

Pyramid Ranch Ownership Trial In Second Day

Two Defendants Claim Kin was In Right Mind

Trial of Alva LaSalle Kitselman's suit to recover the former Pyramid Lake ranch from his mother and sister entered its second day in Judge William McKnight's department of district court here this morning with those two defendants on the witness stand.

The plaintiff's mother, Mrs. Leslie K. Figueroa, and his sister, Mrs. Marjorie Kitselman Dunn Hanson O'Shea Rautzahn, both were questioned by their attorney, Thomas O. Craven, in efforts to disprove Mr. Kitselman's contention that he transferred the ranch to them in 1940 while suffering from mental lapses through the practice of yoga.

Both stated that they could discern no evidence of mental incompetency on his part either prior to or subsequent to the ranch transfer. They added that they never had cause to question his mental competency.

Other testimony this morning was concerned with finances involved in the ranch transaction, with the plaintiff's sister stating she had taken over the property under an agreement that she liquidate a mortgage against and Mr. Kitselman's personal debts.

Testifying in his own behalf Tuesday, Mr. Kitselman asserted that his yoga practices at the time of the ranch transfer had resulted in his attaining a "mystical attitude" which made him in capable of dealing in western matters.

He contends in his action to recover the ranch that while under mental incapacities in 1940 he relinquished to his sister his option to re-purchase the ranch from his mother. He originally bought the property in 1936 for \$67,000, the action states, the money coming from his share of income from the family estate for several years. Mr. Kitselman is the son of the late father, who died in 1940, was a former Muncie, Ind., steel magnate.

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A, FRIDAY, NOVEMBER 28, 1947

Pyramid Ranch Ownership Trial Resumes Dec. 12

Call Medical Testimony on Competence

Medical testimony on the disputed point of Alva LaSalle Kitselman's claim of temporary mental competence at the time he transferred to his sister and mother the Pyramid Lake ranch will be introduced when the lawsuit over the property is resumed Dec. 12 in the district court.

Mr. Kitselman testified last week that his yoga practices and study of Indian mysticism during the late 1930's after he purchased the ranch induced in him a mental attitude making him incompetent to entering into a practical agreement.

He instituted suit to regain possession of the ranch which he contends was relinquished to Leslie K. Figueroa, his mother, and Marjorie Kitselman Dunn Hanson O'Shea Rautzhan, his sister, during the yoga period.

Mr. Kitselman related in the trial that he emerged from the studies and their alleged effects in 1942.

Before the trial was recessed to allow time for a psychiatrist to examine Mr. Kitselman the defendants introduced numerous letters exchanged between Mr. Kitselman and other members of his family. Mrs. Figueroa and Mrs. Rautzhan both were called to testify also, in a defense effort to refute the claim of temporary incompetence.

TESTIMONY OVER YOGA PRACTICES OF FORMER RANCH OWNER ENDED

Written arguments were called for by Judge William McKnight as the taking of testimony was concluded Friday in the district court in Alva La Salle Kitselman's suit to regain the Pyramid Lake ranch from his mother and sister.

Each side was given 10 days to submit arguments, and the judge ordered that all parties to the suit refrain from any acts which would change the present status of the ranch for a period of 30 days.

The testimony of a psychiatrist concerning the mental condition of Mr. Kitselman provided attorneys with many matters to argue as the trial was resumed Friday morning.

Mr. Kitselman, young member of a wealthy Indiana steel family, contends that his yoga practices and esoteric studies rendered him temporarily incompetent to handle practical affairs over a several-year period ending late in 1942.

During this time he turned over the ranch to his sister and mother, and Mr. Kitselman seeks to set aside the agreement and regain the ranch on the grounds of his alleged temporary incompetence.

Dr. Walter Bromberg, Reno psychiatrist, called by Clyde Souter, attorney for Mr. Kitselman, occupied the witness chair Friday morning.

His testimony was frequently objected to by Thomas O. Craven, attorney for Mrs. Leslie Kitselman Figueroa and Mrs. Marjorie Kitselman Dunn Hanson O'Shea Rautzhan, the mother and sister.

The defendants' attorney was challenging the doctor's statements in cross-examination as the trial recessed at noon.

Dr. Bromberg characterized Mr. Kitselman as a psychopathic personality. He said that he formed his opinion from a study of the family history, several recent examinations of Mr. Kitselman and from reading the testimony taken in the trial so far.

Most of the psychiatrist's testimony was admitted over the objections of Mr. Craven.

The doctor's examinations of Mr. Kitselman have been made over the last two weeks, he said. The trial was recessed late last month to allow time for the psychiatric examination.

Although the court ruled that the doctor should base his testimony only on his direct observation and on the testimony on record in the case, a part of the young man's history was told on the stand before the ruling was made.

Included was Dr. Bromberg's reference to Mr. Kitselman as a member of a gifted family and one of a group of child prodigies who were the subject of studies at Stanford university, results of which are recorded in psychology textbooks.

The doctor said that as a child of 10 Mr. Kitselman exhibited an extremely high intelligence quotient and an extremely variable I.Q. among the elements in which he was examined.

Both are indications of a psychopathic personality, he said.

Dr. Bromberg defined a psychopathic personality as one "type of distorted personality which shows itself primarily in social life and relationships."

Under questioning, the psychiatrist stated that in his opinion Mr. Kitselman could have suffered a loss of memory of periods of time during the years his distorted outlook and behavior was most marked.

Mr. Kitselman contends that he remembers very little of the period of his life covered roughly by the six years 1936 to 1942 during which he was part of the time at the ranch and absorbed in his yoga practices and studies of spiritism and Indian philosophies.

He also claims to remember but vaguely the agreement concerning the ranch and to not recall relinquishing entirely his rights in the property.

He has testified he has no memory at all of a period from mid-1940 when his sister informed him he no longer had any interest in the ranch, until late in 1942.

Under cross-examination, Dr. Bromberg stated that he believed Mr. Kitselman was, during part of this period, psychotic, or insane.

The psychiatrist said, however, Mr. Kitselman is not now insane. He indicated that such psychopathic cases may be aggravated to insanity and recover.

The doctor also admitted that the psychopathic personality is "fairly common."

On cross-examination, Mr. Craven read several letters to the doctor, written by Mr. Kitselman during the years involved. The letters constitute a great part of the evidence offered to refute the claim of temporary incompetency.

Dr. Bromberg denied that the letters, apparently intelligible, were a good guide to the writer's mental condition. On direct examination, Dr. Bromberg stated that literature of psychiatry contains many cases of apparently intelligible letters written by persons with serious mental derangements.

Student of Yoga Loses Ranch Suit

Alva L. "Beau" Kitselman, former yoga student and operator of the Pyramid Lake ranch today lost his district court suit asking repossession of the guest ranch property, under a ruling handed down by Judge William McKnight.

Mr. Kitselman, who was described during the trial as a one-time child prodigy and the member of a wealthy middle west steel family, sued for return of the ranch from his mother and sister.

He contended that his yoga practices had rendered him temporarily incompetent several years ago during which period he transferred the \$65,000 property to his mother, Mrs. Leslie Kitselman Figueroa and his sister, Mrs. Marjorie Kitselman Dunn Hanson O'Shea Rautzhan.

During the trial here last fall, Alva Kitselman also held out that he did not realize that the papers he signed gave his sister control of the ranch. It later came to his mother's hands.

In his ruling, Judge McKnight held that Mr. Kitselman gave the ranch to his sister and in letters written as late as 1945 re-affirmed the gift. The judge cited a deed and agreement entered in evidence.

The judge also discounted the testimony of six lay witnesses and an expert to hold that the plaintiff was not mentally incompetent to do business at the time of the transfer nor afterward.

Mr. Kitselman had set forth at trial that his yoga practice studies of other obscure mysticisms of the Far East had devalued his financial western business acumen. He contended, too, he suffered a lapse of memory from mid-1940 when, he said, he learned he had lost the ranch, late in 1942.

Several witnesses who testified that Mr. Kitselman on the mental competency question, Judge McKnight pointed out, had no personal knowledge of his actions after than 1938.

Another, Nina Stevenson, worded her testimony so that it appeared that all she knew was what "Beau" had told her, the judge continued.

Judge McKnight held that the nature of a hypothetical question propounded to Dr. Walter Bromberg of Reno, psychiatrist who had testified that he believed Mr. Kitselman was temporarily insane, detracted from the value of the psychiatrist's evidence.

The lengthy question, presented by Clyde Souter, Mr. Kitselman's attorney, was not accurate in a number of substantial facts, Judge McKnight said.

In his half hour opinion given orally this morning, the judge pointed out portions of the hypothetical question which were not supported by testimony in the case. Parts of the question were opposed to the testimony.

The questions purported to state Mr. Kitselman's characteristics and actions and it was on the basis of the picture painted in the question that Dr. Bromberg's opinion was given.

While conceding that Marjorie Rautzhan had failed to produce several witnesses, thus disclosing a weakness in the defense, he emphasized what he described as important omissions in Mr. Kitselman's case.

He pointed out that neither Mr. Kitselman's bank account records

were produced nor the judgment roll in a suit in which Mr. Kitselman was involved in Hollywood during his period of alleged temporary insanity.

The bank account records might have supported a contention that Mr. Kitselman squandered his money, Judge McKnight said. The California court record might also have had an important bearing on the question of Mr. Kitselman's competency to conduct practical affairs.

The trial last fall was chiefly remarkable for the nature of Mr. Kitselman's assertions and for the two-hour discourse he gave on the witness stand concerning yoga.

His stand concerning yoga of the Indian practice and of mystical studies in general, as well as his account of his attempts to practice yoga at Pyramid lake held the courtroom absorbed.

Defendants in addition to other members of Mr. Kitselman's family was Harry Duckett, whose interest in the case was the status of a lease he held on the ranch from Mrs. Figueroa.

Attorneys for the defendants were Thomas Craven and Douglas Busey, and Frandsen Loomis for Mr. Drackert.