

COLL. CAT.

W/M
28
ANG
U857

REPORT OF THE SELECT COMMITTEE

TO WHICH WAS REFERRED THE MEMORIAL OF

DR. SAUNDERS AND OTHERS,

ASKING FOR AN INVESTIGATION INTO THE

CAUSES OF THE DEATH OF NORRIS TARBELL,

AT THE

STATE LUNATIC ASYLUM AT UTICA.

Transmitted to the Legislature, April 16, 1860.

ALBANY :
PRINTED BY C. VAN BENTHUYSEN.
1860.

STATE OF NEW YORK.

No. 43.



IN ASSEMBLY, APRIL 16, 1860.

REPORT

Of the Select Committee, to which was referred the memorial of Dr. Saunders, and others, asking for an investigation into the causes of the death of Norris Tarbell, at the State Lunatic Asylum at Utica.

The select committee, to which was referred the memorial of Dr. Saunders, and others, composing a coroner's jury, in the county of Madison, asking for an investigation into the causes of the death of Norris Tarbell, at the State Lunatic Asylum at Utica, respectfully

REPORT :

The State Lunatic Asylum, at Utica, is under the immediate care of the State, is governed by officers appointed directly or indirectly by the State, and therefore the Legislature is bound to see that its government is wisely and humanely administered.

There are now in the institution about five hundred and nine patients, and since its opening, in 1843, five thousand eight hundred and twenty-eight patients have been admitted, all suffering under the most afflictive of diseases, insanity.

Experience has proved the necessity of as complete a seclusion as possible of the patients from their relatives and friends, and that the presence or interference of friends and relatives, retards or prevents the ultimate recovery of the patient. But this seclusion sometimes becomes the occasion of solicitude and anxiety on the part of those whose friends are subjected to such seclusion ; in deference to this feeling, the committee have admitted the friends of the deceased patient to appear before the committee by counsel, after which it was deemed right and proper to accede to the same request preferred by the managers of the Asylum, and an unusually free

scope has been given to the investigation, for the purpose of eliciting the truth, if unfavorable to the Asylum, and of relieving the solicitude of the friends of the patients in the Asylum, if their fears were without foundation.

The late period of the session at which the investigation was commenced, and the extent to which the investigation was necessarily protracted, renders it impossible for the committee to make as comprehensive and complete a report as could be desired; the evidence accompanying the report will, it is hoped, supply, in a great measure, this deficiency.

The result of the large amount of testimony, taken before the committee, may be thus stated:

On the 25th of November, 1859, Norris Tarbell was admitted to the Asylum, as a pauper patient, from Leonardsville, Madison county; at the time of his arrival, and during all his stay at the Asylum, he was what is technically termed a case of acute mania, was restless, incoherent, noisy and talkative.

Upon his arrival he was bathed and placed in a crib bed, and on the second of December, the patient gave indications of pneumonia. The symptoms of this disease increased from day to day, but the excitement and restlessness of the patient were so great, that no careful examination of his person could be made, although several attempts were made. He continued too restless to permit such an examination, until the tenth of December, when, becoming more calm, an examination was made. The patient died on the morning of the eleventh of December, and a post-mortem examination revealed a dislocation of the sternum or breast bone, and fractures of several ribs on both sides. The patient unquestionably died from pneumonia, caused by the injury to his breast and ribs, already mentioned.

The question to which the attention of the committee was directed was this: Where were these injuries received by Tarbell? To answer this question, three sources of testimony have been open to the committee:

First.—The testimony of the patient Tarbell, as communicated by his attendants and friends, for although such testimony is quite unreliable, and not competent in a court of justice, until the patient is restored, and then to be received with great caution, yet in the result of practical experience, it is found that suggestions and statements of importance are often received from the insane.

Second.—The evidence of what occurred in Madison county, before the patient was taken to the Asylum, as testified to by the wit-

nesses themselves, or as proved by others to have been stated by them.

Third.—The evidence of the actual occurrences at the Asylum, and the condition of the patient while there, as obtained from the evidence of the officers and subordinates.

From the first source, unfortunately, nothing reliable has been obtained. At one time the patient stated that he had received the injuries after coming to the Asylum. At other times he said he had a "great fight with his brother."

He was, during his entire stay at the Asylum, in a state of intellect so confused and disordered, that he did not accurately remember most circumstances relating to himself.

From the second source referred to, it has been sought to fix the occurrence of the injury after Tarbell left Leonardsville. Numerous witnesses have been called, to show Tarbell's condition of body and state of mind, before leaving Leonardsville, whose testimony generally tends to show that he was not injured up to the time he was taken to the Asylum.

The sum of the evidence of the witnesses from Madison county is, that the patient had exhibited some symptoms of insanity for two years past; that a few days before coming to the Asylum, he became very violent; that his wife was afraid of him, and had him removed to her mother's, where it required several men to manage him; that on the day before he was brought to Utica, a violent outbreak occurred, in which he held a number of men at bay for a considerable time, tearing a stove to pieces, and throwing the pieces at those endeavoring to secure him. He was finally arrested by his brother-in-law, and others, and secured. The degree of violence made use of, in effecting this arrest, is somewhat differently stated by different witnesses. If the injury was inflicted upon Tarbell, before leaving Leonardsville, it must have been on this occasion. Those who arrested him, rushed in upon him, and a struggle ensued, in which the brother-in-law and Tarbell came in collision, and thence upon the lounge, the latter underneath the former. By some statements, the attack is represented as not violent; by others, that his brother-in-law drew his cap over his eyes, rushed upon Tarbell, seized him, and thus bore him to the sofa; that Tarbell immediately succumbed, and was much exhausted; that the physician who saw him within an hour afterwards, expressed his fears that he would never speak again. He did, however, revive, and the morning after the encounter with Clark, appeared quite rational, and said he had not been hurt, except a scratch on the finger. The

next day Tarbell was taken to Utica, a distance of twenty-five miles, in a spring wagon, supporting himself mainly by leaning back upon a friend who accompanied him. During this time he was in a state of quiet delirium.

The third division of the testimony is that given by the officers and attendants of the Asylum, at Utica. This testimony embraces the evidence of all those who had charge of Tarbell while there, and is explicit and positive that no injury was inflicted upon him while at the Asylum. It embraces the whole period, from his arrival at the Asylum to the time of his death. His attendants testify to an encounter with Tarbell, but their evidence is positive of there being no force used in securing him, which could have produced the injuries which were the cause of his death.

It is proper here to note, that the evidence of the witnesses before the committee materially differ from that given by them at the coroner's inquest, in Madison county. Two physicians, Dr. March and Dr. James McNaughton, of Albany, gave medical testimony of importance, which is annexed, showing that it was not improbable that a patient might live three weeks after receiving such an injury, and that the injury might be produced by a collision with a round, hard substance.

Upon this general review of the evidence, the committee are of the opinion :

1. That there is no affirmative evidence before the committee, that the injuries of Tarbell were inflicted at the Asylum.
2. There is evidence of a struggle, more or less severe, at Leonardsville, on which occasion the injuries *possibly* have been given.
3. That there is evidence of a struggle, more or less severe, between Tarbell and the attendants at the Asylum.

The distinguished physicians of Albany, who were examined, testify that the injury was produced by a round, hard substance, and that a blow from such a source would be adequate to produce the result.

It is claimed that if thus injured, at Leonardsville, he would have complained, and would have manifested the injury at an earlier period than he did, and that he could not have ridden twenty-five miles, while thus injured. While the committee believe this not impossible, they are compelled to believe that in a majority of cases of such severe injury, even in insane persons, some evidence of the injury would be shown. F. Tarbell, a brother of the deceased, testifies that he complained of no pain or

difficulty in riding to Utica, but did complain of the rope on his arms. Abner Gillett says that on the evening before he was taken to the Asylum, and several hours after his encounter with Clark, Tarbell said he was as well as ever, but complained of the shackles. The authorities given by the same physicians, and annexed to the testimony, show that in cases of acute mania, disease is sometimes masked and concealed, and that there is often great insensibility to pain; that persons laboring under this disease have roasted themselves upon slow fires, embraced red-hot stoves, nailed themselves to the cross, and inflicted upon themselves an infinite variety of sufferings, without exhibiting the slightest pain, and only being removed by actual force from those voluntary torments. Numerous cases are also given, of long existence and ultimate recovery from injuries of a severe character. The case of Bull, at the Albany Hospital, is given, who was thrown over a shaft, had his arm torn off, the clavicle fractured, five ribs and the scapula fractured, yet walked up two flights of stairs in the hospital, and was afterwards walking about the house, till the nineteenth day after the injury, when he suddenly failed and died. Other like cases are given, for which we refer to the testimony and authorities on that subject.

It is supposed also that if Tarbell had these injuries upon him, when he arrived at the Asylum, the indications would have arrested the attention of the physicians there at an early period. There was nothing, it will be observed, in the circumstances of his arrival, that should have induced an examination for such injuries. His friends made no mention then of any contest. He made no complaint himself, and for many days, and even after the attempt was made, his condition was such that it was difficult to subject him to an examination.

In the case of Bull, mentioned above, although his chest was bare, and before the State Medical Society, where the amputation of the arm took place, and continued under the care of Doctors Armsby and March till his death, the fractures of the ribs, and scapula, and clavicle, were not discovered by any of the physicians until after his death, and no complaint was made by the patient on that subject. Another case, is that of a gunner in the army, who was pierced entirely through the body with a bayonet, ran three-quarters of a mile, was then insensible of the injury, and ultimately recovered. A soldier fell from a tree upon a stake, which entered the left side, between the seventh and eighth ribs, and came out on the other side, at the posterior part of the axilla,

between the fourth and fifth ribs, projecting a foot and a half. The stake was drawn out; the patient retained his consciousness, and ultimately recovered. Phineas Gage was engaged in blasting rock, when an explosion took place, driving an iron bar, three feet long and one and a quarter inches in diameter, entirely through his head; the bar was picked up at some distance off, smeared with blood and brains; the patient rode three-quarters of a mile in a cart, sitting erect, walked some distance and up a flight of stairs, gave an intelligent account of the accident, and ultimately recovered. This reference to extreme cases is due to the probabilities in Tarbell's case.

The investigation of this case has been careful, patient, and impartial; it has contributed to impress upon the mind of the committee, an increased sense of the necessity of a careful and judicious management of that unfortunate class of our fellow men who are the victims of insanity. The watchfulness and care, the almost constant attention, in many cases necessary to lessen the physical infirmities and lead back the wandering mind to consciousness, requires a superintendence so intelligent and assiduous, that an institution so extensive as is the Asylum at Utica, with even the superior skill and attention of the present superintendant, can scarcely be expected to discharge all the requirements and obligations due to this unfortunate class of patients, as could be, if the same supervision was extended to a less number.

The attendants employed, to have the immediate supervision of the patients, should be selected with the greatest care; they should be, not only intelligent and observing, but able, and accustomed to the most perfect self-possession and control; and, in the opinion of the committee, if Tarbell was injured at the Asylum, it was from a want of due attention in this respect.

All which is respectfully submitted.

W. M. SMITH,
W. R. CROCKER,
L. B. MILLINGTON,
T. C. CALLICOT.

TESTIMONY.

STATE OF NEW YORK:
AT THE CAPITOL IN THE CITY OF ALBANY, }
March 27, 1860. }

In pursuance of certain action of the Assembly, had on February 3d and March 3d, 1860, of which the following is a copy from the minutes:

STATE OF NEW YORK, IN ASSEMBLY, }
February 13, 1860. }

M. D. Clark presented the petition of A. L. Saunders and others, composing a coroner's jury in the case of Norris Tarbell, who died at the State Lunatic Asylum, asking for a legislative investigation.

Ordered, That said petition be referred to a select committee.

Ordered, That Messrs. Wm. M. Smith, Crocker, Millington, Savage and Callicot constitute such committee.

IN ASSEMBLY, *March 3d, 1860.*

Ordered, That the committee appointed to investigate the causes of the death of a patient in the State Lunatic Asylum, be authorized to send for persons and papers.

By order of the Assembly,
WM. RICHARDSON, *Clerk.*

The committee above mentioned met and issued subpoenas for the following persons:

Dan. W. Kinney, F. H. Clark, A. B. Spaulding, W. S. Green, T. O. Wheeler, H. R. Babcock, Russell Crum, W. H. Brand, D. L. Fisk, A. L. Saunders, W. P. Holdridge, D. S. Crandall, Eunice Tarbell, Erastus King, J. Franklin Tarbell, Plinney Robinson, A. Axtell, H. A. Brown, Anson Harden, Abner Gillett, Charles Tarbell.

TUESDAY, *March 20, 1860.*

Pursuant to adjournment the committee again met.

Present—Messrs. W. M. Smith, Crocker, Millington, Savage, Callicot. J. B. Stonehouse was elected clerk, and sworn.

FRANCIS H. CLARK being duly sworn, says: I am 32 years old; am a singing-master by profession; I reside at Leonardsville, Madison county; I knew Morris Tarbell; he died in the Lunatic Asylum, at Utica; he was my brother-in-law; he was taken to the asylum, I think, on the 19th of October last; he was taken there in a wagon by William Holdridge, Frank Tarbell, and Russel Crum; I saw his body at the asylum the next day after he died; I knew the body to be that of Morris Tarbell, he was at our house quite crazy, and was taken from our house to the asylum; he was taken with violent mania at a neighboring auction, and was brought, bound, to our house by Frank Tarbell and Hampden Babcock; he remained with us unbound and rational one day and night, and then the spells of insanity returned; he was not left alone any time during the time he was with us; there were no bruises on him when he was taken to the asylum, excepting a slight wound on his finger; I saw him entirely naked for two hours, and am sure there were no bruises on his person; the auction at which he was taken with insanity was at Luther Hinckley's deceased; I was there, Hampden Babcock, Herman A.

Brown, Doctor A. L. Sanders, the auctioneer, and A. Harden and others; I did not see him without clothing after death; Norris Tarbell lived two miles north of Leonardsville, in Brookfield; he was a wagon maker by trade; he was about 35 years old, about 5 feet 8 or 9 inches high; he was a very strong man, though not enjoying the best of health, but generally able to be about his business. I saw Norris Tarbell scuffle with Babcock and Brown at the auction, while they were taking the knife from him. After he had been at our house the second day, Norris Tarbell was walking the streets with two or three persons, and he got away from them and started and ran for the house, saying he had sworn vengeance and he would kill the whole family; in going over the fence he stumbled and fell on to his hands, but did not fall entirely to the ground; when he got into the house, the folks in the room ran out; he seized the broom and struck at me with it; there was quite a number of persons about the house; when he struck at me I took the broom away from him; after that he threw the stove irons at us; I, at length, secured him; I seized him by the collar and side, and drew him to me, and laid him on the lounge; no one, that I know of, put their knees on him. Drs. King and Robinson made an examination of Tarbell previous to his being sent to Utica; I was very much excited at the time of the scuffle with Tarbell at our house; he (Tarbell) had two straps doubled up in his hand, and he struck me with this strap on my head more than once. I did not at this time rush at Tarbell and strike him in the breast; this man, Tarbell, was a temperate man; several persons saw me secure Tarbell; he was not thrown on the lounge, but sat down on it; there was no violence used in taking him to the asylum, so far as I have means of knowing; he was bound at his own request when the spells were coming on him.

FRANCIS H. CLARK.

On motion of Mr. Millington, the committee took a recess till 3 P. M.

THREE O'CLOCK, P. M.

Mr. Millington moved that the parties be allowed one counsel each.

On the ayes and noes being called, it was decided in the affirmative, as follows:

Ayes—Messrs. Millington, Savage and Smith. Noes—Messrs. Crocker and Callicot.

Mr. Callicot moved that the proceedings of the committee be conducted with open doors, and it was decided in the negative, as follows:

Ayes—Messrs. Callicot and Crocker. Noes—Messrs. Smith, Millington and Savage.

On motion of Mr. Smith, it was decided that no one but counsel be admitted.

On motion of Mr. Savage, the committee adjourned till 9 o'clock to-morrow morning.

WEDNESDAY *March 21, 1860.*

The committee met pursuant to adjournment.

EUNICE TARBELL being duly sworn says: She is the widow of Norris Tarbell; the first she remembers of her husband becoming deranged was about one week before he was taken to the asylum; he was very mild and pleasant up to the time of his going to the auction; the first time I saw him at all deranged was the next day after his return from the auction; he woke up in the night of Wednesday, after his return from the auction, about 1 o'clock, and appeared very wild, and said we must take care of him; I then called my brother; my mother was left with him, and when my brother came up he had hold of my mother; my brother told him to let go; during this time he was not bound. On Thursday morning he appeared to get worse; we sent for more help; I then left the house and I did not see him again till I saw him in the street, when he got away from those who had charge of him; he ran across the yard, and jumped over the fence, and came into mother's house; he passed by me, and took up a broom and commenced striking persons in the room; I did not see him again that day; I did not see him as he jumped over the fence; I next saw him on Friday morning; he was then very calm and composed; I talked with him for some time; I asked him if he did not feel lame and sore, and if he had not hurt himself; he talked at this time quite rational; in answer to my question if he was not hurt, he said no; he said I have

only this scratch on the finger which I got at the auction; he pointed out to me the marks on the door which he had made by throwing pieces of the stove against it; he said he was glad he had hurt no one. The physicians were there that morning to examine him; Dr. Robinson and Dr. Crandall; they started with him on this day (Friday) to the asylum; he was accompanied by Frank Tarbell, W. P. Holdridge, and R. E. Crum; before he left he did not complain of any injuries he had sustained; he put on a pair of boots belonging to his brother, and in doing so he pulled so hard as nearly to pull off the straps; he made no complaint of its hurting him to pull on the boots; after his leaving for the asylum, the next time I saw him was on Thursday, the 8th of December; his condition, at that time, was very distressing; he wanted me to blow in his mouth, and to give him snuff to clear his head; his nose appeared to be full of dried blood; he breathed with great difficulty; he spoke in a whisper; he recognized me as soon as I went in; I noticed there had been sores on his mouth; he had a bruise on his head; it looked purple; he appeared very much excited at this time; he was directing his conversation to me; he appeared more excited when I left than when I came in; he appeared to me still insane; the next morning I went to his room; he appeared then perfectly rational; when I asked him if he knew he was at the asylum, and whether he knew me, he nodded his head; he did not appear able to talk; I asked him if he could not talk, and he shook his head; he did not breathe so bad as the night previous; he looked much cleaner than the night previous; his nose was cleaned out; I noticed at this time a bruise on his hand; it was swelled; he told me that day I did not know how he had been used there; he said he was all stove in; he saw me talking with one of the attendants, and after he went out he told me that he (the attendant) would deceive me; I think the attendant's name to whom he referred, is Noble; he told me that he was used dreadful bad there; he said, "I am all stove in;" that day he appeared quite rational; the next day he was propped up in bed; he said they are keeping me up on brandy; in answer to a question I put to him as to whether he thought he would get well, he said: "I think it is a pretty tough case here;" next day, Saturday, he begged of me to get his clothes, so that he might go home; I told him he was not able; he replied, he could go a little way, he would as leave die in the street as here; the same day, Saturday, and once on the day previous, the physicians came to see him; Dr. Cleveland asked him several times if he had been hurt previous to his being brought there; he said no; Dr. Cleveland asked if he had been hurt since he had been in the asylum, he said he had; most of the time on Saturday, he did not appear as rational as on the day previous; he put his hand on his breast and said, "Oh, Eunice, you do not know what this means; it is going to kill me!" he said to the doctor, putting his hand on his breast, "here is the difficulty;" the doctor said he knew it was; the doctor laid bare his chest: when he examined I asked him if he thought he had been injured; he told me he thought he had; Dr. Cleveland asked him if he had been hurt since he came to the place; he said he had; I then asked him how he had been hurt, he said he had been fighting; Drs. Cleveland and Wright were the only physicians I saw attending on my husband; I did not see Dr. Gray in my husband's room; I do not know of any accident my husband had, or any scuffle he was concerned in before his going to the asylum, that could cause the injuries he complained of; I did not know of his being worse than usual till I got to the asylum; my husband's mother was partially insane for a short time; my husband's health had not been good for some time, but he was generally able to be about his business; he never, at any time took any dislike to me, except the day before his death, he appeared angry with me because I would not give him as much water as he wanted; he made no effort to take hold of me; Mr. Noble asked me if I knew what the doctor thought of my husband; I said no; I said do not you know; he said I do not know anything about it; the night I went there his throat looked red, and there was some sores; there appeared bruises on his knees and legs, some were red and some black and blue; the skin appeared in some places as if it had been broken; when I asked Mr. Tennant how they came, he said, we have not put the restraints on him we put on well persons; he must have done it himself; Mr. Tennant told me three or four days before I came, his attendant came to help him to bed, and the door being open he ran out into the hall and he could not get him back till he brought him back; they told me he had been sick so as to be unable to be dressed since he came there.

Cross-examined by Dr. Gray—I never had any suspicion that my husband was deranged previous to his being taken; but since thinking it over, there were times

which I think he acted rather strange; I did not understand he was feeble the night before he was brought to the asylum; I saw him try to get the stuff out of his nose when in the asylum; I did not notice any evidence of his having picked his nose a great deal; I did not notice any thing unusual in the appearance of his teeth or gums, his lips were rather dry; the bruise on his temple was as large as a sixpence; the redness on the knees were red and swelled all over; I took my meals in the asylum with him; he took the broth ordered him while I was with him; he was sitting on the edge of the bed and his feet on a chair, the second day I saw him; I cannot remember whether he took his food in the same manner on the succeeding day; Mr. Noble and Mr. Tennant both took care of my husband; I do not recollect that my husband said who he had been fighting with; my husband did not get up off the bed on Saturday, while I was with him, alone; when my brother-in-law and my mother were with me in his room on Saturday morning, he took two or three steps from the bed; Mr. Noble slipped his arm under the bed and held clothes down so that he could not move them; my husband, on Saturday, used such language to me that I did not feel like remaining in the room with him; I said I was very much frightened and did not like to stay in the room with him.

Direct—Dr. Gray did not say to me at any time that he thought my husband had received any injuries; he never mentioned the subject at all. I regarded the language used by my husband to me as the result of insanity. Mr. Tennant said if he had a friend deranged, he would not bring them to the asylum, knowing what I do; when I first saw my husband, the room and bed looked comfortable, but his shirt looked bad; there was no drinks in the room.

EUNICE TARBELL.

THREE O'CLOCK, P. M.,

The committee again met.

HERMAN A. BROWN affirmed, says: I was acquainted with the deceased, Norris Tarbell, in his lifetime; I was present at the auction of Luther Hinckley's property on the 22d of November; I saw Mr. Tarbell there; the first I discovered of Mr. Tarbell's insanity was when he disputed as to who had bid off some article then on sale; he said the property was being squandered, and should not be bid off in that way; he was much more talkative than usual; I left immediately and went to the house; some one came and asked if I could not coax Mr. Tarbell into the house; I said I did not know; they said he had made considerable disturbance; I then went and persuaded him to come into the house; he sat down by the stove; very soon he pulled off his great coat and said he would like to have a room by himself; some ladies were present; I think Mrs. Clark, the widow Hinckley and her daughter; some of them went to show him a room; some one of the women came and asked me to go into the room to him, that he was getting worse and noisy, and they did not know what he might do; I then went into the room where he was; I tried to quiet him, but he became more excited; one of the women went out of the door and he, Tarbell, ran after her, and struck at some person who was trying to stop him; after he struck the last time, I put my arms round him, and called to Mr. Hampden Babcock to help me, and we secured him; Tarbell said, I do not want to hurt any one; we went into the door yard with him; the wagon was got ready, and he was taken to his wife's mother's house; I saw nothing in any of the struggles which could injure him; he got out his knife, and Mr. Babcock took the knife away from him; I did not hear him complain of being hurt at that time.

H. A. BROWN.

HAMPDEN BABCOCK being duly sworn, says: I was acquainted with the deceased, Norris Tarbell; I reside in Brookfield, about five miles from the residence of the deceased; I was at the auction of Luther Hinckley's on the 22d of November; I assisted in securing Tarbell in the room of the house of Hinckley's; when I went in Tarbell struck at me with considerable force, he kicked at the same time he struck; I clinched him with my arm round his neck and drew his head down in front; then Mr. Brown put his arms round him; when Tarbell saw he was fast, he said: "let me loose and I will give up;" he said he would hurt no one; I took a knife out of his hand that he was brandishing, there was no jerking in doing so; I helped get him into the wagon; he made no resistance; I rode to the house of his

wife's mother with him; no violence was used on the road to him; he got out of the wagon and went into the house without any assistance; I went into the house with him; he was talking most of the time; he had no struggle with any one while I was in the house; during all these struggles I did not see any force used that, in my opinion, could injure him; he made no complaints of being hurt; during the time of conveying him to Leonardsville, we strapped his arms behind him; he asked us to take the strap off, he wanted to drive; he made no complaint of the strap hurting him.

H. R. BABCOCK.

FRANK TARBELL being duly sworn, says: I am a brother of the deceased, Norris Tarbell; I reside in Brookfield, Madison county; I was at Hinckley's auction on the 22d of November; I got the team to carry Tarbell to Mrs. Clark's; on the road to Mrs. Clark's there was no struggle; during the time he was in the wagon there was a strap round him; he wanted it off; he got out of the wagon when he got to Mrs. Clark's, without any assistance; I saw him the next day, he was quiet; I next saw him on Thursday morning; there was no force used to restrain him that day after I arrived; when I first went there he was in the dining-room; he then went into the parlor and walked about; he got up and sat down without assistance; he made no complaint of having sustained any injury; I stayed with him till 5 o'clock, P. M.; when I left he was quiet; he talked a good deal. I next saw him on Friday morning (this was after the affair of throwing the stove about); I was down to the house this morning by 7½ o'clock; I found him rather more quiet than the night previous; he made no complaint of injury; I helped change his clothing; in putting on his shirt, he put his arms through the sleeves first and then drew it over his head; he made no complaint of its hurting him to put on his shirt; he put on his coat as easy as I could; he wore a pair of my boots; they were too small for him; he laid out considerable strength in pulling on the boots, so much so as to break the straps; from this time to the time of going to the asylum, there was no scuffle of any kind; I went with him to the asylum accompanied by W. P. Holdridge, and Russell Crum; during the time of riding to the asylum, he sat good part of the way in my lap; when we arrived in Utica, I tried to persuade him to get out of the wagon; he rather declined; he got out with some little assistance from Mr. Crum; he walked up the steps of the asylum very fast, and I went with him to his room; we stopped a few minutes in the office before going up stairs; he went up one pair of stairs without assistance, and came into the hall; there was some fiddling going on there; he said, I suppose we are going to have a dance; he went along dancing and singing up the stairs; I went with him to the room where he was left; during the time of conveying him to Utica, no force of any kind was used except to keep on his hat and the buffalo robe; the road at that time between Leonardsville and Utica was very bad; it was very rough; no complaint was made by deceased of the riding hurting him; when we started his arms were bound behind him; he wanted the rope taken off, he said it hurt his arm; it was then slipped up a little; did not discover any trouble about his breathing; saw no spitting of blood; he spit very often, a kind of white froth it looked like. I next saw my brother the Friday before he died, at the asylum; I sat up with him all night on Friday night; he complained he had been treated shamefully; my brother said he was all stove up; he said he had been down on the floor, and three or four persons on top of him, and stamped on him; he said they had had him in the old eagle cage, had had him tied down and tried to stink him to death; I left him Saturday morning about 10 o'clock, and went immediately home; I did not return to Utica; my brother's remains were brought home on Monday following; he was quite talkative on Friday night; part of the time his conversation was incoherent, and part of the time rational; he got off the bed himself and used the chamber vessel without assistance; he complained of being stove in on the breast; I put my hand on his breast, it appeared to draw in one part and swell out at another; there appeared a kind of grating sound when he breathed. When I went there Friday evening to his room, Dr. Gray accompanied me; my brother did not say who had injured him; Mr. Tennant he called by the name of Scott; he called none of the attendants by their proper names; he told me that he wanted to get away from there; that if they would give him his clothes he would jump out of the window; he would rather die in the streets than stay there; he did not point out to me any of the attendants as being inimical to him; I told him that Dr. Gray had just been to see him; he said he did not know it; I

gave him some brandy and water that evening; he drank his essence of beef without resistance; I looked upon my brother as being an insane man; I saw nothing at the asylum out of the way; I had no suspicions from anything I saw about the institution that he had been misused there, except what he told me.

J. F. TARBELL.

ABNER GILLETT affirmed, says: I reside at Leonardsville, Madison county; I sat up with Norris Tarbell the night previous to his being taken to the asylum; when I went there in the evening, he was handcuffed, and his legs tied together, and his arms tied behind him; he was anxious to be released; he said he would not hurt any one; the shackles hurt him; the shackles were taken off about 9 o'clock; no restraint was put on him during the night; had no struggle with him during the night; he said he felt as well as ever he did in his life, except exhaustion and weakness; he said he guessed he had had a pretty hard time; he raised up in bed without any difficulty; he reached water from a stand without any trouble; the stand or table was three feet from the bed; he made no complaint of its hurting him to reach out and get the water; Mr. Kinney sat up with me during the night; he seemed most feeble and exhausted the early part of the night; he took medicine when I first went there; Mr. F. H. Clark and Mrs. Clark opposed taking off the restraints.

ABNER GILLETT.

D. W. KINNEY affirmed, says: I resided in Brookfield at the time of Tarbell's sickness; I sat up in company with Abner Gillett, with Norris Tarbell, on the night of the 24th of November; I have heard the evidence of Abner Gillett read, and concur in what he has said; the handcuffs were put on about 5 or 6 P. M., the rope around his ancles about 3 o'clock; he was lying on the lounge when they were put on; had no difficulty in putting them on; there was no coercion necessary during the evening and night; he was rather pale in the face; he was naturally a pale-faced man Dr. King requested that the windows should be raised; there appeared no difficulty in his breathing.

D. W. KINNEY.

THURSDAY, *March 22d*, 1860.

The committee again met.

A. S. AXTELL being duly sworn says: I reside in Brookfield; I knew Norris Tarbell in his lifetime; I was at Mrs. Clark's house on the 24th day of November; Mr. Tarbell was in the parlor; we started to go in after him; he was tearing the stove to pieces, and throwing at us as we attempted to enter the door; he threw the trimmings from the top of the stove, and the legs also; Mr. F. H. Clark was the first person to go into the room; he caught hold of him; he took hold of Tarbell by the shoulder and sides (witness described the manner); Tarbell stood upright when Clark seized him, with his arm raised and something in his hand, a strap I believe; I am sure that in the effort to secure Tarbell, Clark did not strike him with his head; I was following immediately after Clark, and could see that no great force was used; I was excited at the time; after we secured Tarbell we backed him on to the lounge; he was partially sideways when he came on to the lounge; neither of us fell on to him in putting him on to the lounge; we had no further struggle with him after we got him on to the lounge; I sat by him on the lounge but a few minutes; we then put a strap around his ankles; a strap put round his arms; I remained in the house during the day and evening after he was secured; he made no complaint of being hurt; he seemed to breathe free and easily; at no time during the day did he complain of being hurt excepting a slight scratch on his finger; a portion of the day he appeared quite rational; I saw him for a short time the next morning; he then appeared quite calm and rational; he made no complaint at that time of being injured; there appeared no difficulty in his breathing; I do not know how it was Tarbell came to say he was not injured; he enquired of some persons if he had hurt any one.

Cross—I was standing outside the door, behind Mr. Clark, at the time of throwing pieces of the stove; I had not been into the room before he threw the pieces of

stove; there was no other person in the room with Tarbell before he commenced throwing the pieces of stove; this room was the parlor; I saw Mr. Tarbell run into this room; he ran directly from Mr. Pendleton's yard into this parlor; I think there were some persons in the parlor when Tarbell came in, and they immediately rushed out; Mrs. Clark and her daughter, were the only persons I saw when Tarbell entered, they seemed considerably frightened; there were other persons standing outside with me at the time; they were Mr. Wheeler, Mr. Spaulding, Mr. Harner and Mr. Crandall; Mr. Pendleton might have been there, I did not see him; Daniel Harden was there; I was not very much excited myself; others of them seemed to be excited; Mr. Clark was considerably excited; Mr. Clark stood at the door and drew it shut each time Tarbell threw a piece of the stove; I peeped in each time, and saw what Tarbell was doing; after throwing the top pieces he then reached down and caught the legs; he was from three to five minutes throwing the stove; there was talking outside the door; that conversation related to the manner in which Tarbell should be secured: I said let us go in and catch him; some one said go on; I did not go at that time; I proposed to go in during the time he was throwing the stove; I did not hear Mr. Clark suggest any plan; outside we were all talking to one another; Mr. Clark went in first after the legs had been thrown; he went in very quick; he rushed in with his arms extended (witness here described the position of himself and Clark at the door, during the time Tarbell was throwing the stove); I ran in after Mr. Clark; the others ran in after; there was no struggling between Mr. Clark and Tarbell; he (Tarbell) dropped his arm instantly; I do not recollect that Tarbell spoke at the time Clark caught him; he made no effort at resistance; the sofa was about five feet from the place where they seized Tarbell; he was then backed down on to the sofa; he did not resist or struggle to get up from the sofa; I did not notice his countenance; I did not notice his breathing when he remained on the lounge; Mr. D. Crandall and some others, put the rope on his legs, and the strap on his arms; while Tarbell was on the sofa, he said, "what are you going to do with me?" he spoke with comparative calmness; my attention was directed as to how, we together, should get hold of Tarbell when we caught him, and not particularly as to the manner in which Clark should proceed, and there was no particular pre-concerted plan when we came on to the sofa; Clark's arms were round Tarbell, and his head on Tarbell's left shoulder, Mr. Tarbell's face coming against Clark's breast; we were not ten minutes on the sofa, during which time he was bound in the manner before described; this was between 9 and 10 o'clock; I remained with him after this with Mr. Crandall, the rest all went out; I assisted him from the sofa to a rocking chair; he sat down and leaned back in the chair; he appeared calm; he commenced talking about something else, and did not allude to the scuffle at this time; I remained with him till 4 o'clock; was then absent for an hour, and remained until after Mr. Gillett came; I do not remember that he called for water immediately after the scuffle; he remonstrated against being bound; I stayed near him all the while; he was not raving as much as in the morning; I think he took some medicine during the afternoon; I saw Mr. Crandall preparing it I think; from this time Dr. Robinson, Mr. Henry Pendleton, Mr. Hawley Clark, Mrs. Clark and others, came in to see him; he talked to some of these persons; this was before dinner, and then for an hour or more he did not speak; he made motions with his hands and head as though he wanted to show me what he wished done; he looked paler than he did when in health; he did not keep his eyes shut any of the time; after this silence he commenced talking; by his conversation he seemed to be insane; his conversation was disconnected; I saw the handcuffs on him in the evening. Before the occurrence with the stove, Mr. Crandall and myself were with Tarbell in the yard, and he broke away from us; after the time Tarbell did not speak, he explained the reason of his not talking; he said it was on account of the smell of tobacco that some one was using, and the scent of the medicine; he made no complaint of exhaustion or injury; at the time Clark caught hold of Tarbell, he (Tarbell) did not stagger or fall.

A. S. AXTELL.

RUSSELL E. CRUM being duly sworn, says: I reside at Plainfield; I was acquainted with Norris Tarbell in his lifetime; I accompanied him when he was taken to the asylum on the 25th of November; I saw him when he got into the wagon, and in getting into the wagon he helped himself some; in riding to Utica he sat on the forward seat with William Holdridge; myself and Frank Tarhell sat on the

back seat; Norris Tarbell leaned back on Frank Tarbell part of the time; I had my hand on his arm all the way to Utica; with my other hand I held the strap that was round him; I went into the asylum with him; when we asked him to get out of the wagon he held back some; I took hold of the collar of his coat and raised him a little; he then went along without much resistance; in going up the steps of the asylum, he walked up with one at each side of him; while we were taking him to his room, we passed through the second hall; he said here would be a good place to dance, and commenced dancing; neither in getting into the wagon, riding to Utica, or getting out of the wagon, did he complain of soreness or injury; while lying back in the wagon he occasionally kicked off the robe; I did not notice any difficulty in his breathing; I noticed while he was in the wagon he would hawk and spit pretty often; he did not complain of cold except just before we reached Utica; he would occasionally recline on me; I did not notice any blood when he spat.

R. E. CRUMB.

DR. S. L. ROBINSON being duly sworn, says: I reside at Leonardsville; I am a physician; I have practiced 35 years; I knew Norris Tarbell in his lifetime; I made him one professional visit on the 24th day of November; Darwin Crandall and Axtle were there; it was about 10 o'clock, A. M.; it was after the scuffle; Mr. Pendleton came and told me that Tarbell had had a fracas, and could not speak, and did not know but he was dying; I found him seated in a chair with his arms pinioned, but not so tight but that he could get his hands to his mouth; I examined his pulse and found it rather feeble, but about ten beats in a minute faster than an ordinary pulse; I examined his respiration and found it to be normal; I stayed with him about two hours; I told them when I left, that I thought he could speak if he was so disposed; I did not discover that he was diseased or injured any aside from his insanity; I accounted for the quickness of his pulse from his previous exertion; the pulse was about 85 or 90; I do not recollect that he spoke while I was there; I saw him again on the morning of the next day, the 25th; part of the time he was mute; but some one told me tobacco which I was chewing, was offensive to him; I then threw it away, and it appeared to loosen his tongue immediately; I did not discover any thing this day wrong about him other than the derangement; I examined his pulse, it was not so frequent as the day before; I did not discover but that he breathed easily; he made no complaint of soreness or injury this day, the 25th; I saw the corpse after it was brought from the asylum; five of the ribs on the left side were broken; two, I think, on the right side; the sternum fractured transversely; one of the ribs on the left side was displaced; I found the lungs in the first and second stages of inflammation; the right lung was in the first, and the left lung in the second stage of inflammation, and a portion of the right also; I did not discover any of these injuries when I examined him on the 24th and 25th of November; I made up my mind there were no injuries, and so reported it; the ribs attached to the sternum were the ones broken; I was present when he started for the asylum; I helped him put his overcoat on; in my opinion these injuries did not exist at the time he started for Utica; he did not complain of any soreness; I think that a person having sustained these injuries could not have ridden to Utica, and then be able to walk about; if he had received these injuries before I saw him, I think he would have had an intermittent pulse; his hands were warm. After receiving these injuries I think the pulse would decrease in frequency, at least within so short a time after having received such injury; I was satisfied that his breathing was not impaired; I did not make any physical examination; the next day when I saw him, the pulse was less feeble; he did not have a congestive pulse; I understand by the first stage of inflammation, the lung to be in a congested state; the left lung was hepatized; I did not notice in the left lung any purulent matter; I have known of a case where a person had had his ribs broken, and yet be able to be about his business; I never had much experience with insane persons; in my opinion an insane man would not make the same complaint of an injury as a sane man; I think that an insane man might have a very serious injury and not notice it; I am not certain whether the sternum was fractured or dislocated; I should think it would require much more force to fracture than to dislocate the sternum; I did not count the respiration when I saw him on the 25th of November; if there was no wound or injury to the pleura pulmonalis, or the region of the chest in which the heart rests, I do not think the heart would recover its natural state in an hour or an hour and a half; I

think it possible that reaction might commence in an hour or an hour and a half; I do not think it possible that these injuries might have existed on the 24th, and I not have noticed it; he did not tell me that any one had injured him when I saw him at that time; I did not make any physical examinations; I have not seen any cases of extensive injury of the chest; I should not be willing to give an opinion of an injury of the chest without exploring it; I would not be able to swear that there was no injury of the chest without making a close examination. Taking into consideration the anatomical arrangement of the sternum and ribs, I think it possible the ribs might be broken and not displaced; it might be possible for the sternum to be fractured, and I not discover it; I do not think it possible for five ribs on one side and two on the other to be broken, and the sternum dislocated without displacement, and the functions of the viscera not immediately disturbed. I think it possible that such injuries as above mentioned might exist, and the thoracic viscera not be injured; I think a person could not have a fracture of five ribs, the clavicle fractured, the scapula broken in two or three pieces, and other serious injuries not to the chest, and all these injuries pass unnoticed either by the patient or the physician, if the patient was sane; it might, I think, if he was insane; I should not think a sane person, in this condition, could walk about and use his limbs and get to the water closet without complaining; I should think a man with the fractures above described, and an arm torn off, might possibly live two weeks; under certain circumstances he might possibly live longer, and there might be cases where he could walk about. I should not consider the case above mentioned any worse than the injuries described in the case of Tarbell; when I went up to see Tarbell on the 24th, I did not find Tarbell in a dying condition; I should not think the dying condition described by the friends to be a shock and reaction, and have taken place before I got there; I should think reaction would not take place until from 6 to 24 hours. I do not think Mr. Tarbell could have received all the injuries described, and lived 16½ days; I think such injury might occur, and no inflammation of the viscera occur for 3 or 4 days; and after 3 or 4 days inflammatory action might supervene from the effect of that injury.

PLINY ROBINSON.

FRIDAY, *March 23d*, 9 A. M.

DAVID L. FISK being duly sworn, says: I reside in North Brookfield, Madison county, 25 miles from Utica; I am one of the coroners of Madison county; I held the inquest over the remains of Norris Tarbell. These papers which I now produce is the evidence taken before the coroner's jury; the minutes of the evidence were kept by Mr. Joseph Mason and D. C. Stoddardt. (See documents marked A.) Date of filing, January 6th, 1860.

D. L. FISK.

No counsel appeared at the inquest on the part of the asylum or officers thereof, except Mr. Hunt was there during the time Dr. Gray and Dr. Wright were examined; he had the privilege to examine the witnesses that day.

D. L. FISK.

Mr. Savage moved that the pay of witnesses be fixed at \$3 per day. Carried.

Mr. Savage moved that the allowance for traveling expenses be five cents per mile, coming and returning.

Mr. Millington moved to amend by striking out five cents and inserting four cents per mile.

Mr. Chairman put the question on the motion to amend, and it was decided in the negative, as follows:

Ayes—Messrs. Millington and Callicot. Noes—Messrs. Smith, Crocker and Savage.

The original motion was then adopted.

Mr. Millington moved that medical witnesses be allowed \$5 per day.

Mr. Chairman put the question, and it was decided in the negative as follows:

Ayes—Mr. Millington. Noes—Messrs. Smith Crocker, Savage and Callicot.

DR. ERASTUS KING being duly sworn, says: I reside at Unadilla Forks, Otsego county; I was acquainted with Norris Tarbell in his lifetime; I was called to visit

Mr. Tarbell after he was taken with derangement; the first visit I made him was on the 22d of November; I next saw him on the afternoon of the 24th of November; I found him lying on the settee, his legs tied together and his arms bound back and talking incessantly; he recognized me when I went into the room; I sat down by the lounge where he lay and examined his pulse; it was rather quick but not frequent; it might have been from 75 to 80; I did not count; before I left he showed me his tongue; it did not appear to be furred; in reply to my question he said he felt well enough; I said to him you appear to have had a hard time; he did not make much reply; he was talking incessantly; his legs were, at his request, untied, while I was there, and he then rose up of himself from the settee with his arms tied back; he then commenced spitting at persons in the room; he spat on me; I think he showed me a scratch on one of his hands; I think the reason of his showing the scratch was from a question I asked him if he was hurt; I noticed his breathing; I did not examine his chest; I ordered him half a grain of morphine, which I understood was given to him that night; I did not see anything unnatural in his breathing; I did not examine his chest; I did not see him walk round; I did not discover that he was injured internally; he did not complain of any internal injury or soreness; I did not see him again previous to his going to the asylum; I was present at the coroner's inquest, and there saw the body; I made a manual examination of the body; it had been examined before; on opening the chest there appeared a large quantity of bloody serum in the back part of the chest; the broken part of the ribs and the sternum had been detached from the body; a portion of this bloody serum was removed by cloths and sponges; the lungs had been separated; they were taken out and, I think, dipped into water, and drained of the bloody substance; they were examined and replaced as near as possible in their normal position; the detached bones which were all in one piece, were replaced in their normal position as near as possible, and when the body was in that situation the jury were called in to examine it; the integuments were thrown back, and these fractures were exhibited to the jury; on the right side the second, and the third or fourth ribs were fractured; on the left side, the second, third, fourth, fifth and sixth ribs were fractured; one of the ribs was broken in two places; the end of this broken rib protruded through the pleura costalis, and the sternal end of the rib appeared to have come in contact with the lung; I examined the lung corresponding to that end of the rib, and found a depression in the lung corresponding to the end of the rib, protruding through the cavity of the chest, but did not ascertain to my satisfaction that the pleura pulmonalis had been broken; there seemed to have been adhesions; there was appearance of recent adhesions; the lung on the left side was not more than one-half its natural size; it had the appearance of being compressed; the lung on the left side was of a very dark color, and had the appearance of being in the second stage of inflammation, except it was more solidified; it appeared like infiltration; the air passages appeared to be filled up with bloody matter; I came to the conclusion that there had been a rupture of some vessel of the lung; it appeared like infiltration and hepatization of the lung; my impression was that a small portion of the upper part of the left lung was in the first stage of inflammation; the breast bone was fractured; the upper third was broken off; it struck me it was more of a luxation than a fracture; it was at the point of the natural division of that bone; Dr. Cleveland said that while breathing this luxation or fracture would slip back and forth so that he could see and hear it; (?) the post-mortem examination which I attended was several days after the death of the deceased. I did not make an examination of the chest by percussion, oscultation, or otherwise, before he went to the asylum; a small portion of the right lung corresponding to these fractures, was in the second stage of inflammation; the whole of the remaining part of the right lung was in the first stage of inflammation; the second and third, or fourth ribs on the right side were fractured about an inch from the sternal cartilage; on the right side I did not observe any wound of the pleura costalis.

Question—Do you think that the healing process in the bony or soft tissues would be retarded by insanity?

Answer—I do not think it would, other things being equal; under some circumstances it might.

Question—Do you think insane persons as sensitive to pain and injuries as a sane person?

Answer—I think they are not as sensitive to pain; but injuries to the vital

organs would be attended with the same immediate results as if the persons was sane. If these injuries to Mr. Tarbell had been inflicted before I saw him on the 24th of November, I think I should have discovered them; I think the immediate effects of these injuries would be such that they would have shown themselves on the 24th.

Question—Do you think a person having received those injuries could have ridden the next day to Utica in a wagon, leaning back on another person, that person with his arm across his breast, and on his arrival there get out of the wagon and walk up the stairs?

Answer—I think it would be extremely difficult for a man to do it; possibly he might.

Question—Would he be likely to do it without making complaint?

Answer—I think he would make complaint; I think his breathing would be difficult. I think a person in stripping and bathing would notice some physical deformity and difficulty in breathing.

Question—How long do you suppose a person having received the injuries before described would be before he exhibited signs of the injury?

Answer—I think he would immediately exhibit symptoms of collapse, difficulty of breathing, small pulse, cold extremities, palor of countenance. In my opinion he would not be able to speak or converse.

Question—How soon would reaction come on?

Answer—Reaction might commence in a few hours, it would not be perfect in less than 24 hours; I think he would not be able to talk in half an hour after receiving the blow. I think he would not be able to talk for half an hour, and then be unable to talk. After reaction commenced I think it would continue; in my opinion a man would not be able to be up and about the house after receiving such injuries.

Cross-examination—I have never seen insane persons with serious injuries; I have never seen as extensive fractures of the ribs and sternum as Tarbell's case; I would not be willing to make a diagnosis of fracture of the ribs without exploration of the chest; I saw Tarbell on the afternoon of the 24th, about 2 o'clock; I did not count the respirations; I should not be able I think to detect the difference between 18 and 20 respirations per minute, and 22 and 25 without counting; I think an insane person would not be as likely to complain of injuries as a sane person; there is usually great pre-occupation of mind in cases of acute mania, and indifference to bodily condition. A lung which had been separated from its connections, taken out of the body, cut into and examined several days before, and carried 25 miles in a wagon could not be replaced correctly; I did settle the pathological condition of the lung to my own satisfaction at that time; the blood will pour out in the chest in severing the connections of the lungs and great vessels; I do not think the pathological appearance of the lung would be affected by being saturated in this blood several days, then taken out washed and drained, pneumonia being the disease; the weather being as cold as at this time (December); a sharply fractured rib pressing against the lung would be likely to wound it; I am quite confident that Dr. Cleveland said he could see and hear the movement in the luxated sternum; I should not think blood would reach the bronchial tubes from an incision made in the lung, such as was made in the case of Tarbell after death; I think the lower part of the right lung might have been in the second stage of inflammation. In the case of a fracture like Tarbell's, I would apply bandages if I could; I think a wrapper and other clothing would be some support to the fractured bones; I think the person supported as described in Tarbell's case before the Coroner would in riding in a wagon to Utica be more comfortable than sitting alone in the wagon. If there was no deformity, a person not a physician, in bathing, such as in Tarbell's case, might not detect the fractures; if he was delirious and talking all the while, it would still add to the difficulty of detection; I should expect spitting of blood in five or six hours in such a case as Tarbell's, and it might occur immediately; it would not absolutely follow. A patient after reaction consequent upon injuries might sink for a time and reaction again take place, but it is not usual. A man with acute mania might get up after such injuries and walk about, being so indifferent to his bodily condition, as in the case of Tarbell. Decomposition had not commenced when I made the examination of Tarbell's lungs; I think such a fracture as described in Tarbell's case could not exist without deformity, but it might not be very perceptible; I should think in case of fracture of the clavicle, and four or five of the upper ribs, and the scapula broken in three or four pieces, there would be per-

ceptible deformity. In such a case as now described, the body having being observed, it would not be likely to go undetected until death, if death was postponed several days. It is possible that a person with such injuries as last spoken of, could live 16 to 18 days. I should not think he could if the pleura was punctured. In addition to these injuries, if an arm was torn off by force and afterwards amputated, I do not think he would live 16 or 18 days; I do think a person having the fractures above described would complain of such fractures. A complaint of pain on the part would be the symptom which would direct us to the examination for a fracture; I think a man injured as Tarbell was would not live 16 days; I do not think there would be much displacement from a simple fracture of the ribs and sternum. It might be overlooked without attention was called to it; I think deformity would be more apparent after death than before death.

ERASTUS KING.

Adjourned till 3½ P. M. on Monday.

MONDAY, March 26, 1860.

The committee met pursuant to adjournment.

ANSON HARDER being duly sworn says: I reside at Leonardsville, Madison county; I was acquainted with Norris Tarbell in his life time; I saw Norris Tarbell the day before he went to the asylum, at Mrs. Clark's; I saw him at the time of the fracas when he threw the pieces of the stove; Axtell, Clark and myself at this time were in the hall with several others; Clark went in and took hold of him and ran him back to the lounge; I passed in about the same time with Clark; we all went in pretty rapidly; he took hold of him by the side and shoulder; at this time Tarbell had a strap in his hand, two straps buckled together; I suppose this caused Clark to hold down his head when he went at him; I had hold of Tarbell's left arm; I did not see Clark's head come in contact with Tarbell's breast; he went sideways on to the lounge; (witness described the manner in which he went on to the lounge); no one came on to him (Tarbell) with more than sufficient force to lay him down and keep him down; Clark's knees did not come on to his breast; while going to the lounge Clark's head was about even with Tarbell's head and over his right shoulder. The size of the room in which this occurred is 16 feet x 13 feet and 13 feet from the door at which Clark entered, to the lounge; the stove is 4 feet north of the door and out in the room 2 feet; Tarbell stood about 4 feet from the lounge when Clark took hold of him, the lounge is 16 inches high and 20 inches wide, the back of the lounge was quite 3 feet from the floor and it was 9 feet long, outside measure; at the time we put him on the lounge he did not complain of being injured; his arms and feet were tied after we put him on the lounge; we then took him to the adjoining room, the kitchen, it was called; he was taken into the yard; he said he wanted the fresh air; I cannot tell whether he was taken into the yard before going into the kitchen or not. Tarbell was speaking about the affray; he said he was glad no one was hurt; he said he was not hurt except a slight scratch on his hand; I remained with him about half an hour after he was secured; he continued to talk up to the time I left; he made no other complaint of being hurt except of the straps hurting him; he wanted them taken off; they were not taken off while I remained. After being absent about half an hour I returned; I found him about the same as when I left him; he talked some with me after I returned; I only staid a few minutes; he did not at this time make any complaints of injury; I next saw him about dark; when I first got there he was rather quiet; he was then in the kitchen; we took him into the parlor again and he laid on the lounge; he then commenced talking; he made no complaint of injury at this time; he lay upon the lounge and reached to the stand for something to drink; he raised himself up and got his drink and would lay down with my putting my hands on him; I stayed with him about one and a half hours, not two hours, and he continued to talk; he made no complaint of injury; I did not notice anything unusual in his breathing; I noticed his spitting some, there was no blood with it it was frothy and foamy.

Cross-examined.—I was rather behind Clark when we went into the room, a little on his right side; we went in as fast as we conveniently could; his conversation in the kitchen became obscene; also in the parlor; I do not know what kind of drink he was drinking, but I believe it was prescribed by Mrs. Hubbell, a phre-

nological lecturer; his conversation was delirious and incoherent; this was in the evening, before and after he was removed from the kitchen into the parlor; he spit all about; it was a glass lamp in the room; it was two or three feet from the lounge; I did not examine carefully the spit. Mr. Clark, Spaulding Wheeler, Mr. Darwin, Crandall, and Mr. D. Harden went into the room with me; there might have been others; I do not now remember; Clark, I think, said, when he was first secured, "we have got you, old fellow, and we will keep you now, and we will take you to the asylum," or something to that effect; when any person would come near to him, he would tell them to go away, he wanted air; directly after getting him on to the lounge and binding him, he asked for air; he looked very excited; I am quite sure Mr. Clark's knees were not on Tarbell's body; I do not think we were so excited as to do what we would not have done under other circumstances; Clark and others were afraid of being hurt with pieces of stove and other things that Tarbell was throwing; I do not recollect any one cautioning us not to hurt Tarbell; I measured the room and the position of the stove and other things last week; I think that when he took a drink he tried to reach it himself, but his arms being tied he could not get it, and I handed it to him; when we went in to take Tarbell he was striking with the strap, his arms occasionally raised; Clark met him in front, when he seized him; Clark was the first, Axtell, Harden and myself were next after him; he did not stop talking while I remained; I do not think he talked as much; I do not think it was possible for Tarbell to have received the injuries in the chest and ribs at that time; I do not know what the injury was except from hearsay; I am a lawyer; I have had no knowledge of such injuries as reported that Tarbell had, nor anything about surgery; I do not think it possible he received any injuries from us at this time.

A. HARDER.

AMOS B. SPAULDING affirmed, says: I reside at Leonardsville, Madison county; I am a produce dealer; I was acquainted with Norris Tarbell in his lifetime; I was present at Mrs. Clark's the morning of the fracas, when Tarbell was throwing pieces of the stove; I was not, I think, in a position to see Clark the moment he seized Tarbell; when I first saw them, Clark had hold of Tarbell and was backing him towards the lounge; I think at this time Clark had one hand on his coat collar, the other on his side; he came down on the lounge partially on his right side; no one's head or knees struck Tarbell while backing down to, and on the lounge; I did not see the first of their coming together; I do not think the injuries such as Tarbell had could have been received during this scuffle; I did not hear him complain any; I was in the house and yard about an hour after he was secured; I was in the house occasionally; he continued to talk all the time; I was on the coroner's jury; I am not familiar with the anatomy of the chest; I have no experience or knowledge of the force necessary to break one or more ribs; Tarbell was an ordinarily robust man; he was about 5 feet 9, or 5 feet 10, high; not so stout a man as Frank Tarbell; he was not a muscular man.

A. B. SPAULDING.

TUESDAY, *March 27, 1860.*

DARWIN S. CRANDALL affirmed, says: I reside at Leonardsville, Madison Co.; I knew Norris Tarbell; I was present at Mrs. Clark's on the 24th of November, the time that Tarbell threw the pieces of the stove; I went into the room where he was after the throwing of the pieces of the stove; I was in a position to see both Tarbell and Clark at the moment of Clark's first taking hold of Tarbell; Tarbell stood near the stove, in the centre of the room, and Clark came in from the hall door; Tarbell was stooping down when Clark first came in; he then rose up; Clark took hold of him with one hand on his right shoulder, and the other under his left arm; Clark was stooping a little; Tarbell was striking him with a strap over the head; he backed Tarbell on the lounge; he came sideways on to the lounge; as he came on to the lounge, Clark came down with him, one knee on to the floor, and Mr. Clark leaned partly on to Tarbell; his breast came near to Tarbell's face, and held him there till a number of us assisted in binding him; it was all done very quickly; I do not know that Tarbell received any injury at that time; he asked what we were going to do with him; we told him we were not going to hurt him, but take care of him; Clark did not shake him any when he got down; I saw no

one strike Tarbell or hit him with their head or knees; during the time of throwing the stove, I stood at a bedroom door looking into the parlor, while the others were at the hall door; I stood behind them when Clark came first into the door, a little on one side, so that I could see every move that was made; I think that when Clark first took hold of Tarbell, his head did not strike either the breast or side of Tarbell; I did not hear Tarbell complain of receiving any injury in the scuffle; he told me he was not hurt; I remained all through the day with Tarbell after he was secured, till 10 o'clock at night; after he was secured he was lively and full of jokes; he was talkative; he remained so till about eight o'clock; it was crazy talk; disconnected talk; at one time during the afternoon, he would not talk at all; this was about noon or a little after, and continued silent about an hour and a half; he was bound most of the time till about 8 o'clock, P. M.; he helped himself while he was at liberty; he walked about the house and took drinks; I did not perceive any difficulty in his breathing; he made no complaint during the day of being injured; he told me the reason of his refusing to speak; it was that some person was in the room who was using tobacco, which was very offensive to him; he said he would not have spoken till he went out; he spoke as soon as the persons went out who were using tobacco; he named three persons who were offensive to him on this account; they were Dr. Robinson, Mr. Pendleton, and Mr. Axtell; I was with Tarbell the next morning when Dr. Robinson came; I remember that immediately Dr. Robinson came in, he refused to speak again; after a short time he commenced talking with the doctor; I did not, during the time I was with him, discover anything that would lead me to suppose he had received any injury except a scratch on the finger; I did not discover any spitting of blood; I did examine his spittle; I handed him the spittoon; I did not take it to the light to see if it was tinged with blood.

Cross-examined.—The door at which I stood when Tarbell was throwing the stove, was open so that part of the time I stood in the opening; when he threw the pieces of stove I pulled the door shut; he threw some at the door at which I stood; he saw me; some four or five persons were in the hall; part of the time there were other persons in the bed room with me, they were Mr. Harder and Mr. Axtell; he was not in the habit of using tobacco; I have no doubt that Tarbell had been in the habit of being where persons used tobacco; I never knew that it did previous to this time have such an effect on him as to prevent his talking; immediately after he was secured there were persons in the room who were in the habit of using tobacco; after Dr. Robinson and Mr. Pendleton left he laughed heartily, and told me voluntarily the reason he would not talk; he said it was the tobacco; he was taken out into the yard soon after he was secured in the morning; he wanted more air, it was warm; I do not recollect whether he was pale at that time; I was somewhat excited; I should think the persons in the hall were somewhat excited too; Clark and the person with him ran in rapidly; I think Clark was somewhat excited; I think Clark said "we have got you;" he said this rather excitedly; he was taken into the yard as soon as he was secured; I do not remember who was next to Clark on seizing him, I think Axtell; there were other occasions on which he asked to have the windows raised, that he might have air, before the scuffle; he was all the time wanting a cooler room than I did; I saw nothing in his breathing unnatural; this call for air commenced with his insanity, it was no new thing; I had a conversation with Tarbell a day or two before the auction; I saw Tarbell going to the auction, had no conversation with him; I do not think he was in good health the day I had the conversation with him.

D. S. CRANDALL.

JOHN O. WHEELER affirmed, says: I reside at Leonardsville; I was acquainted with Norris Tarbell; I was present at Mrs. Clark's on the 24th of November during the fracas of throwing the stove; I was passing into the room at the time Clark seized Tarbell; he put his arm on his left shoulder, and the other under his right arm; Clark was scringing and rather drawing his head down; I think Tarbell struck Clark; they went in pretty fast when Clark took hold of him (Tarbell); he did not strike Tarbell in the breast with his head; when Tarbell came down on the lounge, Clark's knees did not strike him on the breast; I remained 10 or 15 minutes after he was secured; I did not discover anything that led me to think Tarbell was injured; I did not hear him make any complaint; I was not very highly excited; I was some; I was within three feet of them (Clark and Tarbell) when they went on to the lounge.

JOHN O. WHEELER.

HIRAM S. CRANDALL being duly sworn, says: I reside at Leonardsville; I am a physician; I have practiced at Leonardsville 19 years; I knew Norris Tarbell; I was called to see Mr. Tarbell on the 25th day of November; I was called by the county superintendent to examine him as to his supposed insanity; this was between the hours of nine and eleven o'clock; he seemed to be considerably prostrated, the pulse was small, hard and quick, not rapid; nothing remarkable about the appearance of his tongue; there was less than usual color in his countenance; paler than usual; I found him sitting in a chair; I asked him how he felt; he said he felt calm and quiet, and somewhat fatigued; he went on to say he had been very much excited the day before; he had had quite a scrape; he said he had thrown things and pointed to the door, calling my attention to gashes in the door; he was manifestly laboring under acute mania at that time; I made no further examination of him; I was merely called to enquire as to his insanity; I left soon after; I heard subsequently a conversation with H. F. Clark in reference to the encounter with Tarbell on the 24th, it was in Harding's store; Clark stated that he had never exerted himself so energetically or hard before, as he did at the time he captured Tarbell; he laid out every bit of strength he had; he did not say that he had injured Tarbell, but that he (Clark) was so stunned that he "saw stars;" he said there was a kind of stiffness about his neck he had not got over; he had to lay out all the powers he was master of; he said it was a pretty exciting time, as there was danger of the house taking fire; he said he was so excited himself he hardly knew how things did proceed; he did not say anything about his head being sore; I had a conversation with Clark after the verdict of the coroner's jury; he stated at that time that he was so much crazed or excited at the time of the encounter, that he presumed that if there had been no one there to restrain him, as the circumstances were, he should have killed him if there had been no one there to have hindered it; this must have been four or five days after the verdict of the coroner's jury; he said some one restrained him; he did not say who; I was present at the inquest before the coroner; I saw the examination of the body and heard the description of the post-mortem examination of the body at the asylum, by Dr. Cleveland; I took notes at the time, have not them here; I looked on at the examination at the inquest; there was but little to be done; no cutting to be done; I took but little part in the maniacal examination; I examined the lungs; the examination of the body by the physicians at the inquest occupied about 15 minutes after the subject was opened; from my knowledge and experience of medicine I think a man having sustained such injuries as in Tarbell's case could live 16 days; I think I expressed this opinion at the inquest; I have known things as extraordinary as this happen; Dr. Robinson's wife and Mrs. Tarbell, I believe, are related; I saw nothing in the examination at the inquest in conflict with the description and opinion that Dr. Cleveland had previously given there.

Cross-examined.—I do not know any one who was present at Harding's store at the time of Clark's conversation with me there. I think the second conversation was at Harding's store; I do not know any one else that heard either one of the statements; there might have been 5 or 6 persons present; there generally are several persons sitting there; I did not discover anything on my examination of Tarbell, on the morning of the 25th of November, that would lead me to believe that the injuries described existed at that time. I did not discover anything abnormal in his breathing; I suppose that if there had been anything marked in his breathing, I should have noticed it; my attention was not called to it; other physicians had visited him; I think, in my judgment, that Tarbell would go from 5 to 15 days in the condition described, without exhibiting marked symptoms of the disease. The first symptoms that would exhibit themselves, of the existence of these injuries, would be pain and soreness of the person. I think that with injuries as severe as Tarbell's, a person could inspire or expire without manifesting a sense of pain; I have known a person with 5 ribs broken, who did not make any complaint for 12 hours; he was very much intoxicated. I think a person having received the injuries as in Tarbell's case, and laboring under acute mania, could have pulled on a pair of boots too tight for him, and broken 3 straps in doing so, without complaining. I think that in such a case a crazy man might ride over a rough road, in a wagon, 25 miles, and not complain. I think a person in Tarbell's situation might be stripped, washed, and wiped dry, without the injuries being noticed, if the person doing so was not a physician, unless the deformity was marked. I think he could go through the operation of putting on a shirt night and morning,

holding up his arms in doing so, for 5 or 6 days. I think Mr. Tarbell, 5 or 6 days after receiving such injuries, might be so strong as to require two strong men to hold him. I heard Dr. Cleveland describe the manner in which the broken part of the sternum moved after dyspnoea come to be very severe; there was a snapping noise during breathing. My experience tends to make me believe that persons insane can bear more heat, cold and pain, than sane persons, and not complain. The withholding the mental influence over the functions of the body is to suspend and not to change recuperative action, and to retard its action in all its stages. I have stated that taking the thing in all its directions, my stronger opinion was that he, Tarbell, was injured at the asylum. I made no physical examination of Tarbell; I have maintained that there was a probability that the injuries were received previous to his going to the asylum. Statements have come to my knowledge since the inquest, which tend to make me think it probable.

H. S. CRANDALL.

WEDNESDAY, *March 28th*, 1860.

JOHN O. WHEELER recalled: I was present in Mr. Harding's store at the time Mr. H. Clark made some statements in relation to the fracas with Tarbell, at Mrs. Clark's, to Dr. Crandall. This was the day after the affray; it may have been the second or third day, or the same day of the affray. Clark was giving a description of the contest, and said: "I got a pretty hard one;" he said Tarbell struck him over the head with the strap and buckles, and it hurt him very much; he said it made him "see stars;" he said if you don't believe it, just look at my head. I did not hear Clark say anything about his neck being lame or stiff; he spoke of the bunches on the back of his head; I did not hear him say anything about being taken off from Tarbell, and that if he had not been taken off he might have killed him. I was close by Clark at the time of this conversation, and looked at his head and felt of it. I think I should have been likely to have heard it if Clark had said anything about his neck being lame. I think if Clark had said anything in relation to his having been taken off, and if he had not he should have killed him, I should have heard it. I am sure that if Clark had made the above mentioned statements, my position was such I should have heard it; I saw Clark and Dr. Crandall talking; I do not think Clark was directing his conversation to Crandall particularly. Henry B. Hardin, Mr. Axtell, Dennis Harding were, I think, in the store, during this conversation. I have heard this matter talked over by Clark, a good many times. I have heard Dr. Crandall talk the matter over of the affray with Tarbell, a great many times.

Cross-examination.—I cannot say that I was present at any other conversation between Crandall and Clark, than the one above mentioned; I am frequently at that store, and was frequently there about that time. I cannot say that any of the persons above named, remained during the whole of the conversation; Clark and Crandall, I think, left before me. There were several persons in the store during the whole of the conversation; I could not name any one who remained during the whole of the conversation. I think I heard all of the conversation; I do not know whether this was the only conversation had between Clark and Crandall, at Hardin's store, in relation to that matter. I have not talked with Hawley Clark about this matter, or Dr. Crandall, since yesterday. I think I did talk about it with Mr. Brand and one of the Tarbell boys. There were two or three other persons present, not very near to us.

JOHN O. WHEELER.

F. HAWLEY CLARK recalled: I never told Dr. Crandall that in the affray with Tarbell I lamed my neck very bad; I never told him that if I had not been taken off from Tarbell I might have killed him. I stated that when Mr. Tarbell struck me over the head, it made me "see stars."

Cross-examined—I never said to any other person that I was so excited I might have hurt him or killed him; I never said to any person that my neck or shoulders were stiffened or lamed. I was struck in five places on the head. I was so struck between the time of my first coming within his reach, and his being secured. I could not tell whether any one said "let go of him!" while Tarbell was on the counge. I do not recollect of any one's telling me not to hurt him; I did not hear

any one say so; Tarbell did not strike me with the strap or any hard substance before this affray; he struck at me with a broom. I never have said that I rushed in upon him and struck him in the breast with my head; I never said that I rushed him or knocked him back on the lounge in that way; I do not think I ever said I was going so fast that I fell on him; I never said I was so excited that if I had not been taken off I might have hurt him, or any thing of that import. The time I saw Mr. Tarbell naked, was the morning of the fracas of the stove; this was before throwing the stove. I saw him on the bed when he was naked; he also stood up naked. Tarbell said, before the throwing of the stove, that he had sworn vengeance, and made a vow to kill the family.

FRANCIS H. CLARK.

AUGUSTUS L. SANDERS affirmed, says: I reside at Clarksville in the town of Brookfield, Madison county; I am a physician and surgeon; I have practiced over twenty years; I was one of the coroner's jury at the inquest on the body of Norris Tarbell. The condition of the body and bones was very much as described by Dr. King; I think under ordinary circumstances a man having received the injuries such as those in Tarbell's case would live about eight days more or less; I cannot say exactly, he might live longer and he might die short of that time; I think a person in this situation would show symptoms of disease very soon, as soon as reaction was established; I should think the first symptoms would be difficulty of breathing, with complaints of pain in a sane person; an insane person might not complain; I should expect there would be a tough, tenacious, perhaps bloody spueta; I think it would be possible for a man in this situation to pull on a pair of boots that were so tight as to break three of the straps in getting them on, but quite improbable; I do not know what kind of straps they were; I should expect a man suffering under injuries of that kind riding 20 or 25 miles in a lumber spring wagon would show great difficulty of breathing; I think it would tend to hasten on disease. The irritation of the pleura by fractured ribs would produce difficulty of breathing, together with the pressure of the sternum broken from the support; the fracture of the bones would fall in and press on the anterior edge of the left lung, it would also press upon the heart; I should think there was not generally displacement of the sternum in case of fracture; I never saw any other case of fractured sternum; the characteristic difficulty of breathing in cases of pleurisy is, that it is short and hurried breathing, with little motion of the muscles of the chest. The viscia tough spueta appears soon after reaction takes place; there is increased secretion consequent upon the irritation and with the continuance of the irritation the tenacity increases to the highest point, until secretion is blocked up and stopped; this spueta is preceded by frothy expectoration; with the increase of the secretions there is an increased tenacity, which causes it to hold the air and make it frothy, and with the increase of inflammation the tenacity increases and the spueta ceases to be frothy because the air can no longer permeate it; I should think a man would become prostrated more or less after receiving such injuries by riding 20 or 25 miles; after such injuries and after reaction there might be adhesion of the two pleuras; I do not know how long it would take to form a firm, false membrane between the pleural surfaces; under such circumstances it depends on the degree of inflammatory action, and the manner in which it comes to its termination; I think it might form with a considerable degree of firmness in from four to eight days; I think from Dr. Cleveland's description at the inquest there was adhesion there of perhaps two years' standing; I do not know the extent of the adhering surfaces; Dr. Cleveland, and other witnesses said they were quite extensive. I did not examine to ascertain the extent of the adhesions because they had been previously dissected up; I can hardly conceive it possible for a man to ride the distance Tarbell did, and with the injuries and under the same circumstances I understand he did; I have never had much experience in insane cases; I have no experimental knowledge of what an insane man could bear; I saw no signs of suppuration on examination of the body at the inquest. In pleuritic inflammation it will terminate in resolution, adhesion or effusion; in simple fracture of the ribs there would be little deformity; it would be greater after than before death; there was an abnormality in this man's chest; one rib was inserted above where it is usually found.

A. L. SAUNDERS.

Subpœnas were directed to the following persons :

Dr. J. M. Cleveland, Dr. F. M. Wright, Henry W. Perry, A. R. Tennant, Jas. Noble, James Bussy, John Jones, Thomas Dolan, Dr. D. P. Bissell.

DANIEL HARDIN being duly sworn, says: I know Norris Tarbell: I live a few rods from Mrs. Clark's; I was present when Tarbell was secured, the day before he was taken to the asylum; I was present at the time Tarbell was throwing the stove irons. I saw Tarbell the first time that morning in Mr. Pendleton's yard, which adjoins Mrs. Clark's yard; he was in the care of Mr. D. S. Crandall and Mr. Axtell; as I was passing along the walk opposite the house where he stood, he appealed to me to assist him, he wanted to get away from those persons; I asked those persons what they wanted of him; they said they wanted him to take the air; I requested him to walk down with me; they then let go of his arm; as they did so, he sprang violently away from them; he ran to the fence 2 or 3 rods off, and as he ran he leaped over without touching the fence, and as he leaped over he fell on the other side; the fence which he jumped over was level on one side, and lower on Mrs. Clark's side; he did not fall entirely to the ground; he then ran into the front door of Mrs. Clark's house; by the time we reached the door, he had got back to the door and closed it against us. Mr. H. Clark took hold of the door, and as he opened it, Tarbell made an effort to strike him with the broom; he kept us there a short time, and then fell back into the parlor; he closed that door against us; by this time quite a number of persons had come up; Mr. H. Clark took hold of the knob of the door, and he opened it partially, and we could see him in a threatening attitude; he had straps in his hand. He threw the stove irons with great violence; Mr. Clark opened the door and rushed in, and they met about midway in this room; as they came together, Mr. Tarbell fell back on to a settee; Mr. Clark had hold of him; he had hold of his coat collar on both sides, while he lay on the lounge; Tarbell's head was on the arm of the settee; he was shaking him; with one knee over him and the other foot or leg on the floor; he (Clark) said, "we have got you now;" Clark had him with both hands on his coat collar; I was very near to Clark when he went first into the room to seize Tarbell; I stood beside Clark at the door; Mr. Clark went in with his head partially bent down or stooping, as if he was expecting a blow; he went with a good deal of force and very quickly; I went up to Clark and Tarbell as they were at the lounge, while Clark had hold of him, and shaking of him, I said, "for heaven's sake don't hurt him." Mr. Clark soon let go of him; during this time they bound Tarbell; after binding, Mr. Tarbell requested to go out of doors, I did not hear him say why; he walked out in the care of some one; I went away soon after; I heard Clark say in my store one day, that at that time "he saw stars;" when Mr. Clark went in to secure Tarbell I was not in a position to see the manner in which they came together; Clark was ahead of me; I am not sure but what Axtell was; Clark went in stooping and they fell over on the lounge; I did not hear Tarbell say at any time that he was hurt; I am quite sure Clark's knee was on the lounge or Tarbell's person; I cannot exactly say where his knee was; I do not remember hearing Clark say anything connecting the seeing of stars with the straps; I cannot say in what connection he did say that.

DANIEL HARDIN.

THURSDAY, *March 29, 1860.*

HENRY PENDLETON affirmed, says: I reside at Leonardsville in Madison county; I reside next door to Mrs. Clark; I was acquainted with Norris Tarbell; I recollect the fact of his being taken to the asylum on the 25th of November; I saw him the day previous in the morning about 9 o'clock; I saw him at Mrs. Clark's; I went in there to see him, and he kept his hands going to and fro; I went in to see him after the affray of throwing the stove about; he kept his hands going as if he could not speak, and making a muttering sound; I went in and looked at the man; he appeared very pale; I thought the man would die, and I said to Mrs. Clark, "As a neighbor I will call in a physician;" I do not know but it was that I was frightened at seeing the situation of the man; I went and got Dr. Robinson; I returned to that place with Dr. Robinson; when we returned he was making the noise and signs the same as when I left; Dr. Robinson said "I think he is very much exhausted, he needs air;" I will not be positive whether they raised the window or not, Dr. Robinson ordered it to be opened; Dr. Robinson ordered some stimulants, beer or wine; he did not say anything about Tarbell's dying; he said, "I do not know that he will ever speak again," as near as I can recollect; that

was all that Dr. Robinson said that I can recollect; Dr. Robinson and I were together about half an hour, it might have been longer; I did not see much alteration in the appearance of Tarbell while we remained; Tarbell was much paler than usual when I went to see him this morning (the 24th); it was about an hour after the affray with the stove; I had a conversation with Hawley Clark on the 24th of November in the afternoon; he said, "Pendleton, I have had quite a struggle; there was not anybody to help; they appeared as if they were frightened;" he said "Put your hand on my head and feel of these bunches, he must have made them by striking me with a strap, with a buckle on it, which he had in his hand;" this was speaking of Tarbell; he said "When I went into the room to secure Tarbell I pulled my cap over my eyes, and I "saw stars;" this was all I heard him say; I was not called upon the coroner's jury, nor before as a witness; I think he said I feel sore all over and sick.

Cross-examined—I cannot say that Tarbell could not speak when I went in in the morning; I did not hear him speak; I never had much experience with insane persons; I cannot say whether this was inability of Tarbell's to speak, or one of the freaks of his insanity; I chew tobacco; I believe I threw the tobacco out of my mouth when I went into the house; I was a good deal frightened, and was a good deal excited; I think I was not as competent to judge of the condition of Tarbell as a physician of 40 years' standing; I did not notice his breathing; I did not examine him; I did not examine his pulse.

Direct—I was frightened at Mr. Tarbell's appearance and nothing else; Tarbell was never offended at my chewing tobacco, he knew that I chewed tobacco; I have seen him in the grocery where there was smoking and he did not say anything about it being offensive to him; I had not seen him since he was taken deranged where there were persons chewing tobacco; I think Darwin Crandall was in the room when I went in, I think Axtell was also; I think Axtell chews tobacco; Crandall takes care of sick people a great deal; I felt of the bunches on Mr. Clark's head when he requested me to; I think it was on the back part of the head; I felt two swelled places, they were not very large, a little above the skin; I did not feel that the skin was torn; when I went over I knew of the affray of the stove.

HENRY PENDLETON.

HENRY W. PERRY being duly sworn, says: I reside at the asylum at Utica; I have resided there eight years the 3d of next May; I was supervisor of the second department at the asylum last November and December, and am now; this department comprises halls Nos. 2, 5 and 8 of the male department; I recollect when Tarbell came to the asylum, it was the 25th of November; while he was in the asylum he was in the eighth hall in my department; I first saw him in the office; myself and two of his friends took him to the fifth hall verandah; his friends returned to the office with Mr. Bidwell, and I took him to the eighth hall; I remained supervisor of this department till after Tarbell's death; I administered the medicine to Tarbell while he was in the asylum; I cannot say I did it every time; it is the duty of the supervisor to administer the medicine; it is my business to see that the attendants perform their duties; he (Tarbell) had medicine four times a day; I do not recollect how many times a day I saw him; I do not remember, as there were a good many to give medicine to of that class; I was on that hall four times every day and sometimes oftener. Tarbell during the time he was at the asylum did not to my knowledge receive any violence from me or any of the attendants; he did not from me.

Cross-examined—I never had any difficulty with Tarbell except in giving him medicine; the attendants always went with me when I gave him medicine; I do not know of any of the attendants having any scuffle with him except the time he threw the chamber vessel; I did not see it; I have heard he threw it at Mr. Tennant; Tennant and Noble secured him; this was in December, I think but a short time before he died; I think it was the 2d, 3d or 4th of December when I first discovered that there was some trouble with him other than his insanity; I noticed froth on his mouth; I discovered nothing else; he was in his crib at this time; this was before he threw the chamber vessel; it was three or four days before; I cannot swear positively that I discovered the froth before the throwing of the chamber vessel; I learned that the attendants had a struggle with Tarbell in the bath room; he resisted; the attendants were Mr. Jones, Mr. Noble and Mr. Bussy; this was immediately after he came to the asylum; at the time he threw the chamber vessel

I heard he started down the hall; I am not a physician; the medicine was dealt out to me and I gave it to the patients; I cannot say whether it was Dr. Wright or Dr. Cleveland, had charge of Tarbell at the time I discovered the froth at his mouth; the apothecary, Mr. Robert Dryer, dealt out the medicine to me; I am not sure which of the above physicians had charge of him when he first came to the asylum; I did not see any of the attendants have a struggle with him except in feeding him medicine; when I did not take him his medicine it was taken by the attendant in the hall; when he resisted taking his medicine we sometimes raised his lip and held his nose, and sometimes used a stick and opened his mouth; he was always in the crib when we forced the medicine; I never discovered anything but the froth which indicated disease except the spitting up of phlegm, and offensive breath; I first discovered the spitting of phlegm in the month of November; Mr. Hunt, Mr. Christopher Morgan and Mr. Graham examined me in relation to this matter; Mr. Graham took down my statement in writing; I have never seen it, read it, or heard it read since; I was at Leonardsville before the coroner's jury; I cannot say whether I stated there, that I could not tell whether it was before or after the throwing of the chamber vessel that I discovered the froth and the offensive breath; I did not report the discovery of the froth and the offensive breath, to the physicians; I do not now remember having reported Tarbell's situation to any one of the physicians; I took Tarbell to the bath room on the occasion of his first going there; I think Tarbell took medicine the first night after he arrived at the asylum; Tarbell did not resist when I took him to the bath room; I did not discover any injury; I depend upon my memory entirely for the dates which I have given during this examination; I have not at any time had access to records; my recollection is, that the throwing the chamber was a few days before he died; the stick we opened his mouth with, was a stick four to six inches long; some are made of pine and some of harder wood; we had to use the stick with other patients; I do not recollect directing Mr Tennant to report Tarbell's case to the physicians; we always receive medicine in cups, marked with the name of the patient to whom it is to be given; my duty is only to carry out the directions of the physicians from day to day, in regard to each patient; the physicians never communicate to the attendants what they are administering, or any opinion respecting the case; I saw the physicians as often as Tennant did, as a general thing; I can give no reason why I did not report him instead of telling Tennant to do so; it is the usual rule for the attendant himself to report the case of each patient under his care to the physicians.

HENRY W. PERRY.

GEORGE H. BUSSY being sworn, says: I reside at the asylum in Utica; I came there last June; I remember Norris Tarbell being at the asylum; when I first saw Tarbell it was in the eighth hall of the male department; he was with Mr. Perry; myself, Mr. Noble and Mr. Jones then took him to the bath room, and gave him a warm bath; the bath room is on the same hall, and opens like a bed room; there was one of us on each side of him, we had him by the arm; we took off his clothes; he hesitated about getting into the bath tub; Mr. Noble or Jones spoke to him and told him he would not be hurt (or words to that effect), and he then stepped in; while he was in the tub I stood one side of him and Mr. Noble the other; I had my hand on one of Tarbell's shoulders, lightly, and Mr. Noble had his hand on the other shoulder; he was talking all this time a sort of muttering talk; he kicked part of the time; we kept him on the bath tub ten or fifteen minutes I think; as soon as he was taken out of the tub and wiped, I left him and went to the fifth hall; my station was on the fifth hall, next to the eighth; I did not examine the person of this man particularly; I never saw him after that; I had been accustomed to bathing patients; the bath room at this time was rather dark; it was just dusk, the gas was not lighted; I do not know of any one inflicting any injury on this man, at this or any other time; he was not struck or jammed in the bath room; Tarbell did not resist going into the bath; we did not have to use any force to keep him in there; he did not try to get out; we used cloth to wash him, and a brush to brush his head; when washed, he was taken out and wiped all over; I do not remember his making any complaint of being hurt; he was moaning at times; the washing was done by rubbing either with the cloth or hand; he stepped out and they wiped him with a towel; I had hold of his arm all the time; when he was wiped over the stomach or sides he did not complain; I held the arm, the

others wiped him; he was talking and muttering part of the time; I was some unwell that day, and I was taken sick that night; I did not pay any attention to the man's condition; it is the custom to bathe all that come in these halls unless otherwise ordered by the physician.

GEORGE H. BUSSEY.

FRIDAY, *March 30th*, 1860.

ALSON R. TENNANT being sworn, says: I live at the State Lunatic Asylum at Utica; have resided there about one year; I had been there before for about two years; I have been there altogether over three years; I was stationed last fall in the eighth hall of the male department; I knew Norris Tarbell; I was not there the day he came; I was sick then; I was there at the asylum when he died, but not on the hall; Tarbell was on the eighth hall; I cannot say when Tarbell came there; I should think it was November; I saw Tarbell for the first time on the first day of December; he was in bed; I had charge of him from the first of December till he died; so far as I have any knowledge, Tarbell did not receive any violence from me or any one else; he did not receive any from me; he was in bed and treated like a sick patient from the time I first saw him; I was in his room every few minutes daily; I never had any trouble in taking out or getting him into bed; he did not receive any injury or violence in giving him medicine; I sometimes aided in giving him medicine; I generally aided in giving him medicine; I was present at the time Mr. Tarbell threw the chamber vessel; he threw it at me; it might have been four or five days before his death; it was about seven o'clock in the evening; he wanted to get up to use the vessel and we let him up; he used the vessel and then threw it at me; he then jumped out on the hall; Mr. Noble then came behind him and put his arms round his body; then Mr. Tarbell sat down on the floor; I then took hold of one arm and Mr. Noble the other, and took him in to his room, and put on the wristlets and straps, and put him in bed; he danced round considerable while we were putting the wristlets on; I had no struggle in getting him into bed; those wristlets were put on in his room; he did not run far in the hall; Mr. Noble had just got through putting one of the patients to bed in a room adjoining was the reason of his being present on this occasion; there were other sick patients on this hall confined to the bed; Dr. Cleveland was in the hall and saw Tarbell a few minutes previous to this occurrence, and came in again shortly afterwards; I bathed Tarbell once; I do not recollect the time, it was before throwing the chamber; there was no struggle then; he asked for it and went in willingly; I did not examine his body particularly at the time I bathed him; I did not discover any injuries at the time I bathed him; I recollect Mrs. Tarbell's coming there; she came on the Thursday before his death; he died Sunday morning; she remained there till Saturday, 3 or 4 o'clock P. M.; she was not there nights; she was in the room with him while she stayed; she took her dinners in the room with him; I do not know of any way in which he could have received injuries while he was at the asylum; I never knew of his being struck, or jammed, or kicked while he was there; at one time he refused to take his food; I did not use any violence in giving it to him; I never used any violence in giving medicine; he sometimes objected to taking medicine; he was able to get upon the bed; I would put my hands beneath him and raise him up, then he would get out himself on to the floor; this was up to the evening before his death; I raised him up because his hands were confined; Dr. Cleveland directed me to keep his hands confined; I think he required my assistance to raise him on account of weakness the two last days; he got out of bed on Saturday night before he died without assistance; he was bolstered up in bed; his feet were on the bed; his feet were off the bed some part of the time, and some part of the time he was sitting up on a chair; he took dinner on Saturday, his wife was with him; he sat on the bed; from the time I first saw him until he died, I never, that I can remember, found him asleep; he was talking and grumbling to himself most all the time, with the exception of Friday before his death; he did not grumble so much that day; I was with him from about 5½ o'clock A. M., till about 8½ or 9 o'clock P. M.; I never said to Mrs. Tarbell "that if I had a friend who was insane I would never bring him to the asylum knowing as I do how patients were treated there," or any words to that effect. On the afternoon previous to Tarbell's death I went into the room at the request of Mrs. Tarbell; I found Mr. Tarbell standing at the window;

he was about drinking some brandy; the brandy was in his room, it was some the doctor sent there for him; Mrs. Tarbell then said to me I must not leave the room for he, Tarbell, had threatened to put his fist through her; she was afraid to stay there; soon after this she requested me to take her to the office; I do not remember whether she said why she wanted to go; he used some bad language to her; it was obscene language; Tarbell told me he had a fight about three months ago with his brother; he said he got smashed here, putting his hand on his chest and side.

Cross-Examined.—The time he told me that he had had a fight, was on the Saturday before his death; when he was getting the brandy; while standing at the window; he was not under restraint; the restraints were taken off about the time his wife came; I was examined before the Coroner's jury; I first testified before the coroner that I did not have Tarbell on the floor at the time of throwing the vessel; I was on one side of the hall and Tarbell the other when he threw the vessel, and he threw the vessel across the hall; he threw it with a good deal of force; he threw the vessel with an over motion of the arm; I do not remember that I testified before the coroner that we had him down on the floor, and I could not tell whether I said "I've had him on his back," or not; I do not remember that I said anything at that time about having him down on his back; I do not remember whether or not I swore before the coroner "that he might have got on his back;" I cannot remember what I swore to before the coroner; I think I testified there that I laid out a great deal of strength in securing him; I do not know that I discovered that Tarbell was dangerously sick till a few days before he died; I think it was somewhere about the time of throwing the chamber vessel; I cannot tell certain; I reported him to the physician; I cannot tell the day; I do not keep any dates; I cannot remember whether it was before or after throwing the vessel; It was Dr. Cleaveland attended him; Tarbell did not make any complaint of being hurt at the time of having the wristlets put on that I remember; he (Tarbell,) was talking all the time we were putting the wristlets on; I think I discovered difficulty of breathing; I cannot recollect whether there was difficulty of breathing at the time of putting him into the bath; I think I discovered unnatural motion on the front of the chest, but can't state the time; I do not think I could describe the unnatural motion of the chest; I did not at the time pay particular attention; I made no examination of the chest; I don't know that I reported him to the physician as sick; I am thirty-three years old; I weigh about 155 pounds; 5 feet ten or eleven high; Tarbell was a smallish man; the reason why I cannot remember how I swore at the coroner's jury, is, I was sick at that time, and have been since, and was alarmed about myself: I did not keep any memorandum of dates of any of those occurrences; I have had no access to the records since; I do not know anything about medicine; I was a farmer before going to the asylum; I made daily reports to the Doctor when he came round, as to his resting, and how he appeared; Tarbell stood in his room door when he threw the vessel.

A. K. TENNANT.

TUESDAY, *April 3d*, 1860.

JAMES H. NOBLE being duly sworn says: I reside at the Lunatic Asylum in Utica; I resided there last fall; I remember Morris Tarbell being brought to the Asylum; It was on the 25th of November; Mr. H. Perry gave him into my charge; it was in the latter part of the day; he told me to give him a warm bath; I gave him a warm bath; Mr. Bussy and Mr. Jones were with me when I gave him the bath; it was on the eighth hall in the male department; the bath room in the eighth hall opens from the hall; neither myself, Mr. Bussy, Mr. Jones, or any one else inflicted any injuries on Mr. Tarbell; neither myself, Mr. Bussy, or Mr. Jones or any one else, to my knowledge, kicked, jammed, or knocked about Mr. Tarbell, at this or any other time; no one to my knowledge got upon him with our knees, or in any other manner at that or any other time; I remained on that hall till he died; I had the care of him four or five days; Mr. Tennant took charge of him after me; I had charge of him until Mr. Tennant took charge of him; while I had charge of him he was in the crib bed; during the time I had charge of him he was treated as a sick man; he was talking to himself constantly; he was talking crazily; I was present when Mr. Tarbell threw the chamber vessel at Mr. Tennant; I cannot remember the day; I should think it was about four or five days before he died, as near as I can remember; I have no means of determining the day; Tarbell stood just in the door of his room when he threw the chamber vessel; he threw it

out into the hall; the halls are twelve feet wide; Tarbell then started and ran out into the hall; Tennant was on the hall opposite Tarbell's door; I caught Tarbell; he got about four or six feet from the door before I caught him; I caught hold of him with my arms around his body, standing behind him; Tarbell then sat down on the floor; Mr. Tennant and myself then put the wristlets on him; I think when he sat down he lopped over on the floor; when we put the wristlets on him I had him by one arm, and Mr. Tennant the other; on this occasion neither of us struck, jammed, kicked, or got upon him in any manner; no other violence was used towards him than what I have described; Mr. Tennant and myself then put him into his crib bed; I think he walked to the bed; just after we got him in the crib one of the physicians came into Tarbell's room; he was in before this on that day; I cannot say whether before or after dinner; Tarbell in throwing the vessel did not strike either of us with it; it grazed Tennant's coat; there was water in it.

Cross-Examined.—I helped put Tarbell into the bath; I assisted in taking him into the bath room; he did not resist going into the bath room; he did not resist going into the bath; we put him into the bath and washed him with a cloth and hands; he did not resist any; after we had washed him we took him out and wiped him; I did not discover any injuries about him then; we put his clothes on and took him to his room; we had no trouble in getting his clothing on; I was sworn before the coroner at Brookfield; that was five or six days after Tarbell's death, I should judge; I think I remember what I swore to on that occasion; I think I remember what occurred in putting Tarbell into the bath as well now as I did before the coroner.

Question—Did you swear before the coroner that when you took Tarbell into the bath room, that he was very violent, would strike and fight and was very noisy?

Answer—I do not think that I did, except that I testified that he was noisy; my impression is that when I took him into the bath room I lifted up one of his legs and asked him to get in; I have seen Tarbell take hold of his penis and pull it; we kept him in the bath from three to five minutes; he was throwing his legs about and splashing; the signature shown me on this paper (evidence taken before the coroner) is mine; part of the evidence which was given before the coroner was read over to me and a part was not.

Question—When you put Tarbell into the bath, did you testify before the coroner “that he was violent and we held him; he attempted to fight both of us all the while we were giving him the bath; he was noisy and hallooed; we both of us took hold of him and held him by his arms; he kicked at us, and we let him kick?”

NOTE.—Mr. Graham objects to the form of the question as to the word “*testify*.”

Answer—I did not testify to the whole of it; I testified that we took hold of him and held him; I did testify that he was noisy; I will say I did not testify that he attempted to fight both of us while we were giving him the bath; he did keep his hands and feet going, but did not consider it fighting us; I do not know whether I testified before the coroner that it was four or five days or three or four days after Tennant had charge of him.

Question—Did you testify before the coroner that at the time of throwing the vessel, “I managed to get him on the floor?”

Answer—I cannot remember; I do not know whether I used the word managed or some other word.

Question—Did you testify there “*I could not tell how we got him on the floor?*”

Answer—I cannot remember; I won't be positive whether I had him on his back or not.

Question—Did you testify before the coroner that “we had him down on his back?”

Answer—I do not remember.

Question—Did you testify before the coroner as follows: “We had him down on his back only a short time?”

Answer—I do not remember whether I did or not.

Question—Did you testify before the coroner as follows: “I cannot tell what position I was in?”

Answer—I could not say whether I did or not; I can't remember.

Question—Did you testify on that occasion as follows: “I don’t recollect how I got him on the floor?”

Answer—I cannot say whether I so testified or not.

Question—Did you testify that, “he would struggle and try to master?”

Answer—I cannot say whether I did or not. He did not struggle much then.

Question—Did you testify “that he would strike at us and pitch round at us!”

Answer—I do not remember.

Question—Did you testify that “we had some struggles with him when he would not eat!”

Answer—I could not say whether I swore to that or not.

Adjourned till three o’clock.

3 P. M.—Committee again met.

JAMES H. NOBLE continued: I think Tarbell when he threw the vessel did not run 15 or 20 feet; I first took hold of Tarbell at that time; I think Tennant took hold of him by the arm; I cannot be positive; he got into the crib with the assistance of one on each side; Tarbell was kept in his room and bed all the time. What I mean by not resisting, is, he did not fight, or try to get away from us; I think I am correct in what I said, “he kicked about in the bath, but did not kick at us; I never was before a coroner’s inquest, or any such thing before I was at Brookfield; I had been sworn once before that time.

Question—Was you on that occasion at Brookfield before the coroner, clear, or was you confused and frightened?

Answer—I was confused and frightened.

Question—Was the evidence you swore to before the coroner true?

Answer—Yes sir; my memory was as good then as it is now; part of the evidence given by me before the coroner was read over to me, and part was not; I do not know how, part of it was taken down; I was so confused before the coroner that I could not get the answers in the right shape; I shall be 24 years old the 28th day of this month; I am a healthy man.

JAMES H. NOBLE.

JOHN JONES being duly sworn says: I reside at the Asylum in Utica; I was there as an attendant last fall; I remember Norris Tarbell coming there; I had no care of him; I first saw Tarbell on the eighth hall of the male department; this was in November; when I first saw him he was with Mr. Perry and Mr. Noble; Mr. Perry gave direction to bathe him; I helped to bathe him; I had no particular care of him except to sit up at night with him; I staid up with him three or four nights; this was shortly before he died; I do not recollect helping to bathe him only once; I did not at this or any other time, kick, strike, jam him about, throw him down or get on him in any way; I have no knowledge of any one else doing these things to him; I have no knowledge of any one else using violence to him; at the time of putting him into the bath he objected to go in; we had hold of his arms; his feet were free; he kicked about considerable and splashed the water about; I do not think I heard him make any complaint of his being injured, and I did not see anything in his actions that indicated that he was injured; I never saw him try to injure himself or any one else; I have seen him kicking in the bed.

JOHN JONES.

JAMES DOLIN being duly sworn says: I resided in November last at the Asylum at Utica; I knew Norris Tarbell being there; I have no knowledge of injury or violence of any kind being committed by any one at the Asylum on Tarbell; I did not use any violence towards him; I am night watch of the male department; Tarbell was kept on the eighth hall; I was on that hall every night five or six times and sometimes more; I had to give him his medicine in the night, and let him up when necessary; I never had any struggle with him of any kind; he complained of being sore the second or third night after he came there; I wanted to help him up; he said he could get up easier alone; It was before Tennant came home that I discovered he was sore.

JAMES DOLIN.

WEDNESDAY, April 4, 1860.

DR. JOSEPH M CLEVELAND SWORN, says: I reside at the Lunatic Asylum at Utica; I resided there last fall; I occupied the post of first assistant physician and do so still; I was there when Norris Tarbell was received into the asylum; I had charge of the male department at that time; Tarbell was under my charge from the day of his admission, the 25th of November, up to the 29th of November; I resumed charge of the male department December the 2d; Tarbell at that time came again under my charge; he remained under my charge until his death with the exception of one day; Tarbell was in charge of Dr. Wright from November 29th to December 2d; the one day alone excepted Dr. Gray visited him. The patient was admitted with acute mania, and in a state of exhaustion; he was at once ordered concentrated nourishment, beef tea and essence of beef frequently administered during the day, an anodyne of tincture cannabid—tincture of hyoscianus sol. sulph. morph. zi, four times a day; was bathed and placed in covered bed; he was regarded and treated as a case of acute mania; the endless sleeve was applied soon after admission, owing to the disposition on part of patient to wound, pull or tear off his penis; this is his history up to the 20th; I have no reason to think the treatment was changed, during my absence; on resuming duty 2d December I found the patient in much the same state of exhaustion, restless and agitated, talking incoherently, apparently influenced by illusions of depressing character. At my visit 2d December the attendant stated that he thought the patient must have a fit during the night, that there was froth about the mouth; I enquired if patient had coughed or expectorated; attendant didn't know; I directed him to observe these points, and preserve expectoration if any; the patient's breath was very fetid; next day the attendant said he had noticed he coughed, and showed some of his expectoration; the fetor of breath continued, giving suspicion of gangrene of the lungs; prescribed chloride of potash, ten grains in solution, four times a day; the respiration on the 3d was very difficult and labored; I thought of physical examination; commenced it, but relinquished it owing to the patient's restlessness; the comesole was then removed, and the muff substituted as less embarrassing to his respiration; the patient slept none of any consequence; the disease progressed for several days, with increased difficulty of respiration and more marked symptoms of pulmonary inflammation; his wife was written to on the 7th of December, that her husband's condition was critical; on the evening of the 7th or 8th I visited him about 7 o'clock in the evening; his respiration was so labored that dry cups were suggested; I went to the apothecary for cups; returned in a few moments to the eighth hall, and when approaching the patient's room, found Tennant, the attendant mopping up the floor; the attendant stated that Tarbell had been sitting on the vessel near the door of his room; he, Tennant, sitting on a bench near the door of the room; I found the patient in bed restless, agitated and appearing as he did during my previous visit that evening; I did not apply the cups on account of his restlessness, this was on the 7th or 8th of December; the next day the 9th of the month, he was more quiet and was visited by his wife, and passed a large portion of the day in a common single bed in the large dormitory of the hall; he was constantly occupied during my visit that morning with delusions of fear, that he was to be poisoned; he called upon me to bring on the poison; was constantly talking; general condition such as not to allow physical examination; his wife was afraid to stay alone with him that day; the next day I made a physical examination; the vessel was thrown while I was gone for the cups; I did not discover any more excitement than before; I considered it then a case of pneumonia, and had previously ordered for him stimulating expectorants and stimulants; I examined him on the 10th, and discovered that he had dislocation of sternum and fractured ribs; he continued to fail from that time till he died; I do not know of his receiving any injuries at the asylum in any manner or by any person; I conducted a post mortem examination of Tarbell's body. Exhibit (B) is notes of post mortem examination. My opinion is, that from the knowledge of the case, and what was revealed at the post mortem examination, the injuries in Tarbell's case were of several weeks standing and not received at the asylum; I am in the habit of attending insane patients; they would frequently not make as much complaint of injuries as sane persons; they will frequently receive serious injuries and make no complaint about them; I believe mania retards the recuperative process; it sometimes masks the symptoms of disease.

Cross-examination.—I had no note book on which I entered his condition when he came, and his daily condition while at the asylum; we have a case book; a history of the case is recorded the first day of admission of a patient; the notes of his case were written up after his death from what data were in my possession made previously to his death and from my recollection of the case, and from other mode of information; the other information I speak of is from attendants, conversations, discussions with the medical officers, and concomitant circumstances; the information I got from attendants was received before and after his death. When Tarbell was admitted into the asylum the history of his case previous to admission was taken down in the case book; nothing more was entered in the case book until after his death; then the subsequent history was written out in that book; I think Tarbell died Sunday morning at 3 o'clock, December 11th; the post mortem examination took place about 3 o'clock Sunday afternoon; the case was written up in the case book after the post-mortem; I was sworn before the coroner at Brookfield in relation to this case. The letter referred to by me as having been written to Mrs. Tarbell (now shown me) is in my hand writing, except the signature, which I recognize as Dr. Gray's. The signature to the paper shown me is mine (evidence taken before coroner); I signed it at the close of my evidence taken before Coroner Fisk.

Question—Did you testify before the coroner as follows: "I first saw Tarbell, I think, the third or fourth day after the admission?"

Answer—My impression is that I did, or to that effect.

Question—Did you there testify as follows: "Dr. Wright first saw him and took charge of him?"

Answer—My impression is that I did so testify.

The inquest at Brookfield was held within a week from the death of Tarbell. (As appears from the jurat, the evidence of Dr. Cleaveland before the coroner was taken on the 14th and 15th of December.) I think Tarbell's case had not been written up on the case book at the time I was before the coroner; I cannot tell how long it was after I was before the coroner that I wrote up the case; I do not think I can be mistaken as to the time when I first discovered he was laboring under pulmonary troubles in the chest; I was mistaken in my statement before the coroner's jury as to the time I took charge of Tarbell; I did take medical charge of Tarbell on the day he came there, but did not take the history of the case as given by friends; I was mistaken before the coroner three or four days as to the time I took charge of him; I returned home from the coroner's inquest, and Dr. Wright went down subsequently; Dr. Wright and myself had a talk after he returned from Brookfield; I signed my evidence at Brookfield and returned home the same day; I subsequently sent down an affidavit; the paper shown me is the affidavit sent; (see exhibit C); this affidavit was taken on the 22d or 23d of December; this affidavit was drawn by Mr. E. A. Wetmore, at my request; Mr. Wetmore is a lawyer, and treasurer of the Asylum; I think Dr. Wright returned from the inquest before the 22d of December.

Direct.—The case I speak of as entered in the case book when received, is a history of the case, as given by his friends, on admission to the Asylum; I was called before the coroner suddenly; had no time and did not previously consult prescription book; patient when admitted was an ordinary case of acute mania, presenting no prominent points to recollect him by, and my testimony before the coroner was entirely from memory or impression; I expressed before the coroner considerable doubt as to dates; on returning home, or soon after, Dr. Wright called my attention to the prescription book, from which it appears that he went on duty on the 29th of November, and the prescriptions prior to that date were made by myself; this prescription book is a book of prescriptions for the patients; it is for the guidance of the apothecary in putting up the medicine; the prescription has the number of the hall and the name of the patient for whom it is prescribed; it is not possible the case book should be written up every day (where there are so many hundred patients) with a daily record of each case.

Cross-Examination.—I do not think I could tell within three or four days the time of the infliction of the injuries from the post-mortem examination; I first suspected there was some other disease than insanity on the 2d of December.

J. M. CLEAVELAND.

JOHN P. GRAY being duly sworn, says: I am the medical and general superintendent of the New York State Lunatic Asylum at Utica; have been connected with the institution over nine years, and since July, 1854, its superintendent. I saw Norris Tarbell on the 25th of November, 1859, when he was brought to the asylum; I then examined him in the office; his case was one of acute mania, with exhaustion; he looked pale and haggard; he was very incoherent, and rather reclined upon the sofa; I directed his removal to the 8th hall, and that he should be put to bed, and directed Dr. Wright to take the history of his case from his friends; the same afternoon Dr. Cleveland and myself consulted together and determined on his treatment, which was as stated by Dr. Cleveland in his testimony this morning; I saw him the next day, and I think on the 28th, and on several occasions subsequently; I was also informed from time to time of his condition by Dr. Cleveland; his condition and treatment while in the asylum, as testified to by Dr. Cleveland, accords with my recollection, and is, I believe, correct. I was not present at the post-mortem examination, but directed it to be made, after obtaining consent of friends; I had intended to be present, but before I returned from church physicians had made post-mortem, fearing it might be too dark by the time I might return. During Mrs. Tarbell's stay at the asylum I conversed with her as to her husband's condition before coming to the asylum, and detailed to her his case while there; I conversed with her on Saturday, the 10th, after having ascertained that he had fractures, and spoke to her of them; after the post-mortem, and on Monday, December 12th, I had a conversation in the office with F. H. Clark, in which I informed Clark of what the post-mortem examination had revealed, and remarked to the effect that we knew of nothing by which we could account for such injuries, as it must have occurred in some severe encounter, and he replied, "I can just tell you how that happened," and related substantially the occurrence of the throwing of the pieces of the stove, as testified by several witnesses, in my hearing before this committee; he then stated to me that Tarbell had struck him over the head with a strap and buckle, in another room, before this encounter had occurred; that after the pieces of stove had been thrown that he (Clark) bent down his head for fear Tarbell might have something in his hand to strike him with, and ran into him and took him with his head in the breast, and knocked him clear across the room on to a sofa, he falling on him; that he did not know where he struck him in falling; that he himself was stunned; that Tarbell seemed very much give out; that others rushed in after him and secured him (Tarbell), and bound him, and that Tarbell seemed more quiet after this. I then told Clark that his statement explained the matter, and that he had undoubtedly produced the injuries at that time, and that he had been the means of Tarbell's death, to which Clark replied, "do you blame me? because it was a matter of life and death;" I said "No, you undoubtedly did the best you could, but a more experienced man would have taken a different course; you could have taken a pillow in your hand and gone in without any difficulty, or you might have taken a chair, holding the legs towards him, gone slowly, and pinioned him against the wall, between the feet of the chair, without doing him any injury." Clark replied that he was so much excited that he did not think of anything but taking him, because he knew that if Tarbell got the chance he would kill him or some of the women, as they had barely escaped him once before; Clark also said, in answer to a question, that no one examined him at Leonardsville, as he was tied; I told Clark that when the facts of the case were written out we would send a copy of it and the post mortem examination to his wife or brother. On the 29th of November I requested Dr. Cleveland to assist me in preparing the facts and statistics for my annual report to the legislature, and placed Dr. Wright on duty in the male department, temporarily, in Dr. Cleveland's place. So far as I have any personal knowledge of Tarbell's case he was kindly and humanely treated; no unnecessary restraint was used, and no violence or injury inflicted upon his person while at the asylum, and from careful inquiries of the physicians and attendants I am satisfied that no injury was inflicted upon him while a patient in the asylum. From my experience with the insane, as well as from authorities, it is my opinion that with the degree of acute mania under which Tarbell labored, he might have received these injuries at Leonardsville before coming to the asylum, and not have complained of them; that he might have ridden to the asylum as described by the witnesses here, without complaining, and might have the strength and exhaustion exhibited by him, and might have survived the length of time which he did, with these injuries. In acute

mania and in other forms of mental disease there is frequently diminished sensibility to pain in bodily disease, or from injuries; acute mania, not unfrequently, does modify, delay, and even arrest inflammation, either in disease or injury. In Tarbell's case indifference to pain is exhibited in his attempts to injure his penis, and his bodily exertions to the day of his death, under such disease and injury as was present in his case.

Cross-examination.—I do not think any one was present at the conversation mentioned above as having been had with Mr. Clark, except the office boy, who, I think, was in the office; this conversation was on Monday, December 12th, just before taking the body away; I did not communicate this conversation to any of Tarbell's family; I think I testified substantially to this conversation had with Mr. Clark, before the coroner. This signature shown me is mine; it was signed by me at the close of my evidence before the coroner.

JOHN P. GRAY.

JAMES McNAUGHTON, M. D., sworn, says: I reside in Albany; I am a physician of 42 years standing; I am a member of the staff of the medical college in this city; I am senior surgeon of the Albany Hospital since its organization six or seven years ago; I have seen some fractured ribs and sternum left there by Dr. Gray, reported to be those of Norris Tarbell.

Question—Have you seen the specimen of fractures and examined it?

Answer—I have.

Question—Does it present the character of firm bone?

Answer—I was impressed with the belief that the bones were rather brittle, so that I enquired whether the patient had had some constitutional disease likely to render the bones brittle.

Question—What would possibly be the character of the surface inflicting such injuries, and not leaving a bruise of skin?

Answer—Rounded or flat.

Question—Would bruise of skin be as likely to occur when the person had on full clothing as when but little?

Answer—No.

Question—Might such fractures be produced by the force of a man running into another, and striking him with his head in the breast?

Answer—I think they might.

Question—Might a man laboring under acute mania receive such injuries and yet not complain of pain, and might he ride twenty-five miles in a spring wagon afterwards, and under medical care and sustaining diet live 16 or 18 days.

Answer—All that might occur, in my opinion.

Question—In acute mania and other forms of insanity is there ever or frequently diminished sensibility to pain.

Answer—Very generally there is.

Question—Is inflammation ever modified, delayed or arrested in acute mania, or in other forms of insanity.

Answer—My experience will not warrant me in expressing any decided opinion on the above question.

Question—Do we ever find the symptoms of bodily diseases masked by insanity and other central affections?

Answer—Yes, very often.

Question—Might not a person not insane receive and survive such injuries 16 or 18 days.

Answer—Yes—equally severe injuries have been recovered from, so far as life was concerned.

Question—If the post mortem revealed firm adhesions over the entire seat of the injuries on the left side, the left lung and lower part of the right in second stage of pneumonia, the upper part of right in stage of congestion, pus about the end of the fractured bones, pus contained and burrowing under the skin, without external wound or bruises, would the case seem to be of recent date or of long standing?

Answer—The probability is that such appearances, under ordinary circumstances, would require from ten days to three weeks.

Cross-examination.—I should not think it probable that a person having received these injuries could pull on a pair of tight boots without giving evidence of suffering; he might not complain, but would show it in his countenance or otherwise.

My opinion is that the next day after receiving the injury he would be so sore as to complain; I should think that inflammation would commence in 24 hours after receiving such injuries as in this case. The first symptoms that, in my opinion, would exhibit themselves, would be difficulty of breathing, accelerated pulse, and febrile symptoms; the difficulty of breathing would be perceptible to any person on examination; thirty-six hours afterwards if a person was washed and rubbed over the seat of injury he would be likely to flinch. Such injuries as received by Tarbell might be discovered by an attending physician in an hour after, and perhaps not in a week especially if he had not previous knowledge of the injuries; if a person in Tarbell's situation was put under my care without any previous knowledge of the case, and no external injury or bruise being apparent, I might overlook a local injury of that kind, and treat the case according to the general symptoms. As to pulling on the boots, and the bathing and the rubbing on the chest, as above spoken of, and the complaints an insane person would make, I have no practical knowledge; such injuries as those received by Tarbell might be produced by a man's coming upon him with his knees while he was on the floor; it would not be so likely to produce it as a blow with the head.

JAMES McNAUGHTON, M. D.

DR. ALDEN MARCH SWORN, says: I reside in Albany; am a physician and surgeon of 39 years' standing; am one of the staff of the medical college and hospital in Albany; I have read the statement of the case of Bull at the Albany Hospital, Feb. 1, 1859; it is correct and is substantially as follows: "He was brought to the hospital after being thrown over shaft of grindstone in machine shop; left arm torn off; walked from carriage up stairs in hospital and down again; placed himself on operating table; after amputation of arm walked up two flights of stairs to bed; operation performed in presence of State Medical Society, patient's chest being bare; arm dressed every day to the 19th day; patient complained of no pain in side or front of chest at any time; until a few hours before his death he walked about; went to water closet; had no perceptible deformity indicating fracture of ribs; died 19th day; the post-mortem revealed fracture of clavicle in middle, first, second, fourth, fifth and sixth ribs fractured; scapula fractured in several places, comminuted; this case was under the care of Professors Armsby and March, of Albany, who had no suspicion of the existence of these fractures."

Question—Have you seen the specimen of fracture presented by Dr. Gray, and said to be those of Norris Tarbell?

Answer—I have.

Question—Does it present the appearance of a strong chest, in the character of the bones?

Answer—The ordinary strength of a male.

Question—What would probably be the character of the surface of the body inflicting such wide spread injury without leaving a bruise of skin?

Answer—A broad and obtuse body.

Question—Might such fractures be produced by the force of a man running into another and striking him with his head, in the breast?

Answer—Yes.

Question—Might a man laboring under acute mania receive such injuries and not complain of pain, and might he ride twenty-five miles in a spring wagon afterwards, and under medical care and sustaining diet live 16 or 18 days?

Answer—Yes.

Question—In acute mania or other forms of insanity is there ever or frequently diminished sensibility to pain?

Answer—Yes.

Question—Does acute mania or other forms of insanity, ever modify, delay or arrest inflammation.

Answer—I think it does.

Question—Does insanity or other cerebral diseases, ever mask the symptoms of bodily affections?

Answer—I think they do.

Question—From your experience and knowledge of medicine and surgery would you think a person not insane might receive and survive such injuries 16 or 18 days?

Answer—Yes.

Question—If there were firm adhesions over the entire seat of the injury on the left side, the left lung and lower part of the right lung in a state of hepatization, and the upper part of the right lung in a state of congestion, and pus about the ends of the fractured bones, and pus contained and burrowing under the skin, with no external wound, what would you infer as to the length of time the injuries might have occurred before death!

Answer—The answer to this question would depend very much upon the constitution of the patient, and the activity of the inflammatory action—it might vary from one to three weeks.

Cross-examined.—I corroborate the evidence given by Dr. McNaughton on the cross-examination.

ALDEN MARCH.

THURSDAY, April 6th, 1860.

Mr. E. A. GRAHAM, on behalf of the managers of the asylum, put in as evidence the "Rules, regulations, &c., of the New York State Lunatic Asylum," marked (D.); also the notes of Tarbell's case as taken at his reception at the asylum, marked (F).

Mr. Morgan—I offer the evidence of Joseph M. Cleaveland, taken before the coroner; the letter from Dr. Gray to Mrs. Tarbell; the evidence of James H. Noble, taken before the coroner; the evidence of John W. Jones, taken before the coroner; the evidence of A. R. Tennant, taken before the coroner; the evidence of Dr. John P. Gray, taken before the coroner; the evidence of F. M. Wright, taken before the coroner; also that of H. W. Perry and James Dolin, taken before the coroner.

Mr. Graham, for the managers of the Lunatic Asylum, objects to the reception by this committee of investigation, of the minutes, inquisition, &c., brought in by Mr. Fisk, coroner of Madison county, on the following grounds:

1st. The proceedings by and before said Fisk were extra judicial, unauthorized and void. The Revised Statute authorizes the coroner of the county where the body (of the injured or deceased person) shall be found, to summon a jury, &c.; and no other coroner.

2d. It cannot be pretended that the body of Tarbell was *found* in Madison county, within the meaning of this statute. It was found at the asylum in Oneida county; was there delivered by the officers to the wife and friends of deceased, after a post-mortem examination which they consented to have made. Therefore, a coroner of Oneida county was the only proper person to hold an inquest. The body was *carried*, by the *wife* and friends, *into* Madison county.

3d. If that jury had found any one guilty of the commission of a crime, the coroner of Madison county could not have legally ordered his arrest; he had no jurisdiction of the matter, nor could the person charged be tried in Madison county.

4th. No indictment could have been found in Madison county on that inquisition; it could not be received by the grand jury as evidence. The grand jury must have the witnesses before them, and on a trial the accused must be confronted with the witnesses and jury. No one could be indicted for swearing falsely before the coroner of Madison county; he had no jurisdiction to administer an oath in the matter.

5th. An inspection of these papers shows they ought not to be received as evidence for any purpose, because many of the witnesses have not signed the examinations; they are interlined with pencil marks in many places; in many places there are omissions of words which may be supplied by different words which would make a proper connection between the preceding and succeeding words, and the substitution of one or another would entirely change the effect.

The committee, after conferring together, decided that it can be received only for the purpose of impeaching witnesses.

(A.)

MADISON COUNTY, }
 State of New York. } ss.

Examination of witnesses sworn and examined on the 14th day of December, 1859, at the dwelling house of widow Norris Tarbell, in the town of Brookfield, in the county of Madison, and state of New York, before me, D. L. Fisk, one of the coroners in and for the county of Madison, and A. L. Saunders, foreman, Amos B. Spaulding, Ransom S. Stillman, John O. Wheeler, William H. Brand, W. S. Green, Luke Hoxie, Stephen Hoxie, Heman A. Brown, Nathan Brand, and Milton W. St. John, good and lawful men, of the said county of Madison, duly sworn upon their oaths to inquire into all the circumstances attending the death of Norris Tarbell, and by whom the same was produced, and in what manner, when and where the said Norris Tarbell came to his death.

After the jury sworn, the body viewed by the coroner and jury, court adjourned to meet at 7 o'clock in the evening, at the school house of district No. 1, of Brookfield.

At 7 o'clock, P. M., coroner and jury convened pursuant to adjournment.

JOSEPH M. CLEAVELAND being duly sworn by the said coroner: I reside at Utica, in the State Asylum; I am the first assistant physician; I have been connected with it as first assistant for about a year and a half, and for nearly a year prior to that as second assistant physician; I have seen the body of a deceased person near here, in his own dwelling house, who has been recently in the asylum; I saw him this morning; his name is Norris Tarbell, as given us when he was brought to the asylum; that is the name that appears on the case book No. 16, of the asylum; he was brought to the asylum on the 25th of November, 1859, and brought there by his brother, J. F. Tarbell, and neighbors. My duties in the asylum are to visit the male department and prescribe for the patients of that department; I generally take the record of cases as they are admitted, and assist the superintendent in anything he wishes done; John P. Gray is the superintendent; Dr. Gray is the medical and general superintendent; I did not take the record of this case; Dr. F. Morco Wright took it; he is third assistant physician; I was engaged at the time, I think, in posting some books for making out the statistics for the year; he was placed on the second floor, 8th hall, north; I first saw him, I think, the third or fourth day after his admission; Dr. Wright first saw him, and took charge of him until I had him in charge; I considered his mental disease to be acute mania; he was raving, and very incoherent; he appeared feeble and exhausted; I continued to attend upon him until he died; sometimes once a day, and I have seen him three or four times a day; during his first illness once a day. His general condition was very wild; that condition continued up to time of his death nearly, and less violent for the last two days; the first day I saw him the attendant told me he thought he had had a fit, and I asked why, and he said he noticed he frothed at his mouth; I inquired if he had a cough, and if he expectorated, and he said he had not noticed it; the next day he told me he had noticed it, and, as I requested him the day before, he had saved some of the matter; this matter was very offensive, as was also his breath; I supposed he was suffering from gangrene of the lungs, and I put him upon appropriate treatment; I put him upon the chlorate of potash, in ten grain doses, and also a stimulating expectorant; I gave him essence of beef and beef tea, and milk punch, as he required; he took the potash three times a day; it is rather anti-septic, and has a good effect upon persons in that condition; it was hard to say how much he expectorated, but not much; the last day but one he lay in bed after his wife's visit; he was then so quiet that he was placed in ordinary bed; when I approached him he said, bring on your poison; I was told that the last two days prior to his death that at times he appeared rational, but I did not see him when he was so; I was told so by the night watch, I think, and, I think, the night before he died; he was much less violent during the last two days prior to his death than before that time. We have attendants in the asylum; the duties of one of these attendants is to remain constantly on the hall, unless he is

exercising with his patients, and then some other attendant is there; one attendant is constantly there; they are to unlock the door of each room and see that the patients dress at a certain hour in the morning, and see that the patients are washed and get their breakfast; different attendants have different duties; we have two attendants on this hall; one the dining room attendant, and the other has charge of the hall; there is an officer called the supervisor of the department; he passes through and distributes the medicine, and has the general supervision on that floor; the dining room attendant assists the hall attendant; the night watch makes visits to that hall at various times during the night; there may be three persons at once there on that hall; from twenty-five to thirty attendants on the male department; Mr. Noble is the dining room attendant on this hall; Mr. Perry is the supervisor; Mr. Tennant is the hall attendant; Mr. Dolan is the night watch; these are the only persons having duties connected with the patients on this hall; they would call for assistance from other attendants if needed; the attendant in charge of the hall has general charge of the patients; in this case the superintendent unlocked the room and entered it whenever he deemed it necessary; all of these attendants have been there some months; the attendant in charge about a year; dining room attendant been there about a year; the night watch but a few months, and the supervisor ever since I have been there. The attendant in charge was sick during the earlier portion of the patient's stay there; an attendant by the name of Jones was on charge at the time the attendant was sick; I don't recollect the given names of these attendants; an attendant by the name of Lussey sat up with deceased one night, I think, but I am not sure; the last night I was called to his room between two and three o'clock, and Jones had charge of him; at a late hour I called an attendant by the name of Millington to assist; the outside watch was assisting for a few minutes; his name is Luke Daily; I do not think of any others that did duty in the hall during the period that he was there; he was kept in a crib bedstead that has slatted sides and a slatted top, and shuts down with a spring lock, and when shut down the patient cannot get up and get out, and keeps in a lying posture; the deceased was kept in that condition in the crib, so he could not get up most of the time; he did not get up, or walk, or be around the room; he was kept there night and day; I have seen him up out of the crib occasionally, but was not allowed to be oftener than necessity required: he wore a camisole which I ordered put on the first day I saw him; that is a close-fitting shirt, with endless sleeves; that was worn to prevent his injuring himself; in the first place it was put on to prevent him injuring his penis; he would seize it and pull it and try to tear it off; these sleeves prevented his using his hands so as to injure himself; this crib is so arranged that a patient cannot injure himself if his hands are confined; persons have injured themselves with buckles; there was a boy who fractured several of his ribs by pushing a buckle around on his side, and rubbing on his side; the supervisor of the department ministers to all of the patients in his department; every attendant has two keys, one an inside and one an outside key. The deceased's room was kept constantly locked, except when some one in charge of the hall was in it, so that no person could have access to the room except the persons in attendance; in this case the bed was pretty high, and deceased lay on his back, and sufficient space above him for comfort, and five or six inches between the cover and his face; he was so that he could turn over if he had been able to; I made up my mind from the expectoration and the state of the odor of the patient's breath, that he had gangrene of the lungs—I think the second day after seeing him; he had labored respiration, and I had this camisole removed and had wristlets put on his wrists; he continued to breathe with great difficulty, and in the course of a few days he had the peculiar expression of face indicative of inflammation of the lungs; I first discovered this about four days after I first saw him; it is an expression that it is difficult to describe: gangrene of the lungs is the breaking down of the tissue; it is a mortification of the lungs; about four days after I first saw him the evidences of gangrene of the lungs rather decreased, and pneumonia appeared; I could not make an examination of the lungs; I continued of the opinion that his lungs were thus affected, up to the time of his death; he died at about 3, A. M., of the 11th inst.; last Sunday morning; I was with him about half an hour before he died; he was in great distress; very restless, and struggling to get out of bed at times, and they stated that it required two men to hold him; he attempted once or twice to get out of bed when I was there; he would get out and let his limbs hang over the side of the bed, and would seem to breathe easier;

his wife came to see him two days before his death, and he was then taken out of the room and placed in dormatory, and his wife sat by him, and one of the attendants staid in the room till towards evening, and then was removed to a single room and the night watch set up with him all night; the next day his wife visited him and he was in the same room, and his wife was with him and he sat up in an easy chair; this was Saturday morning; I tried then to listen to his chest, and placed my hands upon his breast to try to feel of his chest; I felt a tumor a little to the left of the medium line, and about over the third rib; it felt as though there was air in it, and fluctuated as though there was some fluid in it; it was a small tumor about the size of half of a small hen's egg; I also discovered a fracture of the ribs on the left side; I discovered a couple fractured, and did not examine particularly further on that side; on his right side we discovered a fracture of the ribs; Dr. Wright was with me; we also felt a fracture of what we supposed was a fracture of the breast bone; I tried to relieve him by putting a body bandage around him; I discovered a bruise on the left side of his body; I think there was a very slight indication of a bruise on the left breast; it was more apparent after death, and looked like an old bruise; I discovered some bruises about the legs; his wife was present when I made this examination, which was Saturday morning; I said nothing to her then about the injuries; I think she asked me if there had been an injury; I think I admitted there was some injury; I do not remember what I said, I don't think I specified any injury to her; I asked him if he had been injured before he came here, and he said he had been injured here—I understood him to say so; I don't remember what his wife said when I admitted to her that he was injured; he did not say when or how he had been injured there; he said he got into a fight; I understood him that he had received the injuries that I had discovered, there; the reason I did not think it was time to inform his wife was, I wanted to investigate the circumstances as to how he received his injuries; I desired to find out if the injuries had been received in the house; it would not have been my place to report to Mrs. Tarbell that injuries had been received in the house if they had been; it was my duty to inform the superintendent; I was to investigate by making a series of inquiries of the various attendants; I did investigate; when he made the statement that he was injured he was delirious; he gasped that out when he said this; I saw him Saturday evening; condition in the evening was that of a person rapidly failing in physical strength, and occasionally, I was informed, he would speak; he had not stated to me before this that he had been injured in the asylum; I am not sure whether he did to any one or not; I percussed his chest for several days before his death, and he looked up and said, "there is the trouble;" four or five days before his death this was; I don't remember of his making any complaints as to his being injured at any other time to me; he asked the attendant where his brother was, and he said his brother had killed him, killed him in here; this is what the attendant informed me; Dr. Tourtellot and myself held a post-mortem examination upon his body; that was Sunday afternoon; there was some deformity of the chest: over the left breast there was the trace of an old bruise; we made an incision along the medium line from the lower part of the neck down nearly to the navel; when we got about opposite the third rib a sort of groomus puss followed the knife; I put an instrument in and found an abscess under the muscles and considerable of this matter escaped; it was near one edge of that little tumor we discovered during life; we dissected the muscles off from the ribs and found on the right side the second rib fractured entirely across; the third rib seemed to be fractured; we found the breast bone fractured entirely across at the junction of the body of the breast bone with the upper portion; we then went over to the left side and found the second, third, fourth, fifth and sixth ribs fractured entirely across, and several of them split up into small pieces; we found the lungs more or less adhering to the lining of the chest; we found the pleuritic membrane, opposite the fracture of the breast bone, wounded; we found the same membrane wounded in or about the fracture of the fifth rib; we found the left cavity of the chest containing a large quantity of bloody fluid; we found marks of old pleurisy along the left side; we found the left lung about one-third its natural size, looking like the second stage of inflammation of the lungs; in the bronchial tubes of the same lung we found purulent mucus, we found the anterior and posterior lobes of that lung adhered together; in the right lung there were adhesions limited in extent, extending from about one inch to two inches from the fractures, running towards the medium line: we found the lower portion of the right lung in the second stage of inflammation of the lungs; we found the upper

portion in the first stage; we examined the heart and found no disease there; the first stage is characterized by congestion of the lungs, and it can be used to a great extent for breathing; the second stage the lung is more solidified, and the air does not enter it and respiration does not go on, and becomes impervious to the air; the air does not enter; there is not much alteration in the size of the lungs in the second stage; neither of these stages of the congestion of the lungs are always fatal; the left lung was as though in the second stage pneumonia; the corner portion only of the other lung was in the second stage; we can form some opinion, as to the old look of that bruise, when the injuries were committed; we did not discover any wound of the lung; if the lungs were not injured there would be no hemorrhage from the lungs; the shock alone might produce a little bleeding of the lungs; the violence of the blow might rupture some of the small blood vessels of the lungs; the pleura was wounded; in this case there was bloody scum in the cavity of the chest; in this case there was quantity sufficient to suspend the action of the left lung; the motions of his chest might have produced the grating of the fractured ends together, and the fracture of the breast bone produced that effect; this injury of the lungs did not effect the patient's breathing so that I discovered it; I discovered that his respiration was difficult; I could not form an opinion as to the time these injuries were received; I formed an opinion on this examination as to the cause of this person's death; he died from pleurisy and inflammation of the lungs, the result of the injuries I have described; I made an incision into both lungs and dissected up some of the bronchial; we made it to look at their condition; on one side the lungs adhered to the fractured part of the ribs; it would seem to require a great force to produce these injuries; a person falling down, or throwing a person down, would not produce that effect; it would take a very severe blow directly applied to these parts to produce these fractures; a pressure with the hands could not effect these injuries; a person, by pressing himself, could not break in the chest and ribs in this way.

Adjourned until December 15th, 9 A. M., at the place above named.

December 15th, 1859.

Coroner and jury met pursuant to adjournment.

I stated last night that the pleura was punctured; I mean the pleura castatus; the lungs fill the cavity of the chest in case of health; I don't know whether it would be difficult to injure the outward lining without injuring the pleura next to the lung; the pleura pulmonavis would adhere to the pleura costovis; on the left side it adhered; nature would attempt to cure it by setting upon inflammation, and lymph would be thrown out and false membrane formed; I think if the lung was not injured and only the pleura costovis, the lung would be likely to adhere to the pleura subsequently. Adhesions would not be as likely to take place if the lung was not injured; if the left lung had been punctured we should have found air in the pleuratic cavity; I did not find any gangrene of the lungs; I attributed the odor to the decomposition of the blood which had escaped into the lung after the shock; after death the abscess extended along near the fracture of the bone; I saw the expectoration which he threw up; it was rather greyish, tinged with greenish black color; it was very offensive; I don't know much of this matter; I only saw two sputa; I did not enquire whether this froth was tinged with blood; I came to the conclusion that the expectoration was decomposed blood; when I discovered this great injury, I mistrusted whether he had received them in the asylum, and my conclusions were that he had not; after hearing that he had been to an auction and had made an attack upon a crowd with a knife, and that it had taken five or six of the strongest men present to master him, it suggested itself to me that the injury had occurred perhaps, by a couple of heavy men kneeling on his chest to keep him down while the others secured him; my reason for giving up this opinion I will give: the day after the post mortem examination was made, his brother-in-law came for his corpse and had an interview with the superintendent; Dr. Gray described to him the injuries, as he informed me, of the ribs and breast bone, &c.; his brother-in-law then immediately said, "Now I will tell you how I did that;" then he said that this man was in a room with five or six women armed as I understood the doctor to say with a billet of wood; he came at me, wounded me on the head and I ran out of the room; deceased then tipped the stove over and seized the legs of the stove, and threatened to kill the women; he said he then

knew it was a matter of life or death to these women, for him to secure him; so he opens the door to go in, Mr. Tarbell is at the opposite side of the room; the moment he sees him, he makes at his brother-in-law with his weapons lifted to strike him; his brother-in-law said he was willing to take the blows on the head in order to get at him; so he drops his head and runs at him, and they meet; his head strikes the chest of Mr. Tarbell; Tarbell is knocked ten feet by the collision; the brother-in-law by his impetus, not able to stop, shoots on and falls over him, and I understood the doctor to say that it was his impression he fell on him; neither of them could move for some time; the brother-in-law could not see for some time afterwards; in reference to the condition of Mr. Tarbell at that time my impression is that Dr. Gray reported to me the brother-in-law as having said that Tarbell was insensible subsequent to the collision; from this statement I based my opinion of the cause of the injuries; the broad surface of a man's head, and the soft scalp, perhaps accounting for the want of greater evidence of force of bruises; it was Monday about noon that Dr. Gray gave me these statements; I think it was that day he made these statements; it may have been at an earlier hour; I decline to answer whether it was later than that, for I don't remember; I think there was no air in the tissues except over this abscess. In the right lung the adhesions were apparently recent; on the left lung the adhesions were very thick indeed. The left lung was less than one-half its natural size; I think the pressure diminished its size; the reason why that lung was not one-half its natural size was by reason of the pressure; previous to this injury the lung may have been slightly contracted. If the lung had been smaller the chest would have been smaller; I am satisfied he had the use of the whole of the lung before these injuries; all the lung he had I have no doubt he could use; I presume the immediate effects of such an injury would be great prostration and pulse small; the shock must have been tremendous; I should not think entire reaction would take place in half an hour; I have no opinion as to the time it would—in an hour; I have never read of any description of an injury of this kind; never had any experience or seen any injuries of this kind; I would not dare to venture an opinion as to how long a person could live after receiving this injury. If I had been asked as to whether a person could live as long as deceased did assuming he was injured before he went to the asylum, I should say he could not. Insane persons will sustain themselves greatly under injuries; if the injury was such as to interrupt the functions of any one organ they may not pay much attention to it; I have never seen a case of the kind; it is my opinion that he would not show these injuries so much as a sane person, for the reason he was so raving; these ribs had been perfectly healthy, sound bones before these injuries; there really might be had great difficulty in breathing; I discovered difficulty in his breathing the second day that I saw him; at that time I thought that his lungs were gangrene; he had been in the asylum then about four or five days; my impression is we wrote Mrs. Tarbell very shortly; I don't know whether the superintendent wrote or not; no other physician saw him but myself; it was about nine or ten days after I suspected the gangrene that I discovered the fracture; it is customary, as occasion requires, for the superintendent to prescribe for the patients; a man that is carried there as a pauper patient receives the same treatment as any other person; we talked a great deal about this case; it was after the discovery of the fracture that we talked most about the case; I called in Dr. Wright to assist me in regard to these fractures; we do not call in physicians outside of the institution; Dr. Wright had charge of this patient, at first; I asked Dr. Wright about the case; I did not understand from Dr. Wright that there had been expectoration; he said there was nothing about the case to call his attention to any such injuries as these; no complications about the case; he thought it was a case of acute mania; nothing called my attention the first day to any particular difficulties in his lungs; I may have been in the room five minutes; I don't know except by accident whether the person was a pauper or not; I did not know whether this person was a pauper or not; I did not discover anything when I first saw him that was unnatural about his lungs; I have known of cases of violence being used by attendants towards the patients; it is not sanctioned by the superintendent; I have known of patients being injured; that is Dr. Gray's signature; the rest of the letter is in my handwriting; the letter was written by me the day it was dated; it must have been about a week after I discovered this condition of the lungs that I wrote this letter; the regulation is to visit patients in their rooms as often as once a day, and as much oftener as requisite; I generally visited him once a day; I think there was a day I did not see

him; he was able to get up after I discovered this injury; Thursday night was the last night he slept in a crib; the next day his wife visited him, and he was placed in a bed in another room, and continued there until the evening and then was put into another room in a bed; I was not present when he was removed; I can't tell you who was present, I presume the attendant; Dr. Gray ordered him to be removed for matter of comfort partly, and partly because the patient had been more quiet and it was pleasanter for his wife; I am told it was about 22 miles from here to Utica; I understood the person was taken from here to Utica; I think a person could live injured as this man was to be taken from here to Utica; I think it would increase his prostration to carry him with those injuries. The rules of the institution are established by a board of managers; I should look for a slight hemorrhage immediately after the injury; I should look for expectorations of this kind soon after the injury; the board of managers appoint the assistants; I think the steward hires the attendants, under the direction of the superintendent; I don't know what salary the attendants have; I think they get about \$12 or \$14 a month; there are some foreigners, the majority of them are Americans; I know of attendants having been discharged for the abuse of patients; I know that force was required to put deceased in bed; he got out of bed, and run off into the hall and force had to be used to get him back into the crib; I think he was not let go at large among the patients at any time; the attendant spoken of above was discharged for beating a patient; we sometimes rely upon what a patient says as to how he had been treated; I think the attendants on this hall where deceased was have charge of about 24 persons; as a general thing these baths are taken once a week.

J. M. CLEVELAND, M. D.

Subscribed and sworn to before
me on the 14th and 15th days }
of December, 1859. } D. L. FISK, *Coroner.*

JAMES H. NOBLE being duly sworn, deposes and says: I reside at the asylum at Utica; I am dining room attendant; I came there last April; I came from Rome, and had lived there 23 years; I do the dining room work and help the hall attendant to anything that he wants me to do; I recollect of Mr. Tarbell, the deceased, being brought to the asylum; I have seen him near by in a dwelling house, and recognize the corpse as Mr. Tarbell who died in the asylum; I first saw him on the eighth hall where he was kept; that was when he first came there; I helped take charge of him then, and Mr. Jones was with me; he was doing the dining room work, and I was temporarily taking the place of the hall attendant who was sick; Jones and myself first gave him a warm bath, in the bathing room in the hall; we took him in the room and undressed him, and gave him a bath; he was violent and we held him; he attempted to fight both of us all the while we were giving him the bath; he was noisy and hallooed; we both of us took hold of him and held him by his arms; he kicked at us and we let him kick; we used no other force than to take him to his bed; we had no struggle with him in taking his clothes off or putting them on again so far as we put them on; we did not either of us in giving him the bath strike him or use any other force than I have mentioned; we at once put him in his crib bed in the room; he did not resist us; we had to help him up into the bed; I can't say how much he resisted; we had no struggle with him in putting him into the crib; he did not resist much; the bed was all ready when we first got into the room; I asked him to step up into the bed; I don't remember what he said, or that he said anything; he got up into the bed, and we helped him then by taking hold of his arms; he resisted some and not violently; I mean I had no struggle with him in getting him into the bed; we shut him in and let him remain there; he was noisy and kicking round; we then left him; I can't tell what time of day it was; I think it was afternoon; all attendants have keys to the rooms; there are between twenty and thirty attendants that have keys to the rooms; what attendants there are on each hall have their own patients to see to; I next saw deceased about tea time, and am not positive whether I went to his room alone there; I looked into the room, and saw how he was doing, and came out; I soon went into the room again, and took him some supper; he eat it; I can't say whether he eat it voluntarily; in case he did not I forced it down him; we unlocked the cover and let the patient set up in bed; he rose up and wanted to get out of bed; I did not let him; when I opened the crib he wanted to get out and I did not let him; he was a little more quiet at this time; I don't remember how much force

I used to keep him in bed; he did not get out; Mr. Jones and myself visited him again about 8 o'clock to give him some more supper; we gave him beef tea and beef essence; he eat it both times willingly; he eat a part of it willingly and the rest we had to force down him; we take him and lay him on his back and open his mouth and pour it down, and make him swallow it; if he don't swallow we hold his nose until he does swallow; he swallowed it as we poured it; I think that night we held his nose to make him swallow; we found him about the same as before; I think he did not get out of bed that night; we held him in; we had no struggle with him that night; we saw him again in the morning; when he would not open it we would pry it open with a spoon and then put a wedge in his mouth, and then pour it down him; he appeared raving; I first saw him at half-past five; our custom is to go into the room at half-past five A. M.; about 7 o'clock we fed him his breakfast; I think Mr. Jones was with methen; I could not say whether he eat it freely or not; he was violent that morning; he tried to get out of bed and we held him; we took hold of him and held him in that way; we helped him out on the floor and he used the chamber; I think we held his feet and arms; I saw him again two or three times in the course of the forenoon; gave him his dinner at 12 o'clock; Jones was with me; he appeared noisy and restless; sometimes he would eat his meals entirely, and sometimes we had to force it down him; I had no struggles with him that day; I acted as superintendent of this hall some three or four days, and I fed him constantly and attended him during this time; Jones was always with me; I think no one else; we had no struggle with him at all; he would struggle and try to master; he would pitch around and strike; he would strike at us and pitch round at us; we did not strike back at him; sometimes he would hit me with his fist; we would not let him hit very hard; he struck hard sometimes; when he struck hard I did not strike back; he used both hands to strike; Jones did not strike him any; I never heard him say he had struck him; Allen R. Tennant took my place as hall attendant after he had been there three or four days; Jones had no further care of him; I then went into the dining room; as a general thing I went into the room and assisted Tennant when he fed; sometimes some attendant on the other hall would help; I don't know who else helped him; sometimes he would say the dining room man; I would ask him if he got this man fed and he would say yes; Tennant and I continued in charge of this man until his death; I last saw him Saturday night about nine o'clock; I saw him last Saturday night previous to his death; during my visit to his room I had no clinches with him; I say I had no clinches with him to throw him down; he was a very powerful man, in the prime of life; I had some struggles with him, at times when he would not eat, when Tennant was with me; no more than to take hold of him and hold him; when he had these restraints on I could manage him alone; I know by holding him that he was powerful; by giving him, I ascertained that he was a powerful man; he did not get loose and get out of his room at all; I swear that neither myself nor any one in company with me had any struggles with him; I mean to swear that we did not have this man on the floor or jump on him; I did not hear any one say that they had any struggle with him; when I saw him Saturday night he was growing weaker and weaker all the time; I don't remember what Dr Wright prescribed for him when he had him in charge; I don't remember whether he had any cough or not; I did not discover any difficulty in his breathing for the first few days; I did after that; he breathed as though he had great difficulty to breathe; it was a few days after he was there that I first discovered it; I did not discover any of this expectation the first few days; I heard the hall attendant say that Cleveland spoke of it; I noticed no injuries when I gave him the bath; he was entirely naked when the bath was given; I did not notice any injuries at all when I first put him in bed; I don't know whether I heard him speak of any at that time or not; I did hear him speak of his injuries; I should think he had been there a week when he spoke of it; he said his brother had killed him and put his foot up to his breast; I can't say whether I was alone or not; I did not go into the room alone then; I was dining room attendant to take charge of him; I could not say whether I was just in to see him or was dining; I did not go into the room alone to attend him after I became dining room attendant; I can't explain how I happened to remember what he said, and I can't remember what I was doing in the room; I could not say whether he spoke this when I was alone; he was a wild, crazy man when he said this; this is the only time I heard him say anything; I heard other attendants say that he had spoken to them about his being injured; I heard Jones say so; I have not heard any one

else say so; I did not discover any injuries myself; he complained always the least of its hurting him when we took hold of him to lift; it was two or three days before he died that he complained of its hurting when we took hold of him to lift him; he said it hurt him in his side; I don't know as I heard him complain at any other time; I did not hear him complain of any injuries for the first few days he was in the asylum; he had the full use of all his physical powers at that time; he would use his arms then violently and forcibly, and with great power; for some days before his death he did not have the free use of his arms and chest as before; I don't know that this man received the injuries that have been described in the asylum; I did not hear him call any of the attendants his brother; Jones said that Tarbell called him his brother and gave some name I could not say what; he had no other food than essence of beef and beef tea; the doctor that is around gives the orders what to feed them and when; I never abused a patient in the asylum; I never was reprimanded for that; I was a farmer before I went there to that asylum; I had been a farmer ten or twelve years; sometimes a farm of 130 acres and sometimes 60 acres; I have got a small farm, 22 acres, and my father and mother live on it; by brother does not own it; I have not been sworn but once or twice in my life; that was in Rome; I don't know of any times witnesses have sworn in causes they would not believe me; it is not encumbered for exactly all it was worth; it is worth \$1,400; encumbered between \$700 and \$800; a month or two within the last year before going to the asylum, I did not do much of anything; I traveled sometimes before when I wanted to; I have never been engaged in any fights or assaults and batteries; Dr. Gray employed me on the recommendation of Mr. Tennant, and I get \$150 a year; I noticed a spot on the side of his head a few days before he died; I did not notice it before; I don't know how it came there; I have not talked over what I was going to swear to; on Friday Dr. Cleaveland spoke to me about these injuries; he did not say they had recently been done; I think it was Friday morning before he died.

Court of Inquest adjourned to meet at A. Harder's office in Leonardsville, Madison county, December 16th, 1859, at 9 o'clock A. M.

Court of Inquest met pursuant to adjournment at A. Harder's office in Leonardsville, December 16th, at 9 A. M.

Court of Inquest adjourned to meet forthwith at Hinckley's store in Leonardsville.

Court of Inquest met forthwith at Hinckley's store pursuant to adjournment.

JAMES NOBLE recalled: Mr. Norris Tarbell did not throw a vessel at me at any time when I was attending him; I do not know of his throwing a vessel at one of the attendants; he threw a vessel at Mr. Tennant; I was present at the time when deceased threw the vessel at Tennant; he threw the chamber at Mr. Tennant, and we took him and put him into the bed; this was a week or so after Mr. Tarbell went to the asylum; it was in the evening; Tennant was in the room to let him up to use the chamber, and I happened to come along; I saw it as it was going and was just at the door; he threw it after he had used it; Tennant was about ten feet from him; he threw it violently and slightly hit him, just brushed his coat; I did not hear Tarbell say anything; his hands were loose and his feet; he rushed at us; we grasped hold of him; I took right round him; Tennant took hold of his arms; we had not a great deal of a scuffle with him; he used all of his strength apparently, and I put forth all of my strength to overcome him; we put these wristlets on him, and the strap around his waist; the wristlets were ordered off; I did not at this time have this man down on the floor or jump on him; I don't think Tennant was angry; I don't remember what he said; I don't know of his throwing anything at any other time at any attendant; there was water only in the vessel and the vessel and its contents; Tennant did not say anything; I took hold without Tennant's asking me; I have not had any struggle with him at any other time; I have not said since I came here that nothing would be made out of my testimony; it was a day or two after Cleaveland had gone on the hall; it might have been two days after; I think he was not wearing these endless sleeves; he had no sleeves or wristlets on that day; the wristlets had been on him a day or two;

Tennant said the doctor had ordered them taken off; I think he was wearing them when I was hall attendant, and had worn them a couple of days or so; he wore the sleeves a couple of days in all; he wore the wristlets a week or so; I did not discover any offensive odor about his breath the first day or two; after that I discovered it, and it grew more offensive; I think we took Tarbell up and laid him into the bed, and he resisted; a person could not jump on the crib after it is shut so as to injure a person; I discovered this odor by being over him; if I remember right it was three or four days after he had been there that the odor became offensive, and it continued to grow; the first I noticed was a few days after I came there that he expectorated; I did not notice that he frothed at the mouth any; the vessel went with much more power; I did not notice that he favored himself at that time.

JOHN W. JONES SWORN, says: I have been in the asylum about eight months; I staid last winter at Bridgewater, and went to school some; I lived at Paris eight months before; at Litchfield, Herkimer county, six years before that; I lived in Waterville a little over a year; I was born in Wales; I came from that country eight years ago; I first went to Waterville; I am 25 years old; I am at work on the farm connected with the asylum; I was working on the hall cleaning out the hall, and I was doing dining room work; I saw Mr. Tarbell's corpse two or three times; I was on the hall when he came on the hall; he came there and the order was to bathe him; when I first saw him he was in the bath room, and Noble and the supervisor Perry was with him; Perry told Noble to bathe him, and told me to assist him; we took off his clothes; he jumped around and acted crazy, and was yelling and hooting; I believe his arms were tied behind him; I did not notice whether he had an overcoat; I think the straps; it was a strap, and wristlets; leather strap, I suppose it was; we took hold of his arms and lifted him up; he did not complain of being injured any then; I could not tell whether it appeared to hurt him; he appeared out of breath, and he acted like a person temporarily out of breath; it was a warm bath; we had no struggle with him; we took a towel and rubbed him; we wiped him off; I could not tell you which arm I had hold; I did not notice whether he flinched any or not; I did not notice any injuries or bruises on him at that time; if he had been bruised any of course I should have noticed; we put him in the crib bed after we got him bathed; he flounced around in the bed room and we told him to go into that bed, and he said nothing; I don't recollect of his resisting any; I don't recollect of any particular struggle; we steadied him; I heard him make no complaints, and saw nothing that he was injured at that time; I don't recollect of seeing him until the next day; I think he came there in the forenoon; I don't recollect as I assisted Noble in feeding him that night; I don't know who did the next morning; I think I did not; I saw him the next day; I heard a good deal of noise and working of the bedstead; I unlocked the room and went in; I don't think I saw him until the next day again; I went in just to look in, and see what circumstances he was in; I could not tell whether I saw him more that day; I helped feed him that evening or the next day; Noble was with me; I think we fed him beef essence; I think Noble asked me to come and help feed him; we unlocked the bed and let him set up, and we did not have to hold him; I spooned it out; he eat it; I don't recollect of our forcing him to eat any; I helped change him one day, and I don't know whether before or after I fed him; he appeared wild and crazy; I made the bed; he had these straps on at this time; we had no struggle with him at that time; I don't recollect of seeing him until I staid up with him and another man, and from four to ten days after he was there; I don't recollect of assisting anybody else in feeding him; after the first five days I went on the next hall; I was on this other hall until fall; I did not have any care or attendance of him after the first five days during the day; I staid up two or three nights; the doctor sent up some punch, I called it, and I gave it to him two or three times during the night; I got him up and used the vessel; I did this every night; I was alone; he was wild and raving; he set on the pot when I made the bed; he was noisy, but did not get off; I had no difficulty of getting him back into the bed; I heard him last Thursday night complain of being injured; last week Thursday night; I did not hear him complain before that; I did not have any struggles with him at any time; I think he coughed steady while he was there; I could not tell how many days he had been there when I first saw him; I think he coughed steady; I did not take any notice of the matter at any

time; I could not tell whether he coughed although it appeared to hurt him; I observed his breath being strong; I did not observe of his breath being more offensive during the latter part of his life; I did not discover any injuries about him at any time; I don't know how he received the injuries there; I never heard any attendant say how he received any injuries there; I heard them speak of his throwing a pot at Tennant, but they said nothing about the struggle they had; I could not say what Tennant said; he made use of no harsh expressions about it; I did not hear him say how he was injured; Thursday night before he died I went into the room and he said, "Oh, what a scuffle or fuss," and I asked him what was the trouble; I have had a fight, said he, with my brother, and he hurt me or killed me right here, putting his hand right here; I asked him no questions; I heard him Saturday night speak of it again, and he said the same words; no one was present either time; he appeared wild and raving; I did not ask him any questions Saturday night; I never heard him call any attendant his brother; he never called me so; I have never heard Tennant or any other attendant say that they heard him call any attendant his brother; I don't know whether Noble or any attendant got angry with him or not; I never heard Tennant or any one speak of being angry; I never heard Tarbell say whether any attendant had got angry with him, or whether he had had any struggles with him or not; I never heard him say how he received his injuries at any other time, and I never heard any attendant say how he received them; I asked him when his brother had hurt him, and he said two or three months ago; he did not say what brother; the watchman was frequently in the room with him nights; it was Saturday night that he said this; James Noble, Tennant, Bussy, Dolan, Perry and myself are all the attendants that had anything to do with Tarbell so far as I know; Dr. Cleaveland asked me Friday how he was injured; I told him I did not know; he said he was injured in the chest; he did not tell me what the injuries were, and I did not ask him; I don't think he asked me to enquire of Tarbell how he was injured; he did not say as he had injured—how he was injured; I did not enquire of Tarbell how he was injured except as those stated; I think I saw him every day or night that he was there; I did not notice of his presenting any appearance of internal injuries at all; I set up with him the last nights of his life; I was in room all the time the last two nights; I took hold of his arms to lift him up; I don't recollect as I have not heard him complain any at any time of its hurting him when I lifted; I have never heard of any such thing as the officers requiring any injury to be kept secret.

ALLEN R. TENNANT SWORN, says: I lived out in the asylum last spring for the third time, and have been there four years in all; I have charge of the 8th hall; I saw Mr. Tarbell there the 1st day of the present month, before breakfast; I was sick before that; he was in a crib bedstead; I gave him his breakfast; he appeared rather wild; he drank his tea; I think Noble went in the room with me; I think he did not assist me; I was in his room very often from day to day; I attended to feeding him every day, four times a day; he took his food willingly all but once, when we took a pine wedge and opened his mouth and made him swallow; it was about three or four days after I had charge of him; he was not violent then; I think he said it was poison, was the reason he would not take it; I had one struggle with him, and I guess it was the fourth or fifth day after I went on to the hall; he spoke and said he wanted to get up, and I went immediately to his room and went in and let him up; I got the vessel for him and he sat down on it and used it, and then took it and threw it at me; it hit me on my side and coat; both the vessel and its contents hit; he sat in his room door and I was in the hall six or eight feet from him; he was about to run down the hall as Noble grabbed him; he grabbed right around, and I took him by one arm and the other, and we put the wristlets on him and put him in bed; he knocked my lamp over and spilt the oil; he struggled some with me; I rather think we did not throw him on the floor at that time or any time; he threw the vessel very violently; he grabbed it very quick and threw it; I did not have any struggles with him at any other time; I have not heard of any of the other attendants speak of their having any with him; I was not angry at all any time with him; I think Dr. Wright came around one or two days after the 1st of December; I think I noticed that he raised some the first day; it was froth; I should judge it came from his mouth; no blood in it; I think the third day I saved some in a cup, by order of Dr. Cleaveland; I called it a dark, brownish yellow; I think he coughed a little; I think it was a small quantity that

he raised, and I had to try twice to get enough to show the Dr.; the first day I was in his room I noticed his breath had a bad odor; I don't remember that I or any attendant had him down on the floor; I think we had him on the floor that night he threw the chamber; I think when Nobles grabbed him he got right down on the floor; he might have got on his back; neither Nobles nor myself got on him; I swear that Nobles did not get on him; he walked back in his room voluntarily; we had no struggle with him; I cannot tell you how this man got injured in this asylum; I don't know anything about how he got his injuries there; I have not heard any other; don't speak of how he received any injury there; I don't know of any attendant getting angry at him, and have not heard any of them use any harsh language; I think I heard him make complaint in the presence of his wife as to his being injured; I think he said felt as though he was all stove in here, putting his hand up to his breast; no one else present; I think that was all he said then; I think I heard him say, Saturday before he died, "there is the trouble," putting his hand to his chest as the Dr. was examining him; his wife was present; the Dr. asked her if she knew whether he had received any injury or not, and she said she did not remember that he had; he then said he had a fight about three months ago; I never heard him complain at any other time as to how or when he received his injuries; I have heard him complain about his breathing; he said he could not breathe; I think it was the fifth or sixth day after I was there; he spoke so several times, and said it seemed as though he was all filled up; I don't remember of his saying that any attendant had injured him; I would always take him right under the arms, close up to the shoulders; he said it hurt him if I put my arms around him; I think on Friday he first complained of its hurting him if I put my arms around him; prior to this I had put my arms around him and he did not complain any; I put my arms around differently at other times; he called me Scott from the first of my taking charge of him; I never knew of a patient being injured there; I know of an attendant being discharged lately for choking a patient; if a crazy man should come at me I would not fight; I think some one sat up with him nearly every night after I went on the hall; Jones and Nobles most of them; the employees in the male department are: 1st hall—Mr. Butler, Mr. Button, Mr. Adams. 4th hall—Mr. Waldron, Peter ———. 7th hall—Mr. Graves, Kelly. 11th hall—Ballaby, Nelson, Burlingame, Forbes. 2d hall—H. Perry, Lloyd, Williams, Hughes, Evans, Boad. 3d department—Hughes, Evans and Benton. 6th hall—Durlom, Sepion. 9th hall—Harris and Griffith. Dr. Cleaveland asked me on Friday if he had been injured on the hall; I told him he had not when I had been on the hall.

The court of inquest is adjourned until Monday, the 19th day of December.

The court of inquest met, pursuant to adjournment, Monday the 19th of December, at Hinkley's store, in Leonardsville.

FRANCIS H. CLARK being duly sworn, says: I live in Leonardsville; I knew Norris Tarbell, deceased, for twelve or fifteen years; he was my brother-in-law; was in the habit of seeing him almost every day before he went to the asylum; I resided about two miles from him; I noticed for two or three weeks before he went to the asylum that he appeared strange; I met him in the road about two weeks before he went to the asylum, and he said money he would have and money he must have, and raised his hands, and I went to his house and told his wife he was crazy; he came to my house the same day and my folks observed he acted strange; I had noticed many things to make me think he was out of his right mind; I saw him a day or two after at his house, and appeared strange; he had a great deal to say about religion and God's will; I met him a number of times during this fortnight; before the auction that he appeared to be in his right mind; I never heard him make any complaints in regard to his injuries: I think he was thirty-four years of age. On the 22d day of November, 1859, he attended the auction of Luther Hinkley, three miles from here; he came here and my mother went to the auction with him; he appeared rational that morning; he said that he had had spells of feeling bad, and as though he would injure some one, but he had made up his mind he would not; he commenced bidding on articles, and bought one or two things, and in a few moments he begun to get excited, and his brother and I staid by him to watch him; he said some things were bid off by some men and given to

thers, and he would take them by force and give them to the men he said they belonged to; he ordered his brother to take a book and keep an account of everything that was sold; he meant things should be honest; he handed a pencil and a book to his brother and said, "Frank, I want you to take this and put down everything I tell you. I am going to see that everything goes right"; he said, "Well"; I told him to pay no attention to what others bid; pretty soon a man bid off something and he told Frank to put it down; a man bid off something and he thought somebody else ought to have it, and undertook by force to give it to him; he then commanded the auctioneer in the name of God Almighty to stop the sale; we undertook to get him in the house and we could not, until finally Mr. Brown succeeded in getting him, and he set down, and in a few minutes he called for a room, and he went into the parlor and my aunt was there, and my mother went in the room, and he began to be more boisterous, until he became raving, and the women told me to come into the room, and I stopped to listen before going in, and one of the women said "Hanley, come here, quick," and I started to go in the room and he said, "Hanley, you ain't wanted here," and I did not stir, and he came toward me and stamped his foot, and said, "Hanley, go back," and I did, and he pulled the door to and I went in the crowd to get some help, and asked a number to go in, and I got some started, and the next I saw of him he came out into the yard, and several men around him, and he ordered them around. He grabbed a book out of Mr. Woodworth's hand and said, "These things must be read in public," and the book was taken out of his hands, and he soon got his knife out, and I said he must be taken home, and I saw them take his knife away. We told him he must go home and he said he should not; they put the ropes on him; they tied his arms with the rope; they took him up and put him into the wagon; Mr. Brown, Mr. Coon and Frank Tarbell, and others, secured him; we brought him to my mother's; Frank Tarbell and Hamdon Babcock came home with him; Benjamin Coon came with my mother, and Harder and Darwin Crandall came in one team; at this auction there was no struggle with him, and he was not on the ground at all, so that he could not have received the injuries that he died with; I came home in two or three hours; Darwin Crandall and my mother and sister staid with him in the meantime; I found him very mild when I got home, and they had untied him, and he spoke to me and said, "Hawley, how is the auction? and they tried to make quite a muss," and he said "it was probably all for the best that they brought me"; he said their folks tried to make him believe he did not know what he was about; this was Tuesday night, and he was quiet that night, and Dr. King came and gave him some medicine; he said he thought if he could be kept quiet he should not have any more trouble; the next day he was rational as ever, and at night was quiet and appeared perfectly rational, and he went to bed with his wife, and about midnight I heard a noise, and his wife halloed, "Hawley, come here, quick," and I went at once and he was talking very loud, and my mother said, "come, quick"; he was in the bed; I put my hand on his shoulder and told him to go to bed, and they ran down stairs; I kept him there an hour and a half, and help came; he wanted me to go down stairs, and I started; he followed after me, and I found Harder and Hibbard there, and Harder went up stairs; Harder and I took care of him until about six o'clock, when Darwin Crandall and Axtell came; we succeeded in getting him dressed and went down to breakfast, and commenced taking his clothes off; we were in the parlor an hour and a half, or so, and he struck several of us, and we walked out with him, and Crandall and Axtell walked up street with him, and had hold of him; he sat down to eat breakfast and frothed at the mouth, and went to the door and blowed great chunks of froth two inches wide; it was white froth; it came from his mouth, not his lungs; I heard some one halloo; he started for my mother's house and said he would kill the whole family, and I followed him and jumped over the wall: he fell and got up immediately: he struck on his knees and hands, and ran in the house, and I grabbed at him as he got in the door, and he struck at me with a broom; we backed right back into the hall; he said, "I made a solemn vow last night that I would murder the whole family, and I would do it; I got the broom away from him and he threw the irons from the stove and threw them at the door; he was looking at the stove and I rushed in at him, and he stepped back and drew up to strike me, and as I caught hold of him he hit me with a strap over the head, and I grabbed him by the coat collar and side, and ran him right back on the lounge, and his legs struck the lounge and he tipped over on his back, and I struck on my knees in front of the lounge, and his face

came right onto my stomach; the crowd came in and we bound him with ropes—his feet and arms; I was partly over him; he did not injure me at all except the head; I think my stomach came right across his face; I did not hit him any way across the chest; this was about 10 o'clock in the forenoon, and he soon become more quiet; I saw him about dusk and he appeared very mild, and said he had tried to kill me; I saw him about nine o'clock and he appeared very rational, and wanted the ropes taken off of him, and if he got in that way again he wanted them to bind him; I understood he slept well that night; Gillett and Kinney set up with him, and I saw him the next morning and he was very quiet and rational, and he asked me how I felt, and was sorry he hurt me and asked my forgiveness; he said he was very sorry, and knew what he was about, but could not control his feelings; I inquired of him if we hurt him any way, and he said only his hand a little; he said he was not hurt any other way; he eat a hearty breakfast that morning; he was apparently rational then, and soon after he appeared to become crazy again until we bound him, to which he submitted quietly, and we started for the asylum with him; I never heard him complain of having received any injuries except those on his hand; I heard the evidence of Dr. Cleaveland in relation to the interview he related as to my having with Dr. Gray; I did not make all of the statements he relates; I had the conversation with Dr. Gray last Monday afternoon; Dr. Gray says "then you are the chap that received some wounds from Mr. Tarbell;" Dr. Gray says "sit down then and give me the circumstances as they occurred, in relation to Mr. Tarbell being crazy," and I related them just as I have here to-day; as I came to the scrape at the house he wanted me to be very particular; he had told me then of the result of the post-mortem examination, and knew nothing of his injuries; I related the scrape at the house the same as here to-day; he said "is it not possible that he was injured in some way in handling?" and I told him "no, not so much I can injure your own" squeezing him; I asked him if he found out upon the post-mortem examination if it was the gangrene of the lungs, and he said "we found him to be very bad indeed, but," says he, "we have concluded to write out the whole case and send it to his wife." I asked him if he found it any different from what he expected, and he said he did somewhat; I told him I had called to see him to know what was the matter, and he said he did not want his wife to know it until she got over her bereavement; he said "it is a very bad case, and we found him all broke in both sides of his ribs and his breast bone;" and I asked him if he thought he died from those injuries, and he said he thought he did; I asked him if he did not suppose he was hurt when they had the fuss with him when he threw the vessel, and he said he did not think he could have been hurt then, for there was only one man with him; he said "he threw the vessel with a force that one-tenth of the force would kill a man if it hit him in the head;" he said that Tarbell then rushed at him with all the vengeance that a man could, "just as he did at you down there;" he said the man was a very stout man, and he strained right up and let him come, and as he came towards him he squatted right down and took him right up and carried him into his room; I said "you have had other scrapes here with him," and he said they never had other except that; he said he had no information of his being hurt there; he requested me to not say anything about it; I did not tell Dr. Gray "now I will tell you how I did that;" I made no statements to Dr. Gray that my head came in collision with Tarbell's and he was knocked ten feet by the collision, and that neither of them could move for some time, and that Tarbell was insensible; Tarbell never said anything of the kind that I had killed him; I have no knowledge as to how he received these injuries.

FRANKLIN TARBELL SWORN, says: Am brother of the deceased and resided in the same house with him, and saw him every day before he went to the asylum for a long time; I heard no complaint of any time that he was injured before he went to the asylum, except when I was bringing him home from the auction he complained of Horace Babcock hurting his little finger; prior to the auction he was in the state of mind so that he could not injure himself; at the auction they got him in the house and they were holding him and he was standing up, and not struggling a great deal; he wanted to go out doors and they took him out in the front garden, and he was talking a great deal, and he was not down on the ground to my knowledge, and I saw no one strike him nor heard of any one striking him; I saw them put him in the wagon, and there was no struggle to get him; he could

not have been injured the way he was put into the wagon; Babcock and I got in the wagon and drove him home, and had no struggles with him coming home; it was Thursday morning I next saw him, and he was bound; I staid with him part of the day, and I went home just before night; I did not see him much; the next morning I went down to take him to the asylum, and he was quiet and seemed to be rational, and I understood he had slept all night, and soon after he became more talkative; we started off with him as soon as the papers were made out; we had him bound; he was very raving all the way to the asylum; Holdridge, Russell, Crumb and myself went with him; I did not discover any injury upon him and he put his shirt on freely, and raised his arms right up and put his shirt over his head; we had no struggles with him so that he could be injured in any way; he complained about the ropes hurting him on his arm, and wanted us to take them off; I don't know and had not heard of his having received any injuries before going to the asylum; he danced up the stairs, and we took him into a room where there were several beds and we left him there; I next saw him a week ago last Friday in the asylum; Mr. Clark and his wife went out Thursday to see him; Friday morning my brother went out, and I in the afternoon; I saw him early Friday evening; I saw him again about 8 o'clock, and asked him if he wanted me to stay with him that night, and he said he did; and I staid with him until nearly ten o'clock the next day, and one of the attendants was in the room part of the time; he was not raving or violent; I did not think he was rational all of the time; some of the time he talked quite rational; he tried to call me by name and knew me; I did not have any conversation with him as to what ailed him; he wanted me to put my hand into his shirt bosom and feel of his stomach, and he cautioned me to not bear on hard for he said it hurt him; he talked a good deal during the night, and talked the bigger part of the time, and the most he talked about was how he had been treated; he said when he first came there they threw him first into a cold bath, and then into a hot one, and he said they had had him down in his room, and three or four of them had been right down at a time, and stamped him right down into the floor; I did not pay a great deal of attention to what he said; he said they had insulted him, and knocked him down and kicked him round; he did not call any name in connection with this conversation; when he made these statements he was quiet; that was the last time I saw him alive; when I went to take hold of him he made complaint of its injuring him around the chest; he had strength enough to get up himself, and get on the vessel and get up again; he seemed to be put to it for breath, and said he felt as though there was a big screw in him; I told Hubert I thought patients had not the attention they ought to have, and he appeared angry, and said he wanted me to understand they had more than one man to take care of; he breathed perfectly natural during the time he was sent and going to the asylum.

J. F. TARBELL.

Subscribed to and sworn to }
before me this the 19th } D. L. FISK, *Coroner.*
day of December, 1859. }

A. S. AXTELL sworn, says: I knew Mr. Tarbell in his life time; I assisted in attending him the day before he was taken to the asylum; I was called there about 7 o'clock in the morning to help take care of him, and found him in the room with two or three other men with no clothes on; we tried to get him to dress himself, and succeeded in getting them on; he put them on; he got down to the table to eat his breakfast; he eat a few mouthfuls, and got up and started to go out; we kept him in the house some little time; Crandall and myself having hold of him came down street with him; we called at Elder Lewis with him, and went to Mr. Pendleton's with him; he ran into the house as described by Mr. Clark; he fell going over the fence on his hands and knees; I agree with Mr. Clark as to the manner he was thrown on the lounge; it was not done violently; he did not complain of being hurt, and he said during the day after that, that he was not hurt any; he spoke of a little hurt on his finger, and said that was all he was hurt; Clark did not fall across him; he did not run against him when he grabbed him; he was not handled in any manner that could have injured him; I was with him during the evening, and he was quite calm; during the day that I had the care of him in part there were no struggles with him whereby he could have been injured;

I never heard him complain of being injured other than that as stated before; he said you are not going to hurt me, and I said no, we are not going to hurt you.

A. S. AXTELL.

Subscribed and sworn to }
before me this the 19th } D. L. FISK, *Coroner*.
day of December, 1859. }

WILLIAM P. HOLDRIDGE sworn: I helped take Mr. Tarbell to the asylum; I have heard the evidence of his brother, Frank Tarbell; I agree with him in regard to his statements in taking deceased to the asylum, and after he was there that day; I did not hear him complain at all as to being injured; we took him there in a two horse spring wagon and three of us with him, and I drove; he was on the seat with me, and lay over back in his brother's arms, who was on the back seat, and laid his legs between mine so that I could hold his legs; he lay on his back, and would raise my leg right up in spite of all I could do; in this effort he had to use his chest; he showed a good deal of strength then; the road was pretty rough, and I drove in $2\frac{1}{2}$ hours, and it is 22 miles.

WM. P. HOLDRIDGE.

Subscribed and sworn to }
before me this the 19th } D. L. FISK, *Coroner*.
day of December, 1859. }

DARWIN CRANDALL affirmed: I knew Mr. Tarbell, the deceased; I saw him before he was taken to the asylum; it was at the auction spoken of; I only saw him a few moments before he was taken to the asylum; I helped bind him; I think I did not help put the straps on him; they had no struggle with him, and he received no usage whereby he could have been injured; I came down in a wagon right behind them, and helped him out of the wagon, and staid with him that afternoon and evening; had no difficulty with him; he was quiet and remained so while I staid; I saw him the next morning about eight; he was more wild and stripped his clothing off; I was with him that day all day; he was crazy pretty much the day; had no difficulty with him; we kept him in the house all day; Mr. Axtell was with me the most of the time; he was not violent, and we did not have to use any force to control him that day; we left him considerable more comfortable; I saw him again Thursday morning, and staid that day with him; he was more boisterous that day; I was present when Mr. Clark caught him; Clark grabbed him around his shoulder and arm, and backed him up on the lounge; Clark did not come in collision with him to injure him; I conversed with him in the evening and the next morning about his being injured. After he became rational he said he was not injured at all; the next morning he expressed himself very sorry that he hurt Clark at all; I asked him if he had hurt his hand taking hold of the stove, and he said he had not; he said when they threw him on the lounge, carry me out, and let me die; he said he was not injured at all, that he had not felt better in two years; this was Friday morning, and he mentioned it three times to me; I was with him until he went to the asylum Friday; I eat breakfast with him; he eat a comfortable breakfast; I never heard him complain of being injured; I was with him all the time after he came from the auction except sleeping hours.

D. S. CRANDALL.

Subscribed and affirmed }
to this the 19th day } D. L. FISK, *Coroner*.
of December, 1859. }

ABNER GILLET SWORN: I set up with Mr. Tarbell the night before he went to the asylum, and Mr. Kinney with me; when I first went in he was rather wild, and soon he appeared sane, and we took off his shackles, and he was rational and sane to all appearances; he slept well, and waked up three times and called for drink and once for victuals and drink, and went to sleep directly after waking up; he went to sleep about ten o'clock and I staid until six o'clock, and he was then asleep; he did not complain of being injured at all; the stand was some three feet or more from the bed; he reached clean over to get the glass and drink, and then set it back again; he said he could help himself, and did not want to put us to any trouble; I heard him make no complaints at all; he eat during the night and

said he felt as well as he ever did, except he wanted strength, and said he thought in a few days he should be as well as he ever was; he eat a piece of pie and bread and butter.

ABNER GILLETT.

Subscribed and sworn to }
before me this the 19th } D. L. FISK, *Coroner.*
day of December, 1859. }

EUNICE TARBELL sworn, says: I am the widow of Norris Tarbell who recently died at the asylum; he was taken to the asylum the 25th of November; prior to his being taken to the asylum I never heard him complain of any injuries he had received in any way; Tuesday night he was quite calm; he said he was not sick, and did not complain except of a slight pain in the head; my mother and myself slept in the same room with him; he slept but very little that night; we called no one up that night; the next night he appeared very much like himself and went to bed as usual, and said he thought he should sleep all night well; I was with him until about 1 o'clock, and then occasionally until nearly daylight; he slept until 11 o'clock, and we put some clothes on, and just before 1 o'clock he said if you think there is any danger you must watch me, and I called up my brother, and he and others took care of him the rest of the night; I asked him in the morning before he went away if he did not get hurt when he was over at the auction, and the day they secured him here, and he said not at all; he appeared rational then; he showed a little bit of a scratch on his finger, and said that is all I have got anywhere at all; I went to the asylum to see him Thursday night before he died; when I first went into the room he seemed in much distress for breath, and begged me to blow in his mouth; he knew me at once; he wanted me to get the tobacco out of his nose; he was lying down in the bed, with only one pillow under his head; my mother and Noble was present, and the supervisor came into the room; I think he made no statements to me that evening in regard to his injuries; I saw him Friday morning about 9½ o'clock, and staid all day with him; when I went into the room he appeared much more feeble, and quiet and calm; I asked him if he could talk, and he shook his head; before noon he set up on the fore side of the bed; he asked me how I came, when I started and who came with me, and seemed perfectly rational; he said that day you don't know anything about how they have used me here; he said they have almost killed me; he watched Noble until they went out of the room and said they will deceive you, you look out for that fellow; Noble asked me two or three times that day if I had heard the doctor say anything about him and I asked him if he had not, and he said no; this was Noble; I was present when he first examined him, and he asked me if I knew he had been injured any way previous to his being brought there, and I told him he had not received any in any way; he asked me if he was taken from my house to the asylum, and I told him he was not hurt; I was with him most of the time; I did not then ask him if he was injured; I next saw him Saturday morning; he said when I went in the room, they are giving me brandy to keep me up; he said in the course of the day I am a spoilt man; he said I am all stove in; when the doctor came up he said here is the trouble doctor, putting his hand on his chest, and Dr. Cleaveland said I know it; he proceeded to examine him very closely and put his hand on him, and asked me if he had been injured any way; he asked him if he had been hurt since he came there, and he said yes; I asked him then how he got hurt, and he said fighting; I turned to Tennant and Noble and said I, "Is that so, has he been fighting since he came here?" and they said no; during the day Mr. Tennant said to me, some two two or three days before you came here his attendant was putting him to bed, and he ran out and run the whole length of the hall, and he said he could not get him back until he brought him back by taking him up; Dr. Cleaveland examined him, and he came back, and a younger doctor with him; they then thoroughly examined him; Dr. Cleaveland asked me again if he had been hurt any way, and I asked him if he had been injured, and he said it appears he has; I did not ask him how he was injured; he had the bandage on but a short time before he complained of it making him feel worse; he made no statements other than as I have stated in regard to his injuries; Cleaveland did not tell me how long it was before he had discovered any injuries; I asked the attendants how all those marks and bruises on him came; he said they had not put the restraints on him; his knees and limbs were bruised up very badly; on Friday he split blood two or three times; it looked quite fresh, and his nose was filled with blood on Thursday night; his mouth was

sore and I asked them how that came, and they said he resisted his food; I asked them how the sores came, and they said they did not know; I left him nearly night, Saturday night; I talked with Dr. Gray about him, and he said nothing about his injuries; all of the time I saw him he seemed very much troubled for breath; he never made any complaint of the difficulty of breathing before he went to the asylum.

ORRILLA CLARK sworn, says: I went with my daughter to the asylum at the time my daughter was there.

ERASTUS KING sworn, says: I am a practising physician and surgeon, and have been engaged in that profession nearly twenty-three years; I was called to see Mr. Tarbell the 22d of November; it was at the house of Mrs. Clark; he appeared quite rational at that time; a person could scarcely perceive any insanity about him then; he moved, set up and moved around the room without any apparent object; his physical condition appeared as well as usual with the exception that he was rather thin; so far as medical examination was concerned he did not exhibit anything different from a man in health; he expressed himself as feeling well, and that he was not sick at all except that his head felt bad; I left a little medicine for him, and advised the family to wait a few days and see how he was before taking him to the asylum; I told them I would call the 24th, and see him again, and I called there between 12 and 2 o'clock P. M., and they had him bound, and he was laying down and appeared very well, and was talking incoherently all the while; he called me by name; before I left I got down by him and examined him closely, and noted his breathing particularly several times, and I saw nothing unnatural about it, but what it was freely and well performed; I examined his pulse, and it struck me as being not unusual in regard to frequency, and full, and he showed me his tongue, and it did not differ very much from what it was before; before I arose he rose up and commenced spitting at people; I discovered nothing unusual about him only he was wounded; he appeared physically well; I discovered nothing about him to prevent his being taken to the asylum; I was present at a post mortem examination of his body last Thursday afternoon; we found the breast bone broken once in two, and five of his ribs on the left side broken, and one of them protruded through into the cavity of the chest, so that the lung had the appearance of being injured by it; on the right side found two ribs broken and that lung was highly inflamed, and the whole lungs were highly inflamed and some parts of the lungs were in the first stages of inflammation, and some in the second; we could form an opinion of the time he was injured within three or four days; we found this from the appearance of the broken parts, and the appearance of the lungs; I thought from the appearance of the lungs and the fractured parts that the injury could not have been done more than seven or eight days before his death; the reason I formed this opinion is this: inflammation of any part terminates in one of these ways; in the first stage of the disease there is a gorgement of the lungs, congestant, and the cough is loose; if it be not arrested at this stage it goes on to another stage called hepatised lung, which has the appearance of liver, and every part of the lung in this stage is useless so far as respiration is concerned; if inflammation is not arrested at this stage separation or gangrene takes place—in other words mortification; there is a certain length of time that it always takes for the lungs to pass through these different stages, varying in different individuals, and under different circumstances; if the inflammation is severe it passes more rapidly through these various stages; in this case it had not arrived to gangrene of the lungs; the most of the lungs were in the first stage; no part of the left lung which was injured was in the second stage of inflammation; the first stage of inflammation generally lasts four or five days; the second stage of inflammation continues longer than the first; these injuries produced the inflammation of the lungs; I should think from the appearance that the greater portion of the lung was inflamed at the same time; I have no doubt as to what caused his death; I think he died from the effects of injuries inflicted on the chest, which affected his lungs; I don't think it could have been over eight days from the time he received the injuries until he died; I think a man injured as he was, must have received a very severe blow and the immediate effects severe; a man cannot have a bone broken of any magnitude without he will succumb to it; in this case I think the injuries must have almost suspended respiration, and the functions of the heart been impeded, and the man would not be able

to talk for some time; an injury of this kind could have been done with the knees by jumping on him, but a blow would have left more bruises; he must have been in a fixed position; in this case he must have been immediately prostrated; he could not have rode to Utica in this condition; if this man had had these injuries about him I must have discovered them when I examined him; I have read Mr. Holdridge's evidence; if he had been in this condition I don't think he could have exerted himself as much as he did; I don't think it possible to take a man to Utica and have him live injured as he was; he could not within 24 hours after receiving this injury have reached three feet from his bed, and taken anything to his lips.

ERASTUS KING.

Subscribed and sworn to }
before me this the 19th } D. L. FISK, *Coroner*.
day of December, 1859. }

PLINNEY ROBINSON sworn, says: That I reside in this place; I am practicing here; I have practiced medicine for thirty-five years; I am one of the physicians that certified to Mr Tarbell's insanity at the time he was taken to the asylum; I examined him the day before to ascertain his condition; I have heard Dr. King's testimony; I agree with him as to his condition that day, except that his pulse was a little more feeble than in a normal condition; his respiration was normal, and nothing indicating any difficulty about his lungs; if there had been anything out of place I should have noticed it; I was present at the post-mortem examination spoken of by Dr. King; I agree with Dr. King as to the injuries inflicted upon him, and as to the condition of his lungs; my opinion was that the injuries he received caused an inflammation of the lungs, and that he died from the effects of that; I agree with Dr. King as to the immediate effect that such injuries would have upon a person; I agree with him as to the length of time a person could live after having received such injuries: I don't think he could have lived from over five to eight days, judging from the state the parts were in from the post-mortem examination.

PLINNEY ROBINSON.

Subscribed and sworn to }
before me this, the 19th } D. L. FISK, *Coroner*.
day of December, 1859. }

A. L. SAUNDERS affirmed: I have been a practicing physician for twenty years; I was present at the post-mortem examination spoken of by Dr. King; I agree with Dr. King as to the injuries received, the effect of those injuries, and the length of time that would probably elapse from the time of receiving them until his death; the gas that Dr. Cleaveland spoke of as escaping from the tumor on the chest indicated an injury to the lung, allowing air to escape from the lung into the chest; all of this man's bones appeared as though they were in a perfectly healthy state, and no disease of the lungs except as these injuries had produced that disease.

This court of inquest is adjourned to Wednesday, the 21st day of December, 1859, at 9 o'clock in the forenoon, then to assemble at this place.

The court of inquest assembled pursuant to adjournment, Wednesday, December 21st, 1859.

H. S. CRANDALL being duly affirmed, deposes and says: That I reside in this place; I am a practicing physician and surgeon; I commenced practicing medicine here 19 years ago last May; I was somewhat acquainted with Norris Tarbell in his lifetime; I saw the body of Norris Tarbell up here at his dwelling house; the first time I saw him that I considered him insane was in this place, on the 24th ultimo, walking in the street between two men; I passed Mr. Tarbell and he remarked I might go along, as he would not take any of my poison; the next time I saw him was on the morning of the 25th ultimo, at the request of his brother-in-law, who wished me to see him, and if I considered him insane, he wished my affidavit to that effect; I did go and see him; I went in and shook hands with him and apologized to him for not calling on him before; he told me he was glad to

see me; after passing these compliments, he said he had been very much excited the day before, and the neighbors had come in; he pointed to the door and said that was the effect of it; he said he had thrown the legs of the stove, covers, &c., at the door; he said it seemed to him that the devil was there—he wanted to hit him if he could; he went on to say that I would not believe what he was going to tell me, but it was true; he said Dr. King was at the bottom of all this excitement; he said he had been doctoring him and poisoned him, and destroyed his health and happiness; he said what he said was true, and he would not take any more of Dr. King's medicine unless he was held and it poured down; he put his head on my hand and asked if it was not hot; he went to a table and took up a bottle of liquid of about one-half a pint; he brought it and wanted to put it on my head, he said it was a holy balm he had secured from Mrs. Hubbell, who had been lecturing here; from his appearance and his sayings I think him insane; he put some on my head and with his hands gave my head a shampooing; I did his the same; he used his hands natural; I did not discover any bodily injury: I witnessed the post-mortem examination; the stomach bone was divided at the upper third with the middle third at the junction of the middle third of the same bone; on the right side the second and fourth rib was fractured near the angle of the ribs; on the left side the second, third, fourth, fifth and sixth ribs were fractured; one of the ribs was fractured twice—I think the fifth or sixth of the left side; the pleura seemed to have been ruptured; from the appearance of deceased I think these injuries were not on him when I examined him on the 25th of November; the cause of the death of deceased was inflammation caused by these injuries; I felt of his pulse at the time I examined him on the 25th; I noticed his breathing; his pulse was quick but not frequent; the state of his pulse indicated strong nervous excitation; I don't know as I should be able to judge how much force it would take to produce these injuries; it would be great; it would be very strong force; a man would not be likely to do it by hugging around another man; if a man was running with force and should fall upon a man it might have been done, but it is not probable; this injury would produce, when done, a strong prostration for some time; I think for a few moments after such an injury a person would be insensible from the shock and concussion of the blow; the time would depend upon the time the pressure upon the lungs continued, and the extent of the injury to the lungs; if the lungs were not severely bruised or perforated the person could speak in a few minutes; I think from these fractures that the person could speak in a few minutes; I think it would be very extraordinary for a person falling upon another and producing these injuries; I don't recollect what Dr. Cleaveland said about the right lung, but to what he said about the left lung I think I agree; my opinion of the right lung is this, that the lower portion was in the second stage of inflammation, the upper half I think in the first; I think the left lung was in a state of hepatization; this is the second stage of inflammation; the first stage of inflammation rages from five days to six weeks; in this extraordinary case of injury I think the inflammation would pass from stage to stage quicker than an ordinary case; the second stage ordinarily from five to ten days after the first stage.

ASAPH C. PERRY SWORN, deposes and says: I reside at Unadilla Forks, about three miles from here; I have worked at the Utica Asylum; I went there as an attendant twelve years ago; I have worked there since Dr. Gray has been there; I had charge of the washing department; my duties called me to the wing of the building, except to the ladies' department; I had some business there; I think I went there four years ago; I staid there about four months; I was taken sick and left; I have been there since; I saw patients there abused when Dr. Brigham was there; I have seen patients abused at the asylum under Dr. Gray; I saw, on the third hall, Mr. Davis, a supervisor of that hall, treat a patient the way I did not like; he wanted me to go with him from the third hall on to the ninth hall; he came to a man that was cribbed up; he took the man by the hair and held his head back and pried his mouth open with the outside key he took from his pocket; there was nothing said by the patient except "oh!" he asked him to open his mouth; patient said he did not want any medicine; Davis said "d—n you, you will open your mouth." At another time he called me to go with two other attendants to give a patient medicine; the man was strapped down; he asked him to take his medicine; patient said he did not want any medicine; he caught him by the hair of the head and thrust him back, and wanted me to take hold of his arms to keep

him still, then he went at him with the key in the same manner; I saw blood in the man's mouth before I left the room; I saw Mr. Savage, an attendant, fight with a patient in the presence of Mr. Davis, the supervisor; I saw Mr. Savage strike the patient in the eye and discolor the eye; this Mr. Savage handled the patients roughly when undressing them for bed; I was passing out of the first hall to the north wing; I heard a noise on the second floor; some one crying "you will murder me! you will kill me!" I went to the supervisor's room first; I found him; I went on the second hall and found two attendants hold of a patient, apparently getting him ready for bed; one says this; "Let him go, and see what he will do;" they let him loose and he ran at one of the attendants; he caught the attendant by the hair of the head and got him down on the floor, and got him by the throat; I got there first and I took him off from the attendant; the other attendants soon got hold of him and helped hold, and while we were holding him the supervisor got orders to bathe his head and temples with cold water; while the supervisor was gone the attendants had him down on the floor and were pressing him with the elbows and knees, and I told them to be careful and not hurt him; we bathed him, and orders came to the Dr. to put him in a room; we had the key in the door, to shut the door, and after that I heard the patient make the most affecting noise I ever heard; the supervisor's name was Perry; I think one of the attendant's names was Jones; I don't know as these injuries came to the officers of the asylum; It was my duty to do it; the reason why I did not report is that by telling tales it would get the ill-will of the workmen; none of these attendants were discharged for these acts to my knowledge; the patients that had their mouths forced open were violent; there is a class of patients that refuse to take food or drink on account of insanity, and would starve if not forced to take it; Davis forced the mouth open too roughly; they usually open the mouth with a wooden wedge; I don't know when the patient is too violent but they use a metal instrument; I knew if Dr. Gray knew it they would be discharged immediately; I did not suppose that they were killing this man; after the man was put in the room he made a worse noise than in the hall; no one was then hurting him, I did not report any of these acts to the Dr. The washing was done in a back building of the asylum.

Foreman—I don't know of any agreement between the attendants that they should not tell of these acts.

H.—My business did not take me into the room where the females were.

A. C. PERRY.

Subscribed and sworn to }
before me this, the 21st } D. L. FISK, *Coroner*.
day of December, 1859. }

JOHN P. GRAY SWORN, deposes and says: I am a physician; I am superintendent of the State Lunatic Asylum at Utica; I have held that position over four years, and have been connected with the institution over nine years; I have seen Norris Tarbell, deceased; by the record of the asylum he was brought to the asylum on the 25th of November; I saw him once previous to the visit of his wife; I can't tell how long previous to that; I think it was previous to the 2d of December; I saw him while passing through the wards on a visit to the patients; I made no examination of him at all then; I went up close to his bed; he was then confined to his crib; the crib was locked; he was noisy; this was the only time I saw him previous to the visit of his wife; subsequently to this I was away one day, and after that I was busy on my report; Dr. Wright took the recorded history of the case; Dr. Cleveland first prescribed for him; when a patient is brought to the asylum there is no physical examinations made of the condition of the patients unless in special cases where the history or appearance of the case requires it; I don't know as I was present when this patient was brought in; there were admitted last year three hundred and thirty-three patients; it is not often that they are taken on Sunday; there were two hundred and eighty-eight cases discharged; I rarely prescribe for a patient directly; there is one physician for each department, male and female, and one physician whose duty it is to act when the others are absent; my duties are supervising all the departments; I next saw the deceased the day his wife arrived, Thursday the 8th; I was not called to visit him; Dr. Cleveland and myself had had consultation in regard to him; I went especially to see deceased; I went into the room; I found him comfortably quiet; there was agitation and movement of his hands; I examined his pulse; it was feeble; his

respiration was hurried and difficult; he made attempts to expectorate; he was then laying down, having but one pillow under his head; I had him raised up and other pillows put under him, and requested him to bend forward, and put my ear over the region of the chest; I put my ear to right and left side, and at an interval of quiet I tried to examine the condition of his lungs; the right lung the sound seemed to be in good condition, and on the left side I detected no sound at the time, indicating that lung to be in a diseased state; he was feeble and I laid him down; I did not come to any conclusion then what ailed the man; I did not sound his lungs other than by the ear; I had formed the opinion that he had inflammation of the lungs; Dr. Cleaveland had spoken to me about this case several days before this; I don't remember whether it was the 2d or 3d of December that he spoke to me about his lungs; he said he expected he had gangrene of the lungs; I can't tell whether I was spoken to about the injuries on Thursday or Friday before he died; in difficult and extraordinary cases I am always consulted and my advice taken, where there would be any difference of opinion; at the time he spoke to me of gangrene of the lungs I had no suspicion of these extensive injuries; I think he first spoke to me about gangrene of the lungs December 2d or 3d; there was no immediate danger of the patient dying with gangrene of the lungs; they sometimes get well and other times lay a long while; it is the duty of the physician in charge to visit the patients every day; they would not keep a daily record of ordinary cases of acute mania, except the prescriptions; I did not look at Dr. Cleaveland's books to see if he had kept a record of this patient, of his daily condition; it is a general rule to bathe patients as often as once a week, and filthy patients as often as necessary; there is a standing rule to bathe each patient when taken in the asylum; I believe this patient was bathed twice; the first prescriptions were for acute mania, and nothing else; there were directions given as to his diet; I think after Thursday I saw him the next day; I found him still more feeble, and rapidly failing; I did not then make any examination of him; I am not confident whether I saw him the next evening or not; I did not see the body after death; I informed his friends on Sunday morning of his death, and requested them to allow a post-mortem examination; I stated to them that he had received injuries somewhere, and that it was our duty and right that such an examination should be made, and that it would be a satisfaction to them and us to clear up the matter; I spoke to them of the injuries, and I wished to know the condition of the lungs; I did not attend the post-mortem examination; I did not describe the injuries to his wife and friends; it was my intention to attend the post-mortem examination, but I did not get home from church in time; my impression is, I asked Mr. Tennant, one of the attendants, if he had any trouble with him; at one time deceased told Tennant he wanted to go on the vessel; he took him up and placed him on the stool, and after he was through he saw him reaching for the vessel and throw it at him; he said he and another person took him and put him in bed again; this was in the hall, as I understood it; he ran into the hall and they had to secure him; he ran down the hall; I asked further if there was difficulty in bathing him; he said there was no great trouble in bathing him the second time; he saw them bathe him the second time; the impression was that there was no great trouble in the bath room; from deceased's room to the bath room is about 40 or 50 feet; I don't know whether I spoke to his wife about the post-mortem examination and the result; I have not sent them to her; I think the officers came there on Wednesday following; this was the first I had heard of this excitement; Dr. Cleaveland did not complete the statement on Tuesday; I was engaged all day with the managers of the asylum; I don't know whether he commenced it or not; I did not tell Dr. Cleaveland not to write it out; I did not tell him before that; I first called the board together yesterday to lay this matter before them; I told them that I would not show him these men; we treat acute cases in this hall, the 8th; I communicated briefly the result of this post-mortem examination to Clark, the brother-in-law of the deceased; the main fact I told him was that he came to his death by injuries, and that they had been severe; I did not tell him not to tell Mrs. Tarbell of it; subsequent to that I asked him who Reuben was, and he did not answer for a moment; I told him the patient said he had had a great fight with his brother; he said "I guess that is me, I am his brother-in-law, my name is Hawley;" he stated he had a contest with him in some room where there was a stove; that he and other persons were there to take him, and they were all excited; he said the deceased had taken pieces of stove and threw at him, and he stood out-

side of the door where he could partly see him, and when he threw anything he would shut the door; he said the pieces made indentations in the casing of the door; he rushed in, thinking it was life or death, towards him head foremost, and struck him with his head in the breast, and knocked him across the room; I asked him if he fell on him; he said he could not tell how he fell on him; then others rushed in and took him and bound him; I then said to him, "then you have killed this man," and I think the remark he made was "do you blame me?" I replied, "of course not; you did the best you knew how, but if you had experience you could have taken him without any injury to him;" I told him he could have taken him with a pillow or a chair held in the hands; I believed the statement that he had broken the man's breast in with his head; I have believed since that the injury was made by the head; the deceased did not tell me how the injuries were received; I did not hear him say that he had been killed at the asylum; I told Hawley first, I think, about the post-mortem examination; I thought at the time that this was a case that ought to be looked into by an inquisition; I did not inform any of the friends of this conversation; I did not tell him not to tell the family of it; I think I told him I would write these facts and opinions out and send them to the family; I did not advise him not to tell Mrs. Tarbell by reason of her affliction; I said to him I would do so then, or in a few days; I told him we considered it our duty to write out all the particulars of the case, with the treatment and the result of the examination, and we would send a copy of it to his wife or brother; I had it in my mind that Hawley's statement to me was a part of the history of the case; I asked him why he did not tell us all this when he gave us the history of the case; he made no reply; the notes of the case in post-mortem examinations ought to be taken at the time; I do not know positively whether there were any notes made of this post-mortem examination; attendant's have been discharged or reprimanded often for abuse of patients; Mr. Savage, referred to by the last witness, was discharged from the service of the asylum for abusing a patient and fighting.

Juror—Under acute mania persons seem to be more insensible to pain; injuries they complain but little of.

When the officers were there yesterday I had no intention of impeding the service of the process, or this investigation, in any way or manner; no attendant has left the employ of the asylum since this investigation commenced; Mr. Tennant is now ill, and unable to attend on account of sickness; I did not refuse to communicate to any of the relatives of deceased the result of the post-mortem examination; when anything unusual occurs it is reported to the office directly; after the post-mortem examination I did not make any investigation of the injuries, or inquiries concerning the same; I was too busy the day preceding, and the next morning I was called before the board of supervisors, and could not; I intended to investigate the matter, and will yet.

JOHN P. GRAY.

Subscribed and sworn to }
before me this, the 21st } D. L. FISK, *Coroner*.
day of December, 1859. }

FRANCIS M. WRIGHT affirmed, says: I am assistant physician at the Lunatic Asylum at Utica, and reside there; I have performed the duties since last April; I have only received the appointment since the present month; I have seen the deceased, Norris Tarbell; I saw him when admitted to the asylum; I have no recollection of the appearance of deceased at that time; I took the history of his case from the friends that brought him there; I saw him I think on the 29th; I first prescribed for that complaint; I recollect of seeing him the 29th, 30th, or 1st of December—which of the days I can't say; I don't find any prescription in my handwriting; the prescription I find in my handwriting for that day; I can't state whether he was prescribed for or not; I think there is no prescription on the books in my handwriting for that day; I had not examined Mr. Tarbell physically up to the 1st of December; I can't say the time I examined him; I discovered a fracture of the breast bone, and a fracture of several ribs on each side; I think a slight mark of a disappearing bruise on the left side, but trifling; his respiration was exceedingly difficult and labored; I recollect of seeing him once on which of those days I can't say; I saw nothing so marked on this occasion as to call my attention to it; he was in a crib on the eighth hall; I have no personal knowledge of his being bathed; I have no personal knowledge of his having any struggles with the

attendants; Dr. Cleaveland called me to see him as he found certain injuries on the chest; at this time was the first I had any knowledge of his injuries; the injuries must have been produced by a considerable violence—by a blow; I could not give any opinion as to how much force it would take to break in a man's chest; I could form no opinion of the length of time those injuries had been done; it would not be probable that I should have discovered these injuries if they had been done previous to my first visit; I cannot say how much these injuries would impede the respiration. When I visited the man I visited him to find his condition; I found him in a crib, moderately quiet, and under no manifestations which impressed my memory; I was making professional visits; I did not unlock the crib; I don't remember that he was violent. When I make professional calls I mark the symptoms and change of symptoms; generally do not feel of the pulse; I do not in violent cases unless there is some physical complication about it; the pulse is not a reliable indication of the state of the patient's mind; I ascertain the state of the patient's mind by the appearance and speaking to him, and by enquiring of the attendants; I speak to them to see how rational they are; I consider the pulse more the indication of the state of the body than the mind; we watch daily the condition of the body and the changes of it; I should have prescribed for him if needed; I should have prescribed for him for this examination; I should rely more upon questioning the attendants in regard to the mental condition than my own examination; the attendants of the hall are not medical men; the attendants, nurses and men, take care of the men; I don't recollect of being on duty as first physician when this man was hurt there; I recollect of acting as first physician two or three days when Dr. Cleaveland was gathering statistics for the report. It is the duty of the first assistant to take the statement of the patient's case; in acting in that capacity I acted as first assistant physician; I think at this time the deceased was sent to the hall; I don't remember what direction I gave about him; I don't know what Dr. Cleaveland was doing at this time; deceased was taken to the eighth hall; I don't know as any one gave any directions about the man; Dr. Cleaveland had been treating this man three or four days before I did; I don't recollect as he informed me the condition of the patients on that hall when I went in charge; I attended him three days; I don't know in what condition I found him more than I stated; I have no recollection of his having a cough; I discovered nothing in his physical condition during these three days to need additional treatment. When I examined him when Dr. Cleaveland called me, his breathing attracted my attention before I examined him; he had great difficulty in breathing; I don't remember of any of the attendants remarking that he had a fit; I have no opinion how long a person could live who had received injuries like these; I have no knowledge of such a case; I have never read of such a case; I think the immediate result of these injuries would cause a difficulty in his breathing and great pain also; I think great prostration; these injuries would not necessarily cause sputa to raise, and the patient to throw up blood immediately; I don't think it would cause incoherency in a sane person; I think a person might live, if injured in this way before the 25th of November to the 11th of December; I don't think blows of the first would produce these injuries; I think it must have been a violent blow because the breast bone was broken; I think it might have been done by a heavy man running against deceased with violence; I think it possible; if there had been anything striking about the case I should have told Dr. C.; in case of prescription the name of the patient is put down and the remedies opposite; the treatment is not put down daily when it contains the same; I have been practising about four years in Kansas and New York city; I was in the hospital; the three days I was attending I think Mr. Noble and Mr. Jones were the attendants.

By Juror.—I did not observe anything of the bloody sputa at the time I attended him.

By Hunt.—It is the duties of the first assistant physician to take the statement of the case; if not assistant the other assistants attend to it; I suppose on each of these occasions I saw the deceased; I have no doubt I saw him; the prescriptions were made by Dr. Cleaveland before I took his place; in going through halls I visited 50 or 60 patients; I was to examine if they required any other medicine than that prescribed; I think if he had been out of his crib it would have impressed

me. My attention was not directed to the physical condition of the patient only to see if the patient required any change of treatment.

F. MARKOE WRIGHT.

Subscribed and sworn to }
before me this the 21st } D. L. FISK, *Coroner.*
day of December, 1859. }

HENRY W. PERRY sworn, says: I am employed by the year as supervisor in the asylum; I have been employed seven years last May; as supervisor four years; my duties are to distribute medicine; I have charge of the main hall when not engaged in distributing medicines; I think the deceased was brought there the 25th of November; I saw him in the office first: I was called down to take him up; there were some men with him that took him up; I directed them where to take him; he was brought into what was called the fifth hall veranda; he did not make much resistance going up stairs; I think he danced in the second hall; Mr. Noble and Mr. Jones were in the bathing room; I only staid in the bathing room a few minutes; they had not commenced bathing him when I left; I think I saw him when I brought around the medicine; I think the medicine is brought around about 7 A. M., then at 12 M., then at 5½ P. M., then at 8 P. M.; I am sure I saw him that evening; I give the prescription to the patient; it is not my duty to examine the physical condition of the patient; if there is a marked change in the patient I report it; I think I gave him medicine that night; I am not positive; he was pretty noisy and uneasy this night; I think I saw him at eight at night and then in the morning; I don't remember whether it was prescribed four times a day for deceased; deceased was very restless and uneasy most of the time; I had some difficulty in making him take the medicine sometimes; a few times he would take medicine by raising the lip; sometimes I used the stick; I used in this way—take a wooden wedge and put it between his teeth and open his mouth, and pour it down; sometimes we had to hold his nose; the first few days we had to force medicine down him; I think there was some restraint put on when he first came from the bath; he would be much more rational at times than others, a good deal more—to an extent so he would talk rational; then he would not be violent; it was so from the time he was brought there till he died; I don't recollect as I heard him complain of being injured the first half of the time he was there; I did not observe anything about his lips the first few days he was there; I rather think he coughed, but I can't tell at what time; I am not positive, but I think he did the first ten days; I think he coughed after the first few days; I don't recollect as I discovered any difficulty in his breathing the first few days; it might have been and I not have noticed; I saw him at other times besides when I prescribed for him; I can't say how much; I have seen him out of the crib; I don't know how many times; it was when they were changing the clothes; when giving him the medicines one of the attendants would hold his head; we had no hard struggles; I never was present when any of the attendants had struggles with him; I never was present when any one got upon him in any way upon his chest; I never saw any violence used towards him sufficient to produce injuries; the last few days of his life I was not with him as much as at first; I was with him about half an hour the day his wife arrived; I did not hear him say who injured him; I heard Mr. Jones say he had complained of his being injured, the next morning after his death; I asked Jones about the deceased in the morning; he stated it was all they could do to hold him in bed a part of the time; Jones said deceased asked if his brother was here, and deceased called his brother and Jones answered him, and asked where his brother was, and said my brother has killed me right there (putting his hand on his breast); I have never heard any of the other attendants speak of his injuries; I have never heard of his receiving any injuries in the asylum; I have no information as to how he did receive those injuries; I think the night he had the vessel he went into the hall; Tennant told me so; they said they secured him and put restraints on him; they said, I think, they had him down on the floor; he said Dr. C.; I was in the bed; put the restraints on him; they have new attendants that can't hold their tempers and use violence; I know of violence being used to patients since I have been there; such as throwing the patient down; I have never heard of patients being thrown down, and put the knees on each side of the patient, and held the hands down by their side while feeding th m; I have known attendants using improper violence to patients; it is a common occurrence to take violent patients down upon the floor;

I don't recollect as we ever had deceased on the floor when giving him medicine; I have known of his frothing at the mouth; I think it was before he threw the vessel; I heard something about his having a fit; I can't tell the time, but I think towards the latter part; I think the doctor took the restraints off because the patients could get along without them; I saw froth on his whiskers; it was towards the latter part; I noticed a bad smell about his breath; I think he had not been there long when I first discovered it; I don't recollect as I spoke to the doctor about it; I noticed the bruise on his temple towards the last he was there; I don't think I saw the bruise till after the fracas with the vessel; I think Tennant told me he had him on the floor this time; in order to get the patient under restraint we should take him down on the floor; I think the hall there may be some 60 or 70 feet long; I believe they said they carried him back into the room; I rather think two men took him up and carried him back; it was my business to enquire after the bruises I saw on the deceased; if attendants do use violence they are discharged; when discovered, violence could not be used without censure I think; I did not notice any change in the patient's condition after the fracas with the vessel; the bath room opened into the hall.

HENRY W. PERRY.

Subscribed and sworn to }
before me this the 21st } D. L. FISK, *Coroner.*
day of December, 1859. }

Court adjourned to meet at this place December 22d, at 9 o'clock P. M.

Court met pursuant to adjournment December 22d, at 9 o'clock P. M.

JAMES DOLIN sworn deposes and says: I have been employed in the asylum off and on four years; I have been gone six or seven months off; I have been a watchman four months past; before that I worked on the farm; my duty on night watch is to go around and quiet the patients, and give them medicine; I was the watchman where deceased was kept; I recollect of deceased being brought to the asylum; I saw him in the night about 9 o'clock; one of the attendants showed me the room he slept in; I saw him every night he was there; I go round always four times during the night; he was pretty noisy most of the time; I gave him medicine almost every night for the last week; I gave him "egg nogg;" there was no one with me when I gave him the medicine except the last few days when his friends were there and neighbors; I attended him alone except the last few nights; the second, third or fourth night I first discovered difficulty in his breathing; it was short breathing; when I would unlock the crib he would complain of being sore; I would want to help him, and he would say no; I can get up myself better; he would be a great while in getting up; he did not want me to take hold of him, it hurt him; this was along the third or fourth night; he did not say where it hurt him; he kept getting worse; I think he complained every night that I took him up; he would want to get up almost every night for two or three nights, and then go without one or two nights; all he said at any time was that it hurt him; I did not observe particularly how much he coughed; I did not observe any of his expectorations; I believe I did not see him at any time when he frothed at the mouth; I did not help bathe him; we changed his shirt the last week; his knees were bruised by striking them against the cover of the crib; he was confined in the crib till the last five or six nights; I never had any trouble with him; he thought I lived down here, and was partial towards me; he would get into the crib without any trouble from me; he was talking and hallooing most of the time; he never used any violence towards me; I don't recollect of hearing any of the attendants having any difficulty with him; I heard something said about putting on the wristlets; they did not say what trouble; I have not heard them say they had to use violence; I think the wristlets were put on when he first came there; I never heard of deceased throwing the vessel; I don't know whether it was the first putting on the wristlets or not that the trouble happened; about half an hour before he died Jones spoke about the breast bones of the deceased being broken; I never heard the attendants say deceased said anything about being injured; Jones said his breast bones were broken; that was all he said; he (Dr. Cleaveland) spoke to him about it, and told it to him; the night he died I set up part of the night; I never heard him say anything except he was sore inside and stiff; I did not hear him complain only when I

was getting him up; he thought he could rest better if he set up; I have not heard anything more than I have stated; I never heard any of the attendants say they had got angry with him; I don't know of any attendants getting mad at patients, and never heard of any; I have never heard of any violence being used to patients there nor knew of any; I have heard of attendants being discharged for abusing a patient; I did not change the deceased from the crib to the bed; deceased was on the eighth hall; I have moved patients from one hall to another; this man was noisy most of the time; when removed from the crib to the bed he was weak; I did not see him when he was being removed; I did not hear of any matter he spit up; I have no knowledge or information relative to how deceased received the injuries; there is no light in the rooms during the night; I carry a lamp when going around; I never had any trouble with him on giving medicine; I have the charge of ten halls besides the hospital; I report every morning to the doctor; I did not report what he said about being lame and sore; I am not informed in any way of the condition of the patients except the sick ones when I go on watch; we have a good many crib patients; they never complain of being injured or hurt except this; I don't think he could have broke his breast or ribs in the crib; I always saw the restraints on him except when he was sick.

JAMES DOLIN.

Subscribed and sworn to }
before me this the 22d } D. L. FISK, *Coroner*.
day of December, 1859. }

SAMUEL MILLINGTON sworn, deposes and says: I have worked in the asylum since the 7th day of April last; I have charge of the fifth hall, to see the patients have clothes; I saw deceased when he came in and passed through the hall; I unlocked the dining room door and let them through; the next remembrance I have of the man I set up with him; I think it was Thursday night before he died; I went to the door and he said "Franklin, come here, I want to get up;" he was in the crib; he said he would like to use the vessel; I then took him by the arm and helped him back in bed; I steadied him; he asked me then if he could set up in bed; I set beside of him and held him so he could set easy; he said, "I set very easy; the time came to give his medicine and he asked me to let him lay down; then I shut the cover down and went down the hall to another man and gave him some medicine; from there I went through my hall and then returned back and gave him his medicine, and then stopped with him till morning; he wanted to see Franklin, he says; he said nothing to me about being injured; I did not notice as he appeared like one that had been injured; I could not say his wife had been there the first night I was there; I could not say when he was changed from the crib to the bed; I could not say whether after being removed from the crib room he was removed back; I could not say when I heard of his being hurt the first; I did not know he had; I did not notice as he coughed this night; I did not notice anything wrong about his breathing; he said nothing to me about being injured; I gave him medicine; he took it freely; I gave him nothing to eat; the night he died I was called in there about two o'clock; I found him sitting on the edge of the bed with the attendant; I told Jones if he would take him by the shoulders I would by the feet, and we would put him on the bed; we did so; I staid till he died; put a canvass chair under his head and shoulders so he would lie easy; he spoke about Franklin; I asked him if he wished to speak to his friends or say anything other; he made no reply; I don't remember of his saying anything about his being injured; I do not know of any violence being used towards him, nor heard of any; I have not heard any attendants having struggles with him; the fracas was all I heard talked of in my room; I did not know what was said; I never heard of any one that he was injured or had received violence; I have not held any conversation with any of the attendants about this man or his condition; he said nothing to Jones and myself except what I have said; I have not heard any of the officers say anything about the injuries; they have never inquired of me about how he was hurt.

S. MILLINGTON.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner*.
day of December, 1859. }

ANSON HARDER sworn, says: I saw Mr. Tarbell at the auction; I was in the house with him and Mr. Green, and three or four others; had hold of him; he was quiet when I saw him; I saw no violence used while he was in the house; I did not see or hear of any violence being used there towards him at all; I saw him most of the time that afternoon until three or four o'clock; I staid with him that night; in the fore part of the evening he was quiet, and appeared quite sane; I occupied a room across the hall and heard no disturbance that night; I saw him the next night, the 23d, and he was well; we did not have to use force to control him; I saw him go in the house Thursday, when we secured him; I was the first one to follow him in the house; he passed into the parlor, in the west room; I passed around to the east room, to the back bedroom, to head him off that way; after he passed into the parlor he turned around with the strap and broom, and struck his straps against the door; he threw the stove covers at both doors; I then went round to get some one to come and help me go into the room; I was at the hall door with Clark when he started to enter the room, and Daniel Hardin and John O. Wheeler, and Mr. Axtell, and others, were also in or near the hall; Clark rushed at him just as he was stooping down to the stove; Tarbell was from four to six feet from Clark when Clark started for him; I saw Mr. Clark when he clinched him; I could not say how he took hold of him; he grabbed hold of him with his hands, and had hold of his body or arms; I followed right close after Clark; I did not think Clark was against him with his head; they did not come together with much force; Tarbell was standing nearly still when Clark grabbed him; I caught him by the left arm and run him back to the lounge, and the lounge hit his legs and we set him right back on the lounge; he fell on the lounge partly on his side; he did not fall on the lounge with sufficient violence to hurt a man; as soon as we got him on the lounge I took the straps which, I think, were in his hands, and fastened them around him and tied his arms back; others fastened his feet. That night he spoke of the struggle that day, and at the auction, and said he was not injured only his hands scratched a little; he said, the night I set up with him, that he was not hurt any; I think it was impossible that he was injured in the manner he was injured at any time I have mentioned.

ANSON HARDER.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner.*
day of December, 1859. }

EUNICE TARBELL recalled, testified: Mr. Tarbell spit blood one or two mornings before going to the auction; it did not appear fresh; I don't recollect as he coughed at that time; this was in the morning, before light; he was subject to nose bleed; it was the color of common blood; he hawked and spit as he would any time; I think he coughed slightly a few days previous to that; he had not had the nose bleed; we supposed it came from his head that time; he asked me if I was frightened and I told him no, and he said he was not; I did not notice any difference of appearance in his breath.

EUNICE TARBELL.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner.*
day of December, 1859. }

ERASTUS KING recalled; In my judgment acute mania does not tend to postpone the development of inflammation following injuries: the system is just as susceptible to injuries in insane persons as in the case of sane persons; the developments of an inflammation in an insane person, arising from an injury, observes nearly or quite the same stages of progress as in a sane person, other things being equal.

ERASTUS KING.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner.*
day of December, 1859. }

PLINEY ROBINSON sworn, says: I have heard the testimony of Dr. King, and agree with him in the opinion he has expressed.

PLINEY ROBINSON.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner*.
day of December, 1859. }

A. L. SAUNDERS recalled; I agree with Dr. King and Dr. Robinson in the opinions they have just expressed.

A. L. SAUNDERS.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner*.
day of December, 1859. }

Dr. CRANDALL testified: I have just heard Dr. King's evidence and I don't believe it is so.

CHARLES H. TARBELL sworn: I called on Dr. Gray the day we brought my brother home and asked him what conclusions he had formed from the post-mortem examination as to the condition of my brother; he said he would write it out in three or four days and send it down; he has never sent it; I saw him Friday before he died, and he said "I am all stove in here, I am a used up man," putting his hand to his breast; he took up his left hand, which was bruised, and said "that hand will never do any more work; that is all he said to me as to his being injured.

GEORGE H. BUSSEY sworn: I have been in the asylum about six months, I saw Mr. Tarbell only the afternoon he came in; I saw him bathed, and helped do it; I did not discover any injuries about him then; I have not heard any of the attendants speak of him; I am attendant on fifth hall, north; I was taken sick the evening he came there, and remained sick abed until he died; I have heard Mr. Jones say Dr. Cleaveland knew his breast bone was broken; that is all I have heard Jones say about him; I have not heard Tennant or Noble say anything about his injuries; I have not heard any of them speak in regard to having struggles with him; I have not been informed from any source as to how he received those injuries; I do not know any facts connected with this matter.

JAMES NOBLES recalled: I was present when Mr. Tarbell threw the vessel at Tennant; I did not strike him any place to get him down on the floor; I could not tell you how we got him on the floor; I don't remember how we did; we had him down on his back only a short time then; I was not on him, but was by the side of him; I can't tell what position I was in; I don't recollect how I got him down on the floor; I know I did not knock him down; I caught hold of him first; he did not run down the hall; I took right around him; the restraints were not put on until after he was on the floor; after I got round him we next laid him on the floor; both of us put the straps on him; it was Mr. Jones he called his brother.

JAMES H. NOBLE.

Subscribed and sworn to }
before me this, the 22d } D. L. FISK, *Coroner*.
day of December, 1859. }

I do hereby certify that the foregoing is a correct statement and account of an examination taken by and before me, and the jurors aforesaid, at the times and places aforesaid, and of the testimony of the several witnesses produced, sworn and examined thereupon.

Given under my hand this, the 22d day of December, 1859.

DAVID L. FISK, *Coroner*.

Persons not signing what purported to be their evidence before the coroner:

James H. Noble, John W. Jones, A. R. Tennant, Francis H. Clark, Eunice Tarbell, Orilla Clark, Dr. A. L. Saunders, Dr. H. S. Crandall, Charles H. Tarbell, and George H. Bussy.

Mr. Graham, counsel for the managers, further objected to the minutes produced by coroner of Madison county as impeaching testimony, on the ground,

1st. That it appears from the coroner's evidence that the minutes were kept by the coroner's counsel, Stoddard or Mason, and when not signed by a witness are only counsel's minutes, not proved by any one to be correct minutes.

2d. Contradictory statements (if there be any) can be used to impair credibility only after first enquiring of the witness whether he made the particular statements, and his denial of the fact that he made them, or giving him an opportunity to explain. This has not been done in this case. Noble and Bussy signed no testimony until they were recalled, several days after the first examination.

(B.)

Autopsy 12 hours after death. Rigor mortis well marked. Deformity of thorax, particularly of left side, which is evidently dilated and irregular in shape. In left sub-clavian region, in spot several inches in extent, skin of faded yellow hue. Opposite the junction of manubrium with body of sternum and to left of median line, was tumor. A small tumor is seen over upper portion of sternum; it is emphysematous and fluctuating, referred to above, but less prominent than during life. On extremities a few slight, superficial bruises. Abrasion in left lower lateral region not re-examined. No injuries observed about the head.

On making incision along the median line from upper portion of sternum to umbilicus, when opposite tumor, bloody, aerated, purulent matter flowed out, following the knife. A blow-pipe, used as an explorer, passed readily between the pectoral muscles and the ribs towards the outer fracture of the second rib on the left side. Burrowing also occurred to right of median line, but was less extensive. Purulent matter small in quantity, apparently from half an ounce to one ounce, and most abundant about fracture of left second rib.

Removing the principal muscles, and exposing anterior bony wall of chest—discovered an anatomical abnormality, the second ribs being altogether attached to the manubrium, and not articulating with body or second piece of sternum. The upper border of third rib was continuous with upper border of body. Manubrium and body separated at their point of articulation, and the anterior membrane of sternum ruptured.

On right side—was a simple, transverse fracture of second rib (bony) near point of union with cartilage.

Fourth rib similarly fractured and in same relative situation. On raising ribs of this side, pleura under seats of fracture, found healthy and intact, but an inch or two from fractures, towards the median line, commenced newly formed and easily broken adhesions which extended to mediastinum, and connected the pulmonary and costal pleuræ in that region. No effusion in right cavity of chest. Right lung—lower lobe in stage of red hepatization, upper in the congestive or first stage of pneumonia.

On left side—two fractures of second rib—one in cartilage two inches from median line, and an inch or so to the left of this, one comminuted, of bony rib. About this latter was an abscess into which the blow-pipe had been passed. No communication here with cavity of pleura.

Third rib—fractured obliquely about an inch from cartilage.

Fourth rib broken half an inch outside point of cartilaginous union—transverse fracture, and costal pleura beneath wounded—nearly two inches to left of this, is another fracture, irregular and comminuted.

Fifth rib—two fractures—one about half-inch from cartilage, transverse, tearing pleuritic membrane—the other one and a half inches to left, irregular.

Sixth rib—fractured at a point in line below first fracture of fifth rib.

Removal of ribs difficult, from strong adhesions binding pulmonary pleura and lung to anterior wall of cavity, and requiring knife to separate them. These adhe-

sions increased in firmness as they extended from the mediastinum towards the lateral region, where the false membrane was firm and thick.

Left lung from a third to half its natural size. The two lobes firmly adherent to each other. Its posterior aspect free from adhesions; its cut interior resembling the stage of hepatization, and the small bronchial tubes containing purulent mucus. No wound of pulmonary pleura or lung. The pleural cavity was distended with inoffensive serum tinged with blood, and in it were floating flakes of lymph.

The pericardium contained an ounce of straw-colored serum.

The above is a true and faithful transcript of the autopsy made in the case of Norris Tarbell, December 11, 1859, at the New York State Lunatic Asylum, as recorded in case book XVI., and I believe the same to be a correct account of the post-mortem examination.

J. M. CLEAVELAND.

Subscribed and sworn to before me April 2, 1860.

D. GILMORE, *Justice of the Peace.*

(C.)

ONEIDA COUNTY, ss:

JOSEPH M. CLEAVELAND being sworn, saith: That he is the first assistant physician of the New York State Lunatic Asylum; that he was sworn as a witness before Mr. Fisk, a coroner of Madison county, and a jury on the 14th day of December, inst., in the case of Norris Tarbell; that on that occasion he testified that according to his best recollection Dr. Wright, the third assistant physician, took charge of said Norris Tarbell when he was received as a patient in the said asylum, which was on the 25th day of November last; and that said Wright was then on duty in my place, in the male department, and continued on duty for three or four days afterwards; and he further saith that from an examination of the prescription book of the asylum, made since his return from the examination before said coroner, he is convinced that he was mistaken in the foregoing statement in reference to Dr. Wright, and that he (this deponent) saw the said Tarbell at or soon after the time of his reception, and was himself on duty in the said male department, and had charge of said patient from the said time until the 29th day of December, when the doctor went on duty for a few days in said department in place of this deponent, and this deponent further saith that he made no examination of said book before he went before said coroner to testify as aforesaid; and that on that occasion he testified solely from recollection in reference to the times when he and said Wright were respectively on duty as aforesaid.

J. M. CLEAVELAND.

Sworn this 22d day of December, 1859, before me.

D. BENNETT, *Justice of the Peace.*

I hereby certify that the foregoing affidavit made by Dr. J. M. Cleaveland, first assistant physician in the New York State Lunatic Asylum, as appears by the jurat affixed to said affidavit before D. Bennet, Justice of the Peace, on the 22d day of December, 1859, was received by me from A. L. Saunders, foreman of the jury referred to in said affidavit, after the case before me of Norris Tarbell referred to in the within, had been submitted to the jury and said jury had made their inquisition and delivered the same to me, and I also certify that said affidavit was not delivered to said Saunders until after said inquisition was made and delivered to said coroner as aforesaid; I place this affidavit on file with the proceedings of the court had before its receipt, for further reference.

Dated this 22d day of December, 1859.

D. L. FISK, *Coroner.*

(D.)

RULES OF THE ASYLUM ADOPTED IN 1843.

I. INTRODUCTORY REMARKS.

This Asylum has been erected at great expense by the State, that the insane may have a safe retreat, in the care of those who have learned the best mode of managing them—in whose hands they may be rescued from the cruelties and coercions which they generally meet with in the world; and where, under the benign restraints which kindness and benevolence impose, they may have every chance of recovery.

The very first impulses of insanity are met at home and amongst friends, by resistance and opposition, from those who before yielded willing obedience to requirements, or who have acquiesced with cheerfulness in every reasonable indulgence. The apparent difference in the conduct and feelings of their friends, excites collision, arouses the passions, and awakens the prejudices of the victim of delusion. They now feel that the friends whom they loved, have turned against them—that these friends purposely thwart all their plans, oppose all their desires, and resist what they conceive to be their own best efforts to promote the happiness of both. They oppose their friends with violence, and indulge in wrath and bitterness against them.

For these reasons it becomes desirable that they should be removed to the care of strangers, whose efforts to make them comfortable, they often appreciate correctly and acknowledge gratefully. From strangers they will also submit to restraints without a murmur, which would excite the greatest hostility to friends.

In this institution the care of such persons devolves upon us. In the various departments of business, we all have daily much to do with the inmates of the Asylum. Some of us devote our whole time to their care. It becomes us all seriously to consider how this duty is to be performed; what discipline of feeling and what subjugation of temper there shall be with us, that we may ever administer the "law of kindness" to its full extent and in its proper spirit.

When we accept a place in this Asylum, we assume a responsibility which it should be our constant desire to fulfill to our satisfaction and that of our employers; it should be performed conscientiously, so as to be approbated by our Maker, who will be strict to mark injustice or oppression to unfortunate and suffering fellow men.

No individual is worthy of a place in such an institution who labors for wages only. *DUTY, a desire to improve the condition of all within the sphere of our influence, to increase the happiness and lessen the sufferings of each and all the inmates, should be the governing motive of our daily conduct.* We must never forget that we are dealing with fellow creatures, who, being deprived of reason, are not responsible for their conduct. The regulating power of moral action is withheld from them; hence they are capricious, passionate, and often violent. They often also misjudge, and are led astray by perverted sense or by delusions of the understanding, which carry them far away from the proprieties of rational conduct. How exceedingly wicked and improper, therefore, to harbor a spirit of revenge, or to retaliate for injuries done us by such individuals!

It is because they are unable to control themselves, and because they will not readily acquiesce in the directions of their friends, that many of these individuals are placed in the Asylum. From us they are to have every comfort and every indulgence, which individually or collectively, will promote their best good. To us they look for sympathy and counsel, for assistance in their various troubles and perplexities. We should enter deeply into their feelings, and show our willingness to spend our time and strength to promote their happiness, and recovery to health.

If we withhold what they may reasonably require, we do them injustice, and violate our duty. If we treat them with neglect, or with unkind and hasty language; if in any way we tantalize them, or recriminate when they assail us with violent or abusive words, we may do them irreparable injury, for which we all ought to feel, and certainly shall be held responsible.

Persuasion with a proper spirit, will generally be followed by a quiet acquiescence in all reasonable requirements. Much depends upon the manner of our

intercourse with the insane. We should never be cold and insensible to their wants—never hasty and impatient in our intercourse—never turn a deaf ear to their representations—never treat them with neglect, nor with feelings of superiority; but mingle with them in kindness, address them with respect and affection, and we shall secure their confidence and gain their affections—both of which are necessary to their management.

II. BOARD OF MANAGERS.

1. The Managers shall choose one of their number President, who shall continue in office until the annual meeting next after he is chosen.

2. An auditing committee of three members shall be appointed, who shall hold their places until the annual meeting next following their appointment.

3. The Treasurer shall hold his office during the pleasure of the board, and shall be, *ex officio*, Secretary.

4. The annual meeting shall be held on the second Tuesday of December in each year. Quarterly meetings shall be held on the Tuesdays next after the second Monday in each of the months of April, July and October.

5. The Asylum shall be visited by the whole board at the annual meetings, and by a majority at the quarterly meetings.

6. Special meetings may be called by the President, or by any two members; and it shall be the duty of the secretary to cause notices of such meetings to be delivered to the members residing in Utica, or at their places of residence or business, and to send notice by mail to members residing elsewhere, such times previous to the meetings as the President or two members calling the meetings shall at the time direct.

7. The members of the board residing in Utica, or within five miles, shall, in the rotation, (designated by the Secretary,) visit the Asylum weekly, and two members, designated in like manner, shall visit it monthly.

8. It shall be the duty of the secretary to attend the meetings of the board of managers, keep an accurate record of their proceedings, and perform such other duties as may from time to time be assigned to him by the board.

III. DUTY OF RESIDENT OFFICERS.

No officer shall be directly or indirectly interested in any contract for the supply of any article for the use of the Asylum; nor shall he receive any present or gratuity from any person dealing with the Asylum, or from any patient or visitor, or from the friends of a patient.

The Superintendent.

1. The Superintendent is the head of the establishment. He has the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock. To him are committed the charge of the patients, and the direction and control of all persons therein, subject to the regulations of the board of managers. It shall be his duty to determine, under the direction of the said board, what attendants and assistants are necessary to be employed, and to prescribe their respective places and duties; also, to establish and enforce, in every department, systematic order and salutary discipline.

2. He shall visit the patients, or learn their condition, daily, and as much oftener as may be necessary, and shall direct such medical, moral and physical treatment as may be the best adapted to their relief.

3. He shall cause to be kept, in a suitable book, a record of the name, sex, age, place of nativity and residence, civil state and profession, of each patient; also, as far as can be ascertained, the dates and history of each patient's disease, the time when received, and when removed, and how, whether cured or relieved, and the medical and moral treatment; whether eloped, or dead; and if dead, the cause; together with all such other facts and circumstances in each case as are useful or usual in the statistical records of such an institution. Also, a record of the names and residence of all persons employed in the institution, with the times and terms of their respective engagements; also, the stipulated wages, and the nature of the services expected from each, and the times and causes of their dismissal.

4. At each monthly meeting of the Managers he shall exhibit all the records of the institution, and inform them minutely of its affairs. Every quarter he shall give a brief statement of its general condition; the names of persons removed and received during the three months last past, with such suggestions and remarks as he may deem useful. At each annual meeting of the board he shall present a tabular view of the institution for the year, with full and minute details from the records, and accompanying it with a condensed report of other interesting and useful facts and circumstances, experiments and opinions, illustrating its management; condition and prospects.

5. He shall, from time to time, give to all persons employed at the Asylum, or on the farm, such instructions as he shall judge best adapted to carry into full operation all its rules and regulations. He shall cause such rules and regulations to be strictly and faithfully executed; taking care that the Steward and Matron, and all others employed about the premises, perform particularly and punctually all their respective duties.

6. All moneys advanced for pay patients, or otherwise collected or received by the Superintendent, or by persons employed by him, shall be immediately paid over to the treasurer of the Asylum.

Duty of Assistant Physicians.

1. The Assistant Physicians shall be well educated physicians, and shall constantly reside at the Asylum. The first or second Assistant shall have charge of the male division, and the other of the female division of the Asylum, and each shall exercise a general supervision of the one assigned to him, under the direction of the Superintendent.

2. The said first and second Assistant Physicians shall visit all the patients in their respective divisions once each day, in the morning, and, if necessary, in the afternoon or evening, or oftener; carefully observe their condition, wants, and treatment, and see that they have food, medicine, exercise, amusements, clothing and bedding suitable for them; exert what moral influence they can with them, and endeavor in every way to promote their comfort and recovery.

3. They shall see that the attendants and assistants are faithful and kind, attentive to the wants of the patients, and vigilant in the discharge of their duties; and they shall report immediately to the Superintendent all instances of misconduct, unfaithfulness, neglect of duty observed by them or of which they may receive information; and they shall also record the particulars of all accidents and escapes.

4. For the due performance of the duties enjoined in the foregoing sections, they shall spend much time in their respective divisions; shall be in constant communication with the supervisors, attendants and assistants, and shall carry out the plans and instructions of the Superintendent in the best manner they are able.

5. They shall report in writing to the Superintendent, daily, in a book kept for that purpose' the general condition of their respective divisions, and the particular state of such patients as may be sick or greatly excited, and of those requiring restraints, removal, or seclusion, or special attention.

6. They shall keep records of the cases of all the patients in their respective divisions, describing the symptoms, the changes that may occur from time to time, the mode of treatment, and all the peculiar circumstances connected therewith. They shall also see that the records of admission and discharges are accurately kept.

7. They shall attend to the warmth, cleanliness, ventilation, and good order of their respective divisions, and superintend the use of the baths.

8. They shall attend to visitors when necessary, and shall always be ready to perform whatever services may be required of them by the Superintendent, and, under his directions, shall assist in conducting the correspondence with the friends of patients.

9. When requested by the Superintendent, they shall visit the entire establishment, see all the patients, and learn their condition and treatment.

10. It shall be the duty of the third Assistant Physician to remain in and about the general office of the Asylum during all business and office hours, (except when otherwise directed or permitted by the Superintendent,) and to perform such duties there as the Superintendent shall, from time to time, direct; to attend to visitors; and, in the absence of the first or second Assistant Physicians, to per-

form such of their duties as may be required of him by the Superintendent; and also to perform such other duties out of the office, when directed or permitted to be absent therefrom, as the Superintendent may prescribe.

The Steward.

1. The Steward shall execute a bond, with two sufficient sureties, to be approved by the Treasurer, in the penalty of one thousand dollars, conditioned that he will faithfully discharge the duties of the office of Steward, and pay over and account for all money that shall come to his hands belonging to the New York State Lunatic Asylum. Said bond shall be executed to the Treasurer of the Asylum, and be filed in his office.

2. In all cases of purchases by the Steward, he shall require duplicate bills, on one of which he shall endorse an order upon the Treasurer to pay the amount of the bill, and on the other take a receipt for the order given by him on the Treasurer.

3. No order of the Steward shall be paid by the Treasurer, unless it is accompanied with the bill of items for the payment of which the order was given, nor unless the bill or order is countersigned or endorsed "approved" by the Superintendent.

4. The Steward shall keep one of the duplicate accounts, with a copy of the order on the Treasurer, in every such case of purchase by him, and make the proper entries under the appropriate head of expenditure in his books.

5. The Treasurer may, from time to time, advance to the Steward on his own order, and the endorsement of the Superintendent, specifying that it is to pay petty current expenses, a sum not exceeding two hundred dollars. The Steward shall keep an accurate account in detail, in a pass or other proper book, of all such expenses paid out of the sums so advanced to him by the Treasurer, and shall settle the same with him monthly, or oftener, if required. Such account shall be examined and approved by the Superintendent before it is settled by the Treasurer, and a copy thereof, with vouchers for all sums exceeding one dollar, shall be filed with the Treasurer. The Steward shall account for each sum of two hundred dollars which he shall thus receive before a further advance shall be made to him, as aforesaid.

6. The Treasurer, on paying any bill or order of the Steward, shall take a voucher for such payment, and file the same in his office, and shall enter in his books, under the proper heads of expenditure, the sums paid by him out of the treasury.

7. The Steward, under the Superintendent's direction, shall purchase furniture, food, medicine, fuel, stoves, and other necessary articles; and he shall be accountable for their safe keeping, and for their economical use and expenditure.

8. He shall keep clear, methodical and exact accounts of all purchases, of all receipts and expenditures of money, and of all charges on account of any patients. He shall exhibit all his account books, and recent vouchers, to the Managers, at their first visit in each month; and he shall furnish a quarterly abstract of the same, both to the Treasurer and Managers, on the last days of March, June, September and December, in each year. Copies of all accounts which become due to the institution shall be furnished to the Treasurer, at his request.

9. In the name of the superintendent, and by his directions in each case, and not otherwise, the Steward shall hire attendants and assistants, and agree with them for their wages; and, by like direction, he shall dismiss them when unfaithful, negligent, or incompetent; he shall keep and settle their accounts; and he shall perform such other duties, in relation to the internal management and government of the Asylum, as the Superintendent shall require. He shall see that the attendants and assistants rise and begin business immediately after the ringing of the morning bell, and that they retire at proper season at night. Throughout the day he shall constantly observe their conduct, see that in all respects they do their duty, and report to the Superintendent, immediately, any instance of misconduct or negligence.

10. He shall receive visitors, give them all suitable information, and show them such parts of the buildings and grounds as are open for their examination.

11. He shall remain, as much as possible, in the wing appropriated to the male patients, so as to be much in their presence, to see that they are kindly treated; that their beds are in good order; that their clothes are taken good care of; that

their food is properly served and distributed, and that they take the same in a proper manner; that the rooms, halls, yards, shops and out-buildings, and other apartments under his care, are kept clean and in good order, and properly warmed and ventilated; and that the attendants observe his orders and directions, and in all respects do their duty; and that all articles made for the patients or the asylum are carefully preserved.

12. In all his directions to subordinate agents, in executing the details of the Superintendent's plans, and in enforcing his rules, the Steward shall be considered as carrying the authority of the Superintendent. It is his duty to preserve order in the house, and faithfulness among the assistants, and to see that the regulations here adopted shall be fully put in practice.

The Matron.

1. It shall be the duty of the Matron to look carefully to the female patients, and spend as much time with them as her other duties will allow: she shall see that they are kindly treated; that their nurses and attendants are well instructed and faithful; that their food is properly served and distributed, that their apartments are clean, warm, and properly ventilated; and that their clothes and bedding are always clean, well aired, and in good order, and their apparel marked and preserved.

2. She shall also superintend the kitchen and laundry, and see that the cooking, washing and ironing are properly done; frequently inspect every department, and have an eye to the neat appearance of the whole house. It is expected that she will devote her whole time to the institution, and spare no efforts to promote the comfort and recovery of its inmates. She shall also superintend the sewing rooms, and see that all new articles made for patients, are properly marked and rightfully disposed of, and preserved.

3. It shall be her special duty to see to those that are sick, that they have constant and kind nurses, and proper care in all respects. She shall constantly notice the conduct of attendants and assistants, see that in all respects they do their duty, and report to the Superintendent, immediately, any instance of misconduct or negligence.

Apothecaries.

1. The apothecaries shall be physicians or Students of Medicine, and shall constantly reside at the asylum. Under the direction of the Superintendent and assistant physicians, they shall prepare and put up the medicines prescribed. They shall also keep the office in order, wait upon visitors, and attend to the marking and proper disposal of the trunks and extra articles, as jewelry, money, &c., brought by patients, and see that they are delivered to them when discharged.

2. They shall copy and direct letters, keep the weather tables, visitors' book, account of absences, and perform such other services as may be required of them by the Superintendent or assistant physicians.

3. As their intercourse with the patients will be considerable, they must exert what moral influence they can to promote their comfort and welfare.

It is expected that both will not absent themselves from the office at the same time, unless necessarily employed elsewhere.

Steward's Assistant.

1. It shall be his duty every morning to visit each kitchen, the bakery and wash-room, learn their condition and wants, and also to see to the supply of water, and report to the Superintendent, immediately after breakfast. He will also see that the various departments are supplied with such articles as have been directed by the Superintendent or Steward, taking care to charge in a book kept for that purpose, each article thus delivered.

2. He shall endeavor at all times, to be within sound of the bell in the center kitchen, and be ready to execute all orders given him by the Superintendent or Steward. It will be his special duty to see that faithfulness and good order prevail in all the departments of labor, and to report immediately to the Superintendent, all instances of inefficiency, unfaithfulness or misconduct.

Matron's Assistant.

It shall be her duty to remain within the sound of the Matron's bell, to attend to the reception and discharge of female patients, when requested to do so, and wait upon friends that come to visit them, and to render to the Matron all the assistance she is able to, in the kitchen and other departments of labor and supervision.

Clerks.

1. There shall be a clerk, or extra attendant in the division for men, and another in that for the women, whose duty it shall be to receive the clothing of patients and furnish the apothecary with a correct list of the same, or see that each article is entered upon the clothes' book; and also, that each article is plainly marked with the name of the owner, and properly disposed of and preserved. In case a patient has jewelry, money or other articles not needed for use on the hall, they shall deliver the same to the apothecary for safe keeping.

2. They will also attend to the clothing of patients when discharged, and see that all belonging to them are carefully put up and brought into the hall of the center building. When not necessarily engaged elsewhere, they shall remain in halls number one, of their respective divisions, and within sound of the bell, and be ready at all times to attend to orders from the physicians. When not otherwise engaged, they will assist in the ordinary duties of attendants. The clerk of the division for men, will also assist in copying letters and accounts, and both shall do all they can to promote the comfort and welfare of patients, and to maintain good order and fidelity throughout the establishment.

Supervisor's Department.

1. There are five departments. The first includes the halls numbered 1, 4, 7; the second, those numbered 2, 5, 8; the third, numbers 3, 6, 9; the fourth, number 10, and the fifth, numbers 11 and 12.

2. Each of these departments shall have a supervisor, or first attendant, whose duty it shall be, in addition to the other duties of an attendant, to have a general charge of the whole department, to see to the administration of medicine and to communicate with the physician and steward respecting the wants and condition of the patients in their respective departments, and to report to the Steward all damages done by patients.

3. They shall attend specially to the sick, see that they are treated with great care and kindness; receive the orders of the physicians and see that they are faithfully executed. It shall be their duty to instruct new attendants in their duties and see that they are efficient, industrious and kind. They shall assist in the arrangements for the burial of the dead, and be ready at all times to attend to any extraordinary services that may be required of them by the Superintendent.

4. They shall pay particular attention to new patients, see that they are properly introduced and informed about the establishment, their fears quieted by kind attention and friendly assurances, and that the violent and suicidal are carefully watched.

5. They shall also see that the halls are properly supplied with furniture and articles for use, and shall often communicate with the physicians respecting the patients under their charge, and inform them of changes in their condition that require attention and of those likely to be benefited or injured by exercise, labor, amusements or religious services.

6. They shall also aid about the schools, exhibitions and meetings, and in all things endeavor to carry into successful operation the plans of the Superintendent, and shall constantly study to promote the comfort, contentedness and welfare of the patients, and for these purposes they shall visit every part of their respective departments several times each day. They shall also see to the changes of patients from one hall to another, and walk out with patients that are feeble or timid, or with others when they have time.

Overseers of the Kitchen and Bakery.

The kitchens and bakery shall each have an Overseer, whose duty it shall be to see to the safe-keeping and economical use of all the supplies furnished to those

departments. They shall see that the food is well cooked and properly distributed, and that nothing is wasted—that no extra or unusual articles are cooked for those in the kitchens nor sent into the wing, unless the person calling for such say it is by order of one of the physicians—that there is no unnecessary or improper conversation carried on with those in the wings—that there is no rude or improper behavior in the cooking department, including the bakery—no bad language or quarreling, but that all work faithfully. They shall see that these departments, including store-rooms, &c., are kept neat and in good order, and that no pedlers or idle company be suffered to visit the kitchens or bakery—nor the attendants and assistants in other departments, without special business or by permission of one of the officers. All violations of these rules, or instances of bad conduct on the part of those employed in their departments, are to be reported by the Overseer to the Superintendent immediately.

In such an establishment where there are large quantities of provisions and many hands employed, constant vigilance will be necessary to guard against the feeling on the part of many, that it is of no consequence if some things are lost or squandered; that they belong to the State, and there are enough left. Any remark of this kind, or conduct indicating such feeling, should be known at once to the Superintendent. In short, the Overseers are expected to know, from their own observation, that the articles and food entrusted to them, are safely kept, economically used, and that good order and cleanliness prevail in all the departments under their care. It will be their duty to see that those employed, rise early and are attentive and faithful throughout the day and hours of labor.

It must be no excuse for the Overseers that their departments are not in good order for want of sufficient help, furniture or proper arrangements, as their application to the Steward must be repeated until they are well furnished in these respects.

Overseers of the Washing and Ironing Rooms.

1. The overseer of the washing department shall collect the clothing and other articles to be washed, as directed by the Steward and Matron, and see that they are properly and carefully washed, dried, and carried to the ironing rooms. Especial care must be taken that none are lost. For this purpose, he must see that he receives all the articles on the list given him, and that they are marked, and that he furnishes the same with the lists, to the ironing rooms.

2. The overseers of the ironing rooms shall see that the clothes and other articles delivered to them from the washing rooms, are properly ironed, mended, and correctly distributed, according to the lists furnished them, and the directions of the Steward and Matron.

3. The overseers of the washing and ironing rooms shall not permit attendants or assistants, or any company, or visitor whatever, into their departments, except by the direction of one of the officers of the Asylum. Violations of this rule are to be reported to the Superintendent immediately.

Overseers of Shops.

1. The Printer, Joiner, Shoemaker, Tailor, Painter, Plumber, and all who have special charge of shops, or particular branches of business, shall see that proper use is made of all materials and tools furnished them, that none are lost, or taken from the shops, without the direction of an officer, and that good order and faithfulness are maintained by all employed in the various branches of business, and that no articles are made, and no new business undertaken, but by the order of the Superintendent.

2. When patients assist they must be carefully attended to, and not suffered to go away, or to carry from the shop any tools, or any articles not belonging to them; and at all times, and under all circumstances, are to be treated with respect and kindness, and particular pains be taken to promote their comfort, cheerfulness and recovery.

3. Each overseer of a shop will interdict the visits of attendants and assistants, and all other company to the shop under his charge, unless accompanied by an officer. Any violation of this rule is to be immediately reported to the Superintendent.

4. The Joiner will visit the office of the Superintendent every morning immediately after breakfast, to receive special orders for the day.

The Gardener, Farmer and Carriage Driver.

1. To the gardener is assigned the special care of the gardens, green-house and garden tools; to the farmer, the farm and stock, including cows, hogs and poultry, and the farm team and utensils; to the carriage driver, the horses not used on the farm, and the carriages.

2. It shall be the duty of each, to endeavor to have everything committed to their charge attended to in the best manner. They shall see that the tools, carriages, harnesses, &c., are kept in good order and repair, and that nothing is lost; that there is a place assigned for everything under their care, and that everything is kept in its place.

3. They will follow the directions given to the overseers of shops as respects the care of the patients that assist them, and be careful that none work too hard or in the rain, or in a way likely to injure them. This rule is to be observed by all in the employ of the Asylum, who have the care of patients when at work.

4. The carriage driver will visit the office of the superintendent every morning, immediately after breakfast, for special orders of the day.

Watchman.

1. The Watchman shall visit the office of the Superintendent every evening at nine o'clock, to receive particular orders for the night. His services will commence at that hour and continue until the hour of dinner the following day. During the night he must not fail to be faithful, never cease to be vigilant, make as little noise as possible, and enter into no loud conversation with any one.

2. He must be especially careful to guard against danger from fire, the least suspicion of which in any part of the establishment, or in buildings, lumber, or wood around it, should excite his immediate attention. He must also be attentive to any unusual noise, and be careful that patients do not escape or injure themselves, or do any damage. He shall visit the different halls of the centre building and the attics, and pass out to the rear and to the front of the Asylum frequently during the night; shall attend to the various fires in the furnaces, kitchens, washing room, &c., as directed by the Superintendent or Steward. His place when stationary shall be in the centre kitchen, to attend to calls from the wings.

4. It is the duty of the watchman to guard, during the night, against any violations of the rules of the Asylum, and should such occur, or any circumstance requiring attention, he must report them immediately, or early in the morning, to the Superintendent. He will ring the bell in the morning at such times as directed by the Superintendent or Steward.

Night Attendants.

1. The night attendants will visit the office of the superintendent every night at nine o'clock to receive special directions for the night. It will be their duty to remain in their respective divisions during the night, passing, with as little noise as possible, from one hall to another, seeing to the sick and those requiring particular care, and executing the orders of the physicians.

2. They must be specially vigilant respecting danger from fire, and look carefully and frequently to the chimneys and hot air flues, and other places where danger is to be apprehended. Any suspicion of fire, or smoke or smell from anything burning, should engage their immediate attention.

IV. DUTY OF ATTENDANTS AND ASSISTANTS.

Duty to Officers.

1. It is expected that every person employed in the Asylum will do all he can to promote the welfare of the institution, and treat the officers, on all occasions, with politeness and respect, and do, readily and cheerfully, all the duty which they require.

2. All must expect an unceasing observation of the manner of performing their respective duty; and the suggestion, by an officer, of deficiencies or improvements, are to be taken kindly, and without offence, and an effort made to improve.

Duty to Each Other and to Themselves.

1. In the first place, self respect is enjoined on all. Each one is responsible in his or her department, and should be ambitious to do the duties of it to entire acceptance.

2. Patients will look to attendants for good examples; let the attendants be careful in nothing to set a bad one.

3. Let your dress always be neat and clean. Avoid all ungentlemanlike habits, such as men's wearing their hats within doors, going in shirt sleeves, &c. Never indulge in loud talking or laughing. Use no profane, obscene or vulgar language. Never play at any game with one another, nor with patients, except at the superintendent's direction.

4. Treat each other with politeness: be civil, cordial; and frank. Let a smile habitually light up your countenance when you speak. A calm, quiet, cheerful deportment befits your employment. Cherish a high sense of moral obligation; cultivate an humble, self-denying spirit; seek to be useful, and maintain, at all hazards, your purity, truth, sobriety, economy, faithfulness and honesty.

5. No attendant or assistant, while connected with the Asylum shall, at any time, at home or abroad, make use of distilled spirits, or intoxicating liquors of any kind, and it is desirable that they should not use tobacco, but discourage the use of it by patients.

Duty of Attendants to Patients.

1. The attendants are to treat the inmates with respect and attention; greet them cheerfully with "good morning," or "good evening," and show them such other marks of good will and kindness as evince interest and sympathy. Under all circumstances, be tender and affectionate; speak in a mild persuasive tone of voice; never address a patient coarsely, by a nickname, nor by a christian name, nor by a surname, without the addition of Mr., Mrs., or Miss.

2. A patient is ever to be soothed and calmed when irritated; encouraged and cheered when melancholy or depressed. They must never be pushed, collared, or rudely handled. To induce them to move, gentle, persuasive measures will prevail in most cases; when these fail, tell the Superintendent, or, if he be absent, the assistant physician or Steward.

3. If the attendant receives insult and abusive language, he must keep cool, forbear to recriminate, to scold, threaten, or dictate in the language of authority. Violent hands are never to be laid on a patient, under any provocation. A blow is never to be returned, nor any other insult. Sufficient force to prevent the patient's injuring himself, or others, is always to be applied gently; and all struggling with a patient should, if possible, be avoided, by calling additional assistance, when a patient is highly excited, or disposed to violence, before entering his room or attempting to dress or control him.

4. The attendants are never to apply any restraining apparatus, such as muffs, mitts, &c, unless by order of a resident officer, nor seclude a patient without giving immediate notice to one of the physicians.

5. On rising in the morning, it is the duty of the attendants to see that each patient, confided to his or her care is thoroughly washed, hair combed, clothes brushed, and cleaned, if necessary, collars, wristbands and suspenders buttoned, and all parts of the dress properly adjusted and secured, boots and shoes cleaned and tied; and in fact that the whole dress be neat and in good repair. (All this should be relooked to throughout the day, and especially before coming to meals, or religious services, or going to ride or walk. The patients' beds are then to be made, and the halls, day-rooms, bathing-rooms, passages and stairs to be swept, and the whole premises put in complete order as soon as it can be done; so that a complete inspection may be had of the house by the physicians, commencing at 9 o'clock. Previous to which time, no patients are to leave the house to walk, labor, or ride, without directions, special or general, of the medical officer. By 10 o'clock, the morning work should be completed, and the house in order for visitors in every part.

6. One attendant must always be in each hall with the patients, and he must not leave under any circumstances, but when relieved. The attendants must not retire to their rooms while the patients are in the halls. This rule must be observed in all the halls.

7. At meals, two attendants must always be present to carve, to distribute food to those who are incompetent to do it for themselves, and to see that every one has a proper supply. One of them must be designated to see that no patient carry away a knife, fork, or any other article from the table.

8. An attendant must never place in the hands of a patient, or leave where a patient can get, any razor, pen-knife, rope, cord, medicine, or any dangerous weapon or article. A constant watch of patients is to be kept in these respects; their beds frequently searched for such articles, and the knives and forks counted after each meal. An attendant must never deliver any letter or writing from or to a patient, without permission of the Superintendent; nor even retain in his or her possession, without such permission, any writing of a patient.

9. The attendants in each hall are responsible for the safe keeping of the patients therein, and must not leave them, except in the care of some responsible person. There is an obvious impropriety in attendants sitting in their rooms, engaged in reading or writing during hours of duty; i. e., from the time the patients get up in the morning, until they retire at night. During this time, they should be in their own rooms only long enough to adjust their own dress. All these hours, with this sole exception, should be devoted to the patients; endeavoring to keep them tidy and warm, to prevent improper conduct, bad postures, (such as lying on the floor or ground, &c.,) and to instruct, comfort and amuse them by talking with them, reading to them, and the like.

10. Suicides and elopements are most frequent about meal times, at dusk, and at the hour of religious services; therefore, the strictest watch is to be kept at these times. Attendants must always be stationed where they can see patients during meals or religious services, and see that no one passes out of the house, and that each one returns to his or her apartment. Attendants are to look not merely to those under their immediate charge, but with constant watchfulness, over all the patients, they must endeavor to prevent any from eloping or wandering. The clothes of suicidal patients, and every dangerous article should be removed from their rooms at nights, and the windows fastened. Each attendant should always know where every one is of those committed to their charge.

11. When patients ride out, it is the duty of the driver of the carriage to see that they do not leave the carriage, nor communicate with persons casually met, nor deliver letters, packages or messages, nor procure weapons, tobacco, or other articles. He is not to stop and do errands for himself or others, without permission of the Superintendent. When patients walk out with an attendant, he shall keep them together, and observe the same prohibitions as the driver; he shall also particularly avoid going near dangerous places, as railroads, canals, precipices, rivers, wells, machinery, &c., or into woods or other places favorable for elopement.

12. Attendants will go to the office for medicine half an hour before each meal, and see that the whole is given at the time directed, and that it is all swallowed. Each cup is marked with the patient's name. Extreme care must be taken to avoid mistakes, and to prevent patients helping themselves to medicine; therefore, all cups, vials, boxes, &c., containing medicine, should be kept locked up. Within an hour from the time of taking them from the office, the cups should be clean and returned to the office. In going for the cups, and returning them, the attendant must not delay in the passage, nor hold any other conversation than to report to the Superintendent or physician, changes in the condition of the patients, which they are always to do immediately.

13. All damages by patients, and all their wants as to clothes and other articles necessary to put these rules in practice are to be reported by the Supervisors, to the Steward or Matron. It will be no excuse for attendants that their rooms, beds and patients are not in ample order, to say they have not what is necessary; for their application for such articles should be unceasing until they get them. Attendants must be particularly careful not to break their keys; and when any door locks or unlocks with difficulty, immediate notice should be given at the office of the Superintendent.

14. The attendants must never ridicule the patients, nor mock or imitate them, nor do anything to wound their feelings. If the patient engages in any controversy, or improper or exciting topic of discourse, the attendant must, in the gentlest manner possible, interfere and check it; should such means fail, one of the resident officers should be informed immediately. The history, conduct and conversation

of patients must never be spoken of to visitors, nor reported by attendants when abroad.

15. Attendants must look particularly to the comfort of patients in their special charge, and visit them late at night and early in the morning. In speaking to patients of the officers, attendants should inculcate respect and confidence in their management, and carry into operation all directions and prescriptions, in the most ready and faithful manner.

16. Every patient must be in charge of some responsible individual at all times, unless permitted to be at large by the superintendent. The person who takes a patient from one of the halls shall be accountable for his or her safe keeping until returned to the same, or intrusted by a resident officer to the care of another person.

17. No patient shall be permitted to go out of the hall in which his or her room is situated, without the consent of a resident officer; and no new patient without an order of the superintendent or assistant physician.

18. Food is not to be carried to the rooms of the patients; nor is any one to be absent from the regular meals, (excepting in cases of sickness or high excitement,) without permission of one of the physicians.

19. Attendants will daily notice the habit and conduct of patients, and inform the physician at his daily visit, of all circumstances requiring attention, such as loss of appetite, or any indisposition, costiveness, tendency to suicide, &c.

20. No conversation must ever be held with patients through the windows, either by officers, assistants, or visitors; nor must anything be thrown away through a window.

Duty to the Institution.

1. The attendants and assistants must never leave the Asylum without permission from the superintendent or assistant physician, and always return previous to the next meal time, unless leave be expressly given to stay longer. Application for leave of absence should be made several hours before leaving. Attendants, when thus leaving, must deposit the keys of their hall in the office of the superintendent, until their return.

2. The attendants must never give up a key, nor let any person into the halls without permission of a resident officer. No male attendant, without such permission, shall enter a female apartment.

3. All persons who engage in employment at the Asylum, shall be considered as engaged for one year, unless a special contract is made for a longer or shorter term. It is expected that all persons will fulfill their engagements scrupulously, as to time of service and duty to be performed, agreeably to their respective contracts; and no one shall discontinue service at the Asylum, or on the farm, without giving at least thirty days notice, in writing, to the superintendent or steward.

4. No company shall be admitted into the rooms or halls occupied by the patients at any time, except by the express permission of the superintendent; but all other parts of the Asylum and its grounds may be exhibited by the steward, assistant physician or matron. All persons employed by the institution are expected to show marked respect and attention to strangers and visitors.

5. An indispensable duty of the attendants and assistants is to secure the perfect and systematic cleanliness and neatness of the Asylum and its inmates. No part of the house is to be considered clean, when it can be made cleaner. The spittoans, stoves, grates, hearths, floors, windows, tables, beds and bedding, cellars, closets and butteries are to be scrupulously attended to every day; so as to preserve a pure atmosphere. Chamber vessels are always to be removed and thoroughly cleansed immediately after use.

6. The attendants must look well to all doors and windows connected with the patients' rooms and halls; and at bed time see that no attempts are making to get out; see that the patients' doors are all safely locked, and the doors communicating with the centre building; also, take care of all fires and lights, each attendant keeping a light in a lantern, burning all night, in his room, or in the adjoining entry. Visiting from hall to hall, and especially to the kitchen, bakery, laundry or shops, without special business, is a violation of duty. All the doors of the patients' rooms shall be kept locked, while the patients are in bed, unless other-

wise directed by the superintendent. In locking doors, be careful always to hear the bolt slip; this precaution will often prevent escapes.

7. The whole time of the attendants and assistants belongs to the Asylum. This rule applies equally to the clerks, supervisors, overseers, and all in the regular employ of the Asylum. This does not prohibit each one from attending to his or her own clothing; but to no other service can they devote any time, nor can they receive any compensation, besides their regular wages for any service or labor, excepting only by express permission of the superintendent in each case.

8. Any attendant or assistant receiving any present or gratuity from any patient (or the friend of a patient) in the Asylum, or from any visitor; or selling to, or buying anything from a patient; or making any perquisite, of any kind whatever, shall be instantly dismissed.

Stated Hours for Meals, &c.

1. The morning bell shall be rung for two or three minutes, at half-past four o'clock, A. M., in May, June, July and August; at five in March, April, September and October; and at half-past five in November, December, January and February. It is required that all persons who have duty to perform in the institution, rise in the morning, at the ringing of the bell.

2. Breakfast is always to be placed upon the table precisely two hours after the ringing of the bell; *i. e.*, in the summer at half-past six o'clock, in the spring and fall at seven, and at half-past seven in winter. Dinner will be served uniformly at half-past twelve, M., and tea at six, P. M., the year round.

3. The Asylum is to be closed at half-past nine o'clock every night; at which time the attendants and assistants must all retire to their apartments.

4. Sunday is to be a Sabbath, or day of rest and quiet, at the Asylum. The buildings and grounds are not to be exhibited to visitors on this day; nor shall any visitor be admitted into the galleries or rooms of patients or attendants.

5. It is expected that all persons employed in the Asylum who are well, and can be spared from the duties of the house and halls, will, unless leave of absence be granted in each case, attend public worship in the chapel, on the Sabbath. In the chapel, the attendants and assistants will take special care to guard against any disturbance of the service by the patients, and see that none leave the chapel, unless accompanied by an officer or attendant.

Premium for Fidelity.

The superintendent is authorized, at his discretion, to allow to each attendant and assistant, who shall have cheerfully and faithfully performed severe duties, gratuities not exceeding in all eight dollars to a male, and five dollars to a female, in any one year.

Chaplain.

It shall be the duty of the chaplain to conduct the religious exercises of the Asylum on Sundays, unless another clergyman has been invited by the superintendent, and on every other occasion when his services may be needed; and to have such intercourse with the patients and other inmates, as the superintendent may deem desirable for their benefit.

He may, at suitable times, procure the services of other clergymen at the religious exercises of the institution, with the consent and approbation of the superintendent.

Visitors.

The managers of the Asylum are fully aware of the interest generally felt in its prosperity, and are desirous of affording suitable opportunities for visiting it and inspecting its internal arrangements; but they are convinced that the welfare of the patients and the proper performance of the duties of the officers and attendants, require that such visitations should be subject to the following regulations:

1. The Asylum will not be open to visitors except from 2 to 4 o'clock, P. M.

2. All visitors, except persons having business at the Asylum, will be required to provide themselves with tickets of admission from the managers, either of whom

will grant the same, unless their knowledge of circumstances makes it, in their judgment, necessary to refuse.

(E.)

REFERENCES TO AUTHORITIES ON POINTS IN NORRIS TARBELL'S CASE.

1. "Fracture of sternum, generally result of direct blows inflicted upon the part." "Indirect blows and voluntary muscular action alone have been known, also, occasionally to produce this fracture."—[Hamilton on fractures and dislocations, p. 168.]

2. Tarbell was a case of acute mania, constantly incoherent and delirious, though not boisterous or violent. Persons with acute mania and other forms of insanity are often quite insensible to pain. "In acute mania there is frequently diminished sensibility to pain in disease or from injuries. In how many forms of acute disease, as inflammations of the great viscera, is our diagnosis obscured by the absence of the symptom pain, where it ought to be prominent, judging from the experience of the like maladies in those not maniacal."—[Letter of Dr. Luther V. Bell, of Boston, many years Superintendent of McLean Asylum, to Dr. John P. Gray, Feb. 16, 1860.]

"There are madmen who appear insensible to the ordinary causes of pain."—[Wharton & Stille, p. 82.]

"Persons who have a painful affection in any part of their body, and are in a great measure insensible of the pain, are disordered in intellect."—[Aphorism of Hippocrates, Bucknell and Tuke, p. 15.]

"On the 11th of January, 1836, at 2 A. M., M. P., was found in his kitchen, on a burning pile of 15 fagots of wood, legs, thighs, and buttocks were completely burnt, the bones calcined, the genital organs carbonized, and the arms a shocking mass." He died afterwards, suddenly, from the bursting of the popliteal artery, corroded by the fire.—[See Journal of Insanity, Vol. XI, p. 91.]

"Marie Jallot, in the Asylum of Fains, aged 18 years, with acute mania, opened a stove which was red-hot, rapidly thrust in her head, and fixed her chin so well against one of the sides, that it was only with the greatest difficulty, she was snatched from her voluntary punishment, of which she seemed scarcely to feel the consequences. She survived the burns, though her delirium was in no way modified."—[Journal of Psychological Med. for 1859, also Dub. Med. P., Feb. 1, 1860.]

"A gold beater, in his own house, threw himself upon a thoroughly red-hot stove, embraced it in his arms and pressed it to his breast. When taken away, the anterior portion of his body fell off, in rags, consumed by the prolonged contact. This was done without apparent sensibility to pain. He died in a few hours."—[Ibid.]

"Dr. Morel reports a man going into his room, placing himself on a vast hot brazier, and turning himself over to consume himself the more thoroughly."—[Ibid.]

"Matthew Lovat nailed himself to a cross, driving the nails with a mallet through his feet, through his left hand, and through his right hand by pounding it on the floor till he got it through, then slipping it into the hole previously made on the arm of the cross."—[Winslow's Anatomy of Suicide, p. 331.]

"No general rules can be laid down, upon the point of ability for motion after severe injuries of the chest."—[Wharton & Stille, p. 578.]

(a) A gunner was ran entirely through the body with a bayonet—after which he ran three-quarters of a mile, and was then found sitting in front of the guard room, insensible of the injury.

(b) A soldier fell from a cherry tree, upon a vineyard stake, which entered left side, between seventh and eighth ribs, and came out on the other side, at the posterior part of the axilla, between the fourth and fifth ribs, projecting a foot and a half. The end of the stake was sawed off, he was taken to the hospital, and the stake extracted. He retained his consciousness and intelligence, and did not appear to suffer much, and convalesced in a few weeks.—[Wharton & Stille, p. 579.]

(c) Phineas P. Gage—while blasting rock, dropped tamping iron on charge, causing explosion—the bar of iron passed up through his head and was picked up

at some distance smeared with brains and blood. The bar weighed $13\frac{1}{4}$ lbs., was 3 feet 7 inches in length and $1\frac{1}{4}$ inches in diameter. Immediately after the injury, the patient was slightly convulsed, but spoke in a few minutes—rode in a cart, sitting erect, three-quarters of a mile—got out of the cart himself, and with a little assistance walked up a long flight of stairs. Patient afterwards recovered. [Reported by Dr. Bigelow in American Journal of Medical Science, July, 1850. Also Wharton & Stelle, p. 572.]

(d) Montgomery Bull, admitted to Albany Hospital, February 1, 1859, while grinding a chisel the belt slipped, and his arm was caught between the two wheels, and he was thrown over it. The hand was torn from left arm a little above the wrist joint, humerus fractured about middle third, soft parts mutilated, fractured ends of bones protruding, arteries torn off, and the arm presenting a mass of mutilated flesh. Upon forehead on right side was an incised wound about one inch in length.

Patient placed himself upon the operating table, the arm was amputated near the shoulder joint by Dr. Armsby, the stump was duped, and the patient walked up two flights of stairs to his bed. He appeared to be doing well with the exception of a hacking cough and some slight pain in the back, up to the 16th day after admission. He then began to fail, and died the night of the 19th.

The post-mortem examination revealed the scapula fractured in several places (comminuted) clavicle fractured in middle. The first, second, fourth, fifth and sixth ribs were fractured, and small depots of purulent matter found. The first rib was fractured about one inch from its vertebral end—the second in the middle—the fourth and fifth in the middle—and the sixth nine inches from the sternal end.

The patient never at any time complained of pain about the side or front of the chest, and of very little about his back. He was rational, and able until the last few hours, to move from his bed to the water closet, a distance of twenty-five feet. There was no appearance externally of fracture of the ribs, scapula or clavicle, and nothing that would show there was so much injury, as the post-mortem examination revealed.

The amputation was performed in the presence of the State Medical Society, and the patient was under the care of Professors Armsby and Alden March.

(F.)

Notes of the case of Norris Tarbell, as taken at the Asylum, from the friends who took him there, taken at the time of his reception.

5704.—NORRIS TARBELL, BROOKFIELD, MADISON COUNTY, N. Y., ADMITTED NOVEMBER 25TH, 1859. No. 306 FOR YEAR.

Male; pauper; aged 32; married; three children; wagon-maker; reads and writes; seventh-day baptist; good habits; born in the State; mother reported to have been insane, but informant does not know about this. Patient has always been of a somewhat jealous and suspicious disposition. Some two years ago or more, without any assignable cause, began to have ideas that people were endeavoring to cheat and injure him; that his brother had plotted to kill him. No account of any other delusions or symptoms of insanity can be obtained; remained under the influence of these delusions, they rather growing stronger, until some ten days ago, when, after some business perplexities and annoyances, he became quite violent in denouncing those about him, as conspiring against him; has since then been at times quite noisy and talkative, and at other times quiet and submissive. A week ago, being at an auction, he became very much excited and very violent; drew his knife upon those who opposed him; since then has been alternately very violent and then quiet and seemingly rational; has not been suicidal; has made some gestures indicative of a desire to cut his throat, but has said nothing of the kind. When a young man he strained his back severely, and has suffered more or less with it ever since; brother reports that he has had seminal emissions in passing urine for a long time—how long he does not know; has been costive for some two years past; at intervals he admits his insanity; 8th hall. Form—acute mania at present; cause, unascertained; first attack, first admission; date, 1857; duration, two years; brought by his brother, J. F. Tarbell, and neighbors, and received on order of John T. G. Bailey, superintendent of poor. Address, Mrs. Eunice Tarbell, Leonardsville, Madison county.

Placed on 8th hall. (Friends supply clothing.)

