

October 3, 1941

Faber v. McLaren Auto Supply Store
4-C-4677

Mr. W. H. Dull,
Bankers Indemnity Insurance Co.,
Public Ledger Building,
Philadelphia, Pa.

Dear Mr. Dull:-

Further hearing in above case was held at Pottsville, Pa., on October 1, 1941, before Referee Enterline. We produced one of the McLaren brothers who testified that [redacted] began working for them May 10, 1938 and continued without interruption until September 4, 1940. He was off duty September 4 and 5. He returned September 6, 7 and 8, and September 9, 1940, was the [redacted] at day he worked. His working hours were between eight and nine a day. One week he would spend the entire time about gasoline [redacted]. The following week he would spend four to five hours at the line pumps, and the remainder of the day in the store. [redacted] arrangement in alternating weeks. He worked in the Ashland store most of the time, but had done some work in the Frackville store, the Shamokin store and Mahanoy City store, in helping out. Wherever he worked, the working hours and working conditions were about the same.

During the early part of [redacted] employment there, they used American gasoline. After August 18, 1939 the quantity of gasoline was equally divided between American and Purol.

Mr. James R. Haines, 2206 Edgemont avenue, Chester, Pa., a chemist lent us by the Purol Company for this hearing, testified that he had been working as a tester on Purol gasoline for the past eleven years. In doing that work he handles the liquid constantly. To him it is handled the same as water. It gets on his hands, on his clothing, he breathes it. Naturally he does not drink it. He takes only the ordinary precautions, because he understands gasoline is a dangerous liquid. The attorney for the claimant gleefully jumped at the expression "only ordinary precautions," and that he considered gasoline "a dangerous liquid." Under cross examination he said that he would never smoke or permit smoking around gasoline, he would not permit a light around gasoline. He would not drink gasoline. Were those the ordinary precautions? They were.

What did he mean when he said the gasoline was a dangerous liquid? Well, it is highly volatile, so you keep it away from

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any sort of flame or open light. It is not a thing you would drink. Is that what he meant by a dangerous liquid? It was.

I then asked for a continuance to permit us to bring from Cincinnati, Ohio, a representative of the Ethyl people to testify as an expert. The referee asked whether I was going to bring Dr. Steinhilber. I said I was not going to bring Dr. Steinhilber, since he had refused to come six blocks from 17th and Chestnut streets, Philadelphia, and I was not going to undertake to try to get him to travel ninety-three miles after such an experience. The referee then asked whether I was closing my medical case. I was not, because a gentleman from Cincinnati is a physician, and has specialized on matters of this sort, and he is definitely a medical witness. Did I intend to call Dr. Steinhilber. I did not.

I am a little curious about their curiosity concerning Steinhilber. He is originally from Ashland himself, and I suspect, from what I know of his age and what I noticed of the age of the people in this case, that they know each other. He is a neurologist and psychiatrist, and my experience with him has not been altogether pleasant. You are quite familiar with the caustic axiom that a psychiatrist is a man who needs the services of a psychiatrist and neurologist. They are not all like that, but some of them are, and Steinhilber, after appearing to get off to a good start, reverted to type.

Steinhilber's diagnosis, you will recollect, was amyotrophic lateral sclerosis. That is the disease which killed Lou Gehrig. It killed Mayor Lamberton, of the City of Philadelphia, five weeks ago. I watched the Lamberton case during its progress over the years, since I knew him intimately. Young [redacted] shows none of the things that I noticed in Judge Lamberton, either while he was a judge, or after he became Mayor [redacted] walks erect, he steps out freely, and except for a somewhat loose spring of his feet which is not at all uncommon in young fellows of his size in that region of not perfect sidewalks, I see nothing unusual in his gait. His family complained to me that they wished he could get back the 100 pounds in weight which he lost. At the hearing on October 1st he looked to me to weigh not far from 180 pounds. I watched him in the hearing room, where I talked to him. After the hearing I talked to him outside the hearing room. He stood around with no sign of fatigue or discomfort. He moved around in crowded spaces among other people with no sign of uncertainty or inconvenience. Later I saw him march down Center street, Pottsville. He went along the fairly crowded sidewalk avoiding other people with no inconvenience at all, and without the slightest sign of uncertainty. An older relative who was with him had to step to keep up, being about seven inches shorter in stature, and consequently having much shorter legs. [redacted] stepped down off curbs the same as any other sure-footed young fellow a good deal more

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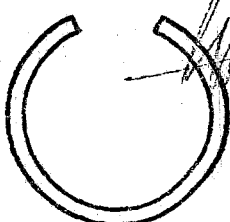
interested in what his eyes were beholding that was unfamiliar than he was in where he was putting his feet. He stepped up over the next curb with the same ease and nonchalance.

The thing he complains ~~now~~ is "weakness." This strongly impresses me with what the physicians at Hahnemann Hospital reported about what they noticed in him when certain members of his family arrived in the hospital. He would be a different person when those relatives were not around. I concur in that physician's view that this young chap puts on a bit of an act. It has become an unconscious act with him, but nevertheless it is an act.

I am to learn from Dr. Kehoe when he will be free to come to Pottsville during the last week of November or early in December, and am to communicate that information to the referee, so that we may arrange a time satisfactory to all parties. Dr. Kehoe and I have already had one telephone talk, and he has sent me material for use in preparation for his examination and cross examination before the referee. The additional copy of this letter is sent you so that through the regular source you can send it to Dr. Kehoe.

The full name is Dr. Robert A. Kehoe, University of Cincinnati, Cincinnati, Ohio.

Yours very truly,

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