a dwelling house, and that the entire one hundred and sixty acres are under fence; that said land is used by him the present year for grazing purposes and cutting hay, although a part of it is well adapted for raising grain, eleven acres having, three years ago, been cultivated in grain, and a very good crop raised thereon; that they have ditches dug and dams put in in order to irrigate said land and cause the grass to grow; that he is now engaged in sinking a well; that he has sunk it four feet deep, but has not struck water yet; that he has cut this last year fifty tons of hay on said land, and has it now stacked on said land in order to feed the same in the Winter to his cattle; that the said land is claimed by the State of California as swamp and overflowed land.

DAVID RUSSELL.

Subscribed and sworn to before me this thirty-first day of October, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Richard Moody*, being duly sworn, upon his oath deposes and says: I am a naturalized citizen of the United States, an unmarried man, and forty-two years of age, and have resided in Sierra Valley since the year eighteen hundred and sixty-three, and upon the southeast quarter of section thirty, township twenty-two north, range fifteen east, Mount Diablo meridian, for over one year last past. Said land has been claimed by the State of California as swamp and overflowed land, but it is not of that character in the proper acceptation of the term. In the Spring of the year, when the snows melt upon the surrounding mountains and the rains fall, much of the meadow lands for a short time are submerged; but after the snows have melted, and the rains cease, the waters rapidly recede and dry up, and lands used for grain growing can be plowed; and upon the meadow lands it is a benefit to have the water stand, as it insures a good crop of hay; and notwithstanding the Spring overflow of these meadow lands, very many of them require irrigation for that purpose. I am well acquainted with the whole valley, have traveled over it in all directions, and can safely affirm that there are not one thousand five hundred acres of swamp land in the valley, and no overflowed land, except from the causes before stated. As early in the season as July last I was compelled to drive my stock a half mile for water, which comes from an irrigating ditch higher up the valley. There was no time during the past Winter but what I could drive my horses and wagon, with a thousand pounds weight in it, over any part of my ranch without the least difficulty, although on my meadow land the water was four or five inches deep, and which had all dried up in sloughs, and all by the first of June. I cut my hay about the middle of July, eighty tons, using a mowing machine for that purpose, the ground then being perfectly hard and dry, and I had to draw water from the well at my house to water the teams used on the mower. My improvements on my preëmption consist of a dwelling house, fourteen by sixteen, with kitchen, sleeping room, and milk house attached; two barns, one twenty by forty, and the other twenty-six by eighty, both frame barns, now filled with hay, beside cattle sheds, wagon shed, and hog pen. There are ten acres fenced in with a good post and board fence; and I have now eight hundred posts ready to inclose more of my land, when I can perfect the title to the same, which I am now prevented from doing on account of the swamp claims made by the State.

RICHARD MOODY,

Subscribed and sworn to before me this thirty-first day of October, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public, Sierra County, California.

[SEAL.]

STATE OF CALIFORNIA,                    }  
Plumas County.                        } ss.

*Jacob Stiner*, being duly sworn, deposes and says: That he is a native-

born citizen of the United States, a married man, of the age of forty-six years, and that he has resided in Sierra Valley, County of Plumas, California, continuously since eighteen hundred and sixty-four, and has continuously since been settled with his family on the following land, to wit: The southeast quarter, section six, township twenty-two north, range sixteen east, Mount Diablo meridian; that he has a dwelling house, two barns, outhouses, and the entire claim under fence; that one of said barns is sixty-eight feet long, and sixty feet wide, and the other barn is twenty-four by thirty-two feet; that the entire improvements on said land have cost him about four thousand dollars; that he has over one hundred head of stock, mostly milch cows, and has made the present year two thousand five hundred pounds of butter; has ten head of horses, and ten hogs; that he has forty acres in barley, and seventy-five acres of meadow land, on which, in order to raise a good crop of hay, it is necessary to turn water by means of dams and ditches to overflow the land, which said irrigating process he has to commence about the latter part of May each year; that one of the tributaries of Feather River runs through his land, and which, as a general thing, is dry by the middle of July, and that thereafter it contains no running water until the rains of Winter or the melting of the snow in the Spring cause it to flow again; that during the last five years he has been in the habit of irrigating his meadow land, and been enabled by such process to raise as high as seventy-five tons of hay on said land, whereas, previous to said irrigating process, he has been enabled to raise only about thirty tons on the same amount of land; that he is well acquainted with the lands claimed by the State of California as swamp and overflowed lands in township twenty-one north, range fifteen east, township twenty-two north, range fifteen east, township twenty-two north, range sixteen east, township twenty-three north, range fifteen east, and township twenty-two north, range fourteen east, and township twenty-three north, range fourteen east, and believes from personal observation, having been over said land at different times of the year, that good crops of hay cannot be raised on the same without irrigation, except, perhaps, two hundred to three hundred acres in sections twenty and twenty-nine, township twenty-two north, range fifteen east; that on none of the above mentioned lands have any artificial means of drainage, such as digging ditches or building levees for its reclamation, been resorted to, it being generally understood among the settlers on said lands that means for irrigation are more necessary for successful raising of crops of hay or grain than drainage; that the usual time for commencing the sowing of grain is from the first of April till the last of June; that were the meadow lands not more profitable for raising hay and pasturage, they could be plowed and crops of grain raised thereon, and he believes that grain could be raised on any of the lands claimed by the State of California as swamp and overflowed lands in the above townships, with the above exceptions; and that the above statements are made from his personal knowledge and careful observations during his residence in said Sierra Valley.

J. STINER.

Subscribed and sworn to before me the second day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
 County of Plumas. } ss.

*Henry Stiner*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, of the age of twenty-two years; that he resided in Sierra Valley, California, continuously since July, eighteen hundred and sixty-four, and is settled upon the following land: the west half of northwest quarter, section seven, township twenty-two north, range sixteen east, and the east half of northeast quarter, section twelve, township twenty-two north, range fifteen east, Mount Diablo meridian; that he has the entire claim under fence, and the costs of his improvement are about one thousand dollars; that the entire claim consists of meadow land, and that during the present year he has cut about seventy-five tons of hay on said land; that the past Summer he has irrigated the same, and raised a better crop of hay than during the preceding Summer; that in the Summer of eighteen hundred and sixty-nine he was enabled to cut only about twenty-five tons of hay on said land, owing to his not irrigating the same; that, in order to raise a good crop of hay, it is absolutely necessary the same should be irrigated, and that, if he had better means of irrigation and more water to turn on said land, he would be able to raise a far better crop than he has been able to raise the present year; that the above mentioned land is claimed by the State of California as swamp and overflowed land, and that he is acquainted with the nature of the land claimed as swamp and overflowed lands in the vicinity, and knows them to be of the same character as his own, and need irrigation in order to raise a good hay crop.

HENRY STINER.

Subscribed and sworn to before me the second day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
 Notary Public.

STATE OF CALIFORNIA, }  
 County of Plumas. } ss.

*M. J. Turney*, being duly sworn, deposes and says: That he is a native born citizen of the United States, an unmarried man, of the age of fifty years, and a resident of Sierra Valley, County of Plumas, California, and continuously, since August, eighteen hundred and sixty-four, has been settled upon the following land, to wit: the south half of the southwest quarter, section six, the west half of the northwest quarter, section seven, township twenty-two north, range sixteen east, Mount Diablo meridian; that he has a dwelling house on said land, and the entire claim under fence; that the improvements have cost him about fifteen hundred dollars; that he uses said land for grazing purposes chiefly, having only about thirty acres in grain; that in order to raise a good hay crop, it is necessary to cut ditches and trenches, and build dams across the creeks and sloughs, for the purpose of irrigation, which this deponent has been doing every year since he has been on said land, and has used every effort to make the land wetter every year than it naturally is, and is now constructing on his land a large dam and a flume in the creek for the purpose of, by means of a gate in said flume, the better to be able to irrigate said land; that he has one hundred head of cattle, and sixty of them are milch cows, the balance stock cattle; that he has

made about two thousand five hundred pounds of butter the present year; that on an average, he has to commence irrigating his land for the purpose of causing the grass to grow about the latter part of May each year; that, about the first part of May, he sowed his grain, which is the usual time for sowing; that the above facts in regard to the irrigation of his land will equally apply to many other lands in his vicinity now claimed as swamp and overflowed land by the State of California.

M. J. TURNEY.

Subscribed and sworn to before me the second day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*H. T. Dedmon, J. W. Dedmon, and A. Dedmon*, being duly sworn, each for himself, depose and say: That they are partners in the business of ranching and stock raising, and have, since eighteen hundred and sixty-two, continuously resided in Sierra Valley, Plumas County, California, and been settled since the first day of June, eighteen hundred and sixty-nine, on the following land, to wit: northeast quarter, section thirty-two, township twenty-three north, range fifteen east, southwest quarter, section thirty-two, township twenty-three north, range fifteen east, southeast quarter, section thirty-two, township twenty-three north, range fifteen east, and on the south half of southeast quarter, section thirty-one, township twenty-three north, range fifteen east, and lot two of northeast quarter, section six, township twenty-two north, range fifteen east, preempted by W. M. Clark, now claimed by purchase by said Dedmon partners; that they have about four hundred and eighty acres under fence, and a dwelling house erected on the same land; also, a barn of the length of one hundred and two feet by thirty-six feet wide, five miles and a quarter of post-and-board fence; said improvements have cost them at least four thousand dollars; that they have fifty acres under cultivation in grain, and two hundred and eighty acres meadow land, which is claimed by the State of California as swamp and overflowed land; that they have cut hay off all the said meadow lands except those portions that they could not irrigate for want of water, and in consequence did not produce a crop; that portions of those lands where they did cut hay were irrigated by means of dams across the slough that runs through said meadow land, in which slough the water ceases to run in the middle of June; that during one year of their residence upon said land, to wit, the year eighteen hundred and sixty-four, there was no water to be had for irrigation, and we were, for that reason, unable to cut a ton of hay on the entire ranch, and said meadow land did not even produce sufficient grass for feed for stock; and that during the following year, for the same reason, they were unable to cut only one fourth of a crop; that in the year eighteen hundred and sixty-three, for the reasons above stated, they were unable to harvest a crop of hay on account of lack of water for irrigation; and that the wettest Winters and Springs are the most favorable for producing a large crop of hay; and that raising hay is more profitable to them than raising grain, on account of the distance to market; that the meadow land could be

plowed and put into grain if they so desired, and which would produce good crops of grain unless injured by frosts, which frequently occur during the Summer months in this high altitude; that oats sown in the month of June on an adjoining ranch has produced a good crop; that the present year they cut one hundred and forty tons of hay on said land.

ALLEN DEDMON.  
H. P. DEDMON.  
J. W. DEDMON.

Subscribed and sworn to before me the third day of November, A. D. eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*Robert McCullough*, being duly sworn, deposes and says: That he is a native born citizen of the United States, and of the age of thirty-three years, married man, and once the owner of a portion of the above described land; that he has heard the above statement read, and knows the contents thereof, and that the same are true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters that he believes it to be true.

ROBERT McCULLOUGH.

Subscribed and sworn to before me the third day of November, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*William D. Newland*, being duly sworn, deposes and says: That he is a native born citizen of the United States, a married man, and is at present residing with his family in Sierra Valley, County of Plumas, California, and has been continuously residing in said Sierra Valley since eighteen hundred and sixty-two, and been settled with his family since the month of April, eighteen hundred and seventy, on the following land, to wit: On parts of sections two and three, township twenty-two north, range fifteen east, Mount Diablo meridian, all of which land is claimed by the State of California as swamp and overflowed land; that he has one hundred and twenty acres of meadow land, and forty acres of high sage brush land; that he has had during the present year about four acres under grain; that the largest part of said four acres was upon the lowest meadow land; that he has cut the present year about forty tons of hay; that in order to raise the said hay, he has been under the necessity of irrigating said land; that on account of making so recent a settlement on said land, he was unable to dig ditches and build dams, as he otherwise would have done if he had been on the land a longer time, for the purpose of more thoroughly irrigating said land; that in the present year he commenced cutting his hay crop in the first part of July, but that the said land has not been overflowed since his settlement on the same, and that during the month of February he hauled his lumber on wagons for the purpose of building his house; and there was no

water on said land, except what was running in the creek; and from his observations and knowledge the wettest Winters are the most favorable for raising a good crop of hay and grain of all kinds in Sierra Valley; that his improvements consist of a substantial dwelling house, barn, and corral, and cost from three hundred to four hundred dollars; that he has thirty-eight head of stock; that in order to water said cattle he has been compelled to sink a well twelve feet deep and draw water from it for that purpose from the first day of August; that stock cattle running at large have also been watered at the same well, because there was no water in any of the creeks in his vicinity.

W. D. NEWLAND.

Subscribed and sworn to before me the second day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*W. J. Marsh*, being duly sworn, deposes and says: That he is a native-born citizen of the United States, and has been a resident of Sierra Valley for about five years, and having once owned the claim of the aforesaid W. Newland, he can corroborate the aforesaid statement of said W. Newland; that in the Spring of eighteen hundred and sixty-four, the meadow lands in the northwest corner of township twenty-two north, range fifteen east, Mount Diablo meridian, designated on the official map as a slough, were not overflowed at all, and the grass did not begin to grow until the rains in the month of May, and they were not sufficient to cause a good crop of hay to grow, and that on a great many ranches the settlers did not attempt to cut any grass at all, on account of the drought.

W. J. MARSH.

Subscribed and sworn to before me the second day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*Jason C. Smith*, being duly sworn, upon his oath deposes and says: I am a native born citizen of the United States, a married man, and thirty-six years of age, and reside in Plumas County, California, on my pre-emption claim, which embraces the north half of northwest quarter, the southeast quarter of northwest quarter, and northeast quarter of southwest quarter of section twenty-six, township twenty-two north, range fifteen east, Mount Diablo base and meridian, and upon which I have resided with my family for the last three and a half years, but have had possession of the said land since the Spring of eighteen hundred and sixty-four, and have cut hay off of it every year since to the amount of eighty tons each year; but in order to obtain a good crop of hay I have been obliged to irrigate the land by throwing dams across a small creek running through my claim, causing the water to overflow the meadows. Claim has been laid to said land by the State as swamp and overflowed, but it is not of that character, as it is only overflowed by reason of the dams across the creek (put there for that purpose), except for a short time in the Spring, when there is an unusual amount of snow carried off by heavy rains. I have resided in Sierra Valley since the year eighteen hundred and sixty-two, and from my knowledge of the land in township

twenty-two north, range fifteen east, above named, there is not swamp land enough on any one forty-acre tract to constitute it swamp and overflowed. And according to my best judgement and the knowledge I have of the land in said township, there is not a forty-acre tract of land in it but what is dry enough on the first of July to put in and raise successfully a crop of beans, peas, and turnips, unless they were killed by frosts, which sometimes occur during the Summer months in this valley.

JASON C. SMITH.

Subscribed and sworn to before me this twenty-ninth day of October, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*George Fletcher*, being duly sworn, deposes and says: That he is a naturalized citizen of the United States; an unmarried man, of the age of thirty-seven years; has been a resident of Sierra Valley since eighteen hundred and sixty-four, permanently, and has been settled on the northeast quarter, section thirty, township twenty-two north, range fifteen east, Mount Diablo meridian, since fifteenth July, eighteen hundred and sixty-five; that for eight years previously he was engaged in mining and packing, and every Summer during that time he came to Sierra Valley, generally in the month of June, and cut and put up hay; that his entire claim consists of meadow land, and is claimed by the State of California as swamp and overflowed land; that all the hay he has been enabled to cut on his land the present year, on account of the drought, including his whole quarter section, does not exceed sixty tons; that if he could have irrigated it properly he could have cut one hundred and eighty tons on the same land; that it is only during seasons following a severe and wet Winter and Spring, when heavy snows fall during Winter, and going off with heavy rains in the Spring, that full crops of hay can be harvested on his own and the meadow lands of adjoining ranches, and since his permanent settlement in eighteen hundred and sixty-four only one such favorable season has occurred; that his object in settling on said ranch was for the purpose of engaging in the dairy business; that he will be unable to carry it on successfully unless he can succeed in irrigating his land by artificial means; that he and the owners of the neighboring ranches intend bringing the water, by the construction of ditches, from large springs near the foothills bordering the valley for the irrigation of their meadow lands. Deponent further says that he has to drive his young stock two and a half miles to some springs to find the nearest water; that he has a few cows on his ranch which he waters from a well dug near his house; that during the Summer of eighteen hundred and sixty-nine, from first of August till fifteenth of October, he was compelled to drive his stock from three and a half to four and a half miles in order to find water for them; that in said Summer of eighteen hundred and sixty-nine he had a flock of tame ducks, but that there was no water on his land that they could get to, except what he drew from his well; that he has never even seen a frog on his ranch; that his improvement consists of a house, barns, cattle shed, and fencing to the extent of two miles; that said improvements

have cost him one thousand three hundred dollars in gold coin and over; that he is desirous of making more improvements on his land, but does not wish to do so until he is able to ascertain whether the Government of the United States can give him a title to his land under the preëmption laws, under which he has made his settlement; that he knows it to be a fact, from frequent conversation with his neighbors, that they feel that it is useless to go to any further expense in making improvements on their lands until they are assured that they can obtain a title from the Government to the same, under the preëmption laws under which their settlements have been made, inasmuch as more or less of their land has been claimed by the State of California as swamp and overflowed, which claims have greatly retarded the growth and prosperity of the said Sierra Valley, and paralyzed the energies of the settlers.

G. C. FLETCHER.

Subscribed and sworn to before me this fourth day of November, A. D. eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

*Joseph Hopgood*, being duly sworn, upon his oath deposes and says: That he is a native-born citizen of the United States, a widower, forty-eight years of age, and has resided in Sierra Valley since July, eighteen hundred and sixty-nine; that he has filed his declaratory statement and settled upon land lying in sections seven and eighteen, township twenty-two north, range fifteen east; one hundred and twenty acres of which is claimed by the State of California as swamp and overflowed land; that he has heard the foregoing affidavit of G. C. Fletcher read, and knows that the facts therein stated in regard to the dryness of the meadow lands, and the impossibility of getting a good crop of hay unless said lands are irrigated, are a true and correct statement; that one hundred and twenty acres of his land is meadow, eighty acres of which is thickly set with wild clover and timothy grasses, and that the present season he has harvested only about a fourth of a crop, by reason of the want of water for irrigation. Deponent states that his improvements consist of a dwelling house, barn, and corral, which have cost him three hundred dollars cash, and that he cannot run the risk of putting on more improvements until the question of title to the land is decided; that nearly all his meadow land was dry enough in the month of May to have plowed and put into grain, even right up to the bank of the slough running through his land.

JOSEPH HOPGOOD.

Subscribed and sworn to before me this fourth day of November, eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

STATE OF CALIFORNIA, }  
County of Plumas. } ss.

*Albert Hubbard*, being duly sworn, deposes and says: That he is a native-born citizen of the United States; an unmarried man, of the age of thirty-seven years; that, in a partnership with his brother, W. J.

Hubbard (who filed a preëmption claim upon the following land, to wit: the southwest quarter of section thirty-one, township twenty-two north, range fifteen east, and upon the southeast quarter of section thirty-six, township twenty-two north, range fourteen east), they have resided upon said land continuously since the year eighteen hundred and sixty-five; that said land is arable land, but one hundred and twenty acres of the same is claimed by the State of California as swamp and overflowed land, but that they have cultivated portions of the said one hundred and twenty acres every year, and could have raised grain on the whole of it; that they have cut hay off about thirty acres of the same; that, upon said land claimed to be swamp and overflowed, they have erected a barn sixty-six feet long by twenty-eight feet wide, and a cattle shed annexed to said barn of the same length, and the width of fourteen feet, a granary in which there is now stored two hundred bushels of barley and oats which was grown upon said land. The entire one hundred and twenty acres claimed to be swamp and overflowed is inclosed by a substantial post-and-board and post-and-rail fence; that a part of their farming operation is dairying; that the water by them used for the watering of their stock and irrigating purposes is brought by ditch a distance of three miles; that they have forty head of cows and calves, and ten head of mules and horses; that the improvements situated outside of the said portion of land claimed by the State consist of a dwelling house which cost five hundred dollars, and a barn eighty feet long and twenty-four feet wide, and sheds on each side of the same length, and fourteen feet wide each, and one and a half miles of post-and-board fence. All of the above named improvements have cost at least two thousand five hundred dollars in gold coin. That the claim set up by parties through the State claiming large tracts of land as swamp and overflowed has been a great injury to the settlers, and greatly retarded the growth and prosperity of the valley; that no preëmptor on Government land claimed by the State can perfect his title by proving up and paying the Government for his land until said land is decided either to belong to the State by virtue of the claims set up thereto as swamp and overflowed, or that it belongs to the General Government.

ALBERT HUBBARD.

Subscribed and sworn to before me the fourth day of November, eighteen hundred and seventy.

WILLIAM CAIN,  
Notary Public.

[SEAL.]

*James Giblin*, being duly sworn, upon his oath deposes and says: I am a naturalized citizen of the United States; a married man, and over the age of twenty-one years, and reside with my family upon my pre-emption claim, which includes the south half of the northwest quarter and north half of southwest quarter of section thirty, in township twenty-two north, range fifteen east, Mount Diablo meridian, and where I have lived for about one year, but have been in Sierra Valley for the last six years. Eighty acres of my meadow land is claimed by the State as swamp and overflowed land. Upon said land I have cut over fifty tons of hay with a mowing machine the present season, which is not over half a crop, owing to the fact that I did not have the means of

irrigating the same. It is a fact, within my knowledge, that it is only during the Summer following a severe Winter and heavy snows and Spring rains that a full crop of hay can be cut. This has been the case since my residence of six years in the valley. I raised upon my land during the last season a crop of barley and wheat, but owing to the high altitude of the valley it is much better adapted to the dairying business and to stock raising than to the growing of grain. My improvements on said place consist of a dwelling house, cattle sheds, and fencing, which have cost me in money over five hundred dollars. The claim set up by parties to large tracts of the land in this valley as swamp and overflowed has been a great detriment to the settlers who claim under the preëmption laws, as they are prohibited from proving up and paying for their lands, beside being uncertain when they will, if ever, obtain a title to the same. It deters them from making further and needed improvements, and works a very great hardship to all concerned.

JAMES <sup>his</sup> + GIBLIN.  
mark.

Subscribed and sworn to before me this fourth day of November, eighteen hundred and seventy.

[SEAL.]

WILLIAM CAIN,  
Notary Public.

In order to give some insight into the manner in which the internal affairs of the United States Land Office have been conducted, we append the following correspondence, prefaced by some startling facts connected with the survey of township eighteen north, range one west, and the settlements on that portion claimed as swamp and overflowed.

The record on the official plat of this township, alleges that the survey was made on the ground on the tenth day of November, eighteen hundred and sixty-seven; that the official plat was approved by the United States Surveyor General, on the eleventh day of November, eighteen hundred and sixty-seven, and the certificate of the Register of the Land Office shows that on the thirteenth day of the same month and year, this plat was filed in the United States Land Office at Marysville. This township is distant from the United States Surveyor General's Office at San Francisco, not less than one hundred and seventy-five miles by the then traveled route. It is generally supposed that plats of townships are made from the field notes of the survey on the ground; so, to say the least, the facts in this case show an instance of expedition in public matters never before equalled, it being only four days from the date of the survey until the plat was on file in the office at Marysville.

Township seventeen north, range one west, is alleged to have been surveyed in the same month as township eighteen, but a little more time seems to have been taken.

In township eighteen north, range one west, a number of persons settled under the preëmption laws, put up buildings, and cultivated the soil, in that portion of the township claimed as swamp, and applied to the Register of the local land office to file their declaratory statements, which filings were refused on the ground that the lands were claimed by the State as swamp. These settlers took an appeal from the Register's decision to the Commissioner of the General Land Office, which appeal

was transmitted by the Register. The Commissioner, in a letter to the Register, acknowledges the receipt of the settlers application as follows:

DEPARTMENT OF THE INTERIOR, }  
 General Land Office, April 2, 1870. }

*Register and Receiver, Marysville, California:*

GENTLEMEN: I am in receipt of Register's letter of sixteenth, and two of eighteenth ultimo, inclosing applications of Gilliam C. Howard to file for northwest quarter of section twenty-six, of Edward Fitzgerald for the northeast quarter, and of J. W. Padan for the northwest quarter of fourteen, eighteen north, one west, Mount Diablo base and meridian, each indorsed with the refusal of the Register to admit the filing "for the reason that said land is within the segregated line of swamp and overflowed lands, as shown by the official plat on file in this (your) office." Respecting the lands claimed as swamp in this township as shown by said lines of segregation, I have to state that the Surveyor General was directed by our letter "E," of December first, eighteen hundred and sixty-nine, to take testimony respecting the actual character of the same and report the result, with his opinion, as early as practicable. This report, dated seventeenth ultimo, is now on file in this office for examination, and the affidavits forwarded with these applications, together with the corroborative affidavit of Calvin D. Goree, will be filed with said report for such consideration as they shall require.

Until a decision shall be made and your office advised, you will continue to refuse filings and applications for entry within the aforesaid lines of segregation, reporting your action in each case to this office, your decision in this case being fully approved.

In any future reference to this letter please designate the same by date as "G."

Very respectfully,  
 (Signed) JOS. S. WILSON, Commissioner.

To show the action of the General Land Office, we append another letter of the Commissioner, in a precisely similar case, that of a settler on township seventeen north, range two west, whose application to file his declaratory statement was also refused by the Register, and who also appealed from that officer's decision to the Commissioner, with the following result:

DEPARTMENT OF THE INTERIOR, }  
 General Land Office, November 5th, 1870. }

*Register and Receiver, Marysville, California:*

GENTLEMEN: I am in receipt of Register's letter of twenty-first ultimo, inclosing application of Christopher Lowas to file his declaratory statement for lots one and two of section twenty-four, township seventeen north, range two west, which you have refused for the reason that said lots are segregated on the approved plat as swamp land.

Christopher Lowas and William Reynolds allege under oath, that said tracts are dry land, and that for the last six years grain has been raised thereon to the extent of at least forty (40) acres. Mr. Reynolds further alleges that he has been well acquainted with the land ever since eighteen hundred and fifty-two, and knows that it is the highest

land in that vicinity, and is not overflowed except in extreme high water, and the land is the first that can be cultivated in the Spring of the year in that locality. Mr. Lowas alleges that he has purchased valuable improvements thereon, and commenced the erection of a dwelling house, and that his improvements on said lots are now worth about two thousand dollars.

Our amended plat shows the area of lots one and two to be forty-two acres. You will permit the filing of a declaratory statement by Christopher Lowas, and notify the proper State authorities, that they may have opportunity of contesting the same if they desire so to do.

Report the filing, referring to this letter as "G" by its date.

Very respectfully your obedient servant,

(Signed)

JOS. S. WILSON, Commissioner.

What influence produced such antagonistic decisions in reference to land of the same quality we are at a loss to know, and particularly when the very witness who testified in the case of Lowas also testifies as to the lands in township eighteen north, range one west, claimed as swamp, and upon which Howard, Padan, and Fitzgerald had settled. This witness says "that for many years after his first settlement the whole prairie country, from Colusa to Chico was covered with an immense growth of wild clover and oats, two or three feet high, and that he could at any time have cut one thousand tons or five thousand tons of hay, had it been needed; that he has been perfectly familiar with all the prairie lands in both townships, seventeen and eighteen north, range one west, for the last eighteen years, and knows of his own knowledge that the best crops of grain ever raised upon the prairie lands of said townships were after they had been overflowed by one of the heavy freshets which have occurred every few years, and that without such overflow no dependence can be put upon raising a good crop of grain; and that never since his knowledge of the country has there been a year that a crop of grain could not have been put in on the prairie lands in the above named townships in plenty of time to secure full crops, so far as any overflow was concerned; that when freshets have occurred the waters have always subsided in time to put in grain, and that seasons when the very highest floods have swept over these prairie lands have been the seasons when the largest crops of grain have been raised."

UNITED STATES LAND OFFICE, }  
Marysville, California, September 12, 1871. }

HON. J. R. HARDENBURGH,  
United States Surveyor General, San Francisco:

SIR: I have the honor to acknowledge the receipt of the map of township sixteen north, range two west, Mount Diablo meridian.

Very respectfully,

L. B. AYRES, Register.

LAND AGENCY OF THE UNIVERSITY OF CALIFORNIA, }  
 San Francisco, May 12, 1871. }

HON. J. R. HARDENBURGH,  
 United States Surveyor General:

SIR: Having filed the notice with the United States Land Office, as requested by the Act of Congress, approved March third, eighteen hundred and seventy-one, in accordance with the provisions of the same Act, I respectfully ask that you cause to be surveyed the following described land applied for by the Board of Regents of the University of California: Township five north, range fifteen east; township four north, range sixteen east; township sixteen north, range two west, Mount Diablo meridian, when a deposit of the cost of survey has been made.

Your obedient servant,

H. A. HIGLEY, Land Agent.

In township sixteen north, range two west, Mount Diablo meridian, the records show that thirteen thousand nine hundred and twenty acres are claimed as swamp and overflowed land. This township was surveyed in July, 1871, and returned by the United States Deputy Surveyor as high land, and in October that portion claimed as swamp and overflowed was suspended by the United States Surveyor General from sale or entry. We append the following correspondence regarding the survey:

UNITED STATES LAND OFFICE, }  
 Marysville, California, May 1st, 1871. }

HON. J. R. HARDENBURGH,  
 United States Surveyor General, San Francisco:

DEAR SIR: The settlers in township sixteen north, range two west, are desirous of having that township surveyed, and are willing to deposit the money for the survey. Will you make an estimate of the amount required to survey the same, and will you issue a contract as soon as the money is deposited for the survey of the same?

Respectfully yours,

L. B. AYRES, Register.

STATE OF CALIFORNIA—STATE LAND OFFICE, }  
 Sacramento, October 20, 1871. }

HON. J. R. HARDENBURGH,  
 United States Surveyor General:

DEAR SIR: The lands shown on the annexed diagram within the yellow lines have been surveyed and returned to this office as swamp and overflowed. I therefore respectfully ask that you cause the same to be suspended from sale or preëmption, and fix a time for taking testimony as to their swampy character.

Respectfully,

[SEAL.]

J. W. BOST, Surveyor General.

Per E. TWITCHELL, Deputy.

UNITED STATES SURVEYOR GENERAL'S OFFICE, }  
 San Francisco, November 6, 1871. }

I, J. R. Hardenburgh, United States Surveyor General of California, hereby certify that the above and foregoing documents marked "A," "B," "C," and "D," relating to survey, etc., of township sixteen north, range two west, Mount Diablo meridian, are true, full, and correct copies of the originals now on file in my said office.

Attest my hand and official seal, the day and date first above written.

J. R. HARDENBURGH,  
 United States Surveyor General California.

There are forty-three settlers who have made their preëmption filings in the United States Land Office at Marysville, on lands in this township, as follows:

No. 8,197—Henry N. Gates,	No. 8,039—James Sellick,
No. 8,198—Cornelius J. Thompson,	No. 7,984—Henry Wescott,
No. 7,976—John Cheney,	No. 8,001—John Ely,
No. 7,949—Patrick Cranley,	No. 8,053—James T. Jones,
No. 8,042—John Davis,	No. 7,982—James F. Jones,
No. 8,032—John F. Bamberg,	No. 7,966—Thomas H. Culp,
No. 7,978—Thomas Knightly,	No. 8,002—Nathaniel W. Trasher,
No. 7,977—Nepby Graves,	No. 8,029—Sarshel Cooper,
No. 7,980—J. M. Culp,	No. 8,030—Thomas B. Cooper,
No. 7,973—Daniel R. Landon,	No. 7,953—Harvey Ketcherside,
No. 7,975—Wright G. Pierce,	No. 7,985—Julia A. Ketcherside,
No. 7,983—William B. Bolin,	No. 7,956—B. C. Howard,
No. 7,974—David Lewis,	No. 7,955—J. W. Cook,
No. 7,972—A. S. Culp,	No. 7,965—S. H. Allen,
No. 7,989—Elisha B. Mead,	No. 8,037—F. M. Davidson,
No. 7,988—Alfred Mead,	No. 8,027—O. F. Walker,
No. 7,960—A. J. Ozmun,	No. 7,995—Erskine Rathburne,
No. 7,959—Theodore Smith,	No. 7,996—John Duncan,
No. 7,991—Samuel I. Stoemer,	No. 8,015—Charles S. Allen,
No. 7,990—George B. Mead,	No. 7,979—C. S. Powell,
No. 8,036—Patrick Martin,	No. 7,968—Jonas Speck,
	No. 7,967—Jerry Powell.

I hereby certify that the foregoing abstract of declaratory statements filed in township sixteen north, range two west, Mount Diablo meridian, is correct.

L. B. AYRES, Register.

The preëmption claims of twenty-five of these settlers, aggregating some four thousand acres, are included in the area claimed as swamp.

Several thousand acres of the land in this township is included in a list of lands submitted to the Board of Supervisors of Colusa County in the following petition:

*To the Board of Supervisors of Colusa County, State of California:*

The undersigned present this petition and respectfully show: That they desire to adopt measures to reclaim the body of swamp and over-

flowed lands hereto annexed, and for that purpose to form a district to include the same, in pursuance of an Act of the Legislature of the State of California entitled, "An Act to provide for the management and sale of lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight. A description of the lands which your petitioners propose to reclaim is set forth by township, range, section, and subdivision of section in the said schedule, which is hereby made part of this petition. The number of acres in the whole district hereby proposed to be formed is twenty thousand and sixty acres, of which your petitioners are holders of certificates of purchase, patents, or other evidence of title, to ten thousand four hundred and ninety-five acres, being and representing more than one half of all the lands within the district proposed to be formed. The lands included within the limits of the proposed district are swamp and overflowed lands, and are situated entirely in Colusa County, and lie in one body and are susceptible of one mode of reclamation. The quantity of land within the proposed district, sold, is eighteen thousand seven hundred and forty acres, and unsold one thousand three hundred and twenty acres, and the number of acres in each tract and the names of the owners thereof, when known, and if not known, described as "unknown" are particularly set forth in the schedule hereto annexed.

Therefore, your petitioners pray, that an order of publication of this petition be made, and a day fixed for the hearing of the same, and that upon the hearing, and proof of the statements therein contained, you will approve and grant the said petition, and allow the formation of the said district.

J. P. BAINBRIDGE,	WM. KAERTH,
MOSES STINCHFIELD,	W. CALMES,
D. H. ALLEN,	E. A. HARRIS,
RICHARD S. BROWNING,	WM. BLANDING,
PAT WALLACE,	H. DAVIS,
J. McELROY,	STEELE & MITCHELL,
T. C. KING,	A. H. ROSE, by
	WM. BLANDING, his attorney in fact,
THE SACRAMENTO VALLEY RECLAMATION	
COMPANY, by	
	WM. BLANDING, its President.

STATE OF CALIFORNIA, }  
 Colusa County. } ss.

*Moses Stinchfield*, being duly sworn, deposes and says: That he is one of the above named petitioners, and signed the said petition; that he has read the same, and knows the contents thereof; that the same is true of his own knowledge, except as to those matters that are therein stated on his information and belief, and as to those matters, he believes it to be true.

MOSES STINCHFIELD.

Sworn and subscribed to before me this eighteenth day of August, A. D. eighteen hundred and seventy-one.

J. B. DEJORNATT,  
 Notary Public, Colusa County, Cal.

The State of California, or parties in the name of the State, has set up two claims to the lands in this township: first, under the grant to the Agricultural College, which never claims swamp lands; second, by the State Surveyor General, as swamp land—both claims made without any regard to the claims of settlers under the preëmption laws of the United States. Judging from the following advertisement in *Green's Land Paper*, the lands in township sixteen north, range two west, must be valuable:

“Colusa County.—Two thousand acres.—The southeast quarter of section twenty-one; the southwest quarter; west half of southeast quarter of section twenty-two; the east half of section twenty-eight; the west half; the southwest quarter; the south half of northeast quarter and northwest quarter of northeast quarter of section twenty-seven; the west half of southwest quarter; southwest quarter of northwest quarter of section twenty-six; the northeast quarter of section thirty-three; the north half of section thirty-four; the west half of northwest quarter of section thirty-five. All in township sixteen north, range two west, Mount Diablo meridian; swamp and overflowed land; needs but small reclamation to make very valuable farming land; most of it is in good condition now for farming; all under fence; two miles and a half from Colusa; price, nineteen thousand dollars; terms, half cash, balance in twelve months, at current rate of interest.”

W. S. G. & Co.

We have to say that the official records show that no less than six declaratory statements are filed on some of the very land offered in the above little advertisement of W. S. G. & Co. We give entire credit to the statement that the land needs but little reclamation, and that most of it is in good condition now for farming, all under fence; price, nineteen thousand dollars.

The following letter from a citizen of Indian Valley, Plumas County, a region where the rights of the bona fide settler have been invaded by pretended swamp land claimants, still further exemplifies the effects of the evils complained of:

INDIAN VALLEY, CRESCENT MILLS, }  
Plumas County, California, November 12, 1870. }

SHERMAN DAY, Esq.,  
Surveyor General, San Francisco:

DEAR SIR: I see that you have advertised to hear the evidence of settlers in regard to the swamp and overflowed lands in this part of the State, on the twenty-first instant and first of December, with a view, as I have reason to believe, of ascertaining the facts in regard to our valley lands. Unfortunately for the interests of many parties here, as well perhaps as of the government itself, there are those amongst us who are personally and particularly interested, whose pecuniary condition utterly precludes the idea of their being present at either of the days you mention, but there are those in our midst who are trying to hold nearly if not all the lands in this valley as swamp and overflowed, who will be present, and will, it is feared, produce evidence, and perhaps the affidavit of one of the United States Deputy Surveyors, to the effect that Indian Valley lands

are mostly if not entirely swamp and overflowed; while the facts are that a very large proportion of our lands are as good, dry, and tillable as are lands in the State. Not wishing to tax your time to too great length, and being personally interested in the settlement of this question, allow me to state the following facts, the truth of which can be substantiated by the affidavits of any number of citizens of this county:

In the month of December, eighteen hundred and sixty-nine, I moved upon and claimed by preëmption the following lands in this valley, to wit: The south one half of the northwest quarter of section twenty-one, township twenty-six north, range ten east, and the north one half of the southwest quarter of section twenty-one, township twenty-six north, range ten east, and erected thereon a dwelling house, with a view of proceeding at once to improve and cultivate said lands.

These lands were at the time unoccupied, except that they were inside the enclosure of a party who claims to hold several quarter sections, and are situated more than one mile from his residence. A party of armed men, of which the party claiming these lands as swamp and overflowed was one, burned my improvements, and forcibly ejected me from the premises.

These lands are good and dry, in fact too dry for cultivation without irrigation, and I am unable to conceive how any Surveyor can, in view of the facts, return such a segregation as to make them swamp or even wet lands.

The affidavits of any number of our best citizens can be obtained who will testify to the above facts, and which if desired will be forwarded to you without delay.

It is hoped that the interest of actual settlers will be protected, even if their pecuniary circumstances does prevent their being present in San Francisco at the time you designate, and that moneyed men and land grabbers will not be permitted to "swallow up" the public domain, without regard to the rights of bona fide settlers. I shall be pleased to hear from you at your convenience in regard to this matter, and will furnish any further information whenever desired.

Very respectfully,

(Signed)

JAMES T. BECRAFT.

We would call special attention to the following letter from the Commissioner of the General Land Office at Washington, to the United States Surveyor General for the State of California. From its dictatorial tone, and the readiness evinced to assail the position taken by that officer, and the evident traveling out of his way to defend the action of the "Swamp Land Ring," circumstances would warrant the suspicion that the influences of this powerful organization are felt even at "head-quarters at Washington."

Following this, we quote from a letter of Ex-Surveyor General Sherman Day, sustaining the action of Deputy Surveyor Brown, in answer to charges preferred against him by settlers in Indian Valley.

The affidavit of Mr. Brown, which follows, acknowledging, under oath, the inducement which caused him to change lands at first returned by him as "high and dry," into swamp and overflowed, fully sustains the correctness of the position assumed by Surveyor General Harden-

burgh, who has, during his whole term of office, evinced a disposition to administer its functions fairly and impartially, and to see that equal and exact justice is done alike to the honest settler and swamp land claimant.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, }  
Washington, D. C., November 2d, 1871. }

J. R. HARDENBURGH, Esq.,  
Surveyor General, San Francisco, California:

SIR: On the third ultimo this office telegraphed you, asking why triplicate plats of townships twenty-six north, ranges nine and ten east, had not been forwarded to the United States Land Office at Susanville. On the twelfth ultimo you answered, stating as your reason for not forwarding them that you had been informed by reliable authorities that Deputy Surveyor Brown had improperly segregated the lands in said township as "swamp and overflowed," and that you proposed to investigate the matter.

I would state for your information, if you are not already advised of the fact, that a letter from E. D. Coleman, Esq., to Hon. A. A. Sargent, containing charges of a similar nature, was forwarded to and now is on file in your office. This letter is dated January thirtieth, eighteen hundred and seventy, and in our letter of March first, eighteen hundred and seventy, inclosing the same, the Surveyor General was directed to exercise the greatest diligence possible in ascertaining if the allegations made in the said letter were true, using all possible means to correct any wrong or fraudulent action which might be developed by the investigation. He was particularly enjoined to examine with the most critical care the returns of surveys of said township made by said Brown, to the end that no lands embraced within his contract might be improperly returned as swamp or overflowed. After a careful investigation of the matter, the Surveyor General reported here July eighth, eighteen hundred and seventy (see records of your office), exculpating Mr. Brown entirely; "that he could find no facts to implicate him as having made any false segregations in collusion with any one." The Surveyor General's report was approved by this office July twentieth, eighteen hundred and seventy, and the plats of the said survey approved by him November thirtieth, eighteen hundred and seventy, and forwarded here January nineteenth, eighteen hundred and seventy-one.

I have, therefore, to instruct you, in view of the foregoing facts, that you are not empowered to revise and re-try charges upon allegations heretofore made and adjudicated. That the original approval of said plat is not within your jurisdiction, and that, as your duty in the matter will be merely ministerial, you will forward, without unnecessary delay, to the United States Land Office at Susanville, triplicate plats of the survey of township twenty-six north, ranges nine and ten east, and give due notification of the fact to this office.

Very respectfully,

WILLIS DRUMMOND,  
Commissioner.

UNITED STATES SURVEYOR GENERAL'S OFFICE, }  
 San Francisco, July 8th, 1870. }

HON. JOSEPH S. WILSON,  
 Commissioner, General Land Office, Washington:

SIR: Referring to your letter "G" of March first, inclosing copy of letter from E. D. Coleman, of Plumas County, to Hon. A. A. Sargent, I have the honor to report as follows:

The two deputies to whom my attention was directed especially by your letter are D. D. Brown and Thornton F. Battelle. The region comprised within the contract of the latter was of so rugged and mountainous a character as to leave not the slightest ground of suspicion in his case. Mr. Brown happened to be in San Francisco at the time of the receipt of your letter, and I had with him several interviews on the subject of the segregation of swamp lands within the scope of his contract. I had also opportunity to converse with several gentlemen from the same region who were more or less conversant with the subject, and whose interests were on different sides of the matter in dispute. Mr. Brown had not handed in his field notes, nor had he finally determined upon his segregations of swamp land. He had only performed the half of his contract on account of the approach of Winter in those high mountainous valleys.

I could find no facts to implicate him as being connected with any ring of swamp land speculators, or as having made any false segregation in collusion with any one.

[Signed]

SHERMAN DAY,  
 United States Surveyor General.

STATE OF CALIFORNIA, }  
 City and County of San Francisco. }

*D. D. Brown*, being duly sworn, deposes and says: That in eighteen hundred and sixty-nine, as United States Deputy under Hon. Sherman Day, he made the survey of township twenty-six north, ranges nine and ten east, Mount Diablo meridian; that after he had made the survey sundry individuals of Sacramento objected to said survey, on the ground that I had not made the segregation as swamp and overflowed land, and threatened "burst up this survey;" that it being his first contract with the Government he did not exactly know how to proceed; that affiant withheld his field notes of the said survey of said township twenty-six north, ranges nine and ten east, Mount Diablo meridian, until the following July, eighteen hundred and seventy, when he returned to said township and made the segregation, as appears upon the township plat of said township in the United States Surveyor General's office, approved November thirtieth, eighteen hundred and seventy, by Hon. Sherman Day, United States Surveyor General; that for making said segregation of said township affiant was paid and received his actual traveling expenses and expenses on the ground; that Messrs. Blood, Taylor, Ashheim, R. Huff, L. Huff, et al., and all the settlers upon the swamp land set forth in said township plat agreed to and with affiant to pay him one thousand dollars for the additional work, and as pay for the change of the previous year's work in making said survey and segregation of said township aforesaid. I was notified and told by parties

in the swamp land interest, that unless I made the change in the survey of said township they would cause the same to be rejected.

D. D. BROWN.

Subscribed and sworn to before me this thirteenth day of November, A. D. eighteen hundred and seventy-one.

[SEAL.]

J. A. ROBINSON,  
United States Commissioner.

In conclusion, we would express the hope that even at this late day in the session something may be done to protect the justly acquired rights of the settlers upon the public domain lying within the bounds of our State.

While those who are seeking through urgent means to reap the fruits of the labors of that class who may well and truly be said to have "borne the burden and heat of the day" in the early career of our people, besiege the halls of legislation in full power and force, this humble class, lacking the means to make themselves heard, their just claims acknowledged, and their rights properly respected, are left in the background, and have consequently been largely the sufferers, through hasty and ill-conceived legislation, cunningly devised and covertly smuggled through by designing and interested parties. The State should no longer place herself in direct antagonism to the honestly acquired rights of the best class of her citizens, whose interests are inseparably connected with their title to the lands they have entered upon in good faith, and by its cultivation added to the material wealth and contributed to the healthy growth and well being of the community. The gross injustice and almost insufferable evils resulting from the improper segregation of lands held and cultivated by this class for years, and through collusion, chicanery, and the basest frauds—abundant evidence of which is given in the foregoing pages—returned as swamp and overflowed, call loudly for reform from those whose province it is to see that equal and exact justice should be meted out to all parties whose grievances demand redress at their hands. It is furthermore to be hoped that the National Congress will without delay pass such enactments as shall prove a permanent check upon the frauds practiced upon this class—the indisputable evidences of which we have herein set forth and placed upon the record.

One of the wisest sages of an ancient republic defined that to be the best government, "in which an injury to the humblest citizen should be regarded as an insult to the whole community."

It is the duty of the law makers of the land to use every endeavor to protect and perpetuate the right, and to see that the ends of justice are fully accomplished.

H. K. TURNER,  
Senate Committee.

J. M. DAYS,  
J. N. TURNER,  
LOOMIS WARD.

# SWAMP AND OVERFLOWED LANDS

SOLD IN THE STATE, COMMENCING JANUARY 1, 1868, AND ENDING DECEMBER 31, 1871.

We also submit a summary of the number of acres of swamp land sold in the State from January first, eighteen hundred and sixty-eight, up to December thirty-first, eighteen hundred and seventy-one, and an alphabetical list of parties purchasing over three hundred and twenty acres:

## SUMMARY.

Name of County.	No. Acres.	Name of County.	No. Acres.
Alameda.....	15,800.16	Napa .....	7,400.92
Butte.....	2,204.83	Sonoma .....	2,630.57
Colusa .....	93,559.52	Solano .....	44,456.48
Contra Costa.....	20,448.79	San Mateo.....	8,112.85
Del Norte.....	608.38	San Joaquin.....	101,910.26
Fresno.....	27,687.06	Sacramento.....	39,043.52
Humboldt.....	2,016.76	Sutter .....	77,399.81
Kern.....	81,248.00	Stanislaus.....	4,757.81
Lake.....	3,269.06	Santa Clara .....	6,509.87
Lassen and Plumas.....	22,987.64	San Diego.....	1,914.37
Mendocino.....	120.00	Tulare.....	105,761.92
Marin .....	2,959.25	Tehama .....	4,680.00
Monterey .....	168.58	Yolo.....	89,417.63
Merced.....	23,719.91		
		Total.....	790,793.95

ALPHABETICAL LIST OF PARTIES PURCHASING OVER THREE HUNDRED AND TWENTY ACRES.

Names.	Acres.	Names.	Acres.
Allen, C. H.....	2,960.00	Dunlap, John.....	640.00
Atwill, A. J.....	1,160.00	Dreschbeck, William.....	600.00
Allen, R. B.....	642.40	Dalleba, H. S.....	410.46
Asbury, Elisha.....	365.59		
		Estelle, A. H.....	10,917.74
Boggs, John.....	17,440.00	Ezacey, Justin.....	1,970.97
Beard, E. L.....	15,918.21	Edwards, John.....	520.00
Bo-twick, H. A.....	12,800.00	English, James L.....	434.89
Blair, Charles M.....	4,164.40		
Braynard, C. P.....	4,400.00	Frost, C. S.....	596.44
Bradford, S. W.....	1,232.50	Freeman, J. W.....	13,060.00
Bottsford, W. H.....	1,224.50	Fisher, Samuel.....	2,835.31
Bunnell, C.....	1,200.00	Fitch, W. W.....	789.76
Blair, W. H.....	1,160.00	Farlin, D. H.....	640.60
Baker, Thomas.....	6,748.00	Fay, Norman.....	628.40
Barton, John.....	758.15	Forbes, A. B.....	634.37
Bar-denwerper, A.....	652.22		
Brian, Lewis.....	646.89	Grigsby, S. P.....	560.00
Boyle, E. F.....	640.00	Goodwin, John B.....	5,100.00
Burlinghame, H. B.....	640.00	Gibbs, C. D.....	4,229.17
Baltsby, S.....	640.00	Glide, Joseph.....	4,280.00
Baird, Alfred.....	640.00	Goad, W. F.....	1,027.13
Britten-bucher, C.....	520.90	Goad, James A.....	640.00
Billeau, S.....	416.00	Gallup, W. R.....	640.00
Belcher, T. C.....	585.72	Gill, Isaac M.....	640.00
Blossen, A. C.....	400.00	Greenough, Charles.....	640.00
		Gregory, Henry.....	600.00
Chapman, J. N.....	41,578.39	Green, W. S.....	560.00
Chaplin, W. S.....	12,603.64	Gregory, J.....	565.57
Cary, R. S.....	3,923.84	Goldstein, Isaac.....	460.00
Colby, G. W.....	3,320.00		
Clark, W. Y.....	2,400.00	Howell, Mark.....	35,720.00
Coghlan, John M.....	1,720.00	Hayes, J. C.....	9,095.62
Clark, C. W.....	1,120.00	Hinckley, J. C.....	7,413.48
Cox, Gustavus.....	1,150.00	Houston, R. G.....	3,829.36
Chapman, G. W.....	1,000.00	Hastings, S. C.....	3,460.68
Chester, George B.....	4,304.00	Heinlen, John.....	2,680.00
Clary, William H.....	726.63	Harland, William.....	3,040.00
Coleman, Thomas.....	636.10	Hart, Jackson.....	720.00
Chandler, L. C.....	640.00	Hayes, L. C.....	720.00
Condon, James.....	640.00	Haines, G.....	641.28
Carpenter, E. B.....	640.00	Houghton, J. F.....	640.00
Carroll, J. H.....	640.00	Hamilton, S. E.....	640.00
Collyer, Joseph.....	640.00	Hubbard, Charles M.....	640.00
Campbell, W. L.....	640.00	Hunt, W. B.....	640.00
Cook, Joshua C.....	615.25	Hagadorn, D. F.....	640.00
Chamberlain, A.....	560.00	Harks, John M.....	640.00
Campbell, C. I.....	600.00	Harris, A.....	600.00
Calmers, W.....	600.00	Harris, J. H.....	600.00
Costigan, W. G.....	594.34	Himmelman, D.....	563.05
Colby, W.....	523.44	Hoffman, H.....	520.00
Chester, Julius.....	32,016.00	Hawxlurst, H. S.....	487.84
		Howell, E. F.....	460.00
Doyle, Robert E.....	8,519.47	Herrold, N. S.....	360.00
Dennison, E. F.....	4,919.27		
Doherty, George W.....	4,162.58	Jones, J. R.....	9,102.74
Donner, Fred.....	1,661.41	Johnson, James M.....	7,976.60
Dunn, William.....	640.00	Jackson, A. R.....	7,040.00
Dunn, John.....	640.00	James, H. G.....	1,346.85
Dunn, James.....	640.00	James, J. G.....	1,291.95
Dassonville, F.....	640.00	Jacob, E.....	2,080.00
Douglass, D. R.....	640.00	Johnson, G. L.....	998.00

Names.	Acres.	Names.	Acres.
Jackson, James E.....	648.00	Newton, O. H.....	480.00
Jenks, C. C.....	640.00	Owen, William R.....	3,850.00
Jones, J. W.....	547.30	Parks, William H.....	8,242.40
Johnson, Benjamin.....	400.00	Petlee, John.....	3,306.82
Kimball, A. G.....	11,067.98	Pickens, R. H.....	920.00
Kimball, G. G.....	4,680.00	Parks, Robert F.....	800.00
Kitchenside, J. H.....	4,417.76	Patterson, John A.....	720.00
Kimball, John F.....	2,250.26	Pennington, J. F.....	680.00
Kearney, M. T.....	1,763.26	Patterson, James.....	640.00
Kimball, John H.....	1,040.64	Palmer, George S.....	640.00
Kingsbury, Samuel.....	640.00	Parsons, Erastus.....	640.00
Kirkpatrick, B. F.....	640.00	Perry, Charles F.....	640.00
Kettelman, David.....	560.00	Portman, A.....	600.00
Kane, J. N.....	360.00	Patterson, J. W.....	600.00
Laspeyre, T.....	16,840.00	Patterson, E. H.....	560.00
Lect, George W.....	3,800.00	Priece, Thomas.....	520.00
Lemen, John B.....	1,245.04	Pierce, Andrew.....	360.00
Lovett, Joseph.....	640.00	Roberts, George D.....	81,681.13
Lewis, O.....	640.00	Reid, Charles F.....	32,420.49
La Montaine, H. D.....	447.69	Richards, C. B.....	1,088.44
Lettner, S. H.....	440.00	Renschlin, J. F.....	648.36
Mauldin, B. F.....	16,964.04	Reed, O. L.....	640.00
Mitchell, Tabb.....	9,391.14	Reid, C. W.....	584.74
Marshall, E. H.....	5,181.62	Roth, C. D.....	560.00
Murdock, S.....	5,344.00	Russell, M. J.....	600.00
Moody, William.....	1,503.22	Roe, J. F.....	480.00
Miller & Lux.....	1,480.00	Rowley, R. G.....	424.50
McIntyre, John.....	1,260.28	Rightmeyer, James.....	400.00
Mathews, Amos.....	1,115.88	Richardson, A. G.....	360.00
McDonald, M. A.....	835.26	Stabler, S. I.....	6,491.06
Morrison, R. R.....	816.90	Smith, William H.....	4,149.42
Mears, John K.....	846.60	Sweeney, M. D.....	2,448.04
Morgan, B. F.....	2,960.00	Scoggins, A. J.....	5,200.00
McDow, E. B.....	800.00	Stiles, W. H.....	2,880.00
Murdock, R. S.....	720.00	Stoneroad, N. B.....	2,440.00
McCann, George.....	766.96	Sproul, W. P.....	1,608.86
Mooney, Michael.....	746.00	Shields, William.....	1,104.53
Morales, Diego.....	645.18	Sager, John.....	647.80
Mullen, James.....	644.38	Schneid, J. D.....	641.49
Muskey, Peter.....	640.00	Shipper, L. W.....	640.00
Maxwell, J. C.....	640.00	Slater, John A.....	640.00
Murphy, Thomas.....	640.00	Sperry, G. W.....	640.00
Magner, Morris.....	640.00	Sweet, Sol.....	640.00
Moulton, L. P.....	640.00	Sargent, R. C.....	760.00
Merrill, A. C.....	640.00	Sutherland, J. L.....	600.72
Margelin, William.....	640.00	Scott, Joseph.....	512.50
Miller, Frank.....	640.00	Schnell, C. N.....	510.68
Miller, Henry.....	4,247.99	Snow, H. K.....	600.00
Moulton, L. F.....	4,160.00	Smith, H. G.....	660.00
Murray, A. H.....	3,783.67	Stone, A. R.....	560.00
Mooney, John.....	612.00	Shepherd, S. A.....	480.00
Mars, J. A.....	612.69	Slade, W. O.....	369.77
Moulton, E.....	600.00	Spicer, J. H.....	360.00
Murray, G. H.....	565.00	Stowbridge, J. W.....	440.00
Moulton, E. W.....	549.81	Stevens, Charles E.....	400.00
Melone, C. W.....	537.98	Turner, W. C.....	928.85
Meyers, J. F.....	520.00	Treadway, S. C.....	720.22
Morrison & Moore.....	524.75	Taylor, J. L.....	641.57
McIntosh, James.....	440.00	Taylor, G. L.....	640.00
Mull, Ed.....	400.00	Tally, John.....	640.00
Mitchell, A. B.....	360.00	Taylor, H. S.....	640.00
Mayer, Samuel.....	396.56	Trainer, H. C.....	640.00
McGriff, William.....	341.75		
Miller, Frederick.....	324.43		

Names.	Acres.	Names.	Acres.
Temple, F. P. F.....	640.00	Welsh, T. R.....	1,113.12
Tucker, J. W.....	640.00	Wilcox, Harvey.....	960.00
Temple, John.....	643.45	White, John C.....	722.00
Tallerand, T. A.....	416.77	Weaver, Jacob.....	640.00
Upson, L. A.....	640.00	Williams, William.....	640.00
Van Ness, J. A. M.....	720.00	Woods, J. H.....	560.00
Vivian, John.....	1,494.43	Wheeler, E. D.....	534.20
Wilbur, J. L.....	5,541.14	Wilkins, J. F.....	480.00
Wilcoxsen, J.....	3,077.21	Wilcox, Hawley.....	480.00
Webb, C. C.....	2,422.72	Wood, W. G.....	480.00
Wheeler, J. C.....	1,030.71	Waterman, Julia.....	480.00
Way, Bethel.....	1,280.00	Wilbur, E.....	360.00
		Yoland, Thomas.....	803.10
		Yates, H. N.....	600.00

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REPORT OF SPECIAL COMMITTEE

ON

Resolutions of Mr. Barker, of Nevada,

CONCERNING

LAND MONOPOLY, ETC.

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T. A. SPRINGER.....STATE PRINTER.

# REPORT.

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MR. SPEAKER:

Your committee to whom was referred the subject matter contained in the resolutions offered by Mr. Barker, January twenty-fourth, to wit:

*Resolved*, That the great resources of the State lie in its agricultural facilities, and a cheap monetary system, together with a broad policy in favor of actual settlers on the public lands, with reliable information in regard to the most practicable locations and means of access; and whereas, a few men own large tracts of the most fertile lands, which are withheld from the market for speculative purposes, thus retarding the growth and prosperity of the State, and for which the State receives no just return in the way of taxes; therefore, be it

*Resolved*, That the Speaker be and is hereby authorized and instructed to appoint a committee of five members of this House to consider the best means to remedy the evil, and report to the House at as early a day as practicable by bill or otherwise;

Have had the same under consideration, and respectfully submit the following as the result of their labor:

The resolutions were evidently intended to elicit practical suggestions as to a remedy for certain evils indicated, the existence of which none will deny, and which may be specified as follows:

*First*—The high rates of interest and scarcity of money prevailing in the interior counties of the State, notwithstanding the reduced rates of interest and the plethora of capital existing in the metropolis.

*Second*—The lack of precise and reliable information, so placed or published as to be accessible to poor men, concerning the large amount of agricultural lands which are vacant in this State, and actually open to settlers under the United States preëmption and homestead laws and the land laws of this State.

*Third*—The disastrous operation of the injurious and defective land laws, enacted by previous Legislatures of this State, under which a ruinous and demoralizing system of speculation in land, without occupation, has grown up, which results only in retarding agricultural improvement, forestalling those who may come here in search of homes, and exacting from them large profits to useless middlemen and sharpers, who cloud and control the title by a mere application or nominal pay-

ment, without actually purchasing the State lands, thus creating a landed monopoly which is giving the State a bad name abroad, discouraging its present inhabitants, and deterring immigration, the surest and greatest source of wealth in all new States.

*Fourth*—The lamentably defective character and corrupt administration of the laws concerning the assessment of real estate, whereby large bodies of private lands held without improvement by unknown owners not residents of the counties escape assessment and taxation altogether, while where the owners of large tracts of the most valuable lands in the State are known, their lands are assessed at merely nominal rates, while the smaller adjoining tracts of their poorer neighbors are assessed at full rates, and the burdens of supporting the Government are thus whenever possible shifted, as far as corrupt officers can do it, from the shoulders of the rich to those of the poor, who are least able to bear them.

It is manifest to every reasonable man that the continued existence of glaring evils of the character above stated, and a system of legislation so defective and oppressive in its operation, tends directly to impoverish the State, to drive population from it, to deter immigration, to divert capital from legitimate channels, to discourage and break down manufactures and productive industry, and to lead to still greater corruption or willful negligence in the administration of all laws, no matter how wisely drawn or beneficent in their intention and real character.

#### A LAND REFORM PROMISED.

Both of the great political parties which are represented in this Legislature are pledged to a reform of our land system, and if before adjournment they fail to keep these pledges will be held to a strict accountability by the people who trusted them. Already, as some of these evils are not confined entirely to this State, but traceable to improvident and short sighted national legislation, the indications are that a third party may shortly make its appearance with a broad land reform platform, disturb the calculations and plans of existing parties, and if it does not decide the result of the next presidential campaign, may yet ultimately control the policy and sway the destinies of the entire country.

#### NECESSITY FOR A LAND REFORM.

Ex-Governor Haight, in his first biennial message, speaking of our land laws, said:

“Our land system seems to be mainly framed to facilitate the acquisition of large bodies of land by capitalists or corporations, either as donations or at nominal prices;” and he regretted “that any portion of the public lands had ever been disposed of except to actual settlers.”

In his message to the present Legislature he also said:

“In the case of the swamp and overflowed lands a system of reclamation may perhaps render their concentration in large bodies in the first instance necessary; and, indeed, in the case of uplands, where large tracts have been acquired by purchase, the fault is chargeable to the system and not to those who avail themselves of it to purchase land.”

Even this admission as to the swamp lands, guarded as it is by a "perhaps," may be denied, since these lands were once concentrated in the hands of the State, and had a comprehensive and wise plan of reclamation been devised by competent engineers appointed by the State and provision been made for carrying it out with funds to be raised by sale of the lands when reclaimed, or bonds, the payment of which was guaranteed by a lien and taxation upon the lands to be reclaimed, such taxes could have been paid quite as readily by a large number of small owners and actual residents as by a small number of large owners, who expect to reap immense profits over and above the cost of an imperfect, partial, and defective reclamation which now threatens in many cases to be injurious to the lands of owners of adjoining tracts, never previously or very seldom subject to overflow. Accordingly, we see no reason why even the swamp and overflowed lands might not also have been reserved by the State for sale in small parcels to actual settlers only, who would occupy and improve them under conditions similar to those of the national homestead and preëmption laws.

#### RECOMMENDATION AS TO SWAMP LANDS.

And so believing, we recommend that even now, notwithstanding the bulk of the swamp and overflowed lands in the State are already disposed of, the remainder, whether the quantity be large or small, shall be reserved hereafter for sale in small tracts to actual settlers only, and that the law for their management and sale be amended accordingly.

If this is done, as owing to the droughts of the past two years a great demand exists for this class of lands, and their real value is properly appreciated, we believe no difficulty would arise in disposing of all the State may have remaining upon the terms suggested, and thus at least any further monopoly in this direction, through the inducements held out by State laws, would be prevented in the future.

#### IMPORTANCE OF PROPER LAND LAWS.

Ex-Governor Haight, in his message to the present Legislature, also said: "Our State laws on this subject deserve a harsher criticism, if possible, than that made two years ago," and the facts concerning their operation as ascertained by such examination as your committee has been able to give the subject abundantly justify his remark.

In this connection we would call attention to the fact that the reports of the State Surveyor General and State Land Register utterly fail to afford to the Legislature the information necessary to convey a clear idea of the actual operation either of the office itself or of the laws there administered. Nor do they comply in this respect with the plain requirements of the law. The impression prevails that far more evil than good results from the operation of the existing land system, and the few and disconnected facts that occasionally become public, notwithstanding the remarkable and improper reticence of this department of the State Government, abundantly confirm this impression and lead us to believe it well founded. No more important office exists, and the operations of no other department of the Government so deeply and permanently affect the welfare of the State as that of the Land Office. Taxation may be fixed too high and extravagant expenditures be made by one Legislature, but the next may change this and adopt an economical policy for the future. But when a land monopoly is permitted and

encouraged to grow up, and title actually passes from the State to private parties, the beneficial control of the State over so much of its original resources is to a great extent forever gone; for actual titles and vested rights cannot be recalled or disturbed, and thenceforth the adoption of a broad and wise policy for the disposition of what was once the property of the State is out of the question, and remedial legislation, to cure as far as may be existing evils which are not unavoidable, and prevention of an extension of the same or similar evils for the future, are all that remain within the power of the Legislature.

#### REPORT OF SURVEYOR GENERAL.

The omissions in the report of the State Surveyor General are far more noticeable than the scanty information it contains. The facts which might clearly exhibit the actual workings and evils resulting from the present system of regulations for the management and sale of lands belonging to the State, and perhaps suggest or point out such remedial amendments as are required, are carefully withheld. The number of applications made for each of the different classes of State lands, and the quantity applied for, are not stated. The actual number of persons who made such applications and the number of acres each obtained, or the far smaller number of persons whom these applicants actually represented, are not given. The amounts of money actually paid on account of these applications for land, or on account of the purchase price thereof, or for interest, are not given. Neither are the results stated of the system of collections from delinquents by District Attorneys of the various counties in the State for which the law provides. No means are afforded for ascertaining whether this system has resulted in a prompt collection of the money due to the State, or a mere license to local officers to extort exorbitant costs and fees from poor settlers, and a freezing-out operation which has deprived the latter of their homes and improvements, and thrown their lands into the hands of the larger speculators who were engaged in concentrating them in large tracts held in few hands, to control the plans of reclamation, where these lands were swamp, to their own advantage with utter disregard of the rights of the poorer minority owners, many of whose lands needed no reclamation or were already sufficiently protected. The amount of land that has been forfeited to the State under this system, and what subsequent disposition has been made of it, is not stated; neither is the cost to the State and the defendants in this litigation given. In what counties lands of either class have been disposed of, and in what quantities, are not stated. Where the lands are that are not yet disposed of, and that are therefore open to those who might desire to purchase and occupy them, is not stated. The receipts of the office, which it would appear from the law must be various and large, are not stated; nor is there any information as to its expenditures. There is no statement of the number of actual settlers dispossessed or compelled to buy their homes again from interlopers under the operation of the law regulating the disposal of the school lands, which worked an actual forfeiture of the rights of the occupant if he failed or neglected to apply for title on or before a day certain, and gave his land to any one who by mousing over the records discovered his situation, and without notice to him filed an "application" for his homestead. This he did on the theory that the occupant evidently did not want it because he had failed to apply for

title up to the instant the law of forfeiture went into effect. (Sections fifty-two and fifty-three.)

Yet all of these are matters which might well have been fully stated in the report from this office, that the Legislature being thus fully advised of the actual workings of the law, might judge what amendments are required to secure the real interests of the State, discourage mere unproductive speculation, encourage the actual settlement and improvement of land, and protect the occupation of the many small owners against rather than facilitate the concentrating operations of the few.

#### RECOMMENDATION AS TO FUTURE REPORTS.

We therefore recommend such an amendment to the law regulating the office of the Land Register and Surveyor General as will compel the publication of a full statement of its operations immediately upon the opening of each session of the Legislature, and obviate the necessity for investigating committees at every session to obtain with great labor and expense the information necessary for the purposes of intelligent legislation.

This report states that "the land laws are not as perfect as they might be, but with a few slight alterations they can be made to work well." If the amendments required are so few and simple, it would perhaps have been as well for the officer who had four years experience in their operation, and a liberal salary meanwhile from the State Treasury, to have pointed out precisely what and where such amendments were required, and the reasons for them, and the benefits they would create. But there is no hint on the subject, and the Legislature is left to discover what is required as best it may without light or assistance, or by means of investigating committees.

#### THREATENED MONOPOLY OF MINERAL SCHOOL LANDS.

There are, however, two important hints in the report which require the immediate attention of the Legislature. The first is that a monopoly similar to that already existing in the swamp and overflowed and dry lands of the valleys is now rapidly growing up upon the mineral lands of the mountains and foothills that are covered by the sixteenth and thirty-sixth sections in each surveyed township, and that the rights of owners of mining claims within these sections are now, in many cases, liable to be destroyed and taken from them as were those of actual settlers upon other school sections of valley townships. The recommendation is made "that occupants should have preference, and that purchasers should be limited to smaller quantities than three hundred and twenty acres, where rich placer mines and quartz leads are found." A careful examination of these two short sentences will show any miner who happens to have a claim that possibly may be upon a school section the danger to which he is exposed, and the Legislature the importance of immediate action to prevent a monopoly of such mining lands as the State may already own or hereafter become entitled to.

#### RECOMMENDATION AS TO STATE MINERAL LANDS.

We accordingly recommend the immediate passage of an Act withdrawing all sixteenth and thirty-sixth sections which are mineral in their character from sale, until suitable legislation can be had to protect

the rights of owners and occupants of mining claims, provide for a segregation of the portions that are not mineral from those that are, and the adoption of regulations for the disposal of mineral lands, in claims of proper size, in accordance with the existing mining laws of the districts, or such general laws as the Legislature may adopt hereafter, and on a plan the general principles of which shall accord with those of the United States applying to similar cases; also, that at the time of purchase such regulations shall call for such a payment on account as shall afford some security against waste and an abandonment of the land to the State when its wealth is exhausted and its value destroyed.

#### DESTRUCTION OF TIMBER ON STATE LANDS.

Another suggestion of this report requiring the immediate attention of the Legislature is the necessity for the enactment of "a law preventing the destruction of timber upon land belonging to the State, and making it the duty of the officers in the different counties to protect the interests of the State."

In other States, in order to increase the revenue accruing to the School Fund, the school lands belonging to the State are selected and located by Commissioners or some State officer, taken possession of by the State, and withheld from sale until actually required by population already there for cultivation. They are then valued at a sum not less than five dollars per acre, and when disposed of are sold in limited quantities for as much above the assessed price as they will bring. When such lands are timbered, as a security against waste and subsequent abandonment, a large percentage of the price at which they are purchased is exacted, and only a small percentage allowed to remain on credit. The report of sales made by the Regents of the State University shows that five dollars per acre is readily obtained for timber lands in this State, and that there is no reason for disposing of the timbered school lands at a lower figure in advance of the population to occupy and use them. We believe the same is the case as to nearly all other school lands yet belonging to the State, and that if the price was thus increased the School Fund of the State might be greatly augmented by this means. If any of these lands failed to find purchasers for a few years, no harm would result to the State by the delay in disposing of them, and if actual settlers presented themselves who were unable to pay the increased rates, a reduction in their favor could be made at any time. The delay in their sale would result in greater benefit than any that can flow from forcing these lands off into the hands of non-resident speculators in advance of the requirements of our present population, merely to enable them to extort an unearned profit from the actual settlers when they do come here in search of lands to occupy and cultivate.

#### SUGGESTION AS TO SCHOOL LANDS.

Accordingly we commend to the Committees on Education and Public Lands the question whether it is not desirable, to prevent further monopoly and for the purpose of increasing the School Fund, to increase the price at which the remaining school lands of the State shall be sold to something like their actual value; and we advise such an amendment to the present law as shall compel the payment of the whole or a sufficient portion of the purchase money in advance upon all timbered school

lands or lieu lands to secure the State against a destruction and removal of the timber growing upon it and a subsequent abandonment when its value is destroyed.

#### MONOPOLY OF SWAMP LANDS.

From information obtained from the office of the Surveyor General we learn that under the operation of the law for the sale of the swamp and overflowed lands, single individuals have purchased eighty-one thousand six hundred and eighty-one acres, forty-one thousand five hundred and seventy-eight acres, thirty-five thousand seven hundred and twenty acres; several upwards of thirty-two thousand acres, and quite a large number of areas ranging from two thousand to seventeen thousand acres of these lands. We are also informed that many of these purchasers actually obtained much larger quantities of land than that which appears opposite their names, as many of the other operators were simply their agents or employes making locations and applications for the benefit of their principals, whose names often do not appear upon the lists on the books of that office. As above stated, we believe that any such aggregation of land in large quantities in the hands of a few holders is contrary to all sound policy, no matter how specious the plea of its necessity for the purpose of extended and expensive operations for reclamation. The true policy was for the State to have the land surveyed by competent engineers, to adopt a proper and comprehensive plan for their reclamation, which would prevent injury without compensation to one for the purpose of benefiting another, and in accordance with which—or at least so as not to interfere with its final completeness—all subsequent operations, either on a large or a small scale, should be compelled to conform, whether performed at once or in future years when the density of our population rendered the occupation of these lands a necessity. If such a plan was once adopted every owner of such lands would know and every purchaser might buy knowing very nearly what the cost of reclamation to which he would be subjected would ultimately be, the work he would be required to perform, and would be able to make his calculations and improvements conform to it. We believe the State should yet provide for the adoption of some such general plan of reclamation which shall include the two main valleys of the State, and in conformity to which all local reclamation operations shall be carried out, for there are other interests involved than those of the present owners of such lands alone.

#### RECOMMENDATION AS TO SWAMP LANDS.

We also recommend that the land law be so amended as to prevent the future sale of the swamp and overflowed lands to any but actual settlers, or those who in good faith desire and intend to become such, and limiting sales to quantities not exceeding one hundred and sixty acres, and forbidding sales to any person who is already the owner of land in this State which, together with such purchase, would amount to more than three hundred and twenty acres. It is not for the interest of the State to encourage or facilitate by the mode adopted for selling its own lands, the holding of land by single individuals in tracts of more than this quantity under any circumstances, and since we cannot remedy what has heretofore occurred under the present law, let us do this which

lies in our power to prevent the further growth of land monopoly in the future.

#### CONTESTED APPLICATIONS FOR STATE LANDS.

We are informed by those having better facilities for knowing the actual operation of the present State land laws than your committee can claim to possess, that one of its most serious defects is the imperfect character of its provisions for the immediate settlement of contests between disputed and conflicting applications for State lands. We are informed that large amounts of State lands were and are withdrawn from sale to those who might desire to purchase and actually occupy and improve them, because two or more persons have filed applications for the same land, and hence an unsettled contest existed or exists concerning them as to which of the applicants is really entitled to become the purchaser. We are also informed that many of those contests are in fact collusive and fraudulent, and arranged by concert between the two or more apparently opposing applicants, in order that thus, upon the mere payment of the application fee of five dollars, the title might remain in abeyance, but in fact controlled by them, until some person appeared who really desired to purchase the land and would pay one or other of the rival applicants a satisfactory profit to induce him to withdraw his application or otherwise end the contest, and thus permit the taking of the next step in the proceeding to obtain title from the State, when an actual payment on account of the purchase price, the first real investment of capital, becomes necessary. Thus the low price and easy terms upon which these lands were offered by the State, because of the absence of a limitation of the quantities in which they might be purchased, seldom operated to benefit the small purchaser, since they were monopolized by sharp operators, for whom the law provided the means of extorting a profit without consideration from the other class. It will be seen that as long as the payment for the land is delayed by a so-called contest the title to the land is controlled by these mere applicants, without payment or any appreciable investment of capital, and the inducement held out by the law to this style of "speculation" in land, in which little or nothing is risked, while the chances of a handsome profit in any growing State are very certain, are far greater than is consistent with the interests of the State.

Under the law, a fee of five dollars is payable for each application made for State land. The mere filing of the application creates a cloud upon the title and an impediment in the way of any subsequent applicant who really desires to purchase. From the date of the filing of the application, the State is directly interested in having it disposed of in one way or another—that the applicant shall either prosecute his application and purchase, or withdraw and make way for some bona fide purchaser. But the law is defective in that it does not make sufficient provision for enabling and directing the State officer to compel the immediate prosecution of the application, or of the contest at all of its stages, so that it shall be determined and put on record whether the land is actually sold, and if so, to whom, or still the property of the State and open to any one who may really desire to purchase and pay for it in good faith. It is easy to see that where such applications are numerous and the amount of business in the office large, applications and contests that are not pressed might remain undetermined for long periods, or convenient delays be created by the parties at every stage until the opportunity offered to dispose of one or both of the applica-

tions to a third party, or until it suited the convenience of the real applicant to pay for the land, when the fees necessary to move the case and bring the contest to a conclusion would be promptly forthcoming, and the contest and the cloud upon the title vanish as readily as they were created.

As the State is the party most interested, being the owner of the land applied for, the State through the officer who represents her should control the course of the controversy throughout, and not let the titles to its lands be clouded and involved in doubt at the mere motion and during the will of individuals, rival or confederate land "operators." There are now unnecessary opportunities for delay at every stage of the proceedings, all of which may be availed of to keep the title in abeyance and under control without payment of money. Such applications and contests should be very summarily disposed of when not accompanied by actual settlement or a reasonable payment on account of the land, or of the lawful and necessary fees, and pressed in good faith at every stage.

#### SETTLERS SHOULD HAVE PREFERENCE.

Where the applicant is an actual settler upon the land and desires to remain such, his interest and possession should be preferred and protected in preference to any other. Where any settler is in occupation of State land, and another applies to purchase it, the settler should have actual and not merely constructive notice of such application and a priority of right to purchase on the most favorable terms if he desires to do so, and he should be heard before any other disposition of his land is made.

In order to give greater notice and publicity to the operations of this office, which in all cases is the greatest security against fraud or corruption, provision should be made for promptly placing on record in the different counties lists of all applications for certificates of purchase and sales by the State of lands within their limits, and patents ordered and issued therefor, so that the interests acquired in such lands may be immediately taxable at their real and proper value, which often many times exceeds the price at which the lands are sold by the State.

#### AVOIDANCE OF TAXATION.

In order to escape taxation purchasers of such lands frequently omit to record their evidence of title, and consequently the Assessors, supposing such lands still to belong to the State, omit to enter them upon the assessment roll, while those who record their deeds are promptly assessed and have to pay the taxes which their shrewder (shall we say dishonest?) neighbors through knowledge of this defect in the law are able to escape.

#### MAPS OF SURVEYS REQUIRED.

And in this connection we would also remark that provision should also be made by the State for obtaining and promptly furnishing to the county officers, or for the county officers to obtain for themselves, maps of the Government surveys, and lists of all sales of lands within their limits by the United States Government, whether patents therefor are actually issued or not. Patents actually issued to purchasers are often withheld from record, so that such lands being supposed yet to be the property of the Government may escape assessment and taxation; and

in this way such private property often has escaped taxation for years, while every actual settler is taxed and has his burdens increased unjustly in proportion. Upon this point we call the attention of the Assembly to the report of the late State Board of Equalization, at page eight, in which they say:

“NECESSITY OF MAPS.

“Few of the counties have maps that are of any service in assessing, and Supervisors were strongly urged to obtain from the State and United States Land Offices, township maps of such portions of the county as had been surveyed and sectionized. The necessity of these maps is apparent. Many thousands of acres of land subject to entry under the laws of the United States, and swamp and overflowed lands, have been entered and are owned and claimed, but not having been reduced to actual possession, lie idle and waste without any apparent owner. The Assessor not having any facility for ascertaining the true ownership, and supposing them to be unclaimed or unowned, fails to assess them, and thus a large amount of revenue is lost to the State and county.

“The evil can readily be remedied, and it is suggested that the Legislature provide that Boards of Supervisors shall obtain township maps from the several Land Offices of the lands now and hereafter to be surveyed upon which should be designated the name of the owner or claimant of such legal subdivision.

“These maps would not only enable the Assessor to assess every portion of the territory owned or claimed, but would be a source of information to those seeking homes upon the public lands, hasten their occupancy, and be a means of adding to the public wealth, and lessening the cost of discovering vacant lands which now practically prevents their settlement. In support of the economy of the expenditure for these maps, it may be stated that one county having expended six hundred dollars for such maps received in one year more than that sum in taxes from land thereby first discovered to be owned and which had theretofore escaped assessment. The same is true except as to the amount paid of several other counties.”

The remarks which follow concerning the assessment of possessory titles are also worthy of careful attention.

OUR LAND LAWS SHOULD BE REMODELED.

As your committee does not contain within it the legal talent and thorough and practical acquaintance with the land law and the various other statutes which are more or less affected by or hinge upon it, and as we do not believe that “a few simple amendments would make it work smoothly,” as the interest and true policy of the State requires, we have not ventured to draft the various amendments that have been mentioned above, or others that have suggested themselves. The whole policy of the existing State land laws is wrong. They should be examined by a competent committee, and remodeled so as to operate always in favor of the actual settler, instead of the mere operator who speculates without capital, or the monopolist who is willing to buy and pay in full if he can purchase a principality for a nominal price. The operations of the first class simply retard and discourage settlement by levying black mail upon actual settlers or those who desire to become

such, and increasing without a corresponding benefit the price of land to men who wish to purchase, occupy, and improve. The operations of the second class, it is feared by many, may lay the foundation for a system of poor tenantry, which should be discouraged, rather than small, independent ownerships by numerous occupants, which it is the true policy of the State to encourage. Both greatly destroy the inducements to immigration, which it is the true policy of the State to foster and develop by every legitimate means in its power. As a Joint Committee of the two Houses has been appointed with full power to investigate the actual condition of the State lands and report a recommendation, we commend the suggestions above made to their careful consideration.

#### ACTUAL SETTLERS ONLY SHOULD HAVE CREDIT.

Your committee believe that the credit allowed by the State in all cases upon the lands it sells is one of the main inducements to an unhealthy and injurious speculation in these lands, by reason of the facility it offers to men with a very small investment of capital to control and exclude others from large bodies of choice lands without paying for them. We submit that operators of that character are entitled to little consideration at the hands of any Legislature, and that their operations should be discouraged and prevented as far as is possible, rather than encouraged and facilitated as they are by existing laws.

#### RECOMMENDATION AS TO CREDIT SALES.

Accordingly we recommend that a new system in this respect be adopted for the future; that all further credit upon State lands be refused, and the interest, purchase money, and taxes now due upon lands heretofore sold on a credit be called in and made due and payable in sixty days in every case except where the quantity applied for, held, or owned by any one person does not in all exceed three hundred and twenty acres, and where the purchaser is an actual resident upon such land, occupying, cultivating, or using the same. If some such non-resident, applicants, or holders of certificates of purchase as locators, or by assignment, were thus obliged either to sell or abandon the lands they have applied for to others who wished to occupy and use them, no harm would result to the State, but a great good be effected. A portion of this land monopoly without any real ownership would thus be broken up, and all such lands thus recovered by the State being previously reserved in the future for actual settlers, the inducements to settlement by our own citizens who have no lands, and to a desirable immigration from abroad, would be greatly increased.

#### MONOPOLY OF UNSURVEYED LANDS.

Another style of land monopoly without actual title to the land which within the past few years has assumed great proportions and is working a serious injury to the State, is that existing under the possessory and other Acts of this State. As the laws stand our Courts will protect the possessions of single individuals who inclose or hold without substantial inclosures immense tracts—often thousands of acres in extent—of the unsurveyed Government lands. Upon these lands, or their claims thereto, these persons usually pay no taxes, their improvements only (often of

little or merely nominal value) being all that are assessed. Yet for all beneficial purposes for the time being—often for many years—they are to all intents as much the owners as though they held the title. Meanwhile they occupy thousands of acres with little or no cultivation, and exclude all others who would be glad to take up and occupy with their families and cultivate each a quarter section of such land, and to the use of which they are as much entitled as the actual occupant.

#### RECOMMENDATION AS TO UNSURVEYED LANDS.

We therefore recommend that the Courts be forbidden to protect any such possession of unsurveyed Government lands to an extent exceeding one hundred and sixty acres, upon which the original settler resides, so that the surplus lands beyond this quantity may be open to any others who may choose to occupy and improve them until the United States surveys are made, and the claims and possession of each properly defined. With such an amendment to our laws in operation an immense body of desirable unsurveyed land would at once be thrown open to persons of small means desiring to find homes for themselves and families. Under the provisions of the Act of Congress allowing settlers to have surveys made on depositing the cost of such survey of their township, a very rapid, satisfactory, and peaceful settlement of all conflicting claims would ensue, the Government surveys be greatly extended in the portions of the State not yet surveyed, which are adapted to agricultural and other profitable business, and a great breadth of land would at once become taxable and productive of revenue to the State.

#### RESERVATION OF PUBLIC LANDS FOR ACTUAL SETTLERS.

We also recommend the adoption of a memorial to Congress asking the reservation of all public lands in the State of California not yet disposed of for actual settlers under the homestead and preëmption laws, and for increased appropriations for the more rapid extension of the Government surveys over the portions of the State not yet surveyed.

If such application is granted, the inducements to immigration to this State will be greatly enhanced, and the facilities enjoyed by persons desiring to become actual settlers increased.

#### INFORMATION CONCERNING PUBLIC LANDS NEEDED.

Another evil indicated in the preamble and resolution under which your committee was appointed is the difficulty encountered by strangers who come to this State, and by those of our own citizens of limited means who wish to leave the cities and settle on the Government lands, in obtaining information as to what lands are yet the property of the Government or of this State and open to them under the homestead or preëmption or State laws. Both the United States and the State of California have their Land Offices, which are nominally open to the public that information concerning the public lands may there be gratuitously obtained. But in fact such information in either of these offices is very hard to obtain, and has usually to be paid for to persons who make a business of obtaining it for their own advantage. They thus enjoy special facilities which are beyond the reach of men not trained to such investigations. Neither the United States nor the State of California make any publication of the information their Land Offices contain that

might be of service to persons wishing to take up farms on the public domain, and to proceed without unnecessary expense and delay to the points where such lands are available. In other States provision is made for obtaining this information and placing it within the reach of every person who desires it. We have been shown a pamphlet published by the State of Wisconsin, in which every acre of school lands owned by the State and open to be purchased under its laws was specified and listed by township, range, section, and subdivision. In this State some provision should be made not only for obtaining and publishing such information as to the remaining State lands, but also as to all surveyed lands yet belonging to the United States, and a general reference also to the unsurveyed lands, their character and location. We believe the State Surveyor General to be the proper officer to obtain and furnish this information in official form, and to distribute copies of the maps exhibiting the Government and State lands yet undisposed of to the different counties in which such lands are situated, and that such information should be preserved, like other records, in the County Recorder's office, where all who wish may see, examine, and copy it without charge. At least quarterly lists of subsequent sales and disposals of lands should also be obtained and forwarded to the counties where such lands lie, in order to keep the information always complete and reliable.

Accordingly, herewith we report a bill with that object, and recommend its passage. And as suggesting further legislation to provide information as to the lands already disposed of, for the purpose of a more just and complete assessment of property, we again refer to the foregoing extract from the report of the late State Board of Equalization, at page eight.

#### INTERESTED DEPRECIATION OF OUR RESOURCES.

Because of the difficulty in obtaining this information concerning the lands which are actually open to settlers in this State, the speculators and mere operators in the lands already monopolized have sedulously circulated the report both in and out of California that "all the best lands are monopolized, and none yet remain open to settlers that are worth having." This is equivalent to the very common advertisement of small traders: "If you want good goods you must trade in my shop, as they cannot be obtained elsewhere." It has little more foundation in fact in one case than in the other. Certain newspapers pretending to be the enemies of land monopolists have nevertheless kindly taken up this their advertisement and almost daily given it a gratuitous insertion in their editorial columns, until it has come to be accepted as a fact by very many persons who might if they would know better and be able to make a far more advantageous showing for our State. The truth is that these monopolizing operations have hardly extended outside of the main valleys of the State, while the entire foothill and mountain regions, the healthiest and pleasantest section for residence in the State, the best watered and timbered, the best adapted to fruit raising, vine growing, wine making, silk culture, stock raising, and lumbering, as well as rich in vast undeveloped mineral resources, have never been monopolized because fortunately never exposed to such operations; and even in the larger valleys a close examination would disclose large quantities of land still in fact open to settlers (though covered up or hidden by various devices that only experts and land operators know how to resort to), which are well worthy of taking up and settling upon, and

will be very valuable and productive as soon as suitable facilities for irrigation are provided, whether by artesian wells or the great system of irrigation ditches, the construction of which is already undertaken. At all events, the publication of the naked facts, bad as they are, would be far better for the State than this constant senseless reiteration of the false and foolish assertion that all the lands in the State worth having are already the property of private owners and held at rates beyond the reach of ordinary settlers. What such editors know about farming lands and their value and the public lands of this State has evidently been obtained at second hand from the land speculators whose lands they thus constantly puff, rather than from any actual examination of the records of the Land Offices. When the official report of the Land Department at Washington for eighteen hundred and seventy declares that there were one year ago over one hundred million acres of Government lands in this State liable to disposal, it is not a complete demonstration that none of these are worth having to ask "where the good lands are?" When those who would become settlers desire to know this, it is the duty of the State to inform them; and whether the vacant lands in the State are poor or rich, it is the interest of the State to have them occupied and made productive by whatever use they are adapted to. Certain it is that our poorest lands would neither be unoccupied nor allowed to remain without an owner if situated in the same latitude in Europe or any of the Eastern States. Nor is there any reason why they should remain so here for any length of time if the proper means were taken to attract a population that would gladly own and occupy them and make them taxable and productive, if their advantages and the terms upon which they may be had were brought to their attention.

#### GOVERNMENT LANDS NOT OUR ONLY ATTRACTION.

Another false idea on which this constant and injurious depreciation of the attractions of California is based, is the supposition that "Government lands at Government prices are the only legitimate inducement that can be offered to immigrants wishing to engage in agriculture." Our valley lands, as well as our best improved farms, at the prices at which they can be obtained near navigation, railroads, towns, markets, schools, and churches, with a California climate, are a far stronger inducement to the most desirable class of immigration that can be attracted than any wild lands far from markets and railroads and the blessings and conveniences of civilization, that are suited only for the occupation of people accustomed to and delighting in what men brought up in older settled States consider the roughness, hardships, and privations of the life of a pioneer.

#### THE ENCOURAGEMENT OF IMMIGRATION.

To provide the sort of information required by those who come here desiring to occupy and cultivate our vacant lands, as well as to attract such to the State as rapidly as possible, is a duty of the State recognized as such and performed more or less carefully in nearly all the States in the northern portion of the Mississippi Valley. As a result of this work and a wide publication of the attractions these States have to offer to immigrants in the shape of cheap and desirable lands, whether owned by the State, the General Government, railroad companies, or private individuals, these States are filling up rapidly with population, wealth,

and taxable property, and far outstripping us in the acquisition and development of every element of material prosperity. To say that the performance of this work may safely be left to private enterprise, or should be done by the speculators and owners of large quantities of vacant lands which they wish to sell, and the State do nothing, is simply an absurdity—the evidence of an alarming lack of public spirit, and failure to perceive what the interest of the State and the interior counties requires. The same argument might be made concerning the provision for the education of our children. It might be said that private enterprise and the desire to make money by teaching would provide for that. But on this point public opinion is wide awake and too far advanced to listen to such arguments, and we devote whatever public money is necessary for that purpose without hesitation. The other policy of doing nothing concerning the attraction of additional population to fill up our vacant lands and cultivate them, to develop our commerce and manufactures, has been tried long enough, and we see the result. Private enterprise does very little and accomplishes little; it is too slow and inadequate to meet the requirements of the case.

#### PUBLICATION OF STATISTICS.

We recommend therefore that provision be made by this Legislature for the collection and publication of reliable and useful information concerning the lands, soil, climate, and productions of this State, and the attractions it offers to immigrants, and of a character calculated to facilitate their settlement after their arrival, and for the circulation of this information abroad in every country from which we may hope to draw desirable additions to our population.

#### UNRELIABLE STATISTICS.

In this connection we would call attention to the fact that the statistical returns of the agricultural productions of the different counties, compiled from the reports of the Assessors and published in the reports of the State Surveyor General are stated to be often mere unreliable estimates or pure guesswork by the county officers, and not the statistics which they purport to be. The Assessors in many cases neglect the duty altogether, and do not regard the obligation to prepare such reports as of sufficient consequence to induce them to bestow upon what they consider unpaid work the care and attention necessary to secure reasonable accuracy. There is no necessary connection between the offices of the County Assessors and that of the Surveyor General, or the compilation of these statistics and his other duties as a surveyor. There is, however, a constant connection between the duties of the County Assessor and those of the State Board of Equalization, the latter being obliged to constantly watch, examine, and supervise the work of the former.

#### RECOMMENDATION CONCERNING STATISTICS.

Therefore we recommend that the law as to the compilation, collection, and publication of such statistics of the counties be changed so as to devolve what are now the duties of the Surveyor General in this respect upon the State Board of Equalization, who might without additional

compensation be made ex officio State Commissioners of Statistics, with power to insure the collection and publication of this and a variety of other information of a useful character, such as is collected and reported by similar Boards and officers in other States. We believe that in this way statistics of a much more reliable and valuable character could be secured without any additional expense to the State. The Surveyor General being thus relieved of a portion of the labor not properly pertaining to his regular duties, we might hope for fuller reports concerning the land business of the State. If the above proposed change should render it necessary, the clerk allowed the Surveyor General to compile these statistics might be transferred to the office of the State Commissioners of Statistics and State Board of Equalization to perform the same duties there, and as the State lands are so nearly disposed of, perhaps his services in the Land Office will not in any event be longer required.

#### TO HAVE PROSPERITY REQUIRES POPULATION.

We believe that the main element of wealth in any new State is population. The lack of it is the cause of the poverty of our mining counties that were prosperous as long as populous. The burdens of debt and taxation now prevailing in these counties would be diminished and lightened to alik if there was an increase of population and taxable property to share them. This proposition is self evident, since the population of the entire State is not sufficient, even if equally distributed—which it is not—to give these and other unprosperous counties the number of people they require for the development of their resources and to insure greater prosperity. The additions they need can only be secured by seeking them abroad in other States and countries where population is denser, and where many always stand ready to avail themselves of any opening presented for the exercise of their industry and enterprise for which no field exists at home. It is not necessary that every citizen shall grow rich suddenly or be extremely successful to insure a high degree of prosperity in a community. There are millions of men of the same race as ourselves in other and older States and countries who would gladly own, occupy, mine, and cultivate our mountain lands that are open to them under Government and State laws, if aware of what Californians affect to despise and regard as not worth taking up. The frugal Germans, Swiss, and Italians, who understand the culture of the vine, the mulberry, and the fruits that our mountains produce in such great perfection, the nurture of the silk worm, the reeling, spinning, and manufacture of silk, and the making of raisins and wine, would not be deterred from coming by the statement that “the vine and mulberry take several years to mature before they become productive,” if at the same time assured that they could indeed become the owners of the soil in which to plant them in a climate where success in the culture is an assured fact. The neglected but well watered and timbered portions of our mountains would afford happy homes for thousands of industrious Welchmen, Swedes, and Norwegians, if only we would invite them here and facilitate and encourage their settlement. There is no reason why, if a proper effort and appropriation was made by this State for the purpose, in the same manner as is done by other States in want of population, the counties now least prosperous should not, in five years, be among those most densely populated, most highly improved, and most prosperous in the State, and their present embarrassments a thing of the past.

## CAPITAL FOR THE INTERIOR.

Any policy which fills up the agricultural and mining counties with population, which is permanent and productive in its character, will at the same time enrich the State, encourage and hasten the construction of railroads and other improved means of transportation, and by increasing their traffic render possible material reductions in the rates now charged for freights and fares. Manufactures can then be inaugurated, and carried on with a profit. The productions of the soil and the mine will then acquire their true value, and find a ready market, and yield a return commensurate with the toil they cost. There will then be opened up and created a thousand opportunities for the secure investment of capital owned in such localities, as well as that from abroad. When banks of savings and banks of industry, such as were provided for by a statute passed at the last session of the Legislature (see Statutes of 1869-70, page 523), are created in every county, town, or considerable village, where the savings of the workingmen of the district are collected and managed so as best to promote their own interests, and create additional employment for men of their own class, and a secure, intelligent, and careful local management is thus provided, the plethora of capital in the metropolis, which now idly accumulates, and for want of legitimate employment must needs be used in unhealthy stock excitements and real estate speculations in unimproved and unproductive lands, would then flow to the interior, and seek to share in the profitable investments the use of even a limited local capital had discovered and developed. The men willing to be borrowers would meet the men anxious to be lenders on more equal terms, and the existing usurious rates of interest would be materially reduced. When the present number of landowners, producers, taxpayers, and consumers, as well as the amount of taxable property, in the interior and mountain counties is increased in proportion to their area and the value and extent of their undeveloped resources—a result which can only be secured by attracting thither additional population from abroad—the capital which is accumulated there will no longer need to seek the metropolis for a secure and profitable investment. Not only will it find safe and profitable employment at home in the mountains and agricultural valleys, but other capital will be attracted thither to compete with it for the profit it secures.

And thus alone, no matter what our currency may be, can this State ever hope to have a cheaper monetary system than that now prevailing. Our present rate of progression towards such a condition of affairs is very slow, and the delay is disheartening and discouraging to those who have hoped most and striven hardest to advance the interests of the State. It is for us to say whether we shall be content to go on at the present slow and unsatisfactory rate, or do something to hasten the better times for which we hope.

## SENATE BILL NUMBER ONE HUNDRED AND SEVENTY-FIVE.

We believe that the means provided in Senate Bill Number One Hundred and Seventy-five, "An Act to promote and encourage immigration to the State of California," which embodies the experience and best methods evolved from the investigations of the same and similar questions in other States, as contained in their legislation, to be the only ones

at all likely to secure such results, and that it is the only proposition looking towards their accomplishment yet offered to the present Legislature.

Concerning the defects in and the corrupt administration of the laws in relation to the assessment of property, your Committee respectfully refer to the report of the late State Board of Equalization, in which the subject is fully treated. They are pleased to be able to say they believe the bill already reported to this House by the Committee on Ways and Means embodies the results of the best ability and experience available for the purpose of remedying as far as possible the evils in said report disclosed.

#### RESOLUTION AND BILLS REPORTED.

In conclusion your Committee also desire, as authorized by the resolution under which they were appointed, to introduce and recommend the passage and adoption of the concurrent resolution and bills herewith reported, to wit:

*First*—Assembly Concurrent Resolution asking Congress to reserve public land in California for actual settlers only under the homestead and preëmption laws, and for a more rapid extension of the surveys of public lands in this State.

*Second*—An Act reserving all lands within this State belonging to the State of California for sale to actual settlers only.

*Third*—An Act calling in the deferred payments and moneys due upon lands heretofore applied for or purchased from the State of California on credit.

*Fourth*—An Act to facilitate the settlement of vacant lands in the State of California.

And pray to be discharged from the further consideration of the subject matter of the resolution under which they were appointed.

S. BARKER, Chairman.

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REPORT OF THE JOINT COMMITTEE

OF THE

SENATE AND ASSEMBLY

ON THE

INDIAN WAR INDEBTEDNESS.

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T. A. SPRINGER..... STATE PRINTER.

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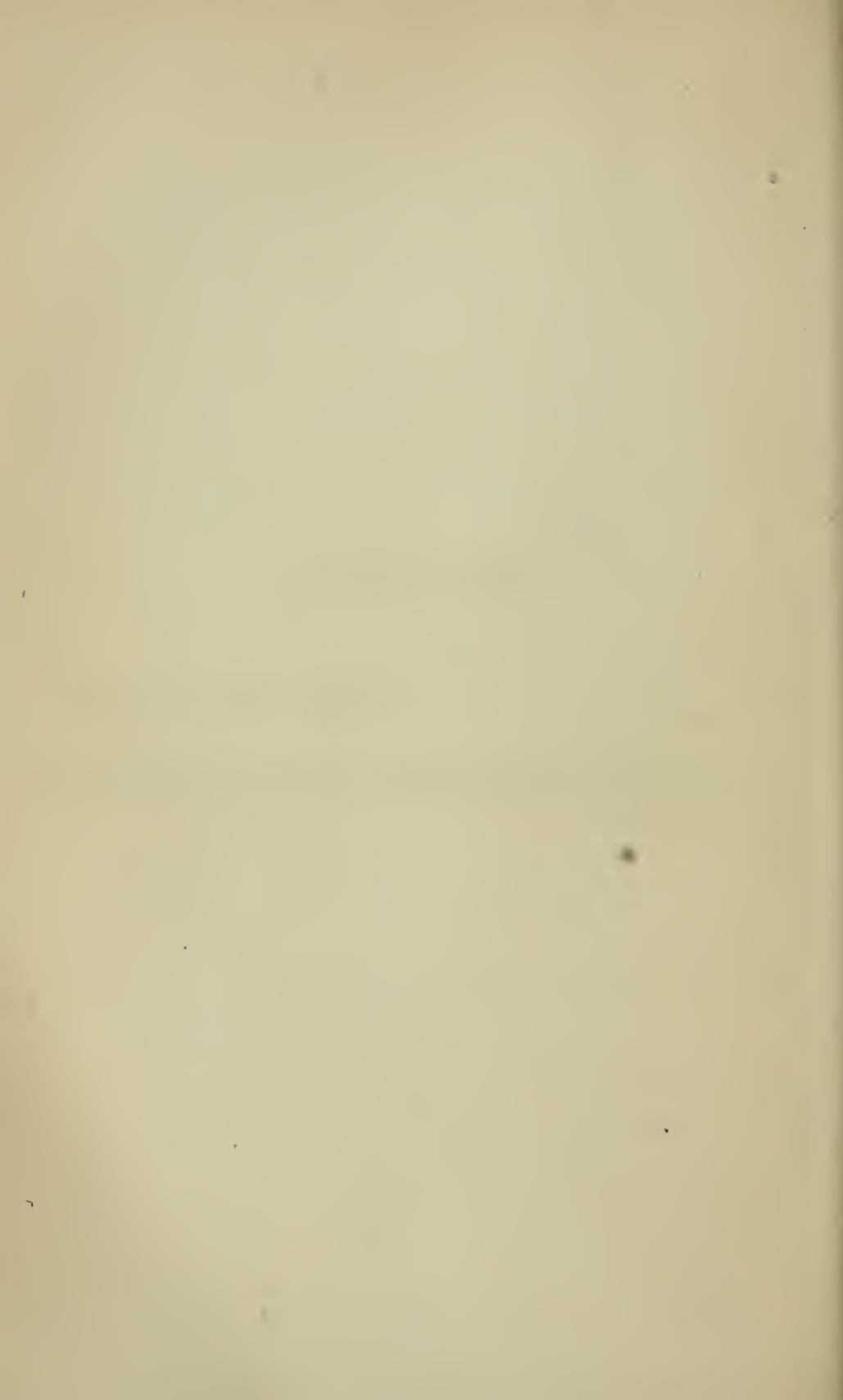
# REPORT.

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SACRAMENTO, February 21st, 1872.

MR. PRESIDENT:

The Committee on Claims of both Houses, to whom was referred the matter of the Indian War Indebtedness of the State, beg leave to submit the following report.



# REPORT.

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## HISTORY OF THE INDEBTEDNESS.

Being impressed with the belief that a complete history of the matter is necessary to its perfect comprehension, we have deemed it proper to commence at the beginning, and trace its various fortunes up to the present time.

The war bonds of eighteen hundred and fifty-one were issued in pursuance of the Act of February fifteenth, eighteen hundred and fifty-one, (Statutes of 1851, page 520) the first section of which reads as follows:

Section 1. By virtue of the power given to the Legislature by the Constitution of this State, Article VIII—in case of war to repel invasion or suppress insurrection—a loan not exceeding five hundred thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years at the pleasure of the State; said loan to bear a rate of interest not exceeding twelve per cent per annum, payable annually or semi-annually at such place as the contracting parties may agree; *provided*, however, that the interest of the first year may be paid in advance out of the loan thus made.

The interest was made payable semi-annually, and fell due in March and September of each year.

The bonds of eighteen hundred and fifty-two were issued in pursuance of the Act of May third, eighteen hundred and fifty-two (Statutes 1852, page 59), the first section of which reads as follows:

SECTION 1. A sum not exceeding six hundred thousand dollars is hereby appropriated and set aside as an additional War Fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven (7) per cent per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose; and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this Act shall be good and valid claims against the State, and shall be paid out of any moneys in the Treasury not otherwise appropriated, to pay the expenses of the expeditions mentioned in this Act.

The interest was made payable in annual instalments, and fell due in January of each year.

Under this Act further appropriations were made in eighteen hundred and fifty-three, as follows:

By Act of 15th April.....	\$23,00
By Act of 16th April.....	2,500
By Act of 18th May.....	23,000

It is thus seen that by the Act of eighteen hundred and fifty-one the bonds were issued upon the same terms as other bonds, and that by the Act of eighteen hundred and fifty-two the State expressly bound herself to pay them, if the General Government did not.

The bonds of eighteen hundred and fifty-seven were issued on far different terms, as the following section from the Act authorizing their issue will show (Statutes 1857, page 262):

Section 1. A sum not exceeding four hundred and ten thousand dollars is hereby appropriated and set apart as a "War Fund," payable out of any moneys that may be appropriated by Congress to this State, to defray the expenses incurred in the suppression of Indian hostilities as specified in this Act.

The bondholders therefore took these bonds with the express understanding that they must look to the General Government for their redemption. It is sufficient to say that an appropriation was made by Act of Congress, March second, eighteen hundred and sixty-one (Statutes at Large, Vol. XII, page 199) for this purpose. The money was paid into the State Treasury, and the matter is at an end.

We have only, then, to deal with the issue of eighteen hundred and fifty-one and eighteen hundred and fifty-two. An appropriation to pay these bonds with interest was made by Congress, August fifth, eighteen hundred and fifty-four in the following terms (Statutes at Large, Vol. X, page 583):

Section 3. *And be it further enacted:* That the Secretary of War be and he is hereby authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, Anno Domini eighteen hundred and fifty-four, and that the amount of such expenses when so ascertained be paid into the Treasury of said State; *provided,* that the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65), which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

On May fourth, eighteen hundred and fifty-five (Statutes 1855, page 241), the Legislature passed an Act for the purpose of utilizing this appropriation, the Act in substance providing for the surrender of the war bonds of eighteen hundred and fifty-one and eighteen hundred and fifty-two, it being thought at that time that the whole amount appropriated by Congress would be paid into the State Treasury. In this the State and bondholders were mistaken, as the following extracts from the message of Governor Bigler will show (Senate Journal, seventh session, page 27):

By reference to pages five hundred and eighty-two and five hundred and eighty-three of the United States "Statutes at Large" of eighteen hundred and fifty-four, it will be seen that the section numbered three (9) of the Act making appropriations for the support of the army directs the Secretary of War "to examine into and ascertain the amount of expenses *incurred and now actually paid* by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, A. D. eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be *paid* into the Treasury of the said State."

In compliance with the provision of law above quoted, the Act of last session was passed, and statements certified by the proper constitutional officers, duly forwarded by me to Washington City, under the impression that nothing further was necessary or requisite under the law of Congress to authorize the prompt and immediate payment into the State Treasury of the sum appropriated by Congress.

This impression, however, it seems was incorrect, and the Secretary of War positively refuses to pay to the State the amount due and appropriated until he shall have examined the accounts and vouchers on which the original warrants or bonds were issued.

These accounts and vouchers, it is proper here to remark, are a part of the archives of the State, and as such are required to be kept at the seat of government, as constituting not only a complete history and exposé of the several Indian wars, but as the basis of the action of the Controller and Board of Commissioners of the War Debt, and as such their proper place is among the records of the State.

Under the law no officer of the Government has the right, if he so desired, to remove them without express legislative authority, either for the satisfaction or information of an officer of the Federal Government or for any other purpose whatever.

The law of Congress which was intended to govern the action of the Secretary of War, in my opinion, does not require his examination into the *propriety or necessity* of any or all of the expenditures of the State in the suppression of Indian hostilities; but directs him to "examine into and ascertain the *amount of expenses incurred and actually paid,*" and upon such ascertainment to pay the same into the Treasury of the State of California; provided such amount should not exceed the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (§924,259 65).

The Secretary of War, however, has deemed it his duty to require the original vouchers and papers, and to refuse payment of the amount appropriated until they shall have been furnished.

Although fixed in the belief that so far as the State of California is concerned the requirements of the law of Congress on the subject have been, on her part, fully complied with, and that the Secretary of War, having from statements authenticated by the proper State officers "*ascertained the amount actually paid,*" should without further question or delay, in accordance with the law of Congress, have paid the amount appropriated "into the Treasury of the State of California," it is neither my intention nor desire in this communication to call in question or advert to the propriety or justice of the action of the Secretary of War in the premises, further than to dissent from the correctness of his decision, as being, in my opinion, unwarranted by the language of the Act of Congress making the appropriation, and also to express sincere regret that months of delay in payment must, under the circumstances, necessarily ensue, burdening the State with a large sum in the shape of interest on the outstanding war bonds and warrants.

Without further comment the whole subject is commended to your careful consideration, for such action in the premises as, under all the circumstances, may by you be deemed proper and necessary to secure to California the prompt payment of the amount long since ordered by Act of Congress into the Treasury of the State.

In accordance with resolutions of both branches of the Legislature, requesting from the Governor such information as was in his hands regarding the condition of the war debt, and its payment by the General Government, Governor Johnson transmitted a message to the Legislature on the thirty-first of January, eighteen hundred and fifty-six, an extract from which is given as follows (Senate Journal, seventh session, page 226):

It is needless to inquire whether the Secretary of War has misapprehended the *spirit and intent* of the Act of Congress making this appropriation, in rejecting the certified copies of vouchers forwarded him, as satisfactory evidence of the payments made by the State; neither at this time can any beneficial results attend the discussion of an issue seemingly foreshadowed by the Secretary's letter, involving a construction of the law which would invest him with discretionary power to allow or reject at pleasure specific items of expenditure which have been assumed by the State. I must confess, however, that an assumption of authority so unwarranted as I believe this to be is quite manifest, and I am apprehensive that the aid of further congressional legislation will have to be invoked ere our State will derive the benefits of the entire sum appropriated.

If the Secretary of War shall, by virtue of the authority given him to examine into these claims, assert the right to go behind the act of the Board of Examiners, and inquire whether the demands were such as ought to have been allowed, and the evidence on which the payments were predicated, as appears of record, sufficient to sustain their decision, I doubt not that the exacting requirements of the Secretary and his auditing officers would find abundant pretexts to reduce the sum materially.

In the various military expeditions which California in defense of her citizens was compelled to undertake, either from inability or neglect of the General Government to provide

such defense—owing to the condition of the country at those periods—with our State credit most ruinously depreciated, prices were paid for supplies and many expenses incurred which to us even now would appear enormous.

Furthermore, in the settlement of accounts by the Board of Examiners, and in some few instances before committees of the Legislature, the introduction of oral testimony on behalf of claimants was permitted, which, no doubt to them was conclusive; but, unfortunately, the evidence was not perpetuated.

From these and other causes we may be much embarrassed if the exercise of such discretionary power shall be persisted in. Whilst, therefore, hoping our fears may prove groundless, still these misgivings should suggest to our minds the necessity of extreme caution and deliberation regarding the measures now to be adopted.

Let us so fortify ourselves against all possible contingencies that further delay in securing the payment of this money may not be the fruits of our own inefficient legislation.

In the first place authority should be given to transmit to the Secretary of War the original vouchers, and at a reasonable expenditure secure the services of such person or persons as may be necessary in the prosecution of these claims before that officer. One of our present members of Congress, General J. W. Denver, and of him I speak particularly, on account of his former position as one of the Board of Examiners, will, no doubt, lend his coöperation without compensation by the State. Such assistance will be all important, as a very large portion of these claims were examined before him and allowed, and he is, consequently, possessed of an intimate knowledge of all matters connected with this indebtedness. There is another gentleman, however, A. J. F. Phelan, Esq., whose services are indispensably necessary to the successful prosecution of these claims. In this I speak partially from my own personal knowledge as well as from the testimony of the late Board of Examiners, to whose efficiency and understanding of the whole subject they voluntarily bear witness.

Mr. Phelan was the Clerk of that Board for nearly, if not quite, the entire period during which the seven per cent bonds were being issued, and from his position necessarily became familiar with all the vouchers and testimony adduced in support of the claims presented; and his usefulness to the State in connection with these claims against the Government can be readily foreseen; and I would, therefore, suggest that his services be secured, which I am advised by him can be effected on terms quite reasonable to the State.

From the foregoing it is plain that additional legislation was absolutely necessary, and thereupon followed the Act of April nineteenth, eighteen hundred and fifty-six (Statutes 1856, page 206), which created the "Board of War Debt Commissioners," and defined their powers and duties. By the terms of this Act Samuel B. Smith and J. W. Denver were appointed a Board of Commissioners to prosecute before the Secretary of War the claims of the State subject to be paid out of the appropriation above set forth. The Act then proceeds to define their duties in the matter of advertising for bids for surrender of the bonds of eighteen hundred and fifty-one and eighteen hundred and fifty-two—the former to have the preference. This was done to secure the payment of those bonds in full in case the appropriation should be deficient, which it might well have been had payment been made up to the time of presentation. It was expected by the Legislature that payment would be so made, for section five provides that the Commissioners shall "examine and compute the amount of principal and interest *due up to time of presentation for redemption*, if before the period indicated when they shall cease to bear interest; otherwise at the period so indicated." This Act of the Legislature was followed by the following congressional enactment (Statutes at Large, Vol. XI, page 91):

SECTION 8. *And be it further enacted*, That the Secretary of War is hereby authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by Act of Congress approved May (August) fifth, eighteen hundred and fifty-four, in payment of expenses incurred and now actually paid by the State of California for the suppression of Indian hostilities within the said State prior to the first day of January, A. D. eighteen hundred and fifty-four, under the following restrictions and regulations: before any bonds shall be redeemed by the Secretary of War they shall be presented to the Board of Commissioners appointed by the Legislature of said State, by an Act approved April nineteenth, eighteen hundred and fifty-six, and the amount due and payable upon each bond be indorsed thereon by said Commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed it shall be his duty to draw

his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said Commissioners upon the Secretary of the Treasury, who is hereby directed to pay the same; *provided*, that said amount in the aggregate shall not exceed the amount of money appropriated by Act of Congress approved August fifth, eighteen hundred and fifty-four; said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled.

The Commissioners were met at the threshold by an unforeseen complication, which rendered it impossible for them to comply strictly with the terms of the Act of the Legislature; for by that Act they were compelled, as has been seen, to allow interest up to the time of presentation of the bonds, while by the ruling of the Third Auditor, which ruling was affirmed by the Secretary of War, interest could only be allowed up to the first of January, eighteen hundred and fifty-four. Thus it happened that no provision was made for the interest between that time and September first, eighteen hundred and fifty-six, when the Commissioners advertised for surrender of bonds. The ruling of the Third Auditor rendered it unnecessary, as the Commissioners truly say, to give preference to the bonds of eighteen hundred and fifty-one, for by only paying interest up to January first, eighteen hundred and fifty-four, the congressional appropriation would be more than sufficient for the purpose. In order to present this matter in its clearest light, we give below the decision of the Third Auditor, with that of the Secretary of War, in affirmation (Report of Committee on Finance, in Appendix to Senate and Assembly Journal, fourteenth session):

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, }  
September 3d, 1856. }

HON. JEFFERSON DAVIS,  
Secretary of War:

SIR:—I have the honor to submit herewith for your consideration and decision a communication addressed to me to-day by J. W. Denver and Samuel B. Smith, Esq., California War Debt Commissioners, inclosing a copy of a letter from them to you of the thirtieth ultimo.

In these communications the Commissioners raise two points relative to the payment of the war bonds issued by the State of California, the redemption of which is provided for by the Acts of the fifth of August, eighteen hundred and fifty-four, and eighteenth of August, eighteen hundred and fifty-six, to wit:

*First*—Whether interest upon the bonds will be allowed for any time beyond the first day of January, eighteen hundred and fifty-four, to which it is calculated?

*Second*—Whether any war bonds will be redeemed (upon Commissioners certifying them to be genuine, due, and payable) that were issued by the State of California in the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, in payment of expenses incurred in the suppression of Indian hostilities in said State; or, in other words, whether the money appropriated by the Act of Congress of the fifth of August, eighteen hundred and fifty-four, can be applied to the payment of indebtedness accruing against the State of California, either as principal or interest, since the first day of January, eighteen hundred and fifty-four, *the same not having been included in the estimate on which the appropriation was made?*

In submitting these points, I take the liberty of expressing the following opinion:

*First*—If the result of the investigation now going on in this office shall show that the sum appropriated by the Act of eighteen hundred and fifty-four will be sufficient to pay the principal of the seven and twelve per cent war bonds and interest beyond the first day of January, eighteen hundred and fifty-four, then, in my judgment, such interest can be paid to the extent of the appropriation, up to and not beyond the fifth of August, eighteen hundred and fifty-four, the day the law was approved by the President; otherwise, not. But if the appropriation shall turn out to be insufficient for the satisfaction of the bonds, with interest, to the first day of January, eighteen hundred and fifty-four, then, in my opinion, they be paid pro rata to the extent of the appropriation.

*Second*—The admission of the Commissioners, that the war bonds issued in eighteen hundred and fifty-four and eighteen hundred and fifty-five, either principal or interest, were not included in the estimate upon which the appropriation was made in the Act of

the fifth of August, eighteen hundred and fifty-four, is, in my judgment, conclusive on this point.

I cannot see how the amount thus appropriated can be applied to any object outside the estimate upon which it was based, unless expressly directed by the supplemental Act of the eighteenth of August, eighteen hundred and fifty-six.

The latter Act contains no such special direction, and the bonds issued in eighteen hundred and fifty-four and eighteen hundred and fifty-five, are therefore clearly excluded from all the benefits of the original appropriation.

I am, with great respect,

Your obedient servant,

W. H. S. TAYLOR,  
Acting Auditor.

The following is the decision of the Honorable Secretary of War upon the foregoing report:

I concur in the view of the Third Auditor, as to the date to which interest may be calculated, and entertain no doubt as to the inapplicability of the appropriation to bonds issued after the date of the appropriation Act of August fifth, eighteen hundred and fifty-four, as it provided only for expenses which had been incurred prior to the first of January, eighteen hundred and fifty-four, in the suppression of Indian hostilities within the State of California. Should the appropriation be inadequate to meet the obligation for which it was provided, then it will, of course, be necessary to pay pro rata.

JEFFERSON DAVIS,

Secretary of War.

WAR DEPARTMENT, September 4th, 1856.

It is thus seen that the Commissioners were precluded from complying with the strict terms of the law under which they were authorized to act, and that they were thus reduced to the alternative of carrying out their instructions as nearly as possible or of throwing up their trust, and thus saddling the State with a burden of constantly accruing interest. That they did wisely in accepting the former alternative your committee have little doubt.

In order, however, to make the action of the Commissioners perfectly clear, we have deemed it best to give their two reports in full, with the exception of the tables annexed to them. Their first report can be found on page six hundred and eighteen of Senate Journal, thirteenth session, where it is incorporated in report of Senate Finance Committee. Their second report is in Appendix to Senate Journal, eleventh session:

#### REPORT OF COMMISSIONERS OF CALIFORNIA WAR DEBT.

To His Excellency, J. NEELY JOHNSON,  
Governor of the State of California:

SIR: The Commissioners appointed by the Act of April nineteenth, eighteen hundred and fifty-six, to liquidate the war debt of the State, beg leave to report:

That in accordance with the provisions of said Act, so soon after the same as practicable they opened an office in the City of Washington and made application to the Secretary of War, as by said Act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred "by the State in suppression of Indian hostilities." As evidence of said indebtedness the Commissioners submitted a certified copy of the War Bond Register of said State, the various Acts of the Legislature authorizing the issuance of said bonds, and the Journals of the Legislature exhibiting the action of that body in relation to the same; proposing, further, to deliver him the bonds issued by the State before making requisition for said money. In reply, the Secretary of War stated in substance that the proofs submitted were insufficient; that he could not recognize the bonds as evidence of the indebtedness, but that the Act of Congress of August fifth, eighteen hundred and fifty-four, under which Act the appropriation was made, would require him to go into an examination of the original vouchers. As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced at our instance directing the Secretary of War to pay over the full amount of the appropriation as directed

by the Legislature of the State of California. The bill meeting with violent opposition influenced to a great extent by the holders of the seven per cent bonds, who felt aggrieved at the manner of distributing the appropriation directed by said Act, and being unwilling to give our sanction to any congressional action which might clash with the Act of the State of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc. As we had anticipated, the examination was delayed, and after several interviews with the accounting officers to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the State would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bondholders to a bill providing a pro rata distribution of the appropriation, viz: the payment of the principal of all the bonds issued prior to January first, eighteen hundred and fifty-four, and interest on the same up to that date. This bill passed. Immediately upon its passage the Commissioners advertised for the redemption of said bonds in various daily papers, a list of which will be found in the minutes of the Commissioners accompanying this report, which advertisement directed that all bonds should be presented to the Commissioners before the first day of September, after which date they would cease to bear interest. Upon an examination of the Act we found a mistake had occurred which apparently left to the Commissioners the power of carrying out the direction of the State in the disbursement of the appropriation. We immediately applied to the Secretary of War, asking his construction of the Act. It will be seen by reference to the correspondence which accompanies this report that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the first of January, eighteen hundred and fifty-four, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the seven and twelve per cent bonds, and superseded the necessity of advertising for bids as directed by the Act of California.

Under the instruction of the Secretary of War the Commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal and interest, due thereon up to the first day of January, eighteen hundred and fifty-four. The full amount certified to by the Commissioners is as follows:

Of twelve per cent bonds, principal, one hundred and seventy-seven thousand dollars; interest on the same, fifty-five thousand six hundred and eighty-three dollars and ninety-seven cents. Of seven per cent bonds, principal, five hundred and fifty-nine thousand seven hundred and fifty-dollars; interest on the same, forty-eight thousand two hundred and fourteen dollars and sixty-eight cents. Amounting in all to eight hundred and forty thousand six hundred and forty-eight dollars and sixty-five cents—a full statement of which accompanies this.

The full amount paid by the United States Government up to the fifteenth day of November, eighteen hundred and fifty-six, is eight hundred and fourteen thousand four hundred and fifty-six dollars and eighty-four cents, as appears per statement of the Third Auditor, which accompanies this, leaving unpaid of the bonds at that time certified, twenty-six thousand one hundred and ninety-one dollars and eighty-one cents; of which, fifteen thousand two hundred and twenty dollars and twenty cents had been presented to the Secretary of War, the balance, ten thousand nine hundred and seventy-one dollars and sixty-one cents, still being in the hands of the holders. This amount has no doubt been paid in full. The interest coupons belonging to all the bonds presented to the Commissioners were detached from the bonds and distributed as follows:

Of seven per cent bonds, coupons one and two, up to January first, eighteen hundred and fifty-four, were attached to the bonds and have been paid; coupons three and four, up to January first, eighteen hundred and fifty-six, have been returned to the holders, stamped as follows: "California War Bond Coupon." Coupon number five, from January first, eighteen hundred and fifty-six, to January first, eighteen hundred and fifty-seven, similarly stamped, with the amount of interest due on the same up to September first, eighteen hundred and fifty-six, also stamped upon it, has also been returned to the holders. Coupons six, seven, eight, nine, and ten, representing the interest from January first, eighteen hundred and fifty-seven, to the maturing of the bonds, are returned to the State. Of twelve per cent bonds, coupons one, two, three, four, and five, representing the interest up to March first, eighteen hundred and fifty-four, were attached to the bonds, but were paid only up to January first, eighteen hundred and fifty-four, leaving on every bond a balance of twenty dollars, interest from January first to March first, eighteen hundred and fifty-four, due to the bondholder—for which amount the Commissioners gave their certificate, a copy of which accompanies this. Coupons six, seven, eight, nine, and ten, representing the interest due up to September first, eighteen hundred and fifty-six, have been returned to the owners; and the remaining coupons, numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, are returned to the State.

It will be seen that there are remaining unpaid of bonds issued prior to January first, eighteen hundred and fifty-four, of principal, fifty-nine thousand six hundred dollars; of interest to that date, about fourteen thousand dollars; total, seventy-three thousand six hundred dollars. There is remaining of the appropriation, eighty-three thousand six hundred and eleven dollars; leaving a balance on hand, over and above the bonds and

interest, up to January first, eighteen hundred and fifty-four, of not less than ten thousand dollars.

The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is one hundred and sixty-one thousand one hundred and twenty dollars and ninety-one cents. The entire amount of coupons returned to the State is three hundred and seventeen thousand seven hundred and twenty-seven dollars and ten cents. The bonds redeemed have been cancelled, and are now on file in the Treasury Department. The General Government, by recognizing the bonds, and by the payment of interest up to January first, eighteen hundred and fifty-four, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an Act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January first, eighteen hundred and fifty-four, a statement of which will be found accompanying this.

We cannot conclude our report without expressing our high appreciation of the services of Mr. A. J. F. Phelan, the Clerk of the Commission. His thorough knowledge of all the details connected with the origin of the war debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by the State, has very materially aided us in accomplishing all that has been effected toward the extinguishment of the debt.

All of which is respectfully submitted.

SAM. B. SMITH,  
J. W. DENVER,

Commissioners California War Debt.

SACRAMENTO CITY, January 5th, 1857.

#### FINAL REPORT OF THE COMMISSIONERS OF THE CALIFORNIA WAR DEBT.

To His Excellency, JOHN G. DOWNEY,

*Governor of California:*

SIR: The undersigned, Commissioners appointed by the Act of April nineteenth, eighteen hundred and fifty-six, to liquidate the war debt of the State, beg leave to state:

That since their last report, which was dated January fifth, eighteen hundred and fifty-seven, they have certified for redemption bonds and coupons amounting in all to fifty-seven thousand six hundred and thirty-three dollars and fourteen cents, which, added to the amount then reported—eight hundred and forty thousand six hundred and forty-eight dollars and sixty-five cents—makes up a total of eight hundred and ninety-eight thousand two hundred and eighty-one dollars and seventy-nine cents redeemed, leaving a balance outstanding of ten thousand nine hundred and fifty dollars in bonds, which last sum, together with the interest thereon to the first day of January, one thousand eight hundred and fifty-four, is fully provided for by the appropriation made by Congress. After these outstanding bonds and coupons shall have been redeemed there will still remain a balance of the appropriation unexpended amounting to about ten thousand dollars, but which will not be available to the State, as will hereafter be made to appear. This excess was caused by taking into the estimate on which the appropriation was made warrants or certificates issued before the first day of January, one thousand eight hundred and fifty-four, and not funded prior to that date.

By reference to our former report you will ascertain the difficulties we had to encounter at Washington when attempting to discharge the duties imposed on us by the Act under which we were appointed. That Act provided first for the payment of the whole twelve per cent bonds, with accruing interest up to the date of redemption, and to advertise for bids and give the preference to the lowest bidders among the holders of the seven per cent bonds; but under the construction given by the Secretary of War to the Acts of Congress referring to the appropriation, it was found impossible to carry out these provisions literally. None of the money appropriated could, under the construction referred to, be applied to the redemption of bonds issued after the first day of January, eighteen hundred and fifty-four, nor to the payment of interest accruing since that date. We had, therefore, to abandon the business altogether, or by conforming to the opinion of the Secretary of War, pay the principal and thereby stop the accruing interest.

As before shown, the sum appropriated by Congress was sufficient to pay all the principal and interest due on the first day of January, one thousand eight hundred and fifty-four. Having obtained the decision of the Secretary, we advertised and gave notice to the bondholders that we were ready to redeem the bonds and coupons due at that date (January first, one thousand eight hundred and fifty-four), and that all bonds would cease to bear interest after the first day of September, one thousand eight hundred and fifty-six. Accordingly, the bondholders came forward and in good faith gave up their bonds on our certificates, and received payment thereon. The coupons falling due between the first of January, one thousand eight hundred and fifty-four, and the first of September, one thousand eight hundred and fifty-six, which were unprovided for at the time the bonds were redeemed, amounting in the aggregate to the sum of one hundred and seventy-two thousand eight hundred and twenty-eight dollars and fifty-four cents, were retained by the

bondholders, but the coupons which would have become due after the first day of September, one thousand eight hundred and fifty-six, amounting to the sum of three hundred and forty-four thousand six hundred and sixty-nine dollars and seventeen cents, were given up, and are now in our possession, less those attached to the few bonds not yet redeemed. By the course thus pursued, we were enabled to relieve the State from this accruing interest, which would, as shown, had the bonds been allowed to come to maturity, have increased the debt three hundred and forty-four thousand six hundred and sixty-nine dollars and seventeen cents, and for the payment of which the faith and honor of the State is pledged.

No provision has as yet been made for the payment of the coupons yet outstanding, amounting to the sum of one hundred and seventy-two thousand eight hundred and twenty-eight dollars and fifty-four cents. The Act of February fifteenth, one thousand eight hundred and fifty-one, under which the twelve per cent bonds were issued, provided that the interest should be "payable annually or semi-annually," and the bonds were issued with semi-annual coupons attached. The Act of May third, one thousand eight hundred and fifty-two, under which the seven per cent bonds were issued, provided that the interest should be paid annually, and the bonds were issued with annual coupons attached. The Legislature has never made provision for the payment of any of this interest, although the whole amount has now been due more than three years.

Good faith on the part of the State requires that these coupons should be redeemed, either by issuing to the holders, as many of them have requested, bonds bearing interest, or by payment in cash. The latter course is preferable if the condition of the Treasury will permit, as the amount is long overdue; and under the provisions of the laws authorizing the issuance of the bonds, and by the terms of the bonds themselves the State was bound for the payment long since. Indeed, it is always better for the State to pay such indebtedness in cash if possible, and then to call on the General Government for remuneration, for by so doing officers will be held to a more strict accountability, accounts and vouchers will be subjected to a closer scrutiny, and, in consequence, Indian wars will not be too lightly engaged in.

The coupons heretofore referred to, which would have become due after the first day of September, one thousand eight hundred and fifty-six, are as stated, now in our possession. The law at present does not authorize us to make any disposition of them. We therefore ask for permission to turn them over to the State Treasurer, to be by him destroyed, or to make such other disposition of them as the Legislature may direct.

We also request that we may be relieved from all further duties under the Act by which we were appointed. There are only twenty-nine bonds of all descriptions now outstanding with which we would have anything to do, and the duty of certifying to them can very well be devolved on some of the State officers, to whom we might be authorized to deliver the books and papers of the commission.

Herewith we submit for your inspection a tabular statement, prepared by the very efficient Clerk of the Board, A. J. F. Phelan, Esq., which will be found full and comprehensive.

All of which is respectfully submitted.

J. W. DENVER,  
SAM. B. SMITH,  
Commissioners California War Debt.

SACRAMENTO CITY, January 30th, 1860.

It may be well to supplement the final report of the Commissioners by saying that Congress authorized the using up of the surplus of the original appropriation in the redemption of bonds issued subsequent to January first, eighteen hundred and fifty-four, (Statutes at Large, Volume XII, page 104) and that this was done to the extent of seven thousand six hundred and fifty (7,650) dollars of principal, (see official list in Appendix) with interest up to the time of presentation, leaving a surplus still of about ten thousand (10,000) dollars. This could not be utilized, because the estimate on which the appropriation was based included that amount of claims which had not been funded by the State prior to January first, eighteen hundred and fifty-four.

To state in a few words the action of the Commissioners, they indorsed as correct the bonds with interest up to January first, eighteen hundred and fifty-four; and to the holders of the bonds of eighteen hundred and fifty-one, the coupons of which fell due in September and March, they gave a certificate of indebtedness for the interest from January first, eighteen hundred and fifty-four, to March first, eighteen hundred and fifty-four, they detaching and keeping this March coupon. Instead of

giving certificates to the holders of the bonds of eighteen hundred and fifty-two for the interest from January first, eighteen hundred and fifty-six, to September first, eighteen hundred and fifty-six, they stamped the amount of this interest on the coupon that fell due January first, eighteen hundred and fifty-seven. The coupons of the bonds of eighteen hundred and fifty-one, from March first, eighteen hundred and fifty-four, to September first, eighteen hundred and fifty-six, inclusive, and those of the bonds of eighteen hundred and fifty-two, from January first, eighteen hundred and fifty-four, to January first, eighteen hundred and fifty-seven, inclusive, (the latter having stamped on them the interest of September first, eighteen hundred and fifty-six) were detached and surrendered to the bondholders, and it is these coupons so detached, and those certificates of indebtedness, which are urged by their holders as being valid obligations of the State.

The coupons of the bonds of eighteen hundred and fifty-one, representing the interest from September first, eighteen hundred and fifty-six, to maturity, and the coupons of the bonds of eighteen hundred and fifty-two, representing the interest from January first, eighteen hundred and fifty-seven, to maturity, were detached and retained by the Commissioners, and amounted according to their final report to three hundred and forty-four thousand six hundred and sixty-nine dollars and seventeen cents. These were destroyed by the Military Committee of both Houses, in accordance with concurrent resolution (Senate Journal, 12th session, page 779). It will be seen on referring to the report of the committee, that the coupons destroyed amounted to the sum of three hundred and twenty-seven thousand two hundred and seven dollars and ninety-eight cents. The seeming discrepancy between these figures and those of the Commissioners is easily reconciled, when we call to mind the fact of the January, 'fifty-seven, coupons being surrendered to the bondholders with the interest stamped on it from January first, eighteen hundred and fifty-six, to September first, eighteen hundred and fifty-six. It is plain, therefore, that the coupons destroyed by the Committee would not be as great as the amount returned by the Commissioners by so much interest on the bonds of eighteen hundred and fifty-two as had accrued between September first, eighteen hundred and fifty-six, and January first, eighteen hundred and fifty-seven.

#### HISTORY OF THE CLAIMS.

None of the bonds of eighteen hundred and fifty-one have ever been presented to the Legislature for redemption until the present session, there being a bill now pending for the payment of bond Number Thirty-four, issued April first, eighteen hundred and fifty-one. It seems that a duplicate was issued for this bond to John C. Johnson, by Act of April thirtieth, eighteen hundred and fifty-three (Statutes 1853, page 130), and it is certain that the original has been paid. The claim is accompanied by a number of papers, among them being an affidavit on the part of the holder of the bond, who claims himself to be an innocent purchaser for value, and a letter from the Board of War Debt Commissioners in support of their action in refusing to certify to the correctness of the bond. As the recommendation of this report renders it unnecessary for us to pass upon the validity of this claim, we have not devoted to it any special study.

As to the bonds of eighteen hundred and fifty-two, the Legislature have made appropriations for their payment as follows:

In eighteen hundred and sixty-five and sixty-six (page 516 of Statutes), principal and interest in full.....	\$32,500 00
In eighteen hundred and sixty-seven and sixty-eight (page 468 of Statutes), principal and interest in full.....	\$1,765 00
In eighteen hundred and sixty-nine and seventy (page 698 of Statutes), principal and interest in full.....	\$2,380 00

When the bonds alone were first presented to the Legislature in eighteen hundred and sixty-five and sixty-six, the question of their constitutionality being raised, the matter was submitted to the Judiciary Committee of the Assembly, who decided them, with but one dissenting voice, to be constitutional and valid. (See Report in third volume of Appendix to Senate and Assembly Journals, sixteenth session.) A minority report was made by Mr. Luttrell, the present representative in part of the County of Siskiyou on the floor of the Assembly. This gentleman, however, recommended that a Commission be appointed to investigate the amount and character of the Indian war indebtedness of the State, and report the result to the ensuing Legislature. (See Report in Appendix, as above.) This recommendation was so far concurred in as that a committee was appointed, of which Mr. Luttrell was made Chairman. The committee, however, renewed the recommendation previously made by their Chairman, and so the matter came to naught. (See Report in Assembly Journal, sixteenth session, page 630).

No provision has ever been made for the payment of the coupons and certificates, though strenuous efforts have been made to induce such action. This seems singular, as the various committees to whom the matter was from time to time referred reported in favor of their payment.

The first time these claims were presented to the Legislature was in eighteen hundred and sixty. In that year, Governor Weller called the attention of the Legislature to the matter, and recommended that "prompt provision be made for the payment of these just demands." (See his Message in Senate Journal, eleventh session.) A bill was introduced in the Senate in accordance with this recommendation, and referred to the Committee on Claims, who reported unanimously in favor of the payment of the coupons. They conclude their report as follows:

The laws authorizing the issuance of the bonds provided that the interest should be paid on the twelve per cents, semi-annually, on the first days of March and September of each year, and on the seven per cents, annually, on the first day of January of each year, from and after their issuance. The bonds carried this pledge upon their face; the coupons attached promised the same. The bonds were transferable by delivery, and no doubt passed through many different hands. Parties purchasing had a right to expect that the interest would be paid by the State as set forth on the face of the bonds. They were signed by the Controller and Treasurer of State, indorsed by the Governor, stamped with the seal of State, and it is strange that the solemn pledge of the State should not ere this have been fulfilled.

A majority of the holders of this indebtedness have, however, as your committee are informed, expressed a willingness to surrender their evidences of indebtedness, that is to say, their unpaid coupons and certificates, and receive in lieu thereof bonds of the State payable at some future date. Certainly the State cannot refuse to do this. In response to this your committee have prepared a bill, which is herewith reported, authorizing the funding of this debt and the issuance of bonds payable in the year one thousand eight hundred and seventy, bearing interest at the rate of seven per cent per annum, containing a provision that if the General Government shall make provision for the payment of the same at an earlier date, the State shall have the privilege of calling them in by giving sixty days notice, from and after which time they shall cease to bear interest.

In recommending the passage of this bill, your committee have only to add that they feel that at best the State has been strangely tardy in providing for the payment of this indebtedness, and they hope that the same may be favorably and at once considered by the Senate.

These claims were not before the Legislature of eighteen hundred and sixty-one, so far as we can ascertain; but in eighteen hundred and sixty-two Governor Downey drew attention to them in his annual message of that year, as follows (Senate Journal, thirteenth session, page thirty-four:)

There is still due and unpaid the sum of two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents, on account of the Indian war debt, incurred prior to eighteen hundred and fifty-four, and for which an appropriation was made by Congress of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (more than ample at the time to meet the whole war debt.) This balance against the State on this account is mainly owing to the ruling of the Secretary of War, who refused to transfer the amount thus appropriated, declining to recognize the bonds as evidence of this debt, but requiring proof of the indebtedness by the production of the original accounts and vouchers, which in many instances had become quite impossible. Under this ruling of the Secretary interest of two years was suffered to accumulate, and the result has been this unpaid balance—consisting of interest on coupons—the sum of one hundred and seventy-two thousand eight hundred and sixty-eight dollars and fifty-four cents; bonds remaining unpaid, thirty-eight thousand one hundred dollars; interest due on the latter, seven thousand five hundred dollars; total, two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents. These bonds mature in eighteen hundred and sixty-two. The faith of the State is pledged to their payment; and if Congress will not assume this debt, as it properly should, the State ought to make provisions for its liquidation.

This portion of the Governor's message was referred by the Assembly to a special committee, who reported as follows:

MR. SPEAKER:—Your Committee to whom was referred that part of Governor Downey's Message relating to the balance due on account of Indian War Debt, report:

That they find that there is now outstanding about two hundred and twenty thousand dollars of the old Indian war debt, consisting of war bonds, coupons, etc., for the payment of which the faith and credit of the State has been pledged, as will appear by an Act passed May second, eighteen hundred and fifty-two, and other Acts supplementary thereto, under which said bonds were issued.

That said bonds become due and payable on the second day of May, eighteen hundred and sixty-two, and no provision has been made for the payment thereof.

That they have conferred with some of the holders of the aforesaid indebtedness, who claim they are entitled to the money when the same becomes due; but knowing that, from the present condition of State finances, it is impossible to meet this indebtedness with cash, they are willing to accept bonds of the State therefor.

That your committee recommend, as the best mode of settling the aforesaid indebtedness, that bonds of the State be issued, drawing interest at the rate of seven per centum per annum, payable in ten or twenty years, or out of any appropriation that may be made by the Federal Government before the lapse of said term, and respectfully submit the accompanying Act for that purpose for your consideration.

This report is signed by the whole committee of five (5), one of the number being Mr. McCullough, who subsequently became Attorney General, and another, Mr. Machin, who subsequently became Lieutenant Governor. A bill was introduced in the Senate providing for the funding of the coupons, as recommended by the Assembly committee, which bill was referred to the Committee on Finance, who reported unanimously in favor of the bill. Their report concludes as follows (Senate Journal, thirteenth session, page 623):

The Assembly bill provides for issuing bonds for the bonds and interest due thereon, issued *subsequent* to the first day of January, eighteen hundred and fifty-four, and would leave the bonds and interest due on those issued prior to that date unprovided for. This would be manifest injustice to the holders of the coupons on the old bonds. The State has

pledged her faith and credit to pay them if the General Government did not provide for their payment before they fell due. This the General Government has failed to do, and the holders of the coupons look to the State to comply with her obligations. Your committee think the State should not in the first place have taken the course she did in making herself liable for these debts; but having done so, her honor and credit require that she should immediately provide for meeting her obligations.

Some fault has been found with the Commissioners by some parties for returning the unpaid coupons to the bondholders. These coupons could not be paid by the terms of the Act of Congress, and the amount thereof being due to the holders, and no provision having been made to pay them, they certainly were entitled to have what belonged to them. And had it not been for the second Act of Congress providing for the manner of settlement, a very large portion of these bonds and interest thereon would not have been paid by the congressional appropriation; but the holders would have a just and legal claim for them against the State, which she could not have avoided paying. Therefore, instead of any injury arising from such action to the State, she was saved several hundred thousand dollars. These coupons were long since due. They, of course, draw no interest; but the bonds to which they were attached falling due on the second day of May next, they should be settled. Congress may at some future day provide for their payment; but the holders look first to the State. We therefore recommend the passage of the Assembly bill, with several amendments herewith presented.

The Adjutant General of the State was called on for information by resolution of the Assembly at this same session of the Legislature, and his report can be found in Appendix to Senate and Assembly Journals of the thirteenth session. He gave an opinion adverse to the payment of the coupons by the State, for the reason that the General Government had assumed their payment, and for the further reason that the Commissioners should have calculated the interest up to the time of presentation, and then made a final settlement with the holders by dividing the appropriation pro rata. As answer to these objections, it can very well be replied that whether the Government assumed the debt or not, it certainly has not paid it; and as to the action of the Commissioners, it seems clear from what has gone before that they could not do what General Kibbe says they ought to have done. But suppose they *had* done so, would there not have still resulted a balance in favor of the bondholders, for which the State would have been liable? The Legislature, however, rejected the recommendation of their committees, and the bill to fund the coupons failed to become a law.

In eighteen hundred and sixty-three these claims were again presented (the Governor, Stanford, including them in his annual message, as, indeed, he did the following year, as being a part of the State debt), and were referred to the Senate Committee on Finance. This committee divided, the Chairman, Mr. Perkins, together with Mr. Doll, presenting the most elaborate report that had yet been made on the subject, and Mr. Birdseye and Mr. Gaskill reporting adversely. These reports can be found in Appendix to Senate and Assembly Journals of the fourteenth session. In the report of Senators Birdseye and Gaskill the following paragraph occurs, which we deem well to quote:

When these Commissioners arrived in Washington, by the consent and through the influence of the bondholders, they obtained the passage of an Act of Congress, which took the matter entirely out of the control of the State, diverted the money from the State Treasury directly to the bondholders, deprived the State of the right to call in her bonds under sale to the lowest bidders, ignored the State in the premises, set aside her trust, and destroyed her agency.

The reply to this, as your committee think, can be found in the extracts which we have made from the messages of Governors Bigler and Johnson, and from the reports that have been quoted.

If the decision of the Secretary of War in construction of the Act of eighteen hundred and fifty-four had been acted on, and the money had been paid directly into the State Treasury, the State would, very likely, have failed to realize from it the face of her bonds, and for the balance she would have been liable to the bondholders; so that the congressional Act of eighteen hundred and fifty-six was directly in her interests. Her bonds had been regularly issued upon her faith and credit, and she was in honor bound to pay them to the last farthing.

The Commissioners could not have been deemed to act in bad faith or to the prejudice of the interests of the State, for these same Commissioners were authorized by the Legislature in eighteen hundred and sixty-one (page 298 of Statutes), to adjust with the General Government the war debt of eighteen hundred and fifty-seven. Indeed, Governor Johnson, in his annual message, dated January first, eighteen hundred and fifty-seven, speaks as follows:

The Commissioners of the War Debt \* \* have discharged their duties with fidelity to the interests of the people they represented, and with most agreeable results in the adjustment of this indebtedness.

This indorsement, together with the fact that these same Commissioners were again detailed for a similar duty, and with the further fact, that there is nothing in any of the reports that tends to prove that they acted any otherwise than honestly, demonstrate satisfactorily to your committee that they did what they deemed best for the interests of the State.

Your committee would further state that they have failed to find any evidence of the Commissioners having colluded with the bondholders, as is charged in the extract from the report which has been given above.

In this same year (1863) the Treasurer brought the matter of these unpaid coupons and certificates to the attention of the Governor in his annual report, and after treating the subject at some length, concludes by saying that "the State is in honor bound to pay those detached coupons, and whatever of the bonds that remain unpaid" (see Treasurer's Report in Appendix to Senate Journal, fourteenth session).

At the next session of the Legislature (that of 1863-64) the project was again brought forward to fund this indebtedness, a bill being introduced in the Senate for this purpose, and referred to the Committee on Claims, a majority of whom made the following report. (See Report of committee in Appendix to Senate Journal, fifteenth session). The minority report can be found in the same place:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 59, "An Act entitled an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose," have had the same under consideration and ask leave to report:

That they find there is now outstanding about two hundred and twenty thousand dollars of the old Indian war debt, evidenced by and consisting of war bonds and coupons, for the payment of which the faith and credit of the State has been pledged, as will fully appear by an Act passed May second, eighteen hundred and fifty-two, and other Acts supplemental thereto, under which said bonds were issued.

That said bonds, by the terms of said Acts, became due and payable on the second day of May, eighteen hundred and sixty-two, and no provision has been made for the payment thereof. The holders of said bonds and coupons have applied to former Legislatures to provide some way for the settlement of the aforesaid indebtedness, and your committee have carefully examined the proceedings of the various committees to whom the matter has been heretofore referred, and have been unable to discover any well founded objection to any part of this claim; on the contrary, all the arguments which have been adduced based upon facts militate strength in favor of the justice thereof.

In eighteen hundred and sixty-two the subject was discussed by Governor Downey in his annual message, in which he says, after summing up the total amount of this indebtedness—making it two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents (\$218,468 54): "These bonds mature in eighteen hundred and sixty-two; the faith of the State is pledged to their payment, and if Congress will not assume this debt, as it properly should, the State should make provisions for its liquidation"—which part of the Governor's message was referred to a select committee of the Assembly, who, after a thorough examination of the subject, reported a bill similar to the one which your committee have considered and recommended its passage. Said special committee consisted of the present Lieutenant Governor of the State, the present Attorney General, and Messrs. Hillyer, Morrison, and Worthington.

The holders of these bonds and coupons claim that they were entitled to the money therefor when the same became due, but, owing to the embarrassed condition of the finances of the State, they have been and now are willing to accept bonds of the State therefor, as provided in the bill referred to your committee.

Your committee is of opinion that the settlement of these claims with the holders cannot longer be delayed without great injury to the credit and a serious violation of the faith of the State, which has been unconditionally and unqualifiedly pledged for their redemption.

Therefore they report back the bill and recommend its passage.

This report is signed by John P. Jones, W. E. Lovett, and George S. Evans—the latter gentleman being an honored Senator of the now sitting Legislature.

A minority report was also submitted, which recommended the payment of the bonds, but disagreed with the majority report as to the payment of the coupons.

This report speaks of "notorious frauds committed in the issue of these bonds," and yet the gentlemen who sign it recommend the payment of the bonds, but would refuse payment of the coupons.

It seems to your Committee that to be consistent they should have reported against the bonds, as they did against the coupons. But really, this question of fraud could only be considered when the bonds were in process of issue, and not after they had been put into circulation and had passed through many hands. Under such circumstances, a negotiable instrument is conclusively presumed to have passed for a valuable consideration and to be free from fraud. But if any fraud was ever perpetrated, your Committee have failed to find evidence of it in the official reports.

As this minority report speaks of the failure of the congressional appropriation to pay the detached coupons, your Committee deem it well to give the true history of this matter, as it is given by Adjutant General Kibbe, who was himself an actor in the scene. The following extract is taken from his report, attention to which report has already been directed:

I had the honor of presenting this whole matter to the Committee on Military Affairs of the United States Senate, while in Washington last year, explaining the same to them; in which explanation I satisfied the committee that Congress had virtually assumed this portion of the debt (the interest), by Act of August, eighteen hundred and fifty-six, and *that* committee reported, as an amendment to the Army Appropriation Bill, the following, viz:

"For the payment of the coupons outstanding and now unpaid accruing between the first day of January, eighteen hundred and fifty-four, and the sixteenth day of August, eighteen hundred and fifty-six, upon the bonds of the State of California, issued for the payment of expenses incurred in the suppression of Indian hostilities prior to the first day of January, eighteen hundred and fifty-four, the redemption of which bonds was authorized by Acts of Congress, of August fifth, eighteen hundred and fifty-four, August eighteenth, eighteen hundred and fifty-six, and June twenty-third, eighteen hundred and sixty, one hundred and seventy-seven thousand one hundred and ninety-six dollars and twenty-three one-hundredths; said coupons to be certified by the Third Auditor of the Treasury to be those designated by this section to be paid by the Secretary of War to the holders thereof."

But it being asserted by Senators that many of these coupons had been purchased for a nominal sum, and were mainly held by a banking house in Washington, the amendment did not prevail.

Whether this assertion of Senators was true or not, and your committee doubt if it was, the fact remains that these detached coupons successfully withstood the scrutiny of a Congressional Committee, and were defeated because of statements very probably made at random. But admitting the statement to have been true, it does not relieve the State, as your committee think, from her obligation to pay. It would certainly be a new doctrine to hold that a debtor should be relieved from his indebtedness because his obligations went begging in the market. Under such circumstances your committee think that the debtor should make all the more effort to satisfy the demands of his creditors.

The bill again failed, and the coupons and certificates were not presented again until the year eighteen hundred and seventy-one, when they were laid before the Board of Examiners, under the provisions of the Act which provided for their consideration of claims not otherwise provided for by law. The Board of Examiners recommended that some competent person be appointed whose business it should be to investigate the whole matter of Indian war bonds and coupons and report to the Governor within ninety days, the Board to use the report as a basis of audit. This recommendation, however, was not concurred in by the Legislature.

The amount of coupons and certificates laid before the Board is as follows:

Coupons and certificates, by voucher.....	\$42,706 88
Coupons and certificates, by schedule.....	34,708 55
Total.....	\$77,415 43

#### REASONS FOR PAYING THE CLAIMS.

The claimants give the following reasons, among others, for urging the payment of these claims, and taken in connection with what has gone before, your committee deem them conclusive:

That the bondholders had good reason to believe when they surrendered their bonds that Congress would make an appropriation to pay the coupons, and not having done so, the State is bound by virtue of her contract with those who took her bonds.

That the principal not having been paid until September first, eighteen hundred and fifty-six, the bondholders were clearly entitled to interest up to that time; instead of that they were only paid up to January first, eighteen hundred and fifty-four, and this not by virtue of any composition on their part, but because of the rigid rule laid down by the War Department in its construction of the Acts of Congress of eighteen hundred and fifty-four and eighteen hundred and fifty-six.

That the bonds of eighteen hundred and fifty-one and eighteen hundred and fifty-two were as valid and as negotiable as any bonds could be, for they were issued upon the faith and credit of the State.

That there was no fraudulent collusion of the bondholders and Com-

missioners, for the State authorities recognized the conduct of the latter as having been wise and honest.

That had the bondholders not surrendered their bonds the State would have been bound to pay not only the interest between January, eighteen hundred and fifty-four, and September, eighteen hundred and fifty-six, but the whole interest to maturity, which latter was saved, and amounted to more than three hundred thousand dollars.

That the bondholders did not waive nor have they ever waived the interest between January, eighteen hundred and fifty-four, and September, eighteen hundred and fifty-six; nor did they yield up this interest in the way of satisfaction; that is, they did not agree to take nor had they any intention of taking the principal of their debt with interest up to January first, eighteen hundred and fifty-four, in satisfaction of their whole debt; that the fact of their coupons having been surrendered to them proves this beyond the possibility of a doubt.

That the last Legislature paid some of the old issue of the bonds of eighteen hundred and fifty-two, with interest in full, and that this, as a precedent, should have great weight, from the fact, that by the surrender in eighteen hundred and fifty-six, over three hundred thousand dollars in interest was saved the State; and that it would be gross injustice to pay those parties in full whose refusal to surrender their bonds in eighteen hundred and fifty-six cost the State increased interest, while depriving others of the interest which their principal indubitably earned, and by whose course the State was saved a very large amount.

That it is idle to say the bonds were fraudulently or improvidently issued, as such instruments after having been put in circulation cannot be affected by such considerations; that granting that the coupons have passed from hand to hand for insufficient consideration (of which there is no proof); this is not to be wondered at when the State has so persistently postponed their liquidation; and that if such is the case, it would not be the only instance in life in which necessity or deferred hope has caused the owner to part with a thing of value for an insufficient consideration; but that some of the bondholders have not parted with their coupons, and still retain them.

That the agent always binds his principal when acting within the scope of his authority; that the Commissioners, acting within the scope of their authority, returned to the bondholders these detached coupons stamped with their stamp, and for others gave certificates of indebtedness; that by so doing they acknowledged these instruments as being an unliquidated and valid demand against the State, and that by such acknowledgment the State (their principal) is bound.

That the State authorities knew of the course the Commissioners were pursuing, and could have repudiated their action; instead of that, they not only assented to it at the time, but applauded the conduct of the Commissioners afterwards; that this is conclusive of the objection that the Commissioners did not adhere to the very letter of their instructions, for it is well settled that when the principal assents to or subsequently confirms the action of his agent the principal is bound.

That the Commissioners deviated from the strict letter of their instructions in but two particulars: first, in not paying interest up to the time of presentation of the bonds; and secondly, in not advertising for bids for surrender of bonds. That as to the first, they were precluded from allowing interest up to the time of presentation, on account of the ruling of the War Department; and that as to the second, it would have been a useless expense to advertise for bids, for as the appropriation was more

than sufficient to pay the bonds with interest up to January first, eighteen hundred and fifty-four, every holder would have put in a bid at par. It follows, therefore, that the agent was forced to deviate somewhat from the letter, in order that he might preserve the spirit of his instructions, and that he did so with the knowledge and consent of his principal.

That the Governor is bound to see the laws faithfully executed, and if he saw the Commissioners acting in derogation of the statute defining their duties he could have repudiated their action or removed them, but that the Commissioners were not only sustained by the Governor, but applauded by him (See Governor Johnson's Message of eighteen hundred and fifty-seven, above referred to).

That the acts of the Commissioners were not only ratified by the Governor, but by the Legislature, as will be seen by the statute empowering the Board of War Debt Commissioners to adjust with the General Government the war indebtedness of eighteen hundred and fifty-seven, (Statutes of 1861, page 298); that it will be seen on referring to the first section of this Act that the Legislature acted upon the assumption that the Board were still in existence, and that it is plain that by laying upon the Commissioners further duties of the same kind previously performed, with full knowledge of the manner in which the trust was executed, that the Legislature thereby ratified the previous action of the agent of the State in the execution of such trust.

That the bonds and coupons were issued by the State with the express promise on her part to pay them if the United States Government did not, and that the latter having made default the former is bound.

That every Governor who has spoken officially and every committee to whom the claims have been referred (most of them unanimously, and only one in one instance evenly dividing) have urged their liquidation.

That the justice and validity of these claims have been acknowledged by the Legislature of this State, as will be seen by the following concurrent resolution (Statutes of 1859, page 381):

*Resolved by the Senate, the Assembly concurring,* That our Senators at Washington be instructed and our Representatives in Congress be requested to urge upon Congress the immediate payment of the Indian war debt due to citizens of this State.

*Resolved,* That a copy of these resolutions be forwarded by his Excellency, the Governor, to each of our Senators and Representatives, with as little delay as possible.

That it follows, as an irresistible conclusion, that to refuse payment of these claims is to repudiate a portion of the State debt.

#### AMOUNT OF INDEBTEDNESS OUTSTANDING.

As to the amount of indebtedness outstanding, your committee are enabled to give exact official information. From an examination of the Bond Register of the bonds of eighteen hundred and fifty-one and eighteen hundred and fifty-two, in the office of the Treasurer of State, it appears that bonds were issued as follows:

Bonds of 1851.....	\$200,000
Bonds of 1852.....	636,350

By the officially certified lists from the office of the Third Auditor at Washington, received within the past few weeks, it appears that the General Government has paid the principal of bonds as follows:

Bonds of 1851.....	\$197,000
Bonds of 1852.....	598,450

We are enabled, therefore, to construct the following tables:

Issue of 1851.....	\$200,000
Paid by General Government of principal.....	197,000
Outstanding of principal.....	\$3,000

Issue of 1852.....	\$636,350
Paid by General Government of principal.....	\$598,450
Paid by State, 1865-66, of principal.....	20,950
Paid by State, 1867-68, of principal.....	900
Paid by State, 1869-70, of principal.....	1,350
Outstanding of principal.....	\$14,700

The following is an exhibit of the bonds that were laid before the Board of Examiners. We have tabulated them so that they can be easily understood and readily referred to:

No. of Bond ...	NAME OF CLAIMANT.	WHEN ISSUED.	Principal .....	Interest to May 2d, 1862.....	Total Principal and Interest.....
305	E. W. Morse.....	Jan. 19th, 1854.....	\$100	\$57 96	.....
306	E. W. Morse.....	Jan. 19th, 1854.....	100	57 96	\$315 92
113	Samuel Scott.....	Feb. 3d, 1854.....	250	143 18	393 18
347	I. Wormser.....	Apr. 15th, 1854.....	100	56 30	.....
348	I. Wormser.....	Apr. 17th, 1854.....	100	56 30	.....
349	I. Wormser.....	Apr. 17th, 1854.....	100	56 30	468 90
340	M. S. Latham ..	Sep. 20th, 1854.....	100	53 29 $\frac{1}{4}$	.....
396	M. S. Latham ..	Aug. 26th, 1854.....	100	53 76 $\frac{1}{4}$	.....
374	M. S. Latham ..	May 13th, 1854.....	100	55 76 $\frac{1}{4}$	.....
373	M. S. Latham ..	May 13th, 1854.....	100	55 76 $\frac{1}{4}$	.....
372	M. S. Latham ..	May 13th, 1854.....	100	55 76 $\frac{1}{4}$	.....
141	M. S. Latham ..	Aug. 26th, 1854.....	250	134 40 $\frac{1}{2}$	.....
143	M. S. Latham ..	Aug. 26th, 1854.....	250	134 40 $\frac{1}{2}$	.....
142	M. S. Latham ..	Aug. 26th, 1854.....	250	134 40 $\frac{1}{2}$	.....
146	M. S. Latham ..	Sep. 14th, 1854.....	250	133 53 $\frac{1}{2}$	.....
416	M. S. Latham ..	May 13th, 1854.....	500	278 82 $\frac{1}{4}$	.....
145	M. S. Latham ..	Sep. 14th, 1854.....	250	133 53 $\frac{1}{2}$	3,473 43
128	Jay Cooke & Co.	July 15th, 1854.....	250	136 40	.....
129	Jay Cooke & Co.	July 21st, 1854.....	250	136 10	.....
130	Jay Cooke & Co.	July 21st, 1854.....	250	136 10	.....
134*	Jay Cooke & Co.	July 21st, 1854.....	250	93 38	.....
135	Jay Cooke & Co.	July 21st, 1854.....	250	136 10	.....
136	Jay Cooke & Co.	July 21st, 1854.....	250	136 10	.....
151	Jay Cooke & Co.	Oct. 18th, 1854.....	250	131 38	.....
329	Jay Cooke & Co.	Mar. 29th, 1854.....	100	56 63	.....
331	Jay Cooke & Co.	Mar. 31st, 1854.....	100	56 60	.....
332	Jay Cooke & Co.	Mar. 31st, 1854.....	100	56 60	.....
333	Jay Cooke & Co.	Mar. 31st, 1854.....	100	56 60	.....
340	Jay Cooke & Co.	Apr. 12th, 1854.....	100	56 36	.....
341	Jay Cooke & Co.	Apr. 12th, 1854.....	100	56 36	.....
353	Jay Cooke & Co.	Apr. 25th, 1854.....	100	56 11	.....
354	Jay Cooke & Co.	Apr. 25th, 1854.....	100	56 11	.....
355	Jay Cooke & Co.	Apr. 25th, 1854.....	100	56 11	.....
371	Jay Cooke & Co.	May 8th, 1854.....	100	55 86	.....
383	Jay Cooke & Co.	June 6th, 1854.....	100	55 31	.....
384	Jay Cooke & Co.	July 15th, 1854.....	100	54 55	.....
386	Jay Cooke & Co.	July 21st, 1854.....	100	54 44	.....
390	Jay Cooke & Co.	Aug. 7th, 1854.....	100	54 13	.....
391	Jay Cooke & Co.	Aug. 11th, 1854.....	100	54 05	.....
394	Jay Cooke & Co.	Aug. 19th, 1854.....	100	53 91	.....
420	Jay Cooke & Co.	July 15th, 1854.....	500	272 80	.....
433	Jay Cooke & Co.	June 21st, 1856.....	100	41 02	6,059 11

Total principal and interest up to May 2d, 1862, when bonds matured.....	\$10,710 54
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\* Some coupons lost from this bond.

The total principal is thus seen to be six thousand nine hundred and fifty dollars, and the total interest up to May second, eighteen hundred and sixty-two (the date of the maturity of the bonds), three thousand seven hundred and sixty dollars and fifty-four cents. We have made a careful comparison of these bonds with the numbers of those paid at Washington and by the State, and are satisfied that none of them have ever been paid, with the exception of Bond Number Three Hundred and Forty-seven, issued April fifteenth, eighteen hundred and fifty-four. By reference to the official list in Appendix, it will be seen that the General Government has redeemed a bond of that number and denomination. We do not know of any duplicate having been authorized by statute for this bond, nor does the register give more than the one number. In fact, the bond here corresponds exactly with that set out in the bond register. Both are for the same number and denomination, and both purport to have been issued to D. B. Kurtz, on the fifteenth of April, eighteen hundred and fifty-four. The question arises, how did this bond get here? Setting aside the improbability of any one counterfeiting the bond and all of its indorsements, including that of Kurtz, and the fact of its never having been in the office of the Third Auditor—for it lacks the indorsement of the War Debt Commissioners—we are driven to the supposition that the number Three Hundred and Forty-seven in the official list is a clerical error. At all events the bond is here, and bears every evidence of genuineness.

Our examination of Bond Number Four Hundred and Thirty-three for one hundred dollars disclosed the following singular state of facts: It appears that two bonds of one hundred dollars each, numbered four hundred and thirty-two and four hundred and thirty-three, were issued to A. W. Bee by Act of the Legislature approved May fourteenth, eighteen hundred and sixty-two (page 554 of Statutes), in lieu of Bonds Numbers Three Hundred and Forty-four and Three Hundred and Forty-five that had been issued November twenty-fourth, eighteen hundred and fifty-four, and that there is no record of any bond for one hundred dollars numbered Four Hundred and Thirty-three having been issued on June twenty-first, eighteen hundred and fifty-six. Of course, this bond could not be one of those issued to Bee, because his bonds were issued in eighteen hundred and sixty-two, and were to bear the same date, by the terms of the statute, as those bonds which he was to surrender, viz: November twenty-fourth, eighteen hundred and fifty-four. The suspicion attached to this bond is not relieved by the fact of its lacking the seal of the Treasurer, which its fellows exhibit; but as the genuineness of the bond will have to be passed upon in the process of funding, we deem it unnecessary to discuss the matter further.

If payment were made of the bonds above tabulated, there would still be outstanding of the bonds of eighteen hundred and fifty-one, three thousand dollars, being three bonds numbered One Hundred and Seven, One Hundred and Eight, and One Hundred and Forty-two, and of the bonds of eighteen hundred and fifty-two, seven thousand seven hundred and fifty dollars. As one half of these latter (three thousand eight hundred dollars) belong to the old issue of eighteen hundred and fifty-two, and were not presented to the War Debt Commissioners, and as but one thousand three hundred and fifty dollars of these have ever been presented to the Legislature, and none of them were laid before the Board of Examiners, it is but fair to presume that nearly half of the bonds of

eighteen hundred and fifty-two, still outstanding, will never be brought forward for payment.

Deeming the following table may be of some service, we have taken the pains to construct it, premising that the "old issue" of eighteen hundred and fifty-two, comprises those bonds that were issued prior to January first, eighteen hundred and fifty-four, and the "new issue," the bonds that were issued after that time:

Old issue of 1852.....		\$595,950
Paid by Government of principal.....	\$590,800	
Paid by State, 1868-70, of principal.....	1,350	
		592,150
Outstanding .....		\$3,800
New issue of 1852.....		\$40,400
Paid by Government of principal.....	\$7,650	
Paid by State, 1865-66, of principal .....	20,950	
Paid by State, 1867-68, of principal .....	900	
		29,500
Outstanding .....		\$10,900

The amount of the detached coupons is given by the Commissioners at one hundred and seventy-two thousand eight hundred and twenty-eight dollars and fifty-four cents, and by Adjutant General Kibbe at one hundred and seventy-seven thousand one hundred and ninety-six dollars and twenty-three cents. How General Kibbe arrives at these latter figures he does not tell us, nor do we deem it material to ascertain, even if we could do so. The Commissioners' figures are adhered to in all of the official reports; and besides, as many years have elapsed since the coupons were detached, your committee doubt if more than three fourths of them could be presented in shape for payment.

The whole indebtedness may be tabulated as follows:

Bonds of 1851, of principal.....	\$3,000 00
Bonds of 1852 (new issue), of principal.....	10,900 00
Bonds of 1852 (old issue), of principal.....	3,800 00
Detached coupons and certificates of indebtedness.....	172,828 54
Total.....	\$190,528 54

This amount will, of course, be somewhat greater when there is added to it the interest on the bonds to their maturity, but for reasons heretofore given we are convinced that many of the evidences of indebtedness will never be presented, and that the sum of one hundred and ninety thousand dollars is considerably more than the State will ever be called upon to pay.

The Redemption Registers in the Treasurer's office we found to be as incomplete as they are stated to be by the Board of Examiners, but it

will be an easy matter, by means of the official lists above referred to, to correct and complete them. The want of that information which these lists furnish seems to have been the motive that determined the conclusion of the Board of Examiners, it being deemed that this information could only be procured on the personal application of an agent of the State. After this determination, however, some of the claimants succeeded, after a delay of some months, in obtaining those official lists of which we have made such good use, and which we beg leave to append to this report as an appendix.

#### RECOMMENDATION.

The committee would therefore recommend in conclusion that the whole indebtedness be funded, the Funding Act to provide for the issue of bonds of the State to the amount of one hundred and ninety thousand dollars, with interest at the rate of seven per cent per annum. A tax of three fourths of a cent on each one hundred dollars will be amply sufficient for the purpose; indeed, this rate will doubtless prove to be too high in the course of a few years.

Thus, for an insignificant tax, would the State be finally relieved of an obligatory indebtedness that has vexed her for years, and her people receive yet another illustration of that nice sense of right which is no less necessary to the honor of a commonwealth than it is to that of an individual.

GEORGE C. PERKINS,	}	Senate Committee.
JOHN McMURRY,		
WILLIAM MINIS,		
HENRY LARKIN,		
STEPHEN WING.		

E. B. MOTT, JR.,	}	Assembly Committee.
JACOB WELTY,		
W. N. DE HAVEN,		
ROBERT BELL,		
J. H. COOPER,		
P. B. BACON,		
W. A. ALDRICH.		

## APPENDIX.

### LIST

*Of the California twelve per cent War Bonds paid by the United States under the Smith and Denver Commission, said Bonds being for the amount of One Thousand Dollars (\$1,000) each, and with interest upon the Coupons up to the 1st day of January, 1854.*

Number and date of Bond.		Number and date of Bond.		Number and date of Bond.	
1	April 1st, 1851.	30	April 1st, 1851.	59	April 1st, 1851.
2	April 1st, 1851.	31	April 1st, 1851.	60	April 1st, 1851.
3	April 1st, 1851.	32	April 1st, 1851.	61	April 1st, 1851.
4	April 1st, 1851.	33	April 1st, 1851.	62	April 1st, 1851.
5	April 1st, 1851.	*34	March 26th, 1851.	63	April 1st, 1851.
6	April 1st, 1851.	35	April 1st, 1851.	64	April 1st, 1851.
7	April 1st, 1851.	36	April 1st, 1851.	65	April 1st, 1851.
8	April 1st, 1851.	37	April 1st, 1851.	66	April 1st, 1851.
9	April 1st, 1851.	38	April 1st, 1851.	*67	April 1st, 1851.
10	April 1st, 1851.	39	April 1st, 1851.	68	April 1st, 1851.
11	April 1st, 1851.	40	April 1st, 1851.	69	April 1st, 1851.
12	April 1st, 1851.	41	April 1st, 1851.	70	April 1st, 1851.
13	April 1st, 1851.	*42	April 1st, 1851.	71	April 1st, 1851.
14	April 1st, 1851.	43	April 1st, 1851.	72	April 1st, 1851.
15	April 1st, 1851.	44	April 1st, 1851.	73	April 1st, 1851.
16	April 1st, 1851.	45	April 1st, 1851.	*74	April 1st, 1851.
17	April 1st, 1851.	46	April 1st, 1851.	75	April 1st, 1851.
18	April 1st, 1851.	47	April 1st, 1851.	76	April 1st, 1851.
19	April 1st, 1851.	48	April 1st, 1851.	77	April 1st, 1851.
20	April 1st, 1851.	49	April 1st, 1851.	78	April 1st, 1851.
21	April 1st, 1851.	50	April 1st, 1851.	79	April 1st, 1851.
22	April 1st, 1851.	51	April 1st, 1851.	80	April 1st, 1851.
23	April 1st, 1851.	52	April 1st, 1851.	101	April 9th, 1851.
24	April 1st, 1851.	53	April 1st, 1851.	102	April 9th, 1851.
25	April 1st, 1851.	54	April 1st, 1851.	103	April 9th, 1851.
26	April 1st, 1851.	55	April 1st, 1851.	104	April 9th, 1851.
27	April 1st, 1851.	56	April 1st, 1851.	105	April 9th, 1851.
28	April 1st, 1851.	57	April 1st, 1851.	106	April 9th, 1851.
29	April 1st, 1851.	58	April 1st, 1851.	109	April 9th, 1851.

\*These so noted were paid as duplicates in lieu of the original bonds.

## LIST OF WAR BONDS—Continued.

Number and date of Bond.		Number and date of Bond.		Number and date of Bond.	
110	April 9th, 1851.	148	May 24th, 1851.	185	July 25th, 1851.
111	April 9th, 1851.	149	May 24th, 1851.	186	July 25th, 1851.
112	April 9th, 1851.	150	May 24th, 1851.	187	July 25th, 1851.
113	April 9th, 1851.	151	June 10th, 1851.	188	July 25th, 1851.
114	April 9th, 1851.	152	June 10th, 1851.	189	July 25th, 1851.
115	April 9th, 1851.	153	June 10th, 1851.	190	July 25th, 1851.
116	April 9th, 1851.	154	June 10th, 1851.	191	July 25th, 1851.
117	April 9th, 1851.	155	June 10th, 1851.	192	July 25th, 1851.
118	April 9th, 1851.	156	June 10th, 1851.	193	July 25th, 1851.
119	April 9th, 1851.	157	June 10th, 1851.	194	July 25th, 1851.
120	April 11th, 1851.	158	June 10th, 1851.	195	July 25th, 1851.
121	April 21st, 1851.	159	June 10th, 1851.	196	July 25th, 1851.
122	April 21st, 1851.	160	June 10th, 1851.	197	July 25th, 1851.
123	April 21st, 1851.	161	June 10th, 1851.	198	July 25th, 1851.
124	April 21st, 1851.	162	June 10th, 1851.	199	July 25th, 1851.
125	April 21st, 1851.	163	June 10th, 1851.	226	July 25th, 1851.
126	April 21st, 1851.	164	June 10th, 1851.	227	July 25th, 1851.
127	April 21st, 1851.	165	June 10th, 1851.	228	July 25th, 1851.
128	April 21st, 1851.	166	June 10th, 1851.	229	July 25th, 1851.
129	April 21st, 1851.	167	June 10th, 1851.	230	July 25th, 1851.
130	April 21st, 1851.	168	June 10th, 1851.	231	July 25th, 1851.
131	May 24th, 1851.	169	June 10th, 1851.	232	July 25th, 1851.
132	May 24th, 1851.	170	June 10th, 1851.	233	July 25th, 1851.
133	May 24th, 1851.	171	June 10th, 1851.	234	July 25th, 1851.
134	May 24th, 1851.	172	June 10th, 1851.	235	July 25th, 1851.
135	May 24th, 1851.	173	June 10th, 1851.	236	July 25th, 1851.
136	May 24th, 1851.	174	June 10th, 1851.	237	July 25th, 1851.
137	May 24th, 1851.	175	June 10th, 1851.	238	July 25th, 1851.
138	May 24th, 1851.	176	July 25th, 1851.	239	July 25th, 1851.
139	May 24th, 1851.	177	July 25th, 1851.	240	July 25th, 1851.
140	May 24th, 1851.	178	July 25th, 1851.	241	July 25th, 1851.
141	May 24th, 1851.	179	July 25th, 1851.	242	July 25th, 1851.
143	May 24th, 1851.	180	July 25th, 1851.	243	July 25th, 1851.
144	May 24th, 1851.	181	July 25th, 1851.	244	July 25th, 1851.
145	May 24th, 1851.	182	July 25th, 1851.	245	July 25th, 1851.
146	May 24th, 1851.	183	July 25th, 1851.	268	April 8th, 1852.
147	May 24th, 1851.	184	July 25th, 1851.		

Third Auditor's Office, December 21st, 1871.

A true list:

VANDOREN, Clerk.

List of Seven per Cent California War Bonds paid by the  
United States.

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*First*—Bonds with interest upon the coupons up to the first of January, eighteen hundred and fifty-four:

One thousand dollar Bonds Numbers One to Three Hundred and Forty-one, inclusive.

Five hundred dollar Bonds Numbers One to Ninety, inclusive.

Five hundred dollar Bonds Numbers Ninety-two to One Hundred and Eighty-five, inclusive.

Five hundred dollar Bonds Numbers One Hundred and Eighty-seven to Three Hundred and Six, inclusive.

Three hundred dollar Bonds Numbers Three Hundred and Eight to Three Hundred and Ninety-nine, inclusive.

Two hundred and fifty dollar Bonds Numbers One to Sixty-eight, inclusive.

Two hundred and fifty dollar Bonds Numbers Seventy to One Hundred and Five, inclusive.

One hundred dollar Bonds Numbers One to One Hundred and Fourteen, inclusive.

One hundred dollar Bonds Numbers One Hundred and Sixteen to One Hundred and Thirty-one, inclusive.

One hundred dollar Bonds Numbers One Hundred and Sixty-four to Two Hundred and Eighteen, inclusive.

One hundred dollar Bonds Numbers Two Hundred and Twenty to Two Hundred and Sixty-seven, inclusive.

One hundred dollar Bonds Numbers Two Hundred and Seventy-two to Two Hundred and Ninety-six, inclusive.

*Second*—Bonds bearing date subsequent to the first of January, eighteen hundred and fifty-four, with coupons paid to the first of July, eighteen hundred and sixty:

Five hundred dollar Bonds Numbers Four Hundred and Three, Four Hundred and Nine, Four Hundred and Ten, Four Hundred and Eleven, and Four Hundred and Thirteen.

Two hundred and fifty dollar Bonds Numbers One Hundred and Eight, One Hundred and Nine, One Hundred and Ten, One Hundred and Twenty-one, and one Hundred and Twenty-two.

Two hundred and fifty dollar Bonds Numbers One Hundred and Twenty-three, One Hundred and Twenty-four, One Hundred and Twenty-five, One Hundred and Twenty-six, One Hundred and Forty, and One Hundred and Forty-nine.

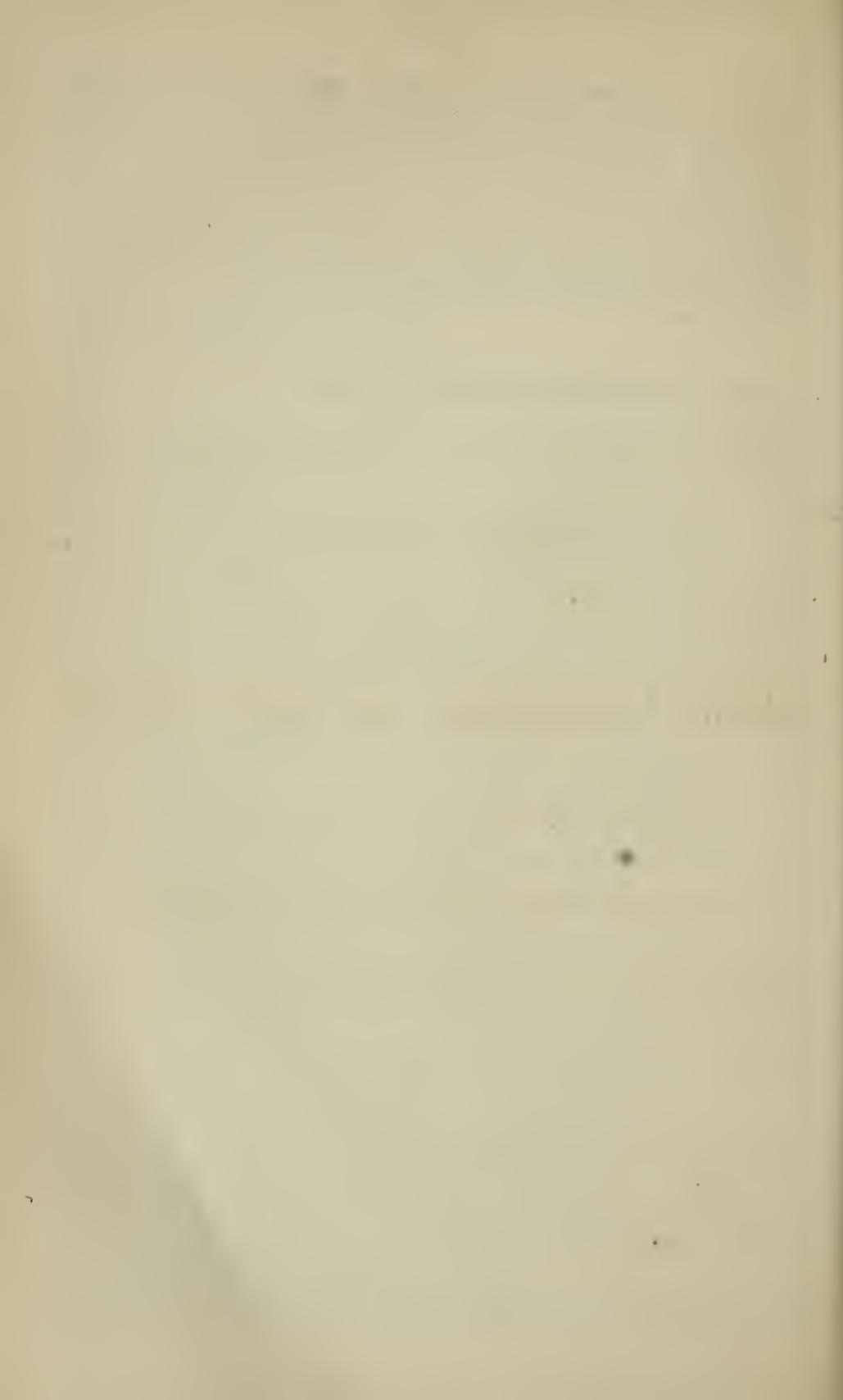
One hundred dollar Bonds Numbers Three Hundred and Two, Three Hundred and Twenty-four, Three Hundred and Twenty-five, Three

Hundred and Twenty-six, Three Hundred and Thirty-four, Three Hundred and Thirty-five, Three Hundred and Thirty-six, Three Hundred and Thirty-seven, Three Hundred and Thirty-eight, Three Hundred and Thirty-nine, Three Hundred and Forty-two, Three Hundred and Forty-three, Three Hundred and Forty-four, Three Hundred and Forty-five, Three Hundred and Forty-six, Three Hundred and Forty-seven, Three Hundred and Fifty, Three Hundred and Fifty-seven, Three Hundred and Fifty-eight, Three Hundred and Fifty-nine, Three Hundred and Sixty-six, Three Hundred and Seventy, Three Hundred and Seventy-five, and Three Hundred and Seventy-six.

A true list.

WM. THEO. VANDOREN, Clerk.

THIRD AUDITOR'S OFFICE, January 10th, 1872.



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REPORT

OF

Joint Committee on State Prison

RECOMMENDING CERTAIN PERSONS IN THE PRISON TO

EXECUTIVE CLEMENCY.

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T. A. SPRINGER.....STATE PRINTER.

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# REPORT.

WHEREAS, The Board of State Prison Directors, by their officers, have reported to the Legislature the names of the following persons confined in the State Prison as being, in their judgment, entitled to be set at liberty; said report having been made in accordance with the provisions of an Act approved March ninth, eighteen hundred and sixty-eight; now therefore,

*Resolved*, by the Assembly, the Senate concurring, That the Governor be requested and recommended to pardon the said following named prisoners:

Name.	County.	Year.	Crime.	Term.
3717—James Tivis.....	Colusa .....	1868..	Murder .....	30 years.
4657—George O'Connor.....	San Francisco..	1870..	Manslaughter .....	10 years.
4695—John Benson.....	Calaveras .....	1870..	Assault to rape.....	.2 years.
4904—Sol. W. Sonedecker....	San Mateo.....	1871..	Manslaughter .....	10 years.
4708—George Thompson.....	Yuba .....	1871..	Burglary and arson, second degree.....	.3 years.
4050—Francis Callahan.....	Klamath .....	1869..	Assault to murder.....	.7 years.
4936—Michael Frender.....	Amador.....	1871..	Murder second degree....	15 years.
4233—Robert Francis.....	Plumas .....	1869..	Murder second degree....	15 years.
4759—Thomas Haley.....	San Francisco..	1871..	Robbery .....	15 years.
4785—William Pierce.....	Sacramento.....	1871..	Burglary .....	10 years.
4954—Wesley Hess.....	Santa Clara.....	1871..	Grand larceny.....	.3 years.
3973—Charles Jones.....	Butte .....	1867..	Robbery .....	.8 years.
4557—James Taylor.....	San Francisco..	1870..	Robbery .....	10 years.
4046—Peter Quigley.....	Sacramento.....	1869..	Murder second degree....	13 years.
3942—W. H. Warren.....	Sacramento.....	1868..	Murder second degree....	20 years.
4990—Norman J. Thompson	Humboldt.....	1871..	Assault—deadly weapon..	.1 year.
3613—H. C. T. Rotger.....	Mariposa.....	1867..	Murder second degree....	10 years.
4704—Kate Murphy.....	Sonoma .....	1871..	Arson .....	.5 years.
4421—Charles Haley.....	San Francisco..	1870..	Burglary .....	.7 years.
3555—Frank Steinman.....	Placer.....	1867..	Murder second degree....	25 years.
3884—Eli Hanna.....	Nevada.....	1868..	Murder second degree....	25 years.
4551—John Hauser.....	Santa Clara.....	1870..	Murder second degree....	25 years.
4870—Thomas Corcoran.....	Sacramento.....	1871..	Arson second degree.....	.2 years.
4564—George Lowry.....	San Diego.....	1870..	Robbery .....	.5 years.
3762—A. E. Manning (2)....	San Francisco..	1868..	Attempt to mayhem.....	13 years.
4401—Thomas K. Hays.....	Tehama .....	1870..	Manslaughter .....	.6 years.
4337—Alex. P. Manor.....	Yolo .....	1870..	Burglary .....	.5 years.

Name.	County.	Year.	Crime.	Term.
4399—John M. May.....	Yolo .....	1870..	Kidnapping.....	.4 years.
3565—Augustus Tomeo.....	Nevada .....	1867..	Assault to rape.....	10 years.
4540—John Shaw.....	Santa Cruz.....	1870..	Assault to murder.....	.4 years.
3881—Walter C. Rhuefell..	San Bernardino	1868..	Grand larceny.....	.5 years.
4538—F. W. Voll.....	San Francisco..	1870..	Manslaughter .....	.8 years.
2574—I. W. Drisdorn.....	Amador.....	1863..	Murder second degree....	15 years.
2608—Louis Antonio.....	Calaveras .....	1863..	Grand larceny.....	10 years.
2683—D. C. Parks.....	Calaveras .....	1864..	Grand larceny.....	10 years.
2374—Charles Denman.....	Sacramento .....	1862..	Arson first degree.....	15 years.
2753—Thomas Eckholm.....	El Dorado.....	1864..	Murder second degree....	..... Life.
1401—Peter Metz .....	Sacramento .....	1858..	Murder second degree....	..... Life.
2654—Ramon Alvitre.....	Los Angeles....	1863..	Grand larceny.....	12 years.
2655—Lucio Alvitre.....	Los Angeles....	1863..	Grand larceny.....	12 years.
2492—Ramon Romero.....	Sacramento.....	1862..	Murder second degree....	12 years.
2817—Ah Shin.....	San Francisco..	1864..	Murder second degree....	20 years.
3164—Thomas Boswell.....	Tehama .....	1865..	Murder second degree....	..... Life.
3340—Milton S. Price .....	Nevada .....	1866..	Robbery .....	12 years.
2671—Polimnio (Indian)....	Calaveras .....	1864..	Murder second degree....	..... Life.
2858—J. F. Shuler.....	Butte.....	1864..	Robbery .....	10 years.
2897—Ramon Culihuita.....	Santa Barbara..	1864..	Murder second degree....	13 years.
2816—F. C. Coffman.....	El Dorado.....	1864..	Murder second degree....	..... Life.
2114—Frank Smith.....	Yuba .....	1861..	Burglary.....	14 years.
3670—Ah Sam.....	Alameda .....	1867..	Assault to murder.....	10 years.
4804—C. W. Smith .....	Mariposa.....	1871..	Manslaughter .....	.6 years.
3439—José Gonzales.....	Colusa .....	1867..	Manslaughter .....	.8 years.
3325—John Jackson.....	San Joaquin....	1866..	Grand larceny.....	10 years.
2918—Lewis Mahony.....	San Francisco..	1865..	Grand larceny.....	10 years.
2411—Andrew Galindo.....	Tuolumne .....	1862..	Murder second degree....	20 years.
3022—John McDonald.....	Nevada .....	1865..	Arson.....	10 years.
4921—William Hoffman.....	Alameda .....	1871..	Burglary and grand lar- ceny.....	.5 years.
4282—John Daley.....	San Francisco..	1869..	Robbery .....	.3 years.
4392—Henry Doty.....	Yolo .....	1870..	Grand larceny.....	.3 years.

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REPORT OF COMMITTEE

ON

Public Grounds and Buildings

ON THE

INSTITUTION FOR THE DEAF, DUMB, AND BLIND.

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T. A. SPRINGER.....STATE PRINTER.

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# REPORT.

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MR. SPEAKER:

The Committee on Public Buildings and Grounds, who were directed to investigate the affairs of the Institution for the Deaf and Dumb and Blind in Alameda County, beg leave to make the following report:

The committee met in the City of Oakland, February twenty-third, eighteen hundred and seventy-two, for the purpose of investigating the affairs of the Institution, and called before them J. Mora Morse, Esq., President of the Board of Directors; Colonel J. C. Hays, also a member of the Board; and Warring Wilkinson, Principal of the Institution; Colonel Harry Linden, the Treasurer of the Board, who produced the books of his office, with the accompanying vouchers; and M. J. Finnegan, who had been employed to do painting for the Institution.

The committee visited the grounds and buildings, which are located about five miles north of Oakland. They found the affairs of the Institution in the most perfect order, and the books and accounts of the Principal correct and well kept. The building is large and well adapted for the purposes for which it was intended, the interior arrangements being such as to accommodate to the best advantage the pupils, as well as the employés.

The building is of blue stone taken from a quarry in the immediate vicinity, and seems to be of a substantial character, and complete in its various appointments. The design, as well as the plans and specifications, were furnished by Messrs. Wright & Saunders, the well known architects, under whose immediate supervision the work was done.

The contract for the stone work of the building was awarded to Joseph S. Emery, for the sum of sixty thousand dollars, and was to have been built of common rubble stone. This was afterwards changed, for reasons that seemed good to the Commissioners, who had the work in charge, to the blue stone of which the building is constructed.

The carpenter work, painting, plumbing, and in fact all other portions of the building, was done by John J. McCredy, under contract amounting to sixty thousand and eight hundred dollars.

So far as your committee are able to judge the contractors carried out and performed their agreement with the Board of Commissioners, although from a variety of causes, such as changes made by the architects under the direction of the Building Committee, as well as the damage done to the building by the severe earthquake three years ago

when the building was nearly completed, they (the contractors) suffered great loss thereby, and are entitled to such relief as may be found equitable and just upon proper investigation. The lands upon which the institution is located consist of one hundred and thirty acres (130), fifty acres of which is under cultivation and produces a large proportion of the vegetables consumed by the inmates of the institution; the balance of the tract of land is used as a pasture for the stock belonging to the institution. The whole tract is inclosed by a good and substantial fence.

An orchard has been planted and a large number of forest trees have been set out, so that in a few years what is now almost a naked plain will be covered with a growth of timber that will add materially to the beauty as well as to the value of the property.

The report of the Commissioners who had the purchase of the land and the erection of the buildings in charge, shows the entire cost of the whole property to have been one hundred and fifty-eight thousand and ninety-eight dollars and thirty cents, or one hundred and twenty-four thousand dollars over and above the amount received for the old buildings and grounds in San Francisco where the institution was formerly located.

The Legislature of eighteen hundred and sixty-nine and seventy made a special appropriation of twenty-nine thousand five hundred dollars for the following purposes, to wit: to pay M. Heverin, for mantels; twelve hundred dollars; J. R. Pryor, for heating apparatus, four thousand dollars; McNally & Hawkins, for water pipes, etc., twelve hundred dollars; for gas works, one thousand dollars; stable and outbuildings, sixteen hundred dollars; for fencing, three thousand dollars; furniture, five thousand dollars; and to the Bank of British North America, money borrowed to repair damages done by earthquake, nine thousand dollars. These amounts were for labor and materials furnished outside of the contracts with Emery and McCredy. By adding this sum of twenty-nine thousand five hundred dollars to the amount reported by the Building Commissioners, we found the entire cost of the grounds, institution, and outhouses, to be one hundred and eighty-seven thousand and ninety-eight dollars and thirty cents.

There are no claims against the property other than those made by Emery and McCredy, for losses sustained in the construction of the building; and should these claims be allowed for the full amounts, the cost of the grounds and buildings would still be much less than the value placed upon them by the Commissioners who had charge of and completed the work.

The appropriation of two years ago, of twenty-five hundred dollars per month, we are informed will not be sufficient for the support of the institution in the future, for the reason that the number of pupils has been considerably increased; and we are informed that for the ensuing two years the sum of two thousand or three thousand dollars per month will be required to properly carry out the objects of the institution.

The committee have examined the books of the Treasurer, and find that the following amounts have been received by him: From the State of California, including the special appropriation of twenty-nine thousand five hundred dollars, ninety-nine thousand eight hundred and seventy-four dollars and seventy-eight cents; from the Principal of the institution, the sum of three thousand eight hundred and thirty-six dollars and five cents; making a total of one hundred and three thousand seven hundred and eleven dollars and three cents. And from the books

and vouchers exhibited by the Treasurer, it is shown that the disbursements have amounted to one hundred and three thousand three hundred and sixty four dollars and ninety-seven cents, leaving a balance on hand, January twenty-ninth, eighteen hundred and seventy-two, of three hundred and forty-six dollars and six cents, to the credit of the institution.

The committee would further report, that the Board of Directors adopted plans for the improvement of the grounds immediately adjoining the buildings, prepared by John D. Hoffmann, a civil engineer. These plans as yet have not been fully carried out, but during the past year work to the amount of two thousand and forty-eight dollars and eighty cents has been done in making roads and terraces in front of the building. This last amount, as well as a sufficient amount to complete the plans, has been provided for by the present Legislature.

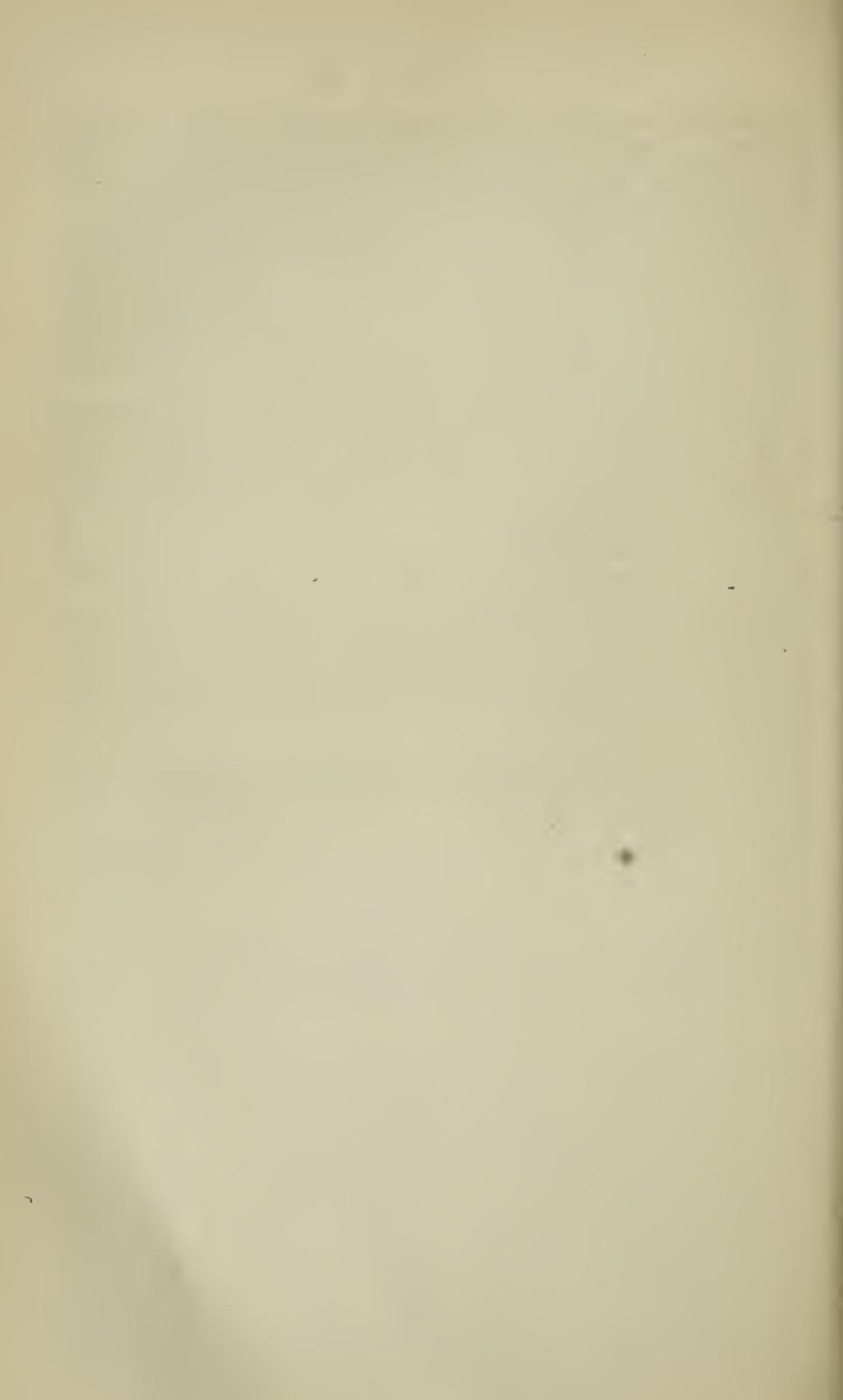
In addition to the main building there has been erected on the grounds of the institution a large and commodious workshop, in which such pupils as are capable are taught shoemaking and cabinet work. This not only teaches them a useful trade by which they can earn a living after leaving the institution, but is at the same time a source of considerable revenue to the State.

There is in contemplation the introduction of other branches of industry, which will further advance the interests of the pupils and contribute to the support of the institution.

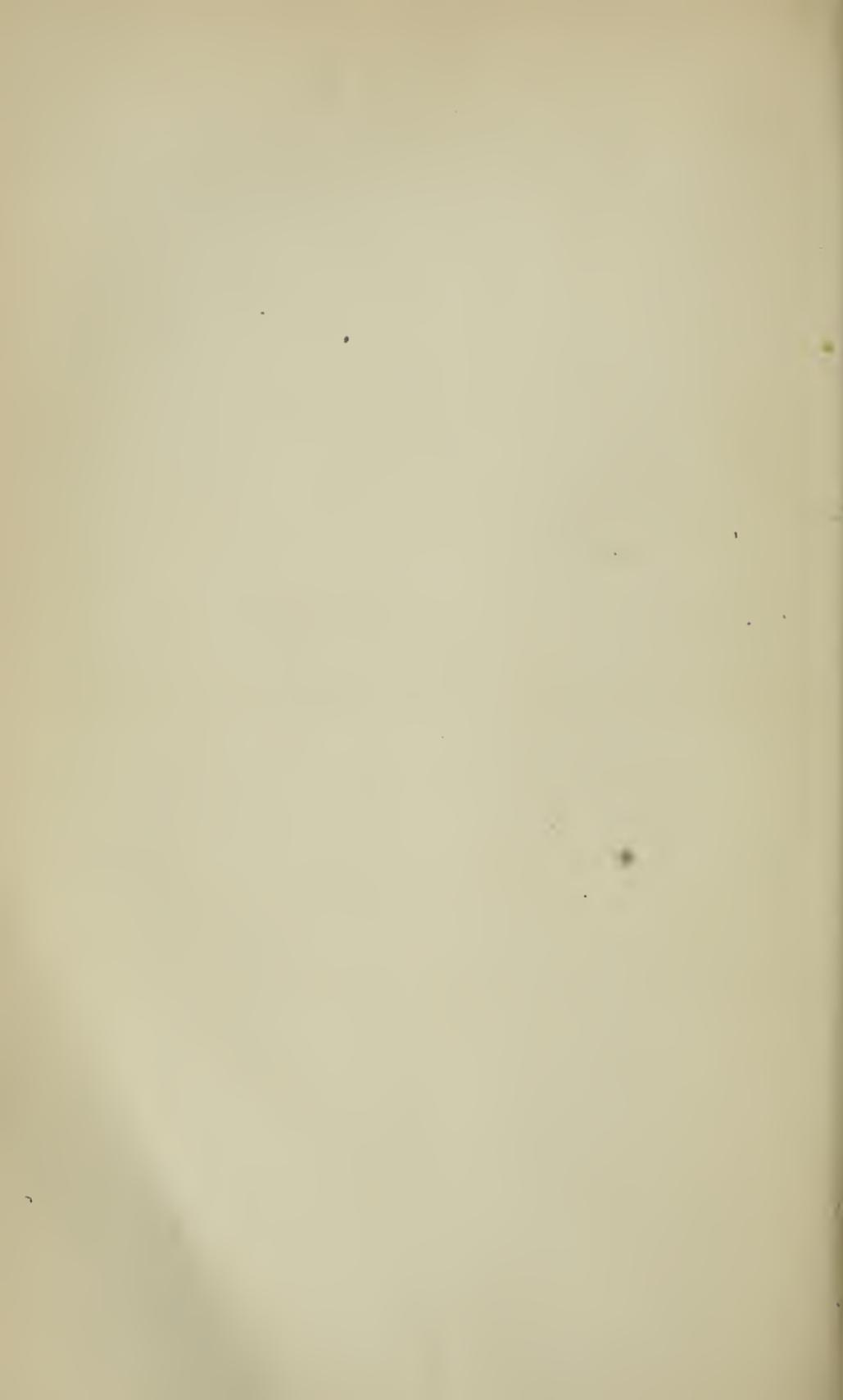
The laundry lately constructed is complete in all particulars, as well as a great convenience and an improvement much needed. The same can be said of the barn and other outbuildings. All of these improvements are of a substantial character and tend to make the institution for the deaf, dumb, and blind one of the most complete institutions of the State of California.

The inmates of the institution now number one hundred and three, an increase of seven the past fiscal year, that being the cause of the necessity of increased appropriations to defray its future expenses.

E. H. PARDEE, Chairman.







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MAJORITY AND MINORITY REPORTS

OF THE

COMMITTEE ON ELECTIONS,

IN THE CASE OF

FLINT v. BECK.

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T. A. SPRINGER.....STATE PRINTER.

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## R E P O R T .

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MR. PRESIDENT:

Your "Committee on Elections," to whom was referred the "Contested Election Case" in which Thomas Flint contests the right of Thomas Beck, sitting member, to a seat on this floor as Senator from the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, beg leave to submit the following report:

Your committee met first on the fifteenth of December, which was as soon as practicable after the papers relating to said case had been placed in their hands.

At this meeting both contestant and respondent were present, the contestant by attorney and the respondent in person. It was there mutually agreed that the consideration of the case should be postponed till January eighth, when it should be taken up and prosecuted to a conclusion as speedily as possible.

When the committee met again on the eighth of January, pursuant to adjournment, both contestant and respondent appeared before them, the contestant, as before, by attorney, and the respondent in person. Contestant then filed an affidavit, setting forth that divers persons therein named were material witnesses for him in the contest, and asked for further time in which to take their depositions, as they were residents of Monterey and Santa Cruz Counties, and could not be brought before the committee to testify except at great expense.

The respondent, on the contrary, was ready, and insisted on proceeding at once to trial.

After some time spent in conference, however, it was mutually agreed between contestant and respondent that contestant should have twenty days more, or to the twenty-ninth day of January, in which to take testimony, and that the trial should then proceed without further delay.

This statement of facts will suffice to explain the apparent delay of the committee in making their report.

The contestant in his statement sets forth five (5) distinct grounds of contest, as follows. He alleges:

*First*—Misconduct on the part of the Board of Election of Salinas Precinct, in Monterey County, in holding the election at a place different from the one appointed by the Board of Supervisors.

*Second*—Misconduct on the part of the same Board, in permitting bystanders to pick up tickets out of the ballot box before the same had been called off and tallied by the officers of the election.

*Third*—Misconduct on the part of the Inspector of Election in Natividad Precinct, who, it is charged, took the poll list, tally lists, and ballots, after the votes had been counted and the returns made up, to his own house, and there took from the ballots five tickets, and substituted other five tickets for them, and changed the tally list to correspond.

*Fourth*—Misconduct on the part of the Board of Enrollment in Peach Tree, Tres Pinos, San Benito, Hollister, San Juan, San Lorenzo, Soledad, Natividad, Santa Rita, Salinas, Castroville, and Pajaro Precincts, in Monterey County, in placing the names of persons on the poll lists of said precincts who were not registered on the "Great Register" of the county.

*Fifth*—That illegal votes were cast for Thomas Beck, to the number of sixty in the aggregate, in the several precincts in Monterey County, and to the number of twenty-five in the several precincts in Santa Cruz County.

To support these several allegations the depositions of a great number of witnesses were taken, swelling the testimony to a great volume. To read and analyze this mass of incongruous and conflicting statements has required no inconsiderable time and labor. It will not be expected that the committee will do more than present, with as much brevity as is consistent with perspicuity, the conclusions to which they have come.

The testimony adduced leaves no room to doubt that the election in Salinas Precinct was held at a place about five hundred feet distant from the one appointed by the Board of Supervisors. It is also conceded that it is the doctrine of our Court that "time and place are of the substance of every election." (*Dickey vs. Hurlburt*, 5 Cal. 343). However, in *Knowles vs. Gates* (31 Cal. 82), in which the vote of four precincts was thrown out because the polls were held at places different from those designated by the Board of Supervisors, the following language occurs:

"We do not say officers of election would not have authority to hold the election at any other house than the one designated by the Supervisors, in case of necessity, provided the same be held in the immediate vicinity of the place designated; but in case of a deviation from the order of the Board of Supervisors a reason and necessity therefor should be shown to exist."

The testimony in the present case shows that "Sherwood's Land Office," the place designated by the Supervisors for holding the election in Salinas Precinct, was on a side street, at one end of the town, and immediately adjoining a house of prostitution, while the American or Blocke Hotel, the place where the election was held, was near the centre of the town, more commodious, a more general resort of the people, and so near to the place appointed by the Supervisors for holding the election that no voter could be deprived of voting by the change of place. The election was "held in the immediate vicinity of the place designated," while the testimony with regard to the character of the neighborhood in which it was designated that the polls should be held showed a "reason and necessity" for their removal to some other point.

Your committee is of the opinion that the change of the place of voting from the one designated by the Supervisors, in this instance was not such an irregularity as should vitiate the vote and cause it to be thrown out. But even if we should hold so strictly to the doctrine that "place is of the substance of every election" as to condemn this election as illegal, we would still be unable to correct the aggregate vote of

the county by the rejection of the vote of this precinct, for the reason that there is no testimony to show either what the total vote of the precinct was, or what part of said vote was cast for contestant, or what for respondent. There is no testimony whatever adduced to show how the rejection of the vote of said Salinas Precinct would affect either of the parties to this contest—whether it would give to the contestant a majority in the district, or place him in a still greater minority than he now is.

The second ground of contest stated, to wit: Misconduct on the part of the Board of Election in the said Salinas Precinct, in permitting bystanders to pick up and take from the ballot box tickets before the same had been called off and tallied by the officers of the election, is not, in the judgment of your committee, sustained by the testimony. It is, therefore, quite unnecessary to attempt to determine what would have been the proper legal effect of such misconduct on the vote of the precinct had it been proven to have occurred. It would seem, however, that if the tampering with votes as charged should have any effect whatever, it must be to so vitiate the whole vote of the precinct as to make its entire rejection a necessity. But in this case we would be unable to do this, as the testimony does not, as already stated, disclose what the vote of the precinct was.

The third ground of contest stated is alleged misconduct on the part of the Inspector of Election in Natividad Precinct. The specific misconduct charged under this head was this: That Michael Riordan, Inspector of Election in this precinct, took the returns home with him before the same were sealed up, and there took from the ballots five tickets, and substituted other five tickets for those he had taken, and changed the tally lists to correspond. The attempt to sustain this charge was an entire failure. The testimony adduced for this purpose failed to convict Mr. Riordan of any misconduct whatever, or to show that any change took place in the ballots or tally lists while they were in his possession. On the contrary, the testimony does show that they were in exactly the same condition when opened by the Board of Supervisors for the purpose of canvassing them, as they were when the election officers signed them on the evening of the election.

It appears that the officers of the election made a mistake in footing up the tallies for County Clerk. Their count gave to Johnson, the Democratic candidate, five votes less than he was entitled to; and the returns, as sent to the Board of Supervisors, contained this error. This error was discovered by Mr. Riordan, in inspecting a private tally kept by a Mr. Hughes, after the official returns had been sent to Monterey. The Board of Supervisors being notified that such a mistake had been made in footing the tallies for Clerk in this precinct, made an examination, and found the matter as represented. No error, however, was found in the tallies for Senator.

The fourth ground of contest stated is alleged misconduct on the part of the Boards of Enrollment in twelve several precincts in Monterey County, in this: that the Boards of Enrollment in said precincts enrolled persons on the precinct poll lists whose names were not on the Great Register of the county.

The inspection of the voting lists of these several precincts, as returned by the Board of Supervisors and preserved in the office of the County Clerk, and of the Great Register of the county, discloses these facts, to wit: That in Hollister Precinct thirteen persons voted whose names were not on the Great Register; in Tres Pinos, four; in San Juan,

one; in Pajaro, three; in Castroville, one; in Santa Rita, two; in Soledad, one; in Salinas, five; in San Lorenzo, one; in Peach Tree, ten. Total, thirty-three.

It is undoubtedly true that the Registry Act contemplates that no person shall be enrolled on the precinct poll list till after his name has been placed on the Great Register. The mere fact, therefore, of persons being enrolled whose names are not on the Great Register, raises the presumption of misconduct on the part of the precinct enrolling officers; but this fact should not be conclusive of such misconduct. It is possible the discrepancy, when one exists, between the precinct poll lists and the Great Register, may be due to the negligence of the officer charged with the duty of placing names on the Great Register, or his deputies, or to accidents or inadvertencies over which they have no control. The testimony adduced in this case does not by any means make it clear that the placing of a great number of names on the poll lists of the several precincts named, which were not on the Great Register, was due in many instances, or perhaps even in a majority of instances, to misconduct on the part of the enrolling officers. The testimony of W. M. R. Parker, County Clerk of Monterey County, disclosed the fact that he had, just prior to the late general election, fourteen persons deputized in the several precincts of the county for the purpose of registering or enrolling voters; and that W. V. McGarvey, Assessor of the County, had seven. One of the deputies appointed by the County Clerk to register voters was H. M. Hayes, at present member of Assembly from Monterey County. His deposition was taken before the Commissioner to take testimony in this contest. From his testimony we are able to get some idea of how the business of registration was done by the Deputy Clerks and Deputy Assessors who were charged with this duty; and from it we will be able to form some idea also of the extent to which precinct enrolling officers should be held responsible for the discrepancies which exist between their rolls and the Great Register of the county. The following are some of the questions and answers on Mr. Hayes' cross examination:

Question 9.—How many of the names you have mentioned in your examination in chief did you place or enroll on the Great Register of the county by virtue of your appointment?

Answer.—I enrolled five of them.

Q. 10.—Did you not after enrolling their names issue a certificate, as Deputy County Clerk, to be presented before the Board of Registration or Election to the effect that they were so enrolled or registered?

A.—I did in the case of two or three, I think. I am not positive in regard to those particular five. The Board of Registration of Hollister Precinct decided that when I enrolled a name, and they were notified of the fact, the person so enrolled was entitled to go on the poll list of that precinct.

Q. 11.—How many had you enrolled before the Board of Registration had so decided?

A.—I cannot tell the number or who they were, as regards your question.

Q. 12.—Did you not receive the transfer of William Breck, and file it as Deputy County Clerk, on the fifth day of September, eighteen hundred and seventy-one?

A.—I do not remember the name. I may have received it.

Q. 13.—Did you not receive and file transfers from other counties of voters, and file them as Deputy County Clerk?

A.—I did in one or two cases; perhaps three. I did in a few instances.

Q. 14.—Did you not in more instances than that?

A.—I may probably have done it in more instances. I do not know positively and certain in how many.

Q. 15.—Did you not register as such Deputy County Clerk the name of William Weathers prior to said election?

A.—I did. I think it was the morning of the election; it might have been the day before.

Q. 27.—Did you or did you not register the name of Detliff Jansen as such Deputy County Clerk before the day of election, and certify the same to the Board of Registration?

A.—I registered Mr. Jansen, I think, several days before election; don't think I certified the same to the Board of Election or Registration.

*Re-direct examination.*

Q. 1.—State whether either of the parties that you enrolled, as you have herein stated, at the time of their said enrollment deposited with you any affidavit?

A.—I think they did, some parties that I know.

Q. 2.—State whether Mr. William Weathers, Detliff Jansen, and John Wesley Greevill made affidavit before you showing why they were entitled to be placed on the Great Register of the County of Monterey?

A.—I think that Greevill and Weathers did; Jansen I am not positive of. Jansen produced his naturalization papers, and I did not require anything further from him.

Q. 3.—What did you do with the affidavits that you received in the discharge of your duty as Deputy County Clerk?

A.—I am not positive whether I sent them to the County Clerk or gave them to the Board of Registration.

It will be observed here that Mr. Hayes testifies directly and explicitly to having registered William Weathers, Detliff Jansen, and John Wesley Greevill before the general election held on the sixth day of September; yet William Weathers and John Wesley Greevill appear on the Great Register as registered on the third of October, while the name of Detliff Jansen does not appear on the Great Register at all. Mr. Hayes registered William A. Moody and James Hudner, also, before the general election, but their names appear on the Great Register as registered on the third of October.

The testimony of Mr. Hayes discloses another fact also; it shows that he was in the habit of certifying upon registering a person to the election officers of the precinct that said person was entitled to be enrolled on the precinct poll list. His testimony leaves no room to doubt that such was the practice in Hollister Precinct; at least the testimony of Mr. Parker, the County Clerk, in relation to the practice of his deputies and the Deputy Assessor, shows that the registration of persons—that is, the affidavits to name, age, citizenship, etc.—were in many instances deposited with the Board of Election, and by them forwarded to the county seat inclosed in the election returns. Thus did he explain how it was that persons who had been registered by his deputies before the sixth of September appeared on the Great Register as registered on the third of October.

It is not a violent presumption to suppose that the practice of each of the twenty-one Deputy Clerks and Assessors was similar in this respect to what Mr. Hayes' testimony shows his to have been, and if so, it is not so much a matter of surprise that there should appear on the list of voters thirty-three persons who are not on the Great Register as that double or treble that number does not appear in that category.

The testimony of Mr. Hayes shows at least that something more than the mere fact of names being on the poll lists which are not on the Great Register is required to convict the officers of precinct enrollment of misconduct.

Whatever presumption of misconduct or fraud on the part of precinct enrolling officers is raised by the circumstances of names being on the poll lists which are not on the Great Register is rebutted by the evidence of Mr. Hayes, a registering officer, showing that names which ought to have been on the Great Register were not there. But even were the alleged misconduct of election officers in this respect fully sustained by proof, it would be impossible to apply any remedy, except to declare the election void and order a new one, for it is nowhere shown what the vote of these precincts was where it is claimed the alleged misconduct existed.

The fifth and last ground of contest stated is alleged illegal votes cast for Mr. Beck in several precincts in Monterey and Santa Cruz Counties, to wit: sixty illegal voters in Monterey County, and twenty-five in Santa Cruz County.

The testimony adduced to sustain this allegation is very voluminous, and is directed to three points, to wit:

*First*—To show that persons voted for Mr. Beck whose names were not on the Great Register.

*Second*—To show that persons who voted and whose names were not on the Great Register were reputed to be Democrats or to act with the Democratic party.

*Third*—To show that persons who voted for Mr. Beck, though on the Great Register, were illegal voters, on account of their lack of the necessary constitutional qualifications. The testimony seems to establish that the following persons, whose names do not appear on the Great Register, voted for Mr. Beck, to wit: In Monterey County, in Tres Pinos Precinct, Alonzo Heller and Jeremiah Hilleher; in Hollister Precinct, Charles Anderson and A. J. Rader; Santa Rita Precinct, Henry Riley; in Peach Tree Precinct, C. A. Imus; and in Santa Cruz County, Pajaro Precinct, W. H. Morris. Total, seven. It is in evidence that A. J. Rader had been registered in the Great Register of Monterey County, but that his name was cancelled on the twenty-sixth day of June, eighteen hundred and seventy-one. Said Rader stated in his deposition that he had not ordered the cancellation of his name, nor authorized any other person to do it for him. W. H. Morris makes affidavit that he was registered in Santa Cruz County on the fourth day of August, eighteen hundred and seventy-one, by A. J. Jennings, a Deputy Assessor, who was then enrolling and registering names on the Great Register; that he was duly sworn by said Jennings as to his place of birth, age, occupation, and that he was not registered in any other county in this State; that said Jennings reduced the same to writing; and that said Jennings being Inspector of Election in Pajaro Precinct did then place his name on the poll list of the precinct. This affidavit of Morris is accompanied by a certificate of A. J. Jennings, Deputy Assessor, in which he certifies that he enrolled the name of William H. Morris for the Great Register of

Santa Cruz County, on the fourth day of August, A. D. eighteen hundred and seventy-one. The testimony that Jeremiah Hilleher voted for Beck is not direct; but one Edmund Buck testified that he heard Hilleher tell Colonel Heath, counsel for contestant, that he, Hilleher, voted for Beck. If the votes of Rader, Morris, and Hilleher be deducted from those which are given above as having voted for Beck without being on the Great Register, and they probably should be, the number of those so voting will be reduced to four. The evidence adduced showed that all those four, except Henry Riley, had all the constitutional qualifications of voters; but left it in doubt whether their failure to get on the Great Register was due to their own negligence or to the negligence of the officers who were charged with the duty of registering all persons entitled to registration. With reference to the second point attempted to be proven, we will state that the testimony abundantly established the fact that a considerable number of persons who voted without being on the Great Register were reported to be Democrats. Exactly what number falls into this category we are unable to state, as the testimony with regard to the reputed political character of some persons was more or less contradictory and uncertain. Nor have we deemed it necessary to ascertain or determine just what the reputed political status of persons who voted without being qualified by previous registration on the Great Register was, for the reason that we have supposed the inquiry to be one not material in deciding this contest. The law with respect to the rejection of an illegal vote we understand to be this, to wit:

“To reject an illegal vote it must appear for whom it was polled. It cannot be taken from the majority candidate unless proved to have been polled for him.” (McDaniel’s case, in Court Quarter Sessions, Philadelphia; Brightley’s Leading Cases on Elections, 238). And, “In purging the polls of illegal votes, the rule is that unless it be shown for which candidate they were cast, they are to be deducted from the whole vote of the election—not from the majority candidate.” (Note to *People vs. Holden*, Brightley’s Leading Cases on Elections, 492). “In purging the polls, illegal votes are to be deducted from the entire vote—not from the majority.” (*Gibbons vs. Sheppard*. See Brightley’s Leading Cases on Elections, 558).

If the doctrine of these cases is to be followed it is not material to inquire how many illegal votes were cast, or what the political proclivities of the persons casting them were reputed to be, if it cannot be ascertained for whom they were cast. And there would be a manifest injustice in deducting the illegal votes from one candidate more than another, unless it were shown that they were cast for him. It is our opinion, therefore, that the illegal votes polled at the election at which Mr. Beck and Mr. Flint were opposing candidates for the office of State Senator, should not be deducted from Mr. Beck’s vote except in the instances where it is shown they were cast for him.

The third case of alleged illegal votes is where it is attempted to be shown that persons, though enrolled on the Great Register, were not legal voters for the want of the necessary constitutional qualifications. Two persons fall into this category; they are, Thomas Kerns, of Pajaro Precinct, Santa Cruz County, and José Buelna, of Santa Cruz Precinct, Santa Cruz County. The names of both these persons were on the Great

Register of the county before the election. That of Kerns was placed there in October, eighteen hundred and sixty-eight. But he was afterwards indicted by a Grand Jury of the county for fraudulently procuring it to be placed there. On being arraigned for trial he pleaded not guilty; but before his trial came on, on motion of the District Attorney, it was ordered that a "*nolle prosequi* be entered, and that he be discharged from custody and go hence without day;" and it was further ordered that the name of the defendant be canceled upon the Great Register of the county. This order was entered on the records of the Court, a certified copy of which was offered in evidence. The order, however, with reference to the cancellation of his name was never carried into effect. In the case of José Buelna, the attempt is made to prove that he was not at the time of the election twenty-one years of age. To do this a certified copy of the parish register of the Parish of Santa Cruz is introduced. This register contains a record of the christenings by the parish priest of the children born of Catholic parents in the parish. This register shows that on the first of November, A. D. eighteen hundred and fifty, the parish priest then in charge baptized a male child born on that day by the name of José de los Santos de Atocha, son of Ramon Buelna and Rafaela Perez. It is claimed that the José Buelna in question is the person whose birth and christening is recorded in the parish register as occurring on the first of November, A. D. eighteen hundred and fifty. The testimony, however, does not in our judgment establish the identity of the José Buelna who voted in Santa Cruz Precinct, Santa Cruz County, at the general election on the sixth of September last, with the José de los Santos Atocha Buelna of the parish register. But even if both Kerns and Buelna's votes were illegal, the testimony does not establish that they or either of them were cast for Mr. Beck. It is true, the presumption is strong that they were, but the evidence adduced is not direct, and leaves the whole matter in doubt.

The conclusion to which our investigations have conducted us are:

*First*—That only the illegal votes proven to have been cast for Beck, the respondent herein, can be deducted from his vote as officially canvassed and declared by the Boards of Supervisors of the Counties of Monterey and Santa Cruz.

*Second*—That the only illegal votes proven to have been cast for Mr. Beck, were the votes of Alonzo Heller, Charles Anderson, Henry Riley, and C. A. Imus; total, four (4).

It appears from a certified statement of the votes cast for State Senator in Monterey County, as canvassed and declared by the Board of Supervisors, that Thomas Beck received twelve hundred and seventy-eight votes (1,278), and Thomas Flint received ten hundred and forty votes (1,040). A certified statement of the votes cast in Santa Cruz County for State Senator, as canvassed and declared by the Board of Supervisors, gives to Thomas Beck eight hundred and seventy-five votes (875), and to Thomas Flint, ten hundred and ninety-four votes (1,094).

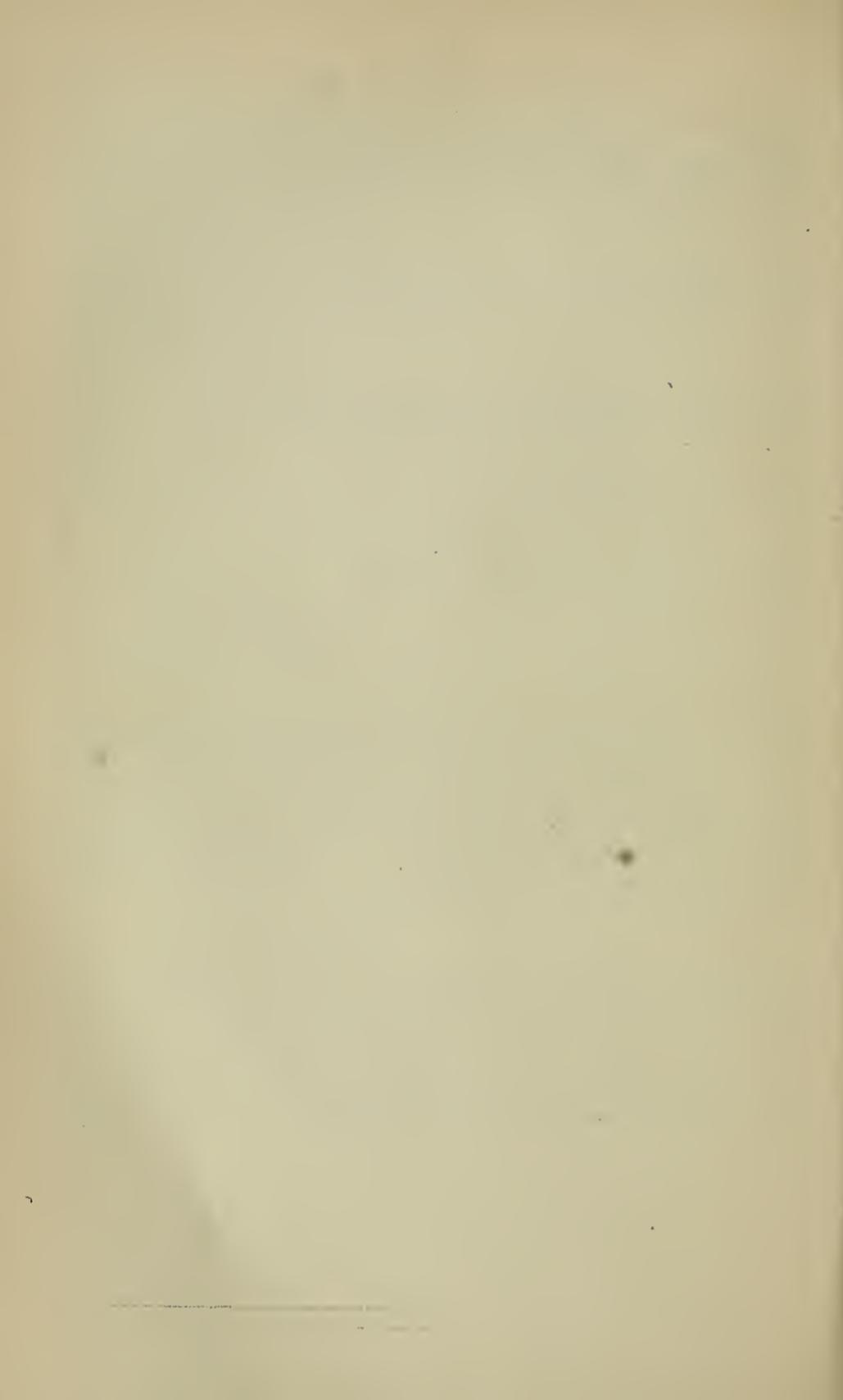
## SUMMARY.

Thomas Beek received in Monterey County.....	1,278 votes
Thomas Beek received in Santa Cruz County.....	875 votes
Total.....	2,153 votes
Thomas Flint received in Monterey County.....	1,040 votes
Thomas Flint received in Santa Cruz County.....	1,094 votes
Total.....	2,134 votes
Thomas Beek's majority.....	19 votes
Deduct illegal votes proven to have been cast for Thomas Beek .....	4 votes
Thomas Beek's majority.....	15 votes

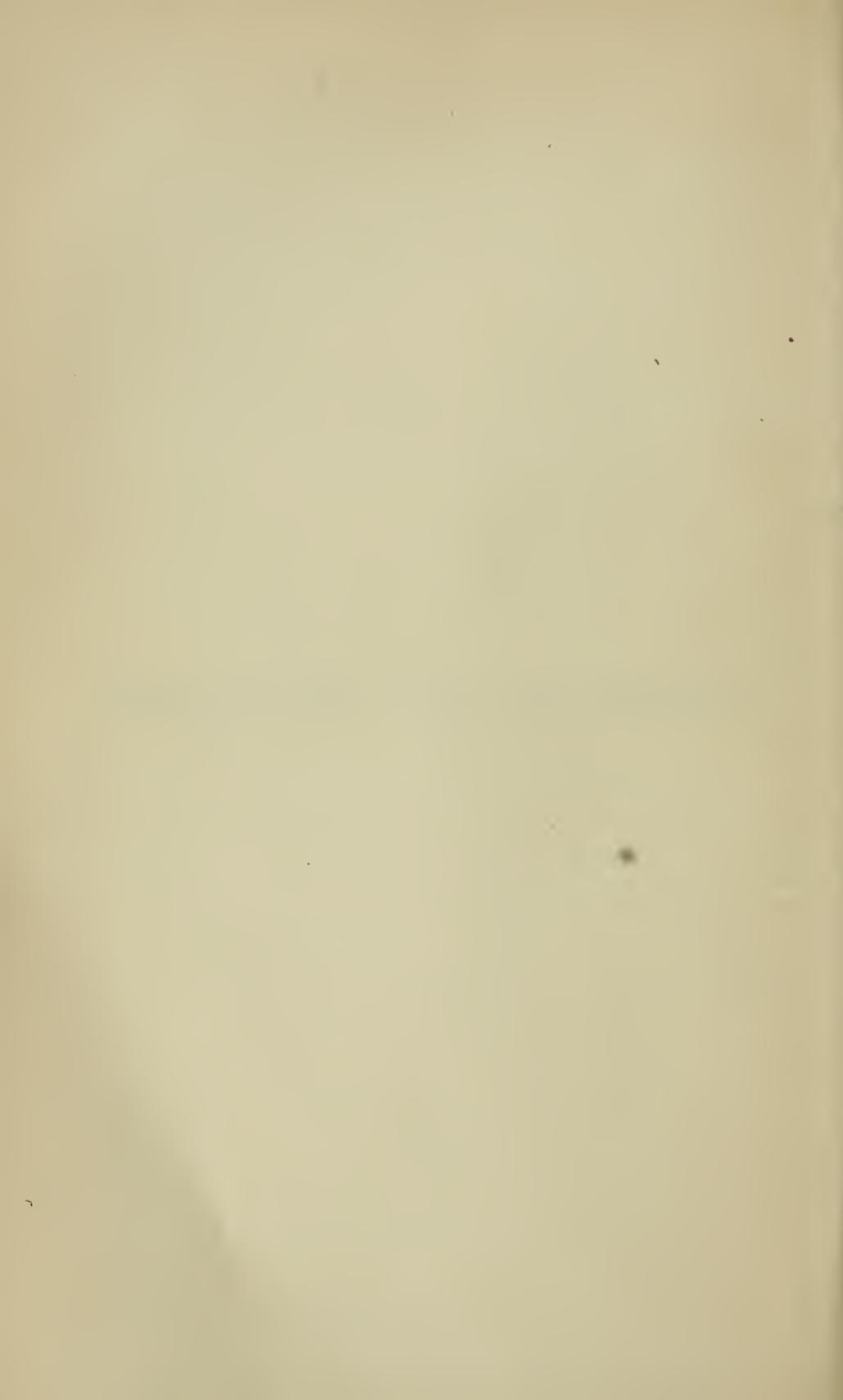
Your committee recommend the adoption of the annexed resolution.

W. IRWIN,  
M. C. ANDROSS,  
THOS. N. WAND,  
WM. M. GWIN, JR.

*Resolved*, That the testimony laid before the Senate in this contest, in which Thomas Flint contests the right of Thomas Beek to a seat in this Senate as Senator from the Sixth Senatorial District of this State, composed of the Counties of Monterey and Santa Cruz, does not show that said Thomas Beek is not entitled to said seat by virtue of having received a majority of the legal votes cast in said Senatorial District for Senator at the General Election held on the sixth day of September, A. D. eighteen hundred and seventy-one.



MINORITY REPORT.



## MINORITY REPORT.

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MR. PRESIDENT:

Your committee to whom was referred the papers and testimony in the matter of Thomas Flint, contestant vs. Thomas Beck, respondent, contested election case in the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, have had the same under consideration and beg leave to submit the following report, to wit:

*First*—That at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, the contestant and respondent were voted for in the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, for the office of State Senator.

*Second*—That upon the final count by the Board of Supervisors of the two counties the respondent Thomas Beck was declared elected by a total majority of nineteen votes, and a certificate of election issued to him.

*Third*—That the following named persons, to wit: Alonzo Heller, Charles Anderson, Henry Riley, J. Bandy, William H. Morris, A. J. Rader, Jeremiah Keller, Thomas Kerns, Nelson Struve, H. Stanley, C. A. Imus, José Buelna, John Maze, Daniel Walsh, E. S. Jones, John Greevill, William A. Moody, Gilbert Malch, Peter Crisman, William Weathers, N. B. Bailey, A. Kulman, James Hudner, J. Jannett, Henry Crowell, and S. G. Medley, voted at said election in the different precincts of said district, for the office of State Senator, without being registered upon the Great Registers of said counties as required by law.

*Fourth*—That it appears from their own sworn statements in the testimony taken, that of the above named unregistered voters the following named, to wit: Alonzo Heller, Charles Anderson, Henry Riley, J. Bandy, William A. Morris, A. J. Rader, and Jeremiah Keller voted for the respondent Thomas Beck for the said office of State Senator.

*Fifth*—That of the above named unregistered voters the following, to wit: Thomas Kerns, Nelson Struve, H. Stanley, C. A. Imus, and José Buelna declined to state for whom they voted, but were by their own admissions and other competent testimony proven to be members of the Democratic party, of which the respondent Thomas Beck was the candidate, and to act therewith.

*Sixth*—That of the above named unregistered voters the following, to wit: Daniel Walsh, John Maze, E. S. Jones, J. W. Greevill, William Moody, Gilbert Malch, Peter Crisman, William Weathers, N. B. Bailey, A. Kulman, James Hudner, J. Jannett, Henry Crowell, and S. G. Medley

were proven to be Democrats, and to have voted the Democratic ticket on the sixth day of September, A. D. eighteen hundred and seventy-one. The latter proof is secondary and circumstantial as to general reputation of the political character of the above named voters, they either declining to answer for whom they voted or having left the district or absented themselves so as to be beyond the reach of process at the time of the taking of the testimony of this case. In my opinion the evidence offered regarding them is within the rule laid down by Cushing in his *Law on Elections*, *Brightley's Leading Cases*, and other standard works, and establishes the fact that they voted and acted with the party of which the respondent was the candidate.

*Seventh*—That of the above named unregistered voters the following, to wit: John Maze, John W. Greevill, William A. Morris, William Weathers, and James Hudner were placed upon the Great Register on the third day of October, A. D. eighteen hundred and seventy-one, but it does not clearly appear how their names came there, whether by direct application upon that date, or by having been registered by the Deputy Clerks on or before the day of said election.

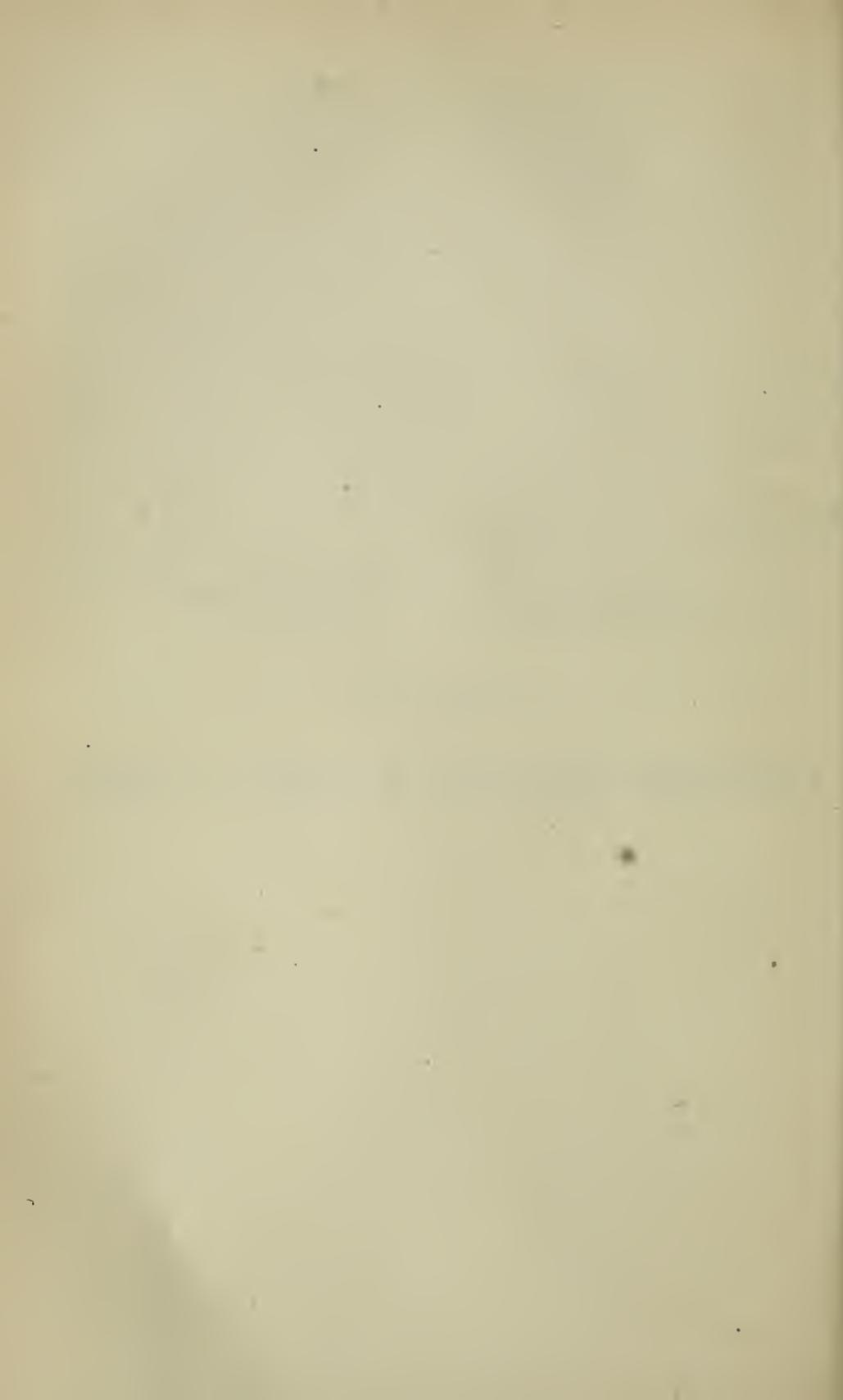
To conclude, I do not deem anything further necessary, as the report of the Chairman of the committee is exhaustive, and I differ with him more in conclusions of law than in deductions of fact, which facts and conclusions of law are herewith submitted without any conclusions of my own as to the merits of the case.

TURNER, of the Committee.

TESTIMONY AND DOCUMENTS

RELATING TO THE

CONTESTED ELECTION OF FLINT vs. BECK.



## DOCUMENTS.

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### COMPLAINT.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, State of California.*

To W. M. R. PARKER, Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Monterey, and THOMAS BECK.

THOMAS FLINT, being first duly sworn, deposes and says:

That he is a citizen of the United States and of the State of California, over thirty years of age, and is now, and for over one year last past has been, a qualified voter of the County of Monterey, in the said Sixth Senatorial District; that upon the sixth day of September, A. D. eighteen hundred and seventy-one, at a general election then and there held in accordance with law, one Thomas Beck, and Thomas Flint, this affiant, were voted for in the Counties of Monterey and Santa Cruz for the office of State Senator for the Sixth Senatorial District of said State of California, composed of the said counties; that this affiant and contestant received the largest number of legal votes cast in said district for said office of State Senator, and a larger number of legal votes than said Thomas Beck; that thereafter, and within twenty days next preceding the filing of this statement, a certificate of election as such State Senator from said district was duly issued by the County Clerk of Monterey County to said Thomas Beck, and such certificate is now held by said Thomas Beck; that this contestant then was and still is duly eligible to said office, and this affiant, contesting the claim of said Thomas Beck to said office, assigns as the grounds of contest upon which he intends to rely:

*First*—Misconduct on the part of the Board of Judges of Election in Salinas Precinct of said Monterey County, in that the Judges did not hold the said election at the place designated by the Board of Supervisors of the County of Monterey, and which said place, so designated, was described plainly in the published and posted notices of said election, but held the same at a remote place, and not in view of the place where the same was by said Board of Supervisors designated as the

place to hold said election; and, further, that said Board of Judges of said election permitted bystanders to pick up the tickets out of the ballot box before the same had been counted and tallied; this by parties opposed to the election of contestant.

Misconduct on the part of the Clerk of Election of Natividad Precinct, in this, that after the votes in said precinct had been fully counted, tallied, and returns fully made up, the said Clerk of Election carried to his own residence the tally lists, ballots, and poll lists, and removed from among the ballots five tickets or ballots, and placed five other tickets or ballots in lieu thereof, and changed the tally lists to correspond with the same.

Misconduct on the part of the Clerk and Board of Registration of the following named precincts in said Monterey County, to wit: Peach Tree, Tres Pinos, San Benito, Hollister, San Juan, San Lorenzo, Soledad, Natividad, Santa Rita, Salinas, Castroville, and Pajaro, in placing the names of men upon the several poll lists of said precincts who were not entitled to be placed thereon on account of the same not being upon the Great Register of the said County of Monterey, and not therefore entitled to be placed upon the poll lists of said precinct.

*Second*—On account of illegal votes. That sixty ballots were cast in the several precincts hereinbefore named for Thomas Beck by persons whose names were not upon the Great Register of the County of Monterey, in the State of California, whereby the said Thomas Beck was procured to be declared elected to said office of Senator of said district.

That the number of illegal votes so cast for the said Thomas Beck for said office of Senator of said Sixth Senatorial District is as follows, to wit: In Hollister Precinct, twenty-one votes; in Peach Tree Precinct, two votes; in San Lorenzo Precinct, two votes; in Tres Pinos Precinct, five votes; in Castroville Precinct, six votes; in San Benito Precinct, two votes; in Soledad Precinct, three votes; in Santa Rita Precinct, six votes; in Salinas Precinct, eight votes; in Pajaro Precinct, two votes; in San Juan Precinct, three votes.

That in San Juan Precinct one vote was cast for Thomas Beck by a non-resident of the State of California, whose name had not been canceled upon the Great Register, and was temporarily present upon a visit, but had not resided in the said Senatorial District for the thirty days next preceding the day of said election.

THOMAS FLINT.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

THOMAS FLINT, being first duly sworn, says:

That he is the person who signed the above statement; that he has read the same, and knows the contents thereof, and that the same is true as he is informed and believes.

THOMAS FLINT.

Subscribed and sworn to before me, this thirteenth day of October, A. D. eighteen hundred and seventy-one.

JOHN W. WHITNEY,  
Justice of the Peace.

STATE OF CALIFORNIA,  
County of Santa Cruz. } ss.

I hereby certify that I know Thomas Beck, to whom the annexed copy of a statement is addressed; that said Beck is a resident of the County of Santa Cruz, in the State of California; that in the Town of Watsonville, in said county, I served on the twenty-first day of October, A. D. eighteen hundred and seventy-one, by delivering to him a certified copy thereof personally.

A. L. ROUNTREE,  
Sheriff of the County of Santa Cruz.

By C. L. LINCOLN, Under Sheriff.

STATE OF CALIFORNIA,  
County of Monterey. } ss.

I, W. M. R. Parker, County Clerk in and for said county, and ex officio Clerk of Third District Court, do hereby certify that the foregoing is a true, full, and correct copy of the original complaint in the matter of the contest of the election of Thomas Beck as State Senator of the Sixth Senatorial District of the State of California.

{ SEAL }

Witness my hand and official seal, at office, this twenty-fourth day of October, A. D. eighteen hundred and seventy-one.

W. M. R. PARKER,  
Clerk.

### REPLY TO COMPLAINT.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, State of California.*

Now comes THOMAS BECK, the respondent, and for reply to the statement of Thomas Flint, the contestant, now on file in the office of the Clerk of the District Court, County of Monterey, State of California, and denies that Thomas Flint, the contestant, received the largest number of legal votes cast in said district for said office of State Senator.

Denies that there was misconduct on the part of the Board of Judges of Election in said Salinas precinct of said County of Monterey, or either or any of the said Board of Judges of Election at said Salinas Precinct, whereby any illegal votes were cast for respondent, Thomas Beck.

Denies that the said Judges did not hold the said election at the place designated by the Board of Supervisors of the County of Monterey. Denies that the said Judges of Election held the same at a remote place, and not in view of the place where the same was, by said Board of Supervisors, designated as the place of holding said election.

That he is informed and believes, and upon his information and belief he denies that the said Board of Judges of said election permitted bystanders to pick up the tickets, or any tickets, out of the ballot box before the same had been counted and tallied, by any party or parties opposed to said contestant.

Denies that there was any misconduct on the part of the Clerk of Election at Natividad Precinct.

Denies that after the votes in said precinct had been counted, tallied, and returned fully made up, the said Clerk of Election carried to his own residence the tally lists, ballots, and poll lists, and removed from the ballots five tickets or ballots, or any other number of tickets or ballots, and placed five other or any other tickets or ballots in lieu thereof, or changed the tally lists, or any tally lists, to correspond with the same, in any way or manner.

Denies that there was any misconduct on the part of the Clerk or Board of Registration, or of either or of any of them, at Peach Tree Precinct, in said County of Monterey, or Tres Pinos, or San Benito, or San Juan, or Hollister, or San Lorenzo, or Soledad, or Natividad, or Santa Rita, or Salinas, or Castroville, or Pajaro Precincts, or any or either of them, in placing any name or names upon said poll list, or any or either of them, who voted for this respondent, who were not entitled to be placed thereon on account of not being upon the Great Register of the said county, or on any other account.

Respondent denies that sixty, or any other number of ballots, were, in said Tres Pinos, San Benito, San Juan, Hollister, San Lorenzo, Soledad, Natividad, Santa Rita, Salinas, Castroville, Pajaro Precincts, or any or either of them, cast for Thomas Beck by persons whose names were not upon the Great Register of the County of Monterey, State of California; or that any illegal votes were cast at said precincts, or any or either of them, for said respondent, Thomas Beck; or that by said illegal or any illegal votes, the said respondent, Thomas Beck, was procured to be declared elected to said office of State Senator of said district.

Respondent denies that twenty-one, or any other number, of illegal votes were cast at Hollister Precinct at said election for said Thomas Beck; or that two, or any other number, of illegal votes were cast at Peach Tree Precinct for Thomas Beck; or that two, or any other number of illegal votes were cast at San Lorenzo Precinct for said Thomas Beck; or that five, or any other number of illegal votes were cast for said Thomas Beck at Tres Pinos Precinct; or that six, or any other number of illegal votes were cast for said Thomas Beck at Castroville Precinct; or that two, or any other number of illegal votes were cast at San Benito Precinct for Thomas Beck; or that three, or any other number of illegal votes were cast for said Thomas Beck at Soledad Precinct; or that there were six, or any other number of illegal votes cast for said Thomas Beck at Santa Rita Precinct; or that there were eight, or any other number of illegal votes cast for said Thomas Beck at Salinas Precinct; or that there were two, or any other number of illegal votes cast for said Thomas Beck at Pajaro Precinct; or that there were three, or any other number of illegal votes cast for Thomas Beck at San Juan Precinct; or that there were any illegal votes cast for said respondent, Thomas Beck, at said precincts, or any or either of them.

And further replying to the statement of said contestant, the respondent, Thomas Beck, avers that he, the said Thomas Beck, at said election on said sixth day of September, eighteen hundred and seventy-one, received a large majority of all the legal votes cast at said election for State Senator of said Sixth Senatorial District, State of California, composed of said Counties of Monterey and Santa Cruz; and was, at said election, duly, fairly, and legally elected State Senator in and for said

Sixth Senatorial District of the State of California, composed of said Counties of Monterey and Santa Cruz, and was properly declared to be the Senator for the said Sixth Senatorial District.

THOMAS BECK.

STATE OF CALIFORNIA,  
County of Santa Cruz. } ss.

THOMAS BECK being duly sworn, says:

That he is the respondent herein; that he has read the foregoing reply and knows the contents thereof; that the same is true of his own knowledge, except the matters therein stated on his information or belief, and as to those matters, that he believes it to be true.

THOMAS BECK.

Subscribed and sworn to before me the eleventh day of November, eighteen hundred and seventy-one.

A. CRAIG,  
Notary Public.

A copy of the within served on me this thirteenth day of November, eighteen hundred and seventy-one.

A. HEATH,  
Attorney for Contestant.

#### NOTICE TO RESPONDENT.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, in said State.*

To THOMAS BECK, Esq., Watsonville, Santa Cruz County, California.

SIR: You will please take notice, that on the fourteenth day of October, A. D. eighteen hundred and seventy-one, Thomas Flint, a voter in said Sixth Senatorial District of the State of California, to wit: in the County of Monterey, filed his statement in my office, in which statement so filed he contests your right to the office of Senator of said district, claiming that the certificate you now hold, issued by the County Clerk of Monterey County, on or about the twenty-sixth day of September, A. D. eighteen hundred and seventy-one, was procured to be issued by reason of illegal votes cast for you and misconduct upon the part of the members of the Boards of Judges and Inspectors of Election in several precincts in said Monterey County, as recited and set out in said statement. And that on account of said misconduct of said Boards of Judges and Inspectors of Election you were procured to be declared elected to said office of Senator. Now, therefore, in accordance with the laws of the State of California, on this sixteenth day of October, A. D. eighteen hundred and seventy-one, I have issued a commission directed to J. W. Whitney, Esq., and Joseph O. Heritage, Justices of the Peace in and for

the Township of San Juan, County of Monterey, to take the testimony of any and all persons who may be produced as witnesses in the matter of said contest, and have directed said testimony to be so taken at the office of said J. W. Whitney, Esq., in the Town of San Juan, Monterey County, on Monday, the thirteenth day of November, A. D. eighteen hundred and seventy-one, at ten o'clock A. M., which said testimony will be reduced to writing and disposed of according to law.



Witness my hand and seal this sixteenth day of October,  
A. D. eighteen hundred and seventy-one.

W. M. R. PARKER,  
Clerk District Court.

STATE OF CALIFORNIA, } ss.  
County of Santa Cruz. }

I hereby certify that I know Thomas Beck, to whom the within copy of an original notice is addressed, and that Thomas Beck is a resident of the County of Santa Cruz, in the State of California, and that on the twenty-first day of October, A. D. eighteen hundred and seventy-one, at the Town of Watsonville, in the County of Santa Cruz, in the State of California, I served the original notice, of which the within is a certified copy, upon Thomas Beck, by delivering to him then and there personally the said notice, together with a copy of the verified statement of Thomas Flint, setting out the grounds of contesting the election of said Beck to said office of Senator of the State of California for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, which copy of statement was certified by the Clerk of the Third Judicial District Court for the County of Monterey.

Dated Santa Cruz, October twenty-eighth, eighteen hundred and seventy-one.

A. L. ROUNTREE,  
Sheriff of the County of Santa Cruz.

By C. L. LINCOLN, Under Sheriff.

STATE OF CALIFORNIA, } ss.  
County of Monterey. }

I, W. M. R. Parker, County Clerk in and for said county, and ex officio Clerk of the Third District Court, do hereby certify that the foregoing is a true, full, and correct copy of the original notice in cause of Thomas Flint versus Thomas Beck.



Witness my hand and official seal, at office, this twenty-fourth day of October, A. D. eighteen hundred and seventy-one.

W. M. R. PARKER, Clerk.

Office of the Sheriff of Santa Cruz County—I hereby certify that the

within is a true copy of the notice by me served on Thomas Beck, the twenty-first day of October, eighteen hundred and seventy-one.

A. L. ROUNTREE,  
Sheriff of Santa Cruz County.

By C. L. LINCOLN, Under Sheriff.

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STATEMENT

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, State of California.*

To ALBERT BROWN, Clerk of the District Court of the Third Judicial District of the State of California in and for the County of Santa Cruz, and THOMAS BECK:

THOMAS FLINT, being first duly sworn, deposes and says:

That he is a citizen of the United States and of the State of California, over thirty years of age, and is now, and for over one year last past has been a qualified voter of the County of Monterey, in the said Sixth Senatorial District; that upon the sixth day of September, A. D. eighteen hundred and seventy-one, at a general election then and there held in accordance with law, one Thomas Beck, and Thomas Flint, this affiant, were voted for in the Counties of Monterey and Santa Cruz, for the office of State Senator for the Sixth Senatorial District of said State of California, composed of the said counties; that this affiant and contestant received the largest number of legal votes cast in said district for said office of State Senator, and a larger number of legal votes than said Thomas Beck; that, thereafter and within twenty days next preceding the filing of this statement a certificate of election as such State Senator from said district was duly issued by the County Clerk of Monterey County to said Thomas Beck, and such certificate is now held by said Thomas Beck; that this contestant then was and still is duly eligible to said office, and this affiant, contesting the claim of said Thomas Beck to said office, assigns as the grounds of contest upon which he intends to rely:

*First*—On account of illegal votes cast in said Santa Cruz County for Thomas Beck, to wit:

Twenty-five illegal votes were cast at said election for said Thomas Beck, by persons who had no right to vote at the precincts in which they voted; by which said votes and other illegal votes cast in the County of Monterey, the said Thomas Beck was procured to be declared elected to the office of Senator of said Sixth Senatorial District, when he had not received the highest number of legal votes for said office.

THOMAS FLINT.

STATE OF CALIFORNIA,  
County of Santa Cruz. } ss.

THOMAS FLINT, being first duly sworn, deposes and says:

That he has read the foregoing statement and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated on his information and belief, and as to those matters he believes it to be true.

THOMAS FLINT.

Subscribed and sworn to before me this fourteenth day of October, A. D. eighteen hundred and seventy-one.

ALBERT BROWN,  
Clerk Third District Court of California.

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### REPLY OF THOMAS BECK.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz.*

Now comes THOMAS BECK, and replying to the statement of Thomas Flint, the contestant, heretofore filed with the Clerk of the District Court of the County of Santa Cruz, and denies that Thomas Flint, the contestant, received the largest number of legal votes cast in said district, for said office of State Senator, at said election, held on said sixth day of September, A. D. eighteen hundred and seventy-one; denies that said Thomas Flint, the said contestant, received at said general election a larger number of legal votes than Thomas Beck, the respondent; denies that on account of illegal votes cast in said County of Santa Cruz for said Thomas Beck, the said Thomas Beck was procured to be declared elected to the office of Senator of said Sixth Senatorial District; denies that any illegal votes were cast at said election for said Thomas Beck; denies that twenty-five, or any other number of illegal votes, were cast for said respondent, Thomas Beck, at said election, on said sixth day of September, A. D. eighteen hundred and seventy-one, or that twenty five, or any other number of persons, who had no right to vote at the precincts in which they voted at said election, voted for or cast their ballots for said Thomas Beck, or that any person or persons cast any illegal vote or votes for said respondent, Thomas Beck, at said election.

And further answering the said statement of said contestant, the respondent, Thomas Beck, alleges that he, the said Thomas Beck, at said election held on said sixth day of September, A. D. eighteen hundred and sixty-one, received a large majority of all the legal votes cast at said election for State Senator of said Sixth Senatorial District of the State of California, composed of said Counties of Monterey and Santa Cruz, and was, at said election, duly and legally elected State Senator in and for said Sixth Senatorial District of the State of California, com-

posed of said Counties of Monterey and Santa Cruz, and was properly declared to be the Senator for the said Sixth Senatorial District of the State of California.

THOMAS BECK.

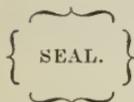
STATE OF CALIFORNIA, }  
County of Santa Cruz. } ss.

THOMAS BECK, being duly sworn, says:]

That he has read the foregoing reply and knows the contents thereof; that the same is true of his own knowledge, except the matters therein stated on his information or belief, and as to those matters that he believes it to be true.

THOMAS BECK.

Subscribed and sworn to before me the seventh day of  
November, eighteen hundred and seventy-one.



A. CRAIG,  
Notary Public.

#### NOTICE OF APPOINTMENT OF COMMISSIONERS.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey, in said State.*

To THOMAS BECK, Esq., Watsonville, Santa Cruz County, California:

SIR: You will please take notice, that on the fourteenth day of October, A. D. eighteen hundred and seventy-one, Thomas Flint, a voter residing in the said Sixth Senatorial District of the State of California, to wit: in the County of Monterey, filed in my office his statement, in which he contests your right to the office of Senator of said district, claiming that the certificate you now hold, issued by the County Clerk of Monterey County on or about the twenty-sixth day of September, A. D. eighteen hundred and seventy-one, was procured to be issued by reason of illegal votes cast for you in several precincts in said Santa Cruz and Monterey Counties, as recited and set out in said statement; and that, on account of said illegal votes, you were procured to be declared elected to said office of Senator.

Now, therefore, in accordance with the laws of the State of California, on the sixteenth day of October, A. D. eighteen hundred and seventy-one, I issued a commission directed to E. Wellington, Esq., and Luther Farnham, Esq., Justices of the Peace in and for the Township and County of Santa Cruz, State of California, to take the testimony of any and all persons procured to be examined in the matter of said contest, at the Court-room in the Court House in the Town of Santa Cruz, County of Santa Cruz, and State of California, on Thursday, the ninth day of November, A. D. eighteen hundred and seventy-one, at ten o'clock

A. M., and to continue the same from day to day until all of said testimony is taken, which said testimony will be reduced to writing and disposed of according to law.

Dated at Santa Cruz this seventeenth day of October, eighteen hundred and seventy-one.

ALBERT BROWN,  
Clerk of the District Court, Third Judicial District, California.

### COMMISSION TO TAKE TESTIMONY.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey, in said State.*

The People of the State of California to LUTHER FARNHAM and E. WELLINGTON, Justices of the Peace of the Township of Santa Cruz, in the County of Santa Cruz, State of California:

Whereas, on the fourteenth day of October, A. D. eighteen hundred and seventy-one, Thomas Flint, a citizen of the United States and of the State of California, over thirty years of age, now and for over one year last past a voter of the County of Monterey, in the said Sixth Senatorial District, filed in the office of the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Santa Cruz, his statement, claiming that at a general election held in the said Sixth Senatorial District, upon the sixth day of September, A. D. eighteen hundred and seventy-one, one Thomas Beck and said Thomas Flint were voted for, in the Counties of Santa Cruz and Monterey, for the office of State Senator for the said Sixth Senatorial District of said State, and that he, said Thomas Flint, received the largest number of legal votes cast in said district for the office of State Senator, and a larger number of legal votes than said Thomas Beck; and that after said election, and within twenty days next preceding the filing of said statement, a certificate of election as such State Senator was issued by the County Clerk of said Monterey County to said Thomas Beck, and such certificate is now held by said Thomas Beck; and in said statement further claiming that the said Thomas Flint is duly eligible to said office, and contesting the claim of said Thomas Beck thereto:

Now, therefore, in confidence of your prudence and fidelity, I have appointed, and by these presents do appoint, you as Commissioners for the purpose of taking the depositions of such witnesses as the said parties to such contest may desire to examine. And I, as Clerk of said District Court, direct that you do meet in the Court room of the Court House, in the Town and County of Santa Cruz, State of California, on Thursday, the ninth day of November, A. D. eighteen hundred and seventy one, at ten o'clock A. M.; and that you then and there diligently examine all witnesses then and there produced before you, upon their corporeal oath, first taken before you, and cause the said examination of the said witnesses to be reduced to writing and signed by each witness and by yourselves; and after the taking of said testimony is fully completed, you shall deliver the said depositions so taken before you, with

your certificates thereto attached, together with this your said commission, to the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Santa Cruz.



Witness, Albert Brown, Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Santa Cruz, with the seal of said Court hereto affixed, this seventeenth day of October, A. D. eighteen hundred and seventy-one.

ALBERT BROWN,  
Clerk of said Court.

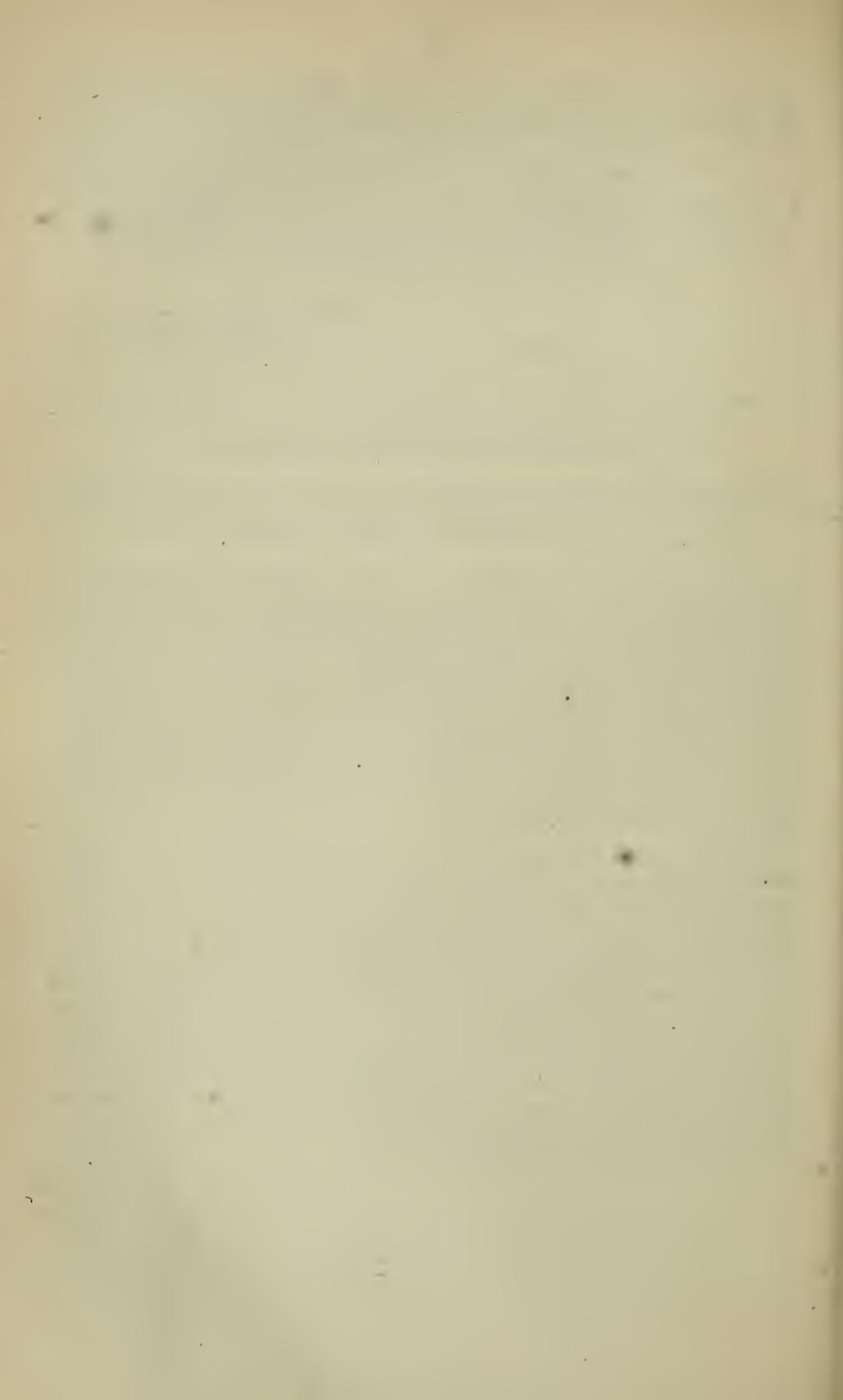
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### MOTION TO DISMISS STATEMENT.

*In the matter of the contest of the election of Thomas Beck as Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey, in said State.*

Be it remembered, that pursuant to the commission hereunto annexed, and on the ninth day of November, eighteen hundred and seventy-one, at the Court-room of the District Court of the Third Judicial District, in and for the County of Santa Cruz, State of California, in the Court House of the said County of Santa Cruz, before us, E. Wellington and L. Farnham, two Justices of the Peace of said county, duly elected and acting as such Justices, personally appeared witnesses produced on behalf of Thomas Flint in the above entitled contest, who being first duly sworn by E. Wellington, were then and there examined and interrogated by Albert Heath, of counsel for said Thomas Flint, and by W. M. Dewitt and A. Craig, Esqs., of counsel for said Thomas Beck, and testified as follows.

And now comes THOMAS BECK, the respondent herein, and moves to dismiss the statement of said contestant, Thomas Flint, heretofore filed with the Clerk of the District Court in and for said County of Santa Cruz, in pursuance of which this pretended examination is proposed to be had; and to suspend all further proceedings herein, upon the ground that said statement does not state facts sufficient to authorize this or any examination, and upon the grounds that there is no statement filed herein according to law; and that said statement does not state facts sufficient to constitute a contest of said election. In this, that it does not state any grounds of contest as required by law, nor the grounds on which the contestant intends to rely, but only states conclusions of law; and upon the further ground that it nowhere appears that L. Farnham or E. Wellington are Justices of the Peace, or were, at the time this pretended commission herein issued.



## TESTIMONY.

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### TESTIMONY OF WILLIAM H. MORRIS.

WILLIAM H. MORRIS, being first duly sworn to testify to the truth and nothing but the truth relating to the contest herein above mentioned, testified as follows:

Question—State your name and age?

Answer—My name is William H. Morris, aged thirty years.

Q.—Did you vote at the regular election held in the State of California on the sixth day of September, eighteen hundred and seventy-one?

[Objected to by respondent: first, as immaterial; second, as incompetent; third, as secondary and not the best evidence.]

A.—I did.

Q.—Under what name?

A.—William H. Morris.

Q.—In what county and precinct?

[Objected to as incompetent, and that it is secondary and not the best evidence.]

A.—I suppose it was in Pajaro Township, in the County of Santa Cruz.

Q.—State whether the election was held in a town?

A.—It was held in the Town of Watsonville, in Billings & Alexander's Hotel.

Q.—State whether you voted for any person for the office of State Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz.

[Objected to: first, as leading; second, as immaterial; third, incompetent.]

A.—Yes, I voted for State Senator.

Q.—For whom did you vote to fill the office of State Senator?

[Objected to: first, as leading; second, as immaterial; third, as secondary and incompetent to show that the witness voted illegally, and not the best evidence, the ballot being the best evidence.]

A.—I voted for Thomas Beck.

### CROSS EXAMINED.

*By Respondent*—Where were you born?

A.—Marietta, Ohio, in the United States of America.

[Objected to because it is not a proper cross examination question.]

Q.—How long had you been a resident of the State of California immediately preceding the sixth day of September last?

A.—Ten months continuously, ending on the nineteenth day of September last.

Q.—How long had you been a resident of the County of Santa Cruz on the sixth day of September last?

[Objected to as a leading and original question, and not cross examination of any testimony heretofore introduced.]

A.—One month and twenty-four days continuously, ending on the sixth day of September, eighteen hundred and seventy-one.

Q.—In what precinct?

A.—In Pajaro Precinct.

Q.—What was your politics?

A.—Republican.

WILLIAM H. MORRIS.

### TESTIMONY OF J. OLIVER.

J. OLIVER, being first duly sworn to testify to the truth and nothing but the truth relating to the contest hereinabove mentioned, testified as follows:

Question—State your name, age, and residence?

Answer—James Oliver; age, forty-three; residence, Watsonville.

Q.—Have you a family?

[Objected to as irrelevant and immaterial.]

A.—I have no wife, but I have children.

Q.—Where do they reside?

[Objected to as immaterial, irrelevant, and incompetent.]

A.—In Iowa.

Q.—How long since you resided in Iowa?

A.—I left in October, eighteen hundred and sixty-seven.

Q.—Where did you reside before coming to Santa Cruz County?

A.—San Jose, Santa Clara County.

Q.—At what time did you leave Santa Clara County to come to Santa Cruz County?

A.—The seventh July, eighteen hundred and seventy-one.

Q.—State whether you voted at the regular election held in the State of California on the sixth day of September, eighteen hundred and seventy-one, for the office of Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as irrelevant and incompetent.]

A.—I did.

Q.—In what county and precinct?

[Objected to as incompetent.]

A.—Pajaro Precinct, Santa Cruz County.

Q.—For whom did you cast your vote for such officer?

[Objected to as irrelevant and immaterial, and incompetent, and is secondary, and not the best evidence, and in no way tends to prove an illegal vote, and because it is leading.]

A.—I voted for Thomas Beck.

Q.—When you came to Santa Cruz County did you come here for the purpose of making this county your residence?

[Objected to, as leading, and immaterial, and irrelevant.]

A.—I came with the intention of making this county my home as much as any other county in the State.

Q.—What business did you come here to transact?

[Objected to, as wholly immaterial and irrelevant.]

A.—I came here to follow my trade as house carpenter.

Q.—Were you employed, before you left Santa Clara County, to work at your trade as house carpenter?

[Same objection as last interrogatory.]

A.—I was.

Q.—State whether upon a single building?

[Same objection as last objection interposed.]

A.—I was first employed upon Pajaro Bridge; no building at all.

Q.—Who employed you to work on that bridge?

[Objected to, as immaterial, irrelevant, and incompetent to prove anything alleged in the statement herein.]

A.—Mr. Beck—Thomas.

Q.—When he employed you in Santa Clara County to come to Santa Cruz County were you employed for the purpose of working on the bridge?

[Objected to, as irrelevant, immaterial, incompetent, and wholly foreign to any question at issue herein.]

A.—I was.

Q.—State whether it was for building a new bridge or repairing an old one?

[Same objection as to last interrogatory.]

A.—Repairing an old bridge.

Q.—At the time that Mr. Beck employed you did he simply employ you to work on the bridge at the time of the employment?

[Same objection as last made.]

A.—I was not employed simply to work on the bridge.

Q.—Is it not true that you was employed to work on the Alexander & Billings' Hotel, in Watsonville, and on account of delays you worked for a time on the bridge?

[Objected to: first, as leading and irrelevant; second, as immaterial; third, incompetent, and is in cross examination of his (contestant's) own witness.]

A.—When Mr. Beck hired me, in June last (about the middle, I think), he said he had a bridge to repair and a hotel to build; and I worked on the bridge after the hotel was begun.

#### CROSS EXAMINATION.

Q.—Are you a citizen of the United States?

A.—I am.

Q.—How long have you resided in the State of California, and where?

A.—I have resided a little over four years last past in the State of California; part of the time I resided almost two years in Oakland; the balance of the time I resided in Santa Clara County and Santa Cruz County.

Q.—How long was you a resident of Pajaro Precinct, in the County of Santa Cruz, next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—I just lacked one day of being two months continuously.

Q.—Was it or was it not your intention at the time you left the County of Santa Clara and came to the County of Santa Cruz, to make the Town of Watsonville, in said Santa Cruz County, your permanent place of residence?

[Objected to on the ground that the question is leading, and is not a proper cross examination.]

A.—It certainly was.

Q.—Where have you resided since the election?

A.—In Watsonville, Santa Cruz County, California, at the same place continuously.

Q.—Did you come to the County of Santa Cruz before or after the nominating convention was held at which the respondent, Thomas Beck, was nominated for said office of State Senator?

[Objected to on the grounds that the question is leading, and not a cross examination of any question asked by the contestant.]

A.—I came to Watsonville before the nomination was made.

Q.—Then, when you came to Watsonville, Santa Cruz County, the respondent, Thomas Beck, was not a candidate for any position?

[Objected to as irrelevant, and not a proper cross examination.]

A.—He was not.

#### DIRECT EXAMINATION RESUMED.

*By the contestant*—Do I understand you to swear that when you accepted employment from Mr. Beck, and engaged to come to Watsonville, Santa Cruz County, that you then intended to make Pajaro Precinct your permanent place of residence?

[Objected to by respondent, on the ground that it is in cross examination of his (contestant's) own witness, and tends to impeach his (contestant's) own witness.]

A.—I came with that intention as much as going to any other place to reside.

JAMES OLIVER.

#### TESTIMONY OF ADDISON MOORE.

ADDISON MOORE, being duly sworn to testify to the truth and nothing but the truth relating to the contest herein above mentioned, testified as follows:

Question—State your name and age?

Answer—My name is Addison Moore; my age is thirty-four years.

Q.—Have you a wife or children?

A.—No; I am a single man.

Q.—State whether or not you voted at the general election held on the sixth day of September, eighteen hundred and seventy-one?

[Objected to as being incompetent and leading.]

A.—I did.

Q.—Where; in what county and precinct?

[Objected to as incompetent, secondary, and not the best evidence, the ballots and records kept by the Board of Registration Clerks and Inspectors of Election being the best and only evidence competent to prove the fact.]

A.—In Pajaro Precinct, Santa Cruz County.

Q.—At that election did you vote for any person for the office of Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Same objection as interposed to the last question.]

A.—Yes, sir, I did.

Q.—For whom did you vote as such officer?

[Objected to upon the ground that it is incompetent, secondary, and not the best evidence; that it is contrary to the spirit and intention of the sixth section of Article II of the Constitution of the State of California, which provides that all elections by the people shall be by ballot; and the spirit and intention of the Act of the Legislature of the State of California, entitled the Election Law in general, and the amendment to the Election Law in general, approved April fourth, eighteen hundred and sixty-four, and the Acts amendatory thereof and supplementary thereto, by which the ballot was intended to be kept secret, and the party alone who exercised the privilege of voting, was to know how he voted and for whom he voted.]

A.—Thomas Beck.

#### CROSS EXAMINATION.

Q.—You say in answer to questions asked that you voted in Pajaro Precinct, in the County of Santa Cruz, on the sixth day of September, eighteen hundred and seventy-one. Now tell us how long you had been a resident of said Pajaro Precinct next preceding the said sixth day of September, eighteen hundred and seventy-one?

[Objected to by contestant.]

A.—I came there on the sixth day of August, eighteen hundred and seventy-one, and resided there from that time up to the day of election, and from then to the present time continuously.

Q.—Are you a citizen of the United States of America?

A.—I am.

Q.—How long had you been a resident of the State of California immediately preceding the sixth day of September, eighteen hundred and seventy-one?

[Objected to.]

A.—Fourteen years and eleven months continuously.

#### DIRECT EXAMINATION RESUMED.

*By contestant*—Where did you reside last before coming to the County of Santa Cruz?

A.—San Jose, Santa Clara County.

Q.—With whom did you board last before coming to Santa Cruz County?

[Objected to as immaterial and irrelevant.]

A.—With Mr. French.

ADDISON MOORE.

## TESTIMONY OF T. KERNS.

T. KERNS, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth in relation to the contest herein above mentioned, testifies as follows, to wit:

Question—State your name and age?

Answer—Thomas Kerns; about thirty-six years of age.

Q.—State where you reside?

A.—About three miles north of Watsonville, Santa Cruz County.

Q.—Did you vote at the regular election held in the State of California on the sixth day of September, eighteen hundred and seventy-one?

[Objected to as incompetent, and not the best evidence.]

A.—Yes, sir.

Q.—In what county and precinct?

[Same objection as to last question.]

A.—Santa Cruz County, and Pajaro Precinct.

Q.—At that election did you vote for any person to serve as Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Same objection fast named.]

A.—I think I voted for Senator.

Q.—For whom did you vote?

[Objected to on the grounds that it is incompetent, secondary, and not the best evidence; that it is contrary to the letter, spirit, and intention of the sixth section of Article II of the Constitution of the State of California, and contrary to the letter, spirit, and intention of the Act of the Legislature of the State of California, entitled Election Law in general, and the amendment to Election Law in general, approved April fourth, eighteen hundred and sixty-four, and the Acts amendatory thereof and supplemental thereto, by which the ballot was intended to be kept secret, and the party alone who exercised the privilege of voting was to know as to how he voted and for whom.]

A.—I cannot swear that; I voted a split ticket.

Q.—Can you read and write?

A.—Yes.

Q.—Did you read your ticket before you voted it?

[Objected to as immaterial and in cross examination of his (contestant's) own witness.]

A.—I read the heading of the ticket, but could not read the ticket through for the want of my glasses. I did not have them with me.

Q.—Did you intend to vote for Thomas Beck?

[Objected to on the ground that it is in cross examination of contestant's own witness, and calls for the intention of the witness and does not prove any facts, and is therefore incompetent, irrelevant, and unprecedented.]

A.—I intended to vote the Democratic ticket and voted a split ticket.

Q.—Did you intend to vote for Thomas Beck as Senator from this District?

[Same objection as interposed to the last question.]

A.—I did, but cannot swear to it, not having read my ticket through.

Q.—Are you the same person whose name was placed upon the Great Register on the twentieth day of October, A. D. eighteen hundred and

sixty-eight, and who was indicted for being placed fraudulently upon the Great Register of Santa Cruz County in the County Court of said County?

[Objected to upon the ground that it is in cross examination of contestant's own witness; that there is no foundation laid for such question, it not appearing in any of the proceedings or testimony offered that any Thomas Kerns was ever on the Great Register or that any Thomas Kerns was ever indicted for being placed fraudulently upon the Great Register, and if such should be the case, the records of the Court and the Great Register are the best and only evidence to prove the fact, and the question calls for an answer tending to criminate the contestant's own witness.

Witness declines to answer the question.

Q.—State whether there is a person, to your knowledge, living in Pajaro Precinct, Santa Cruz County, California, of the same name as yourself?

[Objected to as immaterial.]

A.—There are other Kerns besides me in Santa Cruz County; I don't know whether they are in Pajaro Precinct or not; I don't know whether they are of the same name or not.

Q.—Under what name did you vote in Pajaro Precinct?

A.—Under the name of Thomas Kerns.

#### CROSS EXAMINATION.

Q.—You, not having read your ticket, and not knowing whose name was upon that ticket, is it not possible that you might have cast your vote for Thomas Flint, the contestant for State Senator?

A.—I did not read my ticket, and cannot swear for whom I voted.

THOMAS KERNS.

#### DEPOSITION OF JOSÉ BUELNA.

JOSÉ BUELNA, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest herein above mentioned, testified as follows, to wit:

Question.—State your name and age?

Answer.—José Buelna; twenty-one years of age.

Q.—Did you vote at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Yes, sir; I voted.

Q.—In what county and precinct?

[Objected to as incompetent and secondary, and not the best evidence.]

A.—In Santa Cruz County, and Santa Cruz Precinct.

Q.—State whether you cast your vote for a person as Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent, and not the best evidence.]

A.—Yes; I voted.

Q.—For whom did you vote?

[Objected to on the same grounds and for the same reasons interposed to the sixth question or interrogatory propounded to Thomas Kerns. See Kerns' deposition.]

A.—I voted the Democratic ticket.

Q.—Whose name was on that ticket for State Senator of this district?

A.—I do not know.

Q.—Did you not inform Mr. William Wilson, your brother-in-law, in the Town of Santa Cruz, on Saturday, the fourth day of November, that you cast your vote for Thomas Beck as such Senator?

[Objected to upon the ground that it is in cross examination of contestant's own witness, and impeaching his own witness.]

A.—No, sir.

#### CROSS EXAMINATION.

Q.—Can you read or write?

A.—No, sir.

Q.—Then, if you cannot read or write, you do not know who you voted for, do you?

A.—No, sir.

Q.—Did you vote for Romualdo Pacheco?

A.—No, sir; I did not.

Q.—Since you cannot read or write, how do you know that you did not vote for Pacheco?

A.—Because Bill Moore and my brother-in-law, Johnny Carpy, gave me the ticket.

Q.—Then all you know about it is their action in handing you the ticket?

A.—That is all I know about it.

Q.—Do you not know that Mr. William Moore was working all the day of election for Mr. Pacheco?

[Objected to.]

A.—No, sir.

JOSE <sup>His</sup> X BUELNA.  
Mark.

Attest: M. V. BENNETT.

#### DEPOSITION OF JOHN KELLEY.

JOHN KELLEY, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth in relation to the contest hereinbefore mentioned, testifies as follows, to wit:

Question—State your name and age?

Answer—My name is John Kelley; my age is twenty-three years past.

Q.—Did you vote at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as secondary, and not the best evidence.]

A.—I did.

Q.—In what county and precinct?

A.—Santa Cruz County, Santa Cruz Precinct.

Q.—State whether you voted for any person for the office of Senator

of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

A.—I may have, and may not, for all I know.

Q.—Can you read and write?

A.—I can.

Q.—Did you read your ticket before you voted it?

A.—I read two names on it, and that is all I remember.

Q.—State whether the ticket that you voted was what is called a "split ticket?"

[Objected to as immaterial, the witness already having stated he did not read it.]

A.—Yes, sir; I think it was.

Q.—Was it a written ticket or a printed ticket?

A.—It was a regular printed ticket.

Q.—State whether that was a regular Republican or a regular Democratic ticket.

[Objected to as immaterial, the witness having already stated that it was a split ticket.]

A.—It was neither Republican nor Democratic; it was a split ticket.

Q.—In answer to one question, you say that you remember but two names for whom you voted. You will state the names of those two persons.

[Objected to as being in cross examination of contestant's own witness, and upon the same ground and for the same reasons interposed to the sixth question or interrogatory propounded to Thomas Kerns. See Kerns' deposition.]

A.—Governor Haight and Bessee.

Q.—Were their names printed in the ticket, or written with ink upon it?

A.—I saw no writing on the ticket.

Q.—In what county and State did you reside immediately preceding your removal to Santa Cruz County?

A.—My residence was in Santa Clara County up to the latter part of July.

Q.—When you came to Santa Cruz County first, where did you reside?

A.—In Santa Cruz.

Q.—With whom did you board?

A.—At the What Cheer House, kept by Tom Bartlett.

Q.—Do you know a man by the name of P. V. Womser?

[Objected to upon the ground that it is in cross examination of contestant's own witness—irrelevant, immaterial, and impeaching his own witness.]

A.—No; I do not.

#### CROSS EXAMINATION.

Q.—Your ticket not having been read and examined by you, and you only having observed the two names thereon, to wit: Haight and Bessee, it might be possible, might it not, that the name of Thomas Flint, the contestant herein, was upon that ticket?

[Objected to.]

A.—Just as probable as any other name outside of those two.

JOHN KELLEY.

## TESTIMONY OF THOMAS D. BARTLETT.

THOMAS D. BARTLETT, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest herein above mentioned, testifies as follows, to wit:

Question.—State your name and age?

Answer.—My name is Thomas D. Bartlett. I am thirty-four years of age.

Q.—Are you acquainted with a man by the name of P. V. Womser?

[Objected to as irrelevant and immaterial.]

A.—There might have been a man a long time ago stopping at my house of that name; I cannot tell where he is now.

Q.—What house did you keep, and where?

[Objected to, as immaterial and irrelevant.]

A.—I kept the What Cheer House, here in Santa Cruz.

Q.—State, if you can now recollect, the last time that Mr. Womser stopped at your house?

[Objected to.]

A.—I cannot.

Q.—Are you still the proprietor of the What Cheer House?

[Same objection as last made.]

A.—No, sir.

Q.—Have you, in your possession, the books and register of the What Cheer House of Santa Cruz?

[Objected to as irrelevant and immaterial.]

A.—Yes, sir.

Q.—By reference to those books can you refresh your recollection so as to state positively the last time that you saw Mr. Womser at your house?

A.—No, sir, I cannot.

Q.—Who now is the proprietor of the What Cheer House?

[Objected to, as immaterial.]

A.—John Kelley.

Q.—When did you first become acquainted with John Kelley?

[Objected to, as irrelevant and immaterial.]

A.—About six months or a year ago.

Q.—Where did you become acquainted with him?

A.—I became acquainted with him in San José.

Q.—What business was he then following?

A.—He was then running a hotel there at that time.

Q.—When did you sell out the What Cheer House to Mr. Kelley?

[Objected to, as incompetent, irrelevant, and immaterial.]

A.—The sixth of September.

Q.—How long before you sold out to Mr. Kelley did you commence to make the bargain with him?

[Objected to, as being irrelevant, and is an attempt at the impeachment of contestant's own witnesses.]

A.—We had been making the bargain some time before the sale.

Q.—State, as near as you can recollect, how long it was before you concluded the sale after you had the first conversation?

A.—It was some time before that; cannot exactly remember.

Q.—State whether Kelley boarded with you any length of time in the What Cheer House immediately before you sold the house to him?

A.—Yes, sir.

Q.—How long?

[Objected to on the same ground as in the objection last aforesaid.]

A.—Different times.

Q.—How long was it that he boarded with you immediately before the sale by you to him?

A.—I do not know exactly. I might and I might not tell by referring to the books.

Q.—In your former statement, in answer to a question, you say that you first became acquainted with Kelly in San José, and that he was in a hotel there. State what hotel he was then in?

[Objected to as immaterial, irrelevant, and is in cross examination of contestant's own witness, and is leading.]

A.—It was a hotel on a street down near the depot, in San José.

Q.—How far from the depot, and which depot?

A.—I cannot tell whether it was one, two, or three blocks from the depot. It was the depot that I took my ticket from to go to San Francisco.

Q.—State whether at that depot the track is covered by a shed any distance?

A.—I did not look for the shed; I looked for the cars.

Q.—Do you know upon what street that depot is located?

A.—No, sir, I do not.

Q.—Is there a public park immediately fronting either way from the depot?

A.—I do not know, sir. I did not look for the park; I looked for the cars.

Q.—During the last two years how often have you been to San Francisco through San José and took the cars for San Francisco?

A.—Could not tell you how often I have been to San José.

Q.—How many times have you in the last two years got aboard the cars at the depot you have herein referred to to go to San Francisco?

A.—I cannot tell the number of times.

Q.—Have you more than once?

[Objected to as leading and in cross examination of contestant's own witness.]

A.—I expect I have.

Q.—Which way from that depot was located the house that Kelley kept when you first knew him?

A.—I cannot tell which way from the depot.

Q.—Was he the proprietor of the house?

A.—I do not know whether he was or not.

Q.—Was it a hotel?

A.—I do not know. There was nothing to drink there.

Q.—Was it a house of entertainment?

A.—Yes, sir.

Q.—Was there a sign upon the house?

A.—I do not know.

Q.—Is Mr. John Kelley a married man?

A.—I did not see him get married.

Q.—Is there a woman living with him that he calls his wife?

[Objected to as irrelevant, incompetent, immaterial, and unprecedented.]

A.—I have never asked him.

Q.—Do you know that a woman is living in the What Cheer House who is reputed to be his wife?

A.—I expect so; I do not know.

Q.—How long after you sold to him was it that he brought that woman to Santa Cruz?

A.—She was there before I sold.

Q.—How long before?

A.—I could not tell exactly how long it was.

Q.—State whether or not it was twenty days?

[Objected to by respondent as leading and in cross examination.]

A.—I could not tell how long it was; we were talking about the sale.

T. D. BARTLETT.

[Respondent now moves to strike out all the testimony of the witness, Thomas D. Bartlett, upon the ground that the whole subject matter of his testimony is foreign to any fact or question at issue in these proceedings for the contest of the election of said respondent, Thomas Beck.]

By consent of A. Heath, attorney for contestant, and A. Craig, Esq., and W. M. DeWitt, Esq., attorneys for respondent, the further examination of witnesses on the part of contestant and respondent is continued to and until the twenty-first day of November, A. D. eighteen hundred and seventy-one, at nine o'clock A. M.

Santa Cruz, November tenth, eighteen hundred and seventy-one.

E. WELLINGTON,  
L. FARNHAM,  
Commissioners.

SANTA CRUZ, November 21st, 1871—ten o'clock A. M.

By consent of counsel for contestant and respondent, the further taking of testimony in the above matter is continued until Tuesday, the twenty-eighth day of November, A. D. eighteen hundred and seventy-one, at ten o'clock A. M.

E. WELLINGTON,  
L. FARNHAM,  
Commissioners.

SANTA CRUZ, November 28th, 1871.

Commission met pursuant to adjournment, and, by consent of counsel for contestant and respondent, the cause is continued until two o'clock P. M.

E. WELLINGTON,  
L. FARNHAM,  
Commissioners.

SANTA CRUZ, November 28th, 1871—two o'clock P. M.

On motion of respondent, the contestant objecting, it is ordered that this Commission do now adjourn until November twenty-ninth, A. D. eighteen hundred and seventy-one, at ten o'clock A. M.

E. WELLINGTON,  
L. FARNHAM,  
Commissioners.

### TESTIMONY OF JOAQUIN ADAM.

NOVEMBER 29th, 1871—ten o'clock A. M.

JOAQUIN ADAM, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—What is your name, age, and place of residence?

Answer—My name is Joaquin Adam; my age is thirty-four years; my residence is Santa Cruz.

Q.—What is your business or occupation?

A.—Catholic priest, and parish priest of Santa Cruz Parish.

Q.—As such parish priest are you the keeper or custodian of the parish register?

A.—Yes, sir.

Q.—Where now is that parish register?

A.—I have it here before the Commission.

Q.—Is that parish register a record of births and baptisms of children born in this parish?

[Objected to by respondent, on the ground that it is secondary, and that the register is the best evidence of the fact.]

A.—Yes, sir.

Q.—Does this parish register contain a record of baptisms and births extending back from this time a period of about twenty-one years?

[Objected to by respondent, on the ground that it is secondary and not the best evidence.]

A.—Yes, sir.

Q.—Please refer to the register and see if there is an entry of the baptism or birth of José Buelna, made and entered about the year A. D. eighteen hundred and fifty-one.

A.—There is a register of the baptism and birth of José Buelna.

Q.—Please read the entry as you find it in the parish register.

A.—“On the first of November, of this year, I baptized solemnly, and I put the holy oils and chrism to a boy, born on the same day, to whom I put for name José de Los Santos de Atocha, son of Ramon Buelna and Rafaela Perez. His sponsors were José Chappel and Maria Josefa Soto, husband and wife, to whom I adverted their duty and signed my name.”

Q.—This entry purports to have been made on the first day of November. Now, in what year was this as shown by the register?

[Objected to by the respondent, on the ground that it is leading, and

on the further ground, that it is secondary, the entry itself being the best evidence as to when it was made.]

A.—It was made in the year A. D. eighteen hundred and fifty.

Q.—In your last answer, did you read from the parish register?

A.—Yes, sir.

Q.—In what language are the entries made in said register?

A.—In the Spanish language.

Q.—Are you acquainted with the Spanish and English languages?

[Objected to by respondent, on the ground that it is in cross examination of contestant's own witness.]

A.—Yes, sir.

Q.—Are you well enough acquainted with them to translate from Spanish into English, and vice versa?

A.—I think so.

Q.—Is the translation from the register in reference to José de Los Santos de Atocha Buelna, a full, true, and correct translation of the entry as you find it in the register?

A.—Yes, sir.

Q.—Are you acquainted with José de Los Santos de Atocha Buelna, the subject of said entry?

A.—I may have seen him, but I am not certain.

Q.—Can you explain why de Los Santos de Atocha appears after the name of José in said entry?

[Objected to by respondent, on the ground that parol evidence is not admissible to contradict or change a written record, and on the further grounds that it is secondary, that the entry itself is the best evidence of what it contains.]

A.—Yes. De Los Santos is because he was born on the first of November, on which day the Catholic church celebrates the feast of All Saints.

Q.—Is de Los Santos de Atocha any part of the name of the subject of said entry?

[Objected to by respondent, on the ground that parol evidence is not admissible to vary or change the record herein; that the record is the best evidence of what it contains or sets forth, and further, that the question is leading.]

A.—Yes, sir.

Q.—Are not such entries as the one in question commonly made to indicate that the child was born on a particular saint's day, or that he owes a particular devotion to some saint, and that the suffixes or affixes are never used or considered to be a part of the subject's name, as ordinarily used by him, in after life?

[Objected to by respondent, on the ground that it is in cross examination of contestant's own witness; and on the further ground, that parol evidence is not admissible to contradict or vary a record; and on the further ground that the evidence is secondary, and the entry in the register herein having been translated by a witness, shows what it is.]

A.—It is a custom amongst the Californians to give two or three names of different saints, when the child is baptized; the custom in after life is generally to sign themselves by the first name, and sometimes they take the first and the second.

## CROSS EXAMINED.

*By Respondent*—Is not the child named at the time of its baptism?

A.—Yes, sir.

Q.—Is not the name de Los Santos de Atocha as much a portion of the child's name spoken of in the entry in the parish register as the name José?

A.—Yes.

Q.—Then José de Los Santos de Atocha is the name of the child named in the entry which you have read?

A.—Yes, sir.

Q.—Are there any dates in the entry of the parish register made therein at the time of the baptism of the child spoken of?

A.—Yes, there is a date.

Q.—What is that date?

A.—First of November of this year.

Q.—Is there any year named in the entry of said parish register?

A.—There is no year named in that particular entry.

Q.—Is there any other entry made in the parish register of the Parish of Santa Cruz with regard to the time of the birth and baptism of José de Los Santos de Atocha than the particular entry of which you have spoken?

A.—No, sir.

Q.—By whom was that entry made?

A.—By J. Antonio Auzar.

## RE-DIRECT EXAMINATION.

Q.—Is there anything in the parish register to indicate with certainty the year in which the various entries of births and baptisms were made?

A.—Yes, there is.

Q.—Please explain how you ascertain with certainty the year in which such entries were made?

A.—The entry which comes immediately after the one in question expresses the year, and several of the others before it express also the year.

## CROSS EXAMINATION RESUMED.

Q.—The entries of which you have spoken of as having the date and year following them are entries with regard to other matters, having no connection with the entry as to the birth and baptism of José de Los Santos de Atocha?

A.—It has no direct connection; but it has an indirect connection, because the register puts down the names of the children in chronological order.

Q.—Was the next entry made on the parish register following the entry as to the birth and baptism of José de Los Santos de Atocha made on the same day of the above entry?

A.—No, sir.

JOAQUIN ADAM, C. P.

## DEPOSITION OF J. S. CHAPMAN.

J. S. CHAPMAN, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—State your name, age, and place of residence?

Answer—My name is J. S. Chapman; my age is forty-seven years; my residence is Watsonville, Santa Cruz County, California.

Q.—Are you acquainted with Nelson Streuve and Thomas Kerns? If yes, how long, and where have you known them?

A.—I am acquainted with both of them, more particularly with Nelson Streuve. I have known them in Watsonville, Santa Cruz County; Streuve since eighteen hundred and sixty-five; Kerns since eighteen hundred and sixty-eight.

Q.—State, if you know, what the political character of Nelson Streuve and Thomas Kerns is generally reported to be, and to what political party, if any, they were generally reported to belong at the time of the last general election held in this State, on September sixth, eighteen hundred and seventy-one.

A.—Democratic.

## CROSS EXAMINATION.

Q.—Where does Nelson Streuve reside?

A.—I believe he resides in Monterey County. I do not know certain.

Q.—Do you not know that Nelson Streuve has resided in the County of Monterey for over two years last past?

A.—I think so.

Q.—Do you not know that there is more than one Nelson Streuve in the County of Monterey, and in the vicinity of Watsonville?

A.—I do not; I never was acquainted with but one Nelson Streuve.

Q.—And that is the one now living in the County of Monterey?

A.—The one that I believe to live in Monterey County.

Q.—Have you not heard the Nelson Streuve, who resides in Monterey County, say since the election that he (Streuve) voted for Thomas Flint, the contestant herein?

A.—I am satisfied that I have not seen Mr. Streuve since the last election; if I have I don't recollect it.

Q.—Has it not been reported to you, by his neighbors, that he voted for Thomas Flint?

A.—It has not.

Q.—To what political party do you belong?

A.—The anti-subsidy Republican party.

## DIRECT EXAMINATION RESUMED.

Q.—Do you know that Nelson Streuve was a resident of Monterey County on the sixth day of September, eighteen hundred and seventy-one?

A.—I am not certain, but I believe he was.

J. S. CHAPMAN.

## TESTIMONY OF WILLIAM WILSON.

WILLIAM WILSON, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—What is your name, age, and place of residence?

Answer—My name is William Wilson; my age is thirty-six years; my residence is in the Town of Santa Cruz, County of Santa Cruz.

Q.—Are you acquainted with José Buelna, who has already testified before this Commission on behalf of the contestant?

A.—I am.

Q.—Is he the same José Buelna who is the subject of the following entry in the parish register of Santa Cruz, of the Parish of Santa Cruz: "On the first day of November of this year I baptized solemnly, and I put the holy oils and chrisam to a boy born on this same day, to whom I put for name José de Los Santos de Atocha, son of Ramon Buelna and Rafaela Perez, whose sponsors were José Cappell and Maria Josefa Soto, husband and wife, to whom I adverted their duty and signed my name?"

A.—Yes; he is the same person.

Q.—Do you know if José Buelna voted at the general election held in this State on September sixth, eighteen hundred and seventy-one?

A.—Yes; I know that he voted.

Q.—Did José Buelna ever inform you, or any person in your hearing, that at said election he voted for any person for Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey; if yes, whom did said José Buelna state that he voted for?

[Objected to by respondent as leading and incompetent.]

A.—I asked, after the election, who he voted for; he told me that he voted the straight Democratic ticket. I asked him if anybody scratched any names off his ticket, and he said no, he voted the whole ticket straight.

## CROSS EXAMINATION.

Q.—Did you see him vote?

A.—I did.

Q.—Did you not hand him a ticket to vote?

A.—No, I did not.

Q.—Who did give him his ticket?

A.—I don't know.

Q.—What was the color of the ticket he voted?

A.—I don't know; I saw the ticket in his hand, and tried to get him back so as not to vote it.

Q.—What color was the Republican tickets voted on that day?

A.—I don't remember the color of the tickets voted on that day.

Q.—Do you not know that the Republican tickets voted on that day were red and the Democratic tickets were white?

A.—I don't remember what color they were; they might have been red or black.

Q.—Do you not know the Democratic tickets were white?

A.—I don't know it; I did not have one in my hands.

Q.—Tell us how it is you recollect so well that José Buelna had a ticket in his hand at the polls and don't know the color of the ticket, or the colors of the tickets used by the respective political parties on that day?

A.—I remember his going to the polls; he had a ticket rolled up in his hand; I did not suppose it was a piece of blank paper.

Q.—What did he do with that paper?

A.—He passed it to the man who stands at the ballot box, and he put it into the ballot box.

Q.—Who else was present when you asked José Buelna how he voted?

A.—Nobody but myself and him.

Q.—Do you not know that José Buelna voted for Romualdo Pacheco?

A.—No, sir, I do not know for whom he voted; he told me he voted the Democratic ticket, and that is all I know about it.

Q.—When was this conversation between you and Buelna?

A.—About three weeks after the election; I asked him how he voted.

Q.—To whom did you communicate this conversation?

A.—I don't know that I told anybody.

Q.—Do you swear that you did not tell anybody?

A.—No, I don't swear, because I may have told somebody, but I don't remember it.

Q.—What are your politics?

A.—I never voted anything but the Republican ticket in my life.

Q.—Did you or did you not run a wagon or carriage for the Republican party on election day?

A.—No, I did not run a wagon or carriage; I went down to the beach twice for the man who was running a wagon.

Q.—Was not this conversation you had with Buelna after the last election?

A.—I don't remember whether I said anything to him after the last election or not.

Q.—What is the full name of José Buelna?

A.—Jose de Los Santos de Atocha Buelna.

Q.—You have stated in your examination in chief that this same José Buelna was the same party named in the parish register; how do you know that fact?

A.—All I know, there is no other man of the same name of the same father and mother.

Q.—Can you read and write?

A.—Yes, I can read and write in my own language.

Q.—Did you ever read the entry made in the parish register of the baptism and birth of José de Los Santos de Atocha Buelna?

A.—No, I never did.

Q.—Then, if you never read the entry made in the parish register, how do you know that the José Buelna of which you have been testifying is the same José Buelna to which that entry relates?

A.—I know it because his name is there.

Q.—How do you know his name is there?

A.—Because the priest told it to me.

Q.—When?

A.—The very day of the election.

GUILLERMO WILSON.

## TESTIMONY OF HIRAM A. IMAS.

HIRAM A. IMAS, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—What is your name, age, and place of residence?

Answer—My name is Hiram A. Imas; my age is seventy years; my residence is at Santa Cruz County, State of California.

Q.—Are you acquainted with C. A. Imas, now living in Monterey County? If yes, how long have you known him?

A.—Yes; about forty-four years.

Q.—State, if you know, what the political character of C. A. Imas is generally reported to be; and to what political party, if any, he was generally reported to belong at the time of the last general election held in this State on September sixth, eighteen hundred and seventy-one?

[Objected to by respondent, on the ground that it is irrelevant; it appearing that the said C. A. Imas lives in the County of Monterey, and this being a contest in the County of Santa Cruz.]

A.—He belongs to the Democratic party; I suppose he did on the sixth of September, eighteen hundred and seventy-one; he was always a Democrat.

## CROSS EXAMINATION.

Q.—Do you know where said C. A. Imas was born?

A.—Yes, sir; he was born in Galena, Illinois, United States of America.

Q.—Do you know how long said C. A. Imas has been a resident of the State of California?

A.—He came here in eighteen hundred and forty-six, and has lived in this State continuously ever since.

Q.—Do you know how long said C. A. Imas has been a resident of the County of Monterey?

A.—Fifteen years last past, continuously in the same place.

H. A. IMAS.

## TESTIMONY OF JAMES O. WANZER.

JAMES O. WANZER, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—What is your name, age, and place of residence?

Answer—My name is James O. Wanzer; my age is thirty-four years; I reside in Santa Cruz County, State of California.

Q.—Are you acquainted with Thomas Kerns, who has testified before this Commission on behalf of contestant?

A.—I am.

Q.—Is he the same Thomas Kerns who was indicted and prosecuted

in the County Court of this county for being fraudulently placed upon the Great Register of this county?

[Objected to by respondent as being incompetent and secondary, the records being the best evidence to prove an indictment and the proceedings had, if any, and they have not been offered.]

A.—He is.

CROSS EXAMINATION.

Q.—Was there ever any Thomas Kerns indicted in the County Court of Santa Cruz County for being placed fraudulently upon the Great Register of this county?

A.—I don't recollect the exact words of the charge specified in the indictment, but I think the indictment was to that effect.

Q.—How long a time elapsed between the day one Thomas Kerns was examined as a witness before this Commission and the time you saw him last preceding that date?

A.—I don't know that I have seen him since January, eighteen hundred and sixty-nine.

Q.—Then almost two years elapsed?

A.—Yes, sir.

Q.—How do you know it is the same Thomas Kerns?

A.—I was in the Court-room when he was arraigned, and during the proceedings under that indictment.

Q.—Then you do not claim to have ever seen the man but once, and that was in January, eighteen hundred and sixty-nine, during a term of Court?

A.—I saw him on different days during that term of Court.

Q.—What interest have you in this controversy?

A.—All the interest that I have in it is to take a copy of the testimony taken in Santa Cruz County and to get paid for it. These services are rendered for contestant.

Q.—Have you not other interests; and have you not counseled and advised with contestant's counsel in the examination of witnesses, and with the witnesses as to what they would testify in this case?

A.—I have no other interest save that of a salaried clerk. I have today conferred with one witness, and by consent of respondent's counsel, asked another witness a question on the stand. I may have, in the capacity aforesaid, counseled and advised with contestant's counsel.

Q.—Have you not done more than you have stated; and did you not go from Santa Cruz to Watsonville on business partly connected with this contest; and did you not converse with prominent Republicans, residents of Watsonville, in regard to witnesses—who they were and what they would testify?

A.—I have never been to Watsonville upon any business connected in any manner with this contest, and I have not conversed with residents of Watsonville in regard to the witnesses—who they were and what they would testify to.

JAMES O. WANZER.

TESTIMONY OF ALBERT BROWN.

ALBERT BROWN, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest hereinbefore mentioned, testifies as follows:

Question—What is your name, age, and place of residence?

Answer—My name is Albert Brown; residence, Santa Cruz; age, thirty-seven.

Q.—What is your occupation?

A.—County Clerk of Santa Cruz County, and ex officio Clerk of the Board of Supervisors.

Q.—As such ex officio Clerk, have you possession of the returns of election held September sixth, eighteen hundred and seventy-one, made to the Supervisors by the Judges and Inspectors of the various election precincts in this county?

A.—I have as County Clerk.

Where is the list of voters who voted at the election held September sixth, eighteen hundred and seventy-one, in Pajaro Precinct, Santa Cruz County, as returned by the Election Board of said precinct to the Board of Supervisors.

A.—I have the list with me here.

Q.—Please examine the list, and state if the following persons are returned as having voted in that precinct on the sixth of September, eighteen hundred and seventy-one, viz: William H. Morris, Thomas Kerns, James Oliver, Addison Moore, and William Morris?

[Objected to by respondent.]

A.—I find the names of W. H. Morris, T. Kerns, A. Moore, William Morris, and J. Oliver.

Q.—Have you also with you the voting list of Santa Cruz Precinct?

A.—I have.

Q.—Please examine said list, and state if you find names returned thereon as having voted on the sixth day of September, eighteen hundred and seventy-one, in Santa Cruz Precinct, as follows, to wit: John Kelley and José Buelna?

A.—I find the names of J. Kelley, José Buelna, and John Kelley.

Q.—Have you with you the Great Register of Santa Cruz County?

A.—Yes, sir; I have.

Q.—Please examine said Register, and state if you find thereon the names of W. H. Morris, William Morris, José Buelna, John Kelley, T. Kerns, and Nelson Streuve?

A.—I find the names of John Kelley, Thomas Kerns, and José Buelna; I do not find the names of W. H. Morris, or William H. Morris, or Nelson Streuve.

Q.—Examine the Great Register, and if the following names appear thereon give the date of their registration, respectively: James Oliver, Addison Moore, José Buelna, and John Kelley.

A.—I find that James Oliver was registered August thirty-first, eighteen hundred and seventy-one, Addison Moore, August thirty-first, eighteen hundred and seventy-one, José Buelna, September fifth, eighteen hundred and seventy-one, John Kelley, September fourth, eighteen hundred and seventy-one.

Contestant now offers in evidence a certified transcript from volume three, page one hundred and fifty-five, of the minutes of the Board of Supervisors of Santa Cruz County, showing the official canvass of votes cast for Senator of the Sixth Senatorial District, at the general election held September sixth, eighteen hundred and seventy-one, marked Exhibit "A."

Respondent objects to the admissibility of the paper purporting to be a copy of the order and entry of the Board of Supervisors, as the canvass of the vote, upon the ground that the original order has not been

offered in evidence, nor its loss shown or attempted to be shown, and the document offered only purports to be a copy of the canvass of a part of the vote, and not the whole, and is not properly certified to.

Contestant also offers a certified transcript of entry in the Great Register of Santa Cruz County. [Marked "Exhibit B."]

[Objected to by respondent as immaterial.]

Contestant also offers in evidence a certified copy of an indictment, and the indorsements thereon, filed in the County Court of Santa Cruz County, on the eighth day of January, A. D. eighteen hundred and sixty-nine, against Thomas Kerns. Also, certified copies of the entries in the minutes of said County Court in a cause entitled "The People of the State against Thomas Kerns." [Marked "Exhibit C."]

[Objected to by respondent as incompetent, the original not having been offered; and is immaterial, since it shows that a nolle prosequi had been entered, as appears upon the face of the instrument offered; and upon the further ground that the copy of the minutes of the County Court contains a different name to that contained in the indictment, as appears upon the face of the papers offered.

Respondent moves to strike out the testimony of Albert Brown.

#### CROSS EXAMINATION.

Q.—Your answer to the questions propounded to you in chief as to the names which you say appear upon the list of voters, and upon the Great Register, and also those which do not appear upon the Great Register, is the result of an examination made by you of the records, is it not?

A.—Yes.

Q.—About how long were you examining the records?

A.—About thirty minutes.

Q.—Might it not be possible that you overlooked some of the names which you say were not found by you on the Great Register?

A.—I think not; I looked thoroughly.

Q.—Do you say the name of Wilham H. Morris appears on the voting list as having voted?

A.—The name of W. H. Morris appears there as having voted.

Q.—Who was authorized in Pajaro Precinct to register and enroll names prior to the election of the sixth of September, eighteen hundred and seventy-one?

A.—A. J. Jennings was appointed Deputy Assessor for the purpose of enrolling the voters, but not to register them.

Q.—Did you not, as County Clerk, recognize A. J. Jennings as having authority to enroll names?

A.—I recognized him as having authority to enroll names of voters; but if the proof was not sufficient of their legal right to be enrolled, I did not place their names on the Great Register of the county.

Q.—Did you not receive a large number of names enrolled by said A. J. Jennings, both originally and by transfer or certificate, prior to said election?

A.—I did.

Q.—When a certificate of transfer was sent you by said Jennings, what indorsement, if any, was generally made thereon by said Jennings?

A.—I don't remember what the indorsements on the certificates were; but I required from him a certified Assessor's enrollment list, and these certificates or other proofs accompanied it as vouchers.

Q.—Did he not at times send large numbers of certificates to you in the same envelop?

A.—Yes.

Q.—Might it not be that some certificates of transfer received, indorsed, and sent to you with others in packages and envelops, were misplaced in your office?

A.—There is a possibility that the name might have been overlooked on Jennings' list.

Q.—Has your attention not been called to the fact that Mr. William H. Morris' certificate of transfer from Santa Clara County was sent to you prior to the election by Mr. Jennings in company with other transfers and papers?

A.—Mr. Jennings told me that he thought he had sent the certificate of William H. Morris. I made search for it among the files of certificates and could not find it.

Q.—Will you please examine the Great Register and tell us when Thomas Kerns was registered?

A.—October twentieth, eighteen hundred and sixty-eight.

Q.—Please tell us whether Thomas Kerns' name has ever been canceled on the Great Register?

A.—It has not.

Q.—Was his name not upon the printed and certified poll list made out by you as Clerk and sent to the Board of Registration of Pajaro Precinct, and certified to by you?

A.—I did not make out any poll lists; I simply certified that the poll lists printed for the election of September sixth, eighteen hundred and seventy-one, were the correct poll lists furnished to me by the different Clerks of the Boards of Registration of the different precincts in the county.

Q.—Was you a candidate for any official position at the election held on the sixth day of September, eighteen hundred and seventy-one?

A.—I was a candidate for County Clerk.

Q.—On what ticket?

A.—On the Republican ticket.

Q.—Then you occupied the position of Clerk at that time, and was a candidate for reëlection?

A.—Yes, sir.

ALBERT BROWN.

[ EXHIBIT A. ]

ELECTION RETURNS OF SANTA CRUZ COUNTY.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, }  
Monday, September 11th, A. D. 1871. }

The Board of Supervisors met pursuant to adjournment.

Present, Supervisors Jacob Parsons, P. F. Dean, George Anthony, and the Clerk.

The Board now proceeded to canvass the returns from the several precincts of the general election held September sixth, A. D. eighteen hundred and seventy-one, and, upon examination, find the following to be the votes cast for all officers voted for at said general election:

PRECINCTS.	FOR STATE SENATOR.	
	Thomas Beck.	Thomas Flint.
New Year Point.....	19	52
San Lorenzo.....	100	76
Scotts Valley.....	36	46
Santa Cruz.....	337	452
Soquel.....	120	147
Pajaro.....	204	270
Corralitos.....	59	51
Totals.....	875	1,094

Albert Hagan appearing before the Board and demanding a recount of each election precinct on the office of joint Senator, the Board recounted the votes of all the precincts in the county, and find the vote to be as follows, viz:

For Thomas Flint, for State Senator..... 1,094 votes.  
 For Thomas Beck, for State Senator..... 875 votes.

STATE OF CALIFORNIA,  
 County of Santa Cruz. } ss.

I, ALBERT BROWN, County Clerk of the County of Santa Cruz and ex officio Clerk of the Board of Supervisors thereof, do hereby certify that the foregoing is a full, true, and correct copy of an entry made in the minutes of said Board, as the same remains of record in volume three, page one hundred and fifty-five and following.



As witness, my hand and the seal of the County Court,  
 this twenty-eighth day of November, A. D. eighteen  
 hundred and seventy-one.

ALBERT BROWN,  
 County Clerk.

[ EXHIBIT B.]

GREAT REGISTER, SANTA CRUZ COUNTY.

Number, two thousand seven hundred and thirty-one.  
 Name, Kern, Thomas.  
 Age, thirty years.  
 Country of Nativity, Ireland.  
 Occupation, farmer.

Local residence, Pajaro.

Naturalized:

Date, October fifteenth, eighteen hundred and sixty-eight.

Place, San Francisco.

By what Court, Fourth District Court.

Date of registration, October twentieth, eighteen hundred and sixty-eight.

Sworn, sworn.

Cancellation, \_\_\_\_\_.

STATE OF CALIFORNIA, }  
County of Santa Cruz. } ss.

I, ALBERT BROWN, County Clerk of the said County of Santa Cruz, do hereby certify the foregoing to be a full, true, and correct transcript of entries on the Great Register of Santa Cruz County, made on the application of Albert Heath, under and in pursuance of an Act of the Legislature of the State of California, approved March nineteenth, eighteen hundred and sixty-six, known as the Registry Act.



In witness whereof, I have hereunto set my hand and affixed the seal of the County Court of the said County of Santa Cruz (being my official seal), at office, this twenty-eighth day of November, A. D. eighteen hundred and seventy-one.

ALBERT BROWN,  
County Clerk.

This certificate is given for the purpose of canceling the registration of said —, in this county, and to authorize his registration in any other county of which he may become a resident.

[EXHIBIT C.]

### INDICTMENT OF THOMAS KERNS.

In the County Court of the County of Santa Cruz, at its January term,  
A. D. eighteen hundred and sixty-nine.

*The People of the State of California to Thomas Kerns:*

The said Thomas Kerns is accused by the Grand Jury of the County of Santa Cruz, State of California, by this indictment, found this eighth day of January, A. D. one thousand eight hundred and sixty-nine, of the crime of knowingly and willingly causing himself to be registered in the Great Register of said county, he not being qualified for such registration, committed as follows: The said Thomas Kerns, on or about the twentieth day of October, A. D. eighteen hundred and sixty-eight, at the county and State aforesaid, did knowingly, willingly, fraudulently, and unlawfully cause and procure himself to be registered in the Great Register of Santa Cruz County, State of California, knowing himself not to be entitled to or qualified for such registration, contrary to

the form, force, and effect of the statute in such cases made and provided, and against the peace and dignity of the people of the State of California.

JULIUS LEE,  
District Attorney.

Name of witness examined before said Grand Jury, on finding the foregoing indictment: H. H. Hobbs.

[Indorsed: Filed.]

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MONDAY, January 11th, 1869.

*The People of the State v. Thomas Kerns.*

The District Attorney and the defendant and his counsel being in Court, the defendant is now duly arraigned by the Clerk reading to him the indictment herein, and presenting him with a true copy thereof; and defendant stating that he is indicted by his right name, he is allowed until to-morrow morning, at ten o'clock, to plead to said indictment.

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TUESDAY, January 12th, 1869.

*The People of the State v. Thomas Kerns.*

This being the time set for defendant to plead to the indictment herein, defendant, by his counsel, now files a demurrer to said indictment, and a motion to set the same aside, which both being argued and submitted, the Court overrules said demurrer, defendant, by counsel, excepting, and the said motion is taken under advisement.

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WEDNESDAY, January 13th, 1869.

*The People of the State v. Thomas Kerns.*

The District Attorney and the defendant and his counsel being in Court, the Court now overrules the motion to set aside the indictment in this cause, defendant, by his counsel, excepting; and defendant now pleads "Not guilty," as charged in said indictment.

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*The People of the State v. Thomas Kerns, Thomas Commodity, Thomas Boyle, Peter Fris, James Tynan, and Thomas Morohan.*

On motion of the District Attorney, in the above named causes, it is ordered that a nolle prosequi be entered in each, and that they be discharged from custody, and go hence without day; and it is further

ordered that the names of the aforesaid defendants be canceled upon the Great Register of Santa Cruz County.

ALBERT HAYAN,  
County Judge.

Attest: H. H. HOBBS, Clerk.  
By JAMES O. WANZER, Deputy.

STATE OF CALIFORNIA, }  
County of Santa Cruz. } ss.

I, ALBERT BROWN, County Clerk of the County of Santa Cruz, and ex officio Clerk of the County Court thereof, do hereby certify that the foregoing is a full, true, and correct copy of an indictment, and the indorsements thereon; also, all the entries in the minutes of said Court in said cause, entitled The People of the State versus Thomas Kerns.



As witness my hand and the seal of said Court, this twenty-eighth day of November, A. D. eighteen hundred and seventy-one.

ALBERT BROWN,  
County Clerk.

#### APPOINTMENT OF COMMISSONERS.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey, in said State.*

The People of the State of California to JOHN W. WHITNEY and JOSEPH O. HERITAGE, Justices of the Peace of the Township of San Juan, in the County of Monterey, State of California:

Whereas, on the fourteenth day of October, A. D. eighteen hundred and seventy-one, THOMAS FLINT, a citizen of the United States and of the State of California, over thirty years of age, now, and for over one year last past, a voter of the County of Monterey, in the said Sixth Senatorial District, filed in the office of the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Monterey, his statement, claiming that at a general election held in the said Sixth Senatorial District, upon the sixth day of September, A. D. eighteen hundred and seventy-one, one Thomas Beck and said Thomas Flint, were voted for in the Counties of Monterey and Santa Cruz for the office of State Senator for the said Sixth Senatorial District of said State, and that he, said Thomas Flint, received the largest number of legal votes cast in said district for said office of State Senator, and a larger number of legal votes than said Thomas Beck; and that after said election, and within twenty days next preceding the filing of said statement, a certificate of election as such State Senator

was issued by the County Clerk of said Monterey County to said Thomas Beck, and such certificate is now held by said Thomas Beck; and in said statement further claiming, that he, said Thomas Flint, is duly eligible to said office, and contesting the claim of said Thomas Beck thereto.

Now, therefore, in confidence of your prudence and fidelity, I have appointed and by these presents do appoint you as Commissioners for the purpose of taking the depositions of such witnesses as the said parties to such contest may desire to examine. And I, as Clerk of said District Court, direct that you do meet at the office of J. W. Whitney, in the Town of San Juan, in the County of Monterey, on Monday, the thirteenth day of November, A. D. eighteen hundred and seventy-one, at ten o'clock A. M. of said day; and that you then and there diligently examine all witnesses then and there produced before you upon their corporeal oath, first taken before you, and cause the said examination of the said witnesses to be reduced to writing, and signed by each witness and by yourselves; and after the taking of said testimony is fully completed, you shall deliver the said depositions so taken before you, with your certificate thereto attached, together with this your said Commission, to the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Monterey.



Witness, W. M. R. Parker, Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Monterey, with the seal of said Court hereto affixed, this sixteenth day of October, A. D. one thousand eight hundred and seventy-one.

W. M. R. PARKER, Clerk.

#### PROTEST.

*In the matter of the contest of the election of Thomas Beck as State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Santa Cruz and Monterey, in said State.*

Be it remembered, that pursuant to the commission hereunto annexed, and on the thirteenth day of November, A. D. eighteen hundred and seventy-one, at the office of J. W. Whitney, in the Town of San Juan, in the County of Monterey, State of California, before us, J. W. Whitney and J. O. Heritage, two Justices of the Peace of said Town of San Juan, duly elected, qualified, and acting as such Justices, and authorized to administer oaths, personally appeared: Hiram Watson, Detleff Jansen, Abram Kolman, Robert M. Carter, William Weathers, John W. Maze, Gilbert Mulch, John R. Comfort, William Jonas Miller, H. M. Hayes, Samuel W. Smith, Thomas Yost, Diedrich Waltzen, E. M. Mathews, Charles A. Houston, Peter Crisman, Joseph James Holcomb, Alonzo Heller, Daniel Walsh, James Cullman, A. J. Gillette, F. M. Ware, Jacob R. Leese, W. V. McGarvey, W. M. R. Parker, Henry Crowel, M. B. Bayly, J. R. Hebborn, J. E. Mosher, J. M. Soto, E. W. Mills, witnesses produced on behalf of Thomas Flint, the contestant in the above entitled proceeding, who being first, by J. W. Whitney, one of said Justices, duly

sworn, then and there examined and interrogated by Albert Heath, of counsel for the said Thomas Flint, and by Andrew Craig and W. M. De Witt, of counsel for the said Thomas Beck, respondent, and testified as follows.

Now comes the respondent, Thomas Beck, and moves to dismiss the statement herein, and suspend all further proceedings herein, upon the ground and for the reason that the statement now on file in the office of the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Monterey, under and in pursuance of which this pretended examination is proposed to be had and held, does not state facts sufficient to constitute a statement for the contest of the election of said Thomas Beck; that it does not state wherein or how said illegal votes, or any illegal vote, were cast for said respondent, or by whom they were cast, and does not state facts sufficient to put the respondent on his proofs, or on any proofs, and does not state that the said respondent is now, and was at the time of making and filing said statement, the holder of a certificate of election as such Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, issued by the Clerk of the said County of Monterey, the officer authorized to issue the same.

THOMAS FLINT, the contestant, now objects to the entry of the foregoing protest, as made by said Thomas Beck.

NOVEMBER 13th, 1871.

### TESTIMONY OF HIRAM WATSON.

HIRAM WATSON, being first duly sworn to state the truth, the whole truth, and nothing but the truth relating to the matters in controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—Hiram Watson.

Q.—Have you a middle name?

A.—I have not.

Q.—Is there a man in Tres Pinos Precinct by the name of Hiram Nelson Watson?

[Objected to as irrelevant and immaterial.]

A.—I do not know.

Q.—Did you not tell me this morning that there was a man by the name of Hiram Nelson Watson in Tres Pinos Precinct, and that at the time you were subpoenaed by the Deputy Sheriff you told him that you was not the person he wanted, but that he wanted Hiram Nelson Watson, and not you?

[Objected to: first, as being leading and in cross examination of contestant's own witness; second, it does not appear from the testimony of the witness that there is any such precinct as Tres Pinos in existence, and is therefore wholly irrelevant.]

A.—I did not tell you I knew a man named Hiram Nelson Watson.

Q.—What did you tell me in this room, about ten o'clock this morning, with reference to your being subpoenaed as a witness in this proceeding?

[Objected to by respondent: first, it is leading; second, it is in cross examination of contestant's own witness; third, is impeaching the contestant's own witness.]

A.—I told you that I told the Sheriff that I was not the man; that that was not my name, same as I told Judge Whitney this morning. I also told you that I thought I had seen letters in the Post Office here for Hiram Nelson Watson.

Q.—State whether you did not say to me in that conversation that letters had been handed you by the Postmaster in San Juan directed to Hiram Nelson Watson?

[Same objection as interposed to the last question.]

A.—I did not.

HIRAM WATSON.

[Respondent now moves to strike out all the testimony of the witness, Hiram Watson, on the ground that it is foreign to and not in support of any fact at issue between the contestant and respondent herein.]

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#### TESTIMONY OF DETLEFF JANSAN.

DETLEFF JANSAN, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows:

Question—State your name and age?

Answer—Detleff Jansan; age twenty-nine.

Q.—Where do you reside?

A.—Hollister, Monterey County.

Q.—State whether you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California?

A.—I voted.

Q.—State whether you voted for any person for the office of State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent and secondary evidence. The records of the Board of Registration at the precinct at which he voted and the ballots being the best and only evidence competent to prove such fact.]

A.—Yes, sir.

Q.—In what county and precinct?

A.—Monterey County, Hollister Precinct.

Q.—For whom did you vote for State Senator?

[Objected to upon the ground that it is secondary and not the best evidence; that it is contrary to the letter, spirit, and intention of section sixth, Article II, of the Constitution of the State of California, and contrary to the letter, spirit, and intention of the Act of the Legislature of the State of California, entitled Election Law in general, and the amendment to Election Law in general, approved April fourth, eighteen hun-

dred and sixty-four, and the Acts amendatory thereof and supplemental thereto, by which the ballot was intended to be kept secret, and the individual elector exercising the privilege of voting was alone to understand and know how he voted. And further, it is immaterial and incompetent, since it nowhere appears that the witness voted illegally.]

A.—If not compelled to answer I shall decline.

Q.—For whom did you vote for State Senator?

A.—I decline to answer, because I do not wish to make bad friends with either Mr. Flint or Mr. Beek.

Contestant now asks that the witness be required to answer the question, and if he refuses so to do that he be punished for contempt.

J. O. Heritage, one of the Justices in the case, decides that the witness shall not be compelled to answer under the provisions of section sixth, Article II. of the Constitution of the State of California.

J. W. Whitney, one of the Justices in the case, decides that the witness should be compelled to answer the question, as it does not tend to criminate himself.

#### CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the said sixth day of September, A. D. eighteen hundred and seventy one?

A.—Two years and six months continuously.

Q.—How long had you been a resident of said Hollister Precinct, in said County of Monterey, immediately next preceding the said sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Over nine months continuously.

Q.—Are you a citizen of the United States of America, and if yes, was you a citizen of the United States at the time you come to said Hollister Precinct?

[Objected to.]

A.—I am a citizen of the United States, and was at the time I came to Hollister Precinct.

DETLEFF JANSAN.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M. to-morrow, to wit: the fourteenth day of November, A. D. eighteen hundred and seventy-one.

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NOVEMBER 14th, 1871.

#### TESTIMONY OF ABRAM KOLMAN.

ABRAM KOLMAN, being first duly sworn to state the truth, the whole truth, and nothing but the truth relating to the matters in controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—Abram Kolman, twenty-three next April.

Q.—State whether you belong to the Democratic party or the Republican party?

[Objected to as leading, incompetent, and immaterial.]

A.—I do not belong to either party, sir.

Q.—Do you know that there are two or more political parties in the United States of America?

[Objected to as immaterial.]

A.—I do, sir.

Q.—State the names that such political parties are known by?

[Objected to as irrelevant, immaterial, and incompetent to prove any fact at issue in these proceedings.]

A.—One, I believe, is known as the Republican and the other as Democratic.

Q.—Since you became twenty-one years of age have you voted at any general election held in the State of California?

[Objected to as irrelevant and leading.]

A.—There has been but one held since I have been of age.

Q.—Since you became twenty-one years of age have you voted at any general election held in the State of California?

A.—I do not think I feel disposed to answer that question.

#### QUESTIONS BY THE COMMISSION.

Q.—Give your reasons for refusing to answer the question?

A.—Because I believe it is the avowed intention of the contestant that there has been illegal voting, and if so let them prove it by some one else and not me.

[Commission decide that witness must answer question number six.]

A.—I have.

Q.—When and where?

[Objected to as secondary; the records of the Clerk and Board of Registration being the best and only evidence to prove the fact.]

A.—At Hollister, Monterey County, on the sixth day of September, eighteen hundred and seventy-one.

Q.—State the ticket of the political party that you voted on that day?

[Objected to as incompetent and irrelevant.]

A.—That is another question I would not like to answer.

Q.—State the ticket of the political party that you voted on that day?

A.—I am very sorry, but I can't.

[Contestant asks the Commission to require the answer to the question, and if the witness refuses, that he be punished by fine or imprisonment.]

*Order of Commission.*—It is decided that the witness must answer or be fined twenty dollars, or imprisonment for one day.

*By Commission.*—After the order was made, the witness having consented to answer the question, the order for punishment is vacated.

A.—I voted a split ticket.

Q.—State whether you voted for more Democrats than Republicans on that day?

[Objected to as incompetent and immaterial.]

A.—Yes, sir.

Q.—Have you had any conversation with Messrs. Craig and De Witt, Thomas Beck, and Mr. W. F. White since you have arrived in San Juan on yesterday?

[Objected to as immaterial and impertinent.]

A.—Yes, sir. I have had conversation with Messrs. Craig, De Witt, and Beck, and Mr. White.

Q.—During the conversation you had with those gentlemen did they, or either of them, suggest to you the manner that you should answer the questions to be propounded to you by contestant's attorney in this proceeding?

[Objected to upon the same grounds interposed to the last question.]

A.—Would not like to answer, if I can help it.

Q.—In making your answers heretofore to the questions propounded to you, have you been governed by suggestions from either of the gentlemen named by me in the twelfth interrogatory herein?

[Objected to. It being a cross examination of contestant's own witness, seeking to impeach and discredit his own witness, brought here under and by virtue of process issued by contestant as a witness in this case, and is impertinent.]

A.—No, sir, I have not.

Q.—In your answer to the ninth question asked you, did not one of the counsel for respondent advise with you as to whether you should persist in your refusal to answer that question?

[Same objection as interposed to the last question.]

A.—No, sir.

Q.—Did not Mr. Craig say to you, in presence of this Commission, that if you answered the question it would not show for whom you voted, or words to that effect, in presence of counsel for contestant, openly.

A.—No, he said it publicly and to the Commission.

Q.—At the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, did you vote for any person for Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent, as secondary, and not the best evidence by which to establish the fact.]

A.—I believe I did.

Q.—For whom did you vote?

[Objected to upon the same grounds contained in the written objection interposed to the sixth question propounded to the witness Detleff Jansan. See Jansan's deposition.]

A.—I do not propose to answer unless compelled to.

#### CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Nearly twenty years.

Q.—How long had you been a resident of said Hollister Precinct, in said County of Monterey, immediately next preceding said sixth day of September, A. D. eighteen hundred and seventy-one?

A.—About ten months.

Q.—Are you a citizen of the United States of America, and if yes, was you a citizen at the time you came to said Hollister Precinct?

[Objected to.]

A.—I am, and was at the time.

ABRAM KOLMAN.

## TESTIMONY OF ROBERT M. CARTER.

ROBERT M. CARTER, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age? \*

Answer—Robert M. Carter; thirty-six years old next July.

Q.—Did you vote at a general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one.

[Objected to upon the ground that there is no proper foundation laid for the interrogatory; that it is secondary and not the best evidence by which to establish the fact, and tends to elicit from contestant's own witness an answer which should be established by testimony other than the witness himself, and seeks to compel him to divulge that which is to him sacred, and ought to be secret.]

A.—I did.

Q.—Where?

A.—San Lorenzo Precinct, Monterey County.

Q.—Did you vote for the office of State Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Same objection as made to last question.]

A.—I did.

Q.—For whom?

[Objected to upon same grounds contained in the written objection interposed to the sixth question propounded to the witness Detleff Jansan. See Jansan's deposition.]

A.—For Thomas Beck.

## CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California next preceding the said sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Since eighteen hundred and fifty-two, and have never been out of the State over six months at a time, and was three years continuously next preceding the said sixth day of September, eighteen hundred and seventy-one, a resident of Monterey County.

Q.—How long had you been a resident of San Lorenzo Precinct immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Three years continuously.

Q.—Are you a citizen of the United States of America, and if yea, were you a citizen of the United States of America when you came to said San Lorenzo Precinct?

[Objected to.]

A.—Yes, sir; I am a citizen of America and always have been.

Q.—Prior to your voting on the sixth day of September, A. D. eighteen hundred and seventy-one, did you examine either the Great Register of the County of Monterey or the written or printed poll lists of said San Lorenzo Precinct for the purpose of ascertaining whether or not you were regularly registered or enrolled thereon?

[Objected to.]

A.—I never examined the Great Register; I was transferred from Fresno County to this county perhaps a month previous to the election; don't recollect exactly the time; might have been longer, perhaps two or three months; I did examine the written poll lists, and my name was there prior to my voting.

Q.—When you received your transfer from Fresno County, about which you have testified, what did you do with it?

[Objected to.]

A.—When I received my transfer from the Clerk of Fresno County I brought it down and gave it to Mr. Wall, of Salinas City, and he sent it to the Clerk of the county for me to be put on the Register.

Q.—Did you receive any return or reply from the Clerk, or any information that you were upon the Great Register prior to said election?

[Objected to.]

A.—I did not from the Clerk; Mr. Wall told me that I was on the Great Register, and I found my name upon the poll list.

Q.—Do you know to what political party the then-Clerk of Monterey County belonged?

[Objected to as irrelevant, immaterial, and redundant.]

A.—Yes, sir; I knew he was a Republican.

#### DIRECT EXAMINATION RESUMED.

Q.—At the time you handed your certificate of transfer to Mr. Wall, as you described, was he acting as Deputy County or Enrolling Clerk in this county, or Deputy Assessor?

A.—I think not, sir; do not know that he was.

ROBERT M. CARTER.

#### TESTIMONY OF WILLIAM WEATHERS.

WILLIAM WEATHERS, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—William Weathers; over thirty-six years old.

Q.—Did you vote at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to upon the same ground as contained in interrogatory number two, under the deposition of Robert M. Carter. See Carter's deposition.]

A.—I did.

Q.—Did you vote for any person for Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz.

[Objected to upon the same ground as objection interposed to question number six, propounded to Detleff Jansan. See Jansan's deposition.]

A.—I cannot be positive that I did; did not notice the ticket down; noticed the head of the ticket.

Q.—Are you aware of the political complexion of parties in the State of California?

[Objected to as immaterial and tends to prove no fact at issue.]

A.—I do not know that I understand the question, and can't answer.

Q.—How many political parties are there in the State of California, and what are their names?

[Objected to first as immaterial, leading, and total want of foundation, it not having appeared that the witness knows.]

A.—I suppose there is two that I know of; one is the Republican party, and the other is the Democratic party.

Q.—Do you know who the candidates were of the two parties you have named of the respective parties for the office of Senator of the Sixth District of California?

A.—I suppose I do; Thomas Beck and Mr. Flint.

Q.—State whether you voted a Democratic or Republican ticket at that election?

A.—The ticket I think I voted I suppose to be a Democratic ticket.

Q.—Can you read and write?

[Objected to as immaterial.]

A.—I can read a little, and can write a little.

Q.—Did you read the ticket you voted on the day of election?

A.—I read a small portion of it.

Q.—What names do you now recollect of having seen upon your ticket?

[Objected to.]

A.—I noticed the head of the ticket; noticed it was a Democratic ticket; noticed Haight's name, and one or two more; do not now recollect who they were.

Q.—Was there any writing upon the ticket that you voted?

[Objected to as irrelevant and immaterial.]

A.—I could not positively say there was.

Q.—Had there been a name crossed off from the ticket that you voted, and another one inserted in writing or by pasters, would you have seen it?

[Objected to as immaterial.]

A.—It is likely I would; I did not notice anything of the kind.

#### CROSS EXAMINATION.

Q.—How long had you been a resident of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one.

A.—Three years and four months continuously.

Q.—How long had you been a resident of Hollister Precinct immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—In the neighborhood of two years continuously.

Q.—Are you a citizen of the United States?

[Objected to.]

A.—I am.

Q.—Was you a citizen of the United States when you came to said Hollister Precinct?

[Objected to.]

A.—I was and always had been.

Q.—Did you, prior to the said sixth day of September, A. D. eighteen hundred and seventy-one, examine the Great Register of the County of Monterey, and the poll list of said Hollister Precinct, with the view of ascertaining whether you were regularly registered and enrolled thereon.

[Objected to.]

A.—I did not myself; I went up to the polls and inquired of the Clerks of Election if I was a voter; two or three of them looked at me and said I was; and then Briggs, one of the Clerks, examined the Great Register or poll list, I cannot say which, and said my name was not on it; he then said that Mr. Hayes (Representative now elect in this county) could register me, and then I could vote; I saw Mr. Hayes, told him they had failed to have my name on the Register; Mr. Hayes said: "Go with me to the office and I will register you." We went to the office; Mr. Hayes qualified me, then asked my name, and my age, and my native State (as well as I recollect), and my occupation; Mr. Hayes taking this registration up to the polls with me, handed this registration into the Board or Clerks of Election; they examined it, and then swore me to the effects of the deposition; then said I could vote; I then voted.

Q.—Did that Board of Registration or Election swear you as to how long you had been in Hollister Precinct, if you recollect?

[Objected to as secondary.]

A.—I am not positive whether they did or not.

Q.—Then you do not know the contents of the affidavit you made secondly before the Board of Registration?

[Objected to as secondary.]

A.—I cannot recollect.

Q.—Do you know in what capacity the Mr. Hayes to whom you applied for your registration was acting?

[Objected to as secondary.]

A.—He was appointed deputy for the purpose of registering names.

Q.—Was Mr. Hayes a candidate at this time?

[Objected to.]

A.—He was.

Q.—Was Mr. Hayes present at the time you voted?

[Objected to.]

A.—He was.

Q.—Was he a Republican or a Democrat?

[Objected to.]

A.—He was a Republican.

#### DIRECT EXAMINATION RESUMED.

Q.—When you were placed upon the poll list was there any other affidavit than your own filed with the Board of Election?

A.—Not to my knowledge.

Q.—Was there any other person sworn at the time except yourself?

A.—I think not.

Q.—Where did you reside before you came to Monterey County.

[Objected to as in cross examination of contestant's own witness.]

A.—In Santa Clara County, California.

Q.—Have you voted in Santa Clara County since the year eighteen hundred and sixty-eight?

[Objected to as immaterial, as in cross examination of contestant's own witness, and seeks to impeach his own witness.]

A.—I did.

Q.—In what precinct?

[Objected to on the same grounds of objection interposed to the last question, and that this contest relates to no other election than the election of the sixth of September, eighteen hundred and seventy-one, and that said pretended contest applies only to the election of Thomas Beck, and that the object of the interrogatory is to try to discredit this witness on the stand by showing, or attempting to show, that he was registered in some other county of this State, and to show that his own witness, brought here at his (contestant's) own volition, had perpetrated a fraud and a crime.]

A.—I am not positive, but think Evergreen Precinct.

Q.—At the time that you went to Mr. Hayes for the purpose of being enrolled upon the Great Register of the County of Monterey did you hand him any certificate of cancellation from the Great Register of any county in the State of California?

[Objected to upon the same grounds and reasons contained in the objection interposed to the last question, and that this interrogatory develops the fact of the intention anticipated in that objection, that the contestant is impeaching his own witness.]

A.—I did not. I told him this: I had sent to Santa Clara County for a transfer, and my name could not be found on the Great Register of that county.

Q.—State whether you know positively for whom you voted for State Senator?

[Question withdrawn.]

Q.—For whom did you vote for Senator in the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the same ground as objection interposed to question number six, propounded to Detliff Jansan (see Jansan's deposition), and the further ground that the contestant is going into his original case.]

A.—I had Republican tickets and Democratic tickets. I had got them mixed in my pocket. This Democratic ticket I noticed when I received it. I was some distance from the polls. I had put it in my vest pocket. I went to the polls taking the ticket out of the same pocket, supposing it to be the same ticket, and handed it in to the Judge. Afterwards I found Republican tickets in the same pocket, that I had put in, I suppose, some time during the day.

Q.—For whom did you vote for Representative to the general Assembly?

[Objected to as irrelevant and immaterial.]

A.—As my tickets were mixed I cannot say.

Q.—For whom did you intend to vote for the office of Senator of said Sixth District?

[Objected to as incompetent, immaterial, calling only for the intention of the witness, and proves no fact.]

A.—I intended to vote the straight Democratic ticket.

Q.—State whether, on said election day, you circulated Republican tickets with the name of Thomas Beck for Senator of said district written in such ticket, or slips of paper called pasters placed over the name of Thomas Flint, to be voted by legal voters in Hollister Precinct?

[Objected to.]

A.—I did not, sir.

Q.—What were you doing with those Republican tickets you had in your pocket?

[Objected to; it being a system of cross examination of contestant's own witness unprecedented.]

A.—They were handed to me by a Republican, a friend of mine, rather through sport; telling me I could vote them if I wanted to. I had put them in my pocket, I suppose, by finding Republican tickets in my pocket.

RE-CROSS EXAMINATION.

Q.—You not having read only the head of your ticket, and having mixed your tickets with Republican tickets in your pocket, as you have testified, you cannot state whether the name of Thomas Flint, the contestant, or the name of Thomas Beck, the respondent, was upon the ticket you voted?

A.—I cannot, sir.

WILLIAM WEATHERS.

TESTIMONY OF JOHN W. MAZE.

JOHN W. MAZE, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question.—State your name and age?

Answer.—John W. Maze; thirty-five years old.

Q.—Did you vote at the general election held in the State of California on the sixth day of September, eighteen hundred and seventy-one.

[Objected to as secondary, and not the best evidence.]

A.—I did.

Q.—In what county and precinct?

A.—Monterey County, Hollister Precinct.

Q.—What name did you give to the Board of Election at the time you handed in your vote?

A.—John W. Maze.

Q.—Did you vote for any person for Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to.]

A.—I decline to answer. I can't swear positively that I did.

Q.—State how many political parties, if you know, there are in the State of California?

A.—Do not know that I can say.

Q.—Is there a single political party that you know of in the State of California?

[Objected to as leading and immaterial.]

A.—I do not know but what there is.

Q.—What is the name of the party?

A.—I do not know whether there is a single or a double party.

Q.—Do you know the name of any political party which has an organization within the State of California?

[Objected to.]

A.—Well, there is a Democratic party and a Republican party, I suppose.

Q.—Did you vote a ticket at that election which was known as the ticket of either of said parties?

[Objected to as leading, incompetent, and no proper foundation laid for the question.]

A.—I did.

Q.—Which party?

A.—I voted, I suppose, a Democratic ticket.

Q.—Do you know who were the candidates for Senator in and for the Sixth Senatorial District of the State of California?

A.—Mr. Flint was one, I suppose, and Mr. Beck was another.

Q.—For whom did you vote for the office of Senator in and for said District?

[Objected to upon the same grounds and for the same reasons contained in the objection to the sixth interrogatory propounded to Detleff Jansan (see Jansan's deposition); and further, that it nowhere appears that the witness now under examination knows for whom he voted for such office of State Senator, and therefore no proper foundation has been laid for the question.]

A.—I cannot say that I voted for Beck or for Flint.

Q.—Can you read and write?

A.—No.

Q.—Have you got good eyesight?

A.—I have.

Q.—Did you see the face of your ticket?

[Objected to as immaterial.]

A.—I cannot say that I did or did not; I don't remember whether I looked at it or not.

Q.—Who gave you the ticket that you voted on the sixth day of September, eighteen hundred and seventy-one?

[Objected to as immaterial, and in cross examination of contestant's own witness.]

A.—I do not know that I can say who gave it to me.

#### CROSS EXAMINATION.

Q.—You not being able to read or write, and not having examined your ticket, and not knowing whose name was thereon, might it not be that the name of Thomas Flint, the contestant herein, was upon that ticket?

A.—It might have been; I don't know whose name was on it.

Q.—How long had you been a resident of the State of California immediately preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Eleven years; was away one Winter; about six years continuously.

Q.—How long had you been a resident of Hollister Precinct, County of Monterey, immediately preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Over twelve months continuously.

Q.—Are you a citizen of the United States? and if so, were you a citizen of the United States when you came to said Hollister Precinct to reside?

[Objected to.]

A.—I am; and was at that time.

Witness: M. G. ELMORE.

JOHN W. <sup>His</sup> MAZE.  
Mark.

## TESTIMONY OF GILBERT MULCH.

GILBERT MULCH, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—Gilbert Mulch; thirty-five years.

Q.—Did you vote at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as secondary and not the best evidence.]

A.—I did.

Q.—In what county and precinct?

A.—Monterey County, Hollister Precinct.

Q.—At that election did you vote for any person for the office of Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to on the ground that there is no proper foundation laid for the question.]

A.—I did.

Q.—For whom did you vote?

[Objected to upon the same ground contained in the objection to the sixth interrogatory propounded to the witness Detleff Jansan. See Jansan's deposition.]

A.—I decline to answer that question.

Contestant now moves that the witness be punished for refusing to answer a proper question.

Justice Whitney decides that the witness should be compelled to answer the question, as it does not tend to criminate himself.

Justice Heritage decides that the witness shall not be compelled to answer, under the provisions of section six, Article II, of the Constitution of the State of California.

Q.—At that election did you vote a ticket known as the Democratic ticket or the Republican ticket?

[Objected to as leading and in cross examination of contestant's own witness.]

A.—I voted a split ticket.

Q.—State whether there were more Democrats than Republicans on that ticket.

[Objected to, as leading.]

A.—I decline to answer; I think I voted the most of them Democratic.

Q.—State the names of the Democrats that you know you voted for?

[Objected to upon the ground that there is no proper foundation laid for the question, it not appearing that the witness knows or can tell the names of either the Republicans or Democrats that he voted for.]

A.—I decline to answer; to name either candidate.

Justice J. W. Whitney decides that the witness should be compelled to answer the question, as it does not tend to criminate himself.

Justice J. O. Heritage decides that the witness shall not be compelled to answer, under the provisions of section six, Article II, of the Constitution of the State of California.

Q.—Have you had any conversation with the respondent, his legal adviser, or any other person friendly to the respondent, with respect to

the manner in which you should answer questions propounded to you by contestant.

[Objected to.]

A.—Not any in regard to my own testimony.

Q.—Has there been any conversation in your presence and within your hearing, between either the respondent, his legal advisers, or any political friend of his, wherein advice was given to either A. Kolman, Detleff Jansan, or John W. Maze, as to the form of their answer to questions propounded to them, or either of them, by contestant?

[Objected to as impertinent, unprofessional, discourteous, unreasonable, vindictive, unprecedented, insulting, and is wholly foreign to any question at issue herein, and now moves to strike it out.]

A.—Not any advice whatever in regard to their testimony.

Q.—State whether or not you were advised to decline to answer for whom you voted for Senator of said Sixth Senatorial District prior to your being sworn as a witness in this proceeding?

[Objected to as impertinent, and is another abortion.]

A.—I have always been scholar enough to attend to my own business, and have never asked anybody to advise me in regard to what I should testify, and I have taken no advice from any of those gentlemen.

Q.—Has any person said to you that you were not compelled to say for whom you voted for the office of Senator of said district?

A.—No person need tell me, for I knew I was not compelled.

#### CROSS EXAMINATION.

Q.—Did or did not Albert Heath, who now represents the contestant herein, and who has propounded to you the foregoing questions in the Plaza Hotel, in the Town of San Juan, Monterey County, on the fourteenth day of November, eighteen hundred and seventy-one, in the presence of John Comfort and James McMahan, say to you that dollars and cents were no consideration in this contest on the part of Mr. Flint, the contestant; that he had plenty of sheep, plenty of lambs, and unlimited money, and that he (A. Heath) had four thousand dollars now at his command, and that the Sheriffs of Monterey County and Santa Cruz County had money enough to defray all incidental expenses connected with the summoning and procuring the attendance of witnesses, and that he had tried to buy or intended to buy, for a consideration, witnesses enough to carry this contest successfully through; and that Beck, the respondent, was poor and had no money, and that he could and would freeze him out, and offer witness, indirectly, a consideration to testify?

A.—I do not know as I had any conversation with the gentleman, only that he had plenty of money to pay the witnesses and pay for whisky.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Three years continuously.

Q.—How long had you been a resident of said Hollister Preeinct immediately preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Within ten or fifteen days of two years continuously.

Q.—Are you a citizen of the United States; and if so, was you a citizen of the United States when you came to Hollister to reside?

[Objected to.]

A.—I am, and I was.

Q.—Was there or was there not Democratic tickets (so called) in circulation among the electors of said Hollister Precinct on said sixth day of September, A. D. eighteen hundred and seventy-one (the election day), with the name of Thomas Flint, the contestant, written or printed thereon?

A.—There were some with the name of Thomas Flint pasted on.

DIRECT RE-EXAMINATION.

*By contestant*—Had you more than one conversation with me with reference to money matters connected with this proceeding on to-day?

A.—Only one.

Q.—Did you ask me for your fees as a witness in this case?

A.—I told you I had no money and had had no pay for my trouble yet coming down here as a witness, and he said he had plenty of money to pay witness fees, and I should get mine.

Q.—Did I not say in that conversation that I would not permit Dr. Flint to be sued, and have his sheep and lambs attached for the expense of witnesses in this proceeding; that he had money enough to pay his witnesses, and I did not desire that he should be compelled to pay the expense of an attachment suit, and that Tom Beck was a great fool to attempt to prevent the examination of the witnesses before their fees were paid, when they had not demanded their fees from the Sheriff at the time they were subpoenaed.

A.—You said something about not having the lambs and sheep attached, but whether he said Mr. Tom Beck was a fool for preventing, I did not hear it; he might have said so, and if he did there could not be anything else expected of one belonging to the Republican party.

Q.—Was Mr. John W. Maze present at that conversation?

A.—I believe he was.

Q.—Have I asked you, before you were placed upon the stand here, what you would testify to in this proceeding?

A.—No, sir; and nobody else.

Q.—Have I offered you one dollar in money, or any other consideration, for you to testify in this case?

A.—No, sir.

Q.—Did I mention the Sheriff of Santa Cruz in any conversation that I have had with you?

A.—No, sir; and neither the Sheriff of Monterey.

Q.—Did I tell you, in that conversation, that I had four thousand dollars at my command?

A.—No, sir.

GILBERT MULCH.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M. to-morrow, to wit: the fifteenth day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 15th, 1871.

## TESTIMONY OF JOHN R. COMFORT.

JOHN R. COMFORT, being duly sworn to state the truth, the whole truth, and nothing but the truth relating to the controversy in the above entitled contest, testifies as follows, to wit:

## EXAMINATION.

*By Counsel for Contestant*—State your name and age and where you reside?

Answer—John R. Comfort; forty; San Juan, Monterey County.

Q.—Is there any other person known to you whose name is John Comfort?

A.—No.

Q.—State whether or not you saw Albert Heath, the contestant's counsel herein, in conversation with Gilbert Mulch in the Plaza Hotel on the fourteenth day of November, A. D. eighteen hundred and seventy-one.

[Objected to as immaterial and not as proving or tending to prove or make out or support any fact averred in the statement of contestant in these proceedings, and is responsive only to question propounded by respondent in cross examination of contestant's witness (own witness, Mulch), and for the purpose of relieving the counsel, A. Heath, from the conspiracy detailed by his own witness.]

A.—I did; that is the man you paid the money to through me.

Q.—How much money?

A.—Six dollars and twenty cents or six dollars and forty cents.

Q.—For what purpose was the money paid, if you know?

A.—He claimed it as witness and mileage fees.

Q.—In that conversation did said Heath say to said Mulch in presence of James McMahon that dollars and cents were no consideration in this contest on the part of Mr. Flint, the contestant; that he had plenty of sheep, plenty of lambs, and unlimited money, and that he, A. Heath, had four thousand dollars now at his command, and that the Sheriffs of Monterey County and Santa Cruz County had money enough to defray all incidental expenses connected with the summoning and procuring of witnesses, and that he had tried to buy, or intended to buy, for a consideration, witnesses enough to carry this contest successfully through, and that Beck, the respondent, was poor and had no money, and that he could and would freeze him out?

[Objected to on the same grounds contained in the objection last aforesaid, and the further grounds that it is impeaching contestant's own witness, Mulch, who, in answer to the interrogatory just recapitulated to this witness, said that at least a part of the conversation did occur.]

A.—The conversation was about paying him money that I heard.

Q.—Did you hear any such conversation as recited in the last question, number six.

A.—No; I did not hear that.

Q.—State whether I have made any arrangements with you whereby you have paid the witnesses here summoned their fees and mileage in cases where the Sheriff had not paid them?

A.—You have borrowed money from me for that purpose.

Q.—In answer to question six you say the conversation was about paying the witness money. For what purpose was he to receive that money from you?

A.—As I understood, for mileage and fees.

J. R. COMFORT.

## TESTIMONY OF WILLIAM JONAS MILLER.

WILLIAM JONAS MILLER, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—William Jonas Miller; thirty-eight years.

Q.—State whether or not you voted at a general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one.

[Objected to as secondary and not the best evidence by which to establish the fact.]

A.—I voted at the last election.

Q.—Did you vote a Democratic or Republican ticket?

[Same objection as to last question.]

A.—I voted the Democratic ticket, and split it pretty badly.

Q.—State the names of the Republicans that you placed upon your ticket, and for what offices?

A.—I object to answering the question.

Q.—Have you been advised by any person since your arrival in this place to-day that you could object to answering a question of the purport of the last question?

A.—No, sir.

Q.—To what political party do you belong?

A.—I belong to the Democratic party, sir, and voted for men and not for politics, though.

Q.—State if you know who were voted for for the office of State Senator for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

A.—I do not know; only had five minutes time to vote after getting to the precinct.

Q.—State if you know the name of the Republican candidate for Senator of this district?

[Objected to.]

A.—Mr. Flint, I suppose.

Q.—State if you know who was the Democratic candidate for Senator of this district?

A.—Mr. Beck.

Q.—In what county and precinct did you vote?

[Objected to.]

A.—Monterey County, Soledad Precinct.

Q.—Did you vote for one or the other of said candidates named by you?

A.—I did, sir.

Q.—For whom did you vote for for the office of Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to on the same grounds and for the same reasons contained in the objection to the sixth question propounded to Detleff Jansan (see Jansan's deposition), and that it is a secret privilege which every elector has the right to keep to himself.]

A.—I voted for Mr. Flint.

Q.—Can you read and write?

A.—Yes, sir.

Q.—From whom did you receive your ticket?

[Objected to as in cross examination of contestant's own witness, and tends to impeach contestant's own witness and one of his supporters, as appears from his own testimony.]

A.—I picked it up off of the table and scratched it and voted.

Q.—Did you scratch the ticket yourself, sir?

[Objected to as cross examining his own witness.]

A.—Part of it I did, and part of it I did not; Mr. Hiner wrote part of the names, and part of the names I wrote myself.

Q.—Where does Mr. Hiner reside?

A.—In Soledad Precinct.

Q.—What is Mr. Hiner's given name?

A.—I do not know?

Q.—Is there more than one man of the name of Hiner in Soledad Precinct?

[Objected to as irrelevant and immaterial.]

A.—Not that I know of.

Q.—State whether you know who Mr. Hiner desired to be elected to the office of Senator of said district?

[Objected to as incompetent, immaterial, and is fishing after somebody else's opinion.]

A.—I do not know, sir.

Q.—Do you know who placed the name that you voted for for the office of Senator in and for said district in the ticket that you voted?

[Objected to on the ground that it is impeaching and discrediting the testimony of contestant's own witness.]

A.—I do not recollect who.

Q.—Is Mr. Hiner a Democrat or a Republican?

[Objected to as immaterial.]

A.—A Democrat.

W. J. MILLER.

### TESTIMONY OF H. M. HAYES.

H. M. HAYES, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name and age?

Answer—H. M. Hayes; thirty-four years.

Q.—Are you acquainted with the political sentiments of John Maze, E. S. Jones, William Wilson, John Wesley Grewell, A. J. Rader, John J.

Janett, William A. Moody, Leander Emery, Gilbert Mulch, Peter Crisman, William Weathers, M. B. Bailey, A. Kolman, and James Hudner.

A. Most of them I am, some of them I am not, acquainted with.

Q.—State, sir, to what political party those men belong that are named in the foregoing question?

[Objected to as immaterial, no proper foundation laid for such question—it not appearing that the names mentioned in the interrogatory voted at any election or were voters, and proves no fact nor tends to prove any fact at issue in these proceedings, and moves that it be stricken out.]

A.—They belong to each party.

Q.—State the names of the persons mentioned in the second interrogatory that belong to the Democratic party?

A.—John Maze, E. S. Jones, John Wesley Grewell, William A. Moody—we class him as a Democrat—Gilbert Mulch, Peter Crisman—always termed him a Democrat, don't know how he votes really—William Weathers, M. B. Bailey, A. Kolman—he claims to be a Democrat—James Hudner.

Q.—Do you know any man in the County of Monterey by the name of Leander Emery.

[Objected to as immaterial.]

A.—I do not.

Q.—Where do you reside?

A.—Hollister Township, Monterey County.

Q.—State whether you have held a county office during the past two years. If yea, what office, and where have you resided during that time?

[Objected to as immaterial.]

A.—Have held the office of County Surveyor of Monterey County, and resided in Hollister Township, same county.

Q.—At the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California, were you a candidate for office? If yea, what office?

A.—For Assemblyman.

Q.—As such candidate did you inquire as to the political sentiments of the persons that have been named in question two?

[Objected to as incompetent.]

A.—Yes, sir, all information I could get in regard to their politics.

Q.—State whether in your canvass you met any person of the name of Leander Emery?

A.—Not that I am aware of.

#### CROSS EXAMINATION.

Q.—How do you know the political sentiments of the gentlemen you have named?

A.—From their own declarations and from the fact that they acted with the Democratic organization, or the most of them, during the last canvass.

Q.—Have you had conversation with each of them in regard to their political sentiment, and if so, please state when it was, where it was, and what it was, and who was present?

A.—I think I have had conversation with each one that I have classed as a Democrat during the last canvass. Cannot state the exact time nor place nor who was present.

Q.—Then you only think you have had conversation with them but do not know it?

[Objected to as assuming what the witness has not said.]

A.—I am sure I have had conversation with most of them. Not certain that I have had with every one.

Q.—Why is it then you cannot state where and when the conversation occurred?

A.—I was not keeping in my mind during that canvass dates or places, simply hunting for votes.

Q.—You state in your examination in chief that you was a candidate for office at said election. Please state to what political party you belonged?

A.—Belong to the Republican party.

Q.—Did you not, in addition to the office of County Surveyor, hold the office by appointment, of enrolling or registry officer, for the purpose of registering voters on the Great Register of the County of Monterey, in and for the Hollister District, immediately next preceding said sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to.]

A.—I was appointed by the County Clerk of Monterey County to register or enroll voters.

Q.—Was that appointment made before or after you became a candidate for the office of Assemblyman?

[Objected to.]

A.—Afterwards.

Q.—Then you was a Republican candidate for office, with the power at the same time to register and make voters?

A.—I was a Republican candidate for office, and had the authority from the County Clerk to enroll or register names, but could not make voters that I know of.

Q.—Do you know the politics of the Clerk from whom you got your appointment, and if so, please state what they were?

A.—Always called him a Republican; he professes to be one, and presume he is.

Q.—How many of the names you have mentioned in your examination in chief, did you place or enroll on the Great Register of the county by virtue of your appointment?

[Objected to.]

A.—I enrolled five of them.

Q.—Did you not, after enrolling their names, issue a certificate as Deputy County Clerk, to be presented before the Board of Registration or Election, to the effect that they were so enrolled or registered.

[Objected to.]

A.—I did in the case of two or three, I think; I am not positive in regard to those particular five; the Board of Registration of Hollister Precinct decided that when I enrolled a name, and they were notified of the fact, the person so enrolled was entitled to go on the poll list of that precinct.

Q.—How many had you enrolled before the Board of Registration so decided?

[Objected to.]

A.—I cannot tell the number, or who they were, as regards your question.

Q.—Did you not receive the transfer of William Breck and file it as

Deputy County Clerk on the fifth day of September, eighteen hundred and seventy-one?

[Objected to.]

A.—I don't remember the name; I may have received it.

Q.—Did you not receive and file transfers from other counties of voters, and file them as Deputy County Clerk?

[Objected to.]

A.—I did in one or two cases, perhaps three; I did in a few instances.

Q.—Did you not in more instances than that?

[Objected to.]

A.—I may have possibly done it in more instances; I don't know positively certain in how many.

Q.—Did you not register, as such Deputy Clerk, the name of William Weathers, prior to said election?

[Objected to.]

A.—I did; I think it was the morning of election; it might have been the day before.

Q.—Have you any interest, directly or indirectly, in the contest now under examination?

[Objected to.]

A.—Nothing more than a party interest.

Q.—Have you or have you not said since these proceedings were instituted, that you were against Beck in this contest?

A.—I jokingly said to Mr. Beck to-day when I first met him here, in the presence of Mr. Craig and some other gentlemen, that I was "forninst" him.

Q.—Have you conferred, either in person or by written communication, with the said Clerk of Monterey County, about or concerning this contest since it was instituted?

[Objected to.]

A.—I have not, sir, directly or indirectly.

Q.—Was you elected Assemblyman of Monterey County at said election?

[Objected to.]

A.—I was; at any rate I received a certificate of election.

Q.—Then you are now Assemblyman elect of Monterey County?

A.—Yes, sir.

Q.—Are you in attendance now as a witness by virtue of any process or subpoena issued by the Commission?

A.—I am; I was subpoenaed to-day to appear here forthwith, in the Town of Hollister.

Q.—Did you or did you not, as such Deputy County Clerk, register the name of John W. Maze prior to said sixth day of September, eighteen hundred and seventy-one?

[Objected to.]

A.—I did not register him at all at any time.

Q.—Did John W. Maze apply to you before the election to be registered or enrolled?

[Objected to.]

A.—I think perhaps he did; he had some conversation with me about it.

Q.—Did you or did you not state to the said John W. Maze prior to the election, that you had a certificate from the County Clerk of

Monterey County of his registration, and that he was all right and could now procure his name to be enrolled on the poll list.

[Objected to.]

A.—I did not; I stated to John W. Maze, the day before the election I think it was, that his transfer from the other county had not arrived, and that he would lose his vote; that had he intrusted his business to me I could have procured his transfer long before that.

Q.—Did or did not you say in that conversation to John W. Maze, that you could get him on the Great Register provided he, Maze, would support you; and then did you not on the following day say to Mr. Maze that his transfer was all right and that he could vote?

[Objected to.]

A.—The first subdivision of the question, I did not; the second portion of the question, I did. Mr. Maze employed Judge Davis to attend to getting his transfer from some of the upper counties, and that had not arrived at the time I had this conversation with Mr. Maze; it came on night before election, and was handed to me by Judge Davis, requesting me to send it to Monterey to the County Clerk.

Q.—Did you not file that transfer as Deputy County Clerk?

[Objected to.]

A.—I did.

Q.—Did you or did you not register the name of Detleff Jansan, as such Deputy County Clerk, before the day of election, and certify the same to the Board of Registration or Election?

[Objected to.]

A.—I registered Mr. Jansan, I think, several days before election; don't think I certified the same to the Board of Election or Registration.

#### RE-DIRECT EXAMINATION.

Q.—State whether either of the parties that you enrolled, as you have herein stated, at the time of their said enrollment deposited with you any affidavit?

A.—I think they did; some parties that I know.

Q.—State whether Mr. William Weathers, Detleff Jansan, or John Wesley Grewell made affidavit before you showing why they were entitled to be placed upon the Great Register of the County of Monterey?

A.—I think that Grewell and Weathers did; Jansan I am not positive of; Jansan produced his naturalization papers, and I did not require anything further from him.

Q.—What did you do with the affidavits that you received in the discharge of your duty as Deputy County Clerk?

A.—I am not positive whether I sent them to the County Clerk, or whether I gave them to the Board of Registration.

#### CROSS EXAMINATION.

*By Respondent*—You do not pretend to say that you, in the discharge of your duty as Deputy County Clerk, registered or enrolled any man upon the Great Register, either by certificate of transfer or originally, without swearing the applicant as to his nativity, his occupation, his age, and that he was not registered in any other county, according to the requirements of the Act of the Legislature of the State of California known as the Registry Law, and in compliance therewith?

A.—I invariably swore persons who I registered or enrolled to the statement which they made to me, which always was in substance the same as Mr. Craig's question in regard to age, occupation, etc.; that in some cases parties stated that they had been registered in other counties, but had lost their certificates of transfer, and in those cases I required an affidavit to that effect.

H. M. HAYES.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M. to-morrow, to wit, the sixteenth day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 16th, 1871.

TESTIMONY OF SAMUEL W. SMITH.

SAMUEL W. SMITH, being duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, residence, and business?

Answer—Samuel H. Smith; age, thirty-four; residence, San Juan; business, surveyor.

Q.—State whether you know the location where the Board of Supervisors directed and appointed the election to be held in Salinas Precinct, on the sixth day of September, A. D. eighteen hundred and seventy-one. If yes, in what building?

[Objected to as incompetent and secondary, the order of the Board of Supervisors being the best and only evidence by which to establish the fact.]

A.—Only by hearsay, not particularly having read the order of the Board.

Q.—What do you know by hearsay with reference to the building in which such election was to be held?

[Objected to as hearsay.]

A.—Building marked "No. 1" on the sketch made by me was pointed out by several prominent citizens of Salinas City as the place designated by the Board of Supervisors for holding the polls on that day.

Q.—Who occupies that building, and for what purpose is it used?

[Objected to as immaterial.]

A.—At the time I surveyed it a woman by the name of Jonah occupied the building, and used it as a hotel and restaurant.

Q.—Is the room designated for the purpose of holding the election now occupied by said woman as part of a restaurant and saloon.

[Objected to as leading, incompetent, and immaterial.]

A.—I do not know who occupies it at present, not having seen it for three or four weeks.

Q.—State, if you know, who occupied that room prior to the time that the woman Jonah occupied it?

A.—I do not know.

Q.—Is there now a sign upon the house other than the sign placed upon it by the woman Jonah.

A.—Not that I know of, not having seen it for four weeks at least.

Q.—State whether you know where Eugene Sherwood's office was located in Salinas Precinct at any time prior to the election day held on the sixth day of September, eighteen hundred and seventy-one, or during that year?

[Objected to upon the ground that there is no foundation laid for such testimony, and that it does not have any tendency to prove anything at issue in these proceedings. It is leading the witness to testify about something wholly foreign to the issue, and is immaterial.]

A.—Next to or adjoining the building occupied by Jonah; probably a space between the two buildings, upon the west side of the building marked "No. 1" on schedule.

Q.—Is there any sign upon that building?

A.—There is; "Saucel Land Office" is the sign upon the building.

Q.—State how long you have known Mr. Sherwood to occupy it, that place, as his office?

[Objected to as immaterial.]

A.—About two years, to my knowledge.

Q.—State whether or not you have made a sketch or map of a portion of Salinas Precinct. If yea, what portion?

[Objected to as incompetent, irrelevant, and immaterial.]

A.—I have, showing a portion of Main street together with the cross street where the buildings were pointed out to me as being the polling places of Salinas Precinct.

Q.—I will ask that you furnish a sketch?

[Objected to by respondent.]

A.—This is the sketch, marked "Exhibit A."

Q.—State whether you made accurate measurement of the distances from "No. 1" on said sketch to the street thereon marked Main street, and also from Main street to the building marked "No. 2" on said sketch. If yea, state such distances?

[Objected to because the question by recital refers to some sketch that has not been offered in evidence and constitutes no part of these proceedings, and is incompetent.]

A.—I did. The distance from building No. 1 to Main street being one hundred and sixteen feet, and from Main street to building No. 2 being twenty-four feet on said street.

Q.—State whether you measured the distance from the intersection of the street upon which building No. 1 is located with Main street, and to a point on said Main street opposite the house marked on said sketch No. 2. If yes, state the distance?

[Same objection as contained in objection last aforesaid.]

A.—I did, and the distance to the nearest corner is four hundred and sixty-six feet.

Q.—You will now make a diagram of the sketch marked "Exhibit A," to which you have referred.

[Respondent now objects to S. W. Smith, or any person or persons other than the Commission themselves, writing, marking, drawing, sketching, scratching, upon the papers and testimony in these proceedings, and particularly the witness, S. W. Smith, since he has positively testified that he did not know where the polls were held; and further, that the so called "Exhibit A" has not been offered in evidence; we know not what it is.]

## SKETCH OF SALINAS CITY, SHOWING THE POLLS IN NOS. 1 AND 2.

CASTROVILLE		STREET.	
No. 1. Restaurant.	116	44	House.
Vacant.	112	34.9	Saloon.
China houses.	61	117	Vacant.
Vacant.	170	50.9	Stable.
Stable.	61	27	Saloon.
Store.	62	3	Vacant.
Block's Hotel. No. 2.	52	20.2	Vacant house.
Vacant.	62.5	30.9	Vacant.
Store.	34	20	Barber shop.
Drug store.	20.5	20.5	Saloon.
Drug store.	28	59.7	Vacant.
GAVILAN		37.4	Store.
		14	Vacant.
		20	Shoe shop.
		25	Vacant house.
		25.10	Store.
		16	Barber shop.
		34.6	Saloon.
		50.9	Store. (Harvey & Co.)
		66	STREET.

[EXHIBIT V.]

MAIN

STREET.

[Respondent moves to strike out that portion of the foregoing deposition purporting to be a diagram made by the witness, S. W. Smith, for the reason that he has no authority or power to make his own drawings and incumber the records with his drawings, since he nowhere appears to be competent to make drawings accurate of the said locality, or any other locality, and that it nowhere appears that he knows where the polls were held, and if he did, to be permitted to make his drawings upon these records is unauthorized, and asks that they be disregarded.]

Q.—State who occupies the building marked upon your sketch herein as No. 2, and for what purpose?

A.—Mr. Block has a hotel called the American Hotel.

Q.—State whether building No. 1 is in view of building No. 2?

[Objected to upon the ground, first, that it does not appear that the witness knows whether it is in view or not, and the further ground that it is immaterial and leading.]

A.—Am not positive, but think they are in view of one another.

Q.—Are there any buildings between the office of Eugene Sherwood and the corner of Main street?

[Objected to as leading.]

A.—To the best of my recollection nothing but this hotel and restaurant.

Q.—From where the street upon which Sherwood's office is located enters Main street, are there any buildings between that and No. 2? If yes, state what they are used for?

[Objected to as immaterial.]

A.—There is first a small row of three houses used by the Chinese as wash houses, a livery stable, and a hardware store.

Q.—Do the front of those buildings reach to the line of Main street?

A.—The Chinese wash houses and livery stable do, the hardware store does not.

#### CROSS EXAMINATION.

Q.—You do not know where the polls were held on the day of election?

A.—I do not.

Q.—You do not know what the order of the Board of Supervisors was, or whether they made any order or not?

A.—I do not, except from hearsay.

Q.—Have you not made what you was pleased to term "Exhibit A," and also the "diagram" upon these records at the instance of A. Heath (contestant's counsel), while in this room during this examination?

A.—"Exhibit A" was made mostly in my office at the request of Dr. Flint. The diagram on the record was made in this room at the request of Mr. Heath, since the commencement of this examination.

Q.—Where is your office?

A.—In the Masonic building, San Juan.

Q.—How far is it from your office to Salinas City?

A.—About sixteen miles by the present traveled road.

Q.—You are not, and have not been since the election, an official surveyor of any kind, was you?

[Objected to.]

A.—I was not.

Q.—Do you not know, upon more mature reflection, that said Sherwood's office is in plain view of what you term American Hotel on your examination?

\* [Objected to.]

A.—I am not positive that it is; I believe the hardware store and the stable intervenes to cut off the view, except from the rear of the hotel.

Q.—Where was you on the day of election?

A.—In Gilroy, Santa Clara County.

Q.—Was not what you have pleased to term Sherwood's office, viz: Saucel Land Office, immediately adjoining a house of ill-fame or prostitution?

[Objected to.]

A.—I do not know the exact distance between the houses, not having surveyed any further than the house pointed out to me as being the place for holding the polls, nor do I know whether Jonah keeps a house of ill-fame or not.

Q.—Is that not the common repute of that house?

[Objected to.]

A.—It is.

Q.—Which of the two places you have designated, viz: Saucel Land Office, or American Hotel, are most centrally located in said Town or Village of Salinas City?

A.—American Hotel.

Q.—Which is most convenient and acceptable to the voters and citizens of said city and precinct?

A.—I cannot answer that question; the American is most central; as to convenience, one is as convenient as the other.

Q.—Do you know which of these places is the old place of voting in said city or precinct?

[Objected to.]

A.—Two years ago last September the American Hotel was the voting place.

Q.—Has it not been so for many years?

A.—I do not know, not having been in Salinas on election day, except the time mentioned two years ago on election.

Q.—Is not the American Hotel, of which you speak, in the same place as was formerly known as the Half-way House and Riker Hotel or House?

[Objected to.]

A.—It is.

Q.—Has it not been designated and recognized as such for many years?

A.—It has.

Q.—Do you not know that the little building designated by you as Saucel Land Office or Sherwood's office, is very small and is located on a side street and remote and very close to the house the common repute of which you say is that of a house of ill-fame or prostitution?

[Objected to.]

A.—It is a small building located upon a side street but not far from the Main street, and is near a house reputed to be of ill-fame.

Q.—And is it not near the extreme end of said Main street and in the environs or suburbs of said city?

[Objected to.]

A.—It is near the end of Main street, but not far removed from the business center of the city; the mill, brewery, and other buildings being upon the westerly side.

Q.—Is there any business houses north of said building?

A.—No, sir, except the brewery and the mill, which is some distance from the street.

Q.—How far is it south from there to the lower end of Main street?

[Objected to.]

A.—I do not recollect.

Q.—About how far?

A.—About two thousand or twenty-five hundred feet, more or less, a little more than half a mile.

Q.—Commencing, then, on Main street, about two hundred feet southerly from the intersection of this cross street, upon which you say this land office is situated, is not Main street a business street, with business houses, mercantile houses, drug stores, hotels, livery stables, barber shops, shoe shops, etc., to the southerly end, or near there, of said Main street; and does not that constitute the main business portion of said city?

[Objected to.]

A.—It is occupied by buildings of that kind for at least two-thirds of the way in a southwesterly direction along Main street, and is the main business portion of the town as far as I know it.

Q.—Is not the American Hotel, described by you as kept by Mr. Block, within the row of buildings you have last described?

[Objected to.]

A.—It is.

Q.—Is not the said American Hotel a large and capacious building, with large sitting rooms and office rooms, and is it not the principal hotel of said city?

[Objected to.]

A.—It is.

Q.—What is the political sentiment of Mr. Block, keeper of said hotel, if you know?

[Objected to.]

A.—In all my conversations with him, he claimed to be a Republican.

S. W. SMITH.

## TESTIMONY OF THOMAS YOST.

THOMAS Yost, being duly sworn to state the truth, the whole truth, and nothing but the truth relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—Thomas Yost; age, thirty; residence, Hollister.

Q.—State whether you have been actively interested as a partisan during the last year? If yea, in the interests of what political party?

A.—I have; in the interest of the Republican party.

Q.—State whether you know the political sentiments of John Maze, E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, Leander Emery, William A. Moody, Gilbert Mulch, Peter Crisman, William Weathers, N. B. Bailey, A. Kolman, and James Hudner, or either of them?

A.—Most of them I do.

Q.—State the political sentiments and to what party the persons belong whose names are contained in the last question?

A.—John Maze, Democrat; E. S. Jones, Democrat; John Wesley Grewell, Democrat. A. J. Rader I do not know; there are two of them, one a Republican and the other a Democrat, and I do not know their first names; John J. Janett, do not know, is reported to be a Democrat; Leander Emery, don't know the man; William A. Moody, Democrat; Gilbert Mulch, Democrat; Peter Crisman, Democrat; William Weathers, Democrat; N. B. Bailey, Democrat; A. Kolman, Democrat; James Hudner, Democrat.

[Respondent moves to strike out the answer, as not responsive to the question.]

Q.—State whether you were in attendance at the polls on the day of election?

A.—I was.

Q.—How long have you resided in Hollister Precinct?

A.—Two years.

Q.—What is your business for the last year?

A.—Have been engaged in selling goods for T. L. Baldwin.

Q.—Have you ever known any person by the name of Leander Emery?

[Objected to as immaterial.]

A.—I have not.

#### CROSS EXAMINATION.

Q.—Where was you born?

A.—In Western Virginia; believe in Tyler County—not positive.

Q.—You say, in answer to a question to you in chief, that you was actively engaged in the political campaigns of last year. What do you mean by being actively engaged?

A.—Being a Republican, I was anxious that that party should be successful in the contest then pending, and I worked for that object.

Q.—What work did you do?

A.—I endeavored to have all persons who I knew to be Republicans placed upon our poll list.

Q.—Did you hold any office connected with the Board of Registration of that precinct?

A.—I did not.

Q.—Then you did not take an interest in seeing that Democrats were on the poll list, and therefore did not talk or have interviews with them?

A.—In two instances; of Thomas Lynn and John Whisman; took their statements in order to send for their transfers—they being Democrats.

Q.—Did you not importune them, and did they not promise to vote for some of your Republican friends?

A.—I did not.

Q.—How is it you have testified to the political sentiments of the several names enumerated by you in answer to a question asked you in chief, and now say that you only talked with two Democrats, namely: Whisman and Lynn?

[Objected to for the reason he has not so stated.]

A.—The latter part of that question I did not so state; the question I answered was a different question.

Q.—Do you not know that John Maze had been a Republican, and had so voted for many years?

A.—I do not; in his declaration to me during the canvass, he stated that he was a Democrat, and would so vote if he could procure his transfer in time so to do.

Q.—Then you cannot state that he was not a Republican, and had not been for many years?

A.—I cannot; only known him for twelve months.

Q.—Do you not know as well as you know you are living, that on the day of election E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, Leander Emery, William A. Moody, Gilbert Mulch, Peter Crisman, William Weathers, N. B. Bailey, A. Kolman, and James Hudner, the men whose names you gave, had been for years preceding that election supporters of the Republican party?

[Objected to.]

A.—I do not.

Q.—You cannot state they were not?

[Objected to.]

A.—I cannot.

Q.—Have you not been actively engaged in this election contest?

A.—I have. In explanation, I will state that I have within the last six weeks made inquiry as to the parties I did not know, named in this examination, and have so reported to Mr. Flint.

Q.—Of whom did you make these inquiries?

A.—In making this inquiry, I had the name before me, and when I did not know the political sentiments of the person, I made inquiry of persons who I supposed would be likely to know.

Q.—What do you mean by having the name before you?

A.—The names of some twenty or more persons living in Hollister and San Benito and Tres Pinos Precincts were handed to me by Thomas Flint.

Q.—In whose handwriting?

[Objected to.]

A.—I do not know.

Q.—Did you not quit your business in part for the purpose of hunting these names at the instance of contestant.

[Objected to.]

A.—I did not.

Q.—Did or did not you correspond with the Clerk of Monterey County in regard to this contest?

[Objected to.]

A.—I did not.

Q.—Was not the written memorandum of names you speak of in the handwriting of W. M. R. Parker, County Clerk?

A.—I do not know; not being familiar with the handwriting.

Q.—Then all this investigation made by you as to the political sentiments of the men whose names you have enumerated was made since the election?

A.—It was not.

Q.—Then you contemplated this contest, and in part laid a foundation for it before the election, if it be true that your investigations were in part made before the election?

[Objected to.]

A.—I did not contemplate any such thing.

Q.—Are you not now in the employ of Dr. Flint, the contestant herein, as one of his advisers, and have you not been a part if not all the time since these proceedings were instituted, and even before?

[Objected to.]

A.—I am not; I have not been occupied in this matter except one day; I did not, during that time, neglect my business. In answer to the words “even before,” I state, positively, I have not.

Q.—Then the facts about which you have testified are the results of but one day's employment?

[Objected to.]

A.—I made no such answer.

Q.—All you have stated in your examination in chief is hearsay, is it not?

[Objected to.]

A.—My answer in regard to the political sentiments of the most of the persons named in the examination in chief was made by me from declarations of the persons named to me.

Q.—Did you not say in your cross examination, to a question asked you by respondent's attorney, that your information as to the political sentiments of the men you named was derived from conversing with others?

[Objected to.]

A.—I did not say it; if it is so recorded it is an error.

Q.—Do you know William Breck, E. G. Parks, J. Taylor, Wm. Wilson, W. H. F. Miller, Chas. Anderson, Alfred Thompson, Detleff Jansan, Francis Lovice, and F. Glass.

[Objected to.]

A.—I do not know Wm. Breck, E. G. Parks, Francis Lovice, or F. Glass, and do know John Taylor, Wm. Wilson, W. H. F. Miller, Charles Anderson, Alfred Thompson, and Detleff Jansan.

Q.—What are their political sentiments?

[Objected to.]

A.—Part Republican and part Democrat—most part Republican.

#### RE-DIRECT EXAMINATION.

Q.—If any are Democrats, give their names.

A.—Alfred Thompson.

THOMAS YOST.

#### TESTIMONY OF DIEDRICH WALTZEN.

DIEDRICH WALTZEN, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows:

Question—State your name and age?

Answer—Diedrich Waltzen; age, thirty-three.

Q.—State whether you voted at the State election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California; and if yes, in what county and precinct?

[Objected to as secondary and not the best evidence.]

A.—I voted at Pajaro Precinct, Monterey County.

Q.—At that election did you or did you not vote for a person for the office of Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to.]

A.—I did, sir.

Q.—For whom?

[Objected to upon the same grounds and for the same reasons contained in objection to the sixth question propounded to Detleff Jansan.]

A.—I do not wish to answer that question.

The contestant now asks that the witness be required to answer the question.

Decisions of Justices Heritage and Whitney the same as in the testimony of Detleff Jansan.

#### CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Thirteen years continuously.

Q.—How long had you been a resident of said Pajaro Precinct immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Five months continuously.

Q.—Are you now a citizen of the United States; and if so, how long have you been a citizen of the United States?

[Objected to.]

A.—I am and have been for the last seven years.

Q.—What inquiry or investigation, if any, did you make prior to said sixth day of September, A. D. eighteen hundred and seventy-one, to ascertain if you was regularly registered and enrolled on the Great Register of the county, and on the poll list of your precinct?

[Objected to.]

A.—Two years ago I had my transfer sent down from Alameda County, and Mr. J. M. Soto took it down to Monterey to have it put on the Great Register, and my name was on the poll list of Santa Rita Precinct last year, and I had it transferred to Pajaro Precinct this season, before the election; I had it transferred from Santa Rita Precinct and had it put on the list at Pajaro before the election, by affidavit.

Q.—Had you voted at former elections in this county?

A.—I had.

#### CROSS EXAMINATION RESUMED.

Q.—Where were you born?

A.—In Germany.

DIEDRICH WALTZEN.

#### TESTIMONY OF E. M. MATHEWS.

E. M. MATHEWS, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, and age, and residence?

Answer—E. M. Mathews; age, fifty-one years; residence, Natividad.

Q.—Where were you born?

A.—State of Ohio, in the United States of America.

Q.—How long have you resided in Natividad Precinct?

A.—A little over four years.

Q.—Were you present at an election held in the State of California on the sixth day of September, eighteen hundred and seventy-one; if yea, where?

A.—I was at Natividad Precinct.

Q.—State what time you remained at the polls?

A.—From eight o'clock in the morning till twelve o'clock at night, or about that time.

Q.—In what capacity?

A.—As one of the Judges of Election.

Q.—Were you present during the time the votes cast at that election were examined and counted on the sixth day of September, eighteen hundred and seventy-one, after the closing of the polls?

A.—I was.

Q.—State whether you can now recollect the number of votes that you found in the ballot box, and for what candidates voted for?

[Objected to.]

A.—I cannot.

Q.—State whether or not you, as one of the Judges of Election, signed papers purporting to be poll lists and tally lists and returns of said election?

[Objected to as leading and secondary and not the best evidence, and no foundation being laid for such question, the counsel himself announcing to the Commission that he will have the first evidence, and if this can be styled an investigation at all, he is evidently commencing at the wrong end first.]

A.—I was Judge of Election and signed the returns.

Q.—After you signed said papers what was done with them?

A.—The Clerk of the Board took them home with him; they were not sealed, neither the ballots nor the tally list; the name of the Clerk was Michael Riordan.

Q.—State the names of the persons who acted as Clerks of Election on that day in Natividad Precinct—I mean the men who wrote down the names of the voters at the time they voted, and who kept the tally lists?

A.—Charles Houston and William Armstrong.

Q.—Are you not mistaken when you spell Mr. Houston's name?

A.—I think not.

Q.—Where does Mr. Charles Houston reside?

A.—He lives near Natividad, on the road from Natividad to San Juan.

Q.—What is the name of his father?

[Objected to on the ground that it is immaterial what Mr. Houston's father's name is, and a subject matter of inquiry that the counsel has no right to make.]

A.—James Houston.

Q.—Do you know whether Charles Houston, the clerk, has a middle name?

A.—I think he has; Charles Albert, I think it is.

Q.—State whether or not you saw the said returns of election, or any

portion of them at a later day than election day; if yea, state when, and what occurred at the time or times?

A.—I saw a portion of them next morning while they were being sealed up in the express office to be sent to Monterey.

Q.—Did you see them later in the day?

A.—I did not.

Q.—State the middle name, if any, of Armstrong?

A.—Think he has a middle name, but do not know what it is; think it is L.; will not be positive.

CROSS EXAMINATION.

Q.—What are your political sentiments?

A.—Republican.

Q.—Did you or did you not suggest to Mr. Riordan and the Judges of Election the propriety of taking the ballots and tally lists to your own house on that evening?

[Objected to.]

A.—I did not.

Q.—Who did make that suggestion, if any one?

[Objected to.]

A.—There was no such a statement made.

Q.—Why did you, as Judge of Election, not seal up the returns on that evening?

A.—We had no large envelop, and I did not know the law required it then.

Q.—Then you were not familiar with the law, and had not the facilities with which to seal up the returns and papers?

A.—No, I was not familiar with the law, and we had not the facilities for sealing them up that night.

Q.—Finding yourselves without facilities to seal up the returns on that night, what did you suggest or contemplate doing with them?

[Objected to.]

A.—We did not suggest anything; the Clerk merely rolled them up, put them under his arm, and walked home with them, ballot box and all; there were no suggestions made.

Q.—Did you make any objection to his doing so?

A.—I did not.

Q.—Was it not the only thing that could be done with the papers and ballots after finding you could not dispose of them that night?

[Objected to.]

A.—No, sir.

Q.—What else could have been done with them?

A.—Lock them up in a safe.

Q.—Why did you not suggest that, as Judge of Election?

[Objected to.]

A.—Because I did not think the Clerk would tamper with them, as he did do.

Q.—How did he tamper with them?

[Objected to.]

A.—I don't know; I did not see them opened.

Q.—How do you know, then, he tampered with them?

A.—One of the Clerks told me so.

Q.—Then all you know about that is what somebody, viz., one of the Clerks, told you?

A.—One of the Clerks told me he had been helping that morning alter the tally list, as the reason why he was not out at the thrashing machine at work.

Q.—Who was that Clerk?

[Objected to.]

A.—Charles A. Houston.

Q.—Who was the other Clerk?

A.—William Armstrong.

Q.—Was he present with the other Clerk at this time?

A.—I do not know.

Q.—Who did he say he was helping to alter the tally list?

A.—He did not say who.

Q.—Do you know that Michael Riordan was helping him, or had anything to do with altering the tally list.

A.—I do not.

Q.—Then I repeat the question heretofore asked you: Why it is you say that Michael Riordan tampered with the tally list, ballots, or papers?

A.—Because they were not out of his possession, that I know of; and if they were, they had not ought to have been.

Q.—Then that is the only reason you have for making the declaration (tamper) against Michael Riordan?

A.—Yes; from what Houston told me.

Q.—Do you not know that it was your duty, as much as any one's, and more than that of the Clerk, to take charge and care of and see to the ballots, returns, and papers?

[Objected to.]

A.—I did not.

Q.—How many safes were there in that town into which you say the papers could have been put?

A.—One, anyway.

Q.—Who owned that safe?

[Objected to.]

A.—Charles Hammel.

Q.—In whose possession were these papers and ballots when you saw them in the express office the next day?

[Objected to.]

A.—Michael Riordan.

Q.—What was being done with them?

A.—He was folding them up preparatory to sealing them up with sealing wax.

Q.—What other of the Judges was present at this time?

A.—No other.

Q.—Did you examine them?

A.—I did not.

Q.—Why did you not?

A.—I did not suspieion anything wrong with them at this time.

Q.—Did you not have opportunity if you desired to examine them?

A.—I had an opportunity but had no desire to examine them.

Q.—You state that one of the clerks, viz., Houston, told you he was detained in altering the tally list. Did he not state to you the alteration and wherein there was a mistake in the tally list?

[Objected to.]

A.—He did not. He merely stated they had been altering the tally list. The question was asked, "What right had you to alter it?" I think by Mr. Hebbbron. He said he did not know, but we did it.

Q.—Has any other person informed you wherein and in what particular it was altered?

[Objected to.]

A.—Nothing reliable. I have heard it said that it was a miscount in the tally since that time.

Q.—Have you not heard that the miscount and a mistake was in the vote for County Clerk of Monterey County and not between the Senatorial candidates?

[Objected to.]

A.—I have.

Q.—Was not that the only mistake made by the tally clerks?

[Objected to.]

A.—I did not know that there was any mistake made, for they never showed me the mistake.

Q.—You have testified in words to the effect that you did not think Michael Riordan would tamper with the returns as he did. Was not the only charge against Michael Riordan, or any other person, that the tally lists did not correspond one with the other in the counting of the votes for County Clerk alone?

[Objected to.]

A.—I cannot do it without entangling myself. I cannot answer the question at all, because the only charge that was made was that the tally list had been altered.

Q.—Do you not know that there was no charge ever made against the Tally Clerks or Clerks of Election for changing the tally list in the vote cast for State Senator, and do you not know perfectly well that there was no mistake made in counting, keeping, or in regard to the vote cast for Senator?

[Objected to.]

A.—I do not know that there was no mistake made.

Q.—You say you heard the mistake occurred in the count for County Clerk? Have you not also heard that there was no mistake in the count for Senator?

[Objected to.]

A.—I have.

Q.—Have not Armstrong, Houston, Patton, Riordan, and members of the Board of Supervisors, all told you that there was no mistake in the count for Senator?

[Objected to.]

A.—No, sir.

Q.—Has any of them?

[Objected to.]

A.—No, sir.

Q.—Did you not know so of your own knowledge?

A.—No, sir, for the simple reason I never counted up the tallies.

#### RE-DIRECT EXAMINATION.

*By Contestant*—In answer to question thirty-four of your cross examination by respondent, you say, "I cannot do it without entangling myself." State what you mean by the use of that language?

[Objected to as not proper cross examination; as question number thirty-four was propounded in cross examination, and was responsive to a question propounded to the witness by contestant's counsel in his

examination in chief, and that the counsel now delicately seeks to come to the relief of his own witness.]

A.—Because the question was so near like one asked before that I could not distinguish but little difference between them.

Q.—State whether at the time you used that term you feared that your answer might cause you to be punished for any crime known to the laws of the State of California?

A.—It was because I was afraid it would conflict with my answer before.

E. M. MATHEWS.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M. to-morrow, to wit, the seventeenth day of November, A. D. eighteen hundred and seventy-one.

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NOVEMBER 17th, 1871.

### TESTIMONY OF CHARLES A. HOUSTON.

CHARLES A. HOUSTON, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, and age, and residence?

Answer—Charles Albert Houston; age, twenty-three years; residence, Natividad, Monterey County.

Q.—Where were you on the day of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California?

A.—Natividad.

Q.—What were you doing that day?

A.—Was acting as Clerk of Election.

Q.—Explain your answer to the last question?

[Objected to as cross examining your own witness.]

A.—I was acting as Clerk of Election, and keeping the tally list; keeping the names of persons who voted.

Q.—State whether there were other persons than yourself performing similar duties; if yes, state their name or names?

A.—There were; W. M. Armstrong.

Q.—State whether you were present at the time the votes were counted that had been cast at said election in Natividad Precinct, Monterey County, State of California?

A.—Yes, sir, I was.

Q.—Who kept the tally of the count of such votes?

A.—I did for one, W. M. Armstrong, and A. B. Hughes.

Q.—State whether or not you kept the tally list continuously of each vote counted?

A.—To the best of my knowledge and belief I did.

Q.—After the counting of the ballots what was done with the tally lists, ballots, and poll lists kept by you?

A.—They were taken by Mr. Riordan.

Q.—Before Mr. Riordan took those ballots was there any writing done upon them by any other person than yourself, Armstrong, and Hughes?  
[Objected to as leading.]

A.—Yes, sir.

Q.—By whom?

A.—E. M. Mathews, one of the Judges of Election, and John W. Patton, also acting as one of the Judges, and Riordan, Inspector of Election, also signed them.

Q.—What writing did those persons do upon said tally lists on that night, if you know?

A.—Nothing more than to sign their signatures.

Q.—If you know, state if they signed their signatures under other writing than the tally made by yourself and Armstrong of the votes as announced to you by the Election Board; if yes, what was the writing?

[Objected to as incompetent, secondary, and not the best evidence, and is an attempt to prove a record by parol testimony, and no foundation, for the reason that the original has not been offered, and no attempt made or offered to show its loss.]

A.—Don't think they did.

Q.—State whether there was a certificate attached, either written or printed, to said tally list?

A.—No, sir.

Q.—What, then, did the parties sign?

A.—They signed the tally lists.

Q.—May you not have been mistaken when you say that there was no certificate attached to said tally list?

[Objected to as cross examining his own witness.]

A.—No, sir.

Q.—Might not there have been printed upon the same sheet that was signed a certificate, under which the parties appended their names?

[Same objection as to last question.]

A.—Not that I remember of seeing.

Q.—After the close of election on that day, you say that Mr. Mathews, Patton, and Riordan signed the tally list, and that the same was delivered with the ballots to Mr. Riordan. Have you since that time seen such returns of election? if yes, when the first time?

A.—Yes, sir, I saw them the next morning; Mr. Hughes handed them to me.

Q.—State whether you know from whom Mr. Hughes received the returns of that election?

A.—It was Mr. Hughes' own count that he showed me, that he kept on the evening of election.

Q.—State whether Mr. Hughes was an officer of that election?

A.—He was employed by a party there to see if the election was properly carried on and no fraud practiced.

Q.—By what party?

[Objected to.]

A.—Really I have forgotten who they were; Alpitts, I believe, was one.

Q.—Was Mr. Hughes appointed and did he act as an official member of the Board of Election on that day?

[Objected to as incompetent and secondary.]

A.—He was appointed and acted only in the count of the votes in the evening.

Q.—Do I understand you to say that he was appointed as one of the Judges or Clerks of that election by either the Board of Election or a majority of the voters of that precinct that were assembled before the opening of the polls on the morning of election?

[Objected to on the ground that it is incompetent and in cross examination of contestant's own witness, and purports only to supply the understanding of the counsel, impliedly admitted by him to be deficient.]

A.—No, sir.

Q.—Then was he serving and acting on that day as an officer of election, or a member of the Board of Election?

[Objected to upon the ground that it is cross examining his own witness, and is a system of examination, if recognized by the tribunal that has finally to hear and determine this controversy, lawyer-like system will have to be by them totally disregarded.]

A.—He was, in counting the votes.

Q.—Who appointed him?

A.—I don't recollect; M. Alpitts is one; don't know who else.

Q.—Was Alpitts a member of the Board of Election?

A.—No, sir.

Q.—When did he bring him in?

A.—I don't remember; think between six and seven in the evening.

Q.—When Mr. Hughes showed you the returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the morning after such election, what was done with said returns?

A.—I copied them off and sent Mr. Sheerer, of San Juan, a list of the returns of the election, which I copied from the list of Mr. Hughes, and I don't know what become of them; I left it in the store, on the desk; store of Charles Hammel.

Q.—State whether you made any writing or marks upon the returns shown you?

A.—I did not.

Q.—Was you present when they were sealed up and sent away?

A.—I was not.

Q.—State whether or not you saw Mr. Hebbroon and Mr. Mathews in the house of Mr. Mosher in the forenoon of the seventh day of September, A. D. eighteen hundred and seventy-one? If yea, had you a conversation with them with reference to the returns of election held the day preceding?

[Objected to as leading and is intended to impeach or try to impeach contestant's own witness, Mr. Houston; that it has nowhere appeared, by any proof offered by contestant, that a conversation of any kind was had with Mr. Hebbroon.]

A.—I did.

Q.—Repeat that conversation as near as you can recollect?

A.—I think that I told Mr. Hebbroon that Mr. Riordan said that he would have to reduce my fees one half; that I had made a mistake in my tally list.

Q.—State what transpired at the time you had that conversation with Mr. Riordan?

[Objected to as immaterial.]

A.—Nothing that I know of particularly.

Q.—Where was it?

A.—At the store of Charles Hammel.

Q.—Did you see the box containing the ballots cast in that precinct in any other place than the room where the election was held? If so, where, and in whose possession?

A.—I did; Mr. Riordan had them in his possession at the supper table at John Patton's Hotel.

Q.—How were they secured?

A.—Simply in a cigar box.

Q.—Had you any conversation with Mr. Riordan or Mr. Armstrong with reference to the returns of election having been altered after the same were signed? If yea, state as near as you can recollect that conversation?

[Objected to as leading and telling the witness what he wants him to testify.]

A.—Not that I remember of.

Q.—State what are your political sentiments?

A.—Democratic.

#### CROSS EXAMINATION.

Q.—Then you only acted as Tally Clerk on the day of election?

A.—Yes, sir; in keeping names of voters, that was all.

Q.—How many Tally Clerks were there appointed?

A.—Two.

Q.—Who was the other one?

A.—W. M. Armstrong.

Q.—Did you and Mr. Armstrong act as Tally Clerks all day, from the opening of the polls in the morning till counting them out in the evening?

A.—Yes, sir.

Q.—Then the Mr. Hughes you have spoken of in your examination in chief was a mere private tally keeper and looker-on, from some time in the evening (six or seven o'clock) until the polls were closed. Is that not the fact?

[Objected to.]

A.—Yes, sir.

Q.—He had nothing to do with the keeping of tallies or clerking officially?

[Objected to.]

A.—No, sir; I think not.

Q.—Can you state why the returns of election were left with Mr. Riordan, the Clerk or Inspector, that night?

A.—They were left by the consent of E. M. Mathews and John W. Patton, as they had no envelops large enough to contain the report at that time.

Q.—Was that the same E. M. Mathews that testified in this case on yesterday?

A.—I was not here yesterday, and do not know that he was here; heard he was here.

Q.—Was there more than one man by the name of Mathews acting on the Board that day?

A.—No, sir; there was not.

Q.—In what capacity was he acting?

A.—As one of the Judges of Election.

Q.—Then I understand you to say that, having no envelops large

enough to seal up the returns that night, they were, by the consent of the Board, left with Mr. Riordan that night?

[Objected to for the reason that the witness has not heretofore, in his examination either in chief or in cross examination, so stated.]

A.—Yes, sir.

Q.—What instructions, if any, did the Board give Mr. Riordan in relation thereto?

A.—I don't remember rightly what they said; remember their saying for him to take the election returns home with him and see that they were sealed and sent on the stage to Monterey next day, to W. M. R. Parker.

Q.—Now, was it these election returns or the private tally of Hughes you saw in Hamel's store the next day?

A.—It was Hughes' private tally.

Q.—Then you did not mean to be understood, in your answer to the leading and complicated question propounded to you by contestant's counsel in chief, that you had seen the election returns made by the Board on the next day after the election?

[Objected to.]

A.—No, sir.

Q.—It was, then, from this tally list, kept by this private clerk, Hughes, that you made your list for the purpose of sending to Mr. Sheerer, at San Juan?

[Objected to.]

A.—Yes, sir.

Q.—Was that not sent by you to Mr. Sheerer merely to inform Mr. Sheerer the result of the election?

[Objected to.]

A.—Yes, sir; it was.

Q.—You stated, in answer to the question propounded to you in chief, that Mr. Riordan stated to you on the following morning that you had made a mistake in the tally list—please state wherein Mr. Riordan told you the mistake existed?

[Objected to.]

A.—Between Johnson and Poole, candidates for County Clerk.

Q.—Was there any mistake in the tally list or in the returns between the candidates for State Senator?

[Objected to.]

A.—No, sir; there was not.

Q.—Then the only mistake, if any, that occurred, or was charged to have occurred, was between the candidates for Clerk, and not for Senator?

A.—Yes, sir.

Q.—Do you recollect whether the difference in the tally list for Clerk, which you say was the only difference there was, was in the tallies themselves, or simply in footing up or computing them?

[Objected to.]

A.—I understood afterwards, at the recount of the votes at Monterey, that the tallies were correct; that we had made a mistake of one tally in footing them up or computing them.

Q.—As between what candidates?

A.—Between Poole and Johnson, candidates for County Clerk.

Q.—Do you know whether that mistake or error in footing was in favor of or against the Republican candidate for Clerk?

[Objected to.]

A.—It was in his favor.

Q.—Did you say to E. M. Mathews, on the seventh day of September, eighteen hundred and seventy-one, or day after election, that you had been detained in altering or counting the tally list, or any words to that effect?

[Objected to.]

A.—No, sir; I did not.

Q.—Mr. E. M. Mathews, one of the witnesses examined by contestant, testified on yesterday that you, Charles A. Houston, one of the Clerks, told him you had been helping that morning alter the tally list, as the reason why you were not out at the thrashing machine at work—was that declaration true or untrue?

[Objected to.]

A.—It is a mistake.

Q.—Do you state positively that no such conversation occurred?

[Objected to.]

A.—Nothing more than that I had copied the list of Mr. Hughes, which detained me from going to my machine that morning, and that there was a mistake made in footing up the tallies between Johnson and Poole; that is all that I can remember that transpired.

#### RE-DIRECT EXAMINATION.

Q.—In your answer to the twenty-fifth cross examining question you do not state where and when you had the conversation with Mr. Mathews—you will state the fact?

A.—At the house of Mr. Mosher; Mr. Hebron was present at the time; do not remember whether Mr. Mosher was there or not.

Q.—In your cross examination you state that Riordan informed you that there had been a mistake made in the tally list; when did he give you that information, and to what tally list do you refer?

A.—On the seventh day of September, next day after election, he said that I had made a mistake

Q.—You say in your cross examination that the Supervisors discovered a mistake in your tally list; how do you know that?

A.—I heard it from Mr. W. S. Johnson and from Mr. Armstrong.

#### RE-CROSS EXAMINATION.

Q.—Is it not the case that Mr. Riordan discovered what he conceived to be an error in the tally list between the candidates for Clerk by reference to the same private tally kept by Hughes, and that, too, after the returns had been sent to the County Clerk?

[Objected to.]

A.—I could not say where he received his information.

CHAS. A. HOUSTON.

#### TESTIMONY OF PETER CRISMAN.

PETER CRISMAN being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question.—State your name, age, and residence?

Answer.—Peter Crisman, twenty-one, Santanna Valley.

Q.—State whether or not you voted at the general election held on the sixth day of September in the State of California; if yea, in what county and precinct?

A.—I did; Hollister Precinct, Monterey County.

Q.—Did you vote for any person for the office of Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

A.—I did.

Q.—State for whom did you so vote?

[Objected to upon the same grounds contained in the objection made to the sixth interrogatory propounded to Detleff Jansan (see Detleff Jansan's deposition); and the further ground that an elector, where an election is held by ballot, is not compelled to reveal the fact or character of his vote or for whom he voted upon a given occasion.]

A.—I decline answering that.

Q.—State upon what grounds you decline to answer.

[Objected to upon the grounds that it is the witness' privilege to refuse to expose his ballot, and that no tribunal has the power or right to compel or require the witness to answer such questions; that the right of the exercise of a vote by ballot is a secret exercise; that the witness may at all times keep the fact as to how he exercised it within his own knowledge for not revealing it, nor is he compelled to give any reasons for it.]

A.—No particular grounds; only that I think that that is my own business.

Q.—State for whom did you so vote?

A.—I decline to answer it.

[Contestant asks the Commission to require an answer to the question. Commission decide the same as in the testimony of Detleff Jansan to a question of similar form.]

Q.—State the day and year of your birth, if you know?

A.—Eighteen hundred and forty-nine, first day of January.

#### CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, eighteen hundred and seventy-one.

A.—Something over two years, very near three, continuously.

Q.—How long had you been a resident of the said Hollister Precinct immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Something over two years.

Q.—Are you a citizen of the United States, and if so, was you a citizen of the United States when you came to said Hollister Precinct?

A.—I am a citizen of the United States, and was a citizen when I came to Hollister Precinct.

Q.—What, if any, inquiry or investigation did you make prior to said election day to ascertain if you was registered on the Great Register of the County of Monterey and enrolled on the poll list of said Hollister Precinct?

[Objected to as wholly irrelevant.]

A.—I did not make any in particular, only that I was registered in Hollister, and Judge Davis said that he would send it to Monterey at the time that I registered; I was on the poll list in Hollister for over three months before election.

PETER CRISMAN.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M., to-morrow; to wit, the eighteenth day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 18th, 1871.

TESTIMONY OF JOSEPH JAMES HOLCOMB.

JOSEPH JAMES HOLCOMB being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question.—State your name, age, and residence?

Answer.—Joseph James Holcomb, forty-nine years.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, eighteen hundred and seventy-one; if yes, where?

[Objected to as secondary and not the best evidence.]

A.—I did; Pajaro Precinct, Monterey County.

Q.—State whether at that election you voted for the office of Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent.]

A.—I did.

Q.—For whom did you vote?

[Objected to upon the same grounds contained in the objection to the sixth question propounded to Detleff Jansan. See Detleff Jansan's deposition. And the further ground that an elector, where an election is held by ballot, is not compelled to reveal the fact or character of his vote, or for whom he voted upon a given occasion.]

A.—I decline to tell who I voted for; think I have that right constitutionally to decline.

Contestant asks the Commission to require an answer to the question. Commission decides he shall not be compelled to answer the question.

Q.—To what political organization do you belong?

A.—I don't consider that I belong to any.

Q.—What are your political sentiments?

[Objected to as immaterial, the witness having already answered that he belonged to no political party.]

A.—My political sentiments are that I vote for men on both tickets.

Q.—State whether or not during the political campaign preceding the election referred to you acted with the Democratic party?

[Objected to on the ground that a man is not compelled to reveal the character of his vote or the party to which he belongs.]

A.—I did not.

Q.—With what party did you act?

[Same objection as to last question.]

A.—I did not act with any party in the last ten years.

CROSS EXAMINATION.

Q.—You say in answer to a question propounded to you in chief that you voted at the general election held on the sixth of September, eighteen hundred and seventy-one. Please state how long you was a resident of the State of California immediately next preceding the said sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to.]

A.—Nineteen years continuously.

Q.—Please state how long you had been a resident of said Pajaro Precinct immediately next preceding the said sixth day of September, eighteen hundred and seventy-one?

A.—Two and one half years.

Q.—Please state whether you was a citizen of the United States at the time you first became a resident of said Pajaro Precinct; and if so, how long have you been a resident of the United States?

[Objected to.]

A.—I was a citizen of the United States at that time and had been for forty-seven years.

JOSEPH JAMES HOLCOMB.

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TESTIMONY OF ALONZO HELLER.

ALONZO HELLER, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—Alonzo Heller; thirty-seven years; Tres Pinos Precinct, Monterey County.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one; if yea, where?

[Objected to as secondary and not the best evidence.]

A.—Yes, sir; Tres Pinos Precinct, Monterey County.

Q.—State whether or not you voted for any person for the office of State Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to on the grounds that the witness as an elector is not compelled to reveal the character of his ballot, or for whom he voted; and further, that it does not appear that the witness knows for whom he voted.]

A.—I did.

Q.—For whom did you so vote?

[Objected to upon the same grounds as made in the objection to the sixth question propounded to Detleff Jansan. (See Detleff Jansan's deposition.) And the further grounds that the election having been held by

ballot the witness cannot be required to reveal the character of his ballot, or for whom he voted, and that this is evidence that should be obtained from another source and not from the witness himself.]

A.—I decline answering it; under the constitutional right I decline to answer it.

Contestant asks the Commission to compel an answer to the question.

Commission decides the witness shall not be compelled to answer the question.

Q.—State to what political organization, if any, you belong?

A.—Not any in particular.

Q.—Have you ever voted in the State of California except at the election held on the sixth day of September, A. D. eighteen hundred and seventy-one; if yea, when and where?

[Objected to as immaterial and irrelevant; this controversy only being in reference to the one election as averred in contestant's statement.]

A.—In Santa Cruz; I think about seven years ago.

Q.—Have you not voted since that time in Santa Cruz?

[Objected to as in cross examination of contestant's own witness.]

A.—I don't think I have inside of six years.

Q.—Have you not belonged to the political party named the Democratic party ever since you arrived at the age of twenty-one, and do you not now belong to the said party?

[Objected to upon the ground that it is in cross examination of contestant's own witness, the witness having already answered that he did not belong to any party in particular, and respondent asks that such question be disregarded and excluded.]

A.—State, as I did before, I do not belong to any particular party; I vote for the best men.

#### CROSS EXAMINATION.

Q.—You say you voted at the election held on the sixth day of September, eighteen hundred and seventy-one, in Tres Pinos Precinct, Monterey County? Please state how long you had been a resident of the State of California immediately next preceding that day?

A.—Two years and a half, I think, last June, continuously.

Q.—You state in your examination in chief that you voted some six or seven years ago in Santa Cruz County. Explain, if you please, whether you was absent from the State, and whether that absence was temporary or otherwise?

[Objected to.]

A.—I went back to the States, cannot tell the exact time, but a little over five years ago, and staid there about three years and then returned to California.

Q.—State how long you had been a resident of said Tres Pinos Precinct immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Came there last January and have lived there ever since continuously.

Q.—Was you a citizen of the United States, and if so, how long had you been when you went to reside at said Tres Pinos?

[Objected to.]

A.—Yes, sir, and had been a lifetime.

Q.—Was you born in the United States?

A.—Yes, sir.

ALONZO HELLER.

## TESTIMONY OF DANIEL WALSH.

DANIEL WALSH, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—Daniel Walsh, age twenty-five years.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, eighteen hundred and seventy-one. If yes, where?

[Objected to; first, as leading; second, secondary and not the best evidence.]

A.—Yes. Santa Rita Precinct, Monterey County.

Q.—State whether or not you voted for any person for the office of State Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the ground that the witness cannot be required or compelled to reveal the character of his ballot.]

A.—Yes, sir.

Q.—For whom did you so vote?

[Objected to upon the same ground contained in the objection made to the sixth interrogatory made to Detleff Jansen, and that the witness cannot be required and should not be required to reveal the character of his ballot or for whom he voted.]

A.—I decline to answer the question. My opinion is, I do not know why you should have the right to make me tell who I voted for after I voted.

Contestant asks the Commission to compel the witness to answer.

Commission decides the witness shall not be compelled to answer.

Q.—State to what political organization, if any, you belong?

A.—I could not say that I belong to any in particular.

## CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I think I had been five years continuously.

Q.—Then you was not quite twenty years of age when you came to California?

A.—No, sir, I was not.

Q.—From what State did you come?

A.—District of Columbia, Washington City.

Q.—Did your father reside there?

[Objected to.]

A.—Yes, sir, he did.

Q.—Was he a citizen of the United States of America?

[Objected to.]

A.—Yes, sir.

Q.—How long had you been a resident of said Santa Rita Precinct

immediately preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—One year and two months. About nine weeks of the time I had been out of it; about five months continuously next before the election.

D. WALSH.

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TESTIMONY OF JAMES CULLMAN.

JAMES CULLMAN, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—James Cullman; age, about twenty-eight years; residence, Santa Rita.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, where?

[Objected to as secondary and not the best evidence.]

A.—Yes, sir; New Republic.

Q.—State whether or not you voted for any person for the office of State Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the ground that there is no foundation laid to the question, it not appearing that the witness knows whether he voted for any person or not, and the further ground that the witness cannot be required or compelled to reveal the character of his ballot.]

A.—Yes.

Q.—For whom did you so vote?

[Objected to upon the same ground contained in the objection made to the sixth interrogatory propounded to Detleff Jansan (see Jansan's deposition), and the further ground that it requires the witness to reveal the character of his own ballot and those for whom he voted.]

A.—I voted a split ticket; I decline that question, for the reason that I voted a split ticket, and had partly promised to support the opposite party from what I did.

CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Came to California the sixth day of May, eighteen hundred and fifty-nine, and have been here ever since continuously.

Q.—Were you a citizen of the United States when you came to California?

A.—I was not, sir.

Q.—How long did you reside in Santa Rita Precinct immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—A year or more continuously.

Q.—Were you a citizen of the United States when you went to Santa Rita Precinct to reside?

[Objected to.]

A.—Yes, sir, I was.

Q.—In answer to a question propounded to you in chief you stated you voted at New Republic; please state whether New Republic is in Santa Rita Precinct, Monterey County, California?

A.—I presume the precinct is Santa Rita.

Q.—In answer to a question asked you in chief you stated that you had partly promised one party to support them, and for reasons which, of course, are best known to yourself, you voted for his opponent. Have you conversed with the candidate to whom you made the promise since election, or since the institution of these proceedings?

[Objected to by contestant's counsel, for the reason that the witness has declined to state for whom he voted, and that the Commission have decided that he is not compelled to answer a question of this character.]

A.—I have not.

Q.—Did you before election?

[Objected to.]

A.—Not that I know of personally.

Q.—Please state, if you recollect, the person or persons with whom you had conversation at the time you partly promised, as you have spoken?

[Objected to.]

A.—I could not say for certain; had talk with several; was talking with Judge Farley of Salinas City, and Mr. Soto of New Republic.

Q.—Then it was to Judge Farley, to the best of your recollection, you had made the promise?

[Objected to.]

A.—Not to support Senator, I had not.

#### RE-DIRECT EXAMINATION.

Q.—Was it not to Mr. Soto that you made the partial promise that you have referred to?

A.—It was not.

Q.—State whether you had ever voted in the State of California in any other county than Monterey County; if yes, state in what county, and when?

[Objected to upon the ground that it is irrelevant, immaterial, and is going into the original case.]

A.—Yes, sir, in Sierra County, the last Presidential election.

JAMES CULLMAN.

On motion of contestant, the further taking of the testimony is now adjourned until ten o'clock A. M. Monday morning, to wit, the twentieth day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 20th, 1871.

## TESTIMONY OF A. J. GILLETT.

A. J. GILLETT, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—A. J. Gillett; age, twenty-seven years; residence, Salinas City.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, where?

[Objected to as leading, secondary, and not the best evidence.]

A.—Yes, at Salinas City.

Q.—In what voting precinct and county?

[Same objection as last question.]

A.—Monterey County, Salinas Precinct.

Q.—State whether or not you voted for any person for the office of State Senator for the Sixth Senatorial District for the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent, and for the further reason that the elector is not required to reveal the character of his ballot.]

A.—I did.

Q.—For whom did you so vote?

[Objected to upon the ground that it is asking the witness to reveal the character of his ballot, and that he cannot be required to reveal either the character of his ballot or for whom he voted.]

A.—I decline answering that question; I think a man has a right to vote for who he pleases and claim it as a constitutional right.

Contestant asks the Commission to compel the witness to answer.

Commission decide witness shall not be compelled to answer.

Q.—State to what political party, if any, you belong?

A.—I decline to answer that question; I do not belong to any in particular.

## CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Nineteen years continuously.

Q.—How long had you been a resident of said Salinas Precinct, Monterey County, immediately next preceding the said sixth day of September, eighteen hundred and seventy-one?

A.—Pretty near a year; over nine months.

Q.—Where was you born?

A.—Wisconsin, United States of America.

Q.—What, if any, inquiry or investigation did you make prior to said election, to ascertain whether your name was registered on the Great Register of the said County of Monterey and enrolled on the poll list of said voting precinct?

A.—It was on the Great Register; I saw it on the poll list; I never saw it on the Great Register, but inquired, and they said it was there; I

sent my name in to Monterey to have it on the Great Register; I never saw it on the Great Register, but saw it on the poll list.

Q.—Have you voted in said Monterey County at former elections?

[Objected to as irrelevant.]

A.—Yes, sir.

Q.—At what elections, if you now remember?

[Objected to as irrelevant.]

A.—At the State election, the county election, and the Presidential election.

A. J. GILLET.

On motion of contestant, the further taking of the testimony is now adjourned until ten o'clock A. M., Tuesday, to wit: the twenty-first day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 21st, 1871.

Ten o'clock A. M.—Further adjournment to two P. M., this day.

#### TESTIMONY OF F. M. WARE.

F. M. WARE, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State name, age, and residence?

Answer—F. M. Ware; thirty-six years; San Juan Precinct.

Q.—How long have you resided there continuously?

A.—Since eighteen hundred and sixty-eight.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one? If yes, where?

A.—I did; San Juan Precinct, Monterey County.

Q.—State whether or not you voted for any person for the office of State Senator for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the same grounds contained in the objection made to the third interrogatory propounded to James Cullman. See Cullman's deposition.]

A.—I claim the constitutional right, etc.; yes, I did.

Q.—For whom did you so vote?

[Objected to upon the ground that it is leading, incompetent in this, that the witness cannot be required or compelled to reveal the character of his ballot, or for whom he voted.]

A.—I decline to answer under the constitutional right.

Contestant asks that the witness be compelled to answer.

Commission decide he shall not be compelled to answer.

#### CROSS EXAMINATION.

Q.—Please state where you was born?

A.—In Missouri, United States of America.

Q.—How long had you been a resident of the State of California next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Landed at San José, California, six years ago last June; lived about San José for about three years, and then moved to Hollister, Monterey County, California.

Q.—To what township or precinct did you come when you came from Santa Clara County to Monterey County?

A.—Can't tell you; suppose San Juan Precinct. Voted first in Hollister Precinct after it was laid off.

Q.—Was you absent from said Monterey County at any time since you left Santa Clara County and came to Monterey County to reside?

A.—I left Monterey County and went to Oregon about the eighth of June, eighteen hundred and seventy, on a visit, and returned about the first of August, eighteen hundred and seventy-one.

Q.—To what precinct did you return to?

A.—San Juan Precinct, Monterey County, State of California.

Q.—Then you had returned to your home more than thirty days next preceding the sixth day of September, eighteen hundred and seventy-one.

A.—I had.

Q.—Did you reside continuously in said San Juan Precinct from the time you returned up to the day of said election?

A.—I did.

Q.—Had you voted at former elections in said County of Monterey?

A.—I had.

DIRECT EXAMINATION RESUMED.

Q.—To what political party, if any, do you belong?

[Objected to as immaterial.]

A.—Democratic party, if there is any.

Q.—When you left for Oregon did you not dispose of all your interests in lands owned by you in this county?

[Objected to upon the ground that it is cross examination of contestant's own witness.]

A.—No, sir; I consider that I did not.

Q.—Did you not sell or give a bond to sell such lands?

[Objected to upon the ground that it is leading, and in cross examination of his own witness.]

A.—I did, but the contract was forfeited; so I claim it was no contract.

Q.—Was not this forfeiture your only inducement to return to this State from Oregon?

[Same objection as to last question.]

A.—It was not.

Q.—What other inducement did you have?

[Objected to as leading, and as impeaching, or an attempt to impeach, contestant's own witness.]

A.—Difference in the climate; rained six months in the year; thought it was rather a long shower, and so came away from there.

Q.—Was not the long shower the inducement for you to return to California, and the only one?

A.—No, sir.

Q.—What other inducement did you have?

[Same objection as last made.]

A.—I wanted to come back home; did not want to stay on a visit always.

Q.—When you left for Oregon did you not tell, or give it to be understood by your friends and neighbors, that you were going to locate there permanently?

[Objected to upon the ground that it is cross examination of contestant's own witness, and is an attempt to impeach the witness brought here by contestant under a process issued at his instance, and procured to be brought here by force, and is an unprofessional and unwarranted attack upon his character, veracity, and standing.]

A.—I did not to anybody whom it might concern, relations or friends; I always told them I was coming back; had no knowledge when it would be, but shortly; I mean not a great length of time. My object in paying that visit was to see my only brother, who came to this country with me six years ago, and he promised to come home with me.

Q.—Do you say you never told anybody that you were going to locate permanently in Oregon?

[Same objection as to last question.]

A.—I never did.

Q.—Did you not buy or attempt to buy land in Oregon, with a view to permanent location there?

[Objected to upon the same ground as in preceding objection, and that it is immaterial.]

A.—I did not.

#### RE-CROSS EXAMINATION.

*By Respondent*—Then you only went to Oregon on a visit to see your brother, not with a view of changing your residence?

[Objected to as leading.]

A.—I did.

[Answer objected to on the ground that respondent's counsel suggested the words which the witness used in his answer.]

His  
F. M. X WARE.  
Mark.

Witness: M. G. ELMORE.

On motion of contestant, the further taking of testimony is now adjourned until ten o'clock A. M. Wednesday morning, to wit: the twenty-second day of November, A. D. eighteen hundred and seventy-one.

NOVEMBER 22d, 1871.

Met and adjourned until two o'clock P. M.

#### TESTIMONY OF JACOB LEESE.

JACOB LEESE, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to the controversy in the above entitled contest, testifies as follows, to wit:

Question—State name and age?

Answer—J. R. Leese; thirty-two years old.

Q.—State your business?

A.—Deputy Sheriff, and have been for the last five years.

Q.—State whether or not you have been engaged in any official business in connection with the examination of witnesses in the proceedings herein; if yea, what business did you transact in connection therewith?

A.—I have subpoenas placed in my hands for several witnesses in this case; some of them I have served, and others I could not find.

Q.—What search did you make, if any, and what inquiries, if any, to ascertain the whereabouts of such witnesses as you say you could not find?

A.—I tried my best to find them; I was informed that several of them left the State; others were out of their homes when I went there; others changed their residences; I went to the place where I supposed they resided then, and could not find them; I proceeded on my way, and returned to the same places where I was before to see whether they had returned to their homes, but I did not find them.

Q.—State whether you went the second time through Tres Pinos and Hollister Precincts to search for the witnesses named in such subpoenas?

[Objected to.]

A.—I did.

Q.—How long after you went there the first time?

A.—Three days afterwards.

Q.—Upon your second search did you find any person or persons that were absent from their homes at your first attempt to serve the subpoenas?

A.—I found one on the subpoenas placed in my hands on the first trip, Alonzo Heller.

Q.—Had you returned the subpoenas placed in your hands on the first trip?

A.—No, sir.

Q.—State the names of the witnesses that you were unable to find after having taken both trips?

A.—Samuel G. Medley, Frank Harden, Jeremiah Kelleher, Jerome Perry, Eldridge M. Hines, G. W. Leutz, and H. Sauley; these are the witnesses I failed to find on both of my trips to Tres Pinos and Hollister, Natividad and San Lorenzo, on some of which I made but one trip for; E. M. Hines, G. W. Leutz, H. Sauley, and Jerome Perry—those I failed to find in San Lorenzo and Natividad, and I only made one trip there.

Q.—State the names of the persons that you received the second subpoenas for in the Hollister Precinct?

A.—I received the subpoenas for E. H. Jones, A. J. Rader, John Janett, Leandro Emery, Gilbert Mulch, Detleff Jansan, M. B. Bailey, A. Kolman, John Maze, John Wesley Grewell, William Weathers, and James Hudner; those are the ones I failed to find.

Q.—Do you know of any of those witnesses having been sworn in this examination?

A.—No, sir, except Peter Crisman; I do not know.

Q.—Which, if any, of the witnesses had left for the East?

A.—By information I found that E. S. Jones and John Janett had gone to the East.

Q.—Did you or did you not ascertain where John Wesley Grewell now is; if yea, state?

A.—I did; I ascertained through his brother that he is employed at the telegraph office in San José.

Q.—State what information you received, if any, as to the whereabouts of James Hudner?

[Objected to as incompetent, the returns being the best and only evidence to prove the foregoing facts.]

A.—I found through Hudner's wife that he was out in the field, and then she said he was gone to Santa Clara.

Q.—State whether or not you ascertained the whereabouts of Samuel G. Medley and Frank Hardin?

A.—I ascertained through Mr. McKnight and Mr. Snider that Mr. Medley had left for Sacramento, and Frank Hardin had gone to Santa Clara; I got the last information from persons I am not acquainted with.

#### CROSS EXAMINATION.

Q.—What are your political sentiments?

A.—Black Republican.

Q.—You were asked, in a question propounded to you by contestant's counsel, on your examination in chief, if you had official business in connection with the examination of witnesses herein; your answer was, "I have;" is that what you intended to state?

A.—As concerns the Sheriff's office, that is what I intended to state.

Q.—Then you had something to do in the examination of witnesses in this contest?

A.—No, sir; only brought them here on subpœnas.

Q.—Please tell us, then, why it was, in your answer to the question asked you as to what official connection you had in the examination of witnesses, or if you had any, you answered contestant you had?

A.—It was a misunderstanding on my part.

Q.—Do I understand you to state you only went one trip to San Lorenzo and Natividad for the purpose of subpœnaing witnesses?

A.—Yes, sir; only one.

Q.—How many witnesses did you subpœna in those two precincts, and how many contained in your subpœna did you not get service upon?

A.—I subpœnaed two in Salinas Precinct that belonged to the San Lorenzo Precinct; failed to find two from Natividad, and failed to find two from San Lorenzo Precinct.

Q.—You have not returned to said precinct since with the original or any other process?

A.—Not belonging to this contest.

Q.—When did you make your last visit to Hollister and Tres Pinos?

A.—On the sixteenth and seventeenth of November.

Q.—Were you not in Hollister on the twentieth of November?

A.—Yes, sir, I was.

Q.—Did you make any inquiry on that day for said E. H. Jones, A. J. Rader, Janett, Emery, M. B. Bailey, Grewell, and Hudner?

A.—I did not. I inquired at Mr. Arques' store for Mr. Hudner.

Q.—Did you not know that all these gentlemen, except Mr. Hudner, were in the Town of Hollister, and at their respective homes, following their vocations, save that of M. B. Bailey, who was that day registered at the Montgomery House and intermingling with the people on the streets?

[Objected to.]

A.—I am not personally acquainted with any of those gentlemen. I might have met them and not have known them. I made inquiries there and failed to find where they were. Made my inquiries before the twentieth, as I did not go for that business that day.

Q.—Is it or is it not a fact that you had subpoenas for men who in the course of your travels and investigations you found to be Republicans, and therefore did not subpoena them?

A.—I did not stop to inquire whether they were Republicans or Democrats.

RE-DIRECT EXAMINATION.

Q.—State whether or not either contestant or either of his attorneys gave you any advice or instructions directly or indirectly to fail to serve any subpoena issued by this Commission upon any person named in such subpoena upon finding out that such witness was a Republican, if true?

A.—No, sir.

Q.—Did you make diligent search for every witness named in each and every subpoena issued by either of the Justices and placed in your hands for service? If yes, state whether you served the same upon such witnesses that you were able to find?

[Objected to upon the ground that it is leading and going into contestant's original case, the witness having already answered and stated the diligence he used and what he did; and further, his returns, if any he has made, are the best and only evidence to prove the fact.]

A.—I did my best to find every man whose subpoenas were placed in my hands, and those I did find I made personal service upon.

RE-CROSS EXAMINATION.

Q.—You mean by doing your best, do you not, by simply making your first and second trip to their place of residence, as you have stated before?

[Objected to because the question assumes what the witness has not sworn to.]

A.—No, sir. I could have done better, I suppose, if I had had more time. Some of them were expected to arrive within a few days.

JACOB R. LEESE.

On motion of contestant, the further taking of the testimony is now adjourned until ten o'clock A. M., Thursday morning, to wit: the twenty-third day of November, eighteen hundred and seventy-one.

NOVEMBER 23d, 1871.

TESTIMONY OF W. V. McGARVEY.

W. V. McGARVEY, being duly sworn to tell the truth, the whole truth, and nothing but the truth in this controversy now pending, testifies as follows, to wit:

Question—State name, age, residence, and occupation?

Answer—W. V. McGarvey; age, forty-six years; occupation, County Assessor; residence, San Juan, Monterey County, California.

Q.—State how long you have been Assessor of Monterey County, California?

A.—Twelve years.

Q.—When were you last elected such Assessor?

[Objected to as immaterial.]

A.—On the sixth day of September last.

Q.—State whether or not after you became a candidate for same office you personally visited the precincts of said county?

[Objected to as leading and irrelevant.]

A.—I did, most of them.

Q.—What precincts did you not visit?

A.—San Antonio and Peach Tree.

Q.—For what purpose did you visit those precincts?

[Objected to as immaterial and irrelevant.]

A.—Partly on official business and partly electioneering.

Q.—State what opportunities, if any, you had to ascertain the general reputation of the political character of the voters, or any of the voters, of such precincts, and as to the party to which they belonged at the time of the election held on September sixth, eighteen hundred and seventy-one.

[Objected to as incompetent and irrelevant, the question going to all the voters indiscriminately of the county and not to any particular voter.]

A.—I consider the opportunity, on my part, very good to find out the politics of the voters generally. I generally inquired the politics of voters that I came in contact with.

Q.—Had you any interest in ascertaining the politics of voters? If yes, state what interest?

A.—I had, because I was a candidate on the Democratic ticket.

Q.—In your visiting the several precincts, as you have hereinbefore stated, in Monterey County, will you state whether or not you came in contact with the following named persons, and if yes, whether you ascertained the political character of such persons: E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, Leander Emery, Wm. A. Moody, Gilbert Mulch, Peter Crisman, Wm. Weathers, M. B. Bailey, James Hudner, of Hollister Precinct; Hiram Nelson Watson, Samuel G. Medley, Alonzo Heller, Frank Hardin, of Tres Pinos Precinct; Henry Crowell, Henry Crewell, and F. M. Ware, of San Juan Precinct; John Connell, Joseph Jas. Holcomb, John Fred. Theo. Chas. Werner, Pajaro Precinct; S. E. McKay, S. E. Roberson, E. C. Wright, Castroville Precinct; James Cullman, Lewis Lee, Wm. P. Madden, Henry Riley, Daniel Walsh, of Santa Rita Precinct; Eldridge H. Hines, Eldridge H. Hiner, of Soledad Precinct; G. W. Lentos, H. Stanley, of Natividad Precinct; J. H. Conner, John Cockrill, J. S. Glossen, Lawrence Hyzell, Henry Hugo, J. B. P. Nance, P. L. Reed, Geo. A. Snider, — Van Valkenberg, of Salinas Precinct; Jerome Perry, of San Lorenzo Precinct; and if yes, state the same?

[Objected to as leading, incompetent, and further, that the question is unintelligible.]

A.—Jones, Mulch, Crisman, Bailey, Hudner, Medley, Heller, Rader, Hardin, Crowell, Connell, Holcomb, Roberson, Wright, Cullman, Watson, Madden, Riley, Hines, Conner, Cockrill, Glossen, Reed, and Snider, I do not know their politics. Grewell, Hyzell, Van Valkenberg, and

Perry, believe to be Republicans; Janett, Moody, Weathers, Crewell, Ware, Lee, Walsh, Stanley, Nance, believe to be Democrats; J. F. C. Werner, the only Chas. Werner I know in Pajaro, I put down as a Republican; E. H. Hiner, believe to be a Democrat, but not personally acquainted with him; Emery, Watson, McKay, Lentes, and Hugo, I do not know.

Q.—State where Cockrill and Hyzell reside; how near Salinas City and in what direction?

A.—I do not know where; have met them in Salinas.

Q.—Do you know more than one Hyzell in Salinas Precinct?

A.—I do not.

Q.—Do you know more than one Werner in Pajaro Precinct?

A.—I don't know any such a man as Werner; the Charles Warner I know, is a distiller, and about fifty years of age.

#### CROSS EXAMINATION.

Q.—How long have you known Cockrill and Hyzell in Salinas Precinct?

A.—Can't say that I have been acquainted with them before eighteen hundred and seventy-one.

Q.—How many months have you known them to be there?

A.—Don't think I have known them to exceed six months.

Q.—Did you know them in that precinct for the last six months?

A.—Met them in Salinas, and understood they belonged in Salinas; not intimately acquainted with them.

Q.—Is it not a fact known to you, that Democrats voted at the last election, viz: on the sixth day of September, eighteen hundred and seventy-one, in the County of Monterey, State of California, for Thomas Flint?

[Objected to as irrelevant.]

A.—Yes, sir; I know Democrats that voted for Thomas Flint.

Q.—Has it not been reported to you, and is it not common report through the community, that the gentlemen you have named, or a part of them, as Democrats, in answer to the question propounded to you in chief, voted for Thomas Flint, the contestant herein, at said election?

A.—Yes, sir.

Q.—You do not pretend to know how any of the gentlemen named by you in the enumeration of names contained in the question propounded to you in chief, and in your answer thereto, voted, except those of the Democrats, some of whom you say are reported as having voted for Flint?

[Objected to.]

A.—I do not know from my own knowledge how any of them voted, but I have heard it said by a reliable person that a part of those whom I have testified to be Democrats told the person that they voted for Thomas Flint.

Q.—Where were you on the day of election?

A.—At San Juan Precinct.

Q.—Was there not, in circulation among the voters on that day, Democratic tickets, so-called, with the name of Thomas Flint, contestant herein, printed or pasted thereon?

A.—I did not see any printed, but saw some Democratic tickets with Dr. Flint's name pasted thereon.

Q.—Was not the pasting so artistically done that a voter, unless he read his ticket carefully and scrutinized it closely, was liable to be deceived and vote for Flint?

[Objected to.]

A.—The pasting was not very nicely done, although a man might have been deceived.

Q.—Is it not true that a large number of Democrats, so-called, voted for Flint at said election?

[Objected to.]

A.—I know of some Democrats who voted for Flint.

Q.—Is it not the current report that quite a large number of Democrats, so-called, voted for Flint?

[Objected to.]

A.—It is reported here that some Democrats voted for Flint.

#### RE-DIRECT EXAMINATION.

Q.—You state that some of the men whom you call Democrats are reported to have voted for Flint. Do you know which of these men so voted; if so, give their names?

[Objected to upon the ground that the witness has not stated that he knew which of the men so voted, or how any one of them voted.]

A.—I have learned that F. M. Ware voted for Flint.

Q.—State the name of the reliable person who said that certain of those who you called Democrats stated to him that they had voted for Thomas Flint?

A.—Thomas Meloney of Hollister—that F. M. Ware told him that he voted for Flint. He told me so within the last three days.

Q.—Do you know the name of any other Democrat who is reported as having voted for Flint in San Juan Precinct?

A.—Not positively. Can't particularly name any now.

Q.—Then F. M. Ware alone constitutes the "some Democrats" who are reported to have voted for Flint?

A.—No.

Q.—Who then are the others who voted for Flint?

A.—I won't answer it.

Q.—Is Thomas Meloney the only person who told you that certain Democrats voted for Flint?

A.—Yes, he is the only man.

Q.—Were there not Republican tickets in circulation on the day of election (September sixth, eighteen hundred and seventy-one) in San Juan Precinct, with the name of Thomas Flint erased and the name of Thomas Beck either written, printed, or pasted in its place?

[Objected to on the ground that it is in cross examination of contestant's own witness.]

A.—I don't remember of seeing those kind of tickets on the day of election.

Q.—Were you not present at said election and at the polls thereof when said F. M. Ware voted?

A.—I was.

Q.—Did you not see F. M. Ware vote, and then and there announce, "Gentlemen, here goes a straight Democratic ticket?"

[Objected to as in cross examination of contestant's own witness.]

A.—Yes. And he might have made such declaration, but I don't remember of his making it.

Q.—Did he not vote an open ticket?

A.—I believe he did not fold his ticket up as voters generally do.

W. V. McGARVEY.

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TESTIMONY OF W. M. R. PARKER.

W. M. R. PARKER, being duly sworn to tell the truth, the whole truth, and nothing but the truth in the matter of the present contest, testifies as follows, to wit:

Question.—State your name, age, occupation, and business?

Answer.—W. M. R. Parker; age, thirty-four years; County Clerk of Monterey County, California.

Q.—State, if you know, who is Clerk of the Board of Supervisors of Monterey County?

A.—I am, ex officio Clerk.

Q.—How long have you been County Clerk and ex officio Clerk of the Board of Supervisors of Monterey County?

A.—Since March, eighteen hundred and seventy.

Q.—Who has charge of the returns of election held on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to.]

A.—I have.

Q.—Where now are the list of persons who voted in the several precincts of the County of Monterey as kept by the Clerks of such election and returned to you as County Clerk?

A.—I have them in my possession.

Q.—Where are they now?

A.—I have brought all here, except the returns of San Antonio and Monterey Precincts, which I was commanded to bring here.

Q.—Make an examination of the returns from the Peach Tree Precinct and state whether you find thereon the names of C. A. Imus and J. Bandy?

[Objected to as immaterial, irrelevant, and incompetent.]

A.—C. A. Imus I see here; J. Bandy's name is here also.

Q.—Make an examination of the returns from Tres Pinos Precinct and state whether you find thereon the names of Hiram Nelson Watson, Samuel G. Medley, Alonzo Heller, and Frank Hardin?

[Same objection as to last question—immaterial, irrelevant, and incompetent.]

A.—Those names all appear upon the returns.

Q.—Make an examination of the returns from the Hollister Precinct, and state whether you find thereon the names of John Maze, E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, Leander Emery, William A. Moody, Charles Anderson, Gilbert Mulch, Peter Crisman, William Weathers, Detleff Jansan, M. B. Bailey, A. Coleman, James Hudner?

[Objected to as immaterial, irrelevant, incompetent, and is secondary.]

A.—I find all of the above names except Charles Anderson.

Q.—In the answers to your last three questions have you read the names from the original returns of election deposited in your office by the Clerks or Inspectors of Election, or the Board of Elections?

[Objected to as incompetent, secondary, attempting to prove the contents of the county records by parol]

A.—They are from the same returns as canvassed by the Board of Supervisors.

Q.—Make an examination of the returns from the San Juan Precinct and state whether you find thereon the names of Henry Crowell, Henry Crewell, and Oliver B. Richards?

I find the names of Henry Crowell and Oliver B. Richards, and Henry Crewell is not on the returns.

Q.—Make an examination of the returns from Pajaro Precinct and state whether you find the names of Joseph James Holcomb, John Connell, John Frederick Theodore Charles Werner, and David Mitchell?

A.—I find those names all here.

Q.—Make an examination of the returns of Santa Rita Precinct and state whether you find the names of James Coleman, Lewis Lee, Isaiah K. Long, William P. Madden, Henry Riley, and Daniel Walsh?

A.—I find the names of Daniel Walsh, Isaiah K. Long, James Coleman, and William P. Maldon.

Q.—State whether or not you find the name of James Cullman upon that return?

A.—No, sir.

Q.—Do you find the name of James Colman upon the returns?

A.—No, sir.

Q.—Make an examination of the returns of Castroville Precinct and state whether you find the names of S. E. McKay, Antonio Mesquito, J. E. Roberson, and E. C. Wright?

A.—I find the names of E. C. Wright, S. E. McKay, and J. E. Roberson, but do not find the name of Antonio Mesquito.

Q.—Make an examination of the returns of Soledad Precinct and state whether you find the names of Eldridge H. Hines, Eldridge H. Hiner, Jesus Olilbo, and Jesus Otelbo?

A.—I find the names of Eldridge H. Hiner and Jesus Otelbo, and do not find the names of Eldridge H. Hines or Jesus Olilbo; the name of Hiner may be Hines.

Q.—Make an examination of the returns from the Natividad Precinct and state whether you find thereon the names of G. W. Leutes, H. Stanley, G. W. Seutes, and G. W. Leates.

A.—I find the names of H. Stanley and G. W. Leates, and cannot find G. W. Leutes or G. W. Seutes.

Q.—Make an examination of the returns from the Salinas Precinct and state whether you can find the names of John Cockeril, J. H. Glossen, J. H. Glassen, Lawrence Hyzell, J. H. Glessen, Henry Hugo, J. B. P. Nance, P. L. Reed, George A. Snider, T. L. Reed, Lewis A. Soberanes, John F. Snider, and A. J. Gillett?

A.—I find the names of John Cockeril, J. H. Glossen, Henry Hugo, T. L. Reed, John F. Snider, A. J. Gillett, and Lawrence Hysell, and do not find the names of J. H. Glessen, J. B. P. Nance, George A. Snider, Lewis A. Soberanes, but I find the name of José Soberanes; the T. L. Reed might be P. L. Reed.

Q.—Make an examination of the returns from San Lorenzo Precinct and state whether you find the name of Jerome Perry?

A.—I find the name of Jerome Perry.

Q.—State whether or not you, as such County Clerk of Monterey County, have control and possession of the Great Register of Monterey County?

A.—Yes, sir.

Q.—State where the Great Register of said county now is.

A.—It is now before me, here in my possession.

Q.—Will you examine the Great Register of Monterey County, now before you, and state whether or not the following names are registered thereon, to wit: C. A. Imus, J. Bandy, Hiram Nelson Watson, Samuel G. Medley, Alonzo Heller, Frank Hardin, John Maze, E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, John Janett, Leander Emery, William A. Moody, Charles Anderson, Gilbert Mulch, Peter Crisman, William Weathers, Detleff Jansan, M. B. Bailey, A. Coleman, James Hudner, Henry Crowell, Henry Crewell, Oliver B. Richards, Joseph James Holcomb, John Connell, John Frederick Thomas Charles Werner, David Mitchell, James Coleman, Jones Coleman, Lewis Lee, Isaiah K. Long, William P. Malden, Henry Riley, Daniel Walsh, S. E. McKay, J. E. Roberson, E. C. Wright, Eldridge H. Hines, Eldridge H. Hiner, Jesus Otelbo, H. Stanley, G. W. Leates, John Cockerill, J. H. Glossen, Henry Hugo, T. L. Reed, John F. Snider, A. J. Gillett, Lawrence Hyzell, Lawrence Hysell, Jerome Perry, and Nelson Streuve?

Upon motion of the contestant, the Commission adjourned until ten o'clock A. M. Friday morning, November twenty-fourth, eighteen hundred and seventy-one.

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NOVEMBER 24th, 1871.

### TESTIMONY OF W. M. R. PARKER RESUMED.

I find the following names on the Great Register: J. Bandy, registered as Jesse Bandy, October 3d, 1871; John Wesley Grewell, same date; A. J. Gillett, properly registered; James Hudner, October 3d, 1871; Isaiah K. Long is on; John W. Maze is on; William A. Moody, October 3d, 1871; William P. Mauldin is on (the poll list calls for Maldin, and he is evidently the same man); A. J. Rader is on, and his name was canceled June 26th, 1871, and has not been entered since; Oliver B. Richards, J. E. Roberson, T. L. Reed, and John T. Snider are properly on Register; William Weathers, registered October 3d, 1871; Daniel Walsh, name canceled August 30th, 1869, and does not appear since that date; E. C. Wright appears on Register as C. E. Wright, for Castroville Precinct. I do not find the names of M. B. Bailey, Peter Crisman, A. Coleman, Henry Crowell, John Connell, (James Coleman does not appear on Register, but James Kulman does); John Cockerill, Leander Emery, J. H. Glossen, Joseph James Holcomb (but James A. Holcomb does appear); Alonzo Heller, Frank Hardin, Eldridge H. Hiner or Eldridge H. Hines, Henry Hugo, Lawrence Hyzell (but the name of William Loran Hyzell does appear from same precinct), C. A. Imus, (E. S. Jones does not, but P. S. Jones does appear from same precinct); John J. Janett, John Janett, Detleff Jansan, G. W. Leates, Samuel G. Medley, John Maze (but name of John W. Maze does appear), Gilbert Mulch, David Mitchell (name of Daniel Mitchell does appear from same precinct), S. E. McKay (but name

of L. E. McKay appears from same precinct), Jesus Otilbo, Jerome Perry, Henry Riley, H. Stanley, Nelson Streuve, Hiram Nelson Watson, or John Frederick Theodore Charles Werner.

Q.—Examine the returns from Pajaro Precinct, and see if you find whether or not the name of Nelson Streuve appears upon the Clerk's returns of those who voted in that precinct?

A.—Yes, it does appear.

Q.—Examine the returns from Salinas Precinct, and state whether there appears thereon as having voted the names of Jacob Savage and Van Valkenberg?

A.—I find the name of Van Valkenberg, but not the name of Jacob Savage.

Q.—Examine the Great Register, and see if Van Valkenberg appears?

A.—No.

Q.—Examine the returns from Castroville Precinct, and state whether there appears thereon as having voted the name of William Zimmerman?

A.—No.

Q.—Examine the returns from Hollister Precinct, and state whether there appears thereon as having voted the name of James A. Holcomb?

A.—Yes.

#### CROSS EXAMINATION.

Respondent now moves to strike out all the testimony of W. M. R. Parker, from interrogatory number three to the conclusion of his testimony, upon the ground that his testimony relates to and is intended to prove the contents of the county records and written documents, the loss of which has not been established, or attempted to be established, but appears, by his own testimony, is in existence, and no offer made of any such instruments or records; and his testimony only appears to be simply the result of his examination of said records and documents; and while respondent now cross examines the said witness upon the subject matter of his statements in chief, he does so having no legal rights to strike out as aforesaid.

#### DIRECT EXAMINATION RESUMED.

Q.—State whether or not you have, in answer to questions Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 27, and 28, read from the returns of election, deposited with you as County Clerk by the several Clerks or Boards of Election, for the general election held September sixth, eighteen hundred and seventy-one?

A.—Yes.

Q.—State whether or not such returns from said election have been continuously in your possession since the same were deposited with you by such Clerks or Boards of Election?

A.—They have.

Q.—State whether, in answer to questions numbers twenty-three and twenty-six, the names appearing in your answer were by you read from the Great Register of said County of Monterey, and whether you thoroughly examined the said Great Register of said county to ascertain whether or not the names that you have in your answer stated were not upon the Great Register, to find the same?

A.—Yes, I thoroughly examined it; those I said I found, I did find; and those I said I did not find, I did not.

Q.—In whose possession has the Great Register of Monterey County been for the past year, and in whose possession is it now?

A.—Been in mine, and it is in mine.

CROSS EXAMINATION.

*By Respondent*—Respondent moves to strike out the four last preceding questions and answers upon the same ground contained in the motion to strike out herein aforesaid.

Q.—Your answer to all the questions propounded to you in chief, in regard to the Great Register and poll lists, is the result of an examination of them, or reading them over, is it not?

A.—Yes.

Q.—Is it not possible that you, in reading over the Great Register, overlooked many of the names mentioned in your answers?

A.—It is possible, but hardly probable, as I examined very carefully.

Q.—When did you examine it?

A.—Here before you yesterday, the twenty-third of November, and to-day, the twenty-fourth.

Q.—About how long were you examining the Great Register?

A.—About three hours.

Q.—Then that is the only examination you made?

A.—That is the only examination made here; have made some of these examinations before for some of these names.

Q.—At whose instance did you make such examination?

A.—Colonel Heath, attorney for contestant.

Q.—Did you have any deputy clerks immediately preceding the sixth of September, eighteen hundred and seventy-one, authorized to register the names of voters on the Great Register of the County of Monterey, and if so, please state their names?

A.—I had J. W. Whitney at San Juan, H. M. Hayes, James F. Breen, S. M. Shearer, R. H. McElroy, R. L. Mathews, Francis Sylvester, A. W. Poole, Robert McKee, G. W. Rodehouse, C. P. Bailey, J. H. McDougal, and W. L. Carpenter.

Q.—Is the James F. Breen you have mentioned in your last answer the same gentleman now appearing as counsel before this Commission in this contest?

A.—He is the same James F. Breen who appears here; I do not know whether he is counsel or not.

Q.—Is the J. W. Whitney, mentioned as one of your Deputy Clerks, the same J. W. Whitney who now sits before you as one of this Commission?

A.—He is; he acts as my deputy in San Juan, acting as a general deputy, and was not appointed for that special purpose.

Q.—Do you state that none of the names contained in your answer to question asked you in chief, as not being on the Register, are upon the Great Register of the County of Monterey?

A.—I do; I have made careful examination, and don't find them.

Q.—Do you state that the name of A. Kolman and others are not upon that Register?

A.—I have not examined for A. Kolman, but did for A. Coleman; A. Kolman is upon the Register from Hollister Precinct; the others I have examined for are not upon the Register.

Q.—How and in what way did your several deputies make their returns and reports to your office of the various names registered by them upon the Great Register?

A.—My deputies on the outside of the office do not register names at all; they enroll names and send to me, and if properly enrolled I register them.

Q.—Did they not receive transfers from other counties and indorse them filed, as Deputy Clerk?

A.—I don't know of any such case; may have done so, but I do not know of it.

Q.—Did they not invariably do that in Hollister and other precincts? [Objected to as a repetition of same question.]

A.—I don't know of any such.

Q.—Was not a large number of the names you have enumerated received and registered by your deputy, H. M. Hayes, at Hollister, by virtue of his authority, and sent to you?

A.—I really don't know; those registered on the third of October must have been handed by him to the Board of Election of Hollister Precinct, and by them they were sent to the Board of Supervisors and never called to my attention until that third day of October, when I registered them.

Q.—Were there not other names accompanying the returns of other precincts in the same way?

A.—But one—I remember this man; J. Bandy, of Peach Tree; I registered him October third.

Q.—Might there not have been other names accompanying the returns of the several precincts in your county which were not by you and have not been transferred to the Great Register?

[Objected to.]

A.—I don't remember of any others; it is possible there are others.

Q.—Do you not remember having received from John S. Payne, Deputy Assessor of the County of Monterey, the names of J. J. Holcomb, Nelson Streuve, John Fred. Theo. Charles Werner, Dedrich Waltzen, and others, at a former election held for the removal of the county seat of Monterey County, and contained in the returns from Pajaro Precinct?

[Objected to.]

A.—No, I don't remember any such a thing.

Q.—You cannot state the returns from said Pajaro Precinct at said election did not contain the registration of these names or a part of them as registered by said John S. Payne as Deputy Assessor?

A.—I have not the returns of the county seat election here, and cannot tax my memory to that effect.

Q.—Then they might have contained these registrations and been returned to the office and you not know the fact or recollect it?

A.—Any names sent to the County Clerk go on the Register; if sent to the Board of Supervisors I know nothing about it.

Q.—Did I not understand you to say you had registered some names sent in the returns to the Board of Supervisors from Hollister Precinct?

A.—Certainly; when they were called to my attention I registered them.

Q.—Do you remember who called them to your attention.

A.—At the time of canvassing the Senatorial vote by the Board of Supervisors the returns were opened by them and the tally lists and ballots examined by the Board; the list of voters was not opened by

them in many precincts. Afterward Colonel Heath came to Monterey to my office and called for these returns and lists of voters and ballots from the several precincts. These registrations from the Hollister Precinct and one from Peach Tree (I don't know of any other) were then discovered, and I then registered them. Perhaps there was one from San Benito.

Q.—Did you not find from reading over the poll lists that the names of many who were given as having voted were reversed in this way, viz: E. C. for C. E., and T. for P., and A. for J., in the initials, and the names so badly written and imperfectly spelled that you could not tell who they were—as, for example, in the surnames, Hines for Hiner?

[Objected to.]

A.—Yes, excepting Hiner, I thought that was Hiner; was a great many mistakes in spelling and writing on the poll lists.

Q.—Do you not know there is a man by the name of Rader on the Great Register of the County of Monterey, of Hollister Precinct?

A.—There is a Michael Rader and a William B. Rader and Andrew J. Rader, the last one as canceled as removed on the twenty-sixth day of June, eighteen hundred and seventy-one.

Q.—Do you not know there are several Watsons on the Great Register for Tres Pinos Precinct?

[Objected to.]

A.—Yes, there are a great many.

Q.—Do you not know there is a Hiram Nelson Wilson, in Tres Pinos Precinct, on the Great Register?

A.—Yes.

Q.—Do you not remember of having received the application of Daniel Welsh for re-registration?

A.—No; he applied to me in August, eighteen hundred and seventy-one, to have his name changed from the San Juan Precinct to Santa Rita Precinct; I made the application, but it had been transferred before my application arrived.

Q.—You stated, in answer to a question asked you on yesterday in chief, that you had ascertained, from examining the Register, that the name of said Welsh had been canceled. Do you remember when he was canceled?

A.—August thirtieth, eighteen hundred and sixty-nine, by Mr. Johnson, when he was Clerk.

Q.—Now, do you not remember of his having applied to you for re-registration between the period of his cancellation and his applying to you to be transferred to San Juan?

A.—Never did. August twenty-seventh, eighteen hundred and seventy-one, entered in my diary: "Have Dan. Welsh changed from San Juan to Santa Rita."

Q.—How long have you known Dan. Welch?

A.—Since July, eighteen hundred and sixty-seven; don't know how much longer.

Q.—Has he not resided in Monterey County since that time?

A.—That I don't know.

Q.—Was H. M. Hayes, A. W. Poole, Robert McKee, W. L. Carpenter, and James F. Breen, who you say were among your Deputy Clerks to register names, candidates for any official position in the County of Monterey at the election held on the sixth day of September, eighteen hundred and seventy-one?

A.—All of them, except Mr. Breen, and he was at a subsequent election.

Q.—Were they appointed as such Deputy Clerks before or after they received their nominations?

A.—I think, after.

Q.—From what political party did they receive their nominations?

A.—From the Republican party, and I belong to the same party, and we won the fight this Fall.

Q.—Did you have any Deputy Clerks, authorized to register names, of any other political sentiment than that of Republican?

A.—No, sir, except one; Cody, of San Benito, was a Democrat.

Q.—Then, after your several deputies were nominated for official position by your political party you made them deputies, for the purpose of registering and making voters?

A.—For the purpose of registering voters, not making.

Q.—These are the gentlemen who have made their returns to you of the voters of the county who were registered immediately next preceding said election?

A.—In part, yes; although the returns from my deputies were mostly in ten days before the election, in time for printing.

Q.—Did you make out and furnish any addenda to the Great Register, for Hollister Precinct, before the election?

A.—The printed poll list was not made out until ten days before the election. All received at the Clerk's office up to that time went on printed lists, and none subsequently.

Q.—Was not the addenda or supplement to the Great Register of Hollister Precinct demanded of you as said Clerk, in accordance with a law known as the Registry Law, and in accordance with Monterey and other Republican precincts in the county?

A.—There was none demanded; neither was there any published of any precinct in Monterey County.

Q.—Did you not know the Registry Act required you, as such Clerk, to make it out and furnish it?

A.—There are a great many things in the Great Registry Act Boards of Supervisors don't allow. The custom of this county is to have a poll list printed of all the names of voters in the county, but not a copy of the Great Register. There never has been a copy of the Great Register printed since the Registry Act went into force in this county.

Q.—Then you were governed to some extent by custom, and not by law?

A.—In the matter of printing the poll lists I am governed entirely by the Board of Supervisors. They made their order to have the poll lists printed, and not the Great Register.

Q.—Did you not receive from your deputy, H. M. Hayes, and place on the Great Register of date of September seventh, eighteen hundred and seventy-one, or about that time, the names of the following Republicans: William Buck, Eldridge G. Parks, George Taylor, or John Taylor, I don't know which; William Wilson, William H. F. Miller, Charles Anderson, A. Thompson, Francis Lobie or Lolie, or Francis Lature, and F. Glass?

A.—I do not know the politics of any of the above men; don't know them personally or politically. William Buck was registered September seventh, eighteen hundred and seventy-one; do not see any name of Eldridge G. Parks, but do see name of Eldridge G. Parker, who was registered October third, eighteen hundred and seventy-one; John Taylor

was registered October third, eighteen hundred and seventy-one; William Wilson was registered October third, eighteen hundred and seventy-one; do not see any such name as William H. F. Miller within a year; Charles Anderson was not registered by me at that time; A. Thompson, not here; Francis Latture, registered June twenty-first, eighteen hundred and seventy; F. Glass, not here.

Q.—Do you recollect how and in what manner you received the transfers and registrations of Eldridge G. Parks, John Taylor, and William Wilson?

A.—I have nothing here to show who handed in the names at all; all transfers are kept on file in office, and numbered their registry number on the back. Those I have not with me.

Q.—Do you not, then, remember that the names of M. B. Bailey, Leander Emery, Alonzo Heller, John W. Maze, John J. Janett, and Detleff Jansan, were contained in the same envelop with the names of E. G. Parker, William Wilson, and John Taylor, sent to you from Hollister?

A.—No; entirely impossible; could not have come at the same time.

Q.—Were you present when the Board of Supervisors canvassed the returns of said election?

A.—I was.

Q.—Were you present when the returns were opened?

A.—I was in the same room, acting as Teller.

Q.—What was done with the returns after they were canvassed?

A.—They were left in my charge, wrapped up immediately in presence of the Board, and so left.

Q.—Do you mean the poll lists and the names who voted at the various precincts?

A.—The list of voters were not examined by the Board; the tally lists and ballots were examined by the Board, and canvassed; and when filed away, the ballots and tally lists were placed in one box, and the balance in another, and remained so till I brought them here.

Q.—Has the list of voters been examined by any person connected with this contest since the canvass by the Board of Supervisors?

A.—Yes; by Colonel Heath, contestant's attorney, and by others.

Q.—About how long was he examining them?

A.—About ten days.

Q.—Did he not overhaul the tally lists and ballots at the same time?

A.—He examined the tally lists of one precinct, I know; don't know whether he did others or not.

Q.—Did you not just say that you saw the tally list with him?

A.—There was one precinct he and I examined together.

Q.—Did you see the ballots with him?

A.—I don't remember; I overhauled the ballots of that one precinct, and it is my impression he was with me.

Q.—You say you were not in the Clerk's office with him?

A.—I did not say so; one of my clerk's was with him; I was in and about the office, and had one deputy to attend to him.

Q.—Which one of your clerks.

A.—D. McLelland.

Q.—Is McLelland's eyesight not defective?

A.—I don't know that it is; he is a little nearsighted, I think.

Q.—Did you not have a conversation with M. C. Ireland, a prominent Republican of this county, in the presence of others, in the Clerk's

office of the the County of Monterey, on the day the votes were being canvassed by the said Board of Supervisors?

A.—Really I don't know whether I did or not.

Q.—Do you not know that M. C. Ireland was present during the canvass of said votes in the Clerk's office?

A.—I think he was there a part of the time; I am positive.

Q.—Then do you not remember of having conversed with him during the time said Board of Supervisors were canvassing the votes?

A.—I don't remember of any particular conversation I had with him; no doubt I spoke to him.

Q.—Did you or did you not say to said M. C. Ireland, in the Clerk's office kept by you, while the Board of Supervisors were canvassing said votes, that there was enough names, in all probability, enrolled by deputies, and sent with the returns to the Board of Supervisors, and not yet on the Great Register, and had not come particularly to your notice, to defeat the election of Thomas Beck, the respondent, and elect Thomas Flint, the contestant herein, to the office of State Senator, or words to that effect?

[Contestant does not object to that question, but does not waive his right to object.]

A.—No.

Q.—Was not the contest of this election talked of in the Clerk's office on that day, or during the canvass of the votes?

A.—I think it may have been; think very likely it was talked of; think not alone on the part of Flint, but on the part of Beck.

Q.—You don't pretend to say, do you, that you heard Beck say anything about contesting the election?

A.—I neither heard Beck or Flint say anything about contesting it; but I did hear friends of each say so, and get quite warm over the matter.

Q.—Do you not know that the contest of Beck's election was talked of by the Republicans before the election, in the event Beck should be successful at the polls?

A.—No, sir; as far as I know, we did not expect to have a necessity for a contest; we expected to win.

#### . DIRECT EXAMINATION RESUMED.

Q.—Have you placed upon the Great Register of your county the names of all persons enrolled by your deputies, and the County Assessor and his deputies, that were returned to you by them, as well as those you received with the returns of the election of September sixth, eighteen hundred and seventy-one?

A.—There are often names returned to me by my deputies, and the Assessor and his deputies, that are not properly enrolled; the law requires that naturalized citizens should, on the Register, have stated the Courts where they are naturalized, and the dates of their naturalization, or if they claim citizenship by virtue of naturalization of their fathers, the returns made to the County Clerk should state so; or if they have lost their papers, certain affidavits are to be produced. Whenever my deputies, or the Assessor or his deputies, had returns to me not embracing these particulars, I have not registered the parties; but I have invariably informed the deputy, or the Assessor who has made the enrollment, the cause of said parties not being registered, giving him an

opportunity to make such proofs to me; in all other cases I have invariably registered parties whose names have been given to me by the proper parties.

Q.—Have you ever had any deputy in Peach Tree Precinct of this county?

A.—I have had no local deputy there.

Q.—Was there not a transfer for J. Bandy from the clerk of another county sent with the election returns from Peach Tree Precinct, and did you not upon that certificate of transfer place said J. Bandy upon the Great Register of this county?

A.—There was; and I placed him on the Great Register when it came to my notice. I often receive certificates of transfers from other counties without any letter of advice whatever as to what precinct the party belongs, and I invariably place the parties on the Register with the name of his voting precinct left blank, waiting for the returns from the precinct to develop where the person belongs. I suppose I have received over fifty this year. I do not know of any blank now remaining on my Register, having ascertained the voting locality of them all. I gave notice through the newspapers, of transfers received by me not stating local residence of parties, asking the parties to inform me of their local residences, that they might be properly placed upon the Register.

Q.—Did you at any time prior to receiving said certificate of transfer for J. Bandy, with the election returns as described, receive from any other county a certificate of transfer for said Bandy, or any enrollment in this county which would entitle him to be placed upon the Great Register of Monterey County?

A.—I did not.

Q.—In answer to respondent's seventh cross question you state that you have appointed certain gentlemen Deputy Clerks to register voters. State whether these gentlemen, or any of them, had authority to place the name of any voter upon the Great Register of this county?

*By Respondent.*—This question is intended by counsel for contestant to show that they, the contestant and the County Clerk, his political friend, have delegated power and authority to individuals under the law, or the semblance of the law, and now seek to take advantage of the fact to gratify the political feelings of contestant and his counsel. It is a system of examination objectionable, and is therefore objected to.

A.—No; they had no such power.

Q.—State whether or not J. W. Grewell did not apply to you personally for registration about the third day of October, eighteen hundred and seventy-one?

A.—I don't know that he did. Don't know the man from Adam.

Q.—State if you know who is County Assessor of this county?

A.—W. V. McGarvey.

Q.—Did he or did he not appoint deputies in the several precincts of this county to enroll the names of voters to be registered upon the Great Register of Monterey County? If yea, when did he so appoint them?

A.—During the political campaign he appointed a great many deputies for that purpose. Don't know that I could tell all their names. We had W. S. Johnson, a general man, living in Monterey; Jonas Wescott, Castroville; M. L. Houck traveled for that purpose; T. M. Davis, Hollister; and a man named Marelay, don't know where he resided; John Mathews, San Benito; John S. Payne, in Pajaro.

Q.—Were any of these deputies candidates for office at the last general election, and if so, from what party did they receive their nomination, or upon what ticket were they running?

A.—Johnson was running on the Democratic ticket for County Clerk. These other deputies all belonged to the Democratic party. Marelay, I don't know his politics.

Q.—Was W. V. McGarvey, the Assessor, a candidate for office at the election last named? If yea, from what party did he receive his nomination, and to what office did he aspire?

A.—Was a candidate on the Democratic ticket for County Assessor, and was elected.

Q.—State whether you, as County Clerk of Monterey County, placed the names of all persons returned to you by such Assessor and his deputies upon the Great Register as soon as you received the same, and was satisfied of their proper enrollment?

A.—In every case.

Q.—Were you a candidate for any State, county, township, district, or municipal office at the said last election held September sixth, eighteen hundred and seventy-one?

A.—I was not.

Q.—If Daniel Walsh or Welch had presented to you a certificate of his cancellation from the Great Register of this county or of any other county, and applied to you for registration, would you have placed him, at the time of such application, upon the Great Register of this county.

A.—Most certainly I would.

Q.—Did said Daniel Welch, or Walsh, or any one acting for him or on his own behalf, present to you a certificate of cancellation from the Great Register of this or any other county, and ask to be placed again on the Great Register of this county?

A.—He did not, nor any one for him.

Q.—State whether A. Heath, contestant's attorney, did not ask you to keep the ballots separate from the poll lists and tally lists while being examined by him, and that no one should have access to the ballots, and that no one should be allowed to examine or have inspection of the returns of election unless you, or one of your deputies or office clerks, should be in constant attendance?

A.—Yes, he told me that; he might have saved himself the trouble of telling it.

Q.—State whether or not said Heath had access or inspection of the returns of the election held September sixth, A. D. eighteen hundred and seventy-one, at any time except yourself or one of your deputies or office clerks were present with him at the time of such inspection?

A.—He did not.

Q.—State whether or not, at the time of the inspection of the records made by said Heath, your office was open and the records were in the room in which they are kept?

A.—Yes, it was.

#### RE-CROSS EXAMINATION.

*By Respondent*—How many of the names enumerated in your answer to the question propounded to you in chief as not being upon the Great Register, as you say, were of those who did not seem to you to be entitled to registration under the Registry Law?

A.—I remember four; don't know that I remember any more.

Q.—Give their names?

A.—I could not give them.

Q.—By whom were they sent?

A.—Two by Houck, one by Davis, and one by McElroy.

Q.—Were these sent by the Republican deputies and candidates for office named by you, or were they sent by McGarvey's Deputy Assessors?

A.—One was sent by the Clerk's deputy, and three by the Assessors.

Q.—Which one of them was the Deputy Clerk?

A.—McElroy.

Q.—Is he not the Democratic deputy you spoke of in your examination?

A.—No, sir; he was not.

Q.—Why did you not name these facts when you heard the names of the parties and the officers mentioned in your examination in chief?

A.—I don't think you have ever hit any of their names yet.

Q.—Have you examined the Clerk's office to ascertain how many certificates of transfer and enrollments there is therein sent you by various parties whose names are not on the Great Register?

A.—There are none; all that are on file in my office are on the Great Register.

Q.—Why did you say to a question propounded to you in chief that there might be names in the returns made to the Board of Supervisors in your office, and now say there are none on file in your office?

A.—If there are any certificates of transfer in the returns from the different precincts, they are not on file in my office, and could not have been in my office until after the sixth day of September, and consequently could not have gone on the Register prior to that date.

Q.—Do you mean to say that if your deputies received certificates, as Deputy Clerks, and registered the electors or voters, either by certificate of transfer, or originally by administering the necessary oath to them as to their nativity, age, occupation, and residence, and that they were not registered in any other county, etc., in accordance with the requirements of the Act known as the Registry Act, and the deputies have sent the same to you or your office through the returns of the election of the voting precinct, that they would not be registered on the Great Register, under your acceptance of the term, until after they had been transferred by you into the book called the Great Register; is not that what you mean?

A.—That is what I mean exactly; I believe that a man, before he can be registered, must be on the Great Register, and that if the Clerks of Election choose to send transfers rolled up in their election returns, they will not get on the Great Register until they come to my knowledge, which may never be, for I don't have the canvassing of the votes—never see them until they are called to my attention.

Q.—How far is it from the following places to the Clerk's office, viz: San Antonio, San Lorenzo, Peach Tree, San Benito, Tres Pinos, Hollister, Pajaro, Soledad, and San Juan.

A.—From San Antonio, ninety miles; San Lorenzo, seventy-five miles; Peach Tree, one hundred and ten miles; San Benito, eighty miles; Hollister, fifty miles; Pajaro, thirty miles; Soledad, forty miles; Tres Pinos, sixty miles; San Juan, forty miles.

Q.—Then you consider that an elector or voter applying to your Deputy Clerk at either one of those precincts for registration on the day before or day of election, and complying with all the requirements

by answering to him all the questions requisite under the law, and his transfer or enrollment received by him, is not a registration?

[Objected to.]

A.—I consider it is not.

Q.—Did you not receive from Thomas M. Davis, of Hollister, a list of names as registered, mailed, and postmarked September fourth or fifth, eighteen hundred and seventy-one; and did you not receive from John S. Paine, of Pajaro, a list of names registered by him, as Deputy Assessor, mailed and postmarked the fourth or fifth day of September, eighteen hundred and seventy-one; and did you not receive from H. M. Hayes, of Hollister, a list of names registered by him, as Deputy Clerk, mailed and postmarked the fifth September, eighteen hundred and seventy-one, and also the sixth day of September, eighteen hundred and seventy-one, with advices that they were registered?

[Objected to.]

A.—If I received anything from any of those parties they are all on the Register.

Q.—Might it not be that these letters containing these names came to your office and you not have known it?

A.—No, sir; that is entirely impossible.

Q.—How many Deputy or Office Clerks did you keep at that time?

A.—Three to five; but I took out my mail matter myself, and attended to the registering business myself; those letters could not have arrived there without my knowing it.

Q.—Have you ever examined the returns of the election held under the Act of the Legislature of this State for the removal of the county seat, in June or July, eighteen hundred and seventy, to ascertain what number of registered voters, registered by the various Deputy County Clerks or Deputy Assessors, accompanied said returns?

[Objected to.]

A.—I had no special deputies at that time, and I have not examined the returns for that purpose.

Q.—Were not all your deputies during the canvass immediately preceding said election candidates for some office on the Republican ticket, in and for said County of Monterey?

A.—I don't know they were; in fact, I know some of them were not; it would make no difference to me if they were.

Q.—Did you not give a deputyship to every man on the Republican ticket?

A.—No.

Q.—How many of them did you give deputyships to; and what were their names and for what positions did they run?

A.—H. M. Hayes, for Assembly; A. W. Poole, for Clerk; Robert McKee, for Treasurer; W. L. Carpenter, for Assessor; C. P. Bailey, for Surveyor; S. M. Sheerer, School Superintendent.

#### DIRECT EXAMINATION RESUMED.

Q.—State if you know how many candidates of the Democratic party were appointed by W. V. McGarvey as Deputy Assessors, for the purpose of enrolling names to be placed upon the Great Register, prior to the sixth day of September, A. D. eighteen hundred and seventy-one, and state their names?

*By Respondent*—This question has no relevancy to the matter under consideration, Mr. McGarvey having been made a witness for the con-

testant herein (see his deposition), and it appearing from the testimony of the witness now under examination, to whom this question is propounded, has not seen proper, either from political grounds or other reasons unknown to us, to register or give any account of the names sent to him by either McGarvey or his deputies, through the returns of election, through the mail, or otherwise, and is therefore objected to.

A.—I think all of McGarvey's deputies were candidates for office on the Democratic ticket except Paine and Markley, and don't think they were.

W. M. R. PARKER.

Adjourned until Saturday, November twenty-fifth, eighteen hundred and seventy-one, at ten o'clock A. M.

NOVEMBER 25th, 1871.

### TESTIMONY OF HENRY T. CROWEL.

HENRY T. CROWEL being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this contest, testifies as follows, to wit:

Question—State your name and age?

Answer—Henry Crowel, sometimes pronounced Crewell and sometimes Crowell; I spell it Crowel; age, twenty-three years.

Q.—State whether you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one; if yea, in what county and precinct?

A.—I did; Monterey County; San Juan Precinct.

Q.—Are there one or more political parties in the State of California; if yea, name them?

[Objected to as immaterial.]

A.—Yes, sir; Republican and Democratic party.

Q.—State whether or not each of said parties had candidates for office to be voted for at said election?

A.—Yes, sir.

Q.—At that election, state whether you voted for the candidates of the Republican party or the candidates of the Democratic party?

A.—I decline answering that question, upon the ground that I claim it as a right of a citizen of the United States.

Contestant asks that Commission compel witness to answer.

Justice Whitney decides witness shall be compelled to answer.

Justice Heritage says it is requiring the witness to reveal the character of his ballot, and therefore shall not be compelled to answer the question.

Q.—State to which of the two political parties you belong?

A.—As far as partyism is concerned I don't belong to either party; I voted a split ticket, and go for the man and not for the party.

Q.—At the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the presence of James F. Breen and others, did you urge voters to vote the Democratic ticket?

[This question by respondent is leading, and is cross examining con-

testant's own witness, brought into this Court by himself under process, and placed upon the witness stand by him, and now seeks to discredit the witness by this system of cross examination, and is therefore objected to.]

A.—No, sir; not the straight ticket; there were Republicans on the ticket.

Q.—Was the majority of that ticket Democratic or Republican?

A.—I can't tell, gentlemen, as for that.

Q.—State whether the ticket that you urged voters to vote on that day had upon it the name of Henry H. Haight for Governor.

[This question is objected to as leading and immaterial, as H. H. Haight is no party to this contest.]

A.—I think it had.

Q.—Had that ticket the names of E. J. Lewis, candidate for Lieutenant Governor, and E. C. Tully, candidate for Representative to the Assembly from this county upon it?

A.—I think Tully's name was on the ticket; but as for the other man, I can't say.

Q.—For whom did you vote for Senator from the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

A.—I decline to answer.

Contestant asks Commission to compel an answer.

Commission decide witness shall not be compelled to answer.

Q.—State whether since your arrival in the Town of San Juan you have had any conversation with either respondent, his attorneys, Jas. F. McMahon, or any other friend of respondent, with reference to any testimony you would give in this controversy?

A.—No, sir.

Q.—Has any person suggested to you what questions you could answer and what questions you could refuse to answer?

A.—No, sir.

Q.—Did you not, yesterday, in the Plaza Hotel, in the Town of San Juan, in the presence of several gentlemen, say that you would make a clean breast of it, and had no hesitation in answering any question that might be propounded to you in this examination, and had no hesitation in stating for whom you voted, or words to that effect?

*By Respondent.*—This is a system of a party impeaching, or attempting to impeach, his own witness unauthorized, and is objected to.

A.—I don't recollect of saying anything in that way; I said that I did not know what I was brought down here for; I thought I could tell them what I knew tolerably quick,

#### CROSS EXAMINATION.

*By Respondent.*—Was Albert Heath, the attorney who has propounded to you the foregoing questions, present at the time you answered as aforesaid?

A.—I don't know whether he was or not.

Q.—Is there any gentleman present in this room at this time who was present?

A.—I don't think there is.

Q.—How long have you been a resident of the State of California immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

A.—Two years continuously.

Q.—How long had you been a resident of the county and precinct in which you say you voted, immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

[Objected to.]

A.—About four months continuously.

Q.—Are you a citizen of the United States? and if yea, was you a citizen of the United States when you came to the State of California?

[Objected to.]

A.—Yes, sir; was in the Union army; I ought to be.

Q.—About how long did you serve in the Union army?

[Objected to.]

A.—Over two years.

Q.—What inquiry or investigation, if any, did you make to ascertain whether your name was registered and enrolled so as to authorize you to vote, prior to said election?

[Objected to.]

A.—My name was given in at Tres Pinos store, at Snider's, and I saw the Deputy Assessor from Hollister, and he asked me if I had been registered yet. I told him my name was handed in to the store, and he said that was all right, he would attend to it for me. I came here election day, to San Juan; found my name on the poll list here, and I supposed to be entitled to a vote, as there was no objections at the time.

Q.—Is it not a fact that you did not know or have any personal acquaintance with Thomas Beck, the respondent, before election?

[Objected to.]

A.—No, sir; I did not know him.

#### RE-DIRECT EXAMINATION.

Q.—State the name of the person in Tres Pinos with whom you left your name?

A.—Sylvester Durfee.

Q.—Did you at that time hand to him your own name, or did some other person for you?

A.—No, sir; he handed my name to this Snider, as I said before. I suppose Tully was the man to attend to that business.

Q.—Did you personally give your name to any person to be registered upon the Great Register? If yea, to whom?

A.—No, sir; I can't say that I did.

Q.—Who is this man Snider you speak of?

A.—Don't know, more than that he is a man with a head on and two legs, and I guess that will do. Mr. Snider is the man who keeps the Tres Pinos store.

Q.—Where did you see Snider when he took your name?

A.—I did not see Snider at all when he took my name.

Q.—Who gave Snider your name at all to be registered?

A.—Sylvester Durfee.

Q.—State whether or not Mr. Tully, the Deputy Assessor you refer to, is the same Tully who was a candidate for the office of Representative to the Assembly of the State of California, from the County of Monterey, at the election held September sixth, eighteen hundred and seventy-one?

A.—I don't know.

Q.—When you met Tully was you sworn by him to any facts?

A.—No, sir; I did not meet Tully; I don't want any Tully in mine.

Q.—When you met the Deputy Assessor from Hollister was you sworn to any facts?

A.—No, sir.

Q.—Have you ever been sworn to any facts for the purpose of having your name placed upon the Great Register of the County of Monterey?

A.—I have not.

HENRY T. CROWEL.

### TESTIMONY OF M. B. BAYLY.

M. B. BAYLY, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in relation to the controversy contained herein, testifies as follows, to wit:

Question—State your name and age?

Answer—M. B. Bayly; age, thirty-two years.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one? If yea, in what county and precinct?

A.—I did; in Monterey County, Hollister Township.

Q.—What are your political sentiments?

A.—I have no particular political views.

Q.—How many political parties, if you know, in the State of California?

A.—I do not know.

Q.—Are there any?

A.—There are parties that call themselves political parties.

Q.—State the names of those fellows that call themselves political parties?

A.—You will have to put it into different shape, as I don't understand it.

Q.—Have you heard, either directly or indirectly, of any political parties in the State of California?

A.—I have.

Q.—Give the names of such parties?

A.—Democratic party and the Republican party.

Q.—At said election had both parties candidates for office for the several offices to be voted for for State and county officers?

A.—So far as I know they did.

Q.—Were the names of such candidates printed upon paper separate?

A.—Yes.

Q.—Had the party you have heard of, known as the Republican party, the names of candidates for the several offices to be elected at that election, a printed paper, called a ticket, circulated in Hollister Precinct?

A.—They did.

Q.—Had the Democratic party such a paper?

A.—They had.

Q.—Please state which one of those tickets or printed papers you voted at that election?

A.—I decline to answer that.

Contestant asks that the Commission require him to answer the question.

Justice Heritage sustains the witness.

Justice Whitney decides he shall be compelled to answer.

Q.—For whom did you vote for for Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, at the election held in said State on the sixth day of September, A. D. eighteen hundred and seventy-one?

[This question is objected to by the respondent, the witness having no knowledge for whom he did vote, and cannot be compelled to reveal the character of his ballot.]

A.—I decline to answer.

Contestant asks Commission to compel witness to answer.

Commission decide he shall not be compelled to answer.

Q.—State whether, since the twentieth day of November, A. D. eighteen hundred and seventy-one, you have conversed with either respondent or his attorneys in Hollister Precinct with reference to this contest?

A.—I never have.

Q.—State whether, in conversation with others, you have heard that this contest was progressing?

A.—I did.

Q.—State whether or not you have heard that the Commission heretofore have refused to compel witnesses to testify when asked certain questions?

A.—Yes.

#### CROSS EXAMINATION.

*By Respondent*—How long have you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one.

A.—About four years continuously, excepting about two months, when I was in Oregon on business.

Q.—How long had you been a resident of said Hollister Precinct, Monterey County, immediately next preceding the said sixth day of September, eighteen hundred and seventy-one?

A.—About six or seven months previous to the election continuously.

Q.—Are you a citizen of the United States, and were you a citizen of the United States when you came to California?

[Objected to.]

A.—I was a citizen of the Confederate States when I left them; they were not then admitted into the United States; that is, the authorities did not recognize us; I am a citizen of the United States.

Q.—Were you born in the United States?

A.—I was.

Q.—What inquiry, if any, did you make to ascertain whether or not your name was registered and enrolled prior to said election, so as to authorize you to vote?

[Objected to.]

A.—I gave my name to Mr. Markley, who was then registering those who were not; think he was Deputy Assessor for Mr. McGarvey.

Q.—Did you give him your name, as such Deputy Assessor, more than thirty days next before said election, if you recollect?

A.—I do not recollect whether it was thirty days or not.

Q.—Based upon that registration was your name enrolled on the poll list of that voting precinct by the Board of Registration?

[Objected to.]

A.—It was.

Q.—Was there any objection interposed by any person to your exercising the privilege of voting on that day?

[Objected to.]

A.—No objection.

Q.—Have you not heard your Republican friends in the vicinity of Hollister, since these proceedings were instituted, and during their progress, speak of the Commission not compelling witnesses to answer certain questions, and that they, too, would refuse, if asked?

[Objected to.]

A.—I have.

RE—DIRECT EXAMINATION.

Q.—Give the names of your Republican friends who informed you that they would refuse to answer certain questions?

A.—I decline to answer.

Contestant's counsel now asks the Commission to compel the witness to answer the question.

Commission decides that if witness does not criminate himself by his answer that he be compelled to answer.

A.—Mr. Hayes and Mr. Briggs.

RE—CROSS EXAMINATION.

Q.—Since public rumor has been the subject of this investigation, I now ask, have you not heard the people of your section of the county, both Republicans and Democrats, indiscriminately condemn these proceedings on the part of the contestant?

[Objected to.]

A.—I have.

M. B. BAYLY.

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TESTIMONY OF J. R. HEBBRON.

J. R. HEBBRON, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this controversy now pending, testifies as follows, to wit:

Question—State your name and age?

Answer—J. R. Hebbroon; age, forty-two years.

Q.—Where were you on the morning of September seventh, A. D. eighteen hundred and seventy-one?

A.—At Mr. Mosher's house. Met Mr. Mathews, Charles Houston, and Mr. Mosher there.

Q.—Had you any conversation at Mr. Mosher's house with any person who on the preceding day had served in any capacity upon the Election Board of Natividad Precinct? If so, with whom, and in what capacity?

[Objected to.]

A.—I had, with Charles Houston, who was one of the Clerks.

Q.—State what was said by him with reference to the returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one? State in detail the whole conversation?

[This question is objected to upon the ground that Charles Houston was placed on the stand by contestant, and has heretofore been examined herein as contestant's witness. The object of this question tends and is intended to impeach his own witness.]

A.—In reply to an inquiry, "Why was he not with his machine?" he said that he had been down altering the poll list or returns—I don't remember which it was; he said there had been a mistake, and they had been altering it. In the course of the conversation I said to him, "What right had you to alter it?" He said, "I don't know what right we had, but we did it." I believe I also asked him if Patton was present, and I understood him to say, but am not positive about it, only Riordan and Armstrong. I believe that is about the substance of all that occurred at that time on that subject.

Q.—Where is the house of Mr. Mosher? In what county and precinct?

A.—Natividad, Monterey County.

#### CROSS EXAMINATION.

Q.—What interest have you in this contest?

A.—Not any that I am aware of.

Q.—Have you been subpoenaed to attend here?

A.—No, sir.

Q.—Then you are a voluntary witness?

[Objected to as assuming what the witness has not said.]

A.—I am not.

Q.—What are your political sentiments?

A.—Republican.

Q.—Have you not been assisting contestant's attorney in procuring witnesses to testify in this case?

A.—I have not.

Q.—Have you not been counseling with him in regard to this case since these proceedings were instituted?

A.—I have.

Q.—Was not that in regard to the testimony of certain witnesses in the case?

A.—Have talked with him about the evidence of certain witnesses; have not counseled with him on it.

Q.—Did you not during these proceedings sit and stand by contestant's attorney and whisper and converse with him in propounding questions to the witnesses?

A.—To one witness only, I believe.

Q.—What witness was that?

A.—Charles Houston.

Q.—Did you not do so in the examination of the witness Mathews?

A.—I believe not.

Q.—You do not know then what the conversation was between Houston, yourself, and others?

[Objected to as assuming what the witness has not said.]

A.—I have never said I did not.

Q.—Have you not said that “he (Houston) said that he had been down altering the poll list or returns, I don’t know which it was, and said there had been a mistake (I don’t remember the words) and that they had been altering it?”

A.—I did, and in explanation I wish to state that the returns are sometimes referred to as the poll list.

Q.—You are not positive, as I understood you to say, about who Houston said was present when you say he said he was altering the tally list?

A.—I believe I asked him if Patton was there, as I knew Mr. Mathews was not, and he said no, only Riordan and Armstrong.

Q.—Are you positive he said Riordan was there?

A.—Yes.

Q.—Why, then, did you state, in answer to the question propounded to you in chief, these words: “I understood him to say, am not positive about it, that Riordan and Armstrong were there?”

A.—I am positive that at some time he said they were there. This conversation extended over quite a length of time.

Q.—Was Mathews present during all that conversation?

A.—I could not say that he did not go out of the room, but he was there the principal part of the time during this conversation; might have stepped out of the room, but we were there some time; took dinner there.

Q.—Was you present when said Mathews’ deposition was taken in this case?

A.—A part of the time.

Q.—Do you not know that he testified that he (Mathews) was present during all that conversation?

[Objected to, for the reason that the witness, Mathews, did not so testify.]

A.—I don’t know whether he did or not.

Q.—Do you not know that Mathews testified that Houston, in that conversation, did not mention Riordan’s name at all, but that he (Houston) had been detained in examining the private tally list of one Hughes?

A.—I don’t know that he did.

Q.—Do you not know of your own knowledge that Houston was examining only the private tally list of Hughes on that morning, and had nothing to do with Riordan or the tally lists and returns proper?

A.—I do not. I don’t believe that Hughes’ tally list had anything to do with it.

Q.—Will you tell us why you do not believe Hughes’ tally list had anything to do with it?

A.—Because that was not the subject of our conversation.

Q.—State what was the subject of your conversation?

A.—I have already stated it.

Q.—Wherein have you stated it?

A.—In the former part of my testimony.

Q.—What tally list was spoken of by Houston?

A.—The one upon which the returns of election had been kept.

Q.—How do you know it was the one upon which the returns of election had been kept?

A.—Because that was the one we had been talking about.

Q.—Do you know whether there was any alteration made in the tally lists?

A.—I believe there was.

Q.—But you do not know it?

A.—I have answered that question, I consider; I did not see it done.

Q.—Do you know it was done?

A.—I believe it was done.

Q.—Do you know it was done?

A.—I decline to answer yes or no, but will give my reasons for believing it was done: after the close of the election, Mr. Mosher and myself agreed to watch the counting of the votes and keeping of the tallies, and did so; staid there until they were completed, and I watched the counting of the tallies and copied the numbers of the returns, and they (the tallies) are not the same as I made them. Also, that the whole number of votes cast was seventy-nine, and I know that there was one ticket scratched without any other name being inserted. I also compared the vote for Ripley and Johnson, and noticed that Johnson had received but two more votes than Ripley. I have since seen the returns, and find that Johnson has seven more. I have also examined the ballots, and cannot find the scratched ticket that I referred to.

Q.—Where did you examine the ballots?

A.—In the office of the County Clerk of Monterey County.

Q.—Who was with you?

A.—The County Clerk, W. M. R. Parker, Mr. Breen, and Dr. Flint, the contestant.

Q.—When did you make that examination?

A.—Don't remember.

Q.—About when?

A.—Think about two, three, or four weeks after election.

Q.—About how long after the votes had been canvassed by the Board of Supervisors?

A.—About two or three weeks; might not have been so long.

Q.—Is that the only reason you have for believing the tally list was altered?

A.—That, and the remarks of Mr. Houston, and what I have heard otherwise.

Q.—Please state what you have heard otherwise?

A.—There is a witness present who can testify to it, so don't think it is necessary for me to do it—that Mr. Riordan said he had made an alteration.

Q.—Where did he say it, and to whom?

A.—To Mr. Mosher, at Natividad.

Q.—Where is Mosher?

A.—He is here.

Q.—Do you not know that the only mistake occurring, or charged to have occurred, in the tally list of Natividad Precinct, was with reference to Poole and Johnson, candidates for County Clerk?

A.—I don't know that there was no other mistake occurring or charged to have occurred. I do know that there was a name on a ticket rejected by the Board of Election that was admitted by the Board of Supervisors. There was one ticket with two names on for same office.

The Commission adjourned until Monday morning, November twenty-seventh, eighteen hundred and seventy-one, at ten o'clock A. M.

NOVEMBER 27th, 1871—10 o'clock A. M.

TESTIMONY OF J. R. HEBBRON RESUMED.

On account of the absence of the respondent and his counsel the Commission adjourned until one o'clock P. M.

Question—Were you present when the Board of Supervisors canvassed the votes of said election?

Answer—I was not.

Q.—Why, then, do you state that there was one vote not counted by the Election Board that was counted by the Supervisors?

A.—Because I called the attention of the County Clerk to it, and he said they had counted it.

Q.—Who do you mean by the County Clerk?

A.—William R. Parker.

Q.—Then all you know about that is simply what you have heard somebody else say?

A.—I was present when the Election Board rejected it, and heard Parker say that they had counted it in.

Q.—All you know about the vote being counted is from what you heard Parker say?

A.—It is not.

Q.—State what else you know about it?

A.—The vote for the officer referred to, summed up by the Election Board, seventy-eight; and by the Supervisors, seventy-nine.

Q.—What officer do you refer to?

A.—State Senator.

Q.—Which of the officers had seventy eight?

A.—Neither; I am referring to the whole vote.

Q.—Were you at the polls on the day of election?

A.—I was.

Q.—How long did you remain there?

A.—From shortly after the opening until the completion of the counting.

Q.—And you say the whole vote for Senator summed up seventy-eight?

A.—Yes, as counted by the Election Board.

Q.—Did you remain until it was all summed up and signed by the Board?

A.—I did.

Q.—Then the only difference there could have been, so far as the votes for Senator were concerned, between the vote as you saw it footed up and counted on the night of election and the vote or count for Senator as reported to you by W. M. R. Parker, Clerk, was the one vote?

A.—I so understand it.

Q.—Did I not understand you to say there was some diversity of opinion between the Election Board as to whether the said ballot should be counted?

A.—There was; but it was finally rejected.

Q.—If the statement of Mr. Parker, the Clerk, be true, that that vote was afterwards counted, and you having seen the votes footed up for Senator on the night of election after they had been counted, and they footed up and counted seventy-eight in number, and the one vote was

counted by the Board of Supervisors, as reported to you by Parker, how could it be that Michael Riordan, or any other man or men, could have tampered with or interfered with the vote for Senator at said Natividad Precinct?

A.—I don't consider I am the judge of that; I am not Mr. Riordan's accuser.

Q.—Do you know how many votes were cast for the contestant at said Natividad Precinct on the day of election?

A.—It is footed up on the returns twenty-two.

Q.—Do you know how many votes were cast for the respondent at said Natividad Precinct on that day?

A.—It is footed up on the returns fifty-six.

RE-DIRECT EXAMINATION.

Q.—Are you acquainted with H. Stanley?

A.—I am not acquainted with H. Stanley.

JAMES R. HEBBRON.

TESTIMONY OF J. E. MOSHER.

J. E. MOSHER, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this contest, testifies as follows, to wit:

Question—State your name, age, and where you reside?

Answer—J. E. Mosher; age, twenty-eight years; residence, Natividad, Monterey County.

Q.—Where were you on the election day held September sixth, A. D. eighteen hundred and seventy one, in the State of California?

A.—Natividad.

Q.—Are you acquainted with H. Stanley and G. W. Leates?

A.—I am acquainted with H. Stanley.

Q.—Do you know the reputed political character of H. Stanley and G. W. Leates on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, state the same?

[Objected to.]

A.—I don't know Mr. Leates; have always supposed Mr. Stanley was a Democrat, from what I have heard.

Respondent moves to strike out the answer.

Q.—Where does Mr. Stanley reside, and what is his occupation?

A.—At election time he was living at Jesse D. Carr's, and had been employed by Carr for some months before that.

Q.—State where you were on election day?

A.—Natividad, Monterey County.

Q.—State, if you know, who were the officers of the Board of Election in that precinct. If yea, name them?

A.—Michael Riordan, Clerk or Inspector; E. M. Mathews and John Patton, Judges; William Armstrong and Charles Houston, Clerks.

Q.—State whether you conversed with either of those persons since election, with reference to changing the returns of the said election in

Natividad Precinct. If yea, with whom, when, and what was said at such time. State in detail?

[Objected to.]

A.—I have. Believe I have talked with all of them about it. But I can't give you the conversation of all, because I have talked at several different times.

Q.—State whether or not you have conversed with Michael Riordan, who you say was Clerk or Inspector of Election on that day?

A.—I have.

Q.—When did you have a conversation with him with reference to an alteration, if any, of the election returns of such election?

A.—I think about a week or such a matter after election.

Q.—Repeat that conversation as near as you can?

*By Respondent.*—This question and the conversation with Michael Riordan is irrelevant, incompetent, and immaterial, since it is only intended to prove a conversation with reference to altering certain tally lists, and the contestant has placed three witnesses on the stand heretofore, viz: E. M. Mathews, Charles Houston, and J. R. Hebbroon, who have each testified that there was no alteration in the tally list, and at most only a difference of one vote for Senator, and that difference only known to the witness Hebbroon, from hearsay. And it clearly appears by the testimony of said contestant's witnesses that no alteration was made in the tally lists or returns. That they counted the same when canvassed by the Board of Supervisors that they did when canvassed by the Board of Election, with one single exception, and that was between the candidates for County Clerk in footing up the tallies, and that mistake was in favor of A. W. Poole, the Republican candidate.

A.—I went over to Mr. Riordan's on an errand, to borrow his wagon, and while there the subject came up about Mr. Mathews sending a letter to Monterey about their changing the poll list or tally list, and Mr. Riordan said to me, "I should not think Mr. Mathews would think I would do any thing of that kind for a minute," or something to that effect. I told him no, I did not suppose he would have ever have thought of it if it had not have been for what Charles Houston said over to my house. "Well," said he, "we did not alter the tally list at all. The one we sent away to Monterey we simply found the mistake and sent a line to Mr. Johnson that there was a mistake." I asked him if they altered either of them, and he said yes, or words to that effect, and offered to take me in the house and show me the tallies. There were sixty-four. I won't be positive, but think I went into the house and counted them up and found there was sixty-four tallies.

Q.—What tally list did he say they changed?

A.—The one that he kept at home—copy of one they sent in to Monterey.

#### CROSS EXAMINATION.

Q.—For what offices did the tally list you speak of show the sixty-four names?

A.—County Clerk.

Q.—About how many days after the election was this?

A.—About a week, I judge.

Q.—Then the tally list which he called your attention to was what purported to be a copy of the original tally list, and he (Riordan) called your attention to it a week or almost a week after election?

A.—Yes, sir.

Q.—Did he not say to you that the list to which he then referred and asked you to examine was the list of tallies kept by one Mr. Hughes on election day, and that having ascertained from an examination of said Hughes' list that there was a mistake in footing up the tallies for County Clerk, he had written to Mr. Johnson, calling his (Johnson's) attention to the fact?

A.—Don't think Mr. Hughes' tally list was mentioned.

Q.—Did he not say to you that this mistake had been discovered after the returns had been sent to Monterey?

A.—No, sir.

Q.—Why did he tell you he had written to Mr. Johnson?

A.—I don't know for what reason he told me.

Q.—What did he tell you he wrote to Mr. Johnson for—upon what subject?

A.—In regard to the poll list. There had been a mistake made in the tally list.

Q.—Did he say when he had written to Mr. Johnson?

A.—No, he did not say any particular time, but I supposed he did it when they sent the tally list.

Q.—Then all he told you in substance was that a mistake had been made in footing up the tallies for County Clerk, and that he (Riordan) had written to Johnson, one of the candidates for County Clerk, to correct the mistake?

[Objected to.]

A.—No, that is not all in substance he told me.

Q.—What else did he tell you?

A.—He told me what I have already testified to—that there had been a mistake, and they had altered the one they had kept at home.

Q.—Was not the only mistake shown you by Mr. Riordan on that copy of the tally list, that they (the clerks) had only counted eleven tallies and four scores, footing up fifty-nine votes, when the tally list actually showed twelve tallies and four scores, footing up sixty-four?

A.—Don't think he said anything about tallies; he said there had been a mistake of five votes; it ought to have been sixty-four; it was down on the tally list that Mr. Riordan showed me, fifty-nine; the tally list showed sixty-four votes, and that there had been a mistake of five in the figuring up; that was for County Clerk.

Q.—Was not this the mistake he told you he had written to Mr. Johnson about?

A.—Yes, that was the one I was referring to.

Q.—Can you tell us in whose favor the five votes were?

A.—Mistake that the Board made was in favor of Mr. Poole and against Mr. Johnson.

Q.—Was not Mr. Poole the Republican candidate for County Clerk?

A.—Yes, he was Republican candidate for County Clerk.

Q.—Were you subpoenaed as a witness before this Commission?

A.—Well, Mr. Leese gave me a paper I supposed to be a subpoena, ordering me to be here such a day for this purpose; I did not hear it read, and did not read it myself, because it was dark.

Q.—What are your political sentiments?

A.—Republican.

Q.—Have you not taken an active part in conversing with and procuring witnesses to attend at this investigation?

A.—No, sir; have hated it as bad as ever a man did.

## RE-DIRECT EXAMINATION.

Q.—State whether you have informed contestant or his counsel as to what your testimony would be in this controversy?

[This question is objected to as immaterial, and not responsive to any question propounded to him by the respondent.]

A.—No, sir.

Q.—State what has occurred between yourself and counsel for contestant with reference to your not being called upon the stand as a witness in this case, after you were here in answer to the paper shown you by Mr. Leese?

A.—I told him I hated to have anything to do with it; that I hated to testify in the case at all; that I thought it was a very poor piece of business in Mr. Flint going into it.

J. E. MOSHER.

## TESTIMONY OF J. M. SOTO.

J. M. Soto, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this contest now pending, testifies as follows, to wit:

Question—State your name and age?

Answer—J. M. Soto; thirty-nine years and eleven months old.

Q.—Are you acquainted with H. Riley and Daniel Walsh; if yea, how long have you known them?

A.—I have known Henry Riley about two years, he being my tenant; I have known Daniel Walsh about six years, he being my employé or workman.

Q.—Do you know the reputed political character of Daniel Walsh and Henry Riley on the sixth day of September, A. D. eighteen hundred and seventy-one; if yea, state to what political party they belonged at that time?

A.—Yes, sir; Democrats.

Q.—To what political organization, if any, do you belong?

A.—Republican political organization.

Q.—State whether you took an active part in favor of your party during the political campaign preceding the election held on the sixth day of September, A. D. eighteen hundred and seventy-one.

A.—Yes, sir.

Q.—In what precinct and county?

A.—Monterey County, Santa Rita Precinct.

## CROSS EXAMINATION.

Q.—Do you not know that Daniel Walsh has been, since you have known him, a candidate for office on the Republican ticket?

[Objected to.]

A.—Yes; I don't know if he was; I saw his name on the Republican ticket and Democratic also.

Q.—Do you not know that Daniel Walsh has been, since you have known him, a candidate for office on the Republican ticket?

[Objected to.]

A.—Yes; I have seen him run for Constable on both tickets.

Q.—At what election?

[Objected to.]

A.—Election of September sixth, eighteen hundred and seventy-one.

Q.—Did you not nominate him, or help to nominate him, for that position?

A.—Yes, we do; many of us do it.

Q.—Do you not know that H. Riley voted a Booth ticket at the last election?

A.—I do not know, sir.

Q.—Has it not been reported to you that Henry Riley voted a Republican ticket at said election?

[Objected to.]

A.—Was reported to me very contradictory.

Q.—Then it has been a question in the community in which he and you reside, as to what ticket he did vote.

[Objected to.]

A.—So far as I understood, it was.

J. M. SOTO.

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#### TESTIMONY OF E. W. MILLS.

E. W. MILLS being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this contest, testifies as follows, to wit:

Question—State your name, age, and residence?

Answer—E. W. Mills; thirty-four years old; Salinas City.

Q.—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—In Salinas, Monterey County, California.

Q.—Where was the election opened on that day?

A.—At the American Hotel.

Q.—Was the polls opened at the American Hotel?

A.—I was not there at the opening of the polls.

Q.—At what time in the day did you see voters voting at that election in that precinct?

A.—After nine o'clock.

Q.—At the first time you saw voters voting, where was the election being held; state in what room?

A.—In the eastern wing of the hotel; room known as the old Post Office.

Q.—Do you know where the office of Eugene Sherwood is, in the Salinas Precinct?

A.—I do.

Q.—Are there any obstructions between the office of E. Sherwood and the east room of the American Hotel where the election was held?

A.—None that I know of.

Q.—If a man stands in the street in front of the office of Eugene Sherwood, can he see the room in which the election was held on that day?

[Objected to.]

A.—I do not think he can.

Q.—Then when you say there are no obstructions, what do you mean by it?

A.—No obstructions in the street.

Q.—State whether a person standing in front of Eugene Sherwood's office in the Salinas Precinct can see the room in which the election was held on that day?

A.—They cannot.

Q.—What will obstruct his view?

A.—A livery stable and Mr. Riker's store.

Q.—State whether or not you were present during the time the Board of Election were canvassing the votes cast at the election held on said sixth day of September?

A.—I was there in the morning of the day following, during the time they were counting.

Q.—State whether or not you saw any person or persons take from the ballot box ballots called tickets and show them and state the political character of such ballots, before the same were counted and tallied by the Clerks of Election?

A.—I cannot say so certainly that they did; I saw them separated in the ballot box.

Q.—State whether or not during the time you were in the room in which the votes cast in Salinas Precinct were being canvassed, you saw any other person than the officers of election take from the ballot box from which the officers of election were counting, ballots that had been cast the day preceding, and announce to yourself and others the character of such ballots?

[Objected to.]

A.—I am not certain that I did, although it was possible that I did.

Q.—State whether other persons than the officers of election in that precinct were permitted to look at and examine the ballots or tickets prior to the same being counted and tallied?

A.—They were permitted to look at them.

Q.—Do you not know as a fact, that members of the Democratic party stood behind the Judges of Election during the time they were counting and tallying the votes at said election, and picked up ballots, so-called tickets, and at such time said, "Here are your straight Democratic tickets; this is what we like!" before such tickets were counted, or words to that effect?

[Objected to, unless the gestures of the counsel are permitted to be drawn upon paper.]

A.—I have no such recollection.

Q.—Is it not true that persons other than the Judges and Clerks of Election were permitted to examine the ballot box and the tickets prior to the tickets in the ballot box being counted.

A.—Oh, yes; everybody could look at them.

Adjourned until Tuesday, November twenty-eighth, at ten o'clock A. M.

NOVEMBER 28th, 1871.

## TESTIMONY OF E. W. MILLS RESUMED.

Question—State if you know the names of the political organizations prior to the elections you have referred to in the State of California?

Answer—Yes; Black Republican and Democratic.

Q.—To which of those organizations do you belong?

A.—Class myself as a Democrat; don't know where I belong.

Q.—Where did you reside at the day of that election, and how long prior to the same?

A.—Salinas City; about one year.

Q.—Were you actively engaged as a Democrat, to secure the success of your party at that election?

A.—No, sir.

Q.—What is your business in Salinas City?

A.—Keeping a livery stable.

Q.—Are you acquainted with John Cockerill, J. H. Glossen, Lawrence Hysell, Henry Hugo, and Van Valkenburg?

A.—I can't say that I know any of them.

Q.—Who was the Clerk or Inspector of Election in Salinas Precinct at the election held September sixth, A. D. eighteen hundred and seventy-one?

A.—B. F. Nixon.

Q.—State, if you know, to which political party B. F. Nixon belongs?

A.—Supposed to be a Democrat.

Q.—Do you not know that he openly advocated the election of the Democratic ticket on and before the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I believe he did.

## CROSS EXAMINATION.

Q.—Was not the American Hotel you speak of formerly known by the names of Riker House, Half-way House, Old Post Office, and Old Place of Voting?

A.—Have heard most all those names, except Old Place of Voting; don't remember hearing that term used.

Q.—Are you not aware that it was and had been the place of voting for Salinas Precinct for many years prior to said election?

A.—I know it has been the place of voting for a good many years.

Q.—Are you acquainted with one Mr. Buckwell?

[Objected to.]

A.—Yes, sir; Colonel Buckwell.

Q.—Are you aware that Colonel Buckwell was the business agent of Eugene Sherwood in the disposition of his lands, for many years?

[Objected to.]

A.—I know he was the agent of Sherwood for the sale of lots in Salinas City for a good many years.

Q.—Do you not know that the American Hotel, commonly known also by the name of Riker House, Half-way House, and Post Office, was the place where said Colonel Buckwell stopped and boarded?

A.—I do not know whether he boarded there or not.

Q.—Have you fixed in your mind the place which contestant's counsel

was pleased to term Eugene Sherwood's office in a question propounded to you in chief?

A.—I have an idea where he means.

Q.—Is not that office in the suburbs or exterior limits of Salinas City?

[Objected to.]

A.—I should hardly class it in the suburbs; it is a little to one end of town, but I should hardly call it suburbs.

Q.—Is it not on a cross street, somewhat remote from Main street?

[Objected to.]

A.—It is on a cross street, about one hundred and fifty or two hundred and fifty feet from Main street.

Q.—Is it not a fact that all the business houses, such as mercantile houses, livery stables, drug stores, barber shops, etc., of said Salinas City, are between the junction of this cross street upon which said Sherwood's office is situated with Main street and the lower or southern end of the city?

A.—I believe they are.

Q.—Is not the said American Hotel, formerly known as the Riker House and Half-way House, within this block of business houses?

A.—I believe it is, and not far from the center.

Q.—Is not the American Hotel more convenient as a voting place than the place you have fixed in your mind from the questions asked you by contestant's counsel as Sherwood's office, and more easy of access to the voters?

[Objected to.]

A.—I think so.

Q.—Could any elector disposed to vote at said election have possibly been deprived of the privilege by reason of the polls being held at the American Hotel?

A.—I think not.

Q.—Is not the place you have fixed in your mind as Sherwood's office a small room or office, and adjoining a house of ill-fame? and was it not so on the said sixth day of September, eighteen hundred and seventy-one?

A.—I believe it was.

Q.—Was not the house of ill-fame notorious as such, and much disorderly conduct in and around it?

A.—House is known generally as a house of ill-fame, and at times boisterous.

Q.—By whom was the American Hotel kept at that time?

A.—By Mr. Block.

Q.—What were Block's politics?

A.—Republican, I believe; he passed as such.

Q.—Did the room occupied by the Election Board in said hotel on that day front on said Main street?

A.—Yes, sir.

Q.—Is it not a large and capacious room, well adapted to such purposes?

A.—Yes, it is.

Q.—Was William T. Harvey one of the Judges of Election on that day?

A.—I can't say as to his initials. Harvey was one of the Judges.

Q.—What were Harvey's political sentiments?

A.—Republican, I believe.

Q.—Was he not one of the leading and active Republicans in said election?

A.—He was.

Q.—Was said Harvey not present as one of the Judges of Election during all the time you was present on that day?

A.—I think he was.

Q.—Where was the ballot box situated, if you know, during that day?

A.—At the end of the table, near the window.

Q.—Who received the tickets and placed them in the ballot box, if you know?

A.—Am not positive, but think Mike Hughes received them.

Q.—Was not the ballot box situated beyond the reach of outsiders?

A.—I believe it was.

Q.—Have you had any experience as Clerk, Inspector, or Judge of Election?

A.—I have.

Q.—Now tell us whether or not the Board of Election, including Clerks, Inspectors, and Judges, observed ordinary care and caution on that day?

A.—Yes, I think they did.

Q.—Did they not on the following day and during all the time up to making out the returns?

A.—I do not think they did.

Q.—What were the political sentiments of Mike Hughes, who you say received the ballots?

A.—Republican, I believe.

Q.—Were not he and Harvey present on the following day when the ballots were counted?

A.—I believe they were.

Q.—Were they not acting on the Board?

A.—Am not certain, but believe they were.

Q.—Do you know who the Tally Clerks were on that day?

A.—Harry Morehouse and Butler.

Q.—Were you present when the Board of Supervisors canvassed the vote?

[Objected to.]

A.—I was not.

Q.—Do you not know that the names on the voting list, tallies, and ballots, all corresponded?

[Objected to.]

A.—I do not; was not present to know that they did. I presume they did.

#### RE-DIRECT EXAMINATION.

Q.—State the names of the other members of the Board of Election who participated on that and the preceding day?

A.—I don't recollect of seeing but the five there on the morning following.

Q.—State if you know the names of the Board of Supervisors of Monterey County? If yea, who are they?

A.—I know them: S. M. Black, E. A. Reynolds, R. Morey, John Sheehy, G. W. Bryan.

Q.—To which political organization do they belong?

A.—Classed as Democrats.

Q.—State whether you know them personally?

A.—I do.

Q.—Do you not know that each and every one of them are partisan Democrats?

[Objected to.]

A.—I can't say that they are in the strict sense.

Q.—State whether you know whether they are identified with the political organization known as Democratic, each and every one of them?

A.—They are all identified as Democrats.

Q.—Is there a sign upon the place you have designated as Eugene Sherwood's office? If yea, what is it?

A.—There is a sign: "Saucel Land Office."

Q.—State if you know Daniel Walsh?

A.—I do.

Q.—Do you know to which political organization he belonged September sixth, eighteen hundred and seventy-one?

A.—I believe him to be a Democrat.

#### RE-CROSS EXAMINATION.

Q.—Were you present yesterday when J. M. Soto was examined as a witness in regard to the political sentiments of said Daniel Walsh?

A.—I was not.

Q.—Who is most intimately acquainted with said Daniel Walsh, you or Mr. Soto?

A.—I could not say.

Q.—Do you not know that said Daniel Walsh has been in the employ of said J. M. Soto and keeping a livery stable within a few feet of said Soto's office for a period ranging two or three years?

A.—No. I know that he kept a livery stable there during a short period.

E. W. MILLS.

#### TESTIMONY OF C. D. FOWLER.

C. D. FOWLER, being duly sworn to tell the truth, the whole truth, and nothing but the truth, in the matter of this contest, testifies as follows, to wit:

Question—State your name, age, residence, and where you were on the sixth day of September, A. D. eighteen hundred and seventy-one?

Answer—C. D. Fowler; age, thirty-eight years; residence, Hollister Township or Precinct; and was on the morning of September sixth, eighteen hundred and seventy-one, at San Benito Polling Precinct; arrived at Tres Pinos Precinct about nine o'clock A. M.; staid there till about four o'clock P. M.; went to Hollister in time to vote.

Q.—To what political organization do you belong?

A.—I am generally identified with the Republicans.

Q.—State whether or not you were actively engaged prior to said election in aid of the Republican party?

A.—I was.

Q.—Do you know John W. Grewell, A. J. Rader, John J. Janett,

Leander Emery, William A. Moody, Gilbert Mulch, Peter Crisman, and James Hudner; if yes, have you any knowledge as to which political party they belong?

A.—John W. Grewell, identified with the Democratic party; A. J. Rader, am not personally acquainted with him; J. J. Janett, am not acquainted with him; Leander Emery, don't know him; W. A. Moody, supposed to be a Democrat; Gilbert Mulch, he is a good Democrat; Peter Crisman, he is classed as a Democrat; James Hudner, am not personally acquainted with him; know him by sight; Democratic by reputation.

Q.—Do you know the reputed political character of A. J. Rader; if yes, state all you know of it?

A.—He is reputed Democratic, from the best information I could derive during the campaign; his brother informed me that he had come back.

#### CROSS EXAMINATION.

Q.—Do I understand you to say that there are some of the men whose names you have mentioned who you do not know?

A.—Some of them I do not know personally, and one I do not know at all.

Q.—Tell us how it is you know the politics and can testify to the politics of men you do not know?

[Objected to for the reason that he has not so testified.]

A.—I don't think I have so stated.

Q.—Did you not state that you did know A. J. Rader and others?

A.—I did; said I did not know them personally.

Q.—Now, did you not state that you knew the political sentiments of A. J. Rader and others?

A.—I stated I knew it from evidence I had from other parties, not from personal knowledge.

Q.—Can you give us the names of the other parties you speak of.

A.—I can give some of them; Mr. Poo'le and Mr. William Rader; as to any other names, I could not recollect them positive; plenty of others, but I cannot now remember them.

Q.—Was not the term "plenty of others" used in your last answer for the purpose of strengthening, if possible, your answer to the last question in behalf of contestant?

A.—It was not.

Q.—Is it not true that Democrats voted for Republicans and Republicans for Democrats at that election?

A.—The ballot so showed, as it was counted.

Q.—Is it not true that the County of Monterey was from sixty to one hundred majority Democratic, and that your party (the Republican party) carried the county for nearly all the local offices?

A.—Could not say whether it was Democratic or Republican, as far as the last vote is concerned; Haight carried the county by, I think, about seventy-one, and we elected a portion of our county officers; the Republican party elected their Assemblyman, the Sheriff, Clerk, School Superintendent, District Attorney, and County Treasurer; the Democrats elected the Assessor, the Surveyor, the Coroner, and the Public Administrator.

Q.—Then it follows, does it not, that from seventy to one hundred Democrats in the County of Monterey voted the Republican ticket?

[Objected to.]

A.—Undoubtedly, from seventy to one hundred voted for some part of the ticket.

C. D. FOWLER.

Contestant now offers a certificate of the County Clerk of Monterey County and ex officio Clerk of the Board of Supervisors, certifying the appointment of M. Riordan as Clerk of Election in and for Natividad Precinct. Also, a certified copy of the order designating the places in which the election should be held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the several precincts of Monterey County. Also, a certificate, signed and sealed with the seal of the County Court of said Monterey County, certifying the number of votes, as canvassed by the Board of Supervisors of said County of Monterey, for the office of Senator of the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, in which the whole number of votes cast for Thomas Beck, as said Senator, and for Thomas Flint, as such Senator, are shown:

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, W. M. R. Parker, County Clerk and ex officio Clerk of the Board of Supervisors in and for said county, do hereby certify that at a regular meeting of said Board, held on the eighth day of May, A. D. eighteen hundred and seventy-one, M. Riordan was appointed Clerk of Elections in and for the Natividad Precinct of said county.



Witness my hand and seal of the County Court of said county, this twenty-seventh day of November, A. D. eighteen hundred and seventy-one.

W. M. R. PARKER,  
Clerk.

#### POLLING PLACES IN MONTEREY COUNTY.

STATE OF CALIFORNIA, BOARD OF SUPERVISORS, }  
Monterey County, August Term, 1871. }

Present—Full Board and the Clerk.

The Board now name the following as the polling places for the general election to be held September sixth, A. D. eighteen hundred and seventy-one:

Hollister—At Justice Davis' office.  
San Benito—At Justice Brown's office.  
Tres Pinos—At Snyder's store.  
Peach Tree—At Morse's store.  
San Juan—At Fred. Kemp's.

Castroville—At Justice Williams' office.

Natividad—At Campbell's Hotel.

Santa Rita—At Burnside's Hotel.

Salinas—At Sherwood's land office.

Pajaro—At Joe Pelisier's.

Soledad—At Los Coches House.

San Lorenzo—At Dodge's store.

San Antonio—At school house.

Monterey—At County Court House.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, W. M. R. Parker, County Clerk in and for said county, and ex officio Clerk of the Board of Supervisors in and for said county, do hereby certify that the foregoing is a true, full, and correct copy of the original order made by said Board, on the nineteenth day of August, A. D. eighteen hundred and seventy-one, establishing the places for holding polls for the general election for eighteen hundred and seventy-one, as of entry in the minutes of said Board.

{  
SEAL.  
}

Witness my hand and official seal, at office, this twenty-seventh day of November, A. D. eighteen hundred and seventy-one.

W. M. R. PARKER,  
Clerk.

### RECOUNT OF VOTE.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, W. M. R. Parker, County Clerk and ex officio Clerk of the Board of Supervisors in and for said county, do hereby certify that, after a canvass and recount of the votes of Thomas Beck and Thomas Flint, candidates voted for in said county on the sixth day of September, A. D. eighteen hundred and seventy-one, for Senator for the Counties of Santa Cruz and Monterey, it was found that in said County of Monterey the said Thomas Beck received one thousand two hundred and seventy-eight (1,278) votes, and that Thomas Flint received one thousand and forty (1,040) votes.

{  
SEAL.  
}

Witness my hand and seal of County Court, this twenty-seventh day of November, A. D. eighteen hundred and seventy-one.

W. M. R. PARKER,  
County Clerk.

Respondent objects to the admissibility of the record of the Board of Supervisors purporting to be a copy of the canvass of the vote, upon the ground that the original has not been offered and is not a copy; and

the further grounds that the same is not properly certified to. Objects to the admissibility of the instrument purporting to be the order of the Board of Supervisors, designating the polling places, upon the ground that the original has not been offered, and upon the ground that the same is not a copy and is not properly certified to.

Respondent now moves that the Commission adjourn from day to day, until respondent's testimony be completed, which motion the Commission now denies.

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CERTIFICATE OF COMMISSIONERS.

STATE OF CALIFORNIA,                    }  
                   County of Monterey. } ss.

We, JOHN W. WHITNEY and JOSEPH O. HERITAGE, Justices of the Peace in and for the Township of San Juan, in said County of Monterey, duly commissioned by the Clerk of the District Court of the Third Judicial District, in and for the County of Monterey, to take the depositions of witnesses to be examined before us in the matter of the contest of the election of Thomas Beek as Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, in said State, do hereby certify that the witnesses in the foregoing depositions named were by us duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken on the days mentioned at the caption of each deposition; that the taking of the same was commenced on the thirteenth day of November, A. D. eighteen hundred and seventy-one, and was thereafter continued until the twenty-eighth day of November, eighteen hundred and seventy-one, when the same was completed; that the said depositions were reduced to writing by M. G. Elmore, in our presence, who was appointed by us as Clerk, with the consent of the parties hereto, and when completed were, by said M. G. Elmore, in our presence, carefully read to each of said witnesses, and being by said witnesses each respectively corrected, were by them subscribed in our presence.

In witness whereof, we have hereunto subscribed our names, and (having no seal of office) have affixed our private seal, this twenty-eighth day of November, A. D. eighteen hundred and seventy-one.

JOHN W. WHITNEY.    [SEAL.]  
 JOSEPH O. HERITAGE. [SEAL.]

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CERTIFICATE OF COMMISSIONERS.

STATE OF CALIFORNIA,                    }  
                   County of Santa Cruz. } ss.

We, E. WELLINGTON and LUTHER FARNHAM, Justices of the Peace in and for the Township of Santa Cruz, county and State aforesaid, duly com-

missioned by the Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Santa Cruz, to take the depositions of witnesses to be examined before us in the matter of the contest of the election of Thomas Beck as Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, in said State, do hereby certify that the witnesses in the foregoing depositions named, were by us duly sworn to testify to the truth, the whole truth, and nothing but the truth; that said depositions were taken on the days named at the caption of each deposition; that the taking of the same was commenced on the ninth day of November, A. D. eighteen hundred and seventy-one, and was thereafter continued from day to day until the twenty-ninth day of November, eighteen hundred and seventy-one, when the same was completed; that the said depositions were taken at the District Court-room, in the City and County of Santa Cruz, State aforesaid; that said depositions were reduced to writing by M. J. Bennett and L. Randall, in our presence, who were appointed by us as Clerks, with the consent of the parties hereto, and when completed were, by said M. J. Bennett and L. Randall, in our presence, carefully read to said witnesses, and being by said witnesses each respectively corrected, were by them, in our presence, duly subscribed.

In witness whereof, we have hereunto subscribed our names and (having no seal of office) have affixed our private seals this twenty-ninth day of November, A. D. eighteen hundred and seventy-one.

E. WELLINGTON, [SEAL.]  
LUTHER FARNHAM, [SEAL.]  
Justices of the Peace in and for Santa Cruz County.

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### PROTEST OF RESPONDENT.

*In the matter of the contest of the election of Thomas Beck as Senator of the State of California, in and for the Sixth Senatorial District of said State, composed of the Counties of Monterey and Santa Cruz.*

Be it remembered, that pursuant to the affidavit and notice hereunto annexed, and on the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second, and twenty-third days of January, A. D. eighteen hundred and seventy-two, at my office, in the County of Monterey, State of California, before me, J. W. Whitney, a Justice of the Peace in and for said County of Monterey, duly appointed and commissioned to administer oaths, etc., personally appeared Alonzo Heller, Nelson Streuve, R. H. McIlroy, Thomas Yost, Charley Anderson, Henry Riley, Albert Heath, Horatio Stanley, L. E. McKay, J. Bandy, C. A. Imus, William M. R. Parker, John S. Payne, A. J. Rader, Joseph N. Dunning, A. S. Murphy, and Edmund Burch, witnesses produced on behalf of the contestant in the above entitled contest, now pending before the Senate of the State of California, who, being first by me duly sworn, were then and there examined and interrogated by A. Heath, Esquire, of counsel

for the said contestant, and by A. Craig, Esquire, of counsel for the said respondent, and testified as follows:

ALONZO HELLER (first witness), being first duly sworn to testify the truth, the whole truth, and nothing but the truth, relating to the matters in controversy in the above entitled contest, deposes and says:

Comes now the respondent, Thomas Beek, by his attorney, A. Craig, on this eighth day of January, A. D. eighteen hundred and seventy-two, and before any witnesses are sworn to testify in pursuance of said pretended notice, and makes the following objections to the proceedings herein, and to the taking of any depositions herein, and to the examination of any witnesses whatever in pursuance of said notice, or in said cause:

*First*—No time is specified in the notice, in pursuance of which the depositions are sought to be taken, for the taking of depositions, in this, that between one hour and another is as between one week and another.

*Second*—The notice for the eighth day of January, A. D. eighteen hundred and seventy-two, is for the day on which the respondent is bound by law to appear before the Committee of the Senate of the State of California, at Sacramento, California, for the trial of said cause.

*Third*—The sitting of the Committee, appointed and set for the eighth day of January, A. D. eighteen hundred and seventy-two, is the commencement of the trial of said cause, mentioned in Article seventh, section eighty-eight, of the Act of the Legislature of the State of California, entitled "Election Law in general," and of subdivision of said Act relating to contesting elections for members of the Legislature, after which time no depositions can be taken in the matter.

ALONZO HELLER (first witness), being first duly sworn to testify the truth, the whole truth, and nothing but the truth, relating to the matters in controversy in the above entitled contest, deposes and says:

Respondent objects to the witness Alonzo Heller being sworn or examined, for the reason that respondent had no knowledge of the taking of the deposition of said Heller; that no notice whatever was given to the respondent of the taking of said deposition; that the notice under which these depositions are pretended to be taken does not contain the name of the said witness, Alonzo Heller; and the officer, John W. Whitney, had no authority, by virtue of the notice herein, to issue any process whatever, for the said witness, Heller, and has not now the authority to examine or interrogate him herein, or to permit it to be done.

*Second*—The witness, Heller, was examined in this cause on the part of the contestant in the proceedings herein prior to the meeting of the Senate, and they now have his deposition.

#### TESTIMONY OF ALONZO HELLER.

Question—Are you acquainted with one Frank Hardin?

Answer—I think I've heard of him, but I can't say that I know him.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I did; in Tres Pinos Precinct, Monterey County.

Q.—State whether or not on that day you voted for any person for the office of State Senator of the State of California, in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

[Objected to.]

A.—I did.

Q.—For whom did you vote?

[Objected to upon the ground that the election being by ballot, it is requiring the elector to reveal the character of his ballot, and to reveal a fact which was intended by the lawmakers of the land that he could keep secret, if he chose.]

A.—I think I have a perfect right to decline to answer.

Q.—For whom did you vote?

A.—I give the same answer that I did before.

Counsel for contestant now asks that J. W. Whitney, Esq., the Justice of the Peace before whom this deposition is now being taken, compels the witness to make full answer to the last question, or be punished for contempt.

Objected to, on the ground that no such power or authority is vested in said John W. Whitney; his only power being to administer oaths to the witnesses and certify to depositions after taken; and that John W. Whitney had no authority to issue process for said Heller; and that the words, "or be punished for contempt," were, by request of John W. Whitney, added to the foregoing interrogatory or motion.

The Justice refused to enforce the above order at present, and that Mr. Heller subject himself to the order of the Justice of the Peace, to be recalled.

The witness now states the reason for his refusing to answer the question:

"It was under a constitutional right that I refused to answer; and if I am compelled to answer, it is under protest. Under the circumstances I will answer the question—I voted for Mr. Beck."

Respondent now moves to strike out all the testimony of the witness, Heller, for the reasons stated in the objections made to his examination herein, and the objections that appear in his said deposition, and waiving nothing, now proceeds to cross examine said witness.

#### CROSS EXAMINATION.

Q.—You have been examined in this case before, have you not?

A.—Yes, sir.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—Two years and eight or nine months.

Q.—How long had you been a resident of said Tres Pinos Precinct, the precinct at which you say you voted, immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one.

[Objected to as immaterial and irrelevant.]

A.—About seven months.

Q.—Was you a citizen of the United States when you came to California?

[Objected to as immaterial, irrelevant, and secondary.]

A.—I was.

Q.—What, if anything, did you do, or what information had you at the time you voted, of having complied with the requirements, rules, and regulations of the election laws of this State?

[Objected to as leading, immaterial, irrelevant, and secondary.]

A.—I supposed my name was on the Register; I met Mr. Shearer on the road some six weeks or two months before the election; he asked me where I lived; I told him; he wanted to know if my name was on the Great Register, and I told him it was not; he said when he was going round so, he made a practice of taking the names of those not registered, and after he got three or four names he sent them in and had them put on the Register, and I supposed he would do it, and I felt satisfied that he did it; I saw him take his pencil and write, and asked me how to spell my name; this was in Tres Pinos Precinct; Mr. Henry Watson told me that he was authorized to take the names and place them upon the poll list; when I came to vote, they said there was a printed list that was sent back there, and my name was not on it; but he said there must be some mistake, because there were others that lived there for a number of years that were not on it, but had voted here in Hollister, and he thought there must be a mistake of the clerk; my name was on the written poll list; the Board then decided whether I was a legal voter or not; they decided that I was, and I voted; Mr. Shearer was Republican candidate for School Superintendent.

*By Contestant.*—At the time Mr. Shearer took your name, as before stated, did he ask you your age and place of nativity, and did he or did he not administer to you an oath?

A.—I am sure he asked me my age; I think he did not ask the place of my nativity; he did not administer an oath to me.

ALONZO HELLER.

#### TESTIMONY OF NELSON STREUVE.

NELSON STREUVE, being first duly sworn to testify the truth, the whole truth, and nothing but the truth relating to the matters in controversy in the above entitled contest, deposes and says:

Question—State your name, age, and occupation?

Answer—My name is Nelson Streuve; age, thirty-three years; occupation, farmer.

Q.—State whether or not you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California?

[Objected to as incompetent and secondary; and the taking of this deposition is objected to upon the further grounds that it is without authority, and commenced to be taken long after six o'clock on the eighth of January, A. D. eighteen hundred and seventy-two.]

The second question of the above examination being withdrawn by contestant, it appearing that the hour of six o'clock having arrived, and as the depositions were to be taken between the hours of nine o'clock A. M. and six o'clock P. M., the further examination is adjourned until

the ninth day of January, A. D. eighteen hundred and seventy-two, at ten o'clock A. M.

JANUARY 9th, 1872.

TESTIMONY OF NELSON STREUVE RESUMED.

Question—State whether or not you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California.

[Objected to as secondary and incompetent, and the name of the witness Streuve does not appear in the notice, and respondent objects to his being examined.]

Answer—I did; in Pajaro Precinct, in Monterey County.

Q.—State whether or not on that day you voted for any person for the office of State Senator of the State of California in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent, and requiring witness to reveal the character of his ballot.]

A.—I voted a Democratic scratched ticket; I can't state whether I voted for either of them or not, as they were both unknown to me.

Q.—State the name of the person who scratched or changed the printed names upon your ticket?

[Objected to.]

A.—I can't say; it was given to me scratched and I scratched two or three other names.

Q.—State whose names were scratched upon that ticket when you received it, if you know?

[Objected to.]

A.—I am not positive now.

Q.—State, if you know, whether all the names scratched upon that ticket by yourself and the person from whom you received it were for county and township officers, and not for members of the Legislature.

[Objected to as incompetent, irrelevant, immaterial, and leading.]

A.—I am not positive.

Q.—State whether or not there were any changes upon your ticket for State officers?

[Objected to.]

A.—I am not positive.

Q.—When you received your ticket how many names were scratched or erased from the same, and for what officers?

[Objected to.]

A.—I am not certain; there was one or two; am not certain for what offices they were.

Q.—Upon what portion of the ticket were the erasures?

[Objected to.]

A.—Am not positive, but think they were upwards, as the lower ones I scratched myself.

Q.—How long have you been acquainted with Thomas Beck, the respondent?

A.—Since the election; did not know him before.

Q.—State whether or not you can read and write in the English language?

A.—I can read, but write rather poorly.

Q.—At the time you voted, on the sixth of September, A. D. eighteen hundred and seventy-one, who were the candidates for the office of Senator in this district?

[Objected to.]

A.—Thomas Beck and Thomas Flint.

Q.—State to what party Thomas Beck belonged?

A.—To the Democratic party, I suppose.

Q.—Was he or was he not the candidate of that party, nominated at a convention of the party, for the office of Senator?

[Objected to.]

A.—That is more than I can say; I was not there.

Q.—Was there any other Democratic candidate for Senator in this district?

[Objected to.]

A.—None that I know of.

Q.—At the time you voted, on the sixth of September, A. D. eighteen hundred and seventy-one, for whom did you intend to vote for the office of Senator for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz.

[This question is objected to as incompetent; it proves no fact, and only seeks to elicit the intention of the witness.]

A.—I had no particular intention for either of them.

Q.—State what political party you desired should be successful at that election?

[This question was objected to as incompetent; it proves no fact, and only seeks to elicit the intention of the witness.]

A.—I never cared for either of them.

Q.—State whether the name of Thomas Beck was scratched or erased from the ticket you voted on that day?

[Objected to.]

A.—I am not positive whose name was on that ticket.

Q.—State whether or not the name of Thomas Flint was on that ticket?

[Objected to.]

A.—I am not positive.

Q.—If the name of Thomas Beck had been scratched or erased would you not be likely to remember it now?

A.—I do not remember it.

Q.—If the name of Thomas Flint had been inserted in the ticket you voted that day would you not now recollect it?

[Objected to.]

A.—I do not recollect it.

Respondent now moves to strike out all the testimony of the witness Nelson Streuve, upon the grounds: first, that respondent had no notice whatever of the taking of his said testimony; and, secondly, on the day of the eighth day of January, A. D. eighteen hundred and seventy-two, the witness, Nelson Streuve, was sworn, and the first interrogatory and second interrogatory was propounded to him by contestant's counsel, whereupon respondent's counsel objected to his said deposition, upon the ground that it was without authority, and commenced to be taken long after six o'clock on the eighth of January, eighteen hundred and sev-

enty-two, whereupon John W. Whitney, before whom the deposition was being taken, made the following order: 'The second question of the above examination being withdrawn by contestant, it appearing that the hour of six o'clock having arrived, and as the depositions were to be taken between the hours of nine o'clock A. M. and six o'clock P. M., the further examination is adjourned until the ninth day of January, A. D. eighteen hundred and seventy-two, at ten o'clock A. M., and the first interrogatory not having been withdrawn, is now left to form a part of said Streuve's deposition, as the second interrogatory is first in order propounded to him on the ninth day of January, eighteen hundred and seventy-two—and now, waiving no part of his said motion to strike out, or any objections heretofore made, respondent now proceeds to cross examine said witness, Nelson Streuve.

CROSS EXAMINATION.

Q.—Then, you not being acquainted with Thomas Beek, and having voted a ticket having both Republicans and Democrats on it, it is just as probable, is it not, that you voted for Thomas Flint as for Thomas Beek?

[Objected to, as leading, immaterial, and irrelevant.]

A.—Probably so; I don't recollect.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—About ten years continuously.

Q.—How long had you been a resident of the County of Monterey, and of Pajaro Precinct, at which you say you voted, immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—About three years.

Q.—Was you a citizen of the United States when you came to said Monterey County to reside?

[Objected to upon the grounds that the question is immaterial, irrelevant, and secondary.]

A.—No, sir.

Q.—Are you a citizen of the United States now, and if so, how long have you been?

[Objected to as immaterial, irrelevant, and secondary.]

A.—I am now, and have been between two and three years.

Q.—Have you not been, since you have been a citizen of the United States and a resident of said County of Monterey, frequently summoned as a juror in said county, and have you not served in that capacity in obedience to process issued out of the Courts of said county and served upon you by the Sheriff of said county?

[Objected to as leading; not a proper cross examining question; as immaterial, irrelevant, and secondary.]

A.—I was; I served once in the County Court of Monterey County as a trial juror; I was summoned by the Sheriff of said county, and was there ten or twelve days.

Q.—When you voted at said election do you know whether your name

was registered in said county and enrolled upon the written or printed poll list of said Pajaro Precinct?

[Objected to.]

A.—I don't know whether it was written or printed; I went to the office of Judge Roberts to see whether it was there or not, a few days before election, and he looked for my name in the book before him, and found the name and put it down.

Q.—Was Judge Roberts one of the Election Board?

A.—Yes, sir; he was there election day, counting votes.

#### RE-EXAMINATION.

Q.—State the place of your nativity?

A.—Denmark.

Q.—At what age did you leave Denmark?

[Objected to as incompetent and immaterial.]

A.—At about sixteen or seventeen years of age.

Q.—State whether you emigrated from Denmark to the United States in company with your father?

[Same objection as the last.]

A.—No, sir.

NELSON STREUVE.

On motion of contestant's counsel, and for good cause shown, the further taking of depositions is continued until the tenth day of January, eighteen hundred and seventy-two, between the hours of ten o'clock A. M., and six o'clock P. M.

JANUARY 10th, 1872.

#### TESTIMONY OF R. H. McILROY.

Contestant now offers R. H. McILROY as a witness.

Respondent objects to said R. H. McIlroy being sworn or examined as a witness herein, for the reason that respondent had no notice whatever of the taking of his deposition, the name of said McIlroy not appearing in the notice, and no notice whatever having been given to the respondent of his examination until called upon to be sworn; and further, that the proceedings herein are irregular and not authorized by law.

R. H. McILROY, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name, age, residence, and occupation?

Answer—R. H. McIlroy is my name; age, forty-five; occupation, farmer; residence, Tres Pinos Precinct, Monterey County.

Q.—State whether or not you are acquainted with Samuel G. Medley and Frank Hardin?

[Objected to.]

A.—I have seen Mr. Medley, and have heard of Mr. Hardin; I am not personally acquainted with either.

Q.—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I was in Tres Pinos Precinct, at the place where the election was held, all day, except the time I was going there from my house.

Q.—State whether or not you saw Samuel G. Medley and Frank Hardin that day at the place where the election was held in said Tres Pinos Precinct?

[Objected to.]

A.—I saw Mr. Medley there; I did not see Mr. Hardin, or if I did I did not know him.

Q.—State, if you know, to what political party or organization the said Samuel G. Medley belongs?

A.—He belongs to the Democratic party, I believe; to the best of my knowledge and belief he votes that ticket.

Q.—State to what political organization you belong?

[Objected to.]

A.—I belong to the Republican party.

Q.—State whether or not you participated actively in the interests of the Republican party prior to and on election day?

A.—I did.

Q.—State whether or not you made inquiries as to the political reputation of persons who voted at that election in said Tres Pinos Precinct?

[Objected to.]

A.—Not directly; I inquired of the different politics of different parties, but not of every one of those that I did not know the politics of.

Q.—Where does Samuel G. Medley now reside?

A.—I do not know; I have not seen him since the day of election.

Respondent now moves to strike out all the testimony of said R. H. Mellroy, upon the grounds first in his deposition aforesaid, and waiving nothing, now proceeds to ask the said Mellroy the following questions:

#### CROSS EXAMINATION.

Q.—How frequently did you see the said Samuel G. Medley, and how intimate was your acquaintance with him?

A.—I have seen him several times, but had no intimate acquaintance with him.

Q.—Then you know nothing about his politics from any acquaintance you had with the gentleman, or from any interview had with him?

A.—No, sir.

Q.—Then we are to understand that your testimony as to the political sentiments of said Medley from the answer you have already given, that you believe he was a Democrat, is but your opinion?

A.—Yes, and from what I have seen and heard.

Q.—Not from any knowledge of your own?

A.—Nothing but what I have seen him doing on the day of election and from what I heard others say.

Q.—You say you took an active interest in the election? Have you got any interest in this contest, or do you expect any to grow out of it ultimately?

A.—I have not, nor do not.

Q.—Are you here to-day in obedience to any process, or merely voluntary?

A.—I am here in obedience to a process, on a subpoena issued in behalf of the contestant.

R. H. McILROY.

On motion of contestant's counsel, and for good cause shown, the further taking of depositions is continued until the twelfth day of January, eighteen hundred and seventy-two, between the hours of ten o'clock A. M. and six o'clock P. M.

JANUARY 11th, 1872.

### TESTIMONY OF THOMAS YOST.

THOMAS YOST was offered as a witness.

Respondent objects to said Thomas Yost being sworn or examined as a witness herein, for the reason that respondent had no notice whatever of the taking of his deposition, the name of said Thomas Yost not appearing in the notice, and no notice whatever having been given to the respondent of his examination until called upon to be sworn; and further, that the proceedings herein are irregular and not authorized by law; and further, the testimony of the witness Yost was once taken in this cause, and his testimony is now before the Senate Committee, at the instance of the contestant.

The said Thomas Yost, being first duly sworn, testifies as follows, to wit:

Question—State your name, age, and occupation?

Answer—My name is Thomas Yost; age, thirty-one; residence, Hollister; occupation, clerk.

Q.—Where was you on the sixth day of September, A. D. eighteen hundred and seventy one?

A.—In the Town of Hollister, Monterey County, this State.

Q.—Are you acquainted with John J. Janett?

A.—Yes, sir.

Q.—Where is he now?

A.—He is in Omaha; at least I have been so informed.

Q.—When did you last see him?

A.—Sometime in the latter part of October.

Q.—Where was he on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I think he was in Hollister.

Q.—State, if you know, the political reputation of the said Janett on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—He was classed as a Democrat, and so considered by Mr. N. C. Briggs and myself while making out a list for our own satisfaction.

Respondent moves to strike out the answer as not responsive to the question.

Respondent now moves to strike out all the testimony of said Yost, and waiving nothing, asks the following questions:

#### CROSS EXAMINATION.

Q.—Was not your deposition in the case of Flint versus Beek, contested election case, taken before the Commission in November last?

A.—Yes, sir.

Q.—Were you not then questioned in regard to the political reputation of said J. J. Janett?

A.—I do not remember; I think I was.

Q.—Was your testimony then the same as now?

A.—I think it was.

Q.—I understand you to say you know nothing of the political sentiments of the said Janett of your own knowledge, but only what one Briggs may have told you?

[Objected to as leading, immaterial, irrelevant, and assumes what the witness has not stated.]

A.—I was told by several parties, in addition to Mr. Briggs, that he was a Democrat.

Q.—You do not pretend to know or testify how John J. Janett voted, or for whom he voted?

[Objected to as immaterial and irrelevant.]

A.—No.

Q.—Where is the private list made by Briggs and yourself?

A.—I do not know.

Q.—Do you not know that that list was made at the instance of N. C. Briggs, and that he now has the same list, and that it was more particularly made to ascertain and marshal the vote for Assemblyman, and that said J. J. Janett's name was put down upon that list as a supporter of the Republican candidate for Assemblyman?

[Objected to by contestant as leading, impertinent, and irrelevant.]

A.—I do not.

Q.—Can you now state that such was not the fact?

[Objected to as irrelevant.]

A.—I don't understand the question.

THOMAS YOST.

On motion of contestant's counsel, and for good cause shown, the further taking of depositions is continued until the twelfth day of January, eighteen hundred and seventy-two, between the hours of nine o'clock A. M., and six o'clock P. M.

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JANUARY 12th, 1872.

#### TESTIMONY OF CHARLES ANDERSON.

Contestant now offers CHARLES ANDERSON as a witness.

Respondent, by his attorney, now objects to said Charles Anderson being sworn, on the grounds that the notice is insufficient, and the taking of the testimony is after the time set for the trial of said cause:

CHARLES ANDERSON, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name and age?

Answer—My name is Charles Anderson; age, twenty-five years.

Q.—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I was in Hollister, Monterey County.

Q.—State whether or not you voted in Hollister Precinct, Monterey County, on that day?

A.—Yes, sir.

A.—Can you read and write in the English language?

[Objected to.]

A.—A little.

Q.—At the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, did you or did you not vote for a person as Senator of the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, in said State?

[Objected to.]

A.—Yes, sir.

Q.—For whom did you so vote?

[Objected to on the grounds that it is requiring the witness to reveal the character of his ballot and for whom he voted—a fact which must be established by testimony other than by the voter himself.]

A.—I voted for Beck.

Respondent now moves to strike out the testimony of the witness, Anderson, and waiving nothing, proceeds to ask said Anderson the following questions:

#### CROSS EXAMINATION.

Q.—Did you not vote the Republican ticket at said election?

A.—Yes, I did.

Q.—Did you not vote the whole Republican ticket, including the candidate for Senator?

A.—No, sir.

Q.—Have you not said you did not vote for Beck?

[Objected to.]

A.—Yes; I believe I did say so yesterday; I don't know; I believe I did.

Q.—How is it you said on yesterday you did not vote for Beck, and now say you did?

A.—Well, a man sworn to tell the truth has got to do it.

Q.—Who prepared your ticket on election day?

A.—I did it myself.

Q.—Was there any names scratched on the ticket you voted?

[Objected to.]

A.—Yes, sir; I scratched one.

Q.—Was there any name substituted for that one?

A.—Yes; I put down one.

Q.—Whose name was scratched?

A.—Flint's.

Q.—How long have you been a resident of the State of California?

A.—Three years continuously.

Q.—How long have you been a resident of Hollister Precinct, Monterey County?

A.—Two years continuously.

Q.—Are you a citizen of the United States, and was you a citizen when you came to Hollister Precinct?

[Objected to as immaterial and secondary.]

A.—Yes, sir.

Q.—Had you voted at elections preceding the sixth of September, eighteen hundred and seventy-one?

A.—Yes; I voted once before.

Q.—Did you procure your name to be registered in the County of Monterey; and if so, by what officer?

[Objected to as immaterial and secondary.]

A.—Yes, sir, I did; by Mr. Maloney; he was the man that took my name; Mr. Hayes said he would look and see, and I asked him, and he said yes, I was registered.

Q.—What Mr. Hayes do you refer to?

[Objected to.]

A.—Mr. Hayes, the now member of the Assembly.

Q.—How long was this prior to the election?

A.—It was about a month or six weeks before election.

Q.—Did Mr. Hayes go out to see you?

A.—I don't think he did; I believe I saw him in town.

Q.—Mr. Hayes was then acting as Deputy Clerk, was he not?

[Objected to.]

A.—I don't know; I think he was.

Q.—Then Mr. Hayes, at your request, examined or informed you that he had examined and found your name registered, and that you could vote?

[Objected to as leading, immaterial, and irrelevant.]

A.—Yes; I asked him if I was registered and he said yes.

Q.—There was no objection on the part of any one to your voting on election day?

[Objected to as leading and immaterial.]

A.—No, sir.

#### RE-DIRECT EXAMINATION.

*By Contestant*—State whether you have resided in any other county of the State of California; if yea, what county?

A.—Yes, sir; in Santa Clara County.

Q.—State whether you removed from Monterey County to Santa Clara County?

A.—No, sir; I moved from Santa Clara County to this county.

Q.—Where were you born?

A.—In Germany.

Q.—At what age did you arrive in the United States?

A.—Fifteen years old.

Q.—State whether or not your parents came with you from Germany when you removed to the United States?

A.—No, sir.

#### RE-CROSS EXAMINATION.

*By Mr. Craig*—In what Court was you naturalized?

[Objected to as leading and secondary.]

A.—In the Third District Court, Santa Clara County.

Q.—Have you your naturalization papers?

[Objected to as immaterial, irrelevant, and secondary.]

A.—Yes, sir.

Respondent offers the naturalization papers of the witness, issued out

of the Third District Court of the State of California in and for the County of Santa Clara.

To which offer contestant makes no objection, but demands that such papers, if any exist, shall be made an exhibit.

Q.—Your name, I understand you to say, is not Charles Anderson, but Charlie Anderson?

[Objected to as leading and immaterial.]

A.—My name is Charlie Anderson.

Q.—How do you spell it?

A.—Cadea Anderen.

Q.—Then your name is Cadea Anderen?

[Objected to as immaterial.]

A.—Yes, sir; in my own language.

Q.—I understood you to say, in your examination in chief, that you could read and write English, now can you tell us how the word Flint is spelled in English?

A.—Fealen.

Q.—Could you tell us how Beck is spelled?

[Objected to as immaterial.]

A.—I don't think I can spell it right.

Q.—Then you don't know how the name of Beck is spelled?

[Objected to as immaterial.]

A.—I know it when I see it.

Q.—But you don't know how it is spelled?

[Objected to as leading and immaterial.]

A.—I don't know if I can spell it proper.

Q.—Then not knowing how to spell the name you would not know how to write it, would you?

[Objected to as leading and immaterial.]

A.—Yes, sir; when I see a man's name I can write it down,

Q.—You could not write without seeing it?

A.—Yes, I could write it, but there might be some that would not understand it.

Q.—And you say the ticket you voted was the Republican ticket.

A.—Yes, sir; I do.

C. ANDERSON.

On motion of contestant's counsel, and for good cause shown, the further taking of depositions is continued until the thirteenth day of January, eighteen hundred and seventy-two, between the hours of ten o'clock A. M. and six o'clock P. M.

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JANUARY 13th, 1872.

### TESTIMONY OF HENRY RILEY.

HENRY RILEY being offered as a witness by contestant, respondent objects to said Henry Riley being sworn or examined as a witness herein, for the reason that respondent had no notice whatever of the taking of his deposition, the name of said Henry Riley not appearing in the notice, and no notice whatever having been given to the respondent of his

examination until called upon to be sworn; and further, that the proceedings herein are irregular and not authorized by law.

HENRY RILEY, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth in relation to the matter of the above entitled contest, deposes and says:

Question—State your name, age, and occupation?

Answer—My name is Henry Riley; age, thirty-six years; occupation, farmer.

The further taking of testimony, by consent of the parties, is continued until Monday, the fifteenth day of January, and the witness Riley is directed to be present before the Justice on said day, at nine o'clock A. M.

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JANUARY 15th, 1872.

### TESTIMONY OF HENRY RILEY RESUMED.

Question—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial.]

Answer—I was at home, at my house in Santa Rita Precinct, in this county, I think, until the evening, when I went to vote.

Q.—State whether or not you voted in said Santa Rita Precinct at the general election held on said sixth day of September, A. D. eighteen hundred and seventy-one, for the office of State Senator of the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

[This question is objected to upon the grounds that it is leading, incompetent, and secondary; it is requiring the witness to divulge the character of his ballot, and is something that should be established, if established at all, by testimony other than by the person himself; and no freeman should be placed under the lash and spur of this modern-day Inquisition, and be compelled to divulge that which to him is a secret privilege, and so recognized by our entire system and framework of government, and has always been so recognized, and ever ought to be; and the tribunal before which these proceedings shall come should treat it as a secret privilege belonging to the witness, and the testimony should be wholly disregarded.]

A.—I voted the Democratic ticket, all except three gentlemen, who belonged to the Republican party.

Q.—State whether either of said three Republican gentlemen was a candidate for the office of State Senator of said Sixth Senatorial District of the State of California?

[Same objection as to last question.]

A.—I don't suppose they were candidates for State Senator.

Q.—For whom did you vote to discharge the duties of said office of Senator?

[Same objection as made to the third interrogatory propounded to this witness, with this additional objection: that the question is unintelligible.]

A.—I voted for Mr. Beck.

Respondent now moves to strike out this testimony, upon the grounds set forth in this deposition before the witness was sworn and the objections made in the body of the deposition; and upon the grounds, particularly, that the name of the witness is not in the notice to take depositions; and, expressly waiving nothing, now proceeds to ask the witness the following questions:

## CROSS EXAMINATION.

Q.—How long have you been a resident of the State of California?

[Objected to as immaterial and irrelevant.]

A.—Over eight years continuously.

Q.—How long had you been a resident of Monterey County, Santa Rita Precinct, immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—Over two years continuously.

Q.—Had you voted at former elections in said precinct and county?

[Objected to as immaterial and irrelevant.]

A.—I voted in Salinas Precinct, Monterey County, at former elections.

Q.—Did you not procure your name to be registered by prominent Republicans, and did they not advise you that you was registered and entitled to vote?

[Objected to as immaterial, irrelevant, and not properly in cross examination.]

A.—The gentleman who first asked me why didn't I vote, I told him I lost my papers, but I had a soldier's discharge from the United States army, and he told me I was entitled to vote; his name was Mr. Gillett; he caused my discharge to be sent to Monterey, and told me that my name was on the Great Register, and when I went to Salinas to vote, at the time of the Salinas election, Mr. Riker and another gentleman, I don't know his name, proved that I was a citizen and entitled to vote; it was before the Justice that they testified.

Q.—Mr. Riker is a prominent Republican of this county, is he not?

[Objected to as immaterial and irrelevant.]

A.—I can't tell you; I don't know the gentleman's politics.

## RE-EXAMINATION BY CONTESTANT.

Q.—State at what election you voted in Salinas Precinct?

A.—At the election for the removal of the county seat, in the year A. D. eighteen hundred and seventy.

Q.—You state that you had lost your papers. What papers do you refer to?

[Objected to.]

A.—My citizen papers; I presented them in other counties and they let me vote.

Q.—State whether or not you have found the papers you call your citizen paper since you informed the gentleman that you had lost them.

[Objected to by respondent.]

A.—I found them and told the gentleman I had found them.

Q.—Where are those papers now?

A.—I have got them in my possession, I expect.

Contestant now offers in testimony the original paper called a citizen

paper, which contestant claims is simply a declaration of witness' intention to become in the future a citizen of the United States

Witness refuses to permit said papers to be attached to his deposition as an exhibit thereto.

*By Respondent*—The attorney, Mr. Heath, has endeavored by the foregoing question to get possession of papers and documents, the private property of the witness, and to give their purport, and completed the foregoing paragraph, if paragraph it can be termed, from line eight to line seventeen, both inclusive, without either the witness or respondent's attorney being able or permitted to interpose, except that which is contained in the ninth line, which alone was uttered by the witness.

Q.—Will you now furnish to the officer taking this deposition the paper or papers you denominate citizen papers, to be attached to this deposition as an exhibit or exhibits?

A.—If I am compelled by law to do it, I will do it; if not, I will not.

Q.—When you received the document or documents you call citizen papers were there any witnesses examined? If yea, how many?

[This question is wholly incompetent; besides, all these questions propounded by contestant in regard to the citizen papers are in cross examination of his own witness, not being responsive to any question asked the witness by respondent, and is objected to.]

A.—If I recollect, there was not any.

Q.—State whether or not Mr. Gillett administered to you an oath when he took your discharge as a soldier for the purpose of placing your name upon the Great Register?

A.—Mr. Gillett did not administer any oath.

Q.—State whether or not any Clerk of the County of Monterey, or Deputy Clerk, Assessor, or Deputy Assessor, or Justice of the Peace, ever administered an oath to you whereby you was required to swear as to your name, age, residence, and place of nativity, for the purpose of causing your name to be placed or of placing the same upon the Great Register?

[Objected to by respondent as immaterial.]

A.—I never took an oath to get my name on.

Q.—State the place of your nativity?

A.—I was born in Ireland.

HENRY RILEY.

The further taking of depositions is continued until the sixteenth day of January, eighteen hundred and seventy-two, between the hours of nine o'clock A. M. and six o'clock P. M.

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JANUARY 16th, 1872.

### TESTIMONY OF A. HEATH.

Contestant now offers A. HEATH for examination.

Respondent objects to A. Heath being sworn or examined, upon the grounds that no notice whatever was given to the respondent for the taking of his deposition in this County of Monterey; that these proceedings are irregular and not authorized by law, and the testimony is now being taken after said cause was set for trial before the Senate, and that said Heath is attorney for contestant.

The said A. HEATH, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name, age, residence, and occupation?

Answer—My name, Albert Heath; age, near forty-six; an attorney; reside in Santa Cruz, California.

The further taking of depositions is continued until the seventeenth day of January, eighteen hundred and seventy-two, at ten o'clock A. M.

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JANUARY 17th, 1872.

### TESTIMONY OF A. HEATH RESUMED.

Question—State if you know what diligence has been used by contestant to procure the attendance of witnesses at the taking of depositions in this contest?

*By Respondent*—This question is propounded by A. Heath to himself, to be answered by himself; he is a voluntary witness on the stand, his name not contained in the notice, and his testimony should be disregarded. It is therefore objected to.

Answer—I, as contestant's counsel, procured subpoenas, to be issued for witnesses to be in attendance here on the eighth day of January, some days before the eighth. Since that time contestant has had several persons engaged in summoning witnesses.

### CROSS EXAMINATION.

Q.—Then the contestant himself has used no diligence nor taken any part in the matter of procuring witnesses, but only yourself who pretends to have used this diligence?

A.—The contestant has retained me as his attorney, and has provided money with which to secure the attendance of witnesses, pay officers, and suggested to me names of witnesses; also informed me that he had been called away from here and necessarily could not be in attendance at the taking of depositions.

Q.—Then the contestant left all matters, other than those enumerated by you, to be conducted and managed by you?

A.—Yes, except I have received from him letters and instructions through a third party, as to the taking of the depositions.

Q.—Who was that third party?

A.—I shall refuse to give his name, as all matters of conversation related to the contestant's business connected with the above contest, and as an attorney I should not divulge the same nor the name of my informant.

Q.—I did not ask you to divulge any secrets or information you had received through the messenger or informant, and would not assume for a moment to do so, but I only asked you the name that I might know whether it was an underground system, or a bold, free, frank, manly, business like system of communication, and who the gentleman was; and now I ask you, was he an attorney at law or not?

A.—It was a bold, manly, and business-like system of communication.

I cannot say whether he was an attorney at law or not, that is to say, whether he was ever admitted to practice law, and shall not state the gentleman's name.

Q.—Then, if it was a bold, manly, and business-like transaction, why, sir, do you refuse to give me his name?

A.—Because I do not know, nor do I believe, that the gentleman is employed by contestant in any capacity whatever, either as an attorney or as a business man; therefore I think he might be compelled under his oath to state the substance of contestant's verbal statements or instructions to me.

Q.—Then you have assumed on former occasions in the taking of these depositions to dictate to John W. Whitney, the officer before whom these depositions are now being taken, whose only power is to administer an oath to the witness and certify to his deposition when taken, that witnesses who refuse to divulge a secret privilege should by him be compelled to divulge it, and have gone so far on one or more occasions in the taking of these depositions as to spread an order of your own dictation upon the records requiring and seeking to compel them to testify and divulge, and now refuse to testify to a fact which is, as you say, within your own knowledge?

A.—I have not assumed to dictate to John W. Whitney, the officer, in any respect, nor, as I believed and now believe, have I asked any witness a question which would require an answer divulging any secret privilege whatever. I have suggested the forms once or twice of an order or orders, but have not dictated to said Justice any order whatever.

Q.—Have you not repeatedly, during the taking of these depositions, asked gentlemen who were placed upon the witness stand, procured to be brought here by your own process against their will, to divulge the contents and purport of the ballot which they as free and independent men and citizens of this State and nation folded up on election day and dropped into the ballot box as the law directs, and when they refuse to say as much to you as to divulge that secret privilege which might or might not seriously affect the individual who you forced on the stand, you dictated an order and endeavored to get Squire Whitney to compel them to divulge and make the exposition, or inflict upon them fine or imprisonment or both?

A.—I have asked every witness whom I have procured to be placed upon the stand whom I believe to be an illegal voter, how they voted for Senator for the Sixth Senatorial District of the State of California, and have, when a witness refused to answer, moved Justice Whitney to compel such witness or witnesses to answer, but have not dictated to him a single order that he has made during the taking of those depositions, nor would he permit me so to do.

Q.—You, then, seem to set yourself up as a judge of whether gentlemen are legal or illegal voters, and upon that you are assuming to act?

A.—No, sir.

Q.—Now, sir, recognizing and knowing beyond any question that the only power vested in this tribunal is to administer oaths to witnesses and certify to depositions when taken, without which authority he could not act in the premises, and that any other officer authorized to administer an oath could act in the same office if the notices had have been so directed, I cannot compel you to do so, and would not assume to do so and place my name in such a position upon the records, but I now ask you who the

gentlemen were, and in what capacity they acted, who you say you procured to be sent after witnesses?

A.—I recognize the power of Justice Whitney to compel the answer to the last question, and if I refuse to answer to punish me for contempt; therefore I will proceed to answer; before the eighth of January, Joseph N. Dunning; since the eighth of January, R. H. Mellroy, J. N. Dunning, Simon P. Breen, and M. G. Elmore; none of whom, except Joseph N. Dunning, is an officer authorized to certify to the service of subpoenas; Joseph N. Dunning is a Deputy Sheriff as well as Constable.

Q.—Is R. H. Mellroy the same Mellroy sworn as a witness, and whose deposition was taken herein, since the commencement of these depositions?

A.—Yes; and I, as contestant's counsel, hired him to serve subpoenas.

Q.—Are you not aware that there are three or four Sheriffs, Under Sheriffs, and deputies in this county; and are you not now aware, and were you not aware of the fact soon after commencing to take those depositions, that gentlemen at home pursuing their legitimate avocations would not and did not yield obedience to your so-called process or subpoenas served by those other than officers of the county; and are you not aware that a large number of the so-called subpoenas which you issued, or caused to be issued, requiring witnesses to attend, had no date whatever fixed in the body of them for their attendance?

A.—First, Yes; at least three; second, No; but I do know that witnesses subpoenaed by other than the officers of this county have already attended and testified; third, I do not; but will answer that I issued no subpoenas myself; they were issued by Justice Whitney; and I believe that two or three of them required the witnesses therein named should appear before Justice Whitney forthwith; every subpoena that I saw had upon it the date of its issuance.

A. HEATH.

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### TESTIMONY OF H. STANLEY.

H. STANLEY being offered as a witness by contestant, respondent objects to H. Stanley being sworn as a witness, for the reason that the notice to take these depositions is insufficient, and the proceedings herein are illegal, and are not conducted in accordance with the notice or the law.

H. STANLEY, being first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—What is your name, age, residence, and occupation?

Answer—My name is Horatio Stanley; age, thirty-eight; residence, Natividad, Monterey County; occupation, farmer.

Q.—State whether you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as incompetent and secondary; the law provides a record of those who voted.]

A.—Yes, sir.

Q.—Where?

[Objected to.]

A.—At Natividad, Monterey County, State of California.

Q.—State whether or not you at that election voted for any person as Senator of the State of California in and for the Sixth Senatorial District of said State, composed of the Counties of Monterey and Santa Cruz?

[Objected to as incompetent, requiring the witness to reveal that which is his own secret privilege.]

A.—I suppose I did if there was any Senator on the ticket.

Q.—To what political organization, if any, do you belong?

A.—I am a Democrat.

Q.—Who prepared the ticket or ballot which you cast at said election?

[This question is objected to; it is impertinent, the business of the elector, and no other man's business.]

A.—I prepared it myself.

Q.—State the kind of ticket you voted; whether printed or written?

[Same objection as made to the last question.]

A.—Printed.

Q.—State whether or not there was a name or any names printed upon your ticket that you erased and interlined with the name of a candidate running for the same office?

A.—Not that I recollect; I don't recollect.

Q.—Were there any written names on your ticket?

A.—No, sir.

Q.—For whom did you vote as State Senator of this the Sixth Senatorial District of the State of California?

[Objected to as incompetent, irrelevant, secondary, and not the best evidence; it is requiring this witness, who is forced here in obedience to a pretended process, without even the color of authority, to testify and reveal the character of his ballot and for whom he voted, which is his most secret privilege.]

A.—I voted a straight Democratic ticket. No written name on it.

Respondent moves to strike out all the deposition of this witness, and waiving nothing asks the following questions:

#### CROSS EXAMINATION.

Q.—Please state how long you had been a resident of the State of California immediately next preceeding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—About twenty-one years continuously.

Q.—Please state how long you had been a resident of said Natividad Precinct, Monterey County, immediately next preceeding said sixth day of September, eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—About two years and a half continuously.

Q.—Are you a citizen of the United States, and if yea, are you native or foreign born?

[Objected to as immaterial and irrelevant.]

A.—I am a native born citizen; was born in the State of Ohio.

Q.—Had you voted at former elections in the County of Monterey?

[Objected to as immaterial and irrelevant.]

A.—No, sir; I had not.

Q.—What, if anything, did you do, and what investigations did you make, to procure your name to be registered and enrolled in accordance with the Election Law of the State, and to ascertain if you were regularly and properly registered and enrolled?

[Objected to as immaterial and irrelevant.]

A.—I went to Mr. Houek, about four or five weeks before election, as near as I can recollect, and told him I wanted to get registered; he asked me if my name was on the Great Register; I told him no, that I had never been registered in the State of California; he took my name, or swore me in and took my name, and said he would send it to Monterey; he swore me as to my name, age, place of nativity, and that I was not registered in any other county in this State; he (Houek) then procured my name to be enrolled on the poll list at Natividad Precinct.

Q.—Do you know whether Mr. Houek was acting in the capacity of Clerk, Deputy Clerk, or Deputy Assessor?

[Objected to as immaterial and irrelevant, secondary, and not proper cross examination.]

A.—No, sir; I do not know.

Q.—There was no objection made on the day of election, or at any other time, by the Election Board, or any citizen or person, to your exercising the privilege of voting?

[Objected to as leading and not in cross examination of witness upon any question asked him by contestant.]

A.—I did not hear any, and the Board of Election received my ballot.

Q.—You state you had been a resident of said precinct about two and a half years—is it not a fact that you were well and intimately known by a large number of the people of said precinct and the Election Board, and is it not a fact that you were and had been superintending and managing one of the principal stock growing and grazing ranchos of that section of the county?

[Objected to as immaterial, irrelevant, and leading, and in accordance with the custom of the counsel for respondent to dictate to the witness the answer that he desired the witness to give.]

A.—Yes, sir; I was well known by the Board of Election and a large number of the people of the precinct, and I had no ranch in charge.

Q.—I understand you to state, in answer to questions propounded to you in chief, that, as a fact, you do not know whether the name of Thomas Beck, the respondent, was upon the ticket you voted or not?

[Objected to upon the same grounds as stated in the preceding question.]

A.—Yes, sir; I do know it.

HORATIO STANLEY.

The further taking of testimony is continued until the eighteenth day of January, eighteen hundred and seventy-two, at ten o'clock A. M.

JANUARY 18th, 1872.

#### TESTIMONY OF LEWIS E. MCKAY.

LEWIS E. MCKAY is offered now as a witness by contestant.

Respondent now, before said witness is sworn, objects to his being

sworn or examined as a witness, upon the ground that no notice whatever was given for the taking of his deposition; that these proceedings are not authorized by law, nor has any authority been given for the same by the tribunal in which the proceedings are pending.

LEWIS E. MCKAY, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name and age?

Answer—My name is Lewis E. McKay; my age, twenty-six years.

Q.—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—In Castroville Precinct, Monterey County, State of California.

Q.—State what political party or organization, if any, you are connected with?

[Objected to.]

A.—The Democratic party.

Q.—State whether or not you voted at the general election held in the State of California on the sixth day of September, A. D. eighteen hundred and seventy-one; and if yea, where?

[Objected to.]

A.—I did; at Castroville Precinct, Monterey County.

Q.—State whether or not you voted for any person for Senator of the State of California, in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

[Same objection made by respondent to the tenth interrogatory propounded to Horatio Stanley. See Stanley's deposition.]

A.—I did.

Q.—For whom did you so vote?

[Same objection made by respondent to the tenth interrogatory propounded to Horatio Stanley. See Stanley's deposition.]

A.—For Thomas Beck.

Respondent now moves to strike out all the testimony of the witness McKay, upon the grounds, first, in his deposition aforesaid and the objections therein made; and further, that it does not appear, and has not been made to appear, that the witness had not the right to vote, or that his vote was illegal; but, on the contrary, it does appear prima facie that he had the right to vote. And now, waiving nothing and recognizing none of these proceedings as having the least color of authority, respondent proceeds to ask the witness, Mr. McKay, the following questions:

#### CROSS EXAMINATION.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial, irrelevant, and incompetent.]

A.—Seven years, lacking six days, continuously.

Q.—How long had you been a resident of said Castroville Precinct immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial, irrelevant, and incompetent.]

A.—About seven months and a half continuously.

Q.—Are you a citizen of the United States, and were you, on said election day; and if yea, are you native or foreign born?

[Objected to as immaterial and incompetent.]

A.—I am and was; I am native born; was born in the State of Illinois.

Q.—And I understand you to say you are twenty-six years of age?

A.—I am.

Q.—Had you been a voter in said Monterey County, and had you voted at former elections in said county; and if yea, at what elections and in what precincts?

[Objected to as incompetent, immaterial, and irrelevant.]

A.—I had been a voter and voted at the Presidential election in Monterey Precinct, Monterey County, in eighteen hundred and sixty-eight.

Q.—Did you not, after being registered and after having voted at the Presidential election, cause your name to be transferred from the poll list of Monterey Precinct to the poll list of Salinas Precinct?

[Objected to as incompetent, irrelevant, and immaterial, and upon the further ground that, as heretofore has been the custom of attorney for respondent, he now desires to direct the witness how he shall make answer to the question propounded.]

A.—I did.

Q.—Did you not afterwards, and prior to the election held on the sixth day of September, eighteen hundred and seventy-one, apply to the Clerk of the Board of Registration of Castroville Precinct, at which you say you voted, to procure your transfer from said Salinas Precinct to said Castroville Precinct, and did he not, in pursuance of your request, procure your transfer and enroll you upon the said Castroville poll list?

[Objected to as leading, incompetent, and not properly in cross examination of witness.]

A.—I did.

Counsel for respondent, Beck, now exhibits to witness the printed poll list of the said County of Monterey for the year eighteen hundred and seventy-one, containing those legally qualified to vote at the general election to be held on the sixth day of September, eighteen hundred and seventy-one, as appears by recital therein, pursuant to the provisions of the Registry Act, and asks the witness this question:

Q.—Do you find your name upon that printed and certified poll list; and if yea, what precinct has the Clerk therein certified you to be a resident of?

[Objected to as leading, immaterial, incompetent, secondary, and not properly in cross examination of the witness.]

A.—I find it all right but one letter in the surname, that is "e" should be "a;" certified to for Salinas Precinct, where my name formerly was, but I had it transferred to Castroville.

Q.—Please examine that printed poll list which you now hold in your hand, and from the examination of which you have answered the last preceding question, and give us the date thereof and the caption?

[Objected to upon the same grounds of objection as in the preceding question.]

A.—The printed poll list which I hold in my hands, and on which I find my name registered, and as domiciled Salinas, has the following caption thereon:

#### POLL LIST.

Containing the names and enrollment of all persons residing in Salinas Precinct, in the County of Monterey, legally qualified to vote at the

general election to be held on the sixth day of September, eighteen hundred and seventy-one, enrolled and made out pursuant to the provisions of the Registry Act.

Q.—I understand, then, that your name is Lewis Evans McKay, and they have given your name upon the printed poll list as Lewis Evans McKey, the only real difference being they have, through mistake, substituted the “e” for the “a” in the surname?

[Objected to upon the same grounds as is contained in the objection to the eighth question, and also upon the further ground that the substance of the same question has already been answered at least three times by the witness, and that it is apparent from these several repetitions that respondent only desires to consume time, thereby preventing the examination of all of contestant’s witnesses before the twenty-eighth day of January, A. D. eighteen hundred and seventy-two.]

*By Respondent*—See Colonel Heath’s testimony, who swears he cannot get the witnesses here, notwithstanding his diligence.

A.—Yes, sir, that is the only difference.

LEWIS E. MCKAY.

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#### TESTIMONY OF J. BANDY.

J. BANDY is now offered as a witness by contestant.

Respondent now objects, before said Bandy is sworn, to his being sworn or examined as a witness, upon the same grounds contained in the objection made to the witness L. E. McKay being sworn or examined. (See McKay’s deposition.)

J. BANDY, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name and age?

Answer—My name is Jesse Asbury Bandy; my age, thirty-eight years.

Q.—State whether or not you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, state where?

[Objected to.]

A.—Yes, sir; I voted at Peach Tree Precinct, Monterey County..

Q.—State what political party or organization, if any, you are connected with?

[Objected to.]

A.—I am a Democrat.

Q.—Did you vote at that election a written or printed ticket?

[Objected to upon the same grounds contained in the objection to the tenth interrogatory propounded to Horatio Stanley.]

A.—I voted a printed ticket, with some writing on it.

Q.—Who wrote upon your ticket?

[Objected to upon the same grounds contained in the objection to the tenth interrogatory of Stanley’s deposition.]

A.—I don’t know who wrote on it; I found one that suited me.

Q.—Can you read and write?

[This question is objected to upon the ground that it is immaterial and, at the same time, impertinent, bringing a witness here, without the color of authority to do so, seeking to compel the witness to testify against himself, or, to say the least of it, to expose or divulge that which, to the witness, is his own secret privilege and private concern, and indirectly offering an insult to his own witness.]

A.—Yes, sir.

Q.—Did you read the names that were written and printed upon that ticket?

[Objected to as immaterial, the business of the witness, and no other man's business.]

A.—Yes, sir.

Q.—Then you know, do you, for what officers you voted that day?

[Objected to as seeking to cross examine his own witness, and to maintain and support the objections heretofore made.]

A.—I know some of them; at least I couldn't call all their names now.

Q.—State whether you voted a Republican or Democratic ticket?

[Objected to.]

A.—I voted a Democratic ticket.

Q.—State whether or not your ticket contained the names of persons to be voted for for all offices that were that day to be elected in the State of California?

[Objected to upon the same grounds contained in the objections to the tenth interrogatory propounded to Horatio Stanley.]

A.—I could not be positive; I suppose it did.

Q.—For whom did you vote on that day as Senator for this district?

[Objected to upon the same grounds contained in the objection to the tenth interrogatory propounded to Horatio Stanley, and upon the ground that it nowhere appears that the witness knows who he voted for for the office of Senator, and if he did, it should be established by testimony other than by the witness.]

A.—I believe I answered that question once; I voted a Democratic ticket.

Q.—For whom did you vote on that day as Senator for this district?

A.—I voted for Thomas Beck.

Respondent now moves to strike out all the testimony of the witness, Bandy, upon the grounds of the objections in his deposition first aforesaid; and also, for the same reason, to strike out McKay's deposition—and waiving nothing, now proceeds to ask the witness, Mr. Bandy, the following questions:

#### CROSS EXAMINATION.

*By Respondent*—Did not A. Heath, who appears as an attorney, and who propounded to you the foregoing interrogatories, say to you while on the witness stand, and immediately after propounding the twelfth interrogatory of this deposition, and before the same was answered, that unless you answered that question you would be held until W. M. R. Parker, the County Clerk, should reach here?

[Objected to as immaterial, irrelevant, leading, and an improper mode of cross examining the witness.]

A.—Yes, sir.

Q.—How far is it to your place of residence?

A.—I think it is all of a hundred miles.

Q.—Have you a wife and children?

[Objected to as immaterial and irrelevant, and not a proper cross examination of the witness.]

A.—No, sir.

Q.—What is your occupation?

A.—I am a farmer, and have some stock.

Q.—Is it not a fact that the intimation of contestant's counsel, that you would be detained here until Parker should come, and thereby holding said Parker *in terrorem* over you, and your remoteness from home, induced or rather compelled you to testify or state the contents of your ballot?

[Objected to as leading, immaterial, irrelevant, and not properly a cross examination of witness.]

A.—When I am away from home there is nobody there, and I am anxious to get home.

Q.—How long had you been a resident of the State of California immediately next preceding the sixth day of September, eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—About two years continuously.

Q.—How long had you been a resident of said Peach Tree Precinct, Monterey County, immediately preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial and irrelevant.]

A.—Not quite two years; I went there in November, eighteen hundred and sixty-nine; I lived there continuously up to the election.

Q.—Was you a citizen of the United States at the time of said election; and are you native or foreign born?

[Objected to as immaterial, irrelevant, and secondary.]

A.—Yes, sir. I am native born; I was born in the State of Tennessee.

Q.—Are you not well known, and was you not well known said day of election, to the people of said election district, having lived there for two years, and was you not regularly enrolled on your poll list, and was there any objection made by any person, to your voting?

[Objected to as leading, irrelevant, immaterial, and not properly in cross examination of witness.]

A.—I am pretty well acquainted with the most of them; I was regularly enrolled; no person that I heard of objected to my voting.

#### RE-DIRECT EXAMINATION.

*By Contestant*—Did not A. Craig, Esq., counsel for respondent, in presence of Justice Whitney and others, and before A. Heath, say to you that if you declined to answer said twelfth question, he (said Heath) would be compelled to ask said Justice Whitney to suspend your examination until the arrival of Mr. Parker, saying: "If I was in your place I should decline to answer that question," or words to that effect?

*By Respondent*—The first subdivision of this question seems to imply that respondent's counsel stated that if the witness refuse to answer, that he (the witness) would be held until the arrival of Parker. If that is the answer intended to be elicited, it is untrue.

A.—I understood him to say I need not, if I was not of mind to; I understood Heath to say I would have to be detained until Parker came.

## TESTIMONY OF R. H. McILROY.

R. H. McILROY is now again offered as a witness by contestant to testify.

This witness McIlroy has been once examined by the contestant, and his testimony closed. His name was not contained in the notice. Contestant seems to use, or attempts to use, the said witness McIlroy as a witness in his behalf, without any authority, notice, or commission as to them occasion seems to require, and respondent objects to his examination, and respectfully asks that the Senate Committee strike out the testimony and disregard it. It certainly is an anomaly in proceedings of this character.

Question—State whether or not you have been engaged in serving subpoenas upon witnesses to appear before Justice Whitney, to be examined and their depositions taken by him in the above entitled contest?

[Objected to.]

Answer—I have.

Q.—State the names of such witness or witnesses?

[Objected to as secondary. If the witness had any authority to serve subpoenas, or had any subpoenas placed in his hands for service, his returns upon the subpoena should give his authority, and the subpoena itself should show the names of the witnesses, and it nowhere appears that he is competent to serve a subpoena, and it nowhere appears that he is an officer, nor can it be made to so appear, and it nowhere appears that he is a white male citizen of the United States.]

A.—A. J. Rader, Charles Imus, J. Bandy, Anderson, and Frank Hardin.

Q.—State whether you served said subpoena upon Frank Hardin?

[Same objection as to the last question.]

A.—I did not.

Q.—Why did you not?

[Same objection.]

A.—Because I could not find him in this county.

Q.—In your examination taken in this proceeding on the tenth day of January, A. D. eighteen hundred and seventy-two, in answer to the fourth question then propounded to you by contestant, you state that you did not see Mr. Hardin, or if you did you did not know him. Since that time have you made inquiries of voters in Tres Pinos Precinct as to the political reputation of said Frank Hardin on the sixth day of September, A. D. eighteen hundred and seventy-one?

*By Respondent*—This question is objected to. It relates to the former testimony, or rather statement, not testimony, of McIlroy; cross examining his own witness. It is hearsay testimony, obtained by an interested party sent by contestant, fishing for said hearsay testimony.

A.—I believe I did say so, and have made inquiries since I testified before.

Q.—State if you know where said Frank Hardin now is, and also the sources of your information?

[Same objection as to last question.]

A.—I do not; some say he is in Santa Clara County; others say he is in San Luis Obispo County.

Q.—What was the political reputation of said Frank Hardin on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Same objection.]

A.—It was Democratic.

Respondent moves to strike out, upon the same grounds in the motion to strike out L. E. McKay's deposition. (See McKay's deposition.)

Q.—Are you the same R. H. McIlroy whose deposition was taken in this case on the tenth instant?

A.—I am.

Q.—When did you come to San Juan on business connected with the taking of these depositions?

[Objected to as immaterial, irrelevant, and not properly in cross examination of the witness.]

A.—I came to San Juan on the evening of the seventh, being required to appear here at ten o'clock on the day of the eighth of January. The distance being thirty miles, I could not get here by that time on the eighth.

Q.—You have since that time been employed on the part of the contestant to subpoena and hunt up witnesses, have you not?

[Objected to as immaterial and irrelevant.]

A.—I have; to serve subpoenas on persons herein described, but not to hunt up any witnesses other than those whose names appeared in said subpoenas.

Q.—Who employed you in this behalf?

[Objected to as immaterial and irrelevant.]

A.—Colonel Heath.

Q.—Then you, not knowing the political sentiments of Frank Hardin, and not even knowing him personally, as stated by you in your former declaration, all you know of, about, or concerning him or his politics, you have learned from hearsay since you were out in the employ of the contestant or Colonel Heath.

[Objected to as immaterial, irrelevant, leading, and not proper cross examination.]

A.—From hearsay before and since.

Q.—Did you not state in your former declarations that you did not know him or his politics?

A.—I did say, of my own knowledge, I did not know his politics.

Q.—Did you not state in substance that you did not know his political sentiments or reputation?

[Objected to.]

A.—Not of my own knowledge; I did not know his political sentiments; I so state now, I don't know his political sentiments.

Q.—Not knowing his political reputation of your own knowledge on the tenth of January, eighteen hundred and seventy-two, and only knowing what you have heard since in the employ of contestant, why do you testify to his political sentiments or reputation as far back as the sixth of September, eighteen hundred and seventy-one, as you did?

[Objected to.]

A.—Because I have been told that on that day he was requesting a man to vote the Democratic ticket, and the man said he did not like the parties that were on the ticket; and he said there was but one better man in the world than Haight and Tully, and that was Hardin.

Q.—When was this told you?

[Objected to.]

A.—On the eleventh, I think, of January, eighteen hundred and seventy two.

Q.—Why did you not bring that man here, instead of testifying to what he told you?

[Objected to as irrelevant, immaterial, and there is no foundation laid for the question; it not appearing that the witness, McIlroy, had a subpoena for such a person.]

A.—I was not employed so to do; not having any subpoena to authorize me to do so.

Q.—Was he a Republican or a Democrat that told you so?

[Objected to.]

A.—I don't know; I did not ask him.

Q.—In answer to one question asked you, you stated that you was in the employ of contestant to subpoena witnesses, but not to hunt them; how is it you obtained the information you have given of Frank Hardin's politics without inquiring for them?

[Objected to.]

A.—In inquiring after his whereabouts or his place of residence, the people asked me for what I wanted him, and I told them I had a subpoena for him, and they wanted to know in what case, and I told them in the case of Beck and Flint, contesting election, and they voluntarily told me these things without my inquiring them, and also stated that he left this county immediately after the commencement of this suit for contesting the election.

Q.—You stated in your examination that you had taken an active part for and in the interest of the Republican party, did you not?

[Objected to as immaterial and irrelevant.]

A.—I did.

Q.—Was you an officer of any kind on the eighth day of January, eighteen hundred and seventy-two, have you been since, or are you now?

[Objected to.]

A.—I was not, have not been, nor am not now.

#### RE-DIRECT EXAMINATION.

*By Contestant.*—Are you a person?

A.—I am.

. R. H. McILROY.

The further taking of these depositions is continued until the nineteenth day of January, A. D. eighteen hundred and seventy-two, at ten o'clock A. M.

JANUARY 19th, 1872.

#### TESTIMONY OF CHARLES A. IMUS.

Charles A. Imus is now offered as a witness by contestant.

Respondent objects to said Imus being sworn, upon the same grounds and for the same reasons contained in the objection heretofore made to the witness, L. E. McKay, being sworn. (See McKay's deposition.)

CHARLES A. IMUS being duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—What is your name and age?

Answer—My name is Charles A. Imus; my age is forty-three years, I think; my register was lost in crossing the plains.

Q.—Where were you on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—Peach Tree Precinct, Monterey County, California.

Q.—State whether or not you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one; and if yea, in what precinct?

[Objected to.]

A.—I voted, and voted in Peach Tree Precinct.

Q.—To what political organization, if any, do you belong?

[Objected to.]

A.—I don't belong to any organization, but am a Democrat.

Q.—At the election held on said sixth day of September, A. D. eighteen hundred and seventy-one, state whether you voted for any person as Senator in and for the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the same grounds contained in the objection made to the tenth interrogatory propounded in Horatio Stanley's deposition. See Stanley's deposition.]

A.—I did.

Q.—For whom did you so vote?

[Same objection made as to the last question. See Stanley's deposition. It is requiring the witness and voter to reveal the character of his ballot, when it is within the power of the contestant to establish the nature and character of the ballot by others than the voter himself.]

A.—I decline to answer the question.

Q.—Are you acquainted with Thomas Beck, the respondent?

A.—I am.

Q.—State to what party or political organization he belongs, if you know?

A.—He is generally known as a Democrat, at least I know him as such.

Q.—Was he a candidate for any office within the State of California during the year A. D. eighteen hundred and seventy-one?

A.—He was.

Q.—For what office?

A.—For State Senator for the Counties of Monterey and Santa Cruz.

Q.—How many political party tickets were cast at the polls in the Peach Tree Precinct on said sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as immaterial, incompetent, and irrelevant.]

A.—Two parties.

Q.—State the names of said parties?

A.—Democrat and Republican.

Q.—State whether or not you voted a printed or written ticket?

[Objected to.]

A.—I voted a printed ticket with a written name upon it.

Q.—State whether you can read and write?

[Objected to as immaterial and irrelevant.]

A.—I can.

Q.—Who prepared your ticket before you cast your ballot?

[Same objection.]

A.—I prepared it myself.

Q.—State whether or not you voted at that election a party ticket?

[Objected to upon the same grounds contained in the tenth interrogatory to Horatio Stanley.]

A.—I decline to answer.

Q.—Did you at that election vote for the candidates of the party to which you have heretofore said you belonged?

[Same objections.]

A.—I decline.

Contestant now asks that the witness be required and compelled to answer the question.

Judge Whitney decides that he cannot rule to enforce the order at the present stage of the proceedings; there is no evidence brought out to show that he is an illegal voter.

Q.—State whether or not the written names upon your ticket, placed there, as you say, by yourself, were for township officers?

[Objected to. Same objection as above.]

A.—I decline to answer.

Contestant now asks that the witness be compelled to answer the question.

I, Justice Whitney, require that the witness answer the question.

*By Respondent*—This, the Senate Committee will observe, are somewhat singular proceedings; the power of this officer is to administer oaths to witnesses and certify to depositions when taken, having no judicial powers beyond that, no judicial power to adjudge or determine the legality or illegality of the vote, or the competency or incompetency of the testimony, and is therefore excepted to and objected to.

*By Contestant*—If the learned counsel for respondent is correct in his opinion, that an officer who is authorized to take depositions has no power to compel a witness to testify as to matters pertinent to the issues, then the taking of depositions in any case whatever would be a mere farce, and the Senate Committee will now see, and probably determine, that if the witness is a legal voter the question asked by contestant cannot in any event show to the world the names of the persons for whom he voted, and therefore does not impair his rights, if a legal voter, by compelling him to divulge the character of his vote or the secrets of his ballot.

Justice Whitney orders that he, the witness Charles A. Imus, be fined for contempt, in refusing to answer the question aforesaid, in the penalty or sum of five dollars.

*By Respondent*—To the imposing of such fine, or any fine or penalty whatever, respondent protests and objects, upon the ground, as repeatedly stated herein, that no such power is vested in said Whitney to impose the same, and respectfully asks, where is his docket, his records, upon which to enter his judgment, and from which to issue his execution for the same? Are the records before the Senate Committee of this State to be the basis of an execution to seize the property of Charles A. Imus or hold him in durance vile? and witness Imus protests and objects.

*By Contestant*—It appearing that the learned counsel for respondent is unfamiliar with proceedings of this kind, contestant suggests to him that the Senate of the State of California, for which body Justice Whitney is now taking testimony, has power to enforce answers to all legal and pertinent questions, and to punish contumacious witnesses for contempt.

The witness now pays his fine (under protest) imposed by Justice Whitney to said Whitney.

Q.—State what party ticket you voted at that election?

[Objected to.]

A.—I voted both for Republicans and Democrats.

Q.—How long have you known respondent, Thomas Beek.

A.—I have known him since eighteen hundred and fifty-three.

Q.—State whether your relationship with him socially is pleasant or otherwise?

A.—No, sir; we can't be considered good friends; merely acquaintances.

Q.—Do you indorse his political sentiments?

[Objected to by respondent as incompetent, immaterial, and unheard of.]

A.—The question I can't answer, because I don't know exactly what his political sentiments are.

Q.—State whether or not you indorse the principles of the Democratic party?

[Objected to as irrelevant and immaterial.]

A.—As a general thing I do, but I vote for men if they suit me.

Q.—Then do I understand you to say that for political offices you vote for men who you believe will carry out the principles of your party?

[Objected to as immaterial, irrelevant, and incompetent.]

A.—No, sir; I vote for men that I think will legislate honorably, without regard to politics.

Q.—Do you believe that Thomas Beek, the respondent, if elected to the office of Senator, would not only act honestly but would sustain the principles of the Democratic party?

[Objected to; it is leading; it is asking for the opinion of the witness only; it is incompetent, immaterial, irrelevant, and impertinent.]

A.—Yes; I believe he is an honest man.

Q.—Are you acquainted with Thomas Flint, the contestant; if yea, how long?

[This question is objected to; it is, like all the others, irrelevant.]

A.—I am not acquainted with him.

Q.—Are you acquainted with his political reputation?

[Same objection as last made.]

A.—Yes, sir.

Q.—To what party does he belong?

A.—To the Republican.

Q.—He being a Republican, do you as a Democrat indorse his political views and sentiments?

[Objected to as irrelevant and incompetent; it is a system of examination such as merits criticism; it should be stricken out and disregarded.]

A.—No, sir.

Q.—State whether or not at the time that you voted, on the sixth day of September, A. D. eighteen hundred and seventy-one, you were governed by your political opinions and knowledge of the character of the different candidates who were then being voted for in making up your ticket and casting your ballot?

[Same objection as made to the last question.]

A.—I decline, on the ground of divulging my vote.

Q.—For whom did you vote as Senator of the State of California in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

*By Respondent*—The gentleman propounding this question seems to have forgotten that the same question in substance was asked this witness before, and a ruling by him elicited which is spread upon this depo-

sition. (See anterior question.) It is objected to upon the same grounds contained in the objections to the tenth interrogatory propounded to Horatio Stanley. (See Stanley's deposition.)

A.—I decline to answer.

Contestant now asks that the witness may be compelled to answer the question.

The Justice refuses to enforce the order, for the reasons stated in the reply to the former application.

Contestant now asks that after the examination of William M. R. Parker he may be permitted to recall the witness Imus, for the purpose of asking him again question thirty-one, and with this request being entered has no further question to ask the witness at present.

Respondent now moves to strike out all the testimony of Charles A. Imus, upon the grounds specified in the objection to his being sworn first aforesaid, and the several objections made herein, and upon the grounds contained in the motion to strike out the testimony of L. E. McKay and Horatio Stanley (see their depositions); and waiving nothing, now proceeds to ask the witness the following questions:

#### CROSS EXAMINATION.

Q.—Please state how long you had been a resident of the State of California immediately next preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—I had been a resident twenty five years continuously, with the exception of about seven months in eighteen hundred and sixty-two and eighteen hundred and sixty-three.

Q.—How long had you been a resident of said Peach Tree Precinct, Monterey County, immediately preceding the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to as incompetent, irrelevant, and immaterial.]

A.—Since eighteen hundred and sixty-three.

Q.—Was you a citizen of the United States on the sixth day of September, A. D. eighteen hundred and seventy-one, and if yes, are you native or foreign born?

[Objected to as incompetent, immaterial, and irrelevant.]

A.—I suppose I am a citizen of the United States; I am a native born citizen; I was born in the State of Illinois.

Q.—What, if anything, did you do or cause to be done to procure your name to be registered in compliance with the election laws, and what investigation, if any, did you make to ascertain if your name was registered and enrolled prior to the sixth day of September, A. D. eighteen hundred and seventy-one.

[Objected to as incompetent, irrelevant, and immaterial, and not properly in cross-examination.]

A.—I registered my name in Santa Cruz, in eighteen hundred and sixty-eight, upon the Great Register; I sent last year, in August, to have it removed to Monterey.

Q.—Who did you send to for the transfer?

[Objected to as incompetent, irrelevant, and immaterial.]

A.—To my father, to have it transferred.

Q.—Did you receive any reply from your father as to whether he had procured your certificate of transfer, and if so, what did he tell you, in that reply, he had done with the transfer?

[Objected to as immaterial, incompetent, irrelevant, and hearsay, and not a proper cross examination of witness.]

A.—He told me he had sent the transfer to Monterey.

Q.—Did you not receive a letter a few days prior to the sixth day of September, eighteen hundred and seventy-one, addressed to you at your Post Office, and postmarked Monterey, California, containing a certificate of your registration?

[Objected to as incompetent, irrelevant, immaterial, and secondary.]

A.—I did.

Q.—Are you not well known and intimately acquainted in your voting precinct, and was there any objection made to your voting on election day?

[Objected to as immaterial and irrelevant.]

A.—Yes, sir; I am well known and there were no objections made.

Q.—Are you not one of the principal property holders and stock growers in your election district?

[Objected to as incompetent, irrelevant, and immaterial.]

A.—I am amongst the largest stock raisers, and am known by the Clerks and officers of this county, and was on election day, and long before.

#### RE-DIRECT EXAMINATION.

*By Contestant*—How long have you been a stock raiser upon the ranch you now occupy?

A.—Since the year eighteen hundred and fifty-five.

Q.—Then I understand you to say that that has been your home since that time, and that your absence in Nevada was simply temporary, and with a view to your return again?

A.—Yes, sir.

Q.—State whether or not the certificate you refer to in your answer to the seventh cross examining question was signed by the Clerk of Monterey County, and if not by him, by either of his deputies?

A.—No, I don't think it was signed by him or either of his deputies, but it was a transfer from Santa Cruz; it was signed by Brown, the Clerk of Santa Cruz County.

Q.—Then you did not intend to say, in answer to respondent's seventh question, that you had in your possession a certificate from any officer in the County of Monterey showing that you had been placed upon the Great Register of this Monterey County?

A.—No, sir, I did not intend to convey that idea; I had not.

#### CROSS EXAMINATION.

Q.—But the letter you received was postmarked Monterey, and therefore your transfer must have been sent by your father to some one in Monterey, and by them sent to you; and your father advised you that he had sent it to the Clerk?

[Objected to as immaterial and irrelevant.]

Q.—Yes, sir.

Q.—Where does your father reside?

[Objected to as immaterial and irrelevant.]

A.—In Santa Cruz County, California.

Q.—When you procured your name to be registered in Santa Cruz, in eighteen hundred and sixty-eight, how long had you been there?

[Objected to as incompetent, immaterial, irrelevant, and not properly in cross examination of the witness.]

A.—I had been there between two and three months; I was registered there for the purpose of voting at the Presidential election.

RE-DIRECT EXAMINATION.

*By Contestant*—I understand you to say, then, that your home and business, at the time you were registered in Santa Cruz County, was in Monterey County?

A.—No, sir; I had stock in Santa Cruz County at the time, and was living there; I have no family; I had stock there; I was one hundred and thirty-five miles from my ranch in Monterey County, the Presidential election was coming off, and I wanted to vote; not being registered anywhere else, and stopping at that time at my father's, in Santa Cruz, Santa Cruz County, I did not vote; I left before the election came off.

C. A. IMUS.

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TESTIMONY OF WILLIAM M. R. PARKER.

WILLIAM M. R. PARKER being now offered by contestant as a witness, respondent objects to his being sworn or examined in this case at this time, his testimony having already been taken, elaborately and at great length, heretofore in this cause; further, that the proceedings herein are irregular and illegal; the notice for the taking of these depositions is insufficient and illegal, and these proceedings are not authorized by Senate, Senate Committee, or law.

WILLIAM M. R. PARKER, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter of the above entitled contest, deposes and says:

Question—State your name, age, residence, and occupation?

Answer—W. M. R. Parker; thirty-four years; Monterey County; Clerk of Monterey County.

Q.—State, if you know, who is the official that has the custody of the Great Register of Monterey County, the returns of election, and the records of the Board of Supervisors of Monterey County?

[Objected to.]

A.—I am, as County Clerk and ex officio Clerk of the Board of Supervisors.

Q.—Have you with you the returns of the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, at the several precincts in Monterey County?

[Objected to.]

A.—Yes; I have got them all.

Q.—Examine the general election returns of Hollister Precinct, Monterey County, and state whether or not the names of John Maze, E. S. Jones, John Wesley Grewell, A. J. Rader, John J. Janett, Leander Emery, William A. Moody, Charles Anderson, Gilbert Muleh, Peter Crisman, William Weathers, Detleff Jansan, N. B. Bailey, and James Hudner

appear upon said returns as having voted upon the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to by respondent as incompetent and irrelevant; the same question was asked the same witness in his former examination.]

A.—I find on the returns from Hollister Precinct for that election all the names you have mentioned, with the exception of Charles Anderson and John J. Janett; the name of John Janett appears.

Q.—Examine again said returns, and from such examination state whether you find thereon the name of C. Anderson, Charles Anderson, or Cadea Anderen?

[Objected to as incompetent, irrelevant, and secondary.]

A.—I now find the name of C. Anderson on said returns; there is no such name as Cadea Anderen upon said list.

Q.—State whether or not you find upon said list any name that can be construed as Cadea Anderen, or C. Anderen, or Charley Anderson, except the name you have testified to?

[Same objections as to the last question.]

A.—I cannot.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as contain the list of voters; being the names of all persons who actually voted at Hollister Precinct, in the County of Monterey, on said day; which said list of voters is certified to by Thomas W. Davis, Clerk; N. C. Briggs and James J. Hodges, Judges; and attested by Levi Boswell and J. H. Swain, Clerks.

[Objected to as irrelevant, immaterial, and incompetent, no foundation whatever being laid for the admissibility of the document, and no exhibit of it made.]

Q.—Examine the original returns of the election held in Tres Pinos Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Tres Pinos Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, the names of Samuel G. Medley, Alonzo Heller, and Frank Hardin.

[Objected to as incompetent and secondary.]

A.—I find each one of those names upon the returns of said precinct of said election.

Q.—Examine the original returns of the election held in San Juan Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said San Juan Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, the names of Henry Crewell and Henry Crowell?

[Same objections as to last question.]

A.—I find the name of Henry Crowell, but not of Henry Crewell.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as contains the list of voters, being the names of all persons who actually voted at San Juan Precinct, in the County of Monterey, on said day; which said list is certified to by John Breen and George Pullen, Judges; James F. McMahan, W. M. Breen, and Albion Baker, Clerks of Election.

[Same objection as made to the admissibility of the pretended Hollister list.]

Q.—Examine the original returns of the election held in Pajaro Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Pajaro Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of Joseph James Holcomb, John Connell, John Fred. Theo. Charles Werner?

[Objected to as incompetent, irrelevant, and immaterial.]

A.—Those names are all on the returns of Pajaro Precinct for said election.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as contains the list of voters, being the names of all persons who actually voted at Pajaro Precinct, in the County of Monterey, on said day, which said list of voters is certified to by T. S. Roberts, Inspector, W. T. Harvey and John Ollinger, Judges, and J. H. Ollinger and L. A. Rodgers, Clerks.

[Objected to upon the same ground contained in the objection to the admissibility of the pretended Hollister list or returns.]

Q.—Examine the original returns of the election held in Castroville Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Castroville Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of S. E. McKay, L. E. McKay, and S. E. McKey, and L. A. McKay, and S. E. Roberson?

[Objected to as incompetent, irrelevant, immaterial, and secondary.]

A.—The name of McKay appears here; the initials I judge to be S. E. McKay; it might be L. E. McKay. I find no other McKay on the list. There is but one Roberson on the list, and that is J. E. Roberson and not S. E. Roberson.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at Castroville Precinct, in the County of Monterey, on said day, which said list of voters is certified to by:

The further taking of these depositions is continued until ten o'clock on the twentieth day of January, eighteen hundred and seventy-two.

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JANUARY 20th, 1872.

### TESTIMONY OF W. M. R. PARKER RESUMED.

Charles Vananden, Inspector; A. Copeland, N. H. Rose, Judges; John C. Forbes and Ygnacio Castro, Clerks.

[Objected to upon the same grounds contained in the objection to the admissibility of the pretended Hollister list of voters.]

Q.—Examine again the said original returns from Tres Pinos Precinct, and state whether the name of Jeremiah Kelleher appears thereon as having voted at said precinct?

[Same objection.]

A.—His name appears on the Tres Pinos list for that election.

Q.—Examine the original returns of the election held at Santa Rita Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Santa Rita Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of Henry Riley and Daniel Waish?

[Objected to.]

A.—Those names appear on the list of voters.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at Santa Rita Precinct, in the County of Monterey, on said day, which said list of voters is not certified to by the officers of election.

[Same objection as contained in the objection to the admissibility of the pretended Hollister list.]

Q.—State whether or not said list of voters and said returns have been continuously under your control since the same were delivered to you as Clerk of the County of Monterey?

[Objected to as irrelevant, incompetent, and immaterial.]

A.—They have.

Q.—State whether or not you have received any other list of voters with the returns of elections than the one contestant has offered as evidence, for that precinct?

A.—I have not for that election.

Q.—Examine the original returns of the election held in Soledad Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Soledad Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of Eldridge H. Hiner, Jesus Olilbo, and Jesus Otilbo?

[Objected to upon the same grounds contained in the objection to the admissibility of the pretended Hollister list of voters.]

A.—The names of Eldridge H. Hiner and Jesus Otilbo appear upon the list of voters.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as contain the list of voters, being the names of all persons who actually voted at Soledad Precinct, in the County of Monterey, on said day, which said list is not certified to by the officers of election.

[Same objection as contained in the objection to the admissibility of the pretended Hollister list of voters.]

Q.—Examine the original returns of the election held in the Natividad Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Natividad Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the name of H. Stanley?

[Same objection.]

A.—But one Stanley appears on that list, and that is H. Stanley.

Contestant now offers in evidence so much of the original returns of

the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters being the names of all persons who actually voted at Natividad Precinct, in the County of Monterey, on said day, which said list of voters is not certified to by the officers of election.

[Objected to upon the same grounds contained in the objection to the admissibility of the pretended Hollister list or return.]

Q.—State whether or not you have received any other list of voters with the returns of election than the one contestant has offered as evidence for that precinct.

[Objected to as incompetent and irrelevant.]

A.—No, sir; I have not.

Q.—Examine the original returns of the election held in Salinas Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Salinas Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of John Cockerill, J. H. Glossen, Lawrence Hyzell, Lawrence Hysell, Henry Hugo, Luis A. Soberanes, and Van Valkenburg?

[Objected to as incompetent, irrelevant, immaterial, and secondary.]

A.—Those names all appear on the list of voters, with the exception of Luis A. Soberanes and Lawrence Hyzell.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at Salinas Precinct, in the County of Monterey, on said day, which said list of voters is not certified to by the officers of election.

[Same objection as made to the admissibility of the pretended Hollister list or return.]

Q.—State whether or not you have received any other list of voters with the returns of election than the one contestant has offered as evidence for that precinct?

[Objected to as incompetent and irrelevant.]

A.—That is the only one.

Q.—Examine the original returns of the election held in San Lorenzo Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said San Lorenzo Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the name of Jerome Perry?

[Objected to as incompetent, irrelevant, and secondary.]

A.—The name of Jerome Perry appears on the list of voters.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at San Lorenzo Precinct, in the County of Monterey, on said day, which said list of voters is not certified to by the officers of election.

[Same objection as contained in the objection to the admissibility of the pretended list of voters or returns of Hollister.]

Q.—State whether or not you have received any other list of voters with the returns of election than the one contestant has offered as evidence for that precinct?

[Objected to as incompetent and irrelevant.]

A.—That is the only one.

Q.—Examine the original returns of the election held in Peach Tree Precinct, and state whether or not you find in the list of voters containing the names of all persons who actually voted in said Peach Tree Precinct at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, and state whether you find thereon the names of C. A. Imus, Jesse Asbury Bandy, and Jesse Bandy?

[Objected to as incompetent and secondary.]

A.—The names of J. Bandy and C. A. Imus appear on the list of voters as having voted at that precinct. The name of Jesse Asbury Bandy does not appear on the list, nor Jesse Bandy.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at Peach Tree Precinct, in the County of Monterey, on said day, which said list is not certified to by the officers of election.

[Same objection as contained in the objection to the admissibility of the pretended Hollister list or return.]

Q.—State whether or not you have received any other list of voters with the returns of election than the one contestant has offered as evidence for that precinct?

[Objected to as incompetent and irrelevant.]

A.—No, I have received no other.

Q.—State whether you have now in your possession the book known as the Great Register of the County of Monterey, State of California? If yea, where is the same now?

[Objected to.]

A.—I have it here now in my possession.

Q.—Make a careful examination of the same, and state whether or not the following names, or any of them, appear upon said Great Register previous to the sixth day of September, A. D. eighteen hundred and seventy-one, to wit: John Maze, A. J. Rader, John W. Grewell, John Janétt, Leander Emery, William A. Moody, Charles Anderson, Gilbert Mulch, Cadca Anderen, Charley Anderson, Peter Crissman, William Weathers, Detleff Janson, N. B. Bailey, James Hudner, Samuel G. Medley, Alonzo Heller, Frank Hardin, Jeremiah Kelleher, Henry Crewell, Henry Crowell, Joseph James Holcomb, John Connell, John Fred. Theo. Chas. Werner, S. E. McKay, S. E. Roberson, J. E. Roberson, Henry Riley, Daniel Walsh, Jesus Olilbo, and Jesus Otilbo, H. Stanley, John Cockeril, J. H. Glossen, Lawrence Hysell, Henry Hugo, Van Valkenburg, Jerome Perry, C. A. Imus, Jesse Bandy, J. Bandy, Jesse Asbury Bandy.

*By Respondent*—This question is objected to; it is incompetent, irrelevant, secondary; calling only for the oral declarations of the witness Parker. The Election Law of the State, or Registry Act of the State, requires the Great Register of the county to be kept at the office of the Clerk of the county. It is incompetent and immaterial, since it is only directed to the period prior to the sixth day of September, eighteen hundred and seventy-one, and many of the names contained in the interrogatory, as shown by the same witness Parker, were not on any of the lists or returns testified to by him as having voted at said election.

The further taking of these depositions is continued until the twenty-second day of January, A. D. eighteen hundred and seventy-two, at ten o'clock A. M.

JANUARY 22d, 1872.

TESTIMONY OF W. M. R. PARKER RESUMED.

Answer—The following names do not appear on the Great Register at that date: John Maze, E. S. Jones, John Wesley Grewell, John Janett, Leander Emery, Gilbert Mulch, Peter Crissman, William Weathers, Detleff Jansan, N. B. Bailey, James Hudner, Samuel G. Medley, Alonzo Heller, Frank Hardin, Jeremiah Kelleher, Henry Crowell, Henry Grewell, Joseph James Holcomb, John Connell, John Fred. Theo. Chas. Werner, S. E. McKay, S. E. Roberson, Henry Riley, Jesus Olilbo or Jesus Otilbo, H. Stanley, John Cockeril, J. H. Glossen, Lawrence Hysell, Henry Hugo, Van Valkenburg, Jerome Perry, Jesse Bandy, J. Bandy or Jesse Asbury Bandy, and C. A. Imus.

The following names have been canceled on the Great Register on the following dates: A. J. Rader, canceled June twenty sixth, eighteen hundred and seventy-one; Charles Anderson, canceled August eleventh, eighteen hundred and seventy-one; Daniel Walsh, canceled August thirtieth, eighteen hundred and sixty-nine; and have not since been placed on the Great Register of this county. Their applications for cancellation are on file in my office.

The contestant offers in evidence the Great Register of Monterey County, being in two volumes.

Respondent objects to the introduction of the so-called Great Register, no foundation whatever being laid for its admissibility; no exhibit made. An attempt has been made to prove the contents of the record without any offer being made of the record. All the testimony concerning this so-called Great Register of the witness Parker is incompetent and irrelevant.

Contestant now offers in evidence so much of the original returns of the election held on the sixth day of September, A. D. eighteen hundred and seventy-one, as containing the list of voters, being the names of all persons who actually voted at Tres Pinos Precinct, in the County of Monterey, on said day, which said list of voters is not certified to by the officers of election.

[Same objection as contained in the objection to the admissibility of the pretended Hollister list or returns.]

Q.—Do I understand you to say that you, as ex officio Clerk of the Board of Supervisors, have the charge, custody, and possession of all the returns of the Boards of Election in the different precincts in Monterey County, California?

[Objected to; it is incompetent, irrelevant, and secondary.]

A.—I have.

Contestant now offers in evidence the original tally list, now in witness' possession, of the election in each and every precinct held on the sixth day of September, A. D. eighteen hundred and seventy-one.

[Objected to as irrelevant and incompetent; no foundation laid for the offer; it is not exhibited.]

Q.—Will you attach to your deposition, to be marked as exhibits, all the documents herein before enumerated and offered as evidence?

[This question is irrelevant, immaterial, and incompetent; it is only asking the witness, who, of course, is very willing, to know if he will allow certain things to be done, has nothing to do with this case.]

A.—No; because the law makes me custodian of those documents, and I have no right to let them go out of my control.

Q.—From what documents, if any, did you furnish the information that is contained in all of your former answers in relation to names not on the Great Register, as well as those who voted in the different precincts at said election?

[Objected to as incompetent and irrelevant.]

A.—From the original returns, as received from the several Clerks of the different election precincts of the county, and from the Great Register of the county.

Q.—I understand you, then, to say that you made an examination of all said documents at the time of making your answers, and in presence of the officer taking your deposition; am I correct?

[Objected to; it is cross examining his own witness, and is incompetent.]

A.—Certainly; I made the examination here in the presence of the officer taking the deposition, and at the time I gave my answers.

Contestant now offers in evidence so much of the record of the Board of Supervisors of the County of Monterey, California, as is contained in "Book B," Supervisors Minutes, as relates to the election held on the sixth day of September, A. D. eighteen hundred and seventy-one.

[Same objection as made to the introduction of the so-called Great Register, and further, that there is nothing offered by the proposed offer.]

Q.—Examine the canvass of the election returns of the County of Monterey, California, for the election held in said county on the sixth day of September, A. D. eighteen hundred and seventy-one, and state who were voted for as Senator of the Sixth Senatorial District of said State, and the aggregate vote received by each in said county?

[Objected to as incompetent, secondary, and immaterial.]

A.—Thomas Beck and Thomas Flint were voted for, and no others; on the canvass of said vote Thomas Beck received one thousand two hundred and sixty-five votes; Thomas Flint received one thousand and thirty-seven votes; on the recount of the vote by the Board of Supervisors, acting as the Board of Canvassers, Thomas Beck was found to have one thousand two hundred and seventy-eight votes; Thomas Flint to have one thousand and forty votes; which is the vote as declared by the Board of Supervisors, a certified copy of which is hereto attached, marked "Exhibit A."

[EXHIBIT A.]

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, WILLIAM W. R. PARKER, County Clerk and ex officio Clerk of the Board of Supervisors, in and for said Monterey County, do hereby certify that on a canvass of the vote of Thomas Beck and Thomas Flint, who were voted for in said county for Senator for the Sixth Senatorial District, Thomas Beck received twelve hundred and sixty-five votes, and Thomas Flint received ten hundred and thirty-seven votes; that on a recount of said vote by the Board of Supervisors, Thomas Beck re-

ceived twelve hundred and seventy-eight votes, and Thomas Flint received ten hundred and forty votes, which last was declared the official vote, as is of record in the minutes of said Board of date September fifteenth, A. D. eighteen hundred and seventy-one.



In witness whereof, I have hereunto set my hand and affixed the seal of the County Court of said county, this twenty-second day of January, A. D. one thousand eight hundred and seventy-two.

W. M. R. PARKER,  
Clerk.

Contestant now offers in evidence that portion of the records of the Board of Supervisors contained in "Book B" of the minutes of the Board of Supervisors of Monterey County relating to the canvass of the vote of said county for the office of Senator for said district.

*By Respondent*—The offer is objected to upon the ground that there is no foundation laid for it; further, there is no exhibit of it; and as to the pretended certificate which the witness sees proper to refer to, and which seems not to be asked in the question, it is objected to, the body of the same being written in different colored ink, appears to have been written here, and the certificate and seal attached prior thereto, and prior to the witness' arrival at this place; and the fact certified to appearing to have been written to-day, in the presence of the Commission, it was not dated when the written certificate was made, is incompetent, irrelevant, immaterial, it should be disregarded, and stricken out.

Respondent now moves to strike out the deposition and testimony of W. M. R. Parker, upon the grounds made in the objection to his being sworn as a witness, including the recitals therein made to other depositions, and the several objections made in the body of his deposition, all the oral declarations of Parker referring and pointing to documentary evidence, and seeking to prove the contents of records and documents which should speak for themselves, and that, too, before the records or documents were offered in evidence (see his deposition); and waiving nothing, now proceeds to ask the witness Parker the following questions:

#### CROSS EXAMINATION.

Q.—Are you the same W. M. R. Parker whose deposition was taken in this case in the month of November last, and whose testimony is now before the Senate Committee?

A.—My name is W. M. R. Parker whose testimony was taken in this case in November last.

Q.—Your testimony is based, if I understand you, upon your examination of records and documents since your examination as a witness herein?

[Contestant for the last time will interpose an objection to this class of questioning, except to simply interpose an objection to the question, but in this case will adopt the theory of respondent, who being anxious to present a full examination of the merits of this contest, and apparently desiring to prevent contestant introducing all of his witnesses by delays in interposing frivolous objections now objects for the following reasons: first, the question assumes that the witness Parker has made a statement which he has not made; second, that the question

is immaterial and irrelevant and not properly in cross examination of the witness.]

A.—My answers are based upon examinations of records and documents made here in the presence of the Commission during my examination as a witness while on the stand as such in the presence of the parties and the officers taking the depositions.

Q.—May you not be mistaken, and may not many of the names you have given as not being upon the Great Register be registered in that book?

[Objected to as irrelevant, immaterial, and not properly in cross examination of the witness.]

A.—I think I am not mistaken. I don't believe that any name stated by me not to be on the Great Register is there. My examination has been very careful.

Q.—Do you remember that in your former examination you testified to the names of a number of gentlemen not being upon the Great Register, among which names were Eldridge H. Hiner, Horatio Stanley, L. E. McKay, and others?

[I object to the question, for the reason that what the witness has heretofore testified to is now or should be before the Senate, and therefore there is no reason on the part of respondent to consume further time, and is not properly in cross examination of the witness.]

A.—I still state the names of Eldridge H. Hiner and Horatio Stanley not to be on the Great Register, nor is the name of S. E. McKay.

Q.—Will you refer to the letter E of the alphabet upon your Great Register and inform me if Eldridge H. Hiner is not registered thereon under letter E instead of H in the Register?

A.—The name there registered is Hopkins Hiner Eldridge, under the letter E of the Great Register.

Q.—Will you please examine your Great Register, under letter H of the Register, and see if the name of the witness, Horatio Stanley, is not registered upon your Register as Horatio Hanly, residence Natividad?

[Objected to for the reason that the Clerk, Mr. Parker, is, by this course of examination, compelled to answer an untruth if the name of Hanly was intended for Stanly unless he knows the witness Stanly to be the same person who was registered as Hanly.]

A.—There is no such name as Horatio Stanly on the Great Register under the letter H. I find the name of Horatio Hanly. I am unacquainted with either Hanly or Stanly.

Q.—You do not pretend to say that your so-called voting lists or returns show more than one of the names of Lawrence Hysell and Lawrence Hyzell, and more than one of the names Jesus Otilbo and Jesus Olilbo, and more than one of the names Crowell and Crewell, and more than one of the Bandys, and more than one of the names of S. E. and L. E. McKay, and more than one of the Robersons, and more than one of the Janetts, appear upon the list of voters so-called, do you?

A.—No, I do not.

Q.—In no instance more than one name susceptible of being construed to mean the names mentioned in the foregoing question?

A.—In answering the question in respect to these double names I answered the questions as they were propounded to me. But one Hysell voted at the Salinas Precinct, one John Janett at Hollister Precinct, one S. E. McKay at Castroville Precinct, one S. E. Roberson at

Castroville Precinct, but one Henry Crowell at San Juan Precinct, but one Jesus Otilbo and no Olilbo at Soledad, but one J. Bandy voted at Peach Tree Precinct.

Q.—Then the names of Olilbo, J. E. Roberson, H. Crowell, Jesse Bandy, Jesse Asbury Bandy, Lawrence Hyzell, J. J. Janett, L. E. McKay, Cadea Anderen, Charles Anderson, which names were contained in the questions propounded to you in chief, does not appear upon your pretended list of voters as having voted at all?

A.—I have no pretended list; on the original list of voters of the different precincts I do not find the names of J. E. Roberson or H. Crowell, but H. Crowell; not Jesse nor Jesse Asbury Bandy, but J. Bandy; not Lawrence Hyzell, but Lawrence Hysell; not J. J. Janett, but J. Janett; not L. E. McKay, but S. E. McKay; no such name as Cadea Anderen, but the name of C. Anderson, and not Charles Anderson; not Jesus Olilbo, but Jesus Otilbo; Luis A. Soberanes does not appear on the list of voters from any precinct.

Q.—Did you not, as Clerk, receive from M. L. Houck, Deputy Assessor of the County of Monterey, the names of John Cockeril, Lawrence Hysell, Henry Hugo, Van Valkenberg, and Horatio Stanley, as having been registered by said Houck as such Deputy Assessor, with their names, ages, nativity, etc., as the law directs, sworn to by them and each of them, before said Houck, with request to place them upon the Great Register, in the latter part of July or first of August, eighteen hundred and seventy-one?

[Objected to.]

A.—I can swear positively to never receiving any of those names, with the exception of Stanley; about that time I see one of my deputies registered a man by the name of Horatio Hanley, for Natividad Precinct.

Q.—Then your deputies sometimes put names upon the Great Register that were sent to you by Deputy Assessors and Deputy Clerks?

[Objected to.]

A.—Certainly.

Q.—Then, if a mistake occurred in the name of Stanly, might it not in other names?

[Objected to.]

A.—I don't pretend to say that any mistake has been made in respect to Hanly or Stanly; I don't think that any has occurred as far as the Clerk's office or the Great Register are concerned.

Q.—Is it not true that Eldridge H. Hiner was in attendance here as a witness in this case since the taking of these depositions was commenced, and since you arrived here?

[Objected to as immaterial, irrelevant, and not a proper cross examining question.]

A.—I met him here.

Q.—Was he sworn and examined as a witness?

[Objected to.]

A.—Not that I know of.

Q.—Is it not true that he (Hiner) ascertained that his name was upon the Great Register, under letter E, and that you communicated that fact to Albert Heath, contestant's attorney, and that thereupon said Heath informed said Hiner that he had no use for him; that he could go home?

[Objected to.]

A.—On my arrival here Mr. Hiner requested me to examine and ascertain if his name was on the Great Register; I told him that it was not; he then suggested looking for the name of Hopkins on the Great Register, as he sometimes went by that name; from that I looked at Eldridge, and found the name of Hopkins Hiner Eldridge, registered by Mr. Johnson, my predecessor in office, and not by me; as I believed it to be a mistake, and intended for the name of Hiner instead of Eldridge, I reported it to the Commission in the presence of the attorneys for both parties, when Heath discharged the witness in presence of the Commission.

The further taking of these depositions is continued until the twenty-third day of January, A. D. eighteen hundred and seventy-two, at a nine o'clock A. M.

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JANUARY 23d, 1872.

TESTIMONY OF W. M. R. PARKER RESUMED.

Question—Please examine the Great Register and see if the name of the witness, L. E. McKay, whose name you have given as not being on the Great Register, is not registered under the name of Lewis Evans McKey; residence, Salinas Precinct?

[Objected to because the witness has not stated that L. E. McKay's name does not appear upon the Great Register.]

Answer—The name of Lewis Evans McKey is upon the Great Register; I have not been asked to examine for him before.

Q.—But you did state that the name of L. E. McKay was not upon the Great Register, did you not?

[Objected to.]

A.—I stated that the name of S. E. McKay was not upon the Great Register; I now state that L. E. McKay is not upon the Great Register.

Q.—Did you not state, in answer to the question asked you in chief, that the name of S. E. McKay appeared as having voted; it might be L. E. McKay?

[Objected to.]

A.—I did.

Q.—You also stated, in answer to a former question, that there had been no mistakes or errors; do you now hold to the same proposition?

[Objected to.]

A.—I never have stated any such thing that I recollect of.

RE-DIRECT EXAMINATION.

*By Contestant*—Are you acquainted with any man with the name of Hanley, living in Natividad Precinct, or in the County of Monterey?

A.—I am acquainted by name with a thousand men whom I don't know in person.

W. M. R. PARKER.

## TESTIMONY OF A. J. RADER.

A. J. RADER being now offered as a witness by contestant, respondent objects to his being sworn or examined as a witness, upon the same grounds mentioned in the objections made to Alonzo Heller being sworn. (See Heller's deposition.)

A. J. RADER, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the above entitled contest, deposes and says:

Question—State your name, age, occupation, and residence?

Answer—My name is Andrew Jackson Rader; age, forty-three years; occupation, farmer; residence, Hollister Precinct, Monterey County.

Q.—State whether or not you voted at the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the State of California?

[Objected to.]

A.—I did; in Hollister Precinct, Monterey County.

Q.—State whether or not on that day you voted for any person for the office of State Senator of the State of California, in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz?

[Objected to upon the same grounds contained in the objection to the tenth interrogatory propounded to Horatio Stanley.]

A.—I can't say with certainty that I did.

Q.—Are you acquainted with Thomas Flint, the contestant?

[Objected to.]

A.—I never saw him till yesterday.

Q.—To what political organization, if any, do you belong?

[Objected to as immaterial.]

A.—Well, sir, I have formerly been a Democrat; I do not now belong to any political organization.

Q.—On the sixth day of September last, state whether you were a Democrat or a Republican?

[Objected to as immaterial and incompetent.]

A.—I will answer that question by saying that I never have been so strenuous, if I thought that a Republican was more suitable for office, but that I would vote for him in preference to a Democrat.

Q.—On the sixth day of September last, state whether or not you believed that the candidate of the Republican party for Senator was more suitable than the candidate of the Democratic party?

*By Respondent*—This is a most singular question, departing so far from the rule as to ask a gentleman on the witness stand for his opinion months ago, and that, too, on the direct examination of his own witness; its immateriality, incompetency, and irrelevancy, is obvious; it should be disregarded.

A.—From what information I could gather from outsiders, those that knew the two parties, my opinion was that Mr. Beck was the most suitable man.

Q.—Then do I understand you to say that at that election, being no party man, you voted honestly in accordance with your opinions with respect to the competency of the candidates?

[Same objection as to last question.]

A.—My intention was to do so.

Q.—Can you read and write?

[Objected to.]

A.—Yes, sir.

Q.—Who prepared your ticket for you, if any one, to be voted by you that day?

[Objected to.]

A.—I will answer that question by saying that when I got ready to vote, I went to Mr. Hodge and asked him to give me a ticket of the right stripe, and he handed me a ticket; I folded it up and voted, not knowing what was in it.

Q.—Why did you ask Mr. Hodge for a ticket in preference to any other man?

[Objected to as cross examining his own witness.]

A.—Because Mr. Hodge stood near the table where the tickets lay when I came to vote.

Q.—You say that you asked him for a ticket of the right stripe; what do you mean by that term?

[Same objection as to last question.]

A.—I meant for him to give me a Democratic ticket.

Q.—State whether that was a written or printed ticket?

[Objected to upon the same grounds as made to the tenth interrogatory of Stanley's deposition.]

A.—To the best of my knowledge I would say it was a printed ticket.

Q.—Is Hodge a Democrat or a Republican, if you know?

[Objected to as irrelevant.]

A.—From what I can learn, he is a Democrat.

Q.—When you received your ticket from him did you or did you not examine the same to satisfy yourself that it was a Democratic ticket?

[Objected to as cross examining his own witness and irrelevant.]

A.—I did not read it at all.

Q.—Did you look at it?

[Same objection as to the last question.]

A.—I did not to read it.

Q.—Do you not know positively that the ticket you received from Mr. Hodges and which you voted at that election was a Democratic ticket?

[Same objection as to the last two questions.]

A.—I do not.

Q.—At the time you voted were you not satisfied in your own mind that you were voting the Democratic ticket?

[Same objection as to the last three questions.]

A.—My mind was at the time that I was voting a Democratic ticket.

Q.—At the time you voted had you a doubt in your mind as to the character of your ticket?

[Same objection.]

A.—I don't know that I had.

Q.—Then do I understand you to say that you intended to and believe you did vote the Democratic ticket on that day at that election?

[Same objection made as to the preceding question.]

A.—My intentions were to vote it, but whether I did vote it or not I cannot say.

Respondent moves to strike out all the testimony of A. J. Rader, upon the grounds mentioned in the preceding deposition, and the objections to the admissibility, relevancy, materiality, and competency of the ques-

tions separately stated and separately objected to in this deposition; and waiving nothing, now proceeds to ask Mr. Rader the following questions:

## CROSS EXAMINATION.

Q.—How long have you been a resident of the State of California?

A.—About eight years continuously.

Q.—Were you a citizen of the United States on the sixth day of September last; and if yea, are you native or foreign born?

A.—I was; am native born; was born in the State of Indiana.

Q.—You had voted at former elections in said Hollister Precinct, Monterey County, had you not?

A.—I had.

Q.—A witness, whose name is W. M. R. Parker, examined on the part of the contestant in this case, on yesterday testified that the name of one A. J. Rader had been canceled on the Great Register of Monterey County, of date June twenty-sixth, eighteen hundred and seventy-one; did you ever authorize the Clerk or any person to cancel your name on the Great Register?

[Objected to.]

A.—I did not.

Q.—You state you are a farmer by occupation; have you a family, and how far do you reside from this place?

A.—I have a family; reside about sixteen miles from this place.

Q.—Who went after you; how were you brought here; by whom and in whose company; what time did they visit your house, and by what process if any did they claim to bring you here?

[Objected to as irrelevant and immaterial.]

A.—One has been reported to me as a Constable of this place; one gentleman I don't know; another, whose face I am familiar with, is called Colonel Heath, the counsel for the contestant; the man who was reported to be the Constable came to my house at one o'clock at night; they awoke me up from sleep; told me that he wanted me to go to San Juan with him; I asked him if he had an attachment for me; he said he had one about as long as his arm; he said he would read it, but I told him he need not; I fixed myself and immediately started with him; I went on down to Mr. Grist's with him, about one mile from my house; I there found two other gentlemen—Colonel Heath, so called, and the other man I did not know; we remained there till day; there was a wagon there that they had ridden over in; I then got in the wagon and rode to San Juan with them.

## RE-DIRECT EXAMINATION.

*By Contestant*—Previous to your arrest by Deputy Sheriff Dunning had you been subpœnaed by any one to appear before the officer to have your deposition taken in this matter?

A.—I had.

Q.—How many times?

A.—Twice.

Q.—At either time did you or did you not demand your fees?

A.—I did at the second summons.

Q.—Were you paid your fees at that time?

A.—I was.

Q.—State, if you recollect, about the time that you were served when you demanded your fees?

[Objected to; the returns should show the dates, if any process was served.]

A.—It was in January, eighteen hundred and seventy-two; can't recollect the day.

Q.—State where you resided on the first day of August, A. D. eighteen hundred and seventy-one?

[Objected to.]

A.—I don't know where I was upon that day, nor where I resided.

Q.—Is it not true that sometime prior to the sixth day of September, A. D. eighteen hundred and seventy-one, you resided in the country known as the Pitt River country, and which is not any portion of the Counties of Monterey or Santa Cruz?

A.—I was in the Pitt River country, and left there on the sixth day of June, eighteen hundred and seventy-one.

Q.—State whether or not your family was with you at the time?

A.—My wife and children were with me.

Q.—When did you first arrive in the Pitt River country?

A.—To the best of my knowledge, I arrived there about the first of June.

Q.—About how long did you remain there?

A.—I was there about six days.

Q.—From there where did you go?

A.—From there I started to Monterey County.

Q.—How many miles is it from the Pitt River country to the County of Monterey?

A.—I call it four hundred and fifty miles.

Q.—Then do I understand you to say that it required all the time from about the seventh day of June until you arrived in Monterey County to travel that four hundred and fifty miles?

A.—It does not require that length of time.

Q.—In what county or counties did you remain during the time you were not traveling?

A.—What time I was not traveling I stopped in Tehama County.

Q.—At what time did you stop in Tehama County, and how long did you remain there?

A.—The month was sometime in June; I must have left there in July, the latter part.

Q.—At any time during the period that you was in Tehama County, or at any time before the election, after you left said county, was you asked by any person or persons to have your name transferred from the Great Register of Monterey County to the Great Register of any other county?

[Objected to.]

A.—I was.

Q.—By whom and in what county?

A.—I don't know that I know the gentleman's name fully, but he went by the name of Jackman in Tehama County; he was said to be County Assessor.

#### CROSS EXAMINATION.

*By Respondent*—What, if anything, did you do, and what diligence did you use, to obey the subpœna or process served upon you at the time you demanded your fees from the officer, and what amount of fees did he pay?

A.—When the officer came, I started immediately. I came to the San Benito, this side of Hollister; the water was up; I was afraid to cross, and was told not to risk it. I came to the San Benito the next morning after being served with the subpoena. I received five dollars and twenty-five cents.

Q.—When the Mr. Jackman, of Tehama County, asked you in regard to your registration and transfer, did you not say to him not to procure your transfer, or attempt to do so; that your residence was Monterey County, and that you expected to vote there at the then approaching election?

[Objected to. The question informs the witness what he is to testify to, and dictates his answer.]

A.—I told Mr. Jackman that he need not register me, for I was then on my way back to my old county where I came from; that I expected to be there, and vote at the election there.

A. J. RADER.

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### TESTIMONY OF JOSEPH N. DUNNING.

JOSEPH N. DUNNING is now offered as a witness by contestant.

Respondent objects to his being sworn or examined, upon the grounds that his name does not appear in the notice or affidavit, and the several grounds mentioned in the preceding depositions.

JOSEPH N. DUNNING, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the above entitled contest, deposes and says:

Question—State your name, age, occupation, and residence?

Answer—My name is Joseph N. Dunning; age, forty years; Constable and Deputy Sheriff; residence, San Juan, Monterey County, California.

Q.—Do you know Jeremiah Kelleher? If yea, state where you saw him last?

[Objected to.]

A.—I do. I saw him last in Hollister, Monterey County, on Friday night last; I think it was the nineteenth of January.

Q.—State whether you saw him in company with A. Heath, one of contestant's counsel? If yea, where, and who other than Heath was present?

[Objected to as irrelevant and incompetent.]

A.—I did, at the Montgomery Hotel, in Hollister. Mr. Heath, Mr. Edward Burch, Mr. Kelleher, and myself, took supper together.

Q.—Was there any other person than the four named eating supper at the time you refer to?

[Objected to; it is wholly inadmissible, incompetent, and irrelevant.]

A.—I think not.

Q.—State whether or not you know John Connell? If yea, when did you last see him, and under what circumstances?

[Objected to.]

A.—I know him; I don't remember the date now; I served a subpoena on him in Watsonville, and he told me he would come the next

morning; I saw him the next morning, just this side of the Pajaro bridge, coming this way; heard him say that he had to go to San Juan.

Q.—In what proceeding did the subpoena state that he was to appear in San Juan, and before whom?

A.—In the contested election between Thomas Flint and Thomas Beck; before Justice John W. Whitney.

Contestant now offers the original subpoena and the return of the officer thereon, in evidence, marked Exhibit "A," and hereto attached:

[ EXHIBIT A. ]

*In the matter of the contest of the election of Thomas Beck as Senator of the State of California, in and for the Sixth Senatorial District of said State, composed of the Counties of Monterey and Santa Cruz.*

The People of the State of California send greeting to JOHN CONNELL, of Pajaro Precinct, and HENRY RILEY, of Santa Rita Precinct: We command you that, all and singular business and excuses being laid aside, you appear and attend before the undersigned, one of the Justices of the Peace of the said township, in the said Monterey County, at the Plaza Hotel, on the thirteenth day of January, A. D. eighteen hundred and seventy-two, at ten o'clock A. M., then and there to testify in the above entitled contest, now pending before the Senate of the State of California, on the part of the contestant; and disobedience will be punished as a contempt by the said Justice, and you will also forfeit to the party aggrieved the sum of one hundred dollars, and all damages which may be sustained by your failure to attend.

Given under my hand, this ninth day of January, A. D. eighteen hundred and seventy-two.

J. W. WHITNEY,  
Justice of the Peace.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I hereby certify that I served the within subpoena by showing the within original to each of the following named persons, and delivering a true copy thereof to each of the said persons, personally, on the tenth day of January, A. D. eighteen hundred and seventy-two, in the County of Santa Cruz, to wit: John Connell and Henry Riley (on the twelfth), who did not demand fees.

THOMAS WATSON,  
Sheriff of Monterey County.  
Jos. N. DUNNING, Deputy.

I, JOHN W. WHITNEY, Justice of the Peace of the County of Monterey, before whom the annexed depositions were taken, do hereby certify that John S. Payne, a witness duly subpoenaed to appear and testify in this proceeding, appeared and asked that his deposition might be taken then, being in poor health, and that the further taking of the testimony of W. M. R. Parker be deferred for a time, on the conclusion

of the second question to the said W. M. R. Parker, in his cross examination by the respondent; and the testimony of said Payne was taken on the twenty-second day of January, A. D. eighteen hundred and seventy-two, and signed by him; and the examination of the said W. M. R. Parker was resumed and completed, and signed by him.

JOHN W. WHITNEY,  
Justice of the Peace,  
San Juan Township, Monterey County,  
State of California.

Respondent objects to the offer and admissibility of the pretended original subpoena and return; it proves nothing, nor does it tend to prove anything. The witness, who says he served the subpoena, has been asked as to its contents, and testifies in chief that he served the same without the County of Monterey, in the Town of Watsonville; and it already appears that the service made upon Connell was void. (See Payne's deposition.) If the contestant desired to prove any act or acts of Connell they should be established by others, and not by Connell.

Q.—How did you serve said subpoena?

[Objected to; it is attempting to prove the contents of the paper which he himself offered, but which is irrelevant and incompetent.]

A.—By showing him the original and then reading the contents and delivering a true copy thereof; he did not demand his fees.

Q.—What is the distance from the office of Justice Whitney to the place where you served a subpoena upon Connell?

[Objected to.]

A.—Fifteen miles.

Q.—State whether you have, as an officer having a subpoena for the following named persons, to wit: John Cockeril, Henry Hugo, Lawrence Hysell, Van Valkenburg, Leander Emery, and John Janett, made search for them? and if yea, what have you done in order to serve them with subpoenas?

[Objected to as leading, irrelevant, incompetent, immaterial, and secondary.]

A.—Leander Emery I served with a subpoena; the other parties, after diligent search, I have been unable to find.

Respondent now moves to strike out all the testimony of the witness Dunning, and the subpoena and return, so called, asked to be attached thereto, and waiving nothing, asks the following questions:

#### CROSS EXAMINATION.

Q.—What hour in the day of the tenth did you serve John Connell?

A.—About five o'clock P. M.; in Santa Cruz County.

Q.—How long have you known Kelleher?

A.—I think some nine or ten months.

Q.—How often had you seen him before the night you took supper at the Montgomery House?

A.—At about the time I first became acquainted with him I saw him perhaps every day for a week.

Q.—Do you know his christian name?

A.—I know; it is Jerry.

Q.—How do you know it?

A.—By having a warrant of arrest in my hands, serving it, and bringing him into Court.

Q.—You do not pretend to say there are not other men in the county by the name of Kelleher?

A.—I do not.

Q.—You do know, do you not, that this Jerry Kelleher, with whom you took supper, does not now and never did live in Salinas Precinct, in this county?

[Objected to.]

A.—I don't know; he might have lived there sometime.

Q.—The night you speak of having taken supper at the Montgomery House with Kelleher and other gentlemen, is the same night you went for, arrested, and brought the witness A. J. Rader, is it not?

A.—It is the same night I went for, arrested, and brought him in the next morning.

Q.—You was then out on the hunt of witnesses, was you not? and did you not at that time have a process for Jeremiah Kelleher?

[Objected to, the witness having already stated that he had a warrant of arrest for the witness Rader. Counsel for respondent is attempting to cause the witness to misunderstand him, therefore contestant objects.]

A.—I was on the hunt for no one but A. J. Rader; had no process for Jeremiah Kelleher.

JOSEPH N. DUNNING.

#### TESTIMONY OF ABNER S. MURPHY.

ABNER S. MURPHY is now offered as a witness by contestant.

[Same objection to his being sworn and examined as made to the examination of the witness Dunning.]

ABNER S. MURPHY, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the above entitled contest, deposes and says:

Question—State your name, age, occupation, and residence?

Answer—Abner S. Murphy; age, thirty-nine years past; occupation, farmer; residence, Hollister Precinct, Monterey County.

Q.—Are you acquainted with John Janett?

A.—Yes, sir.

Q.—State whether or not you saw him on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, where?

A.—I did; at Hollister.

Q.—State whether or not you saw him near the voting place in said Hollister Precinct on that day?

A.—I did.

Q.—State, if you know, the political reputation of said Janett on the sixth day of September, A. D. eighteen hundred and seventy-one; if yes, state the same, and how you know it?

[Objected to.]

A.—He was a Democrat; I had several conversations before and since then with him; he was an uncompromising Democrat; he said so.

Q.—State where said Janett now is?

A.—I do not know.

Respondent moves to strike out upon the same grounds as in other depositions, waiving nothing, now asks Mr. Murphy the following questions:

CROSS EXAMINATION.

Q.—What are your political sentiments, Republican or Democrat?

A.—I am a Republican.

Q.—Were you subpoenaed to attend here, or did you voluntarily come?

A.—I was not subpoenaed; I was asked to come by letter.

Q.—Who was the author of the letter?

A.—Thomas Yost.

Q.—Is he the same Yost whose testimony has been twice taken in these proceedings?

A.—I believe he is; he told me he had been here two or three times.

Q.—Was John Janett native or foreign born?

A.—I am quite sure that he was foreign born.

Q.—How long had he been a resident of Hollister Precinct, Monterey County, immediately next preceding the sixth day of September, eighteen hundred and seventy-one, to your knowledge?

[Objected to as immaterial.]

A.—About three years continuously; he had been farming; had raised three crops there.

Q.—Had he not voted in said precinct at former elections?

[Objected to as immaterial and irrelevant.]

A.—I do not know.

Q.—Do you not know that the said John Janett had served in the Union Army in the late war?

[Objected to as not in proper cross examination, and irrelevant.]

A.—I do not know myself; he told me he did, and I suppose he did.

A. S. MURPHY.

TESTIMONY OF EDMUND BURCH.

EDMUND BURCH is now offered as a witness by contestant.

Same objection to his being sworn or examined as made to the examination of the witness Dunning.

EDMUND BURCH, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the above entitled contest, deposes and says:

Question—State your name, age, occupation, and residence?

Answer—Edmund Burch; age, thirty-six years; occupation, miner; residence, Fresno County.

Q.—To what political party or organization, if any, do you belong?

A.—I am a Democrat.

Q.—Where were you about eight o'clock p. m. of last Friday?

A.—Montgomery House, at Hollister, at the supper table.

Q.—State the names of all that were at the supper table at that time?

A.—Joseph Dunning, Colonel Heath, Jeremiah Kelleher, and myself.

Q.—After your party had retired from the dining room, state whether or not you heard any conversation between A. Heath and Jeremiah Kelleher?

[This testimony is all irrelevant, and is objected to.]

A.—I did.

Q.—State in detail, or the substance, if you do not recollect the actual words of such conversation?

A.—I recollect a part; Heath asked Kelleher what business he followed; Kelleher said he was a farmer; Heath asked him if his name was not Michael, and he insisted that it was Jeremiah; I don't recollect the entire conversation; he asked him where he lived; he said that he had a ranch in Santa Clara County; that about two and a half months ago he moved his family to Monterey County, and is now engaged in raising stock; he said that he voted for Thomas Beck, in Tres Pinos Precinct, Monterey County.

Q.—State whether he in that conversation gave the information to said Heath voluntarily, and also the reasons why he voted for Thomas Beck?

[Objected to.]

A.—He gave it voluntarily; I don't remember exactly his reasons for voting for Beck.

Q.—State whether or not anything was said in that conversation about the unpleasantness of his wife's being compelled to live in Tres Pinos Precinct, and if yea, state the same?

*By Respondent.*—This is a beautiful system of examination! It is respectfully submitted to the Senate Committee for their careful perusal and deserved criticism.

A.—There was; Mr. Kelleher said it was unpleasant, but at the same time he did not expect to always live in that part of the country; he expected to return to his farm in Santa Clara County.

Respondent moves to strike out all the testimony of the witness, Burch; waiving nothing now, asks him the following questions:

#### CROSS EXAMINATION.

*By Respondent.*—Then Mr. Heath went to interrogating Mr. Kelleher as to what business he followed; as to his name; whether it was not Michael; where he lived; and about and concerning his family, domestic relations, and so forth; and fishing, generally, for the private concerns and business of the gentleman, Mr. Kelleher, in your presence?

A.—He asked those questions, but in different language.

Q.—Do you not know there is more than one Jeremiah Kelleher in this county?

A.—I do not.

Q.—Was not the Mr. Kelleher you speak of under the influence of intoxicating liquors at the time Heath entertained him in the conversation you refer to?

A.—He was not, that I could perceive.

Q.—Did he not manifest some silliness, in offering to loan his money, as if intoxicated?

[Objected to, as this is not a farce.]

A.—He did not, that I could perceive.

Q.—While you claim to be a Democrat, are you not favorably disposed to the contestant in this contest, and have you not business relations with him?

A.—I am not; they are both friends of mine; I have business relations with him.

Q.—Are you subpoenaed as a witness in this case?

A.—I am not.

RE-DIRECT EXAMINATION.

*By Contestant.*—State whether you are now here in the Town of San Juan, and was here last Friday night, for the purpose of being a witness in this contest?

A.—I am not and was not.

Q.—Are your business relations such as would induce you to give a coloring in your answers in favor of contestant?

[This question is objected to; it is unintelligible.]

A.—They are not.

*By Respondent.*—Are you a partner or an employé of contestant?

A.—I have an interest in the mine that he also owns in.

ED. BURCH.

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TESTIMONY OF JOHN S. PAYNE.

JOHN S. PAYNE being now offered as a witness by the contestant, respondent objects to his being sworn or examined, upon the same grounds of objection made to the witness Heller and others being sworn, no notice whatever being given for his testimony, the name of Payne not appearing in the affidavit of Thomas Flint, the contestant, as is the case with a large majority of the witnesses sworn.

JOHN S. PAYNE, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the above entitled contest, deposes and says:

Question—State your name, age, and residence?

Answer—My name is John S. Payne; age, thirty-six years; residence, Pajaro Precinct, Monterey County.

Q.—Do you know John Connell; if yea, where did he reside on the sixth day of September, A. D. eighteen hundred and seventy-one?

A.—To the best of my knowledge and belief, he was in Pajaro Precinct at that time.

Q.—When did you last see him?

A.—I think on Monday, the eighth day of January, eighteen hundred and seventy-two.

Q.—Had you any business transaction with him on that day; if yea, what was it?

[Objected to, the business of Connell and Payne having nothing to do with the contest of the seat of Senator Beck.]

A.—I did have business transactions; he owed me a bill, and paid the account that day.

Q.—At the time he paid his account to you did he give you any information as to his reasons for paying you the same that day?

[Objected to.]

A.—He said he was about moving away and came in to pay his bill.

Q.—To what political party or organization, if any, do you belong?

[Objected to.]

A.—To none at present.

Q.—With what political organization were you connected on the sixth day of September, A. D. eighteen hundred and seventy-one?

[Objected to.]

A.—I cannot say that I belonged to any political organization that would influence me to vote for party and not for men; I voted for some Democrats and some Republicans, and at the Judicial election voted the whole Republican ticket, save one.

Q.—State whether or not you were anxious for the success of the ticket that you yourself voted on that day, and did you actively support the same?

[Objected to.]

A.—I took no active part in that election, except for a member of the lower house of the Legislature.

Q.—State whether, on the day of said election, you saw John Connell at the polls or voting place any time during the day?

[Objected to.]

A.—I think not.

Q.—State, if you know, the nationality of said John Connell; if yea, state the evidence of your knowledge?

[Objected to as immaterial.]

A.—I have no knowledge of my own, only my own ideas; sometimes we are mistaken; I believe him to be an Irishman; I would take him to be an Irishman from his associations, appearance, and brogue.

Q.—State whether or not, at the time he paid you his account, he said anything to you about having been served with a subpoena in this matter?

[Objected to as incompetent and immaterial.]

A.—I think not; I am not positive; if he did, I do not remember it.

Q.—At any time, either before or after he paid his account to you, did he say anything to you about having been subpoenaed to appear at San Juan for any purpose; if yea, for what purpose?

[Same objection as to the last question.]

A.—He informed me that he had been subpoenaed to appear at San Juan on the — day of January, A. D. eighteen hundred and seventy-two, to give evidence in the contested election case of Flint against Beck; the subpoena that Mr. Connell had in his possession was not dated; that is, he was not required in the subpoena to appear in San Juan at any particular time in January; the word "forthwith" was not in the subpoena, nor was there any date put in to appear in January; the date of the issuance by the Justice was at the bottom of the subpoena, I believe; I read the subpoena that he showed me.

JNO. S. PAYNE.

Respondent now moves to strike out the testimony of John S. Payne.

### CERTIFICATE OF JUSTICE OF THE PEACE.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, JOHN W. WHITNEY, a Justice of the Peace in and for said county, do hereby certify that the witnesses in the foregoing depositions named

were by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the time and place mentioned in the annexed notice, to wit: at my office, in the Town of San Juan, in the County of Monterey, in the State of California, and on the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second, and twenty-third days of January, A. D. eighteen hundred and seventy-two, between the hours of nine o'clock A. M. and six o'clock P. M. of said days; that said depositions were reduced to writing by Joseph Bowie, and in my presence, and in presence of counsel for respondent and contestant, no objection being made by either respondent or contestant to said Bowie's reducing said depositions to writing as my clerk, and when completed were each severally by said Bowie in my presence and in the presence of the counsel of said contestant and respondent carefully read to said witnesses and each of them, and being by them and each of them corrected, were by each individually subscribed in my presence.

In witness whereof I have hereunto subscribed my name this twenty-third day of January, A. D. eighteen hundred and seventy-two.

JOHN W. WHITNEY,

Justice of the Peace in and for the Township of San Juan, Monterey County, State of California.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, William M. R. Parker, County Clerk and ex officio Clerk of the County Court in and for said county, do hereby certify that John W. Whitney, before whom the foregoing and attached depositions were taken, is a Justice of the Peace in and for said county, duly elected and qualified.

{ SEAL. }

In witness whereof I have hereunto set my hand and affixed the seal of the County Court of said county, this twenty-third day of January, A. D. one thousand eight hundred and seventy-two.

W. M. R. PARKER,  
Clerk.

#### NOTICE TO TAKE DEPOSITIONS.

*In the matter of the contest pending in the Senate of the State of California, as to the right to have and hold therein the office of State Senator of the Sixth Senatorial District of the State of California, consisting of the Counties of Santa Cruz and Monterey, between Thomas Flint, contestant, and Thomas Beck, respondent.*

THOMAS FLINT, being duly sworn, on his oath says that he is the contestant above named; that the following named persons, to wit: C. A. Imus, J. Bandy, Samuel G. Medley, A. J. Rader, John J. Janett, Leander Emery, L. A. McKay, Eldridge H. Hiner, G. W. Leates, H. Stanley,

Jerome Perry, and W. M. R. Parker, are material witnesses for affiant and contestant upon the trial of the above mentioned proceeding and contest, and that they and each of them reside out of the County of Sacramento, in said State of California, and in the County of Monterey, in said State of California, and that said matter of contest and proceeding is pending and will be tried in the said County of Sacramento.

THOMAS FLINT.

Subscribed and sworn to before me, this nineteenth day of December, A. D. eighteen hundred and seventy-one.

SEAL.

GRANT I. TAGGART,  
Clerk of Supreme Court.

NOTICE TO RESPONDENT.

*In the matter of the contest pending in the Senate of the State of California, as to the right to have and hold therein the office of State Senator of the Sixth Senatorial District of the State of California, consisting of the Counties of Santa Cruz and Monterey, between Thomas Flint, contestant, and Thomas Beck, respondent.*

To THOMAS BECK, Respondent:

You will please take notice that Thomas Flint, the contestant above named, will take the depositions of C. A. Imus, J. Bandy, Samuel G. Medley, A. J. Rader, John J. Janett, Leander Emery, L. A. McKay, Eldridge H. Hiner, G. W. Leates, H. Stanley, Jerome Perry, and W. M. R. Parker, before J. W. Whitney, a Justice of the Peace in and for the County of Monterey, in the State of California, at his office, in the Town of San Juan, in said County of Monterey, State of California, on the eighth day of January, A. D. eighteen hundred and seventy-two, between the hours of nine o'clock A. M. and six o'clock P. M. of said day, and continue from day to day at the same place, and before said Justice of the Peace, until the depositions of said witnesses are taken and completed, and that the depositions so taken will be offered and read in evidence in behalf of contestant upon the trial of said matter in the Senate of the State of California.

Respectfully,

THOMAS FLINT, Contestant.

J. G. EASTMAN,  
Attorney for Contestant.

STATE OF CALIFORNIA, }  
County of Sacramento. } ss.

I hereby certify that I have served the within affidavit and notice upon Thomas Beck, the respondent therein mentioned, by delivering to him a

certified copy thereof, at the City and County of Sacramento, in the State of California, on the nineteenth day of December, A. D. eighteen hundred and seventy-one.

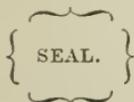
J. W. HAWKINS,  
Sergeant at Arms of the Senate.

### NOTICES TO TAKE DEPOSITIONS.

*In the matter of contest pending in the Senate of the State of California, as to the right to have and hold therein the office of State Senator of the Sixth Senatorial District of the State of California, consisting of the Counties of Santa Cruz and Monterey, between Thomas Flint, contestant, and Thomas Beck, respondent.*

THOMAS FLINT being duly sworn on his oath, says that he is the contestant above named; that the following named persons, to wit: Albert Brown, Hiram Imus, Albert Heath, are material witnesses for affiant and contestant upon the trial of the above mentioned proceeding and contest, and that they and each of them reside out of the County of Sacramento, in said State of California, and in the County of Santa Cruz, in said State of California, and that said matter of contest and proceeding is pending and will be tried in the said County of Sacramento.

THOMAS FLINT.



Subscribed and sworn to before me, this nineteenth day of December, A. D. eighteen hundred and seventy-one.

GRANT I. TAGGART,  
Clerk of Supreme Court.

*In the matter of contest pending in the Senate of the State of California, as to the right to have and hold therein the office of State Senator of the Sixth Senatorial District of the State of California, consisting of the Counties of Santa Cruz and Monterey, between Thomas Flint, contestant, and Thomas Beck, respondent.*

To THOMAS BECK, *Respondent*:

You will please take notice that Thomas Flint, the contestant above named, will take the depositions of Albert Brown, Hiram Imus, Albert Heath, before E. Wellington, a Justice of the Peace in and for the County of Santa Cruz, in the State of California, at his office in the Town of Santa Cruz, in said county of Santa Cruz, State of California, on the eighth day of January, A. D. eighteen hundred and seventy-two, between the hours of nine o'clock A. M. and six o'clock P. M. of said day,

and continue from day to day at the same place and before said Justice of the Peace, until the depositions of said witnesses are taken and completed, and that the depositions so taken will be offered and read in evidence in behalf of contestant upon the trial of said matter in the Senate of the State of California.

Respectfully,

THOMAS FLINT,  
Contestant.

J. G. EASTMAN,  
Attorney for Contestant.

STATE OF CALIFORNIA, }  
County of Sacramento. } ss.

I hereby certify that I served the within affidavit and notice upon Thomas Beck, the respondent therein mentioned, by delivering to him a certified copy thereof at the City and County of Sacramento, in the State of California, on the nineteenth day of December, A. D. eighteen hundred and seventy-one.

J. W. HAWKINS,  
Sergeant at Arms of the Senate.

*In the matter of the contest of the election of Thomas Beck as State Senator of the State of California, in and for the Sixth Senatorial District, composed of the Counties of Monterey and Santa Cruz, in said State.*

Be it remembered that pursuant to the affidavit and notice hereunto annexed, and on the eighth day of January, A. D. eighteen hundred and seventy-two, at my office in the County of Santa Cruz, State of California, before me, E. Wellington, a Justice of the Peace in and for said County of Santa Cruz, duly appointed and commissioned to administer oaths, etc., personally appeared Albert Brown and Joaquin Adam, witnesses produced on behalf of the contestant in the above entitled contest now pending before the Senate of the State of California, who being by me first duly sworn, and then and there examined and interrogated by A. Heath, Esq., of counsel for said contestant, and by William M. De Witt, Esq., of counsel for said respondent, testified as follows:

#### TESTIMONY OF ALBERT BROWN.

ALBERT BROWN, the first witness being by me first duly sworn to state the truth, the whole truth, and nothing but the truth, relating to the above entitled contest, testifies as follows, to wit:

Question—State your name, age, and occupation?

Answer—I am thirty-seven years of age; my name is Albert Brown; my occupation is County Clerk of Santa Cruz County.

On motion of contestant's counsel and for good cause shown, the further taking of the depositions herein is continued until January ninth, eighteen hundred and seventy-two, at ten o'clock A. M.

January 9th, 1872.

### TESTIMONY OF ALBERT BROWN RESUMED.

Now comes the respondent Thomas Beck, by his attorney, W. M. De Witt, and appears specially herein, without waiving his objections to the sufficiency of notice to take depositions herein, and objects to the contestant taking further testimony herein, on the following grounds, to wit:

*First*—On the ground that the contestant, Thomas Flint, has taken his testimony herein and closed his case prior to the convening of the Legislature of the State of California, on the fourth day of December, A. D. eighteen hundred and seventy-one.

*Second*—That the testimony taken for contestant before the Commissions of the Counties of Monterey and Santa Cruz has been closed, and the depositions and testimony reported to the Senate of the State of California, the tribunal before which said contest is tried.

*Third*—On the ground that said contestant is going into his original case after he has announced his testimony closed and his report in before the Senate of the State of California.

*Fourth*—On the ground that the State Senate of the State of California, the tribunal before which said contest is tried, has not ordered the further taking of testimony in said contest.

*Fifth*—On the ground that no notice has been given for the taking of depositions as required by law, and respondent does not waive his objections thereto by his appearance herein.

*Sixth*—That said contest was set for hearing in the State Senate on the eighth day of January, A. D. eighteen hundred and seventy-two.

*Seventh*—That the proceedings herein are unauthorized by law.

*Eighth*—That the depositions of Albert Brown and Hiran Imus have already been taken herein; wherefore respondent asks that the testimony taken herein be disregarded.

Q.—State, if you know, who has the charge and custody of the Great Register of the County of Santa Cruz, and the returns of the general election held on the sixth day of September, A. D. eighteen hundred and seventy-one, in the County of Santa Cruz?

[Objected to by respondent, on the ground that the contestant herein is going into his original case after he has closed his testimony herein before the Commission of the County of Santa Cruz; and on the further ground that the witness Albert Brown has heretofore testified to that fact, in a deposition heretofore taken by contestant herein, now on file among the papers in said contest in the State Senate of the State of California.]

A.—I have, as County Clerk of said county.

On motion of contestant's counsel, and for good cause shown, the further taking of depositions herein is continued to January tenth, eighteen hundred and seventy-two, at ten o'clock A. M.

The respondent herein objects to said continuance, on the ground that there is no good reason why a continuance should be had, there being a witness before the Commission ready for examination.

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JANUARY 10th, 1872.

TESTIMONY OF ALBERT BROWN RESUMED.

Question—What county officer has the charge and custody of the records and the proceedings of the Board of Supervisors of Santa Cruz County?

[Objected to by respondent, on the ground that it is irrelevant and immaterial.]

Answer—The County Clerk has, as ex officio Clerk of the Board of Supervisors.

On motion of contestant's counsel, and for good cause shown, the further taking the depositions herein is continued to January eleventh, eighteen hundred and seventy-two, at ten o'clock A. M.

The respondent herein objects to said continuance, on the ground that there is no good reason why a continuance should be had, there being a witness before the Commission ready for examination.

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JANUARY 11th, 1872.

On motion of contestant's counsel, the further taking of testimony herein is continued to January twelfth, eighteen hundred and seventy-two, at ten o'clock A. M.

Objected to by respondent.

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JANUARY 12th, 1872.

TESTIMONY OF ALBERT BROWN RESUMED.

Question—How long have you been acting as County Clerk of Santa Cruz County?

Answer—It will be two years next March.

On motion of contestant's counsel, and for good cause shown, the further taking of the depositions herein is continued to January thirteenth, eighteen hundred and seventy-two, at nine o'clock A. M.

The attorney for the respondent objects to the continuance herein, for the reason that there has been no sufficient cause shown, there being a witness before the Commission ready for examination.

JANUARY 13th, 1872.

## TESTIMONY OF ALBERT BROWN RESUMED.

Question—Since said election of September sixth, A. D. eighteen hundred and seventy-two, who has had the continuous control of the said records and returns of said election of said Santa Cruz County?

[Objected to by the respondent, on the ground that the contestant is going into his original case, and that the witness Albert Brown has already testified in a former deposition taken in this case, now on file with the papers in this case in the State Senate of the State of California.]

Answer—I have had the control of the same.

On motion of contestant's counsel, and for good cause shown, the further taking of the depositions is continued herein to January fifteenth, eighteen hundred and seventy-two, at nine o'clock A. M.

The attorney for the respondent objects to the continuance herein, for the reason that there has been no sufficient cause shown, there being a witness before the Commission ready for examination.

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 JANUARY 15th, 1872.

## TESTIMONY OF ALBERT BROWN RESUMED.

Question—Have the records and returns of said election been out of your custody at any time since said election?

[Objected to on the ground that it is irrelevant and immaterial, and on the further ground that the witness has testified to the same fact in his former deposition, taken in this contest.]

Answer—They have not.

On motion of contestant's counsel, and for good cause shown, the further taking of the depositions herein is continued to January sixteenth, eighteen hundred and seventy-two, at nine o'clock A. M.

The attorney for the respondent objects to the continuance herein, on the ground that there has been no sufficient cause shown, there being a witness before the Commission ready for examination.

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 JANUARY 16th, 1872.

## TESTIMONY OF ALBERT BROWN RESUMED.

Question—You state that as Clerk of this county you are custodian of the Great Register of this county; where is the Great Register?

Answer—I have it here with me.

Q.—Please examine the Great Register and state if W. H. Morris and P. V. Wormser, or either of them, are on the Great Register?

[Objected to by respondent, on the ground that the witness Albert Brown has already testified as to the fact in a former deposition taken

in this contest and now before the Senate, the tribunal before which this contest is tried.]

A.—I do not find the names of either P. V. Wormser or W. H. Morris on the Great Register.

Q.—Please examine the Great Register and state if John Kelley, José Buelna, James Oliver, Thomas Kerns, and Addison Moore, or either of them, were placed on the Great Register; if so, state the date of their registration?

[Objected to on the same ground of the last objection interposed.]

A.—I find the name of John Kelley, registered September fourth, eighteen hundred and seventy-one; also, the name of José Buelna, registered September fifth, eighteen hundred and seventy-one; also, James Oliver, registered August thirty-first, eighteen hundred and seventy-one; also, Thomas Kerns, registered October twentieth, eighteen hundred and sixty-eight; also, Addison Moore, registered August thirty-first, eighteen hundred and seventy.

Contestant now offers in evidence the original Great Register of Santa Cruz County.

Witness states that he has no authority to allow the Great Register to go out of his custody, and refuses to surrender the same.

Q.—Have you here with you the original election returns of the election held September sixth, eighteen hundred and seventy-one, in the State of California, for Santa Cruz and Pajaro Precincts?

A.—I have the voting lists of the two precincts here with me.

Q.—Please examine the list of Santa Cruz Precinct and state if P. V. Wormser, José Buelna, and John Kelley voted in said precinct at the last general election, held September sixth, eighteen hundred and seventy-one, in the State of California.

[Objected to on the ground that the witness has been formerly examined in a deposition heretofore taken in this case prior to the convening of the Senate in December, eighteen hundred and seventy-one; and on the further ground that the contestant closed his case prior to the convening of the Senate of the said State of California in December, eighteen hundred and seventy-one; and upon the further ground that the contestant is going into his original case, and that the Senate has made no order for the further taking of testimony herein.]

A.—I find the names of John Kelley, P. V. Wormser, and José Buelna, as having voted at said election.

Q.—Please examine the voting list of Pajaro Precinct, in this county, and state if W. H. Morris, James Oliver, Addison Moore, and Thomas Kerns, voted at the last general election, held September sixth, eighteen hundred and seventy-one, in this State.

[Objected to on the ground that the witness has been formerly examined in a deposition heretofore taken in this case prior to the convening of the Senate in December, eighteen hundred and seventy-one; and on the further ground that the contestant closed his case prior to the convening of the Senate of the State of California in December, eighteen hundred and seventy-one; and upon the further ground that the contestant is going into his original case, and that the Senate has made no order for the further taking of testimony herein.]

A.—I find that W. H. Morris, James Oliver, Addison Moore, and Thomas Kerns, voted in Pajaro Precinct, September sixth, eighteen hundred and seventy-one.

Contestant now offers in evidence the original election returns of Santa

Cruz and Pajaro Precincts of the general election held in this State on September sixth, eighteen hundred and seventy-one.

Respondent objects to the introduction of said returns in evidence, on the following grounds, to wit: First, that the said contestant (Thomas Flint) herein, has already taken his testimony in said contest before a Commission in Santa Cruz County, prior to the convening of the Senate of the State of California on the fourth day of December, eighteen hundred and seventy-one, and that said contestant then and there closed his case; second, that the said contestant herein is going into his original case; third, that the Senate of the State of California has not ordered the further taking of testimony herein.

The witness objects to allowing the said election returns to go out of his custody.

Q.—You have stated that as ex officio Clerk of the Board of Supervisors, you are the custodian of the minutes of the said Board. Where, now, is the minute book of said Board?

A.—I have it here with me.

Q.—Please refer to said minutes and state whether the vote of Santa Cruz County cast at the last general election, on September sixth, eighteen hundred and seventy-one, was officially canvassed by the Board of Supervisors of this county?

[Objected to on the ground that it is secondary and not the best evidence.]

A.—It was officially canvassed on Monday, September eleventh, eighteen hundred and seventy-one.

Q.—Please state the number of votes received by Thomas Flint and Thomas Beck, respectively, candidates for Senator from the Sixth Senatorial District of the State of California, composed of the Counties of Monterey and Santa Cruz, in each election precinct in Santa Cruz County?

[Objected to on the ground that it is secondary and not the best evidence, and upon the further ground that the witness has heretofore testified to these facts in a deposition taken on the twenty-ninth or thirtieth day of November, eighteen hundred and seventy-one, and now on file among the papers of said contest before the Senate of the State of California.]

A.—Thomas Flint received in New Year's Point Precinct fifty-two votes. Thomas Beck received in New Year's Point Precinct nineteen votes. In San Lorenzo Precinct, Thomas Flint received seventy-six votes, and Thomas Beck received one hundred votes. In Scott's Valley Precinct, Thomas Flint received forty-six votes, and Thomas Beck received thirty-six votes. In Santa Cruz Precinct, Thomas Flint received four hundred and fifty-two votes, and Thomas Beck received three hundred and thirty-seven votes. In Soquel Precinct, Thomas Flint received one hundred and forty-seven votes, and Thomas Beck received one hundred and twenty votes. In Pajaro Precinct, Thomas Flint received two hundred and seventy votes, and Thomas Beck received two hundred and four votes. In Coralitos Precinct, Thomas Flint received fifty-one votes, and Thomas Beck received fifty-nine votes.

Contestant now offers in evidence the original official minutes or record of the Board of Supervisors of Santa Cruz County.

Respondent objects to the introduction of the said minutes or record of the Board of Supervisors on the following grounds, to wit:

*First*—That the said contestant (Thomas Flint) herein, has already

taken his testimony in said contest before a commission in Santa Cruz County prior to the convening of the Senate of the State of California on the fourth day of December, eighteen hundred and seventy-one; and that said contestant then and there closed his case.

*Second*—That the said contestant herein is going into his original case.

*Third*—That the Senate of the State of California has not ordered the further taking of testimony herein.

The witness objects to the said record being taken from his custody.

Contestant now offers in evidence a certified copy of the official canvass of the whole vote cast at the last general election, held September sixth, eighteen hundred and seventy-one, for Thomas Flint and Thomas Beck, respectively, as joint State Senator, in each election precinct in Santa Cruz County, hereto annexed and marked Exhibit "A."

Objected to on the ground that the contestant herein has introduced, or attempted to introduce, the original record of the Board of Supervisors with regard to the canvass of said vote, and now seeks to introduce a certified copy of said record, and that said evidence is secondary and cumulative.

Contestant offers in evidence a certified copy of indictment entitled "The People of the State of California against Thomas Kerns," with the indorsements thereon, filed as a record of the County Court of Santa Cruz County, January eighth, eighteen hundred and sixty-nine. Also, certified copies of proceedings in case entitled "The People against Thomas Kerns," hereto annexed and marked Exhibit "B."

Respondent objects to the introduction of the record herein, on the ground that there has been no foundation laid for the introduction of said evidence, and upon the further ground that it is irrelevant and immaterial; and also upon the further ground that said indictment and record herein was formerly introduced in evidence before a commission instituted in the County of Santa Cruz for the purpose of taking testimony in said contest, on or about the twenty-ninth or thirtieth of November, eighteen hundred and seventy-one, and now before the State Senate of the State of California.

Now comes the respondent, by his attorney, and moves to strike out the foregoing deposition of Albert Brown and the "Exhibits" herein, on the following grounds, to wit:

*First*—That the contestant herein, Thomas Flint, closed the testimony of the said contestant on the twenty-ninth or thirtieth day of November, eighteen hundred and seventy-one, and announced on said day or days that he closed said testimony.

*Second*—On the ground that the deposition of Albert Brown was formerly taken before the commission instituted in the County of Santa Cruz for the purpose of taking testimony in said contest, and said testimony already reported to the State Senate before the convening thereof.

*Third*—That there has been no order of the State Senate of the State of California for the taking of further testimony herein.

*Fourth*—That the testimony of said Brown is identical with that taken in the former deposition herein.

*Fifth*—The proceedings herein are unauthorized by law.

#### CROSS EXAMINATION.

Q.—Was or was not your deposition taken on or about the twenty-ninth or thirtieth day of November, eighteen hundred and seventy-one—

in the said contest, and reported to the Senate of the State of California?

A.—I think it was on or about that date.

Q.—Was the testimony given at that time the same as you have testified to in the foregoing deposition?

A.—I do not remember my testimony at that time; I think it was similar; the same documents were used.

ALBERT BROWN.

### TESTIMONY OF JOAQUIN ADAM.

JOAQUIN ADAM, a witness produced on behalf of contestant, being by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, in relation to the contest herein, testifies as follows, to wit:

[Counsel for respondent objects to the examination of Joaquin Adam, on the ground that there has been no notice for the taking of the deposition of Joaquin Adam given to respondent, he not being one of the parties named in the affidavit and notice for taking depositions herein.]

Question—What is your name, age, and place of residence?

Answer—My name is Joaquin Adam; my age is thirty-four years; my residence is at Santa Cruz.

Q.—What is your occupation?

A.—Catholic pastor of Santa Cruz.

Q.—As such pastor, are you the custodian of the parish register of births, kept in and for said parish?

A.—Yes, sir.

Q.—From what time and up to what time does the register purport to record the time of birth of children in this parish?

[Objected to on the ground that it is irrelevant and immaterial.]

A.—From the ninth of October, A. D. seventeen hundred and ninety-one, to the second day of June, A. D. eighteen hundred and fifty-seven.

Q.—Will you please examine this paper, and state if it is a true copy of the original entries in the parish register now in your custody?

Witness is here shown a paper written in the Spanish language, marked "Exhibit C."

[Objected to on the ground that there has been no foundation laid for said testimony, and that it is irrelevant and immaterial.]

A.—It is.

Q.—Please examine this paper, and state if it is a full, true, and correct translation from Spanish into English of the original entries as they appear from the parish register now in your custody?

Witness is here shown a paper marked "Translation—Exhibit D," for inspection.

[Objected to on the ground that there has been no foundation laid for said testimony, and that it is irrelevant and immaterial.]

A.—Yes, sir.

Contestant now offers in evidence paper marked "Translation—Exhibit D," and particularly the entry therein numbered two thousand eight hundred and seventy-one, purporting to record the date of the birth and baptism of José de Las Santos de Atocha Buelna.

[Objected to by the respondent on the ground that it is secondary and not the best evidence, and on the further ground that it is irrelevant and immaterial, no foundation having been laid for the introduction of such evidence.]

Counsel for the respondent now moves to strike out the deposition of Joaquin Adam taken herein, and the exhibits attached thereto, on the following grounds, to wit:

*First*—That the deposition of Joaquin Adam, as to the same facts, was heretofore taken in said contest prior to the convening of the Senate of the State of California, on the fourth day of December, eighteen hundred and seventy-one, and is now on file among the papers of said contest.

*Second*—That the contestant herein, Thomas Flint, closed his case on or about the thirtieth day of November, eighteen hundred and seventy-one.

*Third*—On the ground that respondent had no notice of the taking of the deposition of Joaquin Adam.

#### CROSS EXAMINATION.

Q.—In the entries made in the parish register with regard to the birth and baptism, does the word "birth" have any relation to the physical birth of the child named therein?

A.—Yes, it has.

Q.—Is the record of the parish register evidence as to the time of the birth of an individual?

A.—Yes, sir.

Q.—Does number two thousand eight hundred and seventy-one, in "Exhibit D," bear any relation, in the entry made therein, to any other entry made in "Exhibit D?"

A.—It stands independent of any other entry.

#### DIRECT EXAMINATION RESUMED.

Q.—Admitting that every entry in the register is independent of its fellows, as to the subject of which it treats, now is it or is it not a fact that entry two thousand eight hundred and seventy-one depends on entry two thousand eight hundred and sixty-seven for the year in which the former was made?

A.—Yes, sir.

Q.—Please state what was the custom of your predecessors in office, the old Fathers, as to the entries in the register with respect to the year in which the child was born, if you know?

[Objected to on the ground that the register is the best evidence of that fact.]

A.—The custom, as it appears from this same register, was, in the beginning of each year, to express it by number, and then sometimes afterwards they will repeat the year with numbers, or they will merely say the date of the month "of this year."

JOAQUIN ADAM.

## [ EXHIBIT A. ]

## ELECTION RETURNS OF SANTA CRUZ COUNTY.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, }  
 Monday, September 11th, A. D. 1871. }

The Board of Supervisors met pursuant to adjournment.

Present, Supervisors Jacob Parsons, P. F. Dean, George Anthony, and the Clerk.

The Board now proceeds to canvass the returns from the several precincts of the general election held September sixth, A. D. eighteen hundred and seventy-one, and, upon examination, find the following to be the votes cast for all officers voted for at said general election:

PRECINCTS.	FOR STATE SENATOR.	
	Thomas Beck.	Thomas Flint.
New Year's Point.....	52	19
San Lorenzo.....	76	100
Scotts Valley.....	46	36
Santa Cruz.....	452	337
Soquel.....	147	120
Pajaro.....	270	204
Corralitos.....	51	59
Totals.....	1,094	875

Albert Hagan appearing before the Board and demanding a recount of each election precinct on the office of joint Senator, the Board recounted the votes of all the precincts in the county, and find the vote to be as follows, viz:

For Thomas Beck, for State Senator..... 1,094 votes.  
 For Thomas Flint, for State Senator.. 875 votes.

The Board does now adjourn until Monday, the twenty-third of October, A. D. eighteen hundred and seventy-one.

JACOB PARSONS,  
 Chairman.

Attest: ALBERT BROWN, Clerk.

STATE OF CALIFORNIA, }  
 County of Santa Cruz. } ss.

I, ALBERT BROWN, County Clerk of the County of Santa Cruz and ex officio Clerk of the Board of Supervisors thereof, do hereby certify that

the foregoing is a full, true, and correct copy of the proceedings had by said Board, as appears upon their minutes, relative to the counting and recounting of the vote cast for State Senator, at an election held in said county September sixth, eighteen hundred and seventy-one.



As witness my hand and the seal of the County Court,  
this sixteenth day of January, A. D. eighteen hundred  
and seventy-two.

ALBERT BROWN,  
County Clerk.  
By E. I. WILLIAMS, Deputy.

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[ EXHIBIT B. ]

INDICTMENT OF THOMAS KERNS.

STATE OF CALIFORNIA.

In the County Court of the County of Santa Cruz, at its January term,  
A. D. eighteen hundred and sixty-nine.

*The People of the State of California against Thomas Kerns:*

The said Thomas Kerns is accused by the Grand Jury of the County of Santa Cruz, State of California, by this indictment, found this eighth day of January, A. D. one thousand eight hundred and sixty-nine, of the crime of knowingly and willingly causing himself to be registered in the Great Register of said county, he not being qualified for such registration, committed as follows: The said Thomas Kerns, on or about the twentieth day of October, A. D. eighteen hundred and sixty-eight, at the county and State aforesaid, did knowingly, willingly, fraudulently, and unlawfully cause and procure himself to be registered in the Great Register of Santa Cruz County, State of California, knowing himself not to be entitled to or qualified for such registration, contrary to the form, force, and effect of the statute in such cases made and provided, and against the peace and dignity of the people of the State of California.

JULIUS LEE,  
District Attorney.

Name of witness examined before the said Grand Jury, on finding the foregoing indictment: H. H. Hobbs.

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*Indorsed:*

County Court, County of Santa Cruz. The People of the State of California against Thomas Kerns. Indictment for misdemeanor. A true bill: H. F. Redman, Foreman of the Grand Jury. Presented by the Foreman of the Grand Jury, in the presence of the Grand Jury, in open County Court of the County of Santa Cruz, State of California,

and filed as a record of said Court, this eighth day of January, A. D. eighteen hundred and sixty-nine. H. H. Hobbs, Clerk. By James O. Wanzer, Deputy Clerk.

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MONDAY, January 11th, 1869.

County Court met pursuant to adjournment.

Present—Honorable Albert Hagan, Judge; the Clerk and the Sheriff.

*The People of the State v. Thomas Kerns.*

The District Attorney and the defendant and his counsel being in Court, the defendant is now duly arraigned by the Clerk reading to him the indictment herein, and presenting him with a true copy thereof; and defendant stating that he is indicted by his right name, he is allowed until to-morrow morning, at ten o'clock, to plead to said indictment.

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TUESDAY, January 12th, 1869.

County Court met pursuant to adjournment.

Present—Honorable Albert Hagan, Judge; the Clerk and Sheriff.

*The People of the State v. Thomas Kerns.*

This being the time set for the defendant to plead to the indictment herein, defendant, by his counsel, now files a demurrer to said indictment, and a motion to set the same aside, which both being argued and submitted, the Court overrules said demurrer, defendant, by counsel, excepting, and the said motion is taken under advisement.

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WEDNESDAY, January 13th, 1869.

County Court met pursuant to adjournment.

Present—Honorable Albert Hagan, Judge; the Clerk and Sheriff.

*The People of the State v. Thomas Kerns.*

The District Attorney and the defendant and his counsel being in Court, the Court now overrules the motion to set aside the indictment in this cause, defendant, by his counsel, excepting; and defendant now pleads "Not guilty," as charged in said indictment.

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*The People of the State v. Thomas Kerns, Thomas Commodity, Thomas Boyle, Peter Fris, James Tynan, and Thomas Monohan.*

On motion of the District Attorney, in the above named causes, it is ordered that a nolle prosequi be entered in each, and that they be dis-

charged from custody, and go hence without day; and it is further ordered that the names of the aforesaid defendants be canceled upon the Great Register of Santa Cruz County.

ALBERT HAGAN,  
County Judge.

Attest: H. H. HOBBS, Clerk.  
By JAMES O. WANZER, Deputy.

STATE OF CALIFORNIA, }  
County of Santa Cruz. } ss.

I, ALBERT BROWN, County Clerk of the County of Santa Cruz, and ex officio Clerk of the County Court thereof, do hereby certify that the foregoing is a full, true, and correct copy of an indictment now existing among the files of said Court at this date; and also, of all the entries in the minutes of said Court in the cause of The People versus Thomas Kerns.



As witness my hand and the seal of said Court, this fifteenth day of January, A. D. eighteen hundred and seventy-two.

ALBERT BROWN,  
County Clerk.

[EXHIBIT C.]

EXTRACT FROM PARISH REGISTER.

The undersigned certifies that the following entries are found in the First Book of Baptism of this parish, and are as follows:

2867. Feliciane Abel, B<sup>sp</sup><sup>a</sup>.—En 23 de Octubre, de 1850, año del teñor, bautizé solemnemente y puse lor S<sup>tos</sup> oleos y crisma á un parbulo que nació el dia veinte del corriento á quien puse por nombre Feliciano Abel, y hijo legitime de Fran<sup>co</sup> Alzina y Carlota Gonzalez, y fueron sus padrinator, Felipe Gonzalez y Natividad Gonzalez, hermanos á quienes impuse la obligacion que tenian y lo firmé.”

FILOMENO URSUA.

2868. José Miguel.—En 27 de Octubre de este año bautizé solemnemente y puse lor S<sup>tos</sup> oleos y crisma á un parbulo nacido et 29 de Sep<sup>e</sup> pasado á quien puse por nombre José Miguel hijo de José Pio Castro y Maria Zalazar, fueure sus padrinos Guadalupe Castro, solt<sup>o</sup>, y Barbara Bomero, solt<sup>o</sup>, á quienes adverti lo debido y lo firmé.

FR. JOSÉ ANT<sup>o</sup> ANZAR.

2869. Maria de la Trinidad de la Cueba Santa.—En 27 Octubre de este año, bautizé solemnemente y puse los S<sup>tos</sup> oleos y crisma á una parbula nacida el dia 2 de este, á quien puse por nombre Maria de la Trini-

dad de la Cueba Sta, hija l. de Drs José Boleoff y de Drs Candida Castro. Fueron sus pad<sup>os</sup> et presb<sup>o</sup> Drs Filomeno Ursua y Drs Jacinta Castro Solb<sup>a</sup>, á quienes se adverti lo debido y lo firmé.

FR. J. A. ANZAR.

2870. José Narciso, B.—En 31 de Octubre de este año, bautizé solemnemente y puse los S<sup>tos</sup> oleos y crisma á una parbulo nacido el 26 de esta puse por nombre José Narciso, hijo de Facondo Rodriguez y de Guadalupe Roble. Fueron sus pad<sup>o</sup> Benito Amaya Casada, con Rafaela Rodriguez, y Juana Castro Casada, con Guan B<sup>pts</sup> Frances, á quienes adverti lo debido y lo firmé.

FR. J. ANT<sup>o</sup> ANZAR.

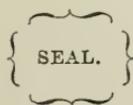
2871. José de Los Santos Atocha, B.—En 1 de Noviembre de este año, bautizé solemnemente y puse los S<sup>tos</sup> oleos y crisma á un parbulo nacido hoy mismo á quien puse por nombre José de los S<sup>tos</sup> de Atocha, hijo de Ramon Buelna y de Rafaela Perez, fueron sus pad<sup>s</sup> José Chapel y M<sup>a</sup> Josefa Soto, conjuges, á quienes adverti lo debido y lo firmé.

2872. M<sup>a</sup> de los Dolores del Espiritu 1 to—Incontinente al otro parbulo que ambos son gemelos nacido en el mismo dia á quien puse por nombre Maria de los Dolores Spiritu 1 to, hija y hermana del anterior y de los mismos pad<sup>s</sup> Ramon Buelna y Rafaela Perez. Fueron sus pad<sup>s</sup> Filipe Gonzalez, vind, y M<sup>a</sup> Matilde del Refugio Buelna, á quienes adverti lo debido y lo firmé.

FR. JOSÉ ANT<sup>o</sup> ANZAR.

2873. M<sup>a</sup> Elodia, B.—En 9 de Noviembre de 1850, bautize solemnemente á Maria Elodia Alta Gracia, la que nasio el 23 de Octubre, y hija legitima de Benito Amalla y de Rafaela Rodriguez, y fueron sus padrinos Jacunda Rodriguez y Guadalupe Robles.

FILOMENO URSUA.



And that it may be kown to all those interested, I put my hand and seal of this parish, on the 15th January, 1872.

J. ADAM, C. P.,  
Of Santa Cruz.

[EXHIBIT D.]

The undersigned certifies that on the first Register for Baptisms of this parish the following entries are registered:

2867. Feliciano Abel.—On the twenty-second of October of eighteen hundred and fifty, year of our Lord, I baptized solemnly and put the holy oils and chrism to a child who was born on the twentieth instant, to whom I gave the name of Feliciano Abel, legitimate son of Francisco Alzina and Carlota Gonzalez, and the sponsors were Felipe Gonzalez and Natividad Gonzales, brother and sister, to whom I made known the obligation they had contracted, and I signed it.

FILOMENO URSUO.

2868. José Miguel.—On the twenty-seventh October, of this year, I baptized solemnly, and I put the holy oils and chrism to a child born on the twenty-ninth of last September, to whom I gave the name of José Miguel, son of José Pio Castro and Maria Zalazar. His sponsors were Guadalupe Castro, unmarried, and Barbara Romero, unmarried, to whom I advised their duty, and I signed my name.

FR. JOSÉ ANTONIO ANZAR.

2869. Maria de la Trinidad de la Cueba Santa.—On the twenty-seventh of October of this year, I baptized solemnly and I put the holy oils and chrism to a girl born on the second of this month, to whom I imposed the name of Maria de la Trinidad de la Cueva Santa, legitimate daughter of José Bolcoff and Candida Castro. Her sponsors were the Rev. D. Filomeno Ursua and Dr. Jacinta Castro, unmarried, to whom I let known their obligation, and I signed my name.

FR. J. A. ANZAR.

2870. José Narciso.—On the thirty-first of October of this year, I baptized solemnly and I put the holy oils and chrism to a child born on the twenty-sixth of this month, to whom I gave the name of José Narciso, son of Facundo Rodriguez and Guadalupe Robles. His sponsors were Benito Amaya, married to Rafaela Rodriguez, and Juana Castro, married to Juan Baptist French, to whom I made known their obligation, and I signed my name.

FR. J. ANTONIO ANZAR.

2871. José de Los Santos Atocha.—On the first of November of this year, I baptized solemnly and I put the holy oils and chrism to a child born to-day, to whom I gave the name of José de Los Santos Atocha, son of Ramon Buelna and Rafaela Perez. His sponsors were José Chapel and Mary Josefa Soto, consorts, to whom I advised their obligation, and I signed my name.

2872. Immediately after, I baptized the other child, for they were twins, born on the same day, to whom I gave the name of Maria Dolores del Espiritu Santo, sister of the above mentioned and daughter of the same parents, Ramon Buelna and Rafaela Perez. Her sponsors were Felipe Gonzales, a widower, and Ma. Matilda del Refugio Buelna, to whom I adverted their obligation, and I signed my name.

FR. JOSE A. ANZAR.

2873. On the ninth of November of eighteen hundred and fifty, I baptized solemnly Maria Elodia Alto Gracio, who was born on the twenty-third of October, and legitimate daughter of Benito Amalta and Rafaela Rodriguez. Her sponsors were Facundo Rodriguez and Guadalupe Robles.

FILOMENO URSUO.

N. B. (Next page begins the year eighteen hundred and fifty-one.)  
And I certify that these are faithful translations of the entries as they stand on the first Register of Baptisms in the Spanish language, and to make faith I put the seal of this parish.

Santa Cruz, January 15th, 1872.

[SEAL.]

J. ADAM, C. P.

STATE OF CALIFORNIA, }  
 County of Santa Cruz. }

Joaquin Adam, being first duly sworn, says: That he is well acquainted with the Spanish and English languages, and competent to translate from English into Spanish, and from Spanish into English, and that the foregoing is a full, true, and correct translation into English of the original entries as they appear and are of record in the original parish register of births, now in my custody, from number two thousand eight hundred and sixty-seven to number two thousand eight hundred and seventy-three, both inclusive.

JOAQUIN ADAM.

Subscribed and sworn to before me, this sixteenth day of January, A. D. eighteen hundred and seventy-two.

E. WELLINGTON, J. P.,  
 Santa Cruz Township.

#### CERTIFICATE OF JUSTICE OF THE PEACE.

STATE OF CALIFORNIA, }  
 County of Santa Cruz. } ss.

I, E. WELLINGTON, a Justice of the Peace in and for said county, do hereby certify that the witnesses in the foregoing depositions named were by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the time and place mentioned in the annexed affidavit and notice, to wit: at the office of E. Wellington, in the Town of Santa Cruz, in said County of Santa Cruz, in the State of California, and on the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, and sixteenth days of January, A. D. eighteen hundred and seventy-two, between the hours of nine a. m. and six p. m. of said days; that said depositions were reduced to writing by M. V. Bennett, in my presence and under my direction, and, when completed, were carefully read to said witnesses by said M. V. Bennett, in my presence and under my direction, and being by them corrected, were by them subscribed in my presence.

In witness whereof I have hereunto subscribed my name and affixed my private seal, I having no seal of office, this sixteenth day of January, A. D. eighteen hundred and seventy-two.

[SEAL.]

E. WELLINGTON,  
 Justice of the Peace, Santa Cruz Township.



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REPORT

OF

STATE HOSPITAL COMMITTEE

IN REFERENCE TO THE

INSANE ASYLUM AT STOCKTON.

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T. A. SPRINGER.....STATE PRINTER.

# REPORT.

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SENATE CHAMBER, March 2d, 1872.

MR. PRESIDENT:

The Committee of the Senate on State Hospitals visited, on the third ultimo, the Insane Asylum at Stockton, and after a careful and thorough examination of all the departments, beg leave to report as follows:

The male wards, crowded beyond repletion, is a matter for the earnest attention of the members of this body. The department referred to is during daylight apparently free from objectionable features, as the patients have the range of the grounds and yards, and are not subjected to the inconveniences they experience at night. At the hour the patients retire to their rooms many apartments with only sufficient space for sleeping accommodations for three or four persons were found crowded with from seven to ten. After being compelled to use all the possible space in the rooms set apart for patients at night, two hundred and thirty-five persons are furnished with mattresses and blankets, and seek the cold floor for the rest that is particularly required by persons suffering with disease of the brain.

The female wards, though not containing as many persons as the male wards, are required to crowd their patients in the dormitories and make available of space that should be used for other purposes that would in the general treatment of the occupants conduce greatly to their comfort.

After expending three days in the investigation of the affairs of the institution your committee have unanimously concluded to report that so far as the conduct, general management, and cleanliness of the establishment is concerned, it is unequaled. The books, thoroughly examined, were found correct. The patients, with but few exceptions, appeared to entertain the best feeling for those who presided over and controlled them. The actions of the officials in charge should be commended for their exertions in providing in a space capable of accommodating about five hundred persons, one thousand and seventy-five insane patients.

In this connection your committee recommend the following appropriations for the support of the asylum for the two fiscal years ending June thirtieth, eighteen hundred and seventy-four, and they would beg leave

to state that previous to their acceptance of the estimate a careful examination was made in reference to the sums required and for the purposes the money was to be expended for.

## ESTIMATE.

Support for the Asylum for the next two years, at \$200,000 per year, which includes support of patients, attendants' salary, and in fact all expenses of the establishment, independent of improvements required.....	\$400,000 00
Two new boilers for laundry.....	1,800 00
Board fence twelve feet high to encircle the entire grounds to prevent escapes.....	6,280 00
New floors in the center and north wings of the male department.....	2,100 00
Grading and graveling walks and streets bounding on the State property.....	5,850 00
One forty-four inch washer for laundry.....	600 00
One thirty-six inch centrifugal wringer for laundry.....	400 00
One mangle iron, complete, for laundry.....	600 00
Total.....	\$417,630 00

The estimate for maintenance is based upon the supposition that before the expiration of June, eighteen hundred and seventy-four, the number of patients will be considerably increased, as the ratio for the past ten years shows an alarming increase of those whom the State is compelled to confine to protect lives and property.

As a measure which will explain to the Senate the necessity for a branch institution will be submitted to the Senators for their approbation in a short time your committee does not deem it necessary to enter fully into the plans discussed in reference to the construction of the same, but they desire to state in this report the immediate necessity for making such provisions for the poor unfortunates as will insure comfortable accommodations, and to indorse and recommend the location of such a branch establishment in some one of the counties adjoining the Bay of San Francisco.

The best authorities assert, and from observation your committee concur, that no asylum for the insane should contain more than six hundred patients at one time. At the Stockton Asylum are crowded into the place hardly capable of furnishing accommodations for five hundred sane persons, one thousand and seventy-five people suffering under all imaginable diseases of the mind and body, and those who, perhaps, may be susceptible of cure, are by constant contact with the incurables, through want of accommodations, themselves by excitement a charge and burthen to the State, probably twice the time if quiet and uncrowded rooms could be furnished them. The Superintendent in charge, Doctor Shurtliff, with his assistants, Doctor Titus and Doctor Langdon, as well as the other attendants, appear to be untiring in their exertions to make, as far as the crowded condition of the asylum will allow, all the patients comfortable. All departments of the institution were noted for cleanliness, particularly when it is taken into consideration that males and

females of all classes of insanity and habits occupy half the space they should do.

The improvements asked for—fencing of the entire grounds, graveling and grading of walks and streets, replacing the ground floor of the male department—your committee consider as indispensable for the future comfort of the inmates, as well as the protection and preservation of State property. The estimate for maintenance is placed at a per capita lower than has yet been offered; but as the insane recipients of the State bounty are constantly increasing it was deemed advisable to estimate for a slight increase in the number that will be received during the next two fiscal years.

The committee unanimously recommend the appropriation as stated in this report, and would state that there is no charity that should so warmly appeal to the feelings of every citizen as that of the unfortunates, who, bereft of reason, are as children, requiring constant attention.

T. J. KEYS, Chairman.



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INSANITY AND INSANE ASYLUMS.

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REPORT OF E. T. WILKINS, M. D.,

COMMISSIONER IN LUNACY

FOR THE STATE OF CALIFORNIA,

MADE TO

HIS EXCELLENCY H. H. HAIGHT, GOVERNOR,

December 2d, 1871.

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T. A. SPRINGER.....STATE PRINTER.

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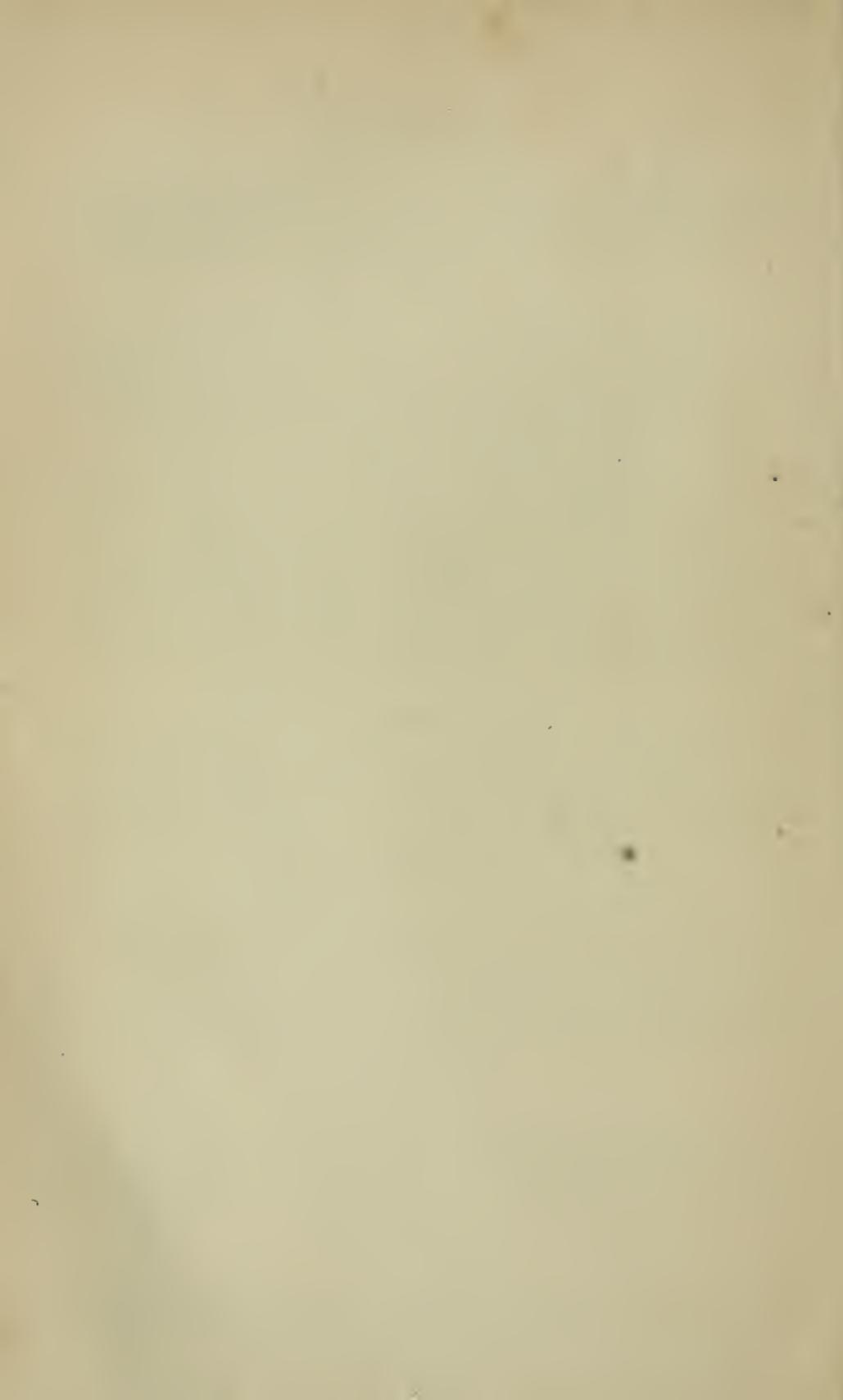
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# INSANITY

AND

## I N S A N E   A S Y L U M S .

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### CHAPTER I.

#### INTRODUCTORY.

Powers, Duties, and Appointment of Commissioner—Importance of the Commission—Asylums Visited—Number of Patients in Asylums Visited—Other Institutions Visited—Plans of Asylums—Statistical Tables—Meetings of Superintendents Attended—Importance of such Meetings—Books Obtained for the State Library—Sources of Information—Acknowledgments.

#### POWERS, DUTIES, AND APPOINTMENT OF COMMISSIONER.

An Act authorizing the appointment of a Commissioner to visit the principal Insane Asylums of the United States and Europe, approved February eighteenth, eighteen hundred and seventy, directs the Commissioner to visit such asylums as soon as possible, and to collect and compile all accessible and reliable information as to their management, the different modes of treatment, and the statistics of insanity, especial attention being called to the asylums of Great Britain, Ireland, France, and Germany. He is further directed to make a written report to the Governor, in which he shall embody at length a history of the management adopted at such asylums, a statement of the different modes of treatment in use, and such statistics as he may deem reliable.

The Governor conferred the honor of this appointment upon me, and being in entire accord with my tastes and desires, having for a long time felt a deep interest in the subject to be investigated and an earnest sympathy for that class of our fellow beings in whose behalf the investigation was ordered to be made, I entered at once upon the duties assigned me.

#### IMPORTANCE OF THE WORK.

Appreciating the importance of the subject, and feeling that the people, and especially those whose duty it is to make our laws, protect our

citizens, and provide for the care and maintenance of our unfortunates, should have all the light that the wisdom and experience of the learned men in other States and countries could shed upon a subject about which so little is known by the great mass even of the reading public, the work was entered upon with some misgivings, but a sincere hope that the laudable object of the mission might be crowned with success.

The law is a comprehensive one, and opens a wide field for interesting investigation and extensive research; one in which many an eminent man has spent a lifetime of labor and of thought, which it has been our object to search for, to find, and to appropriate.

We have not gone forth with the expectation or even the hope of originating anything upon the subject, but rather to collect the accumulated truths gathered by the wisdom and experience of other men in other lands, that we might bring them home to California and strew them broadcast before our people. We did not for a moment suppose that a tithe of this information could be embodied in a report, however elaborate. The diversity of subjects necessarily touched upon would render it impossible to enter fully into the consideration of any; yet it is hoped that the attention of those who desire further light on a matter of so much interest to the State, the citizen, and the philanthropist may be directed to the channel where it exists in abundance, and where it may be found by a little patient and careful research. To all such, therefore, who can find in the accompanying report only a fragment of what they desire to know, let us say, look to the shelves of our State Library, recently replenished with a liberal list of the most valuable works ever contributed by the mind of man to the science of psychology, and you will find *nearly all* that exists on the important subject to which we desire to attract your especial attention.

Having spent a sufficient length of time at Stockton to become thoroughly informed with regard to the condition, construction, and requirements of our asylum, its general management, *good features*, and *glaring defects*, we started out to compare them with what could be found in other States and countries. These comparisons have in some respects been in our favor, and, as might naturally be expected, against us in others—in what particulars we will endeavor to point out in due time, and trust, while we commend our virtues to our brethren for their adoption, we will with equal alacrity and liberality give up our defects and substitute them with some of the excellent features of other institutions.

#### ASYLUMS VISITED.

During these investigations, one hundred and forty-nine Insane Asylums in complete working order have been visited, making an average of two each week during the whole period. Forty-five of these were in the United States, one in Canada, fifteen in Italy, three in Bavaria, seven in Austria, eleven in the German States, two in Switzerland, thirteen in France, eight in Belgium, three in Holland, twenty-four in England, ten in Scotland, and seven in Ireland, the names, locations, and names of the Superintendents of which will be found in the table following:

Name of Asylum.	Location.	Name of Superintendent.
<b>UNITED STATES:</b>		
Insane Asylum of California.....	Stockton, California .....	G. A. Shurtleff.
Alameda Park .....	Alameda, California .....	Euston Treanor.
St. Vincent .....	St. Louis, Missouri .....	.....
State Lunatic Asylum .....	Fulton, Missouri.....	C. H. Hughes.
St. Louis County Asylum .....	Near St. Louis, Mo.....	Charles W. Stephens.
Eastern Asylum.....	Williams-burg, Va.....	D. R. Brower.
Western Asylum.....	Staunton, Va.....	F. T. Stribbling.
Central Lunatic Asylum.....	Near Richmond, Va.....	D. B. Conrad.
Maryland Hospital.....	Baltimore, Maryland .....	R. F. Stenart.
Mount Hope Retreat.....	Near Baltimore .....	William H. Stokes.
Eastern Lunatic Asylum .....	Lexington, Kentucky.....	John W. Whitney.
Western Lunatic Asylum.....	Hopkinsville, Ky.....	James Rodman.
Tennessee Hospital.....	Near Nashville.....	J. H. Callender.
North Carolina Insane Asylum .....	Raleigh .....	Eugene Grissom.
South Carolina Insane Asylum.....	Columbia .....	J. F. Ensor.
Government Asylum .....	Near Washington, D. C .....	Charles C. Nichols.
State Lunatic Hospital.....	Harrisburg, Pa.....	John Curwen.
Pennsylvania Hospital.....	Philadelphia, Pa.....	Thomas G. Kirkbride.
Insane Dep't Philadelphia Almshouse	Philadelphia, Pa.....	D. D. Richardson.
Friends' Asylum .....	Philadelphia, Pa.....	J. H. Worthington.
State Lunatic Asylum .....	Trenton, New Jersey .....	H. A. Buttolph.
State Lunatic Asylum .....	Utica, New York .....	John P. Gray.
Kings County Lunatic Asylum .....	Flatbush, Long Island.....	Edw. R. Chapin.
Bloomington Asylum.....	Bloomington, N. Y.....	D. Tilden Brown.
New York City Lunatic Asylum.....	Blackwell's Island.....	R. L. Parsons.
Willard Asylum.....	Ovid, N. Y.....	J. B. Chapin.
Brigham Hall.....	Canandaigua, N. Y.....	George Cook.
State Criminal Asylum .....	Auburn, N. Y.....	James W. Wilkie.
General Hospital for the Insane .....	Middletown, Conn. ....	A. M. Shew.
Retreat for the Insane .....	Hartford, Conn.....	John S. Butler.
Vermont Asylum for the Insane .....	Brattleboro.....	William H. Rockwell.
Maine Insane Hospital.....	Augusta .....	Henry M. Harlow.
New Hampshire Asylum for the In-	Concord.....	James P. Bancroft.
sane .....	Providence, R. I.....	John W. Sawyer.
Butler Hospital for the Insane .....	Worcester, Mass.....	Merrick Bemis.
State Lunatic Hospital.....	Northampton, Mass.....	Pliny Earle.
State Lunatic Hospital .....	Taunton, Mass.....	William W. Godding.
McLean Asylum for the Insane .....	Somerville, Mass.....	George F. Jelly.
Boston Lunatic Asylum .....	Boston, Mass.....	Clement A. Walker.
Michigan Asylum .....	Kalamazoo .....	E. H. Van Deusen.
Iowa Hospital for the Insane.....	Mount Pleasant .....	Mark Ranney.
Illinois State Hospital for the Insane.	Jacksonville.....	Henry F. Carriel.
Indiana Hospital for the Insane .....	Indianapolis.....	Orpheus Everts.
Longview Asylum.....	Longview, Ohio .....	O. M. Langdon.
Southern Ohio Lunatic Asylum .....	Dayton, Ohio.....	R. Gundry.
<b>CANADA:</b>		
Provincial Lunatic Asylum .....	Toronto .....	Joseph Workman.
<b>ITALY:</b>		
Provincial Lunatic Asylum .....	Genoa.....	.....
Capo di Chino Asylum (private).....	Naples .....	Dr. Avesa.
Morotrofo.....	Aversa .....	Antonio Raffo.
Santa Maria di Pietà .....	Rome .....	Joseph Girolami.
Santa Margherita .....	Perugia .....	Cav. Guiseppe Neri.
Bonifazio (provincial Insane Asylum)	Florence .....	Dr. Cardini. (?)
Provincial Asylum .....	Bologna.....	Frances Foncarti. [rio.
San Servalo .....	Venice .....	P. Prosdocimo, D. Sale-
St. John and St. Paul .....	Venice .....	Antonio Berti.
Senavra .....	Milan .....	.....
Insane Asylum.....	Mombello .....	Rinaldo Gectano.
Dufour .....	Milan .....	F. Francesco Corbetta.
Colombo .....	Milan .....	Achille Colombo.
Rossi Asylum .....	Milan .....	Antonio J. Bonfanti.
Presso San Celso .....	Milan .....	Serafino Biffi.

Name of Asylum.	Location.	Name of Superintendent.
<b>BAVARIA:</b>		
Royal District Asylum.....	Munich .....	Aug. Solbrig.
District Lunatic Asylum.....	Irsee .....	J. M. Kiderle.
District Lunatic Asylum.....	Diggendorf .....	Dr. Ast.
<b>AUSTRIA:</b>		
Tyrolese Provincial Asylum .....	Hall .....	Joseph Stolz.
Institute for Care and Cure of the Insane .....	Linz .....	A. Knörlein, Director, Dr. Schasching, Phy'n.
Royal Institute for Care and Cure of Insane .....	Vienna.....	Dr. Spurzheim.
Private Insane Asylum.....	Dobling .....	Dr. Leiderdorf.
Asylum for Chronic Insane .....	Klosterneuberg.....	Dr. Mildner.
District Lunatic Asylum.....	Brunn, Moravia.....	Dr. Langer.
Royal Bohemian Asylum .....	Prague, Bohemia.....	Dr. Fischel.
.....	Sleep, Bohemia.....	Dr. Kratochvil.
<b>SAXONY AND GERMAN STATES:</b>		
Sonnenstein .....	Sonnenstein, Saxony....	H. Lessing.
Private Asylum .....	Pirna, Saxony.....	O. Lehman.
Asylum for Chronic Insane .....	Hubertusburg, Saxony..	George Ehrst.
Charity Hospital.....	Berlin.....	Dr. Westphal.
District Lunatic Asylum.....	Neustadt, Prussia .....	Dr. Sponholz.
District Lunatic Asylum.....	Halle .....	Dr. Köppe.
Thonberg Asylum .....	Thonberg, near Leipsic.	E. W. Guntz.
District Lunatic Asylum.....	Göttingen .....	Ludwig Meyer.
District Lunatic Asylum.....	Frankfort .....	H. Hoffman.
District Lunatic Asylum.....	Heppenheim .....	Dr. Ludwig.
Illenau Asylum .....	Achern .....	C. Roller.
<b>SWITZERLAND:</b>		
Public Asylum.....	Zurich.....	D. Gudden.
Public Asylum .....	Waldau, near Berne....	Dr. Fetscherin, Phy'n, Dr. Schaerer, Direct'r
<b>FRANCE:</b>		
Department Asylum.....	Stephansfeld (Stras'g).	Dr. Hildebrand, Phy'n, R. du Matey, Director
Antiquaille .....	Lyons.....	J. Arthaud, Director and Physician.
St. Jean de Dieu .....	Lyons.....	Dr. Carrier, Physician, J. de Matha, Director.
St. George.....	Bourg.....	.....
Chartreuse Asylum.....	Dijon .....	Dr. Bruno, Director and Physician.
Asylum for Insane of St. Yonne .....	Auxerze .....	Dr. Ceilleux, Director and Physician in Chief
St. Anne.....	Paris.....	M. Bayent, Director; M. Dagonet, Phy'n.
La Saltpêtrière .....	Paris.....	M. Phélip, Director.
Doctor Blanche's Asylum.....	Passy, Paris.....	Dr. Blanche.
National Asylum.....	Charenton.....	Dr. Calmeil.
Colony Fitz James .....	Clermont.....	Gustave Labitte, Phy'n, M. J. Labitte, Direct'r
Quatre-mares St. Yon .....	Rouen .....	Dr. Ed. Dumesnil.
St. Yon .....	Rouen .....	Dr. Morel.
<b>BELGIUM:</b>		
Asylum of Ansard Glaine .....	Liege .....	Dr. C. Anten.
Liege Hospital .....	Liege .....	.....
Colony at Gheel .....	Gheel .....	Dr. Bulckens.
Insane Asylum.....	Antwerp .....	T. Targue.
Guislain Asylum.....	Ghent .....	B. Ingels.
St. Joseph.....	Ghent .....	Dr. Nermenten.
Sts. Julien and Michael.....	Bruges .....	Dr. Van den Abeele,
Du Strop (private).....	Ghent .....	Dr. Nermenten.

Name of Asylum.	Location.	Name of Superintendent.
<b>HOLLAND:</b>		
Rinsier Van Arkel.....	Bois le Duc .....	T. Frybouh. (?)
Moerenberg Asylum.....	Near Haarlam .....	B. H. Everts.
City Asylum .....	Rotterdam .....	G. Vrolek.
<b>ENGLAND:</b>		
Royal Infirmary.....	Liverpool .....	Dr. Stockwell.
County Lunatic Asylum.....	Rainhill .....	T. L. Rogers.
St. Luke's Madhouse .....	London .....	Dr. Eager.
Bethlem Hospital.....	London .....	W. Rhys Williams.
Grove Hall, Bow .....	Bow, London.....	Dr. Stocker.
County Lunatic Asylum.....	Hanwell .....	W. C. Begley, Male Dep't; J. M. Lind- say, Female Dep't.
County Lunatic Asylum.....	Colney Hatch .....	Eagar Sheppard, Male Dep't; W. G. Mar- shall, Female Dep't.
Surrey County Lunatic Asylum.....	Brookwood.....	Thomas N. Brushfield.
Sussex County Lunatic Asylum.....	Hayward's Heath.....	S. W. D. Williams.
Essex Lunatic Asylum.....	Brentwood .....	D. C. Campbell.
Bristol Borough Asylum.....	Stapleton.....	G. Thompson.
Glamorgan County Lunatic Asylum..	Bridgend.....	David Yellowlees.
County Lunatic Asylum .....	Wotton, n'r Gloucester.	E. Toller.
Barnwood House .....	Gloucester .....	A. J. Wood.
Buckingham County Pauper Lunatic Asylum .....	Stone .....	John Humphrey.
Borough Lunatic Asylum.....	Birmingham .....	T. Green.
County of Warwick Pauper Lunatic Asylum .....	Hatton, near Warwick.	W. H. Parsey.
Derbyshire County Pauper Lunatic Asylum .....	Mickleover .....	John Hitchman.
West Riding Pauper Lunatic Asylum	Wakefield.....	J. Crichton Browne.
Friends' Retreat.....	Near York.....	J. Kitching.
York Lunatic Asylum.....	York.....	F. Needham.
Newcastle-upon-Tyne Borough Lun- atic Asylum .....	Newcastle.....	R. H. B. Wickham.
Cumberland and Westmoreland Lun- atic Asylum .....	Near Carlisle.....	T. S. Clouston.
Littlemore Asylum .....	Littlemore, Oxford .....	R. H. H. Sankey.
<b>SCOTLAND:</b>		
Edinburgh Royal Asylum .....	Morningside.....	David Skae.
Saughton Hall (private).....	Near Edinburgh.....	Dr. Low.
Fife and Kinross District Asylum ....	Near Cupar, Co. Fife..	John B. Tuke.
The Colony of Kennoway .....	Kennoway .....	.....
Royal Asylum.....	Dundee .....	James Rorie.
Hall Cross Asylum .....	Musselburgh .....	.....
District Asylum .....	Inverness .....	Thomas Aitken.
District Asylum .....	Stirling .....	F. W. A. Skae.
White House Asylum (private) .....	Musselburgh .....	Mrs. Thompson, Sup't; Dr. Thompson, Phy'n
Royal Asylum .....	Glasgow .....	Alexander Mackintosh.
Royal Asylum .....	Perth .....	Lander Lindsay.
<b>IRELAND:</b>		
District Asylum.....	Belfast .....	Robert Stewart.
Richmond District Asylum .....	Dublin .....	Joseph Lalor.
Bloomfield Retreat .....	County Dublin .....	H. A. Lodge, Sup't Male Dep't; Mary Pryor, Female Dep't; J. H. Wharton, Physician.
Maryborough District Asylum.....	Maryborough .....	J. H. Hatchell.
Cork District Lunatic Asylum .....	Cork .....	Thomas Power.
Killarney Asylum .....	Killarney .....	W. W. Murphy.
Central Asylum for Criminal Luna- tics .....	Dundrum .....	.....

## NUMBER OF PATIENTS IN ASYLUMS VISITED.

The number of patients treated in these asylums during the last year was seventy-six thousand six hundred and seven, or an average of five hundred and fourteen for each institution. In addition to the asylums mentioned, a number of asylums in process of erection, lunatic wards of Poor Houses, Idiot and Deaf and Dumb Asylums, ordinary hospitals, penitentiaries, and other governmental, State, county, and city establishments have been visited and examined, and such features noted as appeared might at any time be of interest or importance to the State.

## PLANS OF ASYLUMS.

A large number of plans of asylums, rules, regulations, etc., have been procured, a portion of which will be found in the appendix, and all are at the service of the State.

## STATISTICAL TABLES.

The statistical tables have cost much time and patient labor, and are believed to be as complete as any ever published on this subject, and the facts set forth in them have been gathered from the latest and most reliable sources known to exist.

## MEETINGS OF SUPERINTENDENTS ATTENDED.

It has been our good fortune to have attended the meeting of the Superintendents of American Institutions for the Insane at Hartford last year, and those of a similar character for France, in Paris, and of Great Britain, in London during the present year. It is needless to dilate upon the high character and intellectual capacity that distinguish the men who compose these associations, nor upon the great service they have rendered to humanity by sending forth the results of their individual and collective experiences to enlighten mankind and relieve the distresses of their fellow men. They are the rays of light that dispel the mists and drive away the thick clouds by which the mind of man is enveloped when the brain is diseased. "Their's, indeed, is a mission of mercy, and verily they shall reap their reward."

## IMPORTANCE OF SUCH MEETINGS.

So important do these annual meetings appear to our mind we do not hesitate to express the opinion that it should be made the duty of the Superintendent of every asylum, or an assistant, to attend each meeting, feeling assured that the opportunity presented for an interchange of opinions with those engaged in a like calling could not fail to be both agreeable and instructive to himself, but beneficial to those committed to his care and the State in whose service he is engaged. We feel under especial obligations to them, and to all others who have contributed to our pleasure or added to our stock of information.

## BOOKS OBTAINED FOR STATE LIBRARY.

A large number of books, reports, and essays on insanity and State medicine have been obtained for the State Library by purchase or dona-

tion from various sources and countries, comprising in the list nearly all of the standard works of the most celebrated authors who have written upon the subject of insanity, and the most recent and reliable information on the statistics of lunacy that could be found. Among these are the works of Allen, Anderson, Arlidge, Bingham, Browne, Bucknill and Tuke, Burrows, Conolly, Crowther, Dunn, Ellis, Gall, Hill, Hills, Hoods, Jacobi, Morrison, Prichard, Seymour, Sieveking, Williams, Winslow, including *Journal of Psychological Medicine*, 1848 to 1863, and the more recent productions of Van Der Kolk, Brown, Sankey, Mandsley, Blandford, Fry, Casper, Griesinger, Davis; translation of Pinel, Cox, Liddell; translation of Esquirol, Mayo, and a set of the *Journal of Mental Science* from commencement of volume two to the present time. Also, very nearly a complete set of the Reports of the Commissioners in Lunacy, and other valuable documents presented by Mr. Wilkes, one of the Commissioners; a partial set of the Reports of the Scotch Commissioners, and other documents presented by Sir James Cox and Dr. Sibbald, of that Board; the last Report of the Commissioners for Ireland; special reports of all the asylums visited, where these were published and attainable; essays on a variety of subjects; rules and regulations of asylums, general and special; descriptions of asylums by sundry persons; reports of Special Commissioners, and many other documents of more or less interest. Among the French works will be found those of Foville, Dagonet, Calmiel, Falvet, Morel, Mundy, Motet, and others. From Prussia, a volume of general statistics for eighteen hundred and sixty-seven; a valuable treatise on construction and plans of asylums for the insane, containing the opinions of many of the most eminent psychologists of that country, and a brief account of all the asylums of the German Confederation in eighteen hundred and sixty-five, by Dr. H. Laeur, together with a few other documents of minor importance. Besides the reports, more or less complete, of all the asylums visited in the United States, a variety of documents, including statistics of the insane and idiotic for eighteen hundred and seventy, essays, lectures; reports of Commissioners sent into other States and countries, and those of a local character; reports of Boards of Charity of New York, Massachusetts, Ohio, and Pennsylvania, of the Cities of New York and Boston, and a number of other documents of interest and importance, and from most countries plans of asylums, more or less complete, of some of the best institutions known to exist, embracing every variety, from the palatial hospital to the modest cottage.

The professional man will find much that is trite and familiar in this report, but it must not be forgotten that it is not so much for him as for the public that it has been prepared.

#### SOURCES OF INFORMATION.

The information which it contains has been derived from various sources. The work of other men's brains has been freely appropriated. Their experiences we have endeavored to use to the best advantage; and even the errors committed by some of them have taught us valuable lessons, as it is sometimes as necessary to know what to avoid as what to adopt.

#### ACKNOWLEDGMENTS.

Much has also been learned from personal intercourse with men of ability in all the countries we have visited, and we can never forget nor

ever cease to be grateful for the many acts of courtesy, kindness, and attention that we have received at their hands. To Drs. Shurtleff, Stribling, Kirkbride, Gray, Buttolph, and Walkar, in each of whose establishments we spent several days in the early part of our investigations, we are especially indebted for the kind manner in which they took us by the hand and started us "right foot foremost" in the path of our duty. Nor have we forgotten the attentions and courtesies of a single Superintendent whose asylum we visited in America or Europe.

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## CHAPTER II.

### INSANITY A DISEASE OF THE BRAIN.

What is insanity? This question has been often asked, but perhaps has never been satisfactorily answered, for the simple reason that insanity assumes so many forms and differs so widely in different persons that no definition can possibly embrace all of its phases. Many persons have given definitions of this subtle malady, but not one has met with that universal concurrence necessary to render it the true and only or even the generally received definition. We do not propose to enter this list, but as much must be said on the subject in the following pages it is best, perhaps, that a selection should be made.

In a lecture delivered before the Royal College of Surgeons, March first, eighteen hundred and sixty-one, by David Skae, M. D., F. R. C. S., Physician to the Royal Edinburgh Asylum, he defined it to be "a disease of the brain affecting the mind." We accept this definition as the best of all, because it is the most simple. It makes but little difference how the brain becomes diseased, whether primarily or by reflex action from the disease of some other organ of the body, so the fact as stated be true that the brain must be diseased ere the mind is affected.

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## CHAPTER III.

### INSANITY AS IT NOW EXISTS.

The Subject Generally—Insanity in England—In Scotland—In Ireland—In France—In Italy—In Prussia—In Austria—In German States—In Bavaria—In Switzerland—In Belgium—In Holland—In Denmark—In Sweden—In Norway—In New South Wales—In the United States—In California.

#### THE SUBJECT GENERALLY.

In considering the subject of insanity, it is proper first to inquire to what extent it exists in the world and in our midst. To do this we have prepared tables exhibiting the population of various countries, divided into self supporting and pauper classes (where these have been separated), and in all cases the total population, number, and distribution of the insane at the latest dates at which these facts could be obtained; the proportion of the insane to population, the ratio per thousand, the proportion of pauper insane to pauper population, the proportion of

insane under treatment to population, the number in hospitals and asylums at latest date; numbers admitted, cured, died, and treated during the year; the number of asylums in each country; the principal assigned causes of the disorder and of death; together with the numbers resident at beginning of the year; numbers admitted, cured, and died during the year, and the percentage of recoveries and of deaths to admissions and to numbers treated in the asylums visited in different countries; to which we have added similar facts for Norway, Sweden, and the Colony of New South Wales.

## INSANITY IN ENGLAND.

*Population, 1870.*

Self supporting classes .....	21,006,631
Paupers.....	1,083,532
Total population.....	22,090,163

*Number and Distribution of the Insane, January 1st, 1870.*

	Private.	Pauper.	Totals.
County and Borough Asylums.....	259	27,721	27,980
Registered Hospitals .....	1,969	400	2,369
Metropolitan Licensed Houses .....	1,666	1,034	2,700
Provincial Licensed Houses .....	1,478	726	2,204
Naval and Military Hospitals and Royal India Asylum .....	198	.....	198
Workhouses.....	.....	11,358	11,358
With relatives or others.....	356	7,086	7,442
Broadmoor Criminal Asylum.....	354	108	462
Totals .....	6,280	48,433	54,713

Proportion of insane to population, one in four hundred and three; or, ratio per one thousand, two and forty-seven one hundredths. Proportion of pauper insane to pauper population, one in twenty-two; or, ratio per one thousand, forty-four and sixty-nine one hundredths. Proportion of insane (under treatment) to population, one in six hundred and fifteen; or, ratio per one thousand, one and sixty-two one hundredths.

The number of Insane in Hospitals, Asylums, and Licensed Houses, January 1st, 1870 .....	35,913
Admitted during the year.....	11,462
Cured.....	3,955
Died .....	3,790
Number treated in 1870.....	47,375

Per cent of recoveries on admissions.....	34
Per cent of recoveries on number treated .....	8
Per cent of deaths on admissions .....	33
Per cent of deaths on number treated.....	8

*Number of Asylums, etc., for the Insane in England and Wales.*

County and Borough Asylums.....	50
Registered Hospitals.....	16
State Asylums.....	4
Metropolitan Licensed Houses .....	41
Provincial Licensed Houses.....	65
<b>Total number of Institutes for the Insane.....</b>	<b>176</b>

The average weekly cost per head in County Asylums is nine shillings five and one eighth pence, or two dollars and twenty-eight cents.

The principal assigned causes of insanity are: hereditary, intemperance, domestic trouble, epilepsy, mental anxiety, puerperal condition and critical period, paralysis.

The principal causes of death are: general paralysis, diseases of the lungs, diseases of the brain, epilepsy, debility and old age, apoplexy.

In twenty asylums visited in 1870, the number of patients resident was.....	12,116
Admitted .....	3,670
Number treated.....	15,786
Cured.....	1,369
Died .....	1,220

Per cent of cures on admissions.....	37
Per cent of cures on number treated.....	8
Per cent of deaths on admissions.....	33
Per cent of deaths on number treated.....	7

INSANITY IN SCOTLAND.

*Population, January 1st, 1870.*

Self supporting classes.....	3,142,503
Paupers (May 14th, 1869).....	80,334
<b>Total population.....</b>	<b>3,222,837</b>

*Number and Distribution of the Insane.*

	Private.	Pauper.	Totals.
In Royal and District Asylums.....	914	3,547	4,461
In Private Asylums.....	249	54	303
In Parochial Asylums.....		553	553
In Lunatic Wards of Poorhouses.....		574	574
In General Prison.....		49	49
In Training Schools for Imbeciles.....	83	30	113
In Private Dwellings.....	49	1,469	1,518
Totals, January 1st, 1870.....	1,295	6,276	7,571

Besides the number of insane given above, it is estimated that there are about two thousand unreported, making the total number nine thousand five hundred and seventy-one.

Proportion to the population, one in three hundred and thirty-six; or, ratio per one thousand, two and ninety-six one hundredths. Proportion of insane (under treatment) to population, one in six hundred and six; or, ratio per thousand, one and sixty-four one hundredths. Proportion of pauper insane to pauper population, one in thirteen; or, ratio per one thousand, seventy-eight and twelve one hundredths.

Number of insane in asylums, January 1st, 1870.....	5,317
Admitted during the year.....	2,015
Cured.....	832
Died.....	491
Number treated in 1870.....	7,332

Per cent of recoveries to admissions.....	41
Per cent of recoveries to number treated.....	11
Per cent of deaths to admissions.....	24
Per cent of deaths to number treated.....	7

*Number of Institutions for the Insane.*

District Asylums.....	10
Royal Asylums.....	7
Private Asylums.....	9
Parochial Asylums.....	5
Total Asylums.....	31
Lunatic Wards of Poorhouses.....	15
Total.....	46

The average weekly cost of maintenance of pauper lunatics in Royal and District Asylums is nine shillings and nine and one fourth pence; in Private Asylums, ten shillings and two and a half pence; in Parochial Asylums, eight shillings and five and a half pence; making a general average cost of nine shillings and five and three fourths pence, or two dollars and twenty-nine cents.

The principal assigned causes of insanity are: climacteric changes, old age, intemperance, child bearing.

The principal causes of death are: consumption, general debility and old age, organic disease of brain, inflammation of lungs, general paralysis.

In six asylums visited in 1870, the number of patients resident was.....	1,995
Admitted.....	1,030
Treated.....	3,025
Cured.....	365
Died .....	206
Per cent of cures on admissions.....	35
Per cent of cures on number treated.....	12
Per cent of deaths on admissions .....	20
Per cent of deaths on number treated.....	6

#### INSANITY IN IRELAND.

##### *Population, 1870.*

Total population ..... 5,195,236

##### *Number and Distribution of the Insane, December 31st, 1870.*

	Private.	Pauper.	Totals.
In District Asylums .....	122	6,533	6,655
In Private Asylums.....	638	.....	638
In Jail .....	.....	1	1
In Workhouses .....	.....	2,754	2,754
In Lucan .....	.....	43	43
In Central.....	.....	167	167
Lunatics at large.....	6,936	.....	6,936
Totals .....	7,696	9,498	17,194

Proportion of insane to population, one in three hundred and two; or, ratio per one thousand, three and thirty one hundredths. Proportion of

insane (under treatment) to population, one in seven hundred and twenty-nine; or, ratio per one thousand, one and thirty-seven one hundredths.

Number of insane in asylums, January 1st, 1870.....	7,121
Admitted during the year.....	2,532
Cured.....	1,088
Died .....	708
Number treated in 1870.....	9,653

Per cent of recoveries on admissions.....	43
Per cent of recoveries on number treated.....	11
Per cent of deaths on admissions.....	27
Per cent of deaths on number treated.....	7

*Number of Establishments for the Insane.*

District Asylums .....	23
Private Licensed Houses.....	20
Asylums for Criminals.....	1
Total.....	44

The average weekly cost per head in District Asylums is eight shillings and eleven and a half pence, or two dollars and seventeen cents.

The principal assigned causes of insanity are: hereditary, grief, fear and anxiety, intemperance and irregularity of living, disease of the brain, bodily injuries and disorders.

The principal causes of death are: thoracic disease, cerebral disease, debility, and old age.

In eleven asylums visited in 1870, the number of patients resident was.....	2,437
Admitted.....	1,206
Treated .....	3,643
Cured.....	457
Died .....	256

Per cent of cures on admissions.....	37
Per cent of cures on number treated.....	12
Per cent of deaths on admissions.....	21
Per cent of deaths on number treated.....	7

## INSANITY IN FRANCE.

Population, 1866..... 37,988,905

*Number and Distribution of the Insane, 1866.*

	Insane.	Idiots.	Totals.
In asylums.....	31,992	3,980	35,972
At home.....	18,734	35,973	54,707
Totals .....	50,726	39,953	90,679

	Males.	Females.	Totals.
Insane .....	24,190	26,537	50,726
Idiots.....	22,736	17,217	39,953

Proportion of insane to population, one in seven hundred and forty-seven; or, ratio per one thousand, one and thirty-three one hundredths. Proportion of idiots to population, one in nine hundred and fifty. Proportion of insane and idiots to population, one in four hundred and eighteen; or, ratio per one thousand, two and thirty-eight one hundredths. Proportion of insane and idiots (under treatment) to population, one in one thousand and fifty-seven; or, ratio per one thousand, ninety-four one hundredths.

Population, 1860..... 37,170,942

Number of insane in hospitals and asylums, January 1st, 1860..	28,761
Admitted during the year.....	10,786
Cured or improved.....	4,337
Died .....	4,970
Number treated in 1860.....	39,546

Per cent of recoveries on admissions.....	40
Per cent of recoveries on number treated.....	11
Per cent of deaths on admissions .....	46
Per cent of deaths on number treated .....	12

Number of Asylums for the Insane in eighteen hundred and sixty (public and private establishments), ninety-nine.

In eighteen hundred and fifty-three, the average weekly cost per head was one dollar and twenty-one cents.

The principal assigned causes of insanity, as per reports eighteen hundred and fifty-three, were: hereditary, epilepsy and convulsions, intemperance, destitution and misery, loss of fortune.

The principal causes of death: paralysis, disease of brain, pneumonia, insanity, brain fever.

In thirteen asylums visited in 1870, the number of patients resident was.....	7,938
Admitted (in eleven of these).....	3,324
* Cured (in eleven of these).....	873
Died (in eleven of these).....	1,292
Number treated (in eleven of these).....	11,262

Per cent of recoveries on admissions.....	26
Per cent of recoveries on number treated.....	7
Per cent of deaths on admissions.....	38
Per cent of deaths on number treated.....	11

#### INSANITY IN ITALY.

Population, 1864.....22,291,181

By the addition of Venice, in 1866, the population was increased to 24,263,320.

Number of insane in asylums, January 1st, 1867..... 8,191

Proportion of insane (under treatment) to population, one in two thousand nine hundred and sixty-two; or, ratio per one thousand, thirty-three one hundredths.

Number in asylums, January 1st, 1867.....	8,191
Admitted.....	4,909
Discharged.....	3,210
Died.....	1,504
Number treated during the year.....	13,100
Number remaining January 1st, 1868.....	8,386

Per cent of discharges on admissions.....	65
Per cent of discharges on number treated.....	24
Per cent of deaths on admissions.....	30
Per cent of deaths on number treated.....	11

\* Leaving out the Asylum La Salpêtrière (for chronic cases only), the per cent of cures on admissions would be twenty-seven.

Fifteen asylums were visited in eighteen hundred and seventy.

In fourteen of these the number resident was.....	4,259
In thirteen of these the admissions were.....	1,967
In twelve of these the number treated was.....	5,316
In thirteen of these the number cured was.....	764
In thirteen of these the number died was.....	621

Per cent of recoveries on admissions.....	38
Per cent of recoveries on number treated.....	13
Per cent of deaths on admissions.....	31
Per cent of deaths on number treated.....	10

The average weekly cost of maintenance of indigents in eight public asylums is one dollar and seventy-seven cents.

Principal causes of death: disease of the lungs, paralysis, marasmus.

Principal assigned causes of insanity: pillagra, hereditary, intemperance.

#### INSANITY IN PRUSSIA.

Population, 1864.....19,252,363

#### *Number of Insane Under Treatment.*

In Public Asylums .....	4,796
In Private Asylums .....	944
Total.....	5,740

Proportion of insane (under treatment) to population, one in three thousand three hundred and fifty-four; or, ratio per one thousand, twenty-nine one hundredths.

#### *Number of Asylums.*

Public Asylums.....	32
Private Asylums.....	27
Total .....	59

Expenses of Public Asylums, six hundred and fourteen thousand six hundred and sixty-four thalers, or four hundred and forty-eight thousand seven hundred and four dollars and seventy-two cents, which gives a weekly cost per head of one dollar and eighty cents.

In two asylums visited in 1870, the number of patients resident was.....	1,065
Admitted.....	297
Cured .....	105
Died .....	110
Number treated.....	1,362

Per cent of cures on admissions.....	35
Per cent of cures on number treated .....	7
Per cent of deaths on admissions .....	37
Per cent of deaths on number treated .....	8

The average weekly cost of maintenance of indigents in these two asylums is one dollar and ninety-five cents.

Principal assigned causes of insanity: The Director at Halle says that eighty per cent of cases of insanity are from hereditary causes.

Principal causes of death: general paralysis, epilepsy.

Population, December, 1867 ..... 23,971,337

The total number of insane.....	16,929
The total number of idiots .....	21,031
Total number of unsound mind.....	37,960

Proportion of insane and idiots to population, one in six hundred and thirty-one, or ratio per one thousand.....	1.58
Proportion of insane to population, one in fourteen hundred and sixteen, or ratio per one thousand.....	.70

#### INSANITY IN AUSTRIA.

*German Austria, exclusive of Hungary.*

Population, 1864 ..... 13,000,000

*Number of Insane in Asylums.*

In Public Asylums .....	3,065
In Private Asylums .....	150
Total .....	3,215

Proportion of insane (under treatment) to population, one in four thousand and forty-three, or ratio per one thousand.....	.24
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*Number of Asylums.*

Public Asylums.....	14
Private Asylums.....	4
Total.....	18

Expenses of Public Asylums, eight hundred and seventy-three thousand seven hundred and fifty-six florins, or four hundred and twenty-two thousand eight hundred and ninety-seven dollars and ninety cents, which gives an average weekly cost per head of two dollars and sixty-five cents.

In six asylums visited in 1870, the number of patients resident was .....	2,302
Admitted .....	1,741
Cured.....	377
Died .....	543
Number treated.....	4,043

Per cent of cures on admissions .....	21
Per cent of cures on number treated.....	9
Per cent of deaths on admissions .....	31
Per cent of deaths on number treated.....	13

The new asylum, Klosterneuberg, was also visited. It was opened in eighteen hundred and seventy, so there was no report for the year. The number resident was one hundred and twenty-three.

The average weekly cost of maintenance of indigents in the Public Asylums visited was two dollars and thirty-nine cents.

The Statistical Bureau gives three hundred and ninety-seven thousand and ninety dollars as the cost of supporting four thousand four hundred and ninety-nine pauper patients in eighteen hundred and sixty-nine—

An annual cost per head of.....	\$88 26
A weekly cost per head of.....	1 70

The principal assigned causes of insanity: inherited or congenital tendency, affliction, poverty, remorse, intemperance.

The principal causes of death: disease of the lungs, paralysis of the brain, marasmus.

## INSANITY IN THE GERMAN STATES.

Population, 1864..... 13,747,637

*Number of Insane in Asylums and Hospitals.*

In Public Asylums.....	9,962
In Private Asylums.....	633
Total .....	10,595

Proportion of insane (under treatment) to population, one in twelve hundred and ninety-seven, or ratio per one thousand.....	.77
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*Number of Asylums.*

Public Asylums.....	46
Private Asylums.....	18
Total.....	64

In ten asylums visited in 1870, the number of patients resident was.....	2,495
Admitted.....	1,046
Cured.....	276
Died .....	290
Number treated.....	3,541

Per cent of cures on admissions .....	26
Per cent of cures on number treated.....	7
Per cent of deaths on admissions .....	27
Per cent of deaths on number treated.....	8

At Illenau the numbers for ten years were obtained. They were as follows:

Admissions .....	4,086
Cures .....	1,570
Deaths .....	597
Number treated.....	4,512

Per cent of cures on admissions.....	38
Per cent of cures on number treated.....	34
Per cent of deaths on admissions.....	14
Per cent of deaths on number treated.....	13

The average weekly cost of maintenance for indigents in the Public Asylums visited was one dollar and sixty cents.

INSANITY IN BAVARIA. •

Population, 1864..... 4,807,440

*Number of Insane Under Treatment.*

In Public Asylums.....	1,831
In Private Asylums.....	19
Total .....	1,850

Proportion of insane (under treatment) to population, one in two thousand five hundred and ninety-eight, or ratio per one thousand .....	.38
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*Number of Asylums.*

Public Asylums.....	9
Private Asylums.....	2
Total.....	11

In 1861 the population was .....	4,689,837
The total number of insane.....	4,899
Proportion to population, one in nine hundred and fifty-seven, or ratio per one thousand .....	1.04

In the six District Lunatic Asylums the number of patients October 1st, 1865, was.....	1,651
Admitted during the year.....	529
Cured.....	171
Died .....	150
Number treated in 1865-6.....	2,180

Per cent of recoveries on admissions.....	32
Per cent of recoveries on number treated.....	7
Per cent of deaths on admissions.....	28
Per cent of deaths on number treated.....	6

The average weekly cost of maintenance per head in the above District Asylums was, in 1865-6, two dollars and fifty-three cents.

Causes of insanity not specified; but in about twenty-nine per cent of the whole number of cases the insanity was hereditary.

The principal causes of death: consumption, general paralysis, pleurisy and pneumonia, marasmus.

In three asylums visited in 1870, the number of patients resident was.....	658
Admitted.....	324
Cured.....	112
Died .....	57
Number treated.....	982

Per cent of recoveries on admissions.....	34
Per cent of recoveries on number treated.....	11
Per cent of deaths on admissions.....	17
Per cent of deaths on number treated.....	5

#### INSANITY IN SWITZERLAND.

Population, 1860..... 2,510,494

In two asylums visited in 1870, the number of patients resident was.....	462
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The report for the asylum at Waldau is as follows:

Number resident.....	295
Admitted.....	83
Cured.....	32
Died .....	19
Number treated.....	378

Per cent of cures on admissions.....	38
Per cent of cures on number treated.....	8
Per cent of deaths on admissions .....	22
Per cent of deaths on number treated.....	5

Average weekly cost of maintenance of indigents is one dollar and sixteen cents.

#### INSANITY IN BELGIUM.

Population, 1865..... 4,984,451

#### *Number and Distribution of the Insane, December 31st, 1865.*

	Private.	Pauper.	Totals.
In hospitals and asylums.....	1,579	3,852	5,431
Estimated number at large who are supported by their families.....	2,000	.....	.....
Totals.....	3,579	3,852	7,431

Proportion of insane to population, one in six hundred and seventy one, or ratio per one thousand.....	1.49
Proportion of insane (under treatment) to population, one in nine hundred and seventeen, or ratio per one thousand.....	1.09

Number of insane under treatment in hospitals, January 1st, 1865.	5,441
Admitted during the year.....	1,851
Cured .....	642
Died .....	595
Number treated in 1865.....	7,292

Per cent of recoveries on admissions.....	34
Per cent of recoveries on number treated.....	8
Per cent of deaths on admissions .....	32
Per cent of deaths on number treated.....	8

*Number of Asylums for the Insane, 1865.*

For male patients only .....	17
For female patients only.....	17
For both sexes .....	17
Total.....	51

Twenty-seven of these asylums are for private patients and paupers; sixteen are for private patients only, and eight for paupers only.

The average weekly cost of pauper patients varies from five francs and four centimes to ten francs and fifty centimes, or from ninety-five cents to two dollars.

The fifty-one asylums of Belgium have a total capacity of five thousand three hundred and eighty-seven patients.

The principal assigned causes of insanity are: poverty, losses, etc., intemperance, domestic trouble, disappointment.

The principal causes of death are: cerebral marasmus, general paralysis, consumption, chronic bronchitis.

In eight asylums visited in 1870, the number of patients resident was .....	3,029
Admitted into five of these asylums.....	769
Treated in five of these asylums .....	3,567
Cured in five of these asylums.....	232
Died in five of these asylums.....	311

Per cent of recoveries on admissions.....	30
Per cent of recoveries on number treated.....	8
Per cent of deaths on admissions .....	40
Per cent of deaths on number treated.....	8

## INSANITY IN HOLLAND.

Population, 1868..... 3,592,415

Number of patients in Lunatic Hospitals, January 1st, 1868.....	3,179
Admitted.....	994
Cured.....	380
Died .....	358
Number treated in 1868.....	4,173

Per cent of cures on admissions.....	38
Per cent of cures on number treated.....	9
Per cent of deaths on admissions.....	36
Per cent of deaths on number treated.....	8

Proportion of insane (in asylums) to population, one in eleven hundred and thirty, or ratio per one thousand.....	.88
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Number of Lunatic Asylums.....	12
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*Cost of Maintenance.*

At Reinier Van Arkel:

First class, seven hundred florins, and twenty-five florins as entrance fee.

Second class, four hundred florins, and twelve florins as entrance fee.

Third class, two hundred and twenty-five florins, and are clothed by the Institute.

At Meerenberg:

First class, one thousand florins.

Second class, seven hundred and fifty florins.

Third class, five hundred florins.

Fourth class, three hundred florins.

Fifth class, two hundred and seventy florins.

At Rotterdam (for indigents):

Two hundred and forty florins. Twelve other patients pay one florin per day extra for better accommodations.

Average weekly cost for indigents, one dollar and eighty-eight cents.

The principal assigned causes of insanity (mentioned in reports) are: hereditary, intemperance.

The principal causes of death are: marasmus, consumption, apoplexy, general paralysis.

In three asylums visited in 1870, the number of patients resident was.....	1,245
Admitted.....	321
Treated.....	1,566
Cured.....	123
Died.....	145

Per cent of recoveries on admissions.....	38
Per cent of recoveries on number treated.....	7
Per cent of deaths on admissions.....	45
Per cent of deaths on number treated.....	9

## INSANITY IN DENMARK.

Population, 1860.....	2,605,024
Total number of insane.....	5,135

Proportion to population, one in five hundred and seven, or ratio per one thousand.....	1.97
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Proportion of insane (under treatment) in public institutions to population, one in sixteen hundred and thirteen.\*

## INSANITY IN SWEDEN.

Population, 1860.....	3,859,728
Total number of insane.....	7,512

Proportion of insane to population, one in five hundred and thirteen, or ratio per one thousand.....	1.94
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*Patients in Asylums.*

	Private.	Pauper.	Totals.
1861 †.....	469	530	1,026
1864 †.....	553	598	1,151
1867 ‡.....	630	641	1,271

Calculated population, 1864.....	4,091,594
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Proportion of insane under treatment, 1867, to population, one in three thousand two hundred and nineteen, or ratio per one thousand.....	.31
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\* See Knörlein's Report of Asylum at Linz, published in 1866, p. 78.

† Helso och Sjukvården, 1861, pp. 30, 31.

‡ Helso och Sjukvården, 1864, pp. 26, 27.

‡ Helso och Sjukvården, 1867, pp. 14, 15.

Number of insane in asylums and Houses for the Insane, January 1st, 1864.....	1,095
Admitted during the year.....	332
Cured and improved.....	163
Died .....	91
Number treated... ..	1,427
Number January 1st, 1865.....	1,151

Per cent of cured and improved on admissions.....	49
Per cent of cured and improved on number treated.....	11
Per cent of deaths on admissions .....	27
Per cent of deaths on number treated.....	6

Proportion of insane (under treatment) to population, one in three thousand five hundred and fifty-four, or ratio per one thousand.	.28
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Annual cost per head, three hundred and twenty-eight rix dollars and seventy-nine öre (three hundred and forty-seven dollars and sixty-eight cents, nearly), averaging six dollars and sixty-eight cents per week.

According to the census of 1855 the population was .....	3,641,011
Number of insane.....	3,893
Proportion to population, one in nine hundred and thirty-five, or ratio per one thousand.....	1.06

#### INSANITY IN NORWAY.

Population, 1864.....	1,668,254
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Number of patients in asylums January 1st, 1864.....	557
Admitted .....	394
Cured.....	124
Died .....	35
Number treated in 1864.....	951
Number in asylums January 1st, 1865.....	583

Per cent of recoveries on admissions.....	31
Per cent of recoveries on number treated.....	13
Per cent of deaths on admissions .....	8
Per cent of deaths on number treated.....	3

Proportion of insane (in asylums) to population, one in two thousand eight hundred and sixty-one, or ratio per one thousand....	.34
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Number of asylums.....	8
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According to census of 1855 the population was.....	1,490,047
Total number of insane.....	1,329
Proportion to population, one in eleven hundred and twenty-one, or ratio per one thousand.....	.89

Doctor Bucknill, in eighteen hundred and fifty-seven, reckons the proportion of insane to the population as one in five hundred and fifty-one.

Number of asylums in 1867.....	9
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Number of patients in asylums January 1st, 1867.....	667
Admitted.....	423
Cured.....	140
Died.....	41
Number treated.....	1,090
Number in asylums January 1st, 1868.....	727

Per cent of recoveries on admissions.....	33
Per cent of recoveries on number treated.....	12
Per cent of deaths on admissions.....	9
Per cent of deaths on number treated.....	3

#### INSANITY IN NEW SOUTH WALES.

Population, 1867.....	447,620
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Number of insane, including idiots.....	1,156
Proportion of insane to population, one in three hundred and eighty-seven, or ratio per one thousand.....	2.58

The number of lunatics under treatment, exclusive of invalids, in eighteen hundred and sixty-eight, was:

	Pauper.	Private.	Totals.
At Tarban.....	397	223	620
At Parramatta.....	347	189	536
Totals.....	744	412	1,156

In eighteen hundred and fifty-five the number of lunatics in the Government Asylums was:

At Tarban.....	197
At Parramatta.....	279
Total.....	476

In eighteen hundred and sixty-eight the number was eleven hundred and fifty-six, an increase of six hundred and eighty in thirteen years, or an annual increase of fifty-two and four one hundredths.

The cost of maintenance is: at Tarban, seven shillings and eight pence; at Parramatta, eight shillings and five pence.

#### INSANITY IN THE UNITED STATES.

Population, 1870..... 38,555,983

#### *Number of Insane.*

White .....	35,560
Black .....	1,605
Mulatto .....	169
Chinese .....	35
Indian .....	13
Total.....	37,382

#### *Number of Idiots.*

White .....	21,324
Black.....	2,743
Mulatto.....	445
Chinese .....	5
Indian.....	10
Total.....	24,527

Number of insane and idiots..... 61,909

Proportion of insane to population, one in ten hundred and thirty-one, or ratio per one thousand.....	.97
Proportion of idiots to population, one in fifteen hundred and seventy-two, or ratio per one thousand.....	.63
Proportion of insane and idiots to population, one in six hundred and twenty-three, or ratio per one thousand.....	1.06

Number of insane under treatment.*.....	17,735
Proportion of insane under-treatment to population, one in two thousand one hundred and seventy-three, or ratio per one thousand.....	.46

Number of patients in asylums, 1870 †.....	15,792
Admitted during the year †.....	10,229
Cured †.....	3,357
Died †.....	1,851
Number treated †.....	26,021

Per cent of cures on admissions.....	33
Per cent of cures on number treated.....	13
Per cent of deaths on admissions.....	18
Per cent of deaths on number treated.....	7

*Number of Asylums.*

Public Asylums.....	50
Private Asylums.....	16
Total.....	66

The principal assigned causes of insanity: ill health, spermatorrhœa, intemperance, domestic trouble, physical disease, religious excitement, epilepsy.

Principal causes of death: exhaustion (from various causes), epilepsy, general paralysis, and consumption.

\* As nearly as can be ascertained from returns.

† Report for forty-nine asylums. Returns could not be obtained from the others.

In thirty-nine asylums visited in 1870, the number resident was...	12,907
Admitted .....	8,639
Cured.....	3,240
Died.....	1,519
Number treated.....	21,504

Per cent of cures on admissions .....	37
Per cent of cures on number treated.....	15
Per cent of deaths on admissions .....	17
Per cent of deaths on number treated.....	7

Years.	Population.	Insane.	Idiots.	Total.	No. Insane Hospitals.	No. Insane in Hospitals.	Per cent. sup'd with hos-pital accommod's.
1850 .....	23,191,876	15,610	15,787	31,397	28	4,730	30.30
1860 .....	31,443,322	23,999	18,865	42,864	46	*8,500	35.42
1870 .....	38,555,983	37,382	24,527	61,909	66	17,735	47.44

## INSANITY IN CALIFORNIA.

Population, 1870..... 560,247

Native population .....	350,416
Foreign population.....	209,831
Total.....	560,247

*Number of Insane.*

	Males.	Fem'les	Totals.
White .....	789	304	1,093
Black.....	15	2	17
Mulatto .....			
Chinese .....	29	4	33
Indian .....	2	1	3
Totals .....	835	311	1,146

\* See Journal of Insanity, Vol. XVIII, p. 2.

*Number of Idiots.*

	Males.	Fem'les	Totals.
White .....	48	29	77
Black .....	2	.....	2
Mulatto.....	1	1	2
Chinese.....	4	1	5
Indian.....	1	.....	1
Totals.....	56	31	87

*Insane and Idiots classified as Native and Foreign.*

	Insane.	Idiots.	Totals.
Native .....	408	70	478
Foreign .....	738	17	755
Totals .....	1,146	87	1,233

Proportion of insane to population, one in four hundred and eighty-nine, or ratio per one thousand.....	2.04
Proportion of idiots to population, one in six thousand four hundred and thirty-nine, or ratio per one thousand.....	.15
Proportion of insane and idiots to population, one in four hundred and fifty-four, or ratio per one thousand.....	2.20

Number of insane under treatment.....	1,047
Proportion under treatment to population, one in five hundred and thirty-five, or ratio per one thousand.....	1.86

Proportion of native to total insane.....	35.60
Proportion of foreign to total insane.....	64.40
Total.....	100.00

Number of patients in Asylum January 1st, 1870.....	920
Admitted during the year.....	562
Cured.....	221
Died.....	156
Number treated.....	1,483

Of the whole number of insane, ninety-one and three tenths per cent are under treatment.

## CHAPTER IV.

### CAUSES OF INSANITY, AND SOME OF THE INFLUENCES OPERATING IN ITS DEVELOPMENT.

General Observations—Assigned Causes—Physical Causes—Moral Causes—Observations upon Assigned Causes—Principal Assigned Causes—Insanity Found in all Countries—Enumeration of the Insane—Tables Relating to Enumeration—Enumerations Imperfect—Difficulties in the way of a Perfect Enumeration—Influence of Age—Influence of Age in the Different Races—Influence of Sex—Influence of Marriage.

#### GENERAL OBSERVATIONS.

From the formidable array made by such an army of insane men and women, as it is seen with its banners flying in every civilized country, it behooves us to pause and give it thought; to ascertain as nearly as may be what causes are most prolific in its production; what conditions of society most readily lead to its development, and how best to meet its attacks and arrest its onward march, "more terrible than an army of banners." Let us first inquire into the causes producing this malady. In ancient times insanity was attributed to supernatural causes, but as science advanced and shed its light upon the human race this superstition passed away, until at the present time the causes which lead to it are known to be as varied as those which affect the physical system, as will be seen from the following table, taken from a paper on the supposed increase of insanity, read before the Association of Medical Superintendents of American Institutions for the Insane, by Dr. Jarvis, of Massachusetts, at their annual meeting at Philadelphia, May, eighteen hundred and fifty-one:

#### ASSIGNED CAUSES OF INSANITY.

##### *Physical Causes.*

Congestion of the brain.  
Disease of the brain.  
Phrenitis.  
Epilepsy.  
Arachnoiditis.  
Apoplexy.  
Convulsions.  
Hydrocephalus.  
Nervous irritation.

##### *Moral Causes.*

Mental labor and excitement.  
Mental fatigue.  
Mental shock.  
Mental perplexity.  
Excessive study.  
Study of metaphysics.  
Study of phrenology.  
Excitement of lawsuit.  
Politics.

*Physical Causes.*

Excessive pain.  
 Neuralgia.  
 Typhus fever.  
 Nervous fever.  
 Bilious fever.  
 Scarlet fever.  
 Intermittent fever.  
 Yellow fever.  
 Gastritis.  
 Measles.  
 Gout.  
 Dyspepsia.  
 Dysentery.  
 Erysipelas.  
 Phthisis.  
 Rheumatism.  
 Bilious rheumatism.  
 Suppression of hemorrhoids.  
 Suppression of perspiration.  
 Suppression of secretions.  
 Suppression of eruption.  
 Suppression of tumor.  
 Suppression of fistula.  
 Smallpox.  
 Varioloid.  
 Irritation of the spine.  
 Disease of the spine.  
 Ill health.  
 Ill health and solitude.  
 Ill health and perplexity in business.  
 Ill health and family trouble.  
 Ill health and pecuniary difficulties.  
 Ill health and lawsuit.  
 Old age.  
 Irregular decay of powers in old age.  
 Congenital.  
 Hereditary.  
 Injuries.  
 Concussion of brain.  
 Lesion of brain.  
 Blow on the head.  
 Fracture of the head.  
 Burn on the head.  
 Malformed head.  
 Fall.  
 Kick on the stomach.  
 Surgical operation.  
 Mesmerism.  
 Insolation.  
 Want of exercise.

*Moral Causes.*

Political commotions.  
 Excitement of Mexican war.  
 Excitement of visiting.  
 Sea voyage.  
 License question.  
 Anti-rent.  
 Fourierism.  
 Preaching sixteen days and nights.  
 Blowing fire all night.  
 Application to business.  
 Reading vile books.  
 Seclusion.  
 Sudden joy.  
 Hope.  
 Faulty education.  
 Day dreaming.  
 Extatic admiration of works of art.  
 Seduction.  
 Domestic affliction.  
 Domestic trouble.  
 Family affairs.  
 Bad conduct of children.  
 Ill treatment.  
 Ill treatment from husband.  
 Ill treatment from parents.  
 Abuse from husband.  
 Infidelity of husband.  
 Infidelity of wife.  
 False accusation.  
 Imprisonment for crime.  
 Difficulty in neighborhood.  
 Avarice.  
 Anticipation of wealth.  
 Speculation in stocks.  
 Speculation in morus multicaulis.  
 Speculation in lottery tickets.  
 Perplexity in business.  
 Pecuniary difficulties.  
 Disappointment in business.  
 Loss of money.  
 Loss of property.  
 Reverse of fortune.  
 Fear of poverty.  
 Death of relations.  
 Death of husband.  
 Death of father.  
 Death of son.  
 Sickness and death of a friend.  
 Sickness and death of friends.  
 Sickness and death of kindred.  
 Murder of a son.  
 Anxiety.

*Physical Causes.*

Sedentary habits.  
 Idleness.  
 Insolation and drinking cold water.  
 Exposure to excessive heat.  
 Exposure to cold.  
 Bathing in cold water.  
 Sleeping in a barn filled with new hay.  
 Tight lacing.  
 Excess of quinine.  
 Metallic vapor.  
 Prussic acid vapor.  
 Charcoal vapor.  
 Pregnancy.  
 Parturition.  
 Abortion.  
 Puerperal.  
 Cold in childbed.  
 Lactation.  
 Sexual derangement.  
 Disease of uterus.  
 Irregular menstruation.  
 Profuse menstruation.  
 Suspended menstruation at change of life.  
 Suppressed menstruation.  
 Hysteria.  
 Carbonic acid gas.  
 Working in white lead.  
 Acetate of lead.  
 Excessive labor.  
 Bodily exertion.  
 Loss of sleep.  
 Intemperate use of snuff.  
 Intemperate smoking.  
 Intemperate opium eating.  
 Syphilis.  
 Vice.  
 Immorality.

*Moral Causes.*

Anxiety and loss of sleep.  
 Anxiety for absent friends.  
 Home sickness.  
 Fright.  
 Disappointment.  
 Disappointment in love.  
 Disappointment in ambition.  
 Unrequited love.  
 Want of employment.  
 Want of occupation.  
 Destitution.  
 Mortified pride.  
 Ungoverned passion.  
 Virulent temper.  
 Misanthropy.  
 Jealousy.  
 Envy.  
 Duel.  
 Religious anxiety.  
 Religious excitement.  
 Remorse.  
 Millerism.  
 Mormonism.  
 Struggle between the religious principle and power of passion.  
 Epidemic influences.

And winds up by saying: "These are not all the diseases, accidents, events, etc., that can disturb the regular action of the brain."

## OBSERVATIONS UPON ASSIGNED CAUSES.

From this formidable list of assigned causes of mental disturbance we see there is scarcely a disease of the body, an emotion of the mind, or a feeling of the heart that may not act as an exciting, if not an actual cause in the dethronement of man's reason. "Dr. Ludwig, of the Heppenheim Asylum, expressed the opinion that the cause of insanity is extremely obscure and not easily defined, and thinks that most of the assigned causes are made at the writing desk of the Committing Boards;

that predisposition must exist, and that the form is only the effect, not the cause." We very well know that mistakes are often made by Committing Boards, even when composed of physicians, and that symptoms are too often mistaken for disease; nevertheless we cannot agree with Dr. Ludwig and other German Superintendents who assign nearly all cases of lunacy to hereditary taint. Intemperance was admitted by a few of those with whom we conversed to be a cause of mental disturbance, but all others were set aside as unworthy of being assigned a place. Dr. Koëppé, the intelligent Director and Physician in Chief of the celebrated Asylum at Halle, in Prussian Saxony, informed us that eighty per cent of those committed to his Asylum were from hereditary causes, and that this was in accord with the experience of the Superintendents of other institutions in Germany. To say the least, this does not agree with the opinions of the learned and practical men who have charge of Asylums in most other countries, and especially in Great Britain and the United States.

The preceding list was inserted as a matter of general interest. The following table comprises the principal assigned causes of insanity:



## INSANITY FOUND IN ALL COUNTRIES.

As the causes enumerated in this Chapter operate with more or less power and energy in producing insanity, we learn that it is found in all countries and among all nations, but is more prevalent among civilized than among savage people. It is true that we have no statistical data upon which to predicate this assertion, as no census of the insane has ever been taken in savage or semi-barbarous nations. From those who have resided in these countries, and from travellers who have gone among them, we learn that but little insanity is known among them. Caleb Cushing, former United States Minister, states that after a somewhat protracted residence in China he had concluded there were but few lunatics to be seen or heard of. Mr. Williams, an American missionary, after a residence of twelve years, says that he only saw two who were "upside down," as the Chinese call it, during the whole time.

All travellers agree that it scarcely exists in Nubia, and that it is extremely rare in Egypt. In eighteen hundred and forty-four, according to a statement in the London Medical Gazette, there were only fourteen in Cairo, being one to twenty-three thousand five hundred and seventy-two of the population. A few isolated cases have been reported by Doctors Moreau and Furnari, among the tribes bordering on the African shores of the Mediterranean, but agree in the general conclusion as to its scarcity. Doctor Furnari thinks it is in consequence of their "total abstinence."

Doctor De Forest, of the Syrian Mission, in a letter to Doctor Butler, of America, says: "It is impossible to obtain accurate statistics of the insane here, but I think the disease far less frequent than in our own land." He gives a fearful picture of the treatment of those who are unfortunate enough to be insane. Doctor Paulding, in the Boston Medical and Surgical Journal (1852), bears testimony to the same facts.

Doctor Wise, Superintendent of an asylum in Bengal, states as the result of his experience, "that insanity is less frequent and assumes a less acute form among the East Indians than among the civilized nations of Europe." Captain Wilkes, of the United States Exploring Expedition, in a letter to Doctor Brigham, says: "During the whole of my intercourse with the natives of the South Sea I met no deranged person. I am confident that had any instance of mental derangement among the natives occurred, it would have been observed by us."

We all know in this country that for a long time it was supposed that no Indian had been known to become insane; and so we might show of all other countries where savages are found in similar conditions, if deemed important. That it exists in much larger proportions in Europe and America scarce needs be stated, as it is a fact well known to all who have paid the least attention to the subject, and will be abundantly proved in this report. That it is not due to any peculiarity of race will also be shown, at least with regard to some of these peoples, when brought in contact with more civilized nations and subjected to the influences by which it is developed.

It is believed to be due to causes inherent in man, or connected with his condition, habits, and exposures.

Some of these causes belong to the body, as physical diseases—apoplexy, epilepsy, palsy, scrofula, injuries to the head, general ill health, consumption—and some are called moral causes, such as anxiety, excessive study, grief, remorse, distress, struggles for gain, ambition. Some of these causes apply to the savage as well as civilized nations, while

others are applicable exclusively, or nearly so, to a condition of civilization. They vary in their frequency, intensity, and power, and consequently the mental diseases also differ in frequency and durability; to what extent we will endeavor to show, in a measure at least, hereafter. For the present we desire to exhibit their combined effect upon those subjected to their influence.

#### ENUMERATION OF THE INSANE.

Most nations in their enumerations take account of the insane; thus we find their numbers as seen in the following tables:

TABLE.

COUNTRY.	Census of.....	Population.	Numbers of Insane and Idiots.			Proportion of—		
			Insane	Idiots.	Total.	Insane to Population.	Idiots to Population.	Total to Population.
United States	1870	38,555,983	37,382	24,527	61,909	1 in 1,031	1 in 1,572	1 in 623
England.....	1870	22,090,163	.....	.....	54,713	.....	.....	1 in 403
Scotland.....	1870	3,222,837	.....	.....	9,571	.....	.....	1 in 336
Ireland.....	1870	* 5,195,236	11,122	6,072	17,194	1 in 467	1 in 855	1 in 302
France.....	1866	37,988,905	50,726	39,953	90,679	1 in 747	1 in 950	1 in 418
Prussia.....	1867	23,971,337	16,929	21,031	37,960	1 in 1,416	1 in 1,139	1 in 431
Belgium.....	1865	4,984,451	.....	.....	7,431	.....	.....	1 in 671
Total.....	.....	136,008,912	.....	.....	279,457	.....	.....	1 in 486

TABLE. †

COUNTRIES.	Census taken once in :	Census of	Populat'n.	Number of Insane.			Proport'n to Populat'n
				Males.	Feml's	Totals.	
Ireland.....	10 years	1861	5,798,967	3,500	3,565	7,065	1 in 821
England and Wales.....	10 years	1861	20,066,224	11,249	13,096	24,345	1 in 824
Newfoundland.....	10 years	1857	122,638	50	38	88	1 in 1,394
Nova Scotia.....	10 years	1861	330,857	166	174	340	1 in 973
Prince Edward's Island..	7 years	1861	80,857	.....	.....	148	1 in 546
United States.....	10 years	1860	31,445,080	.....	.....	23,999	1 in 1,310
France.....	5 years	1856	36,012,669	.....	.....	35,031	1 in 1,028
Savoy.....	4 years	1861	542,535	143	167	310	1 in 1,750
Belgium.....	10 years	1856	4,529,560	2,019	1,998	4,017	1 in 1,128
Holland.....	10 years	1859	3,308,969	1,038	1,101	2,139	1 in 1,547
Hanover.....	3 years	1861	1,888,048	1,591	1,493	3,084	1 in 612
Prussia.....	3 years	1858	17,739,913	.....	.....	.....	.....
Saxony.....	3 years	1861	2,225,240	.....	.....	1,559	1 in 1,427
Bavaria.....	3 years	1861	4,689,837	2,576	2,323	4,899	1 in 957
Wurtemberg.....	3 years	1861	1,720,708	690	648	1,338	1 in 1,286
Hesse Darmstadt.....	3 years	1861	856,907	.....	.....	.....	.....
Oldenburg.....	.....	1855	287,163	446	508	954	1 in 301
Denmark.....	5 years	1860	2,605,024	2,543	2,592	5,135	1 in 507
Sweden.....	5 years	1855	3,641,011	1,898	1,995	3,893	1 in 935
Norway.....	10 years	1855	1,490,047	619	710	1,329	1 in 1,121
Piedmont.....	10 years	1858	5,041,853	.....	.....	1,750	1 in 2,881

\* Calculated population.

† From Vital Statistics of Ireland.

TABLE.

COUNTRIES.	1844.*			1850.†	1857.‡	1860.§	1867.
	Population	Insane.	Ratio.	Ratio.	Ratio.	Ratio.	Ratio.
Spain.....	4,058,000	569	1 in 7,180	1 in 7,181	.....	1 in 1,667	.....
Italy .....	16,789,000	3,441	1 in 4,876	1 in 3,785	.....	1 in 3,690	.....
Belgium .....	3,816,000	3,763	1 in 1,014	.....	.....	1 in 816	.....
Holland .....	2,302,000	2,300	1 in 1,001	.....	.....	1 in 1,223	.....
France .....	32,000,000	32,000	1 in 1,000	1 in 1,000	1 in 795	1 in 1,773	1 in 444
United States.	17,069,453	17,457	1 in 977	.....	.....	.....	.....
Malta & Gozzo	120,000	130	1 in 932	.....	.....	.....	.....
Westphalia...	1,283,142	1,535	1 in 846	.....	.....	.....	.....
England .....	13,089,358	16,222	1 in 807	1 in 666	1 in 577	1 in 700	1 in 432
Ireland .....	7,784,536	10,059	1 in 774	.....	.....	1 in 2,125	1 in 325
Scotland .....	2,365,807	3,652	1 in 648	1 in 400	.....	1 in 513	1 in 368
Norway .....	1,051,300	1,909	1 in 551	1 in 531	1 in 551	1 in 550	.....
Brunswick.....	262,948	488	1 in 539	.....	.....	.....	.....
<b>CITIES.</b>							
London.....	1,400,000	7,000	1 in 200	.....	.....	.....	.....
Paris .....	890,000	4,000	1 in 222	.....	.....	.....	.....
Petersburg ...	377,000	120	1 in 3,142	.....	.....	.....	.....
Naples .....	370,000	479	1 in 772	.....	.....	.....	.....
Cairo .....	330,000	14	1 : 23,572	.....	.....	.....	.....
Madrid .....	204,000	60	1 in 3,400	.....	.....	.....	.....
Rome .....	154,000	320	1 in 480	.....	.....	.....	.....
Milan .....	151,000	618	1 in 244	.....	.....	.....	.....
Turin .....	114,000	331	1 in 341	.....	.....	.....	.....
Florence.....	80,000	236	1 in 339	.....	.....	.....	.....
Dresden.....	70,000	150	1 in 446	.....	.....	.....	.....
Brunswick.....	37,583	104	1 in 361½	.....	.....	.....	.....

## ENUMERATIONS IMPERFECT.

These statements of the insane are doubtless imperfect in all countries, and certainly very imperfect in some of them. It is impossible to obtain full accounts of the insane through public offices as at present organized, and any other and more perfect system would probably be deemed too expensive by most Governments. We have reason to believe that many are concealed from public view, and that families refuse to report them to ordinary officers.

## DIFFICULTIES IN THE WAY OF PERFECT ENUMERATION.

Massachusetts seems to have understood and appreciated these difficulties at an early date, and in eighteen hundred and fifty-four appointed a Commission, consisting of Levi Lincoln, Doctor Edward Jarvis, and Increase Sumner, to ascertain the number and condition of

\* See London Medical Gazette, April, 1844.

† American Journal of Insanity, Vol. VII, p. 286.

‡ Bucknill & Tuke on Insanity, p. 47.

§ Journal of Insanity, Vol. XVII, p. 348.

|| Manning's Reports, p. 109.

the insane in the State; distinguishing as accurately as may be between the insane, properly so considered, and the idiotic or *non compos*; between the furious and harmless; curable and incurable; and between the natives and foreigners, and the number of each who are State paupers. (See *Insane and Idiots, Mass. 1854*).

This Commission addressed circulars to every physician in the State, setting forth the facts that they desired to obtain, and asking their assistance and coöperation. There were at that time fifteen hundred and fifty-six physicians in the State, of whom all but four responded, giving every case within their knowledge.

Besides these, many of the clergy, Overseers of the Poor, and other persons known or supposed to be interested in or informed upon the subject were consulted and their assistance asked.

After twelve months of constant, persistent, and untiring labor the most complete, able, and satisfactory report ever made of the insane and idiots in any State or country was the result. It was not only important to Massachusetts, but to all other States and countries. The subject of inquiry was of a general character, and the facts found and inferences deduced as applicable to all the world as to Massachusetts.

Without going into the details of the *modus operandi* by which the information was obtained, it is sufficient to state the result in a few particulars. Of the lunatics found, fifteen hundred and twenty-two were paupers, and eleven hundred and ten were supported by their own property or by their friends, making a total of two thousand six hundred and thirty-two, or one to every four hundred and twenty-seven of the population; whereas an enumeration made by another Commission, in a different way, a few years previously (eighteen hundred and forty-eight), showed only one to five hundred and ninety-two of the population. The United States census of eighteen hundred and sixty showed one to five hundred and eighty-five, and in eighteen hundred and seventy, one to five hundred and forty-seven. These figures demonstrate the imperfections of general enumerations, and the difference exhibited by a census perfectly taken. This difference, we think, may safely be added to the enumerations made in other countries.

#### INFLUENCE OF AGE.

Among the causes of insanity, age is supposed to have its influence; at all events, it is a fact established by the observations of most men who have written upon the subject that a larger proportion become insane between the ages of thirty and forty than at any other period of life. The general enumerations of the insane do not show their ages, but this is stated in all those who are committed to hospitals, and thus the deficiency is in a measure supplied, and we are thereby enabled to arrive at approximate conclusions.

There are, however, some notable exceptions to this general rule. The experience of Esquirol at Charenton showed the largest number of admissions between twenty and thirty. The experience of Doctor Erle at Bloomingdale, and that of Doctor Hood during ten years at Bethlem, is in accord with that of Esquirol at Charenton, though the whole experience of Esquirol was in accordance with the general rule, while that of Doctor Tuke was in favor of the earlier period, between twenty and thirty. It will be seen by the following table that in France, Italy, and

Holland the greatest number become insane between the ages of thirty and forty, while in Ireland and at the York Retreat the greater number was between twenty and thirty. The table also shows that the numbers decrease as we ascend or descend the scale. This result may be attributed to the fact that at that period of life both males and females are more exposed to the various exciting causes than at any other. It is contended by some authors, however, that the age between thirty-five and forty exercises a special influence over the production of insanity; but of this we have no other evidence than that already cited. The following table will show the influence of age, illustrated by statistics of different countries:

TABLE.

*Influence of Age, illustrated by Statistics of Different Countries.*

AGE.	FRANCE. 1853.		IRELAND. District Asyl- lums, 1870.		ITALY. Florence Asylum, 1868.		HOLLAND. 1844 to 1864.		TOTAL.	
	Number .....	Proportion at each to total known ages...	Number .....	Proportion at each to total known ages...	Number .....	Proportion at each age to total.....	Number .....	Proportion at each age to total.....	Number .....	Proportion at each to total of known ages.
Under 10 years } 10 to 20 years... }	1,809	5.90	{ 2 187	{ .08 8.14	3 18	.96 5.73	66 653	.56 5.57	} 2,738	6.08
20 to 30 years.....	5,912	19.27	713	31.05	68	21.66	2,681	22.87	9,374	20.83
30 to 40 years.....	8,470	27.61	593	25.83	77	24.52	3,045	25.98	12,185	27.08
40 to 50 years.....	7,011	22.86	374	16.29	66	21.02	2,370	20.22	9,821	21.82
50 to 60 years.....	4,610	15.03	229	10.00	41	13.06	1,672	14.27	6,552	14.56
60 to 70 years.....	2,022	6.59	145	6.31	24	7.64	867	7.40	3,058	6.79
Over 70 years.....	839	2.74	53	2.30	17	5.41	367	3.13	1,276	2.84
Unknown .....	2,203	.....	37	.....	.....	.....	.....	.....	2,240	.....
Totals.....	32,876	.....	2,333	.....	314	.....	11,721	.....	47,244	.....

Doctor Tuke says: "During the forty four years between seventeen hundred and ninety-six and eighteen hundred and forty, of those admitted at the Retreat the greater number (one third of the whole) were *attacked* between twenty and thirty years of age. Each subsequent decennial period is marked by a gradually decreasing proportion. Thus, of every hundred cases at the origin of the disorder there were, at successive periods of life, as follows:

0-10	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90
.96	12.77	32.53	20.00	15.9	10.6	6.3	.97	.24

“ Now it is obvious that to render these statistics of any value they must be compared with the numbers living in the same community at the same periods of life. This means of comparison we afford in the following table.

“ Of every hundred individuals there were living, at successive decennial periods of life, as follows:

0-10	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90
16.7	18.9	15.4	12.4	11.9	10.8	7.8	4.9	1.2

“ From which it is evident that the large proportion of persons who become insane, of those admitted at the Retreat, between twenty and thirty years of age, cannot be explained by the greater proportion of the number living at that period. On the contrary, there were more living under ten years of age and between ten and twenty. These facts, therefore, exhibit an increased liability to insanity connected with the age between twenty and thirty; or man during that period is brought into contact with an increased number of the causes of insanity. It is probable that it is the combination of these two circumstances which induces this result.”\*

In eighteen hundred and fifty the greatest number of inhabitants of a given age in the United States was under ten, the next greatest between ten and twenty, and so on, gradually decreasing to the end. We presume that these proportions have been maintained to the present time; and as we have not by us any census of a later date setting forth this particular fact, we have made use of it in preparing the following table, taking, however, the number of insane for eighteen hundred and seventy instead of eighteen hundred and fifty, and leaving idiots out of the computation. From this it will be seen that though there are many more persons living under ten, between ten and twenty, and between twenty and thirty, than between thirty and forty, still the number of insane of the latter age are greatly in excess of those of any other age.

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\* See Bucknill & Tuke on Insanity, p. 245.

TABLE.

*Influence of Age illustrated by Statistics of the United States.*

AGE.	Population.....	No. Insane, 1870.	Proportion at each age to total of known ages.	
			Popula'n	No. Ins'e
Under ten years.....	6,739,041	324	29.08	.87
From ten to twenty years.....	5,420,421	1,992	23.38	5.36
From twenty to thirty years.....	4,277,318	7,096	18.46	19.09
From thirty to forty years.....	2,825,819	9,109	12.19	24.51
From forty to fifty years.....	1,846,660	7,976	7.97	21.46
From fifty to sixty years.....	1,109,540	5,264	4.79	14.16
From sixty to seventy years.....	609,926	3,307	2.63	8.90
From seventy to eighty years.....	257,234	1,569	1.11	4.22
From eighty to ninety years.....	77,382	455	.33	1.22
From ninety to one hundred years.	11,695	62	.05	.17
One hundred years and upwards..	2,555	15	.01	.04
Unknown .....	14,285	213	.....	.....
Totals .....	23,191,876	37,382	100.00	100.00

## INFLUENCE OF AGE IN THE DIFFERENT RACES.

The following table has been made for the purpose of showing the susceptibility to insanity of the different races inhabiting our continent, and the ages at which they are most liable to the seizure of this terrible malady.



The preceding table shows a most interesting fact, that may or may not be overthrown by further investigation and longer experience. It will be observed that while the general rule under discussion holds good with the Chinaman and the Indian, that both the black and mulatto are most liable to become insane between twenty and thirty, and that this is true with regard to both males and females. This may be the result of accident; but from our knowledge of the race, derived from a long residence among them in the Southern States, we are of the opinion it is the result of a natural law. Their development, both intellectual and physical, is of much earlier growth and maturity than that of the Caucasian, and as insanity seems to attack the human race most frequently at that age when all the faculties are in fullest maturity, and most powerful, energetic action, there would seem to be no reason why the negro should be an exception to the general law. These reflections, however, are made more to direct the attention of future investigation to the subject than with a view to the promulgation of a new theory or the enunciation of a new idea.

#### INFLUENCE OF SEX.

The susceptibility of the sexes to insanity has been a debateable question from the days of Cælius Aurelianus to the present time, most of those participating in the discussion seeming to be guided by their individual experience or their immediate surroundings. Aurelianus, Pinel, Haslam, and their followers taking sides with the women, while Esquirol, Copeland, Browne, and others took the other side of the question. In our country, Doctor Rush was of the opinion that more women were insane from the fact that they are exposed to several exciting causes from which men are exempt, apparently overlooking another fact, that men are liable to many causes from the influence of which females are partially or entirely removed. Doctor Jarvis, one of the closest observers and most thorough investigators whose writings have come under our observation, came to the conclusion some twenty years ago, after exhausting all the information that existed on the subject at that time, that a few more men than women become insane. (Jarvis on the Comparative Liability of Males and Females to Insanity; see American Journal of Insanity, Vol. VII, p. 142.) And from the following table of first admissions into the Asylums of England, Ireland, France, Belgium, Holland, and Bavaria, during the period specified, it would seem that the conclusion at which he then arrived still holds good; though according to the United States census for eighteen hundred and seventy the reverse of this would seem to be true in our country, as the number of males was eighteen thousand one hundred and seventy-four; the number of females, nineteen thousand two hundred and eight, or an excess of one thousand and thirty-four females.

TABLE,  
Showing the Influence of Sex.

COUNTRIES.	Period.	Number of First Admissions.		
		Males.	Females.	Totals.
England.....	1870	5,124	4,966	10,090
Ireland.....	1870	1,141	971	2,112
France.....	1853	3,959	3,487	7,447
Belgium.....	1865	865	690	1,555
Holland.....	1844 to 1864	4,747	4,526	9,273
Bavaria (Asylum at Irsee)....	1858 to 1868	388	324	712
Totals.....	.....	16,224	14,964	31,188

The various arguments made and facts adduced to prove the one theory or the other, are conclusive evidence to our mind that there is but little difference in the gross number of the sexes. As classes they seem about equally subject to this malady, yet different causes operate in various proportions on the sexes. Men are more intemperate, which is well known to be one of the most prolific causes of insanity, its victims being in proportion of about four men to one woman. More men are engaged in hazardous enterprises and doubtful business speculations, in gambling and other dissipation, more subject to disappointment and failure in business operations, more use their brains excessively in study, in scientific investigations and ambitious projects, and more are liable to ordinary accidents and the casualties and exposures of war.

On the contrary, domestic trials, ill health, loss of relatives, and disappointments in love act more powerfully on women, while a few other causes belonging to peculiarities of organism affect them only. We must conclude, therefore, that the liability of the excess to insanity is very nearly equal, and that any difference in numbers in different countries and localities depends more on the exposure to the various causes that produce it than to difference of liability in the sexes; and these must vary with different nations, different periods of the world, and different habits of the people. The fact that the percentage of recoveries is slightly greatest among females, and *a fortiori*, the percentage of deaths among males, is too well established to require an argument. The reason of this is obvious; we have already seen that the causes operating on the sexes are different in some important particulars; general ill health and the puerperal condition adding largely to the list among females, give to insanity its most curable cases; while epilepsy, palsy, and masturbation are more frequent causes among men, and are among the most incurable cases.

#### INFLUENCE OF MARRIAGE.

The experience of all writers upon the subject, as far as our observation has extended, shows conclusively that a greater number of single than married persons become insane, notwithstanding there are more of the latter class of the ages most subject to insanity.

TABLE,

*Showing the Influence of Marriage.*

CIVIL CONDITION.	Ireland, 1870.			Bavaria. (District Asylums, 1865.)			France, 1853.			Italy, (Florence, 1867 and 1868.)			United States, (Pennsylvania Hos- pital for Insane, 1841 to 1870).			Totals.		
	Male....	Female.	Totals...	Male....	Female.	Totals...	Male....	Female.	Totals...	Male....	Female.	Totals...	Male....	Female.	Totals...	Male....	Female.	Totals...
Single.....	3,006	2,251	5,257	815	629	1,444	9,278	8,800	18,078	468	367	835	1,472	1,084	2,556	15,039	13,131	28,170
Married.....	701	747	1,448	283	291	574	4,047	4,446	8,493	156	274	430	1,332	1,183	2,515	6,519	6,941	13,460
Widowed.....	113	310	423	45	117	162	791	1,888	2,679	34	109	143	133	331	464	1,116	2,755	3,871
Unknown.....	170	162	332	.....	.....	.....	2,297	1,329	3,626	.....	.....	.....	.....	.....	.....	2,467	1,491	3,958
Totals.....	3,990	3,470	7,460	1,143	1,037	2,180	16,413	16,463	32,876	658	750	1,408	2,937	2,598	5,535	25,141	24,318	49,459

From the foregoing table we find that out of every one hundred patients whose civil condition was known, sixty-one and ninety-one one hundredths were single, twenty-nine and fifty-eight one hundredths were married, and eight and fifty-one one hundredths were widowed.

It appears from the census of eighteen hundred and fifty-one that the condition of the entire population of Great Britain (aged twenty and upwards) was in respect of marriage as follows: \*

Unmarried.	Married.	Widowed.	Totals.
3,456,310 30.2	6,852,695 57.6	1,178,559 10.2	11,487,664 100

The greater liability of single than of married persons to insanity is explained in part by the fact that a much larger proportion of the unbalanced, odd, idle, worthless, restless, dissipated, and improvident do not marry. The causes of their celibacy and insanity are radically the same. We know that marriage often leads to insanity; domestic troubles and afflictions, and all cases of puerperal insanity being the most prominent. Yet, on the other hand, it seems to prevent a much larger number of cases than it produces. The kindly and calming influences of the domestic circle, the greater regularity of habits, the freedom from inordinate passions and dissipated tendencies, all have their due effects in keeping the mind in a proper state of equilibrium, which is sanity.

It further appears from the foregoing table that while the greatest numbers and largest proportions of the insane are among the single and the smallest among the married population, that the widowed occupy an intermediate proportion, thus proving conclusively that marriage is one of the most powerful agencies in preventing the increase of this dreadful malady.

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## CHAPTER V.

### INFLUENCE OF SOCIAL DISTINCTIONS.

Diseases of the brain are peculiar to no class in society. They are found in all ranks of men—the high and the low, the refined and the vulgar, the educated and the ignorant, the rich and the poor—but not in the same proportion in all classes. The brain is not the mind, but the organ through which it operates and through which it manifests itself. There are manifold causes and various conditions by which it is disturbed. Many and various events and external circumstances; many conditions of the body and nervous system affect this organ morbidly. These pervert its functions, and produce mental disorder. These disturbing causes are distributed in various proportions among the different classes of society; none are entirely free. Some causes are common to

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\* See Bucknill & Tuke on Insanity, p. 255.

all ranks of men, and others are the especial dangers that hover over each of the several classes. The distinctions in society are manifest and inevitable, but not more certain than the variety of dangers that beset their mental health.

The first condition of man, that has been fixed upon him from the beginning, is the necessity of protection and sustenance, and his first motive of action is his desire to obtain them. To some the means of living come easily. Their sagacity, industry, and faithfulness procure for them not only what they need, but enable them to create a surplus sufficient for future emergencies and for more expensive and luxurious living. All of these have a competence, and some have great wealth, with no fear of want. These constitute the higher, but by no means the largest class of society. Another and larger class, with less mental and moral power or opportunity, obtain what they need from day to day, and have thrift enough to secure the means of meeting the ordinary wants of life and the necessities of sickness and age when they cease to labor. A third and very large class in every country, called the laboring class, not because they work more than the others, but because, having no capital, they obtain their subsistence by the labor of their hands exclusively. They earn from day to day what they consume, and lie down at night no richer than they were in the morning. They sustain themselves as long as strength lasts, but when sickness overtakes them or old age falls upon them, having accumulated no capital to fall back upon they become dependent upon the charity of friends or public bounty for support.

Below these in the social scale are the entirely dependent or pauper class, who are housed, fed, and clothed by the general treasury. These are found most numerous in old and least so in new countries. All of these classes are subject, though in different degrees, to insanity. Beside the courses of mental disorder that are common to all, some appear more frequently and act with more destructive power on some classes, while they are rarely known in others. As a general law the most favored class have the best natural endowments of body and mind, the best physical health, the best mental and moral training and discipline. These give them their position and enable them to sustain themselves therein. Their wisdom and sagacity, their power of consideration and of adapting means to the desired ends, their faithfulness to the law of their being, and discreet self management, insure this prosperity and the world's confidence.

Fortune is not the blind goddess as commonly represented, scattering her favors without regard to conditions and circumstances, making some rich who never sought for her blessings, and others poor in spite of their well laid plans and earnest endeavors. As a rule, accident and chance have but little to do with this matter. Success is almost always the result of fitting plans and faithful execution. "Herein is wisdom justified of her children, and folly may make a similar boast, the child is after the similitude of the parent." The wisdom may be merely of this world, and applied to a narrow field wherein riches are gathered, or one wherein the flowers of fashion bloom. It may be a better wisdom that leads to self culture, to learning, to the generous and peaceful graces of character. Whatever it may be, it is sufficient for its purpose. Without this wisdom of the appropriate kind no man attains to his desired ends. A man may be a fool in everything else, but he is neither foolish nor weak in that in which he succeeds. Success in any line of life is then

evidence of wisdom appropriate to that purpose, and of strength sufficient for its accomplishment.

The simple fact that men are in the higher social ranks of culture, character, or wealth, must be accepted as *prima facie* evidence that they have good minds, well developed, trained, and balanced; that they have strength and discipline of character by which they reached their present position and retained themselves in it. Being generally persons of good health and sound mind they have in themselves better defences against insanity than the lower classes that are less liberally endowed and less favored by education and self discipline. Nevertheless, the more favored and prosperous classes have their peculiar dangers that threaten their soundness of mind. Here, temptations to excessive mental labor in business, study, in the pursuit of riches and knowledge, ambitious projects and political strife, all have their influence. In this country, where no child is bound to follow the paths of his father, where all the avenues to wealth and distinction are open to any who desire to enter, and the race of life is free to every competitor, whatever may be his history and preparation, there are some in every rank who are struggling with all their energy to grasp what is almost within or even beyond their reach. Some of these who succeed find themselves in a false position, which they are not prepared to fill, and are compelled still to fight the battle to sustain themselves in form and appearance, for which they were not educated. In this class are the dangers of great reverses in business, of graceful and fashionable dissipation, and sometimes of gross sensuality; of disregard to the natural laws of health, in late and unusual hours, unreasonably eating, inadequate costume, etc. All these tend to overwork or disturb the brain, and sometimes the mind is disordered and insanity follows.

The class next below the highest, just described, is composed of persons of comparatively limited fortune. They have less strain upon their mental powers. Generally they have a more even course of life, and are more contented with their position; their moderate gains meet all their necessities and secure them against suffering in days of sickness and age; yet there are those among them who are earnestly striving to rise to the higher place, and whose ambition lays too heavy a tax on their physical and mental energies. Some break down under this unnatural strain upon their powers. In this class there is less waste of health and force, in graceful dissipation than in the class above them, and in coarse and vulgar dissipation than in the classes below. These have fewer causes of insanity peculiar to themselves than either of the other classes; and though they furnish the smallest number of victims to this disorder, yet they have their dangers, under which some of their members lose their mental health.

The poor have not been wanting among mankind from the earliest records; nor until the human constitution, with the natural passions and appetites, shall be changed, and men and women conform their habits to the laws of health and restrain their self-indulgence, will the *poor* fail to appear in every successive generation.

In the world's careless estimation, poverty is simply an absence of the outward means of life, food, clothing, shelter, and the real and apparently sufficient way of relief is to supply these wants or give their value in money. This is but a superficial view of this matter. Poverty is deeper and earlier than present ascertained destitution. It is in a great measure an original element in the man; in his constitution; in his development and education, and in his character.

This class is filled from causes opposite to those that fill the highest class. The primary grounds of prosperity, sagacity, coördinating power, physical strength, industry, perseverance, self-discipline, are deficient in the poor. As a class, they have less health and intellectual force; less perfect development and education. More of them are of unbalanced mind, of unreliable judgment; they are more changeable in purpose; their plans are less in harmony with their circumstances and the means at their control, or their power of execution. Here are found more of the victims of low and gross dissipation—the intemperate, the debauched; more of those who suffer from hereditary diseases.

The members of this class are generally laborers for wages, and a large proportion are unskilled, doing the work that simply requires muscular force with the least mental exertion. They earn a bare subsistence while in health, with little or no surplus to depend upon in sickness and old age. They exemplify the old law, that "from him that hath not shall be taken, even that which he hath." One element of poverty begets another, and this creates a third, and still others follow, until the low condition of the man, without and within, is complete. As his earnings are small his nutrition is meagre, clothing inadequate, dwelling narrow and unhealthy. He must live with his family in small and unventilated rooms, and breathe impure air; his frame, therefore, is not strengthened; his brain is inactive, his mind cloudy; he must consequently accept the coarsest work for the lowest wages, that afford no means of strengthening his body or elevating his mind to the power of more profitable labor. Depressed, languid, torpid, he often seeks relief in artificial stimulants, and adds another fountain from which poverty flows. His hard and exhausting toils destroy his buoyancy of spirit, take away his hope, and neutralize his ambition to rise to a better scale of life.

From the original and constitutional character of the poor, and from their habits and exposure, there is much insanity among them. Poverty and insanity often spring from the same source. Persons who are weak in intellect, undisciplined, unbalanced, fickle, or excitable, are wanting in the elements of success, and are poor for this reason. Their mental and moral condition are the sources of much insanity. Their imperfections or perversities grow into mental disorder. These are not insane because of their destitution, nor yet poor because of their insanity; but they are both because they have in their brains the elements of poverty and mental disorder. So, also, intemperance and other sensual indulgences creates the double destruction of estate and mental health. Drunkenness is one of the most fruitful causes both of insanity and pauperism.

The paupers, the lowest in the social scale, have still more the elements of weakness. There are among them more than among others defective and disordered constitutions; more diseases both of body and mind. In some, their disability, original or acquired, was manifest; others have been weighed in the world's balance of business or labor of some kind and found wanting. The deficiencies and perversities of the previous class (the poor but independent laborers) are intensified in this. At least the paupers live nearer the borders of insanity than others, and a much larger portion pass that bound into lunacy. Beside these causes inherent in and acting on the dependant class to produce insanity, they receive a large supply of recruits from the other and more favored classes on account of mental disorder. Some men, sufficiently secure in their self sustaining power, by their skill and exertions supply all their wants until they lose their reason, when labor, and production, and

income cease together. If the mental disorder be not relieved, and lifelong insanity be established, the accumulated capital will soon be exhausted, and the patient and his family fall upon the public treasury for support.

In some cases the family may yet have power to support themselves, especially if the lunatic be not the head and principal producer, but cannot add to this the board and care of the patient. Then they throw him upon the town or State, and join him to the pauper class, while the rest of the family remain in the ranks of the independent. These last described are not made insane by their poverty, but their insanity made them paupers. In this way insanity hangs about the necks of its victims in all the social ranks, depriving them of the power of production, and consuming an undue proportion of the family substance. Under this burden they gravitate downward, and may ultimately reach the lowest depths of pauperism. Another and important fact is discovered; that a very large portion of the lunatics in the pauper class are chronic cases, who have been a long time disordered, and whose day of healing is past, and whose malady will end only in death.

From all these and manifold other causes the proportion of insanity among the paupers is very great as compared with that of the higher ranks, and indeed with all the independent classes of society.

The annual reports of the Commissioners in Lunacy for England show the number of lunatics in the independent classes and among the paupers. From these and other British reports on population and on the poor the following facts as to numbers are derived, and the proportion of lunatics in the classes are calculated from these facts:

During the ten years, eighteen hundred and sixty-two to eighteen hundred and seventy-one, the average annual independent population was twenty million three hundred and thirty-eight thousand seven hundred and ninety-two. The average annual number of independent lunatics was five thousand nine hundred and seventy-three. The ratio of lunatics in this class was one in three thousand four hundred and five. The average annual number of paupers was one million twenty-one thousand eight hundred and seventy-two. The average annual number of pauper lunatics was forty-two thousand seven hundred and sixty-four. The ratio of lunatics in this class was one in twenty-four. The proportionate ratios of lunatics to their respective classes were three thousand four hundred and five to twenty-four, or one hundred and forty-two times as great in the pauper as in the independent classes of English society.

The pauper lunatics are in the asylums and workhouses, or are otherwise subject to official supervision—their numbers therefore are known and accurately stated. The independent lunatics are in the public and private asylums and hospitals, and under the guardianship of the State, through the Lord Chancellor and his agents, and under the observations of the Commissioners in Lunacy; but there may be others not known to these authorities who are kept at their homes or privately boarded elsewhere. These are not included in this statement of the independent insane. But the number of these who have escaped the vigilant inquiries of the Government officials cannot be very great; admitting, however, that there were as many as were revealed and reported or even three or four times as many, still the differences of the burden of lunacy resting on the pauper class is enormous in comparison with that which the more favored classes are doomed to suffer.

There was a similar disproportion of insanity in the pauper and independent classes of Massachusetts, as shown by the report of the Com-

missioners in eighteen hundred and fifty-four, and it is probable that the same exists in every civilized country.

Unfortunately, we have no means of showing this in the United States and most other countries, though the accompanying table shows that they constitute a majority of the insane in Scotland, Ireland, and Belgium, as well as in England, notwithstanding the proportion of the pauper population would not exceed a twentieth of the whole in any of these countries:

COUNTRY.	Population.	Total Insane and Idiots.....	Pauper Insane and Idiots.....	Proportion of—	
				Pauper Insane and Idiots to Total Insane and Idiots.....	Pauper Insane and Idiots to Population .....
England .....	22,090,163	54,713	48,433	88 per cent	1 in 456
Scotland.....	3,222,837	9,571	6,276	65 per cent	1 in 513
Ireland .....	5,195,236	17,194	9,498	55 per cent	1 in 546
Belgium.....	4,984,451	7,431	3,852	52 per cent	1 in 1294
Total .....	35,492,687	88,909	68,059	76 per cent	1 in 521

It has been explained elsewhere and must not be overlooked, however, that a large majority of these pauper lunatics are no more furnished by the pauper element in society in these countries than are the non-paying patients in our own institutions; most of them were self-sustaining and independent citizens till misfortune assailed them and deprived them of their reason and the power to labor. Yet all must admit that pauperism is one of the most prolific sources from which insanity is supplied. Here is a grave question for the consideration of those in authority, whether they may not, by providing means sufficient to accommodate and care for every one who becomes insane, thereby affording proper treatment in the early stages of the disease, restore most of these unfortunate victims of this direful malady to health, the power to serve themselves, their families, and the State, and whether this is not a duty which every commonwealth owes to itself and to its members?

## CHAPTER VI.

### APPARENT INCREASE OF INSANITY.

For many years it has been apprehended that this fearful malady was increasing, not only in our own country, but in all other civilized

nations; and as early as eighteen hundred and fifty-one Doctor Jarvis read a paper on the subject before the Association of Medical Superintendents of American Institutions for the Insane, in which he said: "It is a recent thing that any nation has enumerated its insane, and I cannot discover that any nation has ascertained and reported this twice, and thus offered us data for the comparison."

Since that time other nations have taken an account of their insane, and some of them several times, but only to prove that insanity has increased, at least apparently, and in some countries very rapidly, within comparatively a short time. Thus the following table, from official reports, will show the result in the countries named:

## UNITED STATES—TWENTY YEARS.

Year.	Population.	Number of Insane and Idiots.	Ratio per 1,000 to Population.	Proportion to Population.
1850	23,191,876	31,397	1.35	1 in 738
1860	31,443,322	42,864	1.36	1 in 733
1870	38,555,983	61,909	1.60	1 in 623

## ENGLAND—TEN YEARS.

1862	20,336,467	41,129	2.02	1 in 494
1865	20,990,946	45,950	2.18	1 in 456
1868	21,649,377	51,000	2.35	1 in 424
1871	22,704,108	56,755	2.49	1 in 400

## SCOTLAND—TEN YEARS.

1862	3,083,989	6,341	2.05	1 in 486
1865	3,136,057	6,468	2.06	1 in 484
1868	3,188,125	6,931	2.17	1 in 459
1871	3,358,613	7,808	2.32	1 in 430

## IRELAND—NINETEEN YEARS.

1851	6,552,385	15,098	2.03	1 in 434
1856	6,164,171	14,141	2.29	1 in 435
1861	5,798,967	16,749	2.88	1 in 346
1870	5,195,236	17,194	3.39	1 in 303

## FRANCE—FIFTEEN YEARS.

1851	35,783,170	44,970	1.25	1 in 795
1866	37,988,905	90,679	2.38	1 in 418

This shows that the ratio of insane and idiots per one thousand in the United States in eighteen hundred and fifty was one and thirty-five one hundredths, or one in seven hundred and eight, and in eighteen hundred and seventy, one and sixty one hundredths, or one in six hundred and twenty-three.

In England, in eighteen hundred and sixty-two, it was two and two one hundredths, or one in four hundred and ninety-four, and in eighteen hundred and seventy-one, two and forty-nine one hundredths, or one in four hundred. In Scotland, in eighteen hundred and sixty-two, it was two and five one hundredths, or one in four hundred and eighty-six, and in eighteen hundred and seventy-one, two and thirty-two one hundredths, or one in four hundred and thirty. In Ireland, in eighteen hundred and fifty-one, it was two and thirty one hundredths, or one in four hundred and thirty-four, and in eighteen hundred and seventy-one, three and thirty-nine one hundredths, or one in three hundred and two. In France, in eighteen hundred and fifty-one, it was one and twenty-five one hundredths, or one in seven hundred and ninety-five, and in eighteen hundred and sixty-six, two and thirty-eight one hundredths, or one in four hundred and eighteen.

But even these statements must not be taken as altogether correct. In the paper of Doctor Jarvis, already referred to, he shows how very carelessly the returns from France had been made, and so it may have been with those from which our figures were taken: *Statistique de la France, 1866, second series, Vol. XVII.* In the United States we have also shown that all of the insane and idiots have probably not been found. In England, Scotland, and Ireland, the reports are mainly official, showing the number in institutions for custody and cure, in pauper establishments where they are kept merely for support, and those under the guardianship of the Lord Chancellor's Commissioners.

It is probable there are many others who belong to neither of these categories. Nor must these facts induce the conclusion that insanity, if it has increased at all, has done so in anything like the proportion here indicated. The existence of a fact and our knowledge of it are two very different things. Electricity has existed for all time, but our knowledge of its properties and the purposes to which it may be usefully applied is of very recent date. So it may be in many respects with our knowledge of the insane. We have already shown that many had existence in Massachusetts who could not or had not been found by one set of Commissioners who were found by another Commission whose method of search was different and whose work was more thorough. Nor must it be overlooked that since greater attention has been paid to the insane than formerly many more are brought to light and seek the benefit of asylum accommodation. Add to this the important fact that the duration of life among the chronic insane has been much increased by the greater amount of care and the more humane treatment which they receive, and we can readily account for at least a portion of the apparent increase.

It is exceedingly interesting to trace this apparent increase of insanity in the various countries of the world, and easy to show how much more rapidly the increase has been brought to light in those countries where the most humane and liberal provisions have been made for their accommodation. We will show, however, that it is not confined to the present epoch, nor to any particular country; but that it has always and everywhere come forth from its recesses and hiding places whenever suitable hospitals for the reception of its victims were provided. Thus Bucknill & Tuke state that "in the short space of nineteen years the estimated proportion of the insane in England rose from one in seven thousand two hundred to one in seven hundred and sixty-nine;" while on the first of January, eighteen hundred and seventy-one, there was one to four hundred. This is simply insanity revealed by increased attention.

The following extracts from the paper of Dr. Jarvis on this subject will show the results in several States and countries at a former period:

"Thus we find that whenever the seeds of this interest are once sown and allowed to germinate and grow, it spreads continually thereafter. Whenever the attention of the people of any country is called to this subject, and a hospital is built, there follows a remarkable increase of the cases of insanity revealed to the public eye and asking for admission.

"In the year eighteen hundred and thirty-two, when the McLean Asylum at Somerville, Massachusetts, contained sixty-four patients, the State Lunatic Hospital was established at Worcester for one hundred and twenty patients. This was as large a number as was then supposed would need its accommodation. In eighteen hundred and thirty-six one new wing, and in eighteen hundred and thirty-seven another new wing, and rooms for one hundred more patients were added to the Worcester Hospital, and at the same time the McLean Asylum contained ninety-three lunatic inmates. In eighteen hundred and forty-two the Worcester Hospital was again enlarged by the addition of two new wings, and now these are all filled to overflowing, having four hundred and fifty patients in May, eighteen hundred and fifty-one, while at the same time there were two hundred at the McLean Asylum, two hundred and four at the City Lunatic Hospital at Boston, and one hundred and fifteen in the county receptacles for the insane at Cambridge and Ipswich, beside thirty-six in the jails; making one thousand and fifteen lunatics in the public establishments of Massachusetts in eighteen hundred and fifty-one, instead of the one hundred and eighty-two which were there in eighteen hundred and thirty-two"—an increase of eight hundred and thirty-three in nineteen years.

"Besides these there is now a great demand for the admission of patients who cannot be accommodated in these establishments already built, and there is so much interest elicited in their behalf, and the friends of the lunatics are so alive to the necessity of providing means of relief for all of these sufferers, that the Legislature has just now authorized the erection of a new hospital sufficiently large to receive two hundred and fifty patients.

"The State Hospital at Augusta, Maine, was opened in December, eighteen hundred and forty, with only thirty patients. In eighteen hundred and forty-five it was so crowded that the Trustees asked for more rooms. In eighteen hundred and forty-seven the building was enlarged, and one hundred and twenty-eight patients were admitted.

In eighteen hundred and forty-eight the house was all filled, and more were offered than could be accommodated, and the Superintendent asked the Legislature to build still another wing, to enable him to meet the increased demand.

"The New Hampshire Hospital was opened in eighteen hundred and forty-two, and received twenty-two patients; these were all that were offered. In eighteen hundred and forty-three these were increased to forty-one; in another year, eighteen hundred and forty-four, there were seventy; in eighteen hundred and forty-five there were seventy-six; in eighteen hundred and forty-six there were ninety-eight; and in eighteen hundred and fifty they reached the number of one hundred and twenty. In the meantime additions have been made to meet this growing demand for more and more accommodations.

"The number of patients in the Eastern Virginia Asylum at Williamsburgh has increased more than two hundred per cent in fifteen years—from sixty in eighteen hundred and thirty-six, to one hundred and ninety-three in eighteen hundred and fifty.

"Those in the Western Virginia Asylum at Staunton, have increased more than eight hundred per cent in twenty-three years—from thirty-eight in eighteen hundred and twenty-eight, to three hundred and forty-eight in eighteen hundred and fifty.

"The average number of patients in the Ohio State Lunatic Asylum at Columbus, was sixty-four in eighteen hundred and thirty-nine, and three hundred and twenty-eight in eighteen hundred and fifty—being an increase of more than four hundred per cent in eleven years.

"Now, no one would imagine that the population of these several States has increased in these ratios of the increase of the lunatics in their asylums within these respective periods. But it will readily be supposed that the opening of these establishments for the cure or the protection of lunatics, the spread of their reports, the extension of the knowledge of their character, power, and usefulness by the means of the patients that they protect and cure, have created and continue to create more and more interest in the subject of insanity and more confidence in its curability. Consequently, more and more persons and families who, or such as who formerly kept their insane friends and relations at home, or allowed them to stroll abroad about the streets or country, now believe that they can be restored or improved, or at least made more comfortable in these public institutions, and therefore they send their patients to these asylums and thus swell the lists of their inmates.

"For the same reason the people in the vicinity of lunatic hospitals send more patients to them than those at a greater distance. Thus the County of Worcester, Massachusetts, has sent one lunatic out of every one hundred and sixteen of its population, while the most remote counties of the State have sent only one in three hundred and sixty-one of their people to the State Hospital since its first establishment.

"In New York, the County of Oneida has sent one in three hundred and sixty-one, and the remotest counties sent only one in fifteen hundred and twenty-three of their people to the State Lunatic Asylum at Utica.

"In Kentucky, the people of Fayette County sent one in eighty-nine of their people to the Lunatic Hospital at Lexington, while the farthest counties sent only one in sixteen hundred and thirty-five of their population to that institution.

"Similar differences in the use of the public hospital are found in

Maine, New Hampshire, Connecticut, Ohio, Maryland, Tennessee; and doubtless in other States the same will be found on investigation.

“To infer the number of lunatics in the community from the number in the hospitals is about as unsafe as to infer the number of births from the number of children in the schools. The first element here is wanting: that is, the proportion of all the children that are sent to school. Now, as this is very different in Massachusetts and England, and Spain and Egypt, no reasonable man would venture to compare the number of births in these several countries by the population of their school houses. The provision for the cure and custody of the insane in these countries differs as widely as their provision for the education of children; and yet writers have given us the comparative numbers on this ground, as in London one in two hundred, because there were seven thousand in the metropolitan hospitals, and in Cairo one in thirty thousand seven hundred and fourteen, because there were fourteen in the hospitals of that city.

“It must be further considered that many of these statements that were put forth as positive facts are given in such round numbers as to afford good reason for supposing that they or their elements are estimates rather than actual enumerations.

“Thus, in some works on this subject, there are stated to be thirty-two thousand lunatics in France; sixteen thousand in the United States; seven thousand in London; four thousand in Paris; two thousand in Pennsylvania, and one thousand in Massachusetts. Millingen says the proportion of lunatics to the people is one in one thousand in England, and in France one in one thousand.

“One department in France, Ariege, gives three hundred vagabond lunatics for four successive years, without change, but these suddenly, in the fifth year, diminish to two hundred and fifty, and in the seventh year disappear entirely. Another department, Seine Inferieure, reports two hundred lunatics for seven successive years, and another three hundred for three successive years in private families. Saone Haute reports none, either in private families or as vagabonds, for two years, when suddenly in one year there appears to be one hundred and ninety-three. Sarthe reports two hundred and seventy-three lunatics in families in eighteen hundred and thirty-seven, and then they all disappear and are reported no more. Mayence reports eight in families and as vagabonds in eighteen hundred and thirty-five. These are increased to two hundred and nine in eighteen hundred and thirty-seven, and diminished to twenty-one in eighteen hundred and thirty-eight, and to eight, the original reported number, in eighteen hundred and forty-one. There are so many of these apparent inaccuracies, such full and round numbers, and such unvarying totals where there must be some change, and such sudden and violent changes, out of all relation to the ordinary circumstances of society, that we are compelled to look with distrust upon the whole, and consider it as but little better than mere guess work, with more or less foundation in fact.”

As more attention has been paid to the insane within the last twenty-five years than ever before, we may fairly conclude that their numbers have been more accurately ascertained and reported, at least in some countries. The foregoing extracts prove how rapidly this malady appeared to increase prior to eighteen hundred and fifty-two in all the States and countries where liberal provision had been made for its proper treatment. We have shown its increase in England and the

United States since that time, and the Chapter on insanity in France affords a comprehensive view of the disorder in that country. But let us see what has been the result in the several States and Territories of the United States, respectively, within the last twenty years. The following table shows the population, the number of the insane, the number of idiots, and the ratio of each to the total population, in eighteen hundred and fifty, eighteen hundred and sixty, and eighteen hundred and seventy. It will be observed that the ratio of the insane has increased from one in fourteen hundred and eighty-five to one in thirteen hundred and ten during the first period of ten years, and to one in ten hundred and thirty-one in eighteen hundred and seventy; while during the whole period of twenty years the idiots are not so numerous in proportion as they were in eighteen hundred and fifty, being at that time in ratio of one in fourteen hundred and seventy-six, and in eighteen hundred and seventy, one to fifteen hundred and seventy-one. We have neither time nor space to analyze each State separately, but the curious can do so for themselves, as the facts appear in the tables.

TABLES.

TABLE,

Showing Insane, Idiotic, and total Population of the United States for 1850 and 1860, with the ratio of Insane and of Idiotic to total Population at those dates.

STATES AND TERRITORIES.	1850.				1860.					
	Population .....	Insane .....	Idiotic.....	Ratio of Insane to Population .....	Ratio of Idiotic to Population .....	Population .....	Insane.....	Idiotic .....	Ratio of Insane to Population .....	Ratio of Idiotic to Population .....
Total United States.....	23,191,876	15,610	15,706	1 to 1,485	1 to 1,476	31,429,891	23,999	18,865	1 to 1,310	1 to 1,666
Alabama .....	771,623	233	476	1 to 3,311	1 to 1,621	964,296	257	537	1 to 3,572	1 to 1,795
Arkansas.....	299,897	63	115	1 to 3,332	1 to 1,825	435,427	87	176	1 to 5,005	1 to 2,474
California .....	92,597	2	7	1 to 46,299	1 to 13,228	386,015	436	42	1 to 9,047	1 to 9,047
Connecticut .....	370,792	470	287	1 to 789	1 to 1,291	460,151	281	226	1 to 1,637	1 to 2,036
Delaware.....	91,532	68	92	1 to 1,346	1 to 994	112,218	60	67	1 to 1,870	1 to 1,674
Florida .....	87,445	11	36	1 to 7,949	1 to 2,429	140,439	25	68	1 to 5,618	1 to 2,065
Georgia .....	906,185	324	664	1 to 2,797	1 to 1,364	1,057,237	491	724	1 to 2,153	1 to 1,460
Illinois .....	851,470	258	363	1 to 3,578	1 to 2,345	1,711,753	683	588	1 to 2,506	1 to 2,911
Indiana .....	988,416	563	938	1 to 1,755	1 to 1,053	1,350,479	1,035	907	1 to 1,304	1 to 1,488
Iowa .....	192,214	42	94	1 to 4,577	1 to 2,034	674,948	291	289	1 to 3,357	1 to 2,335
Kansas.....	.....	.....	.....	.....	.....	107,110	10	17	1 to 10,711	1 to 6,300
Kentucky .....	982,405	527	907	1 to 1,864	1 to 1,083	1,155,713	623	1,058	1 to 1,855	1 to 1,092
Louisiana.....	517,762	200	174	1 to 2,588	1 to 2,975	709,433	169	247	1 to 4,198	1 to 2,872
Maine .....	583,169	561	577	1 to 1,040	1 to 1,010	628,276	704	658	1 to 892	1 to 954
Maryland .....	583,034	546	394	1 to 1,063	1 to 1,491	637,034	560	305	1 to 1,227	1 to 2,252



TABLE,

Showing Insane, Idiotic, and total Population of the United States for 1870, with the ratio of Insane and of Idiotic to total Population.

STATES AND TERRITORIES.	Population .....	Insane .....	Idiotic .....	Ratio of Insane to Population.	Ratio of Idiotic to Population.	Total Insane and Idiotic .....	Ratio of Insane and Idiotic to Population .....
Totals in the United States and Territories.....	38,555,983	37,382	24,527	1 to 1,031	1 to 1,571	61,909	1 to 622
Totals in the States .....	38,113,253	36,786	24,395	1 to 1,036	1 to 1,562	61,181	1 to 622
Alabama .....	996,992	555	721	1 to 1,796	1 to 1,382	1,276	1 to 787
Arkansas .....	484,471	161	289	1 to 3,009	1 to 1,676	450	1 to 1,076
California .....	260,247	1,146	87	1 to 489	1 to 6,439	1,233	1 to 454
Connecticut .....	537,454	772	341	1 to 696	1 to 1,576	1,133	1 to 482
Delaware.....	125,015	65	69	1 to 1,923	1 to 1,811	134	1 to 932
Florida.....	187,748	29	100	1 to 6,474	1 to 1,877	129	1 to 1,455
Georgia .....	1,184,109	634	871	1 to 1,868	1 to 1,359	1,505	1 to 786
Illinois.....	2,539,891	1,625	1,244	1 to 1,563	1 to 2,041	2,869	1 to 885
Indiana .....	1,680,637	1,504	1,360	1 to 1,117	1 to 1,235	2,864	1 to 586
Iowa .....	1,191,792	742	533	1 to 1,606	1 to 2,236	1,275	1 to 934
Kansas .....	364,399	131	109	1 to 2,781	1 to 3,343	240	1 to 1,518
Kentucky .....	1,821,011	1,245	1,141	1 to 1,061	1 to 1,157	2,386	1 to 553
Louisiana .....	726,915	451	286	1 to 1,612	1 to 2,541	737	1 to 986
Maine .....	626,915	792	628	1 to 792	1 to 998	1,420	1 to 441
Maryland .....	780,894	733	362	1 to 1,065	1 to 2,157	1,095	1 to 713
Massachusetts .....	1,457,351	2,662	778	1 to 547	1 to 1,873	3,440	1 to 423
Michigan.....	1,184,059	814	613	1 to 1,455	1 to 1,931	1,427	1 to 829

Minnesota.....	439,706	302	184	1 to 1,456	1 to 3,251	436	1 to 1,008
Mississippi.....	827,922	245	485	1 to 3,379	1 to 1,707	730	1 to 1,134
Missouri.....	1,721,295	1,263	779	1 to 4,362	1 to 2,209	2,042	1 to 842
Nebraska.....	122,893	25	25	1 to 4,392	1 to 4,919	53	1 to 2,320
Nevada.....	42,491	2	2	1 to 21,246	1 to 21,246	4	1 to 10,622
New Hampshire.....	318,300	498	325	1 to 639	1 to 979	823	1 to 386
New Jersey.....	906,036	918	436	1 to 987	1 to 2,078	1,354	1 to 669
New York.....	4,382,759	6,353	2,486	1 to 630	1 to 1,762	8,839	1 to 495
North Carolina.....	1,071,361	779	3,776	1 to 1,375	1 to 1,097	1,755	1 to 610
Ohio.....	2,665,200	3,414	2,378	1 to 781	1 to 1,139	5,752	1 to 463
Oregon.....	40,923	122	55	1 to 745	1 to 1,653	177	1 to 513
Pennsylvania.....	3,521,791	3,895	2,250	1 to 904	1 to 1,565	6,145	1 to 573
Rhode Island.....	217,353	312	123	1 to 697	1 to 1,707	435	1 to 499
Rhode Island.....	705,606	333	465	1 to 2,119	1 to 1,517	798	1 to 884
South Carolina.....	1,258,320	925	1,091	1 to 1,361	1 to 1,153	2,016	1 to 624
Tennessee.....	818,579	270	451	1 to 3,031	1 to 1,815	721	1 to 1,135 <sup>a</sup>
Texas.....	330,551	721	325	1 to 458	1 to 1,017	1,046	1 to 315
Vermont.....	1,225,163	1,125	1,130	1 to 1,089	1 to 1,084	2,255	1 to 543
Virginia.....	442,014	374	427	1 to 1,181	1 to 1,035	801	1 to 551
West Virginia.....	1,054,670	846	560	1 to 1,247	1 to 1,882	1,406	1 to 750
Wisconsin.....	442,730	596	132	1 to 743	1 to 3,354	728	1 to 608
Totals in the Territories.....	9,658	1	.....	1 to 9,658	1 to 3,354	1	1 to 9,658
Arizona.....	30,864	12	3	1 to 3,322	1 to 13,288	15	1 to 2,657
Colorado.....	14,181	3	3	1 to 4,727	1 to 4,727	6	1 to 2,363
Dacota.....	131,700	479	50	1 to 275	1 to 2,634	529	1 to 248
District of Columbia.....	14,999	1	1	1 to 14,999	1 to 14,999	2	1 to 7,499
Idaho.....	20,595	2	1	1 to 10,298	1 to 20,595	3	1 to 6,865
Montana.....	91,874	50	46	1 to 1,837	1 to 1,997	96	1 to 957
New Mexico.....	86,786	25	23	1 to 3,471	1 to 3,773	48	1 to 1,808
Utah.....	23,955	23	5	1 to 1,041	1 to 4,791	28	1 to 855
Washington.....	.....	.....	.....	.....	.....	.....	.....

## TERRITORIES.

TABLE,

*Showing the Population, with numbers and proportions of Insane and Idiots, Classified according to Race, in the United States in 1870.*

RACE.	Population.	Insane.	Idiotic.	Ratio of Insane to Population.	Ratio of Idiotic to Population.	Total of Insane and Idiotic.....	Ratio of Insane and Idiotic to Population...
Whites.....	33,586,989	35,560	21,324	1 to 944	1 to 1,579	56,884	1 to 590
Colored .....	4,880,009	1,774	3,188	1 to 2,750	1 to 1,530	4,962	1 to 983
Chinese .....	62,254	35	5	1 to 1,807	1 to 12,450	40	1 to 1,556
Indians .....	25,731	13	10	1 to 1,979	1 to 2,573	23	1 to 1,118

Nevada will of course come out with flying colors, since all of the insane of that State, with two exceptions, have been credited to us. As the table shows a larger proportion of the insane to population in the District of Columbia than in almost any other community in the world—being one to two hundred and forty-eight—we deem it not only just, but proper, to show why this is so. The Government Asylum, located in the District, is not only intended for those who reside within its limits, but also for the soldiers and sailors of the army and navy of the United States; and as these are brought from all parts of the Union, of course the list is swelled far beyond the ordinary proportion in other communities. The causes leading to the rapid development of insanity in this State will be considered in relation to other matters pertaining to California.

## CHAPTER VII.

### INSANITY IN FRANCE—GENERAL STATISTICS OF THE INSANE FROM 1854 TO 1866—DR. MOTET'S ANALYSIS OF LEGOYT'S WORK.

Having alluded in the preceding Chapter to the imperfect manner in which the insane in France had been enumerated, even at so late a date as eighteen hundred and fifty, we take pleasure in laying before our readers the following able and interesting analysis of M. Legoyt's great work on the Statistics of the Insane, by Dr. Motet, Secretary of the Medico-Psychological Society of France, who kindly presented us with a copy.

This able review of one of the most important public documents ever published in France cannot fail to interest and instruct all who read it. We believe it gives a better idea and affords a more comprehensive view of the number and condition of the insane in France than any work that has hitherto been offered in the English language; and though it treats of some topics upon which we have already touched it is given entire:

The subject of insanity has for some time actively interested the French mind. People are now no longer satisfied with barren sympathy; they question, they are anxious. Each one imagines it his right and his duty to probe this deep wound of society, and doubtless with a laudable, but sometimes inopportune zeal, reforms are proposed on all sides; an almost radical modification of the legislation which here regulates the condition of the insane is desired. A word which in our country is never uttered without exciting a tumult—liberty—is the watchword at which rally a great number of writers who lack only one thing, a little experience. To these publicists who are animated by the best intentions, we will not reply by cold disdain. We have remarked elsewhere † and we gladly repeat it here, generous illusions are deserving respect; everything which relates to insanity acquires a dignity, a magnitude just in proportion to this measureless misfortune, and those who, excited by a deep sympathy, demand of us by what right we violently separate from society a being whose reason is affected, deserve to be answered not merely by denying their competence, but by arguments and facts of a nature to justify our conduct.

Moreover, the time has passed when knowledge was an exclusive monopoly in the hands of a few. Social problems are debated in open day. We cannot stay the movement of thought, which, after all, tends toward progress; and to be silent will be to expose ourselves to deserve the reproach which, from habit, is still easily enough addressed to us, of seeing nothing beyond a narrow specialty. It would be a singular inconsistency for us to refuse to examine the elements of an investigation which every one may possess. The *Moniteur* of April 16, 1866, published a report of the Minister of Commerce, the impression of which cannot yet have been effaced. These figures, which seem to increase each year, and which statistics present from time to time to the impatient but legitimate curiosity of economists and philanthropists, need to be commented on and discussed; what is of especial importance is to give them a correct interpretation, and, accepting them as the stern expression of facts unfortunately too true, not to force results from them—not to deduce too hasty, and therefore, very probably, erroneous conclusions from them. Many minds, even the best, accepting them without question, and seduced by their eloquence (the expression is restricted to a particular signification), imagine it their duty to take up arms against us. Although silence sometimes serves a just cause better than too much discussion, it seems to us that we ought not to be silent to-day. We have at our command the elements which are always wanting to those who can only make abstracts of accounts. Is it that we consider fruitless those patient investigations which present to us, at stated periods, the balance of our intellectual and moral condition? Such is not our idea. We well know (for we have been aided by it) what labor and research have been necessary to present at once the imposing array of figures which constitutes the statistics of the insane in France from 1854 to 1860. M. Legoyt possesses a thorough experience in these matters, and we are merely just in tendering to him here the tribute of praise which he deserves:

\* Translated by Miss Martha W. Sawyer, Harrison Square, Massachusetts.

† Of the possibility and propriety of allowing certain classes of insane to leave special asylums and of placing them either at agricultural improvement or with their own families. (Medical Congress at Lyons, 1864); (The Insane before the Law). Paris, 1866.

he has well completed a thankless task, the scattered materials for which would have remained in confusion if he had not collected them, substituting in place of chaos a fruitful harmony. It is not, then, a criticism which we are about to make; it is a complement of instruction which we would present. To harsh figures we would oppose facts; what seems to us important is to explain how results, apparently deplorable, are due to the influence of causes very readily appreciable; in short, to solve a question which has been put to us, and which, in our opinion, will place us in a most humiliating situation if we leave it unanswered.

The sequestration of the insane in public or private asylums is, at the same time, a measure of public order and of personal safety. The lunatic is a sick person who has the right, by very reason of the special disease with which he is affected, to special care; he is also a being dangerous to those around him; in presence of this terrible scourge, the most prepossessed minds cannot refuse to admit it, family devotion is, for the most part, fruitless; they are exhausted by vain efforts; the most generous sacrifices result only in cruel deception; they are obliged, sooner or later, to adopt the serious measure of placing in an asylum the patient whom they can neither protect nor take care of at home. We understand too well how serious are the questions which sequestration involves, even when it is most justifiable, to seek always to hasten it. Although cure is a performance too often compromised by unwise delay, we are but feebly disposed to blame the family affection which resists our advice and waits until the last moment to take leave; but we do not hesitate to blame those who entertain unjust suspicions and represent the asylum as the sepulchre of intelligence. It is too lightly flinging the shroud over the head of the dying; it is too seriously undervaluing the wisdom and the honor of the physicians who devote themselves to a task always sad. The lunatic is not fatally condemned to leave the little reason which still remains in those establishments which the vivid imaginations of some philanthropists transform into a kind of extinguisher. There is something better to be done than to address petitions to the Senate; it is necessary to give an account of things, not to seize, with unreflecting haste, the malicious lucubrations of unfortunate minds still affected, although they may present the fairest appearance. But to restrain impulse in France would be to reform our national character, and although these excesses may not be to our taste, they have, as a point of departure, a sentiment so elevated as to merit being reduced to their just value without passion on our part; we have, moreover, good reasons enough to produce to maintain, without fear, an attitude of defense, and never to attempt to assume an aggressive attitude towards those who try to save, by a bold *coup de main*, their compromised cause. We shall proceed in this matter in a calmer way, consulting rather the experience of our predecessors than our own; but, nevertheless, we do not wish to be hastily accused, or to have it thought that we have gained nothing during thirty years. We do not think, whatever may be said, that we are behind neighboring nations; our legislation, if it is not perfect, does not deserve the reproach which it receives, of being, the greater part of the time, insufficient or arbitrary. One cannot deny, without systematically closing his eyes to evidence, that nowhere is the solicitude of the State, of the Government, more active than in our country. We find a proof in these statements which we now possess, and which we wish to explain to all. We have been preceded in this design by our learned colleague, Dr. Brierre de Boismont, who published in this collec-

tion an excellent analysis of the statistical works of M. Legoyt.\* We cannot do better than to follow his steps; finding ourselves, moreover, in perfect conformity with his views, we shall be obliged to refer to points already noticed by him.

The number of establishments, public and private, devoted to the insane was one hundred and eleven in eighteen hundred and fifty-three. At the close of eighteen hundred and sixty there were only ninety-nine, as several of them may have been suppressed on account of their trifling importance or of their incomplete or irregular organization. On the first of January, eighteen hundred and fifty-four, their population was twenty-four thousand five hundred and twenty-four lunatics of both sexes. This number increased in the succeeding years, but the progression has been much less rapid than in the period between eighteen hundred and thirty-five and eighteen hundred and fifty-three. The following table will show this:

January 1st, 1854.....	24,524
January 1st, 1855.....	24,896
January 1st, 1856.....	25,485
January 1st, 1857.....	26,305
January 1st, 1858.....	27,028
January 1st, 1859.....	27,878
January 1st, 1860.....	28,761
January 1st, 1861.....	30,239

The increase was enormous from eighteen hundred and thirty-six to eighteen hundred and forty-six, each quinquennial period presenting an increase of five and a half per cent; but since eighteen hundred and forty-six the progression has been greatly diminished. It appears:

From 1846 to 1851.....	3.71 per cent.
From 1851 to 1856.....	3.87 per cent.
From 1856 to 1861.....	3.14 per cent.

These results should not astonish. The increase in the population of asylums corresponds to the relief which they bring to the lot of the insane—a new organization, in which much more attention is given to the conditions of material life of the patients than formerly. On the other hand, the foundation of new establishments; the confidence inspired by officers and physicians; and, it must be allowed also, the greater facility of communication. The changes brought about within thirty years in our customs, in our needs, all favored this movement of entry. It was the necessary result, foreseen in advance, of a new order of things. Now the equilibrium tends to become reestablished, and we doubt not that from this time for some years a sensible diminution will be proved in the still continuous increase of which statistics accuse us. Everything has contributed to increase these numbers; and it is from settled convictions that we assert that there has not actually been the

\*Annals of Public Hygiene and Legal Medicine, Second Series, vol. xi, p. 197. Motet.

enormous increase which is indicated. The investigations have been more carefully made during these last ten years than they had ever been. Those of whom information was sought understood the importance of such work, and the French Statistical Bureau has been able to collect materials much more complete than those heretofore placed at its disposal. This result, the extent of which will be better appreciated in the future, is due to the active and persevering energy with which M. Legoyt has inspired every department of his administration.

If the population of the asylums increases, the proportion of the insane in relation to the population of France ought also to increase; but it is important constantly to bear in mind, in presence of these figures, the increased extent each year of public assistance; more patients relieved and treated; that is all which can be deduced from them. Thus it is estimated in

Year.	Population of France.	Insane Under Treatment.	Proportion to Population.
1851	35,783,170	21,353	1 to 1,676 inhabitants.
1856	36,139,364	25,485	1 to 1,418 inhabitants.
1861	36,717,254	30,239	1 to 1,214 inhabitants.

This is not the exact proportion of the insane to the total population of the Empire; we must add the insane remaining in families, of which the number was in eighteen hundred and fifty-four nearly twenty-four thousand four hundred and thirty-three individuals; in eighteen hundred and fifty-six, thirty-four thousand and four; in eighteen hundred and sixty-one, fifty-three thousand one hundred and sixty—which makes for this last year, including the insane treated in asylums, about two insane to one thousand inhabitants. To what, then, is this increase due? To the idiots and cretins being included in the statistical tables, and it is impossible on seeing their number increase from twenty-five thousand two hundred and fifty-nine in eighteen hundred and fifty-six to forty-one thousand five hundred and twenty-five in eighteen hundred and sixty-one, not to conclude, as M. Legoyt has judiciously done, that there was a serious error, the more easily committed since the greater part of the idiots and cretins remain at home; since previous to eighteen hundred and sixty-one they were confounded with the general population, and since, if in accordance with the more complete instructions given to the Census Marshals, they have been classed apart, it is not surprising that results so different in appearance have been obtained. This reason (a more rigid, more exact appreciation of mental condition) should be the true one.

It is scarcely probable that the number of idiots increased everywhere at once. But one thing is certain, that in eighteen hundred and fifty-six there were only two thousand eight hundred and forty idiots in the asylums, and in eighteen hundred and sixty-one three thousand seven hundred and forty-six of them were counted. The influence of Ferrus had made itself felt; he had, in a remarkable report, described the inconvenience which might arise by withdrawing imbeciles and idiots from the action of the law, and the administrative power had adopted his views. The number would have increased much more if they had not

made so great a restriction in the admission of idiots. It would doubtless be desirable that all who belong to indigent families should be effectually relieved. There is, in this way, a progress to be effected, and some efforts have already been made; but it is difficult to think of placing indefinitely in an asylum inoffensive beings who live a wholly vegetative life. It is at the same time imposing too heavy a tax upon the department, and, on the other hand, increasing a burden which is already too real in a large number of our asylums. Moreover, under the general name of idiots is included a class of beings who are not entirely useless. There are imbeciles, feeble minded, as they are called in some localities, who are good workers and who regularly accomplish a slightly complicated task. Until now they have been unnoticed in statistical statements; they appear there now, and augment by so much the total number. The situation is not then so deplorable as might have been supposed, and we believe that the deviation will be much less for several years from now.

What we have remarked concerning the influence of the reorganization of asylums upon the increasing number of insane under treatment is especially noticeable in the statements of the admissions. One is convinced, by consulting them, that the greatest increase corresponds to the period nearest to the promulgation of the law of eighteen hundred and thirty-eight. M. Legoyt divides the period from eighteen hundred and thirty-five to eighteen hundred and sixty into five sub-periods, and he finds that the proportional increase has been, annually:

YEARS.	Per ct.
From 1840 to 1844.....	7.94
From 1845 to 1849.....	3.38
From 1850 to 1854.....	3.83
From 1855 to 1860.....	2.00

Here is also the exact number of admissions from 1854 to 1860:

1855.....	9,303	1858.....	10,314
1856.....	9,246	1859.....	10,086
1857.....	10,024	1860.....	10,785

Which gives, as the annual mean of admissions, about nine thousand three hundred and fifty-three insane, seven hundred and twenty-seven idiots, and eleven cretins; hence, of one hundred patients admitted, there were ninety-two insane, seven idiots, and one cretin.

The admissions are voluntary, that is to say, requested by the families, or officially ordered by the authorities. The tables which we have here do not make a distinction which is, nevertheless, of some importance. Nearly two thirds of the admissions into the departmental asylums are made officially; in the departments for pensionnaires, in the private institutions, including Charenton, there is nothing like it. This occurs, doubtless, from the negligence of the families of the indigent insane,

from the slighter disturbance of private interests which the presence of an insane person creates, and also from prejudices which have not yet entirely disappeared among the poorer classes, and which are no longer shared by the better educated classes. The voluntary entries were:

In 1856 in the proportion of.....	30.20 per cent.
In 1857 in the proportion of.....	31.19 per cent.
In 1858 in the proportion of.....	32.02 per cent.
In 1859 in the proportion of.....	30.61 per cent.
In 1860 in the proportion of.....	32.02 per cent.

The official entries were:

In 1856 in the proportion of.....	69.80 per cent.
In 1857 in the proportion of.....	68.81 per cent.
In 1858 in the proportion of.....	67.98 per cent.
In 1859 in the proportion of.....	69.39 per cent.
In 1860 in the proportion of.....	67.98 per cent.

In wealthier families, where the physician is called, if not at the commencement of the insanity, at least as soon as it becomes serious, the situation is different. Judicious advice is given and often promptly followed. They do not wait for the interference of the authorities to effect an entry; they hope, on the contrary, that by combating the disease in season they will have better opportunities of eradicating it, and the official entry, which is so common to asylums, becomes almost the exception in private establishments. This may be seen by the following figures, which are a statement of the admissions into the hospital (*maison de santé*) directed by Dr. Mesnet and myself:

1856—54 admissions, of which 9 were official.....	16.65 per cent.
1857—68 admissions, of which 8 were official.....	11.76 per cent.
1858—74 admissions, of which 9 were official.....	12.15 per cent.
1859—74 admissions, of which 7 were official.....	9.45 per cent.
1860—54 admissions, of which 4 were official.....	7.40 per cent.
1861—59 admissions, of which 4 were official.....	7.14 per cent.

No other conclusion of interest can be drawn from it; in the asylums the entries, which are, after all, a kind of public assistance, should be under the supervision of the administrative power, and the right of control which it reserves is not excessive. It is known, moreover, that it never refuses to open the doors of its special establishments when a request really justifiable is made; the entry, which, for paupers, is always made by means of the authorities, takes the name of official entry for that reason; but, if we except insane vagabonds, incendiaries, and homicides, the Mayors and Prefects never make the decision before having been sought by the family. One need not, then, infer from these figures (which might at first surprise) too frequent or too great an intermeddling

of the administration in the sequestration of the insane. For the large towns, which, like Paris, have private hospitals, the official entries have taken place only in desperate cases; and when an insane person has been arrested upon the highway his family is immediately notified, if possible, and invited to designate the establishment in which they wish the patient to be entered. At Paris, it is the Prefect of Police who makes the arrest. He uses the right which the law gives him to protect public order and personal safety, and one cannot complain when authority takes the place of an absent or negligent family. We insist upon this point, for this right of authority is now contested with more passion than propriety; if all the difficulties, all the embarrassments which are constantly created by the insane in society were well understood; if the consequences of their acts were examined without prejudice, and intervention always useful, never arbitrary, would perhaps be less promptly censured. And allow us to say, there are insane and idiots for whom sequestration in an asylum would be a blessing; they would escape ill treatment, detestable calculations dictated by base cupidity; recent facts which have been developed by tribunals have shown but too well how far cruelty and ill usage of poor, defenceless beings may be carried. We believe, therefore, that it is well to leave to the Mayors and Prefects the liberty of the initiative, and that to withdraw it would be to promote the development of abuses already but too common.

The number of women in the asylums is always a little larger than of the men, and nevertheless the admissions are in an inverse proportion. The reason of this fact is that the discharges and deaths, and the mean length of residence, differ much for the two sexes. The mortality and the discharges attain a higher figure among males than females. We shall refer again to this subject. The following are the figures corresponding to the period eighteen hundred and fifty-four to eighteen hundred and sixty, for the patients present at the end of each year:

YEAR.	Males.	Females.
1854 .....	12,036	12,860
1855 .....	12,221	13,264
1856 .....	12,632	13,673
1857 .....	12,930	14,098
1858 .....	13,392	14,486
1859 .....	13,876	14,885
1860 .....	14,582	15,657

This difference had been already noted from eighteen hundred and forty-two to eighteen hundred and fifty-four. The proportion was, per hundred, forty-seven and seventy-seven one hundredths males, and fifty-two and twenty-three one hundredths females. From eighteen hundred and fifty-four to eighteen hundred and sixty it is nearly the same, for we find among one hundred patients forty-eight and ten one hundredths males, and fifty-one and ninety one hundredths females. This is not the case among idiots and cretins. Subtracting these from the total number of insane under treatment, we find among one hundred idiots and

cretins fifty-one and twenty-two one hundredths males, and forty-eight and seventy-eight one hundredths females.

One of the most interesting subjects of study is that of the curability or incurability of the insane under treatment. But who does not comprehend at the same time how researches of this nature must lack correctness? Let us, therefore, attach but an indifferent importance to the figures furnished us by statistics. They are approximate results, which could only acquire a real value in case it were possible to estimate singly the statistics of each asylum after having deducted from its lists the epileptic, the paralytic imbeciles (*les déments paralytiques*), the idiots and the cretins, for whom incurability is no longer a presumption, but a certainty. We shall not insist upon this point; when the discharges by recovery are presented to us we shall find more exact means of estimation, and such as will better merit our consideration.

At what age is insanity most common? Statistics previous to eighteen hundred and fifty-four agree with those which have just been published; it is from thirty-five to forty years that we find the most insane of both sexes. It is likewise the period of life at which males and females expend the most physical and intellectual activity. It is the age of complete development; it is also that at which trials are most numerous. Thus of seven thousand two hundred and ninety-two insane persons admitted (mean year) for the first time, from eighteen hundred and fifty-six to eighteen hundred and sixty, we find:

YEARS.	Males.	Females.	Total.
From 20 to 30 years .....	762	688	1,450
From 30 to 40 years .....	1,107	888	1,995
From 40 to 50 years .....	857	676	1,533

Beyond this period of life the proportion of females increases; at a single period there is almost an equality; it is from fifty to fifty-five years—we find four hundred and ninety-five males and four hundred and fifty-eight females.

YEARS.	Males.	Females.	Total.
From 60 to 70 years .....	243	324	567
Above 70 years .....	101	182	283

Among idiots and cretins it is from twenty to thirty years that the greatest number of admissions takes place. That is readily understood; it is the time at which these unfortunates become most troublesome to the family and to society, especially those whose physical development is not too incomplete, and who manifest all sorts of impulses—blind passions which it is often difficult to control. What is the result in the families of these poor creatures for whom constant watchfulness is necessary, and who become a deeper and deeper source of anxiety? They

embarrass labor and they oppress by too heavy a tax an account already limited; it becomes necessary to part with them, and to ask their admission into the asylum. Above fifty years the number of admissions is reduced a little; it might descend to zero without our being astonished, for idiots rarely live to that age; it seems probable to us that they must have inserted in the table individuals who are only imbeciles; for the latter, indeed, the duration of life is more extended than for idiots.

The civil condition of the insane admitted for the first time, from eighteen hundred and fifty-six to eighteen hundred and sixty, has been stated most carefully, and offers us the following results:

	Males.	Females.	Total.
Single .....	9,545	7,624	17,169
Married.....	7,731	6,671	14,402
Widowers and widows.....	1,327	2,718	4,045
Civil condition unknown.....	545	298	843
Totals.....	19,148	17,311	36,459

The number of unmarried insane is of itself as considerable as that of the married and widowed insane. All statistics agree upon this point. Is it because celibacy predisposes one to insanity? This problem has long been agitated, and the solutions are various. An unmarried person retains a greater freedom to temptation, and he yields more readily to those allurements which family relations diminish, if they do not entirely efface; life is less regular, less calm; in trial it is less encouraged, less supported, and having, generally, no one near to care for him if attacked by insanity, the doors of the asylum or of the hospital will open far more readily to him than to any other. The causes of the numerical superiority of unmarried persons in the admission are therefore complex. They have not escaped the sagacity of M. Legoyt, who has judiciously described them. As to widowhood\* it seems to exercise a more unfavorable influence upon females than upon males; but to make a correct estimate it is necessary to find out whether women do not oftener remain in the condition of widowhood than men, and whether, also, the moral causes do not play the most important part in these new conditions.

As for the preceding statistics, the examination of the professions furnishes a sad lesson. It is from among the laborers of thought that insanity receives most victims.† For the period included between eighteen hundred and fifty-four and eighteen hundred and sixty these statements give the enormous number of forty-six hundred and twenty persons engaged in the liberal professions. Compared with the total number of admissions this result presents a proportion of ten per cent. See the following table:

\* I have no English word more nearly corresponding to "veuvage" than widowhood, which I use for both sexes.

† Our investigations lead us to believe the reverse of this to be true in all other countries than France.

YEARS.	Number engaged in the Liberal Professions
1854 to 1855 .....	1,839
1856.....	511
1857.....	544
1858.....	497
1859.....	658
1860.....	571
Total .....	4,620

During the same time there were sixty-eight thousand nine hundred and ninety-two admissions. If in round numbers we deduct twenty thousand idiots and cretins, there remain forty-eight thousand nine hundred and ninety-two admissions, of which four thousand six hundred and twenty represent individuals having received a liberal education. Clergymen and members of religious orders amount to twelve hundred and forty-eight; physicians, apothecaries, and midwives, to six hundred and thirty-three; professors, learned men, and men of letters, one thousand and ninety-three; artists, sculptors, painters, musicians, eight hundred and sixty. The rest of the catalogue are notaries, advocates, bailiffs, and public officers or employés. The other professions are far from furnishing so large a quota. This is, as M. Brierre de Boismont has remarked, another argument in favor of the opinion of those who think that the progress of civilization affects the development of insanity. It is just to add, nevertheless, that it is among this class of persons that the excitements of life are most incessant, that ambition is most feverish, and that the sensibility to display constantly kept in exercise is liable to the greatest extremes. Military and seafaring men are not spared; then come, finally, stockholders and proprietors, the manual or industrial professions, domestics or hired laborers, and farmers. The inhabitants of towns constitute more than one half the annual admissions, and yet the proportion of the people of the rural districts to those of the towns is as three to one. There are many causes which effect this result. The insane person is more easily guarded in the rural districts than in towns; his presence in the family does not so necessarily become the occasion of difficulties and embarrassments of all kinds; there is more room for him, and fewer causes of annoyance; if he is sometimes noisy, the neighbors are not disturbed by his cries, so he may remain at home a long time if he is inoffensive. The citizen, even if he were just as docile and easily governed, becomes, from the fact of his insanity, a source of constant anxiety. The asylum or private establishment which will open its doors to him will give him a material benefit which he cannot obtain at home, where, for various reasons, he would be habitually confined to his chamber. On the other hand, in a family whose means are quite limited the incapacity of one of its members becomes a source of expense which the entry into an asylum at the present very moderate charge immediately reduces. These are constant facts, and if we add thereto the excitements constantly renewed, the

need of luxury and more active enjoyment, the more frequent deception, the watching, the excess, etc., we shall understand the enormous disproportion which is presented to us in the following figures:

1856 to 1860.	Insane .....	Idiots and Cretins...
Inhabitants of towns .....	18,228	950
Inhabitants of the country.....	16,914	1,481
Residence unknown.....	1,317	98
Totals .....	36,459	2,529

M. Brierre de Boismont ascertained the same facts in preceding statistics, and the reasons by which he supports them remain true in our day. There is a perfect accordance, just as in the researches made to ascertain which are the departments which furnish the most insane. They are still the Seine, Seine Inférieure, Seine and Marne, the Rhône, Seine et Oise, the Eure, the Loiret, the Bouches du Rhône, the Côte d'Or, and the Yonne.

To conclude that which relates to admissions, we still find, as in the past, that the Summer months are the months of the most numerous admissions—that the Winter months are less fruitful.

The study of causes presents difficulties of more than one kind. We must not rely upon the very rigid estimates of statistics essentially official. There is not a physician having lived among the insane who does not remember the extreme embarrassment in which he has often found himself when he has tried to analyze the diverse influences which have produced the development of insanity. It is very rare to find only one of the number to which we can with certainty ascribe the actual derangement. Be that as it may, there is a portion of truth in the tables which M. Legoyt has prepared; and as it was not possible for him to obtain more accurate statements, we will accept them. Among these causes hereditary takes the lead. Modern works, those of Baillarger in particular, have represented its full importance. Of twenty-eight thousand six hundred and twenty-one insane of both sexes, of whom the friends have given the necessary information, there are reckoned four thousand and fifty-six whose father or mother had been attacked by insanity; and pursuing the analysis still further, of the insane admitted in eighteen hundred and fifty-nine and eighteen hundred and sixty it has been found that hereditary transmission is in some degree obedient to the law of propagation from sex to sex. The insane mother transmits the insanity to her daughters, the father to his sons. We reproduce the following table, which relates to fifteen thousand two hundred and thirteen insane:

CAUSES.	Males.	Females.	Total.
Issue of an insane father.....	412	294	706
Issue of an insane mother.....	356	403	759
Issue of an insane father and mother*.....	83	110	199
Issue of a father and mother not insane. ....	2,367	2,132	4,499
Unknown .....	4,862	4,194	9,056
Totals*.....	8,080	7,133	15,213

This gives, out of one thousand insane males, two hundred and sixty-four bearing the hereditary taint, one hundred and twenty-eight from the father's side, one hundred and ten from the mother's, twenty-six from both sides at the same time; of one thousand insane females, one hundred from the father's side, one hundred and thirty from the mother's, and thirty-six from both sides.

What is the share of the causes called physical and of the moral causes in the development of insanity? For a great number, as we have already said, it is very difficult to succeed in separating them fully. Sometimes they succeed each other as consequences the one of the other; sometimes they are so closely linked that any distinction becomes impossible; but what is beyond doubt is that drunkenness presents itself in a great number of cases. M. Brierre de Boismont tried vainly to diminish its influence when he wrote: "The man who drinks to divert his thoughts from disappointment, and becomes insane, has at first acted under the influence of a moral cause." This reasoning, which justly exhibits the complications which may exist among physical and moral causes, is only applicable to a small minority. Now that attention is aroused in this direction, it is beyond doubt that insanity receives the greater number of its victims from among persons addicted to the use of alcoholic drinks. The nature of intoxication may be curious to determine, for if it is true that, under one form or another, it is always the alcohol absorbed which acts upon the cerebral functions, it is no less true that certain preparations into which it enters in a highly concentrated degree give a more rapid progress to the disease, and a peculiarly serious character. A remarkable fact, and one which our personal researches have presented in all statistical tables, is that it is not in wine countries that delirium tremens is most frequent. It is in the large towns, in cities where industry is most developed and most active, where there is the greatest agglomeration of population, that delirium tremens is most common. It is, moreover, more frequently found at the north than at the south; and we do not consider ourselves guilty of exaggeration in attributing to the improvements made in the distillation of beet root, potatoes, and grains a large share of the increase in the number of the insane. One is justifiably startled at finding that more than one fourth of the persons whose insanity is attributed to physical causes suffer the penalty of alcoholic excess. Of eight thousand seven hundred and ninety-seven persons, three thousand and fourteen were drunkards. Even women pay their

\* This is a correct copy of the figures presented in the original, but there is evidently an error, which I conclude is in either the males or females of the third item—eighty-three for eighty-nine, or one hundred and ten for one hundred and sixteen.

tribute to this degrading cause. They are, however, in much smaller number—four hundred and forty-one out of seven thousand and sixty-nine. After this comes, in order of frequency, advanced age (*l'âge avancé*), diseases of various organs, epilepsy, various diseases of the nervous system, Onanism and venereal excesses, destitution and misery, accidents and wounds. Among females, disorders of the genital organs, appearing either at the time when the uterine functions are most active or when they cease, are one of the most frequent physical causes of insanity. The proportion is one thousand five hundred and ninety-two out of seven thousand and sixty-nine.

Among moral causes, domestic disappointment plays the most important part. Of four thousand nine hundred and nineteen men, nine hundred and eighty became insane from this cause; of five thousand four hundred and thirty-eight women, one thousand five hundred and sixty-nine under the same influence. This is a little more than one fourth, especially if we add thereto the disappointments resulting from loss of friends, and which may, in a great majority of cases, appear among domestic disappointments (*chagrins*.) Afterwards come disappointments resulting from loss of fortune (851), from disappointed ambition (520), excitement of religious feelings (1095), excess of intellectual labor (358), love (767), jealousy (456), pride (368), anger (123), remorse (102), isolation and solitude (115), simple imprisonment (113), imprisonment in cell (26), nostalgia (78), from a total of ten thousand three hundred and fifty-seven of both sexes.

Under this title ("Aggravating Circumstances") is found one of the most instructive paragraphs of all M. Legoyt's publication. General paralysis is there considered as the complication of insanity, and its relation to the total population of the asylums is precisely stated. A comparison between preceding and present statistics presents an increase of one half; and for ourselves, who live in special circle, in a private hospital where only the insane of the wealthier classes are received, we do not find this number so great. For ten years we have seen general paralysis becoming more frequent; it appears sooner in the life of man, and if one considers that this terrible malady attacks without mercy the most gifted, one cannot help feeling profound pity for the poor creatures who, in the midst of their insanity, retain the most delusive ambition—who, with simple credulity, delight in the most deceptive chimeras. The dementia (*démence*) which attacks them almost unawares, the diminution of their strength together with that of their intellect, the progressive deterioration, which may be traced, step by step, is one of the saddest and most heart-rending pictures which can be imagined. Nothing stays its victorious march; with scarcely, from time to time, a few periods of abatement, abruptly broken by the return of cerebral congestion, with epileptic (*épileptiformes*) convulsions, and death, after eighteen years or two months of a purely vegetative existence, coming to end the sad trial—this is what we have daily before our eyes. Paralytic imbeciles (*les déments paralytiques*) now present, in the admissions, a number relatively large. From eighteen hundred and forty-two to eighteen hundred and fifty-three the proportion was: for males, six per cent; for females, three per cent. From eighteen hundred and fifty-six to eighteen hundred and sixty the number increases to twelve per cent for males, and remains three per cent for females. "*C'est que la paralysie générale semble reconnaître pour cause tout ce que sur excite l'appareil encéphalo-rachidien;*" in its etiology is found excess of all kinds, as well of pleasure as of labor, and the ambitious delirium which is one of its commonest characteristics is

very often only the incessant preoccupation of those whom it attacks in the midst of their need of relaxation, of their insatiable desires. It is only too certain that, in these later years, general paralysis has had many more victims; what we have ourselves observed is confirmed by general statistics. Among epileptics the proportion seems to have diminished: we do not well explain to ourselves from what influences; we state this result. From eighteen hundred and forty-two to eighteen hundred and fifty-three it was, for males, eight and eight tenths per cent; among females, six and four tenths. From eighteen hundred and fifty-six to eighteen hundred and sixty it is only four and thirty-one hundredths among males, and three and seventeen one hundredths among females. Something here has escaped us, and we are inclined to think that in preceding statistics the number of epileptics under treatment were given; in the present, that of the epileptics admitted during the period, which is very different. In both cases the males are represented by a higher figure than the females.

Hitherto we have considered only a single side of the question. It remains for us to see what becomes of the insane admitted and treated in the asylums—that is to say, to study the discharges before or after recovery, and the deaths.

The proportional number of the insane discharged before or after recovery was fourteen and forty-six one hundredths per cent from eighteen hundred and fifty-four to eighteen hundred and sixty. This number is a little less than that of the period eighteen hundred and forty-two to eighteen hundred and fifty-three, during which it was sixteen and thirty-six one hundredths per cent. But that which was proved at that epoch is also found to-day—more males are discharged than females. Insanity of alcoholic origin, which is generally cured quickly, being more common among males than among females, will in part explain this difference, if we do not also find, to the disadvantage of females, all chronic diseases of the uterus, difficulties succeeding delivery, irregular menstruation, etc. Depression has not so deep or so lasting an influence among males. These are all so many favorable causes which lead to a more certain and speedy recovery. Be this as it may, the proportion of discharges after recovery seems to have diminished—that of discharges before recovery to have increased a little. We do not think, for our part, that the difference can be very great. Many patients leave our establishments, public or private, reclaimed by their friends before their recovery can be completed. The heads of the office report them as improved, but not cured. It is necessary, in order that the estimate may be correct, to know what has become of these convalescents, who for the most part, attain perfect health. These documents are wanting; all correction is impossible, and the numbers have only an entirely relative value. Thus the mean of discharges after recovery, from eighteen hundred and fifty-four to eighteen hundred and sixty, was only seven and seventy-seven one hundredths per cent of patients treated; of discharges before recovery, six and sixty-eight one hundredths per cent. Brierre de Boismont had good reason to say, in eighteen hundred and fifty-nine, that it should not be estimated thus. Too many elements are found in these statistics, and cannot be officially separated to make the estimate correct. Who does not see at once that the general paralytics included in the total number of insane (for example) fatally condemned to incurability, the epileptics, nearly all in the same condition, make of themselves alone the proportion of the chronic insane considerable; the proportion per cent of cures is reduced at once

before them, and to attain a really scientific, really correct data, we should take the acute forms presumed to be curable, and then see the results obtained. If we should adopt this course, which after all will not lead to very great complications in the formation of tables, we shall not be discouraged by the disheartening figure of seven or eight per cent of cures. This is the weapon of which the opponents of the law of eighteen hundred and thirty-eight most readily make use.

Indeed, to one who has not the power to explain it there is something very sad in these official statements. We are not reduced to a situation as discouraging as might at first be believed; and M. Legoyt himself comes to our aid by saying that among the insane treated who are most certainly cured are military and seafaring men. Why? Because they are men in the strength of youth, who are generally attacked by acute, curable forms of mental alienation; because they are submitted to a careful examination at the commencement, and because the disease is treated almost as soon as it appears. General paralysis, which we justly accuse of increasing the number of our failures, does not yet appear among them. It is from thirty-five to forty-five years that it commits the greatest ravages. Let one deduct from the total number of insane treated the epileptics, the paralytics, the idiots, and the cretins; let him retain the acute forms, indicating each year the probable prognostics of those remaining under treatment, and he will see that the recoveries are not so rare as he thinks. As to the discharges before recovery, we do not attach any more importance to them than they deserve. What are they generally? Fruitless trials which, after short duration, result in return to the asylum. They are escapes followed sooner or later by reëntry; they are also transfers from one establishment to another, of which care had been taken to keep an account. A more correct data, and conformable, moreover, to the observations collected by the *chefs de service*, is that of length of treatment among the insane cured. Of thirteen thousand six hundred and eighty-seven insane discharged after recovery, sixteen hundred and sixty-three were discharged after a residence in the public or private establishments of one month or less. The greater number, eighteen hundred and eighty-seven, were discharged after five or six months of treatment; fifteen hundred and nineteen after seven or eight months; seventeen hundred and forty-eight in the second month. It is, then, in the first months which follow the attack of insanity that the cures are most numerous; let us add, also, that they are most certain; yet it might have been important to describe the forms which are most quickly relieved. All insanity of alcoholic origin, especially if the habit of drinking is not inveterate (if there has not been a previous attack), is decided in a period of from one month to six weeks. An attack of mania or of true melancholy (*mélancolie franche*) runs its course in five or six months; a few, nevertheless, have lasted a shorter time. Here the influence of cause makes itself felt, and the influence of constitution; and if one could determine the date of the appearance of the derangement, in view of these speedy cures, he would see that the insane who are soonest improved are those who have been most promptly treated. Moreover, we join without reserve in the idea which M. Legoyt has thus expressed: "It is evident that it is the interest of families, and consequently of society, that the insane should be placed under treatment as promptly as possible." As to the season of the year at which the recoveries take place, the following has been observed of one thousand recoveries:

MONTHS.	Males.	Females.
December, January, February.....	206	195
March, April, May.....	255	248
June, July, August.....	280	283
September, October, November.....	259	274
Totals.....	1,000	1,000

We deem it proper, also, to show the effects of the seasons on mortality, and for this purpose insert the following from the Thirteenth Scotch Report:

“Cold increases the mortality among all classes of the population, and accordingly the deaths in asylums are most numerous in the colder months. But it is worthy of notice that while the mortality of both sexes is higher in Winter than in Summer, there is a difference in the tendency to death in the two sexes in the two seasons.

“Of every one hundred deaths which took place in asylums in the six years from eighteen hundred and sixty-five to eighteen hundred and seventy, fifty-three and fifty-four one hundredths took place in Winter, and forty-six and forty-five one hundredths in Summer. The number of deaths of both sexes is greatest in Winter, but the tendency to death is in Summer greater among females than males. This is shown by the following table:

T A B L E,

*Showing the Mortality in Summer and Winter in the Asylums of Scotland for six years, 1865-1870.*

SUMMER. May to October.		WINTER. November to April.	
Male Mortality.	Female Mortality.	Male Mortality.	Female Mortality.
620	690	789	721

As to age, it is from twenty-five to thirty-five years that the greatest success is obtained; beyond this age the number of recoveries gradually decreases, as the activity of the mental faculties also diminishes. The following are approximately the causes among about one half of the patients recovered of whom, alone, any positive information could be obtained. Drunkenness, seventeen hundred and thirty-eight; domestic disappointments, eleven hundred and seventy-one; various diseases, seven hundred and sixty-one; diseases peculiar to females, seven hundred and twenty-three; religious excitement, four hundred and sixty. Hereditary tendency has been noted among fifteen hundred and twenty-two cured—about fifteen per cent.

The mortality appears to have increased slightly in the asylums in

the period included between eighteen hundred and fifty-four and eighteen hundred and sixty. In the preceding years it was thirteen and seventy-five one hundredths per cent; in these last seven years it has been fourteen and three one hundredths per cent. It is unnecessary to seek for reason other than the cholera epidemic of eighteen hundred and fifty-four. It decreased in eighteen hundred and fifty-nine to thirteen and eighteen one hundredths per cent, and in eighteen hundred and sixty to twelve and fifty-seven one hundredths. Of an equal number, one hundred and thirty-one males die to one hundred females. More than twelve per cent of the mortality among the insane took place within the first month of residence in the asylum, and this number, relatively very large, has given rise to explanations which are not in accordance with facts. It is said that "the cause of these speedy deaths must be the arrest, the violent agitation, the deep disappointment which patients must experience on being abruptly separated from their families—confined, without knowing the reason, in this violent way." This is not the truth. The insane who die so quickly bring to the asylum the diseases under which they sink. We have means to prove that there is only a very small number who have a semi-consciousness of change of place.

Not to extend the limits of this resumé, we shall present the figures for three years only. We have gathered them ourselves, we know all the particulars of the disease, and we can prove that moral disturbances have counted for nothing in the rapidity of the fatal termination. What we have noticed many officers have also observed, and Brierre de Boismont has devoted himself to refute an opinion which has not failed to produce a sad impression. Figures seem to err. It is evident that more than one fourth of the total number of deaths are to be attributed to the first three months. But why? It is because frequently there are brought to the asylum poor patients attacked sometimes with cerebral tumors; sometimes with organic diseases of the respiratory, digestive, or circulatory organs; sometimes with pneumonia and fevers; sometimes with alcoholic intoxication with complication. They have been cared for as far as could be at home. They have only been sent away when frightful hallucination, continued shrieks, and ungovernable impulses have made it dangerous or impossible. A few days more and they would have died at home. They are brought; the journey is very fatiguing to them; they arrive exhausted; they sink in the midst of a delirium which has not even allowed them time to perceive that they have been confided to the hands of strangers. The asylum, then, should not be accused; it is the first disease, of which insanity is then only an accidental manifestation.

One may better judge from the following table, which sums up our professional observations.

In eighteen hundred and sixty-four, of fifteen deaths (eleven males, four females), six died in less than a year after their admission:

AGE.	Nature of the Disease.	Length of Residence.
1. 70 years .....	Delirium tremens, third attack; epileptic (épileptiformes) convulsions .....	Left May 7th, 1863; relapse; reëntered January 9th, 1864; died the 13th; four days.
2. 33 years .....	Acute delirium, agitation, and constant shrieks (cris); nervous exhaustion .....	Three weeks.
3. 48 years .....	Consumptive; cavernes aux deux sommets; délire de persécutions .....	Eight days.
4. 80 years .....	Sordid avarice; privations of all kinds; allowing himself to starve in a garret. Interference of the Commissioner of Police. Inanition .....	Two days.
5. 31 years .....	Typhoid fever, with hallucination and délire de persécutions; pneumonie hypostatique .....	Twenty-nine days.
6. 17 years .....	Young woman married fifteen days previous. Acute delirium; proved hereditary .....	Fifteen days.

In eighteen hundred and sixty-five, of eleven deaths (nine males, two females), five died in less than six weeks after admission:

AGE.	Nature of the Disease.	Length of Res.
1. 45 years .....	Complete dementia (démence) with general paralysis; cerebral congestion; epileptic convulsions.....	One month.
2. 28 years.....	General paralysis à marche galopante; méningo encéphalite suraigué.....	Six weeks.
3. 34 years .....	Méningo encéphalite; maniacal delirium; official entry: nervous exhaustion produced by constant agitation....	Eight days.
4. 36 years .....	Dementia, with general paralysis progressing rapidly; appearance of disease six months before; venereal excess; increasing debility (affaiblissement).....	Fourteen days.
5. 54 years .....	Consumptive; hallucination and délire de persécutions; agitation; death rather sudden.....	One month.

In eighteen hundred and sixty-six the mortality reached a very high figure. From January first to September first we had twelve deaths—ten males, two females. Five males and one female died in the first month. We have rarely had a year more unfortunate in this respect. It will be seen in consequence of some sad circumstances, all accidental, moreover, that the length of residence has been so short.

AGE.	Nature of the Disease.	Length Residence.
1. 37 years .....	Appearance ten days previous; carried to the City Hospital, where his stay was impossible from his excitement and shrieks; acute delirium; pulso filiforme .....	Twenty-four hours
2. 44 years .....	General paralysis; complete dementia; convulsed condition .....	Six weeks.
3. 28 years .....	Young priest; sick for a month at the seminary; excitement and shrieks which terrified his colleagues and prevented their keeping him longer; six hours travel by rail; extreme exhaustion; pulse at one hundred and twelve; typhoid condition.....	Three days.
4. 43 years .....	General paralysis, dating three years back; cared for until now at home, but for some time creating all sorts of difficulties; intestinal obstructions; ballonnement énorme du ventre; asphyxie par compression .....	A half hour.
5. 26 years .....	Alcoholic excess having caused two previous attacks of delirium tremens; sick for fifteen days in a hotel, where he continued to drink; frightful hallucination, shrieks, and violence; on entering, coldness of the extremities; pas de pouls .....	Fifteen hours.
6. 39 years .....	Woman. Dread; sleeplessness; délire lypémanique; refused food; then acute delirium; maniacal excitement.....	Fifteen days.

It may be thought that we have dwelt too long upon this point; but it seemed to us important to present these facts with some details; it is not possible to imagine them when one has only figures before his eyes; but to every impartial mind it will be very apparent that the mental condition of those persons who died so quickly after their admission scarcely allowed them to appreciate the new situation provided for them by entry into the asylum. Not the arrest, then; not excited feelings—nothing but serious physical conditions, which of themselves were sufficient to produce death. Thus that sort of accusation which charges the asylum with a mortality whose very natural explanation need not be so far-fetched, falls of itself.

There still remain a few subjects of comment. M. Legoyt completed his work by researches which, properly speaking, only the administration promotes. We do not stop there; we think we have said enough to set forth the qualities which characterize his work, at the same time conscientious, impartial, and moderate in its estimates. If we do not always agree with him, it is because we look from a different point of view, placed as we are in conditions of special observation which allow us to go to the root of things. But we are pleased to acknowledge that it was impossible to have done better; and such as it is, the statistics from eighteen hundred and fifty-four to eighteen hundred and sixty constitute one of the most interesting documents of the annals of mental alienation.

Does this important work which we wish to show accuse us of a situation as fearful as has been represented? We do not think so. It is impossible to deny an increase in the number of admissions; but it is just also to acknowledge that if the special causes which we have enumerated have favored this increase, there is now a tendency towards an equilibrium, which we hope soon to see definitely established. Our regretted colleague, Parchappe, has noticed, with all the authority of a long experience, a few of these questions, in a discourse delivered last

year before the Medical Psychological Society at Paris.\* We will not attempt, after him, to rehabilitate our asylums; whoever desires to be enlightened will ascertain very quickly the general movement, which, on all sides, tends towards progress, towards perfection, and, consequently, towards the amelioration of the lot of the insane. The statistics themselves prove to what extent everything is regularly conducted, seriously observed. The documents of which it is constituted were not obtained by an idle or ill-directed administration. There is in the superior as in the inferior ranks of administrative hierarchy a unity of aims and tendencies which should suffice to reassure those who are disturbed because they do not well understand the subjects upon which they comment; for ourselves, who are witness of these efforts, who heartily unite in them, we cannot, without regret, see our intentions undervalued; we regret that we are judged with a frivolity which we should not have suspected among men whose habits of serious investigation should have given them an immunity from such deviations. We think that, in view of this formidable scourge, insanity, it were more generous to assist us, to sustain us in our sad task, than to create obstacles and to discourage us sometimes by unjust suspicions. Happily, duty accomplished brings its recompense with it; and if, in later times, we have been the object of attacks little deserved, this justice will at least be done us, that we have never refused to reply, not upon the ground of delusive theories, but upon that of facts. It has seemed expedient for our cause to review the work of a man as enlightened as capable, placed by his official situation in that quiet region penetrated neither by the spirit of party nor adventurous ideas. We have made numerous drafts upon M. Legoyt, and when, in some matters of detail, we disagree with him, it is because we have had in our hands documents which he always lacked. The statistics which he has published, more complete than those which preceded, are, in our idea, a work of rare value. They are one of the best arguments which can be presented to those who try to believe that we allow ourselves to be soothed by that easy quiet which accepts the past for fear of disturbing the future.

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## CHAPTER VIII.

### INSANITY AMONG THE ANCIENTS.

#### COMPARATIVE VIEW OF THE CONDITION AND TREATMENT OF THE INSANE AT DIFFERENT PERIODS AND IN DIFFERENT COUNTRIES.

In the time of the Ancients—In the Middle Ages—In the Eighteenth and Nineteenth Centuries—In England—In France—In Rome—In the Germanic Confederation—Observations upon Foregoing Subjects—Cruel Treatment the Result of Ignorance—New York Poor Houses—Amelioration in the Treatment of the Insane as compared with Former Periods—Proof of the Advantage of Moral Treatment.

The ancients regarded insanity as the result of some supernatural power; a visitation from some God, at whose shrine the person affected had refused to worship, or as a punishment for irreverence or crime; but the psychologists of modern times have endeavored to explain its mysterious effects on scientific principles. Some contend that the mind

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\* *Annals Médico-Psychologiques*, 1865, p. 66.

alone is diseased; others that it is a disease of both body and mind; while the great majority regard it as "a disease of the brain affecting the mind;" and while the latter theory accords with our views, and is most readily understood, we propose to enter into no argument with those who have advanced and still maintain a different view, nor is it a part of the purpose of this report to enter into any metaphysical discussion on the various theories that have been advanced in this or any former period of time.

That it is a disease in some shape, all will admit. That it is extremely curable when properly treated in its earliest stage, none will deny. That it is equally intractable and unmanageable after it has fixed itself upon its hapless victim, is a fact that those best acquainted with its subtle nature most deplore. It seems to be an inevitable if not a natural attendant upon the human race. It has been present among men from the beginning, or from the earliest records to the present day.

The feigned madness of Ulysses,\* immediately prior to the Trojan war, is perhaps the earliest reference in antiquity to the existence of mental disease—otherwise the madness of Saul claims priority. Ajax was seized with madness after the arms of Achilles had been awarded to his rival Ulysses. Orestes is also described as a madman by his sister Electra.

The "heaven inspired Cassandra" was regarded by the Trojans as insane. Plato alludes to the connection of divination and insanity, the prophetess at Delphi and the priestess at Dodona both being considered as insane. The Sybil and others being classed in the same category. They were said to possess the mad art.

Several other allusions are made to madness by Plato and other writers of antiquity. Euripides makes many allusions to madness, and the power of Bacchus to produce it. Lyeurgus, King of the Edones in Thrace, refused to worship Bacchus, in consequence of which the God visited him with madness. The three daughters of Praetus, Lysippe, Iphinoe, and Iphianassa, are fabled to have become insane in consequence of neglecting the worship of Bacchus. They ran about the fields, believing themselves to be cows. Praetus is represented to have applied to Melampus to cure his daughters of insanity, but refused to employ him when he demanded a third part of his kingdom as a reward, reminding us of the enormous sums received by Willis for his attendance on George III and the Queen of Portugal. This neglect of Praetus was punished, and madness became contagious among the Argive women. The persons affected, however, as also the daughters of Praetus, were restored on Melampus being feed in a more liberal manner. Athamas, King of Thebes, and Ino, his second wife, were both said to be insane. Medea, the niece of Circe, Cambyses, Clomenes, King of Sparta, and many others might be mentioned. Hippocrates makes many allusions in his writings to mania, melancholia, and epilepsy. He says that men ought to know that from nothing else but thence (the brain) come joys, despondency, and lamentations. By the same organ we become mad and delirious; and fears and terrors assail us, some by night and some by day.

Diocles (B. C. 300) and Asclepiades also discuss this subject in their writings, and the Roman poets frequently allude to it. Persius and Juvenal both speak of hellebore as a remedy for madness.

From the foregoing extracts we learn that the causes of insanity were

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\* See Bucknill & Tuke on Insanity.

supposed to be very different in the olden time and at the present day. We might therefore very naturally expect a different mode of treatment corresponding with the pathological opinions of the two periods. This, to a certain extent, is true, yet it will be interesting to the non-professional reader to learn how this fearful malady was treated by the doctors of that day. It is a remarkable fact, as we learn from Bucknill & Tuke, that some of them at least were as earnestly opposed to the use of mechanical restraint as were Pinel, Charlesworth, Hill, or Conolly, who immortalized their names in the seventeenth century by advocating in theory and carrying out in practice the non-restraint system that has done so much to ameliorate the condition of the insane in the asylums of the present day in most of the enlightened countries of the world. Bleeding, so much in vogue at a later day, was also condemned by one at least of these celebrated men, as we will see by the following:

OPINIONS OF ANCIENT MEDICAL WRITERS ON THE TREATMENT OF THE INSANE. \*

Music is the first recorded remedy employed, so far as we are aware, for the relief of madness. That ancient musician of whom it has been said that he struck tones that were an echo of the sphere harmonies, "took an harp and played with his hand; so Saul was refreshed and was well, and the evil spirit departed from him." Music appears to have been strongly recommended by Aselepiades.

Aselepiades was certainly one of the most definite in his directions in regard to the treatment of the insane. As we have already said, he prescribed music. He especially recommended that the patient should abstain from food, drink, and sleep, in the early part of the day; that in the evening he should drink water, that then gentle friction should be applied, while later still, liquid food should be given, with a repetition of the frictions. By these means sleep was supposed to be induced. He regarded as worse than useless the application of narcotic fomentations, referring specially to hyoseyamus, mandragora, and poppies. Such reference to these remedies is interesting, as showing their use prior to the time in which he flourished. He directed that the patient should be placed in the light. To employ bleeding, was, he thought, little short of madness. According to Cælius Aurelianus, Aselepiades ordered his patients to be chained. Feuchtersleben in his Medical Psychology, states that Aselepiades recommends "that bodily restraint should be avoided as much as possible, and that none but the most dangerous should be confined by bonds;" referring to Celsus and Cælius Aurelianus as his authorities for the opinions of Aselepiades, whose works are lost; but neither of these writers appears to assert so much. Themison, another disciple of Aselepiades, and who is often regarded as the real founder of the School of the Methodici, styled "phlebotomotos" by Cælius, followed, to a considerable extent, in the steps of his predecessor as regards treatment; but prescribed the bath and more liberal regimen, and ordered astringent fomentations (constrictira fomenta).

The treatment recommended by the celebrated Celsus, in his chapter entitled, *De tribus insanici generibus*, may next be considered. On the whole, the directions of this physician are harsh, and scarcely merit the praise which some authors have bestowed upon them. It is true, that he admits, in regard to those who ramble in their discourses or attempt

\* Bucknill & Tuke on Insanity.

some trifling injury with their hands, that it is unnecessary to employ any rough, coercive measures. He deemed it proper, however, to subdue those who were more violent by a very compulsory treatment, "lest they should injure themselves or others." Their audacity must be coerced, and they must be brought to submission by blows, as in the case of any one else who requires restraint. Excessive mirth must be checked by scolding. If conciliatory measures fail, patients must be cured by some kind of torment; thus, should they be detected in falsehood or deceit, they must be hungered, or bound in chains, or flogged. By these means, he assures us, they will before long, through the influence of fear, be thoroughly disposed to come to terms, to eat anything; and even their memory, he says, will thus be refreshed. For to startle them suddenly, and greatly to terrify them, is profitable in this disease; anything, in short, by which the mind is violently disturbed. To close up all the avenues of pity this humane physician also says that you are not to believe anyone who thus subdued, while he is desirous of being released from his bonds, pretends that he is sane, however prudently and piteously he may converse, since this very deceit is the result of madness. On which enlightened principle it is difficult to understand how Celsus himself would have escaped had he once been so unfortunate as to be suspected of insanity. Celsus by no means, however, overlooked all medical treatment. He approved of venesection, and of cupping applied to the head, which, he observes, will have the effect of inducing sleep. Should any symptom render bleeding unsuitable, the next best remedy is abstinence, followed by an emetic and a purgative of white hellebore, and if possible the employment of friction twice in the day. He is here speaking of those cases in which sadness appears to be the result of black bile. No longer under the influence of apprehension from the violence of the patient, Celsus directs that fear should be removed from his mind, and cheerful hopes excited; pleasure being sought in fables and sports, and whatever else may be conducive to health. Patients are to be judiciously encouraged in their several occupations, and their groundless fears are to be lightly reproved. Cold water is also to be poured upon the head of the patient, and his body immersed in water and oil. In maniacal cases, warm fomentations might be applied to the shaven head; when, in consequence, the febrile symptoms abate, we are to have recourse to friction; but we must use it more sparingly in those cases in which the patients are exhilarated than in those in which they are depressed. In the maniacal paroxysm itself, however, Celsus had not much faith in medical applications; indeed, he was afraid that by such means the fever would be increased. Therefore in such cases, says he, do nothing with the patient but confine him.

Severe as was Celsus upon the insane who were guilty of deception, he had no hesitation in employing similar means towards the patient, We need not quarrel with the direction, that should the patient refuse to swallow the doctor's favorite hellebore mixture he is to be deceived by having it mixed in his food; but we may well dissent from the propriety of another direction, namely: that should it be necessary to inspire fear, and should the patient be a rich man, you are to announce to him the false intelligence of a lost estate.

The good effect of a full diet in some cases of insomnia was very properly pointed out. Other somniferous remedies prescribed by Celsus were friction, exercise after food, and by night the sound of a waterfall,

but chiefly the rocking motion of a suspended bed. Nor were the soothing influences of music in melancholy overlooked. The mind was also to be called forth in some cases by reading aloud, and occasionally errors might be made in order to elicit the critical powers of the patient. Cælius regarded it as essentially necessary to place the maniacal in a room moderately light and warm, and to avoid everything of an exciting character. Pictures were not to be allowed, nor was the window to be too high, nor was the room to be in the upper story, the reason being added that many when seized with madness have thrown themselves out. The bed was to be firm, and so placed that the patient could not be disturbed by the sight of persons entering the room; it was to be of straw, soft, and well beaten, but not broken. If the patient was in danger of injuring himself, soft wool moistened was applied to the head, neck, and chest; thus instead of having a padded room Cælius padded his patient. The duty of attendants, in regard to deception, is clearly laid down. They were to beware on the one hand of seeming to confirm the patient's delusions, and thus increase his disorder, and on the other they were to be careful not to exasperate him by too much opposition, but at one time by indulgent condescension, at another by insinuation, endeavor to correct his delusion. Should the patient attempt to escape and be with difficulty restrained or exasperated with seclusion, then, says Cælius, with admirable perception, you must employ more attendants. Let these, he adds, without the patient perceiving the real object in view, engage themselves in applying friction to his limbs. Further: should this treatment fail, and the violence be great, a ligature may be resorted to, being quietly applied, and the limbs protected by wool. Should the patient have been accustomed to submission and reverence, this, he observes, will not require frequent repetition—for such repetition would induce contempt, and when patients do not yield to such a course of treatment, then it becomes necessary to subdue them by inducing fear or awe. Should the patient's eyes be affected by the light, they must, according to our author, be shaded; but, he adds, with great discrimination, in such a way that other parts of the body may not be deprived of light. Cælius directed that abstinence from food might be carried so far as to induce slight hunger, adding that the strength may be reduced by bleeding, if the malady require it, even during such abstinence should there be nothing present to contra indicate it. The food was to be light and digestible, as bread softened in warm water, or a preparation of wheat lightly boiled with honey, etc. Alternate days of fasting and feeding were likewise recommended. Benefit also might be derived from clysters, and the application of an emollient cataplasm to the region of the heart.

Should the disorder become stationary, Cælius advises the head to be shaved, and cupping to be applied, first over the chest, then between the shoulders ("for these parts sympathize with the head"), and next to the head. A restless and sleepless condition was to be relieved by carrying the patient about on a litter or in a chair. To this was to be added the monotonous sound of running water. Fomentations, by means of warm sponges, were to be applied over the eyelids, with the idea of relaxing them, and in the hope of exerting a curative influence over the meninges of the brain. As reason returned, moderate exercise was strongly recommended—riding, walking, and exertion of the voice. The patient was to read compositions containing inaccuracies, in order the better to exercise the understanding; but Cælius adds a caution that this must not be too difficult, lest the patient be overdone with laborious

mental exercise, which were as detrimental to the mind as immoderate exertion to the body. Theatrical entertainments were to follow for those laboring under melancholy, and scenes of a solemn or tragic character were to counteract excessive hilarity and excitement.

Subjects of disputation might be added as the patient recovered, conducted in a low tone of voice, the preference being given to narrative and demonstrative subjects. Further, individuals known to the patients were to be employed to converse with them, in a manner calculated to encourage and amuse them. These various mental exercises were to be followed by rubbing with oil, and a gentle walk. Here, our author suddenly remembers that much of the preceding treatment could not be carried out with the illiterate; for such, he prescribes questions having reference to their particular callings; as, on farming, for the agriculturist; navigation, for the sailor; and for those ignorant even of these, questions of a general nature must be propounded. Shampooing, as well as inunction, was an important remedy with Cælius, including frictions of the head. The diet was to be improved as the patient's health returned, wine being forbidden in the first instance, gradually allowed after the use of fruit, but then only of light quality.

As the mind recovered its tone, the patient was allowed to go and hear the disputations of the philosophers, from the persuasion that the passions of grief, fear, and anger were thus dissipated. If, on the contrary, the patient relapsed, the former treatment was to be resumed, adding exposure of the body to the heat of the sun, the head being covered. The administration of an emetic made from the root of white hellebore, was to be added, to which, if the patient objected, vomiting was to be promoted by tickling the fauces. The ears were to be injected with water containing a little nitre, honey, nettle seed, or mustard; the rationale given being, that even through the channels of the senses, a restorative virtue may be conveyed to the membranes of the brain, especially as patients are often affected with tinnitus aurium. Finally, the cure of the patient was to be established by travelling and sea voyages.

After thus stating the mode of treatment which recommended itself to his judgment, Cælius proceeds to condemn the practice of some who had preceded him. Some of the Methodici, he observes, have recommended close confinement in a dark room, forgetting that the patient's dislike to it may aggravate his disorder, and that too much seclusion from the air causes dense bodies to perspire, and that the omission of ordinary occupations will aggravate cerebral congestion. He then denounces the extreme abstinence which was recommended, in forgetfulness of the fact that such a course disorders the bodily powers and is one which the patient will be unable to bear. The supporters of such regimen referred to the taming of wild beasts as analogous and as a proof that madness may be thus repressed; but Cælius, anticipating the practice of the present day, states that they should have known better from a consideration of the effect of hunger upon the sane in inducing rage. He does not hesitate to assert that the starving system will induce madness rather than cure it. He then refers to a subject of especial interest to us in our time, and his observations are calculated to humiliate us, exhibiting, as they do, a far seeing philanthropy which those who have treated the insane have, until very lately, failed to imitate. Cælius observes that they also order the patients to be bound with chains, without any consideration that the bound parts must necessarily be chafed, and how much more properly the patients might be

restrained by the care of attendants than by senseless chains. He is alike indignant against those who would coerce by flagellation, especially about the face and head, which, so far from relieving the disease, only induces swellings and sores; in addition to which, the returning consciousness of the patient could not but be hurt by the sense of his wounds.

In regard to the relative advantages of cold and warm applications, Cælius speaks of those who endeavor to induce sleep by warm fomentations of poppy, thyme, roses, etc., and observes, in accordance with the view attributed by Cælius to Aselepiades, that the result is heaviness of the head, but not sleep—constriction being induced, when relaxation is required. He then refers to an opposite school who made use of cold applications, believing the disorder to be caused by heat; ignorant, he observes, that internal heat is an undoubted sign of congestion, and not, as they think, the cause of the disease. He condemns the hydropathic treatment as being calculated to increase congestion, and therefore to aggravate the patient's disorder. In regard to the important question of venesection in mania, Cælius comments upon the practice of those who employed excessive bleeding from both arms to the extent of syncope and even death, and observes that the abstraction of blood from both arms is not to be practiced in consequence of the fearful prostration of strength which may follow. Clysters he regarded as worse than useless, often inducing dysentery in consequence of the active ingredients which they contained. Among the many strange and opposite modes of treatment to which the insane have been subjected, intoxication was not overlooked. Some, our author observes, recommend intoxication, since madness is often caused by it; but without sufficient discrimination, since injudiciously used it may prove injurious. The pleasures of love, which were prescribed by Titus and Themison, were strongly condemned by Cælius, who regards as impious and absurd the attempt to induce propensities which required restraint.

In the chapter which treats of melancholy, Cælius observes that the treatment is the same as has been already prescribed for the maniacal. He would not bleed, nor depress the patient by purging him with hellebore and aloes, but at once soothe and invigorate him by emollient and astringent applications. The celebrated Galen, of Pergamos, flourished at a period but little subsequent to Cælius Aurelianus. He is said to have died at the age of ninety, A. D. one hundred and ninety-three. His treatment was based upon the humoral pathology, which was in such high repute among the ancients, and which exercised an almost universal influence on their practice. He lays it down that, if moisture produces fatuity and dryness sagacity, just in proportion to the excess of moisture over dryness the sagacity will be diminished. Hence, he advises the practitioner to aim above all things at preserving a just medium between these opposite qualities. He recommends that "should you be of opinion that the whole of the patient's body may contain melancholy blood" you are to employ venesection, especially from the median cephalic vein. He adds, that should the blood flowing from it not appear to be of a melancholy quality, the vein must immediately be closed; and that should the contrary be the case, you are to abstract as much blood as the state of the patient and his habit of body shall permit. If, however, madness arise from idiopathic disease of the brain, bleeding is by all means to be avoided. In forming an opinion on this subject, regard was to be had to the patient's constitution and temperament. The fat, the fair, and the flabby were not to be supposed to possess any melan-

choly humor; but the lean, dark, and hairy, and those in whom the veins are large, are the most subject to its accumulation. He gives a long enumeration of the kinds of food which induce melancholy, as the flesh of oxen, goats, but especially asses and camels, and also wolves, dogs, hares, and snails. Among herbs, the cabbage only is mentioned. Thick and black wine was to be particularly avoided, "as from it the melancholy humor is made." This melancholy humor is spoken of by Galen as a condition of blood "thickened, and more like black bile which, indeed, exhaling to the brain, causes melancholy symptoms to affect the mind." We frequently also notice, he observes, that when yellow bile is contained in the stomach, the head is painfully affected; but it immediately recovers when the stomach is relieved from bile by vomiting. In mild cases of insanity Galen prescribed the bath and nourishing food.

#### IN THE MIDDLE AGES.

We have thus taken a hurried glance at the opinions of the ancients with regard to the pathology of this mysterious disease, and of the treatment employed by them for its cure or amelioration, and it is strange, indeed, that we hear but little more of it until about the period of the reformation: It is true that an asylum is said to have existed at Jerusalem about the fifth century, but little seems to be known of its character, history, or the modes of treatment employed. Again, at a period assigned by tradition, about eleven centuries ago, the tragic death of the Irish girl, the Princess Dymphna, who was slain by the hand of her own father, led to the establishment of a church and altar at Gheel, in Belgium, where those afflicted with "minds diseased" were carried to intercede with the spirit of the patron saint for relief; and a number of these unfortunate victims, more or less numerous, are supposed to have been kept there ever since; till now it has grown into one of the most remarkable institutions for the insane that anywhere exists.

The next asylum established, so far as we are able to ascertain, was that of "Reinier Van Arkel," at Bois le Duc, in Holland. It bears the name of its philanthropic founder, who established it in fourteen hundred and forty-two, for the care and custody of six unfortunate persons who had been deprived of their reason. From this small beginning, it has continued to increase, till it now has capacity for six hundred patients; but on the first of December, eighteen hundred and seventy, three hundred of its inmates were removed to a new asylum, just finished, a short distance from the city. At the time of our visit—seventh of July, eighteen hundred and seventy-one—there were one hundred and seventy men and one hundred and fifty-six women within its walls. The old asylum is immediately on one of the business streets of the city, and has been so often added to and enlarged that it can be said to possess no particular plan. It still retains many evidences of the age in which it was built, and shows more clearly than anything we have elsewhere seen, the wonderful and beneficent improvements that have been made in the character of the buildings for the treatment of the insane. Small dark cells, with high small windows, and cribs in which to cage the excited patients, may still be seen, and we regret to say have not yet been entirely abolished in this and one or two other asylums visited on the continent. The douche, solitary confinement, and confinement to the chair, are also used in some cases, not as a part of the treatment, but for punishment—showing how difficult it is even yet, in some countries, to shake off old habits and adopt new ideas in the treatment

of the insane. The inquiring mind of the young and intelligent physician, Dr. Frijbank, will doubtless soon lead him to discard all of these old appliances, and to adopt the more humane and enlightened practice of the age in which he lives. Indeed, it is but just to say that he has already done so in most respects.

As another link in the history and treatment of this malady, the following extracts will show the condition of the insane in asylums in the eighteenth and nineteenth centuries:

IN ENGLAND.

“The reader of Cælius Aurelianus cannot but feel astonished when he finds that nearly eighteen hundred years after that humane physician flourished it could be said in the House of Commons, by the Earl of Shaftesbury (then Lord Ashley), that the whole history of the world, until the era of the Reformation, does not afford an instance of a single receptacle assigned to the protection and care of these unhappy sufferers, whose malady was looked upon as hardly within the reach or hope of medical aid. If dangerous, they were incarcerated in the common prisons; if of a certain rank in society, they were shut up in their houses, under the care of appropriate guardians. Chains, whips, darkness, and solitude were the approved and only remedies.

“It is, indeed, to be feared that the directions of Celsus have exercised a most prejudicial influence, even till within a very recent period; and it is not difficult to recognize them in the writings of the classical Cullen, who did not omit to recommend the employment of ‘stripes’ in the treatment of the maniacal.

“The kind of treatment pursued by the highest medical men four hundred years ago is pretty clearly indicated by what has been handed down to us relative to the psychological history of King Henry VI, in whom mental disease was hereditary. Thus we are informed that five physicians and surgeons were appointed to attend the royal patient, and were empowered to administer ‘electuaries, potions, and syrups, confections and laxative medicines, in any form that might be thought best; baths, fomentations, embrocations, unctions, plasters, shavings of the head, and scarifications.’

“It is not a little singular that Bethlem Hospital, which has become on various occasions so notorious for its ill treatment of the insane, should in the first instance have provided for their care with benevolent intentions, and under some favorable auspices. It was in the year fifteen hundred and forty-seven that Henry VIII took possession of the monastery or hospital of St. Mary of Bethlem, and presented it to the City of London, with an order that it should be converted into a house for the reception of lunatics. It was situated in Bishopsgate Ward, without the city wall, between Bishopsgate street and Moorfields. Stow describes it in his time as standing in an obscure and close place in the neighborhood of many common sewers, and as also too small to receive and entertain the great number of distracted persons, both men and women, who stood in need of it.”

In consequence of the want of further provision for lunatics in London, a large building was erected in sixteen hundred and seventy-five in Moorfields, where the hospital stood until eighteen hundred and fourteen. There was, in a short time, accommodation for one hundred and fifty patients; whereas, in the old building, there were usually but fifty or sixty. In the rules made March thirtieth, sixteen hundred and seventy-

seven, to which it is interesting to refer, it is ordered *inter alia*, that such of the lunatics as are fit should be permitted to walk in the yard until dinner time, and then be locked up in their cells; and that no lunatic that lies naked, or is in a course of phisic, should be seen by anybody without an order of the physician. It is further humanely ordered that no officer or servant shall beat or abuse any lunatic, or employ any force to them, but upon absolute necessity for the better governing of them. Dr. Tyson, who was physician to Bethlem from sixteen hundred and eighty-four to seventeen hundred and three, informs us that, as to the care and cure of the patients, here is undoubtedly the greatest provision made for them of any public charity in the world; each having a convenient room and apartment to themselves, where they are locked up at night, and in it a place for a bed, or if they are so senseless as not to be fit to make use of one, they are every day provided with fresh, clean straw. Those that are fit for it, at convenient hours have liberty to walk in the long galleries, which are large and noble. For the Summer time, to air themselves, there are two large grass plats—one for the men, the other for the women; in the Winter, a stove for each apart, where a good fire is kept to warm them. In the hot weather, a very convenient bath place to cool and wash them; which is of great service in airing their lunacy, and is easily made a hot bath for restoring their limbs when numb, or cleaning and preserving them from scurvy, etc. Their diet is extraordinary good and proper for them, which every week is viewed by a committee of the Governors. \* \* \* There is nothing of violence suffered to be offered to any patient, but they are treated with all the care and tenderness imaginable. If raving or furious, they are confined from doing themselves or others mischief; and it is to the credit of the hospital that in so great a number of lunatics that are constantly kept there, it is very rare, in many years, any one patient makes away with himself. \* \* \* The time of cure is uncertain; some have been cured in a month, others in two or three, and some continue distracted many years." This was written early in the eighteenth century.\*

In seventeen hundred and thirty-four, considerable additions were made to Bethlem, and, in consequence of its still proving inadequate to meet the demand, Saint Luke's Hospital was established in seventeen hundred and fifty-one, by voluntary subscription. It was situate on the north side of Upper Moorfields, in a locality called Windmill Hill.

From this period to the latter part of the eighteenth century but little progress was made in the treatment of the insane, and in the condition of the houses where they were received; indeed, as respects Bethlem it is probable that its state had retrograded rather than advanced. In the middle of the century (seventeen hundred and fifty-five) a work was published the title of which appears significant, this was "Folly Predominant; with a Dissertation on the Impossibility of Curing Lunatics in Bedlam." From time to time during this period a work made its appearance on the subject of insanity. Thus, in seventeen hundred, Herwig published his "Art of Curing Sympathetically or Magnetically; with a Discourse on the Cure of Madness;" and, five years later Falloves enlightened the world with his "Method of Curing Lunatics."

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\*In the General Regulation of Bethlem Hospital for 1792 we find the following orders:

"No lunatic shall be put in chains without the instructions or approval of the apothecary.  
 "The feet of the lunatics who are chained shall be carefully examined, well rubbed and covered with flannels every morning and evening through the Winter; and if any morbid symptoms require the presence of the surgeon, he shall at once be informed,"—Sections 9 and 10.

Blakeway wrote in seventeen hundred and seventeen ("Essay toward the Cure of Religious Melancholy,") and Frings in seventeen hundred and forty-six (Treatise on Phrensy.) Batty wrote his treatise on madness in seventeen hundred and fifty-seven. But none of these works deserved or gained much reputation. Perfect, whose first work on the subject was written in seventeen hundred and seventy-eight, made some valuable contributions to the knowledge then possessed regarding insanity. His treatment appears to have consisted chiefly in venesection, emetics, setons, digitalis, antimony, and electricity. Dr. T. Arnold published the first edition of his excellent "Observations on the nature, kinds, etc., of Insanity," in seventeen hundred and eighty-two. This work, however, contains little or nothing in regard to treatment. A few years afterwards (seventeen hundred and eighty-nine), "A Treatise on the real cause and cure of Insanity," was published by Harper, which, although it possesses no merit, has, however, the honor of having been criticised by Pinel. In seventeen hundred and ninety appeared "Observations on the general and improper treatment of Insanity," by Faulkner; and the "Observations on Maniacal Disorders," by Pargeter, in seventeen hundred and ninety-two. But none of these writings appear to have exercised any material effect in ameliorating the condition of the insane in England. This, unfortunately, is but too correctly described in the following graphic sketch from the pen of Dr. W. A. F. Browne ("What Asylums were, are, and ought to be:") "Let us pass a few minutes," he says, "in an asylum as formerly regulated, and from the impression made by so brief a visit let us judge of the effects which years or a lifetime spent amid such gloomy scenes were calculated to produce. The building is gloomy, placed in some low confined situation, without windows to the front, every chink barred and grated—a perfect gaol. As you enter a creak of bolts and the clank of chains are scarcely distinguishable amid the wild chorus of shrieks and sobs which issue from every apartment. The passages are narrow, dark, damp, exhale a noxious effluvia, and are provided with a door at every two or three yards. Your conductor has the head and visage of a Carib; carries (fit accompaniment) a whip and a bunch of keys, and speaks in harsh monosyllables. The first common room you examine—measuring twelve feet long by seven wide, with a window which does not open—is perhaps for females. Ten of them, with no other covering than a rag round the waist, are chained to the wall, loathsome and hideous; but, when addressed, evidently retaining some of the intelligence and much of the feeling which in other days ennobled their nature. In shame or sorrow, one of them perhaps utters a cry; a blow, which brings the blood from the temple, the tear from the eye—an additional chain, a gag, and indecent or contemptuous expression—produce silence. And if you ask where these creatures sleep, you are led to a kennel eight feet square, with an unglazed airhole eight inches in diameter. In this, you are told, five women sleep. The floor is covered, the walls bedaubed with filth and excrement; no bedding but wet decayed straw is allowed, and the stench is so insupportable that you turn away and hasten from the scene."

"From the evidence given before the memorable committee of the House of Commons, in eighteen hundred and fifteen, notwithstanding the equivocation and evasion which marked many of the replies, it is not difficult to form an estimate of the condition of the English asylums generally, more especially the York Asylum and Bethlem Hospital. Nor was the condition in which they were found at that period alone revealed; their past condition was at the same time rendered manifest.

"A miserable and empirical routine marked the treatment. To the question: 'Has there not been a rule in the hospital for a certain number of years that, in certain months of the year, particular classes of the patients should be physicked, bled, bathed, and vomited at given periods?' the reply from Bethlem was in the affirmative. Twice in the year the patients, with few exceptions, were bled. 'After they have been bled,' said the physician, in evidence, 'they take vomits once a week, for a certain number of weeks; after that, we purge the patients. That has been the practice, invariably, for years—long before my time.'

"In regard to the means of coercion employed, it was stated that the patients 'are generally chained to the wall with manacles.' When inquiry was made regarding the use of strait waistcoats, it was replied, 'I do not believe there are any strait waistcoats in Bethlem now, or very few indeed; they generally use irons.' The objection to strait waistcoats was that the patients 'could not help themselves in strait waistcoats; they are so exceedingly long in the hospital without being seen by anybody, in a dark place; in Winter, from four o'clock to six or seven in the morning. If they were in a strait waistcoat they could not assist themselves the least in the world.' When, in the following year, the head keeper of Bethlem Hospital was asked: 'Was it not the practice in old Bethlem—not in the late gallery, but in the gallery pulled down—for eight, ten, or more patients to be fastened to the tables, almost in a state of perfect nakedness?' he replied: 'Yes; they used to think they tore their clothes all to pieces; some of them would do that.' 'In point of fact, were they not fastened to the tables, sitting in a state of perfect nudity?' *Answer*—'They used to be so at the table; they were chained all around.'"

With these records of the barbarity and cruelty practiced in the asylums of England, and so forcibly described in the able work of Bucknill & Tuke, from which they have been quoted, we need not be surprised at their having been made the basis of a sensational novel by Charles Read, even after they had ceased to exist, nor that the prejudices against these institutions should still hold a place in the minds of the people everywhere.

#### THEIR CONDITION IN FRANCE.

Esquirol says of the insane in France: "I have seen them naked or covered with rags; with nothing but a layer of straw to protect them from the cold dampness of the ground upon which they lay. They were kept upon food of the coarsest kind; they were deprived of fresh air to breathe, and of water to quench their thirst, and even of the most necessary things of life. I have seen them given up to the brutal supervision of jailors. I have seen them in their narrow cells, filthy and unwholesome, without air or light, chained in such dens as one might fear to confine ferocious beasts." "Similar to these were the abodes of the insane throughout Europe."

#### IN ROME AND LIMERICK.

"In Rome iron rings, armed with chains, and fixed in the wall, serve to confine the furious and turbulent maniacs, who are fastened by their necks and feet." "In one room were two rings fixed to the wall; one ring was to embrace the neck, the other the ankle, and the poor maniac was doomed to stand or suspend himself by the neck." "The accommo-

dations in the asylum at Limerick appear to be such as we should not appropriate for our dog kennels." "One victim was confined in one of the oblong troughs, chained down. He had evidently not been in open air for a considerable time, for when I made them bring him out he could not endure the light. Upon asking him how often he had been allowed to get out of the trough, he said: 'Perhaps once a week, and sometimes not for a fortnight.' He was not in the least violent; he was perfectly calm."\*

#### IN THE GERMANIC CONFEDERATION.

In eighteen hundred and forty-five the *Journal Psychiatric and Psychological Medicine* was established, with Doctor Damerow, of the institution in Halle, as its principal editor, and Doctors Flemming and Roller—the latter of the Illenaw Asylum—as associates. Although printed at Halle, as a matter of convenience to Doctor Damerow, it is published at Berlin. If an opinion may be formed from the vigor with which it has been conducted, as well as the long list of collaborators—men distinguished as physicians of the insane or for their knowledge of psychical medicine and the jurisprudence of insanity, not in Germany alone, but in Denmark, Holland, and Switzerland—it will not lack for material, and is established upon a permanent basis. Its editor in chief is one of the most prominent advocates of the doctrines of the Psychosomatic school, but both his associates are Somatics. Among its collaborators are found all the gradations of theory from the somatic to the psychic.

Since the death of Heinroth, Dr. Ideler, of Berlin, is the acknowledged leader of the psychic school. But as time has progressed the conflict of opinion has measurably subsided. The attention of physicians has been diverted from the comparatively barren field of hypothetical controversy to the more useful domain of practical science, the improvement of hospitals, and the treatment of their inmates.

From the foregoing historical sketch, chiefly of the literature of insanity, it may be justly inferred that little, if anything, was done during the last century for the improvement of the receptacles for the insane in Germany. The initiative, however, was taken even in the few writings which were published, as these were the preliminary steps which led to more important practical action. The asylum at Vienna, but of late years not very favorably known as the *Narrenthurm*, was completed and opened in seventeen hundred and eighty-four, and was at that period the best establishment of the kind, as it was the only one exclusively devoted to the insane, throughout the German nations. As the eighteenth century was departing, Heinroth, having finished his studies at Paris, carried the principles of his illustrious preceptor within the German borders, and thus added a new and important element to the cause of improvement. An idea of the condition of the German asylums at the commencement of the present century may be derived from the language of one of their native authors, Reil, who, in his "*Rhapsodies upon the application of the Psychical Curative Treatment in Mental Disorders*," published in eighteen hundred and three, wrote as follows: "They are mad-houses, not merely by reason of their inmates, but more especially because they are the very opposite of what they were intended to be. They are neither curative institutions nor such asylums for the

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\* Browne's Lectures, Edinburgh, 1837.

incurable as humanity can tolerate; they are for the most veritable dens. Has man so little respect for the jewel which makes him man, or so little love for his neighbor who has lost that treasure, that he cannot extend to him the hand of assistance and aid him in regaining it? Some of these receptacle are attached to hospitals, others to prisons and houses of correction; but all are deficient in ventilation, in the facilities for recreation; in short, they are wanting in all the physical and moral means necessary to the cure of their patients.”\*

#### OBSERVATIONS UPON FOREGOING SUBJECTS.

The foregoing extracts from various well known authorities have been made not only to show the condition of the insane, the character of the establishments in which they were kept, and the methods of treatment adopted and pursued in such cases by the most learned and eminent men in the several countries under consideration, but also to direct attention to the fact that though sundry efforts had been made by men of learning and ability to establish journals of mental science in Germany during the latter part of the eighteenth and early part of the nineteenth centuries, they all signally failed, not from lack of ability on the part of those who edited and conducted them, but for want of support by the public. The first of these magazines was commenced in seventeen hundred and eighty-three, but lived only a short time. The next periodical devoted exclusively to the subject of insanity was established by Doctor Reil, and published at Halle, in Prussian Saxony, in the year eighteen hundred and five, the philosopher Kayssler having contributed largely to its pages. It, too, soon shared the fate of its predecessor, and died for the want of appreciation and support, too little interest as yet being felt in a class of persons supposed to be possessed by devils. In eighteen hundred and eighteen Nasse made another effort, and commenced his *Journal of Psychological Medicine*, and being conducted with great ability and unusual zeal, awakened a more lively interest in the subject and its unfortunate victims. But the time for success had not yet arrived, and after a desperate struggle for eight years it, too, went down to join the list of the departed. Still another journal was started in eighteen hundred and twenty-nine; and yet another, by Doctors Jacobie and Flemming, in eighteen hundred and thirty-eight, but all with similar results. Many valuable essays and books have in the mean time been given to the world by various German writers; but it was not till eighteen hundred and forty-five, as already stated, that a journal was established, with Damerow of Halle as its head, and Flemming and Roller—the latter still at Illenaw—as assistants, that a psychological journal has been able to stem the current and stand the test of time.

Since that time many able writers have appeared upon the field of psychological medicine and made valuable contributions to science. Among these, none stood higher either at home or abroad than the lamented Griesinger, who has left behind him in his works a monument more grand, beautiful and enduring than any that could be erected of marble or bronze.

It is also worthy of notice that there was but one public asylum in all

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\*Institutions for the Insane in Germany, by Pliny Earle, M. D.

Germany in seventeen hundred and eighty-four\*—the “Norrenthurm” at Vienna—while at the present time, as will be seen in the list of asylums in the German Confederation,† there are ninety-two public and forty-nine private institutions devoted to the care and maintenance of this hitherto neglected class of human beings. And although most of these do not come up to our ideas of first class asylums, as viewed from an American or English standpoint; nevertheless, some of them are well built, conveniently arranged and ably conducted, and would be a credit to any country. Indeed, it may be said that very nearly all of those established within the last twenty years are of this class.

#### CRUEL TREATMENT THE RESULT OF IGNORANCE.

It would appear strange indeed, and, if we did not know to the contrary, absolutely incredible, that such cruelties, such barbarous practices as have been noticed in the foregoing pages could have been tolerated for so long a time among the refined, intelligent, and highly civilized people of Europe without a single effort—previous to the French revolution—on the part of humanity to relieve the distresses of this class of their fellow creatures. Ignorance, in law, is no excuse, and yet ignorance is the only excuse that mankind can offer for the neglect of these wretched creatures. They were regarded during these long centuries as being possessed of devils, as enemies of society, and as doomed forever, so soon as they were known to be madmen. Even yet this idea has not been eradicated from the minds of some people, while many still believe the disease to be incurable from the beginning, and its accession a disgrace to the unfortunate victim and his family. It is high time for the people to lay aside these false notions, and accept the fact that insanity is simply the effect of a diseased brain, and that all persons are liable to its invasion.

#### NEW YORK POORHOUSES.

But let us look into this matter at home, and see if we cannot find that these abuses and cruel practices, unfortunately, have not been confined to English and continental institutions. The following extracts will show their condition in the poorhouses of New York at a comparatively recent period. In eighteen hundred and fifty-seven a committee, consisting of Mark Spencer, George Bradford, and M. Lindley Lee, reported the results of inquiries and examinations made the Summer before. The following sentence is from that report:

“The poorhouses throughout the State may be generally described as badly constructed, ill arranged, ill warmed, and ill ventilated. The rooms are crowded with inmates, and the air, particularly in the sleeping apartments, is very noxious, and to casual visitors, almost insufferable.”

In eighteen hundred and sixty-five a Committee of which Dr. Sylvester D. Willard was Chairman made a report, from which we extract the following:

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\*NOTE.—The Alexianer Convent at Aix-la-Chappelle has been a receptacle for the insane for five hundred years; and the “Blockdick” (private asylum), near Bremen, was established in 1750, and rebuilt in 1839.

†See Appendix B.

"It is not without a confession of pain and humiliation that the Commissioners announce the deplorable condition of the insane poor; the 'notorious and sickening abuses' which they found in many of the public establishments known as County Poorhouses. With unquestionable truth they affirm that 'the State has shifted off from itself upon the counties a duty which it ought ever to have recognized as imperative and sacred.' Nearly every county house was visited. As the record of particular instances is more convincing and more affecting than general statements and summary conclusions, a few facts are condensed from the report, the selection being made from counties in the Hudson River hospital district. Let us look first at Albany. Here, under the shadow of the State Capitol, were seventy-six insane persons shut up in thirty-one rooms, each of which was intended and is only large enough for one. A number of these rooms had three occupants in each; the ventilation in some of them was very imperfect. Notwithstanding the deficient accommodations, rendering all classification impossible, recent cases are frequently received and held for treatment, with what probability of improvement under such conditions can easily be seen. The insane poor of Dutchess County are bestowed in eighteen cells constructed in prison style, with heavily grated doors and barred windows; board partitions separate these cells, and wooden bunks serve for bedsteads; for want of proper appliances the cells cannot be made comfortable in cold weather; two of the men were loaded with chains. For her insane Richmond County has provided four dark cells. One poor creature has spent fourteen years in a small outhouse—a cripple, bent nearly double—and without a rag of clothing! The poorhouse in Saratoga County is nearly fifty years old; the floors and walls of this venerable structure are much broken, and the roof leaks. Though not far from the Ballston Springs, the water is scarce there. The cells of the insane measure seven and a quarter by six and a quarter feet, and each contains a wooden bunk, and nothing else; these cells get all their light and air through gratings in the doors; in these dungeons individuals have been confined for ten and even for eighteen successive years, never going outside, except during the short annual visits of the Board of Supervisors. In one case there had been an illegitimate birth, under circumstances most distressing and revolting. Warren County is thus described: 'Insane filthy in their persons, and stench from the place intolerable. Four cells in the building, all unfit for use. Rats the only scavengers. No medical attendance. Building entirely unsuited to the purpose.'"

Very little is said in praise of Franklin, Essex, Washington, Greene, Putnam, Sullivan, Westchester, and Queens Counties. At the time of the inspection the number of insane persons who were shut up in cells or secured by chains was two hundred and thirteen. In view of the whole picture the Commissioners might well exclaim: "Will the people of New York, when they comprehend the inhuman treatment which the insane poor sometimes receive, leave a system in unchecked operation which admits of such enormities?"

We are rejoiced to say that the people of New York have comprehended this subject, and have nobly responded to this question in a manner not to be mistaken, and with a generosity worthy of that great State. Her legislators, advised and encouraged by her wise executive officers, have made appropriations, provided lands, selected sites, and ordered the erection of asylums for the proper care and treatment of *every insane person within her borders.*

AMELIORATION IN THE TREATMENT OF THE INSANE AS COMPARED WITH  
FORMER PERIODS.

Let us call attention for a moment to some of the causes that led to an amelioration of the condition of the insane, both in England and on the continent, and to some of the men who were conspicuous in directing public opinion in so important a matter, and instrumental in carrying out the humane doctrines they proclaimed. A brief review of the life and writings of Dr. Conolly appeared in the *American Journal of Insanity* for April, eighteen hundred and seventy; a few extracts from which will subserve the purposes we have in view:

*Former Coercive Treatment.*

Few of us in America know, except from history or from travel on the continent, the extent to which mechanical restraints were used in Great Britain previous to eighteen hundred and forty, and are now in the other European countries.

Dr. Conolly found on taking charge of the Asylum at Hanwells—eighteen hundred and thirty-nine—each ward provided with a closet full of restraining apparatus, and every attendant used them at will. Many patients were always in restraint. Six new restraining chairs had been recently added to the stock, making forty-nine in all (pp. 53, 54). The instruments of mechanical restraint were so abundant as to amount, when collected together, to about six hundred; half of them handcuffs and leg locks (pp. 18, 20).

This may be assumed as a specimen of the provision in the asylums of Great Britain and Europe at that time, and these means nearly represented the ideas of the people at large, the governors or magistrates who had the outer superintendence of these establishments, and the physicians who had them under their immediate charge.

*Pinel.*

Although Pinel had wrought what was deemed almost miracles in setting the manacled maniacs free without evil consequences to those who were in contact with them, yet few had dared to follow him, and the lunatic remained in great measure as he was before. The world still clung to the faith of olden time—that the insane were the devil's possessions, and those thus possessed should be, if not punished, at least restrained, to prevent injury to the fearful community.

*Treatment in Middle Ages.*

Nevertheless, there had been a wonderful improvement upon the cruel customs of the barbarous ages. In those dark periods the religious houses were in some sort used as hospitals, and some of them took care of the insane. At one of these establishments of the Franciscans, who believed in and practiced on themselves the severest mortifications and self-chastening, the same rule was applied to their patients, and they gave each lunatic ten lashes a day. In another each patient was bled every June. Stripes, however, were but one form of cruelty, and the slightest of the kind. In the old asylums all the most terrible engines of torture, to carry out the theory of punishment, were resorted to. The inventions to give pain were marvelous. There were chairs of

restraint in which the patient could not move limb or body, and whirling chairs, in which the unfortunate lunatic was whirled at the rate of one hundred gyrations a minute (p. 47).

These and other practices equally cruel were continued in Germany as late as seventeen hundred and ninety. In some asylums the patients were kept in a state of partial famine, chained, covered with dirt and filth, but half clothed, and their insufficient clothing seldom changed; cages of iron were in use, in which some of the lunatics were kept for years. These miseries were inflicted, not from carelessness, but from what was believed to be real humanity (p. 48).

In an earlier age, some iron cages were made sufficiently large to hold one or more patients. These were movable and suspended by chains over water, in tanks or pools, with the patients standing in them; they were let down into the water, until it reached their chins or mouths, leaving them only a breathing place. There they were kept as long as they could endure the position and the bath. This was an established part of the treatment or punishment. The worst of these practices had passed away before the time of Pinel and his followers.

#### *York Asylum.*

Among the bad, the York Asylum was the worst. A female member of the Society of Friends being placed as a patient in this institution in seventeen hundred and ninety-one, died under suspicious circumstances. They immediately determined to establish an asylum under their own control, in which there should be no secrecy. William Tuke was the great founder of this new hospital, and from the first he and his associates pursued those principles in its management that Pinel was then proposing, and which have now become the established rule of practice in Great Britain and the United States. They did not abolish all restraints, yet they began this work, retaining only those of the milder kind.

#### *Lincoln Asylum.*

Dr. Charlesworth, in the Lincolnshire Asylum, in eighteen hundred and twenty-one, began his experiments of substituting the milder for the severe restraints. He persevered in this great work year after year, regardless of opposition and undaunted by difficulties, and at length arrived at the total abolition, which he found both a practicable and a more comfortable and successful method of controlling the patient. Mr. Gardner Hill was also engaged in the same work, with the same result.

#### *Dr. Conolly at Hanwell.*

Still chains, handcuffs, and leg blocks were in general use in the asylums of Great Britain and the continental nations when Doctor Conolly entered the Hanwell Asylum as Resident Physician, on the first of June, eighteen hundred and thirty-nine. He was familiar with the writings and practices of Pinel, Charlesworth, and Hill. He had confidence in the success of these measures and in their applicability to any other hospital. At once he determined to try the experiment on the patients at Hanwell.

He began his work June first. There were then over forty under mechanical restraint. Immediately he commenced removing the shackles, fetters, etc., from those who were the most promising, or who suffered

most, and proceeded gradually until the whole were removed in less than four months. In his work on the treatment of the insane he quotes from the asylum records:

"After the first of July, when I required a daily return to be made to me of the number of patients restrained, there were never more than eighteen so treated in one day. After the thirty-first of July the number never exceeded eight; after the twelfth of August it never exceeded one, and after the twentieth of September no restraints at all were employed."

On the thirty-first of October, in his first report to the Quarter Sessions, he said: "Since the twenty-first of September not one patient has been under restraint. No form of straight waistcoat, no handcuffs, no leg locks, nor any contrivance confining the trunk or limbs, or any of the muscles, is now in use. The coercion chairs, about forty in number, have been altogether removed from the wards" (p. 20).

In his eleventh and last report he says: "For ten years no hand or foot has been fastened in this large asylum, by day or night, for the control of the violent or the despairing; no instrument of mechanical restraint has been employed, or even admitted into the wards, for any reason whatever; no patient has been placed in a coercive chair by day or fastened to a bedstead by night. Every patient, however excited or apparently unmanageable, arriving at the asylum in restraints has been immediately set free, and remained so from that time. The results, more and more seen in every successive year, have been increased tranquility, diminished danger, and so salutary an influence over the recent and newly admitted and most recent cases, as to make the spectacle of the more terrible forms of mania and melancholia a rare exception to the general order and cheerfulness of the establishment" (p. 33).

#### *Effect of Removal of Restraints.*

The effect of this removal of restraints was at once noticed in the general tone of the whole hospital. The excited were sooner calmed, the irritable less easily disturbed, and a general quiescence prevailed more than before. The wards were managed with less difficulty. The new system tended to remove, as far as possible, all causes of excitement from the irritable, to soothe, encourage, and comfort the depressed, to repress the violent by methods that leave no ill effect on the temper, no painful recollections in the memory, and in all cases seize every opportunity of promoting a restoration of the healthy exercise of the understanding and the affections (p. 27.) Mania not exasperated by severity, and melancholia not deepened by want of ordinary consolations, lose the exaggerated character in which they were formerly beheld. Hope takes the place of fear, serenity is substituted for discontent, and the mind is left in a condition favorable to every impression likely to call forth salutary efforts (p. 28.)

#### *Effect of Dr. Conolly's Method on other Physicians.*

Many physicians, managers of other institutions in Britain, visited Dr. Conolly, and a few from the continent. These became converts to his views and strong friends of his plans. One asylum after another followed him, until, before many years, non-restraint seemed to be the universally accepted doctrine of the whole psychological profession in England and Scotland.

*Proof of the Advantage of Moral Treatment.*

As proof of the advantage of moral over mechanical means of treatment, Dr. Broadhurst points to "the general quietness and decorum of his establishment, the cheerful aspect of the patients, the comparative freedom from acts of destructive violence, the large proportion constantly engaged in useful occupation, a decreased mortality, and an increased percentage of cures." (p. 78.)

Mr. Wilkes, formerly Superintendent of the Stratford Asylum, now Commissioner of Lunacy, writes: "The effect of the change upon the old inmates was in marked degree beneficial."

The excitement of the patients generally diminished. They were less noisy and restless at night; destructive propensities and objectionable habits were, in many instances, overcome. With greater opportunities of doing mischief, less occurred. And now, without a window in any way protected, and a much larger number of patients, there is probably less breakage of glass than there ever was. (p. 79.)

*Reputation of Dr. Conolly.*

He was very much consulted in the cases of the greatest importance, and was considered the chief authority in all matters of doubt. Ever affable and courteous, he drew many to his house from his own country and from abroad, and alienists from the continent and from America found and enjoyed the most cordial hospitality. Several of the psychological physicians of the greatest power on the continent were among his visitors and became the strongest friends of his doctrine of non-restraint. Among these were Doctor Griesinger, of Berlin; Baron Mundy and Meyer, of Germany; Morel, of France; and Guislain, of Belgium.

They used their utmost exertion to introduce the practice into their several countries, but, except in the institutions within their immediate influence, they made but few converts; and Continental Europe was yet to accept the new method and to unchain its lunatics.

*Doctor Conolly's opinions in regard to the Management of the Insane.*

In the management of the insane he considered the provision of large establishments, however desirable as a matter of economy, was at the cost of some of the remedial powers of the institution and of the chances of restoration of the patients, and that the proper conduct of lunatic asylums requires the whole power of mind and heart that belong to the superintending physician; and that whenever the governors or directors of each institution require their medical officers to leave their high vocation and sacred responsibility of watching mental disorders and guiding mental weakness, and give their time and thought to the subordinate matter of finance and stewardship, to collect bills, and watch the market, they take from the suffering patients a part of that influence upon which their best hope of recovery is founded.

Such were the life and character of Doctor Conolly, and such were his works, as described by his friend Sir James Clark, and as known, in part, to most of us. Few men have fulfilled a nobler destiny; few will be remembered with more affection and gratitude.

*Restraint and Seclusion.*

The use of mechanical means of restraint and the protracted seclusion of patients in their rooms—although the former of them may be, and as I believe is, occasionally desirable but not absolutely necessary in the management of our hospitals for the insane—ought both always to be regarded as evils of no trifling magnitude, and to abate which, as far as possible, no effort should be left untried. They both tend to produce a relaxation of vigilance, and it cannot be too often repeated that whatever tends to make vigilance unnecessary is undesirable about a hospital for the insane. Besides leading patients into bad habits, the frequent use of the means referred to in a ward induces attendants and others to look upon them as a common recourse in cases of difficulty or danger, to regard them as their grand reliance in every emergency, and to forget the great power of other measures that are entirely unobjectionable—the value of tact and kindness and sympathy in controlling the violence and dangerous propensities of the insane. And yet, without a proper force of attendants and an efficient classification the use of mechanical means of restraint and the protracted seclusion of certain classes of patients is almost unavoidable.

Objectionable as I deem the use of restraining apparatus in a hospital for the insane, it cannot be too earnestly insisted on that it is no advance to give up mechanical means of restraint and to substitute the frequent and long continued seclusion of the patients. Occasionally an individual may really be more comfortable and much better off in the open air, with some mild kind of restraining apparatus on his person, than he would be confined to his room without it; for this kind of long continued seclusion is pretty sure, sooner or later, to lead to habits revolting in themselves and most unfortunate for the future prospects of the patient.

The subject is introduced here as a reason why no false notions of economy should be permitted to influence any Board of Trustees to ask the Superintendent of an institution to attempt its management with a force so inadequate as to compel him, against his better judgment, to resort to means so objectionable, and which are so destructive to the comfort and proper treatment of his patients.

*Labor, Outdoor Exercise, and Amusements.*

Having referred to the unfavorable results of an habitual use of restraint and seclusion in a hospital for the insane, it is proper to indicate in more detail some of the means by which those unfortunate effects may be obviated.

A properly constructed building, admitting of a liberal classification of the patients, and the employment of an adequate number of intelligent and kind assistants, is indispensable for such an object. The design in establishing every such institution being the restoration and comfort of the afflicted, the relief of their families, and the protection of the community, there can be no question but that it is sound economy to provide everything that will effect these objects promptly and in the most thorough manner.

Without adequate provision for outdoor exercise and occupation for

the patients, and a liberal supply of means of amusement, the excitement of the wards and the violent and mischievous propensities of their inmates will be apt to be such as to require modes of management that might otherwise be easily dispensed with. The first cost of some of these arrangements will necessarily be considerable, but the ultimate results can hardly fail to be so gratifying as to satisfy the most rigid stickler for economy that the only wise course is to provide liberally of everything likely to be beneficial to the patients.

The farm and garden offer admirable means of useful occupation to the insane at certain periods of the disease; for, useful as they are to a large number, no greater indiscretion could be committed than attempting to set all insane men at work in every stage of their malady.

To those accustomed to such pursuits, as well as to many who have been differently occupied, regular, moderate labor in the open fields or in the garden contributes most essentially to their comfort and tends to promote their recovery. Labor, then, is one of our best remedies; it is as useful in improving the health of the insane as in maintaining that of the sane. It is one of the best anodynes for the nervous; it composes the restless and excited; promotes a good appetite and a comfortable digestion, and gives sound and refreshing sleep to many who would without it pass wakeful nights.

The provision of adequate and comfortable workshops, in a convenient position and under the care of competent superintendents, may be made a source of profit to an institution, and furnish another means of labor of an interesting kind to a large number of the insane.

The usual means of amusement, which demand active muscular exercise, should not be neglected. A gymnasium, suitable in its fitting up for insane men, and a calistheneum for insane women, will be found useful. The various games of ball; the exercise of using a car on a circular railroad; the care of domestic animals, as well as regular walks on the grounds or in the neighborhood, are also among the kinds of exercise that will be enjoyed by many patients; while means of carriage riding seem almost indispensable for many, who from physical and other causes cannot resort to the more active forms which have already been referred to.

Within doors the means of keeping a comfortable house are, in addition to the medical treatment, the constant presence among the patients of intelligent attendants, active supervisors, and judicious teachers or companions, always ready to check the commencement of excitement, to separate quarrelsome individuals, and to change the train of thought of those who seem disposed to be troublesome. The means to effect the objects in view are very numerous, and the tact of an individual is shown in selecting those that are most applicable to a case.

The introduction of regular courses of lectures, interesting exhibitions of various kinds, and musical entertainments in the lecture rooms of our hospitals for the insane, has done much to break up the monotony of hospital life, which is so common a source of complaint among the insane.

Regular courses of instruction in well furnished school rooms, reading aloud by the teachers to the patients of the more excited wards, the use of well selected libraries, the inspection of collections of curiosities, the use of musical instruments and various games, are all among the many means which an ingenious Superintendent will suggest for the benefit and amusement of his patients, and which ought to be provided for in every institution for the insane.

In most of the asylums in the United States the dance is either added to this list or substituted instead of some of its items. It is a favorite amusement among the patients wherever it is allowed; and we have been informed by some of the Superintendents that patients will often control themselves for a whole week with a promise that they may be allowed the privilege of going to the next dance.

## CHAPTER IX.

### INSANE ASYLUMS, LOCATION, SIZE, SITES, ETC.

Location—Influence that Distance ought to have on Location—Effect of Multiplying Hospitals—Effects of Railroads and other Facilities of Travel—Hospitals Better Known to Neighboring People—Observations on Foregoing Topics—New York State Lunatic Asylums—General Suggestions—Propositions relative to the Structure and Arrangements for American Institutions for the Insane—English Lunacy Commissioners on Sites, Construction, Size, etc.—Suggestions of the Scotch Board—Size of Hospitals—Quantity of Land Necessary—Comments upon Kirkbride's Views.

#### LOCATION.

The location of an asylum has, perhaps, as great an influence over its usefulness as any other matter connected with its establishment, and those to whom this important trust may be delegated, here or elsewhere, cannot be too careful with the selection they may make. There are certain general rules that should *never* be overlooked nor disregarded by them, as on their action may depend, in a great degree, the success of the asylum to be established at the present time, as well as those that must, in the progress of events, come after it.

The admissions in our Asylum during the last ten years was an average of three hundred and fifty-eight each year, and the average annual increase has been sixty-seven. If we take a shorter period, these numbers will be augmented. We see by the report of Dr. Shurtleff, that "for the past five years the annual admissions have averaged about four hundred and fifty, and the net increase has been about eighty." With the increasing population, we may estimate with certainty that no decrease in these numbers will take place, if indeed, in the providence of God, and the better habits of the people, it be permitted to remain at these figures. This proportion of increase would give us eight hundred additional insane persons in the next ten years. But let us suppose that insanity will continue in its present ratio to the population, or one to four hundred and eighty-nine inhabitants, and that the population increases no more in the next decade than during the last, and it will be seen that more than eight hundred will be added to the regiment of insane men and women already in our Asylum at Stockton. It therefore behooves us, in any present provision we may make to meet the pressing necessities of immediate demands, to look wisely to the future, and so shape our action that it may have its proper bearing on similar provision to be made at some subsequent and not distant time to come.

## INFLUENCE THAT DISTANCE OUGHT TO HAVE ON LOCATION.

That the importance of locating an asylum in convenient proximity to the greatest number who will be likely to require its use may be thoroughly understood and appreciated, we have made the following extracts from a Treatise on the Influence of Distance from and Nearness to an Insane Hospital on its Use by the People, prepared for the State of New York, by Edward Jarvis, M. D.:

“An insane hospital is, and must be to a certain extent, a local institution. People will avail themselves of its privileges in some proportion to their nearness to it. No liberality of admission, no excellence of its management, no power of reputation can entirely overcome the obstacle of distance, expense, and of the difficulties of transporting lunatics, or the objection of friends to sending their insane patients far from home, and out of the reach of ready communication.

“The operation of this principle, in some degree, seems probable to any one who gives a thought to the matter; but the facts, the particular history of those institutions in which the records of the homes of their patients are kept, show that the objection of distance prevails with all of them, and that those hospitals have been and are used by those who live near by much more than by those who live farther off; and consequently they are practically much more local in their usefulness than they are intended or are supposed to be.

“The State Hospital at Utica was opened in eighteen hundred and forty-three, and offered to the people of every county, both near and remote, on the same conditions. The people of Oneida, Schoharie, Orange, Washington, and Chautauqua, were alike invited to send their insane on the same terms. Between them there was and could be no difference of advantage after their patients should be placed in the hospital; the only difference was in the distance between their homes and the institution, in the labor, cost, and burden of traveling to a hospital with a lunatic. To make this matter more certain and to show the difference of enjoyment to the eye, the whole State has been divided into four districts, according to their distance from the hospital.

“The First District is Oneida County, in which the hospital is situated.

“The Second District consists of eleven counties: Chenango, Cortland, Fulton, Herkimer, Lewis, Madison, Montgomery, Onondagua, Oswego, Otago, Schoharie. These are mostly within sixty miles of Utica.

“The Third District includes seventeen counties, which are from sixty to one hundred and twenty miles distant: Albany, Broome, Cayuga, Columbia, Delaware, Greene, Hamilton, Jefferson, Rensselaer, Saratoga, Schenectady, Seneca, Tioga, Tompkins, Warren, Washington, Wayne.

“The Fourth District includes the most distant counties, which are from one hundred and twenty to three hundred and fifty miles from Utica: Allegheny, Cattaraugus, Chautauqua, Chemung, Clinton, Dutchess, Erie, Essex, Franklin, Genesee, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Putnam, Queen, Richmond, Rockland, Schuyler, Steuben, St. Lawrence, Suffolk, Sullivan, Ulster, Westchester, Wyoming, Yates.

“These four districts include all the counties of the State, except New York and Kings, which have each hospitals of their own, and therefore little or no occasion or inducement to send patients to Utica.

“The population of each of these districts has been ascertained and

calculated for each of the twenty-three years, eighteen hundred and forty-three to eighteen hundred and sixty-five inclusive, since the hospital was opened. The number of patients sent to the hospital from each district within that period has also been ascertained.

"Taking, then, the sum of the annual populations for twenty-three years, and dividing it by the number of patients sent in that time, shows the proportion of patients which each district has sent out of its whole number of people. These numbers and facts are presented in the following statement:

"For these twenty-three years—eighteen hundred and forty-three to eighteen hundred and sixty-five—Oneida County sent one in two thousand seven hundred and seventy-two of their number to the hospital. The Second District sent one in five thousand eight hundred and twenty of their number to the hospital; the Third District sent one in seven thousand three hundred and fifty-one of their number to the hospital; the Fourth District sent one in eleven thousand five hundred and thirty-five of their number to the hospital.

POPULATION AND PATIENTS OF DISTRICTS.

SUMMARY.	Districts.			
	I.	II.	III.	IV.
Sum of the annual population for twenty-three years.....	2,292,643	10,528,406	16,337,520	28,146,477
Patients sent to the hospital in twenty-three years.....	827	1,809	2,222	2,440
Average annual population.....	99,680	457,756	710,327	1,223,760
Average patients sent to the hospital.....	36	78	96	106
Population to one patient sent to the hospital in each year.....	2,772	5,820	7,351	11,535

"This shows a great disproportion in the uses made of the hospital by the people of the near and of the remote counties.

"Taking a basis of one thousand for the extent of the enjoyment of the hospital by the remotest districts, the proportionate enjoyment of the districts will be: Fourth, one thousand; Third, one thousand five hundred and sixty-eight; Second, one thousand nine hundred and eighty-one; First, four thousand one hundred and ninety-six.

"The advantages of the hospital enjoyed by Oneida County have been more than double those enjoyed by the counties next beyond, but within sixty miles; they are nearly threefold those enjoyed by the counties which are from sixty to one hundred and twenty miles distant; and more than four times as great as those enjoyed by the people of the counties which are more than one hundred and twenty miles distant.

"It will not be supposed that the insane persons who needed the hospital care or treatment in these districts were in these proportions. It cannot be supposed that the number of lunatics in Oneida County is twice as great as that in Oswego; Fulton, Schoharie, Herkimer, and the counties beyond Oneida, but within sixty miles; or four times as great as that in counties one hundred and twenty and more miles from this district.

"The State censuses of eighteen hundred and fifty-five and eighteen

hundred and sixty-five show the number of the insane in the several counties of New York. Arranging these in the districts herein described, according to their distance from Utica, they were in proportion to the population:

## POPULATION TO ONE LUNATIC IN NEW YORK.

DISTRICT.	1855.	1865.
First.....	1,224	1,300
Second.....	1,525	1,611
Third.....	1,457	1,396
Fourth.....	1,788	1,904

“This diversity of advantage of an insane hospital enjoyed by the people of near and remote districts is not an accident, nor a peculiarity of New York alone. It is a general and probably universal principle—a natural and necessary law of nature or humanity; for in all other States whose hospital records of patients’ residence have been obtained, the same law is found to be in operation, and the people send their patients to these institutions in proportion to their nearness.

“In twenty-six States, for various periods of years, insane hospitals have been in operation, whose doors are and have been open alike to all of their people. The reports of most of these institutions state the number which have been sent to them from each county. From the others, copies of the records of facts have been obtained, showing the number which the various parts of the States have contributed to fill the wards of these institutions. In order to determine the extent and application of the law of distance in the use of hospitals, these other States and two of the British Provinces have been examined and analyzed in the same way as New York.

“They have been divided into concentric districts, making the county in which the hospital is situated the first, and the contiguous counties the second district, and the others more distant. The populations of these several districts have been calculated and determined for each of the years in which the hospital has been in operation, or in which the records of the residence of the patients were kept and have been obtained, and the comparison made of the proportion of patients to population of the several districts.

“It should be here stated that, in making these concentric circular divisions, it has been impossible to make them perfectly regular, with an exactly equal radius from the common centre, or equal distance of the inner and outer boundary from the hospital, for the counties are very diversely and irregularly shaped, some of them, as in Maine, being nearly one hundred and fifty miles long. While, then, a district may be stated to be within certain specified distances from the hospital, circles drawn upon the radii would, on both sides, exclude some part of the territory that belongs to it, and include some that belongs to its neighbor. Nevertheless, these irregularities of border or exceptions to the rule will not militate with the general plan nor vitiate any calculations made upon or deductions made from this analysis of the States and hospital receptions.

“Twenty-two States and two British Provinces furnish the conditions

requisite for the purpose of this report, and are included in the calculations and statements.

POPULATION TO ONE PATIENT ANNUALLY SENT TO LUNATIC HOSPITALS.

STATES.	Number of Years.	Districts.			
		I.	II.	IV.	V.
Maine .....	1840-65	2,835	5,171	5,630	7,890
New Hampshire .....	1842-65	2,440	3,470	6,280	.....
Massachusetts.....	1833-53	2,229	3,872	4,953	.....
Rhode Island .....	1849-65	3,094	5,279	.....	.....
New York.....	1843-65	2,772	5,820	7,351	11,535
New Jersey.....	1848-66	2,253	3,714	5,905	.....
Pennsylvania.....	1850-57	6,061	10,793	17,686	23,748
East Pennsylvania .....	1857-66	5,884	10,497	17,414	53,629
West Pennsylvania .....	1857-66	3,650	10,585	22,382	.....
Maryland.....	1850-64	7,034	10,122	23,009	.....
Virginia.....	1828-59	5,472	10,314	21,570	24,433
North Carolina .....	1856-60	4,875	6,433	9,707	10,982
Mississippi.....	1858.....	*15,018	7,026	13,290	16,151
Louisiana.....	1848-58	6,653	15,235	16,645	21,399
Tennessee.....	1852-59	3,923	8,318	13,164	20,440
Kentucky.....	†1824-55	3,198	10,670	12,964	24,132
Ohio.....	1838-66	5,060	7,304	11,712	28,873
Illinois.....	1847-64	3,306	7,865	9,317	11,753
Michigan.....	1859-65	3,162	9,229	11,089	14,268
Missouri.....	†1851-64	5,910	12,553	13,989	15,983
Canada.....	1853-66	3,184	7,227	7,744	12,608
Nova Scotia.....	1858-64	467	1,023	1,768	3,057

"In all these States the privileges of the hospitals are offered equally to the people of the counties. The patients of Oneida and Allegany Counties in New York, of Mercer and Warren Counties in New Jersey, of Dauphin and Venango Counties in Pennsylvania, can enter on the same terms, enjoy the same advantages, and for the same price. The only difference is the burden of cost, care, and labor of travel from their homes to the place of healing. And yet the actual use of the hospital by and the practical value of these institutions to the people of the remote districts have been only one fourth as great in New York, about one third as great in New Jersey, and less than one third as great in Pennsylvania as they have been in the districts near to them.

"Similar discrepancies in favor of the central counties and against the district counties are seen to have existed in all the other States whose record has been obtained.

EFFECT OF MULTIPLYING HOSPITALS.

"This principle has been remarkably manifested whenever and wherever a second hospital has been opened in any State and placed in a district remote from the one previously in operation. The people who

\* There is apparently something unexplained in the record of one county in each of these districts.

† Excluding 1844, 1845, 1846, and 1847.

‡ Excluding 1861, 1862, and 1863.

sent a few patients to the distant institution now sent many to the hospital which was brought to their neighborhood. The number of lunatics that found a place of healing was suddenly and permanently increased.

"In Massachusetts, the hospital at Worcester was the only State institution for the insane in the Commonwealth from eighteen hundred and thirty-three to eighteen hundred and fifty-four, when the second hospital was opened in Taunton, Bristol County, for the southeastern part of the State. The Worcester establishment continued to receive all the patients from the northern, central, and western counties until eighteen hundred and fifty-eight, when the third hospital was opened at Northampton, Hampshire County, for the western district. In both of these districts there was a sudden and large increase of the insane whose friends sought and used these new places of healing for them. During the eight years—eighteen hundred and forty-five to eighteen hundred and fifty-three—previous to the opening of the Taunton Hospital the people of Bristol County had sent one hundred and fifty-one patients to Worcester, which was an annual average of one patient in four thousand four hundred and thirty-four inhabitants. During the eight years after the hospital was opened within their borders they sent three hundred and twenty-four patients to it, which was an annual average of one patient in two thousand one hundred and ninety-four people.

"In the former period the people of Plymouth County sent one in three thousand seven hundred and nineteen of their number, and in the latter period one in two thousand seven hundred and seventy-four.

"Barnstable, Dukes, and Nantucket Counties sent in the former period one in four thousand one hundred and eighteen, and in the latter one in three thousand five hundred and seventy-three to the hospitals.

POPULATION FOR ONE PATIENT SENT ANNUALLY TO THE STATE HOSPITALS.

COUNTIES.	1845 to 1853.			1854 to 1862.			Rate of increase.....
	Patients.....	Sum of popu- lations.....	People to one patient.....	Patients.....	Sum of popu- lations.....	People to one patient.....	
Bristol.....	151	669,581	4,434	324	810,903	2,194	102.1
Plymouth.....	132	493,215	3,719	204	565,981	2,774	34.
Barnstable } Nantucket } Dukes } .....	104	429,319	4,118	118	421,662	3,573	15.2
Totals.....	387	1,592,115	4,111	646	1,798,546	2,784	42.9

"During the four years—eighteen hundred and fifty-four to eighteen hundred and fifty-eight—the people of Hampshire County sent thirty-seven patients to the Worcester Hospital, which was an annual average of one in four thousand and eight inhabitants. In the four years after the opening of the third hospital in their midst, the same people sent eighty-

five persons, or one in one thousand seven hundred and eighty-seven of their number to its care.

"Franklin County sent in the former period nineteen patients, or one in six thousand five hundred and seventy-four people, to Worcester; and in the latter period fifty-two, or one in two thousand four hundred and nineteen people, to Northampton. Berkshire County is geographically fifty miles nearer to Northampton than to Worcester. But a range of mountains lies between, and the roads are difficult for travelers, who can use only private conveyances, except the Western Railroad to Springfield, and the Connecticut River Railroad from Springfield to Northampton. This practically reduces the difference of distance between the two hospitals to thirty miles. And many when once in the cars on the Western Road find it easier to continue fifty-four miles further to Worcester, than to change cars and go twenty miles to Northampton, with their patients. Therefore the increase is less in Berkshire County than in the others. Nevertheless, there was an increase.

"Before eighteen hundred and fifty-eight the Berkshire people sent thirty-three patients, or one in six thousand nine hundred and thirty-seven people, yearly to Worcester, and after that they sent to Worcester and Northampton forty-seven patients, or an average in each year of one in four thousand seven hundred and fifteen people.

"To the towns in the eastern part of Hampden County, Worcester is nearer and more accessible than Northampton. Most of the people must necessarily use the Western Railroad, whether going to Worcester or Northampton, and all must change cars at Springfield if they go to Northampton, but not if they go to Worcester.

"The people of Hampden County sent in the former period one in two thousand one hundred and eighty-five of the living to Worcester, and in the latter, one in one thousand nine hundred and eighty-eight in each year.

POPULATION TO ONE PATIENT SENT TO HOSPITAL BEFORE AND AFTER NORTHAMPTON HOSPITAL WAS OPENED.

*Western District.*

COUNTIES.	1855 to 1858, four years.			1859 to 1862, four years.			Increase.
	Patients sent.	Sum of annual population.	People to 1 patient.	Patients sent.	Sum of annual population.	People to 1 patient.	Per cent patients sent.
Berkshire.....	33	212,437	6,437	47	221,640	4,715	38.6
Franklin.....	19	124,916	6,574	52	125,830	2,419	171.2
Hampshire.....	37	148,294	4,008	85	151,897	1,787	124.3
Hampden.....	101	220,680	2,185	116	230,784	1,988	9.9
Total Counties.....	190	706,327	3,717	300	730,151	2,433	52.7

"The people of Hampshire County nearly trebled the number and proportion of their patients in the hospital. The people of Franklin and Bristol more than doubled them, and the other counties also increased

them very greatly, and thus so many more of their lunatics found places of healing and protection when the hospital was brought to their neighborhood and within their reach.

#### EFFECT OF RAILROADS AND OTHER FACILITIES OF TRAVEL.

“Facilities of travel, navigable rivers, canals, railroads, public highways, public conveyances, which render communication easy and cheap, and intercourse familiar, and virtually diminish distance from the hospital, increase the ratio of patients that are sent to it. We therefore find that three counties which are situated along the course of rivers, canals, roads, etc., leading directly to the situation of the hospitals, have sent more patients to these institutions than other counties of equal population and at equal distances, but not favored with these facilities of communication. Ten counties in New York along the line of the railroad, canal, etc., east and west of Utica, with easy means of travel, sent two thousand one hundred and fifty-one patients to Utica, or one in seven thousand two hundred and sixty-six. While during the same period ten other counties, northeast and southwest from Utica, with no easy means of communication, sent six hundred and forty-seven patients, or one in eleven thousand nine hundred and thirty-four of their number to the State Hospital. Taking all these facts into view, we have here indisputable proof of the effect of distance in diminishing the practical benefits of lunatic hospitals to the people of any district. In all these States these hospitals are as open and their advantages as freely granted to the patients from the most remote towns as to those in their very neighborhood. It is not hinted, or even suspected, that the lunatics whose friends reside afar off are not as kindly, as faithfully, and as successfully treated, and at as small a cost, as those whose friends are so near as to keep a watchful vigilance over their welfare.

#### HOSPITALS ARE BETTER KNOWN TO THE NEIGHBORING PEOPLE.

“The idea of the hospital purposes and its management is familiar to those who live in its vicinity. They know its means, its objects, and its administration; they know the character of its officers and its attendants. They are frequently witnessing its operations and results in the many who are going to and returning from it in improved or restored mental health. Whenever they think of the possibility of their becoming insane, the idea of the hospital presents itself to their minds in the same connection almost as readily as the idea of their own chambers, their own physician, and the tender nursing of their own family is associated with the thought of having a fever or dysentery; and when any one of their family or friends become deranged the hospital occurs to them as a means of relief, and they look upon it as a resting place from their troubles.

“But this ready association of the hospital with lunacy and this generous confidence in its management diminishes as we recede from it. The people in the remoter places know the general facts; but distance lends an obscurity to the notion, and thus the character of the hospital and its administration do not stand before them as the thought of home and domestic arrangements, of which they can cheerfully and trustfully avail themselves in any emergency. To them the hospital seems a strange place; perhaps a place of unkind restraint, or even of needless confinement, rather than a home of tenderness. Its officers are to them

strangers rather than friends; and its attendants, though good and honest persons, are not as household comforters and nurses, or even as neighbors, whose ready and affectionate sympathy is sure, and on whom they are accustomed to call in time of trouble, and to whom they unhesitatingly commit the care of their disordered and distressed relatives or children.

"Then the unwillingness to be far separated from their suffering or weakened friends operates with many. This is, indeed, a mere feeling or sentiment; but it is converted into practical facts, and retains some at home who would otherwise be sent to and cured in a hospital if it were nearer to them. The State Lunatic Hospital, when it is used, is no better to the people of Oneida than to those of Cattaraugus and Clinton; but so long as a portion of the people of the remote counties do not feel so their insane friends are not sent there.

"The difficulties and expense of sending lunatics over long distances, or unfrequented and indirect roads, or by private conveyances, are perhaps the most effectual obstacle in the way, and more than any other diminish the number of patients with the increase of miles that separate them from the hospital.

"For these reasons the towns in the neighborhood of the public hospital in this State have enjoyed more than four times as much of its benefits as the remote towns; and all the other hospitals mentioned in this article have been compelled to confer their blessings in a similar and some of them in a much greater disproportion upon the people of the neighboring than upon those of the distant districts of the State to which they respectively belong.

"We think we have here presented facts enough to establish it as a general principle that the advantages of any public lunatic hospital, however freely and equally they may be offered to all the people of any State, are yet to a certain degree local in their operation, and are enjoyed by people and communities to an extent in proportion to their nearness to or distance from it.

"Whenever and wherever the same causes exist the same effects must be produced, and any hospital that may be hereafter established must be subject to the same law. This law of nearness, inviting and increasing the patients, and of distance, preventing and diminishing the number in hospital, is our very nature, and must operate in the future as well as the past. The people will be influenced by the same motives in time to come, as they have been in the years that have gone by."

#### OBSERVATIONS ON FOREGOING TOPICS.

Thus we are shown, by the interesting paper prepared with the greatest care by this able and accurate observer, that insane asylums dispense their blessings almost in proportion to their convenience to the people. We also learn from other sources that the proportion of cures from the nearer counties is much greater than those in the second radius of distance, and so on with corresponding ratio to the third and fourth. This is what we might naturally expect, as those who live near the hospital would be sent to it for treatment at the earliest period after the attack, while those living at the greatest distance would defer the separation from the afflicted member of the family to the latest moment, and too often till all hope of relief has passed away.

It is interesting to notice in this connection that since the publication of Doctor Jarvis' paper the State of New York has inaugurated an

entirely new policy, and we are informed by Doctor Charles S. Hoyt, Secretary of the Board of State Commissioners of Public Charities, in a letter recently received from that gentleman, that it has been determined to bring every insane person within its borders under the supervision of its officers; and that bills have already been passed authorizing the establishment of first class asylums for the accommodation, care, and treatment of all the insane in the State.

The following brief description of these asylums, with amount of appropriation for each, as well as their location, will best convey an idea of the noble work that has been undertaken, and may serve to guide us in the judicious location of our new asylum:

#### THE NEW YORK STATE LUNATIC ASYLUM, AT UTICA.

This asylum, the only State institution for the insane fully completed, was organized by the Legislature in eighteen hundred and forty-two, and opened for patients in eighteen hundred and forty-three.

The buildings consist of a central edifice, two front and two rear wings, a cross wing, additional wings, and outbuildings. The front and centre are constructed of stone, and the other portions mainly of brick. The central building is four stories in height above the basement, and one hundred and twenty by seventy-six feet on the ground. The front wings are three stories high, and each has an area of two hundred and fifteen by thirty-five feet. The rear wings are of the same height, two hundred and fifty feet each in length, and thirty feet in width. The cross wing is two stories high, twenty-five feet wide, and three hundred and fifty feet long. One of the additional wings is two, and the others are one story in height. The former has an area of eighty-five by twenty-five feet, and the latter one hundred and sixty-three by thirty-four feet. The entire edifice presents a front of five hundred and fifty, and the flanks a depth of two hundred and fifty feet. It is heated by steam, lighted by gas, and ventilated in the most approved manner. The outbuildings are a mortuary, bakery, coal house, work shops, boiler and engine house, containing also the fans for ventilation, and drying and ironing rooms, wash house, farm buildings, carriage house, barns, ice house, etc.

The asylum, as first erected, and until eighteen hundred and fifty-two, had room for only four hundred and fifty (450) patients. Since that date, the original buildings have been remodeled, the additional wings erected, and the cross wing adapted to the insane, by which the institution has been made to accommodate six hundred (600) patients. It also furnishes apartments for the resident officers and necessary attendants and employés. Cost—six hundred and sixty-one thousand and sixty-five dollars and fifty-eight cents.

#### THE WILLARD ASYLUM FOR THE INSANE, AT OVID.

This institution, designed for the chronic pauper insane, heretofore provided for in the county poorhouses, and for those who may be hereafter discharged from the State Asylum at Utica as incurable, was established by an Act of the Legislature, passed April fifth, eighteen hundred and sixty-five. The site, known as the "State Agricultural Farm," contains four hundred and seventy-five (475) acres, near the Village of Ovid, on the east shore of Seneca Lake. The erection of the building was commenced in the Spring of eighteen hundred and sixty-

six, and it was so far advanced as to be opened for patients in October, eighteen hundred and sixty-nine.

The main asylum building is situated near the lake. The plan of this edifice comprises a central building for the Superintendent's residence and offices, and a north and a south wing, with extensions from the extremities of these to the rear, for patients. It is a plain, substantial, three story brick structure, well planned and arranged, and furnished with the appliances and conveniences requisite for its purposes.

In addition to the main asylum, there is the "Agricultural College Building," on the premises when acquired by the State, and now known as the "Branch." This building, situated about one mile from the main edifice, was remodeled and fitted up the past year, and occupied by female patients in November last. It is a plain, substantial brick structure, in good preservation, and appears to be well adapted for the purposes to which it is applied. The Trustees estimate it to have cost one hundred and fifty thousand dollars.

The cost of the buildings now in use for the insane, and the Trustees' estimated cost for the completion of those in process of erection and proposed, is shown by the following statement:

Cost of the main asylum and branch in use, including furniture, out buildings, etc. (as stated above).....	\$446,998 44
For the completion of the south wing, including the amount already expended (estimated).....	81,728 67
For the extension to the north wing, erecting a single group of detached buildings, furniture, fences, further water supply, etc. (estimated).....	200,000 00
Total.....	\$728,727 11

The completion of the buildings as proposed will give accommodations for the insane as follows: in the main asylum, five hundred (500); the "branch," two hundred (200); single group of cottages, two hundred (200); total, nine hundred (900) patients.

The Trustees of this asylum express the opinion that its capacity may be very properly extended by the erection of additional groups of detached buildings similar to the one proposed at different points on the farm, so as to include nearly if not all the chronic pauper insane of the State not suitably provided for otherwise. In the judgment of these officers this would prove economical, by lessening the cost of the buildings per capita, and utilizing the labor of the insane, and at the same time secure to them under a single responsible direction and control, better treatment and care. This subject is one of such great public importance, not only as affecting the insane, but as to the cost of providing for their maintenance, that the Board deems it proper to present it to the attention of the Legislature.

#### THE HUDSON RIVER STATE HOSPITAL FOR THE INSANE

Was established by the Legislature March sixteenth, eighteen hundred and sixty-seven. The site, previously selected by Commissioners appointed by the Governor, contains three hundred (300) acres. Its loca-

tion is on the east bank of the Hudson River, two miles north of the City of Poughkeepsie.

The plan of this hospital comprises a central edifice for administrative purposes, and a north and a south wing, composed of four sections each, for patients. It also includes a chapel, general kitchen, boiler and engine house, workshops, gas house, etc., to be situated at the rear of the central structure.

The erection of the building was commenced in September, eighteen hundred and sixty-seven. The three extreme sections of the south wing are nearly finished and partly furnished, and it is stated, if funds were provided, could be soon ready for patients. The boiler and engine house are built and two boilers set; the foundations for the four remaining boilers required for the entire building are laid; the great chimney, containing flues for the boilers, kitchen range, bake shop, gas retorts, and central ventilating shaft, is also built; the underground air duct is made, and the main sewer laid from the chimney to the river. The reservoir for the full capacity of the hospital is two thirds completed, and the arrangements for water are said to be adequate for its present purposes.

The hospital is being constructed of North River brick, with a better quality for face work. The window heads are of Ohio stone, with blue stone introduced to increase the artistic effect. The centre building and a part of two sections of each wing will be three, and the residue two stories in height.

The portions of the building erected will accommodate one hundred and twenty (120) patients, and when the hospital is completed according to the plans adopted it will furnish room for four hundred (400).

The Medical Superintendent reports that the estimated cost of the building when the plans were adopted was six hundred and sixty-six thousand dollars; but in the event of the continuance of the inflated prices for materials and labor heretofore paid it will cost, when completed according to these plans, twelve hundred thousand dollars. It is stated, however, by this officer, that this estimate may be modified by the gradual decrease in prices now taking place, and the advantages to be derived from the increase of power from the boilers, in the use of the machinery, etc., but that no great reduction can be anticipated. The institution is designed for the treatment of cases of acute insanity, and the building is being constructed with the adaptations and appointments necessary to carry out its objects.

#### THE BUFFALO STATE ASYLUM FOR THE INSANE

Was organized under chapter three hundred and seventy-eight, laws of eighteen hundred and seventy. The site, previously selected by designated Commissioners, consists of two hundred (200) acres, situated near Buffalo, and was presented by that city to the State.

The Managers report that the ground plan of the building has been adopted, and that the plan of the elevation will probably be soon approved, and the work of erection commenced.

The Board had expected information as to the estimated cost of the building from the Managers, but it has not been received. We learn that it is to be constructed of brick, with arrangements for the treatment of cases of acute insanity, and with capacity for the accommodation of five hundred (500) patients. The general estimate of superintendents of insane asylums for the erection of plain, substantial buildings of such

character, and appropriately furnishing the same, at the present prices for material and labor, is one thousand six hundred dollars per inmate. On this estimate it will cost, when completed, eight hundred thousand dollars.

The following statement shows the capacity and cost of the State Asylums for the insane in use, and the estimated capacity and cost of those in process of erection, or for which appropriations have been made, when completed according to the several plans adopted, as hereinbefore referred to:

NAMES OF ASYLUMS.	Capacity.	Cost of the buildings.
The New York State Lunatic Asylum at Utica.	600	\$661,065 58
The Willard Asylum for the Insane at Ovid....	900	728,727 11
The Hudson River State Hospital for the Insane at Poughkeepsie.....	400	1,200,000 00
The Buffalo State Asylum for the Insane at Buffalo.....	500	800,000 00
The New York State Homœopathic Asylum for the Insane at Middleton.....	200	360,000 00
Total.....*	2,600	\$3,749,792 69

In conclusion, the Board deems it proper to submit a general view of the present number of the insane in custody, of their condition in respect to recovery, of the present provision made for them, and the requirements for the future.

It will be observed that there were at the close of the first year, four thousand four hundred and eighty-four (4,484) insane persons in public institutions. Of these, nine hundred and twenty-five (925) were in the State Asylums, and one hundred and forty-eight (148) in incorporated institutions receiving State aid. The Counties of New York and Kings contained one thousand nine hundred and sixty-seven (1,967); and there were in the County Poorhouses and City and County Asylums one thousand four hundred and forty-four (1,444). Thus we see that the State of New York has not only determined to provide asylums for the reception of all of her insane population, but has wisely chosen locations in different portions of the State, that they may be easily accessible to all of her citizens who may be so unfortunate as to require their healing influences; though while we commend the generous liberality and munificent appropriations that distinguish this noble act of humanity, we cannot advise our legislators to follow her example in all respects. In the enlightened policy of providing suitable hospitals for all who require their use, we most heartily and unequivocally concur; but we cannot see the necessity of such lavish expenditure in building palacial residences for a class of persons who can neither appreciate the magnificence of the edifice, nor pay for the luxury. The Poughkeepsie Asylum, it appears, will cost three thousand dollars for each patient to be accommodated; which, according to our view, is at least twice as much as any State institution should cost under any circumstances; and for buildings alone, we are satisfied that one thousand dollars (\$1,000) per patient is

enough. It is true that all asylums of this class should present an attractive and cheerful appearance, its architectural proportions should be in good taste, plain, neat, and substantial; but all expenditures simply for ornamentation should be scrupulously avoided, otherwise charity may be crippled at the expense of pride and vanity.

But this is a digression from the subject under discussion. We have desired to show, and trust we have succeeded, that asylums are intended for the use of the people, and to be most useful they must be accessible. This being admitted, it will be easy to conclude that our next hospital for the insane should be located somewhere on or near the Bay of San Francisco, and within easy reach of that city. At what particular locality, must necessarily depend on many important circumstances and indispensable conditions; and that the commission to which this responsible duty should be confided may not, from inadvertance, overlook or neglect any of them, we append the following suggestions from the Association of Medical Superintendents of American Institutions for the Insane, and of the English and Scotch Boards of Commissioners in Lunacy, who, from their great ability and long experience, would not be likely to make unnecessary recommendations on the one hand nor overlook important matters on the other.

PROPOSITIONS RELATIVE TO THE STRUCTURE AND ARRANGEMENT OF AMERICAN INSTITUTIONS FOR THE INSANE, 1853.

I. Every hospital for the insane should be in the country, not within less than two miles of a large town, and easily accessible at all seasons.

II. No hospital for the insane, however limited its capacity, should have less than fifty acres of land devoted to gardens and pleasure grounds for its patients. At least one hundred acres should be possessed by every State hospital or other institution for two hundred patients—to which number these propositions apply, unless otherwise mentioned.

III. Means should be provided to raise ten thousand gallons of water, daily, to reservoirs that will supply the highest parts of the building.

IV. No hospital for the insane should be built without the plan having been first submitted to some physician or physicians who have had the charge of a similar establishment, or are practically acquainted with all the details of their arrangements, and received his or their full approbation.

V. The highest number that can with propriety be treated in one building is two hundred and fifty, while two hundred is a preferable maximum.

VI. All such buildings should be constructed of stone or brick, have slate or metallic roofs, and, as far as possible, be made secure from accidents by fire.

VII. Every hospital having provision for two hundred or more patients should have in it at least eight distinct wards for each sex—making sixteen classes in the entire establishment.

VIII. Each ward should have in it a parlor, a corridor, single lodging rooms for patients, an associated dormitory, communicating with a chamber for two attendants, a clothes room, a bath room, a water closet, a dining room, a dumb waiter, and a speaking tube leading to the kitchen or other central part of the building.

IX. No apartments should be provided for the confinement of patients, or as their lodging rooms, that are not entirely above ground.

X. No class of rooms should ever be constructed without some kind of window in each, communicating directly with the external atmosphere.

XI. No chamber for the use of a single patient should ever be less than eight by ten feet, nor should the ceiling of any story occupied by patients be less than twelve feet in height.

XII. The floors of patients' apartments should always be of wood.

XIII. The stairways should always be of iron, stone, or other indestructible material, ample in size and number, and easy of ascent, to afford convenient egress in case of accident from fire.

XIV. A large hospital should consist of a main central building with wings.

XV. The main central building should contain the offices, receiving rooms for company, and apartments entirely private for the Superintending Physician and his family, in case that officer resides in the hospital building.

XVI. The wings should be so arranged that if rooms are placed at both sides of a corridor the corridors should be furnished at both ends with movable glazed sashes for the free admission of both light and air.

XVII. The lighting should be by gas, on account of its convenience, cleanliness, safety, and economy.

XVIII. The apartments for washing clothing, etc., should be detached from the hospital building.

XIX. The drainage should be underground, and all the inlets to the sewers should be properly secured to prevent offensive emanations.

XX. All hospitals should be warmed by passing an abundance of pure fresh air from the external atmosphere over pipes or plates, containing steam under low pressure, or hot water, the temperature of which at the boiler does not exceed two hundred and twelve degrees Fahrenheit, and placed in the basement or cellar of the building to be heated.

XXI. A complete system of forced ventilation in connection with the heating is indispensable to give purity to the air of a hospital for the insane, and no expense that is required to effect this object thoroughly can be deemed either misplaced or injudicious.

XXII. The boilers for generating steam for warming the building should be in a detached structure, connected with which may be the engine for pumping water, driving the washing apparatus, and other machinery.

XXIII. All water closets should, as far as possible, be made of indestructible materials, be simple in their arrangement, and have a strong downward ventilation connected with them.

XXIV. The floors of bath rooms, water closets, and basement stories should, as far as possible, be made of materials that will not absorb moisture.

XXV. The wards for the most excited class should be constructed with rooms on but one side of a corridor, not less than ten feet wide, the external windows of which should be large, and have pleasant views from them.

XXVI. Whenever practicable, the pleasure grounds of a hospital for the insane should be surrounded by a substantial wall, so placed as not to be unpleasantly visible from the building.

*Additional Declarations, 1866.*

The following comprehensive resolutions were proposed by Dr. Nichols, of the Government Hospital for the Insane at Washington, and

adopted by the Convention of Medical Superintendents of American Institutions for the Insane, in eighteen hundred and sixty-six, and emphatically reaffirmed in eighteen hundred and sixty-seven. They comprise a full and clear declaration of sound principles, tested by experience:

1. The large States should be divided into geographical districts of such size that a hospital, situated at or near the centre of each district, will be practically accessible to all the people living within its boundaries, and available for their benefit in case of mental disorder.

2. All State, county, and city hospitals for the insane should receive all persons belonging to the vicinage designed to be accommodated by each hospital, who are affected with insanity proper, whatever may be the form or nature of the bodily disease accompanying the mental disorder.

3. All hospitals for the insane should be constructed, organized, and managed substantially in accordance with the propositions adopted by the association in eighteen hundred and fifty-one and eighteen hundred and fifty-two, and still in force.

4. The facilities of classification or ward separation possessed by each institution should equal the requirements of the different conditions of the several classes received by such institution, whether these different conditions are mental or physical in their character.

5. The enlargement of a city, county, or State institution for the insane, which, in the extent and character of the district in which it is situated, is conveniently accessible to all the people of such district, may properly be carried, as required, to the extent of accommodating six hundred patients, embracing the usual proportions of curable and incurable insane in a particular community.

*Resolutions offered in the same Association in 1870.*

*Resolved,* That this Association reaffirm in the most emphatic manner its former declarations in regard to the construction and organization of hospitals for the insane; and it would take the present occasion to add that at no time since these declarations were originally made has anything been said or done to change in any respect its frequently expressed and unequivocal convictions on the following points, derived as they have been, from the patient, varied, and long continued observations of most of its members:

First—That a very large majority of those suffering from mental disease can nowhere else be as well or as successfully cared for for the cure of their maladies, or be made so comfortable, if not curable, with equal protection to the patients and the community, as in well arranged hospitals specially provided for the treatment of the insane.

Second—That neither humanity, economy, or expediency can make it desirable that the care of the recent and chronic insane should be in separate institutions.

Third—That these institutions, especially if provided at the public cost, should always be of a plain but substantial character; and, while characterized by good taste and furnished with everything essential to comfort, health, and successful treatment of the patients, should avoid all extravagant embellishments and every unnecessary expenditure.

Fourth—That no expense that is required to provide just as many of these hospitals as may be necessary to give the most enlightened

care to their insane can properly be regarded as either unwise, inexperienced, or beyond the means of any one of the United States.

These resolutions came before the Association in eighteen hundred and seventy-one, and were unanimously adopted, the following Superintendents voting upon the question:

Yeas—Doctors Ray, Butler, Kirkbride, McDill, Shew, Walker, Hughes, Parsons, Landor, Reidle, Compton, Gundry, Clopton, Grissom, Lewis, Baneroff, Curwen, Evarts, Dickson, Roy, Gray, and Read.

Nays—None.

In the discussion upon their adoption, Doctor Ray used this language:

“Mr. President: I feel very much as Mr. Webster did on one occasion when called upon, as he said, to reaffirm an ordinance of nature. The opinions of the Association on certain points have been so well fixed for many years that I supposed they would never be altered; that they were correct from the very nature of things. I am not clear now about the necessity of bringing up again the subject matter of these resolutions. It does seem to me like reaffirming the laws of nature. The questions implied in these resolutions you are aware have come up at various times before the Association, and have been very thoroughly discussed. It seems to me we have discussed them until they are threadbare. For this reason I do not feel like speaking upon them at present.”

In reply to a question asked by Doctor Cook, Doctor Kirkbride made these remarks:

“Speaking for myself, I should say, without any hesitation whatever, that I do mean, as the fourth resolution declares, that every State should provide enough institutions to accommodate all the insane within its borders. It is my firm conviction that the poorest State in this country is perfectly able to provide just as many hospitals as are necessary. I do not believe any Government has the right to say to one family, ‘We will take care of your afflicted one,’ and say to another, ‘We will not take care of yours,’ simply because one is a more recent case than the other. If we undertake to provide for a part of the insane, we are bound to provide for all. One family has just as good a right to claim the bounty of the State as another.”

*Doctor Cook*—“You would not exclude chronic cases?”

*Doctor Kirkbride*—“I certainly would not.”

#### ENGLISH LUNACY COMMISSIONERS ON SITES, CONSTRUCTION, ETC.

[Suggestions and Instructions in Reference to (1) Sites, (2) Construction and Arrangement of Buildings, (3) Plans of Lunatic Asylums, by the Commissioners in Lunacy for England and Wales.]

##### *No. 1—Sites.—General.*

1. The site of an asylum should be of a perfectly healthy character, and offer facilities for obtaining a complete system of drainage. A chalky, gravelly, or rocky subsoil is most desirable; but if a clayey subsoil only can be obtained, an elevated position is indispensable.

It should not be near to any nuisances, such as steam engines, shafts

of mines, noisy trades, or offensive manufactures; neither should it be surrounded, or overlooked, or intersected, by public roads or footpaths.

*Proportion of Land.*

2. The land belonging to the asylum should, when practicable, be in proportion of not less than one acre to four patients, so as to afford ample means for agricultural employment, exercise, and recreation; and should be so situated as to offer facilities for any extension which may become necessary at a future period.

*Form of Ground.*

3. The site of the building should be elevated, as respects the surrounding country, and (if to be obtained) undulating in its surface, and cheerful in its position, and having a fall to the south.

*Position and Aspect of Building.*

4. The building should be placed near the northern boundary of the land; and it is important that the site should afford a plateau of sufficient extent for the structure, and for ready access from the north; the whole of the southern portion of the land being available for the undisturbed use of the patients.

*Locality.*

5. The asylum should be as central as possible to the mass of population in the country or district for which it is to be erected, and should be convenient with respect to its easy access by public conveyance in order to facilitate the visits of friends and the supply of stores.

*Supply and Quality of Water.*

6. It is of the utmost importance that there should be a constant and ample supply of good water, of which a careful analysis should be made with a view of determining the proper materials for pipes and reservoirs, and also to ascertain its fitness for the purposes of drinking and washing. The quantity, exclusive of rain water, should at the driest season be not less than twenty-five gallons per patient per diem, and the amount should be accurately gauged.

*No. 2.—Construction and Arrangement of Buildings.—General Form.*

1. The general form of an asylum should be such as to afford an uninterrupted view of the surrounding country, and the free access of sun and air, and be so arranged as to give the principal day rooms on the lowest and middle stories a southern or southeastern aspect.

*Entrance and Offices to the North.*

2. There should be no road of approach or public entrance on the south side of the asylum. The general entrance, the porter's room, the reception and visitors' rooms, the clerk and steward's office, and store-rooms, and the other offices, should be placed on the north side of the building.

• *Character of Building.*

3. As the building is intended for the accommodation of pauper patients, all superfluous external decoration should be avoided; at the same time it should be rendered as cheerful and attractive as due consideration of economy will permit.

*Separation of Sexes, and Classification.*

4. The accommodation for the male and female patients should be kept distinct on either side of the centre, and the building should be so constructed as to admit of the separation of the male and female patients, respectively, into three classes. As a general rule the numbers in each class should be such as to require the services of not less than two attendants.

*Stories.*

5. The building may consist of three stories, provided the uppermost story be devoted to sleeping accommodation.

*Buildings for Working Patients.*

6. Buildings of a cheap and simple character, consisting merely of associated day-rooms and dormitories, without long corridors or other expensive arrangements, should be provided for the use of working patients. These buildings should be placed in connection with the washhouse and laundry on the female side, and be conveniently situate in reference to the workshops and farm buildings on the male side.

*For Idiotic and Epileptic Patients.*

Provision of an equally simple and inexpensive description should also be made for a portion of the idiotic and epileptic patients, and also for chronic cases.

*Size of Chapel and Offices.*

7. The chapel and all offices and parts of the building common to the establishment—such as the kitchen and scullery, the washhouse and laundry, the workshops and storerooms, should be sufficiently spacious to meet the prospective wants of the asylum in case of an increase in the number of patients.

*Position of Chapel.*

8. The chapel should not be placed over the kitchen. It should be capable of comfortably accommodating at least three fourths of the patients. It should have the usual character and arrangement of a church, and contain no special or peculiar provision for the separation of the sexes.

*General Dining Hall.*

9. A general dining hall, conveniently situate with reference to the kitchen, and capable of being made available for the purposes of recreation, should be provided for the patients of both sexes.

*Officers' Residences.*

10. A good residence should be provided for the Medical Superintendent, with kitchen and other necessary domestic offices. Suitable apartments of moderate extent should also be provided for the Assistant Medical Officer, the Steward, and the Matron, but for these officers a separate kitchen is not required.

*Domestic Servants.*

There should also be sleeping accommodation for the domestic servants of the institution, with whom might conveniently be associated those patients who habitually work in the kitchen.

*Proportion of Single Rooms.*

11. The proportion of single rooms throughout the Asylum need not exceed one third. The single rooms should be chiefly in the wards appropriated to the excited and the sick. A few should be available for special cases in the other wards.

*Arrangement of Upper Stories—Passages and Corridors.*

12. In the upper stories passages of communication of moderate width should be adopted in lieu of wide corridors, and the dormitories should be placed to the south. Generally, long, wide, and expensive corridors should not be constructed, but only so much passage or corridor provided as may be absolutely necessary to connect the several parts of the building.

*Stairs.*

13. The stairs should be built of stone, without windows or long, straight flights. The well should be built up, and hand rails should be provided.

*Staircases.*

14. The staircases should be so arranged that the medical officer, attendants, and others may pass through from one part to another without necessarily retracing their steps.

*Material for Floors—Provision Against Fire.*

15. All the corridors and day and sleeping rooms should have boarded floors, and it is desirable that the boards should be tongued. It is indispensable that they should be of the best wood, and thoroughly well seasoned. The floors of the sculleries, lavatories, and water closets need not be of wood. There should be a disconnection of the floor and joists at all the internal doorways, by means of a stone sill; and in all cases where a fireproof construction is not adopted similar separations, at not greater distances apart than fifty feet, should be made in the floors and joists of the galleries or corridors. Provision should also be made for a complete fireproof separation of the timbers of the roof at the same distance, and the parapet should be carried through the roof one foot above the slating. Oak floors, capable of being cleaned by dry rubbing, are preferable for the corridors and day rooms.

*Plastering.*

The walls of the galleries and rooms generally should be plastered.

*Number of Beds in Dormitories.*

16. No associated bedrooms should be designed to contain less than three beds.

*Height of Each Story, and Dimensions of Rooms.*

17. The general height of each story should not be less than eleven feet. The associated dormitories should not contain less than fifty feet superficial to each bed or patient.

*Dormitories.*

The separate sleeping rooms generally should be of not less than the following dimensions, viz: nine feet by seven superficial, and eleven feet high. Those appropriated to sick or bedridden patients should be of somewhat larger dimensions, and some of these should be provided with a fireplace.

*Size of Day Rooms.*

18. The day rooms, of which there should be at least one in each ward, should contain not less than twenty feet superficial for each patient, and should be calculated for the whole of the patients in each ward, exclusive of corridors or galleries.

*Position of Day Rooms.*

19. The day rooms should be so arranged as to afford ready communication with the grounds, and those appropriated to the aged and infirm should be on the lowermost stories.

*Attendants' Rooms.*

20. Rooms should be provided for two or more attendants to each ward, and single attendants' rooms should not be of less dimensions than one hundred and twenty feet, and whenever practicable, these should be placed between two dormitories, with glazed doors of communication.

*Windows.*

21. The windows of the day rooms and corridors should be large and of a cheerful character, and every one be made to open easily, and so as to allow a free circulation of air, but not so far as to expose patients to danger. The wall below should not be sloped or splayed, but recessed, to admit, if requisite, of a seat. In the dormitories and single rooms the windows should, as a general rule, not be placed more than four feet from the floor.

*Shutters.*

Sliding shutters should be provided for a majority of the single sleeping rooms.

*Doors.*

22. The doors of the single rooms should open outward, and be so hung that when open they will fold back close to the wall.

*Lavatories, Baths, and Water Closets.*

23. In each ward there should be conveniences for washing the person, a slop room containing a sink, a store room or closet, water closets, and a bath. (In many instances the bath room may be so arranged as to be available for two or more wards.) It is very desirable that all water closets, lavatories, etc., should be placed in projections.

*Infirmaries.*

24. Suitable infirmaries, in the proportion of at least one tenth of the whole, should be provided in which the cubical contents of the sleeping rooms should be greater than in other parts of the building; and every room, including the single rooms, should have an open fireplace. A small day room in each infirmary is also desirable.

*Warming.*

25. All the day rooms and galleries should be warmed by means of open fireplaces, or open fire stoves, and in large rooms two fires should be provided. Fireplaces should also be built in all associated dormitories. In large rooms, such as the chapel or general dining hall, and in the corridor, further provision for warming may be necessary by means of some simple system of hot water pipes in connection with the open fire stoves or fires.

*Ventilation.*

26. The ventilation generally should be provided for by means of flues taken from the various rooms and corridors into horizontal channels connecting with a perpendicular shaft, in which a fire box should be placed for the purpose of extracting the foul air.

*Smoke Flues.*

27. In all cases where descending or horizontal smoke flues are used, they should be entirely constructed of brickwork, rendered or pargetted inside and out; and flues from any of the heating or other furnaces, which are carried up through any of the main walls, should be constructed with a hollow space round them to prevent the inconvenient transmission of heat into the building during the warm periods of the year, and to allow of a moderation of the temperature of the building at other periods, when, owing to a change in the atmosphere, it may become inconveniently hot.

*Ventilating Flues.*

28. Whenever ventilating flues are constructed of inflammable material, such a quartering, lathed and plastered a distance of at least twenty

feet from their point of connection with any shaft, furnace, rarifying chamber, or smoke flue, must be constructed entirely of brick, stone, or other fireproof material. The rarifying chamber for ventilation, together with the adjoining roof, must be entirely fireproof; and a communication should be made with it by means of a slate or iron door frame.

#### *Drainage.*

29. The best and most approved system of pipe or tubular drainage should be adopted, with a sufficient fall, so as effectually to carry off to a sufficient distance from the asylum the soil and all other impurities; and the sewerage should be collected in closed tanks, and so placed and constructed as to render the contents available for agricultural purposes. Means of flushing should be provided.

#### *Airing Courts.*

30. The inclosed airing courts need not be more than two in number on each side, and should be of ample extent, so as to afford proper means for healthful exercise. They should all be planted and cultivated, and any trees already existing within them should be preserved for shade. The walls should be sunk in a ha-ha.

#### *Rainwater.*

31. The whole of the rainwater from the building should be collected in tanks suitably placed, for the purposes of the washhouse, and if possible, at such levels as will dispense with the labor of pumping. Lead is an objectionable material for pipes and reservoirs, as adulterating the water.

#### *Lightning Conductors.*

32. Lightning conductors should be placed on the most elevated parts of the building, and they may be connected with the stacks of iron rain water pipes, which in that case should be fixed so as to answer the double purpose of rain water pipes and lightning conductors.

#### *Farm Buildings.*

33. Farm buildings, with suitable stables, etc., for visitors' horses, should be provided.

#### *No. 3—Plans Required.*

1. One or more sheets of the ordnance map containing the county, borough, or district, in respect to which the asylum is to be erected, or some other large map, in which the situation of the proposed asylum and all the public roads and footpaths in the vicinity thereof are fully defined.

#### *Scale of 100 feet to an Inch.*

2. A general plan of the land (with the block of the buildings and offices) and of the exercise grounds, garden, and road of approach, with the levels of the surface of the ground at the quoins of the building, offices, and fence walls figured thereon.

*Scale of 20 feet to an Inch.*

3. Plans of the basement, ground, and each other floor of the building and offices, also of the roofs and gutters and of the principal elevation.

*Scale of 10 feet to an Inch.*

4. Elevation of portions of the principal front, and also of any other parts in which any variation therefrom takes place.

*Scale of 5 feet to an Inch.*

5. Transverse and longitudinal sections or sufficient portions thereof to show the construction of every portion of the building.

*Scale of 1 foot to one half an Inch.*

6. Plan and section of one separate sleeping room, dormitory, and eating or day room respectively, or of part of the same, showing the method of warming and ventilating each; also, of the baths and washing rooms and water closets, and the construction of the apparatus for each.

7. An abstract of the draft, contract, and specifications, giving a concise statement of the whole of the intended work, and also a detailed estimate of the building, and the prices at which the different materials and workmanship have been calculated in making the estimate.

8. The thicknesses of the walls, and the scantlings of the timbers of the floors and roofs to be figured.

9. The general system of heating and ventilation proposed to be adopted throughout the asylum, to be fully described in the drawings and specifications.

10. Each plan to show the several classes and number of patients to be accommodated in the wards, day rooms, dormitories, cells, galleries, and airing courts, respectively, to which each plan relates.

#### SUGGESTIONS OF THE SCOTCH BOARD.

The following suggestions and instructions by the Scotch Board of Commissioners are the only ones differing from those by the English Commissioners:

*Suggestions and Instructions in Reference to (1) Sites; (2) Construction and Arrangement of Buildings; (3) Plans of Lunatic Asylums; by the Commissioners in Lunacy for Scotland.*

#### *Locality.*

(First part of description same as for England and Wales.) The asylum should be within such distance of a town as to command the introduction of gas, water, etc., and of one of sufficient size to afford the means of amusement and recreation for the medical staff, the attendants, and such of the patients as might derive benefit from a change in the asylum routine.

#### *Supply and Quality of Water.*

(First part, same as for England and Wales.) The quantity, exclusive

of rain water, which should be collected in cisterns on the roof, should, at the dryest season, be not less than forty gallons per patient per diem, and the amount should be accurately gauged.

*No. 2—Construction and Arrangements of Buildings—Entrance and Offices to the North.*

2. There should be no road of approach or public entrance traversing the grounds.

The general entrance, the porter's room, the reception rooms, the committee room, the store rooms, and the other offices should be so placed as not to interfere with the amenity of the buildings occupied by the patients.

*Buildings for Working Patients—For Idiotic and Epileptic Patients—Cottages.*

6. (First part, same as for England and Wales.) Provision of an equally simple and inexpensive description might also be made for a portion of the idiotic, imbecile, and fatuous patients, and also for chronic cases; or cottages might be erected for the accommodation of a large proportion of the working and inoffensive patients, who might be placed either under the care of the families of the attendants, or of cottage tenants of the asylum.

*Position of Chapel.*

8. The chapel should be of easy access, and it should be capable of comfortably accommodating at least three fourths of the patients. (Remainder of description same as for England and Wales.)

*General Dining Hall, Library, and Reading Room.*

9. A general dining hall, conveniently situated with reference to the kitchen, should be provided for the patients of both sexes; and also a library and reading room, capable of serving for the general purposes of instruction and recreation.

*Arrangement of Day Rooms and Dormitories.*

12. Passages of communication of moderate width should be adopted in lieu of wide corridors, and the day rooms and dormitories should be placed on one side, and to the south. Under certain circumstances the day rooms and dormitories may occupy the whole breadth of the building.

*Cottages.*

32. The cottages, if adopted, should be of different sizes, each calculated to accommodate from three to five patients, in addition to the family of the occupier. The male patients should be placed either in single rooms or in dormitories for three or four, and each cottage should contain a water closet.

*Farm Buildings.*

33. Farm buildings, with suitable stables, etc., should be provided, and

also workshops, suitable for the employment of the patients according to the prevalent occupations of the district.

*English Commissioners on Size of Hospitals.*

The English Commissioners of Lunacy are of opinion that an asylum to contain four hundred to five hundred patients is the best size, but that on an emergency they may be enlarged to contain six hundred to seven hundred patients without sacrificing the special characters which all modern asylums should possess. When there are more than seven hundred patients, the expenses increase, and all individual treatment vanishes. The Superintendent can only know the patients *en masse*, and not individually, and the establishment grows out of effective supervision, although the number of attendants may be increased. This opinion may be found in the reports of the Commissioners again and again stated during the last ten years. Thus, in eighteen hundred and fifty-seven they state:

“It has always been the opinion of this Board that asylums beyond a certain size are objectionable. They forfeit the advantage—which nothing can replace, whether in general management or the treatment of disease—of individual and responsible supervision. To the cure and alleviation of insanity few aids are so important as those which may be derived from vigilant observation of individual peculiarities; but where the patients are so numerous that no medical officer can bring them within the range of his personal examination and judgment, such opportunities are altogether lost, and amid the workings of a great machine the physician, as well as the patient, loses his individuality. When to this also is added, what experience has of late years shown, that the absence of a single and undivided responsibility is equally injurious to the general management, and the rate of maintenance for the patients in the large buildings has a tendency to run higher than in buildings of a smaller size, it would seem as if the only tenable plea for erecting them ought to be abandoned. To the patients, undoubtedly, they bring no corresponding benefit. The more extended they are, the more abridged become their means of care; and this, which should be the first object of an asylum, and by which alone any check can be given to the present gradual and steady increase in the number of pauper lunatics requiring accommodation, is unhappily no longer the leading characteristic of Colney Hatch or Hanwell.”

The Scottish Commissioners are equally opposed to large asylums. They consider that no asylum should contain more than three hundred and fifty patients; that the individual treatment of a larger number is impossible; and that cost increases with anything above that number. These opinions they repeatedly expressed in their various reports.

M. Parchappe, lately Inspector of Asylums in France, says:

“After taking every consideration into account, I think the minimum of patients ought to be fixed at two hundred, and the maximum at four hundred. Below two hundred the economical advantages rapidly decline without compensatory benefit; above four hundred, although the economical advantages augment, it is at the detriment of the utility of the institution in its medical character.”

M. Guislain, the eminent Belgian authority, in his large work on insanity, which is quoted by Doctor Arlidge, says:

“It would be absurd to bring together, in the same place, a very large population. It would tend to foster an injurious degree of excitement, would render the management difficult or impossible, would destroy the unity of plan, and neutralize all scientific effort. The maximum number ought not to exceed three hundred or three hundred and fifty insane persons.”

Doctor Arlidge, in his work on “The State of Lunacy,” mentions the opinions of Roller and Damerow—two of the most eminent of German alienist physicians—on this subject, both of whom consider that asylums for acute cases should be limited to two hundred and fifty, but that those for both acute and chronic cases may admit from four hundred and fifty to five hundred inmates, but no more; and at page one hundred and eighteen states his own opinion that six hundred “represent the maximum which can economically and with just regard to efficient government and supervision, and to the interests of the patients, be brought together in one establishment.”

#### OBSERVATIONS ON FOREGOING PROPOSITIONS.

We have preferred the suggestions of associations and the recommendations of bodies of men high in authority to anything we might have said on these subjects, for the reason that they will be justly regarded as the results of wisdom and experience, worthy of attention and thoughtful consideration; whereas the same suggestions from us might be considered as the expression of individual opinion, carrying with it no weight of authority. The good of the cause is what we desire to promote, and for this reason have not hesitated in any instance to make free use of the ideas or words that the wisdom of others have given to the world. With no experience of our own, we have endeavored to carry out the instructions of our mission—to collect, compile, and report the result of other men's experience. We have, of course, exercised our own judgment in drawing conclusions, after listening to the arguments and observing the particular operations of theories; and all of our deductions have been made upon this basis. When we say, therefore, that the next asylum should be established for the accommodation of the City of San Francisco and the counties around the Bay, and on this account should be located in that vicinity, we are only carrying out the ideas of others, and obeying a law of common sense and universal experience; and when we suggest that another asylum will be necessary in the northern and still another in the southern portion of the State, ere many years shall have elapsed, it is in obedience to the dictates of the same ideas and natural laws. It will be seen from the foregoing suggestions that the English Board of Commissioners in Lunacy regard hospitals that will accommodate from four to six hundred as the best size for the pauper class of patients; while in Scotland, owing possibly to the fact that both private and pauper patients are more generally received in the same asylums than in England, the Board expressed the opinion that three hundred and fifty should constitute the largest number that could be properly accommodated in one institution. The best authorities at this time in France, Germany, Switzerland, Italy, and Belgium have placed the limits at four hundred, and in the United

States, until very recently, the Superintendents, in their collective capacity, declared that two hundred and fifty should never be exceeded. But in eighteen hundred and sixty-six they so far modified this expression as to say that under certain peculiar circumstances the number might be carried to the extent of accommodating six hundred patients.

This concession was made, as we have been informed by most of those giving their consent to its utterance, more to what seemed to be a necessity, than from convictions of propriety, most of them still adhering to the correctness of the original declaration—such too, as will be seen from the Massachusetts Report on Insanity and Idiocy, page one hundred and thirty-four, a copy of which will be found in our State Library, was the opinion of most of the Medical Superintendents in Europe and America at the time that report was written.

#### PRESENT CUSTOM IN ALL COUNTRIES.

Notwithstanding the modifications that have been made in this respect, and notwithstanding the further fact that most of the asylums being erected at the present time are intended for the accommodation of from four hundred to six hundred, both in the Old World and the New, our observations of the practical workings of asylums of all sizes, compels the conviction that *all things* taken into consideration the smaller number—two hundred and fifty—is the best; and that under no circumstances should this number be exceeded under one roof. If this should be deemed too small, it might with propriety be supplemented by additional separate buildings for the accommodation of one hundred and fifty more; one with a capacity for fifty patients of the convalescent class, for both sexes, and two others of equal size—one for the inoffensive and quiet males, who may or may not labor on the farm, in the garden, or shops, and the other for females of the same class, who may work in the laundry or sewing room. Such buildings may be seen at many of the asylums in England and Scotland, as well as on the Continent, and are not only pleasant features, but are considered of so much value in the treatment of the patients, and the general management of the asylums, that we were assured by the Superintendents that they would not dispense with them on any account. They are by no means uniform in the proportions which they accommodate, nor as to the classes we have specified above. They are usually more cheaply constructed than the main buildings, and free from the grated or barred windows and other necessary arrangements made use of in the main building as precautions against escape or injury. They are warmed by open fireplaces, and are surrounded by their own little gardens, redolent with flowers and beautified with shrubs cultivated by the patients. Of course they are never left to themselves, as it is a universal law that no ward of a hospital should, under any circumstances, be left without an attendant, even for a short time; otherwise serious accidents might be the result.

#### DINING HALLS IN EUROPEAN ASYLUMS.

In Great Britain and Ireland, as well as on the the continent, the patients take their meals in a common dining hall, the males occupying seats on one side the hall and the females on the other. When the numbers are too great for this arrangement to be practicable, two dining halls are provided, one for either sex, and are situated on either side of

the kitchen. At Newcastle-upon-Tyne they not only dine in the same hall, but sit where they please; and it was interesting to observe that while the first tables on the female side of the room were occupied exclusively by them, and so with the males on their side, that the next set of tables had a sprinkling of the opposite sex, and so on till the centre tables were reached, which were occupied by about an equal number of either sex. Doctor Wickham informed us that this was always the case, and that he had never experienced the least excitement or trouble on this account. For these reasons the patients occupying the detached buildings of which we have spoken resorted to the common dining halls for their meals, with the exception of the convalescent patients, who were in some instances provided with meals in their own establishment.

#### ASYLUM SHOULD NOT BE ENLARGED.

When an asylum of this size has received its intended complement, instead of building still further additions, another should be established in another district of the State, where the population most strongly indicates its need, whether at some other point upon the Bay—should San Francisco still continue to pour its hordes into the new asylum as it has done into the old—or in some more distant part of the State, in the great north or the mild and genial south, must be determined by the condition of things as they may exist at the time. Of one thing we are positively certain, that so long as the habits of our people remain as they have been; so long as the proportion of the foreign population remains the same; so long as the causes of insanity remain unchanged, just so long will insanity continue to be produced and hold its present ratio to the inhabitants of the State.

#### ONE INSANE TO FOUR HUNDRED AND FIFTY OR FIVE HUNDRED PERSONS.

We may as well make up our minds now as at any future time that every community of four hundred and fifty or five hundred persons will have to support or provide for the treatment and care of one insane person. When this becomes to be a recognized fact among the people, the whole subject will have been stripped of more than half its difficulties and embarrassments, the system for which we have labored will have been established, and the just and regular provision for the insane will be made for their support, as it is now for the common schools or the ordinary and inevitable expenses of the State Government. Until this has been accomplished the constantly recurring and ever renewing question of provisions for the insane will be brought before our Legislature, to occupy its time and perplex its members.

#### ASYLUM AT STOCKTON OVERCROWDED.

But there is another question that must not be overlooked, in our solicitude for the establishment of a new asylum, and which is a matter of equal concern. It is the present crowded condition of the asylum at Stockton. With accommodations for not more than six or seven hundred patients, there are packed in its wards about eleven hundred—or four hundred more than it can properly accommodate. Doctor Shurtleff tells us in his report, “that beside two patients in the rooms intended for but one, in eight out of the eleven wards, two hundred and twenty-seven patients are sleeping on beds nightly prepared for them in the halls.”

Two of these wards, the second and tenth, intended for thirty patients each, now have about eighty each. These wards are poorly ventilated, low, and uncomfortable in the extreme, and should be erased from the face of the earth and the memory of man. They never were fit receptacles for any human being, and have been tolerated altogether too long.

#### INCREASED MORTALITY.

To the crowded condition of these wards and the hospital generally must be attributed the increased mortality of the last four years; and should it be our misfortune, which God forbid, to be visited with cholera or other epidemic, there is no place to which these patients could possibly be removed, and they would consequently be swept away like sheep with the rot. Let any member of the Legislature visit these wards at bedtime, and if he does not conclude that it is *a sin and a shame not to do something for their immediate relief*, we will be willing to acknowledge that we ourselves have lost our reason and our heart, and a fit subject for the very wards that we have described, or that he himself is in such condition; for no two sane men could ever agree to the policy of "doing nothing," after having visited them.

How Dr. Shurtleff and his assistants have managed to get along so well, under the disadvantages with which they have been constantly beset, is a matter of wonder and surprise, and the untiring energy and constant watchfulness that has been displayed by them are worthy of the highest commendation, as well as the gratitude of the community at large.

#### NEW BUILDINGS SHOULD BE FINISHED.

The new building at Stockton is of the most creditable character, and when completed would be considered a first class asylum anywhere in the world; indeed, with a few modifications, we know of none that would be better suited to the climate in which it is located. The pressing demands for further and immediate room, make it of the greatest importance, nay, an absolute necessity, that it should be completed by the immediate construction of the north wing, and thus finish the work that has been too long delayed. It is not necessary to stop to discuss the question as to whether Stockton is or is not the proper place for the location of an insane asylum. One has been located there, and has been in successful operation for the last twenty years. It could not be removed, even if such an event were desirable. We therefore heartily indorse all that Dr. Shurtleff has said with regard to the necessities of the institution over which he has so long presided, with such marked ability and success.

#### OTHER PROVISIONS NEEDED.

The strongest reasons and the plainest motives of sound policy would indicate the propriety of providing for the improvements at Stockton, and for a new asylum in the same bill. The past experience of Doctor Shurtleff, aided by his Board of Trustees, would insure the completion of the work there in the shortest time and best manner; when it would only remain for the Governor or the Legislature to make a judicious

selection of the men who are to choose the site, decide upon the plan, superintend the erection of the new building, and control its subsequent management.

#### COMMISSIONERS.

As great power is commonly placed in the hands of these individuals, it will readily be understood how important it is that they should be men of high character, strict integrity, active benevolence and business habits. They should be willing to inform themselves of the character and responsibility of the high trust confided to them, and should heartily avoid taking any step that might mar to a greater or less extent the usefulness of the institution as long as it may exist.

#### SITE.

Great caution should be observed in the selection of a site, as the best style of building and most liberal organization can never compensate for the loss sustained by a location that deprives the patients of valuable privileges, or subjects them to annoyances; nearness to manufacturing establishments, houses of correction, penitentiaries, or other public institutions calculated to disturb the quiet or unpleasantly affect the mind of the patients should be especially avoided. Great stress is laid upon all of these matters both by the Commissioners of England and the Superintendents of our own country. As has been observed by Doctor Kirkbride, than whom no better authority can be found: "It is now well established that this class of hospitals should always be located in the country not within less than two miles of a town of considerable size, and they should be easily accessible at all seasons. They should, if possible, be near turnpikes or other good roads, or on the line of a railroad. While two or three miles from a town might be named as a good distance on the former, the facilities afforded by a railroad might make ten or twelve miles unobjectionable; for it is the time spent in passing and ease of access that is most important. Proximity to a town of considerable size has many advantages, as in procuring supplies, obtaining domestic help, or mechanical workmen, and on account of the various matters of interest not elsewhere accessible to the patients. In selecting a site, facility of access from the districts of country from which the patients will be principally derived should never be overlooked."

#### SHOULD BE IN A HEALTHY LOCALITY.

The building should be in a healthful, pleasant, and fertile district of country; the land chosen should be of good quality and easily tilled; the surrounding scenery should be of a varied and attractive kind, and the neighborhood should possess numerous objects of an agreeable and interesting character. While the hospital itself should be retired, and its privacy fully secured, it is desirable that the view from it should exhibit life in its active forms, and on this account stirring objects at a little distance are desirable. Reference should also be made to the amount of wood and tillable land that may be obtained, to the supply of water, and to the facilities for drainage, and for inclosing the pleasure grounds.

#### QUANTITY OF LAND NECESSARY.

While it is the duty of the State to provide for and take care of every

citizen who may be afflicted with insanity, on the other hand it is no more than right that they should make the burden as light as possible; and although we do not believe in making patients work for the profits of their labor, yet when they have been accustomed to labor on the farm, in the garden, or in shops at home, and when they are well enough to perform this labor at the asylum, not only without detriment but with advantage to their health and improvement in their mental condition, it should be exacted from them; the Superintendent in all cases being the judge as to the results. In most of the asylums in our country too little employment is given to the body, and too little occupation to the mind, to prevent a state of *ennui* that naturally follows the occupation "of doing nothing."

Many cannot labor for medical reasons; others, on account of previous occupations and professions, have not been taught to labor, and require other forms and methods of employment; yet *all* in whom there exists no special reason contraindicating it should be employed in some way during a portion of every day.

Hence every State Asylum should have at least half an acre of land for each patient intended to be accommodated, not only for farming and gardening purposes, but for pleasure and exercise grounds as well, as the latter are the most beautiful and attractive features of every asylum where they exist, and in which the English Asylums especially, so far excel those of all other countries as a rule, and those in our country more particularly, where this feature has been too much neglected.

#### *Supply of Water.*

An abundant supply of good water is one of the necessaries of every hospital, and should be secured whatever may be the cost or trouble required to effect it. A very extensive use of baths is among the most important means of treatment, and the large number of water closets that are indispensable in the wards, the great amount of washing that is to be done, as well as various other arrangements requiring a free use of water, and above all, abundant means for extinguishing fire, in case such an accident should occur, make it of the utmost importance that the supply should be permanent and of the most liberal kind.

The daily consumption for all purposes in an institution for two hundred and fifty patients will not be much, if any, less than ten thousand gallons, and tanks to contain more than this amount should be placed in the dome, or highest part of the building.

#### *Drainage.*

All the drainage should be under ground; and in selecting a site, facilities for making this very important arrangement should never be overlooked. All the waste water from the kitchen, sculleries, baths, water closets, etc., should be carried off beneath the surface, and to such a distance as will prevent the possibility of its proving an annoyance to the hospital.

All the entrances to the culverts should be trapped, and the culverts should be made so large and with such a descent as will obviate all risks of obstructions. If the rain water from the roof and the surface drainage are taken in another direction, that from the hospital may be made to add greatly to the fertility of the farm; but it is much better to carry all off through the same culvert and lose this advantage, than incur the

slightest risk of having the air in the vicinity of the hospital contaminated by these fertilizing arrangements.

#### *Inclosures.*

It is desirable that the pleasure grounds and gardens should be securely inclosed, to protect the patients from the gaze and impertinent curiosity of visitors, and from the excitement occasioned by their presence in the grounds.

This inclosure should be of a permanent character, about ten feet high, and so located that it will not be conspicuous, even if it is at all visible from the building. The site, as well as the position of the building on it, should have some reference to this arrangement. If sufficient inequalities of surface exist, the wall or fence, as it may be, should be placed in the low ground, so as not to obstruct the view; but if the country is too level to admit of this, the same end may be attained by placing the wall in the center of a line of excavation of sufficient depth to prevent its having an unpleasant appearance, and yet be entirely effective. Although the first cost of a wall will be about double that of a fence of the proper kind, still, its durability and greater efficiency in every respect will make it cheaper in the end. The amount of land thus inclosed should never be less than thirty acres, while forty or even fifty acres will be a more desirable amount, so that the pleasure grounds of the male and female patients, which, as before observed, should be entirely distinct, may be sufficiently extensive. Important as I regard the permanent inclosure of extensive pleasure grounds and gardens, in the manner suggested, as protecting the patients from improper observation, keeping out intruders, enlarging the liberty of the insane generally, securing various improvements from injury, and permitting labor to be used as a remedy for more patients than could otherwise be done, still it is proper to add, that high walls around small inclosures, and in full view from the buildings, are even less desirable than a simple neat railing, which would neither keep determined visitors out nor active patients in. The first of these objects—keeping the public out—it must not be forgotten, is the prominent one thought of in recommending a wall to be placed around the pleasure grounds of a hospital. The presence and watchfulness of intelligent attendants must still be the grand reliance to prevent the escape of patients, and I regard any arrangement that does away with the necessity of constant vigilance undesirable about a hospital for the insane.

#### *Patients' Airing Courts.*

Although it does not seem to me desirable to have a large number of private yards in immediate connection with a hospital for the insane, it will still be found convenient to have two for each sex, of a large size, well provided with brick walks, shade trees, and such other modes of protection from the sun and weather as may be deemed useful. These yards enable many patients, who at certain periods wish to avoid the greater publicity of the grounds, to have the benefit of the open air, and to take exercise at hours when the attendants cannot conveniently leave the wards; but most of the patients should have a more active and longer continued kind of exercise than these yards afford. They should look to the walks in the open fields and about the grounds, which can readily be made a mile long for each sex for their principal exercise.

Four fifths of all the patients will, under proper regulations, be able to take walks of this kind for at least a couple of hours, morning and afternoon, at all seasons; and in warm weather, when proper summer houses and seats are provided, they may thus profitably spend one half the entire day in the open air. It is always much better for patients to be comfortably seated in a pleasant parlor or hall at any season of the year than to be lying on the ground, or otherwise soiling their clothes, and exposing themselves to the risk of taking cold, as is very apt to be the case when certain classes are allowed to consult their own pleasure as to the mode of passing their time while in the small yards adjoining the building.

#### *Size of the Building.*

A suitable site having been selected, it will next become necessary to decide upon the size of the institution. Whatever difference of opinion may have formerly existed on this point, I believe there are none at present. All the best authorities agree that the number of insane confined in one hospital should not exceed two hundred and fifty, and it is very important that at no time should a larger number be admitted than the building is calculated to accommodate comfortably, as a crowded institution cannot fail to exercise an unfavorable influence on the welfare of its patients. The precise number that may be properly taken care of in a single institution will vary somewhat, according to the ratio of acute cases received, and of course to the amount of personal attention required from the chief medical officer. In State institutions, when full, at least one half of all the cases will commonly be of a chronic character, and require little medical treatment. Even when thus proportioned, two hundred and fifty will be found to be as many as the Medical Superintendent can visit properly every day, in addition to the performance of his other duties. Whenever an existing State institution built for two hundred and fifty patients contains that number and does not meet the wants of the community, instead of crowding it, and thereby rendering all its inmates uncomfortable, or materially enlarging its capacity by putting up additional buildings, it will be found much better at once to erect an entirely new institution in another section of the State, for under any circumstances the transfer of acute cases from a great distance is an evil of serious magnitude, and constantly deplored by those who have the care of the insane.

#### *Position, Form, and General Arrangements.*

The size of the building having been determined, its form and general arrangements will next require attention; and no plan, however beautiful its exterior may appear, nor how apparently ingenious its interior may seem, should be adopted without having been *first submitted to the inspection and received the approval of some one or more physicians who have had a large, practical acquaintance with the insane*, and who are thoroughly familiar with the details of their treatment, as well as with the advantages and defects of existing hospitals for their accommodation. So different from ordinary buildings or other public structures are hospitals for the insane, that it is hardly possible for an architect, however skillful, or a Board of Commissioners, however intelligent and well disposed, unaided to furnish such an institution with all the conveniences and arrangements indispensable for the proper care and treatment of its patients. No desire to make a beautiful and picturesque exterior should

ever be allowed to interfere with the internal arrangements. The interior should be first planned, and the exterior so managed as not to spoil it in any of its details.

A hospital for the insane should have a cheerful and comfortable appearance; everything repulsive and prison-like should be carefully avoided, and even the means of effecting the proper degree of security should be masked, as far as possible, by arrangements of a pleasant and attractive character. For the same reason the grounds about the building should be highly improved and tastefully ornamented; a variety of objects of interest should be collected around it, and trees and shrubs, flowering plants, summer houses, and other pleasing arrangements should add to its attractiveness. No one can tell how important all these may prove in the treatment of patients, nor what good effects may result from first impressions thus made upon an invalid on reaching a hospital—one who, perhaps, had left home for the first time, and was looking forward to a gloomy, cheerless mansion, surrounded by barren, uncultivated grounds, for his future residence, but on his arrival finds everything neat, tasteful, and comfortable.

Nor is the influence of these things on the friends of patients unimportant. They cannot fail to see that neither labor nor expense is spared to promote the happiness of the patients, and they are thus led to have a generous confidence in those to whose care their friends have been intrusted, and a readiness to give a steady support to a liberal course of treatment.

Great care should be observed in locating the building, that every possible advantage may be derived from the views and scenery adjacent, and especially from the parlors and other rooms occupied during the day. The prevailing winds of Summer may be also made to minister to the comfort of the inmates, and the grounds immediately adjacent to the hospital should have a gradual descent in all directions, to secure a good surface drainage.

#### PROPOSITIONS RELATIVE TO THE ORGANIZATION OF HOSPITALS FOR THE INSANE.

I. The general controlling powers should be invested in a Board of Trustees or Managers; if of a State institution, selected in such manner as will be likely most effectually to protect it from all influences connected with political measures or political changes; if of a private corporation, by those properly authorized to vote.

II. The Board of Trustees should not exceed twelve in number, and be composed of individuals possessing the public confidence, distinguished for liberality, intelligence, and active benevolence, above all political influence, and able and willing faithfully to attend to the duties of their station. Their tenure of office should be so arranged that when changes are deemed desirable the terms of not more than one third of the whole number should expire in any one year.

III. The Board of Trustees should appoint the Physician, and, on his nomination, and not otherwise, the Assistant Physician, Steward, and Matron. They should, as a Board, or by committee, visit or examine every part of the institution at frequent stated intervals, not less than semi-monthly, and at such other times as they may deem expedient, and exercise so careful a supervision of the expenditures and general operations of the Hospital as to give to the community a proper degree of confidence in the correctness of its management.

IV. The Physician should be the Superintendent and chief executive officer of the establishment. Besides being a well educated physician, he should possess the mental, physical, and social qualities to fit him for the post. He should serve during good behavior, reside on or very near the premises, and his compensation should be so liberal as to enable him to devote his whole time and energies to the welfare of the Hospital. He should nominate to the Board suitable persons to act as Assistant Physician, Steward, and Matron. He should have entire control of the medical, moral, and dietetic treatment of the patients, the unrestricted power of appointment and discharge of all persons engaged in their care, and should exercise a general supervision and direction of every department of the institution.

V. The Assistant Physician, or Assistant Physicians where more than one are required, should be graduates of medicine, of such character and qualifications as to be able to represent and to perform the ordinary duties of the Physician during his absence.

VI. The Steward, under the direction of the Superintending Physician, and by his order, should make all purchases for the institution, keep the accounts, make engagements with, pay, and discharge those employed about the establishment, have a supervision of the farm, garden, and grounds, and perform such other duties as may be assigned him.

VII. The Matron, under the direction of the Superintendent, should have a general supervision of the domestic arrangements of the house, and, under the same direction, do what she can to promote the comfort and restoration of the patients.

VIII. In institutions containing more than two hundred patients, a Second Assistant Physician and an Apothecary should be employed; to the latter of whom other duties, in the male wards, may be conveniently assigned.

IX. If a chaplain is deemed desirable as a permanent officer, he should be selected by the Superintendent; and, like all others engaged in the care of the patients, should be entirely under his control.

X. In every asylum for the insane there should be one supervisor for each set, exercising a general oversight of all the attendants and patients, and forming a medium of communication between them and the officers.

XI. In no institution should the number of persons in immediate attendance on the patients be in a lower ratio than one attendant for every ten patients; and a much larger proportion of attendants will commonly be desirable.

\*XII. The fullest authority should be given to the Superintendent to take every precaution that can guard against fire or accident within an institution, and to secure this an efficient night watch should always be provided.

XIII. The situation and circumstances of different institutions may require a considerable number of persons to be employed in various other positions; but in every hospital, at least all those that have been referred to, are deemed not only desirable, but absolutely necessary to give all the advantages that may be hoped for from a liberal and enlightened treatment of the insane.

XIV. All persons employed in the care of the insane should be active, vigilant, cheerful, and in good health. They should be of a kind and benevolent disposition; be educated, and in all respects trustworthy;

and their compensation should be sufficiently liberal to secure the services of individuals of this description.

COMMENTS ON KIRKBRIDE'S VIEWS.\*

The foregoing views of Doctor Kirkbride on some of the most important of the many subjects connected with hospitals for the insane, their location, site, and organization, should be carefully considered. No man in America is better or more favorably known, and but few have had so successful a career or so large an experience. His opinions have been accepted by all as the best authority, and if not always concurred in, certainly always command attention. If we have imbibed some of his ideas it may not be regarded as strange or unexpected, since they are supported by reason and confirmed by experience. Others more experienced and able than we are have done likewise. If we differ with him on some points of importance, it is because other men of ability have impressed us with their views, and our observations have led us to different conclusions. We think, for instance, that no Board of Trustees for the management of an asylum should consist of more than seven members—five being still better than seven. Small Boards seem to be more efficient than large ones. They do not leave matters so much to each other, and thus neglect their duties. We believe that detached buildings for the purposes that we have suggested are desirable features in an asylum; he does not. But in most of his views we heartily concur, and only regret they are not as well known by the people as by the profession. Let us hope, at least, that they may be carefully weighed and duly considered by our legislative committees and Boards of Commissioners. The subjects of ventilation, warming, lights, water closets, comparisons between the asylums of different countries, and many other matters of more or less interest, have been so completely and minutely noticed and discussed by Doctor Manning, and his conclusions ordinarily so just as to challenge our approval on most subjects, that we are induced to incorporate the following sketch of his able and interesting report into our own.

CHAPTER X.

INSANE ASYLUMS—DOCTOR MANNING'S REPORT.

Synopsis of Doctor Manning's Report—Comments upon the same.

SYNOPSIS OF DOCTOR MANNING'S REPORT.

Doctor Manning commences his report, made in eighteen hundred and sixty-seven, to the Government of New South Wales, by considering briefly the various existing methods of providing for the insane, which he divides into five classes:

1st. Indigent—supported mainly or wholly by local or General Government.

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\* NOTE.—See Kirkbride on Hospitals for the Insane.

2d. Non-pauper—supported by friends or from their own estates.

3d. Criminal.

4th. Idiots.

5th. Inebriates.

He speaks first of the provision made for them in *private dwellings*, especially in England, Scotland, France, and Belgium; thinks that even in Scotland, where there are peculiar advantages (from the character and sparseness of population) for this method of treatment, the fact that the number of insane thus accommodated has steadily diminished since the visitations of the Board commenced, is worthy of note; and alludes to the evils of this method (see p. 9). *In a new country such a plan is altogether impracticable.* Describes Gheel (pp. 9 to 14).

Next treats upon *farm asylums*, and describes Clermont (p. 15), and in conclusion says: "A full examination of the system of farm asylums shows that it is economical, and calculated to promote the comfort and happiness, and be beneficial to the mental health of the inmates."

Next, *close asylums*; speaks of the poorhouse wards, and quotes from Doctor Willard, of their miserable condition in the United States; then contrasts them with the State asylums; considers it "remarkable that proprietary asylums for pauper patients are unknown in America."

Page 22—Describes general construction and organization of asylums for paupers.

1. *Elevation of position*;

2. *Aspect*;

3. *Distance from town.*

*Table of amount of land owned and cultivated by several asylums, p. 25.*

Before treating of asylum construction, considers the two questions:

1. *Separation of the acute and chronic cases*;

2. *The size of asylums.*

Arguments for and against separation are presented on pages twenty-eight to twenty-nine. Dr. Manning says: "Upon the whole, it must be considered that the balance of argument is strongly in favor of one asylum, to contain both classes in such proportion as they occur in each district."

In regard to size, he says: "For the new institutions on the continent, wherever placed, the maximum number is fixed at six hundred; and in many cases a much smaller size is preferred;" then presents two tables (p. 30) of asylums in England and of a few in Scotland, France, Germany, and United States, showing number of patients and rate of maintenance.

Treats of Construction under four heads:

*Form of building*;

*Number of stories*;

*Material*;

*Architecture.*

*Form*—1. *Corridor, or ward form*;

2. *House form*;

3. *Block, or pavilion form*;

4. *Cottage form.*

His objections to the *corridor form* are "that the asylum is spread over an immense area, is costly in construction from the immense length of corridor and roofing required, and from the absence of all those social and domestic arrangements which characterize an English home."

The advantages of the *house form* are "that the condition of the patient is assimilated to that of ordinary life by the separation of the sleeping accommodation from that required for the duties and employments of the day, the supervision of the patients by the attendants is more complete, ventilation is more easy, since the windows and doors of the sleeping rooms from which the patients are removed can be kept fully open all day, and those of the day rooms, all night; whilst the cleaning, always a matter of difficulty in the ward plan, is rendered easy from the fact that the floors are in use at different times."

The *block or pavilion plan* is "a still further development of the house plan."

"As supplementing an ordinary asylum, the *cottage system* has worked admirably, but when fully employed the system has not, on the whole, been found to answer. The inconveniences which have been felt in this arrangement have been chiefly from difficulties of supervision owing to the large space over which the asylum extends. The best form of cottages, whether for a complete asylum or as adjunct to an existing institution, are the 'conjoined cottages' designed by Mr. Stack and Doctor Campbell, at the Essex Asylum," (see p. 33 for description, and App. G, Nos. 10 and 11 for plans.)

Page 34—Water supply. This inquiry includes:

1. *The source and mode of supply;*
2. *Quantity;*
3. *Storage;*
4. *Precaution against fire.*

As supplementary to this question are considered arrangements for the cleanliness of patients:

1. *Baths;*
2. *Lavatories;*
3. *Sinks;*

Their situation, material and fittings, and their number. The proportion of baths in English and American Institutes, about one to twenty patients; on the Continent, less.

Page 38—Drainage.

Page 45—Warming, by:

1. *Open fires;*
2. *Hot air;*
3. *Hot water;*
4. *Steam.*

Page 47—Lighting:

1. *Windows;*
2. *Lamps.*

Examining windows is noted:

1. *Position and proportion to wall space;*
2. *Material and method of opening;*
3. *Size of panes;*
4. *Guards and accessories, as shutters, etc.*

Page 52—Ventilation, either artificial—by propulsion or extraction; or natural—by doors, windows, and fireplaces *only*, or by openings in addition to these.

Doctor Manning says; "it is noteworthy also that those with windows, doors, and fireplaces only, and those with the more simple accessories in addition to these, seem as well ventilated as those in which there is an elaborate arrangement of ventilating shafts."

Page 54—Cubic space.—In the new asylum at Madras fifteen hundred cubic feet is the space fixed for European patients.

Day and night accommodation:

1. *Day or sitting rooms.*
2. *Dining rooms.*
3. *Dormitories.*
4. *Airing grounds.*

Considers the question of single rooms or common dormitories quite an important one. It is universally agreed that violent, noisy, dirty patients should be accommodated in single rooms, but it by no means is decided what proportion of patients it is necessary to isolate thus.

Page 59—*Floorings, fittings, and furniture of rooms.*

Page 64—*Staircases and stairs, bells.*

Page 65—Treats of the different provisions made in asylums for *convalescents and quiet patients*, for the *sick and infirm*, and for the *violent and excited*. "The proportion of violent patients for which provision is generally made would appear to be about one tenth."

Kitchens, laundry, chapel, dead-house and cemetery, amusement room, library, are each considered separately in turn, followed by a brief notice of the provision made for employés of all classes.

Page 75—*Organization and government*, which Dr. Manning considers "even of greater importance than asylum construction;" reviews briefly the method in use in different countries, and concludes:

"On examining closely the general condition of asylums, those are almost always found to be best managed in which the physician is the Superintendent, one and supreme; in which the committee of visitors act only through him and with his advice, and in which the appointment and dismissal of all attendants are delegated to him; and those are found to be least satisfactory in which the responsibility is divided; in which the committee of visitors or controlling Board meddle in the internal management of the institution, and direct, themselves or through other officers, any part of it, appoint or dismiss attendants, or clip in any way the authority of the Medical Superintendent."

Page 80—Gives a table of the salaries of Superintendents in some English asylums and the number of assistants.

Then follows a consideration of each of the classes of subordinate employés.

Page 84—Table of proportionate number of attendants to patients in the principal asylums of England, France, Germany, Holland, and the United States. Ages of attendants (in English asylums), from eighteen to thirty-five; generally deemed advisable that they should not be under twenty-one. Discusses the desirability of placing attendants in uniform, but expresses no decided opinion. Diet of attendants and the privileges allowed them follows.

Page 88—Artisans and servants.

Page 91—Hospital dietary, followed by considerations as to clothing of patients; next, labor—several tables relative thereto being given; then follows amusement and school; classification of patients; animals kept at asylums; system of supply (commissariat); provision for relief of patients on discharge; asylum reports.

Page 108—Statistics.

Page 116—Restraint and seclusion.—Doctor Manning quotes from Doctors Bucknill, Wilkes, Ewerts, Meyer, Kirkbride, and Gray, and

shows the practice in many asylums. He says: "During the last few years there has been a certain reaction in the feelings of Superintendents of asylums on this subject. In quite half of the asylums visited, although restraint was not practiced, its advantage in certain cases was distinctly admitted, and it does not now meet with the all but wholesale condemnation which was accorded to it some few years ago." After speaking of the use of the shower bath, he concludes as follows:

"It is not a little curious that owing more or less to popular clamor, and to a fear of the abuses to which they are liable, mechanical restraint has been virtually abandoned in Great Britain, and the shower bath has ceased to be used in America, and so a mode of treatment useful in a certain number of cases is lost to the physician in each country."

Page 122—*Accommodation for patients paying for their maintenance.*

Page 125—*Criminal lunatics*; which are divided into two classes:

1. Those who whilst insane commit criminal acts.
2. Those who become insane while undergoing punishment.

He treats of the distinction made between these classes and the manner in which they are provided for; thinks that Scotland is broader in principle and has been more successful in her treatment of this class; then describes at considerable length the Broadmoor Criminal Asylum and the Criminal Lunatic Asylum at Perth, Scotland.

Page 139—*Asylum for idiots.*

Page 148—*Asylum for inebriates.*

Page 154—*Suggestions*, from which are quoted the following paragraphs:

"The moral and material advantages which follow the system of provision for the insane in private dwellings are undoubted."

"It is necessary that population should so increase as not only to form aggregate bodies, towns, and villages, but to form a united, related, fixed, and settled people; and that the masses shall have received a certain education on lunatic matters, by public papers and by the existence of well conducted asylums, before the separate system is adopted. An attempt to place any large number of the insane in private dwellings must necessarily fail in a new country, colony, or State. Neither the Belgian system nor the Scotch is possible in New South Wales at present, but the advantages of these should be ever kept in view, and the whole asylum organization should tend towards the development of such systems in the maturer age of the colony."

"The close asylum, however, has been in long years past, and must be in the years yet to come, the chief method in which the insane of all countries, in the acute stages of their maladies, are provided for."

Page 157—Doctor Manning quotes from Doctor Wilson, the Catholic Bishop of Hobart Town, in reference to locating a hospital near a large city, as follows:

"The advantages of having a hospital near a large city are incalculable. Here are a few:

1. The securing judicious visitation of a properly selected Board of Commissioners for the general management of so important an institution, a measure absolutely necessary for its permanent well working.

"2. The means of procuring the best medical and surgical assistance when required.

"3. The opportunity afforded almost daily to convalescent, quiet, and orderly patients of visiting the city for amusement, going through the markets, sometimes strolling through the public pleasure grounds, and obtaining that change so beneficial to them, both mentally and physically.

"4. Affording facility to humane and well qualified persons of gratifying in the asylum, not unfrequently of an evening, patients whose minds are in a state to profit by such kind offices, with music, instrumental and vocal, recitations of short and cheerful pieces, or appropriate readings, and such like friendly acts.

"5. Of affording patients likely to profit by such visits the means of attending such public exhibitions in the city as offer from time to time suitable for them. Many other advantages might be mentioned."

On page one hundred and sixty-six Doctor Manning says:

"The site to be chosen for an asylum is a matter of primary importance. On it must depend in no small degree the comfort, happiness, and health, both mental and bodily, of the inmates, as well as the cost of the institution and the whole working of its internal economy.

"An elevated position is desirable, because more healthy—commanding, as a rule, more extended views, both from the rooms and airing grounds, and affording greater facilities for drainage and ventilation.

"In the suggestions and instructions to architects, issued by the Commissioners for England and Scotland, it is suggested that 'it should not be near to any nuisances, such as steam engines, shafts of mines, noisy trades, and offensive manufactories; neither should it be surrounded, or overlooked, or intersected by public roads or footpaths;' 'that the site of the building should be elevated as respects the surrounding country, and, if to be obtained, undulating in its surface and having a fall to the south.'"

Doctor Manning continues:

"The subsoil should, if possible, be calcareous, gravelly, or rocky; but if the position is elevated and the drainage good, a clayey subsoil, such as is occupied by more than one of the best English asylums, is not objectionable."

The advantages to be derived from proximity to a large town are:

1. *Facility of access for patients and their friends, Commissioners, Inspectors, and other Government officials, medical officers, etc.*
2. *Diminished cost of conveyance of coal, stores, and provisions.*
3. *Facility for amusement of patients.*
4. *Supply of gas and water.*
5. *Increased facilities for procuring good attendants and for inducing them to remain for a longer time.*

The special need of the attendants (who are always with the insane) for change and amusement away from the institution is spoken of at considerable length.

In reference to *land*, Doctor Manning recommends "the proportion of

one acre to every two patients," "instead of the minimum of one acre to every four patients, suggested by the British Commissioners." "The full amount which will be required for the institution, according to its estimated eventual extent, should, if possible, be acquired at once. It might either be cultivated by the patients in the institution, if sufficiently numerous for the purpose, partly cultivated by hired labor, or let on short lease till the number of patients was sufficient to work it; but as much as possible of it should be brought under cultivation—fruits, root or cereal crops, grown according to the nature of the soil, the wants of the institution, and the capabilities of the inmates. The more an asylum is self supporting in this respect the greater will be the economy of expenditure.

"It has been calculated that the labor of the insane is only equal to one fifth of that of the sane, so that one hundred patients are equivalent only to twenty healthy field laborers. In most asylums there will be found one inmate in every five suitable for field labor, so that in an asylum of five hundred patients, there will be about one hundred inmates capable of such employment. But if it is supposed that only half this number can be so employed, it will be equivalent to the constant labor of ten healthy men; and what these are capable of effecting in agriculture and horticulture can be estimated by all those conversant with the matter."

In regard to the question of the separation of acute and chronic cases, Doctor Manning says: "The solution of this, like many other practical questions regarding asylums, depends very much upon the population of the district, upon the nature of the existing buildings, and upon the special aims which it is intended to combine with their erection (*e. g.*, clinical instruction). Wherever a large population is crowded within a small space, and two asylums can be made fairly accessible to the whole population of the district, the greatest argument against the separation of acute and chronic cases ceases to exist."

In regard to the size of asylums, Doctor Manning quotes the opinions expressed by many eminent authorities, and concludes as follows:

"Weighing well all the opinions of eminent men on this subject, and the arguments with which they are backed, and judging from personal inspection of existing asylums, the opinion may be expressed that from four to five hundred is the preferable size for an asylum, and that six hundred should never be exceeded. The asylums which are working smoothly and well, with every care for the treatment of patients, and effective supervision, are, as a rule, below this number; and" "for economical reasons, from four to five or six hundred is the preferable number. The maintenance rate generally increases where the population is below or above it."

## TABLE,

*Giving a List of certain American and European Asylums, with the Amount of Land about them and the Amount used for Pleasure Grounds (Airing Courts included).*

[Manning's Report.]

ASYLUM.	Acres of Land.	Pleasure Ground.
Worcester County.....	100	20
Sussex County.....	200	30
Essex County.....	96	10
Three Counties.....	252	20
New Surrey.....	150	...
Middlesex County (Colney Hatch).....	150	80
Gloucester County.....	80	10
Derby County.....	100	50
Lancashire County.....	96	25
Leicester County.....	80	15
Stafford County (New).....	100	...
Stafford County (Old).....	77	17
Lincoln County.....	40	10
Bristol Borough.....	32	14
Cotton Hill Lunatic Hospital.....	80	10
Northampton Hospital.....	75	15
Retreat, York.....	30	28
Elgin District Hospital.....	92	12
Perth Hospital.....	60	...
Haddington Hospital.....	12	2
Fife Hospital.....	57	7
Montrose Royal.....	110	30
Government Asylum, Washington.....	230	105
Pennsylvania State.....	130	18
Northampton (Mass.) State.....	200	...
New Jersey State.....	120	45
New York.....	200	60
Evreux, Département Eure.....	150	60
Quatre Mares, Département.....	100	...
Seine Inferieure.....	.....	...
Sainte Anne, Département Seine.....	14	...
Ville Evrard, Département Seine.....	750	...
Vaucluse, Département Seine.....	700	...
Colony of Fitz James, at Clermont.....	1000	...
Meerenberg, Holland.....	70	20
Guislain's Asylum, Ghent.....	35	15
Hamburg.....	65	20
Illenau.....	42	12
Frankfort.....	40	10
Gottingen.....	20	...

TABLE,

*Showing Number of Patients and Assistants in certain Asylums, with the Salaries of the Superintendents in certain of the English and Scotch Asylums.*

[From Manning's Report.]

ASYLUM.	No. of Patients...	No. of Assistants.	Salary of Superintendents .....	ASYLUM.	No. of Patients...	No. of Assistants.
Bristol .....	206	.....	.....	Quatre Mares.....	715	1
Derby .....	342	1	.....	St. Yon.....	950	2
Leicester .....	391	1	£500	St. Anne .....	600	...
Stafford .....	469	1	.....	Ville Evrard.....	600	1
Lincoln .....	502	1	650	Evreux.....	500	1
Sussex .....	510	1	550	Guislain's Asy., Ghent	450	1
Three Counties.....	534	1	550	Meerenberg.....	600	4
Worcester.....	540	1	600	Hamburg .....	350	2
Essex.....	554	1	800	Frankfort .....	200	1
Gloucester .....	590	2	500	Göttingen .....	300	2
New Surrey.....	650	1	600	Illenau .....	450	6
Lancashire, Lancaster	836	2	600	Washington .....	380	3
Lancashire, Prestwich	962	2	750	New Jersey State.....	500	2
York, West Riding....	1,124	2	.....	Pennsylvania State....	380	2
Colney Hatch.....	2,026	2	600	Northampton .....	420	1
Perth District.....	220	1	350	New York State.....	608	3
Cupar .....	213	1	300			
Montrose.....	380	1	400			

#### CONSTRUCTION.

To make the lunatic as much "at home" as possible, to make the household arrangements of an asylum resemble those of a large private dwelling house so far as is consistent with salubrity of structure, economy of expenditure, and facility of supervision and management, should be the leading principle in the construction and internal arrangements of asylums.

Asylum construction must depend somewhat on the classification of the patients which is considered necessary.

The classification recommended is:

1. *Recent cases.*
2. *Sick and infirm.*
3. *Violent and noisy.*
4. *Ordinary patients.*

In an asylum for five hundred patients, at least six divisions for each sex are necessary; and in this case the "ordinary" patients may be placed in two divisions; but with a smaller number, three or four will

suffice; the "recent" and "ordinary" cases being amalgamated or not. Thirty to forty patients are a sufficient average number for each division.

For a small asylum the maximum population of which is never to exceed two hundred, the modified cottage plan is the one to be most recommended.

For an asylum built originally for one hundred and fifty or two hundred patients, but intended for enlargement, so as eventually to contain four hundred, the "house" plan or the pavilion plan are most fitted for the original structure.

For an asylum built originally to contain five hundred patients in six divisions, the pavilion or block plan may be mainly adopted and supplemented by cottages; or plans may be so modified as to embrace the house, pavilion, and cottage plan, blended into one harmonious whole, as in the New Surrey Asylum.\*

If the three plans are combined to form one asylum the two classes who require most constant care and attention (the sick and the acute cases recently admitted) should be placed in the part built on the "house" plan, which will be under one roof with the administrative department, and so within easy access of the Resident Physician.

The ordinary patients and the violent class may be placed in detached blocks, two or three in number for each sex; and the small asylum town thus built be supplemented by cottages for idiotic and convalescent patients.

The cottage plan is particularly fitted for patients of good education. It adds vastly to their comfort to separate them from the other inmates. For convalescent patients also, the association with sane people is very beneficial, and they by this means are allowed greater liberty, and are able to resume gradually their accustomed life, instead of passing at once from the asylum ward and its artificial existence to the realities of actual life abroad.

The special block for violent and noisy patients, which should be the smallest division of the house, should have connected with it and opening from it, a one-storied building, capable of containing four or five patients. It should consist of corridor and single rooms, and should have one or more small airing courts, opening either from the corridor or the rooms.

The question as regards the number of stories in an asylum must depend chiefly on the uses to which the rooms on the ground floor are applied. If the ground floor is to be divided into day room and dining rooms, and so the patients occupy only half of it at once, the number for which it will serve will not be greater than can be contained in one dormitory floor; but if the dining room accommodation is provided elsewhere, the space for sitting or day room accommodation will be doubled, and made sufficient for the number of patients who can be accommodated in two stories built over it. The space required for sitting and day room in asylums is reckoned to be about half that required for the night.

The material to be selected for asylum construction may fairly be that which is most readily procurable, so long as it is durable and not porous. So long as the windows are of large size, the particular style may fairly be left to the architect entrusted with the planning of the building.

A full supply of pure water is an important requisite in an asylum,

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\* See Appendix F, plates 5, 6, 7.

and no site should be chosen where this cannot be obtained. If the asylum be near the town, the town supply will be found cheaper and altogether more convenient than any other arrangement; but when at a distance, the supply from a well or spring, especially if this is close to the buildings, is the best method, since the steam engine which will always be necessary to pump and fill tanks, may be made to serve other purposes also, as turning machinery, either at the laundry or farm buildings, whilst the boilers which supply it may be used also for heating hot water for baths and lavatories, the kitchen and laundry. No supply from a running stream should be used without careful filtration, and if water is procurable in any other way, surface drainage should not be resorted to, since, with this method in use, high farming is almost impossible, without running risk of dire illness to the inmates from animal poison contained in the water. The quantity required for the use of an asylum, even when earth closets are used, is not less than fifteen to twenty-five gallons per head per diem.

For safety in case of fire, Dr. Manning says: "Reliance should be placed mainly on hydrants, for which proper hose should be kept always at hand, placed both outside in the grounds and inside on the staircases. These should be connected both with the ordinary water supply and with the tank; and where a steam engine exists, the pipes should be so arranged that the water may be played by steam power. Fire drill, at which attendants and patients should assist, should be practised at fixed intervals, and the hose and other appliances kept always in order. In asylums in which force of water sufficient to play the hose cannot be obtained, ordinary hand fire engines should be kept at the asylum, and the patent contrivance called 'L'Extincteur' may be also kept at hand."

Every asylum should be lighted throughout with gas, which is at once the safest, cheapest, and most effective mode of lighting. If gas cannot be conveniently obtained from a company's works, it may be made on the premises without difficulty, at a cost which will render it cheaper than any other kind of illumination such as it is necessary to have in an asylum.

Dr. Manning gives it as his opinion that open fireplaces, especially when built with air-chambers, as in use in English asylums, form the best, simplest, and cheapest mode of warming asylums in a moderately cold climate; but in America the elaborate system of heating by steam, which has been almost universally adopted, is perhaps the best which could be used.

Natural ventilation, with such accessories as may be deemed expedient—and the simpler these are the better—can alone be recommended for an asylum in a temperate climate.

The height of twelve feet, proposed by the American Association of Medical Superintendents, seems ample for all the purposes of an asylum room.

Every room should have its cubical contents painted on its door.

In all asylums separate day and diningroom accommodation should be provided. It will be well that one diningroom should be provided for each sex, and that they should be placed on each side of the kitchen. Day room accommodation should be provided for each section of the asylum, at the minimum rate of five hundred cubic feet for each person. A general dining hall, or two dining halls—one for each sex—should be built conveniently situate with reference to the kitchen, capable of containing three fourths of the entire number of inmates. Experience has

shown in English asylums that this number may with safety and advantage be allowed to dine in common.

Two airing courts for each sex are all that are absolutely necessary for an asylum. If a third is added for the use of the sick, infirm, and for special cases, such as epilepsy, it will be found frequently useful. It may save the more feeble among the patients from the accidents which might happen to them in the large general court.

In every airing court there should be a sunshed and a verandah or covered walk, to afford shade and allow patients so inclined to take exercise in wet weather.

The floorings of all the day and diningrooms and dormitories should be of wood. The boards should be tongued; and the English and Scotch Commissioners suggest that there should be a disconnection of the floor and joists at all internal doorways, by means of a stone sill. In all cases where a fireproof construction is not adopted, similar separations, at not greater distances apart than fifty feet, should be made in the floor and ceilings. There is but little necessity for oiling or polishing the floor except in rooms devoted to dirty patients.

The walls should be plastered or cemented, and subsequently painted or colored so as to make the rooms as cheerful and bright as possible.

All rooms devoted to dirty patients should be whitewashed.

The keys for the male and female side of the house should be different, and each attendant provided with one key which will unlock all the doors on his or her side of the house. A simple railway key will serve for each attendant to turn on or off water, gas, or to chock the window sashes, close or open shutters, etc., so that each attendant will have two keys only.

Asylum stairs should be of stone or iron; the flights short and straight. Wooden or iron handrails should be provided for all stairs, and let into a groove in the wall.

One kitchen, in a central position, is all that is required for an asylum, and in it, if properly arranged, all the food for patients, officers, and attendants can be cooked.

The laundry should be detached from the main buildings, and may be placed at some little distance, if water supply is thus made more easy.

The arguments for a special chapel in connection with every asylum need not be repeated here. The best argument is the existence of such a chapel in the well ordered institutions of all countries.

For minor amusements, the day rooms of the institution are sufficient, but a room where the majority of the inmates can be collected for dances, concerts, theatrical performances, gymnastics, lectures, etc., is absolutely necessary in an asylum.

It is scarcely necessary to provide a special room for a library.

The building for the reception of the dead should consist of two rooms at least. One of these should be the reception room, fitted with shelves for the dead, in which they may be seen by their friends. The other, a room for post mortem examinations, in which every convenience for the purpose should be supplied—a central table, hot and cold water, etc.

It is desirable that the dead should be buried in the ordinary cemetery of the town or district.

The balance of the report is devoted to "Organization," "Dietaries," forms for asylum reports, and architectural plans.

## ORGANIZATION.

A Board of Control should be appointed by the Government for each asylum, or for each district, and should consist of not less than five members, one or two of whom should be medical men, and the remainder men of high social standing, residing in the district in which the asylum is situated. The necessary expenses of the Board should be paid, and such remuneration made to the professional members as may be deemed fair, but the other members should not receive salaries, the position being entirely an honorary one.

The members of the Board may either retain their seats permanently, or one or two members may retire annually, and be eligible for re-appointment.

The duties of the Board should be:

1st. The control of the finances of the institution, and the preparation of the necessary estimates for the consideration of the Government.

2d. The appointment and dismissal of all officers, viz: Superintendent, Assistant Medical Officers, Secretary, Chaplain, and Housekeeper, subject to the approval of the Government.

3d. The visitation of the asylum and inquiry into its management and the general conduct of officers and attendants.

4th. The inspection of the forms of admission sent with all patients, and the ordering of the discharge of all such as are recovered, or for whom their friends promise to make provision, one medical member of the Board being always present to examine the patient and affix his signature to the certificate of discharge.

The Board should also be charged with the presentation of an annual report to the Government, in which the general and financial condition of the institution under its care is set forth.

On the appointment of a Board of Control, asylum government will be thus divided:

*Superintendence and Management.*

The whole internal economy of the asylum will be under the control of the Superintendent, and with him should rest the patronage, so far as the appointment of attendants and servants is concerned.

*Legislation.*

The making of all general laws for the conduct of the asylum, and for the guidance of all officers and attendants, will be the duty of the Government. A general code of laws will serve for the government of all the asylums of the country; and all marked alteration in such laws should be made, or at least approved, by the General Government; whilst minor alterations, which are not contrary to their general spirit, may be made by the Superintendent or Board of Control.

*Financial Administration*

Will be under the Board of Control, exact accounts of the financial condition of the asylum being submitted to the Government, with the estimates for each year. The estimates should include a sum for incidental expenses, to be spent at the discretion of the Board, and not exceeded. (The sum placed under the control of the Board is fixed, in the case of

the English county asylums and the State asylum, Broadmoor, at four hundred pounds for each year.)

### *Patronage.*

The appointment of the Board of Control (and the Board of Inspection, to be hereafter considered) will rest with the Government. The Board of Control will appoint all the officers, who are immediately responsible to it, the Government approval being necessary to ratify the appointments. The Superintendent will appoint the attendants and servants who come immediately under his directions.

There remains to be considered the duties of

### *Inspection and Supervision.*

Doctor Manning then speaks of the way in which this is managed in the United States, Great Britain and Ireland, France, Belgium, and Holland, and then gives his opinion of what it should be in New South Wales:

The duties of such a Board of Inspection should be:

1st. The inspection of all asylums, public and private, at fixed periods not less than twice a year. At such inspection inquiry should be made as to their management; as to the regularity of admissions and discharges; the number of attendants; the dietary, and the general conduct of the institution.

2d. The frequent inspection of the criminal asylum, which it is recommended in a subsequent part of this report should remain under the immediate control of the Government, without the intervention of a Board of Control.

3d. (Is of local application, referring to the "Reception House at Darlinghurst.")

4th. The examination of all criminal lunatics, either acquitted on the ground of insanity or found to be insane, in prison; and the direction as to their maintenance in the prison for observation, or their transfer to an ordinary or criminal asylum.

5th. The transference of patients from one asylum to another for any reasons that may be considered good.

6th. The registration, visitation, and official guardianship of all lunatics under certificate residing with friends or with persons paid for their maintenance, with power of inquiry in all cases of detention and ill treatment by relatives of any insane person, whether under lunacy certificate or not.

7th. The examination of all certificates in lunacy, to see that they are in proper form and that all necessary particulars concerning the history, circumstances, social and mental condition of the patient are given.

8th. Inquiry into all cases of complaints in asylums, and all cases in which the Lunacy Acts have been infringed.

### *Superintendent.*

The Physician of every asylum should be Superintendent and chief executive officer of the establishment. He should have entire control of the medical, moral, and dietetic treatment of the patients; the power of appointment and discharge of all attendants and servants, and exercise a general supervision and direction of every department of the insti-

tution. He alone should be responsible to the governing body for the state and condition of every part of the institution, and he should be the recipient of all their orders.

*Assistant Medical Officers.*

The Assistant Medical Officers of asylums should be qualified medical practitioners, whose duty consists in assisting the Superintendent in the medical and general duties of his office, and representing him in his absence.

Doctor Manning is of opinion that "the medical staff of an asylum containing acute and chronic cases in the usual proportion, should never consist of less than one to every two hundred and fifty patients; that whenever the asylum population exceeds two hundred and fifty, an Assistant Physician should be appointed; and that when the number of five hundred is reached, an additional assistant is necessary."

COMMENTS UPON DOCTOR MANNING'S REPORT. \*

We are of the opinion that *no* asylum should be without an Assistant Physician, and that an asylum of five hundred patients should be provided with an additional assistant, as suggested by Doctor Manning. The Guislain Asylum, as well as many others in the Old World, are greatly at fault in this respect, and the bad effects of such policy are ever apparent.

We have thus given a brief sketch of this exhaustive and admirable report, and can only again express a regret at our inability to obtain a copy for the State Library, and still hope an order sent to New South Wales, through Messrs. Trübner & Co., No. 60 Paternoster Row, London, may succeed in procuring one.\* In most of the conclusions arrived at by Dr. Manning, as well as suggestions made to his Government, we heartily concur. But, as we cannot do so in all, we deem it due to ourself and what appears to be the interest of the insane in our midst to point out a few of the most important points of difference:

1st. For reasons already stated elsewhere, we think that two hundred and fifty patients as large a number as can be treated in the *best possible manner in one asylum*, and that this number should never be extended beyond four hundred. We admit, however, that the practice of the present day is to build asylums for four hundred, five hundred, and six hundred patients, as he has suggested.

2d. We are satisfied that the number of single rooms for one third of the patients is too small to insure the best results. His conclusions coincide with the custom in Great Britain and the continental countries, where one third is the greatest number provided with single rooms, even in the best asylums; whereas we agree with the custom in our own country, where the best asylums are never provided with single rooms for less than two thirds of their patients, and many of them a larger proportion. Under no circumstances should this be reduced to a less number than one half. We are fully aware of the advantages to be derived from the association of patients, but think this can be done to best advantage during the day, in large and pleasant airing courts, sitting rooms, and pleasure grounds.

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\* NOTE.—Since the above was written the report of Doctor Manning has been received, and we recommend its perusal to the committees, Commissioners, and others especially interested in the subject.

3d. The recommendation for six divisions for each sex, in an asylum for five hundred patients, seems to be too small, and is two less than proposed by the Superintendents in the United States; eight divisions for either sex is a better number.

4th. Dining halls for three fourths of the patients of either sex, one on each side of the kitchen, does not commend itself to our mind as the best method. The system in the United States of having each division take their meals in their own wards is preferred, as classification is best preserved in this way. Here we must also admit that in all the asylums in Great Britain and on the continent where we witnessed the patients of hospitals taking their meals in common dining halls, and often where males and females ate in the same room, no inconvenience or excitement was observed; but it must not be overlooked, that in all or nearly all of the instances referred to the patients were paupers, and the asylums almost exclusively occupied by them. This custom does not prevail in the asylums intended for the independent classes. In our country, all are accommodated in the same asylum, with very rare exceptions. The rich, the poor, the educated, and the ignorant, the refined and the vulgar, are all in one and the same institution, hence greater attention to classification and separation is an absolute necessity.

#### *Separate Asylum for Patients who Pay.*

Some eminent men in all the countries we have visited have given as their decided opinion, that patients who pay and those who do not should never be kept in the same asylums nor placed under the same administration, as the privileges that will be allowed the one begets jealousies on the part of the other, while the necessities of a crowded asylum often enforces associations that would not be recognized at home, and with all the sensibilities sharpened by insanity, as sometimes happens, disgusts and dissatisfactions are engendered, and detrimental results the consequence.

What is *best* to be done and what *can* be done are two very different propositions, and in a majority of cases we have to accept the latter. If it were possible, however, there is no question it would be best for each State to furnish one asylum for the accommodation of all of its citizens who desired to pay for accommodations superior to those that can be given to the indigent. These should be charged a sufficient sum to defray all the expenses of such an establishment, including officers' fees, repairs, and other expenses, the State only furnishing the buildings. All other asylums should be *free* to every person belonging to the State who might elect to enter them, without the payment of *fee* of any kind. If this system could be adopted, many economical changes might be made in the construction of our asylums, without detriment to any class of patients. An asylum for one hundred pay patients would probably be sufficient for all of this class now in our asylum, or likely to be committed during the next ten years. It should be as much under the control and watchful supervision of State officers as the others, and all charges should be regulated by State authority, in order that no person should profit by its operations save and except the patients who paid for the privilege of having more quiet, more comfort, and more attention than the State could afford to give.

This idea, we fear, is in advance of American notions of propriety; yet believing it to be supported by sound policy, and with no injustice to

any, we hope to see it carried out in our State at some no distant period in the future.\*

5th. The common bath house on the ground floor, one for each sex, is another European custom adopted in nearly all asylums, many of which, admirable in all other respects, have not a single bath tub on the second or third floor. This is certainly a great defect, and must suggest many inconveniences to all who are acquainted with asylum management. We found in one asylum in Austria only one bath room for all the patients, the men using it one day and the women the next. One bath in fourteen days was all that could be obtained by each patient. This asylum was new, neat, comfortable, and well managed in all other respects, but the Medical Director could not prevail on his Board of Managers to supply even one other. We could but conclude that economy in this instance was a poor financier.

6th. We cannot see any special advantage to accrue from a law requiring one of the Board of Control to sign certificates of discharge, as suggested by Doctor Manning. Surely the Superintendent must first say that the patient may be discharged without detriment ere the Trustee affixed his name; hence it would only seem an additional complication without corresponding benefit. Let us give the patient every protection and throw around him every necessary guard, but at the same time incumber our rules with no useless requirements.

With these few differences with Doctor Manning, and some of them may be influenced by prejudice engendered by long habits of thought that observation has failed to remove, we most heartily indorse what he suggests, and commend his remarks to all readers. It has been our desire to present the ideas and opinions of others with quite as much freedom as our own, that our people may have the benefit derived from the experience of many observers.

\* NOTE.—Statement of the Number and Nativity of Pay Patients in the Insane Asylum of the State of California, January 1st, 1872.

NATIVITY.	Males.	Females.	Total.
Germany.....	5	1	1
Ireland.....	4	2	6
England.....	1	3	4
Scotland.....		1	1
Mexico.....		1	1
France.....		1	1
Chili.....		1	1
Denmark.....	1		1
New Brunswick.....		1	1
	11	11	22
United States.....	8	3	11
Totals.....	19	14	33

The foregoing table shows how small a proportion of the patients in our asylum pay for their support and treatment. There are a few others, no doubt, who would gladly avail themselves of asylum care and the benefits to be derived from the skill and experience of its medical officers, if proper accommodations could be offered them, but who shrink from the disadvantages and discomforts of the overcrowded wards of our asylum, and are thus kept at home till all hope of recovery is passed or the means of support have been exhausted, when they are sent to the asylum, to become life burdens upon the public Treasury. Until the system suggested can be carried out, we think it would be far better to abolish all charges, so far as they relate to citizens of the State.

It is scarcely necessary again to call attention to ventilation, warming, lights, water closets, window guards, flooring, stairs, infirmaries, kitchens, laundries, chapels, dead houses, amusement halls, theatres, dances, employés, attendants, airing courts, keys, etc., as we have done so to a sufficient extent in the sketch from Doctor Manning's report, and especially as we must necessarily touch upon some of them in speaking of the character of asylums which we think best adapted to the nature of our climate and the characteristics of our people.

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## CHAPTER XI.

### CRIMINAL INSANE.

Another question connected with the care of the insane should not be passed by without notice. In England, Scotland, Ireland, and some of the continental countries, and in New York, in this country, asylums have been erected for keeping the criminal insane separate from the others, and strong arguments have been advanced in favor of the universal adoption of this system. These have been divided into two classes:

1st. Those who have been convicted of crime, and become insane while serving out their sentence of punishment.

2d. Those who have committed criminal acts during their insanity.

We can see no good reason why those of the latter class should be deprived of treatment in an ordinary asylum. In the eyes of the law they have really been acquitted of any criminal intent, and cannot be punished; nor should they be disgraced by being confined in an asylum with those whose crimes have led them to insanity.

With the first, or convict class, the case is entirely different. Though they have become insane, and are thereby entitled to every consideration of sympathy, and every effort at restoration, they have not been cured of their immoral ideas, low cunning, gross vulgarity, and vicious habits. On the contrary, these are often whetted by insanity, and exhibited in an intensified degree. They have no power to conceal the real hideousness of their character, nor restrain the debased vulgarity of their nature. They are not only unfit associates for the unfortunate people who occupy the wards of an asylum, but have a detrimental influence upon their recovery.

But this whole subject has been so ably and forcibly argued in the report of the Worcester Hospital, we cannot better bring the matter to the favorable notice of the Legislature than by quoting from its pages :

FROM THE WORCESTER REPORT, 1862.

#### *Criminal Insane.*

The experience of nearly thirty years operation of this hospital, and the careful observation of the successive Boards of Trustees, of the Superintendents, and others engaged in the management of this institution, all go to establish and to strengthen their conviction that it is impolitic and wrong to place insane criminals in the same rooms, wards,

or even establishments with the honest and untainted patients, and require them to live together.

No one will assert that the prison is a proper place for a lunatic; and it is equally clear that the hospital, created for and occupied by patients from general society, is not a proper place for a criminal. Admitting that the insane convict should be removed from the one, it by no means follows that he should be carried to the other. Whether viewed in the light of humanity or of economy, it is better that he be detained in his prison than be admitted into the hospital, for, at the worst, if he be not removed, he may remain insane for life for want of the means of healing, while if he be placed in a ward filled with other and respectable patients, he may be an obstacle to their restoration, and prevent some, perhaps many, from ever regaining their health. The question is not simply whether the insane convict shall or shall not have an opportunity of being healed, but whether an attempt shall be made to save a criminal and worthless citizen, by the peril and perhaps the sacrifice of the restoration of some, possibly many, honest and valuable men who must live and associate with him in the hospital.

Insanity disturbs the mental health of its victims in various ways. Among the most common of these morbid conditions, is the exaltation of sensibility, which makes the patients timid, anxious, suspicious, irritable, and even sometimes quarrelsome. Some are depressed in spirits, and almost crushed with a sense of imaginary sinfulness, or an intense consciousness of unworthiness. To meet these morbid conditions of the patient, the hospital Managers endeavor to bring the most favorable influences to act upon him; they surround him with everything soothing, gentle, and acceptable. They provide everything to cheer, encourage, and elevate him, and inspire him with confidence that his new position in the hospital is all for his good. They arrange all the circumstances, select his associates, and control the conversation; they determine the scenes that may be visited and the ideas that may be presented, according to their influence on the over sensitive and disordered mind.

It is among the best established principles of the treatment of insanity, that a patient should be opposed or interfered with as little as possible, consistently with his good; that his notions and arguments should not be disputed, his wishes and inclinations indulged, so far as they can be safely, his opinions and tastes treated with respect, when they are proper, but always with tenderness, and that everything should be done to encourage his self respect.

Among the patients in the hospital are always the members of our own families—our parents, our brothers and sisters, our sons and daughters. From their childhood they have been taught to love virtue and abhor vice, to avoid even the appearance of wickedness, to associate with good and shun evil company. They have been accustomed to run from the base, the degraded, and the corrupt. Their sensibilities, their tastes, and their consciences have been cultivated and shaped in accordance with their education and their habits. They lose none of these in their disease. Insanity tends to exalt and intensify them. They become morbidly sensitive, and even irritable, in respect to them.

To put a convict among such patients as these, to compel them to associate with him in the same halls, to eat at the same table, to hear his coarse and offensive conversation, his vulgar slang, his profanity, his curses at religion and honesty and religious and honest men, his contemptuous jeers at what they have been taught to regard with reverence, his tales of cunning and crime, of successful and unsuccessful

villainy—all this is in contravention of the best principles of managing mental disorders, and diminishes if it does not counteract the influence of the curative measures that may be used.

It is at least a singular view of governmental responsibility that, looking for the highest good of the community and the moral and spiritual welfare of all its members, educates children and youth to walk in the ways of holiness, and encourages all of every age to associate only with the pure and the upright, when they are well and able to choose for themselves, but gives them felons for familiar companions when they are broken down with mental disease and too weak to choose their company.

The hospital is provided for all the families of the commonwealth. In the chances of life any one of us may be exposed to the accidents or influences that cause insanity, as well as to those that cause fever. Any of our children may be afflicted with disease of the brain, as well as with disease of the lungs.

A daughter, the idol of her parents, becomes insane. Her anxious and almost agonized friends take her to the hospital and leave her there, in confidence that her intensely sharpened sensibilities will be soothed by the gentlest associates, the tenderest language and most refined manners of those that surround her; but she is shocked to find in the same hall with her, perhaps sitting next to her, at table, a convict from the House of Correction, a woman that had previously been the keeper of a brothel, and still retains her vulgar obscenity and her lascivious ways. Or a son, trained in the same way, may become deranged on the subject of religion. Self chastening and downcast, he enters the ward and finds among the inmates a burglar from the State Prison, who has been educated and practiced in all manner of wickedness, and takes a pleasure in the display of his own corruption and in offending the sensibilities of such as he considers to be over nice and fastidious.

Among the insane there are always some whose recovery is doubtful, whose chances of mental life or death hang like a balance so evenly adjusted that the slightest weight will turn the scale, the least disturbing cause will decide the issue against them. These are watched by the officers and attendants in the hospitals with the tenderest solicitude, and guarded with anxious vigilance to protect them from every unfavorable influence. To such as these, standing on the verge of mental death, the presence and companionship of a felon from the prison may be sufficient to overthrow them and determine the fatal course of their disease.

These are cogent reasons, strongly put, and must carry conviction to the mind of every man as to their propriety and justice. The convict insane in California are not sufficiently numerous, however, to justify the establishment of a separate asylum for their accommodation, but it would be an easy matter to erect a suitable building in conjunction with the hospital at San Quentin, to be devoted to this class of patients. The hospital physician could give them the needful medical attention, and they would cost no more to take care of them there than at Stockton, where there is no suitable place to keep or retain them, to say nothing of the cost of transportation.

## CHAPTER XII.

## CHRONIC INSANE.

## Provisions for Curables and Incurables in Separate Institutions.

## SEPARATION.

This is a question that has excited some attention in all countries. And though it has been practicably decided as unwise and improper by the Association of Medical Superintendents of American Institutions for the Insane, and most of the bodies of a similar character in other countries, still it finds individual advocates in some of them. In Italy it is by no means uncommon, while in Austria and some of the German States it is rather the rule than the exception. It was one of the subjects to which we directed especial attention in our inquiries, and the opinions of every Superintendent with whom we met during our investigations was solicited. About one fourth of those in Italy, one half in Austria, Moravia, Bohemia, Saxony, and a few other of the German States, perhaps a tenth in other continental countries, and one in twenty of those in Great Britain and the United States, were in favor of separation, while all the rest were opposed to the principle and the practice. Economy seemed to be the leading argument of those who favored its adoption, though a few placed it upon higher grounds, and contended that while the chronic and incurable cases were quite as well cared for, and could be better employed, and allowed more liberties than in a curative establishment, that their removal increased the chances of recovery in the more recent cases; while another class seemed to favor the erection of different buildings for the two classes in proximity to each other, and under the same administration, in order that transfers might be made from the one to the other, as might in the judgment of the Superintendent be deemed expedient.

On the other hand, it is contended that all such institutions are more liable to degenerate into negligence, inattention, and decay; that they are cruel to the patients who are thus told of their hopeless condition and must therefore spend the rest of their days within asylum walls; that instead of being a disadvantage to the more recent and curable cases, the reverse of this is actually the case; that by their habits of obedience and order, others submitted more readily and cheerfully to the rules and requirements of the institution; and that by their example and willingness to labor and to take part in other occupations and amusements, the acute cases more readily joined in these necessary and healthful pursuits; with many other arguments familiar to all who have paid any attention to the subject, and which might be introduced here if deemed of the least importance. Candor compels us to say that our observations of the results of the two systems forces us to the conclusion that separation is wrong in principle and detrimental to the best interest of the insane. While this is decidedly our opinion, however, we most cheerfully admit that some of the asylums for the chronic insane were admirably managed in every respect, and their Superintendents intelligent, zealous, and attentive men, devoting their whole time and all of their energies to the unfortunate patients under their charge; and that this is true of some of these institutions in all the countries we visited. That at *Ovid*, on Lake Seneca, in the State of New York, with its

splendid location and beautiful and picturesque surroundings, especially impressed us most favorably, and was such a paradise in comparison to the miserable wards of the poorhouses from which they had been taken that we cannot but regard its establishment as a boon to the insane poor of the State. We failed to discover, however, even the shadow of a reason why a person becoming insane in the neighborhood of this beautiful asylum should be sent to Utica because he was considered curable, and that one in Utica should be sent to Ovid because the reverse of this was true. It would seem infinitely better that each asylum should admit all of either class occurring in their respective vicinities. They should be as successfully treated at the one asylum as the other; while it is too plain a proposition to require argument that economy of transportation and convenience to family and friends would be best subserved by keeping them at the asylum nearest their homes.

With regard to the results of treatment, the facts elicited are altogether in favor of non-separation; the percentage of cures being less and that of deaths greatest in those countries where the system of separation is most generally pursued.

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## CHAPTER XIII.

### TREATMENT OF INSANITY.

Treatment in English Asylums—*Mania*—Epilepsy connected with Insanity—Paralysis connected with Insanity—*Melancholia*—Observations on present Treatment of Insanity.

#### TREATMENT IN ENGLISH ASYLUMS.

In the further report (1847) of the Commissioners in Lunacy for England and Wales will be found a circular letter, addressed to the proprietors or Superintendents of Asylums, containing several questions in reference to their methods of treating cases of insanity, and the disorders complicated with it.

These questions referred especially to the treatment adopted:

First—In mania.

Secondly—In epilepsy connected with insanity.

Thirdly—Paralysis connected with insanity.

Fourthly—In melancholia.

Replies were received from fifty-three physicians in charge of these establishments, from which we extract the following as a fair specimen of the whole, as elucidating the most approved methods of treatment adopted at that time by the most learned men of the day.

#### MANIA.

First—in regard to Mania:

*The Practice pursued at the Devon County Asylum, as described by Dr Doctor Bucknill.*

With hot scalp, full pulse, etc., from six to twelve leeches to the temples or behind the ears; the head shaved, and evaporating lotions applied; a warm bath for half an hour at bedtime; the bowels open, by one dose

of calomel and jalap, followed, if necessary, by salts and senna; then one fourth or one third of a grain of tartar emetic in solution, every three or four hours. The patient is not kept upon low diet; he is clothed warmly, and in the open air as much as possible, and the opportunity of muscular exertion and fatigue is allowed. If he does not sleep, two drachms of tincture of henbane, with camphor mixed, are given at bedtime; if this does not succeed, one drachm of laudanum, with one drachm of sulphuric æther, are given when the acute symptoms have yielded.

When the head is cool, the face pale, the pulse compressible, I give warm baths, with æther and ammonia, and sometimes æther and laudanum, or Hoffman's anodyne, with aloetic aperients. When these symptoms are accompanied by great unsomnolence or restlessness, with illusions, and when I can ascertain that the patient has been a drunkard, I give wine, æther, and large quantities of opium, the indications of treatment being the same as in delirium.

When the patient, with the ordinary symptoms of mania, presents those of typhus fever, with sordes on the teeth, picking the bedclothes, etc., I give warm negus, frequently ammonia, camphor, æther, with occasional doses of calomel. I have fortunately never lost a patient suffering under acute mania.

#### *Remarks.*

General bloodletting I never use, and cannot, therefore, give an opinion upon.

#### *Local Bloodletting*

I use frequently, by leeches, to the groin, temples, or neck; or by cupping the nape of the neck. In inflammatory diseases within the chest, I find that free cupping between the shoulders, followed by the use of antimony or mercurials, is sufficient, and that bleeding is not required.

#### *Emetics*

I have given, with benefit, where exacerbation of melancholy is accompanied by fœtid breath, or discharge of gluey mucous from the stomach; also in incipient dementia with lethargy and indigestion, and for chronic cough.

#### *Purgatives.*

Patients are often admitted with obstinate constipation, and for them the stronger purgatives are necessary; but afterwards, this condition is not allowed to prevail, and an occasional, or, if need be, a small daily dose of compound rhubarb pill, or castor oil, or decoction of aloes, or house medicine, is all that is requisite. Five or six grains of calomel are given when the state of the liver requires it, but I have now discontinued the use of drastic purgatives. I have used them with decided benefit in maniacal cases, but have made up my mind that antimonials are more manageable and safe. The house medicine above mentioned is made of the sulphate of magnesia and soda, with senna, and extract of liquorice, decocted, and peppermint water added, when cool; the patients like it, and a dose, to produce two or three dejections, will often cut short beginning excitement.

*Antimonials.*

I use tartar emetic frequently in acute and recurrent mania, dissolving three or four grains in mint water, with simple syrup, and giving one twelfth part every three, or four, or six hours. After a few doses the medicine does not usually produce sickness, the appetite is not diminished, and the patient often gains flesh during its use. Two or three gamboge colored evacuations are generally passed in the day. I believe that this medicine acts less by its depressing agency than by some influence upon the congested capillaries of the brain, enabling them to contract. I find that repeated doses of ipecacuana, though more nauseating, are not equally useful.

*Opiates and Anodynes*

I use sparingly. In the cases before referred to as resembling delirium tremens, opium is given in large quantities. It is not given if there is heat of the scalp and a strong pulse. In other cases of sleeplessness, where it is not thus contra-indicated, it is usually combined with sulphuric ether, or with camphor. Hyoseyamus, in combination with ammonia and camphor, is often given as a sleeping potion, but sleep is more frequently induced by warm baths, cooling lotions to the head, or some food in the middle of the night, than by means of narcotics. A plaster of extract of belladonna is sometimes used to the epigastrium or pericardium as an anodyne. Other narcotics have been tried without encouraging results.

*Antispasmodics.*

The compound galbanum pill and mixture, containing the fœtid spirits of ammonia or the tincture of assafœtida, are sometimes given to females with uterine derangement; but the only antispasmodic in frequent use is the spirits of turpentine, given to epileptics with a view of reducing the number and the severity of the fits.

*Tonics.*

Vegetable bitters, with ammonia and aromatic stimulants, or with mineral acids, or with liquor potassæ, or with small doses of iodide of potassium, are frequently used; also, chalybeates, in the form of steel wine or compound steel pills, or iodide of iron dissolved in simple syrup, which prevents its decomposition, are given in numerous cases with benefit. The only tonic not in general use which has been given is the sulphate of strychnia, in doses from the thirtieth of a grain upwards. It is never given to produce nervous twitchings. It requires occasional doses of aloetic medicines, and is useful in some cases of melancholia in old people.

*Stimulants*

Are frequently used medicinally. Those preferred are æther and ammonia, strong beer, porter, and wine. They are mostly given to patients who are admitted in a reduced condition, or to those whose strength is failing from general decay, paralysis, or other cause.

*Bathing.*

Tepid, warm, shower, and vapor baths are used. A tepid bath is given to all the patients once a week in Summer and once a fortnight in Winter, for the sake of cleanliness. Warm baths are constantly used to allay excitement and to induce sleep. Shower baths are used as a tonic to dyspeptic and hysterical young patients, but not to old ones. They are also sometimes given to the refractory as a penal remedy. Vapor baths have been tried upon some old persons suffering from melancholy, with dry and harsh skin, it is thought with benefit, but further experience is required.

*Practice pursued at Middlesex (or Hanwell) County Asylum, as described by Doctor Conolly.*

A kind and soothing reception, immediate removal of restraints, a warm bath, clean clothing, comfortable food, encouraging words, a medical treatment first directed to any manifest bodily disease which may occasion the cerebral disturbance, as of the uterus, stomach, etc., or the general loss of strength; and if such disease or debility is not manifest, attempts to allay the irritation of the brain more directly by leeches occasionally applied to the head, gentle aperients, moderate doses of tartarized antimony, sometimes combined with sedatives, cold applications to the head, blisters behind the neck, shaving the head, and friction of the scalp with the tartarized antimony, the warm bath, or in violent cases the cold shower bath efficiently applied; tranquility, occasional exercise in the open air, exercise and occupation in chronic cases, cleanliness, order, good diet, attention to relieve heat and thirst, particularly in the night, a careful avoidance of everything that can irritate the brain, including the avoidance of the strait waistcoat, etc. Antimony and all sedatives are of uncertain effect, and sometimes of none, *time* seeming alone to effect a cure, provided proper and constant care be taken of the patient.

*General Remarks.*

It will be observed that I consider the direct treatment of any form of insanity by mere medicinal application to be very limited; but the indirect treatment of mental maladies by innumerable means acting upon the body and mind of immeasurable importance. These means can, I believe, seldom be efficiently applied, except in well constructed and well conducted asylums, superintended by well educated, men, aided by benevolent and active attendants. By such means I believe many insane persons to be capable of cure, and all, however incurable and hopeless, capable of improvement and relief.

I will merely add, that I am convinced that general bloodletting is rarely admissible, and generally dangerous in insanity, and that local bleeding by leeches is safe and serviceable in most cases. I have no faith in emetics. I think purgatives are often needlessly employed. Antimony is often of temporary service; sedatives, though occasionally most efficacious, are also most uncertain in their effects. The acetate of morphia, the hyoseyamus, and the cannabis indica, have appeared to me to be the most frequently useful. Tonics and stimulants are frequently of service, and every form of bathing in different instances. I have ceased to employ the douche bath, as it occasions more distress to the

patient than the shower bath or than cold affusion, without corresponding benefit.

A liberal diet, moderate use of malt liquor, exercise out of doors, employment, recreation, mental occupation, friendly intercourse, and judicious religious attentions, are all important auxiliaries to amendment.

*Practice in the Surrey County Asylum, as described by Sir Alexander Morison.*

If the patient is brought under mechanical restraint, this is removed and the warm bath is generally employed. The hair, if considerable, is thinned, and in some cases removed; and recourse is had to laxative medicines, as jalap, rhubarb, senna, calomel, sulphate of magnesia, croton oil, castor oil. Nauseating medicines are sometimes given to allay excitement—in particular, small doses of tartrate of antimony; also sedatives, as hyoseyamus, morphia, camphor, nitre. Cooling lotions are applied to the head. Topical bloodletting by cupping or by leeches (general bloodletting has not been employed). Blisters to the nape of the neck. Animal food daily. Porter or wine have in some cases been given. Few recent cases of mania have been received, owing to the vicinity of the public hospitals of Bethlem and St Luke's.

*Practice pursued at Stafford County Lunatic Asylum, as described by Mr. James Wilkes.*

In the medical treatment of the cases of mania sent to this Asylum the first indication is sought in the careful examination of the patients' general condition, in ascertaining how far the cerebral excitement depends upon increased vascular action, and in detecting the nature of any bodily disorder that may be present. Although the latter is often obscure, still some derangement of the thoracic or abdominal organs, either functional or organic, is a constant complication of mania, and remedies directed to their relief are often sufficient to cure the mental disorder.

In many instances the patient when brought to the asylum is in so prostrate a condition, either from exhaustion, produced by the disorder itself, from having refused food, or from the extent to which bleeding, purgatives, and low diet have been carried, that the course of treatment is at once clear, and good nourishing diet, stimulants, and tonics often restore the patient, unless, as is too frequently the case, the symptoms of sinking have already set in.

The injurious effect of active medical treatment in cases of mania, and the tendency there is to exhaustion and sinking is so fully established that the general practice in this asylum is chiefly directed to supporting the vital powers, subduing the cerebral irritation, and correcting the existing physical derangement, not by any peculiar or specific mode of treatment, but upon ordinary principles.

In pure cases of mania, however great the excitement may be, general bleeding is never employed. The cerebral irritation is often materially relieved and every advantage gained by local bleeding, without materially depressing the patient's strength. For this purpose, leeches to the temples or behind the ears, and cupping on the same parts or on the nape of the neck, are the means usually employed, due regard being had

in using these to the amount of vascular action and condition of the patient.

Any obvious derangement in the patient's general health, or in the function of any particular organ, is attended to, and appropriate remedies prescribed; but the usually defective state of the digestive and assimilative organs renders attention to them of much importance. The bowels, when torpid, are freely acted upon, and if there is nothing to contra-indicate such a course, the morbid and accumulated secretions are removed by a dose or two of calomel, either alone or combined with colocyath; and if the patient refuses medicine, croton oil and enemata are employed. If there is much exhaustion, an enema alone is prescribed.

The various narcotics and sedatives are constantly used in this asylum in the treatment of cases of mania, both acute and chronic, and though they are uncertain, and no very precise rule can be laid down for their employment, they are, on the whole, found to be highly serviceable. They appear to be of the most benefit in cases attended with great nervous excitement, and are of little use and often positively injurious when there is much febrile disturbance, especially in typhoid symptoms or vascular determination to the head. The description of narcotics to be used, and also the dose, can only be determined by experience in individual cases. The free action of the bowels should be previously obtained, and then either solid opium, the tincture, Battley's sedative solution, or morphia, are prescribed, combined in some cases with antimony or ipecacuanana, hyoscyamus, camphor, or æther. In cases of great excitement any of these, in small doses, rather increase it, and it is important to prescribe it in full doses and frequently to keep up the narcotic action by repeating it every four or six hours. The Indian hemp has latterly been used here, and, when genuine, is a valuable and powerful remedy. In several cases in which I have employed it the excitement has been subdued and sleep obtained, when large and repeated doses of opium and morphia only added to the restlessness of the patient. Its after effects also seem to be less injurious than those of opium; constipation is not produced, and the constitutional disturbance is often relieved.

When there is much febrile disturbance, with heat of skin and thirst, the saline mixture (composed of liq. ammoniæ, acet. vin. antimon., pot. tart., tinct. hyoscyami, potassæ nitras, and mixtura camphoræ) is frequently prescribed with good effect, the action of the skin being promoted by it and the restlessness relieved.

In certain cases of acute mania, and also in the chronic form, the employment of tonics is found to be of much use, especially in enfeebled constitutions with weak pulse and depressed vital powers. Quinine, iron, and the vegetable bitters, combined with stimulants and aromatics, are prescribed in these cases.

The excitement in mania is rather increased than relieved by low diet, and the usual difficulty is to get the patients to take sufficient food. The diet used here is ample and nutritious, and the principle of supporting the patient's strength and making up for the waste and exhaustion which are going on in the system, by an abundant supply of nutriment, is here fully acted upon.

Thus, patients who are laboring under much excitement are not restricted to the ordinary dietary, but are supplied with meat daily, soup, milk, eggs, sago, arrow root, etc., and often with wine, brandy, ale, and other stimulants; and daily experience proves that in many chronic cases life may be prolonged by a liberal diet, and that in recent

cases it alone often cures the patient and even supersedes medical treatment.

The use of the warm and shower bath is found here to be of much importance in the treatment of mania. The warm bath seems to exert a sedative influence in many cases of excitement, and may generally be employed in safety. The tepid or cold shower bath, when cautiously employed, is also a powerful means of subduing the paroxysm, and many patients acknowledge that it alone has cured them. It seems to be of the greatest benefit in cases of mania attended with heat of scalp and increased vascular action, and when unattended with much general disturbance of the system or symptoms of thoracic or abdominal disorder. In the latter complications the use of the shower bath is at once contra indicated, and the warm bath may be substituted for it.

Cold lotions, ice, and cold affusion to the head are constantly employed whenever heat of scalp, suffused eyes, and increased arterial action indicate fullness of the cerebral vessels.

In acute cases of mania, blisters are not often used here, as they serve to add to the excitement by the irritation they produce. In cases of chronic mania they are employed, and especially when there is evidence of slow mischief going on in the brain.

#### *Remarks.*

*Emetics.*—These, as directed to the treatment of insanity, are never employed in this asylum, nor are the depressing doses of tartarized antimony which some practitioners recommend. In cases of gastric or biliary derangement, in which emetics would be indicated under other circumstances, they are occasionally employed.

To the observations on general bleeding I may add that not only is there a want of proof of relief having been obtained by this popular remedy in any of the cases brought to this asylum in which it has been practiced, but its injurious effects have been so repeatedly and decidedly witnessed, either in producing fatal exhaustion or reducing the patients to a hopeless state of imbecility, that in cases of simple mania, uncombined with inflammation, its adoption cannot be too strongly deprecated.

In reference to the diet of the insane, daily observation increases my conviction that a liberal supply of good, nutritious food both adds to the recoveries and diminishes the mortality in institutions for the insane, being an important means of cure in recent cases and of prolonging life in the chronic and incurable.

#### *Practice pursued at Brislington House, as described by Doctors F. and C. Fox.*

In cases of mania, which, we must observe, seldom come under our notice in the incipient stage, we have rarely seen benefit derived from general bleeding. Small quantities of blood are often abstracted by the cupping glasses from the nape of the neck; the bowels are evacuated freely by aloetics combined with nauseating doses of tartar emetic taken each night, and succeeded by castor oil in the morning. The cold plunge or shower bath is usually taken each morning, and it is repeated with much advantage in the evening in cases of sleeplessness. In the more protracted cases of mania, the principal medical treatment has consisted of counterirritants to the scalp or to the pit of the stomach, with attention to the state of the skin and bowels, the maintenance of a warm at-

mosphere in the sleeping apartments, a plain and nutritious diet, and the use of much exercise, unattended with violent bodily exercise.

*Remarks.*

We have found it impossible to comprise under either of the foregoing heads a large proportion of the cases which have been in this asylum, or to describe any uniform mode of treatment as applicable to the cases in either of the divisions. In those cases of moral perversion which occur without the existence of any delusion, we have seen much benefit derived from the system adopted in an asylum. In this form of insanity we have generally discovered a propensity to excess in diet and to intoxication, or to the indulgence of lascivious habits; and we have found a spare diet, cold bathing, saline purgatives, early rising, and active exercise, with a prolonged separation from the scenes and habits of former excitement, most useful to such patients. We believe that such a system can be enforced only in an asylum, and that moral treatment and the services of a chaplain are of much importance in these cases.

General bloodletting is only resorted to by us in those cases of mania in which the physical condition of the patient induces the apprehension of apoplexy, and never for the purpose of quieting a paroxysm of excitement. Previously to admission, most of our patients have been under medical treatment, and we have often had reason to suspect that the general bloodletting to which they have been subjected has been detrimental, and that it has in some cases induced permanent fatuity. We have found general bleeding useful in some cases of melancholia. In most forms of insanity, we find benefit derived by the local abstraction of blood from the head or nape of the neck; in some cases, by the application of leeches to the pit of the stomach, and in females, to the groin.

We value antimonials in the treatment of insanity much less for their emetic action than the change which they effect in the circulation, and we find that this object is gained by nauseating doses, which tend to allay maniacal excitement and to procure sleep.

We consider that the use of purgatives is indicated in almost all forms of insanity in the incipient stages, and we find them especially useful in melancholia, until they can be dispensed with by attention to diet and exercise. Opiates and anodynes have frequently been resorted to by us, with a hope of success which has but rarely attended their use. In paralysis and epilepsy we have derived benefit from the use of antispasmodics, tonics, and stimulants, and in some cases of melancholia dependent upon uterine disturbance, but we have not found these remedies in the treatment of mania.

We attach much value to the use of hot and cold bathing. In mania, we chiefly use the cold plunging and cold shower bath, and we find the warm bath and the cold shower bath, with the feet of the patient immersed in hot water, more applicable in cases of melancholia.

We are of opinion that maniacal and melancholic patients almost invariably require a generous and nutritious diet; this we find to be equally necessary in cases of chronic insanity. In epilepsy and paralysis, connected with insanity, we often find it necessary to place the patients upon a very restricted system of diet.

## EPILEPSY IN CONNECTION WITH INSANITY.

Secondly—in regard to epilepsy, we quote:

*Remedies used in Cases of Epilepsy at Devon County Asylum, as described by Dr. Bucknill.*

The patients are placed on a wholesome and nutritious diet and regimen. Indigestion is treated by tonics and other appropriate remedies; costiveness is removed by small daily doses of co. rhubarb pills, decoct. of aloes, castor oil, or house medicine; when the fits are severe, one drachm of spt. of turpentine, with mx. of liq. of potass. every four hours; sinapism to the legs and feet, and three or four ounces of blood from the neck by cupping.

Turpentine undoubtedly diminishes the strength and frequency of the fits, and I have only seen it once produce bloody urine. In young patients, the frequent application of croton oil to the scalp, and the long continued use of mercurial alteratives (hyd. chloria. is preferred) have apparently effected cures.

*Remedies used in Cases of Epilepsy at the Middlesex (or Hanwell) Asylum, by Doctor Conolly.*

Cases of epilepsy being generally associated with occasional mania, are treated on the principles before mentioned. In the fit, care is taken that the patient sustains no injury. Epileptics should sleep on low beds or cribs, or beds on the floor. In the excited or maniacal state nothing is done to irritate the patient. When restraints were resorted to the epileptics were often furious, and generally dangerous; since their disease, the epileptic ward has become the quietest in the asylum. I have never seen a case of epilepsy in an adult permanently cured by any medicine whatever. Attention to the general health, the occasional application of leeches to the head, blisters behind the neck, and, in some cases, an incision in the scalp, have served to lessen the cerebral congestion. Setons appear to me to be useless, as well as issues, and all other modes of severe counter-irritation.

*Remedies used in Cases of Epilepsy at the Surrey County Lunatic Asylum, by Sir A. Morison, M. D.*

Many cases of this description have been admitted. In them attention is given to the general health by remedies tending to improve the state of the digestive organs.

Leeches, in some cases, have been of service; also, rubefacients, counter-irritants, and blisters, and tartrate of antimony, externally applied.

Preparations of silver and turpentine have been given internally, but with little good effect.

Organic mischief, to a greater or less extent, has been found in the brain in all the cases of epilepsy, connected with insanity, which have been examined in this asylum.

*Remedies used in Cases of Epilepsy at the Stafford County Asylum, by Mr. Wilkes.*

The cases of epilepsy usually sent to this asylum are usually connected with congenital defect, or are of such long standing and so intense in

degree that any hope of cure or material relief is out of the question; and the only indication seems to be, to attend to the patient's general health, and guard against and relieve cerebral congestion. In cases of obvious debility the employment of tonics is of use, especially those of the mineral class, as the preparations of iron, zinc and the nitrate of silver. The excessive state of congestion which frequently occurs is here treated by the free exhibition of purgatives, as large doses of calomel and croton oil; the application of leeches or cupping to the temples; ice, cold lotions, and cold affusions to the head, blisters to the nape of the neck, stimulating pediluvia and enemata, especially those containing turpentine and assafœtida. While the diet should be nourishing, it should not be stimulating; and the disposition to over-nutrition should be carefully guarded against. As a general rule, the free action of the bowels is kept up by the frequent exhibition of purgatives.

*Remedies used in Cases of Epilepsy, at Brislington House, by Doctors F. and C. Fox.*

If such cases are of recent date, we have sometimes seen good results from the use of nitrate of silver, with small doses of turpentine; an incision on the scalp, leeches on the perinæum, the tepid shower bath, much friction of the skin, as much pedestrian exercise as the patient can accomplish, and a restricted vegetable diet, have often been useful. By paying close attention to the periodical tendency which this disease so frequently displays, and by meeting the gradual increase of nervous irritability by a small local bleeding and a moderate anodyne, we have sometimes succeeded in prolonging the intervals between the attacks, and on some occasions in effecting a cure.

#### PARALYSIS CONNECTED WITH INSANITY.

Thirdly—In regard to paralysis, we quote:

*Remedies used in Cases of Paralysis at Devon County Asylum, by Doctor Bucknill.*

When the patients are not admitted in a bedridden and ulcerated condition, good diet and regimen generally improve the strength, and the progress of the disease appears to be very slow. A few leeches are sometimes applied to the temples, when the face is apt to flush and the scalp to become heated. Having observed that some patients who had sore legs appeared to be more comfortable when the suppuration was free, I have tried setons, but cannot as yet give an opinion about their utility. In sinking cases, wine and porter are freely given, and sloughing sores are dressed with equal parts of tinct. of kino and liq. of subacetate of lead, and a yeast cataplasm is applied for three or four hours every second day.

*Remedies used in Cases of Paralysis at the Middlesex (or Hanwell) County Asylum, by Doctor Conolly.*

The paralytic complication (*paralysie générale* of the French) makes great care necessary to prevent injury to the patient. Good food, porter, occasional tonics, and in all cases warmth and comfort, evidently prolong life for many years. The patients neither bear reduction nor excite-

ment; even baths are scarcely to be recommended. Leeches and aperients are sometimes required to lessen congestion in the head. Small doses of calomel and squills have occasionally seemed useful, but I am satisfied that all specific modes of treating this form of paralysis are ineffectual as regards a cure. Many of the miseries of the malady, as uncleanliness, ulceration, and fits of violent anger, are prevented or long retarded by kind treatment and the absence of all bodily restraint.

*Remedies used in Cases of Paralysis at the Surrey County Asylum, by Sir Alexander Morison, M. D.*

The same may be said as to the existence of organic mischief in cases of this description, of which a large number have been examined. The remedies employed have been laxatives, leeches, blisters, generous diet, and tonics, especially quinine. In most cases recourse has been had to water beds on account of the extensive ulceration which frequently attends the termination of these unfortunate cases.

*Remedies used in Cases of Paralysis at the Stafford County Asylum, by Mr Wilkes.*

Cases of paralysis connected with insanity, like those of epilepsy, are rarely sent to this asylum before the disease is in an advanced stage, and as far as my experience goes, the patient in a hopeless and incurable state. Life, in many cases, is prolonged by care and attention, and it is especially needful to guard against congestion of the brain, and so to regulate the diet as not to encourage undue nutrition and plethora, which is often attended with serious aggravation of the symptoms. The occasional exhibition of purgatives, and even those of an active character, are necessary to relieve congestion, and the tendency, which usually exists, to constipation. Local bleeding, by means of leeches and cupping, to the temples, behind the ears, or nape of the neck, is also employed, together with blisters and other counter-irritation, especially when there are symptoms of coma. The iodide of iron and a mild mercurial course, combined in some cases with tonics, have been tried in this asylum, but without permanent benefit; the organic changes in the brain, upon which the disease depends, appearing to be beyond the influence of medical treatment.

*Remedies used in Cases of Paralysis at Brislington House, by Doctors F. and C. Fox.*

We have arrested this disease by the use of iodide of mercury, by the prolonged application of open blisters to the parietal junction of the scalp, and by the use of the electro-galvanic apparatus to the affected portions of the body.

As such cases have generally occurred in aged or wasted constitutions we have often had recourse to chalybeate medicines, but have experienced their injurious effects upon the mental disease. These cases are rarely presented to our notice in a curable state.

## MELANCHOLIA.

Fourthly—in regard to melancholia, we quote:

*Remedies used in Cases of Melancholia in the Devon County Asylum, by Doctor Bucknill.*

I endeavor to appreciate and to treat the bodily condition wherever it is disordered. In young women with suppression of the menses, I order leeches to the vulva, hip baths, aloetic aperients, and often chalybeates. In elder women, at the critical period, an occasional blue pill, a small daily dose of decoction of aloes, vegetable tonics, sometimes galbanum, or assafœtida, or chalybeates. In various cases with dyspepsia, I have given bitter infusions with mineral acids or alkali, or gr. iij. doses of iodide of potassium with liq. potassæ or lime water.

In some cases emetics have been very beneficial, and shower baths are good tonics and safe in the Summer months. When pain, sense of burning, etc. is felt in the head, I have given blue pill to twitch the gums, and used counter-irritation to the scalp. When the skin is dry, warm bath with friction, or vapor baths are used. I have found the electro-galvanic apparatus beneficial in some cases, when used moderately so as not to produce fear or pain.

*Remedies used in Cases of Melancholia at Middlesex (or Hanwell) Asylum, by Dr. Conolly.*

The attention is first directed to any manifest bodily disorder, or to existing debility or plethora, often with the effect of curing the patient. Leeches behind the ears or to the forehead, blisters behind the neck, small and sometimes large doses of sedatives, give relief in some cases. The warm bath is soothing; and, in some instances, the shower bath has great effect. Occupation of mind and body, cheerful and encouraging conversation, and the absence of all restraints or apparatus calculated to alarm the patient, are of great importance; direct attempts to stimulate the faculties, by various impressions, by frequent change of scene, or by wine or spirituous liquors, are seldom successful, and sometimes very hurtful. Tonics are, in some cases, serviceable, as calumba, cascarilla, or preparations of iron. When plethora is manifestly present, daily saline aperients are generally useful.

*Remedies used in Cases of Melancholia in the Surrey County Asylum, by Sir Alexander Morison, M. D.*

Few recent cases of this description have been sent to this asylum, owing to the cause stated in regard to recent cases of mania.

Laxatives, sedatives, tonics, warm baths, shower baths, and blisters, have been chiefly employed.

The most numerous cases are those of dementia, in a more or less advanced stage. The object in them has been to improve the general health. Warm baths, shower baths, and blisters, have been occasionally employed.

In all cases where practicable, recourse is had to occupation, useful or agreeable. As little restraint is employed as is deemed to be consistent

with the safety of the patient and of others, and this is continued for as short a time as possible.

*Remedies used in Cases of Melancholia at Stafford County Asylum, by Mr. James Wilkes.*

This state is generally found to be connected with a low condition of health and a depressed state of the vital powers, independent of direct symptoms of cerebral disorder, and the medical treatment followed in this asylum is chiefly directed to restore the functions of any organ which may seem to be impaired, and to invigorate the patient's general health. The frequent association of melancholia with various forms of dyspepsia and disorders of the assimilative organs is not overlooked; neither are the defective quality and quantity of the urine, and the changes which so often take place in its chemical composition.

The employment of purgatives is rarely to be dispensed with, and these are often required in large and repeated doses to obviate the tendency to constipation which usually exists. The various combinations of tonics and stimulants with purgatives are here advantageously used, as the bitter infusions with sulphate of magnesia, and compound spirits of ammonia, aloes, quinine, and iron, in the form of pills, with sulphate of iron; alterative doses of calomel, or blue pill, are also given when the functions of the liver are disordered. When there is headache and symptoms of fullness in the head, the application of leeches is of service; and much benefit is often derived in cases of melancholia from the regular use of the shower bath whenever there is no obvious reason for not applying it.

Sedatives and narcotics in various forms are used in this asylum with great benefit, the restlessness of patients being subdued by them and the nervous system tranquilized. The preparation of opium (especially Battley's sedative solution), morphia, Indian hemp, hyoseyamus, conium, camphor, lactucarium, in different combinations, are given with the best effect. The diet in cases of melancholia requires regulating in reference to the state of the digestive organs, but should always be nutritious, and in many cases may be advantageously combined with stimulants.

*Remedies used in cases of Melancholia at Brislington House, by Doctors F. and C. Fox.*

In melancholia which has succeeded to an attack of mania we have so often found that the disorder has again reverted to the maniacal form, that we generally confine the medical treatment to moderate evacuations of the patient's bowels, with regulation of the diet, and we encourage that increased indication to quiet and to sleep which such cases usually exhibit. Melancholia, as an idiopathic disease, is the only form of insanity in which general bleeding has appeared to us to be useful. In such cases we often open the vena saphæna, prescribe warm and aloetic purgatives, counter-irritation to the region of the stomach, warm bathing, carriage and horse exercise, and animal diet.

TREATMENT AT THE PRESENT DAY.

The foregoing extracts show the most approved treatment of insanity

as practiced in the English asylums twenty-five years ago. In many respects it is essentially the same at the present time. A few of the remedies then employed have been laid aside, or are regarded with less favor now, while a few others have been discovered or brought more prominently to notice, and have been substituted for them or given in conjunction with them.

#### *General Bleeding.*

General bloodletting was not approved by any of the authorities we have quoted, though we see that the practice was spoken of as one too much in vogue, and as detrimental in the extreme. Such is the universal opinion of the physicians at this time, and in no instance nor in any form of insanity was it recommended by those with whom we met as a proper remedy to be employed.

#### *Local Bleeding.*

Local bleeding, by cups or leeches, is still practiced by some physicians, and regarded with as much favor as ever, while it is rarely resorted to by others, and therefore not so generally employed.

#### *Counter-irritants.*

Shaving the scalp, blisters, and counter-irritants, including setons, are also less employed than formerly, while tartar emetic and digitalis have become extremely unpopular with many, and are now cautiously and sparingly used by all.

#### *Baths.*

Baths in all forms seem to be less used in England than formerly, and in the asylums of the United States have a less prominent place than they deserve, while in Italy, the German States, and in some portions of France and Holland they are relied on as of paramount importance. Indeed, they seem to be the chief agents employed in some of these countries, and are administered in one way or other in nearly all forms and phases of the disorder. The shower bath, the douche, the plunge, and continued bath, are all supposed to have their peculiar virtues as stimulants, tonics, or sedatives, and are used *ad libitum et ad infinitum*. We have often seen half a dozen patients in one bathroom, each with the head only visible, the body being immersed in warm water, and the bathtub covered with a lid having a hole in one end to fit around the neck. Here they usually remain from one to three hours; in some cases six to eight hours, and in occasional instances for days at a time. Doctor Gudden of the Asylum at Zurich, in Switzerland, informed us that he had on one occasion kept a man thus confined in a bath five days. In this instance there was a high state of excitement connected with bed-sores; and the treatment was for the double purpose of allaying the one and relieving the other. The patient is represented as having slept well during a portion of the time spent in the bathtub, while the bed-sores were entirely healed. The most remarkable feature in this case was the entire freedom from exhaustion or any other evil consequence. We would have supposed that such relaxation of the physical powers would have ensued as to have rendered resuscitation impossible. We were also informed that in a case at Vienna, where a man had been scalded by

steam, Doctor Hebra had him placed in a tepid bath and kept there for a period of three weeks, until a new cuticle had formed over the entire body. The patient recovered without inconvenience. This case was not one of insanity, and has been introduced to show how much endurance is possessed by some persons under peculiar circumstances, and to direct attention to this treatment. The water, of course, was kept of uniform temperature, and at such degree as was most agreeable to the patient. The agonizing pain usually attendant upon scalds is said to have been effectually overcome. In most of the asylums in these countries there is a general bathroom for either sex, and in many of them, especially Santa Maria della Pietà at Rome, and St. Ann at Paris, are fitted up in the most elaborate manner. In addition to the ordinary appliances for the warm and vapor bath, the douche, plunge, and shower bath, there are the Turkish and medicated baths, and a peculiar contrivance made with metallic pipes an inch in diameter, forming circles like the hoops of a barrel. These tubes are perforated with innumerable holes on the inner side, so as to send small streams of water under heavy pressure upon every inch of the body at the same time. This the poor fellow has to submit to till the doctor or master of the bath concludes that the object sought to be accomplished has been attained. It seemed to us a frightful ordeal through which to pass, and from the contortions and grimaces of the patients we infer it was regarded in the same unfavorable light by them.

At the Asylum San Yon, at Rouen, presided over by Doctor Morel, a writer well known to the scientific world, a man of ability, and a worthy successor of Esquirol and other celebrated men who had charge of this famous old asylum in bygone days, we also found them both much employed, and especially in the treatment of epilepsy. The shower bath is used twice a day in these cases, after which the patient is wrapped in a sheet. He reports one case of great violence entirely cured by this method, in which bro. pot. and other remedies usually resorted to had signally failed. He had also seen great benefit in other cases, and entertained the opinion that no remedy equalled it with which he was acquainted.

There can be no question about the efficacy of baths in the treatment of insanity, when judiciously prescribed and properly administered, but like all other powerful agents they are liable to abuses, by which they are brought into disfavor. Doctor Blanche, of Paris, and Doctor Skae, of Edinburgh, informed us that after many years of persistent and successful use of the warm bath in the treatment of acute mania, they had been induced to abandon it entirely, for notwithstanding the happy effects derived from it in most cases, they had become convinced that several patients for whom they had prescribed the warm bath had died in consequence of its depressing influence.

We conclude, therefore, that baths, like most other valuable agents, are too much used in some countries and too little in others. No remedy is so general in its effects as to be applicable to all cases, and its failure to accomplish *all* that may be expected of it is no reason why it should be totally abandoned. Chloroform and opium are sometimes fatal when administered in ordinary doses, yet they are too valuable to be abandoned on this account. Let us use all the remedies of value that science has given to our profession, but let us watch their effects and administer them with prudence.

*Purgatives.*

With regard to purgatives, no change seems to have taken place for many years. They are regarded as absolutely necessary in certain conditions in all phases of insanity, the particular kind to be employed being a mere matter of taste with the physician prescribing them. Those employed twenty-five years ago are as much in vogue to-day as they were then.

*Emetics.*

Emetics are even less popular now than formerly, and are not often administered. Indeed, what we have said of tartarized antimony in its sedative and other capacities may also be said of it as an emetic. None of the emetics are popular remedies at this time.

*Anodynes, Narcotics, etc.*

Anodynes and narcotics, which have occupied such a high place in the confidence of most medical men who have been engaged in the treatment of insanity during the last quarter of a century, are now being subjected to earnest criticism by some, and almost angry, if not unreasonable, opposition by others. They are remedies used in some form, though in various degree, by nearly all the Superintendents of asylums with whom we have met, regardless of country or differences of opinion on other subjects. Hence, we might naturally expect to find that they have been misused in some, and greatly abused in other instances. Dr. Maudsley, the President of the Psychological Association of Great Britain, in an able and interesting address, read before that association August third, eighteen hundred and seventy-one, made narcotics the subject of special notice, and deprecated their use, in most cases, in decided terms, denominating them the "chemical restraint," that had been substituted for the mechanical restraint of former times. It was, perhaps, natural that this class of remedies should have been used to excess in a country where public opinion had been so much excited by and had waged such vigorous war against the employment of mechanical restraint—even in its mildest forms—in any asylum in the realm. In almost every asylum of ordinary size, there are a few patients who at times become so much excited, and have such irresistible propensities to injure themselves or others—to tear their clothing, indecently to expose their persons, or commit other equally unreasonable acts—that it becomes absolutely necessary to restrain them by some means—mechanically, if you choose, by seclusion in padded rooms; by the muscular power of attendants, or by narcotics, anodynes, etc., the "chemical restraint" of which Dr. Maudsley now complains. Mechanical restraint being tabooed by public opinion, was not to be thought of ten or twenty years ago. It would have cost any Superintendent in England his official head to have undertaken it, and let the fact be known. Seclusion, when long continued, is attended with many evil results—loss of appetite, depression of spirits, the engendering of filthy habits, or other effects detrimental to physical health and mental integrity. Attendants, unfortunately, are not always blessed with that amount of sweetness of temper, of untiring patience, and unlimited self-control, that will enable them, either through a sense of duty or from Christian principles, when "struck upon one cheek to turn the other," even though the offender be a lunatic. Hence the necessity, in England, more than in other countries, of resort-

ing to sedatives and other chemical restraints to produce the quietness and relief that could not otherwise be attained. The debate that followed the reading of Doctor Maudsley's address revealed the fact that all did not agree in the views he had expressed; but, on the contrary, many stoutly maintained that anodynes were among the most valuable agents employed in the treatment of insanity; while *all* admitted that cases did occur in which it was necessary to employ them in some form. In such a discussion, it was natural to inquire which of the many neurotic medicines was best calculated to accomplish the desired end with least injury to the patient. Opium, morphine, Battley's sedative, hyosciamus, cannabis indicus, bromide of potash, chloral hydrate, and, in some instances, a mixture of two or more of these drugs, was given preference. But the most remarkable and varied views were entertained with regard to the effects and efficacy of the hydro-chloral. It is thought, by Doctor Rhys Williams and a few others, to be of little consequence either one way or the other. Doctor Browne, of Wakefield, has reported three cases of death from it in the asylum under his care—two of these having occurred the same day, and within half an hour after taking thirty grains of chloral. While Doctor Clouston, of the Cumberland and Westmoreland Asylum, near Carlisle, and many others, have administered it in large doses with no dangerous symptoms, but the best results. It is used with more or less freedom in very nearly all the asylums of Italy, Austria, the German States, Switzerland, and Holland; but very rarely in France and Belgium. Doctor Lehman, of Pirna, in Saxony, gives it in doses of from thirty to one hundred and twenty grains; Doctor Köeppe, of Halle, in doses of forty-five to one hundred and thirty-five grains; Doctor Guentz, of Thonberg, near Leipzig, gives from forty-five to seventy-five grains; and Doctor Ludwig, of Heppenheim, administers from thirty to ninety grains, repeating the dose three times a day; while Doctor Leiderdorf, of Döblins, near Vienna, expresses the opinion that chloral hydrate will supersede all other remedies as a quieting agent.

Dr. Professor Neri, of Perugia, Dr. Serafino Biffi, of Milan, Dr. Roller, of Illenaa, and others, have also used it, and express the highest opinion of it as a quieting, sleep-producing agent. Dr. Roller thinks, when long continued, it has a tendency to produce congestion of the skin; while Dr. Lehman thinks it has a tendency, under similar conditions, to produce strangury; but as he also gives very large doses of cannabis indicus, it may possibly have been confounded with the effects of that drug. In the asylums of the United States it has been more or less employed for the last two years, and the testimony in its favor has been very general. But few, if any, of the Superintendents claim for it curative properties, while nearly all regard it as one of the best hypnotics known to the profession. We must conclude, therefore, from all the testimony we have been able to collect from various sources, that chloral hydrate is not only one of the most innocent but one of the best remedies that can be used in most cases where sleep alone is the object desired. We know that it, like most other remedies of its class, will fail to produce like effects upon all persons; and it may be so much adulterated as to be either worthless or dangerous; and in no other way can we account for the varied results observed by the English Superintendents. We have spoken more especially of this remedy because less is known of it by the general reader than almost any other of equal importance. We prefer to administer it in twenty grain doses, given at bedtime, and repeated every hour till sleep is produced; and never to give it, or any other remedy of its class, except when the end to be accomplished is esteemed

an absolute necessity. Of this necessity the physician must be the judge in each case as it presents itself. If chemical restraint seemed to be the proper remedy, we would use it. If mechanical restraint should seem of more importance in any given case, we should not hesitate to employ that instead of the other; nor can we see any good reason why the physician should be left with unlimited power to use the more dangerous remedy, while the other is entirely prohibited. The camisole or muff is the only kind of mechanical restraint that should ever be employed under any circumstances, except for surgical reasons, and these only by the order and in the presence of the physician. In these views we are confident that two thirds of the Superintendents in Great Britain will heartily concur, and at least nine tenths of those in other countries, including our own. In truth, we are disposed to believe that mechanical restraint is too freely used in most of the asylums in our country as well as on the continent; and in this respect we go quite as far wrong in one direction as they do in England in the other.

Dr. Morel, of St. Yon, is one of the warmest advocates of the non-restraint system with whom we met in all France. He had paid a visit to Dr. Conolly, at Hanwell, where he had seen its practical operations under the eye of the master, of whom he was an ardent admirer. Having imbibed Dr. Conolly's views, he made to his Government one of the ablest reports on the subject that we have read, and so thoroughly was he convinced of the propriety and practicability of the system that he at once put it in practice in the asylum over which he presided, nor did he abandon it, even in surgical cases, until a deformity in a case of fracture of the leg demonstrated the absurdity of treating lunatics and those possessed of their reason alike in all cases. Had this patient been strapped to the bed during the process of union, this calamity would have been avoided, and so it may be said of others of like character. Hence, Dr. Morel now thinks the use of the camisole as necessary in rare instances as any other remedy intrusted to the judgment and discretion of the physician, nor does he hesitate to prescribe its use when he thinks the patient will be benefited, but under no circumstances does he permit an attendant to employ it without his direction. The chemical restraint, opium, morphine, chloral, etc., are prescribed by the physician only, and so should it ever be with mechanical restraint, the camisole.

### *Epilepsy.*

We have seen that the remedies employed in this fearful disease were principally the metallic salts—nitrate of silver, oxide of zinc, citrate of iron, bichloride of mercury, etc., assisted by setons, blisters, cups, purgatives, and anti-spasmodics—and that all were equally unavailing. The disease is still considered incurable by almost all who have been called upon to treat it, though it is now claimed by a few that in rare cases among the young, and especially in those cases where insanity supervenes on a previously existing epilepsy, it is not necessarily incurable, and that, in a large majority of cases, the frequency and severity of the attacks may be lessened, thus modifying the disease and ameliorating the unhappy condition of the patient. We have already stated the treatment by shower bath pursued by Doctor Morel, at San Yon, and given the results. Similar claims have been made by different persons in favor of each of the remedies above enumerated. Thus, Doctor Leiderdorf, of Döbling, near Vienna, reports one case, cured with ox. zinc; another, when there was a syphilitic taint, with iod. pot. Doctor

Fischel, of the Royal Bohemian Asylum at Prague, attributes the cure in one case to Fowler's solution; and so on through the entire list. But the remedy most used in the present day, and that in which there is most confidence, is unquestionably the bromide of potassium. It is given by nine tenths of the profession who have charge of asylums; and while but few ascribe to it curative powers, most of them claim that it greatly ameliorates the attacks, and often wards them off entirely during its administration, thus giving its victims long intervals of relief and repose, while in a few instances complete restoration is effected. It is given in doses varying from five to one hundred and twenty grains, according to the urgency of the case and the peculiar views of the physician. Nor is its employment confined alone to the treatment of epilepsy. Some use it in the treatment of nymphomania and kindred affections, while it is the only neurotic medicine employed by Doctor Blanche in his asylum at Passy. He gives fifteen or twenty grains three times a day as a quieting agent. It is often administered in combination with other sedatives, anodynes, or narcotics—and is thought to increase their efficiency, and is one of the few remedies that have attained almost universal popularity.

#### *Paralysis.*

In the treatment of this disease as connected with insanity but little change has taken place within a quarter of a century, unless, we should say, it is not so much treated as formerly. Blisters, the galvanic battery, counter-irritation of all kinds, and the shower bath, seem to be less used than formerly; while the only new remedy employed, so far as we know, is the ergot of rye, as prescribed by Doctor Chrichton Browne, of the Wakefield Asylum in England. He thinks good effects have been accomplished by its use, but sufficient time has not yet elapsed to test its efficacy.

#### MORAL TREATMENT.

The moral treatment of insanity is considered of more importance by many persons having charge of the insane than the medical, and the tendency to this opinion seems to be gradually increasing. It comprehends all of those means which operate on the feelings and habits of the patient, and exerts a salutary influence by tending to restore them to a natural and healthy condition. The means to be employed under this head are as varied as the diseases leading to or the symptoms developed by insanity. It is in the judicious employment of the remedies of this class that the physician and the attendants are called upon to use the greatest skill and tact of which they are capable, whether as connected with individual cases or collective numbers. One important particular belonging to moral treatment has been already alluded to in our remarks on the non-restraint system. The English Commissioners in Lunacy say:

“There is nothing more important in the moral treatment of the insane than the proper use of means which contribute to their employment, both mental and bodily, and tend to withdraw their attention from thoughts and feelings connected with their disordered state.”

The provision made for the attainment of these objects in our asylums cannot be too strongly recommended, nor insisted upon with too much pertinacity by those whose duty it is to watch over them.

Employment in agricultural labor, in the vegetable garden, among the

vines and fruit trees, or in cultivating flowers for their amusement and entertainment, will be of the greatest advantage to all of the insane who can be induced, either by persuasion or slight compensation, to participate in them. The general health will be improved by this exercise in the open air, the appetite increased, the nervous system is less easily disturbed, the mind more composed, sleep is sweeter, sounder, and more refreshing, and the patient, with less opportunity to brood over his disease or imagined troubles and wrongs, gravitates naturally and by degrees into old habits of thought, health, and cheerfulness; the equilibrium is restored, and the patient is well.

#### *Single Rooms.*

Another matter coming under the head of moral treatment or management may be properly mentioned here. It is the general opinion, expressed in words and carried out in practice, that all excited patients should be kept by themselves in single rooms, or cells, as they are unfortunately called throughout Europe; and especially, that they should be so kept at night. Doctor Morel is decidedly of the opposite opinion, and while he admits their necessity in a few isolated cases, has demonstrated to his own satisfaction that the theory is wrong and the practice injudicious in most instances. He has, therefore, taken out the partition walls between most of these cells and converted them into dormitories, and assured us that where four noisy, restless, sleepless patients were formerly kept in single rooms, sixteen were now passing quiet nights, sleeping well, and giving every evidence of being better satisfied. He argues that most of the excited, noisy patients are afraid to be left alone at night, and that this very fear disturbs their quiet and prevents them from sleeping.

#### *Schools.*

He has also recently organized a class of excited patients, which he examines each day when passing through the wards. Thirty were in attendance on the day of our visit, and we found them more quiet and orderly than at any other time. All would clamor for the privilege of showing how well they could read, or repeat some little piece of prose or verses of poetry that they had committed for the occasion, but as soon as the doctor would decide who was entitled to the floor, all became quiet and listened attentively till the piece was spoken, when they would rise to their feet and again put in their claims, and so on to the end of the recitation. They really seemed to take great interest in these exercises, and doubtless many moments of comparative happiness were passed in learning their lessons that would otherwise have been spent in miserable contemplation of their unhappy condition. These schools have long existed in some of the continental asylums, and a few in Great Britain and Ireland, though this was the first and only one we have seen especially devoted to the excited patients. Music, drawing, and singing are taught in most of the Italian asylums and in some of those in other countries. At Aversa, near Naples, there is a regular band, who play for their own amusement and that of the other patients. A theater has been fitted up, in which they play, give concerts, and other entertainments; and here, as at York, in England, and Morningside, in Scotland, a printing press has been provided, and the patients encouraged to write articles that are set up and printed by themselves. Here, too, as at Lyons, in France, Ghent, in Belgium, and Wakefield, England, we saw

many looms, on which the patients wove the cloth used by the asylums. At San Servalo, in Venice, the band plays every day from eleven to twelve, and the patients are as much delighted as if at a regular concert, while those who belong to the band gave signs of evident satisfaction.

In some of the asylums in Milan, schools have also been established, but we will only make an extract from our notes of a visit to one of them, the last we visited in Italy:

April 3d—To-day we visited the private asylum of Doctor Serafino Biffi, one of nature's noblemen, who seems as generous as a prince and as kind as a woman, one of those real loveable men with whom we sometimes meet in our journey through life. The asylum is a quiet, homelike place, such as we might expect to grow up under the care and management of so good a man. No pains have been spared to make it in reality a home for the homeless, and a retreat for the heavy hearted and afflicted. Two teachers are employed, who, in addition to other branches, teach vocal and instrumental music. They play and sing with as much accuracy and expression as if no illusion or hallucination disturbed their minds. They played and sang several pieces and tunes for our benefit, and showed us some of their paintings and drawings that would have been a credit to artists of no ordinary pretensions. Twenty of the seventy-four patients in this asylum were engaged in these occupations at the time of our visit, and as good order prevailed as at any school to be found. Others were reading, playing billiards or draughts, while others still were promenading about the beautiful grounds.

This, as we have stated, is a private asylum, where patients are charged from sixty cents to two dollars per day, and is not given as a specimen of the public institutions, which are greatly inferior to it.

The most thoroughly organized school that we have anywhere seen, however, was in the Richmond Asylum, at Dublin. The system has been completely established, and the organization as perfect as any schools in the country. The able Superintendent, Doctor Lalor, has taken great interest in and paid particular attention to the subject, demonstrating not only the possibility of promoting good order and discipline by means of schools, but also of increasing the knowledge and improving the morals of persons while in a state of insanity. There were about nine hundred patients in the asylum at the date of our visit—August twenty-ninth, eighteen hundred and seventy-one—more than a fourth of whom attended school. In the school for males we saw one hundred and twenty engaged in their recitations and exercises, which were conducted with perfect order and propriety. Reading, writing, arithmetic, object lessons, music, drawing, and painting are taught, and Doctor Lalor informed us that considerable advancement had been made by some, while all had been benefited in a moral point of view; self-control, power of concentration, and regularity of habits had been attained in many instances where they had been totally absent before; and that he regarded the school as one of the chief agencies in promoting good order and in establishing a comparative degree of contentment and cheerfulness in his asylum. The school for females is conducted on similar principles, though needlework is added to the list of studies in this department. Six teachers, three of either sex, are regularly employed, at salaries about double the amount paid attendants, and in addition to their duties as teachers are required to assist in "keeping the house in order." Some of them always accompany the patients in their

walks outside the asylum walls, in the public park, and other places to which they are permitted to go. These teachers, being better educated, more intelligent, and of a higher order than those whose services can be obtained for the ordinary wages paid attendants, exercise a salutary influence over the patients at all times. Their morals, habits, and manners, being thus cultivated and controlled, are necessarily improved, and we confess our surprise at having seen this kind of occupation introduced into so few of the asylums of our own country.

#### DIRECTORS AND SUPERINTENDENTS.

Unfortunately the custom still prevails in some of the asylums on the continent of placing a Director at the head of the institution. Its general management, the power to employ and discharge all the attachés and attendants, and to say how the patients shall be fed, clothed, and occupied, are invested in him, though generally a non-medical man. The Medical Superintendent occupies a subordinate position. He of course prescribes the medical treatment for all, and the diet for the sick, but no other powers are assigned to him. As may readily be supposed, this divided responsibility begets evil results. The physician is lessened in public estimation; the employé and attendant look to the Director for his position or his place, and naturally take sides with him in any conflict of opinion that may arise. They place themselves in antagonism to the wishes of the physician, and but half carry out his orders, and thus destroy the harmonious workings of the institution.

In Great Britain no man is chosen as Superintendent of an asylum who has not served as an assistant. He must be armed with recommendations as to his qualifications, standing, and moral character, and is subjected to a searching examination. Having passed this ordeal and obtained the position, he retains it for life, unless removed for cause. He has supreme control of the asylum over which he presides, nominates his assistants and other officers, and selects his attendants. He is paid a liberal salary, and given one month's leave of absence each year for recreation; and after serving fifteen years is allowed an annuity equal to three months of his salary, provided he desires to retire from service. Harmony is the result of this system, and the consequence is good order and thorough discipline in every asylum in Great Britain.

Under these circumstances, men of the highest order of intellectual capacity and thorough education prepare themselves for the position of Superintendent, and being under a local Board of Managers, and subjected to periodical visitations by the Commissioners in Lunacy, strive to merit their good opinion. These Commissioners are always men of first class ability, high character, independence, and influence, who make searching examinations, and comment upon matters as they find them, without fear or favor, and are a power in the land that cannot be ignored nor disregarded.

The vigilance exercised by the Boards of Commissioners in Great Britain, and the admirable organization above referred to, make their system superior to any that elsewhere exists, and should be adopted in all countries with centralized Governments and circumscribed boundaries. The form of our Government, composed of thirty-seven States, each managing its own local affairs and having its own method of providing for the insane (even if the vast extent of territorial limits did not forbid), would render it impossible for such a system to be adopted in the United States, while the small number of asylums in most of the

States would not justify the establishment of Boards of State Commissioners.

In Ireland and in some asylums on the continent, in addition to the resident officers, a Visiting Physician is appointed, who makes regular visits and consults with the Superintendent. The advantages claimed for this custom by the Directors are, that he forms a link between the asylum and the outer world; that the people have more frequent opportunities to converse with one who is in constant communication with the patients within; that they can make more frequent inquiries about their afflicted friends; and that a physician engaged in general practice is better prepared to treat diseases of a purely physical character than one who has devoted his time to the study and his energies to the treatment of insanity alone.

An asylum should be open to the friends of patients at all times, except when such visits might be thought by the Superintendent to be injurious to the patient; and even in this case the desired information as to his condition might as properly be communicated by the Superintendent as by the Consulting Physician. We are well aware of the injurious effects upon the patients of too much indiscriminate visiting by families or friends, but the propriety of these visits must be left to the discretion of the Superintendent or other resident medical officer, and these should ever be accessible to all who desire to make legitimate inquiry as to the condition, prospects, and treatment of their friends. They should be the "connecting link" mentioned by our friends in Ireland. The last reason referred to is of still less weight. We cannot comprehend how any physician who does not thoroughly understand the pathology and treatment of physical diseases can successfully treat persons who are insane, since we hold that all cases of mental derangement are in some way connected with or dependent upon physical disease.

#### ATTENDANTS.

To accomplish the best results, however, in addition to a skillful medical staff and proper hospitals it is all-important that intelligent, patient, and self-sacrificing attendants should be procured; those who will not only be attentive to their duties, but are kind and cheerful in disposition, and who are possessed of tact and discriminating judgment.

For these reasons, liberal wages should be paid, and a system of rewards established for those who are faithful to their trust and continue in the service. Reasonable leave of absence should be given at regular intervals to admit of visits to family or friends, and comfortable quarters provided, that proper rest may be procured and contentment prevail. Seeing that their comforts, happiness, and interests are not overlooked, they will become interested in the duties assigned them and in the general welfare of the institution with which they are identified.

In some asylums in this country and in Europe the wages of attendants are regularly increased for a given number of years, and in some of those in England and on the continent an annuity is allowed after a continuous service of fifteen years. These are all good features that may well be considered in the organization of a hospital for the insane, as nothing is more detrimental to the harmonious management of an asylum than inefficient and constantly changing attendants. The best authorities agree that there should be at least one attendant for every ten patients; and we are thoroughly convinced that the number has not been placed too high, for though some classes of patients require less

than this proportion, others need more, and cannot be properly treated or managed without them.

We also observed in a few of the English asylums a man and wife acting as attendants in the wards for infirm men, and learned from the Superintendents who had adopted the system that it gave great satisfaction to the patients, and always added to the neatness and cheerfulness of the wards. That the restraining influence of woman and the soothing effects of her tender care were as apparent among the insane as among sane men; and if this be true, all will admit the propriety of the system. For ourself, we would at any time rather be nursed by one woman than ten men, and in this respect we probably agree with all classes of our fellow men.

We have thus given a brief synopsis of the treatment of insanity and the management of insane persons, as practiced in some of the best asylums in most of the enlightened countries of the world; and it may fairly be presumed that the medical men who have charge of them are among the most able and learned of the profession to which they belong. From this we hope the non-professional reader may be able to form some idea of the methods of general treatment ordinarily adopted in the usual forms of insanity. No specific treatment can be laid down that would be applicable to the same class, as this must vary with the peculiarities of each case. But we desire to impress this important fact upon the public mind, that "insanity is a disease of the brain affecting the mind," and that an asylum is nothing more than a hospital adapted to the treatment of this peculiar malady; that patients committed to its care will be skillfully treated and kindly nursed, and that if sent in the early stage of the disorder a large majority will be restored to health and to reason.

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## CHAPTER XIV.

### INSANITY IN GENERAL.

Increased attention to Insanity—Growth of Hospitals in United States—Increase of Hospitals in United States—Increased Accommodation—Hospitals exhibit Insanity—Non-residents—Should other States send their Insane to California—Insanity in other States—Results of Treatment—Curability of the Insane—Effects of Early Treatment—Good Hospitals necessary to Favorable Results—Results in our Asylum—Doubtful and Hopeless Cases—Economy of Early Treatment—Probable Duration of Life in Chronic Cases—Increase of Patients in our Asylum—Causes tending to this Result—Will the Children of Foreigners be as liable to Insanity as their Parents—Observations upon Physical and Moral Causes producing Insanity—Intemperance a Leading Cause of Insanity—Duty of State relative to Asylums—Physicians not generally Informed on the Subject of Insanity—Psychology recommended to be Taught in Medical Schools—Effect of the Liberal and of the Economical Plan of Care and Treatment.

#### INCREASED ATTENTION TO INSANITY.

From the foregoing considerations, derived from various sources and authorities, setting forth the history of insanity, the receptacles in which the lunatics were kept, and the methods of treatment pursued towards them, we learn that it is only within a century that it dawned upon the world that lunacy was curable in any considerable degree. The doctrine, however, made very slow progress and but few converts. Even in the beginning of this century, hospitals were built to give to the insane a more humane confinement than the prisons in which they

had been kept could afford; and it was not till within the recollection of many now living that the faith in the curability of the disease became general, even among professional men. Hence, hospitals began to be built for the twofold purpose of custody and curability, for beside the difficulty of managing and taking care of lunatics at home, it was found that comparatively few recovered. From this period hospitals began to be regarded as not only the best, but to most persons the only place for the insane. Hence an increasing demand for their accommodation, and though their numbers have multiplied with astonishing rapidity, and have greatly increased in size, they are still inadequate for the reception and accommodation of all who knock at their doors, and with piteous appeals seek admission for the treatment they afford and the benefits they are known to confer. At the beginning of this century there were only four receptacles for the insane in the United States, and only one of these, that at Williamsburg, Virginia, devoted exclusively to the treatment of insanity. Previous to its establishment, however, in seventeen hundred and seventy-three, a ward had been set apart for their accommodation in the Pennsylvania Hospital, and contained eighteen patients as early as seventeen hundred and fifty-two. Similar institutions followed in seventeen hundred and ninety-seven—the Maryland Hospital, at Baltimore, and the Bloomingdale Asylum, at New York. But little attention, however, had yet been paid to this subject, and, as will be seen from the following table, no other asylum was established till eighteen hundred and seventeen, when the Friends opened one at Frankford, near Philadelphia, followed the year after by the McLean Asylum, at Somerville, Massachusetts.

GROWTH OF HOSPITALS IN UNITED STATES.

*Showing date of establishment of the following Asylums, with a list of those in process of erection.*

The following hospitals first received insane patients before the year eighteen hundred:

Philadelphia, Penn., Hospital.....1752	Baltimore, Md.....1797
Williamsburg, Va., established at that time.....1773	Bloomingdale, N. Y.....1797

*Asylums Established between 1800 and 1820.*

Frankford.....1817	McLean.....1818
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*From 1820 to 1830.*

Bloomingdale.....1821	Hartford, Conn.....1824
Columbia, S. C.....1822	Staunton, Va.....1828
Lexington, Ky.....1824	

*From 1830 to 1840.*

Worcester, Mass.....1833	Columbus, Ohio, destroyed by fire.....1839
Baltimore, Md.....1834	Boston, Mass.....1839
Brattleboro, Vt.....1837	

*From 1840 to 1850.*

Nashville, Tenn.....	1840	Insane Department of Philadelphia Almshouse.....	1845
Augusta, Me.....	1840	Flushing .....	1846
Philadelphia, Penn., Hospital for Insane.....	1841	Providence, R. I.....	1847
Concord, N. H.....	1842	Indianapolis, Ind.....	1848
Milledgeville, Ga.....	1842	Jackson, La.....	1848
Utica, N. Y.....	1843	Trenton, N. J.....	1849

*From 1850 to 1860.*

Jacksonville, Ill.....	1851	Dayton, O.....	1855
Fulton, Mo.....	1851	Washington, D. C.....	1855
Harrisburg, Pa.....	1851	Dixmont, Pa.....	1856
Stockton, Cal.....	1852	Raleigh, N. C.....	1856
Longview, O.....	1853	Auburn, N. Y.....	1858
Madison, Wis.....	1854	St. Vincent, Mo.....	1858
Taunton, Mass.....	1854	Northampton, Mass.....	1858
Hopkinsville, Ky.....	1854	Kalamazoo, Mich.....	1859
Jackson, Miss.....	1855	Troy, N. Y.....	1859
Flatbush, L. I.....	1855	Newburgh, O.....	1859
Canandaigua, N. Y.....	1855		

*From 1860 to 1870.*

Kellyville, Pa.....	1860	Portland, Or.....	1869
Tuscaloosa, Ala.....	1861	Weston, W. Va.....	1866
Mt. Pleasant, Iowa.....	1861	Ossawatamie, Kansas... ..	1866
Blackwell's Island, N. Y.....	1861	Mt. Hope Retreat, Md.....	1867
Philadelphia City Asylum.....		Alameda Park, Cal.....	1867
Immigrant, N. Y.....	1861	Middletown, Conn.....	1868
Austin, Texas.....	1861	St. Louis, Mo.....	1869
St. Peter, Minn.....	1866	Ovid, N. Y.....	1869

*From 1870.*

Howard Grove, Richmond, Va.....1870.

## ASYLUMS IN PROCESS OF ERECTION.

Anna, Ill.	Poughkeepsie, N. Y.
Elgin, Ill.	Columbus, O.
Independence, Iowa.	Athens, O.
Catonsville, Md.	Danville, Pa.
Towsontown, Md.	Buffalo, N. Y.
Ward's Island, N. Y.	Middletown, N. Y.

## ESTABLISHMENT OF ASYLUMS IN THE BRITISH PROVINCES.

Toronto.....	1841	St. John, N. B.....	1848
Quebec.....	1848	Halifax, N. S.....	1859

During the next ten years, eighteen hundred and twenty to eighteen hundred and thirty, the Bloomingdale Asylum was rebuilt, and four

others added to the list. During the next ten years a like number were built, but it was not till after eighteen hundred and forty, about the time the mind of the English public was directed to the abuses existing in the asylums of that country, and the heroic efforts of Doctor Hill, Charlesworth, and Doctor Conolly to abolish the vile and cruel custom of confining nearly all patients sent to asylums with chains, handcuffs, and the straight jacket, had been crowned with success, that a general interest in the subject, and a corresponding impetus was given to the erection of asylums in this country. And as the result we see that during the next ten years eleven asylums were built. In the ten years that followed twenty-one were established; till to-day, as we see from the table, no less than sixty-six asylums in perfect operation, accommodating seventeen thousand seven hundred and thirty-five patients, exist in the United States, to say nothing of twelve others in process of erection. Some of these, in architectural elegance, completeness of design, convenience of arrangement, adaptation to the purposes for which they are intended, and beauty of location, are unsurpassed, if indeed they are equalled by any institutions in the world.

SHOWING INCREASE OF HOSPITALS IN THE UNITED STATES.

YEAR.	Population .....	Number of Insane.....	Number of Lunatic Hospitals .....	Number of Patients .....	Average capacity.....	Proportion of Insane supplied with Hospital accommodations .....
1844.....	17,069,453	*17,457	23	2,561	111	14.67
1850.....	23,191,876	15,610	28	4,730	168	30.30
1860.....	31,443,322	23,999	50	†8,500	170	35.42
1870.....	38,555,983	37,382	66	17,735	268	47.44

It is not in our country alone, however, that this increased attention has been paid to the requirements of these unfortunate people. We have already pointed out this fact with regard to Germany, and we might do so for every country we have visited—France, Italy, Belgium, Holland, Ireland, Scotland, and Canada—but will be satisfied with a table setting forth this progress in the United States and England, as specimens of the whole:

\* Including idiots, as these two classes were not separated until the census of eighteen hundred and fifty.

† See Journal of Insanity, Vol. XVIII, p. 2.

TABLE,

*Showing the per cent of the Insane provided with Hospital Accommodation in the United States and England at different periods.*

UNITED STATES.				ENGLAND.			
Year .....	Total number of Insane .....	Number of Insane in hospitals.....	Proportion of Insane supplied with hospital accom- modation.....	Year .....	*Total number of Insane.....	Number of Insane in hospitals.....	Proportion of In- sane supplied with hospital accom- modation .....
1850	15,610	4,730	30.30	1847	26,516	13,832	52.00
1860	23,999	8,500	35.42	1857	33,791	21,344	63.00
1870	37,382	17,735	47.44	1867	49,082	31,914	67.00

## INCREASED ACCOMMODATIONS.

From the above table it will be seen that of the whole number of lunatics in England in eighteen hundred and forty-seven, fifty-two of every hundred were provided with asylum accommodation; and in eighteen hundred and sixty-seven, sixty-seven per cent were provided for. In eighteen hundred and fifty, the asylums in the United States accommodated only thirty per cent, and in eighteen hundred and seventy, forty-seven per cent. As rapidly as insanity has appeared to increase in these countries within the twenty years specified, this shows that the provisions made for the care, comfort, treatment, and restoration of its victims have outstripped it by fifteen per cent in England, and in the United States by seventeen per cent.

\*As given in the reports of the Commissioners in Lunacy, including idiots.

TABLE,  
Showing Period under Treatment in Asylums of Those Discharged Recovered.

Period under Treatment of Patients who Recovered.	HOLLAND.			FRANCE.			ENGLAND.			UNITED STATES.			Total.			Per cent of Recoveries at each Period.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Under three months.	173	174	347	305	603	908	3	3	6	307	178	485	1,133	1,051	2,214	30.6	23.2	28.4
Three to six months.	532	601	1,133	272	611	883	11	20	31	123	137	260	1,012	1,037	2,049	26.0	28.8	25.9
Six to twelve months.	531	631	1,162	255	455	710	20	23	43	74	94	168	840	1,011	1,891	22.1	25.9	24.0
Over two years.	230	268	498	116	235	351	9	8	17	31	11	42	307	325	638	13.0	13.0	13.0
Unknown.	139	212	351	107	230	337	5	10	15	15	11	26	322	336	688	8.3	9.1	8.7
Totals.	2,055	2,338	4,393	1,257	2,771	4,028	48	69	117	530	341	911	4,917	4,425	8,172	100.00	100.00	100.00

78.48 of recoveries took place within 1 year. 21.52 of recoveries after more than 1 year's treatment.

Although this table does not show that ninety, nor even eighty per cent have been restored in those cases treated within twelve months after the accession of the disease, it does show that of all the recoveries more than seventy-eight per cent were cured within that period, and that less than twenty-two per cent were cured where the treatment was commenced after the disease had existed more than one year. It is the experience of the Southern Lunatic Asylum, of Ohio, that only seventeen per cent get well where the treatment has been deferred for two years and over, and in some other asylums that only eight per cent recover under such circumstances. Let us add to the large percentage of recoveries of those treated in the early stages of this malady, the usual number of deaths occurring in asylums, and it is quite certain that a small proportion only would remain as chronic cases to be supported by the State during the remainder of their days, which, as will presently appear, is about seventeen years.

#### GOOD HOSPITALS NECESSARY TO FAVORABLE RESULTS.

These results, of course, can only be expected, under the most favorable circumstances, when all of the conveniences, comforts, and appliances of the most approved hospitals and the best medical treatment are brought to bear upon the disease. It is hopelessly impossible for any amount of care and attention, any degree of medical skill that the power of man can supply, to overcome the disadvantages and drawbacks of a poorly constructed hospital, with its ill ventilated and overcrowded wards, where proper classification and necessary sanitary regulations cannot be fully carried out, such, unfortunately, as are some of the wards in our own asylum. But notwithstanding all of these drawbacks and disadvantages, the percentage of cures to admissions is surpassed by a few only in any country.

#### RESULTS IN OUR ASYLUM.

In eighteen hundred and seventy there were but few asylums in the United States that showed so large a percentage of recoveries, while the average in all is far below ours. This may be accounted for in a measure from the fact that a large majority of the patients are sent to our asylum at an early period after the accession of the disease, while it is yet within reach of the physician's skill; and none can doubt that the same amount of care, watchfulness, and skillful treatment in a better arranged and less crowded hospital would largely augment the percentage of cures and lessen the percentage of deaths. They are sent to the asylum at an early period because it is not only known that they will be received, but kindly and skillfully treated, and that the chances of recovery are greatly in their favor. The very character of the population, too, leads in some degree to this result. Many are without homes and families; but few are blessed with kind and steadfast friends to look after, watch, and nurse them when the evil day comes, and as there is no other place for them they are sent to the asylum, fortunately for them, in time to be treated while there is yet hope of recovery. Under these circumstances a large number get well and are restored to society and the State. But, as already stated, under more favorable conditions, with a hospital less crowded and better ventilated than many of the wards in our asylum are, with facilities for proper classification, and where there are not so many for the medical officers to watch and pre-

scribe for, a much larger number would recover. Abundant evidence has been adduced in another place to show that large asylums are not considered the best in any point of view—neither for curative purposes nor on economical grounds; the latter being the only argument that has ever been brought forward to justify large establishments for the treatment of the insane.

#### DOUBTFUL AND HOPELESS CASES.

We are fully aware that many cases of insanity are incurable from the beginning. The very causes producing it places recovery beyond the bounds of probability, if not of possibility. Thus, when apoplexy, palsy, or consumption, epilepsy, or even masturbation is the cause producing mental alienation, there is but little hope, and all who have been deprived of treatment for more than two years have forfeited their best chances of recovery and gone within the limits of chronic insanity, from which but few return with mental integrity. Fortunately, there is not a large proportion of these committed to our asylum, and had the oft repeated recommendations of our Superintendent been heeded by our legislators the accumulated numbers would not have reached such appalling proportions.

#### SOME SELF-LIMITED, BUT MOST REQUIRE TREATMENT.

While the cases we have been considering are of such a hopeless character, others appear to be self-limited, and if left to themselves or removed from exciting causes and disturbing influences will recover. But far the greater number require treatment, medical and moral. In most instances this can only be accomplished in hospitals. Men of disordered mind, when they need a change of air or scene, cannot go to a hotel or private boarding house, or even to the house of a friend, when they are so fortunate as to have the one or possess the means to command the other. They require more caution, forbearance, and oversight than those who are mere invalids suffering from ordinary diseases. Many of them are suspicious, and annoying to those about them, and dangerous to themselves and others. They must therefore go to hospitals, places, or people devoted to their care, and prepared to give them the needful attention and watchfulness. But hospitals are too expensive to be provided even by the rich, while a large majority are poor or entirely destitute. It is therefore the duty of the State to provide these hospitals, that all may receive the early treatment so essentially necessary to their restoration, not only that they may cease to be a burden upon the State, but that they may return to it and to society the benefits of their labor and usefulness.

#### ECONOMY OF EARLY TREATMENT.

To show more clearly the economy of early treatment, the following table has been prepared and introduced. It shows that of all the cures effected in the Worcester Hospital during a period of fifteen years, those treated during the first year of the attack required an average of five months and ten days; while all who recovered whose treatment commenced after the expiration of one year, required to be treated ten months and ten days—showing conclusively that it cost the State only half as much to cure the earlier cases. And when it is considered that

more than three times as many of those treated in the early stages got well than of those treated at a later period, it will be seen that the advantages of the former are immense.

Let us add to this the large proportion of those who never recover when treatment is postponed, and who consequently are added to the chronic list to be maintained through life, and some idea of the advantages of early treatment may be comprehended by the dullest mind. The table also shows that the average duration of treatment in those who died during this period was four years, three months, and twenty-two days.

TABLE,

*Showing the duration of Insanity of those who recovered in the Worcester Hospital from 1833 to 1848.*

Duration of Insanity previous to Admission.	Number of Cases.	Total Duration of Insanity.			Average Duration.			Total Time in Hospital.			Average Time in Hospital.		
		Years .....	Months.....	Days.....	Years .....	Months.....	Days.....	Years .....	Months.....	Days.....	Years .....	Months.....	Days.....
One year or less.	1,179	855	6	25	.....	8	21	523	10	29	.....	5	10
More than one year .....	201	1,181	2	6	5	10	12	173	1	7	.....	10	10
Unknown.....	41	.....	.....	.....	.....	.....	.....	33	6	2	.....	9	24

*Duration of Insanity of those who Died.*

No. Cases.	Years.	Months.	Days.	Years.	Months.	Days.
272	1,171	5	29	4	3	22

*Probable Duration of Life in the Incurable Insane.*

Age.	Males.	Females.	Average Duration of Life.	
			Insane.	Sane.
20	21.31	28.66	24.99	36.32
30	20.64	26.33	23.46	34.54
40	17.65	21.53	19.59	23.46
50	13.53	17.67	15.60	19.59
60	11.91	12.51	12.21	15.60
Average.....	.....	.....	16.74	29 years.

## PROBABLE DURATION OF LIFE IN THE CHRONIC CASES.

This table shows the probable duration of life in the incurable insane to be about seventeen years, while that of the sane of similar ages is twenty-nine years. This is doubtless as applicable to California as to Massachusetts and other countries, and will enable us to estimate with tolerable certainty the length of time we will have to support a large majority of those in our asylum at the present time, as well as to appreciate the great difference between the cost of cure and the burden of maintenance.

## INCREASE OF PATIENTS IN OUR ASYLUM IN TEN YEARS.

During the last ten years the average annual admissions in our asylum has been three hundred and fifty-eight, and the average annual increase sixty-seven. In eighteen hundred and sixty every fifteen hundred and thirty-two inhabitants of the State furnished one insane person from their numbers, and in eighteen hundred and seventy every nine hundred and sixty-four furnished a lunatic; or an average of one in twelve hundred and forty-eight for each year from eighteen hundred and sixty to eighteen hundred and seventy. This is an annual increase of twelve and six tenths per cent. Since the asylum was opened in eighteen hundred and fifty-one, there have been admitted five thousand six hundred and eighty-one patients, of whom forty-seven and sixty-eight one hundredths per cent were cured, nine and sixty-eight one hundredths per cent were discharged or removed uncured, twenty-three and forty-six one hundredths per cent died, and nineteen and eighteen one hundredths per cent remain, most of whom must be left as a charge upon the Treasury during the rest of their days. This is indeed a serious state of things, and behooves us seriously to look the facts in the face, endeavor to find the causes, and if possible devise means to arrest the progress of this fearful malady ere it gets beyond our power to control it. In eighteen hundred and forty-six, according to tables prepared by Doctor Campbell, of New South Wales, there was in that colony one insane person to eleven hundred and fifteen inhabitants, at the next census one to four hundred, and in eighteen hundred and sixty-seven the proportion had risen to one in three hundred and eighty-seven. This more nearly approximates the increase in California than that in any other country; and as there are many points of resemblance between the two, it will be well to note what observers there have said in regard to the subject. Doctor Norton Manning, who was appointed by that Government to make an investigation similar to the one in which we have been engaged in behalf of California, made to his Government one of the most able, complete, and interesting reports that we have seen. A synopsis of this valuable document will be found in this report. On the increase of insanity he uses the following language:

“This increase is to a great extent accounted for by the growth of a large mass of chronic insanity, which perhaps even yet has scarcely reached its limits. In the earlier emigrant days of the colony, notwithstanding, as has been said by an authority on this subject, that every emigrant ship brought one or two either insane or soon to become so, the vast mass of the population came in the prime of mental and bodily health. Their sick had been left behind in their fatherland. It would necessarily take some years for those becoming insane and remaining

incurable to grow old within the asylum walls, and reach by accumulation to that number of old, chronic, and incurable cases with which all other countries are burdened. It may be fairly estimated that, if the full extent of increase from this cause has not already been reached, it must soon be so, and that the number of removals by death will reach the proportionate number of yearly entries on this greater chronic list, and so a balance will be effected. Upon the whole, then, though the contemplation of this mass of suffering humanity must occasion deep sorrow, the Colony of New South Wales has cause for a feeling of satisfaction on estimating the number of its lunatic population. With some causes in addition to those existing elsewhere, the ratio of its insane to population is not now markedly above that in most of those countries where the numbers have been ascertained with even tolerable exactness. These special causes will, it is to be expected, gradually disappear; the convict element will become fainter; the excitements of life will diminish; it may fairly be hoped that the use of poisonous alcoholic compounds, also, will decrease with the increase in quantity and diminution in price of wholesome colonial wine and beer, as well as under the better moral feelings of the future. With the diminution of these, the special causes of insanity in older countries may make their appearance; but it can scarcely be supposed that the ratio of insanity will rise higher than at present. A ratio equal to this, though the burden is great, is borne cheerfully by States not more wealthy than New South Wales, both in the Old World and the New."

In speaking of the causes, he says: "First, the earlier population came under exceptional circumstances—the relations of crime and insanity are very intimate; second, the ups and downs of early colonial life, the influence of the gold diggings; third, the lonely life of the shepherd, alternating with long periods of debauchery; fourth, the abuse of ardent spirits in a warm climate. On the other hand, the absence of grinding poverty and the salubrity of the climate tend to diminish mental disease."

With the exception of the convict element in the population of New South Wales, what is here said is as applicable to this State as to that colony.

#### CAUSES TENDING TO THIS RESULT.

These causes have acted as powerfully here as there, and Dr. Manning might have added, with equal propriety, other causes that act quite as potently in producing this malady as any of the foregoing:

*First*—The total change in the habits of life.

*Second*—The absence of those salutary restraints imposed by the presence of well organized society.

*Third*—The separation from family and friends; and, above all, the strange and mysterious influence of being away from HOME in a foreign land. In many cases with no mother nor sister near to watch over and care for them in sickness; no wife by to soothe their sorrows with cheerfulness and smiles, and by tender sympathy drive away the gloom of despondency, and with heroic fortitude encourage them after failure in some cherished project again to buckle on the armor of determination and fight for success.

All of these causes, and doubtless many others, must be operating, with various degrees of activity and power, on the foreign born citizens of our country and State—in what degree in the different States and Territories will be seen in the table next hereafter; while the succeeding

table has been prepared to show the relation of California in this respect to the whole country; the next to show the rate of increase of the population, the insane, and the idiotic, from the birth of the State to eighteen hundred and seventy; the next to show the percentages of these elements; the next table shows that more than sixty-two per cent of the population of California in eighteen hundred and seventy were born in the United States, while less than thirty-six per cent of the insane were supplied from their number—being a proportion of one to eight hundred and fifty-eight. The proportion of citizens of foreign birth is thirty-seven and forty-five one hundredths per cent, and the proportion of the insane from their numbers sixty-four and thirty-nine one hundredths per cent, or one to two hundred and eighty-four; thus showing that persons of foreign birth are three times as susceptible to the invasions of insanity as those who were born in the United States. By reference to the table next hereafter, it will be seen that the proportion of the foreign element is much greater in California than in any other State, and therefore we need not be surprised at the greater increase of insanity in our midst. And as the same causes, operating under similar circumstances, will always produce the same results, we may reasonably expect the growth of lunacy to continue till these conditions are changed.

## UNITED STATES.

TABLE showing total Native and Foreign Population, with total Native and Foreign Insane, and proportion of each class of the Insane to its respective Population; also proportion of the Foreign to the Native Insane.

STATES AND TERRITORIES.	Total Population.....	Native Population....	Foreign Population...	Total Insane.....	Native Insane.....	Foreign Insane.....	Proportion of total Insane to total Population .....	Proportion of Native Insane to Native Population .....	Proportion of Foreign Insane to Foreign Population .....	Proportion of Foreign Insane to Native Insane .....
Total of the United States .....	38,555,983	32,989,437	5,566,546	37,382	26,161	11,221	1 to 1,031	1 to 1,261	1 to 496	1 to 2.33
Total of the States.....	38,113,253	32,640,907	5,472,346	36,786	25,832	10,954	1 to 1,036	1 to 1,263	1 to 499	1 to 2.35
Alabama.....	996,992	987,030	9,962	555	556	19	1 to 1,796	1 to 1,841	1 to 524	1 to 28.21
Arkansas.....	484,471	479,445	5,026	161	159	2	1 to 3,009	1 to 3,015	1 to 2,513	1 to 79.50
California.....	560,247	350,416	209,831	1,146	408	738	1 to 489	1 to 838	1 to 284	1 to .56
Connecticut.....	537,454	423,815	113,639	772	606	166	1 to 696	1 to 699	1 to 684	1 to 3.65
Delaware.....	125,015	115,879	9,136	65	56	9	1 to 1,923	1 to 2,069	1 to 1,015	1 to 6.22
Florida.....	187,748	182,781	4,967	29	28	1	1 to 6,474	1 to 6,527	1 to 4,967	1 to 28
Georgia.....	1,184,109	1,172,982	11,127	634	622	12	1 to 1,868	1 to 1,855	1 to 927	1 to 51.83
Illinois.....	2,539,891	2,024,693	515,198	1,625	930	695	1 to 1,563	1 to 2,177	1 to 741	1 to 1.33
Indiana.....	1,680,637	1,439,163	241,474	1,504	1,223	281	1 to 1,117	1 to 1,258	1 to 503	1 to 4.35
Iowa.....	1,191,792	987,735	204,057	742	504	238	1 to 1,606	1 to 1,959	1 to 857	1 to 2.11
Kansas.....	364,399	316,007	48,392	131	90	41	1 to 2,781	1 to 3,511	1 to 1,180	1 to 2.19
Kentucky.....	1,321,011	1,257,613	63,398	1,245	1,082	163	1 to 1,061	1 to 1,162	1 to 388	1 to 6.63
Louisiana.....	726,915	665,088	61,827	451	324	127	1 to 1,612	1 to 2,052	1 to 486	1 to 2.55
Maine.....	626,915	578,034	48,881	792	712	80	1 to 792	1 to 811	1 to 611	1 to 8.90
Maryland.....	780,894	697,482	83,412	733	533	140	1 to 1,065	1 to 1,176	1 to 595	1 to 4.23

Massachusetts.....	1,104,032	2,062	1,807	1 to 547	1 to 610	1 to 413	1 to 2,11
Michigan.....	916,049	814	528	1 to 1,455	1 to 1,734	1 to 937	1 to 1,84
Minnesota.....	279,009	302	123	1 to 1,456	1 to 2,469	1 to 897	1 to .68
Mississippi.....	816,731	245	236	1 to 3,379	1 to 1,243	1 to 1,243	1 to 26,22
Missouri.....	1,499,028	222,267	831	1 to 1,362	1 to 1,743	1 to 514	1 to 1,92
Nebraska.....	92,245	28	10	1 to 4,324	1 to 9,224	1 to 1,708	1 to .55
Nevada.....	23,690	2	.....	1 to 21,246	.....	1 to 9,400	.....
New Hampshire.....	288,689	498	438	1 to 639	1 to 659	1 to 493	1 to 7,80
New Jersey.....	717,153	918	567	1 to 987	1 to 1,264	1 to 538	1 to 1,61
New York.....	8,244,406	6,353	3,207	1 to 690	1 to 1,011	1 to 361	1 to 1,01
North Carolina.....	1,068,332	779	775	1 to 1,375	1 to 1,378	1 to 757	1 to 193,75
Ohio.....	2,262,767	3,414	2,563	1 to 781	1 to 916	1 to 408	1 to 2,74
Oregon.....	79,323	11,600	88	1 to 745	1 to 901	1 to 341	1 to 2,58
Pennsylvania.....	2,976,530	3,895	2,799	1 to 904	1 to 1,063	1 to 497	1 to 2,55
Rhode Island.....	161,957	55,396	230	1 to 697	1 to 704	1 to 675	1 to 2,80
South Carolina.....	697,532	333	321	1 to 2,119	1 to 2,172	1 to 672	1 to 26,75
Tennessee.....	1,239,520	925	900	1 to 1,361	1 to 1,376	1 to 772	1 to 36.
Texas.....	756,168	270	229	1 to 3,031	1 to 3,302	1 to 1,522	1 to 5,58
Vermont.....	283,396	47,155	616	1 to 458	1 to 460	1 to 449	1 to 5,86
Virginia.....	1,211,409	18,754	1,107	1 to 1,089	1 to 1,094	1 to 761	1 to 61,50
West Virginia.....	424,923	374	336	1 to 1,181	1 to 1,264	1 to 449	1 to 8,84
Wisconsin.....	680,171	846	308	1 to 1,247	1 to 2,240	1 to 677	1 to .57
Total of the Territories.....	348,530	596	329	1 to 742	1 to 1,039	1 to 352	1 to 1,23
Arizona.....	9,658	1	.....	1 to 9,658	.....	1 to 5,809	.....
Colorado.....	39,864	12	11	1 to 3,322	1 to 3,024	1 to 6,599	1 to 11.
Dacota.....	14,181	3	1	1 to 4,727	1 to 9,365	1 to 1,407	1 to .50
District of Columbia.....	131,700	479	242	1 to 274	1 to 477	1 to 68	1 to 1.
Idaho.....	14,999	1	.....	1 to 14,999	.....	1 to 7,885	.....
Montana.....	20,595	2	2	1 to 10,297	1 to 6,308	.....	.....
New Mexico.....	86,254	50	48	1 to 1,837	1 to 1,736	1 to 2,810	1 to 24.
Utah.....	86,786	25	15	1 to 3,471	1 to 5,608	1 to 2,046	1 to .66
Washington.....	23,955	23	15	1 to 1,041	1 to 1,262	1 to 628	1 to 1,87

## RESULTS OF TREATMENT.

Having considered the subject of the treatment of insanity and the rapid growth of hospitals, and having shown how rapidly insanity itself has apparently, if not actually, increased in all countries during the last forty years, let us consider the far more important subject of the results of treatment in the various countries under consideration. The first of the accompanying tables shows the number resident at the beginning of the year, the admissions, numbers treated, recoveries, and deaths, with proportions of recoveries and deaths in the asylums of the several countries from which returns could be obtained and of the latest dates that could be procured:

While the last table sets forth similar facts for one hundred and thirty-six of the one hundred and forty-nine asylums visited, the results as exhibited in this table are for the year eighteen hundred and sixty-nine in the United States and Canada, and for eighteen hundred and seventy in the other countries. Though these tables differ in results in some respects, they agree in showing that the largest proportion of recoveries to numbers treated and the smallest percentage of deaths to numbers admitted are in the United States. This, of course, may be the result of accident, as it requires a series of years and a knowledge of all the facts to enable us to draw positive conclusions in matters of this character. The average per cent of cures to admissions in all the asylums visited was thirty-four, while in the United States it was thirty-seven. The average of deaths to admissions in all was twenty-seven, and in the United States only seventeen. This we believe to be owing to the fact that the patients in our asylums are allowed a more liberal diet than in any other country, and that the debilitating effects of the continued bath so commonly used on the continent are entirely ignored in this country. There may be other causes operating to produce this remarkable difference (sixty-three per cent) in the mortuary lists of all other countries, as compared with our own, though the two above cited seem fully adequate to the result.

As already seen in the foregoing table, of all the patients admitted during the year, in the one hundred and thirty-nine asylums under consideration, thirty-four per cent were cured, and twenty-seven per cent died, leaving thirty-nine per cent, most of whom must be added to the chronic list, and thus swell the number of the insane. This is doubtless as favorable a showing as could have been made had all the institutions in the world been comprised in the list, as many of these are considered among the best asylums ever established, and are conducted by as able and learned men as have lived in any age. Well may we inquire, then, "if this is a necessary part of our natural condition or our civilization, to make this annual sacrifice of regiments of men and women on the altar of mental destruction, can the causes producing these effects in any way be avoided, and some of this sacrifice be prevented?" We will permit others of more experience and wiser heads to answer the question.

## CURABILITY OF THE INSANE.

"In a perfect state of things, where the best appliances which the science and skill of the age have provided for healing are offered to the lunatics, in as early a stage of their malady as they are to those who are attacked with fever or dysentery, probably eighty, and possibly

ninety, per cent would be restored, and only twenty, or perhaps ten, per cent would be left among the constant insane population."—*Dr. Jarvis*.

Referring to this assertion, it is stated, in reference to the Utica Asylum, that "its influence has been such that every acute case happening in the county is at once placed under hospital treatment. The result is that only *five* per cent of those treated in the early stage of the disease remain as incurables; thus more than verifying the assertion of Doctor Jarvis.\*

Doctor Tuke says: "It is of great practical importance to remember that the chances of cure are very much greater in recent than in chronic cases. This is clearly shown by the experience of the Retreat, in the following table:†

*Proportion of Recoveries on per cent of Admissions..*

DURATION OF DISORDER WHEN ADMITTED.	York Retreat—1796 to 1857.		
	Male.	Female.	Average.
First attack and within three months.....	72.97	73.23	73.10
First attack, above three and within twelve months.....	43.07	44.2	43.66
Not first attack, and within twelve months	59.44	67.01	63.77
First or not first attack, and more than twelve months.....	13.29	22.59	18.20
Totals .....	49.54	49.50	49.44

EFFECTS OF EARLY TREATMENT.

The Superintendent of the Southern Ohio Lunatic Asylum, in his report for eighteen hundred and sixty-nine, shows how the expectation of recovery diminishes almost in exact proportion to the length of time the disease has existed, thus:

DURATION.	Admissions.	Recoveries.	Per Cent.
One month.....	530	363	68.49
Two months .....	219	141	63.01
Three months.....	164	88	53.65
Four months.....	98	53	54.08
Six months.....	177	83	46.32
Twelve months.....	239	103	43.09
Two years.....	163	47	28.83
Over two years.....	191	33	17.32

\* See Journal of Insanity, Vol. XXVII, p. 332.

† See Bucknill and Tuke on Insanity, p. 261.

The above table is for the period of years from eighteen hundred and fifty-five to eighteen hundred and sixty-nine inclusive.

This is a universally admitted fact which has been proved by the experience of hospitals almost without exception, and is by far the most powerful agent that can be employed in preventing the increase of insanity in our midst—at least in preventing its accumulation in our asylums. But as the experience of individual asylums may not be considered a fair test of so important a matter, we add the following table showing the results in many asylums in several countries for a series of years:

TABLE I.

## Results of Treatment.

COUNTRIES.	DATE.	GENERAL RESULTS.					PROPORTION OF—			
		Numbers Resident..	Admissions .....	Numbers Resident..	Recoveries.....	Deaths .....	Recoveries on Admissions .....	Recoveries on Numbers Treated.....	Deaths on Admissions.....	Deaths on Numbers Treated.....
United States*	1870	15,792	10,229	26,021	3,357	1,851	33.	13.	18.	7.
England .....	1870	35,913	11,462	47,375	3,955	3,790	39.	8.	33.	8.
Scotland .....	1870	5,317	2,015	7,332	832	791	41.	11.	24.	7.
Ireland.....	1870	7,121	2,532	9,653	1,088	708	43.	11.	27.	12.
France.....	1860	28,761	10,785	39,546	† 4,337	4,970	† 40.	† 11.	46.	12.
Italy.....	1867	8,191	4,909	13,100	.....	1,504	.....	.....	30.	11.
Belgium .....	1865	5,441	1,851	7,292	642	595	34.	8.	32.	8.
Holland .....	1868	5,179	394	4,173	380	358	38.	9.	36.	8.
Norway .....	1867	667	423	1,090	140	33.	33.	12.	9.	3.
Sweden .....	1864	1,095	332	1,427	† 163	91	† 49.	† 11.	27.	6.
Totals.....	.....	111,477	45,532	157,009	14,894	14,399	37.	10.	32.	9.

\* This report is for forty-nine asylums only, it being impossible to obtain returns from the remainder.

† In the Swedish and French reports the numbers *discharged improved* are included with the *recovered*, which makes the percentage appear higher than it really is.

TABLE 2.  
Report of Asylums Visited in Different Countries.

COUNTRIES.	No. Asylums visited from which Reports were obtained .....	General Report of Asylums Visited.						Proportion Per Cent of—				Average weekly cost for Pauper Patients.....
		No. Resident.....	No. Admitted...	No. Cured .....	No. Died.....	No. Treated.....	Cures on Admissions .....	Cures on Number Treated...	Deaths on Admissions.....	Deaths on Number Treated...		
United States .....	39	12,907	8,639	3,240	1,519	21,504	37.	15.	17.	7.	\$3 50	
Canada .....	1	518	77	35	26	295	45.	5.	33.	4.	.....	
England .....	24	12,819	3,966	1,458	1,272	16,785	36.	8.	32.	7.	2 28	
Scotland .....	6	1,995	1,030	365	206	3,025	35.	12.	20.	0.	2 28	
Ireland .....	7	2,437	1,206	457	256	3,643	37.	12.	21.	7.	2 15	
France .....	13	*7,938	3,324	873	1,292	11,262	26.	7.	38.	11.	1 62	
German States .....	10	2,495	1,046	276	290	3,541	26.	7.	27.	8.	1 60	
Prussia .....	2	1,065	297	105	110	1,362	35.	7.	37.	8.	1 95	
Austria .....	6	2,302	1,741	377	543	4,043	21.	9.	31.	13.	2 39	
Italy .....	15	*4,259	1,967	764	621	5,316	38.	13.	31.	10.	1 77	
Switzerland .....	2	462	83	32	19	378	38.	6.	22.	5.	1 16	
Belgium .....	2	3,029	769	232	311	3,567	30.	8.	40.	8.	1 05	
Holland .....	3	1,245	321	123	145	1,566	38.	7.	45.	9.	1 88	

\* One of the largest of these, La Salpêtrière, is for chronic cases only; omitting this, the per cent of cures on admissions would be twenty-seven.

|| In eleven of these asylums.

† In thirteen asylums.

‡ In five asylums.

§ In one asylum.

¶ In twelve asylums.

TABLE,

*Showing the Total, the Native, and the Foreign Population, with the Total Native and Foreign Insane, and the Proportion of the Total, the Native, and the Foreign Insane to their respective Population, and the Proportion of the Foreign to the Native Insane, for the year eighteen hundred and seventy.*

## UNITED STATES.

Total Population.....	38,555,983										
Native Population.....	32,989,437										
Foreign Population.....	5,566,546										
Total Insane.....	37,382										
Native Insane.....	26,161										
Foreign Insane.....	11,221										
Proportion of the Total Insane to the Total Population.....	1 to 1,031										
Proportion of the Native Insane to the Native Population...	1 to 1,261										
Proportion of the Foreign Insane to the Foreign Population..	1 to 496										
Proportion of the Foreign Insane to the Native Insane.....	1 to 233										

Proportion of Foreign Population to Native Population, 1 in 5.92.

## CALIFORNIA.

560,247	350,416	209,831	1,146	408	738	1 in 489	1 in 858	1 in 284	55.28 p. ct.
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TABLE,

*Showing the Population and Numbers of Insane and Idiots in 1850, 1860, and 1870, with the proportion per one thousand of Insane and Idiots to Population, and the Annual Rate of Increase of Insane, Idiots, and total Population.*

## CALIFORNIA.

YEAR.	Population.....	Number of Insane.....	Number of Idiots.....	Total Insane and Idiots	Ratio per 1,000 of—			Annual Increase of—		
					Insane to Population.....	Idiots to Population.....	Insane and Idiots to Population.....	Population.....	Insane.....	Idiots.....
1850	92,597	12	7	9	.02	.07	.09	15.16	72.1	19.62
1860	379,994	456	42	498	1.20	.11	1.31			
1870	560,247	1,146	87	1,233	2.04	.15	2.20	3.95	9.6	7.55

TABLE,

*Showing Total Population with Native and Foreign Population, and proportion of the Native and of the Foreign to the Total Population.*

YEAR.	Total Population.	Native Population.	Foreign Population.	Proportion of Native to Total Population.	Proportion of Foreign to Total Population.
1850	* 92,597	70,340	21,802	75.96	23.54
1860	379,994	233,466	146,528	61.43	38.56
1870	560,247	350,416	209,831	62.54	37.45

\* In eighteen hundred and fifty the nationality of four hundred and fifty-five persons was unknown.

TABLE,

*Showing Total Number of Insane, with Native and Foreign Insane, and proportion of the Native and of the Foreign to the Total Insane, and of the Foreign to the Native Insane.*

YEAR.	Total Insane.....	Native Insane.....	Foreign Insane.....	Proportion of Native to Total Insane.....	Proportion of Foreign to Total Insane.....	Proportion of Native Insane to Native Population.....	Proportion of Foreign Insane to Foreign Population.....
1850	12	12	.....	100	.....	1 to 35,170	.....
1860	456	.....	.....	.....	.....	.....	.....
1870	1,146	408	738	35.60	64.39	1 to 858	1 to 284

TABLE,

*Showing the total number of Idiotic, with Native and Foreign Idiotic, and proportion of the Native and of the Foreign to the total Idiotic, and of the Foreign to the Native Idiotic.*

YEARS.	Total Idiotic.....	Native Idiotic.....	Foreign Idiotic.....	Proportion of Native to Total Idiotic.....	Proportion of Foreign to Total Idiotic.....	Proportion of Foreign to Native Idiotic.....	Proportion of Native Idiotic to Native Population.....	Proportion of Foreign Idiotic to Population.....
1850.....	7	6	1	85.71	14.28	16.66	1 to 11,723	.....
1860.....	42	.....	.....	.....	.....	.....	.....	.....
1870.....	87	70	17	80.45	19.54	24.28	1 to 5,005	1 to 12,343

## CALIFORNIA NO EXCEPTION.

This shows that California is not an exception to the general rule; for while the insane have increased within her borders more rapidly than in any other country during the same period of time, it must not be overlooked that her citizens have not only been exposed to a greater number of causes by which this malady is developed, but that she is perhaps the only State in the Union, if not the only Government in the world, that has never refused admission to a single person who has sought to enter her asylum, notwithstanding it is a well known fact that among those received there have been and still are many citizens of other countries, who have not claimed California as a home, but who have come here hoping to better their fortunes and enrich themselves at her expense, and then return to their own homes and country; but failing to realize their dreams of wealth, give way to despondency, break down in health, or enter upon a course of reckless dissipation that leads them to insanity and to our asylum, either to be cured by our treatment or maintained through life at the expense of the State.

How far this evil may be remedied or ameliorated by judicious legislation, is a problem that we are not prepared to solve; but surely it would seem that some preference should be given, some difference made, between this class and our own citizens; but if we must keep them, it does seem that the comity of nations should prompt them to reimburse us for the expenditure made. The doctrine has been proclaimed, and repeatedly confirmed by the superintendents of American institutions for the insane, and by those who have paid any attention to the subject the world over, "that it is the duty of every State to provide for its own insane." In this sentiment we heartily concur, and earnestly urge its adoption by our noble State, without equivocation or reservation. But the other is a very different question; nor do we now remember any instance of a declaration to the effect that it is the duty of one Govern-

ment to defray the charity expense of another. In other countries, and even in different divisions of the same country, persons of this class are often transferred to the communities to which they belong. The question is at least worthy of consideration.

#### SHOULD OTHER STATES SEND THEIR INSANE TO CALIFORNIA ?

In this connection another question, though intrinsically different, is nevertheless analagous to some extent, and deserves notice, not so much on account of its present importance as its future results. It is to inquire how far a sister State may be justified in establishing her institutions within the borders of another? Is it just or proper for one State to send all of her insane in the limits of another, even though she may pay the expense of care and maintenance? It is fair to presume that when they are considered sufficiently recovered to require no further medical treatment that they will not be returned to the State from which they come, but turned loose upon the community where the asylum is located. Should a speedy relapse follow their discharge, they would of course be sent back to the asylum in which they had been treated; but when a few months have elapsed they would be committed under our laws, and sent to our asylum, and thus become an additional charge upon the State. We all know that a large majority of the insane are from that class who are not able to pay, and that persons who have been afflicted with this malady are more liable to be attacked than an equal number who have not been thus affected. The burden of all these will inevitably fall upon us. For these reasons it would seem proper for the State to express an opinion on this subject.

#### WILL THE CHILDREN OF FOREIGNERS BE AS LIABLE TO INSANITY AS THEIR PARENTS?

We do not know and have no means of ascertaining how far this liability extends to the children who are born of parents of foreign birth, but venture the opinion that it will be only in a small degree. If this hypothesis be correct, it must necessarily follow that the proportion of insane will diminish very nearly in proportion to the increase of the native over the foreign element in the mass of the people. This will of course become more and more rapid with each successive generation; for while the one is supplied with emigration from the other States and all the children born in the State, regardless of the nativity of their parents, the other must be increased by immigration alone.

#### PHYSICAL AND MORAL CAUSES PRODUCING INSANITY.

Having considered some, perhaps most, of the prominent causes of insanity, so far as it is affected in a social or political point of view, it may be expected that we will enter upon the consideration of the more prominent of the physical and moral causes leading to this malady; but we scarcely consider it necessary to do more than allude to some of them. We have already given a table showing a few of the more prominent assigned causes in all the countries visited during the prosecution of our mission, but without special comment. By referring to that table it will be seen that they very generally agree with those operating in our State, but differing in degree and intensity in some countries. Thus, hereditary predisposition and intemperance are assigned as prominent

causes in all countries, and in Prussia and the German States they are the only causes of prominence. In Italy we find pellagra (disease of the skin peculiar to that country) added to the other two, while in most other countries we find added to the list ill health, pecuniary and domestic troubles, and spermatorrhœa, including self-abuse, etc. In our State, we see by the report of Dr. Shurtleff, just published, that masturbation still holds its place at the head of the list of assigned causes, though we agree with him that it is high time for "Committing Boards" to be more careful in their conclusions with regard to this particular cause. Many patients who have been received at the asylum with this charge of self-pollution resting upon them, have, after weeks or months of watchfulness, been proved to be entirely free from such evil practices. That it is a cause in some cases we have every reason to believe; and further than this, when it is the cause its victims rarely recover; they seem to be doomed from the very beginning. There are other cases in which it is merely a symptom of a diseased brain, or some of its appendages—an effect, not a cause. These cases are more hopeful when treated in time. Indeed, many men of prominence with whom we have met on the continent, in Great Britain, and in the United States, believe that it is almost universally the effect of insanity, and not its cause.

#### INTEMPERANCE A LEADING CAUSE OF INSANITY.

With regard to intemperance the case is altogether different. It seems to be the bane of all countries, and claims its victims in every civilized nation and under every form of government. It is the common enemy of mankind, the destroyer of domestic happiness, the copartner of every crime, from petit larceny to murder. It is the father of poverty, the creator of debauchery, and the principal working tool of the Devil. No man is bold enough to defend it, and yet it is tolerated by all classes of society. It finds its way alike to the house of the rich and the home of the poor. It is a boon companion at the festive board of the aristocrat, and the poorly provided table of the cottager. It has caused more heartaches, produced more tears, engendered more sorrows, starved more *babies*, and led to more insanity than any other agent in existence—if not more than all others combined. We are strongly inclined to the opinion that directly or remotely it is more potent in producing these results than ALL other causes. It is the sin of civilization that it has found out manifold ways of extracting alcohol from natural substances, so that it is offered in tempting forms and accessible abundance to the weak and incautious, who would not instinctively seek it, as well as those whose appetites demand it. If, then, civilization is responsible for the introduction of this destructive element among mankind, it is certainly its duty and it should be compelled to provide for its victims. How to arrest its progress, if, indeed, it be possible, we must leave to the wiser heads of the legislator and the statesman; and he who can solve the problem will be the wisest of men, and a greater benefactor to his fellow men than has ever yet appeared among them.

We have thus briefly considered this last, as it is the most prolific, among the causes that have given us so large a number of persons deprived of their reason; who crowd the wards of our asylum till there is scarce sleeping room or breathing space for the numbers they contain, to say nothing of the accumulations that must take place ere additional accommodations can be provided for their reception. The question must

be determined as to what is best to be done in performing our duty and relieving their distress.

#### DUTY OF THE STATE RELATIVE TO ASYLUMS.

The State must elect whether it will build other hospitals, and thereby pay the cost of cure, or support all those for life who become incurable from our failure to provide sufficient and suitable accommodation for their early treatment—whether to make the effort to regain a productive citizen, or support a non-producer for seventeen years. We must either provide hospitals for the reception of every citizen who may become insane within our borders and under our jurisdiction, or surrender this noble charity to degeneracy and decay. As already stated, this has been done. No other State, so far as our knowledge extends, has done so much; a fact that is doubtless a source of gratification and pride to every man who claims California as a home. We regret, however, that candor compels us to say that some of the wards of the male department of our asylum are wretched in the extreme, and would be disgraceful if not taken in connection with the fact, that the number of applicants have been so far beyond expectation as to render it next to impossible to provide accommodations for them all. Received they have been, but during the last two years at the discomfort of many who were thus compelled to give up a portion of the space, already too small, that had been allotted to them. Doctor Shurtleff in his report just published, has truly said “the rooms are not only *full*, but *crowded*.” In addition to this, two hundred and twenty-seven patients are sleeping on beds nightly prepared for them in the halls. The number in excess of the accommodations has grown to proportions too vast to admit of being properly provided for by the erection of cheap detached wards. The institution, in point of numbers, is already *double* the size of the average of similar institutions in the other States. With the completion of the new building, therefore, all further expansion should be discontinued. This done, aside from the cost of support, every other effort and expenditure in behalf of the asylum at Stockton should be directed to repairs, the construction of inclosures, and the improvement of the grounds, etc.

“If this view be concurred in, the only alternative left is for the State to make further provision elsewhere. The character, extent, and location of such provisions are questions upon which every possible light should be shed. In character, nothing less than a first class hospital, with all the modern improvements and appliances for the curative treatment of such as may be benefited thereby, and for the proper care of all classes of the insane, will meet the general approval of the most experienced;” and, we may add, the expectations of the people of the State. Doctor Shurtleff continues: “If additional provision for the care of the insane be made at some other place than Stockton, the question of locality is one of no less importance than those of character and extent. Topographical and climatic fitness are matters of such primary importance that they will not be likely to be overlooked. Convenience to the greatest number who will be likely to need its benefits is a very important consideration, in many respects, in the location of a hospital for the insane. Officers’ fees and travelling expenses, which depend on the distance, and are a public charge generally, the difficulty and even danger in conveying the insane, and the visits of friends, are all matters which should be considered and have their influence in arriving at conclusions. In this connection it should be borne in mind that of the five hundred

and twenty-three patients admitted during the last year, about three hundred came from the counties bordering on the Bay of San Francisco, and that two hundred and twenty-two—more than two fifths of the whole—came from the City of San Francisco alone. This proportion is no exception to those of several years past.”

These suggestions, emanating from Doctor Shurtleff, a close and accurate observer, with a correct judgment, and a larger experience than any man on this coast, should not be lightly passed over nor disregarded. They are the results of serious reflection on an important subject with which he has been intimately identified for years, and his conclusions can be maintained with manifold reasons of the strongest character. With a single exception, that of size of hospital, they entirely accord with the views expressed to your Excellency soon after the completion of our visit to nearly one hundred and fifty asylums, wherein we had noted with especial interest, among other things, and observed with more than ordinary scrutiny and careful consideration, the effects of overcrowded wards and courtyards, the location and sites of asylums, their nearness to and distance from some city or important town, the character of scenery, quantity and quality of land, the sources of water supply, the facilities of communication, the convenience and cheapness with which fuel, supplies of all kinds, and building material could be obtained, as well as all other matters in any way connected with the construction, ventilation, warming, organization, etc., of hospitals for the insane, and which are treated more or less at length under their proper heads; and above all, to the importance of locating these institutions in the midst of those most likely to require the benefits they confer.

In many of the States inadequate provisions are made for treating the insane, followed by the most disastrous results. Large numbers who desired to gain admittance have been turned away and told, “not in words, but in acts that are more powerful than words,” to wait till somebody gets well or dies, and then after the disease has fastened itself upon your brain so firmly that it cannot be removed, when all hope of recovery has passed, you may come in, and in your turn keep some other equally unfortunate person out till he, too, becomes hopelessly incurable, lost to himself, lost to his family, and lost to the State—yet a burden to the public treasury so long as he shall live. No one who is at all familiar with the nature of this malady will deny these facts; every person who has written or spoken upon the subject during this generation has asserted them till they have ceased to be denied.

Last year, as we learned from personal information obtained from some of the superintendents of asylums, and from the published reports of others, the following facts existed:

At Staunton, Virginia, of two hundred and eight applicants, only fifty-nine were admitted; rejected.....	149
In the Michigan Asylum, rejected .....	155
In the Asylum in North Carolina, rejected.....	150

Dr. Everts, of the Indiana Asylum, informed us that not more than one third could be accommodated in that State, and as three hundred and fourteen were admitted, it follows that six hundred and twenty-

eight must have been rejected. Yes, strange as it may appear, this young and vigorous State, the sixth in point of population in the American Union, and, as we are informed, the only one free from the burden of debt; with low taxation and abundant resources; with one million six hundred and eighty thousand six hundred and thirty-seven inhabitants, has turned away from her asylum two thirds of her own unfortunate children who have sought relief at her hands. Who could have believed it possible in this enlightened age that any community of American citizens could be guilty of such cruel practices and such parsimonious conduct as this? And yet the fact is as stated. Doctor Hills, of West Virginia, reports from sixty to seventy-five in the jails of that young State; and the State Board of Charities report thirteen hundred and twenty-six in the poorhouses of New York. The States of Maine, Iowa, Illinois, and others are no better off. Unlike Indiana, however, most of these States are making noble efforts to remedy this evil, because they recognize the obligation and the duty, and feel no disposition to shirk the responsibility nor to avoid the expense. Indeed, we would like to know what right a State has to make such unjust distinctions between its citizens; to say to one, "Come and be healed," and to another, "Go hence; you shall not partake of the benefits you have helped to create." To one, "You shall come in, be fed, clothed, housed, and nursed; our physician shall minister to your diseased frame and release your troubled mind from its agonizing thralldom." To the other, "We have no house to shelter your head from the pitiless storms; no food to appease your hunger; no raiment to cover your nakedness or add to your comforts; no nurses to watch over you in sickness and minister to your necessities. For you there is no sympathy; you must take care of yourself, pay your own expenses, and provide for your necessities as best you can. For you 'there is no balm in Gilead, there is no physician there.'"

What is the result of this policy? Nine tenths of these people have no means of consequence. While in the possession of health, and endowed with that greatest of earthly blessings, their reason, they were able to support themselves, and, it may be, lay up a little something for their families; and if this had not already been exhausted by ill health or other cause that has led them gradually to insanity, this calamity has deprived them of the chief part if not all of their capital—the ability to work. The family who have hitherto depended upon these resources must now look to other means and other persons for support. They cannot afford to send this afflicted member of the family to a private asylum—it may be in another and distant State—nor can they afford to keep him at home and have him properly treated. They are out of relation with social and domestic life, and should go away. It is often the case the very presence of family and home is a source of annoyance and vexation that they cannot endure.

#### THE INSANE CANNOT BE KEPT AND CURED AT HOME.

They are a great burden to the family, and disturb its quiet and its peace; and if retained, as is not unfrequently the case, drag all down to poverty and misery with themselves. Besides, they require to be managed with fitting wisdom, that few can give, however willingly and cheerfully disposed, and with that amount of patience and forbearance not often found outside of asylum walls. Indeed, many cannot be managed at home on account of a disposition to wander, to be violent, or

destructive. Some cannot be persuaded to submit to the needful remedies for their proper treatment, even when this could be obtained.

#### PHYSICIANS NOT GENERALLY INFORMED ON THIS SUBJECT.

Unfortunately, but few of the medical men in general practice in our country or any other have made themselves familiar with this mysterious disease and its proper treatment. The reason of this is obvious—it is a branch not taught in any of our medical schools as a part of the course. It is not a part of the curriculum in the colleges of any country; hence, proficiency in this branch is not a “sine qua non” for a medical diploma. They are sometimes called upon to pronounce as to the sanity of some unfortunate person and to decide whether or not he is a proper subject to be sent to an insane asylum. In the majority of cases they have never seen the patient before and never see him afterwards. Again: when some criminal puts in the plea of insanity to save his neck or his reputation, the physician is called upon to testify in the case, and, as often happens, is mortified to find that the lawyer knows more about the subject than himself. The one has “read himself up” for the occasion, and can ask more questions than an author of medical jurisprudence could answer satisfactorily to the Judge or jury; while the doctor, perhaps, has given the subject but little thought or attention. We trust this condition of things will soon be changed, as more attention is being paid to the subject both in this country and Europe.

#### PSYCHOLOGY RECOMMENDED TO BE TAUGHT IN THE MEDICAL SCHOOLS.

The Superintendents of many of the asylums in Italy, Austria, Germany, France, and England are giving courses of lectures on the science of psychology, and the Association of Medical Superintendents of American Institutions for the Insane has strongly recommended its adoption as a branch in the medical schools of this country. When this suggestion has been carried out a wonderful advance will have been made in the right direction and many persons saved from the calamity of chronic insanity by having their diseases early detected and properly treated. But let us return to our patient who has not been able to procure proper treatment in an asylum in time to obtain even a chance of recovery while relief was possible, and we find him at last admitted to a place made vacant by the death of some patient who has paid his last debt to the “grim tyrant,” or the recovery of some other who, more fortunate than himself, was received in proper time. But, alas! it is too late for him. His case has become chronic, perhaps incurable, and he is doomed to eke out a wretched existence—a burden to himself and to the State during the remainder of his days.

#### EFFECTS OF LIBERAL AND ECONOMICAL PLAN OF CARE OR TREATMENT.

The following extracts from the report of the Worcester, Massachusetts, Hospital for eighteen hundred and sixty-two, will show the effect of the two policies on the use of hospitals, and cure of patients:

“The natural effect of the liberal and the economical policies of offering the hospitals to the use of the people, is manifest in the different ratios of the patients sent in the early and in the later stages of their malady to the hospitals in Massachusetts and Ohio.

“In Ohio seventy-three and one seventh per cent, and in Massachusetts sixty-four and one eighth per cent of the patients in their State hospitals were sent in the first year after they were attacked.

“As a necessary consequence, those States which sent the largest proportion in the early and curable stage received back the largest proportion in health and power of usefulness, and had the smallest proportion left in confirmed immovable lunacy to be supported for life by their estates or the public treasuries.

“In the three public hospitals of Ohio, fifty-four and fifty-nine one hundredths per cent of all that were sent to them were restored, and forty-three and forty one hundredths per cent remained insane for life. In Massachusetts, forty-four and five one hundredths per cent were restored, and fifty-five and ninety-five one hundredths per cent remained a life burden on the people.

“It must be remembered in this connection that the reports of admission into the hospitals of Massachusetts include both the foreign or State paupers who are admitted free, and the American paying patients who are charged more than the cost for their support. If distinction were made in the reports, and it were shown how many of each of those two classes were sent in the several stages of their disorder, it would, without doubt, be found that a much larger proportion than thirty-five and two one hundredths per cent of the native patients were kept out of the hospital until their disease become more difficult and even impossible to be removed.

“It is not necessary to go abroad to find the connection between the terms of admission and support, and the readiness with which people avail themselves of hospital privilege for the cure or custody of their insane friends. We have proof of this in our own daily experience. Our Irish patients go free and stay without cost, and they are sent early and have the best opportunities of restoration. The Americans go at their own cost, and pay all and more than all of the expense of their support, and consequently a large proportion are kept away, some for months and years, as long as their friends can endure or take care of them, and many for life, because their friends lack courage or money to take due advantage of the means of restoration so largely provided in the State. In eighteen hundred and fifty-nine, ninety-seven and five tenths per cent of all the foreign and only fifty-eight per cent of the native lunatics then living in the State had been sent to some hospital.

“The proportion of patients restored out of all admitted to the hospitals, is twenty-three per cent greater in Ohio than in Massachusetts. Now, no one will suppose that the hospitals of Ohio are managed with more skill than those of this State. But the difference in the result of their labors is due to the difference in the proportion of patients sent in the curable stages of their disorder.

“Looking upon this matter merely as a question of political economy, in its bearing upon the remote as well as present means and prosperity of the State, it is plain that there are important advantages on the side of the free and open system of managing these public charitable institutions. They send back to society a larger proportion of workers, producers, self-supporters, and contributors to the public treasury, and leave a smaller proportion of the useless and burdensome class. Inasmuch as they have a better or more available material to work upon, they produce a more successful result, and convert a larger proportion of costly men and women into profitable members of the body politic. The Wor-

chester and Taunton Hospitals have received eight thousand four hundred and ninety, and restored three thousand seven hundred and forty to health. If these could have been sent at as early a stage of their disease, and as large a proportion restored as in Ohio, then twenty-three per cent, or eight hundred and sixty would have been added to the useful and self-sustaining citizens sent back to the world, and as many taken from the class that has been or must be supported and cared for through life.

"It must be further considered that it costs no more to administer these institutions on the free principles of Ohio than on the economical principles of Massachusetts. Both there and here provisions, groceries, clothing, labor, and salaries would be the same under either system. The only difference is in the way in which the cost is assessed upon the people. Here it is imposed upon those who receive the immediate personal advantage, many of whom are the least able to bear it, and always at a period when they are the weakest, and any burden is distressing. In the other case, this cost of rescuing the people from permanent insanity, like the cost of schools, roads, Government, justice, and police, is assessed upon the whole community, in the proportion that each one is able to pay; and in both cases it comes out of the aggregate property and income of the Commonwealth."

Any attempt to save money by failing to provide for the insane is indeed poor economy, and worse philanthropy. Let us, therefore, adhere firmly to the policy we have so wisely inaugurated, and which has placed us in the front ranks among the States of the Union and the nations of the world, and build asylums for all of our people who may be so unfortunate as to require their use and need their healing influence. In this connection, we deem it of some importance to introduce the following extract from a Message from Mr. Seward (when Governor of New York) to the Legislature:

"I cheerfully express my approbation of the undertaking. Nations are *seldom impoverished by their charities*. The number of the insane in this State is not exaggerated, and I am not prepared to say that any erection less extensive would afford the space, light, tranquility, and cheerfulness indispensable to this interesting department of the healing art. Among all His blessings, none call so loudly for gratitude to God as the preservation of our reason. Of all the inequalities in the social condition, there is none so affecting as its privation. He sees fit to cast upon our benevolent care those whom He visits with that fearful affliction; it would be alike *unfeeling and ungrateful to withhold it*. Let then this noble charity be carried forward, with what measure of munificence it remains with you to determine."

Like sentiments have been proclaimed by the intelligent executive officers of most of the States of the Union, our own included, but unfortunately in too many instances legislators are frightened, or driven from their duty by the "criticisms of that class of public benefactors who make capital from their sympathy with our overtaxed people," and no appropriation is made. Fortunately, at this time, however, no such objection can be urged. The Democratic party has seen the necessity of additional accommodations for the insane, and it only remains for the

Republican party, ever the friend of progress, to carry forward the suggestion and complete the work. It is a noble charity, and no excuses should be needed to justify any appropriation that may be required, under judicious expenditure, to meet the necessities of the case; nor should the subject of politics weigh a feather in the balance of any man's mind in his considerations or his actions upon the subject. It did not do so two years ago, when the investigation was ordered to be made of which this report is the result, and there is no reason why it should do so now. Our labors have been performed with the hope that suffering humanity would be the gainer by the results, and if this shall prove to be the case we will have reaped the most earnest desire of our heart, and a reward beyond price. Hence we have ventured the suggestion that the one party and the other will be equally responsible for any appropriations that may be made and equally entitled to the honors of so beneficent a deed.

"We can lose nothing by our charities in this direction." Let us not only provide ample accommodations for all of our insane, but let us so locate our asylums that they will be easily accessible to the greatest number of those who will probably require their use, and then with an enlightened public opinion all will be encouraged to seek the benefits of early treatment and speedy restoration. Comparatively a few only will be left as permanent charges to the State. A much greater number will be restored to usefulness and labor. The State will be the gainer by the operation, and humanity will smile at the triumph of wise legislation and judicious treatment over the most appalling disease with which the human race has ever been afflicted.

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## CHAPTER XV.

### INSANE ASYLUMS—ECONOMY OF PROVIDING AMPLE CURATIVE ACCOMMODATIONS.

Before entering upon the discussion of the plan of building best adapted to the care and treatment of the insane, we desire to call the attention of the business man, the financier, and the taxpayer, as well as the legislator, to the economy of restoration and the amount saved the State by the cures already effected in our asylum.

A similar showing was made by Doctor Jarvis a few years since to the State of Massachusetts, and to him we are indebted for the idea and most of the facts set forth in this article. We have applied them to California, and in making the argument must necessarily touch upon some matters already considered. It is a proposition universally admitted that it is the first interest of every State to preserve itself, to develop its own strength, and to sustain it to the fullest degree. The strength and wealth of the State are the aggregate of the wealth and power of the individuals who compose it. If a member of the community is strong, his strength increases the power of the State. If he be a producer and create riches, this adds so much to the common wealth.

If, on the contrary, he become sick or weak and lose his power of production, his loss of personal power takes so much from the general power. His failure to add to his own estate is so much loss to the gen-

eral prosperity. If, more than this, he loses power to provide for his own wants, his support becomes a charge upon property that he or others have created, or are at the time creating. If his own means or those of his family are insufficient for this purpose, then the public treasury must and does assume the burden.

Whether this support of a dependent citizen comes from his own or others' estate, or the general treasury, it inevitably comes from the property of the commonwealth, either that which has already been paid in form of taxes to the Government, or that which, in the hands of individuals, is the basis of taxation. In either case the body politic is the loser to the extent of the cost of supporting the disabled person.

In all cases this cost is first chargeable to the estate of the one supported. If that be wanting, then his natural friends should pay it; and if they fail, the expense falls on the town or State. This last resort is sure, for the town or State is the responsible indorser of every sick, disabled, or insane person within its borders, to restore him to health or support him through life.

There is in every community, especially in such as have had a generation of existence, a large body of the insane who are a constant burden on its resources. In Massachusetts, in eighteen hundred and fifty-five, there was one insane person in every four hundred and twenty-seven living. In other States and counties there are estimated to be from one in four or five hundred to one in a thousand. A part of these are the recent cases, that have a hope of restoration; a larger part consists of old and incurable cases that have been submitted to the healing processes without avail, or have been neglected until the day of relief was past.

The burden of supporting these is constant, unavoidable, and very great. It is the first claim of humanity, as well as the duty and interest of the body politic, to keep the numbers of these as small as possible, by healing all that can be healed in the curable stage of their disorder, and allowing none but those whose disease is primarily incurable to fall into chronic and permanent lunacy.

Insanity, although it suspends the power of production, self care, and self support, is not in itself very dangerous to life. A man becoming insane at twenty, if not restored, has a prospect of living, on an average, twenty-one years in lunacy; but if restored his prospect is for thirty-nine years in health. The average of life for a permanent lunatic is twenty years, and for a sane man thirty-two years, from their thirty-first year; and these prospects are respectively seventeen and twenty-six years from their forty-first year. Persons taken with lunacy at these ages have, then, the doubtful prospect of living twenty-one, twenty, or seventeen years, more or less, according to the age when attacked, in dependence, a burden on their own or the public estate, if not restored; or of being cured and of living thirty-nine, thirty-two, or twenty-six years, more or less, in health, ability to take care of themselves, and add to the strength and wealth of the community.

Insanity is one of the most removable of grave diseases, if the proper measures are used in its early stages, as they are in cases of fever, dysentery, etc. The experience of hospitals shows that from seventy to ninety per cent may be thus restored to health. The average time required for restoration in hospitals varies from five and a half to seven, and even eight months. But the average of the whole, especially those taken early, does not exceed six months.

The average cost of supporting patients in the California asylum for

the four last years was thirteen dollars and eighty-five cents (\$13 85) a month. This is eighty-three dollars and ten cents (\$83 10) for six months, and one hundred and sixty-six dollars and twenty cents (\$166 20) for a year. The actual cost of restoration necessarily includes the whole expense of the experiment. It is impossible to determine in advance who may be restored—who must remain uninfluenced by remedial measures. These must then be used for the whole; some may be restored in a few weeks, others in all periods from this to two years and more—averaging six months to all; but none must be given up as incurable until they have had at least two years trial of the means of cure.

The cure of the seventy-five per cent thus necessarily involves the necessity of two years board and care of the other twenty-five per cent. This must also be included in the list of cases and assessed upon the seventy-five who are restored.

The cost of seventy-five cured, for six months is.....	\$623 25
The cost of twenty-five not cured, for two years each is.....	831 00
Total.....	\$1,454 25

Assessing this equally upon them makes the average cost of curing the insane in California to be one hundred and ninety-three dollars and eighty-six cents.

It must be remembered that this cost of supporting seventy-five for six months and twenty-five for two years in a hospital—fourteen hundred and fifty-four dollars—for the restoration of the seventy-five is not so much additional expense thrown upon the people. These hundred persons were already insane, helpless, powerless, unable to support themselves. They were already thrown upon the community and its individual members, who were responsible for their maintenance whether they were sent to the hospital or not; whether any attempt was or was not made to restore them. The Commonwealth collectively, or its estates separately, must pay the cost of their board, care, and guardianship.

It is questionable whether out of a hospital, a private house, or other abodes, at home or with strangers, these patients could obtain food for less than it cost the asylum for them—three dollars and twenty cents (\$3 20) a week. If not, then the curative measures in the asylum caused no additional expense to the State or its people, except the cost of the establishment itself. The interest on the capital; the wear and depreciation of the buildings; the cost of repairs; the insurance, and the taxes which would otherwise have been paid to the public treasury on this amount of property, are properly chargeable to the cost of curing the insane, and nothing more.

Here, on the contrary, must be weighed the gain to the community from the restoration of the insane to health. The annual earnings of a man over and above the expense of his living may be considered as an annuity, or so much annually contributed to the commonwealth. According to the best European calculations of these values—the earnings and expenditures—the present worth of the excess of the former over the latter, for an unskilled laborer at twenty-five, is twelve hundred and eight dollars (\$1,208). That is, such a laborer at that age is worth so

ch to the body politic. This is the English, and very nearly the German valuation. In this country wages are higher and earnings more, and of course the annuity and its valuation are greater. This, too, is the estimated value of an unskilled laborer, who earns the lowest wages. The value of the skilled mechanic, the merchant, the professional man, whose earnings are larger, must be very much greater. It is at least safe, then, to assume the European calculation of twelve hundred and eighty dollars as the average worth of men of all conditions and occupations in California who may become insane at the age of twenty-five.

This is lost by his lifelong insanity. Add to this the cost of his support, at least as great as that charged in the asylum—thirteen dollars and eighty-five cents a month, one hundred and sixty-six dollars and eighty-five cents a year, for an average of twenty-one years:

Making for each uncured patient a total expenditure for support .....	\$3,490 83
And the loss of the value as a producer.....	1,208 00
Showing a total loss of.....	\$4,698 83

So much is gained by restoring an insane laborer twenty-five years old. It would have been less if he had been older, with a prospect of fewer years before him; it would have been more if he were a mechanic or a man of business, with power to earn more if in health. The cost, only one hundred and ninety-three dollars, is neutralized by the consideration that it would have been as great for his support if no attempt had been made to restore him.

During the twenty years of the operation of the California Asylum, one thousand six hundred and eighty-one lunatics were admitted. Of these two thousand seven hundred and nine, or forty-seven and sixty-eight one hundredths per cent, were restored. This relieved the State and people of the burden of supporting these through life in their disease. Taking the numbers in their several ages, their average life, if not restored, would have been twelve years each; or the whole sum of their insane lives would have been thirty-two thousand five hundred and eighty years, and their life support, at one hundred and sixty-six dollars a year, would have been four million four hundred and ninety-seven thousand and four dollars, which was saved for the State. Their average valuation, considered merely as laborers earning the lowest wages, when restored to health and productive power, was eleven hundred and two dollars each; making a total of two million seven hundred and sixty-three thousand and eighteen dollars which was regained. Both of these make a total of seven million two hundred and sixty thousand and seventy-two dollars which has been gained to the State and people by the restoration of these twenty-seven hundred and nine insane persons at the asylum at Stockton.

This calculation presupposes that all these were original cases, and with no readmission; but although the record does not state it, there must have been here, as elsewhere, periodical cases, some being more than once and some several times attacked, sent to the hospital, and there cured. These of course had shorter periods of health than this

average, and their years should be deducted. This would reduce the sum, but would still leave a very great amount lost by uncured insanity

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## CHAPTER XVI.

### INSANE ASYLUMS—PLAN BEST ADAPTED TO CARE AND TREATMENT OF THE INSANE.

General Observations—Cottage System—Farm Asylums—Close Asylums—Pavilion Plan

#### GENERAL OBSERVATIONS.

From the foregoing considerations, then, there will be no question that the State has a very great interest in the cure of the insane. Yet there may be a question as to the best manner of effecting it. We have already shown why they cannot be properly cared for, treated, and cured in private houses, at least in California; and also why we prefer moderately small to very large asylums. As it is not probable, however, that an appropriation could be obtained for two asylums with a capacity for two hundred or two hundred and fifty patients each, in accordance with our views, we trust that none for more than four hundred patients will ever be built. In saying this, we have not forgotten the suggestion made, that the north wing of the Female Asylum at Stockton should be finished. It must be remembered that the removal of two or three most uncomfortable, unsightly, and objectionable wards was at the same time deemed a most desirable end to be accomplished, so soon as a new asylum could be erected; and furthermore, that having already constructed a centre building (always the most expensive part of any asylum), together with kitchen, chapel, engine house, boilers for heating, and other necessary concomitants for an asylum to accommodate a given number, this improvement can be made at less cost than at any other place, to say nothing of the pressing demands for the room it would more speedily supply than in any other way. We have an asylum at Stockton which in some respects is not what it should be; and we desire to see these evils remedied. The improvements suggested would accomplish this object; nor do we consider this improvement at all inconsistent with the views expressed with regard to the size of asylums; this would only be the completion of a hospital already begun, and is simply a matter of necessity; whereas a different system may and should prevail in the construction of all asylums to be hereafter built.

#### THE COTTAGE SYSTEM.

We have already had occasion to speak of the different kinds of asylums in vogue in several countries, in our sketch of the report of Doctor Manning. What he had to say of the cottage system, as practiced at the Colony of Gheel, and the modification of that system, as adopted to some extent in Scotland, entirely agrees with the conclusions at which we ourselves had arrived: that however well adapted the system may be for old and thickly settled communities, it is "altogether inapplicable to a new or sparsely settled country." Much has been written upon this system by some of the foremost men of the Continent, of Great

Britain, and the United States; some advocating its adoption in their respective countries, while others condemn it in no mild terms as being unworthy even of respectful consideration. Esquirol, Guislain, Moreau, Parigot, Bulekens, DeMundy, Duval, Roller, Droste, Halliday, Stevens, Brown, Sibbald, Earle, Galt, Tyler, Bemis, and a host of others, have visited the famous old Colony at Gheel, and given the results of their experiences and observations to the world. Manning came next, and we followed in the wake of all, and had set forth our views at some length, not only with regard to Gheel, but also the Scotch system, of keeping a certain class of lunatics in private dwellings. But as we have no Gheel in America, and no such population as that among whom lunatics are kept in Scotland, it is unnecessary to print them. Nine tenths of the patients kept at Gheel in Belgium, and at Kennoway in Scotland, we believe, are better satisfied than they would be in hospitals; but it would be impossible to induce our people to take charge of such patients for the cost of keeping them in our asylums. Hence, it would be useless to discuss the cottage system with a view to its adoption in our country.

We refer the curious, and those who may desire to learn more of the history of Gheel and the cottage system, to the interesting essays of Dr. John Sibbald, of Scotland, who has written the most satisfactory account of them with which we have met, and which may be found in the *Journal of Mental Science* for April, 1861; to that of Dr. Henry Stevens, published in the same journal for April, 1858; and to that of Dr. Merrick Bemis, to be found in the Worcester Hospital Report for 1869—all of which, with numerous other articles upon this and kindred subjects, are among the books which now adorn the shelves of the medical department of our State Library. Indeed, with Winslow's *Psychological Journal*, the *Journal of Mental Science*, and the *American Journal of Insanity* in our library, to say nothing of the large number of other works that keep these company, it would be difficult, if not impossible, to touch upon any subject relating to insanity that cannot be found ably and thoroughly discussed in some of them. Had a tithe of the information which they contain been known by our people, or could they have been accessible to all, then, indeed, would this report have been a useless undertaking; but should it only serve to direct public attention to them, and to the subjects of which they treat, will much good have been accomplished.

For a thorough understanding of the Scotch system, we refer the reader to the interesting work of A. Mitchell, M. D., "On the Insane in Private Dwellings."

The plans that we have selected for publication in this report are chosen from a large list, and are believed to be specimens of the best in the world. There are many others equally good, and in giving preference to these we by no means intend or desire to disparage others. All cannot be published, and to insert an account of so many asylums, such as we find in our notes, would constitute a volume, and must therefore be omitted, however agreeable it would be to us to give our experience of each institution visited. We must therefore be content with descriptions of a few only, as samples of the best, and again refer the reader to the journals and other works on the subject already alluded to, for any additional information that may be desired.

#### FARM ASYLUMS.

The farm asylum—of which Clermont, with its colony of Fitzjames,

about fifty miles from Paris, is perhaps the best specimen—possesses some advantages, in an economical point of view, but would scarcely be applicable in this country. It consists of an asylum proper, situated in the Town of Clermont, and is intended for all patients who cannot safely be trusted with the liberty given the patients at the colonies. One of these, called “Fitzjames,” is near the town, and is approached by a wide avenue, finely shaded by trees. Here there are several buildings appropriated to the use of the different classes of patients, who pay from thirty francs a month to three hundred. Those paying the higher prices have rooms to themselves, a larger number of attendants, better diet, greater facilities for amusements and entertainments, and are not required to work. Of this class there are very few. Those who are charged thirty francs a month are paid for by the Department from which they came, and are expected to do such labor as may be required of them. The colonies contain one thousand acres of land, and the men work upon the farm, in the garden, and in the shops, while the women sew, do housework, wash, iron, etc. The buildings occupied by the men who work on the farm are two stories high, and consist of day rooms on the first and dormitories on the second floor. They eat in a common dining room, and no classification is attempted. The flouring mill, barns, stables, piggeries, sheep sheds, fowl yards, butcher shop, etc., are near these buildings, and are all kept in the most complete order. They are under the management of M. Jules Labitte, one of the three brothers to whom the establishment belongs, while Doctor Gustave Labitte is the Physician in Chief of the entire establishment, having an assistant in each department. The buildings for the laundry women are located a few hundred yards distant from the last mentioned, and are of similar character. The laundry itself is so constructed that a little river or stream, the Beronelle, traverses its entire length, and presents much the appearance of an ordinary mining flume, on either side of which the women stand and wash, after the custom of washerwomen throughout France. The other colony, “Villiers,” is about four miles from Clermont, and is conducted on the same principle as that at Fitzjames. Of the fourteen hundred and seven patients at this establishment three hundred and fifty are at Fitzjames, one hundred at Villiers, and the rest at the establishment in Clermont. It is said to be a most profitable enterprise to its proprietors, and we were impressed with the idea that the patients were required to do more work than seemed compatible with their physical and mental condition; and the fact that nineteen and seven tenths per cent of recoveries and forty-five and two tenths per cent of deaths to numbers admitted were reported for eighteen hundred and seventy is an additional reason to confirm this conclusion. Ordinarily the labor of five lunatics is supposed to be equal to that of one person in perfect health, while many cannot labor for medical reasons; but here a much larger proportion are required to work, and more work required of them. Hence we conclude that this system could not be successfully carried out in our country and among our people.

#### CLOSE ASYLUMS.

This brings us to the consideration of the close asylums, including the corridor, house, and pavilion plans. All of these have their peculiar advantages and their strenuous advocates. Plans of each will be found in Appendix F of this report. All have notes of reference explanatory of the design, and some have been described.

The asylums in the United States have nearly all been constructed on the corridor plan, with centre building and wings. The plans of the proposed asylum at the City of Boston, the Pennsylvania Hospital for the Insane, and the Michigan State Asylum, though differing in some respects, are all of this character, and are considered among the best in this country, and we think are not surpassed by any in the world. None of them could be built for less than one thousand six hundred dollars per patient, and the Pennsylvania Hospital for the Insane—known as the New Kirkbride Asylum—with all of its appurtenances would probably cost two thousand dollars per patient. It is a corporate institution, intended for and patronized by the wealthy or independent classes, who pay from fifteen to thirty-five dollars per week, which enables it to furnish many advantages, comforts, and luxuries, and sources of amusement and diversion, that would be beyond the reach of institutions intended mostly for the accommodation of indigent or non-paying patients. Its capacity is for two hundred and fifty patients.

The Michigan Asylum is a State institution and was designed for three hundred, and cost four hundred thousand dollars; while the plan of the Boston Asylum was also intended for three hundred patients, and was estimated to cost four hundred and ninety-eight thousand five hundred and three dollars.

Descriptions of these asylums will be found elsewhere in this report, and it is only necessary to say here that *all of them* might be built in such manner as materially to lessen the cost and yet retain the general design of the structures and convenience of internal arrangement. We will mention a few of the most prominent. The expensive apparatus necessary to forced ventilation might in our climate be dispensed with. It is rarely cold enough in California at any season to render it necessary to close all the windows of a hospital, while in Summer the prevailing winds afford an abundance of fresh pure air. The Boston plan is fifty-six feet wide, but we believe that thirty-six feet would be sufficient for all necessary purposes. This would give twelve feet for the corridors and ten feet in the clear for rooms—eight by ten being large enough for single rooms. Large dormitories we do not and never did fancy; one in each ward for five patients would be sufficient for most classes of patients, and anything larger than this might easily be provided by having one wing on either side so constructed as to have the rooms only on one side the corridor, after the almost universal system of Great Britain and the continent, as may be seen in the plans of Appendix F, figures six, ten, twelve, and thirteen—the connection of the wings to the centre building and to each other giving an abundance of light and air. The bay windows and open sitting rooms at the end of each corridor are beautiful and most desirable features of this plan, and worthy of imitation in any new structure for the treatment of the insane.

In the Michigan Asylum the ceilings are fourteen and sixteen feet, which we think unnecessarily high. Eleven or twelve feet would seem sufficiently high for the wards and fourteen feet for the centre building, thus saving another item of expense. In addition to these items that may be saved without sacrifice to comfort or design, it must be remembered that in our temperate climate not more than half the quantity of piping and other apparatus for heating the building will be required as are absolutely necessary in the colder regions in which they are located. A most desirable feature in the Michigan Asylum, too, is the infirmary

handsomely laid out and planted with shade trees, shrubs, and flowers, impress the beholder with satisfaction and delight, and must produce on the mind of the patient and his friends a feeling of pleasurable relief, that the bare walls of a hospital, however beautiful in design and elegant in structure, can never afford.

It may be well in this connection to state that no asylum in Great Britain or upon the continent is built more than three stories, and in our opinion none should ever be in this or any other country. The centre building may be three, the first wings should be two, and the last but one. If covered with a French roof, the attic may be utilized either for dormitories for quiet chronic cases or for such other purposes as may be desired. No ward should be built without a wide stairway of iron or stone at either end, that free escape in case of fire may always be made. For the want of this necessary precaution many patients have lost their lives in the numerous fires that have occurred in the last few years in our own country. We ourselves have had two fires at Stockton within the last fifteen months, but fortunately not in the asylum wards. In the first instance the laundry was burned, and in the last an outhouse used as a hayshed, and had the wind been from a different direction the wooden cottages in which patients are kept might have been consumed with the rest.

We learn, too, that the private asylum of Doctor Chipley, near Lexington, Kentucky, has just been destroyed by fire. This admonishes us that we cannot guard with too much care against the danger and ravages of this fearful and devouring element.

Our views with regard to the kitchen, chapel, laundry, airing courts, etc., are in entire accord with those expressed by Doctor Manning, as previously noticed in this report. It is therefore unnecessary to speak of them here.

With an asylum of this kind, carefully watched during its construction that the endless details from a *closet* to a *doorlock* may neither be overlooked nor neglected, and so located as to possess all the advantages we have pointed out, the most favorable results may reasonably be expected. And if in addition to this we could only have a small asylum for the treatment of such of our citizens as may desire better accommodations than the State can afford to GIVE, our system would be as near perfect as any in the world. There would then be no jealousies on the part of the poor, and no complaints on the part of those who pay. The rich would have such accommodations as they desired and were disposed to pay for at non-speculative rates, and the poor would be as comfortably provided for as in any other country. As already stated, we can scarcely hope that provision will be made for the execution of this last suggestion at the present time. The others are absolute necessities, requiring immediate action or disastrous consequences, while this is only a desirable end devoutly to be wished for but not of absolute and pressing necessity.

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#### CONCLUDING REMARKS.

In our introductory chapter we expressed our obligations to all who had contributed to our stock of information or facilitated our investigations. We feel that something more than this is due from us, not only for courtesies extended in consequence of our position as an officer of the State of California, but for individual acts of kindness.

The Commissioners in Lunacy for England and Wales, and especially Mr. Wilkes, in addition to valuable contributions for the State Library, gave us information that greatly aided us in our investigations. Doctor Mandsley, the President of the Medico-Psychological Association of Great Britain, kindly invited us to attend the annual meeting of that body, and thereby brought us in contact with a large number of the most able and learned men in the country, and enabled us to exchange views with and obtain the experience of such men as Doctor Bucknill, the accomplished author and Chancery Commissioner in Lunacy; Doctor Lockhart Robertson, also a Chancery Commissioner, and editor of the *Journal of Mental Science*; Doctor Tuke, the Secretary of the Association, and Doctors Arlidge, Blandford, Sankey, Hood, Monroe, Clouston, and others whose writings are familiar to the profession in this country, and a large number of Superintendents of asylums from all parts of the kingdom. Many of these we had seen, or afterwards visited at the asylums under their management. Doctor Brushfield, at Brookwood; Doctor Begley, at Hanwell; Doctor Marshall, at Colney Hatch; Doctor Rhys Williams, at Bethlem; Doctor S. W. D. Williams, at Hayward's Heath; and that noble trio of genial gentlemen, Doctors Yellowlees, Clouston, and Rogers, who reminded us so forcibly of three *young* Superintendents in our own country—Doctors Rodman of Hopkinsville, Kentucky, Callender of Tennessee, and Walker of Boston. Doctor Forbes Winslow did not attend the meeting of the Association, but we had the pleasure of seeing him at his own home. He is a man of such versatility of genius and such a fund of knowledge that to be in his presence is to imbibe information. We are under many obligations to him. A host of others were equally kind and hospitable, and to whom we gratefully tender our thanks.

In Scotland, our obligations are due to Sir James Coxe, one of the Commissioners in Lunacy, and President of the Medico-Psychological Association, for courteous attention and valuable reports. To Doctor Sibbald, Deputy Commissioner in Lunacy, for devoting an entire day in visiting with us the Colony of Kennoway, where insane persons are kept in private dwellings, after the fashion of Gheel in Belgium; and also for a copy of his essay on the cottage system, Doctor Mitchell's treatise on the insane in private dwellings, and other documents. To Doctor David Skae, the celebrated Superintendent of the Morningside Asylum, for giving us the results of his treatment in some cases of insanity, together with the effects of certain remedies elsewhere considered; and to the Superintendents of all the asylums visited, for similar favors.

Doctor Stewart, of the Belfast Asylum in Ireland; Doctor Lalor, of the Richmond Asylum at Dublin; Doctor Murphy, at Killarney; Doctor Nugent, one of the Inspectors of Asylums, and other gentlemen engaged in the specialty, also placed us under obligations.

In France, to Doctor Blanche of Passy; Doctor Lasègne, President of the Medico-Psychological Society of France; Doctor Motet, the Secretary of the Society; and to Doctors Falret, Dumesniel, Morel, Foville, Dagonet, Labitte, Arthaud, Carrier, Bruno, Hildebrand, and Ceilleux, we are indebted for many courtesies and all the information we were able to obtain of the condition and treatment of the insane in that country.

In Italy, Doctor Fidèle, of Rome, not only accompanied us to the asylum but to the numerous hospitals and other charitable institutions of the Imperial City, and gave us letters to several of the prominent physicians throughout the kingdom. Professor Neri of Perugia, whose

asylum overlooks the broad Valley of the Tiber, gave us the only general statistics that we were able to obtain in Italy, and was not only well versed in psychological medicine, but was imparting his information to a class of twenty medical students who were studying the diseases of the brain that affect the mind. Doctor Cardini, of Florence; Doctor Fouscarti, of Bologna; Doctor Biffi, of Milan; Doctor Salerio, of Venice; Doctor Bramanti, of Padua, and, indeed, all the physicians and Superintendents whose asylums we visited cheerfully opened to us the doors of their institutions and aided us in every possible manner in the prosecution of our inquiries.

Nor can we say less than this of the Superintendents of the asylums in Bavaria, in Austria, in Prussia, and in other German States, in Switzerland, in Holland, and in Belgium.

Nor can we forget the services rendered us in our visits to the German and Swiss asylums by our young and accomplished countryman, Doctor B. B. Kent of Boston, who accompanied us to a dozen institutions, and from his knowledge of medicine and of the German language added greatly to the interest and pleasure of our investigations and our travels.

To the United States Ministers, Mr. Marsh, in Italy; Mr. Jay, in Austria; Mr. Bancroft, in Prussia; Mr. Washburne, in France; Mr. Jones, in Belgium; and the acting representative of our Government in England, Mr. Moran; and to the Consuls of the United States, wherever and whenever called upon, we are indebted for favors of various kinds. They were ever ready to assist us in our investigations in every possible way.

It is scarcely necessary for us to say more of the Superintendents in the United States than that they are all intelligent men, devoted to the cause of humanity, and equal in every respect to those of any other country. Among them are men of worldwide reputation, such as Doctors Ray, Jarvis, Earle, Gray, Butler, Kirkbride, Stribbling, Nichols, Bancroft, Read, Buttolph, Gundry, Curwen, and Workman and others are well known in our own country. To all of these gentlemen we owe and herewith tender our thanks; and to our friend, Doctor Edward Jarvis, who not only gave us free access to his splendid library, but who rendered us invaluable assistance in various ways. He is a faithful worker in the harness of humanity, and deserves the gratitude of the human race. There are many others to whom we are indebted for counsel, assistance, and good cheer, and to these, with the rest, we offer our thanks. If there is any one man in this State who more than any other is entitled to the gratitude of the unfortunate class of our citizens in whose behalf we have pleaded, that man is our friend Colonel E. J. Lewis of Tehama, who, sympathizing with their misfortunes and comprehending their sad condition, introduced the bill authorizing this inquiry in order that public attention might be directed to their necessities and relief.

# APPENDICES.

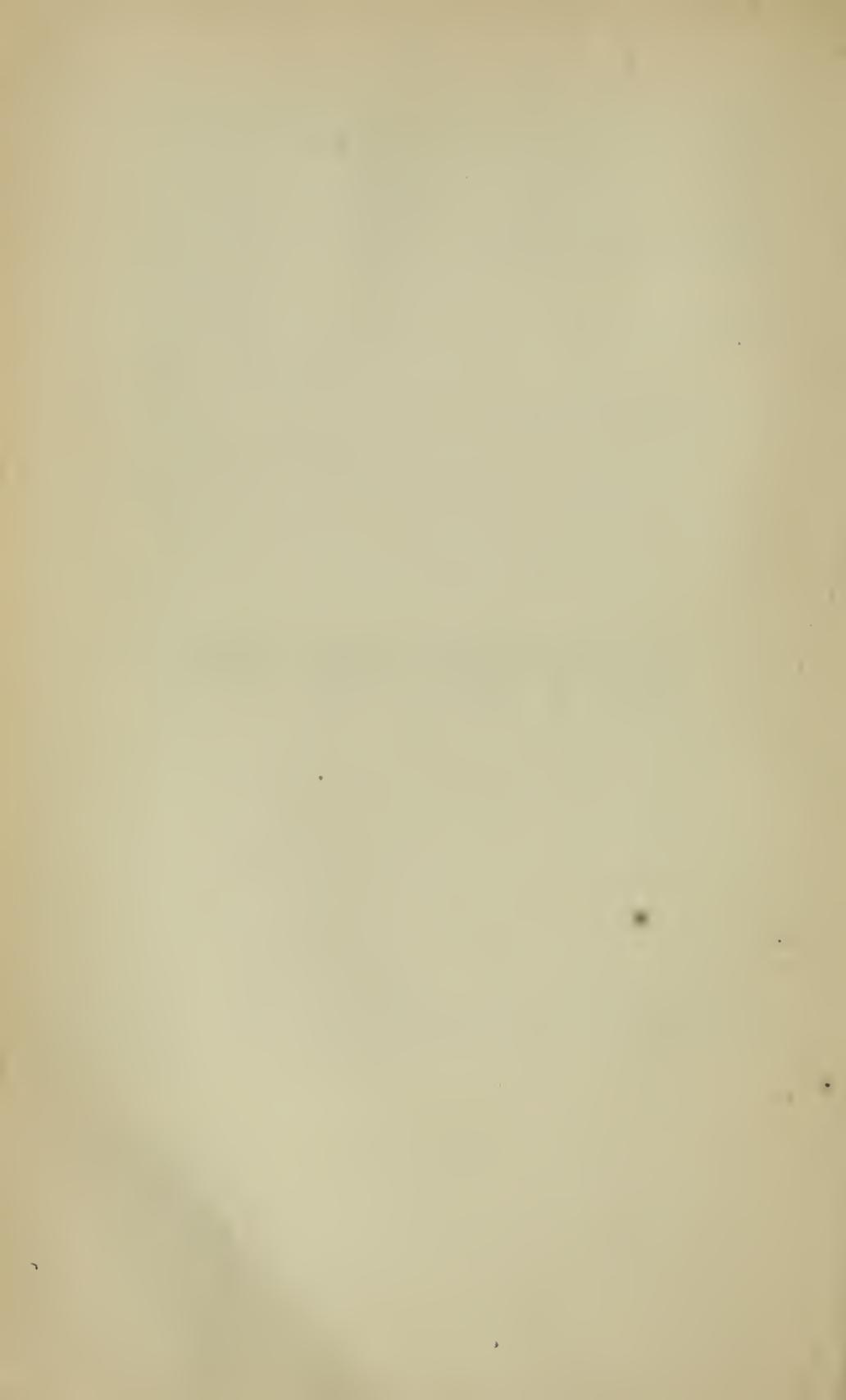


TABLE 1.

*Showing admissions, with principal causes of Insanity, and per cent of each to admissions, in twenty-six Asylums, in eighteen hundred and sixty-nine.*

In five thousand three hundred and fourteen admissions, the principal causes of insanity were:	
Ill health and physical disease.....	1486
Spermatorrhœa.....	708
Domestic troubles.....	544
Intemperance.....	544
Religious excitement.....	527
Epilepsy.....	357
Per cent of each on number of admissions:	
Ill health.....	27.96
Spermatorrhœa.....	13.32
Domestic troubles.....	10.23
Intemperance.....	10.23
Religious excitement.....	9.91
Epilepsy.....	6.71

*Showing, also, the Deaths, with principal causes, and per cent of each to total Deaths, in twenty-seven Asylums, in eighteen hundred and sixty-nine.*

In one thousand and seven deaths, the principal causes of death were:	
Disease of the lungs.....	162
Paralysis.....	111
Exhaustion, from different causes.....	107
Mania.....	51
Marasmus.....	40
Old age.....	38
Per cent of each on number of deaths:	
Disease of lungs.....	16.08
Paralysis.....	11.02
Exhaustion.....	10.62
Mania.....	5.06
Marasmus.....	3.97
Old age.....	3.77

TABLE 2.

UNITED STATES.]

STATES.	TOWNS.	Character .....	Acres of Land.....	When Opened.....	Capacity .....	Material .....	Cost of Building.....	Number of Patients...	Cost of Maintenance..	CHARGES.
Alabama.....	Tuscaloosa.....	State.....	300	1861	300	Brick.....	.....	279	.....	Three dollars fifty.
California.....	Stockton.....	State.....	120	1852	720	Brick.....	.....	1,090	\$3 22	
Connecticut.....	Hartford.....	Corporate.....	87	1824	150	Brick.....	.....	157	.....	
Connecticut.....	Middletown.....	State.....	230	1868	230	Brown stone.....	\$350,000	230	.....	
Connecticut.....	Litchfield.....	Private.....	100	.....	12	.....	.....	12	.....	
Georgia.....	Milledgeville.....	State.....	1,250	1842	400	Brick.....	350,000	220	.....	
Illinois.....	Jacksonville.....	State.....	187	1851	400	Brick.....	.....	460	.....	Paid by the State.
Indiana.....	Indianapolis.....	State.....	160	1848	500	Brick.....	.....	500	4 00	Paid by the State.
Iowa.....	Mount Pleasant.....	State.....	173	1861	300	.....	415,000	438	4 00	Paid by counties.
Kansas.....	Ossawatimie.....	State.....	.....	1866	.....	.....	.....	41	.....	
Kentucky.....	Lexington.....	State.....	240	1824	525	Brick.....	.....	525	.....	Four to ten dollars.
Kentucky.....	Hopkinsville.....	State.....	350	1854	325	Brick.....	269,000	325	4 08	Half paid by State.
Louisiana.....	Jackson.....	State.....	580	1848	166	.....	.....	16 1/2	.....	
Maine.....	Augusta.....	State.....	300	1840	350	Granite.....	350,000	345	4 51	Four to seven dollars
Maryland.....	Baltimore.....	State.....	12	1834	120	Brick.....	.....	125	.....	Six dollars.
Maryland.....	Mt. Hope Retreat.....	Corporate.....	.....	1867	200	.....	.....	193	.....	
Maryland.....	Catonsville.....	State.....	136	.....	350	Blue stone.....	600,000	.....	.....	
Massachusetts.....	Worcester.....	State.....	120	1833	300	Brick.....	.....	425	4 01	Three fifty to ten dols
Massachusetts.....	Taunton.....	State.....	137	1854	300	Brick.....	.....	403	3 83	Three fifty to five dols
Massachusetts.....	Northampton.....	State.....	200	1858	300	Brick.....	375,000	420	8 51	
Massachusetts.....	Tewksbury.....	State.....	.....	.....	.....	.....	.....	294	2 00	
Massachusetts.....	Boston.....	City.....	2	1839	175	Brick.....	.....	230	4 98	
Massachusetts.....	Somerville.....	Corporate.....	130	1818	190	Brick.....	.....	190	.....	Fifteen to fifty dols.
Michigan.....	Kalamazoo.....	State.....	200	1859	300	Brick.....	400,000	305	3 98	Five dols. eight cts.
Minnesota.....	St. Peter.....	State.....	210	1866	.....	.....	.....	206	.....	
Mississippi.....	Jackson.....	State.....	.....	1855	.....	.....	.....	160	.....	

Missouri	Fulton	500	1851	350	Brick	288	3 50	Three dollars fifty.
Missouri	St. Louis	1869	200	214	Brick	214		Paid by county.
Missouri	St. Vincent	1858	250	250	Brick	250		Five to twenty-five ds
New Hampshire	Concord	128	500	648	Brick	648		Five to ten dollars.
New Jersey	Trenton	200	1849	500	Stone	658		Four to six dollars.
New York	Utica	428,980	1843	600	Stone	658		
New York	New York	1,500,000	1858	400	Stone	62		Paid by State, (\$3 50)
New York	Poughkeepsie	6	1858	64	Stone	243	2 00	
New York	Auburn	475	1869	500	Brick	165		
New York	Ovid	1821	1861	600	Stone	1,300	1 96	
New York	Bloomington	1846	450	40		40		[dollars.
New York	Blackwell's Islnd	1855	73	602		602		Eight to twenty-five
New York	Flushing	1859	109	109		109		
New York	Flatbush	1861	230	230		230		
New York	New York	250,000	1861	204		204		
New York	Canandaigua	1839	600	330	Brick	330		Paid by State.
New York	Toy	1859	300	330		330		
New York	New York	600,000	1859	470	Brick	539	4 90	
North Carolina	Raleigh	1853	500	571	Brick	571		
Ohio	Columbus	1841	500	122		122		[dollars.
Ohio	Newburg	1817	60	360		360	8 81	Fifteen to thirty-five
Ohio	Dayton	1851	400	62	Brick and stone.	62		Eight fifty to thirty.
Ohio	Longview	1856	401	430	Brick	430	4 45	County patients, \$3.
Oregon	Portland	1841	500	401	Brick	401		
Pennsylvania	Philadelphia	80	1817	500,000		500,000		[dollars.
Pennsylvania	Frankford	135	1851	250,000		250,000		Five to thirty-five
Pennsylvania	Harrisburg	250	1856	600,000		600,000		Two to three fifty.
Pennsylvania	Dixmont	130	1847	81,300		81,300		
Pennsylvania	Danville	40	1822	250	Brick	250		Three to four dollars.
Pennsylvania	Philadelphia	455	1861	356	Brick	356		
Rhode Island	Providence	500	1837	48		48		
South Carolina	Columbia	1773	200	518		518		
Tennessee	Nashville	1828	350	324	Brick	324	5 76	
Texas	Austin	1870	150	324	Brick	324	4 15	
Vermont	Brattleboro	1866	250	150	Wood	150	5 12	
Virginia	Williamsburg	1854	175	207		207	2 75	
Virginia	Staunton	1855	350	360		360		
Virginia	Howard Grove			541		541		
West Virginia	Weston							
Wisconsin	Madison							
District Columbia	Washington							



Missouri .....	St. Vincent.....	James B. Bancroft.....	700	2	One to twelve.....	Coal.
New Hampshire.....	Concord.....	II. A. Buttolph.....		3	One to ten.....	Coal at \$8 80 per ton.
New Jersey.....	Trenton.....	John P. Gray.....	3,000			Coal.
New York.....	Utica.....	J. M. Cleveland.....		1	One to sixteen.....	Coal at \$6 40 per ton.
New York.....	Poughkeepsie.....	James W. Wilkie.....	1,500			Coal.
New York.....	Auburn.....	J. B. Chapin.....	3,000	1	One to fifteen.....	Coal.
New York.....	Ovid.....	Tilden Brown.....				Coal.
New York.....	Bloomington.....	R. L. Parsons.....				Coal.
New York.....	Blackwell's Island.....	J. A. Barstow.....		1	One to five.....	
New York.....	Flushing.....	Edward R. Chapin.....				
New York.....	Flatbush.....	George Cook.....				
New York.....	Canandaigua.....	Joseph D. Loniax.....				
New York.....	Troy.....	George Ford.....	2,500	1	One to ten.....	Wood at \$3 25 per cord.
New York.....	New York.....	Eugene Grissom.....	1,000			
New York.....	Raleigh.....	William L. Peck.....		2	One to fifteen.....	Coal.
North Carolina.....	Columbus.....	J. M. Lewis.....	4,000	2	One to twenty-five.....	Coal.
Ohio.....	Newburg.....	R. Gundry.....	1,200			
Ohio.....	Dayton.....	O. M. Langdon.....	4,000			
Ohio.....	Longview.....	J. C. Hawthorne.....		3	One to five.....	
Oregon.....	Portland.....	Thomas G. Kirkbride.....	4,000	1	One to ten.....	Coal.
Pennsylvania.....	Philadelphia.....	J. H. Worthington.....	3,000	2		
Pennsylvania.....	Frankford.....	John Curwen.....	2,500			
Pennsylvania.....	Harrisburg.....	Joseph A. Reed.....	2,000			
Pennsylvania.....	Dixmont.....	S. S. Schmitz.....				
Pennsylvania.....	Danville.....	D. D. Richardson.....		1	One to ten.....	Coal at \$7 per ton.
Pennsylvania.....	Philadelphia.....	John W. Sawyer.....	1,600	1	One to ten.....	
Rhode Island.....	Providence.....	J. F. Ensor.....	2,500	2	One to eight.....	1
South Carolina.....	Columbia.....	J. H. Callender.....	3,000	1		
Tennessee.....	Nashville.....	William H. Rockwell.....		1	Sixty employes.....	Wood.
Texas.....	Austin.....	D. R. Brower.....	2,500	2		
Texas.....	Brattleboro.....	F. T. Stribbling.....	3,500	1	One to twelve.....	Coal.
Virginia.....	Williamsburg.....	Daniel H. Conrad.....	3,000			
Virginia.....	Staunton.....	R. Hills.....		1		
Virginia.....	Howard Grove.....	Alexander McDill.....				
West Virginia.....	Weston.....	Charles C. Nichols.....				
Wisconsin.....	Madison.....					
District Columbia.....	Washington.....					

TABLE 2—(Concluded.)

STATES.	TOWNS.	LIGHTS.	HOW WARMED.	WATER SUPPLY.	Insane at Large*
Alabama	Tuscaloosa	Gas at \$7 per M.	By steam and stoves.	Pumped from a well by engine.	276
California	Stockton	Gas	By steam.	Brought from a spring in pipes to the top of the building.	46
Connecticut	Hartford	Gas	By steam.	Water pumped by steam, first into reservoir, thence into building.	373
Connecticut	Middletown	Gas	By steam.	Abundant. Pumped by steam.	1,004
Connecticut	Litchfield	Gasoline	By steam.	From reservoir. Scant.	304
Georgia	Milledgeville	Gas at \$4 per M.	By steam.	Pumped from reservoir. Not abundant.	90
Illinois	Jacksonville	Gas, \$3.50 per M.	By steam.	Pumped. Abundant.	395
Indiana	Indianapolis	Gasoline	By steam.	Pumped. Abundant.	285
Iowa	Mount Pleasant	Gas	By steam.	From lake. Not sufficient.	447
Kansas	Ossawatimie	Gas	By steam.	.....	415
Kentucky	Lexington	Candles	By steam.	.....	994
Kentucky	Hopkinsville	Gas at \$4 per M.	By steam.	.....	.....
Louisiana	Jackson	Gas	By steam.	.....	.....
Maine	Augusta	Gas	By steam.	.....	.....
Maryland	Baltimore	Gas	By steam.	.....	.....
Maryland	Mt. Hope Retreat.	Gas	By steam.	.....	.....
Maryland	Catonsville	Gas	By steam.	.....	.....
Massachusetts	Worcester	Gas	By steam.	.....	.....
Massachusetts	Taunton	Gas, \$3.25 per M.	By steam.	.....	.....
Massachusetts	Northampton	Gas	By steam.	.....	.....
Massachusetts	Tewksbury	Gas	By steam.	.....	.....
Massachusetts	Boston	Gas	By steam.	.....	.....
Massachusetts	Somerville.	Gas	By steam.	.....	.....
Michigan	Kalamazoo	Gas at \$3 per M.	By steam.	.....	.....
Minnesota	St. Peter	Gas	By steam.	.....	.....
Mississippi	Jackson	Gas at \$4 per M.	By steam.	.....	.....
Missouri	Fulton	Coal oil	By steam.	.....	.....
Missouri	St. Louis	Gas	By steam.	.....	.....
Missouri	St. Vincent.	Gas	By steam.	.....	.....
New Hampshire	Concord	Gas	By steam.	.....	.....

New Jersey	Trenton	Gasoline	By steam	Pumped from spring. Inexhaustible.	270
New York	Utica	Gas	By steam	Pumped from reservoirs furnished by springs.	3,041
New York	Poughkeepsie	Gas	By steam	Pumped from river into a reservoir.	
New York	Auburn	Gas	By steam	From mountain stream; brought in pipes to the top of building.	
New York	Ovid	Gas	By steam		
New York	Bloomington	Gas	By steam		
New York	New York	Gas	By steam		
New York	Flushing	Gas	By steam		
New York	Flatbush	Gas	By steam		
New York	Canandaigua	Gas	By steam		
New York	Troy	Gas	By steam		
New York	New York	Gas at \$8 per M.	By steam		549
North Carolina	Raleigh	Columbus	By steam		1,991
Ohio	Newburg	Gas	By steam	Pumped by steam.	
Ohio	Dayton	Gas	By steam	Abundant, but pumped twice.	
Ohio	Longview	Gas, \$1.25 per M.	By steam	Pumped. Abundant.	1,872
Oregon	Portland	Gas	By steam		
Pennsylvania	Philadelphia	Gas	Furnace in basement.		
Pennsylvania	Frankford	Gas	By steam	Pumped by steam. Abundant.	
Pennsylvania	Harrisburg	Gas	By steam		
Pennsylvania	Dixmont	Gas	By steam		
Pennsylvania	Danville	Gas	By steam		
Pennsylvania	Philadelphia	Gas	By steam		
Rhode Island	Providence	Gas	Stoves and open fires.	From the city. Abundant.	152
South Carolina	Columbia	Gas	By hot air and steam.		83
Tennessee	Nashville	Gas	By hot air and steam.		571
Texas	Austin	Gas	By hot air and steam.		222
Vermont	Brattleboro	Gas (of rosin).	Wood fires.	From springs.	203
Virginia	Williamsburg	Gas, \$3.50 per M.	By stoves.	From a spring in pipes to top of building. Abundant.	448
Virginia	Staunton	Lamps	By stoves.		
Virginia	Howard Grove	Gas	By steam		167
West Virginia	Weston	Gas	By steam	Pumped from spring.	486
Wisconsin	Madison	Gas	By steam		
District Columbia	Washington	Gas	By steam		

\* This includes all of the insane at large, or in jails, almshouses, and private residences.

## UNITED STATES.

TABLE 3.

*Asylums visited in the United States in 1869.*

NAME.	Numbers resident.....	Numbers admitted.....	Treated.			Cured.			Died.			Proportion per cent of Recoveries to Admissions.....	Proportion per cent of Recoveries to Number Treated.....	Proportion per cent of Deaths to Admissions...	Proportion per cent of Deaths to Number Treated.....
			Males.....	Females ...	Total.....	Males.....	Females ...	Total.....	Males.....	Females ...	Total.....				
California.....	853	482	989	346	1,335	168	57	225	121	38	159	46.68	16.85	32.98	11.91
Fulton, Missouri.....	368	131	255	244	499	26	18	44	24	14	38	33.58	8.81	29.00	7.61
<i>Virginia.</i>															
Eastern Asylum.....	180	53	109	124	233	10	9	19	5	4	9	35.84	8.15	16.98	3.86
Western Asylum, ('68 and '69).....	338	201	310	252	542	46	34	80	28	9	37	39.21	14.76	18.13	6.82
<i>Maryland.</i>															
Maryland Asylum.....	54	46	56	44	100	11	12	23	4	1	5	50.00	23.00	10.08	5.00
Mt. Hope Retreat.....	178	125	147	156	303	22	31	53	16	6	22	42.40	17.60	17.60	7.26
<i>Kentucky.</i>															
Eastern Asylum.....	320	230	287	263	550	31	30	61	18	12	30	26.52	11.09	13.04	5.45
Western Asylum.....	280	81	.....	.....	.....	27	12	39	4	5	9	48.14	10.80	11.11	2.49
Tennessee.....	257	214	261	220	471	55	45	100	26	16	42	46.72	21.23	19.62	8.91
North Carolina.....	217	27	128	116	244	3	4	7	5	2	7	25.92	2.86	25.92	2.86
South Carolina.....	204	94	150	148	298	28	16	44	10	4	14	46.80	14.76	14.89	4.69
Government Asylum.....	369	180	145	404	549	33	8	41	15	3	18	22.77	7.46	10.00	3.50
<i>Pennsylvania.</i>															
State Lunatic Asylum.....	340	180	288	282	520	26	21	47	19	6	25	26.11	9.63	13.88	4.80
Penn. Hospital for Insane.....	336	220	288	268	556	62	53	115	18	13	31	52.27	20.68	14.09	5.57
Phila. Almshouse, Ins. Dep't.....	680	397	440	637	1,077	66	103	169	25	62	87	42.56	15.69	21.91	8.07
Friends' Asylum.....	52	33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	520	248	361	407	768	29	42	71	31	25	56	42.42	16.47	15.15	5.88
												28.62	9.24	22.58	7.29



## UNITED STATES.

TABLE 4.

*Movements in Asylums in 1870.*

ASYLUMS.	Number Resident.....	Number Admitted....	Number Treated.			Number Cured.....	Number Died.....	Number Remaining...	Proportion per cent of Cures on number admitted.....	Proportion per cent of Cures on number treated.....	Proportion per cent of Deaths on number admitted.....	Proportion per cent of Deaths on number treated.....
			Male .....	Female .....	Total.....							
Alabama .....	191	88	148	131	279	17	30	.....	19.31	6.09	34.09	10.75
California .....	920	562	1,108	474	1,482	221	156	1,047	39.32	14.91	27.75	10.55
Alameda Park, Cal.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Woodbridge, Cal.....	25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Middleton, Conn.....	232	75	.....	.....	307	20	21	237	.....	.....	.....	.....
Hartford, Conn.....	130	143	63	80	277	46	20	157	.....	.....	.....	.....
Milledgeville, Ga., 1869-70.....	220	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Jacksonville, Ill.....	406	708	.....	.....	1,114	210	78	452	.....	.....	.....	.....
Indianapolis, Ind.....	387	405	408	384	792	187	51	475	.....	.....	.....	.....
Mt. Pleasant, Iowa.....	398	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas.....	31	62	51	42	93	38	2	41	.....	.....	.....	.....
Lexington, Ky.....	430	248	.....	.....	678	70	60	525	.....	.....	.....	.....

Hopkinsville, Ky.....	301	71	.....	372	27	14	.....	38.02	7.25	19.71	3.76
Jackson, La.....	163	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Augusta, Me.....	337	130	224	243	467	48	37	345	12.78	28.46	7.93
Baltimore, Md.....	114	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mt. Hope Retreat, Md.....	190	120	166	144	310	62	24	.....	20.00	20.00	7.74
Worcester, Mass.....	376	384	386	374	760	158	64	409	20.78	16.66	8.42
Taunton, Mass.....	383	375	368	390	758	112	38	382	14.77	10.13	5.01
Northampton, Mass.....	402	202	257	347	604	50	33	405	8.27	16.33	5.46
Tewksbury, Mass.....	267	263	.....	.....	530	.....	46	.....	.....	17.49	8.97
Boston, Mass.....	212	105	170	147	317	27	42	233	8.51	40.00	13.24
Somerville, Mass.....	184	79	130	133	263	33	12	178	12.54	15.18	4.50
Kalamazoo, Mich. 1869-71.....	229	*314	278	265	543	94	46	305	17.31	14.64	8.47
St. Peter, Minn.....	161	143	.....	31	304	51	25	206	16.77	17.48	8.22
Jackson, Miss.....	154	31	95	90	185	18	3	160	9.72	9.67	1.62
Fulton, Mo. 1869-70.....	368	298	.....	.....	666	91	74	303	13.66	24.83	11.11
St. Louis, Mo.....	216	120	138	198	336	31	18	253	9.22	15.00	5.55
St. Vincent, Mo.....	250	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Concord, N. H.....	253	135	192	196	388	65	32	225	16.75	23.70	8.24

## UNITED STATES.

TABLE 4—Continued.

*Movements in Asylums in 1870.*

ASYLUMS.	Number Resident....	Number Admitted....	Number Treated.			Number Cured.....	Number Died.....	Number Remaining..	Proportion per cent of Cures on number admitted .....	Proportion per cent of Cures on number treated .....	Proportion per cent of Deaths on number admitted .....	Proportion per cent of Deaths on number treated .....
			Male.....	Female.....	Total.....							
Trenton, N. J.....	567	247	384	430	814	68	44	648	27.53	8.35	17.81	5.40
Utica, N. Y.....	603	481	545	539	1,084	155	75	.....	31.80	14.11	15.59	6.91
Flatbush, N. Y.....	601	355	390	567	957	103	75	642	29.01	10.76	21.12	7.83
Bloomington, N. Y.....	161	153	.....	.....	314	60	27	165	39.21	19.10	17.64	8.59
Monroe Co. Asylum, N. Y.	88	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Blackwell's Island, N. Y..	1,110	780	.....	.....	1,890	212	132	.....	27.17	11.21	16.92	6.98
Flushing, N. Y.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Troy, N. Y.....	109	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ovid, N. Y.....	142	167	.....	.....	309	8	14	282	4.79	2.58	8.38	4.53
Buffalo, N. Y.....	30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Auburn, N. Y.....	79	17	.....	.....	96	9	3	.....	52.94	9.37	17.64	3.12
Canandaigua, N. Y.....	63	72	.....	.....	135	21	6	.....	29.16	15.58	8.33	4.44
Raleigh, N. C.....	225	28	128	125	253	6	9	232	21.43	2.37	32.14	3.55
Newburgh, O.....	316	193	247	262	509	103	23	330	53.36	20.23	11.91	4.51
Dayton, O.....	346	407	363	390	753	160	34	559	39.31	21.24	8.35	4.51
Longview, O.....	511	273	400	384	784	165	62	544	60.43	21.04	22.71	7.90

Portland, Or.....	91	92	.....	183	32	17	122	34.78	17.48	18.47	9.28
Phil'a Hospital for Insane..	313	261	299	275	94	35	344	36.01	16.37	13.40	6.09
Phil'a Alms House, Pa.....	723	416	.....	1,139	147	101	.....	35.33	12.90	24.27	8.86
Frankford, Pa.....	55	36	41	50	15	3	62	41.66	16.38	8.38	3.29
Harrisburg, Pa.....	410	168	.....	578	30	39	434	17.85	5.19	23.21	6.74
Dixmont, Pa.....	334	228	325	237	60	38	401	26.32	10.67	16.66	6.76
Kellyville, Pa.....	20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Providence, R. I.....	154	81	122	113	34	12	95	41.97	14.46	14.81	5.10
Columbia, S. C.....	232	90	32	.....	26	31	245	28.88	8.07	34.44	9.62
Nashville, Tenn.....	294	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Austin, Texas.....	48	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brattleboro, Vt.....	511	120	328	303	35	40	518	29.16	5.54	33.33	6.33
Williamsburg, Va.....	200	73	130	143	22	7	209	30.13	8.05	9.58	2.56
Staunton, Va.....	324	59	212	171	26	13	335	44.06	6.78	22.03	3.39
Howard Grove, Va.....	70	110	85	95	6	15	150	5.45	3.33	13.63	8.33
Weston, West Va.....	202	42	116	128	16	14	207	38.09	6.55	33.33	5.73
Madison, Wis.....	364	168	267	265	53	32	360	31.54	9.96	19.04	6.01
Washington, D. C.....	454	194	491	157	63	44	.....	32.47	9.72	22.68	6.78
Totals .....	17,735	10,229	.....	.....	3,357	1,851	12,506	32.81	12.90	18.08	7.11

## CANADA.

TABLE 5.

ASYLUMS.	Number of patients resident .....	Admitted.....	Cured.....	Died.....	Number treated.....	Proportion of cures to admissions.....	Proportion of cures to number treated.....	Proportion of deaths to admissions.....	Proportion of deaths to number treated.....
1869.									
Halifax.....	216	79	33	13	295	41	11	16	4
Toronto.....	518	77	35	26	595	45	5	33	4
Provincial Asylum, Frederickton.....	238	130	62	30	368	47	16	23	8
Prince Edward's Island.....	31	25	17	2	66	68	30	8	3
1870.									
Halifax.....	245	70	24	25	315	34	7	35	7
Toronto.....	509	121	46	37	630	38	7	30	5
Provincial Asylum, Frederickton.....	239	124	44	36	363	35	12	29	9

## ENGLAND.

TABLE I.

	1847.			1857.			1867.								
	Number of Asylums.....	Private patients....	Pauper patients.....	Total.....	Average capacity of Asylums.....	Number of Asylums.....	Private patients....	Pauper patients.....	Total.....	Average capacity of Asylums.....					
County and Borough Asylums.....	21	239	5,247	5,486	261	37	213	14,096	14,309	387	48	216	24,374	24,590	512
Registered Hospitals.....	11	727	384	1,111	101	15	1,536	175	1,731	115	15	1,842	374	2,216	148
In Workhouses.....	45	1,103	1,664	2,767	61	37	1,279	1,299	2,577	70	41	1,579	914	2,493	61
With relatives or others.....	96	1,530	2,332	3,862	40	79	1,511	1,087	2,598	33	63	1,649	336	1,985	31
In Jails.....	3	465	140	606	202	1	129	.....	129	129	3	630	.....	630	210
Other Hospitals or Asylums.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	176	4,065	9,767	13,832	79	169	4,687	16,657	21,344	126	170	5,916	25,998	31,914	188
<i>Insane not in Asylums:</i>															
In Workhouses.....	.....	.....	7,797	7,797	.....	.....	.....	6,800	6,800	.....	.....	.....	10,307	10,307	.....
With relatives or others.....	.....	437	4,418	4,855	.....	.....	150	5,497	5,647	.....	.....	223	6,638	6,861	.....
In Jails.....	.....	.....	.....	32	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total Insane.....	.....	.....	.....	26,516	.....	.....	4,837	28,954	33,791	.....	.....	6,139	42,943	49,082	.....

In 1847, fifty-two per cent of the insane population were provided with hospital accommodations; in 1857, sixty-three per cent; and in 1867, sixty-seven per cent.

TABLE 2.  
*Movements of English Asylums Visited in 1870 and 1871.*

ASYLUMS.	NUMBERS RESIDENT.			Numbers Admitted.	Numbers Treated ...	Numbers Cured.....	Numbers Died.....	Per cent of Cures on Admissions .....	Per cent of Cures on Number Treated..	Per cent of Deaths on Admissions.....	Per cent of Deaths on No. Treated....
	Males.....	Females .....	Total.....								
Liverpool.....	.....	.....	42	35	77	14	5	40.0	18.1	14.2	6.4
Rainhill (1869).....	313	358	671	108	779	45	45	41.6	5.7	41.6	1.9
St. Luke's.....	53	88	141	120	261	45	5	37.5	17.2	4.1	1.9
Bethlem .....	113	140	253	233	486	116	30	49.7	23.8	12.8	6.1
Grove Hall, Bow .....	.....	.....	443	115	558	22	37	19.1	3.9	32.1	6.6
Hanwell .....	617	1,081	1,698	423	2,121	119	182	28.1	5.6	43.0	8.5
Colney Hatch.....	817	1,236	2,053	462	2,515	135	187	29.2	5.3	40.4	7.4
Brookwood .....	303	317	620	186	806	63	83	33.8	7.8	44.6	10.2
Hayward's Heath.....	318	382	650	166	816	61	57	36.7	7.4	34.3	6.9
Brentwood, Essex.....	261	338	599	197	796	68	55	34.5	8.5	27.9	6.9
Bristol, Borough .....	110	111	221	110	331	40	26	36.3	12.0	23.6	7.8
Glamorgan, County.....	198	163	361	114	475	25	33	21.9	5.2	28.9	6.9
Wotton .....	282	311	593	194	787	91	66	46.9	11.5	34.0	8.3
Barnwood House.....	.....	.....	77	26	103	8	5	30.7	7.7	19.2	4.8
Buckinghamshire, County.....	186	240	426	108	534	46	51	42.5	8.6	47.2	9.5

Birmingham.....	272	315	587	194	781	85	68	43.8	10.8	35.0	8.7
Warwick, County.....	221	243	464	83	547	43	33	51.8	7.8	39.7	6.0
Derbyshire, County.....	183	185	368	110	478	50	40	45.4	10.4	36.3	8.3
West Riding (1868).....	593	607	1,202	446	1,668	211	125	45.2	12.6	26.8	7.4
Friends' Retreat.....	50	89	139	15	154	8	11	53.3	5.1	73.3	6.1
York.....	102	83	185	32	217	16	13	50.0	7.3	40.6	5.9
Newcastle-upon-Tyne.....	82	77	159	180	339	17	32	9.4	5.0	17.7	9.4
Cumberland and Westmoreland.....	199	174	373	130	503	60	23	46.1	11.9	17.6	4.5
Littlemore, Oxford.....	223	271	494	159	653	70	60	44.0	10.7	37.7	9.1
Total.....	12,819	3,966	16,785	1,458	4,272	36.7	8.6	32.0	7.5		

ENGLAND.  
TABLE 3.

	PRIVATE.			PAUPER.			TOTALS.		
	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....
	*Number of patients Dec. 31, 1869..	3,298	2,623	5,921	13,730	16,262	29,922	17,028	18,885
Admitted for first time.....	.....	.....	.....	.....	.....	.....	5,124	4,966	10,090
Readmitted.....	.....	.....	.....	.....	.....	.....	641	731	1,372
Total.....	.....	.....	.....	.....	.....	.....	5,765	5,697	11,462
Total number under treatment.....	.....	.....	.....	.....	.....	.....	.....	.....	47,375
Discharged cured.....	.....	.....	.....	.....	.....	.....	1,783	2,172	3,955
Discharged improved and not im- proved.....	.....	.....	.....	.....	.....	.....	1,461	1,298	2,759
Died.....	.....	.....	.....	.....	.....	.....	2,107	1,683	3,790
Total discharged and died.....	.....	.....	.....	.....	.....	.....	5,351	5,153	10,504
Number remaining Dec. 31, 1870.....	.....	.....	.....	.....	.....	.....	.....	.....	36,871
Proportion per cent of readmissions to admissions for first time.....	.....	.....	.....	.....	.....	.....	12.5	14.7	13.5

\* On January 1st, 1870, there were three hundred and fifty-six private single patients not mentioned in the above table.

## ENGLAND.

TABLE 3—Continued.

	Males.	Females.	Total.
Proportion per cent of recoveries to admissions .....	30.	38.	34.
Proportion per cent of recoveries to numbers treated.....			8.3
Proportion per cent of deaths to admissions.	36.5	29.5	33.
Proportion per cent of deaths to numbers treated.....			8.
1871.			
Proportion of pauper lunatics to total paupers.....			4.63
Proportion of pauper lunatics in asylums and workhouses.....			85.43
Proportion of lunatics maintained by relatives and others.....			14.57

Fifty-four English asylums made postmortem examinations in thirteen hundred and fifty-two cases, out of thirty-one hundred and thirty-five deaths, in the year eighteen hundred and seventy.

## ENGLAND.

TABLE 4.

Showing the ratio of total number of Lunatics, Idiots, etc., to population in each year from eighteen hundred and sixty-two to eighteen hundred and seventy-one, both inclusive; also, number of patients in private houses, and number in asylums, workhouses, etc.

YEAR.	Population.....	Total number of Lunatics, Idiots, etc., January 1st.....	Ratio per 1,000 to population...	Number in private houses.		Number in asylums, poorhouses, etc.	
				Private..	Pauper..	Private..	Pauper..
1862.....	20,336,467	41,129	2.02	146	6,157	5,274	29,552
1863.....	20,554,137	43,118	2.09	153	6,405	5,354	31,206
1864.....	20,772,308	44,795	2.15	159	6,541	5,446	32,649
1865.....	20,990,946	45,950	2.18	212	6,557	5,662	33,519
1866.....	21,210,020	47,648	2.24	227	6,580	5,873	34,968
1867.....	21,429,508	49,086	2.29	223	6,638	5,920	36,305
1868.....	21,649,377	51,000	2.35	274	6,829	5,850	38,047
1869.....	21,869,607	53,177	2.43	324	6,987	5,900	39,966
1870.....	22,090,163	54,713	2.47	356	7,086	5,924	41,347
1871.....	22,704,108	56,755	2.49	392	7,331	6,062	42,970

## ENGLAND.

TABLE 5.

*Showing total number of Paupers and of Pauper Lunatics, Idiots, etc., with the proportion per cent of Pauper Lunatics to Paupers, the proportion per thousand of Pauper Lunatics to population, and proportion per one hundred thousand of non-Pauper Lunatics to population.*

YEAR.	Total number of paupers of all classes on January 1st.....	Total number of pauper lunatics, idiots, etc. January 1st.....	Percentage of pauper lunatics, etc., to paupers.....	Proportion per 1,000 of pauper lunatics, etc., to population.....	Proportion per 100,000 of lunatics not paupers to entire population.....
1862.....	946,166	35,709	3.77	1.75	26.6
1863.....	1,142,624	37,611	3.29	1.82	26.7
1864.....	1,011,753	39,190	3.87	1.88	26.9
1865.....	974,772	40,076	4.11	1.90	27.9
1866.....	924,813	41,548	4.49	1.95	28.7
1867.....	963,200	42,943	4.45	2.00	28.6
1868.....	1,040,103	44,876	4.31	2.07	28.3
1869.....	1,046,103	46,953	4.48	2.14	28.4
1870.....	1,083,532	48,433	4.46	2.19	28.4
1871.....	1,085,661	50,301	4.63	2.21	28.4

From the above we find there is one pauper lunatic to every twenty-two paupers; one pauper lunatic to every four hundred and fifty-one of the population, and one non-pauper lunatic to every three thousand five hundred and eighteen of the population.

## ENGLAND.

TABLE 6.

Showing the proportion of stated Recoveries to the Admissions in each Year—1859 to 1870.

ASYLUMS.	Number of stated Recoveries to one hundred Admissions.											Av'ge.	
	1859.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.		1870.
County and Borough Asylums.	34.04	30.65	35.42	39.28	36.93	37.11	33.88	35.71	36.19	36.10	35.72	36.36	35.61
Registered Hospitals.....	46.65	35.99	43.28	37.71	39.95	36.10	37.24	48.70	37.67	36.72	36.74	40.09	39.73
Metropolitan Licensed Houses.	32.04	30.79	28.29	29.85	32.01	30.93	23.04	23.75	21.24	24.05	24.24	21.83	26.83
Provincial Licensed Houses....	39.33	33.56	31.70	32.32	33.07	29.52	24.49	33.95	34.11	28.62	29.88	29.26	31.65
Naval and Military Hospitals..	25.22	23.13	18.16	21.12	17.94	19.56	16.94	5.26	22.33	15.28	31.82	17.98	19.56
Criminal Asylum.....	.....	.....	.....	.....	1.01	3.07	7.41	13.95	9.33	4.21	18.75	32.25	11.24
Private Single Patients.....	15.63	4.00	5.88	13.11	9.52	3.77	9.64	12.50	6.34	8.09	10.06	8.22	8.89
Proportion per cent of aggregate number of recoveries to aggregate number of admissions .....	35.12	31.06	34.11	36.81	35.34	34.37	31.56	34.22	33.68	33.06	33.95	34.14	33.95

TABLE 7.

Showing the proportion of Deaths to daily average number resident each Year.

ASYLUMS.	Number of Deaths to one hundred of the daily average number Resident.												
	1859.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	Av'ge.
County and Borough Asylums.	10.25	12.16	11.03	10.16	10.42	11.73	10.95	10.76	10.66	10.15	11.16	10.81	10.85
Registered Hospitals.....	6.53	6.45	7.38	7.61	7.93	6.89	7.99	7.97	8.57	7.52	9.12	7.33	7.60
Metropolitan Licensed Houses.	12.41	11.04	10.60	11.08	8.54	10.91	11.31	13.67	11.75	9.73	9.69	9.48	10.85
Provincial Licensed Houses.....	7.60	8.56	6.78	7.11	7.41	7.17	7.95	9.72	8.08	9.97	10.64	10.19	8.43
Naval and Military Hospitals..	13.94	14.71	11.43	10.06	11.63	10.27	11.23	8.02	9.55	9.27	11.11	10.44	10.97
Criminal Asylum.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Private Single Patients.....	5.88	6.66	6.72	6.71	3.85	5.95	3.65	6.22	5.24	5.69	4.70	4.02	5.44
Proportion per cent of aggregate number of deaths to aggregate daily number resident .....	9.90	11.28	10.33	9.77	9.81	10.88	10.42	10.59	10.29	9.78	10.72	10.29	10.33

## ENGLAND.

TABLE 8.

*Showing Length of Residence in Sixteen English Asylums of Patients who Died therein or were Discharged therefrom Recovered in 1870.*

LENGTH OF RESIDENCE.	DIED.			Discharged Recovered.		
	Males.....	Females.....	Total.....	Males.....	Females.....	Total.....
Under 1 month.....	52	32	84	15	10	25
Over 1 and under 3 months...	67	43	110	92	81	173
Over 3 and under 6 months...	56	31	87	105	182	287
Over 6 and under 12 months...	69	29	98	97	139	236
Over 1 and under 2 years.....	76	52	128	52	53	105
Two years and over.....	212	235	447	38	54	92
Totals.....	532	422	954	399	519	918

TABLE 9.

*Showing Proportion per cent of Numbers Died and Discharged Recovered in the following periods to the whole Number Died and Discharged Recovered.*

Under 1 month.....	8.80	2.72	} 78.55 } 21.45
Over 1 and under 3 months.....	11.53	18.84	
Over 3 and under 6 months.....	9.11	31.26	
Over 6 and under 12 months.....	10.27	25.70	
Over 1 and under 2 years.....	13.42	11.43	
Two years and over.....	46.86	10.02	
Total.....			100.00

## ENGLAND.

TABLE 10.

Showing Numbers Resident, Admitted, Treated, Discharged, Died, and Remaining; also Proportion per cent of Recoveries and of Deaths to Admissions for Ten Years, 1861-1870.

PATIENTS.	Numbers.	Proportion per cent of Cures to Admissions .....	Proportion per cent of Cures Treated...
Numbers resident January 1st, 1861 .....	24,989	.....	.....
Admitted .....	101,927	.....	.....
Treated .....	126,916	.....	.....
Discharged cured.....	34,716	34.05	27.3
Discharged not cured.....	22,826	.....	.....
Died.....	32,087	.....	.....
Total discharged and died.....	89,629	.....	.....
Remaining.....	37,287	.....	.....

## SCOTLAND.

TABLE 11.

Showing number of Patients resident, number treated, admissions, recoveries, and deaths, with proportion of the recoveries and of the deaths to the admissions and to the number treated in the Lunatic Asylums visited in the year eighteen hundred and seventy-one.

ASYLUMS.	Number resident.....	Number admitted.....	Number treated.....	Number cured.....	Number Died.....	Proport'n per centum of recover's to		Proport'n per centum of deaths to	
						Admissions.....	Number treated.....	Admissions.....	Number treated.....
Royal Edinburgh.....	754	265	1,019	118	67	44.52	25.28	11.57	6.57
Fife and Kinross.....	227	70	297	35	13	50.00	18.57	11.78	4.57
Dundee Royal.....	190	59	249	25	13	42.37	22.03	10.04	5.22
Inverness District.....	279	58	337	26	26	44.82	7.71	44.82	7.71
Stirling District.....	.....	252	252	14	16	5.55	6.34	5.55	6.34
Glasgow Royal.....	545	326	871	147	71	45.09	21.77	16.87	8.15
Total.....	1,995	1,030	3025	365	206	35.05	12.06	20.03	6.80

## SCOTLAND.

TABLE 12,

*Showing Number of Patients in Lunatic Hospitals, with Admissions, Discharges, Recoveries, and Deaths for the Year 1870.*

PATIENTS.	PRIVATE.			PAUPER.			GRAND TOTAL.		
	Males.....	Females .....	Total.....	Males.....	Females .....	Total .....	Males.....	Females .....	Total .....
Number resident December 31st, 1869.....	568	595	1,163	2,216	2,512	4,728	2,784	3,107	5,891
Admitted during the year.....	231	245	476	744	933	1,677	975	1,178	2,153
Treated during the year .....	799	840	1,639	2,960	3,445	6,405	3,759	4,285	8,044
Discharged cured.....	94	102	196	281	365	646	375	467	842
Discharged not recovered.....	.....	.....	.....	.....	.....	.....	.....	.....	371
Deaths.....	47	45	92	212	237	449	259	282	541
Remaining December 31st, 1870.....	.....	.....	.....	.....	.....	.....	.....	.....	6,290
Proportion of recoveries to number admitted.....	.....	.....	.....	.....	.....	.....	.....	.....	39.
Proportion of recoveries to number treated.....	.....	.....	.....	.....	.....	.....	.....	.....	10.
Proportion of deaths to number admitted.....	.....	.....	.....	.....	.....	.....	.....	.....	25.
Proportion of deaths to number treated.....	.....	.....	.....	.....	.....	.....	.....	.....	6.

Proportion of pauper lunatics to paupers, one in thirteen..... 7.

Percentage of pauper lunatics maintained in asylums and workhouses..... 76.

Percentage of pauper lunatics maintained by relatives and others..... 23.

Proportion of other classes to population..... 1 to 2,564

## SCOTLAND.

TABLE 13,

*Showing Results of Treatment in Public, Private, and Parochial Asylums, and Lunatic Wards of Poorhouses in 1870.*

	Seventeen Public Asylums.			Ten Private Asylums.			Five Parochial Asylums.			Fifteen Lunatic Ward Poorhouses.			Grand Total.		
	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....	Males .....	Females ..	Total .....
Average number resident.....	2,237	2,249	4,486	120	212	332	212	336	548	246	356	602	2,815	3,153	5,968
Admissions .....	697	824	1,521	107	138	245	103	146	249	68	70	138	975	1,178	2,153
Recoveries .....	292	347	639	28	39	67	50	76	126	5	6	11	375	468	843
Discharged not recovered.....	205	246	451	37	66	103	35	47	82	7	12	19	284	371	655
Deaths.....	201	195	396	17	27	44	18	33	51	23	27	50	259	282	541
Proportion of admissions—per cent on number resident.....	31.1	36.6	33.8	88.6	64.9	76.7	48.4	43.4	45.9	27.6	19.6	23.6	48.9	41.1	45.0
Proportion of recoveries—per cent on admissions.....	41.9	42.1	42.0	26.2	28.4	27.3	48.5	52.0	50.2	7.3	8.6	7.9	30.9	32.7	31.8
Proportion of deaths—per cent on number resident.....	8.9	8.6	8.7	14.1	12.7	13.4	8.4	9.8	9.1	9.3	7.6	8.4	40.7	38.7	39.6

## SCOTLAND.

TABLE 14.

*The ratio per one thousand of the total number of Lunatics, Idiots, and persons of unsound mind, to the population in each year from eighteen hundred and sixty-two to eighteen hundred and seventy-one, both inclusive.*

YEAR.	Population.....	Total number of Lunatics, Idiots, etc., January 1st.	Ratio per one thousand to population.....	Number in private dwellings.....	Number in Asylums and Poorhouses.	
					Private..	Pauper..
1862 .....	3,083,989	6,341	2.05	1,741	1,031	3,548
1863 .....	3,101,345	6,327	2.04	1,679	1,023	3,604
1864 .....	3,118,701	6,359	2.03	1,637	1,018	3,683
1865 .....	3,136,957	6,468	2.06	1,609	1,055	3,783
1866 .....	3,153,413	6,616	2.09	1,568	1,104	3,922
1867 .....	3,170,769	6,762	2.13	1,548	1,143	4,046
1868 .....	3,188,125	6,931	2.17	1,521	1,158	4,224
1869 .....	3,205,481	7,157	2.23	1,500	1,128	4,494
1870 .....	3,222,837	7,409	2.29	1,469	1,163	4,728
1871 .....	3,358,613	7,808	2.32	1,430(?)	1,178	4,817
.....	.....	.....	1 to 438	1 to 2,548	1 to 2,936	1 to 697



## IRELAND.

TABLE 16,

*Showing Number of Patients, Admissions, Recoveries, and Deaths, with Proportion of the Recoveries and of the Deaths to the Admissions and to the Number Treated in Seven Lunatic Hospitals visited in 1870.*

NAME OF ASYLUM.	Number of patients resident.			Admissions.....	Number treated.....	Recovered.....	Died .....	Proportion per cent of recoveries to admissions.....	Proportion per cent of recoveries to number treated.....	Proportion per cent of deaths to admissions.....	Proportion per cent of deaths to number treated.....
	Males .....	Females..	Total .....								
Belfast District Asylum.....	135	99	234	186	420	72	25	38.7	17.1	13.4	5.9
Richmond District Asylum (Dublin) .....	396	503	899	425	1,324	191	124	44.9	14.4	29.1	9.3
Bloomfield Retreat (private).....	16	32	48	11	59	3	1	27.2	5.0	9.0	1.7
Maryborough District Asylum...	111	104	215	302	517	49	20	16.2	9.4	6.6	3.8
Cork District Asylum.....	304	296	600	216	816	102	49	47.2	12.5	22.6	6.0
Killarney District Asylum.....	177	94	271	49	320	30	31	61.2	9.3	63.2	9.6
Central Asylum for Criminal Lunatics .....	116	54	170	17	187	10	6	58.8	5.3	35.3	3.2
Total.....	1,255	1,182	2,437	1,206	3,643	457	256	37.8	12.5	21.2	7.0

## IRELAND.

TABLE 17.

*Showing the number and distribution of the Insane in Ireland in the Years 1848, 1851, 1855, 1856, 1861.*

ASYLUMS.	1848.			1851.			1855.			1856.			1861.		
	Male .....	Female...	Total .....												
District and Local Asylums.....	.....	.....	2,968	.....	.....	2,913	1,720	1,802	3,522	.....	.....	.....	2,165	2,124	4,289
Workhouses .....	.....	.....	1,940	.....	.....	2,393	734	1,266	2,000	.....	.....	.....	965	1,569	2,534
Jails.....	.....	.....	338	.....	.....	280	101	55	156	.....	.....	.....	184	109	293
Private Asylums.....	.....	.....	432	.....	.....	436	252	207	459	.....	.....	.....	263	246	509
Central Asylums for Criminals..	.....	.....	.....	.....	.....	91	84	42	126	.....	.....	.....	92	41	133
Lunatics at large.....	.....	.....	*6,000	.....	.....	8,985	4,035	3,195	7,230	.....	.....	.....	4,959	4,032	8,991
Total .....	.....	.....	11,678	.....	.....	15,098	6,926	6,567	13,493	.....	.....	14,141	8,628	8,121	16,749

\* Approximate number.

## IRELAND.

TABLE 18.

*Calculated Population of Ireland from 1841 to 1871.*

Year.	Population.	Year.	Population.	Year.	Population.
*1841	8,175,124	*1851	6,552,385	*1861	5,798,967
1842	7,996,219	1852	6,472,830	1862	5,728,565
1843	7,821,253	1853	6,394,244	1863	5,659,012
1844	7,649,920	1854	6,316,628	1864	5,590,312
1845	7,482,687	1855	6,239,928	1865	5,522,437
1846	7,318,985	1856	6,164,171	1866	5,455,387
1847	7,158,800	1857	6,089,343	1867	5,389,161
1848	7,002,164	1858	6,015,400	1868	5,323,736
1849	6,848,931	1859	5,941,947	1869	5,259,100
1850	6,699,063	1860	5,870,226	1870	5,195,236

\* From census returns—remaining years calculated.

TABLE 19.

*Showing proportion of the Insane to the total of population of Ireland for the years 1848, 1851, 1855, 1856, and 1861.*

YEAR.	Number of Insane...	Population .....	Proportion of Insane to population.....	Number of Insane to ten thousand of population.....
1848.....	11,678*	7,002,164	1 to 600	17
1851.....	15,098	6,552,385	1 to 414	23
1855.....	13,493	6,239,928	1 to 462	22
1856.....	14,141	6,164,171	1 to 435	23
1861.....	16,749	5,798,967	1 to 346	29
1870.....	17,194	5,195,336	1 to 302	33

\*Approximately.

## I R E L A N D .

TABLE 20.

*Civil condition of Patients in Asylums of Ireland on the first of December, eighteen hundred and seventy.*

CIVIL CONDITION.	Males.	Females.	Total.
Single.....	3,006	2,251	5,257
Married.....	701	747	1448
Widowed.....	113	310	423
Unknown.....	170	162	332
Total.....	3,990	3,470	7,460

TABLE 21.

*Showing Duration of Disease on Admission of Patients Discharged Recovered from the District Asylums for the Year ending December 31st, 1870.*

	Males.	Females.	Total.
Under three months.....	339	313	625
From three to six months.....	35	46	81
From six to twelve months.....	32	32	64
From one to two years.....	21	25	46
From two to three years.....	10	14	24
From three to four years.....	7	4	11
From four to five years.....	4	1	5
From five to six years.....	1	1	2
From six to eight years.....	1	1	2
Eight years and upwards.....	11	5	16
Not specified.....	57	48	105
Totals.....	518	490	1,008

## IRELAND.

TABLE 22.

*Showing the number of patients in the Lunatic Asylums of Ireland, with the admissions, discharges, deaths and escapes, and proportion of readmissions to admissions for the first time.*

FOR THE YEAR ENDING DECEMBER 31, 1870.	Males.....	Females..	Total.....	Males.....	Females...	Total.....
Number of patients in Asylums Dec. 31, 1869.....				3,788	3,333	7,121
Number admitted for the first time.....	1,141	971	2,112			
Number of readmissions.....	224	196	420			
Total admissions.....				1,365	1,167	2,532
Total number under treatment.....				5,153	4,500	9,653
Number discharged recovered.....	549	539	1,088			
Number discharged relieved.....	166	110	276			
Number discharged not improved.....	61	50	111			
Died.....	378	330	708			
Escaped.....	9	1	10			
Total discharged, died and escaped.....				1,163	1,030	2,193
Number remaining December 31, 1870.....				3,990	3,470	7,460
Proportion per cent of readmissions to admissions for the first time.....				19.6	20.1	19.8

	Males.	Females.	Total.
Proportion per cent of recoveries to admissions.....	40.	46.	43.
Proportion per cent of recoveries to number treated.....	10.6	11.9	11.2
Proportion per cent of deaths to admissions.....	27.7	28.2	27.9
Proportion per cent of deaths to number treated.....	7.3	7.3	7.3
Proportion per cent of pauper lunatics in asylums and workhouses.....			55.2
Proportion of lunatics maintained by relatives and others.....			44.8

## I R E L A N D .

TABLE 23.

The total number of insane (including idiots), December 31st, 1870, was.....	17,194
These were distributed as follows:	
In district asylums.....	6,655
In private asylums.....	638
In Workhouses.....	2,754
In Jails.....	1
In Lucan, supported by Government.....	43
In Central Asylum for Criminal Lunatics.....	167
At large.....	6,936
	17,194

Of this number about nine thousand four hundred and ninety-eight are paupers, supported in asylums or Workhouses; and the remaining seven thousand six hundred and ninety-six are supported by relatives or others in asylums or elsewhere.

The asylums are:

District asylums.....	23
Private licensed asylums.....	20
Asylum for criminal lunatics.....	1
Total .....	44

TABLE 24.

*Numbers of Insane (exclusive of Idiots), December 31st, 1870.*

	Males.	Females.	Total.
In police districts, exclusive of those in asylums, Jails or Workhouses.....	1,526	1,228	2,754
In Union Workhouses.....	448	697	1,145
In district asylums.....	3,440	3,007	6,447
In Jails.....		1	1
In private licensed asylums.....	281	327	608
In Central Asylum for Criminal Lunatics....	117	50	167
Totals.....	5,812	5,310	11,122

## [APPENDIX C.]

## BELGIUM.

TABLE 1,

*Showing Number of Patients Resident, Admission, Recoveries, and Deaths, with the Proportion of Recoveries and of Deaths to Admissions, and Number Treated in five Lunatic Asylums visited in 1870.*

NAME OF ASYLUM.	Number of patients resident.			Admissions .....	Number Treated....	Recoveries .....	Deaths .....	Proportion per cent of recoveries to admissions .....	Proportion per cent of recoveries to number treated.....	Proportion per cent of deaths to admissions .....	Proportion per cent of deaths to number treated.....
	Male.....	Female..	Total.....								
Hospice des Aliénés à Anvers.....	78	67	145	67	212	32	24	47.7	15.0	35.8	11.3
Hospice de St. Julien à Bruges.....	389	384	773	265	1,038	119	80	44.9	11.4	30.1	7.7
Hospice Guislain à Gand.....	485	.....	485	122	607	15	66	12.3	2.4	54.1	10.8
Maison de Santé, du d'Assaut à Gand,	.....	268	268	52	320	24	24	46.1	7.5	46.1	7.6
Maison de Santé, du Strop à Gand, (private) .....	65	.....	65	.....	.....	.....	.....	.....	.....	.....	.....
Hospice de Liège.....	81	.....	81	.....	.....	.....	.....	.....	.....	.....	.....
Maison de Santé d'Ans et Glain.....	55	30	85	.....	.....	.....	.....	.....	.....	.....	.....
Etablissement de Gheel.....	537	590	1,127	263	1,390	42	117	15.9	3.0	44.4	8.4
Total .....	1,690	1,339	3,029	769	3,567	232	311	30.1	6.5	40.4	8.7

NOTE.—Per cent of recoveries to admissions for ten years, ending December 31st, 1862, twenty-eight; deaths thirty-two.

## BELGIUM.

TABLE 2.

*Charges in Belgium Asylums Visited.*

ASYLUMS.	First Class.	Second Class.	Third Class.	Fourth Class
	Francs Per Week.	Francs Per Week.	Francs Per Week.	Francs Per Week.
Liege, St. Ans.....	38 to 76	23 to 28	2 to 15	.....
Colony at Gheel.....	7 to 11	6	5½	5.00 centi.
Asylum at Antwerp.....	.....	.....	.....	6.86 centi.
Guislain Asylum, Ghent..	11	.....	.....	5.60 centi.
Female Asylum, Ghent...	19 to 57	.....	7	5.88 centi.
Du Strop Asylum, Ghent.	19 to 57	.....	.....	.....
St. Julian Asy., Bruges...	7	.....	.....	2.00 centi.

TABLE 3.

*Showing the Number of Patients in Lunatic Hospitals, the Admissions, Discharges and Deaths, and the Per Cent of Recoveries and of Deaths to Admissions, and to Number Treated for the Year 1865.*

	Males.....	Females..	Totals.....	Males.....	Females..	Totals.....
Number of patients January 1st, 1865.....	.....	.....	.....	2,663	2,778	5,441
Admissions for the first time.....	.....	.....	.....	865	690	1,555
Readmissions.....	.....	.....	.....	174	122	296
Total admissions.....	.....	.....	.....	1,039	812	1,851
Total number treated during the year.....	.....	.....	.....	3,702	3,590	7,292
Discharged recovered.....	325	317	642	.....	.....	.....
Relieved.....	126	99	225	.....	.....	.....
Not improved.....	239	160	399	.....	.....	.....
Died.....	341	254	595	.....	.....	.....
Total discharges and deaths.....	.....	.....	.....	1,031	830	1,861
Remaining January 1st, 1866.....	.....	.....	.....	2,671	2,760	5,431

## BELGIUM.

TABLE 3—Continued.

	Male .....	Female...	Totals.....
Proportion per cent of recoveries to admissions.....	31.2	39.0	34.6
Proportion per cent of recoveries to number treated.....	8.7	8.8	8.8
Proportion per cent of deaths to admissions.....	32.8	31.2	32.1
Proportion per cent of deaths to number treated.....	9.2	7.0	8.1

TABLE 4.

*Belgium, 1863, 1864, and 1865—Fifty-one Asylums.*

YEAR.	Number Resident.			Total No. Admitted....	Whole No. Treated.....	Total Number Cured ...	Total Improved or other- wise.....	Deaths .....	Total per cent of Cures on Admissions.....	Total per cent of Deaths on Admissions.....	Total per cent of Cures to Number Treated...	Total per cent of Deaths to Number Treated...
	Males .....	Females.....	Total .....									
1863	2,587	2,583	5,170	1,694	6,864	605	373	620	35.50	30.51	8.81	7.57
1864	2,673	2,693	5,366	1,669	7,035	577	427	590	34.57	35.35	8.20	8.38
1865	2,663	2,778	5,441	1,851	7,292	642	624	595	34.68	32.14	8.80	8.15
Total..	7,923	8,054	15,977	5,214	21,191	1,824	1,424	1,705	34.98	32.70	8.60	8.04

## BELGIUM.

TABLE 5.

*Increase of Insane Persons in Belgian Asylums for Ten Years (1856 to 1865), and Annual Increase.*

YEARS.	Number of Insane.	Increase.
In 1856.....	4,278	.....
In 1857.....	4,431	153
In 1858.....	4,508	77
In 1859.....	4,677	169
In 1860.....	4,882	205
In 1861.....	5,033	151
In 1862.....	5,170	137
In 1863.....	5,366	196
In 1864.....	5,441	75
In 1865.....	5,431	10 less
Total for ten years.....	49,217	.....
Annual increase.....		115

Number of asylums in Belgium.....	51
For the reception of men.....	17
For the reception of women.....	17
For the reception of men and women.....	17
For pay and non-paying.....	27
For pay patients only.....	16
For paupers only.....	8
Number of patients in all.....	5,431

The superior medical officers of the asylums in Belgium are paid in proportion to the number of patients under their care, as follows:

NUMBER OF PATIENTS.	Francs.
In an asylum of 50 patients.....	1,460
In an asylum of 100 patients.....	2,500
In an asylum of 150 patients {	
Head Physician.....	2,500
Assistant.....	700
In an asylum of 200 to 250 patients {	
Head Physician.....	2,800
Assistant.....	850
In an asylum of 250 to 300 patients {	
Head Physician.....	3,500
Assistant.....	1,200

## HOLLAND

TABLE 6.

Showing number of patients resident, the admissions, recoveries and deaths, and the proportion per cent of the recoveries and of the deaths to the admissions and to the number treated in the Asylums of Holland visited in eighteen hundred and seventy.

NAME OF ASYLUM.	Number of patients resident.			Admissions.....	Number treated.....	Recoveries.....	Deaths.....	Proportion per cent of recoveries to		Proportion per cent of deaths to admissions.	
	Males.....	Females.....	Total.....					Admissions....	Number treated.....	Admissions....	Number treated.....
Reimier van Arkel.....	198	191	389	134	523	54	47	40.3	10.3	35.0	8.9
Meerenberg.....	314	373	687	136	823	52	76	38.2	6.3	55.8	9.2
Rotterdam.....	69	100	169	51	220	17	22	33.3	7.7	43.1	10.0
Total.....	581	664	1,245	321	1,566	123	145	38.3	7.8	45.1	9.2

## COST OF MAINTENANCE.

*Reimier van Arkel*—First class, 700 florins, and 25 florins entrance fee; second class, 400 florins, and 12 florins entrance fee; third class, 225 florins, and are clad by the institute.  
*Meerenberg*—First class, 1000 florins; second class, 750 florins; third class, 500 florins; fourth class, 300 florins; fifth class, 270 florins.  
*Rotterdam*—For indigents alone, who pay 240 florins. There are twelve other patients, who pay one florin per day extra and have better accommodations.

## HOLLAND.

TABLE 7.

*Showing number of Patients in Lunatic Hospitals, with Admissions, Discharges, Recoveries, and Deaths for the Year.*

	Male .....	Female ..	Total .....	Male .....	Female ..	Total .....
Number of patients January 1st, 1868.....	.....	.....	.....	1,521	1,658	3,179
Admitted during the year.....	.....	.....	.....	500	494	994
Treated during the year.....	.....	.....	.....	2,021	2,152	4,173
Discharged during the year recovered .....	177	203	380	.....	.....	.....
Relieved.....	36	33	69	.....	.....	.....
Not improved.....	35	36	71	.....	.....	.....
Died.....	193	165	358	.....	.....	.....
Total discharged and died.....	.....	.....	.....	441	437	878
Number remaining January 1st, 1869.....	.....	.....	.....	1,580	1,715	3,295

	Male .....	Female ..	Total .....
Proportion per cent of recoveries to admissions.....	35.4	41.0	38.2
Proportion per cent of recoveries to number treated .....	8.7	9.4	9.1
Proportion per cent of deaths to admissions.....	38.6	33.8	36.0
Proportion per cent of deaths to number treated.....	9.5	7.6	8.5

Number of insane in asylums January 1st, 1868.....	3,179
Population of Holland in 1868.....	3,592,415
Proportion of insane to population.....	1 in 1,130

Principal causes of death: marasmus, consumption, apoplexy, and general paralysis.

## HOLLAND.

TABLE 8.

AGE.	ADMITTED.								
	From 1844 to 1854.			From 1854 to 1864.			Totals.		
	Males....	Females	Total.....	Males....	Females	Totals....	Males....	Females	Totals....
Less than ten years .....	13	7	20	27	19	46	40	26	66
Ten to twenty years .....	142	94	236	255	162	417	397	256	653
Twenty to thirty years.....	551	490	1,041	788	852	1,640	1,339	1,342	2,681
Thirty to forty years .....	672	569	1,241	888	916	1,804	1,560	1,485	3,045
Forty to fifty years.....	564	462	1,026	692	652	1,344	1,256	1,114	2,370
Fifty to sixty years.....	303	382	685	490	497	987	793	879	1,672
Sixty to seventy years.....	135	198	333	242	292	534	377	490	867
Over seventy years.....	47	101	148	79	140	219	126	241	367
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721
Married .....	1,040	927	1,967	1,334	1,274	2,608	2,374	2,201	4,575
Unmarried .....	1,387	1,376	2,763	2,127	2,256	4,383	3,514	3,632	7,146
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721
Insane for the first time.....	1,985	1,790	3,775	2,762	2,736	5,498	4,747	4,526	9,273
Reiapsed cases .....	442	513	955	699	794	1,493	1,141	1,307	2,448
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721
Hereditary .....	366	457	823	879	1,039	1,918	1,345	1,496	2,841
Not hereditary.....	2,061	1,846	3,907	2,582	2,491	5,073	4,543	4,337	8,880
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721
From intemperance .....	307	53	360	586	109	695	893	162	1,055
Not from intemperance.....	2,120	2,250	4,370	2,875	3,421	6,296	4,995	5,671	1,066
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721
Mania.....	871	981	1,852	1,554	1,574	3,128	2,425	2,555	4,980
Monomania.....	436	331	767	212	221	433	648	552	1,200
Melancholia.....	322	434	756	635	883	1,518	957	1,317	2,274
Dementia.....	507	391	898	622	554	1,176	1,129	945	2,074
Idiotisme.....	98	70	168	162	99	261	260	169	429
Epilepsia .....	193	96	289	276	199	475	469	295	764
Totals .....	2,427	2,303	4,730	3,461	3,530	6,991	5,888	5,833	11,721

## HOLLAND.

TABLE 8—(Continued.)

AGE.	CURED.								
	From 1844 to 1854.			From 1854 to 1864.			Totals.		
	Males....	Females	Totals....	Males....	Females	Totals....	Males....	Females	Totals....
Less than ten years .....	1	1	2	1	1	2	2	2	4
Ten to twenty years... ..	44	39	83	87	59	146	131	98	229
Twenty to thirty years .....	188	227	415	313	419	732	501	646	1,147
Thirty to forty years .....	222	244	466	312	437	749	534	681	1,215
Forty to fifty years.....	182	176	358	246	267	513	428	443	871
Fifty to sixty years.....	110	139	249	184	164	348	294	303	597
Sixty to seventy years.....	45	49	94	80	76	156	125	125	250
Over seventy years.....	6	22	28	14	18	32	20	40	60
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373
Married .....	393	407	800	533	614	1,147	926	1,021	1,947
Unmarried .....	405	490	895	704	827	1,531	1,109	1,317	2,426
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373
Insane for the first time .....	611	640	1,251	905	997	1,902	1,516	1,637	3,153
Relapsed cases .....	187	257	444	332	444	776	519	701	1,220
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373
Hereditary.....	124	164	288	338	437	775	462	601	1,063
Not Hereditary .....	674	733	1,407	899	1,004	1,903	1,573	1,737	3,310
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373
From Intemperance.....	135	21	156	231	50	281	366	71	437
Not from intemperance.....	663	876	1,539	1,006	1,391	2,397	1,669	2,267	3,936
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373
Mania .....	425	515	940	782	818	1,600	1,207	1,333	2,540
Monomania .....	154	135	289	84	79	163	298	214	452
Melancholia .....	132	198	330	260	442	702	392	640	1,032
Dementia .....	61	41	102	83	90	173	144	131	275
Idiotisme .....	4	2	6	7	2	9	11	4	15
Epilepsia .....	22	6	28	21	10	31	43	16	59
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373

## HOLLAND.

TABLE 8—(Continued.)

AGE.	DIED.								
	From 1844 to 1854.			From 1854 to 1864.			Totals.		
	Males....	Females	Totals....	Males....	Females	Totals....	Males....	Females	Totals....
Less than ten years.....	2	.....	2	7	4	11	9	4	13
Ten to twenty years .....	28	7	35	35	34	69	63	41	104
Twenty to thirty years .....	107	70	177	183	107	290	290	177	467
Thirty to forty years.....	216	120	336	308	211	519	524	331	855
Forty to fifty years.....	258	133	391	317	204	521	575	337	912
Fifty to sixty years.....	170	150	320	261	204	465	431	354	785
Sixty to seventy years.....	88	111	199	146	213	359	234	324	558
Over seventy years.....	48	102	150	81	173	254	129	275	404
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098
Married .....	437	265	702	557	378	935	994	643	1,637
Unmarried .....	480	428	908	781	772	1,553	1,261	1,200	2,461
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098
Insane for the first time.....	815	618	1,433	1,186	1,006	2,192	2,001	1,624	3,625
Relapsed cases.....	102	75	177	152	144	296	254	219	473
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098
Hereditary .....	100	87	187	230	252	482	330	339	669
Not hereditary.....	817	606	1,423	1,108	998	2,006	1,925	1,504	3,429
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098
From intemperance.....	91	15	106	190	31	221	281	46	327
Not from intemperance.....	286	678	1,504	1,148	1,119	2,267	1,974	1,797	3,771
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098
Mania .....	247	186	433	400	348	748	647	536	1,181
Monomania .....	124	88	212	77	77	154	201	165	366
Melancholia .....	70	89	159	182	200	382	252	289	541
Dementia .....	358	245	603	414	368	782	772	613	1,385
Idiotisme .....	40	29	69	63	42	105	103	71	174
Epilepsia .....	78	56	134	202	115	317	280	171	451
Totals .....	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098

TABLE 8—(Concluded.)

PERIOD UNDER TREAT- MENT.	CURED.						DIED.											
	From 1844 to 1854.			From 1854 to 1864.			From 1844 to 1854.			From 1854 to 1864.			Totals.					
	Males.....	Females	Totals....	Males.....	Females	Totals....												
Less than three months..	189	205	394	290	269	559	479	474	953	236	156	392	283	246	529	519	402	921
From three to six mos. ....	212	215	427	321	388	709	533	603	1,136	118	75	193	171	114	285	289	189	478
From six to twelve mos. ....	199	253	452	335	408	743	534	661	1,195	141	86	227	195	144	339	336	230	566
From one to two years....	136	125	261	184	233	417	320	358	678	132	89	221	192	153	345	324	242	566
From two to three years....	30	39	69	57	59	116	87	98	185	76	55	131	115	103	218	191	158	349
From three to four years....	13	26	39	19	44	63	32	70	102	51	48	99	70	80	150	121	128	249
From four to six years....	10	15	25	19	22	41	29	37	66	40	37	77	93	98	191	133	135	268
From six to eight years....	4	9	13	3	12	15	7	21	28	32	40	72	60	61	121	92	101	193
From eight to ten years....	2	3	5	4	3	7	6	6	12	21	26	47	58	50	108	79	76	155
More than ten years .....	3	7	10	5	3	8	8	10	18	70	81	151	101	101	202	171	182	353
Totals .....	798	897	1,695	1,237	1,441	2,678	2,035	2,338	4,373	917	693	1,610	1,338	1,150	2,488	2,255	1,843	4,098



TABLE 10.

*Showing number of patients resident, admitted, treated, cured, and died, with proportion per cent of cures and of deaths to admissions and treated, in thirteen French Asylums visited in 1870.*

ASYLUMS.	Number of patients resident.			Admitted.....	Treated .....	Cured.....	Died.....	Proportion per cent of cures to		Proportion per cent of deaths to	
	Males .....	Females.....	Total.....					Admissions...	Treated.....	Admissions.....	Treated.....
Stephansfeldt .....	331	450	781	204	985	53	92	25.9	5.3	45.0	9.3
Antiquaille.....	514	597	1,111	385	1,496	132	159	34.2	8.8	41.2	10.6
Saint Jean de Dien.....	638	.....	638	38	676	12	55	31.5	1.7	144.7	8.1
St. George's.....	400	.....	400	.....	.....	.....	.....	.....	.....	.....	.....
Asile de la Salpêtrière.....	544	.....	544	172	716	.....	191	.....	.....	111.0	26.6
Dr. Blanche (private).....	30	36	66	.....	.....	.....	.....	.....	.....	.....	.....
Charenton.....	265	248	513	229	742	72	89	31.4	9.7	38.8	11.9
Clermont.....	792	615	1,407	440	1,847	87	199	19.7	4.7	45.2	10.7
Quatre-Mares, St. Yon.....	613	.....	613	192	805	66	75	34.3	8.1	39.0	9.3
St. Yon, Rouen.....	.....	908	908	198	1,006	89	73	44.9	8.8	36.8	7.2
Asile des Chartreux.....	170	213	383	98	481	29	41	29.5	6.0	41.7	8.5
Auxerre.....	215	225	440	90	530	32	50	35.5	6.0	55.5	9.4
Sainte Anne.....	300	300	600	1,278	1,878	301	268	23.5	16.0	20.9	14.2
Total.....	4,383	3,556	7,938	3,324	11,262	873	1,292	26.2	7.7	38.8	11.4

The Asylum de la Salpêtrière is for incurable and chronic cases, which accounts for the absence of cures.

## ITALY.

TABLE 11.

Table showing the Number Admitted, Treated, Cured, Died, Improved, and the percentage of Cures and Deaths in Asylums visited in 1870.

NAMES OF ASYLUMS	Number Resident.			Number Admitted.			Number Treated.			Number Cured.			Improved or otherwise.			Number Died.			Per cent of cures on admission.....	Per cent of deaths on admission.....	Per cent of cures to number treated...	Per cent of deaths to number treated	
	Male .....	Female...	Total .....	Male .....	Female...	Total .....	Male .....	Female...	Total .....	Male .....	Female...	Total .....	Male .....	Female...	Total .....	Male .....	Female...	Total .....					
Genoa.....	285	245	530	30	13	43	72	35	107	20	9	29	9	7	16	.....	.....	3	67.	6.	27.	2.	
Naples, Capo di Chino.....	42	22	64	.....	.....	125	.....	.....	772	.....	30	.....	.....	.....	16	.....	.....	88	24.	70.	3.	11.	
Aversa.....	430	217	647	.....	.....	263	463	425	888	98	50	148	.....	.....	.....	.....	.....	77	56.	29.	16.	8.	
Rome.....	312	313	625	.....	.....	85	.....	.....	237	.....	60	.....	.....	.....	.....	.....	.....	23	70.	27.	23.	8.	
Perugia.....	.....	.....	172	.....	.....	345	.....	.....	855	.....	136	.....	.....	.....	26	.....	.....	132	39.	38.	15.	15.	
Florence.....	.....	.....	510	.....	.....	296	.....	.....	855	.....	73	.....	.....	.....	70	.....	.....	45	25.	15.	.....	.....	
Bologna.....	.....	.....	437	159	137	160	597	.....	597	74	.....	74	15	.....	15	.....	.....	63	46.	39.	12.	10.	
San Servolo.....	437	.....	437	.....	.....	160	597	.....	597	.....	.....	.....	.....	.....	.....	.....	.....	60	30.	39.	10.	12.	
St. John and St. Paul, Venice.....	.....	330	330	.....	.....	153	483	.....	483	.....	50	50	38	.....	38	.....	.....	60	30.	39.	10.	12.	
Milan, Senuarva.....	179	210	389	129	191	320	298	401	699	43	63	106	.....	.....	.....	.....	.....	37	52.	89.	34.	28.	
Mombello.....	150	150	300	30	31	61	180	181	361	4	5	9	4	4	8	.....	.....	11	12.	23.	14.	37.	
Dufour.....	47	24	71	31	12	43	78	86	114	11	11	17	8	3	11	.....	.....	4	39.	16.	14.	6.	
Colombo.....	.....	33	33	18	17	35	.....	.....	68	9	5	14	5	5	10	.....	.....	3	40.	8.	20.	4.	
Rossi.....	.....	77	77	.....	.....	38	.....	.....	115	.....	.....	.....	.....	.....	10	.....	.....	8	47.	21.	15.	6.	
Stabilimento Sanitario.....	54	20	74	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Totals.....	.....	.....	.....	.....	.....	1,967	.....	.....	5,316	.....	.....	704	.....	.....	220	.....	.....	621	38.	.....	31.	.....	10.

## ITALY.

TABLE 12.

*General Movement of Population of Lunatic Asylums—1867.*

Number of patients in asylums January 1st, 1867 .....	8,191
Number of patients admitted during the year.....	4,909
Number of patients discharged during the year.....	3,210
Number of patients died during the year.....	1,504
Number of patients remaining December 31st, 1867 .....	8,386
Proportion per cent of discharges on admissions*.....	65
Proportion per cent of deaths on admissions.....	30
Proportion per cent of deaths on number treated.....	11

\* The discharges are all given together, hence it is impossible to say what proportion recovered.

TABLE 13,

*Showing the Hereditary Tendency to Insanity among Patients Admitted and Cured during the Year 1868, and among those remaining January 1st, 1869, in the Lunatic Asylum at Florence.*

CASES.	Admitted.			Cured.			Remaining.		
	Male .....	Female...	Total.....	Male .....	Female...	Total.....	Male .....	Female...	Total.....
Hereditary tendency admitted.....	67	41	108	28	17	45	80	102	182
Hereditary tendency not admitted....	44	55	99	18	24	42	104	110	214
Hereditary tendency uncertain.....	62	45	107	26	16	42	142	167	309
Not proved insane.....							2		2
Total.....	173	141	314	72	57	129	328	379	707

## THE GERMAN STATES AND SWITZERLAND.

TABLE 1,

*Showing Number of Patients Resident, Number Treated, Admissions, Recoveries, and Deaths, with Proportion per cent of the Recoveries and of the Deaths to the Admissions and to the Number Treated, in the following Lunatic Asylums Visited in the Year 1870, in the German States and Switzerland.*

	No. of patients resident.			Admitted.....	Treated.....	Cured .....	Died .....	Proportion per cent of recoveries to admissions .....	Proportion per cent of recoveries to number treated...	Proportion per cent of deaths to admissions.....	Proportion per cent of deaths to number treated.....
	Male.....	Female....	Total.....								
ASYLUMS.											
GERMANY PROPER.											
Munich (Bavaria).....	200	170	370	127	497	71	33	55.9	14.2	25.9	6.6
Issee (Bavaria).....	130	120	250	72	322	32	18	44.4	9.9	25	5.5
Deggendorf (Bavaria).....	.....	.....	38	125	163	9	6	7.2	5.5	4.8	3.6
Sonnenstein (Saxony).....	200	170	370	232	602	59	63	25.4	9.8	27.1	10.4
Pirna, private (Saxony).....	12	12	24	28	52	11	3	39.2	21.1	10.7	5.7
Hubertusburg (Saxony).....	810	.....	810	120	930	14	60	11.6	1.5	50	6.4
PRUSSIAN GERMANY.											
Neustadt (Prussia).....	239	240	509	139	648	55	45	39.5	8.4	32.3	6.9
Halle.....	293	263	556	158	714	50	65	31.6	7	41.2	9.1
GERMANY PROPER.											
Thonberg, private (near Leipzig).....	27	25	52	29	81	16	8	55.1	19.7	27.5	9.8
Göttingen.....	121	155	276	84	360	16	23	19	4.4	27.3	6.3
Frankfort.....	68	82	150	102	252	35	33	34.3	13.8	32.3	13
Heppenheim.....	69	86	155	127	282	13	43	10.2	4.6	33.8	15.2



## GERMANIC CONFEDERATION.

\*Descriptive List of the Lunatic Asylums of Germany.

NAME OF INSTITUTION.	WHERE LOCATED.	CHARACTER, WHEN ESTABLISHED, ETC.	Number of Patients, Jan. 1st, 1864.....	Admitted during the Year .....	Recovered.....
Annunziaten Institution for Care of Insane.....	Aix-la-Chapelle.....	Has received for 500 years the incurable insane.....	87	56	.....
Institution for the Insane in Alexianer Convent.....	Aix-la-Chapelle.....	A public self-supporting institution for East Prussia.	47	10	.....
Provincial Institute for Cure and Care of the Insane.....	Allenberg.....	Opened in 1805.....	260	83	.....
Local Lunatic Hospital, St. Getreu.....	Bamberg.....	.....	36	6	.....
St. Georgen Hospital.....	Bayreuth.....	.....	67	10	3
Private Institute for Jewish Insane.....	Bayreuth.....	Established in 1861.....	8	2	1
Asylum for Treatment of Diseases of the Brain and Nerves.	Bendorf.....	Private. Owned and conducted by Dr. Brosius.....	21	15	.....
Private Institution for the Insane.....	Coblenz.....	Private. Owned and conducted by Dr. Erlenmeyer.	74	36	.....
Institution for the Insane for the City of Berlin.....	Berlin.....	This institution is a part of the Charity Hospital.....	56	182	.....
City Hospital for the Insane.....	Berlin.....	.....	340	356	15
Private Institution for Insane Women.....	Berlin.....	.....	20	2	.....
Doctor Klinsmann's Institution for Male and Female Ins.	Berlin.....	Founded in 1846, by the mother of present owner.	47	19	7
Private Institution for Insane Women.....	Bernau.....	Called "Dr. Klinsmann's Institution.".....	15	1	.....
Institution for Care and Custody of Insane in Blanken-	Blankenburg.....	Established in 1856.....	.....	.....	.....
burg Convent.....	Blankenburg.....	.....	90	13	.....
Karl Friedrich's Hospital for Insane and Invalids.....	Blankenheim.....	.....	86	7	.....
Albers' Institution for Insane and Nervous Patients.....	Bonn.....	.....	11	8	8
Private Institution for the Insane and Melancholy.....	Bonn.....	.....	21	17	.....
Institution for Care and Cure of the Insane.....	Brake.....	Public institution for Lippe Detmold.....	98	34	.....
Provincial Institution for the Insane.....	Braunschweig.....	This institution is only for the curable insane.....	65	25	.....
Department for the Insane in Hospital at Bremen.....	Bremen.....	Built in 1850.....	76	38	.....
Department for the Insane in City Hospital at Breslau.....	Breslau.....	.....	50	89	15

Provincial Institution for Care of the Insane.....	173	5	173	5
Moravian Institution for the Insane.....	208	229	208	47
Provincial Institution for the Care of the Insane.....	227	143	227	2
Private Institution for Cure and Care of the Insane.....	12	4	12	4
Doctor Rühle's Private Institution for Insane.....	15	25	15	25
Asylum Carlsheld (a private Institution).....	21	10	21	10
Institution for Care and Cure of Insane Women.....	9	2	9	2
Brothers of Charity Hospital for Sick and Insane.....	63	12	63	12
Provincial Hospital for the Sick.....	615	83	615	83
Citizens' Hospital for the Sick.....	49	19	49	19
Royal Provincial Institution for Incurable Insane.....	126	10	126	10
Ducal Institution for Cure and Care of Insane.....	433	164	433	164
Institution for the Insane in Dömitz Fortress.....	208	54	208	54
Department Institution for the Insane.....	38	64	38	17
Institution for Care and Cure of the Insane.....	33	27	33	27
Private Institution for Care and Cure of Insane.....	205	78	205	78
Department of City Institution for the Incurable Insane.....	21	10	21	10
Private Institution for Nervous Patients.....	101	73	101	73
District Institution for the Insane.....	9	26	9	26
Private Institution for the Insane.....	33	33	33	33
Institution for Insane and Epileptics.....	226	91	226	91
Provincial Institution for Incurables.....	33	33	33	33
Asylum St. Gilgenberg.....	165	78	165	78
Institution for the Insane in Alexianer Convent.....	33	49	33	49
St. Vincenz Private Institution for Insane.....	16	6	16	6
Institution for the Cure of the Insane.....	399	42	399	42
Private Institution for Care and Cure of Nervous and Melancholy Patients.....	114	45	114	45
Institution for Care and Cure of the Insane.....	488	113	488	113
Melancholy Patients.....	3	14	3	14
Institution for Care and Cure of the Insane.....	810	179	810	179
Institution for Care and Cure of the Insane.....	428	88	428	88
St. Vincenz Private Institution for Insane.....	722	112	722	112
Institution for the Cure of the Insane.....	33	33	33	33
Private Institution for Care and Cure of Nervous and Melancholy Patients.....	165	78	165	78
Institution for Care and Cure of the Insane.....	33	49	33	49
Provincial Institution for the Insane for Steiermark.....	16	6	16	6
Public Institution for the Cure of the Insane.....	399	42	399	42
Institution of Villa Boehlen.....	114	45	114	45
Institution for the Care of the Insane and Sick.....	488	113	488	113
Provincial Institution for the Insane.....	3	14	3	14
Institution for Care and Cure of the Insane.....	810	179	810	179
Friedrichsberg Institution at Rarnbeck.....	428	88	428	88
Private Institution for Melancholy and Nervous Patients.....	722	112	722	112
Transylvania Provincial Institute for the Insane.....	33	33	33	33
Public Institution for Cure and Care of the Insane.....	165	78	165	78
Provincial Hospital for the Insane.....	33	49	33	49
Private Institution for the Insane.....	16	6	16	6
Private Institution for the Insane at Kiel.....	399	42	399	42
Insane Hospital for Women and Children.....	114	45	114	45

Brieg.....	173	5	173	5
Brunn.....	208	229	208	47
Bunslau.....	227	143	227	2
Burgdorf.....	12	4	12	4
Canstätt.....	15	25	15	25
Carlsfeld.....	21	10	21	10
Charlottenburg.....	9	2	9	2
Coblenz.....	63	12	63	12
Coburg.....	615	83	615	83
Cologne.....	49	19	49	19
Colditz.....	126	10	126	10
Dessau.....	433	164	433	164
Dömitz.....	208	54	208	54
Düsseldorf.....	38	64	38	17
Eichberg.....	33	27	33	27
Eitorf.....	205	78	205	78
Elberfeld.....	21	10	21	10
Endenich.....	101	73	101	73
Erlangen.....	9	26	9	26
Eupen.....	33	33	33	33
Frankfurt.....	226	91	226	91
Gesecke.....	33	33	33	33
Near Bayreuth.....	165	78	165	78
Gladbach.....	33	49	33	49
Gmünd.....	16	6	16	6
Göppingen.....	399	42	399	42
Görlitz.....	114	45	114	45
Göttingen.....	488	113	488	113
Gotha.....	3	14	3	14
Graetz.....	810	179	810	179
Greifswald.....	428	88	428	88
Grimma.....	722	112	722	112
Haina.....	33	33	33	33
Hall.....	165	78	165	78
Halle.....	33	49	33	49
Hamburg.....	16	6	16	6
Helmstädt.....	399	42	399	42
Hermannstadt.....	114	45	114	45
Hildesheim.....	488	113	488	113
Hofheim.....	3	14	3	14
Hornheim.....	810	179	810	179
Hubertsburg.....	428	88	428	88

This institution was opened in November, 1863.....	173	5	173	5
Only quiet, melancholy, nervous patients received.....	208	229	208	47
Founded by Dr. Heinrich Niemeyer.....	227	143	227	2
Founded in 1841. A private institution.....	12	4	12	4
A private institution.....	15	25	15	25
This hospital rarely receives chronic insane cases.....	21	10	21	10
Has a department for the harmless insane.....	9	2	9	2
For male patients.....	63	12	63	12
In 1860 the sexes were separated.....	615	83	615	83
Only for incurable and dangerous of lower classes.....	49	19	49	19
A public institution only for incurables.....	126	10	126	10
This institution was enlarged in 1864.....	433	164	433	164
Receives from twenty to thirty patients.....	208	54	208	54
Opened in 1863.....	38	64	38	17
Founded in 1841.....	33	27	33	27
A private institution opened in 1862.....	205	78	205	78
Opened in 1864.....	21	10	21	10
A private institution—owns 130 acres land, with a farm house in which is a colony of patients.....	101	73	101	73
Opened in 1864.....	9	26	9	26
A new institution, calculated to accommodate 200.....	33	33	33	33
In September, 1851, had eighteen patients.....	226	91	226	91
A private institution.....	33	33	33	33
Formerly Convent of Monks—made hospital in '53.....	165	78	165	78
An institution for the Province of Saxony.....	33	49	33	49
Opened in November, 1864.....	16	6	16	6
Has been established two years.....	399	42	399	42
Opened November 19th, 1863.....	114	45	114	45
Horticultural Colony for 40 patients. Estab. in '64.....	488	113	488	113
Opened in 1845.....	3	14	3	14

GERMANIC CONFEDERATION—(Continued.)

NAME OF INSTITUTION.	WHERE LOCATED.	CHARACTER, WHEN ESTABLISHED, ETC.	Number of Patients, Jan. 1st, 1864.....	Admitted during the Year.....	Recovered.....
Institution for Care and Cure of the Insane.....	Jena.....	.....	74	53	9
Illenau Institution for Care and Cure of the Insane.....	Illenau.....	Opened in 1842—was formerly at Heidelberg .....	439	345	.....
Private Institution for Melancholy and Nervous Patients.....	Iten .....	Opened in October, 1863 .....	.....	76	.....
Institution for Care and Cure of the Insane .....	Isee .....	.....	29	22	.....
Lutheran Institution for Female Patients.....	Kaiserwerth .....	.....	20	19	.....
Institution for Cure of the Insane .....	Kemenburg .....	.....	2	11	.....
Private Institution for Melancholy and Nervous Patients.....	Kessenich .....	.....	.....	.....	.....
Institution for Cure and Care of the Insane.....	Klagenfurt.....	A branch of the General Hospital.....	.....	.....	.....
Institution for Cure and Care of the Insane.....	Klingenstein.....	.....	326	123	.....
Private Institution for Cure and Care of the Insane.....	Königsbutter .....	Opened December 31st, 1857 .....	.....	.....	.....
Private Institution for the Insane.....	Kowanówko.....	.....	27	25	.....
Private Provincial Institution for the Insane .....	Laibach .....	A branch of the General Hospital.....	.....	.....	.....
House of St. George .....	Laichingen .....	Established in 1834.....	16	76	.....
Institution for the Insane .....	Leipzig.....	Serves also as a hospital and House of Correction.....	189	250	.....
Institution for Cure and Care of the Insane.....	Lemberg.....	A department of the General Hospital.....	.....	.....	.....
Provincial Institution for Cure of the Insane (public).....	Lengerich .....	{ These institutions are connected and under the	{ 110	{ 256	{ 53
Provincial Institution for Cure of the Insane (pensionat) }	Leubus .....	{ same supervision.....	{ 36	{ 15	{ 5
Private Institution for Cure of the Insane .....	Leubus .....	.....	296	101	.....
Private Institution for Cure and Care of the Insane.....	Lindenbourg .....	.....	15	37	.....
Institution for Cure and Care of the Insane.....	Lindenhof .....	.....	.....	96	.....
Institution for Care and Cure of the Insane .....	Linz.....	Is a part of the Prov. Charitable, Upper Austria.....	.....	.....	.....
Institution for Care of Insane Catholic Women .....	Linz, on Rhine.....	Under the care of the Sisters of Charity .....	.....	.....	.....
Public Institution for Cure and Care of the Insane .....	Litbeck .....	.....	53	15	.....
Public Provincial Institution for Cure and Care of Ins.....	Luxemburg.....	The Sisters of the Convent care for the Insane.....	469	144	.....
Institution for the Care of Chronic Insane and Infirm Women .....	Marsberg.....	.....	200	11	.....
	Merkhausen .....	.....	.....	.....	.....

Royal District Institution for the Insane	295	104
Insane Department of Clements Hospital	11	5
Provincial Institution for the Insane	157	87
Provincial Institution for the Insane in Alexianer Convent.		
Department for the Insane in St. Joseph's Hospital		
Institution for Care and Cure of the Insane		
Institution for Care and Cure of the Insane		
Institution for Care and Cure of the Insane		
Provincial Institution for the Insane		
Institution for Care and Cure of the Insane		
Private Institution for Cure of the Insane		
Private Institution for the Insane		
Institution for the Care of the Insane		
Provincial Institution for the Insane		
Private Institution for the Insane at Blockdick		
Institution for Cure and Care of the Insane, Carthaus, Prüll		
Curative Hospital at		
Institution for Cure and Care of the Insane		
Institution for Cure and Care of the Insane		
Provincial Institution for Cure and Care of the Insane		
Institution for Cure and Care of the Insane		
Provincial Institution for the Insane		
Leoprosenhaus—a department for harmless and epileptic patients		
Department for Insane in a Convent		
Lunatic Hospital at		
Private Institution for Cure and Care of the Insane		
Private Institution for Cure and Care of the Insane		
Asylum Schweizerhof		
Provincial Hospital and Institution for the Insane		
Provincial Institution for the Insane		
Department for Insane in Prince Charles' Hospital		
Royal Lunatic Hospital		
Lower Lusatian Institution for Cure and Care of Insane		
Institution for the Insane and Infirm		
Institution for the Insane and Infirm		
St. Rochus Hospital		
Institution for Care of the Insane		
Private Institution for Cure and Care of the Insane		
Department for Insane in Abns-house at		
Royal Provincial Institution for Cure and Care of Insane.		
Mannich	295	104
Münster	11	5
Neu-Ruppitt	157	87
Ness		
Nees		
Neu-Eberswalde		
Neu-Eberswalde		
Osnabrück		
Owinsk, Posen	439	93
Pforzheim	16	12
Pfullingen	32	25
Pina	25	17
Pöpelwitz	744	386
Posen		
Prag		
Roekwinkel		
Near Regensburg	291	84
Roda	139	54
Rostock		
Rudolstadt	42	8
Rügenwalde	116	5
Sachsenberg	233	91
Salzburg	39	29
Salzburg		
Salzburg		
Scheibe	639	109
Schleswig	8	1
Schleswig	20	5
Schmiegebarg	46	36
Near Berlin		
Schwet		
Sieburg	207	282
Sigmaringen	40	16
Sonnenstein	369	212
Soran	243	69
Stralsund		
Strelitz	59	17
Teigt	31	17
St. Thomas	197	35
Thonberg	44	56
Trier		
Trieste	136	
In 1864, building enlarged at expense of 99,000fl...		
Sisters of Charity take care of the insane patients...		
For male patients only; cared for by Convent Bros.		
Calculated for only a few patients		
A new institution, now nearly complete.		
A private institution		
New; calculated for 200 patients; compl. in 1866.		
Calculated for 100 patients. For Province of Posen.		
For the Grand Duchy of Baden.		
A private institution for ten to twenty patients.		
Originally founded by Doctor Pienitz		
Opened in 1852		
Department of City Hospital for incurable insane.		
Founded in 1750—rebuilt in 1839.		
Combined with this is a District Hospital		
Enlarged in 1860. April 1st, '61, had 86 patients.		
	42	8
	116	5
	233	91
	39	29
Receives harmless insane patients		
Receives about thirty patients		
Founded in 1855, by Doctor Klink		
A private institution for female patients.		
Both departments are under the same supervision.		
For curable patients		
A public institution		
Established in 1842		
Workhouse, House Correction, Lun. Hos., comb.		
Receives female insane, and sick of both sexes.		
Combines hospital, workhouse, and insane dept.		
A State charity institution for insane only		

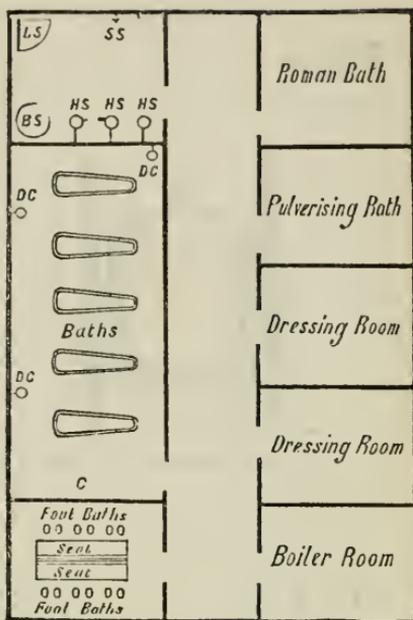
## GERMANIC CONFEDERATION—(Concluded.)

NAME OF INSTITUTION.	WHERE LOCATED.	CHARACTER, WHEN ESTABLISHED, ETC.	Number of Patients, Jan. 1st, 1864.....	Admitted during the Year.....	Recovered.....
Institution for the Care of the Insane.....	Trieste.....	A city institution. Department of the hospital.....	30	.....	.....
Provincial Institution for Schlessen.....	Troppau.....	.....	51	.....	.....
Institution for Cure of the Insane.....	Welmun.....	Opened April 1st, 1858.....	77	54	.....
Castle Wernneck.....	Waigolshausen.....	.....	.....	.....	.....
City Institution for Care of the Insane ('Hohelhaus').....	Wesel.....	.....	807	789	341
Provincial Institution for Care and Cure of the Insane.....	Wien.....	Opened in 1831.....	54	41	.....
Private Institution for Care and Cure of the Insane.....	Wien.....	Opened in June, 1860.....	43	34	26
Private Curative Institution for Nervous and Melancholy.....	Wien.....	Opened in 1830.....	30	.....	.....
Private Institution for Cure and Care of the Insane.....	Wien.....	Opened in 1834.....	40	.....	.....
Private Institution for Cure and Care of the Insane.....	Waiblingen.....	.....	134	97	.....
Royal Curative Institution, Winnenthal, near.....	Wittstock.....	Idiots are cared for with the insane.....	143	49	.....
Department for Insane in Almshouse at.....	Winsburg.....	.....	82	111	.....
Department for the Insane in Julius Hospital.....	Ylbs.....	.....	363	59	.....
Lower Austrian Provincial Institution for Insane.....	Zwickalten.....	For care of incurable ins., Kingdom Württemberg.....	168	4	.....
Royal Curative Institution.....	.....	.....	.....	.....	.....

\* From a General Report of the Institutions of Germany, by Doctor H. Lachr, published in 1865.

[APPENDIX G.]

Fig. 1.

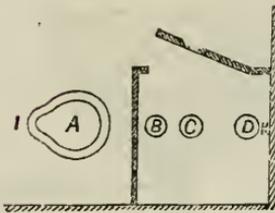


Reference:

- DC—Douch Cocks.
- BS—Barrel Shower.
- HS—Head Shower.
- LS—Lumbar Shower.
- SS—Spinal Shower.
- OO—Foot Pans fixed.

Plan of Baths at Evreux.

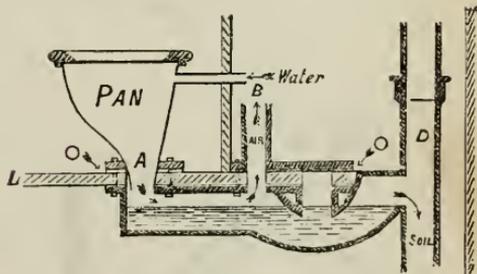
Fig. 2.



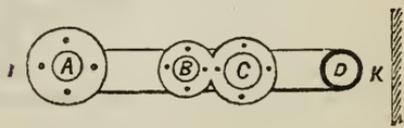
Plan of Water Closet.

Reference:

- B—Ventilating Pipe.
- L—Floor.
- O—Rubber Gaskets.



Section through I K.



Plan of Water Closet, Washington.

## [APPENDIX G.]

Fig. 3.

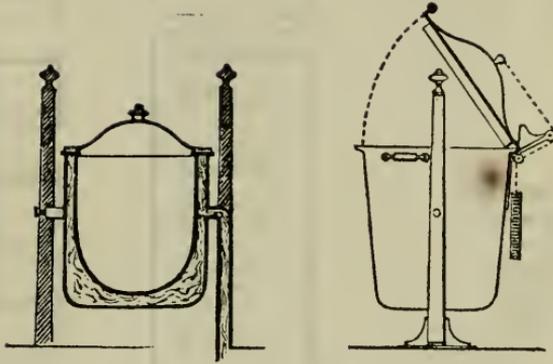
*Kitchen Boiler on pivot, at Ville Evrard Asylum.*

Fig. 4.

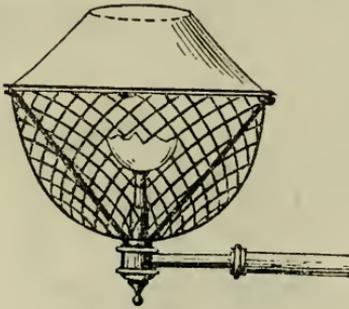
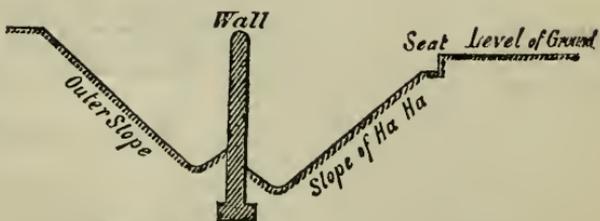
*Gas Lamp at Evreux.*

Fig. 5.

*Ha-ha Fence and Seat at the Darby Asylum.*

## LIST OF ASYLUMS IN FRANCE.

WHERE SITUATED.		Name of Establishment.
Department.	Commune.	
Aisne.....	Laon (Prémontin).....	.....
Ain.....	Bourg.....	St. Lazare.
Ain.....	Bourg.....	Ste. Madeleine.
Allier.....	Yzeure.....	Ste. Catherine.
Ardèche.....	Privas.....	Ste. Marie Assompt'n.
Ariège.....	St. Lizier.....	St. Lizier.
Aude.....	Limoux.....	St. Joseph de Cluny.
Aveyron.....	Rodez.....	Rodez.
Bous. du Rhône.....	Marseille.....	St. Pierre.
Bous. du Rhône.....	Aix.....	La Trinité.
Bous. du Rhône.....	St. Remy.....	St. Paul.
Calvados.....	Caen.....	Bon Sauveur.
Cantal.....	Aurillac.....	Aurillac.
Charente.....	Angoulême.....	Angoulême.
Charente Inf.....	La Rochelle.....	Lafond.
Cher.....	Bourges.....	Bourges.
Corrèze.....	Mouestier-Merline.....	La Cellette.
Côte D'Or.....	Dijon.....	La Chartreuse.
Côtes du Nord.....	St. Brieuc.....	St. Brieuc.
Côtes du Nord.....	Lehon.....	Sacrés Cœurs.
Doubs.....	Besançon.....	Mon. M. Guibard.
Eure.....	Evreux.....	Evreux.
Eure et Loir.....	Chartres.....	Bonneval.
Finistère.....	Quimper.....	St. Athanase.
Finistère.....	Morlaix.....	Morlaix.
Haute-Garonne.....	Toulouse.....	La Grave.
Haute-Garonne.....	Toulouse.....	Mon. Delage.
Gers.....	Auch.....	Auch.
Gironde.....	Bordeaux.....	Bordeaux.
Gironde.....	Cadillac.....	St. Léonard.
Gironde.....	Bouscat.....	Castel d'Andorte.
Hérault.....	Montpellier.....	St. Charles.
Hérault.....	Montpellier.....	Pont St. Côme.
Ille et Vilaine.....	Rennes.....	St. Meen.
Indre et Loire.....	Tours.....	Tours.
Isère.....	Ste. Egrève.....	St. Robert.
Jura.....	Dôle.....	Les Carmes.
Jura.....	Dôle.....	Les Capucins.
Loir-et-Cher.....	Blois.....	Blois.
Hte. Loire.....	Le Puy.....	Montredon.
Loire Inférieure.....	Nantes.....	St. Jacques.
Loire Inférieure.....	Nantes.....	l'Grande Providence.

## LIST OF ASYLUMS IN FRANCE—Continued.

WHERE SITUATED.		Name of Establishment.
Department.	Commune.	
Loire Inférieure.....	Nantes .....	Mon. Gouin.
Loiret.....	Orléans.....	Orléans.
Lot .....	Leyme .....	Leyme.
Lozère.....	St. Alban.....	St. Alban.
Maine et Loire.....	Ste. Gemmes et Loire .....	Ste. Gemmes.
Manche .....	Pontorson .....	Pontorson.
Manche .....	St. Lô.....	Bon Sauveur.
Manche .....	Priauville.....	Bon Sauveur.
Manche .....	Le Mesnil Garnier.....	Ancien Convent.
Marne .....	Châlons .....	Châlons.
Hte. Marne.....	St. Dizier.....	St. Dizier.
Mayenne.....	Mayenne .....	La Roche Gandon.
Meurthe.....	Laxon .....	Maréville.
Meurthe.....	St. Nicolas.....	St. François.
Meurthe.....	Jarville .....	La Malgrange.
Meuse.....	Fains.....	Fains.
Morbihan .....	Vannes .....	L'Humanité.
Moselle .....	Gorze .....	Dépôt Mendicité.
Nièvre.....	La Charité s. Loire...	La Charité s. Loire.
Nord.....	Lille .....	Lille.
Nord.....	Armentières .....	Armentières.
Nord.....	Marquelle.....	Lommelet.
Oise .....	Clermont .....	Mon. Labitte.
Orne .....	Alençon .....	Alençon.
Pas de Calais.....	St. Venant.....	St. Venant.
Puy de Dôme.....	Clermont-Ferrand ...	Ste. Marie Assompt'n.
Puy de Dôme.....	Riom .....	Riom.
Bas-Pyrénées .....	Pau.....	Pau.
Bas-Rhin .....	Brumath.....	Stephansfeld.
Rhône.....	Lyon .....	L'Antiquaille.
Rhône .....	Lyon .....	St. Jean de Dieu.
Rhône .....	Lyon .....	St. Vincent Paul.
Rhône.....	Lyon .....	Croix Rousse.
Rhône.....	Lyon .....	Champ-Vert.
Rhône.....	Calvère .....	St. Julien.
Rhône.....	Vaugneray.....	Vaugneray.
Sarthe.....	Le Mans.....	Le Mans.
Savoie .....	Chambéry .....	Bassens.
Seine.....	St. Maurice.....	Charenton (Imperial)
Seine.....	Gentilly .....	Bicêtre.
Seine.....	Paris .....	La Salpêtrière.
Seine.....	Paris et environs.....	Les 13 Asiles privés.
Seine Infre.....	Rouen .....	St. Yon.
Seine Infre.....	Sotteville les Rouen..	Quatre Mares.
Deux-Sèvres .....	Niort.....	La Providence.

## LIST OF ASYLUMS IN FRANCE—Continued.

WHERE SITUATED.		Name of Establishment.
Department.	Commune.	
Tarn .....	Alby.....	Bon Sauveur.
Tarn et Garonne.....	Montauban .....	St. Jacques.
Vaucluse.....	Avignon .....	Mont de Vergues.
Vendée.....	Napoléon Vendée.....	Napoléon Vendée.
Vienne .....	Poitiers.....	Poitiers.
Hte. Vienne.....	Limoges .....	Limoges.
Yonne.....	Auxerre.....	Auxerre.

[APPENDIX H.]

THE TWELFTH ANNUAL COMMEMORATION  
OF THE  
OPENING OF THE SUSSEX LUNATIC ASYLUM  
WILL BE HELD

*On Tuesday, 25th July, 1871.*

HOURS—12 noon—Morning Prayer, with Commemoration Sermon.  
Preacher, Rev. A. P. Perfect, M. A., Rector of St. John's, Lewes.

1-2 P. M.—Dinner in the Wards (Roast Beef and Plum Pudding).

1:30 P. M.—Luncheon for the Visitors in the Recreation Hall.

2-3:30 P. M.—Games on the Grounds. Athletic Sports. The Ockenden Band will play.

3:30 P. M.—Mr. Basil Young will give a Musical and Comic Entertainment.

6 P. M.—Tea.

7 P. M.—Patient's Ball. To conclude at 9 P. M.

THE BALL FOR THE HOUSEHOLD

WILL TAKE PLACE

*On Thursday, July 27th. 9 P. M.—3 A. M.*

Mr. Squire's Brighton Quadrille Band will play.

HAYWOOD'S HEATH, July, 1871.

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THE ASYLUM, BOOTHAM, YORK.

PROGRAMME OF ENTERTAINMENTS. WINTER SESSION, 1870-1.

Thursday, October 13th, 1870—Ball.

Saturday, October 15th—Meeting of Singing Class.

Thursday, October 20th—Reading.

Saturday, October 22d—Discussion Club Conversazione and Meeting of Singing Class.

Thursday, October 27th—Vocal and Instrumental Concert.

Saturday, October 29th—Meeting of Singing Class.

Thursday, November 3d—Ball.

Saturday, November 5th—Meetings of Discussion Club and Singing Class.

Thursday, November 10th—Lecture, "Hull Worthies," by T. T. Lambert, Esq.

Saturday, November 12th—Meeting of Singing Class.

Thursday, November 17th—Reading and Musical Entertainment.

Saturday, November 19th—Meetings of Discussion Club and Singing Class.

Thursday, November 24th—Vocal and Instrumental Concert.

Saturday, November 26th—Meeting of Singing Class.

Thursday, December 1st—Ball.

Saturday, December 3d—Meetings of Discussion Club and Singing Class.

Thursday, December 8th—Magic Lantern Exhibition.

Saturday, December 10th—Meeting of Singing Class.

Thursday, December 15th—Lecture, "A Visit to a Coal Mine," by Dr. Procter, F.C.S.

Saturday, December 17th—Meetings of Discussion Club and Singing Class.

Thursday, December 22d—Reading and Musical Entertainment.

Friday, December 23d—Meeting of Singing Class.

Thursday, December 29th—Lecture, "The History of Music, with Illustrations," by the Rev. H. V. Palmer.

Friday, December 30th—Meeting of Singing Class.

Thursday, January 5th, 1871—New Year's Ball.

Friday, January 6th—Second ditto.

Saturday, January 7th—Meeting of Singing Class.

Thursday, January 12th—Lecture, "Thomas Gent, an Old York Printer," by the Reverend Canon Raine, M.A., Secretary to the Surtees Society.

Saturday, January 14th—Discussion Club Conversazione and Meeting of Singing Class.

Thursday, January 19th—Magic Lantern Exhibition.

Saturday, January 21st—Meeting of Singing Class.

Thursday, January 26th—Vocal and Instrumental Concert.

Saturday, January 28th—Meetings of Discussion Club and Singing Class.

Thursday, February 2d—Ball.

Saturday, February 4th—Meeting of Singing Class.

Thursday, February 9th—Lecture, "Some African Tribes," by Doctor Needham.

Saturday, February 11th—Meeting of Discussion Club and Singing Class.

Thursday, February 16th—Lecture, "Caverns and their Contents," by S. W. North, Esq., F.G.S.

Saturday, February 18th—Meeting of Singing Class.

Thursday, February 23d—Vocal and Instrumental Concert.

Saturday, February 25th—Meetings of Discussion Club and Singing Class.

Thursday, March 2d—Ball.

Saturday, March 4th—Meeting of Singing Class.

Thursday, March 9th—Magic Lantern Exhibition.

Saturday, March 11th—Meetings of Discussion Club and Singing Class.

Thursday, March 16th—Reading and Musical Entertainment.

Saturday, March 18th—Meeting of Singing Class.

Thursday, March 23d—Lecture, "The Northwest Highlands and Western Islands of Scotland," by the Rev. Canon Hey, M.A.

Saturday, March 25th—Meetings of Discussion Club and Singing Class.

Thursday, March 20th—Vocal and Instrumental Concert.

Saturday, April 1st—Meeting of Singing Class.

Thursday, April 6th—Ball.

Saturday, April 8th—Meetings of Discussion Club and Singing Class.

Thursday, April 13th—Reading.

Saturday, April 15th—Meeting of Singing Class.

Thursday, April 20th—Lecture, "An Analysis of the Franco-Prussian War," by W. Wallen, Esq.

Saturday, April 22d—Discussion Club Conversazione and Meeting of Singing Class.

Thursday, April 27th—Reading and Musical Entertainment.

Saturday, April 29th—Meeting of Singing Class.

The lectures and readings commence at six o'clock P. M.; the discussion meetings at half-past six; the balls at seven; the concerts at half-past seven; and the singing meetings at a quarter past eight.

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### NIGHT ATTENDANTS.

1. The duties of night attendants shall commence at eight P. M. on weekdays and nine on Sundays, and cease at six A. M., during which period they shall be responsible for the condition of the patients.

2. They are to obtain every night from the attendants on duty in each ward the names of such patients as require particular attention, either on account of their habits, fits, illness, or disposition to self-injury, and to see that sufficient changes are provided for those whose habits are dirty. Should they find any patients wet or dirty when they go on duty, they must require the day attendants in charge of such patients to attend to them and hand them over to the night attendants in a clean, dry, and proper state; and the night attendants must themselves deliver over to the day attendants all patients in a like proper condition.

3. They shall visit each ward at least seven times in the course of the night, and oftener if necessary, commencing their rounds at eight, nine, ten, and twelve P. M., and at two, four, and half-past five A. M.

4. They shall administer any medicines, extra diet, wine, etc., (which may have been ordered by the Superintendent), at the times appointed; but shall not disturb any patient whom they may find sleeping, for the purpose of administering either food or medicine. A dry cloth or bib shall always be used when any patient has to be fed.

5. They shall visit every epileptic patient on each round of the wards, and see that they are so lying as not to endanger life from suffocation during an accession of fits. Should any patient at any time be found out of bed or lying on his face, or with his head off the pillow, he must be put to bed, placed upon his back or side, with his head on the pillow, and shirt neck unbuttoned.

6. They shall devote particular attention to all supposed suicidal cases, and remove any articles by which they might possibly injure themselves.

7. They shall use every exertion to improve the dirty patients in their habits, by getting them up at the stated times, and by taking such measures as will tend to keep them clean. Whenever any bedding is found wet or dirty it shall be removed immediately, and fresh clean bedding substituted; or if necessary the patient shall be removed to another room, and the one previously occupied washed out. No patient shall be allowed to remain in a damp or dirty room.

8. The general quiet of the galleries must be strictly attended to, and any noisy patient visited and quieted, or if necessary removed to a room where he will not disturb the other patients. In going round the galleries, the night attendants must avoid disturbing the patients as much as possible; and for this purpose shall wear list shoes, and unbolt and shut the doors quietly. They must also lock and secure the various doors and windows of water closets, etc., on windy nights, to prevent rattling.

9. They shall see that the various galleries are properly ventilated, and shall personally attend to any fires which may require to be kept burning during the night.

10. In the event of any sudden illness, accident, escape, or death during the night, they shall report the same to the Superintendent with the least possible delay.

11. They shall call the day attendants at half past five A. M., stating to them any peculiarity which may have occurred to their respective patients during the night; and before going off duty shall fill up the report for the night, to be left in the Superintendent's room.

12. On Thursdays and Saturdays they shall be at liberty from two to eight P. M., and on Sundays from two to nine P. M.; but on other days they will be expected to perform certain light duties in the afternoon.

13. In all their intercourse with the patients, they must bear in mind that they are insane, and consequently not responsible for their actions. Should any of them make use of abusive language, or offer them violence, they must on no account take it as an insult, but, on the contrary, use every endeavor to gain an influence over them by firm yet kind and attentive treatment.

YORK ASYLUM.

Attendant's daily Reports for week ending ..... 18..... Female Gallery.....

	Su.	M.	T.	W.	Th.	F.	S.
Number patients.....							
Number empty beds.....							
Number patients at work in kitchen.....							
Number patients at work in laundry.....							
Number patients at work in galleries.....							
Number patients at work sewing.....							
Number patients at work knitting.....							
Number patients reading or otherwise employed...							
Number patients altogether unemployed.....							
Number patients wet or dirty.....							
Ill { Confined to bed.....							
{ Not confined to bed.....							
Number patients excited.....							
Number patients refusing food.....							
Number patients requiring to be washed.....							
Number patients who are suicidal.....							
Number patients who have had fits.....							
Number patients attending chapel.....							
Number patients attending amusements.....							
Number patients out beyond boundaries.....							
Number patients never out beyond boundaries.....							

Names of patients unemployed—reasons why.

Names of Patients refusing food.

Names of patients who are suicidal.

Names of patients who have had fits.

Names of patients never beyond boundaries, and reasons why.

NOTE.—All accidents and injuries, however slight, illness, acts of violence, attempts to escape or commit suicide, and struggles with attendants, to be immediately reported to the Assistant Matron, and by her, in writing, to the Superintendent.

## MISSING LIST.

Ward, No. \_\_\_\_\_ 187

Articles.	Patients.	Attendants.	

Attendant. \_\_\_\_\_ Laundress.

When signed to be given to the Head Attendant.

—

### BROOKWOOD ASYLUM.

NEAR WORKING STATION, SURREY.

Application for Situation of.....

(To be filled up in the candidate's own writing).

Name and age.....

Married, single, or widowed.....

Religious persuasion.....

Post address.....

Can you read and write? .....

Brought up to any particular trade, or class of work?.....

Any knowledge of music, vocal or instrumental?.....

Present occupation.....

Name and address of various employers, in regular order, particularly of all recent ones; length of time with each, and cause of leaving.

## BROOKWOOD ASYLUM.

## BATHS—REGULATIONS FOR THE GUIDANCE OF THE ATTENDANTS.

1. Every patient to be bathed immediately after admission, and once a week afterwards, unless exempted by medical order. Should there be the slightest doubt as to the advisability of bathing any patient, owing to sickness, feebleness, or excitement, immediate reference to be made to one of the medical officers.

2. The name of every patient not having the customary bath to be inserted in the daily report sheet.

3. In preparing a bath *the cold water is always to be turned on first.*

4. Before the patient enters the bath the temperature is to be ascertained by the thermometer, and is not to be less than eighty-eight degrees, nor above ninety-eight degrees. In case of the thermometer becoming inefficient from injury, etc., all bathing operations to be suspended until another be obtained.

5. Not more than — patients to be bathed in the same water. Any infringement of this rule to be entered in the daily report sheet.

6. *Under no circumstances whatever* are two patients to occupy the bath at the same time.

7. During the employment of the bath, the room is never to be left without an attendant. At all other times the door is to remain locked, and the floor to be kept dry.

8. *Under no pretence whatever* is the patient's head to be put under water.

9. In the bath the body of each patient is to be well cleansed with soap. After coming out of the bath especial care must be taken to dry those patients who are feeble and helpless, and to clothe them as rapidly as possible.

10. The keys are never to remain on the bath taps, nor are they to be employed by patients. When not in use they are to be locked in the attendants' room.

11. Any marks, bruises, wounds, sores, local pain, evidences of disease of any kind, complained of by the patients, or noticed by the attendant during any of the bathing operations, to be immediately reported to one of the medical officers, and also to be entered in the daily report sheet.

12. Any deficiency in the supply of warm water, soap, towels, etc., to be entered in the daily report sheet.

13. The attendants are to bear in mind that, except under medical order, the baths are to be employed solely for the purposes of cleanliness.

14. Neither the cold nor the shower bath is ever to be employed, except under medical order, and then only in presence of one of the officers. When not in use the door of the latter is to remain locked, and the key to be kept in the dispensary.

15. It is the duty of the head attendant to be present at all baths employed under medical order, and to take care that the duration does not exceed the time specified in such order. He is also to supervise the whole of the ordinary bathing operations, to ascertain that the rules are rigidly carried out, and to report to the Medical Superintendent every infringement that may come to his knowledge.

T. N. BRUSHFIELD, M. D.,

Medical Superintendent.

June, 1867.

[Lunatics 1. (16 &amp; 17 Vict.) Private Patient.]

## "ORDER" FOR THE RECEPTION OF A PRIVATE PATIENT.

N. B.—Under all circumstances the "Order" and "Statement" below to be filled up by the patient's relatives or friends.—Sched. (A) No. 1, Sects. 4, 8.

I, the undersigned, hereby request you to receive ———, whom I last saw at ———, on the (a) ——— day of ———, 18—, a (b) ——— as a patient into your hospital.

Subjoined is a statement respecting the said ———.

Signed: Name, ———; occupation (if any) ———; place of abode, ———; degree of relationship (if any), or other circumstances of connection with the patient.

Dated this ——— day of ———, one thousand eight hundred and ———.

To the Superintendent of Bethlem Hospital, St. George's Road, Lambeth, S.

## "STATEMENT."

*If any particulars in this Statement be not known, the fact to be so stated.*

Name of patient, with Christian name at length, ———; Sex and age, ———; Married, single, or widowed, ———; Condition of life and previous occupation (if any), ———; Religious persuasion, as far as known, ———; Previous place of abode, ———; Whether first attack, ———; Age (if known) on first attack, ———; When and where previously under care and treatment, ———; Duration of existing attack, ———; Supposed cause, ———; Whether subject to epilepsy, ———; Whether suicidal, ———; Whether dangerous to others, ———; Whether found lunatic by inquisition, and date of commission or order for inquisition, ———; Special circumstances (if any) preventing the patient being examined, before admission, separately by two medical practitioners, ———; Name and address of relative to whom notice of death is to be sent, ———.

How many previous attacks? ———; Have any relatives of the family been similarly affected? ———; State in what degree of relationship, ———; Has the patient been of sober habits? ———; Number of children? ———; Age of youngest? ———; Degree of education? ———.

Signed: Name, (e) ———; occupation (if any), ———; place of abode, ———.

Degree of relationship (if any) or other circumstances of connection with the patient, ———.

(a) Within one month previous to the date of the order.

(b) Lunatic or an idiot, or a person of unsound mind.

(c) The "Statement" must be signed, but "where the person signing the statement is not the person who signs the order, the following particulars concerning the person signing the statement are to be added."

N. B.—Medical certificates of patients' examination, and the signatures, are required by the above statute to be dated within seven clear days of the patient's reception. In stating the residence, the number of the house must be specified when there is any.

The medical men signing the certificates must not be in partnership, nor one an assistant to the other.

BY ORDER OF THE COMMISSIONERS IN LUNACY.

1.—It is absolutely necessary that the medical men should write their certificates legibly, so as to afford the opportunity of an exact copy being made.

2.—“All alterations in the original certificates, unless by the certifying medical man, invalidate them; and the initials of the latter must be placed to every change or addition made.”

3.—“If a registered medical man describes himself as ‘a duly qualified registered practitioner,’ it is not necessary that he should specify his medical qualifications in full in addition.”

MEDICAL CERTIFICATE.—Sched. (A) No. 2, Sects. 4, 5, 8, 10, 11, 12, 13.

I, the undersigned, ——, being (a) ——, and being in actual practice as a (b) ——, hereby certify that I, on the —— day of ——, 18——, at (c) [here insert the street and number of house, if any,] ——, in the County of ——, separately from any other medical practitioner, personally examined ——, of (d), [state address and occupation, if any,] and that the said —— is a (e) ——, and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds, viz:

1. Facts indicating insanity observed by myself (f) [some definite fact or facts must be specified,] ——;

2. Other facts, if any, indicating insanity communicated to me by others (g), [state the name of the person giving the information,] ——.

Signed: Name, ——; place of abode, ——; dated this —— day of ——, one thousand eight hundred and ——.

[Here follows duplicate of above certificate.]

(a) Here set forth the qualification entitling the person certifying to practice as a physician, surgeon, or apothecary, *ex gra.*; Fellow of the Royal College of Physicians in London.

(b) Physician, surgeon, or apothecary, as the case may be.

(c) Here insert the street and number of the house, if any, or other like particulars.

(d) A. B., of ——, insert residence and profession or occupation, if any.

(e) Lunatic or an idiot, or a person of unsound mind.

(f) Here insert the facts. Some definite fact or facts must be specified. Please to write the facts legibly and on the lines.

(g) Here state the information and from whom received.

## COMPLAINT AND COMMITMENT.

State of California, County of \_\_\_\_\_.

To Honorable \_\_\_\_\_, County Judge of said county. \_\_\_\_\_ respectfully represents that there is now in said county a person named \_\_\_\_\_, who is insane, and by reason of insanity dangerous to be at large, and is a proper subject for the Insane Asylum; and the said \_\_\_\_\_ being duly sworn, deposes and says that the foregoing statement is true; wherefore he prays that such action may be had as the law requires, and that the said \_\_\_\_\_ may be sent to the Asylum of California.

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 .

The foregoing application having been made to me, \_\_\_\_\_, County Judge of said county, and \_\_\_\_\_ named in said application, being this day brought before me for examination on said charge of insanity, and having heard the testimony of \_\_\_\_\_ and \_\_\_\_\_ witnesses who have had frequent intercourse with the accused during the time of the alleged insanity; and doctors \_\_\_\_\_ and \_\_\_\_\_ graduates in medicine, after hearing the testimony of witnesses, and after a personal examination of the accused, having made the certificate by law required, and being myself satisfied that the said \_\_\_\_\_ is insane and dangerous to be at large, and is not a case of idiocy, or imbecility, or simple feebleness of intellect, or old case of harmless dementia, or of any class of old, incurable, and harmless insanity, nor a case of delirium tremens; and being further satisfied of the truth of all the matters set forth in the said physician's certificate; I do hereby order the said \_\_\_\_\_ to be taken to and placed in the Insane Asylum at Stockton, and \_\_\_\_\_ is charged with the execution of this order.

As to the ability of the said \_\_\_\_\_ or his kindred to bear the charges or expenses for the time \_\_\_\_\_ may remain in the Asylum, as well as all other matters pertaining to \_\_\_\_\_ interests or possessions, I find, after diligent inquiry the facts to be as follows:

1. The said \_\_\_\_\_ is \_\_\_\_\_ by possession of \_\_\_\_\_ able to pay \_\_\_\_\_ expenses in the Asylum.
2. I have \_\_\_\_\_ appointed \_\_\_\_\_ a guardian for the said \_\_\_\_\_ and directed a quarterly payment in advance, and a supply of necessary clothing, together with the bond, to be forwarded to the Asylum with the said \_\_\_\_\_ as by law required of paying patients.
3. The said \_\_\_\_\_ has \_\_\_\_\_ kindred in the degree, as by law defined, who are able to pay said expenses, and I have \_\_\_\_\_ made the assessment as by law directed in cases of kindred able to pay.
4. There is \_\_\_\_\_ due the said \_\_\_\_\_ for \_\_\_\_\_ and I have \_\_\_\_\_ taken steps as by law required to be taken in such cases.
5. There \_\_\_\_\_ money (in \_\_\_\_\_ own right) on the person of the said \_\_\_\_\_ and \_\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 .  
\_\_\_\_\_, Judge.

## PHYSICIAN'S CERTIFICATE.

State of California, County of \_\_\_\_\_

We, \_\_\_\_\_ and \_\_\_\_\_ being sworn, do depose and say that we are graduates in medicine; that at the request and in the presence of Hon. \_\_\_\_\_, County Judge of said County, we have heard the testimony, and

carefully examined the said ——— in reference to the charge of insanity, and do find that ——— is insane and by reason of insanity dangerous to be at large. The facts in support of this opinion (elicited by said examination) are set forth in the answers to the following questions as nearly as can be ascertained:

## QUESTIONS.

1. Name?
2. Age?
3. Nativity?
4. Married or single?
5. If children, how many, and the age of the youngest?
6. If female and married, maiden name and name of husband?
7. What State last from and how long in California?
8. What occupation?
9. What evidence have you of the presence of insanity?
10. Is there a homicidal, suicidal, or incendiary disposition?
11. Is the case a recent one, having occurred within twelve months last past.
12. When did this attack first appear?
13. Is this the first attack? If not, when did others occur and what their duration?
14. Is the disease increasing, decreasing, or stationary?
15. Are there rational intervals? If so, do they occur periodically?
16. Is there any permanent hallucination? If so, what is it?
17. In what way is the accused dangerous to be at large?
18. Is there a disposition to injure others? If so, is it directed especially to relatives, and is it from *sudden passion or premeditation*?
19. If suicidal, is the propensity *now* active, and in what way?
20. Is there a disposition to filthy habits, destruction of clothing, furniture, etc.?
21. Any relations, including grand parents and cousins, been insane?
22. Any peculiarities of temper, habits, disposition or pursuits, *before* the attack—any predominant passions or religious impressions?
23. Been intemperate in the use of ardent spirits, wine, opium or tobacco in any form?
24. Suffered from epilepsy, suppressed secretions, eruptions, discharges or sores, or injured on the head?
25. Any change in the physical health *since* the attack?
26. The supposed cause of insanity?
27. Of what class of insanity?
28. What treatment has been pursued, and with what effect?

\_\_\_\_\_, M. D.

\_\_\_\_\_, M. D.

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ A. D.  
186 . \_\_\_\_\_.

## DIETARY

OF THE INSANE ASYLUM OF THE STATE OF CALIFORNIA, FOR EACH PATIENT.

*Breakfast.*

One pint coffee, or more, to satisfy appetite; five ounces loaf bread; one half pound thick mush, made with corn meal or cracked wheat, flavored with syrup.

*Dinner.*

One quart soup, made from good fresh meat and beans, rice or fresh vegetables; four and one half ounces meat without bone; five ounces loaf bread; one half pound potatoes; beets, carrots, miscellaneous vegetables and fruits, grown on the Asylum grounds, are used when in season.

*Supper.*

One pint tea; five ounces loaf bread; three ounces gingerbread.

The attendants are instructed to furnish as much bread and soup as the patient may desire, except in cases of dementia with morbid appetite.

Patients employed on the farm and garden have a lunch of bread and butter at ten o'clock, A. M. and at four o'clock, P. M., in addition to the above.

The diet of the sick is prescribed by their medical attendant.

Different kinds of meats and fish are substituted for beef, and other variations made for a change occasionally, but not regularly, except Fridays, when fish is used as far as practicable.

## RICHMOND, NEAR DUBLIN.

*Ordinary Diet.*—Breakfast: half pound of bread and a pint of tea, or eight ounces of stirabout with a pint of new milk. Dinner: ten ounces of bread to males, and eight ounces to females, with half pound of meat or a British pint of soup. Supper: half pound of bread and a pint of cocoa.

*Extra Diet.*—Breakfast, ordered by the medical officers, an egg. Dinner: a pint of beer or porter, half pound of chops, or half pint of beef tea and eight ounces of bread. Supper: a British pint of tea and eight ounces of bread.

*Hospital Diet.*—Beef tea, chops, eggs, wines, rice, arrowroot, etc.



## EDINBURGH ROYAL ASYLUM.

## DIET TABLE.

*Breakfast for Males.*

Six ounces oatmeal or two pints of porridge, and three fourths pint of skimmed or buttermilk, or one fourth ounce of coffee; one half ounce of sugar; seven and a half ounces of bread, and one fourth ounce of butter.

*Females.*

Six ounces oatmeal or one and a half ounces of porridge, and three fourths pint of skimmed or buttermilk, or one fourth ounce of coffee; one half ounce of sugar; five ounces of bread, and one fourth ounce of butter.

*Dinner.*

Sunday—Four ounces of rice; one third ounce of sugar, and one half pint of sweet milk; seven and a half ounces of bread for males, and five ounces for females.

Monday—Seven ounces of uncooked meat boiled in broth, with two ounces of barley; seven and a half ounces of bread, or one and one eighth pounds of potatoes, for males, and five ounces of bread, or one and one eighth pounds of potatoes for females.

Tuesday—Seven ounces of uncooked meat, stewed or roasted, and eight ounces of vegetables, bread, or potatoes, as on Monday.

Wednesday—Broth made with two ounces of meat boiled down in the broth; eight ounces of dumpling of flour, suet, and currants; bread or potatoes as above.

Thursday—Seven ounces of uncooked meat made into Irish stew; bread or potatoes as above.

Friday—Pea soup made from two ounces of meat and four ounces of peas; bread or potatoes as above.

Saturday—Seven ounces of meat and broth, as on Monday; bread or potatoes as above.

*Supper for Males.*

Six ounces of oatmeal or two pints of porridge, and three fourths pint of skimmed or buttermilk, or one eighth ounce of tea; one half ounce of sugar; seven and one half ounces of bread, and one fourth ounce of butter.

*Females.*

One eighth ounce of tea; half ounce of sugar; five ounces of bread, and one fourth ounce of butter.

*Luncheon for Workers.*

Bread, two and one half ounces; cheese, one ounce; beer, one half pint.

QUATRES MARES, NEAR ROUEN.

Diet Table for Lunatics maintained at the cost of the Department.

DIVISION OF THE DAY.		DESCRIPTION OF PROVISIONS.	M E N .		W O M E N .	
			Quantities before preparation.	Quantities after preparation.	Quantities before preparation.	Quantities after preparation.
Daily...	{	First.....	.....	3 ounces.....	.....	3 ounces.
		Second.....	.....	22 ounces.....	.....	18 ounces.
		Third.....	.....	2 pints.....	.....	1½ pints.
Breakfast.	{	Thin broth.....	.....	1 pint.....	.....	1 pint.
		Or milk.....	.....	½ pint.....	.....	¼ pint.
		Or cheese.....	.....	1½ ounces.....	.....	1½ ounces.
		Or butter.....	.....	1 ounce.....	.....	1 ounce.
		Or fruits, in season.....	.....	6 ounces.....	.....	6 ounces.
		Or soup.....	.....	1 pint.....	.....	1 pint.
		Meat, for boiling.....	.....	4 ounces.....	.....	3 ounces.
		Soup, à la graisse.....	.....	8 ounces.....	.....	6 ounces.
		Meat, for ragout.....	.....	4 ounces.....	.....	3 ounces.
		With fresh vegetables.....	.....	8 ounces.....	.....	6 ounces.
Dinner..	{	Or potatoes.....	.....	1-10 of a pint.....	.....	1-10 of a pint.....
		Or dried vegetables.....	.....	6 ounces.....	.....	6 ounces.
		Soup, à la graisse.....	.....	1 pint.....	.....	1 pint.
		Salt fish.....	.....	4½ ounces.....	.....	4½ ounces.
		Or fricasseed eggs.....	.....	2.....	.....	2
		Or potatoes.....	.....	1 pound.....	.....	1 pound.....
		Or fresh vegetables.....	.....	14 ounces.....	.....	14 ounces.....
		Or dried vegetables.....	.....	½ pint.....	.....	½ pint.....
		Or rice.....	.....	7 ounces.....	.....	7 ounces.
		Thin broth, for soup.....	.....	1 pint.....	.....	1 pint.
Supper ....	{	As on Wednesday.....	.....	2 ounces.....	.....	2 ounces.
		Pork.....	.....	7 ounces.....	.....	7 ounces.
		Rice.....	.....	3 ounces.....	.....	3 ounces.
		Or preserved pears or prunes.....	.....	1 pint.....	.....	1 pint.
		Or thin soup.....	.....	1½ ounces.....	.....	1½ ounces.
		Or cheese.....	.....	.....	.....	.....
		.....	.....	.....	.....	.....
		.....	.....	.....	.....	.....
		.....	.....	.....	.....	.....
		.....	.....	.....	.....	.....

## GENERAL RULES

FOR THE

## SURREY COUNTY LUNATIC ASYLUM,

AT BROOKWOOD,

*Pursuant to the fifty-third section of the Act 16 and 17 Vict. cap. 97.*

## COMMITTEE OF VISITORS.

1. The Committee of Visitors for the time being, shall meet for the first time at the asylum within a fortnight after their appointment, and shall then (after electing a Chairman), appoint five members of the Committee of Visitors to be a House Committee for the purposes after mentioned, of whom three shall be a quorum. They shall continue their meetings at the asylum throughout the year, by adjournment to such times as they shall consider most convenient.

2. At their first meeting, and afterwards as occasion shall require, they shall make such appointments and perform such duties as may be necessary for carrying into full effect the various Acts of Parliament relating to lunatics (16 and 17 Vict. c. 97; 18 and 19 Vict. c. 105; 25 and 26 Vict. c. 111).

3. Minutes of the proceedings of the Committee of Visitors shall be kept and entered by the Clerk to the Visitors, and the same shall be read at the following meeting and signed by the Chairman.

4. The Committee of Visitors shall make, from time to time, such "regulations and orders" as they shall see fit, not inconsistent with the "general rules" for the time being, in force for the management and conduct of the asylum.

5. No general rule for the government of the asylum shall be rescinded or altered, except at a meeting of the Committee of Visitors specially convened for the purpose; and no alteration in the general rules shall take effect until it has received the approval of one of Her Majesty's principal Secretaries of State.

6. They shall cause all moneys received from every source to be paid to the account of the asylum at the bank of their Treasurer, and they shall make all payments by checks, to be signed by three of their body.

7. A special meeting of the Committee of Visitors may be at any time convened in the manner pointed out by the Act 16 and 17 Vict. cap 97, sect. 25, notice being given of the particular business to be transacted thereat.

8. They shall in addition to the report required by the Act 16 and 17 Vict. cap. 97, sect. 62, present at every General Quarter Sessions of the Peace for the county a summary of their transactions during the preceding quarter; and at every Easter session they shall present a report on the state and condition of the asylum, with an audited account of the whole of their receipts and expenditures for the year ending on the preceding thirty-first day of December.

## HOUSE COMMITTEE.

1. The House Committee shall visit the asylum twice in the course of every calendar month, and their duties shall be as follows:

2. To inspect the food and see that all contracts are performed; also, to see all the patients and all the wards and premises appropriated to their use, and also to inquire and examine as to the convalescence and improvement of particular patients, and as to the treatment, health, and general condition of the whole establishment, and to perform the general duties imposed on them by the Act 16 and 17 Vict., cap. 97, sect. 61.

3. To audit all the accounts of the asylum, to superintend the farm and garden, to examine all bills due by the asylum, and recommend the same when correct, for payment; to examine all accounts for the maintenance of patients and for repairs previous to their being sent to the several parishes or to the County Treasurer, and to consider all applications for additional stores and for advances to the Steward for current expenses before they are submitted to the Committee of Visitors, and also to make orders for such advances, not exceeding one hundred pounds sterling.

4. To give orders, in all cases of emergency, for such works to be performed or such goods to be provided as shall be absolutely necessary for the service of the asylum, reporting such orders to the Committee of Visitors at their next meeting.

5. To keep a record of all their visits and proceedings, and to make such reports or recommendations as they may see fit; all of which are to be read and confirmed at the next meeting of the House Committee and of the Committee of Visitors, respectively.

## CLERK TO THE VISITORS.

1. There shall be a Clerk to the visitors, who shall be considered the law officer and adviser of the Committee of Visitors, and shall prepare all contracts and legal documents. He shall convene and attend all general meetings of the Committee of Visitors, and also the meetings of the House Committee when required, and shall take minutes of all orders and resolutions, and take such steps as may be necessary for carrying them into effect.

2. He shall assist the visitors in their examinations of the asylum books of accounts, the quarterly abstract of expenditure or maintenance, and the accounts of the Treasurer, and in preparing the visitors' annual report for publication.

3. He shall furnish to the Superintendent a copy of all orders made by the committee relating to the institution or its inmates.

4. He shall transact all the ordinary duties of Clerk to the visitors as prescribed by the statute, and as may be directed by the committee.

## RESIDENT MEDICAL SUPERINTENDENT.

1. There shall be a Medical Superintendent, who shall be a physician or surgeon and a registered medical practitioner. He shall be resident in the asylum, shall give up the whole of his time to the duties of his office, and shall not attend to or engage in any professional or other business or employment except that of the asylum.

2. He shall have paramount authority in the asylum, subject to that of the Visitors; shall have control over all the officers, attendants, and

servants, and shall superintend and direct their duties as prescribed by the regulations and orders of the Committee of Visitors. He shall be empowered to hire, suspend, or discharge all attendants and servants, subject to the approval and confirmation of the House Committee at their next meeting, when such hiring, suspension, or dismissal shall be reported.

3. He shall be responsible for the condition of the patients, and for the management of the establishment, and shall have the full direction of the medical, surgical, and moral treatment of the patients, and of all general arrangements within the asylum.

4. Should any case of difficulty or danger arise, he shall have authority to call to his aid in consultation any registered medical practitioner.

5. He shall visit the wards and offices daily, making occasional night visits also, and report to the House Committee any serious irregularities which may fall under his notice.

6. He shall examine every patient shortly after admission, and shall cause proper entries relative thereto to be made in the books kept for that purpose.

7. He shall regulate and determine the diet of the sick and infirm, and shall also from time to time examine and report on the quality of all provisions furnished for the use of the asylum.

8. He shall regulate and determine the bedding and clothing of the patients.

9. In all cases of fatal or dangerous accident, or other emergency, he shall immediately communicate the fact to the Chairman of the Committee of Visitors.

10. He shall not absent himself for more than one night from the asylum, without the previous written consent of one of the Committee of Visitors; nor for more than one week, without the sanction of the Committee of Visitors or the House Committee; and on no occasion shall he leave the asylum unless in charge of the Assistant Medical Officer, or of some other properly qualified medical substitute.

11. He shall have power to exclude from admission into the asylum persons affected with cholera, or any disease or malady which may be considered contagious or infectious, and persons coming from any district or place in which any such disease or malady may be prevalent.

12. He shall keep a journal, in which he shall record the name of every attendant and servant whom he shall hire, suspend, or dismiss, together with the date and cause of such hiring, suspension, or dismissal. Also the name of every patient fit to be discharged, or likely to be benefited by being allowed a period of absence on trial. Also the case of every escape, death, and inquest, with such particulars as may be necessary for the Committee of Visitors to be made acquainted. Also all such other facts, observations, and suggestions as he shall deem important, relative to the condition or management of the asylum or the patients therein. And all such entries shall be read as part of the proceedings at the next meeting of the House Committee, or Committee of Visitors, respectively.

13. He shall make a yearly report of the number of admissions, discharges, and deaths during the year, and shall, in the same report, describe the general condition of the patients, the state and management of the asylum, and such other matters as he shall deem necessary or the Committee of Visitors may direct.

## ASSISTANT MEDICAL OFFICER.

1. There shall be an Assistant Medical Officer, who shall be a member of the Royal College of Surgeons of London, Edinburgh, or Dublin, and a Registered Medical Practitioner. He shall be nominated to the Committee of Visitors on his appointment by the Medical Superintendent, under whose control and direction he shall perform his duties. He shall be resident in the asylum and shall give up the whole of his time to the duties of his office.

2. He shall not leave the asylum when the Superintendent is absent, at which time he is to be held responsible for the management of the Institution. In his own occasional absence, he shall conform to the directions he may receive from the Medical Superintendent, as to its duration and the period of his return. Should, however, he desire to be away from the asylum for more than one night, the written consent of some member of the Committee of Visitors must also be obtained.

3. He shall exercise a general control over the conduct of the attendants and servants, and immediately report any misconduct, irregularity, or neglect of duty on their part to the Medical Superintendent.

4. He shall have charge of the dispensary, and shall be responsible for the safe and proper custody of the drugs, surgical instruments, and appliances.

## CHAPLAIN.

1. There shall be a Chaplain, who shall be a clergyman of the Church of England, in priest's orders, and shall be licensed by the bishop of the diocese. He shall devote the whole of his time to the duties of his office, and not hold any other engagement.

2. He shall perform divine service, according to the rites of the Church of England, in the chapel of the asylum, every Sunday, Christmas day and Good Friday, preaching short sermons on each occasion.

3. He shall administer the holy sacrament to such of the officers and servants as may be desirous of receiving the same, at least four times in a year, and to such of the patients as he may think advisable, with the approbation of the Superintendent.

4. He shall consider all the household under his spiritual care.

5. He shall attend daily at the asylum, and administer religious consolation to the patients, subject however to the directions of the Committee of Visitors and of the Medical Superintendent.

6. He shall read morning prayers daily at such hours as the Committee of Visitors and the Medical Superintendent may direct.

7. He shall, under the general control and with the coöperation of the Medical Superintendent, organize and direct the schools for the patients of both sexes, and also classes for instruction in the Bible and in singing; and shall take charge of the library, and control the issue of books and periodicals.

8. He shall keep a daily journal in which he shall enter the hours of his attendance, and such other particulars as it may be desirable for the Committee of Visitors to know, which journal shall be laid before the Committee at every meeting.

9. He shall never absent himself from his duties on any Sunday, or for more than two days during the week, without leave in writing of one Visitor, and on providing some other clergyman, to be approved of by such Visitor, to supply his place.

10. He shall present an annual report to the Committee of Visitors, stating the result of his attendance on the patients.

TREASURER.

1. There shall be a Treasurer, to whom all monies shall be paid. He shall keep accounts of all monies received and paid by him and make them up to the thirty-first of December, annually, and state the balance (if any) then in his hands.

2. He shall give security for a sum to be named by the Committee of Visitors.

CLERK AND STEWARD.

1. There shall be a Clerk of the Asylum, who shall act as Steward. He shall perform all the duties of both those offices, under the control and direction of the Medical Superintendent, to whom he shall immediately report whatever he may know to be improper or contrary to the rules in the economy of the house or conduct of the servants. He shall be resident in the asylum and shall give up the whole of his time to the duties of his office.

2. He shall make all the necessary returns to the Commissioners in Lunacy and other authorities, as prescribed by the various Acts of Parliament relating to lunatics.

3. He shall take care of all the books and papers (except those relating to medical duties), and of all the stores, and shall be responsible for the quality, quantity, and safe keeping of all the articles received.

4. He shall examine and superintend the weighing and measuring of all the goods and provisions furnished to the establishment, and immediately report to the Superintendent any failure in the quality or quantity thereof, and take his instructions thereon. He shall order nothing except under the signature of the Superintendent, and receive nothing into the asylum without an invoice, which must be signed by himself in token of its correctness, and then filed.

5. He shall superintend the weighing and measuring out of the provisions so as to suit the diet tables; he shall take stock once a quarter and keep quarterly accounts of all moneys received of and paid to the Treasurer, and also of all goods ordered and payments made for the same, in such form as the Committee of Visitors shall direct.

6. He shall distinguish the building account from the maintenance account, and the accounts of the county from those of the unions and parishes; and shall lay an abstract of the accounts before the next meeting of the House Committee and of the Committee of Visitors, after the termination of each quarter, showing the moneys received and paid and the unions and parishes in arrear.

7. He shall keep all such books of accounts, and in such forms as may be ordered from time to time by the Committee of Visitors, so as to show the true state of the accounts. These books shall be kept in his office and be subject at all times to the inspection of any member of the committee and of the Medical Superintendent, to whom he shall supply such financial and other information as he may from time to time require.

8. He shall conduct such correspondence as the Medical Superintendent may direct, to whom he must submit all letters received by him

relating to the asylum and its inmates, all of which letters are to be considered the property of the institution. He shall keep copies of all correspondence, whether replies to letters or otherwise.

9. He shall keep inventories of all the household goods, furniture, farming and artisans' implements, official books, medical instruments, and other property of the institution.

10. In his occasional absence from the asylum he shall conform to the directions he may receive from the Medical Superintendent as to its duration and the period of his return. Should, however, he desire to be away from the asylum for more than one night, the consent of some member of the Committee of Visitors must be obtained.

11. He shall give satisfactory security by such sureties as the Committee of Visitors shall from time to time require.

#### HOUSEKEEPER.

1. There shall be a housekeeper, who shall perform her duties under the control and direction of the Medical Superintendent, to whom she shall immediately report whatever she may know to be improper or contrary to the rules in the economy of the house or conduct of the servants. She shall be resident in the asylum, and shall give up the whole of her time to the duties of her office.

2. She shall have charge of the entire kitchen and laundry departments, the officers' and servants' apartments, and central offices, and be responsible for their cleanliness and good order. She shall use her utmost endeavors to prevent waste, and to check any misapplication of stores.

3. She shall have authority over the female servants, directing them in their several duties; and be responsible for the safety and conduct of all patients employed in any of the departments over which she has control.

4. She shall superintend the preparation of the meals for the patients, officers, attendants, and servants, and shall see that the articles of food are properly cooked, and served with neatness and punctuality at the appointed hours.

5. She shall superintend and be responsible for the washing, airing, and regular distribution of all articles sent to the laundry department.

6. She shall receive from the steward once weekly all necessary materials to be converted into clothing, bedding, etc., for the establishment. She shall cut out and supply to the wards, through the head female attendant, all needlework necessary for the employment of the patients; and when made, return all the articles to the steward, stating their number, with a detailed account of the conversion of the raw material.

7. In her occasional absence from the asylum she shall conform to the directions she may receive from the Medical Superintendent as to its duration and the period of her return. Should, however, she desire to be away from the asylum for more than one night, the written consent of some member of the Committee of Visitors must also be obtained.

#### HEAD ATTENDANTS—MALE AND FEMALE.

1. There shall be a head male and a head female attendant, who shall perform their duties under the control and direction of and as prescribed by the Medical Superintendent, to whom they shall immediately report

whatever they may know to be improper or contrary to the rules in the economy of the house or conduct of the attendants. They shall give up their whole time and attention to the duties of their office.

2. They shall instruct the attendants in the performance of their duties, and shall at all times require the strictest obedience to any orders which they may give.

#### GENERAL MANAGEMENT.

1. The male and female patients shall be kept in separate wards, and no male attendant, servant, or patient shall be allowed to enter the female wards, nor any female to enter the male wards, except in discharge of their duty, or with adequate authority. In visiting the female patients, the medical officer shall be accompanied by the head attendant, or some other female officer, and no male shall enter the female wards, unless accompanied by a female attendant. Any male attendant or servant found in any portion of the women's wards, unless he can give a satisfactory explanation for his being there to the Superintendent, may be immediately dismissed.

2. There shall be such a number of attendants as shall be sufficient for the effective supervision of the patients, both by day and night; and no ward shall at any time be left without at least one attendant.

3. During the day the patients of both sexes shall be employed as much as practicable out of doors; the men in gardening and husbandry, the women in occupations suited to their ability; and as a principle in treatment, endeavors shall be continually used to occupy the minds of the patients, to induce them to take exercise in the open air, and to promote cheerfulness and happiness among them.

4. The male patients shall be encouraged to follow their particular callings, and to learn shoemaking, tailoring, and other common useful trades. Needlework, strawwork, and other suitable employments shall be provided for the female patients. And they shall be rewarded by such indulgences as the Superintendent may deem compatible with their welfare and encouragement.

5. An ample supply of books, and cheap publications of a cheerful nature, in addition to Bibles and prayer books, shall be provided, and replaced in case of destruction; and various methods of in and out door amusements shall be placed at the disposal of the patients of both sexes, and they shall be encouraged to have frequent recourse thereto.

6. Ample and special provision shall be made for the effective watching of the asylum and attention to the patients during the night.

7. No patient, on any account whatever, shall be struck, or threatened, or spoken harshly to; and no patient shall be placed in restraint or seclusion, or be subjected to any bath (except for the purpose of cleanliness), except by the authority of one of the medical officers.

8. All the attendants shall be responsible for the safety, cleanliness, and general condition of the patients, and for the ventilation, proper warmth, and good order of their respective wards.

9. No officers, excepting the Treasurer and the Clerk to the Visitors, shall have any occupation unconnected with the asylum, nor shall they have any interest, directly or indirectly, in any other establishment for the reception and treatment of lunatic, imbecile, or idiotic patients.

10. No officer, attendant, or servant shall, directly or indirectly, take any fee, reward, or perquisite of any kind from any tradesman, patient, or other person, on pain of immediate dismissal.

11. Relatives and friends of patients shall be allowed to visit them once in every week, between the hours of ten and four o'clock, and on such other days and hours as the Superintendent shall in special cases permit; but no visitor shall be permitted to see any patient if the Superintendent shall state in writing that the visit will be injurious to the patient or otherwise inexpedient.

12. Patients shall be at liberty to hold private conversation with those who visit them, but no male visitor shall remain in a room with a female patient, nor a female visitor with a male patient, except in the presence of an attendant or other third person.

13. The person of every patient shall immediately after admission be carefully examined by the head attendant, who shall at once personally report in writing to one of the medical officers the bodily condition of the patient, and especially of any mark, bruise, or injury of any kind, bedsores, ruptures, or the slightest symptom of disease or disorder of any kind; and it shall be the duty of one of the medical officers, upon receiving notice of the existence of any injury or apparent bodily disorder, at once himself to make a personal examination of the patient; and no relieving officer or other person bringing a patient to the asylum shall be allowed to leave the premises until such report or examination shall have been made.

14. All parish officers shall be encouraged to visit the patients belonging to their union or parish once in every three months, or oftener, on a week day; and to make particular inquiries from time to time as to the treatment experienced by the patients, and their fitness for discharge.

15. Notice shall be given to the nearest relative in the case of serious illness to any patient, and especially where a fatal termination is anticipated. On the death of a patient, notice shall be immediately given to the coroner of the district, the parish officers, the registrar of the district, and the nearest relations of the deceased (if their address be known), and the body shall be delivered to the latter if requested. If the body be not removed early on the fourth day after death, it shall be buried under the direction of the Superintendent, who shall have power to order an earlier interment, if from any particular circumstance he shall consider such to be necessary.

16. Such patients as the Superintendent may direct shall in such number and at such times as he may think fit, be allowed, under proper care, to take walks or excursions beyond the grounds of the asylum; and he shall also be empowered, at his discretion, to permit patients to spend the day with their friends.

Approved.

(Signed)

GATHORNE HARDY.

WHITEHALL, 28th October, 1867.

## PROPOSED CASE BOOK—(ENGLISH).

NAME.	ADMITTED.	
AGE AND SEX.	STATE AS TO MARRIAGE.	EDUCATION.
WHERE FROM.	OCCUPATION.	RELIGION.

*History:*

CAUSATION.	{	Previous attacks.	Where treated.
		Hereditary history.	Disposition and habits in
		Predisposing.	health.
		Exciting.	

## DURATION OF DISEASE.

FIRST SYMPTOMS.	{	Mental.
	{	Bodily.

RECENT SYMPTOMS.	{	Mental.
	{	Bodily.
	{	Suicidal.

Dangerous.

Other facts.

*State on Admission.*

MIND.	{	Exaltation.
		Depression.
		Excitement.
		Enfeeblement.
		Memory.
		Coherence.
		Can answer questions.
		Delusions.
Other abnormalities.		

BODY.	{	Appearance.	Color of eyes.
		Color of hair.	Fatness.
		Muscularity.	
		Nervous system.	Pupils.
		Reflex action.	Retina.
		Special senses.	
		Lungs.	
		Heart.	Pulse.
		Other organs.	
		Tongue.	Appetite.
		Urine, specific gravity.	Urinary deposits.
		Menstruation.	Temperature.
		Hight.	Weight.

NAME OF DISEASE.

GENERAL BODILY STATE.

Date.	Temperature.		Pulse.		Weight	Progress of Case.
	Morn'g	Even'g	Morn'g	Even'g		

[Memoranda to be put in beginning of Case Book.]

## HISTORY.

- PREVIOUS ATTACKS.** Number, character of each.
- HEREDITARY HISTORY.** Age of parents, relationship of parents or grand parents, health of same, family diseases or peculiarities—consumption, epilepsy, drunkenness.
- PREDISPOSING CAUSES.** Drunkenness, overwork, character of vocation or habits. Food, tobacco, tea, infantile diseases, adult diseases. Catamenial irregularities, marriage, children, difficult labors, miscarriages, lactation, etc.
- EXCITING AND PROXIMATE CAUSES.** Disease of brain emotions—blows on the head, drinking bouts, fever, poisons, over-sexual excitement, childbirth.

## STATE ON ADMISSION MORE FULLY AND SYSTEMATICALLY ARRANGED.

- A.—BODILY CONDITION.**
- a*, Hight.
  - b*, Weight.
  - c*, Temperature.
  - d*, Color of hair (baldness).
  - e*, Muscularity.
  - f*, Fatness.
  - g*, Expression of face and general appearance.
  - h*, Any special injuries or wounds to be noted.
- B.—VEGETATIVE FUNCTIONS.**
- a*, Digestive—Tongue, stomach, appetite, condition of bowels.
  - b*, Dermic—Conditions as to moistness, eruptions, and other abnormalities.
  - c*, Circulatory—Pulse, cardiac murmurs, flushing of face, or inject of conjunctiva.

- d*, Respiratory—State of lungs, breath, rapidity of respiration.  
*e*, Glandular—Exam. of urine, state of liver, spleen, thyroid, etc.

C.—REPRODUCTIVE FUNCTIONS.

- a*, Abnorm. of penis or testes in men—masturbation, syphilis, etc.  
*b*, In women—Catamenia, discharges, syphilis, pregnancy, nursing, etc.

D.—NERVOUS SYSTEM.

- a*, Paralysis, epilepsy, catalepsy, hysteria, and other abnormalities unconnected with the special senses or mental functions.

*b*, Special senses—

- 1.—Sight—*a*, Color of iris.  
*b*, Shape and size of pupils.  
*c*, Condition of retina.  
*d*, Vision.  
*e*, Knowledge of color.  
*f*, Hallucinations.  
*g*, Illusions.

- 2.—Hearing—*a*, External ear.  
*b*, Deafness.  
*c*, Hallucinations.  
*d*, Illusions.

- 3.—Smell—*a*, Any abnormality of nose.  
*b*, Sense of smell.  
*c*, Hallucinations.  
*d*, Illusions.

- 4.—Taste—*a*, Sense of.  
*b*, Hallucinations.  
*c*, Illusions.

- 5.—Touch and Nervous Sensibility—  
*a*, Sense of pain.  
*b*, Reflex action.  
*c*, Hyperæsthesia.  
*d*, Illusions and hallucinations, including those of internal organs.

E.—MENTAL SYMPTOMS,  
*unconnected with the  
special senses.*

- a*, Apparent consciousness.  
*b*, Identity.  
*c*, Attention.  
*d*, Coherence of language.  
*e*, Memory—*a* for recent events, *b* for past ditto.  
*f*, Exaltation or depression of spirits.  
*g*, Excitement of manner.

- h*, Habits and propensities (filthy, dangerous, suicidal, destructive, indecent, etc.)  
*i*, As to sleep.  
*j*, Delusions—not being hallucinations or illusions.  
*k*, Other abnormalities.

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NOVA SCOTIA CASE BOOK.

Registered No.	Previous Nos.
Name	
Admitted—	
Where from	
Brought by	
Order of	
Maintenance	
Certificates	
Age	last birthday
Sex	state as to marriage
Occupation	
Natural disposition	
Habits in health	
Education	
Religion	
Address of nearest friend	

HISTORY.

Age at first attack  
*First* } Bodily  
*Symptoms* } Mental  
 No. and duration {  
 of previous attacks {  
 Where treated  
*Causation* { Hereditary history  
 { Predisposing  
 { Exciting  
 Duration of present attack  
*Recent* } Bodily  
*Symptoms* } Mental  
 Suicidal, and how  
 Dangerous, and how  
 Other facts

Name,

Date.	Temperature.		Pulse.		Weight	Progress of Case.
	Morn'g	Even'g	Morn'g	Even'g		

## MICHIGAN ASYLUM FOR THE INSANE.

### SITUATION.

The Michigan Asylum for the Insane is situated at Kalamazoo, upon the Michigan Central Railroad. The location is probably as central and convenient as any that could have been chosen, having reference both to the present means of communication with the various parts of the State, and to any other routes of travel likely to be projected hereafter. The site selected for the building is upon an irregular eminence, about one mile from the village, and sufficiently elevated above the valley of the Kalamazoo River to secure an extensive prospect, and yet is well sheltered and easy of access from the plain below. The location is in every respect healthful and desirable, and well adapted to the purposes and objects of an institution for the treatment of mental diseases.

### FARM.

The amount of land originally purchased for the use of the asylum was one hundred and sixty acres, but to secure a more desirable site for the buildings, an adjacent tract was subsequently added, making the whole amount of land in the possession of the institution one hundred and sixty-eight acres (167 76-100). Most of the land is finely timbered with the original growth of oak, hickory, and other trees, affording every facility which could be desired for beautifying the grounds. That in the rear of the building is broken, and falls, by a series of ravines covered with trees, about eighty feet to the valley below, through which flows a small but rapid stream of pure water. The buildings themselves will cover an area of one and one third acres. It is designed to preserve about fifty acres in groves and woodland, with walks and drives, and the remainder will be devoted to ordinary agricultural purposes.

## GENERAL PLAN.

The ground plan was furnished by Doctor John P. Gray, the accomplished Superintendent of the New York State Lunatic Asylum at Utica, under whose directions the work was commenced. It might here be remarked that the principles laid down in a series of propositions relative to the construction and arrangement of hospitals for the insane, unanimously adopted by the "Association of Medical Superintendents of American Institutions for the Insane," have been fully carried out in the plans adopted by the Board. The form and internal arrangements of the institution will be readily understood by reference to the accompanying ground plan. The asylum building proper, the main front of which has an easterly aspect, consists of a centre and six wings. The centre portion of the main building is divided by the entrance hall into two nearly equal parts. That to the right contains, in front, the principal office of the institution, the apothecary shop, and an anteroom communicating by a private stairway with the Superintendent's apartments above, and in the rear the matron's room and ladies' reception room; while that to the left contains, in front, the public parlor and officers' dining room, and immediately behind these the steward's office and men's reception room. The second floor is appropriated exclusively to the use of the Medical Superintendent. Upon the third floor are the apartments of the Assistant Physicians, steward, and matron. The basement contains the laboratory connected with the apothecary shop, and the officers' kitchen and storerooms. Immediately behind the centre building is the chapel, and still further in the rear the engine and boiler house. Extending from the centre building toward the south for males, and toward the north for females, are the several wards of the institution, nine on each side, including the infirmaries.

## MATERIALS.

The material used in construction is brick, covered with Roman cement and sand, and finished to represent freestone. The window caps, sills, and brackets, belt courses, and capitals in front, are of white limestone from the Athens quarries, near Chicago. The division walls throughout are of brick. The Asylum is built upon a system of fireproof construction, nearly all the floors being laid upon brick arches sprung from iron girders, which, beside providing against fire, give additional security to the building and insure its durability.

## ARCHITECTURE.

The plans selected by the Board of Trustees were placed in the hands of A. H. Jordan, architect, of Detroit, for the necessary elevations, details, etc. The style adopted is the Italian, it being the lightest, most cheerful, and least expensive for the effect required in such an extensive range of buildings.

## REFERENCES TO THE PLATE.

(A) public parlor; (B) general office; (C) Matron's room; (D) Steward's office; (E E) reception rooms; (F) officers' dining room; (G) apothecary shop; (H) anteroom, communicating by a private stairway with the Superintendent's apartments above; (I) Steward's storeroom;

(J J) matron's storerooms; (K) associated dormitories; (L) attendants' rooms; (M) day and recreation rooms; (N) parlors; (O) dining rooms; (U) chapel, having below it the kitchen and storerooms; (1) boiler house; (2) engine and fanrooms; (3) laundry; (4) drying room; (5) ironing room; (6) work shops; (7 7 7) covered corridors.

#### APPROPRIATION OF WARDS.

The various wards in the institution are appropriated as follows:

Nos.	Classification.	No. of wards.	Number of beds.		Total of each sex and class.
			Single rooms.	Associated dormit's.	
1 and 2	Convalescent and quiet.....	4	80	16	96
3 and 4	Less disturbed.....	4	56	32	88
5 and 6	More disturbed.....	4	60	.....	60
7	Demented.....	2	20	.....	20
8	Demented and infirm.....	2	12	.....	12
9	Acute cases, etc., (Infirmaries)..	2	12	.....	12
	Total.....	18	240	.....	288

The divisions for the sexes are equal. Eight of these wards, inclusive of the infirmaries, are upon the first floor, six upon the second, and four upon the third floor of the transverse wings. It is considered that by means of these any desirable classification of patients may be carried out.

#### ARRANGEMENT OF WARDS.

Each ward has the usual arrangement of corridor, sleeping rooms, day rooms, and dining room, with two stairways, a clothes room, lavatory, bath room, water closet, soiled clothes shaft, drying shaft, and dust flue to each. The corridors in the first, second, and third wings are, respectively, one hundred and fifty-five, one hundred and sixty, and seventy feet long, and in the third stories of the first and second transverse wings, one hundred and nineteen and thirty-four feet long. They are uniformly twelve feet wide, and, in common with all other rooms, sixteen feet in height upon the first and third floors, and fifteen upon the second. The dimensions of the single sleeping rooms are eight and ten by eleven feet, with an average cubic capacity of fourteen hundred feet. The associated dormitories are fourteen by twenty-one feet, and the parlors or recreation rooms, eighteen by twenty. Lateral recesses, extending into the projecting towers in front, form additional day rooms in the first and second wings on either side. The dining rooms are sufficiently capacious to accommodate the number for which they are intended, and are supplied with detached sinks, cupboards, and dumb waiters. The closets, bath rooms, lavatories, and clothes rooms open upon an adjacent and not upon the main hall, giving a very desirable privacy. The bath and closet fixtures are of approved construction, and, to prevent all possible

danger from leakage, the service pipes are conveyed in a separate pipe shaft—an arrangement which also facilitates and cheapens any repairs that may become necessary. Drying shafts, having lattice-work floors and communicating directly with the ventilating cupolas, furnish a ready means of drying mops, wet cloths, damp brooms, etc., and thus materially assist in promoting the cleanliness and healthfulness of the corridors. To prevent exposure, the bathrooms and lavatories have communicating doors, in order that the latter may serve, on "bathing days," as dressing rooms to the former.

#### INFIRMARIES.

In a detached building, in the rear of the first transverse wings, but connected with the wards by means of a covered corridor, an infirmary is provided for each sex. Fitted up with every convenience, they provide a very desirable place for the treatment of acute cases, of those who are seriously ill, or of any requiring special care and frequent medical attention. They can be reached at all hours of the night without disturbing any other portion of the house; they provide the means of isolation in case of the occurrence of any infectious or contagious diseases in the institution, and give to the friends of dying patients an opportunity of administering to them in their last moments.

#### WINDOWS.

The windows are fitted throughout with a castiron sash, the upper half of which alone is glazed. Posterior to the lower half, and immediately against it is a wooden sash of corresponding size and shape, moving free and suspended by a cord and weight; the former being attached to the bottom of the sash and passing over a pulley near its top, is always entirely concealed. The panes of glass are six by nine inches in size. The windows, where deemed desirable, are protected by a shutter of framed wicker work, sliding into the wall and retained there, as also in its position, by one and the same lock.

#### FLOORING.

The floors in all uncarpeted rooms are formed of one and one half inch oak plank, grooved and tongued, and none of them being more than three and one half inches in width. The sleepers and the iron girders supporting the arches rest upon an offset in the wall, which, when finished, also forms the cornice in the room below.

#### PROVISION AGAINST FIRE.

The horrible sacrifice of human life on the occasion of the burning of an institution for the insane in one of the eastern States, and the peculiar liability of these buildings to take fire, as shown by the frequent occurrence of such accidents, determined the Board of Trustees, although it would somewhat increase the price of construction, to make the asylum fireproof. The more recent partial destruction by fire of another institution has confirmed the wisdom of this decision. The use of iron girders and brick arches as a support for the floors was consequently determined upon, and to secure additional safety all connection between the wings and the center building is entirely cut off by the interposition of

a verandah of iron and glass, with communication from one to the other only through fireproof doors. The location of the heating apparatus and the kitchen, in detached buildings, renders the institution quite exempt from danger of destruction by fire.

#### CHAPEL.

A separate building immediately in the rear of the centre building, seventy by forty feet in size, contains upon its first floor a room for chapel purposes capable of seating three hundred and eighty persons. It communicates with the different wards by means of covered corridors, is appropriately fitted up, properly warmed, and lighted with gas.

#### KITCHEN.

One central kitchen is intended to supply the whole institution. It is placed immediately beneath the chapel room, with storerooms near at hand, and communicates with the dumbwaiters of the different dining-rooms by means of a small car moving upon a covered railway. The building containing the chapel room and kitchen is surmounted by a bell and clock tower.

#### WARMING AND VENTILATION.

It is now admitted, as a principle, that the warming and ventilation of buildings corresponding in size and purpose with institutions for the insane should be effected by one and the same process; and also that means should be adopted for expelling the foul air to the same extent and simultaneously with the admission of fresh. The fact is also established, and in many asylums has been confirmed by a costly experience, that the ordinary system of making the ventilation depend upon the spontaneous action of warm-air currents failed to give satisfactory results. A perfect and equable distribution of fresh air, either warm or cold, and the necessary rapidity in the discharge of foul air, under all circumstances and in all seasons, can be secured only by a system of *forced* ventilation. This is found to be most efficiently and economically effected by means of a fan driven by a steam engine—effectual, because at all times under perfect control; and economical, because the warm air is more thoroughly and rapidly distributed. The primary cost is not great; it is not liable to get out of order, and the motive power is that required for other purposes. The system decided upon is a modification of that in use at the New York State Lunatic Asylum, the efficiency of which is shown by the fact that in five similar institutions in other States it has since been adopted in place of furnaces and other means of heating and ventilation already in operation. It consists of boilers, an engine, a fan, heating surface, and distributing ducts, and inlet flues, with exit flues, foul air ducts, and ventilating cupolas. The boilers are four in number; these, with the engine and fan (the latter peculiar from the circumstance of its delivering the air in the direction of its axis), and the heating surface, consisting of a series of wrought-iron pipes, are all in a separate and detached building. The air, after its delivery from the fan, passes directly forward beneath the chapel. The main duct conveying it gives off a small branch to the chapel, and another to the centre building; it then branches toward either wing, and another subdivision is made, one portion passing beneath the first longi-

tudinal wing, and the other, entering the proximal end of the second wing, passes on to the end of the extreme wing. The air passage beneath the building occupies the middle portion of the basement, or rather the space immediately beneath the floors of the corridors, and the distributing flues pass up in the walls upon either side of them. Exit flues are carried up in the same walls, taking their departure from two points, one near the ceiling, and the other near the floor of the rooms on either side; these again conjoin in the attics to form the foul air ducts and empty out into the open air through the ventilating eupolas. Downward currents of air, for the ventilation of the water closets, will be secured through an arrangement of pipes terminating in the fire boxes of the boilers.

#### LAUNDRY AND WORKSHOPS.

The right wing of the engine and boilerhouse contains the washroom, drying and ironing rooms; and a similar wing upon the other side furnishes convenient rooms for the usual workshops. A close partition running from the rear of the chapel to the engine house, with a covered passageway on either side, provides ready and protected access to the shops and ironing rooms from the various wards in the house, and at the same time prevents all communication between the sexes.

#### WATER.

Water for drinking purposes is drawn from a well, while that for bathing and laundry purposes is forced up from a stream flowing in the valley, immediately in the rear of the institution.

#### DRAINAGE AND SEWERAGE.

Cast iron pipes will be used for connecting drainage in the rear of the wings, and will pass forward beneath the building at a single point only on either side. The drains and branch sewers will unite in front, and pour into the common sewer, which is of brick, egg-shaped, three feet high, and two feet wide. This runs down the ravine in front of the institution, and empties into a depot for the collection of solid material.

#### ILLUMINATION.

It is now universally conceded that gas is the only proper material to be used in lighting asylums for the insane. To obviate the only objection to its manufacture upon the premises, the gashouse will be placed just below the depot referred to. The gas main will be carried up to the institution in the sewer, attached to its upper arch.

The completeness of this description renders any further analysis of the internal arrangement of the institution quite unnecessary. To those familiar with the construction of asylums for the insane a reference to the engraving and lithograph will supply any omission that may have occurred. The plans of the building, as given in the preceding sketch, have been submitted to and received the unqualified approval of many of the more experienced physicians in charge of similar institutions; and from those most capable of judging, the Board have received the gratifying assurance that their efforts to combine in one the acknowledged excellences of several recently erected establishments, with such

improvements as careful study and experienced assistance suggested, have not been unsuccessful.

#### EXPLANATIONS OF THE PLATE. (App. F.)

In the accompanying plate, all portions of the institution represented in shaded lines are already built, with the exception of the "Infirmery for Males" and the chapel and kitchen. The portions represented in outline constitute, collectively, the north wing.

"Hall No. 1" constitutes the portion known as the first longitudinal division. Adjoining it at the left is the first transverse division, which is connected with the second transverse division by the second longitudinal, designated as "Hall No. 3." "Hall No. 5" and the wards beyond it are collectively known as the extreme wing. The transverse divisions are three and all other portions of the wing two stories high. The divisions of the north wing are the same.

REFERENCES.—A, Trustees' room; B, general office; C, Matron's room; D, Steward's office; E, E, reception rooms; F, dining room; G, medical office; H, safe on the left and water closet on the right; K, associated dormitories; M, recesses; N, day rooms; O, ward dining rooms; U, chapel and kitchen; 1, boiler room; 2, engine room; 3, laundry; 4, drying room; 5 and 6, ironing and distributing rooms; 8, fan room.

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### PENNSYLVANIA HOSPITAL FOR THE INSANE.

The Pennsylvania Hospital for the Insane, as now constituted, consists of two distinct buildings, each complete in itself, having separate pleasure grounds and inclosures, both situated, however, on the same tract of one hundred and thirteen acres of land originally purchased by the institution. The hospital just completed is styled "the Department for Males," and that which has been in use during the last nineteen years, "the Department for Females." Both departments remain as heretofore under the charge of a Physician in Chief, and who now has as associate officers one or more assistant physicians, a steward, and a Matron in each building.

This new hospital faces to the west, and consists of a centre building, with wings running north and south, making a front of five hundred and twelve feet; of other wings, connected with each of those just referred to, running east a distance of one hundred and sixty-seven feet, all three stories high, and these last having at their extreme ends communications with extensive one-storied buildings. All the exterior walls are of stone, stuccoed, and the interior are of brick.

This arrangement gives provision for the accommodation of sixteen distinct classes of male patients in the new building, as the same number of classes of females are now provided for in that previously in use. Each one of these sixteen wards has connected with it, besides the corridors for promenading and the chambers of the patients and attendants, a parlor, a dining room, a bath room, a water closet, a urinal, a sink room, a wash room, a drying closet, a storeroom for brushes and buckets, a clothes room, a dumb waiter, a dust flue, and a stairway passing out of doors, if desired, without communication with

the other wards; and every room in the building, almost without exception, has a flue communicating with the fresh air duct for warm or cool air, according to the season (and hereafter to be referred to), and with the main ventilating trunks which terminate in the various ventilators on the roof of the building.

The centre building is one hundred and fifteen by seventy-three feet. It has a handsome Doric portico of granite in front, and is surmounted by a dome of good proportions, in which are placed the iron tanks from which the whole building is supplied with water. The lantern on the dome is one hundred and nineteen feet from the pavement, and from it is a beautiful panoramic view of the fertile and highly improved surrounding country, the Delaware and Schuylkill Rivers, and the City of Philadelphia, with its many prominent objects of interest. In the basement or first story of the centre building is the main kitchen, forty-two by twenty-four feet, in which are improved arrangements for cooking—a scullery, twenty-four by eleven; two storerooms, each about twenty by twenty-two feet; a trunk room, twenty-four by twelve feet; a general clothes room, a bread room, a dining room for the officers, another for the domestics, a lodging room for the seamstress, another for the supervisor of the basement, a stairway to the main story, and a dumb waiter leading from the kitchen to the cellar, and another to the upper rooms of the centre building. The cellars under the centre building, besides containing the hot air chambers for that division of the house, have three distinct rooms for storage, which are ventilated by means of flues leading out through the roof of the house. In front of the basement and under the steps and adjoining roadway are the vaults for coal for the kitchen and bake room, and the ice house, the latter being ventilated as mentioned for the cellars; and carts unload into both, through openings in the blue stone flagging, which forms the roadway upon the arches below. Adjoining the ice house is a small apartment with stone shelves, for keeping food cool in Summer; and alongside the coal vault is a space for the offal from the kitchen. There is also a small kitchen near the scullery, and intended for the Superintendent's family, whenever it is required for the purpose. In one of the storerooms is a dark apartment, and in another the tanks for the oxygen and hydrogen gases used in the dissolving apparatus.

On the second or principal story is the lecture room, forty-two by twenty-four feet, in the lecturer's table of which, water, steam, and gas, for experimental purposes have been introduced. It also contains commodious cases for apparatus, a blackboard running on a track behind the cases, and a smooth surface twenty-four by eighteen feet, at its eastern end, on which the dissolving views are shown. On the opposite side of the main corridor is a reception room for visitors, and a room for visits to patients by their friends, each being twenty-four by twenty-three feet. There are also on this floor two small rooms for more private visits, the medical office and library, which is also the Assistant Physician's office, twenty-four by fourteen feet, with a small storeroom, containing a sink, etc., adjoining; the lodging room for the Assistant Physician having charge of the medical office, with which it communicates; a general business office, which is also that of the steward, twenty-four by twenty feet; a manager's room, twenty-four by nineteen feet, which is also the Principal Physician's private office; a parlor twenty-four by nineteen feet, for the use of the officers of the house, and a fire-proof, eleven by nine feet, in connection with the general business office. In the third story front are four fine rooms, each twenty-four by twenty-

one foot; a corridor, forty-two by sixteen feet, shut off from the adjoining portion by a ground glass partition; a bathing room, water closet, and clothes closets, intended at some future day for the use of the family of the superintending physician, whenever such an officer may be specially connected with that department. There are also on this floor, chambers for the Steward and Matron, for the Senior Assistant Physician, three others that may be used as deemed expedient, and a room twenty-four by eleven feet, lighted from the roof, and intended for a general storeroom for the bedding and other dry goods not actually in use. The corridors of the centre building, running east and west, are sixteen feet wide; those running north and south, in which are the stairways, lighted from the roof, are twelve feet wide. The height of the ceiling of the basement in the centre building, and of all parts of the wings, which is one foot more, is twelve feet. The ceilings in the second or principal and in the third story of the centre, are eighteen feet high.

The wings on each side of the centre building are almost exactly alike, except that on the south side in front, in the basement immediately adjoining the centre, is the ironing room, twenty-eight by eleven feet, with a drying closet, eleven by eleven feet, attached, and in the rear the small kitchen already referred to, and the lodging rooms of the female domestics; while on the north side in corresponding positions, are the bake room, the baker's store and lodging rooms, and the lodging room of the hired men not employed in the wards. On this floor on each side of the centre is also a museum and reading room, forty-two by fourteen feet, and accessible either from the grounds or from the inside of the building; two work rooms for the patients; two lodging rooms for persons employed in the work rooms; a bath room for the officers, and another for the domestics; two water closets, etc. The portion of the wing just described is shut off from the adjoining part (which constitutes the fifth ward) by a thick ground glass partition; this ward having in it a large room, twenty-nine by twenty-four feet, with a bath tub and water closets in a recess; another twenty-four by fourteen feet; a third twenty-three by eleven feet, and five rooms eleven by nine feet, a bath room, drying closet, and all the other conveniences already mentioned as forming a part of each ward. These apartments and arrangements are all intended for patients who are particularly ill, and who require special quiet and seclusion, where they may be visited, if deemed expedient, by their friends without annoyance to others, or interfering with the discipline of the house.

Besides the fifth ward, just described, and which is on the first floor, there are, on each side of the centre, two other stories, each of which constitutes a ward, and with all the conveniences already referred to. The rooms are arranged on both sides of the corridors, which are twelve feet wide, and have their extreme ends mostly filled with glass; while, wherever one wing joins another, there is entirely across it an open space for light and air eight feet wide, glazed with small sash from near the floor to the ceiling; and in the middle of each ward, on one side, is a similar open space, all of which may be used for keeping flowering plants, birds, etc., for having small jets of water, or any other object of interest, and which, in excited wards, may be guarded by ornamental wire work. Each story of the return wing makes a ward similar to those just described. Passing from the return wings into the Super-

visor's office, the one-storied buildings are reached. Each of these has provision for twenty-six patients and six attendants, and every arrangement for their comfort. The rooms are here on one side of a corridor ten feet wide, and at the end of each of those running towards the east is a cross hall, in which are three rooms intended particularly for patients who from any cause may require special seclusion. One of the main halls is used for dining, and the other as a sitting room. Between the dining halls of these two wards (the seventh and eighth), and made private by sliding doors, are four rooms intended for excited patients who have special attendants. Opposite these last is a room one hundred and ten by fourteen feet, with an arched ceiling fifteen feet high, with skylights and windows out of reach, intended to be used as a kind of gymnasium, and accessible either from the adjacent garden and yards, or directly from the wards; and in the story below this is a room of the same size, in which are two fine bowling alleys, with reading tables, etc. Both these rooms may be well lighted with gas, and warmed by steam pipe, so that they can be comfortably used in the evening as well as by day, and in all kinds of weather.

The arrangement of these one-storied buildings makes for each two very pleasant yards, in size one hundred and ten by fifty-four feet, surrounded by broad brick pavements, and having grass in the centre, with an open iron palisade in front, giving a distinct though sufficiently distant view of two of the most traveled roads in the vicinity. There is also a yard, three hundred and forty-three by seventy-two feet, adjoining each sixth ward, fitted up as the others, and planted with shade trees. Brick pavements also surround the entire building, making, with those just referred to and those in front, a continuous walk of six thousand one hundred and fifty-two feet.

#### ENTRANCE.

The entrance to the department for males, as before mentioned, is from Forty-ninth street, between Market and Haverford streets. The gatekeeper's lodge has two comfortable rooms on the north, while on the opposite side of the gateway is a dead room and another for tools used about the grounds. Brick paths on either side of the main roadway lead to the centre building, and the space in front, planted with evergreen and ornamental trees, and having a fountain in the central grassplat, is three hundred and twenty-five by one hundred and seventy-five feet. From the front platform, eight steps lead up to the vestibule and seven steps inside of the building to the level of the principal floor. Visitors passing into the centre building may go out upon a pleasant balcony on its eastern side and overlook the improvements in that direction, but they cannot pass through the grounds.

Ten steps descend from the roadway to the pavement around the basement, which, except immediately at the front of the centre, where it is surrounded by a wide area with sodded banks, is everywhere above ground.

There is also a gate on Market street, near the engine house, used for bringing in coal or other heavy articles, and another on the eastern side of the grounds, for the use of the officers of the hospital only.

#### ENGINE HOUSE AND LAUNDRY.

The engine house, seventy-one feet from the nearest point of the hos-

pital building, is a substantial stone structure, seventy by sixty-four feet, and two stories in height. The character of the ground is such that carts drive into the second story to discharge the coal directly into the vaults below, and the level of the railroad in the cellar of the hospital brings it upon the second floor of the engine house.

The first story, on the level of the ground on its southern and eastern side, contains vaults capable of containing near five hundred tons of coal. Adjoining these vaults is the boiler room, thirty by seventeen feet, and opening into the engineer's work room, in which will be placed lathes, grindstones, pipe cutting machines, etc., driven by the engines which are in the engine room, twenty three by nineteen feet in size, and separated from the last by a glass partition; while further west, also separated by glazed windows and doors, is the fan room, and the tower for supplying fresh air to the main duct, which leads from it through the entire building. The height of ceiling in this story is seventeen feet, and it is arched over the engine room and the engineer's work room, so as to give a proper support to the stone floor of the room above. In the second story of this building, into which the railroad passes, is the wash room, twenty-seven by twenty-four feet; the room for assorting and folding clothes, twenty-four by fourteen feet; the mangle room, forty-three by eight and a half feet; the drying closet, occupying a space twenty-six by thirteen feet; a water closet, and a large room over the coal vaults and boilers, surrounded by movable blinds, and intended for drying clothes without the use of artificial heat, for making soap, etc.

The carpenter shop, thirty-six by fifty feet, is of frame, two stories high, and forty-five feet from the engine house, from which steam may be taken for warming it in the winter. It has two rooms below, and a single large one above.

The carriage house and stables make a neat stone structure, fifty seven by thirty-six feet, and two stories high. It has accommodations for six horses and as many cows, and the carriages required for the different purposes of the institution. The lower floor is of cement, brick, or blue stone. The piggery is in the yard in the rear of the stables, and there is a carriage yard in front, both being surrounded by a stone wall.

#### SIZE OF ROOMS.

The height of the ceilings throughout the building, and the size of the parlors, and of all the rooms in the centre of the building, have been already given. The ordinary size of the patients' lodging rooms is nine by eleven feet, while there are some in each ward of a much larger size, many of which have communicating doors and are intended for patients who desire a parlor as well as a chamber, or for those having special attendants. The parlors in the first and third wards are thirty-three by twenty-four feet, and in the second, fourth, and sixth, they are twenty-three by thirty feet. The dining rooms are generally twenty-three by seventeen feet. The bath rooms are mostly nine by eleven feet. Sixteen rooms in each one-storied building have water closets in them, firmly secured, and with a strong downward draught. The sides of doors and windows in patients' rooms are generally rounded, by being built of brick made expressly for the purpose, and smoothly plastered.

#### WINDOWS AND WINDOW GUARDS.

The windows in patients' rooms are almost universally six feet by

two feet nine inches, having twenty lights of glass, six by seventeen inches in each. In the front wings adjoining the centre, and in the third story of the return wings, both sashes are of cast iron, secured in wooden frames, so arranged as to balance each other, rising and falling only to the extent of five and a half inches, and doing away with the necessity for guards. In the other parts of the return wings, and in the one-storied buildings, the windows are of the same size, having the upper sash of cast iron and immovable, the lower being of wood, rising to its full extent and protected by an ornamental wrought iron guard, securely fastened on the outside. A few rooms in each one-story building have small windows out of reach of their occupants, and intended for the temporary seclusion of very violent or mischievous patients. In other parts, as well as in this, wire screens inside of the rooms are occasionally used to protect glass, and ornamental wire work is adopted in some of the parlors, at the ends of corridors and in other similar positions, as a guard outside of the windows.

#### DOORS.

The doors throughout are made of the best white pine lumber. In the wards they are one and three fourth inches thick, six feet eight inches high by two feet seven inches wide. Each door has eight panels in it, one of which makes a hinged wicket, and what is commonly known as bead and butt, very substantially put together, and wherever special strength is required it is obtained by transverse pieces of iron let into the wood, or by plates of boiler iron screwed on and painted so as to resemble an ordinary door. Each door has a good dead lock to it, and occasionally a mortise bolt is added. Over each door is an unglazed sash, thirty-one by seventeen inches, covered with fine wire on the inside, or a space thirty-one by five inches, which can be filled up at pleasure by a tight board or by wire. Lift hinges have been used for all these doors, which for patients' lodging rooms always open into the corridors.

#### FLOORS.

The floors throughout are of the best yellow pine, cut to order in Florida and piled up on the grounds two years before it was used. The boards are one inch and a quarter thick, varying in width from two and a quarter to four inches, and put down with secret nailing. Counter ceiling is everywhere used. The only exception to this kind of flooring is in the two kitchens, the scullery, a space in the basement hall in front, the bake room, all the sink, water closet, and wash rooms, the line between different wards, the entrance to the stairways, and the main wash room in the engine house, which are of brown German flagstones laid on brick arches; the engineer's work room, which is paved with brick; the front of the boiler room, which is of iron and blue stone flagging; and the engine room, one sink room, and all the ward stairways, which are of slate, admirably adapted to such a purpose, and which has also been used extensively for window sills, stairways, and other purposes.

#### STAIRWAYS.

All the stairways in those parts of the building occupied by patients are fire proof. The framework is of cast iron, built into the brick work on each side and covered with slate, which has many advantages. The

rise of these steps is only seven inches, and there are platforms every five or six steps, with convenient handrails on both sides from top to bottom. They are all well lighted by windows by day and by gas at night. The well around which the stairs wind is used for hat or coat rooms for the different stories.

#### PLASTERING.

The inside plastering is what is called hard finish, composed of lime and sand, without plaster of Paris, except for ceilings, and well trowelled. This finish admits of being scrubbed for years without injury, and is at all times ready for painting. The outside of the building is rough cast, the material used being the pulverized stone of which the house is built and lime, to which an agreeable shade of color is given by sand. Hydraulic cement is used near the ground in certain positions, in many of the sink and wash rooms, in the kitchen and scullery, in the main wash room, and as a substitute for the ordinary wash boards in many of the ward corridors and patients' chambers.

#### ROOFING.

The roof is of Pennsylvania slate, fastened on lath, and plastered with hair mortar on the under and upper edges, and on the joints of the slate. The pitch is one fourth of the span. The water from the roof is carried off through four inch cast iron pipes, inside of the building, and easily accessible, into large drains leading into the main culvert.

#### SEWERAGE.

The main culvert is two thousand and thirty-two feet in length. It is thirty-five inches from top to bottom in the clear, built of brick laid in hydraulic cement, egg-shaped, the smaller part being at the bottom. Beginning near the intersection of the north return wing and one-storied buildings, at which point it receives various pipes from the adjacent wards, it passes under the main chimney, by the engine house and barn, and extends to Mill Creek, into which it discharges just before it reaches Market street. Through this culvert all the drainage from the building and much of the grounds is carried off, being intersected by branch culverts at various points in its course.

#### BATH ROOMS, WATER CLOSETS, ETC.

There are twenty-one bath rooms and as many water closets in the building, in addition to those in the patients' rooms. Sixteen are in the wards. Each bath room has in it a cast iron bath tub, covered with zinc paint, and with improved arrangements for the admission and discharge of water through the bottom. In addition to the ordinary hot air flue, there is a coil of steam pipe for direct radiation in each, so that when hot baths are used the temperature of the room may be made so high as to prevent the sensation of chilliness when coming from the water. The water pipes in these rooms are generally of galvanized iron, left exposed, so as to be readily accessible, and passing from story to story through castings made for the purpose, so that in case of leakage the ceilings may not be injured.

The water closets are of cast iron, enameled, have no traps, but are

open, so as to have a constant downward draught of air through them into the main chimney, as have all the sinks, bath tubs, etc., in the whole establishment. The water is let on by the opening of the door.

The wash basins in the wash rooms are of marble, with strong swing cocks. The sinks are of cast iron, and have hot and cold water at each. There is also an iron hopper to each, and into which the slops, etc., are emptied. There are permanent fixtures for securing the towels in each wash room. The drying closets are sufficiently large to contain a bed, and like the closets for buckets, etc., have flues leading into and from them, and thus secure a direct communication with the fan below and the ventilating ducts above. All these arrangements in each ward are clustered together, and have scarcely any wood in any part to absorb moisture or retain unpleasant odors.

#### SUPPLY OF WATER.

The new hospital is supplied with water from a well twenty-five feet in diameter, containing fifty thousand gallons, and into which, as measured at the driest period of the last year, is a daily flow of thirty thousand gallons of excellent water. There is also a constant stream of spring water passing near the well, which can at any time be turned into it. By means of one of Worthington's combined direct acting steam pumps, capable of raising ten thousand gallons per hour, this water is forced through seven hundred and eight feet of six inch cast iron pipe into the four boiler iron tanks in the dome, and from which it is distributed through the entire building. These tanks are one hundred and three feet above the well, and contain twenty-one thousand gallons. They are so arranged that one or all may be used at pleasure; have overflows and pipes through which they may have the sediment washed out whenever deemed desirable. The elevation of these tanks is sufficient to secure the feeding of the steam boilers when carrying a pressure of forty pounds to the inch. These tanks were made at the works and put in place before the roof was on the building. It is intended that they shall always be about full of water, and a small pipe leading from them to the engine house tells the engineer on duty when that is the case. There is also in the engine room a single Worthington steam pump, capable of raising five thousand gallons per hour, and intended to prevent any possible deficiency of water should an accident happen to the larger engine. The rule is that both should be used some part of every day, so that in case of emergency there may never be a doubt of their being in working order.

The tank for supplying the centre building with hot water is twelve feet in length and twenty-three inches in diameter, and is placed above the cooking range, the heat being supplied through circulating pipe from a waterback behind one of the range fires, and is abundant for all purposes. The supply of hot water for the wards is derived from six iron tanks placed in the most convenient points in the cellar, in which situations they are easily accessible, and leakages can do little injury to the building. The heat is derived from steam coils coming from the summer pipe (as it is called) used for cooking and all other purposes except warming the building. The large steam boilers at the engine house are supplied with hot water by the condensed steam used in heating, which ordinarily returns to them by gravity, but when it does not is received into an iron tank and forced into them by a small steam pump. The laundry has hot water from a large tank placed in the oven, which

covers the boilers, and through which the exhaust steam from the engines and pumps can be made to pass whenever desired, and which may be also used for feeding the large boilers. There are three wells of excellent water besides, at convenient points near the building, and which supplied all the water required in its erection. A fourth is now being sunk near the stable.

#### LIGHTING.

The hospital is lighted by gas from the city works. The fine meter is placed in the engine room, and a record is made every morning of the consumption during the preceding night. Stopcocks are placed at convenient points for checking the flow of gas through the main pipes, and the ordinary kinds of fixtures have been adopted throughout the building. The gas is also used for experimental purposes in the lecture room, and for boiling water, etc., in the medical office.

#### FURNITURE.

The furniture is intended to be neat and plain, but of a comfortable and substantial character; the amount in the various apartments being in a great measure dependent on the character of the patients occupying them. Carpets of some kind generally cover the parlors, and some portions of the corridors and chambers. Wardrobes, tables, mirrors, and other conveniences are frequently added to the bedsteads, which are of various kinds, mostly of wood, but many are of wrought or cast iron, painted of a light color, a few of which last are secured to the floor.

#### HEATING AND VENTILATION.

There is no fire used in any part of the hospital for heating, although provision for open fires has been made in all the parlors and in many of the other large rooms, should such an arrangement ever be deemed desirable. The only fires kept up in the building are those in the kitchens, bake and ironing rooms.

In the boiler room at the engine house there are three large tubular boilers. Each of these has a furnace five feet three inches wide by five feet three inches long and seven feet four inches high. The shell is seventeen feet eight inches long by four feet six inches in diameter. Combustion chamber four feet long, and ninety-eight tubes two and a half inches in diameter and eleven feet long. The total heating surface for each is seven hundred and forty-four square feet. The grate surface is twenty and a quarter square feet. The escaping gases enter a common flue, and the draft can be regulated by a damper at the back end of each boiler, or the supply of air graduated by a register in the ashpit door.

These boilers furnish steam for warming the entire hospital, and for driving all the machinery, pumping water, for ventilation, washing, cooking, etc. They are so arranged that one or all may be used at pleasure, either for heating or driving the machinery. The steam is carried from them in a five-inch welded iron pipe, and after reaching the hospital building, it is distributed in eighty-three air chambers, placed in its cellar, with direct flues leading from them to the apartments above. The gases from the boiler fires pass through an underground flue, four feet wide and six feet high, a distance of five hundred and

fifty-seven feet, rising thirty-one feet in its course, till it comes to the foot of the main chimney, which is seventy-eight feet above the surface of the ground. The chimney is built double, the interior being round, formed of hard brick, without pargeting, six feet in diameter in the clear from bottom to top, the latter being formed of cast iron, while the foundation is of pointed stone work to a height of eleven feet, and the remainder of pressed brick. The underground flue alluded to contains the main steampipe until it reaches the nearest point of the building, and also that portion of it which is carried to the north section of the hospital, and is immediately over the main culvert. This chimney is made the ventilating power for securing a strong downward draft of air through all the water closets, urinals, sinks, and bath tubs in the entire establishment, and for this reason is placed in a central position on the eastern side of the building. The coils for heating are composed of welded iron pipes, three quarters or one inch in diameter, and are in two sections in all the air chambers, so that one or both may be used, according to the severity of the weather.

In the engine room are two horizontal high pressure steam engines of fine finish. They are exactly alike, each having a cylinder ten inches in diameter and a stroke of twenty-four inches. They are so arranged that either may be substituted for the other, and one may be made to do the work of both in case of emergency. Ordinarily, one drives the fan, and is therefore a part of the ventilating apparatus, while the second drives all the other machinery. The fan is of cast iron, its extreme diameter being sixteen feet and its greatest width four feet. It is driven directly from the shaft of the engine, and its revolutions vary from thirty to sixty per minute, according to the requirements of the house. The fresh air is received from a tower forty feet high, so that all surface exhalations are avoided, and is then driven through a duct, which at its commencement is eight and one half by ten and one half feet, into the extreme parts of the building. From the cold air duct openings lead into the different warm air chambers, which in the one storied buildings are covered with slate; but in all other parts of the hospital these chambers and air ducts are arched with brick laid with smooth joints. The warm air in nearly all cases is admitted near the floor and the ventilators open near the ceiling always in the interior walls. The only exception to this arrangement is in the one storied buildings, in which, in the patients' rooms, the warm air is admitted above and the ventilators are taken off near the floor. All the ventilating flues terminate in the attic in close ducts, either of brick or wood, smoothly plastered, increasing in size about thirty per cent more rapidly than the capacity of the flues entering them, and by which, through the different belvederes on the roof, they communicate with the external atmosphere. In the centre building the ventilation is through the main dome. There is no leaden pipe used in the building.

#### COOKING AND DISTRIBUTION OF FOOD.

All the cooking is done in the central kitchen, which has in it a large range with two fires and three ovens, a rotary roaster, a double iron steamer containing ninety gallons, a smaller one—iron outside and copper tinned on the inside—containing forty-five gallons, and six of tin for vegetables, besides the vessels for tea and coffee. The food prepared in this room is put into closed tin boxes, which are lowered by a dumb waiter to the car standing on the track of the railroad, where it passes

under the kitchen, and is thus conveyed to the bottom of the various dumb waiters which lead directly to the different dining rooms above, of which, as before remarked, there is one for each ward. Each dining room has a steam table with carving dishes on it, and abundant provision for keeping meats and vegetables warm as long as may be desired. The dumb waiters are all controlled by the person having charge of the railroad; they are moved by a crank and wheel, and wire rope is substituted for that commonly adopted. The railroad is an indispensable part of the arrangements for distributing food. By its use a meal may be delivered in all the ward dining rooms (eight in number) on one side—the extreme ones being five hundred and eighty feet distant—in ten minutes after leaving the kitchen, or for the whole sixteen in twenty minutes. It also forms a very convenient mode of transporting articles from one section of the building to another, carrying clothing to and from the laundry, and gives a protected passageway in going from the centre building to the engine house, barn, and workshop, and for persons visiting their friends in the room set apart for the purpose between the sixth and seventh wards.

#### PROVISION AGAINST FIRE.

As already mentioned, no fires are required in the building for warming it, and gas is used for lighting. Wherever one wing comes in contact with another, or with the centre building, all the openings in the walls, which extend up through the slate roof, have iron doors in addition to the ordinary wooden ones, and which may be closed at pleasure. The floors of the kitchen and bakeroom, in which alone fire is used, are of German flagstone laid on brick arches, and all the stairways in the wings are fireproof. It is intended that there should always be about twenty thousand gallons of water in the tanks in the dome of the centre building, and fifteen thousand gallons per hour may be placed there by the pumping engines. A standpipe connected with this reservoir passes into every story and into every ward, in all of which it is intended to have a piece of hempen hose constantly attached, so that by simply turning a stopcock water may be put on a fire almost as soon as discovered. A steam pipe also passes up into the attic of each wing, and as one of the large boilers is constantly fired up, steam may at any moment be let into the building by simply turning a valve in the cellar. Hose is also kept near the steam pumps, so that it may be promptly attached and water thrown on the barn, carpenter shop, engine house, and contiguous parts of the hospital. A watchman is constantly passing through the house at night, and by means of two of Harris' watch-clocks, as made by H. B. Ames of New York, there is no difficulty in ascertaining not only how often each ward is visited, but almost the moment the visit was made, and of course the time taken in passing from one ward to another.

#### LAUNDRY ARRANGEMENTS.

The clothing, bedding, etc., collected in the different wards, after being sent to the cellar, are conveyed from that point by the railroad to the room for assorting clothes in the engine house, and thence into the large wash room, in which, besides the usual washing, rinsing, and blue tubs

and soap vat, is one of the valuable Shaker washing machines, in which six different kinds of clothes can be washed at the same time, and a centrifugal wringer, both of which are driven by one of the steam engines. From the wringer the washed articles are taken to the drying closet, in which by means of the heat derived from the exhaust steam from the engines passing through a large amount of cast iron pipe, and fresh air from the fan, they are in a very few minutes made ready for the mangle (also driven by steam power), or folded and taken by the railroad to the ironing room near the centre building, to which they are raised by the dumb waiter already referred to, or are sent directly to the principal clothes room, from which they are distributed by the same route as they may be required in the wards. All the divisions of the washing machine, of the rinsing and washing tubs, have hot and cold water and steam introduced directly into them, and the water from them all is carried off under the stone floor of the room to one of the iron columns below, through which it passes into the culvert on the outside of the building.

#### PLEASURE GROUNDS, GARDENS, AND YARDS.

This new hospital is situated in the midst of its pleasure grounds, embracing about fifty acres, and from most parts of which are fine views of the surrounding country; the boundary wall being so arranged, from the natural character of the ground, or made so by excavations, that little of it can be seen from any part of the building that is occupied by patients. There are two pleasant groves of natural forest trees within the inclosure, and several hundred others, evergreen and deciduous, that have already been planted or collected for the purpose, will give an ample amount of shaded drives and walks. A carriage road has already been made on the inside of the wall throughout its extent, and winding by the gardens and terraces around the buildings will ultimately be two miles long. The foot walks are not to be less extensive, and the brick pavements about the building have been already mentioned. There are also, as may be remembered, three pleasant yards on each side of the building, and connected directly with the adjacent wards. The vegetable garden will contain about eight acres, and is in full view from the north side of the building. Flower borders have been made near to and around the entire structure. The only fences inside of the inclosure are to give privacy to the patients in the yards, or to prevent those walking about the grounds from approaching certain parts of the building.

#### COST.

Without a statement of the cost, no account of such a building and such arrangements as have been described would be at all complete, and especially not of one like that under notice, which is entirely the offspring of the benevolence and liberality of a community, a result of practical christianity, and a generous recognition of the paramount claims which such afflictions of our fellow men have at all times upon our interests and our sympathies. The style of architecture is plain, and all useless ornament has been studiously dispensed with; but whenever the comfort and welfare of the patient were concerned, everything has been done in a thorough manner.

The amount of money paid on account of the new building and its varied fixtures and arrangements, up to the present time, is three hundred and twenty-two thousand five hundred and forty-two dollars and

eighty-six cents, and a further sum of about thirty thousand dollars will be required to meet the other liabilities that have been incurred. Of this total sum, twenty thousand two hundred and seventy-six dollars and twenty-eight cents have been for the boundary wall and gate house; two thousand two hundred and forty-one dollars and forty-six cents for the carriage house and stabling; eight hundred dollars for the carpenter shop; four thousand four hundred and fifty-six dollars and three cents for machinery of different kinds; twenty-three thousand six hundred and twelve dollars and thirty-seven cents for heating and ventilating apparatus; fifteen thousand two hundred and one dollars and forty-seven cents for grading, for building, planting, and improving the grounds; and ten thousand four hundred and forty-one dollars and seventy-three cents for furniture.

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PLANS, DESCRIPTIONS AND ESTIMATES OF THE BOSTON  
HOSPITAL FOR THE INSANE AT WINTHROP.

BOSTON LUNATIC HOSPITAL,  
BOSTON (Mass.), September 28, 1867. }

*To the Board of Directors for Public Institutions:*

GENTLEMEN: Three months ago the committee on the proposed new "Hospital for the Insane" referred the "plans" to the architect (N. J. Bradlee, Esq.) and myself, with the request that we would give them a thorough revision. That has been done and the result is before you.

While not doubting that experts of larger experience may discover defects and suggest improvements, we are at a loss to see how, without great expense, the plans can easily be materially improved.

Such a hospital structure, containing no provision that can well be dispensed with, and requiring not a dollar for mere ornamentation, will be no discredit to the humanity, intelligence, and good taste of Boston.

These plans have my hearty and unqualified approval.

Very respectfully,

CLEMENT A. WALKER,  
Superintendent.

CONSTRUCTION OF THE BUILDING.

The exterior walls will be of brick, with granite trimmings, surmounted by a brick cornice and French roof.

The grouping of the several wings, falling back as they do from the centre and from each other, with their several projections and bays, will give a very pleasing effect to the whole.

BASEMENT.

This story, which will be from four to six feet above the level of the ground, will contain five hundred and four hot air chambers, each being two feet by five feet, for the pipes to heat the building. The basement

of the rear centre building will contain store rooms and vegetable cellars.

#### PRINCIPAL STORY.

The general plan of the building consists of a centre building, three stories high, sixty feet by ninety-two feet, a building in the rear of the centre, two stories high, forty-nine feet by one hundred and fifty-six feet, and two wings of three sections each, two being three stories high. The first section on each side is fifty-six feet by one hundred and fifty-four feet; the second section, fifty-six by one hundred and forty-five feet nine inches; the third section, two stories high, fifty-seven feet by one hundred and twenty-one feet nine inches; one being at each side of and at an angle of forty-five degrees to the second section. This gives eight distinct wards for each sex, the *minimum* required (by unanimous vote of the Association of Medical Superintendents of American Institutions for the Insane) in a hospital for *two hundred* patients; this designed for *three hundred*.

The principal story of the centre building contains Superintendent's room, twenty feet square; private room, seventeen feet by twenty feet; Assistant Superintendent's room, seventeen feet by twenty feet; apothecary's room, twelve feet by seventeen feet; library, twelve feet by seventeen feet; dining room, twenty feet by forty feet; pantry, seventeen feet by twenty feet; and six large closets.

The rear centre building will contain: reception rooms, twelve feet by eighteen feet; attendants' dining room, eighteen feet by forty feet; store room, eighteen feet by twenty-six feet; kitchen, twenty feet by forty-two feet; laundry, twenty feet by forty feet; ironing room, twenty-two feet square; pantry, six feet by fifteen feet; bakery, fourteen feet square; bread closet, seven feet by twenty-three feet; tin closet, six feet by fifteen feet; oven, ten feet by twelve feet; drying room, ten feet by eighteen feet.

The first section on each side of the centre will contain fifteen single rooms, eight feet six inches by fourteen feet; sitting room, twenty-two feet by thirty feet; bay window, eighteen feet by twenty feet; reception room, thirteen feet by twenty-one feet; attendants' room, thirteen feet by twenty-one feet; bath room, nine feet by fourteen feet; storeroom, nine feet by fourteen feet; dormitory, seventeen feet by twenty-seven feet; dining room, sixteen feet by thirty-four feet.

The second section on each side will contain sixteen single rooms; general store room, twenty feet by twenty-three feet; the other rooms are the same as described for first section.

The third section will contain twelve single rooms, eight feet six inches by fourteen feet; open corridor, twenty-eight feet by sixty-two feet; dining room, seventeen feet by twenty feet; storeroom, ten feet by seventeen feet; attendants' room, fourteen feet by seventeen feet; bath room, ten feet by seventeen feet.

#### SECOND STORY.

The second and third stories of the first and second sections are divided the same as the first story of said buildings, and the second story of the third section is also like the first story of the same. The attics of the first and second sections will furnish pleasant and desirable infirmaries. The attics of the third section will afford ample and convenient room for the isolation of small pox and other contagious diseases.

The second and third stories of the centre building are arranged to accommodate the Superintendent and his family, with his assistants.

The second story of the rear centre building contains a chapel, forty-five feet by seventy-five feet; domestics' room, fourteen feet by twenty feet; billiard room, eighteen feet by forty-five feet; storeroom, twelve feet by twenty feet. The main centre building and the first section on each side, also rear centre buildings, are connected by corridors ten feet wide.

#### THE ENGINE HOUSE

Is located one hundred and three feet distant from the rear centre building, and is forty-seven feet by seventy-four feet, containing a boiler room thirteen feet by fifty-seven feet; engine room, fourteen feet by twenty-four feet; fan blower room, thirty-two feet by fourteen feet; fuel rooms, fourteen feet by twenty-three feet, and fourteen feet by thirty-four feet; connected with this house is the large chimney, fifteen feet square at the base by one hundred and eighty feet in height.

#### CONSTRUCTION.

The outside cellar walls are to be two feet thick of stone laid in cement mortar; the walls above are of brick twenty inches thick, laid hollow, the outer walls being twelve inches, an air space of four inches, and the inner wall four inches thick. The interior walls on the side corridors will be also twenty inches thick, so as to leave room for the ventilating and heating flues to pass through them. To render the building as nearly fireproof as possible without going to the expense of brick arches and iron beams or girders, all the plastering will be done directly upon the brick walls without furring; the floors will be plastered between the floor boards and the base or plinth around the rooms, and corridors will be of face brick, painted; all the inside partitions will be also of brick.

To give some idea of the size of the building, it may be stated that it will require one thousand seven hundred and seventy-five perches of stone for the foundation. Seven million seven hundred and fifty thousand two hundred and fifty bricks will be used in the walls; sixty-two thousand eight hundred and twenty-nine yards of plastering; three thousand two hundred and twenty-four feet of gutters, with two thousand twenty-two feet of conductors; eighteen thousand two hundred and fifty feet of gas pipe; one million two hundred and eighty-nine thousand four hundred and eighty-eight feet of lumber; one thousand two hundred and thirty-eight windows; fifty-nine thousand four hundred and twenty-four lights of glass, and nine hundred eighty-nine doors; five hundred and four being required for the pipe chambers in the basement.

#### HEATING AND VENTILATION.

The building will be arranged so as to hereafter decide upon the best method of heating, whether by hot water, high or low pressure steam, all of which systems have their strenuous advocates. The ventilation of all the waterclosets will be effected by the downward draft to the heated chimney; the ventilation of the wards will be likewise arranged for the downward draft; there will also be provided in the boiler house, a fan blower upon the Doctor Nichols plan, to be used as occasion may require.

The high chimney will be so constructed as to form a large ventilating flue entirely around the boiler flue, to assure a steady draft. The underground air flues will be eight feet in diameter, diminishing in size as they approach the third section, with small branches to each of the several hot air chambers in the basement story.

## COUNTY OF SURREY ADDITIONAL LUNATIC ASYLUM.

*At Brookwood, near Woking.*

The additional asylum for the pauper lunatics of the County of Surrey is designed to accommodate six hundred and fifty patients, and stands on an estate of about one hundred and fifty acres in extent, at Brookwood, about three miles from the Woking station on the South Western Railway.

The site is bounded on the south by the Basingstoke Canal, and on the east and west by the high roads to Guildford and Chertsey. Few sites could be found in the country better adapted for such an institution. The soil, a primary consideration, is a dry sand, with occasional veins of gravel, loam, and clay. The ground rises gradually from the south and west about seventy feet above the level of the canal, and the buildings are erected on a plateau of some extent, with a fine range of views and southern aspect.

The plan of the building gives to every part uninterrupted views of the surrounding country, and free access to light and air.

The principal entrance with the visiting Justices', Superintendent's, Porter's, Steward's, and waiting rooms form the central portion of the north front of the main building.

To the west of the entrance block is the laundry wing, with the rooms for the female working patients and their attendants.

On the east side of the entrance block corresponding to the laundry wing just described, are the workshops and the apartments appropriated to the patients engaged in them.

In the centre are placed the kitchen, offices and stores, so arranged that the service on the male side is perfectly separated from the female side.

The apartments for the Assistant Surgeon and the matron, with dispensary and stores, are grouped together in the centre of the south building, near the wards for recent cases, which with the infirmaries form the rest of the south front of main building.

The height of the rooms occupied by the patients on the ground floor is twelve feet, and on the upper floors eleven feet.

Fifty superficial feet, or nearly six hundred cubic feet, are allowed to each patient in all dormitories, except those in the infirmaries, where the cubical contents exceed seven hundred feet per patient.

The smallest separate sleeping room is nine feet by seven feet, which gives seven hundred cubic feet; in the infirmaries they vary from eleven feet by eight feet seven inches to fourteen feet by ten feet.

The day rooms, except one on each side of the wards for recent and acute case, are all on the ground floor.

Lavatories, water closets, baths, slop rooms, store rooms, and closets are provided in all the wards.

To the east and west of the main building are placed detached blocks with associated day rooms and dormitories for the accommodation of ninety patients in each building. These blocks are connected with the main building by covered passages.

The buildings are constructed in stock brickwork, relieved with a few coloured brick dressings and sailing courses.

The stairs are of stone in all parts occupied by the patients, with the well holes built up.

The floors of all day and sleeping rooms and of the south corridors and corridors in infirmary wings are boarded.

The sashes generally are of wood, double hung with locks and keys, to prevent their being opened beyond a certain height.

The doors to all patients' rooms have solid panels, and all angles are rounded.

The day rooms and corridors have open fireplaces, in which are warm air grates, so constructed that warm air is admitted either into the room with the fireplace, or conducted to the chamber above. Provision has been made for the introduction of warm water pipes in case any auxiliary heating power should be required.

In both day rooms and dormitories ventilating flues for the extraction of foul air are formed, having sectional areas, in proportion to the sizes of the rooms, connected with the towers by large air shafts formed in the roofs.

The sewage is conveyed from water closets, sinks, etc., by means of pipe drains to filtering tanks, so placed and constructed as to permit of the distribution by gravity of the filtered water over a considerable portion of the land under cultivation.

The Superintendent's house is a detached building placed to the southwest of the main building, near the boundary of the airing grounds for the female patients. Plans of the floors of this house are given, and show with sufficient clearness the arrangement and accommodation provided.

The house for the gardener, in which accommodation has been provided for twelve of the more quiet patients, is situated in the east of the main building, about two hundred yards from the entrance to male airing grounds, and near the kitchen garden.

The farm bailiff's house, in which accommodation has also been provided for twelve-patients, adjoins the farm buildings.

The gas works are placed to the northwest of the main building about sixty-five yards from the laundry block.

The chapel is a detached building, designed to accommodate three hundred and forty-three persons, very simply constructed, with plain gothic headed windows and doors. Ventilating dormers are provided in the roof, and the building is heated by Haden & Son's apparatus. There is a chancel with vestry to the north. From the entrance of main building to the south porch of chapel the distance is about two hundred yards.

The detailed statement of the accommodation provided for the patients in the several parts of the building is as follows, namely:

#### RECENT CASES.

Female side—Ground floor: Single rooms, eight. First floor: Single

rooms, eight; dormitories, twelve. Second floor: Dormitories, forty-five. Total, seventy-three.

Male side—Ground floor: Single rooms, eight. First floor: Single rooms, eight; dormitories, twelve. Second floor: Dormitories, forty-five. Total, seventy-three.

#### INFIRMARY.

Female side—Ground floor: Dormitory, six; single rooms, three. First floor: Dormitories, twenty-four; single rooms, four. Second floor: Dormitories, thirty-four. Total, seventy-one.

Male side—Ground floor: Dormitory, six; single rooms, three. First floor: Dormitories, twenty-four; single rooms, four. Second floor: Dormitories, thirty-four. Total, seventy-one.

#### SOUTH FRONT.

Female side—Second floor: Dormitories, thirty-two.

Male side—Second floor: Dormitories, twenty-two.

#### NORTH FRONT.

Female side—First floor: Dormitories, twenty-five. Second floor: Dormitories, twenty. Total, forty-five.

Male side—First floor: Dormitories, five. Second floor: Dormitories, eighteen. Total, twenty-three.

#### LAUNDRY BLOCK.

First floor: Dormitories, sixteen; single rooms, two. Total, eighteen.

#### WORKSHOP BLOCK.

First floor: Dormitories, sixteen; single rooms, two. Total, eighteen.

#### DETACHED BLOCKS.

FEMALE SIDE.		MALE SIDE.	
<i>Ground Floor.</i>		<i>Ground Floor.</i>	
Dormitories .....	20	Dormitories .....	20
Single rooms .....	2	Single rooms .....	2
<i>First Floor.</i>		<i>First Floor.</i>	
Dormitories .....	68	Dormitories .....	68
Total .....	90	Total .....	90

## SUMMARY OF TOTALS.

Recent cases.....	73	Recent cases.....	73
Infirmary .....	71	Infirmary .....	71
South front .....	32	South front.....	22
North front.....	45	North front.....	23
Laundry block.....	18	Workshop block.....	18
Detached block.....	90	Detached block.....	18
		Bailiff's house.....	12
		Gardener's house .....	12
Total .....	329	Total .....	321

The buildings, with all the necessary work and fittings having been completed, the institution was opened in the Summer of eighteen hundred and sixty-seven.

The cost of the buildings, exclusive of fittings, and engineer's and gas works, amounted to the sum of sixty-one thousand nine hundred pounds sterling.

C. H. HOWELL, Architect.

### BRRATA.

Page thirteen, tenth line from bottom, for "eleven" read "seven."

Page forty-seven, nineteenth line from bottom, for "excess" read "sexes."

Page fifty, fifth line of second paragraph, for "courses" read "causes."

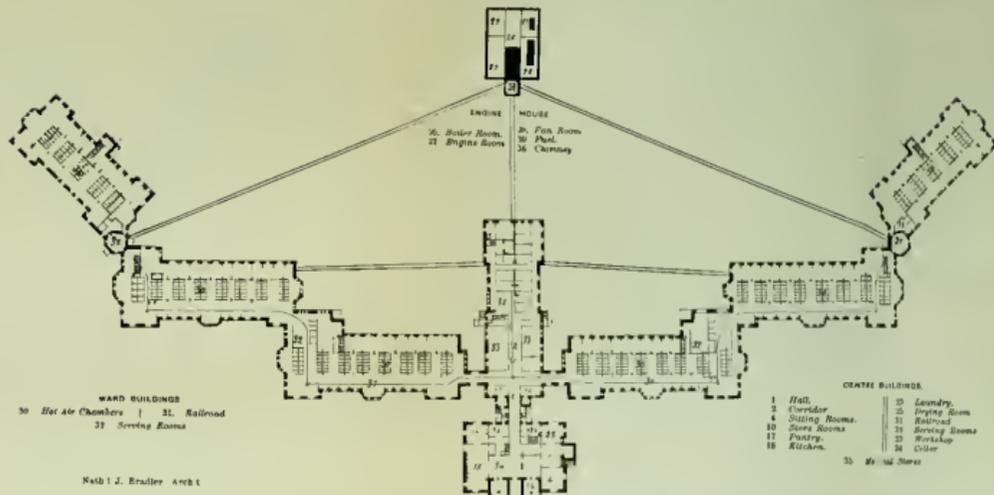
Page eighty-eight, ninth line from top, for "seventeenth" read "nineteenth."

The tables of "Results of Treatment," on pages two hundred and five, two hundred and six, and two hundred and seven, should come immediately after "Results of Treatment," on page two hundred and two.

Page sixty-four, first column figures, fifth line, for "260,247" read "560,247."

# BOSTON HOSPITAL FOR THE INSANE.

## BASEMENT



### BOARD OF DIRECTORS FOR 1887

Moses Kimball,	Reverend A. Deane,
J. Putnam Bradley,	Alvery Fisher,
James F. H.,	William Cullen,
Amos A. Daniels,	Chas. S. Burgess,
Francis C. Manning,	Lewis Bee,
Henry A. Deane,	Sam. W. Hodges

J. Putnam Bradley, President

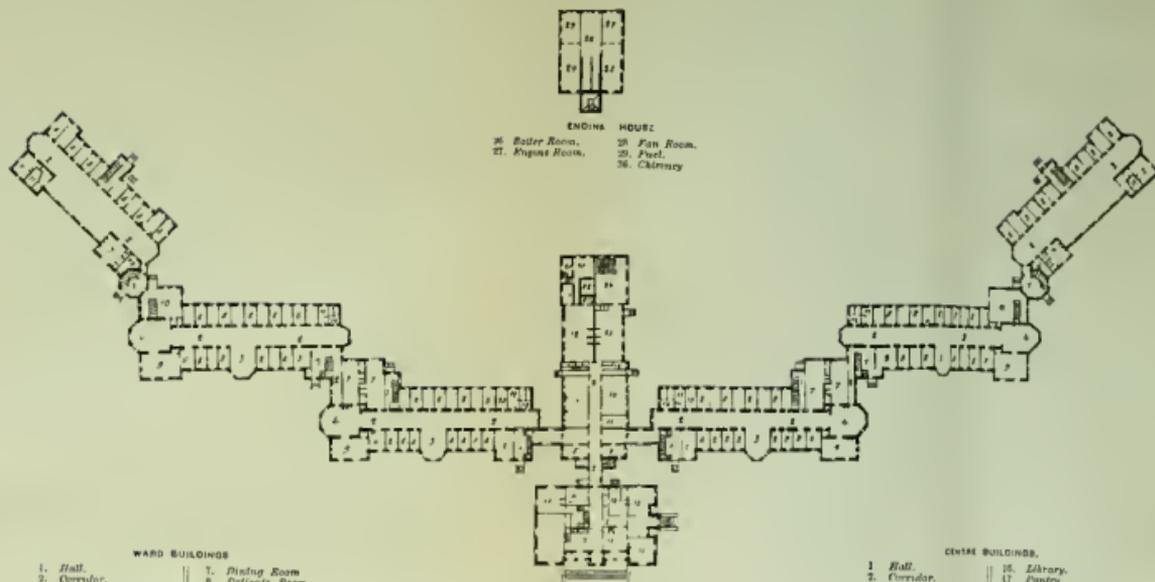
WILLIAM WILKENT, Clerk

SUPERINTENDENT OF HOSPITAL  
 CHESTER A. WALKER, M. D.

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# FIRST STORY.

Appendix F.—Pl. 2.



ENGINE HOUSE

- |                  |               |
|------------------|---------------|
| 26. Boiler Room. | 28. Pan Room. |
| 27. Engine Room. | 29. Fuel.     |
|                  | 30. Chimney   |

**WARD BUILDINGS**

- |                     |                   |
|---------------------|-------------------|
| 1. Hall.            | 7. Dining Room    |
| 2. Corridor.        | 8. Patients Room  |
| 3. Bay Window       | 9. Dormitory      |
| 4. Sitting Room     | 10. Store Room    |
| 5. Reception Room   | 11. Bath Room     |
| 6. Attendants Room. | 12. Water Closet. |

**CENTRE BUILDINGS.**

- |                      |                  |
|----------------------|------------------|
| 1. Hall.             | 16. Library.     |
| 2. Corridor.         | 17. Laundry      |
| 3. Reception Room.   | 18. Medicine     |
| 4. Sitting Room.     | 19. Bakery.      |
| 5. Store Room.       | 20. Bread Closet |
| 6. Water Closet.     | 21. Tin Closet   |
| 7. Supp's Room       | 22. Oven.        |
| 8. Ass't Supp's Room | 23. Laundry      |
| 9. Apothecary        | 24. Ironing Room |
|                      | 25. Drying Room. |

**BOARD OF DIRECTORS FOR 1927**

- |                     |                    |
|---------------------|--------------------|
| Hezekiah Kimball,   | Sylvanus A. Davis, |
| J. Nathan Bradley,  | Avory Plummer,     |
| James Fitch,        | William Comstock,  |
| Ades A. Bonelle,    | Chas. S. Burgess,  |
| Francis C. Manning, | Louis Rice,        |
| Henry A. Drake,     | Sam'l W. Hodges    |

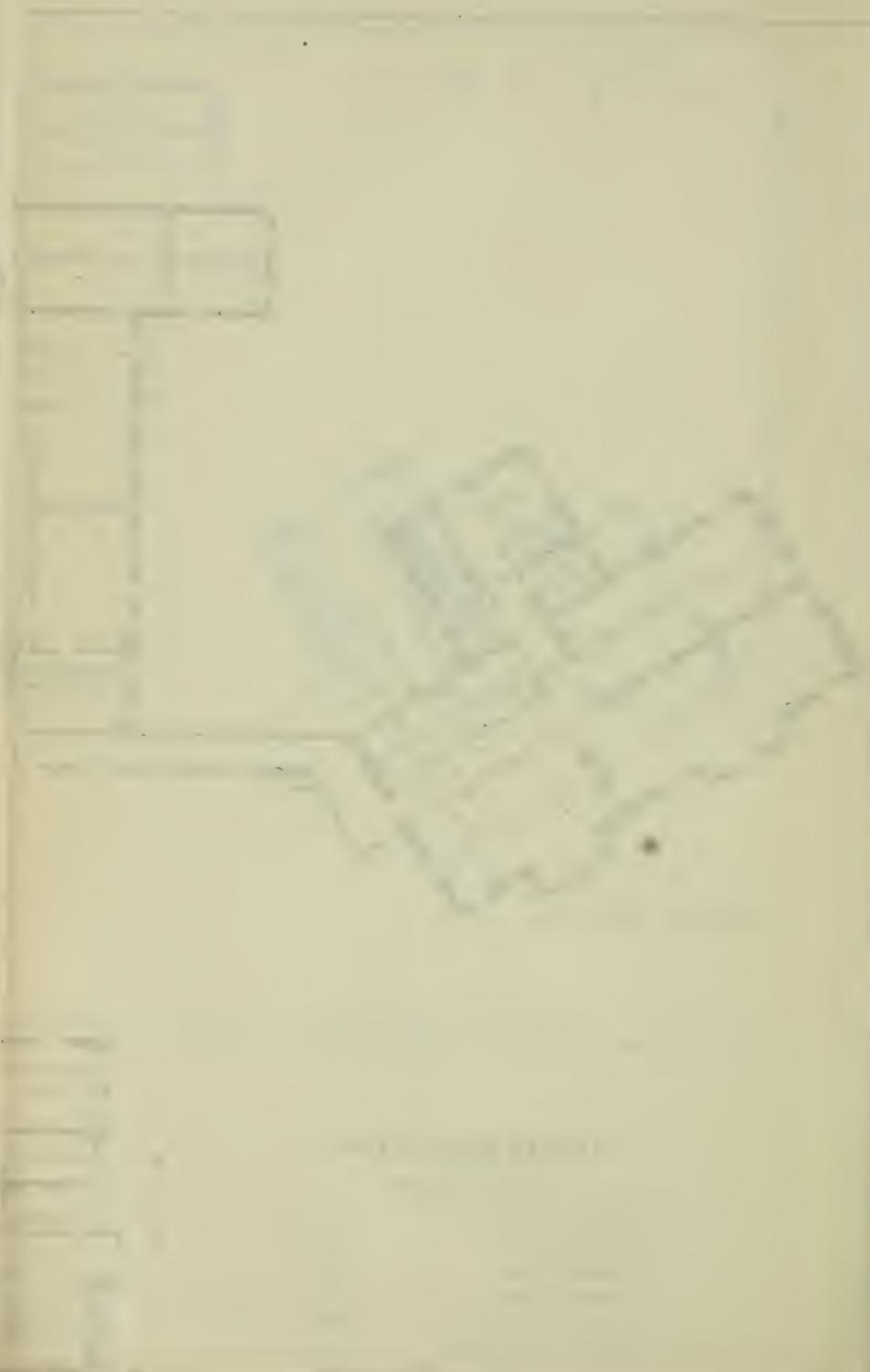
J. POTNAM BRADLEY, President

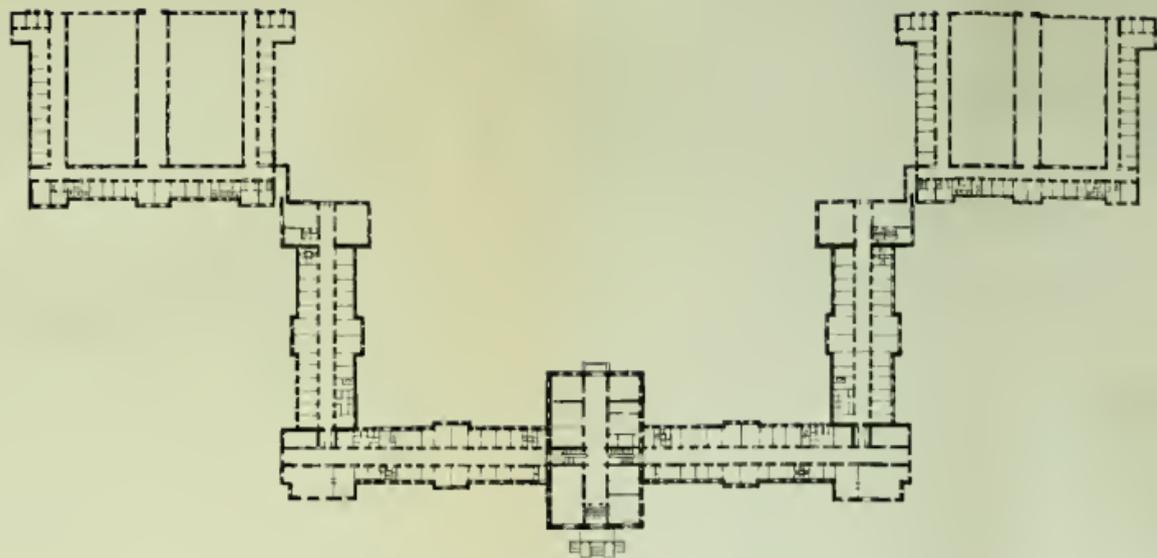
WILLIAM WILLET, Clerk.

ALFRED WILSON, Superintendent of Hospital.  
 Clement A. Walker, M. D.

NATH' J. BRADLEY, ARCHT.

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*PLAN OF THE PENNSYLVANIA HOSPITAL FOR THE INSANE.*

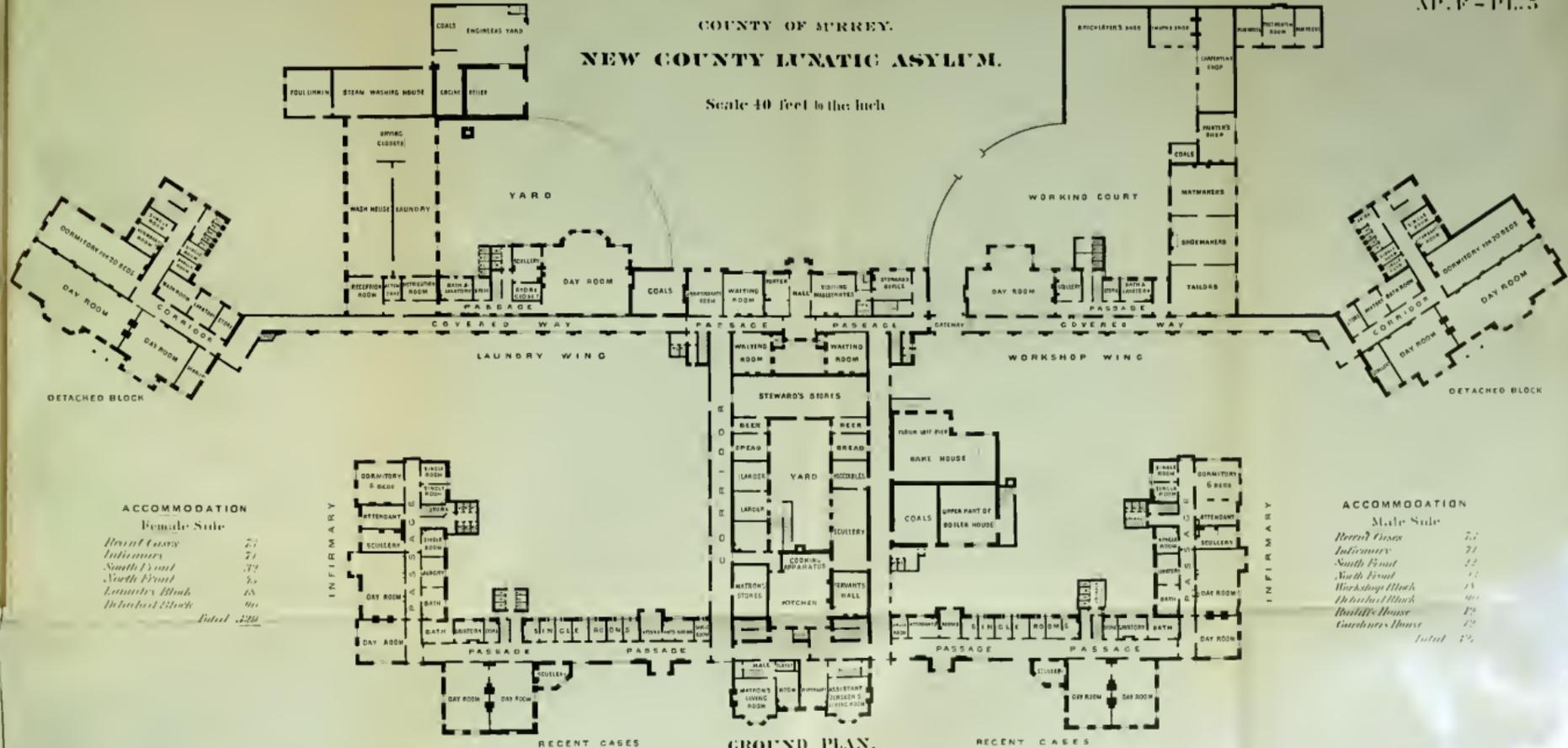
DEPARTMENT FOR MALES

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COUNTY OF SURREY.  
**NEW COUNTY LUNATIC ASYLUM.**

Scale 40 feet to the inch



**ACCOMMODATION**

**Female Side**

<i>Board Cases</i>	77
<i>Infirmary</i>	77
<i>South Front</i>	32
<i>Workshop Block</i>	56
<i>Detached Block</i>	96
<i>Total</i>	<u>338</u>

**ACCOMMODATION**

**Male Side**

<i>Board Cases</i>	77
<i>Infirmary</i>	77
<i>South Front</i>	32
<i>Workshop Block</i>	56
<i>Detached Block</i>	49
<i>Buildings House</i>	12
<i>Guardians House</i>	12
<i>Total</i>	<u>315</u>

RECENT CASES

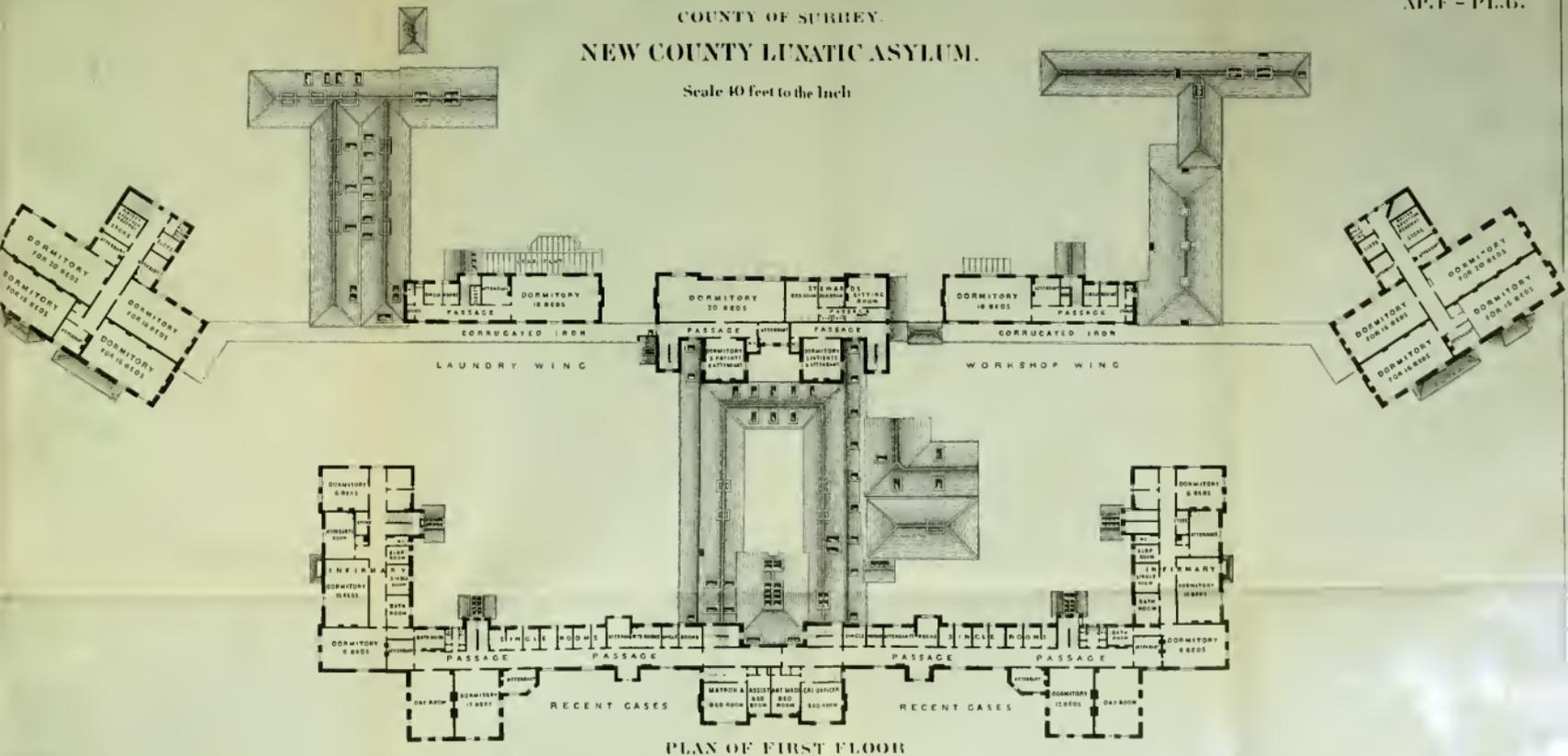
**GROUND PLAN.**

RECENT CASES

is  
on

COUNTY OF SURREY.  
NEW COUNTY LUNATIC ASYLUM.

Scale 40 feet to the Inch



PLAN OF FIRST FLOOR

THE HISTORY OF THE  
CITY OF BOSTON

BY NATHAN OSGOOD

VOLUME I

FROM THE FOUNDATION OF THE CITY TO THE

ESTABLISHMENT OF THE COMMONWEALTH

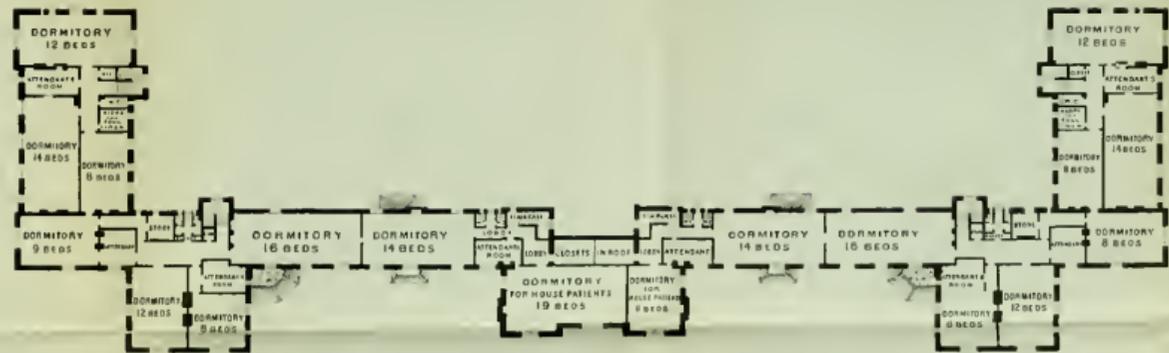
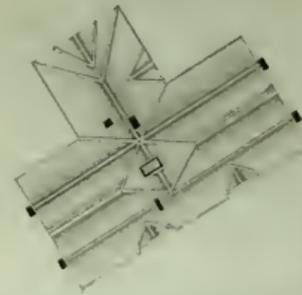
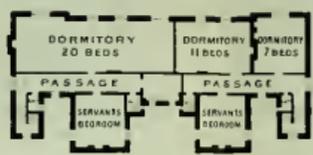
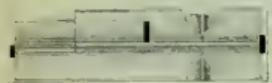
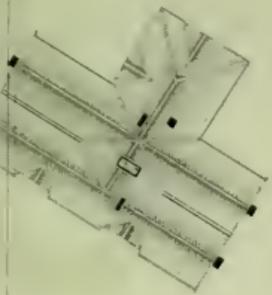
IN 1780

BOSTON: PUBLISHED BY

W. B. ALLEN, 185 NASSAU ST.

COUNTY OF SURREY  
NEW COUNTY LUNATIC ASYLUM.

Scale 40 Feet to the Inch.



PLAN OF SECOND FLOOR.



# GLAMORGAN COUNTY ASYLUM

ACCOMMODATES 365 PAUPER PATIENTS

## Wards.

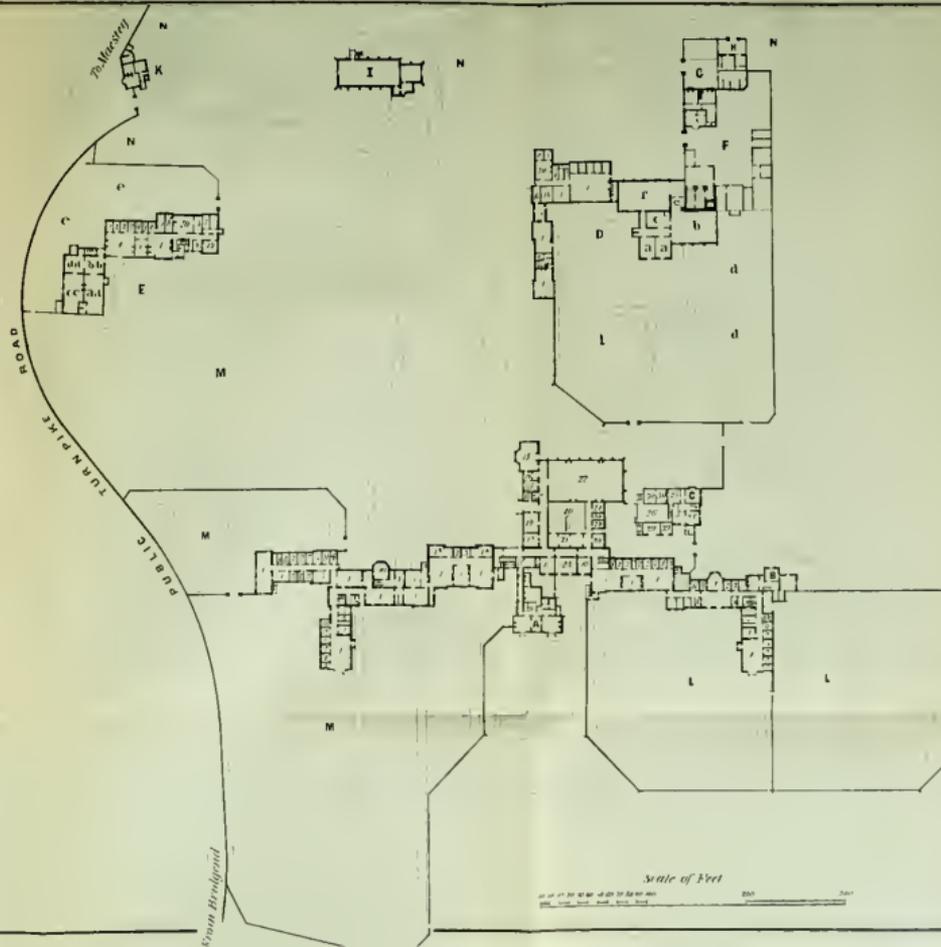
1. Day Rooms.
- 1A. Dormitories.
2. Single Rooms.
3. Attendant's Rooms.
4. Store Room.
5. Bath Rooms.
6. Dressing Rooms.
7. Lavatories.
8. Sculleries.
9. Padded Room.
10. Head Attendant's Rooms.

## Central Public Rooms.

11. Surgery.
12. Medical Superintendent's Room.
13. Entrance to Med. Superintendent's House.
14. Visiting Room.
15. Porter's Room.
16. Entrance to Assistant Med. Officer's Rooms.
17. Chaplain's Room and Library.
18. Committee Room.
19. Do. Receiving Room.

## Economic Department, Officers, etc.

20. Kitchens.
21. Scullery.
22. Dining Hall.
23. Attendant's Hall.
24. Kitchens Stores.
25. Kitchen Yard.
26. Steward's Stores.
27. Steward's Office.
28. House-keeper's Store and Cutting out Room.
29. Wood and Coal.
30. Dead House.



AP. F. PL. 8.

COST ABOUT £ 77,700

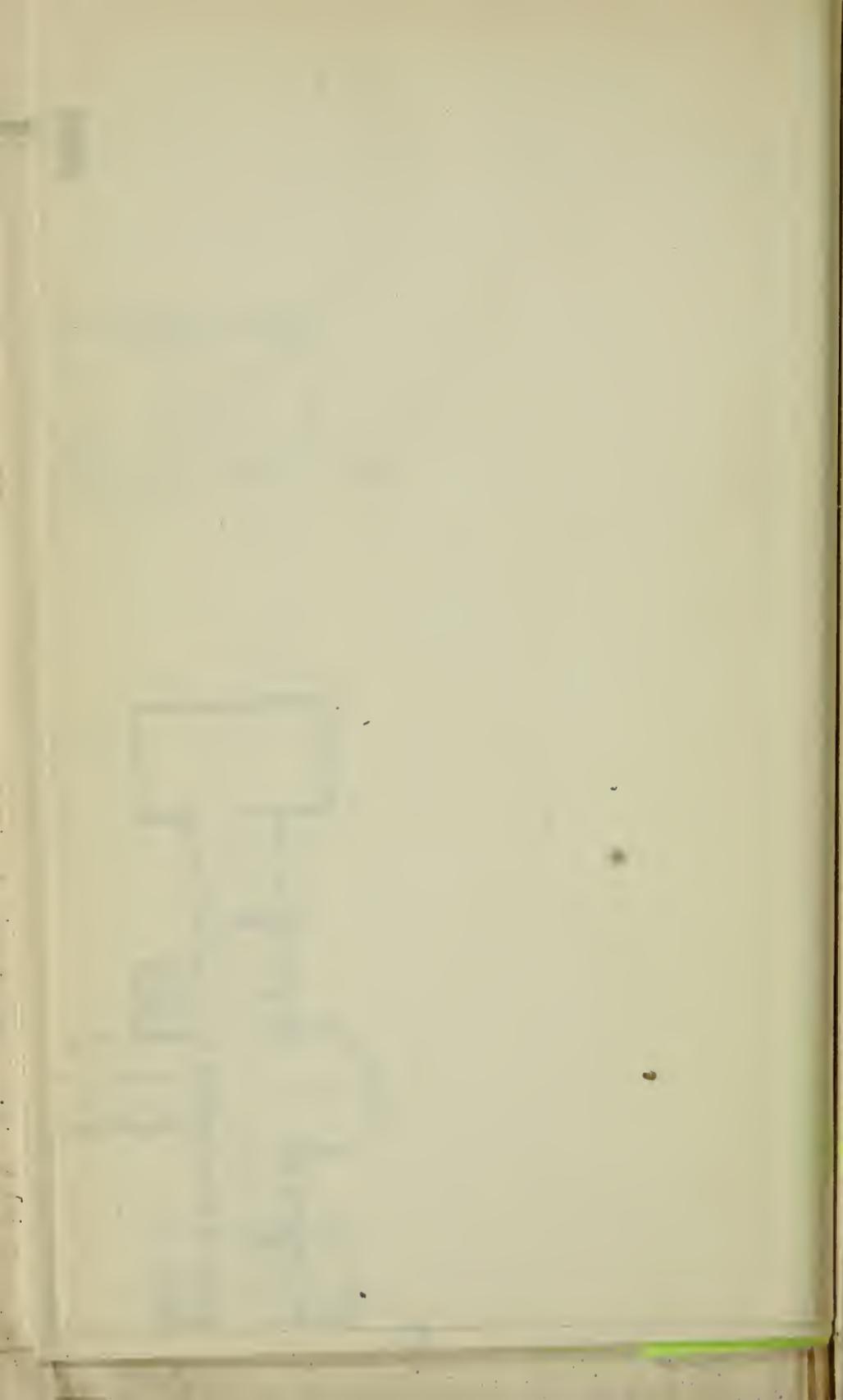


## Detached Buildings and Yard.

- A. Medical Superintendent's House
- B. Steward's House.
- C. House-keeper's Rooms & Rooms for Domestic Servants.
- D. Laundry Block with Ward attached
  - a. Sorting and Receiving Room
  - b. Washing House
  - c. Do. for Fowl Litter.
  - d. Drying Ground
  - e. Drying Closet
  - f. Ironing Room
- E. Workshop Block with Ward attached
  - a.a. Tailor's and Shoemaker's.
  - b.b. Mattress Makers
  - c.c. Carpenter's
  - d.d. Painter's
  - e.e. Yard for Workshops.
- F. Engineer's Yard, including Engine House, Plumber's and Smith's Shops Gasworks, Steam and Hot Water Boilers Steam Engine and Well
- G. Stable Yard with Shed
- H. Do. Med. Superintendent's
- I. Church
- K. Entrance Lodge.
- L. Female Airing Courts
- M. Male Airing Courts.
- N. Kitchen Garden.

Scale of Feet

0 50 100 150 200



# GLAMORGAN COUNTY ASYLUM.

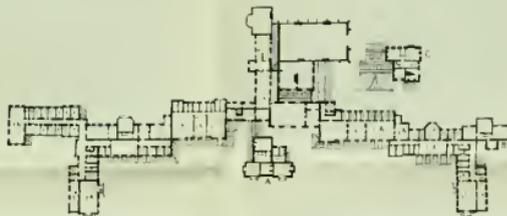
## PLAN OF FIRST FLOOR

OCCUPIED ENTIRELY BY SLEEPING ACCOMMODATION AND THE NECESSARY CLOTHES STORES, LAVATORIES, ETC., ETC.

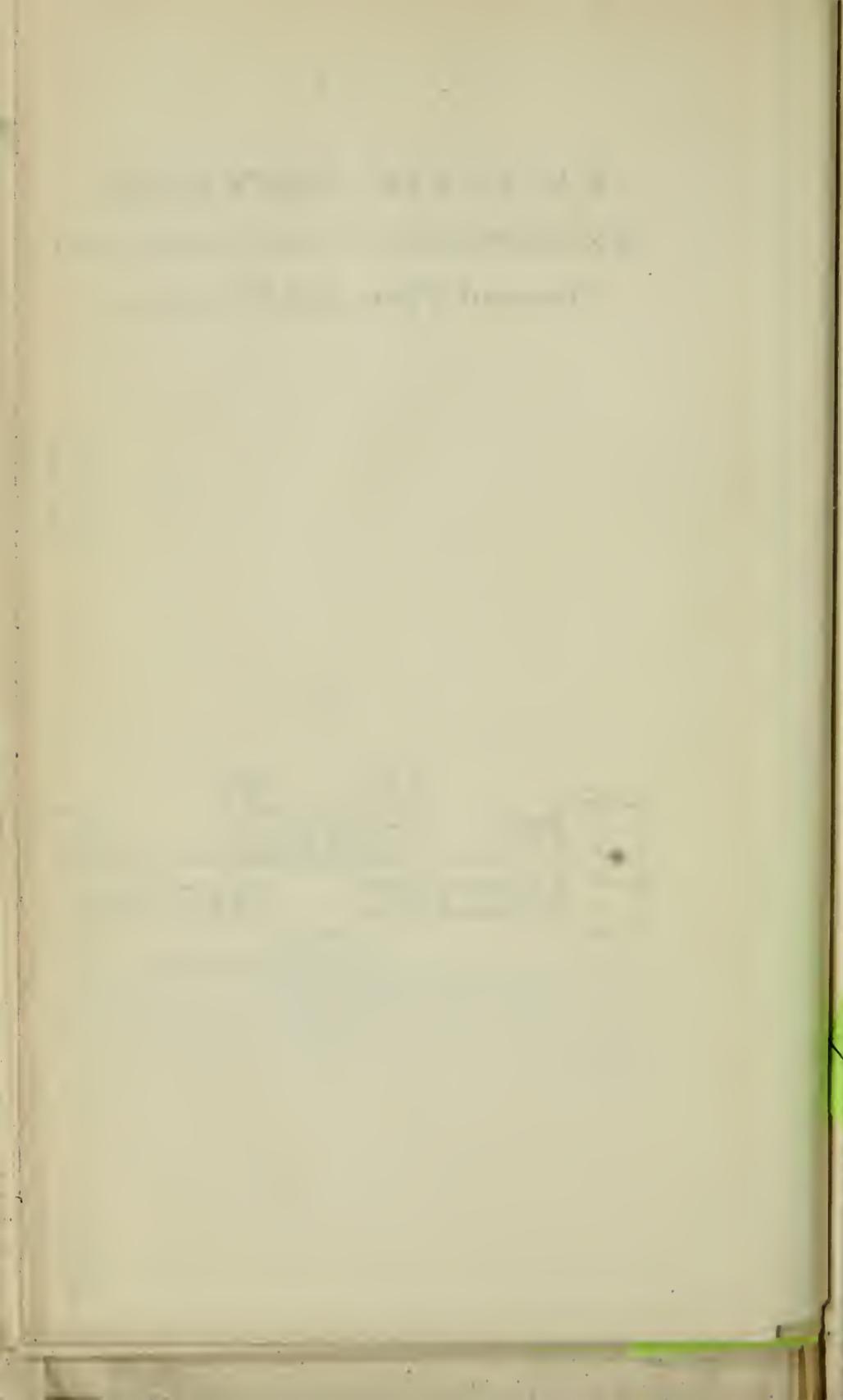


### Reference

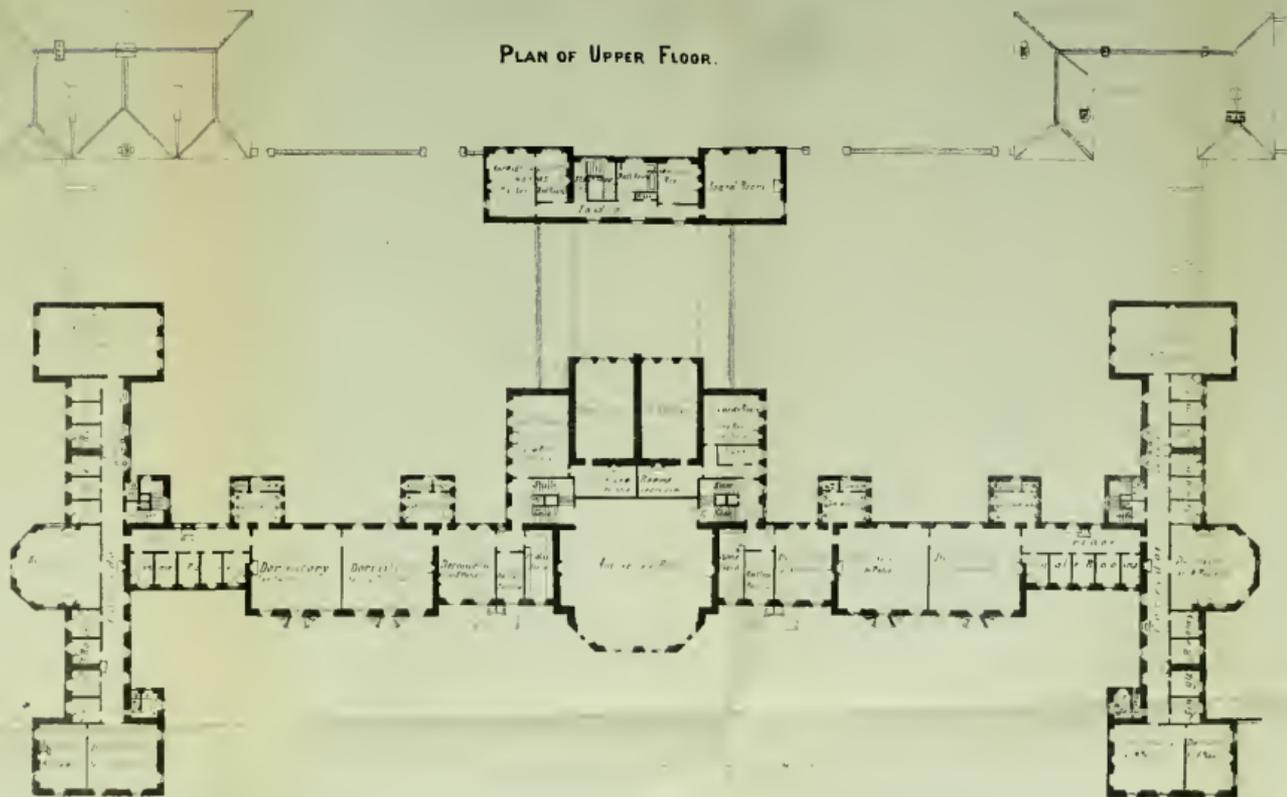
- 1. Dormitories.
- 2. Night Rooms.
- 3. Attendants.
- 4. Stores.
- 5. Bath.
- 7. Lavatories.
- 10. Head Attendant's Rooms.
- 16. Assistant Medical Officer's Rooms.
- A. Medical Superintendent's House.
- B. Steward's House.
- C. Housekeeper and Domestic Servants.
- F. Engineer's House.

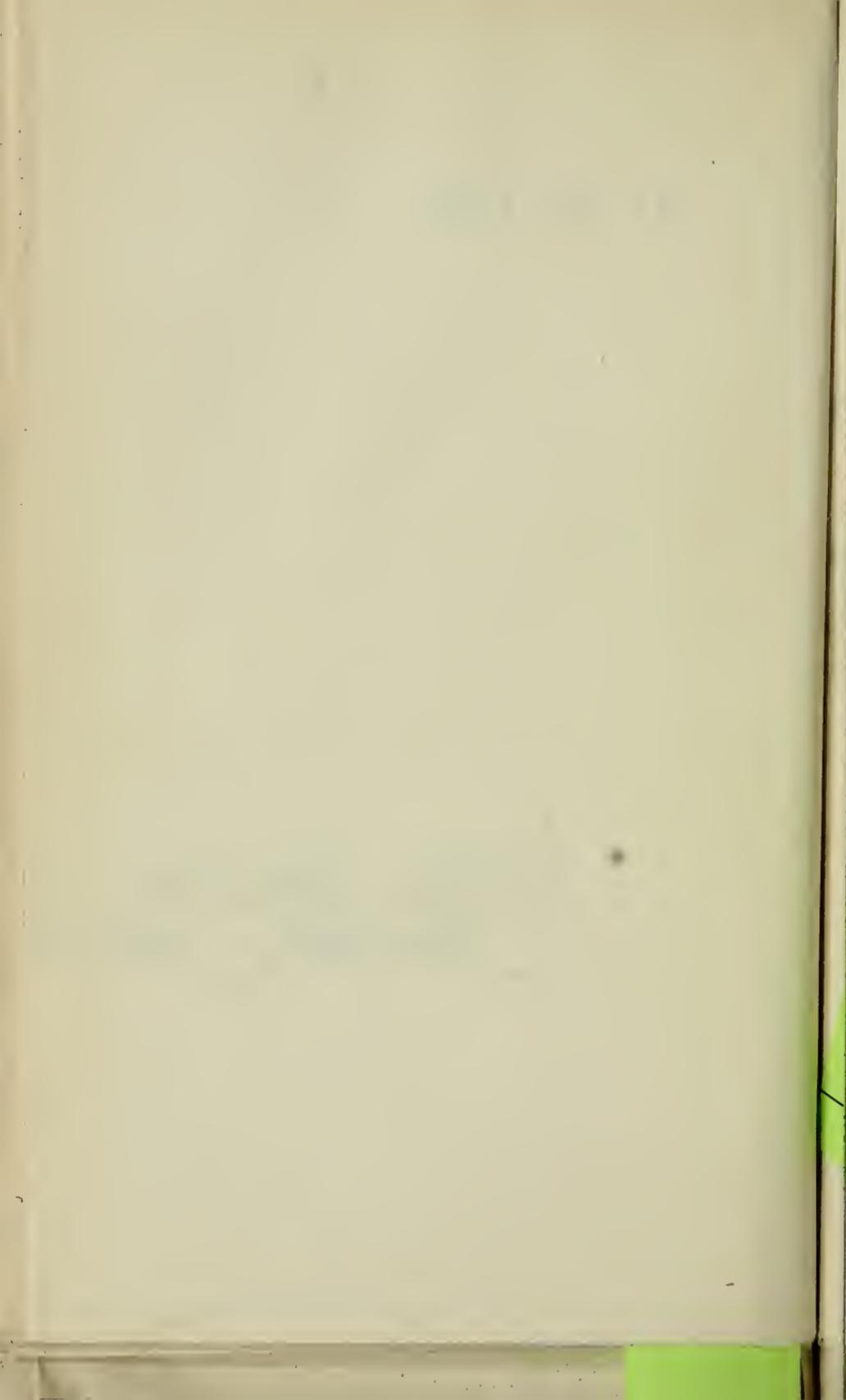


W. & A. GIBSON, ARCHT. & ENGRS., GLAMORGAN.

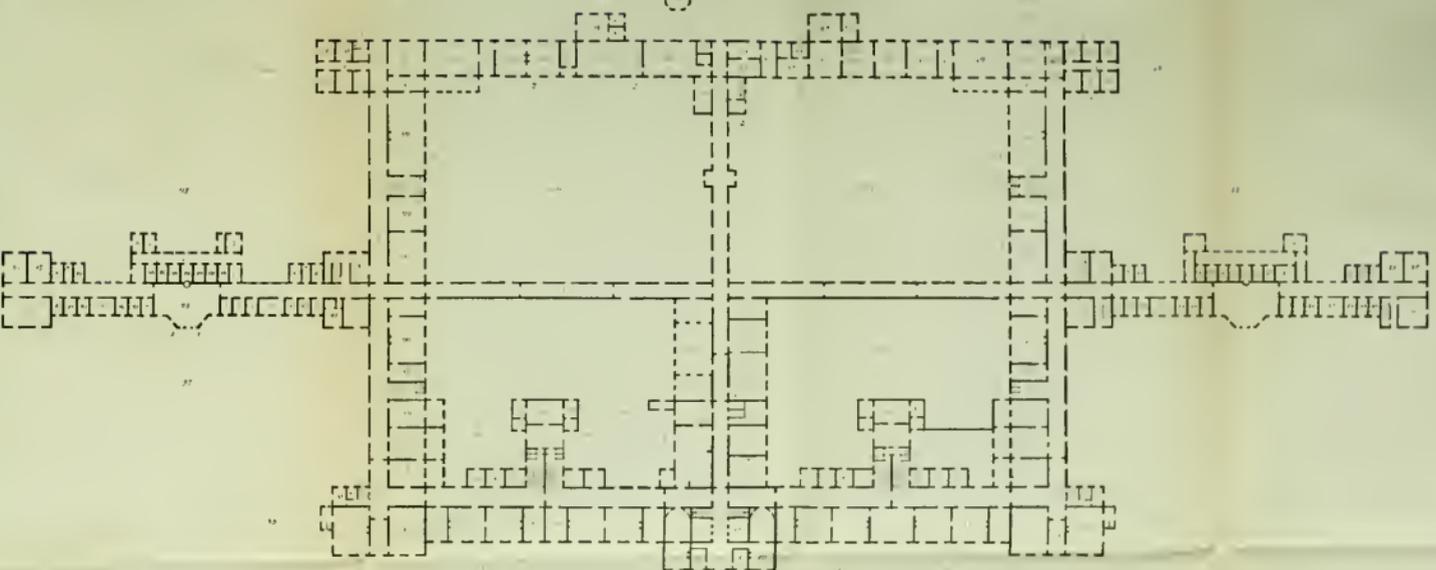


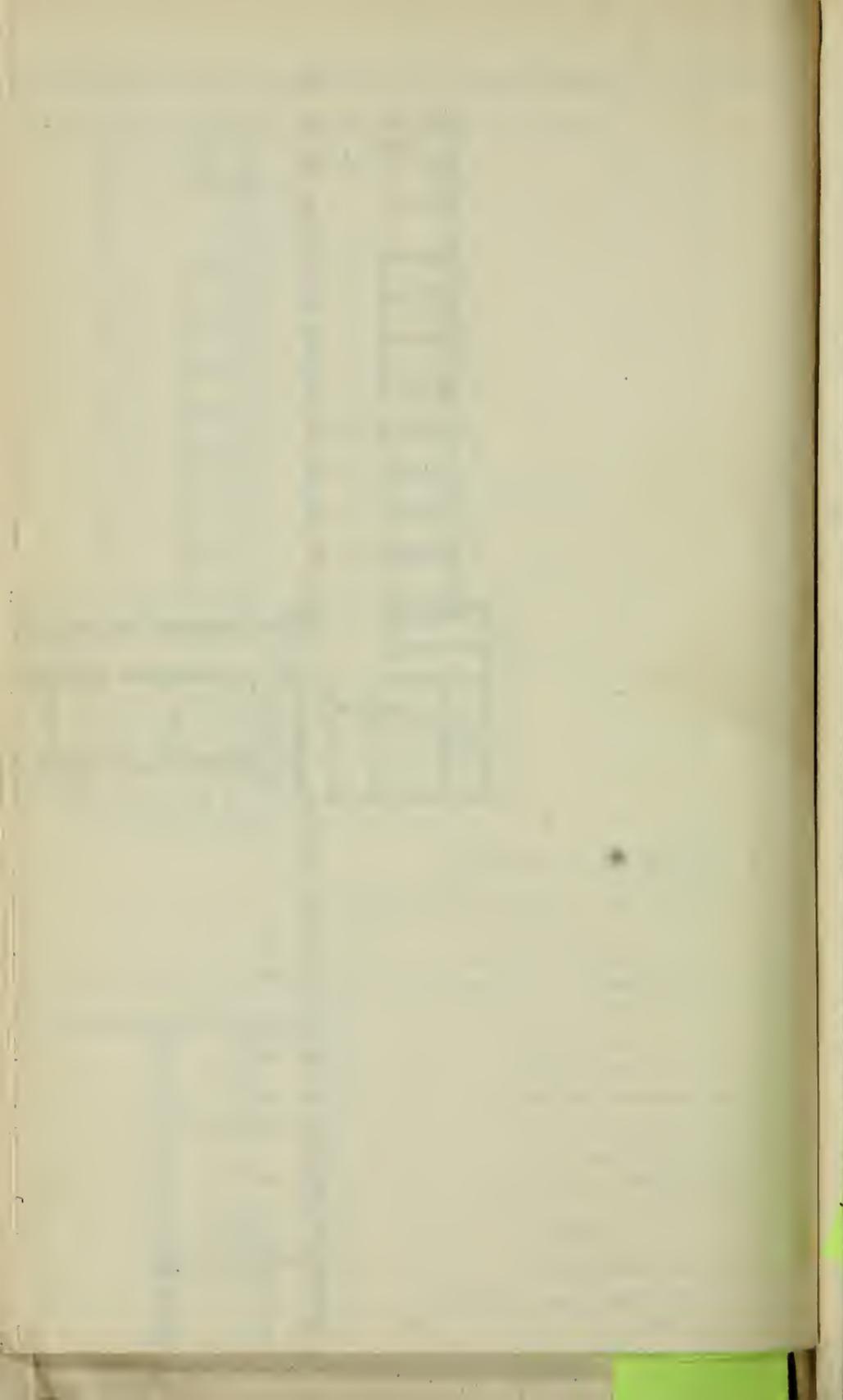
# Perth District Lunatic Asylum.



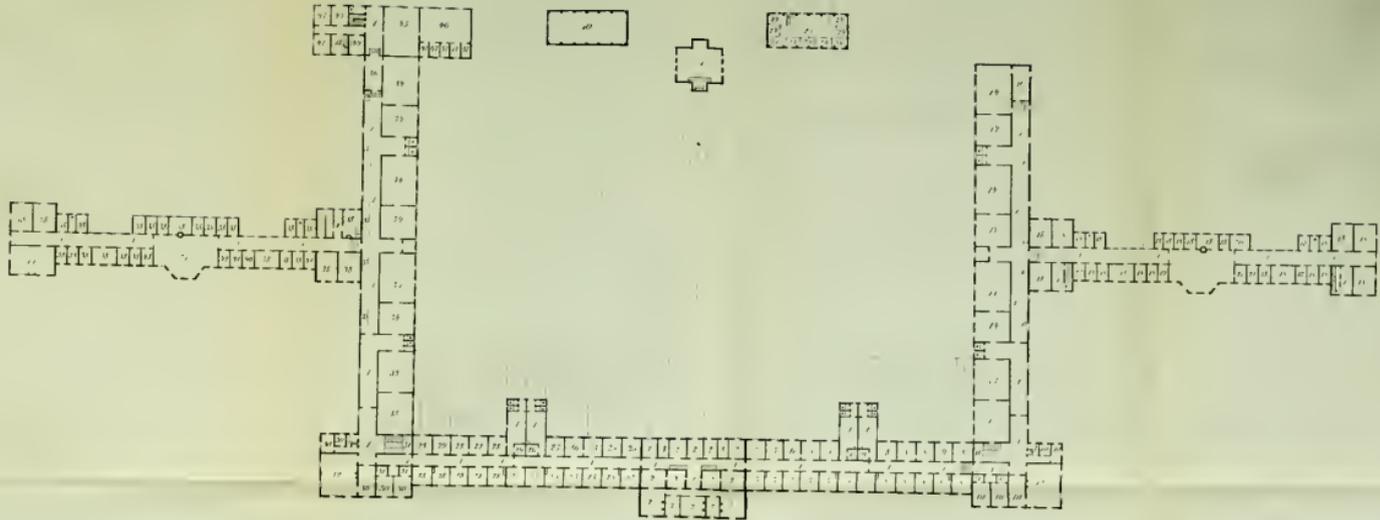


LUNATIC ASYLUM.  
MEERENBERG, NEAR HAARLEM.  
Ground Plan and Elevation.

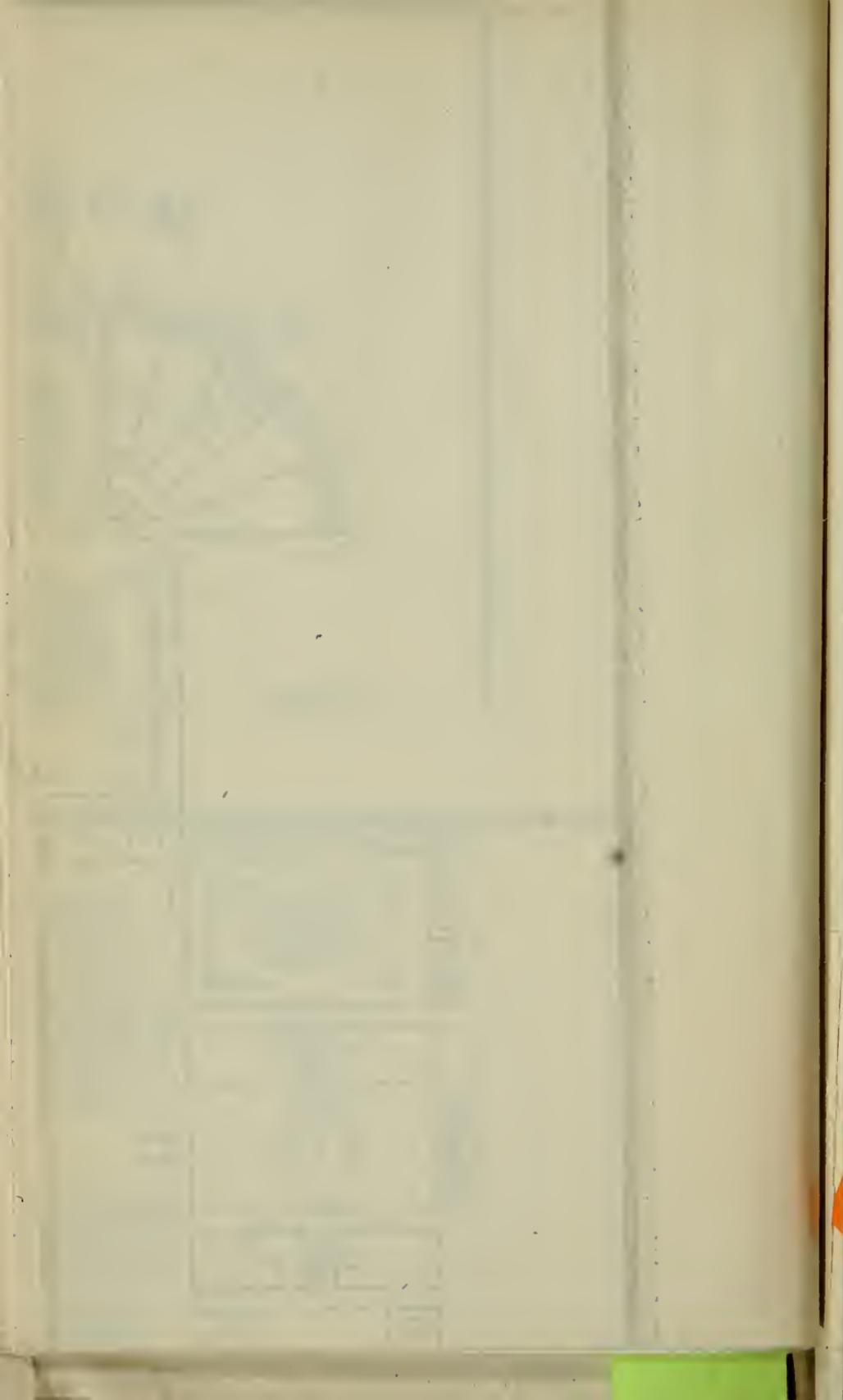




LUNATIC ASYLUM,  
MEERENBERG, NEAR HAARLEM.  
Plan of the first STORY.



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LUNATIC ASYLUM IN VIENNA.  
GROUND PLAN.

AP. F. PL. 13.

Officer's Buildings.

on

Buildings for the Administration

- a Steam Boiler
- b Reception Rooms
- c Office for Administration
- d Stores
- e Porter's Room
- f Clerk's Room
- g Butler's Room
- h Bath Attendant's Room
- i House Kitchen
- j Prisoner's Room
- k Sculleries

Male Division.

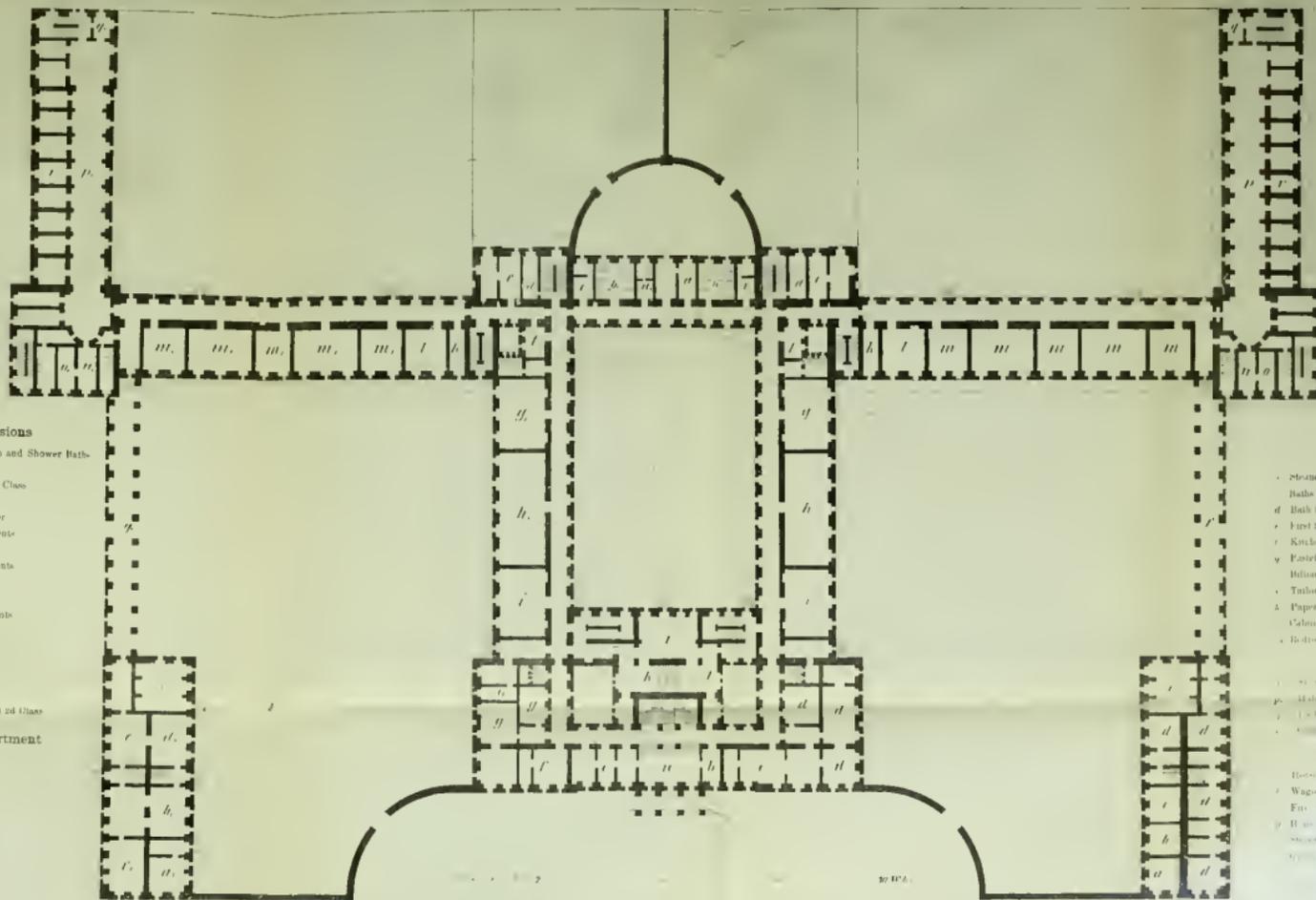
- a Steam Boiler
- b Steam and Shower Baths for 30 Cells
- c Bath Rooms for 1st and 2d Class
- d First Steward's Room
- e Kitchen for Warming Water
- f Pastebord and Straw Work Shops
- g Billiards and Playing Rooms
- h Tailor and Shoemaker Shops
- i Paper Hanger Shop
- j Cabinet Maker and Turner Shop
- k Bed-rooms for 30 Class Patients

Wing.

- a Steward's Room
- b Hall for Observation
- c Bath Room
- d Cells for Lunatics, 1st and 2d Class

Economic Department

- a Horse Stable
- b Wagon Shop
- c Fire Engine Room
- d House for Cattle
- e Stable for Horses
- f Stable for Cattle
- g Stable for Poultry
- h Stable for Swine
- i Stable for Sheep
- j Stable for Goats



Female Divisions

- a Retiring Rooms
- b Steam and Shower Bath
- c Bath Rooms for 2d Class
- d Bath Rooms for 1st and 2d Class
- e Steward's Room
- f Kitchen for Warming Water
- g Bed-rooms for 3d Class Patients
- h Parlor and Dining Rooms
- i Bed-rooms for 1d Class Patients
- k Kitchen
- l Room for 3d Class Patients
- m Bed-rooms for 3d Class Patients

Wing

- a French-Walter's Room
- b Hall for Observation
- c Bath Room
- d Cells for Lunatics, 1st and 2d Class

Economic Department

- a House Servant's Room
- b Kitchen for Warming
- c Drying Room
- d Ironing Room
- e Boiling Room
- f Store for Straw
- g Glass Gallery or Passage

# ASYLUM

11° N. 12° E. 13° N. 14° N. 15° N. 16° N. 17° N. 18° N. 19° N. 20° N.

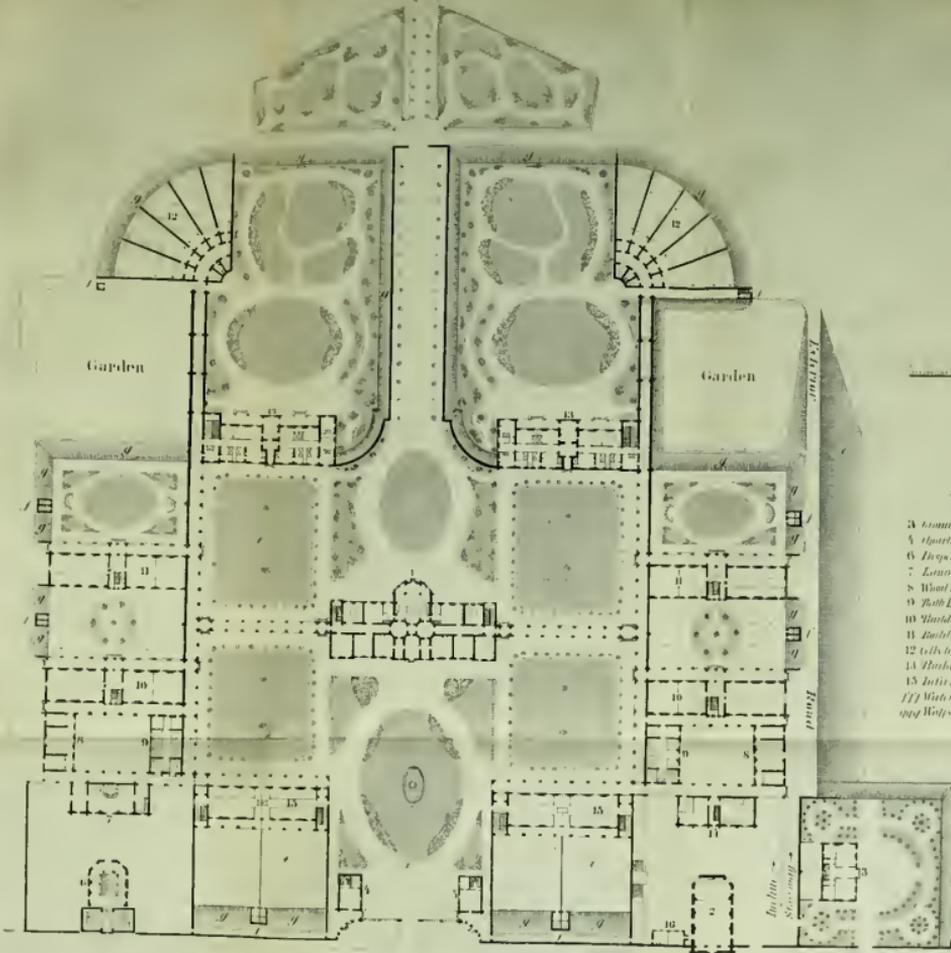
## GENERAL PLAN.

Designed in 1863.

M. H. SCHUBER, Superintendent.

Doctor PORET, Medical Director.

Scale of meters... 19 40 00



### Description of Plan

1 Central Building for general Use

*Female Side*

*Male Side*

- |   |   |
|---|---|
| 1 Ground plan for the use of the poor.  | 2 Chapel  |
| 3 Apartments of the Assistant Physician | 3 Superintendent's Building                                     |
| 4 Apartments                            | 5 Apartments of the Steward                                     |
| 6 Dispensary                            | 8 Wind House  |
| 7 Laundry                               | 9 Bath House  |
| 8 Wind House                            | 10 Building for the great Patients                              |
| 9 Bath House                            | 11 Building for the small great                                 |
| 10 Building for the great Patients      | 12 Cells for the work   |
| 11 Building for the small great         | 13 Building for the Physicians                                  |
| 12 Cells for the resident               | 15 Tobacco  |
| 13 Building for the Physicians          | 16 Hotel Antiquary and room for the study of Anatomy and Botany |
| 15 Tobacco                              | 17 Building for the Mechanics                                   |
| 17 Water Cistern                        | 18 Dining room and kitchen                                      |
| opp Wells, Leap for Dutch               | 19 Winter Chaises   |
|   | opp Wells, Leap for Dutch                                       |

Imperial

Highway.

No. 6.

Fig. 1

Fig. 2

