

TELEGRAPHIC

The Guiteau Trial.

Special Dispatch to the Daily Tribune:

WASHINGTON, Dec. 12.—When the court convened Dr. E. C. Spitzka of New York, was called as an expert witness. He had made a study of mental diseases a specialty and had been called to testify as an expert about twenty-five times. Witness examined prisoner in jail yesterday and was satisfied that he is insane. Witness considered the main features of the prisoner's case a tendency to the formation of delusive opinions and marked projects and strong indications of imbecility of judgment and mind. I have no other evidence than the expression of the face and I have no doubt but that he is a moral imbecile or moral monstrosity. Witness was closely cross questioned and the fact developed was that he is a veterinary surgeon.

AFTER RECESS.

As soon as the court was called to order Guiteau, with flashing eyes and nervous utterances shouted out, "there are good many poodle dogs in the press and I want to express my contempt for these poodle dogs in the press. The high toned press of the country are beginning to express their opinion of its being right to hang a man who was in my condition on the second of July, when I was impelled upon to shoot the president."

Some one in the audience cried out, "shoot him now." The cries of order from the bailiffs induced the audience to quiet and Dr. Spitzka again took the stand. Witness concluded from his shape of face and head and defective innervation, official muscles and from the pronounced deviation of the tongue to the left that the prisoner was born with

UNEQUAL DEVELOPED BRAINS.

that his insanity was congenital. Witness described with great particularity the peculiarities of the head formation which he had detected in the prisoner's case. He thought in the prisoner's case the inequality in two sides of the head was three times greater than in a normal head. The inequality could be taken as an indication of normal imbecility, only in proportion to its degree. The closest attention was paid by Guiteau to the evidence of this witness and his satisfaction was plainly marked on his countenance. Witness became weary and was allowed to sit down, but District Attorney Corkhill insisted upon him standing, as he could not see or hear him. Witness stood up, saying it was a trivial matter, and that Corkhill could see or hear him. Guiteau was immensely amused with his retort; and with a chuckle said,

"HE'S A BAD MAN FOR YOU,

Corkhill. We've got some more of them." Witness, upon talking with the prisoner, found he based his conclusions upon insane and improbable assumptions, but granting his assumption to be true his conclusions were logical. The cross-examination was conducted with the evident purpose of discrediting the direct testimony but Spitzka was more than a match for his questioner. Col. Corkhill sharply questioned the witness in regard to an article he contributed to the Medical Journal and a spicy colloquy followed which Guiteau interrupted by shouting, "It seems to cause you considerable trouble; you had better cool off, Corkhill. I haven't seen you heated so before. It is three o'clock;

WE HAD BETTER GO HOME."

Witness was asked if he had not appeared as an expert in a certain case, and after taking a fee on one side retained it, and taking a larger fee from the other side. Witness replied with considerable warmth, "You have no basis for such a question, and no man dares to make the assertion upon which he could found it." Guiteau, again interrupting, and in a voice which completely drowned the utterances of the counsel and witness, yelled out, "That's a very dirty question for you to ask, Corkhill. It just suits your brain. I'm going to ask Arthur to kick you out of this case; why this man is one of the first scientists in the country; why he wouldn't condescend to spit on you, Corkhill. You are in bad repute, Corkhill, with every member of this bar; you are an unmitigated nuisance in this case." Witness finally answered most decidedly no. The court adjourned without concluding the testimony.

Talmadge's Record.

Special Dispatch to the Daily Tribune:

WASHINGTON, Dec. 13.—At the opening of court Spitzka resumed his testimony, but nothing of special interest was developed. Upon a question being asked by Corkhill, Guiteau broke in with, "I have been looking up your record, Corkhill, and I'll show you up." Subsequently Guiteau again interrupted and shouted, "I see that crank Talmadge has been doing some sensational business in this case. He had better go slow; he has been before his synod several times for lying, and has a reputation for lying, and has a reputation in New York for running for houses of prostitution. I have got my eye on several of these cranks and if they don't go slow I'll give some more of them free advertising. The high-toned portion of the American people are beginning to take the right view of this case." Later he broke out, "It's the unanimous judgment of the American people that you are a consummate jackass, Corkhill, this gentleman is

an honest man, and if your brains were not so thick you would see it."

DR. FORDYCE BARKER.

of New York, was next examined. The audience listened intently as the distinguished physician defined insanity, and the several phases of it. Dr. Barker's comprehensive and positive conclusions were all in accord with the theory of the prosecution. Judge Cox requested to explain to the jury what he meant by irresistible impulse, and his answer was: "Perversions of emotion to such a degree as to produce a conduct entirely at variance with the individual's mode of former life, and to such a degree as to completely control the will power, would constitute irresistible impulse."

Guiteau—"Doctor, I want to ask you, when a man is impelled to commit a crime by an impulse, is he sane or insane?"

Answer—"When that fact can be proven it is insanity."

Guiteau—"That's just my case, sir," with an air of perfect satisfaction. Then, turning to Scoville, "Come, that's the whole case. Let's have a recess; I'm getting hungry."

Mrs. Scoville desired to ask a question, but said Guiteau, impatiently, "Oh, you keep still; it's all they can do to put up with me." Judge Cox assented, however, and Mrs. Scoville asked, "Can a man be born insane?" to which the doctor replied, "No, madam; he could be born an idiot or an imbecile, but insanity is an acquired state after birth."

RECESS WAS THEN TAKEN.

AFTER RECESS.

After recess L. S. Gobel, of New York, took the witness stand.

Guiteau—"If your honor please, I would like to know what they expect to prove by this witness? I think we have had about enough of this kind of testimony. I only know this man slightly."

Judge Cox—"It is not necessary to state in advance. Go on Mr. witness."

Witness was in life insurance business and the prisoner decided to solicit for him. Witness paid him \$200 but never realized any business from his efforts. Prisoner told witness he was about to marry a wealthy lady and was to have the Austrian Mission and wanted to borrow \$200. Witness did not believe this evidence of unsound mind.

OTHER WITNESSES.

W. B. Copeland, journalist of Chicago, testified regarding some newspaper slips, and H. S. Ketchum, lawyer of New York, took the stand. He knew the prisoner in 1873, when he occupied a desk in the office of Judge Howe. Witness related an instance of Guiteau's obtaining money under false pretenses. Scoville objected to all of the testimony.

Guiteau, indignantly, "I never got a cent of this man in my life; he was only a poor clerk. I did not consider him a proper associate for a high-toned lawyer like myself."

Guiteau then cursed Scoville for allowing such testimony and said: "You are getting badly cranked on this matter; if you had any sense you would see it does not do our case any good; you'll be on trial as a crank yourself, if you don't look out. Why, you are getting worse than Corkhill."

Henry Wood of Philadelphia, had known the prisoner some years and never saw anything indicative of an unsound mind. Witness knew Guiteau's wife, some of his family having rendered her service. Guiteau here took occasion to slander his wife in most outrageous terms. "This man," he said, "knew her before I did, you can draw your own inference."

Samuel B. Phelps, New York, known prisoner since 1868; first knew him in Chicago. Guiteau became extremely angry at a statement made by the witness and began a perfect tirade of abuse. Several minutes elapsed before quiet was restored. Witness in past years had known the prisoner and never saw anything to indicate that he was of unsound mind. Cross-examination was continued till adjournment.

Closely Cloistered.

Special Dispatch to the Daily Tribune:

MILES CITY, M. T., Dec. 20.—A. R. Nininger arrived to-day and has since been closely cloistered with Savage, and refuses to be seen. There were but few large depositors in the bank, the largest being between \$6,000 and \$7,000. Bank certificates of deposit are being offered to-day as low as forty cents on the dollar, with no takers. The Custer county deposits were withdrawn a few hours before the closing of the doors, C. W. Savage being county treasurer. Savage will get \$2,500 exemption under the territorial laws. It is thought here that he failure has been arranged for some time, and that the recent heavy purchases of Messrs. Leighton & Jordan and Rockwood were made upon the knowledge that Nininger was about to fail. As the assignee is empowered to sell at either private or public sale; it is thought that the former will be chosen, and that the institution will be bought by Leighton & Jordan. There were several threats made last night of lynching Nininger by irate depositors, but it is not thought likely that the threats will be brought into execution.

The Nininger Affair.

Special Dispatch to the Daily Tribune:

ST. PAUL, Minn., Dec. 10.—There is no new development in the Nininger case. While the failure is the frequent topic of conversation the only expression, except of curiosity or friendly interest, is that certain creditors and personal friends had known

enough of the firm's condition some weeks past, to fear that it would be compelled to suspend. The firm's accounts were kept with the Merchants National bank which is said to be fully secured.

How It Was Received at St. Paul.

Special Dispatch to the Daily Tribune:

ST. PAUL, Dec. 9.—This business community was paralyzed by the Miles City special to the Pioneer Press this morning announcing the failure of the banking and merchandise house of A. Ramsey Nininger & W. C. Savage. Their credit in the community was unlimited, as the list of St. Paul creditors amply testify. There had not been a breath of suspicion upon the streets that this firm was embarrassed. They were believed to be impregnable in their financial position. But the telegraphic news was confirmed by a special from the Bismarck TRIBUNE, and by the filing with the register of deeds of a transfer of Mr. Nininger's real estate to his mother and sister, who have just returned from Europe. Their

PRINCIPAL CREDITOR

here is B. Beaupre, of Beaupre, Allen & Keogh, wholesale grocers, whose claim amounts to \$31,922.01, said to be one-fourth of the capital they have in their business; but they are all solid men and bear up bravely under the shock. The next largest creditor here is M. Auerbach, of Auerbach, Finch & Vanslyck, one of the largest wholesale dry goods men, whose claim is \$9,201.64, according to figures furnished here, but a Miles City dispatch fixes their claim at \$21,000. Krichets & Co., of Chicago, are said to have caused the crash by pressing a claim for \$5,000. Had the assignment been made under the Minnesota law it would not hold, but under the free and easy territorial law it will doubtless stick. His father failed in 1857, when failures were the rule and solvency the rare exception and as many judgments were entered against him then, the property which he afterwards acquired was

IN HIS SON'S NAME.

Of this property, (real estate) most of it, he became possessed of a very considerable quantity, and the Niningers were known as among the heaviest real estate holders in St. Paul. There are many mortgages on the property, however, so that its value is liable to deductions as when applied to the assignees as actual assets; and all is complicated by the transfer to other members of the family. From the best information obtainable it would seem that Capt. Nininger, as president of the bank, used the deposits in his business; and that is not meant as a reflection upon his honesty but upon his judgment and thus stood upon a volcano. Whenever his depositors, or a large majority of them called for their money, it had to be paid them and must be forthcoming or an assignment made. Being driven to the wall he seized the latter form of the dilemma.

THE LATEST.

The following are the claims of St. Paul parties: Beaupre, Keogh & Co., \$31,922.01; W. A. Culbertson, \$19,000; Auerbach, Finch & Vanslyck, \$9,201.64; Campbell & Burbank, \$1,600; Decosta & Clark, \$1,490.70; F. B. Campbell & Co., \$1,559.82; Forepaugh & Tarbox, \$1,153.44; Granger & Hedge, \$1,702.16; Lindikes, Warner & Schurmer, \$4,000; Gordon & Ferguson, \$1,900; Merchants National bank, \$15,000; miscellaneous accounts, \$10,500; total, \$98,526.73. Of these, the claims of Lindikes, Warner & Schurmer and Gordon & Ferguson are preferred. The deposits of the Miles City bank amounting to about \$75,000, are also preferred and the reporter was authorized to state that the Merchants National bank's claim of \$15,000 was secured beyond question by

A COTTON PLANTATION

in Alabama, listed at \$30,000 and probably worth \$10,000 more, being the security. The following attachments were filed to-day: M. Auerbach, \$9,201.64; B. Beaupre, \$31,922.01; Decosta & Clark, \$1,490.70; F. B. Campbell & Co., \$1,559.82; Forepaugh & Tarbox, \$1,153.44; Granger & Lodge, \$1,702.16. Total, \$47,029.77. On the Nininger real estate are heavy mortgages, probably to the amount of \$100,000, the holders of which are of course secure in any event; but the property is worth but a margin above the mortgage claims, and it is on this margin it has been decided to a member of the family, and filed for record to-day. It is claimed by friends that that the property belonged to the relatives mentioned, and was their inheritance from

THEIR FATHER'S ESTATE,

though, as above mentioned, in the name of the oldest son. One thing is certain, and that is, the validity of the transfer and the true ownership of the property

will be discovered in the courts. Gen. Sanborn, who represents a number of the creditors, says there is bound to be a long and difficult legislation, and one curious question arises at the outset, if the Minnesota laws are to be the standard or legal decision the transfers are invalid, as the statute requires that these must be made four months before assignment. If the Montana law shall rule the transfers will hold, as there is no provision therein as to time.

At Minneapolis.

Special Dispatch to the Daily Tribune:

MINNEAPOLIS, Dec. 9.—Bradstreet's Commercial Agency says that Nininger made the following statement of assets and liabilities on February 7, 1881: Assets, \$147,000; liabilities, \$80,000. Net capital, \$67,000. He put his annual business at \$200,000, and claimed the following possessions outside of business: Real estate in Miles City, \$9,000; plantation in Alabama, \$30,000; real estate in St. Paul, \$100,000; recently inherited, \$15,000. The news of the failure created much surprise in St. Paul. Among the creditors in St. Paul are Campbell, Burbank & Co., clothing, for \$1,559.82; Beaupre, Keogh & Co., grocers, \$31,922.01; Auerbach, Finch, Vanslyck & Winslow, dry goods, \$9,201.64; Decosta & Clark, furniture, \$1,494.94; S. Culbertson, \$19,000; Granger & Hedge, \$1,600; Lindike, Warner & Schurmer (preferred creditors) \$4,000; Gordon & Ferguson, \$1,900; Forepaugh & Tarbox, \$1,000 to \$1,500. These are all the claims that can be learned at present, although there are others which it is estimated will bring the total to \$93,000. Nininger was looked upon here as an honorable man. The failure is attributed to speculations or outside dealings of Savage, his partner. Representatives of creditors left St. Paul to-night for Miles City.

At Miles City.

Special Dispatch to the Daily Tribune:

MILES CITY, M. T., Dec. 9.—There has been great excitement to-day among the local creditors of the bank. It is stated that the deposits amount to nearly \$75,000 and a large number of small business houses will be somewhat embarrassed from being unable to use their money. Many of the depositors are cattle and stock men, and several have made threats not encouraging to the life of Nininger, who is expected here to-morrow. C. W. Savage, who is nearly prostrated, says the local creditors will all be preferred. There is great sympathy expressed for Savage, who, it is said, knew nothing of the matter until Jos. Leighton, who was sent by Nininger arrived with the papers assigning everything to Harding, cashier of the bank. It is said here that the real cause of the failure is not from being over stocked with goods, but was owing to Nininger's

RECENT WHEAT TRANSACTION,

wherein he used the bank deposits and the firm's credit to get even, but failed. He now finds himself unable to meet his paper, and assignment simply headed off the attachments which would have soon been placed. The firm has been doing an enormous business, and the failure created a great shock on the community. Mr. Savage is one of the most popular men in the whole northwest, and his grief over the needless failure is plainly discernible. Harding thinks the assets, when all collected, will pay everything nearly in full. The arrival of Nininger is looked for with anxious curiosity.

By Wire from Miles.

Special Dispatch to the Daily Tribune:

MILES CITY, M. T., Dec. 13.—How are you Mr. Tribune. The Western Union wires arrived to-day and the lightning fluid turned on. We send you this our first greeting. On to the Pacific in pace with the railroad.

What Randall Will Do.

Special Dispatch to the Daily Tribune:

WASHINGTON, Dec. 13.—Over 700 bills were introduced in the house to-day, and the house adjourned till Friday. Randall will introduce a bill Friday for the redemption and refunding of a portion of the bonded national debt.

Small-Pox at Minneapolis.

Special Dispatch to the Daily Tribune:

MINNEAPOLIS, Dec. 12.—A genuine case of small-pox was discovered in the heart of the city to-day in an advanced stage. The price of vaccinating matter suddenly increased.

An Irish Lecturer.

Special Dispatch to the Daily Tribune:

MINNEAPOLIS, Dec. 12.—Hon. T. O'Connor, member of parliament and Irish leader, addressed an immense crowd here to-night.

The Common Grave.

VIENNA, Dec. 13.—An immense concourse of people were present at St. Stephen's Cathedral yesterday, where the solemn mass of requiem was celebrated for the repose of the souls of the victims of the fire. The cathedral was entirely draped in black, also the

catafalque. After the requiem the funeral ceremonies began at the cemetery. The cavalry, infantry and police maintained order. On each side of the imposing catafalque upon which was several hundred lighted candles, there were seventy metallic coffins containing unidentified remains, being numbered. The others bore the names of the bodies whose bodies were enclosed. All around were numerous plants and wreaths provided by the mourners and various officers of Vienna's Corporation. Many mourners were present, and the funeral procession included all members of the common council a large number of the Reichsrath, and representatives of the various theatres. The coffins were lowered into a common grave.

THE NUMBER LOST.

Probably the real number of victims will never be known. Names have been falsely entered in lists of the missing by persons wishing to obtain cards of admission to view the bodies at the hospital, and in some instances a positive trade has been done in such cards. The upper house of the Reichsrath voted 50,000 florins in aid of the sufferers by the theatre fire. The Roumanian government subscribed \$20,000. One American has been recognized among the dead taken from the ruins of the burged theatre.

Promptly Confirmed.

Special Dispatch to the Daily Tribune:

WASHINGTON, Dec. 12.—Frederick T. Frelinghuysen was nominated and confirmed secretary of state.

Senator Jones on Cabinet Officers.

CHEYENNE, Dec. 13.—Senator Jones of Nevada, passed east yesterday en route to Washington with his family. The editor of the Leader in an interview asked him if he would accept a cabinet appointment. He replied he would not and stated that he had advised Arthur not to make the mistake of Garfield and take his cabinet from the senate. Senator Jones expressed the belief that the President would adhere to the true republican idea of accepting the testimony of senators and representatives respecting the appointment to office, on the theory that they represent the people who elected them and bear testimony as to their wishes. The Senator further expressed his opposition to the view of Secretary Folger respecting the retirement of silver from circulation.

Commits Suicide.

DETROIT, Dec. 13.—J. W. Dixon, the man arrested on the charge of murdering W. J. Phillips, a drover in Santia county, as telegraphed yesterday, died this morning from the effects of laudanum taken early Monday morning. He was informed by the physician that he could not possibly live, and was asked if he had anything to say. He replied, "No; nothing, I want to die." He was delirious most of last night, but divulged nothing. He would often repeat the words, "Poor Phillips, he is dead." The prosecution had worked up a strong case against Dixon.

Escaped from Prison.

GALVESTON, Dec. 13.—The News special says four prisoners, including three murderers, have escaped from Buffalo Gap jail.

An Oil Fire.

NEW YORK, Dec. 10.—The South Brooklyn oil works burned this evening. Loss, \$25,000.

THE NININGER FAILURE.

A Meeting of the Bank Depositors at Miles City.

Special Correspondence of the Daily Tribune. MILES CITY, M. T., Dec. 12.—A meeting of the bank depositors was held at noon to-day and the amount of the deposits and the names of the depositors was read, but no further action taken. It is reported on the streets that the visiting creditors are disposed to allow the firm to resume business, being satisfied that it will come out all right if allowed to go on.

CAPT. HARMON'S INTERPRETATION.

The Minneapolis Evening Journal reporter interviewed Capt. Wm. Harmon in St. Paul, Saturday, with the following result: "The cause of the failure was nothing unhandled or dishonest in their dealings. In my three years' partnership with Mr. Nininger, and in my intimate social contact with him since, I have always known him to be a gentleman of the strictest integrity and honesty. The cause of the failure was this: The firm expected the North Pacific railroad would not reach Miles City this fall and shipped \$150,000 to \$175,000 worth of goods up in the early fall by river, expecting to have the inside track on the winter trade. These purchases were mostly on paper. The road went through, however, and the contractors, who, under their contract, deadheaded all their supplies, have been laying down enormous quantities of merchandise in Miles City this fall for \$2 and \$3 a hundred less than Nininger & Savage could do it, as they pay freight rates. Hence, the supply store can undersell the regular firm and drive them to the wall and that is what they are doing, and what has caused the failure."

LOST BY THE HUNTERS.

The Minneapolis Tribune says in regard to the failure: "One item of their untimely investments was the fitting out of about thirty parties of hunters last summer at an average of over \$1,000 each. The hunters have had no success this season, and have not been able to pay for their supplies. A year ago the firm made over \$14,000 by out fitting such hunting parties."