An Experiment in the Psychology of Evidence

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AN EXPERIMENT IN THE PSYCHOLOGY OF EVIDENCE.*

Chalkley: Doctor Tigert does not need any formal introduction to our students. We all know that his reputation as a metaphysician and as a psychologist is most distinguished. He is a graduate of one of our strongest classical institutions; he has been a national figure on the football field; he won the Rhodes scholarship at Oxford and spent three years there in the study of law and philosophy among our great allies; he returned to America with badges of distinction from that greatest of universities; there he imbibed those principles of law and culture which have made our people very great; he has been president of one of our Kentucky colleges; he has added to the fame of this institution by standing out as its resident sophist for many years. How many years all this has taken cannot be established by any satisfactory evidence. He looks young; but he has succeeded with great skill in befogging every appearance. One who does not know his patriotism would imagine that he has also taken something from the Teutonic Kultur. Yet we love him up here, I have invited him to address you today because, as a pastmaster in the art of making

*This took place in Judge Chalkley's class in evidence. We think it illustrates some principles which will prove of interest and value to the average practitioner. Judge Chalkley performed a similar experiment here several years ago. A few others have been tried, among which was one by Dean Wigmore at Northwestern. An elaborate record of it is given in Wigmore's Principles of Judicial Proof. Those who have studied the various experiments pronounce the one here recorded to be the most subtly planned and successfully performed of any yet published.
obscurity clear, and of making what seems plain very obscure, he
is eminently fitted to instruct you in the psychology of evidence.

Tigert: I am embarrassed by this over-kind introduction. May
I ask you to lower your expectations? I am further embarrassed
in making the attempt to speak to you on a subject as to which I
am sure that Judge Chalkley is much better qualified to instruct you
than I could be.

However, we have no greater evidence of the force and effi-
ciency of the application of the doctrines of psychology than the
present war. William of Germany and his astute aids are the most
expert psychologists in the world, as they are the most superb mas-
ters of military skill and tactics. They command the highest re-
spect and admiration of all worthy people. When we consider the
nobility of their high aims——

Hardin (rises abruptly and noisily, slamming a book on the desk
with vehemence—he sits in front center): I protest against these
remarks. It is a shame. We should not listen to them. This is
treason; I appeal to you men.

Chapman (not a member of the class—sitting on extreme left—
rises precipitately): You have interrupted too soon. We must not
insult a professor. Let’s wait and see what else he is going to say.
The Germans are not all bad. I have known some that——

Tigert: I thank you, Mr. Chapman. If all men were as fair
as you, this war would soon end in the triumph——

Sullivan (sitting on extreme right—rises noisily and abruptly,
kicks his chair over backwards—waives his arms and speaks exci-
tedly—he holds an empty ink bottle in his right hand): I for one
will not listen to another word. Chapman is as bad as Tigert. Ev-
ery German sympathizer ought to be quartered and boiled alive,
and I am going to do away with one of them—(throws)—right now.

Park (sitting immediately behind Chapman—as Sullivan
throws, Park clandestinely throws an identical ink bottle against
the chair boarding at Chapman’s feet, so as to roll towards the door
and be in view of all).

Chapman (has remained standing, looking at Sullivan—as Sul-
vivan throws, and the bottle rolls to the front, presses a white and
red handkerchief to his face, and rushes to the door, exclaiming)
My God! My God!
Miss Paritz (sitting in center—as Chapman shows the red handkerchief; she bounds up out of her chair and screams, then falls back in her chair with her face buried in her handkerchief).

Lafferty (as Chapman rushes out of the door, enters with a cane, beats with his cane and stamps with his foot): What is going on here?

Tigert: Judge, I have been accused of being unpatriotic, but I think I have been treated unfairly. I am going to insist on justice being done in this case. If I have been unpatriotic, I should be glad to accept the consequences. If I have been treated unfairly, I insist that I shall be vindicated. I want you to send for Doctor Boyd, the Acting President and Chairman of the Discipline Committee. Let the proper authority act in this matter and mete punishment where it is due. I should like to have some of my own students here as they can testify in regard to my loyalty. Will you be good enough to have the members of this class retained here until these parties can be summoned. I think you owe it to me to have a fair and impartial investigation of this matter.

Lafferty: We will investigate it at once.

Chalkley: I will ask Mr. Park to hold the students here in this room until we can get the President and Captain Royden. Mr. Park, please see that they do not talk among themselves.

Park (addresses the students, giving caution not to speak to each other, nor to leave).

Tigert, Lafferty, Chalkley—exeunt. At this time Wood arose excitedly, saying that no one ought to express an opinion carelessly for all would likely be called to Frankfort to testify later.

Judge Chalkley returns after a short time with Dr. Boyd, who proceeds to call in witnesses of the affair for the purpose of investigation. The testimony was taken in shorthand.

First witness called was Mr. Cambron.

Boyd: I am very sorry to hear of the disturbance in class. Mr. Cambron, I would like to ask you a few questions as to what happened a while ago. I wish you would state everything you saw. First, let me ask you to state fully and carefully everything you heard Doctor Tigert say.
Cambron: Well, I heard Doctor Tigert say that the Emperor William of Germany was the greatest psychologist of the present day, and then he continued talking—I don't remember exactly what he said.

Boyd: Do you remember anything else?

C.: That is all I remember.

B.: What happened? Who acted and what did he do?

C.: After he finished that statement about the greatest psychologist of the present day, Mr. Hardin objected to the statement and then——

B.: What did he say?

C.: He said, "Gentlemen, I object to these statements."

B.: What happened next?

C.: Mr. Chapman, on the other side, got up and said that—I don't know exactly what he stated, but I think he thought it was all right to give a man a chance to speak, to let him finish what he started to say, and then Mr. Sullivan, at the back end of the room, got up and he agreed with Mr. Hardin. I think he threw something at Mr. Chapman.

B.: Now tell us, as carefully as you can, everything Mr. Sullivan said.

C.: I don't remember distinctly what he said—the words that he used.

B.: What did he do?

C.: He threw something at Mr. Chapman. I saw him throw his arm out—I didn't see anything in his hand. I didn't see anyone get hit. I saw some one make out like he was hit.

B.: What happened then?

C.: I don't know.

B.: Did you hear anybody scream?

C.: Mr. Chapman kind of screamed and ran out of the room, and then Judge Lafferty came into the room.

B.: Didn't you hear any screams?

C.: Mr. Chapman screamed, I think.

B.: Did the men seem angry?

C.: Yes, sir.

B.: Did the whole class seem angry?
C.: Well, the rest of the class seemed excited, more so than angry.
B.: I understand Mr. Park had charge of the class. Did you see him do anything?
C.: No, sir.
B.: How were Mr. Hardin and Mr. Sullivan dressed—do you remember?
C.: Well, Mr. Hardin had on a uniform, and Mr. Sullivan had on a uniform, too, I think.
B.: Would you recognize them?
C.: Yes, sir.
B.: Do you think that they were insulting to each other?
C.: Well, I guess it would be an insult.
(Mr. Cambrón excused.)

Mr. Dabney was called in next.

Boyd: Mr. Dabney, I want you called in to hear just what happened in the class some time ago, and I want to ask you a few questions. I wish you would state, as fully as you can, what Doctor Tigert said. Give his words if you can.

Dabney: I don't think I can give his words—he said that the German Emperor and his aids were the greatest psychologists in the world, especially in a military way.
B.: Did he finish his lecture?
D.: No, sir.
B.: Why didn't he?
D.: He was interrupted by Mr. Hardin getting up.
B.: Mr. Hardin?
D.: Yes, sir.
B.: What did he do and say?
D.: I can't give the words, but in substance he accused Doctor Tigert of treason for what he said concerning the German Emperor.
B.: What happened next?
D.: Mr. Hardin was interrupted by Mr. Chapman saying that Mr. Hardin had spoken too quickly. He said that what Mr. Hardin said was not so.
B.: What happened then?
D.: Mr. Sullivan got up and said some harsh word about Mr. Chapman. He corroborated what Mr. Hardin said, and threw an ink bottle at Mr. Chapman.

B.: I want to know exactly what Mr. Sullivan said.

D.: He said in substance that he was backing Mr. Hardin against Mr. Chapman.

B.: Then what happened?

D.: Mr. Sullivan threw an ink bottle at Mr. Chapman and Mr. Chapman threw his handkerchief up to his head.

B.: Was he hit?

D.: I don't know whether he was hit or not. I saw Mr. Chapman with a red spot on his handkerchief rushing out of the room.

B.: What else happened?

D.: Well, there was a good deal of talking and excitement at the time. Doctor Tigert said that he had been accused of treason, and if he was guilty he wanted to bear the consequences, and if he wasn't, he wanted those who had accused him to bear the consequences, and called to Judge Chalkley to get Doctor Boyd, Chairman of the Discipline Committee, to decide the question. Judge Chalkley said he ought to have Captain Royden, too.

B.: Did the class seem angry?

D.: Yes, sir.

B.: How—were they angry at Mr. Chapman or Doctor Tigert?

D.: The expressions weren't so plain that I could distinguish really whom they were angry at.

B.: Did Mr. Park take any part in the controversy?

D.: No, sir. I didn't hear anything Mr. Park said.

B.: How were the men dressed—Mr. Hardin, Mr. Sullivan and Mr. Chapman?

D.: Mr. Hardin and Mr. Sullivan were dressed in uniform; Mr. Chapman had on civilian clothes.

B.: Do you think he insulted Doctor Tigert?

D.: I should consider it an insult.

(Mr. Dabney excused.)

Mr. Walker was then called.

Boyd: Mr. Walker, I called you to hear what happened in the class just passed, where the disturbance took place, and want
to ask you a few questions, to see who is at fault. I wish you
would tell us, as carefully as you can, what Doctor Tigert said.

Walker: Well, Doctor Tigert was speaking on the psycho-
logical part of the war. He said that the government forces had
been developed along that line. While he didn't quite finish his
sentence, and I think he started to modify what he had begun to
say, I didn't see why any disturbance should have come of what
he said. He didn't finish. He was talking about the nobility of
the aims of the Germans.

B.: What happened then?

W.: Well, that is about as far as he got. He was interrupted
by Mr. Hardin, who said that as Americans we should not allow
anything of that kind. Mr. Chapman jumped up and said that he
thought Doctor Tigert was right in what he said. From what I
could see, Mr. Sullivan seemed to doubt what Mr. Chapman said,
and made a motion of throwing something at Mr. Chapman's
head.

B.: Tell me, as carefully as you can, just what Mr. Sullivan
said.

W.: I never paid any attention to what Mr. Sullivan said.

B.: What did he do?

W.: Well, he threw something at Mr. Chapman.

B.: Was Mr. Chapman hit?

W.: He seemed to be.

B.: What did he do?

W.: He threw his hand up, I believe to the left side, and ran
out of the room.

B.: Did you see any blood?

W.: I saw something red that looked like blood.

B.: What did he say?

W.: He didn't say anything else.

B.: What happened after that?

W.: Well, Doctor Tigert offered to apologize to the class and
to do as much as he could to quiet down the disturbance, and said
that if he had done anything wrong, he was willing to take the
consequences.

B.: Did you hear any screams?

W.: No, sir.
B.: Did the boys seem angry?
W.: Yes, sir, they did.
B.: At whom?
W.: Well, I can't say. At first I thought at Hardin, and then at Doctor Tigert, and Mr. Sullivan seemed like he was angry at Mr. Chapman.
B.: Did Mr. Park do anything?
W.: No, sir; Mr. Park remained in his seat.
B.: Were the boys dressed so that you would recognize them?
W.: Mr. Sullivan and Mr. Hardin were in uniform. I said I could recognize them, but I can't recognize Mr. Sullivan. (Knows Sullivan well.)
B.: Was he in uniform?
W.: Mr. Hardin was in uniform; I am not sure about Mr. Sullivan.
B.: Did you think that they were insulting to Doctor Tigert?
W.: Well, that is kind of a hard question to answer. As to my opinion, I think so. They did not give Doctor Tigert a chance.
B.: Do you think he is a traitor?
W.: I think not.

(Mr. Walker excused.)

Mr. Green called next.

Boyd: Mr. Green, I want to ask you to come in and tell us exactly what happened. You were in the classroom when the disturbance took place. I wish you would tell us just what Doctor Tigert said.

Green: I don't know whether I can tell you the exact words he said or not. The best that I can tell you, he said that this present war had brought out the forces of psychology more than any other fact. He went ahead and said that the Emperor William and his advisors (I believe that's the word he used) were worthy of the admiration of all. They weren't his exact words, but something to that effect. That is about as far as he got. Mr. Hardin jumped up and he appealed to the rest of this audience, that we were Americans and should not stand for this.

B.: What happened then?
G.: Mr. Chapman arose then and said that we should give Doctor Tigert a fair deal, and let him go ahead and modify his statement, or let him go ahead and finish up what he intended to bring out. Mr. Sullivan then jumped up and said that Mr. Chapman was as bad as Doctor Tigert—that we should do away with all these fellows that were not Americans, and said he was willing to begin now, and he threw something at Mr. Chapman.

B.: Is that all you remembered that Mr. Sullivan said?

G.: I think that is about all I can recall.

B.: What did he do?

G.: He threw at Mr. Chapman.

B.: Was he hit?

G.: Well, I think it hit Mr. Chapman along here (puts hand to head) some place, but I couldn’t say definitely.

B.: What did he do?

G.: He grabbed his head and went out of the room.

B.: What did he say?

G.: I didn’t hear him say anything.

B.: Any insulting remarks?

G.: No, sir, it was rather confusing.

B.: You never heard any screams?

G.: No, sir.

B.: You say you didn’t see any blood?

G.: No, sir.

B.: What happened then?

G.: Dean Lafferty came in; Judge Chalkley said we must have order. Judge Lafferty told Mr. Park to take charge of the class.

B.: Did the class seem angry in any way?

G.: They seemed to be frustrated or something of the kind.

B.: At whom were they angry—Mr. Chapman or Doctor Tigert.

G.: I think it was divided. As well as I can remember, some were for Mr. Chapman and some for Doctor Tigert.

B.: Would you recognize these men? How were they dressed?

G.: Yes, sir; he had on a uniform.

B.: Did Mr. Park have anything to say or do?
G.: I didn't hear him say anything, except to ask us not to talk very much.
B.: Do you think that Doctor Tigert was insulted?
G.: Well, I think he was.
B.: Do you think he ought to have been insulted?
G.: Yes, sir.

(Green excused.)

The next witness called was Mr. Ward.

Boyd: Mr. Ward, I have called you over to find out just what happened in the class room. Will you tell me?

(Here Doctor Tigert asked for some one of his class to testify for him. One of the members of the class arose and Dr. Boyd questioned him as to Doctor Tigert's attitude toward the war. Witness stated that he had never heard him say anything treasonable. Doctor Boyd asked if these people were members of Doctor Tigert's class. He said that they were and that he had called them out of the library to testify for him.)

Boyd: Mr. Ward, I wish you would tell me from the beginning, just what Doctor Tigert said, and just what occurred.

Ward: Well, in fact, I wasn't paying much attention to Doctor Tigert's remarks.

Boyd: Did you agree with what he said?

Ward: Well, from what I gathered, he said that the Germans were the greatest psychologists, and that they were to be admired, and I believe that is about all that I remember.

Boyd: What happened then?

Ward: Well, Mr. Hardin got up and said that he was surprised at these remarks. He said that he ought to modify them. I can't give just his exact words.

Boyd: What happened then?

Ward: Then Mr. Chapman got up and said that he believed Dr. Tigert was wrong in making these remarks. I didn't hear just his exact words. He said more than that.

Boyd: What happened then?

Ward: Why, then Mr. Sullivan got up and said—I believe he said—that Mr. Chapman was just as much a German as Dr. Tigert—or something to that effect.
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Boyden: What did he do?
Ward: That is about all that I saw.
Boyden: Did he do anything?
Ward: I didn’t see him.
Boyden: Did you see anybody hit?
Ward: I saw Chapman throw his hand up to his head.
Boyden: Did you see the ink bottle thrown?
Ward: No, sir.
Boyden: What happened then?
Ward: Mr. Chapman went out of the room, and Judge Lafferty came in.
Boyden: Did Chapman say anything as he left the room?
Ward: Not as I remember.
Boyden: Did you hear any other talk or any screams?
Ward: I believe I heard some one scream.
Boyden: Tell us what happened after Judge Lafferty came in.
Ward: Well, he said that he would send over for you and told Mr. Park to take charge of the class.
Boyden: Did the men seem angry?
Ward: Yes, sir; they seemed a little excited and angry.
Boyden: At whom?
Ward: Do you mean Chapman and Doctor Tigert or the members of the class?
Boyden: The members of the class. Were they angry?
Ward: I didn’t think the members of the class seemed to be very angry.
Boyden: Do you recognize these men—you are sure that they are the men?
Ward: Yes, sir.
Boyden: Do you think that these men insulted Dr. Tigert?
Ward: Well, I thought they acted too hastily. I thought Dr. Tigert ought to have been given a chance to end his remarks.
Boyden: What did you think about his remarks?
Ward: Well, as I said before, I wasn’t paying any attention to his remarks.

(Ward excused.)

Mr. McKenzie was then called.
Boyd: Mr. McKenzie, I have been asked to come in and try to find out just who was at fault in this unfortunate episode in the class. I wish you would tell us first, just exactly what Dr. Tigert said.

MeK.: Well, I wasn't paying much attention to just what Dr. Tigert said. I was sitting there in a kind of a stupor and I hadn't gotten the general trend of his conversation.

Boyd: What did he say?
MeK.: Well, it seems that he said something about the German people being first in military affairs, and it seemed like he thought they were to be admired.

Boyd: What happened?
MeK.: Well, along about then, Mr. Hardin arose and said—I don't know what he said.

Boyd: You don't remember a thing he said:
MeK.: I do not.
Boyd: Where were you?
MeK.: I was sitting in the room.
Boyd: What happened after that?
MeK.: Then Mr. Chapman arose and said something about—he thought that Dr. Tigert didn't say anything to cause this disturbance.

Boyd: Did he get abusive in any way?
MeK.: No, sir.
Boyd: You don't remember his exact words?
MeK.: No, sir.
Boyd: What happened after that?
MeK.: Then Mr. Sullivan arose. He seemed to think that Mr. Chapman shouldn't be in this affair, and he seemed to throw an ink bottle at him.

Boyd: What did Mr. Sullivan say?
MeK.: I don't know what he said.
Boyd: You don't remember his words?
MeK.: No, sir.
Boyd: Did you see him throw something at Mr. Chapman?
MeK.: Yes, sir.
Boyd: Was Mr. Chapman hit?
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McK.: It looked to me like he was hit—I won't say positively.

Boyd: Did you see any blood?

McK.: No, sir.

Boyd: What happened then?

McK.: Well, it seemed like the whole room was in an uproar.

Boyd: Did you hear anybody make any remarks or scream?

McK.: Mr. Chapman screamed, and I don't remember who made the next remarks.

Boyd: What did Mr. Chapman say?

McK.: I don't think he said anything. I just heard him scream.

Boyd: What did he do?

McK.: Well, he left the room and Dr. Tigert said—I don't know what he said—and then Judge Chalkley arose.

Boyd: What happened then after Mr. Chapman left?

McK.: Well, I don't know exactly what happened. I was kind of excited at the time.

Boyd: You say Judge Chalkley arose—what did he say?

McK.: I don't know what he said. He said something about this uproar in the room.

Boyd: Did anybody else make any remarks?

McK.: I believe I heard Dr. Tigert make a remark that if he was at fault he wanted to suffer for it, and if he wasn't he wanted these others to suffer.

Boyd: Did the men seem angry?

McK.: Mr. Sullivan and Mr. Hardin seemed to be a little angry.

Boyd: You mentioned Mr. Park—did he take any part in the affair?

McK.: Not that I know of, until Judge Chalkley asked him to take the chair and preside over the class.

Boyd: You would recognize these men—how were they dressed?

McK.: In uniform.

Boyd: You would know them then?

McK.: Yes, sir.

Boyd: Do you think that they were insulting to Dr. Tigert?
McK.: I don’t know whether they were or not.
Boyd: Do you think he said anything out of the way?
McK.: Dr. Tigert?
Boyd: Yes.
McK.: I don’t know as he said anything out of the way. As I told you, I don’t know exactly what he was saying.

(McKenzie excused.)

Next witness called—Mr. Puryear.

Boyd: Mr. Puryear, we are trying to get at the facts in this unfortunate disturbance of the last hour, and I want to ask you to tell me exactly what Dr. Tigert said.

Puryear: Why, he was speaking of the great psychology of the German Emperor, and his generals. He sort of said that the people couldn’t help but admire them for this great psychology. I don’t know exactly how he expressed it. Mr. Hardin jumped up.

Boyd: What did he do?

Puryear: He said something about being unpatriotic, and un-American, and before he got through Mr. Chapman jumped up and told Mr. Hardin to sit down.

Boyd: What did Mr. Chapman say?

Puryear: I don’t know; I didn’t pay any attention to what he said.

Boyd: You didn’t hear anything he said?

Puryear: He said that Mr. Tigert was right, that he should have let him finish his speech, or something like that. I heard a commotion over there, but I didn’t look around or pay much attention.

Boyd: Who spoke after that?

Puryear: Mr. Sullivan, I believe, but I didn’t see him.

Boyd: What did Mr. Sullivan say?

Puryear: I don’t know.

Boyd: Not even in a general way?

Puryear: No, sir; I wasn’t paying much attention.

Boyd: Well, what did Mr. Sullivan do?

Puryear: I don’t know—I didn’t look back.

Boyd: What happened then?

Puryear: I don’t know.
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Boyd: You didn't go to sleep after that?
Puryear: I think I did. I never looked around.
Boyd: Did you see Mr. Sullivan throw anything?
Puryear: No, sir.
Boyd: Was Mr. Chapman hit?
Puryear: I don't know. I was sitting on the front seat and they were behind me.
Boyd: Did you see any blood?
Puryear: No, sir.
Boyd: Did you see Mr. Chapman leave the room?
Puryear: I heard the door slam—I didn't see him leave the room.
Boyd: Did you hear any other remarks in the room?
Puryear: No, sir.
Boyd: Did you hear anybody scream?
Puryear: I heard Miss Paritz scream.
Boyd: Then what happened after Chapman left the room?
Puryear: Everything was in a general mix-up there—everyone talking.
Boyd: Did you hear what Judge Chalkley said?
Puryear: Judge Chalkley and Judge Lafferty, at the door, said something about it being a serious offense. They were going to get Captain Royden and President McVey to come over.
Boyd: Did the men seem to be angry—the ones that you heard and saw?
Puryear: Well, I would say so.
Boyd: Would you recognize these men? How were they dressed?
Puryear: Mr. Hardin was dressed in a uniform. I can't speak for how the others were dressed.
Boyd: Do you think what you heard was an insult to Dr. Tigert?
Puryear: No, sir; I don't think it was if he meant exactly what he said.
Boyd: Do you think he said anything that deserved pretty strong language?
Puryear: Well, I think he should have finished. I didn’t get exactly what he was talking about.

(Puryear excused.)

Mr. Moore called.

Boyd: Mr. Moore, I have been asked to find out just what happened in the room a while ago. You were there, weren’t you?

Moore: Yes, sir.

Boyd: I wish you would tell me exactly what Dr. Tigert said.

Moore: I can’t recall his exact words. He was talking about the Germans, though, and made some statement in praise of them, and about that time he was interrupted.

Boyd: Can’t you tell me exactly what he said?

Moore: No, sir.

Boyd: Did he finish his lecture?

Moore: No, sir.

Boyd: What happened then?

Moore: He was interrupted by Mr. Hardin.

Boyd: Mr. Hardin?

Moore: Yes, sir. He protested against our listening to any such talk by anyone, and then he didn’t seem to get through until Mr. Chapman got up and interrupted him.

Boyd: What did Mr. Hardin say in protesting against Dr. Tigert’s statement?

Moore: He protested against our listening to any such statement. Mr. Chapman got up and told him that he had interrupted Dr. Tigert too soon and that we should hear him out. He said that all Germans were not bad, or something to that effect. Dr. Tigert thanked Mr. Chapman. I don’t know just what he said, but then he was interrupted by Mr. Sullivan—that is another one of the students. I remember his first sentence—I don’t remember anything else, but his first sentence was: “Chapman is just as bad as Tigert.” And then he said a few things, and threw his arm out and made a motion of throwing—I don’t know whether he threw or not—I didn’t see what he threw.

Boyd: Was Chapman hit?

Moore: He grabbed his head and ran out.
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Boyd: Did you see any blood?
Moore: No, sir; I just got a glance at him.
Boyd: What did he say?
Moore: I didn't hear him say anything.
Boyd: Did anybody make any remarks?
Moore: Miss Paritz screamed, about the time that Mr. Chapman was going out of the room.
Boyd: Do you remember anything else Mr. Sullivan said?
Moore: I don't remember just exactly what happened after that first statement.
Boyd: Did the men seem angry?
Moore: Which men?
Boyd: Mr. Hardin and Mr. Sullivan.
Moore: Yes, sir, they seemed very angry.
Boyd: Would you recognize Hardin and Sullivan? How were they dressed?
Moore: In uniform.
Boyd: Both of them?
Moore: Yes, sir.
Boyd: What happened after Chapman left the room?
Moore: Why, Judge Lafferty came in and Dr. Tigert requested that they send for you. He said he had been unjustly accused and Judge Lafferty said they would get Captain Royden, too, and hear the thing out.
Boyd: You know Park?
Moore: Yes, sir.
Boyd: Did Park take any part in the disturbance?
Moore: Not that I know of; no, sir. Just as soon as Judge Chalkley and Dr. Tigert and Judge Lafferty came out, they left Park in charge.
Boyd: Do you think that these men insulted Dr. Tigert?
Moore: Well, they accused him of treason.
Boyd: Do you think that was justified?
Moore: Well, he was making some pretty broad statements.
Chalkley: May I ask one question? Mr. Moore, what became of Mr. G. T. Ross?
Moore: I think he ran out just as Judge Lafferty came in.
Chalkley: You saw him go out of the door, did you?
Moore: Yes, sir.
Boyd: Do you think that these men's remarks were insulting to Dr. Tigert?
Moore: Well, if he is not a traitor, they would be, yes, sir.
Boyd: Do you think he is a traitor?
Moore: Well, I won't say he is.
(Moore excused.)

Mr. Rice called.
Boyd: Mr. Rice, you were in the room when the disturbance took place. I have been asked to look into it and see who is most at fault. I wish you to tell me first just exactly what Dr. Tigert said in there.
Rice: If I remember, the words that he said were something like this. I don't remember exactly, but he said that the German people had been instrumental in carrying out the ideas, I should think, of psychology, and that their military tactics had shown that they were instrumental in carrying these out. Anyhow to that effect. I really wasn't paying enough attention to know just what he said. He hadn't got started with his speech, and I have not enough mental power to grasp everything just like it happened.

Boyd: Do you remember anything else that Dr. Tigert said?
Rice: No, sir.
Boyd: Well, what happened next?
Rice: Mr. Hardin got up and—
Boyd: Mr. Hardin?
Rice: Yes, sir.
Boyd: What did he say?
Rice: He said that we, as Americans, or something like that, should not put up with remarks like that. He appealed to the rest of the students to bear him out in it, and not accept them.

Boyd: What happened next?
Rice: Well, Mr. Chapman got up and said he thought Dr. Tigert ought to be allowed to go on with his speech, that he hadn't given him a chance to finish. He thought, as I understand it, that
we had just gotten a little of his speech and didn’t understand what he said.

Boyd: Well, what happened after that?

Rice: Well, Mr. ————, I forget his name, just now, I will think of it in a minute—one of the fellows in the back of the room, got up——

Boyd: Who was it?

Rice: I don’t know who it was now, will tell you in a minute. He said that all the Germans ought to be kicked out of the country, or run out of this institution, or something like that, and said he was going to run one of them out now.

Boyd: Was that all he said?

Rice: I think so.

Boyd: Was that all he did?

Rice: I think he made a motion at him—I couldn’t tell whether he hit him or not—I couldn’t tell whether he had anything to hit him with or not.

Boyd: Was he hit?

Rice: I don’t know. He jumped like he was hit and went out immediately.

Boyd: What did he say?

Rice: He didn’t say anything further at all. He left the room.

Boyd: Did you see any blood?

Rice: No, sir.

Boyd: What happened after he left the room?

Rice: Well, there was quite a little bit of confusion in the room after that, and somebody, I believe I myself, said that we should sit down and not get excited over a little hot-headed remark that had been made, or something like that, and then somebody suggested that we bring in Captain Royden and call you.

Boyd: Did anybody else make any remarks?

Rice: Not that I heard of.

Boyd: After Mr. Chapman left, were any other remarks made?

Rice: Judge Chalkley suggested that Mr. Park take the class, and then Dr. Tigert said that if he had made any treasonable remarks that he would make amends.
Boyd: Do you remember anything else that happened after Mr. Chapman left the room?

Rice: No, everybody was required to sit down and not to talk. We were even asked not to converse with each other, though some did.

Boyd: Did Mr. Park take any part in the trouble?

Rice: No, he merely took the class at the command of Judge Chalkley.

Boyd: Who was the man you couldn't remember?

Rice: He rooms with Mr. Moore—I never can recall his name.

Boyd: Is he in the room.

Rice: He is, with Mr. Hardin over there—second or third—second beyond Mr. Hardin.

Boyd: You know that is the man?

Rice: O, yes, that is the man.

Boyd: There is one other question—do you think these remarks were insulting to Dr. Tigert?

Rice: Well, I just intended to get up and leave and say that I didn't want to hear any more remarks.

Boyd: You didn't like them?

Rice: No, sir.

Boyd: You don't think he was treated very badly, then?

Rice: Well, as a professor of the institution, he should have the respect of the students, but I think his remarks, under the circumstances, us being at war with Germany, were wrong, especially when given at the place like this, and at this time.

Chalkley: May I ask one question? Mr. Rice, what became of G. T. Ross?

Rice: Well, I saw him outside of the door just a minute after that happened, and I don't know what has become of him.

Boyd: After Mr. Chapman was hit, did you hear any other remarks made by any members of the class?

Rice: I don't remember any of them—Miss Paritz, the lady of the class, screamed. I don't remember Chapman's remarks even.

(Mr. Rice excused.)
Boyd: Gentlemen and ladies, we have taken all of the evidence we care to, and while it is a little hasty, perhaps, to give my opinion right now, I think it is just as well to tell you what I think of it. I think this whole thing is a great big joke. I think it is one of the finest jokes I ever saw.

Tigert: Now, I would like to ask, how many in the room thought it was a real bona fide quarrel and trial? (Eleven declared that they thought the trial was real.)

How many caught on to the fact that this was a hoax? (One.)

All the people that testified here, then, thought it was a bona fide disturbance. How many were suspicious while they were testifying? (Four.) One suspected it was an experiment because he had seen the boys in the case conferring with Judge Chalkley all week.

A CRITICISM OF JUDGE R. M. WANAMAKER’S CRITICISM OF THE SUPREME COURT OF THE UNITED STATES.

By Kemp P. Battle, LL.D.*

Hon. R. M. Wanamaker, Judge of the Supreme Court of Ohio, has published a sharp criticism of the Supreme Court of the United States. In my judgment it is full of fallacies.

The Judge lays down five propositions as embodying the contention as to the right of the courts to kill a law regularly enacted by the legislature on the ground that it is not authorized by the Constitution. I discuss these in their order:

1. “At the time of the adoption of our Federal Constitution, no court of any leading civilized nation of the world was then exercising such power.”

The answer is plain. In 1787 there was no government like ours. Our Government is a treaty between sovereign nations, then 13, now 48. This treaty is in writing, of course. The functions

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