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**SPENCER NOT LEGALLY INSANE**

Testimony of Dr. Alfred Elliott in Murder Trial—Accused Made Scene Which Held Up Court For Fifty Minutes.

A declaration that Bertram G. Spencer, who is on trial for his life, charged with the murder of Miss Martha Blackstone, was insane at the time the young schoolteacher was shot and killed, was made late Tuesday by Dr. Edward B. Lane of Jamaica Plain, an alienist in the employ of the defense. Dr. Lane testified that he examined Spencer on September 5, 1910, and on October 14, 1911. Taking into consideration "the testimony as to the condition of the defendant's family, the defendant's education, his violent outbreaks and delinquencies, and subsequent confessions," Dr. Lane was asked his opinion of the mental condition of Spencer at the time of the shooting. He replied that in his opinion the defendant was insane and that by reason of insanity, he was unable to refrain from committing murder. He said Spencer lacked sufficient control.

Dr. Lane was under cross examination when the court adjourned. Rev. Eugene B. Smith of Lebanon, Conn., pastor of the church attended by the Spencer family, took the stand for the defense Tuesday. His testimony had to do with visits he paid to Spencer while confined at the state insane asylum at Bridgewater. He said that during one of these visits he had a conversation with Dr. Alfred Elliott, medical director of the asylum, and that he considered at that time that Spencer had a form of paranoia. Mr. Smith testified that he marked that I supposed this was incurable and Dr. Elliott replied "Absolutely."

The witness said Dr. Elliott declared he would regret very much to have to send Spencer back to Springfield for trial. On the witness stand Tuesday, Dr. Elliott had no recollection of such a conversation with the Lebanon clergyman. Dr. Elliott, who is a witness for the government, testified in reply to the question of the defendant's counsel that he did not consider Spencer legally insane. He believed that Spencer knew right from wrong and that there was a penalty for wrongdoing but that he had faulty reasoning powers.

During the examination of Dr. Elliott, the prisoner gave way to his emotions and fairly screamed at the witness from the cage, calling his testimony a lie. Court officers had difficulty in overpowering Spencer, but he was finally removed from the courtroom while a recess was taken. In the ante-room Spencer continued his ravings and an hour passed before he was quieted. During the remainder of the session he appeared, nevertheless, crying softly and muttering to himself. He paid no attention, apparently, to the witnesses.

**Suspended Session 50 Minutes.**

Denouncer—Dr. Alfred Elliott, medical director of the Bridgewater state hospital for the criminal insane, Spencer made a scene in the courtroom which probably has had no duplicate in New England criminal history, and which was the most violent ever witnessed here. So violent were his words and so excited did he appear that it took three deputy sheriffs to control the murderer and his attorney. Dr. Crosby was forced to suspend the sitting 50 minutes before Spencer recovered enough self-control to return to the courtroom and occupy his seat in the cage.

Dr. Elliott was the first witness called by Attorney Richard J. Stapleton in the morning, and when he took the stand a marked change in the attitude of the prisoner was noticed by those near him. He glared steadily at Dr. Elliott, and as the physician testified regarding where Spencer had been confined and why he had been placed in certain wards, the prisoner glared and muttered under his breath. His wife, who sat beside the cage, kept anxious eyes on Spencer, who held his face in his hands and watched the witness with a steadfast gaze. It was when Dr. Elliott was testifying that

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Spencer had been moved from one ward to another that the prisoner made his violent outburst. Only the newspapermen and those sitting in front of the prisoner's cage had been expecting any demonstration, and the sudden shout of the prisoner, "You lie! You're a liar!" brought the spectators to their feet. Then, as Spencer, coat and hat in the trade, he leaped to his feet as though he would jump over the low grating in front of him and hurl himself upon the witness.

Turnkey Nathaniel P. Wade, who sits with the prisoner, grabbed him and tried to force him gently back to his seat, but the prisoner was too strong for Wade, and as he struggled fiercely to escape from the turnkey's grip Deputy Sheriff Timothy H. Malone and Edward J. Leyden leaped over the front grating of the cage and helped Wade to control him. Wade got the prisoner's head in chancery and had a choking grip around his neck, and with his body forced the murderer to a prostrate position on the bench in the dock, while Leyden and Malone secured his legs. He was still struggling and panting when Judge Crosby announced there would be a recess.

In the meantime Sheriff Clark had raised for order, and while the struggle was going on the prisoner's wife was pleading with the deputies to be allowed to enter the cage and help subdue her husband. "Oh, please let me go to him," she said. "Please let me go to him. I can calm him."

But Deputy Malone gently held out his hand and Mrs. Spencer left the room, following the prisoner's mother and sister, who had left when he began his outburst. He was taken into one of the consultation rooms, where he yelled and shouted vituperatively for nearly 50 minutes before he was calmed sufficiently to allow of his return to the courtroom.

Glared at Elliott. Those who observed Spencer were of the opinion that the prisoner was getting ready for a demonstration, for the calling of Dr. Elliott's name made a big change in the man. Heretofore when witnesses have been testifying he has hung his head and looked at the floor, or has sobbed more or less, but when the doctor was called Tuesday morning the prisoner glared at him with steadfast gaze. Not only did he seem to be concentrated in his gaze, but the whole expression of the man's face was of malignity. When the doctor said he had been moved from one ward to another so that he might have different care and attention, Spencer muttered sarcastically "Care and attention, care and attention!" At other intervals during the beginning of the doctor's testimony he muttered to Turnkey Wade and to his wife.

When he was brought back to the courtroom after the recess he trembled violently, his whole frame shaking, and beads of sweat standing on his forehead. His animosity toward the witness had not subsided to the slightest degree, and he continued to mutter incoherencies under his breath.

Aside from the demonstration that Spencer gave in the testimony of Dr. Elliott was important for the reason that the doctor said in his belief Spencer was legally sane, although the court held that the answer should be stricken from the records.

"After observation of this patient at Bridgewater, what was your opinion of his mental condition?" Mr. Stapleton inquired.

"After ten months' observation it was my opinion that he was not legally insane."

"Knew Right from Wrong." Asked as to the mental condition of the man, the doctor said: "My opinion was that he knew right from wrong. He knew his act was wrong. He knew there was a penalty. He knew what the penalty was, and he was not governed by an irresistible impulse."

"What act do you refer to, doctor?" asked Mr. Stapleton.

"The act for which he was indicted, the murder of Miss Blackstone."

Stapleton asked the court ordered stricken out, on the ground that the witness had not qualified as an expert on the legal phase of insanity, which was the same reason for the striking out of the record of the answer previously referred to.

"What was your opinion, doctor, of his mental condition as to his sanity or insanity?"

"That he was not legally insane," replied the witness.

Mr. Stapleton then asked the witness questions regarding statements he had made to Chief Justice Aiken in his reports of the man's condition, and he certified to its correctness and truthfulness of them.

The questions and answers served to show that the doctor believed that Spencer had the symptoms of a sound mind when he was first under observation, but that as the observation continued the physician came to the belief that his actions indicated sanity rather than insanity.

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