

STATE OF NEW YORK.

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STATE BOARD OF CHARITIES.

IN THE MATTER OF THE INVESTIGATION

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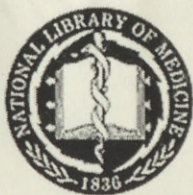
New York City Asylum for the Insane.

REPORT.

August 12, 1887.

Wards Island

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Bethesda, Maryland



TO THE STATE BOARD OF CHARITIES:

I, the members of your Standing Committee on the Insane, to whom was referred the letter of the Mayor of the City of New York, dated June 17th, 1887, calling the attention of this board to certain complaints made to him "that the management of the Lunatic Asylum on Ward's Island is not such as to entitle it to public confidence," and preferring the request that the Board would "take prompt steps to make a thorough investigation" of the same, submit the following special report:

In pursuance of such reference, your Committee, including one member for the City of New York, have made such investigation into the management and affairs of the New York City Asylum for the Insane on Ward's Island.

Our hearings and examinations having been made public, were first conducted at the City Hall, New York, on the twenty-ninth and thirtieth days of June and the first day of July, and were duly adjourned and continued on the sixth, seventh, eighth and ninth days of July, at the Asylum, on Ward's Island. Assistant Corporation Counsel Francis L. Wellman, Esq., and W. W. Wheeler, Esq., appeared at the request of the Mayor, and counsellor Arthur H. Masten appeared for the Commissioners of Charities and Correction. None of the complaints were formulated, and no written specifications or charges were submitted to us; but we caused public notice to be given at each hearing, inviting all persons to present any grievances or complaints, orally or in writing, and to produce witnesses and to propose interrogatories. Many subpoenas were issued to persons whose names had publicly appeared in the newspapers or otherwise, or were privately shown to us, having alleged or supposed connection with or knowledge of the facts in the cases of complaint or matters under examination; many witnesses were examined under oath, and over three thousand folios of testimony were taken by our stenographers, all of which reduced by them to writing, with the numerous exhibits therein referred to, are herewith submitted.

Our endeavor was to keep the proceedings within the proper limits of time and expense to the State, but within such limits to make our examinations as thorough as possible. And now we indulge the hope that the end of the investigation suggested by the Mayor, viz.: "the reformation of abuses and the improvement of the management of this great charity," may be attained, not so much in specific findings of facts relating to particular cases, as in conclusions regarding the general causes and conditions which necessarily have given rise to actual evils and abuses in this Asylum.

The institutions for the insane, in common with all the charitable as well as correctional institutions of the city, are in charge of the department of Charities and Correction, under Chapter 410 of the Laws of 1882, known as the "Consolidation Act," which provides for the maintenance and government of these institutions, and specifies the powers and duties of this department. The board of three commissioners, which is the head of this department, is given, and is required to "exercise full and exclusive powers for the government, management, maintenance and direction" of all said institutions, including the "Asylum for the Insane" on Ward's Island, with its branches on Ward's Island and Randall's Island, all of the patients wherein are men, as well as of the "Lunatic Asylum" on Blackwell's Island, with its branches on Blackwell's Island and Hart's Island, all of the patients wherein, excepting a few workers on Hart's Island, are women. (§§ 39 and 385).

FINANCES.

These statutory powers and duties of the Commissioners of Charities and Correction involve large trusts of a financial character. But, as neither formulated charges against their financial management, nor expert aids for the examination of their books, accounts and vouchers were furnished; and as such examination naturally would involve the affairs of the entire department, and necessarily would be prolonged indefinitely at great expense, which should devolve upon the local financial officer and be a charge against the City and County rather than the State; your committee confined this branch of the investigation to certain defects of method, and to the supplies delivered at the general storehouse on Blackwell's Island, and thence distributed to the Insane Asylums,

as well as Hospitals, Almshouse, Workhouse and Penitentiary, on the several islands.

Section 189 of the Consolidation Act provides, among other things, that the Board of Estimate and Apportionment shall annually, between the first day of August and the first day of November, make a provisional estimate of the amounts required to pay the expenses of conducting the public business of the City and County of New York, in each department and branch thereof, for the next ensuing fiscal year; and that for the purpose thereof the heads of departments, at least thirty days before, shall send to the Board of Estimate and Apportionment an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments.

Although it is in oral evidence that the Commissioners of Charities and Correction have annually complied with the letter of this statutory requirement, by giving their departmental estimate to the Board of Apportionment; yet it appears that they have received the amount fixed for their department in the final estimate of the Board of Apportionment, as one gross sum, without crediting to the various institutions and branches of their department, the several sums assigned thereto respectively in the provisional estimate; and that from time to time they have augmented or diminished these several sums, drawing from one and adding to another as the expenses of the institutions and branches of their department might seem to demand, and as to them might seem exigent or expedient. It is shown also that, while these estimates given to the Board of Apportionment have specified in detail the supposed expenses of each institution of the department for the ensuing year, and while such estimates and the items thereof are alleged to be in general accordance with the actual expenses of the respective institutions for the preceding year, the estimates or items thereof for the ensuing year are not transcripts from such actual expenses of the preceding year.

It is thus evident that the Board of Apportionment have no assurance that these annual estimates of the department of Charities and Correction, "specifying in detail the objects thereof," do not specify items and sums for the Asylum for the Insane on Ward's Island, to be used in other charitable institutions or in correctional institutions of the department; or (*vice versa*), that there

are resources in the estimates made for the other charitable as well correctional institutions from which to draw for the expenses of this and the other insane asylums.

There have been for years no accounts of items of actual expenditure of these several institutions, either published or furnished to the Board of Estimate and Apportionment. Such items are not given in the report of the Comptroller—published in the City Record. Though the books, vouchers and accounts of the Board of Charities and Correction may be open to the examination of all persons, including the members of the Board of Estimate and Apportionment, it is evident that such busy members of the City government as the Mayor, Comptroller, President of the Board of Aldermen and President of the Department of Taxes and Assessments, constituting the Board of Estimate and Apportionment, cannot or will not find time to study the accounts of all the departments and bureaus filed away in their respective archives.

This power in the department of Charities and Correction to procure a general appropriation for its different bureaus and institutions, by unbalanced apportionments, resembling unbalanced bids, seems to make it eminently proper that there should be annually published or filed with the Board of Estimate and Apportionment, or one of its officers such as the Mayor or Comptroller, an itemized account of each bureau and institution for the preceding year.

Section 49 of said Act gives the Mayor power to require such information as includes the accounting in question.

We present these views of the financial system, not to reflect upon the good faith or intended diligence of the Board of Charities and Correction in these respects, but to reveal what appears to us to be a fault or defect of the system; and to discover the reason, if any, for the failure hereinafter shown to induce the Board of Estimate and Apportionment to supply the necessities of this asylum for the insane on Ward's Island.

ECONOMY.

The rates for food and for total maintenance are given for the twelve years from 1875 to 1887, in the table, Exhibit 16, with the following results to-wit: average daily cost *per capita* during the twelve years, for food, less than fifteen cents; and total including clothing, care, &c., less than thirty-three cents; and during the

year 1886 for food thirteen cents and eight mills, and total thirty-two cents and six mills.

The foregoing rates cannot be compared with returns from Counties exempted by the State Board under the Willard Asylum Act, for the reasons that in such returns the cost of treatment, care and proper maintenance of the patients in the exempted insane asylums is reduced by the products of large farms, and covers only chronic cases; and even thus the increase of such cost, over the cost of support of the paupers in the poor houses of the respective Counties, is not accounted for, but goes into the aggregates and averages of expenses of these two classes of County institutions in one account. But that the average daily cost of food and maintenance and treatment *per capita* during the last twelve years, as well as the last year, in the Asylum for the Insane on Ward's Island is extremely low, should go without saying, under any just conception of the *status* of an insane person, as a sick patient, and not simply a pauper; and in consideration of the fact that among the inmates of this Asylum are the whole number of acute cases all requiring good food as well as care and treatment to prevent them from becoming chronic, but all in fact reduced with the chronic cases not only to one average of expense in account, but also to one common level of actual expenditures for food and service of attendants, as the evidence before us shows.

For comparison of the said rates with those of the six State Institutions for the Insane, we refer directly to the reports of the said several institutions for the last fiscal year. In the report of the Committee on audits of the Trustees of the Willard Asylum for the Insane, for the year ending September 30, 1886, we find that part of the weekly cost *per capita*, which is made a charge against the counties, to be as follows :

| | |
|---|---------|
| Maintenance—Stores and supplies | .851 |
| Fuel and lights | .181 |
| Farm wages and expenses | .098 |
| House wages | .775 |
| Furniture and repairs | .203 |
| Miscellaneous | .098 |
| Medicines | .029 |
| Improvements | .024 |
| Clothing | .207 |
| Total | \$2.466 |

Two dollars and forty-six cents and six mills.

But this State Institution is intended for chronic cases only, and with a population of about two thousand, has a fertile farm of about one thousand acres, and is in great measure self supporting with the products of the farm from the labor of its patients. Moreover the salaries of its physicians and other items, being paid by the State, are not included in said rates. The compensation for the present fiscal year has been fixed by the Willard Asylum at two dollars and twenty-five cents per week for each patient, as the county charge. By law the sum fixed by this asylum is the maximum limit of the county rates at the other State Asylum for the Chronic Insane at Binghamton, which also has a large and productive farm cultivated by the labor of its able bodied patients. These two State Institutions are in a fair way to solve the problem to what extent, given the requisite quantity and quality of land, Asylums for the Chronic Insane may in time become practically self sustaining, as to current expenses, with great benefit to the patients who perform the labor under watchful medical supervision.

Comparing the daily cost *per capita* for the last fiscal year, we have at Willard Asylum, with its chronic cases largely self supporting, and exclusive of acute cases, and exclusive of large items paid by the State, the county charge over thirty-five cents; but at Ward's Island with its acute as well as chronic patients, dependent almost entirely on high priced markets and without large resources from its land or labor, the total charge, including salaries of physicians and all items of expenditure, less than thirty-three cents.

Taking now the Hudson River State Hospital, as representative of the four State Hospitals for the acute insane, and selecting it on account of the clear financial statements, in its report for the year 1886, we find that its average of 400 patients cost *per capita* per week (\$5.1327), five dollars thirteen cents two and seven tenths mills, of which the practical expense for board was (\$4.1539), four dollars fifteen cents and three and nine-tenth mills, or about four times that of the New York City Asylum for the Insane on Ward's Island with its acute cases, which the evidence on estimates according to the test of two years, applicable to the State Institutions, show to be at least one fourth of its census in all its different branches, of nearly 2,000 patients.

The average cost *per capita* in the two City Asylums on Ward's and Blackwell's Islands, for men and women respectively, is nearly

the same if we exclude items for wages; and less than in the Kings County Asylum at Flatbush. A comparison of the statistics of expenses in these three City and County Institutions, with the six state institutions for acute and chronic insane, made in the 17th annual report of the State board, transmitted to the Legislature January 24, 1884, for the year 1883, is here cited, because it is in published and convenient form for reference, and is indicative of former interest in the subject. The result of this comparison appearing on pages 12 to 24 of the said report, makes the yearly cost of the 3525 patients in the New York City Asylums \$384,891, and of the 1236 patients in the Kings County Asylum \$154,500; or in aggregate \$539,391 for 4761 patients, acute and chronic cases; while the cost of the patients in the four State Hospitals for the acute insane, with an average population of 1424, and in the two State Asylums for the chronic Insane, with an average population of about 2260, making the less number in total census of 3684 patients, was the much larger sum of \$777,144.

FOOD.

This undue economy of expenditure for the two City Asylums, which owes its continuance to defective financial methods already mentioned, and to the imperfect correspondence between the Board of Estimate and Apportionment and the Board of Charities and Correction, is intimately related to questions respecting the character of the food supplied to this particular Asylum for Insane men on Ward's Island. Our inquiry is whether such food has been as good as required by

- (1) The market and the purchase prices, and
- (2) The needs of the patients.

It is in evidence, and is undisputed, that the department of Charities and Correction has complied with section 64 of the Consolidation Act, by making contracts with the lowest bidders, on advertisements and sealed proposals, for all foods and other supplies, wherever the several parts of any supply together involved the expenditure of more than one thousand dollars; excepting certain teas and other groceries purchased at private sales, which, though prohibited by the statute, appear on the testimony of the Inspector appointed by the Comptroller, to have been recommended or approved by said Inspector as of general merit and for the interest of the City.

It is shown also that in cases of contracts on sealed proposals, the proposals and contracts have been made on samples, called exhibits, and preserved in the office of the department; that all foods and supplies purchased under sealed proposals or otherwise, for the various institutions on the several islands, excepting meat, fish and milk, have been delivered at the general store house on Blackwell's Island, and thence distributed to the several institutions, on written requisitions of the respective superintendents or superior officers thereof; that on such general delivery at the store house, and before distribution or acceptance, the goods delivered have been examined there, by comparing samples thereof with the respective exhibits; that such examinations cover about \$30,000 worth of goods every fortnight, and have been made daily by the General Store house clerk of the department, and since April 1st, 1885, also to some extent by the Inspector appointed by the Comptroller.

It appears that the examinations by the Inspector are not checks upon the department, except in so far as they furnish expert knowledge; for he attends only five days in the week, and arrives late in the afternoon, after the largest deliveries have been made, and takes his samples of such deliveries from the hands of the Store house clerk.

The testimony of Mr. Corwin, the Inspector, Mr. Cleary, the General Store house clerk, and the Commissioners of the department, shows that there has been no use or acceptance of goods rejected by the Inspector, except in the case of ten thousand pounds of coffee, which about three months ago was condemned by the Inspector on the ground that it was burned in the roasting. On the merits of this exceptional transaction we make no findings, inasmuch as the quality of the coffee is claimed by the Commissioners on representations made to them by experts, to be good and in accordance with the exhibit, and is now the subject of litigation in a pending action between the city and the merchant who supplied the goods.

The Inspector testified that in three cases where goods delivered had been rejected by him, there were no subsequent deliveries of goods in accordance with the respective exhibits. This was, however, explained by the testimony of the Commissioners, showing that in each of these three cases, the total purchase was under

\$1,000, and therefore not required by the Statute to be by written contract; but that in excess of the statutory requirements, they had called for sealed proposals by exhibits and awarded the purchase to the lowest bidder, though without written contract which could be enforced.

The Inspector further testified as a matter, not of fact but of opinion, that there was in the general Store house, a lot of tea rejected by him more than one year ago; and that parts of the rejected tea had been distributed and used. And he produced Mr. James H. Davies, an expert, who testified that he had examined two samples of tea furnished by the Inspector, one of which he found to be good, and the other of which he found to be bad and such as would injure the health of any consumer. But the Inspector subsequently testified that he did not know that this bad tea had been used or accepted by the department, and did not know of any circumstance showing such acceptance or use. In the evening of the day on which this testimony was given, and on the return trip from Ward's Island, your Committee caused the boat to stop at Blackwell's Island, and requested Mr. Davies to examine samples of all the teas in the general Store house. This witness subsequently testified that he had done so, and that he found the articles to be good Oolong teas, unmixed, wholesome and worth in the market several cents per pound more than the contract and purchase prices.

The inspection of meat, fish and milk is made on the Dock at the foot of East 26th Street by the Dockmaster, Bernard Gormly. From an examination of the appliances there in use, as well as from the testimony of the Dockmaster, we are left with serious doubts as to whether the examinations are sufficiently thorough, and the means, time, skill and care employed are such as to prevent the acceptance of unhealthy or inferior articles for consumption. It is just, however, to say, that complaints against the meat were with few exceptions confined to the cuts, which could not be better for the prices, and the cooking which is referred to hereinafter, thus implying and sometimes expressly admitting that the meat was wholesome. The complaints against articles as stale included vegetables with fish, but the Inspector, Mr. Corwin, as well as other witnesses, testified that the vegetables accepted had been good.

The proofs show that the purchase and contract prices have

been within the market prices of the character and quality of food supplied to this institution.

The contentions over points of good faith and diligence on the part of the Board of Charities and Correction, in their business of purchasing and distributing supplies in their department, concerning which considerable evidence was produced before us, in relation to the Asylum for the Insane on Ward's Island, have called for the foregoing statement respecting the prices and qualities of such supplies. These points are important as they affect the character of said Board, but are of more immediate consequence in their bearing upon the future attitude and action of the Board of Estimate and Apportionment, responsive to the demands for relief to this Asylum, which, though apportioned by the one, must necessarily be administered by the other Board. It is eminently proper, therefore, that we should give our opinions on these questions of fact, and that, subject to these opinions already given, we should report our general conclusion as follows, namely: that from all the proofs before us, we fail to find on the whole, any deficiency in the quality of the food supplied to this Asylum, as compared with either the purchase or the market prices thereof; or bad faith or gross negligence on the part of the Board of Charities and Correction, whose business it is to furnish such supplies.

(2) The second branch of our inquiry relating to food, is determined by the needs of the patients in the Asylum in question, and neither involves the sifting of evidence nor admits of doubt. The testimony is undisputed and cumulative, coming from discharged patients, attendants, assistant physicians, Medical Superintendent, General Superintendent, and each of the three Commissioners of the Department, and proving conclusively that the dietary is insufficient in variety and nutritious qualities. We find also that the food with one exception is not properly prepared. The bread is good, made as it is from mixed flours of fair quality, and baked at the general bakery on Blackwell's Island. But the cooking in other respects is shown to be bad in fact, and made necessarily so by the inadequate appliances in a kitchen intended for five hundred inmates, and made to pass through its processes called cookery, food for over 1,700 patients besides attendants.

This condition of things is wrong and shameful; especially does

it appear so in view of the fact that the patients compelled to eat the mixtures set before them, are not ordinary paupers, but insane persons, that is to say, sick persons, and many of them acute cases requiring for their recovery as well as comfort, wholesome, digestible and nutritious food.

BUILDINGS.

The unwise economy which is evident in the food supplied to this institution, is exhibited in its buildings.

The Asylum Building proper has a capacity of one thousand (1,000) patients. But the population of the Asylum at the time of our investigation was nearly two thousand patients, inadequately accommodated as follows, to wit:

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|---|-------|
| In the said building..... | 1,326 |
| In the "annex" leased to the department by the Commissioners of Emigration..... | 339 |
| Emigration Asylum..... | 60 |
| "Branch" on Randall's Island..... | 131 |
| In the Hart's Island "Branch" of the Lunatic Asylum .. | 60 |

Making the total number of patients..... 1,916 or almost twice the capacity of the only proper building. The "Annex" on Ward's Island and the "Branch" on Randall's Island should be condemned as uninhabitable. The new lease of the Insane Asylum from the Commissioners of Emigration is intended by the department of Charities and Correction for the temporary and provisional accommodation of some of this outlying population. But inasmuch as the more quiet patients are placed in the Annex and the different Branches, we may eliminate their number from the total census in considering the immediate problems of this extremely crowded building. Taking the minimum number 1,326, we have 326 not properly provided for in this building; and the placing of them therein means great discomfort and injury not only for the 326, but for every one of the entire number of 1,326 patients, with disgusting and dreadful crowding of the filthy and violent wards.

ATTENDANTS.

The crowding of the building is not of recent occurrence, but has been continued and carried to the utmost extent for many

years, causing innumerable injuries to the patients, including those direct and others which, if not so immediate or apparent, are no less real or decisive against any good management or results. Among these indirect but determinate evils produced by this one common cause, has been the inevitable degradation of the character and service of attendants on the wards. It is not difficult to imagine the general condition, with patients huddled together, many of them without sufficient air space, in associate dormitories, and most of them deprived of day rooms, which have been filled with beds, and confined to long wards as cheerless and comfortless as are these miserable masses of humanity which crowd them. The day attendants, compelled to pass fifteen working hours in these repulsive places, and in the arduous duties of restraining and quieting the excitements which are responsive to such environments, are at night compelled to sleep two or three, and six or seven, in small and uncomfortable rooms. In this condition violent wards must become more disturbed, and filthy wards more disgusting, and the entire asylum well-nigh demoralized, even with the best material for educated attendants. But the worst effect is that while the salaries of these officers are not relatively low, the general situation repels not only the best, but even ordinarily good men, who would otherwise become applicants for their position, and attracts such as have no due appreciation, and perhaps not even a dull apprehension, of the depressing and disturbing influences to be overcome.

This conclusion we should have no difficulty in finding from the circumstances, without direct evidence on the subject. It must be true in the nature of things. But it is established by the sworn statements of many witnesses, including not only the testimony of the Commissioners and Medical Officers having to do with the government of the asylum, but also the cross-examination of most of the attendants who appeared before us. Such cross-examination generally discovered antecedents not creditable for the nurses and guardians of persons who by natural law have been deprived of their reason, and by civil law of their liberty, and left helpless and remediless against any sort of trespass, be it injury or indignity. The avocation of many of these sworn attendants had been that of barkeeper. An examination is made of all ward attendants on their return to the asylum after their day out every fortnight.

But such is the tendency to intoxication among them that many are discharged for this reason.

Now it is unjust as well as uncharitable to say that every bartender is a thoroughly depraved or untrustworthy man, without taking into account his nativity and training. It is also untrue that all the attendants in this asylum are in the general category which we have given. We believe there are good men among them. But it is safe to say that the fair presumption is against the moral or personal fitness of bartenders to fill the responsible office of Attendants of the Insane; and that the proofs show that the majority who fill this responsible office are not only of questionable antecedents and character, but that many of them are decidedly rough and coarse or untrustworthy, if not positively bad.

The following statistics of discharges and vacancies further illustrate the position. It is in evidence before us that in the year 1886 about eighty attendants were dismissed for cause, exclusive of those resigned or honorably discharged, and inclusive of twenty-three dismissed for intoxication, including three intoxicated while on duty on the ward, and five for striking patients. These dishonorable discharges for one year embraced about one half of the staff of attendants. At the time of our examination it was shown that there were, and long had been, many vacancies in this staff which the asylum authorities were unable to fill. The General Superintendent seems to have little responsibility for the selections of attendants, and to be responsible only for their dismissal, the examinations for appointments being regulated by the civil service rules.

The testimony of Mr. Lee Phillips, the Secretary and Executive Officer of the City Civil Service, is instructive on this point, and is further illustrative of the entire position respecting the character and qualifications of these most important officers on the wards of the asylum. His statements under oath before us, among others, are as follows: "Applicants for positions as attendants for Ward's Island come under my charge. * * * They apply to us and we examine them. I have occupied this position for the year past, since last June, and I have noticed that the character of the applicants as spoken of for the position of attendant, has been very low as a general thing. They have been, so far as the men were concerned, a good many that were appar-

“ently drinking men, and half way tramps you may say, that would be out of a place, and they would come along and apply for this, because the examination was very simple; and it seemed to me from my observation, that the better class, or the more desirable class, were kept from applying for those places on account of the inadequacy of the compensation and the hard work. * * * As a general thing the female attendants have been of a better class. * * * We have no technical examination to test them. * * * I judge that if we were to get down the examination too close in the matter of experience and ability, and the knowledge of the duties they have to perform, we would sift out a great many and have very few people. We are unable to supply them as fast as they need them now, although we are holding weekly examinations.”

We think the system of examinations of the City Civil Service for applicants for attendants in the City Insane Asylums, calling for such examinations before the nominations by the Superintendent, is less effective than the system obtaining in the State Asylums for the Insane, where such examinations are made after such nominations. In the City Civil Service, if there are sufficient applications, the effect is to crowd the calendar for such nominations, perhaps when less needed, leaving the surplus to wander away before vacancies occur; and whenever there is a pressing demand the effect is to retard the supply: and in all cases, the general result is to present many applicants unworthy or unqualified for the appointment.

Your committee find that the grievous evils connected with the staff of attendants in this Asylum are due directly and indirectly to the extreme crowding of its building and undue economy, which have been continued systematically and persistently for many years.

APPOINTMENTS.

There is no inducement for the exercise of political influence to fill the neglected and degraded office of attendant in this asylum. The assistant physicians have been examined by a medical board composed of eminent members of the profession in practice in New York City.

It appears from the testimony of each of the Commissioners of Charities and Correction, and the General Superintendent of the

Insane and such of the Assistant Physicians and Ward Attendants who appeared as witnesses before us, that the appointments of Assistant Physicians and Ward Attendants in this Asylum were as a rule for some time prior to the civil service examinations, as they have been since, made by the Commissioners on the nominations of the General Superintendent, and in the order of his nominations, and without political influence.

ABUSES.

Your committee received all evidence offered to sustain allegations of injuries or indignities suffered by patients on wards or grounds of this Asylum, except in the matters known as the Far-riah case and the Roth case, the merits of which it was not proper to publicly investigate outside the proceedings therefor then pending in the common law tribunals. But the case of Henry Mendelsohn, a paretic patient whose death on the ninth day of December last had been made the subject of investigation before coroner John R. Nugent, resulting in a verdict of a coroner's jury exonerating the authorities of the asylum, we did not exclude from our examination. On the coroner's record and other evidence before us, we are not satisfied that the death of Mendelsohn was hastened by injuries received by him at the hands of attendants as alleged, or that any violence or injury was inflicted upon him by any attendant.

Conflict in the evidence is invariable and almost inevitable, in cases of alleged abuse of patients in any insane asylum. On one hand we have the testimony of patients who may be in the asylum, or if out of it, discharged perhaps not as cured but on bond or contract of indemnity or guaranty against consequences, and who may be subject to delusions formed in the first histories of their respective cases. On the other hand we are quite certain to have the statements of attendants, strongly interested to deny or suppress the truth in all cases where they have trespassed upon the rights of patients, or where they have witnessed such trespass by their associates, which, in violation of the rules, they have concealed from or failed to report to the medical officers.

In all the matters brought before us, the complaints were met by denials, where the accused persons were in the asylum. In support of the complaints we departed from the legal rule requir-

ing the best evidence, and admitted hearsay testimony, not to establish the truth of the charge, but to furnish the means of obtaining further proofs. The evidence adduced in support of the denials consisted of sworn testimony of Attendants, and in some cases the statements of patients who were not put under oath. The entries in the case books, containing the histories of the patients, by or in behalf of whom the complaints were made, were also received in evidence.

We can select few if any one of these charges, the direct evidence on which, when taken separately, does not admit of either serious doubts or a finding against its truth. But while on the one hand we cannot combine the positive evidence in all the cases to establish the objective truth in any individual case; on the other hand, we cannot resist the moral conviction that some of these charges are true. This conviction or subjective belief is forced upon us by the general trend of the positive and direct testimony taken alone, so far as we are conscious that we can separate it from the general situation and circumstances also in evidence before us.

This circumstantial evidence, however, removes all doubts of the objective facts, that there are numerous and continued injuries and indignities inflicted upon the patients by the attendants in this asylum. In the first place, the general situation naturally and almost necessarily gives rise to such abuses. The conditions of extreme crowding and of degradation of the service have, since the first day of January, 1883, been attended with the complete abolition of seclusion or mechanical or chemical restraint, and of all appliances therefor; which to be successful requires moral restraints of a higher order, instead of the demoralizing influences which have continued on the wards of this asylum. Over-worked, irritable and ignorant attendants, who need the constant direction and discipline of persons other than themselves, and whose antecedent experiences have never resulted in self-restraint, practiced by their own wills on their own nervous organisms, are placed in positions of absolute and exclusive control of badly crowded and excited patients, without appeal or remedy except on unverified reports to absent medical authorities. The presumption that offenses are continually practiced by such attendants upon patients in such conditions, is of the highest degree of probability.

This moral certainty of abuses abounding on the wards of this

asylum, is, if possible, further established by evidence amounting almost to mathematical demonstration. Each of the medical officers, who was examined, testified to several acts of violence by attendants upon patients, which had been witnessed by himself. But though the attendants, who were sworn, were greater in number than the medical witnesses, and each attendant had of course spent a much larger portion of each day upon his ward than any medical officer upon all the wards, not one of these lay witnesses could remember a single instance of such violence.

Again, the violent acts observed by the physicians having been immediately followed by the discharge of the respective attendants guilty of the same, as shown by the testimony, there was thus given one term for a comparison between the number of discharges for such acts, committed in the presence and within the personal knowledge of some medical officer, and the number of discharges for such acts committed during the absence of all medical officers, and established only on information and evidence. Given thus the one term for such an instructive comparison, we sought the other term in the further examination of the assistant physicians, only to find that some of them could not recollect any such discharges based on such evidence, and none of them could remember that the number of such acts of personal violence reported and established by proofs, was more than a small portion of the number of such acts witnessed by the medical officers. In extenuation of this evidence it was suggested by the General Superintendent, that the occurrences coming within the personal notice of the physicians, would naturally leave a more durable impression upon their minds, than would similar occurrences reported to them. Accordingly the records were received as the best evidence, and a transcript of the same marked Exhibit 17, July 9, was filed with the proofs. This transcript being from the time of an official visit of two of the members of your committee to this asylum and its branches, October 13, 14 and 16, 1883, covers the period from October 15, 1883, to June 27th, 1887, and embraces 31 cases of actual violence committed by attendants upon patients; including such violent acts as kicking, striking and slapping; one case being for slapping one patient by two attendants at one time, witnessed by an assistant physician; another case being for undue violence in handling a patient, witnessed by two assistant

physicians; and another case being for both kicking and striking one patient by three attendants at one time witnessed by two assistant physicians. Of the 31 cases 15 are for such acts of personal violence, witnessed by one or more members of the medical staff; 8 are for such acts none of which were committed within the observation or knowledge of any member of said staff; and 8 are cases concerning which no entries or data respecting these points are given.

Now this comparison shows that only a small proportion of such acts of personal violence committed by attendants on patients, which are not witnessed by any member of the medical staff, are ever reported and proved to the satisfaction of the medical authorities. For the medical officers are not on any one ward to exceed two hours each day, and their presence must be generally known to the attendants. Assuming for argument's sake, that these two hours are only one-sixth of the time spent by patients in the wards used as day rooms, and that attendants would be as much inclined to interfere with the rights of patients in the presence as during the absence of their superior officers, which are extremely favorable assumptions for the asylum, being unwarranted by the facts; and using the data left after making these liberal concessions, we find as follows: that for this one-sixth of the time there being fifteen cases, there should for the whole time be at least ninety cases, of which only 31 cases are given. The conclusion is that, for two out of every three of such cases of personal violence by attendants on the wards, there are no remedies for the patients in this asylum.

We do not believe that these numerous trespasses upon the patients are generally of a serious nature, so far as physical injury is concerned. But they are all infractions of the rules of the asylum, and violations of the dignity and rights of the patients.

There are other and still more numerous abuses resulting from the crowded condition of the asylum, which could not be prevented by the best attendants. A visitor on a violent ward for the insane anywhere is apt to discover recent marks of injuries on the patients, and especially on the more disturbed cases; but an investigation on the spot most generally reveals the fact that such injuries have been received from fellow-patients. It does not need to be stated that such evils must be indefinitely multiplied by

the conditions which obtain in this asylum, nor that the systematic and persistent subjecting of patients to such enormously increased risks at the hands of each other, as well as at the hands of their attendants, is the great abuse calling for reform on Ward's Island.

TREATMENT.

On the examination of Dr. Trautman, the Medical Superintendent of this Asylum, his testimony as given includes among other things, the following questions and answers, to wit :

“ Q. I would like to ask one question of you, doctor, as an expert and as Superintendent of this asylum : whether in your opinion the treatment of the chronic and acute insane, as they are treated in this Asylum, does not tend to lower the whole service and treatment to that which is proper only for the chronic insane ?

“ A. I should say not, because we have on the acute service the officers that are best acquainted with the treatment. Only the oldest officers and those best experienced have charge of the acute insane.

“ Q. Do you have a better dietary for the acute insane ?

“ A. No ; we have to shift them whenever it is necessary to shift them” [to the hospital.]

“ Q. You should have ?

“ A. We should have. Yes, sir.

“ Q. Do you have a better class of attendants—more expert ?

“ A. We have not.

“ Q. Do you have more attendants in proportion ?

“ A. We have attempted to remedy this, but in reality we have not.

“ Q. Then in view of these three instances, do you not say that in this case at least, the attempt of the authorities to house and to treat both the acute and the chronic insane in the same institution, has not only tended to, but has effected, the degrading of the whole service from that which is proper for the acute insane, to that which is adapted, if to any, to only the chronic insane ?

“ A. To some degree undoubtedly. The great number that aggregates here makes it impossible for the men that are at the head, for the Superintendent, to look close enough after the acute insane.”

Dr. Macdonald, the General Superintendent of both Asylums, on his examination, somewhat qualified the foregoing testimony of Dr. Trautman, but was none the less emphatic in affirming the substance of the same, namely: that proper distinction had not and could not be made in favor of the treatment of the acute insane, and that not even proper care and attention had been or could be given to the chronic insane in this asylum.

In the words of Dr. Macdonald, uttered by him as medical superintendent in the year 1874, which there seems to be no reason to qualify at this time, we "fully believe that there are many men "within these walls now, incurable cases, who with more generous "diet and more generous provision generally, at the accession of "their disease, would have long since gone forth clothed and in "their right minds." (*Medical Superintendent's Report for 1874, p. 12.*)

We find that the experiments in the mixed asylums of New York City, and particularly in this Asylum for men on Ward's Island, have resulted, not in raising the care of the chronic insane, but in degrading the treatment of the acute insane far below the normal standard for the chronic insane.

RESPONSIBILITY.

That the abuses in the City Insane Asylum on Wards Island are the results of accumulations of experience, and the continued effects of long standing causes suffered to remain against warnings, entreaties and expostulations, is shown by references to former years, with citations which we make at length, as the responsibility for the present situation can be seen only in its relations to the past. The evils resulting from inadequate accommodations and provisions for the insane in both City Asylums, have been brought to the notice of the proper authorities of the City and of the State, in many ways and for many years.

The State Board of Charities has not failed to call attention to these grievances, in its annual reports to the Legislature of the State, as well as in various communications to the Board of Charities and Correction, the Board of Estimate and Apportionment, and the Mayor of the City. Its second annual report, transmitted in the year 1869, for the year 1868, states "that the

“provision for lunatics is extremely inadequate and discreditable “to the City” (page lxxi.), and gives the number and condition of the Insane of the City and description of the Lunatic Asylum on Blackwell’s Island, which was then with its branches, the “Retreat,” the “Lodge,” etc., the only public asylum of the city (pp. 200–203). In its fourth annual report allusion is made to the necessity for and the origin of the Asylum for the Insane on Ward’s Island (pp. 90, 91). Its sixth annual report presents the evils of bad crowding in both these asylums, and the inability of the Commissioners of Public Charities and Correction to provide remedies with the means at their disposal.

In the year 1877 the abuses and evils in this Asylum for men on Ward’s Island, as well as in other institutions of the city, had become so great, that the State Board in its eleventh annual report, transmitted January 17, 1878, called the attention of the Legislature to the special communications which the three members of the said Board for the City of New York had made, one to the Mayor, and two to the Board of Estimate and Apportionment (p. 31). In the said communication to the Mayor, dated October 20th, 1877, signed by Theodore Roosevelt, Josephine Shaw Lowell and Edward C. Donnelly, the said three Commissioners of the State Board of Charities, and published at pages 207 to 225 of said report, to the Legislature, the entire subject is opened with the following sentences at page 207, to wit:

“*To the Honorable Smith Ely, Jr., Mayor of New York:*

“SIR.—We feel that it is our duty to protest against the estimate of expenses of the department of Public Charities and Correction for the year 1878.

“We have frequently pressed upon the attention of the Commissioners the dangerously over-crowded condition of the Lunatic Asylum on Blackwell’s Island, and had anticipated from them a request to the Board of Apportionment for an appropriation to buy a farm, upon which inexpensive buildings for the chronic insane could be erected, but of this no mention is made in their estimate.”

The communication continues on pages 217, 218 and 219, referring to reports of Dr. Macdonald, the Medical Superintendent, who is at present the General Superintendent of both City Asylums, as follows:

“INSANE ASYLUM, WARD’S ISLAND.

“This institution, intended exclusively for men, contained, according to the official census in January, 1877, seven hundred and sixty-three inmates.

“Nothing beyond extracts from the reports of the Medical Superintendent is required in regard to this asylum.

“From annual report of Medical Superintendent, January 1, 1876 :

“‘In my last annual report I referred, at some length, to the difficulties under which we labored from the want of a satisfactory corps of attendants. These difficulties have met no abatement during the year that has elapsed since that report was presented. Of the importance to the well being and success of an institution of a well organized and trained staff of attendants, there can be no question.

* * * * *

“‘Next to the mental and bodily qualifications which fit a man for the post, the essential requisite for a thoroughly reliable and competent attendant is, perhaps, length of service. Attendance upon the insane—proper attendance—is a duty which cannot be taken up at a moment’s notice by men who have spent their lives in other pursuits. It is a delicate and difficult task, aptitude for which is found only in the few, and proficiency in which can come to none save after prolonged and faithful practice. Attendants are not *keepers*, whose duty is only to guard their patients, but *nurses*, who have to do with those suffering from disease. Hence an attendant can approach a fair degree of usefulness only after a lengthened service, after he has learned not only all the details of his office in relation to the care of the insane generally, but also the names and the peculiarities of the special patients in his ward. In this respect, our staff of attendants fails at once and conspicuously, for there are in the asylum now but two attendants whose appointments antedate the commencement of the year. There is constant changing, enough in itself to create confusion and seriously to embarrass the working of the institution. During the year that has just closed there have been sixty changes in the list of attendants and the confusion and embarrassment will be further accounted for when we examine the causes leading to these changes. Of the sixty

“ ‘attendants who retired from the institution, twenty-one did so
 “ ‘through resignation, and thirty-eight by dismissal. * * *
 “ ‘Regarding the latter I may here say that sixteen were dismissed
 “ ‘for intoxication, or bringing liquor into the building, five for
 “ ‘striking patients, and the remainder for various infringements
 “ ‘of rules.’

“ ‘From report of Medical Superintendent, January 1, 1877.

“ ‘There has been some progress made during the year in
 “ ‘increasing the efficiency of the corps of attendants. It has been
 “ ‘enlarged by the appointment of eight men over the quota of a
 “ ‘year since, so that we have now one attendant to seventeen
 “ ‘patients; and of late there has been some little improvement
 “ ‘in the class of men seeking and procuring appointments. But,
 “ ‘with all this, there is still much to be desired. In the first
 “ ‘place, despite the increase alluded to, the force must still be
 “ ‘considered inadequate. Nominally we have, as I have said, one
 “ ‘attendant to every seventeen patients, but practically the pro-
 “ ‘portion is much less, for every day, upon an average, four
 “ ‘attendants are not available for duty, through absence upon
 “ ‘leave or sickness, or some such cause; and despite the improve-
 “ ‘ment in their character which I have acknowledged, there is still
 “ ‘much to be desired in that regard also. A glance at the records
 “ ‘of dismissals of attendants during the year, with the causes there-
 “ ‘for, will show at once that there has been something lacking.
 “ ‘Apart from twenty-two who have resigned their positions
 “ ‘thirty-six have been dismissed for cause. The number of
 “ ‘changes thus entailed in a single year, would of itself be enough
 “ ‘to seriously embarrass the discipline and order of an institution;
 “ ‘and it will be readily imagined that further embarrassment must
 “ ‘arise from the influence of causes leading to their dismissal.
 “ ‘The offense of thirteen of the attendants dismissed was intoxi-
 “ ‘cation; of six, ill usage of patients, and of the remaining seven-
 “ ‘teen various other infractions of rules. In one instance the
 “ ‘dismissal of an attendant for striking a patient was followed by
 “ ‘his arrest, and subsequent sentence to an imprisonment in the
 “ ‘penitentiary for three months.’”

The said first communication to the Board of Estimate and Apportionment, dated December 24, 1877, signed by State Commissioners Lowell and Donnelly, and published in said report to

the Legislature, at pages 229, 230 and 231, among other important contents, has the following :

“ To the Board of Estimate and Apportionment, City of New York :

“ GENTLEMEN.—Before you decide finally upon the amount of the appropriation for the maintenance of the department of Public Charities and Correction for the year 1878, we wish to make one more appeal to you in behalf of the most unfortunate of the city’s poor, the insane men and women crowded into the asylums on Ward’s and Blackwell’s Islands, and beg you not only to grant the full amount asked for in the estimate of the Commissioners, for these institutions, but even to make a larger appropriation for salaries than they have suggested.

“ Ignoring for the present the general deficiencies of these asylums, we ask you to consider only the sufferings to which the patients must be subjected owing to the small number of attendants who are placed in charge of them.

“ The attendants themselves must be constantly overworked, and consequently liable to become irritable and to maltreat the patients.”

To which should be added excerpts from the said second appended communication to the same Board, by State Commissioners Theodore Roosevelt and Josephine Shaw and Lowell, as follows :

“ To the Board of Estimate and Apportionment, City of New York :

“ GENTLEMEN.—In a communication which we had the honor to lay before you some few months since in reference to the institutions under the charge of the Department of Public Charities and Correction of this city, we stated that, in our opinion, it was necessary to establish a new asylum for the chronic insane, and suggested the purchase of land for this purpose. A special act of the Legislature being required to enable the city to acquire real estate, we now address you again to request that you will at once take steps to secure the passage of such an act.

* * * * *

“ There is, indeed, the most urgent need of classification throughout the whole department, but no step forward is possible while the excessive number of insane patients keeps so large a propor-

“tion of all the buildings overcrowded. The moment this pressure is removed great improvements would be possible.

“We therefore again urge you to ask at once for a law authorizing the city of New York to buy land for the purpose of establishing an insane asylum outside of the city.”

Reference is made to the twelfth annual report of the State Board (pages 237 to 256), showing that “the Asylum is badly overcrowded” (page 250); and to the next succeeding annual report for the year 1879, transmitted February 5, 1880, which includes the report of Commissioner Lowell on the Public Charities of New York City (pp. 137 to 169), and from which we quote the following :

“NEW YORK CITY ASYLUM FOR INSANE.

“*Census, December 31, 1879.*”

| | |
|-------------------------------------|-------------|
| “ Paid officers and employees..... | 101 |
| “ Patients, main building.. | 783 |
| “ Patients, emigration annex..... | 314 |
| “ Work-house help, males..... | 64 |
| “ Work-house help, females..... | 38 |
| | <hr/> |
| Total | 1300 |
| | <hr/> <hr/> |

“This asylum still continues in the same condition as when reported upon last year, but still more over-crowded, having 1097 patients in buildings intended for about 700. It is well managed so far as it can be under the conditions, and I believe all is done that the superintendent finds possible to counteract the effects of the want of sufficient room and of the poor arrangement of the building.

* * * * *

“The annex continues to be a most objectionable feature of the asylum, and is an absolutely unfit building for insane.”

* * * * *

“The number of employees dismissed (twenty-five) shows that the character of the appointments is not what it should be, and points to the great importance of making the superintendent absolutely responsible by giving him the power to appoint and

“remove all his subordinates. Nothing short of this change can render it possible to fix the responsibility for short-comings.”

* * * * *

“The increase during the year has been 107, with no increase of accommodation. The purchase of a large farm by the city would provide a place for an asylum for chronic insane patients, both men and women, and it is very desirable that before real estate increases in price, the city should buy land enough to meet her probable needs for twenty years to come, since on all the islands the buildings are becoming far too crowded, and at some not very distant date more room will certainly have to be provided in some way.

“The superintendent reports:

“‘There has been no death due to accident or injury during the year, nor has there been any suicide; indeed, it is now two years and nine months since we have had a suicide.’”

“Such a record, in so overcrowded an asylum, shows that the patients must have been very well cared for by officers and attendants.”

The same State Commissioner for New York City in her report upon the condition and needs of the insane of New York City, which was transmitted to the Legislature with the fourteenth annual report of the State Board (page 192), again shows that “the buildings and land (about 160 acres in all) are still very insufficient for the number of the insane in this asylum,” which was again followed in the text of the sixteenth annual report of the State Board, transmitted to the Legislature, January 17, 1883, with the following warning and recommendation, at page 20, to wit:

“INSANE OF NEW YORK CITY.

“The condition of the insane of New York city has been carefully examined during the year by the New York commissioners, a committee of the Board appointed for the purpose. It was found that the accommodations for this class, especially in the men’s department, were greatly crowded, and that they could not be well extended in the locality upon the islands, owing to the lack of sufficient lands. The committee recommend the purchase of a farm outside of the city, and the erection of plain

“and inexpensive detached cottage buildings upon it, with the
 “view of the removal of a part of the chronic insane men to them.
 “The matter was brought to the notice of the board of estimate
 “and apportionment, who thereupon made an appropriation to
 “carry out these objects. This will give facilities for the out-door
 “employment of the insane men, and at the same time relieve the
 “crowded condition of the present accommodations. The report
 “of the committee upon the subject is hereto appended, to which
 “we invite attention.”

The report of said committee appended at pages 151 to 163, shows that there was a surplus of 340 patients, unprovided for on Ward's Island, and that “the very great need of more land for
 “the insane of the city, was brought to the attention of the Board
 “of Estimate and Apportionment by the New York Commission-
 “ers of the State Board, and that the Board of Commissioners of
 “Public Charities and Correction supported the request for an
 “appropriation for the purchase of a farm” (page 153); and embraces a copy of a written communication to said Board of Estimate and Apportionment dated December 14, 1882, and signed by resident State Commissioners William R. Stewart and Josephine Shaw Lowell, from which we take the following excerpt:

“NEW YORK, December 14, 1882.

“*To the Board of Estimate and Apportionment, New York City:*

“GENTLEMEN.—On April 8, 1882, a letter was presented to you,
 “signed by the New York City commissioners of the State Board
 “of Charities, and by the late Dr. James R. Wood, then chairman
 “of the Advisory Board of the Insane and Lunatic asylums of
 “this city, asking that you would make an especial appropriation
 “for the salaries of physicians in these two asylums, and stating
 “that it was impossible to secure and retain the services of com-
 “petent physicians, without adequate payment.

“We would now renew this request with increased emphasis.

“The asylums have suffered very much owing to the loss of
 “physicians, who, having become valuable by experience gained
 “in the asylums, are forced to leave to take paid positions else-
 “where.

“During the year 1882 the lunatic asylum lost five physicians

“from this cause, and Dr. McDonald, superintendent of the insane asylum writes:

“‘During the current year six (6) assistant physicians have resigned in order to accept salaried positions in other asylums.’”

“‘The senior in point of time of service at present in the asylum, Dr. Harrison, has been here only since April of this year, and he has an offer from a State asylum at \$1,000 a year.’”

In its seventeenth annual report, transmitted to the legislature January 24th, 1884, the State Board of Charities, after stating the facts showing undue economy in the management of the two New York City Insane Asylums, and the King's County Lunatic Asylum, and showing “such insufficient supervision as can be given them in conjunction with the paupers and criminals of those cities,” advises as follows: “In view of these facts, the Board recommends that the care of the insane in New York and King's Counties be placed in each county under a separate department, entirely independent of the respective departments of public charities and correction.” (p. 23.)

The beginnings of promised efforts by the local authorities to provide remedies in pursuance of the warnings of the State Board, were appropriately recognized in its next annual report, transmitted January 27, 1885, as follows:

“In the last annual report of the Board, attention was called to the overcrowding of the insane in these Asylums, and although no further accommodation has been so far provided, yet the authorities of New York city and Kings county have taken very important steps, which will eventually lead, it is to be hoped, to an entire change in the manner of caring for the insane of these counties.

“The New York city authorities, early in the year, entered into negotiations, for the purchase of 1,000 acres of uncleared land on Long Island, with the intention of making a settlement for the chronic insane, but unhappily it was found that no title to the land could be obtained.

“The Kings county authorities, under chapter 230, Laws of 1884, have bought 1,000 acres of land on Long Island, and intend to proceed with the erection of buildings as soon as possible.”

In addition to the special communications to the various city

authorities by the State Board, referred to in its annual reports to the legislature, we mention the following among others, to wit: A special meeting of the State Board having been held March 16, 1882, in New York city, for the purpose of considering matters relating to the insane; the following resolutions were adopted by it at its stated meeting October 10, 11 and 12, 1882, to wit:

“*Whereas*, The provision for the care of the insane in the county of New York is wholly inadequate, owing to want of sufficient land belonging to the city, upon which to erect the requisite buildings for their accommodation and:

“*Whereas*, The overcrowding and other evils consequent on this state of things, entails great additional expense on the city of New York by preventing the cure of cases which might otherwise be discharged from the asylum, therefore

“*Resolved*, That the attention of the Board of Estimate and Apportionment of New York city be called to these facts by the New York Commissioners of the Board.”

That the State Commissioners for New York city did act in pursuance of these resolutions appears from their report at the meeting of their Board, in January, 1883, and from the printed minutes of the Board of Estimate and Apportionment for the year 1882, pages 451 and 470 in evidence.

At the adjourned stated meeting of the State Board, held in New York December 11, 12 and 13, 1883, the following resolutions, offered by Commissioner Lowell, were adopted, to wit:

“*Resolved*, That the New York Commissioners be requested to go before the Board of Estimate and Apportionment of the city of New York and draw their attention to the fact that 3,000 acres of land in Suffolk county, suitable for a farm for the chronic insane of the city, are now for sale at \$50,000, and to recommend that an examination of the land be made with a view of purchasing it for the purpose above named.

“*Resolved*, That the State Commissioner in Lunacy be requested to join the New York City Commissioners in going before the Board of Estimate and Apportionment.”

And by resolution of the State Board, adopted April 13, 1886, its officers were directed to aid in securing the passage of Assembly Bill 384, entitled, “An Act to authorize and empower the Board of Commissioners of Emigration to lease certain lands

“and buildings on Ward’s Island in the city of New York,” being the same just leased to the Board of Charities and Correction.

At the adjourned stated meeting of the State Board, held March 7, 1887, the chairman of the Standing Committee on the Insane offered the following resolutions, which were adopted, to wit:

“*Whereas*, There are under the care of the Department of Public Charities and Correction of the City of New York 1,823 insane men and 2,399 insane women (4,222), of whom 1,368 (823 men and 545 women) are without proper accommodation, as appears by reports made to this Board, and

“*Whereas*, The City of New York purchased two years ago a large tract of land on Long Island for the purpose of providing adequately for its dependent insane, which land is at present of no use for the purpose, owing to the want of buildings, therefore,

“*Resolved*, That the New York City Commissioners of the Board be and are hereby requested to present to the Board of Estimate and Apportionment of the City of New York, the urgent necessity of providing adequate buildings for the shelter of the dependent insane of the city, and the desirability of using the land already owned by the city and held for this very purpose.”

The resolutions in each of the two foregoing cases were duly presented to the Board of Estimate and Apportionment.

The published minutes of the Board of Estimate and Apportionment in evidence before us, show various appearances before said Board by members of the State Board of Charities during the last few years. Members of the Board of Charities and Correction were generally present also at these times. On each of these occasions, as is shown by the said minutes, representations were made showing the necessity of enlarged general appropriations for the City Insane Asylums and of special appropriations for the purchase of a farm and the erection of buildings thereon. Reference is made particularly to said minutes for the year 1882, pages 451 to 457, 470 to 484; for the year 1883, pages 434 to 436, and 445 to 448; for the year 1885, pages 198, 221 to 225, 245 and 246; and for the year 1887, pages 201 to 205.

It is not necessary to go into the history of the enabling act, of the negotiation for the purchase of a farm of one thousand and

sixty-seven acres, situated on the Long Island Railroad, between the town of Farmingdale and Deer Park Station, which resulted in failure on account of defect of title; or of the final purchase of the farm of nine hundred acres and upward on the line of said railroad, near Central Islip Station. The deed of said farm having been delivered in the fall of 1885, thereupon the following preamble and resolution were passed by the Board of Charities and Correction, and communicated to the Board of Estimate and Apportionment, as shown by their respective minutes, to wit:

“*Whereas*, the Board of Estimate and Apportionment having consented to the purchase of a suitable tract of land on Long Island for the purpose of carrying into effect Chapter 428, Laws of 1883, the overcrowded Insane Asylum on Ward’s Island calling for immediate attention:

“*Resolved*, that the aforesaid Board of Estimate and Apportionment be and they hereby are respectfully requested to transfer the sum of \$60,000 appropriated for Two Stories Pavilion on Ward’s Island, 1883, where the same will not be needed, to an appropriation of 1885, for construction of suitable buildings on the land at Central Islip, Long Island, for the accommodation of those persons in charge of the department, whom the Board deem it expedient to send there to work the farm thereon, as contemplated in this plan for relieving the overcrowded institutions of this department.”

Subsequently, to wit: in September, 1886, the Board of Charities and Correction asked the Board of Estimate and Apportionment for an additional appropriation of fifty thousand dollars, for buildings and improvements upon the said farm, which was denied. No favorable action was taken by the Board of Estimate and Apportionment on either of these two applications, amounting in the aggregate to \$110,000, until June 15th, 1887, when, after a renewed request by the State Board, a transfer of \$10,000 was made from said fund of \$60,000.

No subpoena was issued by your Committee for any member of the Board of Estimate and Apportionment, and no appearance was made by anyone of or for said Board, though repeated invitations were extended to the members thereof through the office of the Corporation Counsel.

We find from the evidence that the Board of Charities and Cor-

rection did not accompany their applications for such special appropriation and transfer with any plans or specifications for the improvement of said farm. But President Letchworth of the State Board of Charities, together with its three members for the city, recommended to the Commissioners of Charities and Correction while in conference with them in February, 1886, that they should erect inexpensive buildings on the Cottage plan, none to exceed over two stories in height, and at the same time furnished a plan with written and oral explanations of the Alt Scherbitz Asylum in Saxony, as illustrating the principles they there recommended. Ground plan drawings of this Asylum were soon afterwards prepared by president Letchworth, from notes and drawings made during a personal examination by him of said asylum. These were sent to the Commissioners of Charities and Correction, with a letter committing said oral suggestions and recommendations to writing, which was signed by the said four State Commissioners.

We call attention to the approval by the State Commissioner in Lunacy of the project for the farm, and his hearty concurrence in the efforts of the State Board to secure the same; and to his frequent conferences with its members and with the Commissioners of Charities and Correction in the interest of the Insane on the Islands.

In conclusion we cite the reports of Dr. Macdonald, former Medical Superintendent on Ward's Island, now General Superintendent of both the asylums. Quotations have already been made from his two reports, dated the first day of January, 1875 and 1876, respectively, as given in the report of the three State Commissioners for New York City, transmitted to the legislature January 17, 1878. We find instructive warnings in all the annual reports of the Superintendent; and we refer to his published reports by years and pages, as follows: for the year 1874 at pages 12 to 21; for 1875, pp. 19-21; for 1876, pp. 192-6; for 1877, pp. 13-15; for 1878, p. 11, and for 1882, p. 1; and we cite his unpublished reports in evidence, for the years 1884, 1885 and 1886, particularly the last, which quotes his first report for the year 1874, reciting the evils of crowded patients and demoralized attendants, and certifies that the recital is as applicable now as then.

The reports of the Superintendent and other proofs show that the early attitude of the Board of Charities and Correction, being

one of opposition to a farm for the overflow of the insane, was followed successively by indifference and acquiescence. That Board has failed to file plans and specifications with its applications for special appropriations for the improvement of said farm; or to apply for limited appropriations for barracks, or tents, or other temporary accommodations for the surplus of this asylum, except on the occasion of the transfer of said ten thousand dollars, June 15, 1887, when the Board of Estimate and Apportionment was given to understand that part of said transfer should be used in immediately providing some such temporary accommodations; but it does not appear that anything has been done to make that understanding good.

It is evident that the failure to provide needed remedies and reforms in this asylum, is nothing more nor less than the failure to provide the requisite funds for sufficient buildings and current expenses. But where does the responsibility for this failure rest? Evidently between the Board of Charities and Correction and the Board of Estimate and Apportionment, or upon one of them. It is not for your Committee to censure or reflect upon the Board last named. If any criticisms are called for, it is for the public to make them upon the facts which are presented. But, in justice, we state that the applications of the Board of Charities and Correction for transfer of the special fund of \$60,000, and for further special appropriation of \$50,000 for the farm, should have been accompanied by written plans and specifications for buildings and improvements; and that all estimates for general appropriations over those granted, should have been accompanied by some assurances that such increase would be expended on the institution for which it was asked, and the whole fund therefor kept intact, sacred to the use thereof and that alone, together with the publication or filing of accounts as suggested hereinbefore under the head of "Finances."

We find that within the past few years great reforms and improvements have been made in this, as in the other, city asylum for the insane; that among such reforms and improvements, are the entire abolition of discipline by seclusion or by mechanical or chemical restraint; the institution of more perfect night service of physician and watchmen, and the larger employment of patients in labor alike beneficial to the patients and productive to the institution.

We find that neither the General Superintendent nor the Medical Superintendent, nor the Commissioners of Charities and Correction can be held, on the evidence, directly responsible for the evils in the present condition of the Insane Asylum on Ward's Island; but that the said Commissioners are, in some measure, responsible indirectly through defaults and delays in measures for relief, to wit: in neglecting to present increased estimates for the insane asylums from year to year, notwithstanding the aggregates of their estimates were annually reduced by the Board of Estimate and Apportionment, and in omitting to publish or file with the said Board, copies of their annual accounts, as assurances against abuses of the system of their unbalanced estimates, and in delaying to file with said Board plans and specifications on applications for special appropriations for buildings and improvements. The system under which this great charity is maintained, is, at the same time, accountable for these evils. This system, as we have found on the topic of finances, is one of unbalanced estimates between and among different institutions and bureaus in the same department, and of divided responsibility between two departments.

Respecting the said Commissioners, we further find that Mr. Brennan and Mr. Porter give their whole time to their duties in their department, and that Dr. Simmons gives several hours each day being all his time not occupied in the practice of his profession; that the duties in the business of the office and upon the islands, and in the general government of the institutions of the department, including with the insane asylums, all the hospitals, the almshouse, institutions for children, the workhouse, the several city prisons and the penitentiary, and embracing a population of over fourteen thousand, require the undivided time of each Commissioner; but that even then their multiplied official engagements admit too few opportunities for personal visits upon the wards of this Asylum, and absorb in general business the energy and enthusiasm needed to push reforms and remedies such as a governing board of this Insane Asylum should be able to effect.

PAUPERS.

The moral obligation of the authorities and of the people of New York City to press forward immediately the needed reforms

and remedies in their Insane Asylum on Ward's Island, cannot abate by showing that the patients therein are paupers. Public outdoor relief in our cities often produces malingering and the practising of idleness and vice in the summer, depending upon winter relief, and the perpetrating of all sorts of personal and political frauds. But it is no crime to be really poor and sick in body and mind. In our industrial civilization, some of the individuals are constantly falling away from normal relations in society, because they have not sufficient nervous force to keep their places. Such cases require the application of the principle, that the strong shall help the weak. The insane man beyond all other men appeals for sympathy and protection whatever may be the cause of his malady, whether due to his personal transgressions or by heredity to violations of law in former generations.

But there seems to be a popular misapprehension as to the present proportion of paupers in public institutions for the insane. Patients having property or friends able and obliged to take care of them, are properly excluded from Ward's Island, if when committed to the Insane Pavilion of Bellevue Hospital, the Superintendent of the out-door poor diligently investigates the case with a view to determine whether it is a proper charge upon the city; and if improperly committed to the Asylum any subsequent discovery of facts showing the same, is presumed to be communicated to said Superintendent. But it does not follow by any means that the whole or even the majority of the population of the Asylum, were public charges prior to becoming Insane. The probability is altogether the other way. The testimony and exhibits before us show, as a mixed matter of fact and opinion, that rather more than two-thirds of the male patients of the New York City Asylums are a public charge only on account of their insanity, having been working men, and so self-supporting up to the time of their becoming insane.

ALIENS.

The foreign born population is shown to be about two thirds of the whole census of the city asylum for the insane on Ward's Island. The large majority of the subjects of this asylum thus resemble in one respect those of the State asylum for insane immigrants situated on the same island. But, in other respects, the differences are noteworthy. In the State asylum the patients may

be presumed to have been insane on their arrival in this country. In the city asylum, on the contrary, the foreign born population is composed mainly of men who first became insane after they landed on our shores. This is proved first by the opinion of Dr. Macdonald given on his examination before us as an expert and as the General Superintendent; and, second, by the records, a transcript from which certified by medical officer Dr. Douglas, is in evidence before us, and marked Ex. 8, July 4. By this transcript it appears that for the year, from January 20, 1884, to January 20, 1885, the admissions of patients in this city asylum included 319 foreigners, whose respective periods of residence in this country are therein given in written answers to questions, as follows: less than one year 10; more than one year and less than five years 71; over five years 223, and unknown 15. The transcript covers the subsequent time nearly two years and six months from January 20, 1885, to July 4, 1887, and including 939 admissions of foreigners, gives in similar form the respective periods of the residence of these patients in this country as follows: less than one year 17; more than one year and less than five years 198; more than five years 647, and unknown 77. It thus appears that the change in the practice of receiving patients in the city asylums from the state asylum under the control of the Commissioners of Emigration, through commitment instead of direct transfer as prior to such change, has had little appreciable effect in the statistics; but that for the year prior to January 20, 1885, the date of such change of practice, as well as for all the time subsequent, the number of admissions in the Asylum on Ward's Island of patients who have been in the country over five years, are to the whole number of admissions therein of all the foreign born, in about the same ratio, to wit, about two thirds.

The result so far as it may be relied upon, establishes the ratio of immigrants who have been in this country less than five years and have been admitted to this city asylum for insane men, to be about one third of the population of foreign birth therein, or about two ninths of the whole census thereof. It would be a violent presumption that should hold the whole number of this two ninths to be immigrants who were insane on their arrival in this country; and we may therefore safely assume that not more than two ninths of the entire census of this asylum have been deported by govern-

ments, societies, and families abroad, and illegally landed in American ports. And this ratio, though not exact and perhaps not very nearly approximate as to insane arrivals, is, as we show hereinafter, the utmost undue proportion of foreign born in this asylum. This maximum is too great, of course, but it is less than the ratio sometimes assumed in discussions on this subject.

That there should not be any residue of immigrants who are insane on their arrival, suffered to land or remain so as to become public charges upon City or State, goes without saying. Space will not admit any historical review of the general subject related to this matter, either before the decision of the Supreme Court of the United States declaring the law of the State of New York imposing the *per capita* tax upon immigrants to be unconstitutional; or afterwards and subsequent to the Federal Act of August 3, 1882.

This act provides that of foreign passengers to this country "any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, * * * shall not be permitted to land" (U. S. Statutes at Large, vol. 22, page 214, § 2). Under a Contract with the Secretary of the Treasury, this law has been, and is now administered by the State Commissioners of Emigration at the Port of New York. Upon their vigilance and upon the rigid execution of the provisions of the act, in the fullest scope of intention as well as terms, rests the responsibility of effectually cutting off, through earnest endeavours to the utmost extent possible at the source, such illegitimate and illegal additions to the dependent populations of the public insane asylums of the City and of the State.

The question will arise how can this residue of immigrants insane on their arrival in this country ever reach this asylum, if the federal law to prevent their landing is properly enforced.

The effects of all deportations by foreign local authorities, charitable societies, families and individuals, of alien criminals, lunatics and paupers, upon the City of New York as the port of entry, are both direct and indirect, and thus doubly disastrous. Those who stay become charges upon the city. Those who go to other states may be assisted by the authorities of such states to return to New York City, as was often done in former years. Such breaches of interstate comity by Massachusetts resulted in

the confereuce between the Commissioners of Health, Lunacy and Charity of that State and our State Board of Charities, held in the City of New York, November 12, 1879.

Among the points brought out by this conference, are the following :

(1st.) Massachusetts had deported by state authority, exclusive of those sent out by its towns and cities, during the period from 1870 to 1878, seven thousand and five paupers to the State, and mainly to the City of New York.

(2d.) Massachusetts held New York responsible for the support of persons who have become dependent in that State, but had no settlement in New York, and had never been in New York, except as passengers in transit for Massachusetts.

(Thirteenth annual report of the State Board of Charities, pp. 213 to 280).

It is difficult to say how far benefit has resulted from that conference ; but if Massachusetts still continues such deportations to any great extent, they are secret and indirect, through other doorways into the State, though the intended and ultimate destination of such assisted foreign paupers may be the City of New York, as the original port of entry.

The State Board of Charities has from the first contributed to abate these evils of foreign and other deportations, by such conferences and correspondence with the authorities of other States and the State Department at Washington and Members of Congress, as well as in its annual reports.

It is in evidence that of such cases of illegal importation as have escaped the federal law, all which appear to come within State legislation, either the Alien Pauper law or the State Pauper law, are reported on information of the Superintendent of the asylum, by the Commissioners of Charities and Correction to the Secretary of the State Board of Charities ; and thus to a great extent, and in the degree that the proofs will allow, this illegitimate residue illegally left under Federal legislation becomes a burden for removal by the State and ceases to be a charge on the City. So that in order to keep this residue within the least possible limits, duties unperformed under the federal law, devolve unjust burdens upon the State of New York ; and in order to take care of this net and final residue left upon our hands, still more unjust burdens are cast upon the City of New York.

It is evident that to guard against these accumulated evils, in the City of New York, both direct and indirect, the Federal law must be enforced as it never has been enforced; and further legislation by Congress may be demanded.

The question, however, though important in its bearings on the future, has little immediate or practical relation to the remedies now demanded in this asylum on Ward's Island: for, as we have seen, the immigrants who form this undue residue of the foreign population of this asylum number less than two ninths of its entire census; while nearly one half of this census are without proper accommodation within the walls of the asylum building, which is nevertheless crowded by over thirty per cent in excess of its capacity, making the whole number of its wretched inmates, inclusive of acute cases, suffer the long train of evils consequent thereon.

But what shall we say of the four ninths which, with said two ninths, have been taken by us as composing the aggregate foreign born population, which is two thirds of the total census of this asylum? The ratio of these immigrants who were more than five years residents of this country, before they became inmates of this asylum, being about four ninths of the entire census thereof, is in proportion to the ratio of the foreign born population of the City of New York to its entire population, according to the last federal census of 1880, as follows: the said ratio in the asylum being about four ninths, and the said ratio in the city being about four tenths, the proportion is as ten to nine.

This is a favorable showing for our substantial and worthy citizens of foreign birth, the old fashioned immigrants, who are as much interested as are native born citizens in preventing the deportation to our shores of criminals, lunatics, and paupers of every sort. The proportion of the foreign born may be legitimately somewhat larger in this City Asylum than in the City at large; for the reason that, given the whole number of persons of neurotic temperament or tendency in any country, those who are strangers in the land will to the greatest extent through home sickness, unaccustomed business pursuits or social frictions or other unwonted experiences, as exciting causes, naturally develop any predisposition to insanity.

We find therefore on this subject that, while the situation on Ward's Island, as on all the islands under the government of the

Commissioners of Charities and Correction, is suggestive of the physical and moral corruption which illegal deportations have been casting upon American shores; the correction of these evils of illicit immigration would not be the correction *pro tanto* of the present evils in this Asylum, but rather the prevention of future evils, of the same species, though of greater magnitude, which present indications prophecy.

RELIEF.

The facts proved show that the abuses which have continued, and against perpetual protests endured, in the New York City Asylum for the Insane, are effects of persistent causes. The difficulties which hitherto have resisted all efforts for the removal of these causes will not yield to attempts at reform on the surface of the affairs or administration of this asylum. For these causes are, as we have seen, general and inherent in the Department of Charities and Correction or in the Department of Estimate and Apportionment, or are resultants of lines of error in the relations of the two departments. Although remedial legislation for the government of these departments, as well as of all other departments of the city, should be largely determined in its principles and methods, by the people of the locality; yet the facts are so pregnant with considerations respecting the same, that your committee make the following suggestions in the premises.

The remedies to be effectual must be as radical as are the evils to be removed, and should reform from the foundation, and cut out these general and persistent causes of long continued abuses, root and branch. All such remedies and reforms, without losing anything radical or decisive in their nature, may be classed respectively under the two species of relief, viz:

A. Provisional Relief.

B. Permanent Relief.

A.—For provisional relief, the immediate remedies demanded are proposed as follows:

(1.) The Board of Charities and Correction to give to the Board of Estimate and Apportionment, plans and specifications for all buildings and improvements, in respect of which special appropriations are asked or needed; and also annual accounts and reports and all necessary information for the general appropriations,

Pages 41- end missing