

Fraudulent Conspiracy Against Railroad Co.

The following most remarkable and daring attempt to defraud a railroad company by a fraudulent suit for damages for personal injury, is recorded by Dr. John Paston, M. D., of Kansas City, Missouri, in the New York Medical Record which is just come to our notice:

"On the 28th day of August, 1902, Oran Hoskins, aged twenty two, while leaning in the car door at Fort Worth, Texas, claimed to have been struck in the back of the head and knocked senseless to the ground by the car door, which was supposed to have been fastened to the ceiling with an iron hook, and jarred loose by switching. Two witnesses testified having seen Hoskins injured, and they at once went to his aid and claimed they found him unconscious and in convulsions. Later physicians appeared on the scene who ordered him taken to a sanatorium, where he remained three weeks, during which time he became violent and had to be restrained to his bed by straps. At the end of the three weeks his mother took him home, and what took place there for the next three months is not known to the world. Suit, however, was soon filed against the railroad company for the large sum of \$75,000. In December, which was four months after the alleged accident, the first trial took place. The lawyers for the plaintiff claimed that Hoskin's injuries were of a serious and fatal nature, that his death was expected at any time, and with this view the attending physicians concurred. Their diagnosis at this time was that he had received a serious cerebral concussion complicated with hemorrhage and extensive laceration of the brain tissue, which rendered him not only insane, but beyond hope of recovery, and his death might be looked for at any moment. A doubt arising in the minds of the jury as to the amount of damages such a person should receive resulted in a hung jury.

On February 26, 1903, or six months after the alleged accident, Dr. Cale, the chief surgeon, and myself were called to Fort Worth, Texas, to examine the patient.

Upon entering the room we found him lying in bed, and I ventured to ask him his name, when his mother informed me that he was unable to speak or understand anything that was said to him, and this had been the case, she said, ever since the injury. I asked him to sit up in bed, but he refused to do this, his mother stating that she always helped him to do this. She then did so and he sat up. He began at once to move his head in all directions, at the same time made grotesque movements with his hands and arms, which was also attended with a wild vacant stare. I again began to question him, but he refused to answer me, his mother, however, remarking that he could not hear very well, and she doubted if he could see well at times. His constant movement of all four extremities led us to conclude, however, that there were no motor paralysis nor could we detect any cranial or other palsies. With the aid of his mother we got him out of bed, and he was able to stand alone and he walked with slight assistance. Upon stripping him we could discover no marks or scars and there was no external evidence of there having been an injury to his head. The muscular system showed no signs of genuine atrophy, and the muscular tonicity was good. As we were unable to receive any assistance from the patient himself, our examination, scientifically speaking, was necessarily incomplete. Hence, we were unable to test the sensory functions, but we learned from the mother that he did not complain or seem to suffer; that his bladder and rectal functions were not seriously impaired, although he was somewhat constipated. There were no bad sores, or other evidence of vasomotor disturbance. The superficial and deep reflexes were slightly exaggerated, but there was no ankle clonus or Babinski reflex present.

We were unable to test the stereognostic sense. In regard to the special senses, there were no ocular palsies that we could detect. The pupils were enlarged, however, and glaring, and responded to light. The hearing was said by the mother to be impaired, but from our observation of the patient we had already formed an opinion that he could not only see and hear what we said, but also understand all that was done concerning him. This, however, was contrary to the general belief and opinion of all who had so far seen or examined him. Examination of the heart, lungs, and other visceral organs revealed no organic disease, although the heart action, as well as the respiration, were both accelerated. The pulse was 100, but the temperature was normal. We learned from the mother that while the patient had to be fed like a child, he enjoyed a good appetite, could

lock his lips with his tongue, and slept without medicine. Mentally, the patient had an apparently dull, apathetic, stupid, vacant, demented stare, but after spending about one hour in our examination, Dr. Cale and myself both came to the conclusion that the patient was malingering. I was then requested to send the result of our examination in the form of a written report to the chief surgeon, and through him to the legal department, which I did. In this I embodied the special features of our examination, besides giving reasons for our diagnosis and which will be referred to later. On March 2, I received a telegram calling me to Fort Worth to appear as a witness in the trial of the case. After the usual preliminaries, the medical witnesses for the plaintiff were called to the stand. Their testimony went to show that Hoskins was seriously and permanently injured, and that he was considered by them as being idiotic, demented and insane.

That at the beginning he had received a blow at the back of his head which produced cerebral concussion, with consequent loss of consciousness, later attended with convulsions, and then he rapidly lost the use of all his mental faculties, including speech, which indicated to them that he also suffered cerebral hemorrhage and laceration of the brain tissue which was sufficient to deprive him for all time of the use of his mental faculties; that he was compelled to be nursed and treated as a baby the rest of his life; that he was wholly oblivious of his surroundings; that he had been deprived of all mental life and he was now living a vegetative life; for all of which they claimed he was entitled to serious damages.

During the testimony of Dr. Webb, the patient was wheeled into court and presented to the jury. His apparently pitiable condition made a profound impression upon them, especially as he made the same grotesque movements with his head, arms and body and had the same vacant glaring stare in his eyes as when we examined him. The effect on the jury was plainly visible, more especially when the lawyer asked the doctor the following questions:

Now, doctor, is this the young man you have been testifying about?

A. Yes sir.

Q. What is his mental condition now?

A. I consider him in a state about like a child that has never been taught or learned anything. It is almost-well, it is idiotic; it is perhaps worse than idiotic, he has practically no mind, that is the size of it.

When this answer was given I saw two jurors break down and cry and I nudged Dr. Cale and said to him, "Doctor, we have lost this case already before we testify." It is needless to add that when I was called to the stand I took exactly the opposite view of Hoskin's case to that of the other physicians.

In my testimony I claimed that Hoskins was a malingering; that he was not as badly hurt as he wanted people to believe; that he was fooling—not only the lawyers and the doctors, but also the court and jury, as well as the citizens, and that my judgement prompted me to believe that he would rapidly recover; all of which subsequently proved to be true. In spite, however, of my best efforts to convince the jury that he was a malingering, they awarded Hoskins a verdict of \$35,000, the largest ever given in the state of Texas. Two weeks later the railroad company asked for a new trial, which was refused. Then followed the most sensational features connected with the case. No sooner had the motion for a new trial been overruled than Col. R. M. Wynne, one of the most prominent lawyers at Fort Worth, Texas, went before the court and made the following statement, viz: "That Mrs. Hoskins had visited him at his office some days before the accident happened, and had asked him what damages could be recovered from a railroad company in case an accident happened to a young man by which he should be rendered unconscious and become like an idiot, or lose entire control of his mind. Supposing that she was stating a hypothetical case, Colonel Wynne said she talked with her about it, and subsequently she asked him to visit her at her home which he did, and there met the son, Oran, who talked with him about such an accident and indicated that such was to be carried out subsequently Mrs. Hoskins called again at his office, and when the door was closed told him she had made up her mind to go through with such an accident to her son, and wanted him to agree to take the case, that he remonstrated with her then and there, and told her that he would not take such a case for all the gold that could be dug out of the ground, and he warned her not to undertake it. That she left saying that her mind was fully

made up to try it, and that she would consult some other lawyer. She departed, and he at once told his law partner, Mr. C. B. Howlin, of the interview, and they agreed to say nothing about it, hardly supposing that it would amount to anything. That a few days later he was surprised to read in the newspaper of just such an accident as had been outlined to him and that he was again spoken to by Mrs. Hoskins about it. That he held his peace; that he did not tell Carlock and Gillespie about the interview Mrs. Hoskins had had with him, after he knew they had the case, because as she had asked him where to find Mr. Carlock when she left his office on the occasion of her last interview with him before the accident, he supposed she went right to him and consulted him about it. When the trials came on he said nothing, and when at last he saw that the case had been won in the court here and would go up to the higher court, he decided it was time for him to speak, and so he told his secret, and absolved his friends from obligation to keep it further.

Mrs. Hoskins also denied emphatically all that Col. Wynne had stated about her consultation with him previous to the alleged accident. Judge Dunklin, however, set aside the verdict at once and ordered a new trial at the same time turned the patient over to the physicians for further investigation, and they removed him to the sanitarium. No sooner had Hoskins reached the sanitarium than the same physicians who testified in his behalf in court began to subject him to certain tests (which have already been published in the Kansas City Medical Index-Lancet) and which consisted in brief of first impressing the patient with the seriousness of his condition and telling him that nothing short of a severe and radical operation to his brain would do him any good and even this would likely prove fatal. In the meantime, every preparation was made for the operation by other physicians in the presence of Hoskins, by the display of instruments, etc., all of which was intended to impress upon Hoskins the seriousness of the undertaking; finally he was placed upon the operating table, when a bogus anesthetic was first administered but substituted later by genuine ether, and which soon resulted in Hoskins confessing his fraud by admitting that he had been shamming insanity for over nine months.

The Maynard Case

In the Union county court which is in session in La Grande the case of H. Maynard vs. the O. R. & N. Co. was brought up today. It is a suit where in Maynard is suing the company for several thousand dollars damages sustained in a railroad wreck near Union. It was first brought into circuit court in which he secured \$1000 was appealed to the supreme court, the decision returned to the circuit court.

Later on in retrial in the circuit court at which time Maynard secured \$2500 this was again appealed to the supreme court and against the defendant's decision was returned for the third trial for trial in the circuit court which is now on witness were being examined for the plaintiff today. The jury in this case is as follows:

W. T. Walsinger, W. D. Smith, Eli Bair, J. A. Fraker, Jacob Clark, Chas. Hill, G. W. Prillmen, C. C. Buckman, E. T. May, J. M. Darr, E. A. Hug, D. B. Alexander

NEW HOPE FOR DYSPEPTICS

Osteopathy reasons that disturbance in the anatomical structures of the spine serves to overthrow the balance of the nerve system in such a way that the stomach and intestines are robbed of their full quota of nervous energy, while, at the same time, there is also a deprivation of blood in those organs. With both the food supply and physiological control of these organs thus abridged the way is open to every sort of defective functioning—which means disease.

Socialists Party Call for City Convention

All comrades are hereby notified that the Socialists of La Grande will hold a convention in the old City Hall, Thursday night, February 16, 1905, for the purpose of naming nominees for the various city offices, to be voted for at the next city election, to be held on Monday, March 13, 1905.

All Socialists are earnestly urged to be present.
By order of City Central Committee,
A. M. PAUL, Pres.,
BIRD F. LEWIS, Sec.,
J. E. POLLOCK,
ERIEBLAND,
J. D. HEIDENREICH.

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Today's news today, when you read the Observer

Real Estate Bargains

O. N. No 1—A good six room house and three lots. Price \$1000. cash.

L. Gr. Co. No 2—A new three room house, two lots, near R. Shops, City water in house, small barn. Price \$650, \$100 cash & balance monthly payments.

O. L. P. No 3—A good, nicely furnished 6 room house, two lots, near school & R. shops. Price \$1000, \$100 cash and balance monthly payments.

J. R. B. No 4—A good six room house, small barn, two lots, good location. Price \$750.00, \$300 cash, balance reasonable terms.

A. D. M. No 5—A fine six room house corner North Fir & "T" Street, fine barn, nice shade trees and lawn. Extra nice house, price \$2500, \$800 cash, balance one, two and three years.

T. F. P. No 6—A good six room house, shade trees and lawn, two lots, good location. Price \$950.00, part down and balance monthly payments.

H. No 7—Small house, and large lot 10x120, set to fruit. Price \$400, one-half cash.

J. K. No 8—Three acres of land, Good 10 room house and barn, built two years ago with family orchard. A fine house, price \$3000, one-half cash and balance to be arranged.

O. J. No 9—Lots No 7 & 8, block No 69 Chaplin's Addition, price \$550, Cash.

A. D. H. No 10—Lots No 10-11 & 12, block No 12, Romig's Addition, Price \$400, Cash.

F. D. P. No 11—Four acres (all set to fruit, new eight room house, small barn and mill and out buildings. A snap. Price \$2500, \$1200 cash. \$1300 in three years.

J. B. No 12—Two lots, block No 98, Chaplin's Addition. \$800 cash.

I. W. G. No 13—224 acre farm near Miller, Oregon. Part in fall sown rain. Price \$36 per acre.

A. H. No 14—180 acres eight miles north of La Grande, 100 acres in cultivation, balance timber, Good building and orchard. Price \$5500.00.

A. B. No 15—80 acres six miles north of Island City, 20 acres in orchard, small buildings. Price \$4000.00. Part cash, balance on easy terms.

H. F. No 16—A fine home, six room house, shade and fruit trees, lawns and four lots in block No 6, Fredmore's Addition. Price \$1400.00, \$400 cash and balance one and two years.

J. C. F. No 17—A six room house, barn and orchard, three lots each 60x110 feet in block No 8, Chaplin's Addition. Price \$1000, half cash, balance to be arranged satisfactory to buyer.

J. O. F. No 18—Four lots, block No 13, Chaplin's Addition, fenced and some small buildings on same. Price \$500, half cash.

F. F. N. No 19—One block of 8 lots near high school. Price \$1200, \$500 cash.

F. T. No 20—Half block of six lots, Romig's Addition, Price \$1000, half cash.

F. T. B. No 21—A block of four lots, each 60x140, on Fourth Street in Old Town, Price \$600, \$250 cash.

F. No 22—A good one story brick building at a bargain, 60 feet wide. If you are interested in this, ask for price and terms.

J. K. R. No 23—A good seven room house, city water, best of bath and plumbing, barn and out buildings, four large lots, partly set to fruit and bearing, fine location. Price \$3600, \$350 cash and balance monthly payments.

R. E. No 24—4 acres about one-half in good bearing fruit trees, good house, barn and out buildings, nice slightly location in La Grande. Price \$2000, part cash.

Mrs. S. No 25—A 5 room cottage, furnished complete, one lot in good location, all in good condition with city water in house and water rent paid for about 12 months. Price complete \$1100. This is a snap. Rents for \$16.00 per month.

M. C. No 26—A 4 room house and orner lot in good location. Price \$500, half cash.

The above is a partial list of property which we have for sale. If this does not suit you, call at the office and perhaps we will have just what you want. We want to write your fire and plate glass insurance.

We will make you a loan on your real estate or build you a house from your own plans. Call at our office in the Foley block if you want anything in our line.

LA GRANDE INVESTMENT CO.

Peculiar Disappearance
J. D. Munyan of Butteville, O laid the peculiar disappearance of his painful systems of indigestion and biliousness, to Dr King's New Life Pills. He says: "They are a perfect remedy for dizziness, sour stomach, headache, constipation, etc." Guaranteed at Newlin drug store, price 25c.

Try the Observer for first class Job Work.

CLASSIFIED ADVERTISEMENTS

IF YOU HAVE ANYTHING TO SELL LET THE PEOPLE HEAR ABOUT IT THROUGH THIS DEPARTMENT AND YOU WILL FIND A BUYER. IF YOU WANT TO BUY EXPLAIN YOUR WANTS THROUGH THESE COLUMNS.

For Sale

FOR SALE OR TRADE—5 good work horses, 1 2 1/4 inch wagon, 1 4 inch logging truck, 1 4 1/2 inch logging truck. JOHN ANTHONY.

FOR SALE—Pure Bred Black Minorca Roosters from Imported Stock Also Eggs for hatching. F. D. Halsten Second Hand Store

Board and Lodging by Mrs Goodall 2114 3rd st. Phone 707

For Rent

FOR RENT—Barn 3 stalls, water, close in. Apply to Baker Bros grocery store

FOR RENT—Housekeeping rooms to rent. Inquire of Mrs Zuber.

FOR RENT—Furnished rooms with or without bath. In best residence district. Inquire at Cor Fourth and Main st., the George Hansen property. Jan 6 ft

FOR RENT—One six room house, good location. One five room cottage furnished complete. A new five room house, all modern improvements. La Grande Investment Co., Foley Hotel Building.

Lost

LOST—By Mrs Fred Stanley, in this city yesterday, a pearl collar pin. The finder will please leave same at the residence of Mr J M Berry and receive reward for same.

WANTED—To buy legitimate business State what you have for sale Address 33 care Observer. F 8 ft

Oregon Produce Co.

Phone 1761 La Grande, Oregon.
Corner Jefferson Avenue and Greenwood Streets.

Largest Packing House

In Eastern Oregon.

Will Pay Highest Cash
Price for Marketable
Apples.

WOOD SAW

G. W. ALLEN, Proprietor.

All Orders receive prompt attention

Phone 1846

Residence 615 Osborn St.

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PER CENT OFF
On all cash purchases of \$1.00 or over, complete stock of meats, poultry, lard, our own cured breakfast bacon and hams a specialty.

Phone 1801

I. HARRIS

We pay the highest market price for hides, pelts, and furs

TEAMS WANTED

J. L. Mars wishes to hire twelve teams to haul rock. Inquire at Oregon Produce Company's new building 1

Shingles, Shingles

Two car loads of first class shingles just received by the Stoddard Lumber Company.

Home Cured

If you want a good home cured ham or bacon or first class lard. Call at the Harris meat market. Opposite Geddes. 2-1-3-1

Malheur County Investment —For Investments In— R COUNTY

Write to C. T. McDANIEL
Ontario.....Oregon

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When you want a physic that is mild and gentle, easy to take and gentle, easy to take and certain to act always use Chamberlain's Stomach and Liver Laxative. For sale by Newlin Drug Company.

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Complete assortment of finest marble and granite always on hand. Estimates cheerfully furnished upon application.

Headstones and Monuments
A Specialty

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Mrs. A. E. Murchison
and
Miss C. M. Gars, Props.

BOARD BY THE DAY OR WEEK
ROOMS WITH OR WITHOUT BOARD

Special rates furnished monthly patrons. This house is absolutely new and is thoroughly clean from kitchen to parlor. Every room is on the ground floor. All white help. The table is supplied with all the season affords.

The Centennial is centrally located Adams avenue, between Greenwood and 7th.

La Grande, Oregon.

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