

## WORST FLOOD IN YEARS IMPENDING

### Snow and Ice Melted by Chinook Wind.

## WILLAMETTE RISING RAPIDLY

### Lower Docks in Portland Will Be Under Water Today.

## STORM BLOCKS RAILROADS

### O. R. & N. Suffers Most Complete Tie-up for 20 Years—Southern Pacific Trains Run Without Regard to Time Schedule.

## PREDICTION BY FORECASTER BEALS

All our stations on the Upper Willamette report rapid rises in the river and its tributaries. It has risen one foot at Portland during the 24 hours ending at 5 o'clock yesterday afternoon and by the end of the week it is expected to reach 20 feet. The gauge stood at 14.6 at 3 o'clock.

Warmer weather with continued rains is expected for Western Oregon for Tuesday. It looks now as if there would be no cold snap following the heavy precipitation of the past few days. This alone would stop the impending flood.

The high stage of the river may result in considerable damage to goods stored in cellars in the business district.

Rising rapidly at every point throughout the Upper Valley, the Willamette River is at the flood stage and threatens to reach the highest point in years. Warm chinook winds, with further rains, are predicted today, which will bring down the snows that have piled up throughout Western Oregon during the past few days. Hopes of a cold snap, that would congeal the snow melting into the Valley streams, have been abandoned. Fears of serious damage throughout the Valley are entertained.

District Forecaster Beals predicts a stage of 25 feet above the low-water mark in the river at Portland by the end of the week. The danger point is regarded as 15 feet, and this will probably be passed today. The lower docks were awash last night and many will be well covered today. The high water is endangering railway bridges and embankments and is covering lowlands, in some cases surrounding dwellings and marooning the inhabitants. The main line of the Southern Pacific is threatened near Milwaukie by the rising waters, and the track will probably be covered today.

## Blockade on O. R. & N.

The O. R. & N. is in the worst plight the operative has ever experienced for the past 20 years. The line is blocked completely for 50 miles. No trains have gotten through since last Saturday, and the prospects were last night that several days will elapse before the line is cleared. Snow, sleet and rain have combined to block the gorge of the Columbia and last night has successfully defied the efforts of snow-fighting machinery and large crews of workmen.

General Manager O'Brien will leave this morning for Bridal Veil by special train, and hopes to open the line to Bonneville and establish a steamer service on the Columbia to ferry passengers around the points where the tracks are covered. No reports were received yesterday from the territory blocked by the storm, for half a mile of telegraph wires went down, and the exact conditions are unknown.

A stalled west-bound overland train started from The Dalles yesterday with 153 passengers, for Bonneville, where the steamer Harvest Queen went to take them on board and bring them to the Columbia to ferry passengers around the points where the tracks are covered. No reports were received yesterday from the territory blocked by the storm, for half a mile of telegraph wires went down, and the exact conditions are unknown.

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With the Columbia booming along at flood stage, filled with floating ice within a biscuit's toss of the car windows on one side, while on the other towered overhanging cliffs which threatened to hurl down avalanches of snow and ice upon the train, and overhead howled a storm of sleet and snow, the passengers spent an uncomfortable day and still more unhappy night. They are doomed to stay in their lonely position until a snowplow can dig the train out.

## Another Rotary Ordered.

As the rotary snowplow buried by a slide near Oronoia Sunday night is still out of commission, another plow was ordered from La Grande yesterday and hastened to the rescue of the stormbound train.

Streams along the O. R. & N. were rising yesterday. The Sandy River at Troutdale rose nine feet yesterday. Operating officials feared last night that a chinook was making itself felt in the higher elevations, where the snow lies thick, and this is evidenced by the persistent flow of streams while the snow falling

along the river lay on the ground without melting. In view of the generally warmer weather predicted today, great damage to the O. R. & N. may result.

From Troutdale east yesterday the trees and wires were covered with a coat of ice, exactly like last week's silver thaw in this city. The encrusted ice brought down many trees, and a work train which reached the city yesterday from Bridal Veil reported it was delayed repeatedly until fallen trees could be removed from the track.

## Chinook Will Add to Flood.

"The outlook tonight is worse than it has been during the present storm," said General Manager O'Brien last night. "It has been sleeting in the Columbia River Canyon, and our wires for half a mile have gone down. Repairs have been sent out and we should have the lines repaired by tomorrow.

"What we most fear now is a chinook that will melt the accumulated snows and send down torrents of water. This would undoubtedly cause great damage to our tracks. We hope to clear away the drifts that block the O. R. & N. at nearly all points by tomorrow, so that boats may be operated around the obstructions and thus get passengers and the mails through.

"The Santiam River is at the danger point and all streams on the Southern Pacific line in the state are rising. We have lost our wires to Salem and cannot tell just how much damage may already have been caused. We have instructed train crews to proceed carefully and take their time in making their runs."

A fill on the Southern Pacific at Lafayette was reported weakened last night. The high water at many points was hourly expected to cover the tracks and render bridges unsafe and thus block traffic.

## High Water on O. W. P.

The Oregon Water Power & Railway Company suffered from the high water in two places on its Oregon City division. A landslide between the Inman & Poulsen mill and the Oaks covered the tracks and blocked the line. Workmen were called out late last night and set to work to clear the dirt away. The Clackamas River reached the danger point last night and the O. W. P. Bridge at Gladstone was unsafe. Passengers were transferred across the structure on foot.

The Portland Railway Company had a force of men out watching the tracks at points where danger threatened. Slides were reported on the Portland Heights line and employees prevented further damage to tracks by digging channels for the surface water to run off without carrying rails and ties with it. The watchfulness of workmen was valuable on the Portland Heights line.

The Vancouver ferry was compelled to stop operations yesterday on account of the running ice in the Columbia.

## Melt Snow for Drinking Water.

The people of Middlesex, a suburb on the Mount Scott carline, have been compelled to melt snow and ice for drinking water. Since the storm of last week the feed wires of the Reservoir Park Water Company, which supplies the suburb with water, have been out of order and the residents have been driven to extremes.

The O. R. & N. traffic department has issued instructions to its agents to receive

## FLOOD SITUATION SUMMARIZED.

The Willamette has reached the flood stage, and every tributary is bringing down freshets. The lower docks at Portland will be flooded today and the river is expected to reach a stage of 20 feet by Saturday.

The prevailing chinook is melting the snow and sleet that fell during the past few days, and warmer weather with rains is expected to continue today.

Both the Columbia and Willamette are already so high that the Cascade and Oregon City locks have been closed.

The O. R. & N. has not had a train through since Saturday and the outlook is worse than at any time for 20 years.

The Southern Pacific will probably be tied up today, as water threatened the tracks in the lowlands near Milwaukie last night. Trains are making no attempt to maintain schedules on account of unsafe tracks.

no perishable freight or livestock for shipment on account of the complete blockade. Eastern mails are held up and may not be received in Portland for some time yet.

## RIVER TRAFFIC DEMORALIZED

### Flood in Willamette, Ice in Columbia Hamper Navigation.

At 6 o'clock last night the Willamette River stood at 14 feet at Portland. It sloped over the lower Ash-street dock and all local business of the O. R. & N. Co. was moved to the upper deck of the wharf. A heavy current was running and it was a difficult matter for ships to move in the harbor. The steamer John Poolson went through the bridges during the afternoon and proceeded to Astoria. The Broderick Castle, which has been cleaning and painting on the drydock, came

(Concluded on Page 7.)

## THAW'S DEFENSE STATED TO JURY

### Hereditary Insanity Excuse for Crime.

## DELUSION PROMPTED HIS ACT

### Believed He Was Instrument of Providence.

## EVELYN THAW TO TESTIFY

### Wife of White's Slayer Among First Witnesses Today—State Offers Evidence of Killing and of Premeditation.

NEW YORK, Feb. 4.—The state laid its case against Harry K. Thaw today—a plain, unemotional story of the shooting on the Madison-Square Garden roof. The defense replied with a plea of hereditary insanity. It was asserted that Thaw in slaying Stanford White believed he was acting as an agent of Providence; that real or fancied wrongs committed against him by the architect and former friend of his wife had caused the impulse to kill. When the deed was done, Thaw made no movement to escape its consequences, but holding the fatal revolver aloft, he stood as if mutely proclaiming to the world: "The deed is done; it was right; it was not a crime."

Thus Thaw's counsel outlined his case to the jury this afternoon after the prosecution had occupied less than two hours of the morning session of the court in relating through eye-witnesses the narrative of the tragedy.

## Defense, Hereditary Insanity.

Tomorrow morning the first witness in Thaw's behalf will be heard. "You will hear the story of this man's insanity," John B. Gleason for the defense promised the jury, "from his mother, from his wife, from his relatives and from his physicians. You will judge him by his acts; by the heredity and stress which entered into his madness, and when you come to judge him, you will say to yourself that his act may have been one of insanity, but it was not one of crime."

That Thaw's wife was to be one of his most important witnesses had long been known; that his mother, Mrs. William Thaw, of Pittsburgh, was to take the stand only became known today, when the court announced the rule excluding from the courtroom all witnesses save Thaw, his mother, his wife and his physician. The wife and mother, Mary McKenzie left the courtroom. Thaw seemed dejected at this. Many times last week during the dull days of jury selection he turned to his wife for comfort and found her ever ready with a quick responsive smile. Now, the serious work of the trial was to begin, he was to be denied her presence.

## Does Not Look at White's Son.

During the opening address by Mr. Gleason, Thaw seldom looked up and then for just a fleeting glance now and then at the man who was making the initial plea for his life and freedom. Thaw did not look up. This was when Lawrence White, the 15-year-old son of Stanford White, occupied the stand as the first witness for the prosecution. Young White, a Harvard student, said he was with his father at dinner the evening of the tragedy, but left him before he went to Madison-Square Garden.

## Story of Thaw's Love.

Thaw's counsel told the story of the prisoner's love for the girl he was to make his wife. He met Evelyn Nesbit in 1901 and there and then began an honorable love and regard for the girl. He told her mother of his love. The girl was in a precarious condition following a serious operation in a sanitarium and Thaw suggested to the mother that she take Evelyn abroad to recuperate. It was arranged that Thaw would accompany the two as the open and avowed tutor of the daughter. In 1902 he asked her to marry him and she refused.

"The reason for this refusal you will hear from her own lips," announced Mr. Gleason. "Suffice it to say, the reason had to do with an incident in her life with reference to Stanford White."

Thus laying the ground for the plea of insanity, Mr. Gleason declared brain dis-

ease had laid hold of Thaw three or four years ago. It was alleged that there have been many cases where a person had been pronounced insane upon one subject only. He cited instances of temporary insanity based upon a single act, but he added:

## Insanity on Both Sides.

We will not base our plea, however, upon a single act. It will be shown that there was insanity on both sides of this defendant's family. Our case is far removed from the usual charges of emotional insanity. You must disabuse your minds of all you have read in the newspapers, especially of the idea that has gone abroad that we are to rely upon some higher or unwritten law. We rely upon the constitution and the laws of the imperial State of New York, and upon them alone. You will understand the man's insanity. It will not require experts to tell you of it. It is within you to judge him and you will say from the evidence that, when he killed Stanford White, he was an insane man.

It was announced that Thaw labored under the delusion that his life was always in danger when he was in New York. This accounted for the fact that since January, 1904, he had carried a pistol. He had placed it in his overcoat pocket the night he went to the Madison-Square Roof Garden. There he turned suddenly and saw what he thought was a demon gloowering at him. The impulse came. He felt that to kill White would be



Representative Nicholas Longworth, son-in-law of the President, on whom Cincinnati Representatives would take revenge for appointment of Negro to office.

an act of Providence, and, so believing, he set deliberately about his task.

Counsel told the story of Thaw's defense in a conversational way, as if he were taking every juror of the 12 into his confidence. They listened intently. Mr. Gleason was twice interrupted by District Attorney Jerome on the ground that he was arguing the case from the evidence instead of plainly stating what the evidence was to be.

## Plain Story of Prosecution.

Assistant District Attorney Garvan opened for the prosecution at the beginning of the session. The rumor that there were to be further changes in the jury box would not down until Mr. Garvan began his address. It was said that Mr. Jerome had brought to bear all the pressure and persuasion at his command to gain consent to the removal of one or two of the men, but Thaw's counsel held out against all pleading for a further revision of the trial panel. It is asserted, will find it impossible again to secure the nomination in his district if the President carries through his original programme.

The Ohio politicians say it will not be an attempt to retaliate, but the local colored men are such in Mr. Longworth's district that the effect of the appointment of a colored man to the Surveyorship will be most felt there.

## DEFENSE OF NEGRO TROOPS

### Discharged Sergeant Testifies in Detail They Did Shooting.

WASHINGTON, Feb. 4.—The investigation by the Senate committee on military affairs of the Brownsville affair began today. A score of the negro soldiers were discharged without honor, who were present, but only a limited number were permitted to sit in the committee-room during the proceedings. Attorneys having no representatives present, it is understood that Senator Foraker will look after the interests of the men if they are placed in jeopardy.

Mr. Foraker called Sergeant Israel Harris to testify regarding the happenings of August 13 and 14. He said:

"On that night we had some disturbance—some shooting, I mean. I was asleep in D barracks, and about 12 o'clock I was aroused by the noise of arms, and D Company got dressed and we started for our guns."

The witness then told of getting the guns in the dark, after the racks had been opened. He described the racks and showed that there is but one key to a rack and that this key will unlock only one rack, and that the keys are in the possession of non-commissioned officers.

"The witness said when the company

## SEEKS DUSKY GIFT TO DEAR FORAKER

### President Cannot Find Right Negro.

## MIGHT REACT ON LONGWORTH

### Colored Official at Cincinnati Means Danger.

## MIGHT LOSE NOMINATION

### Determined to Give Fat Ohio Job to One of Foraker's Beloved Constituents—Roosevelt Only Hesitates About Man and the Office.

## WASHINGTON, D. C., Feb. 4.—(Special.)

President Roosevelt has not found the colored Republican in Ohio whom he is looking for to appoint to a good Federal position nor has he definitely decided just which position to give the negro. The pressure of innumerable letters and telegrams protesting against the appointment of a colored man as Surveyor of Customs has caused the President to look around for another place to put his undiscovered candidate. Decision is also delayed by the inability of the colored Republicans to unite upon a man.

It was stated at the White House this afternoon that the President has not reconsidered his determination to appoint a colored man to a good Federal position in Ohio. The President is not ready at this time, however, to announce that the place selected for the colored man will not be the Surveyorship of Customs nor what it will be. In Ohio Congressional circles the impression prevails that the President, if unable to find a strong colored man for appointment, will pass over the Surveyorship and select a minor job for a colored man at Cleveland or Toledo.

It is agreed by Ohio politicians here that the appointment of a colored man to Cincinnati would be practically equivalent to the retirement from Congress of Representative Longworth, the President's son-in-law. The opposition to the stand taken by the President is so strong in the Foraker faction of the party in Ohio and in opposition to the appointment of a colored man in Cincinnati who has not been chosen and endorsed in the usual way is so keen that Mr. Longworth, it is asserted, will find it impossible again to secure the nomination in his district if the President carries through his original programme.

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"The witness said when the company

formed outside Captain Ivons of D Company was present and immediately called the roll and personally counted his men, and that none were absent.

Calling for the guns furnished to the committee by the War Department, Mr. Foraker had first that they identified by the witness—a new model Springfield rifle, and another as the Krag-Jorgensen rifle. The former was in use by D Company, but the witness was familiar with the Krag.

He testified that a gun cannot be cleaned to pass inspection without a regulation rod, and that only four such rods are provided for each company. He said that one shot would put the gun in condition to require almost as much cleaning as six or more shots, the inference being that it would have been impossible for any member of D Company to be used in shooting up Brownsville and to be cleaned surreptitiously, so as to pass inspection when the racks were unlocked and the guns inspected the next day.

Senator Warren developed the fact that trouble had previously occurred between the negro troops and people in Texas and that Harris, when he heard the shooting, feared that members of his company might be involved. Harris stated that he had talked with soldiers, who had claimed to have been insulted, or pushed off the sidewalks by Brownsville citizens, and he thought trouble might ensue in consequence thereof.

Harris said it would have been impossible for the men to clear their guns between the time of the shooting and roll call.

## Out of Reach of Lynchers.

TUCSON, Ariz., Feb. 4.—Baldwin, the negro who was held at Globe on the charge of murdering a woman and her child, arrived in Tucson last night in charge of Sheriff Thompson and was placed in the County Jail here. The prisoner was taken on a handcar from Globe to Rice, 50 miles, on Friday.

## Powder Burns in Peculiar Way.

EL PASO, Tex., Feb. 4.—One man was killed and another fatally and a third seriously burned was the result of a peculiar powder accident which occurred at Santa Eulalia, Chihuahua, Mexico, the news of which was received here today. A load of 200 pounds of powder was on the wagon. Suddenly there was a flash and no explosion and every ounce of powder was burned. The man who was burned to death was smoking a cigarette from which it is believed the powder became ignited.

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## EVIL OF DIVORCE GROWS RAPIDLY

### Homes of 1,500,000 Children Broken Up.

## ABSURD CAUSES FOR DECREES

### Confusion Due to Great Variation in State Laws.

## MARRIAGE LAWS AS BAD

### Principal Restrictions on Mixture of Races and Marriage of Close Relations—Hurry-up Divorces of South Dakota.

## BY FREDERICK J. HASKIN.

WASHINGTON.—(Special Correspondence.)—On account of the general alarm over the growth of the divorce evil in this country, the National Government is collecting statistics from the various states with a view to throwing light on the subject and encouraging remedial legislation. It is estimated that there have been 593,000 divorces in the United States in the last 20 years, and that 1,500,000 children have seen their homes broken up. The full extent of the evil can hardly be realized until the forthcoming report is completed, because only nine states now publish divorce statistics. These are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Ohio, Indiana and Michigan.

So many absurd excuses for divorce have been found that it is no wonder the comic papers find the subject one that yields much rich material for their purposes. A South Dakota woman was recently given a divorce from her husband because he refused to pay for a pair of corsets she had bought. One wife secured a separation from her husband because he persisted in stoning their neighbors' cats, thus making her unpopular in the community where they lived. Another woman, who married a carpenter, afterwards relented and begged to be released from the union on account of the fear that, if she ever had children, they would inherit a tendency to paint and make a noise. Mrs. James Alexander, of New York, carried off the honors as a most unique divorcee by issuing cards that read:

## Celebrates Her Divorce.

"Mrs. James Alexander requests the honor of your presence at the celebration of her divorce from Mr. James Alexander."

However, it remained for a Baltimore man to do the handsome thing by his dissatisfied wife. When he found she was in love with another man, he helped her secure her release from himself, settled the house and a fine income on her, then crowned his generosity by giving her away at the wedding.

As a rule the states have adopted the philosophical view that it is wiser not to interfere with marriage relations that are not pleasant, and so have been reluctant to enact divorce laws. Those that have been enacted vary so much in what is considered justification, length of legal residence required and terms of settlement that they utter lack of general application is conceded to be a menace rather than a protection to our civilization. They range all the way from South Carolina, with no divorce law at all, to Tennessee's willingness to grant a divorce on any one of 12 reasons after one year's residence in the state. The length of residence required before a divorce can be obtained ranges from six months in South Dakota, Idaho, Nebraska, Nevada and Texas, to five years in Massachusetts. The causes range from very grave crimes down to mere trivialities.

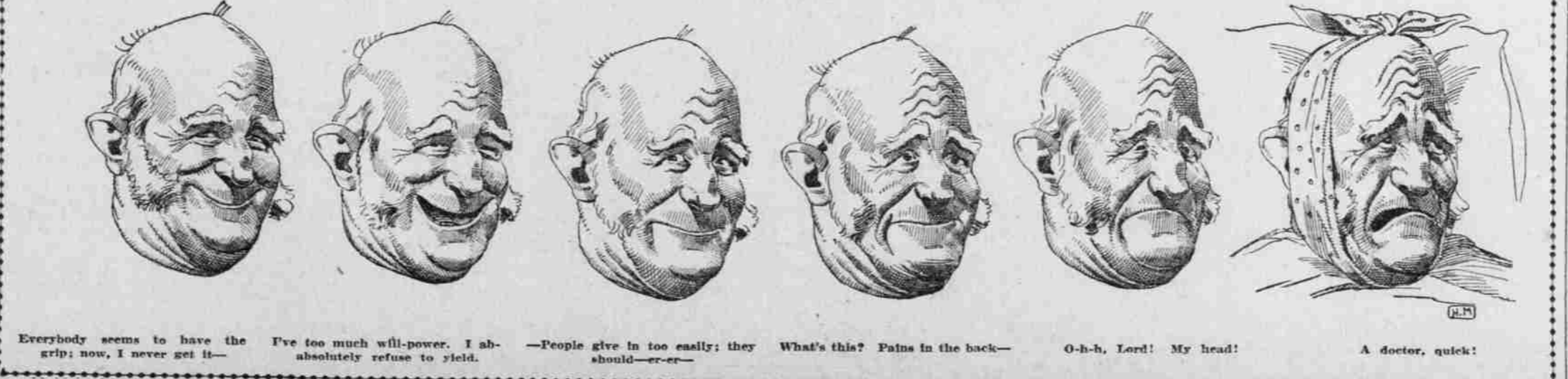
## Variation in Divorce Causes.

New York grants a divorce only for adultery, and in 50 out of 51 states and territories this is recognized as just ground for issuing a decree. In 24 out of 51 states and territories willful neglect to provide, in 43 habitual drunkenness, and in 42 desertion or abandonment is considered sufficient cause for legal separation. In 45 states cruelty is accepted as ground for divorce, but the word is widely interpreted. It runs the whole gamut from physical force to "outrageous temper." In 33 states drunkenness is accepted as ground for absolute divorce. In Georgia, if both husband and wife drink, neither can obtain a decree. In Nevada, divorce for drunkenness is granted only when it is proved that the man cannot support his family, while in Kentucky evidence must also be provided to show that the drunken husband is "wasting his estate."

The present variation of the marriage laws throughout the states is said to be largely responsible for the prevailing muddle in divorce. Only eleven constitutions treat the subject of marriage at all. An old statute of Pennsylvania requires twelve witnesses to a marriage, some states require three witnesses, some two, some one, and some none at all. In New York practically no ceremony is required. A man gave a woman a ring, saying: "This is your wedding ring," and the courts held it to be a valid marriage. In South Carolina a person convicted of bigamy is disqualified from being registered or from voting. In Utah "polygamous or plural marriages are forever prohibited." The constitution of Cal-

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## MR. AVERAGE CITIZEN GETS THE GRIP



Everybody seems to have the grip now, I never get it— I've too much will-power, I absolutely refuse to yield. —People give in too easily; they should—er—er— What's this? Pains in the back— O-h-h, Lord! My head! A doctor, quick!