S DECLARED SANE.

HENRY BEHAN HAS BEEN THE VICTIM OF PERSECUTION.

SENSATIONAL COURT SCENE.

A FATHER IS OPENLY ARRAYED AGAINST HIS SON.

The Court Committed the Young Man Under Misapprehension—Neighbors of the Victim Had the Case Reopened—Unreliability of Insanity Symptoms.

A strange case, with sensational developments, was tried before the county court at Independence yesterday. The principal was confined in a mad house at St. Joseph, declared insane by the superintendent of a state insane asylum, officially declared insane by the county court of Jackson county, yet, notwithstanding all of these official declarations, he is said to be the victim of circumstances, and if insane now, is said to have been made so through the machinations of others.

September 13, Henry Behen, who resided at 1307 Brooklyn avenue, was brought before the county court to be tried for his sanity. He was declared insane upon the testimony produced, manacled with irons and taken to the insane asylum at St. Joseph for treatment. The testimony given before the court that day was received under a misapprehension by the court, and declared so by the physician upon whose testimony the court had relied on in sending young Behen to a mad house.

Dr. E. V. Wedding appeared before the court yesterday and declared that the county court had misunderstood his statements; that he never attended young Behen, but did state that if the actions of the young man, sworn to by his father, Mitchell Behen, were true, then the son was undoubtedly insane. He had not attended young Behen as his physician, but did at that time make some statements as to the condition of the patient, as reported to him by another physician by the same name Dr. C. V. Wedding, although a relative, was quite another individual.

Upon these statements and the statements of Mitchell Behen, the father, the son had his liberty taken away from him. Yesterday neighbors, believing that a great injustice had been done, appeared before the county court to right the wrong and secure the young man's release.

The testimony was highly sensational and showed how easy any sane man can be declared insane, and every protest upon his part taken as a wild fancy of a disordered brain by experts on brain diseases. Neighbors say young Behen is sane, the victim of a conspiracy, and the testimony, upon which he was convicted, unallowable.

The scene attendant upon the hearing of the case yesterday was highly exciting and the court clerk, at the order of the court, would occasionally record a fine for contempt. The neighbors who appeared in the defense of Henry Behen were S. B. Reid, Matt Shinnick, D. M. Scott, C. H. Sheldon, T. S. McMillan and Dr. E. V. Wedding. Mitchell Behen, the father of Henry Behen, was also present.

D. M. Scott testified that the neighborhood in which young Behen resided was torn up over the outrage. The irons had been put on the wrong man, it was intimated, and that of the two the son was the more sane. None of the neighbors ever heard of young Behen's being insane until he was incarcerated at St. Joseph.

Matt Shinnick testified that Behen was anything but insane. C. H. Sheldon testified that Behen was all right.

It was also common report that young Behen was interestd in valuable property left by his mother, which was now in the hands of his father, Mitchell Behen. The property was locaid at the corner of Fifteenth street and Brooklyn avenue, on which is located a drug store.

Dr. Wedding testied that he had never waited on Behen as his physician. His testimony at the trial of Behen was based on the stories of the father. He knew nothing of his own knowledge. The court, on this statement, assures the doctor that it understood that Dr. Wedding was the same doctor that waited on young Behen at the hospital. It based its conclusion on his testimony. Mitchell Behen, the father, interrogated the docto as to his testimony and sharp words were passed. He also interrogated Matt Shinnick during the giving of his testimony and the old man gave Shinnick the lie, bringing down his fist on the bench of the court with such force that the court was startled.

The elder Been grew excited at the statement that h had told Shinnick that he was worth $3,000, and generalized the witnesses as frauds and traducers of the truth.

Judge Stone fined Mr. Behen $5 for contempt of court.

All through the hearing of the testimony the elder Beha proved obstreperous and was inclined t fight. After being fined, Deputy Sheriff Bowers took the enraged old man into us charge and this had a quieting effect. Finally Behen was called before the judges. He said that his son was 30 years c age. He had showed signs of insanity sire the death of his mother, two years ago. The boy had no interest in any property, and was his own child. Behen, the wness, is a short, stocky little man, excitable and petulant. He carries his head sideways and seemed over anxious to have his sn stay in the asylum.

D. M. Scott seemed to have knowledge of the troubles etween father and son, and cross-questioed him.

"Have youdy property?"

"Yes," reped Behen, "the property I have was le to me by my wife and was deeded to me six months before she died. On her deathbed she told me that it was to be kept s trust for the two younger children an that the elder, Henry, the one now in he asylum, could take care of himself."

"Did you ve any money?" querled Judge Stone.

"The old an raised his hand heavenward: "Not a dolr on earth to any one."

"Then hecollected that he had been fined twiceby the court; "except $10 this cour" he added, and everybody smiled.

"How ws it that Henry Behen, who is now confined in an asylum, being a favorite of is mother, was cut off?" was asked.

"The ol man replied that his mother thought at he could shift, as he was the eldest of the three children.

"When did Henry show symptoms of insanity?" as asked.

"The oldman said that insanity developed shortly ter his mother had died. It was known at he had been cut off by her request, n a verbal communication to his father.

"The d man, seeing that the drift of the inqiry, went on another tirade, in which he alculated that he was a man of good character, and would not, like other witnesses, come into court and lie.

"The ourt soon called him down with another fe.

"The stimony showed that there had been a estrangement between the father and se since the death of his mother; that proper interests and the statement that his mher had requested that he be cut off hs caused a rupture in the family circle. Not long after this estrangement there as such jarring in the Behen household ad altercations followed thick and fast. Soon afterwards the elder Behen hinted that his son was insane. The trial for insanity then took place, and on unallowab testimony he was sent to an asylum.

"Th neighbors then took up the cause. They appeared before the court to right the rong.

"Aft the hearing of the evidence, Judge Ston stated that from the testimony produce, young Behen should be released. The rder sending him to the asylum was at one rescinded. Young Behen was notfiedby telegraph that he was to regain his lerty and money was raised in the cou room to bring him to Kansas City.

"Aft the decision of the court, Behen rued to his son Charles, whom the old ma designated as one of the heirs of his wif and a long consultation was held. Surise and chagrin was shown on their fad.

"Be old man then went before the court and stated that if his son was not insane he wanted him returned and the case cod be settled by a board of doctors. The court refused to reopen the case in an form and called for the unconditional disharge of Young Behen. The father and th son, designated by the elder Behen as th heir to the property, then walked out of the court room.

"The court house yard they engaged in a ow with Matt Shinnick, but no blows we struck, although several feints were mae.

"Judge Stone stated yesterday that the ort had received a letter from Superintdent Woodson, of St. Joseph, that Beh was insane. That he was melancholy and imagined that he had been done a great wrong and was being persecuted. Behen's friends claimed that this might all be true, but any sane man under the same conditions would imagine the same thing, and recalled the incident of the Philadelphia lawyer who was declared insane and en route with his brother to an asylum managed to get hold of the papers committing him to the asylum. Upon arrival the insane man had the sane man incarcerated, stating that his protests were natural, as it was only a crazy freak. The asylum officials found the sane man melancholy and full of protests until liberated.

ELECTION COUNTS.

Are Ordered Off by the County Court, but That Does Not Signify That They Will Stop.

The county court, acting upon the advice of County Counselor Waters, issued an order to the election commissioners yesterday that it would refuse to hereafter audit any claims for salaries of clerks making the recount in contested election cases and that all work upon these cases should cease. Here is Counselor Waters' opinion upon the matter:

"The law requires that the ballots cast at any state or county election shall be preserved for twelve months after they were deposited with the county clerk, or the recorder of voters, and parties interested are given one year in which to have the canvass of such ballots verified or disapproved. At the end of that time it is the duty of the county clerk and recorder of voters to destroy the ballots. The time having arrived when the ballots cast at the November election in 1894 should be destroyed, any further canvass of them is in violation of the law. If I am right in this matter—and the supreme court, in ex parte Arnold, seems to be of the same opinion—then the recount must be discontinued and the deputies employed for that work discharged."

After the opinion was read the court ordered County Clerk Crittenden to serve notice upon the election commissioners, and this he did early yesterday afternoon.

This order may be all right as far as the county court is concerned, but it is highly probable that the commissioners will pay no attention to the mandate, as they claim that they are working under the direction of the circuit court, and that body takes precedence over the county organization. Commissioner Harris said that, although he was not speaking for the entire board, he was of the opinion that the counts would not cease until the circuit court had issued an order to that effect. "There is no issue between this office and the county court," he said. "The county court is my friend and I love my friends, but I do not think that this will come under its jurisdiction. I take it that the county court will be as anxious to observe the law as we are. If it should refuse to pay the salaries of our clerks that is, of course, its business, and it undoubtedly knows its business."

A Case Involving Double Labor.

Mr. B. von Unworth is an architect. About a year ago he consented to build a house for Susan C. Grinter at Twentieth and Prospect. While the house was in the course of construction the foreman had occasion to quit. According to Mr. von Unworth he consented to act as architect, contractor and foreman. When the time of settlement came it is said, Mrs. Grinter wished to pay Von Unworth as an architect only. A lawsuit was the outcome, and a jury in Judge Dobson's court yesterday said that his services were worth $103.50 in addition to what he had already been paid.

Injured Feelings Not Placated.

Early in the present year Sam M. Daniels boarded a Northeast Electric railway car. Daniels insisted on standing on the car platform. The conductor had exactly the opposite opinion. This difference led to Mr. Daniels being put off the train. He received no bodily injuries, but thought that his feelings had been hurt. As a consequence he brought suit against the company for $1,500 before Judge Dobson. The case came to trial yesterday and resulted in the jury saying that Mr. Daniels could collect nothing for his injured feelings.

DIED.

WARD—Mrs. Amanda Ward, daughter of Mr. and Mrs. A. D. Findlay, died at her home, 1214 East Fifteenth street, November 9, at 2:30 a. m., of sciatic rheumatism.

Funeral from residence, 1214 East Fifteenth street, Monday, at 2 p. m.

REYNOLDS—Clara, wife of H. H. Reynolds, at the residence, 222 North Fifteenth street, Kansas City, Kas., Saturday evening at 6:30. Notice of funeral later.