$600,000 for a fortnightly service, except the Argentine line, which is to have $400,000 for a monthly service or $800,000 for a fortnightly service. No American cities are named as the ports from which any of the lines are to start, and the bill is so worded that the line in the Pacific to South America can touch at any number of ports in the United States. The same is true of the Atlantic lines. It is provided that all the vessels profiting by this subvention for carrying mail must have a speed of not less than sixteen knots.

The House leaders intimate that an attempt will be made to obtain an agreement in conference on subsidies for one or more Oriental lines, believing that the House will finally vote in favor of them.

The Senate leaders assert this evening their confidence that the bill as passed by the House will receive the approval of the upper chamber. Senator La Follette, who has intimated that he would filibuster, is said to be ill and may not be able to attend in the Senate until the bill is finaly disposed of. Senator Blackburn has declared his purpose only to vote against the bill, and Senator Culberson has said that, while he would gladly see the measure defeated, he does not believe in filibustering on principle. There remains, of course, the possibility that at this late hour in the session some opponent may conduct a filibuster which will be fatal to the bill, but if that is done it will be a surprise to the leaders of the upper house. There is also a not remote chance that the bill will die in conference.

## DETAILS OF THE FIGHT.

### House Has One of the Most Exciting Sessions on Record.

[By The Associated Press.]

Washington, March 1.—When the Subsidy bill was taken up at the beginning of the day the amendment presented by Mr. Townsend, of Michigan, striking out the steamship line from Pacific Coast ports to Hawaii, Japan and the Philippines was pending.

Mr. McCall, of Massachusetts, opened the debate. He spoke against the amendment and in favor of the bill, contending that the position of the United States in the Western Hemisphere entitles it to better mail service. He said that the visit of Secretary Root to South America had had an educating effect on the people of this country and had shown that we can cultivate the people of South America and make them our friends.

"We do not want to rule them by the 'big stick'; we want to rule them by the peaceable ties of trade," he said.

Mr. Townsend spoke in support of his amendment, and it was adopted, 134 to 100.

Following up his advantage, Mr. Townsend moved to strike out the line from Puget Sound to the Orient, and that motion also prevailed, 130 to 105. Then the line to Australasia went out, 129 to 111.

An amendment by Mr. Fordney, of Michigan, reducing the subsidy for the line to Buenos Ayres from $400,000 to $266,000, was lost, 114 to 140.

Mr. Humphrey, of Washington, moved that the line from the Gulf of Mexico to the Isthmus of Panama be stricken out. He said he wanted to see if "it was a question of geography."

An amendment by Mr. Sulzer, requiring ships to stop at Mexican Pacific ports, which developed the fact that several members of the House do not know the names of Mexican ports, was next offered.

By this time interest was intense. The galleries were crowded, and the leaders on both sides of the chamber were rallying their forces for the final battle.

It was dangerously near 3 o'clock, and Mr. Fordney's amendment substituting a tonnage tax measure was still pending. The advocates of the Littauer bill did not desire to vote on that proposition, and they began to filibuster by forcing a vote on the Sulzer amendment, which was overwhelmingly defeated.

Tellers were demanded by Mr. Littauer to kill time, notwithstanding the chorus of "Noes" that went up from the Democrats. When the count was finally taken there was found to be only one vote for the provision.

The vote was slow in the extreme, and the Democrats became highly indignant. Mr. Sulzer rose to have the vote by tellers abandoned, but Mr. Currier, of New Hampshire, who was in the chair, held that the vote could not be interrupted, and the farce was continued until 3 o'clock arrived, when the regular order was demanded.

The bill was then reported from the committee of the whole to the House, and, much to the chagrin of the supporters of the Littauer bill, Speaker Cannon held that there must still be a vote on the Fordney substitute. The result was unfavorable to that measure, and a ballot on the Littauer bill was immediately announced. The ayes and noes were ordered, and the vote as announced showed the bill defeated, 154 to 161. The Democrats and their Republican allies made the House ring with their cheers.

Mr. Littauer moved to reconsider the vote. Mr. Williams, the minority leader, moved to lay the motion to reconsider on the table. Then the Republican leaders determined to undo the former action and pass the bill if possible. The motion to lay on the table was defeated, 156 to 159. The Republicans had snatched victory from the very jaws of defeat.

Again the ayes and noes were ordered, this time on the motion of Mr. Littauer to reconsider the first vote, and the House decided to reconsider by a vote of 164 to 154.

Mr. Littauer then moved that the substitute to the Senate bill be agreed to, and the substitute was adopted, 162 to 150.

The third reading of the bill was authorized, 161 to 151, and then on its final passage the vote was 155 to 144.

Mr. Williams realized that it would be useless to continue the contest, and the motion to reconsider and the motion to lay on the table were perfunctorily agreed to.

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## THE POSTAL CARD BOOM.

### Messages Can Now Be Written on Left Half of Face.

[From The Tribune Bureau.]

Washington, March 1.—"This side for the address only," as applied to postcards, is out of date. It became a thing of the past on the stroke of 12 last night, and hereafter when you read it on a postcard pay no attention to it, but go ahead and write any message you please on the left half of the address side of the card, and have no fear that you will fall into the clutches of the law. Neither you nor your correspondent will be called on to pay additional postage because you have openly defied the printed order, for with the beginning of this day an order issued by Postmaster General Cortelyou four months ago went into effect, and it is now permissible to use half the face of a postcard for a message.

The United States as a rule is pretty well up with the times on almost everything connected with progress and civilization, but it has been just a little backward now and then on postal affairs. The great "souvenir postal card craze" struck Europe and spread all over the Old World before this country came to a realization of its time saving, money making and instructive features. After a while the craze appeared here, and apparently now as bad a case of souvenir-postal-carditis exists as it is possible for one people to acquire. But the Postoffice Department did not keep up with the procession of nations in the matter of facilitating the business. The postal authorities of foreign countries soon saw a fine chance to boost their postal revenues by catering to the "fad," and it was not long before they granted to postal card users the privilege of writing messages on one-half of the face of the cards. This was done mainly to enable the manufacturers of the cards to print pictures all over one side of the cards and still give to the users a space for their messages. By agreement between the representatives of the various foreign postal departments the left half of the face of the card was granted to the writers, as well as the entire back, and all that was reserved for the address was the right half of the face under the postage stamp. This was found to be enough, and this generosity on the part of the authorities doubtless resulted in the printing of many thousands of cards that would not otherwise have been made and the consequent increase in the postal revenues. The Universal Postal Convention, which met in the city of Rome last year, heartily indorsed the postal card as an aid to business, and "O-K'd" the idea of giving up the left half of the front or face for the writer's use. The convention provided for universal admission to the mails after October 1, 1907, "of postcards bearing written messages upon the left half of the front of the cards."

In publishing the action of the convention Postmaster General Cortelyou also issued an order which provided that "On and after March 1, 1907, such cards bearing a written message upon the left half of the front, the right half being reserved for the address and postmark, when fully prepaid by postage stamps at the rate applicable to post cards, shall be admitted both to the domestic and international mails of this country and treated as postcards."

Since the promulgation of that order, which was dated October 31, 1906, the Postoffice Department has received and transmitted without the payment of extra letter postage all cards of the kind specified that came from foreign countries. It was not until to-day, however, that the domestic use of such cards was sanctioned by the department.

## "CHINESE STUDENT" DEFINED.

### New Ruling to Avoid Ambiguity Made by Secretary Straus.

Washington, March 1.—A new definition of the word "student," to be applied to Chinese of that class seeking admission to the United States, has been made by Secretary Straus. The present rule defining student was found ambiguous. The main features of the rule describe such persons as follows:

A student, within the meaning of the treaty and laws of the United States relating to the admission and exclusion of Chinese, is:

A person who pursues some regular course of study, including the higher branches of learning, but not excluding the elementary or preparatory branches, if undertaken in good faith.

A person who attends one of the recognized educational institutions of the United States designed for those, whose entire time may be given to scholastic work.

A person who studies to be fitted for some particular profession, occupation or calling requiring a technical or otherwise special mental training.

A person already possessing a liberal education, who devotes himself to study of special subjects or questions, as a student of manners, customs, institutions, politics, economy or history.

## POSTOFFICE BILL PASSES SENATE.

### Provisions for Building Here and Increased Salaries of Carriers Retained.

Washington, March 1.—The conference report on the Postoffice Appropriation bill was presented to the Senate to-day and adopted. The more important Senate amendments which were retained were the following: Classifying clerks in first and second class postoffices and fixing a scale of salaries ranging from $600 to $1,200; providing for the preparation of plans for a new postoffice building in New York City; authorizing contracts in the sum of $1,388,759 for pneumatic tubes in Brooklyn, Baltimore, Cincinnati, Kansas City, Pittsburg and San Francisco and increasing the pay of rural carriers to $900 a year. The Senate receded on its amendment requiring the use of the divisor 7 in determining the average daily weight of mails carried by the railroads, and its amendment authorizing newspapers to carry return coupons as a part of advertisements.

## WOULD INVESTIGATE EXPRESS CO.'S.

Washington, March 1.—Senator Burkett, of Nebraska, to-day presented a resolution directing the Interstate Commerce Commission to make an investigation as to the legality of the business done by various express companies in the United States.

The resolution is based on allegations made by the convention of the Western Fruit Jobbers' Association recently held in Kansas City, by which the charge was made that the express companies are engaged in dealing in fruits, vegetables and oysters, contrary to their charters and in competition with regular fruit jobbers and produce merchants, and it directs the commission to investigate the truth of this charge and the legality of the practice, if the charge be true. The commission is also directed to investigate the further charge that the express companies engaged in the traffic to cover up rebates and discriminations. On objection by Senator Kean consideration of the resolution was postponed until to-morrow.

## FOR A FINANCIAL INVESTIGATION.

Washington, March 1.—The Senate to-day agreed to the resolution reported by Senator Aldrich from the Finance Committee authorizing that committee to make an investigation of internal revenue, customs, currency and coinage matters in the recess or sessions of the Senate.

## FEDERAL CONTROL OF CORPORATIONS.

Washington, March 1.—A bill providing that all corporations engaged in interstate commerce shall be incorporated by the national government and under its control was introduced to-day by Representative Hearst, of New York.

## FOR A CONGO INQUIRY.

### Senator Morgan Arraigns King Leopold.

Washington, March 1.—Senator Morgan reported favorably from the Committee on Foreign Relations to-day his resolution calling on the President for information as to any concessions Americans may have received from King Leopold for the gathering of rubber in the Congo Free State. Mr. Morgan obtained permission to file a statement on the subject, and asked that the resolution go to the calendar, as he understood that several Senators desired to make an investigation of the question.

In his statement Mr. Morgan says that capitalists of the civilized nations are pushing into the rubber forests "with all manner of monopolistic arrangements for subjecting this great product—the gift of nature—to their craving for wealth." He arraigns King Leopold "for the manner in which he has exploited the Congo lands in accumulating wealth to himself by imposing tasks of personal labor to the extreme of cruelty upon the native population."

Mr. Morgan charges that concessionaires have been empowered by King Leopold to "exercise the same distressing authority over the people, which they have proceeded to enforce without restraint and without the responsibilities to public opinion which should check their avarice and greed in dealing with an ignorant and subjugated people."

He takes the position that the United States, by reason of its negro population descended from Congo parentage, is especially obliged to support the movement to reserve to the native population the wealth of Congo products. He says that any concession granted by King Leopold to wealthy citizens of the United States is not valid unless confirmed by the powers signatory to the Brussels act, signed in 1890. He declares that if the American company has not communicated its transactions to the government of the United States it is the plain duty of this government to inquire as to the extent of the concession and as to all the terms and conditions of the grant. He also says it is the duty of this government to inquire into a concession alleged to have been made by the government of Liberia of all its India rubber and mahogany lands to a British syndicate. The statement closes as follows:

It is the duty of the United States government to see to it that no barrier or impediment is created by the act of Leopold or by any other authority to debar the exiled Africans who have been held in slavery in the United States from the right to return to their native land and to hold, in company with their kinspeople, the free and unobstructed opportunity to enjoy the great advantages which are now offered to them and which the United States owes to them of repatriation in their own country without let or hindrance. The native resources of Central Africa present vast stores of treasure to invite their aid in developing the wealth of that country, and it is time that the United States should interpose its just powers, whatever they may be, in aiding these exiles to establish their sovereign rights in the country that God has given to them.

## A SURPLUS OF $40,000,000.

### Against $1,000,000 in Eight Months of Previous Fiscal Year.

Washington, March 1.—The comparative statement of the government receipts and expenditures shows that for February, 1907, the receipts were $53,925,496 and the disbursements $45,720,315, leaving a surplus of $8,205,000, against a surplus of $4,475,000 for the corresponding month last year.

The receipts from customs last month amounted to $27,553,801, a gain over February, 1906, of nearly $4,000,000. Internal revenue was $20,505,201, a gain of $2,200,000, and miscellaneous $5,866,493, a gain of $267,000. The expenditures were almost exactly $2,000,000 in excess of those for February, 1906, the increases being in the public works, civil and miscellaneous and pension items. For the eight months of the present fiscal year a surplus of $40,666,348 is shown, against a surplus one year ago of a little over $1,000,000.

## HOURS OF TRAINMEN.

### Senate and House Conferrees Modify Their Report.

Washington, March 1.—The conferrees on the bill relating to the number of hours trainmen may be employed without rest to-day modified their report as agreed on yesterday. As reported to the Senate and House, the provision in relation to men having to do with the movement of trains is as follows:

No employe who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty. Provided, that no train dispatcher or dispatcher's operator in the dispatcher's office or other employe who by the use of the telegraph or telephone issues orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than eight hours in any twenty-four-hour period, and that no employe who by the use of telephone or telegraph transmits, receives or delivers orders pertaining to or affecting train movements (excepting those who issue train orders), or who is charged with the operation of signals or switches from towers, offices or stations shall be required or permitted to be or remain on duty for a longer period than twelve hours in the aggregate in any twenty-four-hour period.

## CANAL ENGINEER HERE.

### Chief Assistant Expects Work To Be Finished Within Eight Years.

Frank B. Maltby, of St. Louis, principal assistant engineer on the Panama Canal, arrived here yesterday from the isthmus on the steamer Allianca with a budget of encouraging news about the progress of the work, which he expects to be finished in seven or eight years.

Mr. Maltby said that a record was made in the dredging and excavating in the month of February, wherein there were only twenty-three working days, 850,000 yards being taken out in that time.

He expects that in March the figure will reach 1,000,000 yards. In January there was excavated 566,000 yards from the Culebra cut, which was double the amount taken out by the French Canal Company in any one month.

Mr. Maltby, who has charge of the work in all the sections, with the exception of the Culebra cut, comes north to place orders for machinery. He will go to Washington on Monday and return a few days later to Panama.

"The conditions on the isthmus," said Mr. Maltby at the Hoffman House last night, "are excellent; they have never been better. We have been getting a better set of men lately, and getting more adequate work. They are now well quartered and well fed, and the sanitary conditions are good.

"None of the work presents any difficulties. It is big, that's all. The problem of the Culebra cut has been solved, and all that remains to be done is the digging. We have in the United States dams higher than the one we will build, although there are none so long. The work that has been done in the last two months has been really prodigious."

Mr. Maltby was asked his opinion as to the relative merits of the sea level and lock canals. He replied: "The sea level canal, in my opinion, is now beyond discussion. There has not been an American engineer on the isthmus who did not decide in favor of the lock plan. The foreign engineers on the advisory commission, who advised in favor of the sea level plan, had no money to lose by its adoption."

As to the resignation of Chief Engineer John F. Stevens, under whose directions Mr. Maltby worked, the latter said: "I was not surprised to learn of it on my arrival, but I was disappointed. Mr. Stevens was a most capable engineer, and it will be hard to replace him. His leaving may cause some discouragement among his subordinates."

## OLIVER MAY BRING SUIT.

### Wants Government to Pay Cost of Preparation of Bids.

Washington, March 1.—William J. Oliver called at the offices of the Isthmian Canal Commission today and received from Mr. Rogers, the commission's counsel, the certified check for $200,000 which was submitted at the time Mr. Oliver presented his bid for constructing the Panama Canal on a percentage basis. Mr. Oliver left the building without making any complaint or lodging any protest against the action of the President in rejecting the proposals for constructing the canal.

Mr. Oliver said that pending the arrival in Washington of his counsel, Judge Morgan J. O'Brien, of New York, he would withhold from publication the statement that he intended to give out. He also intimated that he might find some way of bringing legal action against the government to recompense him for the loss he has sustained in connection with the preparation of his bids.

## PANAMA RAILROAD MEETING.

Washington, March 1.—A meeting of the stockholders of the Panama Railroad Company will be held in New York on April 2. It is expected that successors will be appointed to President Shonts and W. Leon Pepperman, both of whom retire on March 6 to take up their new duties with the Interborough Railway Company, of New York.

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## SUIT FOR MRS. EDDY.

Continued from first page.

take charge of the property of enfeebled persons like Mrs. Eddy and to see that those having it in their control do not mismanage it or convert any of it to their own use, and that an equity suit might be brought against them in Mrs. Eddy's name by her son, her relatives of any degree, or by any good citizen willing to act as her next friend for this purpose.

Mr. Glover's suit in equity is not conceived in any spirit of disrespect or unkindness to his mother, Mrs. Eddy, but it is intended and believed to be a proceeding for her real interest; nor is it directed against the religion of the Christian Scientists. It merely means only what it professes to mean, and Mr. Glover considers his action the performance of an imperative duty too long neglected.

Mr. Glover is a son of Mrs. Eddy by her first husband. He is not now in New Hampshire, and it is understood that he and his daughter have returned to their home in Deadwood. G. W. Baker is a son of Mrs. Eddy's brother, the late George Sullivan Baker, and is her only surviving nephew.

Frank S. Streeter, personal counsel for Mrs. Eddy, gave out the following statement tonight:

My attention was first called to these proceedings about 5 o'clock this afternoon. I have not since conferred with Mrs. Eddy. Within two weeks she has consulted me several times on business matters of importance. Her capacity to manage her business and other affairs which she is interested in cannot be questioned.

When the things she has done in behalf of her son and her four grandchildren shall be known, they and their counsel cannot fail to deeply regret their present action and the publicity they have given it.

Mr. Streeter declined to give any idea as to the course to be taken in relation to the present proceedings, but he said the action would in way interfere with the various activities of the Christian Science Church.

When a reporter went to Pleasant View, the home of Mrs. Eddy, to-night, he was received by Lewis C. Strang, her assistant secretary. Mr. Strang expressed surprise when the proceedings instituted to-day were outlined to him. He declared that this was the first he had heard of the matter, and that therefore he had nothing to say. Mr. Strang said that it would be impossible to interview Mrs. Eddy or Secretary Frye to-night.

Fall River, Mass., March 1.—Stephen A. Chase, of this city, the treasurer of the Christian Science Church, and one of the directors, said tonight when informed of the suit against the officials:

I never heard of the matter until to-night. I was in Boston to-day, and saw some of the other directors of the Church, but no mention was made of any suit. It is my opinion that the whole matter is one of family differences, and has nothing whatever to do with the Church.

## CHURCH OFFICIALS SURPRISED.

### Alfred Farlow Denies That Mrs. Eddy Is Infirm Mentally.

Boston, March 1.—Christian Science officials in this city, the home of the Mother Church and the place of residence of all except three of the defendants in the suit brought in Concord to-day, expressed astonishment to-night at the action of the relatives of Mrs. Eddy.

Alfred Farlow, chairman of the committee on publications, said, after being informed of the nature of the suit, that he could not tell just what would be done. He added:

The assertion on the part of these people bringing the suit, to the effect that Mrs. Eddy is infirm mentally is about as absurd as possible. I myself have seen Mrs. Eddy several times recently, and I only wish that I could handle the property as well as she can at eighty-six.

It is a strange proceeding to make a person account for his or her own money, and that is what is apparently being done at this time. As yet nobody in Boston knows about this suit—that is, nobody of the faith. The property on which the First Church is built was a deed of trust to the directors from Mrs. Eddy some ten or twelve years ago, and was to be kept for church purposes. I do not think any magazine or newspaper can possibly be at the bottom of this movement, nor can I imagine from what source or for what reason the suit is brought.

We of the church in Boston had not anticipated trouble of any kind, and the news comes as a thunderbolt. There has been no trouble, so far as I know, between Mrs. Eddy and her son. I had believed relations between them to have been always pleasant. I shall probably go to Concord in the morning, though I have not fully decided as yet. Further than this I cannot speak to-night, as I have not the details of the suit before me, nor do I yet know them. I may have something to say on the matter later.

The Rev. Irving C. Tomlinson, a defendant in the suit, was seen during the evening at his home, at No. 213 Huntington avenue. He said that he had not heard of the suit and did not care to express himself on it.

Ira C. Knapp, who is also one of the defendants named in the bill, said over the telephone from his house to-night that he had heard nothing of such action. "No papers have been served on me, I have had no notice of the action, and I know nothing about it," he said.

## GENERAL DEFICIENCY BILL PASSED.

### House Votes a Month's Extra Pay to All Employes of Congress.

Washington, March 1.—After the passage of the Ship Subsidy bill to-day the General Deficiency bill was taken up and passed by the House. An amendment by Mr. Grosvenor, of Ohio, was adopted giving to all employes of Congress one month's extra pay. On a point of order made by several members from the Pacific Coast the proposed reduction of mileage for Senators and Representatives from 20 to 8 cents a mile went out. Mr. Littauer, of New York, and Mr. Tawney, of Minnesota, offered amendments for the reclassification of the clerical force of the departments of the government, but they went out on a point of order. There was no debate on the amendment permitting the Secretary of the Treasury to receive from the Cuban government moneys to reimburse the amounts paid out by this government for intervention.

The House agreed to the conference report on the Postoffice Appropriation bill and adopted it. A bill was passed providing for the creation of an industrial peace committee, which is to administer the $40,000 which President Roosevelt received from the Nobel prize fund.

## TO APPOINT DISMISSED CADETS.

Washington, March 1.—The appointment of B. O. Mahaffy, of Texas; John A. Cleveland, of Alabama, and Traugett F. Keller, of New York, as second lieutenants in the army is provided for in a bill passed by the House late last night. They were dismissed from the military academy for insubordination in 1901, but, according to the committee report accompanying the bill, their subsequent career has been especially praiseworthy, and their parents urged that the young men be set right by Congress. The House has passed a bill authorizing the Secretary of War to appoint José March Duplat, of Venezuela, as a cadet at West Point. The appointment was requested by the Venezuelan government.

## MADHOUSE LOOMS UP.

Continued from first page.

were written, but they show a state of mental unsteadiness, or unsteadiness of mental poise, which would not characterize a sound mental state.

Q.—Mental unsoundness? A.—That mental poise was not sound, was not stable.

Q.—I understand you to say that you have, in substance, testified here to everything that you know, and by that I mean not hearsay, but knowledge and observation of your own, about the defendant's mental condition? A.—In substance.

Q.—Does defendant's Exhibit B seem to you as a scientific man to be of the same type and character as the exhibits A to I? A.—I cannot say that it does.

Q.—What can you say about the general make-up of it, as compared with some of these other exhibits, A to I, as showing his mental instability? A.—Speaking of Stanford White and referring to the ruin of a young girl and the drugging and similar statements along that line, which have occurred so often in these letters it is impossible for me to carry them in my mind. In that particular it shows the mental condition of the man at that time concerning the things that were weighing down upon him in the same manner as in some parts of the other documents.

Then followed a long series of technical questions and answers. The examination consisted of an effort by Mr. Jerome to have the witness classify the different kinds of insanity. Mr. Jerome at one point asked:

Q.—Now, doctor, having been over all those letters, taking into consideration all of these facts that have been put in the question, are you able to state what the condition of the defendant as to sanity or insanity was in November, 1903? A.—At the time of writing some of those letters I believe he was insane. How long it lasted or whether there were attacks of mental depression with some mild forms of delusions, that lasted one or two days, I am not able to tell. I have no history of that.

Q.—Now, taking this last answer into consideration, have you considered the will and the codicil and all the facts in the hypothetical question? A.—Yes.

Q.—Now, you expressed the opinion the other day that when he was married on April 4, 1905, he was insane. A.—I believe that at the time he was making the will and codicil he was not entirely sane.

Q.—What kind of mental insanity did he have then? A.—That was in 1905, on the 4th of April. That was more than a year before I had ever seen him, but, taking all the facts into consideration, I believe it was a temporary attack, owing to much strain and stress and anxiety, and that it was the insanity of adolescence.

Q.—Known generally as dementia præcox? A.—I did not classify it. I do not claim that all the forms of insanity which are exhibited during the adolescent period, and are more or less peculiar to that period, are dementias.

Q.—Now, when he married on April 4, 1905, in your opinion he was suffering from adolescent insanity? A.—I do not say when he was married; I say at the time of the execution of those documents.

Q.—That is the 4th of April, 1905? A.—At the time of his writing these documents. I don't ascribe to that the same feeling of or deduction as to the facts set forth in the body of the document—that was at the time of their execution. The will itself evidently bears the indication of having gone through the hands of some lawyer—somebody familiar with law terms—and the item eight shows that whoever dictated it had some very peculiar ideas at the time he dictated that particular item. Upon that particular item I lay some stress. The codicil is written, in my judgment, by the defendant.

Q.—Now, on the night that he killed Stanford White, do you think that he was sane or insane? A.—I am of the firm opinion that he was insane on that evening.

Q.—What kind of insanity did he have then? A.—That was an explosive outbreak of adolescent insanity.

Q.—So he probably was insane, in your opinion, in 1903 when he wrote those letters, and suffering from the same form of insanity? A.—No; the insanity of adolescence—the outbreak may not have been—

Q.—I know, but that is not what I asked. A.—The question is of the same kind.

Q.—What do you refer to as an outbreak? A.—That particular exhibition of mental irregularity to the point of insanity.

Q.—If a man is crazy for three years and has lucid intervals, would you call the insanity chronic or acute? A.—If he was absolutely crazy all during the three years I would call it chronic; but on the mere statement of a layman or a physician that he was crazy three years before, and without knowing of every step of the case on the way through, and that twice during the three years, or that four times during the three years he had attacks of insanity, I could not call his case permanent insanity.

Mr. Jerome followed this line of examination by asking the witness about specific instances of adolescent insanity that the defendant had showed. He continued:

Q.—How many outbreaks in your opinion of adolescent insanity has this defendant been shown to have had by the evidence? A.—It is my impression, particularly at the period of the making of the will, and the time of the writing of the letter about which the evidence is not cleared, and the remotenese from the time I had seen him—

The Court—Two attacks?

The Witness—Yes; and his fulminating or explosive outbreak at the time of the shooting of Stanford White. Whether there were other outbreaks I am unable to say.

Q.—Then in your opinion he has had three outbreaks of adolescent insanity, one in 1903 at the time of writing the letters, one in 1905 at the time of drawing of the will, and one in 1906 when he shot Stanford White; is that correct? A.—No; that isn't correct. You place me in the position of saying that in my opinion he has had but three outbursts. I said that so far as the evidence comes before me these were the three outbursts that I know of.

Q.—Were you of the opinion from this evidence that he did have three outbursts of adolescent insanity at those periods mentioned? A.—I am of the opinion that he had.

Q.—Now, between November, 1906, and about the time when he wrote that Comstock letter, Exhibit B—do you consider the writing of that Comstock letter an outburst of adolescent insanity? A.—I do not strictly call it an outburst, but it exhibited along with others evidence of an unsound state of mind.

Q.—Were the Comstock letter and the exhibits all taken in connection with everything else an indication of mental unsoundness? A.—It indicated that delusional state of mind.

Q.—Then you confine your outbursts of adolescent insanity as far as the evidence goes to these three times? A.—I have in mind one other, but I am not sure that that has been shown in evidence. I somewhere heard of a state of great mental depression.

The fourth instance was explained at the afternoon session, as the time Thaw was examined by Dr. Burgaman in Pittsburg in the fall of 1903. This was all the alienist could think of.

Taking up his examination regarding paranoia Mr. Jerome asked:

Q.—Do the will and codicil show a paranoiac form of adolescent insanity? A.—They suggest a paranoiac form of insanity, but other expressions have shown a different form, showing that it was not tied down to that form of exhibition of mental irregularity.

Q.—What is there in the will and codicil that shows the paranoiac form of adolescent insanity? A.—I am taking up the will and considering it as a medical problem. "In case I die other than a natural death, or upon my death there should be any suspicion concerning the cause or causes of my death, or in case I should be made away with in any suspicious way, without full knowledge of the circumstances of my death being known, I direct that my executors immediately set apart the sum of $50,000 to be used, in all or any part, in discovering all the circumstances relating thereto, and should any person or persons be suspected in connection therewith, the said sum should be used in bringing to justice such suspected person or persons with the utmost diligence. Should any larger sum be required for such purposes, I authorize my executors to expend such additional sum or sums as may be required to effect such purpose or purposes, at their discretion." That part of the will suggests a paranoiac state of this insanity of adolescence at this particular time, the time that was dictated, rather than any of the other numerous forms of insanity which developed or exhibited themselves during the adolescent or developmental period. This is just for one period and one exhibition, and not being all the time just the particular form that makes it such as could be given under a so-called classification. A classification is nothing more than an attempt to group, for the purpose of study, a certain set of symptoms that characterize a loss of mental balance. Now, whether it is paranoiac or anything else, the question is always, first, whether the mind is unbalanced; next, in presenting the matter to other people, group those symptoms so that a number of cases can be put together. The primary question is, Is there mental unbalance? I claim that shows, and I so testify, that he was in an apprehensive state of mind to the point that he was willing to contribute of his moneys $50,000 or more to bring to justice people whom he suspected of being likely to take his life, and men who are in a perfectly normal state of mind, as a rule, do not give away moneys in unlimited quantities for a mere trifling suspicion.

Mr. Jerome tried to have Dr. Evans consent to having records of cases of paranoia in his institution verified by his office, but the witness refused. He told of a case, however, under his observation, where the patient, while suffering from a "brain storm" committed murder. After a year's treatment, Dr. Evans acknowledged, the patient showed only slight improvement. Dr. Evans, to corroborate points he had made, in speaking of "brain storms," referred to several well known murder trials. Among them was the famous case where General Daniel E. Sickles was tried for the murder of Francis Barton Key. General Sickles was acquitted. Dr. Evans, when examined closely about this case, said he was not sure whether the defence raised the contention of "brain storm" or emotional insanity.

Mr. Jerome endeavored to read extracts from textbooks by various alienists. He began with one entitled "System of Legal Medicine," by Dr. Allan McLane Hamilton "and others." Mr. Delmas objected and the court sustained the objection. Justice FitzGerald in ruling said:

"The court rules that statements from books are not evidence to refute the truth or falsity of a witness's statements."

Mr. Jerome cited several decisions, but the court still ruled against him. He was finally directed to offer before Monday opinions and memoranda to substantiate his argument. A final ruling will be given then. The court adjourned at this point. Dr. Evans will be on the witness stand again on Monday.

## JURY WOULD ACQUIT THAW.

Atlantic City, N. J., March 1.—A jury at the county seat at May's Landing, after hearing an action in the County Court yesterday, received the case and retired. It was out all night, and this morning reported inability to agree and was discharged. Later in the day gossip developed the fact that the jury was split on the issue before it when the first vote was taken, and after that did not bother with the matter at issue, but instead passed the entire night arguing the merits of the Thaw case, and finally took a vote, which showed all favored the acquittal of Thaw.

## WANTS TO TESTIFY IN THAW CASE.

[By Telegraph to The Tribune.]

Pensacola, March 1.—Daniel Cannon, a clerk in the local postoffice, appeared before United States District Attorney W. B. Sheppard to-day and stated that he saw Harry Thaw kill Stanford White. Cannon declares that two nights previous to the Madison Square Roof Garden tragedy he heard Stanford White, in a restaurant, the name of which Cannon does not recall, say he would kill Thaw.

Cannon says that he was ten feet from White's table, and says he could not have been mistaken. He did not know at the time the party making the threat was White, but identified him on the night of the shooting.

Cannon requested Mr. Sheppard to communicate with Thaw's counsel, saying he is willing to go to New York and testify.

## FREE ALCOHOL BILL PASSED.

### Only Vote Against It Cast by Senator Pettus.

[From The Tribune Bureau.]

Washington, March 1.—Senator Hansbrough succeeded in getting his free alcohol bill passed by the Senate to-day, by a vote of 65 to 1, the single negative vote being cast by Senator Pettus. This action was taken after the Aldrich amendment, requiring the presence of a government storekeeper whenever alcohol is being manufactured, had been defeated by a vote of 47 to 16. The Senate adopted an amendment offered by Mr. Hansbrough which provides that stills shall be sealed by a government inspector, and may be opened only in the presence of such inspector. The Finance Committee had already amended the measure, so that it is assumed the bill will be accepted by the House without the necessity of going to conference.

## MAY PIPE THE KILL VON KULL.

[By Telegraph to The Tribune.]

Washington, March 1.—Senator Platt succeeded in getting through the Senate to-day his bill granting permission to the city of New York or to the Hudson County Water Company to lay pipes under the Kill von Kull, from Bayonne, N. J., to supply Staten Island with water.

## DEWEY ON THE NATIONAL ANTHEM.

Washington, March 1.—Admiral Dewey told the story of the adoption of "The Star Spangled Banner" as the national anthem at a meeting of the Francis Scott Key Memorial Association here last night. He said he was instrumental in its adoption by this government. Once, while he was abroad and was dining with Prince Henry of Prussia, on the latter's flagship, the band played "Hail Columbia." He called the prince's attention to the fact that it was not a national anthem, and referred to "The Star Spangled Banner." Later he and Justice Moody, then Secretary of the Navy, discussed the incident, the result of which was the issuance of the President's order designating "The Star Spangled Banner" as the recognized national anthem of this government.

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