Rutland Weekly Globe.

FRIDAY MORNING, JULY 11, 1873.

THE UNCERTAINTY OF THE SENTENCE.

Our telegraphic columns, yesterday morning, contained the text of the sentence pronounced upon Frank H. Walworth, by Judge Davis, for the murder of his father Mansfield Tracy Walworth. It will be borne in mind, in what we have to say, that, although the conviction was only for murder in the second degree—in accordance with a distinction made by a recent statute of New York—yet that the jury, in truth and in fact, found the accused guilty of wilful, deliberate, malicious, premeditated murder. In nearly, if not every other state in the Union, and in every civilized nation upon the face of the earth, the verdict, or, rather, the finding of the facts, which they must have found, would have been simply guilty of murder, and carried with it, as a penalty, the sacrifice of life. If the crime had been committed only five days earlier, even in New York, with the facts as established by the jury, the penalty would have been hanging. The only distinction between the two grades of murder being in the degree of deliberation. Under the old law, and under the law as it is in Vermont, it was only necessary that deliberation should precede the shooting, and this may, sometimes, be a fine point, as Recorder Hackett explained in the Sharkey case, by saying that the thoughts of some men move as rapidly as light, while in a wave of the latter there are five hundred billions in a second. From this illustration it may be seen how yne act may, in reality, follow another, and yet appear simultaneous. Now, as the law is, and as it was when Walworth committed his crime, there must be only such deliberation as will not and cannot appear simultaneous. If, therefore, Walworth had murdered his father, for murder him he did, on the 28th day of May, instead of the 3d day of June, Judge Davis would have declared that his life was forfeited to his country, and that he must be "hanged by the neck" until he was dead.

If such had been the state of facts, would there have been any hope of mercy held out to Frank Walworth? Would Judge Davis have taken any other view of his case and crime than that his life was forfeited, and its sacrifice was demanded, not so much as a punishment, but as a warning and example to his fellow men! We know Governor Dix well enough to feel assured that no hopes could have reasonably been entertained at his hands. His Roman firmness, in this class of cases, has more than once been displayed, and he would, doubtless, felt it his duty to see that the laws were duly executed. He, and he alone, as Governor, could have interfered. As the tragedy at its inception, and the acting of the several parts, were under his administration, so would the curtain have fallen upon the final act, before its close. What a different spectacle is now disclosed! We do not intend to find fault with the verdict of the jury, or the actual sentence of the court—under the verdict, the utmost penalty of the law was invoked. But here is a young man, "clothed in his right mind," found guilty of the crime of homicide. That homicide was the killing of a father by his son. There is no excuse, palliation or justification for the act, yet Judge Davis, in pronouncing the sentence of the courts tells him—the convict—that he has hopes of escape from a life time of confinement in state's prison, "at some future day, through executive clemency." The telegram, which contains the text of the sentence, further along, and at its close contains these significant words: "Mr. O'Conor, it is said, is trying to induce the sheriff to leave Walworth in the Tombs for a few days, that he may apply to the Governor for a pardon."

Right here we desire to make a point, and interpose an inquiry. Hanging for murder may or may not be played out, under this new statute of New York. Capital punishment may be right or wrong. Whether it is the one or the other, we do not intend here and now to consider. It is the great uncertainty of the duration and extent of punishment that does and must exist, with the absolute or practical abolition of capital punishment, leaving the laws, otherwise, as they now are, to which we desire to call attention. In this very Walworth case, Judge Davis intimated to this boy murderer—as romance will call him—that he ought to have been hung. His words were "I have fearful doubts if "it—the testimony in the case—would not "have justified a verdict of murder in the "first degree, for I cannot conceive what "motives you could have had in pre-"paring yourself as you did * * * * "except upon the idea that you had de-"liberately determined that his life should "be terminated by your hands." This is the language of the learned and impartial judge, who held the scales of justice equally poised during the trial, not any words of ours. Thinking this, believing this, uttering these words to one whose "horrible deed" he "shuddered to think of," and whom, if the jury had rendered such a verdict as he thought and believed they should have done, he would have sentenced to meet his death at an early day, without hope of human mercy, he yet, when pronouncing the mitigated penalty of the law for a lesser grade of crime, holds out hopes of executive clemency. If Judge Davis was correct in his "fearful doubts"—and very few will hesitate to say that he was not correct—or if the jury were right in their verdict; and outside of a very small circle of intimate personal friends whose minds are swayed by love and affection, all will coincide in the belief that one or the other view was correct; there never was or can be a case so little deserving of clemency. Yet in the very infliction of the penalty, its force, effect and potency as a warning and example is destroyed by its uncertainty. If so impassive a judge, as Noah Davis, can be so swerved, by sympathy, as to hold out the hope of pardon, is it any wonder that counsel in the case—even Charles O'Conor—should appeal to the sheriff to wait in the expectation of receiving a pardon, even before the term of his punishment had begun.

In this day and age, we presume that no man can be found entertaining the idea that penalties are attached to crimes for the mere purpose of punishing the perpetrator. We are very much in the habit of saying that a man has forfeited his life to the violated laws of his country. If a man violates the laws of his country in certain specified ways, his life, or his liberty, may be forfeited thereby; but the forfeit is not exacted so much as a punishment, as for a warning and example to his fellows, and for the peace, security and well being of society. The force and potency of the warning consists in its certainty. It is the certainty of punishment that deters men from the commission of crimes, and, thereby, assures the safety of society. Every step taken and every movement made tending to render full punishment uncertain detracts so far from the safety of society. Herein was, always, the powerful argument against capital punishment. It was said that jurors would not convict, and, if they would, Governors would commute, where the punishment was death, and that, therefore, there was no certainty of punishment to the murderer, no warning to the criminal classes, and a consequent insecurity of human life. In the ways that laws were executed, there was too much of truth in this. How much better is the change, when such hopes are held out, as were held out to Walworth? We may say what we will, there is a restraining influence in the certainty of capital punishment. The penalty is comparatively speedy in its execution, and the time for hope against its infliction reduced to the lowest possible space of time. There is, too, in these cases, a great degree of probability that the sentence, when once passed, will ultimately be carried out, while in cases where the extreme penalty of the law is "imprisonment for life," the probability is the other way. To illustrate this uncertainty, it is sufficient, at present to say—for we shall refer to the subject of capital punishment at a future day—that the "average duration of a life sentence" in Massachusetts is *seven years*, and that fifty per cent. of this class of prisoners are pardoned; forty per cent. are pardoned in Ohio, and the proportion in New York is much larger, while the average duration of confinement is somewhere between six and eight years. When we consider these facts, we see where the difficulty, under this New York statute, lies, and can almost believe that the holding out of the hope of clemency to Walworth was forced from the lips of Judge Davis by the thought of these facts to him well known.

THE REPORT OF THE LEGISLATIVE COMMITTEE ON THE INSANE ASYLUM.

We lay before our readers this week the report of the so-called "Insane Committee" which in the many interesting facts embodied in its contents is of the utmost importance to our readers and to the entire commonwealth. The Legislature were fully assured by evidence impossible to controvert that a species of the horrible practices known only in the "dark ages" and read of in the novels of Charles Reade were being perpetrated with impunity upon the inmates of the Insane Asylum at Brattleboro, and by it bringing a disgrace upon our State. Consequently the subject was seriously discussed and sharply ventilated as far as possible at the time by the members of both houses, which resulted in the appointment of a Joint Committee who were vested with the powers of the State to thoroughly investigate the past doings of the officers of the asylum, to look carefully into the system of its workings, the condition of the insane and their treatment and to report to the Governor by the first of the present month. The Committee have performed the duties assigned them and in our opinion done them well, have made a succinct and carefully prepared report which is interesting and of much value as a warning for the future.

In the first place, it will no doubt be a matter of some surprise to all, as it has been to us, that matters have been carried on in that institution, as the Committee prove to have been the case, so long and so fearlessly, under the watchful eyes of the people of Vermont, and that they have not before been brought out in their true light, and the officers brought to an account for their practices.

We believe, as the Committee has so strongly hinted, that "fraud and chicanery" have stalked abroad in the domain of our State, and even worse yet, a system of torture has been inflicted on those the least guilty of God's creatures that would do credit to the "Inquisition" of old. Still further we are personally cognizant of the fact, that persons have been committed to the asylum as insane merely for the purpose of putting them out of the way to make room for their relatives and heirs, or to wreak the vengeances and revenges of the guilty and corrupted. A man of some considerable means in Washington county, cursed with an ambitious, miserly and deceitful wife, was through her means, thrown into the asylum a sane man. He was subjected to same treatment of extreme insane persons, and obliged to bear it until after a few years he fortunately made his escape, only to be again clogged, entrapped and re-committed, Finally his friends came to his rescue. A court of inquiry was held in his native town and he was adjudged to be sane and capable of managing his own affairs. During the time that he was in confinement his wife had squandered a good share of the property, had married her only daughter to a worthless character, whom she had placed in charge of the affairs of her husband. But luckily her career came to an end; her persecuted husband returned to his rights, a broken down man in middle life, and, although finding his former home no longer a haven of rest and welcome, he succeeded in securing its possession and returning to his labors. This act was done unchallenged by the state, and consequently with its sanction, as others, enumerated in the report of the committee have been.

The advice given by these gentlemen in their report is decidedly opportune and should be followed to the letter. There is no earthly reason why Vermont cannot possess an asylum for her insane children as good in every respect as Massachusetts or New Hampshire and governed under the same wise and dignified discipline. If this report serves to open the eyes of our people as we think it will, they will not stop to consider a moment when the proper time comes to make the laws for this institution, but will not only draw the line, but also see that it is not overstepped or treated with contempt. Such a state of things needs no consideration when once the matter is solved, but action only is required.

We are inclined to think that Dr. Draper has instituted a new order of things in so far as his government extends, and that they will be faithfully carried out in the future.

STABBING AFFRAY.—During a fight at Greenwich, N. Y., on Saturday last, Mr. Dennison of Argyle, was badly cut about the face with a sharp instrument in the hands of a man named Foster, of Cambridge.

OUR SOUTHERN CORRESPONDENCE.

Public Health—The Weather—The Criminal Courts.

CHARLESTON, S. C., June 30, 1873.

Editors Rutland Globe: After what is claimed here to have been an unusually cold spring, the genuine summer weather is upon us. The first two days of April the mercury rose to 85° in the shade, but again went down among the severties, and not until June did it again reach that figure. Last Wednesday was the first time it reached 90°, and on the following day it stood at 92° at 4 o'clock in the afternoon. This is the warmest weather we have yet experienced, while in New York, at the same time, it reached 96°. Yesterday and today the warmest figure has been 85°. The natives here say that it very seldom reaches 100°, and that it may not reach 95° during the entire summer. Charleston is favored in the afternoon with a refreshing sea-breeze which makes a summer residence here far more agreeable than it otherwise would be. Upon Sullivan's Island (at the south-eastern extremity of which is Fort Moultrie) is quite an extensive village, which is made a favorite summer residence for those who are able to migrate, and it is said to be one of the most healthy islands for summer resort upon the Atlantic coast. The sea-breeze and sea-bathing there we know by experience to be very fine and agreeable. Although the cholera has made its appearance all around us, at Memphis, Nashville, Knoxville, and as far north as Cincinnati, and the yellow fever is at quarantine in New York harbor, Charleston has escaped. There has been nothing here yet to frighten the nervous except two or three cases of yellow fever at the quarantine hospital. The warm season here commences two months earlier than it does with you, but you have as warm days as are known in Carolina, and we think Charleston has the advantage of New York city in regard to hot days as well as epidemics. If she had a good fresh-water supply—which she has not—this would be as healthy a city as any upon the Atlantic coast. We firmly believe that nothing but her magnificent water supply keeps New York from being ravished by pestilence every few years.

I will try and give you an inside view of the criminal courts here. By the very gentlemanly state's attorney for this county, I was the other day invited to a seat inside the bar of the court of General Sessions. Judge Graham, a jurist of considerable ability, occupied the bench. The case upon trial was that of a mulatto woman charged with baking and sending a poisoned cake to a white girl whom she learned had become engaged to be married to her (the mulatto girl's) paramour. The evidence was most direct and positive, first, of the two druggists of whom the prisoner bought the poison; second, of two boys whom she hired to deliver the cake to the young lady; and third, of the lady, (a next door neighbor) whom she employed to address the label attached to the cake. The cake was warm when received and had a suspicious smell about it which prevented it from being eaten. Still a jury composed of nine black and three white men, brought in a verdict of not guilty.

The day I spent in this court was very warm, and at least one-half the persons inside the bar, beside the jury, were colored, among whom were one of the colored Congressmen from South Carolina, and among the assemblage of spectators there was not one white person in ten; all of which had a peculiar effect upon my olfactory nerves, that—well, never mind, but when I returned to my room a beautiful fresh blossom of the cape jasmin or night blooming cereus, which a kind friend had sent me, smelled unusually refreshing.

But this court they tell me is not a fair sample,—that I must attend the city criminal court, to be held commencing the first week in July. This court is presided over by a colored Judge. This man was a freeman, I believe, before the war,—that is, as free as it was possible for a man of color to be with the state laws then existing,—and since then has been a lawyer of some ability, with plenty of mony. He is without doubt as capable of fulfilling the duties of his position, perhaps as any official in the city, but the officials and hangers on at his court naturally follow the color reflected from the bench, and a white man in that court would look as much out of his element as a pigeon in a flock of crows. The negro has one very characteristic habit of taking every possible opportunity for a nap. I was frequently reminded of this during my presence at the Court of General Sessions, by the order from the bench—"Mr. Sheriff, will you wake up that juryman." W.

Homicide in Dansville, N. Y.

The particulars are given by the Dansville *Advertiser*. About 4 o'clock on the afternoon of the Fourth Dr. S. D. Ellis, a physician of that place, accompanied by J. M. Hall, entered the store of W. J. LaRue at half-past three o'clock, and were soon followed by John W. Haas, between whom and Dr. Ellis ill feeling has existed for some time. Soon after Haas appeared Dr. Ellis asked permission to go into an adjoining room and sit down. It was accorded and he went in. Haas walked back ward and forward across the store a few times and then followed the doctor, shutting the door after him. The partition between the store and the room is a thin board fence, reaching only part way to the ceiling. Very soon the two men were heard to engage in a dispute. Among other things Haas was heard to inquire, "Have you got through?" and immediately there was the noise of a scuffle. Haas exclaimed, "If you put your hand behind you again you are a dead man!" The persons in the store immediately rushed to the door, and as they did so a pistol was fired. On entering they encountered Haas, who fell into the arms of one of them with blood spouting from a wound under the left eye. He was taken home and died there. Dr. Ellis went into a magistrate's office to give himself up, but was brought back to the store. He spoke freely on the subject of the shooting, saying that Haas had been waylaying him for some time past, and that he (Ellis) had gone to some trouble to avoid him, even to the extent of leaving town for two weeks at a time. He said that at the time of the affray Haas had a stool raised, threatening to brain him, and that he fired the pistol in self-defense.

Haas was forty-nine years of age and had lived in Dansville from childhood. He was in the carriage business for a long time. He held the office of corporation assessor. Dr. Ellis is about thirty years old. He is a son of Dr. Samuel Ellis of Lima, and is highly respected.

PRESENTATION.

The Rutland Typographical Union having received its charter from the International Union, through the efforts of Mr. V. C. Meyerhoffer, at their regular meeting on Saturday evening last, the members of the organization, in token of recognition of his labors, presented Mr. Meyerhoffer with a handsome bosom pin—containing the Masonic emblem of a square and compass, to which was attached a minature printer's composing stick—as emblamatic of the profession he so long and successfully pursued. The back of the composing stick bears the following inscription:

"FROM
RUTLAND TYPOGRAPHICAL UNION
TO
VINCENT C. MEYERHOFFER,
July, 1873."

The presentation was made by Mr. Thos. Bulger of the GLOBE office, in the following:

MR. BULGER'S REMARKS.

Vincent C. Meyerhoffer, Esq.:

SIR:—In behalf of the members of Rutland Typographical Union No. 165, it has been assigned to me this evening to present you with some slight token of our esteem and regard. Although several years have elapsed since your retirement from the printing profession, you have always taken a deep interest in the craft with which the members of this Union feel greatly pleased. You have laid, or caused to be laid, the foundation stone of Rutland Typographical Union No. 165, a branch of that great International Union in which Union men take so much pride. Not only in this town have you caused a unity among the craft but those like you in many other places of this great republic, have connected the same bonds, as the proceedings of the International Conventions, held at different cities, will show. From the eve of your departure to attend the annual convention held in Montreal the first week in June, (being, for the first time held in the Dominion of Canada), we anxiously awaited your return, but feeling perfectly satisfied that in you we had one who would faithfully represent this body, though small in number, yet large in unity, you have acted nobly in representing this Union, from which you were unanimously elected delegate. The proceedings of that convention, published in the daily newspapers from time to time, is sufficient proof of your efficiency. Although it has been attempted several times to organize a Typographical Union in this town, and failed, it has fallen to your lot, and through your energetic measures, you have succeeded in getting together good charter members, for which you deserve the highest credit from this body, being the first Typographical Union in the State of Vermont, of which you are the founder. You have also spent a great portion of your time in attending to the duties of this Union, and although your present position in life—is entirely out of the profession of the craft—does not permit you much leisure time, you have devoted all you could toward advancing this organization.

In conclusion we wish you and your family every success and prosperity through life, and many years to wear his small token of unity, which I present to you in behalf of the members present.

Mr. Meyerhoffer was taken completely by surprise, having no expectation of such a friendly and generous recognition of his services. He responded in accepting the gift as follows:

MR. MEYERHOFFER'S REMARKS.

Mr. President and Members of Rutland Typographical Union, No. 165:

GENTLEMEN:—I can hardly find words to express my thanks for the testimonial you have presented me with this evening. Taking me as you have, by surprise, I must confess I feel somewhat embarrassed. It is nearly twenty-two yeas since I became a member of the typographical organization of this country, and assure you that whether employed at the business or not I shall always take the same interest. In Article I, Sec. 2, of our Constitution, those who are interested in the formation of Union No. 165, will find the following:

"The objects of this Union shall be the maintenance of a fair rate of wages, the encouragement of good workmen, and to use every honorable means which may tend to the elevation of the craft in the scale of social life."

There is no object in life nearer or dearer to me than to assist in the elevation of the profession to which I belong. This has been my aim and shall continue to be as long as I live. In assisting to organize a Union on this basis I have no fear as to the results. In my deliberations at the various conventions which I have attended, I have always legislated for the smaller and weaker Unions, and in doing so my efforts have not been unavailing.

The "Printer's Stick" which you have presented me with, and which I shall wear with pride, is an implement that is as essential to our profession to adjust the alphabet, as much as a good and upright character is essential to success. The "stick" is never considered good unless "square," and when square may always be used to good advantage. The other emblem needs no comment. The chain that connects the two is emblematic of our subordinate Unions, being joined together by links for our mutual protection, and as we are "united to support—not combined to injure," I hope that Union No. 165 will go on prospering and to prosper, and may every representative of the art, preservative of all arts, seek to elevate and hold his profession in the front rank of all the useful and honorable vocations of life.

The words used and the reference made in your address to myself and family are certainly gratifying to me, and I can assure you will not soon be forgotten.

Wishing the officers and members of No. 165 every success, I return you once more my sincere thanks for the testimonial presented me.

Reported for the Globe.

The Races at Bethel.

A large concourse of people assembled at Bethel to celebrate the Fourth of July, and witness a variety of exercises and performances, laid down on the posters that had been circulated throughout the state. The rain it seemed for a time, would break up many of the sports, but the managers decided so far as possible to carry out the programme. An exciting pig race, etc., took place, which greatly excited and amused the crowd. The balloon went up at the appointed hour notwithstanding the rain fell in torrents. It was a success in going up, but did not prove a rapid traveler, landing safely in about an hour, two miles and a half from the village of Bethel.

FIRST RACE—3 MINUTES.

The first race was for 3 minutes horses for $25, $15 and $10. There were 9 heats which were trotted in the midst of a hard rain storm. In some places the water was four inches deep. The Judges, A. S. Sturtevant, James H. Race of New York, J. H. Moulton of Bethel.

The following is a list of the horses entered.

Warrior, by J. Clark.
Sam, by G. Martin.
Young Cassius, by M. P. Perley.
Lady Morrill, by John Lynde.
Lady Thompson, by S. P. Thompson.
Lady Sherman, by S. Thompson.
Sky Light, by W. J. Sanderson.
Eclipse, by J. W. Gabrell.
Lucy, by O. F. Densmore.
Peter, by W. G. Foster.
Lady Hughes, by A. H. Danforth.

Peter, Lady Hughes and Lady Sherman were drawn.

Cassius won the first heat in 2:56, second in 2:53½. The third was won by Black Warrior in 2:52½; fourth by Lady Morrill in 2:52½; fifth by Maggie in 3:01; sixth by Black Warrior in 3:03; seventh by Maggie in 3,02½; eighth by Lady Morrill in 3:04; ninth by Maggie in 3:00. Maggie driven by A. H. Danforth won the 5th, 6th and 7th heats and took the first money, Black Warrior second, and Lady Morrill the third.

SECOND RACE—2:50.

The following horses were entered. Purses $50, $25 and $15.

Shelburn Maid, by A. H. Danforth,
Ida, by W. J. Sanderson,
Ella Day, by J. W. Cleaveland,
Jim, by O. F. Densmore,
Aldrich Boy, by C. E. French,
Propellor, by Geo. F. Davis.

Jim won the first money in three straight heats; Shelburn Maid the second; Aldrich Boy the third. Time, 2:49¼, 2:50, 2:52.

THIRD RACE—2:40.

The following horses were entered. Purses, $150, $100, $50.

Kitty Thorn, by A. H. Danforth,
Lady Gordon, by Wm. Gordon,
Sleepy Dick, by Lear & Lattimore,
American Boy, by G. L. Harpine,
Propellor, by G. F. Davis.

Kitty Thorn won the first purse in three straight heats; Lady Gordon second; American Boy third. Time, 2:47, 2:48, 2:49.

Great credit is due to H. C. Tennant the secretary for the attention shown all who participated in the races, and in having the full programme carried out.

Hon. Crosby Miller, president of the day, was also efficient in carrying out everything pertaining to the celebration.

Wilson & Sons of the Depot House keep a good hotel and served all the crowd to their satisfaction.

VERMONT INSANE ASYLUM.

Report of Legislative Investigating Committee.

To His Excellency, Hon. Julius Converse, Governor of Vermont:

The Joint Committee to whom was referred a joint resolution of the Senate and House of Representatives, in relation to the conduct and management of the Vermont Asylum for the Insane, located at Brattleboro, in the county of Windham, and who were authorized by a joint resolution of the Senate and House of Representatives to report to your Excellency, on or before the first day of July next, after the adjournment of said two Houses of the Legislature, beg leave to make the following report:

The testimony introduced before your committee on behalf of the people and on the part of the asylum was very voluminous so much so, that its publication would necessitate the printing of a very considerable volume, and very much of it would hardly be profitable reading. It has been carefully examined and candidly considered by us, and we deem it best to embrace only our conclusions deduced from that evidence. It was a matter of surprise to some members of your committee, to learn at the inspection of their investigation at the Asylum was not the property of the State, but a private corporation; we deem it best, therefore, in order to place the matter understandingly before the people to give a brief history of its origin and a statement of the aid it has from time to time received from the State. In 1834, Mrs. Anna Marsh, of Hinesdale, N. H., by will bequeathed the sum of ten thousand dollars in trust for the purpose of founding a Hospital for the insane, as will be seen from the following extract of her will:

"I give to Samuel Clark, John Holbrook, Epaphronitus Seymour, John C. Holbrook, all of Brattleboro, in the county of Windham, and their successors, ten thousand dollars, in trust, for the purpose of erecting and supporting in the county of Windham, near the Connecticut River, a Hospital for the relief of Insane persons, and in case of the decease of one or more of said Trustees, the survivors shall, from time to time, fill all vacancies, and the said Trustees, being four in number, shall forever hereafter have the sole superintendence and direction of said Insane Hospital. And it is my will that said Trustees procure an Act of incorporation as soon as may be after my decease."

In Nov. 1834, the Legislature passed an act corporating the "Vermont Asylum for the Insane," which act, in words, followed very nearly the language of Mrs. Marsh's will. This act is referred to and made a part of this report. In 1835, the State, by the act of their Legislature, gave ten thousand dollars to be paid in five annual installments of two thousand dollars each. In 1836 the State granted an additional two thousand dollars. In 1837 four thousand dollars. In 1840 two annual installments of two thousand dollars. In 1843 three thousand dollars, making in all twenty-three thousand dollars. We do not find since the gift in 1843 by the State of three thousand dollars that any considerable donation has been made to the institution by the State or by any corporation or by private individuals, hence the present property of the institution has grown from the fund of thirty-three thousand dollars, received previous to 1844. In 1862 that centre building and wings of the institution were burned. They were immediately rebuilt, and again occupied in 1864. The expense of rebuilding was about forty thousand dollars. The whole cost of the institution, as reported by the Commissioner for the Insane, in his Biennial report of 1872, was $234,870 00, including twelve-hundred acres of land. The present value of the property, as estimated by Gov. Holbrook, one of the Trustees, is $500,000 00. Your committee estimate it at a very considerable excess of that amount. The interest of the State in this vast property is simply that by the acts of 1840 and 1843, if it ceases to be an Insane Asylum the State have a lien upon it for the security for the twenty-three thousand dollars heretofore invested. The property is owned by a private corporation, the Trustees of which are Asa Keyes, N. B. Williston, Frederick Holbrook and Daniel Kellogg.

The Trustees, while refusing to recognize any authority in your committee, yet afforded them free access to all parts of the buildings and grounds, and inspection of the records and other papers of the institution, and treated us with uniform courtesy. In the progress of our investigation, besides visiting the Asylums at Northampton, Mass., and Concord, N. H., (as directed by a joint resolution of the Legislature,) we visited the Asylum at Brattleboro on three different occasions, viz.: Oct. 17th, 1872; Nov. 16th, 1872; and June 24th, 1873. At the time of our first visit, we found the number of patients at the Asylum to be four hundred and eighty-five—a number, as the committee believe, and as the officers of the institution admit in their testimony, far too large for the capacity of the buildings comfortably to provide; in this view, your committee is sustained by the testimony of Commissioner Bullard, who fixes three hundred patients as the maximum number which (the) asylum could accommodate. About seventy-five of the patients were, at the time of our visit, confined in underground apartments which were damp, unwholesome, and entirely unfit for occupation by human beings. The sleeping apartments in this underground portion, were small, illy ventilated, warmed and lighted. The sleeping apartments of the males being altogether too small, while some of those in the female ward were only nine feet in depth by four in width, and eight in height, opening into a narrow hall and ventilated only by eight two inch augur holes bored through the door. About midway of the length of one of these lower wards, and at the end of another ward and at the side are sinks which receive the urine and slops from the wards above, and at all seasons of the year must impart unwholesome odors. On the occasion of our visit, although disinfectants had been freely used, your committee found the odors extremely unpleasant. The officers of the institution offer as an excuse for confining patients in this unwholesome manner that, at the time the Asylum was built, it was common to use underground apartments for confinement of patients; and Dr. Bancroft of the New Hampshire Asylum, informed us that a portion of that Asylum was so built, but had not been used for any such purpose for many years past. We believe the confinement of any person, sane or insane, in these underground apartments to be cruel, and that the officers and employees of the institution should be prohibited under heavy penalties from hereafter placing any insane person in these apartments.

Your committee find the fact that the whole of said Asylum was at the time of their first visit, inadequately warmed and ventilated; we also noticed at this and subsequent visits, the almost entire absence of anything to relieve the harshness of restraint; very few pictures broke the hard outlines of the hall walls; while at Northampton and Concord we found the walls embellished with pictures; not costly, but pleasant to the eye and sense, and which we believe must tend to draw these unfortunates from contemplation of themselves, and from a means toward their cure. At Northampton, we also found a large yard decorated with shrubs, and yet securely enclosed where the more dangerous class of patients might exercise; and in the central part of this yard on artificial mound had been made, enabling these unfortunates to enjoy the beautiful landscape. At Brattleboro we found nothing of this kind, except some small yards, enclosed with high and close board fences, without tree, shrub or even grass, to relieve their untidiness. We were told, it is true, that other classes of patients had exercise in labor upon the farm, or in walks taken under the direction of their keepers, but for this class no effort looking toward opportunity for out door exercise or amusement seems to have been made. The cost of such yards as the one at Northampton can be but trifling, and we recommend that suitable yards should be built. We also find that at Northampton nearly every evening the patients, or at least as many of them as are able, are collected together in the Chapel of the Asylum, and some of the officers of the institution read, or caused to be read to them, poetry or prose, and entertain them with music, or a lecture; and that patients minds are thus, for the time, turned from themselves or the particular subject of their mania into other channels, and in the language of Dr. Earl, the superintendent, "are relieved much more rapidly, and their minds regulated and much sooner restored, than they would be without this diversion." No such exercises are practiced at the Vermont Asylum, though we learn incidentally, that Dr. Draper, the new superintendent, has introduced them somewhat.

While at Northampton, we were present at one of these evening meetings and Dr. Nims, the assistant superintendent, read selections from Dickens and there was music interspersed, the chapel being furnished with a piano and an Esty Cottage Organ. We judge that about three hundred of the patients were present and they were orderly and seemed interested. Dr. Earl kindly furnished us with copies of the annual reports, from one of which—that of 1868—we copy the following list of exercises had in the year previous:

1. Exercises in chapel on the Sabbath.
   Divine worship in the afternoon, 52 days.
2. Exercises in chapel on secular evenings.
   Scripture reading and sacred music, 117 days.
   Sacred music and reading of poetry, 52 days.
   Sacred music and reading of prose, 57 days.
   Lectures, 31 days
   Other entertainments, 4 days.
3. Evening entertainments in the patients' Hall.
   Exhibition with a Magic Lantern, 2 days.
4. Entertainments in the rotunda.
   Dance in the evening, 27 days.
5. No gathering, 24 days.
   Total number of days 366.

We find that punishments are sometimes inflicted at the Vermont Asylum, and that the punishment known as bathing has been inflicted upon patients by the attendants, and by the order of the superintendent, in the manner following: The patient for some offence, or supposed offence, is taken to the bath room, his hands tied, laid upon his back in the bath tub, and the faucet turned allowing a stream of cold water to run upon the head and face while the body is immersed in tepid water, and is so kept until relieved by the attendant. While we are satisfied that restraints are necessary to prevent the delirious from injuring themselves and others, we cannot find language strong enough to express our indignation that punishment of any kind as such, should be resorted to by the officers or employes of said Asylum, or be in any manner inflicted upon these unfortunate and irresponsible beings; and would recommend the passage by the next legislature of some law with severe penalties attached, that those abuses may be corrected. Your committee inquired of the superintendents, at Northampton and Concord, whether punishments were ever inflicted in the institutions under their charge, who replied that punishments, as such, were not known with them, and that they would not suffer the infliction of any kind of punishment.

Your committee believe that there should be a radical change in the laws, regulating the admission of patients, and that the statute of 1855 ought to be repealed. That statute provides that a medical examiner should be appointed by the Court of Chancery of Windham County, whose certificate of the insanity of any person proposed for admission, should be conclusive proof of the fact. Under this statute the court appointed Dr. Rockwell, Sen., the superintendent of the Asylum, medical examiner, and continued him in that office during the remainder of his superintendency. This appointment, as might be naturally expected, opened the door for fraud and chicanery upon the part of some of the officers of the institution. At Burlington in Joseph A. Stockton, a person confined in the Asylum, as insane, was brought before Judge Pierpoint on a writ of "habeas corpus," and at that hearing William Rockwell, Jr., on behalf of the Asylum, produced what purported to be the original certificate of Dr. Rockwell, Sen., certifying to Stockton's insanity, which paper was dated, as of the date of Stockton's admission as a patient; and claimed through counsel, that the certificate under the statute of 1855 was a bar to further proceedings. Judge Pierpoint so held and recommitted Stockton without any examination as to his sanity or insanity. Stockton, being a citizen of another state, applied to the United States courts for relief, which was afforded him and he was discharged. Dr. William Rockwell, Jr., in his testimony before the committee, admitted that he dated the certificate back; that it was a copy; that the original was not in his possession; and that in fact he never, to his knowledge, had seen the original, and that this paper on which Stockton was recommitted was made after he (Stockton) had escaped from the Asylum. We deem the foregoing fact a sufficient commentary on the statute of 1855. We believe that legislation looking to the guarding of persons against improper commitment to the Asylum, should be had; and would suggest something like the law in Massachusetts providing in substance that no persons resident in this state, except only such as shall be brought by virtue of the certificate of a Court of Record, and under seal, shall be admitted as a patient, without the certificate of two physicians, one of whom shall be the patient's family physician, and further, that said certificate shall not be received without the additional certificate of a Justice of the Peace, that the physicians signing such certificate are physicians in good and regular standing, and that medical examiners be elected by the Legislature to examine all persons brought from other states for admission as patients in said Asylum.

We are satisfied persons have been admitted to said Asylum who were not insane, who were admitted on the certificate of a single physician; hence the necessity of some law guarding and protecting the rights of sane persons.

Your committee find that the supplies of food at the institution sufficient in quantity and quality, and we are unanimous in the opinion that the food is well cooked and properly served.

At the time your committee visited the Asylums at Northampton and Concord, they were accompanied by the superintendent and his attorney. From a thorough examination of those institutions we are confirmed in our opinion that the modern improvements have not yet been adopted in the Vermont Asylum, but we found on our visit on the 24th of June that extensive changes are made Two additional wings are in process of erection, each 35x90 one of which when completed will be three stories and the other four stories high. These wings, we were informed would give one hundred and twenty additional rooms for patients, each room being 8x10, and nine feet studding. Each room will be furnished with two flues for the reception of pure air and the expulsion of foul air, and it is proposed to warm the entire buildings, new and old, with steam, and ventilate them by the most modern of ventilating apparatus—the Fan. When the new buildings are completed, the officers propose to remove all the patients now in underground apartments to more pleasant and comfortable quarters above ground. These changes and improvements have been in progress since the appointment of Dr. Draper, superintendent of the institution. Dr. Draper was appointed upon the resignation of Dr. William Rockwell, Jr., and took charge of the institution in February last.

Your committee were shown the record of a vote in 1862, by which the trustees voted to put in steam heating apparatus at that time, but the fire of that year prevented the carrying out of the vote at that time.

We feel that we cannot conscientiously close this report without earnestly recommending the erection of a State Asylum, to be under the watchful eye of the good people of this State, that private interests cannot in any way influence the conduct and action of the officers of the institution, and that the objects and end of such a charitable institution may be fully and effectually carried out, and this class of unfortunate beings receive (as they properly should) the tenderest care. Nearly all of the older states, and very many of the new states, have such institutions. Our pride ought to join hands with our sympathies in this matter, and impel us to the construction of an institution in which we might feel the just gratification which Massachusetts people may well feel in the contemplation of the asylum at Northampton.

At the time of our last visit to the asylum, we found the whole number of patients in the asylum was 476, of which number about 80 were state poor, 200 town and indigent poor, and the remainder were patients from out of the state.

Your committee find that, notwithstanding the drawbacks surrounding the institution, that the death rate among its patients has been less for ten years past that at any other institution of the kind in New England, except the New Hampshire at Concord, and but a small per cent. above that. There is very much in the conduct of the Asylum which your committee can recommend. We are much pleased with (the) management of Dr. Draper, and under his superintendency, with the improvement in buildings, before mentioned, we confidently hope that the various grievances, which we have felt compelled to report, as now existing, will soon disappear, and the institution become all that its patrons could expect of a private corporation.

All of which is respectfully submitted this 30th day of June, A. D. 1873.

GEO. A. BALLARD,
CALVIN MORRILL,
Committee on the part of the Senate.
HUGH HENRY,
G. W. RANDALL,
L. S. THOMPSON,
Committee on the part of the House.

Montpelier and Rutland Railroad.

SURVEYOR'S REPORT.

MONTPELIER, VT., June 30, 1873.

To the Commissioners of the Montpelier and Rutland Railroad:

GENTLEMEN:—Having at your request made a preliminary examination of some portions of the proposed line for the Montpelier and Rutland railroad, I herewith submit the following report.

My investigations were confined mainly to such localities as were thought to be difficult to overcome with practicable grades, and a reasonable cost of construction. The examination commenced at Warren village in the Mad River Valley, and extended to the summit or dividing ridge in Granville, where the White and Mad Rivers find their sources, and flow to the east and west. Levels were taken along Mad River from Warren village to Austin's saw mill, four miles above, and the fall of the stream between these two points was found to be 365.22 feet, or equal to 91.30 feet per mile; but as the line would run at an elevation of about forty feet above the starting point at the river in Warren, this grade could be reduced to about eighty feet per mile, average, for this section. The stream between the two points mentioned is said to be the most rapid of any portion of it between the summit and its junction with the Winooski. This section will, in my opinion, be the most expensive to construct of any one on the line of equal length between Montpelier and the summit of the Green Mountains.

From Austin's Mill to the summit in Granville, one mile, the grade will not, I think, exceed seventy feet per mile, and is easy of construction.

From the summit to Granville Center, four miles, the fall of the stream is 387.08, equal to 96.77 feet per mile; but as an earth cutting of fifteen feet at the summit would be practicable, and the line at Granville Centre would be raised at least ten feet above the stream, the grade could be reduced to about ninety feet per mile average.

From Granville to Rochester, seven miles, a comparatively cheap and feasible line could be located, with a grade not exceeding fifty feet per mile.

From Rochester to the summit of the Green Mountains, two routes were examined. One *via* West Rochester and Chittenden, and the other *via* Stockbridge and Pittsfield, intersecting the survey of the Rutland & Woodstock railroad in North Sherburne, and crossing the mountain in Mendon. It being the desire of the Commissioners to find the shortest and most direct line from Rochester to Rutland that would be feasible as to grades and cost of construction, a careful examination of the country in the vicinity of West Rochester and Chittenden was made, with a view to carry the line over the mountain, at some point in Chittenden that would be the most direct to reach its objective point in Rutland. This line, as proposed, would follow the river down one-half a mile below Rochester to the junction of the West Rochester branch with the river; thence turning to the south and west, follow up the branch to a point one and one-half miles above West Rochester; thence deflecting to the east, and cross the mountain to Chittenden at a point which I shall designate here as the "Webber Pass;" thence turning to the west, and following the mountain side around about four miles, to what is known as the "Whitmore" or