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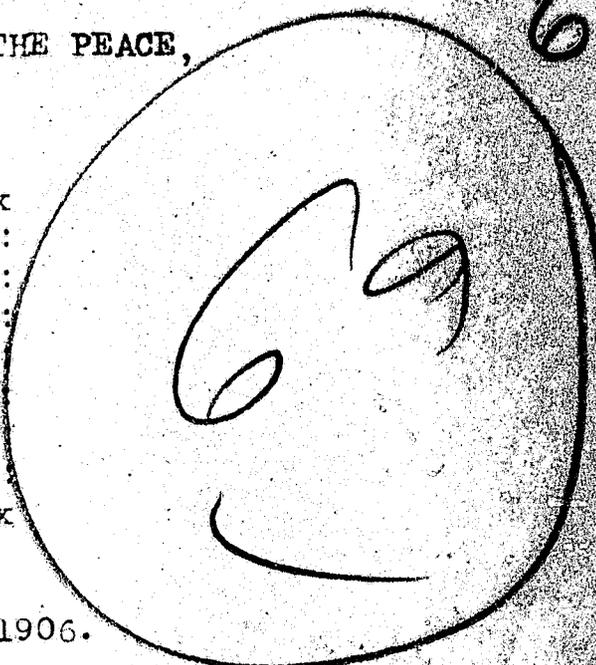
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COURT OF GENERAL SESSSIONS OF THE PEACE,

City and County of New York.

----- x
THE PEOPLE :
 :
 against :
LOUIS SOKOLINSKY. :
----- x



Indictment filed October 8th, 1906.

Indicted for assault in the first and second degrees.

APPEARANCES:

For the People, ASSISTANT DISTRICT ATTORNEY MARSHALL.

For the Defendant, MR. MANHEIM.

Before HON. OTTO A. ROSALSKY, Judge, and a jury, on
the 13th day of April, 1909.

Trial of the defendant as to his sanity and as to
whether it would be dangerous to the public peace and
safety to allow the defendant at large.

J A M E S J. W A L S H, M. D., called as a witness, being
duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. KRESEL:

Q Are you a physician and surgeon? A Yes, sir.

Q And are you now practicing your profession? A Yes,

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sir.

Q Where and when were you admitted to practice medicine?

A I graduated at the University of Pennsylvania in 1895, and got my licence to practice medicine in New York nine years ago.

Q You were graduated from the University of Pennsylvania in 1895? A Yes.

Q For how long a time have you been practicing your profession? A About eleven years.

Q And are you now attached to any institution? A Yes.

Q What is that? A Fordham University Medical School.

Q What position do you hold there? A I am Dean of the Faculty and Professor of Nervous Diseases.

Q For how long a time have you been a Dean of the Faculty of Fordham University? A Three years.

Q And for how long a time have you been a Professor of Nervous Diseases there? A Three years.

Q Prior to becoming connected with the Fordham University as Professor of Nervous Diseases, did you make any special study of nervous diseases? A Yes.

Q Will you state to the jury and the Court just what studies you pursued in that line? A During two years and four months spent in Europe, most of the time at nervous diseases in Paris, in Vienna and in Berlin.

BY THE COURT:

Q Have you written any books on the subject of nervous

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diseases? A I have written a book on pastoral medicine that contains a number of chapters on nervous diseases, and I am now engaged in a book on psychic therapeutics.

BY MR. KRESEL:

Q Most of the time you have been practicing your profession have you devoted most of that time to the study of nervous diseases? A Yes, sir, most of that time.

Q And you have had occasion in the course of your practice and in the course of your study to examine the mental condition of patients? A Yes.

Q Can you give the jury an estimate of about how many such examination you have been called upon to make? A That will be very hard to say. Amount to several hundres, at least-- where there was serious question of the mental state.

Q Have you examined this man Louis Sokolinsky? A Yes, sir.

Q How many times have you examined him? A I saw him twice in the Tombs.

Q When was the first time that you examined him? A Just about a month ago.

Q When was the second time? A About five days later, or four days later--Thursday and Monday.

Q Now, Doctor, will you state just what condition you found this man in both physically and mentally? A His physical condition: He had some prominence of the eyeballs, that

most of you can see. He had some slight enlargement of the thyroid gland. When you drawn your finger down on his naked skin, there is a tendency for the mark that is left to be red. He has, in a word, what we sometimes speak of as abortive Grave's disease. That nearly always has some mental symptom associated with it. He has some deformity of his thorax, his chest, and he has a slight scoliosis--slight crookedness of the spinal column. These are the indication of some physical deterioration, sometimes spoken of as degeneracy.

His mental condition: His memory seems to be good, except of the day when he committed the crime or when the shooting took place. His memory for other things seems to be very good. The motive for the crime, there seems to be none, and the only thing that men can judge from then, with regard to his mental condition, is from this act itself, and from another act that was before the Court when he was tried, and that to me indicates that for very slight or for no motive he is likely to do things at times when other men would not do them; in other words, that he would be distinctly a risk to the community at the present time, if he were to be among them and absolutely free.

Q In your opinion, from the examinations that you have made of this man Sokolinsky, what is your opinion as to the question whether it would or would not be dangerous to the public peace and safety to allow this man Louis Sokolinsky to be

at large? A I think that it would be dangerous.

Q You think that it would be dangerous to the public peace and safety? A At the present time, yes.

Q You think it would be dangerous to allow him at large at the present time? A Yes.

CROSS-EXAMINATION BY MR. MANHEIM:

Q Now, you know that Sokolinsky, in August, 1906, fired a revolver at a man? A Yes.

Q You do not know of any other act that was not perfectly normal and proper and right, that this boy ever did in his life, except shooting that revolver at a man, in August, 1906, and having committed that other act of which you spoke--you know of no other act that he ever did in all his life that was not perfectly normal and sane and right, do you? A I have heard of one more.

Q That is what I say, you heard of his shooting a revolver at a man and you heard of what else? A Larceny.

Q And that shooting a revolver, that is what I say, in those two acts? A There was also a third one mentioned to me.

Q Who mentioned the third one to you? A The man that was shot.

Q The man who was shot, you went to see the man who was shot, did you not? A No.

Q Did you go to see the man who was shot? A No.

BY THE COURT:

Q Did you examine Dr Matz, the complaining witness?

A He came here to the Court building, and I saw him here.

BY MR. MANHEIM:

Q You made an appointment with him to see him? A Yes.

Q And interviewed him? A Yes.

Q And of course Dr Matz is not very friendly to this boy who shot him, is he?

THE COURT: Do you know if that is so.

BY MR. MANHEIM:

Q Why do you hesitate so long?

MR. KRESEL: I object. This doctor does not know of his own knowledge whether the man is friendly or not.

Objection sustained. Exception.

Q What Mr Matz told you, you did not investigate as to whether that was correct? A No.

Q You merely took his word? A That was all.

Q Implicitly, did you? A Not implicitly.

Q You believed it? A I believed it.

Q And took it and acted upon it, in forming the judgment about this boy's present mental condition? A No, that act did not have anything to do with that. It was the other two that mainly influenced me.

Q That had no affect upon you? A Practically none, but confirmed--

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Q You do not know if that is true or not what Dr Matz said about him, do you? A No.

Q He was the man who was shot--you do not know if that is true or not, do you?

Objected to as having been already answered.

Q You heard this boy was charged with larceny once?

A Yes, I think I saw the Court record.

Q And that, and the fact that he shot Dr Matz and was charged with larceny \$63 worth of goods, something like that-- those two acts--

THE COURT: \$300 worth of goods is my recollection.

MR. MANHEIM: The charge is \$63 worth of goods, if you will look at the record.

BY MR. MANHEIM:

Q (Continuing:) So the fact that he shot Dr Matz--this Dr Matz was not a doctor at the time when it occurred--

MR. KRESEL: I object. What difference does that make.

Objection sustained.

BY MR. MANHEIM:

Q (Continuing:) And the fact that he was charged with larceny, those are the two facts upon which you base your present judgment? A Yes.

Q Now, if this boy at the time he had this pistol in his hand, cleaning it, if at that time he aimed it and shot, if at

that time he was suffering from a private disease, and if he was taking various medicines at that time for that, if he was in a weakened condition, being in that condition, could it not have been that he might lose his consciousness for the moment of what he was doing and aim that pistol?

Objected to. Sustained. Exception.

MR. MANHEIM: I will follow it up.

THE COURT: You see, Mr Manheim, you want to question Prof. Walsh as to the present mental condition of the defendant, because if you proceed in this line, you are apt to develop a case which will confirm the theory of the People. This inquiry is directed to this issue, whether the defendant is now in such a state of idiocy, imbecility, lunacy or insanity, so that in the event of his release he would become a danger and a menace to the public safety. That is the present issue, and if you are going to question back as to what occurred two years ago--

MR. MANHEIM: The Doctor says that he bases his present judgment on those two acts that the boy committed two or three years ago--that is what he says he bases his present judgment upon.

THE COURT: Beside the objective examination that he made of the defendant--is that right, Professor?

THE WITNESS: Yes.

BY MR. MANHEIM:

Q You said his eyes somewhat protruded--there are many people that have eyes that protrude like that? A Yes.

Q And some people have eyes that are abnormally sunken in their head, and I hope you will pardon me for saying it, but your eyes seem to be well sunken in your head, more than ordinarily--and, other people's eyes protrude more than ordinarily?

A Yes.

Q And some people have heads with a big front and others have heads with a little front?

Objected to. Sustained. Exception.

Q Now, then, you say from the fact that he shot in August and was convicted of larceny about two years ago, that on that you base your conclusion that at the present time it will be dangerous to allow him to go at large?

MR. KRESEL: I object. That question has been asked and answered.

Sustained and exception.

MR. MANHEIM: If he says that upon those two acts he formed his present opinion, have I not the right to ask him if he does or not, without prompting from the District Attorney.

THE COURT: He has answered it. You have a mistaken notion in this case, Mr Manheim. There is I think as sincere a desire on the part of the District Attorney as there is on the part of counsel for the defence to see

that this unfortunate boy should be liberated. Nobody is blood-thirsty for this defendant, but we all have a duty to perform. The other jury rendered a verdict which was referred to here, "We find the defendant not guilty upon the ground of insanity at the time of the commission of the crime," and recommended to the Court that this boy be sent to some institution for the insane.

MR. MANHEIM: I except to your Honor's statement that the jury recommended. That is no part of their verdict, they merely say "Not guilty on the ground of insanity."

THE COURT: You may have your exception. The Court would not assume the responsibility of committing this boy upon the verdict of the jury, coming from lay witnesses, and directed an investigation be had by gentlemen learned in the science of the mind, and then have the question presented to a jury. Whatever the other jury did is not binding upon this jury, nor can this jury, nor should this jury be influenced by such action. All we want to inquire into here is whether or not this defendant is now in such a state of idiocy, imbecility, lunacy or insanity so that in the event of his being permitted to be at large he will be a danger and a menace to the public safety. That is the issue.

MR. MANHEIM: Is it not a danger and a menace to this

boy when a physician is allowed to give his omnibus opinion that it is dangerous to allow him at large?

THE COURT: You may examine this witness. You are not being curtailed, but examine him along legal lines.

BY MR. MANHEIM:

Q Do you know that this boy in all his life committed any other act but shooting, and this other act about two years ago of this alleged larceny, do you know of any other act? A No.

Q Did you inquire about his parents? A Yes.

Q Whether they are normal and sane? A Yes.

Q Did you find that his parents are normal and sane?

A So far as we found.

Q That would be a proper subject of inquiry, would it not, in investigating the boy's condition? A Yes.

Q His father and mother are, so far as you found, perfectly healthy, sane people? A Yes.

Q You found, so far as the records of the family can be ascertained, that there has been no insanity in the family? A I think that is true.

Q Would this indicate anything to your mind, that when he was convicted of that offence, of larceny of the \$63 worth of goods, that he was sent to Elmira Reformatory; was there thirteen months, and was discharged at the earliest possible time, would that affect your judgment? A Not to any appreciable degree.

Q It would not affect your judgment that at Elmira where he was under observation, that nothing was found the matter with him, would that affect your judgment any? A No.

Q Would this affect your judgment, that after being there five or six months, the boy was examined and he was found to be all right mentally and they doubled him up, as they call it, with another inmate there, and nothing was found the matter with him?

MR. KRESEL: I object. There is no evidence to that effect.

THE COURT: I think in view of the condition of this case, great latitude should be allowed, Mr Kresel. You see, Mr Manheim, there is no evidence here upon which the hypothetical question is based, but I will allow it.

(The question is repeated.)

MR. KRESEL: Do I understand that evidence will be introduced that there was such an examination made?

THE COURT: An examination made where?

MR. MANHEIM: At Elmira.

MR. KRESEL: The question is whether the fact that this boy was examined at Elmira mentally and was found to be all right, whether that would alter the Doctor's opinion. I simply inquire whether there is going to be any such evidence introduced.

MR. MANHEIM: I will show when the boy takes the

stand that after he was there five or six months, they examined him, and the rule is when they find him correct physically and mentally, they double them up with somebody else, and that was followed there, and that no fault was found with the boy and he was discharged--behaving all right for the entire period.

The objection is overruled.

(The question is repeated.)

A No.

Q That would not affect your judgment? A No.

Q Is his head normal? A I think that it is.

Q Did the boy talk to you lucidly? A Yes, sir, quite lucidly.

Q Sensibly? A Yes, sir, sensibly.

Q Displayed no delusions? A No, none.

Q Answered your questions plainly and simply?

A Plainly and simply.

Q Bore no grudges against anybody? A No, I think not.

Q Did not speak of any wrongs against anybody? A No.

Q Didn't he talk to you like you would expect a young man of his age to talk to you? A I think about that, or something perhaps was different.

Q Something perhaps? A Yes--well, something was different. He was rather careful to explain the motives for things, and had them rather ready for me. I think more than the

ordinary person would have.

Q This boy was incarcerated in the Tombs, was he not?

A Yes.

Q And he was there, and his fate was to be decided whether he was to be allowed to go free or incarcerated perhaps in some insane asylum? A Yes, sir.

Q And naturally any sane person would display an anxiety not to be pronounced insane and incarcerated in an insane asylum? A Yes.

Q Every sane person would have that anxiety? A Yes, sir.

Q And every sane person would try to show you that he is not crazy? A Yes, sir.

Q So you say this boy displayed rather more anxiety about explaining to you that he was sane? A Rather a cunning in the explanation of his motives.

Q Rather a cunning? A Yes.

Q You thought that was rather smart, what he said?

A No.

Q Now, you would call it cunning? A Yes.

Q If what he said was true would you call it cunning then? A No.

Q How do you know it was not true what he told you?

A Only as I could judge it.

Q You do not know that? A I cannot know it.

Q You saw a prominence of the thyroid gland? A Yes, sir.

Q Right here at the throat? A Yes.

Q Lots of people have prominences there, haven't they?

A Yes.

Q Lots of good, sane business people? A Yes, sir, though not the same sort of prominence.

THE COURT: Not the same sort of prominence.

BY MR. MANHEIM:

Q Are there not lots of sane healthy people that are doing business about every day just like that (indicating)?

A Very probably.

Q And you say there is a sort of a--what about the spine?

A That there is scoliosis of the spine.

Q Sort of a little curvature? A Yes, sir.

Q And lots of good, sane, decent, honest people have that same, have they not? A Yes.

Q You know, if you get an ideal Apollo Belvidere that was sculptured by the Ancients, you might find it a perfect human form, but nearly everybody to-day have more or less physical imperfection, haven't we? A Yes.

Q Some have more and some have less, is not that so?

A Yes.

Q Did Dr Matz say to you that he would rather have him incarcerated than have him allowed to go at large, the man

who was shot?

Objected to as immaterial. Objection overruled.

A I don't think he said that, but I think that he said--

Q He said something to that effect? A Something to that effect, that he would not feel safe.

Q That he would not feel safe if he were at large?

A If he were at large.

Q Because of his having shot him once? A Yes.

BY THE COURT:

Q Would such statement made by Dr Matz influence your determination? A No.

Q And it did not? A No, sir.

Q Did you know Dr Matz before the time you investigated this case? A Not at all.

Q Never met him? A Never met him.

BY MR. MANHEIM:

Q If it is the fact that this boy fired this revolver in August, 1906, and if, over two years he committed this act of stealing, and if since that time he has been in the Elmira Reformatory for thirteen months, behaved himself, normally, and sanely, no fault found with him, and if after he came from Elmira he worked steadily, behaving himself and attending to his business like a sane man, in one place for ten months, would that affect your judgment as to whether it is dangerous for him to be at large now? A No.

Q Would not at all? A No.

Q No matter if for the past two years or more he has behaved himself like any sane person would, still that would not affect your judgment? A No, not under the circumstances.

Q If, after he left Elmira, if he were reformed there, and if after he left there he behaved himself as a good, honest, hardworking boy should, ever since, until he was put on trial here about a month ago, that would not affect your judgment? A No.

Q He is a menace to the community? A I think so--he is dangerous to the community.

Q And his conduct in Elmira or since he left there would not affect your judgment at all? A No.

Q Did you consult the District Attorney about this matter? A No.

REDIRECT-EXAMINATION BY MR. KRESEL:

Q Will you explain to the Court and jury why these various acts, assuming them to be facts, as detailed by the learned counsel, his behaving himself, his working, his having been in the Elmira Reformatory--why those acts would not affect your judgment as to the defendant's present mental condition?

A I think that if he were in circumstances where he would not be affected by the strenuous life of a city, and where he would have such conditions around him that he would be tempted to be

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his best , that he would not be in danger--he would not be a menace to the community, but, twice he has for motives that were quite insufficient for the ordinary man, committed crimes. He is a man who is likely for very slight motive to commit a crime. He has some physical characteristics that indicate that probably that condition is permanent, and therefore in my opinion that if he were to be at liberty, where he would be under stress and strain of excitement as in a large city, he would be likely to commit some other crime that would bring him shortly before the court.

BY THE COURT:

Q In your investigation, did you find that while the defendant was under indictment charged with having discharged a loaded firearm at Dr Matz, and before that case was disposed of, that the defendant committed the crime of larceny for which he was sent to the Elmira Reformatory? A The records of the court to that effect were shown me, and it meant a good deal in my making up my mind in the matter.

Q How would that affect your judgment--the fact that he was out on bail and committed another crime? A Yes, with all the circumstances tending to keep him from the commission of crime, he still committed another crime.

BY THE COURT:

Q What is the medical term used in a case of this character, that is if he is now suffering, or in a condition of

insanity--kindly explain to this jury the medical term?

A The medical term is paranoia, which means that a man is beside himself. That is the correct derivation of it, and that he is not quite capable of controlling himself. He may under most of the circumstances of life control himself quite well, but under certain circumstances he will do things without a motive or for very slight motives, that are such exaggerated actions that they are likely to constitute violations of law or make him a danger to the community.

BY MR. KRESEL:

Q In the other words, the fact that he has worked for ten months, assuming that to be a fact, would not indicate that he is not a paranoiac? A No.

Q Paranoiacs do work? A Yes.

Q And may work along for five or ten years? A Yes, sir.

Q And those suffering from that disease, the moment may come when they will do something which is rash? A Yes, sir,

Q Or which is a crime? A Yes, sir.

Q And the same thing is true of his behavior, and if it be a fact that he behaved in that way at Elmira? A Yes, sir. I should expect him to behave well in Elmira or any other asylum.

Q Your opinion is if he is confined in some reformatory or some institution or some hospital, there is where he would behave? A Yes.

Q And he would not be a menace to the community?

A No.

Q Is that condition of paranoia curable? A Practically it is not. Though men often get so much better that we feel that we can trust them once more, but if they are put under strain or stress again, then our trust may prove wrong.

Q Is the defendant's condition of paranoia a confirmed paranoia or in its incipiency? A It is probably the beginning of it.

Q And in your opinion if the defendant should be cared for in a proper medical institution, would that improve his mental condition? A Yes, sir, that is the one hope that he should be eventually a member of the community without danger to it.

BY MR. MANHEIM:

Q You answered me a little while ago that you found this boy was not suffering from any delusions--was he? A No.

Q You said he was not? A No, he was not.

Q That he had no delusions? A No.

Q That he talked to you apparently sanely? A Yes, sir.

Q And clearheaded? A Yes, sir.

Q Now, Doctor, is it not a fact that the definition that a person having paranoia--that paranoia, or rather the definition of it is that a person suffering from that has system-

atized delusions? A Not necessarily.

Q I took a great deal of trouble to read something about that last night--have you ever heard of Deffendorf's book on Mental Diseases?

THE COURT: Prof. Deffendorf.

THE WITNESS: Yes, of Yale.

BY MR. MANHEIM:

Q You have heard of that book? A Yes.

Q Is he considered a competent authority? A Yes.

Q And his book is considered an authority, is it not?

A Yes.

Q It is used as a text book in all the colleges, is it not? A Not all the colleges.

Q In a great many? A Yes, in a number of colleges.

Q Now, Prof. Deffendorf says the disease begins between the ages of 25 and 40, is that correct, you agree with Prof. Deffendorf? A No, not altogether.

Q Do not agree with him? A No.

Q This boy was only between 17 and 18 when he shot off this pistol? A Yes.

Q And because he did that, and because he committed this larceny five or six months later, you base on that your judgment that he is a paranoiac?

Objected to, sustained, and exception.

Q You answered before to me that you base your present

judgment of him on the fact that he committed those two acts?

A That and my examination of him.

Q You did not find this defendant, or rather this boy in your examination of him, out of the ordinary, did you, in his conduct and speech and actions to you? A No.

Q Does not Prof. Deffendorf say that a person suffering from that disease has delusions, delusions that he is being persecuted, and things like that--have they not? A I suppose so--most of them have.

Q You did not find this boy had any idea that he was being persecuted by anybody? A I could not find the motive for his--

Q You did not find that? A I could not find the motive for the shooting, but I was almost sure what it was.

Q If the boy had a secret motive for the shooting, would it be human nature to tell you the motive now?

MR. KRESEL: I object. He is not qualified to pass upon human nature.

Objection sustained, exception.

Q You agree with Prof. Deffendorf in this, "Sooner or later in connection with these delusions of persecution, which are firmly held and well moulded by a coherent train of reasoning, there may also appear expansive delusions"--you agree with that? A Yes.

Q These have these firm fixed delusions, these para-

noia? A Which they may conceal.

Q And if this boy did not display to you indications that he had any delusions--expressed no delusions, then you would think that he is concealing delusions which he probably has? A That is the only explanation for his shooting.

Q Because he shot you build up that, you build up the case on that? A That and the other.

Q If he had no motive for the shooting and had no motive for the stealing, then you come to the conclusion that he must have delusions, do you? A No.

The Court admonishes the jury in accordance with section 415 of the Code of Criminal Procedure and takes a recess until 2 o'clock.

AFTER RECESS.

J A M E S J. W A L S H, M. D., resumes the stand:

CROSS-EXAMINATION CONTINUED BY MR. MANHEIM:

Q These delusions that these paranoiacs have of which you read in the books, are persecutory and expansive, are they not--two branches? A Yes.

Q Just see if you agree with this that I read from Prof. Deffendorf's book: "All delusions both persecutory and expansive are held with great persistency and built out into a coherent system, which is an essential characteristic of the disease." Do you agree with that? A Yes, when the dis-

ease is fully developed.

Q "Which is an essential characteristic of the disease"--
it is an essential characteristic of the disease that these delusions both persecutory and expansive are held with great persistency? A Yes, sir.

Q And built into a coherent system? A When the disease is fully developed.

Q The Doctor does not say here about the disease being fully developed? A You are reading about paranoia as fully developed disease.

Q You mean that this boy has not got any? A It is an incipient stage.

THE COURT: All that Prof. Walsh has testified to can be summed up as follows: That this boy has evidence of the incipient stages of paranoia and that there is no necessity for the confinement of this boy to an insane institution. That if he could go out in the country, in the open air, within a short time he probably would be cured, but that he must cease being active in a great city like this where excitement might produce some effect upon him.

BY MR. MANHEIM:

Q If this boy were employed in good, strong, healthy manual labor, that would help him, wouldn't it? A Provided that he was away from the excitement of a large city.

Q Supposing that he got a job in a hat factory as a

blocker, where he would have to work, at pretty fair wages, that would not aggravate the disease, would it, any disease that you claim that he may have; physical labor and exercise are better than mental? A He should have occupation of mind and body.

Q He should have bodily exercise, and the occupation of blocking hats is better for him than an occupation studying medicine or law, perhaps? A Perhaps.

R O B E R T H. G R E E N, called as a witness in behalf of the People, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. KRESEL:

Q Where do you live? A 78 East 65th street.

Q You are a doctor of medicine? A I am.

Q And how long have you been practicing your profession?

A Since 1886.

Q And from what school are you a graduate? A Harvard Medical School.

Q Will you state to the Court and jury what your training has been? A My training has been mostly that of a surgeon, and most of my work is surgical. I am not an expert on cases of insanity as the term would be ordinarily considered.

Q Have you in the course of your practice since 1886 had occasion to examine patients troubled with mental diseases?

A Yes.

Q And did you examine this young man? A Yes, sir.

Q Were you at the time of your examination in the company of Dr Walsh? A Yes.

Q How many times did you examine him? A I saw him twice.

Q On each occasion in the company of Dr Walsh? A Yes.

Q Will you please state to the Court and jury what your examination of him covered? A Well, we examined him on two different occasions. We examined him physically. We listened to his story. We went over the testimony on the case for which he had been indicted for shooting, and we also sent for and had a conversation with Dr Matz, who was the prosecutor.

Q Speak louder? A We examined him physically twice. We went over the testimony of the case as given in court when he was up for trial for the shooting, and we also interviewed the man whom he shot or shot at, Dr Matz.

Q How, with regard to his physical condition, what did you find? A In a general way his physical condition was good. He had certain deviations from normal, no one of which would be considered as proof of anything out of the way with his nervous or mental state, but all taken together would tend to show that he is what would be termed of a nervous neurotic temperament.

Q With regard to his mental condition what is your

opinion based upon your examination? A I think he is suffering from a mental disease in its incipient stages, and I think that he should be kept for a time under observation and some sort of restraint, with the hopes that eventually he may be considered perfectly safe to join the rest of the community.

Q What is your opinion based upon, all that you have found in your investigation, as to whether it would be safe to at the present time allow this young man to be at large and without any restraint? A I think not. I think that he should be kept under some restraint.

Q Do you think it would be dangerous to the public peace and safety to allow him now at large? A I think it would be.

CROSS-EXAMINATION BY MR. MANHEIM:

Q You say you came to the conclusion from the physical examination that he is of a nervous temperament? A Yes.

Q Many of us are of a nervous temperament, are we not? A We are.

Q Some great doctors are extremely irritable; their nerves are so highly strung that the slightest cause would set them off, is not that true? A I am unacquainted with any great doctor of that type, but it may be true.

A
Q And some of us are more or less nervous? Some more and some less.

Q And you found him of a nervous temperament--his general physical condition is good, he is quite strong physically, is he not? A Apparently.

Q You say you had a talk with Dr Matz? A Yes.

Q The man who was shot? A Yes.

Q And did not Dr Matz tell you that he would rather not have this boy at large? A Dr Matz said that he was afraid that if he were left at large he would shoot him again.

Q He did not tell you that this boy had ever approached him or did anything to him since the time of the occurrence, did he? A No.

Q He did not tell you that he had ever met the boy since? A Not to my recollection.

Q He never gave you any occurrence, after the shooting, that led Dr Matz to be afraid, did he? A Not to my recollection.

Q The mere fact that this boy shot him once is what produced the fear in his mind that it might possibly happen again? A I presume so.

Q He did not tell you that the boy had ever gone his way, or gone near him, or sought him out? A No.

Q Some people have more apprehensive minds than others, haven't they?

Objected to.

Q The conduct of the boy since--would not the conduct of

the boy for the past two years tend to throw some light upon his disposition? A That is rather a difficult question for me to answer. If you could put it in some other form I could answer it.

Q You would want to know what the boy did for the last two years? A Yes.

Q You did not ascertain that the boy had done anything in the last two years to justify your opinion of his present condition, did you? A That is a difficult question to answer by yes or no. I should have to give a modified answer to that question.

MR. KRESEL: Give whatever answer you desire.

A I think from the fact of the boy's good behavior in the last two years, to my mind, would lead me to hope that in time he would overcome this disease, or as far as it goes it is a good symptom.

BY MR. MANHEIM:

Q That is a very good symptom, the fact that he has behaved himself and done nothing the last two years? A I think so.

Q And continued the even tenor of his way? A I think it is.

Q That symptom indicates that if there was anything the matter with him at the time of this occurrence, two and a half or nearly three years ago, that his future conduct seems to

prove that those tendencies were being eliminated? A Yes.

BY THE COURT:

Q Would the fact that for the last two years the boy has behaved himself and been free from any vicious acts, alter your judgment as to his present mental condition? A I think that from the history of what the boy has done in the past, that the boy should be kept under restraint for some time longer, but that does not rob the boy of the hope that he may eventually be considered safe to go out in the community.

BY MR. MANHEIM:

Q You have not answered his Honor's question, but you have gone ahead and repeated what you originally said to Mr Kresel. I ask that the stenographer read his Honor 's question, and that the witness answer it.

THE WITNESS: Will the stenographer please read the question.

(The question is repeated as follows: By the Court:

Q Would the fact that for the past two years the boy has behaved himself and been free from any vicious acts, alter your judgment as to his present mental condition?)

A If his Honor will excuse me, I hardly understand the question.

BY THE COURT:

Q The fact that the boy has behaved himself for the last two years and has not committed any vicious or criminal act

during that period, would that change your opinion as to the present condition of the boy's mind? A I think it would tend to give a more hopeful look for the future.

BY MR. MANHEIM:

Q And the future is judged by the past, is it not?

Objected to. Sustained.

THE PEOPLE REST.

L O U I S S O K O L I N S K Y, called as a witness in his own behalf, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. MANHEIM:

Q You have been confined in the Tombs since when?

A Since March 9.

Q That is the day you were acquitted of that charge, and you have been in the Tombs since? A Yes.

Q Now, it has been said here that you committed a larceny for which you were sentenced to the Elmira Reformatory, just tell this jury where you were working at the time when this larceny was committed? A I was working for the Eureka Neckwear Company, West Houston street and Broadway.

Q How much were you getting? A \$4 a week.

Q Before that time where had you been working? A Before that time I was working for Mr Davis, and previous to Mr Davis I was working for Zadak Brothers, 675 Broadway.

Q. How long before you worked for the Eureka Neckwear Company did you work for the Zadak Brothers? A. More than three years ago.

Q. Did you work at a place where you were discharged when they found out that you had this trouble about this assault?

A. Yes.

Q. You worked there also? A. Yes.

Q. When they found out that you had this trouble about shooting Matz, were you discharged? A. The bond company withdrew my bond.

Q. As soon as they found out that you were under this trouble about shooting Matz? A. Yes.

Q. They withdrew your bond? A. Yes.

Q. Then could you get a job under your own name?

A. No, sir.

Q. And then did you take an assumed name to get this job at \$4 a week? A. Yes, sir.

Q. Tell this jury frankly and candidly how it was you came to steal? A. I was working for the Eureka Neckwear Company, and I met, in the meantime--I met a number of young men, about three young men, and they persuaded me to steal, to commit that offence. You see, I was earning very small wages at the time, and I was tempted to commit that. I was sorry afterwards. I tried to do my best to atone for that.

Q. Were you sentenced to the Elmira Reformatory for that?

A Yes.

Q How long were you there? A I was there thirteen months.

Q Have you ever stolen before in your life or afterwards?

A No, sir.

Q What does your father do? A He works in a hat factory as blocker.

Q How many children are there? A There are seven children.

Q You are the eldest? A Yes.

Q Did I ask you how long you were in the Reformatory?

A Yes.

Q Thirteen months--is that the lowest time required for a discharge? A Yes.

Q With good behavior? A Yes.

Q If you do not behave yourself you have to stay longer?

A Yes.

Q But if you do behave you can get out in thirteen months? A Yes.

Q After you were there five or six months were you examined? A Yes.

Q By whom? A By a doctor.

Q Tell the jury about that, why they examined you and what they did? A After I was there more than six months, about six months, I was examined by a doctor, and when you are

examined and they find out that you are not suffering from epilepsy or there is nothing the matter with you mentally or physically so as not to do the other man any injury, they double you up. If you are even a vicious character they won't double you up.

Q What do you mean by doubling you up? A They put two in a room.

Q And after you were examined and found to be all right mentally and physically were you doubled up with the other man?

A Yes, sir.

Q How long were you doubled up with him? A I was doubled up with him about five months.

Q Then what happened? A In the meantime I was doubled up with him and the Board of Managers authorized my parole-- those men in the Board of Managers, they decided that I was fit to be at large, and they ask you whether you are reformed or not and what your intentions are about the future.

Q Go on? A They ask you what your intentions are for the future and whether you won't commit any crime any more and they being assured of that, issue your parole. They agree you shall go out and start in to work. You have to have a job before you get out, and you have to report six months, and then you get your absolute release, which I got.

Q And so after you were discharged did you look for work? A Well, after I was discharged from the institution

I cannot look for work, but I write to my friends that they should obtain employment for me.

Q Did you get employment? A Yes.

Q With whom did you get employment after you were discharged from that institution? A With Mr Louis Horowitz, 418 Flushing avenue.

Q Is he some relative of yours? A Yes.

Q What relative? A Uncle of mine.

Q Tell this jury what Mr Horowitz's business is and what you did for him in his business? A Mr Horowitz conducts a drygoods business, gents' drygoods and shoes, and I came into his business as a green person--I knew nothing whatever about the business, and after staying there about six months I acquired knowledge of the business to such an extent that he left me in full control of that business, and he allowed me to sell and buy goods. He had full confidence in me. He would go away and leave the business in my charge and there would be any number of customers in there and I would attend to them.

Q Since you have been discharged have you had any temptation to take anybody else's property? A No.

Q Do you want anybody else's property? A No, sir.

Q What do you want? A I simply want to be free. I want to work. That is all I want.

Q How long were you working that way for Mr Horowitz,

steadily? A Ten months.

Q After that did you try and better your position--did you learn your father's trade? A Yes.

Q What did you do? A I was working ten months by Mr Horowitz, and I decided that I wanted to earn larger wages, so I told my father that I would like to earn his trade, and he agreed to it, and I went up in my father's shop and in about four weeks time I learned this trade, skilled trade, and joined the union.

Q What trade is that? A Working on a hydraulic press machine.

Q Blocking hats? A Yes--you take the hats from the operator--it looks like a rag almost, and just operate it, cut and operate it, and you put it into shape.

Q What are the hours at work there? A From about eight to six.

Q Do you like that work? A Yes.

Q And you would like to go there and work at that trade? A Yes.

Q What you earn, what did you do with that? A I gave that to my father whatever I earned.

Q And all the time since you came from Elmira you have gone home and stayed at home and lived with your people?

A Yes.

Q And very glad to do it? A Yes.

Q And very glad to go to work? A Yes, sir.

Q Have you ever gone to see Dr Matz? A No.

Q On whom this injury was originally inflicted?

A No.

Q Do you bear him any grudges at all? A No.

Q Do you wish him any harm at all? A No.

Q Are you sorry you ever harmed him? A Yes.

Q You were never in trouble in all your life except that shooting and this larceny? A No, no other trouble.

Q Do you think that being in Elmira those thirteen months did you good? A Yes, sir.

Q You have had time to think of any errors that you had committed before? A Yes.

Q What did you do there all that time? A While I learned a trade there.

Q What trade was that? A Sign painting.

Q And did you at first think that you might possibly get a job at that? A I thought I might get a job at that, but found out it is hard to get a job unless you belong to the union, and the union won't give you the job. The union won't accept you, because I had no commercial knowledge about the trade. I only knew that as an amateur.

Q So then it was that you went to Horowitz? A Yes.

Q And now you learned this trade of hat blocking?

A Yes, sir.

CROSS-EXAMINATION BY MR. KRESEL:

Q You have not been asked how old you are? A No, sir.

Q How old are you? A I am between 20 and 21.

Q When was your last birthday? A I don't know when my birthday was.

Q Where were you born? A Russia.

Q How long were you when you came to this country?

A About two years old.

Q Did you go to school here? A Yes.

Q How far did you advance in school? A To about the second grammar.

Q How long since you have been out of school? A I left school when I was fourteen.

Q Now, you remember the day when you shot Dr Matz--do you remember the day?

MR. MANHEIM: I object. I do not think it is proper to go into that. We tried that all out, and it is no use going into that.

THE COURT: As a memory test, I think it might be referred to.

A I know the date, what I heard.

Q You know the day? A Yes.

Q Tell the Court and jury why you shot Dr Matz? A I can't recollect any reason for shooting Dr Matz.

Q You have no recollection whatsoever? A No, sir.

Q Subsequent to shooting Dr Matz you stole from the Neckwear Company? A Yes.

Q You told this jury that you were persuaded to steal by other people? A Yes.

Q Do you know--the way you stole these goods, the goods were given to you to deliver? A Yes, sir.

Q To a man named Ireland? A Yes.

Q And you were instructed to get a receipt for them?

A Yes.

Q And you brought back a forged receipt, didn't you?

Objected to. Objection overruled.

Q You remember that? A Yes.

Q Now, at that time how old were you? A I was between 18 and 19.

Q You had been out of school about four or five years?

A Yes.

Q In the meantime you had worked? A Yes.

Q You had worked for Mr Davis for a number of years?

A About a year and a half.

Q There was not anything the matter with you at that time, you were perfectly well, weren't you? A Well, I was perfectly well up to the time when I contracted this disease.

Q At the time that you stole from the Eureka Neckwear Company were you well? A Yes.

Q You had been cured of that nervous or private dis-

case, or whatever it was? A Yes.

Q Now, do you mean to say that you were persuaded by other people to commit a crime? A Well--

Q You knew it was a crime to steal, didn't you? A Yes.

Q You knew it at that time as well as you know it now?

A Yes.

Q Do you mean to say to this jury that you were of such frame of mind at that time that other persons could persuade you to steal? A Well, I don't know how to answer that question, but many people are persuaded to steal. They are not earning enough wages as in my case, and if they got an opportunity to steal, and they are persuaded to it, all this tends to make them commit that crime.

Q What was it at that time, was it that you had the opportunity to steal and that you seized that opportunity or was it that you were persuaded to steal? A You know you always have opportunity to steal if you want to take that opportunity, and I had that opportunity and I was persuaded to do it.

Q How were you persuaded? A Well--

Q You had this package in charge? A Yes.

Q It belonged to your employer? A Yes.

Q You were sent to deliver it? A Yes.

Q Now, what happened after you got it in your charge that you construe as persuasion on the part of other people?

A Well, you know on \$4 a week you cannot--

Q. I do not talk about your wages? A. I want to give you the reason.

Q. We are coming down now to the question of persuasion; what was it that was done or said to you that you now construe in a persuasion to steal? A. Well, they advised me to do it. They showed me that they were living better than me, that they had spending money which I did not have, and they said that I could have the same thing if I only want to do it.

Q. And they told you to steal? A. Yes.

Q. You will stand upon that? A. Yes.

Q. That is the truth, is it? A. Yes.

Q. That you at that time, 17 years old, entrusted with a package by your employer-- A. I was not 17 years old at the time.

Q. I understood you to say it was 17? A. No, sir.

Q. 19? A. You understood me to say between 18 and 19.

Q. Entrusted with this package at that time, realizing that to steal was a crime, notwithstanding all that, because these men or boys or whoever they were, told you that if you stole that you would have money to spend, you stole it; that is right? A. Yes.

Q. Did you ever have any trouble with a servant girl at Davis's house? A. No, sir.

Q. You know the occurrence I am talking of, perhaps you don't consider it as trouble--won't you tell us about that?

A I don't know of any trouble with any servant girl.

Q Did you ever pursue a servant girl and try to do her some harm? A No.

Q For whatever reason it may have been? A No.

Q Sure of that? A Yes.

Q At Elmira, when you were examined, were you examined as to your mental condition? A I never asked them. I am not given the opportunity to ask how they examined me, but they examined me thoroughly.

Q You have told us here, as I have understood you, that you were examined physically and mentally, is that right?

A Yes, they asked me--

Q That is all I want to know? A Yes.

Q I want to direct your attention to that part of your examination which you call mental? A Yes.

Q You understand? A Yes.

Q Are you sure they examined you as to your mental condition? A Yes.

Q You are sure? A Yes.

Q Had you done anything or said anything in Elmira which made it necessary for them to examine you as to your mental condition? A No, sir.

Q You were perfectly rational there just as you are here? A Yes.

Q But what induced you to shoot Dr Matz, you cannot

tell us? A No, sir.

Q You do not know now? A No, sir.

Q Three years after that occurrence you cannot tell this Court and jury what it was that induced you to shoot this man, is that right? A You know yourself.

Q What? A You know that yourself. I don't know anything about that.

Q I would like to have this jury know if you can tell them? A I cannot tell the jury.

Q You cannot tell them? A No.

Q When you say that I know myself, you refer to something you cannot explain? A No, I mean by that that you know yourself that I cannot tell, as it was brought out at the other trial when I was charged with felonious assault.

Q You now say that you cannot account to this jury why you shot him, is that right? A Yes.

Q Absolutely no reason that you can assign? A No, sir.

Q You had no trouble with the man? A No.

Q Before this occurrence? A No, sir.

Q You had no motive to shoot him so as to rob him or anything of that sort? A No, sir.

Q You simply had an impulse to, and you shot, that is right? A I don't know about that.

Q What? A I don't know about the impulse.

Q You remember that just before you shot Dr Matz you were cleaning this revolver? A Yes, sir.

Q And just at the time that you were cleaning it you were trying to decide whether to return it to the drawer or to dispose of it, you remember you told us that? A Yes.

Q And then you shot him? A Yes.

BY THE COURT:

Q Shot him in the back, didn't you? A I heard so.

BY MR. KRESEL:

Q What? A Yes.

Q And you told us, as I recall it now, that you did not wake up from that condition of mind until several days after the shooting, do you remember that? A Yes.

MR. MANHEIM: He said he woke up in Jefferson Market Police Court. He did not know how long it was after.

BY MR. KRESEL:

Q It was long enough for your father to come there and show you a clipping in a newspaper that you had shot this man?

A My father did come there.

Q And that was the first time you realized, you told us then, and I suppose you say so now, the first time you then realized that you had shot anybody? A Yes.

Q Up to that time your mind was a perfect blank, is that right? A Yes.

Q From the time that you shot until the time that your

father came to you with this newspaper clipping you did not know what happened? A No.

Q You did not know if you were arrested? A No.

Q You don't remember being confronted with Dr Matz in an injured condition? A No.

Q You don't remember the officers coming? A No.

Q You don't remember going to the Police Station?

A No.

Q Or to the Police Court? A No.

BY THE COURT:

Q At the time that you committed the crime of larceny you were aware that you were under an indictment for the alleged shooting of Dr Matz? A Yes, sir.

Q And you realized the Court had power to punish you?

A Yes.

Q When you appeared before me at the time that I sentenced you to Elmira Reformatory, you appeared under an assumed name, is that right? A Yes.

Q Do you remember that here in this court, ^{you} appeared under an assumed name? A I was ashamed to let my people know I was in trouble.

Q You were ashamed to let your people know you were in trouble? A Yes.

Q Do you recall whether I asked you to give your true name? A After a time I did give you my true name.

Q Did you give an assumed name in court for the purpose of concealing the fact that you were under another indictment charged with felonious assault? A I never had any such intention, because I was under bail, you see, and would not want to forfeit this bail.

BY MR. KRESEL:

Q You said something about assuming a different name when you were looking for a job, do you remember? A Yes.

Q What name did you then assume? A Harry Goldfarb.

Q What was the name that you gave when you were arrested for stealing? A Frand Reed.

Q What is the other name besides Harry Goldfarb and Frank Reed that you went under? A I went under the name-- I simply registered at a hotel as Louis Goldstein.

Q Louder? A I registered under the name of Goldstein in a hotel.

Q Was that before you stole or after? A After.

Q Was that when you were out on bail? A Yes.

Q You were out on bail, weren't you, after your arrest for stealing? A Yes.

Q And pending your trial? A Yes.

Q At what hotel was it that you registered? A The Mills Hotel.

Q Weren't you living with your people? A I was living with my people, but I was afraid I would be apprehended.

if I went home, and so I thought I would stay away from home for a couple of weeks.

Q Was that before your arrest for stealing? A Yes.

Q And it was after the stealing? A It was after the stealing.

Q That is after you stole and before you were apprehended, you left home and went to the Mills Hotel and registered under an assumed name? A Yes.

BY MR. MANHEIM:

Q At that time of this occurrence with Dr Matz you and he were working there at the same place for his uncle, named Davis? A Yes, sir.

Q And you were cleaning this revolver at the time?

A Yes, sir.

Q It was in the place? A Yes.

Q You bought it to celebrate the Fourth? A Yes.

Q And this was August? A I bought it in July.

Q And this occurrence was in August? A Yes, sir.

Q At the time of that occurrence there was something said about your being sick at that time--what were you sick with at that time? A Gonorrhoea.

Q Were you taking different medicines for that? A Yes.

Q Some that you got in the advertisements, in the paper?

A Yes.

Q And some you got where else? A Some that I got of--

I got some in advertisements and some I got in the Good Samaritan Dispensary and that I happened to see.

Q In those days did you go around with other company with whom you have not gone around since? A I did not keep any company.

Q You brought on that disease that you got in certain communications, I mean--with certain associations, from which you contracted that disease? A I did not keep company with any one.

Q But you got that disease through having company with somebody? A Yes.

Q Since that time have you gone with any such people? A No, sir.

Q And this time when you were cleaning that pistol, tell us what did happen, were you suffering with that disease?

A Well, I was suffering for about a month with that disease, before this occurrence, and I took a cloth--it was time to close up and Dr Matz--he was not doctor then--only a medical student--went to close the rear windows, and I went to close the front windows, and I went to put some of the papers away that were laying on the desk that had to be locked up, important papers, and the revolver was kept in that drawer, and I had a key to that so did Mr Davis, and I got in the habit whenever I noticed that revolver, to clean it--when you put a revolver in a drawer to keep the air off it, it gets rusty, damp, and I

did not want it to get rusty, and I used to wipe it off with this cloth, and after that I don't know what happened--I can't recall anything after that.

Q That shooting is, as Mr Kresel says, that is a blank?

A Yes, sir.

Q But you know you had the revolver just about that in your hand? A Yes, sir.

Q Have you ever had any revolver since that time?

A No, sir.

Q Or touched any revolver? A No, sir.

Q Or had any idea of getting any revolver? A No, sir.

Q Or any knife or any weapon? A No.

Q Do you carry anything dangerous about you? A No, sir.

RE-CROSS-EXAMINATION:

Q When you were arrested for this stealing of course you realized that you had done wrong? A Yes.

Q Did you tell the truth on the trial as to what had happened with that package? A No, sir.

Q You did not? A No.

Q Do you remember that you testified that you took that package and handed in a receipt book and the receipt was given back to you with the signature on it?

Objected to. Objection withdrawn.

Q Why didn't you tell the truth on the trial--were you persuaded to tell a falsehood on the trial also? A No.

Q Why didn't you tell the truth? A Well, no man wants to be punished--he tries to evade punishment.

Q And in order that you might not be punished for this stealing, you went on the stand and testified to a falsehood, is that right? A Yes.

Q You realized at that time, did you not, that it was wrong to tell a lie under oath? A I did, and I admitted after I was convicted that I was guilty of the crime.

Q After you were convicted then you admitted that you were guilty? A Yes.

BY MR. MANHEIM:

Q To whom did you admit it? A To his Honor.

Q Then you told his Honor that you were guilty and you wanted to admit that the punishment that was going to be given to you was deserved? A Yes.

Q And you think you did deserve it? A Yes, sir.

F R A N K E. W E S T, called as a witness in behalf of the defence, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. MANHEIM:

Q Where do you live? A 172 Clinton street, Brooklyn.

Q What is your business? A Practicing physician.

Q How long have you been such? A Thirty-two years.

Q In this city? A Borough of Brooklyn.

Q Are you connected with some institution over in Brooklyn? A Yes.

Q What institution? A Professor of Medicine in Long Island College. Visiting Physician at the Hospital, Consulting Physician at the Brooklyn City Hospital, Kings County Hospital.

Q How long have you been professor in the Long Island Medical College? A Twenty odd years.

Q How long have you been Visiting Physician to this other hospital? A I couldn't tell you--several years.

Q During that time in your practice and in your experience as a physician have people come under your observation who were suffering from mental troubles? A Yes, sir.

Q About how many? A I couldn't state--in general practice naturally one sees a great many such cases.

Q Have you made a study of the subject? A I do not claim to be a nerve specialist, no, sir.

Q Do you know when a man is afflicted with mental disease? A I have an opinion.

Q That is all that any doctor or professor can have, an opinion? A I suppose so.

BY MR. KRESEL:

Q And you have yours? A Yes, sir.

BY MR. MANHEIM:

Q Have you examined this boy? A Yes, sir.

Q Where did you examine him? A Over in the City
Prison.

Q How many times? A Only once.

Q From your examination of the boy, can you tell us whether there is any mental trouble from which he is suffering?

A So far as I could determine there was no mental disturbance. I could not discover any evidence of insanity.

BY THE COURT:

Q Are you an examiner in lunacy? A No, sir.

Q Have you been appointed as such? A I am not an alienist or anything of that sort--in general practice.

THE COURT: I do not think he brings himself within the rule.

MR. KRESEL: No, but I am willing to have the gentleman testify for whatever it is worth.

THE WITNESS: I have qualified to testify as to the committing of people. I do not claim to be a qualified expert. That is what I mean.

THE COURT: I will allow the testimony for what it is worth, but of course after all the testimony of an expert witness, no matter how profound a scholar the witness is, is solely for the purpose of enlightening the lay mind, and it is a matter for the jury to determine as a

question of fact in the light of all the testimony, including your own opinion from your observation and from the history of the case, as to the condition of the defendant's mind, and the jury is not bound to accept the testimony of any expert.

BY MR. MANHEIM:

Q Now, Doctor, you say a great many persons have come under your observation who were suffering from mental troubles?

A Yes, sir.

Q When a person is suffering from mental trouble you know, do you not, when the case comes under your observation-- you have an opinion? A I have my opinion, yes.

Q From your experience and from your studies? A Yes.

Q When you examined this boy was he rational? A Yes.

Q Did he display any of the symptoms at all of a person suffering with any mental disorder? A No, none that I could discover.

Q You have heard of the mental disease of paranoia, haven't you? A Yes.

Q Do you know that the symptom, that one of the most pronounced symptoms of paranoia is that the patient suffers from systematized delusions? A Yes.

BY THE COURT:

Q Do you know that to be the fact? A That is the definition of paranoia, delusional insanity.

BY MR. MANHEIM:

Q That is the very definition of it, delusional insanity?

A Yes.

Q And when a person is suffering from that, will that, in the slightest conversation, be discovered? A Not always in the slightest conversation, but if you follow it up you can generally determine what that one delusion may be.

Q And did you have an extended conversation with this boy? A Yes, sir, about an hour.

Q An hour? A Yes.

Q And did he have the slightest delusion upon any subject? A No.

BY THE COURT:

Q Paranoiacs are able to express themselves intelligently are they not? A Yes, sir.

Q And capable of writing coherent sentences? A Yes, sir.

Q Excepting that the particular affliction which disturbs the mind sometimes manifests itself in the course of the conversation? A Yes, sir.

Q And the tendency of a paranoiac is to do what--what particular form of crime does a paranoiac commit? A What particular form of crime?

Q Or wrong? A It may be--it depends upon the form in which the delusion takes.

BY MR. KRESEL:

Q Crimes of violence, all of them, are they not?

A Very apt to be.

BY THE COURT:

Q Are they as a rule absolutely all crimes of violence and all acts of violence? A Yes, sir, pretty apt to be.

BY MR. MANHEIM:

Q This delusion--the paranoiac does not consider a delusion, does he? A No, sir.

Q He considers that an evident fact? A Yes, sir.

Q And does not want to hide that? A It is true to him.

Q It is true to him and he is very frank in expressing it to everybody on every possible occasion? A Yes, sir-- just excuse me a moment--you take some paranoiacs who suffer from the exalted form of delusion--

Q Louder. A The paranoiac who suffers from the exalted form of delusion may not be violent or homicidal.

Q But that delusion is true and real to him? A Yes, sir.

Q And he has no idea of pressing it at all, has he?

A No, it is real to him.

Q Just as real as anything else he would do or say?

A So much so that it is a well recognized fact that they oftentimes can persuade some of their family that they are right, or some of their friends that they are right in their

delusions.

Q And try to persuade their family and people with whom they come in contact they are right on that subject?

A Yes, sir.

Q They may have a delusion that they are being persecuted or a delusion that they are the son of a king, is not that so? A Yes, sir.

Q Or that Helen Gould is in love with them, but that they are keeping him away from her, and things of that kind?

A I don't know anything about Helen Gould.

THE COURT: There is no use in using the name of any particular person.

MR. MANHEIM: It is in this book--there is no reflection intended--I might as well say some exalted person.

THE COURT: She is a very exalted woman.

MR. MANHEIM: I agree with your Honor.

BY MR. MANHEIM:

Q You agree with this that Prof. Deffendorf says, "All delusions both persecutory and expansive are held with great persistency and build out into a coherent system which is an essential characteristic of the disease"? A Yes, sir.

Q Is not that an essential characteristic of the disease? A Yes, sir.

CROSS-EXAMINATION BY MR. KRESEL:

Q Do you say that it is an invariable symptom of

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paranoia that the subject has systematized delusions? A That is one of the classifications of paranoia.

Q I do not ask you that--is it one of the invariable symptoms of paranoia that the subject has systematized delusions? A Yes, sir, I think it is.

Q In other words you will say and say now to the jury that no person is suffering from paranoia unless you find that he has what you term systematized delusions? A Yes, sir.

Q Is that right? A Yes, sir.

Q Do you say that same thing is true of a case of incipient paranoia, where the disease has not progressed to the point where it can be really called paranoia? A Paranoia-- may I explain a moment--

Q If you will answer that question? A I cannot answer it yes or no without an explanation.

Q All right, I will have your explanation? A Paranoia oftentimes is insidious in its manifestations. It will suddenly break out--where one has not been--where they have not carefully investigated the thing, it may be that all of a sudden a person breaks out with this delusion, but as a rule if they have been carefully studied, there has been some self-centred idea in that person's mind previous to the condition which is determined and positively identifies them as a paranoiac.

Q You speak of a time when a subject becomes positively

identified as a paranoiac? A Yes.

Q That is the time you speak of as the subject having the systematized delusions? A Yes.

Q Take a case where a person is in the throes of incipient paranoia, where the disease has not progressed to the point where the person has the systematized delusions, there is such a condition of mind? A Yes.

Q In your wide experience and study, you have known of cases where the subjects begin to show symptoms of paranoia, but where the subject has not yet become a confirmed paranoiac--by the way, paranoia as a rule is an incurable disease? A Yes, sir.

Q It is so known to the profession? A Yes, sir.

Q Experience has shown that? A Yes.

Q Were you here this morning when Doctors Walsh and Green testified? A No, I was here part of the time while Dr Walsh was testifying.

Q Did you hear Dr Walsh testify that in his opinion, his examination convinced him that this young man is suffering from a form of incipient paranoia? A I did not hear it.

Q What is an expansive delusion? A That is where they imagine that they are extraordinary individuals, one imagines himself a king.

Q The Court asked you whether it is not true that paranoiacs as a rule are extremely intelligent--are they not?

A Yes.

Q And they talk intelligently? A Yes.

Q And from a mere conversation as a rule you cannot determine whether the person is or is not a paranoiac until you come to the point where the delusion shows itself? A By questioning them carefully that delusion usually will show itself.

Q You had no idea that this subject, the defendant, when you examined him, had any delusions? A No, sir.

Q Were your questions directed toward evolving from his mind any apparent delusions that he might have? A I understood he had committed a crime and I tried to follow out the story of the crime, anything which possibly would bear upon his committing of that crime--anything which might have induced him.

Q What crime do you speak of that you understood he had committed? A I understood that he had committed a felonious assault.

Q Shot a person? A Yes.

Q Do we understand that you engaged him in your examination, in conversation regarding the commission of that crime?

A Yes, sir.

Q Did he talk to you intelligently upon that subject?

A Yes.

Q Did he tell you all about the crime? A I don't know as he told me all about it or not.

Q Did he tell you how it had happened? A Yes.

Q Did he tell you how he came to shoot? A He told me that he was cleaning this revolver or took it out to wipe it off and that in hesitating what he would do with it, thinking he would sell it at that time, the crime or the weapon was discharged. He claimed that he knew nothing about how it was discharged and that his mind was a perfect blank until he subsequently came to himself in Jefferson Market Court.

Q In all your experience and study in your profession have you ever heard of persons suffering from mental disease, which mental disease is evident at first by the commission of a violent act accompanied by a blank mind? A Yes, sir, but here was another element--I had nothing to do with that--

Q I simply ask your expert opinion? A I was simply examining him then to determine whether at that time in my mind he was sane or insane.

Q You mean at the time he did the shooting? A At the time I examined him.

Q Then you were not trying to determine when you were examining him as to what his mental condition had been before that? A Yes, sir.

Q You were? A Yes, sir.

Q What was his mental condition at the time of the shooting? A He was taking a lot of drugs. And what was in those drugs I do not know.

Q True-- A Whether they were a factor in it or not, I do not know.

Q What would you say that his mental condition was at the time of the shooting? A I should say it was a blank.

Q Would you say that he was sane or insane at that time? A He may have been sane and under the influence of drugs.

Q And he may have been insane? A May have been insane, yes.

Q That is as much as you can tell about it? A Yes, certainly, that is all anybody can tell.

Q But now you are able to tell from a single conversation with this man that he is perfectly sane? A I say in my opinion he is sane.

Q Perfectly sane? A Yes.

Q And in your opinion--the direct question was not asked you--but I will--in your opinion it is perfectly safe for the community to allow this man at large? A I have nothing to do with his moral condition.

Q I do not speak about his morals--we are not concerned with them at all? A No.

Q But the direct question now--

BY THE COURT:

Q You would not consider him dangerous to the public safety? A So far as his mental condition is concerned, no, sir, in my opinion.

BY MR. KRESEL:

Q You say it would not be dangerous to the community to allow him at large? A Not from his mental condition.

Q That is all you testify to? A Yes.

MR. MANHEIM: Morally he does not know how good or bad he is.

BY MR. MANHEIM:

Q You mean that you do not know whether the boy is good or bad morally, but you know he is sound, in your opinion he is sound mentally? A My opinion is he is sound mentally.

Q And there is no menace or danger to the community from his mentality? A As far as his mentality is concerned, no, sir.

BY THE COURT:

Q In the course of your study with reference to the condition of the mind of a paranoiac, have you ever come across a case where a paranoiac having committed violence, afterwards failed to recall the fact of having committed violence?

A No, sir, I do not recall any.

Q Is it not a fact that a blank mind preceding the act of violence, is no symptom of a paranoiac? A I do not think it is.

Q As a rule a paranoiac remembers the occurrence?

A Yes.

Q That is, he recalls the fact that he committed some

violence? A Yes, sir, and that he is justified.

Q And considers it justified? A Yes, sir.

Q That is, he knew the nature and quality of the act but does not regard the act as wrong? A Yes, sir.

BY MR. MANHEIM:

Q So, Doctor, if the defendant did that act and said at the time his mind was a blank, that is not a symptom of paranoia at all? A Not in that itself, no, sir.

Q And he may have been taking drugs at the time which brought about that condition? A Yes, sir.

Q Is that a probable explanation of it?

Objected to.

Q Never mind--my learned friend, Mr Kresel, said something about incipient paranoia--in this incipient paranoia, is that what attracts attention to the fact that there is incipient paranoia, that the patient has these delusions and expresses them? A Well, the expression of a delusion is a matter of development of the disease.

Q If this boy had incipient paranoia, two and a half or three years ago, during all this time they would have been observed, would they not, in your opinion? A You cannot tell how long it takes for those things to develop.

Q You cannot tell how long it takes to develop them?

A No.

Q But if he had that, they would have been pronounced,

wouldn't they? A If he had his delusion then, I should think he had it now.

BY MR. KRESEL:

Q You do not say, in other words, that a subject cannot be suffering from incipient paranoia because he has not yet expressed his delusion, that is not what you want to be understood as saying? A No, sir.

Q In other words, a subject may be in a condition of mind where he can be said to be suffering from incipient paranoia and yet not have expressed these delusions; that is true, is it not? A I do not see what you are going to base your inference on that one has incipient paranoia unless he has some symptom.

Q Do you regard then as the only symptom of paranoia, the delusion? A No, sir.

Q So that there may be other symptoms showing that a subject is suffering from incipient paranoia besides the delusion? A Yes, sir. When the disease manifests itself and one has paranoia, then he has his delusions.

Q In other words, when he is a confirmed paranoia he has his delusions? A Yes, sir.

Q But when he is in the incipient state, he may not yet show the delusions, that is right? A We may all be in the incipient state then.

BY MR. MANHEIM:

Q But do not show it?

BY MR. KRESEL:

Q Very well. That is true, is it not? A Yes.

BY MR. MANHEIM:

Q The imagination may be powerful of course, but does this boy show any symptom of any incipient paranoia or confirmed paranoia or any kind of paranoia? A Not in my opinion.

S I M O N R O B E R T S C H U L T Z, called as a witness in behalf of the defence, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. MANHEIM:

Q Are you a physician, a practicing physician in this city? A I am.

Q And have been how long? A The last ten years.

Q Are you the family doctor of Sokolinsky? A I am.

Q And have been how long? A For the last six or seven years.

Q Do you know this boy? A I do.

Q How long have you known him? A About six or seven years.

Q During that time has he come under your observation?

A He himself has never been sick, but I have known him and known the family intimately all these years.

Q The young man has not been sick, you mean not under

your observation? A No, sir, he has not been sick under my observation.

Q If he had this private disease, you did not know it?

A I did not know that.

Q He would probably be ashamed to tell you about it?

A I suppose that is what it was.

Q Have you ever noticed during all these years any symptom of paranoia or mental disease on the part of this boy?

A I have not.

Q Did you examine him specially? A I have of late.

Q When? A I examined him twice in the Tombs within this month.

Q And during your practice of ten years in this city, have people suffering from mental disorders come under your observation? A They have.

Q Have you read the books on the subject? A I have.

Q You are acquainted with the different mental disorders and their symptoms? A I am.

Q Has this boy during all the time you knew him or during this extended examination that you say you gave him twice in the Tombs, shown any symptoms of paranoia or any other mental disease? A He has not, no, sir.

Q His father and mother, you know the family? A I know them well, and every one of them.

Q All they all right mentally? A Sound, every one

of them mentally.

Q Have you heard from them the history of the family?

A I have inquired very minutely into the history of the grandparents of this boy, and even the great grandparents, cousins and sisters and brothers, and there is not a single case of insanity, epilepsy, or any mental disturbance in the family as far as they can tell.

Q And there are six more children? A Yes, sir--they had nine in all--two twins--both died--and the other seven lived.

Q Are they all correct mentally? A All correct mentally.

CROSS-EXAMINATION:

Q You are not an expert in mental diseases? A No, I am not.

AUGUSTUS A. GREENBERG, M. D., called as a witness in behalf of the defence, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. MANHEIM:

Q How long have you been practicing medicine? A Five years.

Q In this city? A Yes.

Q During that period have you had people suffering from mental diseases come under your observation? A Yes, sir.

Q Have you made a study of mental diseases? A Yes, sir, I have particularly--that has been my study the last four years.

Q You have made a study of that for the last few years?

A Yes.

Q Have you read the books on the subject? A Yes.

Q Do you know what paranoia is? A Yes.

Q Tell the jury what it is? A Paranoia is a mental derangement characterized by fixed systematized delusions, progressive in nature.

Q Do you mean they become more and more fixed? A More and more fixed.

Q And does ^{subject,} the/the patient, express those delusions upon all possible occasions? A That is the characteristic symptom.

Q And is that what first usually attracts attention to the fact that the subject is a paranoiac? A Generally in connection with other symptoms.

Q What are the other symptoms? A The other symptoms are, irritability, obstinancy, acts of violence, expansive delusions.

Q They are very irritable? A Yes.

Q The slightest thing will throw them off? A Yes.

Q Do they stick to one employment very long? A You mean whether they are coherent?

MR. KRESEL: No, the question was whether they stick to one employment.

BY MR. MANHEIM:

Q Do they stick to any one employment very long? A In respect to that are restless?

Q Yes--go from one employment to another and get tired of the employment? A They are restless and always on the move. They must do something.

MR. KRESEL: In other words, a man always wants to do something.

THE WITNESS: They will talk or smoke or drink--it is characterized by motor restlessness.

MR. KRESEL: Talking or walking.

A Walking or talking or smoking.

BY MR. MANHEIM:

Q A man like that does not stick to any one employment any number of months? A In that respect, he is restless.

Q He wants to be going elsewhere and doing something else--now, have you examined this boy? A I have.

Q Have you found any symptom of paranoia or mental disease in him? A I have not. I examined him three times--spent nearly three or four hours with him, and went into the question very carefully, and I could not detect anything that would lead me to a conclusion of that kind.

Q Is it your opinion that he is or has not any mental

disease? A He has not. My opinion he has not any mental disease.

Q The fact that for over two years past he has led an apparently normal existence, doing no wrong, would that indicate that he is not a paranoia? A Well, that would tend to show that even if he had any mental defect, that would tend to show he was being cured.

CROSS-EXAMINATION:

Q You say that these symptoms are progressive in nature?

A Yes.

Q That is the delusions are first very indistinct and with time they grow until they become fixed? A Yes.

Q That is your idea of it? A Yes.

Q And the preliminary symptoms, if we may so term them, are several, and you have enumerated them, is that correct?

A Yes.

Q Among others your enumerated crimes of violence?

A Yes, sir, one of the symptoms.

Q And surely if a person commits crimes of violence without any apparent reason or motive, that is a particular symptom that there is something wrong mentally? A Not taken in itself.

Q Then you would say that the preliminary symptom of a paranoiac state must be plural--one symptom is not sufficient?

A You never make a diagnosis based upon one symptom. You take them all in connection. You take them all together.

Q If a person should shoot three times in succession at intervals say of two days, without any reason whatever, you would not regard that as sufficient symptom? A That is a single symptom. He cannot be diagnosed by one symptom.

Q If that went on for two months, every day during the two months, you would still call it a single symptom? A Yes.

Q That is, you say to this jury that you would not regard a person of unsound mind or as of a condition of mind that suggests that there is something wrong, if for a period of two months every day without any reason whatever he should commit crimes of violence?

Objected to.

(Question repeated.)

A If such were the fact, I should regard it as indicative of some mental derangement, if such were the fact.

Q And if in addition to that you find that the subject commits the crime of violence without any reason whatever, then claims that for a period of a day or longer his mind was blank and he knew nothing of what had happened, and then follows it up with several weeks thereafter or perhaps several months thereafter, with again committing a crime in the shape of larceny, would that in any way indicate that there was something wrong? A It would indicate but not be conclusive evidence.

Q That would show of course the person may be in a state of paranoia which is not confirmed paranoia. The other definition that you gave of paranoia is that it is progressive disease--fixed systematized delusions, which delusions are progressive in nature? A So far as I know the boy has not shown any indication at all of any delusion.

Q Not so far as you know--that is all.

REDIRECT-EXAMINATION:

Q When a person has paranoia or incipient paranoia and commits an act of violence, he does so as the outcome of a delusion? A Certainly. You cannot diagnose any disease without some evidence.

Q And the man who does that gives a reason for doing it, he has a delusion, and he gives an excuse for it? A That is the characteristic symptom.

Q That he justifies it? A Yes, sir. It is a dominant idea of his. It compels him to do it, and he explains the reason why.

Q He says it? A Yes, sir.

Q He is not unconscious at all? A No.

Q He knows all about it? A Yes.

BY MR. KRESEL:

Q There is such a state as incipient paranoia? A You diagnose paranoia by symptom.

Q I say there is such a state as incipient paranoia?

A Yes, every disease has an incipient state.

Q I will repeat the question, there is such a state as incipient paranoia? A Yes.

Q Please give the Court and jury a definition of incipient paranoia? A Paranoia in the beginning stages, that is the incipient stage.

Q How would you tell that from confirmed paranoia?

A By the fixity, and the fact that the delusions are systematized. By the fixity of the delusions and by the fact that these delusions are systematized, that is the subject is able to reason upon them apparently logically.

Q Would you say a person may have incipient paranoia without having expressed any delusion? A He has not paranoia if he has no delusions.

Q Then you would differ with Dr West? A I don't think I could, because he could not express any opinion contrary.

Q What? A Dr West did not express any such opinion.

Q Did you hear his testimony? A I did.

Q Did you hear him testify that in his opinion a person may be suffering from incipient paranoia without having an expressed delusion? A There is no such thing--there has to be some indication.

Q I asked you if you heard him testify to that?

A Yes.

Q You differ with him in that? A No, I do not differ in the sense that you are trying to.

Q Not in the sense--I do not care what sense--you differ with him in that--there is no such thing? A I do not--if you permit me to explain, I assure you I am not differing with him.

Q Explain it then? A In paranoia, what Dr West meant by incipient paranoia is the earliest--

Q You cannot tell what he meant--what is it? A Incipient paranoia--what I mean by incipient paranoia is recognition of the early symptoms indicating the onset of this disease.

Q And the early symptoms are as a rule not the delusions, but others, such as you have enumerated? A I did not say that. I said delusions is one essential point in paranoia.

Q But you say there are preliminary or earlier or different symptoms? A These delusions are not fixed--that is what I mean.

Q What? A They are delusions but not fixed.

Q You mean that the commission of acts of violence are delusions? A Acts of violence are not delusions.

Q Do you mean obstinancies are delusions? A They may be based upon them.

Q Answer me yes or no? A They are not.

Q Those are two of the preliminary symptoms that you

mentioned? A I did not mention them as preliminary symptoms.

Q Cut out the word "preliminary"? A Some symptoms.

BY MR. MANHEIM:

Q Is this obstinancy and these other symptoms a result of those delusions? A They are.

Q And is it the delusion that causes all those acts, and other symptoms? A Yes, sir. The patient is obsessed by his delusions. He is compelled to do certain things by his delusions.

Q And it causes him to be restless and irritable?

A Yes, sir.

BY THE TWELFTH JUROR:

Q I would like to ask the Doctor, if, apart from the mental indication, there are any physical defects, variations from the normal that would indicate a tendency toward paranoia?

THE WITNESS: In this boy.

MR. KRESEL: Generally.

A There are.

MR. KRESEL: Enumerate them.

A General defect of development as shown by lack of development in the capacity of the skull, in the shape or symmetry of the face, or development of the members of the body, or physiological symptoms, such as drulling of the saliva and peech--defect of speech or of intellect.

BY MR. KRESEL:

Q Did you examine this boy physically? A Yes, three times.

Q Was there anything about his physical makeup to indicate any mental disease? A Absolutely nothing.

Q Was he normally shaped? A Perfectly normal.

Q Would you say this subject is of a neurotic condition?

A I should not.

Q You should not? A No.

Q Did you find upon your examination that there is a slight scoliosis and that he has a curiously formed thorax?

A He has--I am sorry to say almost every other person has it.

Q That is very interesting, but I ask you whether you found that in this particular subject? A There was a slight scoliosis.

Q Did you find his ears were large? A Not abnormally, I don't think so.

Q Did you find his eyeballs prominent? A Not unusual in my judgment--they are not unusual.

Q Has he what is known as dermatographia? A He has slightly.

Q What is that? A That is, it simply indicates a lack of tone in the vascular system.

Q That is Greek to me? A Any boy that has been inactive, his muscles will relax and the skin will relax and

Simply has not a free circulation of his body.

Q Did you examine his knees? A You mean the reflexes?

Q Test them? A Yes.

Q Was there any exaggeration there, in either of his knees? A There is not, no, sir.

Q None? A No, sir.

Q Is there a curvature of the spine? A I said there was a little scoliosis--you said yourself there was a slight scoliosis.

Q Would those conditions that you found indicate to your learned mind that the subject is a bit neurotic? A No, these are not any signs.

Q No indication whatever? A No, I should not regard them as such.

Q Did you hear Dr Walsh's testimony this morning?

A Yes.

Q You have known of Dr Walsh, have you not? A Yes.

Q Have you read his books that he wrote? A He did not write any book on insanity.

Q Did you hear him mention the book that he wrote?

A That was not nervous diseases.

Q Did you read the book he wrote? A He wrote several articles, but no text book on the subject.

Q You have heard of his connection with the Fordham

University? A Yes.

Q Did you hear him testify this morning that from these physical conditions that he expressed, this man was of a neurotic condition--you not agree with him in that? A No, I do not.

BY MR. MANHEIM:

Q This long Latin or Greek term--what is it? A Dermographia.

Q About the spine? A Scoliosis.

Q Is that a slight curvature of the spine? A Slight lateral curvature of the spine.

Q Are there many persons who have that? A Almost all school children have it.

Q Might that be produced by carrying a load on one side, little children going to school and carrying their school books? A Yes.

Q And bending over, and when the bones are in a plastic condition and constantly bending over that way, it would cause that? A Yes, sir.

Q And do very, very many people have that? A In my judgment I think almost all school children have it.

Q Keeping the boy confined in the Tombs for four or five weeks is not apt to cause him to look extraordinarily healthy?

A Certainly not.

BY MR. KRESEL:

Q I am going to put a question to you in which I shall embody certain assumed facts and ask you whether you agree with these facts or not, and I desire for the purpose of this question that you assume them to be true, and then I shall put a question to you and would like to have you answer it. Assume that the subject showed a prominence of the eyeballs and a slight enlargement of the thyroid gland; assume that the heart action is not rapid but is somewhat irregular with a murmurish sound; assume that this subject has a slight scoliosis and he has a curiously formed thorax; assume that his ears are large and not well placed; assume that he has what is known as dermatographia, and that both his knee jerks are stronger than they should be, and that his left is distinctly exaggerated; I ask you whether in your opinion a subject showing those symptoms is of a neurotic condition? A You want me to assume these facts to be true?

A Yes. A I should not.

Q You should not say so? A No, sir.

BY THE COURT:

Q What would the combination of facts tend to show, assuming the facts are true? A Certainly show lack of physical development.

Q Are you a duly licensed expert--medical examiner in lunacy? A I have not taken any particular interest in that. I have been connected with an institution on the East Side.

where we have lots of such cases.

Q Have you ever been recorded as an examiner in lunacy?

A No.

BY MR. KRESEL:

Q Have you ever testified as an expert in lunacy?

A Not in lunacy--in various medical cases.

Q Have you ever testified as an expert in mental diseases? A No, sir.

Q This is your first experience? A Yes.

Q In what place did you say these cases came under your observation, on the East Side? A Yes, sir. We have them in the Beechonian Dispensary, almost a hundred patients a day.

Q Where is that? A On the East Side.

Q You observed all these things? A All neurotic cases are referred to my department.

Q You examined them? A Yes.

Q That comes under your observation? A Yes.

Q You never made it a business to be a witness in these cases? A No.

Q This is the first time you are in court? A Yes.

BY MR. KRESEL:

Q When you speak of neurotic cases, you do not mean cases of mental diseases? A No.

Q How often did you come across a person on the East Side suffering with mental disease, that comes into your dis-

pensary? A Well, we generally have about five or six most every month.

Q Five or six a month? A It varies--including all subdivisions.

BY THE COURT:

Q What do you do in such cases? A Generally refer them to an institution.

Q Have you ever personally had occasion to examine any paranoiac? A Yes, sir, we have.

BY MR. KRESEL:

Q Have you--not we? A Yes, sir, I mean in my department, because there is another one there.

BY THE COURT:

Q How many such cases? A I couldn't recollect exactly how many--four or five years now, I couldn't recollect.

Q What other subjects have you examined with reference to mental disorders of the mind? A We have adolescent and puerperal insanity--those cases are very frequent.

Q Adlocescent insanity? A Yes.

Q Cataleptics? A Yes.

Q What is the difference between one suffering from adolescent insanity and paranoia? A Paranoia is characterized by fixed delusional symptoms, and adolescent insanity is characterized by a different series of symptoms entirely.

Q What are the symptoms? A There is an absent of

fixed delusions, and then there is what we call a tendency to repeat words and an unusual flight of ideas--incoherence.

BY THE COURT:

Q What are the cases of adolescent insanity? A Simply the period during which the subject is subject to physiological changes--characteristic of ^{the} change from boyhood to manhood--subject to an unusual strain--the sexual organs take on unusual development--the mind takes on a different attitude, and the strain is generally sufficient to derange it.

MAX SOKOLINSKY, called as a witness in behalf of the defendant, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION BY MR. MANHEIM:

Q You are the father of this boy? A Yes.

Q How old is he? A Twenty years old now.

Q When will he be 21? A Six months later.

Q When is his birthday? A His birthday is six months before--was his birthday.

Q Do you know--you don't know his birthday--do you know the English months? A I know the Jewish months.

Q Tell us his birthday according to the Jewish months?

A He was born on Yom Kippur.

Q That is the Day of Atonement, that comes in the early part of October? A I think so.

Q Have you ever had insanity in your family? A No, sir.

Q Where were you born? A Russia.

Q And your father and mother were there? A Yes, my father was born in Russia and my mother also.

Q What did your father do for a living up to the time he died? A He was a hard workman. He was hard working for his living.

Q Working man? A He was a working man, and a hard working man and a strong man.

Q Anything the matter with his mind at all? A No, never.

Q Did you ever hear of anything the matter with the mind of your father or grandfather or any of their ancestors?

A No; my grandfather was 105 years old when he died; he was very strong.

Q How about your grandmother, how old was she? A She 80 when she died.

Q How about your father and mother? A My father was a strong man. When he died he was 55 years old.

Q He died much earlier of course--was there anything the trouble with his mind? A No. I was here at the time that he died. I was in America.

Q This boy of yours, do you know what delusions are?

THE COURT: You will have to bring yourself within

the rule. Ask him, from his observation of his boy if he ever observed any act which impressed him as the act of a rational or irrational person. That is all a lay witness can testify to.

BY MR. MANHEIM:

Q Did you ever see any act on the part of your boy that showed that he was not mentally sound? A Never. He went to school and was good in school.

Q Went to school to what age? A To fourteen, and when I let the other children go to school the Principal said to the other children, Try to be so good like your brother was.

Q He went to school until he was fourteen? A Yes.

Q And then went to work? A Yes.

Q How many children have you? A I have seven.

Q The other six are younger than he? A Yes.

Q Are they all right so far as their minds are concerned?

A They are all right.

Q You never saw anything on the part of this boy that showed he was not right in his mind? A No, never, he was always a strong boy and a good boy.

Q Have you lately learned him or taught him the trade of a blocker of hats?

THE COURT: You need not go into that.

No cross-examination.

MR. MANHEIM: The District Attorney will concede

what the boy said about his working for Horowitz and about his learning the hat blocking--I have not Mr Horowitz here.

MR. KRESEL: I will concede all that.

THE COURT: And the District Attorney will concede that the persons whose names you now mention if called to testify, would testify to the fact that the acts of the defendant did not impress them as irrational. Is not that all you can prove by them.

MR. MANHEIM: Yes.

THE PEOPLE REST.

THE DEFENCE RESTS.

THE COURT: You will have to offer in evidence the verdict of the jury and the indictment in that larceny case and the case tried.

MR. KRESEL: I offer in evidence the indictment against Louis Sokolinsky bearing the number 56,858, charging him with assault in the first degree and the second degree, together with the verdict of the jury before which he was tried for that crime, which is recorded on the face of the indictment.

Received and marked People's Exhibit 1.

The Judge charged the jury.

The jury rendered the following verdict: "We find

in our opinion it is not dangerous to the public peace
and safety to permit Louis Sokolinsky to remain at large
and with society."
