

THE REPORT OF MAJORITY

Las Vegas, June 29, 1903. To the Hon. Miguel A. Otero, governor of New Mexico, Santa Fe, New Mexico.

Sir: The committee to investigate the territorial insane asylum, appointed by your official order on the 9th instant respectfully submits the following report of its proceedings and findings.

The committee was organized by the selection of Mr. R. J. Palen as chairman on the 15th instant, the day designated in your official notice to the members for the meeting of the committee, and the necessary steps were taken to give the utmost publicity possible to the manner of procedure to be observed in the investigation by public notice in the newspapers at Las Vegas and by formal subpoena to all witnesses whose names could be ascertained by the committee or were furnished by the representatives of the patients who had been instrumental in procuring and publishing details of the alleged mismanagement of the asylum.

Request was made of your committee by representatives of the parties making the charges to be present in person or by attorney, which was granted, and during the greater part of our sessions they were so represented. A similar privilege was granted the board of directors of the asylum and exercised by them. Five full days, with long sessions open to the public, were given to the hearing of the testimony attached to this report.

Before proceeding to take the testimony, your committee made a careful and thorough inspection of the asylum and thoroughly looked into all the methods used by the officials in the command and management of the patients and in the discharge of the general affairs of the asylum, and the asylum appeared to be in the most excellent condition, and its affairs judiciously and properly managed. Perfect cleanliness prevailed, there was an entire absence of repulsive features, the patients appeared to be as well cared for and under as little restraint, as was compatible with their mental condition and it was a matter of surprise to the committee that so satisfactory condition of affairs should exist with so little appearance of the exertion of force or restraint. The patients appeared to be well nourished and your committee saw nothing in the course of its inspection meriting criticism or unfavorable comment.

We found that the charges against the asylum might be conveniently divided for the purpose of our report under the following heads:

First. Quantity and quality of the food furnished the patients and whether the patients were subjected to any deprivation of food as a punishment.

Second. Work, whether the work required by the patients was of an excessive character and what was the effect on them of such work as was required or permitted.

Third. Cruel and inhuman treatment. Male ward—The so-called Ferris wheel baths; the use of the gag; the dip and shower bath; strapping to the doors, and other unnecessary restraint; blows or kicks inflicted on patients.

Female ward—Striking, kicking, choking patients; throwing them violently to the floor; dragging them by the hair or ears; subjecting patients to unnecessary exertions when in an enfeebled condition; strapping them to the floor; whether there was failure to guard against unnecessary exposure to cold of patients confined in cells; the use of baths, dip and shower.

Fourth. Desecration of the bodies of the dead.

Fifth. The Dr. Mohlau case.

Sixth. The alleged mismanagement and misconduct of the officials in charge.

(a) Board of regents.

(b) Medical superintendent.

(c) Steward.

(d) Matron.

(e) Attendants.

Findings on Charges as Classified.

First. Your committee finds that the quantity of food furnished the patients is and was ample; that its quality was good and wholesome, and that patients have not been deprived of food as a punishment.

Second. Work. Your committee finds the work required of or permitted to the patients, was not excessive, and in the opinion of your committee such work as has been or is required or per-

mitted is beneficial to them and results in the alleviation of their misfortunes.

Third. Cruel and inhuman treatment. Male ward.

The Ferris wheel bath. Your committee finds that there has been an unauthorized use of this form of bath by the attendants, through several years and quite recently. This form of bath is substantially the same as to the position of the patient immediately prior to its administration, as was known as "hocking;" the patient's wrists are fastened together, and the arms drawn down over the bended knees, beneath the knee, and above the flexure of the elbow, and between the two, a broom stick is inserted; in this condition the patient is placed across a partially filled bath tub; the stick resting on the sides of the tub, or held by the attendants, and then the patient is rocked backward and forward, from one to five times.

The use of the gag—Your committee finds that there was an unauthorized use of the gag in two or three instances; also that the tub was used by attendants and laid on one or two occasions the head of the patient was dipped under the water by the attendants; also that the shower bath was used in several instances, as punishment.

Beating and kicking patients.—In one instance in the male ward, an attendant, one, R. L. Dorbrandt, admitted having knocked down and kicked on the neck, a violent patient; but claimed that this action was necessary to save his own life; and another attendant, testified that Dorbrandt had on another occasion kicked a patient three times in the stomach. In another instance in the male ward, an attendant, who inflicted bruises and cuts on the head of a violent patient, with a lantern, in order as he claimed to save the attendant's life, was discharged.

These were the only instances of striking, kicking and beating in the male ward, brought to our attention.

Female ward.—Your committee finds that there was no beating, striking or choking of the female patients, and no unnecessary violence used in throwing them to the floor; nor were they dragged by the hair or ears; nor were enfeebled patients subjected to improper exertions. They were occasionally strapped to the door as a proper measure of restraint, but without unnecessary violence.

Your committee finds that the patient, Felicitia, was confined to her cell between the hours of perhaps, 6:30 and 8 o'clock p. m., for the reason that her mania was of a character that caused her to beat the walls and tear her clothing, making it impossible to keep her properly clothed. In view of the fact that she was tied to the bed at different times during the day that she might not die from exhaustion, consequent upon her exertions, she was not put to bed until about 8:30 p. m., and for an hour and a half prior thereto she was strapped to the cell door by a strap sufficiently loose to admit of her standing up. The testimony also shows that the window was left open, but from the nature of the evidence, we cannot say whether it was cold enough to be prejudicial to her health. This was not done as a punishment, but merely as a means of restraint. The evidence goes to show that those in authority were unaware of the fact that the window was left open, and it was never reported to the management. This occurred in the month of October.

Your committee finds that dip baths were given four times, under the direction of the medical superintendent, and with beneficial results.

Fourth. Desecration of Bodies of the Dead. Mary Leonard Case. Mary Leonard was a patient from Dona Ana county; she remained in the asylum a number of months, during which time she received no communication from relatives or friends. The story had been circulated in Las Vegas that she was pregnant, and there were some symptoms of pregnancy. In order to determine the matter definitely, after her death, Dr. Tipton decided to hold a necropsy, which was held, and demonstrated that she was not pregnant.

The asylum had long been in need of a skeleton for use as a guide in special dissections, which were necessary in the opinion of the medical superintendent, to be made for the furtherance of the work in the asylum, and one, Dr. Mohlau, desired to prepare and articulate the skeleton of Mary Leonard, permission to do which was granted. The flesh was removed from the bones, placed in a soap box and buried in the usual way, and the grave marked with her name, similar to other graves.

Before determining to use the skeleton for the purposes mentioned, Dr. Tipton wrote to the address on the commitment of the patient, it being the only address of any relative or friend known to him, which he believes was that of her sister, and after waiting several weeks, received no reply, nor was the letter returned to him. He postponed the dissection several weeks to hear from her relatives as to the disposition of the body. He never heard from them.

Dr. Mohlau had the bones placed in

a barrel and water placed over them. The barrel was placed near the north fence of the asylum grounds with instructions given to have water kept over the bones. Before preparing the skeleton, Dr. Mohlau left the institution, and the barrel remained in the yard for about three years, and Dr. Tipton, being busy in other lines, overlooked it.

The instructions for keeping the bones covered with water were not followed. The barrel came to pieces and the skeleton fell to the ground. A patient named "Rupy" finding the bones, threw them over the fence, beyond the limits of the asylum grounds, and Dr. Da Costa, assistant medical superintendent, having seen the bones there, reported the fact to Mr. Gregory and Mr. Jefferson Reynolds, members of the board of directors, with whom he went to the asylum, and they found the bones where they had been thrown near the fence. Dr. Tipton had no knowledge of the barrel having fallen apart and the bones being thrown over the fence.

In this case your committee finds that there was carelessness on the part of the medical superintendent in failing to carry out his original intention, or in default of such action, in omitting to properly inter the bones in the grave of Mary Leonard.

Fifth. Dr. Mohlau Matter. Your committee finds that Dr. Mohlau, an inmate of the institution, confined for the drug habit, was allowed to render some medical services to patients, under the supervision of the medical superintendent. That he was properly restrained at times, when it was necessary, and at other times, he was allowed to administer to the needs of some of the patients. At no time was he permitted to treat patients until he had been in the institution a sufficient length of time to have fully recovered from the effects of the drug habit. Your committee finds that he was fitted and qualified as a physician to treat the patients as above specified, and that the permission granted him to do so by the medical superintendent was in no wise censurable, but on the contrary, the exercise of a wise discretion on the part of the medical superintendent, for which he is in no wise amenable to censure or criticism.

Sixth. The Alleged Mismanagement on the Part of the Asylum Authorities. Board of regents. Your committee finds that there is no evidence showing any official misconduct, mismanagement, or neglect on the part of the board of regents.

Medical superintendent. Your committee finds that the medical superintendent was not aware of the abuses found by your committee, to exist in the conduct of the asylum, and hereinabove specified, and that he is not at fault for failing to ascertain their existence; that he had no personal knowledge of them; and that in all cases, where his attention was called to them, he discharged the attendant as promptly as possible, and took all possible measures to prevent their recurrence. That the only exception to any censure or criticism for his management of discharging the duties of his office.

Matron. Your committee finds that the present matron is nowise open to censure or criticism in her official capacity.

Attendants. Your committee finds that attendants in some instances have practiced cruel and inhuman treatment on patients and used unnecessary restraints, as hereinbefore specified, but that in all such cases, when brought to the attention of the proper authorities, the offending attendants have been promptly discharged, or, in the minor cases, duly reprimanded; and a due degree of care and diligence has been exercised in their selection.

Recommendations. Your committee is impressed with the conviction, as a result of the investigation, that there are defects in the devolution of the official control in the asylum, in this respect; when on the ground the medical superintendent is in control; in his absence the steward; and in the absence of the medical superintendent and steward, the matron.

This arrangement seems to your committee as not conducive to a uniform, steady and consistent exercise of authority on the spot; and to remedy

the defect, your committee recommends the employment of an assistant medical superintendent to reside permanently at the asylum, and to exercise full control in the absence of the medical superintendent, and under his general direction and supervision.

Your committee believe that the best results in the immediate management of the asylum will be attained by the appointment of all subordinates employed in the asylum in the medical superintendent, as it seems a hardship to require full responsibility from the head of the asylum, without granting to him the power of selecting all the subordinates. All of which is respectfully submitted.

RUFUS J. PALEN, Chairman, J. FRANK McCONNELL, M. D., GEORGE E. BRYAN, M. D., LUIS HERNANDEZ, M. D., W. C. PORTERFIELD, H. M. DOUGHERTY, W. E. GOURTNER, Secretary.

Mr. E. V. Chaves does not concur in all the findings and conclusions of the committee and will file a separate report.

Considerate Convicts.

To the presence of mind of the convicts working in the boiler house at the territorial penitentiary at the time of the wrecking of the engine early yesterday morning, is due the fact that the results were not far more disastrous. As soon as connections with the boilers and steam pipes were broken, they at once saw the danger of an explosion of the boilers and drew the fires from under them as rapidly as possible. This alone prevented their grasping the situation were Leonard Alvarado of Dona Ana county, James Elder of Bernalillo county, Perfecto Rodriguez of Grant county, and Frank Brito of Grant county.—New Mexican.

DO NOT UNDERSTAND.

Washington Officials Say an Appeal by McMillan Will Make a Bad Matter Worse.

A special dispatch to the St. Louis Globe-Democrat from Washington is as follows:

Officials of the department of justice are at a loss to understand the action of Judge D. H. McMillan, late federal judge of New Mexico, who was summarily removed from office by President Roosevelt on a charge of gross immorality. McMillan has issued a statement, in which he asserts that there was a political conspiracy back of the charges, and that his removal was unwarranted, and that he proposes to ask for a congressional investigation of the case.

Officials of the department believe that McMillan got off very easy. The charges were made against him more than a year ago, and were backed by every attorney of prominence in the territory. He was given months in which to prepare his defense, and, after the case had been practically closed it was reopened, at the request of Mr. Root, secretary of war, and another hearing held, which was attended by Mr. Root, Senator Depew and other New Yorkers interested in the accused judge. After hearing the testimony, Secretary Root declined to use any further efforts on behalf of Judge McMillan. Even then the case was allowed to drag along for nearly three more months before the facts were reported to the president. When he finally secured the data in the case he immediately decided upon the summary removal of Judge McMillan, and appointed his successor at once. In the opinion of officials who investigated the case, Judge McMillan should have resigned months ago and any attempt to reopen the case before a congressional committee will only result in making a bad matter worse.

Arthur Everett will attend, as a representative from the local lodge, the imperial council of the order of the Mystic Shrine, which convenes at Saratoga, N. Y., on July 9. Mr. Everett was an east bound passenger last night, and he took along with him some unique leather badges emblematic of the local lodge, which he will exchange for other badges from members attending the council.

MRS. LONG DEAD.

A Respected Resident Passes Away. Mrs. Sarah O. Long died last evening at her home on South Broadway from old age.

The deceased had been a resident of this city for the past five years. She was 73 years old and is survived by a son, J. K. Wilson. She will be missed by a large circle of friends.

The body was taken in charge by Undertaker Borders and the funeral will be held tomorrow afternoon at 2 o'clock at the undertaking parlors.

Julius Wolf, who is here from Cabezon, was a pleasant caller at The Citizen office this morning. Mr. Wolf is a general merchant and Indian trader of Cabezon and he says the Cabezon neighborhood looks well after recent heavy rains. He went up to Sandoval this afternoon, and will return in time to spend the Fourth of July in this city, and to purchase goods and supplies from local wholesale merchants.

THE REPORT OF E. V. CHAVES

To the Hon. Miguel A. Otero, governor of New Mexico, Santa Fe, New Mexico.

Sir: As one of the members of the committee appointed by you to investigate the insane asylum of New Mexico upon charges made against its management and not being able on certain important particulars to agree with the majority of said committee, I respectfully submit, this, my individual report of my findings and conclusions in regard to the management of said institution.

As stated in the report of the majority, the committee in its sessions allowed all the latitude possible to those who were preferring charges against the management of the institution, as well as to the management itself, with the view of having as full and complete an investigation as could be made in accordance with your instructions, and the investigation, which was conducted in a public manner, was not closed until all parties had presented all the evidence that they desired to present.

From a deliberate and full consideration of the very voluminous evidence which was submitted, I find:

1. That the asylum is kept in a neat condition, the rooms of the patients and the surroundings of the institution being cleanly and properly attended to.

2. That the patients are given good and sufficient food, having well appointed kitchen and dining rooms for males and females.

3. That, although some of the patients have been made to work for long hours at a time, yet the work rather than being detrimental, is of a beneficial character, both physically and mentally.

4. In the male department the evidence has conclusively established the fact that some of the patients were treated to a certain unknown and unusual way of bathing, known as the "Ferris wheel bath." This is done by stripping the patients, tying his wrists together, with a towel generally, then slipping the hands thus tied over the pendent knees, allowing the knees to stick up through the wrists, then a broom stick or some other similar stick heavy enough to support the full weight of the patient is run through between the flexure of the knees and elbows; the patient is thus put in a tub of cold water with both sides of the stick either resting on the sides of the tub, or held by two men (generally attendants), and while the patient is thus suspended upon this stick he is given from one to several turns in the water, in the manner as if he were a wheel.

5. That on several occasions the gag was used. This gag was introduced in evidence, and consists of a piece of hard wood about from three to four inches long by about an inch wide, except that in the center it has a piece projecting out which is inserted in the mouth and then tied back of the head by two pieces of string, which it has at both ends. It has been used by some of the attendants to prevent patients from talking too much, and as a means of punishment.

6. That cold water tub and plunge baths have been administered to patients by attendants, sometimes tying the patient's hands and ducking the head in the water, and at the same time lifting the feet above the water.

In one case a patient was thrown in a tub of cold water with his clothes on. The cold water shower bath was also used frequently to quiet patients, and as a means of punishment, because the patient had done some things which the attendants did not approve of.

In the male department there is not sufficient evidence to satisfy me that the steward had any knowledge of these unusual and cruel punishments being administered to patients, but the evidence is clear that his inferior employees, such as attendants, were the parties directly responsible for them.

In many cases it has also been shown that patients were placed in straight jackets and strapped to the beds, and strapped to cell doors, either standing up or sitting down, or placed in their cells.

7. The main point of difference, however, between the majority of the committee and myself is in our findings as to the treatment of female patients. The majority of the committee in their report say, "Your committee finds that there was no beating, striking or choking of the female patients, and no unnecessary violence used in throwing them to the floor; nor were they dragged by the hair; nor were enfeebled patients subjected to improper exertions. They were occasionally strapped to the door as a proper measure of restraint, but without unnecessary violence." And they also find, "The present matron is in no wise open to censure or criticism in her official capacity."

To this finding of the majority I can not subscribe, nor can I agree with them.

The evidence shows that the present matron of the insane asylum, who is at the head of the female department and only second in authority to the

medical superintendent, not only sanctioned the unusual, cruel and inhuman treatment of some of the female patients, but in many cases she was preferred and directed and ordered her inferior attendants to administer such treatment to patients. These treatments consists:

1. In placing a patient "Felicitia" in a cell barefoot, with no other clothing on than an under garment, tying her with her back to the cell door with a strap about her chest and raising the window of her cell to the outside so as to let the cold air blow upon her while tied in that position. This treatment of "Felicitia" lasted for about from one hour to an hour and a half every evening for from two to six weeks, and until a short time before her death.

2. In throwing patients down and requiring several of the attendants, or tame patients, to sit on the patient until she promised to be good.

3. In striking and beating patients, in one instance striking the patient with a bunch of keys and chain used for carrying said keys.

4. In placing the knee on the patient while down on the floor, at the same time taking the patient by the throat and choking her with the hand.

5. In administering cold shower baths and plunge baths as a punishment for some past offense, such as the throwing of a piece of apple by the patient on the floor, and then rubbing it on the floor with the foot, or for talking too much.

6. In using on a girl patient, about 18 years old, what a witness called a "bridle," being a piece of buckram or canvas put in the mouth and tied back of the neck, because the patient was talking too much.

It was shown by several of the attendants that they left the institution because they could not stand the cruel treatment the female patients received at the hands of the matron, or by her orders.

This being a matter about which I entirely differ from the other members of the committee, I have been tempted to cite the evidence of several witnesses, whose testimony has not been impeached, in support of these charges, were it not for the fact that were I to do so my report would be entirely too voluminous. I will, however, cite the names of some of the witnesses whose testimony support these different charges, as may be seen by referring to their testimony and whose evidence Chaves de Jaramillo, Cornelia Galindo, Virginia Maestas and others.

8. That the body of one Mary Leonard, a patient, was opened by Dr. Mohlau, with the consent of Dr. Tipton, the medical superintendent, the object for doing so being to ascertain whether or not the patient was pregnant, and also to have an articulated skeleton in the institution for scientific purposes. The flesh of the body was removed, placed in a soap box and buried in the graveyard of the institution. The bones and the barrel were forgotten and no more water was put in it, and finally the barrel itself went to pieces for the want of water, the bones fell to the ground, and a patient seeing them threw them over the fence surrounding the institution. One Dr. Da Costa, who was then acting as assistant superintendent, found these bones about two months ago—a period of about three years after they were first placed in a barrel. Two of the members of the board of directors of the asylum then picked the bones up.

In this instance of Mary Leonard great carelessness is shown both in the medical superintendent, who had knowledge of this matter, and in the other employees, who being on the ground's daily could by very little effort (almost none at all) have discovered the human bones of this unfortunate woman, who at least was entitled to have her bones covered by mother earth.

9. In the Dr. Mohlau matter the evidence shows in effect the same facts as are found by the majority of the committee.

10. That the medical superintendent, W. R. Tipton, stands high as a man and a citizen, as well as a physician, and had almost as good a knowledge of the Spanish language as he has of the English.

That the medical superintendent had no knowledge of the unusual, cruel and inhuman treatment visited upon the patients by the inferior employees of the institution, as hereinbefore set forth, and the evidence further shows that in one or two instances, where such came to his knowledge, the culprits were either discharged or reprimanded; except in the Mary Leonard case, where it was shown that he had knowledge of that matter.

In view of the above facts and of the evidence adduced on investigation, I am forced to conclude that the institution is susceptible to a great deal of improvement, and in my opinion the change that would have more satisfactory results would be a provision for the payment of the superintendent of a salary sufficient to justify him and require him to devote his time exclusively to the management of the insane asylum. By being continuously in the institution, instead of about three hours daily that he now attends, he would be more apt to discover the inefficiency of his inferior employees,

and their mismanagement of the detail work of the institution, in such occur. I do not think, as the majority of the committee believe, that the employment of an assistant superintendent to reside permanently at the institution would produce the desired result, for the reason that an assistant, the same as other employees, not having the full responsibility of the management of the institution, is apt to grow indifferent and negligent.

Respectfully submitted, E. V. CHAVES.

PREHISTORIC CURIOS.

Farmington Once the Geographical Center of a Now Lost People.

Within what might be expressed as a stone's throw of Farmington, can be found the dwelling places and graves of a people who lived two thousand years ago, says the Hustler.

Households and cemeteries of a people who were civilized, who knew much of architecture, of engineering, and who lived and flourished on this unknown continent thousands of years ago. At many places can be found well outlined prehistoric ruins, some of great extent, containing many compartments and whose toppling fragments are almost hidden under the drift of ages. While some portions of the grounds surrounding these ruins are covered with fragments of broken pottery, by seeking a southeast course from the ruin a graveyard is often unearthed, and by careful digging pots and earthenware of various designs and color may be found buried with the bones of those lost people, in quantity, probable to the importance of the individual.

A large collection of recent excavations by Henry Larsen and Doley Hildebrand, is now on exhibition in the Hustler show window. One large pot is fifty-one and a half inches in circumference, a water pitcher of unusual shape and pretty markings, and a skull of peculiar shape, showing where an arrow and spear had penetrated over the right eye, are among the collection. The finders claim they know of a number of rooms that have never been opened, which they expect to shortly explore.

In honor of W. L. Yokum, last Saturday evening Misses Rose and Daisy Huntzinger gave a party, which was attended by a few intimate friends. Dancing was the order of the evening, and of course light refreshments were served. The guests were Misses Hatfield Kunz, Carrie Neher, Helen Bearup, Ethel Gatlin, Flossie Mitchner, Lashley Henry, Messrs. Willie Neher, Bernalillo Bearup, John D. Hughes, James Foley, Thomas Hughes, Jr., C. L. Pancoast.

MINING NOTES.

Some interesting Paragraphs About Black Range Country.

C. T. Brown, the mining man, returned to Socorro Sunday from a week's trip into the Black range, where he is interested in the Hermosa silver mine, now undergoing systematic development.

The Hermosa Chief Syndicate, a company of Bostonians, have secured control of the Hermosa and in a short time it will be made to renew its former self and produce ore in paying quantities. The ore is there, but to what extent the development work now being done will reveal. Tunnels are being sunk and ore bearing 400 ounces of silver and other metals is being taken out.

The Hermosa was once a producing mine, but was closed down in 1893, when silver slumped. It is said that over half a million dollars were taken out before that time.

The Hermosa camp is sixty miles west of Engle on the Rio Grande division of the Santa Fe.

Mrs. C. R. Sellers and daughter, Miss Irena, of San Diego, Cal., passed through the city for the east this morning where they will spend the summer. Mrs. Lowe, who met Mrs. Sellers at San Diego sometime ago, was at the depot when the train arrived, and spent a pleasant hour or two in conversation during the wait of the train here.

CAPTAIN VOSE'S FUNERAL.

Held This Morning With a Large Number in Attendance—Burial at Fairview.

The funeral services over the remains of the late Captain Rufus C. Vose, one of the pioneers of this city, who died on Monday evening from nervous trouble, were held this morning at his late home on Harrison avenue.

At 9:30 Rev. W. D. Clayton conducted a short service, after which the body was taken to the Fairview cemetery, where it was buried with Masonic honors. The fraternity was well represented. The floral tributes were many and beautiful. The bearers were Sir Knights, Borradaile, Groves, Jenks and Stevens and Governor Stover.

Albert Grunsfeld, senior member and buyer of Grunsfeld Bros., wholesale dry goods, will leave tonight for New York and Boston, to purchase the fall and winter stock of goods for the firm.

Kodol Dyspepsia Cure Digests what you eat. This preparation contains all of the digestants and digests all kinds of food. It gives instant relief and never fails to cure. It allows you to eat all the food you want. The most sensitive stomachs can take it. By its use many thousands of dyspeptics have been cured after everything else failed. It is unequalled for the stomach. Children with weak stomachs thrive on it. First dose relieves. A diet unnecessary. Cures all stomach troubles. Prepared only by E. O. DeWitt & Co., Chicago. The 51c bottle contains 24 times the 10c. size. J. H. O'Reilly & Co. and B. H. Briggs & Co.