N. J. Court of Errors and Appeals.

ELIZA P. HAYDOCK, *Appellant,* vs. EDEN HAYDOCK'S EXECUTORS, *Appellees.*	*On Appeal.*

Eden Haydock, of Rahway, N. J., died April 28, 1879, leaving a widow, the appellant, and an only child, a Mrs. Margaret Bonney. He left a will, making provision for both, dated March 23, 1871.

It was discovered soon after his death that shortly previous thereto he had set over to his wife a portion of his property. To recover this into the assets of his estate is the object of this suit.

The contest in the cause is between the only living child and heir and the widow, who was the second wife of the deceased, the child being that of the first wife.

The appellant and deceased were married in 1861. From this time to his death, a period of eighteen years, she had been his constant companion and nurse.

By her he had a son in whom he felt great pride and who was constantly with him until his death, which occurred two years before that of his father.

The daughter married in 1854 and never after resided in her father's house.

The estate left by deceased is, as stated by the Vice-Chancellor, about $16,300.

To the appellant had been transferred by her husband previous to his death, $9,033.47.

(Answer p. 34, &c. Printed case, pp. 14 and 118.)

Making the deceased worth about the time of transfer, $25,333.47.

These estimates of value were agreed upon at the trial below. The claim made by the bill as to other transfers, was abandoned.

The will of deceased gives to appellant $1,000. It further gives her six hundred dollars per year, the income to arise from $10,000.

This leaves the daughter $5,300; gives the widow $11,033.47, and leaves to the widow (who was fifty-five years old at the time of her husband's death) the use of $10,000, and then gives it absolutely to the daughter, who at that time was forty-five years old.

The result of the double distribution is that the one has $11,000 and 15 years enjoyment (until 70 years old) of $10,000 more.

The other has $5,300 with 25 years in which to enjoy it, and $10,000 more absolutely at the end of the 15 years with 10 years in which to enjoy it—(fixing the lives of each at 70 years only)—with power of giving the same to object of her choice.

This division is at least fair and would be so considered *between two children of the respective ages of the widow and daughter.*

If considered unfair, it must be so upon the supposition that a man's predilictions in regard to the

disposal of his property after death are in favor of his child as against his wife.

Ordinary experience teaches that this is not so.

Further, the law shows no favor to the next of kin, and the *heir* in this case is left the heritage, the gift creating the controversy being entirely of chattels.

The gifts were without *valuable* consideration.

A gift "inter vivos" is good in equity unless prejudicial to creditors, or donor was under legal incapacity or circumvented by fraud.

3rd Wait, Actions & Defenses, pg. 493.
Betts *vs.* Francis, 1 Vroom, pg. 155.

There is no claim of prejudice to creditors.

In the absence of such the gift is not only prima facie good, but is favored in equity. It was by a husband to his wife.

Mews *vs.* Mews, 15 Beav., 529.
Deming *vs.* Williams, 26 Connecticut, 226.
Jennings *vs.* Davis, 31 do. 138.
Shuttleworth *vs.* Winter, 55 N. Y. Ct. of Appeals, 624.
Draper *vs.* Jackson, 16 Mass., 480.
Dilts *vs.* Stevenson, 2nd C. E. Green, 413.

Black *vs.* Black, 3d Stewart, 215-219, holds a gift from a wife to husband good. The same reasons will make good one from the husband to the wife.

The *legal* requisites of transfer by wife to husband were observed.

Dilts *vs.* Stevenson, 2nd C. E. Green, pg. 413.

The gifts then are not only good, but favored, if mindfully and fairly made.

The only questions are was the giver sane, and were the gifts free?

The case then presents these questions only—

1st. What was the mental condition of Mr. Haydock at the different times when these transfers were made?

2d. Were they obtained by the exercise of undue influence?

As to the first. If his capacity was testamentary it was sufficient. A gift accompanied by delivery and after acquiescence does not require so great capacity as the making of a testament.

His testamentary capacity is presumed until the contrary is shown.

It is claimed by appellees that the evidence shows loss of memory. Our courts have decided this to be insufficient.

Stackhouse vs. Horton, 2d McCarter, 202
In *re*, Vanderveer's will, 5 C. E. Green, 561.

They add old age. The decisions are that proof of both are not sufficient.

Turner vs. Cheeseman, 2d McCarter, 243.
Whitenack vs. Stryker, 1 Gr. Ch., 8.

They further urge that he was prejudiced against his daughter. This would be no cause for setting aside his will, even if the prejudice amounted to monomania.

Trumbull vs. Gibbons, 2d Zab., 117.
Stackhouse vs. Horton, *supra*.

Further, that the gift was unjust.
This is insufficient to set aside a will.

Boylan vs. Meeker, 4 Dutch., 274.
Wintermute's will, 1 Stewart, 437, and many others.

Then they say he did not know what he was doing when he made the transfers.

The witnesses for complainants upon state of Haydock's mental faculties are as follows:

Brewster, pp. 47, 48, 50, 51, &c. He cites several instances of forgetfulness, and says that he never saw any mental difficulty but loss of memory.

Woodruff, p. 14, &c. Thinks his mind had been failing for a year—*forgetful.* He cites no instances of failure of *any faculty save memory.* Thought his note good in March, 1879, and helped make him a bank director during that year.

Mundy, p. 45, &c. Mrs. Haydock told him that Mr. Haydock was not fit to go to the bank.

Robert Brewster, p. 46, &c. Haydock frequently brought his pass book to be written up, when it had just been done for him. Failure of memory only. *Never saw anything the matter but loss of memory.* —p. 50.

Emma Bloomfield, p. 62, &c. In 1858 was a member of Mr. Haydock's family, and then in 1877, 19 years after, called on him two days after his son's funeral, and he did not seem to know her, and appeared abstracted. Nothing but failure of memory.

Mr. Tier, p. 73. Says that Haydock forgot that he had paid for some butter, and offered to do so again, and gave him the wrong pass book. *Noticed nothing* but failure of memory.

Dr. Lukens, p. 92. Haydock *forgot* that he had paid him a bill.

Compton, p. 69, &c. Haydock *forgot* to pay him some insurance.

Blanchard, p. 16. During the last year Haydock did not pay his taxes.

This testimony shows nothing but a partial loss of memory.

John Coddington is brought to prove singularity of conduct.—p. 509, &c.

Dr. Drake, p. 75, &c., is brought as an expert. He testifies that Haydock was a "perfect wreck," but (see cross-examination, pp. 78 and 82, 83 and 84.)

This is the testimony that the Vice-Chancellor says "shows utter imbecility"—"so thoroughly decayed as to be unable to comprehend the smallest matters."

This is all there is upon the question of capacity offered by the complainants.

It is submitted that upon this evidence alone a conclusion adverse to the defendant could not be made.

Then came the defendants' witnesses upon this part of the case.

Dr. Green, p. 268, &c., gives a clear opinion; testimony, pp. 269, 270, 273, 274; Mr. Powers, pp. 276, 277, 278 and 281; Dr. James, pp. 290, 298, 299, 300, and 301.

In this list of witnesses upon the question of mental capacity, the testimony of Mrs. Haydock and that of her brothers, Edward and George Bayright, is omitted, that no suspicion of interest may attach to the defendants' cause. The testimony of all these, in the relation of incidents, shows a strong mental capacity to have been possessed by deceased at the time of the gifts.

After all this, there is evidence of the inquest. Mrs. Bonney, in whose interest this suit was brought, caused a writ to issue out of chancery to inquire into her father's mental condition shortly before these gifts were made. The jury and commissioners found him to be of sound mind. *The*

Court of Chancery so decreed, and from that decree no appeal was taken.

The circumstances in relation to this inquest are worthy of attention. It is to be presumed that all the evidence possible was produced to show the want of mental capacity charged. The jury found their verdict without seeing the subject, who was too ill to attend. See testimony Dr. James.

Under these circumstances the verdict and consequent decree without traverse, is entitled to the utmost consideration, if not conclusive.

The next question presented is this: Were these gifts the production of a fraudulent advantage taken by the defendant of a feeble state of body and mind, or either, in Mr. Haydock, to induce him to make them?

Such influence must have amounted to fraud to be available.

Stackhouse vs. Horton, Supra.

To make such influence fraudulent it must have been accomplished by physical oppression, or if *mental*, Mrs. Haydock must be shown *to have known of her husband's mental weakness.*

On the former point, the only evidence is that of Hannah Richardson. It is strongly and specifically charged in the bill and denied by the answer. Counsel in introducing the witness states what he expects to prove, p. 416.

Hannah Richardson's testimony, pp. 418, 419, 420 and 421. Referred to.

This is all the evidence of physical oppression offered in support of the specific charges in the bill and the offer of counsel.

On cross-examination her affirmative statement fails; pp. 424 to 429, also 436 and 439, 443 to 445. Referred to.

This witness, so utterly ignorant, untrustworthy

and incapable, admitted by the Vice-Chancellor to be so, shown conclusively to have been false in relation to every part of her testimony, was believed by the court below in relation *to the one point of vital interest in the cause, and disregarded in all others as untruthful.*

Why should her testimony in this point be taken against that of Mrs. Haydock because the latter is a party to the cause? If such be the rule, it is because the law presumes so strongly against an interested party that the word of a proved falsifier overbalances it.

The complainant's case on the point of physical oppression has failed.

Did Mrs. Haydock believe that her husband was incompetent through mental imbecility to make a legal contract?

She had every opportunity to know if such was the case. Her testimony occupies 56 pages of the printed case, and through the whole of it, examination and cross-examination, she states circumstances and views, and details experiences that show plainly confidence in and devotion to her husband, and a thorough belief in his mental soundness, together with a belief that his daughter and her friends were endeavoring to unfairly deprive him of his property. Pp. 361 to 416.

Her *belief* can be proved only by her testimony, or by her actions and words before such testimony was given. In all her actions she has seemed to consider that her husband was mentally sound, *and the very act complained of in this cause proceeds upon that theory.*

An attempt is made to show by evidence of language used by her before the commencement of this suit, that she was under the belief that her husband was of unsound mind. Three witnesses have been examined on this point. Mr. Frazee a shoemaker, on

pp. 460 and 461, says that when Mr. H. wanted boots mended Mrs. H. told him that Mr. H. didn't know what he wanted and countermanded the order.

Mr. Mundy, a cartman, p. 45, says that Mrs. H. said that her husband was not fit to go to the bank.

Neither shows anything further than a difference of views as to a matter of small economy and care for her husband's physical condition.

Mr. Shafer, p. 72, referred to.

This does not show that Mrs. H. thought her husband mentally incapable. In fact Mrs. H. says that she said some one should care for him *in his feebleness*. So she told the cartman that *he was not fit to go to the bank*. She did not want him to walk out as Hannah Richardson says. All these show only a belief in *physical inability*. She did not want a guardian *unless she could be one*, and when she understood the nature of the guardian's office did not want any one.

Mrs. Haydock's account is as follows, pp. 367 and 368. The statements are reconcilable.

Her statements and Mr. Shafer's agree in substance as to what she said, *after he had explained the notices of the proceedings contemplated*.

The main question in the case is as to the evidence of *undue influence*, having been used to procure these gifts.

The vice-Chancellor decided in the affirmative, giving the following reasons:—

1. That defendant says she did not know of her husband's intention to make the gifts until he was ready to execute them, and that evidence of such reticence "is a circumstance justifying the most painful suspicion." The opinion does not state the nature of the "suspicions."

2. That the testimony of the brother of defendant was not that "he had never heard the defendant importune her husband for these gifts," but only

"that he did not recollect that he ever had." That "the circumstance if it occurred must necessarily have fastened itself upon the memory of the witness." That "feigned forgetfulness of a fact is proof of its existence."

3. That Emma Rowland, a servant girl, says that the defendant talked almost every day to her husband about money affairs; that Mr. H. did not reply; that defendant "got angry in consequence, and more than once said that she would not stay with him," and that "she had papers that she wanted her husband to sign."

4. That Hannah Richardson "was self-contradicted," and that "her testimony standing alone is unworthy of credit, but that under the circumstances it has force, and shows that Mr. Haydock was constantly importuned by the defendant "to sign papers and make over his property by methods which, in his situation, amounted to absolute torture."

5. That in this case the presumption that the "husband is master of his wife is reversed, and that therefore it is incumbent upon the defendant to prove that the gifts were free, voluntary and well understood acts of the donor's mind."

6. That "there are many little things so small as to be difficult to describe, but which, when combined, exercise a potent influence upon the judgment, and which existed in this case, but are not stated in the opinion."

It is submitted that these reasons and the conclusion of the learned Vice-Chancellor are unfounded in fact, without support of law, illogical and erroneous.

As to the first, the testimony is not such as he has stated it to be; on the contrary, it is that *generally*

Mr. Haydock had said that he would provide for defendant, but that the specific manner and amount of such provision he did not state. Pgs. 376, 377, 378 and 379.

This testimony is simply to the effect that the defendant and deceased did have conversations as to some provision for the former, but that deceased did not state the specific provision to be made until ready to execute it. This is not unnatural, as the Vice-Chancellor describes it, but perfectly natural. The woman did not know the specific investments of her husband, and only wanted a suitable provision. The husband, without her knowledge or interference, fixed the specific provision.

She states that he afterwards asked her "if she was provided for," just previous to his death.

What "painful suspicions," undefined by the Vice-Chancellor, does this cast over the defendant's whole case?

By the Vice-Chancellor's statement the rule he makes is this: *That if a defendant does not swear to a state of facts, which assist in making the complainant's case when it seems natural to the Court that such facts should exist, then, without proof of their existence, the Court will presume them, upon the defendant's denial of their existence.*

The statement of the proposition is sufficient for its refutation.

As to the second—The testimony of Geo. Bayright, styled by the V. C. as "feigned forgetfulness," is found on page 215, &c.

In relation to this we submit:

1. That it is an ordinary mode of statement by careful witnesses.

2. That the witness may have overheard Mr. and

Mrs. H. talking of a provision for the latter, and was not sure that such was not specified, but did not then recollect that it was.

3. That Mr. Bayright is not contradicted by any witness, but, on the contrary, is supported by the defendant.

4. That there is no evidence that the witness is not a man of veracity and character, and that consequently the V. C. had no reason for stigmatizing him as one whose "moral sense would be less outraged by a suppression of the truth than by a denial of it," and that therefore "his forgetfulness of a fact is satisfactory proof of existence."

The argument of the V. C. does not proceed upon previous proof of existence, but assumes the latter merely from the denial of the only witnesses sworn, who pretend to know whether or not there was such existence.

As to the third—Testimony of Emma Rowland, pp. 57, 58 and 59. This is on direct examination, and is all that witness said. Nothing about making these gifts to her, nor of a will in her favor, nor of any transfer whatever.

The witness gives two or three versions of what Mrs. H. said: "She would have papers and want him to sign it;" "she appeared to want him to do something or tell her something;" "she wanted to find out something;" "she wanted him to say something, but I can't possibly say, I didn't pay attention." Such is her language.

These disjointed words of a servant girl, giving the half-remembered remarks of Mrs. Haydock to her husband many months before, in conversations *to which the witness paid no attention*, the V. C. makes the pivotal point of his finding.

Utterly insufficient of itself to justify the conclu-

sion, he supports it only by the negation of the defendant and her witness George Bayright, the testimony of Hannah Richardson (which he states to be unworthy of credit), and the theory that the defendant must make a *prima facie* case against the complainant.

The explanation of these remarks begins to appear on the cross-examination of the witness. Page 62, *Mrs. H. wished to know the facts in relation to her suspicion that Mrs. Bonney was trying to get Mr. Haydock's property away.*

This is very far from proof or even suspicion that she was trying to induce deceased to give it to her.

It is perfectly reasonable to suppose that these remarks of Mrs. Haydock applied to a matter different from the Vice-Chancellor's supposition. In fact they were in relation to the papers and treasure-box of her husband, which were detained at the bank, and which she supposed Mr. Bonney was trying to obtain.

Mrs. Haydock was anxious about the book. Testimony Woodruff, pp. 20 and 21.

Mr. Bonney had a key to the box. Woodruff's testimony, p. 31.

Mrs. Haydock shows her great anxiety about the papers. p. 367.

Haydock at last began to share the anxiety of his wife. G Bayright's testimony, pp. 136, 137, 138, 139 and 140.

This statement is corroborated by Mr. Vail, pp. 504 and 505.

Now, all the evidence shows that Mrs. Haydock was not influenced by a desire to defraud her husband but from a desire to prevent Mr. Bonney from defrauding him.

She had reason for her suspicions. Mr. Woodruff's testimony shows that he was influenced by some one besides Mr. Haydock. The detention of

the papers was sufficient to excite suspicion, and this suspicion was fully justified by the attempt, *after the recovery of the box*, to obtain a verdict of lunacy against Mr. Haydock.

It is confidently submitted that the evidence shows that Mrs. Haydock importuned her husband in relation to the recovery of the box, and not in relation to any provision for her.

As to the fourth reason of the V. C. The testimony of Hannah Richardson that the wife "constantly importuned the husband to sign papers and *make over his property by methods which in his situation amounted to absolute torture.*"

It is almost incredible that the V. C. should have inserted these words into his opinion. The only possible foundation for them is contained on pp. 418, 419, 420 and 421. The amount is that she refused to make him some lemonade, which Hannah says *she* made notwithstanding her mistress, which latter Mrs. H. denies and says that she refused because the physicians forbade it. That she talked to him about business and he complained that she worried him about the business. That she took precautions to prevent his going out, and afterward removed his hat and cane to prevent the worry he made on account of them.

This is absolutely all of the evidence that the V. C. has described in his opinion as "importunity to make over his property" by "methods amounting to torture."

There is not a single word in relation to property nor any method of torture but a refusal to give him lemonade under the physician's directions, and a proper solicitude in regard to the exposure of a sick old man.

And this witness the V. C. says *cannot be believed unless supported by other evidence.*

As to the fifth. That the presumption in the case

is in favor of the complainant. The V. C. founds this presumption upon the supposition that the wife ruled the husband, and that as in cases in which the wife makes a gift to her husband it must appear *prima facie* to be free because of his power over her, so when the power is in the wife a similar rule prevails.

The V. C. is wrong both in law and fact.

The existence of undue influence is *never* presumed, but must be a conclusion.

In re Humphrey's will, 11 C. E. Gr., 513-521.
Moore *vs.* Blauvelt, 2d McCarter, 367.

The burden of proof is upon the complainant.

The charge is made that the conduct of the defendant was fraudulent. That she took advantage of a known feeble condition of Mr. Haydock and exercised an undue influence upon him. Pp. 11 and 12 and 4 Pleadings.

The property was legally made over to Mrs. Haydock and she has the possession. It must be shown that her possession is wrong.

If the transfer was made in lieu of provision by will, and is looked upon as having no more weight than a will, fraud should not be presumed because possible or even probable.

In re Vanderveer's will, 5 C. E. G., 463.
This case was reversed upon other grounds.

Undue influence is never presumed:—

Baldwin *vs.* Parker, 99 Mass., 79.
Small *vs.* Small, 4 Greenl., 224.
Boyse *vs.* Cossborough, 6 H. L., Cases 2.
Tyler *vs.* Gardner, 35 N. Y., 559.

It must be always proved in some way. The V.

C. considers it proved because as he says, the parties had exchanged their original positions. The wife has become master, *and for this reason "the Court must be convinced that the gifts were free."*

The rule is that not only must the *existence* of such influence be shown, but that it was *exerted* and so *resulted in the act complained of;* further, that it was *fraudulently* exerted. Stackhouse *vs.* Horton, supra.

The bill of complaint charges that such influence was exerted by acts of physical cruelty and neglect, and importunities rendering the life of Mr. Haydock miserable.

That it was exerted upon a person totally unfit to transact business (by reason of mental incapacity), by a person who was aware of his condition.

The V. C. does not decide this. He expressly decides that Mr. Haydock had mind enough to make a will or contract; he declines to decide that Mrs. H, knew of Mr. H's. mental feebleness; he merely decides that as it has not been proved to his satisfaction *that the gifts were without undue influence they were invalid.*

He shifts the burden from the complainant to the defendant, after expressly deciding that he was competent to contract and bequeath.

He does not state how this influence was exerted. It might have been by kindness. If so it was not *undue by the rules of law*, as fixed in this slate, nor *is it so charged in the bill.*

It must have been as charged in the bill to warrant a decree. It must have existed and must have been *exerted through physical cruelty and constant importunity* to warrant the decree. For so the bill charges.

It did not exist. The V. C. is wrong in his apprehension of the facts in the case.

He places his reliance for proof of the existence of

such influence (so far as disclosed) solely upon the testimony of Mrs. Haydock (p. 379, lines 25, &c.). The V. C. designated this as an *admission under cross-examination.* In fact, it was a voluntary addition to an answer to a question by her own counsel as to whether she had asked deceased to make over his property to her.

This is the only portion of Mrs. Haydock's testimony on which the V. C. places any reliance; all her statements showing her husband's mental capacity, explanations of incidents described by complainant's witnesses, denials of exercising influence to procure these gifts, statements of Mrs. Haydock's sayings and doings, going to show his real motives in making these gifts, are completely unnoticed, and the only syllable spoken by Mrs. Haydock, that by any possibility can be affirmatively construed against her, is magnified beyond its importance, and actually fortified by her denial that her husband had told her of an intention to make transfers, when there is not a word of affirmative evidence that he had done so.

This slender proof of existence of influence, joined with a statement of Emma Rowland as to conversations between Mr. and Mrs. H., without an explanation as to what they referred and capable of no explanation but the one we have given, is construed into proof of the exercise of undue influence.

As stated in the opinion the case is this:

1. Eden Haydock was sane and of capacity sufficient to make a contract, gift, or will.

2 His mind was in a "state of decay;" "senile dementia had commenced;" "he was an intellectual wreck."

3. His wife said that if she had asked him to make over his property to her he probably would have done so, but that she did not.

4. A witness states that she heard conversations between Mr. and Mrs. H. when the latter asked him to sign "some papers."

Upon this, and this alone, the V. C. says that the burden of proving the gifts *free* devolves upon the defendant, and then totally disregards, not only her evidence in that regard, but that of Edward Bayright, George Bayright and Mr. Powers, the only persons examined upon the point, and sets aside a gift *acquiesced in during the remainder of the giver's life, and fortified by a deathbed inquiry as to sufficiency.*

In the sixth place the Vice-chancellor says that there were many little things observable during the trial and in the evidence that influenced his determination, but which he has not stated.

The observations of this character made during the trial this Court can not have the advantage of. Those referred to in the evidence we can reply to by noticing everything claimed against the defendant by counsel at the former argument. First—That Mrs. Haydock received by gift from her husband two years before the gifts complained of were made, an amount then on deposit in the Rahway Savings Institution. The evidence in relation to this (page 97, l. 30) is simply that after the death of their son, the deceased had transferred to the wife certain sums standing to the credit of the deceased boy and that she had certain moneys deposited in her own name that it is claimed must have been given to her by her husband.

This, if true, certainly proves nothing against the defendant's case. It is conceded that at the time Mr. Haydock's mind was perfectly sound, and no claim is made of undue influence *then* on the part of defendant. *Yet gifts are claimed to have been then made similar to those which made two years later,*

it is said, show mental alienation and corrupt influence.

Second—According to Mrs. Haydock's testimony the deceased said he had given to Mr. Bonney large amounts of money. The defense fails to prove this to be so. If Haydock was in error in this, if he was under hallucination, the argument would avail only to show mental incapacity. But *it has been determined that such incapacity did not exist, and there is no appeal from such determination.*

If it be shown that Haydock was in error on this point and that Mrs. Haydock knew it and used it as an argument to induce him to give his property to her, a strong case would be made for the complainant. *But nothing less will be sufficient.* As to this, there is not a particle of evidence to show that Mrs. Haydock at any time in any way intimated to her husband any dissatisfaction with his gifts to Bonney or even her knowledge of them.

Further, she knew only what her husband told her, and says she thinks that such help was given. In point of fact it was.

The evidence of Mrs. Haydock is that her husband said that he had given Bonney money. Pp. 369, l. 30, etc. p. 379 l. 30.

Matthias B. Thorne says Mr. Haydock told him the same. P. 310, l. 32, etc.

George Bayright the same. P. 164, l. 4, etc.

Edward Bayright says that Mr. Bonney admitted that he had received such assistance. P. 499, l. 20, etc.

Mr. Bonney admits help by way of endorsement. Pp. 492 and 493.

The evidence shows that some of these notes are not yet paid.

Mr. Bonney's evidence further shows that he was engaged in building expensive houses upon insufficient capital, and that he had no means of procuring capital except from Mr. Haydock. This, coupled with his admission to Edward Bayright and the repeated declarations of Mr. Haydock, should be sufficient in a case when *the facts were within the knowledge of only two persons, one of whom is dead and the other interested in denying the claim.*

There are no other little things unmentioned by the Vice Chancellor that in the view of appellant's counsel could have influenced a decision adverse to their client.

There are, however, some litttle things that should have helped to influence an opposite determination.

One is the history of the transactions in relation to the tin box in which Haydock kept his papers.

It is evident that Mr. Haydock and his wife wanted the possession of it, and that Mr. Bonney and his friends desired to keep it from them. Mrs. Haydock in her testimony speaks of an "injunction," evidently thinking that it had been obtained by some legal process.

Mrs. Bonney was anxious that her husband should have it, as she said in testimony before referred to.

The opinion of Haydock's friends was that the latter could not have his box. Testimony George Bayright, p. 137, l. 12, etc.

And he had to give an order to him.

Continuation of same.

Woodruff, the bank president who had Haydock made a director within a year of his death, admits that he would not let the owner of box have it (pp. 20, l. 10, and p. 21).

Mr. Brewster, the cashier, says that Woodruff would not let him have the box. (p. 51, l. 25, &c.

Woodruff says *that Bonney had a key to the box.* (p. 3, l. 30.)

Brewster says that he never gave him the box *when Haydock looked at the contents unless Bonney was with him.* (p. 51, l. 20.)

All this shows that Mrs. Haydock makes a true statement when she says that they could not get the box. That the box and contents formed the subject of the desires of the daughter and her husband is shown by the facts that until Mr. Haydock attempted to get this box pleasant relations existed between the deceased and his daughter. *No word of charge of mental unsoundness had ever been heard. But immediately upon demand for the box was made the writ de lunatico inquirendo was issued.*

It has been urged that the conduct of Mr. Haydock in making these gifts was unnatural. We reply that the conduct of the daughter was unnatural, and that Mr. Haydock's act was a direct natural consequence. A feeling of hostility towards Mrs. Haydock and suspicions as to her motives seems to have actuated Mrs. Bonney for a long time.

Mrs. Haydock relates an incident showing this (p. 364, l. 10), when, as she understood, Mr. H. had made the daughter a present.

The feeling culminated in an attempt to appoint a guardian of her father, which by a jury of twenty-four men (*and in this case* by the V. C.) has been decided to have been without excuse. It showed itself on the day of the death of Mrs. Bonney in a scene described by herself on p. 112.

Fortunately for her, her statement is denied by the witness she brings to fortify it, Mary C. Fordham (p. 462, &c).

It was this feeling that pushed Mrs. Bonney into the proceedings for appointment of a guardian, and these proceedings will show a motive in the deceased for these gifts, if this court shall hold that it is incumbent upon the appellant to show one affirmatively.

The distress this action occasioned Mr. Haydock is shown by his remarks.

Mrs. Haydock relates some of them, pp. 369, 370, 371 and 372; p. 373, line 18, and p. 374, line 40, &c.

George Bayright relates some: p. 135, line 20; p. 168, line 45; p. 181, line 28.

Edward Bayright also relates one: p. 328, line 15.

Matthias B. Thorne relates one: p. 309, line 35 and succeeding.

Dr. James does the same, pp. 291, 292 and 293.

All these show that Eden Haydock keenly appreciated the nature of the lunacy proceedings and felt outraged by the treatment he received from his daughter.

They show an abundant motive for the act complained of, exclusive of the natural desire of deceased to provide for his wife, *which latter is the motive to be presumed.*

This presumption has not been overcome by the evidence for the complainant.

In fact the presumption is greatly strengthened by the dying inquiries of deceased expressive of desire to provide for his wife, p. 378, line 4, &c., referred to.

What more needs to be said against this claim.

Mrs. Haydock has a few thousand dollars given to her by her husband; the gift was made according to the form of law apparently by his arrangement. According to the testimony of many witnesses he

named two motives for the act. One was to provide for his wife, and the other to prevent his daughter from taking his property. The undisputed facts are that such motives had substantial foundation. Mrs. Haydock needed the provision, and *Mrs. Bonney had tried to have her father declared a lunatic, and deprived of the use and control of his property, without claim that there was danger of his wasting it*, and had ceased visiting him from the time of the attempt.

Even when upon his death-bed she did not visit him until her father sent for her by *request of the woman whom she in this suit charges with fraud.* The last year of the life of this old man was embittered by the conduct of the daughter and only made tolerable by the kindness of the wife, who is charged in the bill with cruelty and inhumanity, but against whom the proofs in that aspect utterly fail.

Despite these circumstances this man has the coolness and judgment and conscience, after careful deliberation and calculation, to make such a division of his property that his wife should have an ample provision; that his daughter for an indefinite period should *not have*, what she would have got if she had succeeded in her attempt to have her father declared a lunatic, and yet that the bulk of his property should eventually go in the line of his blood.

This shows no mental incapacity, hor does it urge a subjection to the influence of a wife actuated by hatred toward the daughter and a desire to seize all for herself. If she had had the influence claimed by the complainant she might have had all, as well as what she has. The counsel's answer to this will be that her calculating shrewdness taught her that such a course would compel belief in her fraudulent methods. A reading of her testimony shows more of dull good nature than of scheming acuteness, and nothing but an effort of imagination can invest

her with any more striking characteristics or actions than she relates of herself.

It is confidently submitted that the evidence in support of the complainant's bill is insufficient to warrant the decree advised. Further, that a careful examination of the evidence for the defense will constrain a determination that the gifts of Eden Haydock to his wife were prompted by a right mind and were free.

VAIL & WARD,

(with whom was J. R. ENGLISH),

of Counsel with Appellant.

N. J. Court of Errors and Appeals.

BETWEEN

ELIZA P. HAYDOCK,

Appellant,

AND

A. STAATS BONNEY ET AL., Executors of EDEN HAYDOCK,

Respondents.

On Bills, &c.

POINTS FOR RESPONDENTS.

1.

To constitute a valid gift *inter vivos* the donor at the time of the gift must possess a mind of sufficient strength,

A. To understand the nature of his property and of his obligations to his family.

B. To permit him to interfere with any former disposition by will with judgment and discretion.

C. To act with reason according to a fixed judgment and a settled purpose of his own.

D. To possess the power if he has the will to do or not do any given act.

Harrison *v.* Rowan, 3 Wash. C. C. R., 385.
Derr *v.* Johnson, 2 South., 454.
Marsh *v.* Tyrrell, 2 Hagg., 122.
Harewood *v.* Baker, 3 Moore Privy C. C., 282.
Stultz *v.* Schaeffle, 18 Eng. L. & Eq., 576.
Boyd *v.* Ely, 8 Watts, 71.
Shropshire *v.* Reno, 5 J. J. Marsh, 91.

2.

The influence of a donee over the donor, especially where there is a confidential relationship between the parties, is undue unless the gift is voluntary, unadvised, unassisted and righteous.

Huguenon *v.* Baseley, 14 Ves., 299.
Todd *v.* Grove, 33 Md., 188.
Rhodes *v.* Bates, 1 Chy. App., 256.
Billage *v.* Souther, 9 Hare, 540; 15 Beavan.
Gibson *v.* Russell, 2 Young & Collier, 115.
In re Greenfield's Est., 14 Pa., 505.
Sears *v.* Shafer, 6 N. Y., 268.
Pashe *v.* Ollat, 2 Phillimore, 323.
Swinburne on Wills, p. 9.
Cited in Redfield's Am. Cases, p. 468.
See also Redfield's Am. Cases, p. 466; 2 Beavan, 128 (141).
Blackford *v.* Christian, 1 Knapp's R., 73.
1 Story Eq. Jur., sec. 250.
Gartside *v.* Isherwood, 1 Brown's Chy., 560.

J. HENRY STONE,
Of Counsel with Respondents.

In Chancery of New Jersey.

Between A. STAATS BONNEY and another, Executors of EDEN HAYDOCK, deceased,
Complainants,
and
ELIZA P. HAYDOCK,
Defendant.

MARGARET H. BONNEY, a witness produced on the part of the aforesaid complainants, having been duly sworn, testified as follows:

Direct Examination:

By Mr. Stone:

Q. Your maiden name was Haydock?
A. Yes, sir.
Q. And you are a daughter of Eden Haycock?
A. Yes, sir.
Q. When did your father die?
A. He died on the 28th of April, sir.
Q. What year?
A. He has been dead about a year next April.
Q. You mean he died on the 28th of April, 1879?
A. Yes, sir.
Q. About what age was he at the time of his death?
A. He was born in 1802; he was about 77.
Q. Your own mother is deceased?

A. Yes, sir.

Q. Do you recollect when she died?

A. She has been dead, I think, sir, 18 years,—19 years.

Q. Have you any brothers or sisters?

A. No, sir.

Q. Did you ever have a brother or sister of the full blood?

A. No, sir.

Q. Your father, I believe, was married a second time?

A. Yes, sir.

Q. Whom did he marry?

A. Eliza P. Bayright.

Q. And about when?

A. I think they have been married about 16 or 17 years; I don't remember dates.

Q. Where did she live previous to the marriage?

A. Well, I think she considered Brooklyn her home.

Q. Do you know about the difference in the ages of your father and the present Mrs. Haydock?

A. I do not exactly know, but I think twenty years at least.

Q. Who being the younger?

A. Mrs. Haydock.

Q. Were there any other children by that marriage?

A. There was one son.

Q. Is he living?

A. No, sir.

Q. When did he die?

A. In April, two years ago; two years ago nex April.

Q. Do you recollect what his age was?

A. I think about 16.

By Mr. Vail:

Q. You said two years ago next April; did you mean next April, or last April?

BY THE COURT:

Two years ago next April, she said.

By Mr. Stone:

That's all with this witness at present. We desire to recall her, however, at another stage of the case. I simply rest with her now and turn her over to her friends on the other side for cross-examination, so as to preserve the order of our proof.

Cross-examined:

By Mr. English:

Q. What was the name of the son that died?
A. William A. Haydock?
Q. When was he born?
A. 16 years ago.
Q. That's all.

By Mr. Berry:

I offer in evidence a probate copy of the will of Eden Haydock, deceased.

(Marked Exhibit No. 1, for Complainant.)

I also offer in evidence a certified copy of the inventory filed in the clerk's office.

(Marked Exhibit No. 2.)

WILLIAM MCCLOSKEY, a witness, produced on the part of the aforesaid complainant's, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Stone:

Q. What is your profession?

A. Practicing attorney of the State of New Jersey.

Q. Have you as such attorney made any investigation as to the amount of real estate standing in the name of Eden Haydock, on the records of Union County?

A. No, sir.

By Mr. Vail:

How much real estate do you want to prove he had; very likely we will admit it.

Q. You are with Mr. Berry, are you not?

A. Yes, sir.

Q. He is the attorney for the executors of Mr. Haydock's estate?

A. Yes, sir.

Q. As such attorney do you know of any deeds of property standing in the name of Eden Haydock?

A. Only from the deeds left in the office in my custody.

Q. There were deeds left in the office by the executors?

A. Yes, sir.

Q. And you have them?

A. Yes, sir.

Q. Produce them?

A. (Witness did so?)

BY THE COURT:

The executors left you how many deeds?

By Mr. Stone:

There are three.

By Mr. Vail:

If you will state to us what you propose to prove about the real estate, we will perhaps admit it?

By Mr. Stone:

Well, here is one deed for the homestead property.

By Mr. Vail:

We will admit that he died possessed of the homestead property, where he lived at the time of his death.

By Mr. Berry:

There was also one little lot down on Haydock street, of 4 or 5 acres.

By Mr. Vail:

Well, I have no doubt that is so if the records say so.

By the Court:

Well, is it agreed, Senator Vail, that all the real estate of which the testator died seized, so far as you know, is included in the three deeds now in Senator Stone's hands.

By Mr. Vail:

If they say those deeds cover this property, I am willing to take Mr. Stone's statement.

By the Court:

Then it is agreed by the counsel of the defendant that all the real estate of which the testator died

seized was the homestead property, located on Main street and four or five acres of land on Haydock street.

By Mr. Vail:

Yes, sir.

By Mr. Stone:

That is so.

By Mr. Stone:

The complainants offer the three following deeds as evidence of the description of the property. The first is from Sarah Marsh to Eden Haydock, dated June 6th, 1848.

(Marked Exhibit 3.)

Second, deed from Jonathan Thompson and wife to Eden Haydock, dated November 6th, 1856.

(Marked Exhibit 4.)

Third, deed from Augustine Campbell to Eden Haydock, dated May 26th, 1855.

(Marked Exhibit 5.)

By Mr. Vail:

Do you say they contain the exact description of the property?

By Mr. Stone:

Yes, sir.

By Mr. Vail:

Well, that is not so, for a portion of the property has been sold. I know that of my own knowledge.

BY THE COURT:

Then do I understand that it is understood that a portion of the property described in these deeds was conveyed away by the testator in his lifetime?

By Mr. Stone:

Yes, sir.

Q. Have you in your possession any bills that have been presented against the estate of Mr. Haydock?

A. Yes, sir.

Q. Will you please produce those?

A. (Witness did so.)

BY THE COURT:

Q. Can you give us the aggregate?

A. I have not the aggregate amount.

BY THE COURT:

Let the witness make up the aggregate amount.

By Mr. Stone:

It is not the amount we desire to show so much as the character of the bills.

BY THE COURT:

Bearing upon the main question?

By Mr. Stone:

Yes, sir.

BY THE COURT:

Well, go on then?

Further Direct:

Q. Just give the name and, generally, what the articles are—what kind—in the bills; I don't mean the details of what they are, but whether they are any goods, or what?

BY THE COURT:

Let the bills be offered in evidence; do you object to that, Mr. Vail?

By Mr. Vail:

We don't know what they are.

By Mr. Stone:

Our point is this, that at the time Mr. Haydock turned over, as they say, these securities to his wife, his mind was unsound, and we want to show by these bills and by his previous habits that these bills never could have been incurred in that way if he had been in a sound mind—comparing his mind then with what it was when his mind was sound.

BY THE COURT:

Well, state the number of bills, and let them be offered in evidence, and if there is an objection, I will admit them, subject to the objection. Now, is there any other subject upon which you desire to examine this witness?

By Mr. Stone:

No, sir.

BY THE COURT:

Then let him stand aside and arrange his papers, and you can call your next witness.

WILLIAM E. WELLS, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith :

Direct Examination :

By Mr. Stone :

Q. You live in Rahway ?

A. I do.

Q. How long have you lived there ?

A. Since 1861.

Q. Have you had your attention in any way called to the valuation of real estate in the city of Rahway ?

A. Not to any very great extent.

Q. Well, you have to some extent ?

A. I have.

Q. Were you not one of the appraisers to appraise the value of the securities—real estate securities—of the Rahway Savings Institution ?

A. I was.

Q. And how many pieces of property were there there that you examined and appraised generally ?

A. Well, I should judge there were about forty or fifty.

Q. You are the owner of real estate yourself in Rahway ?

A. I am.

Q. Are you acquainted with the property called the homestead property of Eden Haydock ?

A. I know where it is located.

Q. Do you know generally about it; assuming the lot to be about 50 feet front and 200 feet deep, what would you say the property was worth ?

BY THE COURT :

Q. The market value, Mr. Wells ?

A. Well, I don't know as I am capable of expressing an opinion on that; I have had no real estate transactions in buying or selling; I own real estate, but I don't know about how much front, do you?

Q. 50 feet?

A. Well, say in the neighborhood of $4,000 to $5,000, but I don't consider that I am a competent judge, though.

Further Direct:

Q. Are you acquainted with the lot of ground in the rear there on Haydock street?

A. I merely know there is some there; I am not acquainted with the nature of the soil, and I have never formed a conclusion as to its value; I don't know whether it is overflowed by the rise and fall of the tide or not, or whether it is eligible for building purposes or not, and I don't consider that I am a competent judge of its value.

Q. That's all?

Not Cross-examined:

NATHAN W. COMPTON, a witness, produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Stone:

On consultation with counsel with the other side, I find we are satisfied to accept the real estate valuation of the other side, although we think they are high, of all the real estate of which he died seized, at $7,000. It is therefore agreed between the counsel of the parties in this cause that the value of the real estate of which the testator died seized, was $7,000 at the time of his death.

(Witness withdrawn.)

JONATHAN WOODRUFF, a witness, produced on the part of the aforesaid complainant's, having been duly sworn, deposeth and saith :

Direct Examination :

By Mr. Stone :

Q. You live in Rahway, sir.
A. Yes, sir.
Q. You are President of the Union National Bank ?
A. Yes, sir.
Q. You knew Eden Haydock in his lifetime ?
A. Well, sir.
Q. And he held bank stock in your bank ?
A. Yes, sir.
Q. To what extent ?
A. I think it was $4,000.
Q. Do you know what the value in the market of that bank stock was about the time—about the first of April of this year ?
A. I do not, sir.
Q. Do you know of any having been sold ?
A. I do not, sir ; about the first of April ?
Q. Yes ; of the present year ?
A. I knew of some being sold, but I think it was later than that.
Q. What was that sold for ?
A. Ten cents on the dollar, so I was informed.

(Objected to.)

Witness :—I perhaps might say that I know that a person bought it second-handed at fifteen cents on the dollar.

Q. What is your judgment as to its having any market value whatever then ?
A. There was no demand for it, sir.

Q. You own the building, I believe, where the bank is located?

A. Yes, sir.

Q. It is called the Exchange Bank, is it not?

A. Yes, sir.

Q. Had Mr. Haydock any interest in that building?

A. He had a bond and mortgage on it, sir.

Q. What is the amount of the bond and mortgage?

A. I think it was $6,000.

Q. Was that a first bond and mortgage?

A. No; a second, sir.

Q. And how much was the first?

A. $7,000.

Q. Now, what is the market value, if you can give it, of that building?

A. It would be hard to give it now, sir; I don't know what it would sell for.

Q. How has the market been in reference to the demand for real estate in Rahway for the past year?

A. Well, there is little or none, sir.

Q. The city has defaulted upon its bonds, has it not?

A. Yes, sir.

Q. Do you remember when the first default was?

A. I do not, sir; it was a year or more ago, I think.

BY THE COURT:

Is not the object of this testimony to show the value of the security that the testator held on this building?

By Mr. Stone:

Yes, sir.

BY THE COURT:

Ask him what his judgment of the market value of this building was.

Q. You have owned that building how long?

A. I think since 1871.

Q. And you consider yourself familiar with the value of real estate in Rahway?

A. Well, somewhat so; yes, sir, I do.

Q. Well, what, in your judgment, would that property sell for to-day in the market?

A. That is a hard question to answer—what it would sell for.

By the Court:

Q. Have you any judgment as to the market value of the mortgaged premises; if so, state what your judgment is?

A. I think the property is worth more than it is mortgaged for.

Further Direct:

Q. Can you tell what that property would sell for in the event of the foreclosure of the first mortgage?

A. I can't say.

By the Court:

The proper question is, what, in your judgment, is the fair market value of the mortgaged premises, being the bank building.

Q. Are you acquainted with what was the value of the United New Jersey Railroad and Canal Company's stock?

A. Only from what I saw in the papers.

By Mr. Vail:

Is there any dispute about that?

By Mr. Stone:

I don't know as there is.

(It is agreed between the counsel of the respective parties in this cause that 140 was the market value of each share of the United New Jersey Railroad and Canal Company's stock.)

Q. Are you acquainted with Joseph H. Smith?

A. I was, sir.

Q. Do you know what his financial responsibility was last April?

A. I do not, positively; I don't know, only from hearsay, sir.

By Mr. Berry:

Q. Mr. Woodruff, you were a long time acquainted with Eden Haydock?

A. Many years.

Q. How long?

A. Some thirty years.

Q. Now what, if any, business capacity do you know of his having, or have you conducted with him?

A. For the last ten or twelve years he has been a director in the bank, and I was very intimate with him.

Q. The box that has been spoken of—where was that kept?

A. It was kept in the inner safe—what we call the burglar-proof safe.

Q. Was he frequently at the bank?

A. Almost daily, years ago.

Q. Will you now, Mr. Woodruff, just from your own recollection, state what occurred within the last two years, if anything, within your recollection, and what you noticed in regard to the conduct of Eden Haydock as to his mental capacity and his general bearing. Just begin at the beginning when you noticed it and give us the points as they come to your mind, will you?

A. Well, perhaps a year before his death I noticed his mind was failing very much, and we frequently spoke of it in the bank; shall I tell the circumstances that took place?

Q. If you please; that's what we want.

A. He would come to the bank, for instance, in the morning at 10 o'clock and come up to me and hand me his bank book and ask me to please write it up. I would take it and go to the ledger and see there was nothing on the ledger, and would then take his book and hand it back to him and say to him, "Everything is on your book, Mr. Haydock." I would then go to my desk and sit down, and probably in ten minutes afterwards he would take the same book and ask the cashier if he would please write up the book. The cashier would then take his book in the same way and go to the ledger and look at it, and tell him, "Mr. Haydock, everything is on your book." I remember one morning in particular when that took place, and I went out of the bank. I went through the back door into the building and was gone five or ten minutes, and when I came back again he came to me the second time and asked me if I would please write up his book. I took the book again, went to the ledger and went through the form again, and told him everything was on his book all right, and he thanked me. I think in the month of August, one day about two o'clock——" (*interrupted*).

Q. What year, sir?

A. That must have been in 1878; a year ago last August.

Q. Yes?

A. I went home to dinner, and just before two o'clock I saw Mr. Haydock walking down the lane by the side of the house, towards the barn, which was a very unusual thing for him.

By the Court:

Q. Which lane?

A. Right alongside of my house, leading to the barn. My family said, "Why, there is Mr. Haydock; what does he want?" And I simply remarked, "Well his mind ain't right——" (*interrupted*).

(Objected to; Overruled.

Witness:—Well, he soon turned back and came to the front door. I went to meet him at the front door, and my family said——" (*interrupted*).

(Objected to.)

Witness.—Well, I met him at the front door and he said to me, "I want to know about that $900 note that I brought to the bank yesterday and left there." I said to him, "Mr. Haydock, I have not seen or heard of any $900 note." And I said to him further, "I was in New York yesterday, but I am going right up to the bank, and if you will walk up there with me I will ask the cashier about it. He walked along with me, and before we got to the corner of Cherry street he turned to me, and looked at me, and said, "You say Mr. Woodruff has gone to New York?" I said, "No;" and said I, "Do you mean Mr. Brewster?" "Oh, yes, yes, yes," he said. Well, I found that his mind was a sort of wandering, so I walked up with him to the bank, and we went into the bank together, and I said to the cashier: "Mr. Haydock is inquiring about a $900 note which he said he left here yesterday. Do you know anything about it?" And the cashier said, "Mr. Haydock left no note here yesterday; I have not seen any, and in fact no $900 note has been left here." "Oh, well," Mr. Haydock said; "all right, all right," and turned on his heel and walked right out of the door again.

And then there was his conduct, as I have stated, of coming with his passbook and wanting it written up.

Further Direct:

Q. Was that a frequent occurrence?

A. A very frequent occurrence.

Q. Well, just give us some idea of how often?

A. Well, I think sometimes three or four days in a week he would bring it there, and for some weeks almost every day; and when he came in the bank the first thing he would do would be to come to the desk; it was not Mr. Haydock's desk, but my desk, in which there was a small drawer, which was always called his drawer; he kept his bank-book there and receipts and such like papers; there was no lock on it, and he usually kept his bank-book there, and he would almost always go and pull out his bank-book and look over it awhile, and then ask me to write it up; he kept a very—not active account in the bank; he seldom made deposits, and it would frequently be for weeks that no entry was made on his book whatever.

Q. Did he ever ask you to write it up more than once in one day?

A. Yes, sir.

Q. How many times in one day?

A. Well, I know in one day that there was three times that he asked; he asked me twice, and asked the cashier once, to my knowledge.

Q. About how long apart were his requests?

A. Well, they were all within half or three quarters of an hour.

Q. What would he do with his papers; how would he occupy his time in the bank?

A. He would sit down frequently at my desk, and take a little piece of paper, and run up the figures on one side of his pass-book and then on the other side,

and figure over it there by the half-hour, and I think by the hour, when there were but very few lines on the book.

Q. What care did he take of his papers; did he have them out?

A. He would—out of the drawer; he would get them out on the desk there.

Q. Do you mean out of his box?

A. No, sir; out of his drawer, which had no lock to it. He kept no valuable papers there. He kept his passbook there and his tax receipts, and things of that kind.

Q. Well, on that branch, did he ever ask you—" (*interrupted.*)

(Objected to as presumably leading.)

Q. I direct your attention to the bill of Mrs. Smith; what have you to say about that?

A. Mr. Haydock would come to my desk, and not only take up his own papers, but he would take up my papers; and the cashier and myself would frequently speak about it, that if I missed a paper from my desk I would say, "Well, I will have to go to Mr. Haydock's drawer to find it." I remember once there were two letters brought in and laid on my desk; one for me and one for my daughter, and the first I knew of the letters being gone was the next day, when my daughter inquired about a certain letter, and asked if I had seen it.

(Objected to.)

Witness:—Well, there were two letters laid on my desk, and inquiry was made of me for this letter, and I could not find them, and I hunted through everything, and it went on that way day after day, until about two weeks afterwards, when I happened to think then of Mr. Haydock's drawer, and I said

to the cashier, "Now I am going to look in Mr. Haydock's drawer—" (*interrupted.*)

(Objected to.)

Witness:—Well, I went to Mr. Haydock's drawer, and among several of my own papers were these two letters. They had not been opened, but had been simply taken up from my desk and laid in his drawer.

Q. What I directed your attention to was a bill found among your papers, from Mrs. Smith; do you recollect that?

A. I don't remember; there were so many occasions of that kind, but I don't remember any particular paper just now.

Q. The nature and character of his deposits or what he required you to put in his book—have you any knowledge of that?

A. I say it was very seldom that he made a deposit, and his account was small and was what we call a very sluggish account; for weeks, sometimes, there was no entry made on either side, as he was not engaged in any business.

Q. Did he always offer to deposit money, or did he offer to deposit anything else?

A. I don't remember, sir.

Q. This box that you spoke of—can you tell us when it went out of your possession?

A. Well, I think it was in the winter; I think it was in the month of January, but I am not quite sure.

By Mr. Vail:

We admit that in the answer.

Q. Can you tell us what, if anything, occurred between Mr. Haydock and his wife, in regard to that box?

A. Yes, sir.

By the Court:

Q. First give the time as near as you can?
A. Well, in the Fall of 1878.

Further Direct:

Q. Well, go on?
A. I can't state whether it was in September or October, because there were several times that Mrs. Haydock wanted the box, and I said to Mr. Haydock, "Before this box is taken away, I want it opened, here in the bank, and for you or whoever owns the securities in there to look over it, and see that everything is in there all right before it is taken away." The box had been kept in the bank for several years.
Q. Why did you speak of it?
A. Well, he was—— (*interrupted*).

By the Court:

Q. Go on and give us the whole of the incident first?
A. Mr. Haydock was very careless and very forgetful.

Further Direct:

Q. Give us the incident that you were going to give?
A. Well, when Mrs. Haydock was with him, once in particular, she came in and said, "We want that box, and you have no right to keep it here." And I said to Mr. Haydock, "Before that box is taken away I want you to have the box opened here, and satisfy yourself or admit to us that everything is all right about it; that all the securities that belong in there are there." "Well", Mrs. Haydock said, "I don't know what is in the box, but there are

some things in there that I am interested in, and we want it." I then turned round to Mr. Haydock, in her presence, and said to him, "Do you want to take that box home with you?" and he said, "No, I don't." "Then," I said, "you had better leave it here, because it is safer here."

Q. What did she say to that?

A. She said she did want it to take home, and they had considerable discussion; there was a little wrangling like about it. She admonished him, and said: "Then have it opened here; I am going to see the inside of the box." I then opened the inside of the burglar-proof safe, and brought out the box, with the understanding before I opened the safe that the box should be opened right there, and not be taken away; that he should let her see what there was in there, and then have it put back again; but when I brought the box out he commenced feeling in his vest pocket, and said he hadn't got the key, and she said, "Yes, I guess you have;" and he said, "No, I ain't; I ain't got the key; I can't open it;" so he handed the box back to me, and I put it back in the safe again; once or twice previous to that, I might say three or four times, Mr. Haydock has come in and asked me to let him see his box, and I always opened the inside safe and handed it to him, and he has said to me, "I have not got the key; I have lost my key; I will take the box down town and get a key fitted to it;" and I said to him, "Are your treasures in that box?" and he said they were, and I said, "You had better not take the box away;" and he said, "That is as you say; if you think I had better not, I won't;" and he left the box; that occurred several times; I didn't think it was prudent to let him take the box down town, for fear that he might lose it.

Q. Tell us of any other incident that strikes you

of his conduct, anything in regard to his position as one of the directors of the bank?

A. Well, he was very feeble minded; very forgetful.

Q. Did he finally resign?

A. He did, sir.

Q. Give us the history of that?

A. Well, sir; Mr. Haydock was in there on the day we were going to have a meeting of the directors, when the bank was talking about going into voluntary liquidation, and I had heard that—(*interrupted*).

(Objected to.)

Witness :—I said to Mr. Haydock, "do you want to resign your position here as a director," and he said, "No, I don't." "Well," I said to him, "if you don't want to, don't you do it;" that was, I think, in the forenoon, but when he came up in the afternoon, when they had the meeting of the directors, he came in and signed a paper resigning his position.

Q. After he had resigned what did he say about it?

A. I don't think it was that day that he said anything about it, but a day or two afterwards, I said to him: "If you didn't want to resign, why did you?" "Well," he said, "I didn't know what I did."

Q. Are there any other particulars you can give us?

A. About that time he came in with his wife, and she wanted him to draw some money from the bank; I don't know whether it is necessary for me to tell these things or not, is it?

Q. Yes; and anything pertinent to his conduct.

A. Well, she came in with him and asked him to

make a check to draw some money from the bank.

By the Court:

Q. When was this?

A. This, I think, was in the month of September, 1878, a year ago last September.

Further Direct:

Q. Now, go on and state it?

A. Mrs. Haydock said to him, "I want you to draw the money;" he said, "No, I don't want to; I don't want the money;" she said, "We want it; you do want the money; we want the money now, home;" I turned to him right in Mrs. Haydock's presence, and said to him, "Mr. Haydock, do you wish to draw this money out of the bank, that you have got here?" He said, "No, I don't;" she rather took him by his arm and shook him then, and said "You do; I want it now;" then she said, "Just make your check;" and she rather pushed him by the arm up to a little desk we have outside here, and said, "Make your check; I want that money now;" and he made his check and drew, I believe, then, the balance that he had in the bank; I counted out the money and gave it to Mrs. Haydock.

Q. Any other instance?

A. Oh, well, there is a number similar to that, but they are very much of a repitition, though.

Q. Well, give anything else you think of?

A. I think for months his mind was that feeble—(*interrupted.*)

(Objected to.)

By the Court;

Q. Just give facts, Mr. Woodruff?

A. Well, it is merely a repetition of those things right over and over.

By Mr. Berry:

Will the Court hold that the witness cannot from his knowledge of the facts, give his judgment as to the condition of the mind of the deceased?

BY THE COURT:

Yes; I hold that an opinion from him is of no force; the question of whether he was of a sound mind, is for me to decide from the facts stated by the witnesses.

Further Direct:

Q. Now, Mr. Woodruff; do you know Mrs. Bonney?

A. Mrs. Staats Bonney?

Q. Yes?

A. Yes, sir.

Q. How long have you been acquainted with that family?

A. Almost from her childhood.

Q. What was the habit of Eden Haydock—what sort of a man was he?

A. He was a very quiet, retiring man—that is, quite a home man, and yet he was social.

Q. Was he fond of games or otherwise—What was his amusement?

A. He was very fond of playing checkers; very fond of that.

Q. Any other game?

A. Not of late years, that I know of.

Q. And he spent his time in that way?

A. A good deal of his leisure time if he could find any person who had time to play with him, I think he did.

Q. During the latter part of his life what has been his habit in regard to these games?

A. Well, his mind failed him so that he could not play checkers successfully.

By Mr. Vail:

Q. Do you mean before that you could beat him?

A. Yes, sir.

Further Direct:

Q. Do you know what the relations were that existed between Mr. Haydock and his daughter?

A. I do, sir.

Q. What were they?

A. He always spoke of Maggie in the pleasantest terms, and had the warmest affection for her.

Q. In all your intercourse with him, did you ever hear anything else but that?

A. I never did, sir; he would say to me occasionally at the bank, "I am going over to see Maggie;" she lived probably half a mile or not quite that from the bank; a quarter to half a mile.

Cross Examined:

By Mr. Vail:

Q. How long had Mr. Haydock been a director in the bank?

A. Since its organization.

Q. When was that?

A. 1865.

Q. Up to last Fall—when did he resign?

A. I think it was in the month of September.

Q. Last?

A. 1878, a year ago last September.

Q. September a year ago?

A Yes, sir.

Q. Not this September, but September 1878 preceding his death?

A. Yes, sir.

Q You had an annual election of directors, I believe?

A. Yes, sir.

Q. That annual election was in September?

A. No, sir; in January.

Q. Then the January preceding his resignation he had been again elected a director?

A. Yes, sir.

Q. And you say he was in the habit of coming to the bank nearly every day?

A. Sometimes for weeks it would be every day, and then again he would be absent.

Q. How often did you have meetings of the directors of the bank?

A. Well, professedly every week, but a great many weeks we did not have a quorum there.

Q. He was an active director in the bank, was not he?

A. Yes, sir.

Q. Up to the time of his resignation.

A. Well, not so much the last three or four months previous to that.

Q. Why was his resignation solicited, do you know?

A. Not positively.

Q. Well, what do you know about it, if anything?

A. Well, it is only hearsay or conjecture.

Q. Why did you ask him, then?

A. I did not ask him; I had heard he had been asked to resign, and I asked him if he wished to resign, and he said no, he did not.

Q. Whom did you get that information from?

A. I do not remember.

Q. Was it one of the directors?

A. That I cannot say; I don't remember whether

I got it from one of the directors or from the cashier, but I think it was some of the directors, yet I cannot say positively.

Q. As a matter of fact the vacancy caused by his resignation was filled by the cashier, was it not?

A. I think it was.

Q. You still maintain your active connection with the bank?

A. Yes, sir.

Q. You had, during the last year of Mr. Haydock's life, notes of his, or endorsed by him, under discount in your bank, did you not?

A. Yes, sir.

Q. Can you say when the last one of those notes was given to the bank?

A. They were renewed for the last year or two, but I cannot tell when.

Q. Well, about, you can tell pretty nearly?

A. When they were originally given, do you mean?

Q. No; when the last note that you discounted was given to the bank?

A. I cannot say; you see they were renewed every three months.

Q. Every three months? Were there any other notes under protest at the time of his death?

A. Well, my impression is there was.

Q. Were there any not yet due at the time of his death?

A. Well, I cannot say positively about that, Mr. Vail, now, but I think not.

Q. Do you know of a note of Tappan's that was not due until after his death?

A. Well, now you come to speak of it, I think there was.

Q. There was?

A. Yes, sir.

Q. Well, that must have been given within three months of his death?

A. I think so.

Q. You do not know when that came due?

A. No, sir.

Q. Do you know how many notes you were carrying?

A. I do not, sir, but I think about three.

Q. Do you know whether he was the maker or endorser of them?

A. I think he was the endorser of one or two, and the maker of one or two.

Q. Who else's name was to the notes?

A. I think Joseph S. Smith was on one, and I think A. Staats Bonney was on one or two.

Q. The complainant in this case?

A. Yes, sir.

Q. His son-in-law?

A. Yes, sir.

Q. Were the notes for which Mr. Bonney's name appeared, Mr. Haydock's or Mr. Bonney's notes endorsed by Mr. Haydock?

A. Mr. Haydock's notes endorsed by Mr. Bonney.

Q. And as that note came due you took a new one to renew it?

A. Yes, sir.

Q. Those were continued up to within a short period of Mr. Haydock's death, were they not?

A. Yes, sir; I remember distinctly that Mr. Haydock would come in there, and I would take him in my room and put it before him and say, "There is your note come due; will you sign this one to take the place of it."

Q. You thought he was able to do that?

A. Yes, sir; he was able to sign his name, and Mr. Haydock at that time and for months would do,

it appeared to me, just as any person he had confidence in asked him to do.

Q. Don't you think at the time he signed these notes he knew what he was doing?

A. I think he did just for the minute when I told him what it was for; I think he knew what he was doing.

Q. He knew the character of the obligation he was giving, did not he?

A. I explained it to him and showed him the note there that was due that day, and I asked him—(*interrupted.*)

Q. Would you have asked him to do it if you had thought he was not perfectly able to do it?

A. Well, I suppose not.

Q. Now, you say you found a couple of letters belonging to your family in his possession?

A. Yes, sir.

Q. Do you think there was anything very strange about that?

A. Nothing more than a sort of at the time, and he was so in the habit of doing these things that I did not think very strange of it except that he did not hardly realize what he was doing.

Q. Don't you often carry letters around in your pocket for days before they are delivered?

A. Very seldom.

Q. Well, you do once in a while?

A. Not lately, I believe.

Q. Well, you have done so?

A. Well, I have put a letter in my pocket and forgotten it.

Q. And you think you have got a pretty good mind, don't you?

A. Well, I think it is fair—forgetful sometimes.

Q. It is a matter of forgetfulness, aint it.

A. Yes, sir.

Q. That is it exactly?

A. Yes, sir.

Q. Did you ever call Mr. Haydock's attention to finding those letters in that drawer?

A. No, sir.

Q. He had his own papers out looking at them and these papers were found in his drawer among his papers?

A. I presume so.

Q. He had covered them up and picked them up altogether?

A. I presume so; he frequently when I was in there came and took out his papers and looked over them, and put them back in the drawer.

Q. How often did you play checkers with him?

A. I can't tell.

Q. Pretty nearly every day?

A. Oh, no; after the bank was closed, but not every day, and sometimes not every week.

Q. On the average, didn't you play with him two or three or four times a week?

A. No, sir.

Q. Well, how often did you?

A. About on the average once a week, I suppose.

Q. That would be after bank hours when he would come in the bank?

A. Yes, sir.

Q. You say he played a pretty good game. Now, that was up to what period before his death?

A. A year.

Q. The year before his death he ceased to play a good game of checkers?

A. Well, I can't tell just the time when it was.

Q. Well, about when?

A. Yes. I should say a year or more his mind was failing, and he could not play as good a game as he formerly did.

Q. Before that time he most always beat you, didn't he?

A. Well, it was pretty near even.

Q. How was it after that?

A. Well, he got discouraged and said he could not beat me at all; he said, "I believe I am losing my mind; I won't play."

Q. You had acquired skill by practice, hadn't you?

A. Well, I ought to.

Q. And he made the remark himself that he believed he was losing his mind, and he would not play?

A. I think he made that remark two or three different times.

Q. You say you always heard him speak of Mrs. Bonney in the most affectionate terms?

A. Yes, sir.

Q. Did you ever hear him say anything about Mrs. Bonney after the lunacy proceedings in January last?

A. I don't think I did; I never heard him mention her name afterwards.

Q. Did you hear him say anything about her during the pendancy of those proceedings?

A. No, sir.

Q. Then it was before that time when he spoke of her in the most affectionate terms?

A. Yes, sir.

Q. Do you know of your own knowledge whether any one else had a key to his tin box in your bank, except him?

A. Only from hearsay.

Q. You don't know from observation?

A. No, sir.

Q. From whom have you heard it—from whom did you get your information?

A. I think Mr. Haydock told me himself that Mr. Bonney had a key, and he used to come in occasionally and say, "Has Mr. Bonney been here?"

and I would say, "No, he has not." "Well," he said, "Mr. Bonney agreed to meet me here at such and such an hour, and we were going to look at the box." He said that to me two or three times, that Mr. Bonney was coming.

Q. And he would come there apparently by appointment with him?

A. Yes, sir; it appeared so to me.

Q. Did you see them there together?

A. Yes, sir.

Q. Was the box open, and did they examine it?

A. They always took it into the back room when they opened the box.

Q. And that is separated by a glass partition, I believe?

A. Yes, sir; with a sort of ground glass in it; they always took that box in the back room and opened it there together, and that is one reason why, when Mrs. Haydock came with him, I objected to letting the box go away, and I said, "If you will bring the person who has always been in the habit of coming here to open the box, and give us a receipt, then if you want to take the box away, why, do so. Bring your son-in-law, Mr. Bonney, and if you will give us a receipt that everything is in here that ought to be here, we would be glad to have you take the box away; we don't want to keep it."

Q. You didn't say that before, did you?

A. Well, (*a pause.*)

Q. Why did you not say that before, on your direct examination? You said that you said to him in the presence of Mrs. Haydock, that if they would open the box and would tell you the things were all right, you would let them take the box away.

A. I did.

Q. Now you say you told them that Mr. Bonney should be there?

A. I told them that at other times.

Q. Well, I am speaking of that one time now.

A. I don't remember whether at that one time I told them so or not, but at different times he has come and wanted to take the box away, and I have advised him to do thus and so.

Q. At the time he came down to your house and enquired about the $900 note, do you know whether or not at that time there was a note of his coming due in the bank?

A. I do not.

Q. Have you looked at your books to see?

A. No sir; but there was no note there of $900.

Q. Was there any note of his coming due about that time?

A. I don't know.

Q. Do you know the size of the notes you were carrying for him at that time?

A. I think there was none larger than $300.

Q. None larger than $300?

A. That is my impression, $300 or $350; that is my impression; but I don't know positively.

Q. Was there not one of $550?

A. I don't think there was, sir.

Q. Do you feel sure about that?

A. No, sir; I do not.

Q. Was not there another of $350?

A. My impression is there was one of $350.

Q. And was there not another of $300?

A. That I can't say.

Q. Was not there another of $75?

A. I don't know.

Q. And another of $80?

A. Oh, yes; it strikes me the one of Mr. Tappan's was for either $75 or $80.

Q. That's the $75 note?

A. That's my impression.

Q. Have any of these notes been paid?

A. I think not, sir.

Q. Who paid the discount on these notes, Mr. Haydock or Mr. Bonney, or who?

A. Those notes of Mr. Haydock's—one was charged to him, and one was put to his credit and the discount charged to him.

Q. The discount taken from his deposit?

A. Yes, sir.

Q. Do you know for whose benefit that note was discounted?

A. My impression is that it was originally for Mr. Bonney.

Q. Those notes upon which Mr. Bonney's name appeared, I mean?

A. Yes, sir.

Q. How about the other notes?

A. One of them was for Joseph S. Smith.

Q. Was that for his benefit or Mr. Haydock's?

A. For his, my impression is, sir.

Q. And the one other note upon which Mr. Tappan's name appeared?

A. That was discounted, I think, for Mr. Tappan.

Q. Didn't Mr. Bonney say to you at one time, not to let the box be taken from the banks without he knew it, or something to that effect?

A. I don't remember that he ever did, sir.

Q. Did he never give to you any such notice?

A. I don't think so.

Q. Do you know whether he ever left any such notice at the bank?

A. I don't know that he ever did.

Q. Your statement to Mr. Haydock that he ought not to take the box away, or that he must not take it away unless Mr. Bonney was there and consented, was voluntary then upon your part?

A. It was for the security of the bank, so that we should know—or that he would leave a writing with us to the effect that everything that belonged in the

box was there, that everything that was in the box when he left it there was there still, when he took it away.

Q. When, as near as you can fix it, Mr. Woodruff, did Mr. Haydock's mind begin to fail, as you say?

A. Well, I should say a year or more before his death.

Q. And he died in April last?

A. Last spring.

Q. The 28th of April?

A. Yes, sir.

Q. And for a year before that his mind was failing?

A. I think so.

Q. Had his mind been failing for more than a year before that?

A. Well, I should think it had, sir.

Q. For how much more than a year?

A. Well, that I can't say.

Q. Well, now, you have undertaken to tell me about his mind failing; give it to us as near as you can?

A. Well, I should think for two years.

Q. Well, you thought he had mind enough to be elected a director of the bank, didn't you:

A. Yes, sir.

Q. You usually think that requires a man of pretty fair mind, don't you?

A. Well, Mr. Haydock was one of the first originators of the bank, and notwithstanding that his mind was failing, and that he was very forgetful, and really knew but little about the affairs of the bank, because if we would tell him anything he would forget it in five minutes, yet we didn't think it was necessary to drop him out of the Board, or to turn him out.

Q. How far back can you fix the time when he

would forget incidents that you would speak to him about, in five or ten minutes?

A. I think it had been growing on him two or three years.

Q. And do you mean to tell us here that you elected him a director of that bank when you knew he was incompetent?

A. I mean to say we elected him a director of the bank the last time he was elected, when we knew he was very forgetful.

Q. Well, was there anything more that that?

A. Well, I don't know that there was anything special.

Q. Except forgetfulness?

A. Yes, sir.

Q. And that grew on him up to the time of his death?

A. I think it grew on him very rapidly in the last year.

Q. Do you recollect any conversation that you had with him about any business matters after his last election as director?

A. No, sir; I do not.

Q. Did he ever consult with you about his business affairs?

A. No, sir; I don't think so.

Q. Never, at any time?

A. No, sir.

Q. He was always very reticent about his business affairs, was not he?

A. I think so.

Q. Did he ever consult with you in any way about his investments?

A. I don't think he did, sir; we had just casual conversations.

Q. But that is not consultation. Did he ever ask your advice about making investments? How long

ago was it that he took the mortgage upon the Exchange Building for $6,000?

A. I can't tell you, sir; but a number of years.

Q. Well?

A. I can't remember; I don't remember at all.

Q. How long have you owned the property?

A. Since 1871.

Q. Did he make a loan to you, or was it on the property?

A. He made a loan to me.

Q. Since 1871?

A. Yes, sir.

Q. Well, can't you say whether it was one, two, three, four or five years ago?

A. I can't without looking; my impression is that it is four or five years ago.

Q. That was a second mortgage?

A. Yes, sir.

Q. Can you give us any incident now that shows any failure of Mr. Haydock's mind except his loss of memory?

By the Court:

Q. This bond and mortgage, I believe, was made by yourself?

A. Yes, sir; some four, five or six years ago; but I only speak now from memory.

Further Cross:

Q. Can you give us any incident or conversation which shows there was anything more in the manner of Mr. Haydock than mere loss of memory?

A. Do you mean during the last year?

Q. I mean at any time?

A. I think when he came down to my house and asked about the $900 note, and from the manner in

which he talked that day, it was something besides loss of memory.

Q. Is that the only thing you can tell us?

A. Well, no; I don't know of any other particu lar instance; it don't come to my mind just, but I think it was the general tenor of his mind for the last few months.

Q. After he resigned his directorship in the bank, you say that two or three days afterwards you asked him why he did it if he didn't want to. Did you say so?

A. No, sir.

Q. I thought you did?

A. It was on the morning of the election when I asked him if he wished to resign his position.

Q. But I understood you to say that a day or two after that you asked him what I have said.

A. Well, he was in the bank, and I had some conversation with him about his resigning or something of that kind, and I said to him, "Why did you resign then?" "Well," said he, "I don't know, or I didn't know what I was about," or something like that.

Q. Did he say he was over-persuaded?

A. No, sir; I don't think he did.

Q. Then he knew what he had done perfectly well?

A. He didn't at first appear to realize that he was not a director—he didn't appear to realize that at first.

Q. But after you told him what he had done he recognized it, didn't he?

A. Yes, sir,

Q. That was in September, you say?

A. Yes, sir; I think it was.

Q. That day he resigned the officers were there from Washington, were not they?

A. Yes, sir.

Q. And there was a general meeting of the Board?
A. Yes, sir.
Q. And he was there with the rest?
A. Yes, sir.
Q. And there was a good deal of excitement and confusion, was not there?
A. Yes, sir; considerable.
Q. Was there any other resignation except his on that day?
A. I think not.
Q. You don't know?
A. No, sir; there was none other but his.
Q. Do you know whether there was any desire expressed in the Board, or by any officer of the government, that the cashier should go in as a director?

(Objected to; admitted.)

A. I think the other directors wanted the cashier to go in.
Q. He was to go in as a managing Director, was not he?
A. Well, I don't know how he was any more than the others.
Q. And the Board was full at that time?
A. That is my impression now.
Q. And to get the cashier in somebody had to resign?
A. Yes, sir.
Q. And Mr. Haydock was asked to and did?
A. I don't know whether Mr. Haydock was asked.
Q. Well, he did resign?
A. Yes, sir.
Q. And Mr. Brewster was put in in his place?
A. Yes, sir.
Q. That's all.

Re-direct:

Q. Those notes that they spoke of, were they renewals or new loans?

A. Renewals.

Q. He asked you a question which I was a little inattentive to, about his being elected a director last year; was he not one of the originators of the bank?

A. He was, sir.

Q. And you didn't want to drop him for that reason?

A. Yes, sir.

Q. They have questioned you as to his notes; now, if he had come with a new note to ask for a new loan, what would you have considered to be your duty?

A. Well, the last few months we didn't any of us ——(*interrupted*).

By the Court:

Q. He asks simply for your judgment; if he had presented a note for discount, so that it was an original transaction, at the time he gave the last note outstanding at the time of his death; counsel's question to you is, what would you have done?

A. If he had come with a good note, and wanted it discounted, we should have done it for him, sir.

Q. Notwithstanding——(*interrupted*).

A. Yes, sir.

By the Court:

He has answered your question.

Witness: Notwithstanding his forgetfulness.

Q. Did Mr. Bonney ever come there for the box alone?

A. I think not, sir.

Re-cross:

By Mr. Vail:

Q. One thing I forgot to ask you about—the interview that you related between Mr. Haydock and his wife, when they came there and Mrs. Haydock asked him to draw some money; you say he at first refused, and that she took hold of him and shook him?

A. She took hold of his arm; yes, sir.

Q. Was that done in a petulant way, or a playful way?

A. Well, rather a petulant manner.

Q. Did she exhibit any anger except mere petulance?

A. Well, she said in a very decided and rather excited manner, "We do want the money, and I want you to draw it."

Q. But that is all she said?

A. She said, "I want the money, and I want you to draw it," and I think she said, furthermore, "we want the money down to the house;" and he said to her, "We have got money enough down to the house;" and I said to him——(*interrupted*).

Q. Do you recollect how much it was?

A. I do not; I think it was not $100, anyhow; it was all there was in the bank at that time; that drew the balance, because I said to him, "Do you want to draw this money, what you have here?" and he said, "No."

Re-direct:

Q. I desire to call your attention simply to a matter in order that you make an explanation to what you have already sworn to; have you had your attention called to a question and answer put to you this morning, with reference to the question as to

whether you would have loaned or have discounted a note for Mr. Haydock during his last years?

A. I have had my attention called to it.

Q. By whom?

A. By yourself, Mr. Stone.

Q. What do you understand is what I told you you had sworn to?

A. Well, you stated to me that my testimony was that at the time the last note was discounted I said we would have discounted a note for Mr. Haydock if he had offered it, and I told you that it was not so. I said that what I meant to say was that we would have done so up to the time he ceased to be a director, but not up to the time when the last note was discounted. I don't remember when it was, but I think it was not along until the winter, and I think I stated one reason why it would be impossible for us to have done it, that is, that soon after he resigned there was talk about a guardian being appointed for him, and we consulted together as to whether it was prudent and safe for us to renew these notes that were running, but we concluded that Mr. Haydock could understand what that was for at any rate, that it was just a renewal of the notes, and that we would continue renewing them for the time.

Re-cross:

Q. When the last note was discounted, which was in January or February—the Tappan note—don't you recollect making the remark to the person who brought the note to the bank, "Yes, Mr. Haydock is all right now; we will discount this note?"

A. No, sir; I do not.

Q. Are you sure you didn't make any such remark?

A. I don't think I did, becanse I never thought he was.

Q. I asked you if you are sure you didn't make any such remark?

A. I am very certain that I never did.

Q. Then what did you mean by saying that if Mr. Haydock had brought a good note there, that you would have discounted it for him?

A. I might up to the time when he ceased to be a director.

Q. That was in September?

A. Yes, sir.

Q. While he was a director you would have discounted his note for him?

A. Yes, sir.

Q. And when he ceased to be you would not?

A. I say soon after that there were efforts made to have a guardian appointed.

Q. That is not an answer to my question.

A. We had not done it entirely, because he was a director, sir.

Q. Well, partially so?

A. Well, Mr. Haydock was like a father to us in the bank, and while he was a director a note of a moderate amount, if he had wanted it discounted, it would have been done for him; that's my impression.

Q. Then he ceased to be a father when he ceased to be a director, and then you would not have done it?

A. No, sir; not at all; but his incompetency then began to be talked about.

Q. You know the result of the Inquisition of Lunacy; now, suppose in January or February preceding his death he brought you a note which you yourself would have said was good, would you have discounted it for him or not, if you had the money to do it with?

A. I don't think the bank would have done it, sir,

not after the talk about his having a guardian appointed.

Q. Even after the result of the Inquisition of Lunacy?

A. I don't think that would have changed the minds of any of them.

By Mr. Stone:

We have agreed that the value of the real estate mortgaged by Joseph S. Smith to Mr. Haydock to secure $3,000, was worth $15,000 last Spring at the time these transfers were made, and that the bond of Mr. Smith was not worth anything.

JOHN H. MUNDAY, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Where do you reside?

A. Rahway..

Q. What is your business?

A. Carman.

Q. What do you mean by that?

A. I cart goods around town for you and everybody else.

Q. Did you ever cart any for Mr. Haydock in his lifetime?

A. I did.

Q. Where to?

A. From the depot to his house.

Q. What was it?

A. Butter.

Q. Had you anything coming to you for freight?

A. They had to pay me freight.

Q. What was said about it, and by whom?

A. I asked them for the money for the freight and they had no money.

Q. When was that?

A. When I took the butter.

Q. Tell us when you did take the butter?

A. About a year ago last October.

Q. What was said?

A. They said they hadn't the money until they went to the bank for it, and asked me if I would wait. I said I could not, that I wanted to pay Mr. Martin. Mrs. Haydock said she wanted me to wait until the afternoon.

Q. Go on, sir, and state what was said?

A. Mr. Haydock said he had not the money, and Mrs. Haydock asked me to wait until the afternoon, because he had to go to the bank after it. I told her I wanted the money, and she told me he was not fit to go to the bank; that he did not know whether he got it when he went for it.

Q. What is that; say that again?

A. He did not know whether he got much or little; so I went away from the house, and came back in the afternoon, and got the money.

Q. That's all?

Not Cross-examined.

ROBERT BREWSTER, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination.

By Mr. Berry:

Q. You are a resident of Rahway?

A. Yes, sir.

Q. How long have you been?

A. I was born there, and always lived there, except for about four years of my life.

Q. Well, I suppose you are over 21; there is no need to ask you that question; what has been your business for several years last past?

A. Cashier of the Union National Bank.

Q. As such, have you seen Mr. Haydock?

A. Yes, sir.

Q. Will you now please state to the Court what, if anything, you discovered peculiar about his conduct?

A. Well, there were various incidents that occurred that seemed rather peculiar; I noticed first in 1877—the Summer of 1877; I took particular notice of his conduct occasioned by his calling every day to have the dividend put on his pass-book; that was in the month of July; he would hand me his pass-book, and ask me to enter his dividend on it: I told him, said I, "Mr. Haydock, we declare a dividend in April and October; there is no dividend to go on your book at this time;" perhaps in an hour afterwards he would call on me again to enter up his dividend; I would say to him again that this was not the season of the year that we declared the dividend; that the dividends were always declared in April and October; he would say, "Oh, yes, yes," and then leave me; that might occur in the forenoon, and in the afternoon he would come and ask me to do the same thing over again; I think he kept that up about a week right straight along every day.

Q. Well, what next?

A. Then he would bring me his pass-book, and ask me to write it up; he very seldom drew any checks; and I would take his book and look at the ledger, and see there was nothing to go on it, and hand it back to him; he would seem to be perfectly satisfied, and look at it perhaps for a while, and then, perhaps in an hour or so, he would come and

ask me to write it up again, and I always would take it and look at the ledger, and just hand it back to him.

Q. Did you make any change in it at all?

A. I made no entries in it; there was nothing to go in it.

Q. What would he say when he would take it from you to look at it?

A. He would look at it, but would not say anything.

Q. How long did that continue?

A. Well, he did that more or less for a year.

Q. Now, I asked Mr. Woodruff, when he was on the stand, if there was anything occurred concerning a bill that was sent Mr. Woodruff by Mr. Smith; will you give the particulars?

A. Mr. Haydock passed his book in to me one day, and asked me to place that to his credit and upon his pass-book; I opened the pass-book and found it was Mr. Smith's bill against Mr. Woodruff for dry goods.

Q. What did you say to him?

A. I told him I could not receive that as a deposit, and he looked at it, and said: "Oh, that's a mistake," he says, and took it back again.

Q. Did he have anything deposited at that time?

A. Nothing at all; no, sir.

Q. Any other occurrence of that kind, that you remember?

A. I remember one day of his coming in when he had a tax bill in his hand, and he asked me where he should pay his taxes; I told him to go down to Mr. Blanchard who was the tax receiver in the Savings Bank building; and he said: "Who is Mr. Blanchard?" I said: "Mr. Haydock you know Mr. Blanchard, he is the tax receiver down in the Savings Bank building." "Oh," he says, and he started out and went down to the foot of the

steps and came back again and said: "Who do you say?" What do you say that man's name is?" I said: "Mr. Blanchard, the tax receiver in the Savings Bank building." He passed out to the corner of the street and then I saw him coming back again, and he said: "Where did you say Mr. Blanchard was?" I said: "In the Savings Bank building; take the left hand door as you go into the Savings Bank." He went out again, and I suppose he was gone long enough to get nearly to the foot of Cherry street, when he came back again and asked me, "if I could tell him where to pay his taxes?" I told him over again; I was very busy at the time, otherwise I would have gone with him; but he did not go there at all.

Q. When was that?

A. I think it was in the Fall of 1878.

Q. Was this place and this man strangers to Mr. Haydock?

A. Mr. Haydock had been in the habit of going to the Savings Bank building every day, or every week, for years, and was intimately acquainted with Mr. Smith, who was the secretary or treasurer of the Savings Institution.

Q. And as to Mr. Blanchard, is he an unknown individual in Rahway?

A. No, sir; I don't know whether Mr. Haydock was acquainted with him or not, but I presume he was.

Q. What is that?

A. I say I don't know whether Mr. Haydock knew Mr. Blanchard or not—positively.

Q. He is well known, is not he—Mr. Blanchard?

A. Yes, sir.

Q. Does not he go by Mr. Haydock's in going down to his own home?

A. He passes his house three or four times a day.

Q. What is the next thing you think of?

A. Well, it was a daily occurrence for him to come

in and ask for his cane; he would come in and ask for his cane, and I would help him look round the bank building, because I thought maybe he had left his cane there, but we would not find it, and I would tell him that perhaps he had left it somewhere else. Then, perhaps, in 10 or 15 minutes he would come back and ask me if I had seen anything of his cane. That I think occurred every week for probably six months, perhaps longer.

Q. Anything else?

A. I don't remember anything particularly—no particular circumstance.

Q. Let me call your attention to another matter, whether there was anything in regard to a statement to go to Washington?

A. I have an indistinct recollection of something of the kind, but it is not clear enough in my mind to make a statement about.

Q. The box was finally taken away from there; when it was finally taken away, was anything taken from it?

A. Mr. Vail and I took a schedule of what the box contained.

Q. To whom did you deliver the box?

A. Mr. Vail.

Q. At what time?

A. I don't remember; I guess it was in the Winter—last Winter.

By Mr. Vail:

The answer admits it was in January.

Q. The 25th of January?

A. Somewhere in that neighborhood.

Q. Have you any recollection of the occurrence that Mr. Woodruff spoke of when he would come there with his wife?

A. Yes, sir.

Q. Just state them, as they occur to you?

A. I have known of Mr. Haydock coming there with Mrs. Haydock a number of times and drawing money, and also asking for the box, but they usually asked Mr. Woodruff; I had nothing to do with it at that time; but I remember the circumstance.

Q. That's all.

Cross-examined:

By Mr. Vail:

Q. Mr. Haydock came to the bank nearly every day, did not he?

A. Almost every day.

Q. And during the last two years of his life, you would have more or less conversation with him, would not you, when he came there?

A. Well, I generally passed the time of day with him, and sometimes would not say anything to him, and sometimes I would.

Q. Sometimes you had a conversation with him, and sometimes you did not?

A. I was generally pretty busy, and did not say much to him.

Q. Did you ever see anything, either in his disposition or action, to show anything more than loss of memory?

A. No, sir.

Q. Did he ever ask you for his box in the bank?

A. Yes, sir.

Q. Did you refuse to give it to him?

A. I never refused to give it to him?

Q. Did you give it to him?

A. Hold on, let me think. Yes, when he came there and wanted to see it, I would unlock the safe and hand it to him. I don't think he ever asked me for the box when he came himself, alone.

Q. When was the last time he asked you for an inspection of the box?

A. I can't remember. I suppose he has asked me for the box one hundred times.

Q. Did you ever refuse to let him have it?

A. No, sir. I used to unlock the safe and hand it to him, and in nine cases out of ten he would hand it right back and tell me he had lost the key. I suppose I have unlocked the safe three and four times a day and passed out the box to him, and he would hold it for a few minutes, and fumble round his pocket, and then hand it back to me, and tell me he had not the key.

Q. Do you ever recollect giving it to him when he had the key?

A. Yes, sir.

Q. Would he open it and look at its contents?

A. I don't think I ever gave it to him unless Mr. Bonney was with him when he looked at the contents; then they went in the back room, and gave the box back to me when they were through.

Q. Did you ever hear him ask Mr. Woodruff for the box, and hear Mr. Woodruff refuse to give it to him?

A. I have heard him ask Mr. Woodruff for the box, when Mr. Woodruff has persuaded him not to take it; I don't know as he refused to give it to him.

Q. Did you ever hear him persuade Mr. Haydock not to take it, when Mrs. Haydock was with him?

A. I think I have.

Q. How long before his death?

A. Well, perhaps six months, perhaps three months; I don't remember exactly about that.

Q. You can't tell about that; was it before or after the lunacy proceedings?

A. Before, I think.

Q. Do you recollect any occasion afterwards?

A. I can't call to mind any occasion.

Q. You were cashier at the bank at the time of Mr. Haydock's resignation?

A. Yes, sir.

Q. He resigned to let you take his place, did not he?

(Objected to as not a proper cross-examination; admitted.)

A. So I have understood since, but I did not know it at the time.

Q. You were not in the Board when he was requested to resign?

A. No, sir.

Q. And did not know of his resignation until after it took place?

A. I did not know how or what was the cause of it; this matter was arranged in the back room by some of the directors and the government officers; and Mr. Haydock tendered his resignation and I was placed in his place in the board of directors; I had nothing to do with it, and did not know at the time that that was the occasion of his resignation.

Q. After that you took the position of managing director of the bank, did not you?

A. I can't say I was managing director any more than I was one of the directors.

Q. Don't you know that the government officials insisted upon your going in as a director?

A. Yes; I know that.

Q. And the board was full at that time?

A. Yes, sir; before that time.

Q. And it required the resignation of somebody before you could get in, did not it?

A. Yes, sir.

Q. Do you know why they wanted you in as a director?

A. I think it was the wish of some of the directors.

Q. Was it not insisted upon by the government officials?

(Objected to and overruled.)

Q. Did the bank go into liquidation afterwards?
A. Yes, sir.
Q. When?
A. I think immediately afterwards.
Q. And is in process of liquidation now?
A. Yes, sir; I think the bank went into liquidation before—a short time before that—although I am not quite sure; but I think it was a little before that.
Q. Are you sure about that, was it not that meeting of the directors that the course was determined upon?
A. I think the advertisement was in the papers before that time, although I am not positive about it; I can't remember; my impression is that we decided to go into liquidation in August, and that this meeting took place in September.
Q. But you are not sure about that?
A. Not quite sure.
Q. Can you ascertain?
A. I can.
Q. Will you be good enough to ascertain and let us know?
A. I will.
Q. That's all.

EMMA ROWLEN, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Where do you live?

A. Westfield.

Q. How long have you lived there?

A. I went there in February.

Q. Of last year?

A. Yes, sir.

Q. With whom do you live there?

A. With Mrs. and Mr. Earl.

Q. Mr. Earl is a clergyman?

A. Yes, sir.

Q. Did you ever live with Mr. Haydock?

A. Yes, sir.

Q. When?

A. I went in with him the first of last September, and stayed until the middle of February.

BY THE COURT:

Q. Did you go there last September?

A. No, sir; not last September; it was last September a year ago; I had forgotten.

Further Direct.

Q. And you stayed until February of last year.

A. Yes, sir.

Q. And from Mr. Haydock's you went to Mr. Earl's?

A. Yes, sir.

Q. What were your duties at Mr. Haydock's?

A. I did general work.

Q. Were you ever with Mr. and Mrs. Haydock when they were together?

A. Well, I used to be; I used to be out and in; Mr. Haydock not being able to be around he had to have his bed down stairs.

Q. Did you help take care of him?

A. No, sir; not exactly; I only waited on him; when they asked me to do anything I did it.

Q. What was the habit of Mr. Haydock in regard to his sitting still or otherwise?

A. Well, he went off thinking and thinking; I always thought he appeared to be like a man making calculations.

Q. Would he sit in that way long?

A. Yes, sir; he often would sit for a long time and appear to be thinking.

Q. Did he get sick while you were there?

A. He never got sick any more than a cold.

Q. When he got sick what was done?

A. Well, in the morning he (*interrupted.*)

Q. No, no; did he ever have his feet soaked at night?—When he took a severe cold how did you treat him?

A. Well, he took cold once; he went out in the dampness and took cold that way.

Q. When he caught that cold how did you treat him?

A. I did not do it.

Q. Well, do you know whether he had his feet soaked or not?

A. Oh, yes.

Q. Do you remember any one occasion when he had his feet soaked?

A. Well, he was often troubled with cold feet, and used to soak his feet, and the last time it was very cold, and he went up stairs, and took more cold by going up stairs.

Q. How was the hall?

A. It was a long hall, and he went through the hall up stairs.

Q. Was there any fire in the hall?

A. No, sir; none at all.

Q. Where was it he soaked his feet?

A. In the dining-room.

Q. Whereabouts is that from the hall?

A. Well, it was in the back part of the house.

Q. Then he came out of the back part of the house and went up to his bedroom?

A. Yes, sir.

Q. What, if anything, did Mrs. Haydock say as to his condition during that night:

A. Well, he complained in the night, and said it was very cold, and he asked her if she would oblige him by making a fire, and she thought there was no need of her getting up to do that; she said she didn't think it was worth while to get up; she thought he could make out until the morning; but in the morning when he came down stairs he was completely chilled through.

Q. From that time what was his condition of health after that?

A. He didn't seem to be so well afterwards; he seemed to never get rid of the cold.

Q. About when was that, do you remember?

A. That was when the weather set in. We had some severe weather; it was the second cold spell we had.

Q. Was it very cold?

A. It was very cold.

Q. Who attended to the soaking of his feet that night?

A. How do you mean?

Q. Who did it?

A. Mrs. Haydock used to attend to him. I had nothing to do with the old man.

Q. Where did you have fires in the house?

A. In the dining-room.

Q. And in the hall?

A. We didn't have any fire in the hall.

Q. Did you have any in the bed room?

A. We had a pipe that went from the dining-room stove, which was down stairs, up into the bed-room, but the room was very cold.

Q. Now, what did she say about his wanting her to get up?

A. He didn't say anything, sir; not to me.

Q. Well; what did she say?

A. She said that it would do in the morning; she didn't care about getting up in the night.

Q. What did he want her to do?

A. Nothing more than to see to the fire. The fire went out that night, and he wanted her to see to the fire.

Q. He asked her to get up and build a fire?

A. Yes, sir.

Q. What did she say?

A. She said she was not going to get up—that's what she told me.

Q. Do you know whether he went up bare-footed, or otherwise.

A. No, sir; he slipped on his shoes; he didn't go up in his stocking feet.

Q. Now, did Mr. and Mrs. Haydock ever talk about their money matters?

A. Yes, sir, every day; every day.

Q. Who did the talking?

A. Well, Mrs. Haydock; she used to do the talking.

Q. Did Mr. Haydock talk much about it?

A. No, sir; she could not hardly get a word out of him, and that made Mrs. Haydock very angry, because he would not give her any satisfaction.

Q. What would she talk about?

A. Well, she used to want to know—well, I could not tell exactly, because I didn't pay attention.

Q. What was the general purport of it?

A. Well, I could not tell, but she wanted—she would have papers and want him to sign it.

By the Court:

State what was said; what he said, and what she said, to the best of your recollection?

Further Direct:

Q. State any conversation about the money matters that you recollect now?

A. No, sir; I didn't hear any conversations about it, because he was a man of very few words.

Q. Well, what did Mrs. Haydock say?

A. I didn't hear him say anything?

Q. Mrs. Haydock, I said?

A. Well, I don't remember any of it, only she would say—she appeared to want him to do something or to tell her something.

By the Court:

Q. State what she said; if you can't recall the words, state what she said, to the best of your recollection?

Further Direct:

Q. With that understanding, give us the best of your recollection of what she said to him about his money matters?

A. Well, she didn't say anything to me about money matters, only she wanted to find out something; I could not tell you anything more than that.

Q. I am asking what she said to him, not what she said to you, but what she said to him about it?

A. Well, she appeared—I can't say positively, because I didn't pay any attention; but she appeared to want him to say something.

Q. She did talk to him almost daily about money matters, did she?

A. Yes, sir; but I didn't pay any attention to it, because I thought it was not right to stand

listening to what they were saying, and I didn't wish to know.

Q. How did Mrs. Haydock seem—what was her manner towards her husband?

A. He would not tell her what she wished, and she got very excited sometimes.

Q. What did she say when she got excited?

A. She said more than once that she would not stay there; but I thought it was not right for me to listen to what they were saying.

Q. What did she say, if anything, about his condition—the condition of his mind?

A. Well, she would often speak about his being out of his head and childish, and all that sort of thing.

Q. Did she say that to you?

A. Yes, sir, to me.

Q. Did she say so to other people in your presence?

A. Well, I could not tell you about that; she might, but I didn't hear her.

Q. Did she say to you that he was out of his mind?

A. She often said, "He is out of his head half the time," and didn't know what he was about.

Q. Did she let him go out or otherwise?

A. She would not let him go out.

Q. How would she prevent him?

A. She would lock the doors and say he could not go, because he got more cold; she said he was sick, and she thought it would bring on malarial fever.

Q. How long did that continue?

A. That was some time in December.

Q. During the time you were there, I mean?

A. It was in December.

Q. And she locked the doors, then?

A. Yes, sir; and said he could not go out; she locked the door before winter set in, and after win-

ter set in she said he should not go out, because he would get more cold, and then malarial fever would set in.

Q. Did she ever scold you for anything she had heard that you had said outside?

A. Yes, sir; when I went to Shotwell's.

Q. Well, what did she say?

A. Well, I told Mr. Shotwell——(*interrupted*).

Q. What did Mrs. Haydock say to you after that?

A. She said that I had been telling things around that she was unkind to her husband, and got her into trouble, or words I had said.

Q. In trouble about what?

A. Well, I asked her what trouble, and she said about getting dissatisfied with the case, and they was going to take it to the higher court.

Q. That was in regard to the lunacy proceedings?

A. Yes, sir.

Q. And she said if you didn't be careful of what you told, you would get her into trouble?

A. Yes, sir; she said I had been getting her into trouble.

Cross-examined:

By Mr. Vail:

Q. How long were you there, lived there?

A. About five months—from September until February.

Q. At the time you say Mr. Haydock soaked his feet and had to go up stairs afterwards, his bed room was up stairs, was not it?

A. Yes, sir; and it was very cold.

By the Court:

Q. The question counsel put to you is whether, at

the time Mr. Haydock soaked his feet, he slept up stairs?

A. Yes, sir; of course he would not go up stairs unless it was.

Further Direct:

Q. Well, he had to go up there?

A. Yes, sir.

Q. And he went from the dining room through the hall up stairs?

A. Yes, sir.

Q. In his slippers and stockings?

A. Yes, sir.

Q. How many fires where there in the house?

A. Sometimes one; sometimes two; when the weather was mild we only had one.

Q. Was there a fire in the kitchen?

A. Yes, sir; but sometimes it went out.

Q. Was there a fire in the dining room?

A. Yes, sir.

Q. Where was there a fire that night anywhere in the house?

A. In the dining room, but it sometimes went out.

Q. Well, which fire was it went out during that night?

A. The dining-room fire?

Q. Did you ever state that Mrs. Haydock was unkind to him; did you ever report that?

A. No, sir; I never said so; I only spoke of it in a careless kind of a way; I didn't speak of any unkindness of Mrs. Haydock at all; I never said so, because they asked me how Mr. Haydock was, and I said I thought he had got more cold by going up stairs.

Q. That's what you reported down at Shotwells?

A. Yes, sir; that's all I said, and I never thought any more about it.

Q. Mrs. Haydock was kind to him, was she not?

A. Oh, yes, sir; at times she was kind to him; only about money matters she would be angry, because he would not tell her what she wanted to know.

Q. How do you know what she wished to know?

A. Well, think she had an idea—well, she told me that Mr. Bonney was trying to get Mr. Haydock's property away from him, and she did not want him to; that's what she told me.

Q. That Mr. Bonney was trying to get Mr. Haydock's property away from him, and she didn't want him to?

A. Yes, sir.

ELLA BLOOMFIELD, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Where do you live?

A. Orange.

Q. Have you ever resided in Rahway?

A. I have, sir.

Q. When?

A. I resided there about ten or fifteen years ago.

Q. Were you intimate at that time with Mr. Haydock's family?

A. I was, sir. I was a member there.

Q. A member of the family—how long?

A. For three years—three or four years.

Q. About when was that, Mrs. Bloomfield?

A. I think, sir; it was 1858.

Q. Was that during the life of the former Mrs. Haydock?

A. It was, sir.

Q. Have you kept up your relations with the family during all these years?

A. Somewhat, sir.

Q. How frequently did you visit there?

A. I have called at the house occasionally.

Q. During the entire period?

A. Yes, sir; and sometimes at longer intervals.

Q. Do you know what the relations between Mrs. Bonney that now is, and Mr. Haydock was at the time he was living, and do you know how they were towards each other?

A. Most affectionate and kind.

Q. Do you know of any break in that affection?

A. Not at all.

Q. When was the last that you were at Mr. Haydock's?

A. The last call I made there was in May—May 9th, I think, 1877.

Q. Whom did you see then?

A. I saw Mr. Haydock, his daughter Maggie, Mr. Staats Bonney, her husband, and the present Mrs. Haydock.

Q. Will you state to the Court how you went there, and give it in detail, please?

A. I had been attending a funeral during the day —in the morning, of Mr. Albert Lee, and I didn't follow the friends to the grave, but walked up town thinking I would call on some old friends, and stopped at Mr. Haydock's house. I called there. Mr. Haydock came to the door, and didn't seem to recognize me as an old friend, but rather as a stranger. I endeavored to recall the past as I had been familiar in the family, and he shook my hand, but he didn't seem to realize who I was, and as I entered the parlor, his daughter came in and tried to explain to her father who I was. He apparently partially recognized me, but I don't think he really knew who I was. His conversation was very inco-

herent during my call. I noticed that his mind seemed to have been decidedly impaired.

Q. Did they take pains to try and make him understand?

A. Yes, sir; they explained to him; and sometimes he seemed to recall me, and then again he seemed lost.

Q. That's all?

A. I left and returned home, and remarked to my friends—(*interrupted.*)

(Objected to.)

Cross-examined:

Q. When you say his mind was impaired, do you mean his memory?

A. I don't understand you.

Q. You said that his mind seemed to be impaired—do you mean by that that his memory was impaired?

A. Yes, sir.

Q. Anything else?

A. His general manner seemed to be abstracted—forgetful.

Q. Did you observe that any of the faculties of his mind, except his memory, were impaired?

A. Yes, sir; that was my impression.

Q. What did you observe besides the impairment of his memory?

A. His conversation didn't seem to be connected at all.

Q. Can you give us an example of his conversation at that time?

A. Do you mean do I remember it?

Q. Yes.

A. Not entirely; I could remember a little instance.

Q. What do you mean by its being disconnected?

A. Well, that he would talk—for instance, his son

had died a few days previous, and he would tell me about his son's death, and after a while he would repeat the same thing to me.

Q. Anything else, did you notice?

A. And I noticed that the past seemed to be forgotten by him—it was a blank.

Q. Anything else; is that all you observed?

A. That's all; yes, sir, particularly.

Q. How long were you there?

A. I spent two hours or an hour there.

Q. How long was he with you?

A. He was in the room during my call sir.

Q. The whole two hours?

A. Yes, sir; the family was present.

Q. That's all.

Re-Direct:

Q. Is there any other instance that you remember. You mentioned one instance in relation to the son's death. Is there anything else you talked of in which his conversation was not connected?

A. The general conversation we had was so—of a person of unsound mind—disconnected, that is, I thought so. My impression from his whole conversation was that he was abstracted and had lost his memory.

Re-Cross:

Q. You have used two or three times the term "unsound" in relation to his mind, giving no illustration, except in relation to his memory. Can you give us any instance in relation to any other mental unsoundness?

A. No other instance in particular.

Q. Did you observe no other except loss of memory?

A. I observed—yes, his manner, sir, seemed to be

different from when I once knew him as a person of mind.

Q. What do you mean by his manner seemed to be different?

A. (*A pause.*)

By the Court:

Q. Counsel wants you to describe in what respects his manner on the occasion of this visit differed from his manner on previous visits?

A. I don't know, sir, only that his conversation was not that of a person of sound mind; it seemed rambling.

Further Cross:

Q. You can't give any instance except this you have given?

A. I don't think I can, sir.

Q. Was it not at the time of his son's funeral that you called?

A. No, sir; it was after his son's death.

Q. Did you attend his son's funeral?

A. I did not; I was not aware of his son's death until I visited the house.

Re-Direct:

Q. What was his habit when you knew him as Eden Haydock—what sort of a man was he then?

A. He was a man of very kind disposition, and courteous and had a moderate business ability.

Q. And as to his social habits?

A. Very hospitable.

Q. Was he grave in conversation or otherwise?

A. Not particularly grave, but rather humorous and good-natured.

Q. Did you observe any of those at the last visit?

A. I noticed a sadness—there seemed a sadness on his face that I had not noticed before.

Q. Was there anything else? Did he differ in any other particular from his former self?

A. Not that I remember; he looked pale, haggard and then ——

Q. We are not speaking of his personal appearance, but I am speaking of his manner?

A. Well, I didn't notice anything particular.

Q. That's all?

Re-cross:

Q. How long had his son been dead?

A. I think he had been dead three days, but I don't remember exactly.

CHARLES AVERY, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr Berry:

Q. Are you a resident of Rahway, Mr. Avery?

A. Yes, sir.

Q. How long have you been?

A. I have resided there nearly all my life time, with the exception of perhaps three or four years.

Q. Did you know Eden Haydock?

A. I did.

Q. For how long, sir?

A. I might say I have known him ever since I was a little boy; that is I have known him by sight, I was not acquainted with him much at that time.

Q. Have you seen him, or did you see him two years prior to his death?

A. I did, frequently.

Q. Will you state, sir, if you know of any occurrences in which you noticed he was peculiar?

A. Well, my attention was called to his being in the store occasionally purchasing goods or looking at goods, sometimes in company with his wife and sometimes alone.

Q. State what your attention was directed to?

A. At one time particularly he came in the store to see about getting a pair of boots for himself, and they didn't seem to fit him exactly, at least he thought they would have to be made easy enough for him to wear, and I attempted to do so, but in the meantime he had purchased a pair of shoes somewhere else, and he frequently called to pay me for them.

Q. For what—the shoes?

A. For the shoes that he had purchased somewhere else.

Q. He didn't buy the boots you proposed to sell to him?

A. No, sir; but he seemed to be laboring under the impression that he owed me for some goods and wanted to pay me, and he would come in and ask me how much they were, and take out his pocketbook and offer to pay me for them, and I told him he didn't owe me anything, and then he would speak about the shoes being so tight that he could not wear them, and he wanted to know if I would not take them back, and made remarks at that time which led me to suppose—(*interrupted.*)

(Objected to.)

Q. Well, did he repeat that?

A. Yes, sir, frequently.

Q. How many times?

A. Well, I could not say how many times, but I know that he came in the store for days in succes-

sion; one day, in particular, I should think he was there at least half-a-dozen times.

Q. For what purpose?

A. Sometimes to get me to stretch the shoes, and sometimes to pay me for them.

Q. Did he want to pay you for them more than once?

A. Frequently.

Q. How many times?

A. Well, I might safely say three or four times in one day.

Q. At how long intervals?

A. I could not tell you, but it was during the course of the day.

Q. I understand you to say that he owed you nothing?

A. No, sir, nothing.

Q. When was that?

A. Well, I could not say, but it was in the latter part of the Summer, and during the warm weather.

Q. The Summer of what year?

A. The Summer, I presume, of—well, he died last Spring, so it must have been 1878.

Q. Would he take out the money when he offered to pay you?

A. One time he did.

Q. That's all.

Cross-examined:

By Mr. English:

Q. He came for a pair of boots, did he?

A. Yes; Mr. Haydock and Mrs. Haydock came at one time.

Q. Did he try them on?

A. He attempted to, and he wanted me to stretch them for him.

Q. He didn't get them on?
A. No, sir.
Q. And then he went out?
A. Yes, sir.
Q. And bought a pair of shoes?
A. Yes, sir; but I don't know whether it was on that day or not.
Q. And then he came to pay you for the shoes?
A. Yes, sir.
Q. He didn't say any more about the boots?
A. Yes, sir; he inquired whether I had his boots done, and was under the impression that I had been making him a pair.
Q. Did he ever take those boots?
A. No, sir.
Q. Did you stretch them for him?
A. I did, and spoiled them.
Q. That's all.

THOMAS SHAFER, a witness produced on the part of the aforesaid complainants, having been duly sworn, according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You knew Mr. Haydock in his lifetime?
A. I did, sir.
Q. You knew also the defendant, Mrs. Haydock?
A. Yes, sir.
Q. Will you state whether or not she came to your office in regard to this matter, and just what was said at the time she came there?

(Objected to upon the ground that if Mr. Shafer was acting as the counsel for Mrs. Haydock, he has no right to reveal what passed between her and him at the time.)

BY THE COURT:

It does not appear yet that Mr. Shafer was acting as counsel for the defendant; I suppose Mr. Shafer's simple statement as to whether the relations of counsel and client existed, will be satisfactory.

Witness:—No, sir; no such relations existed between us; I can state to the Court and counsel, if it will be any satisfaction to them, just exactly how the thing originated, and why, I suppose, it originated?

Q. Mr. Shafer, just state how the defendant came to have a conversation with you?

A. I had been called upon by Mr. and Mrs. Bonney in relation to a matter and in consequence of a conversation I had with them, understanding that Mr. Vail, I think, was the counsel for Mrs. Haydock, I called upon him for the express purpose of seeing if he and I together could not by some means have this matter arranged without legal proceedings; and I supposed we had succeeded in doing so; one morning before I left my house, after this conversation with Mr. Vail, Mrs. Haydock came to the house and spoke to me in relation to these contemplated proceedings, and I said to her: "Mrs. Haydock, I would rather you would not say anything to me about that at all." She remarked, "You have always been the friend and counsel of Mr. Haydock, and I should like to talk to you." I said, "That is true, but you must not talk to me about this matter, because I have been retained on the part of Mr. and Mrs. Bonney." She said, "Won't you be kind enough to tell me what the proceeding is?" I said I would, and explained to her the proceedings.

Q. What proceedings?

A. The proceedings for the purpose of having him declared unsound and to appoint a guardian.

Q. The *Inquisition De Lunatico?*

A. Yes, sir. And I told her that the object of that was to save his property, and have a guardian appointed to take charge of this property, and that that guardian would be held by the Court to a strict accountability. She said that some person ought to be appointed, and ought to take charge of it, because he was not capable of attending to his business; and she said, "I think I ought to be that guardian." I said, "Mrs. Haydock, whoever is appointed guardian will be compelled to give pretty heavy security, and if I have been correctly informed about his property, will have to give a bond in the sum of $50,000 or $60,000. Some other conversation occurred, and she then seemed to think that if she could not be appointed—she at first seemed to think that some person ought to have charge of him in his feebleness, but afterwards when I told her what I did, then she didn't care about the proceedings taking place. That was the subject of our conversation.

Not Cross-examined:

JAMES E. TIER, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination.

By Mr. Berry:

Q. Where do you live?
A. Rahway.
Q. What is your business?
A. Baker and grocer.
Q. Have you resided there long?
A. All my life.

Q. Where is your place located in reference to Mr. Haydock's house?

A. 300 yards, I think, of Mr. Haydock's house.

Q. Your place of business is on what street?

A. Main street.

Q. At the corner of what?

A. Milton avenue.

Q. And is his just below?

A. Yes, sir.

Q. The business part of the town is *this* way? (*Counsel motioned with his hand towards himself.*)

A. Yes, sir.

Q. Have you seen Mr. Haydock during the last two years, frequently?

A. Yes, sir.

Q. How frequently?

A. Pretty much every day.

Q. Did he deal with you?

A. Yes, sir.

Q. Will you just state now, Mr. Tier, if in his dealings with you, you discovered anything peculiar about him—give any instances if you remember them?

A. As the first instance in which I discovered anything unusual was along in August or September, 1878. He then came to purchase some butter, and after purchasing some and paying for it he got as far as the door or little farther and turned around and came back and tendered me the money for the butter again; I looked up a little astonished and said, "Eden"—I was usually in the habit of calling him by his first name—I said, "Eden you have paid me." "Did I?" said he. "Yes, you did," said I; he then went out again and hadn't got far towards his house when he returned again and offered me the pay again; I said, "That won't do, Eden, I only want pay once;" he left and went out; that was the last I saw of him; in the course of another hour he

came back and asked if he had left his cane there; I said, no; then he thought he must have left it in Mr. Jewell's; I said, "Perhaps you did;" that was the last I saw of him that day; in the course of a couple of weeks or ten days he came in again and purchased part of a ham and tendered me my neighbor, Jewell the butcher's, book, and insisted upon my entering it on that book; I said, "That won't do; that ain't my book;" he laid the book down and insisted that I should put the ham in there; I laughed and said, "Mr. Jewell won't like that"; so he went out and came back again and threw me down the book and said, "This is your book;" I said, "No, Eden, that ain't my book;" well, he insisted that I should put that ham there, and I said, no, I would not do any such thing.

Q. What was his manner?—was he joking?

A. No, sir; he seemed to be grave and rather solemn if anything.

Q. Is there anything else you think of, sir?

A. Nothing more than the incident of the cane, or similar things in purchasing things that way.

Q. What did he say about the book when you told him it was not yours?

A. Why, he said it was my book, and I got him to get his spectacles out and look at it, and I took him to the desk and tried to convince him, and then he seemed to be satisfied for the time being and went out.

Q. Did he say it made no difference which book you had?

A. No, sir; he said it didn't make any difference.

Q. What was it didn't make any difference?

A. Why, apparently about putting it on Mr. Jewell's book.

Q. Did he say that himself?

A. Yes, sir.

Q. After you had explained to him that it was Jewell's book?

A. Yes, sir.

Cross-examined:

By Mr. English:

Q. How frequently did he trade with you?

A. Pretty much every day.

Q. The first you noticed then was this incident in August or September?

A. Yes, sir; I think it was.

Q. And you have given us all you can recollect of that?

A. Pretty much; yes, sir.

Q. Well, that will do.

Re-Direct:

Q. Give the transactions as they occurred. Have you given now all the peculiarities that you discovered?

A. Oh, no; I noticed a good many things where he acted queer, but never said anything; he was a man that never said very much, and I never said very much to him.

Q. That was not the only instance?

A. No, sir; but I can't call to mind all the little things that I have noticed in my time.

Lewis Drake, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You are an old resident, are you not, of Rahway?

A. For fifty years?

Q. During that time did you know Eden Haydock?

A. Yes, sir.

Q. Have you been called upon during that time to attend the family?

A. I have, occasionally, sir.

Q. When, do you remember, was the last you attended Mr. Haydock?

A. Well, I could not now call it to mind, but probably a year ago; I used to see him down in my office occasionally.

Q. You are a practicing physician?

A. Yes, sir.

Q. And have been so in Rahway how many years?

A. I have been for fifty years—over fifty years—in the practice.

Q. Have you examined, and do you know, what the condition of Mr. Haydock's mind was—as an expert, in particular—for the last year and a half of his life?

A. Well, I don't think, sir, that my knowledge of his condition of mind has been called particularly to that; I observed, in the first instance, he was a director of the bank, and I observed for two years or more that he was perfectly silent, and would come in and take a seat, and would never have anything to say; he would vote if you asked him to, but it occurred to me that not only his memory, but his mind was leaving him.

Q. Is there any other observation that you have made which led you to that conclusion?

A. Well, it was principally from seeing him there frequently, and perhaps saying a word to him, and it would probably be difficult for him to understand what I would say, however simple the question. He would not seem to comprehend what I meant. I

recollect one instance well, while he was still a director in the bank. It was upon some one important occasion when we wanted to get the whole board together, and I went down to his house and he was not in, and I said to Mrs. Haydock what we wanted, and that it was an important election; and she remarked to me: "Well," she said, "I will come up to your office with him, and you had better wait there for him, because he would never get there unless I go with him."

Q. From what you observed—we don't care to go into details—what is your opinion, as an expert, of his mental condition? If you are not in a condition to give an opinion as an expert, as a doctor, why that's all.

A. Well, if I am to testify as an expert, I should have wanted to have gone and made a closer examination of him, but not feeling that I should ever be called upon any occasion of this kind at all, I did not do so; but I only looked upon him in passing or in conversation with him, but I thought him becoming a perfect wreck. His memory was gone, and his mind was on the very eve of leaving him. Those were my impressions.

Cross-examined:

By Mr. English:

Q. How old are you, Doctor?

A. My seventieth year; I was going to say that was rather an impudent question to ask an old widower.

Q. When was it you first noticed any weakness in the mind of Mr. Haydock?

A. I think I have discovered it two years back.

Q. Two years before his death?

A. More particularly, perhaps, I would notice it when in the bank as one of the directors.

Q. Did you notice it in any other particular except that he seemed to be silent when any business was before the Board?

A. Well, nothing particular; he didn't seem to have his mind fixed upon it, and didn't seem to comprehend what business was going on; his mind seemed to be absent, but he would vote if you told him to.

Q. Did you ever test his judgment in any way during those two years?

A. No, sir; I don't know as I ever did.

Q. Did you ever see anybody else do it?

A. I don't recollect that I ever did.

Q. Did you ever see any faculty of his mind put to test, except that of memory, during those two years?

A. I do not at this moment recollect of any; it is a long time since, and latterly I had not prescribed for him but once or twice, and once or twice he came into my office.

Q. When you spoke of his mind being on the verge of wreck, didn't you refer exclusively to his memory?

A. I meant by that, sir, that his memory was further gone perhaps than his mind, but I think his mind was close on the heels of memory.

Q. What do you mean by that?

A. What I mean is to say that I think it is a very difficult matter to get into conversation with that man and to put his mind down to any one thing, so that you could make him comprehend it.

Q. Don't you suppose that he understood his business?

A. I do not; no, sir! I think this much, that if he would come to the bank which he did occasionally to get money, I think he would put that money in his pocket and I don't think he knew anything more about it.

Q. Do you suppose his mind was so impaired that he didn't know what property he had?

A. Well, I think possibly he might; I don't know; I never had any conversation with him on that subject; I think he might say that this belongs to me and that belongs to me, but I don't suppose that he had any mind to comprehend its intrinsic value, or for his mind to be particularly interested upon it.

Q. Do you suppose his mind was so enfeebled that he could not be aware of the value of mortgages or stocks or bonds that he had?

A. I think you might say what they were and he would say "Yes;" but I don't think that ten minutes afterwards he would have any recollection of it.

Q. At the time he looked at them, do you think he would know what they were?

A. I doubt whether he would or not; that is to really, actually comprehend it.

Q. What do you mean by his not comprehending it?

A. Well, by understanding the bonds and mortgages, I mean that he probably would look at them and say: "Yes, yes;" but I don't think that if you went into a conversation about it, such as: "Whose mortgage is this—your mortgage?" "Yes." "How did you come to buy it?" "Well, I don't know."

Q. Do you believe his mind was strong enough to comprehend the amount?

A. Well, it is very possible he might at the moment; you might make an impression upon his mind, that is that the mortgage was so much, and he would say yes; but if you would ask him ten minutes afterwards what the amount of the mortgage was, I don't believe he could tell you.

Q. If six bonds of the City of Rahway were shown

to him would he have known they were for $6,000, if the face of them called for that amount?

A. I think it is very probable he would, because his mind—he had been running upon that box and so often heard what the contents were, that if those bonds were shown to him and he could see they were Rahway bonds, he would say: "Oh, yes."

Q. Suppose there was a note in that box of $5,000, given to him by some one he knew, and the note was shown to him, do you believe he would understand the value of the note?

A. It is very doubtful.

Q. Do you think he would know how much it was worth?

A. I think possibly he might have said: "Yes, I recollect that now." But if you would ask him the value or amount of that note the next day, he could not tell you.

Q. I am asking now about the time when it was shown to him?

A. I presume he would recognize it at the time.

Q. And so with any security—would he not have recognized that at the time?

A. I think possibly he would.

Q. Now, do you believe his mind was so enfeebled that he would not have known his desires in relation to what should be done with those securities after his death?

A. I should doubt it.

Q. Doubt what?

A. Doubt his having mind enough left for that.

Q. You think that if these papers were in his hands he would know what he wanted to do with them?

A. I doubt very much if he was left to himself whether he could make any disposition of them at all.

Q. And if he should make a disposition of them, you think he would not know what he was doing?

A. Yes; I think it would be only made by the influence of those who had influence over him.

Q. Was he a man of more than ordinary feebleness of mind at his age?

A. Oh, my, yes.

Q. He was?

A. Yes, sir.

Q. In what particular?

A. Well, in general, I might say; in one broad view of the matter it seemed to be that his mind became so enfeebled that he could not comprehend any subject.

Q. The last time he was elected a director of the Union National Bank I presume you voted for him?

A. Yes, sir.

Q. You knew that his mind was enfeebled at that time?

A. Yes, sir; but at the same time he was capable of voting.

Q. Why did you vote for such a man as director of the bank?

A. Well, it is convenient sometimes to have one that is always on hand.

Q. When were you first approached for your opinion in this matter?

A. I don't know of any time.

Q. Were you never asked for your opinion in this matter?

A. I don't know that I ever was.

Q. As to the state of mind of the deceased, Mr. Haydock?

A. I don't recollect now that anybody has asked me. I know that I have heard the subject spoken of. It was the common talk of the street.

Q. Were not you a witness before the jury in Union County?

A. Yes, sir.

Q. Who called you as a witness there?

A. Well, I suppose it was Mr. Bonney.

Q. Where did Mr. Bonney first speak to you about it?

A. That I can't tell, sir, anything about that, but I know I have heard him speak of the business transactions of himself and Mr. Haydock for a year or two before, and of the papers that they had.

Q. Under what circumstances would you hear him speak of those?

A. Well, I think that Mr. Bonney and I have talked very much about it; he frequently alluded to it; he was very apprehensive that these bonds would go into the hands of somebody besides Mr. Haydock.

Q. Under what circumstances would you have that conversation; where would you be?

A. Probably attending some members of his family.

Q. Mr. Bonney's family?

A. Yes, sir.

Q. You were the family physician of that family, were you?

A. Yes, sir.

Q. Is your own memory good, Doctor?

A. Well, it is perhaps getting rather short.

Q. Were you on rather intimate terms with Mr. Haydock?

A. Altogether, always.

Q. Did you ever talk over his matters of business with him?

A. No, sir; he never alluded to business matters much.

Q. During the last two years did you have many conversations with him?

A. Not in regard to his own business.

Q. On any subject?

A. Not particularly, sir ; it would only probably be professionally. Mr. Haydock was rather reserved.

Q. How many times did you call at his house during the last two years of his life ?

A. Not perhaps, sir, half a dozen times, because there was somebody else in attendance part of the time. They didn't like to show any partiality in regard to our physicians.

Q. Who did you call to see, Doctor, these two years, Mr. or Mrs. Haydock ?

A. Mr. Haydock.

Q. What was the matter with him ?

A. Well, the most he exhibited was a giving away of the system, a running down, a feebleness of health and weakness of mind; and my prescriptions were generally something as a tonic, to keep up his strength.

Q. Your visits were professionally short ?

A. Yes, sir; I generally make them short.

Q. You didn't have any conversation with him except about the matter in hand, I presume.

A. No, sir.

Q. You didn't meet him at any other time except when you met him at the bank board ?

A. Well, when I met him it would probably be "Good morning," and he would say "Good morning," and pass on, although in his family, and particularly in his first married life, I was very well acquainted with Mrs. Haydock and her daughter too, and it was a very pleasant family to go into, and I used to be there occasionally. Mrs. Haydock was in delicate health for a time before she died.

Q. Then during the last two years of Mr. Haydock's life, all the conversation you had with him, as I understand your evidence now, were the conversations you had with him professionally when you called upon him and to say good morning as

you passed him in the street, and the conversation you had at the bank board?

A. That probably would comprehend very much all; I never sat down at his house, or any one else's, to hold conversations with him upon any subject.

Q. And you never examined him professionally to ascertain the state of his mind?

A. No, sir; I never looked particularly into that; I could only feel that his mind and body were both fast wearing out.

Re-Direct:

Q. That's something you can't tell by feeling of the pulse simply.

A. Well, the pulse sometimes tells more than you think.

Q. Now as to the relations that the daughter and the father sustained—what were those relations?

A. It was perfectly harmonious, because, I might say, I have been with their family from the birth of Mrs. Bonney in 1832 and known her from a baby up all through her life; she was an only child and her mother was devoted to her as a matter of course, and her father equally so; she was a pet in the family.

Q. Did anything ever occur to disturb those relations?

A. I never heard the first thing.

By the Court:

Q. Will you please tell me what was the date, as near as you can now fix it, of the time you called at the testator's house for the purpose of having him come down to the bank to attend some important meeting?

A. Well, that must have been, I think, in the latter part of the Summer or Autumn of 1878.

Q. You say he never voted at a meeting of the Board of Directors unless he was told to do so; would he exercise will or choice about how he should vote, or would he vote as he was told to vote?

A. Well, I think he was controlled in that, sir.

Q. Well, I want to know whether, when he was asked to vote, whether he was directed how to vote?

A. I can only speak of one instance, and that is the time I went for him, and then he understood the vote that I wanted.

Q. Is that the only occasion that you remember of his voting at all, within the last two years, at the meetings of the Board?

A. Why, he would when there was a vote taken say yes or no.

Re-direct:

By Mr. Stone:

Q. What do you mean by,—at the last meeting he attended, in reference to his mode of voting; did he vote himself, or did somebody else usually vote for him?

A. The last meeting?

Q. Yes, or during the last year of his life.

A. Oh!

Q. Don't you understand?

A. Well, I never tried to influence him but once.

Q. Well, what I mean is this: did he appear to be a person who voted according to his own mind, or did he vote because some one else's mind wanted him to vote?

A. Perhaps I will not answer that question; but he would sit there quietly, as a general thing, and when there was any resolutions offered he would generally say yes.

Q. In a good many of your meetings everything is pretty harmonious; there was no conflict at all?

A. Yes, sir; it was so.

Q. Did you have any trouble to get a quorum?

A. We didn't have any.

Re-Cross:

Q. Do you remember any question that the directors voted part "Aye" and part "No," or did they generally always vote alike?

A. It was not always so.

Q. Well, nearly always?

A. Perhaps, yes, except when paper was offered for discount, and then they would perhaps all say yes to it.

Q. Mr. Woodruff generally attended to the discounting, I presume?

A. I presume so.

Q. The directors didn't know the rate of discount?

A. Well.

Q. That's all.

MILTON BROWN, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You are a resident of Rahway?

A. Yes, sir.

Q. Your business is what?

A. Hardware.

Q. In such capacity have you met Mr. Haydock?

A. I used to, yes, sir.

Q. Is your place near his home,—on the same street?

A. On the same street, a little above Milton avenue.

Q. When he came in your place have you observed anything peculiar, and if so, state what?

A. One time he came in and purchased some nails of me?

Q. State the time?

A. It was about two years ago or more than that.

Q. Well?

A. He paid me for them and went out again, and in a few minutes he came back and asked me if he had paid me for the nails; I told him he had; he went out again and had not been gone long when he came back again and asked me the same question; I told him he had paid me for them; he went away and came back the third time and asked me again.

Q. How long intervals were there between these periods?

A. Just long enough to let him get a little way below the store.

Q. Did you explain to him how he paid it?

A. I told him he paid it, and I had given him the change and he put it in his pocket.

Q. What time did you tell him that?

A. The second time he came in.

Q. How far would he get away from the door?

A. Well, I should not think he would get very far below our store.

Q. What is the next incident you know of?

A. Well, I fitted a number of keys to a box for him.

BY THE COURT:

Q. When?

A. Somewhere near the same time; I could not tell the date.

Q. After the incidents you have just related?

A. No, sir; I fitted the keys at different times.

Further Direct:

Q. How many keys did you fit?

A. Five in all.

Q. To what box?

A. A "bond box," as we call it in the trade.

Q. Describe it?

A. A tin box about the size of a bond, and his name was painted on it, "Eden Haydock."

Q. Now, just state what occurred?

A. He came in at different times, and I fitted keys for him; and I asked him what he did with the keys, and he did not seem to know.

Q. During that time, where would he leave the box?

A. He would hand the box to me while I went round to the window and fitted the key; and he would stand around alongside of the show-case.

Q. Did he pay any attention to you?

A. No, sir.

Q. Was the box open?

A. Yes, sir.

Q. Is that all you remember?

A. Yes, sir.

Q. What appeared to be in the box?

A. That I could not say; there were papers in it.

Q. That's all.

Cross-examined:

By Mr. English:

Q. Did he ever buy anything else of you in those two years?

A. He might have—of my father, I suppose he has.

Q. Did you ever see him in the store at any other time during those two years?

A. Yes, sir.

Q. You don't know whether he was purchasing anything or not?

A. No, sir; I could not say.

Q. You could not say?

Q. Well, one time he came in the store, and I met him half-way, and asked him if I could do anything for him, and he paid no attention to me, but walked round the store and out of another door.

Q. He frequently came in the store?

A. Yes, sir.

Q. He did not leave this box with you, and go out?

A. No, sir.

Re-Direct:

Q. Has it been his habit to come in there and sit down?

A. Sometimes he would come in in the afternoon, and sit down there.

Q. But this time you speak of, he came in the store and just walked around?

A. Yes; he did not seem to see me; he brushed right by me.

Q. Where did he go?

A. Right by the store.

Q. He came in one door, and went out of another?

A. Yes, sir.

Q. He made a circle around, and said nothing to anybody, and went out?

A. Yes, sir.

NATHAN V. COMPTON, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Your business?

A. Insurance agent and real estate.

Q. Did you have any business with Mr. Haydock?

A. Yes, sir.

Q. State what? and if there was anything peculiar about it?

A. I had a policy of insurance on a house of his in Haydock street, which was renewed every year for a number of years, and it fell due in June.

Q. What year?

A. Well, the one I speak of particularly, had been renewed 4 or 5 years or longer, but when I did the business I speak of in particular was in July, 1878; I sent down to his house a number of times for the premium; before that he had always been punctual when he renewed; the renewals were sent him and he generally stopped in and paid it, but on this occasion I did not hear anything of him; the thing went on for a month and then I spoke to him one day about it; he said: "Yes," and went on; then I sent down to the house again; I sent my clerk down, but he could not get in, and said there was no one at home; then I went down and Mrs. Haydock came to the door and said she did not know anything about it.

Q. Well, never mind what she said?

A. Then I met him in the Union National Bank one morning, and asked him if he would pay me for the premium; he said "Yes;" I asked him if I should make out a check for him; he said: "Yes;" so I wrote out a check for $7.20—I think that was the amount—and he signed it, and I handed it over to Mr. Brewster and he gave me the money for it; Mr. Haydock stayed there and I went out; in about two hours after that, I should judge it was, I went into my office and saw a check of Mr. Haydock's lying on the desk; I asked the clerk where that came from; he said Mr. Haydock came in a few moments ago and left it there; so I took it

up and put it in my pocket, and met Mr. Haydock down the street that same day, and handed the check back to him and told him he had paid me once; he did not make any reply at all, but merely took the check and went off.

Q. That was all, was it?

A. That was all.

Not Cross-examined:

ISRAEL LUKENS, a witness produced on the part of the aforesaid complainants, being conscientiously scrupulous of taking an oath, affirms and testifies as follows:

Direct Examination:

By Mr. Berry:

Q. You are a practicing physician?

A. Yes, sir.

Q. Of the city of Rahway?

A. Yes, sir.

Q. Do you know Mr. Haydock?

A. Yes, sir; I did know him.

Q. During his lifetime?

A. Yes, sir.

Q. Did you have any business transactions with him?

A. Well, very little.

Q. State when it was, will you?

A. I think in the latter part of August or the beginning of September, 1878; he owed me a bill and I could not get it out of him.

Q. A bill for what?

A. For services.

Q. Medical services?

A. Yes, sir; and I think it was in the latter part of August or the beginning of September that I sued him, and a few days afterwards he paid the officer at Tier's, opposite my office. The officer receipted

for it. Well, it went on some few days, and he called in with the old original bill that I had sent to his house, and wished me to receipt it. I told him that it was not necessary, that the officer had receipted it. Well, he said, I would rather have your receipt, and at the same time he put his hand in his pocket and took out his pocketbook and took out a ten dollar bill and laid it down. I said, "Eden, that bill has been paid to the officer, and once paying is enough." "Oh, yes, yes, yes," he said. I then wrote the receipt, folded it up and handed it to him; and he took out this ten dollars again and laid it down. I said, "That bill has been paid; I don't want any more ten dollars." He said, "Oh, yes; no; all right; don't tell Liza."

Q. Have you seen him during the past two years?

A. Not very much. I did not attend him, and never examined him, and knew very little about him.

Q. Do you know why he did not pay this bill, of your own knowledge?

A. No, I can't tell you that.

Q. Do you remember the day that the proceedings were had against him at Elizabeth?

A. Yes, sir.

Q. Was he there?

A. He was not.

Q. Did you see him after that?

A. I saw him when I got home, just as I went into my office, or stepped up on the stoop. I saw him parading up and down in front of his house.

Q. How was he dressed?

A. In ordinary dress, but he had no hat on.

Q. How was the weather?

A. It was snowing.

Q. Do you know why he did not attend the trial —what reason was given?

Q. Of my own knowledge I do not, but the reason given there was—(*interrupted.*)

(Objected to and overruled.)

Cross Examined:

By Mr. English:

Q. You say you saw him after the proceedings were finished at Elizabeth, after you went home?

A. After I went home, and was about stepping up on the stoop. I think Mr. Tier and me went together, and he called my attention to him.

Q. No matter about that; tell us what you saw?

A. Well, Mr. Tier called my attention to him, and I looked and saw him.

Q. Did you stay at Elizabeth until the trial had ended?

A. I can't say whether it was ended or not.

Q. What time was this?

A. It was in the afternoon, but I can't say what time.

Q. And you saw him in front of his house?

A. I undoubtedly did, or something like him.

Q. His house is 200 yards away from your house, is it not?

A. I suppose it is 300.

Q. And you saw him at that distance in the afternoon?

A. It was not dark.

Q. Was it moonlight?

A. No, sir; it was between sundown and dark, and I could discern a man there very plainly, and with the halting gait that he travels in.

Q. Is he the only man that halts?

A. No, sir; there are a few more that halt in their gait; but he was particularly so.

Q. How long did you see him there?

A. I could not tell you; I did not stop; I passed right into my house.

By the Court:

Q. The object of counsel's question is to get at about the period of time he was under your observation?

A. I suppose I saw him maybe half a minute; maybe not so long or a little longer.

Q. Could you see whether the door of his house was open or not?

A. I could not; no, sir; I don't think I could have told at that distance whether the door was open, but the object on the pavement was plain.

Q. Are you sure it was him?

A. I feel sure in my mind it was.

(Complainants' counsel gives notice to defendant's counsel to produce Eden Haydock's pass-book of the Union National Bank.)

By Mr. Vail:

I have never seen it.

Ross Vanderhoven, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Have you a statement of the account of Mr. Eden Haydock in the bank—your Savings' Bank?

A. Mr. Haydock has had no account in the Savings' Bank.

Q. Whose accounts have you?

A. I prepared a statement of the account of Mrs. Eliza P. Haydock, and also one of the son, William R. Haydock, who is deceased.

Q. Whose son was he?

A. He was the son of Eden Haydock and Eliza P. Haydock.

Q. What amount had he in the bank at the time of his decease?

(Objected to.)

(Admitted subject to the objection.)

Q. How much was there standing to the credit of Wm. R. Haydock?

By Mr. Stone:

Sometime ago a request was made of Mr. Vanderhoven, who is the Treasurer of the Savings Bank, to furnish Mr. Berry with a copy of the account of Mrs. Haydock, and of Wm. Haydock, as they call him, and I directed Mr. Vanderhoven—I acting as attorney for the bank—that he ought not to furnish any statement of any account in the bank, except to the parties who were entitled to have them. I don't think these executors have the right to go to the bank and demand copies of the accounts of anybody else except Eden Haydock. If in the course of legal proceedings it becomes necessary to disclose the account of anybody else the Court ought to compel it to be done if it was proper. With that view I had him to make copies of those two accounts and hand them to me. Nobody has seen them connected with this case but myself. Now I desire to ask the Court that if the witness is to give any testimony in regard to these accounts, it shall be done by the direction of the Court, and the Court's ruling that it is proper for him to disclose them. I take it that the books of an institution of this kind are confidential and should never be disclosed to anybody except those who are entitled to them. We have copies of the accounts here, and think the evidence is competent, and we desire to have the Court say that it is proper for the witness to testify about them.

(The Court directed the bill and answer in the cause to be handed up, as it was the hour of adjournment, and stated that a ruling would be made in the morning.)

By Mr. Stone:

Before the adjournment I would like to add that we desire to offer this evidence as independent testimony. My point is, that if nothing is said on that point in the bill or answer we have the right to offer it as independent testimony, to show that Mr. Haydock was fully under the control of this party, whom we allege has improperly got possession of this property.

Adjourned until the hour of 9:30 o'clock in the morning of Wednesday, the 19th day of November, A. D. 1879, at the Vice Chancellor's chambers, Newark, N. J.

Ross Vanderhoven, a witness produced on the part of the aforesaid complainants, having been duly sworn, according to law, is recalled for

Further Direct Examination:

By Mr. Stone:

By the Court:

Some question was raised last night as to the competency of this witness's evidence. It is clearly not competent as a distinct ground of claim. No such claim is made in the will. The evidence, however, is offered upon another branch of the case, to show the exercise of undue influence. If counsel for the defendant have anything to say in opposition to the admission of the evidence upon that ground, I will hear them.

(Defendant's counsel stated that they withdrew their objection.)

By Mr. Stone:

Q. (*Handing witness paper.*) Do you know what that paper?

A. I do, sir.

Q. Who made it?

A. I did.

Q. What is it?

A. It is a transcript of the account of William R. Haydock, deceased, in the Rahway Savings Institution.

Q. I see upon this paper it is stated that on the 9th of July, 1877, there was a transfer from this account of William R. Haydock to the account of Mrs. Eliza P. Haydock, by the order of Eden Haydock, $427.14. Now, was that done?

A. Yes, sir.

(Complainants' counsel offered said paper in evidence. The same was marked Exhibit 6.

By Defendant's Counsel:

We admit there was an account on the 9th of July, 1877, on behalf of William R. Haydock, deceased, in the Rahway Savings Institution of $427.14, which was transferred on that day to the defendant, by order of the testator.

By the Court:

Is it agreed that the paper now produced is a copy of the account of William R. Haydock on the books of the bank.

By Defendant's Counsel:

Yes, sir.

Q. Do you recollect the fact of the transfer?

A. I recollect the time when the transfer was made, but I didn't make the transfer myself.

Q. Do you recollect of any application having been made to any officer of the bank to make the transfer?

A. Yes. Mrs. Haydock was in the bank, but the conversation on that subject was had with Mr. Smith, the treasurer, not with myself, or with Mr. Coddington, the secretary.

Q. Did you hear the conversation?

A. Well, I only heard part of it, but I paid little attention to it.

Q. Well, generally, what was the substance of what she said in reference to that account?

(Objected to.)

Q. Did you hear anything that was said about the transfer of the account at that conversation?

By Defendant's Counsel:

Q. That you remember?

A. Well, I can't call much of it to mind; I know she was present, and made an application of that kind, and I knew that was her business when she was present.

Q. Was the transfer then made?

A. Not on the first application.

Q. Well, what was done afterwards in reference to a similar application?

A. An order was written by Mr. Coddington, the secretary, in her favor for the amount, which was to be signed by her husband, Eden Haydock.

Q. What was done with it?

A. Then it was transferred.

Q. I mean what was done with that paper—this order?

A. That was placed on file.

Q. No, no; I mean when he gave it to her—to whom did he give that order?

BY THE COURT:

Q. Was the order signed in the bank by the husband?

A. I think not; I am not positive.

Further Direct:

Q. Who took the order from Mr. Coddington?

A. I don't know that I can say positively; my impression is that Mrs. Haydock took it.

Q. At that time did you hold a position in the bank?

A. I did, sir.

Q. As what?

A. As clerk.

By Mr. Stone:

Now, if your Honor please, we desire also to offer the pass-book of Mrs. Haydock to show her own account, and our object is to show that at the time of this alleged transfer of securities Mrs. Haydock was then in possession of over two thousand dollars, which we intend to show she had obtained from Mr. Haydock, and our point is, that in cases of doubt like this——(*interrupted.*)

BY THE COURT:

Within what time, Mr. Stone?

By Mr. Stone:

This accumulated down to February 26th, 1879.

By the Court:

Beginning at what time?

By Mr. Stone:

Beginning November 3d, 1870. I suppose in cases of this kind it is proper for us to show the unreasonableness of the conduct of Eden Haydock, and that of course can only be found out by knowing all the circumstances attending him and his wife, and those around him, and how they were situated. We expect to show before we have finished that Mrs. Haydock was married to him at a time when she was penniless and was in want, and had need of employment. We have shown already about what Mr. Haydock's property consisted of, and its value. Now then, is it not proper for us to show that Mr. Haydock had been from time to time giving her money all the way along, and showing by the will also what provision he had made for her, and therefore showing the unreasonableness of his giving all the rest of his property to her? If that is so, clearly, it is competent for us, in detail, to show not only that he left provision for her by the will, but he also gave her this money, and to that extent it seems to me it is competent.

By Mr. English:

Do you intend to show by affirmative proof that this money did come from Mr. Haydock?

By Mr. Stone:

Yes, sir.

By Mr. English:

Or only to prove that probably or circumstantially

—that Mrs. Haydock had no means of getting any money except from her husband.

BY THE COURT:

I understood counsel's offer to be to show that the money standing to the wife's credit in the bank came from her husband. I understood that the book to be offered in evidence will show that the gifts ultimately accumulated to the sum of $2,000, extending from 1870 down to 1878 or 1879.

By Mr. Vail:

July, 1877, is the last item.

BY THE COURT:

I can't see why the defendants should object to that evidence.

By Mr. Vail:

We withdraw the objection, and to save the trouble of proof, we will furnish the bank book.

Q. (*Handing witness book.*) Do you know what that is?

A. That's the deposit book of Eliza P. Haydock in the Rahway Savings Institution.

Q. Look at the credit in favor of the Institution dated April 13th, 1878, and tell me if you know what the letters "H. W. C." and &c. mean?

A. They refer to Hazelwood Cemetery bonds.

Q. Tell what that item means?

A. It is two thousand dollars of Hazelwood Cemetery bonds, which were purchased by Mrs. Haydock and charged to her on her deposit book?

(Complainants' Counsel: We offer that book in evidence.)

(Marked Exhibit No. 7.)

Cross-examined:

By Mr. English:

Q. Will you just make out the interest and render us a statement of it?

A. $420.22; that's the amount of interest credited.

Q. What is the whole amount the book shows—the balance?

A. The balance is not footed, but the credits are footed up to $2202.36.

By the Court:

Q. What is the whole amount of the balance?

A. (*After calculation*) The balance to the credit of Mrs. Haydock on this account is $128.13.

Further Cross:

Q. Now that includes the young man's account, does it?

A. Yes, sir.

Q. That's all.

James E. Tier, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law is recalled for

Further Direct Examination:

By Mr. Berry:

Q. You were a witness at the trial at Elizabeth, before the jury concerning this matter of lunacy, were you not?

A. Yes, sir.

Q. On your return home did you see Mr. Haydock?

A. Yes, sir.

Q. Where was he?

A. He was on the street.

Q. What sort of a day was it?

A. I think it was a very stormy day; I think it snowed.

Q. Where was he on the street?

A. A little below my place, and opposite Dr. Lukens'.

Q. In open view plainly?

A. Yes, sir.

Q. How was he dressed?

A. Well, that I can't positively remember.

Q. What was he doing?

A. He was going, I think, towards his home.

Q. Did you call Dr. Lukens' attention to it?

A. Yes, sir.

Q. Was there anything especial that called your attention to him?

A. Well, nothing more than I had understood he was not able to be at Elizabeth, and we thought it queer by seeing him on the street on our arrival home.

Cross-examined:

By Mr. English:

Q. How far was this from his house?

A. I should judge 200 yards perhaps.

Q. What time of the day was it?

A. I think it was near sundown—near dusk when we returned.

Q. He didn't have any hat on, did he?

A. I could not say positively about that; my impression is that he had not.

Q. How do you get that impression?

A. Well, I think, if my memory serves me, he had a shawl around him or over his head.

Q That's all?

Re-Direct :

Q. Where was his wife—do you know where she was?

A. My impression is she was at Elizabeth.

Q. You came away before the verdict was finished, before the verdict?

A. I think we did.

WILLIAM E. WELLS, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, is recalled for

Further Direct Examination :

By Mr Berry :

Q. You were one of the appraisers, Mr. Wells?

A. I was.

Q. (*Showing witness Exhibit* 2.) That is the appraisement. Just look at it.

A. (*Witness did so.*)

Q. Did you find any money?

A. How?

Q. Did you find any money?

A. In appraising the property, do you mean?

Q. Yes.

A. We did not.

Q. Did you find anything that ought to contain money?

(Objected to.)

Q. Did you find the pocket book?

(Objected to.)

Q. Did you enquire for the pocket book?

A. I did.

Q. What was done in regard to it?

A. We enquired for Mr. Haydock's pocket book; it was finally produced and held up and given to us to examine, and we found it perfectly empty.

Q. Was any request made by you in regard to it?

A. The request was made, "if there was any money in it at the time of Mr. Haydock's death" – the question was whether there was any money left by Mr. Haydock.

Q. What answer was made to that?

(Objected to.)

By Mr. Stone:

We propose to show that when the appraisers went to the house there was an unwillingness to permit them to perform their duty—an unwillingness on the part of Mrs. Haydock, who had charge of the house, and that it was only with the greatest difficulty they could make the appraisement. It was like pulling teeth, from the beginning to the end of their duty. I think it is pertinent with a view of showing that Mrs. Haydock intended to prevent the appraisers from getting hold of part of the property inside of the house.

By the Court:

I shall require the complainant to produce his other proofs tending to show undue influence and the state of the testator's mind, before I finally rule as to whether this evidence is competent or not. As the case now stands, I am not willing to admit the proof. It appears to me to be irrevelant and impertinent at this point.

(Witness was then withdrawn.)

WILLIAM E. BLANCHARD, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, testified as follows:

Direct Examination:

By Mr. Berry:

Q. Mr. Blanchard, you are the Tax Receiver of the City of Rahway?

A. Yes, sir.

Q. Have you the tax book of the 4th Ward of the City of Rahway?

A. Of the First Ward?

Q. Of the First, I should say?

A. Yes, sir.

Q. For what years?

A. 1877 and 1878.

Q. Mr. Haydock's real estate was in the First Ward?

A. In the First Ward; yes, sir.

Q. Will you be kind enough to look at your books and tell us whether the taxes were paid for those two years?

A. They were paid in 1877 and not it 1878.

Q. They were paid in 1877?

A. Yes, sir.

Q. And not in 1878?

A. No, sir.

Q. How long have you been the Tax Receiver?

A. I was appointed a year ago on the 22d of May.

Q. Were you connected with the Tax Receiver's office before that?

A. Not with the Receiver's office, but I have been an Assessor before that.

By Defendant's Counsel:

Q. A year ago last May?

A. Yes, sir.

BY THE COURT:

Q. May, 1878?
A. Yes, sir.

Further Direct:

Q. What I want to ask you is, whether you, of your own knowledge, know whether Mr. Haydock was accustomed to promptly pay his taxes or not?

By Mr. English:

What do you say about it, Mr. Stone?

By Mr. Stone:

I say he was.

By Mr. English:

Then we admit that.

Witness:

He paid them every year, but I don't know at what time.

Q. Were you acquainted with Mr. Haydock personally?
A. Casually.
Q. So as to speak with him when you met him?
A. Yes, sir.
Q. For how long?
A. Well, I can't tell you exactly the number of years, but for several years.
Q. Did Mrs. Haydock ever come to you in reference to the payment of Mr. Haydock's taxes?
A. She came in the office one day and wanted to know if Mr. Haydock had paid his taxes.

Q. When was that?

A. After the taxes were due of 1878.

Q. Well, what occurred between you then?

A. I told her no.

Q. What else?

A. Well, she made the remark that he had drawn the check to pay those taxes.

Q. She said he had drawn a check to pay the taxes?

A. Yes, sir.

Q. Well, what else did she say?

A. Well, that's about all there was about it, only she said she could not find the check.

Q. Did she produce the check?

A. No, sir.

Not Cross-Examined.

MARGARET H. BONNEY, a witness produced on the part of the aforesaid complainants, having been duly sworn, according to law, is recalled for further direct examination.

By Mr. Berry:

Q. Have you any property except what you get from the estate?

(Objected to.)

Q. Just state what your property is besides that?

(Objected to.)

Q. Will you state whether you have property from which you derive an income?

A. No, sir;—I don't understand exactly.

BY THE COURT:

Q. Have you any separate estate?

A. I have a lot on Milton avenue—do you mean that?

Further Direct:

Q. Yes; what else?
A. And a house on Milton avenue.
Q. What else?
A. That's all, I believe.
Q. And how much are they mortgaged for?
A. $2,500, the house.
Q. Do you derive any income from that?
A. No, sir.
Q. What are you obliged to do, then?

(Objected to.)

Q. What is the value of your property, if you know?
A. I don't really know the value; I have no idea.

By the Court:

Q. How much is the property mortgaged for, did say?
A. $2,500.

Further Direct:

Q. Did you continue to be an inmate and a visitor to your father's house up to the day of his death?
A. Until they commenced proceedings for the guardian for my father I did; after that I was not.

By the Court:

Let me understand—did she live with her father during that time?

Witness: No, sir; I lived a mile from my father.

Q. Did there anything occur to prevent your being a visitor there?

A. Yes, sir.

Q. On the part of Mrs. Haydock?

A. Yes, sir.

Q. What was it, in what way?

A. Well, I was very disrespectfully treated, so much so that I could not go home as much as I would have liked to.

Q. Can you give us any instance, or state in what way?

A. There were very many little things happened. One I remember was when I went down there to dinner. It was about dinner time, and they were all sitting at the table, and she took no notice of me whatever, and my father said, "Come to the table," and she took no notice of me. There was no place at the table for me, and my father repeated his request two or three times; and on a person who was present, speaking to the servant and saying, "Bring Mrs. Bonney a plate," I then sat down.

Q. When was that?

A. That was the Summer after William died.

Q. He died about how long ago?

By the Court:

That already appears.

Q. Do you think of any other instance?

A. Oh, a great many little things.

Q. What effect had they upon your visits?

A. Of course I didn't wish to go there, and my father would not remember if I had been there.

Q. What would he say about?

A. About my coming?

Q. Yes, about your going there?

A. He always wanted me to come. He was always talking of my coming; but if I went in the morning

he would forget it two hours afterwards, or perhaps fifteen minutes afterwards.

Q. What did he say to you about that, and what did you say to him about it. When he would ask you to come what would you say about it?

A. Why, I would go and see him and then he would forget that I had been there; he would not remember that I had been there. If I was to meet him in the afternoon he would ask me why I hadn't been down.

BY THE COURT:

Q. How do you know he forgot it? What did he say that would indicate that he had forgotten it?

A. He would ask me why I hadn't been down.

Further Direct:

Q. When in fact you had just been there?

A. Yes, sir; and had just left there, probably.

Q. Did he come to your house?

A. Yes, sir, frequently.

Q. How far do you live from him?

A. Three quarters of a mile.

Q. When did you cease to go there?

A. When we applied for the guardianship, or just before that; he always came until then, too.

Q. In the presence of Mrs. Haydock, how would he treat you?

A. He was never as near as affectionate before her as when she was away. When we were alone he was very affectionate.

Q. Did you notice any change when she came in the room?

A. He always treated me kindly.

Q. Would you notice any change?

A. He would not make as much of me when she was there as he would when she was not. He would

always put out his hand and take my hand and put his arm around me and speak very affectionately, and when she came in it was dropped, and he treated me politely.

Q. Did he ever make any request in regard to that matter?

A. He was always afraid that she would know he had been over to see me—always.

Q. What did he say about it?

A. "Don't tell Eliza I have been here."

Q. Were you or not informed of his last sickness?

A. Not at all, sir; I didn't know that he was more feeble than usual until the day before he died.

Q. Then did you go there?

A. I did.

Q. Will you state how she then received you?

A. She was very insulting; I went in the room and she took no notice of me, and I tried to make my father recognize me; I took his hand and called my name over several times and I at last said: "He fails to recognize me, he is not conscious; she said: "He is, but he doesn't want to—he is conscious."

Q. How did she speak those words?

A. Very cross, and she looked more than she said.

Q. As to your positions?

A. I was leaning over my father, and she tried to make it uncomfortable by throwing the clothes around me, as much as to say, "Go away," but she didn't say so.

Q. Did she leave you then.

A. No, sir.

Q. Where did she stay?

A. Right at the head of the bed, and I had to go around on the other side of her.

Q. Did the bed stand against the wall?

A. No, sir; it stood out from the wall, but she

was at the head of the bed, and I stood next to Mrs. Haydock.

Q. Did anything else occur in regard to her treatment at that time?

A. No, sir.

Q. Did Mrs. Haydock ask you to stay?

A. Oh, no; she never spoke to me only just as I said, that he didn't want to recognize me and that he was conscious; those are the only things she said.

Q. Do you know what Mrs. Haydock's business was before she was married?

(Objected to.)

(Admitted.)

A. I think she made shirts for an employer.

Q. Had she any property?

A. Not that I know of.

Q. Did she make any remark to you in regard to your father's property after she was married—as to the house?

BY THE COURT:

When, Mr. Berry?

By Mr. Berry:

Immediately after she was married.

By Mr. Vail:

That is sixteen years ago; I object to it.

Q. You have a family?

A. Yes, sir; I have two little girls and a son.

Q. You have heard something of some notes that Mr. Haydock endorsed for Mr. Bonney?

A. Yes, sir.

Q. Were those notes secured?
A. They were.
Q. By what?
A. By a mortgage on the Milton avenue property.

(Objected to as irrelevant.)

Cross-examined:

By Mr. English:

Q. What was the business of the first Mrs. Haydock?
A. Milliner.
Q. Did your father assist you and your husband by advancing you money at any time?
A. Never, sir.
Q. Never at all?
A. Never, sir.
Q. By endorsement?
A. Yes, sir; not that I know of though.
Q. You don't know?
A. No, sir.
Q. You don't know then what he did for your husband?
A. He never did anything for my husband in a business way.
Q. Don't you know whether he endorsed notes for him or not?
A. He did not—oh, he endorsed for him, I suppose.
Q. You suppose—Do you know?
A. Yes, sir; he endorsed notes for him.
Q. To what extent?
A. That I don't know.
Q. Do you know whether Mr. Haydock ever had to pay any of those notes?
A. I don't know.
Q. What business is your husband in?

A. He was an architect in his last business; he is now a farmer on a farm.

Q. At the time you speak of, when you went down to the house about dinner time, did you finally sit down to the table?

A. I did.

Q. Do you know how long Mr. Haydock was sick before his death?

A. He had rheumatism for sometime; I don't know how long he was sick.

Q. You said he was more than ordinarily unwell just now?

A. No, sir; I did not.

Q. Well, I thought so. From the time of the inquisition proceedings—when they were commenced, until the time before his death, you hadn't been to the house at all?

A. No, sir.

Q. Nor your husband?

A. No, sir.

Q. And none of Mr. Haydock's family had been to your house?

A. No, sir.

Q. You hadn't spoken to each other at all?

A. No, sir.

Q. You say you don't know anything about the value of your property. I understood you to say that you got no income from it?

A. Yes, sir.

Q. Well, don't you get an income from it?

A. We get the rent from it, but that is applied in some way. I don't know much about the business.

Q. Who is it rented to?

A. To Mr. Vail.

Q. How much is the rent?

A. $500.

Re-Direct:

Q. You say it is applied in some way, and that you get no money from it?

A. No, sir.

Re-Cross:

Q. Your husband collects it?

A. Yes, sir; but it is applied in some way.

Q. Well, in what way?

A. In taxes, or something of that sort.

Q. Is it not paid in your behalf to the Savings Bank?

A. Yes, sir; it is paid in my behalf to the Savings Bank.

Further Re-Direct:

Q. Do you get any income from it?

A. No, sir.

Q. I want to ask you another question which I omitted to ask you. When Mr. Haydock came to your house during the last part of his life, how would he go home—alone?

A. I always tried to send the children with him, or some one with him, as far as over the railroad and to put him very near home; it was not convenient to put him all the way home.

Q. Did you ever let him go home alone?

A. He has been home alone?

Q. Well, during the latter part?

A. No, sir; not in the latter part of his visits to me.

Q. Well, how was it within the last year?

A. Within the last year he has always had an attendant.

Q. Do you know whether the first Mrs. Haydock's money assisted or started Mr. Haydock in business?

A. I know my mother had money, and I think that my father and she put their money together.

Q. Had your father money?

A. Some; yes, sir.

Q. What was his business?

A. Well, at one time he was in the lumber business; he was in the lumber business most of his life.

Q. Did Mrs. Haydock leave any property?

A. Not to any great extent.

Q. Who got it?

A. I—my father—I didn't get it.

Q. Your father got it?

A. Yes, sir.

Q. How long is it since Mr. Haydock ceased business?

A. Ever since he has been married to this Mrs. Haydock.

Q. He has never done anything since?

A. No, sir.

Q. That's all,

Further Re-cross:

Q. Had your father inherited any property after his last marriage?

A. Do you mean from my grandmother?

Q. From any one?

A. Yes, sir.

Q. How much?

A. That I can't tell you, sir.

Q. What was it?

A. I can't tell you.

Q. Was it real estate or personal property?

A. It was personal property, I guess.

Q. Have you no idea how much?

A. No, sir; I don't know how much it is.

Further Re-Direct:

Q. Where do you reside now?
A. New Dover.
Q. What is your husband's business?
A. Farmer—Mr. Bonney has a farm.
Q. He has rented a farm?
A. Yes, sir.

By Mr. Stone:

We rest with the exception of calling John C. Coddington, Hannah Richardson, and Mrs. Isabella Yates.

The offer of the evidence as to what occurred at the time of the appraisement evincive of fraud is withdrawn by the complainants, with the understanding that what is in shall remain in.

It is agreed that the $6,000 worth of Rahway City bonds are worth 40 cents on the dollar, of their face value, making in all $2,400.

It is also agreed that the amount of the note of Smith, which was collected, was $5373.47, and that it was deposited on the 28th of April, 1879, to the credit of Mr. Vail, and was paid over by him to her about that time; that she took the money out of the bank—drew the money, and did not open any account there.

By Mr. Stone:

I offer in evidence two papers. One is the notice signed by Eden Haydock, being the demand on the Union National Bank, for the tin box, served January 18, 1879.

(Marked Exhibit No. 8.)

The next, the paper containing a list of the securities found in the box, signed by Mr. Vail. It is a receipt, I suppose, for them, dated January 25th, 1879.

By Mr. Vail:

It is net a receipt; it is a certificate, signed by me when Mr. Brewster and I looked over the securities, that that is what there was in the box.

(Marked Exhibit No. 9.)

By Mr. Stone:

There are one or two questions which were overlooked in the examination of Mrs. Bonney, and I desire to recall her.

MARGARET H. BONNEY, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, is recalled for

Further Direct Examination:

By Mr. Stone:

Q. You are acquainted with Miss Bloomfield?
A. Yes, sir.
Q. How long have you known her?
A. Twenty years or more.
Q. She at one time was an inmate of your father's family?
A. She was, sir.
Q. For how long?
A. Four years and more than that, probably, but four years any way.
Q. When was that?
A. I can't tell you; quite a number of years ago; but I can't tell you exactly.

Q. Do you know whether after that she was accustomed to visit your father's house?

A. She would call there occasionally.

Q. Do you recollect of her coming there directly after William's death?

A. Yes, sir.

Q. Were you present when she came there?

A. I was.

Q. Did you see her when she first met your father on that occasion?

A. Yes, sir.

Q. How did he act in reference to recognizing her?

A. He didn't recognize her at all; she was a total stranger to him, and he had to be told three or four times over, and then I don't think he recognized her. He said, "Eh," and didn't seem to know who she really was.

Q. That's all?

Not Cross-examined.

By the Court:

You rest then, at this point, asking liberty to call three witnesses: Mr. Coddington, Mrs. Richardson and Mrs. Yates?

By Mr. Stone:

Yes, sir.

Subsequently, and after consultation, it was agreed by and between the counsel that if the defendants would go on with their defense, the complainants would agree not to examine Mrs. Richardson, nor Mrs. Yates, and that they would examine Mr. Coddington this evening.

By Mr. Stone:

Your Honor suggested that Mr. McCloskey should foot up the different bills that he had when he was upon the stand; he has done so, and I desire now to put them in evidence.

Complainants rest, with liberty to examine John C. Coddington to-night.

By Mr. Vail:

The first evidence we shall offer is a record to which the other side make no objection. It is the record of the *Inquisition de Lunatico*, showing the return dated the 31st of December.

BY THE COURT:

You offer an exemplified copy of the inquisition.

By Mr. Vail:

No, sir; we offer the original. It was brought here by a clerk from the Court of Chancery this morning. It was to prove the papers but the other side admit them.

By Mr. Stone:

We don't admit it is competent evidence, but if the evidence itself is competent we admit it is properly proved. I don't feel entirely clear in my mind that the inquisition is competent evidence.

BY THE COURT:

I will permit the record to be received subject to objection, and the matter may be discussed on the argument. The inquisition is dated when?

By Mr. Vail:

December 31, 1878.

BY THE COURT:

And the order confirming?

By Mr. Vail:

The order confirming was December 31st.

By Mr. Stone:

We don't care about objecting to the paper if it is only to show what the jury found.

By Mr. Vail:

There is no order of confirmation, but only a rule *nisi.*

By Mr. Stone:

We desire to call the attention of the Court to the fact that the majority in the jury on the lunacy trial was 13 to 10, and also that one of the three commissioners, the master himself, refused to sign.

GEORGE BAYRIGHT, a witness produced on the part of the aforesaid defendant, having been duly affirmed, testified as follows:

Direct Examination:

By Mr. Vail:

Q. You are a brother of the defendant in this case?

A. I am.

Q. Where are you now living?

A. At Asbury Park; that is my home.

Q. Did you know Mr. Eden Haydock.

A. I did.

Q. How long did you know Mr. Haydock before his death?

A. About thirteen years.

Q. You didn't know him at the time of your sister's marriage to him?

A. I didn't.

Q. Where were you at that time?

A. In California.

Q. It was after you returned here then that your acquaintance with him commenced?

A. Yes, sir.

Q. Did you ever live in Rahway?

A. I have.

Q. How much of the last thirteen years have you lived in Rahway?

A. About eight, or ten years, I think.

Q. Your wife is a relative of Mrs. Bonney, is not she?

A. Yes, sir.

Q. What relative?

A. I think she is a second cousin.

Q. During the last thirteen years have you been a frequent visitor at the house of Eden Haydock?

A. Yes, sir.

Q. Was he at your house as well?

A. Yes, sir.

Q. How frequently, during the last two years of his life, were you a visitor at Eden Haydock's house? By the last two years, I mean the two years preceding his death; he died in April, 1879?

A. Well, I was backwards and forwards from the Park, and he was down there quite often.

Q. Did you live at Asbury Park during the whole of those two years?

A. No, sir; I did not.

Q. How long did you reside there—what time?

A. About a year, I think.

Q. And the rest of the time where did you reside?

A. In Rahway.

Q. How far from Mr. Haydock's house?

A. Well, I was not living there, but I was backwards and forwards.

Q. You were not living in Rahway?

A. No, sir; I was not living there.

Q. During the whole of those two years were you living down at Asbury Park?

A. Yes, sir; most of the time.

Q. Where were you the rest of the time?

A. In Rahway.

Q. But your house was at the Park?

A. Yes, sir.

Q. Where was your house when you lived in Rahway?

A. Up in Poplar street, three or four blocks from Mr. Haydock's house.

Q. You say three or four blocks—give it to us a little nearer than that?

A. I should not think it was a quarter of a mile.

Q. During part of the time when you were living at Asbury Park, and would go to Rahway, where would you stay when you came there?

A. I would stay there to his house.

Q. Eden Haydock's house?

A. Yes, sir.

Q. How frequent were your visits from Asbury Park to him?

A. I would come up every month or two, or two or three months.

Q. Would you come up to make a visit or on business?

A. I came up on business usually.

Q. You had business in Rahway?

A. Yes, sir.

Q. How long would your visits be?
A. Several days at a time usually.
Q. And you would make your home at his house?
A. Yes, sir.
Q. Were any of your visits during these last two years of his life longer than several days?
A. Yes, sir; they were in September.
Q. Of what year?
A. The year before he died.
Q. You were there how long at that time?
A. I was there, I think, a couple of weeks.
Q. Did you make his house your home?
A. Yes, sir.
Q. During the last two years did Mr. Haydock ever visit you at Asbury Park?
A. Yes, sir.
Q. You were keeping house there?
A. Yes, sir.
Q. When did he visit you there?
A. He visited us there in the year before he died.
Q. In the Summer or Winter?
A. In the Summer?
Q. What time in the Summer?
A. August, 1878.
Q. How long a visit did he make you at that time?
A. I think it was two weeks.
Q. Two weeks?
A. About two weeks.
Q. Then he returned to Rahway?
A. Yes, sir.
Q. During the last two years of Mr. Haydock's life did he ever have any conversation with you in relation to business matters of any sort?
A. He has.
Q. What was the first conversation that you can now recollect—the first, I mean, in point of time, going back and starting at the furthest period of the

last two years and coming down, and state where it was?

A. Well, at the Park he has had conversation with me?

Q. Well, when he visited you at the Park?

A. Yes, sir.

Q. In August, 1878?

A. Yes, sir.

Q. Was that the first time you can now recollect?

By the Court:

Q. Within the two years prior to his death?

A. Within the two years; yes, sir.

Further Direct:

Q. Yes, he died in April, 1879; do you recollect any conversation prior to the one in the Park in August, 1878?

A. He has often talked over business matters and different things with me.

Q. Do you recollect any particular conversation that you can now relate, prior to August, 1878?

By the Court:

Q. The question of counsel to you is, whether you can recollect any business conversation that you had with Mr. Haydock prior to August, 1878, or within two years prior to his death; that would take you back to April, 1877?

A. Yes, about that time.

Further Direct:

Q. About what time?

A. About, I think, in April.

Q. What year?

A. March or April.

Q. What year please; just fix the time.

A. Well, this was in 1878.

Q. Very well; March or April, 1878; now, what was that?

A. It was in regard to some transactions that he asked me about; the railroad stock.

Q. What railroad stock?

A. Of the United Railway Company of New Jersey.

Q. Give us what he said at that time?

A. He asked me what I thought about his transferring the City of Rahway bonds and buying this railroad stock, and I told him I thought it would be favorable.

Q. You thought it would be a wise thing to do that; was there anything else said at that time—did he speak of anything else?

By the Court:

Q. Well, do you recollect?

A. I don't remember just now.

Further Direct:

Q. Do you know whether he did make that change?

A. He did not.

Q. Do you know any reason why he did not?

A. No; I don't know.

Q. What was the next conversation you recollect having with him in relation to any business matter?

A. He was talking about buying some lots.

By the Court:

Q. Counsel wants you to fix the time first?

A. The first time was two years ago last Summer.

Q. You have referred now to a conversation occurring in March or April, 1878. Now counsel asks you when did you have the next business talk with him?

A. He was at the Park, and we were talking about buying some lots.

Q. When was that?

A. In the Summer before—in 1878.

Further Direct:

Q. When he visited you in August, 1878?

A. Yes, sir.

Q. That was when he was visiting you at the Park?

A. Yes, sir.

Q. Now, he talked to you about what?

A. About some property there. He went with me to look at two different lots.

Q. With an idea of purchasing?

A. Yes, sir.

Q. Did he purchase?

A. No, sir: he didn't.

Q. Did he talk to you about the value of the lots?

A. He did.

Q. And about the comparative value of the lots—about which was the most valuable of the two?

(Objected to.)

BY THE COURT:

Let him state the conversation.

BY THE COURT:

Q. Now, Mr. Bayright, just state all the conversation that occurred between Mr. Haydock and yourself about the purchase of those lots, in 1878, state what he said and what you said?

A. He said that he would like to get a lot there if he could find one that would suit him, and have it in his wife's name.

Q. Well?

A. And build a house on it.

Further Direct:

Q. Anything else?

A. Then we went and looked at two different lots, and he said he would prefer one something like the one that we had then.

Q. The one that you owned?

A. Yes, sir; and these lots didn't suit him because they were not like it; there were no trees on it like there was on the one we had at the Grove.

Q. Anything else—do you recollect anything else that took place at that time?

A. No, not particularly. He was out bathing, I know.

Q. Well, I don't care about that?

A. Oh! you mean about the conversation.

Q. Yes?

A. Well, he said they would not suit him, as they didn't have the trees on them he wanted on.

Q. Did you ever go with him again during that visit to look after lots?

A. I went with him twice.

Q. And have you related now all the conversation on either of those visits that you can recollect?

A. All I can recollect now.

Q. He was there, I think you said, about two weeks?

A. About two weeks.

Q. Then you state that you next saw him in September, when you came up to Rahway?

A. Yes, sir.

Q. And you made your home at his house while you were in Rahway?

A. Yes, sir.

Q. You were there how long at that time?

A. I think about two weeks.

Q. Now, during that visit, can you give us any conversation which you had with him in relation to any business matters or about his property—his own property?

A. He asked me to go around to the bank with him.

Q. What bank?

A. Well, what he called his bank.

Q. Which was his bank?

A. The Union National Bank.

Q. He asked you to go around there with him?

A. Yes, sir.

Q. Did he say for what purpose?

A. Well, he said he wanted to go over his papers.

Q. Well, did you go around there with him?

A. I went around there with him, and we sat down in the office, when we got up there, and he found that he didn't have his keys.

Q. What did he say when you went into the bank?

A. He went up there to look over his insurance papers.

Q. But what did he say to any one when he got into the bank, or what did anybody say to him?

A. I don't recollect.

Q. Did he ask for the box?

A. He asked for the box.

Q. Whom did he ask for the box?

A. He asked Mr. Woodruff.

Q. The gentleman who has been here as a witness in this case?

A. Yes, sir.

Q. Did he get the box?

A. I think he did.

Q. Well, don't you know; you were there?

A. Yes, sir; and then he could not find the key.

Q. Then he didn't get into the box?

A. No, sir; he didn't have the key.

Q. Do you recollect what he said while he was in the bank, at all, in relation to his box or his key or anything?

A. No, I don't, at that time; he didn't say much; we sat down there and he read the paper awhile.

Q. What paper?

A. The *Tribune.*

Q. Well, you mean the newspaper?

A. Yes, sir.

Q. Who read it?

A. He did.

Q. Do you recollect how long you were there?

A. Perhaps half an hour.

Q. Do you recollect whether he made any comments upon what he saw in the newspaper?

A. No, sir.

Q. How was his eyesight?

A. He had to use glasses.

Q. Was his eyesight good for a person of his age?

A. I should think so.

Q. Did you go to the bank with him more than once to look at his box?

A. I did.

Q. When did you go the next time?

A. That was the last time.

Q Well, when had you gone there before, within the two years—is that the only time you went to the bank with him during the last two years of his life?

A. No, sir; I went to the bank with him in the Spring.

Q. Immediately preceding that?

A. Yes, sir.

Q. Did you look over the papers then?

A. Yes, sir.

By the Court: (to Mr. Vail:)

You were enquiring about the visit to the bank in 1878. Let his narrative be completed in relation to that visit before you enquire about any other.

By the Court:

Q. Was this the only conversation you had during your visit of 1878, that you can now recall?

A. Was this the only one?

Q. Yes; this visit of September, 1878?

A. Well, I was there about two weeks.

Q. But was this the only conversation you had with Mr. Haydock, that you can now remember or repeat?

A. (*Witness paused.*)

Further Direct:

Q. Well, we will pass that by; I mean about your going to the bank before that time, and continue about this September visit. Now, during the two weeks' visit in September, can you relate any other conversation you had with him or that he had with anybody in your presence in relation to business matters?

A. Do you mean at that time?

Q. I mean during that visit?

A. I don't recollect now.

Q. You don't recollect any other conversation that you had with him?

A. No, sir.

Q. How many hours of the day would you be with him during that visit?

A. I would be with him evenings mostly, and sometimes, quite frequently, we walked up town together.

Q. In the daytime or evening?

A. In the daytime several times he walked up.

Q. I asked you how many hours during the day, on an average, would you be with him during that visit?

A. I don't know; perhaps I would be there to dinner, and would stay awhile in the afternoon sometimes.

Q. Who would be there; who would you see at the house when you were there?

A. Well, Emma was there.

Q. Who was Emma?

A. The girl.

Q. Who was sworn here yesterday?

A. Yes, sir.

Q. Well, who else?

A. And quite frequently Mr. and Mrs. Anderson.

Q. And Mrs. Haydock of course.

A. Yes, sir.

Q. When did you next see him after this visit in September?

A. The next was in October or November.

Q. Of the same year?

A. Of the same year.

Q. Where did you see him at that time?

A. I saw him there.

Q. Where?

A. At his house.

Q. Were you up from the Park on a visit?

A. No, sir; I was up on business.

Q. How long did that visit continue?

A. Not over two or three days.

Q. At whose house did you make your home while you were up on that visit?

A. Mr. Haydock's.

Q. Do you recollect any conversation you had with him, or business matters during that visit?

A. No, sir; I don't.

Q. At the close of that visit you returned to the Park?

A. Yes, sir.

Q. And this was in November, 1878?

A. Yes, sir.

Q. When did you next see him?

A. I saw him next in January.

Q. The January following?

A. Yes, sir.

Q. January, 1879?

A. Yes, sir.

Q. What time in January?

A. It was about the middle.

Q. Where did you see him?

A. At his house.

Q. You came up from the Park to the house?

A. Yes, sir.

Q. Do you know whether or not he knew you were coming up until you got there?

A. He did not.

(Objected to; admitted.)

Q. Do you recollect whom you saw when you first got there?

A. I saw the members of the family.

Q. Who let you in—who was the first person you saw when you went in the house?

A. I don't recollect who was the first one.

Q. Did you see Mr. Haydock after you got there?

A. I did.

Q. How soon after you got there?

A. Why, when I got there he was there, as soon as I went in the room.

Q. In the parlor?

A. In the dining room.

Q. Did you go into the dining room?

A. Yes, sir.

Q. Do you recollect what his salutation to you was—what he said to you, if anything?

A. He passed the time of day, and so on.

Q. What next?

A. Then we sat down, and he remarked: "We have had a high old time since thee has been here."

By Mr. English:

Q. Was he a Quaker?

A. Yes, sir.

Further Direct:

Q. Well, go on?

A. I said: "What has been up?" and he said, Staats and Maggie were not satisfied, he supposed, with the money that he had let them have, and tried to get his property away, and tried to make him out a lunatic. He then said he guessed they would not fare as well as they would if they had let him alone.

Q. Do you recollect anything else he said at the time?

A. At that time I think Mrs. Anderson was there, and my wife.

Q. Well?

A. Then they came out into the dining-room, or some one came out into the dining-room—I don't recollect who—and stopped the conversation.

Q. Then he stopped talking about it?

A. Yes, sir.

Q. Now, you say this was about the middle of January?

A. Yes, sir.

Q. How long did you continue to remain there?

A. I remained there until after the funeral.

Q. Until after his death?

A. Yes, sir; I was down to the Park two or three times, but only for a day or two.

Q. How long were you there from the middle of January before you went back to the Park at all?

A. I didn't go back until, I think, in March or April.

Q. Then you were there from the middle of January until some time in March or April?

A. Yes, sir.

Q. Do you recollect what was the next conversation you had with him after the one you have given us?

A. He would often speak about keeping the box up at the bank.

Q. What box?

A. He said he didn't see what right they had to keep his papers from him.

Q. When was that?

A. That was two or three times.

Q. When?

A. When they had the box there it was in February, I think; January or February.

Q. Well, it was after this?

A. Yes, sir; after this.

Q. How long after?

A. Well, he would frequently say this, but it was soon after.

Q. Can you give us his exact words at any one time when he spoke about it?

A. How is that?

Q. At any one time give us his exact words when he spoke about it, as near as you can?

A. I don't recollect exactly. I don't know as I recollect his exact words, only he said that he could not see why they kept that.

Q. Well, that's what he said then?

A. Yes, sir.

Q. How often would he speak of that?

A. He spoke of that quite often. He wanted me to go up with him and get the box once or twice, and I told him I didn't think it would be of any use; that they would not let him have it.

Q. Did you ever go up with him to get the box?

A. No; I think not.

Q. Do you know when he did get the box from the bank?

A. I don't know the date.

Q. About how long was it after the middle of January?

A. I think it was in February sometime that he got the box.

Q. Was it in the first, or latter part of February?

A. I think it was about the middle.

Q. Do you know how that box was obtained? I don't want what you have heard said, but from what you know.

A. It was obtained through him giving an order for the box.

Q. To whom did he give the order?

A. He gave it to me.

Q. Did you see it done?

A. I saw it done.

Q. Did he give the order directly, or how was it? Did you have anything to do with it?

A. Well, I went up there.

Q. Now, what did you do? Start at the beginning and tell us what he said and what you said and did.

A. I don't recollect just exactly whether it was made to you, or how; but I know that I went up with my sister to you and got the box, and I know he gave the order.

Q. How did you come to come up to me?

A. He asked me to.

Q. Well now, he asked you to do it?

A. Yes, sir.

Q. Now, when did he ask you to do it?

A. At the time, I think, he got the box.

Q. On the same day or the day before, or when?

A. I think we went twice before we got the box.

Q. Well, was it on the day that you got the box?

A. He asked me on the day that we got the box.

Q. Did he give you the order?

A. Yes, sir.

Q. What did you do with it?

A. I gave it to you.

Q. Did you get the box as the result of that?

A. Yes, sir.

Q. What was done with it after you got it?

A. It was taken down to the house.

Q. What did you do with the order; you say you handed it to me did you?

A. Yes; I showed you the order.

Q. Who wrote the order?

A. He did.

Q. Who was present when he wrote it?

A. Mrs. Haydock and myself.

Q. What did he say at the time he wrote the order?

A. He said he wanted to get his papers; he said he wanted to look them over.

Q. Anything else?

A. He said he wanted to make certain papers over to his wife.

Q. What did he say he wanted to make over to his wife?

A. He said he wanted to make over the stock of the United Railroads of New Jersey and the city bonds, and he wanted to make a deed of the house and of the Woodruff—(*interrupted.*)

Q. A deed of what house?

A. Of the house he was living in, he wanted to make that over to his wife.

Q. Yes, now what were you saying about Woodruff—what was that?

A. He wanted to make that over also.
Q. Make what over?
A. The mortgage that he held on the bank.
Q. On the Union National Bank?
A. Yes, sir; on the bank building.
Q. Against Mr. Woodruff?
A. Yes, sir.
Q. Do you recollect anything else that he said before he got the box; go right on?
A. This was not said before he got the box.
Q. What did he say when he sat down to write the order; don't state anything he said except what he said at that time?
A. He said he wanted to transfer some papers over to my wife.
Q. Not to your wife?
A. To his wife.
Q. When he wrote the order did he say that?
A. Yes, sir.
Q. Did he say anything else when he wrote the order?
A. He said he wanted us to go up and get it.
Q. Did he say anything else that you can recollect?
A. No, sir.
Q. Then after he wrote the order what did he do with it?
A. He gave it to me.
Q. What did you do with it?
A. I handed it to you.
Q. And as the result of that what did you get?
A. Well, you went down and got the box.
Q. Yes, what was done with that box?
A. It was taken down to the house.
Q. Do you know whether the box was opened before it was taken to the house?
A. No, I do not.
Q. Did you take it immediately to the house?

A. I did.

Q. What was done with it after you got it to the house?

A. It was handed to Mr. Haydock.

Q. Where was Mr. Haydock when you got to the house?

A. He was in the dining-room.

Q. And you handed it immediately to him?

A. Yes, sir.

Q. What did he do with it?

A. He got this key out of his vest pocket and unlocked it.

Q. What time of the day was that?

A. Shortly after noon, I think.

Q. What did he do after he had unlocked the box with the key?

A. He picked out certain papers; those papers that I mentioned.

Q. The papers that you mentioned; go over it again so as to make it straight.

A. He picked out and separated these papers of the United Railway of New Jersey stock and the city bonds, and this note of Joseph Smith, and the mortgage on the Woodruff's bank.

Q. Those he separated?

A. Yes, sir.

Q. What did he do with them; how did he separate them?

A. He picked out ones out of the box and he went over them and reckoned them up and took them all out.

Q. What did he do with them?

A. He reckoned up the amount that there was on each one and put it down on a piece of paper.

Q. Do you mean the principal, or interest, or what?

A. The principal.

Q. Well?

A. Then afterwards he took and figured up the interest.

Q. Did he do that on a separate piece of paper or all on one?

A. I think he had two.

Q. Did he do it without any assistance?

A. Without any assistance.

Q. Did he say anything to you while he was doing it or before he commenced to do it?

A. Yes, sir.

Q. What?

A. He asked me to look them over.

Q. To look them over with him?

A. Yes sir; at first.

Q. Did you do so?

A. No, sir; I did not.

Q. Why not?

A. I was busy at something else.

Q. Now, after he made that reckoning of the principal and interest, did you see the paper from which he made it?

A. I did.

Q. Did you compare it with the securities themselves?

A. I did.

Q. Did you find them agree?

A. I did.

Q. After he had done that what did he do with the securities?

A. Then he put them out into a pile, the ones he wanted to transfer he put out into a pile by themselves.

Q. What did he do with the rest of them?

A. He put them back in the box.

Q. After he got that pile made of the securities you named, did he say anything about them?

A. He said he wanted to transfer those over.

Q. To whom?

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A. To his wife.

Q. To whom did he say that?

A. To me.

Q. That he wanted to transfer them over to his wife?

A. Yes, sir.

Q. What did he do with that pile of papers?

A. Then he put them back.

Q. Back where?

A. In one side of the box.

Q. By themselves?

A. Yes—well, a little separated, there was not room enough; it was a small box.

Q. What did he then do with the box?

A. Locked it up.

Q. And did what with it?

A. Put it in the closet.

Q. Do you know what he did with the key?

A. He put that in his pocket.

Q. What did he do with the papers that he figured up the principal and interest on?

A. He put them into the box with the papers; he figured it up several times.

Q. Well, I want to know this one time; did you ever see that paper afterwards?

A. I did.

Q. Where did you see it?

A. He had it afterwards figuring up again on it.

Q. That same piece of paper?

A. Yes, sir.

Q. Do you know where that piece of paper is?

A. No, sir.

Q. Where did you last see it?

A. At the time he was figuring up.

Q. Do you know what became of it in any way?

A. No, sir, I do not.

Q. Do you recollect his saying, when you gave

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him the box, and at no other time—say anything else except what you have told us?

A. He said he wanted these city bonds and the railroad stock transferred over to his wife.

Q. Was that the same day?

A. I think it was the same evening.

Q. This was in the day time and evening, then?

A. Yes, sir.

Q. In the afternoon was anything else said except what you have given us, that you can now recall?

A. He asked me if I would not transfer them.

Q. That was in the afternoon?

A. That was in the afternoon.

Q. Can you give us his exact words to you—his language?

A. He asked me if I would not do it, if I would not transfer these over; he said he wanted to transfer them over to Eliza, and he asked me if I would do it.

Q. Well, what did you say?

A. I said, being her brother, I did not care to have anything to do with it.

Q. What did he say then?

A. He then asked me to go in and get Mr. Powers.

Q. Was that in the afternoon?

A. No, sir; that was in the evening.

Q. Was there anything else said in the afternoon that you can recollect?

A. No, sir; I do not recollect anything.

Q. Very well; now then in the evening you say he asked you to go in for Mr. Powers?

A. Yes, sir.

Q. Who is he?

A. He is the next door neighbor.

Q. Is he a gentleman in business in New York?

A. Yes, sir; and he kept those papers out and asked me—(*interrupted.*)

Q. Who did?

A. Mr. Haydock did, and he asked me to put them away, to put them up.

Q. What papers?

A. That was in the evening.

Q. Well, what papers in the evening did he ask you to put up, or take care of?

A. Well he picked out these City bonds, and the United Railroads of New Jersey stock.

Q. What did he ask you to do with them?

A. He asked me to put them up, to put them away.

Q. Did you do so?

A. I did.

Q. Where?

A. I put them up in the closet.

Q. Then what did you do?

A. Then he asked me to get Mr. Powers.

Q. Did you do so?

A. I did.

Q. Did Mr. Powers come in?

A He did shortly afterwards; not a great while afterwards.

Q. What was done after he came in—what did Mr. Haydock say to him when he first came in?

A. He said he wanted him to transact a little business for him.

Q. What did Mr. Powers say to that?

A. He said that he wanted to know what it was.

Q. What did Mr. Haydock say?

A. He told him.

Q. Well, what did he tell him?

A. He told him there was some stock and bonds there that he wanted transferred to his wife.

Q. Do you recollect what Mr. Powers said then?

A. He said he would do it.

Q. Then what did Mr. Haydock say?

A. He asked me to get the papers.

Q. He asked you to get them?
A. Yes, sir.
Q. Well, what did you do as the result of that request?
A. I went and got the papers.
Q. How long did it take you to get the papers?
A. It did not take me long to get the papers.
Q. Were they not in the same room?
A. Yes, sir; the closet in the same room.
Q. Very well; now, you got the papers?
A. Yes, sir.
Q. What did you do with them?
A. I handed them to him.
Q. You handed them to whom?
A. Mr. Haydock.
Q. Well, what did he do with them?
A. He opened them and had him transfer them.
Q. You say he had him, whom do you mean?
A. Mr. Powers.
Q. After he got them in his hands what did he say to Mr. Powers?
A. He said that those were the papers he wanted transferred?
Q. Did he say anything else to Mr. Powers?
A. He asked him if he would not do it.
Q. What did Mr. Powers say to that?
A. He said "Yes."
Q. What was done with the papers?
A. Then Mr. Powers he transferred them.
Q. How did he transfer them? What did he do?
A. He endorsed them on the back.
Q. Endorsed what? Take the City bonds first, what did he do with those?
A. He said, "Pay to the order—it was written on them—"Pay to the order of Mrs. Haydock."

(Complainants counsel objected to the testimony, and said that the defendants should produce the bonds.)

Q. Mr. Powers wrote something on those bonds?

A. Yes, sir.

Q. Now, after he got through writing on them, what was done with them?

A. Mr. Haydock signed them.

Q. After they got all through writing what was done with them?

A. They were handed to Mrs. Haydock.

Q. Did she take them?

A. She did.

Q. Now you can come back to the railroad stock. What did he do with the railroad stock?

A. He just endorsed that.

Q. Now, after the writing was all done on these different pieces of papers, you have already said that the bonds were handed to Mrs. Haydock, what was done with the certificate of the railroad stock—there was a certificate for the two of them; what was done with them?

A. He asked Mr. Powers to transfer them—to take them—not at that time though.

Q. Well, who took them away?

A. They were handed to Mrs. Haydock, and nothing more was done at that time.

Q. They were handed to her?

A. Yes, sir.

Q. Do you know, of your own knowledge, what Mr. Powers did afterwards towards making the transfer on the books of the Company—of that Company?

A. I know he had them transferred.

Q. Had what transferred?

A. The stock.

Q. Transferred to whom?

A. Mrs. Haydock.

Q. Transferred where?

A. At the railroad office at New York.

By Mr. Stone:

Q. Were you there?
A. No, sir.

Further Direct:

Q. Did Mr. Haydock say anything about transferring them at New York?
A. Yes, sir.
Q. What did he say?
A. That he wanted them transferred, he wanted them taken over to New York to have them transferred, and he sent them over by Mr. Powers.
Q. Whom did he say that to?
A. He said it at that time in our presence.
Q. To Mr. Powers, or to whom?
A. Well, this was after the conversation.
Q. Well now, don't give us anything except that same evening?
A. No, sir; I think there was nothing more occurred the same evening.
Q. Dou you recollect any other conversation that same evening about anything?
A. I think not that evening.
Q. When was the next conversation that you can recollect with Mr. Haydock?
A. The next conversation that I can recollect of was he asked me to take a walk with him in the garden.
Q. How long after this conversation was it?
A. I think perhaps eight or ten days.
Q. Eight or ten days after that?
A. Yes, sir.

RECESS.

By Mr. Vail:

Will the stenographer please read the last two or three questions to the witness?

The Stenographer read as follows:

Q. When was the next conversation that you can recollect with Mr. Haydock?

A. The next conversation that I can recollect of was, he asked me to take a walk with him in the garden.

Q. How long after this conversation was it?

A. I think eight or ten days.

Q. Eight or ten days after that?

A. Yes, sir.

Witness:—He asked me to have a walk with him in the garden, and I said: "Yes; certainly I will," and when I got down I asked him how he felt, and he said: "George; I feel as if I had been doing wrong." And I said, "In what way?" "Why, in endorsing as many notes as I have." He said:

Q. Doing what?

A. "In endorsing as many notes as I have." Then he said he felt rather bad about Staats and Maggie, about trying to take away his property and trying to make him out a lunatic.

Q. What else did he say?

A. Then he said, "Now as they have undertaken to do that, I don't want them to have another dollar, not if I can help it."

Q. Do you recollect what reply you made to that?

A. I think I asked him what he was going to do.

Q. What did he say?

A. He said he was going to give it to Eliza.

Q. Who was Eliza?

A. His wife.

Q. Mrs. Haydock?

A. Yes, sir; I then asked him why he did not make a will; he said he was going to, and would as soon as he got able to; he felt rather weak then.

Q. Anything else?

A. He said if they had made him out a lunatic he would never want to be seen walking the streets of Rahway again.

Q. Do you recollect anything else he said in the garden?

A. He said he had signed a good many papers for Staats, and he did not recollect of his ever being man enough to take any one of them up and pay them.

Q. Do you recollect anything else he said?

A. Not about that; we went in, then.

Q. You did what then?

A. He did not say anything more about that then.

Q. Well, you said something else that I did not catch?

A. I said we went in.

Q. Have you given us all the conversation that you recollect took place in the garden?

A. That is all I recollect of now.

Q. What was the date of this, as near as you can tell?

A. It was the first of March.

Q. The March before he died?

A. Before he died; yes, sir.

Q. Well, March, 1879?

A. Yes, sir.

Q. After that did you have any further conversation with him in relation to his business matters or anything else?

A. I did.

Q. When was the next time after this walk you had in the garden?

A. The next was about, I think, the next was about the transferring of some notes.

Q. What notes?

A. These notes—different papers.

Q. What note do you speak of?

A. Well, particularly about this note of Joe Smith.

Q. The five thousand dollar note of Joseph Smith—how long was that after this conversation in the garden?

A. No; that was before that.

Q. Before the conversation in the garden?

A. Yes, sir; and the next I think about transferring some land.

Q. Well, when was that?

A. That was some time in March.

Q. How long is that after the conversation in the garden?

A. Not a great while.

Q. Well, how long?

A. Perhaps a couple of weeks, or a week or ten days, I don't know exactly.

Q. Where did you have that conversation?

A. In the dining room.

Q. In his house?

A. Yes, sir.

Q. Give it to us, please, just what it was and how it commenced?

A. He wanted me to go up and get Mr. Leonard, young Leonard to come down and sign papers that he had.

Q. Who was young Leonard?

A. Well, they had been buying some land—it was the Leonard that owns that pottery there.

Q. A resident of Rahway?

A. A resident of Rahway!

Q. And he asked you to do that?

A. He asked me to go up and get him to come down, he had been selling him some property.

Q. What kind of property?

A. Land.

Q. Where?

A. Down in the lower part of his lot—Leonard's lot—just a little piece.

Q. What did he ask you to do?

A. He asked me to go up and get him to come down.

Q. And do what?

A. And sign some papers.

Q. What did you do?

A. I went up there, and he was not there; he had gone to Newark.

Q. What did you then do?

A. I then had a talk with his father.

Q. Well, you need not give us that; did you report to Mr. Haydock that he was not there?

A. I did after having a little talk with Mr. Leonard.

Q. Did you report that to Mr. Haydock the same day?

A. I did.

Q. What did you say to him; how did you report it?

A. I told him he was not there.

Q. What did Mr. Haydock say?

A. He said—I do not recollect what he said.

Q. Do you recollect that he said anything?

A. No, I don't recollect.

Q. Do you know whether that real estate transaction was ever carried through?

A. I think it was; but then I don't know.

Q. Well, I ask you if you know of it of your own knowledge?

A. I do not know of it.

Q. Do you recollect any conversation with Mr. Haydock after that and before his death?

A. I do.

Q. When was the next?

A. The next one was—this Leonard wanted to buy some property of him running down in the land with

the fence that there is on the rear of his property, and he asked me to go and see Mr. Haydock, and see what he would take for the property, or for that piece.

Q. Who asked you to do that?

A. Mr. Leonard.

Q. Well, did you ask Mr. Haydock?

A. I did.

Q. What did he say?

A. He said he did not care to sell it running in that way, as there was a street laid out there, or was about to be laid out below that, and it would cut his lots up and if he sold any he wanted to sell them running in the line with Mr. Tappen's fence.

Q. Well, what else did he say, if anything?

A. Then I went up and reported to Mr. Leonard.

Q. Well, you have no need to say what you said to Mr. Leonard; what was done after that in relation to the matter?

A. Nothing was done after that.

Q. You do not know of anything else?

A. No, sir.

Q. Do you recollect any other conversation that you had with Mr. Haydock after that, about anything?

A. Well, I recollect about this, but I do not know whether it was after that or not; he wanted me to go in and get Mr. Powers to come in and endorse a note.

Q. What do you mean by that? if you are going to state again what you gave this morning, why, we do not want it.

A. He asked me to go in and get Mr. Powers to transfer that note.

Q. What note?

A. Joseph Smith's.

Q. When was that?

A. About the same time.

Q. The same time as what?

A. The same time in March.

Q. What part of March?

A. I think it was about the first—somewhere about the first.

Q. Give us his words when he requested you to do it?

A. He asked me to go and see Mr. Powers and see if he would not come in; he wanted to transfer this over to his wife.

Q. Did you do so?

A. I went to the door but Mr. Powers was not at home.

Q. Did you so report to Mr. Haydock?

A. I did, and he said he was sorry because he wanted to get it done, and get it off his mind.

Q. Was that all that was said at that time?

A. That is about all that was said at that time. Then the next night he wanted me to go again.

Q. Did you do so?

A. I did, but he had company.

Q. Who did?

A. Mr. Powers.

Q. And he did not come in?

A. No, sir.

Q. What did you then do, did you report to Mr. Haydock?

A. I did.

Q. What did he say?

A. I don't know as he said anything at the time.

Q. On the subject of the Smith note, did you ever have any further conversation with Mr. Haydock in relation to the Smith note?

A. I did.

Q. When, and where?

A. It was shortly before.

Q. Where?

A. At his house.

Q. What was it?

A. He asked me to go—he said he wanted to transfer this note; that was the time my brother was there.

Q. Who is your brother?

A. Edward P. Bayright.

Q. What did Mr. Haydock say?

A. He wanted me to get the box, he said.

Q. Now, go on and state what he said?

A. He asked me to get the box.

Q. Yes?

A. And I got the box and handed it to him, and he got out this note and asked my brother if he could not transfer that to Eliza.

Q. What did your brother say, if anything?

A. He said he could.

Q. What was then done?

A. It was then endorsed over to her.

By Mr. Vail:

Have you that note, Mr. Stone, or do you want us to prove what the endorsement was?

By Mr. Berry:

The note is in the possession of Joseph Smith?

Q. After the note was endorsed, what was done with it?

A. It was given to Eliza.

Q. Mrs. Haydock?

A. Yes, sir.

Q. Did she keep it?

A. She did.

Q. Now, do you recollect any other conversation that you had with Mr. Haydock before his death in relation to any business matter other than what you have told us?

A. I do, shortly after that.

Q. Shortly after what?

A. After the transfer of the note.

Q. How long after?

A. I think it was from ten to fifteen days.

Q. What was it, and where was it?

A. It was in the dining room.

Q. What was it?

A. He was then lying on the bed; I went up to him and was smoothing his forehead, or rather his hair, and he asked me if Joseph Smith had paid Eliza that money on the note, and I told him no, I did not think he had.

Q. Well?

A. He then asked if he was not going to do it, and I told him I supposed he would when she wanted him to.

Q. Anything else?

A. Then he asked if she had sold any of the Rahway bonds.

Q. What did you say?

A. I told him she had not. Then he asked me what they were worth now.

Q. And your reply?

A. I told him I thought they were worth about thirty-five or forty cents. I told him there was some of them selling for thirty-five cents.

Q. Do you recollect anything else he said at that time?

A. He commenced speaking about--no— (*a pause*).

Q. Well, don't give us anything else except what he said at that time?

A. No, sir; I asked him then if he did not want me to send for Staats and Maggie.

Q. What did he say?

A. He said, "No;" that is, he said, "If they could not come without his sending for them he did

not want them to come." I also asked him that question before that.

Q. What was his reply at that time?

A. His reply was if they could not come without his sending for them, he did not want to see them.

Q. Did you ever hear Mrs. Haydock ask him if she should send for his daughter, Mrs. Bonney, and her husband?

A. I have.

Q. When?

A. Two or three different times.

Q. Do you recollect his replies?

A. He made the same reply; that is, if they could not come without his sending for them, he did not want them; he did not want to see them.

Q. When did you hear Mrs. Haydock ask Mr. Haydock if she should send for Mrs. Bonney and her husband?

A. I have heard it in March and also once in April.

Q. 1879?

A. Yes, sir.

Q. Do you recollect going to the Union National Bank at any time, and with any one with a note of of Mr. Tappen's?

A. I do.

Q. When was it?

A. I think it was in March.

Q. Of what year?

A. 1879.

Q. The year when he died?

A. Yes, sir; the year that he died.

Q. Who did you go there with?

A. I went there with Mr. Tappen.

Q. Now to go back a little, did you ever hear Mr. Haydock say anything in relation to that note?

A. I did.

Q. Now, tell about that, start at the beginning and tell us what he said about it?

A. Mr. Tappen had been asking me if I would not get Mrs. Haydock to remain to renew a note for him.

Q. When was that?

A. I think it was in March.

Q. What year?

A. 1879.

Q. The year he died in?

A. Yes, sir.

Q. Well, go on?

A. And I spoke to Mr. Haydock, and he said that he had about made up his mind that he would not endorse any more notes, and that Mr. Tappen had promised not to let it become due again; that he would pay it off before it became due.

Q. Well?

A. He did not feel like renewing the note again, but he afterwards consented to it.

Q. Mr. Haydock consented to it?

A. Yes, sir.

Q. Did he do it?

A. Then he told me to tell Mr. Tappen that he should not renew that note again; that before it became due again he wanted him to pay it off.

Q. Did he endorse that note at that time?

A. He did.

Q. And what was done with it?

A. It was handed to Mr. Tappen; I handed it to Mr. Tappen, and he took it to the bank.

Q. Did you go with with him?

A. Yes, sir.

Q. What did you go to the bank for?

A. Well, I went up there to see about the other being taken up.

Q. It was to take the place of that one in the bank?

A. Yes, sir.

Q. Who did you see when you went there?

A. Mr. Woodruff and Mr. Brewster.

Q. What was done with the note when you went in the bank?

A. Mr. Tappen handed it to Mr. Brewster in the back office—I mean Mr. Woodruff, and Mr. Woodruff says, "Oh, that's all right, that signature is all right—he is all right yet."

Q. Who was?

A. He said, "Mr. Haydock is all right yet."

Q. You said before, that in the conversation you had with Mr. Haydock out in the garden, he said that he had been doing wrong by endorsing so many notes; did he say for whom these notes had been endorsed?

A. No, sir; he did not at the time.

Q. Did he at any time?

A. No, sir.

Q. What was Mrs. Haydock's treatment of Mr. Haydock?

A. I never saw anything but what was all right.

Q. What do you mean by all right?

A. What I mean is, it was treatment the same as any man would treat his wife.

Q. But I asked you what was her treatment of him?

A. Well, the same. It was good; all I saw.

Q. That's all.

Cross-examined:

By Mr. J. Henry Stone:

Q. Have you any other relations in Rahway except your sister?

A. Not my own relations; no, sir.

Q. You married your wife in Rahway, did not you?

A. I did.

Q. Has she any brothers and sisters in Rahway?
A. She has a brother.
Q. He is a married man?
A. Yes, sir.
Q. And has kept house ever since you lived in Rahway?
A. Yes, sir.
Q. When did you move to Rahway?
A. I moved there in 1868 or 1869, I believe.
Q. Where did you move from?
A. I was three years in New York.
Q. Where did you move from?
A. From New York.
Q. And you lived in Rahway up to when?
A. Up to within a year ago—well, a little less than two years ago.
Q. Then you moved to Asbury Park?
A. Yes, sir.
Q. Did Mr. Haydock ever lend you any money when you moved to Asbury Park, to assist you in building there?
A. He lent me a little.
Q. How much?
A. I don't recollect now the sum, but it was not but little though.
Q. Was it a thousand dollars?
A. No, sir.
Q. $500?
A. No; it was not over $100 or so, I think; $200, maybe.
Q. When was that?
A. That was a year ago last Fall; two years ago, I guess—about two years ago—I think it was two years ago.
Q. Do you recollect of Mr. Haydock at that time trying to get a note discounted, so that he could lend you the money.
A. No; I do not.

Q. You don't recollect it at all, eh?

A. No, sir.

Q. Didn't you go to the bank with Mr. Haydock for that purpose?

A. What, to get the money?

Q. To get a note discounted so that he could loan you the money?

A. I don't recollect whether I went with him to the bank or not; I think I did, though.

Q. Didn't he then try to get a note discounted?

A. I don't recollect.

Q. You don't recollect one way or the other?

A. I guess he got money out of the bank.

Q. Gave a check, didn't he?

A. I don't know; I don't recollect.

Q. You don't recollect whether he got a note discounted and thereby got money, or drew a check for it?

A. No, sir; I do not.

Q. Has that loan be repaid?

A. He took a note and took it down and gave the note to Mrs. Haydock.

Q. What note, your note?

A. Yes, sir; and told her that she could have that and do with it as she saw fit.

Q. Well, have you paid that note?

A. No, sir; I have not.

Q. Did I understand you correctly that since you lived at Asbury Park, when you came to Rahway you would make your home at Mr. Haydock's?

A. Yes, sir; one Winter we made our home at Ruth Anna Harned's—that's the Winter William died.

Q. What Winter was that?

A. It is two years ago last Winter, I think, he died.

Q. That is a boarding house, is it not?

A. Yes, sir.

Q. How long did you stay there?

A. I staid there a month or two, I believe.

Q. Didn't you tell Mr. Vail that after you went to Asbury Park, whenever you returned to Rahway you always made your home at Mr. Haydock's?

A. Within the last year or two.

Q. How long is it since you first came to Rahway and made your home at Mr. Haydock's?

A. Well, now, I don't know as I understand you.

Q. Well, you speak about your coming to Rahway and making your home always at Mr. Haydock's when you came; now, when was the first time that you came there when you began to make your home at Mr. Haydock's on your visits to Rahway?

A. When I came up myself I most always went there to stay.

Q. Did you ever stay anywhere except at Mr. Haydock's, with the exception of the time when you boarded at Mr. Harned's; did you ever come to Rahway and stay anywhere else but Mr. Haydock's except the time you went to Mr. Harned's to board?

A. I have been to Mr. John Shotwell's.

Q. When was the last time you visited John Shotwell?

A. I am there now.

Q. Well, I mean during Mr. Haydock's life?

A. I don't know; I don't recollect.

Q. Well, taking two years from the time of Mr. Haydock's death, did you on any of your visits to Rahway, stay at John Shotwell's?

A. I think not, that is not when I came up by myself.

Q. Did you when you came up with anybody else?

A. I visited there with my wife when she was with me?

Q. To stay there?

A. I stayed there a few days at a time.

Q. During the last two years of Mr. Haydock's life?

A. I don't know whether it was within that time or not; I think I have, though.

Q. You are not sure about it?

A. I am not positive, but I think I have.

Q. How many times during those two years did you visit Mr. Haydock?

A. I could not tell you.

Q. Once a month?

A. It would not average that.

Q. Would it average once in two months?

A. I don't know; I often used to run up to attend to—we had property there—we have got property there; and I used to go up and collect bills and rents, and attend to the property.

Q. How long would you be accustomed to stay?

A. Sometimes two or three months—Oh, up at Rahway, do you mean?

Q. Yes?

A. Several days at a time.

Q. What property have you in Rahway?

A. Some in Poplar street.

Q. Whose was it?

A. It is in my wife's name.

Q. What does it consist of?

A. Houses.

Q. How many?

A. Two.

Q. Was there any other property you had to look after in Rahway?

A. Yes, sir; there was some land there—some lots.

Q. Vacant land?

A. Yes, sir.

Q. Did you have any other business to come to Rahway for except those two houses and the vacant land?

A. No; I don't know of any particularly.

Q. Do you mean to say that you made all these numerous visits on account of business connected with this piece of property?

A. No, sir, not altogether; we would come up and spend the Winter sometimes; that is, we didn't stay down there at Asbury Park all the Winter.

Q. Then you say you would come up and spend the Winter sometimes?

A. Well, we didn't stay down there every Winter.

Q. Most of one Winter, I understand you, you boarded at Mr. Harned's, and there was but one other Winter in those two years?

A. Well, that was previous.

Q. Well now, I am talking about the two years previous to Mr. Haydock's death, and no further back than that, and I want to know if you were required by the exigencies of your business to come up and make as many visits to Rahway as you have mentioned?

A. I don't know how many times I have been backwards and forwards; I could not say that.

Q. Didn't you go up a good many times when business was not your object?

A. No, sir.

Q. Was business always your object?

A. I always came on business.

Q. And always connected with either those houses or the vacant lots?

A. Well, I don't know about that.

Q. What other business did you have in Rahway?

A. I don't know of any in particular.

Q. Then it must have been those two houses and the land?

A. I used to come up and collect the rents.

Q. But if you didn't come up on business connected and pertaining to those two houses and the

land, you didn't come up on account of any business at all, did you?

A. No, sir; I don't know as I did. I would often come—I would sometimes come up and attend to the houses when they were out of repair, and I had water put in, and every once in a while it would get leaking and would want fixing.

Q. Well, every time you came to Rahway during the past two years previous to Mr. Haydock's death you came up on account of being wanted to look after those two houses or that land, is that it?

A. No, sir; I don't know as I did every time.

Q. Well, now, what else did you go for?

A. Well, when Mr. Haydock was sick he sent for me to come up.

Q. How do you know he sent for you?

A. He said so.

Q. Who said so?

A. He told me so.

Q. When you left home you would not know that?

A. No, sir.

Q. Then, why did you go up.

A. I got telegraphed for once or twice.

Q. By whom?

A. Well, I don't know.

Q. Didn't your sister telegraph you?

A. Yes, sir; I guess she did.

Q. Didn't she telegraph you in January to come up?

A. No, sir; she did not.

Q. Then how did you happen to come up in January?

A. The way it came was, we had left the Park to go up there.

Q. You had shut your house up?

A. Yes, sir.

Q. Then you started to go away?

A. Yes, sir; to go to Rahway and stay there through the Winter.

Q. Were you going to board at Mrs. Harned's?

A. Well, I don't know; we didn't calculate to; we didn't know where to board.

Q. Did you and your wife stay all the time at Mr. Haydock's until after his death?

A. No, sir; my wife was not there.

Q. Where was she?

A. Over in Brooklyn.

Q. Were you there?

A. I was there attending to Mr. Haydock.

Q. What services did he need of you?

A. Well, what services does any sick man need?

Q. Was he a sick man when you went there in January?

A. He was up and about, but he was not a well man.

Q. Didn't you say he took you up to the bank?

A. Not then.

Q. After you got there?

A. No, sir.

Q. Didn't you say on your direct examination that he took you up to the bank after you got there in January?

A. That was about in the first of September.

Q. Then you never went with him up to the bank after September?

A. No, sir.

Q. He took you down in the garden after January?

A. Yes, sir.

Q. He was able to walk around there then?

A. Yes, sir; and he always wanted me to stay there when I was in Rahway.

Q. How long did you stay there after his death?

A. I don't recollect; not a great while, I guess.

Q. Didn't you leave immediately after his funeral?

A. I don't know whether I did or not.

Q. This visit which continued from January until April, to Mr. Haydock's, was not on account of your business affairs, was it?

A. Not in Rahway; no, sir; I said I was there because he requested and wanted me to do it.

Q. Why didn't your wife stay there with you?

A. Because my brother's wife and family were sick in Brooklyn, and she stayed there to help nurse them.

Q. Then she was engaged in nursing in Brooklyn and you were engaged in nursing Mr. Haydock in Rahway?

A. Well, she was there with his family.

Q. I wish you to tell me what was the matter with Mr. Haydock, on account of which he needed you to nurse him?

A. He wanted me there a good deal for company.

Q. Didn't he have his wife there as his company?

A. He did.

Q. Well, was not she enough of your family?

A. It appears not; he always wanted me there; he wanted me to stay there all the time.

Q. To talk with him?

A. Yes, sir.

A. And you did talk with him?

A. Yes, sir.

Q. And you talked with him every time you got a chance, didn't you?

A. Certainly I did, I suppose.

Q. What is your business?

A. Well, I am not in any particular business now.

Q. Since when have you been in any particular business?

A. I have not been in any particular business for several years.

Q. Are you a gentleman of independent fortune?

A. Well, I guess, if you want my answer, I can give it. With what I have and my wife, we have got enough, I guess, to live on.

Q. Without doing anything?

A. Without doing a great deal more work.

Q. Without doing a great deal more work?

A. Well, without doing anything, if you want me to come right down to it.

Q. I understand you to say that you went to Mr. Haydock's house in January, and you knew that he didn't know that you were coming—did you so state?

A. Yes, I am pretty positive he didn't know, because they said they didn't know.

Q. You heard him say so—you were not telegraphed to at that time, then?

A. No, sir.

Q. Now, do you know the day of the month in January when you came to his house?

A. Well, I can tell pretty near.

Q. How near?

A. It was about the 15th or 17th, or somewhere along there, or 16th.

Q. Of January?

A. Yes, sir.

Q. What time of the day was it you reached there?

A. I think it was towards night.

Q. And you met him immediately after you got into the house?

A. I did; he was there in the house.

Q. What was his first salutation to you?

A. He greeted me as he usually does, he got up and shook hands.

Q. What next did he say?

A. After a few minutes talking he went on and told me about this, what I have already stated.

Q. Do you recollect what he said during the first few minutes talk?

A. He asked me how I had been and so on.

Q. Now, what did he say in reference to what you have already testified to?

A. How do you mean; do you want me to repeat it?

Q. Yes.

A. He said, "We have had a high old time here since thee has been gone," meaning——(*interrupted*).

Q. No matter what he meant; we will attend to the meaning part; you confine yourself to what he said; did you ever hear Mr. Haydock before that make use of an expression like this: "We have had a high old time?"

A. I don't know about it; sometimes I might; not exactly those words.

Q. Did you know what he meant when he said that?

A. No, sir; I did not; I didn't hear anything about the proceedings at all at that time.

Q. Do you mean to say that your sister had never notified you of those proceedings?

A. No, sir; she did not.

Q. Had you never heard until this visit to Mr. Haydock that there had been those proceedings?

A. I did not.

Q. Well, what did you say when he said to you, "We have had a high old time since you have been here?"

A. I asked him what was the matter.

Q. You asked him what the high old time was, I suppose. Now, what did he say to that?

A. Well, he said he supposed that he hadn't given

Staats and Maggie money enough to satisfy them, and they tried to take his property away and make him out a lunatic.

Q. Did he tell you how much money he had let them have?

A. Let who have?

Q. Well, Staats and Maggie, as you call them, have?

A. No, sir: he told me he had let them have a great deal of money at different times.

Q. At different times?

A. He said he let them have a great deal of money at different times. He made that remark sometime before this; that is, he made a remark something similar to that.

Q. What do you mean by before that?

A. Well, two or three years before.

Q. What did he say then about it?

A. He made the remark that, "It appears that Staats was always hard up," or, "always wanted money."

Q. Did he tell you at this time in what way he had let them have money?

A. No; he didn't say in what way.

Q. Did he say whether he had given it to them?

A. No, sir; he didn't say.

Q. Did he say whether he had lent it to them?

A. No, sir.

Q. He merely said he had let them have a good deal of money?

A. Yes, sir.

Q. And they were trying to get the rest of his property?

A. Yes, sir.

Q. Did he tell you how?

A. How they were trying to get it?

Q. Yes?

A. No, he didn't.

Q. When did you find out they were trying to get his property?

A. When did I—I found it out that evening, that is to say, about the proceedings.

Q. Who told you about the proceedings?

A. Mrs. Haydock did.

Q. Mrs. Haydock?

A. He and Mrs. Haydock together; they were there with me part of the time, but Mrs. Haydock told me the most of it.

Q. Well, was that all that Mrs. Haydock told you as his reason for saying "We have had a high old time," that Staats and Maggie wanted to get his property, and make him out a lunatic?

A. How is that? I don't understand it.

Q. Was that the explanation he gave you of his assertion that they had had a high old time?

A. Yes, sir; then that is all he made then because then some one came in the room.

Q. How long did the some one who came in the room stay there?

A. Just a few minutes.

Q. And then retired?

A. And then they retired; yes, sir.

Q. You were then alone again with him?

A. Well, some one passed through the room, and then he stopped. I do not know who it was now; then afterwards they came in again, and then this other conversation was after they had gone out; then my sister was telling me about the proceedings.

Q. When was the first you saw of your sister that afternoon?

A. I saw her when I came home.

Q. Let us get at these people you met, and as you met them you went to the door I suppose with your wife to go into the house?

A. I don't think my wife was with me when I went down.

Q. You think you went to the house alone

A. I did, I think.

Q. Who came to the door and let you in.

A. I think Mrs. Haydock.

Q. You think Mrs. Haydock did?

A. Yes, sir.

Q. How long did you stay with Mrs. Haydock before you saw Mr. Haydock?

A. I went right in, and then I think there was some one—I think it was Mrs. Anderson, or some one was in the room, in the back parlor.

Q. Where is the dining room in reference to the back parlor?

A. Well, it adjoins it.

Q. You went into the hall, I suppose, with your sister, did not you?

A. Yes, sir.

Q. And then went into what room?

A. I think we went into the dining room—into the back parlor first though.

Q. Who was there?

A. I don't recollect, but I say I think it was Mrs. Anderson.

Q. And after you met Mrs. Anderson there, if you did meet her, what did you then do?

A. I went into the dining room, I passed right on.

Q. Did not you stop and pay the ordinary salutations to your sister, and did not she then say anything to you about these lunacy proceedings?

A. No, sir.

Q. You then were in utter ignorance of the fact that there had been these proceedings?

A. Yes, sir.

Q. And you passed by Mrs. Anderson and went into the dining room?

A. Yes, sir.

Q. What for?

A. Because I most always went in there, and one cause was because Mr. Haydock was in there.

Q. How did you know he was in there?

A. Well, I supposed he was.

Q. Did not your sister tell you he was in there?

A. I don't know but what she did.

Q. Then you went right through to see him without stopping to talk to her?

A. I went right in; yes, sir.

Q. And when you saw him in a few moments he said, "We have had a high old time?

A. He did.

Q. And then followed what you have already stated—that somebody came into the room?

A. Yes, sir.

Q. Now, who came into the room?

A. I don't recollect whether it was the girl or Mrs. Anderson, or who it was; I don't know that it was Mrs. Anderson, but I know there was some one in the room.

Q. And you do not know whether there was one person, two or three, do you?

A. I think there was only one.

Q. You don't know who it was?

A. I don't recollect.

Q. Now, how long did that person stay in the room?

A. Well, I guess an hour or two.

Q. And don't you know who that person was?

A. I don't recollect.

Q. Was it a woman or a man?

A. A woman.

Q. A white woman or a black woman?

A. I guess it was a white woman.

Q. An Irish woman or an American woman, do you recollect that?

A. I presume she was an American woman.

Q. When she came into the room did she sit down or did she stand up?

A. She was sitting down when I went in.

Q. I am asking you about the woman that came into the room where you and Mr. Haydock were conversing?

A. Oh, she passed on through.

Q. Did not you say she sat an hour or two there?

A. But that was the woman in the other room, and then in a few minutes she came out.

Q. Well now, let us go back again; I want to get this matter straight; now, you say you went into the dining-room and spoke to Mr. Haydock?

A. Yes, sir.

Q. And that he said something about having "a high old time?"

A. Yes, sir.

Q. That you asked what was the matter, and he replied to you; now, I want to know how soon it was after he made that reply to you that anybody came into the room?

A. They came in right away, while he was talking.

Q. Who came in?

A. I don't know, but some one came in, and then he stopped.

Q. Which way did they come through?

A. They came through that way into the kitchen, and then he stopped.

Q. Then some one came through, passing through from the back parlor into the dining room, and through the dining room out into the kitchen?

A. Yes, sir.

Q. What occurred after this person passed out of the dining room into the kitchen?

A. What occurred after that?

Q. Yes?

A. We were sitting right on.

Q. Well, did you renew the conversation?

A. No, sir; I did not then.

Q. You did not ask him anything further about it?

A. We sat there a few minutes, and then Mrs. Haydock came out and told me about it.

Q. Did not I understand you to say that Mrs. Haydock did not tell you until that night?

A. It was that same night, that same evening.

Q. Was it not half an hour afterwards?

A. Perhaps so.

Q. Or an hour?

A. I don't recollect exactly how long it was.

Q. Well, did Mrs. Haydock leave that other lady in the other room when she came out, or was it after the other lady had left?

A. She came out there and left the other woman in there for a little while, and she commenced telling this, and then went back again; and then, after a while, when she went away, Mrs. Haydock came back again and went on with the conversation.

Q. When Mrs. Haydock came into the dining room where you were, who opened the canversation then in reference to the proceedings?

A. I think she did.

Q. Did not she commence it right when she came into the dining room?

A. No, sir; I don't think she did.

Q. Did she not talk a little on indifferent matters; and then bring that up?

A. Yes, sir.

Q. When was this that you had the talk with Mr. Haydock about the box, when you told him the bank would not give him the box—would not let him have the box?

A. That was soon after I came there.

Q. In January?

A. In March, I think; in January, or the last of

January, or in February; I think it was in February.

Q. You testified on your direct evidence that it was about the middle of February, did you not?

A. What was?

Q. That you had this conversation with Mr. Haydock about the box and about the bank keeping it?

A. No, sir; he spoke about that two or three times.

Q. Was it not in February that he complained to you about the bank having that box, and saying "the bank has no right to the box," and you replying to him that it would not be of any use his going for the box, because the bank would not let him have it?

A. I do not recollect whether it was the last of January or first of February, but I think it was in February.

Q. Well, when was it that this order was given for the box?

A. I think that was about the twentieth of February, I think it was.

Q. Where was he when he wrote that order?

A. He was in the dining room.

Q. What hour of the day or night was it?

A. I think it was a little before noon, I think it was.

Q. Who were present when he wrote it?

A. Mrs. Haydock and myself.

Q. Where did the paper come from upon which it was written?

A. I suppose it came from the store.

Q. No—it was not lying on the table in front of him when he talked about writing the order?

A. No, sir.

Q. Where did it come from?

A. It came from the little stand drawer.

Q. Who got it?

A. I got it myself.

Q. Who got the ink and pen?

A. I did.

Q. What did he do then?

A. He sat down and wrote the order.

Q. Who asked you to get the ink and pen?

A. He did himself.

Q. He wrote the order then himself, did he?

A. Yes, sir.

Q. Did he copy it from anything?

A. No, sir.

Q. Did Mrs. Haydock dictate to him what he should write?

A. No, sir.

Q. Did not you?

A. No, sir; I said that Mr. Vail would probably require an order from him for the box, and then he said: "Give me paper and a pen and ink, and I will write the order, and I will give an order.

Q. What had Mr. Vail to do with it?

A. Well, he was his attorney.

Q. Then was the order directed to Mr. Vail or the bank?

A. To Mr. Vail.

Q. Do you recollect what that order stated?

A. No; I do not.

Q. Do you know what was done with that order?

A. No, sir; I do not; I guess Mr. Vail took it; I don't know whether he kept it or not; I don't recollect.

Q. Are you sure about the order being directed to Mr. Vail?

A. Yes, sir.

Notice is given to the counsel of the defendant to produce the order.

Mr. Vail states he has not the order, and does not know where it is.

Mr. Vail:

I can say this, that I think I do know where it is.

Mr. Stone:

Well, where is it?

By Mr. Vail:

My impression is that I gave that order to the bank when they gave me the box.

By the Vice Chancellor:

Let it be noted that notice is here given to the counsel of the defendant to produce the order.

Q. Do you recollect of Mr. Haydock's writing more than once for that box?

A. I don't recollect that he did.

Q. Do you recollect writing any order for him to sign for that box?

A. What, myself?

Q. Yes.

A. No, sir.

Q. Or your sister?

A. No, sir.

Q. Or any one else?

A. Nor no one else.

Q. You said, Mr. Bayright, that you went to see Mr. Vail twice with that order; did you?

A. No; that was in reference to something else I guess.

Q. How many times did you go to see Mr. Vail with the order?

A. I don't recollect.

Q. Don't you recollect whether it was once or more?

A. No; I do not.

Q. Do you recollect when it was you went to him with the order?

A. I think it was about the 20th of February.

Q. Well, now you are very positive that Mr. Haydock wrote that order out of his own head, are you?

A. Yes, sir.

Q. And you swear to that?

A. Yes, sir.

Q. And you are as certain of that as of anything you have sworn to, here to-day, aint you?

A. Yes, sir.

Q. (*Handing witness a paper.*) Now will you look at that paper and tell me if that is not the order?

A. No; that is not the order that I took up there.

Q. But I thought you said Mr. Haydock never signed but one—that is an order for the box, is it not?

A. That is an order for the box.

Q. Did he sign two?

A. I don't know.

Q. Did not you say he only signed one?

(Objected to as unfair.)

A. I knew he signed one for me.

Q. This order is not in Mr. Haydock's hand-writing?

A. No, sir.

Q. Whose hand-writing is it in, do you know?

A. I don't know.

Q. It is in Mr. Vail's, is it not?

Mr. Vail:

We admit that it is in my hand-writing.

Q. What do you know about this order?

A. I don't know anything about that.

Q. You never saw that?

A. No, sir.
Q. Never heard of it?
A. No, sir.
Q. Never heard anything about it until now?
A. No, sir.

BY THE COURT:

You had better let the witness read the paper.

The same is handed to the witness, and the witness read it.

By the witness:
I don't know anything about this.
Q. Do you know whether that is Mr. Haydock's handwriting? (*pointing to the signature.*)
A. Yes, sir.
Q. Do you know Mr. Powers, the witness, to-day?
A. I know Mr. Powers.
Q. You do know him!
A. Yes, sir.
Q. Then if Mr. Haydock signed that he did it unbeknown to you?
A. Well, I don't know; I don't recollect anything about that at all.
Q. Well, I say if he signed that order he did it without your knowledge?
A. I don't recollect anything about it.
Q. Can't you answer my question?
A. I think I did.
Q. Then you think if he signed it he did it without your knowledge?
A. Yes, sir; that paper must have been the one when he had made the demand long before this.
Q. Now you have said it was sometime in February, and I think about the middle of February that you and Mr. Haydock were talking about that box, and you were telling him there was no use of

his sending for the box because they would not give it to him.

Q. Now, how long after that conversation was it that Mr. Haydock wrote the order for the box?

A. I don't recollect; but not a great while.

Q. Was it a week?

A. I don't remember.

Q. Was it before the first of March that he wrote the order?

A. Yes, sir.

Q. Very well; then between the middle of February and the first of March he wrote the order?

A. Well, it was sometime in February.

Q. Well, don't you know when it was?

A. But it was after the 20th of February—the 20th or 24th, it was not after that.

Q. Well, then it was between the 20th and 24th of February?

A. I don't say it was between them.

Q. Well, then, about that time he wrote the order for that box; now, don't you know that he had that box in his possession, or Mrs. Haydock had had it in her possession for about a month?

A. No, sir; I don't.

Q. Don't you know they had the box in January?

A. I don't recollect when that order was written.

Q. You say you don't recollect when it was written?

A. No, sir; but I think it was some time in February.

Q. You suppose the order was written before he had the box, don't you?

A. Yes, sir.

Q. Now, if I tell you he had the box in January, and then what would you say about the order?

A. Then I should think the order was given before that, because I don't think he would have written the order for the box if it was in the house.

Q. If he had the box in January, then he wrote the order after he got the box?

A. If he did so.

Q. Did he tell you why he wanted the box?

A. He said he wanted to look over his papers; he wanted the box so as to have his papers himself—possession of them himself.

Q. Did he say why he wanted to look over the papers?

A. He said he wanted the papers to transfer some of them over to his wife.

Q. Was that the first time you ever heard him say anything about wanting to transfer the property over to his wife?

A. I don't recollect whether it was or not.

Q. Do you recollect of his ever speaking to you about his desire to transfer property to his wife previous to this visit?

A. No; I don't recollect of it not previous to this visit.

Q. Well, were not you a little surprised when he told you he wanted to transfer some property to his wife?

A. Well, he told me the reason he wanted to transfer it was, he said Staats and Maggie had made him out a lunatic, and he did not want them to have any more of his money.

Q. That was the reason?

A. No; he did not say that, not then, but he said he did not want them to have any more of his property.

Q. Did not you say that he gave that as a reason why he wanted to make the transfer to his wife?

A. I said that is a reason why he wanted to get these papers.

Q. Yes. Now did he tell you why he wanted to transfer them to his wife?

A. No; not then.

Q. Did he at any time tell you why he wanted to transfer them to his wife?

A. Not as I know of; I don't remember now.

Q. Then you never heard him say why he wanted to transfer the property to his wife?

A. He said at one time that they had already had so much that he did not want them to have any more.

Q. Did you ever hear him tell you why he proposed to transfer any property over to his wife?

A. I heard him say that they had tried to make him out a lunatic, and he did not want them to have any more of his property, he wanted his wife to have it.

Q. Then he wanted her to have it because he did not want them to have it; is that your idea?

A. Well, no; I don't know as that was it.

Q. Was that your idea of what the man said? Can you give us any further explanation of what he gave as a reason why he intended to transfer the property to his wife beyond the reason you have now given, to wit, that he did not want Staats and Maggie to have any more of his property?

A. (*A pause.*)

By the Vice Chancellor:

Q. Did he assign any other reason than that which you have stated?

A. He said that they already had so much.

Q. Was there any other?

A. I don't recollect now.

Further Cross:

Q. Have not you sworn that he said he wanted to make her more secure and comfortable in life?

A. I think he did say something to that effect.

Q. But you do not recollect that now?

A. I don't recollect when it was he said it.
Q. Do you recollect he ever did say it?
A. I don't recollect now when it was.

By the Vice Chancellor:

Q. The question to you is, do you remember that Mr. Haydock said that one of the reasons why he made this transfer to his wife was that he wanted to make her more secure and comfortable, do you remember the fact of Mr. Haydock stating that to you?
A. I don't know now; no.

Further Cross:

Q. When that box was brought to the house who brought it?
A. Mrs. Haydock brought it, her and I together; we were together.
Q. You and she went where to get it?
A. To Mr. Vail's office.
Q. And brought it down to his house?
A. Yes, sir.
Q. And where was Mr. Haydock then?
A. In the dining room.
Q. And he took the key out and opened the box?
A. He did.
Q. Did he then say what property he proposed to transfer to his wife?
A. Yes, sir.
Q. Was that the first that he indicated what property he proposed to transfer to his wife?
A. He told that before.
Q. When before that?
A. Well, on the—I think this was in January.
Q. Before or after?
A. He said that he wanted to transfer some of these papers over to his wife.

Q. And that was in January?

A. And they were in the box.

Q. That was in January you say?

A. I think it was in January; yes, sir.

Q. Well, now when was it in January he proposed to transfer some property to his wife?

A. I don't know.

Q. Well, what did he say in January—how long was it after you went to Mr. Haydock's on that occasion—I think you have already testified you went up there on the 15th or 17th; now how long after you got there was it that Mr. Haydock said he wanted to transfer some of these papers to his wife?

A. Well, I think it was perhaps a week or two.

Q. Well, what did he say?

A. He said that he wanted his box, there was papers in that box that he wanted to transfer to his wife.

Q. Did he state what papers he proposed to transfer to his wife?

A. No, sir; I don't recollect.

Q. He did not mention what it was?

A. No, sir.

Q. How long was it after that that this order was given?

A. I don't remember; I don't recollect.

By the Court:

Q. Counsel does not expect you to speak with certainty and precision, Mr. Bayright, he does not expect you will be able to tell the number of days, but he wants your best estimate of the number of days intervening between the time you heard Mr. Haydock say he wanted his box to give some of these papers to his wife and the time when the order was written?

A. (*A pause.*)

By Mr. Stone:

I withdraw the question.

Further Cross:

Q. When was it after this first time that Mr. Haydock spoke of transferring the property to his wife that he next spoke about transferring property to his wife?

A. It was only a few days after that, I think.

Q. What did he say then?

A. He said about the same as he had before.

Q. Was that all that was said?

A. Well, he said he did not see why they had any right to keep his box there, that there was no papers in the box that belonged to the bank.

Q. Was that all that he said on that occasion about transferring the papers to his wife?

A. I don't recollect now.

Q. Was she present then?

A. I don't know; I don't recollect.

Q. Was there any answer made to his remark?

A. I don't know; I don't recollect.

Q. Now when was the next time that he spoke about transferring papers to his wife?

A. I don't know as he did it more than twice.

Q. Now the second time was after you got the box, was it not?

A. After we got the box, it was right away.

Q. What do you mean by right away?

A. After he got the box he opened the box and put the papers down, and said those papers he wanted transferred to his wife.

Q. Now I want to know how many times he spoke about transferring the property to his wife before the time he put the key in the box and unlocked it and opened it.

A. I think twice.

Q. Twice before that?

A. Yes, sir.

Q. Is that correct?

A. I think so.

Q. And on neither of those occasions did he say what papers he proposed to transfer?

A. I don't think he did.

Q. Now when he opened the box did he then state what papers he proposed to transfer?

A. Yes, sir; he did.

Q. Did Mr. Haydock open that box immediately after you and your sister brought it into the house?

A. Yes, sir.

Q. Immediately?

A. Yes, sir.

Q. At once?

A. Yes, sir.

Q. That then was the first time that he mentioned what he was going to transfer, was it not?

A. I don't recollect now whether it was or not.

Q. Do you recollect what he then, if anything, proposed to transfer?

A. I do.

Q. Well, what?

A. He said that he wanted to transfer the railroad stock.

Q. Yes?

A. City bonds.

Q. Yes?

A. Joe Smith's note.

Q. Yes?

A. I think that is all the papers; that is, then he wanted to—he had a mortgage he wanted to have transferred, one mortgage of Woodruff, and then he wanted the house turned over to her.

Q. Now, let me understand; he wanted the railroad stock, the city bonds, Joseph Smith's note, the

Woodruff mortgage, and the house, all turned over to her?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Well, why did not you say so when Mr. Vail asked you?

A. I don't know as I did not.

Defendant's counsel stated that the witness had said so.

Q. Did he take them all out?

A. Yes, sir.

Q. He did?

A. Yes, sir.

Q. And laid them on one side?

A. He took them all out and opened them, and figured up about them.

Q. He figured them all up, figured up how much they amounted to?

A. Yes, sir.

Q. Well, how much did he figure up the house and mortgage to?

A. Well, he did not figure up that; I mean of notes and mortgages.

Q. How many notes did he figure up?

A. Well, the stock and such things.

Q. There was but one note?

A. Well, the note, then.

Q. What did he put down altogether and figure up?

A. The amount.

Q. No, no; what things?

A. He put down Joe Smith's note for one, and the railroad stock for another, and then he put down the city bonds.

Q. Yes?

A. And the bank stock.

Q. Yes?

A. And the mortgages, two mortgages.

Q. Then he had bank stock there figuring up, had he.

A. He had.

Q. What bank stock?

A. He had bank stock.

Q. Did he have bank stock figuring up?

A. Yes, sir.

Q. Was the bank stock also a part of the property he wanted to transfer to his wife?

A. No, sir.

Q. Did he except that?

A. He did not mention that.

Q. Then why was he figuring on that?

A. He was figuring up these to see what he had.

Q. Then he was not figuring up to see how much he was going to give her?

A. No, sir.

Q. Did not you state so before?

By Mr. Vail:

He said that he figured them all up.

Q. Did you state that he separated these things because they were to be transferred to his wife?

A. No, sir; I think not.

Q. Did he lay any papers aside at all?

A. Yes, sir.

Q. Tell what papers he laid aside?

A. He laid aside the Joe Smith note, the railroad stock, the city bonds—(*interrupted.*)

Q. The Woodruff mortgage?

A. He put that in, and then afterwards he changed that.

Q. Then what was done then?

A. Yes, sir; he did put that in then.

Q. And the deed?

A. No.
Q. Not the deed?
A. Well, the deed of what?
Q. The deed of the house?
A. No, sir.
Q. Did not you state a little while ago that he did?
A. He said that he wanted to transfer it to her.
Q. Well, what was he taking these things out for except to transfer all of them to his wife. I understood you to say that he opened that box for the purpose of getting out the papers to transfer to his wife, and that he took out these different things for that purpose?
A. Yes, sir.
Q. Now, what things did he take out to transfer to his wife?

By the Court:

He has already stated that.
Q. What did he do with them after he got those things out?
A. He put them back in the box.
Q. Did he tie them up together?
A. No, sir; I think not. I think he just put them; but he separated them a little.
Q. You mean he separated them from the rest of the papers in the box?
A. Yes, sir; he put these on one side; he put these right inside of the others so as to put them over on one side of the box.

By the Vice-Chancellor:

Q. The papers he intended for his wife laid in one pile in the box, and the other papers were in the same box on the other side?
A. Well, they were just moved over on the other side.

Further Cross:

Q. Now, who was present on that occasion?

A. No one but Mr. Haydock and myself.

Q. (*Showing witness a box.*) Is that the box?

A. Yes, sir.

Q. Now, will you tell me how he replaced those papers?

A. (*Witness illustrated.*) He had that box in this way, and put them a little on one side.

By the Vice-Chancellor:

Q. Arrange those papers so that you can give counsel an illustration of how it was done?

A. I don't know exactly how it was done; I know he put them up on one side.

Further Cross:

Q. Is there any way that you can put the papers in the way you have mentioned by separating them from the others in that box?

A. Why, I don't know.

Q. If you put them *this* way (*illustrating*), the box will not shut, will it? therefore, they must have laid on top of each other?

A. He fixed them somehow in that way (*illustrating*); that is the way he fixed them.

Q. That is what you call separating, is it?

A. Yes, sir.

Q. Now, will you tell us in the bundle which he laid aside of papers to be transferred to his wife, what were included when he laid them back in the box?

A. It included what I have just stated.

By Mr. English:

We rather object to having the witness answer the same questions three or four times over.

BY THE COURT:

Read the question, Mr. Knight.

The Stenographer read as follows: "Question. Now, will you tell us in the bundle which you say he laid aside of papers to be transferred to his wife, what were included when he laid them back in the box?"

BY THE COURT:

I think he has answered that.

By the Vice-Chancellor:

Q. Did you examine the papers after they were in the box, or just before they were put in the box?

A. No, sir; I did not. He had them looking at them.

Further Cross:

Q. You say the papers were separated and laid in piles, or in a pile before they were put in the box?

A. Yes, sir.

Q. Did you examine them afterwards so as to be able to say now just what papers were put in each pile in the box?

A. No, sir; I did not.

BY THE COURT:

It is utterly impossible for the witness to answer the question in the form it is put.

Q. Were the papers which you say Mr. Haydock took out and separated and put in the pile, put by the testator in the box?

A. They were all put back.

Q. All the papers that were in the box were put back?

A. Yes, sir.

Q. And were they put back in a bundle form, or was there a separation made?

A. He separated them, those that he wanted transferred.

Q. Yes, sir?

A. Those he wanted transferred to his wife, he separated; yes, sir.

Q. And put them back, so separated, into the box?

A. Well, he kept them from the others a little.

Q. What farther was then said on the subject of transferring the property to his wife?

A. He said he wanted—well, I don't recollect what was said then.

Q. You don't recollect anything further?

A. No, sir.

Q. What time of the day was this?

A. In the afternoon.

Q. How late?

A. About the middle of the afternoon, I should judge.

Q. What was done with that box after Mr. Haydock put the papers back into it?

A. It was put back in the cupboard.

Q. He put it in the closet?

A. I think he did.

Q. Where was that cupboard?

A. On the right side of the chimney in the same room.

Q. In the dining-room.

A. Yes, sir.

Q. Where was that box kept after that?

A. It was kept there.

Q. It was kept there?

A. Yes, sir; a good deal of the time.

Q. Was it left there nights?

A. Yes, sir.

Q. Was it kept locked?

A. No, sir.

Q. Was anybody present at the time when the box was opened that day except yourself, your sister, and Mr. Haydock?

A. I think not.

Q. Why were not steps then taken to transfer the property—the papers?

A. I think they were that evening.

Q. That was the evening the transfer was made?

A. On the same evening.

Q. On the same?

A. Well, I don't know; I cannot say positively whether it was or not, but it was very soon after.

Q. Why was it not done then?

A. I don't know; I don't recollect.

Q. Do you recollect who were present when the next talk about transferring these papers over to Mrs. Haydock occurred.

A. Who was present at the next time?

Q. Yes.

A. Mr. Powers was present then.

Q. Do you mean to say that Mr. Powers came there, and while he was there the next conversation commenced about transferring the papers to Mrs. Haydock?

A. I don't recollect.

Q. Do you recollect where the next conversation occurred, any way—the next after the papers were separated?

A. I think it was very soon.

Q. When?

A. I think it was very soon after that that the railroad stocks and city bonds were transferred.

Q. Well, how soon after?

A. Well, I think within a few days.

Q. In the day time or night?

A. In the evening when that was done.

Q. And did any conversation in reference to the transfer of those papers take place to your knowledge on the part of Mr. Haydock between the day when he opened the box and the evening when the transfers of railroad stocks and city bonds were made?

A. I don't recollect now.

Q. Well, who commenced the conversation at the time when these transfers were made?

A. When the transfers were made?

Q. Yes.

A. He did, Mr. Haydock.

Q. Who was present?

A. I don't recollect anybody but my sister and I.

Q. Did your sister participate in the conversation?

A. I don't rocollect.

Q. Did she participate in the first one when the box was opened?

A. She was there.

Q. Did she participate in the conversation, in the conversation in reference to the transfer of the property—the bonds?

A. No, sir; I think not.

Q. She said nothing?

A. I don't know but what she might have said some things, but I don't recollect what.

By the Vice Chancellor:

Q. Counsel wants to know whether you do recollect that she said anything or not, and not what might have happened.

A. I don't recollect.

Q. You don't recollect of her saying anything at all?

A. No, sir; he took the box—(*interrupted.*)

Q. He wants to know whether you recollect that Mrs. Haydock said anything at all during the time that Mr. Haydock was separating these papers and talking about what he intended to do with them?

A. No, sir; I don't think she did.

Further Cross:

Q. Nothing; now the second time which was the time when the City bonds and railroad stock actually were transferred, you understand?

A. Yes, sir.

Q. Did your sister participate in the conversation on that occasion relative to the transfer to her of any of the papers?

A. She was there and we were talking about it.

Q. Did she talk about it?

A. I don't know for certain whether she did or not?

Q. You stated that Mr. Haydock wanted you to transfer them?

A. He did at first.

Q. And you declined, eh?

A. Yes, sir.

Q. What reason did he give?

A. The reason was because I was a relation; that is the reason.

Q. Well, what difference would that make?

A. Well, it did make a difference with me.

Q. Why?

A. Because I did not care to do it.

Q. Do you mean to say if the transfer was an appropriate thing to do, the fact that you were a relation would make you feel unwilling to do it?

A. Yes, sir; I felt that by my being a relation I did not care to do it.

Q. Were you afraid it would look a little more suspicious if you were the one that did it?

A. I had certain reasons.

Q. You had?

A. Yes, sir; for not doing it.

Q. Was not that one of the reasons?

A. No; I don't know that it was.

Q. Your unwillingness did not extend so far as to make you try to induce your brother to withhold assisting in a second transfer?

A. It was not on account of that; I had other reasons for which I did not want to have anything to do with it.

Q. Have you any objections to telling us those reasons?

A. Well, my wife said she did not want to have anything to do with it.

Q. She told you she did not want you to have anything to do with it?

A. She said she would rather I did not.

Q. Your wife was not present at this time?

A. No, sir.

Q. And you went for Mr. Powers?

A. Yes, sir.

Q. Did not your sister suggest Mr. Powers?

A. No; she did not; Mr. Haydock said he had all confidence in Mr. Powers; he thought he was a man that understood business, and he would like to have Mr. Powers come in.

Q. Did you know Mr. Powers then?

A. I had known him some little time.

Q. And you went into his house to get him?

A. I did.

Q. And brought him back?

A. I did, at the request of Mr. Haydock.

Q. Did he do the necessary writing to make the transfers?

A. Mr. Powers did.

Q. What was done with the bonds, and notes, and stock, then, after they were executed?

A. I had them for a while ; she gave them to me after she had them in her possession.

Q. Well, I ask you what was done with the bonds after they were signed ?

A. They were given over to Mrs. Haydock.

Q. Who gave them to her ?

A. (*A pause.*)

By the Vice-Chancellor:

Q. Who passed them to her? who handed them to her ?

A. I don't recollect how that was.

Further Cross:

Q. Were you all seated around the table when the papers were executed ?

A. Yes, sir.

Q. In the dining-room ?

A. Yes, sir.

Q. Were you all sitting down ?

A. Yes, sir.

Q. Was Mr. Powers sitting down ?

A. Yes, sir.

Q. How long did Mr. Powers stay there ?

A. A good part of the evening.

Q. And somebody handed Mrs. Haydock the bonds and the stock ?

A. Yes, sir.

Q. Did not she pick them up from the table herself ?

A. No, sir; they were handed to her.

Q. Who handed them to her ?

A. I think they were handed to her, but I don't recollect about that.

Q. Then you don't recollect whether she picked them up herself, or they were handed to her ?

A. No, sir.

Q. And then she handed them to you?
A. I think Mr Powers handed them to her.
Q. Well, then she handed them to you?
A. Yes, sir.

Adjourned until Thursday, the 20th day of November, A. D. 1879, at 9:30 o'clock, at the chambers of the Vice-Chancellor, Newark, N. J.

GEORGE BAYRIGHT, a witness produced on the part of the aforesaid defendant, having been duly sworn according to law, is re-called for

Further Cross-examination:

By Mr. Stone:

Q. There was one question I omitted yesterday, Mr. Bayright, and I now call your attention back again to the afternoon when the box was brought home and opened at Mr. Haydock's; you stated in your direct examination that you saw him take a piece of paper and put figures upon it?
A. I did.
Q. Those figures indicating the amounts of the different securities which he was busying himself about?
A. Well, he figured them up—he put them all down on this piece of paper.
Q. Did you know where he got that piece of paper from?
A. I think it was in the box, I don't know.
Q. He put the paper back into the box, you stated?
A. Yes, sir.
Q. Now, did he say anything to you when he began to figure on that paper?
A. I don't recollect.

Q. What were you doing while he was putting the figures down?

A. I was reading a paper at the time.

Q. What paper?

A. The newspaper.

Q. When did you begin to read the newspaper?

A. Just about that time; I think I brought the newspaper down with me.

Q. From the bank?

A. On the street, I guess, somewheres; I don't know where; I don't recollect now, but I know I had a paper.

Q. Do you recollect what newspaper it was?

A. No, sir; I do not.

Q. Do you recollect whether it was a newspaper of that day?

A. I think it was; I generally read the news of the day.

Q. In the morning, didn't you?

A. Not always; no.

Q. Well, this was in the afternoon, was it not?

A. This was in the afternoon.

Q. Well, you would not be likely to find a boy on the street in Rahway with a newspaper, in the afternoon, would you?

A. I don't know as I got it from a boy.

Q. Do you know where you got it at all?

A. I don't know where I got it, I don't recollect; but I know at the time I had a paper.

Q. Never mind; you have answered my question; did you state whether your sister was present when he opened that box?

A. I think she was.

Q. What was she doing?

A. I think she was walking around there.

Q. Did she pay any attention to him when he took the paper out and went to figuring?

A. I don't recollect.

Q. Well, do you recollect that you were reading a newspaper at that time?

A. I do; I was reading the newspaper when he took them out and began figuring them up.

Q. And you paid no attention to him?

A. I did pay some attention to him.

Q. How could you pay attention to him when you were reading the newspaper?

A. Well, he asked me to figure them up, that is, to figure them up with him.

Q. He asked you at first to figure them up with him?

A. Yes, sir; he did.

Q. Well, did you do it?

A. I looked over a few of them, and then I commenced reading the paper.

Q. You looked over a few of them before you commenced reading the paper, then?

A. Yes, sir.

Q. Well, didn't you take a pencil and figure, too?

A. No, sir; I did not.

Q. Well, what was it you looked at, then?

A. I looked at him as he was setting them down.

Q. You looked at him as he was setting them down?

A. Yes, sir; for a while.

Q. Did he call your attention to it before he commenced to set them down?

A. I don't recollect whether he did or not.

Q. Do you recollect whether you began to look over it when he commenced to set them down?

A. I don't know; I don't recollect whether I did or not. I know while he was setting them down there he called my attention to it.

Q. Never mind; just answer my question. Don't answer questions that I don't ask.

By the Court:

Answer the question Mr. Bayright, and stop.

Q. How many lines of figures did he put down?

A. He put down, I think, two.

Q. Two lines?

A. I think so.

Q. You mean just a line of figures, and then a second line under it?

A. He first put down the amounts—what they all amounted to.

Q. He first put down what they all amounted to?

A. Yes, sir.

Q. Now, then?

A. Then he commenced to—(*interrupted.*)

Q. Wait a moment—did you see that?

A. I did.

Q. What did they amount to?

A. I have forgotten now what they amounted to.

Q. Were there any columns of figures above the line?

A. Then he had—(*interrupted.*)

Q. No, no; answer my question. Were there any columns of figures above that line that indicated the amount of those securities?

A. No, sir; I think not.

Q. Then did he take up the securities himself and lay the first one down and then take up another and then another and add them up in his mind, and then set down the total amount?

A. No, sir. He looked them over and then set that down—he looked over the securities and then set the amount down.

Q. Did he as he looked them over set down the amount of each security one after another, or did he wait until he had looked over the whole of them and then put the whole amount down?

A. No, sir; he put them down as he went along.

Q. Well, how many lines of figures did they make?

A. I think he made them in two lines—two little rows.

By the Court:

Two lines or two columns?

A. Not columns. For instance, he put them down on here (*witness illustrated*) and ran down here a ways, and then commenced here and ran down here a ways.

Q. There were two perpendicular lines?

A. Yes, sir; and he added them up.

Further Cross:

Q. Only the amounts of these securities were put down on paper, were they not?

A. He put them all down.

By the Court:

I understand, Senator, that he said it was first one perpendicular column and then another one. That is what he describes by his illustration.

Q. Well, is that it?

A. That's it.

Q. Then, do you recollect what securities he put down on the first perpendicular column?

A. No, sir; I do not.

Q. Do you recollect what they amounted to?

A. No, sir; I do not.

Q. Do you recollect what the securities in the second perpendicular column were?

A. No, sir.

Q. Nor what they amounted to?

A. No, sir.

Q. Do you recollect what the whole of that amounted to?

A. No, sir; not now I don't.

Q. Do you recollect how many securities were put in each of the perpendicular columns?

A. No, sir; I think not.

Q. When did you then begin to read the newspaper?

A. I was reading the newspaper when he was putting those down.

Q. Didn't you just say that he called your attention to look at it before you read the newspaper?

A. When he was putting these down—(*interrupted.*

Q. Didn't you say so just now?

A. I don't know, I think not; did I? I don't know. Ask the question over again; I don't know as I understand you.

(The Stenographer read the question.)

A. I think he spoke to me about looking them over with him in the first place; run them over with him.

Q. Didn't you swear yesterday that when he was putting those figures down you were busy and didn't see him?

A. I think not.

Q. You think not. Now, what else did you do besides look over those figures that you have spoken of?

A. I afterwards, after he added those up, I looked them over.

Q. And then what did you do with reference to the figures, anything?

A. No, sir, I didn't do anything with them.

Q. Did he ask you to do anything further?

A. I don't recollect.

Q. Then he put the paper back into the box.

A. He put the paper back into the box.

Q. You are sure of that?

A. Yes, sir. He looked them over several times first.

Q. I didn't ask you how many times he looked them over. I asked you if you are sure that he put the paper back into the box?

A. Yes, sir.

Q. The paper containing the figures?

A. Yes, sir.

Q. How large was that paper?

A. Well, I should think it was about two-thirds or a little over one-third as large as this (*holding up a sheet of legal cap*), about half a leaf.

Q. What kind of paper?

A. Writing paper.

Q. Was it large foolscap, or letter paper, or what?

A. It was a piece of letter paper, I think.

Q. Have you now told all the figures he put down on that occasion?

A. No.

Q. What other figures did he put down?

A. Well, he went to calculating them up.

Q. He added them up?

A. Yes, sir.

Q. Did he put the footings down?

A. He was calculating the interest, I think.

By the Court:

Q. The last question to you was whether he put at the foot of these columns the aggregate amount of the sums?

A. Of what it amounted to?

Q. Yes.

A. Yes, sir.

Further Cross:

Q. What else, if anything, did he do in the way of figuring?

A. He then commenced adding up the interest on that.

Q. How did he get the interest to start with?

A. I don't know.

Q. Eh?

A. I suppose he took that from each one; I didn't look over the rest of it, but I saw him doing it.

Q. How do you know it was the interest?

A. Because he spoke of it at the time.

Q. What did he say about it?

A. I asked him—I think I asked him—what those were, and he said he was figuring up the interest.

Q. Did you see him calculate the interest upon each security, or only putting down the interest?

A. I didn't notice about that; I saw him taking them off and putting them down, and then figuring them up.

Q. On the same piece of paper?

A. On that piece of paper; yes, sir.

Q. Well, you were not reading your newspaper then, were you?

A. Yes, sir.

Q. You were reading your newspaper and seeing him do that besides?

A. Well, I didn't sit right by him.

Q. How many columns were there of what you call interest?

A. I don't know.

Q. One or two or three?

A. Several—he figured them up.

Q. Was there more than one perpendicular column of interest?

A. I didn't notice about the interest.

Q. Was there more than one perpendicular column of interest?

A. I don't recollect.

Q. Was then the footing of the interest computed?

A. I don't know; I didn't look that over.

Q. So you don't know whether the interest was right or wrong?

A. No, sir; I don't know whether the interest was right or wrong.

Q. Did he add the amount of interest to the amount of principal, as you call it?

A. I don't know.

Q. Did he do any more figuring on that occasion?

A. I think not, only he added these up; I think that was all the figuring he did.

Q. Then he put that piece of paper back in the box?

A. Yes, sir.

Q. And that was all the figuring he did on that occasion?

A. I think that was all.

Q. Didn't you swear yesterday that he figured on two separate pieces of paper?

A. I think not.

Q. You think you did not; did you not swear yesterday that he asked you to assist him and that you did not do so because you were busy?

A. I did look them over with him.

Q. I asked you whether you recollected whether you swore yesterday that he asked you in the beginning upon opening that box to assist him, and you declined to do it because you were busy?

A. (*A pause.*)

By the Court:

Q. What is your answer?

A. I don't recollect, sir.

Further Cross:

Q. Or that you were doing something else and therefore did not do it?

A. I was reading the paper.

Q. Well, I am asking you whether you swore yesterday that Mr. Haydock when he opened the box, asked you to assist him and you would not do it, and the reason was because you were doing something else?

Q. Read me the question, please.

(The *Stenographer* read the question.)

By the Court:

Q. The question is as to what you swore to yesterday, not as to what the fact was; do you understand the question?

A. I think I would understand it better if you put the question.

Q. No, no; let the stenographer read it to you again?

(The *Stenographer* again read the question.)

A. I was reading the paper.

Q. The question to you is this, Mr Bayright: Did you swear yesterday that when Haydock opened the box he asked you to assist him in figuring and you declined to do so because you were busy at something else; did you so swear yesterday?

A. I don't recollect.

Further Cross:

Q. Were you busy at anything else on that occasion except reading the paper?

A. Not just then I was not.

Q. Well, during the figuring by Mr. Haydock

were you busy at anything else; were you busy at anything else except reading the newspaper?

A. I don't recollect now, but he was some time figuring this over.

Q. Now, Mr. Bayright, I understand from your testimony, which I am looking at now, your yesterday's testimony, that when Mr. Haydock began to figure he asked you to assist him?

A. Yes, sir.

Q. And you did not do so because you were doing something else?

A. Yes, sir.

Q. Now, I understand you have sworn this morning that when he began to figure you looked over the matters with him up to a certain point and then began to read the newspaper, and you have sworn this morning that you don't know of your being busy at anything else beyond assisting him and reading the newspaper; now then; I want to know which is true as a matter of fact, what you stated yesterday, or what you stated to-day?

(Question withdrawn.)

Q. Now, Mr. Bayright, you say you were there as his companion and nurse, that he wanted you there,—now, when he began to figure there why did not you assist him at once without going on and reading the newspaper?

A. I don't know that I can give you any particular reason; I thought that he could look these—(*interrupted.*)

Q. Give your reason, if you have any?

By the Court:

He was going to, Mr. Stone.

Q. Well, have you a reason?

A. (*A pause.*)

By the Court:

Q. Go on and state what you were going to say?
A. I don't know as I have any particular reason for not going on and doing it.

Further Cross:

Q. Now, Mr. Bayright, we will leave that first occasion when the box was opened and you say this figuring was done, and will go down to the second meeting when Mr. Powers was called in. I now ask you what part, if any, Mrs. Haydock took in the conversation relating to the transfer of the securities which were transferred through the instrumentality of Mr. Powers?
A. What part she took in it?
Q. Yes; in the conversation.
A. I don't recollect.
Q. Do you recollect of her saying anything on the subject?
A. She was there and talking, but I don't know what was said; I don't recollect.
Q. Do you recollect that she said anything on the subject of the transferring of securities over to her on that occasion?
A. I don't recollect anything; I don't recollect what she said.
Q. Do you recollect if anything was said by her on that occasion in relation to the transfer of the securities from her husband to her through Mr. Powers?
A. I don't recollect.
Q. You stated yesterday that after she had the securities she handed them to you, didn't you?
A. Yes, sir.
Q. What did you do with them?

A. I don't recollect what I did with them then.
Q. Do you recollect how long you kept them?
A. No, I do not.
Q. Do you recollect of giving them back to her?
A. I think I did.
Q. Are you not sure whether you gave them back to her or not?
A. I think I gave them back to her, but not just then, I don't think.
Q. Do you recollect when you gave them back to her?
A. No, sir; I do not.
Q. Do you know where those securities are now?
A. I presume they are in her possession.
Q. You don't know whether they are or not?
A. Well, I have not got them; I know that.

By the Court:

Q. He didn't ask you whether you had them; he asked you whether she has them in her possession—whether you know if she has those securities, which are the bonds and railroad stock, in her possession now?
A. I presume she has, either in her's or her lawyer's.

Further Cross:

Q. Have you ever seen them since?
A. Since when?
Q. Since the night when they were transferred?
A. Yes, sir.
Q. When since?
A. I don't recollect when since.
Q. Did Mr. Haydock, at that meeting or on that occasion, on the evening when Mr. Powers was there, ask you if those securities had been sold?
A. No, sir, not on that evening.

Q. When was it he asked you that?
A. It was in April.
Q. April of what year?
A. The same year.
Q. What securities did he ask you about, as to whether they were sold or not?
A. These particular ones.

By the Court:

Q. When he inquired whether the securities had been sold, what securities did he name?
A. I don't know as I understand what you mean?
Q. In April you say inquiry was made by him as to whether certain securities or certain property that he had given his wife had been sold?
A. He asked if they had been paid to her.

Further Cross:

Q. That you say was in April?
A. In April.
Q. Of what year?
A. The same year.
Q. 1878?
A. No, sir; this was not a great while before his death.
Q. April, 1879?
A. Yes, sir.

The Stenographer was requested to read a few of the preceding questions and answers, and read the questions put by the Vice-Chancellor and the answers finishing with "He asked if they had been paid to her."

Q. If what had been paid to her?
A. He asked if Joseph Smith—"Cousin Joseph"

was the words he used, had paid Eliza that money on that note.

Q. Didn't he ask you if the bonds had been sold?

A. He asked me afterwards if she had disposed of any of the bonds, do you mean at the same time?

Q. Yes.

A. The city bonds?

Q. Yes; and you told him no, didn't you, that they had not been?

A. I told him I supposed they had not.

Q. What?

A. I told him they hadn't been sold.

Q. How did you know?

A. The reason I would know that they had been was because Mrs. Haydock would have told me I suppose.

Q. What's that?

A. The reason I should know would be because I suppose Mrs. Haydock would have told me if they had been.

Q. Do you know why, on the night that Mr. Powers was there, only the railroad stock and city bonds were transferred?

A. Yes.

Q. Why?

A. Why, because he said he wanted Mr. Vail to attend to the others.

Q. He wanted Mr. Vail to attend to the others?

A. Yes, sir; he said he would have Mr. Vail to attend to the others.

Q. Then he didn't want Mr. Vail to attend to these transfers, but he wanted Mr. Vail to attend to the other transfers—is that it?

A. Yes, sir; because he wanted—(*interrupted.*)

Q. No, never mind—Well, go on?

A. Because he wanted some mortgages, and he wanted a deed of the house and lot made out.

Q. And a mortgage transferred?

A. Yes, sir.

Q. But he would not need Mr. Vail to transfer that note, would he?

A. No, sir; I don't know as he would.

Q. Why was not that transferred that night?

A. I don't know of any particular reason.

Q. Do you know why the bank stock was not transferred that night?

By Mr. Vail:

The bank stock never was transferred.

By the witness:

He didn't say anything about that.

Q. At time he didn't say anything about that?

A. He didn't say anything about it at any time— about transferring that.

Q. Didn't you say yesterday that he put the bank stock with the other securities in the pile which was to be transferred to Mrs. Haydock?

A. I think not.

Q. Where was the box put when these transfers were made to Mrs. Haydock, at the time Mr. Powers was there?

A. At the time Mr. Powers was there the box was not out.

Q. The box was what?

A. I say he did not have the box out.

Q. Didn't he have the box out at all?

A. Not at that time.

Q. Where was the box?

A. The box was in the cupboard.

Q. Well, who brought these securities out and put them on the table?

A. I did.

Q. You did?

A. Yes, sir.

Q. Who opened the box?

A. Mr. Haydock opened the box?

Q. And you took out the securities?

A. No, sir; I never took a paper out of that box while he was there.

Q. Well, how did you get the papers?

A. In the first place he took those papers out; he got the box and took these papers out, in the first place.

Q. Did he take the box out of the cupboard?

A. Yes, sir.

Q. Where did he put it?

A. Back in the cupboard.

Q. Where did he have it?

A. He put it on the table.

Q. Then it was out that evening before?

A. Yes, sir; before he sent me in for Mr. Powers.

Q. Well, while it was on the table who took the securities out?

A. Mr. Haydock, did.

Q. What securities did he take out?

A. He took out the railroad securities and the city bonds.

Q. Anything else?

A. Why, he separated those; there were others taken out but he separated those from them.

Q. He took out other securities?

A. Yes, sir.

Q. And separated them from the whole?

A. Yes, sir; he put the others back.

Q. And immediately returned that box to the cupboard?

A. I don't know as he did immediately.

Q. Well, how long was it before he did?

A. It was there some little time; I don't know how long exactly.

Q. Between the time of the first opening of the box, when you brought it from the bank, and the time when Mr. Powers was there, did you hear any

conversation between Mr. and Mrs. Haydock in reference to his transferring to her any property or securities?

A. Not that I know of.

Q. Well, don't you recoflect whether you did or not?

A. I don't recollect.

Q. They may then have talked about it between those two dates?

A. They might, yes.

Q. Do you recollect of her asking him to do it?

A. No, sir; I do not.

Q. Did she ever, in your presence, ask him to make any transfers or securities of property to her?

A. I don't recollect.

Q. She might have done so and you not reccollect?

A. She might, yes, sir—she might have done so.

Q. Do you recollect whether she was ever importunate in asking him to transfer to her property or securities?

A. No, sir; I do not.

Q. You don't know?

A. No, sir.

Q. You don't recollect?

A. No, sir.

Q. Can you give us an idea of any number of times when you heard her and him discussing the question as to his transferring property or securities to her?

(Objected to; admitted.)

A. I don't think of any at present when she has asked him.

Q. You thought his mind was all right that night when the transfer was made?

A. I thought it was just as good as most anybody's was.

Q. And you thought his business capacity was the same as any business man's capacity, did you?

A. Nearly as good as anyone's.

Q. Well, how much short was it?

A. I don't suppose his business capacity was as good as your's, or a lawyer's, or any other lawyer's but as good as any of the common run of men.

Q. And did not that condition of mind in reference to his business capacity, in your judgment, continue the same way all through?

A. It did?

Q. Yes?

A. Yes, sir; all the time when I was there.

Q. You never saw anything at the time that made you suspicious of his capacity—of his mental capacity?

A. Of doing business?

Q. Yes.

A. Not that I know of.

Q. You never saw anything that made you suspicious on that subject?

A. Not that I know of.

Q. Well, do you recollect whether you did or not?

A. No, I do not.

Q. You may have been suspicious then and have forgotten it?

A. No, sir; I don't think that I have been suspicious; I think his mind was all right all through.

Q. Now, how long an interval was there between this meeting when Mr. Powers was there and at the time when you went to walk with him in the garden?

A. When he signed—(*interrupted.*)

Q. When you went to walk with him in the garden, I said?

A. What do you mean—when he signed the papers?

By the Court:

No; he refers now to the conversation in the garden.

Further Cross:

Q. I mean the time that Mr. Powers was there, or between that time and the time of the walk in the garden.

A. Well, you want to know how much time or interval there was?

Q. Yes.

A. Well, I should think there were several days.

Q. Well, a couple of days?

A. Several days.

Q. Well, how many?

A. I could not tell you; I don't remember.

Q. Did you have any conversation with him between those two occasions with reference to his property?

A. I don't remember.

Q. Do you recollect of his saying anything to you during that interval about transferring more property to his wife?

A. I don't recollect now.

Q. He might have done so, and might not?

A. Yes.

Q. And you have forgotten it; do you recollect whether he and his wife talked together about transferring any more property to her during this interval?

A. No, sir; I do not; I didn't hear it if they did.

Q. What hour of the day was it you went out into the garden with him?

A. It was right after dinner.

Q. Right after dinner?

A. Yes, sir.

Q. Who was present, if any one, besides Mr. Haydock and you when he asked you to go into the garden?

A. I don't think there was any one.

Q. What did he say to you?

A. He asked me if I would not take a walk in the garden.

Q. Did he tell you why he wanted you to walk with him in the garden?

A. Not then.

Q. What kind of a piece of ground is his garden?

A. Well, it is level ground with flagging on it, such as any other garden.

Q. Is it not a very small garden?

A. It is pretty small, but we walked up and down there several times.

Q. On the flagging?

A. Yes, sir.

Q. Side by side?

A. Yes, sir.

Q. You are sure of that?

A. Yes, sir.

Q. How wide is that flagging?

A. That flagging is two or three feet wide.

Q. And how long did you and he walk together up and down that flagging?

A. I don't remember how long.

Q. How many times did you walk up and down there?

A. Well, I presume three or four times perhaps, may be more; I don't recollect.

Q. Did you have his arm or did he take your arm?

A. Yes, sir.

Q. Well, who?

A. Well, I don't recollect that, whether he took my arm or I took his, but I think he took mine.

Q. Was not that done immediately on your going out?

A. After we got down there.

Q. Did you put your overcoats on?

A. I don't recollect.

Q. Did you put your hats on?

A. Yes, sir.

Q. Didn't you think it, at that season of the year, rather unusual for him to ask you to walk up and down the back garden with him?

A. No, sir; I did not. It was out of the season, but I know it was a warm day.

Q. This was in February, was it not?

A. No, sir.

Q. What month was it?

A. About the first of March.

Q. About the first of March?

A. Yes, sir.

Q. When you went out into the back garden who commenced to speak first when you got out doors?

A. I did.

Q. What did you say?

A. I asked him how he felt.

Q. What did you ask him that for?

A. Well, to start a conversation, I suppose, or something.

Q. And in the house he had asked you if you would not walk out into the garden with him?

A. Yes, sir.

Q. And you went out and walked side by side on the flagging, and the first thing you said to him was, "Well, how do you feel?"

A. Well, I don't know; I think that after we stepped off from the steps—as soon as we stepped off from them, I asked him.

Q. You had been with him that day, had you not?

A. No, sir.

Q. Hadn't you been with him at dinner?

A. Well, only at dinner.

Q. Were not you with him at breakfast?

A. Yes, sir; but in the forenoon I had the men at work, and I was up attending to them.

Q. Then you met with him at breakfast time?

A. Yes, sir.

Q. At dinner time?

A. Yes, sir.

Q. Now, how long after dinner was it he asked you to walk out?

A. Immediately after dinner.

Q. Was not the dinner table cleared off?

A. No, sir; not when we started out it was not.

Q. Was not the servant then at work clearing off the table?

A. No, sir.

Q. Nor Mrs. Haydock?

A. I don't know whether Mrs. Haydock was in there, but I think she was in the room.

Q. Then you were mistaken a little while ago when you said there was nobody there?

A. Well, I don't know; I don't recollect whether she was there or not.

Q. You don't recollect now whether she was there or not?

A. No, sir.

Q. Well, didn't you know how he felt when you asked him?

A. I suppose so.

Q. Then what did you ask him for?

A. Well, it was a general conversation. When you meet a person you ask him how he is.

Q. When you first met him; but you had been with him all dinner time, hadn't you?

A. Well, I don't know why I asked him that particularly.

Q. What reply did he make to it?

A. He said he felt as if he had been doing something wrong.

Q. Then he took your question as a moral question to him, didn't he?

A. I suppose; but I didn't intend it that way.

Q. You meant as to his physical condition?

A. Yes, sir.

Q. And he took it as to his moral condition?

A. I suppose so; I don't know, but that is the reply he made.

Q. Had he said anything to you between the time of opening that box the first time and the time when you walked out in the garden, with reference to his feeling towards his daughter and her husband?

A. Before that?

By the Court:

Q. From the time you opened the box until you went out into the garden had he said anything at all to you about the state of his feelings towards his daughter?

A. Yes, sir; he did, I think, before that.

Further Cross:

Q. When?

A. I don't recollect now.

Q. Are you sure he said anything to you after he spoke to you the first time, which was when you made this long visit—when you came there to make this long visit and he then spoke to you about his feeling towards his daughter, can you now state that you are sure of his having said anything to you in regard to his feeling towards his daughter and her husband, or either of them, from that time up to the time you went to walk with him out in the garden?

(THE COURT suggested that as the question was rather a long one the Stenographer repeat it to the witness.)

(*The Stenographer* then read the question.)

A. (*A pause.*)

BY THE COURT:

Q. The question is this: from the time you went there, January the 15th or 17th, up to the time when you walked out with him in the garden, are you certain that Mr. Haydock said anything to you respecting the state of his feelings towards his daughter or her husband?

A. I had asked him before that if I should not send for them to come and see him, and he said if they could not come and see him why he didn't want to send for them.

Q. You say that was before that—before when?

A. Before this walking in the garden.

Further Cross:

Q. Why did you ask him that?

A. Why, because I wanted—I wanted them to come and see him.

Q. You mean to say that your office, as you wished it to be, was that of a peace-maker between them?

A. I wanted to make peace between them.

Q. Between the father and the daughter?

A. Yes, sir. He felt—he took this very hard that his only daughter should make him out a lunatic.

A. And take away his property, as you stated yesterday?

Q. Yes, sir; to try and take it away; but he felt that more than anything else.

Q. Yes?

A. That was it.

Q. Was that the understanding in the house, that the object of that proceeding was to take his property away from him?

A. I don't know.

Q. What was your understanding about it?

A. I think that's the way I understood it, that he wanted to get the management of his affairs.

Q. That who wanted to?

A. Mr. Bonney.

Q. Well, if your object there was that of a peacemaker, why didn't you take pains to find out whether that was the purpose of those proceedings or not?

A. I went up to Mr. Bonney's myself, and tried to get him to come down one day and look in the box with Mr. Haydock; I don't recollect when it was, but I know that he wished me to go up there.

Q. Who wished you to go up there?

A. Mr. Haydock did.

Q. He wished you to go up there?

A. Yes, sir.

Q. What did he tell you he wished you to go up there for?

A. He wanted to see his box, and they would not let him get into it.

Q. When was that?

A. I don't recollect when that was.

Q. Was it during this last visit of yours there?

A. I think it was the other; I am not sure; I don't know for certain—no, it was not; it was the last.

Q. The last visit?

A. Yes, sir; I think it was.

Q. Mr. Haydock wanted you to go up to Mr. Bonney, and ask him to do what?

A. I asked Mr. Bonney—(*interrupted.*)

Q. No, no; I asked you what Mr. Haydock asked you to see Mr. Bonney about?

A. To get him to come down to the bank at a certain time.

Q. To meet him?

A. To meet him there at the bank.

Q. This was then, after the lunacy proceedings, was it not?

A. I think it was.

Q. Then there was one occasion when Mr. Haydock expressed a desire to see Mr. Bonney, after the lunacy proceedings?

A. I think it was after the lunacy proceedings; I don't recollect what time it was; perhaps Mr. Bonney can remember better, or can tell the time.

Q. Did he tell you why he wanted Mr. Bonney to see that box at the time he sent you up to Mr. Bonney—did he tell you why he wanted Mr. Bonney to see the box?

By Mr. English:

The witness has not said that Mr. Haydock wanted Mr. Bonney to see the box.

By Mr. Stone:

He said that he wanted him to come down and open the box.

By the witness: He wanted to look over his papers, and I think Mr. Bonney—(*interrupted.*)

Q. No, no; I am only asking you what Mr. Haydock said to you?

A. He said he wanted to see his papers and he wanted to get his box.

Q. Did he say to you why he wanted Mr. Bonney to be with him when he looked at the papers?

A. The reason was—(*interrupted.*)

Q. No, no—did he tell you?

A. No, sir; I don't know as he did; I don't recollect about that.

Q. Now we will go on with this walk in the garden again; he said he felt as if he had done wrong, you said; and you have also said that he spoke to you on that occasion about transferring his property to his wife, didn't he?

A. How is that?

Q. The Stenographer will read the question to you.

(The Stenographer read the question.)

A. He did on that—I asked him what—well, read that over again, please.

(The Stenographer again read the question.)

Witness: Now, what is your question? What do you want to ask me?

By the Court:

Q. The question is whether Mr. Haydock spoke to you on that occasion when you were walking in the garden about transferring his property to his wife; did he speak to you on that occasion about transferring his property?

A. He said he wanted to leave his property to his wife.

Further Cross:

Q. Did he indicate what property he proposed to leave then, to his wife?

A. Not at that time. He said he wanted—he was going to make another will and leave this to his wife.

Q. Leave what?

A. His property.

Q. All his property?

A. Well, he didn't say all of it.

Q. What did he say, so far as you can recollect; give us the exact words?

A. (*A pause.*)

By the Court:

Q. He wants to know what was said in the garden?

A. The whole of it?

Q. The whole of it, yes; the whole of what Mr. Haydock said during the walk in the garden; from the time you were with him in the garden?

A. Well, he said he felt very bad about Staats and Maggie trying to get his property out of the way—out of him; and then he said as they had done so, he didn't wish them to have another dollar of his money; and I asked him what he was going to do with it, and he said he wanted Eliza to have it.

Further Cross:

Q. What did you reply to that?

A. I asked him why he didn't make out a will, then.

Q. I thought you said he had already told you that he intended to make out a will?

A. Not before this.

Q. Then he hadn't spoken of making another will during this garden walking until you said, "Why don't you make out another will, then?"

A. Not another will, but I asked him if he calculated—if he wanted to leave it to his wife, why he didn't make a will.

Q. But he hadn't said anything about making a will?

A. No, sir.

Q. What reply did he make to that question of yours?

A. He said he was going to as soon as he felt a little better.

Q. Did he say what he was going to do with it—how he was going to leave his property by the proposed will?

A. No, sir; he did not.

Q. Did you not say only two or three minutes ago that Mr. Haydock in this walk told you he was going to make another will and leave his property to Eliza?

A. Not another will, I didn't say.

Q. Well, a will, then.

A. Yes, sir.

Q. Well, he did tell you then, when he spoke about—(*interrupted.*)

A. This was when we had the walk in the garden he said this.

Q. That's what I am talking about all the time. He did say, in that walk in the garden, that he intended to make a will and leave his property to Eliza?

A. Yes, sir.

Q. Now then, and that Mr. and Mrs. Bonney should not have a dollar of it?

A. He did not say so.

Q. Did not he say so sometime in that walk?

A. He said he did not wish them to have another dollar if he could prevent it.

Q. Did he seem to have any doubt in his mind whether he could prevent it?

A. No, sir; I don't know as he did.

Q. When he told you he was going to make this will in favor of his wife, what did you reply to that?

A. I did not say anything more about it.

Q. Was that the end of the conversation?

A. No; that was not the end of it.

Q. Was that the end of the conversation in relation to the disposition of his property?

A. It was.

Q. That closed that up?

A. Yes, sir.

Q. Then you did not try to dissuade him from doing that?

A. I did not try to persuade him. I did not say anything about it.

Q. You did not try to dissuade him?

A. No, sir.

Q. Did not you think, if you desired peace between the daughter and the father, that it would have been a very proper thing for you to have suggested to Mr. Haydock to have left something to her, and to have impressed that on him?

A. I did not know anything about what he was going to do; that was his idea, he said; he said he did that because they had tried to get his property all away from him, and make him out a lunatic, that is the reason he stated for it.

Q. Did you think it a proper thing for that man, under those circumstances, to have given all his property to his wife?

(Objected to; admitted.)

A. I don't know anything about that.

Q. When you returned to the house from this walk, where did you go?

A. I went up to see to my men.

Q. Where did you leave him?

A. I left him in the dining-room.

Q. Up to this time, during this last visit, had you been out in the street any with Mr. Haydock?

A. I don't know as I had.

Q. Up to the time of the walk in the garden?

A. Not the last visit, I don't think.

Q. Do you know whether he was out in the street at all up to the time of the walk in the garden during your last visit?

A. I think he was.

Q. Do you know whether any one was with him?

A. I don't recollect; I can't tell.

Q. You were not?

A. I don't know; I might have been.

Q. Did you ever have any other walk in the garden with him?

A. We have walked down there often.

Q. During your last visit?

A. Not that I know of.

Q. Was this the only time you walked in the garden with him during this last visit?

A. Yes, sir; I think so; I don't recollect whether I did at any other time or not.

Q. Now when was the next occasion after this walk in the garden that you and he had a discussion in reference to transferring any property to his wife?

A. I think it was the time that he wanted me to go in and see Mr. Powers.

Q. How long interval was there between the walk in the garden and the time that he wanted you to go and see Mr. Powers—that is the second time I mean?

A. Well, there was a very little interval between.

Q. Well, how long?

A. I think it was the same night; if I recollect right; the same evening.

Q. How did that conversation arise?

A. Between the two?

Q. Yes; between him and you?

A. He asked me to go in and see if Mr. Powers was in; he wanted him to transfer these papers—this note.

Q. He wanted him to transfer what?

A. This note.

Q. Was that the only thing he expressed a desire to see him for?

A. Yes, that night.

Q. Was that the commencement of the conversation?

A. Well, I don't recollect.

Q. Who was present at the conversation?

A. I don't know whether there was anyone else in the room or not; I don't recollect who was in the room.

Q. What room was it?

A. In the dining room.

Q. Was it before or after supper?

A. It was after supper.

Q. Was he at the supper table with you that evening?

A. Yes, sir.

Q. Was anything said at that supper table about transferring any property?

A. No, sir.

Q. To Mr, Haydock?

A. No, sir.

Q. Nothing?

A. No, sir.

Q. Had you in the mean time, that is to say, after the walk in the garden, narrated to Mrs. Haydock what Mr. Haydock had told you in the walk in the garden?

A. No, sir; I had not told her.

Q. You had met her though?

A. Yes, sir.

Q. And said nothing to her about it?

A. No, sir; I did not.

Q. Why did not you speak to her about it?

A. Well, I did not care to let her know about it; I don't know why particularly, but then I guess she did not know anything about it for a long, long time after it.

Q. And then you did tell her?

A. Yes, I made some remark to her about it. I don't know what it was.

Q. Well, when Mr. Haydock told you to go for Mr. Powers, I suppose you immediately went?

A. I presume so.

Q. Mr. Powers lives where—next door?

A. Next door.

Q. And you found Mr. Powers?

A. No, sir; I did not.

Q. Whom did you find?

A. He was not in. Some one came to the door and said Mr. Powers was out.

Q. And what did you then do?

A. I went back and reported to Mr. Haydock.

Q. Then what was done?

A. He said he was sorry because he wanted it done and off his mind.

Q. Did he take out that box that night?

A. I think he did.

Q. Before you went to see Mr. Powers?

A. He took out the papers.

Q. What papers?

A. This paper—this note.

Q. Any other papers?

A. I don't recollect, but he had this one out.

Q. Where was the box that night?

A. In the cupboard.

Q. Describe how he took it out?

A. What—the papers?

Q. Yes.

A. Well, I don't know; he unlocked the box and took it out.

Q. Where was the box when he unlocked it?

A. It was on the table, I think.

Q. You are not sure?

A. He most always put it there when he unlocked it.

Q. Did you go with him to the cupboard to get it?

A. I don't recollect.

Q. Did you not bring it out to him on the table?

A. Perhaps I did.

Q. Do you recollect whether he took out any other paper except this note?

A. I don't recollect.

Q. What was done with the box?

A. I think he took out the others and picked this out from the papers.

Q. And replaced the other papers?

A. Yes, sir.

Q. And then locked the box up?

A. Yes, sir.

Q. And put it back in the cupboard?

A. It was put back, but I don't know whether he put it back or I did; I don't recollect.

Q. Was this before or after you went to see Mr. Powers?

A. Before.

Q. After you came back from Mr. Powers', and Mr. Haydock told you he was sorry, what then was done in reference to transferring this note?

A. Not anything that evening.

Q. What became of the note?

A. It was put back in the box.

Q. Who put it back?

A. I think he did.

Q. How did he put it back; did he go to the cupboard and get the box, or did you bring the box to him?

A. I don't recollect how that was.

Q. Was Mrs. Haydock there then?

A. I think she was in the room.

Q. Was the note still lying on the table on your return?

A. I don't recollect.

Q. Did Mrs. Haydock express disappointment also that Mr. Powers was away?

A. I don't remember.

Q. Do you recollect of her saying anything on that evening with reference to having that note transferred to her?

A. No; I don't recollect.

Q. There might have been talk about it, and you have forgotten all about it?

A. I don't think there was much talk about it; he just got this out, and asked me to go in there—— (*interrupted*).

Q. I am asking you about her talk, or if she said anything about it?

A. I don't know as she did.

Q. Don't you know whether she did or not?

A. I don't think she did.

Q. You don't think she said anything at all?

A. She might have said something about it, but I don't remember.

Q. Now, after that evening when you failed to find Mr. Powers, when was the next occasion that you had a conversation with Mr. Haydock with reference to transferring the Smith note?

A. I think that was the next evening.

Q. The next evening?

A. Yes, sir.

Q. And how was that brought about?

A. Well, I don't recollect exactly how it was brought about.

Q. Who spoke of it first?

A. He did, I think.

Q. Where were you when he spoke of it?

A. In the dining-room.

Q. Who was present?

A. I don't know; I don't remember.

Q. Was your sister there?

A. I don't recollect whether my sister was there or not.

Q. What did he tell you?

A. He wanted me to go in and see if Mr. Powers was in.

Q. Did he tell you why he wanted you to?

A. Yes, sir.

Q. What reason did he give?

A. He wanted him—(*interrupted.*)

Q. What reason did he give you?

A. He wanted him to transfer this note.

Q. Did he get the note out again?

A. He got the note; yes, sir.

Q. The same as he had before, did he?

A. Yes, sir.

Q. And you had it out on the table?

A. Yes, sir.

Q. And put the box back into the cupboard?

A. I believe so.

Q. And then you went to see Mr. Powers?

A. Yes, sir.

Q. What was the result of that?

A. I think Mr. Powers had company.

Q. Well, don't you know?

A. Yes, he had company.

Q. Did you see him?

A. No, sir; I did not, but the folks in the house said he had company.

Q. Therefore you didn't call him?

A. No, sir.

Q. Now, did you then return to the house?

A. Yes, sir.

Q. And reported that Mr. Powers had company?

A. Yes, sir.

Q. Then what was done?

A. There was not anything done; the papers were put away and there was nothing more done.

Q. Was anybody present when you reported to Mr. Haydock that Mr. Powers had company?

A. I don't recollect.

Q. Was there anything more said that evening about transferring that note to Mrs. Haydock?

A. I don't remember whether there was or not.

Q. Then when was the next occasion that you talked with Mr. Haydock on the subject of transferring his property to Mrs. Haydock—the note?

A. I think it was only a day or two, or two or three days.

Q. What was then said?

A. My brother was out then, I think.

Q. Well?

A. He asked him if he would not endorse it for him, that is transfer it over to Eliza, and he said he could.

Q. Where were you then?

A. In the dining room.

Q. What hour was it?

A. I think it was shortly after dinner.

Q. Who was present besides your brother and yourself and Mr. Haydock?

A. I dont know; I don't recollect.

Q. What was the occasion of your brother being there?

A. He came out to see the folks, I suppose.

Q. Where does he live?

A. In Brooklyn.

Q. Who do you mean by the folks?

A. Why, to see Mr. Haydock.

Q. How long a visit did your brother make there that day?

A. He went back that evening, I think.

Q. What time did he come there?

A. I think about 11 o'clock—11 or 12, I don't know exactly.

Q. Was his wife with him?

A. No, sir.

Q. Did you all eat dinner together that day?

A. I think so.

Q. Mr. Haydock, Mrs. Haydock and your brother?

A. Yes, sir; I think we did.

Q. And yourself—was anything said on that occasion at the dinner table about transferring the note?

A. I don't recollect.

Q. Then there might have been or might not have been?

A. Well, I think not though.

Q. How long after dinner was it that Mr. Haydock asked your brother if he would not assist in the transfer?

A. I think it was about the middle of the afternoon.

Q. What time did you dine that day?

A. I don't recollect.

Q. Between twelve and one o'clock?

Q. Perhaps so, I don't recollect.

Q. And were you and your brother in Mr. Haydock's company all the time after dinner up to the time when Mr. Haydock asked your brother to assist in the transfer of this note?

A. I don't recollect whether we went out or not.

Q. What did he say to your brother?

A. He said—he asked him if he would not transfer this—he said he wanted this note transferred to Eliza, and he wanted to know if he could not do it; I think that's the way it was spoken of.

Q. Was the note got out then?

A. Yes, sir.

Q. Before or after he spoke?

A. After he spoke.

Q. Did your brother say he would do it?

A. I think he did.

Q. And then the note was got out?

A. Yes, sir.
Q. Who got it out?
A. He took it out of the box.
Q. Who?
A. Mr. Haydock.
Q. Was the box still in the cupboard?
A. Yes, sir; it was still in the cupboard; he kept it there nearly all the time.
Q. Was not Mr. Haydock confined to his bed that day?
A. No, sir; he was up and about the house.
Q. He was about the house?
A. Yes, sir.
Q. Where was his bed? In what room was his bed at that time?
A. His bed was in the dining-room.
Q. How long had it been in the dining-room?
A. I don't know when it was brought in there, but it was in there all the Winter, I think.
Q. Was it in there when you made the visit in January?
A. I think it was.
Q. Do you know why it was brought to the dining-room?
A. It was brought down there, I suppose, because it was warmer for him to sleep in.
Q. Do you know whether he went up-stairs during this visit of yours at all?
A. I don't recollect.
Q. You don't recollect that he went up-stairs during this last visit of yours?
A. No, sir.
Q. Where did he dress and undress himself?
A. There in that room.
Q. In the dining room?
A. Yes, sir.
Q. Did any one assist him in dressing or undressing during this visit?

A. Sometimes they did.

Q. Well, was not he assisted a good deal in dressing and undressing before the occasion to which you are referring now?

A. I think he was.

Q. And who assisted him on these occasions?

A. Mrs Haydock did sometimes, and sometimes I would assist him. He was so that -- that he was helped around nearly all the time—nearly—most of the time.

Q. Do you know whether your brother's wife objected to her husband having anything to do with that transfer of the Smith note?

A. No, sir; I do not.

Q. Did your brother express any disinclination to transfer it when Mr. Haydock asked him?

A. I think not.

Q. Was not your brother sent for for that very purpose?

A. No, sir.

Q. Mr. Haydock had a good many neighbors all around there, had not he?

A. Yes, sir.

Q. Who had known him for years and years?

A. Yes, sir.

Q. Why did you not get some other neighbor besides Mr. Powers, when you found he was away?

A. I could have done it, I suppose.

Q. Well, why didn't you?

A. I don't know as there was any particular reason; he was in there and he asked him to do it; I mean my brother.

Q. What do you say?

A. He was in there and he asked him to do it.

Q. Do you say that Mr. Powers was in there?

A. I didn't say that.

Counsel requested the Stenographer to read a few of the preceding questions and

answers, and the Stenographer read as follows: Q. "Why didn't you?" Ans. "I don't know as there was any particular reason; he was in there, and he asked him to do it; I mean my brother."

Q. Do you know how long Mr. Powers has been a neighbor of Mr. Haydock?

A. No, sir; I do not.

Q. He was not an old neighbor, was he?

A. He had been there two or three years, I guess.

Q. Do you know where he came from when he moved there?

A. No. sir; I do not.

Q. He didn't come from any other part of Rahway, did he?

A. I don't know.

Q. Well, after your brother signed the transfer of this Smith note, what was done with the note?

A. He handed it to Mrs. Haydock.

Q. Who did?

A. My brother.

Q. And what did Mrs. Haydock do with it?

A. I don't recollect now what she did with it then.

Q. Did she at that time say anything about the transfer to her?

A. I don't know; I don't recollect.

Q. Did she say anything about transferring the other securities or property by Mr. Haydock at that time?

A. No, sir.

Q. Did Mr. Haydock at that time say anything about making a will?

A. No, I think not; I don't recollect; but I don't know that he did.

Q. Do you recollect of Mr. Haydock ever saying anything to you about the will after the walk in the garden?

A. Yes ; he spoke about it afterwards.

Q. When ?

A. Some little time afterwards.

Q. Where ?

A. There in the dining room.

Q. What did he say ?

A. Well, he spoke about that he thought—Well, I don't know; but I—I don't know whether I said something to him first or not. I don't know whether I did ; but he made the remark that he would like to make the will as soon as he got able to.

Q. Well, was that before or after the transfer of the Smith note ?

A. That was before, I think.

Q. And you think that was in response to your suggesting something to him about a will ?

A. No, I don't know whether it was or not, really.

Q. You don't know how he happened to speak of it then ?

A. He was talking about his property.

Q. Well, and didn't you remind him of his talk in the garden about making a will ?

A. No, sir.

By Mr. English :

Does it appear that this talk was after the walk in the garden ?

By Mr. Stone :

Yes, sir.

Witness : I don't recollect what was said, but I know the subject was spoken of and he just spoke about making a will.

Q. Why was it not done ?

A. Well, it was neglected.

Q. What say?

A. He kept putting it off.

Q. Do you know whether your sister was consulted in reference to his making a will?

A. No, sir; I do not.

Q. You and your sister were at this time very intimate, were you not?

A. Well, yes; we were intimate I think; we were right there in the same house.

Q. Well, you were there visiting for a long time?

A. Yes, sir.

Q. And you were her brother?

A. Yes, sir; I was supposed to be.

Q. And didn't you talk with her when you were alone about his business affairs?

A. Yes, sir.

Q. Didn't you talk with her when you and she were alone, about Mr. Haydock transferring property to her?

A. I don't know but what I might.

By the Court:

Q. He asks for your recollection, not what might be?

A. I suppose I have.

Q. What do you recollect; do you recollect whether you did or not; to say that you might or that you suppose you might does not amount to anything as evidence; what is your recollection about it?

A. We have talked.

Further Cross:

Q. During the time of this visit?

A. Yes, sir.

Q. And during the time of the transfers you have talked together on the subject of those transfers?

A. I don't know that we have.

Q. You don't recollect whether you did?

A. No, sir.

Q. And you don't recollect whether she approached you on the subject during your last visit?

A. No, sir.

Q. Now, didn't you take steps to have a will drawn for Mr. Haydock?

A. Yes.

Q. You did take steps.

A. Well, I don't know whether I did or not.

Q. Do you mean to say that you don't know whether you took steps to have a will prepared for Mr. Haydock, or not?

A. Well, I think I went—in one way I did.

Q. In what way?

A. I think he wanted me to go up and see Mr. Vail?

Q. When was that?

A. That was before this.

Q. Before the transfer of the Smith note?

A. Yes, sir.

Q. Did you go up and see Mr. Vail?

A. I did.

Q. Did you give Mr. Vail his instructions?

A. I think Mr. Vail was not in.

Q. Well, if Mr. Vail was not in did you go again to see him?

A. Not about making the will.

Q. You never had any conversation with Mr. Vail at all on the subject of the will for Mr. Haydock?

A. I think not; I don't recollect.

Q. If Mr. Haydock wanted you to see Mr. Vail and to have him draw a will for him, why didn't you again go to Mr. Vail's office and find him?

A. I don't recollect that he mentioned it or asked me to go again after that.

Q. But he had already asked you?

A. Yes, sir.

Q. Did you report to Mr. Haydock that you could not find Mr. Vail?

A. I presume I did.

Q. You don't rocollect whether you did or did not?

A. I don't recollect.

Q. Was that a matter of such small consequence that it would not impress itself upon your mind now?

A. It was of some consequence, of course, but I don't recollect what was said about it.

Q. Do you mean to say that all you did in following out Mr. Haydock's instructions to find Mr. Vail, and have him prepare this will, was to go to Mr. Vail's office and find him absent and do nothing further?

A. Well, then he spoke about— (*interrupted*).

Q. No, no; just answer my question, please?

A. I didn't go to see Mr. Vail.

A. I would like you to answer my question.

BY THE COURT:

Just read the question to the witness, Mr. Knight.

The Stenographer read as follows: "Do you mean to say that all you did in following out Mr. Haydock's instructions to find Mr. Vail, and have him prepare this will, was to go to Mr. Vail's office and find him absent and do nothing further?"

A. No.

Q. Did you go to Mr. Vail again?

A. I don't recollect whether I went after him again or not.

Q. Did you go for anybody else to draw a will for Mr. Haydock?

A. Yes, sir.

Q. Who?

A. Mr. Anderson.

Q. Who is he?

A. A neighbor there. I don't know whether I went for him or whether he was in the house when Mr. Haydock spoke about it, but I know it was spoken about.

Q. When was that—before or after the transfer of the Smith note?

A. I don't recollect.

Q. Was it before or after you went for Mr. Vail?

A. I don't recollect.

Q. Well, it was during your last visit, was it not?

A. It was during his sickness.

Q. During his sickness?

A. Yes; during the last visit.

Q. You said it was during his sickness, didn't you?

A. It was this last time.

Q. Didn't you just now say it was during his sickness?

By the Court:

The witness did say so.

Witness: Well, I meant to say—(*interrupted.*)

No matter what you meant to say. The Court heard what you did say.

By the Court:

If the witness has given his answer inaccurately he has a right to amend it here.

BY THE COURT:

Q. Did you say what you intended to?
A. No, sir; I did not.

Further Cross:

Q. What did you intend to say?
A. (*A pause.*)
Q. Don't you know what you intended to say?
A. Well, ask the question.

By Mr. Stone:

Just put down that answer, Mr. Stenographer.

BY THE COURT:

Q. You have just said you didn't answer the question as you intended to; now in what respect have you given an incorrect answer?

A. Well, what I meant to say then, was his last sickness—his last sickness—it was done in his last sickness.

Further Cross:

Q. Then you did say what you meant?

A. Well, I can explain what I mean by your reading that over to me.

By Mr. English:

Will the Court please allow him to explain?

BY THE COURT:

Certainly, if he has not already explained what he meant, but it is not necessary to read the testimony over for him to make an explanation; he must know there is an error if there is one.

By the Court:

Q. If you have any explanation to make you shall be offered an opportunity to do so; now proceed to make your explanation if you have one to make?

A. Well, I don't recollect what the question was that he asked me; I know that I didn't mean to say that it was his last sickness.

Q. Well, what did you mean to say?

A. (*A pause.*)

Q. Well?

A. Well, I have forgotten the question he asked.

Q. You say that you didn't mean to say that it was during his last sickness—what did you mean to say?

A. Well, I have lost the run of the conversation.

Q. The question that Mr. Stone put to you was whether an application was made to Mr. Anderson to write the will, and when the application was made to Mr. Anderson to write the will, and you said it was during his last sickness; now was that a correct answer?

A. No, sir; I can't state what time it was; I don't remember what time it was; that's the answer I meant to make.

Further Cross:

Q. Don't you know that your sister sent for Mr. Anderson?

A. No, sir.

Q. To prepare that will?

A. No, sir.

Q. Do you know she did not?

A. I think that Mr. Anderson was there in the house, but I am not sure.

Q. What hour of the day or evening was it?
A. That was in the evening, I think.
Q. What time in the evening?
A. I think it was the fore part of the evening, but I don't remember.

By the Court:

Q. In the fore part of the evening?
A. Yes, sir.

Further Cross:

Q. How old a gentleman is Mr. Anderson?
A. I don't know.
Q. Is he a young or an old man?
A. Well, he would be considered an oldish man I suppose?
Q. Was he a man seventy years old?
A. I don't know how old he is; perhaps he is 60 or 70 years old; I don't know.
Q. Were you in the house when Mr. Anderson came in?
A. I don't recollect whether I was or not.
Q. In what room do you recollect first seeing Mr. Anderson that evening?
A. I think it was in the dining room; but I don't remember.
Q. Was not he in the parlor?
A. I don't remember.
Q. Was not there a fire in the parlor that evening?
A. I don't recollect.
Q. Was it not very unusual to have a fire in the parlor?
A. No; he was not in the parlor. He must have been in the back parlor; there was no fire in the parlor at all, and there had not been, I guess.
Q. Was there not a stove in one of those parlors?

A. In the back parlor—in what we call the back parlor.

Q. Was there not a fire out in the stove that evening?

A. I think not. I think there had been a fire in that during a good part of the winter, while I was there.

Q. Who was with Mr. Anderson?

A. I don't recollect.

Q. Who was present in the room when you and Mr. Anderson was there?

A. I don't remember.

Q. Well, was Mr. Haydock there?

A. Yes; Mr. Haydock was there.

Q. Was he in bed, or sitting up?

A. I don't remember.

Q. Was Mrs. Haydock there?

A. Mrs. Haydock was in the house.

Q. Was she in that room?

A. In the same room?

Q. Yes.

A. No, sir.

Q. She was not?

A. No, sir.

Q. How long did Mr. Anderson stay there?

A. I think he stayed there a good part of the evening.

Q. Was not Mr. Haydock in there any part of the evening while Mr. Anderson was there?

A. Do you mean in that room?

Q. Yes.

A. I presume so, but I don't recollect.

Q. Now, you say he was there with a view of preparing a will for Mr. Haydock—who first spoke about this matter?

A. I don't know; I don't recollect.

Q. You recollect that the subject of drawing a will was spoken of that evening, do you?

A. Yes, sir.

Q. Don't you recollect who spoke about it?

A. No, sir.

Q. Don't you recollect whether you said anything about it?

A. No, sir.

Q. Don't you recollect whether Mr. Haydock said anything about it?

A. I don't remember who spoke about it first.

Q. Well, who did speak about it then without reference to who spoke first?

A. It was mentioned of course.

Q. It was the subject of conversation, was it not?

A. I guess so.

Q. Was the proposition then made that Mr. Anderson should then and there prepare a will for Mr. Haydock?

A. Well, Mr. Anderson went out——(*interrupted*).

Q. I am not asking you that question; please answer what I have asked you?

By the Court:

Q. Was it proposed by anybody there that Mr. Anderson should draw the will for Mr. Haydock that evening?

A. I don't remember.

Further Cross:

Q. You don't remember?

A. I don't know whether—I don't know but—I think he proposed it.

Q. You think Mr. Anderson proposed it?

A. No, sir; Mr. Haydock.

Q. Then Mr. Haydock proposed to Mr. Anderson that he should prepare a will for him, did he?

A. Yes, sir; I think so.

Q. On that evening?

A. Yes, sir.

Q. What did Mr. Anderson say in response to that?

A. He asked him some questions.

Q. Then what?

A. And he put them down; I don't know what it was.

Q. He asked Mr. Haydock some questions, and Mr. Anderson put them down?

A. I think so.

Q. Do you mean to say there was paper there present on the table?

A. I guess there was paper got; I don't remember.

Q. What was the paper got for?

A. I suppose to make the will.

Q. Don't you know that it was?

A. Yes, sir; I suppose it was.

Q. And didn't Mr. Anderson proceed to draw the will for him on that occasion?

A. Yes.

Q. Well, how far did he progress with drawing that will?

A. I don't know; I was not in the room.

Q. Did you go out of the room?

A. I did.

Q. And left Mr. Anderson and Mr. Haydock alone?

A. Yes, sir.

Q. And didn't you return to that room?

A. Not while Mr. Anderson was there.

Q. When you returned, then, Mr. Anderson was gone?

A. When I returned into that room?

Q. Yes.

A. Yes, sir.

Q. Therefore, you don't know how far he progressed in drawing that will that night?

A. I don't remember.

Q. What did you leave the room for?

A. Well, because, one reason was, I didn't want to have anything to do about the will.

Q. What's that?

A. I didn't want to have anything to do about the will.

Q. Where did you go when you left the room while Mr. Anderson was there?

A. I went into the back—into the dining-room—into the back parlor.

Q. Was the door left open between the dining-room and the back parlor?

A. I don't remember whether it was or not.

Q. Don't you remember whether it was opened or closed?

A. No, sir.

Q. Then if the door was left open you would not be out of ear-shot of the conversation between Mr. Haydock and Mr. Anderson, would you?

A. I think I would.

Q. Do you mean that you could not hear what was said if the door was left open?

A. Well, we could, I suppose, too, but I didn't hear.

Q. You say "we;" who else was there with you then?

A. I think Mrs. Anderson was down there at the time.

Q. Did she go into the room with Mr. Haydock?

A. No, sir.

Q. Where did she remain?

A. In the back room, I think.

Q. Don't you know?

A. I think Mrs. Anderson was there, I don't know.

Q. Was she to be a witness to the will?

A. I don't know; I don't remember.

Q. Were not witnesses provided on that occasion to witness that will?

A. Not that I know of.

Q. Where was your sister when you were in the back parlor?

A. She was in there.

Q. All three of you?

A. Yes, sir.

Q. Well, when Mr. Anderson went out, in what way did he go out? Through what rooms?

A. Well, he went out through the hall, I suppose, and out of the door.

Q. Didn't he go through the back parlor?

A. I expect so.

Q. Through the back parlor?

A. Yes, sir.

Q. Then if he went out through the back parlor you must have seen him?

A. Yes, sir.

Q. Well, don't you recollect whether or not he did go out through the back parlor?

A. Yes, sir; I saw him.

Q. You saw him go out?

A. Yes, sir; I saw him go out.

Q. Did you know when he went out whether he had prepared the will, or not?

A. I didn't suppose he had.

Q. Well, did you know?

A. Yes.

Q. How did you know?

A. Why, I didn't know for certain but then I thought probably he had not.

Q. What gave you the idea on the subject; you didn't know for certain but you thought he hadn't completed it?

A. I knew he hadn't completed it.

Q. How did you know?

A. Because there was some conversation had in there afterwards.

Q. Did you hear it?

A. Yes, sir.

Q. What was your anxiety then to go out of the room if you were still going to hear what was going on?

A. Well, I did't want to be in there, not in the room.

Q. Then it was your bodily presence that you thought was improper to be in there, and not your ears?

A. Well, I didn't want to have anything to do with it; this conversation was in the back parlor that I heard.

Q. Do you mean that Mr. Haydock was in the back parlor?

A. No; I said the conversation that we had.

Q. What conversation?

A. Why the present conversation.

Q. Well, what conversation?

A. Why the question you have just asked me about, sir; about Mr. Anderson coming into the back parlor to go out of doors.

Q. Did you and Mr. Anderson have a conversation in the back parlor?

A. We had a few minutes conversation there.

Q. Then when he returned from the dining room and from the presence of Mr. Haydock and was going out he came into the back parlor and you and he had a few minutes conversation?

A. Yes, sir.

Q. On the subject of the will?

A. I think so.

Q. And didn't Mr. Anderson then tell you that Mr. Haydock was not in fit a condition of mind to make a will?

A. No, sir; I think not.

Q. You don't recollect then?

A. I think he made the remark that he was coming again some other evening, or another evening; that he was not well enough at that time to make a will.

Q. You think he was not well enough to make a will?

A. No, sir; I think that was the remark he made.

Q. That he was not well enough?

A. Yes, sir.

Q. Well, was he sitting up?

A. No, sir; he was not sitting up at this time.

Q. Where was he?

A. He was on the bed, I think; he was sitting up part of the time and part of the time he was on the bed, I think.

Q. He did both then; he laid down and sat up.

A. Yes, sir.

Q. During this conversation?

A. That's what I think; I was not in there.

Q. How long were you in the room with Mr. Haydock while Mr. Anderson was there?

A. Well, I just went in there and came out again.

Q. How long were you there while Mr. Anderson was there?

A. I was not in there—well, I don't know how long, about a minute.

Q. A minute?

A. Yes, sir.

Q. Did you sit down?

A. I don't think I did.

Q. Did you pay any attention to what was going on?

A. I didn't pay any attention to the conversation.

Q. Don't you know what was said in the conversation while you were there?

A. No, sir.

Q. Was anything said about drawing the will

while you were in there—while you were in that dining room with Mr. Anderson and Mr. Haydock?

A. No, sir; I think not.

Q. Nothing was said about the will then?

A. No, sir.

Q. Did you know then that Mr. Anderson was going to prepare the will for Mr. Haydock?

A. I think I did.

Q. How did you know it?

A. I don't remember now how it was.

Q. While you were in the dining-room, where was Mr. Haydock—in the bed or on a chair?

A. I think, when I was in there, he was lying on the bed; I don't remember, though, whether he was sitting up or not.

Q. Between the time when you came to Mr. Haydock's in January up to the time of this night, when Mr. Anderson was there, had you been at any time down to Asbury Park?

A. The time when who was there?

Q. Between the time when you came from Asbury Park, in January, to Mr. Haydock's house, up to the time when Mr. Anderson was there, on the evening when it was proposed to draw the will, had you been down to Asbury Park?

A. I don't recollect whether I had or not.

Q. Well, as far as you can remember, what would you say?

A. Well, I don't remember at all when this was done.

Q. Well, had you been to Asbury Park from the time between when you came to Mr. Haydock's, in January, up to the time of Mr. Haydock's death?

A. Yes, sir.

Q. But you don't recollect when it was?

A. I think I had been down there—I think I had been down twice.

Q. Was it not just before his death you went down?

A. I don't know; I can't remember.

Q. How long did you stay down there when you did go?

A. I suppose I was there only a very short time.

Q. Well, over night?

A. Yes, sir.

Q. More than one night?

A. I might have stayed there two nights, but I don't know; I know I was sent for again.

By the Court:

Q. State to the best of your recollection?

A. Well, I think I went down there twice, sir.

Further Cross:

Q. How near together were those times?

A. I don't remember.

Q. Were they not within two or three days of each other?

A. I don't remember.

Q. And were they not within two or three days of Mr. Haydock's death?

A. I think not; I don't remember when it was.

Q. Did you know that Mr. Haydock had prepared a will before this visit of yours in January?

A. I don't know whether he had or not.

Q. Do you recollect when you first found out that Mr. Haydock had left a will?

A. No; I do not.

Q. What's that?

A. Well, I had been told that he—I had been told that he had left a will—I think I had.

Q. Who told you?

A. I don't remember now.

Q. When were you told?

A. I don't remember.
Q. Didn't your sister tell you?
A. I don't remember.
Q. Did you ever speak with your sister about a will that Mr. Haydock had prepared?
A. I don't know but what I might—I don't know—I don't remember.
Q. Do you know whether your sister knew that Mr. Haydock already had a will?
A. I was told that Mr. Haydock—(*interrupted.*
Q. That was not my question?

BY THE COURT:

Q. Do you know whether your sister knew that her husband had made a will?
A. No, sir; I don't remember.

Further Cross:

Q. What do you remember?
A. I think that she did know that he had made a will.
Q. What makes you think so?
A. Well, I don't know for certain whether she knew or not
Q. What made you just now say that you thought you knew she did know?
A. I don't know, particularly.
Q. Did you know the contents of the will of Mr. Haydock before Mr. Haydock's death?
A. What will?
Q. The will which has just been admitted to probate by Mr. Haydock?
A. How should I know the contents?
Q. That was not the question.

BY THE COURT:

Q. Do you know—did you hear what disposition he had made of his property by the will that he executed prior to his death?

A. No, sir.

Further Cross:

Q. Do you know whether your sister knew it?

A. I do not.

Q. Now, during the last visit of yours to Mr. Haydock do you know whether he required stimulants to keep him up?

A. I don't know whether he required them particularly or not.

Q. Were they given to him?

A. It was given to him.

Q. What was given to him?

A. Well, he used some—he used—he used candy I think; he used to have that.

Q. Candy with whiskey on it?

A. I don't know; he would require this to keep him up, I know.

Q. Just read my question, please?

The Stenographer read as follows:

"Now, during this last visit of yours to Mr. Haydock, do you know whether he required stimulants to keep him up?"

Q. Now, what is your answer?

A. (*A pause.*)

BY THE COURT:

Q. Did he take any stimulants, and if so, what?

A. He used some in rock candy.

Q. Whiskey in rock candy?

A. I don't know whether it was whiskey or brandy.

Further Cross:

Q. It was in a liquid form, was it not?
A. It was put on the rock candy.
Q. What was?
A. Whiskey—I suppose it was whiskey.
Q. Would he take it in a liquid or a solid form?
A. In a liquid form.
Q. Who would give it to him?
A. He would get it himself.
Q. How often did he take it?
A. I don't know how often?
Q. Frequently?
A. Quite frequently; yes, sir.
Q. Several times a day?
A. Sometimes.
Q. How much would he take at a time?
A. Well, I don't how much.
Q. You are a gentleman that didn't look, I suppose?

BY THE COURT:

You have the fact that he did take the stimulant.

Witness: One thing I can say, I don't suppose I ever used a gallon of it myself in my life.

Q. The question of your temperance is not involved in this controversy; was not brandy given to him?
A. Perhaps there may have been.
Q. Was not a good deal given to him on that day or evening when Mr. Anderson was there to draw the will?

A. I don't know that there was any given to him on that day.

Q. Do you say there was not?

A. I do not.

By the Court:

He says he does not know.

Witness: I don't know that there was any.

Q. Do you know Eden Laing in Rahway?

A. Eden Laing?

Q. Yes; the livery stable keeper?

A. No, sir, I do not; but I know a man named Laing.

Q. A livery stable keeper?

A. Yes, sir.

Q. He has a stable right by the depot, has he not?

A. Yes, sir; there is a man named Laing there keeps a livery stable.

Q. Do you know him?

A. By sight.

Q. Have you ever spoken with him?

A. Yes, sir.

Q. Have you had conversation with him in reference to Mr. Haydock's condition?

A. Not that I know of.

Q. You don't recollect?

A. No, sir.

Q. Do you recollect of Mr. Laing's asking you whether Mr. Haydock had left a will?

A. No.

Q. Do you recollect if he did ask you that question of your replying that he didn't leave a will; that he was not in a fit condition to make a will for the past three or four years of his life?

A. I never made such an expression in my life.

Q. You never made such an expression in your life?

A. I never did; I don't know as I ever had any conversation with Mr. Laing on that subject.

Q. On the subject of the will at all?

A. No, sir.

Q. Didn't you say to him, if not in the language which I have used, yet in substance what I have said?

A. I don't know as I ever mentioned the will to Mr. Laing in my life.

Q. You say you never did?

A. I say I never did to my recollection.

Q. That's all.

Re-Direct:

By Mr. English:

Q. I understand you to say that at one time Mr. Haydock wanted you to go and see Mr. Bonney to get him to meet him at the bank to open the box?

A. Yes, sir.

Q. Did you or not go?

A. I did.

Q. Did you or not see Mr. Bonney?

A. I did.

Q. What did you say to him?

A. I told him what Mr. Haydock—I told him his request, and he said he had left his business with his counsel, that he had nothing to do with it.

Q. What did you do then?

A. I went back and reported to Mr. Haydock.

Q. What did Mr. Haydock say?

A. I don't recollect now what he did say.

Q. Do you know to what religious denomination Mr. Haydock belonged?

A. The Friends.

Q. He was a Quaker, as they are called?

A. Yes sir.

Q. How long has he been so?

A. He attended their meetings for—I don't know how long—ever since I knew him.

Q. What was his observation of the forms of that sect, strict or otherwise?

A. Pretty strict, I think, generally speaking.

Q. Was his wife a Quaker?

A. Yes, sir.

Q. Are you?

A. I am.

Q. (*Handing witness paper.*) Look at that please; have you ever seen it before?

A. I have.

Q. Do you know it was written?

A. I know it was written by him.

Q. How do you know?

A. Because I saw him write it.

Q. When did he write it?

A. He wrote that on that day, March 1st.

Q. Where did he write it?

A. In the dining-room.

Q. Who was present?

A. I think Mrs. Haydock and myself were present; I don't know whether any one else was.

Q. How did he come to write it?

A. He had asked me to go up twice before that; he asked me to go up and get Mr. Vail to come down and transact some business for him, and I had been up twice before that, and I found that he had gone to Trenton, and of course I could not see him; and then on this particular occasion he asked me to go up again to see Mr. Vail because he wanted this attended to.

Q. Well?

A. And I told him I had been up in Mr. Vail's office, and I think I had been up that day, and that he had gone away.

Q. Well?

A. And I told him he had gone away, and I didn't think he had got back. I think he had gone to Elizabeth that day; that was on a Saturday, I think.

Q. Well?

A. And I told him I didn't think he had got back and he asked me to go and see if he was there, and I said I didn't think it was any use.

Q. My question was how he came to write that note?

A. Well, I will come to it pretty soon.

Q. Well, go on?

A. "Well," he says, "if thee is not a mind to go up to see if he is there, I will go myself," and he started to get his hat—he started from the dining room and got into the back parlor; and, I told him then, that if he insisted upon my going, that I would go myself; then I said—he wanted more particularly this note transferred.

Q. Well?

A. And I told him that if he wanted that done Mr. Vail would probably want an order. "Well," he said, "if he wants an order I will sit down and write one;" and he sat down and wrote this order.

Q. He sat down and wrote the order?

A. Yes, sir.

Q. What did you do with it?

A. I took it up and went up there, and Mr. Vail was not in.

Q. What did you do then?

A. Then I came back home.

Q. What did you do with the order?

A. I kept it.

Q. Did you tell Mr. Haydock?

A. I told him Mr. Vail was not in.

Q. How long did you keep the order?

A. Until yesterday or the day before.

Q. What did you do with it then?

A. I handed it to Mr. Vail and asked him if it would be of any use.

Q. Why did you not give it to him before?

A. Because this transaction had been already done.

Q. Where did you keep it?

A. I kept it in my pocket.

Q. Did you or not recollect that you had it?

A. I knew I had it.

Q. You knew you had it?

A. Yes, sir.

Q. Had you ever thought of it in the mean time?

A. It was among my papers and I was looking over my papers the other day and found it there.

By Mr. English:

I offer that paper in evidence.

(The same was marked Exhibit No. 10.)

Re-Cross:

By Mr. Stone:

Q. Why was Mr. Vail needed to transfer this note?

A. He wanted Mr. Vail to do some other business.

Q. Why was he was wanted to transfer this note?

A. Because Mr. Vail was doing his business.

Q. Do you know why Mr. Haydock wanted Mr. Vail to make the necessary writing for the transfer of the Smith note?

Q. Why, no; I don't.

Q. Did you take it up to Mr. Vail's office on the day it was written?

(*Referring to the order, Exhibit* 10.)

A. Yes, sir.

Q. Was it written on the day it bears date?

A. Yes, sir.

Q. Did you hear anybody tell Mr. Haydock what day of the month it was when he dated it?

A. No, sir; not as I know of.

Q. Did you take the note with you when you took the paper up to Mr. Vail?

A. I took it, yes.

Q. You took the note along with you—the Smith note?

A. No, sir; I don't recollect whether I took that with me or not; I think I did though.

Q. Was it out on the table when he wrote this note?

A. No, sir; he had handed this to me before.

Q. He had handed the note to you before—the Smith note?

A. Yes, sir.

Q. How long before he gave you this had he handed you the Smith note?

A. Well, I think sometime that day.

Q. Well, how long before—how many hours before he wrote this paper?

A. Well, not a great while before.

Q. What do you mean by not a great while?

A. Well, I don't suppose it was more than about half an hour or three-quarters of an hour.

Q. What did he tell you when he handed you the Smith note?

A. He said he wanted Mr. Vail to arrange that so that it should be endorsed over to Eliza.

Q. What did you respond to that—what do you recollect about it?

A. I don't remember now.

Q. Why didn't you take it up immediately to Mr. Vail when he requested you to?

A. I told him I supposed he would need an order.

Q. Well, and then what?

A. "Well," he said, "I will sit down and write an order if thee thinks he needs an order."

Q. Was that all he said up to that time?

A. About this do you mean?

Q. Yes.

A. Yes, sir.

Q. Then, what did you mean, a little while ago, when you said that Mr. Haydock went out to get his hat, and was going to put on his hat and coat and go himself?

A. Well, I was up to his office in the forenoon—(*interrupted*).

Q. Whose office?

A. Mr. Vail's office.

Q. Before the order was signed?

A. Yes, sir.

Q. What were you there to see him for?

A. I don't know what I went up for particularly.

Q. Did you see him?

A. No, sir; he had gone away.

Q. When you took this order up to Mr. Vail's office, he was away still?

A. Yes, sir.

Q. Why didn't you leave the order there for him?

A. I don't know.

Q. You took the order back with you?

A. I took the order back.

Q. Did you give the order then to Mr. Haydock?

A. No, sir.

Q. Did you keep the order?

A. I think I did.

Q. Did you make another attempt to see Mr. Vail?

A. I think I made two other attempts before this.

Q. Before you got this note?

A. Yes, sir.

Q. I thought you said that you could not do anything without an order?

A. No; he wanted him to come down and transact some other business.

Q. What business?

A. His business.

Q. What business?

A. I believe that's the remark he made.

Q. Did he ever tell you that he wanted you to go and see Mr. Vail to have Mr. Vail to come down there to transfer that deed and the Woodruff mort gage?

A. Well, he wanted him to come down and transact some business.

Q. Did he ever say that to you?

A. I don't remember.

Q. Why didn't you keep on following up Mr. Vail to have him transfer this note?

A. Well, he went off; he was at Trenton.

Q. Yes, I know he was at Trenton?

A. Well, then, soon after that Mr. Haydock spoke about Mr. Powers doing it.

Q. Mr. Vail was in Trenton as a member of the State Senate, was he not?

A. Yes, sir.

Q. Didn't you know that that only kept him in Trenton about two days of the week or three days?

A. Well, he was in Trenton the time before when I went to see him.

Q. When Mr. Haydock put on his hat to go out doors what was your objection to his going out?

Q. Because it was a rather stormy and disagreeable day, and we thought it was most too disagreeable for him to go out, as he had a cold then—a bad cold.

Q. Whom did you mean by "we thought?"

A. Well, "I thought," then.

Q. Well, you said "we thought," didn't you?

By the Court:

Yes; that was the witness's statement.

Q. Was not that the very day that you and Mr. Haydock walked up and down the garden?

A. No, sir.

Q. The first of March?

A. No, sir, it was not; I said about the first of March.

Q. Did you walk up and down the garden with him before or after the order was written?

A. After the order was written.

Q. That's all.

James S. Green, M. D., a witness produced on the part of the aforesaid defendant, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. English:

Q. You are an allopathic physician, residing in Elizabeth?

A. Yes, sir.

Q. How many years have you practiced in Elizabeth?

A. About 27 years.

Q. Were you acquainted with Mr. Eden Haydock?

A. I saw Mr. Haydock once at his house on the 23d of December, 1878.

Q. For what purpose did you visit him?

A. I visited him to make an examination of his mental condition.

Q. At whose request?

A. At the request of Dr. James, of Rahway.

Q. How long were you with him at that time?

A. I should think about one or two hours.

Q. Did or not Mr. Haydock know the object of your visit?

A. Of that I am not aware, sir.

By the Court:

Q. Did he or not, so far as you know?

A. No, sir.

Further Direct:

Q. You made the examination?

A. I did, sir.

Q. Can you recollect and state how any part of the conversation occurred between you and Mr. Haydock?

A. The conversation I cannot give, as far as the particulars are concerned.

Q. Can you give the purport of it, or state upon what subjects the conversation ran?

A. The conversation first ran upon the ordinary events of the day, and after that I conversed with him in regard to his property and in regard to the number of wives he had had, and he told me voluntarily, I think, that he had two; and in the conversation he mentioned some bonds and a note or two, and some real estate and some mortgages, if I recollect right; but I am not positive. I think that was the subject of the conversation.

Q. What was the extent of his knowledge in relation to his property, as far as you could gather at the time?

A. As far as I could gather his knowledge of his property seemed to be clear and definite.

Q. What knowledge did he show, if any, of the ordinary occurrences of the day?

A. His memory in regard to the ordinary occurrences of the day was not as perfect as a man of

younger years, and he struck me as not taking as much interest in them.

Q. Did you at the time from what you saw then, form any opinion as to his mental capacity?

A. The opinion that I formed of his mental capacity at that time was this: that it was as good as the average of men of his years, and that he was capable of transacting his own business.

Q. What faculty of his mind, if any, seemed to you to be most impaired?

A. The memory of events that had been past some years.

Q. Was there any impairment of any other faculty particularly observable?

A. No, sir; not to my recollection.

Q. Only his memory?

A. Yes, sir.

Q. His judgment—how about that?

A. I had a conversation with him about the value of municipal bonds, I recollect, and his opinion on the subject of Rahway bonds and Rahway water bonds seemed to be very good, and as far as future events seemed to have turned out, they seem to have been correct.

Q. Do you know what testamentary capacity is?

A. I do, sir; I believe.

Q. Please define it?

A. As far as I can understand it, a man must be of sound and disposing mind.

Q. How was Mr. Haydock at that time?

A. Mr. Haydock struck me at the time I had the conversation with him on the 23rd of December, 1878, as being of sound and disposing mind.

Q. Did you see any evidence or look for any of his having been acustomed to the use of stimulants?

A. No evidence whatever, sir.

Q. That's all?

Cross-examined:

By Mr. Stone:

Q. Doctor, you were employed as an expert I suppose, to test his mental condition?

A. The object of my visit to Rahway, was at the request of Dr. James, and the purpose was to give testimony before, I think, a sheriff's jury, I am not certain?

Q. Well, a jury?

A. A jury which was to sit in Elizabeth on the following day.

Q. Did Dr. James give you any idea as to what his opinion of the mental capacity of Mr. Haydock was?

A. No, sir.

Q. Did not you know when you went to see Mr. Haydock what Mr. James's views were?

A. No, sir; it is my habit always when I am called upon to give a personal opinion of the case, and not to be biased by any—(*interrupted.*)

Q. That is not my question?

A. Well, I can say I did not.

Q. Did not you know on which side you were desired to testify?

A. No, sir; I did not; I knew I was to testify in regard to what my belief was in regard to Mr. Haydock's mental condition, under oath.

Q. Exactly, but did not you know that those who employed you wished you to be favorable to the conclusion that Mr. Haydock had a testamentary capacity?

A. I did not, sir; any more than I could judge from human probabilities, as a lawyer could in regard to his client.

Q. Well, what was your opinion judging from what you would call "human probabilities?"

A. In regard to what?

Q. In regard to which side you were desired to testify on?

A. Had no idea of the kind, sir.

Q. You did not know then at the time of that examination of Mr. Haydock whether you were desired to testify that his mind was sound, or that his mind was unsound?

A. I knew that I was desired to go there and to give my opinion in regard to his mind, and that I was employed for that purpose; and I did it to the best of my ability.

Q. That was not my question?

A. That is the only way I can answer it.

Q. Were you introduced to him as a physician?

A. I was, sir.

Q. Did you talk to him about his physical condition?

A. I did, sir.

Q. Did he ask you why you were called there?

A. He did not.

Q. Nothing was said between you and him as to the object of your visit?

A. No, sir.

Q. Had you ever seen him before?

A. I had not, sir.

Q. Were you introduced as a friend, or how?

A. Yes, sir; I was introduced as a friend of Dr. James.

Q. Did he ask you where you lived?

A. Yes, sir.

Q. So he found out where you lived?

A. Yes, sir.

Q. You say he spoke about different pieces of his property?

A. Yes, sir.

Q. How did you happen to speak about his property?

A. In the occurrence of an ordinary examination

into his mental condition, I would naturally drift into that sort of examination.

Q. Did he seem to be communicative about his property?

A. Yes, sir.

Q. Did he seem anxious to tell you all about it?

A. Not particularly.

Q. Or willing to?

A. He did not object to answer the questions.

Q. Do you recollect any question you put to him in regard to his property?

A. I don't remember particularly, sir, because I didn't know I should ever be asked about the matter again.

Q. You knew you were called in to testify the next day before a jury?

A. Yes, sir; and that I thought was the end of it.

Q. You remembered it till next day, and then discharged your mind of it?

A. Yes, sir.

Q. Do you recollect whether he described what kind of property he had?

A. I think he did, sir.

Q. What kind, as far as you can recollect, did he mention?

A. He mentioned some bonds.

Q. What kind of bonds?

A. I think they were city bonds.

Q. What else?

A. And some bank stock.

Q. Did he tell you of what bank?

A. I think the bank was in Rahway, but I am not positive.

Q. Did he tell you what bank?

A. I don't know.

Q. Did he tell you anything about the value of the stock of the bank?

A. I think he did.

Q. Do you recollect what idea he gave about it?

A. I do not; no, sir.

Q. Do you recollect of his putting a value on the Rahway bonds?

A. Yes, sir.

Q. Do you recollect what value he put on them?

A. Not in dollars and cents, I don't.

Q. And you say he spoke about the Rahway municipal bonds and the water bonds; did he speak of them both?

A. Yes, sir; that's my impression.

Q. Did he tell you that he had any of them?

A. I think he told me he had some bonds; but whether they were Rahway bonds or water bonds or both I could not say.

Q. Do you recollect whether he made any distinction between those two kinds of bonds?

A. My recollection does not serve me in regard to that, sir.

Q. Doctor, if you were told that about the time of this visit of yours that Mr. Haydock, an old resident and tax-payer of Rahway, had taken his tax bill and said he was going to the tax office—the one he had been accustomed for several years to pay his taxes at—and that he had gone to the bank and wanted to pay the cashier the taxes and have him attend to it, and upon the cashier telling him that that was not the place but that he should go down to Mr. Blanchard's office, the tax receiver, in the Savings Bank, which Savings Bank was a place Mr. Haydock was entirely familiar with—to which Mr. Haydock responded that he was not acquainted with Mr. Blanchard, although he had known him for years, and didn't know where the Savings Bank was; where the tax receiver's office was;—would you say that was evidence of an unsound mind?

A. I should say it was evidence of an impaired memory.

Q. Suppose about that time Mr. Haydock was sitting as a manager of a financial institution, and a discussion arose at a meeting of the board and continued to considerable extent, and was participated in by several members, on the question of the reduction of the salaries of the officers of the institution, and a motion was made that each manager put on a separate ballot the amount of money which he thought was a proper sum for that institution to pay for its officers; that that motion was carried, and suppose that tellers were appointed, and ballots distributed to each member to put up the ballot which he had, his figures, to indicate his views upon the motion; that the tellers then proceeded to collect the ballots of all the members, and reaching Mr. Haydock's, Mr. Haydock was found having on his ballot nothing but his own name; that upon a gentleman sitting next to him telling him that was not the proper way to vote and that he must put down figures, and trying to explain to him what the motion was that Mr. Haydock took another piece of paper and again put his name down and handed it to this person next to him, suppose then that the person again repeated what he had said to Mr. Haydock, and Mr. Haydock replied simply, "How? How?" and took a third ballot and again put his own name on that ballot and put it into the hat in which were the ballots, what would you say with reference to the soundness or unsoundness of Mr. Haydock's mind in view of that?

A. I should say at that time he was laboring under some temporary aberration.

Q. Necessarily temporary?

A. May be.

Q. Well, necessarily so?

A. It might not be.

Q. Might that not be evidence of a chronic unsoundness of mind?

A. If it occurred before my conversation with him it was certainly temporary.

JOHN C. POWERS, a witness produced on the part of the aforesaid defendant, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Vail:

Q. You reside in the city of Rahway?

A. I do.

Q. You knew Mr. Haydock in his life time?

A. I did.

Q. You lived neighbor to him?

A. Next door.

Q. How long did you live there as a next door neighbor?

A. From 1874 until his death, and previously also, but a very short time, nearly 10 years before.

Q. Then you knew him about ten years before his death?

A. My stay in Rahway then was very short, still I was his neighbor and knew him.

Q. During the last two years of Mr. Haydock's life, how frequently would you see him?

A. Sometimes perhaps a week or two would pass without my seeing him, sometimes I would see him, I think very likely half a dozen times in the week.

Q. Your business took you out of town every day?

A. Every day.

Q. To New York?

A. To New York.

Q. Then you were only in town evenings?

A. In the evenings only.

Q. During the last two years of Mr. Haydock's life, do you recollect of having any conversation with him in relation to business matters.

A. He used to ask me "How is business?" every day when I came home.

Q. Anything more than that?

A. Not very much.

Q. But that was about business generally?

A. Yes, sir; business in the city; that was generally his question, "How is business in the city?"

Q. During the last two years of his life did you have any conversation with him in relation to his own business matters?

A. I never mentioned his affairs.

Q. Well, did he?

A. He never mentioned his own affairs to me; he never spoke of his own affairs to me until one evening when I was asked in there for the purpose of assisting him in some way.

Q. When was that?

A. I don't know; I have not much notion as to when it was.

Q. How long before his death?

A. I am very bad at stating times; it might have been three months, it might have been two months, and it might have been four months; I can't tell you.

Q. What did you do when you went in there?

A. I didn't do anything; I waited for somebody else to do it.

Q. Did you see him when you went in?

A. Yes, sir.

Q. State, please, what was the first thing he said to you when you went in the house?

A. It is not in my mind, I don't know.

Q. What was the first thing you recollect that he said to you, as near as you can tell?

A. His words I can't recall.

Q. Well?

A. But he wished to make me a present of some property.

Q. Now, just go on and tell us about that—state what was done; you say you can't recollect his words?

A. My impression is that the subject was mentioned by somebody else, and there was no occasion for him to express himself at length; his habit was to express himself almost in single words, and he was very slow even to do that; my impression is, that he didn't say what he wanted to do but that the subject came up in some other way, but how I don't know; my impression is that I turned to Mr. Haydock and said yes; I know I turned to Mr. Haydock and said: "You want to give me some property then?" and sportedly Mr. Haydock replied, "Yes."

Q. What was then done?

A. Certain papers were produced and I was asked to prepare assignments from Mr. Haydock to myself.

Q. What papers were they?

A. If my memory serves me, there were two certificates of stock of the New Jersey Railroad and Transportation Company, one of seven and the other of two shares, if I remember rightly, and there were some Rahway City bonds and some Cemetery bonds, I think; I don't think there was anything else, and how many there were of those, I don't know or what they amounted to.

Q. What did you do with the papers handed to you then after that request?

A. I wrote the preliminaries for his signature in the matter of the assignment to myself.

Q. Well, and what did he do; would your memory be refreshed by seeing the papers?

A. I think very likely.

Q. (*Handing papers to witness.*) Will you look at that endorsement; just read it?

A. (*Reading.*) "Pay to John E. Powers or order," signed by Eden Haydock.

Q. In whose handwriting is the writing?

A. The "pay to John E. Powers or order" is my handwriting; but "Eden Haydock" is his own signature.

Q. What follows that?

A. That I didn't write until afterwards; nothing was said about that.

Q. Look at that?

A. (*Reading.*) "Pay to John E Powers or order. Eden Haydock."

Q. Look at that?

A. (*Witness reads.*) "Pay to John E. Powers or order. Eden Haydock."

Q. Do you recollect seeing any Rahway bonds that you didn't endorse?

A. No, sir; I don't remember; I doubt whether I saw anything that I didn't endorse.

Q. Well, here are two five hundred dollar bonds to bearer; they are not endorsed.

A. Oh, yes, sir; I do remember; yes, I looked into them to see—yes, I remember looking into them to see whether it was necessary to transfer them; I recall it easily and perfectly now.

Q. What do you recollect about it?

A. I recollect the fact that I looked to see whether they were made executed to a person or to order, and they were opened, and I found that some were executed to a person and some were left open, or rather I don't know how they were prepared, but some were open and some not.

Q. What do you mean by open?

A. Made payable to bearer; I don't know whether that is the proper phrase to use.

Q. When they were made payable to the order, they were made payable to whom?

A. Well, I see it *here* (*witness referred to papers*); but I should only know by reasoning; I don't recollect.

Q. Will you look at these bonds you endorsed and see who they are made payable to on the inside?

A. Eden Haydock.

By Mr. Vail:

I offer all these bonds in evidence, and will have them marked on one exhibit.

RECESS.

Q. Look at these bonds that are endorsed. You have testified as far as to say that the "pay to John E. Powers or order" was written by you and "Eden Haydock" was written by him. What further endorsement is there upon those bonds?

A. (*Reading.*) "Pay to the order of Eliza P. Haydock. John E. Powers." That was written by me.

Q. The same is on them all, is it?

A. I suppose so.

By Mr. English:

Q. The other endorsements were written by you except Mr. Eden Haydock's signature?

A. Yes, sir.

Further Direct:

Q. Is this the same? (*Handing witness another paper.*)

A. Yes, sir.

(Seven City of Rahway bonds (five of one thousand dollars each and two of five hundred dollars each) were marked Exhibit No. 11.)

Q. Was there any other paper at that time which you made endorsements upon?

A. I won't be certain of the time, but I made an endorsement upon another paper.

Q. What was that other paper?

A. The New Jersey Railroad and Transportation Company's stock—I suppose that was the same evening.

Q. Were there more than one of those certificates you made an endorsement upon?

A. Two, I believe.

Q. You recollect the number of shares they called for?

A. One called for seven and the other called for two, I think.

Q. Making nine altogether?

A. Nine altogether.

Q. After the bonds were endorsed, what was done with them—the city bonds first—after you put the endorsement upon them "Pay to Eliza P. Haydock or order," and signed your name, "John E. Powers," what was done with them?

A. My only guide to my recollection of that is a sportive remark of Mr. Haydock's to Mrs. Haydock, that they didn't belong to him any more. I don't know what was done with them, whether I left them on the table or whether I passed them to Mrs. Haydock, or whether Mr. Haydock passed them to Mrs. Haydock, I can't say. I know he accompanied it with a sportive remark to that effect, although he was not in a very sportive condition.

Q. The remark was what?

A. To the effect that they didn't belong to him any more.

Q. After the certificates of the New Jersey Railroad and Transportation Company's stock was endorsed, what was done with them?

A. I took them to the office of the company on Courtlandt street.

Q. New York?

A. New York.

Q. And did what?

A. And requested them to be re-issued to Mrs. Haydock.

Q. Did you take the re-issue of the stock?

A. I called for the re-issue when it was ready.

Q. How long after that?

A. I called twice; the first time I called they were not ready; it was within I should say, a week or thereabouts.

Q. Did you get the certificate?

A. I did; I got one certificate of nine shares.

Q. See if you can tell whether that is it? (*Handing witness paper.*)

A. I don't suppose I can; there was nothing to mark it, and I didn't look at it, I suppose.

By Mr. Vail:

Well, I suppose there is no dispute about that.

By Mr. Stone:

No.

(Offered in evidence and Marked Exhibit 12.)

Q. What did you do with the certificate you got after you did get it?

A. I handed it to Mrs. Haydock, I think.

Q. And did you ever see the bonds after you left there that night?

A. No, sir; not until I saw them in Court to-day.

Q. Did you ever see the certificate after you handed it to Mrs. Haydock?

A. No, sir.

Q. Until you saw this? (*Referring to Exhibit* 12.)

A. No, sir.

Q. Do you recollect any further conversation in relation to these matters that night after you made the transfer?

A. No, not now.

Q. And as I understand you, you don't recollect whether the bonds were taken off the table before you left, or not?

A. Oh, I think they were—I am pretty sure that they were passed to Mrs. Haydock, but whether by myself or Mr. Haydock, I don't know.

Q. Were you ever called upon after that night by Mr. Haydock to do any business for him?

A. Yes; I was called upon several times.

Q. By him?

A. I understood it was by him.

Q. Well, did you have any interview with him—not with anybody else?

A. Oh, yes; over and over again.

Q. When was the next time after this evening?

A. That I can't tell; I didn't tell when this was—when this evening was; I don't know; I have not the slightest knowledge.

Q. You said two or three months before his death this was?

A. Yes, sir; somewhere in that vicinity; from two to four months.

Q. When you made the transfer of these papers you have now spoken of, who were present in the room?

A. Mr. Haydock and Mrs. Haydock and Mr. Geo. Bayright.

Q. The gentleman who has testified here already?

A. Yes, sir.

Q. Was it done at the time he speaks of in his testimony?

A. I think so; I saw no inaccuracy.

Q. You say you got the certificate that you did from the railroad office a week or two after you left it there?

A. No, sir; I said a week or thereabouts; I should think it was within a week.

Q. When was the next conversation you had with Mr. Haydock after this evening--the evening you made the transfer.

A. I have not any particular conversation in my mind and nothing to mark the interval, having no idea of it now, but you may be able to refresh me.

Q. No, I can't do that?

A. Something might occur to refresh me, but I pay about as little attention to dates as anything and rarely recall them.

Q. Were you a frequent visitor there?

A. Yes, sir.

Q. At his house, after this, before his death?

A. Yes, sir.

Q. Up to within what period before his death?

A. Up to the fact of his death.

Q. Up to the time of his death?

A. Up to the very time of his death, I should say.

Q. On the evening when these transfers were made what was his physical condition?

A. He had been declining and at that time, on the evening when the transfers were made he had a difficulty in breathing at first, in fact I was asked in several evenings before and nothing was done, I didn't know for what purpose, but I think they

were probably the evenings preceding this one ; Mr. Haydock was anxious to get the matter disposed of and out of his mind, but still he was very easy to put off attending to, and if he was not in a good condition—he had a difficulty in breathing, or I thought it was a difficulty in breathing at that time, which was supposed to be the result of a cold, and if there was any such difficulty in the way he would let it go ; I remember going in and not a word being said of the occasion of it at all and I went home again ; that was before this. I supposed I was called for that purpose ; I didn't know what I was called for until the papers were produced.

BY THE COURT :

Q. Had you been called in several evenings ?
A. Oh, yes, sir.

Further Direct :

Q. Before that ?
A. Yes, sir.
Q. What is your business, Mr. Powers, or what was it at that time ?
A. I was publisher of a newspaper at that time.
Q. Of the "Nation" ?
A. Yes, sir.
Q. You know who came for you on this evening when you say you were called in ?
A. I know that Mr. Bayright came for me once, and I am inclined to think word had been left in the house, that when I came home to go in there, at other times ?
Q. Then you don't know who came ?
A. Yes; I know my boy John told me that Mr. Haydock wanted me to go in there.
Q. Do you know who came for you on the evening when the transfers were made ?

A. That was Mr. Bayright, and that is the only occasion that I remember particularly.

Q. Do you recollect any other occasion when Mr. Bayright came for you, and you were not in?

A. I don't identify any particularly now.

Cross-examined:

By Mr. Stone:

Q. I understood you to say in your direct examination you thought there were some cemetery bonds you transferred?

A. I had that impression.

Q. Is that your impression still?

A. My impression is now that I have not heard any alluded to—that is, I have not heard any alluded to to-day; and I suppose there are none there; I have not examined the interior of all those bonds, and I don't know what they are now—no, I didn't examine them in detail now, and I don't know whether there are any there or not; I had the impression, and I stated, that there were some cemetery bonds, but I have not any definite recollection —why, yes, I have a definite recollection; I didn't examine the bonds to see what they were at the time, but I remember there was some conversation either at that time or at another time about cemetery bonds, and I know that cemetery bonds have been the subject of conversation; and beyond that, I don't know anything about it.

Q. Do you recollect being called upon when you had company in the house, with a request to go into Mr. Haydock's?

A. I don't recall it now, and I didn't recall it when it was mentioned to-day.

Q. About the time when you transferred these bonds—particularly just before and afterwards and

sometime afterwards; do you recollect how many times you were asked to go into Mr. Haydock's?

A. No, sir; I can't give you any idea.

Q. Well, several occasions?

A. Oh, yes.

Q. As many as a dozen?

A. I should think it very likely.

Q. Who came for you?

A. I have stated that Mr. Bayright came once, and I think very likely he has come for me on other occasions, I think it very likely; my boy told me that Mr. Haydock——(*interrupted.*)

(Objected to.)

Q. That I have not a right to ask you about; I mean of your own knowledge?

A. No, sir; of my own knowledge, I don't know.

Q. How many times do you say of your own knowledge?

A. Well, I said that he had come for me on another occasion aside from the one I can recall; that is a sufficiently definite impression for me to say once more, but I can't say any more than that.

Q. Do you remember whether you did go in on the other occasions?

A. I think I always went in when I was called. I don't think a neighbor ever called upon me without my going, unless I was released pretty easily.

Q. Did Mr. Bayright on this occasion tell you he wanted you to come in and see Mr. Haydock?

A. I remember Mr. Bayright coming on one occasion, and I suppose it was the occasion when I went in and attended to the business, or another occasion when I went in and didn't attend to the business—saying that Mr. Haydock wanted me to do some business for him—that was his language.

Q. Well, when you were called for were you told why you were wanted to go in?

A. No, sir.

Q. Except that he wanted you to go in and attend to some business?

A. To do some business.

Q. You took the railroad stock about a week, I think you said, after it was transferred?

A. No, sir; I took it the next day.

Q. Did you take the stock home with you that night?

A. Yes, sir; I put it in my pocket immediately, and I took it the next day, provided I went to the city on the next day, I suppose I did, I was going every day, but for all I know it might have been Sunday the next day, and if it was then I kept it over Sunday, but I know that I took it the next day that I went to New York, to the railroad office.

Q. To whom did you return it?

A. To Mrs. Haydock; I am pretty sure I did, but I would not like to say; I am quite positive; I would have easily have handed it to Mr. Bayright or Mr. Haydock to hand it to Mrs. Haydock; of course it was her stock, and I may have left it with an inmate of the house.

Re-direct:

Q. There seems to be some little incomprehension about some part of your testimony. Did we understand you to say the nature of the business that Mr. Haydock wanted you for was never communicated to you except on the evening on which you did transact it?

A. I don't think there was anything said before my being in the presence of Mr. Haydock and the bonds themselves, except the words that Mr. Bayright used, which I have already repeated, that he

wanted me to do some business for him; I don't think anything was said beyond that.

HIRAM H. JAMES, a witness produced on the part of the aforesaid defendant, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Vail:

Q. Doctor, you are a practicing physician, residing in Rahway?

A. Yes, sir.

Q. Of the allopathic school, I believe?

A. Yes, sir.

Q. How long have you been a physician?

A. I graduated in 1863.

Q. And you have been practicing ever since?

A. Yes, sir; I was in the army until after the war; I was in the service until after the war.

Q. When did you go to Rahway?

A. Directly after the war; I think it was about 1865.

Q. Have you been practicing in Rahway ever since?

A. Yes, sir.

Q. You knew Mr. Haydock?

A. I did.

Q. How long did you know Mr. Haydock before his death?

A. I have known him ever since I have been in Rahway.

Q. Ever since you came to Rahway?

A. Yes, sir.

Q. Were you his physician at the time of his death?

A. I was.

Q. How long had you been?

A. I guess about a couple of years.

Q. During those two years how frequently were you called on to attend him?

A. Well, when he was sick I saw him as often as I thought necessary; sometimes two or three times a day, but how often his attacks were I don't know.

Q. What was his physical condition during those two years?

A. Ever since I have known him he has been suffering from acute rheumatism.

Q. How did that affect him?

A. Well, it affected his gait—it gave him lameness—he was lame; he had a halting gait; sometimes it affected his breathing—his bronchial tubes.

Q. Was he obliged to walk with a cane?

A. He did used to walk with a cane, I believe, but I have *not* seen him without.

Q. That you say has affected him since you knew him?

A. Yes, sir.

Q. During the last year of his life or at any time during his last year, was there any increase in his physical infirmities up to within a short period of his death?

A. I think no more than is usual in a man of his time of life.

Q. His time of life was what?

A. He was over seventy, I believe.

Q. During the Fall of 1878 were you called on to attend him frequently?

A. Yes, sir; I saw him frequently then.

Q. Was there anything particularly the matter with him at that time?

A. Yes, sir; he had a difficulty in breathing.

Q. Caused by what?

A. Well, I think it was because he had this acute diathesis condition.

Q. What time in the Fall was it you were obliged to make frequent visits?

A. Well, I think it was late in the Fall or the early part of Winter.

Q. Do you recollect the proceedings under the *Inqusition de Lunatico* in December, 1878?

A. Yes, sir.

Q. What was his physical condition at that time?

A. He was suffering at that time from this difficulty in breathing and he had a sort of bronchial trouble.

Q. Was it anything more than that?

A. No, sir; I don't know as it was; I was somewhat apprehensive of pneumonia.

Q. There was danger of it, was there?

A. Yes, sir.

Q. Do you know what his condition was on the day of the trial at Elizabeth?

A. Yes, sir.

Q. What was it?

A. Well, it was just the condition I have described, and I was at that time apprehensive that he would have pneumonia.

Q. Do you know whether or not it would have been safe on the day of the trial for him to have gone to Elizabeth?

A. It is my judgment that it would not have been safe.

Q. Do you recollect Dr. Green going there with you the evening before, to visit him?

A. I do.

Q. How long a time were you there on that evening?

A. Well, I don't know exactly; I should say somewhere about an hour, perhaps an hour and a half; I don't remember how long, exactly.

Q. How did Dr. Green come to go there?

A. He went there at my request.

Q. How did he come to go there at your request?

A. There was so much gossip about the town that I wanted to have my opinion either refuted or confirmed.

Q. Did you state to Dr. Green before you went there, what you desired him to go for?

A. No, sir; I did not; only that I wanted him to go there and examine the man.

Q. That is all that was said?

A. Yes, sir.

Q. Did he know from you anything about either the physical or mental condition of Mr. Haydock before he went there?

A. No, sir.

Q. During the visit of that evening who took the principal part in the conversation?

A. Dr. Green.

Q. What part did Mr. Haydock take in it?

A. He answered his questions and carried on some of the conversation; his replies were very short as they usually were to everybody.

Q. As they usually were to everybody?

A. Yes, sir.

Q. How long had it been his habit, so far as your observation is concerned, to make those short replies to everybody?

A. Always; he was a man of few words.

Q. He always was in your recollection?

A. So far as I know.

Q. Do you recollect how you introduced Dr. Green went you went there?

A. I introduced him as a friend of mine.

Q. When did you next see Mr. Haydock after that evening?

A. I don't know; I saw him I think the next day, but whether it was in the morning, afternoon or evening, I don't know. He lived close by my house,

and I went in to see him when convenient for me—when most convenient.

Q. He was under your professional charge at that time?

A. Yes, sir.

Q. During the pendency of the lunacy proceedings do you recollect of Mr. Haydock ever saying anything to you in relation to that?

A. Yes, sir.

Q. Before the trial?

A Yes, sir.

Q. How long before the trial?

A. Well, when he knew of it, it was after being served with some sort of an order, whatever it was.

Q. After being served with a paper in the cause?

A. Yes, sir.

Q. Do you recollect what he said?

A. Yes, sir; I do, one remark he made.

Q. What was it?

A. That he supposed it was a bad thing not to have friends, but it was a worse thing to have too many.

Q. How long was that before the trial?

A. Oh, I don't know; it was between the trial and the time of getting the notice or whatever it was.

Q. Do you recollect his saying anything else to you in relation to the proceedings before the trial?

A. Yes, sir.

Q. What!

A. He said it was hard to have his own family try to prove him a lunatic.

Q. Did he make those remarks in the presence of any one but yourself?

A. I don't remember about that, sir.

Q. Where was he when he made these remarks to you?

A. He was down stairs, I think, in the dining room.

Q. In his own house?

A. Yes, sir.

Q. Do you recollect what replies you made, if any, to those remarks?

A. No, I do not.

Q. Do you recollect any other time before the trial when he said anything about it?

A. I don't recall it now.

Q. Do you recollect any other time after the trial when he said anything about it?

A. I recollect a remark he made after the trial, when he knew the result of it.

Q. How long after?

A. Well, I think it was on my next visit after he knew the result.

Q. How long was your next visit after the result?

A. Well, I don't know; I think it may have been the same day, or it may have been that night or in the morning; I don't remember.

Q. Well, was it within an interval of a day or two?

A. Yes, sir; I saw him every day.

Q. At that time you were visiting him every day?

A. Yes, sir.

B. Well, it was that night, then, or the next day?

A. Yes, sir.

Q. What was it he said to you?

A. He said "Richard was himself again."

Q. Where did he make that remark to you?

A. It was in his house.

Q. Do you recollect his greeting to you on that day?

A. That was about it.

Q. That was it, was it?

A. Yes, sir.

Q. How were his spirits at that time—how did he appear to feel?

A. I thought he felt better?

Q. Before the trial and while the proceedings were pending what effect, if any, did they seem to have upon him?

A. I thought he was depressed.

Q. Depressed how?

A. Well, he was depressed in spirits.

Q. From what cause?

(Objected to.)

BY THE COURT:

You may inquire whether his disease was one that would be likely to produce mental depression; or whether he had any disease so far as he knew, that would be likely to produce depression of spirits.

Q. Do you know whether Mr. Haydock at that time was suffering from any disease that would cause mental depression?

A. Well, I don't suppose that it would make a man feel very good to have rheumatism or any acute trouble.

Q. Was there anything in his physical condition at that time to cause more mental depression than he ordinarily exhibited?

A. No, sir; I think not.

Q. Did he say anything to you before the trial to show that there was anything operating upon his mind to cause mental depression?

(Objected to.)

A. Well, I think I shall have to answer that, yes.

Q. Now, what was it that he said?

A. He said that it was hard for his own family to attempt to prove him a lunatic.

Q. From that time, which the evidence already

shows was the 24th of December up to the day of his death, how frequently were your visits to him?

A. I saw him sometimes once a day, and I think I have been there as much as 4 or 5 times a day.

Q. At what part of that time were your visits as much as 4 times a day?

A. The last part.

Q. A few days before his death?

A. Yes, sir.

Q. In the last of April?

A. Yes, sir.

Q. After the trial and before his death did you have any conversation with him or hear him say anything in relation to any of his business matters?

A. He often asked me if Mr. Vail was home.

Q. And what reply would you make?

A. Well, when I knew, I told him, and if I knew Mr. Vail was at Trenton I made that reply.

Q. After his making that request of you at any time, did he say why he wanted to know?

A. Yes, sir; he wanted some business done.

Q. Did he ever say to you what business he wanted done?

A. I don't know as he did definitely.

Q. Did you ever have any conversation with him during that time in relation to his securities?

A. I had some conversation with him during that time in reference to bank stock.

Q. What bank?

A. The Union Bank.

Q. Is that the bank which has been spoken of here as the bank which he called his bank?

A. It is the "busted" one.

Q. The bank he was a director in?

A. Yes, sir.

Q. Did you ever have any conversation in relation to that with him?

A. Yes, sir; just before the election of directors.
Q. When was that?
A. I think that was in January.
Q. The January before his death?
A. The January before his death.
Q. Where did you have that conversation with him?
A. In his house.
Q. What was the nature of it—what was it?
A. Well, I think that the stock was——(*interrupted*).

(Objected to.)

Q. I asked you what the conversation was?
A. Well, I asked Mr. Haydock to sign a proxy.
Q. What for?
A. For voting the stock.
Q. To give to whom?
A. To give to me.
Q. What was his reply?
A. He said he would do it.
Q. Did he do it?
A. He did do it.
Q. What else was said in relation to it then?
A. He said it was about as bad off as it could be, and I agreed with him.
Q. Did he express any opinion as to the value of the stock?
A. I don't know.
Q. Do you recollect of his saying anything more at that time about the bank?
A. I don't recollect of it at that time; he asked me afterwards.
Q. How soon afterwards?
A. Well, within a few days, I think.
Q. What did he ask you?
A. If we were going to declare a dividend.
Q. What did you tell him?

A. I told him there was a poor show.

Q. What did he say to that?

A. Why, I don't remember now.

Q. During the months of January and February and up to the middle of March preceding his death, did you as his physician notice any decay in any of his mental faculties?

A. No, sir; I don't know as I did.

Q. What was the condition of his mind up to say the middle of March or the 1st of April?

A. It was such as it always had been; he was a man that was very slow of thought, and slow of expression—expressing himself in monosyllables if he could.

Q. Can you compare him to anyone you know of as to his mental characteristics, and mode of thought and expression?

(Objected to.)

Q. Did he remind you in the operations of his mind and his mental characteristics and his mode of expression of any person who has been in any way connected with the case before this Court?

(Objected to and overruled.)

Q. You attended Mr. Haydock to the time of his death?

A. Yes, sir.

Q. What, in your judgment as a physician, was the condition of his mind up to say the 1st of April, 1879, as to whether or not he was able to transact business or to know what he was about in the disposition of his property?

A. I think he knew.

Q. How was his memory?

A. His memory was rather short.

Q. What do you mean by rather short?

A. I mean he could not recall things very well.

Q. How was his mind and memory from the 1st of April, 1879, compared to the condition of his mind and memory on the evening that you and Dr. Green were there?

A. I don't think there was any difference in it.

Q. You don't think there was any difference?

A. No, sir.

Q. Were you present in Court here when Dr. Green was examined?

A. I was.

Q. Do you recollect the question put to Dr. Green by Mr. Stone in relation to a supposed vote taken at a meeting of the Savings Bank?

A. Yes, sir.

(*Defendant's Counsel* then asked the Court that the question referred to, which was quite a long one, might be read to the witness by the Stenographer.)

(Objected to.)

By the witness: I did not see the testator every day previously up to the time of his death; there was an interval.

Q. What was the fact?

A. I did towards the last of his sickness.

Q. Suppose you were told that Mr. Haydock had been a member of the Board of Managers of the Rahway Savings Institution; that that institution had gone into the hands of the Chancellor; that after it was in this condition there was a meeting called of the Board of Managers to discuss the question of the reduction of the salaries in the aggregate of the officers of the bank for the ensuing year; supposing that a motion was put that each manager should express his opinion by putting the

figures that he thought was the proper sum upon a slip of paper, and that those slips of paper should be deposited in a hat; that upon that motion being put and carried, tellers were appointed to receive the ballots from the managers; that blank slips of paper were furnished each manager for them to write upon the sum they respectively thought proper should be paid; that one of such slips was handed to Mr. Haydock among others; that instead of writing upon it the amount, he merely wrote his name upon it; that instead of putting it then in the hat, he should hand it to the Secretary, who was sitting next to him; that the Secretary should say to him, "You must not hand it to me, but to the tellers," and, "we want the amount, not your name;" that thereupon he took another slip of paper and again wrote his name upon it and handed it to the Secretary; that the Secretary again said to him, "We don't want your name, we want the amount," and that he endeavored to explain to him the object of the vote; that then a third time Mr. Haydock wrote his name upon a slip of paper and put it in the hat; that the Secretary again endeavored to explain to him what was wanted, and he simply replied, "How! How!" and did not seem to understand it. What would you say as to the condition of his mind, knowing the man?

A. I should think that perhaps he did not want to vote on the subject.

Q. You would think he did not want to vote?

A. Yes, sir.

By Mr. Stone:

I object to the answer as not responsible to the question in a legal sense.

Q. Why should you think he did not want to vote?

(Objected to and over-ruled.)

Q. Then from your knowledge of the man, what would you say as to the condition of his mind at that time?

A. I think his mind was as good as any man's at his time of life, with the exception of his memory.

Q. I mean at the time we are speaking of, at the meeting of the directors.

A. I think his mind was perfectly natural—it was common to him.

Q. Do you think, under the facts as detailed in the former question, that the fact of his not voting at that time manifested any aberration of mind?

A. It would not to me, knowing the man.

Q. In your judgment was the manner of his avoiding the vote— (*interrupted*).

(*Objected to* as presumably leading.)

By the Court:

You have gone as far upon that branch as it is proper for you to go.

Q. During your professional visits to Mr. Haydock's you frequently saw Mr. and Mrs. Haydock, I assume?

A. Yes, sir.

Q. What was the treatment of Mr. Haydock by Mrs. Haydock, so far as your observation is concerned?

A. Her treatment was uniformly kind, so far as I saw.

Q. So far as your observation went what were his feelings towards her?

A. He was very fond of her.

Cross-examined:

By Mr. Stone:

Q. What do you mean when you say he was fond of her?

A. I mean he was not willing that she should be very far away, especially so towards the last of his sickness, when he was suffering pain.

Q. He needed a nurse then, didn't he?

A. Yes, sir.

Q. Did you see Mr. Bayright nursing him or around there?

A. I saw Mr. Bayright; yes, sir; often.

Q. Assisting to nurse him?

A. Yes, sir; I suppose he was.

Q. Eh?

A. Yes, sir.

Q. You are not accustomed to see wives treat husbands unkindly in your professional visits anyway, are you?

A. No, sir; they usually take pretty good care of them.

Q. Did you ever visit Mr. Haydock socially?

A. I have not.

Q. Did you tell Dr. Green why you wanted him to go there?

A. I don't think I told Dr. Green at all.

Q. Do you know whether the Dr. knew which side you were called on to testify?

A. No, sir; I don't know as he did.

Q. You were subpœnaed to testify before the inquisition?

A. Yes, sir.

Q. Was Dr. Green?

A. I don't remember whether he was subpœnaed or not.

Q. He came to the inqusition at your invitation?

A. I don't know whether he did or not; he came to see Mr. Haydock at my request.

Q. Don't you know how he happened to appear before the jury?

A. I do not.

Q. You were subpœnaed to appear before them?

A. I don't know whether I had a subpœna or not.

Q. But you went to testify in favor of Mr. Haydock?

A. I went to testify to what I thought about Mr. Haydock's mind.

Q. And you were called on to testify on his side of the case, were not you?

A. I was called on to testify as to my idea of his condition.

BY THE COURT:

Q. You were called on by the counsel who opposed the finding of Mr. Haydock a lunatic?

A. Yes, sir.

Further Cross:

Q. And were called as a witness on that side?

BY THE COURT:

He has just testified to that.

Q. You appeared as a witness on that call, didn't you?

A. Yes, sir.

Q. And Dr. Green also?

A. Yes, sir.

Q. Did you tell Mr. Haydock at the time of that inquisition that he must keep in the house?

A. I don't know whether I did or not.

Q. Did you tell his wife that she ought not to allow him to go down to Elizabeth to the trial?

A. He was not fit to go down and I may have told her so; I don't think he was able to have gone.

Q. You mean that he was not physically able to go?

A. I mean that he was not physically able to go; I didn't think that he could have walked to the depot at that time; he was suffering from shortness of breath.

Q. If on the day of that inquisition he was seen walking in front of his house, he was where he ought not to have been?

A. He was where he ought not to have been.

Q. When he spoke to you about this—about it being the worse thing to have too many friends, did he tell you who any friends might be that it was worse to have?

A. No, sir.

Q. When was it that you asked him to give you the proxy to vote for the directors in the Union National Bank?

A. It was in January; I think it was on the 15th; at all events it was there or thereabouts; perhaps it was the 12th.

Q. What year?

A. 1879.

Q. And you talked with him about the condition of the bank?

A. Yes.

Q. When, if you know, was there a dividend paid next previous to that date?

A. I don't know.

Q. A year?

A. I don't know at all.

Q. Were not you a stockholder in that bank?

A. My family were; I was not at that time.

Q. You are a director now?

A. I am.

Q. Don't you know when the last dividend of that bank was paid?

A. I do not.

Q. Do you know when it went into liquidation?

A. I think it went into liquidation in the fall of 1878?

Q. Don't you know that it was the common talk at that time that the bank was in a very bad way?

A. Yes, sir.

Q. And you believed it was in a very bad way, didn't you?

A. I did, and I found it out so, too.

Q. And the bank was closed up and went into liquidation so far as doing was concerned?

A. It ought to have been.

Q. Well, it was, was it not?

A. Well, there were some deposits taken after that?

Q. Was there any business done?

A. Yes, sir.

Q. What kind of business?

A. Notes were renewed and discounts taken.

Q. Were there any new loans made?

A. No, sir.

Q. It was just a renewal of old loans?

A. Yes, sir.

Q. But there was no active business done at all, was there?

A. No, sir.

Q. And it was well known in the Fall that the bank was very badly embarrassed, was it not?

A. Yes, sir.

Q. And could not be expected ever to recover?

A. Yes, sir.

Q. And was it not well known that the bank would never be able to return to the stockholders their money?

A. I think it was the general understanding.

Q. And yet Mr. Haydock asked you in January whether the bank was going to pay another dividend?

A. Yes, sir; but I have been asked that a good many times.

Q. By him?

A. I have been asked more than once by him and by a good many other persons.

Q. But the other persons who asked you asked in a jocular way, didn't they?

A. Well, I think he did too.

Q. You thought he was making fun of that thing?

A. Yes, sir; I don't think he expected me to say we were going to pay a dividend by any means.

Q. What answer did you make to him?

A. I told him I didn't know; they might not have been my exact words, but that was the purport of it.

Q. What makes you think he was joking about it when he asked you that?

A. I think he knew that the bank was not in a condition to pay a dividend.

Q. And therefore you think so?

A. Yes sir.

Q. That he was joking?

A. Yes, sir.

Q. Did he ever talk to you about his city bonds?

A. Yes, sir; I think he has.

Q. Did he ever talk to you about the different kinds of city bonds?

A. I don't know as he has; not about the different sorts.

Q. You never heard him talk about water bonds?

A. I don't recollect it, sir.

Q. Do you know whether the water bonds and the city bonds, since the city went into default on its bonds, have had a different value in the eye of the public?

A. Well, I should have a choice.

Q. Water bonds would be considered much more valuable than improvement bonds?

A. Much more valuable than improvement bonds.

Q. They are worth probably two or three times as much?

A. Yes, sir.

By Mr. Vail:

We will admit that.

Q. You have given us your opinion as to the condition of Mr. Haydock's mind as an expert; do you recognize that there is any distinction between the strength of mind required to make a contract and transact businesss, and the strength of mind required to make a will?

A. What is your question?

(The *Stenographer* read the question.)

A. Oh, I should think a man capable of doing the one was capable of doing the other.

MATTHIAS B. THORNE, a witness, produced on the part of the aforesaid defendant, being conscientiously scrupulous of taking an oath, was duly affirmed, and deposeth and saith:

Direct Examination:

By Mr. Vail:

Q. You are a resident of the City of Rahway?

A. I am.

Q. And have been so all your life?

A. Well, except four or five years; I have lived in Rahway since 1845.

Q. You knew Eden Haydock in his life time?

A. I think I can say I have always known Eden Haydock.

Q. You are laboring under a physical infirmity as we see; how long have you been?

A. I have been blind since I was eight years old—43 years.

Q. During Mr. Haydock's life time were you or not a frequent visitor at his house?

A. Yes, sir.

Q. How frequently during the last two years of his life?

A. Well, occasionally; sometimes two or three times a week, and sometimes there would be two or three weeks when I would not be there; for the last two years previous to his death up to perhaps six months before his death I used to see him almost every day on the street or in his house.

Q. Would you go to his house socially or on business?

A. Socially.

Q. Would you have business transactions with him?

A. When he was in business in the lumber business I did, but not since he has been out of business.

Q. You have not had any business transactions with him within the last two years?

A. No, sir; none whatever.

Q. Did he ever within the last two years—have you ever had any conversation with him in relation to business matters of any kind?

A. Well, I don't know that I have particularly, not that I can recall.

Q. How often do you say you had visited him during the last six or eight months of his life?

A. Sometimes I would perhaps be there three times a week, and at other times perhaps two weeks would pass by and I would not go, but almost every

week I might safely say I was there; perhaps a fortnight would pass by without my calling.

Q. Would your business be in the evening or in the day time?

A. Both; just as it was convenient.

Q. How long would your visits be?

A. Sometimes I would stay three or four hours, sometimes perhaps only an hour.

Q. Would you extend them over a meal?

A. Yes—well, I don't know about that during the past two years, but previous to that my wife was living and we would stay there when we visited and have tea or dinner.

Q. Your wife died when?

A. Two years ago last Summer and I think since then I have not taken a meal at Mr. Haydock's house.

Q. Within the last year of Mr. Haydock's life do you recollect any conversation you had with him upon any subject that you can now relate?

A. There was; last Winter I had a conversation on his lunacy trial; I remember that.

Q. While the proceedings under the *Inquisition de Lunatico* were pending and before the trial, do you recollect having any conversation with him in relation to that?

A. Well, he was telling me about his being served with certain papers.

Q. What did he say to you—give us his language as near as you can recollect?

A. I don't know as I can give you his language exactly, but he said he had been served with a paper to appear before the Court in a case of lunacy, and he was telling me the amount of trouble it was to him; that it affected him seriously; that he never had as much trouble in all his life than to have this suit against him; he thought it was hard that his friends would try and make him out a lunatic.

Q. Do you recollect anything else he said before the trial?

A. Well, he went on further to state that he thought it was all because of money; that if he hadn't had any money he would not be considered a lunatic.

Q. He said that to you, did he?

A. Yes, sir.

Q. Do you recollect anything else he said?

A. Well, I remember a conversation but perhaps not at that time, I can't remember dates; it was only on one or two occasions he spoke about that matter, and I found out that it affected him; he felt so unpleasant about the matter.

Q. Do you recollect the conversation you had with him in relation to the subject after the trial took place?

A. I was at Mr. Haydock's on Christmas eve; if I mistake not, that was the evening of the decision; I called in at Mr. Haydock's and he seemed to be very cheerful that night, and I think I asked him if the case had been decided and he said it had, and he was glad the world would not think him a lunatic or a crazy man or something of that nature, and he seemed to be quite cheerful.

Q. Do you recollect anything else that was said that evening?

A. I don't know that I do that evening and yet it must have been that same evening that he said to me that after what he had done for his children, for them to try and make him out a lunatic—he said he had given them thousands of dollars, and that after them trying to make him out a lunatic he didn't care if they never had one dollar more of his money, I remember that distinctly; I thought it pretty strong language for a parent.

Q. Do you recollect his saying anything else afterwards about it at any time?

A. I don't know that he did at any time except this I have mentioned and spoke about.

Q. You can't recall any other.

A. I can't recall it; I can't tell the day or date but I remember this one circumstance as being the night of the decision of the trial, I remember that day being the evening before Christmas or I should not have remembered that day.

Q. At any time subsequent to that when you were there do you recollect hearing him say anything in relation to his property or about his investments?

A. No, sir; I don't know that he told me about his investments; I don't think he ever did about any of his investments; I never said anything much to Mr. Haydock drawing out on the subject, I don't think, as far as his investments were concerned, and I don't know of his saying anything further than that he didn't care for them to have another dollar of his money because he had given them thousands of dollars, and because they treated him in this manner, he didn't care if they never had another dollar; that is about all I ever heard Mr. Haydock say on that matter.

Q. At that time, the Winter preceding his death, what were his characteristics in carrying on a conversation—state whether he was a man of a few words or many?

A. He was a man of few words; he always was.

Q. During his whole life?

A. During his whole life he was a man of very few words; any one meeting Mr. Haydock, if there was much talking done, he would have to do a great deal the larger part of it.

Q. Do you recollect of any particular occasion between that time, that is to say between the Christmas eve, and the day of his death, of your going to his house for any particular purpose?

A. Only one that I can remember, and that was on the 8th of April.

Q. The 8th of April?

A. The 8th of April, the day of our charter election in Rahway.

Q. The city's charter election?

A. Yes, sir; I think that was the date; I am not positive, but it was the forepart of April at any rate.

Q. What did you go there for that day?

A. For the purpose of seeing whether Mr. Haydock would go out to election.

Q. What did you do after you got there?

A. I went and rung at the door.

Q. Who came to the door?

A. That I can't say, whether it was Mrs. Haydock or the girl.

Q. Did you see Mr. Haydock there?

A. He sat in the dining room, and I went in and shook hands with him and asked him what he found to do; he said he was taking his dinner at that time, and I told him that my business there was to see if he would go out to election; he said he would like first rate to go, and he seemed to be quite pleased with the idea of going out to vote, and Mrs. Haydock was fearful he would take cold, and I told her I didn't like to insist on it, but I thought I would simply come in and speak of the matter, knowing Mr. Haydock was not well at the time; I said I should like very much for him to go—that I didn't think he would take cold; she was fearful that he would, and I didn't want to insist under the circumstances, and I stayed a few minutes and then left.

Q. He didn't go, I think you said?

A. He didn't go; he seemed to be anxious and willing to; he thought it would do him good to go out.

Q. What kind of a day was it?

A. I think it was a bright, pleasant day; I think it was a little blustry, and I think that was the objection she made, that it was a little blustry, and she was fearful he would take cold.

Q. When you used to make your social friendly visits on Mr. Haydock, what did you do, talk all the time or play any kind of game with him?

A. I generally talked; sometimes we would play checkers whenever I had the board that I have on purpose for a blind person to play with; but if I didn't have that there most all our time was spent in conversation.

Q. What kind of a game of checkers would Mr. Haydock play?

A. I think it was pretty good.

Q. Who would beat, he or you?

A. Well, I think I used to beat Mr. Haydock most games.

Q. Well, I would like to ask a question, if the other side wont object; you are considered the best checker player in town, are not you?

A. Oh, I don't know about that.

By Mr. Stone:

I know he is a good player; if you will call me as a witness I will testify to it.

By the witness:—I used to play a good deal, and I don't wish to brag at all about it, but I used to think that I could win as many games, or about as many, as any of my opponents in Rahway; but of course the best of us will lose a game, and sometimes would lose three or four in succession.

Q. In reference to Mr. Haydock's death, what was the last time you played checkers with him that you now recollect?

A. Well, I could not say.

Q. Can you give us any idea?

A. It seems to me that the last I played with Mr. Haydock was a little before the holidays.

Q. Preceding his death?

A. Yes, sir; perhaps in the month of November or December; I think that was the last time; I would not be positive, but I think it was; I think I took my board there that day.

Q. Do you recollect what sort of a game he played at that time compared with the games he usually played?

A. I don't recollect anything unusual; sometimes he would beat me three or four games in succession, sometimes I would beat him as many or more, and then again we would be pretty nearly even; I used to play mostly at my cousin's, George Brown's drug store, and if he was able to be out he would see me up town, or he would see me as I was passing his house, and we would walk up there together and play there usually, more than at his house.

Q. Were you any relation to Mr. Haydock?

A. Not any.

Cross-examined:

By Mr. Stone:

Q. When he told you he had papers served on him to enquire into the condition of his mind, did he tell you whether he intended to go down in response to those papers?

A. No, sir; he did not say.

Q. Did you ask him why he didn't go down there and show himself?

A. I don't know whether I asked him or not; I know at that time he was sick.

Q. How sick was he?

A. Well, he was confined to the house; he had a bad cough and cold, and was quite hoarse.

Q. Did you see him out at that time?

A. No, I don't think I did; I was thinking of that to-day; I have known him, last Winter, when I was there, to go to the front door, and I have known him once to go on the front of the house and close the shutter; and those are the only times I recollect of his being out of doors; once I know, when I was there and was going away, he closed the front shutters on the porch.

Q. During last Winter?

A. Yes, sir.

Q. You spoke of being there Christmas eve. after the lunacy proceedings. Was not that New Year's eve?

A. Possibly it might be; it was after the decision was rendered by the jury, whatever night it was, whether it was Christmas or New Year's. I was under the impression it was Christmas, but whether it was Christmas or New Year's I could not say. I was under the impression it was Christmas.

Q. The papers show it was just before New Year's and not Christmas.

A Well, I was under that impression; it was the night of the decision of the jury.

Q. When he spoke about what he had done for the children, did he tell you how many thousand dollars he had given them?

A. He made the remark that he had given them thousands of dollars, and then to receive this treatment——(*interrupted.*)

Q. He did not state the number?

A. No, sir.

Q. Did he say child or children?

A. Children.

Q. He had but one child then, had not he?

A. He had but one.

Q. Did he say anything about his children trying to take his property from him?

A. I think that remark was made in connection with the other, that the lunacy trial was for the purpose of getting his property from him, and he did not care if they never had another dollar. I would not like to give it word for word, but that was the conversation as I understood it.

Q. The last time you played checkers with him, do you remember whether you beat him or not?

A. I don't remember.

Q. You say that in April he wanted to go and vote with you?

A. Yes, sir; I went after him and he was anxious to go.

Q. But on the objection of his wife he did not go?

A. He did not go; she said she would rather he did not go for fear he would take cold, as he had not been out.

Q. Did he seem to you well enough to go?

A. He seemed cheerful to me that day. I asked him what he found to do, and he very cheerfully said he was eating his dinner, and I said I had called to see if he would like to go to the election, and he seemed quite taken with the idea at once, and said, "Yes, I would like to go." I think he said he had never missed an election and would like to go.

Q. He said he had never missed an election?

A. Yes, sir; I think he said so.

Q. Do you know about his habit in reference to voting for a good many years?

A. I think I do.

Q. Was he not very constant in his attendance on election day to his duties as a citizen in voting?

A. I think he was.

Q. What ward did he live in?

A. The first.

Q. What ward do you live in?

A. The fourth.

Q. You and he did not vote at the same polling place?

A. No, sir.

Q. You voted at the place called Stew. Crowell's Hotel?

A. Yes, sir.

Q. And that is on the corner of Milton Avenue and Main street?

A. Yes, sir.

Q. And he voted at what is known as the old Station House?

A. Yes, sir; they voted last Spring under the Savings Bank building.

Q. But previous to that time he voted in the old Station House?

A. Yes, sir.

Q. That is on the corner of Main and Bridge streets?

A. Yes, sir.

Q. Which is some distance from the fourth ward polls?

A. Yes, sir.

Q. How far?

A. Probably 300 yards.

Q. And how long had the old station house been the polling place for the first ward?

A. I could not say.

Q. A good many years?

A. Probably ten years or longer, or less; but some number of years.

Q. Did not you hear of his going last Spring to an election, alone, and going to the fourth ward polls and wanting to vote there?

A. No, sir.

Q. Or the Fall before, or the year before?

A. I don't recall it; I recollect going with Mr. Haydock the Fall before, to vote.

Q. Did you go with him up to his polling place?

A. Yes, sir; to his polling place.

Q. Did he vote then?

A. Possibly it may have been the Spring before; I guess it was in the Spring of 1878.

Q. Did you and he consult as to what ticket should be voted?

A. I asked him that Spring, "Have you a ticket, Mr. Haydock?" and he said, "I have;" I said, "Be careful now, that you get the right one," and he said, "I will read it;"—we were then walking along the street; he read the ticket to me, and I said, "That is the ticket you want, at any rate that is my ticket, and we vote alike;" that is all that was said about the ticket; I presume he voted it; I went to the polls with him and he deposited his vote and came out; I think it was in the Spring now that I come to think of it.

Q. Why did you go with him up to his polls and ask him to be careful about his ticket?

A. For the same reason—well, I won't answer as I was going to; I knew he was an old man, and I thought he might be cheated as I might; some one might hand him a ticket and say this, that, and the other and he would vote it without looking, the same as I might, not seeing; he could see if he took the trouble, but he might be imposed upon; he was an old gentleman; many people take a ticket and say is this right, and vote it; I remember in our last election people would take a ticket, ask if it was all right, receive the answer "yes," and vote it.

Q. You meant that nobody should trick the old man if you could help it?

A. I did not want them to; I felt interested.

By Mr. Vail:

With the exception of one small piece of evidence

which is the endorsement of the Smith note by Edward Bayright to Mr. Haydock, we rest.

By Mr. Stone:

We will admit that.

By Mr. Berry:

We have not called the executors on this case because they really know so little about it; but we have no objection to the other side producing the defendant as a witness in her own behalf; we waive any objection we might make to her testimony.

Adjourned until o'clock on morning, at the Vice-Chancellor's Chambers, Newark, N. J.

EDWARD P. BAYRIGHT, a witness produced on the part of the aforesaid defendants, having been duly affirmed according to law, deposeth and saith:

Direct Examination:

By Mr. Vail:

Q. Where do you live?
A. Brooklyn.
Q. What is your business?
A. My business is roofing.
Q. You are the brother of Eliza P. Haydock, the defendant in this case?
A. I am.
Q. Did you know Eden Haydock in his life time?
A. I did.
Q. How long did you know him?
A. I had known him 22 or 23 years.
Q. During the last two years of Mr. Haydock's life, how frequently did you see him?

A. Well, I should think I saw him as often as once in two or three months on the average.

Q. Where would you see him?

A. I would see him at his own house and also at mine.

Q. At his own house in Rahway?

A. Yes, sir.

Q. And at your house in Brooklyn?

A. Yes, sir.

Q. During the last two years of his life, did you ever have any conversation with him in relation to business matters?

A. Within the last two years?

Q. Within the last two years; yes, sir?

A. Not that I can remember, with the exception of within the last year.

Q. Well, within the last year, then; now what is the first conversation you can recollect within the last year of his life?

A. Mr. Vail, do you wish me to state all conversations, whether they relate to the matter or not?

Q. I asked you if you had had any conversation with him in relation to business matters, and you said none that you recollected except within the last year; now I ask you what is the first one in point of time within the last year of his life that you can recollect, and where was it?

A. I can't remember of any business conversation that I have had with him strictly relative to business.

Q. Well, then, any conversation whatever?

A. I remember, sir, about the latter part of September— (*interrupted*).

Q. What year?

A. In 1878.

Q. Well?

A. While at my house—while he was at my house.

Q. Well?

A. We had conversations of different characters.

Q. Relate any conversations you had.

A. It was not on business matters.

Q. Very well, relate any conversation you can recollect then during that visit that you had with him upon any subject?

A. He and his wife came to my house; I can't give the dates exactly.

Q. Well, you said in September, 1878.

A. Unless I refer to something outside to draw my attention.

Q. Well, just state any conversation that you had with him at that time?

A. While at my house—he was there two or three days—we had frequent walks and frequent talks; but, on one occasion, I remember we were walking out, he feeling very sad, I asked him why he felt so sadly. He said, "Well, I feel sad on account of Maggie"—I won't say particularly it was Maggie or Staats—I don't know but what it was Staats—"having served some kind of a something on his papers," would not let him have his papers, would not let him see his papers; he thought it very hard, and he felt badly over it, to think as he had done so much for those—for Mr. Staats, that he should be served in this way. I think he told me it was an injunction that had been served upon the bank to prevent him from seeing or using his papers.

Q. Something was served on the bank to prevent him from seeing his papers?

A. Yes, sir; something of that kind.

Q. Do you recollect of his saying anything more in relation to that—to this paper?

A. No, sir; not at that time; I think not.

Q. Do you recollect anything he said at that time?

A. That particular walk was very short, Mr. Vail, and there was nothing more said particularly.

Q. Yes; can you give any other conversation that you had with him during that visit in September to your house in Brooklyn?

A. Mr. Haydock was not much of a talker, as we all know, and I can't now remember.

Q. Anything else during that visit?

A. Nothing else during that visit connected with this concern; we talked on politics and generally; it was just before our election.

Q. Did he manifest any interest in politics?

A. Oh, yes; he said he was always very particular in voting, and he said he had not for the last year or two been taking much interest except to vote; I think I gathered from his remarks that he was a republican.

Q. When did you next see him after this visit to Brooklyn?

A. I next saw him,—let's see—(*witness paused.*)

Q. Well, this was in September, 1878; when after that was the next time you saw him?

A. As before, I can't give the date.

Q. Well, how long after this?

A. I saw him at his own house one or two days prior to the lunacy proceedings.

Q. The lunacy proceedings?

A. Yes, sir.

Q. What do you mean by the lunacy proceedings?

A. Well, before——(*A pause.*)

Q. Do you mean the proceedings or the trial?

A. The trial.

Q. One or two days before that?

A. Yes, sir; one or two days before.

Q. You saw him at his own house?

A. Yes, sir.

Q. How long were you at his house at that time?

A. I stayed all night, sir.

Q. What time in the evening or day did you get there?

A. I got there on the mid-night train, sir.

Q. And you left when?

A. I left the next morning about eight or nine o'clock somewheres.

Q. How did you come to go there that time?

A. I was telegraphed to.

Q. By whom?

A. By my sister Eliza.

Q. Qo you recollect the words of the telegram?

(Objected to.)

Q. Very well, you came on in answer to the telegram?

A. Yes, sir; I cannot say what the words of it were.

Q. What time did you get the telegram?

A. I received that telegram about nine o'clock at night.

Q. The same evening as you went?

A. Yes, sir; I did not get home that evening until about nine o'clock.

Q. How soon after receiving it did you got to Rahway?

A. As soon as I could get ready. I probably left there about—well, within twenty minutes after I got it.

Q. And you went out on the midnight line?

A. Yes, sir; it takes from our house to Rahway about two hours.

Q. Well, you went out on the midnight line?

A. Yes, sir.

Q. Where did you go when you go to Rahway?

A. I went to Eden Haydock's.

Q. Whom did you see there?

A. Well, I saw sister Eliza.

Q. Who let you in the house?

A. She did.

A. Well, did you see Eden Haydock after you got there?

A. I did.

Q. How soon after you got there?

A. Soon as I could get up stairs.

Q. Where was he when you first saw him.

A. In his sleeping room above the dining room, in bed.

Q. Do you recollect his salutation to you when you went there?

A. He said, "How are you, Ed; this is a pretty time of night to come and wake a fellow up!" that is what he said.

Q. What did you reply to that?

A. I replied that I could not get there earlier; that I did notget the telegram in time to come any earlier; and, by the way——(*a pause*).

Q. Did you have any further conversation with him that night?

A. No; I was very cold, having staid outside for about an hour trying to wake them up, and I went down in the back parlor where there was a sofa to warm myself.

Q. Who did?

A. My sister and I.

Q. Mr. Haydock did not go?

A. No, sir; he stayed in bed.

Q. When next did you see Mr. Haydock after that night?

A. The next morning.

Q. Where?

A. At the breakfast table.

Q. Do you recollect any conversation you had with him at the breakfast table?

A. (*A pause.*)

Q. Anything he talked about, or anything he said?

A. At the breakfast table?

Q. Yes, at breakfast; you said the next you saw him after that night was at the breakfast table?

A. Well, I may have seen him before breakfast was ready.

Q. Oh, you did, did you?

A. I wont say that I did see him before breakfast, but I might have done so; but I saw him at the breakfast table I am sure.

Q. Well, do you recollect any conversation you had?

A. Nothing special at the breakfast table that I can remember at the present time.

Q. And you left there, you stated, about eight or nine o'clock?

A. Yes; nine, probably.

Q. Do you recollect having a conversation after breakfast with him?

A. I think I asked him how he felt over this matter.

Q. Over what matter?

A. This notice of trial.

Q. Well, you mean the lunacy trial you have spoken of?

A. I think so; I don't know how you designate it; I don't know how you designate one trial from the lunacy trial; it is all one thing, I suppose.

Q. Well, state what you said to him, and what he said to you?

A. He said he did not feel very well that morning; I asked him if he thought of attending it, and he said he did not know, he did not feel well at that time, and he did not know whether he would or not. "I did not sleep very well after your coming," or after my coming, to use the plain language, he said he did not sleep very well that night after I disturbed him of his rest so late. I suppose it was an hour after I got there before I could get in any

way ; it was very cold that night, and my coming there kept him awake several hours.

Q. How soon after breakfast did you leave to go to New York ?

A. I think I left about between eight and nine o'clock, or somewhere along there ; I can not tell exactly what time it was, or what train ; I don't know the running of the trains.

Q. Well, that is near enough. Do you recollect whether or not Mr. Haydock went out with you ?

A. At that time ?

Q. Yes.

A. I think he did ; I think he started to go up to the depot with me. I was a little late, and he went up as far as the cigar store, and I got some cigars, and then I said, "I guess thee had better go home, and I will go to the cars," and I don't think he went farther than the cigar store with me.

Q. There you left him ?

A. I think I left him there.

Q. Do you recollect anything he said to you ?

A. Going up ?

Q. Yes.

A. Nothing of any moment relative to business of this kind that I know of.

Q. Do you recollect anything at all he said ?

A. No, I do not; I could not tell it to use his phraseology at the moment; I could not do it.

Q. Did you see him again before the trial after this ?

A. After this visit ?

Q. Yes; did you see him again before the trial ?

A. No, sir; I did not.

Q. Did you see him after the trial ?

A. I did.

Q. How soon after the trial ?

A. Within a week or so.

Q. Where did you see him ?

A. I think I saw him at his house; I am sure I did.

Q. How did you come to be at his house?

A. At that time?

Q. Yes.

A. I simply went out to see them and have a talk over the matter.

Q. How long were you there?

A. Well, this time I think I went home the same night; I very seldom staid all night when I went there.

Q. You came back the same night?

A. Yes, sir; I usually got over on the eleven o'clock train, or may be sometimes a little later, and returned after tea.

Q. At this visit you now speak of you say you think you returned the same night; were you there to dinner?

A. No, sir; I think not; I don't think I got up there to dinner at that time, but I wont be certain about that.

Q. Do you recollect whom you saw at the house at that time?

A. No one but the family.

Q. Well, whom do you mean by the family?

A. I mean my sister, her husband and myself.

Q. Well, of course you were there; but what you mean by the family was Mr. and Mrs. Haydock?

A. Yes, sir.

Q. Do you recollect anything Mr. Haydock said to you, or you to him, during that visit?

A. Nothing more than—nothing special; I know he spoke about the trial.

Q. What did he say about the trial?

A. Well, that day that I went there, he said he had had "a high old time," or "high time," or something like that.

Q. What did you say to that?

A. Well, I said, "Eden, thee has won the case has thee?" He said, "Yes, I beat them," or, "We beat them." I think he said, "We beat them." He used the word we.

Q. Do you recollect anything else he said about it?

A. I know he said he felt very hardly towards Bonney.

Q. What did he say; how do you know he did?

A. He said he did.

Q. Well, what did he say; give us his words as near as you can?

A. He told me that time that he helped Bonney for years in all his transactions nearly, and he thought it was very hard that he should have taken these proceedings against him especially; I think he spoke at that time—excuse me one moment - I think he stated Maggie, and that she being his only child, should take such proceedings against him, it was very hard, and enough to crush a young man, much less a man of his age; but he was very glad that he felt he was capable of taking care of and transacting his own business; as I said, I won't say positively that it was Mr. Maggie—I mean Mr. Bonney—or Maggie that he said, whether he used the word Maggie or Bonney; he said either Mr. or Mrs. Bonney.

Q. Did he say anything to you at that time in relation to any of his business matters or investments?

A. He did not, sir.

Q. Do you recollect anything else he said upon any subject during this visit you now speak of?

A. Nothing I can call to mind at this time.

Q. When did you next see him?

A. The next time I saw him was at his own house, I can give the date of that.

Q. What was the date of that?

A. On the tenth of March.

Q. What year?

A. 1879.

Q. How did you come to be there at that time?

A. I went as usual to see my sister and brother.

Q. What time did you get there?

A. Why, I am quite sure, positive almost, that I went on the eleven o'clock train, it seems to me.

Q. The eleven o'clock train from where?

A. From Jersey.

Q. Jersey City?

A. Yes.

Q. The eleven o'clock train from New York?

A. Yes, sir; that would land me in Rahway, I suppose about twelve.

Q. Had you informed them that you were coming?

A. I had not, sir.

Q. Do you know whether or not either Mr. or Mrs. Haydock knew you were coming?

A. I do not.

Q. Did you go directly to Mr. Haydock's house when you arrived at Rahway?

A. I stopped and got a cigar.

A. And then you went to his house?

A. Well, I generally stopped and got a cigar; I went down there then.

Q. Whom did you see when you got to the house?

A. Well, I think I found the door open and went right into the dining-room.

Q. What do you mean by the door being open?

A. Well, unlatched or unlocked; I usually went in that way whenever I found it unlocked.

Q. You walked in and went back into the dining-room?

A. Yes, sir.

Q. Did you see anybody until you got to the dining-room?

A. I did not.

Q. Whom did you see in the dining-room?

A. I saw Eden Haydock and sister Eliza; I don't know of anybody else at present.

Q. Do you remember Mr. Haydock's salutation to you?

A. Oh, his usual greeting, a pleasant greeting.

Q. Well, do you recollect how it was, or what it was?

A. He got up and shook hands with me, and said "How d'y' do."

Q. Did you arrive there that day before dinner?

A. Yes, the table was set at the time.

Q. Did you eat dinner there with them?

A. Yes, sir.

Q. Who was there to dinner?

A. Well, George.

Q. Who is George?

A. George Bayright, my brother.

Q. Your brother; and who else?

A. And Eden and Eliza and myself.

Q. Do you recollect any conversation with Mr. Haydock at the dinner table, or any conversation during dinner, or any conversation in which he took part?

A. During the dinner?

Q. Yes; during dinner time?

A. Nothing of any moment that I know of; nothing that I think of now.

Q. After dinner do you recollect anything?

A. After dinner I think I offered him a cigar and took one myself, and sat down and had a smoke; he did not take any.

Q. Do you recollect now anything he said during that time, or afterwards upon any subject?

A. He said he wanted to make my sister a present.

Q. Were those his words?

A. Those were his words; well, he did not say: "My sister," he said he wanted to make Eliza a present.

Q. He wanted to make Eliza a present?

A. Yes, sir.

Q. What else did he say after that?

A. A present of a note of Joe Shotwell's, I think that was the name.

Q. Joe Smith's, you mean?

A. Joe Smith.

By Mr. Stone:

I object to that.

By Mr. Vail:

Well, I did not suppose there was any controversy as to that.

By Mr. Stone:

There is a controversy as to the witness though.

By the witness:

All right, all right—well, that was a mistake of mine.

Q. Go, on?

A. He said he wanted to make a present of that note to Eliza, and he asked me if he could do it through me.

Q. What did you say?

A. I said he could.

Q. What did he do then?

A. I am quite positive—I would not be sure at

this time that he asked—said he, "George, get me the box," and as soon as the box came—(*interrupted.*)

Q. What did George do?

A. George got up, but I don't recollect where he got the box, I did not see.

Q. Did he get the box?

A. He got the box.

Q. What did he do with it?

A. He put it on the table before Eden, and Eden and I were sitting at the table.

Q. What did Mr. Haydock do?

A. Well, he opened the box and took out some papers.

Q. Did you see what papers he took out?

A. I did.

Q. What were they?

A. It was a note of Joseph Smith of five thousand dollars; when he handed it to me I saw it was a note of five thousand dollars.

Q. You say he took out some papers; what other papers were there?

A. I think they were securities, as I found them to be.

Q. For what?

A. For the payment of this note.

Q. What were they?

A. They were either attached by a pin or in sort of bundle together, like as if they were put into one another.

Q. What were they, if you recollect?

A. One of them was forty shares of some railroad stock.

Q. Can you recollect what railroad stock?

A. New Jersey—I can not tell; no, I can not tell.

Q. You say New Jersey; was it some New Jersey railroad?

A. It was the United New Jersey—I don't know what.

Q. What else?

A. I think there was some stock or bonds of the bank—bank stock.

Q. What bank?

A. I don't remember what bank; Rahway, may be; I don't remember; I did not notice that particularly.

Q. What did he do with that note after he took it out of the box?

A. He handed it to me.

Q. What did he say?

A. When he took it out?

Q. Yes.

A. He said, "Here is the note," or something or other of that kind; "I would like to have it transferred," or something like that.

Q. Did you look at the note?

A. I did, I looked at the note.

Q. Who was the note payable to?

A. Eden Haydock.

Q. What did you do after you got it?

A. Well, he asked me—I took the note and wrote —I thought it would be as well, that it would make no difference to have the date on it, and I wrote "Rahway, March 10th, 1849—1879—pay to the order of Eden Haydock," and he made his signature.

Q. "Pay to the order of Eden Haydock?"

A. (*A pause.*)

Q. Is that what you mean to say?

A. No; I have got on to the question before; "Pay to the order of E. P. Bayright."

Q. Who is E. P. Bayright?

A. Myself.

Q. You wrote that?

A. Yes, sir.

Q. What did you then do with it?

New Jersey State Library

A. Handed it to him to sign.

Q. What did he do with it?

A. Signed it.

Q. Signed what?

A. Signed the note

Q. What did he write on it?

A. Eden Haydock.

Q. Then what did he do with it?

A. I took the note, sir, and wrote under this, "Pay to the order of Eliza P. Haydock," same date and signed it.

Q. You signed your name?

A. Yes, sir; Edward P. Bayright.

Q. What did you do with the note then?

A. Gave it to sister Eliza.

Q. And she took it?

A. She did.

Q. What became of the box after this; what was done with it?

A. I don't know what became of it, sir, I did not see it, but it was taken off the table.

Q. You don't recollect?

A. I don't know where the box went.

Q. What time in the day was this done?

A. Well, I should think about three or half-past three, or somewhere along there.

Q. How long did you remain there after it was done?

A. I remained there until after tea, and then I went home; I am not quite positive—I wont be sure; yes, I am quite positive about it.

Q. Do you recollect any conversation you had with Mr. Haydock after the transfer of the note?

A. No, sir; I don't remember.

Q. Do you know whether he went out to walk with you that day?

A. I would not say positively; I cannot answer

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that; I think not; I thought at first that he did, but I think not; it is not clear in my mind.

Q. Do you recollect at the time he gave you that note to transfer it to Mrs. Haydock, whether he gave any reason for wanting it done?

A. Yes; he gave some reason.

Q. What reason did he give?

A. Be wanted to make a present for Eliza that she could be sure of, or something like that.

Q. Was that all; was that the only reason he gave?

A. I cannot remember any other reason.

Cross Examined:

By Mr. Stone:

Q. Was Eden Haydock accustomed to visit at your house?

A. Oh, yes; for years.

Q. Did he stay over night?

A. Yes, sir.

Q. Previous to the occasion in September 1878?

A. Yes, sir.

Q. How long did he stay on that occasion?

A. The occasion I first mentioned?

Q. In September, 1878?

A. He stayed from Saturday until Tuesday.

Q. What part of September was it?

A. Well, do you want me to give dates?

By the Court:

Q. No, what part of the month?

A. The latter part of the month; I can give the date if it is really necessary, from association.

Further Cross:

Q. Well, if you can I would like to have it?

A. It was about the 21st of September; about that.

Q. And that was the time he told you the injunction had been served on the bank to prevent him seeing his papers.

A. That is the time he spoke of that, sir.

Q. And the time you went out on the midnight train was the night before the day of the lunacy proceedings?

A. A day or two, I said.

Q. A day or two before?

A. Yes, sir; I can't give any nearer than that.

Q. Did not you say it was the very night before?

A. I did not, sir.

Q. What was your idea in going out on the midnight train.

A. I was telegraphed to come out. I was telegraphed to come out right away or something of that kind. As I said before, I can't give the phraseology of the telegram.

Q. Did you ever go out on the midnight train before?

A. Oh, yes; many a time.

Q. To Mr. Haydock's?

A. Oh, yes; often; I could not say many a time within the last two years, but within—well, I think I have known him 24 or 25 years.

Q. You have often gone out to see him, taking the midnight train?

A. I have, sir; very often, quite often.

Q. How would you wake him up?

A. By rapping on the door, and ringing the bell, and so on.

Q. Well, you knew him before he married your sister then?

A. I did.

Q. Did you ever go out to see him on the midnight train before he married your sister?

A. I had often been to his house before he married my sister.

Q. Had you ever gone out to his house on the midnight train before he married your sister?

A. I think not before he married my sister. No I think not.

Q. What would be your reason for taking the train at that hour of night to go there?

A. You say before he married my sister—I have not said I ever did call there at 12 o'clock before he married my sister.

Q. You have just said you did not go there on the midnight train before he married your sister?

A. Well, and you have just said I did.

Q. No, I did not.

A. Yes, you did.

BY THE COURT:

There must be no disputing between the witness and counsel.

By the witness: Well, that is the way I understand him Judge—your Honor.

Q. I want to know why it was you would go out on the midnight train to see Mr. Haydock?

A. Well, you define your time. How long do you want to carry me back?

Q. I mean at any time. Why did you take the 12 o'clock train to go to his house at night?

A. Well, if I have got to go way back as far as that, why, I will tell you the reason—I can give you my reason.

BY THE COURT:

Q. State them; counsel wants them?

A. At the time I first became acquainted with Mr.

Haydock and his family I was travelling for a house in New York, and there were sometimes times when I had to leave the city at a moment's or ten minutes' notice, and I had my carpet bag packed always and in readiness to go. I have been called away to Philadelphia sometimes, and sometimes to go South, on a trip through the South, to New Orleans, and up the river, and all around, for three or four months, and I would stop on the way at Eden Haydock's; I am speaking now of since he was married to my sister.

Q. But if you were called off suddenly to go South, or to those distant places, why would you stop on the road at all?

A. I would stop there and stay all night and make that convenient to start again.

Q. You would make that a convenient place to start again; but you would not get into the house much before two o'clock in the morning?

A. That's a good while to rest; I have often had no rest at all nights; I can't answer that in any other way.

Q. What time would you leave in the morning, then?

A. I never was so much in a hurry after I got away from the store as I was when I started.

Q. What do you mean by that?

A. Oh, I didn't see it so urgently.

Q. You mean that when you left the store the matter seemed very urgent, but that after you got a little way on the road at one o'clock in the morning the urgency seemed to cease, and you thought you would stop and go down and spend the balance of the night with your sister, and take breakfast with her in the morning?

A. Well, that's the way with mercantile travelers; that's the way they do.

Q. How many times within the last two years

have you performed the operation of going out on the midnight train and stopping at Rahway and waking up Eden Haydock's family?

A. Why, I can't call to mind any other time within the last two years.

Q. Have you on any other occasion, except the one you have mentioned as being just before the lunacy proceedings, done so?

A. Oh, yes, sir; I have said I did.

BY THE COURT:

Q. Within two years?

A. I can't remember, sir.

Further Cross:

Q. You don't know whether you have or not?

A. I don't remember; I may have done so; it would be just my way.

Q. Do you mean that that is a habit you have?

A. Oh, sometimes; I am not in the habit of going that way; no, that is not my habit; it was not often I went there, as I have told you, during the two years?

Q. Then you would not say one way or the other?

A. I don't think I was there, now; I might, but I don't think I have done so.

Q. Can you fix the date of this last visit you speak of, when you went out on the midnight train?

A. I told you I could not, sir; I said it was one or two days before the trial, as I understand the trial.

Q. And you left the next morning at eight or nine o'clock?

A. Yes, sir.

Q. And returned to your home?

A. Yes, sir; I presume I didn't get home until night; I didn't say that I went home; I went to New York, I suppose, but that's near enough.

Q. Did anything occur in reference to Mr. Haydock—with Mr. Haydock's business or Mr. Haydock's mind, or was that the topic of conversation during this particular visit?

A. I had no talk about his business on that particular visit.

Q. Did you talk about his mind?

A. No, sir.

Q. Did you or your sister?

A. No, sir.

Q. You didn't talk to your sister about Mr. Haydock's mind?

A. About his mind?

Q. Yes, sir; about his mind, on this particular occasion?

A. I don't recollect talking to her upon that subject.

Q. Did you talk to her about his business?

A. I did not.

Q. Did you talk to her about him at all?

A. Only in connection with the coming trial.

Q. Well now, what was said about that?

A. Who to?

Q. To your sister?

A. I don't remember what I said about it.

Q. Was it anything more than a casual talk?

A. It was nothing more than a casual talk; I had called there to talk to her on the subject, but I don't remember exactly what I said about the proceedings.

Q. You had some talk, I understood you to say on your direct examination, with Mr. Haydock about the approaching trial?

A. Do you mean at this time?

Q. Yes, didn't you?

A. I merely asked him if he was going to the trial, or something like that.

Q. That was in the morning?

A. Yes; and he said he was not very well on account of being kept awake that night before, and he didn't feel very well; and he said he didn't know yet, or something like that.

Q. Now, when you got to the house from the train, you say you were about an hour waking the family up?

A. An hour; I guess it was not an hour.

Q. Well, how long was it?

A. About half an hour I should think; I don't know; it might not have been as long as that, but it seemed to me about half an hour.

Q. Then you had some difficulty in waking them?

A. Yes, sir; and I was about to go to the hotel, because I thought there was no one in the house; I had begun to make up my mind that there was no one in the house.

Q. You say that you were telegraphed for to come out immediately to your sister, and yet you supposed when you got there that there was no one in the house?

A. Well, I thought it was very strange in my pounding at the door, back and front, that no one should wake up; of course I didn't think but what there was some one in the house, but that they would not wake up.

Q. When your sister came down to let you in was she dressed or not?

A. She opened the window, and said: "Ed, is that thee?" Said I: "Yes." Said she: "Come in." And she came down and opened the door, and I think she was in her deshabille.

Q. Well, don't you recollect about that, whether she was or not?

A. I guess she was, because she got right up out of bed.

Q. Then you say you went right up into Eden Haydock's bedroom?

A. Yes, sir.

Q. What was the reason of your going immediately up into his bedroom at two o'clock in the morning—and not wait until morning?

A. Well, I did so, whether it was very singular or not—I did go up there.

Q. What was your reason for going there?

A. My reason was to see Eden.

Q. To see Eden?

A. Yes, sir; and to speak to Eden.

Q. You were very anxious to see him. Why could not you wait until morning?

A. Well, I should have waited until morning, but I didn't; I didn't wait until morning, although I might have done so.

Q. When you get there was he asleep or awake?

A. He was awake when I got up into his room.

Q. Was he in bed or out of bed?

A. He was in bed, sir; in the front part of the bed.

Q. In the front part of the bed?

A. Yes, sir; nearest the door.

Q. What did he say to you?

A. He said, "How are you, Ed? This is a pretty time to wake a fellow up."

Q. Now, Mr. Bayright, it may be very important to get his exact language?

A. That's as near as I can give it to you. That's my answer.

Q. Then you say he said, "How are you Ed?"

A. "How are you, Ed?" That's his expression. He always called me Ed—nearly always.

Q. Nearly always?

A. Yes, sir; that's a common expression he had when speaking to me, to call me Ed.

Q. Were not you accustomed to speak with him in Friends' language?

A. I was always.

Q. Then he didn't say, "How are you, Ed?" did he?

A. Well, "How are thee, Ed?"

Q. You said, "How are you?"

A. Well, sometimes he talked in Friends' language, and sometimes he didn't; he might have said, "How are thee, Ed?"

Q. Did he seem to be cheerful at that time?

A. He did.

Q. Did he seem to think it was a joke for you to wake him up at that time of night?

A. He made a joke of it.

Q. What did you reply to that?

A. I replied that I had come as soon as I could, or something of that kind; I won't say exactly what reply I made.

Q. How long did you stay in the bedroom at that time?

A. Well, a minute or two—two or three minutes.

Q. Well, what else occurred between you and him while you were there?

A. Nothing that I can remember, sir.

Q. Where did you go from there?

A. Down into the front parlor, where there was a fire or a stove.

Q. And the conversation that you had you have detailed in full, have you?

A. As far as I remember, sir, at the present time.

Q. Now, when you went down into the parlor, where there was a fire, did your sister accompany you?

A. She did.

Q. Was she in the bedroom with you when you had the conversation that you have mentioned here with Eden Haydock?

A. I believe so—I think so, but I ain't sure.

Q. How long did you and she sit in the parlor?

A. Oh, probably half or three-quarters of an

hour, until I got warmed up; maybe more, maybe an hour; I didn't count the time.

Q. I suppose after you had been in the bed-room with Eden Haydock and then gone down stairs and been there for an hour or so with your sister in the parlor, having got to the house about one or two o'clock in the morning, you began to think it was about bed-time, didn't you?

A. Yes, sir; I did.

Q. I should think so; what time did you get up the next morning?

A. Well, I can't say to an hour what time it was; I got up and got breakfast before I went away.

Q. Did you have any conversation with your sister while in the parlor, before you went to bed, in reference to Eden Haydock?

A. Nothing that I can recollect now.

Q. Nothing?

A. Well, except that we were talking over the trial—the trial? No, not at that time; that is wrong; that was not the trial.

Q. No, I thought not.

A. No, that's wrong; I don't know what we were talking about; we were talking about the coming trial; I came there because she had telegraphed me to consult with her and talk over with her, but I don't know what was said; I can't remember that, sir.

Q. Well, just tell us what you did talk about?

A. I can't remember, sir, what we talked about; we talked about the coming trial, and that's all I can say.

Q. But I understood you to say just now you were wrong; you said at first you talked about the trial, and afterwards you said you were wrong, and now you say you talked about the coming trial; now, which do you mean?

A. Well, I was thinking of the next time I was there; I was mistaken in the time.

Q. How did you talk about the trial on that occasion?

By the Court:

The witness says this, and I don't think that there is any uncertainty about what he said. He said at first they talked about the trial, and then he said that he was wrong, and that he meant to say they talked about the coming trial. That is his statement.

Witness:—Yes, sir; that's right.

Q. Did you talk about the trial at all?

A. We did; we talked that over.

Q. Did you arrange with her about how the trial should be conducted?

A. No, sir; I did not.

Q. Did you advise her as to what ought to be done in reference to the trial?

A. I don't remember about advising her at all; we merely talked it over; I didn't see that I could do anything in particular; I told her that she had counsel, and I had nothing more to say, and I think I advised her to leave it with her counsel.

Q. That was the object of your going there, was it not, to talk over the trial?

A. That was my object; she said to come out—I didn't know what for, but I supposed it was for that purpose, and we had that talk over it; but in the telegram it didn't state what she wanted me for.

Q. And you and she had this talk about the trial?

A. We had a little talk about the trial.

Q. Well, it was a considerable talk, was it not?

A. Well, three quarters of an hour, or something like that; until I was warmed up.

Q. Did you sit there an hour warming up, and

did you sit there an hour talking with her about the coming trial?

A. Well, I was very cold; I had been outside about half an hour, and I sat there to warm myself and talk to her both.

Q. If it hadn't been cold would not you have sat so long?

A. Might, and might not; but then I was very cold—very cold.

Q. And that was one of your reasons for sitting there talking, because you were cold?

A. Well, I wanted to get warmed sufficiently.

Q. Now can you tell me what hour you got up in the morning?

A. I cannot; no.

Q. Can you tell what hour you had breakfast in the morning?

A. I cannot tell what hour I had breakfast.

Q. Can you tell when you saw Eden Haydock first in the morning?

A. Do you mean what hour it was?

Q. Yes.

A. No, sir; I don't remember what hour it was when I got up.

Q. Did you see him before breakfast?

A. I saw him, of course; when I went down I saw him.

Q. Before breakfast?

A. I guess I did; I took breakfast with him.

Q. I don't understand why you say of course you did?

A. Well, I said before that I did see him; that's the reason; I don't want to be impertinent at all.

Q. I am not objecting to your impertinence; there is no impertinence in your answer; then you saw him before breakfast?

A. Yes, sir.

Q. Then you saw him before you sat down to breakfast?

A. Yes, sir.

Q. Where was he when you first saw him in the morning?

A. He might have been sitting in a chair.

BY THE COURT:

Q. He didn't ask you where he might have been but where he was?

A. Well, I will say I don't remember where he was.

Further Cross:

Q. In what room was he?

A. In the dining room, I remember that, and there was a fire there.

Q. How long before breakfast was that?

A. Well, but a very little before, because I don't think I got up very early that morning.

Q. Now, was not the lunacy trial on that very day?

A. I don't know, sir, but I think not; I don't know the date of the lunacy trial at all.

Q. Well, I don't care about that; how near was it to the trial?

A. I said within one or two days, that's my impression; it might be longer.

Q. Well, she had counsel at that time, had she?

A. I think she had; I think so; if she hadn't, I may have advised her to get counsel; I can't say positively.

Q. Now, Mr. Bayright, at that time was not Eden Haydock's bed in the dining room?

A. No, sir, it was not, not when I was there, but I give no dates, understand; but when I was there it was not, but I give no dates.

Q. I understand that you give no dates, but you say that was within one or two days of the trial?

A. I think it was within one or two days of the trial, but I don't know when the trial was, understand me.

Q. What's that?

A. I don't know when the trial took place, so that I don't give any dates.

Q. Yes, I see you are very anxious not to give any dates.

BY THE COURT:

No, no; there must be no comments upon the testimony of the witness.

Q. Where was the cigar store that you and he walked up to; where was the cigar store that you stopped at, the one that you and he walked up to that morning?

A. Well, I don't know the name of the street so I can't tell you that, I don't remember; I can give you something of an idea where it was so that those who are acquainted with the streets might know.

Q. Was it the same street that Eden Haydock's house was on?

A. Yes, but we used to go to two places, but of late years I think it was on the right hand side well, some two or three blocks just before we turned off to the depot on the right hand side going up, and on the same side as Mr. Haydock's, but I don't know the name.

Q. Well, how far from his house?

A. Well, I should think, according to our blocks in the City of Brooklyn, I should say it was three or four blocks, but I don't know how long your blocks are.

Q. How far was it from the corner where you turned to go up to the depot?

A. I think it was pretty nearly opposite, if I remember the place aright.

Q. And the street you turned to go up to the depot goes straight up to the depot, does it not?

By the Witness:

Well, Judge—your Honor, can I just speak to him in an official way.

BY THE COURT:

No, whatever you say must go down.

By the Witness:

Well, I want to ask him a question so as to define it.

BY THE COURT:

Just answer his question if you can, and if you can't say so.

By the Witness:

Well, I can.

BY THE COURT (*to the Stenographer*):

Repeat the question to witness, Mr. Knight, in order that he may understand it.

By the Witness:

I understand the question, sir.

BY THE COURT:

Well, then answer it.

A. I think the approach to the depot has been changed within the last year or two from what it was three or four years ago, has it not?

Q. Yes.

A. I think it is above the last approach—the last streets that approach the depot, further up, I think.

Q. Well, now, don't you know what street is Cherry street, Rahway?

A. I don't know, sir, one street from another; I don't know one street.

Q. In going up from Eden Haydock's house to the depot would not you go *this* way; (*Counsel illustrated*)—in going from Eden Haydock's house to the depot would not you go *this* way? his house is on the street that runs generally north and south, now would not you go to the north?

A. Yes.

Q. Until you struck a street at right angles with the street on which he lived, and then you would take that street going west until you struck the railroad track, and that railroad track would be a little bit north of the depot building?

A. That's the new approach you speak of.

Q. Yes.

A. Well now, the old approach (*interrupted*).

Q. Never mind the old approach; is not that the way that you and he went up that morning towards the depot?

A. I think we went further up than that and got our cigars; we went another way; we went further up, that is I think so, I shan't say positively, because I don't remember the exact location of the cigar store, but I know it is about what you call the north, north of Mr. Haydock's, but I don't know the size of your blocks, and don't know the names of your streets.

Q. Do you know where the Post Office is?

A. That is on the main street, is it not.

Q. No, the main street is the street where Mr. Haydock lived?

A. Well, I don't know where the Post Office is; that has been changed to two or three different places, and I have not been to the Post Office there in two or three years. It used to be under—(*a pause*).

Q. Under the Savings Bank?

A. Well, I don't know whether it was the Savings Bank or not, but on the right hand side of Main street when I knew it last, but I don't know where it has been changed to now. Oh, yes, I do, too; now I come to think I have seen it since then; it used to be on Main street, at least I think so; I don't know what you call it, but we will call it the main street of the city, although I don't know whether you call it Main street or not.

Q. Well, it is Main street?

A. Well, it was under a building that was—(*interrupted*).

Q. Well, never mind that now?

A. Well, I think I came then to the street running from Main street, or one of the streets running from Main street to the depot—to the upper part of the depot, which would carry you just north of the depot, instead of the other, which would carry me out south of the depot.

Q. Did you that morning go up a street on which the Post Office is located?

A. I might have gone that way.

Q. Now, wait a moment—and that cigar store you speak of was nearly at the head of the street where you made a turn into, was it not?

A. It was on Main street.

Q. Was not it very close to this street on which the Post Office was?

A. I say that I can't mention the distance any more than this: I should judge from our streets in Brooklyn it was about three or four blocks, but I

can't say whether the cigar store is opposite the new street leading to the Post Office or the one above—I meant to say the new street leading to the depot or the one above—I can't say, sir. I know it is quite a little walk up there on the way to the depot.

Q. Where did you tell Mr. Haydock to go home that morning?

A. I don't know; I think I was in a hurry and he didn't walk fast enough for me; he was not a very fast walker, you know, and I was about to catch a train; I think that was about the reason I told him to go home; I don't know of any other.

Q. Did you ask him if he was going to the trial?

A. I think I did.

Q. And what reply did he make?

A. I think he made the reply that he was going if he was well enough, or something or other like that.

Q. Didn't you advise him to go to the trial?

A. No, sir; I didn't; I didn't advise him at all.

Q. Did you go to the trial yourself?

A. No, sir; I did not; I was not there on the day of the trial, although I was there at sometime; there were one or two adjournments, and I don't know when the last of the trial was; I didn't know when it was coming on—the day of the trial.

Q. You were there on days when the case was adjourned previous to the trial—is that it?

A. Yes, sir; I was there once or twice.

Q. But you didn't attend the trial itself?

A. No, sir; I did not; I didn't know of it.

Q. You didn't know of it?

A. I didn't know positively that it was going to be tried.

Q. You didn't know that it was going to be tried?

A. No, sir; I didn't know that it was going to be tried.

Q. Didn't you know the fact that it was going to be tried?

A. I knew it was appointed for some time, when it was to come off.

Q. Why, didn't you advise Eden Haydock to attend that trial and show the jury what kind of a mind he had.

A. Well, it didn't strike me; anything of that kind didn't strike me; I didn't think of it; I didn't think of advising him to do anything of that kind.

Q. Didn't you and your sister talk over the question of the propriety of having Eden Haydock go and exhibit himself before the jury?

A. No.

Q. You didn't?

A. No, sir; not on that point, or in that way—no.

Q. The question of the importance of his appearing before that jury was not discussed between you?

A. No, sir; it was not.

Q. At the time you called there, when the transfer of this note was made, did you know that Mr. Haydock had previously made a transfer of other securities to Mrs. Haydock?

A. I did not, sir.

Q. Had your sister never told you?

A. She had not.

Q. Nor your brother?

A. Nor my brother.

Q. Nor Mr. Haydock?

A. Nor Mr. Haydock.

Q. And that was not a topic of discussion on that day?

A. No, sir; I didn't know anything about it, and I had nothing to do with it.

Q. Did you know Mr. Powers at that time?

A. I did not, only by seeing him across the fence;

I knew there was such a man as Mr. Powers; I heard my sister say so, and Mr. Haydock too.

Q. Was Mr. Powers' name mentioned on the day that you made the transfer?

A. No, sir.

Q. You didn't hear his name mentioned at all that day?

A. No, sir; not as I know of; I don't remember hearing anything at all about it.

Q. You say that your brother went and got the box that day?

A. I think he did, but I won't be positive; I think Eden Haydock said, "George, will you get the box?"

Q. Well, who opened the box?

A. Eden Haydock. I remember who opened it.

Q. Who took the papers out?

A. He did.

Q. Did he take any other papers out except these?

A. I didn't see any other papers except the note; there were other papers in the box, but I didn't see what they were.

Q. Did you look at the note?

A. Yes, sir; I saw that it was for $5,000.

Q. Did you look at the securities?

A. Yes, sir; I saw what they were for; I didn't have anything to do with the securities; I had nothing to do with the matter particularly, but I supposed that they went with the note—that they were embodied in the note in some way; I don't know where they went to.

Q. Was not there a transfer made of the securities?

By the Court:

I understood the witness to say there was not, just now.

Witness: I supposed I had only the endorsement to make for the transfer.

Q. Why did you think it was necessary for you to put your name on that note at all?

A. For me to put my name there?

Q. Yes.

A. Well, I knew it was the law of the State of New York, and I supposed it was of New Jersey, in order to make a legal transfer.

Q. If Eden Haydock put his name on the back of that in black, would not that have been all that was needed for any one to get title to the note, simply by delivery to that person?

A. Well, I don't understand; I am not a lawyer.

(Objected to.)

(Admitted.)

Q. Well, what was your opinion at that time as to whether anything more was necessary for the transfer of that note, than to have Eden Haydock simply put his name on the back of it?

A. Well, I supposed it was necessary for him to transfer it to some one—I supposed it was.

Q. Well, did you tell him so?

A. I didn't say anything about that; no, sir, not to him.

Q. Who was the one that advised that particular mode of transfer?

A. That mode?

Q. Yes.

A. Well, no one in particular; no one spoke of that particular mode, but it was the common law, I supposed, or the common custom, and I supposed it was commercial paper.

Q. You don't know, then, who advised the particular mode in which the transfer was made?

A. I don't know that there was any advising about the particular mode, but he wanted to make the note a present to Eliza through me.

Q. Well, why was it necessary to have you intervene in the matter?

By the Court:

Q. Why was not the transfer made directly by Mr. Haydock to his wife?

A. It was not lawful, probably, as I understood.

Further Cross:

Q. In your judgment at that time, was it or not lawful for him to transfer the note directly to his wife?

A. I thought it was not lawful according to the laws of the State of New York; as I understood them, it was not lawful.

Q. Didn't you tell Eden Haydock so?

A. No, sir; it was a general impression; everybody knew it, I suppose; I didn't say anything about it; I didn't tell him that; he knew that himself, I suppose.

Q. Did he say anything about it?

A. Nothing was said about it; not in particular.

Q. Did your brother say anything about it?

A. No, sir; he did not.

Q. Was your sister present?

A. She was in and out of the room; I think she was not at just that minute—just that time; I don't know but what she was, but she was not at the table.

Q. Did she take any part in the discussion?

A. No, sir; not any.

Q. Did you know previous to this visit that Eden Haydock held that note?

A. I didn't know anything about his business.

Q. Did you know he held that note previous to this visit?

A. No, no; well, how long previous? No, I didn't know anything about his notes or papers, not to my own knowledge.

Q. Well, did you know it from information?

A. Well, if you run me back five or six years I might say that some one—or that I am under the impression—I won't say how many years, whether it was five, or three, or what, but I was under the impression that Eden Haydock held a note of Joseph Smith's for something, I didn't know what; I know I have heard something of that kind said, but I don't know who it was from or when it was, and that's all I know about that note.

Q. Did you have a talk with your sister about that note before this time?

A. No, sir; I did not, I didn't know anything about it.

Q. You never talked with your sister before this time in reference to Eden Haydock's property?

A. Not that I can remember of, I can't recollect any time she has talked with me about the property of her husband.

Q. Why, did not Eden Haydock write the words of the transfer of that note?

A. Well, I don't know; I suppose it was because I did; I don't know any other reason.

Q. He was competent to do it, was not he?

A. I should judge so; yes, sir; but it was not necessary, though; it was not necessary to write that prelude.

Q. It was not necessary to write it, eh?

A. It was not necessary to date it, as I understood at the time, but I wanted to be sure, and I thought I would date it with the date of the transfer, and I put that on myself.

Q. But you say it was not necessary to put that on there?

A. I suppose it was not, according to law; I supposed that the note would be negotiable if it was simply made to the order of "E. P. Bayright" and his name was signed at the bottom of it; it was not necessasy to date the transfer of the note or the passage of the note, because it is the common custom amongst us to change notes in New York or Brooklyn in our business relations, and where a note is put in the bank we are not apt to put the date on it.

Q. I asked you why you wrote the words on the back of the note, the words of the transfer, instead of Eden Haydock doing it?

A. Well, I had no reason particularly, no reason why I did it, only that I wanted to show when it was transferred, that's all.

Q. You wanted to show when it was transferred?

A. Yes, sir; I wanted to show that, and it is written there, and I can't give you any other particular reason why it was done, but it was done and that's all I know, and I know he signed the note.

Q. Was there a date put on the endorsement?

By the Court:

He says so.

The Witness: March 10th, 1879.

Q. Why was that put on?

A. I told you I wanted to show when the transfer occurred; I don't know what I thought about it at the time, but I put it on, that's all; I put it on not thinking of anything.

Q. And you don't know the reason why you put the words of the transfer on the note, instead of Eden Haydock doing it?

A. No, sir; I do not, but I did it myself; I didn't ask him to.

Q. What did you do with the note after you put your name to it?

A. I gave it to Eliza.

Q. What did she do with it?

A. I don't know, sir; Eliza thanked him—what did she do with it?

Q. Yes.

A. I don't know what she did with it; she thanked her husband for it, that's all; I don't know as that is necessary for me to say at present.

Q. How did she thank him?

A. She thanked her husband—excuse me. I thought you asked me that question—you asked me who she gave the note to, didn't you?

Q. What language did she use in thanking him?

A. I can't exactly tell you, but she thanked him and kissed him. I don't know what the words were that she used; it was: "My dear, I thank thee," or something of that kind—"Much obliged to thee," or something of that kind.

Q. And kissed him?

A. Yes, sir.

Q. Did you ever see her kiss him before?

A. Yes, thousands of times, if I might say so.

Q. Did she kiss him more than once on this particular occasion?

A. Well, she might have.

Q. I didn't ask you whether she might, I asked you whether she did?

By the Court:

Q. Do you remember whether she did or not?

A. I don't remember whether she kissed him more than once.

Further Cross:

Q. You are sure she did it once?

A. Yes; I am sure she did it once.

Q. And that you handed her the note?

A. Yes, sir.

Q. Was she in the room?

A. When I handed her the note?

Q. No; wait a moment until I get through—was she in the room when you wrote the words on the back of the note?

A. I don't know whether she was or not. I don't remember that much—or that part of it—whether she was in the room or not.

Q. Who announced to her that this note was for her?

A. I can't tell you that.

Q. Did you tell her?

A. I might have told her; I think she came in at that time, and I handed it to her.

Q. Well, how would she know what it was unless somebody told her?

A. I don't know how she knew.

Q. I understand you to say she had nothing to do with the discussion in reference to giving her the note, so that somebody must, therefore, have handed her the note?

A. I handed her the note.

Q. Did you tell her it was a present from her husband?

A. I think I said, "Here is a present Eden made thee," or something like that.

Q. Did she look at it then?

A. Yes, sir; she took it and looked at it.

Q. Did she look at the securities as well?

A. I don't remember whether she did or not. I don't remember about the securities, as I said before.

ELIZA P. HAYDOCK, a witness produced on the part of the aforesaid defendant, having been duly affirmed (having declared herself conscientiously scrupulous of taking an oath), deposeth and saith:

Direct Examination:

By Mr. English:

Q. Where did you live immediately prior to your marriage?

A. At that time I was with my brother, Edward; just prior to my marriage I was with my brother Edward in Brooklyn.

Q. Where were you staying when you first became acquainted with Mr. Haydock?

A. I was visiting at Mr. Haydock's uncle; just ask me that question again, please.

Q. Where were you when you first got acquainted with Mr. Haydock?

A. Visiting at Rahway.

Q. Who did you visit?

A. Mr. Haydock's cousin.

Q. Who was that?

A. Frances Bayright now, Frances Shotwell at that time.

Q. How was it you became acquainted with Mr. Haydock?

A. In going there and visiting his family I became acquainted with him.

Q. What members of his family did you go there to visit?

A. His daughter.

Q. How long have you been acquainted with her?

A. I had not been acquainted with her at all; but this cousin took me there to visit; I had come from the western part of New York State to make a visit to Mrs. Shotwell and she took me down to her cousin Eden Haydock's to visit the daughter.

Q. Was Mr. Haydock's first wife then living?

A. She was.

Q. How long was that before her death?

A. Oh, several years.

Q. What kind of terms were you and Maggie—the present Mrs. Bonney—on?

A. Always on good terms.

Q. For how long previous to your marriage to Mr. Haydock?

A. Several years; we were always on good terms.

Q. There is some difference in your ages?

A. Some 8 or 10 years, I suppose.

Q. Where were you married?

A. I was married at Brooklyn at my brother Edward's.

Q. Do you know or not whether Mrs. Bonney was aware you and her father were going to be married?

A. She was aware of it.

Q. How long before?

A. I think she knew it from the first; she was visiting me and knew it would probably terminate in marriage.

Q. After she obtained that knowledge, what kind of terms were you on?

A. Always pleasant; she always visited me; she and her husband.

Q. There was no change in your friendship?

A. No, not at all.

Q. When did the relations between you first become unpleasant, if at all?

A. Not until the proceedings of the papers, you know; the inqusition.

Q. Did you ever have any unpleasant interview before that?

A. Some little trifling things would happen, but it was all overlooked; we were on very good terms all the time.

Q. When was the first unpleasant interview you had, if you recollect?

A. Well, we had rather an unpleasant time—a little unpleasant time when they had some visitors there at their house from Pennsylvania.

Q. When was that?

A. I guess it was sometime ago——oh, several years; and they did not invite us, she did not invite her father to dinner, and when she next came to our house I said, "Maggie, I wish you would invite your father to dinner when you have company to visit you;" I said, no matter for me, but do invite your father, do pay attention to him; he feels these little things; she said, "You shut up your mouth;" I got up and went out of the room; that was the first I knew of it.

Q. What terms were you on after that?

A. Always good after that.

Q. When was the next unpleasant interview?

A. Never until these lunacy proceedings.

Q. When in relation to the lunacy proceedings?

A. That was about the sixth of September.

Q. What was that, and where was it?

A. Why, she came to spend the evening pleasantly—it was about the sixth of September, 1878.

Q. Well, go on and state that interview?

A. Well, they came there——Mr. Bonney was there during the day to get some pears, and I said to him, Staats, the finest pears are saved for you——*there* is the tree. He came and got his pears that day. In the evening he and Mrs. Bonney came together to spend the evening. We had been to tea when they came. My brother George was there with us at that time, and we had had chickens for dinner, and Mr. Haydock said, we had chickens for dinner to-day, Eliza, bring them up and give them to Maggie for tea." I went down and got some tea ready and put on the other things——the things that were there, and

they sat down and took their tea. We had all been to tea when they came in. Then I went back in the parlor and we had a very pleasant evening, and by-and-by pa said, "Mr. Bonney, there are plenty of grapes, come and get some of them." He said he would come to-morrow and get some grapes. Then we spent a very pleasant evening, and I went into the parlor and said to Maggie, "Pa made you a handsome present to-day." She said, "No, I never had a present from pa in my life." "Well," I said, "he had a roll of money and told me he gave it to you." "Well," she said, "He did not; he never gave me a dollar in his life." Then she beckoned to Mr. Bonney *this* way (*witness illustrated*), and they went out of the house and never came back.

Q. Was that all of that conversation?

A. That was all the conversation that evening; she beckoned to him, and they went out and never came back for the grapes.

Q. Why did you say that to her?

A. Because he told me he had given her this money as a present; and I said to her, "You had a nice present from pa yesterday?"

Q. Did he say how much it was?

A. Well, he said it was $200 or $300—$300 I think. I know it was a roll of money; he showed me the roll of money.

Q. How large a roll of money was it?

A. It was a large roll of money.

Q. Did you object to his giving it to her?

A. No, sir, I did not; I did not say anything about it.

Q. When did you next have any talk with Mrs. Bonney?

A. I never saw her after that, not until I saw her at the trial.

Q. Where?

A. At Elizabeth.

Q. In what room?
A. Well, I don't know, but in the Court House.
Q. On the day that the trial came off?
A. No, sir; it was before the trial came off.
Q. On one of the adjourned days?
A. Yes, sir.
Q What did you say to her then?
A. I stepped up to her and said, "If you could see your poor father's feelings you never would have taken these steps—his heart is broken." She shook her fingers at me, and there was no more passed.
Q. Was there anything more?
A. No, sir.
Q. When did you next see her?
A. I saw her at the proceedings on the trial.
Q. When did you next see her?
A. I never met her after that until almost the day before my husband died.
Q. What time of the day was it when she came there?
A. In the afternoon—Sunday afternoon.
Q. What did you say to her then?
A. I bowed; I don't know that I said anything at all.
Q. What did she say to you?
A. She did not say anything at all.
Q. Did she say, "He does not know me"?
A. She made that remark, but not to me.
Q. Did you reply to that, "Yes, he does, but he don't want to"?
A. No, sir; I did not.
Q. Did you make any remark of that kind?
A. No, sir, I did not; I never made any such remark; I sat there, but I don't think I spoke at all.
Q. How was it Mrs. Bonney happened to come there that day?
A. I had her sent for.
Q. How did you come to send for her?

A. Why, I frequently asked my husband, almost daily: "Shall I send for Maggie," and he would say, "No, I hope that she will yet feel it her duty to come and ask her father's forgiveness;" I would ask him almost daily.

Q. You say you frequently asked him, was that before or after the lunacy trial?

A. After the lunacy trial.

Q. Now go on.

A. I said: "Pa shall I send for Maggie;" he said "Just as thee thinks best; thee knows what is right;" and I immediately sent for her.

Q. How long did you send for her before she came?

A. I guess she came as soon as she got the word.

Q. Was Mr. Haydock conscious at that time?

A. No, sir; he was not; he was under the influence of an anodyne; I don't think he knew her, although he retained his memory and mind to the very last; but at this time he was under the effect of an anodyne.

Q. How long did she stay?

A. About half an hour, I think.

Q. When did she come again?

A. She did not come again until she was sent for after her father was gone.

Q. When was that?

A. Well, he died one morning and she was there the next, or she might have been there on that afternoon, perhaps.

Q. Did you do anything at the interview to make it unpleasant for her?

A. I did not; I never did.

Q. After the interview you had with her on the 6th of September, 1878, the first unpleasant interview at the time you spoke about the roll of money, did you or not have any talk with Mr. Shafer?

A. I called on Mr. Shafer.

Q. Why did you call on Mr. Shafer?

A. Well, his papers and books, Mr. Haydock's papers, were detained at the bank, and he could not have the privilege of looking at them, and of course that made him feel very badly, because he had always had access to his box and papers and had transacted his business, and when he was refused them I felt it as well as he; we both felt it was not right, and he went twice to Mr. Shafer himself to know if they had the right——(*interrupted*).

(Objected to.)

Q. Why did you call on Mr. Shafer?

A. Well, I knew he knew better than any one else.

Q. What did you want to ask him?

A. If they had the right, or any one else had the right, to detain his papers.

Q. What conversation did you have with Mr. Shafer at that time?

A. I said, "I have come, Mr. Shafer, to just ask you a question as a neighbor; and," said I, "what right have they to detain my husband's papers?" Well, he said, "I don't know;" said I, "Can they do it? Won't they be obliged to give them up if we demand them?" and he said, "I suppose they think your husband is not capable, or something, of taking care of his business, and needs a guardian, or something like that."

Q. Had you ever heard of anything like that before?

A. No, sir; I never heard of it before.

Q. What did you say?

A. I said, "My husband need a guardian!" and said I—well, I don't know what the conversation was, how it was, that passed between us.

Q. Did you say or not that you thought he needed a guardian?

A. I said I did not; that he was just as competent to transact his own business, if he was left alone, as those that were trying to get it from him, and I had no fear of anybody getting it from him; I knew no one could get it from him, because I knew he was competent to transact his own business, and I told Mr. Shafer so.

Q. What next happened in the lunacy matter—the next knowledge you had of any proceedings or any contemplated proceedings?

A. Well, we could not get the box, and we sent word for Mr. Bonney frequently.

Q. After talking about the box, after your conversation with Mr. Shafer, what did you next learn in reference to the lunacy proceedings?

A. Well, the next was we received the summons.

Q. When was that?

A. That was the 3d of December.

Q. Do you recollect what time of day it was?

A. In the evening—late in the evening.

Q. Do you know who brought it?

A. Donald McVicar, I think, the constable.

Q. What did he do when he came in?

A. He came in and read this notice to him.

Q. Who was there?

A. Myself, my husband, and the girl.

Q. Well, he read it; what else did he do?

A. He read it and nothing more.

Q. What did he say?

A. He left a copy.

Q. What did he say?

A. He said he never felt so—(*interrupted.*)

(Objected to.)

(*Defendant's Counsel* stated the object of the testimony was with a view of introducing some remark made by Mr. Haydock in order that the Court might judge of the condition of his mind.)

(*The Court* said that the testimony being offered with that view, it would be admitted.)

Q. What did Mr. McVicar say?

A. He did not say anything at all; he read this notice, and while he was reading it my husband was lying on the sofa, and he got up and walked the floor. Mr. McVicar stepped out then, and Mr. Haydock said, "Has it come to this, that my daughter should do such a thing as this." And the tears rolled down his cheeks, and he walked the floor back and forth, and he said, "They will rue this day; they will rue it." I took the paper, and he made these remarks, and felt badly about it, and the tears rolled down his cheeks.

Q. Did he say any more about it that night?

A. Yes; he did not sleep a wink that night, and I never had my heart ache so in my life as I did for him.

Q. What, if anything, did he say between that night and the day of trial in relation to this lunacy matter, can you recollect?

A. I don't recollect.

Q. Did he ever say anything about it after that; about the lunacy trial?

A. Oh, yes, sir.

Q. Do you recollect what he said—not his words exactly, but the purport of what he said?

A. He said it was very hard after he had done so much; he had given Staats thousands of dollars, and had assisted him in his building and helped him so much; and he had never refused his daughter money that she should then not be satisfied, and that they should try and make him out a lunatic and get the rest of it.

Q. Was there or not anything said by him about a compromise?

A. He was feeling badly, and he got John Shot-

well to go over and see if she would not withdraw the case.

Q. How do you know that?

A. Because I was there and heard him ask him to go.

Q. Do you recollect how long that was before the trial?

A. I think it was a day or two, or two or three days before the trial.

Q. What did he say to John Shotwell?

A. He said: "Go and plead with my daughter; tell her my feelings; tell her the feelings of her father, and not to carry this thing to court." I think he said he was a Friend, and did not believe in these things; but he would lay it before arbitrators and have it settled in that way. He was willing to choose arbitrators and put his property in the hands of arbitrators, or something like that.

Q. Where was this?

A. In the dining room.

Q. What did John Shotwell do?

A. He went away.

Q. How long was he gone?

A. Two or three hours—two hours.

Q. Did he come back?

A. Yes, sir.

Q. What did he say?

A. He told the particulars of his having an interview with Maggie, and she saying she could not do anything about unti l Staats came home; he was away at the time, and she said she wanted to consult him. And he said: "I came, Cousin Eden, for thee to have good news." He said he came to report favorably.

Q. Well, what did Mr. Haydock say about it?

A. He was very glad; he cheered right up, and said now we can have a good night's rest. Then Mr. Shotwell said that Mr. Bonney would consult his

lawyer, consult his attorney, and he would draw the papers.

Q. After that was anything further done about that compromise so far as you know.

(Objected to.)

A. I do know there was.

Q. Was there anything further done by Eden Haydock about it.

A. He said he would choose arbitrators; he chose Abel Shotwell, I think.

Q. Where did Mr. Haydock go after that in relation to the matter?

A. Well, they were to make out the papers.

Q. Yes?

A. We were to go to Mr. Vail's office and sign those papers.

Q. How long was that after Mr. Shotwell had been over to see Maggie?

A. It was immediately after; a few days afterwards.

Q. Did he, or not, go to Mr. Vail's office?

A. He did.

Q. Who went?

A. Mr. Haydock and myself.

Q. What happened there?

A. We were both to sign the papers.

Q. Yes; now what happened there?

A. We were waiting to sign the papers; the papers were made out, and Mr. Vail read them to us and we agreed to it, and we were already to sign our names and were waiting for the other parties to come and sign, and we sat there, and by-and-by there was a knock, and Mr. Vail stepped out of the room into the little office, and came back and said Mr. Shafer and Mr. Bonney are here and won't agree to this, unless—they won't agree to this.

Q. Was anything else done then?

A. Well, he put on his coat, Mr. Vail did.

Q. And you went home?

A. Yes, sir.

Q. What did Mr. Haydock say about that at that time?

A. Afterwards?

Q. No, at that time?

A. I don't remember what remark he made at the time.

Q. Do you recollect the purport of it?

A. Well, he said that they would not fare any better by it, by these proceedings.

Q. After you went home did he say anything more about it?

A. Yes, sir; he talked of it after we went away.

Q. What did he say?

A. Well, that was the amount of it; that they would not fare any better by it.

Q. You say that was shortly before the trial?

A. Yes, sir; and then the trial came right on.

Q. Why did not he go down to the trial?

A. He was very ill with pneumonia that day; he had taken a severe cold and was not fit to go that day.

Q. Do you recollect that you attended the trial?

A. Yes, sir.

Q. Do you recollect when you returned from the trial?

A. Yes, sir.

Q. Do you recollect the occasion of your return?

A. Yes, sir.

Q. What time in the day did you get back?

A. Eight o'clock in the evening.

Q. Who did you see when you got into the house?

A. My husband.

Q. What did he say?

A. He said, "Thee's had a long day of it, has not thee?" And he said, "What news has thee brought, have we gained the suit?" And I said, "We have not the return yet; I don't know yet."

Q. You came away before it was finished?

A. Yes, sir.

Q. How long was it after that before you did get the return?

A. Well, I had occasion to go to the doctor's office that night, and he told me—Dr. James.

Q. The same night?

A. Yes, sir.

Q. When you returned to the house what did he say?

A. I told him about it, and he got up and walked the floor, and said, "Richard is himself again." That is an expression he always made when he felt pleased; that was his ordinary expression.

Q. Did he say anything more about it?

A. We talked over the proceedings and all; we talked of what Mr. Bonney said in Court, what he testified to and what the others testified to.

Q. What did Mr. Haydock say about that?

A. He thought it was a very strange remark for Mr. Bonney to make in Court.

Q. What remark?

A. That he had never had a dollar of Mr. Haydock's money. He thought it was a very strange remark, when he had had thousands of dollars.

Q. Mr. Haydock said that?

A. Yes, sir; he said it that night.

Q. How did the result of the trial affect Mr. Haydock's spirits?

A. Why, he was very cheerful afterwards.

Q. More so than before?

A. Yes, sir.

Q. When was your son born?

A. In 1863.

Q. How old was he when he died?

A. He was in his fifteenth year—fourteen years and three months.

Q. Had he or not been in health up to that time?

A. He had quite as good health as the generality of boys.

Q. Quite as healthy; now, what were the relations existing between him and his father?

A. His father was very proud of him, and very happy; and he was a very affectionate son to his father, very, and his father was very fond of him; he was a very affectionate boy.

Q. What was the cause of his death?

A. He took cold, I suppose; he was sick only a week.

Q. How did the death of the son affect the father?

A. Very much indeed; he was very much depressed in spirits.

Q. Do you recollect any remark he made about it?

(Objected to and overruled.)

Q. When, if ever, did you have your first conversation with Mr. Haydock in relation to his property or the disposition of it, or any part of it?

A. Nothing was said about it until after he—until February; I suppose some time; we never spoke much about the property; we never spoke a great deal about it.

Q. In February, 1879?

A. Yes, sir.

Q. What was then said about it?

A. Well, he said he did not want Mr. and Mrs. Bonney to have another penny of his property.

Q. Did he say why?

A. Yes; he had given them a great deal, and he felt that since they had taken these proceedings to

make him out crazy to get it, that he should not give it to them; he did not want them to have it.

Q. How many times did you have conversation with him about his property after that?

A. Oh, he often used to speak of his feelings being so wounded.

Q. Do you recollect anything else he said in relation to that matter; do you recollect any conversation, or any expressions he used in relation to his property, except at that one time; you say he frequently talked about it?

A. Yes, sir.

Q. What were his expressions if you recollect them, or any of them?

A. Well; he said he should provide for me; he wanted me to occupy the position which I then held, and that he would provide for me.

Q. How many times did he make use of expressions of that kind?

A. He used to speak of it frequently.

Q. Between February and the time of his death?

A. Yes, sir.

Q. What do you mean by frequently, a dozen times?

A. Yes, sir.

Q. Fifty times?

A. No, sir; not 50.

Q. Twenty times?

A. Well, several times.

Q. Do you recollect the testimony of Emma Rowland, who was upon the stand here; did you hear it?

A. Yes, sir.

Q. Do you recollect her saying that you used frequently to ask Mr. Haydock for information in relation to his property, importunately, and that he refused to answer, and that you would get angry?

A. He never got angry.

Q. Do you remember the question that I put to her and her answer?

A. Yes, sir.

Q. Well, was it true, or not?

A. No, sir; it was not true.

Q. Did you ever have any conversation or scenes with Mr. Haydock such as she described them?

A. No, sir; I did not.

Q. Do you recollect the time when this stock was transferred to you, the stock and Rahway bonds?

A. No; I don't exactly remember.

Q. Do you recollect the occasion of it?

A. Yes, sir; I remember the occasion of it, but I can't remember dates at all.

Q. Did you or not know anything about Mr. Haydock's intention in relation to that matter before he did it?

A. No, sir.

Q. Did you and he have any conversation in relation to that before he did it?

A. Why, he said he should provide for me.

Q. But I mean in relation to that stock and those bonds?

A. No, sir; not particularly.

Q. Did you or not know that he had the stocks and bonds?

A. Yes, sir; I knew he had them.

Q. But he didn't say anything to you in relation to them?

A. I don't remember that he did.

Q. What was the first intimation that he gave of his intention to give you those papers—those securities?

A. I don't know that I knew it until he gave them to me.

Q. Who did the business?

A. Mr. Powers.

Q. Mr. Powers who lives next door to you?

A. Yes, sir.

Q. What time of the day was it done?

A. In the evening.

Q. How did Mr. Powers come to go in there?

A. Well, I don't know; I know that Mr. Haydock wanted him to come in and do a little business for him.

Q. Did you know what the business was then?

A. I didn't know what it was then, no, sir; I don't think I knew what it was at the time except that he wanted some business done.

Q. Now, do you recollect when this note was transferred, about—Joseph Smith's note; do you recollect.

A. Oh, yes, sir; I remember the circumstances.

Q. Who did that?

A. My brother.

Q. Who was present?

A. Well, I was about the room, and my brother George was around, and I guess the servant was there, and Mr. Haydock; I don't remember anybody else

Q. Did you know that Mr. Haydock was going to do it before he did it?

A. No, sir.

Q. You knew that he had the note?

A. Yes, sir; and I knew that he had told me he was going to provide for me.

Q. Had he ever said he was going to provide for you in relation to that note?

A. No, sir, I think not.

Q. Had he ever told you what specific property he was going to give you?

A. No, sir; he did not specify what specific property he should provide for me with.

Q. Had he said anything about transferring the note at all, before that evening, to you?

A. Yes, sir.

Q. What had he said about it?

A. He said that he was going to have the note—that he should transfer some property to me, or make over some property to me.

Q. He said he was going to transfer the note to you?

A. No, sir; I don't know that he said that at all.

Q. Well, what did he say when he gave the note to you?

A. "Here is a present."

Q. What did you do?

A. Well, I thanked him and kissed him.

Q. What did he say?

A. I don't think he said anything more about it.

Q. Well, now, after the transfer of the note did he say anything more about this property, or what he intended to do with it?

A. He said that he had not made his last will, and that he intended to make a will.

Q. What did he say he intended to do?

A. He said he didn't want Staats and Maggie to have another penny, but that he wanted me to have it; that I was too good a wife, and that he intended to provide well for me.

Q. Did he say why he didn't want Staats and Maggie to have it?

A. Because they had taken these proceedings against him, and that they had so much of it, they had taken those proceedings.

Q. How many times did he say that after the transfer of the note?

A. Well, he spoke of it two or three times perhaps.

Q. Just previous to his death did he say anything in relation to it?

A. After he found he was getting so low, he spoke about his business affairs worrying him, and he said to me: "Is thee provided for? Has thee got the

money on the note?" And I said: "All right, papa, all right." He said: "Thee tells me so. Thee has not got the deed of the house; I want to give thee the deed of the house, I always intended thee to have it." I said: "All right, papa. They can't turn me out, I shall have a home here. Don't you worry about it." "Well," he said, "I always intended this to be a house for thee." He said: "Never leave it; this is my home and thy home, never leave it." Those are the remarks he made.

Q. How long was that previous to his death?

A. It was only a short time before his death.

Q. What had been, during the whole of your married life, the relations between you and Mr. Haydock, pleasant or otherwise?

A. The relations between my husband and myself?

Q. Yes.

A. On the most happy terms.

Q. Did you or not ever endeavor to influence him to make over property to you?

A. I never did.

Q. Did you ever ask him to do it?

A. No, sir; I never asked him to do it; I suppose if I had he would probably have done so, but I never asked him.

Q. Did he ever say anything to you about it before?

A. Years ago he told me he had made his will, and he had provided for me; he came in one day and said, "My dear, I have made my will to-day; I have provided well for thee; I know thee will be satisfied, thee and Willie;" and I said, "I know thee will do what is right."

Q. Was that before or after the will of 1871?

A. Oh, it was before that, and of course I always felt easy on that account, because he told me so.

Q. You are positive, sure that you never asked

him to give you anything or endeavored to influence him to give you any property?

A. No, sir; I never influenced him to make over any property to me yet.

Q. Did you hear the testimony of the shoemaker of Rahway in relation to his purchasing a pair of boots, the testimony of Mr. Avery?

A. Yes, sir.

Q. Do you know or not whether Mr. Haydock did go there to purchase pair of shoes?

A. He did; and I went with him.

Q. What did Mr. Haydock say there?

A. He said that his feet were very sore. He was wearing his rubbers, and he wanted a large pair of shoes, and he selected a pair, and I said; "Oh, thee can't wear those, I know." He said, "If they are stretched perhaps I can wear them," and the shoemaker stretched them, I believe. Then we went out and he went down home and I went to see if I could not find, unbeknown to him, a pair of shoes for him, and I went to Mr. Longstreet's and found a large pair of shoes there.

Q. That is another shoe store you are speaking of?

A. Yes, sir; and I took them home to him and gave them to him, and he said, "are these paid for?" I said, "No; I didn't pay for them." I brought them home to see if they would suit him.

Q. Did you tell him where you got them?

A. No, sir; I didn't say anything about that; I just handed them to him.

Q. Did you hear the testimony of Mr. Tier in relation to the pass book?

A. Yes, sir; he said something about a ham.

Q. Did you hear the testimony of Mr. Tier in relation to the pass-book Mr. Haydock said it didn't make any difference about?

A. Yes, sir.

Q. Did you ever hear Mr. Haydock say anything about it?

A. Yes, sir; I gave him the book and I gave him the wrong one. As a general thing we didn't have pass-books, but at that time we had one at the butcher's and one at Mr. Tier's, and I gave him the wrong book, and he took it up there.

Q. When he came back what did he say?

A. He laughed and said, "Thee gave me the wrong book, but I told them it didn't make any difference, to put it down on the same book."

Q. What was his manner in saying that?

A. Oh, laughing.

Q. Did he say anything about his resigning as director in the bank?

A. Yes, sir; he had been to the bank in the afternoon, and came home and sat down on the sofa in the dining-room, feeling very sad, and looking very sad; he said nothing, and I went and sat down by him, and said, "Papa, what makes thee look so sad, what has happened?" "Well," he said, "I feel very much hurt, my feelings are very much wounded." He said that he was the first to establish that bank; he said, "I paid $5,000 into that bank when it first started, and have always been a director there for many years." And he said that Joseph Smith and Dr. Drake, I think it was, had taken him out and asked him to resign. "Well," said I, "did thee want to do it?" He said, "No." I said, "what did thee want to do it for then?" And he said, "If they didn't want me I didn't want to be there."

Q. Do you recollect the time when your brother Edward came out just before the trial, at midnight?

A. Yes, sir; I remember it.

Q. Do you recollect why it was he came?

A. Well, this lunacy trial was coming on, and I didn't know what to do; I was taken by surprise and I didn't know what the object was, and I sent

for my brother——I telegraphed for him to come out.

Q. What time did he get there?

A. Not until night, because he was not telegraphed for until late, and I said, "Come immediately," and he came right out.

Q. When he came, how long did you and he sit and talk?

A. Not a great while; we went down to the parlor and sat there and talked it over.

Q. Talked over what?

A. What we should do—what course it was best to take.

Q. Do you recollect what Edward said?

A. He said for me to consult my lawyer—to get a lawyer and consult him—he didn't know what to do.

Q. Have you or not ever had any conversation with any of the complainants about this suit since it was commenced?

A. No.

Q. Do you know who the complainants are?

A. Mr. Bonney and Mrs. Bonney.

Q. No, it is Mr. Bonney and Joseph W. Martin?

A. Oh, you mean this suit?

Q. Yes.

A. Oh, yes, I did; I went to Mr. Martin, I think.

Q. When was that?

A. Well, not but a short time ago; I went to him to consult him a little about the carrying out of the will.

Q. And did you have any conversation about this suit?

A. He said that they were going to carry on this suit.

(Objected to.)

(Defendant's counsel made an offer of certain testimony, and the witness also, before she could be stopped testified to what counsel offered to prove, which the Court overruled and ordered to be stricken from the record).

Cross-examined:

By Mr. Stone:

Q. What was your age when you married Mr. Haydock?
A. We were married 18 years.
Q. No, what was your age?
A. I was 36 or 8.
Q. And what was his age?
A. He was 58.
Q. What was your occupation at the time of your marrriage?
A. I had none.
Q. Did you bring any property with you when you were married?
A. Yes, sir; I had property and furniture.
Q. Did you bring furniture into the house?
A. I brought beds and bedding and—(*interrupted*)

By Mr. English:

I was careful not to examine the witness upon that point, because I thought it was not proper, but if she is to be examined in relation to that matter, I ask to be first allowed to examine into it before she is cross examined upon it.

(*The Court stated that the evidence was was not material.*)

Q. (*Handing witness paper*) Just look at that letter, please?

A. (*Witness did so.*)

Q. Is that your handwriting?

A. I can't read the letter until I can see it with glasses.

At this point the witness tried on all the eye-glasses and spectacles in the court-room but still could not see to read the letter.

Witness:—I can't see through these glasses, and I would like to have an opportunity to read the letter and see what it is.

Q. Don't you remember whether it is your handwriting or not?

A. It is not my present handwriting; of course if my name is to it it is mine, but it was written a good while ago.

Q. To whom is it addressed?

A. I don't know the writing now.

Q. You don't know the writing?

A. Not until I can have an opportunity of reading it.

Q. Do you want to read it all the way through?

A. Well, I don't write that hand now.

By the Court:

Q. Do you recognize it?

A. I presume it is my writing; I presume I wrote the letter, but I can't read it, so I don't know.

Further Cross:

Q. You can't read it?

A. No, sir.

By the Court:

Q. Is it because the glasses don't suit you?
A. Because the glasses don't suit suit me; no, sir.

(Another pair of glasses were discovered in the court-room and were handed to the witness.)

Further Cross:

Q. To whom was that letter addressed?
A. To "my dear sister."
Q. Whose name is attached to it; yours, is it not, at the bottom?
A. (*A pause.*)
Q. Didn't you say a little while ago that it was your name signed to it?
A. My name is here—"Eliza," that's all.
Q. Do you recollect whether you wrote that letter before or after your marriage?
A. No, sir; I don't remember when I wrote it; I can't read it.
Q. You have a sister?
A. No, sir; I have no sister.
Q. Well, you have had a sister?
A. Yes, sir; a great many years ago.
Q. Is she dead?
A. She is dead.
Q. When did she die, ma'am?
A. 15 or 14 years ago.
Q. Before or after your marriage to Mr. Haydock?
A. After my marriage.
Q. How long after?
A. Oh, only a short time.
Q. That letter has not got the year upon it, has it?
A. No, sir; it has not the year.
Q. What has it got in the place of the date?

A. Nothing at all.

Q. Has it got the month?

A. No, it has not got the month.

Q. Has it got the place where it is supposed to be written from?

A. I can't read it, so I can't judge now.

Q. If you can't read it, how do you know it has not got the year on it?

A. I can see that; I can see there is no date.

Q. You can see what it has not got on it, but not what it has got on?

A. It says 3d day and 28th, that's all; if I could take time and put the letter up to my eyes and read it, I presume I could read it.

Q. What makes you say it was about the 6th day of September that Mr. and Mrs. Bonney were at your house at night?

A. Has not that been answered?

Q. Please answer it, Mrs. Haydock?

A. Why did I say so?

Q. Why do you say it was on that day or about that particular time?

A. Because it was just before there was an injunction put upon the papers: that's why I remember it.

Q. Who put the injunction upon the papers?

A. Mrs. Bonney, I suppose.

Q. What do you mean by injunction?

A. Well, the papers were detained; they would not allow him to have them.

Q. Do you mean they put on an injunction from the Court?

A. It was an injunction from the directors of the bank, I believe.

Q. Well, I merely wanted to know whether you understand what the meaning of an injunction is?

A. Well, perhaps I don't; but the papers were detained from us.

Q. You don't mean to say that any court detained them?

A. I mean that the directors of the bank detained them.

Q. Do you mean to say that the directors of the bank were ordered by the court to detain them?

A. Not at that time.

Q. Well, at any time?

A. I don't know that they did, but my husband and I went to the bank for the papers and were refused to have them. Mr. Woodruff refused to let us have the papers; I heard there was an injunction put upon the papers, and that we could not have them.

Q. How do you fix that date?

A. The date of what?

Q. The date of what you call the injunction?

A. Well, I know it was about the fore part of that month—September.

Q. Can you give any other reason why you fix it as the fore part of September?

A. On account of our pears being ripe, and Mr. and Mrs. Bonney being there about that time; I know it was about the fore part of September.

Q. What kind of pears were they?

A. Bartlett's and Syckle pears.

Q. Were the Syckle pears ripe?

A. No, sir.

Q. Then you don't know from that?

A. No, sir; but you asked me what kind of pears we had, and I told you.

Q. Were the Bartlett pears ripe?

A. Yes, sir; sufficiently to carry home and preserve.

Q. Were the grapes ripe?

A. Not quite, but ripe enough for Mr. Bonney to say he would come the next day and get them, but he never came.

Q. Ain't you mistaken when you say they were quite ripe?

A. Well, perhaps I may be.

Q. Well, he would not want green grapes, would he?

A. Oh, the grapes were ripe enough to take away if he had chosen to take them.

Q. You say Mr. Bonney was there during the day?

A. I say—I told you at first that I could not give dates particularly now; I may have made a mistake in just the time.

Q. But you say he was there during the day?

A. Yes, sir; and took the pears home.

Q. What did he come there that day for?

A. He came after the pears, I suppose; he frequently came there.

Q. At that time he frequently came there, did he?

A. Yes, sir.

Q. How long did he stay there that day?

A. He staid awhile and talked; he was always when he came there, and we talked together about it.

Q. And he and his wife returned in the evening?

A. I think it was in the evening; they came together; I think it was in the evening.

Q. What do you mean by saying you think it was; don't you know?

A. He came and returned the basket.

Q. Do you know whether he and his wife called on the evening of that day on which you say he called and got some pears?

A. Well, it was about that time.

Q. You don't know whether it was the same evening or not?

A. I can't exactly tell whether it was that same evening, but it was the last time I ever had any conversation with Mr. Bonney or his wife.

Q. How long did they stay on that occasion?

A. Why, they spent the evening.

Q. What time did they leave?

A. About nine o'clock.

Q. At the time you spoke to Mrs. Bonney on this occasion about the rolls of bills of which you have spoken, was Mr. Bonney present?

A. No, sir; he was out in the dining room.

Q. Were you and she alone?

A. Yes, sir.

Q. And that was the last of the conversation that you had that evening with her, was it?

A. Well, she beckoned to him, and they went right out. She denied ever having a penny or a dollar from her father, and then beckoned to her husband and went away.

Q. Did she speak with some feeling on the subject?

A. Yes, sir.

Q. Did she seem angry?

A. Well, she spoke in that manner; she said, "No, I didn't have a present; I never had a dollar from pa in my life—I never had a present."

Q. And then she beckoned to her husband?

A. Yes, sir; and they went out.

Q. Did they bid you good night?

A. I guess they did. They might have just said, "Good night." I can't remember about that, whether they did or not.

Q. Did you part on good terms?

A. We did; there was nothing said at all.

Q. Did she go out and bid good night to her father?

A. No, sir; they went right out of the front door and went away.

Q. Well, she bid you good night, but didn't bid him good night?

A. I said I couldn't remember whether she said good night or not.

Q. Whether she bid you good night?

A. No, sir; I can't remember; but they immediately left, and they were to come the next day for the grapes, I remember, but they never came after them.

Q. When was it you saw this roll of bills in Mr. Haydock's hands?

A. Well, it was a few days before that.

Q. Do you know where he got that roll of bills?

A. I think it was a payment from Joseph Smith. I think that he made a payment and he told me—well, you have not asked me the question as to what he said, and I suppose I must not answer.

Q. Do you mean to say that Joseph Smith a few days previous to that had paid Mr. Haydock about $3,00?

A. Yes, sir; I think he paid him his interest money.

Q. Interest money on what?

A. I can't state where he got it; I don't know anything about it.

Q. Interest money on what?

A. My husband had a mortgage on his property, and he had this railroad stock.

Q. Yes?

A. And he told me he had loaned him a great deal of money.

Q. You said a little while ago that you understood that Joseph Smith had paid him this money as interest money?

A. I don't say I understood it; I say I presume that was it; I don't know whether he got it from the bank or whether Joseph Smith gave it to him, but he had the money and that's all I know about it; I asked him no questions about it.

Q. Did you ever know of his ever giving Mrs. Bonney money to the amount of $300?

A. I know through what he told me, yes.

Q. He told you he had?

A. Yes.

Q. On other occasions?

A. Yes, sir; he often told me that he had given her money whenever she asked for it; I know he always assisted Mr. Bonney in his building transactions; I know he has backed him in everything.

Q. From the time of your marriage up to the time of Mr. Haydock's death do you know of your own knowledge independently of what Mr. Haydock told you—do you know of your own knowledge that he ever gave Mrs. Bonnew any money?

A. Well, I have heard—(*interrupted.*)

Q. No, no; what you know of your own knowledge; did you ever see Mr. Haydock give Mrs. Bonney any money?

A. Yes, sir; I have seen him give her money at times.

Q. Will you recall one instance when you saw him give her money?

A. Yes, sir; I have seen him give her money one time at a fair.

Q. How much?

A. I don't know; I didn't ask him.

Q. What fair?

A. It was a Presbyterian Fair down to the Church.

Q. Can you recall any other occasion?

A. I don't know as I have seen him give her money, but I have known of his sending her handsome presents.

Q. I am talking of what you have seen?

Q. I can't recall it now, when I have seen it.

Q. You say that he has told you that he frequently gave her money?

A. Yes, sir; if she wanted a new silk dress or a cashmere dress she would come to pa for it; she told me herself that pa had given her money; she said Staats had been out of business two or three years,

and that they were very much put to it for means—(*interrupted*).

Q. I am not asking you anything about that?

A. Well.

Q. Did your husband ever tell you how much at any time, he had given Mrs. Bonney?

A. I think only at this particular time.

Q. Did he ever tell you how much he had given Mr. Bonney?

A. He told me he had given him thousands of dollars.

Q. That he had given him thousands of dollars?

A. He had let him have thousands of dollars; and he told me that he had endorsed notes for Mr. Bonney of several thousand dollars.

Q. Did he ever tell you that he had given Mr. Bonney money?

A. Yes, he had given it—he told me he had given him money.

Q. Did he ever tell you how much money he had given him?

A. Thousands of dollars, he could not tell.

Q. That he had given him?

A. Yes, sir; that he had given him and let him have.

Q. Well, I want you to confine your attention to my question, which is whether Mr. Haydock told you he had *given* Mr. Bonney any money; I don't ask you anything about his endorsing notes?

A. I don't know that he said he had given him money, but he said he had let him have it.

Q. Did you ever hear him say he had ever given Mr. Bonney money?

A. Yes, sir; I have.

Q. Now, you say he has told you that?

A. That he has given him money and signed notes for him.

RECESS.

Q. When did you first know that Mr. Haydock had made a will?

A. I cannot remember; but it was when my child was five years old, I think, or four years old, or something like it.

Q. What year was it?

A. I cannot tell; I can tell you nothing about that only he told me he had made his will, and who had made it, but I cannot tell about the date.

Q. When was the child born, ma'am?

A. He was born—you have got it there—1863.

Q. In 1863, you say?

A. Yes, sir.

Q. Then it must have been about 1868 when you first knew of it?

A. We were married in 1861 and the child was born in 1863.

Q. Did Mr. Haydock ever tell you of having made more than one will?

A. No, sir; he never did.

Q. Now then, the will that is in evidence, I believe is dated in 1871?

A. Oh, it was before that; this will when he came to me and stated he had made his will was before that, but I asked him no question about it.

Q. Did he tell you about what were the provisions of the will?

A. He said he had left me well off and well provided for, myself and Willie, and he knew I would be satisfied; I did not ask about it.

Q. Did you ever see that will before he died?

A. I never asked to see it.

Q. Do you know where he kept it?

A. He told me he kept his will in his box.

Q. Was that will found in his box?

A. Which will, the first one?

Q. Was there any more than one will?

A. I don't know, though there is a will, and I suppose there is; I don't know anything about it, or where he kept it.

Q. Was there any will found in his box?

A. When?

Q. At any time?

A. I don't know.

Q. Do you know where the will that has been admitted to probate was found?

A. I do not.

Q. Do you know where it was kept?

A. I do not.

Q. Did he tell you who witnessed the will?

A. No.

Q. Or who drew it?

A. Joseph Shotwell drew it.

Q. Joseph Shotwell drew it?

A. Yes, sir.

Q. Who was he?

A. He was an uncle of my husband; that was his business, I believe.

Q. Was he the father of John Shotwell?

A. Yes, sir.

Q. And when did Joseph Shotwell die?

A. I cannot tell you.

Q. You say that Joseph Shotwell was the father of John Shotwell?

A. Yes, sir.

Q. Did not he die twenty years ago?

A. No, he did not, because he used to visit me long and long after I was married.

Q. Did not he die fifteen years ago?

A. No.

Q. Did not he die ten years ago?

A. No, I think not; but I cannot remember the date; but my child was several years old, because he was very anxious that we should get a velocipede

or a hobby horse for him, and I remember he came and looked for one for me; he wanted to get my child this hobby horse.

Q. Did you examine the papers in that tin box yourself?

A. I have looked them over with him together.

Q. When?

A. Soon after he got his box and before it was sent to the bank; I always looked at it with him; it was kept in our bedroom; his papers were always kept there.

Q. In your bed room upstairs?

A. Yes, sir; in our room.

Q. You mean after he got the tin box?

A. No; before they were taken to the bank.

Q. When were these papers first put in the tin box?

A. I can not tell you.

Q. Do you recollect when he got the box?

A. In February sometime.

Q. No; I mean when he first got the box to put the papers in?

A. Oh; I remember the circumstance of his thinking it would be safer to carry them up to the bank, but I can not tell you when it was.

Q. Previous to his having the box, where did he keep his papers?

A. Well, our room had two steps going up to a closet, and he took off the top of one of those steps, and he kept his papers in there.

Q. Where did he keep the tin box after you brought it from the bank?

A. In the closet in the dining room.

Q. Did you ever examine those papers previous to his getting the tin box?

A. Previous to his getting the box?

Q. Yes.

A. I undertook to several times; once he went up

to the bank; we stopped there, we were in a hurry at the time as we were going to New York, and I said, "Let us go there some other time," and we did not examine them then, we went up several times to examine them, but they refused to let him have the box.

Q. Did you ever examine those papers before he bought the box?

A. I don't know; no; I don't think he had them; I can not remember anything about those papers before he bought the box.

Q. When did you first know he held this note of Joseph Smith?

A. Well, I know that he let Joseph Smith have money, and I knew that he had taken securities for it, but what they were I did not trouble myself about, but I knew he had let Joseph Smith have a good deal of money.

Q. When did your husband first tell you that he held this note of Joseph Smith, or that Joseph Smith owed him money?

A. I can tell you that he collected his interest on the money.

Q. At the time he made the first transfer to you through Mr. Powers, had he spoken to you with reference to a desire to transfer these securities to you?

A. He had spoken to me that he had intended to make provision for me, and that he had not done it, that he had not provided for me as he intended, and and that he should provide for me; I don't think he mentioned what he was going to do, but he did not feel satisfied and he wanted to provide more bountifully for me, he wanted me to retain the position I then held.

Q. What do you mean?

A. That I should not have been thrown out on the world as I have since been.

Q. He had previously told you that he had liberally provided for you by his will?

A. Yes, sir; but then there was another will it seems afterwards.

Q. Well, do you mean now to say that you know of his having made two wills?

A. I don't know; no; but he told me he had not made his last will, and that he intended to make another will?

Q. He told you that he intended to make another will?

A. He told me he intended to make another will, that he had not yet made his last will.

Q. Do you know yourself that he intended to make another will?

A. Only from his telling that he did—that he intended to.

Q. You do not know, then, why he did not make a new will instead of making these transfers?

A. No, sir; I don't know.

Q. Did he ever tell you that he had not provided as well as he wanted for you by the will?

A. He said he had not provided sufficiently for me, and as he wished to provide.

Q. When did you first know of his intention to transfer the city bonds and the railroad stock to you?

A. I did not know it until he did it.

Q Had not you talked with him about it?

A. No, sir; nothing more than to state that he was to provide liberally for me.

Q. What did he do with the papers after he transferred them to you; the bonds and railroad stock?

A. He gave them to me.

Q. He himself gave them to you?

A. He gave them to me himself.

Q. And what did you do with them?

A. Oh, I don't know where I put them; I put

them away, but I don't know where; I don't know what I did do with them; I thought him kindly; he was very kind.

Q. When he made the first transfer to you did you thank him then for those?

A. Yes, sir; I always thanked him for a present.

Q. Did you kiss him on that occasion?

A. I don't remember; I kissed him very often.

Q. Well, do you recollect what you did with the papers when he handed them to you?

A. No, I don't; I don't remember now what I did with them.

Q. Did he give them to you at the very time the transfer was made to you?

A. Yes, sir; he gave them to me, and then he handed them to me.

Q. Did you hand them back to Mr. Powers?

A. Not the bonds; I did not.

Q. Did not you hand him the railroad stock?

A. Yes, sir; for him to transfer on the books the railroad stock, I did.

Q. And then Mr. Powers, after you had given him the railroad stock, transferred it on the books of the company, and returned them to you, did he?

A. He returned the check.

Q. Don't you recollect what you did with the papers then?

A. I do not.

Q. Don't you know where you kept them during the balance of Mr. Haydock's life?

A. No; I don't not remember.

Q. On the occasion of the second transfer did you have any previous intimation of his intention to transfer to you the transfer that then was made of the Smith note?

A. No, sir; I did not know that he was going to transfer that, but I knew that he intended to provide for me liberally.

Q. You knew he had that note?
A. Yes, sir.
Q. And you knew the amount of it?
A. Yes, sir.
Q. Did you know the securities that were collateral to that note?
A. Why, I saw them.
Q. You knew what they were?
A. Yes, sir; bank stock.
Q. Anything else?
A. Railroad stock.
Q. What was done with that note after it was transferred to you?
A. I took it.
Q. What did you do with it?
A. I put it in my little valise, a little something I have to keep my papers in; I put it amongst my papers I think; I cannot remember just exactly what I did with it, I was busy and the care of my husband engrossed my attention more than anything else.
Q. Well, you collected that note afterwards, did not you?
A. Yes, sir; at my husband's request; he asked me if I had collected that note.
Q. What did you tell him?
A. I told him it was all right.
Q. Did not you tell him you had collected it?
A. No, sir; I said it was all right.
Q. Well, you had then collected it, had not you?
A. Yes, sir; I forget whether I had or not, but that was the reply I made to him; "All right," he said, "is the other provided for?"
Q. Did he speak to you after the transfer to you of that note, and before you had collected it?
A. No; after he gave it to me, I don't know that he did.
Q. The first, then, he spoke about that note after

he transferred it to you was after you had collected the money upon it?

A. I don't remember.

Q. How long after he transferred the note to you was it that you collected it?

A. I should think two or three weeks, or somewhere about that.

Q. Did you go and demand the money upon it from Smith yourself?

A. No; I did not; I don't remember about that.

Q. Don't you know who collected it?

A. No; I don't remember the particulars of the note; I think I got Mr. Vail to collect it for me.

Q. Well, how did Mr. Vail pay you, by a check, or by the money?

A. He gave me a check.

Q. And what did you do with the check?

A. I put it in Mr. Vail's keeping—the money is in Mr. Vail's keeping.

Q. When Mr. Vail gave you the check what did you do with it?

A. I think I put it in my pocket.

Q. And what became of the check afterwards?

A. I gave it to Mr. Vail.

Q. You gave the check back to Mr. Vail?

A. Yes, sir.

Q. Well, you got the money then afterwards?

A. Mr. Vail got it for me.

Q. Did Mr. Vail draw the money then upon the check and bring you the money?

A. No; he did not.

Q. Well, how did you get the money?

A. I have not got it yet, it is in Mr. Vail's keeping.

Q. Do you mean to say you have not had the money at all?

A. It is in Mr. Vail's keeping, it is all right.

Q. Have you never had the money upon that note?

A. No.

Q. Do you know on what day Smith paid the money on the note?

A. No, sir; I do not.

Q. You have never had the money yourself?

A. I never had the money in my own hands, no.

Q. You say your husband told you about his resigning from The Union National Bank of Rahway, did he ever tell about his resigning from the Savings Bank?

A. No, sir.

Q. You know he was one of the managers of the Savings' Bank?

A. I know he was.

Q. Do you know whether he resigned or not?

A. I don't know, I did not know anything of it until I heard it in the Court.

Q. He never said anything to you about it?

A. He did not happen to, it skipped his memory perhaps.

Q. Do you recollect the occasion of your brother Edward coming out on the midnight train?

A. I do.

Q. Which he testified to?

A. I remember it very well.

Q. Do you recollect when that was?

A. It was just before this case of the lunacy trial.

Q. Do you recollect how long it was before?

(*Objected to on the ground* that counsel had already cross-examined on that subject)

(*Mr. Stone* said he had no recollection of having done so; if counsel said so he would not go over the same ground.)

Q. You had a colored servant girl in your house a little before Mr. Haydock's death, did not you?

A. Yes, sir.

Q. What was her name?

A. I have forgotten what her name was now; she was there but a short time.

Q. Hannah Richardson, was that not her name?

A. I think so.

Q. When did she come to your house?

A About the fore part of May.

Q. What year?

A. 1879.

Q. Mr. Haydock was dead then, was not he?

A. In May?

Q. Yes.

A. Oh, March I would say.

Q. Well, did not you tell her you wanted her to take care of Mr. Haydock?

A. No, sir, I never did; I never gave up his care to any one that was there.

Q. Do you recollect, while this Hannah was at work with you, of your asking Hannah where Mr. Haycock was, and she telling you that she left him asleep in the dining room?

A. No, sir; I don't remember the circumstance at all.

Q. At the time Hannah was there Mr. Haydock had a bed in the dining room?

A. Yes, sir.

Q. When was that bed put there?

A. Well, it was there some time; I thought it was more comfortable for him to lie down.

Q. When was it first put there?

A. Well, I can not tell you; I don't remember; perhaps it was there two months, it may have been.

Q. What do you mean, two months before that?

A. Before his death.

Q. Was not that there during the lunacy proceedings?

A. No, sir.

Q. Are you sure of that?

A. I think not.

Q. But you are not sure?

A. I am not sure; it was there sometime, I know, but I don't remember just when we brought it down.

Q. Don't you recollect of you and Hannah finding Mr. Haydock at the time she was at service in your house out in the garden?

A. No, sir; we never did.

Q. You never saw him there in his night shirt?

A. Never.

Q. And you never heard him say during the time that the girl was living there that he was feeding the chickens?

A. No, sir.

Q. Or had gone out to feed the chickens?

A. Never; he never made the remark.

Q. Was he accustomed during the time that Hannah was living there to talk to himself any?

A. No, sir.

Q. Do you recollect while this Hannah was at your house of Mr. Haydock wanting you to give him some lemonade?

A. I do; I remember of his wanting some lemonade.

Q. And do you recollect of her giving it to him?

A. No, sir; never.

Q. Was it given to him?

A. I sent and got half a dozen lemons; but we concluded it was not best for him to have it; he was suffering with pain, and it was not best for him to have it.

Q. You say "we concluded;" who concluded?

A. I concluded, and the doctors said acids were not good for him.

Q. Well, you sent for the lemons with the intention of making it for him?

A. I tried to give him everything he asked for.

Q. That was not my question; you sent for lemons with the intention of making the lemonade?

A. Yes, sir.

Q. And then, after you got the lemons, concluded it was not best for him?

A. The physician said acid was not good for him in his suffering.

Q. Then you concluded after you got the lemons it was better for him not to have them?

A. We got the lemons, but the doctor said that he should not have acids, and on that account I did not give it to him.

Q. When did the Doctor say so?

A. About the time the lemons were called for he came in that day.

Q. Did he happen to come in after you got the lemons?

A. Yes, sir; and he said that acids were not good for him.

Q. Did he say you must not give him lemonade?

A. No, sir; but Mr. Haydock did not want it afterwards, he did not care for it; he would think of things that he would want, and a little while after he would waive it; he did not want it at all.

Q. Did not Hannah give him some lemonade?

A. She never gave him any lemonade; they were never cut at all; the six lemons were there and dried up; they were not used.

Q. Did not he find fault with you for not giving it to him?

A. No; never.

Q. Did not he tell you that you did not give it to him because he would not sign that paper for you?

A. No; he did not.

Q. Do you recollect in the presence of this colored girl Hannah Richardson of asking him if he would sign some paper?

A. No, sir.

Q. Nor asking him if you had not better bring down a lawyer?

A. No, sir; no.

Q. Did he say anything to you of this effect—yes, he would if he could get some peace.

A. No, sir; he never made that remark to me.

Q. Did you know that Mr. Haydock had that mortgage of Mr. Jonathan Woodruff?

A. I did.

Q. Did he ever tell you that he wanted to transfer that to you?

A. No, sir.

Q. Did you ever have Mr. Vail in your house to transfer any papers?

A. No; I think not.

Q. You say Mr. Haydock told you he wanted you to have the house in which you lived.

A. Yes, sir.

Q. And he always—(*interrupted.*)

A. He always intended that.

Q. He always intended that?

A. Yes, sir; always.

Q Do you know why he did not have the deed made to you then?

A. Well, it was put off to a more convenient time; I never insisted upon it, and never said anything in favor of it; I told him I would have a home, and it was his intention to give it to me, and I said, "I will have a home here."

Q. Did you ever send yourself for Mr. Vail to come to your house during Mr. Haydock's life?

A. I think not; he has been there two or three times, but I don't know what he came for.

Q. Do you recollect of Mr. Anderson being there to draw some papers for Mr. Haydock!

A. I remember some Mr. Anderson being there, but I don't remember the occasion or what he came for, I have forgotten.

Q. Well, when was it?

A. It was soon after the lunacy trial; I think it was something about Mr. Vail's transacting his business because he was getting weak or feeble, and I don't know what it is, I cannot remember what the substance of the thing was.

Q. You were a witness at the lunacy trial, were you not?

A. No, I was not a witness.

Q. Did you speak to your brothers about the propriety of having the deed of that property to you, the homestead property?

A. No, sir; I did not speak to him about it at all.

Q. Did not you say that you considered that because the taxes were not paid that it would be rather an encumbrance to you?

A. No, sir; I did not; I would have been very glad to have had it.

Q. Do you know about the sale of part of Mr. Haydock's property to Mr. Leonard?

A. Why I presume so, I should have to sign the deed, would not I?

Q. Well, I don't know; did you sign the deed?

A. I don't know, if I knew of it I could tell, where was it? what was it? I don't remember now if there has been any—(*interrupted.*)

Q. Do you know Mr. Silas Leonard?

A. I am not acquainted with him; no, sir.

Q. Did you ever see him to your knowledge?

A. No, sir; I don't know him.

Q. Was he never in your house?

A. I don't know; I should not know him if I was to meet him in the street.

Q. Did not you go yourself to Mr. Leonard with a view of having him to buy a piece of property from Mr. Haydock?

A. No, sir; not with that view, but there was some one of the name of Mr. Leonard, but I don't know one from another——(*interrupted*).

Q. Then you do know Mr. Leonard?

A. No, sir; I know there was a Mr. Leonard that wanted to buy some property, and he said he had been trying for years to get it.

Q. To whom did he say it?

A. He said it there; I don't know whom he said it to.

Q. Where was it that he said it?

A. I cannot tell.

Q. Was it in your house?

A. I don't know; I don't know whether Mr. Leonard was there; just tell me what it was, what property it was.

Q. What is that?

A. Just tell me what it was?

Q. Don't you know whether Mr. Haydock, during the year 187J, conveyed a piece of property to Mr. Leonard?

A. Oh, I do, a small piece of garden spot; I do remember it.

Q. Now, you do recollect it?

A. I do; it skipped my mind; I do remember his conveying a piece of garden spot.

Q. You signed the deed?

A. I suppose I did.

Q. Don't you know Mr. Leonard's first name?

A. I do not.

Q. Don't you know his business?

A. He is a potter.

Q. Near by your house?

A. Yes, sir; but I would not know the man if I was to see him in the street.

Q. Do you know how much that property was worth that was conveyed to him?

A. No, sir; I do not.

Q. Whether it was a large or a little piece?

A. It was a very small piece of lowland.

Q. Then you do know what it was?

A. I remember that little spot; I thought it was some other piece of land you meant.

Q. Don't you know that Mr. Leonard was negotiating for the purchase of that lot before the lunacy proceedings?

A. I don't remember it.

Q. Did not you talk to him about it?

A. I don't remember; I don't remember anything of the circumstances.

Q. Don't you recollect of his coming to your house to go with Mr. Haydock to look at it?

A. No, sir.

Q. And don't you recollect of Mr. Haydock saying he would take a lantern to go and see it?

A. No, sir.

Q. Do you recollect what he paid Mr. Haydock for that piece?

A. I think it was fifty dollars or sixty dollars, or something like that, for a little garden spot.

Q. Do you recollect when it was sold?

A. No, sir.

Q. Do you recollect where you were when you signed the deed?

A. No; I think it was in the back parlor.

Q. Who took the acknowledgement?

A. Mr. Ward, I think.

Q. Who took the money?

A. Why, it was paid to Mr. Haydock, and then it was paid for lawyers' fees.

Q. Do you mean to say that Mr. Ward took the whole of the money?

A. No, sir; he did not take it.

Q. Who did take it?
A. Mr. Haydock took it.
Q. Well, what did he do with it?
A. He put it in his pocket-book.
Q. Do you know what then became of it?
A. He paid it to the lawyers, I told you.
Q. How do you know?
A. Because I know what he had in his pocket-book; I know that he paid his lawyer's fees.
Q. How do you know it?
A. My eyes saw it.
Q. You saw him pay the lawyer?
A. I saw him put the money in his pocket-book.
Q. But you say that he paid the lawyers with that money, how do you know that?
A. Because he sent it to the lawyers to pay the fees.
Q. He sent it to the lawyers?
A. Yes, sir.
Q. How do you know?
A. I think I took it myself.
Q. To whom?
A. To Mr. Vail.
Q. $50?
A. Yes, sir.
Q. How sick was Mr. Haydock at the time of the lunacy trial?
A. He was pretty sick.
Q. Was he confined to his bed?
A. Some of the time.
Q. I mean during the time of the trial?
A. Not all the time; he was about the house.
Q. How many days did the trial continue?
A. Well, it was postponed several times.
Q. How many days did the trial continue?
A. Not over one.
Q. One day?
A. One or two days, I really do not remember; I

know I went several times, and I do not remember how many times it was.

Q. Don't you recollect how many days were occupied in examining witnesses?

A. No; I don't remember.

Q. Was there more than one day?

A. I went there several days.

Q. No, no; I mean when we were examining witnesses?

A. I don't remember.

Q. Do you recollect what kind weather it was?

A. Yes, sir; stormy.

Q. But you can not tell whether it was one day or more than one that was occupied in the actual trial of the cause?

A. No, sir; I can not, but that we were several times there when it was postponed.

Q. At the time of the actual trial of the cause was Mr. Haydock confined to his bed?

A. Yes, sir; he was about the house, but very weak, though.

Q. Did you talk with him about the trial?

A. Of course I did.

Q. Did you advise him whether or not he should go to the trial?

A. He could not go.

Q. Well, did you advise with him about it?

A. No; I had no necessity for it.

Q. Did you at any time ask him to go?

A. No, sir.

Q. Did he ask you whether he should go or not?

A. No, sir; he did not.

Q. Did you tell him he ought not to go?

A. Why, I suppose I did; his health was very poor, and he was not fit to go.

Q. Did you ask any postponement of the trial in order that he might attend?

A. I never postponed it; I had nothing to do with it.

Q. Well, why did not you ask for a postponement in order that you might bring him there?

A. Because I thought the sooner it was over the better.

Q. Did not you think it was desirable to have him present?

A. No, not in his state of health, I did not.

Q. Did not you think it desirable that he should be there?

A. I wish he had been able to be there.

Q. Why did not you ask for a postponement?

A. (*A pause.*)

By the Court:

Q. Answer the question?

A. He had trials and troubles enough without putting any more upon him; he was an old man.

Further Cross:

Q. Did you show your brother the night he came there on the midnight train the papers that had been served in the lunacy cause?

A. I don't remember showing them to him.

Q. Did you ever talk with your brother previous to that night about that?

A. No, sir; I never talked to him about his papers.

Q. How long before the night when he came there was it he knew of the proposed lunacy proceedings?

A. Two or three nights.

Q. Were not the papers served upon Mr. Haydock several days before this visit?

A. They were served upon him on the third of December.

Q. And your brother came there after that?

A. I don't remember when he came.

Q. Don't you remember whether it was before or after the third of December.

A. No, sir; I do not.

Q. Was it in consequence of your receiving these papers that you sent for your brother?

A. I sent for him for advice to know what to do; we had our trials, and wanted friends to consult with, and to be with us.

Q. Did you send for your brother to before your husband had these papers served upon him?

A. I think it was immediately after.

Q. Well, the trial was on the 29th of December, or the 24th.

A. The trial was on the 24th.

Q. Did your brother come to see you more than once between the time when the papers were served on you, and the time of the trial?

A. I don't remember whether he was there or not; he was there once in a while.

Q. I mean your brother Edward.

A. State the question over again.

By the Court:

Q. Counsel wants to know whether between the time of the service of these papers and the time of the actual trial when the jury rendered the verdict, was your brother down at your house more than once?

A. I don't remember.

Further Cross:

Q. Did people come to see Mr. Haydock before his death? I mean during the last two or three months before his death?

A. Did people come to see him?

Q. Yes.

A. Certainly.

Q. Were they permitted to do so?

A. Always.

Q. Was there never any one refused?

A. There was never any one refused to see him.

Q. Do you know Mrs. Miller?

A. Yes, sir, I do.

Q. Mrs. Benjamin Miller?

A. I do.

Q. Do you recollect her coming to see him?

A. No, sir; I don't recollect her coming to see him; she came to the house; I don't think she ever asked to see him, and I don't know but what she did see him; I remember Mrs. Miller very well.

Q. Don't you know she came to see him three times?

A. No, sir; she frequently called at our house; she is a person, a very good kind friend.

Q. Don't you know she was told she could not see him?

A. No, sir; I don't know it.

Q. You remember the time of the taking of the inventory?

A. I do.

Q. Did you talk with Mr. Benjamin Bonney on that day?

(Objected to.)

By Mr. Stone:

I want to ask her whether she did not say to him that anybody could have seen Mr. Haydock that wanted to, provided they did not want to make him out a lunatic?

By the Court:

I have grave doubts whether it is competent; the testimony is too remote; I over-rule the question.

Q. Do you know Mr. Frazee, the shoemaker?

A. I think I do.

Q. Do you recollect Mr. Haydock taking a lot of old shoes to him a little while before his death?

A. Why no.

Q. Did not he take quite a number of old shoes or boots to Mr. Frazee just before his death?

A. Never; no, sir; I can answer that question.

Q. Do you recollect Mr. Frazee mending one of those shoes?

A. No, sir.

Q. Where is his shop?

A. There is a Mr. Frazee that I have reference to across the way from our house.

Q. Did not you go over to Mr. Frazee and find fault with him for mending that shoe?

A. Why no, I do not remember it.

Q. Were you ever in his shop?

A. Yes, sir; I have been in his shop and got my son's shoes mended there.

Q. Did Mr. Haydock go there to get his shoes fixed?

A. I don't remember that he did.

Q. You do not know anything about it?

A. No, sir; I don't remember it.

Q. At the time Hannah Richardson was in that house, did you ever lock Mr. Haydock up in his room?

A. No, sir.

Q. You never did?

A. I never did.

Q. I think you said you were the only one that nursed him?

A. I never put him under the care of any one else, I said.

Q. Who else attended him but yourself?

A. Several.

Q. Who?

A. I cannot tell you the names.

Q. Tell us some of the names?

A. I do not remember the names.

Q. You do not remember the name of a single person who attended him?

A. My sister-in-law was with him, and we were all, a great many of us, around him, but I took care of him myself; he could not bear to have me out of his sight, and if anybody else was with him it was: "Is thee tired of nursing me?"

Q. Was Rachel Hoff nursing him?

A. No, sir; she was my washwoman, and she did assist me; she was a very strong woman; he got so palsied and weak that we had to have a strong person to lift him, and she did what I could not get anybody else to do.

Q. Rachel Hoff was strong?

A. Yes, sir; a strong Irish woman.

Q. And you had her to attend to Mr. Haydock?

A. With me; but I did not leave her alone.

Q. Do you recollect once when you and Rachel Hoff were present with him, of his being in pain and calling out and wanting his daughter?

A. No, sir, never; if he had asked for her I should have sent for her in a moment.

Re-Direct:

Q. Do you mean to say that Mr. Haydock did not take some boots and shoes over to Mr. Frazee's, or that you do not know of it?

A. I do not know of any such circumstance; I re-

member of my son's having a pair of boots soled there.

Q. That is all?

A. But my husband was not in the street at all, and of course he did not take them.

Defendants rest.

HANNAH RICHARDSON, a witness produced in behalf of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. How long did you work for Mr. Haydock?

A. I could not tell you whether I was there two or three months; I was there over two months, but I could not say whether it was three months or not

Q. Months or weeks, do you mean?

A. Months I said.

Q. What were part of your duties while you were there?

By Mr. English:

What do you propose to prove by this witness?

By Mr. Berry:

We propose to contradict Mrs. Haydock, and to show by this witness that when she went there Mrs. Haydock told her that part of her duties were to take charge of Mr. Haydock, and she was shown into his room, and she did have charge of him; and that one day very soon after she came there he was found in the garden in his night shirt, and she went out and asked him what he was doing there and he

said he was feeding the chickens, and she brought him back and he dropped off to sleep, being very weak.

Then we propose to show that her treatment of him was very cruel; that when he called for lemonade Mrs. Haydock refused to give it to him and he implored that she would do it; and that eventually this witness assisted him and gave him a drink; and that when Mr. Haydock complained he used the words, "I wish I had never seen you--why do you treat me so, is it because I won't sign that paper that you want to me to sign," and that he said, "I wish I had never seen you, you treat me so cruelly;" and the testimony will be in direct contradiction of what Mrs. Haydock swore to in regard to that matter.

We want to show in addition to that that Mrs. Haydock gave Mr. Haydock a dose of medicine and locked him in a room and went up town and was gone some time, and that he having occasion to answer the calls of nature did so on the floor; that he kicked at the doors and windows and tried to get out, and she asked him if he would sign the papers; and he said, "Oh, yes, yes; if he could get some peace."

By Defendant's Counsel:

I object to all of the offer of complainants' counsel, except so much thereof as shall be strictly in rebuttal.

By the Court:

Then I shall hold the complainants' counsel to the production of such testimony as shall be strictly in rebuttal.

Q. Do you remember during your stay there an

occurrence in which a drink of lemonade came in question; if so, just state how it happened and all about it?

A. Well, I know Mr. Haydock asked her one day —(*interrupted.*)

(Objected to as not rebuttal.)

(Objection over-ruled.)

Q. Now just state what occurred?

A. Well, I know Mr. Haydock asked Mrs. Haydock if she would please give him a glass of lemonade, he was so awful thirsty, and she made answer to him—"Oh, dear me, you are so much trouble," and she would not give it to him. So when I came into the dining room, he said, "Won't you give me a glass of lemonade or a glass of water," and I went to the cupboard where she kept her lemons and took out a lemon and cut it and made him a glass of lemonade and took it and handed it to him. And she did not like it very well because I gave him the glass of lemonade. She said I had no right to give him anything what she did not want him to have. And I made answer and said, "Mrs. Haydock. I hate to see him lying asking for a drink and cannot have it; so, I said, I gave him that much. Anyhow, she did not like it, and she said I had no right to do what she said she didn't want him to have.

Q. What, if anything, did Mr. Haydock say to her about this?

A. About the lemonade?

Q. About the treatment of him in regard to it?

A. "Oh," he said, "Why is it that you treat me so; is it because that I won't show my papers to you." And she didn't make him any answer as I recollect now.

Q. Well, go right on from there; was there anything further said about that?

A. Well, I forget it now.

Q. Was there anything said about his doing it, if she would get any one there?

A. What do you say?

Q. Did she say anything about his doing it if any one was sent for?

(Objected to as leading; overruled.)

By the Court:

Q. Hannah, counsel want you to state all that was said on that occasion, either by Mr. Haydock or Mrs. Haydock?

A. Yes, sir.

Q. Now, if there is anything you have not told, you can tell it?

A. I don't recollect him saying anything after that, that I know of. I know one day that she went to the bedside as he lay in the bed—(*interrupted*).

(Objected to.)

Q. Hannah, did you ever hear Mr. Haydock speak to Mrs. Haydock after this about signing over papers —or anything about his papers or property?

A. Did I heard Mr. Haydock?

Q. Yes; or did you hear Mrs. Haydock say anything to him on that subject?

A. I know she used to be all the time talking to him about signing his papers, and one day she asked him if he would sign them, and he said, "Oh, dear me, yes, if it will do you any good."

Q. Was there anything said or done on that occasion, Hannah?

A. No, sir; I don't think there was.

Further Direct:

Q. Did you hear any other conversation between them when Mr. Haydock said anything about his being worried about the business?

A. Oh, I know that she asked him if he——well, she went into the room again, one day, and asked him if he would have his papers signed, and he said, "Oh, dear me;" he says, "I wish I had never seen you;" he said it to her just so; she made answer and said to him, "Why do you say that?" And he said, "Because," he says, "you worry me so about the papers, and I never see any peace with you."

Q. Is that the whole of it, that you remember?

A. I forget it; it is so long ago.

Q. Will you state now, Hannah, what you know of Mr. Haydock being kept in his house by Mrs. Haydock, and the manner she used to do it, and how it was done; just state in the first place whether he was permitted to go out or not, and if not, why not?

A. Yes, sir; I know she never went against him about taking a walk out or anything; Mr. Bayright came in one day and he walked with him down in the yard, and I don't recollect now whether he took him out of the front gate or not, but I know he took him down in the yard, and at the time she seemed to be worried because he went down in the yard for fear he would get too tired, and she went out there to them and saw them coming in, and she told Mr. Bayright to bring him in; but Mr. Bayright said he did not care to come in right away, so she told him to leave Mr. Haydock in the house, because she was afraid he would get too tired; then another day she went down town and she left him in the bed asleep; her brother had gone away then and she left him in the dining-room in bed, asleep, and she said

to me "You watch him for me, I am going down town." So I done so and she took and locked the dining-room door, so that he could not get out, and then after she went he got up and went to the door and tried to get it open, and I said, "Where are you going?" And he said, "I am only going out to take a walk;" he was tired of staying in the house; and I said, "No, don't go out, Mr. Haydock, Mrs. Haydock will be back pretty soon, go and sit down;" he would not—he would not sit down; he went to the window and was going to get out of the window; I said, "No, don't go out; wait until Mrs. Haydock comes back."

Q. Was there anything done by Mrs. Haydock to prevent his going out?

A. I don't know what she meant by it.

Q. Well, what was done with his hat and cane, if he wanted to go out?

A. I know she told me to take his cane and hat and coat and take it up stairs, and I done so; and the day she went out he was looking all round for his hat, cane and coat and he could not find them. She told me not to tell him where it was, so I did not tell him, because I did not know whether I was doing right or wrong. I know that after she came home he wanted to go out, and she told me to go and get his hat and cane and let him go out; that she was not going to bother any more about it; that if he wanted to go, to let him go. I went and got his hat and cane and brought them down, but he was taken with a weak spell and could not get up to go.

Q. Is there anything else about his being prevented from going out?

A. I don't recollect anything.

Q. Then that is all?

Cross-examined:

By Mr. English:

Q. How old are you, Hannah?
A. I am 18.
Q. Where do you live?
A. Rahway.
Q. Where?
A. I live at Elizabeth, but my parents live at Rahway.
Q. How long have you lived at Elizabeth?
A. 10 years.
Q. Who do you live with?
A. With nobody now.
Q. Where do you stay?
A. Down Price street.
Q. Where is that?
A. Well, I could not tell you where it is; I don't know myself, so I could not direct you.
Q. Don't you know where Price street is?
A. No, sir.
Q. Which side of the railroad is it; the Newark side, or the other side?
A. The Newark side.
Q. Which side of the New Jersey railroad is it; the one that runs towards Newark here, not the one that goes to Elizabethport?
A. I don't know.
Q. And yet you have lived there ten years?
A. Yes, sir.
Q. And don't you know where Price street is?
A. No, sir.
Q. Who lives with you?
A. Nobody.
Q. Who have you lived with?
A. My uncle and aunt.
Q. Who is your uncle?
A. Joseph Firman.
Q. Why do you not live with him now?

A. Because he is not there to live with.
Q. Where is he?
A. Asbury Park.
Q. When did he go?
A. About two years ago.
Q. Did your aunt go with him?
A. Yes, sir.
Q. Where have you lived for the last two years?
A. With my mother.
Q. Where?
A. Rahway.
Q. Then you have not lived for the last ten years at Elizabeth?
A. No, sir.
Q. How long have you lived in Price street, Elizabeth?
A. Not quite a year yet.
Q. Who have you been staying with down in Price street?
A. My aunt.
Q. Which aunt?
A. Phebe Jane Smith,
Q. Have you got any other aunts in Elizabeth?
A. Yes, sir; there is another aunt yet in Elizabeth.
Q. Are you staying with Phebe Jane Smith now?
A. No, sir; I am living by myself.
Q. Do you rent a room?
A. Yes, sir.
Q. Are you married?
A. No.
Q. What is the man's name that you live with?
A. Nobody lives with me.
Q. Has anybody ever lived with you in Elizabeth?
A. No, sir.
Q. What do you do for a living?
A. Work out.
Q. What do you work at?

A. I go out to day's work once in a while when I can get it.

Q. As what?

A. Washer and ironer.

Q. Who do you wash for?

A. Oh, I ain't washing for anybody now in some time; the last woman I washed for was Mrs. Anderson.

Q. Where did she live?

A. Up by Jefferson Park.

Q. How long is it since you washed for her?

A. Three months ago.

Q. What rent do you pay for your room?

A. A dollar a month.

Q. Who do you pay it to?

A. A colored woman down there.

Q. What is her name?

A. Lizzie Smith.

Q. Does her husband live with her?

A. She has not got any husband.

Q. Is she a widow?

A. Yes, sir.

Q. How many children has she?

A. I don't know; she has got so many that I don't know how many she has got.

Q. Are they all home?

A. Yes, sir.

Q. How old is Lizzie?

A. I don't know.

Q. Where do you get what you eat and drink and wear?

A. I work for it.

Q. And the last work you did was three months ago.

A. Oh, no; I work once in a while, but I aint washed out.

Q. What have you done within the last three months?

A. Scrubbing and ironing.
Q. Who did you scrub and iron for?
A. I don't know.
Q. How many day's work have you done within the last three months?
A. I don't know; I can't work much at all; I am sick.
Q. You can work enough to get your clothes and board, can you?
A. Yes, sir.
Q. How much do you earn a week?
A. Sometimes $2 and $3.
Q. Did you work anywhere last week?
A. No, sir.
Q. Or the week before?
A. No, sir, I was sick last week.
Q. Or the week before that?
A. Yes, sir.
Q. Who for?
A. Scrubbing out a store, I don't know whose it was.
Q. Whose store?
A. I don't know.
Q. Where was it?
A. In Broad Street.
Q. Below the railroad?
A. Down Broad street?
Q. What kind of a store?
A. Grocery store.
Q. How old is your child?
A. Three years old the 26th of December.
Q. Who is the father of that child?

(Objected to and over-ruled.)

Q. You are not married?
A. No, sir.
Q. And never have been?

A. No, sir.

Q. When you went to live at Mr. Haydock's what did you do with your child?

A. Left it with my mother.

Q. In Rahway?

A. Yes, sir.

Q. You said that Mr. Haydock said something to Mrs. Haydock about "Why is it you treat me so;" where was Mr. Haydock when Mrs. Haydock asked him the question?

A. In the house in bed.

Q. What month was that?

A. I could not tell you what month.

Q. Do you recollect when it was you went to Mr. Haydock's?

A. No, sir; I could not tell you in what month it was.

Q. Was it January?

A. I don't know.

Q. Was it before New Year's?

A. Yes, sir: a good while before New Year's; I worked for her in the Summer.

Q. Was it in August?

A. I could not tell you.

Q. Was it before or after the Fourth of July?

A. If I am not mistaken I think it was after the Fourth.

Q. After the Fourth of July?

A. I think so.

Q. How long did you stay?

A. I was there, anyhow, two months.

Q. Was Mrs. Bayright there while you were there?

A. Not as I know of; I am not acquainted with her at all; she might have been and she might not.

Q. Do you recollect when it was you went away?

A. No, sir; I could not tell you, but I know it was a little while before Mr. Haydock died.

Q. About how long before Mr. Haydock died?

A. I guess about a month, or a little over a month.

Q. Do you recollect what month it was that Mr. Haydock died—was it after September or November?

A. I don't know.

Q. Well, which do you think?

A. I don't know; I couldn't say.

Q. Was it before Christmas or after Christmas?

A. It was before last Christmas.

Q. Yes?

A. Before last Christmas.

Q. Before last Christmas?

A. Yes, sir; I think so.

Q. About how long before Christmas was it; where did you keep Christmas?

A. I kept Christmas home, in bed, sick.

Q. After you left Mr. Haydock's?

A. Yes, sir.

Q. And Mr. Haydock was then dead, was he?

A. I can't say whether he was or not.

Q. He didn't die then before you left?

A. No, sir.

Q. Did he used to walk out during the latter part of your time there?

A. He went out shortly after I went there, but before I left he was so weak that he could not go out.

Q. Did you hear anything about a trial while you were there?

A. No, sir.

Q. You say he was in the room at the time he said, "Why do you treat me so?"

A. Yes, sir.

Q. Was he not in bed?

A. Yes, sir.

Q. Where was the bed then?

A. It sat back by the two windows.

Q. Which room?

A. In the dining room.

Q. Do you recollect what month that was—how long before you went away?

A. I guess a month before I went away.

Q. That would be about the first of August, would it not?

A. I could not tell you.

Q. Was it warm or cold weather?

A. Warm, I know.

Q. Real hot?

A. Not so very hot.

Q. Well, Summer weather?

A. It was not in the dead part of the Summer but the last part of the Summer.

Q. Had there been any frost yet?

A. I don't know.

Q. Were the leaves on the trees?

A. Yes, sir.

Q. Did you have the windows open in the day time?

A. Yes, sir.

Q. Was the bed in the dining room then?

A. Yes, sir.

Q. Did you have any fire for Mr. Haydock then?

A. Yes, sir; we kept a fire towards the last of the time.

Q. What were the exact words used when he spoke to her on the first occasion that you spoke of, when he asked her why it was she treated him so?

A. He said, "Why is it you won't give it to me?—why do you treat me so? Is it because I won't sign them bills to you?"

Q. Well, do you know what papers he referred to?

A. No, sir; I could not tell you, but I seen the papers.

Q. What sort of looking papers were they?

A. Why, they were papers that laid on the table.

Q. How large a bundle was there?

A. She had three or four bundles there
Q. Was there a tin box there?
A. Yes, sir; he had a tin box.
Q. A bright tin box?
A. I think so, but I could not say for sure.
Q. Bright tin?
A. I think so.
Q. Did it have a padlock on it?
A. I didn't take notice.
Q. Don't you recollect that it had a large brass padlock on it?
A. Well, I don't know; I never took notice of it.
Q. Was it a square box?
A. Yes, sir.
Q. Just about as wide as it was long?
A. Yes, sir.
Q. Did it have any name on it?
A. I don't know.
Q. How long was that box?
A. As far as I can remember it was about that long (*witness illustrated*).
Q. And that wide?
A. Yes, sir.
Q. And about how high?
A. About that high.
Q. Did it have any paint on it?
A. I don't think there was; I could not say for sure whether there was or not.
Q. Do you know for sure where the papers came from?
A. No, sir.
Q. Was the box unlocked at that time, or not?
A. Yes, sir; the box stood open.
Q. Was it full of papers?
A. It seemed to be.
Q. And a number of papers were taken out and put on the table?
A. Yes, sir.

Q. Was Mr. George Bayright there?

A. No, sir.

Q. Was there anybody there but you?

A. Mr. and Mrs. Haydock.

Q. How long were you in the room at that time?

A. I was rubbing his head; I was there quite some-
10 time.

Q. What was the first thing Mrs. Haydock said on that occasion that gave rise to the conversation?

A. Which do you mean?

Q. I mean that gave rise to the talk between you; you recollect the time when you were rubbing his head and the bright tin box was there on the table?

A. I don't recollect him saying anything else except that.

20 Q. What was it he referred to?

A. Well, he didn't say anything else while I was there.

Q. Did she say anything when he said that?

A. No, sir; only that she would not give him the lemonade.

Q. Did you give him any lemonade?

A. I gave it to him.

Q. How long afterwards?

A. As soon as he asked me for it.

30 Q. Did she know that you were going to get it?

A. No, sir.

Q. Did you stop rubbing his head and make the lemonade?

A. Yes, sir.

Q. And did you bring it back right before her?

A. Yes, sir.

Q. Didn't she stop you?

40 A. No, sir; but she said I had no right to give him anything that she didn't want him to have.

Q. You say she used to be asking him about his papers. Now when was the first time you ever heard her ask him about his papers?

A. I can't recollect now, but I think anyhow it was a day or two after Mr. Bayright went away that she asked him about his papers.

Q. What did she ask him?

A. She asked him if he thought he was able to go out and have his papers signed, or if a lawyer come in and sign them.

Q. What did he say?

A. He said he was not able to go out, but he said he would let her know at another time.

Q. Did she say what papers?

A. Not before me she didn't.

Q. Mr. Haydock said what you just said, did he?

A. Yes, sir.

Q. Did she say anything back?

A. She said she hoped he would be so that he could sign them, and she said if he could not she would go down and get a lawyer to come up and sign them for him.

Q. What did he say to that?

A. He said he would let her know and if he was able to-morrow he would go; and he says, "If I ain't you must put it off."

Q. Now, when was the next time you heard anything about this?

A. A day or two afterwards.

Q. What was said then?

A. She asked him if he thought he was able to have his papers signed, and he said, "Oh, dear me, yes; I am so tired; I wish it was done;" and she went out and got a couple of gentlemen and they came in, but Mr. Haydock was not able to sign them.

Q. Who were they?

A. I could not tell you.

Q. Was Mr. Powers one of them?

A. I don't know.

Q. Do you know Mr. Powers?

A. The gentleman next door?
Q. Yes?
A. It was not him.
Q. Do you know Mr. Anderson?
A. I know him; and it was not him.
Q. Was it Mr. Bayright?
A. No, sir.
Q. Was it Mr. Vail?
A. No, sir; I could not tell you who it was; it was a couple of young gentlemen.

By the Court:

Q. Was the gentleman sitting next to the gentleman who is talking to you, one of them?
A. No, sir; I think not.

Further Cross:

Q. What did this gentleman say when he came?
A. I don't know; I went out.
Q. How long were they there?
A. They were not there long. They found out he was not able to sign them, so they put it off until another day.
Q. Now, when was the next time?
A. The next time was the next week, I think, when they came to sign them; and then he was sitting up in a chair—in his rocking-chair; so they asked him if he thought he was able to sign them, and he said, yes, he guessed he was, so Mrs. Haydock brought out the stand and things, and put the papers on it, and I don't know whether he signed them or not, because I went out of the room.
Q. What young gentlemen were there that time?
A. The same ones.
Q. Would you know them if you were to see them?
Q. I don't know; I might know one of them.

Q. What kind of a man was the one you would know?

A. He was a short gentleman.

Q. About how old do you think?

A. I could not say how old-

Q. Did he have grey hair?

A. No, sir; he was a young man.

Q. Any whiskers?

A. Yes, sir.

Q. Light or black?

A. Dark whiskers.

Q. Any mustache?

A. Yes, sir.

Q. Was he good looking?

A. He was very good looking.

Q. How about the other—was he?

A. Yes, sir.

Q. This was one of those young gentlemen—the good looking one, was it not—(*pointing to Mr. McCloskey*).

A. No, sir.

Q. How about this one—(*pointing to Mr. Berry*).

A. It was not him.

Q. When did you first see this gentleman?

A. I first seen him in Mrs. Watson's store.

Q. Who is she?

A. I couldn't tell you; she lives there in Rahway.

Q. Well, when was it?

A. While I worked there; I could not tell you what month.

Q. You have seen him in Elizabeth, have you not?

A. Well I could not tell you.

Q. Didn't he come to you to make an affidavit?

A. I don't know.

(Adjourned until Wednesday, the 26th day of November, A. D. 1879, at 10:30 A.M., at the Vice Chancellor's Chambers, No. 828 Broad Street, Newark, N. J.

HANNAH RICHARDSON, a witness produced on the part of the aforesaid complainants, having been duly sworn, is recalled for

Further Cross-Examination:

By Mr. English:

Q. What time of the day was it that Mr. Haydock took the old boots and shoes to Mr. Frazee?

A. I don't know, sir.

Q. Do you recollect how long it was after you had been there?

A. No, sir; I don't recollect him taking any shoes at all while I was there.

Q. Did you say anything about that in your affidavit?

A. No, sir.

Q. Where do you say you now reside?

A. Price street.

Q. How long do you say you have been a resident of the City of Elizabeth?

A. A. Ten years.

Q. And you never said you have been a resident of the City of Rahway?

A. No, sir; I was only there about a couple of years.

A. No, sir.

Q. Where did you reside on the 31st day of May last?

A. I think it was in Rahway.

Q. Who with?

A. Robert Richardson.

Q. Did you ever reside with anybody by the name of Watson?

A. Yes, sir.

Q. Are you sure you resided with Mr. Richardson on the 31st day of May last?

A. No, I am not sure, but I think I was to Watson's then.

Q. How long were you at Watson's?

A. Two months and three weeks, I think.

Q. Now, when you went to Mr. Haydock's, how much time did you spend in taking care of him?

A. Oh, I spent all my time in helping her to take care of him after I got through my other work.

Q. What work did you attend to—the house work?

A. Yes, sir.

Q. Did you do all the house work?

A. I done all the house work. She helped me scrub.

Q. And did you do the washing and ironing?

A. Yes, sir.

Q. There was a good deal of washing through the sickness, was not there?

A. No, sir; there was not a very large wash.

Q. Did you do the cooking?

A. I helped Mrs. Haydock do the cooking.

Q. Did you make the beds, do the scrubbing, wash windows, &c.

A. Yes, sir.

Q. After you got through that you helped to take care of Mr. Haydock?

A. Yes, sir.

Q. What did you used to do when you were helping take care of Mr. Haydock?

A. I used to rub him and comb his hair, and such things as that.

Q. Every day?

A. Yes, sir.

Q. How much time did you so spend every day?

A. I spent, I guess, about two or three hours at different times.

Q. Do you recollect what happened first on the day you went to Mr. Haydock's?

A. What happened?

Q. Yes; do you recollect what Mrs. Haydock said to you first on the day you went there?

A. Yes, sir.

Q. What did she say?

A. She was not in when I first went there; her brother was there and he called her, and she told me to come out in the kitchen, and she asked me if I was the girl that wanted a place, I told her yes, and she said she was very glad to get a girl now, because Mr. Haydock was very sick, and she said to me that part of my work would be to take care of Mr. Haydock for her.

Q. Well, it was the most part of your work after you got there, was it not?

A. Oh, no, sir; it was not the main part; I done all the rest of the work.

Q. Well, Mrs. Haydock would not permit Mr. Haydock to go out of the house at all, would she?

A. Well, I never knowed her to refuse him to go out only about twice, I guess.

Q. About twice—do you recollect when those times were?

A. I know he wanted to go out one day after her brother went away; he said he would like go out, that he wanted to go and take a walk down town on some business, and she told me to take his things and put them away, so that he could not get them.

Q. Did she give him any reason why he should not go out?

A. She said he was too weak.

Q. Did you go and put his things away?

A. Yes, sir; I put them away as she told me.

Q. Did he look for them?

A. He went in the room—she was going down town, and he went in the room and looked for them; he asked me where they were, and I told him I didn't know.

Q. When was the next time that she would not let him go out?

A. That was one day when he wanted to take a walk down the yard; she told him no, he had better not go because there was no one to go with him only her, and she was afraid for fear that he might get down there and not be able to get in again.

Q. What did he say?

A. He said he guessed not; he wanted to go out and get the air.

Q. Did he go or not?

A. No, sir; he laid down on the bed.

Q. You have never sworn, have you, that Eliza Haydock would not permit him to go out of the house unless he was accompanied by some one in his employ or friendly to him, and then only in the back yard out of sight of the public?

A. I swore to the whole of it—to all that I had to say.

Q. Did you swear to that?

A. I don't know.

Q. Was it true or not?

A. It was true.

Q. That she never let him go out except in the back yard out of sight of the public?

A. That's only twice; I don't know whether he asked her when he was out of my sight or not.

Q. Well, did or did not he ever go out on the street?

A. No, sir.

Q. He never went out on the street while you were there?

A. No, sir.

Q. You don't know whether he ever asked to go out while you were there?

A. No, sir; I don't know whether he ever asked or not.

Q. I thought you said that Mrs. Haydock said she would not quarrel or fight with him any more about going out?

A. Yes, sir.

Q. And that he might go?

A. Yes, sir; she would not bother any more, and if he wanted to go, he could go.

Q. You don't know whether he went after that or not?

A. He did not go.

Q. You are sure he did not go?

A. No, sir.

Q. And it is only the two times you have mentioned that you have any recollection of?

A. Only twice.

Q. Do you know whether you have ever sworn that such conduct on the part of Mrs. Haydock continued and was enforced by her during the entire time you staid there?

A. What do you say?

Q. Have you ever sworn that Mrs. Haydock enforced such a rule during the entire time that you stayed there; that she never let him go out; have you ever sworn so?

A. I don't know as I have; I don't know.

Q. Did you ever hear Mr. Haydock ask Mrs. Haydock for a drink of water?

A. For a drink of water?

Q. Yes.

A. Very often.

Q. Did you ever hear her refuse to give it to him?

A. Once she told him she was afraid water did not agree with him.

Q. Once she told him she was afraid water did not agree with him?

A. Yes, sir.
Q. Where was that?
A. In the dining room.
Q. What did he say to that?
A. He said it would not hurt him, he did not believe.
Q. What did she say then?
A. She said, "If you think it won't hurt you, you can have it."
Q. What did he say?
A. He said he would have to have a drink; he was thirsty.
Q. Did he get it?
A. Yes, sir.
Q. Was that all the conversation?
A. That is all I heard.
Q. Well, did not he say then, "I never seen such a woman as you are; you are so ugly to me; I guess it is because I will not sign that paper for you?"
A. Yes, sir; that is what he said.
Q. That's what he said when she asked him for a drink of water?
A. That's what he said when he asked for the lemonade.
Q. Did he say that when he asked her for a drink of water at any time?
A. I could not say; I don't recollect that.
Q. Have you ever sworn so?
A. I have never sworn to it, but I can swear to it.
Q. You can swear to it?
A. Yes, sir.
Q. You can swear to what?
A. That Mr. Haydock asked her what is the reason she was so ugly to him, and she said because he would not sign the papers.
Q. Can you swear he said that when he asked her for a drink of water?

A. No, sir; I said it was when he asked for a glass of lemonade.

Q. What did she say when he said I guess it is because I will not sign that paper for you?

A. I don't recollect of her saying anything. I went out of the room.

Q. Have you ever sworn as to what she said to that remark?

A. No; I don't know.

Q. You don't know?

A. I don't know as I have; I don't know exactly whether I have or not.

Q. Can you recollect what she did reply?

A. No, sir; I don't; I went out of the room.

Q. Did not she say she did not care whether he signed any papers or not?

A. I don't know; I could not say.

Q. Did not she say she wished he would?

A. Yes, sir, she asked him; she said she wished he would sign.

Q. And did not she ask him if he would not sign it if she brought down a lawyer to-morrow?

A. Yes; she wanted to know if she brought a lawyer down if he would sign it, and he said "Yes, if it will do you any good."

Q. Did not he say, "Yes, yes; I will if I can have any peace."

A. Yes, that is it—"Yes, yes; if I can have any peace."

Q. You are sure of that now?

A. Yes, sir.

Q. And you are sure it was not "Yes, if it will do you any good."

A. Yes, sir; "If it will give me any peace," he said.

Q. Well, she was worrying all the time was not she, about it?

A. Yes, sir; all the time worrying about it, because he would not sign it.

Q. How many times did you hear her worrying about it?

A. I could not say.

Q. Well, twenty times?

A. I could not say how many times I have seen her asking him; I could not say.

Q. Was it ten times?

A. It might have been and it might have been more.

Q. What did he always say when she asked him?

A. She would go to his bedside and ask him if he could sign the papers for her, and sometimes he would say: "I don't think I am able to."

Q. Well?

A. And she said: "What makes you think you are not able to?" and he would say, "Because I am so deathly weak." Then she said to him: "You get up a little while and Hannah will come in and rub your head for you a little, and perhaps you will feel better."

Q. She said: "Hannah will come in and rub your head?"

A. Yes, sir.

Q. Where would you be when you heard this conversation?

A. Sometimes in the dining-room and sometimes in the kitchen.

Q. Is there a door between the dining-room and the kitchen?

A. Yes, sir.

Q. Is there any hall between?

A. No, sir; none only the front hall.

Q. Well, the door was always open, I suppose?

A. It stood open pretty near all the time.

Q. And when you were at work out in the kitchen you heard these conversations?

A. Yes, sir; if they talked loud sometimes, if they did not, I could not hear it.

Q. Did Mr. Haydock talk very loud?

A. Yes, sir; when he was strong.

Q. At these times when she was worrying him to sign the papers how did he talk then?

A. He talked very low.

Q. But nevertheless, so that you could hear him out in the kitchen?

A. No, sir; when he talked low I could not hear him.

Q. Did Mrs. Haydock say you would come in and rub his head when you were in the room?

A. Yes, sir; she would say I would come in and rub his head.

Q. Do you recollect the time that she gave him a dose of medicine and then went away?

A. She gave him a dose of medicine and went away?

Q. Yes?

A. No, sir.

Q. You don't recollect about that?

A. No, sir.

Q. You never swore about that, did you?

A. No, sir; I don't recollect as I did; I may have seen it, but I don't remember it now.

Q. Well, you are sure you never swore anything about it?

A. No, sir; I didn't as I know of.

Q. When you went away Mrs. Haydock gave you a $20 gold piece, didn't she.

A. Not much.

Q. Wasn't it a $20 bill?

A. No, sir; it was not a twenty dollar bill?

Q. How was it she gave you that $20?

A. I have not seen it yet.

Q. Well, didn't she pay you up?

A. No, sir.

Q. How much does she owe you?

A. Well, the whole time I was there all I got was 75 cents, and I was working for four dollars a month.

Q. How long were you there?

A. Two months, anyhow.

Q. While you were there did you know Mr. George Bayright?

A. Yes, sir; he was there when I first went there.

Q. Did he go away before you did?

A. Yes, sir.

Q. How long?

A. I guess a month before I went away.

Q. You say you went there shortly after the 4th of July?

A. Yes, sir; I think it was; I don't know really when it was; I could not say now.

Q. Well, to the best of your recollection?

A. I suppose it was, but I could not tell you now.

Q. Between the 4th of July and the first of August?

A. It might have been.

Q. Was it or not?

A. I could not say.

Q. Well, how long after the 4th do you think it was?

A. I could not tell you.

Q. Was it between the 4th of July and Christmas?

A. I don't know.

Q. You don't know?

A. No, sir.

Q. Do you know what year it was you went there?

A. I don't know that even.

Q. Well, do you know who got this affidavit from you; you swore to an affidavit, did you not?

A. I don't know whether I did.

Q. You don't know whether you did or not?

A. No, sir.

Q. Do you know the nature of an oath?

A. Do I know the nature of an oath?

Q. Yes.

A. What do you mean by the nature of an oath?

Q. Do you know what you did when you went on the witness stand here?

A. Yes.

Q. What was it?

Q. I swore and kissed the Bible.

Q. Did you ever do that before?

A. No.

Q. You never did?

A. No.

Q. Did you ever take an oath before?

A. Did I ever take an oath?

Q. Did you swear to tell the truth before?

A. Of course I have told the truth before.

Q. Have you sworn to tell the truth before?

A. Yes, sir; I have sworn a good many times to tell the truth.

Q. You have sworn to tell the truth, now, how many times?

A. I don't know; it has been so often I can't tell.

Q. Where have you done it so often?

A. Oh, a good many different places.

Q. Well, where?

A. I don't know whereabouts.

Q. In Court?

A. No, sir; I have never been in Court before in my life.

Q. Well, before an officer?

A. No, sir; I never swore before an officer.

Q. Did you ever swear by the uplifted hand in this way? (*Counsel illustrated.*)

A. No, sir; I don't know as I did.

Q. Then you never took an oath before such as you took here?

A. No, sir.

Q. Do you know what this meant?

A. I know you wanted me to tell the truth, and nothing else.

Q. You know that they wanted the truth, and nothing else?

A. Yes; that they wanted the truth, and nothing else.

Q. Is that all you know about it?

A. That's all.

Q. Do you know Mr. McCloskey?

A. No, sir.

Q. Didn't a young gentleman come to you and get you to make your mark to a paper?

A. Yes, sir.

Q. Did he read it all over to you before that?

A. Yes, sir.

Q. Did he have it written when he came there?

A. Yes, sir; I think he had a few things put down; I don't know whether he had or not now.

Q. And you signed it?

A. Yes, sir.

Q. And what did he give you?

A. He gave me two dollars, I think.

Q. Did he tell you before-hand what he would give you?

A. No, sir; he didn't say before-hand what he would give me.

Q. But he had it written when he came there?

A. I don't know now; he sat down in Mr. Watson's store—(*interrupted*).

Q. Do you recollect what was in it?

A. No, sir.

Q. That's all.

Re-Direct:

By Mr. Berry:

Q. Do you remember my coming to see you at Watson's store?

A. Yes, sir.

Q. Who was present when I came?

A. Sir?

Q. Who was there besides myself? Where did I see you?

A. Down in the store.

Q. After you left Mrs. Haydock's where did you go to work?

A. I went over to my mothers.

Q. After that where did you go to work?

A. At Mrs. Watson's.

Q. At Mrs. Watson's was when you first saw me?

A. Yes, sir.

Q. And where did you see me?

A. Down in the store.

Q. Now, do you remember who was present?

A. Mr. Watson, I think.

Q. What then, was asked you?

A. You asked me if I ever—(*interrupted.*)

(Objected to.)

By the Court:

Inquire generally, Mr. Berry, whether she gave you all the information that she had about this matter.

Q. Did you, then, give me the information concerning what you knew about the matter—about what occurred while you were at Mr. Haydock's?

A. Yes, sir.

Q. Were you sworn that day?

A. No, sir; I don't think I was.

Q. After that sometime I saw you again?
A. Yes, sir.
Q. Do you remember where you was?
A. That was at Mr. Watson's again.
Q. Do you remember Mr. McCloskey here?
A. Yes, sir.
Q. Would you know the affidavit that you signed?
A. I don't know, sir, whether I would or not.
Q. Well, did you sign the affidavit that was read over by him at that time, to you?
A. Yes, sir; I think I did.
Q. And the information that you gave me was copied then in an affidavit, was it?

(Objected to.)

Q. Had you a bill against the estate of Mr. Haydock for your services?
A. Yes, sir.
Q. Was that bill made out against the estate?
A. Was it made out?
Q. Yes, and sworn to?
A. I forgot really whether I did or not.
Q. Do you know how much your bill was against the estate?
A. Yes, sir; it was $7.25.
Q. Was that bill presented to the estate under oath? It appears here as one of the bills. There was a claim presented under oath to the executors of the estate—Mr. Bonney?
A. Yes, sir; I think it was.
Q. On that bill did you receive any money?
A. $2.
Q. Is that the money that you speak of as having received for that affidavit?
A. Really I don't know.

(Objected to.)

(Over-ruled.)

Q. Whatever money you received from Mr. McCloskey, or otherwise, what was it received for?

A. I could not say, Mr. Berry.

Q. Was it received to swear; how much was your bill against the estate?

A. $7.25.

Q. Can you read writing?

A. No, sir, I can't read it.

Q. Do you remember Mr. McCloskey swearing you on that bill?

A. I think I do.

Q. After you left Mr. Watson's, where did you say you went? How long were you at Mr. Watson's first?

A. I think I was there two months and three weeks.

Q. And you were there, you say, at the time you made the affidavit to the bill?

A. Yes, sir.

Q. And from there where did you go?

A. I went from there home.

Q. What was the condition of your health?

A. I was sick.

Q. What was the nature of your sickness?

A. Fits.

Q. And since then you have been sick? That's all.

Re-Cross:

Q. Do you know what an affidavit is?

A. No, sir.

Q. Well, have you not said that you made an affidavit for Mr. McCloskey?

A. Well, I made one, but I don't know really what they are.

Q. Well, did Mr. McCloskey have a paper when he came to see you?

A. Yes, sir.

Q. Did you sign it?

A. Yes, sir.

Q. Did you do anything else—did you swear to it and put your hand on the Bible?

A. I forget now whether they had a Bible or not.

Q. Did you raise your hand if they didn't have a Bible?

A. He didn't have a Bible; I raised my hand.

Q. Well, how much did the estate owe you at that time?

A. It owed me at that time $7.25.

Q. At that time?

A. Yes, sir.

Q. Are you sure of that?

A. Yes, sir; before he gave me the $2.

Q. Then at that time the estate owed you $7.25?

A. Yes, sir.

Q. Did he tell you what he gave you the $2 for when he gave it to you?

A. I think he did; I don't remember now what he said.

Q. Before that time had you presented your bill to the estate; had you asked anybody for the money?

A. I asked Mrs. Haydock before I left.

Q. After that did you ask anybody for money?

Q. Well, I went down two or three times to Mrs. Haydock's for it, that's all.

Q. What did she say?

A. She said she didn't have it, and then she said I might as well be working there for her as to be home.

Q. You were there between two and three months?

A. Yes, sir; two months anyhow.

Q. Who first told you to present this bill to the estate?

A. I don't know know now really who did.

Q. You don't know who did?

A. No, sir.

Q. Can't you recollect?

A. No, I cant.

Q. Well, did Mr. Berry?

A. I think it was Mr. Berry who came to see me, the first one, but I don't know whether he told me to put it to the estate or not.

Q. Do you recollect swearing to the bill against the estate?

A. No.

Q. You don't recollect that?

A. No, sir.

Q. Don't you recollect who took your affidavit to it? How many times did you ever swear for Mr. McCloskey.

A. Only once.

Q. Are you sure of that?

A. I am sure of that.

Q. Do you know what that was to?

A. No, I don't.

Q. Was it to a long paper or a short one?

A. I think it was about that length or a little longer (*alluding to a sheet of paper counsel had in his hand*).

Q. Was it about your bill or about how Mrs. Haydock treated Mr. Haydock?

A. I could not say.

Q. Where were you when Mr. McCloskey came?

A. At Mr. Watson's.

Q. And you swore to it at Mr. Watson's?

A. Yes, sir.

Q. Did you ever swear to it anywhere else?

A. No, sir.

Q. Did Mr. McCloskey give you the $2 at the time you swore, or at any other time?

A. I don't think it was; I could not say for sure;

I don't know; I think it was when he came to see me afterwards.

Q. Was it the first or the last time he saw you?

A. I think it was the last?

Q. You are sure it was the last?

A. I aint sure of it; I don't know.

Q. Now, at the time he paid you $2; what did you and Mr. McCloskey talk about?

A. I could not say.

Q. Did you talk about the way Mrs. Haydock treated Mr. Haydock, or talk about your bill?

A. I could not say what I did.

Q. Are you sure you have never sworn for him but once?

A. I am sure that I never swore for him but once, not as I know of.

Q. Was that the time he paid you the $2?

A. I think it was.

Q. That's all.

WILLIAM MCCLOSKEY, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, is re-called for

Further Direct Examination:

By Mr. Berry:

Q. You are one of the attorneys of this Court?

A. Yes, sir.

Q. And a commissioner of deeds?

A. Yes, sir.

Q. Do you remember when the first interview was had with Hannah Richardson?

A. I remember of an interview.

Q. Where was it?

A. In the store of Mr. Watson.

By Mr. English:

What do you propose to prove.

By Mr. Berry:

From the nature of this case the utmost precaution was observed in regard to all these matters; this girl was found out to be a servant girl in the family of Mr. Haydock; as such she was approached while working at Mr. Watson's, in the presence of Mr. and Mrs. Watson, and the statement was made to her that she had worked at Mrs. Haydock's, and she was asked to state what she knew; she did so, and it was taken down exactly as she stated it, by Mr. McCloskey, he being a rapid writer; he took it down and put it in the form of an affidavit then at that time, and she was sworn to it; we didn't know where she would be afterwards and therefore we took the affidavit of the witness, but it was in a crude form, it having been taken down exactly as she stated it, without any dressing up at all; it was then taken to the office and afterwards drawn again in the shape of a regular affidavit embodying the facts, for the purpose of annexing to the bill; that was done by Mr. McCloskey; it was then taken to her and she swore to it before him. I didn't go then. She at that time stated she had a bill against the estate for $7.00. She said she was very poor and had no money. Mr. McCloskey was the clerk vendue of the Haydock estate and had in his hands a portion of the funds. She stated that she had been unable to get any money from Mrs. Haydock, and she was in need of it, and two dollars was paid to her on account of her wages and of her claim against the estate. An affidavit was afterwards made out by William McCloskey and the bill was presented regularly to the estate.

By the Court:

I think you have a right to show what the two dollars was paid for. The evidence on that point before the cross examination of Hannah Richardson was left in somewhat an ambiguous condition.

Q. For what purpose was the two dollars paid?

A. On account of the claim against the estate which was held against it.

Cross-examined:

By Mr. English:

Q. Had the claim been presented against the estate in writing at that time?

A. Yes, sir; and two dollars was paid and the bill made out and sworn to.

Q. How much was the claim made out for?

A. I think it was $7.25.

Q. And it was sworn to?

A. Yes, sir.

Q. And the two dollars was paid after that?

A. Yes, sir.

Q. Was there ever but one bill made out against the estate?

A. No, sir.

Q. Who took her affidavit?

A. I did.

Q. By whose instructions did you pay these two dollars?

A. By the instructions of the executors, or of one of them—Mr. Bonney.

Q. When and where did he give you those instructions?

A. He gave me the instructions in the office; I suppose it was there, but I can't say.

Q Had Hannah Richardson's affidavit to this bill been taken then?

A. Yes, sir, it had; I think it had.

Q. Well, will you please recollect about it?

A. Well, there were three affidavits taken altogether, including the affidavit of the account; I think it was taken or it was taken the same day, I can't remember which.

Q. It either had been taken or was taken on the same day on which you paid the two dollars?

A. No, sir; the same day as I took the affidavit.

Q. Which affidavit?

A. The same as you have in your hand.

Q. What paper is that?

A. The claim of Hannah Richardson.

Q. Then you paid it on that day?

A. I paid it in the latter part of May.

Q. I want to know what was done on the day you paid her the two dollars?

A. I think I took her affidavit.

Q. Took her affidavit to what?

A. I don't know.

Q. Do you know whether it was to her claim or the bill in Chancery?

A. To the bill.

Q. To the bill in Chancery?

A. Yes, sir.

Q. And her claim had been filed previous to that?

A. I think it had.

Q. Are you sure of it?

A. No, sir; not sure.

Q. Are you sure for how much it was?

A. I am sure how much it was.

Q. How much was it?

A. $7.25.

Q. And that is what you took her affidavit to?

A. Yes, sir.

Q. $7.25?

A. Yes, sir.

Q. You are positive of that?

A. Yes, sir.
Q. (*Handing witness paper*) Is that it?
A. Yes, sir.
Q. How much is that for?
A. $5.25.
Q. That is all?
A. Well, that was the balance after $2 was paid. The whole bill was $7.25, and there was two dollars paid on it, and after the two dollars was paid it left a balance of $5.25.
Q. Let me call your attention to the fact that the affidavit was taken on the 19th day of May, and the affidavit to the bill on the 31st, on which day you said you paid the money?
A. I paid the money on May 31st.
Q. After the bill was made?
A. Yes, sir.

Further Direct:

Q. You say there were three affidavits?
A. Yes, sir.
Q. What was the nature of the first one?
A. The first was to some memoranda taken down in short sentences.
Q. What was done with that?
A. That was taken to the office, and another affidavit made out from it.
Q. Have you any explanation further to make in regard to the dates? Are you clear about the dates?
A. No, I am not clear about them.

By the Court:

The witness can make any further explanation he desires to.
Witness: I think the first time I went there she said she had a claim against the estate. I think I took a memorandum of it and brought it back to the

office and sometime afterwards I made out that claim which Mr. English has just shown me. I put it in writing and swore her to it. That's my recollection of it now.

Q. What is your recollection as to that $2 paid?

A. On May 31st; I am positive of that because my memorandum was made at the time.

Re-cross:

Q. You didn't take her receipt for the two dollars?

A. No, sir.

ROBERT C. VOORHEES, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You reside in Rahway, sir?

A. Yes, sir.

Q. How long have you resided there?

A. I was born in Rahway, sir.

Q. You are a pretty old man?

A. Fifty-five years of age, sir.

Q. Did you know Mr. Eden Haydock in his life time?

A. Yes, sir.

Q. Were you well acquainted with him?

A. I have known him several years.

Q. Did you hold any office under the election laws in the city of Rahway at any time?

A. Yes, sir; I was inspector of elections for some three years.

Q. How many?

A. Three years.

Q. In what ward?

A. In the fourth ward.

By Mr. English:

What do you propose to rebut by this witness?

By Mr. Berry:

We desire to show that he is an officer of election; that Eden Haydock presented to him during the time in question a vote in the wrong ward; that after having lived in the First Ward all his life he came to the Fourth Ward polls to vote, and that this inspector told him it was not the right place. We offer it with a view of showing that the statement that the gentleman made in regard to his politics shows no mind whatever, for the reason that we showed, he took just so much interest in politics as not to know where to vote. It seems to us to be very competent, and we have subpœnaed the man here for this purpose. The evidence was not known to the complainants at the time to put in our principal case; and we now desire to offer it as newly found evidence.

(*Defendant's Counsel* stated that the witness now offered was called and examined in full as a witness on the lunacy proceedings against Mr. Haydock, and that the facts testified to were known by the complainants; if not to the counsel, to their clients.)

(The Court overruled the offer.)

Eden Laing, a witness produced on the part of the aforesaid complainants, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You reside in Rahway?

A. Yes, sir.

Q. How long have you resided there?

A. About 12 years.

Q. Did you know Mr. Haydock during his lifetime?

A. Yes, sir.

Q. Do you know Mr. George Bayright?

A. Yes, sir.

Q. Do you remember having a conversation with Mr. George Bayright in regard to the will of Mr. Haydock and his affairs generally?

A. Yes, sir.

Q. Where was it and when?

A. I think it was in May.

Q. Where was it?

A. In front of my stable.

Q. What year?

A. This last Spring.

Q. What did he say about that matter?

A. He stopped there and we got to talking, and I was no more interested only by talking about it, and I asked him in our conversation how Mr. Haydock had left his will, and we was talking about one thing and another, and Mr. Bayright said that he was not a man that was capable of doing business; that was the words he said; I don't know what he meant by it.

Q. For what length of time?

A. Well, that he hadn't been for some time; I think that's the expression he made.

Q. Have you given us the whole of the conversation?

A. Well, that's about all; we were talking about it.

Q. If you have given all, that is all we want.

A. That's all.

Not Cross-Examined.

WILLIAM R. FRAZEE, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. Do you reside in Rahway?
A. Yes, sir.

By Mr. English:

What do you propose to rebut by this witness?

By Mr. Berry:

We propose to rebut the statement of Mrs. Haydock that she didn't go to the shoe store after Mr. Haydock had taken a lot of boots and shoes over there to be mended, and arranged the matter with Mr. Frazee.

Q. You knew Mr. Haydock?
A. I did, sir.
Q. Where is your place of business in regard to his house?
A. Nearly opposite in the street, on Main street.
Q. In Rahway?
A. Yes, sir.
Q. What is your business?
A. Shoe-maker.
Q. Will you now state if you had any transactions with Mr. Haydock in regard to boots?

(Objected to.)

(Admitted.)

Q. Now sir; will you state the occurrence?

A. Well, sir; it was in the Summer of 1877; by referring to my book I found it was in July; Mr. Haydock came over there——(*interrupted.*)

(Objected to as too remote.)

(Objection over-ruled.)

Q. What relation had Mrs. Haydock to this transaction? what did she do?

Q. Well, I could hardly say without going back a little and explaining what brought her there.

BY THE COURT:

Q. State what occurred; it may be that your story won't be as intelligible as by telling the whole story, but just state what occurred?

A. Well, the old gentleman brought the boots over there, and the boots were in the shop, and my impression is there were three boots, and they were all odd ones, and after they had laid there two or three days Mrs. Haydock came over and told me not to mend them; I told her that I had told the old gentleman they were not worth mending, but I could not seem to make him understand it; she told me not to mend them, that the old gentleman didn't know what he did want or something to that effect; it is so long ago I could not exactly remember the words, but I sent the old boots over by one of my boys, I think.

Q. Will you state how the boots came in your shop and what they were?

A. Mr. Haydock brought them over, and my impression is there was three old boots, and he wanted them put in repair; I recollect that I said to him—I

recollect this very distinctly—I said: "Mr. Haydock, some of these look as if they were made in the year one." He a kind of laughed, and I looked them all over and said they were not worth mending; well, he thought he would like to have them fixed up; I selected one, which was a mate to one he had on—he had on an odd pair,—and I said: "I will mend this one up and the other two I will not mend;" he seemed to be satisfied and went away; I mended the one boot that I had selected and he came after it, I think, the next day; I handed him that boot and he said? "What did you do with the other ones?" and he said: "Are they done?" I said to him: "I have not mended them;" he wanted to know why, "Well," I said, "I thought you understood that yesterday, that they were not worth mending." No, he said, he wanted them mended; and he took the one boot home that was mended—I think that was in the forenoon, and in the afternoon he came over for the other pair and grumbled because they were not mended; I tried to explain to him again why they were not mended; then Mrs. Haydock came over either that evening or the next morning and told me not to mend them, that the old gentleman didn't know what he wanted, and I sent them over together with the bill for the first boot I mended.

Not Cross-examined:

MARY C. FORDHAM, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, deposeth and saith:

Direct-examination:

By Mr. Berry:

Q. You reside in Rahway?

A. I am, sir.

Q. How long have you resided there?

A. About 8 years.

Q. You were acquainted with Mr. Haydock?

A. Mr. Haydock?

Q. Yes?

A. Very slightly.

Q. Are you acquainted with Mr. Bonney?

A. Intimately.

Q. With Mrs. Haydock?

A. Very slightly.

Q. Do you remember being at Mr. Haydock's while he was alive with Mrs. Bonney?

A. I do, sir.

Q. On what occasion?

A. The day before he died.

Q. Did you go with Mrs. Bonney?

A. I did.

Q. Will you just state what happened?

(Objected to. Admitted.)

Q. Will you just give the occurrence; describe how you came in, and where you sat and just give the occurrence?

A. Mrs. Haydock sat beside Mr. Haydock as we entered the room.

Q. Where was he?

A. He was in bed; her chair was placed beside the bed; she did not recognize us as we went in; I bowed, I did not notice whether Mrs. Bonney did or not, but she did not recognize us in any way, and made no room for Mrs. Bonney beside the bed where she could see her father; I took a seat at the foot of the bed; Mr. Haydock stirred and Mrs. Bonney arose and leaned over him, and he did not speak, I believe he just groaned and Mrs. Bonney said, "He is not conscious, he is not conscious;" Mrs. Haydock replied, "Of course he is;" just in that way.

Q. That is all I believe upon that part, if you have given the whole?

A. Yes, sir.

Q. You reside in the Haydock mansion house?

A. Yes, sir.

Q. Do you know the width of the walk in the back yard?

A. It is two feet wide.

(Objected to.)

By the Witness:—One moment, Mr. Berry, can I go back?

Q. To the other occurrence?

A. Yes.

Q. Yes?

A. Mrs. Haydock did not show any sign of recognition during the whole time we were there to Mrs. Bonney that I saw, and when we left she did not speak at all; her manner during the whole time we were there was very disagreeable.

Q. Now will you go to the walk?

A. It is two feet wide.

Q. And how is it surrounded?

Q. The upper part of the walk was nearly covered with boxwood; the boxwood had grown into the grape arbor and to a great height, nearly two and a half feet; the boxwood nearly met over the walk, but I can't tell how many feet; but it was almost impossible for two people to walk on it, and below that the blackberries and roses of Sharon had overgrown the walk, so that you would be obliged to step off the walk on the rough ground to pass them.

Q. Are they the same now?

A. No, sir; we had them removed.

Q. Why?

A. Because it was an inconvenience.

Q. That's all.

Not Cross-examined:

A. STAATS BONNEY, a witness produced on the part of the aforesaid complainants having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. Berry:

Q. You are one of the complainants, Mr. Bonney?
A. Yes, sir.

(Objected to.)

By Mr. Berry:

We call this witness to deny the fact that has been testified to here, that he has had thousands of dollars of Mr. Haydock's money.

(Objected to as not rebuttal.)

BY THE COURT:

I will admit the evidence subject to the objection; its competency will eventually be determined in the argument and final hearing.

Q. You are a son-in-law of Mr. Haydock?
A. Yes, sir.
Q. And the husband of Mrs. Bonney?
A. Yes, sir; the husband of Mrs. Margaret Haydock Bonney.
Q. Are there any notes out against the estate of Eden Haydock in your favor?
A. There are three notes Mr. Haydock loaned me three years ago. The original notes were loaned about two years ago, but they have all been combined in three notes, which are now standing against the estate.

Q. And unpaid?

A. And unpaid.

Q. Is there anything in the assets of the estate to counterbalance them?

A. There is a mortgage for $1,000 that was given as collateral for this indebtedness.

Q. On what property?

A. On property on Elizabeth Avenue in Rahway.

Q. What was the occasion of the note being given?

A. I had built a house on Elizabeth Avenue, and the bad times came on and I was unable to raise the money to pay for the completion of it, and some of those whom I owed threatened to put bills liens on the house, and Mr. Haydock volunteered to endorse my notes to those parties, and when the house was sold I was to pay him—pay the notes.

Q. Had you a prospect of selling?

A. At that time I had a prospect of disposing of the property, but that fell through and the notes were renewed as they came due, and a mortgage was given for $1,000 to secure those notes.

Q. They are a little more, are they not, than that?

A. The notes amounted to $1,290.

Q. Then you have had just that difference—the difference between $1,000 and $1,290?

A. I have had that difference.

Q. Anything else?

A. That's all, sir, that I think of.

Q. How did that difference arise—how did it accumulate?

A. The mortgage was given for $1,000, because the notes at that time didn't amount to $1,000, and the understanding was that I had with Mr. Haydock that he would pay off—would help me pay off the indebtedness on the house, and there were small bills of ten or fifteen dollars, and as those came in he paid them; and when the next note came due the

amount was added to that note, and in that way the amount increased until it got to be $1,290, which comprised the whole indebtedness.

Q. Those notes have not been paid?

A. No, sir.

Q. What is the house worth?

A. I don't know what it is worth, about; it cost me very nearly $5,000, the house and lot.

Q. How much is ahead of this mortgage?

A. The Savings Institution hold a mortgage of $2,000.

Q. Did Mr. Haydock know that?

A. Yes, sir.

Q. Did he ever give you any money?

A. He never gave me any money, sir.

Q. Is that to the extent of the transaction?

A. That is to the extent of the transaction, sir.

Q. Well, did he ever endorse any other notes for you?

A. Oh, he has in times past; when I was paying my annual bills I have been short perhaps $100, and I have went to him for it; there was a note of $200 he endorsed for me, but when it came out I took it up.

Q. Who paid the notes when they came due?

A. I did, sir.

Q. That's all.

Cross Examined:

By Mr. Vail:

Q. Your business was formerly architect, I believe?

A. Yes, sir.

Q. During the last eight or ten years you built quite a number of houses in the City of Rahway, have you not?

A. Yes, sir.

Q. Did Mr. Haydock ever assist you in procuring and raising money to build any of those houses except the one you spoke of?

A. No, sir.

Q. How long ago did you build the house at the corner of Briant street and Milton avenue, in the City of Rahway?

A. In 1863 I built that.

Q. About 16 years ago, was it not?

A. Yes, sir.

Q. Do you recollect saying to Mr. Edward P. Bayright while that house was being erected that the old gentleman always helped you with money when you wanted it in your building, or words to that effect?

A. No, sir.

Q. Do you recollect seeing Mr. Bayright at that time at all?

A. I saw him occasionally.

Q. But you don't recollect having any such conversation as I have spoken of?

A. No, sir.

Q. When were these notes, amounting to $1,290 originally given?

A. About two years before Mr. Haydock died, the transaction commenced.

Q. Well, were the notes all given at one time?

A. No, sir.

Q. When was the first note given?

A. I can't recollect, sir, the exact time; it was a short time previous to his son William's death, I think.

Q. When was that?

A. The 21st of April.

Q. What was the difference in the time between the first and last of the original notes?

A. It must be in the neighborhood of 18 months or two years—about 18 months, I suppose.

Q. That was the difference in the time between the first and the last of the original notes, was it—not the renewals?

A. Let me understand what you mean by the original notes; the notes that cover the whole transaction or of all the notes that I have given?

Q. Well, you know the difference between an original note and a renewal, don't you?

A. Yes, sir; all right, sir.

Q. Very well; now do you know what I mean?

A. Yes, sir.

Q. Well, will you be good enough to answer my question?

A. The original notes were all issued within four months.

Q. The first one was given a short time before the death of the son, was it not?

A. I think it was.

Q. How many original notes were there?

A. I can't tell; I don't recollect.

Q. Do you know anywhere near the number?

A. I do not, sir.

Q. Well, were there half a dozen?

A. I think it likely there were.

Q. Were there more?

A. I don't recollect.

Q. Do you recollect the size of any of them?

A. Not the exact amount.

Q. Can you give us any idea as to the size?

A. Well, they ran from $50 to $350.

Q. Those are the limits?

A. Well, I don't recollect the exact amounts, but that was about the amount of them.

Q. Do you recollect how those notes were drawn?

A. The original notes were drawn payable to the order of Eden Haydock, signed by me and endorsed by Mr. Haydock.

Q. What was then done with them?

A. They were given, some of them, to the parties whom I owed and others were discounted at the bank.

Q. What bank?

A. The Union National Bank; and the proceeds were taken and the accounts against the houses were paid.

Q. Do you know of any of the notes being discounted anywhere else except in the Union National Bank?

A. Yes, sir.

Q. Where?

A. There was one at the National Bank.

Q. What amount?

A. A note of $290.

Q. Do you know when that note was given originally?

A. Sometime in the Spring of 1878, my recollection of it is.

Q. Now, what do you say was the total amount of all the original notes?

A. I can't tell, sir; I don't recollect.

Q. You told us a little while ago, didn't you?

A. No, sir.

Q. What did you say about it?

A. I said it was less than the amount of the mortgage.

Q. Very well, how much less?

A. I don't know, sir.

Q. What was the amount of the mortgage?

A. $1,000.

Q. Were the notes $500?

A. I don't recollect, sir.

Q. You don't recollect about the amount of the original notes?

A. I don't recollect well enough to say the amount.

Q. What have those notes accumulated to now?

A. $1,290.

Q. Well, how did they come to be any more than the original amount?

A. As small bills came in and the accounts were presented they were paid and added to the amount at the time the notes were received.

Q. Then there was additions made to the original notes?

A. Yes, sir.

Q. Do you know when the last addition was made to any of those original notes?

A. I don't recollect.

Q. Have you no idea?

A. I have not, sir.

Q. Do you know when the last of those notes was renewed?

A. I don't recollect.

Q. How long before Mr. Haydock's death?

A. A short time.

Q. What do you mean by a short time?

A. I mean a short time previous to the lunacy proceedings?

Q. How long before that?

A. Well, perhaps a week or two; I don't recollect.

Q. What do you mean by the lunacy proceedings —their commencement or the trial?

A. The commencement—the time Mr. Haydock made application for the box.

Q. When was that?

A. That was in September, 1878.

Q. Then the last note was renewed shortly before that?

A. Yes, sir.

Q. Who got it done?

A. I did, sir.

Q. How was the note drawn?

A. I don't recollect.

Q. Was it his note or your note?

A. Yes, sir; it was his note.

Q. You thought him competent to make it, didn't you?

A. I did not.

Q. And yet you did it?

A. I did it, sir.

Q. Did you have any more notes signed by him when you knew he was not competent to make them?

A. Yes, sir; the last three that he signed.

Q. And when were the other two—you have given us the last one, now when were the other two?

A. I think that the notes are dated about a month apart.

Q. Then these went back to two months prior to that?

A. Yes, sir.

Q. And these three notes you say he signed when he was not competent to do so?

A. I don't think he knew what he was signing.

Q. When were the last renewals previous to that?

A. The notes were made about a month apart; there are three notes, and it must have been three months back of that.

Q. Why so?

A. The notes were given for three months.

Q. At the time of the last renewals were there any additions made to any of the notes?

A. No, sir; I think not.

Q. How long before that had the last addition been made?

A. I don't think any were made in six months.

Q. Who paid the discount of those notes?

A. I think I always paid the discount except on the last three.

Q. Then when he was not competent to make them then he paid the discount, did he?

A. They were Mr. Haydock's notes that were renewed, and the new note was given for the original amount, and was handed right over the counter.

Q. Who paid the discount?

A. I think that the original note was charged to Mr. Haydock, and the new note was credited to him, and the probability is that the discount was charged to Mr. Haydock.

Q. Then he paid the discount?

A. I suppose so.

Q. When was that mortgage given that you speak of, as collateral with these notes?

A. I think in May, 1878.

Q. It was a year after the notes were given?

A. Yes, sir.

Q. How long is it after the notes were given? You told us a while ago that the first note was given shortly before the son's death, and that was in May, 1877, and the notes were only four months apart, and the mortgage was not given until 1878. Now I ask you if the mortgage was not given a year after the original notes were given?

A. Probably it was if that is the case.

Q. Then, why did you say a little while ago that it was not?

A. I didn't recollect.

Q. Then you didn't think it was worth while to give him collateral until a year after you got the money?

A. The collateral was given after the prospect of selling the house fell through.

Q. And that was in 1878. Did you give that collateral at his suggestion or request?

A. No, sir.

Q. You did that voluntarily?

A. Yes, sir.

Q. What was done with the mortgage after it was given?

A. It was always in Mr. Haydock's possession.

Q. It was given to him immediately after its execution?

A. Yes, sir.
Q. Who had it recorded?
A. I did, sir.
Q. And then you gave it to him?
A. Yes, sir.
Q. Did you ever pay any interest on that mortgage?
A. No, sir.
Q. Is there a bond with the mortgage?
A. Yes, sir.
Q. Prior to May, 1877, did you borrow any notes from Mr. Haydock at any time?
A. I think I did; two or three notes.
Q. Of what size and when?
A. I don't recollect, sir.
Q. Have you any idea of anything about it?
A. I recollect that I have had notes of one or two hundred dollars of him, and he has endorsed notes of one or two hundred dollars for me.
Q. Did he ever have to pay your notes that he endorsed for you?
A. No, sir.
Q. Those notes, prior to 1877—who held them?
A. They were generally discounted at the bank.
Q. What bank?
A. The Union National Bank.
Q. And when they came due you paid them?
A. I paid them, either in whole or in part, and renewed the other part, and eventually paid the whole note.
Q. How did you pay them?
A. Generally in cash; they were generally charged to my account.
Q. Did you keep an account at that time in the Union National Bank?
A. I did.

RECESS.

Q. Since the adjournment this morning have you been in consultation with your counsel?

A. I consult my counsel at all times, sir.

By the Court:

Q. The question is, since the adjournment have you been in consultation with him?

A. Certainly, sir.

Further Cross:

Q. In relation to the testimony you are giving here?

A. Not particularly.

Q. You don't answer my question; I asked you whether it was in relation to your testimony which you are giving here, or are to give?

A. Something was said on the subject, of course.

Q. How long have you lived in Rahway?

A. 26 years, sir.

Q. 26 years past?

A. Past, or will be, the 26th of next December.

Q. During that time what has been your business?

A. I taught school for one year, sir.

Q. Well?

A. Then I went into the coal and lumber business with my father-in-law and remained with him as long as he was in business.

Q. When was that; when did he retire?

A. Immediately after he married his present wife.

Q. When was that?

A. In 1861.

Q. What has been your business since then?

A. Insurance agent and architect, sir.

Q. Both together?

A. Part of the time insurance agent and I finally united the architect and insurance business together and then eventually I gave up the insurance busi-

ness and pursued the business of architect only.

Q. How long have you been pursuing the business of architect?

A. 12 or 15 years.

Q. 12 or 15 years last past?

A. Last past.

Q. During that time was that your only business or occupation?

A. That, and building houses in connection with the architect business.

Q. Before you gave up the insurance business and became exclusively an architect, were you engaged in building houses?

A. Yes, sir.

Q. How long a time before that?

A. I can't tell you.

Q. How many years?

A. I don't recollect.

Q. Have you any idea?

A. No, sir.

Q. When you were engaged in the coal and lumber business with Mr. Haydock were you a partner?

A. No, sir.

Q. What capacity were you in with him?

A. As clerk.

Q. Under a salary?

A. Under a salary.

Q. At that time had you any separate property of your own?

A. I had, sir.

Q. That you had made yourself?

A. That I had made myself.

Q. During that time where did you live?

A. One year immediately after my marriage I lived with Mr. and Mrs. Haydock, and after that I took my own means and purchased a house and my wife and I went to housekeeping.

Q. Where is the first house you purchased?

A. On Commerce street between Main street and Fulton street.

Q. Was that a house you purchased and not built?

A. I purchased it, I didn't build it.

Q. What did you give for it?

A. I gave $1200 for it.

Q. Cash?

A. No, sir.

Q. How much cash did you give?

A. I paid $700 cash.

Q. And how did you pay the rest?

A. I gave a mortgage for the balance.

Q. How long did you own that property?

A. I don't know, sir.

Q. Well, can't you tell us—can't you give us some idea?

A. I think I sold it in 1862.

Q. Did you sell it or trade it away?

A. I sold it.

Q. How much did you get for it?

A. I got $2500 for it.

Q. How much cash?

A. All cash.

Q. At that time it was mortgaged for how much?

A. For nothing.

Q. You had paid off the mortgage before that, had you?

A. Yes, sir.

Q. With your own money?

A. With my own money.

Q. Not furnished by your father-in-law?

A. No, sir.

Q. None furnished by notes given by him?

A. No, sir.

Q. Or endorsed by him?

A. No, sir.

Q. Where did you go after you sold that house?
A. I remained in Rahway.
Q. I know you did, but where did you move to?
A. I moved from there up Main strcet, in a building that is now occupied by Cooper's book store.
Q. Who owned that property?
A. Joseph T. Crowell.
Q. Did you rent it?
A. Yes, sir.
Q. Did you ever purchase it?
A. No, sir.
Q. How long did you remain there?
A. The balance of the year until the following April.
Q. What time did you go there?
A. I went there about the middle of May; I don't recollect positively.
Q. Who did you sell the house to that you moved out of?
A. I sold it to Mrs. Merritt.
Q. Did that house stand in your name?
A. It did.
Q. You say you remained in the building, which you called Cooper's book store building until the first of April following?
A. Yes, sir.
Q. Where did you move then?
A. Then my wife went to visit relatives in Pennsylvania and I boarded in Rahway.
Q. With whom did you board?
A. With a family named Mountjoy part of the time, and part of the time with my father at New Brunswick.
Q. How long were you and your wife separated at that time?
A. I don't recollect.
Q. A month, or a year, or two years, or how much?

A. It was the better part of the Summer.

Q. You commenced that mode of living in April?

A. Yes, sir.

Q. What do you mean by the better part of the Summer; how much?

A. Until along in August.

Q. Where then did you go to live?

A. Then I had built a house on the corner of Briant street and Milton avenue, and we moved into that.

Q. That was the first house you built?

A. That was the first house I built.

Q. In Rahway?

A. In Rahway.

Q. What did that house cost you?

A. I can't tell you; I don't recollect.

Q. Have you no idea what it cost you?

A. No, sir.

Q. Not the slightest?

A. No, sir.

Q. Did you have to mortgage the house to build it?

A. I had, sir.

Q. For how much?

A. $2,500.

Q. How much more than that did the house cost you to build?

A. I don't recollect, sir.

Q. Who furnished the rest of the money to pay for it?

A. I had the money myself.

Q. And you paid for it?

A. I did.

Q. Who were your builders?

A. Abner P. Ayers and Miller & Clarkson.

Q. What part did they do?

A. Mr. Ayers did the carpenter work, and Miller & Clarkson did the mason work.

Q. Who did you give the $2,500 mortgage to?
A. The Rahway Savings Bank.
Q. Is that all the mortgage there is on it?
A. Yes, sir.
Q. From whom did you purchase the lot?
A. Jacob R. Shotwell.
Q. What did you give for it?
A. $2,500.
Q. In cash.
A. Cash.
Q. How long before the house was built?
A. The preceding Winter.
Q. Well, how long before you built the house?
A. I don't recollect.
Q. That you say is at the corner of Milton Avenue and Briant Street, did I understand you to say?
A. Yes, sir.
Q. Which corner?
A. On the north-west corner.
Q. Was not there a building on that when you bought it?
A. Yes, sir.
Q. What was it?
A. A barn.
Q. And that you altered into a house.
A. That I made into a cottage.
Q. Did you take that $2,500 and pay Mr. Shotwell for the purchase of the property?
A. Yes, sir.
Q. How much did it cost to alter the barn into a house?
A. I can't state without referring to my books.
Q. You have books to show it?
A. I have papers that show exactly.
Q. Can you find out by looking, exactly what it cost you?
A. Oh, yes, sir.
Q. How long did you live in the house?

A. I don't recollect.

Q. One year, or how many?

A. More than one year, but how much longer I don't recollect.

Q. What did you do with that house?

A. I rented it.

Q. When?

A. When I moved out of it I rented it to a lady from New York.

Q. Can't you tell when you moved out of it?

A. No, sir.

Q. How long did you continue to own it after moving out of it?

A. I can't recollect, sir.

Q. One year?

A. Yes, sir.

Q. Two years?

A. Yes, sir.

Q. Three years?

A. Yes, sir, likely; I don't recollect.

Q. Four years?

A. I don't recollect, sir.

Q. Was it rented during the whole of that time?

A. It was, sir.

Q. Fow how much?

A. The first year it was rented for $650.

Q. The second?

A. I think it was leased for $500 a year.

Q. For how long?

A. I don't recollect whether it was three or five years.

Q. Did you continue to own it until the expiration of the lease?

A. I think I sold it to the party that leased it before the expiration of the lease, but I don't recollect.

Q. Who was that?

A. Delancy Cleveland.

Q. After you moved out of that house where did you go to?

A. I moved into a house on the lower part of Main street.

Q. Who owned it?

A. I don't know, sir.

Q. Did you pay rent for it?

A. I did.

Q. To whom?

A. Rufus Edgar.

Q. Who was he?

A. A real estate agent of Rahway?

Q. How much rent did you pay?

A. I don't recollect.

Q. How long did you live there?

A. Two or three months.

Q. Why did you move away from there?

A. I had built another house.

Q. Where?

A. On a lot adjoining the house on the corner of Milton avenue and Briant street.

Q. The lot you last spoke of?

A. Yes, sir.

Q. What did that cost you; the house and lot?

A. The house cost me $3,500.

Q. And the lot?

A. The lot was part of the original purchase at the corner of Milton avenue and Briant street.

Q. From Jacob R. Shotwell?

A. Yes, sir.

Q. How much was that house mortgaged for?

A. $2,500.

Q. Who held the mortgage?

A. The Rahway Savings Bank.

Q. And it cost you $1,000 above that amount to build it?

A. Yes, sir.

Q. Who furnished you with that money?

A. Mrs. Margaret H. Bonney.

Q. Your wife?

A. Yes, sir.

Q. Do you know where she got it from?

A. Yes, sir.

Q. From where?

A. From her grandmother.

Q. Who was her grandmother?

A. Margaret Parker.

Q. How long before she died?

A. A year or two.

Q. In whose name was the title to that property?

A. I don't recollect whether it was in Mrs. Bonney's or mine; yes, I do recollect; it was in Mrs. Bonney's name.

Q. Before you finished that house did you sell the first house to Mr. Cleveland?

A. I did not.

Q. How long after you finished the new house was it before you sold that house to Mr. Cleveland?

A. Somewhere about a year or two.

Q. And in the meantime the Cleveland house was rented?

A. It was.

Q. To Mr. Cleveland?

A. Yes, sir.

Q. For $500 a year?

A. Yes, sir.

Q. How long did you continue to live in the new house?

A. Two or three months.

Q. Where did you move to from there?

A. In a cottage belonging to Joseph T. Crowell at the corner of Jaques avenue and Commerce street.

Q. Why did you move from the new house?

A. I sold it.

Q. To whom?

A. To George Duryee.
Q. How much did you get for it?
A. $5,000.
Q. In cash?
A. No, sir.
Q. What did you get for it?
A. They assumed the mortgage on the house and assumed another mortgage of Mr. Haydock's.
Q. How much?
A. $2,500.
Q. Then that house was mortgaged for $5,000?
A. Yes, sir.
Q. And cost you $3,500?
A. Yes, sir.
Q. Then he didn't pay you anything at all—he merely paid you by assuming mortgages?
A. Yes, sir.
Q. When did you give that mortgage to Mr. Haydock?
A. At the time the sale was made.
Q. The sale was made to whom?
A. George Duryee.
Q. Well, did Mr. Haydock loan you money?
A. No, sir.
Q. $2,500?
A. No, sir.
Q. Why did you give him a mortgage?
A. The understanding was when I sold the property that they would pay for it in a year, and rather than take a mortgage from George Duryee or anyone I didn't know anything about, I preferred to give my own mortgage to Mr. Haydock who assigned the mortgage to me, and they assumed the payment of the two mortgages as the purchase-money of the house.
Q. Then they really paid you nothing?
A. No, sir.
Q. Did they ever pay you the $2,500 mortgage?

A. It was paid.

Q. When?

A. About two years after it was given.

Q. Do you recollect the date of the mortgage, when it was given to Mr. Haydock?

A. No, sir.

Q. How long after it was given to Mr. Haydock was it assigned to you?

A. I don't think it was ever assigned to me. My recollection of it now is that it was not assigned to me, that it was foreclosed in Mr. Haydock's name.

Q. How long after it was given?

A. When the year rolled round when they were to pay it in.

Q. It was given for one year?

A. Yes, sir.

Q. Was it sold under foreclosure?

A. No, sir.

Q. Why not.

A. Because the party that held the deed came forward and paid the mortgage and court expenses and lawyer's fees, and everything else.

Q. Who was that party?

A. That was William O. McDowell.

Q. Who was he?

A. A gentleman residing here in Newark.

Q. What is his business?

A. The last I knew of him he was the president of the New Jersey Association.

Q. To whom was that $2,500 paid on that mortgage?

A. To me.

Q. To you?

A. Yes, it was paid to me by Mr. Haydock's assignment.

Q. But you said just now it never was assigned?

A. When the matter was arranged Mr. Haydock paid those notes for me——(*interrupted.*)

Q. What notes are you talking about; you have not said anything about any notes.

A. Well, Wm. O. McDowell had purchased this property; I had pressed it to foreclosure and to sale, and on the day when the property was to be sold he came to me and told me——(*interrupted.*)

Q. No matter about that; tell us what he did?

A. He could not pay the money on that day, and in place of his buying it then, by consultation with counsel, I agreed to take and did take three notes.

Q. You took three notes?

A. Yes, sir; and those notes, when they came due, he paid, and upon the payment of the three notes the mortgage decree was given to him.

Q. Were the three notes together for the full amount of the decree, interest and costs?

A. The full amount of the mortgage, costs of the decree, the lawyers' fees, and whatever other expenses I had been put to; Mr. McDowell, I think, paid it in cash.

Q. To whom were those notes made payable?

A. I am not positive, but I think they were made payable to Mr. Haydock, because he had the mortgage.

Q. Were they ever endorsed by Mr. Haydock over to you?

A. I think they were.

Q. Do you know?

A. I don't recollect; but they must have been, because I had the money.

Q. You collected the money on them?

A. Yes, sir.

Q. How much was that all told that you realized out of that property?

A. I realized $2,500.

Q. How long after that property was sold did you realize $2,500?

A. About two years.

Q. Did they pay you interest on it?

A. They paid me interest of course.

Q. Within these two years have you been engaged in building any?

A. Yes, sir

Q. Where?

A. I built the house you live in.

Q. Where?

A. Milton avenue and Briant street.

Q. What did that house cost you?

A. That house cost me $2,500 to build, and together with the barn it cost me $5,000 to build.

Q. What did the lot cost you?

A. The deed says it cost me $1,000.

Q. What did it cost you?

A. It didn't cost me anything.

Q. Who deeded it to you?

By the Witness: I question your Honor whether it is proper for me to disclose my private business.

(The Court stated that the question was proper.)

Q. Who did you get that lot of?

A. Joseph T. Crowell.

Q. What did you pay for it?

A. I paid the assessments on the lot.

Q. What were the assessments on the lot?

A. I don't recollect, sir.

Q. How much did you have to mortgage that house for, to build it?

A. Twenty-five hundred dollars.

Q. Who holds that mortgage?

A. The Rahway Savings' Bank.

Q. Where did you get the rest of the money from?

A. From the proceeds of the house I sold to George Duryee.

Q. How soon after you sold that house to George Duryee did you build the house on the other corner?

A. Two years.

Q. When did you commence to build it?

A. I commenced to build it about in the Spring.

Q. In the Spring of what year?

A. It must have been 1871; it is seven years since I built it.

Q. 1871?

A. 1871, I think.

Q. 7 years last Spring?

A. 7 years last Spring.

Q. When did you sell that house to George Duryee—that would be 8 years last Spring—well, that is near enough; when did you sell that house to George Duryee?

A. I don't recollect, sir.

Q. How many houses did you ever build altogether in the City of Rahway?

A. Seven, I think.

Q. How many houses did you ever have in the process of building at one time?

A. Only one.

Q. And you built seven houses all told?

A. Yes, sir.

Q. How many years have you been engaged in it?

A. Well, in building for myself about 10 years, I think?

Q. What's the most expensive house you have ever built?

A. The one you reside in.

Q. And that cost you $6,000 to build with the lot?

A. Yes, sir.

Q. What is the last house you built?

A. The last house I built is on Elizabeth avenue.

Q. That's the house you spoke of awhile ago?

A. Yes, sir.

Q. In whose name was the title to this house that you built?

A. The last one, the title is in my name.

Q. Who was the rest of them in?

A. Mrs. Bonney.

Q. The whole of them?

A. I think they were, sir.

Q. Why did you put the title to those houses in Mrs. Bonney?

A. She furnished the money.

Q. Where did she get the money?

A. From her grandmother's estate.

Q. How much did she get from her grandmother's estate?

A. She got 20 full shares of the New Jersey Railroad and Transportation Company.

Q. What was that worth; what did she get in money?

A. The dividends from that had accrued; the extra dividends that had been declared were, I think, seven additional shares, which we sold; that and some little money that we had saved made enough to build the house on Milton avenue; the French roof house which I sold to George Duryee.

Q. $2,500?

A. Yes, sir.

Q. That was all the money that Mrs. Bonney got from her grandmother's estate?

A. No, sir; I didn't say so.

Q. At the time you built the French roof house in Milton avenue was not $2,500 all that both of you had together?

A. Yes, sir.

Q. That's all you two had, both of you?

A. That's all the ready cash we had.

Q. What did you have in securities?

A. Mrs. Bonney had some railroad stock of her own, which she still owns.

Q. How much?

A. $1,000.

Q. That was not in such shape that she could borrow money on it?

A. No, sir; she didn't want to borrow money on it.

Q. Then for building purposes it was of no value at all?

A. No, sir.

Q. The $2,500 represented all that you and your wife had at that time, available?

A. It did, sir.

Q. During all that—during the last ten years your only business has been architect?

A. Yes, sir.

Q. Except what you could make out of the sale of this property?

A. Yes, sir.

Q. How much income did you ever have in any one year from your profession?

A. I never figured it up.

Q. Well, certainly you can tell us how much it was?

A. I know it cost me pretty near six or seven hundred dollars a year to live, and I paid my bills.

Q. Does that represent your annual income out of your profession?

A. I suppose it would.

Q. Didn't Mr. Haydock ever furnish you with money for your living expenses?

A. No, sir.

Q. Didn't you ever go to the grocery store that Mr. Haydock was in the habit of purchasing his groceries at and purchase groceries that were put on his bills?

A. No, sir.

Q. You never did?

A. No, sir.

Q. You never went to Tier's to purchase groceries?

A. No, sir.

Q. Or got goods from his bakery?

A. No, sir.

Q. Did you ever go to Mr. Leonard's pottery and buy material from him for which Mr. Haydock paid?

A. Not for my own use, sir.

Q. For whose use did you purchase it?

A. If I ever purchased anything from Mr. Leonard and it was charged to Mr. Haydock it was for Mr. Haydock's use.

Q. Was Mr. Haydock engaged in building at all?

A. He has built some houses.

Q. When?

A. He built the one adjoining him, and there was tile used there, that may have come from Leonard's and I may have bought it, but I don't recollect.

Q. During the years you were in business did you keep any bank account?

A. I did.

Q. When did that commence?

A. I don't recollect.

Q. When did it close?

A. About the time that the Union National Bank closed.

Q. You kept an account in that bank at that time?

A. I always had an account there, but the latter part of the account was very small, if any—I don't recollect when it closed.

Q. That bank closed a year ago?

A. Yes, sir; I think it did.

Q. Up to what time you kept an account?

A. Yes, sir.

Q. Did you keep an account in any other bank?

A. I opened an account originally in the old Farmers' and Mechanics' Bank.

Q. Where is that?

A. It is now the National Bank of Rahway.

Q. You kept an account there since it has been the National Bank of Rahway?

A. I don't think I have.

Q. During the time that bank has been the National Bank of Rahway you kept your account in the Union National Bank of Rahway?

A. Yes, sir.

Q. Were all your checks drawn on the Union National Bank of Rahway?

A. Yes, sir.

Q. Were your notes discounted in that bank?

A. All the notes I had discounted were.

Q. Did you ever have any notes discounted there that Mr. Haydock's name was not upon, either as maker or endorser?

A. I don't recollect.

Q. Now, Mr. Bonney, are you quite positive that Mr. Haydock never assisted you pecuniarily in any way except by the notes that you referred to on your direct examination?

A. I am sure.

Q. How many of them were there?

A. I don't recollect.

Q. You can't tell at all how many of them there were?

A. I cannot, sir.

Q. If they were only business transactions that he assisted you in would not you be apt to recollect the number of the notes?

A. No, sir.

Q. Were there twenty of them?

A. I don't recollect.

Q. There might have been for all you know?

A. There might have been.

Q. Has not Mr. Haydock, altogether, let you have

notes, either his notes or your own notes with his endorsement on, amounting to $20,000.

A. Do you mean that he has paid?

Q. I didn't say that; just read my question, please.

The Stenographer read as follows: Has not Mr. Haydock, altogether, let you have notes, either his notes or your own notes with his endorsement on, amounting to $20,000?

A. No, sir.

Q. Well, to the amount of $15,000?

A. I don't know, sir.

Q. $10,000?

A. I don't know, sir.

Q. Then you can't say any more definitely than that it does not amount to $20,000—do I understand you?

A. I can, I think, say that in relation to the transactions I have had with Mr. Haydock, they have culminated in three notes, amounting to $1,290, which are not paid and are secured by a mortgage of $1,000.

Q. Do you mean that as an answer to my question?

A. Yes, sir.

Q. Then why did you say before that it didn't amount to $20,000?

A. I did say so.

Q. Why did you say that it didn't amount to $15,000?

A. I don't understand the drift of your question, sir.

Q. It is not necessary that you should; I merely want an answer to my question; why did you say,

when I asked you whether or not it amounted to $15,000, that you could not tell?

A. I don't know, sir.

Q. Didn't Mr. Haydock, your father-in-law, when you were in legal trouble, some eight or ten years ago, furnish you with money to aid you in those troubles?

A. He did not.

Q. In any way?

A. No, sir.

Q. At any time during your married life didn't your father-in law, during your business, furnish you with money or other things of value for the support of your family?

A. Never to my recollection.

Q. That's all.

By the Court:

Q. I understood you to state this morning that your father-in-law endorsed certain notes for you that were given to pay claims that you had contracted in the erection of buildings?

A. Of this last building, sir.

Q. The notes originally were given by you?

A. By me.

Q. And were endorsed by your father-in-law?

A. Yes, sir.

Q. The form of those notes was subsequently changed, and he became the drawer and you the endorser?

A. Yes, sir.

Q. And that is the present form of the notes that have been presented against the estate?

A. Yes, sir.

Q. Now, I want you to fix the time when that change was made—when he became the drawer and you the endorser; I don't suppose you can fix it to

a day, but I want the time fixed in reference to his death to the best of your recollection?

A. I think it was about eight months before the first of September, when Mrs. Haydock demanded the box from the bank.

Q. Then the notes were changed in form just about eight months before; that would be in February, 1878?

A. Yes, sir.

MARGARET H. BONNEY, a witness produced on the part of the aforesaid complainants, having been duly sworn according to law, is re-called for

Further Direct Examination:

By Mr. Berry:

Q. You heard the testimony of Mrs. Haydock, the defendant in this suit?

A. Yes, sir.

Q. She stated that you were very friendly; will you give us your statement concerning the friendship of you and Mrs. Haydock at the commencement of your acquaintance, as she did?

A. I never considered myself—(*interrupted*).

(Objected to as immaterial; question overruled).

Q. You heard the statement of Mrs. Haydock in regard to the $300 present that she said your father made to you on or about the 6th of September, 1878; will you just state whether any such present was made?

A. No, sir; I never received one dollar of my father's money except for a bottle of wine; he gave me $5 one time and that was the only money I ever received from my father since she has been his wife.

Q. Do you remember the occurrence she speaks of?

A. Do you mean the day I was there?

Q. Yes?

A. Yes, sir.

Q. Do you remember what she said?

A. She asked me if I had money from my father, and I said, "No, Eliza."

Q. Didn't she ask you whether you had received this amount of money?

A. She asked me if I had, and I said no, emphatically.

Q. What amount did she speak of?

A. A roll of bills; she said two or three hundred dollars she supposed.

Q. That's all.

Not Cross-Examined.

Complainants rest.

GEORGE BAYRIGHT, a witness produced on the part of the aforesaid defendants, having been duly sworn according to law, is recalled for

Further Direct Examination:

By Mr. English:

Q. Do you recollect whether you were at Mr. Haydock's when Hannah Richardson went there?

A. I was.

Q. When was that?

A. I think it was somewhere about—somewhere near the 5th or 10th of March.

Q. Were you there when she went away?

A. No, sir, I was not; I was there just before she went away.

Q. Where did you go?

A. I went down to the Park for a few days.
Q. When you came back was she there or not?
A. She was gone.
Q. How long did she stay at Mr. Haydock's?
A. I don't think she staid there over three weeks.
Q. That's all.

Cross-Examined:

By Mr. Stone:

Q. Did you keep an account of the servant girls that came there?
A. No, sir.
Q. That was not a part of your duties?
A. No, sir, it was not.
Q. Now, do you know how long she was there?
A. I don't know to a day, no, sir.
Q. Do you know to a week?
A. I know about the time I went to the Park, and I was not there more than three or four days, and then she was gone.
Q. When did you go to the Park?
A. Several times while I was there, but this time was about the first of April.
Q. About the first of April?
A. I think it was after March.
Q. How do you know when she came there?
A. Because I was there when she came there.
Q. Do you know whether it was in September?
A. I do know.
Q. How do you know?
A. Because I was there.
Q. In September?
A. I was there in September.
Q. You were?
A. Yes, sir.
Q. And you were there from September to March?

A. No, sir; not all the time.
Q. Were you there in December?
A. No, sir.
Q. You were not?
A. I think not.
Q. Do you know?
A. I am quite sure I was not there in December.
Q. Not there at all?
A. I think not.
Q. Not there during the month of December at all?
A. I don't think I was.
Q. Were you there during the month of January?
A. Yes, sir.
Q. What time, or how much of the month of January were you there?
A. I think you have asked me that question two or three times.
Q. Well?
A. Somewhere about the 15th of January, I came there.
Q. Was she there then?
A. No, sir.
Q. Did you go away then?
A. No, sir; not until sometime after that.
Q. Well, how long?
A. I didn't go away until in March, I think.
Q. And do you know how long she was there?
A. I don't think she was there more than three weeks.
Q. Well, do you know?
A. I don't know for certain, but that's what I think.
Q. Did you stay at Mr. Haydock's from January until the death of Mr. Haydock?
A. I was not there every day.

EDWARD BAYRIGHT, a witness produced on the

part of the aforesaid defendant, having been duly sworn, according to law, is recalled for

Further Direct Examination:

By Mr. English:

Q. Didn't you or not ever have any conversation with Mr. Staats Bonney in relation to assistance rendered him in his building operations, by his father-in-law?

A. I have, sir.

Q. When was it?

A. I can't give the date, sir, but only the circumstances.

Q. About how long ago was it?

A. About the time he was building—when he was building the house opposite the Park; I can't state the street.

Q. About how long ago?

A. When he was building.

Q. Well, how long ago?

A. I can't tell.

Q. 8 or 9 years?

A. It was on a 4th of July when he was building that house, and before it was finished.

By the Court:

Q. How many years ago, sir?

A. I can't say, not to go within two years or three.

Further Direct:

Q. Well, go within two years?

A. I can't say, except that it was when he was building the house.

Q. Do you know whether it was three years ago or not?

A. It was more than three years ago.
Q. More than five?
A. More than five.
Q. Was it six?
A. I should think so.
Q. What did he say?
A. I was visiting our family, or I was visiting Mr. Haydock's, on the 4th of July, which I had done for fifteen years every 4th of July; or, well, we will say for twelve years——(*interrupted.*)

By the Court:

Q. Counsel's question simply requires you to state what Mr. Bonney said?
A. Well, does not he want the time?
Q. You have given the time as fully as you could; now state what was said on that occasion?
A. Can I state what I said to him?
Q. Yes.
A. He was showing me through the house, which was then unfinished.
Q. The question simply calls for what was said; counsel does not want a long story.
A. I can state what I asked him to bring forth this?
Q. Yes; proceed and do it at once.
A. I asked him how he could build as fine a house and so many of them when he was in the condition he was in; "Well," he says, said he, to make a long story short, "my father-in-law helps me."
Q. That's all.

Cross-Examined:

By Mr. Stone:

Q. In the condition he was in?
A. That who was in?

Q. Why the condition you say Mr. Bonney said he was in; what condition was that?

A. No other condition than building these houses.

Q. That was the condition you referred to?

A. That was the business, yes, sir.

Q. His living in that condition?

A. Well, he happened to be out of business at that time; I suppose that was the reason I asked him, but I know that was the remark.

By Defendant's Counsel:

That's all we have at present, but I understand your Honor allows us to prove at some subsequent time that Mr. Bonney received money from his father-in-law.

(*It is considered by consent* of parties that the Pamphlet Laws of 1851, showing the charter of the Rahway Savings Institution is in evidence.)

(*It is agreed that Mr. Stone* drew the will now in evidence in this case.)

(*The point reserved for further* proof, to be left open, is to show that the testator during his life-time furnished money to his son-in-law and his daughter, or one of them; and furthermore, to the complainants to call Mr. Brewster to testify about the order for the tin box which he received from Mr. Vail.)

Adjourned until Tuesday, the 2d day of December, A. D., 1879, at the hour of 11 o'clock A. M., at the chambers of the Vice-Chancellor, Newark, N. J.

ROBERT C. BREWSTER, a witness produced on the part of the aforesaid complainants, having been duly sworn, is recalled for

Further Direct Examination:

By Mr. Stone:

Q. I think you have stated in your previous examination that you were the cashier of the Union National Bank?

A. Yes, sir.

Q. And have been for how long?

A. Since 1870.

Q. Please look at Exhibit 9; what is that endorsement upon it?

A. This is Mr. Vail's receipt for the securities, showing what securities were in the box at the time it was taken away.

Q. In the tin box?

A. Yes, sir.

Q. In whose handwriting is the endorsement?

A. Mr. Vail's.

Q. To whom was that given?

A. That was given to me.

Q. At the time it is dated?

A. I suppose it was, yes; I suppose it was at the time the list was made out.

Q. What is the date?

A. Twenty-fifth January, 1879.

Q. Now look at Exhibit No. 8 and tell me if you know the handwriting of the endorsement on that?

A. Yes, sir; that is signed by Mr. Haydock.

Q. No; I mean the endorsement; not the body?

A. The writing of it?

Q. No; the endorsement on the back of it.

A. What? this lead pencil endorsement?

Q. Yes; read it?

A. (*Reading*). "Served on R. C. B., January 18, 1879."

Q. In whose handwriting is that?

A. It looks like Mr. Vail's.

Q. "R. C. B." are your initials?

A. Yes, sir.

Q. In whose handwriting is that endorsement?

A. Mr. Vail's, I think.

By Mr. English:

We don't deny that.

By the Court:

Well, is it admitted?

By Mr. Vail:

I think it is my handwriting; I can't deny it; I suppose we admit it; yes, sir.

Q. Do you know whether Exhibit 8 had any connection with Exhibit 9?

A. Well, my recollection is that in the course of three or four days the notice was served upon me.

By the Court:

Q. By *this*, you mean Exhibit 8?

A. Yes, sir; that Mr. Vail came down there, and we together took a list of what was in the box, and also his receipt, I think, at the time this was served upon me.

Further Direct:

Q. And which is "this?"

A. Exhibit 8; Mr. Vail or myself were not ready to examine the box.

Q. Well, and consequently what?

A. And consequently that we postponed it until

we could mutually find time to look over what was in it.

Q. Well, what had Exhibit 8 to do with your giving up the box?

A. Well, this Exhibit 8 is what produced the box.

Q. What became of Exhibits 8 and 9, so far as you know, after they were in your possession?

A. They were filed away in the tin box that we have for keeping our bank papers.

Q. Where?

A. In the vault of the safe.

Q. How did they get in the complainants' possession in this case afterwards?

A. I gave them to Mr. Berry.

Q. When?

A. A week or ten days ago.

Q. Did you find them separated from each other or separated?

A. They were folded up together.

Q. That's all.

Not Cross-Examined.

Complainants rest.

BENJAMIN A. VAIL, ESQ., a witness produced on the part of the aforesaid defendant, having been duly sworn, deposeth and saith:

Direct Examination:

By Mr. English:

Q. I think you stated to the court, and your statement was received as evidence, that you went to the bank to get that tin box, and that you went with a paper which you had received from Mr. Haydock. What is your recollection in relation to that?

A. When I sent the box?

Q. Yes.

A. My recollection is that when I went to the bank I had a paper in the nature of an order or request, the terms of which I do not now recollect, from Mr. Haydock for the box, and I took it down there and presented it to Mr. Brewster, and upon that I received the box, and my impression was and still is that I left the paper with him.

Q. Have you seen Exhibit 8?

A. I have.

Q. Is that the paper?

A. No, sir; it is not the paper that I recollect?

Q. Do you know what became of that paper?

A. I do not.

Q. Have you or not looked for it?

A. I have.

Q. Thoroughly?

A. I have.

Q. Can you state the terms of that paper?

A. No, I can't; it is but an indistinct recollection —(*interrupted.*)

(Objected to.)

Q. What were the contents of that paper, Mr. Vail?

A. I only have a general recollection that it was an order from Mr. Haydock, I think, directed generally, but to no one in particular, for the box, and signed by Mr. Haydock.

Q. In whose handwriting.

A. In his own, as I now recollect it.

Q. Do you or not recollect of giving Exhibit 8 to Mr. Brewster?

A. Yes, sir; I do.

Q. And your impression is that you also gave him this other paper?

A. That's my impression, sir.

Q. Did you or not ever give him any other notice in relation to this matter?

A. Than the two?
Q. Yes?
A. None that I recollect of.

By the Court:

Q. What two?
A. Exhibit 8 and the order that is not to be found.

Cross-examined:

By Mr. Stone:

Q. How near together was the service upon Mr. Brewster of the two papers?
A. Before looking at this endorsement I should have said there was considerable interval, but now I should say there was not.
Q. Do you recollect how it happened that this one was, or rather do you recollect the fact of this having been written by you—Exhibit 8?
A. Yes, I do.
Q. Do you recollect how it got from you into Mr. Haydock's possession?
A. I sent it by somebody; I don't recollect who.
Q. Was it not Edward Bayright?
A. No, sir.
Q. Or George Bayright?
A. It might have been George, I am not sure, but I sent it by some one; I don't recollect.
Q. Do you recollect who brought it back to you?
A. I do not.
Q. That's all.

Robert C. Brewster, a witness produced on the part of the aforesaid complainant, having been duly sworn according to law, is recalled for

Further Cross-examination:

By Mr. English:

Q. Do you recollect Mr. Vail leaving any other paper in connection with this matter at your bank?

A. I have no recollection of any other paper of that kind but that one.

Q. Having been served on you?

A. No, sir.

Q. Has the bank in its possession any other paper served by Mr. Vail?

A. No, sir; not that I have any knowledge of at all.

By the Court:

Q. Mr. Brewster, have you at the request of either of the counsel of the complainants, or the counsel of the defendant in this case looked for the order referred to by Mr. Vail, the one drawn by the testator himself?

A. No, sir; we have a place where we keep all those papers, and I was asked to find an order and receipt, and I looked through the box until I came across these papers, and then I didn't look any further.

Q. You didn't especially look for it?

A. No, sir.

Re-Direct:

Q. You say Exhibit 8 was the only notice served upon you for the delivery of the box?

A. I have no knowledge of any other paper, or no recollection of any other paper having been served upon me at all.

By Mr. Vail:

May we now ask Mr. Brewster to look and see

whether there is not a paper of this character in the possession of the bank?

By the Court:

Yes; there may be a doubt whether the secondary evidence is competent; I understand now that the testimony is all closed, with the exception of liberty being reserved to the defendants to prove that the testator had given money or property to his daughter or son in-law.

By Mr. Vail:

May we also at some future time let it appear somewhere on the record that Mr. Brewster has searched for the paper, and the result of his search?

By the Court:

Yes; that proof may be produced on the day of the argument unless counsel finds the proof will occupy considerable time.

In Chancery of New Jersey.

Between

EDEN HAYDOCK'S Executors,
Complainants,
and
ELIZA P. HAYDOCK,
Defendant.

On bill, &c.

STATE OF NEW JERSEY, County of Union. } ss.:

JOHN C. CODDINGTON being duly sworn, saith: I was Secretary of the Rahway Savings Institution from April 4th, 1870, to January 1st, 1879.

As Secretary, I kept the minutes of the meetings of the Board of Managers; Eden Haydock was one of the managers; the Institution went into the hands of the Chancellor in April, 1878; I recollect that at the annual meeting in May, 1878, the question of the salaries of the officers was discussed; Eden Haydock was at that meeting; the question was in relation to decreasing the salaries of the officers, viz.: Treasurer, Secretary and Clerk; the question was discussed to some extent; quite a number took part in the discussion; I can't say how many; there was a motion voted on; the motion was that each member was to take a slip of paper and put down

the amount they were willing that said officers were to have the coming year, in aggregate.

The object of the vote was to get the opinion of each manager as to the amount of money that should be used to run the Institution for that year; the vote was taken by ballot, each manager writing on his ticket the amount that he thought was proper.

Blank slips of paper were furnished to each manager for this purpose; a slip was given to Eden Haydock; the tickets were collected by the tellers in a hat; Eden Haydock sat next to me at the table; Eden Haydock's ticket was the last one deposited; he first passed his ticket to me, and I saw it had his name on it; I said he must not give it to me, the tellers were the ones to receive it, but he ought to put some amount to it; then he wrote his name on another slip, and handed it to me, the same way; I told him we didn't want his name, but some amount, and explained the object of the vote; he wrote his name on a third ticket, and that ticket he put in a hat; I tried to make him understand what the vote was for; when I spoke to him about the matter, he did not seem to understand, but said "how," and wrote his name.

I know nothing of the circumstances of his resignation; I don't know whether he resigned, or whether his name was dropped by reason of non-attendance for two meetings (which would cover a period of six months); I know he ceased to be a manager.

J. C. CODDINGTON.

Sworn and subscribed before me (by consent),

B. A. VAIL,

Master in Ch'y.

To the Honorable THEODORE RUNYON, Esquire, Chancellor of the State of New Jersey:

Humbly complaining, showeth unto your Honor, your orators, A. Staats Bonney, of the township of Raritan, in the county of Middlesex and State of New Jersey, and Joseph W. Martin, of the city of Rahway, in the county of Union and State of New Jersey, executors of the last will and testament of Eden Haydock, late of the city, county and last State aforesaid, deceased.

That the said Eden Haydock being seized and possessed of a considerable real and personal estate, did on or about the 23d of March, in the year of our Lord one thousand eight hundred and seventy-one, duly make, execute, and publish his last will and testament, in writing, and thereby amongst other things, devise and bequeath as follows:

"Second. I give, devise, and bequeath unto my "wife, Eliza P. Haydock, the sum of one thousand "dollars, to be paid to her by my executors immedi- "ately after my decease. Third. I do hereby order "and direct my executors, hereinafter named, to "pay to my said wife, out of the income from my "estate, the sum of six hundred dollars annually, "said sum to be paid in semi-annual installments of "three hundred dollars each, whereof the first in- "stallment shall be due at the expiration of one "year from my decease. And said annuity shall "be paid, as above mentioned, during her natural "life and widowhood, and to be in lieu of all claims "for dower. And upon her death, or marriage, the "fund or property from the income of which said "annuity is produced, shall become a part of my "residuary estate, and said annuity shall be in ad- "dition to the above bequest of one thousand "dollars."

And that the said Eden Haydock did in and by his said last will and testament constitute and ap-

point the said A. Staats Bonney and Joseph W. Martin your orators and executors thereof.

And your orators further show unto your Honor that the said Eden Haydock departed this life on or about the twenty-eighth day of April, in the year eighteen hundred and seventy-nine, not having revoked, altered or annulled his said last will and testament, but leaving the said will and every part and portion thereof in full force and effect.

And your orators further show that upon or soon after the death of the said Eden Haydock, to wit: on or about the ninth day of May, in the year eighteen hundred and seventy-nine, the said A. Staats Bonney and Joseph W. Martin—your said orators—the executors named in said last will and testament, duly proved the said will before James J. Gerber, Esquire, Surrogate of the county of Union aforesaid, as by the record thereof now remaining in the Surrogate's office of said county of Union aforesaid, reference being thereunto had, if necessary, may more fully and at large appear.

And your orators further show unto your Honor that they took upon themselves the burthen of the execution thereof, and that on or about the tenth day of May, in the year last aforesaid, your orators proceeded to take and did take an inventory of all personal property of the said Eden Haydock, deceased, that could be found, and that the same was duly appraised according to law.

And your orators further show unto your Honor that the said Eden Haydock, deceased, in his lifetime, and up to within a few days of his death, to wit: on or about the tenth day of March, in the year of our Lord one thousand eight hundred and seventy-nine, was possessed of certain property as securities, to wit: A note for the sum of five thousand dollars, bearing date the 1st day of March, in the year 1871, of which the following is a true copy:

NEW YORK, RAHWAY, N. J., March 1871.

$5,000.

On demand I promise to pay to Eden Haydock, Rahway, N. J., or order, five thousand dollars for value received with interest at the rate of seven per cent. per annum, having deposited with him as collateral security with authority to sell the same at the Broker's Board, or at public or private sale or otherwise, at his option, on the non-performance of this promise after giving 10 days notice, forty (40) shares stock N. J. R. R. & T. Co.'s stock, Cert. No.; ten (10) shares stock Union Nat. Bank stock, Cert. No.

{ U. S. REV. STAMP, $2 50. }

Signed, JOS. S. SMITH.

[Endorsed.]

1875. 1 July, Int. to date,	$291 60	E. H.
1876. 1 Jan., " "	175 00	E. H.
" 1 July, " "	175 00	E. H.
1877. 1 Jan., " "	175 00	E. Haydock.
" 1 July, " "	175 00	E. Haydock.
1878. 1 Jan., " "	175 00	E. Haydock.
1878. 1 July, " "	175 00	E. Haydock.

RAHWAY, N. J., March 10, 1879.

Pay to E. P. Bayright or order.

EDEN HAYDOCK.

RAHWAY, N. J., March 10, 1879.

Pay to Eliza Haydock or order,

E. P. BAYRIGHT,

BROOKLYN, N. Y.

ELIZA P. HAYDOCK.

Two shares of the N. J. R. R. & T. Co., certificate 2,224, the par value of which was the sum of $200.

Seven other shares of stock of N. J. R. R. & T. Co., certificate 1,967, the par value of which was the sum of $700.

Thirty shares of stock of the Union National Bank of Rahway, being No. 2, the par value of which was the sum of $3,000; 10 certain other shares of the stock of the Union National Bank of Rahway, being No. 86, the value of which was the sum of $1,000.

Four certain Improvement bonds of the City of Rahway, being numbered 21, 22, 23 and 24, the same becoming due in the year of our Lord one thousand eight hundred and eighty-four, each for the sum of $1,000, respectively, the par value of which was the sum of $4,000.

Certain other bond of the City of Rahway, No. 695, due in the year eighteen hundred and eighty, the value of which is the sum of $1,000; certain other bond of the City of Rahway, No. 705, becoming due in the year eighteen hundred and eighty, the value of which is the sum of $500; certain other bond of the City of Rahway, the number being unknown to your orators, the same becoming due in the year eighteen hundred and eighty-eight, the value of which is the sum of $500.

And a certain Rahway Cemetery bond, the par value of which is the sum of $2,500, purchased of the Rahway Savings Institution with the funds of said Eden Haydock therein deposited.

And your orators further show unto your Honor, that the said Eden Haydock, for more than a year prior to and immediately preceding his death, which occurred on the 28th day of April, in the year 1879, was of unsound mind, memory and understanding, and that his mind, memory and understanding was so much and to such an extent impaired that, in consequence thereof, he was unfit to transact busi-

ness, and utterly incapable of so doing, and that for a long space of time, to wit, for more than a year preceding his death he was weak, and helpless, and childish, and required as much care as a child, and had to be assisted to and out of bed, and dressed and undressed, and most of said time unable to leave his bed, and during said time was, by the said Eliza P. Haydock, prevented from going out, except for short promenades in the back yard out of the sight of the public, and always attended, and was not taken out in the streets or in public in any way, and when he offered or attempted to go out by himself his coat and hat was taken from him and he was prevented from so doing, and that much of the time he would mumble over to himself words unintelligible to the listeners, and when asked to explain could not and did not give any explanation.

And your orators further show, that on one occasion, to wit: on or about the first day of March last past, the said Eden Haydock escaped from the house having on only his night shirt, and was found in the back yard in his stocking feet, and when found he was very weak and exhausted, and dropped off to sleep immediately upon being taken in the house.

And your orators further show unto your Honor, that the said Eden Haydock, in his life-time, kept his securities, and amongst them those set out in this bill in a small tin box which he kept in the Union National Bank, of Rahway, and that he persistently refused to inform said Eliza P. Haydock, between months of September and February last past inclusive, anything about his business, and that on the twenty-fifth day of January last past, one Benjamin A. Vail received the box and contents from the officers of the Union National Bank of Rahway, and that the same was afterwards delivered to the said Eliza P. Haydock by the said Benjamin A. Vail.

And your orators further show, that the said Eden Haydock, being in a condition of weakness and incapacity, the said Eliza P. Haydock, his said wife, did between the said twenty-fifth day of January, in the year eighteen hundred and seventy-nine, the day of getting hold of said tin box, and the twenty-eighth day of March in the same year, fraudulently obtained and took from said Eden Haydock certain bonds of the city of Rahway, the par value of which was six thousand dollars, and certain bonds of the city of Rahway cemetery, the par value of which was the sum of two thousand and five hundred dollars, and forty shares of stock of the Union National Bank of Rahway, of the value of four thousand dollars, being part of the same securities and property set out above in detail.

And your orators further charge, that the said Eliza P. Haydock did fraudulently abstract and take from the box in which said Eden Haydock kept his said securities—the above described securities—with intent to deprive your orators of the securities and property properly coming into the hands of your orators from said Eden Haydock's estate, and which of right ought to come into the hands of your orators in order to enable them to carry out the provisions of the will of said Eden Haydock, and pay the legacies and annuities by them to be paid by the terms of said last will.

And your orators further show and charge, that on the tenth day of March, in the year 1879, said Eliza P. Haydock did, well knowing the weak and childish condition of said Eden Haydock, procure from the said Eden Haydock what purports to be his signature to an assignment of certain stock to-wit: Nine (a) shares of stock of the New Jersey R. R. & T. Co. of the par value of 900 dollars, being the same stock as above set forth; and did also procure from said Eden Haydock what purported to be

his signature upon the back of the note of one Joseph S. Smith for the sum of $5,000, being the above described note which is set forth whereby the said note was transferred to the said Edward P. Bayright, and said Bayright endorsed the same to Eliza P. Haydock. Payment of the same was demanded of the said Joseph S. Smith by the said Eliza P. Haydock, and said sum of five thousand dollars was on the twenty-sixth day of April in the year eighteen hundred and seventy-nine, duly paid to said Eliza P. Haydock. Upon which said payment certain collateral securities held by the said Eden Haydock as collateral to the payment of said note, to-wit: Forty shares of stock of the N. J. R. R. & T. Co., and ten shares of stock of the Union National Bank, of Rahway, were delivered up to the said Joseph S. Smith by said Eliza P. Haydock.

And your orators further show and charge, that the property enumerated and above set forth, of right belong and appertain to the estate of said Eden Haydock, and ought to be delivered up to your orators as executors of the said last will and testament of Eden Haydock, deceased.

And your orators further and expressly charge, that all of said property above enumerated, was fraudulently obtained from said Eden Haydock, at Rahway, to-wit: At the time and place aforesaid and with the intent to wrong and injure your orators the executors of the said Eden Haydock, deceased.

And your orators further show and charge, that the said property so as aforesaid obtained by delivery, assignment and endorsement was only obtained after long and persistent efforts on the part of the defendant, Eliza P. Haydock, and that the said Eden Haydock persistently refused to yield to the repeated requests during said period, to wit: between the fourth week of September last past,

and the tenth day of March last past to transfer said property to her, and that during this time, and notably in or about the ninth day of March in the year last aforesaid, when the said Eden Haydock was urged by the said Eliza P. Haydock to transfer the same to her, she would treat him with great severity and cruelty, and on one occasion during the coldest weather—the cold being intense—in the month of December, in the year 1878, she compelled him after soaking his feet—he being sick at the time—and being down stairs in the dining room, it being in the evening, to walk back barefooted through the cold halls—the same being in no way heated—up stairs to his bed-room where there was no fire, and that being taken with a chill during the night he implored his said wife, Eliza P. Haydock, to get up and build a fire. She refused to do it, saying that she was not going to trouble herself about the matter, and from that date since, Haydock failed more rapidly than ever, and at another time declining to give him a drink, which he particularly and urgently requested, he being in a helpless condition, to wit: a glass of lemonade which he pleadingly asked for, and which she peremptorily refused to give him, or even a glass of water, he having to call on the housekeeper for the same, which so worked upon him that he exclaimed, "I don't know why "you treat me as you do, unless it is because I will "not sign the papers that you want me to,--" meaning the above stock and the endorsements, "and that you—" meaning the said Eliza P. Haydock, "—wrong me so much that I wish I had never "seen you." And that the said Eliza P. Haydock, then and there following up her importunities, and still continuing to torment the said Eden Haydock, asked him if he would not sign the papers to-morrow if she would bring a lawyer down, and he exclaimed, "Oh, yes! yes!! If by so doing I can get

"some peace." This occurred on or about the ninth day of March last past.

And your orators further charge, that the said Eliza P. Haydock, well knowing the condition of the said Eden Haydock, and well knowing his incapacity to take care of his business affairs, applied, several months before and just prior to the transfer to her of the above described property belonging to the said Eden Haydock, deceased (the exact date being unknown to your orators), to one Abel V. Shotwell, a resident of the city of Rahway, in the county of Union, in the state aforesaid, to act as a trustee for said Eden Haydock, deceased, in his life time, saying he (the said Haydock) was unfit for business and unable to take charge of his property, and that she applied to one Thomas H. Shafer, Esquire, within a period of six months next preceding the death of said Haydock to take proceedings to have a guardian appointed for the said Eden Haydock.

And your orators further charge, that on the day of appraisement of the goods and chattels of said Eden Haydock, deceased, at his late residence, in the city of Rahway aforesaid, on the ninth day of May aforesaid, which said appraisement was then and there duly made, agreeably to law, by your orators and one William E. Wells and one Joseph T. Crowell, appraisers, said executors, demanded and asked the said Eliza Haydock for the key of the tin box in which the said Eden Haydock in his life time was accustomed to keep his securities, and in which the balance of his securities were found; and the said Eliza P. Haydock at first protested she did not know where it was, and denied all knowledge of the same, but when the same was again demanded by your orators she immediately produced it; and that upon opening said box your orators demanded to know of the said Eliza P. Haydock where the securities and the

money, to wit: the sum of $5,000, were, all of which are fully set out in this your orators bill. Whereupon she declined to answer, by advice of counsel, for whom she had sent out prior to and immediately before the opening of said box, and who answered for her, to the effect that they (the securities and money in question) belonged to said Eliza P. Haydock, the defendant in this bill of complaint, and that anything that was missing from said box was said Eliza P. Haydock's, the said defendant's; and the said Eliza P. Haydock refused to produce them, although the same were demanded, and further refused access to your said orators to drawers and trunks, although the same properly belong to the estate of said Eden Haydock, deceased, and ought to have been opened for your orators' inspection and examination.

And your orators well hoped that the said Eliza P. Haydock would have complied therewith, as in equity and good conscience she ought to have done.

But now so it is, may it please your Honor, that the said Eliza P. Haydock, combining and confederating together to and with divers other persons, as yet to your orators unknown, but whose names, when discovered, your orators pray may be inserted herein as defendants, and they made parties hereto, with proper and apt words to charge them how to injure and oppress your orators. The said Eliza Haydock and her confederates, respectively, do now absolutely refuse to pay over the said moneys above mentioned, or turn over to your orators the stock, moneys, securities, books, papers and other writings mentioned and described in this your orators' bill of complaint, to be administered upon by them as executors of the last will and testament of the said Eden Haydock, deceased, for the benefit of the estate of the said Eden Haydock ; sometimes pretending that the said testator did not make any such

will, or, if he did, that he revoked the same previous to his death ; and at other times they admit that the said testator did make such will as aforesaid. And your orators have proved the same, and possessed themselves of all the testator's real and personal estate, and that the said defendant gives out and insists that the above moneys and described property, as set forth in said bill of complaint, were given to the said Eliza P. Haydock voluntarily by the said Eden Haydock in his lifetime, when he, the said Eden Haydock, was of sound mind, memory and understanding ; and at other times the said Eden Haydock gave to her, the said Eliza P. Haydock, the said money, and that she put the same in the Rahway Savings Institution, and with it bought bonds of the Rahway Cemetery ; and that he gave to her the bonds of the city of Rahway, as above described, and willingly and of his own accord assigned and set over to her the said stock, as above set forth, and endorsed said note of the said sum of 5,000 dollars made by the said Joseph S. Smith aforesaid, while the said Eden Haydock was in his right mind, without undue influence used on the part of the said Eliza P. Haydock over him, the said Eden Haydock, and without cruelty used on her part to obtain the same.

Whereas your orators expressly charge the truth to be that the said testator died seized and possessed of such personal estate to the full value as above set forth, and that the said moneys and personal property, as above set forth, were procured by the said defendant fraudulently from the said Eden Haydock, deceased, in his lifetime by undue influence and extreme cruelty, practiced on him by the said Eliza P. Haydock ; and that if it be the true signature of the said Eden Haydock in the said note and assignments of stock above described, which your orators charge is not the fact, then the same was

obtained fraudulently from the said Eden Haydock in his lifetime by said Eliza P. Haydock, she, at the time of the procurement of the same, knowing him to be in a condition utterly unfitting him to transact any business, and was obtained by said defendant when the said Haydock did not know what he was doing, and when he was driven to distraction by the said defendant by constant importunity on her part, while his condition was such as to render it impossible for him to resist her; and, being thus obtained by fraud and collusion, the said transfers, and all and every act appertaining thereto, was and is void as against your orators as executors aforesaid.

All which actings, doings and pretences of the said defendant and her confederates are contrary to equity and good conscience, and tend to the manifest wrong, injury and oppression of your said orators, executors, as aforesaid.

In tender consideration whereof, and for as much as your orators have not a complete remedy in the premises at and by the strict rules of Common Law, and is only relievable in a Court of Equity where matters of this nature are properly cognizable and relievable,

To the end, therefore, that the said Eliza P. Haydock, and her confederates, may respectively, full, true, direct and perfect answers make according to the best of their respective knowledge, information and belief, to all and singular, the matters and charges aforesaid as fully and particularly in every respect, as if the same were here again repeated; and they therewith particularly interrogated with all the circumstances thereof; and they, and each of them, thereto specially interrogated not only to the best of their knowledge and remembrance, but also to the best of their understanding, hearsay, information and belief respectively; and more especially that they may respectively set forth and discover

whether the said testator, Eden Haydock, duly made, executed and published such last will and testament in writing of such date and to such purport and effect, as aforesaid, or any of them, and what last will, if any other, and what date and to any other and what purport or effect particularly; and that they may produce the same, or the probate thereof, to this Honorable Court, whenever and as often as there shall be occasion. And whether by such will, or any other, and what will the said testator appointing your orators, or any other, and what persons executors of such last will and testament? And whether the said Eden Haydock departed this life on or about the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, or at any other time, and at what time? And whether he revoked, altered, or annulled the said last will and testament before his death or any of the provisions therein? And when? And in what manner? And whether your orators proved the said will? and when? before whom? and in what manner? And that she set forth whether the said Eden Haydock was not possessed of the personal property as above described and set forth? Whether the said Eden Haydock for more than a year prior to his death was not of unsound mind, memory, and understanding? Whether his mind, memory and understanding, was not so much and to such an extent impaired that in consequence thereof he was unfit to transact business? And to take charge of his affairs? Whether he was not weak and helpless during the period mentioned in said bill? Whether he was not prohibited from going out in public? Whether he would not talk unintelligibly during portion of this time? Whether the said defendant did not know the mental condition of the said deceased? Whether the said defendant did not frandulently obtain and take from

him the property above enumerated? Whether the said defendant did not fraudulently obtain his signature to the note described in said bill? Whether the proper signature is that of the said Eden Haydock? Whether she has not collected the proceeds of said note? Whether they did not abstract the securities as aforesaid from the box and for what intent? And whether she did not torment and worry said Eden Haydock during said time, treat him with extreme cruelty in order to compel him to affix his signature to certain papers with intent to obtain possession of said Haydock's property? And whether she did not apply to Abel V. Shotwell to act as a trustee for said Eden Haydock? And whether she did not make application to Thomas H. Shafer, Esquire, to take proceedings to appoint a guardian for said Eden Haydock?

And that the said Eliza P. Haydock may be decreed to pay the money to (with the $5,000) proceeds of said Smith's note, and deliver up to your orators the securities mentioned and set forth, or the proceeds thereof, to be by your orators administered upon as executors aforesaid, and that the said assignments made by the said Haydock to the defendant may be declared void, and the same delivered up to be cancelled, to carry out the provisions of said last will and the costs of this suit.

And that the said Eliza P. Haydock, her counsellors, attorneys, solicitors, officers or agents may be restrained, by an injunction issuing out of this Court, from proceeding in any way to assign or dispose of any of the property or the proceeds of the note of Joseph S. Smith for the sum of $5,000, as aforesaid.

And that the said defendant, Eliza P. Haydock, may be stayed by the people's writ of *ne exeat republica* from departing out of the jurisdiction of this Court.

And that a receiver or receivers, or trustee may be appointed by this Honorable Court, with full power and authority to sue for, collect and receive, and take into his or their possession full, the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to the said Eden Haydock, deceased, but now fraudulently in possession of the said Eliza P. Haydock, and to sell, convey and assign all the said real and personal estate of the said Eden Haydock, fraudulently in possession of said Eliza P. Haydock, and to bring into this Court all the moneys and securities for moneys arising from such sale, or which said receiver or receivers, or trustee, shall collect or receive by virtue of the authority vested in them, and according to the form of the statute in such cases made and provided.

And that your orators may have such other and further relief in the measures as the nature of the case may require.

May it please your Honor to grant unto your orators the people's writ of *ne exeat republica*, staying the said Eliza P. Haydock from departing into parts beyond this State and out of the jurisdiction of this Court without leave had first been obtained. Also, to grant unto your orators the people's writ of injunction, issuing, out of and under the seal of this court, direction to the said Eliza P. Haydock, her counsellors, attorneys, solicitors and agents, commanding them, and each of them absolutely, to desist and refrain from proceeding to sell, convey, assign transfer or dispose of any of the securities mentioned herein or the proceeds thereof. And, also, to grant unto your orators the State's writ of subpœna issuing out and under the seal of this Honorable Court, to be directed to the said Eliza P. Haydock, commanding her, the said Eliza P. Haydock, to be and

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appear before your Honor in this Honorable Court, then and there to answer all and singular the premises, and to stand to abide and perform such order and decree therein as shall seem meet and agreeably to equity and good conscience.

And your orators, as in duty bound, will ever pray, etc.

GARRET BERRY,

Sol'r and of Counsel with the Complainant.

STATE OF NEW JERSEY, }
County of Union, } ss.:

A. STAATS BONNEY, being duly sworn according to law on his oath saith, that he is one of the executors of the last will and testament of Eden Haydock, deceased, complainants in the above entitled cause.

And deponent further says that he took an inventory of the contents of the box in which the securities of the said Eden Haydock, deceased, were kept, and that on the twenty-fifth day of January, eighteen hundred and seventy-nine, all of the securities enumerated in above bill and now sought to be gotten by this bill of complaint were in said box, and that on the day of the making of the inventory above stated, to wit.: on the ninth day of May, in the year last aforesaid, the said defendant, Eliza P. Haydock, admitted that she had them or the proceeds thereof, but refused to deliver the same up to the executor of the said Eden Haydock, deceased. And deponent further says that all of the material allegations of said bill are true to the knowledge of this deponent. And deponent further says that whatever is alleged in said bill upon information and belief, is true to the best of this deponent's knowledge and belief.

A. S. BONNEY.

Sworn and subsc.ibed before me,
this 2d June, A. D. 1879.

WM. MCCLOSKEY,
Comm'r of Deeds.

STATE OF NEW JERSEY,
Union County, } ss.:

WILLIAM E. WELLS, of full age, being duly sworn according to law, on his oath saith, that he is a resident of the city of Rahway, in the county of Union, and State of New Jersey, and that he knows Eliza P. Haydock, mentioned in the above bill as defendant therein, and that he was present when the box referred to in above bill containing said Eden Haydock's securities was opened, and that said Eliza P. Haydock, by her counsel, who spoke for at her request, said that whatever was missing from the contents of said box was in said Mrs. Haydock's possession as her property, and that the contents being enumerated, it was discovered that the property enumerated in the above bill was proved to be missing, and that said Eliza P. Haydock, while she acknowledged the possession thereof, refused to give them up.

W. E. WELLS.

Sworn and subscribed before me,
the 2d day of June, 1879.

WM. MCCLOSKEY,
Comm'r of Deeds

NEW JERSEY,
Union County. } ss.:

CHARLES AVERY, being duly sworn on his oath, says:

That he resides in the city of Rahway, in the

county of Union, and that he is a manufacturer of boots and shoes.

He was acquainted with the late Eden Haydock, and used frequently to see him up to within a short time previous to his death; that on one occasion, during the early part of the summer last past, Mr. Haydock stopped in my store and said that a pair of shoes that he then had on, and which he said he had purchased of me, hurt his feet, and wished that I would stretch them so that he could wear them; I told him that he had not bought the shoes of me, but that I would do what I could to relieve him; after stretching them he put them on and left the store; in about one hour he came back and said he wished to pay me for those shoes he had bought of me; I again explained to him that he had not bought any shoes of me, and that he did not owe me anything.

The next morning he called again and taking out his pocket-book he offered me a bill or bank note, saying he wished to pay me for those shoes, when I again told him he did not owe me anything, that he had not purchased any shoes from me; after some difficulty I made him understand that he did not owe me for the shoes, and he went out and went in the direction of the Bank, he was gone about long enough to go to the Bank, when he again came in the store, and again wanted me to take pay for the shoes, which I again refused; the next day the same thing was repeated, and on many other times, so much so that it became a source of remark among the workmen in the shop.

CHAS. AVERY.

Sworn and subscribed before me this 31st day of May, A. D., 1879.

WM. MCCLOSKEY,
Comm'r of Deeds.

NEW JERSEY, }
Union County. } SS.:

JAS. E. TIER, being duly sworn on his oath, says:

That he resides in the city of Rahway, in the county of Uuion; that he is a baker and groceryman by occupation.

He was acquainted with the late Eden Haydock, and saw him frequently to within four or five months previous to his death.

That for about two years previous to his death he noticed that the said Eden Haydock's memory was failing, and his mind was becoming very weak, so much so that it caused comment in the store after he had been in the store.

That on one occasion, viz: on or about the day of , said Eden Haydock came into his store and purchased sundry articles of groceries which were charged to his account, and upon asking him for his "pass book," in which to enter the articles he had purchased, he tendered the book of another grocery man, and insisted upon having them charged on that book, and upon being refused, said that it made no difference, one book was as good as another, and that I must charge the things on that book.

On another occasion he came in the store and bought a parcel of butter, for which he paid me, and started to leave the store with it; before reaching the door, he stopped, and again taking out his money, he again offered to pay me for the butter, which I told him was already settled for; after waiting about the store for a short time, he again started to leave, but before reaching the door again took out his money and tendered me payment for the butter, which I again explained to him had been paid for.

Similar transactions occurred with almost every

purchase he made during the latter part of his dealing with me.

JAMES. E. TIER.

Sworn and subscribed before me, this 31st day of May, A. D., 187.).

WM. MCCLOSKEY,
Comm'r of Deeds.

STATE OF NEW JERSEY, County of Union, } ss.:

HANNAH RICHARDSON, of full age, being duly sworn according to law on her oath, saith: That she is a resident of the city of Rahway, in the county of Union, in this state, and resides in the family of Charles A. Watson, in the city, county and state aforesaid; and that by occupation deponent is a work girl, and that she sewed and worked for—in that capacity—the family of the late Eden Haydock, mentioned in the above entitled cause; and that much of deponent's time was spent in taking care of said Eden Haydock, who was very weak and infirm, and at times very wild in his conduct. And deponent further says that on the first day she went to said Haydock's to work, to wit, on or about the first day of March, in the year eighteen hundred and seventy nine, she (deponent) was directed by Eliza P. Haydock to take care of and look after said Eden Haydock; and that deponent went into the dining-room, where said Haydock had his bed, and, as he seemed to be sleeping, she (said deponent) went to the kitchen, adjoining, and that after an absence of about ten minutes Mrs. Haydock came back and came to this deponent and asked where Mr. Haydock was. Deponent answered that he was asleep, but found upon going to his bed that he was gone,

and after search he was found in the garden, in his night shirt and in his stocking feet; and, when asked what he was doing, said he was feeding the chickens, although he had nothing to feed them, and when taken into the house seemed exhausted and immediately dropped off in a doze. Upon occasions of this kind he would become so weak as to be utterly helpless. Many times during the day he would mumble over words to himself, but deponent could get no meaning from them, and when deponent asked him what he was talking about, said Haydock could not tell and would immediately stop. And deponent further says that said Eliza Haydock would not permit him to go out of the house unless accompanied by some one in his employ or friendly to him, and then only in the back yard out of sight of the public. And that if said Haydock put on his coat and hat when he was able so to do for the purpose of going out, they were taken from him, and he was by Mrs. Eliza Haydock prevented from so doing. This occurred and continued to be enforced during the entire stay of this deponent's service at said Haydock's. And deponent further saith, that after she had been there about two weeks said Haydock became so weak that he did not get up to the table to eat but was fed in his bed, and had to be dressed and undressed and assisted out and in bed like a child, and needed as much care as a child.

On one occasion during the latter part of the time I was there he wanted his wife, said Eliza Haydock, to give him some lemonade; she refused, saying it was not good for him; but he asked her again and again, and she refused, and then he appealed to this deponent to give him a drink of water, which deponent did, and he then said to said Eliza Haydock, "I never seen such a woman as you are so ugly to me; I guess it is because I will not sign

that paper for you!" She said, Eliza Haydock said, she wished he would, and asked him if he would do so if she brought down the lawyer tomorrow, meaning the next day, and he, said Haydock, exclaimed, "Oh, yes! yes!! if I can get some peace."

And deponent further says that the said Eliza Haydock was constantly worrying said Eden Haydock about this business and tormenting him to do something she wanted him to do about it, and that on one occasion during said time and in the presence of this deponent, said Eden Haydock said to said Eliza Haydock, "Don't worry me so about this business; you worry me so about this business I wish I had never seen you." Said Eliza Haydock's instructions to me were to watch said Eden Haydock and not let him quit the house, and when I would take his coat and hat away he would jaw me.

And deponent further says that during the time she was with the said Eden Haydock, on one occasion about the middle of March, said Eliza P. Haydock administered to said Eden Haydock a dose of medicine, and locking him up in a room for about half an hour, until she went out and up town, said Haydock struggled to get out the windows and doors, and could not get out, and he was obliged to answer the calls of nature on the floor.

her
HANNAH (X) RICHARDSON.
mark.

Sworn and subscribed before me, this 31st day of May, A. D., 1879.

WM. MCCLOSKEY,
Comm'r of Deeds.

STATE OF NEW JERSEY, Union County. } ss.:

EMMA ROWLAND, of full age, being duly sworn according to law on her oath, saith :

That she is by occupation a general housekeeper, and that she is at present with the Rev. Mr. Earl, at Westfield, in said county and State aforesaid, in said capacity, and that she worked for the late Eden Haydock, of the city of Rahway, in said county and State, and that he was the same Eden Haydock, deceased, mentioned in the above entitled cause, and that deponent went to work in said Eden Haydock's family, and for him, the said Haydock, the first week of September last past, and continued so to work for him until the last week of February last past.

And deponent further says that during said period said Haydock was in a very feeble condition of health and seemed to be troubled in his mind, and would sit frequently and for long periods of time in silence and seeming meditation, and appear worried about something.

And deponent further saith, that the defendant Eliza Haydock, the wife of the said Eden Haydock, would almost daily question the said Eden Haydock about his business and his money, and kept continually worrying him the said Haydock, about his money and business matters; and that said Haydock during all this period, would and did maintain silence upon the subject, and refuse to say anything to the said Eliza Haydock about his money or business matters, and steadily declined and refused to give the said Eliza Haydock any stipulation touching his money or business matters.

And deponent further says, that this questioning on the part of the said Eliza Haydock continued day after day during the entire stay of this deponent at said Haydock's.

And deponent further says, that said Eliza Haydock during said period, to wit.: between the first week in September and the last week of February, had such control over the movements of said Haydock as to be able to prevent his going out unaccompanied, and did during said period prevent his leaving the house of him, said Haydock, unless he was accompanied by her, said Eliza Haydock, or some one in her interest.

And deponent further says, that said Eliza Haydock frequently said during the above stated period in the hearing of this deponent, that the said Eden Haydock was not fit to transact any business, and was not fit owing to his weakness and his condition to have charge of his property and affairs.

And deponent further says, that during said period above-mentioned, said Eden Haydock would offer and attempt to go out by himself, but was on such occasions prevented from leaving the house, either by said Eliza Haydock or by her order.

And deponent further says, that on one occasion about the middle of the time of her service at said Haydock's, said Eliza Haydock hearing of deponent's speaking of the worried condition of said Haydock's mind to Dr. Shotwell's wife, told this deponent that she must be careful what she, this deponent said, or she would get said Eliza Haydock in trouble about said Haydock's money matters.

EMMA ROWLAND.

Sworn and subscribed, this 29th day of May, 1879, before me,

GEO. GODFREY,

Justice of Peace.

STATE OF NEW JERSEY, }
Union County, } ss.:

LEWIS DRAKE, being duly sworn according to law, on his oath, says he has been a regular practicing physician in the City of Rahway, for fifty years, last past. And that during that time he has been acquainted with and daily seen Eden Haydock mentioned in the above-entitled case; and that he attended the said Haydock in a professional way for twenty-five years prior to his death; the last visit being Sept. 13, 1878; and that for more than a year before said Haydock's decease, he was of unsound mind, and unfitted to have charge of his property and business affairs, owing to his impaired mental condition; and deponent further says, that he has given careful attention to the actions of said Haydock, and carefully examined all his actions; and that deponent has had large opportunities for knowing, and that deponent pronounces his condition for more than a year prior to and just preceding his death, a condition of unsoundness of mind, to be such as to render him utterly unfit to do any business, and to take charge of and manage his affairs, and take care of his property.

LEWIS DRAKE, M. D.

Sworn and subscribed to this second day of June, A. D. 1879, before me, }

CHAS. D. MARSH,
Commr. of Deeds,
Union County.

IN CHANCERY OF NEW JERSEY.

Between
A. STAATS BONNEY, and JOSEPH W. MARTIN, Executors of the last will and testament of Eden Haydock, deceased,
Complainants,
and
ELIZA P. HAYDOCK,
Defendant.

On bill, &c.

This defendant now and at all times hereafter saving and reserving to herself all and all manner of benefit and advantage of exception to the many errors, uncertainties and imperfections in the said bill of complaint contained, for answer thereunto, or unto so much thereof, or such part thereof, as this defendant is advised it is material or necessary for her to make answer unto, answering says:

That she is informed and believes it to be true, and therefore admits the fact to be, that the said Eden Haydock, in his life-time, to-wit: On or about the twenty-third day of March, in the year one thousand eight hundred and seventy-one, executed and published his last will and testament in writing, and that said last will and testament did among other things contain the clauses and provisions particularly and at length set forth in said bill of complaint.

That the said Eden Haydock did by his last will and testament nominate and appoint the said A. Staats Bonney and Joseph W. Martin, the said complainants, the executors thereof.

That the said Eden Haydock departed this life on

or about the twenty-eighth day of April, in the year eighteen hundred and seventy-nine, but whether he died without having first revoked, altered, or amended his said last will and testament, this defendant has no knowledge, information or belief, save as she is informed by said bill; and, therefore, leaves the complainants to make such proof as they may deem proper.

That after the death of the said Eden Haydock, to-wit: On or about the ninth day of May in the year eighteen hundred and seventy-nine, the said A. Staats Bonney and Joseph W. Martin (the said complainants) duly proved said will in the office of the Surrogate of the county of Union, and did thereupon assume and take upon themselves the burthen of the execution of the said will, and did afterwards proceed to make an inventory and appraisement of the personal effects of the said Eden Haydock, deceased.

And this defendant, further answering, admits that the said Eden Haydock, deceased, in his life-time, was possessed of a certain promissory note for the sum of five thousand dollars, bearing date the first day of March, in the year one thousand eight hundred and seventy-one, given by one Joseph S. Smith to the order of the said Eden Haydock, which said note was made payable on demand, and that a copy of said note or obligation, together with the endorsements of payments of interest thereon, is truly set forth in said bill.

And this defendant answering, admits it to be true that the said Eden Haydock in his life-time was the owner of nine shares of the capital stock of a corporation known as the limited New Jersey Railroad and Canal Company, (and not of the New Jersey Railroad and Transportation Company as charged in said bill); and that the par value of said stock was the sum of nine hundred dollars, but this de-

fendant has no knowledge, information or belief, as to the numbers of the certificates of the said shares of stock, and therefore leaves said complainants to make such proof thereof as they may deem proper.

And this defendant further answering, admits that the said Eden Haydock in his life-time was the owner of certain bonds issued by the Mayor and Common Council of the City of Rahway, that certain of said bonds were numbered 21, 22, 23, 24 and 695, respectively, and each was of the par value of one thousand dollars; that certain other of said bonds were numbered 59 and 705, respectively, and each was of the par value of five hundred dollars. And this defendant further answering, says that she is informed and believes it to be true, and therefore admits the fact to be, that the said Eden Haydock deceased, in his life-time was the owner of certain of the shares of the capital stock of The Union National Bank of Rahway, but as to the number of said shares, or the marks and numbers of the certificates of said stock, or as to the par value, this defendant has no knowledge, information or belief, save as she is informed by said bill.

And this defendant further answering, saith that as to the said Eden Haydock in his life time being the owner and possessor of a certain bond of the "Rahway Cemetery Company," of the par value of two thousand five hundred dollars, or of every other sum this defendant has no knowledge, information or belief, save as she is informed by said bill, and therefore she leaves the complainants to make such proof thereof as they may deem proper.

And this defendant further answering, denies that the said Eden Haydock for more than a year prior to and immediately preceding his death, was of unsound mind, memory and understanding. And further answering, denies that his mind, memory and understanding were so much and to such an extent

impaired, that in consequence thereof, he was unfit to transact business, and utterly incapable of so doing; or that for a long space of time, to wit: for more than a year preceding his death he was weak and helpless, and childish, and required as much care as a child, and had to be assisted to and out of bed, and dressed and undressed, or that during the most of said time he was unable to leave his bed, or that during said time he was prohibited by this defendant from going out except for short promenades in the back yard, out of the sight of the public; or that he was always accompanied by an attendant; or that he was not taken out in the streets or in public in anyway; or that when he offered or attempted to go out by himself his vest and hat were taken from him and he was prevented from going; or that during much of said time he would mumble over to himself words unintelligible to those listening to him, and that when asked to explain he could not and did not give any explanation, all of which is falsely alleged in said bill.

But this defendant further answering, saith and charges the truth in that behalf to be, that the said Eden Haydock, although upwards of seventy-five years of age at the time of his death was only suffering from the usual physical infirmities of age; that up to within a short time of his death he was accustomed to walk upon the streets alone, and sometimes accompanied by this defendant; that he had always been careful and methodical in his habits and prudent in his expenditures; that his faculties were strong and unimpaired (excepting an occasional and partial loss of memory), and that he was always careful of his property and investments.

And this defendant, further answering, denies that the said Eden Haydock, on or about the first day of March last, escaped from the house, having on only his night-shirt, and was found in the back-

yard in his stocking feet, and that when found he was so weak and exhausted that he dropped off to sleep immediately upon being taken into the house, all of which is untruly alleged in said bill. And this defendant, further answering, admits that the said Eden Haydock in his life-time, kept his securities in a tin box, which he kept in the safe of the Union National Bank of Rahway, and that on or about the twenty-fifth day of January last, this defendant received the said tin box from Benjamin A. Vail, who was at that time the counsel of the said Eden Haydock, but denies that between the months of September and February last past, the said Eden Haydock persistently refused to inform this defendant anything about his business, but this defendant further saith and charges the truth to be that this defendant had frequently gone to the said, "The Union National Bank of Rahway," with her husband, the said Eden Haydock, when he desired to look over the papers or securities contained in said tin box; that one day during the said month of September last past, this defendant and the said Eden Haydock went to the said Bank together, and the said Eden Haydock asked one of the officers of the Bank for the said box, whereupon the said officer refused the said box to the said Eden Haydock, alleging as a reason for such refusal, that the Bank had been notified by the said A. Staats Bonney, one of said complainants, and who was the son-in-law of the said Eden Haydock, not to give the said tin box to the said Eden Haydock, or allow him to open it, or examine the contents of it, unless he, the said A. Staats Bonney was present. And this defendant further answering saith and charges the truth to be that on the thirtieth day of November, in the year eighteen hundred and seventy-eight, Margeret H. Bonney, the daughter of the said Eden Haydock, and the wife of the said complainant, A. Staats

Bonney, filed in this Court a petition for a commission in the nature of a writ *de lunatico inquirendo*, to enquire of the lunacy of the said Eden Haydock, the said Margaret H. Bonney alleging in said petition that the said Eden Haydock was of unsound mind, and was so far deprived of his reason and understanding that he was rendered altogether unfit and unable to govern himself or to manage his affairs; that upon the filing of the said petition and the affidavits thereunto annexed, the Chancellor ordered that a writ in the nature of a writ *de lunatico inquirendo* do issue out of and under the seal of this Court, directed to Gilbert R. Lindsay, Hugh H. Bowne and George W. Savage, and appointing them, or any two of them commissioners to inquire of the lunacy of the said Eden Haydock.

That on the thirty-first day of December last, the said commissioners returned the said commission to this court, with an inquisition thereto annexed, duly signed and sealed by the commissioners, and the jurors whose names are thereto affixed, declaring that the said commissioners and said jurors found that at the time of taking said inquisition the said Eden Haydock was of sound mind, memory and understanding, and was capable of the government of himself, his lands, tenements, goods, and chattels.

That upon the filing of said verdict, and return, it was ordered by his Honor, the Chancellor, that all the matters and things therein contained should stand confirmed, according to the tenor and true meaning thereof, unless the said petitioner should within eight days after a service of a copy of said rule upon her or her solicitors, show good cause to the contrary.

That a copy of said rule was duly served on the twenty-seventh day of January last, on Shafer & Durand, who were the solicitors of record of the

said petitioner, but that no proceedings were taken within the said eight days, or at any time subsequent thereto, by the said petitioner or by anyone upon her behalf for the purpose of obtaining a renewal or review of the said verdict and return, all of which, will more freely and at large appear by an inspection and examination of the record and proceedings in said matter, now on file in the office of the Clerk of this Court, and to which, for greater certainty, this defendant begs leave to refer.

And this defendant, further answering, saith and charges the truth in that behalf to be, that in the investigation by the said commissioners under the said commission issued by his Honor, the Chancellor, to examine into the alleged lunacy of the said Eden Haydock, there were produced and examined as witnesses before the said commissioners and the said jury, on the part of the said petitioner, Charles Avery, James E. Tier and Lewis Drake, who are the same persons whose affidavits are annexed to the bill of the said complainants, and filed therewith.

And this defendant, further answering, saith and charges the truth to be that the same matters and things, facts and incidents, contained in the said affidavits were testified to by the said Charles Avery, James E. Tier and Lewis Drake respectively, in the evidence given by them before the said commissioners and the said jury, in the said examination in relation to the lunacy of the said Eden Haydock.

And this defendant, further answering, saith that after the filing of the said verdict and return, this defendant at the request of said Eden Haydock, instructed the said Benjamin A. Vail, who was acting as the counsel of the said Eden Haydock, to demand from the said, "The Union National Bank of Rahway" the delivery of the said tin box, containing the said securities and other property of the said Eden Haydock.

That upon said demand being made, the tin box was surrendered and delivered by the officers of the said, "The Union National Bank of Rahway," to the said Benjamin A. Vail, who delivered the same to this defendant.

That this defendant took the said tin-box at once to her home, and delivered the same to her husband, the said Eden Haydock, and that the said Eden Haydock from thenceforward retained the possession of said tin-box to the time of his death.

And this defendant, further answering, denies that this defendant, between the said twenty-fifth day of January, in the year eighteen hundred and seventy-nine, and the said twenty-eighth day of March, in the same year, or at any other time, fraudulently obtained and took from said Eden Haydock certain bonds of the city of Rahway, the par value of which was the sum of six thousand dollars, and certain bonds of the city of Rahway Cemetery, the par value of which was the sum of two thousand five hundred dollars, and forty shares of stock of "The Union National Bank of Rahway," of the value of four thousand dollars, as is untruly set forth and alleged in said bill.

And this defendant, further answering, denies that this defendant, on the tenth day of March, in the year eighteen hundred and seventy-nine, or at any other time, took advantage of the alleged weak and childish condition of the said Eden Haydock, and thereby procured from him his signature to an assignment of certain stock, to wit: nine shares of stock of the New Jersey Railroad and Transportation Company, of the par value of nine hundred dollars.

And, further answering, denies that this defendant, taking advantage of the alleged weak and childish condition of the said Eden Haydock, procured from him his signature upon the back of the note of

one Joseph S. Smith, for the sum of five thousand dollars, being the note in said bill mentioned and referred to, and thereby procured the transfer and assignment of said note to the said Edward P. Bayright, all of which matters and things are falsely alleged in said bill.

And this defendant, further answering, admits that there is now in her possession the proceeds of the said note of five thousand dollars, given by the said Joseph S. Smith to the said Eden Haydock, and by the said Eden Haydock endorsed to the said Edward P. Bayright, and by the said Edward P. Bayright endorsed to this defendant.

And this defendant, further answering, saith and charges the truth to be that the said Eden Haydock had frequently expressed his desire and intention of providing more liberally for the support and comfort of his wife, this defendant, after his death, than he, the said Eden Haydock, had done by his said will and testament.

That in accordance with said expressed intention the said Eden Haydock, did on or about the tenth day of March, in the said year eighteen hundred and seventy-nine, freely and voluntarily endorse, assign, transfer and deliver the said note of five thousand dollars, made by the said Joseph S. Smith to the said Eden Haydock, (as mentioned and set forth in said bill) together with the said stocks and securities, (which were held as collateral security for said note,) to the said Edward P. Bayright, who afterwards, to wit: on or about the said tenth day of March last, endorsed, assigned, transferred and delivered the said note and the said stocks and securities, which were held as collateral therefor to this defendant.

That this defendant afterwards, to wit: on or about the twenty-fifth day of April last, received full payment and satisfaction of the said note from

the said Joseph S. Smith, and thereupon surrendered and delivered to the said Joseph S. Smith, the said note and the said stocks and securities which were held as security therefor. And this defendant further answering, saith and charges the truth to be that the said Eden Haydock in accordance with his said expressed intentions to provide more fully and liberally for his wife, this defendant, than he had done by his said last will and testament, did on or about the said twenty-fourth day of February last, freely and voluntarily endorse, assign, transfer and deliver to John W. Powers the said nine shares of the capital stock of the said United New Jersey Railroad and Canal Company. That the said John W. Powers did afterwards surrender and deliver to the said United New Jersey Railroad and Canal Company the certificates of the said nine shares of the capital stock of the said company, and did assign and transfer on the transfer books of said company the said nine shares of the said stock to this defendant, and did receive from said company a certificate of said nine shares of stock in the name of this defendant, and did deliver the said certificate of stock to this defendant, and that said certificate is still in the possession of the defendant or under her control.

And this defendant further answering, saith and charges the truth in that behalf to be, that the said Eden Haydock in order to fully and effectually carry out his said expressed intention of providing more fully for his said wife, the defendant, than he had done by his said last will and testament, did on or about the said tenth day of March last, freely and voluntarily endorse, assign, transfer and deliver to the said Edward P. Bayright, the said bonds issued by the said "The Mayor and Common Council of the City of Rahway, as herein above mentioned and set forth, and that the said Edward P. Bayright did

afterwards, to wit: or about the said day and year last aforesaid, endorse, assign, transfer and deliver the said bonds to this defendant, and that said bonds still are, and remain in the possession of this defendant, or under her control.

And this defendant further answering, denies that said stocks and securities above mentioned and set forth, were fraudulently abstracted and taken from the said tin box of the said Eden Haydock, wherein said securities were kept; and further answering denies that said stocks were taken or obtained by this defendant, with the object and intention of depriving the said complainants of the said securities or with the object and intention of depriving the said complainants of any securities or property that should properly come into the hands of the said complainants from the estate of the said Eden Haydock, in order to enable them, the said complainants, to carry out the provisions of said will.

And this defendant, further answering, denies that the said stocks and securities mentioned and described in said bill, or any part thereof, of right belong and appertain to the estate of the said Eden Haydock, or that they ought to be delivered to said complainants as the executors of the estate of the said Eden Haydock.

And further answering, denies that said property, or any part thereof, was fraudulently obtained from the said Eden Haydock with the intent to wrong and injure the said complainants, the executors of the said Eden Haydock, all of which matters are falsely alleged in said bill.

And this defendant, further answering, denies that the said property herein above mentioned and described, was obtained by delivery, assignment and endorsement, from the said Eden Haydock by this defendant, only after long and persistent efforts on the part of this defendant; or that the said Eden

Haydock persistently refused to yield to the repeated requests of this defendant during the period between the said fourth day of September last and the said tenth day of March last; or that on or about the ninth day of March last, or at any other time, this defendant urged the said Eden Haydock to assign, transfer and deliver the said stocks and securities to her, this defendant; or that this defendant ever treated him, the said Eden Haydock, with severity and cruelty; or that on one occasion, during the month of December last, or at any other time, this defendant compelled him, the said Eden Haydock, after soaking his feet, to walk bare-footed through the cold halls, up-stairs, to his bed-room, when there was no fire; or that, upon being implored by the said Eden Haydock, during the night, to get up and build a fire, this defendant refused to do so, saying that she was not going to trouble herself about the matter; or that the said Eden Haydock failed more rapidly from that date; or that this defendant declined to give him, the said Eden Haydock, a drink when he made a request for it; or that he, the said Eden Haydock, was obliged to call upon the housekeeper for a drink upon this defendant's refusing to give it to him; or that the said Eden Haydock, then or at any other time, made use of the following words in addressing this defendant, to-wit: "I don't know why you treat me as you do unless it is because I will not sign the papers that you want me to," and that "you worry me so that I wish I had never seen you;" or that this defendant continued to importune and torment the said Eden Haydock and asked him "if he would not sign the papers to-morrow if she would bring him a lawyer down;" or that he, the said Eden Haydock, then exclaimed, "Oh, yes! yes!! if by so doing I can secure peace." All of which matters and things are falsely alleged and set forth in said bill.

But this defendant, further answering, saith and charges the truth to be that during the whole of their married life the said Eden Haydock and this defendant lived happily together; that this defendant always tried to carefully take care of the said Eden Haydock in sickness or in health, and comply with all his wishes, and that the said Eden Haydock always manifested the utmost love and consideration for this defendant.

And this defendant, further answering, denies that she ever applied to Mr. Abel V. Shotwell to act as trustee for the said Eden Haydock, saying that he, the said Eden Haydock, was unfit for business and unable to take charge of his property; or that she applied to one Thomas H. Shafer, Esquire, within the period of six months next preceding the death of said Eden Haydock, or at any other time, and requested him, the said Thomas H. Shafer, to take proceedings for the appointment of a guardian for the said Eden Haydock. All of which is untruly alleged in said bill.

But this defendant, further answering, saith and charges the truth to be that at some time during the month of January last (but the exact date this defendant is unable to state), the said Eden Haydock, who was then suffering from a severe cold and the natural increasing physical infirmities of age, thinking that his recovery would be hastened if his mind was relieved from all thought or anxiety in relation to the care of his property, desired his wife, this defendant, to request the said Abel V. Shotwell to act for him, the said Eden Haydock, as his agent or his attorney-in-fact, and thereupon this defendant in compliance with such request of the said Eden Haydock, requested the said Abel V. Shotwell, to act as such agent or attorney-in-fact, stating to him, the said Abel V. Shotwell, that the said Eden Haydock desired to make and execute a full power of attor-

ney to him, the said Abel V. Shotwell, giving him full power and authority to take full charge of all the property of him, the said Eden Haydock, and to collect all the interest and income arising therefrom, and after paying all necessary and proper charges, expenses and commissions connected with such service, to pay the balance and remainder of said income to him, the said Eden Haydock, but that said Abel V. Shotwell declined to comply with said request.

And this defendant, further answering, denies that at the taking of the inventory of the estate of the said Eden Haydock by the said complainants, on or about the ninth day of May last, this defendant, upon handing the said tin box (containing the stocks and securities of the said Eden Haydock) to the said complainants, pretended that she did not know where to find the key of the said tin box, or that she denied having any knowledge of the same, or that upon the said complainants demanding from her the said stocks, bonds and securities, mentioned and referred to in said bill, that she, this defendant, declined to answer, or that she refused to give to the said complainants as executors of the said Eden Haydock, access to any drawers and trunks, containing any property belonging to the said Eden Haydock in his life-time, but this defendant, further answering, charges the truth to be that on or about the said ninth day of May last, the said complainants came to the late residence of the said Eden Haydock in the city of Rahway, and stated to this defendant, who still remained there, that they, the said complainants, were about to make the inventory and appraisement of the personal property of the late Eden Haydock as required by law; that after making an inventory and appraisement of the household goods and furniture, the said complainants demanded of this defendant the said tin-

box containing the stocks and securities of the said Eden Haydock; that this defendant immediately produced the said tin box (which had been in the possession and charge of this defendant since the death of the said Eden Haydock), and handed it to the said complainants, or one of them; that the key to the said tin-box was not attached to it, and this defendant did not immediately search for it, as she, this defendant, knew that A. Staats Bonney, one of the said complainants, had always had in his possession a duplicate key to said tin box; that upon said complainants demanding the key this defendant announced that she had not looked for the key, or words to that effect, as she knew that the said complainant, A. Staats Bonney, had a key to the said tin-box; that the said Bonney then stated that he had not such key, whereupon this defendant searched for said key among the personal effects of the said Eden Haydock, and, finding it, gave it to the said complainant; that the said complainants, after examining the contents or the said tin-box, and after taking an inventory and appraisement of the same, and comparing the list and inventory of the said contents with a paper which the said complainant, A. Staats Bonney, pretended and alleged was a list of the stocks and securities which the said Eden Haydock had kept in said tin-box in his life-time, demanded from this defendant the delivery of the said note of five thousand dollars of the said Joseph S. Smith, and the said certificate of nine shares of the capital stock of the United New Jersey Railroad and Canal Companies, and the said bonds issued by "The Mayor and Common Council of the City of Rahway," all of which are herein above and in said bill particularly mentioned and described; that thereupon this defendant, by her counsel, answered that she had no property whatever in her possession be

longing to the estate of the said Eden Haydock, but that the said note of the said Joseph S. Smith, and the said stocks and bonds, which had formerly belonged to the said Eden Haydock, were then properly and legally in the possession of this defendant, and owned by this defendant; that in the taking of said inventory and appraisement, the said complainants desired to inspect and examine certain trunks and drawers, which contained only the clothing and personal property of this defendant; that this defendant informed said complainants that said trunks and drawers contained no articles or property of any nature or kind whatsoever belonging to the estate of the said Eden Haydock, and that the contents thereof were the exclusive personal property of this defendant, and that consequently this defendant would not permit the said complainants to examine and inspect the contents of the said trunks and drawers.

And this defendant denies all and all manner of unlawful combination and confederacy, wherewith she is by the said bill charged, without that, that any other matter or thing in the said complainants' said bill of complaint contained, material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed or avoided, traversed or denied, is true to the knowledge or belief of this defendant; all which matters and things this defendant is ready and willing to aver, maintain and prove, as this Honorable Court shall direct, and humbly prays to be hence dismissed, with her reasonable costs and charges, on this behalf most wrongfully sustained.

VAIL & WARD,
Solicitors for and of Counsel
with said Defendant.

1. The question whether an act is the product of undue influence or not must always be largely controlled by the state of health and condition of mind of the person alleged to have been unduly influenced.

2. Whatever destroys free agency, and constrains a person to do what is against his will, and what he would not do if left to himself, is undue influence, whether the control be exercised by physical force, threats, importunity, or any other species of mental or physical coercion.

3. Undue influence is not measured by degree or extent, but by its effect; if it is sufficient to destroy free agency, it is undue, even if it is slight.—

THE EXECUTORS OF EDEN HAYDOCK, deceased.

v.

ELIZA P. HAYDOCK.

On final hearing, on bill, answer and proofs taken before the Vice Chancellor.

Mr. Garret Berry and Mr. J. Henry Stone, for complainants.

Mr. Benjamin A. Vail and Mr. James R. English, for defendant.

THE VICE CHANCELLOR:

The object of this suit is to set aside two gifts made by a husband to a wife shortly before his

death. The grounds alleged are want of capacity and undue influence.

Eden Haydock died April 29, 1879. He left a widow, the defendant in this suit, and an only child, a daughter by a former wife. By his will which was executed March 23rd, 1871, he gave his widow $1,000, payable immediately after his death, and an annuity of $600 during her widowhood, payable in semi-annual installments, the first payment to be made at the expiration of a year from his death; the balance of his estate is given to his daughter; his estate exclusive of the gifts amounts to a trifle less than $16,300; the gifts represent a value of $9,000; they were made at different dates, the first February 24, 1879, and embraced nine shares of the capital stock of the United New Jersey Railroad and Canal Company, and seven bonds of the City of Rahway, having a face value of $7,000; and the second was made March 10, 1879, and consisted of a promissory note for $5,000. Regular transfers were made and the gifts completed by formal delivery.

The evidence respecting the state of the donor's mind when the gifts were made, is very conflicting. That on the part of the complainants shows a case of utter imbecility; a mind so thoroughly decayed as to be unable to comprehend the simplest matters. And this is shown to have been its condition for some months antecedent to the time when the gifts were made—whilst the evidence for the defendant shows a mind somewhat enfeebled by the decay incident to old age, which to some extent had lost its original power and grasp, and in which memory was quite defective, but yet possessing sufficient vigor to understand in a reasonable manner the ordinary affairs of life and to deal with them rationally. The facts and circumstances adduced by the parties in support of their opposing theories, are, in my judgment, so nearly equal in force and weight, that, did

the decision of the case depend solely upon the solution of the question of capacity, a problem of almost insoluble difficulty would be presented. But, I think, the rights in dispute may be safely and properly determined without a struggle with the difficulty just mentioned. The case hinges, I think, upon the solution of another question, one which I regard as comparatively free from difficulty.

The question to which I refer is, were these gifts procured by the exercise of undue influence? The determination of this question must always be largely controlled by the state of health and condition of mind of the person alleged to have been unduly or unfairly influenced. A mind naturally weak, or which has become impaired by age, disease or grief, is much more subject to any sort of control than one naturally strong and unimpaired. It is always, therefore, a matter of the first importance, to the tribunal charged with the duty of deciding this question, to know fully the situation and surroundings, and the exact condition of mind and state of physical health of the person alleged to have been imposed upon. No definition of what the law denominates undue influence can be given which will furnish a safe and reliable test for every case. Each case must be decided on its own special facts. All that can be said in the way of formulating a general rule on this subject is, that whatever destroys free agency, and constrains the person whose act is brought in judgment to do what is against his will, and what he would not have done if left to himself, is undue influence, whether the control be exercised by physical force, threats, importunity, or any other species of mental or physical coercion. The extent or degree of the influence is quite immaterial, for the test always is, was the influence, whether slight or powerful, sufficient to destroy free agency, so that the act put in judgment was the result of the domination of

the mind of another, rather than the expression of the will and mind of the actor.—*Turner* v. *Cheesman*, 2 *McCar.*, 265 : *Executors of Moore* v. *Blauvelt*, 2 *McCar.*, 368 : *Lynch* v. *Clement*, 9 *C. E. Green*, 434.

Cases of this class generally cast upon the tribunal charged with the duty of deciding them, responsibilities of the weightiest character. It is the duty of the Courts to inflexibly maintain the right of the citizen to exercise full and complete dominion over his property, in making such disposition of it as to him may seem proper, but they are under a duty, equally solemn and imperative, not to allow him in his old age, after his strength and vigor have departed, and he has fallen into decrepitude and weakness, to be despoiled of his property by any sort of coercion or trick. It is their duty to uphold the rights of the strong, but it is also their duty to protect the weak. At the time the gifts were made, Mr. Haydock was upwards of seventy-five years of age ; his wife was about fifty-five. For two or three months preceding the gifts, Mr. Haydock had been confined to the house by sickness. He was so feeble, physically, as to require assistance in dressing and undressing. He saw few persons besides the members of his household and his physician. From the 15th of January, 1879, up to the time of his death, he was almost constantly in charge of his wife and her brother, George Bayright. Prior to the date just mentioned, George Bayright and his wife had kept house at Asbury Park, but at that date they closed their house, and Mrs. Bayright went to Brooklyn and Mr. Bayright went to Rahway, where Mr. Haydock resided, and took up his residence with him, where he remained, except for short intervals, until Mr. Haydock died. Mr. Haydock and his daughter had no intercourse after the fall of 1878. On November 30, 1878, his daughter procured a commission of

lunacy to be issued against him. Before it issued, the proofs show that Mrs. Haydock had consulted counself as to what steps it would be necessary for her to take to have a guardian appointed for Mr. Haydock, and, in the conference, stated that she thought he required a guardian. The commission sued out by the daughter was executed December 24, 1878, and resulted in a finding that Mr. Haydock was then of sound mind. The evidence leaves no ground for doubt that Mr. Haydock had sufficient mind at this time to understand the nature of this proceeding. Its institution deeply wounded him. He thought it degraded him, and that it was prompted solely by mercenary motives. He did not appear before the Commissioners ; the condition of his health rendered it imprudent, if not dangerous, for him to do so, but he was represented by his wife and also by counsel. No evidence has been offered tending to show that he prepared the defence made to the lunacy proceedings, nor that he gave any direction or instruction concerning it. The finding of the jury gave him great satisfaction. When he first heard of it, he expressed his satisfaction by exclaiming, "Richard is himself again." Even prior to this proceeding, there can be no doubt that his wife possessed a strong influence over him; there are several phases of his conduct which show that he stood in dread of her; on one or two occasions, it is proved that he said, after having done something which displayed great infirmity of memory, as an offer to pay a debt a second time, "Don't tell Eliza." The attempt of the daughter to have him placed under the control of a guardian, and the defence made in his behalf by his wife, naturally had the effect of weakening the influence of the daughter and increasing that of the wife. The wife admits that her influence over him was all powerful; while under cross-examination she was asked if she had

not asked her husband to make over his property to her, to which she replied, she had not, but added, "I suppose if I had asked him to do so, he would have done it." If she is not mistaken in her estimate of her power, it would seem that he must have been a very plastic instrument in her hands, and that she could mould his will into form dictated by either her interest or her fancy.

His mind at this time, was in a state of decay; senile dementia had undoubtedly commenced. He was very forgetful, he did not comprehend either readily or clearly; his perceptions were blunted; all his intellectual faculties were dull and stupid; those who had known him longest, and were best able to contrast the present condition of his mind with its state when in its original vigor, almost with one accord, looked upon him as an intellectual wreck; there is evidence in the case coming from sources entitled to great respect and confidence, which without anything to countervail it, would be abundantly sufficient to support a finding that, at the time, the gifts were made, Mr. Haydock did not possess testamentary capacity, even according to the low standard fixed by the adjudications of this State. But there is countervailing evidence and I am not persuaded that the Court ought to declare the gifts void solely on the ground of want of capacity. It is certain, however, that Mr. Haydock was in a condition of extreme dependence; he was weak in body and feeble in mind; he could do little for himself; he was compelled to look to others for almost everything that could make life either desirable or endurable; he was in a position where he would be likely to be easily controlled and to yield to light influence, especially if exerted by a person in whom he had confidence, or upon whom he was dependent This brings us to the main question: Were these gifts the product of undue influence?

The defendant says they were purely volnutary, and that she did not even know of her husband's intention to make them until he was ready to execute it. They never were the subject of conversation between them, though, according to the testimony of the defendant's brother George, they had been fully determined upon nearly a month before the first was made, and the securities which were to be the subject of them had been separated by Mr. Haydock from his other securities and their value computed. Considering the intimate and confidential relations of the parties, their constant association, and the strong inducement the husband was under to make known to his wife any generous purpose he may have entertained toward her, the reticence attributed to him strikes my mind as not only unnatural and improbable, but as a circumstance justifying the most painful suspicions. What reason is it possible to assign for this extraordinary silence? Whether the gifts were dictated by love for the wife or by hatred for the daughter, or were the product of mingled love and resentment, the feeling was one that men do not usually conceal without a motive. It can hardly be believed that a man in his situation would have attempted to perpetrate a surprise. Childish minds are usually frank and open; they attempt no concealments and keep no secrets; if the generous purpose ascribed to Mr. Haydock had originated with him, I am unable to believe that it would have been possible for him, in his weak and dependent state, to have withheld all knowledge of it from his wife until he was ready to execute it; and the fact that she solemnly declares that he did, introduces a circumstance in support of her claim so unnatural and improbable as to shock credulity and to cast deep distrust upon her whole case.

The defendant's brother George, would not say

that he never heard the defendant ask or importune her husband to make over his property to her; all he can be induced to say, on this point, is, that he may have heard her ask him to do so, but if he did he does not recollect it. This style of testifying has very much the appearance of an attempt to suppress the truth. There are witnesses whose moral sense seems to be much less outraged by a suppression of the truth, than by a downright denial of it. They seem to think the shock to conscience will be much less violent if they merely pretend to forget, than it would be if they ventured upon a bold, blunt denial. In this case the transaction inquired about had only recently occurred, if it ever occurred at all, and it was of a character likely to fasten itself so firmly upon his memory, that he could not forget it. It was a thing which, if he heard, he could not forget, and if he did not hear it he would be able to say, positively, that it never occurred in his presence. Under some circumstances feigned forgetfulness of a fact may be very satisfactory proof of its existence.

A female servant who lived in the family of Mr. Haydock from September, 1878, up to the middle of February, 1879, swears that Mrs. Haydock talked to her husband almost every day about his money affairs; that Mr. Haydock said very little; in the language of the witness, she could hardly get a word out of him, and that his disinclination to talk about his business made her very angry. She also says that Mrs. Haydock had papers which she wanted Mr. Haydock to sign, and that she heard Mrs. Haydock say more than once, when she was angry, that she would not stay with him. This witness seemed to me to be entirely trustworthy. There was nothing in her deportment, nor in her story, which created the slightest doubt of the substantial truth of her testimony. She was free from all interest or

bias, and had no motive to misrepresent or withhold the truth. Another female servant, who lived in the family for some weeks after the one whose testimony has just been referred to left, testifies to acts and expressions by Mrs. Haydock, constituting coercion of the most offensive sort. If her testimony is true, Mr. Haydock was almost constantly during the time she was in the family importuned to sign papers, and make over his property by methods which, in his situation, amounted to absolute torture. But there are portions of her story which I am satisfied are inventions. She is also self-contradicted. Standing alone her testimony would be entitled to no consideration whatever, but viewed, as it must be, in connection with the other evidence in the case, I do not think it can be discarded as without truth or force.

The conclusion I have reached, after listening to the witnesses and attentively observing their manner while testifying, and after giving their evidence the most patient and careful consideration, is that the gifts in question were procured by the exercise of undue influence. I have not adverted to all the evidence which has led me to this conclusion. Usually, in cases of this kind, there are many little things, which in the abstract are mere trifles, so small as to be difficult to describe as separate matters, but which, when combined and considered in the concrete, exercise a very potent influence upon the judgment. There are many such trifles in this case.

Besides, the transactions brought under review belong to a class which it is the habit of Courts of Equity to examine with a watchful jealousy. A wife may make a valid gift to her husband, but such gifts are not favored in equity, and, if challenged, a Court of Equity will examine them with an anxious watchfulness and caution, and a dread of undue in-

fluence, and never sanctions them unless they appear to be the free act of the wife.—2 *Story's Eq.*, *Juris.*, §§ 1,396.

The reason is obvious. The husband is master ; the wife occupies a position of dependence, and in many cases his superior position enables him to control her will by his wish. The parties here had exchanged their original positions. The wife, in consequence of her husband's weakness, had taken his place, and he had sunk into hers. For this reason, I think the Court is bound, in determining the validity of the gifts in question, to apply the salutary principle just stated, and, unless convinced that they were the free, voluntary and well-understood acts of the donor's mind, must set them aside. I am not so convinced, and shall, consequently, advise a decree for complainants. The complainants are entitled to costs.

IN CHANCERY OF NEW JERSEY.

Between The Executors of EDEN HAYDOCK, deceased, *Complainants,* *and* ELIZA P. HAYDOCK, *Defendant.*	*On Bill, &c.* *Final Decree.*

This cause coming on to be heard in the presence of Mr. Garret Berry and Mr. J. Henry Stone, of Counsel with the complainants, and of Mr. Benjamin A. Vail and Mr. James R. English, of Counsel with the defendant, and the pleadings having been read, and the proofs heard, and the arguments of the respective counsel thereon heard and considered, and it appearing to the satisfaction of the court that the gifts in the complainant's bill mentioned made by the said Eden Haydock, deceased, in his life-time, to the defendant, Eliza P. Haydock, viz: nine shares of the capital stock of the United New Jersey Railroad and Canal Company, and seven bonds of the city of Rahway, of the face value of seven thousand dollars, made to her February 24th, 1879, and a certain promissory note given by Joseph S. Smith to Eden Haydock, for five thousand dollars, and dated March 1st, 1871, which said gift was made March 10th, 1879, were procured by the exercise by her of undue influence over the said Eden Haydock, and that said gifts were not the free, voluntary, and well understood acts of the said donor's mind. It is thereupon, on this eleventh day of April, eigteen hundred and eighty-one, on motion

of Garret Berry of counsel with the complainants, by his Honor, Theodore Runyon, Chancellor of the State of New Jersey, by virtue of the power and authority of this Court, hereby ordered and decreed accordingly. And it is further ordered, adjudged and decreed that said gifts be, and the same are, set aside and declared null and void, and that the said securities or the proceeds thereof, belong to the estate of the said Eden Haydock, deceased, and are to be received and disposed of by his executors in the due administration of his estate. And *it is further ordered and decreed* that the said defendant *upon being served with a copy of this decree*, assign, transfer and deliver to the said complainants, or either of them, the said nine shares of the capital stock of the United New Jersey Railroad and Canal Company, and also the said seven bonds of the city of Rahway, *and it appearing that said promissory note has been paid, it is further ordered* that the said defendant pay to the said complainants, the proceeds of said promissory note; and it is further ordered and decreed that the defendant pay to the complainants their costs of this suit to be taxed, and that the complainants have execution therefor according to the rules and practice of this Court. And it is further ordered and decreed that the complainants are to be at liberty to apply further to this Court if occasion should require.

Respectfully advised,
A. V. VAN FLEET, V. C.

THEODORE RUNYON, C.

(A true copy,) G. S. DURYEE,
Clerk.

IN CHANCERY OF NEW JERSEY.

Between A. STAATS BONNEY, and JOSEPH W. MARTIN, Executors of Eden Haydock, deceased, *Complainants*, *and* ELIZA P. HAYDOCK, *Defendant.*	*On bill, &c.*

To the Honorable the Court of Errors and Appeals in the last resort in all causes :

The humble petition of Eliza P. Haydock, the appellant in the above stated cause, respectfully shows that your petitioner finds herself aggrieved by a final decree, made in the Court of Chancery by his Honor Theodore Runyon, Chancellor of New Jersey, bearing date the eleventh day of April, in the year one thousand eight hundred and eighty-one, wherein the said A. Staats Bonney and Joseph W. Martin were complainants, and the said Eliza P. Haydock was defendant, in this respect, to wit: that the said decree adjudges that the said gifts be and the same are set aside and declared null and void, and that the said securities, or the proceeds thereof, belong to the estate of the said Eden Haydock, deceased, and are to be received and disposed of by his executors in the due administration of his estate, and that the said defendant assign, transfer and deliver to the said complainants, or either of them, the said nine shares of the capital stock of the United New Jersey Railroad and Canal Company, and also the seven bonds of the city of Rahway, and

that the said defendant pay to the said complainants the proceeds of said promissory note, and pay to the complainants the costs of this suit to be taxed.

And your petitioner humbly appeals from that part of the decree of the Chancellor which decrees as aforesaid, upon the ground that the same is erroneous, for that the bill should have been dismissed with costs.

Your petitioner therefore prays that the said decree may be, in the particulars aforesaid, reversed, set aside and for nothing holden.

And that your petitioner may have such relief, in the premises, as to this Honorable Court shall seem meet.

VAIL & WARD,
Sol's of Appellant.

B. A. VAIL,
Of Counsel.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between
ELIZA P. HAYDOCK,
Appellant,
and
A. STAATS BONNEY and JOSEPH W. MARTIN, Executors, &c., of EDEN HAYDOCK, deceased,
Respondents.

Answer to Petition for Appeal.

The answer of the above-named respondents to the petition of appeal of the above-named appellant.

These respondents, not acknowledging all or any of the matters which in said petition of appeal are contained, to be true, for answer thereto, nevertheless say and admit that a decree was on the eleventh day of April last past, made and entered in the Court of Chancery in a cause for that purpose mentioned in said petition, as is therein stated; but as to the substance and form thereof, these respondents pray to refer them to when the same shall be produced.

And these respondents are advised and believe, that the said decree is agreeable to equity, and they pray that the same may be affirmed, with costs to be adjudged to these respondents.

GARRET BERRY,
Sol'r. and of Counsel
with Respondents.