

CUS417/115.82 1/2

WONALANCET FARM

WONALANCET, N. H.  
CONNECTED BY TELEPHONE  
AND TELEGRAPH  
RAILROAD STATION, MOUNT WHITTIER, N. H.

L. L. Mackall  
Aug. 15, 1922

Dr. Harvey Cushing  
Peter Brent Brigham Hospital  
FENWAY  
BOSTON MASS.

Dear Harvey

Probably you will be glad to have the enclosed photostat of page 16 of the Baltimore Sun of Saturday, April 19, 1913, showing a fake newspaper attack on Dr. Osler ascribed to the Cardinal with refernce to the Phipps Clinic Address.

Dr. Osler himself told me that as soon as the Cardinal saw this present article in the newspaper he at once rushed around to see Dr. Osler at Fatcher's where he was staying. The Chief was not in, but the Cardinal left an urgent messags for him stating that he had never made any such refernce to the Adress which he thought fine; and in fact had not made any comments about it to anyone, and had not even seen any reporter on the subject!! (Such are Baltimore papers! and others too! including Gould (I believe) now just dead).

It was a great pleasure to see on the way north, and I hope to be able to see you (and any of the Biography which you care to show me) on the way south at the end of September, IF that suits you.

With cordial regards

Yours ever

*Leonard Linn*

Harvey Cushing  
1922  
Lester

### ELECT IN FALL, HE SAYS

William L. Rawls Declares Rayner's Place Vacant Now.

### THINKS EXISTING LAWS APPLY

Holds That Governor Is Empowered To Issue Writ, But Jackson Holds On Till Next Legislature.

The vacancy in the Senate caused by the death of Senator Isidor Rayner lasts until his successor is elected, William L. Rawls held in an opinion given last night. This, in the judgment of the majority of lawyers seen, establishes authority to nominate and elect a short-term Senator to fill under the primary and election laws.

Attorney-General Poe and former Attorney-General Straus have held that Senator Jackson's service can be held under existing laws. But the former pointed out that there is no authority in the law for holding a Senatorial election this year and that none can be held unless there is a vacancy, in which case the Governor is authorized to issue writs of election under the direct elections amendment.

Mr. Rawls' opinion that a vacancy now exists meets this situation. He here terminates the vacancy caused by Senator Rayner's death; that the vacancy, as contemplated by the Constitution, lasts until a successor is elected.

**Accepts The Other Opinions.**  
The opinions of Mr. Poe and Mr. Straus as to the Primary and Election laws are not reviewed by Mr. Rawls. He accepts them and points out that the Attorney-General's opinion on those questions must guide election supervisors as the law unless reversed in the courts.

Therefore, if Mr. Rawls' opinion that a vacancy exists is sustained by the majority of the court, the Governor will have taken the position that an election for the short term can be held next fall under writs of election issued by the Governor, and that the nomination and election can be made through existing laws. That would obviate the necessity for an extra session of the Legislature.

Mr. Rawls also holds that Senator Jackson's service will last until the next Legislature convenes.

Governor Goldsborough refused to discuss the situation yesterday or to say whether he would ask the Attorney-General to render him an official opinion on the questions which have arisen.

State Senator Blair Lee, who has no opposition for the Democratic nomination, also refused to talk. It is known, however, that Senator Lee regards the opinions given by Mr. Poe, Mr. Straus and Mr. Rawls as very strong.

**Writ For Special Election.**  
Mr. Rawls said: "I think it is perfectly clear that there is no reason why the Governor should not solve all the difficulties which exist in this situation by issuing his writ for a special election to be held upon the same day as the next general election to fill the vacancy, which already exists in the Senate of Senator Rayner, and who will take his seat when Senator Jackson, the temporary appointee of the Governor, retires under the terms of the old Constitution at the next meeting of the Legislature."

"Of course, if I am right about this, the situation will be met in a most satisfactory way, because, by this method, the expense and trouble of a special session of the Legislature can be avoided. The trouble and expense of a special election held upon some day other than the day of the general election can be avoided, and in addition to all of this Senator Jackson would hold the Senatorship for the full length of time for which he was appointed under the terms of the Constitution as he existed at the time of his appointment. And, further, the issuing of the writ by the Governor would effectuate the purpose of the amendment by permitting the people to elect at a certain definite time, a United States Senator to fill out Senator Rayner's term and would be in every other way consonant with the public good."

"As I have stated above, it will be assumed, as already established, that there is authority in the Governor to fix the date of the day upon which the election is to be held. The primary law and the General Election law, as now existing, would apply to the election so to be held."

**Authority Vested In Governor.**  
"When the provisions of the Seventeenth Amendment are examined it will become manifest that the necessary authority is vested in the Governor of this State to fix a day upon which such election shall be held. The amendment provides: 'When vacancies happen in the representation of any State in the Senate, the Executive authority of such State shall issue writs of election to fill such vacancies, provided that the Legislature of any State may empower the Executive thereof to make temporary appointments, until the people fill the vacancies by election as the Legislature may direct.'"

"Under this provision the power is given to the Governor in express language, in the case of a vacancy, to issue a writ of election to fill such vacancy."

"The only bases for any doubt which has been suggested as to the application of this provision to the existing situation in Maryland is that, as Senator Jackson is now in the United States Senate, there is no vacancy in the representation of this State in the Senate, and, therefore, this provision cannot aid us in our present situation. This, however, is entirely erroneous, as it can be demonstrated from the settled interpretation of similar language in the old Constitution, that until a Senator is elected to succeed Senator Rayner, the vacancy caused by his death continues to exist; in other words, that Senator Jackson does not fill the vacancy caused by Senator Rayner's death, but simply a temporary appointee holding the office of Senator until a Senator is elected to fill out the unexpired term of Senator Rayner."

**What Old Constitution Says.**  
"The language of the old Constitution, under which Senator Jackson is now serving, is: 'And if vacancies happen by resignation or otherwise during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.' In other words, the provisions of the Constitution under which Senator Jackson now holds, and which holding is secured to him by the saving clause of the seventeenth amendment, make perfectly clear that he is not now filling any vacancy in the term of Senator Rayner."

## "Home Wanted For Tags."



### FIELD DEFENDS IT

City Solicitor Makes Statement In Answer To Mr. Owens.

### HE ATTACKS "HOSTILE" PAPERS

Says If Elder Paving Company Is Entitled To City Contracts It Can Go To Court For A Decision.

City Solicitor Field yesterday gave out a statement in reply to that of A. S. J. Owens, counsel for the Elder Paving Company, in which he defends the administration's stand in rejecting the bids of that company on city contracts.

Mr. Field starts out by referring to Owens' statement "to which," he says, "a column was devoted in a morning paper," by a "morning paper" Mr. Field means THE SUN and as an illustration of the accuracy of Mr. Field's statements about the truth, which is that less than one-fourth of a column was given to the Owens statement in THE SUN.

Mr. Field indulges himself in some further statements concerning "hostile" newspapers, in which he intimates that they were responsible for the failure of the Mahool administration to convict Downs. Mr. Field's statement is worth printing as showing the viewpoint of himself and the administration, or the viewpoint they profess to hold.

**The Statement In Full.**  
It was first submitted to the Mayor and given out by him. It follows:

"With regard to the statement of Mr. Owens, counsel for the Elder Paving Company, in which a column was devoted in a morning paper yesterday," the City Solicitor said, "You can prove anything you want to prove by figuring. Mr. Owens can do all the figuring he pleases, and as long as he can get a lot of free advertising, I suppose there is no objection to his doing so. But he can't get any contract for his client by figuring in the newspapers. We are not unmindful of the fact that a hostile newspaper can misrepresent the motions of a column devoted to the Board of Awards, but, speaking for myself, and I think for the other members of the board, the time has passed when the action of the board can be dictated by a newspaper."

**"Ready To Meet Him."**  
"If Mr. Owens' client is entitled to the contract, he can get it by applying to court, and I am ready to meet him if he does that."

"The fact that a contractor is reported as the lowest bidder does not alone prove that the city will save money by awarding the contract to that contractor of the lowest bidder, but if the lowest bidder can temper with a city employee whose duty it is to make up the voucher upon which the contractor is paid for his work, and can get that city employee to pad the voucher sufficiently, then the city will lose money by giving the contract to such a contractor, even though he is reported as the lowest bidder."

"It is possible to know, before the work is done, exactly how many yards of grading or how many tons of binder or just the quantities of the other articles that enter into the contract. Estimates are made of all these quantities and stated in the specifications; the bidders bid so much per ton for binder, so much per square yard for grading, so much per square yard for concrete and asphalt, so much per linear yard for curbing, etc., and then the calculation is made, based upon the estimated quantities stated in the specifications, as to the contractor who appears to be the lowest bidder on those

### FIELD DEFENDS IT

instance, viz., refuse to award the contract to such contractor.

### "Could Be Indicted."

"It may be said that a contractor could be indicted by the grand jury for such an offense, but the effort to secure convictions under the administration of former Mayor Mahool of persons accused of stealing from the city and accepting bribes from contractors affords strong evidence of the fact that it is a difficult matter to convict anybody in our Criminal Court (where the jury is the judge of both law and fact) of stealing from the city when a hostile newspaper, for the purpose of venting its spite against the city administration, or simply for the purpose of sensationalism, which helps to sell more papers, stands ready to put the administration on trial and pose the thief before the public as a martyr."

"With these experiences fresh in our minds what is the Board of Awards to do when it believes that a contractor is tampering with the city employees who are to make up the contractors' vouchers if it cannot mete out to that contractor the only punishment in its power? How can it protect the public funds from being paid out on padded vouchers for material that was never furnished and work that was never done?"

### HIS MEMORY GONE

Man Who May Be Edward Christy Asks Police To Take Care Of Him.

Affected with loss of memory, a well-dressed man about 55 years old walked into Marshal Farman's office at police headquarters last night and asked that he be taken care of until his memory returned. He was brought to headquarters by a man who left the Courthouse as his companion entered Marshal Farman's office.

"Who are you? What is your name?" asked the Marshal.

"I can't remember my name or address. I don't know who I am, my memory is gone," said the visitor.

Detective Captain McGovern asked the stranger several questions, but he failed to answer. He was searched and a spectacle case bearing the name of S. B. Mills, optician, 1221 West Baltimore street, was found in his pocket.

Marshal Farman ordered the Central district ambulance to take the man to Mercy Hospital, where, after an examination, Dr. John Hogan informed the police the man was suffering from a form of amnesia.

At a late hour last night, after undergoing medical treatment, the name of Mrs. Richardson was given to the man. He was unable to tell his address. A piece of paper was found in his pocket bearing the name of Edward Christy, 2822 Mosher street.

### SETTLEMENT OF ESTATE NEEDED

Letters of Administration Granted To Mrs. Richardson's Heirs.

The granting by the Orphans' Court yesterday of letters of administration on the estate of the late Mrs. Margery J. Richardson is a move toward the settlement of the complications caused by the death of Mrs. Richardson a week after her husband, William H. Richardson, and a contest of Mr. Richardson's will by his son, William R. Richardson.

All Mr. Richardson's property was bequeathed by him to his widow and she was named as executrix without bond. Mrs. Richardson left no will. Letters on her estate were granted to her nephew, Thomas C. McGuire, 412 East Thirty-first street, one of her heirs-at-law, whose legacies will be increased if Mr. Richardson's will is sustained. If Mr. Richardson's son is successful in breaking the will he would receive the bulk of the estate, a part only going to the widow's heirs.

Mr. McGuire was bonded as administrator for \$12,000, and this, it is said, is the estimated value of Mrs. Richardson's estate.

### SAYS "GRAFT" RETRACTS

Saloon Attorney Causes Stir At License Hearing.

### BREWERS HAVE A LITTLE LIST

Willing To Have Certain Places Closed, They Tell Board—Gives Good Chance To Lobby.

"Graft," This single word, shot at a uniformed policeman who was on the witness stand before the Liquor License Board, by Charles J. Philbin, agent of the Gottlieb-Baumann-Straus Brewing Company, acting as attorney for a saloonkeeper whose license was under fire, electrified the audience at the board's session yesterday afternoon.

Patrolman Barranger had testified that he regarded the saloon of Howard W. McCoy, the applicant, 1649 Clifton avenue, as a disorderly place. The saloon was on his board, he said, and he had seen so much disorder that on one occasion he had threatened to raid the place.

Philbin, taking the policeman in hand for cross-examination, asked: "Did you not have trouble with McCoy ever money?" "What do you mean?" asked Barranger. "Graft," cried Philbin, glaring at the witness.

**Audience On The Qui Vive.**  
At this, men standing about the room pressed forward and occupants of seats made ear trumpets of their hands.

Barranger, red in the face, demanded: "Do you mean to intimate that I ever asked McCoy for money?"

"Answer the question," insisted Philbin. "No!"

"That's all," said Philbin. But all, John L. Cornell, counsel for the Society for the Suppression of Ice, and J. Blbb Mills, attorney for the Anti-Saloon League, appealed to the board not to allow the matter to be dropped. Commissioner Mullikin, speaking for the board, was equally prompt in ruling that, in justice to the witness, the matter should not be allowed to pass. Philbin held a whispered consultation with McCoy, and then announced that he would withdraw the question, and state that there was no intimation against the character of the policeman.

**Minister Leads The Protest.**  
Samuel E. Pentz, pastor of Clifton Avenue Methodist Episcopal Church, led in the protest against renewal of McCoy's license. He said the neighborhood was crowded with saloons, there being 10 others within a radius of 1 1/2 square of McCoy's, and that McCoy's bore a bad reputation. The case was continued.

Samuel E. Pentz, until recently counsel for the Society for the Suppression of Vice, appeared as attorney for Joseph H. Hooper, 1816 Clifton avenue, against whose application, with others, ministers of the Fifteenth ward have protested. A question put by him in cross-examining Robert Morris, a youth who testified that he had purchased liquor at Hooper's place, though under age, resulted in a laugh in which everybody joined.

"Were you sober?" the attorney asked. "Yes, sir," replied the witness. "You live in Woodberry?"

**Was Sober Nevertheless.**  
"Yes, sir," again replied the witness, adding quickly: "but that makes no difference. I was sober, all right."

When the laugh had subsided, Mr. Pentz asked: "Are you a 'Woodberry rounder'?"

An objection by Attorney Mills forestalled the witness' answer. Mr. Morris gave similar testimony against John Becker, 1909 North Pulaski street, against whom the Fifteenth ward ministers also appeared as protesters. In this case Mr. Philbin acted as attorney for the applicant, and as Morris left the stand intimated that he looked fully 21 years of age.

"Well," said Morris, "I have my working clothes on."

The afternoon session was to hear testimony, not to decide cases, but Louis Morenbloom, 921 McDonough street, was given priority to understand that his saloon would have to go. He protested that practically all of his neighbors had signed a petition for the renewal of his license.

**His Petition Without Weight.**  
"The amount to nothing," said President Baker, of the License Board; "any saloon in Baltimore can get a petition like that."

Joseph Milnowski, 1928 Canton avenue, explained that conduct at his place, which had been criticized, occurred while it was being run by a former owner. He had bought the place only a few months ago, he said.

"What did you do before that?" he was asked. "I worked for Gen. Murray Vandiver," he replied.

It was explained that he had been caretaker of a "shore" for the State Treasurer for several years.

Robert L. Taylor, against whose place at 2612 North York street testimony was presented on Monday, appeared, with Dr. Dolley, to testify that he conducted his saloon in an orderly manner, the number including a couple of policemen. Not all of the witnesses were examined, and the case was held over.

**Profitable To The Lobby.**  
One of the day's developments was that among license holders there has developed a feeling akin to panic, because it has leaked out that brewers presented to the Liquor License Board some time ago a list of saloons for the closing of which they would not object. That alarm due to this fact had helped make some saloonkeepers easy to persuade to use "influence" in their behalf, was the opinion expressed by a man who has been in close touch with the situation.

Rumors of the "shaking down" of saloonkeepers in this fashion were flying thick about the Liquor License Board's corner of the Courthouse. One persistent story was that a man who, on the representation that he had influence with the board, had collected \$200 from an applicant for a license, after the applicant had been granted a license, demanded \$600 as the remainder of the consideration claimed to be due him.

The man who had paid the \$200, the story ran, consulted a friend, who is a city officeholder, and upon being told that he would be a fool to pay the money, declined to do so.

**Lawyer's Name Brought In.**  
In the talk of money alleged to have been collected in this connection, the name of a lawyer, formerly an officeholder, who has been frequently about the board's rooms, has been mentioned, and it has been intimated that he has turned to his profit the circumstances that an applicant who is regarded as his political friend and is alleged to have served him well at elections secured a license recently, although a protest against his application had been

### SHE SAW RUSH OF WATERS

Dayton Girl Writes Of Flood—Tells Of Sixty Persons Sheltered In Her Home.

### BREWERS HAVE A LITTLE LIST

Willing To Have Certain Places Closed, They Tell Board—Gives Good Chance To Lobby.

"I never shed a tear during the whole calamity, although at times I did not expect to get out alive," was written in a letter received by Mr. and Mrs. W. N. McCullough, 2871 West Lavalis street, from their niece, Miss Lucille McCullough, of Greenview, Ohio, in relating her experiences during the recent Dayton flood. Miss McCullough lives in the very heart of the city, about one and a half squares from the levee of the Miami river, which broke in several places, caused by the break of the reservoir at Lewistown.

"I never saw water rise so fast in my life," she goes on to say. Miss McCullough stated that the water was not long in flowing into the houses and that it was more than four feet in her house and about 12 feet in the street. When the water started to go down, the fire broke out about one and a half squares from her home, on the same side of the street. Although the wind was blowing the other way, the excitement was intense, and all the persons in her house had put on their coats, hats and overshoes, ready to leave at a moment's notice.

About 60 persons who were lucky enough to escape from their homes in the flood area were sheltered in her home. Some of them had had nothing to eat for several days. A few of the women in escaping had crept from housetop to housetop, while others had to climb from one shutter to another. One man was seen by Miss McCullough in a treep for a day and a half, not being able to get to a place of safety.

After the flood, Miss McCullough states, she found brick and asphalt streets washed away, every plate-glass window in the business section was demolished and the goods washed out. Dead animals, automobiles and the like were washed into the stores. Ribbons and laces were hanging on the telephone wires and around telephone poles were materials about a foot thick. "Pianos were washed out of homes, while horses were dashed in," she says. "I saw 13 dead horses in just one place, and I saw many others in other places. Men and women went to the grocers' and picked up canned goods out of the mud. We surely got hold of some grand mixes, but I was never in a state of starvation, as I always managed to get a little something to eat."

**Doctrines Based On Shrimps.**  
"What do the things that Dr. Osler preaches stand for, anyhow? Fifty years hence all his teachings may be overthrown by new discoveries. His whole doctrine is based on theory. Fifty years ago the scientists of that day imagined they knew all that was to be known of medicine, yet today their theories are overthrown by later discoveries."

"The statements attributed to Dr. Osler are an attack on Christianity. He exceedingly surprised that he should make such attacks in this age. The Catholic Church is not founded on theory and, whereas the whole world is informed of its doctrines, the conclusions of Dr. Osler are known to comparatively few. The world at present is alarmed by the condition of the head of the Church, and changes in his health are of great importance, other quarters the conclusions of the eminent visitor have aroused dissatisfaction, and it is likely that he will be attacked from several pulpits tomorrow."

**FOUND DEAD WITH GAS ON**  
Edgar F. Russell Driven To Suicide By His Sufferings.

Suffering from neuralgia for a long time, Edgar F. Russell, 25 years old, 312 North Greenleaf street, committed suicide by asphyxiation early yesterday morning at his home.

Russell told his mother when he went to bed that he feared he would not be able to sleep, as the pains in his head were so severe. She urged him to make a special effort to go to sleep, thinking that the neuralgia would disappear by morning.

He had just made arrangements to fill a new position yesterday and his mother, anxious to have him appear at his new employer's on time, went to his room to awaken him. She detected the odor of gas and called Sergeant Murphy and Patrolman Hughes.

The door of Russell's room was broken open, but he had been dead several hours. Coroner Hyde gave a certificate of death by suicide.

**MRS. BAKER GIVES A DANCE.**  
Mrs. Charles J. Baker, of Catonsville, gave a largely attended dance, followed by a light collation, last evening at the Pot and Kettle Club in honor of her son, Mr. William H. Baker.

**Mayor Gets Telegram From Rea Saying "Suitable Development" Is To Blame.**

In a telegram to Mayor Preston, received at the City-Hall yesterday, President Rea, of the Pennsylvania Railroad Company, stated that the "principal cause for the delay" in submitting the company's plans for the proposed freight terminal in the Jones' falls valley "is in the suitable development of the property involved."

Mr. Rea said the development was more difficult than the officials of the company had anticipated. This is in line with announcements made in THE SUN as to the cause of the postponement of scheduled conferences between the officials of the city and the officials of the railroad company. Mr. Rea's telegram was as follows:

"Referring to our recent correspondence in regard to an appointment to discuss our Calvert terminal matters, I would say that we now hope to be able to get our plans in shape soon and arrange for the conference. The principal cause for the delay in the suitable development of final plans, which is more difficult than we had anticipated. We therefore ask you for further indulgence in this matter, with the assurance that we will fix the date at the earliest possible time."

In reply the Mayor sent the following telegram to Mr. Rea:

"Your telegram received. I will be glad to see you in Baltimore as soon as your preliminary arrangements are satisfactorily completed."

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### BABY WALKS AT 12 DAYS

Be Calm, Mothers, This Infant Is A Macacus Rhesus.

### SCIENTISTS STUDY MONKEY

Dolly And Her Son Under Close Scrutiny At Johns Hopkins—Compared With Human Development.

Every day since his birth, 10 months ago, a monkey—Macacus rhesus, to be exact—has been carefully watched by psychologists of Johns Hopkins University, who are comparing the habits and development of the animal with the growth of the human infant.

"Dolly's baby," for it has no other name, was born July 11, and since that time Dr. John B. Watson, professor of experimental and comparative psychology, and Karl S. Lashley, a graduate student of zoology, have spent hours at a time sitting quietly before the little laboratory cage in which the young monkey and its mother are confined, watching every action and recording them in a diary.

But they have been reticent, and, although the students of the university knew that a monkey had been born there, little else was known about "Dr. Watson's monkey," as it has come to be called.

The study of the growth and development of the animal is of great interest to comparative psychologists, for it is rare indeed for a monkey to be born of parents in captivity, and hence little detail has been recorded about the early life of monkeys.

Dr. Watson has several red-faced monkeys in the yard of the biological laboratory and it is the son of one of these, Dolly, that has afforded the study which Dr. Watson and Mr. Lashley have written for the Journal of Animal Behavior, of Boston. The paper is in the April number just issued.

**Could Walk At 12 Days.**  
The most startling finding was that the monkey had a very small period of infancy. It was able to walk when it was 12 days old and after five days was able to crawl about. Comparing these facts proportionately with the growth of the human infant, it was noted that monkeys mature more rapidly than human beings.

The diary of the animal's life for 15 weeks appears in the Journal. A few notes follow:

"Four hours after birth Dolly starts to treat the son from parasites. The mother clasps him tightly for a moment, in both hands, then resumes the search for fleas. The baby grows restless and opens its eyes. Frequently the flea hunting is too rough and the baby cries. The cry has changed to a shrill 'chirik-chirik-chirik.'"

"July 17. The baby is very quiet today, and seldom turns his face away from his mother. He sneezes frequently and always cries afterwards. When he cries Dolly gathers him to her closely."

"July 19. In catching fleas, Dolly frequently pinches the baby with her lips, making him squeal. When he cries, she pauses and draws him close, then licks her lips and looks at the sky."

**Tries To Escape From Mother.**  
"July 22. He is beginning to give Dolly trouble to hold him. As soon as she sits down he struggles to escape, reaching over her arm to the ground with his hands, then kicking out his feet."

"July 27. He bites at everything within reach; probably cutting teeth."

"August 1. His feet are not mobile, but he has three teeth."

DRUID RIDGE CEMETERY WITH A SPECIAL PERPETUAL CARE TRUST FUND OF \$40,000.00 Created under order of court, is now under the same management as